



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES

2010

Sheringham Shoal Extension and Dudgeon Extension Offshore Wind Farms

Appendix L4 to the Natural England Deadline 5 Submission

Natural England's Response to The Examining Authority's Fourth Written Questions

For:

The construction and operation of the Sheringham Shoal Extension and Dudgeon Extension Offshore Wind Farms located approximately 16km and 27km respectively from the Norfolk Coast in the Southern North Sea.

Planning Inspectorate Reference: EN010109

10th July 2022

Appendix L4 Natural England's Response and Comments to the Examining Authority's Fourth Written Questions

This document sets out Natural England's (NE's) responses to the Examining Authority's (ExA) fourth set of Written Questions and requests for information (WQ2) published on 29 July 2023. Natural England has only included responses directed to Natural England by the ExA or those questions pertaining to our remit.

Q4.1. General and Cross-topic Questions			NE Response
Q4.1.4 Miscellaneous			
Q4.1.4.1	Applicant Natural England.....	<p>Statements of Common Ground</p> <p>a) Applicant, submit final signed SoCG with electronic signatures at D8.</p> <p>b) Relevant parties, submit at D8 your confirmation that the final signed SoCG submitted by the Applicant is the version agreed with you. You may do so, by attaching to your submission the copy of the SoCG that is agreed with you.</p>	Natural England is working with the Applicant on the final SoCG.

Q4.2. Benthic ecology, Intertidal, Subtidal and Coastal effects			NE Response
Q4.2.1 Effects on Marine Life and Benthic Habitats			
Q4.2.1.1	Applicant Natural England	<p>Response to NE Risk and Issue Log</p> <p>The NE issue and risk log [REP5-093] indicates that there are many points relating to coastal and physical processes, the MCZ and Benthic Ecology that Natural</p>	As set out in our correspondence we are happy to review documents on request given sufficient time to do so. We wish to note that at this juncture of the examination, there is insufficient time to complete the requested review, especially given the significant number of submissions required for the final deadlines

Q4.2. Benthic ecology, Intertidal, Subtidal and Coastal effects		NE Response
	<p>England still has concerns about, identified as red and amber in the log. However, the Applicant has responded to many of these points, particularly in the Applicant's comments on Natural England's Deadline 2 Submissions [REP3-107].</p> <p>a) In light of the Applicant's responses including [REP3-107], NE, submit an updated Issue and Risk Log addressing all the responses submitted by the Applicant, and if there is no change to the status, explain why. Please expand on any outstanding concerns, in addition to explaining why there has been no change.</p> <p>b) Applicant, provide an updated response to the most recent version of the Risk and Issue Log Deadline 5 Update [REP5-093], with the aim to resolve any remaining risks and issues remaining with NE.</p>	<p>over the final week. Notably these include the Statements of Common Ground, RIES, and outstanding Habs Regs concerns.</p> <p>However, we have been responding on updated submissions through responses to ExA written questions and have provided subsequent updates to the R&I log where possible.</p> <p>We highlight that our focus is on updated named plans and documents. We focus our attention on these documents due to our experience of post consent work. It should be noted that due to the long timeframes involved in construction of a NSIP personnel on both sides often change and, therefore, any details outside of the named plans and application documents are often lost. We also note that any commitments outside of the DCO, named plans and the environmental statement are difficult, at best, for a regulatory body to enforce post consent.</p>
Q4.3.1.2	<p>Marine Management Organisation Natural England Applicant</p> <p>Electro-Magnetic Fields The MMO [REP5-080] has stated that burial to 1.5m+ should prevent adverse impacts to benthic ecology receptors via electromagnetic field and/or heating. However, the Cable Burial Risk Assessment [APP-293] concludes with a recommendation that there should be a target depth of lowering of 1.0 m, with a proposed minimum of 0.6 m. What would</p>	<p>As previously advised [REP3-133, REP5-095], Natural England advises the current evidence is inconclusive on potential impacts from varying burial depths. We, therefore, advise a precautionary approach is taken. However, the onus is on the Applicant to provide sufficient evidence to demonstrate the impacts will be negligible.</p>

Q4.2. Benthic ecology, Intertidal, Subtidal and Coastal effects			NE Response
		be the consequences to benthic ecology where the depth of buried cable is less than 1m?	
Q4.3.1.3	Natural England Marine Management Organisation Applicant	<p>Outline Benthic Mitigation Plan/Scheme</p> <p>The Applicant has stated that “Details of the benthic mitigation that applies are provided in Tables 8-3 and 8-4 of the ES [APP-094]. No other forms of mitigation are proposed by the Applicant”.</p> <p>a) For MMO and NE, does the proposed mitigation within these ES tables sufficiently cover the types and form of mitigation that would likely form part of a final mitigation scheme for any benthic habitats, or is there further mitigation that should be incorporated?</p> <p>b) Applicant, explain with reasons what further mitigation might be needed in a final mitigation scheme for any benthic habitats.</p>	<p>a) We refer the ExA to our Relevant Reps [RR-063 Appendix G] where we provide a full list of mitigation measures that need to be considered by the Applicant. Natural England continues to advise that an outline Benthic Mitigation Scheme is submitted during examination in order to provide the Secretary of State the necessary comfort that the mitigation measures will suitably minimise impacts. We note a condition (Schedule 10 Part 2 Condition 13(1i)) has been included in the DCO, however, this only considers Annex 1 habitats and not features of the MCZ.</p> <p>b) For Applicant</p>
Q4.3.2 Impact on subtidal chalk features			
Q4.3.2.2	Natural England	<p>Sub-cropping Chalk</p> <p>The Applicant is unable to confirm that the cable installation will not impact the sub-cropping chalk [REP5-049]. Do you have any objections if, at the end of Examination, the Applicant cannot confirm</p>	Natural England has provided advice at [REP5-095] which remains unchanged. Therefore, based on the Applicant’s response to the ExAWQ3 [REP5-049], the SoS will need to make a risk-based decision on the acceptability of the potential impacts to designated site features.

Q4.2. Benthic ecology, Intertidal, Subtidal and Coastal effects		NE Response	
		avoidance of impacts to sub-cropping chalk.	
Q4.3.3 Physical Processes, Coastal erosion effects and coastal processes			
Q4.3.3.1	Natural England	<p>Secondary Scour</p> <p>Whilst NE has stated that a Secondary Scour assessment would be best practice, what would be the consequences if this was not submitted by the end of Examination, and does the responses [REP3-107, for example] and the commitment to mitigation (such as the use of scour protection wherever scour will occur) [APP-092] made by the Applicant in their submissions address the possible impacts of secondary scour?</p>	Natural England advises, if there is secondary scour, this may necessitate further requirement for scour prevention which has implications in its own right, which requires assessment during examination. Otherwise, an additional marine licence will be required post installation with no guarantee of the outcome.
Q4.3.3.4	Applicant Marine Management Organisation Natural England	<p>Micro-siting around sand waves and megaripples</p> <p>The ES [APP-092, Table 6-3] states that <i>"Route selection and micro-siting of the cables will be used to avoid areas of sea bed that pose a significant challenge to their installation, including for example areas of sand waves and megaripples. This will minimise the requirement for sea bed preparation (levelling) and the associated sea bed disturbance."</i></p> <p>a) Applicant, explain how this is secured through the dDCO?</p>	b) Natural England advise there is general condition securing micrositing within the DML sections of the dDCO (Schedule 10 Part 2 Condition 13 (1) (a) (v) and similar conditions in the other DML schedules). This wording is the standard wording used for this condition; however, it should be noted that it is not always possible to micro-site the cable around all the features, both ecological and archaeological.

Q4.2. Benthic ecology, Intertidal, Subtidal and Coastal effects			NE Response
		b) NE and MMO, are you satisfied that this mitigation would be secured based on the dDCO?	
Q4.3.4 Effects on the Marine Conservation Zone			
Q4.3.4.1	Natural England Applicant	<p>MEEB Requirement</p> <p>Much of the discussion as to whether a MEEB is required relates to whether cable protection is used within the MCZ.</p> <p>a) NE, are there other reasons why you would consider a MEEB is required, such as the impacts to mixed sediment areas or to sub-cropping chalk for example?</p> <p>b) Applicant may comment.</p>	<p>Natural England’s primary concern is that of cable protection and lasting habitat change/loss. However, as highlighted for multiple OWF NSIPS, there is the potential for a persistent scar along cables installation within mixed sediment. Any depression/trench, groove/gap through more stable environments has the potential to impact the ecological structure and function of mixed sediment communities. Therefore, Natural England cannot advise with certainty that the conservation objectives of the MCZ will not be hindered.</p> <p>Natural England’s advice has been that installation will be within the sediment veneer only and not impact sub-cropping chalk. Please our response to question Q4.3.2.2 above.</p>
Q4.3.4.2	Natural England Marine Management Organisation	<p>MEEB and the dDCO</p> <p>The Applicant has submitted the Proposal Without Prejudice DCO Drafting (Revision C) [REP5-008], which at Part 4 includes a section setting out the Measures of Equivalent Environmental Benefit. Consider the wording as set out and respond as to its adequacy if the MEEB is required, particularly with regards to:</p> <p>a) The timings as set out, such as the provision under paragraph 33 that there should be no external cable</p>	<p>a) Natural England notes that the condition as written does not require the MEEB to be deployed prior to any cable protection works. It only requires that the implementation and monitoring plan be approved. We consider that the condition should require that the MEEB should be in place prior to any impact. This is consistent with the SoS decisions on the Norfolk Boreas and Vanguard projects (Norfolk Projects) where compensation was proposed under similar circumstances.</p> <p>b) Natural England highlights that this argument has been raised by the Norfolk Projects, however the SoS determined that this compensation/ MEEB needs to be in place prior to cable installation works.</p>

Q4.2. Benthic ecology, Intertidal, Subtidal and Coastal effects			NE Response
		<p>protection works may be commenced within the Cromer Shoal Chalk Beds MCZ until the MEEB implementation and monitoring plan has been approved by the SoS.</p> <p>b) And, whether it is appropriate that there would be no requirement to implement the MEEB implementation and monitoring plan if no external cable protection works are required within the Cromer Shoal Chalk Beds MCZ?</p>	
Q4.3.4.3	Applicant Natural England	<p>Removal of Cable Protection</p> <p>The Applicant has committed to removal of any cable protection within the MCZ at the point of decommissioning.</p> <p>a) Applicant, explain how this is secured?</p> <p>b) NE, are you satisfied that this is secured through the dDCO?</p>	c) Natural England cannot find any condition or requirement within the DCO, DMLs or the proposed MEEB Schedule which requires the cable protection to be removed within the MCZ at the point of decommissioning. Therefore, we would have to conclude that it has not been secured.
Q4.3.4.4	Natural England	<p>MCZ Conservation Advice Package</p> <p>Please provide a copy of the Cromer Shoals MCZ Conservation Advice Package for the Examination, highlighting any particular sections you feel are most relevant to this proposed development.</p>	Please find a link here to the recently published Conservation Advice Package for the Cromer Shoal MCZ: Cromer Shoal MCZ Conservation Advice Package [REDACTED] We draw your attention to the advice contained within the Supplementary Advice on Conservation Objectives (SACOs).

Q4.5. Construction Effects Offshore			NE Response
Q4.5.1 Development Scenarios and Rochdale Envelope			
Q4.5.1.1	Natural England	<p>Collision Risk due to layout</p> <p>Paragraphs 2.6.108 and 2.6.109 of NPS EN-3 state that "<i>Subject to other constraints, wind turbines should be laid out within a site, in a way that minimises collision risk.</i>" Whilst it is for the ExA, and ultimately the SoS, to determine whether the Proposed Development complies with the NPS, what is Natural England's views if the Proposed Development complies with the NPS?</p>	<p>Natural England advises the Applicant has provided indicative layouts only. The final layout will be provided post-consent as part of the pre-construction phase. Therefore, it is important that this policy statement is considered at this subsequent stage as part of mitigation, noting that this will be signed off by the MMO as the enforcing body.</p>

Q4.11. Draft Development Consent Order			NE Response
Q4.11.8 Schedules			
Q4.11.8.1	Applicant Natural England	<p>Schedules 12 and 13 Part 2 Condition 19</p> <p>See related questions in Benthic ecology, Intertidal, Subtidal and Coastal effects.</p>	<p>Natural England is unable to find any questions related to the referred conditions in the questions above. However, we have answered all questions directed to us on these topics and so hopefully have addressed this question.</p>
Q4.11.8.2	Applicant Natural England Marine Management Organisation	<p>Post construction monitoring and subsequent remediation</p> <p>a) Do the dDML post construction monitoring conditions (Schedule 10, Part 2, Condition 20; Schedule 11, Part 2, Condition 20; Schedule 12,</p>	<p>A) Natural England considers that only the during construction piling monitoring condition binds the Applicant to take any remediation or action (Schedule 10 Part 2 condition 19 (2) and (4) in Revision I of the dDCO).</p> <p>b) Natural England considers that an additional condition could be added to the end of the monitoring sections to note that should</p>

Q4.11. Draft Development Consent Order			NE Response
		<p>Part 2, Condition 19; and Schedule 13, Part 2, Condition 19) [REP6-002] or any other part of the dDCO bind the undertaker to take action should this post construction monitoring highlight any particular impacts that need remediation or further mitigation works?</p> <p>b) Highlight is any further provisions or drafting edits that could be required in the dDCO to ensure remediation or further mitigation works are undertaken on the basis of findings in the post construction monitoring..</p>	<p>monitoring highlight that impacts are a) significantly in excess of those assessed and/or b) beyond those predicted to occur a remediation/ further mitigation works plan should be submitted to the MMO for approval, following consultation with the relevant SNCB, and that mitigation works approved under the plan must be undertaken as approved.</p>
Q4.11.8.4	Natural England Marine Management Organisation	<p>Deemed Marine Licences and Benthic Ecology</p> <p>Are you satisfied that the mitigation relevant to benthic ecology (including offshore physical processes/ marine geology) are all included with appropriate wording within the dDCO and dDMLs, including through the Requirements and Conditions?</p>	<p>Please see our response to Question 4.3.1.3 on Benthic mitigation above.</p>

Q4.12. Habitats and Ecology Offshore			NE Response
Q4.12.1 Effects on Ornithology			
Q4.12.1.3	Natural England Royal Society for the Protection of Birds	<p>Cumulative Effects</p> <p>Are there any remaining concerns regarding the Applicant’s assessment of cumulative effects (EIA-scale)? Explain with reasons.</p>	Natural England has no remaining concerns. Please see our Deadline 7 response where we provide our final position on cumulative impacts at the EIA scale.
Q4.12.2 Effects on Aquatic Wildlife including Mammals, Fish and Shellfish			
Q4.12.2.1	Natural England	<p>Environmental Impact Assessment perspective</p> <p>NE’s Issues and Risks Log [REP5-093, point D1, D5, D6 and D10 in particular] raised some outstanding issues with regards to marine mammal modelling information. Can NE set out the nature and scope of any perceived remaining deficiencies in the data, methodology, assumptions or modelling information and what, at this late stage, are the implications for the Applicant’s conclusion/assessment?</p>	<p>Natural England provided a response to the population modelling in the Marine Mammal Technical Note and Appendix at Deadline 6. Our response highlighted that, aside from two queries that should be resolved, we consider the population modelling fit for purpose. We have not yet seen a response from the Applicant to the two queries, but expect one to be submitted at Deadline 7.</p> <p>Subject to the two queries being satisfactorily addressed, we consider that the population modelling is satisfactory to address our concerns raised in Points D1, D9, D15, and D19 in the Risk and Issues Log.</p> <p>As outlined in our Risk and Issues Log submitted at Deadline 5, we consider Point D5 to be sufficiently addressed as to not be of material concern. Point D6 is resolved.</p> <p>Point D10 was updated in the Risk and Issues Log submitted at Deadline 5 with a request for further information. We understand</p>

Q4.12. Habitats and Ecology Offshore			NE Response
			that the Applicant has been asked to respond to our request in RIES-Q12. We therefore await the Applicant's response.
Q4.12.2.2	Applicant Natural England	<p>Mitigation for harbour porpoise</p> <p>NE [REP5-093, point D18] suggests the risk of a significant adverse effect on harbour porpoise could be mitigated through various commitments including a seasonal restriction.</p> <p>a) Is the Applicant willing to make the commitments and, if so, identify where the commitments are made and secured. If not, explain with reasons.</p> <p>b) NE confirm if, subject to mitigation, the risk of a significant adverse impact is sufficiently dealt with.</p>	b) Natural England advises that committing to appropriate mitigation measures at this stage could reduce the risk of a significant adverse impact. We would need to see the exact details of the mitigation proposed to confirm whether they would be effective.
Q4.12.2.3	Natural England Applicant	<p>Mitigation for grey seal</p> <p>NE [REP5-093, point D19] suggests a potential significant impact on grey seal that requires mitigation. Set out fully the situation including what mitigation is being considered, is required, is or is not being provided and where mitigation measures will be secured if to be used?</p>	The Applicant has undertaken population modelling which demonstrates that no significant impact on grey seal is expected (from disturbance, by the project alone and in-combination, which point D19 pertains to). Therefore mitigation is not needed specifically for this feature and impact pathway.

Q4.14. Habitats Regulation Assessment		NE Response
Q4.14.1 Effect of the Proposed Development on its own and In-combination with Other Plans and Projects		
Q4.14.1.2	<p>Natural England</p> <p>Conclusions to be drawn part 2</p> <p>The ExA, and the SoS, must be confident, where the derogations are engaged, compensatory measures must be taken to ensure that the overall coherence of the National Site Network is protected. Following the exercise in the above question Q4.14.1.1, the ExA ask for final detailed information regarding:</p> <p>a) Guillemot and Razorbill – reasons why an AEoI can/cannot be ruled out AND, if it cannot be, whether the ExA and SoS can have confidence in the compensatory measures provided by the Applicant.</p> <p>b) Red-Throated Diver - reasons why an AEoI can/cannot be ruled out AND, if it cannot be, what position that leaves the Examination without any preliminary submissions regarding compensatory measures.</p> <p>c) Grey seal, Harbour seal, Harbour porpoise - reasons why an AEoI can/cannot be ruled out AND, if it cannot be, what position that leaves the Examination without any preliminary submissions regarding compensatory measures.</p> <p>d) In relation to c) above, the ExA has already seen your reasons regarding</p>	<p>a) Natural England advises that AEoI cannot be ruled out on FFC SPA guillemot and razorbill in-combination with other OWF due to displacement effects from the arrays and surrounding waters. Whilst the contribution of SADEP to the in-combination totals is modest, the as-yet-unproven nature of the measures means that we do not have confidence in the effectiveness of the proposed compensatory measures.</p> <p>b) Natural England’s current position is that we cannot rule out AEoI on Greater Wash SPA RTD due to disturbance/displacement effects from array displacement, cable installation and construction/O&M vessel movements, and on Outer Thames Estuary SPA RTD due to construction/O&M vessel movements. We have had constructive discussions with the Applicant regarding impact reduction/mitigation measures that have the potential to reduce the risk of adverse effects, and we await their Deadline 7 submissions on this matter. We will provide our final position on the RTD SPAs in the light of the Applicant’s Deadline 7 submissions at Deadline 8.</p> <p>c) Natural England is currently awaiting the Applicant’s response to our two queries on the population modelling (see response at Deadline 6). We are also awaiting response to several Points in the Risk and Issues Log. Until these responses have been provided, we cannot confirm our position on AEoI to grey seal and harbour seal. Nevertheless, we have already identified a primary risk of AEoI to the SNS SAC as a result of in-combination disturbance.</p>

Q4.14. Habitats Regulation Assessment			NE Response
		<p>concerns over the SIP process but ask specifically why the MMMP and SIP together are not enough to minimise the adverse impact to a point that AEoI can be ruled out (depending, of course, on your earlier conclusions).</p>	<p>d) The MMMP is sufficient to minimise adverse impact to marine mammal populations as a result of <i>injury</i>.</p> <p>Our current outstanding AEoI concern is regarding in-combination <i>disturbance</i> to the Harbour porpoise feature of the SNS SAC from underwater noise.</p> <p>The Applicant has identified the potential for AEoI to occur to the harbour porpoise feature of the SNS SAC, due to in-combination underwater noise disturbance exceeding the SNCB-agreed thresholds. We acknowledge that it is not possible to know at this stage with certainty which other projects will contribute to underwater noise disturbance at the same time as the Proposed Development. Hence, the need to revisit the in-combination assessment closer to the time of piling activities, when an accurate picture of all projects that could act in-combination is known, at which stage requisite mitigation measures can be identified to avoid AEoI. The SIP is the mechanism by which this has been achieved to date.</p> <p>However, the SIP process has so far only been tested in its ability to avoid exceedance of the daily threshold. It has not yet been tested in its ability to avoid exceedance of the seasonal threshold, which is more difficult to achieve. If a risk of exceeding the seasonal threshold is identified in the SIP, projects will have to reduce their contribution to the total underwater noise disturbance in that season, which may include different foundation types and installation methods, noise abatement systems, or scheduling of activities so that fewer occur within the season. These are all significant changes and we have low confidence in the feasibility of these being applied so close to the start of piling. In other words, Natural England considers that effectively deferring the consideration of AEoI to a subsequent</p>

Q4.14. Habitats Regulation Assessment			NE Response
			permission carries with it some risk to the integrity of the SAC. Hence, Natural England's advice is that measures to mitigate the Project's contribution to in-combination underwater noise disturbance are strongly recommended at this stage.
Q4.14.1.4	Applicant Natural England	<p>Kittiwake Tower</p> <p>The HRA Derogations Update [REP6-010, plate 2] shows the designs of the kittiwake tower, with the preferred solution being installing new panels underneath the existing panels.</p> <p>a) Applicant, in the newly proposed arrangement in plate 2, are the quantity of benefits (chick yields) the same or equivalent to the benefits arising from the initial design concept with plate 1 as predicted in the quantity of benefits document [REP3-088]? If not, explain with reasons.</p> <p>b) NE, the ExA believes NE has yet to see the designs for the kittiwake tower shown in Plate 2 [REP6-010]. Provide comments on the designs and if there are any concerns regarding the anticipated success of these.</p>	<p>c) The kittiwake tower designs appear to address our initial concerns regarding having kittiwakes facing each other, leading to increased territorial encounters. It is difficult to judge the effectiveness of Plate 2 as a design as key information is not available e.g. how high off the ground the additional faces would be, and any implications for their attractiveness to kittiwake, which prefer nesting well off of the ground. From discussions with the Applicant the height of the lowest shelves above the ground will be 8 metres. In order to ensure the new shelves are attractive to kittiwake, woodland and scrub management will need to be carried out on an ongoing basis to ensure it stays below this level, in order to reduce predation risk or the perception of it.</p> <p>We also note that 2 of the designs presented in Plate 2 appear to leave the south-facing shelves in place. This has not been discussed at any length, though on balance Natural England considers there may be some merit in leaving the south-facing side of the structure intact, to minimise change and maintain existing levels of activity around the colony.</p> <p>However, these are only preliminary comments, and we consider that the Applicant should present a more detailed set of design parameters with an associated ecological rationale for the above issues before the Examination closes, for example drawing upon existing information regarding nest site selection in the Newcastle Gateshead colony.</p>

Q4.14. Habitats Regulation Assessment			NE Response
Q4.14.1.7	Natural England Royal Society for the Protection of Birds National Trust	<p>Issue Specific Hearing 7 questions</p> <p>Firstly, refer to the agenda for ISH7 and then review the transcripts and recordings [EV-092] to [EV-102]. Subsequently, please answer the following regarding the newly identified sandwich tern compensatory measures at Blakeney (rat eradication):</p> <p>a) Does this compensatory measure have both merit and your support?</p> <p>b) Would this new measure at Blakeney offer suitable resilience and be of a suitable scale to cover for any mortality debt accrued whilst the Loch Ryan proposals are establishing?</p> <p>c) Is the measure sufficiently developed to carry weight in the decision-making process and reassure you that the harm caused by the Proposed Development would be offset?</p> <p>d) Any other comments regarding this compensatory measure that are important and relevant for the Examination?</p>	<p>a) We consider that the proposed initiative has potential merit with respect to providing resilience to the overall Sandwich Tern compensation package as a supporting or 'secondary' measure. As noted by the Applicant, Natural England and National Trust brought this option to the Applicant's attention and therefore we do support its ongoing development.</p> <p>b) We see this measure as providing ongoing resilience to the Loch Ryan proposals rather than specifically with respect to the early years.</p> <p>c) Our principal concern is the limited of information presented to the Examination regarding the Loch Ryan proposals. We broadly consider that the Blakeney Point measure is sufficiently developed as a supporting/resilience element of the compensation package, and have provided advice to the Applicant to strengthen the proposals. However, in the absence of further detail regarding Loch Ryan, it cannot be said that the predicted collision mortality will be offset. Should further information on either the Loch Ryan and Blakeney Point measures be submitted at Deadline 7 we will endeavour to advise on these at Deadline 8.</p> <p>d) See comment c) above – it is important that further information regarding the Loch Ryan proposals is presented before the close of the Examination.</p>
Q4.14.1.8	National Trust Natural England RSPB	<p>Derogation case in the round</p> <p>Whilst the SoS, as the competent authority, is to secure compensatory measures (as required), the ExA must be confident that the overall package of compensatory</p>	<p>The ecological rationale for the proposed compensatory measures is generally robust, with the exception of the Sandwich tern measures on Farne Islands SPA, which we consider offering rather minimal benefits, and the guillemot/razorbill compensatory measures, which rely on measures that are either remote from</p>

Q4.14. Habitats Regulation Assessment			NE Response
		<p>measures are taken to ensure the coherence of the NSN is protected. To this extent, we would like to hear the final positions of the parties as to whether the derogations case, with the compensatory measures, as a whole, is justified and would ensure that the coherence of the NSN is maintained. Refer to any legislation, guidance and national policy as necessary.</p>	<p>the impacted site and/or have not been demonstrated to be effective. However, to varying degrees the measures lack sufficient definition to be considered secured at this stage. We will set out our views in more detail at Deadline 8, in order to take account any further information submitted by the Applicant at Deadline 7.</p>
Q4.14.1.9	Natural England	<p>Confirmation of Position</p> <p>If the Hornsea Project Four DCO was refused by the SoS, would your position regarding AEOI on any species (bird or marine mammal) change? Explain with reasons.</p>	<p><u>Birds</u></p> <p>Our advice on FFC SPA kittiwake, NNC SPA/GW SPA Sandwich tern and GW SPA/OTE SPA red-throated diver would not be affected by the refusal of Hornsea 4. However, if Hornsea 4 were refused, our advice would be that SADEP would <u>not</u> result in an in-combination AEOI on FFC SPA guillemot, razorbill and seabird assemblage.</p> <p><u>Marine mammals</u></p> <p>If Hornsea Project Four DCO was refused, our position regarding AEOI on marine mammal species would not change. Our primary concern of AEOI on marine mammal species is with regards to the SNS SAC and in-combination disturbance thresholds being exceeded. Removal of Hornsea Project Four from the total in-combination disturbance would not be sufficient to avoid exceeding the thresholds. Please note that our advice to SADEP regarding committing to mitigation measures 'up front' to minimise the risk of in-combination AEOI on the SNS SAC was also provided to Hornsea 4 during that Examination.</p>

Q4.14. Habitats Regulation Assessment			NE Response
			Our advice on grey and common seal SAC features is not affected by whether Hornsea 4 is consented or refused.
Q4.14.1.10	Natural England	<p>Red-throated Diver and SEP</p> <p>In terms of concerns about physical displacement and disturbance to red-throated divers, much of the proposed new windfarm at SEP would be positioned to the northeast of the existing windfarm of SOW. To that extent, would not the displacement and disturbance effect have already occurred and therefore any effects from SEP would not have any greater influence? (for instance, would the divers already be avoiding that part of the GWSPA because of the physical presence of SOW and, with SEP being further away, that means the extent of the disturbance/displacement would not cause a further reduction?)</p>	We agree with the ExA that the principal areas of concern as regards array displacement from the Sheringham extension lie to the west and east of Sheringham Shoal. These are areas that are either i) beyond the displacement shadow of the existing Sheringham Shoal OWF (or indeed Race Bank OWF), or ii) are in the outer reaches of those displacement shadows, where RTD usage is reduced to some extent but the majority of RTD remain, and therefore could be subject to impacts from the additional presence of the extension projects. In these areas, we consider that SEP could exert significant displacement effects, either because i) those areas are presently unaffected by OWF, or because ii) those RTD that have remained despite the existing OWF will be subject to further displacement effects. We have discussed these nuances with the Applicant to inform their mitigation strategy and await their Deadline 7 submission.
Q4.14.1.11	Applicant Natural England	<p>Hornsea Project Four</p> <p>The Applicant reports [REP5-043, paragraph 38] that the Hornsea Project Four applicant strongly objected to the 'bespoke approach' to assessment advocated by NE. At several other times in that document, it is highlighted that the Hornsea Project Four applicant held strong reservations for the 'bespoke approach.' The ExA notes that Natural England have</p>	c) The Hornsea 4 Examination concluded last year following full and detailed scrutiny of Natural England's advice by the Hornsea 4 ExA panel. Their Examiners report and recommendations, which doubtless have reported on this issue, is already with the Secretary of State for consideration, with Hornsea 4 due to be determined two days after SADEP Deadline 7. In this context, it is unclear why PINS considers it necessary at this precise point in time to interrogate Natural England's advice into the Hornsea 4 Examination via the Examination of a different proposal, and furthermore to express an opinion not informed by the breadth of consultation provided during the Hornsea 4 examination process.

Q4.14. Habitats Regulation Assessment		NE Response
	<p>advocated the same/ similar approach in this instance.</p> <p>Applicant</p> <p>a) In simple terms, do you share the same concerns as the Hornsea Project Four applicant?</p> <p>b) What weight, if any, do you feel the ExA should give to the 'bespoke approach' and the ultimate results of it on your assessments?</p> <p>NE</p> <p>c) Set out clearly the reasoning, rationale and justification for using the 'bespoke approach' when it appears, from the evidence before this Examination, to deviate significantly from your standard approach and guidance.</p>	<p>As set out in detail during the Hornsea 4 Examination, our Hornsea 4 'bespoke' approach is entirely in concert with the SNCB displacement advice note, which specifically states that '<i>decisions regarding how to treat seasonality in any displacement assessment should be made on a site and species-specific basis, in discussion with SNCBs.</i>' In summary, the Hornsea 4 array overlaps with areas of exceptional numbers of auks at a time of high sensitivity (chick-rearing and adult moult, when the adult auks that care for the flightless chicks are themselves flightless), in a location where the vast majority of those auks are likely to be from FFC SPA due to its proximity. The Hornsea 4 proposal therefore has the potential to affect sea areas of functional importance to the FFC SPA guillemot and razorbill colonies. Hence a bespoke approach is warranted due to the ecological evidence.</p> <p>We refer the ExA to the following submissions into the Hornsea 4 Examination, which set out the scientific rationale for the 'bespoke approach' in more detail:</p> <p>REP5-115 - EN010098-001702-DL5 - Natural England - Comments on any submissions received at Deadline 4 and 4a.pdf (planninginspectorate.gov.uk)</p> <p>REP6-056 - EN010098-001921-Natural England - Comments on any other submissions received at Deadline 5a.pdf (planninginspectorate.gov.uk)</p> <p>We are also unclear on what basis the ExA considers that '<i>Natural England have advocated the same/similar approach in this</i></p>

Q4.14. Habitats Regulation Assessment			NE Response
			<p><i>instance</i>'. Assuming '<i>this instance</i>' refers to SADEP, we advise the ExA that our approach to assessing the impacts of SADEP on FFC SPA guillemot and razorbill is entirely standard and fully in line with SNCB displacement guidance, and in no way follows the 'bespoke' approach taken in our Hornsea 4 OWF advice. This is because the site-specific issues identified with Hornsea 4 do not apply equally to SADEP.</p>
Q4.14.1.12	Applicant Natural England	<p>Pink Footed Geese</p> <p>Provide a concluding statement which fully summarises the progress made on agreeing a pink-footed geese management plan. If a management plan cannot be agreed before the close of the Examination, explain with reasons why this will not be possible. In addition, set out specific areas where agreement has not been reached and explain what is required in order for both parties to reach agreement on a management plan.</p>	<p>We understand from the Applicant they do not wish to progress Best Practice guidance on mitigation for PFG. Therefore, there is insufficient time remaining within the examination to inform an agreed PFG mitigation plan.</p> <p>The Applicant has provided further confirmation directly to NE, that there is a commitment for a pink footed geese mitigation plan within the Outline EMP and will commit to further engagement with Natural England post examination. If appropriate, we will respond to further updates to the EMP submitted by the Applicant at D7. However, our general advice remains unchanged that outline mitigation measures should be included as separate plans as part of the consenting phase.</p> <p>As our concerns as to what the PFG mitigations will include remain outstanding at this time, our position is that we are unable to provide the decision maker the necessary comfort that appropriate mitigation measures will (and can) be adopted to remove and/or suitably reduce the risk of the likelihood of AEoI to the pink-footed geese feature of the North Norfolk Coast SPA and Ramsar.</p> <p>Natural England advises that a condition is added to the DCO that ensures that until the PFG mitigation measures are agreed no</p>

Q4.14. Habitats Regulation Assessment			NE Response
			works can commence. This has been included within our updated R&I Log at D7.

Q4.18. Seascape and Visual Effects			NE Response
Q4.18.1 Effects on Designated and Historic Landscapes			
Q4.18.1.1	Natural England Norfolk Coast Partnership	<p>Effects on the statutory purpose of the Norfolk Coast AONB</p> <p>NE refers to further clarification on this subject from Norfolk Coast Partnership, expected at D6 [REP6-028]. No further information has been submitted. Provide final concluding statements, or a joint concluding statement, setting out your position on this subject.</p>	<p>Natural England advises the Norfolk Coast Partnership this was submitted and accepted at the discretion of the ExA as a late submission at Deadline 5 EN010109-001868-NCAONB-Response June23 Redacted.pdf (planninginspectorate.gov.uk).</p> <p>In this response we note the Norfolk Coast partnership now defers to Natural England for the remainder of examination.</p>