



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES
2010

Sheringham Shoal Extension and Dudgeon Extension Offshore Wind Farms

Appendix I5 to the Natural England Deadline 8 Submission

**Natural England's North Norfolk Coast SPA and Ramsar (Pink Footed Geese
Feature) and River Wensum SAC Position**

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

17th July 2023

Appendix I5 - Natural England's North Norfolk Coast SPA and Ramsar (Pink Footed Geese Feature) and River Wensum SAC Position

1. North Norfolk Coast SPA and Ramsar – Pink Footed Geese Feature

Natural England has reviewed the Applicant's updates in relation to Pink Footed Geese within the Outline Ecological Management Plan (OEMP) Revision D submitted at Deadline 7.

Prior to submitting our final advice at Deadline 8, Natural England approached the Applicant via e-mail on 12th July 2023 outlining our concerns to the Pink Footed Geese (PFG) mitigation measures proposed within the OEMP Revision D. These are repeated below for transparency.

a) Summary of final position at Deadline 8

From the resulting correspondence, we have been unable to resolve our queries to a satisfactory level and therefore at the close of examination, with little further capacity to engage, **Natural England is unable to provide the Secretary of State with the necessary comfort that the outline mitigation measures within the OEMP will, beyond reasonable scientific doubt, suitably reduce the risk of Adverse Effect on Integrity (AEol) to the over wintering Pink Footed Geese feature of the North Norfolk Coast SP and Ramsar in combination with other plans or projects.**

However, as per our advice provided to the Applicant (13th July 2023 – as set out below) and in response to the Rule 17 we request that the DCO/dML includes a generic condition securing that a standalone Pink Footed Geese mitigation plan will be submitted to the LPA for agreement with the relevant SNCB's at least four months prior to any works commencing to ensure that appropriate mitigation measures will be agreed prior to any onshore works commencing.

b) Detailed Advice to the Applicant as per E-mail on 12th July 2023

To help the ExA's understanding of the unresolved issues we have included the following wording taken from correspondence with the Applicant via e-mail on 12th July 2023 and 13th July 2023:

"Natural England has reviewed the PFG mitigation measures within the EMP submitted at Deadline 7 and can provide the following feedback from our specialist . We wish to forward this directly to you at this stage, before we update the SoCG, joint position table and R&I log at D8.

As presented within the Outline EMP, NE goes not agree with the mitigation and offer the following feedback in case you wish to provide further feedback.

Specialist Advice

Section 3.3.1 of the OEMP is confusing as it sets out that it considers NE Best Practice Guidance as not suitable for, or proportionate to impacts from, SADEP. It then sets out the projects own

mitigation parameters with no significant justification provided, which based on our advice for HP3 we would not endorse, but then provides a final conclusion in paragraph (88) that basically says the Applicant will avoid all works where suitable crops are present along the cable corridor between Nov and January of any given year to avoid AEol. Something that given the right buffer (as set out in detailed comment below) we could endorse as removing potential AEol and potentially negates the need for the rest of the mitigation measures.

We query if the confusion arises with how the proposed mitigation is presented? Maybe it is intended to start with para 88. And then include 'parameters' which need to be met in order for the works to commence?

We provide the following detailed comments on the updated text:

- 10.4km from roost is quoted for the implementation measures. Natural England continues to advise up to 20km as set out in our best practice guidance*
- Natural England doesn't agree with a 200m buffer - we advise that if the proposed works are outwith a beet field/ 250m away from foraging birds in a neighbouring beet field/the works are in field next door but one with hedge then works can proceed.*
- It is not clear what is meant by 'foraging activity has concluded' Natural England would advise that foraging resource/opportunity has been completely exhausted.*
- Just looking for geese and droppings doesn't mean they would be there in the future once other foraging locations have been exhausted."*

Further Advice to the Applicant as per E-mail to the Applicant on 13th July 2023

In response to the Rule 17 letter "to provide without prejudice wording for a Requirement within the dDCO which secures mitigation that removes or reduces the risk of AEol to the pink footed goose feature of the North Norfolk Coast SPA and Ramsar site, before any work on the Proposed Development could commence", Natural England provided the following advice to the Applicant via e-mail on Thursday 13th July 2023:

"While we would normally welcome a more detailed project specific condition, we cannot currently agree with the nuances of the wording. Given the difference in our position at this time and with little further capacity until examination close, we consider the best outcome for D8 will be to include a generic one. Therefore we suggest agreeing a condition that a standalone PFG mitigation plan will be submitted to the LPA for agreement with relevant SNCB's at least 4 months prior to any works commencing."

2. River Wensum SAC

As advised at Deadline 7 in response to the ExA questions to the RIES [PD-020], Natural England welcomed the Applicant's intention within the outline CoCP [REP5-030] to produce a bentonite breakout plan post consent. Requirement 19 within the DCO requires that the final CoCP will be in accordance with the outline document secures this commitment.

However, through examination we were expecting the Applicant to submit an outline bentonite breakout mitigation plan and therefore we had reserved any comment on the measures within the OCoCP [REP5-030].

Natural England advises we have concerns with the second and third bentonite mitigation measures outlined in Para 137 of the Outline CoCP [REP5-030]. These measures include the use of sand bags and pumping bentonite back to a lagoon, which are only workable in drier conditions and therefore not applicable to all situations within the River Wensum SAC.

Therefore, at the close of examination, we advise that **until an outline bentonite mitigation plan is agreed, Natural England is unable to conclude with certainty that the likelihood of AEoI to the white-clawed crayfish, brook lamprey and bullhead features of the River Wensum SAC can be avoided.**

However, as advised in REP3-145 once the mitigation measures are agreed, Natural England is likely to agree that the risk of AEoI to the River Wensum SAC will be significantly reduced. Therefore, along with the Environment Agency, Natural England wishes to be a named consultee to the outline bentonite mitigation plan.