



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES
2010

Sheringham Shoal Extension and Dudgeon Extension Offshore Wind Farms

Appendix L7 to the Natural England Deadline 8 Submission
Natural England's Further Advice on the Development Consent Order

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 L6 – Rule 17 - Request for Further Information

Natural England provides the following response to the Examining Authority's Request for further information under Rule 17, dated 12th July 2023.

1. Offshore Habitats Regulation Assessment and response to the decision for the Hornsea Project Four Offshore Windfarm

The Secretary of State for Energy Security and Net Zero (SoS DESNZ) has issued the decision for the Hornsea Project Four Offshore Windfarm (Hornsea 4) Development Consent Order (DCO), published on 12 July 2023. It is available to view on the project webpage of National Infrastructure website.

Respondent	Question	Natural England's Response
Applicant Natural England Royal Society for the Protection of Birds	<p>Methodology</p> <p>a) Does the SoS's decision on Hornsea 4 change any of the worst-case scenarios and/or conclusions, at an Environmental Impact Assessment (EIA) scale, for any offshore ornithology species?</p>	<p>Natural England is currently reviewing the recent decision by the Secretary of State for BEIS on the Hornsea Four Offshore Wind Farm. Given the volume and complexity of the material relating to this decision, which arrived with Natural England after this Rule 17 request from PINS, we are not able to provide any specific advice at this time. However, we highlight that our statutory advice on adverse effects and the appropriateness of compensatory measures is based on Natural England's scientific review of the best available evidence.</p>
Applicant Natural England	<p>Flamborough and Filey Coast Special Protection Area (SPA)</p> <p>The SoS has concluded, in paragraph 5.13 of the decision letter for Hornsea 4, that an Adverse Effect on Integrity (AEoI) could be ruled out on all sites except for the Flamborough and Filey Coast SPA due to in-combination impacts on kittiwake and guillemot features.</p> <p>b) Applicant, in respect of guillemot, will you amend your 'without prejudice' position regarding compensatory measures and submit these as a finalised proposal?</p> <p>c) Applicant – does the SoS's Habitats Regulation Assessment (HRA) change your 'without prejudice' position regarding razorbill? Explain with reasons.</p> <p>d) Natural England (NE), in paragraph 5.74 of the SoS's decision, it is concluded that looming eye buoys and bycatch reduction represent a feasible additional compensatory measure. Does that change your position regarding the efficacy of these measures in the context of this current Examination?</p> <p>e) Does the SoS's decision on Hornsea 4 change any of the EIA and HRA conclusions, for any</p>	<p>For the avoidance of any doubt and audit trail purposes please be advised that Natural England's advice in relation to the in-combination impacts of the SADEP projects and the in-principle compensation measures proposed by the Applicant remains unchanged.</p>

Respondent	Question	Natural England's Response
	offshore ornithology species, or indeed marine mammal species?	
Applicant Natural England	<p>Derogation Case</p> <p>f) Does the SoS's decision on Hornsea 4, give any greater confidence on strategic/ collaborative compensatory measures, that could be relied upon, and consequently what weight can be given to the strategic/ collaborative compensatory measures in the ExA's considerations and conclusions?</p> <p>g) Applicant, would you like to propose any changes to the reliance on strategic/ collaborative compensatory measures in the Proposed Development. Indeed, does this prompt you to propose any changes to strengthen project-led compensatory measures in the Proposed Development?</p>	

2. Onshore Ecology, including HRA matters

Respondent	Question	Natural England's Response
Applicant Natural England	<p>River Wensum Special Area of Conservation (SAC)</p> <p>a) Further to responses received to questions raised by the ExA from NE [REP5-088, Q3.12.2.3] and the Applicant [REP6-013, Q3.12.2.3], provide without prejudice wording for a Requirement within the dDCO which secures mitigation that removes or reduces the risk of AEoI to the white-clawed crayfish, brook lamprey and bullhead features of the River Wensum SAC, before any work on the Proposed Development could commence.</p>	<p>Natura England understand from the Applicant they are not intending to propose further draft DCO requirements securing mitigation to the River Wensum SAC. Natural England, as statutory advisers does not consider it within our remit to formulate wording for DCO's.</p> <p>Our position at the close of examination is outlined in Appendix I5 at Deadline 8.</p> <p>While Requirement 19 within the DCO requires that the final CoCP must be in accordance with the outline document, which secures the commitment to bentonite breakout mitigation measures, Natural England advise that ideally any (outline/In Principal) mitigations measures are agreed as part of the consent.</p>

Respondent	Question	Natural England's Response
Applicant Natural England	<p>Pink Footed Goose Feature of North Norfolk Coast SPA</p> <p>b) Further to responses received to questions raised by the ExA from NE [REP5-088, Q3.14.1.17] and the Applicant [REP6-013, Q3.14.1.17], 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.</p>	<p>Please see Appendix I5 for our detailed advice.</p> <p>Following correspondence between Deadlines 7 and 8, we have advised the Applicant (via mail on 13th July 2023) that a generic condition should be included within the DCO 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 onshore works commencing.</p>
Applicant Natural England	<p>Wensum Woodlands</p> <p>c) Further to responses received to questions raised by the ExA from NE [REP5-088] and the Applicant [REP6-013, Q3.13.2] provide without prejudice wording for a requirement within the dDCO which secures mitigation that removes or reduces the risk of potential habitat loss and which ensures that the Proposed Development would not hinder any potential notification of Sites of Special Scientific Interest (SSSI) status to the Wensum Woodlands in the future. Alternatively, provide detailed reasoning which explains why such wording would not be required.</p>	<p>We understand the Applicant is not intending to propose a without prejudice Requirement.</p> <p>As statutory advisers, Natural England does not consider it within our remit to formulate wording for DCO's. However, we would like to be consulted on any proposed wording from the Applicant in order to ensure any conditions are fit for purpose and enforceable from a nature conservation perspective</p>

3. Benthic ecology, Intertidal, Subtidal and Coastal effects

Respondent	Question	Natural England Response
Applicant Natural England	<p>Cromer Shoals MCZ</p> <p>a) NE, in your response to Q4.3.1.3 to The Examining Authority's Fourth Written Questions you have stated that "<i>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.</i>" Provide wording for this condition to ensure it is broad enough to</p>	<p>As above, Natural England understands the Applicant is not intending to provide wording for this condition.</p> <p>Because Natural England is a statutory adviser, we do not consider it within our remit to formulate wording for DCO's. However, we are supportive of the requirement for this</p>

	<p>include reference to all sensitive habitats and species, including those within the MCZ?</p> <p>b) Applicant may respond.</p>	<p>condition and would wish to be consulted in order to ensure any conditions are fit for purpose and enforceable from a nature conservation perspective</p>
<p>Applicant</p> <p>Natural England</p> <p>Marine Management Organisation</p>	<p>Secondary Scour</p> <p>c) As has been highlighted by NE (see Natural England's Response to The Examining Authority's Fourth Written Questions - Revision A (Document Reference 21.5) at Q4.3.3.1), there is no detailed secondary scour assessment. Applicant, confirm if you have assessed in the Environmental Statement (ES) a situation where it transpires that it is the secondary scour which necessitates further scour prevention, and have certain impacts to physical offshore processes for example?</p> <p>d) Could this result in an additional marine licence being required post installation?</p>	<p>d) As advised in response to Q4.3.3.1, Natural England advised, if there is secondary scour, this may necessitate further requirement for scour prevention which has implications in its own right. The risk posed by secondary scour requires assessment during examination. Additionally, we advise an additional marine licence will be required post installation with no guarantee of the outcome.</p>
<p>Applicant</p> <p>Natural England</p> <p>Marine Management Organisation</p>	<p>Measures of Equivalent Environmental Benefit (MEEB)</p> <p>In Natural England's Response to The Examining Authority's Fourth Written Questions at Q4.3.4.2, NE states that it considers that the condition within the Without Prejudice DCO Drafting (Revision C) [REP5-008], should require that the MEEB should be in place prior to any impact.</p> <p>e) Applicant, provide wording for dDCO.</p> <p>f) NE and Marine Management Organisation (MMO), provide alternative wording for the dDCO regarding the timing of when the MEEB should be required.</p> <p>g) Applicant, if the MEEB needs to be in place prior to cable installation works, would this mean that it would be unknown at the time of initiating the MEEB whether cable protection would be necessary?</p>	<p>As above, Natural England understands the Applicant is not intending to provide wording for this condition.</p> <p>Because Natural England is a statutory adviser, we do not consider it within our remit to formulate wording for DCO's. However, we are supportive of the requirement for this condition and would wish to be consulted in order to ensure any conditions are fit for purpose and enforceable from a nature conservation perspective.</p>