



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES

2010

Appendix J to the Relevant Representations of Natural England

Onshore Ecology

For:

The construction and operation of the Five Estuaries Offshore Wind Farm located approximately 57km from the Essex Coast in the Southern North Sea.

Planning Inspectorate Reference EN010115

13 August 2024

Appendix J – Onshore Ecology

In formulating these comments, the following documents have been considered:

- [APP-040] 5.4 Report to Inform Appropriate Assessment
- [APP-041] 5.4.1 HRA Site Integrity Matrices
- [APP-042] 5.4.2 HRA Screening Report
- [APP-043] 5.4.3 HRA Screening Matrices
- [APP-044] 5.4.4 Summary of Designated Sites
- [APP-045] 5.4.5 Lesser Black Backed Gull Compensation Site – Habitats Regulation Assessment
- [APP-061] 6.1.1 Introduction
- [APP-063] 6.1.3 Environmental Impact Assessment Methodology
- [APP-064] 6.1.3.1 Cumulative Effects Assessment Methodology
- [APP-083] 6.3.1 Onshore Project Description
- [APP-086] 6.3.4 Onshore Biodiversity and Nature Conservation
- [APP-087] 6.3.6 Hydrology, hydrogeology and Flood Risk
- [APP-129] 6.6.1.1 Obstacle Crossings Register
- [APP-132] 6.6.4.1 Great Crested Newt Survey Report – Additional Ponds
- [APP-139] 6.6.4.8 Roosting Bats Tree Survey Report – South of A120
- [APP-149] 6.6.4.18 Onshore Biodiversity Net Gain Indicative Design Stage Report
- [APP-150] 6.6.4.19 Statutory Designated Sites Qualifying or Notified Features
- [APP-151] 6.6.4.20 VE OWF – GCN District Level Licensing Impact Assessment and Conservation Payment Certificate – unsigned – and associated documents
- [APP-152] 6.6.4.21 Protected Species Report and Figures (Confidential)
- [APP-225] 6.8.1 Lesser Black Backed Gull Compensatory Areas Environmental Assessment
- [APP-242] 9.12 Outline Cable Specification and Installation Plan
- [APP-253] 9.21 Code of Construction Practice
- [APP-254] 9.22 Outline Landscape Ecological Management Plan Revision B
- [APP-261] 9.28 Outline Landfall HDD Methodology

1. Natural England's Advice and Recommendations

A summary of Natural England's key concerns in relation to Onshore Ecology is set out in Table 1. Our detailed advice and recommendations are presented in further detail in Table 2.

Glossary of Acronyms and Abbreviations

AEol	Adverse Effect on Integrity
BNG	Biodiversity Net Gain
CIEEM	Chartered Institute of Ecology and Environmental Management
DCO	Development Consent Order
DLL	District Level Licensing
EIA	Environmental Impact Assessment
ES	Environmental Statement
GCN	Great Crested Newt
GLTA	Ground Level Tree Assessment
HRA	Habitats Regulations Assessment
HDD	Horizontal Directional Drilling
LEMP	Outline Landscape and Ecological Management Plan
LIMP	Lesser Black Backed Gull Implementation Plan
LSE	Likely Significant Effect
OLEM	Outline Landscape and Ecological Management Plan
O&M	Operation and Maintenance
OWF	Offshore Wind Farm
RTD	Red-throated Diver
NSIP	Nationally Significant Infrastructure Project
SAC	Special Area of Conservation
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
TCPA	Town & Country Planning Act

Please note: This appendix should be read in conjunction with the Summary of Key Environmental Concerns contained within our Relevant Representations.

Table 1 Summary of Key Issues – Onshore Ecology.

NE Ref	Summary of Key Concerns	Natural England’s Recommendations to Resolve Issues.	Risk (RAG)
J1	Natural England’s confidence in mitigation proposals for protected species is reduced due to limitations of survey results caused by the timing of the surveys.	Natural England advises that surveys should be undertaken at the optimum time as per the relevant guidelines for each species, and appropriate mitigation implemented. This will need to be secured in the Outline Landscape and Ecological Management Plan (OLEM).	
J2	Natural England does not agree with the use of an arbitrary time period for the definition of duration in relation to impact assessment for protected species, as it doesn’t consider the life cycle of the species being assessed, including invertebrates of particular conservation concern.	Natural England advises that the definition of ‘short’ term’ in relation to impacts on protected species should be reconsidered, based on the lifecycle of the species being assessed, and the impact assessment amended accordingly.	
J3	Natural England advises that there are possible disturbance and visual impacts for users of King Charles III England Coast Path (ECP) depending on timing of opening of ECP.	Natural England advises that possible confirmation of the King Charles III ECP in this area will be made by summer 2025 at the earliest. We require information relating to any impacts on the associated margins, in addition to any restrictions required and impacts on the line of the path.	
J4	Natural England advises that there is the potential for impacts to designated sites & features at the Lesser Black Backed Gull (LBBG) compensation site on Orford Ness.	<p>Natural England advises that an adequate environmental baseline for the predator exclusion fencing site on Orford Ness should be established pre-determination, to inform avoidance/mitigation measures and allow ongoing monitoring. To achieve this, seasonally appropriate baseline surveys should be carried out in summer 2024 to allow assessment of impacts to the shingle vegetation areas and invertebrates.</p> <p>Impacts to the shingle sediment morphology and structure need to be considered and assessed further. Geomorphological change trends should be assessed using historical and contemporary evidence of coastal retreat/advancement. Further consideration should be given to potential impacts to the saline lagoons within the compensation area over the lifetime of the project. as</p>	

NE Ref	Summary of Key Concerns	Natural England's Recommendations to Resolve Issues.	Risk (RAG)
		<p>should to the potential for repeated damage caused by maintenance checks and works. Climate change impacts and coastal vulnerability also need to be adequately assessed. All the above should be factored into an updated assessment of potential impacts.</p> <p>Once an updated assessment has been carried out, appropriate mitigation should be applied to minimise impacts to the shingle morphology, sediment structure, vegetation and communities and similarly for the saline lagoons present in the compensation area.</p>	
J5	<p>Natural England notes that no consideration has been given in the ES to the potential impacts from the operational port for this project. Given this extension project is an extension of the Galloper Offshore Wind Farm (OWF), can it therefore be assumed that the same Operation and Maintenance (O&M) facility will be used adjacent to Harwich port within the Scour and Orwell Special Protection Area (SPA)? If so, what will be the disturbance impacts of increased boat traffic to the bird features of the SPA? Will additional berths be required, and will that result in the loss of supporting habitat for SPA interest features?</p> <p>In addition, vessel movement from the Scour and Orwell SPA will all transit the Outer Thames SPA and therefore further consideration will need to be given to potential disturbance to red-throated diver (RTD). Please see comments in Appendix C Offshore Ornithology.</p>	<p>Natural England advises that impacts from the operation port should be assessed as part of the Development Consent Order (DCO) at the consenting phase to ensure that a Holistic approach can be taken to the Habitats Regulations Assessment (HRA). It should also be noted that the impacts to Annex I birds are greater than were predicted for Galloper O&M facility and there is a risk that if this location is taken forward an Adverse Effect on Integrity (AEoI) may not be excluded.</p>	

Table 2 Natural England's Detailed Advice and Recommendations – Onshore Ecology.

Natural England's Key Considerations	Natural England's Advice				
Relevant and Written Representations	NE Ref	Ref	Comment	Recommendation	Risk (RAG)
<p><u>Project Parameters:</u></p> <ul style="list-style-type: none"> Project Description Worst Case Scenario <p><u>Baseline Data:</u></p> <ul style="list-style-type: none"> Analysis, Modelling and Reporting <p><u>Environmental Impact Assessment:</u></p> <ul style="list-style-type: none"> Methodology <p><u>Marine Conservation Zones</u></p> <p><u>Habitats Regulations Assessment:</u></p> <ul style="list-style-type: none"> Further Receptor Points In-combination <p><u>SSSI:</u></p> <ul style="list-style-type: none"> Assessment <p><u>Priority Habitats</u></p> <p><u>Other Onshore Matters:</u></p>	N/A	N/A	<p>Natural England does not have any significant issues with these parts of the Environmental Impact Assessment (EIA) that have not been addressed in other comments. Therefore, unless the design parameters significantly change, we will not be providing further advice on this matter during examination.</p>	N/A	

Natural England's Key Considerations	Natural England's Advice				
Relevant and Written Representations	NE Ref	Ref	Comment	Recommendation	Risk (RAG)
<ul style="list-style-type: none"> • Connection People with Nature • Landscape and Nature Recovery 					
Baseline Characterisation - Document(s) Used: [APP-086] 6.3.4 Onshore Biodiversity and Nature Conservation [APP-132] 6.6.4.1 ES Annex Great Crested Newt Survey Report – Additional Ponds [APP-045] 5.4.5 Lesser Black Backed Gull HRA					
Survey Data Acquisition	J6	APP-132, Sec 4.5.22 4.5.23 & 2.1	Natural England advises that sufficient survey data is available for all accessible ponds within 250m from 2022 and 2023, which is appropriate for a District Level Licensing (DLL) application.	Natural England will not be providing any further advice in relation to Great Crested Newt (GCN) into examination.	
	J7	APP-045, Sec 2.2.2, 2.2.4, 4.2.6, & Table 4.2	<u>Lesser Black Backed Gull Compensation Site at Orford Ness</u> As stated in 2.2.4, January 2024 was outside the optimal season for habitat/botanical surveys which limits the results and support for the conclusions made regarding impacts to the proposed compensation site at Orford Ness. With Table 4.2 (Ramsar Plant Species) based on literature rather than survey data. Moreover, Section 4.2.6 acknowledges that the presence of uncommon species could not be ruled out along the proposed fence line.	Natural England advises that seasonally appropriate vegetation and invertebrate surveys should be carried out prior to determination, in order to ensure that SAC, SSSI and Ramsar site features are taken into account when designing the installation/removal and maintenance of the fence. These surveys should be carried out to inform consent and as soon as possible, but no later than the start of September.	

Natural England's Key Considerations	Natural England's Advice				
Relevant and Written Representations	NE Ref	Ref	Comment	Recommendation	Risk (RAG)
			<p>Natural England is therefore concerned that the potential for Orford Ness – Shingle Street Special Area of Conservation (SAC), Alde-Ore Estuary Site of Special Scientific Interest (SSSI) and Alde-Ore Estuary Ramsar site features (including rare plants or invertebrates) could be impacted by installation/removal of the predator fencing which has not been adequately quantified. In turn, this means that Natural England cannot confirm that the proposed mitigation measures will reduce potential impacts to designated site features to acceptable levels.</p>		
Data Gaps	J8	APP-045	<p>Coastal recession/advancement trends at the LBBG compensation site(s) should be adequately assessed using available evidence. Historical and contemporary geomorphological trends should be assessed to understand future site evolution in response to contemporary and future processes. This is relevant not only to site vulnerability over the lifetime of the project, but also to the sensitivities of the protected features and supporting habitats/processes. For example, at Orford Ness, the shingle habitats are likely to be highly sensitive to potential</p>	<p>The Applicant needs to fully consider, pre-determination, site vulnerability and sensitivities of protected features and supporting habitat/processes through the lifetime of the development. Historical and contemporary geomorphological trends should be assessed (e.g. historical trend analysis, LiDAR surveys etc). Climate change impacts should be adequately considered.</p>	

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			climate change impacts including sea level rise, and increased storminess, wave heights, temperatures and drought).		
Environmental Impact Assessment – Document(s) Used:					
[APP-086] 6.3.4 Onshore Biodiversity and Nature Conservation Chapter					
[APP-151] 6.6.4.20 ES Annex VE OWF - GCN District Level Licencing Impact Assessment and Conservation Payment					
[APP-225] 6.8.1 Lesser Black Backed Gull Compensatory Areas Environmental Assessment					
Identified impacts	J9	APP-151	Natural England previously agreed that the Red Line Boundary used for the GCN DLL could be reduced to remove areas to the north of the A120 as no impacts to GCN were predicted here. We can confirm that submitted information is in line with what has previously been agreed.	Natural England advises that unless there are significant changes in design parameters will not be providing further comment on GCN DLL during examination.	
Have the impacts been avoided/reduced by the use of appropriate mitigation?	J10	APP-225	Natural England advises that further consideration is needed regarding appropriate mitigation measures for impacts on the Orford Ness – Shingle Street SAC from the LBBG compensation site(s) once more a more robust baseline characterisation (and pre-determination surveys) has been undertaken.	Natural England advises that mitigation measures may need to be updated following updating of baseline characterisation and survey data.	
Assessment Conclusions	J11	APP-225, Sec 1.11.54-56	Natural England does not agree with the EIA conclusions for construction and management/monitoring/maintenance/ impacts to habitat within and adjacent to the fence line at the LBBG	Natural England advises that seasonally appropriate baseline vegetation and invertebrate surveys need to be carried out prior to determination and the impact	

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			<p>compensation site at Orford Ness. It is concluded that <i>'no significant effects are likely on perennial vegetation on coastal shingle'</i>. Vegetated shingle communities are highly dependent upon factors relating to the sediment structure. If installation is not carried out sensitively, destabilisation of the sediment profile has the potential to cause a long-term, if not permanent, shift towards a secondary form of vegetation. Please refer to NE Ref J7 above and J12 below.</p>	<p>assessment updated. Appropriate mitigation should be applied, and every effort made to avoid damage to the coastal shingle and vegetation features of the designated sites in this area.</p>	
	J12	APP-225	<p>Natural England notes that the EIA does not consider impacts to the shingle morphology and sediment structure. Recoverability of damaged shingle is slow, particularly where it is more static and active geomorphological processes no longer have a major role in shaping shingle morphology. Typically, shingle morphology land ward of the seaward ridge never fully recovers. There is also the risk of further repeated damage occurring through regular maintenance/monitoring/ management of the fence line.</p>	<p>Natural England advises that the EIA should be updated to include an assessment of impacts to the shingle morphology and sediment structure.</p>	
	J13	APP-225	<p>Natural England notes that the EIA has not considered impacts to the Saline lagoons at the Orford Ness</p>	<p>The Applicant needs to fully consider impacts to the saline lagoons over the lifetime of the project for the</p>	

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			compensation site due to the presence of the fence through the lifetime of the project in terms of blockage to overtopping events and the transfer of new shingle to their eastern edge and subsequent implications to the lagoon biodiversity. Furthermore, the impacts of climate-related changes (including water levels and coastal stability) need to be further considered.	compensation site on Orford Ness and update the EIA, with mitigation measures brought forward and secured where a need is identified.	
HRA – Document(s) Used: [APP-040] 5.4 Report to Inform Appropriate Assessment [APP-042] 5.4.2 HRA Screening Report [APP-045] 5.4.5 Lesser Black Backed Gull Compensation Site – Habitats Regulation Assessment					
Screening	J14	APP-042, Sec 3.6.1	<p>Natural England advises that the site selection for onshore ecology is precautionary and acceptable for project parameters included as part of the Application.</p> <p>However, Natural England notes that no consideration has been given in the Environmental Statement (ES) to the potential impacts from the operational port for this project. Given this extension project is an extension of the Galloper OWF, can it therefore be assumed that the same Operation and Maintenance facility will be used adjacent to Harwich port within the Scour and Orwell SPA? If</p>	Natural England advises that impacts from the operation port should be assessed as part of the DCO at the consenting phase to ensure that a Holistic approach can be taken to the HRA. It should also be noted that the impacts to Annex I birds are greater than were predicted for Galloper O&M facility and there is a risk that if this location is taken forward an AEol may not be excluded.	

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			so, disturbance impacts of increased boat traffic to the bird features of the SPA will need to be assessed as loss of supporting habitat for SPA interest features, should further berth dredging be required.		
	J15	APP-042, Table 4.8	Natural England is satisfied that our previous onshore ecology comments on the HRA Screening (October 2021) have been appropriately actioned.	Natural England advises that unless there are significant changes in design parameters will not be providing further comment on HRA Screening during examination.	
	J16	APP-040, Table 38, Sec. 9.1.11	Natural England notes that Marsh Harrier populations at the Alde Ore Estuary SPA and Minsmere-Walberswick SPA were screened out of the HRA. The Applicant suggests there is no risk of collision on migration during the O&M phase because the birds only enter and leave the SPAs in a north/south direction during migration, citing an article by Wright (2012) as evidence but without listing it in the bibliography.	Natural England advises that, for clarity, all references are cited. Until the Applicant provides evidence in support of the migratory behaviour of Marsh Harrier Natural England cannot agree that the species can be screened out of the HRA. And, until an assessment of the impacts on Marsh Harrier at the AOE SPA and Minsmere-Walberswick SPA are given, Natural England cannot agree no Likely Significant Effect (LSE) on this qualifying feature.	
	J17	APP-040, Table 38, Sec 9.1.12	Natural England notes that Nightjar populations at the Minsmere-Walberswick SPA were screened out of the HRA. The Applicant suggests there is no risk of collision on migration during the O&M phase because the birds only	See comment above (NE Ref J16).	

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			enter and leave the SPAs in a north/south direction during migration, citing an article by Wright (2012) as evidence, but without listing it in the bibliography.		
Assessment	J18	APP-040, Table 8.1	Natural England notes that mitigation for Onshore Ecology and Biodiversity is listed in Table 8.1, but that no mitigation has been included in the details column.	Natural England advises that the table is updated accordingly with the chapter number for Onshore Ecology and Biodiversity we are unable to advise the likely success of mitigation measures in reducing impacts to an acceptable level	
	J19	APP-040, Para 11.6.98	Natural England requests clarification on the Applicant's intended course of action should the agreed proposed buffer zones for Schedule 1 bird species and other breeding species be unsuccessful.	Natural England advises that further detail on the intended methodology in the event that the proposed buffer zones for Schedule 1 bird species and other breeding species fail is required.	
	J20	APP-040, Para 11.6.191	Natural England notes that the Applicant does not intend to include mitigation measures for black-tailed godwit, a designated feature of Hamford Water SPA & Ramsar; Stour and Orwell Estuaries SPA & Ramsar; and Blackwater Estuary SPA & Ramsar, on the basis that <i>'disturbance of a relatively small number of birds could not undermine the conservation objectives or have an adverse effect on site integrity, for the sites where black-tailed</i>	Natural England advises that a range of mitigation measures appropriate to the nature of the unscheduled maintenance works are committed to and secured to ensure that a precautionary approach is taken towards black-tailed godwit.	

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			<p><i>godwit is in favourable condition, even without mitigation.</i> Natural England does not agree that mitigation is not required in the event that unscheduled maintenance is required, due to the potential for both noise and visual disturbance. We and advise that a precautionary approach should be implemented.</p>		
	J21	APP-040, 11.6.343	<p>Natural England requests clarification on the Applicant's assessment of the cumulative effect of both disturbance and temporary habitat loss to dunlin, a designated feature of Stour and Orwell Estuaries SPA & Ramsar, and Blackwater Estuary SPA & Ramsar .</p>	<p>Natural England advises that clarification is provided on the assessment of cumulative effects for dunlin.</p>	
<p>Have the impacts been avoided/reduced by the use of appropriate mitigation?</p>	J22	APP-225, Sec 4.4	<p>Whilst Natural England considers the mitigation for vegetation maintenance for the LBBG compensation site to be broadly acceptable, we advise that best practice should be employed for maintaining vegetation community and diversity. Natural England would welcome the opportunity to discuss this further with the Applicant. Existing trackways should be used for access to the compensation site during construction and maintenance/ management, to minimise disturbance</p>	<p>Natural England advises that best practice should be employed for maintaining vegetation community and diversity. Further details to be provided in the Lesser Black Backed Gull Implementation and Monitoring Plan (LIMP).</p>	

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	J23	App-225, Sec 4.4.6 & 4.1.9	<p>and further damage to affected shingle sediment, morphology and vegetation.</p> <p>Natural England notes that it is stated that if increased nutrients arise due to a gull colony being established (at the Orford Ness compensation site), that affect features within the site, then consideration may be given to removing cut vegetation from the compensation site and the designated site. The aim being to help reduce potential additional nutrients arising from nesting LBBG. It is also stated that this will be detailed in the LBBG IMP. However, this is laid out in the Monitoring, Management, and Maintenance section (4.1.9), as part of 'Habitat Management'. This states that it <i>'will comprise cutting vegetation with a trimmer and removing the arisings to create a mosaic of short and long sward heights, to create optimum nesting habitat for LBBG'</i>. Thus, this would not be additional mitigation to compensate for nutrient increases.</p>	<p>Natural England advises that this should be clarified. And further details should be provided in the outline LIMP.</p>	
Assessment Conclusions	J24	APP-225, Table 4.18	<p>Natural England does not agree with the assessment conclusions for the LBBG compensation site on Orford Ness with regards to impacts to the shingle morphology due to construction/removal and maintenance of the predator</p>	<p>Natural England advises that the Applicant needs to establish a more robust baseline in terms of the shingle morphology and habitats/species present at the proposed compensation site prior to</p>	

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			<p>exclusion fencing. It is stated that "<i>the Project could change the shingle morphology along the fence alignment [if excavated material is not returned to its original location].</i>" We advise that recoverability of damaged shingle is slow, particularly where it is more static and active geomorphological processes no longer have a major role in shaping the shingle morphology. In addition, machinery and plant will need to be transported from the boat landing to the site which will cause compaction of the substrate and physical damage to vegetation (c. 0.13ha). Undisturbed vegetated shingle communities are dependent on a precise matrix of coarse sediment infilled with fine sediment, which in many cases have developed over long periods of time. These communities could be damaged through the installation of fence posts. Furthermore, unless conducted sensitively and in line with a mitigation strategy, vegetation control could result in a permanent loss of the Annex I habitat, whilst repeated damage is likely to occur through regular maintenance checks and works.</p>	<p>determination, in order to fully consider and assess impacts to the site through installation/removal and maintenance of predator fencing, Future site evolution should also be considered fully in terms of climate change and the sensitivities of the priority habitats.</p>	

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	J25	APP-225, Table 4.16	Natural England is unable to agree with the HRA conclusions for coastal lagoons at Orfordness-Shingle Street SAC. The HRA has not considered whether the presence of the predator exclusion fence over the lifetime of the project could interfere with overtopping and sediment transfer processes, which may in turn alter the flora and fauna in the saline lagoons present within the compensation area for LBBG. Furthermore, climate change-related impacts (including to water level and coastal stability) need to be considered over the lifetime of the project.	Natural England advises that the Applicant needs to fully consider all potential impacts to the coastal lagoons within the Orford Ness LBBG compensation site, over the lifetime of the project and the HRA should be updated accordingly.	
Compensatory measures	J26	APP-255 5.5	We note that compensatory measures have been proposed for Lesser Black backed gull at Alde-Ore Estuary (AOE) SPA.	We refer the Applicant to our advice in Appendices C & D regarding the avian features of the AOE SPA.	
Assessment of SSSI impacts – Document(s) Used: [APP-040] 5.4 Report to Inform Appropriate Assessment [APP-044] 5.4.4 Summary of Designated Sites [APP-083] 6.3.1 Onshore Project Description [APP-261] 9.28 Outline Landfall Methodology [APP-150] 6.6.4.19 Annex Statutory Designated Sites Qualifying or Notified Features					
Screening	J27	APP-150	All relevant sites have been screened in.	Natural England advises that unless there are significant changes in design parameters will not be providing further comment on SSSIs during examination	

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Relevant and Written Representations	NE Ref	Ref	Comment	Recommendation	Risk (RAG)
	J28	APP-044	This is titled – Summary of Designated Sites but does not include references to SSSI.	Clarify in title - Maybe it should be state this is for European and Internationally Designated Sites only	
	J29	APP-261, Sec 2.2.1	<p>Section 2.2.1 of the Outline Landfall Methodology states: <i>'The HDD alignments pass under the Holland Haven Marshes SSSI and the Frinton Golf Club. No surface works are planned in these areas, although non-intrusive survey / monitoring operations may be undertaken in these areas.'</i></p> <p>However, Natural England notes that Mitigation measures have been included within 9.21 Code of Construction Practice should potential impacts occur especially in relation to bentonite frac-out.</p> <p>Whilst these measures are welcome as is consideration in 6.10.56-80 of [APP 87] Environmental Statement - 6.3.6 Hydrology, Hydrogeology and Flood Risk, we note that the Environment Agency ('EA') has previously commented that <i>'Holland Haven Marshes SSSI may be a complex location to achieve the ideal safe drilling through impermeable geology and this will need careful consideration.'</i> We</p>	We are content with the proposed outline landfall methodology and have no concerns regarding the installation across the SSSI, dependent on the proposed mitigation being successfully implemented. However, successful installation is contingent on the assessments. Therefore, we advise that further pre-determination consideration is given to the impacts from bentonite frac-out. We would welcome further risk assessment detailing the likelihood of a frac-out occurring specifically at Holland Haven Marshes SSSI and potential impacts with reference to the features that the SSSI is notified for.	

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			advise that any comments made by the EA in relation to HDD at this location should be given due consideration.		

Other Onshore Related Matters

Natural England's Key Considerations	Natural England's Advice				
Relevant and Written Representations	NE Ref	Ref	Comment	Recommendation.	Risk (RAG)
Other Onshore Related Matters – Document(s) Used:					
[APP-254] 9.22 Outline Landscape Ecological Management Plan Revision B					
[APP-086] 6.3.4 Onshore Biodiversity and Nature Conservation					
[APP-152] 6.6.4.21 Protected Species Report and Figures (Confidential)					
[APP-139] 6.6.4.8 Roosting Bats Tree Survey Report – South of A120,					
	J30	General	Natural England notes that, based on the information provided by the Applicant, Protected species licences and therefore Letters of No Impediment will not be required.	Natural England advises that impacts to onshore protected species do not warrant a LONI owing to the limited number of protected species licensable. The Local Planning Authority (LPA) will need to ensure that this continues to be the case prior to construction of the development. Consequently, we advise that the following advice and recommendations in our detailed comments below will need to be committed to by the Applicant.	
Onshore Protected Species	J31	APP-086, Drawing 4.1	Natural England notes that the limitations of protected species surveys include areas that were not surveyed due to access restrictions	Natural England advises that areas should be fully surveyed prior to the commencement of works. If access restrictions remain, a reasonable worst-case scenario should be considered, and appropriate mitigation implemented.	
	J32	APP-086, 4.6.10	Natural England highlights the duration of impacts refers to short term as <5 years. As per the Chartered Institute of Ecology and Environmental	Natural England advises that the definition of 'short' term' in relation to impacts on protected species should therefore be reconsidered and the impact assessment amended accordingly.	

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			<p>Management (CIEEM) Guidelines for Ecological Impact Assessment in the UK and Ireland:</p> <p><i>"5.14 Duration should be defined in relation to ecological characteristics (such as the lifecycle of a species) as well as human timeframes. For example, five years, which might seem short-term in the human context or that of other long-lived species, would span at least five generations of some invertebrate species."</i></p>		
	J33	APP-152, 2.1	Natural England advises that surveys followed standard methods and refers to Scottish guidance, but surveys were not undertaken during the optimum time for badger surveys.	Natural England advises that where inconclusive evidence is noted, further surveys should be secured and undertaken during the optimum time to ensure confidence in the survey results.	
	J34	APP-152, Table 3-1	Natural England notes that the survey results lack information relating to badger main setts despite observations of numerous associated setts.	Natural England advises that clarification regarding the location and impacts to main setts is required, and where inconclusive evidence is noted, further pre-commencement surveys should be undertaken during the optimum recommended survey period.	
	J35	APP-139, 1.1	Natural England notes that trees within exclusion areas have only	Natural England advises that Appropriate buffers and/or other mitigation measures secured pre-determination where there is	

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Relevant and Written Representations	NE Ref	Ref	Comment	Recommendation.	Risk (RAG)
			<p>been subject to Ground Level Tree Assessment (GLTA) surveys.</p> <p>We advise that there is a risk of tree roosts within exclusion areas being subject to disturbance by works.</p>	<p>potential for roosts to be present. And that pre-construction surveys are secured and implemented.</p>	
	J36	APP-254	<p>Natural England have approved the use of DLL prior to construction to ensure compliance with the legal status of GCN and mitigate for potential impacts on this species.</p>	<p>Please note that full procurement of the DLL should be undertaken within no more than 12 months prior to the commencement of onshore construction works.</p> <p>The DLL has been applied for on the basis of temporary impacts. Therefore, when the final LEMP is produced post-DCO determination, this must include details to re-instate all terrestrial habitats within the DLL boundary like for like or of better quality for GCN within 12 months of the completion of works.</p> <p>Natural England advises that unless there are significant changes in design parameters will not be providing further comment on GCN during examination.</p>	
Biodiversity Net Gain	J37	APP-149	<p><u>Biodiversity Net Gain (BNG) Indicative Design Stage Report</u> BNG requirements for NSIPs are not yet mandatory (currently expected November 2025). Whilst we expect</p>	<p>Natural England advises that the BNG committed is secured in the DCO.</p>	

Natural England's Key Considerations	Natural England's Advice				
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			<p>the BNG policy approach for NSIPs to broadly follow that of Town & Country Planning Act (TCPA) development, the detailed policy requirements are yet to be established. We are expecting a government consultation on the policy to be published shortly which will help to address some current areas of uncertainty regarding NSIPs (including baselining across the entire Order Limits, and the temporary acquisition of land).</p> <p>Therefore, our advice is provided to help the Applicant align their proposals with current BNG best practice, and to maximise the environmental opportunities delivered by the scheme. We note the applicant's commitment to delivering a minimum of 10% BNG (section 1.2.2, pg.2) and advise that this should be secured by requirement in the DCO.</p>		
	J38	APP-149	<p><u>Defining 'On-Site' and 'Off-Site'</u> Natural England notes the Applicant's position on the determination of the boundary (Section 2.2.3, pg.7). Taking this suggested approach is acceptable prior to mandatory BNG</p>	<p>Natural England advises that, for consistency, everything within the Red Line Boundary (Order Limits) should be included in the BNG baseline calculations, including any retained habitats. Furthermore, any deviation from BNG best practice and</p>	

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			<p>but does not reflect best practice or the approach used for TCPA development.</p> <p>As stated in Section 2.2.2 (pg.6), the baseline area will likely be refined over time and subsequent iterations of the metric calculations can then be used. We agree that updating metric calculations over time is required to reflect design iterations and we encourage developments to continue to maximise their potential biodiversity outcomes throughout the detailed design process.</p>	<p>principles should continue to be justified and clearly reported. Ultimately, BNG metric inputs should accurately reflect the built development.</p>	
	J39	APP-149	<p><u>Mitigation and Compensation</u> Current government guidance is that mitigation or compensation for protected species or designated site impacts can contribute up to "no net loss", with 10% BNG being additional.</p>	<p>We would advise that a clear audit trail is kept of any land assigned for compensation, mitigation and BNG to distinguish what is being delivered for which purpose and where. Relevant guidance on mitigation and compensation in regards to BNG can be found here: What you can count towards a development's biodiversity net gain - GOV.UK (www.gov.uk)</p>	
	J40	APP-149, Sec 2.2.4	<p><u>Defining Strategic Significance</u> Guidance on assigning strategic significance was updated with the introduction of mandatory BNG in</p>	<p>We advise that the list of biodiversity strategy documents (pg.7) could also include draft habitat maps linked to the emerging Greater Essex Local Nature Recovery Strategy (LNRS). We</p>	

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			February 2024 (see Statutory Metric User Guide, pg.26).	understand these are still in preparation and will be subject to public consultation before they are published. Once available, they could help ensure that any offsite habitat creation aligns with strategic nature priorities in the wider area.	
	J41	APP-149, Sec 3.2.1	<p><u>Consideration of Metric Principles and Rules</u></p> <p>Natural England notes that there is no irreplaceable or very high distinctiveness habitat on-site, although it does occur within the Order Limits (pg.11).</p>	<p>As an advisory note, the latest guidance on Irreplaceable Habitat and Very High Distinctiveness Habitat can be found online and in the Statutory Metric User Guide^[1].</p> <p>^[1] See: Irreplaceable habitats - GOV.UK (www.gov.uk) and pg.34: The Statutory Biodiversity Metric - User Guide .pdf (publishing.service.gov.uk)</p>	
	J42	APP-149, Sec 4.1.1	<p><u>'All Areas'</u></p> <p>Natural England notes the proposed approach to hedgerows outlined in Section 4.1.1 (pg.13) with hedgerows subject to post-reinstatement visits for a period of 5 years after completion. Whilst this approach is acceptable prior to mandatory BNG, it does not reflect best practice, or the approach used for TCPA development.</p> <p>We are awaiting clarity around the policy approach for any land that is</p>	<p>Best practice would be to maintain all replaced hedgerows for a minimum of 30 years in line with BNG regulations. Therefore, Natural England would advise that where the long-term management of hedgerows for this period cannot be secured, they should be treated as "habitat loss" within the BNG metric. Once BNG is mandatory, then a legal agreement would be required to secure the management for thirty years where habitats will be lost.</p> <p>We also advise that for cropland and agricultural grassland, that the correct risk</p>	

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			<p>temporarily acquired for Nationally Significant Infrastructure Projects (NSIPs). As noted previously, we are expecting a government consultation on the policy to be published shortly which will help to address current areas of uncertainty such as this.</p> <p>With regards to cropland and agricultural grassland, we note the points raised and advise that the correct risk multiplier is applied within BNG calculations.</p> <p>As a general note on watercourses, we advise that the riparian zone also includes 10m from the bank top. Please refer to the Statutory Biodiversity Metric User Guide for further information.</p>	<p>multiplier should be applied to BNG calculations, in line with the Statutory Biodiversity Metric User Guide (e.g. pg 34, 'Accounting for temporary losses').</p> <p>Regarding the policy on land acquired temporarily for NSIPs, we refer the Applicant to a government consultation that is due to be published shortly. Although, this may be a matter for the Examining Authority to decide upon.</p> <p>With regards to watercourses, we advise that the riparian zone should extend to 10m from the bank top, however, this is for the Environment Agency to comment on.</p>	