



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES

2010

Five Estuaries Offshore Wind Farm

Relevant Representations of Natural England

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

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Natural England's Relevant Representations

PART I – OVERVIEW OF REPRESENTATIONS

1. Scope of Natural England's Advice

- 1.1. Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.
- 1.2. Natural England's remit extends to the territorial sea adjacent to England, up to the 12 nautical mile limit from the coastline. The Examining Authority should note that pursuant to an authorisation made by the JNCC under the Natural Environment and Rural Communities Act 2006, Natural England is authorised to exercise the JNCC's functions as a statutory consultee in respect of applications for offshore renewable energy installations in offshore waters (0-200nm) adjacent to England.
- 1.3. This application is included in that authorisation and, therefore, Natural England will be providing statutory advice in respect of that delegated authority. However, JNCC retains responsibility as the statutory advisors for European offshore marine sites that are located outside the territorial sea and UK internal waters (i.e. more than 12nm offshore) and continues to provide Natural England advice on the significance of any potential impacts on interest features of those sites.

2. Approach to Relevant Representations

- 2.1 These representations contain a summary of what Natural England considers to be the main nature conservation, landscape and related issues with regards the Development Consent Order (DCO) application, as well as the Deemed Marine Licences (DML) contained therein and indicate the principal submissions that it wishes to make at this point.
- 2.2 In the interests of issue resolution Natural England has combined Relevant Representation and Written Representations within this response. This is to provide the detail on all issues as early as possible to allow more time for discussion and resolution. If required and appropriate Natural England will develop these points through further Written Representations or in response to Examiner's questions.
- 2.3 Owing to the complexity of the project development scenarios, Natural England may wish to revise our advice or add additional points. This may also arise if further information about the project becomes available. Therefore, we reserve the right to bring such matters to the Examining Authority's attention.
- 2.4 Natural England wishes to bring to the Examining Authority's attention our concerns regarding the anticipated overlapping timetable for Five Estuaries Examination and the application submission and then Examination for the other Greater Gabbard/Galloper OWF extension project, namely North Falls Offshore Wind Farm. Due to similar issues our Five Estuaries and North Falls case teams are the same for both projects and we, therefore, kindly request that, if/where possible, Examination deadlines for the two projects are staggered as much as possible to allow sufficient time for our case team to provide the best possible advice and responses to the Examining Authority and the Applicant.

- 2.5 Please note that at Deadline 1 Natural England will submit a Risk and Issues log which will incorporate the comments we have made in this representation and track their resolution throughout the examination process. It is anticipated that this will continue to be submitted alongside our submissions during Examination and will reflect any progress in issue resolution following the Relevant Representations.
- 2.6 Natural England are keen to continuously improve our input into Examinations and would therefore welcome any feedback on our approach.

3. Engagement with the Applicant

- 3.1 Natural England has been working with the Applicant to provide pre-application advice and guidance on Five Estuaries OWF since 2019. To assist developers, Natural England has produced a series of documents to provide '*Offshore Wind Marine Environmental Assessments: Best Practice Advice for Evidence and Data Standards*' for developments in English inshore and offshore waters. During the pre-application process we have advised that developers follow our Best Practice Advice and other guidance through the application and consenting process. The Evidence Plan Process (EPP) has included monthly project progress meetings, expert topic group (ETG) meetings, steering group meetings, and the Early Adopters Programme. Recently, we have been engaged in discussions relating to the merit of proposed benthic and ornithological compensation measures (offshore) and opportunities for minimising environmental impacts through collaboration with North Falls Offshore Wind Farm (NFOWF) project (onshore).
- 3.2 Natural England has also been working with the Marine Management Organisation, and the Centre for the Environment, Fisheries and Aquaculture Science (CEFAS) to provide coordinated advice in relation to each of our remits.
- 3.3 At appropriate points in the Examination, Natural England will undergo discussions with the Applicant to seek to resolve these concerns and agree outstanding matters. We will update on progress via our Risk & Issues Log.

4. Structure of Natural England's Relevant Representations

- 4.1 The representations in Part II provide Natural England's statutory advice. They are set out as follows;
- 4.1.1 **Section 5** identifies the designated sites and natural features potentially affected by this application.
- 4.1.2 **Section 6** sets out the key outstanding environmental concerns which Natural England would like the Examining Authority to consider, through a colour-coded version of the **Principal Areas of Disagreement Summary Statement (PADSS)**.
- 4.1.3 **Section 7 – Detailed Advice Appendices** - Natural England's detailed technical advice, where more detailed explanation of issues has been considered relevant, can be found in the technical Appendices A to K. These will include additional considerations beyond those raised in the PADSS that warrant consideration in the Examination.
- 4.2 Natural England advises that the matters set out in Part II of our relevant representations will require consideration by the Examining Authority as part of the examination process. The

Examining Authority may wish to ensure that the matters set out in these relevant representations are addressed as part of the Examining Authority's first set of questions to ensure the provision of information early in the examination process.

- 4.3 Natural England advises that the matters set out in Part II of our relevant representations will require consideration by the Examining Authority as part of the examination process. The Examining Authority may wish to ensure that the matters set out in these relevant representations are addressed as part of the Examining Authority's first set of questions to ensure the provision of information early in the examination process.
- 4.4 Natural England intends to provide further detailed advice to the Offshore in Principal Monitoring Plan [APP-265] at Deadline 1 or next most suitable deadline, allowing time for further information to be provided by the Applicant to inform potential monitoring requirements. Natural England is mindful of the recent decision for the Sheringham and Dudgeon Extension Project (SADEP). While some of the key decisions are reflected in our advice to the Development Consent Order (DCO), once our full review of the decision is complete, further advice reflecting the DCO may be provided at the earliest opportunity.
- 4.5 Throughout our advice, Natural England will be using colour coding to denote the level of potential risk or significance of impact associated with our comments. Full details of this are provided in Table 4.1 below.
- 4.6 Within Section 6 of these Relevant Representations, we have assigned a broad risk rating to each row of the PADSS to indicate the level of our concern. For each of the Appendices in Section 7 we provide a summary of the main concerns associated with the thematic area in question, followed by a table of detailed advice setting out all the salient issues we have identified. In both tables we have used the colour coding to give an indication of the level of risk associated with each of the points we raise.⁴

Table 4.1 Natural England’s risk rating with colour coding

<p>Purple</p> <p>Note for Examiners and/or competent authority. May relate to DCO/DML.</p>	
<p>Red</p> <p>Natural England considers that unless these issues are resolved it will have to advise that (in relation to any one of them, and as appropriate) it is not possible to ascertain beyond reasonable scientific doubt that the project will not affect the integrity of an SAC/SPA and/or significantly hinder the conservation objectives of an MCZ and/or damage or destroy the interest features of a SSSI and/or comply fully with the Environmental Impact Assessment requirements.</p> <p>Addressing these concerns <u>may</u> require the following:</p> <ul style="list-style-type: none"> • new baseline or survey data; and/or • significant revisions to baseline characterisation and/or impact modelling and/or • significant design changes; and/or • significant mitigation <p>Natural England feels that issues given Red status are so complex, or require the provision of so much outstanding information, that they are unlikely to be resolved during the Examination without a fundamental change in approach.</p>	
<p>Amber</p> <p>Natural England does not agree with the applicant’s position or approach and consider that this could make a material difference to the outcome of the decision-making process for this project.</p> <p>Natural England considers that these matters <u>may</u> be resolved through:</p> <ul style="list-style-type: none"> • provision of additional evidence or justification to support conclusions; and/or • revisions to impact assessment methodology and/or assessment conclusions; and/or • minor to moderate revisions to impact modelling; and/or • well-designed mitigation measures that are adequately secured through the draft DCO/dML and/or • amendments to draft plans <p>If these issues are not addressed or resolved by the end of the Examination, then they may become a Red risk as set out above.</p>	
<p>Yellow</p> <p>Natural England doesn’t agree with the Applicant’s position or approach. We would ideally like this to be addressed but are satisfied that for <u>this particular project</u> it is unlikely to make a material difference to our advice or the outcome of the decision-making process. However, we reserve the right to revise our opinion should further evidence be presented.</p> <p>It should be noted by interested parties that just because these issues/comments are not raised as significant concerns in this instance, it should not be understood or inferred that Natural England would be of the same view in other cases or circumstances.</p>	
<p>Green</p> <p>Natural England is in broad agreement with the Applicant’s approach and has no significant outstanding concerns.</p> <p>As above, we reserve the right to revise our opinion should new evidence be presented.</p>	

PART II – NATURAL ENGLAND’S ADVICE

5. The Natural Features Potentially Affected by this Application

- 5.1 The designated sites and interest features included within Tables 5.1 and 5.2 are those which may be significantly affected by the proposed project, based on the information provided to date. It should be noted that this list may change if new evidence emerges during the Examination. Links have been provided to the citation, conservation objectives and supplementary advice for designated nature conservation sites. We have provided links, as these are large and live documents which are updated on a regular basis to incorporate the most up to date evidence. To avoid potentially out of date or inaccurate documents being referred to during the Examination we recommend that the links are utilised.
- 5.2 In relation to SPAs, SACs and Ramsar sites, on the basis of the information submitted, Natural England is not satisfied that it can be excluded beyond reasonable scientific doubt that the project would have an adverse effect alone or in-combination on the integrity of the sites in Table 5.1. In relation to the SSSIs listed, Natural England is concerned that the protected features of the above SSSIs may be damaged or destroyed.
- 5.3 In relation to the designated landscapes listed in Table 5.2., Natural England is concerned that the proposal will impact upon the statutory purposes of the National Parks and the special qualities of the National Landscapes/AONBs.

Table 5.1 Designated Nature Conservation Sites

Site Name	Conservation advice	Features for which Outstanding Concerns Remain
Alde-Ore Estuary SPA & Ramsar site	Alde-Ore Estuary SPA - UK9009112 Alde-Ore Estuary Ramsar - UK11002	Lesser black backed gull (<i>Larus fuscus</i>) breeding Wetland invertebrate assemblage Wetland plant assemblage
Flamborough & Filey Coast SPA	Flamborough and Filey Coast SPA - UK9006101	Guillemot (<i>Uria aalge</i>), breeding Kittiwake (<i>Rissa tridactyla</i>), breeding Razorbill (<i>Alca torda</i>), breeding Seabird assemblage (above species)
Farne Islands SPA	Farne Islands SPA - UK9006021	Guillemot, breeding Seabird assemblage (including razorbill)
Margate and Long Sands SAC	Margate and Long Sands SAC - UK0030371	Sandbanks which are slightly covered by sea water all of the time

Site Name	Conservation advice	Features for which Outstanding Concerns Remain
Orfordness-Shingle Street SAC	Orfordness - Shingle Street SAC - UK0014780	Coastal lagoons Perennial vegetation of stony banks
Outer Thames Estuary SPA	Outer Thames Estuary SPA - UK9020309	Red-throated diver (<i>Gavia stellata</i>), non-breeding
Southern North Sea SAC	Southern North Sea SAC - UK0030395	Harbour Porpoise (<i>Phocoena phocoena</i>)
Stour and Orwell SPA	Stour and Orwell Estuaries SPA – UK9009121	Unknown as yet to be assessed
Alde-Ore Estuary SSSI	Alde-Ore Estuary SSSI - 1003208	As per SPA and Orfordness – Shingle Street SAC above, plus Invertebrate assemblage Vascular plant assemblage
Flamborough Head SSSI	Flamborough Head SSSI - 1002289	As per SPA above
Farne Islands SSSI	Farne Islands SSSI - 1000660	As per SPA above

Table 5.2 Designated Landscapes

Site Name	Landscape Authority management plan	Features for which Outstanding Concerns Remain
Suffolk Coast & Heaths AONB), including Suffolk Heritage Coast	SCHAONB Management Plan	The seascape component of the AONB setting and the special character of the SHC including the coastal edge most sensitive to the potential seascape and visual effects of the Five Estuaries Project, particularly Orford Ness.

5.4 Matrix to Determine Environmental Impact Assessment Effect Significance -We acknowledge that a matrix approach to determining the significance of effects on ecological features, is commonly used. However, this method often relies on value- rather than evidence-based judgements. The subjective evaluation of magnitude of impact and sensitivity/importance of receptors through expert judgement has led to many impact magnitudes and receptor importance/sensitivities being downgraded across topics in the EIA. We also note that any effect that is concluded to be of moderate or major significance in the ES, is deemed to be 'significant' in EIA terms, whereas effects concluded to be of negligible or minor significance, are deemed 'not significant' in EIA terms. This cut-off could exclude any effect concluded to be less than moderate, in turn, this could lead to errors in assessing cumulative effects adequately.

5.5 6.1.3.1 Cumulative Effects Assessment Methodology [APP-064]

Natural England highlights that due to the adoption of the PINs TIER Approach there are ongoing impacts across multiple thematic areas, which should be considered cumulatively and not be considered as part of the baseline especially in regard to benthic habitats. Please also note that the use of Zones of Theoretic Influence (Zol) should not be an arbitrary figure applied to all receptors, as consideration will need to be given to the mobility of the receptor and also if impacts are occurring within a large designated site then all plans/projects impacting on features of the site, regardless of distance separation between the projects, will need to be taken into consideration.

5.6 Natural England notes that PINS Advice Note10) has been used to identify projects to be considered in-combination for all thematic areas within the Report to Inform the Appropriate Assessment (RIAA). However, Natural England advises that the PINs advice note doesn't align with SNCB Best Practice Guidance [Offshore Wind Marine Environmental Assessments: Best Practice Advice for Evidence and Data Standards. Phase III Expectations for data analysis and presentation at examination for offshore wind applications.](#) for scoping projects into in-combination. Therefore, due to ongoing impacts for constructed projects not being taken into account by the Applicant assessments we advise that the RIAA and relevant ES chapters are updated using the TIERs within the Best Practice Guidance.

5.7 **Protected Species** - An application for a European Protected Species and/or wildlife licence may be required if the application will have impacts on the following species:

- Harbour Porpoise
- Great Crested Newt (GCN)
- Bats
- Breeding birds
- Non-breeding birds
- Badger
- Dormice
- Otter
- Reptiles
- Water Vole

5.8 Five Estuaries has been approved by Natural England to use District Level Licence (DLL) prior to construction to ensure compliance with the legal status of GCN and mitigate for potential impacts on this species. Full procurement of the DLL should be undertaken within no more than 12 months prior to the commencement of onshore construction works. The DLL has been applied for on the basis of temporary impacts. Therefore, when the final Landscape and Ecological Management Plan 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. -

5.9 Should the DCO be granted, Natural England advises the Applicant progresses with a licence application at the earliest opportunity. For reference, Natural England has adopted [standing advice](#) for protected species which includes links to guidance on survey and mitigation.

5.10 **Other matters relating to Natural England's remit** - the following features are those which may be significantly affected by the proposed Five Estuaries project based on the information provided to date:

4.7 Biodiversity net gain (BNG). We note the Applicant's commitment to delivering a minimum of 10% BNG and advise that this should be secured by requirement in the DCO. Natural England advise that, for consistency, everything within the Red Line Boundary (Order Limits) should be included in the BNG baseline calculations, including any retained habitats. Any deviation from BNG best practice and principles should continue to be justified and clearly reported. This may be a matter for the Examining Authority to decide upon. We would also advise that Five Estuaries are consistent with the approach taken by the North Falls project. With regards to replaced hedgerow management. we advise that they should be maintained for a minimum of 30 years in line with BNG regulations. Natural England in turn 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. We also advise that for cropland and agricultural grassland, the correct risk multiplier should be applied to BNG calculations,

- 4.8 Soils and best and most versatile agricultural land - where significant development of agricultural land is demonstrated to be necessary, applicants should seek to use areas of poorer quality land in preference to that of higher quality and protect soils during development.
- 4.9 Connecting people with nature (National Trails, open access land and England Coast Path) - there are possible impacts on users of the King Charles III England Coast Path (ECP) during construction onshore and we, therefore, advise the Applicant to provide further information on the associated margins, any restrictions required, and any impacts to the line of the Path.

6. Principal Areas of Disagreement Summary Statement (PADSS)

This PADSS should be read in conjunction with the Appendices of these Relevant Representations, which provide further detail on the areas of disagreement as well as other areas of disagreement which require resolution. For ease of reference, we have added a RAG rating for each principal area. Please note that the PADSS is ordered by topic and not by priority.

NE Ref	The principal issue in question	The brief concern held by Natural England which will be reported on in full in WR / LIR	What needs to change, or be included, or amended so as to overcome the disagreement	Likelihood of the concern being addressed during Examination	RAG rating
Development Consent Order (DCO)					
P1	The during construction monitoring conditions within the deemed Marine Licences (dML) Schedules 10 and 11 <u>do not</u> secure that piling must cease in the event the monitoring highlights the noise impact is significantly in excess of the predicted impacts assessed.	This is a key mitigation for marine mammals and has been included in previous DCOs for various offshore wind farms, such as the recent East Anglia One North project or the Sheringham and Dudgeon Extension Project.	We recommend that the condition wording should be amended to include the requirement to stop should the noise impacts of the works be significantly in excess of those assessed. We also recommend that this wording is included in Schedules 10 and 11.	Potential resolution.	
P2	Margate and Long Sands Special Area of Conservation (MLS SAC) Benthic Mitigation Plan is not secured within the transmission deemed Marine Licence (dML).	This plan includes key mitigation for the SAC which needs to be updated to include relevant up-to-date information on the final designs and up to date mitigation techniques.	Therefore, we consider that an updated plan should be secured through condition.	Potential resolution.	
P3	Schedule 14 includes only impacts to Alde-Ore Estuary Special Protection Area (SPA) Lesser Black Backed Gull (LBBG), but not affected features of MLS SAC or Flamborough and Filey Coast (FFC) SPA.	We cannot rule out Adverse Effect on Integrity (AEoI) on MLS SAC and FFC SPA and advise that compensation may be required for these sites, if	We, therefore, advise that provision for compensation for these features should be made in the draft DCO on a without prejudice basis.	Potential resolution.	

NE Ref	The principal issue in question	The brief concern held by Natural England which will be reported on in full in WR / LIR	What needs to change, or be included, or amended so as to overcome the disagreement	Likelihood of the concern being addressed during Examination	RAG rating
		the Secretary of State (SoS) determines that it is required.			
Marine Geology, Oceanography and Physical Processes					
P4	Disruption of sediment transport processes at MLS SAC due to the placement of cable protection	Insufficient information to assess the magnitude and significance of potential impacts to sediment transport processes within MLS SAC	Further information is needed to demonstrate that the presence of cable protection within MLS SAC will not alter sediment transport processes and, morphology of Annex I sandbank features during the lifespan of the project.	Potential resolution.	
P5	Construction and Operation and Maintenance Impacts to SPA/SAC supporting habitats, and priority habitats	Incomplete consideration of potential impacts to seabed morphology and magnitude and significance of their effect.	An updated WCS/maximum design scenario (MDS) should be provided for construction-and operation and maintenance related impacts on seabed morphology and seabed mobility.	Potential Resolution.	
Offshore Ornithology					
P6	Potential incorrect estimates for Alde-Ore Estuary (AOE) SPA lesser black backed gull (LBBG) mortalities.	At present, the estimates for mortalities due to collision at both the north and south VE arrays appear incorrect.	The total impact value should be clarified and, if necessary, the Population Viability Analysis (PVA) re-run (with burn-in) to indicate the project alone and in-combination effects on AOE SPA LBBG.	Uncertain If the assessment is updated, as advised, this issue may be resolved. It will still be the case that an AEol cannot be ruled out.	
P7	Apportioning of adults (other than AOE SPA LBBG) during the breeding	We advise that the evidence used to inform adult	We continue to advise that for species that can be aged	Potential resolution.	

NE Ref	The principal issue in question	The brief concern held by Natural England which will be reported on in full in WR / LIR	What needs to change, or be included, or amended so as to overcome the disagreement	Likelihood of the concern being addressed during Examination	RAG rating
	season based on generic data rather than site-specific data.	apportioning is not sufficient. The data on the number of adult- or adult-type birds present is generic. Seasonal variations should also be considered.	as adult or sub-adult from Digital Aerial Survey (DAS), site-specific data represents the best available evidence for apportioning. Where this is not possible, a precautionary approach should be adopted. An updated assessment based on Natural England's advised approach should be submitted into the Examination in due course.	If the Applicant updates the assessment in line with our recommendations, then this issue could be resolved.	
P8	In-combination impacts on the FFC SPA populations of guillemot and razorbill are at a level where adverse effects cannot be ruled out and VE will be adding to this.	The Applicant has applied their preferred displacement (50%) and mortality (1%) rates to the guillemot and razorbill populations at risk at each offshore wind farm (OWF) project included in the in-combination assessment for the FFC SPA. As well as departing from Natural England advice on this matter, in so doing the Applicant disregards the in-combination values that have been used by DESNZ for recent consents.	The Applicant should simply add the VE project alone impact (at 70% displacement and 2% mortality) to the total in-combination impact agreed in the Sheringham and Dudgeon Extensions Project OWF (SADEP) Examination.	Potential resolution This should be submitted into the Examination to resolve this issue.	
Ornithology Compensation					
P9	AOE SPA LBBG - concerns regarding the suitable level of compensation	As well as the above issue regarding the impact calculation	The compensation quantum needs to be calculated in line	Uncertain.	

NE Ref	The principal issue in question	The brief concern held by Natural England which will be reported on in full in WR / LIR	What needs to change, or be included, or amended so as to overcome the disagreement	Likelihood of the concern being addressed during Examination	RAG rating
	and the effectiveness of measures proposed at the two sites.	<p>for AOE SPA LBBG, the compensation requirement is based on the mean number of mortalities rather than the 95% upper confidence interval (UCI) value.</p> <p>The proposed compensatory measures have potential merit, however further information is needed to provide sufficient confidence that the measures can be secured and will be effective.</p>	<p>with Natural England's advice.</p> <p>Further information on the proposed compensation sites needs to be provided, particularly with respect to survey visits in summer 2024 as regards avoiding impacts on other designated sites (Orford Ness) and the likely drivers of population decline (Outer Trial Bank).</p>	<p>If the assessment is updated and the compensation based on the 95% UCI, the compensation requirements issue may be resolved.</p> <p>However, unless findings are presented promptly following the 2024 breeding season, the uncertainties around the proposed compensation are unlikely to be resolved during Examination.</p>	
P10	Uncertainty regarding adequacy of implementing disturbance management at southwest colonies for FFC SPA guillemot and razorbill	Whilst we consider this measure to be technically feasible, candidate locations have been identified but not secured. Impact levels are also still to be agreed.	The Applicant needs to monitor the candidate sites to establish the current level of disturbance and identify measures needed to effectively mitigate it.	<p>Uncertain</p> <p>Monitoring will take time so unless findings are presented promptly following the 2024 breeding season, this issue is unlikely to be resolved during Examination.</p>	
P11	FFC SPA kittiwake Artificial Nesting Structure (ANS).	As with LBBG above, the compensation requirements are to be calculated using the central impact value. There is also some uncertainty	The compensation requirements need to be calculated using the 95% UCI. Further information is required on how the benefits	<p>Potential to Resolve</p> <p>If further details can be provided, then it is likely</p>	

NE Ref	The principal issue in question	The brief concern held by Natural England which will be reported on in full in WR / LIR	What needs to change, or be included, or amended so as to overcome the disagreement	Likelihood of the concern being addressed during Examination	RAG rating
		regarding the nature of the sharing agreement with DBS OWF for their ANS at Gateshead.	of the Gateshead ANS will be divided amongst projects.	that this issue can be resolved.	
Benthic Ecology					
P12	AEol on Annex I sandbank feature of Margate and Long Sands Special Area of Conservation (MLS SAC)	. We disagree with the Applicant on the scale and significance of the impact.	Further reduction of impacts through adoption of robust mitigation measures.	Unlikely.	
P13	Mitigation measures fail to consider potential presence of Section 41 NERC Act habitats.	The Applicant has failed to consider Section 41 NERC Act habitats in their assessment.	The Applicant needs to consider and mitigate for potential impacts to Section 41 NERC Act habitats,	Potential Resolution.	
P14	Methods and evidence used to determine MDS for cable protection within MLS SAC and WCS potentially not realistic.	Natural England is unable to advise on the scale and significance of the impacts and therefore compensatory requirements.	Natural England advises that further information is required to provide the necessary confidence in the MDS/Worst Case Scenario (WCS) for cable protection within the SAC.	Potential Resolution.	
Benthic Compensation					
P15	“Without Prejudice” Benthic Compensation	Further progress is required on each measure to have confidence that they are achievable and would deliver effective compensation for project impacts.	Natural England advises that further work on each measure will be required during examination before we can advise on the suitability.	Uncertain Further review is likely to be undertaken during examination and with no guarantee this issue will be resolved within the examination timeframe.	
Marine Mammal Ecology					
P16	Southern North Sea Special Area of Conservation (SNS SAC) – harbour	Current approach to SIP implementation is unlikely to	The Applicant should commit to specific mitigation	Potential Resolution	

NE Ref	The principal issue in question	The brief concern held by Natural England which will be reported on in full in WR / LIR	What needs to change, or be included, or amended so as to overcome the disagreement	Likelihood of the concern being addressed during Examination	RAG rating
	porpoise underwater noise impacts - Outline Site Integrity Plan (SIP)	prevent impact thresholds from being exceeded in the SNS SAC. The Applicant has not committed to using Noise Abatement Systems (NAS) at this stage, increasing the risk that an adverse effect on site integrity (AEol) cannot be avoided.	measures at this stage, particularly Noise Abatement Systems (NAS), in the Outline/Draft Marine Mammal Mitigation Plan and submitted with the SIP at the DCO, which can be removed later if the revised SIP demonstrates they are not required.	If changes can be made to the Outline MMMP, it is likely this issue can be resolved.	
P17	EIA/HRA Conclusions	Lack of robust evidence supporting the conclusions made.	Natural England recommends population modelling be conducted, for example, Interim Population Consequences of Disturbance (iPCoD), to inform the conclusions of the EIA and HRA.	Potential Resolution If the Applicant carries out population modelling and updates their EIA/HRA assessment it may be possible to resolve this issue.	
Seascape, Landscape and Visual					
P18	Suffolk and Essex Coast & Heaths National Landscape/AONB and Suffolk Heritage Coast (SHC) – seascape impacts	The special qualities of the National Landscape/AONB and the SHC will be affected by the proposed development. This is of particular concern at Orford Ness. We are concerned that the most northerly 8 WTGs will ‘close the gap’ and create a distinct grouping between the existing Galloper and Greater Gabbard OWF arrays, and the to be built EA2 array. In addition, the size difference	The SLVIA needs to be updated to properly assess the potential impacts on the AONB and SHC, particularly with respect to the most northerly WTG and the potential for the array to cause ‘curtaining’ and ‘cluttering’ effects. Once the assessment is updated, further consideration of NE advice on embedded mitigation is required, drawing	Uncertain There is potential for the applicant to update the assessments during the examination. However, it is likely that the issues raised will not be resolved through assessment alone and will require design	

NE Ref	The principal issue in question	The brief concern held by Natural England which will be reported on in full in WR / LIR	What needs to change, or be included, or amended so as to overcome the disagreement	Likelihood of the concern being addressed during Examination	RAG rating
		between the VE and other WTGs in the area will result in a visually jarring 'cluttering' effect.	on our three proposed design principles.	changes in line with our proposed principles to be addressed.	
Onshore Ecology					
P19	Potential impacts to designated sites and features at the proposed LBBG compensation site on Orford Ness	Insufficient baseline data on the saline lagoon, shingle vegetation shingle sediment structure and morphology to advise on potential impacts.	An adequate baseline survey should be carried out pre-determination in the proposed compensation location in order to inform the impact assessment and avoidance/mitigation measures required.	Uncertain If the Applicant can commit to carrying out pre-determination surveys and providing further information, as required, then this issue could be resolved during Examination.	
P20	Operational and maintenance facility impacts have not been considered.	No consideration has been given to the potential impacts from the operational port on the environment.	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.	Uncertain The Applicant needs to include the O&M port in its EIA/HRA to resolve this issue during Examination.	

7. Detailed Advice Appendices

Natural England's detailed advice, where more detailed explanation of issues has been considered relevant, can be found in the following Appendices:

- Appendix A - Development Consent Order
- Appendix B - Marine Geology, Oceanography and Physical Processes
- Appendix C – Offshore Ornithology
- Appendix D – Offshore Ornithology Compensation
- Appendix E – Benthic and Intertidal Ecology
- Appendix F – Benthic Compensation
- Appendix G – Fish and Shellfish Ecology
- Appendix H – Marine Mammal Ecology
- Appendix I – Seascape, Landscape and Visual
- Appendix J – Onshore Ecology
- Appendix K - Landscape and Visual Impact Assessment