



OUR REF S6152.23/CWI
YOUR REF
22 October 2024

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Dear Sir

Five Estuaries Offshore Windfarm Project
Application Ref: EN010115
East Anglia One North Limited

We refer to the above Examination and would confirm that we are instructed by East Anglia One North Limited (hereinafter referred to as "EA1N Ltd"). EA1N Ltd obtained consent for the development of the East Anglia One North Offshore Windfarm by the Secretary of State making a Development Consent Order on 31 March 2022 (the "EA1N DCO"). A further Correction Order was made by the Secretary of State on 21 December 2022. This written submission will be ordered under the following headings:-

1. Lesser black-backed gull compensation
2. Mitigation of potential impact on red throated diver within the Outer Thames Estuary SPA ("OTE SPA")

1. Lesser black-backed gull compensation

The EA1N DCO includes Schedule 18 which incorporates requirements for EA1N Ltd to implement offshore ornithology compensation. This includes measures in respect of the Alde-Ore Estuary SPA for lesser black-backed gull (Part 2 of Schedule 18). The Secretary of State approved the lesser black-backed gull plan of work on 11 May 2023 and EA1N Ltd has implemented measures. The area for where this compensation has been carried out was originally included within the DCO order limits for this application. It is noted that a recent change request to alter boundaries in this general location and remove this land has been submitted. The Applicant is still proposing to include access rights in close proximity to the EA1N compensation area in order to access this Application's compensation area located to the north.

EA1N Ltd suggest that the compensation/mitigation measures associated with this application should establish a post consent framework including a lesser black-backed gull compensation steering group. EA1N Ltd would wish to be a member of such a steering group in order to ensure that there was effective and proper liaison between those entities proposing compensation measures in this vicinity.

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2. Mitigation of potential impact on red throated diver within the OTE SPA

The EA1N DCO includes Schedule 18 which incorporates requirements for EA1N Ltd to implement offshore ornithology compensation. Included within those measures is Part 3 of Schedule 18 which are compensation measures relating to red throated diver within the OTE SPA. A range of compensation measures are proposed but, importantly, they include provisions regarding vessel routing through the OTE SPA in respect of not only East Anglia One North, but other existing projects as well. The Red Throated Diver Plan for Work was approved by the Secretary of State earlier this month.

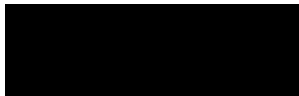
The Report to Inform Appropriate Assessment (APP-040) reaches a conclusion (paragraph 11.4.73) on the assessment of the potential impact that the Application project could have on red throated diver within the OTE SPA. The negative conclusion is based on mitigation measures being implemented. At paragraph 11.4.71 there are a series of best practice examples which have been included. The conclusion at paragraph 11.4.72 is that, with these mitigation measures in place, the impacts would be highly unlikely to occur.

EA1N Ltd have a very real interest in ensuring that disturbance within the OTE SPA is minimised and, in that regard, consider that it would be essential that there is appropriate co-ordination between various interests to seek to try and collectively deliver the mitigation measures identified in 11.4.71. In addition EA1N Ltd consider that mitigation measures should also apply during the operational and maintenance phase of the application project. The assessment to date has focussed on the construction and maintenance phases. The mitigation measures would have to ensure that this project did not undermine or prejudice the implementation of EA1N compensation measures.

EA1N Ltd would wish to ensure that there are appropriate provisions to secure the delivery of the mitigation identified in the RIAA as extended to the operation and maintenance phase and would also wish to be a consultee within the structure that would have to be established to ensure that the mitigation was effectively delivered. It is suggested that a red throated diver protocol may well be the appropriate means by which such measures/mitigation can be secured and also which can also provide the structure. EA1N Ltd is confident that if these measures are put in place, appropriate exchanges of information can be made to ensure the successful implementation of both EA1N Ltd's compensation and that of the Applicant's mitigation.

EA1N Ltd has already engaged with the Applicant and will continue to seek a resolution of the matters that have been raised.

Yours faithfully



Colin Innes
For and on behalf of Shepherd and Wedderburn LLP
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