



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES
2010

FIVE ESTUARIES OFFSHORE WIND FARM

Appendix M3 to the Natural England Deadline 4 Submission

**Natural England's comments on Examining Authority's Written Questions [PD-001]
(ExQ1) ME. 1.01 (relating to Fish Ecology and Marine Mammal Ecology)**

For:

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

Planning Inspectorate Reference EN010115

03 December 2024

	Question to:	Question	Natural England Response
Marine Ecology (ME)			
General Questions			
Assessment Methodologies			
ME. 1.01	Applicant, Natural England, MMO and RSPB	<p>IP Methodological Concerns</p> <p>A number of methodological concerns have been raised by NE [RR-081], the Maritime Management Organisation (MMO) [RR-070] and the RSPB [RR-094]. An update should be provided explaining how the Applicant is addressing the IPs' methodological concerns.</p> <p>The ExA notes the documents submitted by the Applicant, together with updates to the Environmental Statement, pursuant to addressing the methodological concerns of Interested Parties. This includes a Herring Seasonal Restriction Note [REP1-024], an Apportioning Note [REP1-020], Guillemot and Razorbill Survey Reports [REP1-054], Population Viability Analysis [REP1-022] and Marine Mammal Modelling [REP1-056].</p> <p>Can the Parties identify areas of outstanding disagreement with regard to assessment</p>	<p>Ornithology Methodological Concerns</p> <p>Natural England responded at Deadline 3 [REP3-034] on our ornithology methodological concerns and the updated/new documents at Deadline 1. Below are our responses on our fish ecology (herring) and marine mammal methodological concerns and the relevant updated/new documents that relate to the Examining Authority's question.</p> <p>Fish Ecology (Herring) Methodological Concerns</p> <ul style="list-style-type: none"> • Natural England query the Applicant's approach of defining a 'peak' spawning time for seasonal restrictions (and lots of assumptions seem to have been used). We note that Cefas are advising on the method and defer to their expert judgement on the issue. • The data used are from surveys between December and January, however our understanding for this region is that the Downs herring spawn between November -

		<p>methodologies, as well as provide an update in relation to how such concerns are being addressed.</p>	<p>January. The IHLS survey is targeted to the ‘peak’ herring larvae abundance, but it can be expected that some spawning may occur at any time between November-January.</p> <ul style="list-style-type: none"> • Natural England welcome the inclusion of a piling restriction as a suitable mitigation. However, the proposed piling restriction has been suggested as 25th November-3rd January; however, this does not seem to take into consideration when herring may arrive in the area to spawn and would also be potentially susceptible to underwater noise. Furthermore, as noted by Cefas, herring arrive in waves rather than all at once thus limiting the restriction to the determined peak spawning time only does not seem to account for this. Additionally, the suggested end date of the piling restriction (3rd January) seems to be very early in the month, which contradicts earlier text which states January has the highest larval densities for this stock. Therefore, we have outstanding concerns that the piling restriction may not cover a sufficient period to effectively mitigate the impacts to herring. <p>Marine Mammal Methodological Concerns</p> <p>Natural England had concerns with several conclusions in the Environmental Impact Assessment (EIA) and Habitats Regulations</p>
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			<p>Assessment (HRA) due to the lack of robust evidence supporting the conclusion. Thus, Natural England recommended population modelling to be conducted, such as Interim Population Consequences of Disturbance (iPCoD), to aid understanding of the impacts of the project alone and in-combination with other plans and projects at a population level and to inform the conclusions of the EIA and HRA.</p> <p>Natural England notes that the Applicant in response to our comments conducted iPCoD modelling and produced report 10.13 MARINE MAMMAL IPCOD MODELLING – PROJECT ALONE.</p> <p>We note that the modelling was conducted for project alone due to the uncertainties/ lack of data on the piling schedules of projects included in the in-combination assessment. We don't have objections to the Applicant position on this.</p> <p>In general, Natural England views the iPCoD as a tool to help support the conclusions of the assessment that had not been supported by robust evidence. However, we acknowledge the evidence gaps in the relationship between sound, disturbance and population impacts and many assumptions and uncertainties build into the model. Thus, the results of the model are only an indication of the possible population impacts and should be interpreted with caution. Therefore, although the model can be used as a tool alongside other methods for assessing the impacts</p>
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			<p>of disturbance, it does not mean the results of the modelling should dictate the final significance conclusion.</p> <p>More specifically, Natural England notes that the Applicant only used the 'mean' to present the results of iPCoD modelling (Tables 5.1, 5.2, 5.3). Without having a sight of 'median' values, we cannot conclude with confidence that there are no population impacts. Natural England understands that both values, mean and median, need to be considered and presented for completeness. We would recommend that the Applicant amend the document to include the median values and a consideration of them to improve the robustness of their conclusions.</p> <p>Natural England notes that the Applicant has followed our advice on using the site-specific density estimates for harbour porpoise. (1.82 porpoises/km²). However, we disagree with the Applicant's claim made in paragraph 4.2.1. :” <i>It is important to note here that while the site-specific density estimate has been used as requested by Natural England, there is no evidence that the density estimate is valid for impacted areas beyond the boundary of the site-specific surveys (i.e.: most of the disturbance contours).</i>” Our position on the species densities remains the same as stated in the ‘Appendix H to the Relevant Representations of Natural England Marine Mammal Ecology’, comment H4. Furthermore, as the iPCoD has been conducted only for project</p>
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			<p>alone, the site-survey density is the most representative.</p> <p>Natural England notes that the Applicant conducted iPCoD modelling for two scenarios for harbour seal i.e. stable and declining population. Given that the population remains in decline, the latter scenario is the most appropriate. Currently, the cause of the decline of harbour seals in the Wash and North Norfolk Coast (WNNC) SAC is unknown; until the cause of the decline is found, any activities that have the possibility to hinder recovery need to be carefully assessed for less impactful alternatives (such as the use of noise abatement or other suitable alternative to reduce sound at source).</p>
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