



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE)
RULES 2010

Triton Knoll Electrical System

The construction and operation of Triton Knoll Electrical System to connect the Triton Knoll offshore windfarm turbine array to the National Grid sub-station at Bicker Fen, Lincolnshire.

Planning Inspectorate Reference: EN020019

NATURAL ENGLAND

WRITTEN SUBMISSION FOR DEADLINE 3

Dated 30TH November 2015

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1. INTRODUCTION

- 1.1 This submission follows the Issue Specific Hearings for the Triton Knoll Electrical System (TKES) which took place at The Storehouse Conference centre, Skegness, between 12th November and 20th November 2015 and details the oral responses to questions asked of Natural England during those hearings.
- 1.2 This submission consists of 2 parts
 - a) Section A – Written submissions of the oral answers provided to questions at the issue specific hearing on Thursday 12th November 2015.
 - b) Section B – Written submissions of the oral answers provided to questions at the issue specific hearing on Tuesday 17th November 2015.

2. SECTION A – WRITTEN SUBMISSION OF THE ORAL ANSWERS PROVIDED TO QUESTIONS AT THE ISSUE SPECIFIC HEARING ON THURSDAY 12TH NOVEMBER 2015

Representing Natural England: Louise Burton, Claire Ludgate

Agenda item (5)(gg)

Subject: European Protected Species

Natural England clarified that our response to the Examining Authority's first written question DCO 1.48 applies to *all* legally protected species that are found during pre-construction surveys, not just Great Crested Newts.

We also clarified for the Examining Authority that although our response to question DCO 1.48 refers to 'works' and several 'works' can make up a 'stage' as referred to in the requirement, we do not believe this makes a difference to the advice provided in our response as long as they are undertaken prior to works 'commencing'. But it is recognised that "commencing works" needs to be defined as we would consider preparation works such as the removal of hedgerows as commencement of works in this instance.

In response to The Examining Authority's further query as to whether or not our advice would change if pre-construction surveys found protected species. We clarified that our advice wouldn't necessarily change in relation to the significance of any potential impacts; but we would advise the local planning authority that appropriate mitigation, as already identified in the application, was adopted prior to works commencing. This approach has been adopted for the terrestrial elements of several other offshore windfarms export cables and recognises the difficulties that access restrictions have placed on the applicant

Agenda item (5)(II)

Subject: Marine Mammal Mitigation Plan (MMMP)

The Examining Authority asked Natural England to confirm that we are content with the Applicant's position that a draft MMMP is not required at this stage.

As discussed at the hearing Natural England advises that a MMMP will be required for the construction of the Triton Knoll Offshore Wind Farm turbine array to reduce subsea noise impacts to marine mammals; which is secured in the Development Consent Order for that project. But a MMMP will not be required for the installation of the electrical system as there are no impact pathways identified and therefore we are content that there is no need for a MMMP to be secured in the DCO/DML for the Triton Knoll electrical system project.

3. SECTION B – WRITTEN SUBMISSION OF THE ORAL ANSWERS PROVIDED TO QUESTIONS AT THE ISSUE SPECIFIC HEARING ON TUESDAY 17TH NOVEMBER 2015

Representing Natural England: Louise Burton, Ryan Hildred

The questions below are only those asked directly to Natural England by the Examining Authority.

Agenda item 8 – Brought forward in the agenda to be discussed first

Subject: The effect of the cable on the Lincolnshire coastal grazing marshes.

In response to the Examining Authority's query in relation to the Applicant's statement that the terrestrial survey methodology was agreed by Natural England, even though there is a the lack of surveys along portions of the proposed cable route.

Natural England clarified that early on in the pre-application process it became apparent that access to private land [for ecological survey by the Applicant] was refused. Natural England asked the Applicant to look at other methods of surveying i.e. sourcing local records, aerial surveys etc in order to provide an ecological assessment of the cable route . Therefore Natural England agrees with everything the Applicant stated at the Issue Specific Hearing in relation to the gathering of relevant data to inform the EIA; recognising that pre-construction surveys of the entire cable route will be undertaken and identified mitigation measures employed should European Protected Species (EPS) or other legally protected species be found..

Natural England also stated that we had asked the Applicant to provide evidence of asking land owners for access as justification for not surveying 24% of the proposed cable route. This evidence can be found in the Statement of Reasons (Appendix 4.1) and supporting Environmental Statement text.

Subject: Location of transition jointing bays in the Lincolnshire coastal grazing marshes and the effect of the bays on the wetland.

In response to the Examining Authority's question asking if Natural England would like to comment on the location of the transition bays, Natural England responded stating that our pre-application advice focused on the landfall avoiding SSSIs and European Sites on the Lincolnshire coast. Therefore, we have no further comment.

Agenda Item 6

Subject: The feasibility of the Viking Link cable being sited along the Triton Knoll Electrical System proposed cable route and the sharing of information.

Natural England clarified that in regard to the sharing of environmental survey data for the two cable routes we advise that the validity of that data only lasts so long therefore we would

advise Viking Link to undertake a separate assessment of their route once it had been identified. Methodologies for the cable installation for Viking Link would have to be confirmed too before potential impacts could be assessed including the scale of any impacts. Also, even if the two cables follow a parallel route there will be an as yet undetermined buffer between them, which could possibly lead to different environmental concerns for the two cable routes and potential mitigation options.

In terms of the Viking Link cables passing through designated sites etc, without a confirmed cable route an environmental impact assessment on the effects of the project alone, let alone in-combination can't be made .

Additional points made on the cumulative/in-combination impacts are if Triton Knoll Electrical System was installed and the habitat reinstated and then Viking Link proposed to install in a similar location a few years later then as set out by other parties there would obviously be recovery issues. Therefore, we advised that the onus is on Viking Link to consider the existing effects of the Triton Knoll Electrical System cable once they are applying for their cable rather than Triton Knoll Electrical System having to consider the cumulative effects of Viking Link, and as such any conditions to mitigate any impacts would be put upon Viking Link.

Subject: Land drainage and flood risk

During the hearing we stated that it would be useful to see more information on the effect of the cables on the land drainage and flood risk at Lincolnshire coastal grazing marshes. Subsequently we have been reminded that this has been provided as an Annex to the Statement of Common Ground between Natural England and the Applicant and we have no further comment to make.

Subject: Habitats Regulations Assessment.

Natural England confirmed that we do generally agree with the screening matrices, but there is one difference in our submission now and our Written Representation submitted at Deadline One regarding Annex I biogenic reef, a feature of the Inner Dowsing, Race Bank and North Ridge Site of Community Importance (SCI). In line with advice given for other developments we believe that there is the potential for a likely significant effect on Annex I *Sabellaria spinulosa* reef from operation and maintenance activities both alone and in-combination over the life time of the project. We continue to advise that during the cable installation there will be no LSE as any Annex I reef habitats will be avoided. However, because biogenic reef is ephemeral in nature there is the potential for Annex I reef to establish over the top of the cable once it is installed and should Operation and Maintenance activities be required at these locations, then impacts can't be avoided. Equally we would not object to repairs to the cable being made. Therefore, we would expected that the Operation and Maintenance plan, to be provided prior to construction as secured in condition 7(1)(i) of the DML, should include the requirement to undertake Annex I surveys prior to Operation and Maintenance activities so that methodologies can be adopted to minimise the impacts. In addition, where impacts to reef are unavoidable then surveys to monitor the recovery are required to inform future Operation and Maintenance requirements. Noting that if Annex I reef can develop post cable installation then it is highly probable that it will do so after Operation and Maintenance activities.

During the issue specific hearing Natural England confirmed that we do not have any concerns with effects on the features of Gibraltar Point Special Protection Area (SPA) and RAMSAR site.

A screening matrix for the Gibraltar Point SPA and Ramsar is included within the Applicant's Response to Deadline 3 and has been agreed with Natural England. The matrix details and supports the finding of no likely significant effect.

Screening matrices for both the North Norfolk SPA and the Wash SPA were included at Appendix 9 of the Applicant's Response to Deadline 1. The relevant features of the RAMSARs for both sites are included within the matrix submitted in that Appendix, identifying a lack of any potential impact pathway arising from the proposed development on features of the Sites. This matter is agreed with Natural England. The matrices are included within the Applicant's Response to Deadline 3 for clarity, specifically noting the inclusion of the relevant Ramsar sites.

Similarly Natural England stated that it does not believe that there is an impact pathway for there to be effects on the Flamborough and Filey Coast SPA. Confirming that the Triton Knoll array has a predicted impact on Flamborough and Filey Coast SPA for collision risk, but the Triton Knoll Electrical System should have no impact in terms of collision or displacement of species from the SPA.

It is agreed with the applicant that the proposed reclassification of the Flamborough Head and Bempton Cliffs SPA, which will become the Flamborough and Filey Coast SPA, has been appropriately considered within the screening matrix provided by the Applicant for the Flamborough and Bempton Cliffs SPA, which identifies a lack of any potential impact pathway arising from the proposed development on features of the sites. The reclassification of the site under the pSPA proposal brings the distance from the proposed project down to some 81.33 km (previously 83 km). This reduction in separation distance will have no material implications for the findings of the screening matrix submitted previously.

With regard to the possible harbour porpoise SAC Natural England noted at the Issue Specific Hearing (onshore issues including construction) on the 17th November, the proposed development does not involve activities that could cause a potential risk of disturbance through noise generated during any phase of the development and both Natural England and the Applicant are in agreement on the lack of any potential impact pathway based on current information arising from the proposed development on harbour porpoise in the area. The Applicant will continue engagement with Natural England and the JNCC to discuss any implications arising from the potential designation of such sites as and when information on relevant conservation objectives is brought forward.

Natural England has raised an additional point, in relation to potential disruption of sediment to designated sites as set out in the Statement of Common Ground and potential further monitoring of residual concerns. We have discussed this with the Applicant and they have agreed to review a paper Natural England is in the final stages of finalising and then respond accordingly at a future deadline when the paper will also be submitted to PINS. It is intended that Natural England will work with the Applicant to agree the further monitoring.