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Our ref: Case: 10571 Consultation: 341418  
Your ref: EN010077



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**BY EMAIL ONLY**

Dear Sir/Madam

East Anglia ONE North (EA1N) Offshore Wind Farm

The following constitutes Natural England's formal statutory response for Examination Deadline 5.

**1. Deadlines and Covid-19**

Natural England wishes to reiterate the ongoing difficulties we continue to have with meeting examination deadlines during COVID-19 lockdown restrictions. The National Lockdown, especially the closing of schools, continues to impact on the overall capacity of Natural England, which has implications for our delivery through the East Anglia ONE NORTH and East Anglia TWO examination process.

**2. Natural England Deadline 5 Submissions**

Natural England has reviewed the documents submitted by the Applicant at Deadline 4. We would like to highlight to the Examining Authority, that only new documents (version 1) or revised versions of outline documents/plans where amendments have been formally made will be responded to by Natural England at each relevant Deadline. As such, the documents Natural England is submitting at Deadline 5 are as set out in the following thematic appendices:

- EN010077 341418 EA1N Appendix A15 – Natural England Further Comments on Derogation Case [REP3-053] and Compensatory Measures [REP3-054] Deadline 5
- EN010077 341418 EA1N Appendix A16 – Natural England Comments to Offshore Ornithology Cumulative and In-Combination Collision Risk Update [REP4-042] Deadline 5
- EN010077 341418 EA1N Appendix C7 – Natural England Terrestrial Ecology Update and Comments on Documents [REP3-031, REP4-004, REP4-005, REP4-015 and REP4-043] Deadline 5
- EN010077 341418 EA1N Appendix F5b – Natural England's Comments to Outline *Sabellaria* Reef Management Plan [REP4-040, REP4-041] Deadline 5
- EN010077 341418 EA1N Appendix F8 – Natural England Comments on the Offshore IPMP [REP3-040, REP3-041] Deadline 5
- EN010077 341418 EA1N Appendix G3 – Natural England Advice on Non-Material Changes and Headroom Deadline 5
- EN010077 341418 EA1N Appendix I1d – Natural England Risks and Issues Log Deadline 5\*
- EN010077 341418 EA1N Appendix K2 – Natural England's Oral Summary of ISH3 Biodiversity and HRA Deadline 5

\* Please note the Risks and Issues Log will be submitted on 4<sup>th</sup> February 2021.

### **3. Natural England Comments to the Applicant's Deadline 4 Submissions**

As listed above, we have provided detailed comments on the majority of the Applicant's Deadline 4 submissions. In some instances, we have no detailed comments to make, but would like to confirm that no response is required or summarise our position. These comments are listed below:

- [REP4-026] EA1N & EA2 Deadline 4 Project Update Note – Natural England has no further comments on this document.
- [REP4-031] EA1N & EA2 Landscape and Visual Impact Assessment Addendum - This is focused on the substation at Friston and the National Grid infrastructure associated with that and as such outside of Natural England's statutory remit for consideration.

### **4. Offshore Windfarm Visibility and Visual Impact Threshold Distances (2013) Journal Article [REP2-004]**

Natural England has reviewed the (2013) article submitted in response by the Applicant at Deadline 2 [REP2-004]. Natural England acknowledge the useful information presented within this article, however we have no specific comment of relevance to the examination process and our advice remains unchanged.

## 5. Applicant's Comments on Natural England's Deadline 3 Submissions [REP4-016]

Natural England notes that , given the proposal to make significant post-submission changes to the Sizewell DCO and the lack of clarity about those changes, SPR's position is that cumulative impacts should be fully taken account of by the Sizewell examination. However, Natural England wishes to highlight to the Applicant and Examining Authority that our position on this could change if the details of the Sizewell post-DCO changes are confirmed in the near future, or the examination timetable for EA2 and EA1N is, for any reason, extended to the extent that it could take account of notified changes to the Sizewell scheme.

## 6. Non-material Change and Legal Security

It has come to our attention [REP3-070] that the Applicant believes that Non Material Changes legal secure position in terms of numbers for in-combination assessment. Please see our detailed advice on this matter in Appendix G3.

## 7. Summary of Oral Reps for ISH3 Biodiversity and HRA

A summary of Natural England's Oral Representation for ISH3, Biodiversity and HRA can be found in Appendix K2.

## 8. Issue Specific Hearing 3 (ISH3) Action Points

Following Issue Specific Hearing 3, held on Tuesday 19<sup>th</sup> January 2021, there were a number of actions arising. Natural England's response, where we are a listed party, to the Action Points as set out by the Examining Authority are summarised in the table below.

Action	Party	Deadline	Natural England's Response
3. <b>Made Hornsea Project Three DCO</b> Applicants, MMO, NE and RSPB to comment on whether the approach to securing HRA compensation measures in the made Hornsea Project Three DCO might have wider applicability, for example to these cases, should they be required? If such an approach were to be taken, would it be appropriate for the DMLs to replicate or refer to any of the provisions that secure the compensation measures?	Applicants, MMO, Natural England and RSPB	D5	Natural England advice remains unchanged from that presented at ISH 3 and included with our oral representation Appendix K2 at Deadline 5.
4. <b>Effects on Subtidal and Intertidal Benthic Ecology: Sabellaria Management Plan</b> NE and the MMO to provide submissions on	Natural England and MMO	D5	Please see Natural England's response in

	the content of the most up to date Sabellaria management Plan which was submitted at D4.			Appendix F5b at Deadline 5.
8.	<b>Monopile Foundation Option for Offshore Platforms</b> The Applicants to elaborate on the rationale underpinning their conclusion that including monopile foundations for offshore platforms lies within the parameters for the maximum adverse effect that has been assessed in terms of underwater noise effects, by reference to the Environmental Statement and Information to Support Appropriate Assessment Report. By D5. NE, MMO, TWT to respond by D6 or at a subsequent biodiversity ISH.	Applicants NE, MMO, TWT	D5 & D6	Natural England will respond at Deadline 6 to the Applicants Deadline 5 submission.
9.	<b>Sandlings SPA: Outline Crossing Method Statement</b> Natural England to respond to the Applicants' positions in the Outline Crossing Method Statement as presented at Agenda Item 6.	NE	D5	Please see Natural England's update in Appendix C7 at Deadline 5.
11.	<b>Outline Landscape and Ecological Management Strategy (OLEMS) and R21</b> Submissions on the undertaking of and security for pre-construction surveys within the OLEMs or in requirement 21 should be made in writing. Other matters relating to the content of the OLEMs should also be raised.	Applicants NE, SCC, ESC	D5	Please see Natural England's update in Appendix C7 at Deadline 5.
12.	<b>Update to the Habitats Regulations</b> On 1 January, Defra published a policy paper entitled 'Changes to the Habitats Regulations 2017'. The paper explains the changes made to the 2017 Habitats Regulations by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 which came into effect on 1 Jan 2021. NE and the Applicants are requested to comment on the extent to which the changes to the Regulations may have implications for the ExAs' consideration of these projects?	Applicants NE	D5	Please see Natural England's ISH 3 Oral Summary in Appendix K2 at Deadline 5.

## 9. Priority Woodland and Adjacent Meadow at Hundred River Crossing

During the Issue Specific Hearing, Natural England noted that other interested parties raised the issue of potential impacts to an area of deciduous wet woodland, which is a Priority Habitat, adjacent to the Hundred River Crossing. Please refer to Appendix C7 for our detailed comments on this consideration.

## 10. Future Issue Specific Hearings (ISH)

As the offshore windfarm industry expands we are now advising all Examining Authority panels on

increasingly complex technical issues in relation to adverse effects on the integrity of designated sites. We agree with the Secretary of State that these complex issues should be thoroughly addressed strategically and upfront and not during the constraints of an examination, where it is proving difficult to resolve these issues. Hence, Natural England's default position to optimise outcomes and seek solutions to address these issues outside of project specific examinations and time limited Issue Specific Hearings. But prior to the end of examination.

Therefore, attendance at future issue specific hearings will be dependent on the agenda's and progress towards resolution of matters.

For any queries relating to the content of this letter please contact me using the details provided below.

Yours sincerely

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