

Date: 13 January 2021
Our ref: Case: 10572 Consultation: 338713
Your ref: EN010078



National Infrastructure Planning
The Planning Inspectorate
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BY EMAIL ONLY

Dear Sir/Madam

East Anglia TWO (EA2) Offshore Wind Farm

The following constitutes Natural England's formal statutory response for Examination Deadline 4.

1. Deadlines and Covid-19

Natural England wishes to highlight the difficulties we have had in meeting this deadline. The Christmas break combined with a National Lockdown, especially the closing of schools, has impacted the overall capacity at Natural England, which has wider implications for our delivery. Instances where this has affected our work related to the East Anglia ONE North and East Anglia TWO examination process are detailed within this letter.

2. NE Deadline 4 Submissions

Natural England has reviewed the documents submitted by the Applicant at Deadline 3. 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 4 are as set out in the following thematic appendices:

- EN010078 338713 EA1N Appendix A12 – Natural England RTD Advice for Outer Thames Estuary SPA Deadline 4*
- EN010078 338713 EA1N Appendix A13 – Natural England's *Interim* Comments on Ornithology Compensation Deadline 4*
- EN010078 338713 EA1N Appendix A14 – Natural England's Legal Submission on RTD Displacement within OTE SPA [REP3-049] Deadline 4*
- EN010078 338713 EA1N Appendix B3 – Natural England's Comments on MMMP [REP3-042] and IPSIP [REP3-044] Deadline 4
- EN010078 338713 EA1N Appendix B4 – Norfolk Boreas Submission [REP4-041] Deadline 4
- EN010078 338713 EA1N Appendix C6 – Natural England's Comments on Onshore Ecology Documents [REP3-048, REP3-060, REP3-061, REP3-070] Deadline 4
- EN010078 338713 EA1N Appendix F7 – Natural England's Advice on Cable Protection for OWF and Marine Licenses Deadline 4
- EN010078 338713 Appendix G2 – Natural England's Comments to Draft DCO and Schedule of Changes to Draft DCO [REP3-011, REP3-012, REP3-013] Deadline 4
- EN010078 338713 EA1N Appendix I1d - Natural England Risks and Issues Log Deadline 4

*Please note Appendix A12 and A14 will be submitted to the Examining Authority on the 14th January 2021.

The Risks and Issues Log, Appendix I1d, reflect any changes in status since Deadline 3.

3. NE Comments to the Applicant's Deadline 3 submissions

As listed above, we have provided detailed comments on the majority of the Applicant's Deadline 3 submissions. In some instances, we have no detailed comments to make, but would like to set our position, these comments are listed below:

- [REP30-50] EA1N and EA2 Outline Fisheries Liaison and Coexistence Plan – Natural England defers to CEFAS for comment to the changes to this document.
- [REP3-052] EA1N and EA2 Deadline 3 Project Update Note – The points raised in this document are positive, but Natural England's position remains unchanged. These are highlighted within our responses where relevant.
- [REP3-070] Applicants' Comments on Natural England's Deadline 2 Submissions – Relevant responses to the comments, continuing to set out Natural England's position on updated and new submissions, are included within Appendix C6 and Appendix G2.
- [REP3-073] Offshore Commitments – Natural England welcomes commitments and our Deadline 4 response addresses the commitment to a 2km buffer from the Outer Thames

Estuary SPA. Please see response included in Appendix A12.

- [REP3-074] Best Practice Protocol for Minimising Disturbance to Red-Throated Diver – Natural England welcomes the points raised in this document and agrees with the adoption of this best practice protocol. Please see responses included in Appendix A12 and Appendix G2.
- [REP3-084] Written Summary of Oral Case (ISH 1) – Natural England's advice on the Oral Representations from the Applicant are covered as part of our over-arching Deadline 4 submissions.

4. 8.7 EA1N Outline Landscape and Ecological Management Strategy (clean and tracked) REP3-030 and REP3-031]

Due to constraints with specialist availability, Natural England would like to make the Planning Inspectorate aware that submission of our advice on this document will be delayed until Deadline 5.

5. EA1N and EA2 8.13 Offshore In-Principle Monitoring Plan (tracked and clean) [REP3-040 and REP3-041]

Natural England would like to make the Planning Inspectorate aware that we are in the process of reviewing the use and effectiveness of Offshore In Principle Monitoring Plans. Therefore, in order to take account our review findings, Natural England intends to submit detailed advice on the Offshore IPMP at Deadline 5

6. HRA Compensatory Measures [REP3-054] and Derogations Case [REP3-053]

Please be advised that Natural England is only able to provide interim higher level advice on compensatory measures, because until the outcome of Hornsea Project 3 decision has been fully determined, all options to reduce, avoid and mitigate impacts have been exhausted; and the alone and in-combination figures have been agreed for the project we are unable to provide advice the scale and validity of any proposed and/or required compensation measures.

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

As stated at Deadline 3, Natural England intends to submit comments at Deadline 5 to the (2013) article submitted in response by the Applicant at Deadline 2 [REP2-004].

8. 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. We are seeking legal input on so will provide our advice for Deadline 5.

9. 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 Secretary of State that these complex issues should be thoroughly addressed strategically and upfront and not during the constraints examination, where it is proving difficult to resolve. 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. However, having reviewed recent decision documents for Offshore windfarm NSIP it may be helpful to the ExA for us to attend a ISH to test their understanding of our written advice.

Therefore, Natural England intends to attend the ISH 3 on 19th January 2021. However, due to COVID-19 we have limited staff availability and time to prepare and attend the ISH. The focus of our of attendance will be to answer specific questions from the ExA on our **Deadline 4** submissions. Any new issues that are posed to Natural England will be taken away, discussed with specialists and responded to at a later date.

Therefore the people attending will be:

[REDACTED], Senior Advisor, [REDACTED]@naturalengland.org.uk [REDACTED]
[REDACTED] Senior Advisor, [REDACTED]@naturalengland.org.uk [REDACTED]
[REDACTED], Advisor, [REDACTED]@naturalengland.org.uk [REDACTED]
[REDACTED], Advisor, [REDACTED]@naturalengland.org.uk [REDACTED]
[REDACTED], Senior Specialist – Marine Ornithology, [REDACTED]
[REDACTED]

Natural England notes that ISH 6 will be taking place on the 29th January and that the agenda for this ISH will be released on the 19th January. We will advise by COP on the 22nd January if we will be attending and will provide a list of attendees. If this information is needed earlier please can you notify us at the earliest opportunity.

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

Yours sincerely

[Redacted]

Norfolk and Suffolk Area Team

[Redacted]