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Rachael Devine
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12 June 2025

Dear Rachael,

East Anglia One North Offshore Wind Farm Order 2022

East Anglia Two Offshore Wind Farm Order 2022

Red-Throated Diver Implementation and Monitoring Plan under Paragraph 3, Part 3 of Schedule 18 to the Orders

Introduction

1.1. The East Anglia One North (“EA1N”) and the East Anglia Two (“EA2”) Offshore Wind Farm Orders 2022 (“the Orders”) contain requirements that the undertaker must comply with before certain works within the authorised developments as defined in the Orders can commence. These include requirements in relation to red-throated divers (“RTD”).

1.2. Paragraph 3 of Part 3 of Schedule 18 to the Orders states that:

“Following consultation with the RTD Compensation Steering Group (RTDCSG), the RTD Implementation and Monitoring Plan (RTDIMP) must be submitted to the Secretary of State for approval (in consultation with the Marine Management Organisation and the relevant statutory nature conservation body). The RTDCSG must be consulted further as required during the approval process. The RTDIMP must be based on the strategy for red-throated diver compensation set out in the red-throated diver compensation plan and include—

(a) details of the location where compensation measures will be deployed, why the location is appropriate ecologically and likely to support successful compensation, and details of agreements demonstrating how the vessel route diversions and/or exclusions will or have been secured to deliver the ecology objectives of the RTDIMP;

- (b) *an implementation timetable for delivery of the vessel route diversion and/or exclusion compensation measures which ensures that the measures are in place prior to the installation of any tower comprised within a wind turbine generator forming part of the authorised development;*
- (c) *details in relation to the monitoring of red-throated diver abundance and distribution using aerial digital surveys in the Outer Thames Estuary SPA and a 10km buffer over two winters. Three surveys should take place each winter (between 1st November and 31st March) with one batch to take place before the installation of the turbines forming part of the authorised development and the other batch to take place after;*
- (d) *details of the proposed ongoing monitoring of the measures including: survey methods; survey programmes; success criteria; recording of RTDCSG consultations and project reviews; details of the factors used to trigger alternative compensation measures and/or adaptive management measures;*
- (e) *details in relation to the convening of a partnership with relevant authorities and user representation to—*
 - (i) improve understanding of disturbance and displacement effects on red-throated diver within the Outer Thames Estuary SPA;*
 - (ii) identify and implement opportunities to reduce these effects; and*
 - (iii) ensure stakeholder engagement and liaison to raise awareness and communicate any proposed changes in usage; and*
- (f) *details of the work in respect of ornithological by-catch measures as set out in Appendix 7 of the Offshore Ornithology Without Prejudice Compensation Measures, that could support practical management measures to reduce ornithological by-catch, and which would be taken alongside or in place of predator control fencing.”*

- 1.3. On 9 April 2025, ScottishPower Renewables (“the Applicant”) submitted a request for the approval of the Red-Throated Diver Implementation and Monitoring Plan (“RTDIMP”), inclusive of ornithological by-catch measures, for the Outer Thames Estuary Special Protection Area (“OTE SPA”), as required by paragraph 3 of Part 3 of Schedule 18 to the Orders. The documents provided included the full RTDIMP and the Red-Throated Diver Compensation Steering Group (“RTDCSG”) Agreement Log for EA1N and EA2.

The Secretary of State’s consideration

- 2.1. The Secretary of State has considered the RTDIMP and RTDCSG Agreement Log provided by the Applicant.
- 2.2. Without prejudice to his final decision, the Secretary of State requests that the Applicant make the following revisions to the RTDIMP:
- Provide further detail within Section 4.1.1 of the thresholds above which the ‘reasonable extenuating circumstances’ would trigger vessel deviation and the protocol that would be followed to return vessels to the vessel navigation management transit routes once such circumstances pass.
 - Provide an analysis, where possible, of how often deviations from the vessel navigation management transit routes due to ‘reasonable extenuating circumstances’ may occur. This analysis should also evaluate the potential maximum duration of such deviations, considering worst-case scenarios, during the re-routing period from 1 November to 31 March.

- Replace the wording, as underlined, in Section 4.1.1: “*Once implemented for each project the vessel transit routes will be in effect for each subsequent core winter period (as previously defined) for all Projects and would continue until decommissioning was complete, unless evidence is collected that confirms these measures are no longer required*” with “*unless otherwise agreed by the Secretary of State.*” For the purposes of the Habitats Regulations the Secretary of State is the appropriate authority, and as such, it is for him to determine whether compensation measures can be varied or whether they are no longer required.
- Provide an explicit commitment in Section 5.4 to use the highest resolution datasets available in the model-based analyses of red-throated diver distribution and densities in the OTE SPA, as agreed in the Agreement Log and advised by Natural England.

2.3. Responses to this letter should be submitted by **23:59** on **11 July 2025** by email to:

EastAngliaOneNorth@planninginspectorate.gov.uk

EastAngliaTwo@planninginspectorate.gov.uk

2.4. This letter is without prejudice to the Secretary of State’s consideration of whether to grant or withhold approval for the RTDIMP. Nothing in this letter is to be taken to imply what the eventual decision might be or what final conclusions the Secretary of State may reach on any particular issue which is relevant to the determination of the application.

Yours sincerely,



Claire Rannard

Head of Environment Delivery and Network Planning

Department for Energy Security & Net Zero