



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES
2010

North Falls Offshore Wind Farm

Appendix M2 to the Natural England Deadline 2 Submission
Natural England's comments on the Examining Authority's Written Questions 1 [PD-009]

For:

The construction and operation of North Falls Offshore Wind Farm, located approximately 40 km from the Suffolk Coast in the Southern North Sea.

Planning Inspectorate Reference EN010119

10. Ecology

Question to:		Question:	Natural England Response
10.1 Baseline/information			
Q10.1.1	The Applicant Natural England	Information/Applicant’s Procedural Decision Response 16 December 2024 For the avoidance of any doubt, whilst the ExA acknowledges the Applicant’s Procedural Decision response dated 16 December 2024 now received a fuller Applicant response to all the points raised by NE RR [RR-243] is still expected to be undertaken and is requested. The in-combination assessment for Guillemot from the Farne Islands SPA (as per NE RR individual Reference point number F26) agreed to be submitted at Deadline 1 is welcomed. With respect to Guillemot and Razorbill Compensation Document (Document Reference 7.2.5, Section 3) regarding 70% displacement and 2% mortality reference the further anticipated updates towards compensation at Deadline 1 are also noted. As are the updates for: Lesser Black Backed Gull compensation; and Five Estuaries OWF documentation consideration.	Natural England notes the Examining Authority’s comments regarding the need for prompt review and continued engagement. However, we highlight Natural England’s response to the Rule 6 letter [PDA-007] in relation to focusing on issue resolution rather than production of a SoCG at this point in the examination

		<p>Those updates and the expected Deadline 3 submission comparisons of the Secretary of State's conclusions for Dudgeon and Sheringham Extension Projects will need prompt evaluation from Natural England.</p> <p>The updated cumulative assessment for marine mammals to be provided at Deadline 1 alongside Population Consequences of Disturbance clarification will also require early review by Natural England/Marine Management Organisation and the ExA encourages continued engagement by all parties.</p> <p>The ExA acknowledges topic specific SoCGs between Natural England/and or MMO and the Applicant would be beneficial covering ecological matters as suggested by the Applicant.</p> <p>Separate to those points, the ExA highlights that Nature Scotland (NS), should be consulted on any potential predicted impacts to Scottish SPAs and seeks the Applicant's acknowledgement.</p>	
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Q10.1.2	Natural England Relevant Councils	<p>Baseline Information – Stour and Orwell SPA and Ramsar</p> <ul style="list-style-type: none"> i. Are NE/Relevant Councils satisfied that the full features/basis of the Stour and Orwell SPA/Ramsar are recognised by the Applicant? ii. If not the ExA requests updated background information explaining the full features/basis to inform the overall Examination. iii. For the Stour and Orwell Ramsar - the ExA notes that this has been screened out for Habitat Regulation Assessment (HRA) purposes by the Applicant. However, there are bird varieties which are qualifying species akin to the SPA. Therefore, do NE/Relevant Council's agree with the screening out of the Ramsar site from HRA? State your reasons why either way. 	<p>We refer the Examining Authority to the Cover Letter (REL REPS) Part II – Natural England's Advice [RR-243].</p> <p>Our advice currently remains unchanged. Therefore, on the basis of the information submitted, Natural England is not satisfied that an adverse effect alone or in-combination on the integrity of the Stour and Orwell SPA and the Ramsar site can be excluded beyond reasonable scientific doubt.</p> <p>The features for which outstanding concerns remain are unknown as the impacts are yet to be assessed. We will update the Examination on this matter once the Applicant has carried out an assessment.</p>
Q10.1.3	Natural England	<p>NE Update</p> <p>The Applicant's response to Advice Provided under section 51 of the PA2008 (Document Ref. No. 8.1) – Accepted by the Examining Authority on 16 October 2024 does not appear to have been fully considered by NE. NE is invited to</p>	<p>As set out in Annex 1 of our Cover Letter to our Deadline 1 submission [REP1-069]), Natural England reviewed the Applicant's response to the section 51 advice and had no comments to make on their response.</p>

		comment on the most up to date Examination information available.	
Q10.1.6	<p>The Applicant</p> <p>Natural England (NE)</p> <p>Nature Scotland (NS)</p> <p>Suffolk County Council (SCC)</p> <p>Relevant Local Authorities</p> <p>IPs</p>	<p>Cumulative impacts/Co-ordination/In-combination assessments</p> <p>The ExA highlights the variance between different relevant project design life spans referred to in the wider vicinity. The North Falls the project lifespan is stated to be 30 years, for Five Estuaries 20-40 years, and National Grid Electricity Transmission 40 years, respectively.</p> <p>Moreover, the ExA acknowledges that Suffolk County Council (SCC) have stated in their RR that they are seeking a “coordinated approach between different proposed offshore windfarm projects and multi-purpose interconnector projects within the vicinity of this project” (including the Norwich to Tilbury project).</p> <p>The ExA also notes the ‘golden rules’ stated to be applied for site selection, including The Crown Estate’s Cable Route Protocol, the national grid’s Horlock Rules (for the siting of substations) and Holford Rules (for the siting of transmission infrastructure), as well as NPS EN-1, EN-3 and EN-5 and other relevant planning considerations which are presented in</p>	<p>i) Natural England has reviewed the cumulative impact assessments within the Environmental Statement and provided our comments within our Relevant and Written Representations. We note the issues with regards to differing project life spans and different timelines for construction. However, we have no further comment to add at this juncture. And we will, where appropriate, consider any other interested party’s responses to this question.</p>

ES Appendix 4.1 (Document Reference: 3.3.1.1).

That said, the cumulative impacts of the Proposed Development and two other associated Nationally Significant Infrastructure Projects – Five Estuaries and the East Anglian Connection Node as part of the Norwich to Tilbury upgrade are cited as not being properly considered by IPs (including the RR of Tendring District Council). They suggest greater integration on all NSIP projects could negate the need for onshore transmission.

- i. Applicant/NE/SCC/IPs – Clarify if the Applicant’s cumulative impact assessments properly factor scheme variance between operational and decommissioning stages?
- ii. Applicant –when are any updates expected giving a further assessment of the effects of the variance? Explain any position to the contrary of not providing updates.
- iii. SCC/Relevant Planning Authorities - Have your overarching preferences been met with respect to ecological impacts including avoidance, mitigation,

		and compensation triggers/outcomes? If not explain the specific reasons why.	
Q10.1.11	<p>The Applicant</p> <p>RSPB</p> <p>Natural England</p> <p>Nature Scotland</p> <p>IPs</p>	<p>Ornithology/methodology</p> <p>Applicant – provide the following to the Examination:-</p> <p>i. Clarification/ further explanation of the specific methodology for all digital aerial survey work applied in the examination inclusive of regard to industry best practice (and what this entails) having regard to the full RR commentary of RSPB and NE. This should include: how spatial autocorrelation has been evaluated; disturbance from the survey itself; all quality assurance measures adopted.</p> <p>ii. A fuller explanation/account of the methodology of applying macro-avoidance correction factor to predicted Northern Gannet populations and the rationale to the Applicant's steps/choices in this regard including best practice advice. This should include regard to: season variation.</p>	<p>Vii What are the specific technical reasons NE have endorsed this approach, but the RSPB do not consider it appropriate?</p> <p>Northern gannet are thought to be susceptible to both collision and displacement impacts from OWFs. Historically, the impacts estimated from these two pathways for gannet in EIA and HRA for OWFs have been summed to give a total mortality estimate. Logically, this leads to an assumption that impacts might be significantly overestimated due to double counting, as birds that have avoided a turbine array are not at risk of collision.</p> <p>In 2022 Natural England commissioned HiDef Ltd to review the evidence for macro-avoidance and displacement of gannets from OWFs. The aim was to deliver an evidence-based method to account for macro-avoidance behaviour in CRMs to provide more realistic predictions of the number of birds at risk of collision for EIA and HRA. Following the publication of the project findings (Pavat et al. 2023) Natural England highlight that there remains uncertainty around potential sources of variation in</p>

		<p>iii. Signpost in the ES/ further clarify why Kittiwake collision mortality has been excluded at Flamborough and Filey Coast SPA having regard to the findings/experience of recent Belgian offshore windfarms toward collision rates referred to by other Examination parties.</p> <p>iv. Clarify/sign post the full and precise conservation 'objectives' of the Outer Thames Estuary SPA considered by the ES.</p> <p>v. Provide an update regarding the potential for wider ecological impacts through changes in water column stratification arising from the wind farm which 'may' affect birds of prey.</p> <p>vi. RSPB/IPs – with respect to the above points (i)-(v) whatever additional comments you wish to make are invited. Highlight any specific conservation objectives of the Outer Thames Estuary SPA that may be missing from the Applicant's assessment (if that is the case).</p> <p>vii. NE/NS/RSPB – the applied reduction of 70% to the baseline densities inputted</p>	<p>macro avoidance, including seasonality (breeding vs. non-breeding season) and the effect of environmental conditions. However, Natural England do consider that there is compelling evidence for macro-avoidance and hence advise that it may be appropriate to reduce densities considered in collision risk modelling by 65% - 85% (or a single rate of 70%). We note that the application of such a correction should be carefully considered on a case-by-case basis, especially due to a paucity of evidence from OWFs close to colonies in the breeding season. It remains possible that macro-avoidance rates will be significantly lower in these circumstances as breeding birds are constrained central place foragers.</p> <p>The North Falls array is proposed within the mean maximum foraging distance (+1SD) of 509.4 km (Woodward et al, 2024) of gannets, suggesting potential breeding season connectivity to the FFC SPA population. However, modelled at-sea distributions based on multi-year tracking studies at Bempton (FFC SPA) (Langston et al., 2013; Wakefield et al., 2013) suggest limited connectivity, as no tracked birds came within 100km of the proposed array area. In any case, as the array would be at significant distance (ca. 300km) from the colony it might</p>
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		<p>into the Northern Gannet collision risk modelling to account for macro avoidance by amending the avoidance rates used in the collision risk modelling agreed at scoping stage is contended by the RSPB. What are the specific technical reasons NE have endorsed this approach, but the RSPB do not consider it appropriate?</p>	<p>be expected that birds would not be under any particularly acute pressure to fly through, rather than ‘macro-avoid’, the array (e.g. to reduce foraging commute distance, or align their flightpath with an optimal return approach to the colony).</p> <p>Thus, Natural England advised that the evidence base informing macro-avoidance rates was likely to be informative in this case, and reducing densities considered in CRM was appropriate.</p> <p><u>References</u></p> <p>Langston, R.H., Teuten, E. and Butler, A., 2013. Foraging ranges of northern gannets <i>Morus bassanus</i> in relation to proposed offshore wind farms in the UK: 2010–2012. <i>RSPB Report to DECC</i>.</p> <p>Pavat, D., Harker, A.J., Humphries, G., Keogan, K., Webb, A. and Macleod, K., 2023. Consideration of avoidance behaviour of northern gannet (<i>Morus bassanus</i>) in collision risk modelling for offshore wind farm impact assessments. NECR490. Natural England.</p> <p>Wakefield, E.D., Bodey, T.W., Bearhop, S., Blackburn, J., Colhoun, K., Davies, R., Dwyer, R.G., Green, J.A., Grémillet, D., Jackson, A.L. and Jessopp, M.J., 2013. Space partitioning without territoriality in gannets. <i>Science</i>, 341(6141), pp.68-70.</p> <p>Woodward, I.D., Thaxter, C.B., Owen, E., Bolton, M., Ward, R.M. and Cook, A.S., 2024. The value of seabird foraging ranges as a tool to investigate potential interactions with offshore wind farms. <i>Ocean & Coastal Management</i>, 254, p.107192.</p>
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10.2 Ecological Enhancement

Q10.2.1	<p>The Applicant</p> <p>All relevant Councils</p> <p>IPs</p>	<p>Ecological Enhancement/ BNG Strategy</p> <p>The ExA notes the content of the submitted BNG Strategy, July 2024 [APP-257]. The statutory provisions relating to BNG in Nationally Significant Infrastructure Projects (NSIPs) (i.e. section 99 and Schedule 15 of the 2021 Act) are not yet in effect and are not anticipated to come into effect until late 2025.</p> <p>Nonetheless, biodiversity interests and the wider policy/ statutory context those interests sit within, remain important and relevant considerations whereby significant enhancement could still potentially be secured. In that the context:-</p> <p>i. The report sets out the strategy of assessing and securing BNG for 'onshore' elements on land and a minimum 10% BNG delivery is referred to. The figure is low. Could a more ambitious percentage figure not be pursued? What are the precise reasons why a more ambitious upper/lower figure band has not been utilised the starting point.</p>	<p>For the ExA awareness - For all planning applications subject to mandatory BNG under Schedule 7A of the Town and Country Planning Act, a BNG of 10% must be delivered. As , Biodiversity Net Gain is not yet mandatory for NSIP schemes, although the expectation is that the process will follow the same broad principles as applied to TCPA developments. As 10% is specified as the 'relevant percentage' in the BNG statutory guidance, there is no obligation on an Applicant to go over and above this target. However, schemes and projects do have the discretion to go above a 10% target if they wish and the opportunity allows – for example to support the delivery of Local Nature Recovery Strategies (we are aware the Applicant are currently reviewing offsite options). It is important to ensure that any commitment to a higher BNG target can be delivered in practice. For background / context, where Local Plans are considering a BNG target above 10%, the recommendation is that they carry out a viability assessment to assess how they can practically deliver a greater BNG% and any cost implications of doing so. An Applicant wishing to exceed</p>
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		<p>ii.Can the Applicant set out how potentially it could further boost and achieve meaningful overall biodiversity enhancements above the minimum 10% level it is referring to? Is it technically/financially possible to do that? If not, state why not.</p> <p>iii.Explain what scope remains for the proposed DCO Scheme to further complement existing ecological and biodiversity initiatives within the local areas the scheme passes through. If relevant local/ regional or national initiatives have not been fully considered to date, provide an update on how potential integration could be achieved.</p> <p>iv.Does the Applicant agree that s106 (Town and Country Planning Act 1990) obligation/agreement use involving a commuted sum mechanism or other bespoke mechanisms via s111 (Local Government Act 1972) to facilitate local biodiversity enhancements may be a feasible/ suitable option</p>	<p>10% may wish to consider a similar assessment.</p>
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		available? If not explain why not.	
Q10.2.2	<p>The Applicant</p> <p>All relevant Councils</p> <p>IPs</p>	<p>Ecological enhancement/BNG Strategy</p> <p>The ExA highlights that the UK Biodiversity Action Plan was superseded but relevant woodland priority status remains under the Natural Environment & Rural Communities Act 2006 (NERC) Sect 40 with a “Duty to conserve and enhance biodiversity” and Sect 41 – “List of habitats and species of principle importance in England”.</p> <p>The Forestry Commission via its representation have suggested further woodland planting, with maintenance being secured for a period of 10 years. Hedgerows, individual trees and woodlands within a development site should also be considered in terms of their overall connectivity between woodlands affected by the development.</p> <p>For example, the creation of some larger woodland blocks and hedgerow/hedgerow trees between the existing woodland blocks on site, to ensure maximum gains to increase habitat connectivity and benefit biodiversity across the whole site, not solely in specific areas just to be used as screening could be</p>	<p>Noted this is a FC comment – but we would support opportunities for woodland creation that contribute to wider nature recovery goals and enhance habitat connectivity within the scheme area.</p>

		<p>undertaken. This could involve bunded areas also.</p> <p>The ExA is seeking the Applicant to fully explore such options within the Examination period alongside the subsequent mechanisms of delivery with the overarching aim of maximising nature recovery.</p>	
Q10.2.3	<p>All relevant Council's (including Suffolk County Council/ East Suffolk District Council/ Essex County Council)</p> <p>Essex Wildlife Trust</p> <p>RSPB</p> <p>Natural England</p> <p>Forestry Commission</p> <p>National Trust</p> <p>Marine Management Organisation</p> <p>IPs</p>	<p>Ecological Enhancement/ BNG Strategy</p> <p>i. All relevant Council's (including Suffolk County Council/ East Suffolk District Council/ Essex County Council)/ Essex Wildlife Trust/ RSPB/ NE/ Forestry Commission/ National Trust/ IPs submit your views on seeking any further ecological enhancement/ facilitating BNG, or wider environmental gains inclusive of any future proofing (even if dual purpose for meeting wider design principles, climate change/adaption and resilience purposes) which may be desirable including regard expected local climatic conditions.</p> <p>ii. Submit your views on boosting the level of BNG or other ecological enhancement proposals that could be delivered factoring all relevant local initiatives and</p>	<p>v. We would agree that further consideration should be given to BNG for watercourses. Watercourse BNG units are available via the offsite market. In line with Rule 2 of the Metric User Guide, we would advise that the requirement to deliver at least a 10% net gain is applied to each type of unit.</p> <p>vi. Statutory credits will be available to NSIPs once the BNG requirement becomes mandatory (currently anticipated for November 2025). Therefore, the use of statutory credits will be dependent on the timing of the DCO and whether this falls within the mandatory timeframe. Only schemes approved after that date will be able to purchase statutory credits.</p> <p>Guidance on BNG for NSIPs, including the use and purchase of credits, is still in development and so we are still awaiting</p>

		<p>scope to secure betterment. This may be linked to existing development plans, planned revisions to those, or stand-alone initiatives.</p> <p>iii. Explain what scope remains for the scheme to further complement existing ecological enhancement initiatives within the local areas the scheme passes through; or which may be relevant to in-combination considerations; or wider ecological enhancement possibility.</p> <p>iv. If relevant local/ regional or national initiatives have not been fully considered to date, provide an Examination update on how potential integration could be achieved.</p> <p>v. The ExA specifically highlights that the scheme is projected to deliver a net loss for watercourses. Thus, further consideration should be given to BNG for watercourses in tandem with the above.</p> <p>vi. NE – Biodiversity credits. The ExA acknowledges the Applicant's intention that if 'bespoke' mechanisms of off-site habitat enhancement or creation cannot be achieved in area habitat and hedgerow modules through consultation with relevant bodies and stakeholders on or off-site,</p>	<p>details of the process. It is worth noting that under mandatory BNG for TCPA developments, statutory credits are considered an option of 'last resort' once all onsite and offsite options have been fully explored. Funds invested in the purchase of credits are not necessarily invested in local projects – this is worth considering when planning BNG delivery and any ambitions the Applicant has to retain benefits locally.</p> <p>This reiterates the need to look at onsite and offsite options and what the opportunities are for BNG to remain in the local area. As noted previously, the emerging LNRS's are a useful starting point. These are spatial strategies for nature that highlight areas for habitat creation / enhancement local to the scheme. Thinking of the benefits of BNG to people, there may also be opportunities to invest BNG into green infrastructure creation within the local area too.</p>
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		<p>biodiversity credits could be purchased through NE's register. Is there confidence from NE that scope for such contingency can/should be reasonably relied upon in those circumstances?</p> <p>vii. The Applicant – Does the Applicant consider the use of the register to be 'likely'? What is the expected probability, at this stage, of the register mechanism being required and is it the Applicant's preferred/expected position to rely on the register mechanism or not? The Applicant is invited to demonstrate the likelihood/need for such an option being utilised within the Examination period.</p>	
Q10.2.4	<p>The Applicant</p> <p>Natural England</p> <p>Marine Management Organisation</p> <p>Crown Estate</p> <p>IPs</p>	<p>Ecological enhancement/Marine Net Gain (MNG)</p> <p>The ExA notes that Chapter 2 of the UK Marine Policy Statement (2011) states that the vision for the marine environment is for 'clean, healthy, safe, productive, and biologically diverse oceans and seas'. The UK high level marine objectives published in April 2009 set out the broad outcomes for the marine area in achieving this vision, and reflect the principles for sustainable development.</p>	<p>i. At the moment it is not possible to put together a Marine Net Gain plan, as policy on MNG has not been set out by Government. There is currently no mandatory requirement on developers to deliver net gain below Mean Low Water, but we would welcome working with developers on any voluntary measures that they would like to deliver in terms of ecological benefits to the marine environment, notwithstanding any existing licensing permissions. We</p>

		<p>In that context, UK Government consultation June 2022 sought views on the high-level principles of MNG. This showed broad support for MNG as well as a range of recommendations around what MNG could cover, how it could be applied to developments and which Net Gain interventions would be most appropriate at sea. Defra’s “Consultation outcome Government response updated 9 December 2023” is a relevant consideration.</p> <p>The ExA is aware MNG could represent a feasible opportunity/consideration for delivering nature recovery/ecological enhancement at sea even at a nascent stage. Moreover, based on public consultation statements an industry wide Offshore Wind Environmental Improvement Package to support the accelerated deployment of offshore wind is anticipated to potentially come forward.</p> <p>i. Applicant/NE/Marine Management Organisation/Crown Estate/IP’s – Is it possible/feasible (in principle) for a MNG strategy to be produced for this development to compliment the onshore BNG Strategy; or in the interests of</p>	<p>may have evidence resources available that might be able to help with this.</p> <p>ii. Natural England provides links to the following updates to the published MaRePo restoration potential maps and reports which may help any considerations of restoration opportunities, Marine Restoration Potential plus (MaRePo+) - MF6006; 2023, Natural England, Environment Agency, JNCC, and Cefas, Offshore Wind Evidence and Change Programme, Marine Restoration Potential (MaRePo) Marine Data Exchange.</p> <p>iii. It is hoped that further reports of restoration potential of species and habitat restoration guides will also be available by summer 2025.</p> <p>iv. A report has been published on Marine Irreplaceable Habitats, and maps will likely be available later in the spring. Report here: Defining Irreplaceable Marine Habitats - NECR474</p> <p>v. There is not currently any agreed method for measuring and comparing losses and gains in a way comparable</p>
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		<p>pursuing other offshore ecological enhancements possible currently? If not, why not?</p> <p>ii.Applicant/NE/IP's – Clarify/signpost what cross-cutting work with NE/Crown Estate/MMO or other consultees has occurred to explore due offshore ecological enhancement opportunity? If it has not occurred, state why not.</p> <p>iii.NE – At what stage are the ongoing investigations to which habitats and species have the most potential for restoration, recovery and enhancement through the Marine Restoration Potential and Enhancement Project?</p> <p>iv.NE – At what stage/status/availability is the mapping provision for Marine Irreplaceable Habitats and would this be relevant to have regard to?</p> <p>v.Applicant/NE – Is it technically possible, presently, to measure and compare marine development impacts which allows robust/meaningful marine environmental gains (or offsets) to be delivered from this development?</p>	<p>to Biodiversity Net Gain on land, although Natural England has been leading some work on investigating initial concepts around this which we hope to publish in Spring 2025.</p>
10.3 Habitats Regulations Assessment			

Q10.3.1	Natural England IPs	<p>Orfordness Shingle Street Special Area of Conservation</p> <p>i. The ExA requests NE give their precise/detailed reasons why they consider there to be an adverse effect on integrity to the Orfordness Shingle Street Special Area of Conservation.</p> <p>ii. What are NE's views of how any concerns could be potentially remedied?</p> <p>iii. All relevant Councils/IPs make whatever comments you wish to in relation to this matter.</p>	<p>i) Orfordness Shingle Street SAC is designated for three Annex I coastal habitat types [1150] Coastal lagoons, [1210] Annual vegetation of drift lines and [1220] Perennial vegetation of stony banks. These features are geographically constricted in range and reliant on natural processes to maintain hydrological, morphological and sedimentary functions. Impacts on extent, structure, composition, and spatial distribution could lead to fragmentation and reduce the viability of the habitats to support the diversity of species connected with them.</p> <p>Installation and maintenance of a predator exclusion fence and PCS site, should this be located within the SAC, could result in disturbance and changes within the shingle feature area. Disturbance to the mix of sediment and ratio of coarse to fine material of the shingle damages the shingle matrix and alters the communities the habitats are able to support. This disturbance would include compaction from vehicle and pedestrian movements across the habitats, physical changes to</p>
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			<p>morphology and elevation from fence installation, reduction in grazing changing community structure, changes in nutrient levels, hydrological changes as fencing is blocked by material effectively forming a dam, etc. These habitats are the result of natural processes with natural sorting of sediments by wave action a key feature and have a characteristic range of natural features representing natural succession. There is no evidence that restoration and manual re-sorting of the sediment matrix can be successful, particularly for the landward edge of the shingle banks where coastal process are no longer active.</p> <p>ii) Therefore, based on the evidence provided to date an adverse effect on the integrity of the designated features of the Orfordness and Shingle Street SAC cannot be ruled out, beyond reasonable scientific doubt. The onus is on the Applicant to demonstrate through provision of further project detail and/or evidence as to how impacts can be avoided, reduced and mitigated to ensured that an AEOI can be excluded.</p>
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Q10.3.2	<p>Natural England</p> <p>The Applicant</p>	<p>Without prejudice derogation Flamborough and Filey Coast SPA/Gannet</p> <p>The RSPB seek a derogation case for ‘gannet’ in relation to the Flamborough and Filey Coast SPA.</p> <p>i. Do NE agree with this position? Clarify the reasons why either way.</p> <p>ii. Applicant – the ExA highlights that a without prejudice derogation case for Gannet may be required to be submitted during the Examination period and seeks precautionary provision to be made.</p>	<p>Natural England advise that in this case, AEoI can be ruled out for the Northern gannet feature of FFC SPA. Accordingly, we do not seek a derogations case for this species.</p> <p>North Falls is an at-sea distance of 297km from the FFC SPA boundary at its closest point, and gannet mean maximum foraging distance (+1SD) is 509.4 km (Woodward et al, 2024). Theoretically, gannets from FFC SPA are within foraging range of North Falls. However, modelled at-sea distributions based on multi-year tracking studies at Bempton (FFC SPA) showed that no tracked birds came within 100km of the proposed array (Langston et al., 2013; Wakefield et al., 2013). Natural England conclude that there is very limited connectivity to FFC SPA in the breeding season.</p> <p>The Applicant has demonstrated that mean (plus 95% CLs) project alone impacts lead to a 0.05% (0.00-0.12) increase in baseline mortality for the Northern gannet feature of FFC SPA. Thus, the level of project alone impact is considered undetectable against natural variation. Natural England conclude that any contribution to an in-combination AEoI would be immaterial. Furthermore, we note that we have not yet advised any</p>
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			Examinations that there is a potential for AEol for gannet at FFC SPA.
Q10.3.4	Natural England	<p>Alde Ore Estuary SPA & Ramsar impacts</p> <p>For the Alde Ore Estuary SPA and Ramsar NE cite wetland invertebrate and plant assemblage as other qualifying features in the submitted RR, yet only LBBG is then focused on. Do NE have any outstanding concerns regarding any other qualifying features?</p>	<p>Invertebrates associated with coastal lagoons are a noted feature in the Ramsar citation along with the unique lichen communities of East Anglian beaches and shingle habitats. Evidence would be necessary to ensure that these communities along with other invertebrate and plant assemblages would not be impacted by the installation and maintenance of predator fencing and the management of the PCS area, should that be located within those parts of the Ramsar site that host these features.</p>
Q10.3.11	<p>RSPB</p> <p>Natural England</p> <p>IPs</p>	<p>Compensation - Kittiwake</p> <p>The RSPB via its RR disagrees with the approach of excluding compensated for projects from ‘in-combination’ assessment considering paragraphs 17 and 18 in APP-192 (Habitats Regulations Assessment Appendix 4, Kittiwake Compensation Document).</p> <p>Although a further submission is indicated as expected from the RSPB, the ExA requests full and early specific clarification (by no later than</p>	<p>Several OWF projects have presented in-combination assessments for SPA seabird impacts that both include and exclude compensated-for projects to allow SoS to consider both scenarios, and this would appear to be an appropriate approach for North Falls too.</p>

		<p>Deadline 2) as to why the RSPB make such conclusions.</p> <p>Applicant/NE/IPs make whatever comments you deem necessary.</p>	
Q10.3.16	<p>The Applicant</p> <p>Natural England</p> <p>Local Authorities</p>	<p>Compensation/ecological enhancement - all relevant species/dDCO</p> <p>The ExA acknowledges the species and the extent of the provisions within Schedule 15 of the dDCO [APP-005] pertaining to ‘compensation to protect the coherence of the national site network’ as well as their subsequent limitation.</p> <p>i.If any further compensation strategy documentation is accepted or sought either by the ExA or the SoS through necessity, how would such provision be formally secured and delivered by the dDCO?</p> <p>ii.Does the dDCO allow sufficient flexibility for any fuller without prejudice compensation package to be secured and delivered if it is required?</p> <p>iii.The ExA’s considerations of such provisions would also extend to the nature of financial contribution mechanisms indicated as being potential options which would be reliant on secondary legislation yet to be issued by Government. In light of that situation has potential s106</p>	<p>i-iii) Natural England notes these questions are for the applicant to answer.</p> <p>iv) Natural England has no comment to make on the above at this juncture but reserves the right to comment on any response provided.</p>

		<p>Town and Country Planning Act 1990 or s111 of the Local Government Act 1972 or similar bespoke obligation/agreement use been fully factored as potential options for both compensation and ecological enhancement? If not state why not.</p> <p>iv.NE/Local Planning Authorities do you have any comments to make on this issue?</p>	
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