



**Application by Smart Wind Ltd
Hornsea Offshore Wind Farm (Zone 4) – Project 2**

Planning Inspectorate Reference: EN010053

**The Environment Agency's response to the Examining
Authority's first round of written questions and requests
for information**

Environment Agency registration identification number: 10031161

15 July 2015

Please find below the answers to questions directed to the Environment Agency and other questions where we believe we hold information that will assist the Examining Authority.

Ref	Question to	Question	EA response
EL	Ecology – onshore and inter-tidal		
EL1	Applicant and the Environment Agency (EA)	<p>In their Relevant Representations [RR-012] the EA raises a number of concerns in relation to the requirements of the Water Framework Directive (WFD). Can the applicant please clarify what progress has been made in terms of resolving concerns about:</p> <p>(a) Potential disturbance to sediments in inter-tidal areas in relation to CEFAS mineral action levels.</p> <p>(b) Impacts on fish from noise, turbidity, release of contaminants etc.</p> <p>(c) Approach to consideration of saltmarsh under WFD.</p> <p>(d) Extent of screening threshold for bathing water.</p> <p>(e) Assessment of shellfish water.</p>	<p>The Applicant provided additional information to the EA in respect of the WFD assessment during a telecom on 8 May 2015 (which is summarised in the Statement of Common Ground (SoCG) between our organisations at Appendix A, Table A1 and Appendix C, Table C2).</p> <p>We can advise that our concerns in respect of points (a) to (e) in the Examining Authority’s questions are now resolved.</p>
EL2	Applicant and EA	<p>In [RR-012], the EA also raises concerns about the apparent datedness of some of the information used in the assessment, and the implications for the project, and in particular for the inter-tidal cable protection. Can the applicant please respond on the potential implications for</p>	<p>The EA has continued to engage with the Applicant in respect of these issues and more information is provided in Appendix D of the SoCG and in Section 3 of our Written Representations (15 July 2015).</p>

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		<p>the inter-tidal impacts of/on the project of:</p> <ul style="list-style-type: none"> (a) Tidal movements arising from climate change. (b) Recent beach profile data for Horseshoe Point, post Dec 2013. (c) Coastal and sea bed erosion in the near shore area. (d) Potential changes in the Lincolnshire beach nourishment programme. (e) Drift rates–worst case scenarios. (f) The potential for increased storminess and surges arising from climate change. 	
EL3	EA	<p>Is the EA content that there are no adverse implications for the coastal cockle beds and the Donna Nook National Nature Reserve (NNR) from the intertidal corridor route and temporary working area?</p>	<p>We can confirm that there should be no adverse implications for the coastal cockle beds as a result of the project.</p> <p>In respect of the Donna Nook NNR the EA defers to Natural England for advice on this site.</p> <p>The EA also has a legal obligation to comply with the Habitat Regulations in order to allow delivery of the Humber Flood Risk Management Strategy (2007). We have to provide compensatory habitat as set out in the associated Habitat Regulations Assessment (2011). The HRA sets out how and where the EA will deliver its compensation and a key requirement of this programme is delivery of our managed realignment site at Donna Nook.</p>

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			<p>The EA is still seeking all of the necessary permissions to permit a breach of the flood wall at Donna Nook which will allow the site to inundate – this has been delayed while we seek to address some challenging objections to the project. As such, our proposed timetable for breaching the site is potentially subject to change. Concerns we may have would arise from any potential impact from this development on our compensation provision for Little Terns being delivered at Donna Nook. As such, we will need access to the ornithological data required as part of the Project’s Ecological Management Plan (Document reference 12.5) to enable us to compare against our own ornithological data. Therefore, we welcome our inclusion as a consultee to the discharge of Requirement 7 (Ecological Management Plan landward of mean low water springs). This will enable us to demonstrate to Natural England the potential reasons for any data variability at our compensation site. We need to safeguard the Donna Nook site (and additional mitigation) we are providing to ensure that this project does not result in any additional impacts on our compensation delivery.</p> <p>The ornithological data will help us to ensure that any project specific ornithological impacts can be separated from the analysis we undertake, looking at coastal squeeze impacts on the SPA species. We need to be able to remove this data from our</p>

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			analysis of impacts resulting from changes in the intertidal zone, as opposed to project specific impacts which may, or may not have been sufficiently mitigated/ compensated for as part of this development.
EL6	Applicant and EA	Given the predominance of hedgerows of 'important' status along the onshore cable route, should the applicant not give consideration to the use of more trenchless cable installation rather than hedgerow removal and reinstatement?	The status of hedgerows is not an issue covered by the EA's remit and we would refer the Examining Authority to Natural England for advice on this matter.
EL7	Applicant, EA and NE	<p>With particular reference to para. 5.3.18 of EN-1, would the applicant please summarise:</p> <p>(a) How best practice will be specified and ensured during both construction and operation to minimise risks to habitats and species?</p> <p>(b) Which habitats are to be the subject of specific restoration programmes after completion of construction works?</p> <p>(c) Which habitats have been identified as the subject of specific enhancement measures?</p>	The EA defers to Natural England for advice on this matter.

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EL8	EA and LAs	<p>(d) What if any new habitats are to be created?</p> <p>Are the EA and LAs content with the programme for the replanting and management of reinstated areas as set out in the outline Ecological Management Plan (EMP) [APP-0170]?</p> <p>(i) the onshore cable corridor; and</p> <p>(ii) the intertidal zone</p> <p>(b) Can the applicant also establish the link between the construction phase described in ES 7.3.3 [APP-044] Table 3.13 and the relevant works number in the draft DCO as well as in the works plan?</p> <p>(c) Are there any additional control measures that can be applied to the draft DCO to avoid the most damaging aspects of the assessed scenarios (e.g. consecutive years of construction)?</p>	The EA defers to the local authorities (and other relevant nature conservation bodies) for advice on this matter.
CL	Construction – intertidal and onshore		
CL2	Applicant	<p>No cable protection measures are proposed to be used in the inter-tidal area. What are the relative merits of this approach, given the climate change and marine processes issues raised in question EL2?</p>	<p>The EA is satisfied that cable protection measures are not required in the intertidal area if the Applicant undertakes the following:</p> <p>a) <u>initial burial of the cable is to sufficient depth.</u> This is fundamental to the EA being satisfied</p>

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			<p>that cable protection measures are not required in the longer term. We have provided further queries in response to the Applicant's note of clarification (Appendix D of the SoCG) – detailed in Section 3 of our Written Representations.</p> <p>b) <u>effective beach restoration following the trenching</u></p> <p>It is essential that the beach restoration following cable burial is carried out to a sufficient standard (sufficient compaction of suitable similar sediments with cohesive properties) to minimize any preferential erosion of the trench whilst the beach re-stablises following completion of the works. The EA is content that the Applicant proposes to monitor this area post construction. Should preferential erosion occur, and a permanent channel along the pipeline start to develop, then the Applicant will need to undertake remedial measures at this point, following consultation with the EA.</p> <p>The EA is satisfied that providing there is no preferential erosion leading to the development of a drainage channel during the 12-18 months following construction (or two winter periods, whichever is greater) then the need for any cable protection works during the operational phase will be minimized, subject to the cable being buried to sufficient depth at the outset.</p>

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CL10	NE, MMO and LAs	<p>(a) How will the flood defences, sand dunes and salt marsh be monitored and protected to avoid damage during construction?</p> <p>(b) How is this to be secured through the ecological, construction practice or other plans or draft DCO Requirements?</p>	<p>The EA has secured protection for the flood defences, sand dunes and salt marsh during construction through various Requirements, Marine Licence conditions and Protective Provisions.</p> <p>Requirement 2 is to include an additional sub paragraph (as outlined in Appendix A, Table A1 point 11.4 of our SoCG) to ensure the crossing of Main River defences is via trenchless techniques in order to protect the integrity of the defences.</p> <p>Crossing under the sea wall is also directed under Schedule A, Part 1 for Works Nos 5A and 5B to be done using a trenchless technique. Requirement 2 (8) is to be amended to include additional wording to prohibit any other method being used.</p> <p>Requirement 16 (Prohibited access) will ensure the applicant does not undermine the integrity of the sea defence during construction, or following construction, by prohibiting the use of vehicles along its crest.</p> <p>Pre and post construction monitoring, secured via Deemed Marine Licence conditions 15 and 17 in Licences A2 and B2 will enable monitoring of the impacts of the project on the sand dunes, intertidal area and saltmarsh.</p> <p>Protective Provision for the EA (as per the draft</p>

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			provisions currently included in Schedule L, Part 1 of the draft DCO) are also now agreed.
DC	Draft DCO		
DC2	Applicant, EA, internal drainage boards and lead flood authorities	Article 3 of the PA 2008 seeks the disapplication of legislative provisions for consents which would otherwise be required from the Environment Agency, internal drainage boards or lead local flood authorities under the Water Resources Act 1991 and the Land Drainage Act 1991. The consents referred to in 3(a), (b) and (c) are prescribed consents that can only be included in the DCO if the relevant discharging body consents. Please provide the full list of relevant discharging bodies and the current position in negotiations to secure their consent to this proposed disapplication.	The EA has agreed to the disapplication of legislative provisions subject to the inclusion of Protective Provisions (as currently included in Schedule L, Part 1 of the draft DCO (January 2015)). A copy of our letter to the Applicant confirming this is included in our Written Representations at Appendix A.
DC9	EA, Internal Drainage Boards and lead local flood authorities	<p>Article 15 of the draft DCO [APP-010] seeks powers in respect of the Discharge of Water in connection with the carrying out or maintenance of the project.</p> <p>(a) Can the appropriate authorities confirm they are content with the principles and provisions proposed in Article 15 and;</p> <p>(b) The suggested time for notifying the undertaker of its</p>	The EA has no objection to the inclusion and wording of Article 15.

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		decision of 28 days? And if not state the reasons and the potential remedy?	