

# Hornsea Offshore Wind Farm

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Project Two

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## The Applicant's comments on the RIES issued by the Examining Authority

**Appendix M to the Response submitted for Deadline VII**

**Application Reference: EN010053**

10 December 2015

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## **1 Introduction**

- 1.1 The Examining Authority (“the Ex. A”) for the application for a Development Consent Order for the proposed Hornsea Offshore Wind Farm (Zone 4) - Project TWO issued its Report on the Implications for European Sites (RIES) on 26th November 2015.
- 1.2 This document presents the Applicant's comments on the RIES.

## **2 Applicant's Comments**

- 2.1 The Applicant's comments on the RIES are outlined in Table 1, below and are limited to those areas where we feel the RIES does not accurately represent the position of the Applicant or the stakeholder. Where the Applicant has provided specific text amendments, removal of text is indicated with text formatted as '~~striketrough~~', and suggested additional text is formatted as underlined.

**Table 1: The Applicant's comments on the Ex. A's RIES**

| <b>RIES Section</b>              | <b>RIES Para</b> | <b>Applicant's Comment</b>   |
|----------------------------------|------------------|--|
| 1.0<br>Introduction              | 1.9              | The Ex. A has correctly identified that the Applicant has submitted HRA Addenda covering the Southern North Sea dSAC and the possible Greater Wash pSPA. The Applicant does note however that as these sites have yet to be formally consulted on and therefore, they are not considered to be a material planning consideration. The information has therefore, been provided to safeguard the scenario that these sites do formally come forward within the decision making timeframe and therefore, will enable the Ex. A and or the Secretary of State to have the information available to inform necessary decision making processes. The Applicant considers that this point should be reflected within the RIES. |
| 2.0 Overview                     | 2.5              | The Applicant would like to highlight that agreement on the findings of the shadow HRA screening report (Appendix N of the Applicant's response to Deadline VI) have been reached with Natural England, see paragraph 3.2.22 of the SoCG as detailed in Appendix M of the Applicant's response to Deadline VI.   |
|                                  | 2.6              | The Applicant notes that it is its current understanding that consultation on the dSAC will be January 2016 at the earliest.   |
| 2.0 Overview                     | 2.8              | Regarding the features of the Flamborough and Filey Coast pSPA that have been subject to discussion during examination, it should be noted that fulmar should be replaced by puffin as an unnamed assemblage feature of the pSPA.  |
|                                  | 2.8              | The Applicant would like to highlight the 4th bullet point which states "version of the Band model" should read "Option of the Band model."  |
| 3.0 Likely Significant Effects   | 3.7              | As noted above the Applicant would like to highlight that agreement on the findings of the shadow HRA screening report (Appendix N of the Applicant's response to Deadline VI) have been reached with Natural England, see paragraph 3.2.22 of the SoCG as detailed in Appendix M of the Applicant's response to Deadline VI.  |
| 4.0 Adverse Effects on integrity | 4.1              | The Applicant would like to highlight that at this stage only high level conservation objectives for the Flamborough and Filey Coast pSPA are available as submitted by Natural England in their response to Deadline VI.  |
|                                  | Table 4.6        | The text relating to the Applicant's submission at Deadline 5 with regard to envelope refinements  |

| RIES Section | RIES Para   | Applicant's Comment   |
|--------------|---|---|
|              |   | should be further amended to reflect the Applicant's submission of 4 <sup>th</sup> December 2015 where the Applicant confirmed that it has committed to a further 5m increase in the minimum blade tip height (relative to LAT). This further refinement has equated to a final minimum blade tip height commitment being 34.97m above LAT. This paragraph should also now reflect the fact that the Applicant and Natural England now agree that there is no requirement to consider alternatives as a result of any effects from the Project either alone or in-combination.  |
|              | Table 4.1   | With regard to in-combination conclusions for kittiwake the Applicant refers the Ex. A to paragraph 1.5 of the Applicant's submission on the 4 <sup>th</sup> December which states "on the basis of this further mitigation, Natural England have confirmed to the Applicant their view that the effect of the additional predicted mortality from the Project alone (14.2 based on Natural England's calculation) is so small as to not materially alter the significance of the overall in-combination mortality figure or the likelihood of an adverse effect on the integrity of the SPA or pSPA arising from such an in-combination level of mortality. The Applicant would refer to the Memorandum of Understanding between the Applicant and Natural England submitted at Appendix Q of the response to Deadline VII for further clarification on this matter. |
|              | Table 4.1   | Under comments column for razorbill the Applicant assumes this should read "comments as for gannet."  |
| Annex 2      | Table -Plans and projects included in the applicant's in-combination assessment | The list of projects considered in-combination for kittiwake includes the projects consider by the Applicant in the breeding season only. It does not include all sites that were included in the non-breeding season, the Applicant refers the Ex. A to Appendix P of the Applicant's response to Deadline IIA which list the projects included in the in-combination assessment during the non-breeding season.   |
|              |   | The Applicant notes that the list of projects considered in-combination for piling effects on harbour porpoise does not match that provided by the Applicant in its HRA Addendum as submitted at Appendix Q of its Response to Deadline IV. The Applicant notes that it is important to reflect that those projects considered in Table 2 of its Addendum to the HRA are based on consideration of other activity within the Management Unit and to be consistent with the Dogger Bank Teesside A & B Appropriate Assessment. Therefore, should the HRA be updated to reflect site specific information (as noted by Natural England) then certain projects (e.g., the Scottish   |

| RIES Section | RIES Para                     | Applicant's Comment   |
|--------------|-------------------------------|---|
|              |                               | Projects) should be removed from the assessment as they lie beyond the extent where strong connectivity is likely to exist (in line with the approach to the ES cumulative assessment as agreed with Natural England).  |
| Annex 3      | Stage 1 Matrix 1, footnote b. | The Applicant would like to highlight that agreement on the findings of the shadow HRA screening report (Appendix N of the Applicant's response to Deadline VI) have been reached with Natural England, see paragraph 3.2.22 of the SoCG as detailed in Appendix M of the Applicant's response to Deadline VI.  |
| Annex 4      | Stage 2 Matrix 2 footnote h   | Natural England do agree with some aspects of the Applicant's in-combination assessment for kittiwake using the FAME tracking data to assess connectivity to the pSPA, this is detailed in Natural England's response to Deadline V. With regard to in-combination conclusions for kittiwake the Applicant refers the Ex. A to paragraph 1.5 of the Applicant's submission on the 4 <sup>th</sup> December which states "on the basis of this further mitigation, Natural England have confirmed to the Applicant their view that the effect of the additional predicted mortality from the Project alone (14.2 based on Natural England's calculation) is so small as to not materially alter the significance of the overall in-combination mortality figure or the likelihood of an adverse effect on the integrity of the SPA or pSPA arising from such an in-combination level of mortality. Natural England and the Applicant will set out their positions fully at Deadline VII. |
|              | Stage 2 Matrix 2 footnote b   | See comments on Stage 2 Matrix 2 footnote h   |
|              | Stage 2 Matrix 4 footnote a   | The Applicant highlights that the approach taken to the HRA Addendum is also in line with DECC's Appropriate Assessment for the Tidal Lagoon Swansea Bay project.   |
|              |                               | The Applicant highlights that the assessment considered effects at Management Unit level (which happens to be North Sea), but the Applicant would recommend use of this phrase over "North Sea".  |
|              |                               | The Applicant cross refers the Ex. A to its response to Rule 17 Q11 as submitted at Deadline VII for further justification for the conclusions reach by the Applicant in its assessment, with specific regard to the views expressed by TWT on this matter.   |
| Annex 5      | Documents to inform the RIES  | The Applicant considers the following list of documents should be added to this section of the RIES:<br><b>The Applicant's Deadline VI Submissions:</b>   |

| RIES Section | RIES Para | Applicant's Comment  |
|--------------|-----------|--|
|              |           | <ul style="list-style-type: none"> <li>- Appendix B - Response to TWTs Deadline V submission</li> <li>- Appendix C - Response to the RSPBs Deadline V submission</li> <li>- Appendix D - Response to Natural England's Deadline V submission</li> <li>- Appendix E - Summary of Kittiwake position between Natural England and the Applicant at Deadline VI</li> <li>- Appendix F - Kittiwake Collision Risk Applicants position at Deadline VI</li> <li>- Appendix M - Update to the SoCG between the Applicant and Natural England Offshore Ornithology</li> <li>- Appendix N -Possible Greater Wash SPA Shadow HRA Screening Version 2</li> </ul> <p><b>Deadline VII Submissions:</b></p> <ul style="list-style-type: none"> <li>- Appendix Q - MoU between Natural England and the Applicant</li> <li>- The Applicant's Response to Deadline VII (which sets out the Applicant's response to Ex. A's Rule 17 Letters of 26 November 2015 and 7 December 2015)</li> </ul> |