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To all Interested Parties

Your Ref:

Our Ref: EN010053

Date: 26 May 2016

Dear Sir/Madam

Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010

Application by Smart Wind Limited for an Order Granting Development Consent for the Hornsea Offshore Wind Farm (Zone 4) – Project Two

REQUEST FOR COMMENTS ON THE APPLICATION FOR THE PROPOSED HORNSEA PROJECT TWO OFFSHORE WIND FARM- EN010053

Following the completion of the examination on 16 December 2015, the Examining Authority submitted a Report and Recommendation in respect of its findings and conclusions on the above application to the Secretary of State for Energy and Climate Change on 16 March 2016. In accordance with section 107(3) of the Planning Act 2008, the Secretary of State has until 16 August 2016 to determine the application.

There are outstanding issues on which the Secretary of State would be grateful if parties identified in bold could provide an update or further clarification. The issues are grouped by topic heading:

1. Harbour Porpoise

Since the close of the examination of Hornsea Project Two Offshore Wind Farm, Government launched a consultation into a possible Special Area of Conservation ("pSAC") for Harbour Porpoise: the Southern North Sea pSAC:

- <http://jncc.defra.gov.uk/SACconsultation>

On 29 March 2016, the Secretary of State invited comments from Natural England

("NE") and the Joint Nature Conservation Committee ("the JNCC") on the latest conservation advice for the Southern North Sea pSAC. The response from NE and JNCC, can be viewed at:

- <http://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/hornsea-offshore-wind-farm-zone-4-project-two/?ipcsection=docs&stage=5&filter=DECC+Consultation>

In light of the response, the Secretary of State invited the Applicant to provide any additional information for the purposes of a Habitats Regulations Assessment of the likely significant effects of the Project, both alone and in-combination with other plans and projects, on the Harbour Porpoise feature of this site. The Applicant's response of 21 April 2016 can be viewed at:

- <http://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010053/2.%20Post-Submission/DECC%20Consultation/Dong%20-%20Hornsea%20Project%20%20-%204.pdf>

Following the Applicant's response, the Secretary of State invited comments from NE, the JNCC and any other Interested Party on the Applicant's response of 21 April 2016. The responses can be viewed at:

- <http://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/hornsea-offshore-wind-farm-zone-4-project-two/?ipcsection=docs>

In light of the responses from NE, the JNCC and other Interested Parties the Applicant provided a further response on the 24 May 2016. This response can be viewed at:

- <http://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010053/2.%20Post-Submission/DECC%20Consultation/Response%20to%20the%20Department%20of%20Energy%20and%20Climate%20Change.pdf>

The Secretary of State now invites views from **Natural England** and **the JNCC**, and **any other Interested Party**, on the Applicant's information of the 24 May 2016 to allow her to undertake a Habitats Regulations Assessment of the likely significant effects of the Project, both alone and in-combination with other plans and projects, on the Harbour Porpoise feature of the Southern North Sea pSAC.

2. Fulmar Displacement Mortality

The Secretary of State has noted figures within the Applicant's Habitats Regulations Assessment report (Document Reference 12.6 dated January, 2015), on which she is seeking clarification. The document can be viewed at:

- <http://infrastructure.planningportal.gov.uk/wp-content/ipc/uploads/projects/EN010053/2.%20Post-Submission/Application%20Documents/Reports/12.6%20HRA%20Report%20Part%201.pdf>

The Secretary of State requests the Applicant and Natural England to revisit the areas highlighted below in order to provide the necessary clarity required for her to fully assess the implications of the Project.

The points of clarification requested by the Secretary of State relate to the Applicant's assessment of displacement of fulmar (*Fulmarus glacialis*) at the Forth Islands SPA, the Fowlsheugh SPA and the Flamborough and Filey Coast pSPA. A Likely Significant Effect (LSE) upon these sites was identified because of the potential for the operational array to cause displacement of fulmar in the breeding, pre-breeding, post-breeding and non-breeding seasons. The breeding populations of fulmar form part of the larger seabird assemblage at all three sites.

Apportioning of Impacts

The Applicant predicted a displacement mortality of 18 fulmar for Subzone 2 plus a 2km buffer during the breeding season. Mortalities were then attributed to the SPAs/pSPA based on the colony size and the contribution each SPA/pSPA makes to the regional breeding population. However, throughout the HRA report the Applicant highlights that, in its assessments, 100% of displacement mortality is attributed to each SPA/pSPA, thus introducing precaution to the assessment. This appears to contradict the apportioning of impacts undertaken by the Applicant.

The Secretary of State requests the Applicant to confirm its method of assessment: Were 100% of displacement mortalities attributed to each SPA/pSPA or were displacement mortalities apportioned to each SPA/pSPA?

SPA Population Estimates

The Secretary of State notes that, in calculating the percentage population affected, the Applicant has used populations as they appear on the Forth Islands SPA and Fowlsheugh SPA citations rather than the more up-to-date counts referenced in the Applicant's HRA report as being contemporaneous with the Subzone 2 boat-based surveys. For these SPAs, where counts have recently declined, the effect of using old counts changes the percentage of SPA population significantly.

The Secretary of State requests the Applicant to use the up-to-date breeding colony counts, as referenced in the Applicant's HRA report, to present the percentage of each SPA population affected by predicted displacement mortalities.

In Combination Assessment

The Secretary of State notes that the Forth Islands SPA in combination total requires clarification because the figures provided in the Applicant's HRA report are not consistent with the Applicant's assessment for the Project alone.

The Secretary of State requests the Applicant to provide an updated in combination assessment for the Forth Islands SPA.

In relation to seasons outside of the breeding months, the Secretary of State notes that the Applicant's HRA report lacks clarity on how plans and projects were screened into the in combination assessments undertaken for the Forth Islands SPA, the Fowlsheugh SPA and the Flamborough and Filey Coast pSPA.

The Secretary of State requests the Applicant to provide details of the method used for the in combination assessment of the Forth Islands SPA, the Fowlsheugh SPA and the Flamborough and Filey Coast pSPA in relation to fulmar in the non-breeding months.

Natural England's Conclusions

During the Examination of the Project, no Interested Party challenged the Applicant's conclusions in relation to fulmar displacement at the Forth Islands SPA, the Fowlsheugh SPA and the Flamborough and Filey Coast pSPA. However, the Secretary of State notes that the Applicant has included in its HRA report, Natural England's conclusions on the impact of fulmar displacement on the SPAs/pSPA. These conclusions appear to rely on an assessment that attributes 100% of displacement mortality within the Project area to each SPA/pSPA. Natural England's conclusions also appear to be based on the percentage of each SPA/pSPA population impacted, but it is unclear which SPA/pSPA populations have been used for this calculation.

The Secretary of State requests Natural England to provide clarity on its conclusions, as referenced in the Applicant's HRA report.

The deadline for a response is 16 June 2016.

The response should be submitted by email to Hornsea2@pins.gsi.gov.uk Please send any hard copy response to Hornsea Two Offshore Wind Farm Project Team, Secretary of State for Energy and Climate Change, c/o the Planning Inspectorate, 3B Eagle, Temple Quay House, Temple Quay, Bristol, BS1 6PN. If you will have difficulty in submitting a response by the consultation deadline, please inform the Project Team.

Your response will be published on the Hornsea Two Offshore Wind Farm project page of the Planning Inspectorate website as soon as possible after 16 June 2016.

This letter is without prejudice to the Secretary of State's decision whether or not to grant development consent for the Hornsea Two Offshore Wind Farm project, and nothing in this letter is to be taken to imply what that decision might be.

Yours faithfully

Giles Scott

Giles Scott
Head of National Infrastructure Consents