

From: [Eleanor Stone](#)
To: [Hornsea2](#)
Subject: Wildlife Trusts submission
Date: 26 May 2016 14:01:11
Attachments: [image005.png](#)
[image006.png](#)
[Response to Dong comments.pdf](#)

Dear Sirs,

Please find attached comments to DECC, following the comments by the Applicant which makes reference to our previous submission over which we would like to provide clarification.

I hope our submission will be accepted for consideration by DECC.

Regards,
Eleanor

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Giles Scott
DECC, 3 Whitehall Place
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BY EMAIL

26th May 2016

Dear Giles,

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 2

Our ref: 10031157

Further to the latest submission from the Applicant, in which our previous response is referenced, we would like to clarify one of the points raised. The Applicant states that in our previous response we suggest 'that the Applicant is advocating that the Secretary of State's Appropriate Assessment be deferred until post consent.' We did not intend to suggest that the Applicant was advocating deferring the Appropriate Assessment until post consent; instead we are suggesting that by deferring the securing of mitigation till post consent, there is a risk that adverse effect on site integrity would not be correctly determined at the time of the consent decision.

We note in this further submission the Applicant provides further details about the potential overlap with other wind farm developments for an in-combination assessment. Whilst this further information is welcomed, we do not agree that the Applicant's proposed new condition goes far enough to secure the mitigation that may be required should pile driving be used. This is in relation not only to the in-combination effects, but also the Project alone effects, where we do not agree that it can be concluded with any degree of certainty that there would be no adverse effect on integrity. As such, we believe there is a need to better secure further mitigation in the DMLs.

The proposed new condition suggested by Natural England and JNCC goes a lot further to secure this, by listing the specific mitigation options that may be required. However, we still have concerns that this does not actually guarantee the use of any of these mitigation measures. Without a guarantee of mitigation if pile driving is to be used, we do not believe that no adverse effect on integrity can be concluded.

In particular we are concerned with the phrase 'following an assessment of their viability and efficacy'; does viability and efficacy refer only to technical feasibility

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and ecological efficacy or would it also consider economic viability? For example, a mitigation option could become available which would be efficacious, but the Applicant may assert that it is not economically viable; would it therefore be discounted as a mitigation option? It also leaves uncertainty as to what level of mitigation would be required to bring the impacts down to acceptable levels, both for the Project alone and in-combination.

Furthermore, there is no mechanism for ensuring no adverse effect on integrity if no mitigation measures are considered to be viable or efficacious. We appreciate that better mitigation measures may be available by the time of construction and, as such, the exact details can be determined post consent; however, there is no guarantee that this will be the case and, if at that time there are no suitable mitigation measures, we think there needs to be a further caveat in the condition that pile driving could not be used.

Given the above, we believe that in order to be able to conclude no adverse effect on integrity on the harbour porpoise pSAC at the time of a consent decision (without prejudice to what that decision may ultimately be), there needs to be a guarantee of secured mitigation or the removal of the pile driving option in the event that no mitigation is available.

Regards,



Joan Edwards
Head of Living Seas
The Wildlife Trusts