



THE PLANNING ACT 2008
THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE)
RULES 2010

HORNSEA PROJECT THREE OFFSHORE WIND FARM

Planning Inspectorate Reference: EN010080

Annex H: Summary of NE Written Representations

7 November 2018

1. Summary

- 1.1. Natural England's (NE) Written Representations provide NE's statutory advice in respect of the potential impacts of the proposed development on the natural environment. NE's Written Representations expand upon the issues outlined in NE's Relevant Representations, in view of statement of common ground discussions that have taken place with the Applicant to date and the information that has been submitted by the Applicant to address certain issues.
- 1.2. In its letter of 9th October 2018 the Examining Authority asked the parties, including NE, a number of written questions. The answers to those questions are contained within a separate document submitted alongside our Written Representations.

2. Overview of the sections of Natural England's Written Representations

- 2.1. Section one sets out the introduction and background sections of the Written Representations.
- 2.2. Section 2 sets out the status and functions of NE.
- 2.3. Section 3 provides information on the legislative framework which applies in this case, with reference to the relevant pieces of environmental law and policy.
- 2.4. Section 4 provides an account of the policy framework that can provide assistance to competent authorities when considering the legal steps sets out in section 3 in respect of European sites and SSSIs.
- 2.5. Section 5 introduces the statutory nature conservation designations and interests in the area of the proposed development. It provides links to designation citations and boundary maps. The relevant protected sites potentially affected by the proposed development are as follows:
 - The Flamborough Head and Bempton Cliffs Special Protection Area (SPA).
 - The Flamborough and Filey Coast proposed SPA.
 - The Greater Wash SPA.
 - North Norfolk Coast SPA
 - Forth Island SPA
 - North Norfolk Coast Ramsar site
 - The Wash and North Norfolk Coast Special Area of Conservation (SAC)
 - North Norfolk Sandbanks and Saturn Reef SAC
 - Southern North Sea candidate SAC (cSAC)
 - North Valley Fens SAC
 - River Wensum SAC
 - Flamborough Head Sites of Special Scientific Interest (SSSI)
 - North Norfolk Coast SSSI
 - Booton Common SSSI
 - Alderford Common SSSI
 - Cromer Shoal Chalk Beds Marine Conservation Zone (MCZ)
 - Markham's Triangle proposed MCZ
 - North Norfolk Coast Area of Outstanding Natural Beauty (AONB)

2.6. Section 5 also introduces the relevant European Protected Species :

- Bats
- Great Crested Newt
- Harbour Porpoise.

2.7. Section 6 contains the statutory advice of NE with regard to the issues of concern arising as a result of the proposed development. In its Relevant Representations, NE identified the main principle issues of concern which are dealt with in the Written Representation. Detailed comments on all principle issues are supplied in supporting annexes.

3. Principal Issues

3.1. Evidence

NE has considerable concerns with the standard of evidence provided in support of this application. Natural England is not satisfied that there was insufficient project specific information / evidence presented to characterise the development site in order to fully understand the impacts of this project, or that the best available evidence is being used throughout the application to determine the nature of impacts.

3.2. Project Proposals

Natural England is not satisfied that the project parameters have been clearly defined to enable the impacts of a development to be fully assessed against a realistic Worst Case Scenario (WCS).

3.3. Assessment of Impacts

NE's view is that that sufficient precaution has *not* been built into the analysis to address the uncertainties arising from a lack of site specific data and detailed proposals.

Additionally, we do not agree with the approach taken for the assessment of impacts over the lifetime of the project. The Applicant has considered each phase of the project (construction, operation and maintenance and decommissioning) in isolation, thereby failing to consider cumulative impacts over time. The implications of a 'phased build' over a number of years have not been fully considered and it is also unclear whether any particular impact is considered to be temporary or long term / persistent.

3.4. Cumulative / in-combination assessment

Currently it is not feasible to reach a conclusion on the significance of effects of the project alone and in-combination as a result of the uncertainties arising from the lack of site specific data.

3.5. Habitats Regulation Assessment/ Report to Inform Appropriate Assessment

NE is unable to agree with the conclusions set out in the HRA/RIAA due to the reasons set out within the written representations.

3.6. Progress since the Relevant Representations

Since the submission of our relevant Representations NE has engaged with the applicant. This has included through meetings and work on a joint Statement of Common Ground (SoCG), which will be submitted by the Applicant at Deadline 1. This section outlines those meetings and notes that the Applicant has provided updated information and documents, some of which NE has not has sufficient time to review to provide comment within the Written Representation and will provide response later.

3.7. DCO and DML

Significant progress has been made on several of the issues raised within our relevant reps. However, there are still several outstanding issues of principle concern:

- The arbitration articles, related dML conditions and Schedule 13.
- The outstanding discrepancies between project values in the DCO, DML and ES Project description.
- The timing for pre-construction document submission.

3.8. Ornithology

NE does not consider that the data provided in support of this application are sufficient to adequately characterise bird abundance and density in the Hornsea Three Project Area and are consequently unable to form any conclusions about the significance of the impacts presented by the applicant that are dependent on these data.

NE also has a number of concerns with the approach to various different aspects of the analyses of impacts, which further reduces the confidence in the applicant's conclusions.

NE is unable to conclude beyond reasonable scientific doubt that the conservation objectives of designated sites will not be hindered as a result of the proposals outlined in this application.

3.9. Benthic ecology and protected sites

NE are concerned with the potential impacts upon designated sites, which are either adjacent to or within the red line boundary of the proposed development. These include:

- North Norfolk Sandbanks and Saturn Reef (NNSSR) SAC;
- The Wash and North Norfolk Coast SAC (W&NNC);
- Cromer Shoal Chalk Beds MCZ and
- Markham's Triangle pMCz.

3.10. Marine processes

At the Relevant Representations stage NE raised several overarching issues regarding marine processes, these comments remain unresolved.

3.11. Marine mammals

At the Relevant Representations stage NE raised a number of issues regarding potential impacts to marine mammals. We have since had discussions with the Applicant regarding some of those points. Areas of agreement between NE and the Applicant are included in the draft All Other Matters SoCG provided by the Applicant

The matters not agreed largely relate to matters raised in NE's relevant representation. However, some new minor issues have been raised and are summarised in Annex E. The outstanding points of concern relate to:

- Cumulative effect assessment of all noisy activities (inc. unexploded ordnance clearance);
- Southern North Sea cSAC/SCI HRA assessment in combination with other plans or projects;
- NE cannot agree to the Site Integrity Plan (SIP) until agreement is reached on HRA conclusions.

NE confirmed receipt of several additional support documents. A draft SIP, an updated In-Principle Monitoring Plan and a clarification note reviewing precaution in the marine mammal assessment. Which we will review and advise on any change of position.

3.12. Onshore ecology

Within our relevant representations NE raised a number of issues related to onshore ecology. Significant progress has been made with the applicant and some issues resolved. Those resolved issues are outlined in the agreed SoCG with the applicant.

Outstanding points of concern are;

- NE need to be consulted on a mitigation plan for pink-footed goose 12 months prior to any construction;
- NE need to be consulted on site specific cable installation methods to ensure impacts to groundwater flows and hydroecology is appropriately protected; and
- NE has not received any draft applications for terrestrial protected species. This prevents the granting of a Letter of No Impediment.

3.13. Landscape and visual impact assessment

Within our relevant representations NE raised several issues regarding potential impacts to landscape and visual resources. Agreement on some areas have been made as detailed in the agreed SoCG. The outstanding points of concern relate to:

- Visual impacts to the Norfolk Coast AONB from the cable; and
- Potential effects on users of the England Coast Path near Weybourne during construction works.

3.14. Decommissioning

NE acknowledges that a decommissioning programme will be required post consent and that this will be agreed at the relevant time under the provisions of the Energy Act 2004. The decommissioning plan should include an assessment on whether in-combination decommissioning impacts have been assessed fully and, if not, request additional information on the impact assessment. NE would welcome a discussion with the Applicant on the potential for in-combination impacts at that time.

Furthermore, NE advises that scour prevention and cable protection is removed at the time of decommissioning in order for the seabed to return to its natural state as required under OSPAR.