



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

HORNSEA PROJECT THREE OFFSHORE WIND FARM

Planning Inspectorate Reference: EN010080

**Annex G: Summary of Natural England Relevant Representations**

7 November 2018

## **1. Introduction**

- 1.1. Natural England (NE) submitted Relevant Representations on 20<sup>th</sup> July 2018. This document is a summary of those representations.
- 1.2. The Relevant Representations focused primarily on the potential nature conservation issues, but also on the quality of the data and approach that had been used to determine many of the conclusions presented within the Development Consent Order (“DCO”) application.
- 1.3. Section 2 of the Relevant Representations provides an overview of the protected sites and associated designated features in respect of which NE has outstanding concerns. In total, NE highlighted 17 sites: 5 Special Protection Areas (“SPAs”), 5 Special Areas of Conservation (“SACs”), 1 Ramsar site, 4 Sites of Special Scientific Interest (SSSIs) and 2 Marine Conservation Zones (“MCZs”). The various features of these sites in relation to which NE has outstanding concerns are also listed.
- 1.4. Section 3 sets out NE overall position, which states that we do not currently consider the documents presented to the Planning Inspectorate in support of the DCO application for Hornsea Project Three to be of sufficient quality and detail to enable a thorough assessment of the impacts on nature conservation issues in line with the relevant legislation. Furthermore, only a limited number of concerns raised during the pre-application stage phase of this project had been addressed to NE satisfaction. As a consequence, in our Relevant Representations we sought to provide high-level comments, covering our fundamental issues and main concerns, with further detail to be provided upon the Examining Authorities request and within our Written Representations.
- 1.5. Section 4 contains Natural England’s fundamental overarching concerns and issues in relation to the application, which need to be addressed for a robust assessment to be undertaken. If these concerns are not addressed we will be unable to advise beyond all reasonable scientific doubt that there will no adverse effect on integrity for the relevant SACs and SPAs, or that the conservation objectives of the relevant MCZs will not be hindered.
- 1.6. Section 5 highlights issues that require further consideration and provides detailed comments on individual chapters within the DCO application.

## **2. Overarching Concerns – Section 4 within the Relevant Representations**

### **2.1. Evidence**

- 2.1.1. NE has considerable concerns with the standard of evidence provided in support of this application. It is our view that there is insufficient project specific information / evidence to characterise the development site in order to fully understand the impacts of this project. It is unclear if the best available evidence is being used throughout the application to

determine the impacts and there are instances where data is either not presented or incomplete. This makes it difficult for NE to reach any clear conclusions.

## **2.2. Project Proposals**

- 2.2.1. NE advises that project parameters are clearly defined and that a realistic worst case scenario (“WCS”) is used to enable the impacts of a development to be fully assessed.
- 2.2.2. Currently there is a lack of clarity around the parameters of the project, which means the activities that are to be undertaken are uncertain and consequently open to interpretation.
- 2.2.3. Throughout the chapters the descriptions are limited in detail in relation to the scale of the proposals included in particular for the marine environment, e.g. boulder clearance, sandwave levelling and cable protection. It is often unclear as to how the WCS has been derived, and consequently, it is unclear if what has been presented is in fact been the WCS.
- 2.2.4. Without this information we cannot agree with the conclusions presented in the application.

## **2.3. Assessment of Impacts**

- 2.3.1. NE 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.
- 2.3.2. 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.

## **2.4. Cumulative / in-combination assessment**

- 2.4.1. 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. Issues Requiring Further Consideration**

This section summarises the principal concerns that NE has with the application and that require further work or clarification from the Applicant. This is not an exhaustive list, and the full Relevant Representations from NE should also be reviewed alongside any advice published since then.

### **3.1. DCO and DML**

- 3.1.1. Arbitration Provision – NE does not agree the provisions made for arbitration within this DCO are appropriate. Furthermore, on the subject of arbitration costs, we consider it inappropriate for a statutory body to be subject to additional costs while performing its statutory function.
- 3.1.2. Confidentiality clause – NE cannot guarantee confidentiality or agree to be bound by such a requirement as we are subject to the requirements of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.
- 3.1.3. Offshore Preparation Works – NE cannot agree to the definition of ‘offshore preparation works’ as currently provided within the draft DCO and DMLs. The definition allows works such as sandwave levelling and boulder clearance to be conducted without any regulatory oversight or control of the methodology.

### **3.2. Offshore Ornithology**

- 3.2.1. Baseline data collection – The Applicant has currently presented 20 months of site-specific data. NE advises that two years worth of data should be used. Having less than two years will increase the uncertainty around the offshore ornithology impacts assessment and the conclusions presented by the Applicant.
- 3.2.2. Collision Risk Modelling – The Applicant has utilised Option 3 of the Extended Band Model to assess the predicted impacts upon several species. The SNCBs have outstanding concerns regarding option 3 and, therefore NE advises that the Basic Band Model Option 2 should be used.
- 3.2.3. Other concerns raised within this section include:
  - The seasonal definitions for several species, in particular for gannet and puffin, relevant to the displacement assessment.
  - The definition of the breeding season for several species.
  - The assessment of cumulative and in-combination effects.
  - The conclusions presented in the HRA. NE cannot currently conclude beyond reasonable scientific doubt the absence of an adverse effect on the integrity on the SPAs and pSPAs assessed by the Applicant.

### **3.3. Marine Processes**

3.3.1. Sandwave Clearance – Large amounts of material are potentially being removed from protected sites. There needs to be greater confidence in the potential impacts before significant impacts can be ruled out.

3.3.2. Cable and Scour Protection – Large amounts of cable protection could potentially be used, up to 5.4 km<sup>2</sup>. As a result, NE is concerned about the impacts upon sediment transport and coastal processes and the effects scour protection and sandwave clearance will have upon the cable route within protected sites.

### **3.4. Benthic Ecology**

3.4.1. 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.

### **3.5. Marine Mammals**

3.5.1. Noise mitigation at source – No consideration has been given to at-source mitigation of piling noise, such as bubble curtains or isolation casing.

3.5.2. Unexploded ordnance (UXO) detonation worst case scenario – Clarifications are required from the Applicant regarding the total number of animals injured from multiple UXO detonations.

3.5.3. Conclusions of the Report to Inform Appropriate Assessment (RIAA) – NE does not agree with the conclusions of the in-combination assessment in the RIAA.

### **3.6. Onshore Ecology**

3.6.1. NE requires further information on the potential impacts to the following designated sites:

- Norfolk Valley Fens SAC – there is not enough information on groundwater impacts.
- River Wensum SAC – there is not enough information on groundwater impacts.

- Booton Common SSSI – the EIA does not have sufficient detail around the potential impact on groundwater flows.
- North Norfolk Coast SPA / Ramsar – the potential effects upon pink-footed geese.
- Kelling Heath SSSI – we advise there must be no incursion of surface water run-off and temporary construction works, including fencing, vehicles, storage of materials etc. onto the Kelling Heath SSSI during construction, operation or decommissioning of the cable.
- Alderford Common SSSI – NE expresses concern that no bats are shown as present on this SSSI. It is our understanding they are present with a well-established roost, hibernaculum and feeding area.

### **3.7 Seascape and Landscape**

- 3.6.2. It is NE view that there is insufficient information in the application to determine the impact from the onshore cable corridor on special qualities of the Norfolk Coast Area of Outstanding Natural Beauty (AONB).
- 3.6.3. There is likely to be a significant impact on the visual amenity of users of the national trails from the cable landfall, particularly during construction and decommissioning.