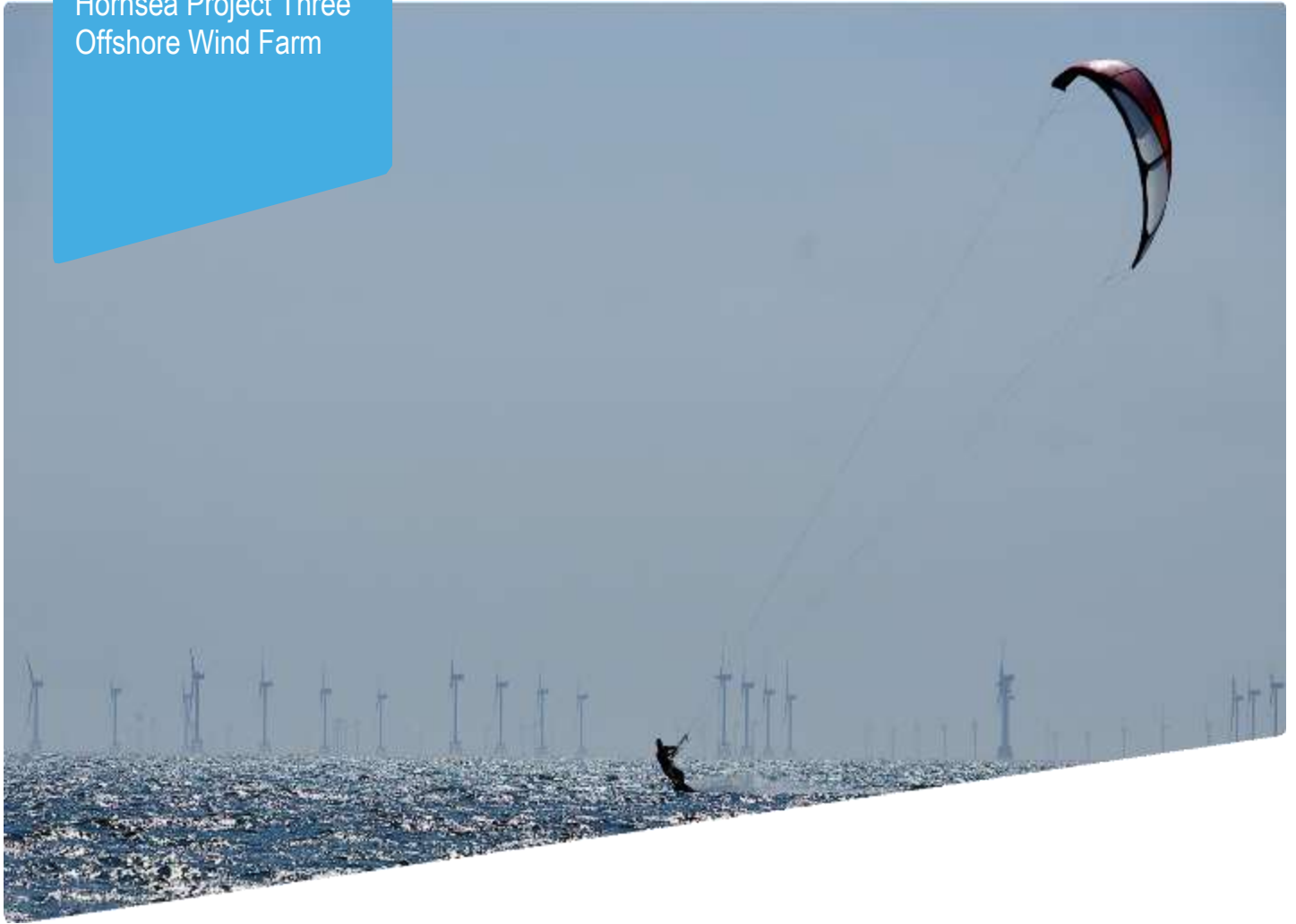


Hornsea Project Three
Offshore Wind Farm



Hornsea Project Three Offshore Wind Farm

Appendix 9 to Deadline 2 Submission –
Response to Cromer Shoal MCZ Conservation Objectives (June
2018)

Date: 21st November 2018


Hornsea 3
Offshore Wind Farm


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Ørsted

5 Howick Place,

London, SW1P 1WG

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1. Cromer Shoal Chalk Beds Conservation Advice

1.1 Introduction

1.1.1.1 On 16th March 2018 Natural England published draft conservation advice packages for 12 nature conservation designations in English territorial waters, including the conservation advice package for Cromer Shoal Chalk Beds Marine Conservation Zone (MCZ). As a stakeholder with an interest in this site, Hornsea Three were consulted on the draft advice packages, with Natural England inviting comment on these before 20th June 2018.

1.1.1.2 Natural England requested feedback to inform the production of formal advice on the following:

- Clarity of the advice, especially whether the objectives are clear and easily understood;
- Quality of the evidence used and whether stakeholders hold any better information that would improve the advice; and
- Whether it is clear how this advice applies in informing:
 - Proactive management; and
 - Completing a Habitats Regulations Assessment/MCZ assessment.

1.1.1.3 The Hornsea Three offshore cable corridor coincides with the Cromer Shoal Chalk Beds MCZ and as such Hornsea Three has been in (ongoing) discussion with Natural England and other stakeholders on the implications for cable installation and operation for this MCZ. Natural England shared the draft conservation advice package for Cromer Shoal Chalk Beds MCZ with Hornsea Three during the pre-application phase of the Hornsea Three project (specifically in June 2017), to ensure the MCZ Assessment accompanying the Development Consent Order (DCO) application was as up to date and complete as possible. Hornsea Three are therefore familiar with the draft conservation advice provided and have already used the draft advice to produce the Hornsea Three MCZ Assessment.

1.1.2 Feedback Overview

1.1.2.1 In response to the request for feedback on the draft conservation advice package for Cromer Shoal Chalk Beds MCZ, Hornsea Three wish to highlight some areas of inconsistency in Natural England's conservation advice. The areas of inconsistent advice occur within a section of the "Supporting Notes" for each of the following features/attributes:

- Peat and Clay Exposures
 - Distribution: presence and spatial distribution of biological communities; and
 - Structure: species composition of component communities.
- Subtidal Coarse Sediment

- Distribution: presence and spatial distribution of biological communities;
 - Structure: sediment composition and distribution;
 - Supporting processes: sediment movement and hydrodynamic regime; and
 - Structure: species composition of component communities.
- Subtidal Mixed Sediment
 - Distribution: presence and spatial distribution of biological communities;
 - Structure: sediment composition and distribution;
 - Supporting processes: sediment movement and hydrodynamic regime; and
 - Structure: species composition of component communities.
 - Subtidal Sand
 - Distribution: presence and spatial distribution of biological communities;
 - Structure: sediment composition and distribution;
 - Supporting processes: sediment movement and hydrodynamic regime; and
 - Structure: species composition of component communities.

1.1.2.2 The relevant Supporting Notes text is as follows:

It should be noted that this attribute may be vulnerable to the installation of any infrastructure that is likely to result in a change to the nature or extent of the feature (for example the addition of rock armouring to protect cables or pipelines). Should any activities such as this occur, they would likely significantly impact this attribute and trigger a 'recover' target.

1.1.2.3 This text has only been included in the Supporting Notes for the features outlined above and is not referred to in Supporting Notes for the other features (i.e. High Energy Circalittoral Rock, High Energy Infralittoral Rock, Moderate Energy Circalittoral Rock, Moderate Energy Infralittoral Rock and Subtidal Chalk).

1.1.2.4 Hornsea Three's point of concern with this statement is that it states '*any activities...would likely significantly impact this attribute and trigger a 'recover' target.* We believe this advice is inconsistent with advice provided on other MCZs in English and UK waters. The Hornsea Three consultation response (this document) highlights those MCZs where cable or pipeline protection has not triggered a 'recover' target, using examples of MCZs where there were existing cable and/or pipeline protection at the time of designation and MCZs where projects consented since designation have included rock protection for cables/pipelines.

1.2 Case Studies

1.2.1 Holderness Inshore MCZ

- 1.2.1.1 The Holderness Inshore MCZ is located north of the Humber Estuary on the Yorkshire coast. It is an MCZ with numerous pipelines running through it associated with the Easington gas terminal, including pipelines to York, Rough and West Sole. Over their lifetimes, these pipelines have become exposed at various points and protection measures, including rock protection and/or concrete mattresses, have been installed on the seabed within what is now the boundary of the MCZ. In addition, pipeline protection has been installed at numerous pipeline crossing points within the MCZ and the Humber Gateway and Westernmost Rough export cables pass through the site, with the former making landfall at Easington.
- 1.2.1.2 Despite the presence of this rock protection and concrete mattresses within the Holderness Inshore MCZ, the target for the Subtidal Coarse Sediment, which covers most of the MCZ, and the other broadscale habitat classifications is to “Maintain” the current status of the attributes¹, rather than a “Recover” target.
- 1.2.1.3 The original vulnerability assessments for this MCZ (Net Gain, 2011²) considered the vulnerability of the Subtidal Coarse Sediments, Subtidal Mixed Sediments and Subtidal Sand features³ of this MCZ to this pressure, i.e. “Physical Change (to another seabed type)” from “Infrastructure – cables & pipelines (Operation)”. The conclusion was that these features had a low vulnerability due to the small footprint of these infrastructure within the MCZ and did not warrant a “Recover” conservation objective.
- 1.2.1.4 This example demonstrates that while these broadscale habitat features have some vulnerability to placement of cable and pipeline infrastructure, including protection measures, small amounts of these do not present a risk to the conservation objectives of the site at a site level. In the case of the Holderness Inshore MCZ, the presence of this infrastructure has not resulted in a “Recover” target for any of the protected features or their attributes.

1.2.2 West of Walney MCZ

- 1.2.2.1 The West of Walney MCZ is a joint inshore and offshore site in the Irish Sea. Conservation advice has been jointly prepared by Joint Nature Conservation Committee (JNCC) and Natural England. In common with the Holderness Inshore MCZ, West of Walney MCZ contains oil and gas infrastructure and pipelines and the Walney, West of Duddon Sands and Walney Extension offshore wind farms⁴, including inter array and export cables.

¹ <https://designatedsites.naturalengland.org.uk>

² Net Gain (2011) Final Recommendations Submission to Natural England & JNCC. Version 1.2, 31 August 2011.

³ Identical broadscale habitat features as the Cromer Shoal Chalk Beds MCZ, referred to in paragraph 1.1.2.1. Note: other features of the Holderness Inshore MCZ are not discussed in this document.

⁴ It should be noted that since this is a co-located site Natural England's advice to regulators and industry states that the consented footprint of the windfarms does not count as qualifying MCZ habitat.

- 1.2.2.2 The conservation objective for some of the features is “Recover”, specifically in relation to the following attributes of the Subtidal Sand feature:
- Distribution: presence and spatial distribution of biological communities; and
 - Structure: species composition of component communities
- 1.2.2.3 The “Recover” conservation objective has been set as this feature is subjected to pressures associated with the regular use of bottom towed fishing gear within the site. The supplementary advice on conservation objectives for this site do not refer to the presence of seabed infrastructure as being responsible for the “Recover” conservation objective associated with the Subtidal Sand feature⁵.
- 1.2.2.4 As with the Holderness Inshore MCZ example above, this example demonstrates that the presence of cable and pipeline infrastructure does not preclude protected broadscale habitat features being in a favourable condition within a MCZ. In this case, while there is a “Recover” conservation objective for the Subtidal Sand feature, this is not related to the presence of cable or pipeline infrastructure, but repeated disturbance from bottom towed fishing gear within the site.

1.2.3 Kemsley EfW Power Station, The Swale Estuary MCZ

- 1.2.3.1 A recent marine licence application for the Kemsley EfW Power Station, Kent included an MCZ assessment for effects on the Swale Estuary MCZ and the Medway Estuary MCZ (the latter being screened out due to lack of receptor-impact pathways⁶). The Swale Estuary MCZ is designated for a number of intertidal and subtidal broadscale habitat features, including Intertidal Sand and Muddy Sand, with a conservation objective of “Maintain in favourable condition” for all features.
- 1.2.3.2 The project included construction of an outfall for the power station within the boundary of the MCZ, including placement of a small volume (i.e. 15 m²) of rock protection within one of the designated features of the MCZ (i.e. Intertidal Sand and Muddy Sand). The MCZ assessment concluded at the Screening stage that there were no significant effects on the protected features of the Swale Estuary MCZ. This conclusion was justified based on the relatively small proportion of the protected features affected by placement of rock protection.
- 1.2.3.3 This example highlights that in some cases, where the proportion of the broadscale habitat features affected by rock protection is highly limited, this would not represent a significant effect on protected features of an MCZ (i.e. Screened out of an MCZ Assessment) and therefore would not represent a risk to the achievement of conservation objectives for that site.

⁵ This note has only discussed the Subtidal Sand feature as this is the common feature with the Cromer Shoal Chalk Beds MCZ. The other features of the West of Walney MCZ are not discussed here.

⁶ RPS (2017) Kemsley Power Station Marine Conservation Zone Assessment Rev01. Wheelabrator Technologies. EOR0705. May 2017.

1.2.4 IFA2 Electricity Interconnector

- 1.2.4.1 The IFA2 Electricity Interconnector project received its Marine Licence in early 2017. As part of the Marine Licensing process, the Marine Management Organisation (MMO) undertook a Stage 1 MCZ Assessment under Section 126 of the Marine and Coastal Access Act⁷, as the route of the interconnector intersected two MCZs: Offshore Brighton MCZ and Offshore Overfalls MCZ and passes within 400 m of the Utopia MCZ. Both the Offshore Brighton and Offshore Overfalls MCZs have general management approaches of “Recover to Favourable Condition” for Subtidal Coarse Sediments, Subtidal Mixed Sediments (both sites) and Subtidal Sand (Offshore Overfalls only⁸). For both MCZs, the “Recover” general management approach has been set due to these features being exposed to a large amount of regular bottom-contacting fishing gears⁹.
- 1.2.4.2 The IFA2 project included introduction of cable protection across up to 3 km of interconnector cable within the Offshore Brighton and Offshore Overfalls MCZs. The MCZ assessment concluded that the introduction of cable protection would not hinder the achievement of the conservation objectives, due to the small proportion of the features (including Subtidal Coarse Sediment, Subtidal Mixed Sediment and Subtidal Sand) affected. The Marine Licence for IFA2 includes a condition which requires submission of a Cable Specification and Installation Plan to the MMO, including details of any proposed cable protection to enable the MMO to fully review any potential impacts of cable protection proposals within the MCZs.
- 1.2.4.3 This example of a Stage 1 MCZ Assessment demonstrates that where the volume of rock protection is small and/or placement of rock protection is predicted to affect a small proportion of protected broadscale habitat features, this does not constitute a risk to the conservation objectives of the protected features or the site as a whole. It should be noted, that this was the case even though the site was in an unfavourable condition, with a “Recover” conservation objective for these features.

1.3 Conclusion

- 1.3.1.1 Hornsea Three recognises that the broadscale habitat features of the Cromer Shoal Chalk Beds MCZ and their relevant attributes have some vulnerability to placement of rock protection. Hornsea Three has been working with Natural England and other stakeholders to minimise the impact of rock protection on the MCZ and other designated sites within the project area.

⁷ MMO (2016) IFA2 Electricity Interconnector. The Marine and Coastal Access Act (MCAA) (2009): Section 126, Marine Conservation Zone Assessment. Ref. MLA/2016/00209. National Grid. 2 November 2016.

⁸ Identical broadscale habitat features as the Cromer Shoal Chalk Beds MCZ, referred to in paragraph 1.1.2.1. Note: other features of these MCZs are not discussed in this document.

⁹ JNCC (2015) Scientific advice on offshore Marine Conservation Zones proposed for designation in 2015/16. Version 4.0, July 2015, JNCC, UK.

- 1.3.1.2 The main point highlighted in this note is that the Cromer Shoal Chalk Beds draft conservation advice package implies that *any* introduction of rock protection within the MCZ would significantly hinder the conservation objectives of the site. As outlined in the examples above, this advice is not consistent with conservation advice packages from sites with many of the same broadscale habitat features as the Cromer Shoal Chalk Beds MCZ. This therefore relates to the Clarity of the advice which is being provided by Natural England with respect to this MCZ.
- 1.3.1.3 It should be noted that Hornsea Three agree that the advice may be more accurate for the Peat and Clay Exposures feature within the Cromer Shoal Chalk Beds MCZ, primarily due to the highly limited extent of this protected feature within the MCZ and the specific habitat requirements of the biological communities associated with this habitat (e.g. species which bore into soft rock/clay).