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**To:** [Hornsea Project Three](#)  
**Cc:** [Burton, Louise \(NE\)](#); [West, Richard \(MMO\)](#)  
**Subject:** Natural England, concerns regarding exam timetable clashes with other examinations  
**Date:** 03 December 2018 08:10:03  
**Attachments:** [Natural England Overarching concerns with 3 project timetables.pdf](#)

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Dear sir or Madam,

I apologise for the lateness of this letter, I thought it had sent last week, however, it seems the email got stuck in my outbox and I have only just noticed. This letter details our concerns regarding overlapping examination schedules and the potential impact this may have on our ability to provide advice regarding Hornsea 3. It also includes some questions on the auditable process for assessment of impact to MCZ, for your consideration,

Regards

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Date: 28 November 2018  
Our ref: Consultation:  
Your ref: EN010079, EN010084, and EN010080



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**BY EMAIL ONLY**

Dear Sir or Madam,

**Hornsea Project 3 Offshore Wind Farm, Vanguard Offshore Wind Farm and Thanet Extension Offshore Wind Farm, Natural England Issues with timetables.**

Natural England has now received the examination timetables for three projects: Hornsea Project 3 Offshore Wind Farm (OWF), Vanguard OWF and Thanet Extension OWF. We have already provided comment on the Hornsea Project 3 timetable and will provide individual responses to each of the remaining two projects. However, due to the overarching and interrelated issues caused by the overlap of the three application processes, Natural England is providing this overarching response to highlight our concerns.

Natural England would also like to highlight that the Rule 6 letters for Vanguard and Thanet extension were received much later than expected. Due to the delay, the overlap with Christmas and the significant deadlines in early January, Natural England has had to cancel our participation in several pre application Nationally Significant Infrastructure Projects (NSIP) evidence plan meetings. Thus the timetables are having an impact and potential delay on projects outside of these processes as well.

Furthermore Natural England advises that, while we rarely attend site visits, any access to designated sites will require assent from Natural England under The Wildlife and Countryside Act 1981 (as amended) unless the visits are restricted to public rights of way.

**1. Natural England's concerns on the overlapping timetables**

1.1. Within the timetables for the three examination processes there are three main points of overlapping concern we would like to highlight.

1.1.1. The first is the overlap of Hornsea Project 3 deadline 4, Vanguard deadline 1 and Thanet deadline 1. All three of these deadlines not only overlap with each other, but overlap with Christmas. If the ExA's written questions and potential additional documentation for review are received the week after the preliminary hearings then there would be highly limited opportunity to review before Christmas. Given that Natural England does not operate between Christmas and New Year this leaves potentially as few as 8 working days to prepare these significant responses. It is also important to note that many of the staff, especially our scientific experts, involved in these developments work on all three applications.

Additionally, it should be noted that on previous application timetables, such as East Anglia 3, when placing deadlines over the Christmas period other Examining Authorities (ExA) have provided 6 weeks for responses. Also that the deadline 1 responses are in fact multi-layered responses to many significant requests, such as: Statements of Common Ground (SoCG), answers to Examiners Questions, Written Representations, comments on updated application documents and several other requests.

With such significant overlap during a period when staff resource is at its lowest, Natural England has to highlight that, without changes to the Vanguard and Thanet timetable it will not be possible to provide full and detailed responses to all three projects, covering all aspects. We will make best endeavours to provide responses to key issues. However, we would like to request that consideration is given to granting a 2 week extension to Vanguard and Thanet deadline 1. Or at a minimum to just Vanguard project deadline 1.

- 1.1.2. The second is the overlap of the Hornsea Project 3 issues specific hearings (ISH) 5 and 6, with Vanguard ISH 1 and 2. These hearings occur on the same days in different cities. Many of the experts Natural England would normally bring to such hearings are working on both projects. It is, therefore, impossible for Natural England to provide full support to both sets of hearings. Given Natural England's significant concerns and outstanding issues with the Hornsea Project 3 it is likely to be given priority. However, this may significantly reduce the ability of the Vanguard ExA to ensure adequate examination of the issues raised. This will be further compounded by the high probability that Natural England will not be able to provide a full and detailed response to Vanguard deadline 1.

In addition, it should be noted that, due to the issues around in-combination effects on several environmental receptors of Hornsea project 3, there may be a knock on effect on the ability of Natural England to discuss these issues during the Vanguard and Thanet Extension Project especially when considering the overlapping deadlines and ISHs.

Natural England notes that should an extension to deadline 1 for Vanguard be granted a knock on effect would likely be a change to the dates of the ISH which would remove this overlap.

Furthermore, it is noted that the hearings for all three projects are set during late January and early February. Natural England notes that this period is where the risk of severe weather is the highest. Most of Natural England's attendees at hearings will have significant distances to travel to attend hearings. The timelines and rule 6 letters do not address what procedures will be in place to warn attendees in the event of severe weather causing travel disruption. Natural England places the welfare of its staff as our highest priority and in the event of severe weather will instruct its staff not to attend. We will provide as much advanced notice of any non-attendance due to bad weather as is reasonably possible.

- 1.1.3. The third is the overlap in the consultation on the Vanguard and Thanet Extension Projects ExAs consultation on the Reports on the Implications for European Sites (RIES). These key documents are to be submitted one day apart with a final deadline one day apart. The RIES are highly important documents and require significant amount of resource to review. Many of Natural England's experts will be required to provide advice on both documents simultaneously. Providing fully detailed advice on both projects will be difficult and it would be appreciated if they could be further staggered by at least one week which would allow Natural England to stagger its review processes.

Additionally deadlines 8 and 7 for Vanguard OWF and Thanet Extension OWF, respectively, significantly overlap. Both involve the review of significant amounts of documentation to provide our final advice on the RIES. The time given for both projects is 4 just working days, with both projects overlapping this will be a significant challenge. Natural England is asking for extensions to both of these deadlines, however, staggering the submission would also remove the overlap and significantly reduce the burden.

## **2. Query on the process for MCZ assessment within the Planning Act 2008 application process**

- 2.1. In addition to the concerns raised on the timetable issues, Natural England would like to query how PINS process considers the impact to Marine Conservation Zones (MCZ) as required under section 126 of the Marine and Coastal Access Act 2009 (MCAA)? Both Hornsea Project 3 and Thanet Extension project have a risk of significant impacts to the features of an MCZ. However, within neither of their timetables is any consideration given to review of the impact on these sites. Within PINS Advice note 11, Annex C it notes Natural England's responsibility to provide advice on these sites. However, no guidance or advice note seems to outline a process for how the impact to these designated sites are to be considered through the process, or where Natural England's advice on these impacts is to be sought.
- 2.2. It is noted that the Marine Management Organisation (MMO) process for issuing of Marine Licences under the MCAA is for the regulator to conduct an assessment, upon which Natural England advice is then sought. This process allows for a clear and transparent audit of the regulatory consideration of the impact to the designated site, a clear decision and for the relevant statutory nature conservation bodies advice to be considered. It also ensures consistence of decision making across projects. A lack of a clear and transparent process, such as this, could increase the risk of successful challenge to any decisions made under the Planning Act 2008 process.
- 2.3. Furthermore, it should be noted that a lack of a clear audit of what is considered by the Secretary of State acceptable impact to the MCZ may have implications for post consent sign off of plans and documentation. These documents are considered against the assessments that are made during application, where such assessments are not clearly evident it may lead to the need to re-assess based on the final proposals. These assessments could cause unnecessary delay to these important sign off processes.

For any queries relating to the content of this letter please contact me using the details provided below.

Yours sincerely,



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