
From: Brown, Emma [mailto:Emma.Brown@naturalengland.org.uk]

Sent: 08 February 2019 17:22

To: Hornsea Project Three

Subject: Hornsea Project Three Deadline 6 Submissions

Good Afternoon,

Please find Natural England's Written Submissions for Deadline 6 of the Hornsea Project Three Offshore Windfarm examination attached.

This includes our written summaries of the Offshore Ecology and DCO Issue Specific Hearings, along with several Annexes which are provided in response to requests made by the Examiner.

Please note Natural England are not providing a response to the Examiners' questions relating to Markham's Triangle MCZ within this submission.

Natural England has reviewed the relevant documents in consultation with JNCC and have prepared a response but we have subsequently received an email from the Applicant offering further clarification. Unfortunately it has not been possible for us to consider this new information in time for today's deadline, but we intend to give this further consideration and provide a response in due course.

Kind regards,

Emma

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Please note I currently work Monday - Thursday

<http://www.gov.uk/naturalengland>

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THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010

HORNSEA PROJECT THREE OFFSHORE WIND FARM

Planning Inspectorate Reference: EN010080



NATURAL ENGLAND

WRITTEN SUBMISSION FOR DEADLINE 6

**IS6 Annex B: Natural England's Comments on REP4-023 Code of Construction
Practice Rev.2**

Dated 07th February 2019

Natural England comments on Code of Construction Practice (CoCP) Rev. 2 (REP4 – 023)

Natural England has reviewed the CoCP (Rev 2) and provides the detailed comments below to improve the robustness of the document and meet the regulatory requirements.

Please note that until these issues have been resolved we are unable to finalise our position to one of agreement on the onshore section of the 'All other matters' Statement of Common Ground with the applicant

A. CoCP sign off mechanism for Pink Footed Geese (PFG) mitigation plan

1. As raised during ISH 5 on 30th January 2019, Natural England's remit in relation to the discharging of DCO/DML conditions and associate plans is an advisory one and it is the regulators responsibility to provide the necessary sign off/condition discharge. As the CoCP and the PFG mitigation plan are DCO requirements the Local Planning Authority will need to discharge the condition. However, we request that there is a requirement included within the DCO/DML to do so in consultation with the relevant SNCB.

B. Pink Footed Goose Mitigation Plan

2. As raised during ISH 1 Natural England has some outstanding concerns in relation to the potential requirement for PFG mitigation outside of the peak over wintering period (Nov – Jan) for North Norfolk Coast SPA Annex I Pink Foot Geese. As set out in our conservation advice package that can be found on Natural England's Designated Sites View package on our website, PFGs are arriving before November and dependent on weather conditions and food resource may be utilising the North Norfolk Coast beyond January. Therefore any mitigation plan should factor this in.
3. 6.5.1.40 - The additional wording in the main body of the CoCP doesn't provide sufficient certainty to undertake HRA assessment as relies on real time decision and leaves multiple options with no restriction on how one or all of them are implemented.
4. And whilst we welcome the commitments to the proposed restrictions, the inclusion of the caveat 'as appropriate' doesn't allow for assessment of the parameter in the HRA.
5. 5.1.40 - This is further confounded by the use of individual's subjectivity in relation to 'sensitivities' with no clear indication of what would constitute cold weather when geese are more likely to sensitive, the level of disturbance that

would cause a change in behaviour etc. There needs to be a clear action pathway i.e. when must works cease etc.

6. In addition, the inclusion of the mitigation plan at Appendix F has raised the following concerns:

- i) Table 3.1 - It would be helpful to see the evidence supporting the assumption that it is okay to disturb up to 50% of the total available foraging area locations for any given overwintering period
- ii) F3.1.3 - We welcome a more precautionary approach
- iii) F5 - When will documents be provided to LPA for discussion with NE and sign off?
- iv) F5.2.3 - up to 18 weeks is a long time for works with limited personal and equipment to be in an area. Therefore there needs to be more detailed parameters included in the mitigation plan. For example:
 - The maximum number of personnel for these less disturbing works.
 - The maximum noise limit for the works
 - Potential evidence to support habituation
 - Justification for these works having to continue within overwintering period

Also could further mitigation measure be considered e.g. If you know works are happening in specific area such as for HDD – could proactive measures be taken to ensure that beat crops won't be planted nearby? Could more sensitive periods towards the end of the overwintering period when food availability declines be avoided?

C. Sediment lagoons

7. C.1.4.3 - Sediment Lagoons – Natural England would wish to be consulted on the location of sediment lagoons especially in relation to the hydrological impacts on designated sites. Please be advised that Natural England's preference would be for sediment lagoons to be located outside of designated site boundaries and in locations where the risk of leaks into the hydrological system would be lower

D. Soil Management Plan

8. G1.1.7 - The soil management strategy should also consider impacts to water courses, not just agricultural land, and this definition should be adjusted accordingly.

9. The OCOCP states 'The location of these storage areas has been sited away from watercourses and flood zones where possible. There are two locations where the boundary of the storage area is located within a flood zone associated

with nearby rivers.’ Natural England would expect to see site specific mitigation included within the CoCP, to minimise run off from exposed ground and stock piles to water courses.

10. Final site specific strategies should incorporate the latest guidance available at the time of writing. Note: Ciria C692 has been superseded by Ciria C741