

From: [Brown, Emma](#)
To: [Hornsea Project Three](#)
Subject: EN010080 Hornsea Project 3: Deadline 7 Submission from Natural England
Date: 15 March 2019 00:02:45
Attachments: [EN010080 Hornsea Project Three Deadline 7 - Natural England - ANNEX C - Cable Protection Advice Note.pdf](#)
[EN010080 Hornsea Project Three Deadline 7 - Natural England - ANNEX D - Note on Small Scale Impact.pdf](#)
[EN010080 Hornsea Project Three Deadline 7 - Natural England - ANNEX E - Ornithology Response.pdf](#)
[EN010080 Hornsea Project Three Deadline 7 - Summary of Natural England's Advice on Cromer Shoal MCZ.pdf](#)
[EN010080 Hornsea Project Three Deadline 7 - Summary of Natural England's Advice on Markham's Triangle pMCZ.pdf](#)
[EN010080 Hornsea Project Three Deadline 7 - Summary of Natural England's Advice on North Norfolk Sandbanks and Saturen Reef SAC.pdf](#)
[EN010080 Hornsea Project Three Deadline 7 Natural England's comments on the RIES .pdf](#)
[JNCC Report 598 Revised-2018 WEB - Monitoring guidance for marine benthic habitats.pdf](#)
[Natural England and JNCC joint Technical Guidance Note - Marine Buffers and Margins - Final.pdf](#)
[NECR164 Non-breeding season populations of seabirds in UK waters.pdf](#)
[SNCB response to MSS avoidance rate report FINAL_251114.pdf](#)
[EN010080 Hornsea Project Three Deadline 7 - Natural England - ANNEX A - Further Advice on PTA REP5 - 010.pdf](#)
[EN010080 Hornsea Project Three Deadline 7 - Natural England - ANNEX B - Sabellaria Spinulosa Advice Note.pdf](#)
[EN010080 Hornsea Project Three Deadline 7 - Natural England - Rule 17 Response.pdf](#)
[Natural England and JNCC joint Technical Guidance Note - Marine Buffers and Margins - Final.pdf](#)

Good Evening,

Please find attached Natural England's Deadline 7 Response.

This includes:

- Comments on the RIES
- Rule 17 Response
- ANNEX A: Further Advice on PTA REP 5 – 010
- ANNEX B: Sabellaria Spinulosa Advice Note
- ANNEX C: Cable Protection Advice Note
- ANNEX D: Note on Small Scale Impact
- ANNEX E: Ornithology Response
- Summary of Natural England's Advice on Cromer Shoal MCZ
- Summary of Natural England's Advice on Markham's Triangle pMCZ
- Summary of Natural England's Advice on The Wash and North Norfolk Coast SAC
- Summary of Natural England's Advice on North Norfolk Sandbanks SAC
- Natural England & JNCC joint Technical Guidance Note – Marine Buffers and Margins
- SNCB response to MSS Avoidance Rate Report
- NERC164
- JNCC Report 598

Please note that Natural England has reviewed the MMO's draft Response to the ExA dDCO/DML and are in agreement with their comments. Therefore we will not be providing a separate response on this occasion.

Kind regards,

Emma

This email and any attachments is intended for the named recipient only. If you have received it in error you have no authority to use, disclose, store or copy any of its contents and you should destroy it and inform the sender. Whilst this email and associated attachments will have been checked for known viruses whilst within the Natural England systems, we can accept no responsibility once it has left our systems. Communications on Natural England systems may be monitored and/or recorded to secure the effective operation of the system and for other lawful purposes.

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>



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 7

Annex C : Cable Protection Advice Note

14 March 2019

1. Standard advice

- 1.1. Natural England advises against the use of cable protection within designated sites as the addition of hard substrata is often incompatible with the conservation objectives for Annex I sandbanks and reef features.

2. The use of 10% Worst Case Scenario (WCS)

- 2.1. We acknowledge that based on previous cable installations (requiring c.6% of their cable lengths to be protected) the developer has presented reasonable justification for the WCS of 10% along the entire export cable length requiring cable protection and this could potentially meet EIA requirements. However, it doesn't take into account the localised diversity of sediment types and structure, which would result in cable protection being concentrated in particular areas/habitats rather than a uniform distribution. Therefore assessing WCS of 10% of the cable length within an SAC requiring protection, based on evidence from entire export cable routes measuring 10s of kilometres, with multiple sediments types, is not appropriate for HRAs.
- 2.2. It therefore remains unclear whether this assumption is directly applicable to the individual designated sites, This is important because cable protection will have a permanent impact on the designated site and the volume/area/length can make a big difference in relation to the outcome of an appropriate assessment

3. Habitat Features

- 3.1. The ability to bury cables and thus the need for cable protection should be based on project specific information on the habitats/features present and the underlying substrata and allow for sufficient contingency around changing installation tools and/or technical hiccups. Please see Natural England advice submitted for Deadline 6 [REP6 - 048] and Deadline 7 on the Preliminary Trenching Assessment [REP5 – 010].

4. Temporary vs. permanent loss

- 4.1. Natural England advises that the placement of cable protection is a permanent impact and that to date no empirical evidence has been presented to demonstrate the successful decommissioning / removal of cable protection where the habitat is returned to its pre impact state.

5. During construction vs. over the lifetime of the project:

- 5.1. During the discussion at ISH 4 the Applicant said that 10% of cable protection was to be placed over the life time of the project, not just during the construction

phase. If the Applicant would like flexibility to place rock armouring in new areas over the life time of the project then there needs to be an agreed approach on how impacts to priority habitats and/or interest features will be avoided and/or minimised during subsequent cable protection placement and this should be assessed as part of the consenting process. We advise that a Site Integrity plan should be submitted which goes one step further than the Cable Installation Plan to ensure that these HRA concerns are addressed. NB: this is something that Vattenfall is already undertaking for Norfolk Vanguard NSIP.

- 5.2. Natural England highlights that the MMO has highlighted other projects which have required substantially more cable protection [REP1-095 and REP3-092]. Therefore, the MMO has advised that if the volume of cable protection detailed in the DMLs is not used during construction then they would expect to see a separate marine licence application for remedial cable protection during the operational phase. The MMO does not feel it is possible to fully assess the impacts on designated sites over the lifetime of the Proposed Development [REP6-073].
- 5.3. Therefore, Natural England is in agreement with the MMO that the figure provided for cable protection should only be assessed and restricted to the construction phase. Any further request for cable protection over the life time of the project should be dealt with through a separate marine licence. Please also see our comments on the RIES submitted at deadline 7.

6. Use of 25% WCS for O&M:

- 6.1. As discussed during ISH 4 and within our response to ExA question Q2.2.60 the Applicants HRA includes a figure of 25% for the replacement of rock protection during the operation phase of the project. However, it is considered by the Applicant to not increase the significance of the impact as it will be located on areas previously protected. Natural England queried several assumptions during the ISH and this is now our understanding of this proposal:
 - i) *Where did this figure come from?*
- 6.2. No information has been provided to support this
 - ii) *Is it 25% of the area/volume of cable protection placed during construction to protect the cables, or 25% of the original figure applied for cable protection in the application? N.B. There could be a significant difference between the two and would need to be outline which in the DCO/DML*
- 6.3. Our understanding is that 10% cable protection was not intended by the Applicant to be limited to the construction phase, therefore the 25% is of the full volume of cable protection applied for within the application.
 - iii) *If only in areas where cable protection has been previously place then there should be a restriction in the DCO/DML on this.*
- 6.4. However, if 10% cable protection is permitted beyond the construction phase, there is still a question of how the Developer will differentiate between placing a proportion of the 10% over the lifetime of the project and that of the 25% of the replenishment amount? For example how will the regulator be certain that 10%

of the length of the cable corridor within a designated site hasn't been exceeded? And that either 25% of the existing cable protection length and/or 25% of the volume hasn't been exceeded? If the Secretary of State is minded consent the project, and noting the point above about concentration of cable protection on particular habitats/features, further DCO/DML restrictions would be appropriate.

- 6.5. Natural England suggests that the DCO/DML clearly sets out what the maximum volume, area and length of cable protection permitted in each designated site would be, with the 25% replenishment of the cable protection set as a volume only. It would also be helpful to set out what the combined volume of cable protection would be to make it clear to all parties what the thresholds are.

iv) If not in new areas, why will there be a need for replenishment? This needs to be restricted in the DCO/DML: For example:

- o Replacing damaged cables – If so, evidence from Thanet suggests that a new cable located around the damaged area would be required; which we believe would be a new area of impact and extension of cable protection and therefore a marine licence variation request would be required as area impact not length.*
- o The protection has moved/winnowed - If so, then the area footprint of the cable protection has already expanded outwards, potentially beyond the parameters assessed. We understand that the Applicant has taken this into consideration in their assessment. However, this is not clear from the HRA.*

- 6.6. Please note that this should not be 25% of the total amount of rock protection applied for across the project including that requested for scour protection and that this point should be made clear in the DCO/DML.

7. Decommissioning

- 7.1. Natural England notes that the Applicant has submitted [REP6 - 018] JdN 'Technical note for decommissioning Race Bank Export Cable rock protection'

- 7.2. Please note that NE this document has been produced in support of a live application that is yet to be determined by the MMO (MLA/2017/00277/4 Race Bank marine licence application.).

- 7.3. As the Applicant is the same developer as for Race Bank and our interim advice is in the public domain we set out below our advice to the MMO in relation to this document alone: -

- i) Whilst the document demonstrates that dredging of rock is possible. However, that is very different to sensitively decommissioning rock armour within designated sites.*
- ii) The examples provided give no details of why they were dredging rock? Where they were and overarching sediment type? What was required? What was achieved? What did the seabed look like before*

and after and compared to surrounding habitat? Did the dredging in itself have any wider impacts?

iii) There is no assessment of how analogous these examples are to what is required for Race Bank [and thus Hornsea Project 3].

iv) Section 2.6.5 the drag Head vertical accuracy to 30cm means that it is unlikely that the seabed will be returned to its previous state. For instance a remaining layer of 30cm of Norwegian granite in areas in less mobile sediment as proposed in The Wash means a permanent change in the habitat. Similarly the same is true if dredging is undertaken to 30cm below the seabed as habitat will be permanently removed and as with the existing trenches is unlikely to recover.

7.4. Therefore Natural England is unable to agree with the applicant that successful decommissioning, which ensure that the seabed/site features are returned to their previous condition.

8. Summary

8.1. Presently there is insufficient data for Natural England to agree:

a) that the WCS is appropriate for designated sites;

b) that there would be no adverse effect on integrity; and

c) any mitigation/compensation measures.