

**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](#)

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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

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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

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NATURAL ENGLAND

Written Response for Deadline 7

**ANNEX D: Advice note regarding consideration of small scale  
habitat loss within Special Areas of Conservation (SACs) in relation  
to cable protection**

14 March 2019

In relation to consideration of small scale habitat loss within Special Areas of Conservation (SACs) in relation to cable protection Natural England provides the following advice:

- 1.1. Natural England will usually consider permanent, long-lasting and irreversible loss to be an adverse effect unless it can be clearly demonstrated otherwise.
- 1.2. The following points should be considered (but not exclusively) when providing evidence to underpin an assessment of whether an impact is likely to be an adverse effect:
  - Location of the predicted loss in terms of whether it sits on a designated or supporting feature of the site;
  - Duration of the loss – for loss to be considered temporary it must be clearly time-limited to the point where the impact is predicted to return to the same pre-impact condition and must include a detailed remediation plan using proven techniques as part of the licence;
  - Scale of the loss in relation to the feature / sub feature of the site including consideration of the quality and rarity of the affected area;
  - Impact on structure, functioning or supporting processes of the habitat;
  - Feature condition; and
  - Existing habitat loss within the same site/ feature/ sub feature.
- 1.3. Whilst there are no hard and fast rules or thresholds, in order for Natural England to advise that there is no likelihood of an adverse effect the project would need to demonstrate the following:
  - 1) That the loss is not on the priority habitat/feature/ sub feature/ supporting habitat and/or
  - 2) That the loss is temporarily and reversible (within guidelines above) and/or
  - 3) That the scale of loss is so small as to be de minimus alone and/ or
  - 4) That the scale of loss is inconsequential including other impacts on the site/ feature/ sub feature
- 1.4. It is noted that Applicant's will argue that they have provided the above information and provided the necessary assessment and evidence. However, as set out in (C-294/17 Cooperatie Mobilisation for the Environment UA and Others v College van gedeputeerde staten van Limburg and Others) and other case law relating to People over Wind (2018) for a plan/project to be consented within a designated site there needs to be sufficient certainty in the evidence presented and the recoverability of the features and/or absolute certainty that any proposed mitigation measures will remove an adverse effect on integrity.



- 1.5. As set out in our Deadline 7 response for Hornsea Project 3 there is low confidence in the evidence presented to support the Application and considerable uncertainty about the temporal and spatial scale of the impacts due to lack of supporting empirical evidence, project specific data and confidence in the presented Worst Case Scenario.
- 1.6. Therefore, we welcome any further work the applicant can do to provide more certainty in relation to the Worst Case Scenario presented and/or minimise the impacts as much as possible.