

**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](#)  
[SNCRB 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
- SNCRB 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 Submission for Deadline 7

**Summary of Natural England's Advice on Markham's Triangle pMCZ**

14 March 2019

	Features	Subtidal Coarse Sediment	Subtidal Mixed Sediment	Subtidal Sand	Subtidal Mud
1.1	Site Status	<p>Markham's Triangle was included in the third tranche of MCZ consultation and is now a proposed MCZ or 'pMCZ' which means that it is a material consideration.</p> <p>Defra's Tranche 3 consultation was held over Summer 2018. The outcome of this consultation and the decision regarding the designation of this site is yet to be announced. At the moment there is no indication of a likely timeframe for this announcement.</p> <p>NE/ JNCC note that the Tranche 3 consultation was announced after the Applicant had submitted the Application, and therefore we welcome that the site was assessed.</p>			
1.2	Feature Condition	<p>As the site is yet to be designated, there is no conservation advice package available.</p> <p>The Conservation Objectives of the site are yet to be determined, but it should be noted that the consultation document indicated a General Management Approach of 'Restore' for all features. This should be taken into account when considering the significance of impacts on the site.</p> <p>Extents of the features within the site are as follows: Coarse Sediment 145.56km<sup>2</sup>, Sand 26.35 km<sup>2</sup>, mud 1.49km<sup>2</sup>, Mixed sediment 27.54km<sup>2</sup></p>			
2.1	Baseline Characterisation	<p>The applicant has undertaken their own survey work, which has provided a good level of coverage across the site.</p> <p>NE/JNCC have highlighted that the Applicant has taken a non-standard approach to their assessment procedure and in particular the allocation of biotopes and that this makes it difficult to make comparisons across datasets and to draw conclusions with the highest level of certainty at the biotope level. However, we note that the applicant's conclusions align with additional surveys - (Defra Cefas &amp; JNCC), and therefore consider that there is sufficient information to characterise the broadscale habitats within the site (i.e. the site features) in order to facilitate a WCS assessment of the potential impacts on the site.</p> <p>This can then be refined when further pre-construction monitoring becomes available.</p>			
2.2		<p>Subtidal Mud: NE/JNCC note that subtidal mud was not identified within the development area,</p>			

			therefore we are happy for this to be removed from further consideration.
<b>3.1</b>	<b>Assessment of Impacts</b>	<p>At deadline 3, the Applicant Submitted a pMCZ Lifetime Effects Assessment [REP3-023] within which they committed to reducing the proportion of the array within the pMCZ from 24% to 10.5%, and that this will be secured within the DCO/DML and therefore supersedes the position set out in the ES.</p> <p>Natural England and JNCC welcome this reduction of infrastructure within the site.</p> <p>Assessment of a potential operation in any protected area focuses on understanding how the conservation objectives are affected. In practice this mainly relates to understanding how the potential operations affect the designated features. For Markham's Triangle, all features have a general management approach to "restore" to favourable condition.</p> <p>As such, a critical piece of information needed for assessment is the amount of operations expected to occur in each feature. The Applicant has presented figures of the area of each feature within the MCZ which they consider will be impacted by the operations on both a temporary and permanent basis in Table 1.1 of REP3-023. However, it is not clear to NE how these figures were calculated, specifically with regard to how the potential overlap with each feature was considered. Therefore we do not feel able to comment on these conclusions.</p> <p>Within REP3-023, the Applicant has provided a detailed breakdown of the potential area of broadscale habitat impacted as a result of each project element at each phase (construction O&amp;M and decommissioning). This information has then been used to inform assumptions around the likely areas of habitat permanently and temporarily affected at each stage.</p> <p>NE/JNCC's advice on impacts to the features of this site would align with our advice on other designated sites. Therefore there are some project elements that have been considered to be temporary, that we would consider to be persistent and/or permanent depending on the feature- for example cable protection.</p>	

4.1	<b>Significance</b>	<p>The applicant has calculated that the level of temporary habitat loss would equate to 2% of the overall site, with a permanent habitat loss of 0.12% of the entire site [N.B NE/JNCC suggests that these figures would require an adjustment to take account of our advice on impacts]. Whilst this relates to a fairly sizable area in km<sup>2</sup>, NE/JNCC accept that this is relatively small in the context of the entire site.</p> <p>However, the level of impact and impacts of significance need to be understood at a feature level before any conclusions regarding the significance can be drawn.</p> <p>The Subtidal Coarse Sediment feature dominates the site, and therefore impacts on the scale described in REP2-023 may prove to be relatively small in the context of the feature. However, sand and mixed sediment are present in much smaller amounts within the site and therefore impacts on these features may be significant.</p>	
5.1	<b>Measures of Equivalent Environmental Benefit</b>	<p>As highlighted above, Natural England currently unable to provide definitive advice on the significance of the impact on the features of the designated site.</p> <p>There is currently no formal guidance in relation to Measures of Equivalent Environmental Benefit (MEEB) and there and there have been no other cases that have reached this stage. Therefore, should the SoS conclude that MEEB are required, this case would be precedent setting.</p> <p>In the absence of guidance/experience to draw upon, we would recommend that discussions relating to MEEB include input from the SNCBs, Regulatory Agencies (i.e. MMO and BEIS) and Defra.</p>	
6.1	<b>Summary</b>	<p>Natural England hopes to have further discussions with the applicant to try to address some of the issues highlighted above prior to the close of the examination.</p>	