

Hornsea Project Three
Offshore Wind Farm



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Letter of No Impediment - Great Crested Newt mitigation
licence application

Date: 1st April 2019

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Offshore Wind Farm

Orsted

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Front cover picture: Kite surfer near a UK offshore wind farm © Ørsted Hornsea Project Three (UK) Ltd., 2019.

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(NATIONALLY SIGNIFICANT INFRASTRUCTURE
PROJECT)



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Sent by e-mail only

Dear Andrew

DRAFT MITIGATION LICENCE APPLICATION STATUS: INITIAL DRAFT APPLICATION
LEGISLATION: THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017
(as amended)
NSIP: Hornsea Three Offshore Wind Farm Cable Corridor
SPECIES: Great Crested Newt (*Triturus cristatus*)

Thank you for your subsequent draft great crested newt mitigation licence application in association with the above NSIP site, received in this office on the 4th February 2019. As stated in our published guidance, once Natural England is content that the draft licence application is of the required standard, we will issue a 'letter of no impediment'. This is designed to provide the Planning Inspectorate and the Secretary of State with confidence that the competent licensing authority sees no impediment to issuing a licence in future, based on information assessed to date in respect of these proposals.

Assessment

Following our assessment of the draft application documents, I can now confirm that, on the basis of the information and proposals provided, Natural England sees no impediment to a licence being issued, should the DCO be granted.

However, please note the following issues have been identified within the current draft of the method statement that will need to be addressed before the licence application is formally submitted. Our wildlife adviser, Gillian Benson, discussed this matter with Paul Franklin on the 1st April 2019.

Option 1 is your preferred option and we agree in principle that this offers the greater benefit for great crested newts (GCN) over Option 2. The comments below reflect the changes or further clarification which would be required to grant a licence for Option 1. If you are not able to address all of the key issues, Option 2 is also a viable option (but not preferred). Natural England are happy to work with you to progress a mitigation strategy under Option 1.

Please do ensure that the Method Statement is revised to include these changes prior to formal submission. For clarity these include:

General Comment

- The application form must be completed, with declarations signed/checked.

Survey

- Population size class assessments will be required to support a formal licence application, it is not clear what the peak count for each metapopulation is. Please note that the recommended maximum age of the survey data is three years for projects such as this.
- Please include external data if used to support the survey interpretation and evaluation.
- Pond G1C64 is not identified in Figure C3.2a nor within a metapopulation (with a peak count of 6).
- Consider if pond G1F46 should be considered as part of metapopulation 8.

Impacts

- Please include a Figure D.
- It is not clear how construction methods will impact metapopulations, particularly those separated by the cable route such as how long will trenches be open for.
- Should the project involve a 2-stage installation process, this would have increased/cumulative impacts. In this case the impacts would be greater than a typical temporary linear project and this should then be considered within the mitigation strategy. This is likely to require additional population monitoring for example.
- Consider that in some cases HDD can leak, which could have significant impacts on habitat quality so remediation or mitigation may be required in the event of such an issue. However, it is good to see that this approach is proposed to be applied in more environmentally sensitive areas.

Mitigation

- In principle, Option 1 is acceptable. It is not clear from the impact assessment how construction will impact the higher risk areas particularly metapopulations 2, 7 and 8 where the cable route damages core habitat and/or dissects the metapopulations. In these areas more information will be required before the new licensing policy can be applied in full. Additional mitigation is required in these areas such as timing works appropriately to avoid GCN migration, ensuring trenches are closed overnight or not open for long periods of time, or employing HDD.
- If trenches are to remain open for some time, wildlife-friendly measures will be required such as ramps but you may also wish to consider including refugia for any GCN which may become trapped in higher risk areas.
- For each metapopulation the benefits of the licensing policy 1 approach must be made clear. This should include measures such as increasing range or distribution of suitable habitat, improving the quality of occupied habitat, improving connectivity between habitats and/or long-term maintenance and security of habitats.
- Terrestrial habitat proposed to be created (10.6ha) is not consistent with the description within section E1 of the method statement.
- A mechanism for site safeguard of compensatory habitat will be required. This may be secured through planning, a NERC Act Agreement or another agreement that all relevant parties sign up to which ensures the habitats will be managed and maintained appropriately for GCN.
- A Habitat Management and Maintenance Plan may be helpful to briefly summarise the population monitoring and habitat management/maintenance strategy, ideally secured via the site safeguard mechanism mentioned above. Given the potentially long construction window, a habitat management period of 10 years (as opposed to 5) may be more appropriate.
- Figure E3.1 should also show habitat to be restored and also included in Table E3.2 of the Method Statement as relevant.
- Figures E5.1 and E5.2 will be required to be submitted with the formal licence application.
- Figure F1 should be updated to show all the mitigation and compensation proposed, including restoration within the cable footprint.

- Regarding the work schedule:
 - o It must be clear in the work schedule which ponds or areas will be created prior to commencement of construction.
 - o Maintenance is proposed within the Method Statement for Option 1 but not included in the work schedule.
 - o Population monitoring for Option 1 does not commence until almost 10 years after pond creation. Suggest including some monitoring during the construction period, it may make sense to monitor some metapopulations sooner than others in line with a staggered construction period.

Next Steps

Should the DCO be granted then the mitigation licence application must be formally submitted to Natural England. At this stage any modifications to the timings of the proposed works, e.g. due to ecological requirements of the species concerned, must be made and agreed with Natural England before a licence is granted. Please note that there will be no charge for the formal licence application determination, should the DCO be granted, or the granting of any licence.

If other minor changes to the application are subsequently necessary, e.g. amendments to the work schedule/s then these should be outlined in a covering letter and must be reflected in the formal submission of the licence application. These changes must be agreed by Natural England before a licence can be granted. If changes are made to proposals or timings which do not enable us to meet reach a 'satisfied' decision, we will issue correspondence outlining why the proposals are not acceptable and what further information is required. These issues will need to be addressed before any licence can be granted.

Full details of Natural England's licensing process with regards to NSIP's can be found at the following link:

http://webarchive.nationalarchives.gov.uk/20140605090108/http://www.naturalengland.org.uk/Images/wml-g36_tcm6-28566.pdf

As stated in the above guidance note, I should also be grateful if an open dialogue can be maintained with yourselves regarding the progression of the DCO application so that, should the Order be granted, we will be in a position to assess the final submission of the application in a timely fashion and avoid any unnecessary delay in issuing the licence.

I hope the above has been helpful. However, should you have any queries then please do not hesitate to contact me.

Yours sincerely

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Annex - Guidance for providing further information or formally submitting the licence application.

Submitting Documents.

Documents must be sent to the Customer Services Wildlife Licensing (postal and email address at the top of this letter).

Changes to Documents –Reasoned Statement/Method Statement.

Changes must be identified using one or more of the following methods:

- underline new text/strikeout deleted text;
- use different font colour;
- block-coloured text, or all the above.

Method Statement

When submitting a revised Method Statement please send us one copy on CD, or by e-mail if less than 5MB in size, or alternatively three paper copies. The method statement should be submitted in its entirety including all figures, appendices, supporting documents. Sections of this document form part of the licence; please do not send the amended sections in isolation.