

Date: 02 March 2023
Our ref: 420290
Your ref: EN010080



Hornbeam House
Crewe Business
Park Electra Way
Crewe
Cheshire CW1
6GJ

BY EMAIL ONLY

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Dear Ms Crowhurst,

**HORNSEA THREE OFFSHORE WIND FARM ORDER 2020 (AS AMENDED) (“the Order”)
SUBMISSION OF KITTIWAKE IMPLEMENTATION PLANS UNDER PART 1 OF SCHEDULE 14
TO THE ORDER**

Thank you for your consultation dated 03 February 2023 inviting comments on the Hornsea Project Three Offshore Wind Farm Order 2020 (as amended) submission of Kittiwake Implementation Plans dated 03 February 2023. Natural England provide these comments in accordance with paragraph 3, Part 1 of Schedule 14 to the Order.

Natural England’s remit is to ensure sustainable stewardship of the land and sea so that people and nature can thrive. We are working to achieve a healthy and biodiverse marine environment which can enable a truly sustainable UK offshore wind sector, to support the achievement of ‘net zero’ and address the climate change emergency. This is underpinned by our vision for thriving marine and coastal nature alongside low impact offshore wind energy, tackling both climate and biodiversity emergencies as set out in our [Approach to Offshore Wind \(2021\)](#). Aligned to the four aims of our Approach, we use our expertise to help facilitate offshore windfarms that are sensitively located and constructed, whilst protecting marine ecosystems from proposals with significant environmental impacts through our statutory advice. This, coupled with mechanisms for nature enhancement, will allow marine nature recovery and help mitigate the negative impacts of climate change.

In providing this advice we have reviewed the following documents:

- Kittiwake Implementation and Monitoring Plan (Version 6; dated 22/12/2022)
- Site Selection Narrative Report (Version 2; dated 16/12/2022)
- Appendix 1: Pattern Book Kittiwake Implementation and Monitoring Plan Design Report
- Appendix 2: Supporting Design Information Kittiwake Implementation and Monitoring Plan Design Report

Summary

Natural England has engaged in the Hornsea Three (HOW03) Offshore Ornithology Engagement Group (OOEG) and contributed to the development of the Kittiwake Implementation and Monitoring Plan (KIMP). Following review of the submitted KIMP, we are in broad agreement with its content. We have outlined below certain key points for further consideration by the Secretary of State (SoS).

Progress with securing delivery sites

Since the submission of the KIMP, Natural England can confirm that the Applicant has been granted all licenses and permissions needed for the construction of three artificial nest structures (ANS) in two locations in the East Anglia search area (Lowestoft and Minsmere). However, in accordance with the Kittiwake Compensation Plan, HOW03 are required to deliver ANS across their two search areas (North East and East Anglia).

Whilst land has been acquired at the Hartlepool site in the North-East, the necessary permissions for construction have not been secured. Natural England is actively engaging in discussions with HOW03 regarding alternative sites in the event that these are required, but these cannot currently be considered secured. We acknowledge that a non-material change application has been submitted to BEIS to address the implications of this for the timescales for delivery of the compensation (discussed further below).

It is for Secretary of State to determine if this is sufficient progress for the KIMP to meet the requirements detailed in Part 1, Schedule 14 of the Order.

Non-material change

A non-material change (NMC) application was submitted by the Applicant on 12th January 2023. Natural England's response to this Application was provided on 15th February 2023 and can be found [here](#). In brief, the requested NMC seeks to make a change to the Development Consent Order (DCO) to shorten the length of time the ANS need to be in place before HOW03 becomes operational. Specifically, a reduction from four breeding seasons to three for two of the ANS, and to two breeding seasons for the remaining two.

With the permissions now in place for three ANS in East Anglia, it is possible that these ANS will be installed to allow the full four breeding seasons required under the current DCO. If this is not achievable, it seems likely that these three ANS will meet the requirements to be installed for three breeding seasons under the amendment, should the SoS be minded to approve the NMC application. Equally, the decrease to two breeding seasons for two structures, should it be granted, would allow more time for a site in the North-East search area to be secured.

Monitoring

Certain aspects of the monitoring outlined in the KIMP and required under Schedule 14 (for example natal dispersal, diet studies) are reliant on the Hartlepool and/or an alternative onshore, rather than nearshore, site being taken forward. A contingency plan has not been included in the KIMP for delivering this monitoring should all of the ANS be in the nearshore environment, where monitoring is considered by HOW03 to not be practicable due to working at sea constraints. Given the uncertainty regarding the location of the final structure, it would be appropriate for such a contingency plan to be included in the KIMP.

With respect to monitoring colony interchange and recruitment to Flamborough and Filey Coast Special Protection Area (FFC SPA), Natural England is in agreement that empirically quantifying the number of kittiwake from the ANS that recruit to the FFC SPA population is likely impossible due to the size of the FFC SPA colony, especially considering that colour ringing will only be possible at onshore ANS. Nevertheless, whilst we acknowledge that the likelihood of resighting ringed birds at FFC SPA is too low to make a quantitative analysis possible, we would hope that over the lifetime of the compensation delivery it is possible to demonstrate that some recruitment to FFC SPA has occurred.

Reporting requirements for compensation

Natural England consider compensation under the derogations within the Habitats Regulations for adverse effects on National Site Network (NSN) sites to be a matter of public interest. We are

therefore of the view that transparency should be sought wherever possible and appropriate as regards the effectiveness of compensation provision. We highlight that whilst the current conditions of Part 1, Schedule 14 require an annual report to be provided to SoS, there is currently no requirement or mechanism for such reports to be entered in the public domain or for wider consultation with Statutory Nature Conservation Bodies (SNCB).

Given the complexity of compensating for marine impacts, Natural England emphasises that it is critical that lessons can be learned across the marine industry sector to inform future compensation delivery, and would welcome the opportunity to explore how this can be best achieved with you.

For any queries relating to the content of this letter please contact me using the details provided below.

Yours sincerely,

Emma John
Marine Senior Adviser

E-mail: [REDACTED]
Telephone: [REDACTED]