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Our ref: Consultation 463585 Case 10827
Your ref: EN010080



National Infrastructure Planning
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VIA WEBSITE ONLY

Dear Planning Inspectorate,

Application for a non-material change to the Hornsea Project Three Offshore Wind Farm Development Consent Order – Artificial Nest Structures.

Thank you for your consultation dated 4 January 2024. The following constitutes Natural England's formal statutory response.

Natural England notes that the Development Consent Order (DCO) for Hornsea Project Three (HOW3) Offshore Wind Farm (OWF) requires the Applicant to construct four artificial nesting structures (ANS) for kittiwake along the English east coast, as a compensation measure for the potential impacts of HOW3 on the kittiwake feature of the Flamborough and Filey Coast Special Protection Area (SPA). Schedule 14, Part 1, paragraph 3(c) of the DCO originally required the four structures to be in place to allow four full kittiwake breeding seasons to elapse before HOW3 becomes operational.

An initial non-material change requested by the Applicant came into force on the 17 April 2023. This made a change to the DCO to shorten the length of time the ANS need to be in place before HOW3 becomes operational. Specifically, a reduction from four breeding seasons to three for two of the structures, and to two breeding seasons for the remaining two structures. Since the making of this amendment, three of the four required ANS have been constructed.

This consultation relates to a further non-material change requested by the Applicant. This again seeks to make a change to the DCO to amend the length of time the ANS need to be in place before HOW3 becomes operational. Specifically, this now includes three of the structures being in place for three breeding seasons prior to operation of any turbine, which has now been achieved, and a removal of the length of time the fourth structure needs to be in place prior to operation. The final structure would now need to be delivered prior to final commissioning of the authorised development.

Natural England have reviewed the documents provided and are content that appropriate evidence has been considered. We note that a wide range of plausible scenarios are considered, and that the low productivity scenarios appear to be reasonably precautionary. We observe that in all scenarios a significant amount of time is required to achieve the required level of compensation, and a delay in installation is likely to lead to an equivalent delay in full compensation delivery.

Natural England are content with the proposed amendment in this specific instance. This is based on the fact that HOW3 are progressing four structures, in at least two English regions, each of which they predict will address their impacts. Importantly, three of the four ANS are now in place, each of which has sufficient space to support the number of nests calculated to be required. The provision of multiple ANS

provides some comfort that any build up in mortality debt resulting from the reduction in the number of breeding seasons has the potential to be mitigated against by the high level of nest space provision. Furthermore, the installation of ANS in two regions is likely to provide resilience against any negative environmental influences that arise in one location, again mitigating against the accumulation of mortality debt.

Natural England therefore concludes that the non-material change will not significantly impair the effectiveness of the DCO in securing the compensatory measures, and concurs with the Applicant that it could facilitate the delivery of a site with high ecological suitability. We note the importance of future monitoring to validate the predictions put forward, and the potential requirement to consider robust and timely adaptive management at as early a stage as possible should the colonies be found to be underperforming. This will become particularly important should the NMC be approved.

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

Yours sincerely,

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