



THE PLANNING ACT 2008
THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE)
RULES 2010

NORFOLK BOREAS OFFSHORE WIND FARM

Planning Inspectorate Reference: EN010087

Deadline 9

**Natural England's response to Applicant's Comments on Responses to
the Examining Authority's Third Round of Written Questions**

29th April 2020

Our Ref NE.NB.D9.06.EXQ

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1 Introduction

Please find below Natural England's comments on:

- Applicant's Responses to the Examining Authority's Third Round of Written Questions as submitted at Deadline 7 [REP7-017]
- Applicant's Comments on Responses to the Examining Authority's Third Round of Written Questions as submitted at Deadline 8 [REP8-015].

2 Detailed Comments

Paragraph	Page	Comment
Q.3.2.0.1		<p>Marine Mammal Monitoring:</p> <p>Natural England provided additional wording for D7.</p> <p>Natural England has agreed with the Applicant and MMO some updated wording for a marine mammal monitoring condition within the generation DML which is deemed appropriate. (24.04.20).</p>
Q 3.2.1.1	17	<p>The PVA updates</p> <p>Please refer to our comments on REP7-031 regarding the PVA updates, which will be submitted at Deadline 9.</p> <p>The PVA updates in REP7-031 only relate to the EIA scale PVAs and the guillemot FFC SPA PVA run by the Applicant using the Seabird PVA tool, and that no updates have been undertaken by the Applicant to the FFC SPA PVAs undertaken during the Hornsea 3 examination for gannet, kittiwake and razorbill, or the Alde-Ore Estuary SPA PVA undertaken during the Vanguard examination for LBBG, and so our previous concerns/queries regarding these as outlined in our RRs [RR-099] and in REP4-040 and REP7-047 still remain.</p>
Q.3.2.1.2	21	<p>Headroom</p> <p>Natural England's position on headroom has been set out previously in REP6-049 and REP7-048. In summary, we acknowledge the work that the Norfolk Boreas Applicant and their consultants have done to consider potential headroom in the in-combination/cumulative collision risk figures by assessing the 'as built' rather than the worst case scenario (WCS). Natural England recognises that headroom is a significant issue, however it is a highly complex one, and it is important to note that there is not yet an agreed way forward at present. The Applicant's approach has also not been subjected to judicial scrutiny. There are issues/uncertainties associated with the Applicant's proposed approach, and issues with the approach developed by MacArthur Green for The Crown Estate (TCE), and hence Natural England's advice that it is not used. Until these issues are addressed and an industry wide approach is agreed we recommend that the default 'standard' approach is appropriate. We do not disagree that there is likely to be some headroom; however the exact</p>

		<p>extent of any potential headroom is not agreed.</p> <p>If this is conducted simply on a project-by-project basis this has significant risks of inconsistency of approach across applications. Therefore, we consider that this issue needs to be addressed strategically on behalf of the whole sector, including developing consensus on an approach. However we do recognise that this is not possible in timescale for the Norfolk Boreas examination.</p> <p>With regard to the revised collision predictions the Applicant has calculated for the Hornsea Project One ‘as built’ layout, Natural England notes the queries we have raised in REP6-049 regarding uncertainties over whether the correct density data has been used and concerns regarding use of only Option 1 figures and concerns highlighted regarding site-specific flight heights used in the CRM of Hornsea projects. Whilst these matters are outstanding it would not be safe to assume that Hornsea Project One provides the headroom calculated.</p> <p>Regarding the Applicant’s assessment of no AEoI Natural England notes that we have already advised at the Hornsea Project Two and East Anglia 3 examinations onwards that it was not possible to rule out an AEoI on the FFC SPA from operational and consented projects due to the level of annual in-combination collision mortality predicted for kittiwake. We also note that the Norfolk Boreas alone predicted impacts of 14 kittiwakes from the FFC SPA and 2 lesser black-backed gulls from the Alde-Ore Estuary SPA are estimations which are underpinned by a number of assumptions, several of which have considerable uncertainty associated with them. Accordingly, Natural England takes a range-based approach to considering impacts. We note Natural England’s advice during the Thanet Extension examination was that whilst this project made a small contribution to the in-combination kittiwake collision mortality for the FFC SPA, it could not be concluded that there would be no AEoI on the site by the project, when considered in-combination.</p> <p>With regard to the revised collision predictions the Applicant has calculated for the Hornsea Project One ‘as built’ layout, Natural England notes the queries we have raised in REP6-049 regarding uncertainties over whether the correct density data has been used and concerns regarding use of only Option 1 figures and concerns highlighted regarding site-specific flight heights used in the CRM of Hornsea projects. Whilst these matters are outstanding it would not be safe to assume that Hornsea Project One provides the headroom calculated.</p>
Q.3.2.1.3	21	<p>Turbine Parameters:</p> <p>Please see our responses regarding the Norfolk Boreas mitigation and</p>

		updated CRM in EV9-003 and our Deadline 9 response to REP7-031 for further comments regarding the dDCO wording regarding turbine parameters etc. Please refer to our response to REP7-031 on DCO wording.
Q.3.8.4.1	79	<p>Elements of precaution</p> <p>We refer back to our responses in REP4-040, REP4-043, REP5-077 and REP7-046 regarding the Applicant's position that individual components of precaution may be justified, but the combination of these generates predictions which are highly over precautionary.</p> <p>In summary, Natural England notes that our understanding is that in the cumulative and in-combination collision assessments the central predicted value (i.e. those for the mean bird density, mean/central avoidance rate, mean/central flight height) from each individual project assessment is used, rather than the upper figures from any predicted range based on uncertainties in the input data. In any event, for all Round 1 and Round 2 projects the use of a range of figures is simply not possible, because earlier windfarm Environmental Statements did present information to generate ranges of predicted impacts.</p> <p>There are also elements where the assessment may not be precautionary (e.g. the potential limitations in recording of site-specific data on seabird flight heights may have the potential to lead to underestimates of potential collisions and hence assessments may be lacking in precaution in this aspect). Further, for a range of reasons set out in our previous responses the level of uncertainty in the assessments is high, and therefore there is a requirement to be precautionary in our assessment of impacts.</p> <p>Input data</p> <p>In response to Applicants point on input data Natural England reiterates that this is why this needs to be done strategically and outside of the tight deadlines of an examination. Similarly, why this needs to be done in discussions with each individual project/developer and associated SNCB to reach agreement on the appropriate input data used.</p>
Q3.8.4.2	80	<p>In-combination Assessment:</p> <p>Please see our D9 response to the Applicants D8 submission, REP8-027.</p>
Q3.8.6.1	81	<p>Derogation</p> <p>Please refer to Natural England responses for D9 on the derogation and in principle compensation for FFC SPA and Alde-Ore Estuary SPA LBBGs. in response to REP7-025 and REP7-026.</p>
Q3.8.6.2		<p>CRM for gannet and lesser black backed gull (LBBG):</p> <p>Natural England notes that in our Deadline 4 response [REP4-040] we advised that an AEol can be ruled out for gannets from the FFC SPA and LBBGs from the Alde-Ore Estuary SPA from collision mortality from Norfolk Boreas alone. Following the Applicant's revised CRM at Deadline 5 [REP5-059], our advice</p>

		remained the same (see EV9-003).
Q3.15.03	114	Monitoring of residual adverse impacts on the water environment: Natural England note and welcome the updates of the OCoCP as submitted at D8, which address our concerns in relation to water crossings.
Q.3.15.0.7	115	Definition of secondary consent bodies: Welcome that the reference in Section 11 of the OCoCP has been updated to reflect wording and submitted at Deadline 8 (Version 4).