

Date: 09 February 2022
Our ref:
Your ref: EN010098



National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Lateral,
8 City Walk,
Leeds
LS11 9AT

BY EMAIL ONLY

T 0300 060 3900

Dear Jo Dowling,

Application by Ørsted Hornsea Project Four Limited for an Order granting Development Consent for the Hornsea Project Four Offshore Wind Farm (EN010098) – Rule 6 Letter

Thank you for your consultation on the Rule 6 letter dated 24 January 2022. The following constitutes Natural England's formal statutory response. Natural England is an Interested Party in this examination.

1. Procedural changes

Natural England has reviewed our engagement on Offshore Windfarm (OWF) Nationally Significant Infrastructure Projects (NSIPs) over the last 12 months and have identified some changes that we will be making going forwards.

Therefore, please accept this letter as Natural England's comments in relation to contents of the Rule 6 letter, and as an explanation of how Natural England proposes to provide our statutory advice to the Examining Authority (ExA) during the examination phase of the project.

2. Attendance at Preliminary Hearing

Thank you for the invitation to the Preliminary Hearings on the 22nd February 2022. Natural England can confirm we will not attend. We hope this letter will suffice in providing our input into the Preliminary Hearing and can constructively shape the Examination that follows.

3. Onshore Site inspections

Natural England does not plan to attend any site inspections. However, it should be noted that assent from Natural England is likely to be needed for any site inspections within Sites of Special Scientific interest (SSSI) which involve crossing areas of the SSSI not subject to a public right of way.

4. Issue Specific Hearings (ISH)

Our decision to attend ISH will be based on the outstanding issues, the availability and wellbeing of the case team and ensuring our input is of best value to the examination process as a whole. Where we do not attend, this should not be construed as a lack of concern on outstanding issues, or a lack of willingness to engage in the examination process.

The facility for virtual hearings or for us to attend hearings virtually would greatly increase our ability to attend.

Where we do attend hearings, Natural England requests that an agenda with times, themes and areas of discussion is provided by the Planning Inspectorate at least 7 days before the date of all ISHs. Based on our experience from other NSIPs, it would be helpful for the agendas to include specific questions and a list of documents the ExA would like our feedback on. This allow us to fully prepare ahead of the hearing.

ISH1

Natural England note that the examination time table includes an ISH on the Development Consent Order (DCO) on 12 April 2022. We do not plan to attend this hearing, but will continue to provide written comments on updated versions of the dDCO/dML as the examination progresses.

Potential ISHs W/C 25th April 2022

We note that there is provision for ISHs if required in the week commencing 25th April 2022. Should these hearings go ahead, Natural England will need to consider our attendance based on the issues scheduled to be discussed. It should be noted that this particular date falls within a particularly busy period for those staff taking annual leave around school holidays and the May Bank Holiday. This would limit the time we have available to prepare for, attend the hearings and produce written summaries of our oral advice following them (Deadline 4, 9th May 2022). If these dates cannot be changed, these constraints may affect Natural England's decision to attend the hearings. We may also need to provide any written summaries at Deadline 5 rather than Deadline 4. It should also be noted that Deadline 3 falls just one working day before the week scheduled for these hearings, therefore any information provided at Deadline 3 will not be reviewed by Natural England in advance of the hearings.

Potential ISH W/C 18th July 2022

We also note the potential for a further ISH in the week commencing 18th July 2022, with written summaries requested at Deadline 6, 27th July 2022. This could leave just 3 working days to prepare written summaries, which may not be feasible for a number of interested parties. Should Natural England attend this ISH, it is likely that we will need to submit our summaries at Deadline 7 (10th August 2022).

5. Statement of Common Ground (SoCG)

Natural England notes the request for the provision of a SoCG by Deadline 1, 8th March 2022. We will be actively engaging with the Applicant to achieve this, with four separate SoCG being progressed (offshore ornithology, all other offshore matters, onshore ecology and compensation). Natural England also notes the request for final SoCG at Deadline 7.

Natural England will also be providing our own Risk and Issues log to sit beside the Applicant-led SoCG. The Risk and Issues log will be updated and submitted regularly throughout the examination. This will be of assistance to the ExA in understanding Natural England's current outstanding issues and on demonstrating progress on issue resolution. This issues log will be owned by Natural England and will reflect our position only.

6. Other Interested Parties' Comments on Relevant/Written Representations

Unless there is a specific question posed by the ExA on other interested parties Relevant or Written Representations, Natural England does not intend to provide comments on these Representations. This included comments on Relevant/Written Representations made by the Applicant.

7. Response to Submitted Documents

Throughout the Examination it is expected that many documents will be submitted and published on the PINS website.

Natural England will endeavour to check all documents, however, we will only conduct detailed review and provide advice on those documents deemed relevant to our statutory functions and the issues we have raised. Furthermore, we will focus our advice on new documents, and updated or revised versions of outline documents/plans where amendments have been formally made.

We will advise the ExA in writing at each Deadline which documents we have reviewed. If there is a document Natural England has not reviewed that the ExA wishes to have our opinion on, then please inform us as soon as possible and we will endeavour to review ahead of the next Deadline or advise at which Deadline comments could be expected. Any documents not listed within our Deadline responses should be assumed to have not undergone detailed review by Natural England.

8. Draft Examination Timetable

Deadline 2

Deadline 2 is 29th March 2022 and requires submission of Written Representations (WR). Natural England submitted combined Relevant and Written Representations to the 16th December 2021 deadline so is not planning to provide further WR at this Deadline, though we will keep this under review. We will however provide additional comments on new submissions where relevant.

Deadline 3

Deadline 3 is 21st April 2022 and is to comment on information submitted on 29th March 2022. Although this allows almost 3 weeks for review, it should be noted that this falls over the Easter Holiday period where our staff time may be more limited.

Deadline 4

Deadline 4 is 9th May 2022, and is to comment on information submitted on 23rd April 2022 as well as written submissions from potential ISHs in the week commencing 25th April 2022. As highlighted in Section 4 above, there would be insufficient time to review any Deadline 3 submissions ahead of these potential ISHs and likely to be insufficient time to review them and provide written summaries of our oral advice at Deadline 4. Therefore, should Natural England attend the ISHs we would anticipate providing these Deadline 4 responses at Deadline 5 (20th June) if Deadline 4 cannot be adjusted.

Deadline 6

Deadline 6 is 27th July 2022. As highlighted above, it is suggested that written summaries of the potential ISH that may take place week commencing 18th July are submitted at this deadline, which could leave as little as 3 working days to complete this task. Given this, should we attend the hearings it is likely we will provide our written summaries at Deadline 7 (10th August 2022), unless Deadline 6 can be adjusted.

Deadline 8

Deadline 8 is midday on 18th August 2022. This is for comments on information submitted on 10th August 2022 (as well as other documents such as the REIS which is due to be issued on 28th July 2022). This would give a maximum of 5 working days to review any information submitted at Deadline 7. Given that we may already have a substantial amount of documentation to consider, and the need to prioritise responding to your REIS, we may have limited capacity to thoroughly consider any Deadline 7 submissions in this short window.

9. Introduction of new Deadlines

During previous Examinations, ExAs have provided Applicants the opportunity to submit documents in between Deadlines, effectively introducing additional Deadlines into the timetable. For example, Thanet Extension OWF and Norfolk Vanguard OWF had multiple 'half deadlines'.

This has presented significant challenges to Natural England in terms of resourcing, but has also led to confusion between documents, duplication of effort and an unclear audit trail. To avoid these issues, should there be documents that the Applicant wants to submit between Deadlines we recommend these are issued at the next appropriate Deadline. Natural England will then aim to respond at the next Deadline.

I hope these comments are helpful. For any queries relating to the content of this letter please contact me using the details provided below.

Yours sincerely,

Emma Brown
Yorkshire & Northern Lincolnshire Area Team

[Redacted signature block]