



The Planning Inspectorate
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Temple Quay House (2 The Square)
Temple Quay
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BS1 6PN

Our ref: RA/2022/144208/01-L01
Your ref: EN010098
Date: 29 March 2022

Dear Sir/Madam

**HORNSEA PROJECT FOUR OFFSHORE WIND FARM DEVELOPMENT
CONSENT ORDER: RESPONSE TO EXAMINER'S QUESTIONS EXQ1.**

We have reviewed the Examining Authority's questions (EXQ1) and wish to offer the following responses.

CA.1.10 – Update on Environment Agency land

We are aware of these plots and are considering our land interests with a view to understanding how the proposed scheme may affect our ability to undertake future works at this location. Further detail on this matter is provided in response to DCO.1.27 - Schedule 9(5) and within our Written Representation.

DCO.1.27 - Schedule 9(5)

This matter has not yet been resolved. We are continuing to work with the applicant to agree how our concerns might be addressed. We note the comments from the applicant in their response to our RRs (REP1-038).

We are aware that it is the applicant's belief that the Protective Provisions included in the draft Development Consent Order (DCO) would allow us to continue discussing site-specific arrangements across all 'main river' crossings. However, we are considering whether the provisions as currently written are sufficient for our needs, specifically in relation to Watton Beck. We are undertaking further engagement with our legal and estates teams to explore suitable options. We believe that suitable agreement can be reached on this matter.

Further detail on this is provided within our Written Representation.

DCO.1.35 - Requirement 10 (1)

We confirm that we are happy with the wording of Requirement 10. This will allow the Environment Agency to review any changes to the mitigation follow re-surveys for Water Voles and Great Crested Newts.

DCO.1.37 – Requirement 14 and SEL.1.14 – Possible Landfill Sites

We can confirm that as long as Requirement 14 and Appendix D of APP-237 are adhered to, we do not consider that any other assessment needs to be made at this stage.

There is no clear definition of ‘significant harm’. The risk assessment will have to make conclusions regarding the significance of any harm, based on the source-pathway-receptor approach. Only then can it be determined what remedial measures may be required, if any.

DCO.1.38 – Requirement 17

The applicant has now provided the information on specific locations, which confirm that five ‘main rivers’ would require temporary bridge crossings. However, we would expect to see justification of why existing crossings cannot be used.

At three of these locations (Watton Beck, Scurf Dyke and Driffield Canal) there are flood embankments within the cable corridor that we would not accept being utilised for temporary crossings unless they can be designed so as not to load, interact or disturb flood infrastructure (including embankments). Any temporary crossings at these locations would need to work independently of any flood defences, so as not to load or disturb those defences, and to allow ongoing access for inspection and maintenance.

The watercourses in these locations are not considered to be ‘minor’, so bailey bridges are unlikely to be satisfactory. In a meeting with the applicant on 29 March 2022, we suggested to the applicant that they might make changes to Co172 in relation to these three specific locations, which would then be reflected within the Code of Construction Practice. We have agreed to provide them with further comments to their technical consents team to ensure that there is sufficient clarity.

DCO.1.39 – Requirement 17

We are satisfied with the current wording of Requirement 17, which ensures that the Code of Construction Practice (CoCP) accords with the Outline CoCP. This, together with the commitments provided within the tables in the Outline CoCP is considered sufficient to ensure that the appropriate details will be provided.

In addition, with respect to flood risk specifically, the disapplication of the 2016 Environmental Permitting Regulations (EPR) for Flood Risk Activities and the Protective Provisions would enable site specific issues to be explored following the CoCP. If the disapplication of the 2016 EPR in relation to Flood Risk Activities is not agreed, then standalone flood risk activity permits will need to be obtained for the

main river watercourse crossings – in which case these will need to be submitted to the Environment Agency directly along with any relevant supporting documents. In all cases, the risks and mitigation for avoiding environmental harm and detrimental impacts on local drainage will be considered.

DCO.1.43 – Requirement 24

During the decommissioning phase, we are interested in any ongoing interaction between the infrastructure left in situ and any flood infrastructure in the vicinity of the works. This may include ongoing works, or new flood infrastructure. Owing to the lifetime of the development, it is difficult to be prescriptive about what such works may entail, including any changes to flood risk strategy within the catchments.

The current wording in Requirement 24 identifies the need for a decommissioning plan for onshore elements. The Environment Agency should be consulted on the decommissioning plan and have opportunity to comment on any remaining equipment and its interaction with flood infrastructure, so the requirement could be worded to reflect that if it was considered necessary.

If changes to that plan are required, such as removal of infrastructure below watercourses or flood infrastructure, we would ask for it to be clear that the developer is responsible for such works and any associated costs. The Protective Provisions would again apply for any works within 8m (16m if tidal) of any 'main river' or its infrastructure, and may therefore provide further opportunity to review at the appropriate time.

DCO.1.47 – Flood mitigation measures for onshore substation (Work no 7)

The flood mitigation at the onshore substation is based on a sequential approach to the location of development within the chosen site, as set out in the relevant Flood Risk Assessment (APP-098) and summarised in the applicant's Section 51 Advice (AS-021) pages 11-13. If the development is carried out in accordance with the approved Flood Risk Assessment then the conclusions provide the necessary mitigation based on the developer's assessment and sequential approach within the selected site.

The conclusions confirm that, whilst there is Flood Zone 3 in the vicinity, the onshore substation will be located on higher ground with a significant freeboard and will therefore be within Flood Zone 1, and not at risk from other sources of flooding.

Accordingly, we consider that the principles are set out in the submitted flood risk assessment (APP-098) and it is not therefore necessary to include a requirement for mitigation.

OWE .1.4 – Watton Beck

The issue at Watton Beck is similar to that raised elsewhere in this response and within our Written Representation. We are seeking further evidence from the applicant to ensure that future flood infrastructure can be accommodated at the site, although the exact form and timing of any intervention is unclear at this stage.

Without this information, more precise agreement on any future interaction between the flood infrastructure required and the cables is unclear. We are undertaking further engagement with our legal and estates teams to explore suitable options. We believe that suitable agreement can be reached on this matter.

OWE .1.5 – Applicant’s response to Section 51 Advice (AS-021)

This section of AS-021 includes a number of key aspects relevant to flood risk, including the onshore substation (which is located above estimated flood levels accounting for climate change, and with adequate freeboard), and consideration of temporary construction elements including compounds and access routes. The comments submitted appear to be consistent and accurate with our records. The Flood Risk Assessment (FRA) provided for review includes an appropriate assessment for the elements of the project, including appropriate allowances for climate change. The relevant Level 1 Strategic Flood Risk Assessment, which was published during the consultation phase in 2019 by East Riding of Yorkshire Council, has been consulted along with the original 2010 Level 1 SFRA. Where flood risk cannot be avoided, the FRA set out aspects of design that can be considered so as to not increase flood risk elsewhere – for example ensuring access tracks do not prevent flood flow routes and storage being available.

We highlight that surface water drainage principles are not detailed in pages 9-13 of AS-021. However, these have been discussed and set out in the Flood Risk Assessment (APP-098) and the Drainage Strategy (APP-241); and Requirement 15 of the DCO.

We trust that this answers your questions sufficiently.

Yours faithfully

Miss Lizzie Griffiths
Sustainable Places - Planning Specialist

