

The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House (2 The Square)
Temple Quay
Bristol
Avon
BS1 6PN

Our ref: RA/2022/144209/01-L01

Your ref: EN010098

Date: 29 March 2022

Dear Sir/Madam

HORNSEA PROJECT FOUR OFFSHORE WIND FARM DEVELOPMENT CONSENT ORDER: WRITTEN REPRESENTATION.

Since the submission of our Relevant Representation (RR-010), we have continued to engage with the applicant to discuss ways of addressing the matters raised within our representation. Many of the matters raised within our earlier representation have now been addressed, but following review of the applicant's response to our RRs (REP1-038) we have sought to clarify those matters that we considered to be outstanding. We consider the main issue to be that around our land ownership and potential for future flood defence works at Watton Beck, and this closely reflects the position given within the submitted draft Statement of Common Ground (REP1-041).

For ease, our response follows in the same order as within RR-010.

Draft DCO

Schedule 1, Part 3: Requirement 17 - Code of construction practice

In RR-010, we requested greater clarity on the temporary access tracks over 'main rivers'. The applicant has now provided the information on specific locations, which confirm that five 'main rivers' would require temporary bridge crossings. However, we still 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.

In their response to our RRs (REP1-038) the applicant has suggested that bailey bridges may be used in these locations. 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.

Schedule 9, Part 5: Protective Provisions for the Environment Agency

Our position in relation to the applicant seeking to disapply the provisions of the Environmental Permitting Regulations (England and Wales) 2016, which relates to permits for flood risk activities has not changed at this stage.

We are still considering this matter while discussions with the applicant around Watton Beck continue. At this stage we are therefore still not able to confirm that we consent to the disapplication of EPR. We will seek to update the Examining Authority on further progress at the hearings on the 12th or 13th April.

Plans & Strategies

F2.16 Outline Net Gain Strategy

We note the applicant's response to our comments (REP1-038) on Biodiversity Net Gain (BNG). We appreciate that this is not currently mandatory.

We recognise that there is no scope for implementing BNG on the cable route due to its tightly defined width. However although it is lower on the mitigation hierarchy, off-site BNG should be considered. We are currently working with partners to deliver a number of habitat creation and restoration project in East Yorkshire. These include wet woodland creation by Lowthorpe Beck near Harpham and at the Tophill Low Water Treatment Works, as well as river restoration in the River Hull Headwaters Site of Special Scientific Interest (SSSI) and on non-designated chalk streams such as Watton Beck or Scorborough Beck. Any of these projects will satisfy the requirement for habitat created/improved as part of Biodiversity Net Gain to be in place for at least 30 years.

We trust this advice is useful.

Yours faithfully

Miss Lizzie Griffiths Sustainable Places - Planning Specialist

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