

Date: 21 April 2022  
Our ref: Case: 13622  
Your ref: EN010098



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**BY EMAIL ONLY**

Dear Sir/Madam,

**Hornsea Four Offshore Wind Farm**

The following constitutes Natural England's formal statutory response for Examination Deadline 3.

**1. Natural England Deadline 3 Submissions**

Natural England has reviewed the documents submitted by the Applicant at Deadline 2. We would like to highlight to the Examining Authority, that only new documents (version 1) or revised versions of outline documents/plans where amendments have been formally made will be responded to by Natural England at each relevant Deadline. Where possible, comments on documents are provided in our Risk and Issues Log to note where concerns have been addressed, rather than provided in a separate Annex for each document. As such, the documents submitted by Natural England at Deadline 3 are as follows:

- EN010098 - 'Natural Englands Risk&Issues Log Deadline 3'

The documents reviewed by Natural England and captured in the Risk and Issues Log at Deadline 3 are as follows:

- REP2-002 A.5.5.2 Volume A5, Annex 5.2: Offshore Ornithology Displacement Analysis (Tracked)

- REP2-006 B2.7.2 Volume B2, Annex 7.2: Compensation measures for Flamborough and Filey Coast (FFC) Special Protection Area (SPA): Kittiwake Offshore Artificial Nesting Roadmap (Tracked) - Revision 03
- REP2-008 B2.7.4 Volume B2, Annex 7.4: Compensation measures for Flamborough and Filey Coast (FFC) Special Protection Area (SPA): Kittiwake Onshore Artificial Nesting Roadmap (Tracked) - Revision: 03
- REP2-010 B2.8.2 Volume B2, Annex 8.2: Compensation measures for Flamborough and Filey Coast (FFC) Special Protection Area (SPA): Guillemot and Razorbill Bycatch Reduction: Roadmap (Tracked) - Revision: 03
- REP2-012 B2.8.4 Volume B2, Annex 8.4: Compensation measures for Flamborough and Filey Coast (FFC) Special Protection Area (SPA): Predator Eradication: Roadmap (Tracked) - Revision: 03
- REP2-014 B2.8.6 Volume B2, Annex 8.6: Compensation measures for Flamborough and Filey Coast (FFC) Special Protection Area (SPA): Fish Habitat Enhancement: Roadmap (Tracked) - Revision: 03
- REP2-032 G1.10 Clarification Note on Peak Herring Spawning Period and Seasonal Piling Restriction (Tracked) - Revision: 02
- REP2-045 G2.9 Gannet Displacement and Mortality Evidence Review - Revision: 01
- REP2-046 G2.10 MRSea Baseline Sensitivity Report (Gannet) - Revision: 01
- REP2-047 G2.11 Razorbill Assessment: Alone and Incombination Farne Islands Special Protection Area (SPA) - Revision: 01
- REP2-049 G2.13 Assessment of Common Scoter and Red Throated Diver within the Export Cable Corridor (ECC) - Revision: 01
- REP2-050 G2.14 Clarification Note on Underwater Noise Abatement Systems - Revision: 01

We have also provided comment in the Risk and Issues Log on the following documents provided at Deadline 1:

- REP1-061 G1.33 Predator eradication island suitability assessment: Bailiwick of Guernsey Revision: 1.1
- REP1-063 G1.41 Calculation Methods of Hornsea Fours Proposed Compensation Measures for Features of the Flamborough and Filey Coast (FFC) Special Protection Area (SPA)
- REP1-064 G1.42 Compensation measures for Flamborough and Filey Coast (FFC) Special Protection Area (SPA: Gannet Bycatch Reduction: Ecological Evidence Revision: 1

Please note that due to staff availability we will be unable to review and respond to the Applicant's Response to our Relevant/Written Representations in relation to Onshore Matters until Deadline 5.

## **2. HRA Compensatory Measures and Derogations Case**

Please be advised that Natural England is only able to provide interim high-level advice on compensatory measures, because until the alone and in-combination impact levels on seabirds from Flamborough & Filey Coast Special Protection Area (SPA) have been agreed for the project, we are

unable to provide advice on the scale and validity of any proposed and/or required compensation measures.

### **3. Issue Specific Hearings (ISH)**

As the offshore windfarm industry expands we are now advising Examining Authority panels on increasingly complex technical issues in relation to adverse effects on the integrity of designated sites. We agree with Secretary of State that these complex issues should be thoroughly addressed strategically and upfront and not during the constraints of Examination, where it is proving difficult to resolve. Hence, Natural England's default position is to optimise outcomes and seek solutions to address these issues outside of project specific examinations and time limited ISH. Where Natural England engages in the Examination, we aim to focus on providing written representations to update our earlier relevant representations. Therefore, our attendance at ISH is dependent on the relevance of the hearing agendas to our areas of concern and in particular whether we feel our attendance would aid progress towards resolution of matters within the Examination timescales.

Based on the Applicant's Examination Deliverables Summary [REP2 –036], we are anticipating that key information will be submitted into the Examination at Deadline 3. This information includes material which is intended to address some of the fundamental concerns raised by Natural England in relation to the baseline characterisation of both ornithology and marine processes. Until these matters are addressed, and the evidence base is agreed, it will not be possible to establish the potential impacts of the proposal at an EIA scale, or understand the potential implications for designated sites. Furthermore, it is likely that updates to existing impact assessments will need to be made once the baseline evidence has been agreed upon, which is likely to generate further submissions within the examination.

In this instance, we do not consider that it would be possible to both attend the ISH and also review the Deadline 3 written submissions. Given the significant implications for the Examination timetable of the outstanding ornithology and marine process issues, we consider the most efficient use of our time would be to review the documents submitted at Deadline 3, in order to respond and work toward a resolution as early in the Examination as possible to give the best possible chance of these substantial matters being resolved within the Examination timescales. We will aim to respond by Deadline 4 (10<sup>th</sup> May), but it should be noted that even without attending ISH, we will only have approximately two weeks for review. Should we not meet this deadline, Natural England will make our submission as soon as possible afterwards and copy this to the Applicant and other technical panel members to allow discussions to progress ahead of Deadline 5 (20<sup>th</sup> June).

**Therefore, Natural England does not intend to attend the ISH during the week commencing**

**25<sup>th</sup> April.**

Whilst we would ideally be present at ISH to provide clarification on the points raised in our written advice, we can confirm that the Risk and Issues Log submitted at this deadline is representative of our current position and would not change ahead of us having the opportunity to review the Applicant's Deadline 3 Submissions.

#### **4. Clarification on the status of the Commitments Register**

We note that the Applicant has provided clarification that the Commitments Register is intended to be used as a signposting document, and therefore does not replace the need for conditions to be secured within the DCO/dMLs and certified documents. We welcome this statement. In light of this, Natural England plans to review and cross-reference the Register to ensure that we are content that mitigation has been adequately secured and will provide any necessary feedback at a future deadline.

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

Yours sincerely,

Emma John  
Yorkshire and North Lincolnshire Area Team

[Redacted contact information]