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Customer
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Natural England
The Marine Management Organisation

Your Ref:

Our Ref: EN010098

Date: 3 May 2022

Dear Sir/ Madam,

**Planning Act 2008 (as amended) Section 89
The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 17**

Application by Ørsted Hornsea Project Four Limited for an Order granting Development Consent for the proposed Hornsea Project Four Offshore Wind Farm

Request for further information and written comments

The Examining Authority (ExA) writes to Natural England (NE) and the Marine Management Organisation (MMO) following its review of the responses submitted for Deadlines 2 and 3 and following the oral representations and discussions at the Environmental Issue Specific Hearings held on Wednesday, Thursday and Friday the 27, 28 and 29 April 2022. Whilst the request is directed at these organisations, this does not preclude others also responding, where they have an interest in the subject matter of the requests.

The ExA considers that issues have been raised which are both important and relevant to the Examination. The ExA therefore makes a written request under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 for NE and the MMO to engage further in the Examination. The ExA has set out its specific queries in the annexes to this letter. **Annex A** is directed towards NE and **Annex B** is directed towards the MMO. The ExA requires responses from both organisations by **Deadline 4**, which is **Tuesday 10 May 2022**.

Should you have any queries regarding the content of the letter, please contact the case team using the details at the top of this letter.

Yours faithfully

Jo Dowling
Lead Member of the Examining Authority

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Questions for Natural England (NE)

The Examining Authority (ExA) notes the Issues and Risks Log [REP3-054] and other information submitted in lieu of attendance at the Issue Specific Hearings (ISHs) held in the week commencing 25 April 2022. Whilst this is very useful for the Examination, the ExA does not believe this can directly substitute for participation in oral questioning and discussions about key issues and topics at a Hearing. Nevertheless, to avoid duplication, the ExA is content for cross-referencing to this where appropriate in relation to the request that follows.

The ExA requests NE to view the recordings of the livestream of the ISHs or to read the AI transcripts, and to review the Action Points produced by the ExA. All of these are available from the 'Events and Hearings' section of the Examination Library (<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010098/EN010098-000837-Hornsea%20Project%20Four%20Offshore%20Wind%20Farm%20Examination%20Library.pdf>).

Please provide comments on all relevant matters raised by the ExA and to respond to oral submissions made by the Applicant. The ExA believes that the following agenda items are relevant to NE's interests and can, in addition to the responses to the relevant Action Points, form the scope of responses.

ISH2, Onshore Environmental Matters Tuesday 26 April 2022

3.3 An overview of the assessment process and likely timeframes for any potential decision on designation of the Yorkshire Wolds as an Area of Outstanding Natural Beauty.

ISH4, The Marine Environment (excluding ornithology) Wednesday 27 April 2022

2.1 Location, assessment and monitoring of the proposed temporary access ramp.

2.2 Location of Horizontal Directional Drilling (HDD) exit pits and assessment of any intertidal habitat effects.

2.3 Clarification of the nature and effects of the coffer dams associated with the HDD exit pits.

3.1 Sampling and characterisation of the dredged sediments.

3.2 Definition of a preferred dredgings disposal site.

3.3 Ongoing monitoring of sediment samples.

- 4.1 Clarification of geophysical surveys that were programmed for 2021, and any requirement for further, pre-construction surveys.
- 5.1 Clarification of the position around monopiling schedule and rate.
- 6.1 The Outline Marine Mammal Mitigation Protocol in relation to underwater noise: should mitigation focus solely on instantaneous SPLpeak (sound pressure level) permanent threshold shift onset ranges, or should it also look at SELcum (sound exposure level) impact ranges?
- 6.2 Detail and commitment to marine mammal noise mitigation at source.
- 7.1 Requirement for, and definition of, the proposed seasonal piling restriction to mitigate underwater noise and vibration effects on herring.
- 7.2 The assessment of the magnitude of impact on herring spawning grounds through direct damage and temporary increases in suspended sediment.
- 8.1 Use and interpretation of biotope modelling.
- 8.2 Bathymetry and marine and coastal processes baseline – Smithic Bank and coastline.
- 8.3 Bathymetry and marine and coastal processes baseline – Flamborough Front.
- 9.1 Progress towards agreement of full scope of marine process receptors including Hills and Outer Silver Pit and any protected sites.
- 10.1 Turbine cleaning during maintenance.
- 10.2 Definitions of magnitude used in the Environmental Statement.

ISH5, Marine and Coastal Ornithology Thursday 28 April 2022

2. Application of the MRSea model and baseline ornithological data characterisation: Model application and outputs; update, involvement and ongoing programme for the re-run; differences between the runs; and implications for the Examination Timetable.
3. Regional breeding season populations: Progress in discussions between the parties.
4. Definition of seasons for kittiwake and gannet: Rationale for use of migration-free breeding season rather than the full breeding season, and progress in discussions between the parties.
- 5.1 Auk displacement and mortality (including concerns, revisions and implications for the Examination Timetable).
- 5.2 Gannet displacement and mortality (including concerns and revisions).
- 5.3 Use of the collision risk model to produce deterministic rather than stochastic output.

5.4 Use of a range and confidence intervals in the collision risk assessment (clarification of concerns; any response).

5.5 Gannet avoidance rates in the collision risk model.

5.6 Inclusion of counterfactual of final population size in population viability analysis (including perceived advantages and disadvantages of using the counterfactual of population growth rate and the counterfactual of final population size in the analysis).

6. Indirect effects on bird populations through impacts on prey species: Concerns; progress on any supplementary work; and any implications for the Examination Timetable.

7. Impacts on gulls: Clarification of earlier Deadline responses and progress in discussions between the parties.

8. Impacts on common scoter and red-throated diver

Progress in discussions between the parties on displacement mortality rates and impacts.

9. Conclusions on project and cumulative EIA effects

10. Effects of artificial lighting: Update; ongoing programme for further submissions; and implications for the Examination Timetable.

ISH6, Habitats Regulations Assessment Friday 29 April 2022

2.1 Outline Marine Mammal Management Protocol (including use of SPLpeak and SELcum).

2.2 The Outline Marine Mammal Monitoring Plan and the Site Integrity Plan (including management of in-combination impacts and detail of mitigation at source for underwater noise).

2.3 Bathymetry and marine and coastal processes baseline (considering proposed additional analysis, including Smithic Bank and Flamborough Front).

2.4 Marine and coastal processes receptors (focussing on European sites and the Hills and Outer Silver Pit).

2.5 Application and re-run of the MRSea model and baseline ornithological data characterisation.

2.6 Regional breeding season populations.

2.7 Definition of seasons for kittiwake and gannet.

2.8 Assessment methodology i: gannet avoidance rates.

2.9 Assessment methodology ii: auk displacement and mortality.

2.10 Assessment methodology iii: gannet displacement mortality.

- 2.11 Assessment methodology iv: use of a range and confidence intervals in the collision risk assessment.
- 2.12 Assessment methodology v: inclusion of counterfactual of final population size in population viability analysis.
- 2.13 Indirect effects on bird populations through impacts on prey species.
- 2.14 Impacts on gulls in relation to any implications for the Flamborough and Filey Coast SPA.
- 2.15 Impacts on common scoter and red-throated diver in relation to any implications for the Greater Wash SPA.
- 3.1 In-combination allowance for compensation measures for other projects for the losses of the kittiwake feature of the Flamborough and Filey Coast SPA.
- 3.2 Approach taken to apportioning impacts on European site interest features, including the relevance of Buckingham et al (2022).
- 3.3 Why were razorbill from the Farne Islands SPA not screened into the assessment?
- 4.1 Is nesting habitat a limiting factor for kittiwake in the southern North Sea?
- 4.2 Is nesting habitat a limiting factor for guillemot and razorbill along the southern coast of England and in the Channel Islands?
- 4.3 Likely effectiveness an offshore nesting structure for gannet, including consideration of a joint structure for kittiwake and gannet, if required.
- 4.4 Lead-in times for compensation measures, if required.
- 4.5 Maturity of the identification and delivery of compensation measures, if required.
- 4.6 Shadow HRA for any compensation measures.
- 4.7 Reinvasion of eradication sites by predators.
5. Overall summary of current positions on project and in-combination HRA effects

Questions for the Marine Management Organisation (MMO)

The Examining Authority (ExA) notes the information [AS-032] submitted in lieu of attendance at the Issue Specific Hearings (ISHs) held in the week commencing 25 April 2022. The ExA does not believe this can directly substitute for participation in oral questioning and discussions about key issues and topics at a Hearing. Nevertheless, to avoid duplication, the ExA is content for cross-referencing to this or other submitted written evidence where appropriate in relation to the request that follows.

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2.5 Application and re-run of the MRSea model and baseline ornithological data characterisation.

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4.6 Shadow HRA for any compensation measures.

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