

Date: 20 June 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 5.

**1. Natural England Deadline 5 Submissions**

Natural England has reviewed the documents submitted by the Applicant at Deadline 4. 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 5 are as follows:

- EN010098 Natural England's Risk & Issues Log Deadline 5
- EN10098 Natural England response to Examiners Questions 2
- EN10098 H4 Appendix E5 - Natural England & MMO Memo on Marine Processes Supplementary Report
  - On 10<sup>th</sup> June 2022, we attended a Technical Panel Meeting with the Applicant and their consultants to discuss this supplementary advice. Following this meeting Natural

England have worked jointly with the MMO and Cefas to provide a memo on our position and recommendations moving forward. This was provided to the Applicant on 14<sup>th</sup> June 2022 and is also submitted at this deadline.

- EN010098 H4 Appendix B5.1 - NE guidance on guillemot and razorbill displacement.
  - This advice was provided to the Applicant on 27<sup>th</sup> May 2022, to provide further clarity on Natural England's approach to displacement assessment for these species to enable it to be incorporated in the Applicant's updated assessments. This is in relation to outstanding areas of disagreement highlighted in points B28, B33, B50, B51, B67, B73 and B77 of the Natural England Risk and Issues Log, and hence is also submitted at this deadline.
- EN010098 H4 Appendix B5.2 - NE guidance on kittiwake and gannet apportioning
  - This advice was provided to the Applicant on 27<sup>th</sup> May 2022, to provide further clarity on Natural England's approach to apportioning for these species to enable it to be incorporated in the Applicant's updated assessments. This is in relation to outstanding areas of disagreement highlighted in points B3, B50, B51, B73, B77 of the Natural England Risk and Issues Log, and hence is also submitted at this deadline.

The documents reviewed by Natural England and our advice captured in the Risk and Issues Log at Deadline 5 are as follows:

- REP4-031 G1.44 Clarification Note on Marine Sediment Contaminants (Tracked) - Revision: 02
- REP4-035 G2.12 Dogger Bank Disposal Area Plan - Revision: 02
- REP4-038 G4.4 Written Summary of the Applicant's Oral Case at Issue Specific Hearing 4 (ISH4) - Revision: 01
- REP4-043 G4.9 Marine Processes Supplementary Report - Revision: 01
- REP4-044 G4.10 Applicant's comments on other submissions received at Deadline 3 - Revision: 01
- REP4-045 G4.11 Clarification Note on Marine Mammals - Revision: 01
- REP4-048 G4.14 Further Consideration of Lighting Requirements - Revision: 01

The following documents have been reviewed by Natural England but we have no further comment to make:

- REP4-039 G4.4 Written Summary of the Applicant's Oral Case at Issue Specific Hearing 5 (ISH4) - Revision: 01
- REP4-040 G4.4 Written Summary of the Applicant's Oral Case at Issue Specific Hearing 6 (ISH4) - Revision: 01
- REP4-047 G4.13 Comparative Gannet Assessment - Revision: 01
  - We consider this document is now obsolete as we have moved past the use of the original MRSea\_v1 baseline which is being compared here.
- REP4-0041 G4.7 Ornithological Assessment Sensitivity Report - Revision: 1
  - This document is Part 1 with Part 2 due to be submitted at Deadline 5. We will provide comments upon seeing both reports together.

Natural England has been unable to review the following documents owing to staff absence. We will

aim to provide comments for Deadline 5a:

- REP4-049 An updated version of the draft Development Consent Order (DCO) (Tracked)
- REP4-014 C1.1.1 Schedule of Change to the draft Development Consent Order (DCO) and Deemed Marine Licences (DML) (Tracked)

## **2. Natural England's outstanding actions from Issue Specific hearings**

We have addressed outstanding actions from the Issue Specific hearings which we were unable to address at Deadline 4 in Appendix 1 below.

## **3. Natural England's approach to future deadlines**

As per our response to the Rule 8 (3) letter dated 30<sup>th</sup> May 2022, Natural England will struggle to meet the request to review all material submitted at Deadline 5 within the new 2 week deadline. To summarise, Natural England is highly unlikely to be able to review and respond to any Deadline 5 material in the very limited time available between Deadline 5 and Deadline 5a.

In order to help us prioritise our time between now and Deadline 6 most effectively we would welcome sight of the agendas for the forthcoming Issue Specific Hearings as soon as possible.

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

Yours faithfully,

Emma Brown  
Yorkshire and North Lincolnshire Area Team

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**Appendix 1: Response to Outstanding Actions from Issue Specific Hearings 2 & 6.**

ISH	Action	Description	NE Response
2	28	NE to confirm if it is now content to accept that soil sampling and other tactical measures would be secured under the CoCP [REP1-027] to establish soil quality after reinstatement; Applicant to liaise with NE to clarify why its issue log remains amber on this point.	As noted in our Risk and Issues log, Natural England would have preferred BMV surveys to have been completed prior to application. However, we confirm that we are content to accept that soil sampling and other tactical measures would be secured under the CoCP.
6	6	<p>a) Clarification of position regarding the extent to which nesting habitat is a limiting factor for the breeding population of kittiwake in the southern North Sea, as the Examining Authority was not entirely clear about your response to its first written question HRA.1.36 in relation to this matter [REP2-082].</p> <p>b) Indicate if any 'displacement' effects of birds moving from natural nesting sites to artificial compensation sites would be a problem, given that the vacated nesting sites would presumably become available to recruits.</p>	<p>a) There is a limited understanding of the extent to which nesting habitat is a limiting factor in the southern North Sea. We cannot quantify with any certainty how many kittiwakes may be available (in a 'non-breeding pool') to take up new nest sites when they are provided. As highlighted in our written response to Examiner's Question HRA 1.42, there is already a planned provision of ca. 3000 new artificial nest sites on the English east coast. Natural England do not consider further provision of onshore nest sites to be an appropriate compensation measure until the results of that provision are understood.</p> <p>b) The compensatory measure will only be effective if it is delivering birds into the population that would not otherwise have existed. I.e., the chicks produced at the artificial compensation site must be additional to those that would be produced by the population anyway in the absence of that new site. It is true that in the case of breeding birds moving site, vacated nest sites will still be available. However, it must be considered that <b>until those sites are once again occupied</b>, the compensatory measure would not be delivering an additional benefit, unless productivity at the artificial compensation site is increased compared to the previous location. In this case only the increase in productivity could be considered additional. The issue therefore relates to quantifying any benefit that the compensatory measure is delivering on an annual basis, and</p>

		<p>c) Response to Applicant's evidence at IHS6 that kittiwake productivity has been found to be higher at offshore nesting colonies on artificial structures.</p>	<p>the potential for mortality debt to accrue if birds relocate and there is no backfill at the vacated sites.</p> <p>c) Natural England have previously advised our preference for the provision of offshore nesting structures rather than onshore (see written response to Examiners Question HRA 1.42). In evidencing this preference we also cited the paper used by the Applicant (<a href="#">Christensen-Dalsgaard et al 2019</a>) to suggest that productivity might prove to be higher at offshore structures. Further, we hypothesized that this effect may even be enhanced in the case of artificial compensation sites due to the likelihood that developers will select ecologically advantageous areas to locate structures and design them according to the needs of breeding kittiwakes.</p>
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