

Date: 10 August 2022
Our ref: Case: 13622
Your ref: EN010098



National Infrastructure Planning
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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 7.

1. Natural England Deadline 7 Submissions

Natural England has reviewed the documents submitted by the Applicant at Deadline 6. 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 7 are as follows:

- EN010098 Natural England's Risk & Issues Log Deadline 7
- EN010098 H4 Appendix B7 - NE End of Examination position on Offshore Ornithology
- EN010098 H4 Appendix C7 - NE End of Examination position on the Compensatory Measures
- EN010098 H4 Appendix E7 - NE End of Examination position on Marine Processes

The documents reviewed by Natural England to inform these submissions are as follows:

- REP6-003 A1.4 Project Description (Tracked) Revision: 6
- REP6-005 A4.4.4 Dredging and disposal Site Characterisation (Tracked) – Revision: 02

- REP6-007 A4.4.8 Pro rata Annex (Tracked) – Revision: 04
- REP6-008 A4.5.2 Commitment Register – Revision: 03
- REP6-012 F2.5 Outline Marine Mammal Mitigation Protocol (Tracked) – Revision: 02
- REP6-014 F2.15 Outlined Cable Specification and Installation Plan (Tracked) – Revision: 03
- REP6-027 G4.7 Ornithology Assessment Sensitivity Report (Tracked) – Revision: 03
- REP6-029 G5.25 Ornithology Environmental Impact Assessment (EIA) and Habitat Regulation Assessment (HRA) Annex (Tracked) – Revision: 03
- REP6-032 G6.4 Key Documents regarding the Crown Estate Leasing Round 4 Record of the Habitat Regulation Assessment – Revision: 01

2. Response to Offshore Round 4 Leasing Plan-level Habitat Regulation Assessment.

Natural England have one outstanding action from the Rule 17 Letter dated 25^h July 2022 [PD-014] to provide views on the Applicant's reference to the recently published '*Offshore Round 4 Leasing Plan-level Habitats Regulations Assessment (Crown Estate, July 2022)*'. We provide this in Appendix 1 below.

3. Natural England's outstanding actions from Issue Specific hearings

Natural England have addressed outstanding actions from the Issue Specific hearings (week commencing 18th July 2022) in Appendix 2 below.

4. Statements of Common Ground

As requested, Natural England has been working with the Applicant to update Statements of Common Ground for the following:

- Offshore Ornithology
- Other Offshore Matters
- Derogation Matters
- Onshore

We anticipate that the Applicant will submit these final documents as part of their Deadline 7 submission.

5. Deadline 8 Submissions

As requested, Natural England will provide comment on the REIS and the questions posed at Deadline 8.

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

Yours faithfully,

Emma John
Yorkshire and North Lincolnshire Area Team

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Appendix 1: Response to Offshore Round 4 Leasing Plan-level Habitat Regulation Assessment

Natural England wishes to make the following observations:

Round 3 HRA

- The Hornsea Zone (including the Hornsea Four project area) fell within leasing Round 3, which was subject to a plan-level HRA. This plan-level HRA concluded that there would be no adverse effects on the integrity of any SPAs and SACs, with the caveat that project-level HRAs would still be required once full project details were known.
- Subsequent to that plan-level assessment concluding no adverse effects, Secretaries of State have been unable to rule out adverse effects on integrity from the following Round 3 windfarms: Hornsea Three, Norfolk Vanguard, Norfolk Boreas, East Anglia One North and East Anglia Two. The inability to conclude no adverse effects related to three Special Protection Areas, including FFC SPA, and three Special Areas of Conservation¹.
- Clearly, a conclusion of no adverse effect at the plan-level is not (nor is it intended to be) a barrier to concluding adverse effects once the full details and impacts of an individual project are known.

Round 4 HRA

- Natural England's advice on the Crown Estate's Round 4 HRA was that we agreed that there is an adverse effect on FFC SPA for kittiwake in-combination, but that we did not agree that adverse effects on FFC SPA guillemot and razorbill could be ruled out when Round 4 was considered with other plans and projects.
- The Round 4 HRA was of course focussed on the six Round 4 projects. Hornsea Four, along with other pre-application projects, were only factored into the in-combination assessments for FFC SPA guillemot at a late stage, following advice from Natural England on a draft HRA. We are not aware that there was subsequent consultation on the updated HRA. Our conclusion that an adverse effect could not be ruled out from Round 4 in-combination with other plans or projects still stands.
- For razorbill, we note that the Crown Estate considered that a detailed in-combination assessment was not required as the contribution of Round 4 to razorbill impacts would be minimal. Natural England did not agree with this conclusion. This disagreement notwithstanding, we observe that as an in-combination assessment was not carried out for razorbill, the HRA findings cannot be considered at all relevant to Hornsea Four.
- As with other plan-level HRAs, the Round 4 plan level HRA is clear that its conclusions do not obviate the requirement for project-level assessments or prejudice the outcome of those assessments.
- Natural England consider it inappropriate to deploy plan-level HRA conclusions drawn in order to pre-empt the conclusions of a project-specific assessment once the full details of that project are known, especially when that project did not form part of the plan-level effect being considered.

¹ Alde-Ore Estuary SPA, Flamborough & Filey Coast SPA, Outer Thames Estuary SPA, Haisborough Hammond and Winterton SAC, North Norfolk Sandbanks and Saturn Reef SAC, Wash and North Norfolk Coast SAC.

Appendix 2: Outstanding actions from Issue Specific Hearings.

Question number	Question	Response
ISH11 - 13	NE and RSPB to confirm whether they accept the Applicant's suggestion that guillemot survival data should be used as a proxy for razorbill data in the additional razorbill PVA modelling?	<p>Natural England agree that the guillemot survival data may represent a closer fit to reality than the current estimates for razorbill. This is likely due to current razorbill survival rates being poorly quantified and that they are likely to be higher.</p> <p>We have considered the PVA undertaken by the Applicant for razorbill using both values in our final position statement on compensation submitted at DL7. We have noted that the counterfactuals of population growth produced by the two PVA approaches are remarkably similar. This is a result of the metric being relatively insensitive to underlying population trends.</p> <p>Whilst we agree the guillemot survival rates may provide a closer representation to the actual situation at FFC SPA, the resultant PVA outputs did not materially affect the outcome of our assessment.</p>
ISH12 - 6	NE and the RSPB to respond to the principles of the Applicant's suggested approach to strategic compensation. Also, to comment firstly on whether the Applicant's HRA compensation documentation provides a robust rationale and justification for the alternative strategic approach to compensation, and secondly, on whether the Applicant has demonstrated that the strategic approach could fully address the type and quantum of compensation that is required.	Please see our final position statement on compensation submitted at DL7
ISH12 - 8	RSPB and NE to respond to the updated predator eradication studies and compensation proposals, including the Applicant's further submissions about the future protection of any sites that could be utilised	Please see our final position statement on compensation submitted at DL7