

Date: 18 August 2022
Our ref: Case: 13622
Your ref: EN010098



National Infrastructure Planning
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

Hornbeam House
Crewe Business
Park Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Sir/Madam,

Hornsea Four Offshore Wind Farm

The following constitutes Natural England's formal statutory response for Examination Deadline 8.

1. Natural England Deadline 8 Submissions

Due to the limited timeframe between Deadlines 7 and 8, Natural England have focussed our review on documents submitted at Deadline 7 where we understood changes to have been made that would likely resolve outstanding concerns. We note that it has not been possible to undertake a comprehensive review of these documents. 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 8 are as follows:

- EN010098 Natural England's Risk & Issues Log Deadline 8
- EN010098 Natural England's Actions Log Deadline 8
- EN010098 Natural England comments on the RIES
- EN010098 Natural England comments on the OMMF

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

- REP7-003 A1.4 Project Description (Tracked) - Revision: 07
- REP7-020 B2.7 Flamborough and Filey Coast (FFC) Special Protection Area (SPA) Kittiwake Compensation Plan (Tracked): Revision 03

- REP7-055 F2.11 Outline Southern North Sea Special Area of Conservation Site Integrity Plan (Tracked): Revision 02
- REP7-059 F2.7 Outline Marine Monitoring Plan (Tracked): Revision 02
- REP7-066 G1.10 Hornsea Four Clarification Note on Peak Herring Spawning Period and Seasonal Piling Restriction (Tracked) - Revision 04
- REP7-090 G7.11 Applicant's response to Deadline 6 draft Development Consent Order (DCO) submissions - Revision: 01
- REP7-083 G7.2 Applicant's comments on other submissions received at Deadline 6 - Revision: 01

2. Natural England's response to Rule 17 letter

Natural England acknowledges receipt of the Rule 17 letter published 11th August 2022. The Examining Authority (ExA) has highlighted a number of questions following Deadline 6 where they would like Natural England to respond. Natural England has responded to these in Appendix 1 below.

3. Avian Influenza

Subsequent to our Deadline 7 submissions, Natural England has been alerted to a significant number of fatalities at the Flamborough & Filey Coast Special Protection Area (FFC SPA), affecting chicks, sub-adults and adult birds. This is highly likely to be due to Highly Pathogenic Avian Influenza (HPAI), and with several weeks remaining in the gannet breeding season, there is a strong likelihood of ongoing casualties. The situation is rapidly evolving and we anticipate that more concrete information will be available post-Examination. We will endeavour to update PINS and BEIS on the situation and any implications for our advice.

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 Rule 17 Letter

ID	Question	Response
2	<p>What, if any, are the implications for this Application of the July 2022 Defra consultation (https://consult.defra.gov.uk/hpma/consultation-onhighly-protected-marine-areas) regarding the potential designation of Inner Silver Pit South as a Highly Protected Marine Area?</p>	<p>NE and JNCC are in the process of developing high level conservation advice for HPMA's. As HPMA's will be designated under MACAA they became a material consideration from the consultation launch in July 2022, and so the potential impacts should be assessed as if they were designated.</p> <p>The impacts of Hornsea Four on sediment transport (ECC) and to the Flamborough Front (array) are unclear, but have the potential to be wide ranging. The precise implications for the Inner Silver Pit South candidate HPMA will be difficult to quantify or qualify based on the available evidence. Therefore we would propose the same actions as for other designated sites – i.e. avoid/reduce the potential for impact (impact pathway) as far as possible, build in further opportunities for refinement post consent, monitor and have trigger points for intervention.</p>
4	<p>You have provided further comment and analysis in relation to the apportionment of auks to the Flamborough and Filey Coast Special Protection Area and the consequent displacement effects [REP6-056].</p> <p>You continue to advocate the use of a third 'matrix', which you demonstrate to be in accordance with the joint Statutory Nature Conservation Bodies' interim displacement guidance, issued in 2022.</p> <p>Is it correct that the two basic matrices for the breeding and nonbreeding seasons cover a full 12-month period, and the addition of a third matrix for the discrete post-breeding season (August and September) effectively duplicates consideration of data for those two months (ie 'double counting')? If not, please explain why, and, if so, what are the implications for the assessment?</p>	<p>Natural England are advising the use of three seasons rather than two for guillemot. The seasonal definitions for our advised approach are:</p> <ul style="list-style-type: none"> - Breeding: March to July inclusive - Chick rearing/moult: August and September - Non-breeding: October to February inclusive <p>There is no overlap between these seasons, and therefore data for August and September are only assessed once. Hence, there is no duplication of data.</p>
9	<p>Article 6(g) of the draft DCO [REP5a-022] seeks to disapply section 28E of the Wildlife and Countryside Act 1981 (duties in relation to sites of scientific interest).</p>	<p>Natural England thanks the ExA for bringing this to our attention. The disapplication of section 28E of The Wildlife and Countryside Act 1981 has, to our knowledge, not</p>

<p>Natural England: Given the Explanatory Memorandum [APP-204] states that this drafting is unprecedented, do you have any comments on the proposed disapplication of section 28E of the Wildlife and Countryside Act 1981?</p> <p>Applicant: Given the only site of scientific interest that this could apply to is the River Hull Headwaters Site of Special Scientific Interest (where HDD is proposed), can you provide further justification for your proposed inclusion of this unprecedented drafting in the DCO.</p>	<p>previously been discussed during the Evidence Plan Process or within the Examination. We note the Explanatory Memorandum does not mention any agreement being sought or given by Natural England on this significant issue. We also note that no other Offshore Wind Farm, and to our knowledge no other NSIP, has sought to disapply the Act and we can see no need for the act to be disappplied and no significant detriment to the project should the wording be removed.</p> <p>Natural England does not consider it appropriate to disapply The Wildlife and Countryside Act 1981, therefore, we insist that Article 6 (1) (g) be removed from the draft DCO.</p>
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