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Our ref: 492906
Your ref: EN010098



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VIA WEBSITE ONLY

Dear Sir/Madam,

PLANNING ACT 2008

The Hornsea Four Offshore Windfarm Order 2023 (“the Order”): Paragraph 3 of Part 2 of Schedule 16: Kittiwake Compensation Implementation and Monitoring Plan (KCIMP)

Thank you for your consultation dated 05 November 2024, inviting comments on the Hornsea Four Offshore Wind Farm Order 2023 submission of their Kittiwake Compensation Implementation and Monitoring Plan (KCIMP). Natural England provide these comments in accordance with paragraph 3, Part 2 of Schedule 16 to the Order.

Natural England’s remit is to ensure sustainable stewardship of the land and sea so that people and nature can thrive. We are working to achieve a healthy and biodiverse marine environment which can enable a truly sustainable UK offshore wind sector, to support the achievement of ‘net zero’ and address the climate change emergency. This is underpinned by our vision for thriving marine and coastal nature alongside low impact offshore wind energy, tackling both climate and biodiversity emergencies as set out in our [Approach to Offshore Wind \(2021\)](#). Aligned to the four aims of our Approach, we use our expertise to help facilitate offshore windfarms that are sensitively located and constructed, whilst protecting marine ecosystems from proposals with significant environmental impacts through our statutory advice. This, coupled with mechanisms for nature enhancement, will allow marine nature recovery and help mitigate the negative impacts of climate change.

In providing this advice we have reviewed the following document:

- Kittiwake Compensation Implementation and Monitoring Plan (Version 2; dated 27th September 2024)

Summary

Having reviewed the KCIMP, Natural England’s advice is that we do not support the proposed approach to deliver compensation through provision of an onshore Artificial Nesting Structure (ANS), as opposed to an offshore ANS. The proposed approach is contrary to our advice provided throughout the Evidence Plan Process and Examination, and also with the first year of discussions held with the Offshore Ornithology Engagement Group (OOEG). We have outlined below certain key points for further consideration by the Secretary of State (SoS).

Provision of an Onshore Artificial Nesting Structure

In the KCIMP, Hornsea 4 propose to deliver compensation for impacts to kittiwake at Flamborough and Filey Coast Special Protection Area (FFC SPA) through sharing an onshore Artificial Nest Structure (ANS) being constructed for Hornsea Three in Hartlepool. Natural England advised throughout the Hornsea 4 Evidence Plan Process and Examination that we do not support further provision of onshore ANS. We are not persuaded that further onshore ANS delivery will result in sufficient benefits to produce compensation, in light of the planned provision of approximately 3,000 nest spaces on the Southern North Sea coast by other OWF projects. It remains to be demonstrated that there is a sufficient pool of habitat-limited kittiwake recruits, suitable locations and/or prey availability available to meet and sustain the existing demand for this measure. In contrast, we consider that suitable nesting space is limited offshore, and that provision of offshore ANS has the potential to allow kittiwakes better access to suitable feeding grounds that are under-exploited by coastal-nesting kittiwake. These concerns were reflected in The Crown Estate's kittiwake strategic compensation plan for Round 4, in which it was set out that provision of further ANS should be offshore only.

We acknowledge that the Hornsea 4 proposal is to share an existing ANS rather than deliver a new one. Whilst this removes the challenges associated with securing a new location and adding competing nesting space to an already saturated pool, we consider it increases risks around the resilience of the measure. Natural England would not have confidence in a single location and/or structure being adequate to provide compensation as the sole measure for kittiwake for Hornsea 4. We highlight that four structures in two regions were deemed necessary to provide appropriate resilience for Hornsea 3. The onshore ANS that have been installed over the last two years are also yet to be colonised and demonstrated to be able to deliver the requirements of their own projects. To date, seven onshore/'nearshore' ANS have been installed by OWF projects, with a single kittiwake pair nesting and fledging a chick in the 2024 breeding season on a nearshore structure installed by Hornsea 3. We are not suggesting that these onshore ANS will be unsuccessful, but we consider it a risk for a further project to be reliant on a measure that has not yet been demonstrated to deliver at scale. Further, an important aspect of delivery of an offshore ANS for Hornsea 4 was that it would enable trials of artificial nesting niches for guillemot as a potential adaptive management measure for their auk compensation, which is referred to as an adaptive management measure in the relevant DCO schedule. It is unclear how this will now be possible.

We acknowledge that the Hornsea 4 DCO leaves scope for provision of an onshore ANS, however, we highlight that Section 12.1 of the Secretary of State's (SoS) Habitat Regulation Assessment (HRA) clearly states that: "*The Secretary of State concludes that **compensation should be provided via a new offshore artificial nesting structure, and this should be delivered in accordance with the principles set out in the Kittiwake Compensation Plan***" [our emphasis]. It is of concern to Natural England that there is apparent inconsistency between the conclusions of the HRA and the requirements of the DCO, and we would welcome clarification from DESNZ regarding which should take precedence in relation to compensation provided under Regulation 68 of the Habitats Regulations.

For the reasons outlined above, Natural England do not support the Project's proposals to deliver compensation via a shared onshore ANS. Natural England's remit is to advise on the most ecologically suitable option, and we maintain that this would be the delivery of an offshore ANS. This position was provided to the Project during OOEG meetings and strategy discussions, as captured in Table 1 of the KCIMP. During these discussions Natural England suggested an alternative proposal to enable an offshore ANS to be progressed whilst reducing the immediate risks to the project. This was for 'initial compensation' to be delivered at Hartlepool, meeting the requirements of delivery four breeding seasons in advance of operation, to be followed in due course by the construction of an offshore ANS. In recognition of the challenges around resourcing early delivery of the offshore ANS, we considered that this provided an ecologically robust compromise, however the Project ultimately decided that this proposal was not viable.

Proposed Scale of Measure

To meet their compensation requirements, Hornsea 3 requires a minimum of 467 nest spaces to be delivered at Hartlepool and Hornsea 4 requires a minimum of 750 nest spaces. Hartlepool will provide a total of 1,384 nesting spaces, therefore leaving a surplus of 167 spaces. Nesting space/productivity at the site is to be split between Hornsea 3 and Hornsea 4 in a 38%-62% split, reflecting each Project's minimum nesting requirements for a single structure. Hornsea 3 also have three nearshore structures contributing to their compensation delivery, however it is too early to judge the extent to which their compensation will be reliant on successful delivery at Hartlepool. We therefore recognise that the Hartlepool site has sufficient capacity in terms of available nesting space, and that it is a highly suitable location for Hornsea 3, but it is our firm opinion that the compensation for Hornsea 4 should be delivered offshore.

Adaptive management

We welcome that the Project is in discussion regarding the potential to facilitate the development of an offshore structure by another developer, potentially allowing Hornsea 4 the opportunity to utilise nest space on that structure as an option for adaptive management in the future. In the event of DESNZ approving the KCIMP, we consider it essential that delivery of an offshore ANS is retained within the KCIMP as an adaptive management option.

Non-material change

A non-material change (NMC; S.I. 2023/800, EN010098) was granted for Hornsea 4 on 17th July 2024, reducing the length of time an ANS needs to be in place before Hornsea 4 becomes operational from four to two full breeding seasons. Natural England's response to the NMC was provided on 7th June 2024 and can be found [here](#). In brief, we concluded that the NMC would not significantly impair the effectiveness of the DCO in securing appropriate compensatory measures. This was based on consultation on the location and design plans for the offshore ANS within the OOEG meetings and associated Marine License Application (MLA/2023/00390), through which we agreed that should the Project's proposals for an **offshore** ANS be progressed, the provision of ~750 nests offshore had a good prospect of delivering ecologically suitable nesting habitat for kittiwake. We note that the NMC application did not specify whether the ANS would be delivered onshore or offshore, however at the point of submission the change to onshore delivery had not been formally presented to the OOEG, and therefore our advice to DESNZ on the non-material change was provided on that basis.

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

Yours faithfully,

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