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Your Ref:

Our Ref: EN010053

Date: 07 April 2016

Dear Sir/Madam

Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010

Application by SMart Wind Limited for an Order Granting Development Consent for the Hornsea Offshore Wind Farm (Zone 4) – Project Two

REQUEST FOR COMMENTS ON THE APPLICATION FOR THE PROPOSED HORNSEA PROJECT TWO OFFSHORE WIND FARM- EN010053

Following the completion of the examination on 16 December 2015, the Examining Authority submitted a Report and Recommendation in respect of its findings and conclusions on the above application to the Secretary of State for Energy and Climate Change on 16 March 2016. In accordance with section 107 of the Planning Act 2008, the Secretary of State has three months to determine the application.

There are several issues on which the Secretary of State would be grateful if parties identified in bold could provide an update or further clarification. The issues are grouped by topic heading:

1. Harbour Porpoise

In considering the Report, the Secretary of State notes that since the close of the examination of Hornsea Project Two Offshore Wind Farm, Government has launched a consultation into a possible Special Area of Conservation (pSAC) for Harbour Porpoise: the Southern North Sea pSAC (<http://jncc.defra.gov.uk/SACconsultation>).

On 29 March 2016, the Secretary of State invited comments from Natural England (NE) and the Joint Nature Conservation Committee (JNCC) on the latest conservation advice for the Southern North Sea pSAC.

The Secretary of State has now received a response from NE and JNCC, which can be viewed at:

<http://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the->

[humber/hornsea-offshore-wind-farm-zone-4-project-two/?ipcsection=docs&stage=5&filter=DECC+Consultation](https://www.gov.uk/government/consultations/humber/hornsea-offshore-wind-farm-zone-4-project-two/?ipcsection=docs&stage=5&filter=DECC+Consultation)

In light of the response, the Secretary of State now invites the **Applicant** to provide any additional information for the purposes of a Habitats Regulations Assessment of the likely effects of the Project, both alone and in-combination with other plans and projects, on the Harbour Porpoise feature of this site.

2. Ornithology

The Secretary of State notes that since the close of the examination of Hornsea Project Two Offshore Wind Farm, Government has launched a consultation on Hamford Water potential Special Protection Area (pSPA). The consultation is to extend the existing Hamford Water SPA to provide protection for foraging little tern at sea.

<https://www.gov.uk/government/consultations/hamford-water-special-protection-area-extension-comment-on-proposals>

The Secretary of State requests any additional information from **any Interested Party** (including **NE**, **JNCC** and the **Royal Society for the Protection of Birds**) to allow her to undertake a Habitats Regulations Assessment of the likely effects of the Project, both alone and in-combination with other plans and projects, on the features of this site.

3. Visual Impact and Archaeology

The Secretary of State notes that at the end of the Examination, there was disagreement between the Applicant, North Lincolnshire Council (NLC) and Historic England (HE) as to whether or not the heritage surveys and investigations carried out by the Applicant are sufficient to properly assess the heritage interests in a number of areas along the onshore cable route that had not been subject to field trials.

The Secretary of State requests the **Applicant**, **NLC** and **HE** to confirm whether the proposed amendment to Requirement 5 (archaeology landward of mean low water springs) in Part 3 of Schedule 1 of the draft development consent order submitted by the Applicant below addresses the concerns raised during the Examination (additional wording underlined):

(4) Any archaeological works or watching brief must be carried out in accordance with the approved scheme and a report of any measures taken to protect, record or preserve any significant archaeological remains that are found must be submitted to and approved by the local planning authority before the commencement of any works that would affect those remains.

If the proposed amendment to Requirement 5 does not address the concerns, the Secretary of State invites the **Applicant**, **NLC** and **HE** to agree wording for Requirement 5 which does address the concerns and provide it to the Secretary of State for her consideration.

4. Protective Provisions in respect of Northern Powergrid (Yorkshire) plc

The Secretary of State notes that bespoke protective provisions in respect of the interests of Northern Powergrid (Yorkshire) plc ("Northern Powergrid") were not agreed by the close of the examination. The Secretary of State requests the

Applicant and **Northern Powergrid** to provide an update on this and confirm whether any agreement on bespoke protective provisions has been reached and, if so, to provide the agreed provisions. If an agreement has not been reached, an indication of whether an agreement is possible and, if so, when it might be reached would be helpful. If an agreement has been reached, the Secretary of State requests **Northern Powergrid** to state whether or not it will withdraw its representations (see section 127(1)(b) of the Planning Act 2008).

5. Crown Land

The Secretary of States notes that article 19 (compulsory acquisition of rights) of the draft development consent order submitted by the Applicant authorises the compulsory acquisition of new rights created in, and new restrictive covenants imposed over, plots 1-15, 17, 19, 20, 22-29 and 32 (see Schedule E of the draft order). It appears from the book of reference submitted by the Applicant that these plots are all "Crown land" (as defined in section 227 of the Planning Act 2008). If the Secretary of State's understanding is correct, she would be grateful for evidence that the "appropriate Crown authority" (as defined in that section) has consented to compulsory acquisition under proposed article 19 for the purposes of section 135(1)(b) of the Planning Act 2008.

The deadline for a response is 21 April 2016.

The response should be submitted by email to Hornsea2@pins.gsi.gov.uk Please send any hard copy response to Hornsea Two Offshore Wind Farm Project Team, Secretary of State for Energy and Climate Change, c/o the Planning Inspectorate, Eagle Wing 3/18, Temple Quay House, Temple Quay, Bristol, BS1 6PN. If you will have difficulty in submitting a response by the consultation deadline, please inform the Project Team.

Your response will be published on the Hornsea Two Offshore Wind Farm project page of the Planning Portal website as soon as possible after 21 April 2016.

This letter is without prejudice to the Secretary of State's decision whether or not to grant development consent for the Hornsea Two Offshore Wind Farm project, and nothing in this letter is to be taken to imply what that decision might be.

Yours faithfully

Giles Scott

Giles Scott
Head of National Infrastructure Consents

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.