

# Hornsea Offshore Wind Farm

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Project Two

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## The Applicant's response to Request for Comments from the Secretary of State for Energy and Climate Change

**Application Reference: EN010053**

21 April 2016

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In response to the letter of 7 April 2016 (the “Letter”) from the Department for Energy and Climate Change on behalf of the Secretary of State for Energy and Climate Change (the “Secretary of State”) in relation to the Hornsea Offshore Wind Farm Project Two application (Application Reference: EN010053) (“the Project”), SMART Wind Limited (“SMART Wind”), as agent on behalf of the joint applicants Optimus Wind Limited and Breesea Limited (together “the Applicant”), has prepared the following response (the “Response”).

The Letter set out five separate topic headings on which the Secretary of State invited comments. The Applicant has responded to each of these topic headings in the same chronological order set out in the Letter for ease of reference.

## **1. Harbour Porpoise**

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- 1.1 The Applicant has provided a response to this question in Appendix A of the Response.

## **2. Ornithology**

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- 2.1 The Applicant has provided a response to this question in Appendix B of the Response.

## **3. Visual Impact and Archaeology**

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- 3.1 Following receipt of the Letter, the Applicant has engaged with North Lincolnshire Council (“NLC”) and Historic England (“HE”) to seek to resolve the area of disagreement in the context of the Secretary of State’s proposed revision to Requirement 5 of Version 8 of the draft DCO set out in the Letter.
- 3.2 Following such engagement, the Applicant is pleased to confirm that agreement has been reached between the parties to allow for the resolution of this outstanding area of disagreement, subject to the further minor revisions highlighted in red to Requirement 5 detailed below:

### ***“Archaeology landward of mean low water springs***

**5.—(1) No part of the authorised development landward of MLWS is to commence within the area of a local planning authority until a written scheme for the investigation of areas of archaeological interest landward of MLWS has been submitted to and approved by the local planning authority.**

**(2) The scheme must identify areas where field work and/or a watching brief are required, and the measures to be taken to evaluate, protect, record or preserve any significant archaeological remains that may be found.**

**(3) Any archaeological works or watching brief carried out under the approved scheme must be by a suitably qualified person or body approved by the local planning authority.**

**(4) Any archaeological works or watching brief must be carried out in accordance with the approved scheme and staged reports of the measures taken to evaluate, 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.”**

- 3.3 The Applicant notes NLC and HE have confirmed the same to the Secretary of State in writing, copies of which are included at Appendix C of the Response for ease of reference. The Applicant notes both parties confirm within their response that this revision has resolved their residual concerns with regards to archaeological matters raised during the examination of the Project.

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

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- 4.1 The Applicant is pleased to confirm that a private side agreement has been entered into with Northern Powergrid (Yorkshire) plc (“NPG”) which contains bespoke protective provisions for the benefit of NPG.

- 4.2 On the basis of this agreement, the Applicant notes NPG have submitted a letter to the Secretary of State to confirm the withdrawal of NPG's objection to the Project. A copy of this withdrawal letter is included at Appendix D of the Response for sake of completeness.

## **5. Crown Land**

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- 5.1 The Applicant confirms that The Crown Estate Commissioners are the "appropriate Crown authority" (as defined in section 227 of the Planning Act 2008) for the purposes of plots 1-15, 17, 19, 20, 22-29 and 32 (see Part 4 of the Book of Reference) of the Order Land. The Applicant further confirms that powers of compulsory acquisition are sought in respect of these plots. For the avoidance of doubt, however, the Applicant does not propose or intend to exercise these compulsory rights against the freehold interest in the Crown Land. Instead, such powers are only sought in so far as the undertaker is seeking to acquire, override or extinguish a right or interest in the Crown Land, the benefit of which is vested in a person other than the Crown. This is confirmed in Article 39 of Version 8 of the draft DCO (see Appendix A of the Applicant's response to Deadline VII), the wording of which has been agreed by the relevant Crown authorities, including The Crown Estate Commissioners (see their letter dated 15 July 2015 to PINS in response to Question CA13 of the Ex. A's first written questions at Deadline I). The Applicant notes The Crown Estate Commissioners have provided their consent in their standard form<sup>1</sup> to the inclusion of compulsory acquisition powers over these plots in the draft DCO in response to Question CA17(a) of the Ex. A's second written questions at Deadline IV.
- 5.2 The Applicant would be happy to provide further clarification should the Secretary of State require.

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<sup>1</sup> consistent with the form of consent provided by The Crown Estate pursuant to section 135 of the Planning Act 2008 on other analogous recently consented offshore wind farms, including East Anglia One and Dogger Bank Teesside A&B.