

# Hornsea Offshore Wind Farm

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Project Two

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## The Applicant's Response to E.ON's Written Representation

**Appendix H to the Response submitted for Deadline II  
Application Reference: EN010053**

10 August 2015

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## Appendix H - The Applicant's Response to E.ON's Written Representation

E.ON E&P (UK) Ltd

### Section 1 – Executive Summary:

1. The Applicant notes E.ON E&P's concerns regarding the interaction of the construction and operation of the Project and the proposed development of E.ON E&P's interests in Block 48/3. The Applicant notes that E.ON E&P's interests are at an early stage in development, and E.ON E&P within their written representation, has presented new information with regard to a potential range of development scenarios. The Applicant notes that Block 48/3 has been offered to E.ON in the 2<sup>nd</sup> tranche of the 28<sup>th</sup> licence round on 27 July 2015. The Applicant advises that the Zone Development Agreement (ZDA) for the Hornsea Zone was awarded in 2009 with the Project's AfL granted in 2013 and that E.ON's application for the Licence for Block 48/3 was made subsequently in the knowledge of this AfL and the purpose of its granting for a wind farm development.
2. The Applicant notes that whilst E.ON have highlighted the theoretical potential for a conflict between the Project and their future operations in this area, given the very early stage of development for E.ON's future proposals it is:
  - I. Not clear what operations E.ON would progress in the area of overlap between Licence Block 48/3 and The Project; and
  - II. In the event that a physical overlap of the Project's AfL area is required, there is a mechanism separate from the DCO process to deal with this, as explained below.
3. In the event that there is a direct physical overlap between E.ON E&P's future development interests in Block 48/3 and the Project, the Applicant notes that there are existing provisions in place to regulate such overlap. Under the terms of Crown Estate offshore renewable leases and AfLs (including the Project's AfL), The Crown Estate may determine the lease or agreement for lease in whole or in part, following a request from the Secretary of State, for the purposes of allowing an oil or gas development to proceed. However, as set out in a Ministerial Statement to Parliament on this subject on 12 July 2011 and repeated in DECC guidance (Oil and Gas Clauses in Crown Estate leases – June 2014) (see Appendices M and N of the Applicant's response to Deadline II), the Secretary of State will only make such a request after appropriate compensation has been paid by the oil and gas developer to the affected offshore renewable developer, or after a binding agreement has been entered into with an oil or gas developer to pay such compensation.
4. The Applicant therefore considers that there are existing procedural mechanisms in place to regulate any potential interaction between the Project and E.ON E&P's future interests once they become known in the absence of a private, commercial agreement between the parties. It remains the Applicant's intention to reach such a private agreement with E.ON; however, as noted above and in the Applicant's response to E.ON's relevant representation (Appendix CC of the First Response), the Applicant does not consider it possible to reach such an agreement until the substantive detail of E.ON's prospect/interests are known, which will likely follow post consent of the DCO.

5. The Applicant also notes that E.ON E&P has raised concerns with regard to their already operational assets, including the Babbage platform and pipeline interests, which have the potential to be impacted by the Project.
6. Each of E.ON E&P's concerns are discussed in more detail below in the context of their Written Representation and are summarised below:
  - a. The Applicant notes that E.ON E&P's known future activities in Block 48/3 which has been supplied to the Applicant during pre-application consultation, have been assessed in the ES (see paragraph 11.6.91, 11.6.103, 11.6.202, 11.6.213 of Volume 2, Chapter 11: Infrastructure and Other Users of the ES (Doc ref No 7.2.11) for which there will be no significant effects from the Project (see paragraphs 11.6.102, 11.6.116, 11.6.212, 11.6.219 of Volume 2, Chapter 11 of the ES).
  - b. The Applicant notes that the information provided by E.ON E&P with regard to further potential development within Block 48/3 of the Joly, Newton Deep and Dodgson prospects, or further unknown prospects, is new information that was not previously supplied to the Applicant during pre- or post-application consultation. As details with regard to the requirement for, location of, and timing of these proposals are still not known, the Applicant is unable to assess the impact of the Project on E.ON E&P's future proposals at this time.
  - c. The Applicant has responded within Appendix CC of the First Response with regard to E.ON E&P's present operational activity including; flights to the Babbage platform and displacement of oil and gas service vessels (see table heading: Access and logistics – aviation: Helicopter and vessel access to the Babbage platform, page 2 of Appendix CC of the First Response); and the requirement for pipeline crossing/proximity agreements (see table heading: Pipelines – Existing, page 8 of Appendix CC of the First Response).

### Section 2: Basis for Decision

7. The Applicant notes that the development programme provided within Figure 2.1: Block 48/3 Development Schedule of E.ON E&P's Written Representation, identifies that the potential extent of overlap between E.ON E&P's interests within Block 48/3 and the Project will not be known for at least 1.5 years from the start of their seismic survey, because of the requirement to conduct and interpret seismic data and drill and test the first exploration well (with regard to the Newton development) and a further two years for each subsequent prospect.
8. The Applicant notes that pre-application consultation between both parties has taken place to understand present and future known overlap of the Project and E.ON E&P's interests (Consultation Report (Doc ref No 2.1)). The pre-application consultation was used to inform the Environmental Impact Assessment (EIA) presented within Volume 2, Chapter 11: Infrastructure and Other Users of the ES (Doc ref No 7.2.11) and it is concluded that there will be no significant effects arising from the development of the Project in isolation during the construction, operation and maintenance, or decommissioning phases of E.ON E&P's present and future known interests (see paragraph 11.10.2 of Volume 2, Chapter 11 of the ES).

Section 2.1 & 2.2: Block 48/3 Development and Newton Prospect Description and Technical Evaluation

9. The Applicant notes that the programme for seismic data acquisition required for the Newton prospect presented in Figure 2.1 of E.ON E&P's written representation will not overlap with the construction period for the Project. The earliest start date for offshore construction is the start of 2018 as provided in Figure 3.42 of Volume 1, Chapter 3: Project Description of the ES (Doc Ref 7.1.3). The Applicant therefore notes that the assessment presented within the ES (see paragraph 11.6.102 of Volume 2, Chapter 11), which concluded that the effects on future seismic data acquisition will be of minor adverse significance (which is not significant in EIA terms), remains valid. The Applicant notes that the programme for the exploration well required for the Newton prospect presented in Figure 2.1 of E.ON E&P's Written Representation may not overlap with the construction of the Project and if it were to overlap, the Applicant would intend to consult with E.ON to establish if construction schedules in that specific area can be modified to enable coexistence. The Applicant therefore notes that the assessment presented within the ES (see paragraph 11.6.116 of Volume 2, Chapter 11), which concluded that the effects on future exploration drilling in Block 48/3 will be of minor adverse significance (which is not significant in EIA terms), remains valid.
10. The Applicant notes that the future development of the Newton prospect is both unknown at this stage and subject to further approval in the form of a Full Field Development Plan to be submitted by E.ON and approved by the Secretary of State. The Applicant is therefore, unable to assess the impact of the Project on E.ON E&P's future unknown proposals at this time.

Section 2.3 – Additional Reserves in Block 48/3

11. The Applicant notes that the information provided by E.ON E&P with regard to further potential development of the Joly, Newton Deep and Dodgson prospects in Block 48/3 is new information that was not previously supplied to the Applicant during pre-application or post-application consultation.
12. As noted in Figure 2.1 of E.ON E&P's written representation, there is the potential that the seismic data acquisition and exploration well for the first of these prospect's which may be chosen to go forward, may not overlap with the construction of the Project. However, the Applicant notes that subsequent development of this prospect, or the other two prospects, is both unknown at this stage and subject to further approval in the form of a Full Field Development Plan to be submitted by E.ON for approval by the Secretary of State. The Applicant is unable to assess the impact of the Project on E.ON E&P's future unknown proposals at this time.

Section 2.4 – Additional Reserves in Block 48/3

13. The Applicant notes that information with regard to the exploration and development of any further undefined leads within Block 48/3 is both unknown at this stage and subject to further approval by the Secretary of State. The Applicant is unable to assess the impact of the Project on E.ON E&P's future proposals at this time.
14. In the event that there is a direct physical overlap between E.ON E&P's development interests and the Project in the future, the Applicant is aware

that, as detailed above, there is a mechanism in place to deal with this if this is considered necessary at that time.

### Section 3.1 – Failure of Provision

15. The Applicant notes that the issues identified in section 3.1 are detailed in the subsequent sections.

### Section 3.2 – Access/Logistics

16. The Applicant has responded with regard to helicopter access to proposed platforms within Block 48/3 (see table heading: Access and logistics – aviation: Helicopter approaches to potential future development in Block 48/3, page 1 of Appendix CC of the First Response).
17. The Applicant has responded with regard to transit times of helicopters and water vessels to the Babbage Platform and future platforms within Block 48/3 (see table heading Access and logistics – aviation: Helicopter and vessel access to the Babbage platform, page 2 of Appendix CC of the First Response).
18. The Applicant has responded with regard to the Shipping Hazard Assessment (see table heading Access and logistics – shipping: Shipping Hazard Assessment page 3 of Appendix CC of the First Response).
19. The Applicant has responded with regard to aviation safety risk (see table heading: Access and logistics – aviation: Additional Helicopter Flights to Subzone 2, page 3 of the Appendix CC of the First Response).
20. The Applicant also notes the CAA's response to Deadline I, advises that the airspace surrounding the Project is generally Class G and therefore not under any form of Air Traffic Control; however, the Area falls under the coverage and airspace management of the Air Navigation Service Provider Anglia Radar who provide a Deconfliction Service, Traffic Service, Basic Service and Alerting Service. These services are available to helicopters operating in support to the offshore oil and gas industry and to civil and military aircraft transiting the area at and below FL 65.
21. The Applicant has responded with regard to collision risk (see table heading Access and logistics – shipping: Increase in traffic movement concurrent with activity in Block 48/3, page 4 of Appendix CC of the First Response). The Applicant also notes that MCA agree with the Shipping and Navigation assessment undertaken in the ES (see sections 3.5, 3.8 and 3.9 of Appendix PP of the First Response).

### Section 3.3 – Seismic Surveys and Drilling

22. The Applicant has responded with regard to seismic data acquisition in Block 48/3 (see table heading Seismic Survey, page 4 of Appendix C of the First Response). As noted above, the timing of the seismic data acquisition for the Newton prospect, as presented in Figure 2.1 of E.ON E&P's written representation, would proceed ahead of the construction of the Project and so there would be no overlap. Seismic activity in Block 48/3 has been discussed between E.ON E&P and the Applicant during pre-application consultation (Consultation Report). During the pre-application consultation, E.ON E&P advised the Applicant that Ocean Bottom Cables (OBC) or Ocean Bottom Nodes (OBN) or similar techniques are available for seismic data collection in areas where turbines have been constructed. On Bottom Modules, as noted in E.ON E&P written representation, were not discussed during pre-application consultation but are assumed by the Applicant to be a similar technique.

23. The Applicant has responded with regard to drilling activity in Block 48/3 (see table heading Drilling Page 6 of Appendix CC of the First Response).

Section 3.4 – Pipelines and Umbilicals

24. The Applicant has responded with regard to future pipelines in Block 48/3 (see table heading Pipelines – future, page 7 of Appendix CC of the First Response).

25. The Applicant has responded with regard to pipeline crossing/proximity agreements (see table heading Pipelines: Existing, page 8 of Appendix CC of the First Response).

Section 3.5 - Decommissioning

26. The Applicant has responded with regard to Decommissioning (see table heading Decommissioning, page 9 of Appendix CC of the First Response).

Section 3.6 – Recognition of these Issues in the Application

27. The Applicant advises that the assessment of the Project with the known operational interests of E.ON E&P have been adequately assessed within the ES and that there is the potential for mutual co-existence. The Applicant advises that information which is not known, or for which a licence application has not been made are unable to be assessed at this current time.

28. In the event that there is a direct physical overlap between E.ON E&P's development interests and the Project in the future, the Applicant is aware that, as detailed above, there is a mechanism in place to deal with this if this is considered necessary at that time.