

From: Wilson, Jon Mr (DIO SEE-EPS SG3) [mailto:Jon.Wilson106@mod.gov.uk]

Sent: 06 November 2018 15:00

To: Hornsea Project Three

Subject: 20181106-confirmation of MOD position on the application and response to the EXA question

Dear Sir/Madam,

Please find attached my response confirming the safeguarding position of the Ministry of Defence (MOD) with respect to the application for the Hornsea Project Three offshore wind farm and providing a response to the question raised by the Examination Authority.

Regards,

Jon Wilson

Senior Safeguarding Officer
Estates – Safeguarding

**Defence
Infrastructure
Organisation**

Building 49, DIO Sutton Coldfield, Kingston Road, B75 7RL

Tel: 0121 311 3781 | **Email:** jon.wilson106@mod.gov.uk

Website: www.gov.uk/dio/ | **Twitter:** @mod_dio

Read DIO's blog: <https://insidedio.blog.gov.uk/>

 **Defence Infrastructure Organisation**



MINISTRY OF DEFENCE

Defence Infrastructure Organisation

Safeguarding Department
Statutory & Offshore

Defence Infrastructure Organisation
Kingston Road
Sutton Coldfield
West Midlands
B75 7RL

Tel: +44 (0)121 311 3781 Tel (MOD): 94421 3781

Fax: +44 (0)121 311 2218

E-mail: DIO-safeguarding-wind@mod.gov.uk

www.mod.uk/DIO

06 November 2018

Your ref: EN010080

DIO ref. 16910

Dear Sir/Madam,

Hornsea Project Three Offshore Wind Farm

The Planning Act 2008 – Section 89 and the Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 8

Application by Orsted Hornsea Project Three (UK) Ltd for an Order Granting Development Consent for the Hornsea Project Three Offshore Wind Farm

Further to your letter of 9 October 2018, I write to provide the response of the Ministry of Defence (MOD) to the written question addressed to it by the Examining Authority and to confirm the department's safeguarding position in relation to this application.

The Examining Authority's written question – Q1.13.64 states:

Condition 6 provides for aids to navigation. The MoD [RR-086] has commented that the DML should ensure that aviation warning lighting will be fitted to relevant offshore structures for the duration of the construction and operation of the scheme.

Does the drafting of this condition meet your concern relating to aviation warning lights? If not, what alternative drafting would you suggest?

In reply, I can advise that the MOD considers that the current version of condition 6¹ (Aids to navigation) does not sufficiently address the department's concern relating to the provision of aviation warning lighting to maintain the safety of military aircraft engaged in low flying training activities.

It is noted that paragraph 6-(1) of the drafted condition does define a requirement for the undertaker to maintain lighting and other aids to navigation on the seaward element of the authorised project for the prevention of danger to navigation.

The condition as drafted identifies that the undertaker will receive direction on the relevant requirements from Trinity House (in consultation with Defence Infrastructure Organisation Safeguarding). However, it is not made clear whether this specifically relates to aviation.

Condition 11- (1) (j) defines a requirement for the undertaker to submit an aid to navigation management plan to fulfil the requirements of condition 6. The discharge of this condition is to be undertaken by the Marine Management Organisation (MMO) following consultation only with Trinity House.

Regulation of the operation of the approved navigation aids for the duration of the approved project is implemented through conditions 6 -(3) and 6 – (4) which respectively obligate the undertaker to report on the availability of navigational aids and to provide notification of any failure of navigational aids. These conditions are discharged exclusively by the MMO and Trinity House. This, in conjunction with the assignment of a separate sub section on Aviation safety (condition 8), indicates that condition 6 is designed to only implement requirements for maritime navigation.

To address this issue, it is recommended that an additional requirement is added to condition 8 along the following lines:

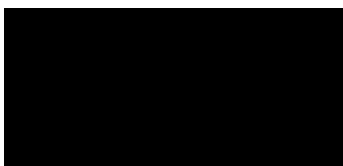
The undertaker must, no later than 6 months prior to the commencement of the authorised project seaward of MHWS, submit an aviation lighting plan (“ALP”) for the written approval of the MMO, in consultation with Defence Infrastructure Safeguarding. The ALP must provide that the authorised project, seaward of MHWS, be lit in accordance with the current Ministry of Defence military low flying lighting guidance that is in place as at the date of the MMO approval of the ALP. The authorised project must, at all times, be constructed and operated in accordance with the approved ALP.

This should serve to make it clear to the undertaker that there is a need for them to install and maintain relevant aviation warning lighting on the offshore element of the of the approved project for the duration of its operation in addition to those aids required to maintain maritime navigational safety. This also provides a dedicated mechanism for the submission and approval of aviation lighting.

I can confirm the safeguarding position of the MOD in relation to the application to construct and operate the Hornsea Offshore wind farm project remains as stated in my response of 20 July 2018. Therefore, the MOD is not submitting any further comments or written representation on this application.

I trust this clarifies our position on this consultation. Please do not hesitate to contact me should you wish to consider the above recommendation further.

Yours faithfully,



Jon Wilson

Senior Safeguarding Officer