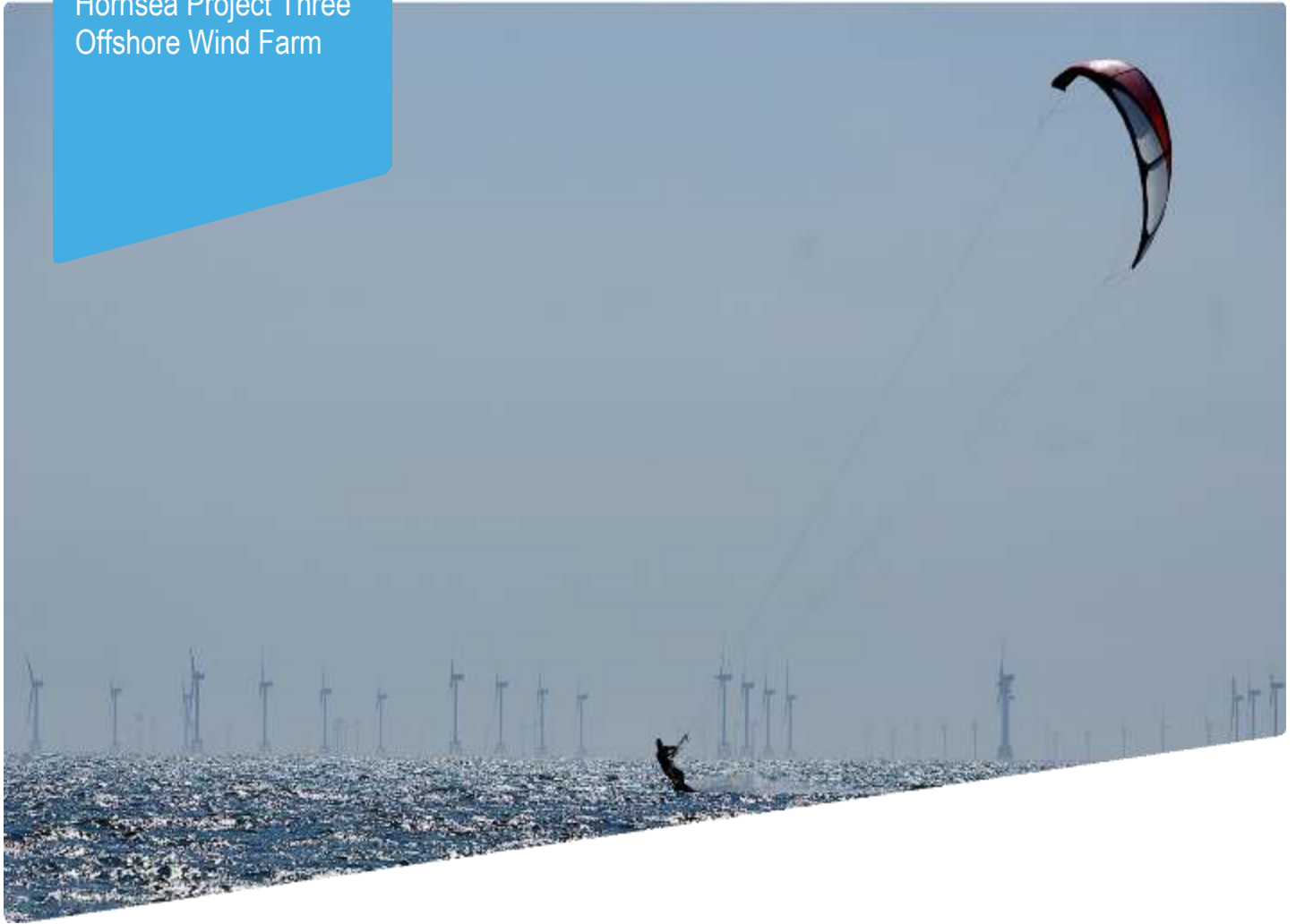


Hornsea Project Three
Offshore Wind Farm



Hornsea Project Three Offshore Wind Farm

Applicant's Statement of Commonality of Statements of Common Ground (SoCG)

Date: 21st November 2018

Document Control			
Document Properties			
Organisation	Ørsted Hornsea Project Three		
Author	RPS		
Checked by	Andrew Guyton		
Approved by	Andrew Guyton		
Title	Applicant's Statement of Commonality of Statements of Common Ground (SoCG)		
PINS Document Number	REP1-121		
Version History			
Date	Version	Status	Description / Changes
07/11/2018	A	Final	Submission at Deadline 1 (7 th Nov 2018)
21/11/2018	B	Final	Submission at Deadline 2 (21 st Nov 2018)

Ørsted

5 Howick Place,

London, SW1P 1WG

© Ørsted Power (UK) Ltd, 2018. All rights reserved

Front cover picture: Kite surfer near a UK offshore wind farm © Ørsted Hornsea Project Three (UK) Ltd., 2018.

Table of Contents

1. Introduction.....	1
Purpose	1
Structure	1
2. Position.....	2
Structure of SoCGs.....	2
List of SoCGs.....	2
SoCGs not considered necessary.....	4
3. Status	6
Summary of current position	6
4. Commonality	12
Summary	12
Final Position	16
Protective Provisions	16

List of Tables

Table 2.1: List of SoCGs at Deadline 2.....	3
Table 2.2: Status of LoCs at Deadline 2 (21 st Nov 2018).....	4
Table 3.1: Status of SoCGs at Deadline 1 (7th Nov 2018).....	8
Table 4.1: Table of Commonality at Deadline 1.	13

1. Introduction

Purpose

- 1.1 This document has been prepared in order to provide the Examining Authority (ExA) with the final position on Statements of Common Ground (SoCG) between the Applicant and statutory consultees, statutory undertakers and interested parties in relation to the proposed wind farm project.
- 1.2 This report is a live document during the examination and will provide to ExA with a final position on the commonality on specific points between SoCG at Examination Deadline 8 (26th March 2019).

Structure

- 1.3 The remainder of this report is structured as follows:
- **Section 2** details the structure of each SoCG document and provides an up to date list of SoCGs.
 - **Section 3** sets out the status of each SoCG.
 - **Section 4** sets out the commonality between SoCGs and a summary of the final position as well as the latest position on protective provisions that will be submitted at Deadline 8.

2. Position

Structure of SoCGs

- 2.1 To ensure consistency in the approach taken to documenting matters agreed, matters subject to further negotiation or matters not agreed, each of the SoCGs adopted a standard format in order to provide clarity to other parties and ultimately the ExA.
- 2.2 Each SoCG was broadly structured in the following way:
- Section 1 provided an introduction to the SoCG its approach and a description of its purpose.
 - Section 2 provided details the consultation undertaken
 - Section 3 set out the agreement log and progress.
 - Section 4 set out a summary of matters which were subject to negotiation or not agreed.

List of SoCGs

- 2.3 In accordance with guidance published by the Department of Communities and Local Government¹ (DCLG), the Applicant prepared SoCGs with a number of statutory consultees, statutory undertakers and interested parties during the preparation of the DCO and during the Examination stage.
- 2.4 The SoCGs identify matters on which parties agree and to document the position of each party where agreement was not reached. The Table 2.1 provides the list of SoCGs that the Applicant prepared with various bodies.

¹ Department for Communities and Local Government. Planning Act 2008: Guidance for the examination of applications for development consent. London: Department for Communities and Local Government, 2015

Table 2.1: List of SoCGs at Deadline 4.2.

Party		Position
Local Authorities		
<i>Progress detailed further in Table 3.1</i>		
Norfolk County Council		SoCG in place
North Norfolk District Council		SoCG in place progress
South Norfolk Council		SoCG in place
Broadland District Council		SoCG in place
Norwich City Council		SoCG in place
Great Yarmouth Borough Council		SoCG in place
Statutory Consultees		
Natural England Three separate SoCGs are being produced:	Benthic ecology and marine processes matters	SoCG in progress
	Offshore ornithology	SoCG in progress
	All other matters.	SoCG in place
Marine Management Organisation		SoCG in place
The Wildlife Trust and Norfolk Wildlife Trust		SoCG in place
Whale and Dolphin Conservation		SoCG in place
Environment Agency		SoCG in place
Historic England		SoCG in progress
National Federation of Fishermen's Organisation (and VisNed)		SoCG in place
Marine and Coastguard Agency		SoCG in place
Eastern Inshore Fisheries and Conservation Authority (EIFCA)		SoCG in place
Royal Society for the Protection of Birds - offshore and onshore		SoCG in progress
Statutory Undertakers / Interested Parties		
Highways England		SoCG in place
National Grid Electricity Transmission PLC		Appendix B and C of the Statement of Reasons within the Acquisitions Schedule for the latest position.
National Grid Gas PLC		Appendix B and C of the Statement of Reasons within the Acquisitions Schedule for the latest position.

Party	Position
Cadent Gas Limited	Appendix B and C of the Statement of Reasons within the Acquisitions Schedule for the latest position.
Network Rail Infrastructure Limited	Appendix B and C of the Statement of Reasons within the Acquisitions Schedule for the latest position.
Anglian Water Services Limited	Appendix B and C of the Statement of Reasons within the Acquisitions Schedule for the latest position.
UK Power Networks	Appendix B and C of the Statement of Reasons within the Acquisitions Schedule for the latest position.
ConocoPhillips (U.K) Limited	Letter of comfort in progress
Neptune E&P UK Limited	Letter of Comfort in place
Spirit Energy Netherlands B.V, Spirit Energy North Sea Limited and Spirit Energy Resources Limited	SoCG in place progress
Shell UK Limited	Letter of comfort in progress
Land Interest Groups	Appendix A of the Statement of Reasons within the Acquisitions Schedule for the latest position.
Environment Agency (Asset Owner)	Appendix A of the Statement of Reasons within the Acquisitions Schedule for the latest position.
Norfolk Vanguard Limited and Norfolk Boreas Limited	SoCG in place

SoCGs not considered necessary

2.5 For those parties where Table 2.1 identifies that a SoCG is not considered to be necessary, a Letter of Comfort (LoC) [or Position Statements \(PS\)](#) were prepared. The matters on which the parties remain in discussion are limited in scope and so the LoCs [and PS](#) were considered to be more appropriate than SoCG in order to capture status of discussions. The outline of each LoC / [PS](#) is provided below in the Table 2.2:

Table 2.2: Status of LoCs [and PS](#) at Deadline [12](#) (~~7th~~ [21st](#) Nov 2018).

Party	LoC summary and position
National Grid Electricity Transmission PLC	LoC Position : Not provided at Deadline 24 . LoC to be provided if required at later deadlines as negotiations are ongoing. Please refer to updated Appendix B and C of the Statement of Reasons within the Acquisitions Schedule for the latest position.

Party	LoC summary and position
National Grid Gas PLC	LoC Position: Not provided at Deadline 24 . LoC to be provided if required at later deadlines as negotiations are ongoing. Please refer to updated Appendix C of the Statement of Reasons within the Acquisitions Schedule for the latest position.
Cadent Gas Limited	LoC Position: Not provided at Deadline 24 . LoC to be provided if required at later deadlines as negotiations are ongoing. Please refer to updated Appendix C of the Statement of Reasons within the Acquisitions Schedule for the latest position.
Network Rail Infrastructure Limited	LoC Position: Not provided at Deadline 24 . LoC to be provided if required at later deadlines as negotiations are ongoing. Please refer to updated Appendix B and C of the Statement of Reasons within the Acquisitions Schedule for the latest position.
Anglian Water Services Limited	LoC Position: Not provided at Deadline 24 . LoC to be provided if required at later deadlines as negotiations are ongoing. Please refer to updated Appendix C of the Statement of Reasons within the Acquisitions Schedule for the latest position.
UK Power Networks	LoC Position: Not provided at Deadline 24 . LoC to be provided if required at later deadlines as negotiations are ongoing. Please refer to updated Appendix C of the Statement of Reasons within the Acquisitions Schedule for the latest position.
Environment Agency (Asset Owner)	Position: Not provided at Deadline 2. LoC to be provided if required at later deadlines as negotiations are ongoing. Please refer to updated Appendix C of the Statement of Reasons within the Acquisitions Schedule for the latest position.
ConocoPhillips (U.K) Limited	Position Statement: Not provided at Deadline 24 . The Applicant has engaged ConocoPhillips in order to resolve the issues raised in the ConocoPhillips Relevant Representation (RR-036). These discussions are ongoing, with progress made on the issues raised. It is hoped a Position Statement between the parties will be provided to the Ex.A for Deadline 23.
Neptune E&P UK Limited	Summary: LoC provided at Deadline 1. Neptune operate Cygnus gas field. Helicopters service Cygnus gas field installations from Norwich International Airport. Direct flights will pass over Hornsea Project One and Hornsea Project Two. In cold weather conditions icing on helicopter blades may occur requiring helicopters to drop altitude. In weather with good visibility, a lower flight altitude would require a short deviation through the corridor between Hornsea Project One, Two, and Hornsea Three. In low visibility conditions, a larger deviation around Hornsea Three would be required. Dialogue relating to the implications for carrying out flight deviations, including cost implications and exact routing requirements, are ongoing. Position: LoC signed with outstanding matters on 01 November 2018.
Shell UK Limited	Position Statement: Not provided at Deadline 42 . The Applicant has engaged Shell in order to resolve the issues raised in the Shell Relevant Representation (RR-150). These discussions are ongoing and significant progress has been made on all issues raised by Shell. A Position Statement between the parties will be provided to the Ex.A for Deadline 2 as soon as practicably possible.

Party	LoC summary and position
Land Interest Groups	Position: Not provided at Deadline 24. LoC to be provided if required at later deadlines as negotiations are ongoing. Please refer to updated Appendix A of the Statement of Reasons within the Acquisitions Schedule for the latest position.

3. Status

Summary of current position

- 3.1 This section provides the ongoing position of each SoCG. Where further progress will be made with a party, the updated version of the SoCG will be submitted alongside this document at each Deadline. Final position of SoCG will be submitted at Deadline 8 on 26th March 2019.
- 3.2 Table 3.1 provides a high-level position and where necessary includes further detail to aid understanding of the ExA. In summary the high-level positions used in Table 3.1 are as follows:
- Final Signed SoCG all matters agreed – The final SoCG has been signed by both parties and all matters are agreed.
 - Final Signed SoCG with matters outstanding – The final SoCG has been signed by both parties, and the remain matters outstanding that Applicant and the other party agree will not be resolved during Examination.
 - SoCG in draft – The final SoCG was drafted by the Applicant, it has been shared with the other party and comments have been provided.
- 3.3 Draft SoCGs with the following stakeholders have not been provided with the Applicant’s response to Deadline 42, although discussions are ongoing and the Applicant is continuing to develop SoCGs with these stakeholders for submission to the Ex.A:
- Natural England: Benthic Ecology and Marine Processes Matters: Natural England raised a number of questions in relation to benthic ecology and marine processes in their Relevant Representation (RR-097). The Applicant provided draft responses and clarifications on these to Natural England, together with clarification notes (presented at Appendix 5, 6 and 11 to the Applicant’s response to Deadline 1), September and October 2018, with the aim of addressing the questions raised. However, due to Natural England’s resource constraints, it has not been possible to meet with Natural England to discuss these matters. The Applicant and Natural England are continuing to develop a SoCG for Benthic Ecology and Marine Processes Matters and will provide this to the Ex.A as soon as possible during the Examination Phase.

- Natural England: Ornithological Matters: Natural England raised a number of questions in relation to ornithology in their Relevant Representation (RR-097). The Applicant provided draft responses and clarifications on these to Natural England, together with clarification notes (presented at Appendix 3, 4, 7, 8, 9 and 10 to the Applicant's response to Deadline 1) in September and October 2018, with the aim of addressing the questions raised. However, due to Natural England's resource constraints, it has not been possible to meet with Natural England to discuss these matters. The Applicant and Natural England are continuing to develop a SoCG for Ornithological matters and will provide this to the Ex.A as soon as possible during the Examination Phase.
- The RSPB: RSPB raised a number of questions in relation to Ornithology in their Relevant Representation (APP-113). The Applicant provided clarifications on these to the RSPB during a meeting on 8 August 2018, together with clarification notes (presented at Appendix 3, 4, 7, 8, 9, 10 and 11 to the Applicant's response to Deadline 1) sent in October 2018, with the aim of addressing the questions raised. The Applicant has held a number of calls to agree updates with the RSPB on the SoCG. Following the latest call on 12th November an updated SoCG was sent to RSPB for approval. While RSPB did not object to this latest version in principle, it was not possible for the RSPB legal team to sign the document in time for submission at Deadline 2. For Deadline 2 therefore this document remains in draft form and has not therefore been signed by either party. The Applicant will pursue obtaining a signed version of the document following this deadline. The Applicant and the RSPB are continuing to develop a SoCG and will provide this to the Ex.A as soon as possible during the Examination Phase.
- Historic England: The Applicant is in ongoing dialogue with Historic England in relation to developing a SoCG. The Applicant has met with Historic England to discuss outstanding concerns as raised in their Relevant Representation and following this meeting, the Applicant provided a draft SoCG to Historic England for input. However, due to Historic England resource constraints, it has not been possible to produce a draft SoCG to meet Deadline 1 and 2. The Applicant and Historic England are continuing to develop a SoCG and will provide this to the Ex.A as soon as possible during the Examination Phase.
- ~~North Norfolk District Council: The Applicant is in ongoing dialogue with North Norfolk District Council in relation to developing a SoCG. The Applicant has met with North Norfolk District Council in October 2018 to discuss outstanding concerns as raised in their Relevant Representation, however, due to North Norfolk District Council resource constraints, it has not been possible to produce a signed draft SoCG ahead of Deadline 1. Notwithstanding this, a well-developed draft has been prepared with input from both parties in which agreement has been reached on many matters, with confidence that agreement on many outstanding matters can be reached through ongoing engagement. The Applicant and North Norfolk District Council are continuing to develop this SoCG and will provide this to the Ex.A at Deadline 2.~~

Table 3.1: Status of SoCGs at Deadline 1 (7th Nov 2018).

Party	Position at Deadline 1 (7 th Nov 2018)	Position at Deadline 2 (21 st Nov 2018)	Position at Deadline 3 (14 th Dec 2018)	Position at Deadline 4 (15 th Jan 2019)	Position at Deadline 5 (23 rd Jan 2019)	Position at Deadline 6 (8 th Feb 2019)	Position at Deadline 7 (14 th Mar 2019)	Position at Deadline 8 (26 th Mar 2019)
Norfolk County Council	Signed SoCG with matters outstanding. SoCG signed by all parties on 06 November 2018							
North Norfolk District Council	SoCG in draft. Latest version issued for comment 20 September 2018 and updated following a meeting on 16 October 2018.	Signed SoCG with matters outstanding. SoCG signed by all parties on 20th November 2018.						
South Norfolk District Council	Signed SoCG with matters outstanding. SoCG signed by all parties on 02 November 2018							
Broadland District Council	Signed SoCG with matters outstanding. SoCG signed by all parties on 02 November 2018							
Norwich City Council	Signed SoCG with all matters agreed. SoCG signed by all parties on 02 November 2018							

Party	Position at Deadline 1 (7 th Nov 2018)	Position at Deadline 2 (21 st Nov 2018)	Position at Deadline 3 (14 th Dec 2018)	Position at Deadline 4 (15 th Jan 2019)	Position at Deadline 5 (23 rd Jan 2019)	Position at Deadline 6 (8 th Feb 2019)	Position at Deadline 7 (14 th Mar 2019)	Position at Deadline 8 (26 th Mar 2019)
Great Yarmouth Borough Council	Signed SoCG with all matters agreed. SoCG signed by all parties on 30 October 2018							
Natural England - Benthic ecology and marine processes matters	Draft SoCG issued. No SoCG submitted at Deadline 1.	Draft SoCG issued. No SoCG submitted at Deadline 2.						
Natural England – Offshore ornithology matters	Draft SoCG issued. No SoCG submitted at Deadline 1.	Draft SoCG issued. No SoCG submitted at Deadline 2.						
Natural England – All other matters	Signed SoCG with matters outstanding. SoCG signed by all parties on 07 November 2018							
Marine Management Organisation	Signed SoCG with matters outstanding. SoCG signed by all parties on 06 November 2018							
The Wildlife Trust (TWT) and Norfolk Wildlife Trust (NWT)	Signed SoCG with matters outstanding. SoCG signed by TWT on 05 November 2018 and by NWT on 01 November 2018							

Party	Position at Deadline 1 (7 th Nov 2018)	Position at Deadline 2 (21 st Nov 2018)	Position at Deadline 3 (14 th Dec 2018)	Position at Deadline 4 (15 th Jan 2019)	Position at Deadline 5 (23 rd Jan 2019)	Position at Deadline 6 (8 th Feb 2019)	Position at Deadline 7 (14 th Mar 2019)	Position at Deadline 8 (26 th Mar 2019)
Whale and Dolphin Conservation	Final signed SoCG with matters outstanding on the 24 September 2018							
Environment Agency	Signed SoCG all matters agreed. SoCG signed by all parties on 02 November 2018							
Historic England	Draft SoCG issued. No SoCG submitted at Deadline 1.	Draft SoCG issued. No SoCG submitted at Deadline 2.						
National Federation of Fishermen's Organisation (and VisNed)	Signed SoCG with matters outstanding. SoCG signed by all parties on 05 November 2018							
Marine and Coastguard Agency	Signed SoCG with matters outstanding. SoCG signed by all parties on 05 November 2018.							
Eastern Inshore Fisheries and Conservation Authority (EIFCA)	Signed SoCG with matters outstanding. SoCG signed by all parties on 06 November 2018							

Party	Position at Deadline 1 (7 th Nov 2018)	Position at Deadline 2 (21 st Nov 2018)	Position at Deadline 3 (14 th Dec 2018)	Position at Deadline 4 (15 th Jan 2019)	Position at Deadline 5 (23 rd Jan 2019)	Position at Deadline 6 (8 th Feb 2019)	Position at Deadline 7 (14 th Mar 2019)	Position at Deadline 8 (26 th Mar 2019)
Royal Society for the Protection of Birds - offshore and onshore	Draft SoCG issued. No SoCG submitted at Deadline 1.	Not signed SoCG with matters outstanding. SoCG submitted at Deadline 2						
Highways England	Final signed SoCG with matters outstanding on the 06 November 2018							
Spirit Energy Netherlands B.V. , Spirit Energy North Sea Limited and Spirit Energy Resources Limited	Final signed SoCG with matters outstanding on the 07 November 2018 – submitted to PINS on the 08 November 2018							
Norfolk Vanguard Limited and Norfolk Boreas Limited	Final signed SoCG with matters outstanding on the 05 November 2018							

4. Commonality

Summary

4.1 This section of the report provides a summary of principal issues covered in the SoCGs and demonstrates where there is commonality in the topics or matters being discussed with the various parties at Deadline 1.

4.2 Table 4.1 presents the summary of commonality on each covered topics within the various SoCGs and their position as follows:

	Matter agreed
	Matter subject to further discussion
	Matter not agreed

4.3 Where a matter is not relevant to a party, it was not included within SoCG and it is not covered in the Table 4.1 and shown as blank.

4.4 At Deadline 8, following the Table 4.1, this document will include a “Final Position” and “Protective Provisions” sections which will provide a summary of the final position of SoCG.

4.5 Table 4.1 in, this document will include a “Final Position” and “Protective Provisions” sections which will provide a summary of the final position of SoCG.

Table 4.1: Table of Commonality at Deadline 1.

Party	Topics																											
	Draft DCO	Project Design	Policy and Planning	Marine Processes	Benthic Ecology	Fish and Shellfish Ecology	Marine Mammals	Offshore Ornithology	Commercial Fisheries(Incl. Outline Fisheries Coexistence + Liaison Plan)	Shipping and Navigation	Aviation, Military and Communication	Marine Archaeology	Seascape and Visual Resources	Infrastructure and Other Users	Geology and Ground Conditions	Hydrology and Flood Risk	Ecology and Nature Conservation (Incl. Outline EMP)	Landscape and Visual Resources (Incl. Outline LMP)	Historic Environment	Land Use and Recreation	Traffic and Transport (incl. Outline CTMP)	Noise and Vibration	Air Quality	Socio-economics	Safety Zones, Emergency response	Monitoring and Management Plans	Landowners / Compulsory Acquisition	
Norfolk County Council	Green	Yellow	Green					Green							Green	Yellow	Green	Green	Yellow	Yellow	Yellow	Green	Green	Yellow		Yellow		
North Norfolk District Council	Green	Yellow	Green	Yellow													Yellow	Yellow		Yellow	Green	Yellow	Green	Yellow		Yellow		
South Norfolk District Council	Yellow	Red	Yellow															Yellow	Yellow			Green	Green			Yellow		
Broadland District Council	Green	Red	Green														Yellow	Green	Yellow		Yellow	Yellow	Green	Green		Green		
Norwich City Council	Green	Green																Green								Green		
Great Yarmouth Borough Council		Green					Green																	Green				

	Topics																																					
Natural England ^a	Yellow		Green			Grey	Grey	Grey								Green								Yellow	Yellow													Yellow
Marine Management Organisation	Yellow		Green	Yellow	Yellow	Yellow	Yellow		Green																													Yellow
The Wildlife Trust	Yellow				Yellow		Red																Green															Yellow
Whale and Dolphin Conservation							Red																															Green
Environment Agency	Green	Green	Green	Green												Green	Green	Green																				Green
Historic England											Yellow	Yellow													Yellow													Yellow
National Federation of Fishermen's Organisation (and VisNed)	Green		Green						Red	Yellow																												Yellow
Marine and Coastguard Agency	Yellow	Yellow								Yellow																											Green	Green
Eastern Inshore Fisheries and Conservation Authority (EIFCA)		Yellow			Yellow	Yellow			Yellow																													

	Topics																						
Royal Society for the Protection of Birds - offshore and onshore	Yellow		Green					Red														Yellow	
Highways England		Green																				Yellow	
Spirit Energy Netherlands B.V. Spirit Energy North Sea Limited and Spirit Energy Resources Limited	Yellow	Yellow							Yellow	Yellow		Yellow	Yellow									Yellow	
Norfolk Vanguard Limited and Norfolk Boreas Limited	All Matters									SoCG between Norfolk Vanguard Limited, Norfolk Boreas Limited and the Applicant identifies where potential cumulative impacts as a result of Hornsea Three, Norfolk Vanguard, and Norfolk Boreas have been considered in the Hornsea Three application and the Norfolk Vanguard application, as well as potential cumulative effect which are being considered further by the Applicant and Norfolk Vanguard.													
	Traffic and Transport									Subject to ongoing discussion.													

^a SoCGs for greyed out topics have not been issued for Deadline 24.

Final Position

4.6 This section will be completed and submitted to the ExA at Deadline 8 (26th March 2019)

Protective Provisions

4.7 This section will be completed and submitted to the ExA at Deadline 8 (26th March 2019)