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Subject: Hornsea Project Three (UK) Ltd response to Deadline 5 (Part1)
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[D5_HOW03_Appendix_1_Transport_Assessment_Appendix_G.pdf](#)
[D5_HOW03_Appendix_2_Preliminary_Trenching_Assessment.pdf](#)
[D5_HOW03_Appendix_3_OCSIP.pdf](#)
[D5_HOW03_Appendix_4_ISH2_ornithology_clarifications.pdf](#)
[D5_HOW03_Appendix_5_Migratory_Seabirds_Clarification.pdf](#)
[D5_HOW03_IP_WR.pdf](#)
[D5_HOW03_SoComm.pdf](#)
[HOW03_Guide_to_the_application.pdf](#)
[HOW03_Shell_Position_Statement.pdf](#)
[HOW03_SOCC_MCA_V1_3.pdf](#)
[HOW03_SoCG_NNDC_January_2019_D5_version.pdf](#)

Dear Kay, K-J

We are pleased to enclose Ørsted Hornsea Project Three (UK) Ltd (“the Applicant”) response to Deadline 5, Wednesday 23rd Jan 2019. These documents have been prepared by the Applicant and have been produced in response to the Examining Authority’s (ExA) letter of 9 October 2018 (“the Rule 8 letter”).

These documents are being issued over a series of emails, each email containing a pdf file or files. The **last** email to be issued by the Applicant will contain a supporting file tracking sheet – to help the ExA ensure that it has received each email transmission.

Please acknowledge safe receipt of these documents.

If we can be of any assistance in that regard, please do not hesitate to contact myself or Andrew Guyton.

Best regards,
Dr Dominika Chalder PIEMA
Environment and Consent Manager



Environmental Management UK | Wind Power
5 Howick Place | London | SW1P 1WG



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Hornsea Project Three
Offshore Wind Farm



Hornsea Project Three Offshore Wind Farm

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

Date: 23rd January 2019

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Front cover picture: Kite surfer near a UK offshore wind farm © Ørsted Hornsea Project Three (UK) Ltd., 2019.

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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; and
 - **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. 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 54.

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
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 place
Statutory Undertakers / Interested Parties		
Highways England		SoCG in place
National Grid Electricity Transmission PLC		Appendix B and C of the Statement of Reasons for the latest position.
National Grid Gas PLC		Appendix C of the Statement of Reasons for the latest position.
Cadent Gas Limited		Appendix C of the Statement of Reasons for the latest position.

Party	Position
Network Rail Infrastructure Limited	Appendix B and C of the Statement of Reasons for the latest position.
Anglian Water Services Limited	Appendix C of the Statement of Reasons for the latest position.
UK Power Networks	Appendix C of the Statement of Reasons for the latest position.
ConocoPhillips (U.K) Limited	Position Statement 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
Shell UK Limited	Position Statement in progress place
MLand Interest Groups	Appendix A of the Statement of Reasons within the Acquisition Schedule for the latest position.
Environment Agency (Asset Owner)	Appendix B of the Statement of Reasons 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 5-4 (23rd-15th January 2019).

Party	LoC summary and position
National Grid Electricity Transmission PLC	LoC Position: Not provided at Deadline <u>5-4</u> . 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 for the latest position.
National Grid Gas PLC	LoC Position: Not provided at Deadline <u>5-4</u> . LoC to be provided if required at later deadlines as negotiations are ongoing. Please refer to updated Appendix C of the Statement of Reasons for the latest position.
Cadent Gas Limited	LoC Position: Not provided at Deadline <u>5-4</u> . LoC to be provided if required at later deadlines as negotiations are ongoing. Please refer to updated Appendix C of the Statement of Reasons for the latest position.

Party	LoC summary and position
Network Rail Infrastructure Limited	LoC Position: Not provided at Deadline 54. 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 for the latest position.
Anglian Water Services Limited	LoC Position: Not provided at Deadline 54. LoC to be provided if required at later deadlines as negotiations are ongoing. Please refer to updated Appendix C of the Statement of Reasons for the latest position.
UK Power Networks	LoC Position: Not provided at Deadline 54. LoC to be provided if required at later deadlines as negotiations are ongoing. Please refer to updated Appendix C of the Statement of Reasons for the latest position.
Environment Agency (Asset Owner)	Position: Not provided at Deadline 54. LoC to be provided if required at later deadlines as negotiations are ongoing. Please refer to updated Appendix C of the Statement of Reasons for the latest position.
ConocoPhillips (U.K) Limited	Position Statement: The Applicant has engaged with ConocoPhillips in order to resolve the issues raised in the ConocoPhillips Relevant Representation (RR-036). During recent consultation, it was suggested by ConocoPhillips that no further action was required by either party in the context of the examination. ConocoPhillips have raised three main issues in their Relevant Representation (RR-036), crossing and proximity agreements, decommissioning of ConocoPhillips assets and Radar Early Warning Systems (REWS) on ConocoPhillips platforms. Crossing and proximity agreements will be entered into once detailed design of HOW03 project has progressed post consent and closer to time of construction (and not within the timeframe of the examination). Based on ConocoPhillips' current decommissioning schedules Hornsea Project Three construction would not impede decommissioning activities as there is no overlap. Dialogue will continue between the parties to allow for any changes from what is currently planned. In regard to REWS ConocoPhillips informed the Applicant on the 5 th November, 2018, that they had concluded a software upgrade to the REWS system is no longer required, and need not be provided by Hornsea Three in connection with the construction/operation of the project.
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: Signed Position Statement Final LoC to be signed by parties and planned to be provided at Deadline 5.
Land Interest Groups	Position: Not provided at Deadline 4 LoC to be provided if required at later deadlines as negotiations are ongoing. Please refer to updated Appendix A of the Statement of Reasons 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 4, 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 and through subsequent material submitted at Deadline 3, 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 and through subsequent material submitted at Deadline 3, with the aim of addressing the questions raised. However, due to Natural England's resource constraints, it ~~has not been~~was not possible to meet with Natural England to discuss these matters as early as hoped. ~~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.~~ At Issue Specific Hearing 2, the Ex.A advised in order to move discussions on Ornithology forward, the Applicant should produce an Ornithological roadmap with Natural England. This has been submitted at Deadline 3 (Appendix 16 REP3-025) and then updated and submitted again for Deadline 5 (Appendix 12) -with the intention that this can remain a live document, to be updated throughout the Hornsea Project Three examination phase. In line with the roadmap, a phone discussion took place following Deadline 4 between the Applicant and Natural England to discuss ornithological matters. As requested by the Ex.A in Question 2.2.1, the Applicant is developing a SoCG for Ornithological matters with Natural England to provide to the Ex.A for Deadline 6.
- 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 met on the 12th Dec 2018 to discuss further a SoCG. There were no fundamental disagreement raised in regards to SoCG and the Applicant will provide this to the Ex.A as soon as possible during the Examination Phase.

Table 3.1: Status of SoCGs at Deadline ~~54~~ (23rd January 2019).

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			Signed SoCG with matters outstanding. SoCG signed by all parties on 15 th January 2019.				
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 20 th November 2018.		Updated draft SoCG issued. No updated SoCG submitted at Deadline 4.	<u>Signed SoCG with matters outstanding. SoCG signed by all parties on 23rd January 2019.</u>			
South Norfolk District Council	Signed SoCG with matters outstanding. SoCG signed by all parties on 02 November 2018			Signed SoCG with matters outstanding. SoCG signed by all parties on 15 th January 2019.				
Broadland District Council	Signed SoCG with matters outstanding. SoCG signed by all parties on 02 November 2018			Signed SoCG with matters outstanding. SoCG signed by all parties on 15 th January 2019.				
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.	Draft SoCG issued. No SoCG submitted at Deadline 3.					
Natural England – Offshore ornithology matters	Draft SoCG issued. No SoCG submitted at Deadline 1.	Draft SoCG issued. No SoCG submitted at Deadline 2.	Draft SoCG issued. No SoCG submitted at Deadline 3.					
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			Signed SoCG with matters outstanding. SoCG signed by all parties on 15 th January 2019.				
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.	Draft SoCG issued. No SoCG submitted at Deadline 3.					
National Federation of Fishermen's Organisation (and VisNed)	Signed SoCG with matters outstanding. SoCG signed by all parties on 05 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)
Marine and Coastguard Agency	Signed SoCG with matters outstanding. SoCG signed by all parties on 05 November 2018.		As the MCA have been able to provide comment on the Updated Principles, it is planned to submit the document at D4. The Applicant continues to liaise with the MCA and has seeking to schedule a meeting with the MCA to place prior to D4 in order to progress those matters remaining under discussion in the SoCG.		<u>Signed SoCG with matters outstanding. SoCG signed by all parties on 23rd January 2019.</u>			
Eastern Inshore Fisheries and Conservation Authority (EIFCA)	Signed SoCG with matters outstanding. SoCG signed by all parties on 06 November 2018							
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	Signed SoCG with matters outstanding. SoCG signed by all parties on 14 December 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)
Highways England	Final signed SoCG with matters outstanding on the 06 November 2018			Signed SoCG with matters outstanding. SoCG signed by all parties on 15 th January 2019.				
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			Signed SoCG with matters outstanding. SoCG signed by all parties on 15 th January 2019.				

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 54.

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	Green	Green					Green							Green	Green	Green	Green	Green	Green	Yellow	Green	Green	Yellow		Yellow		
North Norfolk District Council	Green	Yellow		Yellow													Yellow	Yellow		Yellow	Green	Yellow	Green	Yellow		Yellow		
South Norfolk District Council	Green	Red	Yellow															Yellow	Red			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				
Natural England ^a	Yellow		Green			Grey	Grey					Green					Yellow	Yellow									Yellow	
Marine Management Organisation	Green		Green	Yellow	Green	Yellow	Yellow		Green																		Yellow	
The Wildlife Trust	Yellow				Yellow		Red										Green										Yellow	
Whale and Dolphin Conservation							Red																				Green	

	Topics																								
Environment Agency	Green	Green	Green	Green																				Green	
Historic England																									
National Federation of Fishermen's Organisation (and VisNed)	Green		Green																						
Marine and Coastguard Agency	Yellow	Yellow																							
Eastern Inshore Fisheries and Conservation Authority (EIFCA)																									
Royal Society for the Protection of Birds - offshore and onshore	Yellow		Green																						
Highways England		Green	Green																						
Spirit Energy Netherlands B.V, Spirit Energy North Sea Limited and Spirit Energy Resources Limited	Yellow	Yellow																							
Norfolk Vanguard Limited and Norfolk Boreas Limited	<p>All Matters</p> <p>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.</p> <p>Traffic and Transport: Subject to ongoing discussion although material progress made between the two parties and the Applicants position with respective highways authorities.</p>																								

^a SoCGs for greyed out topics have not been issued for Deadline 54.

Final Position

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

Protective Provisions

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