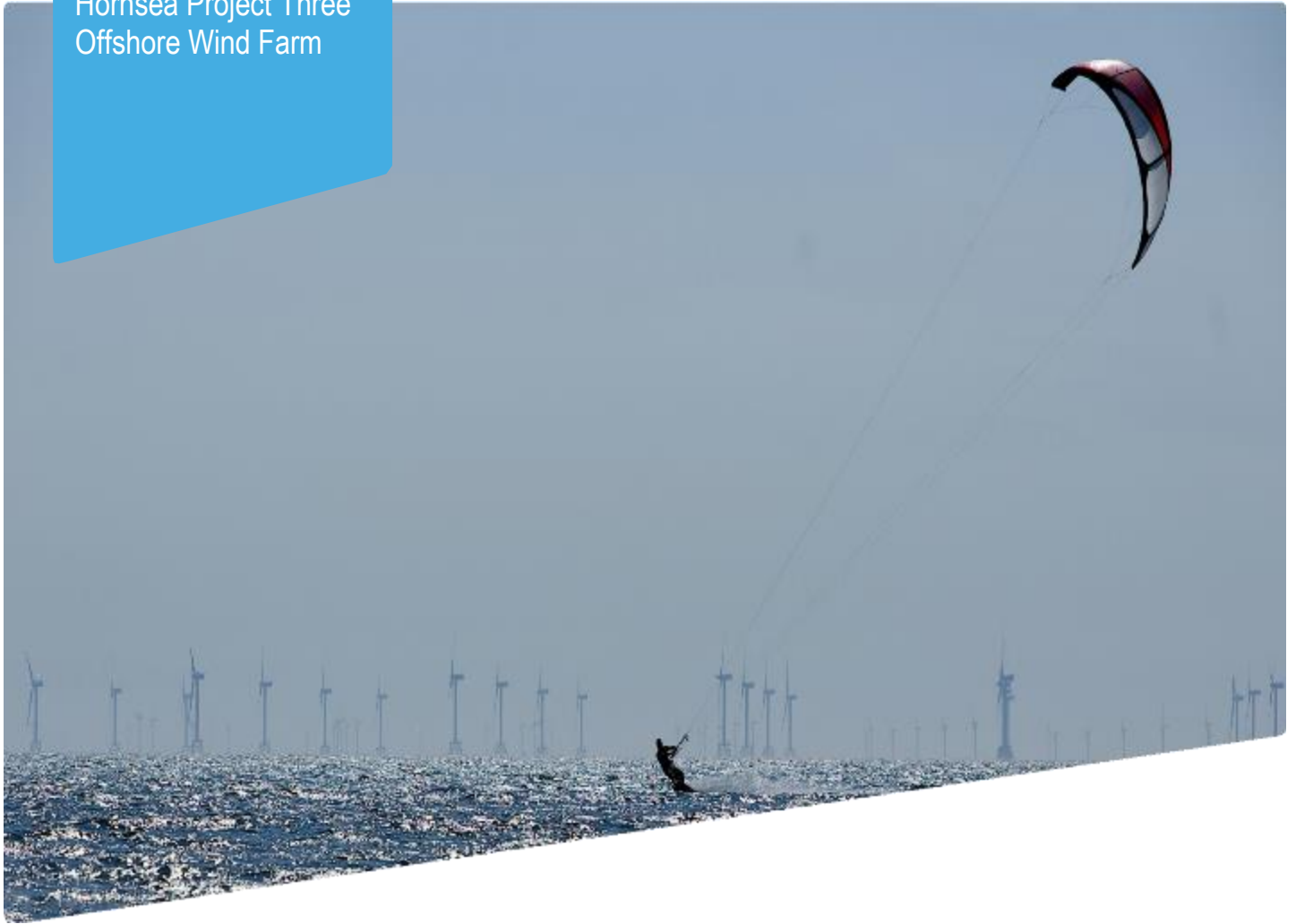


Hornsea Project Three  
Offshore Wind Farm



## Hornsea Project Three Offshore Wind Farm

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

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Date: 22<sup>nd</sup> March 2019

Hornsea 3  
Offshore Wind Farm

Orsted

Document Control			
<b>Document Properties</b>			
Organisation	Ørsted Hornsea Project Three		
Author	Dominika Chalder		
Checked by	Orsted		
Approved by	Andrew Guyton		
Title	Applicant's Statement of Commonality of Statements of Common Ground (SoCG)		
PINS Document Number	REP7-012		
<b>Version History</b>			
Date	Version	Status	Description / Changes
07/11/2018	A	Final	Submission at Deadline 1 (7 Nov 2018) REP1-121
21/11/2018	B	Final	Submission at Deadline 2 (21 Nov 2018) REP2-010
14/12/2018	C	Final	Submission at Deadline 3 (14 Dec 2018) REP3-008
15/01/2019	D	Final	Submission at Deadline 4 (15 Jan 2019) REP4-015
23/01/2019	E	Final	Submission at Deadline 5 (23 Jan 2019) REP5-003
08/02/2019	F	Final	Submission at Deadline 6 (8 Feb 2019) REP6-006
14/03/2019	G	Final	Submission at Deadline 7 (14 Mar 2019) – REP7-012
22/03/2019	H	Final	Submission at Deadline 8 (22 Mar 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 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 9 (26<sup>th</sup> 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 9.

## 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 Government<sup>1</sup> (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.

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<sup>1</sup> 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 8.

Party		Position
<b>Local Authorities</b>		
<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
<b>Statutory Consultees</b>		
Natural England Three separate SoCGs are being produced:	Benthic ecology and marine processes matters	SoCG in progress
	Offshore ornithology	SoCG in <del>progress</del> place
	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
<b>Statutory Undertakers / Interested Parties</b>		
Highways England		SoCG in place
National Grid Electricity Transmission PLC		Not required – see Table 2.2
National Grid Gas PLC		Not required – see Table 2.2
Cadent Gas Limited		Not required – see Table 2.2
Network Rail Infrastructure Limited		See table 2.2 below for the latest position.

Party	Position
Anglian Water Services Limited	Not required – see Table 2.2
UK Power Networks	Not required – see Table 2.2
ConocoPhillips (U.K) Limited	Not Required – see Table 2.2
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 place
NFU and Land Interest Group	See table 2.2 below for the latest position.
Environment Agency (Asset Owner)	Not required – see Table 2.2
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 8 ( 22<sup>nd</sup> March 2019).

Party	LoC summary and position
National Grid Electricity Transmission PLC	<b>LoC Position:</b> The side agreement between National Grid Electricity Transmission PLC (NGET) and the Applicant is due to complete in the next few days. The Applicant expects NGET to withdraw their objection imminently and certainly before the end of the examination.
National Grid Gas PLC	<b>LoC Position:</b> The side agreement between National Grid Gas PLC (NGG) and the Applicant is complete. NGG has withdrawn their objection to the Order ( <a href="#">REP7-096</a> ).
Cadent Gas Limited	<b>LoC Position:</b> The side agreement between Cadent Gas and the Applicant is complete. Cadent has confirmed to the ExA that they have withdrawn their objection to the Order ( <a href="#">REP7-098</a> ).
Network Rail Infrastructure Limited	<b>LoC Position:</b> Not provided at Deadline 8. SoCG or a position statement to be provided if required at later deadlines as negotiations are ongoing.
Anglian Water Services Limited	<b>LoC Position:</b> The side agreement between Anglian Water and the Applicant is complete. Anglian Water has <del>withdrawn their confirmed that they have no objection to the protective provisions contained within the order</del> ( <a href="#">REP1-001 and REP1-002</a> ).

Party	LoC summary and position
UK Power Networks	<p><b>LoC Position:</b> The side agreement between Eastern Power Networks (EPN) and the Applicant is complete. <del>The Applicant expects EPN has confirmed to the ExA that they have</del> <u>withdrawn their objection imminently and certainly before the end of the examination to the Order (REP7-099).</u></p>
Environment Agency (Asset Owner)	<p><b>Position:</b> The Environment Agency has not raised an objection to the scheme as an Asset Owner and does not own any land or hold any proprietary rights or other interests in the Order Land. Protective provisions for the EA's benefit provide that the EA's approval of works affecting its undertaking is required before the works are undertaken.</p> <p>The Applicant has included draft protective provisions for the benefit of the EA in Part 7 of Schedule 9 of the Order.</p> <p>The Applicant has entered into a Statement of Common Ground with the Environment Agency as a statutory undertaker, rather than as an asset owner. This includes agreement on the commitment to producing a cable specification and installation plan as part of the dDCO.</p>
ConocoPhillips (U.K) Limited	<p><b>Position Statement:</b> 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 detailed design of Hornsea Project Three project once it has progressed post consent and closer to time of construction (so 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<sup>th</sup> 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.</p>
Neptune E&P UK Limited	<p><b>Summary: LoC provided at Deadline 1.</b> 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.</p> <p><b>Position:</b> LoC signed with outstanding matters on 01 November 2018.</p>
Shell UK Limited	<p><b>Position Statement:</b> Signed Position Statement provided at Deadline 5.</p>
NFU and Land Interest Group <u>(LIG)</u>	<p><b>Position:</b> Not provided at Deadline 8 <del>SoCG to be provided if required at later deadlines as negotiations are ongoing</del> <u>An update on the position with the NFU &amp; LIG will be provided in the Statement of Reasons to be submitted at Deadline 9.</u></p>



### 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 9 on 26<sup>th</sup> 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 8, although discussions are ongoing and the Applicant is continuing to develop SoCGs with these stakeholders for submission to the Ex.A:

- The ExA requested submission of SOCGs with Natural England for Ornithological matters and Benthic Ecology and Marine Processes Matters for Deadline 6. ~~In the intervening period since the second set of hearings, the Applicant has continued to engage with Natural England and is please to confirm that a SOCG for Ornithology has been submitted at Deadline 8. Natural England issued comments on the SoCGs to the Applicant on 07/02/2019. The Applicant has prioritised the review and update of these documents, but it has not been possible to finalise these SoCG ready for submission at Deadline 6 as the proposed drafting amendments included open commentary and adjustment on areas of previous agreement. For Ornithology, the Applicant has now aimed to present the SOCG in a format with final positions to assist the ExA. This version is currently with Natural England to approve and finalise and the Applicant hopes to submit the updated SoCG into the ExA as soon as feasible following Deadline 7. For Benthic Ecology, having received Natural England's position statements for designated sites at Deadline 7 (REP7-067, REP7-068, REP70 and REP73), the Applicant determined that the most effective way to provide clarity to the ExA on this topic would be to present the Applicant's position of the issues covered adjacent to Natural England's. This approach was discussed and agreed with Natural England on a call on 18.03.19 and this position statement will be submitted at Deadline 9. Natural England advised that they were working on a summary of their position to submit at Deadline 7 and in view of this the Applicant agreed that further discussions of the SOCG would take place following this submission with the aim of submitting a final SOCG at Deadline 9.~~
- 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 12<sup>th</sup> 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 8 (22<sup>nd</sup> March 2019).

Party	Position at Deadline 1 (7 <sup>th</sup> Nov 2018)	Position at Deadline 2 (21 <sup>st</sup> Nov 2018)	Position at Deadline 3 (14 <sup>th</sup> Dec 2018)	Position at Deadline 4 (15 <sup>th</sup> Jan 2019)	Position at Deadline 5 (23 <sup>rd</sup> Jan 2019)	Position at Deadline 6 (8 <sup>th</sup> Feb 2019)	Position at Deadline 7 (14 <sup>th</sup> Mar 2019)	Position at Deadline 8 (22 <sup>th</sup> Mar 2019)	Position at Deadline 9 (26 <sup>th</sup> 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 <sup>th</sup> 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 <sup>th</sup> November 2018.		Updated draft SoCG issued. No updated SoCG submitted at Deadline 4.	Signed SoCG with matters outstanding. SoCG signed by all parties on 23 <sup>rd</sup> January 2019.		Signed SoCG with matters outstanding. SoCG signed by all parties on 14 <sup>th</sup> Mar 2019		
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 <sup>th</sup> January 2019.			Signed SoCG with matters outstanding. SoCG signed by all parties on 14 <sup>th</sup> Mar 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 <sup>th</sup> January 2019.			Signed SoCG with matters outstanding. SoCG signed by all parties on 14 <sup>th</sup> Mar 2019		

Party	Position at Deadline 1 (7 <sup>th</sup> Nov 2018)	Position at Deadline 2 (21 <sup>st</sup> Nov 2018)	Position at Deadline 3 (14 <sup>th</sup> Dec 2018)	Position at Deadline 4 (15 <sup>th</sup> Jan 2019)	Position at Deadline 5 (23 <sup>rd</sup> Jan 2019)	Position at Deadline 6 (8 <sup>th</sup> Feb 2019)	Position at Deadline 7 (14 <sup>th</sup> Mar 2019)	Position at Deadline 8 (22 <sup>th</sup> Mar 2019)	Position at Deadline 9 (26 <sup>th</sup> Mar 2019)
Norwich City Council	Signed SoCG with all matters agreed. SoCG signed by all parties on 02 November 2018								
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.					<u>Final signed SoCG with matters outstanding. SoCG signed by all parties on 22<sup>nd</sup> Mar 2019</u>	
Natural England – All other matters	Signed SoCG with matters outstanding. SoCG signed by all parties on 07 November 2018								

Party	Position at Deadline 1 (7 <sup>th</sup> Nov 2018)	Position at Deadline 2 (21 <sup>st</sup> Nov 2018)	Position at Deadline 3 (14 <sup>th</sup> Dec 2018)	Position at Deadline 4 (15 <sup>th</sup> Jan 2019)	Position at Deadline 5 (23 <sup>rd</sup> Jan 2019)	Position at Deadline 6 (8 <sup>th</sup> Feb 2019)	Position at Deadline 7 (14 <sup>th</sup> Mar 2019)	Position at Deadline 8 (22 <sup>th</sup> Mar 2019)	Position at Deadline 9 (26 <sup>th</sup> Mar 2019)
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 <sup>th</sup> 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								
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					Signed SoCG with matters outstanding. SoCG signed by all parties on 25 <sup>th</sup> January 2019.			

Party	Position at Deadline 1 (7 <sup>th</sup> Nov 2018)	Position at Deadline 2 (21 <sup>st</sup> Nov 2018)	Position at Deadline 3 (14 <sup>th</sup> Dec 2018)	Position at Deadline 4 (15 <sup>th</sup> Jan 2019)	Position at Deadline 5 (23 <sup>rd</sup> Jan 2019)	Position at Deadline 6 (8 <sup>th</sup> Feb 2019)	Position at Deadline 7 (14 <sup>th</sup> Mar 2019)	Position at Deadline 8 (22 <sup>th</sup> Mar 2019)	Position at Deadline 9 (26 <sup>th</sup> 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.		Signed SoCG with matters outstanding. SoCG signed by all parties on 23 <sup>rd</sup> January 2019.				
Eastern Inshore Fisheries and Conservation Authority (EIFCA)	Signed SoCG with matters outstanding. SoCG signed by all parties on 06 November 2018						Final signed SoCG with two matters not agreed on the 14 March 2019		

Party	Position at Deadline 1 (7 <sup>th</sup> Nov 2018)	Position at Deadline 2 (21 <sup>st</sup> Nov 2018)	Position at Deadline 3 (14 <sup>th</sup> Dec 2018)	Position at Deadline 4 (15 <sup>th</sup> Jan 2019)	Position at Deadline 5 (23 <sup>rd</sup> Jan 2019)	Position at Deadline 6 (8 <sup>th</sup> Feb 2019)	Position at Deadline 7 (14 <sup>th</sup> Mar 2019)	Position at Deadline 8 (22 <sup>th</sup> Mar 2019)	Position at Deadline 9 (26 <sup>th</sup> 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	Signed SoCG with matters outstanding. SoCG signed by all parties on 14 December 2018						
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 <sup>th</sup> January 2019.			Signed SoCG all matters agreed. SoCG signed by all parties on 14 <sup>th</sup> Mar 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 <sup>th</sup> 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 8.

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 9, 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 8.

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	Yellow	Green	Green	Yellow		Yellow		
North Norfolk District Council	Yellow	Red	Green	Red													Yellow	Yellow		Red	Green	Green	Green	Red		Yellow		
South Norfolk District Council	Green	Red	Yellow															Red	Red			Red	Green			Red		
Broadland District Council	Green	Red	Green														Green	Green	Yellow		Green	Yellow	Green	Green		Green		
Norwich City Council	Green	Green																Green								Green		
Great Yarmouth Borough Council		Green					Green																	Green				
Natural England	Yellow		Green			Yellow	Yellow	Red				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)		Red			Green	Red																			
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>																								

**Final Position**

4.6 This section will be completed and submitted to the ExA at Deadline 9 (26 March 2019)

**Protective Provisions**

4.7 This section will be completed and submitted to the ExA at Deadline 9 (26 March 2019)