

Hornsea Project Three  
Offshore Wind Farm



## Hornsea Project Three Offshore Wind Farm

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

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Date: 26<sup>th</sup> March 2019

Hornsea 3  
Offshore Wind Farm

Orsted

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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 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 9.

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	Position Statement in place
	Offshore ornithology	SoCG in 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 place
National Federation of Fishermen's Organisation (and VisNed)		SoCG in place
Marine and Coastguard Agency		SoCG in place
Trinity House		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

Party	Position
Network Rail Infrastructure Limited	See table 2.2 below for the latest position.
Anglian Water Services Limited	Not required – see Table 2.2
Eastern Power Networks plc (EPN)	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 9 ( 26<sup>th</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 (REP7-096).
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 (REP7-098).
Network Rail Infrastructure Limited	<b>LoC Position:</b> Not provided at Deadline 9. A position statement will be provided at Deadline 10 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 confirmed that they have no objection to the protective provisions contained within the order (REP1-001 and REP1-002).

Party	LoC summary and position
Eastern Power Networks plc (EPN)	<p><b>LoC Position:</b> The side agreement between Eastern Power Networks (EPN) and the Applicant is complete. EPN has confirmed to the ExA that they have withdrawn their objection to the Order (REP7-099).</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 (LIG)	<p><b>Position:</b> An update on the position with the NFU &amp; LIG is provided in Appendix A the Statement of Reasons (submitted at Deadline 9).</p>



### 3. Status

#### **Summary of current position**

- 3.1 This section provided the ongoing position of each SoCG until Deadline 8. Where further progress was made with a party, the updated version of the SoCG was submitted alongside this document at each previous Deadline. Final position of SoCG was submitted at Deadline 9 on 26<sup>th</sup> March 2019. Please see Section 4 for the summary of the final SoCG position with each stakeholder.
- 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.

Table 3.1: Status of SoCGs at Deadline 9 (26<sup>th</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)	Position at Deadline 10 (1 <sup>st</sup> Apr 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.					Final Signed SoCG with matters outstanding. SoCG signed by all parties on 26 <sup>th</sup> March 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		Final Signed SoCG with matters outstanding. SoCG signed by all parties on 26 <sup>th</sup> March 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			

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)	Position at Deadline 10 (1 <sup>st</sup> Apr 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		Updated draft with Broadland District Council. SoCG signed by all parties expected to be submitted on 27 <sup>th</sup> March 2019	
Norwich City Council	Final signed SoCG with all matters agreed. SoCG signed by all parties on 02 November 2018									
Great Yarmouth Borough Council	Final 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.						Position Statement submitted in place of SOCG	

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)	Position at Deadline 10 (1 <sup>st</sup> Apr 2019)
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.					Final signed SoCG with matters outstanding. SoCG signed by all parties on 22 <sup>nd</sup> Mar 2019		
Natural England – All other matters	Signed SoCG with matters outstanding. SoCG signed by all parties on 07 November 2018								Final Signed SoCG with matters outstanding. SoCG signed by all parties on 26 <sup>th</sup> March 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.					Final Signed SoCG with matters outstanding. SoCG signed by all parties on 26 <sup>th</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)	Position at Deadline 10 (1 <sup>st</sup> Apr 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								Final Signed SoCG with matters outstanding. SoCG signed by all parties on 26 <sup>th</sup> March 2019	
Whale and Dolphin Conservation	Final signed SoCG with matters outstanding on the 24 September 2018									
Environment Agency	Final 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.						Final Signed SoCG with all matters agreed. SoCG signed by all parties on 25 <sup>th</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)	Position at Deadline 10 (1 <sup>st</sup> Apr 2019)
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.				
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.					

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)	Position at Deadline 10 (1 <sup>st</sup> Apr 2019)
Trinity House									Signed SoCG with one matter under discussion. SoCG signed by all parties on 26 <sup>th</sup> March 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 <sup>th</sup> March 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						Final Signed SoCG with matters outstanding. SoCG signed by all parties on 26 <sup>th</sup> March 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 <sup>th</sup> January 2019.			Final signed SoCG all matters agreed. 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)	Position at Deadline 10 (1 <sup>st</sup> Apr 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.					Final Signed SoCG with all matters agreed. SoCG signed by all parties on 26 <sup>th</sup> March 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 9.

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 9.

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	Yellow	Red	Green	Red													Red	Red		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	Red					Green	Red	Red					Green				Red	Red									Red	
Marine Management Organisation	Red		Green	Green	Green	Green	Green		Green																		Green	
The Wildlife Trust	Red				Red		Red										Green										Red	
Whale and Dolphin Conservation							Red																				Green	

	Topics																									
Environment Agency	Green	Green	Green	Green																					Green	
Historic England																										Green
National Federation of Fishermen's Organisation (and VisNed)	Green			Green																						Yellow
Marine and Coastguard Agency	Yellow	Yellow																							Green	Green
Trinity House	Yellow																								Green	
Eastern Inshore Fisheries and Conservation Authority (EIFCA)		Red			Green	Red																				
Royal Society for the Protection of Birds - offshore and onshore	Green			Green																						Red
Highways England		Green	Green																							Green
Spirit Energy Netherlands B.V, Spirit Energy North Sea Limited and Spirit Energy Resources Limited	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.																									

## **Final Position**

4.6 The following section provides a summary of the final position between the Hornsea Project Three and each party where there are matters agreed and matters outstanding. For full details on specific outstanding matters, the individual SoCGs should be referred to.

### **Norfolk County Council (NCC)**

4.7 The Deadline 9 version of SoCG with NCC is the final signed version. The Applicant and NCC have agreed that the SoCG sets out the final position on matters agreed and matters outstanding relating to the access strategy through Cawston and results of associated road safety audit, as well as cumulative effects and the Outline CTMP; and ongoing discussions in respect to the provision of a community benefit fund.

### **North Norfolk District Council (NNDC)**

4.8 The Deadline 9 version of SoCG with NNDC is the final signed version. The Applicant and NNDC have agreed that the SoCG sets out the final position on matters agreed and matters outstanding relating to the landfall construction methodology, maintenance of the landscape mitigation planting during the operation and maintenance phase (and the point at which the maintenance duration commences), impacts during the construction phase on the local tourism economy in North Norfolk, and the potential provision of a Community Benefit Fund.

### **South Norfolk District Council (SNC)**

4.9 The Deadline 7 version of SoCG with SNC is the final signed version. The Applicant and SNC have agreed that the SoCG sets out the final position on matters agreed and matters outstanding which relate to potential impacts on landscape and visual receptors and potential impacts on amenity as a result of proposed core working hours.

### **Broadland District Council (BDC)**

4.10 The Applicant has updated the SoCG and is currently awaiting a revised signed version from BDC which it anticipated imminently. It is expected that a Deadline 9 version of the SoCG will be submitted into the Examination on 27 March 2019.

### **Norwich City Council**

4.11 The Deadline 1 version of SoCG with Norwich City Council is the final signed version. The Applicant and Norwich City Council have agreed that the SoCG sets out the final position on all matters agreed.

### **Great Yarmouth Borough Council**

4.12 The Deadline 1 version of SoCG with Great Yarmouth Borough Council is the final signed version. The Applicant and Great Yarmouth Borough Council have agreed that the SoCG sets out the final position on all matters agreed.

### **Natural England (NE)**

4.13 Offshore Ornithology

The Deadline 8 version of the SoCG with NE is the final signed version of the SoCG. The Applicant and Natural England have agreed that the SoCG sets out the final position on matters agreed and matters outstanding relating to offshore ornithology (the details of which are best ascertained in the SOCG itself).

4.14 Benthic Ecology

At Deadline 9 the Applicant submitted a position statement which represents the respective summary of positions for NE and the Applicant on matters relating to Benthic Ecology and Marine Processes. Following discussions between the Applicant and NE, the parties determined that this document should serve as a replacement for the SoCG for Benthic Ecology and Marine Processes requested by the ExA in Written question Q2.2.42 (PD-012). The parties have agreed that this document should be based on the NE Deadline 7 submissions with regard to the Cromer Shoal Chalk Beds MCZ, Markham's Triangle pMCZ, Wash and North Norfolk Coast (WNNC) Special Area of Conservation (SAC) and the North Norfolk Sandbanks and Saturn Reef (NNSR) SAC (REP7-065, REP7-066, REP7-070 and REP7-075, respectively). As such, the tables in the document present the NE advice at Deadline 7 and the Applicant's position in response to this advice.

4.15 All Other Matters

The Deadline 9 version of the SoCG with NE is the final signed version of the SoCG. The Applicant and Natural England have agreed that the SoCG sets out the final position on matters agreed and matters outstanding relating to Marine Mammals, Onshore Ecology and Landscape and Visual Resources.

**Marine Management Organisation (MMO)**

4.16 The Deadline 9 version of SoCG with MMO is the final signed version. The Applicant and MMO have agreed that the SoCG sets out the final position on matters agreed and matters outstanding relating to deployment of cable protection during operations and maintenance, DML condition wording regarding underwater noise monitoring, arbitration and timescales.

**The Wildlife Trust (TWT) & Norfolk Wildlife Trust (NWT)**

4.17 The Deadline 9 version of SoCG with TWT and NWT is the final signed version. The Applicant and TWT have agreed that the SoCG sets out the final position on matters agreed and matters outstanding relating to Benthic Ecology (cable installation impacts in the Wash SAC) and Marine Mammals (the details of which are best ascertained in the SOCG itself and both parties' relative submissions).

**Whale and Dolphin Conservation (WDC)**

4.18 The Deadline 1 version of SoCG with WDC is the final signed version. The Applicant and WDC have agreed that the SoCG sets out the final position on matters agreed and matters outstanding relating to limits to noise level during construction and its mitigation methods.

**Environment Agency (EA)**

4.19 The Deadline 1 version of SoCG with EA is the final signed version. The Applicant and EA have agreed that the SoCG sets out the final position on all matters agreed.

**Historic England (HE)**

The Deadline 9 version of SoCG with HE is the final signed version. The Applicant and HE have agreed that the SoCG sets out the final position on all matters agreed.

**National Federation of Fishermen’s Organisation (NFFO) (and VisNed)**

4.20 The Applicant will be submitting the final version of the SoCG with the NFFO at Deadline 10.

**Eastern Inshore Fisheries and Conservation Authority (EIFCA)**

4.21 The Deadline 7 version of SoCG with EIFCA is the final signed version. The Applicant and EIFCA have agreed that the SoCG sets out the final position on matters agreed and matters outstanding relating to the cable route through the fishery closure area and uncertainty over impacts to marine life from electromagnetic fields.

**Royal Society for the Protection of Birds - offshore and onshore (RSPB)**

4.22 The Deadline 9 version of SoCG with RSPB is the final signed version. The Applicant and RSPB have agreed that the SoCG sets out the final position on matters agreed and matters outstanding relating to offshore ornithology (the details of which are best ascertained in the SOCG itself).

**Highways England**

4.23 The Deadline 7 version of the SoCG with Highways England is the final signed version. The Applicant and Highways England have agreed that the SoCG sets out the final position on all matters agreed.

**Spirit Energy Netherlands B.V, Spirit Energy North Sea Limited and Spirit Energy Resources Limited (SE)**

4.24 The Deadline 1 version of the SoCG with SE is the final signed version and the document has not been progressed since. In lieu of an updated SoCG the Applicant refers to Appendix 25 to Deadline 9 submission which details areas of agreement between the two parties on the J6A data set analysis

**Norfolk Vanguard Limited and Norfolk Boreas Limited (NV)**

4.25 The Deadline 9 version of the SoCG with NV is the final signed version. The Applicant and NV have agreed that the SoCG sets out the final position on all matters agreed.

**Trinity House (TH)**

4.26 The Deadline 9 version of the SoCG with TH is the final signed version. The Applicant and TH have agreed that the SoCG sets out the final position on matters agreed and matters outstanding relating to arbitration which the parties have agreed should remain as “under discussion”.

**Protective Provisions**

4.27 The final position in relation to agreement on protective provisions with statutory undertakers is presented in Table 4.2

Table 4.2 Protective Provisions at Deadline 9

Party	Protective Provisions
Blue Transmission Sheringham Shoal Limited (BTSSL)	BTSSL has not requested any amendments to the protective provisions secured within the DCO at Schedule 9, Part 1.

<b>Party</b>	<b>Protective Provisions</b>
Dudgeon Offshore Wind Ltd	Dudgeon Offshore Wind Ltd has not requested any amendments to the protective provisions secured within the DCO at Schedule 9, Part 1.
Eastern Power Networks plc (EPN)	Both parties have agreed their protective provisions in a separate side agreement.
National Grid Electricity Transmission plc (NGET)	The protective provisions included in the DCO at Schedule 9, Part 2 are agreed and the parties have signed a separate side agreement which is expected to complete prior to the close of examination.
National Grid Gas plc (NGG)	The protective provisions included in the DCO at Schedule 9, Part 2 are agreed and the parties have entered into a separate side agreement.
Cadent Gas Limited	The protective provisions included in the DCO at Schedule 9, Part 3 are agreed and the parties have entered into a separate side agreement.
BT	BT has not requested any amendments to the protective provisions that are secured in the DCO at Schedule 9, Part 4.
Sky plc	Sky plc has not requested any amendments to the protective provisions that are secured in the DCO at Schedule 9, Part 4.
Virgin Media Ltd	Virgin Media Ltd has not requested any amendments to the protective provisions that are secured in the DCO at Schedule 9, Part 4.
Vodafone Ltd	Vodafone Ltd has confirmed that it does not require any amendments to the protective provisions that are secured in the DCO at Schedule 9, Part 4.
Energis Communications Ltd	Energis Communications Ltd has not requested any amendments to the protective provisions that are secured in the DCO at Schedule 9, Part 4.
Network Rail Infrastructure Limited	The Applicant and Network Rail have not yet been able to agree on the protective provisions. The Applicant's preferred protective provisions have been included in the DCO at Schedule 9, Part 5. Negotiations are ongoing and a final position statement will be submitted at Deadline 10.
Anglian Water Services	Anglian Water has confirmed that the protective provisions secured in the DCO at Schedule 9, Part 6 are agreed.
Environment Agency and Norfolk Rivers Internal Drainage Board	Neither party have requested any amendments to the protective provisions that are secured in the DCO at Schedule 9, Part 7.
Norfolk Vanguard and Norfolk Boreas	Both parties have agreed the protective provisions that are secured in the DCO at Schedule 9, Parts 8 and 9 respectively.