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Your ref: 20010612

Our ref: Hornsea 3 Offshore Windfarm  
Project (EN010080-001331)

1 April 2019

Dear Sir/Madam

## **Application for an Order granting Development Consent for the proposed Hornsea Project Three Offshore Wind Farm**

### **The Examining Authority's Deadline 10: MCA's Final Position Statement - Supplementary response**

Firstly, the MCA would like to apologise to the ExA for not being present at the Hornsea Three Issue Specific Hearing (ISH) 8 to discuss the Search and Rescue (SAR) aspects, however suitable officers were not available on that date. The MCA did seek assurances from the Planning Inspectorate previously that it would be acceptable if MCA were unable to attend some ISHs, and ensured we were able to submit our full written representations on time.

Having listened to the audio published after the hearing, it is clear that MCA's presence to respond to the ExA questions, and to the applicant's case for a Single Line of Orientation (SLoO) from a SAR perspective, would have been very useful as some of their statements do remain in dispute. MCA would like to respond to a few of the points raised at the hearing and provide our final position statement.

Despite not attending the hearing, we have continued to work with the applicant throughout the Examination to address the concerns and have spent a significant amount of time, compared to other projects, on agreeing their ExA submissions due to the wording presented by the applicant in the design principles.

The MCA would like to make it clear that we have not criticised the content of the Navigation Risk Assessment nor questioned the levels of marine traffic in the area as



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justification for one line of orientation from the surface navigation perspective. We have however remained in discussion regarding the impact of a SLoO on SAR, and the process by which the applicant has sought approval for that one line.

The MCA has consistently pushed for the opportunity to assess the layout in line with MGN 543 and has provided our views to explain why we should be able to do this going forward, as seen in our various submissions to the ExA.

The MCA understands and acknowledges that the applicant had assessed the NRA based on one line of orientation, and we note that Orsted believed the scope of the NRA was “agreed” to demonstrate the safety justification for a SLoO. However, nowhere had this approach been agreed by MCA (prior to deadline 10). The MCA would not do so until we have gone through the necessary discussions in order to inform that decision.

When it was clear the applicant wished to change Design Principle 3 from a ‘minimum of one line’ (meaning there was still discussion to come) to a SLoO, the MCA was not prepared to agree that until the formal process has been followed by providing the appropriate justification.

To help the applicant prepare their safety justification, the MCA provided a range of options available to feed into their justification including for example any results from geotechnical surveys, which we know other developers have used as part of their justification to MCA previously. Although the applicant disputed this, we reminded them that we do understand not all developers may be able to provide all the aspects we suggest, but they were options available to be discussed on a case by case basis for each development. We did not consider this to be beyond our requirements as per MGN 543.

In addition, the applicant has previously implied that their reason for the one line was purely for wind capture. The MCA makes it clear with all developers that we will not accept a safety justification for one line of orientation based on wind yield; the MCA role is to ensure that safe navigation and our SAR obligations are preserved as the offshore windfarm developments progress.

There are multiple aspects we would usually expect from the developers post consent, as seen in the applicant’s Final Position Statement to the ExA, which lists our outstanding items. An NRA is not a safety justification for one line of orientation, and does not cover all the options we would usually discuss with the developer on a case by case basis to justify just one line. This process is consistent with MGN 543 (since early 2016) and is not something new that MCA are now imposing. It is consistent advice that we provide across all windfarm developments.

Agreeing to a SLoO before consent is very difficult for the MCA to accept. Many of the mitigations and requirements we would request as justification are part of ongoing discussions post consent (once further details are known) and while no precedent should be set going forward based on this, it could have impacts on future developments, as has been demonstrated by the Applicant during this examination where they have consistently referred to other windfarms.

However, due to the applicant's recent efforts with the safety justification and commitment to remain in discussion, we have now agreed the following:

On this occasion, and in order to meet the ExA deadline, the MCA accepts Orsted's safety justification provided for the SLoO. However, there are several aspects which remain unresolved, so this acceptance is on the understanding that:

- 1) The documentation to be provided post consent are submitted to MCA, and the mitigation measures contained within remain open for discussion;
- 2) Discussions regarding the layout (with SLoO accepted) will continue in order to achieve the final agreement of the layout, in accordance with development principles;
- 3) The MCA suggested tweaks (shown in a variety of track changes and comments boxes) are amended by Orsted or discussed further; and
- 4) As there are several items in the SAR section which remain 'under discussion' and 'not resolved', MCA accepts the justification noting that MCA's position and our approach regarding the SAR aspects has not changed based on the information provided in this document – and this by no means sets any precedent going forward.

The MCA would like to make it clear to the ExA that our position regarding the SAR implications has not changed based on the expert opinion provided by the applicant. The Applicant has stated that the MCA has not been willing to allow their SAR expert to meet with the helicopter provider. The MCA and the Applicant's previous expert did meet with the helicopter provider to discuss this project, and therefore does not consider multiple meetings as beneficial. The MCA would also like to note that the Applicant has had significant input from the SAR expert, however this is based on one person's opinion and is not the current view of operational crew flying in the SAR helicopters or MCA subject matter specialists. The MCA may be willing to allow the applicant's SAR expert to meet the helicopter contractor post consent, if there are clear benefits identified.

Therefore until further trials are undertaken and which those trials may prove otherwise, the MCA's position remains as per ExA written representation. This is based on the expert opinion of the SAR crew currently employed by the helicopter provider, MCA subject matter specialists and experience gained from exercises. Our helicopter provider has indicated that SAR helicopters are unlikely to attempt to turn within a windfarm, regardless of what the Applicant considers as possible according to calculations.

We would also like to point out that the MCA has never 'withdrawn' any trial evidence from later responses to the ExA; we merely did not repeat them as they had already been submitted as part of our previous written representations.

Finally, we understand that the applicant is submitting all or part of a Cost Benefit Analysis for this project. The MCA would like to highlight that they met with the applicant in November 2018 to review this document, however MCA has not formally agreed the analysis. We also note that it compares zero lines to one line of orientation. The MCA would not accept zero lines (which would essentially provide a random layout) from the impact of safe navigation and the SAR perspective.

We hope the Examining Authority finds this response useful and helps you to understand MCA's position.

Yours faithfully,

Helen Croxson  
OREI Advisor  
Maritime and Coastguard Agency