



Department for
Business, Energy
& Industrial Strategy

1 Victoria Street
London
SW1H 0ET

Telephone: 020 7215 5677
Email: beiseip@beis.gov.uk
Web: www.gov.uk/beis

To:
Orsted Hornsea Project Three (UK) Limited

Your Ref:
Our Ref:

Date: 27 September 2019

cc:
All interested parties

Dear Sir or Madam,

Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010

Application by Orsted Hornsea Project Three (UK) Limited (“the Applicant”) for an Order granting Development Consent for the proposed Hornsea Project Three Offshore Wind Farm and associated offshore and onshore infrastructure

REQUEST FOR INFORMATION AND COMMENTS ON LATE REPRESENTATIONS RECEIVED BY THE SECRETARY OF STATE, AND NOTIFICATION OF THE SECRETARY OF STATE’S DECISION TO SET A NEW DATE FOR DETERMINATION OF THE APPLICATION

Dear Sir or Madam,

1. Following the completion of the examination on 2 April 2019, the Examining Authority submitted a Report and Recommendation in respect of its findings and conclusions on the above application to the Secretary of State on 2 July 2019. In accordance with section 107 of the Planning Act 2008, the Secretary of State has three months to determine the application (see paragraph 12 below).

Sandbanks

2. In respect of the North Norfolk Sandbanks and Saturn Reef Special Area of Conservation (“SAC”) and The Wash and North Norfolk Coast SAC in relation to the feature “*sandbanks slightly covered by water at all times*” the **Applicant**, in consultation with **Natural England** as necessary, is invited to provide further evidence and representations on the matters set out in regulations 64 and 68 of the Conservation of Habitats and Species

Regulations 2017, and regulations 29 and 36 of the Conservation of Offshore Marine Habitats and Species Regulations 2017, namely:

- whether there are any feasible alternative solutions to the project which could avoid or lessen any adverse effects on the integrity of the sites;
- any imperative reasons of overriding public interest for the project to proceed;
- any compensatory measures proposed to ensure that the overall coherence of the network of European sites is protected.

Ornithology

3. Two late representations have been received by the Secretary of State relating to ornithological matters: (1) from the Applicant dated 31 July 2019 and (2) from the Royal Society for the Protection of Birds (“RSPB”) dated 6 September 2019. Both representations are published alongside this letter on the Planning Inspectorate’s website¹. Any comments from **Interested Parties** are invited on these two representations.

4. In light of the ornithological information referred to above, in respect of the Flamborough and Filey Coast Special Protection Area (“SPA”) in relation to in-combination impacts on the assemblage (kittiwake) features, the **Applicant**, in consultation with **Natural England** as necessary, is also invited to provide evidence as to:

- whether there are any feasible alternative solutions to the project which could avoid or lessen any adverse effects on the integrity of the site;
- any imperative reasons of overriding public interest for the project to proceed;
- any compensatory measures proposed to ensure that the overall coherence of the network of European sites is protected.

Maine Conservation Zones

5. In respect of impacts from cable rock protection on the subtidal sand features of the two Marine Conservation Zones, Cromer Shoal Chalk Beds Marine Conservation Zone (“MCZ”) and Markham’s Triangle MCZ, the **Applicant** in consultation with **Natural England** as necessary, is invited to provide further evidence and representations in relation to the matters set out in section 126(7) of the Marine and Coastal Access Act 2009, namely:

- whether there are any other means of proceeding with the project which would create a substantially lower risk of achieving the conservation objectives of the sites as set out above;
- whether the benefit to the public of proceeding with the project clearly outweighs the risk of damage to the environment that will be created by proceeding with it: and

¹ <https://infrastructure.planninginspectorate.gov.uk/projects/eastern/hornsea-project-three-offshore-wind-farm/>

- the arrangements for ensuring that measures are undertaken of equivalent environmental benefit to the damage which the project will or is likely to have in or on the MCZ.

Updated In-Principle Southern North Sea Special Area of Conservation Site Integrity Plan

6. The Secretary of State notes that the Southern North Sea Site of Community Importance Site Integrity Plan submitted at Deadline 4 [REP4-066] is out of date in that it refers to the former designation both in the title and in the body of the text. The **Applicant** is therefore also requested to submit, in consultation with the **Marine Management Organisation**, an updated In Principle Southern North Sea Special Area of Conservation Site Integrity Plan.

7. **Responses are requested by midnight Tuesday 31 December 2019.**

8. Responses on the information requested in paragraphs 2-6 above should be submitted by email to: HornseaProjectThree@planninginspectorate.gov.uk

9. Please also send any hard copy response to the Hornsea Project Three Offshore Wind Farm Team, Secretary of State for Business, Energy and Industrial Strategy, c/o the Planning Inspectorate, 3D Eagle Wing, Temple Quay House, Temple Quay, Bristol, BS1 6PN. If you will have difficulty in submitting a response by the consultation deadline, please inform the Project Team as soon as possible. An explanation of the reasons for this should also be provided.

10. Responses will be published on the Hornsea Project Three Offshore Wind Farm project page of the National Infrastructure Planning website: <https://infrastructure.planninginspectorate.gov.uk/projects/eastern/hornsea-project-three-offshore-wind-farm/> as soon as possible after 31 December 2019.

11. Comments will then be invited from interested parties within a further 28 days on the above matters only. The Secretary of State will then consider the responses and information received in reaching a decision on the Application.

12. **In order to allow time for the steps above to be taken, the Secretary of State is setting a new deadline for a decision on this Application of 31 March 2020. A statement to the House of Commons and House of Lords in accordance with section 107(7) of the Planning Act 2008 will be made as soon as possible once Parliament is in session.**

13. This letter is without prejudice to the Secretary of State's decision whether or not to grant development consent for the Hornsea Project Three Offshore Wind Farm project, and nothing in this letter is to be taken to imply what the eventual decision might be or what final conclusions the Secretary of State may reach on any particular issue which is relevant to the determination of the application.

Yours faithfully

Gareth Leigh
Head of Energy Infrastructure Planning