

Hornsea Project Three  
Offshore Wind Farm



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### Applicant's Summary Submission Determination of Hornsea Project Three

Date: February 2020

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Orsted

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Author	Andrew Guyton, Emily Woolfenden		
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5 Howick Place,

London, SW1P 1WG

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Front cover picture: Kite surfer near a UK offshore wind farm © Ørsted Hornsea Project Three (UK) Ltd., 2020.

### **UK declares climate emergency**

- 1.1 The UK government has declared a climate emergency and, in 2019, became the first major economy to legally commit to reducing its greenhouse gas emissions to net zero by 2050<sup>1</sup>. According to the Intergovernmental Panel on Climate Change (“**IPCC**”), keeping global temperature increases to within 1.5°C will require a system transition at an unprecedented scale, with deep emission reductions in all sectors<sup>2</sup>.
- 1.2 Significant progress has been made to date in decarbonising the UK’s power sector, largely due to a substantial reduction in coal-fired generation and a corresponding increase in the share of renewables. However, progress in other sectors has been slower, with the Committee on Climate Change (“**CCC**”) calling for a “*major ramp-up in policy effort*” and warning that reaching net-zero will require “extensive changes across the economy”<sup>3</sup>. Electricity demand is expected to increase significantly to support this transition, as the UK’s heat and transport sectors become electrified.
- 1.3 The UK therefore urgently needs to deploy significant volumes of low-carbon generation to meet its legally binding net zero target. In December, the UK government pledged to deliver 40GW of offshore wind by 2030<sup>4</sup>, up from the 30GW target in the Offshore Wind Sector Deal launched in March 2019<sup>5</sup>. This represents more than quadrupling the UK’s installed offshore wind capacity within the next decade (up from approximately 10GW today) and reflects UK government’s need to accelerate its journey to net zero.

### **Relevance for Hornsea Three**

- 1.4 This is important in the context of the Secretary of State’s decision on the Hornsea Project Three Offshore Wind Farm (“**Hornsea Three**”) Development Consent Order (“**DCO**”) Application (the “**Application**”), as Hornsea Three will deliver a substantial volume of low carbon generation in the 2020s. Offshore wind is now one of the lowest cost forms of energy and one that can be deployed at scale within relatively short timeframes. With a potential capacity of at least 2.4GW, Hornsea Three could be the world’s largest offshore wind farm, providing affordable, green electricity for well over 2 million UK homes, offsetting over 128.2 million tonnes of carbon dioxide (CO<sub>2</sub>) over its lifetime<sup>6</sup>.
- 1.5 Hornsea Three is being developed by Orsted Hornsea Project Three (UK) Ltd (the “**Applicant**”), whose parent company, Ørsted A/S, has a strong track record of developing, building and operating offshore wind farms, with over 25 years’ experience and over 6.8GW of installed capacity globally. The UK is Ørsted’s largest offshore wind market. Ørsted owns or operates 11 offshore wind farms in the UK and, by the end of 2021, will have invested over £13 billion building its offshore wind farms in the UK.

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<sup>1</sup> The Climate Change Act 2008 (2050 Target Amendment) Order 2019.

<sup>2</sup> IPCC, 2018. Special Report: Global Warming of 1.5°C. Summary for Policymakers.

<sup>3</sup> CCC, 2019. Net Zero: The UKs contribution to stopping global warming.

<sup>4</sup> Prime Minister’s Office, 2019. The Queen’s Speech 2019.

<sup>5</sup> BEIS, 2019. Offshore Wind Sector Deal.

<sup>6</sup> This is based on a capacity of ~2.4GW, a conservative 5-year average load factor for offshore wind of 38.74%, an “all fossil fuels” emissions statistic of 450tonnes/GWh of electricity supplied (BEIS, DUKES, July 2019) and a project lifespan of 35 years.

**Secretary of State Consultation**

- 1.6 On 27 September 2019, the Secretary of State for Business, Energy and Industrial Strategy (the “**Secretary of State**”) issued a consultation request (the “**Consultation**”), inviting submissions and evidence from the Applicant on, amongst other matters, the requirements of the following:
- regulation 64 (considerations of overriding public interest) and regulation 68 (compensatory measures) of the Conservation of Habitats and Species Regulations 2017; and
  - regulation 29 (considerations of overriding public interest) and regulation 36 (compensatory measures) of the Conservation of Offshore Marine Habitats and Species Regulations 2017.
- 1.7 The above provisions transposed article 6(4) of the Habitats Directive<sup>7</sup> into UK law and provide a derogation process whereby consent may be granted where it has been concluded that a development will have an adverse effect on the integrity (“**AEOI**”) of a European site if: there are no alternative solutions; there are imperative reasons of overriding public interest (“**IROPI**”); and compensatory measures can be secured. In the Applicant’s submission, it refers to the identified regulations collectively as the “**HRA Derogation Provisions**”.
- 1.8 Derogation Provisions comprise the later stages of a wider process known as Habitats Regulations Assessment (“**HRA**”) and, if the applicable requirements are met, could be relied upon to authorise Hornsea Three even if the prior HRA stages result in a negative outcome (that is to say if, having completed an appropriate assessment (“**AA**”), the Secretary of State is not satisfied that there would be no AEOI in respect of the relevant European site(s)). The Applicant believes that the HRA Derogation Provisions need not be relied upon by the Secretary of State to authorise Hornsea Three.
- 1.9 By letter dated 31 October 2019, the Secretary of State confirmed the scope of the Consultation in respect of the HRA Derogation Provisions. As directed by the Secretary of State, the Applicant’s submission and evidence is accordingly focussed on the following European sites, features and impacts only (Table 1).

Table 1: Relevant European sites and features

European Sites	Relevant Qualifying Feature	Relevant Impact from Hornsea Three
North Norfolk Sandbanks and Saturn Reef Special Area of Conservation (“ <b>NNSSR SAC</b> ”)	“sandbanks slightly covered by water at all times”	Placement of cable protection on seabed
The Wash and North Norfolk Coast Special Area of Conservation (“ <b>WNNC SAC</b> ”)	“sandbanks slightly covered by water at all times”	Placement of cable protection on seabed
Flamborough and Filey Coast Special Protection Area (“ <b>FFC SPA</b> ”)	breeding kittiwake feature	Collision risk

<sup>7</sup> EC Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora.

- 1.10 None of the above qualifying features are "priority" habitats or species (i.e. none is identified within the scheme of the Habitats Regulations as in imminent danger of disappearance or endangered).
- 1.11 In addition:
- The North Norfolk Sandbanks are the most extensive example of the offshore linear ridge sandbank type in UK waters.
  - The WNNC SAC also has one of the largest expanses of subtidal sandbanks within the UK.
  - The FFC SPA is designated for a kittiwake population of 44,520<sup>8</sup> pairs and the population of kittiwake is currently stable and/or increasing and has been for a considerable period.
- 1.12 The Secretary of State's Consultation also invited submissions and evidence from the Applicant in relation to the matters set out in section 126(7) of the Marine and Coastal Access Act 2009 ("MCAA"), regarding:
- Markham's Triangle ("MT") Marine Conservation Zone ("MCZ"); and
  - Cromer Shoal Chalk Beds ("CSCB") MCZ.
- 1.13 Section 126(7) provides a derogation process, which is engaged if the conditions of section 126(6) of the MCAA are not met. In the Applicant's submission, it refers to the identified regulations collectively as the "**MCZ Derogation Provisions**". The Applicant's position is that the conditions of section 126(6) are met. However, without prejudice to that, this Response is provided on a precautionary basis to demonstrate that the Secretary of State can be satisfied that the conditions required for a derogation under section 126(7) of the MCAA are met if deemed necessary in respect of the CSCB MCZ.
- 1.14 The CSCB MCZ lies approximately 200m from the low water mark off the north Norfolk coast and extends 10km out to sea, covering a total area of approximately 321km<sup>2</sup>. Impacts on the MCZs related to the placement of cable protection, leading to long-term impacts to the habitat during the operational phase, where cable protection may be required for sections of the export cables. Subtidal Sand is one of ten designated features for the CSCB MCZ and is currently in favourable condition. As noted below, the Applicant has committed to removing all infrastructure from MT MCZ and thus no case under section 126(7) is required in respect of that site.

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<sup>8</sup> It is noted the Bempton Seabird Report 2017 states 51,535 pairs, based on 45,504 from the original designated site, and an additional 6,031 from Filey element of the designated site.

### **Consultation**

- 1.15 In accordance with the Secretary of State's Consultation request, in preparing its response the Applicant has consulted extensively with the key stakeholders, specifically Natural England (as requested in the Secretary of State's letter dated 27 September 2019) and the Marine Management Organisation ("MMO"). The Applicant has sought to engage openly and transparently throughout the Consultation period, sharing information on a without prejudice basis, to provide parties with the opportunity to consider and contribute towards the development of the HRA and MCZ Derogation Cases for Hornsea Three, and in particular, the development of compensation measures and Measures of Equivalent Environmental Benefit ("MEEB").
- 1.16 In parallel, the Applicant has also engaged with other relevant stakeholders and experts and has participated in wider industry workshops on this topic to further strengthen the HRA Derogation Case.

### **Basis for submission**

- 1.17 It is understood by the Applicant that the Consultation is without prejudice to the Secretary of State's final decision on the Application and is not to be taken to imply any conclusion that may be reached.
- 1.18 The Applicant believes that the HRA and MCZ Derogation Provisions need not be relied upon by the Secretary of State to authorise Hornsea Three because it can be concluded on the basis of the information provided in the Hornsea Three Application, with the required degree of certainty (i.e. beyond reasonable scientific doubt) that Hornsea Three would not give rise to any AEOI, alone or in combination with other projects or plans, or pose a significant risk of hindering the conservation objectives MCZs.
- 1.19 The Applicant remains confident of its position of no AEOI on the basis of the Maximum Design Scenario ("MDS") as set out during the Examination. However, the Applicant has vigorously re-appraised all elements of the MDS for Hornsea Three as part of continuing project development, to ensure all feasible mitigation has been deployed.

### **Maximum Design Scenario Reductions**

- 1.20 Post-Examination, in consultation with both Natural England and the MMO, further notable reductions to the MDS and additional mitigation for Hornsea Three have been made by the Applicant where feasible, including:
- Removal of all infrastructure from MT MCZ;
  - Further reducing the maximum number of turbines from 300 to 231;
  - Raising the lower tip height of the turbines from 33.17m MSL to 40m MSL;
  - Reducing the total rotor swept area from 9km<sup>2</sup> to 8.8km<sup>2</sup>;
  - Reducing the cable protection from 10% of the length of each cable within each designated site to 6%; and
  - Reducing the cable protection from 10% of the length of each cable within the CSCB MCZ to 7%.

### Sandbanks

- 1.21 Post Examination, the Applicant has reduced the MDS for volume of cable protection within the following marine protected areas (MPAs) from 10% of the length of each cable within the designated site to 6-7%:
- NNSSR SAC – The maximum long-term, temporary area impacted by placement of cable protection (6% of maximum length of export cables) represents **0.01%** of the total area of the Annex I sandbanks feature of the SAC.
  - WNNC SAC – The maximum long-term, temporary area impacted by placement of cable protection (6% of the maximum length of export cables) represents **0.0026%** of the total area of the Annex I sandbanks feature of the SAC.
  - CSCB MCZ – The maximum long-term temporary area impacted by placement of cable protection (7% of the maximum length of export cables) represents **0.016%** of the Subtidal Sand broadscale habitat feature within the MCZ.
- 1.22 At this scale, combined with localised avoidance of reefs and deployment of sensitive cable protection<sup>9</sup> committed to during Examination, the Applicant considers that the position, that Hornsea Three will not result in an AEOI of either SAC or pose a significant risk of hindering the achievement of the conservation objectives of the Subtidal Sand feature of the MCZ, is even stronger.
- 1.23 Further geophysical surveys conducted by the Applicant post-Examination to inform engineering and cable installation requirements, have enabled the Applicant to also reduce the MDS for sandwave clearance volumes within the MPAs, and working with the MMO and Natural England, the Applicant has developed a number of principles for the selection of sandwave clearance disposal locations.
- WNNC SAC – Reduce the volume of sandwave clearance by 63%. The maximum footprint of construction-related temporary habitat loss now represents **0.20%** of the total area of the Annex I sandbanks feature within the SAC.
  - CSCB MCZ – Reduce the volume of sandwave clearance by 28%. The maximum footprint now represents **1.03%** of the Subtidal Sand feature within the MCZ.

### Ornithology

- 1.24 The Applicant has considered effective ways of further reducing the collision risk to kittiwake. These include raising the height of the turbine blades above the sea surface (moving the rotor swept area to altitudes where bird densities are lower) and reducing the total number of turbines. Collision risk modelling (CRM) indicates that this is an effective way of significantly reducing the collision risk.
- 1.25 These changes, when applying the different collision risk parameters, represent a:

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<sup>9</sup> The cable protection grain sizes used will consider the local seabed conditions within each of the NNSSR and WNNC SACs including sediment/substrate type.

- 40.9% reduction in collision risk estimates when compared to those calculated at the point of application submission using the Applicant's collision risk parameters;
- 41.4% reduction in collision risk estimates when applying the Examining Authority's parameters; and
- 59.4% reduction in collision risk estimates when applying the Applicant's' understanding of Natural England's parameters.

1.26 Applying the same collision risk parameters as applied to Hornsea Project Two, the Applicant predicts an impact of **4 kittiwake from FFC SPA per year (0.01%** of breeding population). When using the Examining Authority's parameters this increases to 7-9 (**0.017%** of breeding population) and when using the Applicant's understanding of Natural England parameters this is 65-73<sup>10</sup> per year (**0.14%** of breeding population). The Applicant does not consider that such an impact leads to AEOI of the FFC SPA with a population of 44,520<sup>11</sup> breeding pairs. Further, the Applicant would highlight that under all scenarios, but materially so for those parameters adopted by Natural England, these predicted impacts are underpinned by high degrees of precaution tending towards over-precaution (see further below).

#### Marine Conservation Zones

- 1.27 The Applicant has committed to **exclude all infrastructure** from the MT MCZ. As there will not be any Hornsea Three infrastructure within the MT MCZ (including cable protection within the Subtidal Sand feature) there can be no risk of hindering the conservation objectives of MT MCZ. It is not therefore necessary for the MT MCZ to be addressed as part of the Applicant's submission in relation to the matters set out in section 126(7) of the Marine and Coastal Access Act 2009.
- 1.28 The Applicant's assessment of the CSCB MCZ concludes that the structures and functions, quality and composition of characteristic biological communities will remain in a condition which is healthy and not deteriorating. In addition, it is predicted that there is potential for some ecological function of the protected feature (sediments and habitats) to continue even where cable protection is placed, either through sediment transport or through colonisation of rock protection by local epifaunal species/communities, further reducing the extent of any effects.
- 1.29 Notwithstanding that the ecological function of the protected feature will continue, the scale of the impact on the Subtidal Sand feature of the CSCB MCZ is very small. Long-term, temporary impacts to the habitat as a result of placement of cable protection will affect a maximum of 2,940m<sup>2</sup> of subtidal habitat, with the impact occurring within the Subtidal Sand broadscale habitat feature. This equates to approximately **0.016%** of the total extent of the Subtidal Sand feature and **0.0009%** of the total area of the MCZ.

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<sup>10</sup> The range here stems from lower and upper confidence limits within those CR parameters.

<sup>11</sup> It is noted the Bempton Seabird Report 2017 states 51,535 pairs, based on 45,504 from the original designated site, and an additional 6,031 from Filey element of the designated site.

**De minimis**

- 1.30 Applying the very precautionary worst case MDS scenario, the maximum potential impact to the Sandbank features of each SAC (if the full volume of cable rock protection is deployed) would equate to only **0.01%** of the total area of the NNSSR SAC and **0.0026%** of the total area of WNNC SAC. That is a small-scale impact, which the Applicant considers is de minimis and/or inconsequential.
- 1.31 Natural England has advised<sup>12</sup> that it would consider there to be no likelihood of an AEOI where any one (or more) of the following can be demonstrated:
- That the loss is not on the priority habitat/feature/ sub feature/ supporting habitat, and/or
  - That the loss is temporary and reversible, and/or
  - That the scale of loss is so small as to be de minimus, and/ or
  - That the scale of loss is inconsequential including other impacts on the site/ feature/ sub feature.
- 1.32 The Applicant considers that at least three of the above are met in the case for Hornsea Three.

**Inherent Over-precaution**

- 1.33 The Applicant notes that the impact assessments are sequential in nature (i.e. estimation of baseline populations, identification of maximum project envelope, assumed worst case scenarios, effect estimation, assessment of population consequences) and there is a tendency to add precaution, or make precautionary assumptions at each sequential stage. If this compounding effect is not recognised, it can result in assessment conclusions that are disproportionately negative and based upon considerably over-estimated effects. This distorting effect is then further compounded when project-level effects are combined in cumulative and in-combination assessments. Therefore, while it is necessary to take a precautionary approach, so as to avoid any risk of under-estimating impacts, it is important that suitable precaution does not stray into over-precaution, resulting in materially over-estimated impacts.

**AEOI Conclusion**

- 1.34 When the totality of the comprehensive body of best available data and analysis provided by the Applicant is taken into account alongside the additional mitigation, particularly the further notable reductions to the project envelope, the Applicant believes that there cannot be reasonable scientific doubt in a conclusion of AEOI for all European site(s), alone or in combination with other projects or plans.
- 1.35 However, should the Secretary of State conclude otherwise, the Applicant, without prejudice to its position, has provided an alternative route for the Secretary of State to approve Hornsea Three and grant the DCO, by preparing a comprehensive derogation case, including compensation measures.

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<sup>12</sup> REP7-077 of the Hornsea Three examination library <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010080/EN010080-000748-06%20-%20Hornsea%203%20Examination%20Library%20Published%20Version.pdf>

- 1.36 Similarly, without prejudice to its position that Hornsea Three will not pose a significant risk of hindering the conservation objectives of the CSCB MCZ, the Applicant has provided the Secretary of State with information to support an alternative route for the Secretary of State to approve Hornsea Three via the submission of an MCZ Stage 2 Case.

### **Hornsea Three Derogation Case**

#### **Consideration of Alternatives**

- 1.37 The Applicant has adopted a structured approach to the consideration of alternatives which is justified by guidance and case law. When tested against the core project objectives, the Hornsea Three Derogation Case demonstrates that there are no feasible alternatives to Hornsea Three based on the refined envelope.
- 1.38 Consideration of alternative solutions to Hornsea Three should not be speculative but must be approached reasonably, with reference to the project objectives and grounded in a real-world consideration of feasibility (legally, technically and commercially). As noted previously, the Applicant's parent Company, Ørsted A/S, has a strong track record and thus informed judgement in terms of the design and feasibility of any alternatives.
- 1.39 One of the key project objectives for Hornsea Three, which responds directly to the fundamental and urgent need for the UK to decarbonise its power sector<sup>13</sup>, is to deliver a significant volume of low carbon generation in the 2020s. Offshore wind is already highly competitive against other forms of conventional and low-carbon generation, both in the UK and more widely, and has demonstrated that it can be delivered on time and at scale. Hornsea Three could generate in the order of 2.4GW of offshore wind power from Q4 2025 / Q4 2026.
- 1.40 If the UK is to meet its aim to reach 40GW of offshore wind by 2030 and 2050 net-zero commitment, then it is not a case of choosing between Hornsea Three and one or more alternative offshore wind farms (any of which would be subject to an HRA), but rather Hornsea Three and other wind farms.
- 1.41 While other low-carbon technologies (e.g. tidal, nuclear or conventional fossil fuels with Carbon Capture, Use and Storage (CCUS)) remain potential contributors to achieving the 2050 net-zero obligation, their contributions in the 2020s are likely to be low to zero. This is particularly relevant to the consideration of alternatives to Hornsea Three given that time is very much of the essence in tackling the level of greenhouse gas emissions.

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<sup>13</sup> This is aligned with national objectives articulated at the highest level in legislation and policy documents including but not limited to The Climate Change Act 2008, The Overarching National Policy Statement (NPS) for Energy (EN-1) and the NPS for Renewable Energy Infrastructure (EN-3) amongst others.

Imperative Reasons of Overriding Public Interest (IROPI)

- 1.42 The HRA Derogation Provisions provide that a plan or project having an AEOI on a designated site may proceed, subject to a positive conclusion on the absence of alternatives and provision of any necessary compensation, if the plan or project in question must be carried out for reasons of IROPI. When balancing the IROPI against the risk of harm for Hornsea Three, the HRA Derogation Case demonstrates that there is an urgent need for Hornsea Three which outweighs the risk of harm to the protected sites.
- 1.43 Hornsea Three could be instrumental in limiting the negative consequences of climate change and the threats it poses to the environment. For example, research has directly linked the effects of climate change to declining populations of seabirds, in particular kittiwake, due to the impact of increases in sea surface temperature on prey availability<sup>14</sup>. The long-term, temporary habitat loss due to cable protection is very small, **0.01%** and **0.0026%** for the NNSR and WNNC SACs respectively, equating to 44.57 hectares in total. The range of impact on the kittiwake feature of the FFC SPA is also small based on the revised envelope, **0.017-0.14%** or **4** (using collision risk parameters approved for Hornsea Project Two) to **73** (interpreting Natural England's parameters) kittiwakes per year out of a total designated population of 44,520 breeding pairs.
- 1.44 With a potential capacity of at least 2.4GW, Hornsea Three could be the world's largest offshore wind farm, providing green electricity for well over 2 million UK homes and offsetting over 128.2 million tonnes of carbon dioxide (CO<sub>2</sub>) over its lifetime<sup>15</sup>.
- 1.45 The urgent need for Hornsea Three is aligned with the objectives of the National Policy Statements (NPSs), the UK's legally binding net zero commitment and the Government's ambition to deliver 40GW of offshore wind by 2030. According to National Grid ESO, Great Britain's installed generation capacity will need to increase from approximately 110GW today to 130-160GW by 2030 to meet demand. Hornsea Three is well placed to deliver significant volumes of low carbon generation in the 2020s.
- 1.46 Hornsea Three will also bring wider benefits to the public, through helping to combat climate change and the risks that it presents to human health, public safety and the environment. These are all aspects which are defined as IROPI in the relevant legislation and through wider socio-economic benefits.
- 1.47 The UK government has been clear that it wants to deliver on its net zero commitment in a way that maximises the opportunities for UK industry of both the UK's transition and the global shift to clean growth<sup>16</sup>. Hornsea Three is a significant infrastructure project which has the potential to substantially contribute to the UK economy, creating highly skilled jobs and supporting the continued development of the UK's offshore wind supply chain and skills base.

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<sup>14</sup> RSPB, 2017: Kittiwake joins the red list of birds facing risk of global extinction. Accessed at: <https://www.rspb.org.uk/about-the-rspb/about-us/media-centre/press-releases/kittiwake-joins-the-red-list-of-birds-facing-risk-of-global-extinction/>

<sup>15</sup> This is based on a capacity of ~2.4GW, a conservative 5-year average load factor for offshore wind of 38.74%, an "all fossil fuels" emissions statistic of 450tonnes/GWh of electricity supplied (BEIS, DUKES, July 2019) and a project lifespan of 35 years.

<sup>16</sup> This is reflected in the UK's Industrial Strategy, Clean Growth Strategy (BEIS, 2017) and UK Offshore Wind Sector Deal (BEIS, 2019).

### Compensation and MEEB

- 1.48 If the Secretary of State does conclude AEOL, the Applicant has, through extensive consultation with the relevant stakeholders and experts, developed a suite of compensation measures, which (either alone or in combination depending on the applicable impact scenario) are considered by the Applicant, with a high degree of confidence, to be sufficient to ensure the coherence of the National Site Network (previously known as the *Natura 2000* network) is maintained. Compensation measures for Hornsea Three have been 'screened' in or out based on their feasibility and acceptability to key stakeholders, having regard to the relevant guidance.

### Sandbanks

- 1.49 In order to compensate for the long-term, temporary impact associated with the cable protection within the NNSR and WNNC SACs, the Applicant has developed the following package of measures:
- Habitat improvement and species recovery: establishment and protection of blue mussel beds.
  - Habitat restoration: the removal of nearshore marine litter and an associated awareness/facilitated recovery campaign.

- 1.50 With the potential for other supplementary measures to be considered by the Applicant (if required), including:
- Habitat restoration: the removal of nearshore marine debris and/or offshore marine litter/debris.
  - Species reintroduction: eelgrass restoration.

### Kittiwake

- 1.51 In order to compensate for the impact to the kittiwake feature of the FFC SPA, the Applicant has developed the following compensation measure:
- Mammalian predator eradication and biosecurity: UK island kittiwake breeding colonies.

- 1.52 The Applicant is confident that these measures would be sufficient to compensate for the maximum extent of Hornsea Three's adverse effect should an adverse effect be determined. Furthermore, the Applicant believes both the benthic and ornithology measures, if taken forward, would also have wider ecological benefits to the overall coherence of the networks.

### Subtidal Sand

- 1.53 In order to provide MEEB to the Subtidal Sand feature of the CSCB MCZ, the Applicant has developed the following MEEB measure:
- Habitat restoration: the removal of marine litter within the CSCB MCZ and an associated awareness/facilitated recovery campaign.
- 1.54 The Applicant is confident that this measure, in the context of the very small maximum impact to the MCZ, is sufficient to provide equivalent environmental benefit to the long-term temporary habitat loss of Subtidal Sand, should MEEB be required.

**Conclusion**

- 1.55 The UK needs to urgently deploy significant volumes of large-scale low carbon generation to meet its legally binding net zero commitment. Hornsea Three is a major infrastructure project which responds directly to fundamental and urgent national objectives, delivering significant volumes of low carbon generation in the 2020s.
- 1.56 The Applicant has continued to vigorously re-appraise all elements of the MDS for Hornsea Three and believes these additional commitments and envelope refinements add further comfort to our Application position that a conclusion of no AEOL for all European sites can confidently be reached.
- 1.57 Without prejudice to the Applicant's position that Hornsea Three will not give rise to any adverse effect on a European designated site nor pose a significant risk of hindering the conservation objectives of the CSCB MCZ, the Applicant has provided the Secretary of State with information to support an alternative route for the Secretary of State to approve Hornsea Three.
- 1.58 The Applicant is confident that the HRA and MCZ Derogation Cases submitted provides the necessary information to support a clear and overriding case for Hornsea Three should the Secretary of State conclude AEOL.