

Hornsea Project Three  
Offshore Wind Farm



## Hornsea Project Three Offshore Wind Farm

Response to the Secretary of State's Consultation  
Appendix 8: Record of Consultation

Date: February 2020

Hornsea 3  
Offshore Wind Farm

Orsted

**Response to the Secretary of State's Consultation**

**Appendix 8: Applicant's Record of Consultation**

Document Control			
<b>Document Properties</b>			
Organisation	Ørsted Hornsea Project Three		
Author	Karma Leyland		
Checked by	Celestia Godbehere		
Approved by	Andrew Guyton		
Title	Appendix 8: Applicant's Record of Consultation		
<b>Version History</b>			
Date	Version	Status	Description / Changes
Feb 2020	A	Final	As Submitted

Ørsted

5 Howick Place,

London, SW1P 1WG

© Orsted Power (UK) Ltd, 2020. All rights reserved

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

## Table of Contents

1. Introduction.....	4
2. Consultation with Natural England.....	6
3. Consultation with the MMO .....	11
4. Consultation with DEFRA .....	13
5. Consultation with the RSPB, EIFCA and other Interested Parties .....	14
Cross Industry workshops.....	14

## List of Tables

Table 1.1: Summary of consultation meetings with Natural England, the MMO, DEFRA and other Interested Parties .....	5
Table 2.1: Key meeting and workshop dates with Natural England to engage on issues of impact, mitigation and compensatory measures.....	6
Table 2.2: Weekly status calls with Natural England.....	7
Table 2.3: Record of written submissions between Hornsea Three and Natural England in relation to compensation measures. (Line items in grey reflect written comments to Hornsea Three from Natural England.) .....	7
Table 2.4: Record of written submissions between Hornsea Three and Natural England in relation to impact and mitigation. (Line items in grey reflect written comments to Hornsea Three from Natural England). .....	9
Table 3.1: Summary of consultation with the MMO.....	11
Table 4.1: Summary of consultation with DEFRA .....	13
Table 5.1: Summary of consultation with RSPB, EIFCA and The Wildlife Trust (TWT). .....	14

## 1. Introduction

- 1.1 On 27 September 2019, the Secretary of State issued a consultation request (the Consultation) inviting submissions and evidence from the Applicant on matters relating to in-combination impacts on the assemblage of kittiwake feature of the Flamborough and Filey Coast Special Protection Area (FFC SPA) and the impacts of cable protection on protected seabed features of the Wash and North Norfolk Coast (WNNC) Special Area of Conservation (SAC), the North Norfolk Sandbanks and Saturn Reef (NNSSR) SAC, the Cromer Shoal Chalk Beds Marine Conservation Zone (MCZ) and Markham's Triangle MCZ.
- 1.2 It is noted the Secretary of State confirmed that the Consultation is without prejudice to their final decision on the Application and is not to be taken to imply any conclusions that may be reached. The Applicant remains confident of its position (of no adverse effect on integrity of a European site and no significant risk to hindering the achievement of the conservation objectives of any MCZ ) on the basis of the maximum design scenario (MDS) as set out during Examination. The Applicant has also continued to engage with the Marine Management Organisation (MMO) and Natural England to address the residual concerns on the topics of benthic ecology and offshore ornithology.
- 1.3 The Applicant recognises the importance of engaging the relevant stakeholders to respond to the Secretary of State's Consultation and in developing any potential compensation measures, as their knowledge is important. The Applicant has therefore sought to engage openly and transparently with the key stakeholders during the Consultation period.
- 1.4 Throughout the Consultation period, the Applicant has requested regular meetings with key stakeholders, primarily by phone and in person where possible, to seek their advice and to update them on key developments. Where possible, the Applicant has sought to provide copies of any relevant materials to provide an opportunity for stakeholders to comment on these during their development.
- 1.5 This is particularly evident with regard to the development of the Hornsea Three compensation measures, which was an iterative process. The Applicant initially provided the stakeholders with a long-list of compensation measures, without prejudice, to encourage wider discussion. Natural England and the Marine Management Organisation (MMO), as the key stakeholders identified by the Secretary of State, then had an opportunity to review the long list and consider any initial thoughts, including whether there were any potential measures missing.
- 1.6 The Applicant then facilitated a one day, face-to-face workshop with Natural England and the MMO in December 2019. This workshop sought to reach alignment (as far as possible) between the parties on the general principles of compensation and provided an opportunity for the parties to discuss the tabled measures in more detail. The workshop was run under Chatham House rules, to encourage participants to speak openly and honestly about the measures tabled. A short list of measures was identified by the parties to help focus the discussion and all parties had the opportunity to consider/debate the appropriateness and feasibility of the different measures on a without prejudice basis.

- 1.7 In parallel to these discussions and prior to the workshop, the Applicant started to engage with other relevant stakeholders and experts including the Royal Society for the Protection of Birds (RSPB), the Eastern Inshore Fisheries Conservation Authority (EIFCA) and the Environment Agency (EA) to develop the list of measures and further consultation was carried out post workshop to further develop the shortlist of measures.
- 1.8 It is widely recognised that this is an area which is developing in the context of offshore wind projects. Therefore, in preparing its submission, Ørsted has also participated in wider industry workshops on this topic that have taken place prior to, or during, the Consultation period.
- 1.9 Table 1.1 demonstrates the breadth of the Applicant’s engagement, summarising the consultation dates held with each stakeholder including the major topic areas consulted on. This note is organised into 5 sections, each section providing a summary of engagement with, and materials provided, by stakeholder.

Table 1.1: Summary of consultation meetings with Natural England, the MMO, DEFRA and other Interested Parties

Report Section	Stakeholder	Consultation Date (2019)	Consultation Date (2020)	Topic(s)
2	Natural England (NE)	16-Oct, 01-Nov, 08-Nov, 13-Nov, 22-Nov, 29-Nov, 06-Dec, 11-Dec, 12-Dec (Workshop), 18-Dec	14-Jan, 23-Jan, 28-Jan, 30-Jan, 05-Feb, 12-Feb	Mitigation Compensation Measures, Stage 2 MCZ Assessment
3	Marine Management Organisation (MMO)	04-Oct, 31-Oct, 02-Dec, 11-Dec, 12-Dec (Workshop), 17-Dec	17-Jan, 24-Jan, 31-Jan, 11-Feb	Mitigation, Compensation Measures, Stage 2 MCZ Assessment, DCO/dML
4	DEFRA	04-Dec, 17-Dec		Stage 2 MCZ Assessment, Principles of Compensation
5	Royal Society for the Protection of Birds (RSPB)	13 Nov, 02-Dec	28-Jan	Compensation Measures
5	Eastern Inshore Fisheries Conservation Association (EIFCA)		09-Jan, 15-Jan, 16-Jan	Compensation Measures
5	Environment Agency (EA) (National Conservation Team)		22 -Jan	Compensation Measures
5	The Wildlife Trust (TWT)	11-Nov	20-Jan	Compensation Measures

## 2. Consultation with Natural England

- 2.1 Between 16 October and the Applicant's response on the 14 February, five extended meetings have taken place to work through issues of impact, mitigation and compensatory measures (Table 2.1). These were supported by weekly catch-up meetings to track progress, receive high level comment on work undertaken and to identify and discuss any issues arising (Table 2.2).
- 2.2 A list of compensation and mitigation documents submitted to Natural England, for information and comment, are provided in Table 2.3 and Table 2.4 and include comments provided by Natural England to the Applicant.

Table 2.1: Key meeting and workshop dates with Natural England to engage on issues of impact, mitigation and compensatory measures.

Date	Meeting Format	Purpose of the meeting	Key Issues
16 Oct 2019	Telecon	Discretionary Advice Service - scope of work	<ul style="list-style-type: none"> <li>Discuss Scope of Work provided to Natural England on 7 October 2020, including resource availability and engagement plan.</li> <li>Hornsea Three request to Natural England to review the Ornithological Supplemental Data Report submitted to BEIS on 31 July 2019.</li> <li>Summary note to Hornsea Three of outstanding issues at end of Examination.</li> <li>Guidance documents on compensation.</li> </ul>
8 Nov 2019	Telecon	Part 1 of two meetings to talk through NE summary of issues at end of Examination	<ul style="list-style-type: none"> <li>BEIS clarification letter.</li> <li>Natural England advice on the Hornsea Three Supplemental Ornithological Data report.</li> <li>Impacts and Mitigation.</li> <li>Cromer Shoal Chalk Bed and Markham's Triangle MCZs.</li> </ul>
13 Nov 2019	Telecon (NE, MMO)	Part 2 of two meetings to talk through NE summary of issues at end of Examination	<ul style="list-style-type: none"> <li>Ornithology.</li> <li>WNNC and NNSSR SAC.</li> <li>Hornsea Three Programme of Engagement and Deliverables.</li> </ul>
11 Dec 2019	Attended Meeting (NE, MMO)	Impact and mitigation meeting attended by Natural England, the MMO and Hornsea Three	<ul style="list-style-type: none"> <li>Summary presentation on mitigation.</li> <li>Presentation of the cable protection and remediation note by Hornsea Three geo cables specialist.</li> <li>Sandwave Disposal Locations Principles.</li> </ul>
12 Dec 2019	Workshop	Compensation Workshop attended by Natural England, the MMO and Hornsea Three	<ul style="list-style-type: none"> <li>Presentation and discussion of principles of compensatory measures.</li> <li>Discussion on a comprehensive list of ornithological and habitat compensation measures.</li> </ul>
28 Jan 2020	Telecon	Ornithological compensation workshop with Natural England and RSPB	<ul style="list-style-type: none"> <li>Kittiwake compensation strategy.</li> </ul>

Table 2.2: Weekly status calls with Natural England.

Date	Meeting Format	Purpose of the meeting	Key Issues
15 Nov 2019	Telecon	Consolidation of thoughts on past two meetings	<ul style="list-style-type: none"> <li>Establishment of weekly catch up calls with Natural England Case Officer.</li> <li>Deliverables Schedule.</li> </ul>
22 Nov 2019	Telecon	Weekly Catch up Call: Discuss updated Markham's Triangle MCZ Assessment provided to NE on 21st Nov.	<ul style="list-style-type: none"> <li>Applicant provided updated assessment of Markham's Triangle MCZ.</li> <li>Redrafting of MCZ Assessment.</li> <li>Natural England notified Applicant of forthcoming MMO report on marine licencing requirements during operations.</li> </ul>
29-Nov 2019	Telecon	Weekly Catch up Call: Update on deliverables	<ul style="list-style-type: none"> <li>Hornsea Three to redraft the MCZ assessment.</li> </ul>
6-Dec 2019	Telecon	Weekly Catch up Call: Update on deliverables	<ul style="list-style-type: none"> <li>Discussion on possible BEIS request for extension.</li> <li>Provision of compensation workshop and impact/mitigation meeting agendas.</li> <li>Provision of comprehensive list of potential compensation measures (as informed from comments and discussions with Natural England, JNCC, and DEFRA).</li> </ul>
18 Dec 2019	Telecon	Post-workshop catch up: including updated position on MT MCZ assessment	<ul style="list-style-type: none"> <li>Hornsea Three provided redrafted MCZ Assessment, and Cable protection in protected areas note.</li> </ul>
14-Jan 2020	Telecon	Weekly Catch Up Call	<ul style="list-style-type: none"> <li>Status update on submission documents.</li> </ul>
23 Jan 2020	Telecon	Weekly Catch Up Call	<ul style="list-style-type: none"> <li>Status update on submission documents.</li> </ul>
30 Jan 2020	Telecon	Weekly Catch Up Call	<ul style="list-style-type: none"> <li>Status update on submission documents.</li> </ul>
4 Feb 2020	Telecon	Weekly Catch Up Call	<ul style="list-style-type: none"> <li>Status update on submission documents and receipt of comments.</li> </ul>
12 Feb 2020	Telecon	Weekly Catch Up Call	<ul style="list-style-type: none"> <li>Status update on submission documents;</li> <li>Acknowledgement of receipt of comments on updated Stage 1 Assessment, Draft updated ornithological mitigation scenario and Sandwave Disposal Location Principles.</li> </ul>

Table 2.3: Record of written submissions between Hornsea Three and Natural England in relation to compensation measures. (Line items in grey reflect written comments to Hornsea Three from Natural England.)

Date Provided	Recipient	Document
15 Nov 2019	Hornsea Three and Natural England	Hornsea Three Deliverables to Natural England.

21 Nov 2019	Hornsea Three to Natural England	Hornsea Three Initial Compensation Measure Options.
29 Nov 2019	Natural England to Hornsea Three	Natural England comments on updated Markham's Triangle MCZ Assessment and initial list of compensation measures.
06 Dec 2019	Hornsea Three to Natural England	Comprehensive list of ideas around compensation measures (by email) as informed by comments and consultation with Natural England, JNCC, and DEFRA. Supporting materials for 12 Dec Workshop on Compensation.
03 Jan 2020	Hornsea Three to Natural England	Sandbanks Compensation Options (as discussed at 12 Dec Workshop).
06 Jan 2020	Hornsea Three to Natural England	Ornithology Compensation Options (as discussed at 12 Dec Workshop).
22 Jan 2020	Hornsea Three to Natural England	Draft compensation strategy for kittiwake.
24 Jan 2020	Hornsea Three to Natural England	Draft compensation strategy for sandbank features.
12 Feb 2020	Natural England to Hornsea Three	Natural England comments on compensation measures.



Table 2.4: Record of written submissions between Hornsea Three and Natural England in relation to impact and mitigation. (Line items in grey reflect written comments to Hornsea Three from Natural England).

Date Provided	Recipient	Document
30 Sep 2019	Hornsea Three to NE	Provision of BEIS Request for Information (RFI) Letter to NE.
02 Oct 2019	Hornsea Three to NE	Provision of Supplemental Ornithological Note submitted to BEIS on 31st July 2019.
12 Oct 2019	Hornsea Three to NE	Provision of clarifying letter from BEIS on 8th October.
25 Oct 2019	NE to Hornsea Three	NE clarifying position on Secretary of State RFI letter.
05 Nov 2019	NE to Hornsea Three	NE Summary of Advice at end of HOW03 Examination for WNNC and NNSSR SACs, and the Cromer Shoals Chalk Bed and Markham's Triangle MCZs.
08 Nov 2019	NE to Hornsea Three	Natural England Comments on the Supplemental Ornithological Data Report.
15 Nov 2019	Hornsea Three and Natural England	Hornsea Three Deliverables to Natural England.
21 Nov 2019	Hornsea Three to NE	Updated MCZ Assessment to reflect reduction in infrastructure in Markham's Triangle MCZ.
29 Nov 2019	NE to Hornsea Three	Natural England Comments on Updated Markham's Triangle MCZ Assessment and initial list of compensation measures.
06 Dec 2019	Hornsea Three to NE	Benthic Update from 2018/2019 Engineering Surveys. Redrafted MCZ Assessment.
10 Dec 2019	Hornsea Three to NE	Draft Sandwave Disposal Location Principles.
13 Dec 2019	Hornsea Three to NE	Amended MCZ Assessment.
17 Dec 2019	Hornsea Three to NE	Appendix 12 to D6: Preliminary trenching survey (REP6-026). Draft Secondary protection assessment in protected areas.
06 Jan 2020	Hornsea Three to NE	Updated Draft Sandwave Disposal Location Principles.
24 Jan 2020	Hornsea Three to NE	Updated Ornithological Mitigation Scenario. Rev04 Amended Draft MCZ Assessment. Table: Summary of issues engaged on during Secretary of State Consultation 2 for NE comment.
27 Jan 2020	Hornsea Three to NE	Resend of benthic update from 2018/2019 Engineering Surveys.
29 Jan 2020	Hornsea Three to NE	Draft summary of mitigation. Appendix 8: Race Bank Sandwave Recovery Report (REP2-020).
30 Jan 2020	Hornsea Three to NE	Draft SNS SAC SIP.

Date Provided	Recipient	Document
31 Jan 2020	Hornsea Three to NE	Draft Outline Cable Specification and Installation Plan (Amended from REP7-021).
11 Feb 2020	NE to Hornsea Three	Natural England advice on MZA Assessment and Updated Ornithological Mitigation Scenario.
12 Feb 2020	NE to Hornsea Three	Natural England advice on Cable Protection in Marine Protected Areas and Cable Engineering Site Specific Surveys.

### 3. Consultation with the MMO

- 3.1 As the regulatory authority for implementing requirements of the Maritime and Coastal Access Act 2009 (MCAA) and enforcing conditions contained within the Deemed Marine Licences (dMLs), the MMO has been central to the Applicant’s engagement on matters relating to Article 6(4) as set out in the Secretary of State Letter of 27 September. As such, the MMO has been party to key meetings and workshops undertaken by the Applicant with Natural England, and has been provided copies of written materials for comment on compensation, and impacts and mitigation listed in Table 2.3 and Table 2.4. A summary of consultation with MMO is listed in Table 3.1.
- 3.2 On Measures of Equivalent Environmental Benefit (MEEB), Marine Conservation Zones (MCZs) are designated under the MCAA 2009 and the Applicant sought guidance early from the MMO on Stage 2 MCZ Assessment to seek clarity on the framework for delivery of MEEB in order to address the Secretary of State request for further information on Section 126(7) of the MCAA.
- 3.3 Following the drafting of compensation plans the Applicant consulted with the MMO on draft condition wording for compensation measures and MEEB to ensure they are transposed appropriately into the dDCO.

Table 3.1: Summary of consultation with the MMO.

Date	Meeting Format	Purpose	Key Issues
4 Oct 2019	Telecon	Introduction to derogation case and strategic approach	Guidance and framework to deliver Stage 2 MEEB for MCZs.
31 Oct 2019	Telecon	Further discussion on delivery of Stage 2 Assessment - MEEB for CSCB and Markham’s Triangle MCZs	Follow up email providing preliminary information on DEFRA guidance for Stage 2 MCZ assessments.
01 Nov 2019	Telecon	Follow up on Stage 2 Assessment and MEEB	Follow up email providing preliminary information on DEFRA guidance for Stage 2 MCZ assessments.
02 Dec 2019	Telecon	Clarification on MMO position on Site Integrity Plans	NE and MMO now in agreement that benthic-related SAC SIPs are not appropriate for benthic impacts.
11 Dec 2019	Attended Meeting	Impact and mitigation meeting attended by Natural England, the MMO and Hornsea Three	See summary in Table 2.1.
12 Dec 2019	Attended Workshop	Compensation Workshop attended by Natural England, the MMO and Hornsea Three	See summary in Table 2.1.
17 Jan 2020	Telecon	Weekly catch up	Hornsea Three provision of requested documents.
24 Jan 2020	Telecon	Weekly catch up	Hornsea Three provision of requested documents.
31 Jan 2020	Telecon	Meeting to discuss draft wording of potential compensation measures	<ul style="list-style-type: none"> <li>• Discussion of DCO/dMLs for compensation measures and MEEB;</li> <li>• Sandwave Disposal Location Principles</li> </ul>

Date	Meeting Format	Purpose	Key Issues
12 Feb 2020	Telecon	Meeting to discuss draft wording of potential compensation measures	<ul style="list-style-type: none"> <li>• Discussion of DCO/dMLs for compensation measures and MEEB;</li> <li>• Sandwave Disposal Location Principles</li> </ul>

## 4. Consultation with DEFRA

- 4.1 The Applicant consulted with DEFRA in December of 2019 on the principles of compensation measures.
- 4.2 Additionally, following early discussions between the MMO and Hornsea Three on the Applicant's requirements for drafting MEEB the Applicant requested any additional guidance from DEFRA on carrying out Stage 2 MCZ assessments.

Table 4.1: Summary of consultation with DEFRA

Date	Meeting Format	Purpose of consultation	Key Issues
04 Dec 2019	Telecon	Hornsea Three - Seeking guidance on Stage 2 MCZ assessment (MEEB) and compensation measures	<ul style="list-style-type: none"> <li>Political uncertainty around election and Brexit.</li> <li>Principles of compensation.</li> <li>Update on timings for guidance on Stage 2 MCZ Assessment and MEEB.</li> <li>Constraints to fisheries-related compensation measures.</li> <li>Agreed to a further meeting post-election to continue the discussion with Natural England and MMO.</li> </ul>
17 Dec 2019	Telecon (with Natural England)	Hornsea Three - Seeking updates on Stage 2 MCZ assessment (MEEB) guidance and compensation measures	<ul style="list-style-type: none"> <li>Principles of compensation.</li> <li>Timelines for MEEB guidance.</li> <li>Watching brief on MEEB guidance and timing - ministerial sign off pending.</li> </ul>

## 5. Consultation with the RSPB, EIFCA and other Interested Parties

5.1 In addition to the consultation undertaken with Natural England, the MMO and Defra, the Applicant has also engaged with a number of key stakeholders including the RSPB, the EIFCA, The Wildlife Trusts (TWT), and the EA. The nature of these consultations is summarised in Table 5.1.

### Cross Industry workshops.

5.2 Throughout the development of the Applicant's Response, the Applicant's parent company Ørsted has been attending industry workshops on compensatory measures with key stakeholders organised by industry groups RenewableUK and EnergyUK. The workshops are listed below:

- RSPB – EnergyUK-RenewableUK compensation and net gain workshop (16 November 2019);
- EnergyUK-RenewableUK compensatory workshop with Natural England (19 November 2019); and
- Article 6 (4) workshop - RenewableUK in partnership with The Crown Estate (21 January 2020).

Table 5.1: Summary of consultation with RSPB, EIFCA and The Wildlife Trust (TWT).

Date	Stakeholder	Purpose	Key Issues
11 Nov 2019	TWT	Applicant to provide an update to TWT on consideration of response to Secretary of State consultation	<ul style="list-style-type: none"> <li>• Confirmation that the Applicant would be responding to the Secretary of State, presenting a derogation case on a without prejudice basis.</li> <li>• Advised that Applicant had spoken with Natural England and MMO – but that no firm compensation measures had been identified yet.</li> <li>• Applicant welcomed suggestions TWT may have on compensation measures.</li> </ul>
13 Nov 2019	RSPB	Ørsted Strategic Meeting on Ornithological Compensation Measures	<ul style="list-style-type: none"> <li>• Meeting not specific to Hornsea Three.</li> <li>• Discussion on Furness (2013) paper pertaining to ornithology conservation, with the potential to apply it to compensation measures.</li> </ul>
02 Dec 2019	RSPB	In person meeting	<ul style="list-style-type: none"> <li>• Principles of compensation.</li> <li>• Furness (2013) Paper as most comprehensive to inform consideration of compensation measures.</li> <li>• Prey availability both as a preferred management measure and challenge/question of delivery as compensation (i.e. additionality, legal securing).</li> <li>• Predator eradication to compensate for impacts to kittiwake.</li> </ul>
09 Jan 2020	EIFCA	In person meeting	<ul style="list-style-type: none"> <li>• Information sharing on potential compensation measures relevant to EIFCA's jurisdiction.</li> <li>• EIFCA provided context, detail and guidance on how measures could be delivered.</li> <li>• EIFCA expressed interest in being a delivery partner for mussel restoration and nearshore marine litter removal measures.</li> </ul>
15 Jan 2020	EIFCA	Telecon: to learn more about mussel restoration within EIFCA's jurisdiction	<ul style="list-style-type: none"> <li>• EIFCA provided information on experience with, and requirements for, mussel restoration within the WNNC SAC.</li> </ul>

Date	Stakeholder	Purpose	Key Issues
16 Jan 2020	EIFCA	Telecon: to learn more about fishing activity and marine litter concerns within EIFCA's jurisdiction	<ul style="list-style-type: none"> <li>EIFCA provided specialist information on the local fishing industry, working with the local fishing associations and need for a marine litter removal initiative.</li> </ul>
20 Jan 2020	TWT	Telecon: Update to TWT on progress with compensation measures	<ul style="list-style-type: none"> <li>Discussion across a broad range of potential compensation measures including those preferred by Hornsea Three.</li> </ul>
28 Jan 2020	RSPB (and Natural England)	Telecon: Ornithological compensation workshop with Natural England and RSPB	<ul style="list-style-type: none"> <li>See Table 2.1 above.</li> </ul>
22 Jan 2020	EA	Telecon with EA national conservation team	<ul style="list-style-type: none"> <li>EA's marine conservation priorities including oysters and seagrass restoration.</li> <li>Update on conservation advice and potential compensation measures.</li> </ul>
11 Feb 2020	EIFCA	Telecon: Response to the EIFCA's comments on mussel restoration and litter removal compensation measures, following provision of draft text on 27 Jan (extract from documents sent to NE on 24 Jan)	<ul style="list-style-type: none"> <li>The Applicant confirmed that activities constituting compensation would be funded by Hornsea Three.</li> <li>Discussion on needed resource and continuing engagement to develop the measures.</li> </ul>