

Mr Gareth Leigh
Head of Energy Infrastructure Planning
Department for Business, Energy and Industrial Strategy
1 Victoria Street
London SW1H 0ET

Delivered to the Planning Inspectorates Mailbox for Hornsea Project Three.

30 September 2020

Hornsea Project Three Offshore Wind Farm

Application ref: EN010080

Your ref. EN010080

Our ref. HOW03_C3_30092020

The Applicant's Response to Secretary of State's Minded to Approve Letter 1 July 2020

Dear Mr Leigh:

We are pleased to enclose a response from Orsted Hornsea Project Three (UK) Limited ("the Applicant") to the Secretary of State for the Department for Business, Energy and Industrial Strategy ("BEIS") "Minded to Approve" Letter dated 1 July 2020. A full list of documents provided in response to the Minded to Approve letter is provided below under the heading "Consultation Deliverables".

In the Minded to Approve letter and accompanying draft Habitats Regulations Assessment, the Secretary of State confirmed that he has been unable to rule out an adverse effect on integrity on the kittiwake feature of the Flamborough and Filey Coast Special Protection Area ("FFC SPA") arising from Hornsea Three in combination with other plans and projects. This was due to Hornsea Three's potential contribution to kittiwake collision mortality with the Secretary of State finding that Hornsea Three would contribute a potential mortality rate of 65-73 birds per annum.

The Secretary of State concluded that there are no alternative solutions to Hornsea Three and that there are Imperative Reasons of Overriding Public Interest ("IROPI") for Hornsea Three to proceed, subject to compensation measures being implemented. In his "Minded to Approve" letter, the Secretary of State requested that the Applicant provides further information confirming that sufficient compensatory measures have been secured. This letter and the accompanying Consultation Deliverables provide that information.

In preparing this response the Applicant has consulted openly and transparently with the key stakeholders, and particularly with Natural England, taking account in its submission of feedback received through written comment. Throughout the consultation process the Applicant has also, where necessary to facilitate open discussion, shared information on a without prejudice basis, to provide parties with the opportunity to consider and contribute towards the development of a Kittiwake Compensation Plan for Hornsea Three. A Record of Consultation is set out in Appendix 5 to the Applicant's Response.

Proposed Compensation

The Applicant's proposed compensation for Hornsea Three's contribution to the in-combination impact to the kittiwake feature of the FFC SPA is for the Applicant to construct and maintain four coastal artificial nest structures designed specifically for kittiwake within two search zones identified on the east coast of England. The purpose of the artificial nest structures is to increase kittiwake productivity to deliver a minimum of 73 breeding kittiwake adults per annum. Detailed information on the measure is contained within the Kittiwake Compensation Plan (Appendix 2) which the Applicant proposes will be secured by a requirement in the DCO.

Following consultation with Natural England, the artificial nest structures will be located at a minimum of two geographically distinct zones, with each capable of delivering the upper precautionary level of compensation. This ensures the measure has significant contingency to provide the necessary confidence that it will compensate for the potential impact from Hornsea Three. The process to quantify compensation is presented in the Ecological Evidence Report (Annex 2 to Appendix 2).

A range of monitoring and adaptive management measures have also been identified to ensure that the artificial nest structures are successful in supporting and sustaining kittiwake productivity through the operational life of the project. If the structures are ineffective following implementation of all adaptive management measures, the Applicant has also committed to engaging with the OOEG (see below) to identify alternative long-term compensation measures (including but not limited to feasible prey availability measures) that are proportionate to the impact on the kittiwake at the FFC SPA.

In the event consent is granted for the project, Hornsea Three will undertake a number of activities in parallel relating to the establishment of an Offshore Ornithology Engagement Group (OOEG). The OOEG will bring together relevant stakeholders to facilitate discussions relating to the finalisation of the precise location and design of the artificial nest structures and the work to secure the necessary permits and land rights for the construction, operation and maintenance of the structures. A detailed roadmap to obtaining the necessary land rights and consents is included in Annex 3 of Appendix 2 of the submission.

The final detail of the artificial nest structures and monitoring and adaptive management will be presented within a Kittiwake Implementation and Monitoring Plan that will be submitted to the Secretary of State prior to the commencement of the authorised development and which must accord with the principles in the Kittiwake Compensation Plan.

Inherent Compensation

The UK urgently needs to deploy significant volumes of large-scale, low carbon generation in order to meet its legally binding net zero by 2050 target¹.

A global study which included assessment of over 550 kittiwake colonies throughout the species breeding range concluded that climate change is the single most important factor in the major decline of kittiwake populations observed over recent decades, with populations being sensitive to the rate of warming rather than warming itself (Descamps et al., 2017)². With a potential capacity of at least 2.4GW, Hornsea Three could generate enough electricity to power well over 2 million UK homes and offset over 128.2 million tonnes of carbon dioxide over its lifetime³. With climate change being a primary causal pressure across many habitats and species, including UK seabirds, Hornsea Three is not only making a significant contribution towards meeting the UK's net zero target, but by design, the project will contribute to the conservation of the national site network.

¹ The Climate Change Act 2008 (2050 Target Amendment) Order 2019

² Starmore, G et al. (2020) Assessment of relative impact of anthropogenic pressures on marine species. The Strategic Environmental Impact Assessment North Seas Energy Project (SEANSE)

³ 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.

Other requests for information or comment

The Secretary of State also requested further comment from the Applicant relating to traffic matters, specifically the Cawston Highways Intervention Scheme (HIS) and associated amended wording made to Requirement 18(1) in the Hornsea Three DCO and the Applicant provides the following response:

The Applicant has consistently engaged with the Norfolk Vanguard and Norfolk Boreas projects on traffic matters throughout their respective Examinations, and is pleased to confirm that during the Norfolk Boreas Examination a Cawston HIS has been agreed with Norfolk County Council as the Highway Authority for Norfolk which includes highways mitigation measures to deal with the cumulative impacts of all three projects. As part of this process, the Applicant has made the additional commitment to restrict its HGV operating hours through Cawston to weekdays 9am to 6pm (with an exclusion between 3pm to 4pm during school term time). The agreed Cawston HIS has been appended to the Outline Construction Traffic Management Plan and relevant updates made to section 5.4 of the Plan a copy of which has been submitted as Appendix 6 and would be secured in the Development DCO via Requirement 18(1).

The Applicant therefore requests that the Secretary of State's proposed additions to Requirement 18(4) and (5) are removed from the DCO. The Secretary of State's concerns and reasons for including the additional wording have now been addressed as Requirement 18(1) states that the detailed CTMP must accord with the outline CTMP, which now contains an agreed Cawston HIS suitable for all three projects cumulatively. Hornsea Three considers that the retention of the proposed additional wording would now cause confusion during the discharge of this requirement as it suggests that measures materially different to the agreed Cawston HIS may be required. We note that these concerns are shared by Norfolk County Council (as stated in their submission dated 13 August 2020).

Consultation Deliverables

Submitted with this letter, delivered to the Planning Inspectorate's mailbox for Hornsea Project Three, in response to the Minded to Approve Letter, the Applicant has provided the following:

- Appendix 1: Applicant's Summary of Compensation Measures
- Appendix 2: Kittiwake Compensation Plan
 - Annex 1: Outline Kittiwake Implementation and Monitoring Plan (*Template*)
 - Annex 2: Kittiwake Artificial Nest Provisioning: Ecological Evidence
 - Annex 3: Kittiwake Artificial Nest Provisioning: Site Selection and the Pathway to Securement
- Appendix 3: Supporting Evidence for Kittiwake Prey Resource
- Appendix 4: Funding Statement
- Appendix 5: Record of Consultation
- Appendix 6: Outline Construction Traffic Management Plan

Hard copies can be issued on request.

The Applicant would be grateful if you could please acknowledge safe receipt of this letter and Consultation Deliverables. If we can be of any further assistance, please do not hesitate to contact us.

Yours faithfully,



Karma Leyland

Hornsea Project Three Consents Manager
Hornsea Project Three Offshore Wind Farm

cc. Duncan Clarke, Head of Ørsted UK
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