



Department for
Business, Energy
& Industrial Strategy

Rosalyn Jones
Offshore Environment Manager
Orsted Hornsea Project Three (UK) Limited
5 Howick Place
Westminster
London
SW1P 1WG

Department for Business, Energy &
Industrial Strategy
1 Victoria Street,
London SW1H 0ET
T: +44 (0) 20 7215 5000
E: beiseip@beis.gov.uk
www.beis.gov.uk

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Dear Ms Jones,

PLANNING ACT 2008

**HORNSEA THREE OFFSHORE WIND FARM ORDER 2020 (AS AMENDED)
("the Order")**

**APPROVAL OF SANDBANK IMPLEMENTATION PLAN UNDER PART 2 OF
SCHEDULE 14 TO THE ORDER**

1. The Hornsea Three Offshore Wind Farm Order 2020 as amended¹ ("the Order") contains requirements and conditions that the undertaker must comply with before certain works within the authorised development as defined in the Order can commence.
2. Orsted Hornsea Project Three (UK) Limited ("the Applicant") made a request to the Secretary of State for Business, Energy & Industrial Strategy ("the Secretary of State") on 4 August 2021 for approval ("the Approval Request") of the Plan of Work of the Benthic Compensation Steering Group ("BCSG") for the benthic compensation measures required by paragraph 10 of Part 2 of Schedule 14 to the Order.
3. The Approval Request submitted the Plan of Work to the Secretary of State for approval under paragraph 10 of Part 2 of Schedule 14 to the Order approving the Plan of Work of the BCSG. On 7 September 2021 the Secretary of State approved the Plan of Work submitted with the Approval Request in accordance with paragraph 10 of Part 2 of Schedule 14 to the Order.

¹ The Hornsea Three Offshore Wind Farm Order 2020 (SI 2020/1656) was amended by The Hornsea Three Offshore Wind Farm (Correction) Order 2021 (SI 2021/599).

4. On 1 December 2021, the Applicant submitted the Sandbank Implementation Plan (“SBIP”) for The Wash and North Norfolk Coast Special Area of Conservation (“WNNC SAC”) and North Norfolk Sandbanks and Saturn Reef (“NNSSR”) SAC under Part 2 of Schedule 14 of the Order.
5. The Secretary of State wishes to inform the Applicant that consideration has now been given to the Approval Request.

Requirements under paragraphs 12 and 13 of Part 2 of Schedule 14 of the Order

6. Paragraph 12 of Part 2 of Schedule 14 to the Order states that:

“12. A SIP for each of the NNSSR and the WNNC must be submitted to the Secretary of State for approval.”

7. Paragraph 13 of Part 2 of Schedule 14 to the Order states that:

“13. Each SIP must accord with the principles set out in the Sandbanks Compensation Strategy relating to the protected feature “sandbanks slightly covered by water all the time” and must include the following:

(a) details of how all impacts to Annex 1 reef habitats within designated sites will be avoided;

(b) details of the locations for the disposal of dredged material, and evidence that the disposal mechanism will allow sediment to be retained within the sandbank system and avoid impacts to other features, particularly reef habitats;

(c) details of the areas which will be subject to marine debris removal, which should equate to no less than 41.80 ha at NNSSR and 2.77 ha at WNNC;

(d) details of the marine debris awareness events, and measures to facilitate the rapid recovery of lost fishing gear, as detailed in the sandbanks compensation strategy. Such measures should be applied to both NNSSR and WNNC;

(e) an environmental monitoring plan to include: appropriate surveys to assess the effects of cable protection on sediment movement and epifauna assemblages during the operation of the Project, to improve the evidence base for assessing the impacts of offshore windfarm cable installation and rock protection for future projects; and appropriate surveys to monitor the recovery of the areas of the NNSSR and the WNNC impacted by cable protection, post-decommissioning; and

(f) Details of the timetable for implementation of each measure.”

8. Paragraph 14 of Part 2 of Schedule 14 to the Order states that:

“14. No cable installation works in Work No. 2(c) and (d), Work No. 3(c) and (d) and Work No. 5 may be commenced until a SIP for each of the NNSSR and the WNNC has been approved in writing by the Secretary of State. Before approving the SIPs the Secretary of State must consult the MMO and Natural England and, in relation to the SIP for the NNSSR, the JNCC.”

9. Paragraph 16 of Part 2 of Schedule 14 to the Order states that:

“16. The measures in the SIPs must be carried out in accordance with the timetable in the relevant SIP as approved by the Secretary of State. In particular no cable installation works in Work No. 2(c) and (d), Work No. 3(c) and (d) and Work No. 5 may be commenced unless the measures set out in paragraph 13(c) have been completed.”

Consideration of the Approval Request by the Secretary of State

10. The Secretary of State has considered the details provided by the Applicant in respect of the requirements related to the submission of the SBIP for the NNSSR and the WNNC.
11. On 3 December 2021, the Secretary of State invited comments from the Marine Management Organisation (“MMO”), Natural England, and the Joint Nature Conservation Committee (“JNCC”) in accordance with paragraph 14 of Part 2 of Schedule 14 to the Order. The deadline for a response was extended from 7 January 2022 to 21 January 2022 following a request for an extension from Natural England and the JNCC.
12. The MMO responded on 14 January 2022 and confirmed that, in their view, all comments previously raised during the Benthic Compensation Steering Groups have been satisfactorily addressed.
13. Natural England and the JNCC provided a joint response on 21 January 2022. Whilst acknowledging that the submitted SBIP’s do meet the requirements as laid out in the Order, the response highlighted Natural England and JNCC’s more general concerns with the proposed compensation measures. Other concerns raised in the response included (but were not limited to) the intention to survey epifauna only (with no infaunal analysis), a lack of clarity regarding whether new geophysical data would be reviewed by the onboard ecologist prior to the commencement of debris removal, the credentials of the benthic ecologist, the detail included within the decision tree to be followed by the benthic ecologist, and the need for monitoring of the impact of cable protection in the context of conservation objectives of the designated sites.
14. On 8 February 2022, the Secretary of State requested further information from the Applicant. The Applicant was asked to provide updated reports that addressed the unresolved issues raised by Natural England and the JNCC during the consultation. The Applicant was also asked to provide a change

log explaining how the issues had been addressed, and to advise if any issues were outstanding.

15. The Secretary of State also requested that the Applicant provide further information regarding:
 - the range of debris removal methods, to ensure that larger objects and fishing nets can be targeted by the removal campaign;
 - additional areas to be included in the removal campaign should targets of less than 1 metre and other items be left in situ;
 - the consultation of the steering group at Stage 3 of the marine debris removal campaign, to ensure that the removal methods will not damage benthic habitats;
 - success criteria for the marine debris awareness events; and,
 - details of how fishers will be incentivised to retrieve lost fishing gear, and how the Applicant intends to support fishers with the removal of lost fishing gear, which methods of recovery will be used, and how such methods will avoid harm to benthic habitats.
16. The Applicant responded to the Secretary of State's request on 17 March 2022. The response provided updated versions of the SBIPs along with a change log setting out the rationale for their response to each of the concerns raised by Natural England, the JNCC and BEIS. The Secretary of State is satisfied that the response provided by the Applicant adequately addresses these concerns, particularly the inclusion of a new decision tree at Stage 3 of the debris removal campaign to address concerns about the potential impacts of debris removal on reef habitats; and a commitment to expand the range of debris that will be targeted for removal to include those between 0.5m and 1 m, and over 10m in size.
17. With regard to the Secretary of State's query regarding proposed range of debris collection methods, the Applicant's response noted that should an item beyond the capabilities of the vessels currently mobilised be targeted, a bespoke removal plan would be developed to demonstrate how that item could be removed and a specialist salvage contractor may be appointed to secure its removal. The response also stated that this kind of removal would be delivered in a separate campaign, likely in the following summer season, under a separate Marine Licence.
18. On 7 April 2022, the Applicant provided updated versions of the plans, and in particular updated paragraph 98 of both the NNSR SBIP and the WNCC SBIP. This confirms the timing of this separate campaign, to ensure its delivery in advance of the commencement of offshore construction, in accordance with paragraph 16 of Part 2 of Schedule 14.
19. With regard to the information requested as set out above in paragraph 15, the Secretary of State is therefore satisfied that the Applicant's response adequately addresses these concerns.
20. Having considered the comments from Natural England, the JNCC and MMO and the subsequent information and updated documents provided by

the Applicant, the Secretary of State is satisfied that the SBIPs for the NNSSR and the WNNC submitted with the Approval Request contain sufficient detail to comply with Part 2 of Schedule 14 to the Order. The Secretary of State has considered the SBIPs for each of the NNSSR and the WNNC in detail, and hereby gives his approval in accordance with paragraph 14 of Part 2 of Schedule 14 to the Order.

Yours sincerely

Kerry Crowhurst

Kerry Crowhurst
Planning Case Manager
Energy Infrastructure Planning