

[insert contact details]

12 January 2023

Dear Sir / Madam

HORNSEA THREE OFFSHORE WIND FARM ORDER 2020 – NON-MATERIAL CHANGE APPLICATION

SECTION 153 OF THE PLANNING ACT 2008 AND REGULATION 7 OF THE INFRASTRUCTURE PLANNING (CHANGES TO, AND REVOCATION OF, DEVELOPMENT CONSENT ORDERS) REGULATIONS 2011

The enclosed Notice relates to a 'non-material change' application (the "**application**") being made to the Secretary of State for Business, Energy and Industrial Strategy for the Hornsea Three Offshore Wind Farm Order 2020 (as corrected by the Hornsea Three Offshore Wind Farm (Correction) Order 2021 (the "**Order**") by Orsted Hornsea Project Three (UK) Limited ("**Orsted**"). We act for Orsted in relation to the application.

The Order includes provision authorising the acquisition for the purpose of the construction, operation, maintenance and decommissioning of the Hornsea Project Three offshore wind farm together with associated offshore and onshore infrastructure and all associated development ("**Hornsea Three**"), on land within the former Hornsea Zone in the North Sea approximately 121 kilometres to the northeast of the north Norfolk coast and approximately 10 kilometres west of the median line between UK and Netherland waters covering an area of approximately 696 square kilometres. Hornsea Three comprises the following elements: up to 231 wind turbines; up to three offshore accommodation platforms; up to twelve offshore transformer substations; up to six subsea offshore High Voltage Alternating Current ("**HVAC**") booster stations; up to four surface offshore HVAC booster stations; subsea inter-array electrical circuits; a marine connection to shore; a foreshore connection and an onshore connection (comprising up to six export cable circuits and other associated infrastructure) to an onshore substation (which could also include an onshore HVAC booster station sited along the route); and the connection from there to National Grid's existing Norwich Main substation.

The Order requires Orsted to construct four artificial nesting structures ("**ANS**") for kittiwake along the English east coast, as a compensation measure for the potential impacts of Hornsea. Paragraph 3(c) of Part 1 of Schedule 14 of the Order requires four structures to be in place four full breeding seasons before Hornsea Three becomes operational. The focus of the proposed non-material change is to shorten the length of time the ANS need to be in place before operation, to allow time for necessary rights for the construction of the ANS to be obtained without impacting the programme for the operation of Hornsea Three and its provision of renewable energy to the National Grid. Discussions have been held with the Marine Management Organisation, Natural England and the Royal Society for the Protection of Birds at the Offshore Ornithological Engagement Group Steering Group meeting held on 3rd October 2022 and no objections were raised with regards to the wording of the non-material change. The changes are needed to ensure that the appropriate and agreed kittiwake compensation measures are reflected in the Order, so that construction and implementation of the Order is in accordance with its conditions. No other changes are proposed to the Order.

The Applicant remains committed to delivering the most ecologically suitable ANS for the purposes of its habitats compensation. To achieve this aim, the Applicant requires flexibility in timing of delivery of the ANS to avoid unnecessarily delaying the provision of renewable energy from Hornsea Three.

Pinsent Masons LLP

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The Applicant has made great strides towards delivering the required kittiwake compensation. The nearshore sites at Minsmere and Lowestoft are progressing well with an Agreement for Lease secured and Marine Licences imminent. It is hoped the Option will be served early in the new year to enter into Lease and subject to the discharge of the consent requirements construction will commence in February 2023.

By prioritising the ecological strength the Applicant has however encountered some unforeseen delays at other proposed ANS sites, including Hartlepool, the majority of which the Applicant has successfully resolved. The Applicant is also planning construction of the ANS at the nearshore sites in the winter months, which in the North Sea could be subject to further delay due to weather contingency as health and safety is the Applicant's top priority.

As such, the Applicant is seeking the amendments proposed in this non-material change application, to provide necessary contingency in the Hornsea Three programme to deliver the ANS.

Consultation

Before a decision can be made by the Secretary of State, Orsted must consult with various persons in accordance with the requirements of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (the "**2011 Regulations**").

You have been identified as a consultee for the purposes of Regulation 7(2) of the 2011 Regulations. In addition, we draw your attention to the Regulation 7(3) notice published by the Secretary of State on 21 December 2022, enclosed with this letter.

The enclosed notice contains details of how you can access the application documents and how to respond to the consultation. Any representation about the application must be made by email to: HornseaProjectThree@planninginspectorate.gov.uk or in writing to:

National Infrastructure Planning, the Planning Inspectorate, Temple Quay House, 2 The Square, Bristol, BS1 6PN.

As set out in the Notice, the consultation ends on 16 February 2023. Therefore, the deadline for receipt of your views about the application is **11:59pm on 16 February 2023**.

Yours faithfully

Pinsent Masons LLP

On behalf of

ORSTED HORNSEA PROJECT THREE (UK) LIMITED

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Enclosures:

- (i) Copy of a notice pursuant to Section 153 of the Planning Act 2008 and Regulation 6 of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011.
- (ii) Regulation 7(3) notice from the Secretary of State, dated 21 December 2022.