



Department for
Energy Security
& Net Zero

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03 March 2023

Dear Sir or Madam,

Hornsea Three Offshore Wind Farm Order 2020 – S.I. 2020/1656 (“the 2020 Order”) – Proposed Non-Material Change Application

UPDATED INFORMATION

Correction

1. On 21 December 2022, the Secretary of State for Energy Security and Net Zero¹ (“the Secretary of State”) issued a letter headed “Proposed Non-Material Change Application” (“the Regulation 7(3) Letter”) to Orsted Hornsea Project Three (UK) Limited (“the Applicant”). This letter was provided in response to the request from the Applicant, and in accordance with Regulation 7(3) of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (as amended) (“the Change Regulations”) confirmed that the Applicant need not consult with certain persons in relation to the Applicant’s proposed non-material change application (“the Application”).
2. The Royal Society for the Protection of Birds’ response to the consultation on the Application highlighted that the Secretary of State referred to regulation 20 of the Change Regulations in the Regulation 7(3) Letter.
3. The reference to regulation 20 of the Change Regulations in paragraph 9 of the Regulation 7(3) Letter is incorrect and is a typographical error. Paragraph 9 of the Regulation 7(3) Letter should have read as follows:

“In taking this decision the Secretary of State notes that while those persons not proposed to be consulted on the non-material change application will not be consulted directly in relation to the change proposals, the Application will be publicised in line with the requirements in regulation 6 of the 2011 Regulations.”

¹ On 7 February 2023 the Department for Energy Security and Net Zero was created with focus on the energy and climate change portfolio of the former Department for Business, Energy and Industrial Strategy.

4. The Applicant has submitted the Application on the basis that it is a non-material change. The Secretary of State, in issuing the Regulation 7(3) Letter, was aware that the Applicant would publicise the Application on that basis. In making a decision on the Application, the Secretary of State will give consideration to whether the application is for a material or non-material change. In doing so, he will have regard to paragraph 2(2) of Schedule 6 to the Planning Act 2008 which requires the Secretary of State to consider the effect of the change on the 2015 Order as originally made and as subsequently amended.
5. Under regulation 7A of the Change Regulations, the Applicant provided the Secretary of State with a Consultation and Publicity Statement (“the Statement”). This confirmed that a copy of the notice mandated under regulation 6 ((2)(h)) of the Change Regulations (the "Notice") was published in each of the Eastern Daily Press, the Norwich Evening News, the North Norfolk News and Lloyd’s List on 12 and 19 January 2023. The deadline specified for receipt of responses was 28 days from 19 January 2023 i.e. 16 February 2023. The Statement has now been published on the Planning Inspectorate’s website alongside this letter.
6. The RSPB’s response to the consultation on the Application states that:

“...there is insufficient information provided currently for the Applicant to be able to demonstrate that the Application is unlikely to give rise to any materially new or materially different environmental effects from those considered in the kittiwake compensation plan (as set out under the DCO)”
7. If the RSPB or any other party outlined in paragraphs 3 and 6 of the Regulation 7(3) Letter wishes to add to their response to the Application following the above clarification, this should be emailed by **23.59pm on 17 March 2023** to HornseaProjectThree@planninginspectorate.gov.uk.
8. This letter is without prejudice to the Secretary of State’s approval for any aspects of the proposed changes to the 2020 Order which fall to him for consideration and determination, or whether the proposed changes will ultimately be regarded as material or not.

Yours sincerely,



David Wagstaff OBE
Deputy Director, Energy Infrastructure Planning
Department for Energy Security and Net Zero