



Hornsea Project Four: Application Form

PINS Document Reference: 1.1
APFP Regulations: 5(2)(q)

Volume 1.1 Cover Letter

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National Infrastructure Directorate
The Planning Inspectorate
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07 September 2021

Our ref. Cover Letter

Dear Sirs,

Planning Act 2008 – Application for Development Consent
Orsted Hornsea Project Four Limited
The proposed Hornsea Project Four Offshore Wind Farm Order (“the Order”)
Application ref: EN010098

We are pleased to enclose an application from Orsted Hornsea Project Four Limited (“the Applicant”) for an Order granting development consent (“the Application”) pursuant to section 37 of the Planning Act 2008 (“the 2008 Act”) for the proposed Hornsea Project Four Offshore Wind Farm (hereafter referred to as “Hornsea Four”).

1. Subject of the Application

- 1.1 The Application is for development consent to construct, operate and maintain Hornsea Four. Hornsea Four is the fourth development proposed within the former Hornsea Zone, and it comprises up to 180 wind turbine generators together with associated offshore and onshore infrastructure and all associated development
- 1.2 Hornsea Four is located within the former Hornsea Zone, and is adjacent to Hornsea Two, which is east of the constructed Hornsea Project One and consented Hornsea Project Three. It is located approximately 69 km due east of Flamborough Head off the Yorkshire Coast, and covers an area of approximately 468km.sq
- 1.3 Development consent is required to the extent that development is or forms part of a Nationally Significant Infrastructure Project (NSIP) pursuant to section 14(1)(a) and 15(3) of the 2008 Act. As Hornsea Four is expected to have a capacity of greater than 100 MW it is an NSIP for the purposes of the 2008 Act. It is for this reason that the Project falls within the remit of the Secretary of State.

2. Documentation enclosed and application fee

2.1 We have transferred the following documents:

- The completed and signed application form;
- The Environmental Statement (ES); and
- Each of the other documents listed in the schedule provided as Application Document Reference 1.2 DCO Application Document Register.

2.2 As agreed with the Planning Inspectorate, the Applicant will only send one copy of the documentation via electronic submission. The submission will include redactions and confidential documents. The confidential documents will be marked as 'confidential' on the DCO Application Document Register.

2.3 A fee in the sum of £7,263 has been submitted by BACS transfer to the account of the Planning Inspectorate (PINS)

3. Application formalities

3.1 The Application is made in the form required by Section 37(3)(b) of the 2008 Act. The Application documentation complies with the overall requirements of Section 37 and the requirements set out in:

- The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations);
- The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017; and
- The published Communities and Local Government (CLG) Guidance (March 2015) and PINS' Advice Note 6 on the preparation and submission of application documentation (December 2020)

3.2 The Applicant confirms that the Planning Inspectorate will be able to publish the Application (with any necessary redactions and minus any confidential documents) on the Planning Inspectorate's webpage at the point of submission.

4. Description of the Project

4.1 The Application seeks consent for the development outlined in paragraph 1.1 above and described in full in Schedule 1 to the draft Development Consent Order (Application Document Reference C1.1) and in Volume 1, Chapter 4: Project Description of the Environmental Statement A1.4). The development, which is the subject of the Application, also contains associated development under Section 115 of the 2008 Act, including the infrastructure necessary to connect Hornsea Four to the National Grid. The proposed DCO will, among other things, licence and authorise:

- The construction and operation of up to 180 offshore wind turbines and their foundations;

- The construction of up to 6 offshore transformer substations;
- In the event that the mode of transmission is High Voltage Direct Current (HVDC), up to three HVDC converter substations or in the event that the mode of transmission is High Voltage Alternating Current (HVAC), up to three offshore HVAC booster stations;
- One offshore accommodation platform;
- The construction of a network of subsea electrical circuits connecting the wind turbines, offshore collector substations, offshore HVDC converter stations and offshore accommodation platforms;
- The construction of a marine connection to the shore, the mode of transmission of which may be HVAC or HVDC, running in westerly direction from the south westerly boundary of Hornsea Four to the proposed landfall at east of Fraisthorpe, East Riding including cable and pipeline crossing works, consisting of up to six subsea electrical circuits which may connect with the offshore HVAC booster station(s);
- The Hornsea Four offshore Export Cable Corridor (ECC) extends from the proposed landfall east of Fraisthorpe, in the East Riding of Yorkshire, offshore in an easterly direction to the Hornsea Four array area. The offshore ECC is approximately 109 km in length and 1.5 km in width typically with an additional 500 m either side for temporary works.
- At landfall, the offshore export cables will be joined to onshore export cables at up to six underground transition joint bays. There will be up to 6 onshore export circuits buried in up to six trenches connecting to an onshore substation to allow the power to be transferred to the National Grid via the existing Creyke Beck NGET substation.
- The proposed permanent development area for the Onshore Substation (OnSS) is located North of Cottingham with the nearest Southeast corner approximately 175 m west of the NGET 400 kV substation at Creyke Beck.
- The construction of up to six underground transmission electrical circuits, running in a south westerly direction for approximately 40km, connecting the underground electrical circuit transition joint bays in the vicinity of Fraisthorpe to the OnSS.
- The construction of an OnSS and Energy Balancing Infrastructure with associated facilities in the vicinity of Creyke Beck, north of Cottingham;
- The construction of a connection consisting of up to four underground electrical circuits between the OnSS and the NGET substation at Creyke Beck.

4.2 The Application includes the option for two different electrical solutions. The options are either to use a HVDC electrical solution or a HVAC electrical solution. Both transmission solutions have a range of relative benefits and drawbacks in terms of stage of technological development, costs and impacts, and at this stage of development it is not appropriate to commit to either technology.

5. Consent Flexibility – Rochdale Envelope

- 5.1 The draft Order provides for flexibility in relation to the generating stations and their associated development. The Applicant has given careful consideration to the guidance in the National Policy Statements and PINS' Advice Note 9 "Rochdale Envelope" together with pre-application discussions with PINS. In the Applicant's view, the inclusion of the flexibility provided for in the draft Order is fundamental to whether or not the Order is fit for purpose, and therefore whether or not Hornsea Four will proceed.
- 5.2 The Applicant took the decision at an early stage in the development process to take active steps towards proportionate EIA. An approach to reduce unnecessary assessments so that only those which are the focus of the EIA Regulations (i.e. likely significant effects) are discussed in the Preliminary Environmental Information Report (PEIR) and Environmental Statement (ES). These key reports aim to reflect the scale and complexity of the assessments undertaken and avoid reporting all environmental work where not relevant. The proportionate approach required a number of deliverables, including the Impacts Register (A4.5.1), the Commitments Register (A4.5.2), the DCO Application Document Register (A1.2) and the ES Chapters and Technical Reports (A2, A3, A5, A6). For further details please refer to A4.1.1. The environmental impact assessment (EIA) which has been carried out in support of Hornsea Four has been careful to take account of the flexibility sought in the draft Order. This matter is addressed in the Environmental Statement and in all cases the maximum design parameters referred in the draft Order have been adopted in the Environmental Statement.
- 5.3 Further explanation on the Applicant's approach to the Rochdale Envelope (i.e. assessment against maximum design parameters) is contained within Environmental Statement Volume 1, Chapter 5: Environmental Impact Assessment Methodology A1.5).

6. Deemed Marine Licences

- 6.1 Included within the draft Order at Schedules 11 and 12 are deemed marine licences as provided for in section 149A of the 2008 Act. Where possible the Applicant has sought to take account of lessons learnt through the consent and subsequent construction of other Orsted offshore wind farms in the documents submitted. The Applicant expects to discuss these documents with key statutory stakeholders to refine some aspects of the detail of the Order and deemed licences after acceptance, as has taken place with other accepted NSIP applications.
- 6.2 Plans are submitted to show the potential interactions and the spatial extents of the two deemed marine licences and associated Work No.s in the draft Order (D1.14.1).

7. Habitats Regulations and the Without Prejudice Derogation Information

- 7.1 The Application documents include a Habitats Regulations Assessment Screening Report (B2.2.1), as required by Regulation 5(2)(g) of the APFP Regulations. This identifies all relevant European sites and provides sufficient information for the competent authority

to determine whether Hornsea Four is likely to have an adverse effect on the integrity of any European site. In preparing the Habitats Regulations Assessment report, the Applicant has been mindful throughout of PINS' Advice Note 10 "Habitats Regulations Assessment" (HRA).

- 7.2 The Applicant has carried out screening (Stage 1) for the purposes of the Conservation of Habitats and Species Regulations 2017 and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (Habitats Regulations 2017) and concluded that it could not rule out likely significant effects in relation to some European sites and their features. Therefore, it was necessary for the Applicant to proceed to Stage 2 of the HRA process and undertake an appropriate assessment in respect of some of the European sites and their features considered in the screening report. The Application is therefore accompanied by a Report to Inform Appropriate Assessment B2.2) to inform the appropriate assessment to be undertaken by the Secretary of State. The Applicant considers that its application documentation is complete, complies with Section 55 of the Planning Act 2008, and is of a satisfactory standard to proceed to examination. The Applicant will keep its Report to Inform Appropriate Assessment under review during the pre-examination phase and, in the normal manner, will provide updates to that report and/or other application documents that it considers necessary during the course of examination in light of questions and comments received from the Examining Authority and interested parties.
- 7.3 In light of the Secretary of State's clear direction in his decision letter for Hornsea Three, the Application is accompanied by a derogation case (including compensatory measures) which is provided on a 'without prejudice' basis to the Applicant's position that it can be concluded that no adverse effect on integrity (AEoI) will arise, alone or in combination with other projects or plans on the integrity of the Flamborough and Filey Coast SPA (or other protected site) from Hornsea Four. Natural England do not agree with this position and has advised that it is unable to rule out in-combination adverse effects from Hornsea Four during operation as a result of collision risk to kittiwake, gannet (which is also sensitive to displacement impacts) and displacement of guillemot and razorbill.
- 7.4 The Applicant has engaged openly and constructively with stakeholders throughout the development of the 'without prejudice' derogation case during the pre-application period. The 'without prejudice' derogation case accords with the requirements of the Habitats Regulations 2017, relevant case law and guidance. The 'without prejudice' derogation case presents Stage 3 and Stage 4 of the HRA process outlined in PINS' Advice Note 10; HRA Stage 3 - Assessment of Alternatives and HRA Stage 4 - Consideration of Imperative Reasons of Overriding Public Interest (IROPI) and Compensatory Measures.
- 7.5 PIN's are referred to Application Document Reference B2.5 without prejudice Derogation Case which presents the Applicants ability to satisfy the consideration of alternatives test and the imperative reasons of overriding public interest test. PIN's are also referred to Application Document Reference B2.6 Compensation Measures for FFC SPA: Overview which provides an overview of the documents prepared by the Applicant in relation to its proposed compensation measures which form part of its without prejudice derogation case. The derogation case documents set out the criteria applied to the

selection of the measure B2.6.1), a detailed description of each measure A4.6.1) and details as to how it will be delivered s B2.7.2; B2.7.4; B2.8.2; B2.8.4) including the site selection process for each measure. The Applicant also provides details of proposals relating to wider workstreams being undertaken by the Applicant in relation to seabird prey resource Application Document Reference (B2.6.2), which whilst they do not form part of the specific proposals, support the Applicants submission.

- 7.6 The without prejudice derogation case Application documents include the Compensation measures Ecological Evidence, Compensation Plans, Roadmaps (that describe the pathway to implementation such as future evidence gathering and consents) Funding Statements and the outline Implementation and Monitoring Plans for the proposed compensation measures to compensate for the impacts upon the relevant species. Should the Secretary of State reach a conclusion of AEoI, the compensation measures are considered sufficient to ensure the coherence of the National Site Network.

8. Marine Conservation Zone (MCZ) Assessment

The Application documents include a Marine Conservation Zone (MCZ) Assessment Report A5.2.3), as required by Section 126 of the Marine and Coastal Access Act 2009, identifying all relevant MCZs. The Applicant has committed not to cross any MCZs. Within the Commitments Register (A4.5.2), Commitment (Co) 44 outlines that the Holderness Inshore MCZ will not be crossed by the offshore export cable corridor including the associated temporary works area. Similarly, Co45 outlines that the Holderness Offshore MCZ will not be crossed by the offshore export cable corridor including the associated temporary works area.

9. Compulsory acquisition

- 9.1 The Applicant is seeking authority within the Order to acquire compulsorily land and interests and other related powers to support the delivery of Hornsea Four, details of which can be found in the Book of Reference E1.3) and Statement of Reasons E1.2). Adequacy of funding for compensation is dealt with in the Funding Statement E1.1).
- 9.2 The Applicant has been granted a Generation Licence under the provisions of the Electricity Act 1989 by OFGEM and is therefore a statutory undertaker for the purposes of compulsory acquisition.
- 9.3 Sections 127 and 132 of the 2008 Act apply. Details of the extent of the proposed works affecting land held by a statutory undertaker or special category land can be found in the Statement of Reasons E1.2).

10. Other consents

- 10.1 Details of other consents and licences not forming part of the Order, which the Applicant or others may be seeking in relation to the construction and operation of the proposed

generation station and associated development, are set out in the Consents Management Plan A1.5).

11. Pre-application consultation

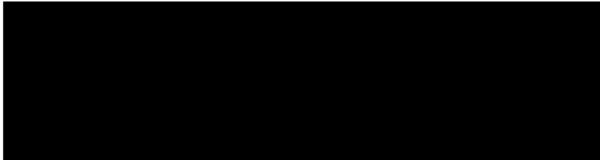
- 11.1 The Applicant has had careful regard to the pre-application consultation requirements of the 2008 Act, the guidance on pre-application consultation issued by the DCLG and the Planning Inspectorate, and its preapplication discussions held with the Planning Inspectorate, as required by Sections 50 and 55(4) of the 2008 Act.
- 11.2 As required by Section 37(3)(c), the Application is accompanied by a Consultation Report A5.1), which provides details of the Applicant's compliance with sections 42, 47, 48 and 49 of the 2008 Act. The responses of statutory and non-statutory consultees are listed and summarised in the Consultation Report and these have informed the evolution of the Application and Hornsea Four overall.

12. Other matters

- 12.1 Under Regulation 6(b)(i) of the AFFF Regulations, an applicant is required to provide details of the proposed cable route and the method of installation for any cable. This information can be found in the Cable Statement F1.3) and in the Works Plans D1.4.1 and D1.4.2).
- 12.2 Under Regulation 6(b)(ii) of the AFFF Regulations, an applicant is required to provide a statement in respect of Safety Zones. This information can be found in the Safety Zone Statement F1.2)
- 12.3 Under regulation 5(3) of the AFFF Regulations, any plans, drawings or sections shall be no larger than A0 size, shall be drawn to an identified scale (no smaller than 1:2500) and, in the case of plans, shall show the direction of North. A number of offshore plans are provided at a scale that is larger than 1:2500 as it is considered that the chosen scale better describes the required information.
- 12.4 Under Regulation 5(2)(l) of the AFFF Regulations, an applicant is required to provide a plan of certain nature conservation sites and features and an assessment of any effects on those sites and features likely to be caused by the proposed development. There is an equivalent requirement under Regulation 5(2)(m) in relation to certain historic sites and features. The plans are attached as separate documents D1.10.1, D1.10.2, D1.8.1 and D1.9.1) but the assessments are provided in the Environmental Statement and not as stand-alone documents.
- 12.5 The applicant is required to submit a draft DCO in both a word version and pdf, together with a SI template validation report for the draft DCO at submission. The SI template validation report is attached as the final two pages of the draft DCO word version, document C1.1 in the form of a screen capture.

We look forward to hearing from you in relation to the formal acceptance of the Application. If we can be of any assistance in that regard, please do not hesitate to contact us using the details below.

Yours faithfully



Julian Carolan
Consent Project Manager

Orsted Hornsea Project Four Limited