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The Applicant, Mr PS Goatley, Ms J Goatley, Crown Estate, Royal Society for the Protection of Birds, Natural England, East Riding of Yorkshire Council, Maritime and Coastguard Agency, Marine Management Organisation, National Grid Gas plc, National Grid Electricity Transmission plc, Network Rail Infrastructure Ltd, Environment Agency, NEO Energy (SNS) Ltd, Harbour Energy Ltd, Bridge Petroleum Ltd, Perenco UK Ltd, Ministry of Defence and NATS.

Your Ref:

Our Ref: EN010098

Date: 25 July 2022

Dear Sir/ Madam

**Planning Act 2008 (as amended) Section 89
The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 17**

Application by Ørsted Hornsea Project Four Limited for an Order granting Development Consent for the proposed Hornsea Project Four Offshore Wind Farm

Request for further information and written comments

Given the nature and small number of matters relating to Compulsory Acquisition outstanding after Deadline 5a, the Examining Authority (ExA) cancelled the Compulsory Acquisition Hearing scheduled for the afternoon of Monday 18 July 2022 in favour of a written request under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010. This is set out in Annex A of this letter.

At the Issue Specific Hearings (ISH) held during the week commencing the 18 July 2022, the ExA received notification from a number of organisations [AS-037, AS-040 to AS-044, AS-046 and AS-047] advising that they would not be attending the Hearings. In order to ensure that the ExA has all of the information it needs to be able to write its report there are a number of action

points for those organisations arising out of those ISH. The ExA considered that, as this is effectively a request for further information, a written request under Rule 17 would be the most appropriate mechanism to highlight this request for information to those organisations. Annex B of this letter sets out the information requested by the ExA.

Action point 22 from ISH7 [EV-031a] was for the ExA to consider and instruct whether/ how any confidential information regarding compensation could be considered and reported on and to respond via the Rule 17 letter.

Rule 21(1) of the Infrastructure Planning (Examination Procedure) Rules 2010 requires that all documents must be made available to all interested parties and anyone who requests an opportunity to inspect and take copies of them. As a result, the ExA can confirm that any information submitted into the Examination in relation to compensation would be made available in the Examination Library on the project page of the National Infrastructure website.

The ExA had proposed to ask Natural England (NE) the following question at ISH8 as a follow up to its Further Written Question OWE.2.2 [PD-012]: *"The Government issued a Written Ministerial Statement (WMS) on 16 March 2022 in relation to nutrient levels in relevant river basin catchments. More river basin catchments are now identified as being in unfavourable condition. This means that any proposed development in relevant areas (now including ERYC) that is likely to increase nutrient loading, either directly or indirectly, will need to be assessed according to applicable legislation. Having regard to the nature of the Proposed Development, the relevant river basin catchments and the responses that have been received on this matter from the Applicant in [REP5-074] and the Environment Agency in [REP5-099] do you consider there would be any implications in relation to the Proposed Development?"* A further Written Ministerial Statement on this matter of tackling nutrient pollution was made on 20 July 2022. As NE did not attend the ISH8, would they now provide a written response to this question, also reflecting that July WMS?

Finally, during discussions under Agenda item 4 of ISH12 [EV-036] on the Habitat Regulations Assessment on Friday 22 July 2022, the Applicant referred to a recent publication, the Offshore Round 4 Leasing Plan-level Habitats Regulations Assessment (Crown Estate, July 2022). The Applicant noted this had been approved by the Secretary of State and suggested that it highlighted similar concerns to its own around some of the collision risk and displacement parameters used in offshore wind farm ornithological assessments and consequent compounding of precaution. The Applicant intends to submit this document into the Examination at Deadline 6, with commentary on its relevance at Deadline 7.

As NE and the Royal Society for the Protection of Birds (RSPB) did not attend that ISH, the ExA invites them to listen to the relevant part of the Hearing [EV-036b and EV-036c] and to submit written comments on the document at Deadline 7 (Wednesday 10 August 2022). The ExA would welcome views on the weight that should be given to it in this Examination.

Unless otherwise stated in this letter, the ExA requires responses by Deadline 6 which is Wednesday 27 July 2022.

Should you have any queries regarding the content of the letter, please contact the case team using the details at the top of this letter.

Yours faithfully

Jo Dowling

Lead Member of the Examining Authority

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Request for updates in relation to Compulsory Acquisition (CA) and Temporary Possession (TP)

1. At CAH1 [EV-009] the Applicant advised that the owners of Throstle Nest Farm [RR-023] had sold their property to the East Riding of Yorkshire Council (ERYC) and, as a consequence, their objection to CA had fallen away. No correspondence from either the owners of Throstle Note Farm or ERYC confirming this has been submitted into the Examination. As such, the objection to CA remains outstanding. Can either the owners of Throstle Nest Farm confirm that they have sold the property and ERYC confirm that they have purchased the property and no longer object to the CA of land?
2. Can the Applicant provide an update on the progress of negotiations for Crown consent and whether this will be obtained before the close of the Examination? If Crown consent is unlikely to be obtained by the close of the Examination, the Applicant will need to provide an explanation at Deadline 7, Wednesday 10 August 2022, outlining how the Proposed Development could proceed if all the Crown land has to be removed from the Order land.
3. For Deadline 7, Wednesday 10 August 2022, can the Applicant undertake a review of the Book of Reference [REP2-024] to ensure that it is up to date, free from inaccuracies and accurately reflects any changes to ownership of affected land that may have arisen during the course of the Examination.

Action points from the Issue Specific Hearings held during the week commencing 18 July 2022 which require a response from organisations who did not attend

ISH7 – draft Development Consent Order [EV-031]

The following organisations that did not attend ISH7 are requested to look at the Action Points for this Hearing [EV-031a] and provide a written response:

- Maritime and Coastguard Agency (Action Points: 1, 8, 11 and 36);
- Marine Management Organisation (Action Points: 1, 5, 6, 8, 9, 10, 12, 13 and 36);
- Natural England (Action Points: 6, 31, 32 and 36);
- National Grid Gas plc (Action Points: 14 and 36);
- National Grid Electricity Transmission plc (Action Points: 14 and 36);
- Network Rail Infrastructure Ltd (Action Points: 15 and 36);
- Environment Agency (Action Points: 16 and 36);
- NEO Energy (SNS) Ltd (Action Points: 23 and 36); and
- Harbour Energy Ltd (Action Points: 23 and 36).

ISH8 – Onshore environmental matters [EV-032]

The following organisation that did not attend ISH8 is requested to look at the Action Points for this Hearing [EV-032a] and provide a written response:

- Environment Agency (Action Points: 9 and 10).

ISH9 - Offshore ecology matters [EV-033]

The following organisations that did not attend ISH9 are requested to look at the Action Points for this hearing [EV-033a] and provide a written response:

- Bridge Petroleum Ltd (Action Point: 1);
- Harbour Energy (Action Point: 1);
- NEO Energy (SNS) Ltd (Action Point: 1);
- Perenco UK Ltd (Action Point: 1);
- Ministry of Defence (Action Point: 5);
- NATS (Action Point: 6); and
- Maritime and Coastguard Agency (Action Point: 9).

ISH10 – Marine processes and ecology (excluding ornithology) [EV-034]

The following organisations that did not attend ISH10 are requested to look at the Action Points for this Hearing [EV-034a] and provide a written response:

- Marine Management Organisation (Action Points: 1, 6 and 10);
- RSPB (Action Point: 5); and
- Natural England (Action Points: 5, 6, 9, 13, 15 and 16).

ISH11 – Marine and coastal ornithology [EV-035]

The following organisations who did not attend ISH11 are requested to look at the Action Points for this Hearing [EV-035a] and provide a written response:

- Natural England (Action Points: 3, 7, 10, 11, 12, 13, 15, 17, 18, 19, 20 and 21); and
- RSPB (Action Points: 7, 12, 13, 14, 18, 19, 20 and 21).

ISH12 – Habitat Regulations Assessment [EV-036]

The following organisations who did not attend ISH12 are requested to look at the Action Points for this Hearing [EV-036a] and provide a written response:

- Natural England (Action Points: 1, 2, 4, 5, 6, 8, 9, 13 and 14);
- RSPB (Action Points: 2, 4, 5, 6, 8 and 9); and
- Marine Management Organisation (Action Point: 11).