



Department for
Business, Energy
& Industrial Strategy

1 Victoria Street
London
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Web: www.gov.uk/beis

To:

Our Ref: EN010098

Ørsted Hornsea Project Four Limited
The Crown Estate
BP Exploration Operating Company Ltd
Bridge Petroleum 2 Limited
Harbour Energy
The Marine Management Organisation
NEO Energy (SNS) Ltd
The Environment Agency

Date: 16 December 2022

Dear Sir or Madam,

Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010

Application by Ørsted Hornsea Project Four Limited (“the Applicant”) for an Order granting Development Consent for the proposed Hornsea Project Four Offshore Wind Farm (“Hornsea Project Four”)

REQUEST FOR INFORMATION

1. Following the completion of the Examination on 22 August 2022, the Examining Authority submitted a Report and Recommendation in respect of its findings and conclusions on the above application to the Secretary of State on 22 November 2022. In accordance with section 107 of the Planning Act 2008, the Secretary of State has three months to determine the application.
2. There are matters on which the Secretary of State for Business, Energy & Industrial Strategy (“the Secretary of State”) would be grateful if the **Applicant, the Crown Estate, BP Exploration Operating Company Ltd (“bp”), Bridge Petroleum 2 Limited (“Bridge”), NEO Energy (SNS) Ltd (“NEO”), Harbour Energy, the Marine Management Organisation (“MMO”),** and the **Environment Agency** could provide updates or information as appropriate.

Crown Estate Land and Rights – the Applicant and the Crown Estate

3. With regard to the powers sought by the Applicant in relation to Crown Land and/or Crown rights, the Secretary of State requests that **the Applicant** and **The Crown Estate** provide confirmation that the necessary Crown authority's consent has been obtained. References should be consistent with the most up to date version of the Book of Reference. In the event that the necessary authority from the Crown Estate were not to be obtained, the Applicant should advise as to what the implications of this would be for the proposed Hornsea Project Four if the affected land were to be removed (as set out in the latest version of the Book of Reference).
4. The Secretary of State notes that the Book of Reference lists 'The Queen's Most Excellent Majesty in the Right of Her Crown' as the owner and/ or occupier in relation to plots 1, 2, 3, 4, 5 and 6. **The Applicant** should provide an updated Book of Reference that refers to His Majesty the King, i.e. 'The King's Most Excellent Majesty in the Right of His Crown'.

Protective Provisions – the Applicant and bp

5. The Secretary of State understands that at the close of the Examination, there remained disagreement between the Applicant and bp in relation to the protective provisions in the draft Development Consent Order ("DCO") for the benefit of the carbon store licensee of bp's Endurance Store Project.
6. Both **the Applicant** and **bp** should provide an update on the position in relation to these protective provisions. The Secretary of State understands that key areas of disagreement in relation to the protective provisions relate to: a) whether or not there should be an exclusion area and notification area, b) whether or not the interface agreement should be retained, and c) the period of time after which the provisions for the benefit of the carbon store licensee would fall away. The responses provided by the Applicant and bp should include updates on each of these matters.
7. The Secretary of State notes that bp has submitted a document titled 'bp's update to SoS' dated 8 December 2022. **The Applicant** may wish to comment on the content of this document. The document has been published on the Planning Inspectorate's project page for Hornsea Project Four and can be accessed at this link:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010098/EN010098-002227-BP%20-%20submission%20to%20SoS%20-%20Final.pdf>

Protective Provisions – the Applicant and Bridge

8. The Secretary of State understands that at the close of the Examination, there remained disagreement between the Applicant and Bridge as to the protective provisions proposed by the Applicant in the draft DCO for the benefit of Bridge.
9. **The Applicant** and **Bridge** are asked to provide an update as to whether protective provisions are now agreed between them or what matters remain outstanding. If agreement has not been reached **Bridge** is asked to provide alternative protective provisions which would address any remaining concerns.

10. In particular, **Bridge** is asked to submit, with reasons, a timeframe that it would find acceptable for committing to the proposed location of its pipeline.

Protective Provisions – the Applicant and NEO

11. The Secretary of State understands that at the close of the Examination, there remained disagreement between the Applicant and NEO as to the protective provisions proposed by the Applicant in the draft DCO for the benefit of NEO.

12. **NEO** and **the Applicant** are asked to provide an update as to whether protective provisions are now agreed or what matters remain outstanding. In particular, the Applicant and NEO are asked to confirm whether protective provisions have been agreed regarding the use of helicopters and compensation for any additional associated costs, thereby potentially enabling the radius of any ‘restricted area’ proposed by NEO to be reduced.

Protective Provisions – the Applicant and Harbour Energy

13. The Secretary of State understands that at the close of the Examination, there remained disagreement between the Applicant and Harbour Energy as to the protective provisions proposed in the draft DCO for the benefit of Harbour Energy.

14. **Harbour Energy** and **the Applicant** are asked to provide an update as to whether protective provisions are now agreed or what matters remain outstanding. In particular, **Harbour Energy** and **the Applicant** are asked to confirm whether protective provisions have been agreed that would secure the use of and compensate for any additional associated costs, potentially enabling the use of 800m-wide aviation access corridors and a smaller wind turbine exclusion zone as sought by the Applicant.

Sediment Sampling and Analysis – the MMO and the Applicant

15. The **MMO** and **the Applicant** are asked to provide an update on the position relating to sediment sample particle size analysis. The Secretary of State understands that these samples had been re-analysed although the MMO had not yet had an opportunity to comment. The **MMO** is asked to provide confirmation of whether it is content with the re-analysis and if it still requires a condition in the deemed marine licence.

Statement of Common Ground with National Highways – the Applicant

16. **The Applicant** is asked to provide a signed version of the Statement of Common Ground with National Highways.

Compulsory Acquisition of Land – Environment Agency

17. The **Environment Agency** is asked to confirm whether their objection to the project following agreement of protective provisions with the Applicant has been withdrawn.

Flamborough and Filey Coast Special Protection Area

18. In relation to in-combination impacts on the kittiwake, razorbill, guillemot, gannet, and the seabird assemblage features of the Flamborough and Filey Coast SPA,

the **Applicant** is requested to provide updated in-combination assessments for collision and/or displacement effects, using the latest figures from the Sheringham Extension, Dudgeon Extension and Rampion 2 projects; and provide updated PVA models for all the above features and counterfactuals (including CFGR and CFPS) for the SPA population. All models should use Natural England's advised assessment parameters and ranges, and include all consented projects, including those where compensation measures have been agreed.

Greater Wash SPA

19. In relation to in-combination impacts on the red-throated diver and common scoter features of the Greater Wash SPA, the **Applicant** is requested to provide in-combination assessments for disturbance and displacement effects, including the latest figures from the Sheringham Extension and Dudgeon Extension projects.

Compensation Measures

20. In relation to the proposed compensation measures for the kittiwake feature of the Flamborough and Filey Coast SPA, the **Applicant** is requested to provide further details of the artificial nesting sites (ANS). This should include, but not be limited to:

- Confirmation of the location(s) of the ANS, and evidence that the proposed sites can be acquired/leased.
- Details of the ANS design/ adaptations to support kittiwakes and auks, if appropriate.
- An implementation timetable for when the compensation measures will be delivered and when they will achieve their objectives in relation to the commencement of operation of the wind farm.

21. In relation to the compensation measures for the auk features of the Flamborough and Filey Coast SPA, the **Applicant** is requested to provide further details of the proposed measures. This should include, but not be limited to the following:

- For the predator eradication strategy:
 - Confirmation of the location(s) proposed for the predator eradication, and evidence that the necessary permissions to undertake the measures can be obtained at the location(s).
 - Evidence that nest predation is a significant limiting factor in the breeding success of auk species at the proposed location(s).
 - Evidence that the auk populations in the proposed location(s) are functionally linked to the populations at Flamborough and Filey Coast SPA.
 - If the proposed location(s) is outside of the jurisdiction of the UK, evidence that any made Order could adequately secure management of the site.
- For the by-catch reduction strategy:

- Evidence that the use of looming eye buoys (LEBs) would significantly reduce the by-catch of auks from the Flamborough and Filey Coast SPA.
- Details of how the proposed measures will be secured for the lifetime of the project.
- Evidence that the proposed measures will be in addition to any by-catch reduction measured required by UK policy or legislation.

22. Responses to the requested information should be submitted by email only to hornseaprojectfour@planninginspectorate.gov.uk by 23.59 on 13 January 2023.

23. Responses will be published on the Hornsea Project Four project page of the National Infrastructure Planning website as soon as possible after 13 January 2023:

<https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/hornsea-project-four-offshore-wind-farm/>

24. This letter is without prejudice to the Secretary of State's consideration of whether to grant or withhold development consent for the Hornsea Project Four or any part of the project. Nothing in this letter is to be taken to imply what the eventual decision might be or what final conclusions the Secretary of State may reach on any particular issue which is relevant to the determination of the application.

Yours faithfully

David Wagstaff

David Wagstaff OBE

Deputy Director, Energy Infrastructure Planning