



Department for
Business, Energy
& Industrial Strategy

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

To:

Our Ref: EN010098

Ørsted Hornsea Project Four Limited
BP Exploration Operating Company Ltd
Bridge Petroleum 2 Limited
NEO Energy (SNS) Ltd
Civil Aviation Authority

Date: 3 March 2023

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. The statutory deadline for taking a decision on the application for development consent has been extended from 22 February 2023 to 12 July 2023.
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, BP Exploration Operating Company Ltd (“bp”), Bridge Petroleum 2 Limited (“Bridge”), NEO Energy (SNS) Ltd (“NEO”), and the Civil Aviation Authority** could provide updates or information as appropriate.

Protective Provisions – the Applicant and bp

3. 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. The Secretary of State requested updates from the Applicant and bp in relation to this matter on 16

December 2022. The responses from the Applicant and bp confirmed that no further progress had been made between the two parties.

4. Both **the Applicant** and **bp** have previously provided drafting for their preferred protective provisions in the draft DCO. The Applicant's draft provisions are on the basis that co-existence is possible and provide for a co-existence agreement between the parties. It also provides that the Interface Agreement signed by the Applicant and bp remains in place. The draft preferred provisions provided by bp are on the basis that co-existence is not possible and the draft DCO therefore provides for an exclusion zone with the provisions of the Interface Agreement disappplied. However, should the Secretary of State take the view that the projects cannot co-exist and therefore an exclusion zone is necessary, but that the Interface Agreement should remain in place, a full set of protective provisions has not been provided by either the Applicant or bp for this scenario. The Applicant and bp are asked to provide agreed protective provisions that address this scenario, or if that is not possible, to each provide draft protective provisions to address this scenario.

Protective Provisions – the Applicant and Bridge

5. In his letter of 16 December 2022, the Secretary of State asked the Applicant and Bridge to provide an update regarding the relevant protective provisions, and Bridge was asked to provide alternative protective provisions which would address any remaining concerns it had, along with a timeframe (with reasons) that it would find acceptable for committing to the proposed location of its pipeline.
6. The Secretary of State requests that **Bridge** provides a full draft of its proposed protective provisions. **Bridge** should provide a specified timeframe within that draft that it would find acceptable for committing to the proposed location of its pipeline. **Bridge** should clearly set out the reasons and justification for the timeframe it proposes.
7. **Bridge** should also confirm expected timescales for the re-application for, and grant of the relevant licence. Going forward, **Bridge** should inform the Secretary of State should there be any updates with regard to its application for the licence.

Protective Provisions with NEO – the Applicant and NEO

8. The Secretary of State notes that the coordinates provided in the definition of “restricted area” in the protective provisions for the benefit of NEO in the draft DCO provided by the Applicant appear to differ slightly from those provided by the NEO in their draft protective provisions.
9. **NEO** and **the Applicant** are asked to confirm the correct co-ordinates.

Protective Provisions with Harbour Energy – the Applicant and the Civil Aviation Authority

10. The Secretary of State notes that in their response to the letter from the Secretary of State dated 16 December Harbour Energy provided a number of options for an aviation corridor around the Johnston wellhead and made reference to expected new Civil Aviation Authority guidance (in particular the Policy and Guidelines on Wind Turbines (CAP764) and the Specific Approval for Helicopter Offshore

Operations (SPA HOFO)). The **Civil Aviation Authority** is asked to provide any update or further information as to when any new guidance is expected to be published.

Totality of impact of protective provisions on Hornsea Project Four – the Applicant

11. Noting the possible impact that the drafting of the protective provisions referred to above for the benefit of bp, NEO, Bridge and Harbour Energy, could have on the layout of the proposed array, **the Applicant** is asked to set out the totality of the impact that these protective provisions could have, particularly on the possible array layout and the overall number of turbines. The information provided should clearly set out the impact of each set of protective provisions alone, but should also set out the cumulative impact, identifying any areas of overlap. The information should be set out in such a way that the Secretary of State will be able to understand the totality of impact of any potential combination of protective provisions. The Secretary of State notes that Harbour Energy, in their response to the letter from the Secretary of State dated 16 December 2022 provided four options in order of its preference for the drafting of the protective provisions. The information provided by the Applicant should therefore be clear as to the number of turbines that each individual option would impact.

Maps and Tables Showing Locations of Protected Sites – the Applicant

12. The Secretary of State notes that the ExA asked for clarification from the Applicant in the first written question (ExQ1) [PD-006, HRA 1.7] regarding Figure A-2 and Table A-3 of the Report to Inform Appropriate Assessment Part 2: Appendix A: Habitat Regulations Assessment Screening Report [APP-168]. The Applicant responded [REP2-038] to confirm that: “the designated sites 1-56 labelled on Figure A-2 ... correspond to the information presented in Table A3 which provides the name of the designated site, country and relevant feature(s) (i.e. species) for this location”.

13. The Secretary of State notes the final updated Report to Inform Appropriate Assessment Part 2: Appendix A: Habitat Regulations Assessment Screening Report [REP2-005]. However, the locations of protected sites labelled on Figure A-2 do not appear to correspond with the correct protected sites listed in Table A-3. For example, The Wash and North Norfolk Coast SAC is identified as site 44 in Table A-3. However, in Figure A-2 site 44 is located along the coast of Germany. The Secretary of State therefore requests **the Applicant** to provide updated maps and tables showing the correct locations of protected sites.

14. Responses to the requested information should be submitted by email only to hornseaprojectfour@planninginspectorate.gov.uk by 23.59 on 31 March 2023.

15. Responses will be published on the Hornsea Project Four project page of the National Infrastructure Planning website as soon as possible after 31 March 2023:

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

16. 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

A solid black rectangular box used to redact the signature of David Wagstaff OBE.

David Wagstaff OBE

Deputy Director, Energy Infrastructure Planning