



Amy Stirling
Pinsent Masons LLP
30 Crown Place, Earl Street
London
EC2A 4ES

19 February 2024

Dear Ms Stirling,

THE HORNSEA FOUR OFFSHORE WIND FARM ORDER 2023 (“the Order”)

PROPOSED NON-MATERIAL CHANGE APPLICATION (“the Application”)

REQUEST FOR CONSENT TO REDUCE THE NUMBER OF PARTIES THAT NEED TO BE CONSULTED ON A NON-MATERIAL CHANGE APPLICATION

1. Thank you for your letter of 6 February 2024 on behalf of Orsted Hornsea Project Four (UK) Limited (“the Applicant”), which sets out proposed changes to the Order. The letter requests the Secretary of State’s consent under regulation 7(3) of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (as amended) (“the 2011 Regulations”) to a reduced list of consultees.
2. Paragraph 2.5 of the 6 February 2024 letter states that the changes that will comprise the Application are as follows:

Delete the existing paragraph 3(d) of Part 2 of Schedule 16 of the Order and insert the following new text as a new paragraph 3(d):

“an implementation timetable for delivery of the artificial nesting structure such timetable to ensure that the structure is in place to allow for at least two full kittiwake breeding seasons prior to operation of any turbine forming part of the authorised development. For the purposes of this paragraph each breeding season is assumed to have commenced on 1 April in each year and ended on 30 September.”

Delete the existing paragraph 4 of Part 2 of Schedule 16 of the Order and insert the following new text as a new paragraph 4:

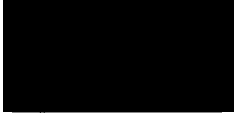
“The undertaker must implement the measures set out in the KCIMP approved by the Secretary of State, unless otherwise agreed by the Secretary of State in consultation with the relevant SNCB, MMO and the relevant local planning authority. No operation of any turbine forming part of the authorised development may begin until the KCIMP has been

approved by the Secretary of State and two full breeding seasons following the implementation of the measures set out in the KCIMP have taken place. For the purposes of this paragraph each breeding season is assumed to have commenced on 1 April in each year and ended on 30 September.”

3. The list of consultees proposed by the Applicant is:
 - 1) the Marine Management Organisation;
 - 2) Natural England;
 - 3) the Royal Society for the Protection of Birds;
 - 4) the Crown Estate; and
 - 5) the Joint Nature Conservation Committee.
4. Paragraph 3.2 of the 6 February 2024 letter states that *“taking a proportionate approach, only the MMO, NE, the RSPB, The Crown Estate and the Joint Nature Conservation Committee (“JNCC”) (the “Consultees”) should be consulted on this application, because the Consultees have played an active role in developing the ANS including its location, design, monitoring and adaptive management. The MMO, NE and the RSPB are active members of the OOEG, with whom Orsted has already liaised with and, as noted above, no objections have been raised to the proposed non-material change. In addition, Orsted has been in regular discussions with The Crown Estate, who have played an active role both from a strategic and project specific perspective in the site selection and have been kept informed of Orsted’s approach to the implementation of compensation – in particular, Orsted notes that it holds an agreement for lease with The Crown Estate in relation to the offshore ANS option, further explaining the ongoing discussions between the parties. The JNCC are the authority for offshore nature conservation, working closely with Natural England.”*
5. The Secretary of State is satisfied that the consultees proposed by the Applicant for consultation as listed at paragraph 3 above should be consulted, noting the nature of the proposed changes as set out at paragraph 2 above.
6. However, the Secretary of State considers that in addition to those parties set out at paragraph 3 above, the Applicant should also consult the Wildlife Trusts, noting the nature of the proposed changes.
7. In respect of the Application, the Secretary of State considers that those other consultees identified in the list sent on 6 February 2024 need not be consulted as they are not directly affected, either because the proposed amendments will not affect their interests or because their interests relate to a different part of the scheme.
8. Accordingly, under regulation 7(3) of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011, the Secretary of State consents to the reduced list of consultees as specified in the paragraphs above.
9. In taking this decision, the Secretary of State notes that there will also be public consultation in line with the requirements in regulation 6 of the 2011 Regulations.

10. The Secretary of State's written consent in this matter should not be taken as indicating approval for any other aspects of the proposed changes to the Order, which fall to her for consideration and determination, or whether the proposed changes will ultimately be regarded as material or not.

Yours sincerely,



John Wheadon

Head of Energy Infrastructure Planning Delivery

On behalf of the Secretary of State for Energy Security and Net Zero