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London  
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04 June 2024

Dear Felicity Le Page,

## **PLANNING ACT 2008**

### **THE HORNSEA FOUR OFFSHORE WIND FARM ORDER 2023 (AS AMENDED<sup>1</sup>) (“the Order”)**

#### **APPROVAL OF THE OFFSHORE ORNITHOLOGY ENGAGEMENT GROUP (“OOEG”) PLAN OF WORK**

1. The Order contains several requirements and conditions that the undertaker must comply with before relevant works of the Hornsea Four Offshore Wind Farm (“the authorised development”) as defined in the Order can commence.
2. Orsted Hornsea Project Four (UK) (“the Applicant”) made a request to the Secretary of State for Energy Security & Net Zero (“the Secretary of State”) on 23 April 2024 for approval of the OOEG Plan of Work (“the Approval Request”).
3. The Approval Request is submitted to the Secretary of State under paragraph 2 of Part 1 of Schedule 16 of the Order.

#### **Schedule 16 ‘Compensation to Protect the Coherence of the National Site Network’, Part 1 ‘Offshore Ornithology Engagement Group’**

4. Paragraph 2 of Part 1 of Schedule 16 to the Order states that:

*“Work Nos. 1, 2, 3, 4 and 5 together with any associated development offshore may not be commenced until a plan for the work of the H4 OOEG has been submitted to and approved by the Secretary of State, such plan to include—*

- a) terms of reference of the H4 OOEG;*
- b) details of the membership of the H4 OOEG which must include—*

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<sup>1</sup> The Hornsea Four Offshore Wind Farm Order 2023 (SI 2023/800) was amended by The Hornsea Four Offshore Wind Farm (Correction) Order 2024 (SI 2024/117).

- i. *the MMO and the relevant SNCB as core members for the offshore compensation measures;*
- ii. *the relevant local planning authority and Natural England as core members for the onshore compensation measures;*
- iii. *the RSPB, The Wildlife Trust and Alderney Wildlife Trust as advisory members, for both the onshore compensation measures and/or the offshore compensation measures subject to their area of expertise;*
- c) *details of the proposed schedule of meetings, timetable for preparation of the KCIMP, the GCIMP and reporting and review periods;*
- d) *the dispute resolution mechanism and confidentiality provisions; and*
- e) *the scope of work to be limited to the topics for discussion as identified by the appointed chair to include in relation to the compensation measure, monitoring and adaptive management.”.*

5. The OOEG is defined in the Order as:

*“... the group that will assist, through consultation, the undertaker in the delivery of the compensation measures identified in the kittiwake compensation plan and the guillemot and razorbill-compensation plan”.*

6. The Secretary of State’s Habitats Regulations Assessment<sup>2</sup> determined that an adverse effect on the integrity of the Flamborough and Filey Coast Special Protection Area due to disturbance and displacement impacts on razorbill could be excluded. The Correction Order<sup>Error! Bookmark not defined.</sup> removed references to razorbill in paragraph (c) above. Whilst reference to razorbill in the ‘guillemot and razorbill-compensation plan’ was not corrected, it should be noted that compensatory measures are only required specifically for guillemot.

### **The Approval Request**

- 7. The Applicant has, in accordance with the requirements set out above, provided a Plan of Work (“the Plan”) for the OOEG that provides the information required under paragraph 2 of Part 1 of Schedule 16 of the Order.
- 8. The Applicant has prepared the Plan following consultation with the members of the OOEG. The Applicant has provided ratification letters signed by the core members of the OOEG, namely Natural England, the Marine Management Organisation and the States of Guernsey. The Ratification Letters confirm the member’s understanding and acceptance of the Plan of Work.

### **Consideration of the Approval Request**

9. The Secretary of State has considered the Approval Request and the details provided by the Applicant in the Plan in respect of the requirements detailed above.

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<sup>2</sup> [https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010098/EN010098-002331-DESNZ%20HRA%20-%20Hornsea%20Four\\_Final.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010098/EN010098-002331-DESNZ%20HRA%20-%20Hornsea%20Four_Final.pdf)

### *Terms of reference*

10. Sections 2 and 6 of the Plan describes the purpose of the OOEG and appropriate terms of reference for the OOEG. Parties responsible for each action are identified including the role of the Chair. Section 5 identifies four participation principles.

### *Membership of the OOEG*

11. Section 3 of the Plan describes the relevant core members as the Applicant, the relevant statutory nature conservation body, the Marine Management Organisation, Natural England and the States of Guernsey. Advisory members are the RSPB, The Wildlife Trust and Alderney Wildlife Trust. Advisory members are to attend subject relevant meetings (by invitation only), but will be provided minutes of every meeting subject to terms of confidentiality. Core members of the OOEG may agree to invite any other body to act as an advisory body to attend specific meetings, such as other Local Planning Authorities, the Department for Environment, Food and Rural Affairs, the Joint Nature Conservation Committee and the British Trust for Ornithology.
12. The Secretary of State notes that the States of Guernsey is identified as the relevant local planning authority for the onshore compensation measures relevant to guillemot. The Plan of Works states that “*advisory bodies may include organisations such as the Local Planning Authority(ies) and or landowner bodies (when discussing location and or design of the artificial structures*”, however, in the event that an onshore measure is pursued in relation to kittiwake compensatory measures, the relevant local authority(ies) for such measures must be included as a core member of the OOEG, not only as an advisory member.

### *Schedule of meetings and timetable for preparation of CIMPs*

13. Section 4 of the Plan states that the OOEG shall meet and the kittiwake and guillemot Compensation Implementation and Monitoring Plans (“CIMPs”) shall be prepared in accordance with the timetable in the Engagement Plan (Annex 1). The Applicant shall engage with the OOEG and the OOEG shall review the CIMPs in accordance with the Engagement Plan. The Engagement Plan details the predicted timing of engagement with the OOEG at each stage, including up to the anticipated submission of the CIMPs to the Secretary of State, and during the adaptive management period prior to the current indicative earliest date of first operation of any turbine in 2029.
14. The Secretary of State notes that the actions identified in the indicative engagement plan are already behind schedule and will need revising, but she notes that the Plan of Works states that the Applicant will endeavour to communicate early to the OOEG should any changes arise to the indicative consultation programme.

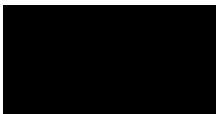
### *Dispute resolution mechanism and confidentiality provisions*

15. Section 9 of the Plan describes an appropriate dispute resolution mechanism, including an escalation hierarchy and mediation procedures. Section 8 of the Plan describes reasonable limits and procedures for the sharing of confidential and commercially sensitive documentation with the Chair, core and advisory members of the OOEG.

*Other matters*

16. The Plan of Works includes details on other matters not specified in the Order, but which the Secretary of State agrees are appropriate. For example, it is noted that the Applicant shall be responsible for the reasonably incurred administrative costs of the Chair and reasonably incurred and evidenced travel costs of core and advisory members of the OOEG and the Chair for any travel to and from an OOEG meeting. These provisions are welcomed by the Secretary of State, and she considers that the Plan proposes an effective process which enables the OOEG to fulfil its intended consultative role in the delivery of kittiwake and guillemot compensatory measures.
17. Having considered the details provided by the Applicant in respect of the requirements related to the submission of the Plan for the OOEG, the Secretary of State is satisfied that the Approval Request and the Plan provide the information required, and notes that the ratification letters evidence agreement of the core members of the OOEG.
18. The Secretary of State approves the Plan submitted with the Approval Request in accordance with paragraph 2 of Part 1 of Schedule 16 to the Order.

Yours sincerely



*John Wheadon*

Head of Energy Infrastructure Planning Delivery  
Department for Energy Security and Net Zero