

Orsted Hornsea Project Three (UK)
Limited
5 Howick Place
London
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20 February 2023

Our ref. 08140908_A

Sheringham and Dudgeon Extension Projects

Orsted Hornsea Project Three (UK) Limited

Written Representation, Written Summary of Oral Submissions and Responses to Written Questions

Written Representation:

This written representation is made by Orsted Hornsea Project Three (UK) Limited (“**Hornsea Three**”), the named undertaker on the Development Consent Order (**DCO**) for the Hornsea Three Offshore Wind Farm Order 2020 (the “**Hornsea Three Order**”). Discussions are ongoing between Hornsea Three and Equinor New Energy Limited (the “**Applicant**”) in relation to the interactions between the two projects.

As set out in its relevant representation [RR-072], Hornsea Three considers that the two schemes can co-exist and therefore does not have an in-principle objection to the Application. However, there are a number of interactions between the Proposed Development and authorised development permitted by the Hornsea Three Order that will need to be managed to ensure that Hornsea Three can be constructed without impediment and no serious detriment is caused to Hornsea Three once operational. The interactions can be seen on plans included in Chapter 5 Figures – EIA Methodology (Volume 6.2.5) [APP-118] and are summarised below.

Offshore: The wind farm array areas forming part of the Proposed Development are located in close proximity (approximately 2.9km at the closest point) to the Hornsea Three offshore export cable corridor. In addition, the export cable corridor forming part of the Proposed Development will cross the Hornsea Three offshore export cable.

Intertidal/landfall: The intertidal temporary works area for the Proposed Development crosses the Hornsea Three offshore export cable corridor. At landfall, the temporary working area, temporary access roads and permanent access road for the Proposed Development crosses the Hornsea Three onshore export cable corridor. A number of temporary access tracks for Hornsea Three are also proposed to be temporary access tracks for the Proposed Development.

Onshore: The onshore export cable corridor for the Proposed Development is located in proximity to the main construction compound at Oulton and its access for Hornsea Three. The onshore export cable corridor for the Proposed Development will cross or be in close proximity to the Hornsea Three onshore export cable corridor in a number of locations including: (i) near to Weston Longville/Ringland Lane; (ii) interactions with the Norwich Western Link Road Scheme; (iii) west of Easton; and (iv) at Norwich Main substation (which is also relevant to the permitted energy balancing infrastructure to be developed by Orsted entities including Orsted Icen ESS (UK) Limited, which will share a common connection).

Hornsea Three has sent the Applicant its comments on, and suggested amendments to, the protective provisions in Part 10 of Schedule 14 to the draft DCO. In addition, the parties are proposing to enter into a detailed collaboration agreement. The collaboration agreement will address the points highlighted in Hornsea Three's relevant representation together with the points set out below:

1. The negotiation of crossing/proximity agreement(s) for offshore and onshore interactions during construction, operations and maintenance;
2. The type and volume of offshore cable protection;
3. The procedure for cable repairs at offshore crossing points;
4. The nature and timing of works within the offshore temporary works area;
5. Notification procedure for offshore works including survey vessel work;
6. Alignment of stakeholder management processes, including communications with local fisheries;
7. Co-ordination and alignment of mitigation measures, in particular relating to marine mammals and landscaping;
8. Measures regarding shared use of access roads and reinstatement;
9. The minimum and maximum depths for export cables at crossing points including matters relating to thermal interactions;
10. Consideration of logistics if construction works overlap;
11. A requirement to micro-site within the cable corridor to maximise separation distances where necessary;
12. Interactions with other Orsted entities including Orsted Icen ESS (UK) Limited, the developer of the permitted energy balancing infrastructure located next to the Hornsea Three converter substation; and
13. Conduct of negotiations with landowners affected by both projects and any associated compensation claims.

Hornsea Three will continue to work with the Applicant to facilitate agreement between the parties to ensure both projects can co-exist.

In the unlikely event that agreement is not reached, Hornsea Three will submit its preferred drafting for protective provisions to be included in the DCO towards the end of the Examination. In the absence of a separate collaboration agreement, the protective provisions will need to deal with the issues highlighted above and set out in Hornsea Three's relevant representation.

Written Summary of Oral Submissions at Issue Specific Hearing 1 on Offshore Strategic Matters, 18 January 2023:

Orsted Hornsea Project Three (UK) Limited ("**Hornsea Three**") was represented at Issue Specific Hearing 1 on Offshore Strategic Matters by Francesca De Vita, In-House Legal Counsel at Orsted and Claire Brodrick, Senior Associate at Pinsent Masons LLP.

In respect of Agenda Item 4, Claire Brodrick explained that Hornsea Three was currently reviewing the information contained in the DCO application relating to marine mammals to better understand any potential interactions between the Proposed Development and authorised development in the Hornsea Three Offshore Wind Farm Order 2020. Claire Brodrick added that Hornsea Three was hoping to liaise further with the Applicant in respect of those interactions and any potential issues relating to overlapping construction works and mitigation measures. Claire Brodrick confirmed that Hornsea Three was currently developing its detailed design and construction programme and therefore hoped to have a better understanding as to the nature of any interactions at Deadline 1. In response to a question from the Examining Authority on any areas of potential concern, Claire Brodrick explained that Hornsea Three currently anticipated any potential issues could be adequately addressed via protective provisions or a more detailed cooperation agreement.

In respect of Agenda Item 9, Claire Brodrick highlighted that the protective provisions contained within Part 10 of Schedule 14 to the draft DCO [AS-009] currently only deal with onshore matters. Claire Brodrick explained that Hornsea Three requires the protective provisions to also deal with offshore interactions. Claire Brodrick confirmed that discussions were ongoing between the Applicant and Hornsea Three to agree the form of protective provisions. Claire Brodrick added that in the unlikely event that agreement could not be reached, Hornsea Three would submit its preferred drafting for the protective provisions towards the end of the Examination.

Responses to Written Questions:

Hornsea Three notes that two written questions [PD-010] are directed at Hornsea Three. Hornsea Three has discussed the questions with the Applicant and its responses are set out below.

1.11.7.1	The Applicant and Orsted Hornsea Project Three	Hillside Parks Ltd v Snowdonia National Park Authority (the Hillside Judgement)	<p>The ExA acknowledge the above judgement relates to a non-Development Consent Order case. However, it occurs to the ExA that the principles of the judgement may be applicable for the Proposed Development given the level of interaction of the scheme with other existing consented DCOs, including land subject of compulsory acquisition.</p> <p>The ability to modify the initial permission in the DCO context is based on the specific power in section 120 of the Planning Act 2008. In this respect:</p> <p>(a) would any existing consented DCO need to be modified or amended</p>	<p>(a) No, Hornsea Three does not consider that this is necessary.</p> <p>(b) Hornsea Three agrees with the Applicant’s response to this question. Hornsea Three is in discussions with the Applicant to ensure co-ordination between the relevant projects and ensure that the Proposed Development and Hornsea Three can both be constructed and operated within the terms of their consents. Protective provisions and an associated collaboration</p>
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			<p>by the Proposed Development?</p> <p>(b) would any existing consented DCO be prejudiced in the ability to be implemented, either through works or land take, to the extent it could not come forward in accordance with its terms and management plans?</p> <p>(c) provide any other views on the relevance, or otherwise, of the judgement upon this project.</p>	<p>agreement are being negotiated to facilitate any necessary co-ordination.</p> <p>(c) Hornsea Three agrees with the Applicant's response to this question. Hornsea Three does not consider that the implementation of the Proposed Development would prejudice or prevent the implementation of Hornsea Three for the reasons set out in (b) above.</p>
1.9.1.3	The Applicant and Orsted Hornsea Project Three ¹	Battery storage	<p>For all named parties, in relation to [RR-071] and [RR-123]:</p> <p>(a) Show on an annotated plan drawing the extent of overlap between the Order limits for the Proposed Development and any planning permissions granted for battery storage in the vicinity of Norwich Main substation.</p> <p>(b) Set out an annotated plan drawing the routes or positions of any extant grid connections between those storage apparatus and Norwich Main.</p>	<p>(a) Hornsea Three has reviewed the plan submitted by the Applicant in response to this question and confirms that it correctly details the proposed location of the energy balancing infrastructure granted by planning permission on 23 January 2023 (Planning Reference: 2022/0867). The applicant for the planning permission was Orsted Icení ESS (UK) Limited.</p> <p>(b) Hornsea Three confirms that the route of any grid connection apparatus between the energy balancing infrastructure and Norwich Main will be</p>

¹ Hornsea Three has assumed that this question 1.9.1.3 is actually for Hornsea Three and not Hornsea Four (as the substation and energy storage for Hornsea Four is located in East Riding of Yorkshire).

				located within the Hornsea Three Order limits (as shown on the plan submitted by the Applicant).
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