



Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects

The Applicant's Comments on Orsted Hornsea Project Four Deadline 7 Submission

Revision A

Deadline 8

July 2023

Document Reference: 22.8

Title:	
Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects Examination submission	
The Applicant's Comments on Orsted Hornsea Project Four Deadline 7 Submission	
PINS document no.: 22.8	
Document no.: C282-BS-Z-GA-00035	
Date:	Classification
July 2023	Final
Prepared by:	
Burges Salmon	
Approved by:	Date:
Sarah Chandler, Equinor	July 2023

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1 The Applicant's Comments on Orsted Hornsea Project Four Deadline 7 Submission

1. This document presents the Applicant's Comments on Orsted Hornsea Project Four Deadline 7 Submission.

Table 1 The Applicant's Comments on Orsted Hornsea Project Four Deadline 7 Submission

ID	Orsted Comment	Applicant Response
Written Representation [REP7-xx]		
1	As set out in REP1-155, Orsted Hornsea Project Four Limited (" Orsted Hornsea Four ") holds an Agreement for Lease from the Crown Estate Commissioners in respect of the proposed Hornsea Project Four Offshore Wind Farm (" Hornsea Four "). Orsted Hornsea Four has applied for a Development Consent Order (" DCO ") to authorise Hornsea Four (PINS Ref: EN010098). The decision is due on 12th July 2023.	Noted. The Applicant further notes that development consent was granted for Hornsea Four on 12 July 2023.
2	There is the potential for the projects to interface offshore and Orsted Hornsea Four has been working with the Applicant on a cooperation agreement to ensure both projects can coexist. Whilst these discussions are at an advanced stage, agreement on the drafting has not yet been reached. If Hornsea Four is granted development consent on 12 July 2023, Orsted Hornsea Four will submit a short form of protective provisions in respect of any potential interaction offshore at Deadline 8.	<p>The Applicant notes it has not yet seen the version of protective provisions which Orsted Hornsea Four are intending to submit to the Examination and has therefore not had the opportunity to consider or comment on these to date.</p> <p>It is understood from discussions with Orsted Hornsea Four that these will largely reflect what is included in paragraph 20(2) of the protective provisions proposed by Orsted Hornsea Project Three in their Deadline 7 submission [ref: 08140908_A].</p> <p>The Applicant does not consider that it is appropriate for provisions like these to be included in protective provisions on the face of the DCO.</p> <p>There is currently no policy basis on which Orsted Hornsea Four can require provisions be included on the face of the SEP DEP DCO. Although the Applicant notes that draft EN3 provides further drafting in relation to the policy on 'other offshore infrastructure' by noting that offshore wind developers should work '<i>collaboratively with... other developers and sea users on... shared mitigation, compensation and monitoring where appropriate</i>' (paragraph 3.8.54 and 3.8.58). The Applicant supports this statement but understands that Orsted Hornsea Four are seeking to impose unilateral obligations on the undertaker in this case which does not represent collaboration and is not therefore compliant with policy 3.8.54 and 3.8.58. Further, this should not form a statutory obligation on the undertaker where no other offshore wind farm developers have been required to comply with such obligations either through requirements, conditions or protective provisions.</p>

ID	Orsted Comment	Applicant Response
		<p>The Applicant also considers this is a matter for the parties to agree between themselves as part of general industry collaboration and is already engaging in discussions with Orsted Hornsea Four on the basis of a collaborative approach between the parties with regards to sharing of information around compliance with the marine mammal mitigation protocol.</p> <p>In addition to the Applicant's submissions in relation to the overall policy position and what a reasonable approach to the matters which Orsted Hornsea Four are raising would be, the Applicant considers that the sharing of information with Orsted Hornsea Four with regards to the marine mammal protocol would have no beneficial outcomes from a marine mammals perspective. As such the imposition of protective provisions as the Applicant understands Orsted Hornsea Four are seeking would also be redundant.</p> <p>The final marine mammal mitigation protocol (MMMP) will set out the mitigation to reduce the likelihood of any injury, including any permanent threshold shift (PTS), to marine mammals during all piling operations at SEP and DEP (the same is addressed in the draft MMMP for unexploded ordnance clearance but for information purposes only at this stage as per the standard approach).</p> <p>The aim of the MMMP for piling is to reduce the risk of PTS during piling for either wind turbine or offshore platform foundations.</p> <p>The maximum potential PTS ranges will be derived by updated underwater noise modelling post-consent, however the requirement in the MMMP will be for the establishment of a monitoring area (MA) with a minimum radius of 500m around each wind turbine location and OSP location before piling at the Sheringham Extension Project (SEP) and Dudgeon Extension Project (DEP). The radius of the MA will be greater than the maximum predicted impact range for PTS for marine mammal species that could be present in or around the SEP and DEP wind farm sites. The requirement for a minimum radius of 500m is in line with the current JNCC (2010b) guidelines, to reduce the risk of PTS.</p>

ID	Orsted Comment	Applicant Response
		<p>Within the current underwater noise modelling (as presented within ES Appendix 10.2 Underwater Noise Modelling (APP-192)), the maximum PTS range is predicted to be 510m at DEP, and 570m at SEP (for the worst-case WTG foundation installation), and for the worst-case OSP foundation installation, the maximum PTS range is predicted to be 440m at DEP, and 490m at SEP. All worst-case PTS ranges were predicted for harbour porpoise, with other species groups having lower PTS ranges. Based on these current underwater noise modelling results, the MA would be increased to 600m for WTG foundation installations, and would remain at the minimum required of 500m for OSP foundation installations.</p> <p>Hornsea 4 array at its nearest point is 52km from the SEP/DEP array.</p> <p>In summary, it would be disproportionate for this obligation to be placed on the undertaker within the DCO. In the event that the Examining Authority is minded to impose protective provisions for the benefit of Orsted Hornsea Four, and recommends this to the Secretary of State, the Applicant requests the opportunity to be consulted on the proposed drafting of such protective provisions.</p>