

Hornsea Project Three
Offshore Wind Farm



Hornsea Project Three Offshore Wind Farm

Consultation Report:
Annex 5 – EIA Regulation 24 Notice

PINS Document Reference: A5.1.5

Date: May 2018

Hornsea 3
Offshore Wind Farm

Orsted

Consultation Report

Annex 5. – EIA Regulation 24 notice

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This report is also downloadable from the Hornsea Project Three offshore wind farm website at:

www.hornseaproject3.co.uk

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Front cover picture: Kite surfer near a UK offshore wind farm © Orsted Hornsea Project Three (UK) Ltd., 2018.

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Hornsea Project Three
Offshore Wind Farm



Hornsea Project Three Offshore Wind Farm

Consultation Report: Annex 5
Section 1 – EIA Regulation 24 Transboundary Screening Document

Date: May 2018

Hornsea 3
Offshore Wind Farm

Orsted



Overview - Transboundary screening undertaken by the Secretary of State	
Project name:	Hornsea Project Three Offshore Wind Farm
Address/Location:	Offshore site: North Sea, approximately 120 km north east of the Norfolk coast and 160 km east of the Yorkshire coast. Landfall point: Along the North Norfolk coast (exact location to be determined). Onshore connection: Norwich Main substation (located between Swardeston and Stoke Holy Cross in South Norfolk)
Planning Inspectorate Ref:	EN010080
Date(s) screening undertaken:	12 June 2017
EEA States identified for notification:	First Screening: Belgium, Denmark, France, Netherlands, Germany, Iceland, Sweden and Norway.

FIRST TRANSBOUNDARY SCREENING UNDERTAKEN BY THE SECRETARY OF STATE	
Document(s) used for transboundary Screening:	Hornsea Project Three Offshore Wind Farm Environmental Impact Assessment: Scoping Report ('the Scoping Report')
Date	October 2016
Screening Criteria:	Secretary of State Comments:
Characteristics of the Development	<p>Offshore The Proposed Development is for an offshore generating station (wind farm) for up to 400 turbines with a generating capacity of up to 2,400 MW. The area of the offshore array is approximately 696 km². Each turbine will have a maximum rotor diameter of 265 m and a maximum blade tip height of 325 m above the Lowest Astronomical Tide (LAT). The transmission system will be either High Voltage Direct Current (HVDC) or High Voltage Alternating Current (HVAC).</p> <p>Other offshore structures proposed are:</p> <ul style="list-style-type: none"> • up to 3 accommodation platforms; • up to 12 transformer substations; • up to 4 offshore converter substations (if a HVDC transmission system is used); • up to 4 offshore surface HVAC booster stations (HVAC transmission system only); and • up to 6 offshore subsea HVAC booster stations (HVAC transmission system only). <p>The foundation type for the offshore structures has yet to be determined but the options under consideration include monopoles, suction bucket jacket, piled jacket, mono suction</p>

	<p>buckets, gravity base structures and floating. All foundation types will require seabed preparation which may include levelling and the removal of surface and sub-surface debris. Scour protection will be required for the foundation structures. The volume of material required for scour protection will be up to 3,390,000 m³.</p> <p>Array cables (total length up to 850 km) will be used to link the turbines to offshore substations. Up to 6 offshore export cables will carry the electricity from the substations to the landfall point (total length up to 1,038 km) which will be on the north Norfolk coast.</p> <p>Onshore Up to 6 export onshore cables will be connected to the offshore cables in transition joint bays, with further joint bays along the route. The cables would connect to a substation with a site area up to 100,000 m². For HVAC transmission, a booster station would also be required; the site area would be up to 25,000 m². The construction period is predicted to last for 6 years (although the text of the Scoping Report also says that if onshore construction begins in 2021, the operation and maintenance phase will begin in 2025).</p> <p>The wind farm will be decommissioned at the end of its operational lifetime; the Scoping Report does not specify the expected operational lifetime of the wind farm.</p>
Geographical area	The Applicant's Scoping Report does not specify the area of other EEA states that would be affected.
Location of Development (including existing use)	<p>The offshore array is located approximately 160 km east from the coast of Yorkshire and 120 km north east from the Norfolk coast. As noted above, the landfall for the offshore export cable will be on the north Norfolk coast. The offshore area supports commercial fisheries and shipping. Land use in the onshore area is largely agricultural apart from the Norwich conurbation.</p> <p>The distance from the Hornsea Three wind farm to the Exclusive Economic Zone (median line) of EEA states is stated to be:</p> <ul style="list-style-type: none"> • The Netherlands (10 km); • Germany (164 km); • Belgium (117 km); • Denmark (205 km); • Norway (235 km); • France (141 km); and • Iceland (1,232 km).
Cumulative impacts	The Scoping Report does not specify which individual projects will be included in the cumulative impact assessment, other than the Hornsea One and Two offshore wind farms. The turbine arrays for these wind farms are in the vicinity of the Project Three array site. However each topic chapter does

	<p>describe the types of project that will be included in the cumulative effects assessment.</p> <p>For effects on the offshore environment the types of project that will be included are:</p> <ul style="list-style-type: none"> • offshore wind farms and associated infrastructure; • oil and gas infrastructure/development; • beach replenishment schemes; • aggregate extraction and disposal of dredging spoil; • navigation and shipping; • commercial fishing; • port developments; and • new or proposed pipelines, carbon capture storage, natural gas storage and underground coal gasification. <p><i>(NB. Offshore wind farms are the only type of development that would be considered in relation to all offshore effects.)</i></p> <p>The developments to be considered are those which occur within the study area for the relevant offshore environmental effects. The extent of the study areas vary but they are all located within the southern North Sea.</p> <p>With regard to onshore effects, the types of development that would be considered are:</p> <ul style="list-style-type: none"> • onshore infrastructure for other offshore wind farms; • onshore energy generation (other than householder developments); • roads and rail; • major residential, commercial and leisure developments; and • minerals extraction and landfill. <p>The developments to be considered are those within the export cable route area (the study area for the onshore environmental topics) which crosses from the north Norfolk coast to the south of Norwich. The only exceptions are the air quality and socio-economic chapters which define different study areas but which are still confined to parts of north Norfolk.</p> <p>The Scoping Report identifies some potentially significant effects on the environment of other EEA states but it is not clear whether these are effects from the Proposed Development alone or cumulatively with other developments.</p>
<p>Carrier</p>	<ul style="list-style-type: none"> • Impacts on mobile species (fish, birds and marine mammals) from disturbance, displacement, barrier effects, collision risk, habitat loss and indirect effects on prey species in air and water; • Impacts on commercial fisheries from effects on fish stocks, restrictions on fishing activities and possible displacement to other fishing grounds; • Disruption to commercial shipping routes;

	<ul style="list-style-type: none"> • Impacts on helicopter access to offshore platforms; • Impacts on civil and military radar coverage; and • Underwater noise/vibration from piling on seismic survey operations in the Dutch Exclusive Economic Zone (EEZ).
<p>Environmental Importance</p>	<p>Offshore</p> <p>There are no designated nature conservation sites within the windfarm array. Within the offshore export corridor route (ECR) and landfall area there are the following designated nature conservation sites:</p> <ul style="list-style-type: none"> • Greater Wash potential Special Protection Area (SPA); • North Norfolk Sandbanks and Saturn Reef candidate Special Area of Conservation (cSAC); • Southern North Sea cSAC; • The Wash and North Norfolk Special Area of Conservation (SAC); • The Wash and North Norfolk Coast SAC/Ramsar; North Norfolk Coast SPA/Ramsar • North Norfolk Coast Site of Special Scientific Interest (SSSI); • Weybourne Cliffs SSSI; • Markham’s Triangle recommended Marine Conservation Zone (MCZ); and • Cromer Shoal Chalk Beds MCZ. <p>There are a number of other European sites in the vicinity of the array and/or the ECR including the Klaverbank Site of Community Importance (SCI) and Dogger Bank cSAC/SCI.</p> <p><i>Birds</i></p> <p>The Scoping Report identifies the following birds as being present in the Hornsea Zone: red-throated diver; fulmar; sooty shearwater; Manx shearwater; European storm petrel; gannet; Arctic skua; great skua; little gull; black headed gull; common gull; lesser black – backed gull; herring gull; great black – backed gull; kittiwake; common tern; Arctic tern; guillemot; razorbill; little auk and puffin.</p> <p><i>Fish and shellfish</i></p> <p>The Scoping Report notes that 84 fish species were recorded in the Hornsea Zone. Key characterising species comprised mainly demersal fish species such as whiting, dab, plaice, solenette and grey gurnard. The fish assemblage was also found to be characterised by other demersal species such as lemon sole, common sole and cod. Small demersal species including the short spined sea scorpion, lesser weaver, dragonet and scaldfish were also recorded in the site-specific surveys. Pelagic species including herring, sprat and squid (e.g. European common squid and European squid) were also frequently recorded during the otter and epibenthic beam trawl surveys.</p> <p>Commercially important species that occurred most frequently include whiting, dab, sprat, herring, plaice, mackerel, and lemon sole.</p>

	<p>Sandeel habitats are also present.</p> <p>Shellfish recorded include brown crab, velvet swimming crab, European lobster, Norway lobster, whelk, brown shrimp and pink shrimp.</p> <p>Fish spawning and nursery areas for a number of species are present within the array area and/or the offshore ECR. The species using these areas include cod, whiting, plaice, mackerel and sandeel.</p> <p>Commercial fisheries The Proposed Development lies within International Council for the Exploration of the Sea (ICES) rectangles 36F1; 36F2; 35F1; 35F2 and 34F1. Figures 9.2 to 9.4 of the Scoping Report show the landings made from 2010 to 2015 (but it should be noted that this does not include landings made by non-UK vessels in non-UK ports).</p> <p>Marine mammals Harbour porpoise, white-beaked dolphin, minke whale, harbour seal and grey seal have all been sighted within or around the site.</p> <p>Commercial shipping The wind farm site is crossed by a number of shipping routes as shown in Figure 9.9 of the Scoping Report. The Scoping Report also states that commercial ferries' routes cross the Hornsea Three study area travelling between UK and mainland European ports.</p> <p>Marine archaeology The Scoping Report notes the following records:</p> <p>A total of 158 SeaZone records were present in the Hornsea Three marine archaeology study area. Of these 129 were wrecks; with 123 in the offshore ECR search area and six in the array area. Of the remaining records, a further 29 obstructions were found.</p> <p>The National Record of the Historic Environment (NRHE) lists 50 recorded positions of which 41 are wrecks (30 named vessels) and two aircraft remains. There are no SeaZone records or aircrafts in the area.</p> <p>Seven NRHE Named Location polygons are located in or adjacent to the search area and within these polygons lie 132 maritime casualties.</p> <p>Air space and radar The Hornsea Three Proposed Development is entirely in the UK Flight Information Region. The Hornsea Three array area is located within the operational range of the NATS Claxby Primary</p>
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	<p>Surveillance Radar (PSR) (200 NM). The Hornsea Three array area is also within the operational range of the Ministry of Defence's (MoD) Air Surveillance and Control Systems Air Data Reference (ADR) located at Staxton Wold and Trimmingham (which have a range of over 400 km).</p> <p>The Hornsea 3 array is in close proximity to the Dutch EEZ (see Figure A.1 of the Scoping Report) where there are both permanent gas and oil platforms and temporary drilling rigs which require helicopter access. The EEZ is also covered by Dutch civil and military radar including Radar Early Warning Systems (REWS) from the oil and gas platforms.</p> <p>Infrastructure The Scoping Report identifies a number of other activities in the southern North Sea that occur either within the Hornsea Three project area or in the vicinity. These include:</p> <ul style="list-style-type: none"> • recreational activities such as boating, fishing, diving and surfing; • pipelines and cables; • natural gas storage and underground coal gasification; • disposal sites; • oil and gas extraction; and • aggregate extraction. <p>Onshore The Scoping Report identifies a number of nationally and internationally designated sites within the onshore ECR.</p> <p>The Applicant's Scoping Report does not anticipate transboundary impacts associated with the onshore development. Onshore impacts have therefore not been considered further within this screening document.</p>
Extent	<p>Designated sites The Scoping Report does not identify whether designated nature conservation sites within another EEA State would be directly affected by the Proposed Development (but note comments below on marine mammals).</p> <p>Birds The Scoping Report acknowledges the potential for impacts on birds from other EEA States due to the wide-ranging nature of some seabird species. However, the Scoping Report has not identified any known migration routes or relevant European sites in other EEA States at this stage.</p> <p>Fish and shellfish The Scoping Report acknowledges the potential for transboundary impacts on fish and shellfish but does not identify which EEA states could be affected.</p>

<p>Marine mammals The Scoping Report acknowledges the potential for transboundary impacts on marine mammals given their highly mobile nature, especially with regard to noise and cumulative impacts.</p> <p>The Scoping Report does not specifically identify populations of marine mammals from other EEA States which could be impacted but does identify sites designated for marine mammals in the Dutch, German and Danish EEZs.</p> <p>Commercial fisheries The Scoping Report states that the Hornsea Three array area is in close proximity to Dutch, German and Danish waters which could affect fishing fleets in those waters. Vessels from Belgium, the Netherlands, Denmark, France and Germany are known to fish in the Hornsea Three area.</p> <p>Commercial shipping The Scoping Report notes the potential for impacts on shipping routes to and from the Netherlands, Denmark, Sweden, Iceland and Germany.</p> <p>Marine archaeology Effects on marine archaeology are predicted in the Scoping Report to be confined to the area of the array and the offshore ECR (plus one tidal excursion for effects associated with sediment deposition). Effects would therefore be confined to the UK EEZ.</p> <p>Air space, radar and REWS coverage The Scoping Report notes that Hornsea Three is entirely within the UK Flight Information Region and therefore no transboundary effects are predicted in relation to aviation airspace.</p> <p>However, it is noted that there is the potential for transboundary effects in relation to the following aviation, military and communications receptors:</p> <ul style="list-style-type: none"> • civil and military radar coverage from The Netherlands; • restricted access to oil and gas subsea infrastructure within the Dutch sector; and • REWS coverage for Dutch Platforms. <p>Infrastructure The Scoping Report notes that there is a possibility for piling during construction to interfere with seismic survey operations in the Dutch EEZ.</p> <p>Note: It was noted that Norway was included in consultation by the Applicant on their Scoping Report. Clarification was sought from the Applicant in relation to the inclusion of Norway on a precautionary basis. The Applicant confirmed the potential for transboundary impacts in relation to birds and marine</p>
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	<p>mammals.</p>
Magnitude	<p>The magnitude of potential transboundary impacts has not been specifically identified in the Scoping Report at this stage.</p> <p>However, the Scoping Report has identified the potential for transboundary impacts on:</p> <ul style="list-style-type: none"> • fish and shellfish ecology; • marine mammals; • birds; • commercial fisheries; • aviation and radar (in relation to reduced helicopter access to offshore platforms in Dutch waters and effects on civil and military radar coverage and REWS); and • effects on seismic surveys in the Dutch EEZ. <p>These will be assessed further throughout the EIA and mitigation strategies will be developed which may reduce the magnitude of impact.</p>
Probability	<p>The Scoping Report states that the probability of significant effects on the following receptors is high although the full extent cannot be determined at present:</p> <ul style="list-style-type: none"> • construction effects on fish and shellfish, particularly from underwater noise; • construction effects on marine mammals, mainly from underwater noise; • commercial fishing during operation and maintenance; • shipping and navigation during operation and maintenance; • disruption to civil and military radar; and • interference with REWS located on Dutch oil and gas platforms. <p>Effects on the following receptors are considered to be likely in relation to seabirds as result of collisions with turbine blades, barrier effects, and habitat loss/disturbance during operation and maintenance.</p> <p>Effects on the following receptors are considered to be less likely:</p> <ul style="list-style-type: none"> • fish and shellfish during operation and maintenance; • marine mammals during operation and maintenance; • commercial fisheries during construction; and • shipping and navigation during construction. <p>The Scoping Report states that the probability of impacts on seismic surveys from piling cannot be determined at this stage of the assessment. It does not identify the probability of effects on helicopter access to oil and gas platforms.</p> <p>The Scoping Report also notes that mitigation strategies would be developed during the EIA; this may reduce the probability of</p>

	some impacts occurring.
Duration	<p>The Scoping Report does not identify the duration of most of the impacts. However, taking into account the nature of the impacts considered by the Applicant, the Secretary of State considers the likely duration of impact would be as follows.</p> <p><i>Birds</i> Displacement and disturbance due to construction activities would be temporary during the construction phase (approximately four years).</p> <p>During operation, impacts of displacement, disturbance, collision risk, barrier effects and habitat loss would last the lifetime of the wind farm.</p> <p><i>Fish, shellfish and marine mammals and impacts to commercial fisheries</i> The potential impacts on fish, shellfish, marine mammals and commercial fisheries which could result from increased noise levels (particularly from piling) would be temporary during the construction phase (approximately four years).</p> <p>Potential impacts during operation due to underwater noise, impacts upon prey species, vessel interaction, loss of habitat, suspended sediments, EMF and physical disturbance would last the lifetime of the wind farm.</p> <p><i>Shipping, commercial fishing and radar/REWS</i> Any impacts would begin during the construction phase and extend throughout the operation of the wind farm.</p> <p><i>Infrastructure</i> Effects on seismic surveys would be limited to the construction phase when piling takes place.</p>
Frequency	<p>The Scoping Report does not identify the frequency of impacts. However, noting the nature of the impacts considered by the Applicant, the Secretary of State considers the likely frequency of impact would be as follows:</p> <p><i>Designated sites and birds</i> Potential impacts are likely to be based on natural patterns of use/migration during construction, operation and decommissioning. Frequency will vary with individual species' seasonal use/migration patterns.</p> <p><i>Fish and marine mammals</i> Potential impacts from disturbance/displacement are likely to be intermittent during construction and decommissioning, when associated with particular activities.</p> <p>Impacts during operation would vary during operation due to generation of underwater noise, impacts upon prey species,</p>

	<p>vessel interaction, loss of habitat; suspended sediments, EMF and physical disturbance would last the lifetime of the wind farm.</p> <p><i>Commercial fisheries and shipping</i> Potential impacts on commercial fisheries and international vessels are likely to be most frequent during construction and decommissioning due to safety exclusion zones around construction vessels and installation activities.</p> <p>Intermittent impacts may be experienced during operation when maintenance is required and safety zones are applied. Potential impact on navigation due to deviation during operation may increase transit times for some routes.</p> <p><i>Aviation and Radar/REWS</i> Potential impacts are likely to be intermittent during construction and frequent during operation.</p> <p><i>Infrastructure</i> Effects on seismic surveys would be intermittent during construction when piling takes place.</p>
Reversibility	<p>The Scoping Report states that the following effects may be reversible following decommissioning, assuming that all above structures above the seabed are removed:</p> <ul style="list-style-type: none"> • effects on fish and shellfish from EMF and long term habitat loss; • effects on seabirds as a result of collisions with turbine blades, barrier effects, and habitat loss/disturbance; • effects on commercial fisheries; • effects on shipping and navigation; • effects on helicopter access to oil and gas platforms; and • effects on civil and military radar coverage and REWS.
	<p>Transboundary screening undertaken by the Secretary of State The transboundary screening of the Proposed Development has been considered taking into account the transitional provisions in Regulation 37 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the 2017 EIA Regulations). The Applicant has requested the Secretary of State to adopt a scoping opinion in respect of the development to which the screening relates prior to 16 May 2017 (the date of the commencement of the 2017 EIA Regulations). The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (the 2009 EIA Regulations) are therefore considered to be the applicable EIA Regulations. Under Regulation 24 of the 2009 EIA Regulations and on the basis of the current information available from the Applicant, the Secretary of State is of the view that the Proposed Development is likely to have a significant effect on the environment in another EEA State.</p> <p>In reaching this view the Secretary of State has applied the precautionary approach (as explained in the Planning Inspectorate's Advice Note 12: Transboundary Impacts Consultation); and taken into account the information currently supplied by the Applicant.</p>

Action:

Transboundary issues notification under Regulation 24 of the EIA Regulations is required.

States to be notified:

Belgium, Denmark, France, the Netherlands, Germany, Iceland, Sweden and Norway.

Date: 12 June 2017

Note: The Secretary of State's duty under Regulation 24 of the EIA Regulations continues throughout the application process.

Note:

The Secretary of State's screening of transboundary issues is based on the relevant considerations specified in Annex 4 to the Planning Inspectorate's Advice Note 12, available on our website at <http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

Hornsea Project Three
Offshore Wind Farm



Hornsea Project Three Offshore Wind Farm

Consultation Report: Annex 5
Section 2 – EIA Regulation 24 Notice

Date: May 2018


Hornsea 3
Offshore Wind Farm

 **Orsted**

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Environmental Protection

DONG Energy
PLANNING ACT 2008 (AS AMENDED)

**INFRASTRUCTURE PLANNING ENVIRONMENTAL IMPACT (EIA)
REGULATIONS 2017**

**NOTIFICATION OF INFORMATION ABOUT DEVELOPMENT LIKELY TO
HAVE SIGNIFICANT EFFECTS ON THE ENVIRONMENT IN ANOTHER EEA
STATE**

**PROPOSED HORNSEA PROJECT THREE OFFSHORE WIND FARM
(PROPOSED DEVELOPMENT) BY DONG ENERGY**

DONG Energy has formally notified the Secretary of State, of its intention to submit an Environmental Statement.

The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (2017 Regulations) came into force in England and Wales on 16 May 2017. Regulation 37 of the 2017 Regulations provides transitional arrangements for the continued applicability of the Infrastructure Planning (Environmental Impact Assessment) 2009 Regulations (as amended) (2009 Regulations). The transitional provisions apply to any application for an order granting development consent or subsequent consent where an Applicant has requested the Secretary of State or the relevant authority to adopt a Scoping Opinion (as defined in the 2009 Regulations) before the commencement of the 2017 Regulations in respect of the development to which the application relates.

On 26 October 2016 the Applicant requested the Secretary of State to adopt a Scoping Opinion in respect of the Proposed Development to which the screening relates. Since the Applicant's request for a Scoping Opinion was made before the 16 May 2017, the 2009 Regulations continue to apply. Subsequent references to 'the EIA Regulations' in this document are therefore made in relation to the 2009 Regulations unless otherwise stated.

The Proposed Development would be located in the North Sea, approximately 120km north east of the Norfolk coast and 160km east of the Yorkshire Coast. The Proposed Development comprises the development of an offshore generating station (windfarm) for up to 400 turbines with a generating capacity of up to 2,400MW. The blade tip height will be a maximum of 325m above the Lowest Astronomical Tide. In addition to the turbines the wind farm would also include up to 3 offshore accommodation platforms, 12 transformer substations, 4 converter substations, 4 booster stations and array cables. Electricity will be exported from the wind farm via export cables extending approximately 120km north east of the array area to the Norfolk coast.

Information about the Proposed Development and about its likely significant effects is available in the scoping report and the Secretary of State's scoping opinion, which is available electronically on the Planning Inspectorate's website:

<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/hornsea-project-three-offshore-wind-farm/>

and in hard copy at the following location:

The Planning Inspectorate, Temple Quay House, Temple Quay, Bristol, BS1 6PN

Based on the current information provided by the Applicant to the Secretary of State, and applying a precautionary approach, the Secretary of State is of the view that the Proposed Development is likely to have significant effects on the environment of Iceland, France, the Netherlands, Belgium, Denmark, Germany, Sweden and Norway. In accordance with Regulation 24 of the EIA Regulations the Secretary of State has provided information to the above mentioned EEA States about the Proposed Development and its likely significant effects, and these States have been asked to indicate by 11 August 2017 whether or not they wish to participate in the procedure for examining and determining the application under the Planning Act 2008 (as amended) (PA2008).

The Proposed Development is currently at the pre-application stage of the process. The applicant has not yet submitted an application to the Secretary of State. If the application is accepted for examination, the application will be examined in public and, subject to the provisions of the PA2008, the examination must be completed within a period of six months. Further information about how to participate in the examination procedure under the PA2008 and the way in which the Secretary of State will notify and consult EEA States in accordance with Regulation 24 of the EIA Regulations is available on the Planning Inspectorate's website: www.planningportal.gov.uk/infrastructure.

Following examination of the application and having taken the environmental information into consideration, the decision maker may refuse or grant development consent. If development consent is granted, this may be subject to requirements which, if necessary, will secure measures to avoid, reduce or offset the major adverse effects of the Proposed Development.

Signed by the Planning Inspectorate for and on behalf of the Secretary of State for Communities and Local Government

Date: 27 June 2017

Hornsea Project Three
Offshore Wind Farm



Hornsea Project Three Offshore Wind Farm

Consultation Report: Annex 5
Section 3 – EIA Regulation 24 letter from the Planning Inspectorate

Date: May 2018

Hornsea 3
Offshore Wind Farm

Orsted



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Customer Services: 0303 444 5000
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By Email

Your Ref:

Our Ref: EN010080

Date: 27 June 2016

Dear Miss Banham,

Planning Act 2008 (as amended) and Infrastructure Planning Environmental Impact (EIA) Regulations 2017

Hornsea Project Three Offshore Wind Farm (Proposed Development) by DONG Energy

Identification to applicant of the EEA States notified under Regulation 24 of the EIA Regulations

The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (2017 Regulations) came into force in England and Wales on 16 May 2017. Regulation 37 of the 2017 Regulations provides transitional arrangements for the continued applicability of the Infrastructure Planning (Environmental Impact Assessment) 2009 Regulations (as amended) (2009 Regulations). The transitional provisions apply to any application for an order granting development consent or subsequent consent where an Applicant has requested the Secretary of State or the relevant authority to adopt a Scoping Opinion (as defined in the 2009 Regulations) before the commencement of the 2017 Regulations in respect of the development to which the application relates.

On 26 October 2016, the Applicant requested the Secretary of State to adopt a Scoping Opinion in respect of the Proposed Development to which the transboundary screening relates. Since the Applicant's request for a Scoping Opinion was made before the 16 May 2017, the 2009 Regulations continue to apply. Subsequent references to 'the EIA Regulations' in this document are therefore made in relation to the 2009 Regulations unless otherwise stated.

The Secretary of State has on-going duties in accordance with Regulation 24 of the EIA Regulations. On the basis of the information currently available and in accordance with the Regulation 24 procedure set out in the Planning Inspectorate's Advice Note 12, the Secretary of State is of the view that the above proposed development is likely to have significant impacts on the environment in another EEA State. Therefore the Secretary of State has notified the following EEA States:

infrastructure.planninginspectorate.gov.uk



- Iceland
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infrastructure.planninginspectorate.gov.uk



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E-mail: egon.enocksson(at)naturvardsverket.se

Further information on the transboundary consultation process carried out under Regulation 24 of the EIA Regulations can be found in the Planning Inspectorate's Advice Note 12, available on our website:

<http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

If you have any queries about this process, please do not hesitate to contact Environmental Services at environmentalservices@pins.gsi.gov.uk

Yours sincerely

Simone Wilding

Simone Wilding
Head of Major Casework
on behalf of the Secretary of State

Hornsea Project Three
Offshore Wind Farm



Hornsea Project Three Offshore Wind Farm

Consultation Report: Annex 5
Section 4 – EEA States responses to Regulation 24 Notice

Date: May 2018

Hornsea 3
Offshore Wind Farm

Orsted

From: Vrees, Leo de (ZD) [REDACTED]
Sent: 12 July 2017 14:55
To: Environmental Services
Cc: Vries, G.J. de (Germt) - DGRW; Duivestein, Quinty (ZD)
Subject: Notification of Consultation on Transboundary Matters under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 relating to Hornsea Three Offshore Wind Farm

Dear colleague

We would like to confirm receipt of your notification under the EIA Regulations that the Proposed Development of HornSea Three Offshore Wind Farm is likely to have significant effects on the environment in an EEA State.

We would appreciate to be involved in the EIA procedure under Regulation 24 in relation to this Proposed Development.

Please send further information in due course to this email address and the persons mentioned in the cc.

Kind regards

ir. L.P.M. de Vrees
Senior adviseur/senior advisor

Rijkswaterstaat Zee en Delta/RWS Sea and Delta

Ministerie van Infrastructuur en Milieu/Ministry of Infrastructure and the Environment

Bezoekadres: Lange Kleiweg 34, Rijswijk
Postadres: Postbus 556, 3000 AN Rotterdam
[REDACTED]

Kijk voor meer informatie op www.rijkswaterstaat.nl

From: TRAVERSA Sylvain [REDACTED]
Sent: 04 August 2017 14:25
To: Environmental Services
Cc: ROUSSEAU Maxime; MILESI Anna; GIARD Karine; VRAUX Nicolas; [REDACTED]
Subject: Hornsea Project Three Offshore Wind Farm - Consultation of EEA State

Good afternoon,

Following to your letter ref EN010080 of 27th June 2017, we would like to thank you for this consultation concerning the future Hornsea Project Three Offshore Wind Farm.

As a part of the French State and responsible for the Channel and North Sea, we consider important to be associate to the future formal consultation for this offshore project.

So we acknowledge receipt of your notification and we officially inform you of our intends to participate in the EIA procedure under Regulation 24 in relation to this Proposed Development.

We stay At your disposal for any further information,

Regards,

Lieutenant de vaisseau Sylvain TRAVERSA
Chef du bureau « Energies marines renouvelables »
Division "Action de l'Etat en Mer"
Préfecture maritime de la Manche et de la mer du Nord
PNIA : 831.71.25.252
Ligne directe: [REDACTED]
Courriel [REDACTED]
Secrétariat : 02.33.92.60.61 - sec.aem@premar-manche.gouv.fr Fax : 02.33.92.59.26

From: [Mari Lise Sjong](#)
To: [Hornsea Project Three](#)
Cc: [Hanne Hegseth](#)
Subject: SV: Notification of Consultation on Transboundary Matters under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 relating to Hornsea Three Offshore Wind Farm
Date: 16 August 2017 08:23:49
Attachments: [image001.png](#)
[image002.jpg](#)
[image004.jpg](#)
[image005.jpg](#)

The Norwegian fisheries authorities want to take part in the transboundary process and receive correspondence. For practical reasons, correspondence should be sent directly to the fisheries authorities through postmottak@fiskeridir.no, with a copy to the Norwegian Environment Agency [redacted] and postmottak@miljodir.no).

The Norwegian Environment Agency does not want to take actively part in the process, but wants to be informed on relevant studies, as mentioned in the submission. Receiving copies of the correspondence with the fisheries authorities would probably be sufficient for this purpose.

Regards
Mari Lise Sjong
Senior adviser, Section for land use planning and regional coordination
Norwegian Environment Agency
Phone: [redacted]
Mobile: [redacted]
E-mail: [redacted]

www.environmentagency.no - www.environment.no

Fra: Hornsea Project Three [mailto:HornseaProjectThree@pins.gsi.gov.uk]
Sendt: 8. august 2017 18:16
Til: [redacted] Hornsea Project Three
<HornseaProjectThree@pins.gsi.gov.uk>
Kopi: [redacted]
Emne: RE: Notification of Consultation on Transboundary Matters under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 relating to Hornsea Three Offshore Wind Farm

Miss Sjong,

Thank you for your submission, can you please confirm that you wish to continue to receive correspondence and participate in the transboundary process in relation to this project.

Kind regards

Katherine

Katherine King MRTPI
EIA and Land Rights Advisor
Major Applications & Plans
The Planning Inspectorate, Temple Quay House, Temple Quay, Bristol, BS1 6PN

From: Mari Lise Sjong [redacted]
Sent: 04 July 2017 11:27
To: Environmental Services
Cc: Engh Vegard; Hanne Hegseth
Subject: SV: Notification of Consultation on Transboundary Matters under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 relating to Hornsea Three Offshore Wind Farm

Dear Katherine,

The Norwegian Environment Agency took on the position as Point of Contact for the Espoo Convention in January this year. We received information about the Hornsea project in February from Dong Energy. We have treated this – maybe incorrectly – as a formal notification according to the Espoo convention, and provided Dong Energy with an answer accordingly. If I understand this correctly, your current e-mail of 27th of June is actually the formal notification according to the convention. Would it then be OK if we pass on to you a copy of the letter earlier sent to Dong?

Regards
Mari Lise Sjong
Senior adviser, Section for land use planning and regional coordination
Norwegian Environment Agency
Phone: [redacted]
Mobile: [redacted]
E-mail: [redacted]

www.environmentagency.no - www.environment.no

Sir/Madam

Please find attached a letter notifying of consultation on transboundary impacts in relation to Hornsea Project Three Offshore Windfarm.

Kind regards

Katherine

Katherine King MRTPI

EIA and Land Rights Advisor
Major Applications & Plans

The Planning Inspectorate, Temple Quay House, Temple Quay, Bristol, BS1
6PN

Direct line: [REDACTED]

Helpline: 0303 444 5000

Email: [REDACTED]

Web: infrastructure.planninginspectorate.gov.uk (National Infrastructure
Planning)

Web: www.gov.uk/government/organisations/planning-inspectorate (The
Planning Inspectorate)

Twitter: @PINSgov

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From: Karin Anette Pedersen [REDACTED]
Sent: 28 August 2017 14:01
To: DONG Energy Hornsea Project Three
Cc: Katherine King
Subject: VS: Consultations answers from Denmark concerning the Hornsea Three project

Dear Stuart Livesey,

I write as the Danish Point of Contact for notifications regarding to the Espoo convention.

In Denmark, we are a bit confused about how we understand your Espoo-process and thus the letter from Dong Energy dated July 27th.

In Denmark, it is always the Espoo authority that sends hearings to parties, but as I read your letter, a builder in England also sends out consultations?

However, I understand your letter as being the same hearing, as the one we received from the English authority by Kathrine King. As a result of this understanding, Denmark initiated a hearing based on the notification from Katherine King. This consultation has now been completed in Denmark, and with this mail I will forward the responses I have sent today to Katherine King to you - the attached files contain the Danish consultation response.

This also means that no public consultation has been initiated based on your letter of 27 July.

If I have completely misunderstood your process, I would like to hear from you more closely.

Best regards

Karin Anette Pedersen,
Point of Contact for Notifications and Focal Points for Administrative Matters (Espoo)
Naturforvaltning
+45 72 54 47 42 | +45 93 58 80 94 | [REDACTED]
Environmental Protection Agency
Ministry of the Environment and Food of Denmark | Haraldsgade 53 | 2100 København Ø | Tlf. +45
72 54 40 00 | mst@mst.dk | www.mst.dk

Fra: Karin Anette Pedersen
Sendt: 28. august 2017 11:13
Til: [REDACTED]; 'Hornsea Project Three'
Emne: Consultations answers from Denmark concerning the Hornsea Three project

Dear Katherine,

I hereby send you the 2 consultation answers that I have received in the Danish publicity period in the case of Hornsea Three.

Best regards

Karin Anette Pedersen,
Point of Contact for Notifications and Focal Points for Administrative Matters (Espoo)
Naturforvaltning

[REDACTED]
Environmental Protection Agency
Ministry of the Environment and Food of Denmark | Haraldsgade 53 | 2100 København Ø | Tlf. +45
72 54 40 00 | mst@mst.dk | www.mst.dk

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Udenrigsministeriet (Ministry of Foreign Affairs Denmark)

To Miljøstyrelsen
mst@mst.dk
Vedrørende jeres jour.: SVANA-137-00039

Asiatisk Plads 2
DK-1448 København K
Telefon +45 33 92 00 00
Telefax +45 32 54 05 33
E-mail: um@um.dk
<http://www.um.dk>



Bilag	Sag/ID Nr.	Enhed	Dato
	17 – 4476-000001	EU og Fiskeriregulering	21-08-2017

Comments Regarding the Hornsea III Project

The Ministry of Foreign Affairs Denmark, Unit "EU and Fisheries Policy", hereby give our comments to notification letter from 27 June 2017 from "The Planning Inspectorate" concerning the Hornsea Three windmill project. The letter was also forwarded to the relevant Danish fisheries organizations "Danish Pelagic Producers Organisation" and "The Danish Fishermen's Association", whose replies are separately included in our reply.

Comments concerning fisheries data

The ministry's Unit for EU & Fisheries Policy (hereafter UEF) takes note that the Scoping Report¹ only includes fisheries data regarding foreign vessels if the catches have been landed in the UK. UEF would like to draw attention to the considerable Danish fishery interests in the concerned areas and which are not reflected in the report since the catches are landed in Denmark. During the years 2011-2015 the landed catches from ICES-squares 36F0, 36F1, 36F2, 37F0 and 37F1 amount to an estimated value of DKK 37.034.997, 4.943.710, 39.007.374, 16.092.090, 33.314.065 and 11.761.130 respectively. See Annex II for landing figures specified on species, weight, year and value (EUR) and also Annex I VMS-data from and surrounding the Hornsea Three Array Area.

In order to give a fair representation in the material of the fisheries activities in the area UEF recommends that Danish and also other countries' fishery data get included in the scoping report/background material.

Comments concerning environmental issues

As the Scoping Report illustrates on page 123 there is an overlap between the Hornsea Three Array Area and "Markhams Triangle" which is recommended for a future Marine Conservation Zone (MCZ). Markhams Triangle constitutes a part of UK's possible "Blue Reef" proposal and Denmark has been in dialogue with the UK in relation to the proposed fishery

¹ The Applicant's Scoping Report for the Hornsea 3 offshore wind farm. Submitted to the Secretary of State on 26 October 2016

regulation pursuant to EU's common fisheries policy. UEF – formerly known as The Danish Agrifish Agency – has delivered fishery data concerning the area (for the period 2011-2014).

UEF would like to see a clarification on the future conservation status of Markhams Triangle before the Hornsea Three project gets clearance with regards to the overlapping areas. This viewpoint is also expressed in the light of the fact that Denmark might be a part of the decision making process concerning possible fishery protection measures concerning Markhams Triangle.

Remarks from Danish Pelagic Producers Organisation (DPPO)

"DPPO is concerned about the future development where bit by bit pieces of fishing areas gradually are set aside for purposes that excludes fishing activities from the area and destroys spawning and nursery habitats for species that are highly important to the ecosystem and the fisheries sector. Every little project might not be significant in and of itself in relation to each species and the fishing industry. But when all these projects with oil-rigs, windmill parks, sailing routes, off-shore cables and pipelines are put together they in time might have a great negative impact on the stocks and on the industry's need for a sustainable fishery with enough space and opportunity to have a sensible fishery. Sustainable fishery with healthy stocks requires good recruiting grounds. We therefore recommend that a strategy be developed in order to ensure that fishery interests are not compromised as more and more areas are made exclusive for other purposes.

The pelagic fishing industry is highly dependent on migrating fish stocks that are moving in changing patterns as a consequence of a changing climate. The fishing activity has to adapt and move its activities all over the North Sea. Consequentially an area can be of great importance even if the activity in the area has been low in recent years.

Figure 8.6 of the Scoping Report illustrates that the placement of the project is overlaying a habitat area with great importance to sand eel. Sand eel is considered a fairly non-migratory species and therefore the negative impact the project will have on the sand eel population must be considered to be severe as the sand eel is unable to adapt by relocating to another habitat. The sand eel fishery is volatile with regards to recruitment and with regards to which fishing banks the fishing activity occurs. The banks where the Project is planned have been important to the fishing industry in the period around 2006. We will refer to the reply from Hernik Lund, DFPO (Danmarks Fiskeriforening Producentorganisation). The planned construction on top of a sand eel habitat is of great concern to us and we therefore recommend that another location is laid out for the Project.

Furthermore there is in the Scoping Report, 8.2.8-10, a description of dense populations of herring, mackerel, sprat etc. and also how parts of the project are overlaying spawning and nursery grounds for herring and mackerel, figure 8.6. We therefore would like to draw attention to ICES' advice concerning the North Sea herring in the section called "Stock advice": "ICES advises that, under precautionary considerations, activities that have an impact on the spawning habitat of herring should not occur, unless the effects of these activities have been assessed and shown not to be detrimental." In ICES' advice concerning mackerel ICES states that "ICES further advises that the

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existing measures to protect the North Sea spawning component should remain in place.” It is clear from the scientific advice and counsel the protection of spawning grounds is of great importance for the two species and that the Project might have negative impact on the quotas and therefore also the fishery. We therefore recommend that the Project gets relocated out of the way from the spawning grounds for herring and mackerel”.

Remarks from the Danish Fishermen’s Association (DFPO)

”Especially in 2005 and 2006 there was a great deal of sand eel fished by Danish vessels in the windmill area. During the last 10 years the sand eel fishery has primarily taken place on the Dogger Bank but before this the banks in the southern parts of the North Sea were of great importance. DFPO is in direct contact with Dong Energy concerning the Project.

The sand eel banks south of 54° have prior to 2007 been of great importance for the Danish sand eel fishery. In some years the prevailing part of the annual sand eel catches have been fished in this area as the northern areas have not seen viable amounts of sand eel in the same period. The sand eel fishery can be very unstable and Danish fishermen are convinced that the sand eel banks in the southern part of the North Sea again will become an important fishing ground.”

DFPO have in their respons to us attached a VMS-chart illustrating the sand eel fishery in the Hornsea I-III area showing the three planned faces of the project. The chart is attached to this letter as **Annex III**.

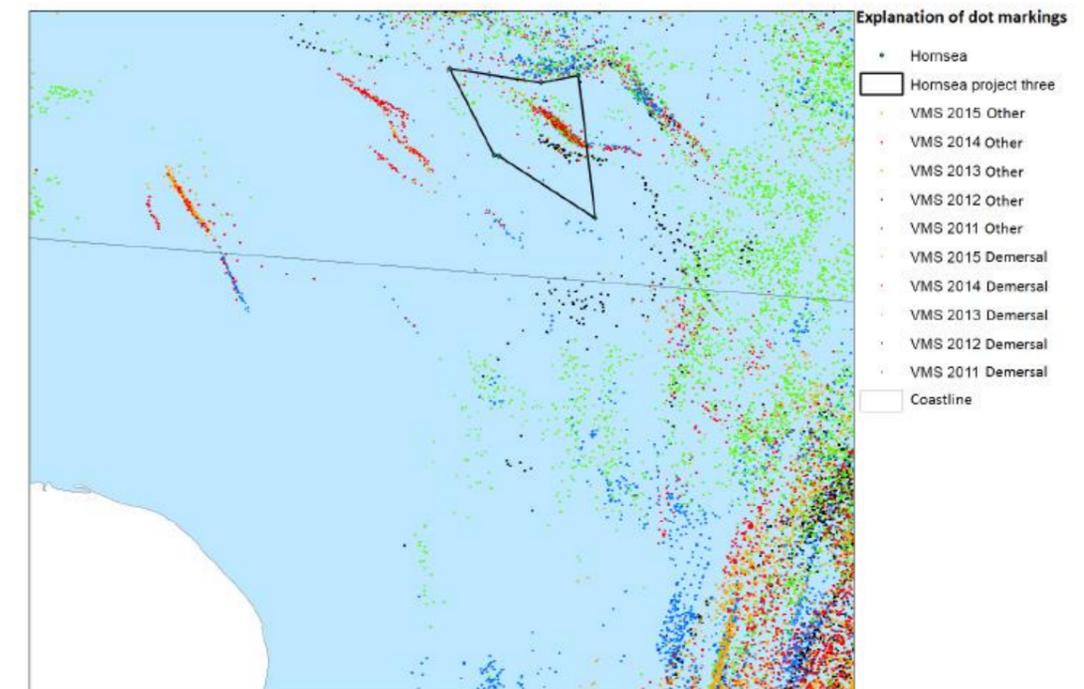
As a whole the UEF finds that the Project lacks sufficient data on various point concerning fish stocks and sees a need for more thorough analyses on potential negative impacts on the environment and fishery sector.

With best regards

Hannus Petersen
Head of Section

4

Annex I



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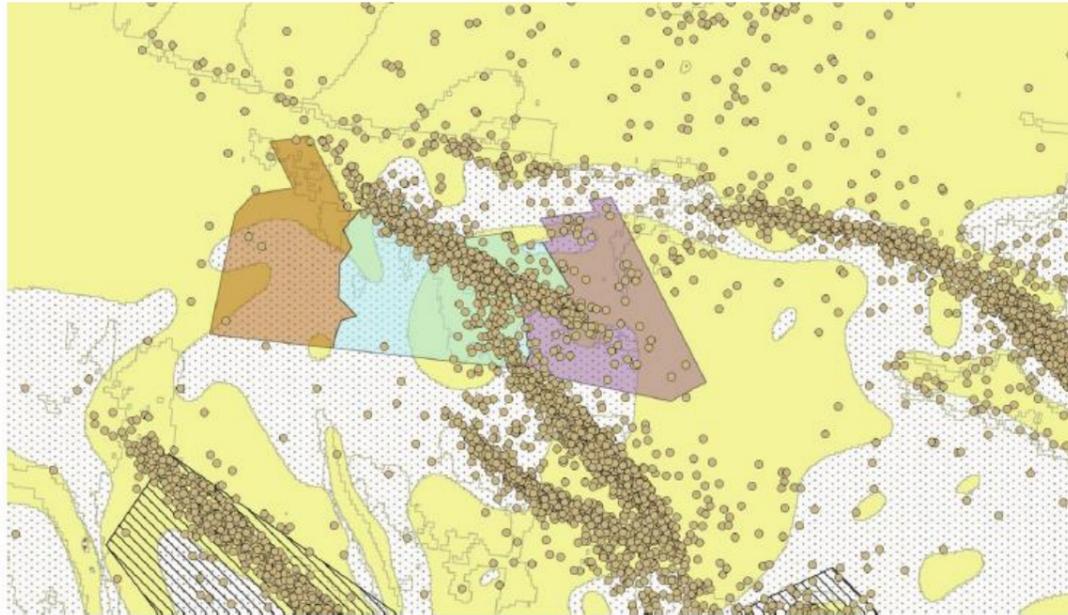
Annex II

	Catches in kilograms from logbook data					
	2011	2012	2013	2014	2015	2016
Unspecified species	.	25	.	30	.	.
Anchovies	.	.	.	.	1.369.850	300
Tusk	.	.	.	.	200	.
Sprat	910.000	908.000	184.478	.	790.980	891.000
Octopus	.	90	.	.	.	.
Nephrops	1.000	.	.	7.578	.	.
Weever	.	.	.	.	50	.
Monkfish	.	.	.	60	.	.
Whiting	.	65	.	77	46.880	1.560
Dab	.	.	.	305	200	100
Grunard	.	.	.	61	11.750	200
Crab	.	.	.	20	.	.
Mackerel	.	.	5.000	.	750	1.100
Turbot	.	.	.	155	.	.
Skate	.	.	.	339	80	.
Plaice	100	3.880	.	11.645	400	219
Lemon sole	.	.	.	30	.	.
Herring	950.000	550.000	542.800	210.496	20.495	1.742.600
Brill	.	.	.	70	.	.
Brown crab	.	.	.	120	.	.
Sand eel	18.865.000	10.000	16.854.823	10.486.700	18.026.355	100.000
Sole	.	.	.	56	.	.
Cod	.	43	.	427	.	.
Total	20.726.100	1.472.103	17.587.101	10.718.169	20.267.990	2.737.079

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	Estimated catch value of logbook catches in EUR					
	2011	2012	2013	2014	2015	2016
Unspec.		20		58		
Anchovies					327.751	-
Tusk					352	
Sprat	196.966	265.729	47.294		198.721	241.048
Octopus		295				
Nephrops	5.057			37.793		
Weever					240	
Monkfish				136		
Whiting		81		157	9.066	764
Dab				263	197	107
Grunard				24	4.096	99
Crab				69		
Mackerel			2.845		38	301
Turbot				1.315		
Skate				503	122	
Plaice	145	6.535		12.467	510	341
Lemon sole				40		
Herring	746.441	389.978	258.706	95.022	10.811	1.742.600
Brill				399		
Brown crab				407		
Sand eel	4.032.597	2.138	4.937.647	2.014.443	3.928.837	27.573
Sole				498		
Cod		153		793		
Total	4.981.207	664.929	5.246.492	2.164.386	4.480.742	2.737.079

Annex III



The Planning Inspectorate
Temple Quay House
2 The Square
Bristol, BS1 6PN
United Kingdom

Naturbeskyttelse
J.nr. SVANA-573-00118
Ref. STMOE
Den 6. juli 2017

**Hornsea Three Offshore Wind Farm – Habitats Regulations
Assessment Screening Report**

Thank you for the HRA report and your interest in our view on it.

We have noted that the Hornsea Three project is going to be a very large wind farm – with 400 mills – each with a capacity up to 6 MW. Being situated 160 km east of the Yorkshire coast the shortest distance to the two nearest Danish SAC's namely nr. 40 and 44 in figure 5.1 on page 68 in the HRA is approx. 300 and 380 km respectively.

Nr. 40 is designated to protect sandbanks (HD type 1110), harbour porpoise, harbor seal and grey seal, and as a bird protection area two species of divers and little gull.

Nr. 44 is the southwestern part of mainland Jutland with islands where marshland mixes with several other plant communities on the habitat directives Annex 1 and many species including mammals, birds and fish.

The Danish Environmental Protection Agency find it unlikely that a significant effect on Danish nature sites will be observed due to the construction of Hornsea Three Offshore Wind Farm – especially with reference to the substantial distance.

In the HRA report – section 6 – NIRAS reach the same conclusion.

With kind regards

[Redacted signature]
Sten Moeslund
Biologist
+4525364237

From: [Vandenborre Steven](#)
To: [Environmental Services](#)
Cc: [REDACTED]
Subject: Hornsea Project Three Offshore Wind Farm - Potential environmental effects Belgium - participation
Date: 29 June 2017 14:33:34

Dear,

As the federal point of contact, amongst others in charge for marine environment matters, I send you this email to confirm that Belgium intends to participate in the EIA procedure under Regulation 24 in relation to this Proposed Development. This doesn't mean that we will send contributions in every stage of the process, but we would like to be kept informed and get the opportunity to intervene, where appropriate.

Thanks for sending further communication on this project to my email address, since I will be the Belgian coordinator for this project.

Regards,
Steven

Steven Vandenborre

Attaché senior Jurist Marien Milieu | Leefmilieu | Mariene Milieu
Eurostation | Victor Hortaplein, 40/10 | 1060 Sint-Gillis | België
Bureau 02C223 | [REDACTED]



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From: Point Focal Convention d'Espoo - CGDD/SEEIDD/I3DPP1 emis par CATOT David (Adjoint Chef de Bureau) - CGDD/SEEIDD/I3DPP1 [mailto:david.catot.-.point-focal-convention-d'espoo.i3dpp1.seeidd.cgdd@developpement-durable.gouv.fr]
Sent: 26 September 2017 15:23
To: Environmental Services; Katherine King

Subject: Re: Notification of Consultation on Transboundary Matters under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 relating to Hornsea Three Offshore Wind Farm

Dear Ms King,

Following our previous email (1. August 2017), we would like to confirm by the present email that France wishes to participate to the consultation concerning the Hornsea Project Three.

The Espoo Focal Point represents the State of France on Transboundary consultation and will centralise the exchanges on the above mentioned project.

Best regards,

David Catot on behalf of the French Focal Point

Hornsea Project Three
Offshore Wind Farm



Hornsea Project Three Offshore Wind Farm

Consultation Report: Annex 5
Section 5 – List of transboundary consultees

Date: May 2018


Hornsea 3
Offshore Wind Farm

 **Orsted**

Belgium ministries/representatives

- Flemish Government – Environment Nature and Energy Department;
- Ministère de la Santé Publique et de l'Environnement;
- Ministry of Brussels;
- Federale Overheidsdienst Mobiliteit en Vervoer;
- Royal Belgium Ship-owners Association;
- Ministry of Wallonia;
- Federal Public Service Health, Food Chain Safety and Environment;
- Sydvestjysk Fiskeriforening; and
- Rederscentrale.

Danish ministries/representatives

- Danish Ministry of the Environment;
- Danish Maritime Authority;
- Denmark's Rederiforening; and
- Denmark's Fiskeriforening/ Danish Fishermen's Association.

German ministries/representatives

- Federal Ministry for the Environment Nature Conservation and Nuclear Safety;
- Wasser-und Schifffahrtsverwaltung des Bundes;
- Verband Deutscher Reeder; and
- BSH Bundesamt für Seeschifffahrt und Hydrographie.

French ministries/representatives

- Ministère des Affaires étrangères
- Armateurs de France;
- Préfecture Maritime de la Manche et de la Mer du Nord;
- Secrétariat Général de la Mer;
- FROM Nord; and
- CME Organisation de Producteur.

Dutch ministries/representatives

- Ministry of Infrastructure and the Environment – Directorate General for Spatial Development and Water Affairs;
- Rijkswaterstaat - Dutch Ministry of Infrastructure and Environment;
- Rijkswaterstaat - Ministerie van Verkeer en Waterstaat;
- Royal Association of Netherlands Ship Owners;
- Ministry of Transport, Public Works and Water Management;

- Policy Officer Nature and Spatial Planning - Dutch Fish Product Board; and
- Vis Ned.

Norwegian ministries/representatives

- Ministry of Environment;
- Norges Rederiforbund;
- Norwegian Maritime Directorate;
- Ministère des Affaires étrangères;
- Department of Environment; and
- Norwegian Fishing Vessel Owners Union.

Swedish ministries/representatives

- Implementation and Enforcement Department; and
- Marine Standards Department.

Hornsea Project Three
Offshore Wind Farm



Hornsea Project Three Offshore Wind Farm

Consultation Report: Annex 5
Section 6 – Summary of transboundary engagement

Date: May 2018

Hornsea 3
Offshore Wind Farm

Orsted

Consultee	County	Contact	Summary of response	Regard to response
Environmental Protection Agency, Implementation & Enforcement Department: Implementation and Enforcement Department	Sweden	Johan Eriksson	<p>Response to introductory email regarding HRA and Scoping</p> <p>These issues are always handled by the Swedish Environmental Protection Agency, Implementation & Enforcement Department (Mr Egon Enocksson). All consultations should be sent to them as representatives for Sweden. Subsequently the Swedish Maritime Administration will not answer any of your consultations directly.</p> <p>Response to section 42 consultation</p> <p>The Swedish Maritime Administration (SMA) is not the formal consultation authority in Sweden with regard to offshore windfarms outside Sweden. Therefore, we urge you to not send any more consultations in this matter to SMA.</p>	Ørsted acknowledged these comments. The Swedish Environmental Protection Agency, Implementation & Enforcement Department (Mr Egon Enocksson) was consulted with under section 42 of the 2008 Act on the Preliminary Environmental Information Report (PEIR). See Annex 3 (document reference number A5.1.3) of the Consultation Report for the full list of consultees.
Department for Environment	Ireland	Terry Sheridan	<p>Response to introductory email regarding HRA and Scoping</p> <p>The Irish Department for Environment has examined the documentation, and have decided to wait until EIS and final AA screening/AA is available before making comments, and only if there are risks associated with Hornsea Three. Would like to be kept informed.</p>	Ørsted acknowledged these comments and the Department for Environment was kept informed during the EIA process.
Norwegian Ministry of Climate & the Environment	Norway	Vegard Engh	<p>Response to introductory email regarding HRA and Scoping</p> <p>All correspondence should be coordinated through Mari Lise.</p>	Ørsted acknowledged these comments. All correspondence was coordinated through Mari Lisa at the Norwegian Environment Agency, including the statutory consultation under section 42 of 2008 Act on the PEIR. See Annex 3 (document reference number A5.1.3) of the Consultation Report for the full list of consultees.
Vis Ned	The Netherlands		<p>Response to introductory email regarding HRA and Scoping</p> <p>Advised that David Ras should be key contact for VisNed, Requested face to face meeting ahead of PEIR.</p> <p>Summary of meeting 23/02/2017</p> <p>Details discussed on fishing patterns of UK and Dutch vessels in the area.</p> <p>Concern raised over floating turbines and reduced access to the array area due to mooring and anchor cables.</p>	<p>David Ras was updated as the key contact at Vis Ned.</p> <p>Ørsted invited Vis Ned to attend a Navigational Risk Assessment workshop on 23rd February 2017 to focus on commercial fisheries.</p> <p>Floating foundations have now been removed from the project envelope. Details on the fishing patterns, species mix, gear configurations and grounds targeted in the vicinity of the Hornsea Three array area commercial fisheries study area have informed the baseline section of volume 2, Chapter 6: Commercial Fisheries in the Environmental Statement.</p> <p>Vis Ned were invited to join a meeting hosted at Ørsted's offices on 15th November 2017. The meeting request was declined based on availability. A copy of the presentation and minutes were shared with VisNed.</p>

Consultee	County	Contact	Summary of response	Regard to response
Rijkswaterstaat - Dutch Ministry of Infrastructure and Environment (Netherlands)	The Netherlands	Leo de Vrees	<p>Response to introductory email regarding HRA and Scoping Confirmed that Leo de Vrees should be the main contact and noted that they would like to be kept informed of the results of the study. Interested in Appendix A.</p> <p>Summary of meeting 23/05/2017 At the meeting, Ørsted provided an introduction to Hornsea Three and there was a general discussion around understanding the differences between how the two countries undertake the Environmental Impact Assessments for offshore wind farms.</p> <p><u>General</u></p> <ul style="list-style-type: none"> RWS asked whether there were any requirements or constraints to the number of MW per km. RWS asked about SoCGs and noted that they have previously entered into these with other offshore wind developers. <p><u>Marine Processes</u></p> <ul style="list-style-type: none"> RWS noted that they have not typically seen or raised concerns in relation to marine processes and based on the information presented have no major concerns to flag. They will consider the information provided within the PEIR. <p><u>Benthic Ecology and Birds</u></p> <ul style="list-style-type: none"> RWS asked whether Ørsted shared data with Vattenfall in relation to their current developments in the former East Anglia Zone? RWS noted that they have no offshore Natura 2000 sites for birds as all birds are protected under the Birds Directive. <p><u>Marine Mammals, Fish and Noise</u></p> <ul style="list-style-type: none"> RWS advised that the Dutch do not have specific protected areas for harbour porpoise, rather they use the whole North Sea. RWS use the interim PCoD to review disturbance days for harbour porpoise in Dutch waters. Ørsted presented the approach that would be presented in the PEIR and associated draft Report to Inform Appropriate Assessment for the assessment of impacts on the Klaverbank SCI. RWS noted that this looked ok but that RWS will discuss with the relevant specialist when the PEIR is formally published. <p><u>Commercial Fisheries</u></p> <ul style="list-style-type: none"> RWS questioned what assumptions made about cable protection and burial in the impact assessments. <p><u>Other Marine Users</u></p> <ul style="list-style-type: none"> RWS noted that in Dutch waters that at times, for radar approach to operational oil and gas platforms, there is consideration to temporarily shutting down turbines in certain conditions to allow access. <p><u>Seascape Character Areas</u></p> <ul style="list-style-type: none"> RWS confirmed that these types of areas do not exist for Dutch waters. <p>Response to PINS Regulation 24 notification We would like to confirm receipt of your notification under the EIA Regulations that the Proposed Development of Hornsea Three Offshore Wind Farm is likely to have significant effect on the environment in an EEA State. We would appreciate to be involved in the EIA procedure under Regulation 24 in relation to this Proposed Development. Please send further information in due course to this email address and the persons mentioned in the cc.</p>	<p>The contact details for Ministry of Infrastructure and Environment (Netherlands) (RWS) were updated and RWS was kept informed.</p> <p>Ørsted acknowledged these comments. Ørsted met with Rijkswaterstaat (RWS) (Leo de Vrees) in May 2017 and subsequently consulted with RWS under section 42 of the 2008 Act on the PEIR.</p> <p>Summary of response to points raised at the meeting 23/05/2017</p> <p><u>General</u></p> <ul style="list-style-type: none"> Ørsted advised that this is not a consent constraint but is something which is referenced in the project's Agreement for Lease with The Crown Estate. Ørsted advised that they would welcome a SoCG with RWS. <p><u>Marine Processes</u></p> <ul style="list-style-type: none"> This was acknowledged by Ørsted. <p><u>Benthic Ecology and Birds</u></p> <ul style="list-style-type: none"> Ørsted explained that we do not share data directly but rather share results of analysis to enable cumulative assessment. It is not the normal practice in the UK for developers to reassess the raw data from other developers. This was noted by Ørsted. <p><u>Marine Mammals, Fish and Noise</u></p> <ul style="list-style-type: none"> This was noted by Ørsted. Ørsted explained the approach taken to assessment of disturbance impacts in UK waters and explained the difference between the EIA approach and the use of Management Units as the populations against which impacts are assessed and that current advice from JNCC in relation to proposed approach to Habitats Regulations Assessment for impacts on the new harbour porpoise SACs. This was noted by Ørsted. <p><u>Commercial Fisheries</u></p> <ul style="list-style-type: none"> Ørsted explained that in the UK the assumption is that the Project cannot and will not seek to stop fishing within operational wind farms and hence developers need to ensure cable protection is adequate to account for this. Typically, projects adopt a commitment to a Cable Burial Risk Assessment, or similar, rather than having specific target burial depths across the entire cable route. <p><u>Other Marine Users</u></p> <ul style="list-style-type: none"> This comment was noted by Ørsted. <p><u>Seascape Character Areas</u></p> <ul style="list-style-type: none"> This comment was acknowledged by Ørsted.
CME Organisation de Producteur	France	Anthony Viera	<p>Response to introductory email regarding HRA and Scoping Use antony.viera@copeche.org as the main contact instead of previously abrefort@cmeop.com</p>	<p>The distribution list was updated prior to statutory consultation under section 42 of the 2008 Act on the PEIR and Anthony Viera was sent the consultation materials.</p>

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Préfecture Maritime de la Manche et de la Mer du Nord	France	Sylvain Traversa	<p>Response to introductory email regarding HRA and Scoping</p> <p>It would be pertinent to examine precisely what will be the real impacts on French maritime activities, particularly in terms of professional fishing and the relocation of fishing grounds currently frequented;</p> <p>It is likely that there will be an increase in traffic and interference between professional fishing activities and maritime traffic. It would be appropriate to identify and quantify the actual impacts of the movement of fishing areas with maritime traffic in the Hornsea Project Three Offshore Wind Farm project area;</p> <p>It would be beneficial to determine precisely what will be the impact of the implementation of the Hornsea Project Three Offshore Wind Farm project on communications systems and meteorological and military radar systems.</p> <p>For reasons of coherence and co-existence of offshore activities, it would be interesting for France to be kept informed of the subsequent consultations of this project, and to be informed of the studies and feedback that could be used to model the planning of its marine space.</p> <p>Consequently, given the elements submitted to the Maritime Prefecture's analysis in the light of the responsibilities conferred on the Maritime Prefect, in terms of maritime safety, we are interested in being kept informed of further consultations on the Project.</p> <p>Response to PINS Regulation 24 notification</p> <p>Following your letter ref EN010080 of 27th June 2017, we would like to thank you for this consultation concerning the future Hornsea Project Three Offshore Wind Farm. As part of the French State and responsible for the Channel and North Sea, we consider important to be associate to the future formal consultation for this offshore project. So, we acknowledge receipt of your notification and we officially inform you of our intends to participate in the EIA procedure under Regulation 24 in relation to this Proposed Development. We stay at your disposal for any further information.</p>	<p>The potential impact of the project on international fishing fleets is assessed In the Environmental Statement in Volume 2, Chapter 6: Commercial Fisheries.</p> <p>An assessment of impacts on vessel traffic has been made in the Environmental Statement volume 2, chapter 7: Shipping and Navigation and Environmental Statement volume 5, annex 7.1 Navigational Risk Assessment.</p> <p>Impacts on communications and radar are included in Environmental Statement section 8.5 of volume 2, chapter 8: Aviation, Military and Communication.</p> <p>The consultee was kept informed during the EIA process as requested.</p>
BSH Bundesamt für Seeschifffahrtund Hydrographie	Germany	Bettina Kaeppler	<p>Response to introductory email regarding HRA and Scoping</p> <p>Thanked for opportunity to provide feedback on Scoping Report.</p> <p>With regard to the Transboundary Screen Matrix (Appendix A) - thanked for offer to provide further information / clarification, but do not see any such need at this stage or a meeting.</p> <p>They would like to be kept informed of the project's development and receive all related documents and information, and be given further opportunities to give comments and feedback in the course of the EIA (which might include involvement of other agencies /institutions, if need be).</p>	<p>Ørsted acknowledged these comments. Bettina was added to the distribution list as main point of contact (July 2017) and consulted on the PEIR under section 42 of the 2008 Act.</p>
Danish Maritime Authority	Denmark	Carsten Jensen (Special Adviser)	<p>Response to introductory email regarding HRA and Scoping</p> <p>For transboundary impacts, please contact the Danish Nature Agency or Danish Agency for Water and Nature Management instead.</p>	<p>Ørsted acknowledged these comments.</p> <p>The Danish Nature Agency was added to the Transboundary consultee list.</p>
Danish Environmental Protection Agency	Denmark	Jan Bækgaard	<p>Response to introductory email regarding HRA and Scoping</p> <p>Jan is the Danish point of contact for notifications in relation to the ESPOO convention.</p> <p>Jan is coordinating a consultation with relevant Danish authorities and organizations and will make it the document available for the Danish public in order to give the authorities, organisation and the public opportunity to submit comments on whether Denmark shall participate in the EIA procedure and submit comments regarding the Scoping Report.</p> <p>Request deadlines for receipt of feedback. Deadline set for 17 March 2017 - to allow 5 weeks consultation period.</p>	<p>The request for a deadline of 17 March 2017 for comments was accepted.</p> <p>Ørsted acknowledged these comments. An email was sent to chase feedback, however no further response was received.</p>

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Ministry of the Environment and Food	Denmark	Karin Annette Pedersen	<p>Response to PINS Regulation 24 notification</p> <p>I write as the Danish Point of Contact for notifications regarding to the Espoo convention. In Denmark, we are a bit confused about how we understand your Espoo-process and thus the letter from DONG Energy dated July 27th. In Denmark, it is always the Espoo authority that sends the hearings to parties, but as I read your letter, a builder in England also sends out consultations? However, I understand your letter as being the same hearing, as the one we received from the English authority by Katherine King. This consultation has now been completed in Denmark, and with this mail I will forward the responses I will forward the responses I have sent today to Katherine King to you - the attached files contain the Danish consultation response. This also means that no public consultation has been initiated based on your letter of 27 July. If I have completely misunderstood your process, I would like to hear from you more closely.</p>	PINS contact all stakeholders under the Regulation 37 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the 2017 EIA Regulations), however, as a company we also contact key stakeholders as best practice to ensure we are aware of any issues as early as possible allowing us to respond.
Federal Public Service Health, Food Chain Safety and Environment	Belgium		<p>Response to Introductory email regarding HRA and Scoping</p> <p>Acknowledgement of receipt of email and have forwarded to service most competent in this matter.</p>	Ørsted acknowledged these comments. No further response was received from the consultee.
Ministère de la Santé Publique et de l'Environnement	Belgium	Steven Vandenborre	<p>Response to Introductory email regarding HRA and Scoping</p> <p>As the federal point of contact, amongst others in charge for marine environment matters, I send you this email to confirm that Belgium intends to participate in the EIA procedure under Regulation 24 in relation to this Proposed Development. This doesn't mean that we will send contributions in every stage of the process, but we would like to be kept informed and get the opportunity to intervene, where appropriate. Thanks for sending further communication on this project to my email address, since I will be the Belgium coordinator for this project.</p>	Ørsted acknowledged these comments and ensured the Ministry was kept updated during the EIA process.
Norwegian Environment Agency	Norway	Mari Lise	<p>Response to Introductory email regarding HRA and Scoping</p> <p>Would like to be kept informed on baseline and monitoring of seabirds, ducks, migrating birds, and their geographical use of the study area.</p> <p>Norwegian fisheries authorities to be kept informed and included in the EIA process at postmattak@fiskeridir.no. Copy of fisheries correspondence should also be sent to Mari Lise.</p> <p>Mari Lise is the Norwegian point of contact for notifications under the ESPOO convention.</p> <p>Response to PINS Regulation 24 notification</p> <p>The Norwegian fisheries authorities want to take part in the transboundary process and receive correspondence. For practical reasons, correspondence should be sent directly to the fisheries authorities through postmottak@fiskeridir.no, with a copy to the Norwegian Environment Agency (mari.lise.sjong@miljodir.no and postmottak@miljodir.no). The Norwegian Environment Agency does not want to take actively part in the process, but wants to be informed on relevant studies, as mentioned in the submission. Receiving copies of the correspondence with the fisheries authorities would probably be sufficient for this purpose.</p>	The Norwegian fisheries authorities have been kept involved and included in the EIA process. Fisheries correspondence was sent to Mari Lise as advised.
French Focal Point	France	David Catot	<p>Response to PINS Regulation 24 notification</p> <p>Following our previous email (1 august 2017), we would like to confirm by the present email that France wishes to participate in the consultation concerning the Hornsea Project Three. The Espoo Focal Point represents the State of France on Transboundary consultation and will centralise the exchanges on the above-mentioned project.</p>	The French Focal Point were informed of consultations relating to Hornsea Three.