

[insert contact details]

2 May 2024

Dear Sir / Madam

**HORNSEA FOUR OFFSHORE WIND FARM ORDER 2023 – NON-MATERIAL CHANGE APPLICATION**

**SECTION 153 OF THE PLANNING ACT 2008 AND REGULATION 7 OF THE INFRASTRUCTURE PLANNING (CHANGES TO, AND REVOCATION OF, DEVELOPMENT CONSENT ORDERS) REGULATIONS 2011**

The enclosed Notice relates to a 'non-material change' application (the "**application**") being made to the Secretary of State for Energy Security and Net Zero for the Hornsea Four Offshore Wind Farm Order 2023 (as corrected by the Hornsea Four Offshore Wind Farm (Correction) Order 2024 (the "**Order**") by Orsted Hornsea Project Four Limited ("**Orsted**"). We act for Orsted in relation to the application.

The Order includes provision authorising the construction, operation, maintenance and decommissioning of the Hornsea Project Four offshore wind farm together with associated offshore and onshore infrastructure and all associated development ("**Hornsea Four**"), on land approximately 69 kilometres from the East Riding of Yorkshire in the Southern North Sea, covering an area of approximately 600 square kilometres. Hornsea Four comprises the following key elements: up to 180 wind turbine generators; offshore transformer substations; offshore convertor substations (High Voltage Direct Current system only); up to one offshore accommodation platform to house operations and maintenance staff; boosters stations (High Voltage Alternating Current system only); subsea inter-array cables linking wind turbines to each other and to offshore substations; subsea interconnector cables linking the offshore substations to one another; subsea export cables to connect the wind farm to landfall; and cable protection.

The Order requires Orsted to construct an artificial nesting structure ("**ANS**") for kittiwake, as a compensation measure for the potential impacts of Hornsea Four. Paragraph 3(d) of Part 2 of Schedule 16 of the Order requires the ANS to be in place at least four full breeding seasons before Hornsea Four becomes operational.

Orsted proposes a non-material change to the Order, which seeks to shorten the length of time the ANS needs to be in place before operation from at least four full breeding seasons to at least two full breeding seasons. This non-material change (the "**NMC**") is required to allow time for the construction of the ANS without impacting the programme for the operation of Hornsea Four and its provision of renewable energy to the National Grid.

Discussions on the NMC have been held with the Marine Management Organisation ("**MMO**"), Natural England ("**NE**") and the Royal Society for the Protection of Birds ("**RSPB**") at the Offshore Ornithological Engagement Group ("**OOEG**") Steering Group meeting held on 24 November 2023 and no objections were raised with regards to the wording of the NMC. The changes are needed to ensure that the appropriate and agreed kittiwake compensation measures are reflected in the Order, in order that construction and implementation of the Order is in accordance with its conditions. No other changes are proposed to the Order.

The Applicant remains committed to delivering the most ecologically suitable ANS for the purposes of its habitats compensation. To achieve this aim, the Applicant requires flexibility in

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timing of delivery of the ANS to avoid unnecessarily delaying the provision of renewable energy from Hornsea Four.

The Applicant is seeking the amendments proposed in this NMC application to provide necessary contingency in the Hornsea Four programme to deliver the ANS.

The proposed changes would not require additional compulsory acquisition of land, nor would they have new or different effects on local residents or businesses or any additional implications in respect of habitats regulation assessment. They are simply required to ensure that the appropriate and agreed kittiwake compensation measures are reflected in the Order, in order that construction and implementation is in accordance with its conditions.

### **Consultation**

Before a decision can be made by the Secretary of State, Orsted must consult with various persons in accordance with the requirements of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (the “**2011 Regulations**”).

You have been identified as a consultee for the purposes of Regulation 7(2) of the 2011 Regulations. In addition, we draw your attention to the Regulation 7(3) notice published by the Secretary of State on 19 February 2024, enclosed with this letter.

The enclosed notice contains details of how you can access the application documents and how to respond to the consultation. Any representation about the application must be made by email to: [HornseaProjectFour@planninginspectorate.gov.uk](mailto:HornseaProjectFour@planninginspectorate.gov.uk) or in writing to:

National Infrastructure Planning, the Planning Inspectorate, Temple Quay House, 2 The Square, Bristol, BS1 6PN.

As set out in the Notice, the consultation ends on 10 June 2024. Therefore, the deadline for receipt of your views about the application is **11:59pm on 10 June 2024**.

Yours faithfully

### **Pinsent Masons LLP**

On behalf of

### **ORSTED HORNSEA PROJECT FOUR LIMITED**

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Enclosures:

- (i) Copy of a notice pursuant to Section 153 of the Planning Act 2008 and Regulation 6 of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011.
- (ii) Regulation 7(3) notice from the Secretary of State, dated 19 February 2024.