

[insert contact details]

4 January 2024

Dear Sir / Madam

**HORNSEA THREE OFFSHORE WIND FARM ORDER 2020 – 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 Three Offshore Wind Farm Order 2020 (as corrected by the Hornsea Three Offshore Wind Farm (Correction) Order 2021 (the "**Original Order**") by Orsted Hornsea Project Three (UK) Limited ("**Orsted**"). We act for Orsted in relation to the application.

The Original Order includes provision authorising the acquisition for the purpose of the construction, operation, maintenance and decommissioning of the Hornsea Project Three offshore wind farm together with associated offshore and onshore infrastructure and all associated development ("**Hornsea Three**"), on land within the former Hornsea Zone in the North Sea approximately 121 kilometres to the northeast of the north Norfolk coast and approximately 10 kilometres west of the median line between UK and Netherland waters covering an area of approximately 696 square kilometres. Hornsea Three comprises the following elements: up to 231 wind turbines; up to three offshore accommodation platforms; up to twelve offshore transformer substations; up to six subsea offshore High Voltage Alternating Current ("**HVAC**") booster stations; up to four surface offshore HVAC booster stations; subsea inter-array electrical circuits; a marine connection to shore; a foreshore connection and an onshore connection (comprising up to six export cable circuits and other associated infrastructure) to an onshore substation (which could also include an onshore HVAC booster station sited along the route); and the connection from there to National Grid's existing Norwich Main substation.

The Original Order required Orsted to construct four artificial nesting structures ("**ANS**") for kittiwake along the English east coast, as a compensation measure for the potential impacts of Hornsea. Paragraph 3(c) of Part 1 of Schedule 14 of the Original Order required four structures to be in place four full breeding seasons before Hornsea Three becomes operational.

On 12 January 2023, Orsted made an application for a non-material change ("**NMC1**") to the Original Order, the focus of which was to shorten the length of time the ANS need to be in place before operation, to allow time for necessary rights for the construction of the ANS to be obtained without impacting the programme for the operation of Hornsea Three and its provision of renewable energy to the National Grid.

On 17 April 2023, the Secretary of State made the Hornsea Three Offshore Wind Farm (Amendment) Order 2023 (S.I. 2023 No. 459) (the "**Amended Order**"), granting NMC1 and reducing the time period the ANS need to be in place before operation of Hornsea Three.

Since the making of the Amended Order, three of the four required ANS have been constructed. Construction of the fourth ANS has not yet commenced.

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Orsted proposes a second non-material change to the Amended Order, which seeks to remove the length of time the fourth ANS needs to be in place before operation. This non-material change is required to allow time for necessary rights for the construction of the fourth ANS to be obtained without impacting the programme for the operation of Hornsea Three and to meet the urgent need for decarbonisation and security of supply (“**NMC2**”). Three of the four ANS have already been implemented, and the drafting has been updated to reflect this, to allow for three breeding seasons for three of the structures.

Preliminary discussions on NMC2 have taken place between Orsted and Natural England (“**NE**”), with NE expressing in principle support for NMC2 at the Offshore Ornithological Engagement Group (“**OOEG**”) Steering Group meeting held on 10 October 2023, with the Royal Society for the Protection of Birds (“**RSPB**”) seeking clarity on the drafting which Orsted has sought to reflect in the wording at paragraph 3.1 of Appendix 1 to this letter. The changes are needed to ensure that the appropriate and agreed kittiwake compensation measures are reflected in the Amended Order, so that construction and implementation of the Amended Order is in accordance with its conditions. No other changes are proposed to the Amended 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 timing of delivery of the final ANS to avoid unnecessarily delaying the provision of renewable energy from Hornsea Three.

The Applicant has made great strides towards delivering the required kittiwake compensation, with three of the four required ANS already having been constructed.

The Applicant is seeking the amendments proposed in this non-material change application, to provide necessary contingency in the Hornsea Three programme to deliver the final ANS.

## **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 29 November 2023, 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: [HornseaProjectThree@planninginspectorate.gov.uk](mailto:HornseaProjectThree@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 12<sup>th</sup> February 2024. Therefore, the deadline for receipt of your views about the application is **11:59pm on 12<sup>th</sup> February 2024**.

Yours faithfully

**Pinsent Masons LLP**

On behalf of

**ORSTED HORNSEA PROJECT THREE (UK) 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 29 November 2023.