



Amy Stirling
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29 November 2023

Dear Ms Stirling,

THE HORNSEA THREE OFFSHORE WIND FARM ORDER 2020 (AS AMENDED)
(“the Order”).

PROPOSED NON-MATERIAL CHANGE APPLICATION NUMBER TWO (“the Application”)

REQUEST FOR CONSENT TO REDUCE THE NUMBER OF PARTIES THAT NEED TO BE CONSULTED ON A NON-MATERIAL CHANGE APPLICATION

1. Thank you for your letter of 20 October 2023 on behalf of Orsted Hornsea Project Three (UK) Limited (“the Applicant”), which sets out proposals for changes to the Order. The letter requests the Secretary of State’s consent under regulation 7(3) of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (as amended) (“the 2011 Regulations”) to a reduced list of consultees.
2. Paragraph 2.5 of the 20 October 2023 letter states that the changes that will comprise the Application are as follows:

Delete the existing paragraph 3(c) of Part 1 of Schedule 14 of the Amended Order and insert the following new text as a new paragraph 3(c):

“an implementation timetable for delivery of four artificial nest structures that ensures all necessary compensation measures are in place to allow three full kittiwake breeding seasons in respect of three artificial nest structures prior to the operation of any turbine forming part of the authorised development, and for the fourth artificial nest structure to be delivered prior to final commissioning of the authorised development.”

Delete the existing paragraph 4 of Part 1 of Schedule 14 of the Amended Order and insert the following new text as a new paragraph 4:

“The undertaker must implement the measures as set out in the KIMP approved by the Secretary of State and no operation of any turbine forming part of the authorised development may be commenced until three full breeding seasons have elapsed from the implementation of

three of the artificial nest structures and no final commissioning of the authorised development must take place until the fourth artificial nest structure has been implemented. For the purposes of this paragraph each breeding season is assumed to have commenced on 1 March in each year and ended on 30 September.”

3. The list of consultees proposed by the Applicant is:
 - 1) the Marine Management Organisation;
 - 2) Natural England;
 - 3) the Royal Society for the Protection of Birds;
 - 4) the Crown Estate;
 - 5) the Joint Nature Conservation Committee;
 - 6) the Norfolk Wildlife Trust;
 - 7) The Wildlife Trusts; and,
 - 8) the Norfolk Farming and Wildlife Advisory Group.
4. Paragraph 3.2 of the 20 October 2023 letter states that *“taking a proportionate approach, only the same consultees as were consulted on NMC1 should be consulted on the NMC2 application given the nature of the change is substantially the same, and in light of the Secretary of State’s agreement to those proposed consultees for NMC1 in his letter of 21 December 2022. The Applicant will also publicise the application in accordance with Regulation 6 of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) 2011.”*
5. On 20 November 2023, the Secretary of State requested that the Applicant provide a full list of section 42, section 56, section 57 (under the Planning Act 2008) and non-prescribed consultees, to be accompanied by the rationale for including or excluding each identified party. On 23 November 2023, the Applicant provided the list as requested.
6. The Secretary of State is satisfied that the eight consultees proposed by the Applicant for consultation as listed at paragraph 3 above should be consulted, noting the nature of the proposed changes as set out at paragraph 2 above.
7. In respect of the Application, the Secretary of State considers that those other consultees identified in the list sent on 23 November 2023 and not included in the Applicant’s list as set out at paragraph 3 above need not be consulted as they are not directly affected, either because the proposed amendments will not affect their interests or because their interests relate to a different part of the scheme.
8. Accordingly, under regulation 7(3) of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011, the Secretary of State consents to the reduced list of consultees as specified in the paragraphs above.
9. In taking this decision, the Secretary of State notes that there will also be public consultation in line with the requirements in regulation 6 of the 2011 Regulations.
10. The Secretary of State’s written consent in this matter should not be taken as indicating approval for any other aspects of the proposed changes to the Order,

which fall to her for consideration and determination, or whether the proposed changes will ultimately be regarded as material or not.

Yours sincerely,

A handwritten signature in black ink, appearing to read "John Wheadon". The signature is fluid and cursive, with a large initial "J" and "W".

John Wheadon

Head of Energy Infrastructure Planning Delivery

On behalf of the Secretary of State for Energy Security and Net Zero