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[HOW03_SoCG_MMO_January 2019.pdf](#)
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[HOW03_SoCG_SNC_January 2019_Final.pdf](#)
[HOW03_SoCG_Vanguard_Boreas_D4_signed.pdf](#)

Dear Kay, K-J

Please find attached the 2nd instalment of documents.

Best regards,
Dr Dominika Chalder PIEMA
Environment and Consent Manager



Environmental Management UK | Wind Power
5 Howick Place | London | SW1P 1WG



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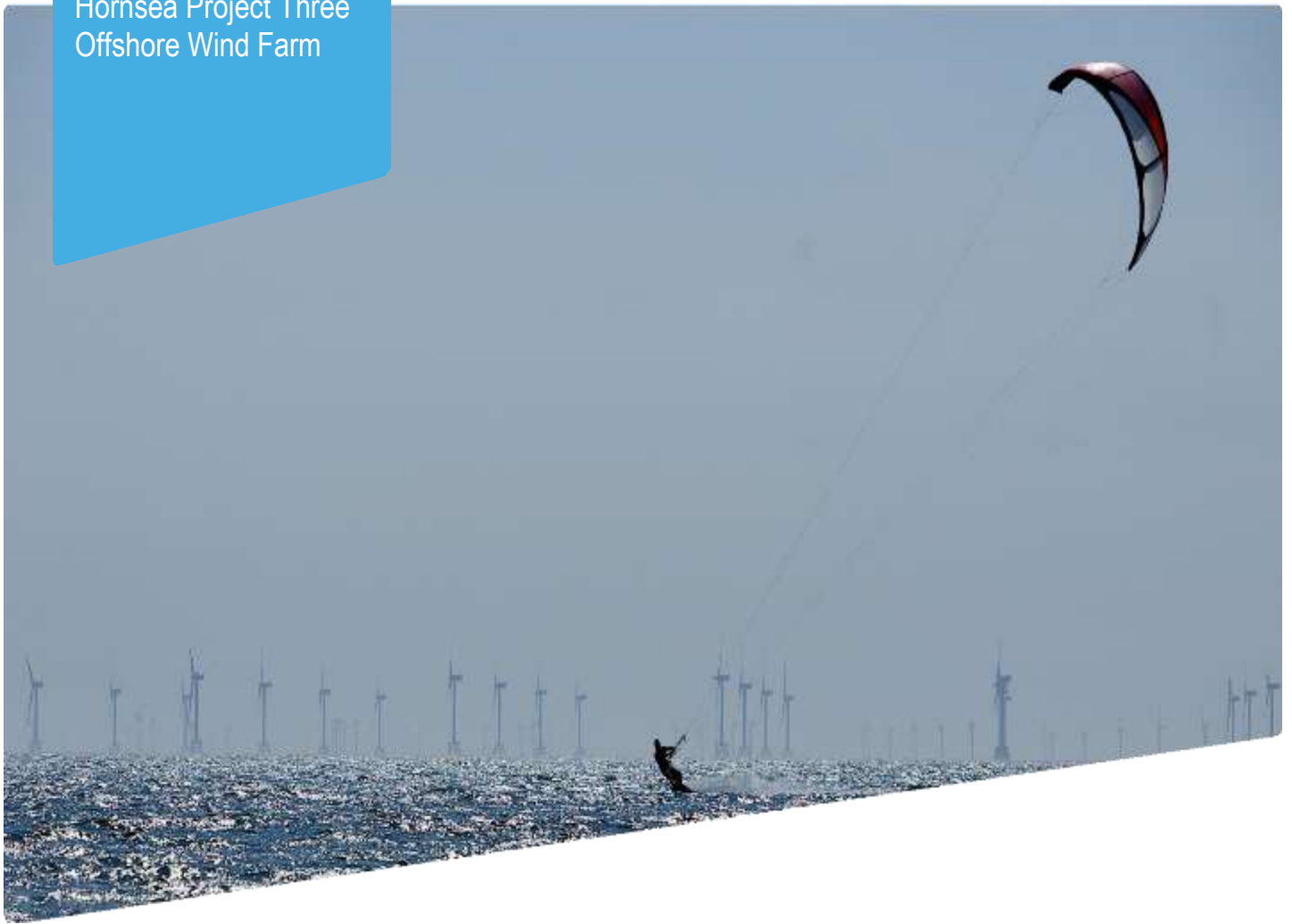
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Hornsea Project Three
Offshore Wind Farm



Hornsea Project Three Offshore Wind Farm

Applicant's Statement of Commonality of Statements of Common Ground (SoCG)

Date: 15th January 2019

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1. Introduction

Purpose

- 1.1 This document has been prepared in order to provide the Examining Authority (ExA) with the final position on Statements of Common Ground (SoCG) between the Applicant and statutory consultees, statutory undertakers and interested parties in relation to the proposed wind farm project.
- 1.2 This report is a live document during the examination and will provide to ExA with a final position on the commonality on specific points between SoCG at Examination Deadline 8 (26th March 2019).

Structure

- 1.3 The remainder of this report is structured as follows:
- **Section 2** details the structure of each SoCG document and provides an up to date list of SoCGs;
 - **Section 3** sets out the status of each SoCG; and
 - **Section 4** sets out the commonality between SoCGs and a summary of the final position as well as the latest position on protective provisions that will be submitted at Deadline 8.

2. Position

Structure of SoCGs

- 2.1 To ensure consistency in the approach taken to documenting matters agreed, matters subject to further negotiation or matters not agreed, each of the SoCGs adopted a standard format in order to provide clarity to other parties and ultimately the ExA.
- 2.2 Each SoCG was broadly structured in the following way:
- Section 1 provided an introduction to the SoCG its approach and a description of its purpose.
 - Section 2 provided details the consultation undertaken
 - Section 3 set out the agreement log and progress.
 - Section 4 set out a summary of matters which were subject to negotiation or not agreed.

List of SoCGs

- 2.3 In accordance with guidance published by the Department of Communities and Local Government¹ (DCLG), the Applicant prepared SoCGs with a number of statutory consultees, statutory undertakers and interested parties during the preparation of the DCO and during the Examination stage.
- 2.4 The SoCGs identify matters on which parties agree and to document the position of each party where agreement was not reached. The Table 2.1 provides the list of SoCGs that the Applicant prepared with various bodies.

¹ Department for Communities and Local Government. Planning Act 2008: Guidance for the examination of applications for development consent. London: Department for Communities and Local Government, 2015

Table 2.1: List of SoCGs at Deadline ~~43~~.

Party		Position
Local Authorities		
Progress detailed further in ~~Table 3.1~~ ~~Table 3.1~~		
Norfolk County Council		SoCG in place
North Norfolk District Council		SoCG in place
South Norfolk Council		SoCG in place
Broadland District Council		SoCG in place
Norwich City Council		SoCG in place
Great Yarmouth Borough Council		SoCG in place
Statutory Consultees		
Natural England Three separate SoCGs are being produced:	Benthic ecology and marine processes matters	SoCG in progress
	Offshore ornithology	SoCG in progress
	All other matters.	SoCG in place
Marine Management Organisation		SoCG in place
The Wildlife Trust and Norfolk Wildlife Trust		SoCG in place
Whale and Dolphin Conservation		SoCG in place
Environment Agency		SoCG in place
Historic England		SoCG in progress
National Federation of Fishermen's Organisation (and VisNed)		SoCG in place
Marine and Coastguard Agency		SoCG in place
Eastern Inshore Fisheries and Conservation Authority (EIFCA)		SoCG in place
Royal Society for the Protection of Birds - offshore and onshore		SoCG in place
Statutory Undertakers / Interested Parties		
Highways England		SoCG in place
National Grid Electricity Transmission PLC		Appendix B and C of the Statement of Reasons ~~within the Acquisitions Schedule~~ for the latest position.
National Grid Gas PLC		Appendix ~~B and C~~ of the Statement of Reasons ~~within the Acquisitions Schedule~~ for the latest position.

Form

Party	Position
Cadent Gas Limited	Appendix ~~B and C~~ of the Statement of Reasons ~~within the Acquisitions Schedule~~ for the latest position.
Network Rail Infrastructure Limited	Appendix B and C of the Statement of Reasons ~~within the Acquisitions Schedule~~ for the latest position.
Anglian Water Services Limited	Appendix ~~B and C~~ of the Statement of Reasons ~~within the Acquisitions Schedule~~ for the latest position.
UK Power Networks	Appendix ~~B and C~~ of the Statement of Reasons ~~within the Acquisitions Schedule~~ for the latest position.
ConocoPhillips (U.K) Limited	Position Statement in progress
Neptune E&P UK Limited	Letter of Comfort in place
Spirit Energy Netherlands B.V, Spirit Energy North Sea Limited and Spirit Energy Resources Limited	SoCG in place
Shell UK Limited	Position Statement in progress
M Land Interest Groups	Appendix A of the Statement of Reasons within the Acquisitions ~~Schedule~~ for the latest position.
Environment Agency (Asset Owner)	Appendix ~~A-B~~ of the Statement of Reasons ~~within the Acquisitions Schedule~~ for the latest position.
Norfolk Vanguard Limited and Norfolk Boreas Limited	SoCG in place

SoCGs not considered necessary

2.5 For those parties where Table 2.1 identifies that a SoCG is not considered to be necessary, a Letter of Comfort (LoC) or Position Statements (PS) were prepared. The matters on which the parties remain in discussion are limited in scope and so the LoCs and PS were considered to be more appropriate than SoCG in order to capture status of discussions. The outline of each LoC / PS is provided below in the Table 2.2:

Table 2.2: Status of LoCs and PS at Deadline ~~43~~ (~~154~~th January~~Dec~~ 201~~98~~⁹).

Party	LoC summary and position
National Grid Electricity Transmission PLC	LoC Position: Not provided at Deadline ~~34~~ . LoC to be provided if required at later deadlines as negotiations are ongoing. Please refer to updated Appendix B and C of the Statement of Reasons ~~within the Acquisitions Schedule~~ for the latest position.

Party	LoC summary and position
National Grid Gas PLC	LoC Position: Not provided at Deadline ~~43~~ . LoC to be provided if required at later deadlines as negotiations are ongoing. Please refer to updated Appendix C of the Statement of Reasons ~~within the Acquisitions Schedule~~ for the latest position.
Cadent Gas Limited	LoC Position: Not provided at Deadline ~~43~~ . LoC to be provided if required at later deadlines as negotiations are ongoing. Please refer to updated Appendix C of the Statement of Reasons ~~within the Acquisitions Schedule~~ for the latest position.
Network Rail Infrastructure Limited	LoC Position: Not provided at Deadline ~~34~~ . LoC to be provided if required at later deadlines as negotiations are ongoing. Please refer to updated Appendix B and C of the Statement of Reasons ~~within the Acquisitions Schedule~~ for the latest position.
Anglian Water Services Limited	LoC Position: Not provided at Deadline ~~43~~ . LoC to be provided if required at later deadlines as negotiations are ongoing. Please refer to updated Appendix C of the Statement of Reasons ~~within the Acquisitions Schedule~~ for the latest position.
UK Power Networks	LoC Position: Not provided at Deadline ~~43~~ . LoC to be provided if required at later deadlines as negotiations are ongoing. Please refer to updated Appendix C of the Statement of Reasons ~~within the Acquisitions Schedule~~ for the latest position.
Environment Agency (Asset Owner)	Position: Not provided at Deadline ~~43~~ . LoC to be provided if required at later deadlines as negotiations are ongoing. Please refer to updated Appendix C of the Statement of Reasons ~~within the Acquisitions Schedule~~ for the latest position.
ConocoPhillips (U.K) Limited	Position Statement: <u>The Applicant has engaged with ConocoPhillips in order to resolve the issues raised in the ConocoPhillips Relevant Representation (RR-036). During recent consultation, it was suggested by ConocoPhillips that no further action was required by either party.</u> ~~43~~ <u>in the context of the examination. ConocoPhillips have raised three main issues in their Relevant Representation (RR-036), crossing and proximity agreements, decommissioning of ConocoPhillips assets and Radar Early Warning Systems (REWS) on ConocoPhillips platforms. The Applicant has engaged ConocoPhillips in order to resolve the issues raised in the ConocoPhillips Relevant Representation (RR-036). Crossing and proximity agreements will be entered into once detailed design of HOW03 project has progressed post consent and closer to time of construction (and not within the timeframe of the examination). Based on ConocoPhillips' current decommissioning schedules Hornsea Project Three construction would not impede decommissioning activities as there is no overlap. Dialogue will continue between the parties to allow for any changes from what is currently planned. In regard to REWS ConocoPhillips informed the Applicant on the 5th November, 2018, that they had concluded a software upgrade to the REWS system is no longer required, and need not be provided by Hornsea Three in connection with the construction/operation of the project. It is hoped a Position Statement between the parties will be provided to the Ex.A as soon as practicably possible.</u>

Party	LoC summary and position
Neptune E&P UK Limited	Summary: LoC provided at Deadline 1. Neptune operate Cygnus gas field. Helicopters service Cygnus gas field installations from Norwich International Airport. Direct flights will pass over Hornsea Project One and Hornsea Project Two. In cold weather conditions icing on helicopter blades may occur requiring helicopters to drop altitude. In weather with good visibility, a lower flight altitude would require a short deviation through the corridor between Hornsea Project One, Two, and Hornsea Three. In low visibility conditions, a larger deviation around Hornsea Three would be required. Dialogue relating to the implications for carrying out flight deviations, including cost implications and exact routing requirements, are ongoing. Position: LoC signed with outstanding matters on 01 November 2018.
Shell UK Limited	Position Statement: <u>Final LoC to be signed by parties and planned to be provided at Deadline 5. Acknowledges and agrees that listed pipelines and area 200 metres either side cannot be avoided, it will not carry out any works (including sampling and investigations) unless and until it has first entered into a proximity and crossing agreement with Shell, on terms considered reasonable by both parties. The Applicant notify Shell of any works to be undertaken within 300 metres. Parties will work together to agree the form of proximity and crossing agreements.</u>
Land Interest Groups	Position: Not provided at Deadline 423 LoC to be provided if required at later deadlines as negotiations are ongoing. Please refer to updated Appendix A of the Statement of Reasons <u>within the Acquisitions Schedule</u> for the latest position.

3. Status

Summary of current position

- 3.1 This section provides the ongoing position of each SoCG. Where further progress will be made with a party, the updated version of the SoCG will be submitted alongside this document at each Deadline. Final position of SoCG will be submitted at Deadline 8 on 26th March 2019.
- 3.2 Table 3.1 provides a high-level position and where necessary includes further detail to aid understanding of the ExA. In summary the high-level positions used in Table 3.1 are as follows:
- Final Signed SoCG all matters agreed – The final SoCG has been signed by both parties and all matters are agreed.
 - Final Signed SoCG with matters outstanding – The final SoCG has been signed by both parties, and the remain matters outstanding that Applicant and the other party agree will not be resolved during Examination.
 - SoCG in draft – The final SoCG was drafted by the Applicant, it has been shared with the other party and comments have been provided.
- 3.3 Draft SoCGs with the following stakeholders have not been provided with the Applicant's response to Deadline 43, although discussions are ongoing and the Applicant is continuing to develop SoCGs with these stakeholders for submission to the ExA:

- Natural England (General): The applicant would like to acknowledge that, whilst Natural England continue to be heavily resource constrained, recent engagement with the evidence being presented by the Applicant, including the Road Map and indication of their intent to respond are positive and appreciated steps.
- Natural England: Benthic Ecology and Marine Processes Matters: Natural England raised a number of questions in relation to benthic ecology and marine processes in their Relevant Representation (RR-097). The Applicant provided draft responses and clarifications on these to Natural England, together with clarification notes (presented at Appendix 5, 6 and 11 to the Applicant's response to Deadline 1), September and October 2018 and through subsequent material submitted at Deadline 3, with the aim of addressing the questions raised. However, due to Natural England's resource constraints, it has not been possible to meet with Natural England to discuss these matters. The Applicant and Natural England are continuing to develop a SoCG for Benthic Ecology and Marine Processes Matters and will provide this to the Ex.A as soon as possible during the Examination Phase.
- Natural England: Ornithological Matters: Natural England raised a number of questions in relation to ornithology in their Relevant Representation (RR-097). The Applicant provided draft responses and clarifications on these to Natural England, together with clarification notes (presented at Appendix 3, 4, 7, 8, 9 and 10 to the Applicant's response to Deadline 1) in September and October 2018 and through subsequent material submitted at Deadline 3, with the aim of addressing the questions raised. However, due to Natural England's resource constraints, it has not been possible to meet with Natural England to discuss these matters. The Applicant and Natural England are continuing to develop a SoCG for Ornithological matters and will provide this to the Ex.A as soon as possible during the Examination Phase. At Issue Specific Hearing 2, the Ex.A advised in order to move discussions on Ornithology forward, the Applicant should produce an Ornithological roadmap with Natural England. This has been submitted at Deadline 3 (Appendix 16) with the intention that this can remain a live document, to be updated throughout the Hornsea Project Three examination phase.
- Historic England: The Applicant is in ongoing dialogue with Historic England in relation to developing a SoCG. The Applicant has met with Historic England to discuss outstanding concerns as raised in their Relevant Representation and following this meeting, the Applicant provided a draft SoCG to Historic England for input. However, due to Historic England resource constraints, it has not been possible to produce a draft SoCG to meet Deadline 1 and 2. The Applicant and Historic England met on the 12th Dec 2018 –to discuss further a SoCG. There were no fundamental disagreement raised in regards to SoCG and the Applicant will provide this to the Ex.A as soon as possible during the Examination Phase.

Table 3.1: Status of SoCGs at Deadline ~~43~~ (14th Dec 2018/15 January 2019).

Party	Position at Deadline 1 (7 th Nov 2018)	Position at Deadline 2 (21 st Nov 2018)	Position at Deadline 3 (14 th Dec 2018)	Position at Deadline 4 (15 th Jan 2019)	Position at Deadline 5 (23 rd Jan 2019)	Position at Deadline 6 (8 th Feb 2019)	Position at Deadline 7 (14 th Mar 2019)	Position at Deadline 8 (26 th Mar 2019)
Norfolk County Council	Signed SoCG with matters outstanding. SoCG signed by all parties on 06 November 2018			Signed SoCG with matters outstanding. SoCG signed by all parties on 15th January 2019.				
North Norfolk District Council	SoCG in draft. Latest version issued for comment 20 September 2018 and updated following a meeting on 16 October 2018.	Signed SoCG with matters outstanding. SoCG signed by all parties on 20 th November 2018.		Updated draft SoCG issued. No updated SoCG submitted at Deadline 4.				
South Norfolk District Council	Signed SoCG with matters outstanding. SoCG signed by all parties on 02 November 2018			Signed SoCG with matters outstanding. SoCG signed by all parties on 15th January 2019.				
Broadland District Council	Signed SoCG with matters outstanding. SoCG signed by all parties on 02 November 2018			Signed SoCG with matters outstanding. SoCG signed by all parties on 15th January 2019.				
Norwich City Council	Signed SoCG with all matters agreed. SoCG signed by all parties on 02 November 2018							

Party	Position at Deadline 1 (7 th Nov 2018)	Position at Deadline 2 (21 st Nov 2018)	Position at Deadline 3 (14 th Dec 2018)	Position at Deadline 4 (15 th Jan 2019)	Position at Deadline 5 (23 rd Jan 2019)	Position at Deadline 6 (8 th Feb 2019)	Position at Deadline 7 (14 th Mar 2019)	Position at Deadline 8 (26 th Mar 2019)
Great Yarmouth Borough Council	Signed SoCG with all matters agreed. SoCG signed by all parties on 30 October 2018							
Natural England - Benthic ecology and marine processes matters	Draft SoCG issued. No SoCG submitted at Deadline 1.	Draft SoCG issued. No SoCG submitted at Deadline 2.	Draft SoCG issued. No SoCG submitted at Deadline 3.					
Natural England – Offshore ornithology matters	Draft SoCG issued. No SoCG submitted at Deadline 1.	Draft SoCG issued. No SoCG submitted at Deadline 2.	Draft SoCG issued. No SoCG submitted at Deadline 3.					
Natural England – All other matters	Signed SoCG with matters outstanding. SoCG signed by all parties on 07 November 2018							
Marine Management Organisation	Signed SoCG with matters outstanding. SoCG signed by all parties on 06 November 2018			Signed SoCG with matters outstanding. SoCG signed by all parties on 15th January 2019.				
The Wildlife Trust (TWT) and Norfolk Wildlife Trust (NWT)	Signed SoCG with matters outstanding. SoCG signed by TWT on 05 November 2018 and by NWT on 01 November 2018							

Party	Position at Deadline 1 (7 th Nov 2018)	Position at Deadline 2 (21 st Nov 2018)	Position at Deadline 3 (14 th Dec 2018)	Position at Deadline 4 (15 th Jan 2019)	Position at Deadline 5 (23 rd Jan 2019)	Position at Deadline 6 (8 th Feb 2019)	Position at Deadline 7 (14 th Mar 2019)	Position at Deadline 8 (26 th Mar 2019)
Whale and Dolphin Conservation	Final signed SoCG with matters outstanding on the 24 September 2018							
Environment Agency	Signed SoCG all matters agreed. SoCG signed by all parties on 02 November 2018							
Historic England	Draft SoCG issued. No SoCG submitted at Deadline 1.	Draft SoCG issued. No SoCG submitted at Deadline 2.	Draft SoCG issued. No SoCG submitted at Deadline 3.					
National Federation of Fishermen's Organisation (and VisNed)	Signed SoCG with matters outstanding. SoCG signed by all parties on 05 November 2018							

Party	Position at Deadline 1 (7 th Nov 2018)	Position at Deadline 2 (21 st Nov 2018)	Position at Deadline 3 (14 th Dec 2018)	Position at Deadline 4 (15 th Jan 2019)	Position at Deadline 5 (23 rd Jan 2019)	Position at Deadline 6 (8 th Feb 2019)	Position at Deadline 7 (14 th Mar 2019)	Position at Deadline 8 (26 th Mar 2019)
Marine and Coastguard Agency	Signed SoCG with matters outstanding. SoCG signed by all parties on 05 November 2018.		As the MCA have been able to provide comment on the Updated Principles, it is planned to submit the document at D4. The Applicant continues to liaise with the MCA and has seeking to schedule a meeting with the MCA to place prior to D4 in order to progress those matters remaining under discussion in the SoCG.					
Eastern Inshore Fisheries and Conservation Authority (EIFCA)	Signed SoCG with matters outstanding. SoCG signed by all parties on 06 November 2018							
Royal Society for the Protection of Birds - offshore and onshore	Draft SoCG issued. No SoCG submitted at Deadline 1.	Not signed SoCG with matters outstanding. SoCG submitted at Deadline 2	Signed SoCG with matters outstanding. SoCG signed by all parties on 14 December 2018					

Party	Position at Deadline 1 (7 th Nov 2018)	Position at Deadline 2 (21 st Nov 2018)	Position at Deadline 3 (14 th Dec 2018)	Position at Deadline 4 (15 th Jan 2019)	Position at Deadline 5 (23 rd Jan 2019)	Position at Deadline 6 (8 th Feb 2019)	Position at Deadline 7 (14 th Mar 2019)	Position at Deadline 8 (26 th Mar 2019)
Highways England	Final signed SoCG with matters outstanding on the 06 November 2018			Signed SoCG with matters outstanding. SoCG signed by all parties on 15th January 2019.				
Spirit Energy Netherlands B.V, Spirit Energy North Sea Limited and Spirit Energy Resources Limited	Final signed SoCG with matters outstanding on the 07 November 2018 – submitted to PINS on the 08 November 2018							
Norfolk Vanguard Limited and Norfolk Boreas Limited	Final signed SoCG with matters outstanding on the 05 November 2018			Signed SoCG with matters outstanding. SoCG signed by all parties on 15th January 2019.				

4. Commonality

Summary

4.1 This section of the report provides a summary of principal issues covered in the SoCGs and demonstrates where there is commonality in the topics or matters being discussed with the various parties at Deadline 1.

4.2 Table 4.1 presents the summary of commonality on each covered topics within the various SoCGs and their position as follows:

	Matter agreed
	Matter subject to further discussion
	Matter not agreed

4.3 Where a matter is not relevant to a party, it was not included within SoCG and it is not covered in the Table 4.1 and shown as blank.

4.4 At Deadline 8, following the Table 4.1, this document will include a “Final Position” and “Protective Provisions” sections which will provide a summary of the final position of SoCG.

4.5 Table 4.1 in, this document will include a “Final Position” and “Protective Provisions” sections which will provide a summary of the final position of SoCG.

Table 4.1: Table of Commonality at Deadline 43.

	Topics																										
Party	Draft DCO	Project Design	Policy and Planning	Marine Processes	Benthic Ecology	Fish and Shellfish Ecology	Marine Mammals	Offshore Ornithology	Commercial Fisheries(Incl. Outline Fisheries Coexistence + Liaison Plan)	Shipping and Navigation	Aviation, Military and Communication	Marine Archaeology	Seascape and Visual Resources	Infrastructure and Other Users	Geology and Ground Conditions	Hydrology and Flood Risk	Ecology and Nature Conservation (Incl. Outline EMP)	Landscape and Visual Resources (Incl. Outline LMP)	Historic Environment	Land Use and Recreation	Traffic and Transport (incl. Outline CTMP)	Noise and Vibration	Air Quality	Socio-economics	Safety Zones, Emergency response	Monitoring and Management Plans	Landowners / Compulsory Acquisition
Norfolk County Council																											
North Norfolk District Council																											
South Norfolk District Council																											
Broadland District Council																											
Norwich City Council																											
Great Yarmouth Borough Council																											
Natural England ^a																											
Marine Management Organisation																											
The Wildlife Trust																											
Whale and Dolphin Conservation																											

	Topics																										
Environment Agency																											
Historic England																											
National Federation of Fishermen's Organisation (and VisNed)																											
Marine and Coastguard Agency																											
Eastern Inshore Fisheries and Conservation Authority (EIFCA)																											
Royal Society for the Protection of Birds - offshore and onshore																											
Highways England																											
Spirit Energy Netherlands B.V, Spirit Energy North Sea Limited and Spirit Energy Resources Limited																											
Norfolk Vanguard Limited and Norfolk Boreas Limited											All Matters																
											SoCG between Norfolk Vanguard Limited, Norfolk Boreas Limited and the Applicant identifies where potential cumulative impacts as a result of Hornsea Three, Norfolk Vanguard, and Norfolk Boreas have been considered in the Hornsea Three application and the Norfolk Vanguard application, as well as potential cumulative effect which are being considered further by the Applicant and Norfolk Vanguard.																
											Traffic and Transport																
											Subject to ongoing discussion <u>although material progress made between the two parties and the Applicants position with respective highways authorities.</u>																

^a SoCGs for greyed out topics have not been issued for Deadline 42.

Final Position

4.6 This section will be completed and submitted to the ExA at Deadline 8 (26th March 2019)

Protective Provisions

4.7 This section will be completed and submitted to the ExA at Deadline 8 (26th March 2019)