

From: [SM-MMO-SH - MFA Marine Consents \(MMO\)](#)
To: [Hornsea Project Three](#)
Subject: FW: HORNSEA THREE OFFSHORE WIND FARM ORDER 2020 - BEIS letter inviting comments
Date: 06 February 2023 10:31:52
Attachments: [~WRD0002.jpg](#)
[image001.png](#)
[Hornsea Three - BEIS Letter Inviting Comments on KIMP.pdf](#)

Marine Licensing, Wildlife Licences and other permissions

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Dear Sir/Madam,

Please be aware that any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.

Response to your consultation

The Marine Management Organisation (MMO) is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government. The MMO's delivery functions are; marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing European grants.

Marine Licensing

Works activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009.

Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence.

Applicants should be directed to the MMO's online portal to register for an application for marine licence

<https://www.gov.uk/guidance/make-a-marine-licence-application>

You can also apply to the MMO for consent under the Electricity Act 1989 (as amended) for offshore generating stations between 1 and 100 megawatts in English waters.

The MMO is also the authority responsible for processing and determining Harbour Orders in England, together with granting consent under various local Acts and orders regarding harbours.

A wildlife licence is also required for activities that that would affect a UK or European protected marine species.

The MMO is a signatory to the [coastal concordat](#) and operates in accordance with its principles. Should the activities subject to planning permission meet the above

criteria then the applicant should be directed to the follow pages: [check if you need a marine licence](#) and asked to quote the following information on any resultant marine licence application:

- local planning authority name,
- planning officer name and contact details,
- planning application reference.

Following submission of a marine licence application a case team will be in touch with the relevant planning officer to discuss next steps.

Environmental Impact Assessment

With respect to projects that require a marine licence the [EIA Directive \(codified in Directive 2011/92/EU\)](#) is transposed into UK law by the [Marine Works \(Environmental Impact Assessment\) Regulations 2007 \(the MWR\)](#), as amended. Before a marine licence can be granted for projects that require EIA, MMO must ensure that applications for a marine licence are compliant with the MWR.

In cases where a project requires both a marine licence and terrestrial planning permission, both the MWR and The Town and Country Planning (Environmental Impact Assessment) Regulations <http://www.legislation.gov.uk/uksi/2017/571/contents/made> may be applicable.

If this consultation request relates to a project capable of falling within either set of EIA regulations, then it is advised that the applicant submit a request directly to the MMO to ensure any requirements under the MWR are considered adequately at the following link

<https://www.gov.uk/guidance/make-a-marine-licence-application>

Marine Planning

Under the Marine and Coastal Access Act 2009 ch.4, 58, public authorities must make decisions in accordance with marine policy documents and if it takes a decision that is against these policies it must state its reasons. MMO as such are responsible for implementing the relevant Marine Plans for their area, through existing regulatory and decision-making processes.

Marine plans will inform and guide decision makers on development in marine and coastal areas. Proposals should conform with all relevant policies, taking account of economic, environmental and social considerations. Marine plans are a statutory consideration for public authorities with decision making functions.

At its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of the mean high water spring tides mark, there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark.

A [map](#) showing how England's waters have been split into 6 marine plan areas is available on our website. For further information on how to apply the marine plans

please visit our [Explore Marine Plans](#) service.

Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure that necessary regulations are adhered to. All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the [Marine and Coastal Access Act](#) and the [UK Marine Policy Statement](#) unless relevant considerations indicate otherwise. Local authorities may also wish to refer to our [online guidance](#) and the [Planning Advisory Service soundness self-assessment checklist](#). If you wish to contact your local marine planning officer you can find their details on our [gov.uk page](#).

Minerals and waste plans and local aggregate assessments

If you are consulting on a mineral/waste plan or local aggregate assessment, the MMO recommend reference to marine aggregates is included and reference to be made to the documents below;

- The Marine Policy Statement (MPS), section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK) construction industry.
- The National Planning Policy Framework (NPPF) which sets out policies for national (England) construction minerals supply.
- The Managed Aggregate Supply System (MASS) which includes specific references to the role of marine aggregates in the wider portfolio of supply.
- The National and regional guidelines for aggregates provision in England 2005-2020 predict likely aggregate demand over this period including marine supply.

The NPPF informed MASS guidance requires local mineral planning authorities to prepare Local Aggregate Assessments, these assessments have to consider the opportunities and constraints of all mineral supplies into their planning regions – including marine. This means that even land-locked counties, may have to consider the role that marine sourced supplies (delivered by rail or river) play – particularly where land based resources are becoming increasingly constrained.

If you require further guidance on the Marine Licencing process, please follow the link <https://www.gov.uk/topic/planning-development/marine-licences>

Regards
Andy

Andy Davis| Administration Officer Business Support Team | Marine Management Organisation

Lancaster House, Hampshire Court, Newcastle Business Park, Newcastle upon Tyne, NE4 7YH

[REDACTED] | Tel: +44 [REDACTED] Mob: [REDACTED]

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From: Hornsea Project Three <HornseaProjectThree@planninginspectorate.gov.uk>

Sent: 02 February 2023 16:08

Cc: Hornsea Project Three <HornseaProjectThree@planninginspectorate.gov.uk>

Subject: HORNSEA THREE OFFSHORE WIND FARM ORDER 2020 - BEIS letter inviting comments

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hornseaprojectthree@planninginspectorate.gov.uk. [Learn why this is important](#)

Dear Sir or Madam

Please find attached a letter inviting comments in relation to the Hornsea Project Three Offshore Wind Farm project.

Comments should be submitted by email only to:
hornseaprojectthree@planninginspectorate.gov.uk by 3 March 2023.

Kind regards
Attila Borsos

NSIP Officer
The Planning Inspectorate
Helpline: 0303 444 5000
Web: <https://infrastructure.planninginspectorate.gov.uk>
Twitter: [@PINSgov](#)
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Department for
Business, Energy
& Industrial Strategy

1 Victoria Street
London
SW1H 0ET

Web: www.gov.uk/beis

To:

Our Ref: EN010080

The Marine Management Organisation (“MMO”)
Natural England
Hartlepool Borough Council
Durham County Council
East Suffolk Council

cc: Orsted Hornsea Project Three (UK) Limited

Date: 3 February 2023

Dear Sir or Madam,

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

SUBMISSION OF KITTIWAKE IMPLEMENTATION PLANS UNDER PART 1 OF SCHEDULE 14 TO THE ORDER

1. On 22 December 2022, Orsted Hornsea Project Three (UK) Limited (“the Applicant”) submitted a Kittiwake Implementation and Monitoring Plan (“the KIMP”) to the Secretary of State for Business, Energy & Industrial Strategy (“the Secretary of State”) under Part 1 of Schedule 14 to the Order.
2. The Plans have been published on the Hornsea Project Three Offshore Wind Farm project page of the National Infrastructure Planning website:
<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/hornsea-project-three-offshore-wind-farm/>
3. The Secretary of State now invites comments from **the MMO, Natural England, Hartlepool Borough Council, Durham County Council, and East Suffolk Council** on the KIMP, in accordance with Part 1 of Schedule 14 to the Order.
4. These parties may wish to consider the non-material change application submitted by the Applicant on 12 January 2023 alongside the KIMP when commenting. The non-material change application can be found at the following link:

<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/hornsea-project-three-offshore-wind-farm/?ipcsection=docs&stage=7&filter1=Non-Material+Change>

5. **Comments should be submitted by email only to:**
hornseaprojectthree@planninginspectorate.gov.uk by 23.59 on 3 March 2023.
6. Responses will be published on the Hornsea Project Three Offshore Wind Farm project page of the National Infrastructure Planning website as soon as possible after 3 March 2023.
7. This letter is without prejudice to the Secretary of State's consideration of whether to approve the Plans. Nothing in this letter is to be taken to imply what the eventual decision might be or what final conclusions the Secretary of State may reach on any particular issue.

Yours faithfully



Kerry Crowhurst

Head of Planning

Energy Infrastructure Planning – Delivery

Department for Business, Energy and Industrial Strategy