



[insert contact details]

13 February 2025

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 (the "**Secretary of State**") for the Hornsea Four Offshore Wind Farm Order 2023 (as corrected by the Hornsea Four Offshore Wind Farm (Correction) Order 2024 (the "**Original Order**") by Orsted Hornsea Project Four Limited ("**Orsted**"). We act for Orsted in relation to the application.

The Original Order includes provision authorising the construction, operation, maintenance and decommissioning of the Hornsea Project Four offshore wind farm located approximately 69 kilometres from the East Riding of Yorkshire in the Southern North Sea, covering an area of approximately 470 square kilometres, together with associated offshore and onshore infrastructure and all associated development ("**Hornsea Four**"). Hornsea Four comprises the following key elements: up to 180 wind turbine generators; offshore transformer substations; offshore converter substations (High Voltage Direct Current system only); up to one offshore accommodation platform to house operations and maintenance staff; booster 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.

On 2 May 2024, 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 artificial nesting structure ("**ANS**") for kittiwake needed to be in place before operation, 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. On 17 July 2024, the Secretary of State made the Hornsea Four Offshore Wind Farm (Amendment) Order 2024 (S.I. 2024 No. 800) (the "**Amended Order**") which granted NMC1.

Orsted now proposes a second non-material change ("**NMC2**") to the Amended Order, relating to the guillemot compensation measures in Part 3 of Schedule 16 to the Amended Order, which are currently secured in the form of predator eradication and bycatch reduction. Currently, the Guillemot Compensation Implementation and Monitoring Plan ("**GCIMP**") must be submitted and based on the strategy for guillemot compensation set out in the guillemot and razorbill compensation plan and must include, for the bycatch reduction measure, details of the arrangements with fishers to use bycatch reduction technology and associated provisions. Thereafter, Orsted must enter into the contracts with fishers for the bycatch reduction technology as set out in the approved GCIMP. Certain numbered works authorised by the Amended Order cannot commence until at least one year has lapsed after the contracts with fishers have been entered into.

Orsted proposes, via NMC2, to remove the requirements in Part 3 of Schedule 16 to the Amended Order relating to carrying out bycatch reduction through contracts with fishers, as described

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above. Principally, this is because, as supporting evidence demonstrates, the required guillemot compensation can be delivered via predator eradication only.

Orsted therefore intends to fulfil the compensation requirements for guillemot solely via the predator eradication measures, which will deliver at least 160% of the compensation requirement for guillemots, therefore comfortably meeting the requirements of Hornsea Four. Given the two measures of predator eradication and bycatch reduction were considered as a package of compensation in Orsted's guillemot and razorbill compensation plan (an approach which was supported by the Secretary of State in the Habitats Regulation Assessment at pages 117, 121 and 123), to be scaled up or scaled down as appropriate, Orsted proposes to "scale down" the bycatch reduction measure to zero. Orsted will keep the bycatch reduction measure as one of a range of adaptive management measures for future consideration, rather than as primary compensation.

Preliminary discussions on NMC2 have taken place between Orsted and Natural England ("NE"), with NE expressing in principle support for NMC2 at the most recent meeting of the Offshore Ornithological Engagement Group ("OOEG") Steering Group held on 31 January 2025. The draft minutes from this meeting reflect that both NE and the Royal Society for the Protection of Birds ("RSPB") *"support the bycatch measure being removed as a primary compensation measure"*, whilst the Marine Management Organisation ("MMO") stated that they were *"also supportive of the NMC"*. In addition, NE stated in a letter to Orsted dated 14 November 2024 that given *"the, at best small, contribution that bycatch reduction would likely make to compensation delivery, we would not object to bycatch reduction only continuing in a reduced function, e.g, further trialling/research, or being removed from the package as a measure altogether. We recommend the feasibility of this in the context of the DCO requirements be explored with DESNZ"*.

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, particularly given the two measures of predator eradication and bycatch reduction were always considered as a package of compensation, to be scaled up or scaled down as appropriate, as set out above. No other changes are proposed to the Amended Order.

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) letter published by the Secretary of State on 29 January 2025, enclosed with this letter.

The enclosed Regulation 6 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 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 24 March 2025. Therefore, the deadline for receipt of your views about the application is **11:59pm on 24 March 2025**.

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) letter from the Secretary of State, dated 29 January 2025.