



Environment Manager (Kittiwake Compensation Lead)
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5 Howick Place
Westminster
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SW1P 1WG

19 March 2025

Dear [REDACTED],

PLANNING ACT 2008

HORNSEA FOUR OFFSHORE WIND FARM ORDER 2023 (AS AMENDED) (“the Order”)

APPROVAL OF KITTIWAKE COMPENSATION IMPLEMENTATION AND MONITORING PLAN UNDER PART 2 OF SCHEDULE 16 TO THE ORDER

1. The Hornsea Four Offshore Wind Farm Order 2023 as amended¹ (“the Order”) contains requirements and conditions that the undertaker must comply with before certain works within the authorised development as defined in the Order can commence.
2. Orsted Hornsea Project Four (UK) Limited (“the Applicant”) made a request to the Secretary of State for Energy Security and Net Zero (“the Secretary of State”) on 30 September 2024 for approval of the Kittiwake Compensation Implementation and Monitoring Plan (“KCIMP”)², in accordance with Part 2 of Schedule 16 to the Order.
3. On 24 October 2024, the Secretary of State issued a letter³ to the Applicant requesting clarifications on the KCIMP. The Applicant responded on 31 October 2024⁴. Together, the KCIMP and two subsequent letters form the approval request (“the Approval Request”).
4. The Secretary of State wishes to inform the Applicant that consideration has now been given to the Approval Request.

¹ The Hornsea Four Offshore Wind Farm Order 2023 (SI 2023/800) was amended by The Hornsea Four Offshore Wind Farm (Correction) Order 2024 (SI 2024/117) and The Hornsea Four Offshore Wind Farm (Amendment) Order 2024 (SI 2024/800).

² https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010098/EN010098-002394-Hornsea%20Four%20KCIMP%20Updated_Redacted.pdf

³ https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010098/EN010098-002396-H4%20KCIMP%20-%20SoS%20Clarifications%20-%202024%20October%202024_Redacted.pdf

⁴ https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010098/EN010098-002395-Hornsea%20Four%20KCIMP%20Submission%20-%20Clarifications%20for%20the%20SoS%2031st%20October%202024_Redacted.pdf

Requirements under paragraph 3 of Part 2 and paragraph 15 of Part 2 of Schedule 14 of the Order

5. Paragraph 3 of Part 2 of Schedule 16 to the Order (as Amended) states that:

“3. Following consultation with the H4 OOEG [the Hornsea Four Offshore Ornithology Engagement Group], the KCIMP must be submitted to the Secretary of State for approval in consultation with the MMO [Marine Management Organisation] and relevant SNCB [statutory nature conservation body] for the compensation measure, and with the relevant local planning authority and relevant SNCB for any onshore measure (if such measure is required). The KCIMP must be based on the strategy for kittiwake compensation set out in the kittiwake compensation plan and include:

(a) Details of the location where the compensation measure will be delivered and the suitability of the site to deliver the measures (including why the location is appropriate ecologically and likely to support successful compensation);

(b) in relation to an offshore structure, details of any relevant seabed agreement(s);

(c) details of the design of the artificial nesting structure(s) to provide nesting for at least 750 pairs of kittiwake in total; including the projected number of nests that will be accommodated on the structure, and how risks from predation and other perturbations have been designed out or mitigated;

(d) an implementation timetable for delivery of the artificial nesting structure, such timetable to ensure that the structure is in place to allow for at least two full kittiwake breeding seasons prior to operation of any turbine forming part of the authorised development. For the purposes of this paragraph each breeding season is assumed to have commenced on 1 April in each year and ended on 30 September;

(e) details of the maintenance schedule for the artificial nesting structure;

(f) details for the proposed ongoing monitoring and reporting of the effectiveness of the measures including—

(i) survey methods;

(ii) survey programmes;

(iii) success criteria; and

(iv) timescales for the monitoring reports to be delivered;

(g) recording of H4 OOEG consultations and project reviews;

(h) details of any adaptive management measures, with details of the factors used to trigger any alternative and/or adaptive management measures; and

(i) monitoring should include annual monitoring of the number of birds colonising the site including sufficient detail to identify barriers to breeding success (including nesting attempts and nest productivity) and target alternative or adaptive compensation measures. Evidence of natal dispersal and colony interchange with the UK NSN [National Site Network] and FFC [Flamborough and Filey Coast] kittiwake colony should be included. Information of any other seabirds attempting to and/ or successfully nesting on the ANS [artificial nesting structure] should also be recorded.”

6. Paragraph 4 of Part 2 of Schedule 16 to the Order (as Amended) states that (emphasis added):

*“The undertaker must implement the measures set out in the KCIMP approved by the Secretary of State, unless otherwise agreed by the Secretary of State in consultation with the relevant SNCB, MMO and the relevant local planning authority. **No operation of any turbine forming part of the authorised development may begin until the KCIMP has been approved by the Secretary of State and two full breeding seasons following the implementation of the measures set out in the KCIMP have taken place.** For the purposes of this paragraph each breeding season is assumed to have commenced on 1 April in each year and ended on 30 September.”*

Consultation

7. On 5 November 2024, the Secretary of State invited comments from Natural England (“NE”) and Hartlepool Borough Council (“HBC”) on the Approval Request in accordance with paragraph 3 of Part 2 of Schedule 16 to the Order. The deadline for a response was 5 December 2024.
8. HBC did not provide a response.
9. NE responded on 5 December 2024⁵ stating that it does not support the proposed approach to deliver compensation through the provision of an onshore ANS. NE’s response also outlined key points including the provision of the onshore ANS, whether it would result in sufficient benefits, the proposed scale of the measure, adaptive management, and the interaction of the KCIMP with the previous non-material change (“NMC”) approved by the Secretary of State on 17 July 2024⁶. The Secretary of State’s consideration of those points is set out below.
10. On 7 January 2025, the Secretary of State requested further information from the Applicant⁷ on the feasibility of other onshore ANSs, why an offshore ANS is no longer viable, NE’s alternative proposal for ‘initial compensation’ to be delivered at the Hartlepool onshore ANS followed in due course by the construction of an offshore ANS, and an update regarding the progression of discussions regarding the potential to facilitate the development of an offshore structure for future adaptive management. The Applicant was also asked to address differences in modelled outputs between colony growth scenarios provided in support of the NMC to the H3 Order and those provided for the approval of the Hornsea Four KCIMP.
11. The Applicant responded to the Secretary of State’s request on 4 February 2025⁸.

Consideration of the Approval Request by the Secretary of State

12. The Secretary of State has considered the details provided by the Applicant in respect of the requirements related to the submission of the KCIMP, NE’s response to the consultation, and the Applicant’s further response dated 4 February 2025.
13. With regard to the information requested as set out above in paragraph 10, the Secretary of State is satisfied that the Applicant’s response provides adequate detail

⁵ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010098/EN010098-002397-EN010098%20Hornsea%204%20KCIMP%20-%20NE%20Response%20051224.pdf>

⁶ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010098/EN010098-002385-Hornsea%20Four%20Non-Material%20Change%20-%20Decision%20Letter%20%5bsigned%5d%20-%2017%20July%202024.pdf>

⁷ <https://infrastructure.planninginspectorate.gov.uk/document/EN010098-002398>

⁸ https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010098/EN010098-002410-Hornsea%20Four%20KCIMP%20Submission_Redacted%20FINAL.pdf

to address the Secretary of State's concerns on the feasibility of other onshore ANSs, why an offshore ANS is no longer viable, NE's alternative proposal, and an update regarding the progression of an offshore structure for adaptive management option.

14. The Secretary of State notes that the Applicant does not dispute that an offshore ANS could be a more ecologically appropriate option than the onshore ANS at Hartlepool in its KCIMP. However, for the reasons set out below, the Secretary of State agrees with the Applicant that the onshore ANS at Hartlepool can fulfil the compensation requirements for kittiwake mandated in the Order and will not significantly impact the compensation requirements for H3. Further, given the Applicant's response on the viability of the offshore option and NE's alternative proposal in its response dated 4 February 2025, the Secretary of State considers that the Applicant makes a compelling case that the delivery of an offshore ANS would adversely affect the delivery of the project, and that the onshore ANS allows for the dual objectives of kittiwake compensation and the project's operation to be delivered in both a reasonable timeframe and at a viable cost.
15. The Secretary of State notes that the modelling presented in Appendix A of the KCIMP and onshore delivery is inherently uncertain, due to its attempt to predict kittiwake population changes far into the future of the project's operation but considers the modelling inputs, including several initial colonisation, productivity and growth rate scenarios to be reasonable. The Secretary of State considers that the modelling does support the KCIMP's ability to fulfil the objectives of Part 2 of Schedule 16 of the Order but only in combination with overcompensation, site selection and design, and adaptive management proposals.
16. Noting that the Hartlepool ANS site is already secured and appropriate, the Secretary of State notes that the Order secures the Applicant providing an ANS with 750 nest spaces. The Applicant predicts that 230 breeding pairs would be needed at the Hartlepool ANS to produce 86 adult kittiwake birds per year, i.e. to compensate 2:1 for the 43 kittiwake predicted mortalities per year from the project. The Applicant uses the production of 86 adults per year over the project lifetime as the success criteria in modelling (Table 8.1 of the KCIMP), showing that the cumulative mortality for the project is compensated for at a 2:1 ratio. The Secretary of State notes this provides for overcompensation, in terms of actual birds produced. Further, the Secretary of State considers this provides some resilience, despite the compensation being based on a single location at Hartlepool.
17. In conjunction, the Secretary of State notes that, following the deduction of 750 spaces for the project, the Hartlepool ANS will provide 634 nest spaces for H3. The Secretary of State notes that H3 requires 404 breeding pairs of kittiwake (occupied nest spaces) to produce 73 adult birds across its four onshore ANS, including Hartlepool. The Secretary of State notes that, over the H3 project lifetime, each of the four onshore ANS would individually fully compensate for the 73 adult birds. The Secretary of State notes that the modelling for the project provides overcompensation in the form of actual birds whilst the modelling for H3 differs and provides overcompensation in the form of nesting spaces.
18. The Secretary of State therefore considers that the use of nest spaces on the Hartlepool ANS by the project does not reduce the nest spaces available to H3 to less than 404, which is the minimum required by the H3 Order and H3 KIMP. The Secretary of State considers the reduction in overcompensation (i.e. from 980 nest spaces to 230) is not considered to significantly reduce the ability of the package of ANS's to meet H3's compensation requirements; indeed, the Secretary of State considers the

modelling provided by the Applicant for the project's KCIMP could be considered to support H3's compensation requirements, noting its limitations.

19. The Secretary of State is of the view that the response provided by the Applicant dated 4 February 2025 does not fully resolve the query regarding differences between modelling undertaken for H3 and this project. However, the Secretary of State accepts the KCIMP's modelling outputs in this instance, as the scenarios used are appropriate and include a precautionary scenario which is preferred as an approach to previous modelling undertaken for the H3 NMC.
20. The Secretary of State agrees with NE that monitoring and adaptive management are crucial and accepts that if the onshore ANS fails to colonise and produce as many fledglings as predicted and necessary for success, then further adaptive management measures may be necessary. The Secretary of State considers adaptive management is catered for in the Order and reiterated in the KCIMP. Several potential adaptive management measures are proposed, from alterations to the ANS structure to facilitating the development of an offshore structure. The most appropriate interventions will be informed by the results of a scheme of monitoring.
21. The Secretary of State remains of the view as set out in the NMC Decision Letter of 17 July 2024 that the Applicant's supporting evidence and modelling considers a range of appropriate scenarios and is applicable to both an offshore or an onshore ANS. The HRA expressed the opinion of the Secretary of State based on the information available at that time, that an offshore ANS was the most ecologically appropriate option and should be implemented. However, the Secretary of State considers that the Applicant makes a compelling case that new and unforeseen technical and financial factors mean that the timely delivery of a new offshore ANS by the Applicant for this project is unfeasible.
22. Overall, the Secretary of State concludes that:
 - a. An offshore ANS to deliver the KCIMP is not feasible whereas the Hartlepool ANS is secured and appropriate. This approach may be potentially less ecologically effective than an offshore ANS, but such proposals as set out in the KCIMP fulfil the requirements for compensation in the Order;
 - b. The Applicant's KCIMP modelling is appropriate;
 - c. The uncertainty associated with the Applicant's modelling is mitigated by overcompensation, which will still exist for H3 after the reduction in nest spaces available for it;
 - d. Appropriate monitoring and adaptive management (including the possibility of offshore compensation features) is secured in the Order and KCIMP;
 - e. The KCIMP will deliver the project's kittiwake compensation objectives.
23. Having considered the comments from NE and the subsequent information and updated documents provided by the Applicant on 4 February 2025, the Secretary of State is satisfied that the KCIMP submitted complies with the requirements under paragraph 3 of Part 2 of Schedule 16 of the Order and hereby gives his approval to the KCIMP.

Yours sincerely,

Energy Infrastructure Planning Delivery