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Variation to Deemed Marine Licences - Conditions 9(1), 11(6), 11(7) and 11(8)

Hornsea One Offshore Wind Farm Order 2014: Application for changes to Deemed Marine Licences ("DMLs")

Dear Lisa

1 Introduction

- 1.1 In February 2015, DONG Energy Wind Power A/S ("DONG Energy") took full ownership of Hornsea Offshore Wind Farm Project One ("Hornsea Project One"). Hornsea Project One was awarded consent by the Secretary of State on 10 December 2014. The Development Consent Order was subsequently amended on 30 April 2015 by the Hornsea One Offshore Wind Farm (Correction) Order 2015 and on the 31 March 2016 by the Hornsea One Offshore Wind Farm (Amendment) Order 2016. A further application for a non-material amendment was submitted to the Secretary of State in July 2016 and is yet to be determined. The undertakers named in the Development Consent Order ("DCO") are Heron Wind Limited ("Heron") Njord Limited ("Njord") and Vi Aura Limited ("Vi Aura") (the "Project One companies").
- 1.2 Alongside the application for a non-material amendment submitted in July 2016, an application for a variation to the DMLs was submitted to the Marine Management Organisation (MMO). This requested a variation to the limits of deviation for Wind Farm Areas 1, 2 and 3 (Work Nos 1, 2 and 3) detailed within DMLs 1, 2 and 3, to alter their internal boundaries within the Order Limits. This variation application is yet to be determined. We understand that the request for this variation can be dealt with together with the previous request, which we agree is a sensible approach.

2 Formal Application for Additional Variations

- 2.1 Further to discussions with the MMO in relation to the proposed Horizontal Directional Drilling (“HDD”) works package, it has been suggested that Conditions 9(1) and 11(6) of the DMLs should be varied. We suggest that it will also be necessary to delete Conditions 11(7) and 11(8) as they are no longer required in light of the amendments to Condition 11(6). The Conditions are identical in all four DMLs and so the changes would apply to all of them.
- 2.2 Under the current wording of Condition 9(1) of the DMLs, the Emergency Response and Co-operation Plan (“ERCoP”) must be submitted to and approved by the Secretary of State, in consultation with the Maritime and Coastguard Agency (“MCA”). Based on recent discussions with the MMO we understand that the ERCoP should instead be submitted to and approved by the MMO and so it is proposed that this condition is varied to refer to the MMO instead of the Secretary of State. In addition, it is proposed that an obligation for the undertaker to implement the ERCoP and associated guidance and requirements is included within this Condition.
- 2.3 In relation to Conditions 11(6), 11(7) and 11(8), and following discussions with the MMO, it is our understanding that the MMO are in the process of phasing out transportation audit sheets, replacing them with Dropped Object Procedure Forms that must be submitted to the MMO within a certain time of the undertaker becoming aware of any dropped objects. A variation to the DMLs to reflect this change is therefore proposed, to ensure that all dropped objects are recorded in a pro-forma, removing the necessity of an audit sheet. In order to allow some flexibility, we have suggested that the timeframe for reporting of dropped objects is 24 hours, rather than the 6 hours previously suggested. We understand that other projects have agreed much longer timeframes in similar licence conditions and so we would hope that this will not be problematic.
- 2.4 There will be no new effects on the environment, significant impacts or increases to the significance of impacts assessed in the original application as a result of these requested variations. In addition, the amendments do not introduce the need for a new Habitats Regulations Assessment or the need for a new or additional licence in respect of European Protected Species. Due to the minor nature of the requested variations and the fact that they are purely related to process, it is therefore considered that no consultation on these changes is required and you have confirmed in email correspondence that you provisionally agree with this view.
- 2.5 We hereby formally apply for the variations explained above and set out in the enclosed tracked changes version of DMLs 1, 2, 3 and 4. This is a composite version, showing the variations permitted in April 2016, the variations requested in July 2016 and the variations requested in this application.

If you have any questions or require clarification on the content of this letter or any accompanying information, please do not hesitate to contact us.

Yours sincerely



Bronagh Byrne
Hornsea Project One Consents Manager