



# Planning Inspectorate

## Planning Act 2008 – Section 91

**Application by RWE Renewables UK Dogger Bank South (West) Ltd and RWE Renewables UK Dogger Bank South (East) Ltd for an Order Granting Development Consent for the Dogger Bank South Offshore Wind Farms**

**Agenda for Issue Specific Hearing 1 (ISH1) dealing with matters relating to the draft Development Consent Order**

Hearing	Date and Time	Location
<b>Issue Specific Hearing 1 on the draft Development Consent Order (DCO)</b>	<b>Wednesday 16 January 2025</b> <b>Hearing Starts at 10:00am<sup>1</sup></b> <b>Registration Process from 09:45am<sup>2</sup></b>	By virtual means using Microsoft Teams

**Hearings Guidance:** Please see Annex A of this Agenda

Interested Parties who wish to speak at this event were required to provide notification by **6 January 2025**. If you haven't notified us that you wish to speak can you please contact the Case Team ([doggerbanksouth@planninginspectorate.gov.uk](mailto:doggerbanksouth@planninginspectorate.gov.uk)) as soon as possible.

If you wish to observe the Hearing then you do not need to register. A link to the livestream will be made available on the project page of the National Infrastructure Website closer to the event.

Each Interested Party is entitled to make oral representations at hearings. However, this is subject to the power of the Examining Authority (ExA) to control the conduct and management of hearings.

The virtual event will be open 15 minutes prior to the start of the Hearing to enable a prompt start. Hearings will finish as soon as the ExA deems that all those present have had their say and that all matters have been covered.

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<sup>1</sup> If you are joining as an active participant, please follow the joining instructions for the virtual event carefully and connect to the Hearing in good time. In common with traditional hearings, the event will start on time irrespective of late arrivals, for whom access might not be possible.

<sup>2</sup> Full instructions on how to join online or by telephone will be provided in advance of the meeting to those who have registered to speak.

The agenda is for guidance only. It is not designed to be exclusive or exhaustive. The ExA may add other issues for consideration, may alter the order in which issues are considered and will seek to allocate sufficient time to each issue to allow proper consideration of them. Any lack of discussion of a particular issue at a hearing does not preclude further examination of this issue, including the asking of further written questions.

Every effort will be made to ensure that the issues will be discussed on the day that they are scheduled for. Should the consideration of these issues take less time than anticipated, the ExA may conclude the Hearing as soon as all relevant contributions have been made and all questions asked and responded to.

If there are additional matters to be dealt with or there are submissions that take a considerable amount of time, there may be a need to continue the session for longer on the day. Alternatively, it may be necessary to prioritise matters and defer others to further written questions.

### **Purpose of Issue Specific Hearing on the draft Development Consent Order (draft DCO):**

The purpose of the Hearing is to undertake an examination of the draft DCO Articles and Schedules.

In particular to:

- clarify issues around how the draft DCO is intended to work – what would be consented, the extent of the powers and what requirements, conditions, provisions and agreements are proposed;
- identify any possible issues of prevention, mitigation and compensation which are not covered by the draft DCO as currently drafted; and
- establish or confirm the views of Interested Parties as to the appropriateness, proportionality or efficacy of the proposals.



# Planning Inspectorate

## Agenda

<b>Title of meeting</b>	Dogger Bank South Offshore Wind Farms Issue Specific Hearing 1 on the draft DCO
<b>Date</b>	Wednesday 15 January 2025
<b>Time</b>	10:00am
<b>Venue</b>	Online via Microsoft Teams invitation
<b>Attendees</b>	Invitees

- 1. Welcome, introductions, arrangements for the Hearing**
- 2. Purpose of the Issue Specific Hearing**
- 3. Articles and Schedules of the draft DCO (excluding Schedules 1, 2, 10, 11, 12, 13, 14 and 18)**
  - Applicants will be asked to provide a very brief overview of the draft DCO
  - The ExA will then ask questions in respect of, but not limited to:
    - Article 2 (Interpretation)
    - Article 11 (Closure and diversion of public rights of way)
    - Article 13 (Access to works)
    - Article 15 (Use of private roads)
    - Article 16 (Discharge of water)
    - Article 19 (Removal of human remains)
    - Article 50 (Inconsistent planning permissions)
  - The ExA will seek to explore whether there are any other articles that should be included within the draft DCO seeking responses where appropriate from the Applicants, The East Riding of Yorkshire Council (ERYC) and other Interested Parties.
- 4. Schedules 1, 2, 10, 11, 12, 13 and 14 of the draft DCO – Requirements and Conditions**
  - The Applicants will be asked to provide a very brief overview of the proposed Development as set out in Schedule 1 and Part 1 of Schedules 11 to 14.
  - The ExA will ask a number of questions and clarifications in relation to these schedules seeking responses where appropriate from the Applicants, ERYC, the Marine Management Organisation (MMO) and other Interested Parties.
  - The ExA will ask questions in relation to Schedule 2, including but not limited to:

Requirement 1 (Time limits)  
Requirement 8 (Phases of authorised development)  
Requirement 11 (Implementation and maintenance of landscaping)  
Requirement 20 (Construction hours for onshore works)  
Requirement 30 (Port traffic)  
Requirement 31 (Ministry of Defence Radar Mitigation)  
Requirement 32 (Biodiversity net gain)  
Requirement 34 (Amendments to approved details)

- The ExA will ask questions in relation to Schedules 11 to 14, including but not limited to:  
Condition 5 (Cables and cable protection)  
Condition 7 (Maintenance of the authorised scheme)  
Condition 8 (Extension of time periods)  
Condition 9 (Notifications and inspections)  
Condition 10 (Aids to navigation)  
Condition 14 (Force majeure)  
Condition 15 (Pre-construction plans and documentation)
- The ExA will then explore whether there are any other requirements or conditions that should be included in the Order seeking responses where appropriate from the Applicants, ERYC and other Interested Parties.

**5. Schedule 15 of the draft DCO – Protective Provisions**

The Applicant will be asked to provide an update on the progress of reaching agreement on the drafting of the Protective Provisions with the relevant Statutory Undertakers.

**6. Schedule 18 – Compensation measures**

The Applicant will be asked to provide a brief update on the progress of agreeing the compensation measures and the timescales for getting them agreed.

**7. Schedule 19 of the draft DCO – Documents to be certified**

The ExA will seek to review the documents to be certified, seek views as to how this is laid out in the draft DCO, whether the list of documents is complete and, if not, what additional documents should be included.

**8. Consents, licences and other agreements including any transboundary matters**

The Applicant will be asked to provide an update on progress and timescales for securing any other consents, licences or agreements that are needed to enable the Proposed Development to proceed.

**9. Any other business**

**10. Close of Hearing**

**Attendees**

All Interested Parties are welcome to attend the hearing. However, the ExA considers that representatives for the following parties should consider attending because the ExA believes that the material that they have submitted raises issues that may need to be explored at the hearing:

- The Applicants;
- The East Riding of Yorkshire Council (ERYC) in its role as the Local Planning Authority;
- ERYC in its role as the Highways Authority;
- The Environment Agency;
- The Marine Management Organisation; and
- Natural England.

## Conduct and Management of Hearings

The Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provide that the ExA that will probe, test and assess the evidence at hearings through direct questioning of persons making oral representations. Questioning at this Hearing will therefore be led by the ExA. Cross questioning of the person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that a person has had a fair chance to put their case. Parties wishing to make a representation will be invited to do so at the ExA's discretion.

The ExA will begin the Hearing with opening comments and introductions, then will run through housekeeping matters and explain how the Hearing will be conducted. The ExA's expectation is that each hearing session will typically last for one to two hours. However, the actual duration will depend on the progress made on the day and will be subject to the ExA's powers of control over the conduct of the Hearing.

The agenda may be amended by the ExA at the start of the Hearing or throughout its course. Furthermore, the ExA may wish to raise matters arising from oral submissions, Relevant Representations and Written Representations, and pursue lines of inquiry that are not listed on the agenda in the course of the discussion.

The Hearing is being held at the discretion of the ExA to discuss matters that it considers to be important and relevant to the effective and robust examination of the application. Consequently, the business of the Hearing will be limited to the matters identified in the agenda or otherwise raised by the ExA.

Active participation is at the invitation and discretion of the ExA. Oral submissions must address the matters and questions identified on the Hearing agenda or raised by the ExA at the hearing. Oral submissions on other subject matters or from persons who have not been invited to speak by the ExA may only be heard at the discretion of the ExA, who may decide that such matters are not heard in the interests of relevance, efficiency or fairness.

A recording and transcript of the Hearing will be published by the Planning Inspectorate on the project page of the national infrastructure website<sup>3</sup> and any Interested Party may make a written submission on the specific matters either included in the agenda or arising at the Hearing by **Deadline 1, 29 January 2025**.

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<sup>3</sup> <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010125>