

Application by East Anglia One Ltd for East Anglia ONE Offshore Wind Farm (the application) located approximately 43 km from the Suffolk Coast

Hearing Agendas: Issue Specific and Open Floor Hearings

Infrastructure Planning (Examination Procedure) Rules 2010

This document sets out agendas for Issue Specific and Open Floor Hearings.

Participation in hearings

- All interested parties are invited¹ to attend the hearings.
- Each interested party is entitled to make oral representations at the hearings² (subject to the Examining authority's power to control the hearings).

Conduct and management of hearings

- The Planning Act 2008 (PA2008) provides that the Examining authority (ExA) will probe, test and assess evidence through direct questioning of persons making oral representations at hearings. Except where identified in these agendas, questioning will be by the Examining authority, who will ensure participants have a fair chance to put their case and benefit from their entitlement to make oral representations³.
- The ExA will identify the matters to be considered at the start of each hearing⁴.
- These agendas are indicative and may be amended by the ExA.
- Oral representations (including those made in response to questions) must be based on the relevant or written representations made by the person by whom (or on whose behalf) the oral representations are made⁵.
- Where an agenda item includes matters, such as new amendments to the draft Development Consent Order (DCO), which have not been the subject of any written representation to date and an interested party wishes to respond (including for example to provide an alternative wording), oral representations on new

¹ Guidance for the examination of applications for development consent for Nationally Significant Infrastructure Projects, DCLG, 2010

² S91 & S93 Planning Act 2008 (PA2008)

³ S91 & 93 PA2008. Entitlement to participate is subject to the Examining authority's powers of control over the hearing.

⁴ Rule 14(2) The Infrastructure Planning (Examination Procedure) Rules 2010 (EPR)

⁵ Rule 14(3) EPR

evidence may be made, but the interested party is requested⁶ to bring **six written copies of their intended representation**, for the benefit of the ExA and others taking part in the hearing.

- Where an agenda item refers to an amendment to the draft DCO, this is without prejudice to the Secretary of State's decision on whether or not an Order should be made.

⁶ Rule 17 EPR

OPEN FLOOR HEARING

Venue: Council Chamber, Ipswich Town Hall, Cornhill, Ipswich IP1 1DH

Date: Thursday 12 September 2013

Time: Registration commences at 9.30am

Business commences at 10am

The following Interested Parties indicated they wished to make oral representations about the application at an Open Floor Hearing:

- Burstall Parish Council
- Thomas O'Brien
- The Applicant

AGENDA

Breaks will be taken during the Hearing as directed from the Chair at convenient times, including lunchtime each day.

1. WELCOME AND INTRODUCTION

2. ORAL REPRESENTATIONS

- 2.1** Burstall Parish Council
- 2.2** Thomas O'Brien
- 2.3** The Applicant
- 2.4** Other Oral Representations (if any)

Participants are provided with up to five minutes speaking time, after which the Examining authority may choose to ask questions.

HEARING ON THE SPECIFIC ISSUES RELATING TO THE PRINCIPLE OF DEVELOPMENT AND THE DRAFT DEVELOPMENT CONSENT ORDER

Venue: Novotel, Ipswich.

Date: Tuesday 17 September 2013 (continuing on Wednesday 18, Thursday 19, Tuesday 24, Wednesday 25, Thursday 26 and Friday 27 September 2013 if necessary).

Time: Registration commences at 9.30am.

Business commences at 10am on all hearing days. Breaks will be taken during the hearing as directed from the Chair at convenient times, including at approximately 1pm for an hour each day.

Interested Parties involved

Interested parties or their representatives have indicated they wish to make oral representations about the specific issue of the draft DCO and related matters:

AGENDA

Day 1 – Tuesday 17 September

1. Welcome and Introduction
2. **Ornithology, Protected Species and Habitats including Relevant DCO provisions**
 - 2.1 ADEQUACY OF ASSESSMENT ISSUES
 - 2.1.1 Whether the degree of updating the environmental information on birds necessitates republishing the relevant sections of the Environmental Statement, including the Habitats Regulations Assessment (HRA) report.
 - 2.1.2 Whether the collision risk modelling (CRM) has been carried out to a satisfactory standard, having regard to advice from JNCC/NE.
 - 2.1.3 The extent to which the assessment of the in-combination effects on European Sites should take into account other offshore wind farms, including East Anglia Three and Four.
 - 2.1.4 Whether the wind farm could be developed with a less than “worst case” layout in order to eliminate any likely significant effects (LSE) in combination with other wind farms. If so, whether this could be secured in the DCO.

2.2 EUROPEAN SITES IMPACTS

2.2.1 Alde Ore Estuary SPA

(a) Lesser black backed gulls: Confirmation that there would be no LSE on integrity of the site from (i) project alone; (ii) in-combination?

(b) Herring gulls: whether there would be LSE from (i) project alone; (ii) in-combination.

2.2.2 Flamborough Head and Bempton Cliffs (SPA)

(a) Gannets: Agreement as to whether there would be LSE from (i) project alone; (ii) in combination. Explanation of Population Viability Analysis (PVA); apportionment to the Flamborough Head Bempton Cliffs (FHBC) SPA; latest position.

(b) Kittiwakes: whether there would be LSE from (i) project alone; (ii) in-combination.

2.2.3 Remaining offshore bird matters; confirmation that there are no other outstanding issues.

2.3 OTHER PROTECTED SPECIES AND HABITATS

2.3.1 Deben Estuary: Whether the DCO secures mitigation to enable (i) no LSE on the SPA birds - Dark bellied Brent Goose and Avocet and other SSSI birds and (ii) no disturbance to Schedule 1 birds.

2.3.2 Benthic ecology: Whether appropriate provision has been made for the protection of Sabellaria spinulosa during phases of construction and maintenance in the DCO/Deemed Marine Licence (DML).

2.3.3 Whether the Ecological Management Plan provides for adequate management and mitigation for the species with which it is concerned.

2.4 ANY OUTSTANDING RELEVANT DCO PROVISIONS

Day 2 – Wednesday 18 September

3. MARINE AND COASTAL PROCESSES

- 3.1 The extent to which consideration has been given to scouring, sediment transport and deposition and any effects these factors may have on navigational channels, marine archaeology and biodiversity.
- 3.2 The extent to which the above factors have been taken into account in offshore maintenance.
- 3.3 Whether the project would impact on coastal erosion and whether the landfall works are compatible with the relevant Shoreline Management Plan.

4. OFFSHORE CONSTRUCTION PROCESSES AND PHASING

4.1 CONSTRUCTION SEQUENCE

Explanation to the ExA of the sequence of construction of the elements of the off-shore wind farm and off-shore elements.

4.2 DCO: PHASING (WIND FARM): INDICATIVE/FIRM PROGRAMME

Whether the uses of the word “indicative” should be included in the proposed amendment to draft DML Schedule I Condition 9(a) below in view of the ultimate need for a firm programme.

Applicant’s proposed amendment to draft DML Condition 9(a) (insertions shown underlined):

(a) A design plan at a scale of between 1:25,000 and 1:50,000, including detailed representation on the most suitably scaled admiralty chart, to be agreed in writing with the MMO in consultation with Trinity House and the MCA which shows:

(i) ...

(vi) the proposed layout of all wind turbine generators, offshore substations and meteorological masts including any exclusion zones under condition 2 above and/or identified under condition 9(h)(iv);

and

(vii) a plan showing the indicative layout of all wind turbine generators, offshore substations and meteorological masts including all exclusion zones (insofar as not shown in (x) above) and showing the indicative programming of particular works as set out in the indicative programme to be provided under condition 9(b)(iv)

4.3 DCO: PHASING (TRANSMISSION CORRIDOR): INDICATIVE/FIRM PROGRAMME

Whether similarly a firm layout and/or programme of works is required within draft DML Schedule J Condition 9(a).

4.4 DCO: DEFINITION OF MAINTAIN

- The applicant's proposed amendment to Article 2

"maintain" includes inspect, maintain, repair, adjust and alter, and further includes remove, reconstruct and replace any of the ancillary works in Part 2 of Schedule A and any component part of any wind turbine generator, substation, meteorological station described in Part 1 of Schedule A (but not including the alteration, removal or replacement of foundations) to the extent assessed in the environmental statement; and "maintenance" shall be construed accordingly;

- The Secretary of State's definition of "maintain" in the Triton Knoll Offshore Wind Farm Order 2013

"maintain" includes inspect, repair, adjust and alter, and further includes remove, reconstruct and replace any of the ancillary works and any component part of any wind turbine generator, collector substation, meteorological station or HVDC substation described in Part 1 of Schedule 1 (including replacement of defective subsea cables to the extent assessed in the environmental statement but not including the alteration removal or replacement of foundations) and "maintenance" shall be construed accordingly;

- The Secretary of State's definition of "maintain" in the Galloper Offshore Wind farm Order 2013 (as supported by the local authorities)

"maintain" includes maintain, upkeep, inspect, repair, adjust, alter, relay and remove and any derivative of "maintain" is to be construed accordingly;

5. SHIPPING, FISHING AND NAVIGATIONAL SAFETY

5.1 INTERNATIONAL NAVIGATION

5.1.1 The degree to which the proposal would cause interference with any recognised sea lanes essential to international navigation.

5.1.2 The extent to which the proposal would result in a longer transit time along other major commercial navigation routes. Have the adverse effects been minimised to be as low as reasonably practicable (ALARP)?

5.1.3 The degree to which the cumulative impact of the current proposal and other intended wind farms in the East Anglia Zone and the Southern North Sea have been taken into account, especially EA Three and Four, with reference to the guidance given in NPS EN-1 paragraph 4.9.3.

5.1.4 Whether there are any obvious reasons why consents for wind farms East Anglia Three and Four would be refused.

5.2 DCO: POST-CONSTRUCTION MONITORING

5.2.1 The extent of post construction monitoring which should occur and whether this is adequately secured in the DCO?

5.3 DCO: NAVIGATIONAL RISKS

5.3.1 The extent to which there are unacceptable risks to navigational safety and whether all mitigation measures have been considered.

5.3.2 The extent of interference with recreational craft and the possible appropriate mitigation measures (such as buffer zones).

5.3.3 Has a detailed Search and Rescue Response Assessment been undertaken and has it been secured in the DCO?

5.3.4 Has the MCA used the Navigational Risk Assessment (NRA) to advise on any mitigation measures proposed?

5.4 DCO: NAVIGATION RIGHTS

5.4.1 Has the applicant requested extinguishment, suspension or restrictions to public rights of navigation and have the appropriate details (as outlined in paras 2.6.170 to 2.6.172 of EN-3) been included in the DCO?

5.4.2 Does the DCO make provision for mitigation measures such as site configuration, lighting and marking of the development to take account of the requirements of Trinity House? Is there provision for an acceptable Active Safety Management System?

5.4.3 Any outstanding matters in DCO on Navigation and Shipping?

6. FISHING (MARINE)

6.1 Clarification of the management of impact on fishing during the construction period including the duration of this stage of the project.

6.2 Clarification of the management of impacts on fishing during the operational and decommissioning stages and monitoring of activities.

- 6.3 Specific arrangements to ensure that future fishing opportunities are not impaired by the inappropriate laying of cables and cable protection.
- 6.4 Consideration of the cumulative impact on fishing of a series of East Anglian off-shore projects including East Anglia Wind Farms 3 & 4.
- 6.5 Consideration of the practicality of commercial fishing within the wind farm following construction.
- 6.6 Progress on establishing a fishing community fund and its scope.

Day 3 – Thursday 19 September

7. ONSHORE CONSTRUCTION PROCESS AND PHASING

7.1 CONSTRUCTION SEQUENCE

Explanation to the ExA of the sequence of construction of the elements of the onshore elements.

7.2 DUCTS FOR EAST ANGLIA ONE

The feasibility of constructing only the duct for East Anglia One Wind Farm and the amount of land required for this in the event that the Secretary of State for Energy and Climate Change (SSECC) did not consent the compulsory acquisition of land to enable the construction of ducts for wind farms East Anglia Three and Four.

7.3 DCO: SIMULTANEOUS CONSTRUCTION OF DUCTS

In the event that the SSECC consented the compulsory acquisition of land for all duct works applied for, clarification that the draft DCO would limit the authorised works to the worst case assessed scenario of onshore installation of the East Anglia ONE ducts (and cables) along with the ducts for East Anglia THREE and East Anglia FOUR simultaneously (Applicant's Deadline I responses to EAQ number 1.3.1 refers). That is, to ensure that sequential installations of the eight ducts proposed is not authorised and would not be possible under the draft DCO, through for example:

- deletion of "up to" from the descriptions of proposed works 3B to 37D inclusive in Schedule A Part 1 of the draft DCO

Or

- introducing a new Requirement that:

"No cable duct specified in Works Numbered 3B to 37D inclusive shall be laid other than simultaneously with all of the other ducts in the authorised works that are proposed to be constructed."

8. ONSHORE NOISE AND VIBRATION

8.1 ONSHORE NOISE IMPACTS DURING THE CONSTRUCTION PHASE

8.1.1 Construction noise, including Horizontal Directional Drilling (HDD) or other trenchless technique, with particular regard to the Bealings and Bawdsey areas.

8.1.2 Noise associated with the operation of the Construction Consolidation Sites and associated HGV movements.

8.1.3 Proposed mitigation including hours/days of work and acoustic screening.

8.1.4 Relevant Draft DCO requirements.

8.2 ONSHORE NOISE IMPACTS DURING THE OPERATIONAL PHASE

8.2.1 Noise emanating from the proposed convertor station at Bramford.

8.2.2 Proposed mitigation

8.2.3 Relevant Draft DCO requirements.

**Venue: Council Chamber, Ipswich Town Hall, Cornhill, Ipswich
IP11DH**

Date: Tuesday 24 September 2013 (continuing on Wednesday 25, Thursday 26 and Friday 27 September 2013 if necessary).

Time: Registration commences at 9.30am

Day 4 – Tuesday 24 September

9. HERITAGE AND ARCHAEOLOGY

9.1 ARCHAEOLOGY

Whether the heritage assets on which there are significant impacts should constitute the “heritage assets which may be affected” under paragraph 5.8.11 of NPS EN-1 and whether these may be clearly listed. What their “particular significance” is / how it should be assessed by the ExA as required by the NPS EN1 paragraph 5.8.11.

9.2 DCO: ARCHAEOLOGY

The adequacy of the outline Written Schemes of Archaeological Investigation (to be secured by draft Requirement 25 and the draft Deemed Marine Licences respectively) and whether any DCO provisions need to be made.

10. LANDSCAPE & VISUAL IMPACT

10.1 PLANNING OBLIGATION

Progress on the legal agreement under S106 Town and Country Planning Act 1990 as amended by the PA2008, in relation to funding for planting. Whether the ExA should take this into account and how, in such a case, it may be assured that the obligation would be relevant to planning, necessary to make the proposed development acceptable in planning terms, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development, and reasonable in all other respects, as required by paragraph 4.1.8 of NPS EN-1.

10.2 DCO: ONSHORE CONVERTER STATION

Whether draft Requirement 18(2) would unduly constrain decisions of the local planning authority in relation to the final approval of the Onshore Converter Station and whether determinations should be in accordance with the Development Plan.

*“(2) Any works approved by the relevant planning authority under paragraph (1) shall accord with the **outline design principles of the design and access** statement and be within the Order limits;”*

“Any such determination shall be in accordance with the Development Plan unless material considerations indicate otherwise”

10.2.1 Landscape strategy:

- Status of embedded mitigation if not secured
- HDD under Miller’s Wood
- Planting: Landowner approval

10.3 DCO: LANDSCAPING

Whether landscaping would be implemented only after “all” works had been completed. (Suffolk County Council Deadline II response refers).

*“34. Any land landward of mean low water within the Order limits which is used temporarily for construction of the connection works and not ultimately incorporated in permanent works or approved landscaping, shall be reinstated ~~to its former condition, or in accordance with such condition as details~~ the relevant planning authority **in consultation with the relevant highway authority** may approve, **as soon as reasonably practicable and in any event** within twelve months of completion of the **relevant stage of the connection works or such other period as the relevant planning authority shall agree.**”*

10.4 ADEQUACY OF LANDSCAPING (COMPREHENSIVE / INTERACTION WITH OTHER SCHEMES)

10.5 HEIGHT OF BUILDING NECESSARY AND GROUND LEVEL

10.6 DESIGN REVIEW/OCS DESIGN PRINCIPLES

10.7 LIGHTING REQUIREMENT 28

28(1) Construction lighting: check ‘connection works’ reference includes applying this to the OCS

28(3) Artificial lighting scheme: Add hours of lighting

10.8 DEFINITION OF PLANNING AUTHORITY

N.B The Examining authority will be particularly interested in any minimum requirements of

- ‘Outline landscape and Ecological Management Strategy’
- ‘WSI’
- ‘OCS Design Principles’

that should be on the face of the DCO given that none of these documents are finalised.

Day 5 – Wednesday 25 September

11. TRAFFIC AND TRANSPORT

- 11.1 Consideration of the appropriateness of the Traffic Management Plan to address the concerns of SCC and others in relation to the impact of construction traffic on the county's roads.
- 11.2 Consideration of the addition of a requirement as in the Hinkley Point C, DCO, related to a scheme of marking of HGVs.
- 11.3 Consideration of the amendment to Requirement 21 to reflect that at no stage of construction works should commence until the necessary highway works have been completed.
- 11.4 It is noted that EAONE is unable to deliver mitigation measures requested by Martlesham Parish Council to the pedestrian link between Old Martlesham and Ipswich Road because it is not in control of land required to deliver the pedestrian link. How does this differ from the delivery of traffic related mitigation measures elsewhere?
- 11.5 The ultimate choice of mobilisation port and base port may well require traffic and transport mitigation measures to be taken to roads within the County of Suffolk and beyond. How will these measures be secured within the DCO?

12. DRAINAGE AND WATER SUPPLY

- 12.1 The adequacy of the proposed mitigation and draft DCO requirements.
- 12.2 Anglian Water has raised objections to Article 13 in the draft DCO, relating to the discharge of water, and proposed alternative provisions. Has this matter, and the issue relating to the appropriate protective provisions for the water and sewage undertakers, been resolved?
- 12.3 Messrs Woolf have expressed concerns about the potential for surface water flooding from both the cable route and construction compound. Have these matters been adequately addressed?

Day 6 – Thursday 26 September

13. SOCIO ECONOMIC ISSUES

- 13.1 Community compensation of various forms has been proposed by Bawdsey, Great and Little Bealings and Martlesham Parish Councils. What impacts would this address and how would appropriate compensation be achieved?
- 13.2 A S106 agreement is under discussion over the impact of the Converter Station. What are its contents and how will this be secured through the DCO?
- 13.3 It has been suggested that delay in identifying the port(s) to serve the construction and operation stages of the wind farm is inhibiting the opportunities for establishing the means of achieving community benefits. When will decisions be made and how will the benefits be secured through the DCO?
- 13.4 Has a solution been agreed to the issues raised by Stirling Suffolk Ltd regarding the future development of green houses linked to the SITA energy from waste plant? If so what is it and how does it impinge on the terms of the DCO?

14. OTHER CONSENTS REQUIRED FOR THE WIND FARM TO BECOME OPERATIONAL

As set out in application document 6.5 and referred to in responses to the applicant's responses to the ExA's Questions.

Whether an additional Ministry of Justice licence and a Church of England Faculty are required to allow exhumation in a case where human remains are discovered unexpectedly.