

Agenda for the Issue Specific hearing of Tuesday 15 and Wednesday 16 September 2015

As set out in the hearing notification letter of 13 August 2015, the Examining Authority (ExA) agreed to provide agendas at least one week before the hearings. The ExA has sought to provide detailed agendas at this point to assist all parties with the preparations for the hearings. The various agenda items will of course be developed further during the relevant hearings; there may also be additional agenda items identified for examination by the ExA. As such, the agendas should be seen as indicative and not binding.

The ExA aims to, where possible, work through the agenda in the order set out here. However, there may be need for some flexibility. For example, this may be as a result of information provided at Deadline 2a, and of updates provided by various parties.

Should any updated information become available, the ExA requests that it is brought to the attention of the Case Manager, Katherine King, as soon as possible. Should the ExA accept the submission of information, it will be published on the Hornsea Project 2 page of our website. The ExA therefore requests that interested parties monitor the project website. Should any interested party wish to comment on any information, this should be done through oral submission at the hearings, and in the written submissions after the hearings. This pragmatic approach is not to be abused; the ExA will only accept information that has an impact on the running of the hearings.

You will note from the agendas that there are a number of matters to be examined on each day. As such, the ExA requests that interested parties consider how best to provide evidence at the hearings and prepare accordingly.

Participation in the 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 ExA power to control the hearings). Oral representations should be based on the relevant or written representations made by the person by whom (or on whose behalf) the oral representations are made³.

Should any party have queries regarding the hearings, they are requested to speak to the Case Manager.

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

² S91 and S93 of the Planning Act 2008 (as amended) (PA 2008).

³ S91 and S93 of the Planning Act 2008 (as amended) (PA 2008).

Issue Specific Hearing

- Venue:** Ashbourne Hotel, Vicarage Lane, North Killingholme, Immingham, DN40 3JL
- Date:** Tuesday 15 September continuing on Wednesday 16 September 2015
- Time:** Please arrive by 0915, for start of hearing at 0930

1. Welcome and Introductions

Questions from the ExA relating to the following topics

The ExA aims to, where possible, work through the agenda in the order set out here. It is anticipated that topics 2-7 will be covered on September 15 and topics 8-11 on September 16. But as noted in the preamble to this agenda, there may be need for some flexibility.

2. PN: Principles and Nature of the Development

- 2.1 Update on the evolving project ownership, and the implications of recent changes in ownership for the application, including, inter alia: Funding Statement, Statement of Reasons, and the dual company approach (Breezea and Optimus Wind)—especially with regard to transmission works.
- 2.2 Progress on drafting an onshore co-operation agreement in relation to transmission works, to cover pre-construction plans and documentation, and liaison between undertakers is noted in the Development Consent Order (DCO)(V4), Requirement 26; but more is required on the role of the relevant Local Planning Authorities (LPAs).
- 2.3 Progress on the drafting, and extent of agreement, of Protective Provisions between Hornsea Project 1 and Hornsea Project 2, in relation, but not limited to:
- a) overlap of Order limits for onshore temporary workings and compounds;
 - b) connection into the North Killingholme National Grid (NG) sub-station, and layout of sub-stations/convertor stations;
 - c) inter-tidal access and working areas;
 - d) onshore and offshore cable routes; and
 - e) offshore turbine layouts
- 2.4 Update in relation to the overlap in respect of land required for the Hornsea1 sub-station
- 2.5 Progress on the drafting, and extent of agreement, of Protective Provisions between Hornsea Project 2 and C. Gen, in relation, but not limited to connection into the North Killingholme NG sub-station
- 2.6 Any other issues/ matters not covered

3. CL: Construction Onshore and Inter-tidal

- 3.1 Update on sub-station/ convertor station indicative plans, access routes and cable connections to NG sub-station.
- 3.2 As Dong now owns both Hornsea Projects 1 and 2:
 - a) scope for both onshore cable routes of Hornsea Project 1 and Hornsea Project 2 to be installed at the same time to minimise local disruption;
 - b) update on sequencing of the construction of Hornsea Projects 1 and 2 projects (eg: simultaneously); and
 - c) possible review of scope of compensation compounds
- 3.3 Amplification of Compound Work Schedules (Appendix P; REP1-067) to include anticipated traffic numbers and worker numbers for each compound.
- 3.4 Inter-tidal zone issues, including, but not limited to: scope for reducing period of impacts (in years and/or in months per year); burial depth; timing of ducting installation; relationship to Hornsea Project 1; protection via Environmental Management Plan (EMP) and Code of Construction Practice (CoCP); scheduled inspections outside the ornithological overwintering period.
- 3.5 The applicant states that the cable(s) will be buried to a depth of 2m below the stable seabed. How far below the actual seabed does the applicant expect the stable seabed to be? What criteria are used for determining the stable seabed?
- 3.6 Robustness of CoCP and DCO/Deemed Marine Licences (DML).
- 3.7 Criteria for choosing port location for construction work, and for Operation and Maintenance (O&M) base.
- 3.8 Any other issues/ matters not covered

4. CS: Construction Offshore

- 4.1 Both the MCA and the MMO recommend a minimum of 22m clearance for the bridge links. Does the applicant agree?
- 4.2 The MMO and NE strongly advocate an 'In Principle Monitoring Plan' (IPMP) to be included in the DCO/DMLs. Has the applicant made any progress with the MMO and NE on resolving this issue?
- 4.3 Now that Hornsea Project 1 and Hornsea Project 2 are under the same ownership, has any progress been made between the applicant and the MMO on the issue of co-operation and co-ordination for construction offshore?

4.4 Any other issues/ matters not covered.

5. SE: Socio-economics

5.1 Update on most likely local employment scenario outcomes, for both the construction and operational stages of Hornsea Project 2.

5.2 Update on measures to deliver the Employment and Skills Plan, including provision of access to training and employment for disadvantaged groups.

5.3 Views of the Humber Local Enterprise Partnership (LEP) on maximizing the scale of local employment and supply chain benefits.

5.4 Update from the applicant and the local authorities on the proposed Community Benefits Fund.

5.5 Provisions for monitoring supply chain and employment take-up for both the construction and operational stages of Hornsea Project 2

5.6 Any other issues/ matters not covered

6. LH: Landscape and Heritage

6.1 Update in respect of, but not limited to the matters not agreed in the Statement of Common Ground (SoCG) in relation to heritage issues with Lincolnshire County Council (LCC), North Lincolnshire Council (NLC) and Historic England (HE), particularly:

- a) the setting impacts of the converter/substation;
- b) impact on non-designated archaeological remains;
- c) the definition of setting with respect to the individual assessments of impact on designated assets; and
- d) mitigation of the visual impact on the setting of Manor Farm Moated Site at East Halton.

6.2 Additional photo-montages were provided following the Rule 17 request to illustrative the cumulative worst-case visual impact of Hornsea 1 and 2. Do any interested parties have any comments to make on either impact or the adequacy of mitigation measures in the light of this new material?

7. FNA: Fishing, Navigation and Aviation

7.1 Progress made with a monitoring programme requested by the National Federation of Fishermens' Organisations (NFFO), the Netherlands Fisheries Organisation (VisNed) and the Holderness Coast Fisheries Organisation Group (HFIG)?

7.2 Update on progress made in respect of the remaining areas of disagreement with NFFO, VisNed and HFIG (including: post-installation

trawl survey, secure provisions for a Fishing Liaison and Co-existence Plan within the DMLs)

- 7.3 To what extent are the NFFO, VisNed and HFIG now content with the applicant's agreement that they will follow standard procedures as outlined in the Fisheries Liaison and Offshore Wind and Wet Renewables Group (FLOWW) guidance (2014) regarding disturbance payments?
- 7.4 What agreement has been reached with the Bridlington potters regarding the impacts of cable installation on the laying of their pots?
- 7.5 The MMO notes (SoCG) the importance of the cumulative assessment of the impacts on fishing inside active dredge disposal sites within 50km of the Hornsea Project 2. These sites include Babbage (HU203), Triton Knoll (HU 204), Westernmost Rough (HU 207) and Bridlington (HU015), as well as numerous sites within the Humber Estuary. Has the applicant carried out this assessment?
- 7.6 Has the MMO any comments, in relation to its' responsibilities, on the new ownership arrangements for Hornsea Project 2?
- 7.7 Any other issues/ matters not covered?

8. EOO: Ecology Offshore-Ornithology

- 8.1 ExA approach to examination of offshore ornithological impacts, recognition of uncertainty, and the importance of sensitivity analysis in the assessments.
- 8.2 Brief introductory updates from the applicant, NE and RSPB, including position reached by applicant and NE on the *Offshore Ornithology Road Map*.
- 8.3 Concise statement from applicant on extent of agreement between parties on baseline data issues.
- 8.4 Extent of agreement between parties on methodological issues, including aspects of (a) Collision Risk Modelling (CRM), (b) calculation of Displacement Rates, (c) Population Viability Analysis (PVA) and Potential Biological Removal (PBR), and (d) tiering/relevant projects for cumulative and in-combination effects assessment.
- 8.5 Update on assessment of collision and displacement impacts, as appropriate, of Hornsea Project 2 alone, and in combination, for all relevant species, for the Flamborough Head and Filey (FFC) Coast pSPA. In particular, what are the views of NE and the RSPB on the updated assessments submitted by the applicant for Deadline 2a, for the following species: (a) gannet; (b) kittiwake; (c) guillemot; (d) razorbill, and (e) puffin?

- 8.6 Extent of agreement between NE and the applicant on any adverse integrity effects for relevant species for the Flamborough Head and Filey Coast pSPA, for the project alone, and in combination with other projects.
- 8.7 Extent of agreement between NE and the applicant on the likely significant effects of the project alone, and cumulatively, for relevant EIA species populations in the North Sea.
- 8.8 Offshore ornithological impacts of alternative turbine MW sizes (ie: 8MW x225 turbines and 15MWx 120).
- 8.9 Mitigation measures, monitoring for the full life cycle of the project, and the adequacy of DCO requirements and DML conditions.
- 8.10 Any residual trans-boundary ornithological issues.
- 8.11 Any other issues/ matters not covered

9. EL: Ecology Onshore and Inter-tidal

- 9.1 Requirements of the Water Framework Directive.
- 9.2 Update on positions of interested parties on currency of data (onshore and inter-tidal).
- 9.3 Extent of agreement between NE and the applicant on any adverse integrity effects for relevant (a) ornithological species and (b) habitats for the Humber Estuary SPA, Ramsar and SAC sites, for the project alone, and in combination with other projects.
- 9.4 Approaches to minimising onshore and inter-tidal ecological impacts of Hornsea Project 2, cumulative with Hornsea Project 1.
- 9.5 Nature of impacts of the project on other designated sites (including SSSIs, NNRs and LNRs).
- 9.6 Hedgerow impacts: cable installation options
- 9.7 Monitoring, and long term management of habitats and protected species, in both the EMP and the CoCP.
- 9.8 Any other issues/matters not covered

10. EOMM: Ecology Offshore—Marine Mammals

- 10.1 Possible designation of a Special Area of Conservation (SAC) for harbour porpoise with potential overlap of the application site: update on likely consultation and implications for Habitat Regulations Assessment (HRA).
- 10.2 Adequacy of baseline population information for marine mammals.
- 10.3 Effects of displacement/underwater noise.

- 10.4 Cumulative impact; NE concern about impacts from vessel disturbance.
- 10.5 Entanglement with anchored monopiles.
- 10.6 Mitigation/monitoring.
- 10.7 Control of hammer energy/piling.
- 10.8 Submission of data to the Defra Marine Noise Registry – update needed.
- 10.9 Need for a European Protected Species Licence.
- 10.10 Effect on the Humber SAC grey seal population.
- 10.11 Any other issues/matters not covered.

11. Marine Processes (if not already covered in examination of items in CL above)

- 11.1 Environment Agency's (EA) remaining concerns regarding: (i) use of historic data regarding climate change; and (ii) export cable burial depth and beach profile data, not taking account of December 2013 significant changes to coastline.
- 11.2 MMO concern about characterisation of the baseline at the coast; need for a review study of more recent research and coastal monitoring programmes.
- 11.3 MMO concern as to justification for the applicant's conclusion that the shoreline is of minor vulnerability with moderate to high levels of recoverability.
- 11.4 Any other issues/ matters not covered.