

Issue Specific and Compulsory Acquisition Hearings

Approach to the agendas

As set out in the hearing notification letter of 29 September 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 4, 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 Planning Inspectorate, Hornsea Project 2 webpage. The ExA therefore requests that interested parties monitor this webpage. 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 previous 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 Planning Act (PA 2008).

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

Issue Specific Hearing – Agenda

Venue: Ashbourne Hotel, Vicarage Lane, North Killingholme, Immingham, Lincs

Date: 27 October 2015

Time: Venue opens 0900; 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 work through the agenda in the order set out here; but as noted in the preamble (Annex A) there may be need for some flexibility.

2. General

2.1 Updates on overview documents on: consents, Statements of Common Ground (SoCGs), chronological listing of documents, environmental signposting, mitigation/monitoring/management (including organogram).

2.2 Response to the Applicant's proposed amendments to the Order.

2.3 Any other issues/matters not covered.

3. CL: Construction Onshore and Inter-tidal

3.1 Update on sub-station/convertor station plans, access routes and cable connections to the National Grid (NG) sub-station, including potential four-way SoCG.

3.2 Update on the inclusion of the Local Planning Authorities in the onshore co-operation agreement in relation to transmission works (Development Consent Order (DCO) Requirement 26).

3.3 Update on a more informative Compound Works Table.

3.4 Update on the Intertidal Access Management Plan.

3.5 Any other issues/ matters not covered.

4. CS: Construction Offshore

4.1 Update on the progress on the 'In Principle Monitoring Plan', including inclusion in the draft DCO.

4.2 Update on including both Hornsea Projects 1 and 2 in the DCO Schedule A, Part 3, Requirement 21?

4.3 Update on the programme timetable for the early onshore and offshore construction activities for Hornsea Project 1.

4.4 Update on progress on resolving issues between the Applicant and E.ON E&P Ltd.

4.5 Any other issues/matters not covered.

5. SE: Socio-economics

5.1 Estimate of percentage of local employment in (i) the construction stage, and (ii) the operation and maintenance (O&M) stage of Hornsea Project 2, under the medium scenario.

5.2 Update of DCO Requirement 18 to include additional measures relating to, inter alia: provision of apprenticeships, employment opportunities for disadvantaged groups, and the monitoring of local employment outcomes, all during both the construction and O&M stages of Hornsea Project 2.

5.3 Any other issues/matters not covered.

6. LH: Landscape and Heritage

6.1 To receive any further submissions from the Applicant and the local authorities in respect of disagreements over the need for and timing of further archeological trial trenching in the light of the responses to Questions LH15 and LH16 of the ExA's second round written questions.

6.2 To receive any further submissions from the Applicant, Historic England and the local authorities in respect of the worst case scenario visual impact of the proposed HVDC electrical transmission stations at Works 8A and 8B in the light of the responses to Questions LH17 and LH18 of the ExA's second round written questions.

6.3 To receive any further submissions from the Applicant and local authorities in respect of hedgerows in the light of the responses to Question LH20 of the ExA's second round written questions.

6.4 Any other issues/matters not covered.

7. FNA: Fishing, Navigation and Aviation

7.1 Update on SoCG between the Applicant and the fisheries organisations.

7.2 Update on Action Plan between the Applicant and Conoco Phillips.

7.3 Progress on Marine Traffic Validation.

7.4 Any other issues/matters not covered.

8. EOO: Ecology Offshore-Ornithology

8.1 Update on HRA matrices, including for a) Flamborough Head and Bempton Cliffs (FHBC) SPA; and b) for the Greater Wash dSPA.

8.2 Clarification of final (?) position agreed between Natural England (NE) and the Applicant on the effects of Hornsea Project 2 on Special Protection Areas (SPA and

pSPA) populations of gannet, guillemot, razorbill and puffin, for the project alone and in combination.

8.3 Update on latest (final?) position agreed between NE and the Applicant on the effects of Hornsea Project 2 on the Special Protection Areas (SPA and pSPA) population of kittiwake, and assemblage features, with particular reference to recent areas of disagreement.

8.4 Update on progress and extent of agreed positions, between RSPB and the Applicant, on the effects of Hornsea Project 2 on Special Protection Areas (SPA and pSPA) populations of gannet, kittiwake, guillemot, razorbill and puffin, for the project alone and in combination. RSPB differences from NE analysis and conclusions should also be clarified.

8.5 Views of Applicant, NE and RSPB on recent research study on potential impacts of offshore wind farms on gannet populations (Journal of Applied Ecology, 2015, DOI: 1111/1365-2664.12529).

8.6 Update on the positions reached in SoCG on the effects of Hornsea Project 2 on EIA species.

8.7 Update on migratory bird collision risk.

8.8 Nature and inclusion in the DCO/Deemed Marine Licences (DMLs) of the details for the monitoring of offshore ornithological impacts.

8.9 Any other issues/matters not covered.

9. EL: Ecology Onshore and Inter-tidal

9.1 Update on inter-tidal issues related to: the applicable tide height above chart datum (CD) at Grimsby and working tide height at the cable landfall area; the length of the summer construction working window; the tailpiece on Condition 20(3) of DML A2/B2, which allows winter working with the agreement from the Marine Management Organisation (MMO) and NE; and assessment of the effects on the intertidal zone from carrying out ducting over three years.

9.2 Update on NE/Applicant position on the effects of Hornsea Project 2, (i) alone and (ii) in combination, on features of: a) the Humber Estuary SPA; b) the Humber Estuary Ramsar site; and c) the Humber Estuary SAC.

9.3 Any other issues/matters not covered.

10. EOMM: Ecology Offshore—Marine Mammals

10.1 Update on whether formal consultation has commenced on the possible designation of a SAC for harbour porpoise.

10.2 Any other issues/matters not covered.

11. Further work

11.1 Written proofs of oral submissions.

12. Any other matters

Issue Specific (ISH) Hearing –Agenda

Venue: Ashbourne Hotel, North Killingholme, Lincolnshire

Date: 28 October 2015

Time: Venue opens 0900; 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 work through the agenda in the order set out here. However, there may be need for some flexibility.

- The ExA will use the hearing to work through the latest version of the Applicant's Development Consent Order, including the Deemed Marine Licences (DCO/DML).
- The Applicant and other parties will be asked to update the ExA on developments in the drafting of the DCO/DML.
- The hearing will discuss matters arising from answers to the second round of questions received in response to Deadline 4.

As with the first DCO hearing it is the Panel's intention to:

(a) further clarify issues around how the draft DCO and draft DMLs are intended to work – what is to be consented, the extent of the powers proposed and what requirements, conditions, provisions and agreements are proposed;

(b) identify any possible issues of prevention, mitigation or compensation not yet covered by the draft DCO and draft DMLs; and

(c) establish or confirm the views of other interested parties as to the appropriateness, proportionality or efficacy of the provisions proposed.

2. Articles—definitions and disapplications

3. Articles—clauses, including but not limited to

3.1 Powers of acquisition (Art 18 *et seq*) (to be covered further in CA hearing)

3.2 Protective provisions (to be covered further in CA hearing)

3.3 Are there outstanding matters from interested parties still to be addressed and not captured in the responses to Deadline 4?

4. Authorised works –update

5. DCO and requirements

5.1 Including in particular: Ecological Management Plan (Requirement 7); Code of Construction Practice (Requirement 8); Employment and Skills Plan (Requirement 18); and Co-operation (Requirement 21).

5.2 Are there outstanding matters from interested parties still to be addressed and not captured in the responses to Deadline 4?

6. Deemed Marine Licences and conditions

6.1 In particular, what outstanding matters are there from the MMO and other parties still to be addressed?

6.2 When do the Emergency Response Co-operation Plan (Condition 4), the various Plans and Documents (Condition 10) and the Offshore Decommissioning Plan (Condition 19) have to be submitted to the MMO for approval?

7. Planning Performance Agreement (PPA)

The intention of such an Agreement is to provide a framework for the discharge of the Requirements by the local authority with a view to making the discharge process time efficient, cost effective and consistent in order that there is a degree of certainty in terms of the outcome and the quality of the decision making process.

8. Further work

8.1 Written proofs of oral submissions

8.2 Possible revised draft DCO

The Applicant will be asked to review recent DECC DCOs, and make any necessary changes to reflect current drafting practice, ensure footnotes are correct, and confirm that the DCO is in the SI template.

9. Any other matters

Compulsory Acquisition (CA) Hearing –Agenda

Venue: Ashbourne Hotel, North Killingholme, Lincolnshire

Date: 29 October 2015 (and 30 October if required)

Time: Venue opens 0900; please arrive by 0915, for start of hearing at 0930

Preamble

This second Compulsory Acquisition Hearing is being held to ensure adequate examination of the provision seeking to authorise the compulsory acquisition of land and rights in the land and whether there is a compelling case in the public interest for the land and rights to be acquired compulsorily¹.

All Affected Persons² and Interested Parties are invited to attend.³

The hearing will run until all Affected Persons and other Interested Parties who have indicated a wish to speak have made their representations and responded to the Panel's exploration of the matters in accordance with the agenda. The Applicant will also be given an opportunity to present their evidence in response to each party's case and respond to questions from the Panel. Should all the matters be dealt with on day one, the hearing will conclude and will not then take place on Friday 30 October.

Other invited attendees:

The following persons may wish to attend the hearing to address matters identified in this agenda:

The Applicant
Anglian Water Services Limited
Associated British Ports
British Telecom
Centrica KPS Ltd
Centrica PLC
C.Gen Killingholme Ltd
Conoco Phillips (UK) Ltd
Dong Energy (on behalf of Heron Wind Ltd, Njord Ltd and Vi Aura Ltd) – Hornsea P1
Environment Agency
E.ON E&P UK Ltd. (E.ON)
Highways England
Natural England
Network Rail
National Grid Electricity Transmission PLC
National Grid Gas PLC
Northern Powergrid Yorkshire PLC
Phillips 66 Limited
The Crown Estate

¹ S.122(3) PA2008

² S.92 PA 2008

³ Guidance for the examination of applications for development consent for Nationally Significant Infrastructure Projects, DCLG, 2010

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. However, there may be need for some flexibility and the agenda may require more than one day. In particular the examination will be informed by the submissions received at Deadline 4 including submissions requested at the first Compulsory Acquisition Hearing on 17 September 2015 and answers to the ExA's second written questions.

2. To receive any update on the need for acquisition of rights sought under Schedule E of the draft DCO and powers of temporary possession sought under Schedule G of the draft DCO on various plots and the case that the tests in s.122 and s.123 of PA2008 have been met.

- Updated version of the Applicant's Plot-by-Plot Analysis?
- Amendments to Schedule E and Schedule G of the draft DCO?
- Update on description of rights sought and any revisions to the Book of Reference?

3. To receive any proposed revisions to the onshore Order Limits and Land Plan; particularly in relation to Land Plan Sheet 27 of 27.

- Outline of construction scenarios in the circumstance of Hornsea Project One being under construction or completed and the Applicant's response to Question CA23 of the ExA's second round of written questions?
- Plot No. 506 and Plot No. 505 proposed amendments?
- Plot No. 505 and the need for temporary possession powers?
- Applicant's response to Question CA21 of the ExA's second round of written questions in relation to the Centrica access road?
- Plot Nos. 507 and 509 and the ExA's second round written question CA18?
- Plot No. 511 and the Applicant's response to Question CA22 of the ExA's second round of written questions?
- Procedure for dealing with amendments to the Order Limits?

4. Book of Reference

- To receive any amendments to the Book of Reference?
- To receive an explanation from the Applicant of the criteria used to define Qualifying Persons under Regulation 7(1)(b) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 (Category 3 in s.57(4) of PA2008)?

- 5. To review revisions to the Draft DCO in relation to CA matters received at Deadline 4.**
 - Article 26(10)?
 - Definition of 'completion' – Article 26(5) and any consequential amendments?
- 6. To receive any amendments to the Funding Statement.**
 - Applicant's response to Question CA20 of the ExA's second round written questions?
 - Applicant's response to Question DC32 of the ExA's second round written questions?
- 7. To receive any amendments to the Statement of Reasons.**
- 8. To receive any further submissions on Alternatives.**
- 9. Further update in relation to negotiations with private landowners and statutory undertakers.**
- 10. To receive any further representations from Affected Persons and Other Interested Parties.**
- 11. Statutory Undertakers Land and Apparatus**
 - Responses to Question CA27 of the ExA's second round of written questions in relation to ConocoPhillips (UK) Limited and Phillips 66 Limited?
 - Responses to Question CA28 of the ExA's second round of written questions in relation to E.ON E&P UK Ltd
- 12. Protective Provisions**
 - Applicant's response to Question CA26 of the ExA's second round of written questions in relation to Protective Provisions and an update on progress in relation to all outstanding agreements?
- 13. Crown Land**
 - Consents sought under s.135 of PA2008?
 - Update in respect of Highways England land and responses to Question CA19 of the ExA's second round of written questions?
 - Applicant's response to Question CA17 of the ExA's second round of written questions?
- 14. Commons land and open space**
 - Responses to Question CA25 of the ExA's second round of written questions?
- 15. Further work**
 - Written proofs of oral submissions

16. Any other matters