



The Planning
Inspectorate

Preliminary Meeting Note

Summary of Key Points Discussed and Advice Given

Application Reference	Hornsea Offshore Wind Farm (Zone 4) - Project Two EN010053
Date	16 June 2015
Venue	Ashbourne Hotel, North Killingholme, DN40 3JL

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1. Introduction

The Examining Authority (ExA) welcomed all interested parties to the Preliminary Meeting (PM) and thanked all of those present for attending. The ExA explained that the meeting was being held under the Infrastructure Planning (Examination Procedure) Rules 2010 in relation to the proposed Hornsea 2 Offshore Wind Farm project.

The ExA introduced themselves as Michael Hayes, Peter Widd and John Glasson, who is the lead member of the Panel of Examining Inspectors (ExA) for this project. Note: Philip Asquith, also a member of the Examining Authority, was unable to attend the PM. It was explained that the Panel of Examining Inspectors was appointed by the Secretary of State for Communities and Local Government. For this examination the ExA will report to the Secretary of State for Energy and Climate Change (SoS, DECC) with a recommendation as to whether a Development Consent Order (DCO) should be granted.

The Planning Inspectorate case team was introduced as Mrs Katherine King (née Chapman), Case Manager and Miss Lowri Thomas, Assistant Case Officer. Any inquiries or issues on process matters should be directed to Katherine King, who will be available throughout the examination.

The attendees were reminded that any individual, group or organisation intending to use social media, report or film during any hearing are free to do so; however they should do so responsibly with proper consideration for other parties and should be discreet and not disturb the meeting by doing so.

The ExA asked all those in attendance to introduce themselves and the organisation they were representing and if any members of the public in attendance wished to speak (please see Appendix A to this note).

It was declared that a note of the meeting was being taken as well as an audio recording, both of which would be published on the Planning Inspectorate's Hornsea Project 2 project pages as soon as practicably possible. Anyone speaking was advised to speak clearly into the microphones provided.

It was explained that the purpose of the meeting was to discuss procedural matters relating to the way in which the application is to be examined and discuss the examination timetable for that examination. There would be no discussion of the merits of the application at the PM, and the focus should be on how the application should be examined, as set out in section 88 of the Planning Act 2008 (PA2008).



It was explained that the examination would commence on the day after the PM closes and would run for six months. The ExA then stated that as soon as possible after the close of the meeting, under Examination Rule 8 of the Infrastructure Planning (Examination Procedure) Rules 2010, a letter would be sent to all interested parties confirming the examination timetable and this would also include links to the first round of written questions and note of the meeting. This is known as the Rule 8 letter.

2. Examination Process and Principal Issues

The purpose of the examination is to enable the Panel as the ExA to make a recommendation to the SoS (DECC) as to whether this proposal should receive consent in the form of a DCO under the PA2008. The PA2008 has brought in a distinct regime for the consideration of proposed Nationally Significant Infrastructure Projects (NSIPs) set within the context of National Policy Statements, in particular for this project EN-1, EN-3 and EN-5. It is an inquisitorial process, in which the ExA takes the lead in establishing what is important and relevant to the decision which the SoS (DECC) needs to take. The examination looks for evidence of what is important and relevant, and tests the evidence put forward to see how robust it is.

Section 90(1) of the PA2008 states 'the examining authority's examination of the application is to take the form of *written representations* about the application'. There is also provision for certain types of *hearings*, but the central part of the examination is the written process.

Written representations

The ExA's first round of written questions draw on the ExA's examination of the application documents and the Relevant Representations made by interested parties and statutory consultees which are all available on the Planning Inspectorate's Hornsea 2 project pages. The questions will reflect broadly the ExA's Initial Assessment of Principal Issues. Each question is assigned a unique reference, made up of letters and a number made up from the topic and question number (e.g. CA1 – Compulsory Acquisition, question 1). The ExA reminded parties to please use these references when responding to the written questions.

The Rule 8 letter sets deadlines for the receipt of responses to the ExA's questions and comments on the Relevant Representations, of which 32 were received. All responses to the questions (as well as any other examination documents) will be published on the Planning Inspectorate's Hornsea 2 project pages as soon as practicably possible. Interested parties will then be given the opportunity to comment on both the responses to the questions and the Relevant Representations.



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This may be followed by a second round of questions and answers, and subsequent comments on those answers. The second round will allow the ExA to examine any unanswered questions and address any new points that have emerged during the course of the examination.

In addition to questions, answers and comments, the ExA may at any time during the examination seek further information or written comments under Rule 10(4) or Rule 17 of the Infrastructure Planning (Examination Procedure) Rules.

Hearings

It was explained that there are 3 different types of hearings under the PA2008:

Open floor hearings - which must be held if requested by any interested party;

Compulsory acquisition hearings - which must be held if requested by any affected person (those whose property or rights over land are affected by Compulsory Acquisition); and

Issue specific hearings - which are held if the ExA decides that they are necessary to ensure adequate examination of the issue in question, or to ensure that an interested party has a fair chance to put their case.

The draft timetable (Annex D to the Rule 6 letter dated 15 May 2015) identifies deadlines and dates for when interested parties must inform the ExA if they wish to be heard at any of the hearings, and the provisional dates for such hearings.

The ExA explained that the recommendation report which will go to the SoS will have, as its core, the recommendation as to whether the DCO, either in its current form or as amended during the examination, should be approved. All matters relating to the draft DCO, including the draft Marine Licences, are integral parts of this examination.

Principal issues

The ExA's initial assessment of principal issues was included in Annex C of the Rule 6 letter dated 15 May 2015. The twelve identified issue categories were not intended to be comprehensive or exclusive, and the headings are broad. There is also no implied order of importance in the listing in the table at Annex C. If any other issues arise that appear to be important and relevant, they will be taken into consideration through the course of the examination.



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The ExA reminded everyone that the principal issues are not a list of objections to the application, but rather the range of issues that an offshore wind farm development raises and issues which must be examined. There were no further suggestions from the meeting for other principal issues.

3. Draft timetable: overview

The draft timetable was set out in Annex D to the ExA's letter of 15 May 2015 and included the ExA's proposals for deadlines for submissions, dates reserved for possible hearings and dates for accompanied site visits.

The ExA explained that item 17 in the draft timetable noted that the examination must close by 16 December 2015 and this is an absolute statutory deadline. It may be possible to close the examination earlier than that timetabled, under section 99 of the PA2008. Interested parties will be informed when the examination closes. The ExA will then have a maximum of three months to write the recommendation report and then the SoS (DECC) has a maximum of a further three months to make the decision on whether or not the DCO should be granted.

4. Draft timetable: detail

The ExA decided that it would be best to go through the timetable item by item and invited any comments on the dates and deadlines during this process.

Item 1 is the date the PM was held 16 June 2015.

Item 2 in the draft timetable is the issuing of the examination timetable and the ExA's first written questions (the Rule 8 letter). The ExA stated that this would be sent out as soon as practicable following the PM and indicated this would be early in the week commencing 22 June 2015.

Item 3 is deadline 1 which is scheduled for 15 July 2015. This deadline is for receipt of comments on Relevant Representations, summaries of those representations where they exceeded 1500 words, written representations from interested parties, summaries of written representations where they exceeded 1500 words, Local Impact Reports from the Local Authorities, any Statements of Common Ground (SoCG), responses to the first questions, notification of wish to speak at hearings, notification of wish to attend the Accompanied Site Inspection (ASI) as interested parties may also attend the site visit if they wish to do so and the notification of suggested locations for the ASI.

The ExA asked Mr Panton whether East Lindsey District Council was going to submit a Local Impact Report, which is a report of the likely impacts of the proposal on a local authority area. Mr Panton confirmed that East



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Lindsey District Council was hoping to submit a Local Impact Report and was content that the deadline of the 15 July was achievable.

The ExA highlighted the importance of the preparation of SoCG. In Annex G of the Rule 6 letter dated 15 May 2015, the ExA indicated the parties with whom the ExA wished to see SoCG concluded and also sought to provide some general guidance on what might be included in the SoCG. The ExA suggested that the examination may benefit from SoCG between the applicant and other parties besides those already identified, and on other issues. Indeed, the ExA was aware of other parties (e.g. EON E&P; ConocoPhillips (UK); Vitol Immingham CHPLLP) who were likely to be involved in producing SoCG with the applicant.

The ExA asked the applicant whether they were preparing any other SoCG aside from those the ExA were already aware of, including whether SoCG were being prepared between the applicant and the parish councils. The applicant confirmed that they were only intending to produce SoCG with those parties the ExA had been made aware of and that they had been in contact with the parish councils at both pre- and post- application stage. They were not anticipating SoCGs with these parish councils; however they could update the consultation report to inform the ExA of what consultation has taken place. The ExA confirmed that the suggested approach would be helpful.

The ExA stated that they would like to hear from interested parties any thoughts or ideas that they may have had about SoCGs. Please note that submission of a SoCG does not mean that the ExA will not examine those points further; and that the real value of a SoCG is generally in identifying the points of 'uncommon ground' that are still an issue between parties.

The ExA stated that they were expecting an update from the applicant of Schedule of Mitigation, Enhancement and Monitoring Requirements at this deadline and the applicant stated that this would also be continuously updated throughout the examination as and when relevant.

Item 4 in the draft timetable is 28 July 2015 which was reserved for an open floor hearing, if requested by an interested party. The deadline for the request would be by the 15 July and if no requests are received then the hearing may be cancelled. If this is the case, interested parties will be notified by the project website.

Item 5 is the Accompanied Site Inspection (ASI) which is scheduled for 29 July 2015. The applicant has drafted a provisional programme for this involving visiting various sites along the 40km onshore cable route from the landfall site and North Coates village, North Coates airfield, the Louth Canal crossing and the Team Gate drain crossing, the A160 roundabout and the South Killingholme railway crossing and finally to the grid connection and the substation site at North Killingholme. The ExA asked whether any attendees wanted to suggest any other locations for the site



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inspection and Mr Peters from VPI Immingham stated that they had a gas pipeline which ran to the power stations located near the A160 road crossing. Mr Peters asked if the gas pipeline could be included in the site inspection when they visit the A160 roundabout and the ExA requested that this be included to the current programme and could not foresee any difficulty due to its proximity to the A160, an existing location in the programme.

Item 6 is the first issue specific hearing on the draft DCO which is scheduled for the 30 July 2015. The ExA explained that the purpose of this hearing would be exploratory; to understand how the draft DCO and Deemed Marine Licences are intended to work and what concerns other parties might have. The ExA stated it would be useful for an update on the Protected Provisions before this hearing and continuous updates throughout the examination.

Item 7 is deadline 2 which is scheduled for 10 August 2015. This is the deadline for receipt of comments on written responses, responses to comments on Relevant Representations received at deadline 1, comments on Local Impact Reports, comments on the responses to the ExA's first questions, revised DCO from the Applicant, updated HRA matrices (if needed), all post-hearing documentation including written proofs of oral cases made at the hearings, documents post the ASI and any other information requested by ExA.

Item 8 in the draft timetable is scheduled for 15 and 16 September 2015 and this is for the issue specific hearings. These would be on topics including but not limited to the nature of development and its relationship with Hornsea Project 1, the construction impacts (onshore and offshore) of the project and socio-economic matters, and ornithology and marine matters. The ExA confirmed to Mr Boswall (for the Hornsea Project 1 companies) that the various relationships between the Hornsea Projects 1 and 2 would be fully considered in these hearings, including connections to the National Grid.

Mr Panton from East Lindsey District Council asked whether the topics of the nature of development and its relationship with Hornsea Project 1 and the construction impacts of the project and socio-economic matters could be discussed in the same hearing day as these topics were directly related to local authorities and would require their presence. The ExA agreed to take this away and consider in its timetabling for the Issue Specific Hearings.

Mr Carruthers from the Royal Yachting Association asked the ExA whether the marine matters in item 8 were in relation to navigation or marine mammals. The ExA clarified that marine matters in item 8 were primarily in relation to marine mammals; other marine issues, including navigation, would be covered under the topic of construction impacts. The ExA also



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confirmed that any oil and gas issues would also be covered under the topic of construction impacts.

Item 9 is scheduled for 17 and 18 September 2015 and these are the dates reserved for compulsory acquisition hearings, if requested by any affected person. The ExA asked whether the applicant was aware of any parties likely to call for a compulsory acquisition hearing and the applicant stated that based on representations, they thought that it was likely.

Item 10 is deadline 3 which is scheduled for 24 September 2015. Deadline 3 is the deadline for receipt of all post hearings documents, including written proofs of oral cases made at hearings and any other information requested by the ExA.

Item 11 is the date for the issue of the ExA's second written questions if the ExA felt that there are still matters which need exploring after the hearings.

Item 12 in the draft timetable is deadline 4 which is scheduled for 20 October 2015. This is the deadline for the receipt of responses to the ExA's second written questions (if issued) and any other information requested by the ExA.

Item 13 is the date reserved for the second DCO issue specific hearing and any other issue specific or compulsory acquisition hearing required. This was scheduled for 27, 28, 29 and 30 October 2015.

Item 14 in the draft timetable is deadline 5 which is scheduled for the 12 November 2015. This is the deadline for the receipt of comments on responses to the ExA's second round of questions (if issued), receipt and publication on the applicant's final DCO, all post hearing documents, written proofs of oral cases made at hearings, the issue of the Report on the Implications of European Sites (RIES) and any other information requested by the ExA. The ExA highlighted that the two-week consultation period on the RIES is short and parties should be aware of this with regard to their arrangements.

Item 15 is deadline 6 which is scheduled for 26 November and is the deadline for the receipt of comments on the RIES, any final versions of SoCGs, issue of the ExA's consultation DCO and any other information requested by the ExA.

Item 16 is the final deadline, deadline 7, which is scheduled for 10 December. This is the deadline for the receipt of comments on the ExA's consultation DCO and any other information requested by the ExA.



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Item 17 is the final draft timetable item and the date by which the examination must be completed, six months after the day after the PM which is 16 December 2015. The ExA then has three months to produce the recommendation report to the SoS, and the SoS has a further three months to make a decision.

Mr Boswall asked if the Rule 8 letter could be sent out as soon as possible to allow as much time as possible for responses to the questions. The ExA stated that they would endeavour to send the questions out as soon as possible, especially due to the timeframe in which respondents have to answer.

5. Any Other Business

The ExA stated that since the issuing of the Rule 6 letter, Mr Martin Van Broekhoven had requested to become an 'Other Person' in the examination. The ExA accepted this submission into the examination and accepted Mr Broekhoven's request to become an 'Other Person'.

The Planning Inspectorate has also contacted a number of countries on behalf of the Secretary of State, in compliance with Regulation 24 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2012, enabling their participation in the forthcoming examination if they so wish.

A number of documents were submitted by the applicant as a result of ongoing discussions between the applicant, affected persons and other statutory bodies and following section 51 advice included in the acceptance letter from the Planning Inspectorate which asked for a number of points to be clarified. The ExA have now considered these documents and accept them into the examination. The ExA stated that they would be asking questions in relation to these documents in the first round of written questions. Furthermore, the ExA requested that if any interested party wished to comment on these documents, that they should do so through their Relevant Representation.

The ExA asked the applicant whether the applicant was intending on updating any other application documentation in the forthcoming weeks. The applicant stated that the documents had currently been clarified as far as possible, however the DCO may be updated as discussions progressed and the Book of Reference may be updated if the applicant becomes aware of any other parties who need to be included or if the applicant needs to take any changes into account, however this would be done as a schedule of updates. The ExA said that this approach was appreciated.



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Aside from the aforementioned application documents, the ExA also accepted submissions from Network Rail, VPI Immingham, Quadrant Pipelines, E.ON, ENP, RSPB and Historic England into the examination and all of the submissions can be found on the Hornsea Project 2 pages on the national infrastructure website.

The case manager asked that parties clearly label all submissions and that file titles reflect the content of the documents to enable these to be uploaded to the website as soon as practicably possible. It was also asked that care is taken that parties only submit information which is not currently before the ExA and that they should avoid large quantities of documents being submitted which are not directly relevant to this examination. The case manager also asked that parties discuss which information they are submitting so that there is no duplication of submission documents.

Michael Hayes declared potential conflicts of interest in this case as he was a member of Historic England's Advisory Committee and of their Urban Panel and that he was a Built Environment Expert with the Commission for Architecture and the Built Environment of the Design Council. Mr Hayes explained that for both of the committees he took no part in any discussions regarding any Nationally Significant Infrastructure Projects.

- Meeting close: 10:50am -



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Appendix A - List of Speakers

SMart Wind Limited (Applicant)

Mr Scott McCallum – Partner at Shepherd & Wedderburn
Ms Patricia Hawthorn – Partner at Shepherd & Wedderburn
Ms Sophie Hartfield – Environment and Consents Manager at SMart Wind Ltd

VPI Immingham

Mr Wally Peters – Lead Development Engineer

Royal Yachting Association

Mr Stuart Carruthers – Cruising Manager

Heron Wind Limited, Njord Limited and Vi Aura Limited (Hornsea Project 1 companies)

Mr Julian Boswall – Partner at Burges Salmon LLP

Natural England

Ms Louise Burton – Senior Advisor

East Lindsey District Council

Mr Chris Panton – Planning Manager