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To interested parties, statutory parties  
and other persons invited to the  
preliminary meeting

Your Ref:

Our Ref: EN010053

Date: 22 June 2015

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Dear Sir/Madam

## **Planning Act 2008 (as amended) – Section 89 and the Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 8(as amended)**

### **Application by Smart Wind Ltd for an Order Granting Development Consent for Hornsea Offshore Wind Farm (Zone 4) - Project Two**

#### **Examination timetable and procedure**

I write to tell you about the procedural decisions following the Preliminary Meeting (PM) held on Tuesday 16 June 2015 at the Ashbourne Hotel, Vicarage Lane, North Killingholme, Immingham, DN40 3JL. This letter also provides you with the examination timetable, a link to the initial questions that I am asking in the examination and other matters.

All documentation associated with this project, including a note of the Preliminary Meeting and the audio recording taken at that meeting, can be found using this link:

<http://infrastructure.planningportal.gov.uk/projects/yorkshire-and-the-humber/hornsea-offshore-wind-farm-zone-4-project-two/?ipcsection=docs>

#### **Procedural decisions and examination timetable**

We have made our procedural decisions about the way in which the proposal is to be examined. The examination timetable is attached as **Annex B** and includes the deadlines by which certain information should be submitted. This examination timetable replaces the draft examination timetable that was included with the Rule 6 letter dated 15 May 2015. Procedural decisions and changes to the draft examination timetable made after the Preliminary Meeting are explained in **Annex C**. The examination timetable has sought to accommodate requests made at the Preliminary Meeting.

If we consider it necessary to vary the timetable (set out in **Annex B**), we will notify interested parties and 'other persons' invited to the PM and publish the changes on

the Hornsea 2 project pages on the National Infrastructure Planning website. We will also do this if the date, time and place of any hearing is changed, except in the event of an adjournment.

### **Deadlines for receipt of submissions**

It is important to note that if you do not submit the information by the dates specified in the timetable, we may disregard them. Any submissions that exceed 1500 words should also be accompanied by a summary. This summary should not exceed 10% of the original text. The summary should set out the key facts of the written representation and must be representative of the submission made.

All deadlines are 11:59pm on the date stated. We request that interested parties send, where practicable, electronic copies of their submissions as email attachments, to [hornsea2@pins.gsi.gov.uk](mailto:hornsea2@pins.gsi.gov.uk) on or before the applicable deadline.

Electronic attachments should be clearly labelled with a subject title and not exceed 12MB for each email. Should electronic submissions include documents of 300 pages or more, interested parties are advised to send to the Planning Inspectorate four additional full paper copies of their submission by post. Timely submissions in advance of the deadlines set in the timetable are encouraged. If interested parties prefer to issue submissions in hard copy by post, please ensure they arrive by the deadline.

If no written requests are received for open floor hearings or compulsory acquisition hearings by the deadline specified in **Annex B**, we are not required to hold any such hearings. We may nevertheless choose to do so.

The time, date and place of any confirmed hearing will be notified in writing to all registered interested parties, providing at least 21 days' notice.

Below we have explained some of the submissions requested in the timetable in greater detail for your information, however please refer to **Annex B** for all submission deadlines for this proposal.

### **Examining Authority's first round of written questions**

We are asking a number of written questions. These questions are now published on the National Infrastructure Planning website and can be accessed through the following link:

<http://infrastructure.planningportal.gov.uk/document/3253353>

The deadline for responses to these questions is listed in the examination timetable in **Annex B**.

### **Written representations**

We also invite all interested parties to submit written representations and comments on Relevant Representations already submitted by the deadline specified in **Annex B**.

There is no prescribed form for written representations. Written representations can deal with any relevant matter. They are not restricted to the matters set out in our

Initial Assessment of Principal Issues which was discussed at the Preliminary Meeting, nor restricted to the questions we have asked. Please note that under Rule 10(4) of the Examination Procedure Rules any person, other than the applicant, who submits a written representation must identify in their written representation those parts of the proposal with which they agree and those parts with which they do not agree, and must state the reasons for such disagreement.

Furthermore, in accordance with DCLG '[Planning Act 2008 \(PA 2008\): examination of applications for development consent](#)' (April 2013) participants should provide with their written statements, 'the data, methodology and assumptions used to support their submissions'.

### **Statements of Common Ground (SoCG) and Local Impact Reports (LIRs)**

In our Rule 6 letter, we requested SoCGs. We now formally invite submission of completed SoCGs, and any draft SoCGs, by the deadline listed in the examination timetable at **Annex B**. A further deadline is also set for receiving completed SoCGs submitted in draft at the earlier deadline date.

Local authorities defined in s56A of the PA 2008 are invited to submit LIRs by the deadline specified in **Annex B**.

### **Notification of a wish to attend a hearing**

We now request notifications from –

- (a) any interested party who wishes to be heard at an **open floor hearing**.
- (b) any affected person who wishes to make oral representations at a **compulsory acquisition hearing**.
- (c) any interested party who wishes to make oral representations at an **issue specific hearing** listed in **Annex B**.

These notifications must be received by the deadline specified in **Annex B**.

If an interested party wishes to make an oral representation at an open floor or issue specific hearing they should indicate which topics they wish to address at the hearing. Similarly, any affected person wishing to make an oral representation at a compulsory acquisition hearing should identify clearly the plots of land about which they wish to speak.

### **Procedure at hearings and notification of wish to speak at hearings**

The procedure to be followed at hearings is set out in Rule 14 of the [Examination Procedure Rules](#). Any oral representations must be based on either the relevant or written representations made by the person by whom or on whose behalf the oral representations are made. We shall be responsible for the oral questioning of a person giving evidence but your attention is drawn to Rule 14(5) of the Rules and the circumstances that apply to cross-questioning between parties.

Our examination will be principally undertaken through a written process, and we will

decide whether a hearing on a particular issue or topic is necessary. This decision is not connected to how relevant or important we consider an issue or topic to be.

## Site inspections

We have undertaken (and if needed will undertake further) unaccompanied site inspections at times convenient to us. There will also be an accompanied site inspection (ASI) (see procedural decisions at Annex C).

## Habitats Assessment Regulations

Under the Habitats Regulations, in order to inform the Secretary of State as the Competent Authority, certain information needs to be provided and consultation undertaken, during the course of the examination. The applicant is requested to update their integrity matrices by Deadline 2.

The Planning Inspectorate will issue the Report on the Implications for European Sites (RIES) at Deadline 5, following which the timetable provides opportunities and deadlines for comments to be submitted.

## Award of costs

You should be aware of the possibility of the award of costs against parties who behave unreasonably.

To assist understanding of what 'unreasonable behaviour' means in the context of an examination under the PA 2008 you may find it helpful to read the Government guidance: '[Awards of costs: examinations of applications for development consent orders](#)' (July 2013) which can be found on the National Infrastructure Planning website .

## Future notifications

If you are an interested party (reference number beginning with 100), an other person (reference number beginning with OP) or an affected person (reference number beginning with HOR2-AFP) you will continue to receive correspondence from the Planning Inspectorate about the examination throughout the process.

If you are a statutory consultee, or a local authority without direct responsibility in the proposed development area, and have not made a Relevant Representation (reference number beginning with HOR2-SP), then you should inform the Case Manager (Katherine King, née Chapman) if you wish to become a registered party by Deadline 1. **Statutory consultees who have not made a Relevant Representation and do not notify the Case Manager of their wish to become an interested party will not receive any further correspondence.**

If we require further information or written comments (a Rule 17 request) on the dates specified within Annex B, this will be sent to only those persons we consider it is applicable to, however it will be published on the National Infrastructure Planning website.

## Management of Information

The Planning Inspectorate has a commitment to information transparency. Therefore, all information submitted for this project (if accepted) and a record of advice which the Planning Inspectorate have given can be found on the Planning Inspectorate website, together with the name of the person or organisation who asked for the advice. The privacy of any other personal information has been protected in accordance with our Information Charter.

Yours faithfully

*John Glasson*

**Prof. John Glasson, Lead Member of the Panel of Examining Inspectors**

**Annexes:**

- A. Availability of representations and application documents
- B. Timetable for examination of the proposal
- C. Procedural decisions made after the Preliminary Meeting

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.

## Annex A

### Availability of relevant representations and application documents

On the National Infrastructure pages of the Planning Portal website:  
<http://infrastructure.planningportal.gov.uk/projects/yorkshire-and-the-humber/hornsea-offshore-wind-farm-zone-4-project-two/>

And for inspection and copying at:

#### **Immingham Library**

Pelham Road  
Immingham  
South Humberside  
DN40 1QF

#### **Opening times:**

Monday to Friday:  
08:30–19:30  
Saturday: 09:00–13:00  
Sunday: Closed

#### **Copying charges:**

Black & White A4 – 10p  
Colour A4 – 25p

#### **Grimsby Library**

Town Hall Square  
Grimsby  
DN31 1HG

#### **Opening times:**

Monday to Friday:  
08:30–19:30  
Saturday: 09:00–13:00  
Sunday: Closed

#### **Copying charges:**

Black & White A4 – 10p  
Colour A4 – 25p

#### **East Lindsey District**

**Council**, Planning and  
Regeneration, Room 51,  
Tedder Hall, Manby Park,  
Louth, Lincs  
LN11 8UP

#### **Opening times:**

Monday to Friday:  
09:00–17:00  
Saturday: Closed  
Sunday: Closed

#### **Copying charges:**

No charge

#### **Hull Central Library**

Hull City Council  
Albion Street  
Hull  
East Riding of Yorkshire  
HU1 3TF

#### **Opening times:**

Monday: 09:30 – 18:00  
Tuesday: 09:30 – 19:00  
Wednesday: 09:30 – 18:00  
Thursday: 09:30 – 19:00  
Friday: 09:30 – 17:30  
Saturday: 13:00 – 16:00  
Sunday: Closed

#### **Copying charges:**

Black & white A4 -10p  
Black & white A3 -10p  
Colour A4 – 50p  
Colour A3 – 50p

## Annex B

### Examination Timetable

Item	Matters	Due Dates
1	Preliminary Meeting	<b>Tuesday 16 June 2015</b>
2	Issue by Examining Authority (ExA) of: <ul style="list-style-type: none"> <li>• Examination timetable</li> <li>• ExA's first written questions</li> </ul>	As soon as practicable following the Preliminary Meeting
3	<b>Deadline 1</b> Deadline for receipt of: <ul style="list-style-type: none"> <li>• Comments on Relevant Representations (RRs)</li> <li>• Summaries of all RRs exceeding 1500 words</li> <li>• Written representations (WRs)</li> <li>• Summaries of all WRs exceeding 1500 words</li> <li>• Local Impact Report from any local authorities</li> <li>• Statements of Common Ground (SoCG) requested by ExA</li> <li>• Schedule of Mitigation Requirements</li> <li>• Responses to ExA's first written questions</li> <li>• Notification of wish to speak at a compulsory acquisition (CA) hearing</li> <li>• Notification of wish to make oral representations at the issue specific hearing on the draft Development Consent Order (DCO)</li> <li>• Notification of wish to speak at the open floor hearing (OFH)</li> <li>• Notification of wish to attend Accompanied Site Inspection (ASI)</li> <li>• Notification of suggested locations for the ASI to cover</li> </ul>	<b>Wednesday 15 July 2015</b>

	<ul style="list-style-type: none"> <li>Notification of any statutory party who wishes to participate in the examination.</li> </ul>	
4	Date reserved for open floor hearing (OFH) if any requests are received by the 15 July 2015. If there are no requests, the hearing will be cancelled and interested parties will be notified through the banner on the project webpage.	<b>Tuesday 28 July 2015</b>
5	Accompanied Site Inspection	<b>Wednesday 29 July 2015</b>
6	First issue specific hearing (ISH) on draft DCO	<b>Thursday 30 July 2015</b>
7	<p><b>Deadline 2</b> Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>Comments on WRs and responses to comments on RRs</li> <li>Comments on Local Impact Reports (LIRs)</li> <li>Comments on responses to ExA's first written questions</li> <li>Revised draft DCO from Applicant</li> <li>Updated HRA matrices</li> <li>All post hearing documents including written proofs of oral cases made at hearings</li> <li>Documents post Accompanied Site Inspection</li> <li>Any other information requested by the ExA</li> </ul>	<b>Monday 10 August 2015</b>
8	<p>Issue Specific hearing (ISH) on topics including but not limited to:</p> <ul style="list-style-type: none"> <li>Nature of development and relationship with Hornsea Project 1</li> <li>Construction impacts and socio-economic matters</li> <li>Ornithology</li> <li>Marine Matters</li> </ul>	<b>Tuesday 15 and Wednesday 16 September 2015</b>
9	Dates reserved for compulsory acquisition (CA) hearing (including, if required, s127 of PA 2008 issues)	<b>Thursday 17 and Friday 18 September 2015</b>

10	<p><b>Deadline 3</b> Deadline for receipt of:</p> <p>All post-hearing documents including written proofs of oral cases made at hearings and any other information requested by the ExA.</p>	<p><b>Thursday 24 September 2015</b></p>
11	<p>Date for issue of ExA's second written questions (if there are still matters to explore after the hearings)</p>	<p><b>Tuesday 29 September 2015</b></p>
12	<p><b>Deadline 4</b> Deadline for receipt of:</p> <ul style="list-style-type: none"> <li>• Responses to ExA's second written questions</li> <li>• Any other information requested by the ExA</li> </ul>	<p><b>Tuesday 20 October 2015</b></p>
13	<p>Dates reserved for a second DCO issue specific, any other issue specific or compulsory acquisition hearing (including, if required, s127 of the Planning Act 2008 issues)</p>	<p><b>Tuesday 27, Wednesday 28, Thursday 29 and Friday 30 October 2015</b></p>
14	<p><b>Deadline 5</b> Deadline for receipt of:</p> <ul style="list-style-type: none"> <li>• Comments on responses to ExA's second written questions</li> <li>• Receipt and publication of applicant's final DCO</li> <li>• Documents post all hearings</li> <li>• Written proofs of oral cases made at hearings</li> <li>• Any other information requested by the ExA</li> <li>• Issue of Report on the Implications for European Sites (RIES)</li> </ul>	<p><b>Thursday 12 November 2015</b></p>
15	<p><b>Deadline 6</b> Deadline for receipt of:</p> <ul style="list-style-type: none"> <li>• Comments on the RIES</li> <li>• Any final versions of SoCGs</li> <li>• Any other information requested by the ExA</li> </ul> <p>and</p> <ul style="list-style-type: none"> <li>• Issue of ExA's consultation DCO</li> </ul>	<p><b>Thursday 26 November 2015</b></p>

16	<p><b>Deadline 7</b> Deadline for receipt of:</p> <ul style="list-style-type: none"> <li>• Comments on ExA's consultation DCO</li> <li>• Any other information requested by the ExA</li> </ul>	<p><b>Thursday 10 December 2015</b></p>
17	<p>The ExA is under a duty to complete the examination of the application by the end of the period of 6 months beginning with the day after the close of the Preliminary Meeting.</p>	<p><b>Wednesday 16 December 2015</b></p>

## **Annex C**

### **Procedural Decisions**

The Examining Authority has decided to notify of hearings in line with Rule 13 of the Infrastructure Planning (Examination Procedure) Rules 2010.

### **Planning Act 2008 (as amended) and The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 13 and Rule 16**

### **Application by Smart Wind Ltd for an Order Granting Development Consent for Hornsea Offshore Wind Farm (Zone 4) - Project Two**

### **Notification of hearings and site inspection in the company of Interested Parties**

I write to all interested parties to notify of the dates, times and place of forthcoming hearings and the date, time and meeting place for an Accompanied Site Inspection which will be held in July 2015. As set out in the examination timetable, those interested parties who wish to speak at an open floor, draft DCO or compulsory acquisition hearing are asked to notify the Planning Inspectorate by Deadline 1 of the examination timetable. The ExA has also decided to hold hearings on several specific issues.

#### **Open floor hearing**

If the ExA do not receive a request for an open floor hearing and take the decision not to hold such a hearing, a notification to cancel the hearing will be posted on the project webpage and therefore the ExA requests that all interested parties take note of this. If a request is received, the open floor hearing will take place on 28 July 2015. The hearing will be held at the Humber Royal Hotel, Littlecoates Road, Grimsby, North East Lincolnshire DN34 4LX. It will commence at 9.30 am and will close as soon as all matters are covered.

#### **Issue specific hearing on the draft Development Consent Order**

The issue specific hearing on the draft Development Consent Order will take place on 30 July 2015. The hearing will be held at the Humber Royal Hotel, Littlecoates Road, Grimsby, North East Lincolnshire DN34 4LX. It will commence at 9.30 am and will close as soon as all matters are covered. An agenda for the issue specific hearing will be published at least a week before the hearing.

#### **Procedure**

On each hearing day, we ask that attendees should arrive by 9.15am to ensure a prompt start as the hearing will begin at 9.30am.

Rule 14(5) of the Examination Procedure Rules 2010 states that –

The Examining authority shall be responsible for the oral questioning of a person giving evidence (“A”) except where, in the view of the Examining Authority, oral questioning of A by another person (“B”) is necessary in order to ensure—  
(a) adequate testing of any representation; or

(b) that B has a fair chance to put B's case.

Questioning at the hearings will be led by the members of the ExA. Each interested party is entitled to make oral representations at the hearing (subject to the ExA's powers of control over the hearings). If any interested party wishes to ask questions of another party, they should notify the case-manager by Deadline 1.

### **Accompanied site inspection (ASI)**

The ExA intends to make an Accompanied Site Inspection, in the company of interested parties, of the following locations related to the above application:

- Landfall site, near North Coates Village
- Louth Canal Crossing
- Team Gate Drain Crossing
- S.Killingholme Railway Crossing
- A160 roundabout crossing
- HVDC Converter/HVAC substation site

An itinerary and route plan will be published on the project webpage a week before the site inspection.

The site inspection will be made on Wednesday 29 July 2015. The site inspection will commence from the Humber Royal Hotel, Littlecoates Rd, Grimsby, North East Lincolnshire DN34 4LX, where participants who have confirmed attendance for the whole site visit will be able to leave vehicles. Transport for the site visit will be provided. Participants are asked to assemble from 8.15am ready for departure and commencement of the site inspection at 8.30am. The early start time is due to hours of daylight available and the need to view the landfall site at low tide.

The ExA welcomes interested parties to join the site inspection at the locations identified above. However, to ensure the smooth running of the site inspection, we ask that you inform the Case Manager, Katherine King, by 5pm on Wednesday 22 July 2015 if you wish to meet the ExA on site, providing contact details. Please note that the site inspection is not an opportunity to provide any oral representations on the scheme. Participants may be invited by the ExA to indicate specific features or sites of interest.

I should be grateful if you would inform us if you plan to attend any of the hearings (even if you do not wish to speak) and/or the accompanied site inspection. It would also assist us if you could notify the case team of any special needs you may have (e.g. disabled access, hearing loop etc). Please ensure that you include your interested party reference number in your correspondence.

Yours faithfully

*John Glasson*

Prof. John Glasson, Lead Member of the Panel of Examining Inspectors