



3/18 Eagle Wing  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

Customer Services: 0303 444 5000  
e-mail: [Hornsea2@pins.gsi.gov.uk](mailto:Hornsea2@pins.gsi.gov.uk)

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Your Ref:

Our Ref: EN010053

Date: 7 December 2015

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Dear Sir/Madam

**Planning Act (2008) as amended s 89(3) and the Infrastructure and Planning (Examination Procedure) Rules 2010 (as amended)-Procedural Decision and Rule 17 and Rule 8(3)**

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

**Procedural decision and request for further information**

As the lead member of the Panel of Examining Inspectors (Panel), I am writing to all interested parties following the hearings and subsequent Deadline 6, to seek further information on the items listed below, and to make a procedural decision on changes requested by the Applicant. Should any party deem that these questions have been answered through other submissions, then the Panel request that this is highlighted in responses and is not repeated unnecessarily.

**Acceptance of change request**

The Applicant has previously indicated at Deadline 5 [REP5-001]: (i) the removal of the 5MW Wind Turbine Generator (WTG) option (the smallest capacity is now a 6MW WTG) and, (ii) an increase in minimum blade tip height of 3.97 meters relative to Lowest Astronomical Tide (LAT). Subsequent to this, on 4 December 2015, the Panel has been made aware of further discussions between parties with regard to a further increase in clearance between the blade tip height and Lowest Astronomical Tide (LAT) by an additional 5 meters to that already put forward by the Applicant at Deadline 5 and the subsequent offshore ornithological implications of this.

Submissions by the Applicant on 4 December 2015 and appendices A and B on this further change are published at the same time as this letter and can be found in the banner of the project webpage.

From information submitted at Deadline 6 [REP6-008], and from the subsequent information provided by the Applicant on 4 December 2015, the Panel is content that

these changes do not exceed the worst case parameters set out in the Environmental Statement for this project. Indeed, the Applicant states that they are likely to lead to a reduction in potential impacts. Specific reference is made as to the impacts on the kittiwake population. As such the Panel considers that it is able to examine the change and formally accept this document and its appendices into the examination.

The Panel wishes to seek views of all interested parties, specifically Natural England, RSPB and the Marine Management Organisation on this change by midnight Sunday 13 December 2015. These responses will then be published on Monday 14 December 2015 and the examination will close at midnight 16 December 2015.

### **Request for further information**

1. Will the Applicant please ensure that all the documents referred to in Schedule M of the draft DCO [REP5-006] reference the most up-to-date version; incorporate all amendments agreed during the course of the examination and where appropriate are replaced with a consolidated version incorporating all agreed amendments and/or additions? In particular the Panel draws the Applicant's attention to:

- The Book of Reference – Deadline VII version to be submitted.
- Outline Code of Construction Practice – ensuring that all agreed amendments are incorporated into a consolidated version and a revision reference provided.
- Outline Landscape Scheme and Management Plan – ensuring that any agreed amendments are incorporated in a consolidated version and a revision reference provided.

2. Will Natural England (NE) please identify a level of kittiwake mortality in-combination which it could accept would not have an adverse effect on the integrity of the Flamborough and Filey Coast pSPA and the Flamborough Head and Bempton Cliffs SPA?

3. Please can the Applicant clarify whether there are there any other implications of the changes put forward by the Applicant on 4 December 2015? Your response should, as a minimum, include reference to the area of the seabed needed for the reduced number of turbines and the operations proposed by E.ON E&P Ltd, and to navigation routes.

4. Please can the Applicant provide details of the underpinning assessment of the potential implications for offshore ornithology of the changes proposed on 4 December 2015.

### **Submission of responses**

The Examining Authority wish to make it clear that responses to the procedural decision issued 26 November 2015 must be received by Deadline 7, 10 December 2015. Responses to this procedural decision are to be submitted on or before **13 December 2015**. This is the last deadline in the examination. Therefore it is imperative that all final submissions are received by this deadline. 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.

Yours faithfully,

*John Glasson*

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

Annex A: Amended Examination Timetable

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**  
**Amended Examination Timetable**

<b>Item</b>	<b>Matters</b>	<b>Due Dates</b>
16	<p><b>Deadline 7</b>            Deadline for receipt of:</p> <ul style="list-style-type: none"> <li>• Comments on Applicant's DCO (REP5-006)</li> <li>• Comments on RIES</li> <li>• Responses to Rule 17 issued 26 November 2015</li> <li>• Any other information requested by the ExA</li> </ul>	<p><b>Thursday 10            December 2015</b></p>
17	<p><b>Deadline 8</b>            Deadline for receipt of:</p> <ul style="list-style-type: none"> <li>• Responses to Rule 17 issued 7 December 2015.</li> </ul>	<p><b>Sunday 13            December 2015</b></p>
18	<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>