

Hornsea Offshore Wind Farm

Project Two

Update on Status of Discussions with Certain Stakeholders

**Appendix K to the Response submitted for Deadline IIA
Application Reference: EN010053**

25 August 2015

smartwind.co.uk

Appendix K – Update on Status of Discussions with Certain Stakeholders

| Stakeholder | SoCG submitted | Update on discussions/issues raised | Intention to submit an update to SoCG |
|---|----------------|--|---|
| <p>The Royal Society for the Protection of Birds (RSPB)</p> | <p>No</p> | <p>The Applicant has issued a draft SoCG to the RSPB to seek to clarify the points of agreement and matters still under discussion between the parties. This SoCG incorporates the matters raised by the RSPB in their response to Deadline II.</p> <p>The Applicant notes the RSPB have proposed certain amendments to the Applicant's proposed use of a 7.7m tide height (as measured at Grimsby) within the intertidal restriction contained at Condition 20(4) of Schedules I and K of the draft DCO (transmission asset DMLs).</p> <p>The Applicant had initial discussions with RSPB regarding their comments on the 25 August 2015 and is working with the RPSB to address their concerns. The Applicant proposes to provide an update to the Ex. A at the forthcoming Issue Specific Hearing on 15</p> | <p>A draft SoCG has been sent to the RSPB.</p> <p>The Applicant would propose to seek to agree the draft with the RSPB and submit a signed version into the examination process for the Project at the first available opportunity.</p> |

| | | | |
|--|--|--|--|
| | | <p>and 16 September 2015.</p> <p>The RSPB have also suggested the construction working period within the intertidal is reduced from a 6 month working period (April to September) to a 3 month working period (June-August) to reduce consecutive disturbance to birds within the intertidal area.</p> <p>The Applicant would like to highlight to the Ex. A that any reduction to the construction working window would likely increase the total duration of works on the intertidal area, beyond that of the prediction of 5 years for the Project. The timescales that the Applicant has provided for completing ducts and the installation of cables are indicative and the 6 month construction window allows for any contingency that might be needed to ensure the works are completed within that 6 month window.</p> <p>The Applicant would also highlight that this condition was agreed in consultation with the RSPB during the examination of Hornsea Project One and during</p> | |
|--|--|--|--|

| | | | |
|--|--|---|--|
| | | <p>this time no concerns were raised regarding the extent of the working window. It should also be noted that construction works will not be continuous throughout the working period of April –September, therefore any disturbance to intertidal birds will be intermittent and as stated in the ES (Doc Ref 7.2.4) and HRA (Doc Ref 12.6) will not result in an adverse effect on the features of the Humber Estuary SPA and Ramsar site.</p> <p>In RSPB's response to question EOO2, the RSPB have requested to see the methodology used to assign unidentified species to species groups as referenced by the Applicant in their response to EOO2. This information can be found in Appendix S of the Applicant's response to Deadline IIA.</p> <p>The RSPB have also requested sight of correspondence between the Applicant and Natural England regarding the dates of the intertidal surveys, this correspondence can be found in Appendix T of the</p> | |
|--|--|---|--|

| | | | |
|---|---|--|--|
| | | Applicant's response to Deadline IIA. | |
| Natural England (NE) (Offshore Ornithology) | Yes - first SoCG was submitted as Appendix ZZ of the Applicant's response to Deadline I and an update was also provided in Appendix R of the Applicant's response to Deadline II. | <p>The Applicant has continued to progress discussions with Natural England and further material has been provided by the Applicant in Appendices N – R of the response to Deadline IIA in relation to the apportioning of predicted mortality for gannet, guillemot, kittiwake, puffin and razorbill for the Flamborough and Filey Coast pSPA population.</p> <p>The Applicant notes Natural England agree with the RSPBs comments regarding the Applicant's proposed use of a 7.7m tide height (as measured at Grimsby) within the intertidal restriction contained at Condition 20(4) of Schedules I and K of the draft DCO (transmission asset DMLs).</p> <p>As with the RSPB, the Applicant intends to seek to clarify the nature of Natural England's concern in relation to this restriction and would propose to provide an update to the Ex. A at the forthcoming Issue Specific Hearing on 15 and 16</p> | The Applicant has continued to discuss the SoCG with Natural England and the Applicant would propose to provide an update at the Issue Specific Hearing on 15 and 16 September 2015. |

| | | | |
|----------------------|--|--|--|
| | | September 2015. | |
| Natural England (NE) | Yes – SoCG was submitted as Appendix XX of the Applicant’s response to Deadline I. | <p>The Applicant submitted an agreed SoCG between the parties as Appendix XX of the Applicant’s response to Deadline I. Those matters under discussion within the SoCG remain under discussion and are summarised below;</p> <ul style="list-style-type: none"> • In Principle Monitoring Plan – The Applicant is in consultation with NE and MMO on this matter. • Intertidal operation and Maintenance – Further consultation between the Applicant and NE is ongoing with the most recent meeting taking place on 25th August 2015. • Compliance with section 28 of the Wildlife and Countryside Act (1981). - Further consultation between the Applicant and NE is ongoing with the most recent meeting taking place on 25th August 2015. | The Applicant remains in discussions with NE on the matters identified in the adjacent column as outstanding. It is the Applicant’s hope that it will be in a position to provide a further update to the Ex. A at the forthcoming Issue Specific Hearing on 15 and 16 September 2015. |
| Marine Management | Yes - SoCG was submitted as | The Applicant submitted an | The Applicant remains in |

| | | | |
|---------------------------|---|--|---|
| <p>Organisation (MMO)</p> | <p>Appendix WW of the Applicant's response to Deadline I.</p> | <p>agreed SoCG between the parties as Appendix WW of the Applicant's response to Deadline I. Those matters under discussion within the SoCG remain under discussion excluding "all matters relating to marine processes" which the MMO has confirmed are now agreed. Those matters which remain under discussion are summarised below;</p> <ul style="list-style-type: none"> • Requirement 21 of the draft DCO and the wording relating to co-operation and co-ordination; • Paragraph 2(1) of Part 1 of the DMLS and the wording relating to co-operation and co-ordination; • Apportioning between Breesea and Optimus Wind within the Zone within the Offshore Works Plans. <p>In addition, further matters that are under discussion which were identified post the Applicant's Deadline I response are;</p> | <p>discussions with the MMO on the matters identified in the adjacent column as outstanding. It is the Applicant's hope that it will be in a position to provide a further update to the Ex. A at the forthcoming Issue Specific Hearing on 15 and 16 September 2015.</p> |
|---------------------------|---|--|---|

| | | | |
|-------------------------|----|---|-----|
| | | <ul style="list-style-type: none"> • In-Principle Monitoring Plan -The Applicant is in consultation with NE and MMO on this matter. • Requirement to issue information to the Marine Noise Registry; and • Dropped Objects Procedure Form. <p>There is one matter that remains a matter of disagreement which was raised by the MMO at the DCO Hearing held on 30 July 2015 and subsequently noted in the MMO's response to Deadline II. This is the matter relating to the Transfer of the Benefit of the Order. The Applicant anticipates that this matter will be subject to further discussion as the examination of the Project progresses.</p> | |
| E.ON E&P UK Ltd. (E.ON) | No | <p>The Applicant has reviewed E.ON's submission to the Ex. A at Deadline II and, as noted in the Applicant's own response to Deadline II, acknowledges that the Licence for block 48/3 has now been formally awarded to E.ON.</p> <p>The Applicant and E.ON have</p> | N/A |

| | | | |
|-------------------|--|--|--|
| | | arranged a meeting on 3 September 2015 to discuss matters further. | |
| VPI Immingham LLP | No draft has yet been agreed between the parties | <p>As requested by VPI in its response to the Rule 6 letter, the Applicant issued a draft SoCG to VPI on 21 July 2015, to seek to clarify the points of agreement and matters still under discussion between the parties. On the 8 August 2015, VPI returned the draft SoCG with amendments and comments to the Applicant and at the same time submitted that amended draft SoCG to the Ex. A together with a form of draft agreement prepared by VPI and referenced by it in the draft SoCG. For the avoidance of doubt, discussions between the parties are continuing and the terms of the SoCG between the Applicant and VPI and the terms of any agreement ancillary thereto are not yet agreed.</p> <p>During discussions concerning the terms of the proposed SoCG, the Applicant intends to:</p> <ul style="list-style-type: none"> · seek to clarify the nature of VPI's concerns in relation to liability and accountability of the Project given that the draft DCO provisions for | The Applicant is in the process of setting up a further face to face meeting with VPI to discuss all outstanding issues. |

| | | | |
|--|--|--|--|
| | | <p>the protection of VPI (Paragraphs 82-87 of Part 8 of Schedule L) mirror those issued by the Secretary of State in the Hornsea Project One DCO</p> <ul style="list-style-type: none">· discuss the feasibility/ appropriateness of VPI's request for a detailed Construction Works Agreement in advance of detailed design for the Project being finalised and in light of the protections afforded to VPI by the current draft DCO protective provisions. | |
|--|--|--|--|