



Planning Inspectorate

Application by East Anglia Three Limited for an Order Granting Development Consent for the East Anglia Three Offshore Wind Farm

Agendas for Issue-Specific Hearings on Environmental Matters and the Development Consent Order

Planning Act 2008 (PA 2008) and Infrastructure Planning (Examination Procedure) Rules 2010

This document sets out agendas for the Issue-Specific Hearings scheduled for 7 - 8 September 2016 to be held at the Town Hall, Ipswich.

Participation in hearings

All Interested Parties are invited to attend hearings but it would assist the running of the hearings if notice could be given to the Inspectorate's Case Team of a wish to participate prior to the hearing.

Each Interested Party is entitled to make oral representations at hearings. However, this is subject to the Examining Authority's (ExA's) power to control hearings.

A notification of hearings was published and issued to all Interested Parties on 4 August 2016. This included the date, time and place of each hearing. The hearing venue will be open 30 minutes prior to the start of each hearing to enable a prompt start. Hearings will finish as soon as the ExA deems that all those present have had their say and all matters have been covered.

Every effort will be made to ensure that the issues will be discussed on the days that they are scheduled for. This may mean that the hearings continue after 5pm. The ExA reserves the right to rearrange the agendas for these hearings at short notice if necessary or, if they take longer than anticipated, certain issues may have to be adjourned to a later date.

There is public transport and parking available within walking distance of the venue. Information regarding this can be sought from the Case Team. Should any Interested Party require assistance in getting to or around the venue they should contact the Inspectorate's Case Team (EastAngliaThree@pins.gsi.gov.uk) to discuss options available.

Conduct of the hearings

Guidance under the Planning Act 2008 (PA 2008) and the Infrastructure Planning (Examination Procedure) Rules 2010 provides that at hearings it is the ExA that will probe, test and assess the evidence through direct questioning of persons making oral representations. Questioning at the hearings will therefore be led by a member of the ExA.

Cross-examination of a person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested, or that a person has had a fair chance to put their case.

The Applicant, Statutory Nature Conservation Bodies, Local Authorities and other bodies seeking to present and rely on expert evidence are advised to ensure that their appropriate expert advisers are present on each day of the hearings and available to give evidence and to be questioned. All relevant experts should be available to be brought to the hearings at short notice, to ensure efficient management of the process.

Participants should note that after each set of hearings there are deadlines in the Examination timetable for the submission of written summaries of oral evidence and any other requested information.

Issue-Specific Hearing on Environmental Matters

Wednesday 7 September 2016

Ipswich Town Hall, Cornhill, Ipswich IP1 1DH

Doors open at 9.00am. The hearing will commence at 9.30am.

Breaks will be taken during the hearing as directed by the ExA.

Agenda

1. Welcome and Introductions

2. Purpose of the Issue- Specific Hearing

3. Offshore Ornithology

- EIA methodology for assessing impacts on guillemot, razorbill and puffins
- EIA methodology for assessing impacts on kittiwake
- EIA methodology for assessing impacts on great black-backed gull
- EIA methodology for assessing cumulative impacts on gannet
- Appropriate monitoring targets and methods for the In Principle Monitoring Plan

4. Marine mammals

- EIA methodology for assessing impacts on harbour porpoise
- Noise reduction levels in Deemed Marine Licences and Marine Mammal Mitigation Protocols for marine mammals
- Need for EPS licence

5. Habitats Regulations Assessment

- In-combination collision mortality to gannets and kittiwake of the Flamborough and Filey Coast pSPA and Flamborough Head and Bempton Cliffs SPA
- Impacts on harbour porpoise in the Southern North Sea pSAC

6. Benthic Ecology and other offshore ecology matters

- Minimum cable burial depths
- Orford Inshore rMCZ assessment

7. Landscape and visual impacts of the proposed Bramford substation

- Implications of the Applicant's Other Environmental Information in relation to the Landscape and Visual Impact Assessment

8. Impact of the proposals on commercial fishing concerns

9. Review of issues and action arising

10. Next steps

11. Closure of the Hearing

Issue-Specific Hearing on the Development Consent Order (DCO)

Thursday 8 September 2016

Ipswich Town Hall, Cornhill, Ipswich IP1 1DH

Doors open at 9am. The hearing will commence at 9.30am.
Breaks will be taken during the hearing as directed by the ExA.

Agenda

1. Welcome and Introductions
2. Purpose of the Issue-Specific Hearing
3. Revisions and drafting changes to the latest version of the East Anglia THREE draft DCO (dDCO), arising from the Applicant.
 - Applicant's review of the substantive changes made in the latest version of the dDCO, and the ExA's questions arising.
 - Discussion of proposed changes.
4. Revisions and drafting changes to the latest version of dDCO, arising from other hearing participants.
 - Proposal and discussion of any additional substantive provisions considered to be necessary, but not addressed elsewhere in this agenda. (This item is intended to enable hearing participants to comment in regard to their own requests for changes to the dDCO and the reasons for these.)
5. The implications for the dDCO arising from recently made DCOs.
 - The Hornsea Two Offshore Wind Farm Order was made on 16 August 2016 and contains a number of provisions comparable or otherwise relevant to those in the dDCO. In making the Hornsea Two Offshore Wind Farm Order, the Secretary of State made changes for which reasons were provided in his decision letter that are also relevant to the dDCO.
 - Applicant's review of comparable or relevant provisions and changes, with specific reference but not limited to Articles 21 (private rights) and 38 (Crown rights) and Deemed Marine Licences Conditions 8 (Southern North Sea pSAC and disturbance of marine mammals) of the Hornsea Two Offshore Wind Farm Order.
 - Proposal and discussion of any changes arising from consideration of recently made DCOs.

6. Update on the position regarding standard navigational conditions.
 - A review of progress between the Applicant, the Marine Management Organisation, the Maritime and Coastguard Agency and Trinity House on proposed changes to standard navigational conditions and the implications for draft Deemed Marine Licences.

7. Compulsory acquisition and temporary possession provisions.
 - The extent of the power provided in Article 23 to acquire and create rights in respect of the land identified in Schedule 7.
 - The use of and need for plots identified in Schedule 7.
 - Proposal and discussion of any other technical changes to compulsory acquisition and temporary possession provisions. (It should be noted that discussion at this hearing will be limited to the drafting of the proposed powers and the related schedules. Matters relating to the merits of compulsory acquisition and temporary possession powers and to the meeting of tests relevant to the consideration of the appropriateness of any such provisions may be the subject matter of a Compulsory Acquisition Hearing, if required.)

8. Relationship between the application proposal and the consented EA ONE project:
 - Consideration of the degree to which the dDCO appropriately and clearly addresses issues around the relationship between the application proposal and the consented EA ONE project (with specific reference but not limited to Requirement 36 (Re-use of temporary works)).

9. Protective Provisions.
 - Applicant's review of all requests for protective provisions and progress made in settling these.
 - Proposal and discussion of any additional substantive provisions considered to be necessary, not addressed elsewhere in this agenda. (This item is intended to enable hearing participants to comment in regard to their own requests for changes to the dDCO and the reasons for these.)

10. Review of issues and action arising.

11. Next steps.

12. Closure of the Hearing.