



Issue Specific Hearings 15 (ISHs15): Hearings Action Points

- Application by East Anglia ONE North Limited for an Order Granting Development Consent for the East Anglia ONE North Offshore Wind Farm.
- Application by East Anglia TWO Limited for an Order Granting Development Consent for the East Anglia TWO Offshore Wind Farm.

Actions arising from the **Issue Specific Hearings 15 (ISHs15)** held virtually on **Friday 19 March 2021**.

	Action	Party	Deadline
1.	Applicants Revised Preferred Draft DCOs (dDCOs) Applicants to submit revised dDCOs taking account of all matters raised in hearings from 8 March 2021, responses to D7 and to the outcomes of any ongoing negotiations/ SoCG processes.	Applicants	D8
2.	Responses to Applicants Revised Preferred dDCOs Responses to be provided to Applicants' final Draft DCOs.	Interested Parties (IPs) and Affected Persons (APs)	D9
3.	Articles 2(1) and 44 The Applicants are asked to consider introducing a new definition of " <i>compensation provisions</i> " making clear that the provisions in Art 44 and Sch 18 relate to Habitats Regulations compensatory measures and not to compensation payments for (eg) Compulsory Acquisition or Temporary Possession. Alternatively, the Applicants may wish to use of alternative drafting such as such as " <i>Habitats Regulations compensatory measures</i> " in Art 44 and Sch 18.	Applicants	D8
4.	Quality assurance of Schedules with local content SCC and ESC are asked to alert the Applicants of any remaining quality assurance issues relating to the local content of Schedules 2 to 7 inclusive (place, road and path names, reference numbers,	SCC and ESC	Prior to D8 (discussion between the parties)



	Action	Party	Deadline
	distances etc.), in sufficient time for these to be considered by the Applicants for potential incorporation into revised dDCOs to be submitted at D8.	Applicants	Submission at D8
5.	<p>Schedules 17: Documents to be certified</p> <p>Having regard to the Applicants' dDCOs submitted at D8, provide any final comments on the documents (and document versions) to be included in Schedule 17.</p>	All IPs	D9
6.	<p>Substation Permitted Development (PD) rights</p> <p>Provide any examples of precedent for the limitation or removal of PD rights for similar infrastructure developments together with final positions on the appropriateness or otherwise on limiting PD rights.</p>	Applicants, SCC, ESC and SASES	D8
7.	<p>Discharges of requirements: Deemed consent provisions</p> <p>Applicants are asked to set out their rationale and justification for the deemed consent provisions sought.</p>	Applicants	D8
8.	<p>Requirements 13: Landfall Construction Method Statement (LCMS)</p> <p>Applicants are asked to respond to proposition that both NE and MMO are named as consultees on the LCMS under Rs13.</p>	Applicants NE, MMO	D8
9.	<p>Red-Throated Diver (RTD)</p> <p>A new Condition should be provided in the Deemed Marine Licences (DMLs) (rather than in the Best Practice Protocol) regarding seasonal restrictions on vessel movements to mitigate RTD disturbance. If agreement cannot be reached then</p>	Applicants, NE and MMO	D8



	Action	Party	Deadline
	Applicants, NE and MMO to provide drafting for their preferred wording for DML Conditions.		
10.	Requirements on noise Applicant to share technical conclusions with ESC and SASES, with a view to reaching agreement with all parties and submission of final drafting by the Applicants at D8.	Applicants ESC SASES	Prior to D8 (discussion between the parties) Submission at D8
11.	Sizewell B Evidence is to be submitted that the proposed side agreement has been signed by both parties and/or a clear statement of outstanding areas of disagreement between the parties and any final requests for amended dDCO drafting should be submitted by D8.	Applicants Sizewell B	D8
12.	Sizewell C Evidence is to be submitted that the proposed side agreement has been signed by both parties and/or a clear statement of outstanding areas of disagreement between the parties and any final requests for amended dDCO drafting should be submitted by D8.	Applicants Sizewell C	D8
13.	Nuclear Decommissioning Authority, Magnox/ Sizewell A Applicants are asked to submit a Statement of Common Ground at D8 addressing (amongst other matters) agreement on dDCO content and the absence of need for Protective Provisions or other particular provisions.	Applicants	D8
14.	Schedules 18 NE is asked to respond to the drafting approach taken to Habitats Regulation	NE	D8



	Action	Party	Deadline
	<p>compensatory measures in Schedules 18 of the dDCOs.</p> <p>Provide information on what, if anything, needs to be done to provide appropriate policy protection for any geographical locations that are to be subject to compensatory measures.</p>	Applicants and NE	D8
15.	<p>Crown Consent under Planning Act 2008 s135(2) In relation to Agenda Item 6 (Consents of Parties), reference was made to correspondence from the Crown Estate of 17 March 2021 [AS-101]. The Applicants sought a view from the ExAs about the need for Crown consent under PA2008 s135(2) in circumstances where there is no Crown Land onshore and the only Crown interest relates to the sea bed. This matter was considered in the Recommendation Report (RR) for the Burbo Bank Extension Offshore Wind Farm (26 June 2014) at paragraphs 6.9 – 6.20 (pgs 131-133). It was also addressed in the SoS' Decision Letter (DL) in that case (26 September 2014) at paragraphs 46 and 47 (pg 10).</p> <p>The Applicants are asked to refer the position set out in the Burbo Bank Extension Offshore Wind Farm RR and DL to the Crown Estate for their further consideration by D8. The Crown Estate are requested to respond by D9 indicating whether they are content to provide consent under PA2008 s135(2) on a conditional or an unconditional basis.</p>	<p>Applicants</p> <p>The Crown Estate</p>	<p>D8</p> <p>D9</p>

ISHs15, 19 March 2021**Hearing Recording: Agenda Timings¹**Session 1 10:00am

Item 1 Procedure and introductions	00:00 ² – 00:31
Item 1A	00.31 – 01:09
Item 2	01:09 – 02:03 (end of session)

Session 2 12:20pm

Item 2 (continued)	00.00 – 01:00 (end of session)
--------------------	--------------------------------

Session 3 2:10pm

Item 2 (continued)	00.00 – 01:13
Item 3	01:13 – 01:35 (end of session)

Session 4 4:00pm

Item 3 (continued)	00.00 – 00:02
Item 4	00:02 – 00:18
Item 5	00:18 – 00:36
Item 6	00:36 – 00:45
Item 7	00:45 – 00:46
Item 8	00:46 – 00:56
Item 9	00:56 – 00:59
Item 10	00:59 – 01:03

Please note that the timings given are an approximate guide, taken from a review of the livestream.

¹ Agenda for [ISHs15](#) (from EA1N website) (the EA2 Agenda is identical).

² Livestream/ recording times in hours and minutes from the session commencement.