



Hornsea Project Three Offshore Wind Farm

Agenda for Issue Specific Hearing 3:

The draft Development Consent Order

Date: Thursday 6 December 2018
Time: 09:30
Venue: Mercure Norwich Hotel
121-131 Boundary Road
Norwich NR3 2BA

Attendees

The ExA would find it helpful if the following parties could attend this hearing. However, this does not indicate that other parties will not be able to contribute. All interested parties are invited to attend and make oral representations on the matters set out in the agenda, subject to ExA's ability to control the hearing.

- Orsted Hornsea Project Three (UK) Ltd (the Applicant)
- Natural England
- Marine Management Organisation
- Norfolk County Council
- District Councils

The ExA has sought to provide sufficient detail to assist the parties to prepare for the hearing. However, the details set out below are indicative and the ExA may find it necessary to include additional agenda items or to amend the order in which the items are dealt with.

The applicant submitted a revised draft Development Consent Order at Deadline 1. It is the tracked change version of this document that we will be working from (REP-127).

Agenda

1. Welcome, introductions and arrangements for the hearing

2. Purpose of the ISH

3. Consistency with ES

- a) Consistency between the ES and the draft DCO regarding the areas and volumes of materials – identify any remaining areas of uncertainty

4. Articles

- a) Article 2 (Interpretation) including joint bay, link box, intrusive activities and maintain
- b) Approach to onshore site preparation; extent to which preparation works are subject to environmental controls secured through the draft DCO
- c) Article 5(6) – whether appropriate to apply arbitration to a decision of the Secretary of State on the transfer of the benefit of the Order
- d) Article 6 – whether appropriate to reflect elements of the approach to temporary possession set out in the Neighbourhood Planning Act 2017
- e) Article 7 (defence to proceedings in respect of statutory nuisance) - whether justified in the absence of any predicted nuisance
- f) Article 10 (temporary stopping up of streets) – whether 10(4) should refer to Schedule 3 instead of (or as well as) Schedule 4
- g) Article 18 (time limit for compulsory powers) – justification for period of 7 years
- h) Article 25 (temporary use of land) – whether the draft DCO provides clarity for landowners in a scenario where the project is delivered in phases; whether 25(f) should start with 'construct such'
- i) Article 40 (Crown rights) – whether appropriate to reflect recently approved drafting, for example in Article 37 of the East Anglia Three Offshore Wind Farm Order 2017
- j) Any other matters relating to the articles

5. Schedule 1, Part 1 – the authorised development

- a) Whether appropriate to include the anticipated generating capacity within Schedule 1, as suggested by the Marine Management Organisation

6. Schedule 1, Part 3 - Requirements

- a) R2 (Offshore design parameters) – rationale for introducing a limit of 9km² for the total swept area
- b) R6 (Phasing) – whether it would be appropriate to limit the number of phases to 2 in the interests of clarity and certainty
- c) R8 (Landscaping) – whether the drafting makes clear that the detail of the landscaping itself (rather than just the management of the landscaping) is to be approved by the relevant planning authority.

- d) R11 (Highway accesses) – whether amended drafting addresses a scenario where there is a material increase in use of an existing access (requiring some form of management) but there are no physical works.
- e) R15 (Surface water) – update on alternative drafting proposed by Norfolk County Council; should 'and' be inserted after 'Environment Agency in (1)?
- f) R16 (Onshore archaeology) – update on discussions between the applicant and Norfolk County Council; Norfolk County Council to be the determining authority in R16(1)
- g) R20 (Restoration of land) - How would restoration be secured if the details were not approved?
- h) R21 (Noise during operation) – consider the appropriateness of specifying noise limits at identified sensitive receptors.
- i) Possible additional requirement to secure the removal of temporary construction accesses and reinstatement of highway verges – update on discussions between the applicant and Norfolk County Council
- j) Any other matters on requirements

7. Schedules 11 and 12 - Deemed Marine Licences

Note – the references are to Schedule 11(generation assets) unless otherwise indicated

- a) Paragraph 10 – whether it is appropriate for decisions of the Marine Management Organisation to be subject to arbitration
- b) Condition 8 (Aids to navigation) – suggestion from Defence Infrastructure Organisation that aviation lighting is dealt with by a separate condition
- c) Condition 13 (Pre-construction plans) – consider the scope for micro-siting and any effects that may have; whether a layout in accordance with the design principles should be subject to approval; update on approach to archaeological exclusion zones
- d) Condition 14 – timescale for MMO decisions
- e) Conditions 17 to 23 – approach to surveys and monitoring
- f) Schedule 12 (transmission assets), Condition 14(1) - whether a layout in accordance with the development principles set out in the ES should be subject to approval

- g) Schedule 12, Condition 15 – timescale for MMO decisions
- h) Schedule 12, Conditions 18 to 23 – any further matters relating to surveys and monitoring which are specific to the transmission assets DML
- i) Any other matters on the DMLs

8. Other DCO matters

- a) Schedule 13 (Arbitration rules) – approach to costs and confidentiality

9. Next steps

10. Closing