

Hornsea Three Plan of Work

Benthic Compensation Steering Group

The Orsted logo is located in the bottom right corner of the page. It consists of a white circular icon containing a stylized 'O' with a vertical line through its center, followed by the word 'Orsted' in a white, sans-serif font. The background of the entire page is a photograph of a large white wind turbine blade with three red circular markers, set against a clear blue sky and a deep blue sea with several other wind turbines visible in the distance.

Document Control

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1 Purpose of this document

1. This Plan for the Work of the Benthic Compensation Steering Group, hereafter referred to as the Plan of Work, is drafted pursuant to paragraphs 10 and 11 of Schedule 14 of the Hornsea Three Offshore Wind Farm Order 2020 (**Hornsea Three DCO**) which provides:

The authorised development may not be commenced until a plan for the work of a Steering Group who will shape and inform the scope and delivery of Sandbanks Implementation Plans for the NNSSR and the WNNC ("the SBIPs") has been submitted to and approved by the Secretary of State. Such plan to include:

(a) terms of reference of the Steering Group;

Section 6 of this Plan of Work

(b) the membership of the Steering Group;

Section 3 of this Plan of Work

(c) the schedule of meetings, timetable for preparation of the SBIPs and reporting and review periods; and
Annex 1 of this Plan of Work

(d) the dispute resolution mechanism.

Section 9 of this Plan of Work.

The Steering Group must be consulted on i) the proposed SBIPs prior to the submission to the Secretary of State and ii) the decommissioning feasibility study and monitoring plans prior to the submission to the MMO and must be consulted further as required during the approval process for each. The undertaker will meet with and report to the Steering Group at least annually throughout the establishment and implementation phases of the Project¹ and document the conclusions of the meetings.

2. Hornsea Three seek to obtain ratification of this Plan of Work from the core members of the Steering Group prior to its submission to the Secretary of State for approval. The core membership of the Steering Group is determined by the named consultees for the SBIPs in the Hornsea Three DCO. Hornsea Three expects to consult more broadly during the preparation of the SBIPs to ensure a full representation of experience and expertise, and therefore advisory members to the Steering Group will be a valued part of discussions. For consistency, advisory members invited to attend the Steering Group are expected to comply with the Plan of Work as agreed by the core members of the Steering Group.

2 Purpose of the Steering Group

3. The purpose of the Steering Group is to scope and inform the delivery of the benthic compensation measures as set out in Schedule 14, Part 2 paragraph 13 of the Hornsea Three DCO through consultation. Hornsea Three will use all reasonable endeavours to obtain a group consensus from core members of the Steering Group on the specific elements pertaining to the drafting of the SBIPs.
4. The scope of the Steering Group does not extend to consultation in regard to the merits of the compensation measures as specified in the Hornsea Three DCO, or strategic discussions on compensation with regard to the wider offshore wind industry. Strategic topics that are raised during the Steering Group meetings will be noted and carried forward to industry forums, where appropriate, by the Ørsted Strategic Compensation Lead, and by members in order to fulfil their function to discuss benthic compensation measures at a strategic level, subject to the confidentiality clauses outlined in Section 8 of this Plan of Work.

3 Membership of the Steering Group

5. The Steering Group will comprise the following core members as the named consultees within Schedule 14, Part 2, paragraph 14 of the Hornsea Three DCO:
 - Ørsted Hornsea Project Three (UK) Limited (**Hornsea Three**);
 - Natural England;

¹ Subject of a Correction Order

- Marine Management Organisation (**MMO**); and
 - The Joint Nature Conservation Committee (**JNCC**).
6. The core members will provide representative(s) to attend meetings of the Steering Group and otherwise participate in the business of the Steering Group in accordance with this Plan of Work.
 7. Any reference to the Steering Group in this Plan of Work refers to its core members only.
 8. Hornsea Three may invite any of its consultants or delivery partners engaged, or to be engaged, in the delivery of the benthic compensation measures to any meeting of the Steering Group. Hornsea Three will endeavour to notify the Steering Group of any additional technical support attending specific Steering Group meetings to allow core members to consider whether additional technical representation may be required.
 9. Subject to compliance with those requirements outlined in Section 8, the Steering Group may by agreement invite any other body to act as an advisory member to the Steering Group and to attend any meeting of the Steering Group which at the time of writing includes (but is not limited to) the Department for Environment, Food and Rural Affairs (Defra), Eastern Inshore Fisheries and Conservation Authority and the National Federation of Fishermen's Organisations.
 10. Subject to paragraph 30 the Steering Group may by agreement provide documentation or other media (including minutes of meetings) to any other body which shall be provided on an information only basis and not for the purposes of consultation.
 11. Representatives of each core member participating in the business of the Steering Group shall have the experience and capability necessary for effective participation (which for the avoidance of doubt shall include strategic advice and specialist technical input) and shall, where relevant, have the authority to make representations on behalf of the relevant core member. Steering Group members can discuss topics raised during the Steering Group outside of Steering Group meetings providing it is with those that need to know, according to the purpose of the Steering Group meetings set out in Section 2 of this Plan of Work.
 12. Each core member shall, so far as reasonably practicable, ensure a continuity of representatives participating in the business of the Steering Group.

4 Schedule of meetings, preparation of SBIPs and reporting and review periods

13. The Steering Group shall meet in accordance with the Engagement Plan at Annex 1.
14. The Sandbank Implementation Plan for the North Norfolk Sandbanks and Saturn Reef Special Area of Conservation and the Sandbank Implementation Plan for the Wash and North Norfolk Coast Special Area of Conservation (together "**the SBIPs**") shall be prepared by Hornsea Three in accordance with the timetable in the Engagement Plan.
15. Hornsea Three shall report to the Steering Group and the Steering Group shall review the benthic compensation measures in accordance with this Plan of Work including the Engagement Plan. Hornsea Three have sought to ensure that the Engagement Plan is suitably adaptive to facilitate any amendments to engagement as a result of member resourcing constraints.
16. Hornsea Three commit to early communication to the Steering Group should any changes arise to the intended consultation programme as set out within Annex 1.

5 Participation principles

17. All persons participating in the business of the Steering Group shall be encouraged to do so in accordance with the following participation principles:
 - Work in a solution focused manner;

- Read relevant documents and other materials in advance of meetings which will be provided to Steering Group members 10 working days in advance of meetings;;
- Use reasonable endeavours to complete any actions resulting from Steering Group meetings within the time period provided; and
- Engage with each other in a respectful manner at all times.

6 Terms of reference of the Steering Group

18. The Steering Group is established for the purposes of consultation on the implementation of benthic compensation measures via the SBIPs and in accordance with the Hornsea Three DCO including:
1. Details of avoidance of impacts to Annex 1 reef habitats within designated sites;
 2. Details of locations for the disposal of dredged material;
 3. Delivery of marine debris removal;
 4. Delivery of marine debris awareness events, and measures to facilitate the rapid recovery of lost fishing gear;
 5. Environmental monitoring proposals; and
 6. Rock protection decommissioning feasibility study.
19. Hornsea Three shall be responsible for the preparation and submission of the SBIPs to the Secretary of State in accordance with Schedule 14 Part 2 of the Hornsea Three DCO.
20. Hornsea Three shall meet with and report to the Steering Group at least annually throughout the establishment and implementation phase of the Project² and otherwise in accordance with the Engagement Plan.
21. Hornsea Three shall consult with the Steering Group:
1. On the SBIPs prior to submission to the Secretary of State;
 2. On the decommissioning feasibility study and monitoring plans referred to in paragraph 17 of Schedule 14 of the Hornsea Three DCO prior to the submission to the MMO; and
 3. As required during the approval processes for the SBIPs and the decommissioning feasibility study and monitoring plans.
22. Hornsea Three shall be the Chair of the Steering Group or shall appoint a Chair of the Steering Group.
23. Hornsea Three shall procure that the Chair convenes and leads the meetings of the Steering Group in accordance with this Plan of Work and the Engagement Plan.
24. The Chair shall be responsible for the timely and efficient running of a Steering Group meeting and may require the Steering Group to progress through agenda items to ensure there is adequate time for discussion of all items.
25. If an appointed Chair is unable to act as Chair of the Steering Group then Hornsea Three shall take the role of Chair or shall appoint a replacement (either on a temporary or permanent basis).
26. Unless otherwise agreed by the core members there will be a maximum of one meeting of the Steering Group per calendar month. Adequate resourcing measures should be in place to ensure that core members can attend a maximum of one meeting per calendar month. As detailed within Annex 1, Hornsea Three will aim to minimise the frequency of meetings, however core members should endeavour to attend monthly meetings throughout 2021 should they be required.
27. Hornsea Three shall otherwise administrate the Steering Group including:

² Subject of a Correction Order

1. dealing with requests for agenda items from the core and advisory members, which must be received by Hornsea Three no later than ten business days prior to a Steering Group meeting (unless otherwise agreed by Hornsea Three);
2. Hornsea Three will issue an agenda five business days prior to a Steering Group meeting;
3. Hornsea Three will issue meeting minutes and a log of common ground no more than five business days following a Steering Group meeting and the core parties shall provide comments on those documents within five business days and approval within 10 business days.

7 Costs

28. Hornsea Three shall be responsible for the reasonably incurred administrative costs of the Chair.
29. Hornsea Three will pay reasonably incurred and evidenced travel costs of core members and advisory members of the Steering Group and of the Chair for any travel to and from a Steering Group meeting.

8 Confidentiality

30. The core members shall ensure:
 - 30.1 information is distributed amongst them in a safe and secure manner and labelled as "confidential and commercially sensitive". Hornsea Three will mark relevant documents to which this section applies as "confidential and commercially sensitive". If Hornsea Three fail to mark a document as "confidential and commercially sensitive" or any doubt remains as to whether a document or part thereof is confidential and commercially sensitive the members shall engage with Hornsea Three to confirm the position;
 - 30.2 all information relating to the Steering Group, discussed by the Steering Group or distributed to the Steering Group is treated as confidential and shall be safeguarded in line with the core members internal confidentiality policies and applicable laws except to the extent that:
 - 30.2.1 disclosure is required by law;
 - 30.2.2 the information is provided by Hornsea Three to a third party for the purposes of complying with the Hornsea Three DCO or complying with or obtaining any other permission or consent;
 - 30.2.3 all core members provide written agreement to the distribution of specific information for a stated purpose; or
 - 30.2.4 the information otherwise enters into the public domain (except than through unauthorised disclosure).
31. If a core member has to disclose confidential information pursuant to paragraph 30.2., it shall, to the extent permitted by law, use all reasonable endeavours to give the other core members as much notice of this disclosure as possible and take into account the representations raised by other core members as to the disclosure.
32. Hornsea Three may request that any third party (including any non-statutory member) who participates in the business of the Steering Group, including any appointed Chair, enters into a non-disclosure agreement in a form reasonably acceptable to it.
33. Nothing in this Plan of Work shall impose an obligation on Hornsea Three to disclose information that it considers to be confidential and/or commercially sensitive. Hornsea Three reserves the rights to share information with its affiliates and for the avoidance of doubt, sharing of information by Hornsea Three with affiliates does not remove the obligation upon the core members to treat the information as confidential.
34. Hornsea Three will be sharing confidential documentation via the "DECA" sharepoint site. The core members shall ensure they view only and do not download, take screenshots or record the information elsewhere on their computer system.

9 Dispute resolution

35. Any dispute between the core members of the Steering Group will normally be resolved amicably at working level. In the event of failure to resolve the dispute within two months the dispute shall be handled in the following manner:
1. in the first instance the dispute shall be discussed at a meeting between representatives of each core member relevant to the dispute who are not involved in the normal working practices of the Steering Group;
 2. if those representatives fail to reach consensus on the dispute, the dispute shall be referred to:
 - Natural England's Relevant Area Team manager;
 - Hornsea Three's nominated equivalent officer either at senior management or director level;
 - MMO Director of Marine Licensing;
 - JNCC Governance Manager.
 3. any dispute referred shall be discussed as soon as practicable after such referral, but in any event within ten business days;
 4. if the dispute has not been resolved following a referral in accordance with this section, the core members shall settle the dispute by mediation in accordance with the Centre for Effective Dispute Resolution (**CEDR**) Model Mediation Procedure. Unless otherwise agreed between the core members, the mediator will be nominated by CEDR.
36. The dispute resolution process outlined in paragraph 36 is intended to encompass disputes in relation to the adequate functioning of the Steering Group. The dispute resolution process is not intended for differences in technical opinion.

Annex 1

Engagement Plan

1. This Annex serves as the Engagement Plan for the Steering Group in accordance with the requirements of Schedule 14, Part 2, paragraph 10 (c) of the Hornsea Three DCO.
2. This Annex sets out the Consultation Programme, Reporting & Review Periods, the Requirements of the core and advisory members and Contingency Planning, and is structured accordingly.

Consultation Programme

3. The consultation programme outlines the schedule of Steering Group meetings and the timetable for preparation of the SBIPs. It should be noted that the proposed meeting frequency is indicative to ensure that there is sufficient provision for amendments in the consultation programme to meet members availability and resource constraints.
4. It is the intention of Hornsea Three that the SBIPs will be submitted to the Secretary of State for approval in late Q4 2021. The rationale for this being to enable approval within sufficient time to ensure that the campaign of marine debris removal can utilise a suitable weather window throughout the summer months of 2022. The consultation programme has been developed with this objective in mind. Hornsea Three anticipate consulting with the Steering Group on the detailed timetable of implementation of the compensation measures including the debris removal campaign, and an implementation programme for the compensation measures will be included as part of the SBIPs submitted to the Secretary of State for approval.
5. There will be a reasonably intensive engagement process throughout 2021 which reflects the need to establish the Steering Group and consult on the scope of the compensation measures and their delivery prior to submission of the SBIPs. The consultation programme for 2021 as relevant to the drafting of the SBIPs is presented below. Hornsea Three has consulted with the Steering Group members with regard to the proposed consultation programme and endeavoured to be cognisant of the feedback received. The consultation programme for 2021 below outlines the key Steering Group meetings which Hornsea Three consider to be critical to facilitate a robust consultation with the Steering Group. These are denoted by the red filled triangles in the consultation programme. Hornsea Three anticipate that further meetings may be required to discuss, for example, the progress of specific actions or consultation responses to the Steering Group and therefore placeholder dates have been indicated. Should Hornsea Three wish to utilise one of the proposed placeholder dates, a request to the core members of the Steering Group will be made and group consensus reached on the value of holding a Steering Group meeting or a preference for Hornsea Three to submit a written update for comment. These placeholder dates are denoted by the red hollow triangles.
6. Submission dates and Steering Group agenda items are provided however these are indicative and subject to change. Hornsea Three anticipate that supporting documents, which do not form final submission documents to the Secretary of State or MMO, will be issued 10 working days prior to each Steering Group meeting to facilitate effective and efficient consultation. Hornsea Three anticipate requesting written feedback to the documents no later than 10 working days following the documents discussion at a Steering Group meeting. This approach provides members with four weeks from receipt of the document to provide written feedback.
7. Following submission of the SBIPs to the Secretary of State in Q4 2021, engagement with the Steering Group will continue however this will be at a lower frequency to align with the remaining key work elements and reporting requirements. Further detail with regard to the continued engagement with the Steering Group will be included within the SBIPs and at a minimum comply with the requirements of the Hornsea Three DCO.

Consultation Programme

	02/21	03/21	04/21	05/21	06/21	07/21	08/21	09/21	10/21	11/21	12/21
Submit Draft Plan of Work to Steering Group	✗ 17/02/2021										
Steering Group #1 Plan of Work and DCO Schedule 14 Part 2 wording review	▲ 02/03/2021										
Steering Group #2 Consultation on debris removal desktop assessment scope	▲ 30/03/2021										
Steering Group #3 Consultation on proposed scope of awareness campaign, rapid retrieval methodology and environmental monitoring	▲ 27/04/2021										
Steering Group Meeting #4 Consultation on development of compensation measures and adaptive management	▲ 08/06/2021										
Steering Group Meeting #5 Presentation of preliminary results of desktop study and overview of draft SBIPs	▲ 20/07/2021										
Submit Plan of Work to Secretary of State (Indicative date provided)	✗ 04/08/2021										
Stakeholder review of first draft SBIPs (4 week review period)	26/07/2021 - 20/08/2021										
Steering Group Meeting #6 Consultation on stakeholder comments on SBIPs	▲ 31/08/2021										
Stakeholder review of second draft SBIPs (4 week review period)	24/09/2021 - 22/10/2021										
Steering Group Meeting #7 Consultation on stakeholder comments on final draft SBIPs	▲ 09/11/2021										
Placeholder Date (to be used as required)	△ 12/12/2021										
SBIPs submitted to Secretary of State for Approval (Indicative date provided)	17/12/2021 ✗										

Note: line items shaded grey are complete

Reporting and Review Periods

8. Documents required to be consulted on with the Steering Group under Schedule 14 Part 2 of the Hornsea Three DCO comprise the SBIPs, decommissioning feasibility study and environmental monitoring plan. Reporting of the implementation of the measures as outlined in the SBIPs is additionally anticipated to be presented to the Steering Group. It is expected that additional documentation may be generated during the preparation and implementation of the compensation which may require Steering Group review.
9. Hornsea Three shall ensure that final drafts the SBIPs, decommissioning feasibility study and environmental monitoring plan are provided to the core members of the Steering Group in draft form at least six weeks prior to submission to the Secretary of State or the MMO to provide sufficient time to review reports in detail. Comments on the reports shall be provided by core members to Hornsea Three within four weeks from receipt. Hornsea Three anticipate providing responses to the written comments on the draft SBIPs as an appendix to the SBIPs submitted to the Secretary of State for approval.
10. Should advisory Steering Group members be invited to provide comment on a final draft of a report, the timeframe as detailed above will apply.

Requirements of Steering Group Members

11. As identified in this Plan of Work, the Steering Group will comprise core members of Hornsea Three, Natural England, MMO and JNCC as the named as consultees within Schedule 14, Part 2, paragraph 14 of the Hornsea Three DCO. It is further noted that additional stakeholders may be invited to Steering Group meetings as advisory members. Advisory members will be linked to specific discussions taking place and those advisory members may include, but are not limited to, Defra, Eastern Inshore Fisheries and Conservation Authority and the National Federation of Fishermen's Organisations.
12. Both core and advisory members of the Steering Group will be required to engage from a technical perspective to reflect the nature of the matters under discussion. It will, therefore, be necessary for the purposes of effective engagement, to ensure the right expertise is present. It is anticipated that core and advisory members will limit the number of representatives attending any one meeting, although recognising the need for specific expertise to be present as and when required. Each individual present should be informed and empowered to provide the necessary strategic or technical advice / opinion on behalf of their organisation.
13. Hornsea Three commit to providing sufficient notice as to the specific agenda of each Steering Group meeting (noting a commitment of no later than five working days is made within this Plan of Work) to facilitate resource planning.

Contingency Planning

14. The requirements as set out in Schedule 14, Part 2, paragraphs 14 and 16 means that there are substantial schedule pressures throughout 2021 to consult on and submit the SBIPs.
15. Management of staff resourcing issues (sickness / annual leave, change in roles etc) will be an important consideration for the Steering Group and each representative organisation should ensure there are adequate contingency measures in place to mitigate any unforeseen resourcing issues should they arise.
16. Hornsea Three commit to early communication to the Steering Group should any changes arise to the intended consultation programme as set out within this Annex.

Key Document List

Hornsea Three DCO: [SI/SR Template \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/si/sr-template)

Sandbanks Compensation Strategy: [EN010080-003190-HOW03 CON02 Appendix2A SandbanksCompensationStrategy.pdf \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/en010080-003190-how03-con02-appendix2a-sandbanks-compensation-strategy.pdf)