

Hornsea Three Plan of Work

Offshore Ornithology Engagement 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 blue sea with several other wind turbines in the distance.

Document Control

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31/03/2021	2	Draft	Second draft issued to the OOEG for consultation
20/05/2021	3	Final Draft	Final draft for ratification by core OOEG members
24/05/2021	4	Final Draft	Final draft for ratification by core OOEG members – with typo in paragraph 36(3) corrected.
28/05/2021	5	Final Draft	Final draft for ratification by core OOEG members – with removal of paragraph 34
29/06/2021	6	Final Draft	Final draft for ratification by core OOEG members – with amendments following comments from RSPB

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1 Purpose of this document

1. This Plan for the Work of the Offshore Ornithology Engagement Group (OOEG), hereafter referred to as the Plan of Work, is drafted pursuant to paragraph 2 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 the Offshore Ornithology Engagement Group ("OOEG") has been submitted to and approved by the Secretary of State. Such plan to include:

- (a) terms of Reference of the OOEG; (**Section 6**)
 - (b) details of the membership of the OOEG; (**Section 3**)
 - (c) details of the schedule of meetings, timetable for preparation of the kittiwake implementation and monitoring plan (the "KIMP") and reporting and review periods; (**Annex 1: Engagement Plan**) and
 - (d) the dispute resolution mechanism. (**Section 9**)
2. Hornsea Three is seeking to obtain ratification of this Plan of Work from the core members of the OOEG prior to its submission to the Secretary of State for approval. The core membership of the OOEG is determined by the named consultees for the Kittiwake Implementation and Monitoring Plan (KIMP) in the Hornsea Three DCO and paragraph 1.15 of the Kittiwake Compensation Plan. Hornsea Three expects to consult more broadly during the preparation of the KIMP to ensure a full representation of experience and expertise, and therefore advisory bodies to the OOEG will be a valued part of discussions. For consistency, advisory bodies invited to attend the OOEG are expected to comply with the Plan of Work as agreed by the core members.

2 Purpose of the OOEG

3. The purpose of the OOEG is to inform the delivery of the kittiwake compensation measures and the ongoing monitoring and adaptive management measures as set out in Schedule 14, Part 1 paragraph 3 of the Hornsea Three DCO through consultation. Hornsea Three will use all reasonable endeavours to obtain a group consensus from core members of the OOEG on the specific elements pertaining to the drafting of the KIMP.
4. The scope of the OOEG 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 OOEG 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 kittiwake compensation measures at a strategic level, subject to the confidentiality clauses outlined in Section 8 of this Plan of Work.

3 Membership of the OOEG

5. The OOEG will comprise the following statutory and non-statutory core members as the named consultees within Schedule 14, Part 1, paragraph 3 and the Kittiwake Compensation Plan:
 - Ørsted Hornsea Project Three (UK) Limited (**Hornsea Three**);
 - Natural England;
 - Marine Management Organisation (**MMO**); and
 - The Royal Society for the Protection of Birds (**RSPB**).
6. The core members will provide representative(s) to attend meetings of the OOEG and otherwise participate in the business of the OOEG in accordance with this Plan of Work.
7. Any reference to the OOEG 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 kittiwake compensation measures to any meeting of the OOEG. Hornsea Three will endeavour to notify the OOEG 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 OOEG may by agreement invite any other body to act as an advisory body to the OOEG and to attend any meeting of the OOEG including (but not limited to) the Department for Environment, Food and Rural Affairs (Defra), the Joint Nature Conservation Committee (JNCC), the British Trust for Ornithology (BTO), The Wildlife Trusts (TWT), relevant Local Planning Authorities, and the Industry Nature Conservation Association (INCA).
10. Subject to Section 8, paragraph 30, the OOEG 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 OOEG 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. OOEG members can discuss topics raised during the OOEG outside of OOEG meetings providing it is with those that need to know, according to the purpose of the OOEG 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 OOEG.

4 Schedule of meetings, preparation of the KIMP and reporting and review periods

13. The OOEG shall meet in accordance with the Engagement Plan at Annex 1.
14. The Kittiwake Implementation and Monitoring Plan ("**the KIMP**") shall be prepared by Hornsea Three in accordance with the timetable in the Engagement Plan (see Annex 1).
15. Hornsea Three shall engage with and report to the OOEG and the OOEG shall review the kittiwake compensation measures in accordance with this Plan of Work including the Engagement Plan.
16. Hornsea Three will endeavour to communicate early to the OOEG 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 OOEG 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. These will be provided to OOEG members 10 working days in advance of meetings;
 - Use reasonable endeavours to complete any actions resulting from OOEG meetings within the time period provided; and
 - Engage with each other in a respectful manner at all times.

6 Terms of reference of the OOEG

18. The purpose of the OOEG is to inform the delivery of the kittiwake compensation measures and the ongoing monitoring and adaptive management measures in accordance with Schedule 14, Part 1 of the Hornsea Three DCO including:
 1. Location and design of artificial nest sites;
 2. Monitoring proposals; and
 3. Adaptive management measures.

19. Hornsea Three shall be responsible for the preparation and submission of the KIMP to the Secretary of State in accordance with Schedule 14 of the Hornsea Three DCO.
20. Hornsea Three shall engage with and provide reports to the OOEG in accordance with the Engagement Plan (see Annex 1).
21. Hornsea Three shall consult with the OOEG on the KIMP prior to submission of the KIMP to the Secretary of State.
22. Hornsea Three shall be the Chair of the OOEG or shall appoint the Chair of the OOEG.
23. Hornsea Three shall procure that the Chair convenes and leads the meetings of the OOEG in accordance with this Plan of Work and the Engagement Plan.
24. Unless otherwise agreed by the core members there will be a maximum of one steering group and or technical panel meeting of the OOEG per calendar month. Adequate resourcing measures should be in place to ensure that core members can attend a maximum of one steering group and or technical panel meeting per calendar month (see Annex 1 for further detail).
25. Hornsea Three shall otherwise administrate the OOEG including:
 1. Dealing with requests for agenda items from the core members and advisory bodies, which must be received by Hornsea Three no later than ten business days prior to an OOEG meeting (unless otherwise agreed by Hornsea Three);
 2. Hornsea Three will issue an agenda five business days prior to an OOEG meeting;
 3. Hornsea Three will issue meeting minutes and a log of common ground no more than five business days following an OOEG meeting and the core members shall provide comments on those documents within five business days and approval within 10 business days.
26. The Chair shall be responsible for the timely and efficient running of an OOEG meeting and may require the OOEG to progress through agenda items to ensure there is adequate time for discussion of all items.
27. If the appointed Chair is unable to act as Chair of the OOEG then Hornsea Three shall take the role of Chair or shall appoint a replacement (either on a temporary or permanent basis).

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 bodies of the OOEG and of the Chair for any travel to and from an OOEG meeting.

8 Confidentiality

30. The core members and any appointed Chair shall ensure:
 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;
 2. all information relating to the OOEG, discussed by the OOEG or distributed to the OOEG is treated as confidential and, where a member is a statutory organisation, shall be safeguarded in line with that member's internal confidentiality policies and applicable laws, except to the extent that:

- a. disclosure is required by law;
 - b. 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 (including any necessary land rights);
 - c. all core members provide written agreement to the distribution of specific information for a stated purpose; or
 - d. the information otherwise enters into the public domain (except than through unauthorised disclosure).
31. If a statutory 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 non-statutory core member or third party who participates in the business of the OOEG, 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 and commercially sensitive documentation via the "DECA" sharepoint site. OOEG 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 OOEG 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 OOEG;
 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's Director of Marine Licensing; and
 - RSPB Head of Environmental Law.
 3. any dispute referred under section 9 paragraph 35(2) 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 Section 9 is intended to encompass disputes in relation to the adequate functioning of the OOEG. 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 Offshore Ornithology Engagement Group (OOEG) in accordance with the requirements of Schedule 14, Part 1, paragraph 2 of the Hornsea Three DCO.
2. The Engagement Plan sets out the Consultation Programme, Composition of the OOEG, the Requirements of the Core Members, Contingency Planning, and Reporting & Review Periods, and is structured accordingly.

Consultation Programme

3. Hornsea Three intend for the kittiwake artificial nesting structures to be in place by March 2023, in order to maximise opportunity for colonisation and ensure that the structures will be in place for four kittiwake breeding seasons prior to the operation of any wind turbine generator. To enable approval of the Kittiwake Implementation and Monitoring Plan (KIMP) within a sufficient timescale, Hornsea Three intends for the KIMP to be submitted to the Secretary of State for approval in Q4 2021. The Consultation Program has therefore been developed with this overarching objective in mind. The consultation programme outlines the schedule of OOEG meetings and the timetable for preparation of the KIMP.
4. Consultation with the OOEG will be multilevel (namely Steering Group and Technical Panel level engagement) to reflect the nature of the discussions. There will be a reasonably intensive engagement process in 2021 to reflect the need to establish the group and agree the detail of how and where the compensation measure will be delivered in accordance with the requirements of the DCO.
5. The initial meeting in March 2021 will form the "kick off" meeting. The first portion will be at Steering Group level to discuss the Terms of Reference. The second portion of this meeting will be at Technical Panel level to discuss developments in selecting locations for the nest structures.
6. This will be followed by Technical Panel meetings to continue alignment on the location and design of the artificial nesting structures. As these Technical Panel meetings progress, the emphasis will shift to discussing the monitoring and adaptive management measures.
7. Throughout the engagement (which will take place at a technical level on a regular monthly basis throughout 2021) there will be Steering Group level discussions to address any key risks, issues or areas of disagreement. The Steering Group will also convene at the end of the initial engagement process in late 2021 to align on the content of the KIMP prior to its submission to the Secretary of State.
8. Engagement with the OOEG will continue beyond the submission of the KIMP in Q4 2021, however, it will do so on a more staged timetable, aligned with key work elements and annual reporting requirements. Beyond the submission of the KIMP, the OOEG meetings will cover monitoring, adaptive management and annual monitoring reports. It is anticipated that the OOEG meetings will extend through to 2026, as presented in the engagement programme, and thereafter further requirements will be agreed with the OOEG.
9. Table 1 identifies the proposed engagement for 2021, and Table 2 the proposed engagement for 2022 onwards.

Table 1: Engagement Plan for 2021

Engagement Timing	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21
Engagement Detail										
Technical Panel Meeting #1 (Location & Design)	■									
Technical Panel Meeting #2 (Location & Design)		■								
Technical Panel Meeting #3 (Location, Design & Monitoring)			■							
Submission of Terms of Reference (including Plan of Engagement)			■							
Technical Panel Meeting #4 (Design, Monitoring & Adaptive Management)					■					
Steering Group Meeting #1					■					
Technical Panel Meeting #5 (Design, Monitoring & Adaptive Management)						■				
Technical Panel Meeting #6 (Monitoring & Adaptive Management)							■			
Technical Panel Meeting #7 (Monitoring & Adaptive Management)								■		
Technical Panel Meeting #8 (Monitoring & Adaptive Management)									■	
Steering Group Meeting #2										■
Submission of KIMP										■

Table 2: Indicative Engagement Plan 2022 onwards

Engagement Detail	Q1 2022	Q2 2022	Q3 2022	Q4 2022	Q1 2023	Q2 2023	Q3 2024	Q4 2023	Q1 2024	Q2 2024	Q3 2024	Q4 2024	Q1 2025	Q2 2025	Q3 2025	Q4 2025	Q1 2026	Q2 2026	Q3 2026	Q4 2026
Steering Group Meeting #3		■																		
Technical Panel Meeting #9 (Monitoring & Adaptive Management)		■																		
Technical Panel Meeting #10 (Monitoring & Adaptive Management)			■																	
Steering Group Meeting #4				■																
Artificial Nesting Structures Commissioned				■	■															
Monitoring Season					■	■	■	■												
Technical Panel Meeting #11 (Monitoring & Adaptive Management)						■														
Technical Panel Meeting #12 (Monitoring & Adaptive Management)							■													
Steering Group Meeting #5								■												
Annual Reporting to SoS								■												
Monitoring Season									■	■	■	■								
Technical Panel Meeting #13 (Monitoring & Adaptive Management)										■										
Technical Panel Meeting #14 (Monitoring & Adaptive Management)											■									
Steering Group Meeting #6												■								
Annual Reporting to SoS													■	■	■	■				
Monitoring Season														■	■	■				
Technical Panel Meeting #15 (Monitoring & Adaptive Management)															■					
Technical Panel Meeting #16 (Monitoring & Adaptive Management)																■				
Steering Group Meeting #7																	■			
Annual Reporting to SoS																		■	■	■
Monitoring Season																			■	■
Technical Panel Meeting #17 (Monitoring & Adaptive Management)																				■
Technical Panel Meeting #18 (Monitoring & Adaptive Management)																				■
Steering Group Meeting #8																				■
Annual Reporting to SoS																				■

Composition of the OOEG

10. As identified within the Terms of Reference, the OOEG will comprise the Core Members of Hornsea Three, Natural England, the MMO and the RSPB. Appropriate representatives from these organisations will be expected to fulfil the Steering Group and Technical Panel requirements (further discussion on this is provided in the subsequent section of the Engagement Plan).
11. It is further noted that additional stakeholders may be invited into the OOEG meetings. The presence of these advisory bodies will be determined on an ad hoc basis and will be linked to specific discussions taking place within the relevant engagement step. The attendance of any advisory body may be requested by any member of the OOEG, and subject to agreement from the OOEG, be invited to the appropriate meeting.
12. Advisory bodies may include organisations such as:
 - a. The Local Planning Authority(ies) and or landowner bodies (when discussing location and or design of the artificial structures);
 - b. Non-Governmental Organisations with relevant expertise; and
 - c. Recognised planning, ornithological and / or engineering experts whose input will inform discussions within the Technical Panel discussions.

Expertise within Core Members

13. Core Members of the OOEG, (i.e., Hornsea Three, Natural England, the MMO and the RSPB, as described above), will need to provide a range of input into the OOEG meetings from strategic to technical (ecological and where appropriate design related) to reflect the nature of the matters under discussion.
14. It will, therefore, be necessary for the purposes of effective engagement, to ensure the appropriate expertise is present at meetings. Tables 1 and 2 will help to provide an outline steer as to the nature of each engagement step to facilitate resource planning within Natural England, the MMO and the RSPB. Hornsea Three also commit to providing as much possible notice as to the specific agenda of each meeting (noting a commitment of no later than 5 working days is made within the ToRs) to facilitate resource planning.
15. Each organisation's representatives should be informed and empowered to provide the necessary strategic or technical advice / opinion on behalf of their organisation.

Requirements of OOEG Members

16. The requirement to ensure four breeding seasons are captured by the artificial nesting structures prior to the operation of any wind turbine generator means that there is significant timetable pressure in 2021 to align on the content of the KIMP. Management of staff resourcing issues (sick / annual leave, change in roles etc) is vitally important to ensure there are adequate contingency measures in place to mitigate any unforeseen resourcing issues should they arise.
17. Similarly, Hornsea Three will ensure early communication to the OOEG of any changes to the intended delivery program (as set out in Tables 1 and 2) that may impact on the Engagement Plan.

Reporting and Review Periods

18. Documents required under Part 1 of Schedule 14 comprise the KIMP, an annual report one year after the implementation of the artificial nesting structures, and annual reporting of the progress of the measures, monitoring (and any adaptive management). It is envisaged that other documentation may be generated during the preparation and implementation of the compensation that requires OOEG input and or review.

19. Hornsea Three shall ensure that the KIMP is provided to OoEG Core Members in draft form at least one month prior to submission to the Secretary of State to provide members with sufficient time to review the plan in detail. Comments on the KIMP by Core Members shall be provided back to Hornsea Three within 10 working days of receipt, unless otherwise agreed.

Key Document List

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

Kittiwake Compensation Plan: [EN010080-003246-HOW03-30Sep_Appendix 2 Kittiwake Compensation Plan \(06543754_A\).pdf \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk)

Outline Kittiwake Implementation and Monitoring Plan: [Microsoft Word - HOW03 Hornsea Three Outline Kittiwake Implementation and Monitoring Plan_LG_290920 \(06542486_A\).docx \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk)

Kittiwake Artificial Nest Provisioning; Ecological Evidence: [EN010080-003241-HOW03_30Sep_Appendix 2 Annex 2 Ecological Evidence \(06543000_A\) combined \(06543760_A\).pdf \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk)

Kittiwake Artificial Nest Provisioning; Site Selection and the Pathway to Securement: [Microsoft Word - HOW03_C3_Appendix 2 Annex 3 Site Selection and Pathway to Securement \(06543402_A\).docx \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk)