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All Interested Parties, Statutory Parties  
and any other person invited to the  
Preliminary Meeting

Your Ref:

Our Ref: EN010098

Date: 24 January 2022

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Dear Sir/ Madam,

## **Planning Act 2008 – Section 88 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 6 and Rule 9**

### **Application by Ørsted Hornsea Project Four Limited for an Order granting Development Consent for the Hornsea Project Four Offshore Wind Farm**

#### **Appointment of the Examining Authority and invitation to the Preliminary Meeting**

I write to you following my appointment by the Secretary of State as the lead member of a Panel who will be the Examining Authority (ExA) to carry out an examination of the above application. My name is Jo Dowling and the other members of the Panel are Stephen Bradley, Gavin Jones, Rod MacArthur and Andrew Mahon. A copy of the appointment notice can be viewed under the [Documents tab](#) on the project webpage on the National Infrastructure Planning website.

The ExA would like to thank those of you who submitted Relevant Representations. These representations have assisted the ExA when preparing its proposals regarding how to examine this application.

#### **Examinations during Coronavirus (COVID-19)**

In the light of ongoing public health controls, the ExA will be carrying out the Preliminary Meeting using virtual methods. Please see the Planning Inspectorate's [guidance related to Coronavirus \(COVID-19\)](#) for more information.

This guidance is updated periodically to align with the most up to date Government guidance relating to Coronavirus (COVID-19). On that basis, the ExA will remain flexible so that, should public health controls allow, the ExA may have the option of holding physical 'in person' events during the Examination if it is safe to do so.

If you have received this letter and intend to participate in virtual events held during this Examination, including the virtual Preliminary Meeting, please read the Planning Inspectorate's [Advice Note 8.6: Virtual Examination events](#) carefully. Advice Note 8.6 contains important information about how virtual events will be held and how you can participate.

If you wish to make representations to the ExA about the use of virtual procedures to carry out this Examination, please make them by the **Procedural Deadline (Friday 11 February 2022)** established before the Preliminary Meeting takes place (see **Annex D** to this letter).

### **Invitation to the Preliminary Meeting**

This letter is an invitation to the Preliminary Meeting to discuss examination procedures for the **Hornsea Project Four Offshore Wind Farm**. It contains a number of important annexes, including **Annex A** (the agenda). **Annex B**, introduces the Preliminary Meeting, explains how it is conducted and how you can participate.

**Date of meeting:** **Tuesday 22 February 2022**

**Arrangements Conference:** **From 9.30am**

**Meeting begins:** **10.00am**

**Venue:** **Virtual event (Microsoft Teams)**

### **Purpose of the Preliminary Meeting**

The purpose of the Preliminary Meeting is to enable views to be put to the ExA about how the application should be examined. At this stage, the ExA is looking at how it proposes to examine the application and not the merits or concerns about the application. The merits or concerns about the application will only be considered once the Examination starts, which is after the Preliminary Meeting has closed. See **Annex B** to this letter and the Planning Inspectorate's [Advice Note 8.3: the Preliminary Meeting](#) for more information.

The agenda for the meeting is at **Annex A**. This has been set following the ExA's Initial Assessment of Principal Issues arising from its reading of the application documents and the Relevant Representations received. That assessment is set out in **Annex C**.

As a result of this assessment, the ExA wishes to hear from the Applicant, Interested Parties, Statutory Parties and Local Authorities where they consider that changes might be needed to the draft Examination Timetable set out at **Annex D** to this letter.

### **Attendance at the Preliminary Meeting**

Because participation in a virtual Preliminary Meeting relies on the Planning Inspectorate providing you with a joining link or telephone number in advance, **if you intend to participate you must register by 11 February 2022** (see **Procedural Deadline** at **Annex D** to this letter).

To assist the management of the Preliminary Meeting, those registering to participate must indicate which agenda items they wish to speak on, listing the points that they intend to make.

Please note that **you are not required to attend the Preliminary Meeting in order to participate in the Examination**. If you are unable to attend the Preliminary Meeting you can make your submissions in writing. All submissions, whether made orally at the Preliminary Meeting or submitted in writing, will be given the same weight by the ExA. If you have already made a written submission you do not need to repeat it through speaking at the Preliminary Meeting.

Whether or not you attend the Preliminary Meeting, if you are an Interested Party you can make a Written Representation and comment on the Written Representations made by other Interested Parties during the Examination. You will also be able to participate in any hearings that are arranged. Should you no longer wish to be an Interested Party and do not wish to be involved in the Examination process, you can notify the Case Team of this in writing using the contact details at the top of this letter.

Those wishing to observe will be able to access a public livestream of the event that will be made available on the [project webpage on the National Infrastructure Planning website](#) shortly before it is scheduled to begin. A recording of the meeting will also be published on the website as soon as practicable after the event takes place. **The livestream and recording are publicly accessible and you do not need to register with the Planning Inspectorate in order to view them.**

### **After the Preliminary Meeting**

After the Preliminary Meeting you will be sent a letter, known as the Rule 8 letter, setting out the finalised Examination Timetable. A note and recording of the meeting will also be published on the [project webpage on the National Infrastructure Planning website](#).

The Examination will principally be a written process (see [Advice Note 8.4: The Examination](#)), supplemented where necessary by various types of hearings (see [Advice Note 8.5: Hearings and site inspections](#) and [Advice Note 8.6: Virtual Examination events](#)).

The Planning Act 2008 establishes a principally written process for the examination of applications for Development Consent Orders and **representations made in writing carry equal weight to oral representations** at all stages of the process.

All relevant and important matters will be taken into account when the ExA makes a recommendation to the Secretary of State for Business, Energy and Industrial Strategy, who will take the final decision in this case.

### **Procedural Decisions made by the Examining Authority**

The ExA has made some further Procedural Decisions. These are set out in detail at **Annex E** to this letter. They are summarised as follows:

- requests for Statements of Common Ground;
- requests for regular updated documents throughout the Examination including an updated Guide to the Application and a Compulsory Acquisition schedule;
- requests for Local Impact Reports by Deadline 1; and
- the acceptance of Additional Submissions into the Examination.

## Your status in the Examination

You have received this letter because you fall within one of the groups described in the Planning Inspectorate's document [What is My Status in the Examination?](#)

If your reference number begins with '2002', 'HORN-0', 'H4WF-AFP', 'H4WF-S57' 'H4WF-APP' you are in Group A. If your reference number begins with 'H4WF-SP' you are in Group B. If your reference number begins with 'H4WF-OP' you are in Group C.

The meaning and purpose of these groups is explained in the document published at the link above. If, however, having read this document you are still unsure about your status, please contact the Case Team using the details at the top of this letter.

## Managing Examination correspondence

Given the volume and frequency of letters the Planning Inspectorate needs to send to Interested Parties during an Examination, we aim to communicate with people by email as electronic communication is more environmentally friendly and cost effective for the taxpayer.

If you have received a postcard or letter but are able to receive communications by email, please inform the Case Team using the contact details at the top of this letter as soon as possible.

Up-to-date information, all the application documents and correspondence about the project and the Examination will be provided on the [project webpage on the National Infrastructure Planning website](#). As the Examination process predominantly uses electronic documents it will be useful for you to become familiar with this resource.

A 'Make a submission' tab will be available on the website which provides a portal through which parties will be able to make written submissions at relevant deadlines during the Examination. Further information about the 'Make a submission' portal is provided at **Annex G** to this letter.

Please note that there is also a function on the right-hand side of the project webpage called 'E-mail updates'. This provides you with an opportunity to register to receive automatic e-mail updates on the Application and the Examination. You are encouraged to make use of this. If you do so, you will receive an email every time the project page is updated and at key stages during the Examination.

## Deadlines

Please note that with the exception of Deadline 8, which is midday, all deadlines in the draft Examination Timetable and as referred to in this letter are at 23:59 on the deadline day.

## **Awards of costs**

All parties will normally be expected to meet their own costs. Costs can be awarded against a party who has acted unreasonably and has caused the party applying for the award of costs to incur unnecessary or wasted expense during the Examination. You should be aware of the relevant costs guidance [Awards of costs: examinations of applications for development consent orders](#).

## **Management of information**

Information, including representations, submitted in respect of this examination (if accepted by the ExA) and a record of any advice which has been provided by the Planning Inspectorate is published on the [project webpage on the National Infrastructure Planning website](#).

All Examination Documents can also be viewed electronically at the locations listed in **Annex F** to this letter.

Please note that in the interest of facilitating an effective and fair Examination, it is necessary to publish some personal information. To find out how we handle your personal information please view our [Privacy Notice](#).

The ExA looks forward to working with all parties in the examination of this application.

Yours faithfully

*Jo Dowling*

## **Lead Member of the Examining Authority**

### **Annexes**

- A** Agenda for the Preliminary Meeting
- B** Introduction to the Preliminary Meeting
- C** Initial Assessment of Principal Issues
- D** Draft Examination Timetable
- E** Other Procedural Decisions made by the Examining Authority
- F** Availability of Examination Documents
- G** Electronic 'Make a submission' portal

This communication does not constitute legal advice.  
Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

## Agenda for the Preliminary Meeting

Because participation in a virtual Preliminary Meeting relies on the Planning Inspectorate providing you with a joining link or telephone number in advance, **if you intend to participate you must register by 11 February 2022.** (See **Procedural Deadline** at **Annex D** to this letter.)

<b>Date:</b>	<b>Tuesday 22 February 2022</b>
<b>Event lobby:</b>	<b>9.30am</b>
<b>Meeting start time:</b>	<b>10.00am<sup>1</sup></b>
<b>Venue:</b>	<b>Virtual event (Microsoft Teams)</b> Full instructions on how to join online or by phone will be provided in advance of the meeting to those who register to participate
<b>Attendees:</b>	<b>Invited parties who have pre-registered</b>

A public livestream of the meeting will be made available on the [project webpage](#) shortly before the meeting is due to open. The livestream is available to anybody who wishes to observe the meeting.

<b>9.30am</b>	<b>Event lobby</b> Please arrive at 9.30am to enter the lobby. From here you will be admitted to the Arrangements Conference by the Case Team, greeted and given further instructions.
<b>9.40am</b>	<b>Arrangements Conference</b> The Arrangements Conference will commence at 9.40am. This will be hosted by the Case Team and cover the housekeeping arrangements for the Preliminary Meeting and allow for any questions to be asked about how to take part.
<b>10.00am</b>	<b>Preliminary Meeting</b>
<b>Item 1</b>	The Preliminary Meeting will formally open at 10.00am. The Examining Authority (ExA) will join, welcome participants and lead introductions.
<b>Item 2</b>	The ExA's remarks about the Examination process including reference, where appropriate, to any procedural requests to this item that have been submitted to the Planning Inspectorate in writing by the Procedural Deadline ( <b>11 February 2022</b> ).

<sup>1</sup> If you are joining as an active participant of the Preliminary Meeting, please join the Event lobby promptly using the instructions that are sent to you. In common with Preliminary Meetings held in physical locations, the event will start at 10.00am irrespective of any late arrivals, for whom access may not be possible.

<b>Item 3</b>	Initial Assessment of Principal Issues – see <b>Annex C</b> to the Rule 6 letter.
<b>Item 4</b>	Procedural Decisions taken by the ExA – see <b>Annex E</b> to the Rule 6 letter.
<b>Item 5</b>	Draft Examination Timetable – see <b>Annex D</b> to the Rule 6 letter. Including the deadlines for submission of: <ul style="list-style-type: none"> <li>• Written Representations;</li> <li>• Local Impact Reports;</li> <li>• Responses to the ExA’s Written Questions;</li> <li>• Statements of Common Ground; and</li> <li>• Procedural requests relating to these items that have been submitted to the Planning Inspectorate in writing by the Procedural Deadline (<b>11 February 2022</b>).</li> </ul>
<b>Item 6</b>	Dates and formats of Hearings and Accompanied Site Inspection (ASI): <ul style="list-style-type: none"> <li>• Date and format of Open Floor Hearing;</li> <li>• Date and format of Compulsory Acquisition Hearing;</li> <li>• Date and format of Issue Specific Hearing on draft Development Consent Order;</li> <li>• Time period and format reserved for Issue Specific Hearings;</li> <li>• Date and format reserved for further Open Floor Hearing(s) (if required);</li> <li>• Time period and format reserved for a further Compulsory Acquisition Hearing(s) (if required);</li> <li>• Time period and format reserved for further Issue Specific Hearing(s) (if required);</li> <li>• Date of ASI to application site and surrounding area (including draft itinerary) (if required); and</li> <li>• Procedural requests relating to this item that have been submitted to the Planning Inspectorate in writing by the Procedural Deadline (<b>11 February 2022</b>).</li> </ul>
<b>Item 7</b>	Any other matters.
<b>Close of the Preliminary Meeting</b>	

**Please note:** Please be available from the start and throughout the meeting. The agenda is subject to change at the discretion of the ExA, although in making changes the ExA will be mindful of the need to provide opportunities for fair involvement to all Interested Parties. The ExA will conclude the meeting as soon as all relevant contributions have been made. If there are any additional matters to be dealt with or submissions take a considerable amount of time, the ExA may change the order of the agenda items and may introduce breaks in the proceedings. Whilst it is envisaged that the meeting will not last more than a few hours, please make sure you are available all day in case it overruns or technical issues arise with running the meeting virtually.

Please make sure that you read the National Infrastructure Planning/ Planning Inspectorate Privacy notice before attending the Preliminary Meeting:

<https://www.gov.uk/government/publications/planning-inspectorate-privacy-notices/customer-privacy-notice>

## **Introduction to the Preliminary Meeting**

### **Background**

The Preliminary Meeting (PM) for the Hornsea Project Four Offshore Wind Farm will take place virtually using Microsoft Teams, but the format, content and procedure will be very similar to the physical, face-to-face PMs that have been held for other National Infrastructure Examinations.

The Examining Authority (ExA) is conscious of videoconferencing fatigue and will aim to keep the proceedings focussed and as efficient as possible. This annex provides advance access to information that would usually be included in the ExA's introductory remarks following the opening of the PM. Please read this carefully. The ExA will only present a summary of the key points set out here at the Preliminary Meeting, in order to ensure that the time available for participants to speak is maximised.

### **The Examining Authority**

The members of the ExA appointed by the Secretary of State, led by Jo Dowling and comprising Stephen Bradley, Gavin Jones, Rod MacArthur and Andrew Mahon, will introduce themselves at the start of the PM. The ExA's appointment letter can be found in the Examination Library under reference [[PD-004](#)].

### **The Case Team**

The ExA will be supported by the Planning Inspectorate Case Team. Liam Fedden is the Case Manager and Caroline Hopewell is the Case Officer. During the Arrangements Conference, a member of the Case Team will welcome and admit participants into the virtual PM, and will be available to answer questions by email before and after the PM. The contact email address is: [HornseaProjectFour@planninginspectorate.gov.uk](mailto:HornseaProjectFour@planninginspectorate.gov.uk).

### **The purpose of the Preliminary Meeting**

The PM is being held to discuss the arrangements for the examination of the application for a Development Consent Order (DCO) for the Hornsea Project Four Offshore Wind Farm, which is a Nationally Significant Infrastructure Project (NSIP), and which will generally be referred to in the PM and Examination as the 'Proposed Development'. The application has been made by Ørsted Hornsea Four Project Limited, which will be referred to as 'the Applicant'.

You will find information about the application and, in due course, documents produced for the Examination on the Planning Inspectorate's National Infrastructure Planning website ('NI Planning website'). This has a dedicated landing page for the project with links to Examination procedure, the Examination Timetable, Relevant Representations and Examination documents. The relevant NI Planning website landing page is: <https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/hornsea-project-four-offshore-wind-farm/>



You are encouraged to explore the NI Planning website project landing page if you haven't already done so, because it will be used to communicate with you and to provide access to documents throughout the Examination. There is the option on the project page to register to receive updates and you are encouraged to do this so that you will receive a notification via e-mail at key stages during the Examination.

The main purpose of the PM is to discuss how the application should be examined. It focuses on the process only, and it will not be looking at the substance of the proposals: questions, discussions and representations about the merits or disadvantages of the Proposed Development are for the Examination itself, which will begin the day after the close of the PM.

The PM will be your opportunity to influence the process that the ExA intends to follow, and you should read this Rule 6 letter and all accompanying annexes thoroughly beforehand. The agenda for the PM is attached to this Rule 6 letter at **Annex A**. It is important to have the letter and the agenda in front of you and to refer to them during the course of the PM. If you are not experienced with videoconferencing and using multiple documents on screen, you may wish to print these in advance of the PM for reference.

### **Government guidance and policy**

The proposed Development is a NSIP under the Planning Act 2008 (PA2008) as a consequence of sections 14(1)(a) and 15(3) as the application is for the construction, operation and maintenance of an offshore wind farm together with associated offshore and onshore infrastructure and all associated development. The offshore wind farm would have a capacity of greater than 100 megawatts. The designated National Policy Statements (NPS) for Energy Infrastructure, specifically the Overarching NPS for Energy (NPS EN-1), Renewable Energy Infrastructure (NPS EN-3) and Electricity Networks Infrastructure (NPS EN-5) apply to this Examination and to decision-making relating to this application.

The ExA will consider the Proposed Development in accordance with the NPSs and any other applicable policy or considerations the ExA deems to be important and relevant. The PA2008 makes it clear that, in making a decision, the relevant Secretary of State (SoS) "*must decide the application in accordance with any relevant NPS*" (s104(3)), subject to certain provisos. Essentially, the provisos are that the application must not breach legal or treaty obligations, and that any adverse impact of the Proposed Development would not outweigh its benefits.

The SoS is entitled to disregard any representations that relate to the merits of the designated NPS. In practice, this means that the ExA will not spend time examining representations that challenge policy set out in NPSs, or the validity of NPSs themselves. The focus will be on the merits or disadvantages of the Proposed Development, tested to the appropriate extent using the tests set out in relevant designated NPSs that are in force.

Other important and relevant planning policies that the ExA may consider include policies in the relevant local authorities' development plans. However, if these conflict with policy in a NPS, then the NPS will take precedence.

In summary, the PM will establish the procedures and timetable for the Examination of the Proposed Development. It will set a framework for the ExA to enable the SoS to consider and decide the application, by identifying relevant policy and examining the application in the light of it. In doing so, the ExA will have regard to:

- the positions and representations of all Interested Parties (IPs);
- any Local Impact Reports (LIRs) prepared and provided by relevant local authorities;
- other prescribed matters; and
- any other matters that appear to be both relevant and important to the relevant SoS's decision.

### **Preliminary Meeting invitees**

The Applicant is invited to the PM and is generally given the opportunity to reply to any representations made, either orally at the time or in writing after the close of the PM.

Everyone who has made a Relevant Representation has been registered as an IP and has been sent a copy of this Rule 6 letter. Each IP is entitled to participate in this Examination.

Each person or organisation with an interest in land or rights that are affected by a Compulsory Acquisition request in this application is an Affected Person (AP). In addition to a general entitlement to involvement in the Examination, APs have a right to be heard in relation to any objection about the effects of Compulsory Acquisition on their interests in land, and a right to be notified of any Compulsory Acquisition Hearing. APs are IPs, whether or not they have made a Relevant Representation.

Certain bodies are Statutory Parties. Statutory Parties can elect to become IPs without having made a Relevant Representation.

The ExA has the power to involve people who are not IPs in the Examination as though they are IPs, including by inviting them to the PM. However, this is only done in exceptional circumstances. For example, if it was clear that the application would materially affect a person who was not automatically an IP, or eligible to elect to become an IP and they had been unable to take the necessary action to register as an IP.

### **Conduct of the Preliminary Meeting**

Past experience suggests that a PM for a project of this size and complexity could take up to a few hours to complete. However, in running the event virtually there are limitations on the number of people who can speak at any one time. Therefore, in order to ensure that everyone who wishes to speak can do so, a full day has been timetabled for the meeting.

During the PM, participants may have to make allowances and be patient if there are delays associated with the technology used. In recognition of the fatigue associated with on-screen communication, the ExA will provide breaks during the PM as appropriate. For those who pre-register to be involved, your joining instructions will provide more information about this.

A digital recording will be made available on the project page of the NI Planning website as soon as practicable following the PM. The digital recording allows any member of the public who is interested in the application and the Examination to find out what has been discussed at the PM, whether they are able to attend or observe the meeting or not. The making and publication of these recordings is a means by which the Planning Inspectorate meets the legal requirement to hold these events in public. In this regard, anyone speaking at the PM will need to introduce themselves each time they speak, to ensure that someone listening to the recording after the event is clear who was speaking. A written note of the PM will be produced and published as soon as practicable following the closure of the PM.

As the digital recordings are retained and published, they form a public record that can contain personal information to which the UK General Data Protection Regulation (UK GDPR) applies. Participants must do their best to avoid making public any information which they would otherwise wish to be kept private and confidential. If there is a need to refer to such information, it should be in written form. Although this will also be published, personal and private content can be redacted or removed before it is made publicly available. Any person who is unclear on this point should ask the Case Team for guidance before they include personal and private information in any submissions.

The Planning Inspectorate's practice is to publish the recordings and retain them for a period of five years from the SoS's decision on the DCO. If you actively participate in the PM, it is important that you understand that you will be recorded and that the recording will be made available in the public domain. Please see our [Privacy Notice](#) for more information about how we handle your data.

Following the ExA's introductions, each participant who has been registered to speak will be asked to introduce themselves, including any organisations or groups that they represent. The ExA will then conduct the meeting in accordance with the agenda. If you prefer not to have your image recorded, you can switch off your camera at any point.

### **The Examination process**

The examination of NSIPs follows different processes to those, for example, of a Public Inquiry into a planning appeal following the refusal of planning permission. The main differences are that the examination of NSIPs is primarily a written process and hearings take on an inquisitorial approach as opposed to an adversarial one.

This means that the ExA will probe, test and assess the evidence primarily using written questions. While some hearings are held to provide supplementary evidence, questions to the Applicant or to witnesses will come from the ExA.

Questioning or cross-examination of witnesses by other parties will not generally be allowed.

In terms of opportunities to provide evidence in writing, the draft Examination Timetable makes provision for the following written processes:

- Local authorities can submit LIRs if they wish. Whilst these are voluntary, the PA2008 requires that if they are provided, they must be considered by the SoS in reaching a decision. Consequently, LIRs are a very important method for local authorities to communicate issues of concern to the ExA, the SoS and their residents.
- IPs can make Written Representations (WRs) and comment on WRs made by other parties.
- IPs can respond to the ExA's written questions (ExQs) and comment on responses to these written questions provided by others.
- IPs may be asked to contribute to the making of Statements of Common Ground (SoCGs) if it appears that there are matters on which they and the Applicant agree, and if it would be useful for this to be clarified. SoCGs most usefully extend to catalogue matters that are not agreed or are outstanding.

The draft Examination Timetable includes a series of numbered deadlines for receipt of written submissions. Timely submissions received by the relevant deadline and that address its purpose will be accepted. Documents received after the relevant deadline are only accepted at the discretion of the ExA and may not be accepted to ensure fairness to all parties. Circumstances where documents are submitted late without good reason, causing inconvenience or delay to other parties can amount to unreasonable behaviour.

These written processes will be the principal means used by the ExA to gather information, evidence and views about the application. However, the Examination will only be effective if all parties resolve to give timely, full, frank, clear and evidenced answers to every question that is relevant to their interests and to engage fully with any other related processes such as the completion of WRs and SoCGs.

There is no merit in withholding or delaying information, or in failing to co-operate, and, should it occur, any unreasonable behaviour that caused another party to incur wasted expenditure could lead to an [award of costs](#) against the offending party.

The ExA has discretion to make amendments to the Examination Timetable for the wider benefit of the Examination. If possible, events will be arranged for times when all relevant parties are available, but the ExA is under a duty to complete the Examination by the end of the six-month period beginning with the day after the close of the PM. This requirement is set by legislation, and while the ExA will try to rearrange event dates to accommodate all relevant parties, in practice there will be limited scope to alter dates set out in the draft Examination Timetable.

The statutory time limit for the Examination means that where there are matters that still need to be discussed and agreed between the Applicant and IPs, it will be very helpful to the ExA if these could be progressed as early as possible.

## **Hearings**

The draft Examination Timetable includes provision for hearings, at which the ExA takes oral evidence from the various parties.

Any registered IP may request an Open Floor Hearing (OFH) to make oral representations about the application if they believe this to be preferable to relying on their written representation, though both carry equal weight. Oral submissions should be based on representations previously made in writing, but they should not simply repeat matters previously covered in the written submission. Rather, they should focus on specific detail and explanation to help inform the ExA. There should be no new or unexpected material in oral representations. A written summary note with any supporting evidence or references will be requested of each speaker following the hearing.

As with all Examination events, OFHs are subject to the powers of control of the ExA, as set out in the PA2008 and supporting legislation. Participants must register in advance by the deadline shown in the Examination Timetable and in accordance with the instructions. An agenda may be circulated. It is common practice for the ExA to set a time limit for each speaker and speakers with common points are asked to come together to nominate a spokesperson or representative speakers to cover specific topics, so as to avoid repetition. Speakers representing public authorities, community and membership organisations or multiple IPs are normally provided with an additional time allowance, recognising their representative role.

The Applicant's draft DCO provides for the Compulsory Acquisition of land and rights, and the Temporary Possession of land. Affected Persons (ie those whose land or rights over land are affected) have a right to request and be heard at a Compulsory Acquisition Hearing (CAH). If one or more APs request to be heard then a CAH must be held. Provisional dates for CAHs are included in the draft Examination Timetable along with deadlines by which requests to be heard must be submitted.

The ExA has the discretion to hold Issue Specific Hearings (ISHs) if it would aid the Examination and there is a specific reason this would be more helpful than reliance on written evidence only. The lack of an ISH on one or more topics does not imply that those topics are less important than others which are subject to a hearing. Rather, it is an indication that the ExA is satisfied that the issues can be fully considered through written submissions and responses to its written questions and that each party has had a fair opportunity to put its case.

The draft Examination Timetable includes a number of dates reserved for ISHs and IPs may make suggestions for topics in their written or oral representations to the PM.

It may be necessary for the ExA to hold more than one ISH on the draft DCO. This is normal practice, and they are held on a without prejudice basis. Parties

can suggest modifications and amendments to the draft DCO provided with the Proposed Development applications by the Applicant, without prejudicing their overall position on the application.

Holding such hearings does not imply that the ExA has reached any judgements on the merits of the application. Whatever the ultimate recommendation is, the ExA must make sure that the draft DCO is fit for purpose if the SoS decides to grant consent, as any consent will be subject to Requirements (ie conditions) set out in the DCO.

At hearings it will not normally be necessary for parties to make long and detailed submissions that require (for example) PowerPoint presentations. Any supporting detail/information can be provided in writing following the event by the relevant deadline.

The draft Examination Timetable includes a deadline (**8 March 2022**) for participants to notify the ExA that they wish to speak at an OFH or a CAH.

### **Site inspections**

The ExA may undertake site inspections as part of the Examination process. These can be either unaccompanied or accompanied, though all would be subject to any Government restrictions relating to COVID-19 in force at the time.

The purpose of these is for the ExA to see features of the proposals within the context of the evidence put forward. Notes of Unaccompanied Site Inspections (USIs) are published on the project webpage on the NI Planning website.

Accompanied Site Inspections (ASIs) will only be necessary to view land to which there is no public right of access, or with no clear view from nearby locations with open public access. The purpose of ASIs is familiarisation only and no discussion of the merits of the Proposed Development will be entertained during an ASI.

The draft Examination Timetable includes a deadline for IPs to make submissions suggesting sites and locations that the ExA should visit. These will be used to inform further USIs as well as a possible ASI. It should be noted that public health restrictions may limit the scope for ASIs and, if these have not lifted by the end of the Examination, the ExA may decide that holding USIs to relevant nominated locations, supported by the submission of additional written, photographic, video or even drone material would be preferable to not visiting sites or holding an ASI in circumstances which could make it difficult and unduly time-consuming to conduct.

## Initial Assessment of Principal Issues

This is the Initial Assessment of Principal Issues prepared under s88(1) of the Planning Act 2008 (PA2008). It has been prepared by the Examining Authority (ExA) following its reading of the application documents and the Relevant Representations received in respect of the application and its consideration of any other important and relevant matters.

It is not a comprehensive or exclusive list of the issues that will be subject to examination and inevitably some issues will overlap or interrelate. The ExA will have regard to all important and relevant matters during the Examination and when it writes its Recommendation Report to the Secretary of State for Business, Energy and Industrial Strategy after the Examination has concluded.

The order of the issues listed is alphabetic and does not imply any order of prioritisation or importance.

The policy and consenting requirements and documents associated with the PA2008 are an integral part of the Examination and are therefore not listed as a principal issue.

It should also be noted that whilst the effects of the proposal in relation to climate change and human rights and equalities duties are not listed as main issues, the ExA will conduct all aspects of the Examination with these in mind.

<b>Principal Issue</b>	<b>Brief Amplification To include but not be limited to:</b>
Commercial Fishing and Fisheries	<ul style="list-style-type: none"> <li>• Effects on commercial fishing and fisheries, including access to fishing grounds and safety.</li> </ul>
Compulsory Acquisition	<ul style="list-style-type: none"> <li>• Whether the extent of the land, rights and powers sought to be compulsorily acquired is required for the proposed development.</li> <li>• Whether the Temporary Possession powers sought are justified and proportionate.</li> <li>• Whether there is a compelling case in the public interest for the compulsory acquisition of the land, rights and powers sought by the draft Development Consent Order.</li> <li>• Whether all reasonable alternatives to Compulsory Acquisition and Temporary Possession have been explored.</li> <li>• Whether adequate funding is likely to be available to enable the Applicant to carry out the Compulsory Acquisition within the statutory period.</li> <li>• Approach adopted by Applicant to identifying Category 3 parties.</li> </ul>
Design	<ul style="list-style-type: none"> <li>• Extent, justification and definition of design parameters and maximum design scenario (MDS).</li> <li>• Aesthetic design strategy.</li> <li>• Sensitivity to place, including the consideration of existing landscape character, landform and</li> </ul>

Principal Issue	Brief Amplification To include but not be limited to:
	vegetation as well as the use of appropriate and sensitive materials. <ul style="list-style-type: none"> <li>• Sustainable design strategy.</li> </ul>
Draft Development Consent Order (draft DCO)	<ul style="list-style-type: none"> <li>• The construction, form, extent and definitions of the draft DCO including Requirements, Protective Provisions, Deemed Marine Licences and design flexibility.</li> <li>• Adequacy of the draft DCO Requirements and Deemed Marine Licence Conditions and associated outline management plans to secure proposed mitigation and monitoring.</li> <li>• Whether any additional Requirements or Conditions would be necessary.</li> <li>• The scheme for the discharge of DCO Requirements and the Deemed Marine Licence Conditions and the appropriate authorities for approving such discharge.</li> <li>• The proposed Protective Provisions in respect of the land and equipment of Statutory Undertakers.</li> <li>• Relationship with other projects and consents.</li> </ul>
Environmental Impact Assessment (EIA) and Environmental Statement (ES)	<ul style="list-style-type: none"> <li>• General matters about the approach taken to EIA and ES.</li> <li>• Outline management plans, the commitment register and the route map for mitigation, monitoring and compensation.</li> </ul>
Habitats Regulations Assessment (HRA)	<ul style="list-style-type: none"> <li>• Approach to the Report to Inform the Appropriate Assessment (RIAA).</li> <li>• Adequacy of data and information on which the HRA would be based.</li> <li>• Screening of protected sites, Likely Significant Effects, and identification of those taken forward for assessment.</li> <li>• Identification and assessment of Adverse Effects on the Integrity of protected sites.</li> <li>• Without prejudice derogation case.</li> <li>• Without prejudice compensation proposals, including identification and securing of candidate locations and activities.</li> </ul>
Historic Environment	<ul style="list-style-type: none"> <li>• Effects on the onshore historic environment including archaeology and designated heritage assets.</li> <li>• Effects on intertidal, inshore and offshore marine historic environment.</li> <li>• Archaeological investigation, monitoring and supervision.</li> </ul>



<b>Principal Issue</b>	<b>Brief Amplification To include but not be limited to:</b>
Infrastructure and Other Users	<ul style="list-style-type: none"> <li>• Relationship with and implications for other constructed and proposed major development including but not limited to the Endurance Aquifer (and associated carbon capture and transfer) and the Viking Link.</li> <li>• Cumulative and in-combination effects with other major development proposals and existing infrastructure and other users.</li> <li>• Effects on electricity, telecoms and oil and gas infrastructure, both existing and proposed.</li> </ul>
Landscape and Visual Effects	<ul style="list-style-type: none"> <li>• The adequacy of assessment methodology and approach including the extent of the study area.</li> <li>• The effects on landscape character and landscape designations.</li> <li>• Effects of lighting.</li> <li>• Construction effects.</li> <li>• Long term and short term visual effects.</li> <li>• Effect on trees and hedgerows.</li> <li>• Landscape mitigation and replacement planting and the effectiveness of mitigation measures.</li> </ul>
Marine and Coastal Geology, Oceanography and Physical Processes	<ul style="list-style-type: none"> <li>• Adequacy of geophysical, bathymetry and coastal processes baseline.</li> <li>• Appropriateness of the Applicant's MDS for the Proposed Development in the marine environment</li> <li>• Marine and intertidal process modelling and impact predictions, including identification of receptors, scour prediction and protection, sand wave effects and sediment transport and deposition.</li> <li>• Location, extent and impact assessment of cable protection during the operational and post-decommissioning phases.</li> <li>• Assessment and mitigation of cable crossings.</li> <li>• Marine and intertidal process assessment implications for coastal erosion.</li> <li>• Assessment of effects on the Flamborough Front.</li> <li>• Analysis and assessment of dredged sediments and their disposal.</li> <li>• Effects of marine infrastructure retained post-decommissioning including the potential exposure of buried infrastructure in the long term.</li> </ul>
Marine Ecology	<ul style="list-style-type: none"> <li>• Effects on benthic and intertidal habitats.</li> <li>• Effects on coastal and marine birds, including the approach to describing and evaluating the baseline.</li> <li>• Effects on fish and shellfish.</li> <li>• Effects on marine mammals.</li> </ul>

<b>Principal Issue</b>	<b>Brief Amplification To include but not be limited to:</b>
Navigation and Radar (Marine and Air)	<ul style="list-style-type: none"> <li>• Maintenance of safe air and marine navigation during construction and operation, including to oil and gas platforms.</li> <li>• Effects on shipping routes, ports, aircraft routes and airports including transboundary and in-combination effects.</li> <li>• Effects on emergency response, search and rescue operations.</li> <li>• Effects on navigational safety.</li> <li>• Effect on onshore and offshore radar.</li> </ul>
Noise, Vibration, Electro Magnetic Fields (EMFs) and Light	<ul style="list-style-type: none"> <li>• Underwater (marine) noise.</li> <li>• Other noise, vibration, EMFs and light effects on marine and terrestrial environments.</li> <li>• Effects of construction and operation on residential amenity.</li> </ul>
Onshore Ecology	<ul style="list-style-type: none"> <li>• Effects on species and habitats.</li> <li>• Potential for biodiversity enhancement.</li> </ul>
Onshore Water Environment	<ul style="list-style-type: none"> <li>• Effects on water resources and watercourses, including measures to prevent pollution of aquifers and watercourses.</li> <li>• Effects on flood risk, hydrology, drainage and irrigation.</li> <li>• Compliance with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.</li> </ul>
Proposed Development and Site Selection	<ul style="list-style-type: none"> <li>• Assessment of alternatives including choice of technology.</li> <li>• Need for the development.</li> <li>• Details of the proposed Energy Balancing Infrastructure.</li> <li>• Construction methodology, phasing and timetabling.</li> </ul>
Socio Economic and Land Use Effects	<ul style="list-style-type: none"> <li>• Effects on agricultural land, soil quality and farming operations, fishing, tourism and recreation.</li> <li>• Effects on jobs and skills with particular reference to maritime and coastal industries.</li> </ul>
Traffic and Transport and Public Rights of Way (PRoW)	<ul style="list-style-type: none"> <li>• Effects from traffic during the construction phase.</li> <li>• Effects on PRoW network including temporary and permanent diversion and stopping up.</li> </ul>

## Draft Examination Timetable

The Examining Authority (ExA) is under a duty to complete the examination of the application by the end of the period of six months beginning with the day after the close of the Preliminary Meeting.

The examination of the application primarily takes the form of the consideration of written submissions. The ExA will also consider any oral representations made at hearings.

Item	Matters	Date
1.	<p><b>Procedural Deadline</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Written submissions on the Examination procedure and draft Examination Timetable including any submissions about the use of virtual procedures</li> <li>• Requests to be heard orally at the Preliminary Meeting including which agenda items you wish to speak on, points you wish to make and why these need to be made orally rather than in writing.</li> </ul>	<p><b>Friday 11 February 2022</b></p>
2.	<p><b>Preliminary Meeting</b></p>	<p><b>Tuesday 22 February 2022 at 10:00</b></p>
3.	<p>Issue by the ExA of:</p> <ul style="list-style-type: none"> <li>• Examination Timetable</li> </ul> <p>Publication of:</p> <ul style="list-style-type: none"> <li>• The ExA's First Written Questions (ExQ1)</li> </ul>	<p>As soon as practicable following the Preliminary Meeting</p>
4.	<p><b>Deadline 1</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Notification of wish to speak at a Compulsory Acquisition Hearing (CAH)</li> <li>• Notification of wish to speak at an Open Floor Hearing (OFH)</li> <li>• Notification of wish to speak at any of the Issue Specific Hearings (ISHs)</li> <li>• Submission of suggested sites to be included in any Accompanied Site Inspection (ASI) including reasons why the site needs to be visited on an accompanied basis and any</li> </ul>	<p><b>Tuesday 8 March 2022</b></p>

	<p>requirements that would be needed to arrange access</p> <ul style="list-style-type: none"> <li>• Notification of wish to attend an ASI</li> <li>• Notification by Statutory Parties of their wish to be considered as an Interested Party (IP) by the ExA</li> <li>• Notification of wish to have future correspondence received electronically</li> <li>• Comments on Relevant Representations (RRs)</li> <li>• Local Impact Reports (LIRs) from local authorities (see Annex E)</li> <li>• Initial Statements of Common Ground (SoCGs) requested by the ExA (see Annex E)</li> <li>• Statement of Commonality of SoCGs</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Procedure Rules<sup>2</sup></li> </ul>	
<p><b>5.</b></p>	<p><b>Deadline 2</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Responses to the ExA's First Written Questions (ExQ1)</li> <li>• Written Representations (WRs)</li> <li>• Summaries of all WRs exceeding 1500 words</li> <li>• Comments on the LIR(s)</li> <li>• Applicant to provide a draft itinerary for the ASI</li> <li>• Applicant to provide an updated Guide to the Application</li> <li>• Applicant to provide a Compulsory Acquisition Schedule (CA Schedule)</li> <li>• An updated version of the draft Development Consent Order (dDCO) in clean, tracked and Word versions (if required as a result of ExQ1)</li> <li>• Schedule of changes to the dDCO (if required)</li> <li>• Responses to comments on RRs</li> <li>• Comments on any other submissions received at Deadline 1</li> </ul>	<p><b>Tuesday 29 March 2022</b></p>

<sup>2</sup> The Infrastructure Planning (Examination Procedure) Rules 2010

	<ul style="list-style-type: none"> <li>Any further information requested by the ExA under Rule 17 of the Examination Procedure Rules</li> </ul>	
<b>6.</b>	<b>Open Floor Hearing</b>	<b>Monday 11 April 2022 (evening event time TBC)</b>
<b>7.</b>	<b>Issue Specific Hearing (ISH1)</b> <ul style="list-style-type: none"> <li>ISH1 on the draft Development Consent Order</li> </ul>	<b>Tuesday 12 April 2022</b>
<b>8.</b>	<b>Compulsory Acquisition Hearing (CAH1)</b> <ul style="list-style-type: none"> <li>CAH1 on the Applicant's compulsory acquisition (CA) and temporary possession (TP) case and on any CA and TP objections (if there are requests to be heard)</li> </ul>	<b>Wednesday 13 April 2022</b>
<b>9.</b>	<b>Deadline 3</b> Deadline for receipt by the ExA of: <ul style="list-style-type: none"> <li>Post-hearing submissions including written summaries of oral case put at any of the hearings held during w/c 11 April 2022</li> <li>Comments on draft ASI itinerary produced by the Applicant</li> <li>Comments on submissions received at Deadline 2</li> <li>Progressed versions of any SoCG and an updated Statement of Commonality of SoCG</li> <li>Applicant to provide an updated Guide to the Application</li> <li>Any further information requested by the ExA under Rule 17 of the Examination Procedure Rules</li> </ul>	<b>Thursday 21 April 2022</b>
<b>10.</b>	<b>Hearings</b> Dates reserved for Issue Specific Hearing(s) (if required)	<b>Week commencing 25 April 2022</b>
<b>11.</b>	<b>Deadline 4</b> Deadline for receipt by the ExA of: <ul style="list-style-type: none"> <li>Post-hearing submissions including written summaries of oral case put at any of the hearings during w/c 25 April 2022</li> <li>Progressed versions of any SoCG and an updated Statement of Commonality of SoCG</li> </ul>	<b>Monday 9 May 2022</b>

	<ul style="list-style-type: none"> <li>• An updated Guide to the Application</li> <li>• An updated CA Schedule</li> <li>• An updated version of the dDCO in clean, tracked and word versions</li> <li>• An updated schedule of changes to the dDCO</li> <li>• Comments on any submissions received at Deadline 3</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Procedure Rules</li> </ul>	
<b>12.</b>	<b>Publication of:</b> <ul style="list-style-type: none"> <li>• ExA's Further Written Questions (ExQ2) (if required)</li> </ul>	<b>Monday 30 May 2022</b>
<b>13.</b>	<b>Deadline 5</b> Deadline for receipt by the ExA of: <ul style="list-style-type: none"> <li>• Responses to ExA's Further Written Questions (ExQ2) (if published)</li> <li>• An updated Guide to the Application</li> <li>• An updated version of the dDCO in clean, tracked and Word versions (if required)</li> <li>• Schedule of changes to the dDCO (if required)</li> <li>• An updated CA Schedule in clean and tracked versions</li> <li>• Progressed SoCGs and an updated Statement of Commonality of SoCGs</li> <li>• Comments on any submissions received at Deadline 4</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Procedure Rules</li> </ul>	<b>Monday 20 June 2022</b>
<b>14.</b>	<b>Dates reserved (if required) for:</b> <ul style="list-style-type: none"> <li>• Any Compulsory Acquisition Hearing</li> <li>• Any Issue Specific Hearing</li> <li>• Any Open Floor Hearing</li> <li>• Accompanied Site Inspection<sup>3</sup></li> </ul>	<b>Week commencing Monday 18 July 2022</b>

<sup>3</sup> Please note the ExA will consider all submissions on this and if an ASI is necessary it can only go ahead if Government guidance on COVID-19 at that time permits. In the event it cannot be undertaken as a physical visit, alternative approaches (including the potential use of technology) will be explored and all participants will be notified.

<p><b>15.</b></p>	<p><b>Deadline 6</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Post-hearing submissions including written summaries of oral case put at any of the hearings during w/c 18 July 2022 (if held)</li> <li>• Comments on responses to ExQ2 (if published)</li> <li>• An updated Guide to the Application</li> <li>• An updated version of the dDCO in clean, tracked and Word versions</li> <li>• Schedule of changes to the dDCO</li> <li>• An updated CA Schedule in clean and tracked versions</li> <li>• Progressed SoCGs and an updated Statement of Commonality of SoCGs</li> <li>• Comments on any other submissions received at Deadline 5</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Procedure Rules</li> </ul>	<p><b>Wednesday 27 July 2022</b></p>
<p><b>16.</b></p>	<p>Issue by the ExA of:</p> <ul style="list-style-type: none"> <li>• The Report into the Implications for European Sites (RIES) (if required)</li> <li>• The ExA's preferred dDCO, proposed schedule of changes, or commentary on the dDCO (if required)</li> <li>• Any requests for information under Rule 17 of the Examination Procedure Rules (if required)</li> </ul>	<p><b>Thursday 28 July 2022</b></p>
<p><b>17.</b></p>	<p><b>Deadline 7</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Comments on the ExA's preferred dDCO, proposed schedule of changes, or commentary on the dDCO (if issued)</li> <li>• Final SoCGs and Statement of Commonality of SoCGs, also listing matters not agreed (in circumstances where a SoCG could not be finalised)</li> <li>• Final version of the dDCO in clean, tracked and Word versions</li> <li>• Final schedule of changes to the dDCO (if required)</li> </ul>	<p><b>Wednesday 10 August 2022</b></p>

	<ul style="list-style-type: none"> <li>• Final dDCO to be submitted by the Applicant in the SI template with the SI validation report</li> <li>• Final Guide to the Application</li> <li>• Final CA Schedule in clean and tracked versions</li> <li>• An updated Book of Reference</li> <li>• Signed and dated planning obligations (if required)</li> <li>• Comments on any submissions received at Deadline 6</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Procedure Rules</li> </ul>	
<b>18.</b>	<p><b>Deadline 8</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Comments on the RIES (if issued)</li> <li>• Comments on responses submitted for Deadline 7</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Procedure Rules</li> </ul>	<b>Midday on Thursday 18 August 2022</b>
<b>19.</b>	<p>The ExA is under a duty to complete the examination of the application by the end of the period of six months.</p> <p>Please note that the ExA may close the Examination before the end of the six-month period if it is satisfied that all relevant matters have been addressed and discussed.</p>	<b>Monday 22 August 2022</b>

### Submission times for deadlines

The time for submission of documents at all deadlines **except** Deadline 8 is 23:59 on the relevant deadline date. The deadline for Deadline 8 is **midday** on Thursday 18 August 2022. The acceptance of documents received after the expiry of a deadline is subject to the exercise of discretion by the ExA.

### Publication dates

All information received will be published on the [project webpage on the National Infrastructure Planning website](#) as soon as practicable after the deadlines for submissions. See **Annex F** of this letter for more information.



## **Hearing agendas**

Please note that for Issue Specific Hearings and Compulsory Acquisition Hearings the ExA will publish a high-level agenda alongside the notification of the hearing to help inform your decision about whether to register to participate. A detailed draft agenda will be made available on the [project webpage on the National Infrastructure Planning website](#) at least five working days in advance of the hearing date. However, the actual agenda on the day of each hearing may be subject to change at the discretion of the ExA. Agendas may not be published for Open Floor Hearings.

## **Report on the Implications for European Sites (RIES)**

Where an applicant has provided a No Significant Effects Report or a Habitats Regulations Assessment (HRA) Report with the application, the ExA may decide to issue a RIES during the Examination. The RIES is a factual account of the information and evidence provided to the ExA on HRA matters during the Examination up to the date of the publication of the RIES, for the purposes of enabling the Secretary of State, as competent authority, to undertake the HRA. It is not the ExA's opinion on HRA matters. Comments on the RIES will be invited by the ExA and any received will be considered as part of the ExA's Recommendation to the Secretary of State.

The Secretary of State may rely on the consultation on the RIES to meet the obligations under Regulation 63(3) of The Habitats Regulations 2017 and Regulation 28 of The Offshore Marine Regulations.

## Other Procedural Decisions made by the Examining Authority

The Examining Authority (ExA) has made the following Procedural Decisions.

### 1. Statements of Common Ground (SoCG)

The aim of a SoCG is to agree factual information and to inform the ExA and all other parties by identifying where there is agreement and where the differences lie at an early stage in the examination process. It should provide a focus and save time by identifying matters which are not in dispute or need not be the subject of further evidence. It can also usefully state where and why there may be disagreement about the interpretation and relevance of the information. Unless otherwise stated or agreed, the SoCG should be agreed between the Applicant and the other relevant Interested Party or parties and submitted **by the Applicant**.

In relation to some of the Principal Issues identified in **Annex C**, the ExA would be assisted by the preparation of SoCGs between the Applicant and certain Interested Parties. The draft Examination Timetable at **Annex D** therefore established **Deadline 1** for the submission of initial or updated SoCGs and the deadline for finalised signed and dated SoCGs is **Deadline 7**.

The ExA note that a number of draft SoCGs have been submitted with the Application including with the East Riding of Yorkshire Council [APP-255], National Highways [APP-256] and Natural England in relation to derogation matters [APP-257] and onshore matters [APP-258]. Where the ExA is satisfied by the matters covered in the draft they are not listed below but the ExA would expect the Applicant to continue working with the Interested Parties to finalise these by **Deadline 7**. Where the ExA consider that the draft SoCG needs to cover additional matters these are included in the list below.

SoCGs are requested to be prepared between the Applicant and the following named party(ies):

Party(ies)	Topics to include but not be limited to:
The East Riding of Yorkshire Council	<ul style="list-style-type: none"> <li>• scope of EIA topics and issues carried through to the assessment, and the appropriateness of the assessment methodologies used;</li> <li>• planning policy;</li> <li>• the need and principle of the Proposed Development and the examination of alternatives;</li> <li>• geology and ground conditions;</li> <li>• land use and agriculture;</li> <li>• landscape and visual impacts;</li> <li>• ecology;</li> <li>• design;</li> <li>• water resources, flood risk and drainage;</li> <li>• construction effects on people and communities;</li> <li>• socio-economics;</li> <li>• historic environment;</li> </ul>

Party(ies)	Topics to include but not be limited to:
	<ul style="list-style-type: none"> <li>• highways and transport including Public Rights of Way (PRoW); and</li> <li>• draft Development Consent Order (draft DCO), including an assessment of the likely effectiveness of proposed mitigation measures and whether they would be adequately secured by the draft DCO.</li> </ul>
The Environment Agency	<ul style="list-style-type: none"> <li>• scope of EIA topics and issues carried through to the assessment, and the appropriateness of the assessment methodologies used;</li> <li>• water environment effects, including flood risk and effects on flood alleviation and storage schemes, watercourses, waterbodies and drainage matters;</li> <li>• the Applicant's Flood Risk Assessment with particular reference to climate change allowances;</li> <li>• compliance with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017;</li> <li>• biodiversity and fisheries;</li> <li>• land contamination and groundwater, including source protection zones, groundwater dependent ecosystems and existing landfill;</li> <li>• waste management;</li> <li>• environmental permits, consents and licences; and</li> <li>• draft DCO including an assessment of the likely effectiveness of the proposed mitigation measures and whether they would be adequately secured by the draft DCO.</li> </ul>
Historic England	<ul style="list-style-type: none"> <li>• scope of EIA topics and issues carried through to the assessment, and the appropriateness of the assessment methodologies used;</li> <li>• consultation adequacy;</li> <li>• existing environment;</li> <li>• assessment methodology;</li> <li>• assessment findings;</li> <li>• Cumulative Impact Assessment;</li> <li>• approach to mitigation;</li> <li>• Outline Offshore Written Scheme of Investigation (WSI);</li> <li>• Outline Onshore WSI;</li> <li>• Outline Code of Construction Practice (CoCP);</li> <li>• onshore cultural heritage; and</li> <li>• draft DCO including an assessment of the likely effectiveness of proposed mitigation measures and whether they would be adequately secured by the draft DCO.</li> </ul>

Party(ies)	Topics to include but not be limited to:
Marine Management Organisation	<ul style="list-style-type: none"> <li>• scope of the EIA topics and issues carried through to the assessment and the appropriateness of the assessment methodologies used;</li> <li>• consultation adequacy;</li> <li>• marine water and sediment quality;</li> <li>• commercial fishing and fisheries;</li> <li>• shipping and navigation;</li> <li>• adequacy of marine and coastal geophysical surveys and process modelling;</li> <li>• adequacy of survey and assessment of the impact of the Proposed Development on the Flamborough Front;</li> <li>• characterisation of the baseline and assessment of effects on benthic and intertidal habitats;</li> <li>• definition and evaluation of disposal site(s) for dredging(s);</li> <li>• impacts on fish and shellfish, including the effects of marine noise on spawning herring and potential transboundary effects;</li> <li>• approach to underwater noise survey, assessment and mitigation, including the Outline Marine Mammal Mitigation Protocol: and</li> <li>• draft DCO and DMLs, including an assessment of the likely effectiveness of the proposed mitigation measures and whether they would be adequately secured by either the draft DCO or DMLs.</li> </ul>
Maritime and Coastguard Agency	<ul style="list-style-type: none"> <li>• scope of EIA topics and issues carried through to the assessment, and the appropriateness of the assessment methodologies used;</li> <li>• consultation adequacy;</li> <li>• Navigational Risk Assessment;</li> <li>• compliance with guidance issued by the MCA;</li> <li>• traffic routeing baseline;</li> <li>• identification of impacts and worst-case scenario;</li> <li>• cumulative impact assessments;</li> <li>• layout design/ Single Line of Orientation of Wind Turbine Generators;</li> <li>• safety zones; and</li> <li>• draft DCO and draft DMLs, including an assessment of the likely effectiveness of the proposed mitigation measures and whether they would be adequately secured by either the draft DCO or DMLs.</li> </ul>
National Air Traffic Services and Ministry of Defence	<ul style="list-style-type: none"> <li>• scope of EIA topics and issues carried through to the assessment, and the appropriateness of the assessment methodologies used; and</li> <li>• aviation and radar.</li> </ul>

<b>Party(ies)</b>	<b>Topics to include but not be limited to:</b>
National Farmers Union	<ul style="list-style-type: none"> <li>• scope of EIA topics and issues carried through to the assessment, and the appropriateness of the assessment methodologies used; and</li> <li>• land use and agriculture.</li> </ul>
National Federation of Fisherman's Organisations	<ul style="list-style-type: none"> <li>• scope of EIA topics and issues carried through to the assessment, and the appropriateness of the assessment methodologies used;</li> <li>• consultation adequacy;</li> <li>• assessment methodology;</li> <li>• Cumulative Impact Assessment;</li> <li>• Navigational Risk Assessment; and</li> <li>• safety zones.</li> </ul>
Natural England	<ul style="list-style-type: none"> <li>• scope of EIA topics and issues carried through to the assessment, and the appropriateness of the assessment methodologies used;</li> <li>• adequacy of marine and coastal geophysical surveys, baseline characterisation, identification of sensitive receptors and process modelling;</li> <li>• adequacy of survey and EIA of the Proposed Development on the Flamborough Front;</li> <li>• screening and assessment conclusions for the Marine Conservation Zones assessment;</li> <li>• approach to underwater noise survey, assessment and mitigation, including the Outline Marine Mammal Mitigation Protocol;</li> <li>• approach to the assessment of impacts on bottlenose dolphins;</li> <li>• assessment of marine mammal disturbance and collision impacts from vessels moving to and from port;</li> <li>• approach to the characterisation of benthic habitats;</li> <li>• consideration of cumulative and in-combination effects, including benthic ecology;</li> <li>• identification and assessment of the disposal of dredged sediment and drilling spoil;</li> <li>• assessment and mitigation of the potential impacts on herring;</li> <li>• Electro Magnetic Field impacts on fish and shellfish;</li> <li>• the approach to the analysis of the baseline offshore ornithological characterisation data and the consequent reliability of density and abundance estimates;</li> <li>• the approach to assessment of effects on seabird populations, including seasonal definitions, seasonal variation in the use of the affected sea areas, collision risk modelling, barrier effects,</li> </ul>

Party(ies)	Topics to include but not be limited to:
	<p>population viability analysis, age structures and apportionment to Special Protection Area (SPA) flocks;</p> <ul style="list-style-type: none"> <li>• cumulative effects on offshore bird populations;</li> <li>• the approach to the assessment of indirect effects on seabirds as a result of impacts on their prey species;</li> <li>• the approach to, and findings of, the Applicant's shadow Habitats Regulations Assessment (RIAA);</li> <li>• the Applicant's without prejudice derogation case;</li> <li>• the nature, definition, suitability and likely effectiveness of the Applicant's without prejudice compensation proposals; and</li> <li>• the assessment of effects on onshore ecology, including the likely effectiveness of any mitigation, enhancement and biodiversity net gain measures that have been proposed.</li> </ul>
Network Rail Infrastructure	<ul style="list-style-type: none"> <li>• the effect on existing railway infrastructure and services with particular reference to level crossings; and</li> <li>• Protective Provisions.</li> </ul>
Northern Endurance Partnership, National Grid Carbon Ltd, Drax Power Ltd and Equinor New Energy Ltd	<ul style="list-style-type: none"> <li>• The effect of the Proposed Development on the Endurance Aquifer, the proposed east coast cluster for carbon capture and the Humber Low Carbon pipeline; and</li> <li>• Protective Provisions.</li> </ul>
Northern Gas Networks Ltd, National Grid Interconnector Holdings Ltd, National Grid Gas PLC, National Grid Electricity Transmissions PLC and Northern Powergrid (Yorkshire) PLC	<ul style="list-style-type: none"> <li>• impact on existing apparatus;</li> <li>• any connection issues; and</li> <li>• Protective Provisions.</li> </ul>
Royal Society for the Protection of Birds	<ul style="list-style-type: none"> <li>• scope of EIA topics and issues carried through the assessment, and the appropriateness of the assessment methodologies used;</li> <li>• the application of the model used to analyse the baseline offshore ornithological characterisation data and the consequent reliability of density and abundance estimates;</li> <li>• the approach to assessment of the effects on seabird populations, including seasonal definitions,</li> </ul>

Party(ies)	Topics to include but not be limited to:
	collision risk modelling (gannet avoidance rates), population viability analysis, age structures and apportionment of SPA flocks; <ul style="list-style-type: none"> <li>• the Applicant's without prejudice derogation case; and</li> <li>• the nature, definition, suitability and likely effectiveness of the Applicant's without prejudice compensation proposals.</li> </ul>
Trinity House	<ul style="list-style-type: none"> <li>• scope of EIA topics and issues carried through to the assessment, and the appropriateness of the assessment methodologies used;</li> <li>• consultation adequacy;</li> <li>• baseline environment;</li> <li>• assessment methodology;</li> <li>• identification of impacts;</li> <li>• Navigational Risk Assessment; and</li> <li>• mitigation and management.</li> </ul>
UK Chamber of Shipping	<ul style="list-style-type: none"> <li>• scope of EIA topics and issues carried through to the assessment, and the appropriateness of the assessment methodologies used;</li> <li>• consultation adequacy;</li> <li>• baseline environment;</li> <li>• assessment methodology;</li> <li>• Cumulative Impact Assessment;</li> <li>• identification of impacts;</li> <li>• route deviations;</li> <li>• Navigational Risk Assessment; and</li> <li>• mitigation and management.</li> </ul>
The Wildlife Trusts	<ul style="list-style-type: none"> <li>• scope of EIA topics and issues carried through to the assessment, and the appropriateness of the assessment methodologies used;</li> <li>• underwater noise and impacts of the Proposed Development on marine mammals and the associated European sites;</li> <li>• impacts on benthic and intertidal ecology; and</li> <li>• the Applicant's without prejudice derogation case and compensation proposals for any Adverse Effects on the Integrity of European Sites.</li> </ul>

**In addition, all of the SoCGs listed above should cover the Articles and Requirements in the draft Development Consent Order.** Any Interested Party seeking that an Article or Requirement is reworded should provide in the SoCG the form of words which are being sought.

Where a particular SoCG cannot be agreed between the parties or in so far as any local authority position represents an officer level view only, draft versions of the SoCG are requested to be submitted by **the Applicant by Deadline 1.**

The position of the relevant Interested Parties should then be confirmed during the course of the Examination and by no later than **Deadline 7**.

The content of SoCGs will help to inform the ExA about the need to hold any Issue Specific Hearings during the Examination, and to enable the ExA and the Applicant to give notice of such hearings at least 21 days in advance of them taking place.

In addition, the ExA requests that at the relevant deadlines set out in the draft Timetable, the Applicant provides a Statement of Commonality of Statements of Common Ground to provide an update on progress with SoCGs, an overview of where the areas of agreement and dispute between the Interested Parties are, and a likely timescale for submission.

## **2. Guide to the Application**

The ExA request that at each deadline the Applicant provides an updated Guide to the Application document to provide a list of the most up to date documents that are before the ExA. A final version must be submitted **by Deadline 7**. This document should form part of the certification of plans identified in the draft DCO.

## **3. Compulsory Acquisition**

The ExA requests that, where requested in the timetable, the Applicant provides a Compulsory Acquisition Schedule which provides the most up to date information regarding the negotiations on voluntary agreements with Affected Persons and Statutory Undertakers in respect of Compulsory Acquisition and Temporary Possession. A final version of this schedule must be submitted at **Deadline 7**.

## **4. Local Impact Reports**

The ExA requests a Local Impact Report (LIR) from the East Riding of Yorkshire Council as the host authority and welcomes LIRs from any other local authorities that may wish to submit one. All LIRs are to be submitted into the Examination by **Deadline 1**.

## **5. Additional Submissions**

The ExA made a Procedural Decision on the 7 January 2022 to accept a submission from Hull City Council [AS-001] and the following updated documents from the Applicant:

- Book of Reference Revision 2 (clean) [AS-002];
- Book of Reference Revision 2 (tracked) [AS-003]; and
- Book of Reference Schedule of Changes Revision 2 [AS-004]

In response to the s51 advice [PD-003] issued on the 26 October 2021, the Applicant submitted a set of documents [AS-005 to AS-022] which consists of:



- a cover letter [AS-005] and a report detailing the Applicant's response to the s51 advice [AS-021];
- four documents in response to the s51 advice of which two are updates to application documents [AS-011 and AS-012/013] and two are new documents which supplement application documents in response to the s51 advice [AS-019 and AS-020]; and
- 11 Schedule of changes to application documents [AS-006, AS-007, AS-008, AS-009, AS-010, AS-014, AS-015, AS-016, AS-017, AS-018 and AS-022].

The ExA made the procedural decision to accept these documents on 17 January 2022.

These documents are available on the [project page of the National Infrastructure website](#).

Interested Parties are asked to submit any comments they may have on any of these documents by **Deadline 1**.

## Availability of Examination Documents

The application documents and Relevant Representations are available on the [project webpage on the National Infrastructure Planning website](#).

All further documents submitted in the course of the Examination will also be published under the [Documents](#) tab at the above location.

## The Examination Library

For ease of navigation, please refer to the Examination Library (EL), which is accessible by clicking the blue button under the 'Documents' tab. The EL is updated regularly throughout the Examination.

The EL records and provides a hyperlink to:

- each application document;
- each representation made to the Examination; and
- each Procedural Decision made by the Examining Authority.

Each document is given a unique reference which will be fixed for the duration of the Examination. A hyperlink to each document on the project webpage is also provided. **Please use the unique reference numbers applied in the EL when referring to any Examination Documents in any future submissions that you make.**

## Electronic deposit locations

Documents can be viewed electronically, free of charge, at the electronic deposit locations listed in the table below. No identification is needed to access the internet.

The opening hours and availability of information technology set out in the table below may be subject to changes or limitations to address public health requirements as a result of Coronavirus (COVID-19). Bearing in mind the availability of the documents on the National Infrastructure Planning website and the effect of public health restrictions, please consider your need to attend these locations with care. Please check the current circumstances with the relevant locations before you attend.

Venue	Address	Opening hours
Beverley Customer Service Centre	7 Cross Street, Beverley, HU17 9AX	Monday: 9:00am- 5pm Tuesday: 9:00am- 5pm Wednesday: 9:00am- 5pm Thursday: 9:00am- 5pm Friday: 9:00am- 4:30pm Saturday: CLOSED

**Annex F**

		Sunday: CLOSED
Bridlington Customer Service Centre	Bridlington Town Hall, Quay Road, Bridlington, YO16 4LP	Monday: 9:00am- 4.30pm Tuesday: 9:00am- 4.30pm Wednesday 9:00am- 4.30pm Thursday: 9:00am- 4.30pm Friday: 9:00am- 4.00pm Saturday: CLOSED Sunday: CLOSED
Cottingham Centre	Market Green, Cottingham, HU16 SQG	Monday: 9:30am- 4.30pm Tuesday: 9:30am- 4.30pm Wednesday: CLOSED Thursday: 9:30am- 6:30pm Friday: 9:30am- 1:00pm Saturday: 9:30am- 12:30pm Sunday: CLOSED
Goole Customer Service Centre	Council Offices, Church Street, Goole, DN14 SB	Monday: 9:00am- 5pm Tuesday: 9:00am- 5pm Wednesday: 9:00am- 5pm Thursday: 9:00am- 5pm Friday: 9:00am- 4:30pm Saturday: CLOSED Sunday: CLOSED
Pocklington Pocela Centre	23 Railway Street, Pocklington, YO42 2QU	Monday: 9:30am- 4:30pm Tuesday: 9:30am- 6:30pm Wednesday: CLOSED Thursday: 9:30am- 4:30pm Friday: 9:30am- 1:00pm Saturday: 9:30am- 12:30pm Sunday: CLOSED
Hornsea Customer Service Centre	Council Offices, 75 Newbegin, Hornsea, HU18 1PA	Monday: 9:30am- 4:30pm Tuesday: 12:30pm- 6:30pm Wednesday: CLOSED Thursday: 9:30am- 1:30pm Friday: 9:30am- 4:30pm

		Saturday: 9:30am- 12:30pm Sunday: CLOSED
Withernsea Centre	Queen Street, Withernsea, HU19 2HH	Monday: 9:30am- 4:30pm Tuesday: 9:30am- 6:30pm Wednesday: CLOSED Thursday: 9:30am- 4:30pm Friday: 9:30am- 1:00pm Saturday: 9:30am- 12:30pm Sunday: CLOSED
The Treasure House	Champney Road, Beverley, HU17 8HE	Monday: 9:30am- 4:45pm Tuesday: 9:30am- 7:45pm Wednesday: 9:30am- 4:45pm Thursday: 9:30am- 7:45pm Friday: 9:30am- 4:45pm Saturday: 9:00am- 3:45pm Sunday: CLOSED
<b>Printing costs</b>	<b>Black and white</b>	<b>Colour</b>
<ul style="list-style-type: none"> <li>• Beverley Customer Service Centre</li> <li>• Bridlington Customer Service Centre</li> <li>• Cottingham Centre</li> <li>• Goole Customer Service Centre</li> <li>• Pocklington Pocela Centre</li> <li>• Hornsea Centre</li> <li>• Withernsea Centre</li> <li>• The Treasure House</li> </ul> <p>Free computer access is available No ID is needed to access the internet</p>		
<b>A4</b>	Single-sided: A4 black and white page (self-service): £0.20	Single-sided: A4 colour (self- service): £0.50
<b>A3</b>	Single-sided: A3* black and white page (self-service): £0.40  *not all sites can offer colour or A3	Single-sided: A3* colour (self- service): £1.00  *not all sites can offer colour or A3

### **Guidance on using the electronic 'Make a submission' portal**

The Planning Inspectorate will be using an electronic portal, which parties will be able to use to make their written submissions at the relevant deadline.

A 'Make a submission' tab will become available on the [project webpage of the National Infrastructure website](#). The portal operates on a system where submissions are separated in accordance with the deadline submissions type requested (see the draft Examination Timetable at **Annex D**). Please ensure documents are submitted respective to the associated deadline and are the relevant document submission types. Where this is not possible, please use the 'Other' drop down option.

Interested Parties will be able to submit a document (upload a file), make a text representation, or both. It is possible to upload multiple files for each individual submission. Electronic attachments should be clearly labelled with the subject title and should not exceed 50MB. Providing links to websites where your submissions can be viewed is not acceptable. All submissions must be made in a format that can be viewed in full on the National Infrastructure Planning website. Any submissions that exceed 1500 words should also be accompanied by a summary that should not exceed 10% of the original text.

In the first instance, everybody is encouraged to use the 'Make a submission' portal to make submissions. However, if necessary, Interested Parties will be able to send electronic copies of their submission via email to the project mailbox, [HornseaProjectFour@planninginspectorate.gov.uk](mailto:HornseaProjectFour@planninginspectorate.gov.uk), on or before the applicable deadline.

If you experience problems when using the portal, please contact a member of the Case Team to assist. The Planning Inspectorate will be monitoring the use of the portal. Any feedback is appreciated and will help identify and prioritise future service enhancements for our customers.