



The Planning Inspectorate

Planning Act 2008 – Section 91

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

Agenda for Issue Specific Hearing 1 dealing with matters relating to the draft Development Consent Order

Issue Specific Hearing 1:	Draft Development Consent Order
Date:	Tuesday 12 April 2022
Arrangements Conference from:	9:30am ¹
Hearing start time:	10:00am ²
Location:	Virtual event via Microsoft Teams
Hearings Guidance:	Please see Annex A of this Agenda

Interested Parties who wish to speak at this event were required to provide notification by Deadline 1. In order to receive the joining instructions to participate in this virtual Hearing can you please complete and submit the following [form](#). Alternatively, you can contact the Inspectorate's Case Team for further information about the event (HornseaProjectFour@planninginspectorate.gov.uk). If you wish to observe the Hearing then you do not need to register. A link to the livestream will be made available on the project page of the National Infrastructure Website closer to the event.

Each Interested Party is entitled to make oral representations at hearings. However, this is subject to the power of the Examining Authority (ExA) to control the conduct and management of hearings.

The virtual event will be open 30 minutes prior to the start of the hearing to enable a prompt start. Hearings will finish as soon as the ExA deems that all those present have had their say and that all matters have been covered.

The agenda is for guidance only. It is not designed to be exclusive or exhaustive. The ExA may add other issues for consideration, may alter the order in which issues are

¹ Full instructions on how to join online or by telephone will be provided in advance of the meeting to those who register to participate.

² If you are joining as an active participant, please follow the joining instructions for the virtual event carefully and connect to the Hearing in good time. In common with traditional Hearings, the event will start on time irrespective of any late arrivals, for whom access may not be possible.

considered and will seek to allocate sufficient time to each issue to allow proper consideration of them. Any lack of discussion of a particular issue at a hearing does not preclude further examination of this issue, including the asking of further written questions.

Every effort will be made to ensure that the issues will be discussed on the day that they are scheduled for. Should the consideration of these issues take less time than anticipated, the ExA may conclude the Hearing as soon as all relevant contributions have been made and all questions asked and responded to.

If there are additional matters to be dealt with or there are submissions that take a considerable amount of time, there may be a need to continue the session for longer on the day. Alternatively, it may be necessary to prioritise matters and defer others to further written questions.

Please Note:

In order to ensure timely publication of the agenda, this has been drafted before the receipt of submissions for Deadline 2 which includes the responses to the ExA's first written questions. As a consequence, the ExA may need to adjust the agenda at the meeting to allow for responses received at this deadline.

Purpose of hearing on draft Development Consent Order (draft DCO)

The main purpose of the Hearing is to undertake an examination of the draft DCO Articles and Schedules.

In particular to:

- Clarify issues around how the draft DCO is intended to work – what would be consented, the extent of the powers and what requirements, conditions, provisions and agreements are proposed;
- Identify any possible issues of prevention, mitigation or compensation which are not covered by the DCO as currently drafted; and
- Establish or confirm the views of Interested Parties as to the appropriateness, proportionality or efficacy of the proposals.

Please note that matters relating to powers of acquisition (Part 5) and modifications of compensation and compulsory purchase enactments for creation of new rights (Schedule 7) will be examined at the Compulsory Acquisition Hearing on Wednesday 13 April 2022 at 10:00am.



The Planning
Inspectorate

Agenda

Title of meeting	Hornsea Project Four Offshore Wind Farm Issue Specific Hearing 1 on the draft DCO
Date	Tuesday 12 April 2022
Time	10.00am
Venue	Online via Microsoft Teams invitation
Attendees	Invitees

1. Welcome, introductions, arrangements for the hearing

2. Articles and Schedules of the draft DCO (excluding Schedules 1, 9 and 15)

The Applicant will be asked to provide a very brief overview of each part of the draft DCO. The ExA will then ask questions in respect of DCO powers, seeking responses where appropriate from the Applicant, the local council, the Environment Agency (EA), Natural England (NE), the Marine Management Organisation (MMO), the Maritime and Coastguard Agency (MCA) and other Interested Parties. Interested Parties will also be invited to highlight any points of clarification in relation to DCO Articles and Schedules.

3. Schedules 1, 11 and 12 of the draft DCO – Requirements and Conditions

The Applicant will be asked to set out the details of the Proposed Development (Schedule 1, Part 1) and ancillary works (Schedule 1, Part 2); provide an overview of the Requirements (Schedule 1, Part 3) and Conditions (Schedules 11 and 12, Part 2). The ExA will then ask questions, seeking responses where appropriate from the Applicant, the local council, the EA, NE, MCA, MMO and other Interested Parties. Interested Parties will also be invited to highlight any points of clarification in relation to Requirements and Conditions in the draft DCO.

4. Schedule 9 of the draft DCO – All Protective Provisions other than those suggested by the Applicant and BP Exploration Operating Company Ltd (BP) as set out in [REP1-057]

The Applicant will be asked to provide an update to the ExA on the progress with the drafting of/ agreement on Protective Provisions for all parties with the exception of BP.

5. Schedule 15 of the draft DCO – Documents to be certified

To review the documents to be certified and seek views as to whether the list is complete and if not, what additional documents would need to be included.

6. Securing of HRA compensation measures that have been advanced on a without prejudice basis

Review of the possible drafting approaches to securing the provision of such HRA compensation measures that have been advanced on a without prejudice basis should the ExA consider such measures would be required.

7. Consents, licences and other agreements including any Transboundary matters

The Applicant will be asked to provide an update of progress and timescales for completion. The ExA will then ask questions, including discussing whether any section 106 agreements are proposed and if they are indicative timescales for finalising them.

8. Protective Provisions suggested by the Applicant and BP [REP1-057] with regard to the overlap zone

The Applicant and BP will be asked to provide an overview of their respective suggested Protective Provision for the overlap zone. The ExA will then ask questions seeking responses where appropriate from each of the parties and if considered necessary, the MCA and MMO.

9. Action points arising from the Hearing

10. Any other business

11. Close of Hearing

Attendees:

All Interested Parties are welcome to attend the hearing. However, the ExA considers that representatives for the following parties should consider attending because the ExA believes that the material that they have submitted raises issues that may need to be explored at the hearing:

- The Applicant;
- BP Exploration Operating Company;
- East Riding of Yorkshire Council (ERYC) in its role as the Local Planning Authority;
- ERYC in its role as the Highways Authority;
- The Environment Agency;
- The Marine Management Organisation;

- The Maritime and Coastguard Agency;
- Natural England;
- RSPB; and
- Trinity House.

Conduct and Management of Hearings

The Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provide that the ExA that will probe, test and assess the evidence at hearings through direct questioning of persons making oral representations. Questioning at this Hearing will therefore be led by the ExA. Cross questioning of the person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that a person has had a fair chance to put their case. Parties wishing to make a representation will be invited to do so at the ExA's discretion.

The ExA will begin the Hearing with opening comments and introductions, then will run through housekeeping matters and explain how the Hearing will be conducted. The ExA's expectation is that each hearing session will typically last for one to two hours. However, the actual duration will depend on the progress made on the day and will be subject to the ExA's powers of control over the conduct of the Hearing.

The agenda may be amended by the ExA at the start of the Hearing or throughout its course. Furthermore, the ExA may wish to raise matters arising from oral submissions, Relevant Representations and Written Representations, and pursue lines of inquiry that are not listed on the agenda in the course of the discussion.

The Hearing is being held at the discretion of the ExA to consider matters that it considers to be important and relevant to the effective and robust examination of the application. Consequently, the business of the Hearing will be limited to the matters identified in the agenda or otherwise raised by the ExA.

Active participation is at the invitation and discretion of the ExA. Oral submissions must address the matters and questions identified on the Hearing agenda or raised by the ExA at the hearing. Oral submissions on other subject matters or from persons who have not been invited to speak by the ExA may only be heard at the discretion of the ExA, who may decide that such matters are not heard in the interests of relevance, efficiency or fairness.

A recording and transcript of the Hearing will be published by the Planning Inspectorate on the project page of the national infrastructure website³ and any Interested Party may make a written submission on the specific matters either included in the agenda or arising at the Hearing by Deadline 3, 21 April 2022.

³ <https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/hornsea-project-four-offshore-wind-farm>