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Ørsted Hornsea Project Four Limited

Your Ref:

Our Ref: EN010098

Date: 19 May 2022

Dear Dr Carolan,

**Planning Act 2008 (as amended) Section 89
The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rules 8(3), 9 and 17**

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

Request for further information and written comments

The Examining Authority (ExA) writes to the Applicant following its review of the responses submitted by Natural England (NE) for Deadlines 3 and 4.

The ExA considers that issues have been raised which are both important and relevant to the Examination. The ExA therefore makes a written request under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 for the Applicant to engage further in the Examination.

In relation to the seabird baseline characterisation data and the use and interpretation of MRSea, NE [REP4-055] has advised that, in its opinion, the original model-based estimates are not fit for purpose and cannot be reliably used to inform the assessment of impacts within the Environmental Impact Assessment (EIA) or the Report to Inform Appropriate Assessment (RIAA), potential compensation requirements or future cumulative or in-combination assessments. To ensure that sufficient progress is made on these matters prior to the close of the Examination, NE has suggested that a revised baseline would need to be agreed for key species and subsequent assessments undertaken for submission into the Examination at Deadline 5. NE has made suggestions about a possible way forward and offered to work with the Applicant to secure this.

The ExA requests the Applicant to indicate its broad intention in relation to this advice from the statutory nature conservation body that a revised baseline and assessment should now be submitted and its offer of assistance, and - if any further work in this respect is to be carried out – whether it would be completed for submission at Deadline 5.

Timetable variation

As a result of this request, it is necessary to amend the Examination Timetable.

Procedural Decision

The revised Examination Timetable is attached at **Annex A**. This replaces the timetable that was issued with the Rule 8 letter [PD-007] dated 28 February 2022.

The Examination Timetable has been revised as follows:

1. **Deadline 4a:** In order to enable a prompt response to the request for information in relation to the seabird baseline characterisation data and the use and interpretation of MRSea the ExA has set a new deadline of **Wednesday 25 May 2022 (Deadline 4a)**. For the avoidance of doubt the ExA is not seeking information or a response from any other party at this deadline.
2. **Deadline 5:** As a result of the creation of Deadline 4a, the second last bullet point in Deadline 5 has been amended to read 'Comments on responses submitted for Deadlines 4 and 4a'.

In addition, the ExA has taken the opportunity provided by revising the Examination Timetable to make the following additional revisions:

3. **Dates reserved (if required):** The ExA has not received any requests to hold an Accompanied Site Inspection (ASI) under Rule 16 of the Infrastructure Planning (Examination Procedure) Regulations 2010. Having confirmed this at the close of Issue Specific Hearing (ISH) 6 [EV-029] the ExA is satisfied that, if required, any further inspections could be carried out on an unaccompanied or access only basis. As a result, the ExA has made the procedural decision not to hold an ASI and the Examination Timetable has been amended to reflect this.
4. **Dates reserved (if required):** As set out in its Rule 8 letter [PD-007] the ExA have reviewed the Applicant's preference raised at the Preliminary Meeting [EV-003] and repeated at ISH6 [EV-029] to present evidence in person at future ISHs. However, given that the majority of participants have indicated their intention to attend virtually, in the interests of efficiency and fairness the ExA has made the procedural decision that Hearings (if required) timetabled for the week commencing Monday 18 July 2022 will be held virtually on MS Teams.

Electronic submissions should be made via the [Make a Submission](#) tab.

Should you have any queries regarding the content of the letter, please contact the case team using the details at the top of this letter.

Yours faithfully

Jo Dowling

Lead Member of the Examining Authority

Annex A: Revised Timetable for Examination

This communication does not constitute legal advice.

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Revised Timetable for Examination of the Application

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 consideration of written submissions. The ExA will also consider any oral representations made at hearings.

Item	Matters	Date
17a.	<p>Deadline 4a Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Applicant's response to the ExA's request for information dated 19 May 2022 	Wednesday 25 May 2022
18.	<p>Publication of:</p> <ul style="list-style-type: none"> • ExA's Further Written Questions (ExQ2) (if required) 	Monday 30 May 2022
19.	<p>Deadline 5 Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Responses to ExQ2 (if published) • An updated Guide to the Application • An updated version of the draft Development Consent Order (DCO) in clean and tracked versions (if required) • Schedule of changes to the draft DCO (if required) • An updated Compulsory Acquisition (CA) Schedule in clean and tracked versions • Progressed Statements of Common Ground (SoCG) and an updated Statement of Commonality of SoCGs • Comments on any submissions received at Deadlines 4 and 4a • Any further information requested by the ExA under Rule 17 of the Examination Procedure Rules¹ 	Monday 20 June 2022

¹ The Infrastructure Planning (Examination Procedure) Rules 2010

Item	Matters	Date
20.	Dates reserved (if required) for: <ul style="list-style-type: none"> • Any Compulsory Acquisition Hearing • Any Issue Specific Hearing • Any Open Floor Hearing 	To be held virtually on MS Teams in the week commencing Monday 18 July 2022
21.	Deadline 6 Deadline for receipt by the ExA of: <ul style="list-style-type: none"> • Post-hearing submissions including written summaries of oral case put at hearings during w/c 18 July 2022 (if held) • Comments on responses to ExQ2 (if published) • An updated Guide to the Application • An updated version of the draft DCO in clean, tracked and Word versions • Schedule of changes to the draft DCO • An updated CA Schedule in clean and tracked versions • Progressed SoCGs an updated Statement of Commonality of SoCGs • Comments on any other submissions received at D5 • Any further information requested by the ExA under Rule 17 of the Examination Procedure Rules 	Wednesday 27 July 2022
22.	Issue by the ExA of: <ul style="list-style-type: none"> • The Report into the Implications for European Sites (RIES)(if required) • The ExA's preferred draft DCO, proposed schedule of changes, or commentary on the draft DCO (If required) • Any request for information under Rule 17 of the Examination Procedure Rules (if required) 	Thursday 28 July 2022
23.	Deadline 7 Deadline for receipt by the ExA of: <ul style="list-style-type: none"> • Comments on the ExA's preferred draft DCO, proposed schedule of changes, or commentary on the draft DCO (if issued) • Final SoCGs and Statement of Commonality of SoCGs, also listing matters not agreed (in circumstances where a SoCG could not be finalised) 	Wednesday 10 August 2022

Item	Matters	Date
	<ul style="list-style-type: none"> • Final version of the draft DCO in clean, tracked and word versions • Final schedule of changes to the draft DCO (if required) • Final draft DCO to be submitted by the Applicant in the SI template with the SI validation report • Final Guide to the Application • Final CA Schedule in clean and tracked versions • An updated Book of Reference • Signed and dated planning obligations and any other agreements (if required) • Comments on any submissions received at Deadline 6 • Any further information requested by the ExA under Rule 17 of the Examination Procedure Rules 	
24.	<p>Deadline 8 Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on the RIES (if issued) • Comments on responses submitted for Deadline 7 • Any further information requested by the ExA under Rule 17 of the Examination Procedure Rules 	Midday on Monday 18 August 2022
25.	<p>The ExA is under duty to complete the examination of the application by the end of the 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>	Monday 22 August 2022

Submission times for deadlines

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

Publication dates

All information will be published on the project webpage of the National Infrastructure Planning website:

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

as soon as practicable after the deadlines for submission.