



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 11 dealing with matters relating to marine ornithology

Issue Specific Hearing 11:	Marine ornithology
Date:	Thursday 21 July 2022
Arrangements Conference from:	09.15 am ¹
Hearing start time:	09.30 am ²
Location:	Virtual event via Microsoft Teams ³
Hearings Guidance:	Please see Annex A of this agenda

Issue Specific Hearings

Interested Parties who wished to speak at this event were required to provide notification by Deadline 1, Tuesday 8 March 2022. In order to receive the joining instructions to participate in this virtual Issue Specific Hearing (ISH) 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 Website⁴ closer to the event.

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.

³ Full instructions on how to join online or by phone will be sent to parties registered to attend shortly before the meeting

⁴ <https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/hornsea-project-four-offshore-wind-farm>

Interested Parties are 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 15 minutes prior to the start of the Hearing to enable a prompt start. The Hearing will be closed once the ExA deems that all relevant 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 considered and will seek to allocate sufficient time to each issue to allow proper consideration. Any lack of discussion of a particular issue at the Hearing does not preclude further examination of that issue, including through further written questions.

Every effort will be made to ensure that issues are discussed on the scheduled day. Should 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 a subsequent Hearing or further written questions.

Agenda

The main purpose of this ISH is to examine evidence relating to marine ornithology, including populations of seabirds that may nest, feed or winter in and around the area affected by the Proposed Development.

Please note that:

- related marine processes and ecology matters, and the Habitats Regulations Assessment will be examined in ISH10 and ISH12 respectively; and
- while many of the matters to be discussed overlap with matters relating to the draft Development Consent Order (DCO), the form, content and layout of the DCO will be examined in ISHs relating to the draft DCO and in any allied written questions.



Agenda

Title of meeting	Hornsea Project Four Offshore Wind Farm Issue Specific Hearing 11 on marine ornithology
Date	Thursday 21 July 2022
Time	09.30 am
Venue	Online via Microsoft Teams invitation
Attendees	Invitees

- 1. Welcome, introductions, arrangements for the Hearing**
- 2. Application of MRSea and baseline ornithological data characterisation**

Drawing especially on the Applicant's *Revised Ornithology Baseline* ([REP5-087] and [REP5a-009]) and *Ornithology EIA and HRA Annex* ([REP5-078] and [REP5a-011]).

- 2.1 Summary of v2 outputs and comparison with v1.
- 2.2 Royal Society for the Protection of Birds (RSPB) and Natural England responses.
- 2.3 Implications for the offshore ornithological assessment and cumulative assessment in the Environmental Statement.
- 2.4 Further work on characterisation and assessment and its timetabling.

- 3. The *Ornithological Assessment Sensitivity Report* [REP5-065]**

- 3.1 Data sources.
- 3.2 Clarification of possible minor typographical errors.
- 3.3 Collision risk modelling, implications, conclusions and 'latest evidence'.
- 3.4 Displacement, including 'latest evidence'.
- 3.5 Population Viability Analysis, including problems with the model and how these are being dealt with.
- 3.6 Counterfactuals, including Natural England's and RSPB's positions having seen the Applicant's further submissions.
- 3.7 Breeding season definitions.
- 3.8 Auk displacement, including Natural England guidance, impacts post-MRSea_v2, conclusions and parties' current positions.
- 3.9 Macro avoidance, including the approach taken by the Applicant and cumulative assessment implications.
- 3.10 Breeding bio-season population estimates.
- 3.11 Positions on tension between balancing 'precaution' against a 'realistic, evidence-led assessment'.

3.12 Conclusions on 'sensitivity' and degree of confidence in the report's findings and conclusions.

4. *Indirect Effects of Forage Fish and Ornithology [REP5-085].*

4.1 Response from Natural England and RSPB to the report.

4.2 Is any further work necessary, and if so, what are the implications for the Examination Timetable?

5. Updated conclusions on project and cumulative EIA effects

6. AOB

7. Action Points

8. Close of Hearing

Attendees:

All Interested Parties are welcome to attend the Hearing. However, the Examining Authority would particularly welcome participation by representatives of the following parties as their submissions raise or contribute to issues that may need to be explored at the Hearing:

- The Applicant;
- Natural England; and
- RSPB.

Conduct and Management of the Hearing

The Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010 provide that the ExA will probe, test and assess 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 any housekeeping matters and explain how the Hearing will be conducted. The ExA's expectation is that each 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. The ExA may wish to raise matters arising from oral submissions, Relevant Representations or Written Representations, or 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 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 should not be 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 webpage⁵ and any Interested Party may make a written submission on specific matters on the agenda or arising during at the Hearing by Deadline 6, Wednesday 27 July 2022.

⁵ <https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/hornsea-project-four-offshore-wind-farm>