



# 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 12 dealing with matters relating to the Habitats Regulations Assessment

<b>Issue Specific Hearing 12:</b>	Habitats Regulations Assessment
<b>Date:</b>	Friday 22 July 2022
<b>Arrangements Conference from:</b>	09.15am <sup>1</sup>
<b>Hearing start time:</b>	09.30am <sup>2</sup>
<b>Location:</b>	Virtual event via Microsoft Teams <sup>3</sup>
<b>Hearings Guidance:</b>	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](mailto: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<sup>4</sup> closer to the event.

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

<sup>2</sup> 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.

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

<sup>4</sup> <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 submitted evidence about the Habitats Regulations Assessment, including matters relating to derogation and compensation.

Please note that:

- related matters around the marine processes and ecology, and marine ornithology will be examined in ISH10 and ISH11 respectively;
- 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

<b>Title of meeting</b>	Hornsea Project Four Offshore Wind Farm Issue Specific Hearing 12 on the Habitats Regulations Assessment (HRA)
<b>Date</b>	Friday 22 July 2022
<b>Time</b>	09.30 am
<b>Venue</b>	Online via Microsoft Teams invitation
<b>Attendees</b>	Invitees

## 1. Welcome, introductions, arrangements for the Hearing

## 2. *The Marine Processes Supplementary Report [REP4-043]*

- 2.1 Natural England update on adequacy of scope of marine process receptors.
- 2.2 Examination Timetable implications.

## 3. **MRSea\_v2 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], [REP5a-011] and [REP5a-024]).

- 3.1 MRSea\_v2 and baseline ornithological data characterisation and assessment, including implications of revised gannet analysis.
- 3.2 Further work required to complete the Report to Inform Appropriate Assessment (RIAA) in respect of marine and coastal ornithology.
- 3.3 Examination Timetable implications.

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

- 4.1 Collision risk modelling.
- 4.2 Displacement.
- 4.3 Macro avoidance.
- 4.4 Population Viability Analysis, taking account of problems with the model.
- 4.5 Counterfactual of final population size.
- 4.6 Regional breeding season populations.
- 4.7 Definition of seasons.
- 4.8 Approach taken to apportioning impacts on European site interest features.
- 4.9 Natural England and Royal Society for the Protection of Birds (RSPB) responses to the report.
- 4.10 Examination Timetable implications.

## **5. The Indirect Effects of Forage Fish and Ornithology report [REP5-085]**

- 5.1 Indirect effects on bird populations through impacts on prey species.
- 5.2 Natural England and RSPB responses to the report.
- 5.3 Examination Timetable implications.

## **6. Matters relating to derogation and compensation**

- 6.1 The Applicant to expand on its potential 'strategic approach' to compensation, including: summary of Defra Marine Net Gain consultation and the proposed Marine Recovery Fund; applicability to HRA derogation and compensation; the weight attached, given they are at the consultation stage; approach to payments for adaptive measures; any updates to the *Without Prejudice Funding Statement* [APP-202]; proposed approach to securing measures in the DCO (if not fully covered in Issue Specific Hearing 7).
- 6.2 Maturity of the identification and delivery of any compensation measures that would or could be required, including:
  - the identification of an offshore platform that has potential for repurposing as an artificial nest site;
  - RSPB's request for information about how liabilities for offshore nesting structures would be transferred and managed;
  - bycatch reduction trials;
  - predator eradication studies and future protection of any sites utilised (Ramsar and non-Ramsar);
  - connectivity of the proposed Guernsey sites and Flamborough and Filey Coast Special Protection Area, including monitoring; and
  - lifetime of measures.

## **7. Overall summary of current positions on project and in-combination HRA effects**

### **8. AOB**

- 8.1 The MMO's position in relation to the Southern North Sea Special Area of Conservation and its suggestion that the SELcum (sound exposure level) impact range should be considered in addition to the instantaneous SPLpeak (sound pressure level) permanent threshold shift onset impact range for marine mammals.
- 8.2 Reminder of need to update European site citations.
- 8.3 Summary of positions on barrier effects (Applicant, Natural England, RSPB).
- 8.4 Updated information and assessment in relation to seabird assemblage feature (Applicant, Natural England, RSPB).

### **9. Action Points**

### **10. 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;
- The Marine Management Organisation;
- 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 webpage<sup>5</sup> 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.

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