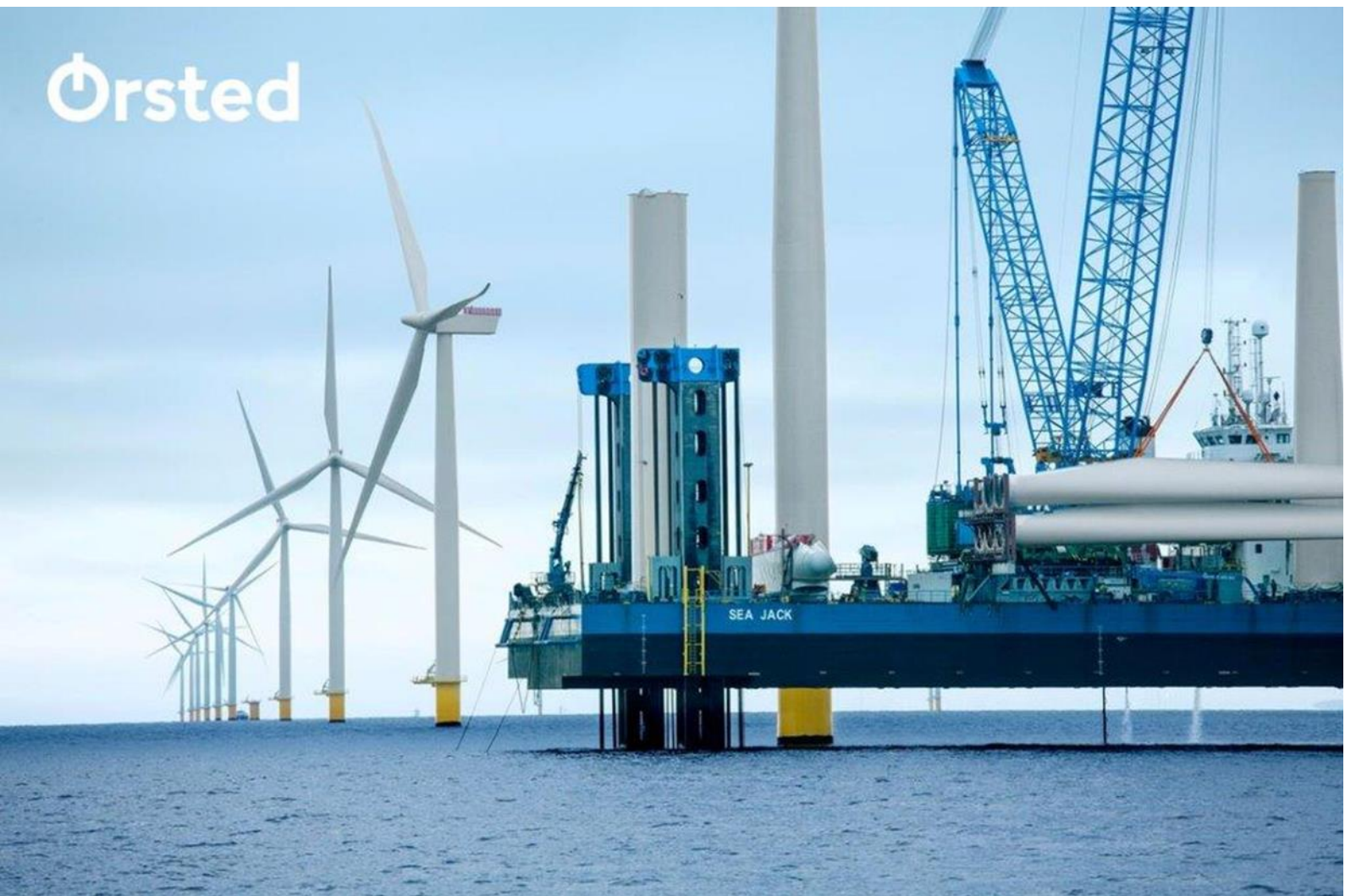




Orsted



Hornsea Project Four

Plan of Work
Offshore Ornithology Engagement Group

Document Control

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30/10/2023	3	Final draft	Final draft for ratification by core OOEG members
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1 Purpose of this document

1. This Plan for the Work of the Offshore Ornithology Engagement Group (OOEG), hereafter referred to as the Plan of Work, is drafted pursuant to paragraph 2 of Schedule 16 of the Hornsea Four Offshore Wind Farm Order 2023 (**Hornsea Four DCO**) which provides:

The authorised development may not be commenced until a plan for the work of the H4 OOEG has been submitted to and approved by the Secretary of State, such plan to include:

- (a) terms of reference of the H4 OOEG; **(Section 6)**
 - (b) details of the membership of the OOEG; **(Section 3)**
 - (c) details of the proposed schedule of meetings, timetable for preparation of the kittiwake compensation implementation and monitoring plan (the "KCIMP") and the guillemot compensation implementation and monitoring plan (the GCIMP); and reporting and review periods; **(Annex 1: Engagement Plan)**
 - (d) the dispute resolution mechanism and confidentiality provisions **(Section 9)** and
 - (e) the scope of work to be limited to the topics for discussion as identified by the appointed chair to include in relation to the compensation measure, monitoring and adaptive management.
2. Hornsea Four is seeking to obtain ratification of this Plan of Work from the core members of the OOEG prior to its submission to the Secretary of State for approval. The core membership of the OOEG is determined by paragraph 2 of Schedule 16 of the Hornsea Four DCO. Hornsea Four expects to consult more broadly during the preparation of the KCIMP and GCIMP to ensure a full representation of experience and expertise, and therefore advisory bodies to the OOEG will be a valued part of discussions. For consistency, advisory bodies invited to attend the OOEG are expected to comply with the Plan of Work as agreed by the core members.

2 Purpose of the OOEG

3. The purpose of the OOEG is to assist, through consultation, the delivery of the kittiwake and guillemot compensation measures and the ongoing monitoring and adaptive management measures as set out in Schedule 16, Part 2 paragraph 3 and Part 3 paragraph 10 of the Hornsea Four DCO. Hornsea Four will use all reasonable efforts to obtain a group consensus from core members of the OOEG on the specific elements pertaining to the drafting of the KCIMP and GCIMP.
4. The scope of the OOEG does not extend to consultation on the appropriateness of the compensation measures as specified in the Hornsea Four DCO, or strategic discussions on compensation with regard to the wider offshore wind industry. Strategic topics that are raised during the OOEG meetings will be noted and carried forward to industry forums, where appropriate, by the Ørsted Strategic Compensation Lead, and by members in order to fulfil their function to discuss kittiwake and guillemot compensation measures at a strategic level, subject to the confidentiality clauses outlined in Section 8 of this Plan of Work.

3 Membership of the OOEG

5. The OOEG will comprise the following members as the named consultees within Schedule 16, Part 1, paragraph 2:
 - the MMO and the relevant statutory nature conservation body as core members for the offshore compensation measures;
 - the States of Guernsey (SoG) as the relevant local planning authority (representing themselves and also representing the States of Alderney) and Natural England as core members for the onshore guillemot compensation

- measures;
 - the RSPB, The Wildlife Trust and Alderney Wildlife Trust as advisory members, for both the onshore compensation measures and/or the offshore compensation measures subject to their area of expertise;
6. The core members will provide representative(s) to attend meetings of the OOEG and otherwise participate in the business of the OOEG in accordance with this Plan of Work. On the basis a representative from each core member is present the meeting will go ahead.
 7. Any reference to the OOEG in this Plan of Work refers to its core members only.
 8. Hornsea Four may invite any of its consultants or delivery partners engaged, or to be engaged, in the delivery of the kittiwake and guillemot compensation measures to any meeting of the OOEG. Hornsea Four will notify the OOEG of any additional technical support attending specific meetings to allow core members to consider whether additional technical representation may be required.
 9. Advisory members are by invitation only and may be invited to attend only subject relevant meetings, but will be provided minutes of every meeting subject to terms of confidentiality. Subject to compliance with those requirements outlined in Section 8, the OOEG may by agreement invite any other body to act as an advisory body to the OOEG and to attend a specific meeting of the OOEG including (but not limited to) the Royal Society for the Protection of Birds (RSPB), the Department for Environment, Food and Rural Affairs (Defra), the Joint Nature Conservation Committee (JNCC), the British Trust for Ornithology (BTO), The Wildlife Trusts (TWT), and the Industry Nature Conservation Association (INCA).
 10. Subject to Section 8, paragraph 30, the OOEG may by agreement provide documentation or other media (including minutes of meetings) to any other body which shall be provided on an information only basis and not for the purposes of consultation.
 11. Representatives of each core member participating in the business of the OOEG shall have the experience and capability necessary for effective participation (which for the avoidance of doubt shall include strategic advice and specialist technical input) and shall, where relevant, have the authority to make representations on behalf of the relevant core member. OOEG core and advisory members can discuss topics raised during the OOEG outside of OOEG meetings providing it is with those that need to know, according to the purpose of the OOEG meetings set out in Section 2 of this Plan of Work.
 12. Each core member shall, so far as reasonably practicable, ensure a continuity of representatives participating in the business of the OOEG.

4 Schedule of meetings, preparation of the KCIMP, GCIMP and reporting and review periods

13. The OOEG shall meet in accordance with the Engagement Plan at Annex 1.
14. The Kittiwake Compensation and Implementation Monitoring Plan ("the **KCIMP**") and Guillemot Compensation and Implementation Monitoring Plan ("the **GCIMP**") shall be prepared by Hornsea Four in accordance with the timetable in the Engagement Plan (see Annex 1).
15. Hornsea Four shall engage with the OOEG and the OOEG shall review the kittiwake and guillemot compensation measures in accordance with this Plan of Work

including the Engagement Plan.

16. Hornsea Four will endeavour to communicate early to the OOEG should any changes arise to the intended consultation programme as set out within Annex 1.

5 Participation principles

17. All persons participating in the business of the OOEG shall be encouraged to do so in accordance with the following participation principles:
 - Work in a solution focused manner;
 - Read relevant documents and other materials in advance of meetings. These will be provided to OOEG members 10 working days in advance of meetings;
 - Use reasonable endeavours to complete any actions resulting from OOEG meetings within the time period agreed at the relevant meeting; and
 - Engage with each other in a respectful manner at all times.

6 Terms of reference of the OOEG

18. The purpose of the OOEG is to inform the delivery of the kittiwake and guillemot compensation measures and the ongoing monitoring and adaptive management measures in accordance with Schedule 16, Part 2 and Part 3 of the Hornsea Four DCO including:
 1. Location and design of artificial nest sites for kittiwake, location and details of predator eradication and bycatch reduction for guillemot;
 2. Monitoring proposals; and
 3. Adaptive management measures.
19. Hornsea Four shall be responsible for the preparation and submission of the KCIMP and GCIMP to the Secretary of State in accordance with Schedule 16 of the Hornsea Four DCO.
20. Hornsea Four shall engage with and provide reports to the OOEG in accordance with the Engagement Plan (see Annex 1).
21. Hornsea Four shall consult with the OOEG on the KCIMP and GCIMP prior to submission of these plans to the Secretary of State.
22. Hornsea Four shall be the Chair of the OOEG or shall appoint the Chair of the OOEG.
23. Hornsea Four shall procure that the Chair convenes and leads the meetings of the OOEG in accordance with this Plan of Work and the Engagement Plan.
24. Unless otherwise agreed by the core members there will be a maximum of one meeting of the OOEG per calendar month. Adequate resourcing measures should be in place to ensure that core members can attend a maximum of one meeting per calendar month (see Annex 1 for further detail).
25. Hornsea Four shall otherwise administrate the OOEG including:
 1. Dealing with requests for agenda items from the core members and advisory bodies, which must be received by Hornsea Four no later than ten business days prior to an OOEG meeting (unless otherwise agreed by Hornsea Four);
 2. Hornsea Four will issue an agenda five business days prior to an OOEG meeting;

3. Hornsea Four will issue meeting minutes and a log of common ground no more than five business days following an OOEG meeting and the core members shall provide comments on those documents within five business days and approval within 10 business days. Should no comments be received within this timeframe, Hornsea Four will consider this as approval.
26. The Chair shall be responsible for the timely and efficient running of an OOEG meeting and may require the OOEG to progress through agenda items to ensure there is adequate time for discussion of all items.
27. If the appointed Chair is unable to act as Chair of the OOEG then Hornsea Four shall take the role of Chair or shall appoint a replacement (either on a temporary or permanent basis).

7 Costs

28. Hornsea Four shall be responsible for the reasonably incurred administrative costs of the Chair.
29. Hornsea Four will pay reasonably incurred and evidenced travel costs of core members and advisory bodies of the OOEG and of the Chair for any travel to and from an OOEG meeting.

8 Confidentiality

30. The core members and any appointed Chair shall ensure:
 1. information is distributed amongst them in a safe and secure manner and labelled as "confidential and commercially sensitive". Hornsea Four will mark relevant documents to which this section applies as "confidential and commercially sensitive". If Hornsea Four fail to mark a document as "confidential and commercially sensitive" or any doubt remains as to whether a document or part thereof is confidential and commercially sensitive the members shall engage with Hornsea Four to confirm the position;
 2. all information relating to the OOEG, discussed by the OOEG or distributed to the OOEG is treated as confidential and, where a member is a statutory organisation, shall be safeguarded in line with that member's internal confidentiality policies and applicable laws, except to the extent that:
 - a. Disclosure is required by law;
 - b. The information is provided by Hornsea Four to a third party for the purposes of complying with the Hornsea Four DCO or complying with or obtaining any other permission or consent (including any necessary land rights);
 - c. All core members provide written agreement to the distribution of specific information for a stated purpose; or
 - d. The information otherwise enters into the public domain (except than through unauthorised disclosure).
31. If a statutory core member has to disclose confidential information pursuant to paragraph 30(2), it shall, to the extent permitted by law, use all reasonable endeavours to give the other core members as much notice of this disclosure as possible and take into account the representations raised by other core members as to the disclosure.
32. Hornsea Four may request that any third party who participates in the business of the

OOEG, including any appointed Chair, enters into a non-disclosure agreement in a form reasonably acceptable to it.

33. Nothing in this Plan of Work shall impose an obligation on Hornsea Four to disclose information that it considers to be confidential and/or commercially sensitive. Hornsea Four reserves the rights to share information with its affiliates and for the avoidance of doubt, sharing of information by Hornsea Four with affiliates does not remove the obligation upon the core members to treat the information as confidential.
34. Hornsea Four will be sharing confidential and commercially sensitive documentation via an appropriate and efficient method or platform, which will be reviewed based on any feedback received from members. OOEG members shall ensure they view only and do not download, take screenshots or record the information elsewhere on their computer system.

9 **Dispute resolution**

35. Any dispute between the core members of the OOEG will normally be resolved amicably at working level. In the event of failure to resolve the dispute within two months the dispute shall be handled in the following manner:
 1. In the first instance the dispute shall be discussed at a meeting between representatives of each core member relevant to the dispute who are not involved in the normal working practices of the OOEG;
 2. If those representatives fail to reach consensus on the dispute, the dispute shall be referred to:
 - Natural England's Relevant Area Team manager;
 - States of Guernsey's Director of Environment & Infrastructure
 - Hornsea Four's nominated equivalent officer either at senior management or director level; and
 - MMO's Director of Marine Licensing.
 3. Any dispute referred under section 9 paragraph 35(2) shall be discussed as soon as practicable after such referral, but in any event within ten business days;
 4. If the dispute has not been resolved following a referral in accordance with this section, the core members shall settle the dispute by mediation in accordance with the Centre for Effective Dispute Resolution (**CEDR**) Model Mediation Procedure. Unless otherwise agreed between the core members, the mediator will be nominated by CEDR.
36. The dispute resolution process outlined in Section 9 is intended to encompass disputes in relation to the adequate functioning of the OOEG. The dispute resolution process is not intended for differences in technical opinion.

Annex 1

Engagement Plan

1. This Annex serves as the Engagement Plan for the Offshore Ornithology Engagement Group (OOEG) in accordance with the requirements of Schedule 16, Part 1, paragraph 2.
2. The Engagement Plan sets out the Consultation Programme, Composition of the OOEG, the Requirements of the Core Members, Contingency Planning, and Reporting & Review Periods, and is structured accordingly.

Consultation Programme

3. Hornsea Four intend for the kittiwake artificial nesting structures to be in place by March 2025 in order to maximise opportunity for colonisation and ensure that the structures will be in place for four kittiwake breeding seasons prior to the operation of any wind turbine generator. To enable approval of the Kittiwake Compensation Implementation and Monitoring Plan (KCIMP) within a sufficient timescale, Hornsea Four intends for the KCIMP to be submitted to the Secretary of State for approval in Q1 2024. The Consultation Programme has therefore been developed with this overarching objective in mind. The consultation programme outlines the schedule of OOEG meetings and the timetable for preparation of the KCIMP.
4. Guillemot compensation measures will be set out within the Guillemot Compensation Implementation and Monitoring Plan (GCIMP) based on the strategy for guillemot compensation as set out in the guillemot compensation plan and will be consulted on within the OOEG prior to submission to the Secretary of State for approval. In accordance with the requirements of Schedule 16 Hornsea Four intend to commence predator eradication works at least two years prior to the commencement of works as detailed in the DCO and will ensure contract(s) with fishers for the provision and use of bycatch reduction technology are entered into at least one year prior to commencement of works as detailed in the DCO. The timetable for the preparation and submission of the GCIMP will be discussed further within the OOEG and will be such that the above timescales can be met with a target submission date of December 2024.
5. Consultation with the OOEG will be a reasonably intensive engagement process from August 2023 through 2024 to reflect the need to establish the group and agree the detail of how and where the compensation measures will be delivered in accordance with the requirements of the DCO.
6. The initial meeting in August 2023 will form the "kick off" meeting. The first portion will be to discuss the Terms of Reference. The second portion of this meeting will be to discuss the strategy for delivering the artificial nesting space required by the DCO and related design implications.
7. This will be followed by meetings to continue alignment on the location and design of the artificial nesting structures and the developing guillemot compensation strategy. As these meetings progress, the emphasis will shift to discussing the monitoring and adaptive management measures.
8. Engagement with the OOEG related to kittiwake compensation will continue beyond the submission of the KCIMP in Q1 2024, however, it will do so on a more staged timetable, aligned with key work elements and annual reporting requirements. Beyond the submission of the KCIMP and the GCIMP, the OOEG meetings will cover monitoring, adaptive management and annual monitoring reports. Engagement relating to guillemot compensation will be ongoing and the timetable beyond Q1 2025 will be agreed with the OOEG. It is anticipated that the OOEG meetings will extend through to 2028 and thereafter further requirements will be agreed with the OOEG.
9. Table 1 identifies the indicative engagement for 2023 and 2024, and Table 2 the indicative engagement for 2025 onwards.

Table 1: Engagement Plan for 2023 and 2024

Indicative Engagement Timing	Aug-23	Sept-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24
Indicative Engagement Detail								
OOEG Meeting #1 (ANS Location / Options for delivery & design & guillemot adaptive management)		█						
OOEG Meeting #2 (ANS design & monitoring)			█					
OOEG Meeting #3 (ANS design & monitoring & adaptive management)				█				
Submission of Plan of Works to SoS					█			
OOEG Meeting #4a (Introduction of guillemot compensation strategy)						█		
OOEG Meeting #4b (KCIMP incl. monitoring and adaptive management)							█	
OOEG Meeting #5 (kittiwake monitoring & adaptive management & development of guillemot compensation strategy & GCIMP)							█	
Target submission of KCIMP to SoS								█
OOEG Meeting #6 (kittiwake monitoring (any residual points if needed), development of guillemot compensation strategy & GCIMP)								█

Indicative Engagement Timing	May-24	June-24	July-24	Aug-24	Sept-24	Oct-24	Nov-24	Dec-24
OOEG Meeting #7 (development of guillemot compensation strategy & GCIMP)	█							
OOEG Meeting #8 (development of guillemot compensation strategy & GCIMP)		█						
OOEG Meeting #9 (development of guillemot compensation strategy & GCIMP)				█				
OOEG Meeting #10 (development of guillemot compensation strategy & GCIMP)					█			
OOEG Meeting #10 (development of guillemot compensation strategy & GCIMP)							█	
OOEG Meeting #11 (development of guillemot compensation strategy & GCIMP)								█
Target submission of GCIMP to SoS								█

Table 2: Indicative Engagement Plan 2025 onwards

Engagement Timing	Q1 2025	Q2 2025	Q3 2025	Q4 2025	Q1 2026	Q2 2026	Q3 2026	Q4 2026	Q1 2027	Q2 2027	Q3 2027	Q4 2027	Q1 2028	Q2 2028	Q3 2028	Q4 2028	2029
Engagement Detail																	
OoEG Meeting #12 (development of guillemot compensation strategy and Kittiwake monitoring if appropriate (ie. new technologies))																	
ANS target installation																	
OoEG Meeting #13 (Guillemot and Kittiwake Monitoring & Adaptive Management)																	
ANS Annual Reporting to SoS																	
ANS Monitoring Season																	
OoEG Meeting #14 (Guillemot and Kittiwake Monitoring & Adaptive Management)																	
OoEG Meeting #15 (Guillemot and Kittiwake Monitoring & Adaptive Management)																	
ANS Annual Reporting to SoS																	
ANS Monitoring Season																	
OoEG Meeting #16 (Guillemot and Kittiwake Monitoring & Adaptive Management)																	
OoEG Meeting #17 (Guillemot and Kittiwake Monitoring & Adaptive Management)																	
ANS Annual Reporting to SoS																	
ANS Monitoring Season																	
OoEG Meeting #18 (Guillemot and Kittiwake Monitoring & Adaptive Management)																	
OoEG Meeting #19 (Guillemot and Kittiwake Monitoring & Adaptive Management)																	
ANS Annual Reporting to SoS																	
Current earliest date for first operation of any turbine (indicative)																	

Composition of the OOEG

10. As identified within the Terms of Reference, the OOEG will comprise Hornsea Four and the Core Members specified in the Hornsea Four DCO; Natural England, the MMO and additionally the SoG (as the relevant local planning authority for the onshore guillemot compensation measure). Appropriate representatives from these organisations will be expected to fulfil the OOEG requirements (further discussion on this is provided in the subsequent section of the Engagement Plan).
11. The DCO lists the RSPB, The Wildlife Trust and Alderney Wildlife Trust as advisory members of the OOEG. It is further noted that additional stakeholders may be invited into the OOEG meetings in an advisory capacity. The presence of these advisory bodies will be determined on an ad hoc basis and will be linked to specific discussions taking place within the relevant engagement step. The attendance of any advisory body may be requested by any member of the OOEG, and subject to agreement from the OOEG, be invited to the appropriate meeting.
12. Advisory bodies may include organisations such as:
 - a. The Local Planning Authority(ies) and or landowner bodies (when discussing location and or design of the artificial structures);
 - b. Non-Governmental Organisations with relevant expertise; and
 - c. Recognised planning, ornithological and / or engineering experts whose input will inform discussions within the Technical Panel discussions.

Expertise within Core Members

13. Core Members of the OOEG, (i.e., Hornsea Four, Natural England, the MMO and SoG as described above), will need to provide a range of input into the OOEG meetings from strategic to technical (ecological and where appropriate design related) to reflect the nature of the matters under discussion.
14. It will, therefore, be necessary for the purposes of effective engagement, to ensure the appropriate expertise is present at meetings. Tables 1 and 2 will help to provide an outline steer as to the nature of each engagement step to facilitate resource planning for OOEG members. Hornsea Four also commit to providing as much possible notice as to the specific agenda of each meeting (noting a commitment of no later than 5 working days is made within the ToRs) to facilitate resource planning.
15. Each organisation's representatives should be informed and empowered to provide the necessary strategic or technical advice / opinion on behalf of their organisation.

Requirements of OOEG Members

16. The requirement to ensure four breeding seasons are captured by the artificial nesting structures prior to the operation of any wind turbine generator means that there is significant timetable pressure from August 2023 to align on the content of the KCIMP. Management of staff resourcing issues (sick / annual leave, change in roles etc) is vitally important to ensure there are adequate contingency measures in place to mitigate any unforeseen resourcing issues should they arise.
17. Similarly, Hornsea Four will ensure early communication to the OOEG of any changes to the intended delivery programme (as set out in Tables 1 and 2) that may impact on the Engagement Plan.

Reporting and Review Periods

18. Documents required under Schedule 16 comprise the GCIMP, KCIMP, an annual report one year after the implementation of the artificial nesting structures, and annual reporting of the progress of the measures, monitoring (and any adaptive management). It is envisaged that other documentation may be generated during the preparation and implementation of the compensation that requires OOEG input and or review.
19. Hornsea Four shall ensure that the KCIMP and GCIMP are provided to OOEG Core Members in draft form at least one month prior to submission to the Secretary of State to provide members with sufficient time to review the plan in detail. Comments on the KCIMP and GCIMP by Core Members shall be provided back to Hornsea Four within 10 working days of receipt, unless otherwise agreed.

Key Document List

B2.6 Volume B2 Chapter 6 Compensation measures for FFC SPA Overview.

B2.7 Volume B2 Chapter 7 FFC SPA Kittiwake Compensation Plan

B2.7.1 Volume B2 Annex 7.1 Compensation measures for FFC SPA Offshore Artificial Nesting Ecological Evidence

B2.7.2: Volume B2 Annex 7.2 Compensation measures for FFC SPA: Offshore Artificial Nesting Roadmap

B2.7.3 Volume B2 Annex 7.3 Compensation measures for FFC SPA Onshore Artificial Nesting Ecological Evidence.

B2.7.4 Volume B2 Annex 7.4 Compensation measures for FFC SPA Onshore Artificial Nesting Roadmap.

B2.7.5 Volume B2 Annex 7.5 Compensation measures for FFC SPA Artificial Nesting Site Selection and Design.

B2.7.6 Volume B2 Annex 7.6 Outline Kittiwake Implementation and Monitoring Plan.

B2.8 Volume B2 Chapter 8 FFC SPA Guillemot and Razorbill Compensation Plan.

B2.8.1 Volume B2 Annex 8.1 Compensation measures for FFC SPA Bycatch Reduction Ecological Evidence.

B2.8.2 Volume B2 Annex 8.2 Compensation measures for FFC SPA Bycatch Reduction Roadmap.

B2.8.3 Volume B2 Annex 8.3 Compensation measures for FFC SPA Predator Eradication Ecological Evidence

B2.8.4 Volume B2 Annex 8.4 Compensation measures for FFC SPA Predator Eradication Roadmap.

B2.8.7 Volume B2 Annex 8.7 Outline Guillemot and Razorbill Implementation and Monitoring Plan