



## HEARING AGENDA

### Application by Equinor New Energy Limited for an Order Granting Development Consent for the Sheringham Shoal Offshore Wind Farm Extension Project and Dudgeon Offshore Wind Farm Extension Project

Issue Specific Hearing 1	Strategic Offshore Matters
<b>Date</b>	Wednesday 18 January 2023
	<b>Hearing Start Time:</b> <b>10:00 am</b>
<b>Timings</b>	Arrangements Conference for virtual attendance online: 09:00 am Seating for in-person hearing available at the venue from: 09:00 am
<b>Location</b>	Blackfriars Hall, The Halls, St Andrew's Plain, Norwich NR3 1AU Microsoft Teams for virtual attendance online

#### REQUESTED ATTENDEES

1. Applicant
2. East Suffolk Council
3. Independent Oil and Gas
4. Inshore Fisheries Conservation Authority
5. Marine Management Organisation
6. Maritime Coastguard Agency
7. Natural England
8. Perenco
9. Royal Society for the Protection of Birds
10. The Wildlife Trust
11. UK Chamber of Shipping

In addition, the Examining Authority welcomes involvement from all parties at Issue Specific Hearing 1. You were required to confirm attendance at Issue Specific Hearing 1 by Procedural Deadline A, Thursday 05 January 2023.

#### PURPOSE OF ISSUE SPECIFIC HEARING 1

The main purpose of the Issue Specific Hearing 1 is to clarify and get views on strategic offshore matters relating to:

1. Efficacy of Compensation Measures for Ornithology;
2. Marine Mammals and the mitigation proposed;



3. Benthic Ecology;
4. Environmental Statement and the Marine Environment;
5. Shipping, Navigation and marine safety;
6. Fishing and fisheries; and
7. Draft Development Consent Order.

These matters are covered in some detail in the Examining Authority's First Written Questions. At the Hearing we are looking for clarity on the Applicant's strategic approach on the matters listed here, and parties' views on that approach. We expect the representations at the Hearing to set the scene for the more detailed responses to First Written Questions.

## DOCUMENTS

The Examining Authority referred to several documents in the preparation of this agenda, and some of the documents that we will be referring to during the Hearing are listed here. These documents can be located using the Examination Library reference number in [] square brackets:

8. Environmental Statement Chapter 6 Marine Geology, Oceanography and Physical Processes [APP-092]
9. Environmental Statement Chapter 7 Marine Water and Sediment Quality [APP-093]
10. Environmental Statement Chapter 8 Benthic Ecology [APP-094]
1. Environmental Statement Chapter 11 Offshore Ornithology [APP-097]
2. Environmental Statement Chapter 12 Commercial Fisheries [APP-098]
3. Environmental Statement Chapter 13 Shipping and Navigation [APP-099]
4. Environmental Statement Chapter 16 Petroleum Industry and Other Marine Users [APP-102]
5. Outline Sandwich Tern Compensation Implementation and Monitoring Plan [APP-070]
6. Outline Kittiwake Compensation Implementation and Monitoring Plan [APP-073]
7. Outline Gannet, Guillemot and Razorbill Compensation Implementation and Monitoring Plan [APP-075]
8. In-Principle Cromer Shoal Chalk Beds Marine Conservation Zone Measures of Equivalent Environmental Benefit Plan [APP-0083]
9. Strategic and Collaborative Approaches to Compensation and Measures of Equivalent Environmental Benefit [APP-084]
10. Draft Marine Mammal Mitigation Protocol [APP-288]
11. Outline Fisheries Liaison and Co-existence Plan [APP-295]
12. Commercial Fisheries Technical Report [APP-197]
13. Helicopter Access Study [APP-205]
14. Draft Development Consent Order [AS-009]
15. Explanatory Memorandum [AS-012]



## HEARING FORMAT

The Hearing will be a blended event, whereby the principal means of conducting the Hearing will be face-to-face within the venue cited above. Participants may join online if they wish using the Microsoft Teams platform and, if you have registered to join using this format, the joining link for the virtual Issue Specific Hearing will be sent to parties the day before, or on the day of, each session. Observers may attend in person or can watch remotely via the livestream of the event, the link for which will be published on the project page of the National Infrastructure website on the day of the Hearing. The Examining Authority will not accept representations at the Hearing in the form of video or audio recordings.

The virtual event will be open 60 minutes prior to the start of the Hearing to enable a prompt start. Hearings will finish as soon as the Examining Authority 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 Examining Authority 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 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.

## AGENDA

The Hearing will start promptly at the indicated time of 10:00 am. All other times in the agenda are indicative. The Examining Authority will close the Hearing at 05:30 pm, or sooner if all relevant matters have been covered.

### **09:00 am Seating available for in-person attendance**

1. Registration by the Case Team

### **09:00 am Arrangements Conference for virtual attendance**

2. Registration by the Case Team

### **10:00 am Issue Specific Hearing 1 (session 1)**

- 1. Welcome by Lead Member of the Examining Authority**
- 2. Procedure for running the Issue Specific Hearing**



### 3. Efficacy of Compensation Measures (ornithology)

The Examining Authority wishes to explore various aspects of the compensation measures proposed within the Applicant's derogation case, including any perceived deficiencies or areas where improvements could be made.

- i. The overarching approach to compensation including the balance between project-led measures and "*strategic*" and "*collaborative*" measures as part of any future Marine Recovery Fund
- ii. An overarching view as to how compensation is managed within the draft Development Consent Order
- iii. Whether conclusions of an Adverse Effect on Integrity on the gannet feature of the Flamborough and Filey Coast Special Protection Area can be agreed, and implications for the Examination going forward
- iv. The efficacy and suitability of Loch Ryan as a site to support sandwich terns, including funding for the compensation
- v. The extent of success in artificial nesting sites for kittiwakes, and the extent to which offshore options could be developed further
- vi. The measures and options available in respects of auks, including the merit of the compensation package currently drafted

**11:30 am**

**Break**

**11:45 am**

**Issue Specific Hearing** (session 2)

### 4. Marine Mammals

- i. The scope and content of the Marine Mammal Mitigation Protocol and whether the matter of disturbance is adequately addressed or requires further detail
- ii. The extent of the assessment of underwater noise and whether this is adequate for all marine mammals and the efficacy of the Site Integrity Plan as mitigation
- iii. Process and timing for arriving at a decision on foundation type(s) for each of the turbines proposed and likelihood of a decision during the Examination
- iv. Whether additional conditions are required within the draft Deemed Marine Licences for vessel management to avoid conflict with marine mammals

### 5. Benthic Ecology

- i. The Measures of Equivalent Environmental Benefit available to the Applicant and what, if any, implications arise from the chosen method of oyster bed planting



- ii. Whether the draft Development Consent Order and its supporting documentation provides suitable means of securing the Measures of Equivalent Environmental Benefit
- iii. Any evidence regarding the Conservation Status of the Cromer Shoal Chalk Beds Marine Conservation Zone and how the general approach to the cumulative effects upon the Marine Conservation Zone is assessed
- iv. Whether the conservation objectives for the Marine Conservation Zone would be affected, and if so, how any adverse impact can be mitigated
- v. Further to *iv* above, whether any cable protection within the Marine Conservation Zone would result in adverse conservation impacts, including when considered in cumulation with other projects
- vi. Whether the micro-siting of cabling and other infrastructure would be a sufficient method to avoid adverse impacts to priority habitats and other features of ecological importance

**01:15 pm**

**Lunch Break**

**02:15 pm**

**Issue Specific Hearing** (session 3)

## **6. Environmental Statement and the Marine Environment**

- i. Worst-case scenarios and the mitigation hierarchy, with particular reference to the development options at Dudgeon Extension Project
- ii. The extent to which the Applicant is relying on releasing "headroom" and applying Rochdale Envelope principles in its assessments and delivery of the project
- iii. To identify the relevant policies from the Marine Plans and whether the Proposed Development is in conflict with them

## **7. Shipping and Navigation**

The Examining Authority would seek to explore answers to several aspects, with reference to paragraphs 2.6.147 to 2.6.175 of the National Policy Statement EN-3, including:

- i. Site selection (or definition) with a view to avoiding or minimising disruption or economic loss to the shipping and navigation industries with particular regard to approaches to ports and to strategic routes essential to regional, national and international trade
- ii. Measures to minimise negative impacts to as low as reasonably practicable and if not, what additional measures could be implemented



- iii. Will there be any unnecessary or unmitigated conflict with the safety of recreational craft
- iv. Concerns with regards to Search and Rescue capability
- v. Regarding helicopter access to oil and gas offshore platforms (particularly Waveney, Blythe and Elgood), will the mitigation options, such as an obstacle free 1NM arc around Waveney or commercial agreements for example, be sufficient to result in impacts being limited to moderate adverse

**03:45 pm**

**Break**

**04:00 pm**

**Issue Specific Hearing 1** (session 4)

## **8. Fishing and Fisheries**

- i. Discussion as to the extent of agreement for the Outline Fisheries Liaison and Co-Existence Plan as an approach for sufficient mitigation and/or compensation for the affected fishing industry.
- ii. The effects of the development as proposed, along with cumulative effects from other plans, projects and activities, on the UK potting fleet, through displacement effect for example, and whether any effect could be mitigated with justifiable disturbance payments and/or cooperation agreements

## **9. Development Consent Order matters**

- i. Whether a version of the draft Development Consent Order which includes all provisions relating to strategic compensation can be provided.
- ii. The mechanisms in place to ensure two different asset holders (generation assets (Schedules 10 and 11) and two transmission assets) working in the same area would collaborate together, especially with regard to in-combination effects, if transfer of benefit were to happen
- iii. Clarification on how separate ownership of the Deemed Marine Licenses would impact responsibility for undertaking joint project works, and post consent submissions, in response to the concerns raised by Marine Management Organisation [RR-053]
- iv. How can the Applicant reassure the Examining Authority and Interested Parties that coordinates in the draft Development Consent Order are checked and correct?
- v. Justification that four months' timescale for submission of discharge documents, and an objective comparison of the implications of the four months' timescale, six months' timescale, and no timescale including precedence for all



- vi. Mitigations that Natural England require to be secured in the draft Development Consent Order and Deemed Marine Licenses, that are concerning for the Applicant [RR-063, Page 6]
- vii. Timescale of addressing the drafting and consistency matters raised by Marine Management Organisation and Natural England

(Matters relating to Compulsory Acquisition and Temporary Possession will be covered in First Written Questions and later Hearings)

**10. Procedural decisions, review of actions and next steps**

**11. Closing remarks**

**05:30 pm**

**Close of Issue Specific Hearing 1**