



# The Planning Inspectorate Yr Arolygiaeth Gynllunio

## Triton Knoll Electrical System Issue Specific Hearing – the Development Consent Order

### Agenda

<b>Date</b>	12 November 2015
<b>Venue opens</b>	9.00am
<b>Hearing begins</b>	9.30am
<b>Location</b>	The Storehouse Conference Centre, North Parade, Skegness, PE25 1BY

#### ***Please note:***

This agenda is for guidance only. It is not designed to be exclusive or exhaustive. The Examining Authority (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 of them. The ExA will probe, test and assess the evidence through direct questioning of persons making oral representations. Questioning at the hearing will therefore be led by a member of the Panel, supported by other Panel members.

Any lack of discussion of a particular issue at a hearing does not preclude further examination of this issue, including through the inclusion of questions in the ExA's second questions.

Should the consideration of the 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 at any hearing, there may be a need to continue the session for longer on the day or continue the hearing at a subsequent sitting.

Throughout this hearing, the ExA will be referring to the following documents:

- *Appendix 22: Draft Development Consent Order and Deemed Marine Licence: Comparison of Revision B and Revision C [REP2-022] and Appendix 23: Schedule of DCO Amendments [REP2-023] submitted by the Applicant for Deadline 2 and published on 28 October 2015*

- *Explanatory Memorandum* [APP-011] submitted as part of the application and published on 21 May 2015
- *Order Limits Plans* [APP-122] and *Works Plans* [APP-123] accepted into the Examination and published on 9 September 2015

References in square brackets [] are to the number in the Examination Library. This document is found on the Triton Knoll Electrical System pages of the National Infrastructure pages of the Planning Portal at <http://infrastructure.planninginspectorate.gov.uk/document/3405388>

1. **Introductions**

2. **Opening remarks by the Examining Authority**

3. **Requests to question a person making oral representations directly under s94 of the 2008 Act**

Cross-questioning of the person giving evidence by another person will only be permitted if the ExA decide it is necessary to ensure representations are adequately tested or that a person has had a fair chance to put their case.

4. **Update on Statements of Common Ground**

The discussion will focus on *Appendix 14: Statements of Common Ground Summary and Index* [REP2-030] submitted by the Applicant for Deadline 2 and published on 28 October 2015.

5. **Discussion on particular parts of the draft Development Consent Order (DCO) including:**

- a) **Consideration of the changes made** to the draft DCO in the version submitted for Deadline 2

The Applicant will be invited to outline the effects of and reasons for significant drafting changes made between Revision B and Revision C of the draft DCO excepting those changes specifically referred to in questions below. The Applicant need not refer to minor drafting changes.

The ExA note that Article numbers 24 onwards in the *Schedule of DCO Amendments* [REP2-023] refer to the previous version of the draft DCO.

- b) **Article 2** - Interpretation, definition of "ancillary works"  
**Article 2** - Interpretation, definition of "Associated development"  
**Article 2** - Interpretation, definition of "Authorised development"  
To **note** the Applicant's response to question DCO 1.1 and the Applicant's modification to Schedule 1 Part 2 in the draft DCO submitted at Deadline 2.

To consider the definitions of, and differentiation between "ancillary works", "Associated development" and "Authorised development"  
*This item will draw on, inter alia, responses to the ExA's first questions DCO 1.2 and DCO 1.3.*

- c) **Article 2** - Interpretation, definition of "Commence"

To consider the activities excluded from the definition of 'Commence'

To **note** the Applicant's modification of this Article in the draft DCO submitted at Deadline 2.

*This item will draw on, inter alia, responses to the ExA's first question DCO 1.4.*

- d) **Article 2** - Interpretation, definition of "Construction Compound"

To **note** the Applicant's response to questions DCO 1.5 and 1.6 and the Applicant's modification of this Article in the draft DCO submitted at Deadline 2.

- e) **Article 2** - Interpretation, definition of "electrical circuit"

To **note** the Applicant's response to question DCO 1.7 and the Applicant's modification of this Article in the draft DCO submitted at Deadline 2.

- f) **Article 2** (draft DCO) and **Article 1** (draft DML) - Interpretation, definition of "LAT"

To **note** the Applicant's response to question DCO 1.8 and the Applicant's modification of this Article in the draft DCO submitted at Deadline 2.

- g) **Article 2** - Interpretation, definition of "Onshore works"

To **note** the Applicant's response to question DCO 1.9 and the Applicant's modification of the description of Work No. 3 in Schedule 1 Part 1 in the draft DCO submitted at Deadline 2.

h) **Article 2** - Interpretation, definition of "Unlicensed"

To discuss the meaning and use of the term 'unlicensed' **and**  
**Schedule 1, Part 1** – Authorised Development –**Work No. 54**  
To discuss the exemption of Work No. 54 from the stages for the  
discharge of requirements.

The Applicant will be requested to provide to provide a copy of the  
relevant conditions for the Bicker Fen substation referred to in  
paragraph 3.67 of its response to the ExA's question DCO 1.29 [REP-  
044].

*This item will draw on, inter alia, responses to the ExA's first questions  
DCO 1.10 and DCO 1.29.*

i) **Article 3** - Development consent etc. granted by the Order  
To discuss the limits of deviation

*This item will draw on, inter alia, responses to the ExA's first question  
DCO 1.11.*

j) **Article 5** - Transfer of benefit of Order

To **note** the Applicant's modification of Article 5(6)(b) in the draft DCO  
submitted at Deadline 2.

To **note** the responses from Boston Borough and East Lindsey District  
Councils to question DCO 1.13.

**Note** that aspects of this Article will be discussed at item 5uu, below.

k) **Article 6** – Application and modification of legislative provisions

To discuss the progress made towards obtaining agreement from  
relevant bodies to the inclusion of this Article.

To **note** the erroneous reference to Article 10 in ExA question 1.15.

To **note** the responses from Boston Borough and East Lindsey  
Councils to question DCO 1.15.

**Note** that aspects of this Article may be discussed in agenda item 14  
at the Compulsory Acquisition Hearing scheduled for 13 November  
2015.

*This item will draw on, inter alia, responses to the ExA's first question  
DCO 1.14 and DCO 1.15.*

l) **Article 9** – Temporary stopping up of streets

To consider whether there should be a time limit for of the notification of the temporary stopping up of any street.

*This item will draw on, inter alia, responses to the ExA's first question DCO 1.16.*

m) **Article 10** - Access to works and temporary highways alterations

To **note** the Applicant's response to questions DCO 1.17, DCO 1.18 and DCO 1.19.

n) **Article 13** – Authority to survey and investigate the land

To **note** the Applicant's modification of this Article in the draft DCO submitted at Deadline 2.

**Note** that discussion on aspects of this Article will take place in agenda item 16 in the Compulsory Acquisition Hearing scheduled for 13 November 2015.

o) **Article 14** – Compulsory acquisition of land

To **note** the Applicant's minor modification of this Article in the draft DCO submitted at Deadline 2.

**Note** that discussion on aspects of this Article will take place in agenda item 10 in the Compulsory Acquisition Hearing scheduled for 13 November 2015.

*This item will draw on, inter alia, responses to the ExA's first question DCO 1.20.*

p) Former **Article 23** – Apparatus and rights of statutory undertakers in stopped up streets

To note the Applicant's deletion of this Article in the draft DCO submitted at Deadline 2 and to consider the relationship between this deletion and Article 9.

- q) **Article 24** (note revised numbering) - Temporary use of land for carrying out the authorised project

**Note** that discussion on aspects of this Article will take place in agenda item 10 in the Compulsory Acquisition Hearing scheduled for 13 November 2015.

To **note** the Applicant's response to questions DCO 1.22 and DCO 1.36 and the removal of Work No. 47B from Schedule 1 Part 1 and the Applicant's commitment to modify the application documentation in this respect.

The Applicant will be requested to submit this change, including consequential changes to the Book of Reference and to Land Plans as soon as possible (preferably by Deadline 3) given that it will result in a change to the order limits of the application and will require a procedural decision by the ExA as to its acceptance into the Examination.

To **note** the Applicant's response to question DCO 1.23 and the Applicant's modification of this Article in the draft DCO submitted at Deadline 2 and to clarify that there are no plots in which both temporary and permanent rights are required.

*This item will draw on, inter alia, responses to the ExA's first questions DCO 1.21, 1.22, DCO 1.23 and 1.24.*

- r) **Article 34** - Felling or lopping of trees and removal of hedgerows

To discuss aspects of the removal of hedgerows.

*This item will draw on, inter alia, responses to the ExA's first questions DCO 1.25 and 1.26.*

- s) **Article 35** - Certification of plans etc.

To **note** the Applicant's response to question DCO 1.27 and the Applicant's modification of Article 2 in the draft DCO submitted at Deadline 2.

- t) **Article 37** - Guarantees in respect of payment of compensation

To **note** the Applicant's modification of this Article in the draft DCO submitted at Deadline 2.

**Note** that discussion on aspects of this Article will take place in agenda item 17 in the Compulsory Acquisition Hearing scheduled for 13 November 2015.

#### SCHEDULE 1

- u) **Schedule 1, Part 1** – Authorised Development – **Work No. 2** etc.

To **note** the Applicant's response to question DCO 1.28

**Note** that aspects of the number of cables required will be discussed at the Socio-economic Issues Hearing scheduled for 19 November 2105.

*This item will draw on, inter alia, responses to the ExA's first question DCO 1.28.*

- v) **Schedule 1, Part 1** – Authorised Development – **Work No. 56**

To discuss the exemption of Work No. 56 from the stages for the discharge of requirements.

*This item will draw on, inter alia, responses to the ExA's first question DCO 1.30.*

- w) Schedule 1, Part 3 – **Requirements** – Interpretation

To discuss aspects of the application of the definition of 'stage'

*This item will draw on, inter alia, responses to the ExA's first questions DCO 1.31 and DCO 1.32.*

- x) Schedule 1, Part 3 – **Requirement 3**, Detailed offshore design parameters

To **note** the Applicant's response to question DCO 1.33

- y) Schedule 1, Part 3 – **Requirement 4**, Offshore decommissioning

To **note** the Applicant's response to question DCO 1.34

- z) Schedule 1, Part 3 – **Requirement 5**, Detailed design onshore **and**  
Schedule 1, Part 3 – **Requirement 7** - Implementation and  
maintenance of landscaping  
Schedule 1, Part 3 – **Requirement 9** - Fencing and other means of  
enclosure

**Note** that aspects of this Requirement will be discussed in the Hearing  
on landscape and visual scheduled to be held on 18 November 2015  
*This item will draw on, inter alia, responses to the ExA's first questions  
DCO 1.35, DCO 1.36, DCO 1.37, DCO 1.38, DCO 1.39 and DCO 1.40.*

- aa) Schedule 1, Part 3 – **Requirement 9** - Fencing and other means of  
enclosure

To **note** the responses from the Environment Agency (EA) and the  
Applicant to question DCO 1.41.

- bb) Schedule 1, Part 3 – **Requirement 10** - Requirement for surface  
water drainage scheme

- cc) To **note** the Applicant's response to questions 1.42 and DCO 1.43.  
Schedule 1, Part 3 – **Requirement 14** - Code of construction practice  
(onshore) and construction environmental management plan

To **note** the Applicant's response to question DCO 1.44 and the  
Applicant's modification of this Article in the draft DCO submitted at  
Deadline 2.

- dd) Schedule 1, Part 3 – **Requirement 14** - Code of Construction Practice  
(onshore) and Construction Environmental Management Plan  
To discuss the need for a construction method statement for the  
landfall works.

*This item will draw on, inter alia, responses to the ExA's first question  
DCO 1.45.*

- ee) Schedule 1, Part 3 – **Requirement 15** - Control of operational  
artificial light emissions

**Note** that other aspects of this Requirement will be discussed in the  
Hearing on landscape and visual scheduled to be held on 18 November  
2015.

*This item will draw on, inter alia, responses to the ExA's first question  
DCO 1.46.*



- ff) Schedule 1, Part 3 – **Requirement 16** – Construction hours

To **note** the Applicant's response to question DCO 1.47

**Note** that timing of construction activities will be discussed at the Socio-economic Issues Hearing scheduled for 19 November 2015.

- gg) Schedule 1, Part 3 – **Requirement 19** – European protected species

To discuss the wording of this requirement.

*This item will draw on, inter alia, responses to the ExA's first question DCO 1.48.*

- hh) Schedule 1, Part 3 – **Requirement 21** – Onshore decommissioning

To **note** the Applicant's response to question DCO 1.49.

- ii) Schedule 1, Part 3 – **Requirement 23** – Amendments to approved details

To **note** the Applicant's response to question DCO 1.44 and the Applicant's modification of this Requirement in the draft DCO submitted at Deadline 2.

*This item will draw on, inter alia, responses to the ExA's first question DCO 1.50.*

#### OTHER SCHEDULES

- jj) **Schedule 8**, Protective Provisions

The Applicant will be invited to provide an update on progress on gaining agreement on Protective Provisions further to the update provided for Deadline 1 [REP-050] and to discuss any impediments to achieving agreements by statutory undertakers on the wording of Protective Provisions.

*This item will draw on, inter alia, responses to the ExA's first questions CA 1.12 and Appendix 7: Table of Progress for Protective Provisions (amended 1 October 2015) [REP-050].*

- kk) **Schedule 11**, Discharge of Requirements

To **note** the responses to question DCO 1.55 by the Applicant and by Boston Borough and East Lindsey District Councils and to discuss other aspects of the Discharge of Requirements.

*This item will draw on, inter alia, responses to the ExA's first questions DCO 1.55, DCO 1.56 and DCO 1.57.*

DRAFT DEEMED MARINE LICENCE

ll) Draft Deemed Marine Licence - **marine mammal mitigation protocol (MMMP)**

To clarify the position on a MMMP with particular reference to paragraph 6.104 of Volume 2, Chapter 6 of the Environmental Statement (ES) [APP-033].

*This item will draw on, inter alia, responses to the ExA's first question DCO 1.58.*

mm) Draft Deemed Marine Licence: **Condition 1**

To **note** the responses from the Marine Management Organisation (MMO), from Natural England (NE) and from the Applicant to question DCO 1.59.

nn) Draft Deemed Marine Licence - **installation methods**

To **note** the Applicant's responses to questions DCO 1.59 and DCO 1.60.

oo) Draft Deemed Marine Licence - **restriction of cable protection measures**

To **note** the Applicant's responses to question DCO 1.61.

pp) Draft Deemed Marine Licence - **preparation of the seabed**

To **note** the Applicant's responses to question DCO 1.62.

qq) Draft Deemed Marine Licence - **Work No 1**

To **note** the Applicants response to question DCO 1.63.

rr) Draft Deemed Marine Licence Part 2, Condition 1 - **height of cable protection**

To **note** the MMO's and the Applicant's responses to question 1.64 and the statement in paragraph 4.41 of the SoCG between the Applicant and the Maritime and Coastguard Agency [REP-082].

- ss) Draft Deemed Marine Licence – **drafting point**

To **note** the Applicant’s response to question DCO 1.65 and the Applicant’s modification of this Condition in the draft DCO submitted at Deadline 2.

- tt) Draft DCO and draft Deemed Marine Licence - **overlap with the Triton Knoll Offshore Wind Farm Order**

To **note** the response of the MMO to question DCO 1.66 and to discuss aspects of the overlap of the proposed Triton Knoll Electrical System Order limits with those in the Triton Knoll Offshore Wind Farm Order.

*This item will draw on, inter alia, responses to the ExA’s first question DCO 1.66.*

- uu) Draft DCO and draft Deemed Marine Licence - **transfer of the benefit of the order**

To discuss aspects of the transfer of the benefit of the order

*This item will draw on, inter alia, responses to the ExA’s first question DCO 1.12, DCO 1.13 and DCO 1.67.*

- vv) Draft DCO and draft Deemed Marine Licence - **partial transfer of a Marine Licence**

To discuss aspects of a partial transfer of a Marine Licence

*This item will draw on, inter alia, responses to the ExA’s first question DCO 1.68.*

- ww) Draft DCO and draft Deemed Marine Licence - **modification to the Triton Knoll Offshore Wind Farm Order 2013**

To **note** the Applicant’s response to question 1.69.

*OTHER ISSUES*

- xx) DCO 1.70 **Article 4 Direction**

To discuss the need for an Article 4 Direction.

This item will draw on, inter alia, responses to the ExA’s first question DCO 1.70.

yy) To discuss any implications of the interchangeable use of “accords with” and is “in accordance with” throughout the draft DCO.

**6. Possible New Requirements**

To discuss suggested new Requirements put forward by:

- a) the Environment Agency in its Relevant Representation [RR-106] in respect of a written scheme in the case of finding contamination not previously identified
- b) the Environment Agency in its Relevant Representation [RR-106] in respect of a Scheme to protect the current Bathing Water Directive

*This item will draw on, inter alia, responses to the ExA's first questions DCO 1.51, 1.52 and 1.53.*

**7. Any other relevant business**

**8. Close of Hearing**