



## Meeting Note

<b>File reference</b>	<b>EN010025 – East Anglia Offshore Windfarm (Zone 5) – East Anglia ONE</b>
<b>Status</b>	<b>Final</b>
<b>Author</b>	John Pingstone

<b>Meeting with</b>	East Anglia One Ltd. (EAOW) and Bond Pearce
<b>Meeting date</b>	3 October 2012
<b>Attendees (Planning Inspectorate)</b>	Mike Harris (Case Manager) Jolyon Wootton (Case Officer) John Pingstone (Assistant Case Officer) Tim Hallam (Legal Manager) David Price (EIA Manager) Hannah Nelson (EIA Advisor)
<b>Attendees (non Planning Inspectorate)</b>	Helen Thompson (EAOW) James Donald (EAOW) John Houghton (Bond Pearce) Victoria Redman (Bond Pearce)
<b>Location</b>	The Planning Inspectorate offices, Temple Quay House, Bristol

<b>Meeting purpose</b>	Project update, draft DCO and environmental matters discussion.
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<b>Summary of key points discussed and advice given</b>	<p>EAOW and Bond Pearce on their behalf had been previously advised of the Planning Inspectorate's openness policy, that any advice given will be recorded and placed on the planning portal website under s.51 of the Planning Act 2008 (as amended by the Localism Act 2011) (PA 2008) and that any advice given does not constitute legal advice upon which applicants (or others) can rely.</p> <p><b>General Project Update</b></p> <p>The Planning Inspectorate asked whether EAOW are still working to the intended submission date of 14 November 2012. EAOW confirmed that this remained the case. The Planning Inspectorate confirmed that we had received a draft of the Development Consent Order (DCO), Report to Inform Habitats Regulation Assessment and Explanatory Memorandum (EM) and had had the opportunity to review these documents prior to the meeting.</p>
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### ***Environmental Matters***

The Planning Inspectorate provided general feedback and comment on the draft Habitats report provided by EAOW. In particular the Planning Inspectorate pointed to the consistency of the description of the development in relation to the worst case. The Planning Inspectorate highlighted the reports approach to the assessment of effects on certain ornithological features and advised consideration of existing examinations and representations. The Planning Inspectorate also suggested that EAOW consider how best to approach the in-combination assessment taking into account (amongst other things) future projects within the zone.

The Planning Inspectorate enquired about the level of engagement that EAOW had had with key statutory bodies including the Joint Nature Conservation Committee (JNCC) and Natural England (NE). EAOW said that JNCC had committed to working with them at the pre-application stage, and that JNCC had been working with NE, although it was not clear which body was taking the lead role. The Planning Inspectorate pointed out that early engagement is very much encouraged as it can help focus the examination on the key issues.

EAOW said that in-combination and cumulative impact assessments were still an issue between them and JNCC/NE, particularly in relation to the possible impacts on the Alde-Ore SPA and the interaction of this project with the consented Greater Gabbard, and proposed Galloper off-shore wind farms. EAOW also stated the HRA report to inform will not include an in-combination assessment with future projects in the zone because there is not enough information on these projects to define potential impacts/LSE effects with any certainty. It is the responsibility of the applicants for future projects to consider in-combination with East Anglia ONE.

The submission of Statements of Common Ground (SoCGs) at application stage was raised. EAOW said that they had no plans to submit SoCG at that stage but that they were working to establish areas of common and uncommon ground with key consultees and could give The Planning Inspectorate an overview of this upon the submission of the application. EAOW also highlighted that many key consultees are facing resourcing difficulties and are therefore unable to progress SoCG until requested to do so by the Planning Inspectorate.

The Planning Inspectorate confirmed that agreeing SoCG with key bodies can be helpful in narrowing down issues at the earliest possible stage, but that there would be the opportunity to submit SoCGs at the examination stage should the application be accepted.

The Planning Inspectorate asked whether EAOW had had sight of our Habitats Regulation Assessment (HRA) matrices. It was explained that the matrices have been developed by the Planning Inspectorate to assist the relevant Secretary of State as competent authority in fulfilling the requirements of the Habitats Directive and the Habitats Regulations in the context of the PA 2008 process. The ExA will use the information provided in the screening and integrity matrices submitted with the application to inform their initial assessment of the principal issues. The Planning Inspectorate said that it is helpful for these to be completed at the pre-application stage and submitted with the application. EAOW confirmed that these would be completed and appended to the HRA report submitted with the application. The Planning Inspectorate said that it would also be helpful to receive copy correspondence from Statutory Nature Conservation Bodies with the HRA report. The Planning Inspectorate mentioned that a revised version of its' Advice Note 10 would be published shortly.

Reference was made by the Planning Inspectorate to the guidance recently published by the DEFRA Major Infrastructure and Environment Unit (MIEU), and EAOW confirmed that they had met officials from the MIEU but that recent guidance was not relevant to East Anglia ONE (though would be considered for future projects subject to HRA screening).

The Planning Inspectorate said that where mitigation was stated to be provided in the Environmental Statement (ES), it should be possible to clearly identify the relevant provision(s) in the draft DCO which secured this. EAOW said that a commitments register could be provided which would reflect that.

### ***Transboundary Impacts***

A discussion was had concerning the progress of work on transboundary impacts. EAOW explained that they have had considerable engagement with Dutch, Belgian and French fishermen and Authorities, with a particular focus with the Belgians on cumulative noise work. There is a Transboundary Chapter in the ES and these discussions

are reported in the Consultation Report. EAOW said that they believed that there are no significant transboundary issues.

EAOW asked if the Planning Inspectorate had carried out its obligations under regulation 24 of the Infrastructure (Environmental Impact Assessment) Regulations 2009. It was confirmed that a statutory advertisement had been published, and that the process was ongoing. The Planning Inspectorate to provide EAOW with the relevant documents.

***Issues surrounding related projects in Zone 5***

A discussion was held surrounding the nature of the project with regard to the presentation of additional ducting for future projects within the DCO and Explanatory Memorandum. It was noted that the draft EM extract provided to the Planning Inspectorate prior to the meeting referred to 'phases' rather than 'projects' in regard to East Anglia THREE and East Anglia FOUR, which are planned future developments within Zone 5. EAOW suggested that the wording can be amended to reflect the fact that they are separate projects that are linked.

The Planning Inspectorate enquired whether the consultation/publicity carried out under ss.42, 47 and 48 of PA 2008 had taken into account the ongoing debate regarding the ducting. EAOW confirmed that it had covered this issue.

***General update on future projects***

It was explained that the scoping requests for East Anglia THREE and East Anglia FOUR are likely to be submitted in November 2012 and the applications are hoped to be submitted to the Planning Inspectorate in Q4 2014. The Planning Inspectorate enquired whether the developer had had any consideration of in-combination effects of East Anglia THREE and East Anglia FOUR with East Anglia ONE. EAOW said that the later projects were not sufficiently developed at present to enable them to consider such effects although 'high-level' cumulative impacts would be included in the ES. The Planning Inspectorate suggested that despite the fact that in-combination effects were not being considered, it would be helpful if the developer provided a written discussion within their ES/HRA report to justify their decision.

In regard to future consultation it was suggested that given the number of projects in Zone 5 there was some potential for the local community to become confused about exactly which project was being consulted upon. EAOW explained that they were aware of this issue and that they have endeavoured to set out the nature of the projects in clear terms.

***Draft DCO***

Bond Pearce explained their approach towards the compulsory acquisition provisions in the draft DCO, and how they were proposing to deal with the interests sought to be acquired in the application. The land plan and Book of Reference were discussed. It was explained that the Book of Reference would be divided into plot categories, that the individual plot numbers would be included on the land plan, and that various rights were being sought. The statement of reasons would include an explanation regarding the ducting issue.

An overview of the provisions and requirements was then provided. The Planning Inspectorate queried whether applications would be required under s127, s132, or s136 of PA 2008. EAOW confirmed that there would be one s127 application in relation to two network rail HDDs.

Bond Pearce explained that the draft DCO is still an evolving document at this stage, and pointed out some of the most recent changes. The Planning Inspectorate confirmed that we did not have the most recent version, and that it would be helpful if we could receive a copy.

EAOW discussed the plans that accompany the DCO, and significant features of the onshore works were flagged to the Planning Inspectorate.

Works relating to the converter station were discussed, and it was queried whether this would include 1 or 2 buildings/structures and whether these would extend to the edge of the marked area. EAOW explained that it would depend on the technical specifications of the manufacturer and could be 1, 2 or 3 converter hall buildings, but that the worst case scenario (2 converter hall buildings) had been assessed in the Environmental Impact Assessment (EIA).

EAOW raised the fact that they had widened the order limits in some areas to accommodate potential land use

for future proposals. Work 36 was notable as there are likely to be some proposals to use some of the land for greenhouses which would utilise waste heat from a nearby SITA energy from waste plant which had planning permission and is currently being constructed.

EAOW spoke about some community concern over works in the vicinity of Little Bealings. They pointed out that they had employed engineers to make presentations to the local community in order to explain the difference between Open Cut Drilling and Horizontal Directional Drilling (HDD) and that as a consequence of this HDD would be proposed in the final application.

With regards the proposed HDD works under the River Deben, EAOW said that it was now proposed that deliveries would be made by lorries rather than by water because of possible impacts on the SPA/concerns raised by recreational users of the river.

EAOW said that where articles in the draft DCO provided for consent being deemed from bodies after a 28 day notification period the relevant bodies concerned were happy with this approach.

The Planning Inspectorate noted that the draft construction noise requirement allowed for 24 hour working and in view of this the Planning Inspectorate asked whether the noise assessment had been done on the basis of 24 hour working. EAOW confirmed that they had assessed this as the worst case impact at HDD sites.

The Planning Inspectorate asked whether EAOW had had any discussion with the drainage board or the Environment Agency. It was confirmed that they had discussion with the drainage board, but that no protective provisions had been requested by either body to date. The Environment Agency had also been asked for comments, but had decided not to comment at this stage.

EAOW said that they had been in discussions with the MMO, who are broadly happy with what is being proposed, and their final meeting is on 12 October 2012. The only outstanding issue was in relation to benthic monitoring during construction, particularly noise monitoring. EAOW said that a 'letter of comfort' from MMO could be provided with the application.

	<p>EAOW said that they were still in discussions with the County Archaeology Service regarding the draft archaeology requirement.</p> <p><b>General Points</b></p> <p>EAOW discussed their approach to the application documents, explaining that all of the normal application documents had been prepared and that in addition several non-statutory documents had been produced. It was felt that this would assist the Examining Authority should the application be accepted. The additional documents include illustrative plans on the converter station layout, a planning statement, a design and access statement, an ecological management plan, and a code of construction practice.</p>
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<b>Specific decisions/ follow up required?</b>	The Planning Inspectorate to provide EAOW with copies of the transboundary Impacts notification/consultation.
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<b>Circulation List</b>	All attendees
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