



Preliminary Meeting Note

Application	Hornsea Offshore (Round 3 Zone 4) Wind Farm – Project One
Reference	EN010033
Date	10 December 2013
Venue	The Asbourne Hotel, North Killingholme, Immingham

This meeting note is not a full transcript of the Preliminary Meeting but a summary of key points discussed and responses given. A complete audio recording of the event is available on the Planning Inspectorate's website.

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LIST OF PARTICIPANTS:

Robert Upton	Lead member of the Panel
John Glasson	Member of the Panel
Peter Widd	Member of the Panel
Katherine Chapman	The Planning Inspectorate
Hannah Dickson	The Planning Inspectorate
Andrew Newcombe QC	SMart Wind
Scott McCullum	SMart Wind
Chris Jenner	SMart Wind

Jamie McPherson	Natural England
Mike Quigley	Natural England
Francis Burrows	Marine Management Organisation
Richard Green	Marine Management Organisation
William Hill	North Lincolnshire District Council
Paul Edwards	Boston Borough Council
Bill Turner	North East Lincolnshire District Council
Chris Panton	East Lindsey District Council

***Please note:** The above is not a full list of those who attended the meeting, only of the organisations/individuals who wished to speak.*

1.0 Welcome and Introductions

Robert Upton (**RU**) began by explaining the housekeeping procedures. Attendees were thanked and **RU**, John Glasson (**JG**) and Peter Widd (**PW**) introduced themselves. **RU** confirmed that they were the Panel appointed by the Secretary of State for Communities and Local Government to be the Examining Authority for this examination and to report to the Secretary of State for Energy and Climate Change with a recommendation as to whether consent should be given.

RU introduced the Case Team from the Planning Inspectorate and advised that any procedural questions outside of the meeting should be directed to Katherine Chapman (**KC**) as the Case Manager.

Attendees introduced themselves. **RU** asked if any members of the public wished to speak. No responses were received. It was confirmed that individuals would be welcome to speak later in the meeting if they wished. **RU** said that as the meeting is not a public one, if anyone wished to speak, they should indicate this. They would then be called to speak at the appropriate time.

RU said that if any individual, group or organisation intended to use social media, report, film or record during any hearing, then they could do so. He asked that this be done responsibly and with proper consideration for other parties. This must not be misused or disruptive and no individually recorded items could be relied on as evidence by any party or used in submissions.

RU explained that the purpose of the meeting was to consider procedural issues only relating to the way in which the application is to be examined and the timetable for that examination. Matters relating to the merits of the proposal would not be discussed.

RU stated that the examination would commence after the meeting closed, and explained that as soon as possible after the meeting closed the Planning Inspectorate would send out a brief note of the meeting and a Rule 8 letter confirming the examination timetable, with any modifications that the Panel had decided to make.

RU stated that the Panel did not propose to make or announce any procedural decisions at the meeting.

RU referred to the items on the agenda for the meeting and stated that the

'Principles of the Examination Process' item would include a brief review of the Initial Assessment of Principal Issues attached as Annex C to the Rule 6 letter of 18 November 2013. In addition to this **RU** explained that the 'Timetable for the Examination' item included the deadlines for submissions and proposals for written representations, Local Impact Reports, responses to the Panel's first written questions, Statements of Common Ground and notifications relating to hearings and site visits.

2.0 Principles of the Examination Process

RU said that he would set out the main features of the examination process as prescribed by the Planning Act 2008 (PA2008) for those who were not familiar with it. He would then try to answer any questions, although a detailed discussion of the arrangements would come under the timetable item on the agenda.

RU added that the purpose of the examination was to enable the Panel as Examining Authority (ExA) to make a recommendation to the SofS for Energy and Climate Change as to whether this proposal should receive consent in the form of a Development Consent Order under the PA2008.

RU explained that the PA2008 had brought in a distinct regime for the consideration of proposed Nationally Significant Infrastructure Projects. Firstly, it was an inquisitorial process, in which the ExA would take the lead in establishing what is important and relevant to the decision which the SofS needed to take. **RU** stated that the Panel would be looking for evidence of what is important and relevant, and testing the evidence put forward to see how robust it was; and secondly, as s.90(1) of PA2008 states, the ExA's examination of the application would take the form of written representations about the application.

RU informed the meeting that with the Rule 8 letter that the Panel would be issuing their first round of written questions to all parties. These questions would draw on the Panel's own examination of the application documents and the Relevant Representations made by Interested Parties and Statutory Consultees. The questions would broadly reflect the Panel's Initial Assessment of Principal Issues.

RU requested that if the Panel asked a question which covered the same ground as a point which an interested party wished to make in their written representation, then they should ensure that they answered the question in the terms in which the Panel had asked it. Interested Parties were asked to ensure that points made in their written representation were consistent with their further responses and to ensure that they cross-referenced their submissions.

RU said that the Rule 8 letter would set a deadline for the receipt of responses to those questions and comments on the Relevant Representations. **RU** explained that as soon as they were received the responses would be published on the PINS project website for everyone to see. There would then be a further period, also specified in the Rule 8 letter, for any other interested party to offer comments on both the responses to the Panel's questions and also the Relevant Representations.

RU then explained that this might then be followed by a second round of questions and answers, and subsequent comments on those answers. Any second round would probe deeper into unanswered points and address any new points that might have emerged. In addition to these iterations of questions, answers and comments the Panel might at any time during the examination seek further information or written

comments under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010.

There would also be hearings, but these should be understood as building on the foundations of the written representations, questions and comments. Interested parties should seek to engage fully throughout the written processes rather than think that they could wait for a particular hearing as their opportunity to influence the proceedings. They should also follow the documentation of evidence as it appears on the project website so that they could see how the examination was progressing.

RU gave a final word about the written process and emphasized that it was the duty of the Panel to ensure that the examination is fair and comprehensive, and as such there would be a significant number of first round questions which would cover a wide range of subject matter. The Panel must be sure that all the issues which might be relevant and important were identified, surfaced and shared, so that they could be tested properly.

Any document that any party wished the Panel to consider must become an examination document, formally lodged as part of the examination process and available to all parties for examination. A document could become an examination document as a relevant or written representation, as an answer to a question from the Panel, including questions under Rule 10 and Rule 17, or as a written proof of oral case after a hearing. **RU** stressed that any documents to be considered as part of the examination must be submitted through such a formal procedure: documents simply passed to **KC** or the Planning Inspectorate's Case Team at a hearing would not become examination documents.

RU moved on to explain the different types of hearing under the PA2008. He emphasized that Open Floor Hearings must be held if requested by any interested party (under s.93), together with Compulsory Acquisition hearings, which must be held if requested by any affected person (under s.92). He then moved to the final hearing type, Specific Issue hearings, and explained that, as s.91 required, these would be held if the ExA decided that they were necessary to ensure adequate examination of the issue in question, or to ensure that an interested party had a fair chance to put their case.

The draft timetable which accompanied the Rule 6 letter had identified dates by which interested parties must give notice of the deadline by which the Panel must be informed of their wish to be heard at an open floor meeting. The date provisionally arranged for such a meeting was 4 February, although the Panel had alternative dates to discuss.

Asking questions (rather than cross-examination) at any Issue Specific or Compulsory Acquisition hearing was at the Panel's discretion. The Panel would hear any initial submissions on this point when the timetable is discussed later in the meeting. It might be decided that asking questions was desirable in a particular hearing even if no submissions had been received requesting it. Again, the Panel would not be making any decisions at the Preliminary Meeting on this matter.

The report which went to the Secretary of State would have as its core the ExA's recommendation as to whether the draft Development Consent Order, either in its current form or more likely as amended during the examination, should be approved. Even if the Panel did not recommend that consent should be given the Panel would still recommend what it considered would be the most appropriate DCO if the

Secretary of State were to go against that recommendation. The important point was that all matters relating to the draft DCO, including the draft Marine Licences, were integral parts of this examination.

RU asked if there were any questions about the principles of the examination process. No responses or observations were made by those attending the meeting.

Initial Assessment of Principal Issues

RU stated that the Panel's Initial Assessment of Principal issues was circulated as Annex C to the Rule 6 letter, and that this list was not intended to be comprehensive or exclusive and as such the headings had been kept quite broad. If any other issues arise which appeared to be important and relevant, they would also become part of the examination.

RU asks if there were any additional issues which any interested party would like to raise which they thought might or should affect the structure of the examination. None were put forward.

3.0 Timetable for the examination

The draft timetable, including the Panel's proposals for deadlines for submission and dates reserved for possible hearings and accompanied site visits were set out in Annex D to the Rule 6 letter. **RU** noted that some procedural decisions had been made already under s.89(3) in respect of the deadlines for Statements of Common Ground (SoCG) and Local Impact Reports (LIR).

RU moved on to the possible alternative timetable that the Panel had drafted to avoid clashes with the North Killingholme project, which involved some of the same parties. **RU** stated that he would go through an alternative timetable item by item, but made two points first. Firstly, attendees were asked to note that item 16 of the timetable established Tuesday 10 June 2014 as the date by which the examination must be completed. **RU** said that all interested parties should be aware that at any time after the last deadline or event set out in the Rule 8 letter the Panel might decide under s99 that the examination was complete, and they would be told that this had happened after the event. Secondly, in regard to SoCG if Interested Parties had any comments to make on them, they should make the Panel aware of this.

Alternative Timetable Document

RU asked if attendees had any observations or questions on the draft timetable generally. **AN** responded on behalf of the applicant and confirmed his agreement with the suggested timetable. **CP** from East Lindsey District Council also agreed and confirmed that the amended timetable would be helpful.

RU then proceeded to talk through the suggested timetable. Items 1 and 2 had already been dealt with, so he began with item 3 of the timetable and asked the applicant if they would be able to meet the first deadline (Deadline 1) due by 20 January 2014. **AN** confirmed that the applicant could meet this deadline.

RU asked the applicant to provide a clear table of common items in all the separate SoCGs to be submitted by the first deadline (20 January 2014). The table could then be updated throughout the examination.

RU stressed that the submission of a SoCG did not mean that the Panel would not examine those points further. In fact part of the value of a SoCG was in identifying the points that were still at issue between parties (the 'uncommon ground').

The attendees did not have any comments to make with regard to Items 4 or 5. **RU** asked those attending to note that anyone who spoke at an Open Floor Hearing should expect for the Panel to ask them questions.

Regarding Item 6 **RU** confirmed that the purpose of the first DCO hearing would be exploratory to understand how the draft DCO and Deemed Marine Licences were intended to work and what concerns other parties might have.

RU referred to Items 7 and 8 of the timetable; no comments were made by anyone in response.

RU asked the applicant whether they knew if any parties were likely to call for a Compulsory Acquisition Hearing (**CAH**) (Item 9). **AN** stated that they were not sure at this stage. **AN** confirmed that the applicant thought that one day should be enough for any hearing. **RU** also asked the applicant if they were happy that they had identified all s.138 parties. **AN** confirmed that they were.

Regarding Item 10 **RU** said that the Panel was very likely to issue a second round of Questions.

RU referred to Items numbers 11 – 14 as worded on the timetable. No comments were made regarding this.

RU asked the attendees if anyone had any further comments to make with regards to the draft timetable. No comments were made.

Management of the draft DCO

RU stressed the need for the applicant to ensure that each time changes were made to the draft DCO, that the changes were track-changed in two versions – one showing the changes since the last draft, and a further version showing all changes since the application draft.

AN asked that The Panel should notify them as much in advance of any points that they wished to discuss at the first Specific Issue hearing on the DCO. **RU** agreed: the first round of written questions would cover a significant number of draft DCO points, and a detailed agenda would be issued at least one week before the first SI hearing on the draft DCO.

RU asked the applicant for a progress report on the drafting of Protective Provisions, and whether there would be any more that the Panel would see shortly. **AN** confirmed that there probably would be.

RU asked whether the applicant was using the up-to-date Statutory Instrument template. **AN** so confirmed. **RU** asked that the versions submitted during the examination should be in Word, since the SI version was unstable on the PINS project website. The applicant's final versions should be in both Word and the SI template.

RU asked if the applicant intended to update any other parts of the application documents at this stage, and when could the Planning Inspectorate expect the next version of the Book of Reference. **AN** confirmed that they had already sent a first updated version. **RU** asked a track-changed version is submitted as well as an updated non track-changed version, so that the Planning Inspectorate can track how the document has evolved from the start of the process.

Site visit

RU moved on to discuss the plan for the proposed site visit on 4 February, and confirmed that the Panel were anxious to see the export cable landfall at low-tide, and asked the applicant if they had planned for this. **AN** said that the applicant would confirm the point.

RU asked whether any parties considered that the Panel needed to make a marine site visit to the location of the proposed WTGs or any part of the export cable: the Panel could not see such a necessity. The parties all confirmed their agreement.

RU also referred to the temporary work sites, and asked the applicant how many of them the Panel would be able to see at the site visit. **AN** answered that the Panel should be able to see them all, but the Panel might care to specify which they particularly wished to see. **RU** said that the Panel would certainly like to see the largest work sites, but that they would consider whether there were specific smaller sites and advise the applicant in due course. **AN** said that the applicant would also consider whether there particular sites that the Panel should see.

Any other business

The applicant mentioned the Book of Reference, which had already been referred to, and stated that they were conscious that they should only acquire the minimum amount of land required and therefore would be updated to reflect this.

Natural England and the MMO had no other business to raise.

AN told the Panel that the applicant had already sent their SoCG to the various Local Planning Authorities. Mr Hill confirmed that North Lincolnshire Council had already received their copy, and they were broadly happy with its contents.

WH said that North Lincolnshire Council proposed to submit a topic-specific Local Impact Reports (LIR), focusing on archeology and highways matters in their LIR. **RU** said that the content of LIRs was a matter for the local authorities, and they should focus on the matters that they considered most significant. It would be helpful if all Las submitting LIRs used common data bases if they were covering the same topics.

RU asked **PE** of Boston Borough Council whether they would be submitting a LIR. **PE** said that they would not. The other Local Authorities represented at the Preliminary Meeting confirmed their intentions to submit a LIR.

6.0 Close of the Preliminary Meeting

RU asked whether there were any other issues that anybody wished to raise regarding the Examination. No responses were received.

RU thanked everyone for attending the meeting and confirmed that the meeting was at an end.

Meeting closed at 10:56am