



## Applications by:

- **East Anglia ONE North Limited for an Order Granting Development Consent for East Anglia ONE North Offshore Wind Farm; and**
- **East Anglia TWO Limited for an Order Granting Development Consent for East Anglia TWO Offshore Wind Farm.**

## Frequently Asked Questions (FAQs)

Version 3.0 issued on **8 December 2020**.

Applicable to Examinations processes and events from **1 January 2021**.

This FAQ document aims to assist people involved in the Examinations who have questions about the Examination Timetables, procedures and arrangements.

It combines responses to questions relating to the Examining Authorities (ExAs) Coronavirus response, with responses relating to the delivery of two Examinations in parallel. It replaces FAQ documents published on 3 January, 21 May, 16 July and 12 October 2020. There have been substantial reductions in text from previous versions in response to publication of the Planning Inspectorate’s Advice Note 8.6 on virtual examination events on 30 September 2020, which should also be read. It may be updated from time to time at the discretion of the ExAs.

Issues are grouped under the following topic headings, which can be clicked to go directly to that topic.

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## THE EXAMINATIONS

### 1. Why can't the Examinations be postponed until after the Coronavirus pandemic is over?

The Coronavirus (COVID-19) pandemic has had a significant impact on society. During the early stages, the Planning Inspectorate followed Government advice at the time and suspended all casework activities involving unnecessary travel and public gatherings. These included hearings and accompanied site inspections. Over June to August 2020, lockdown restrictions were eased as infection rates fell. Between September and November 2020 infection rates rose, bringing additional local and national controls into force. Significant controls are anticipated to remain in force until March 2021. It is still uncertain when and how large meetings and hearings for planning purposes will be able to be held in the traditional way, in large indoor venues. The Government has made and will make public health judgments moving forward, considering infection rates and emerging factors such as when mass testing, a vaccine or effective drug therapy are available. The ExAs must abide by those judgments and legal requirements that apply.

However, the planning system has a role to play in supporting the UK's economic recovery. Planning decisions of all types still need to be made, as if decision-making was to be halted completely, substantial adverse economic and employment consequences would emerge in the design, construction and related sectors of the economy. Where the development of national infrastructure is argued to meet national needs, a cessation of the assessment and decision-making processes could leave important needs unmet for longer than necessary. A [Written Ministerial Statement](#) was made on 13 May 2020 by the Secretary of State for Housing, Communities and Local Government. The statement emphasised the importance of planning's role. It called for the resumption of hearings using online documents and virtual events and it remains in force. Given the importance of this work, there is no option nor any practical reason to postpone these Examinations until the pandemic ceases to be a consideration.

The applications under examination also include proposals for the compulsory acquisition and temporary possession of land. As long as the applications remain undecided, such proposals are economically and socially disruptive for the people and businesses that they affect. It is important that, if there are means of resolving this disruption sooner rather than later, delay and the blight that can flow from it should be minimised.

The Planning Inspectorate is currently delivering the great majority of its casework using virtual methods. Within its national infrastructure casework, many virtual hearings have now been held, all of which have so far been conducted successfully.

The ExAs consulted all Interested Parties in these Examinations about the possible use of virtual meetings and hearings. They noted the preference of a considerable number to delay hearings until purely physical events can be



conducted. On balance however, it is also clear that the great majority of Interested Parties can participate in virtual events, as long as they can be joined using conventional land-line telephones as well as using internet connected digital devices. Specific steps were taken to identify whether support was required for any Interested Parties who could not participate in virtual events and only a very small number of requests were made.

The ExAs are confident that the ongoing conduct of these Examinations provides for a fair, open and impartial examination of the issues.

## **2. Coronavirus restrictions are changing. Why don't you issue Examination Timetables providing for physical meetings and hearings?**

There is a starting principle that examinations events must be planned based on the public health controls in force at the time that they are planned. But as we now know, infection rates and the provisions within public health controls can change significantly in as short a period as a month. Any examinations event must be sustainable in a wide range of reasonably foreseeable changed circumstances that are both better and worse than those at the current time. Because it is a consequence of tightening controls that physical meetings and hearings can become undeliverable, or subject to very restrictive delivery methods, the ExAs must make reasonable allowances in event designs for the possibility that public health controls might tighten in the gap between the service of notice for an event and an event itself.

Virtual Preliminary Meetings (PMs) and Open Floor Hearings (OFHs) have been held. The ExAs have had to take decisions to hold virtual Issue Specific (ISHs) and Compulsory Acquisition Hearings (CAHs) in December 2020. At the times the ExAs had to make decisions about how to hold these events, restrictions in force did not permit us to hold them as large indoor public gatherings.

The ExAs remain aware of the widespread preference of many Interested Parties to attend physical hearings. The draft timetables as originally designed in July 2020 retained the flexibility to hold physical events in the second half of the Examinations – if public health controls allowed and it was prudent to do so. However, it is now clear that although there will be a pattern of regional differences, substantial public health controls will remain in place until March 2021. Firm decisions about events to be held in January 2021 have now been taken and the only clearly deliverable options for these events at the point of decision were virtual.

In relation to later events in February and (possibly) March 2021, whilst firm decisions are yet to be taken, until infections rates are demonstrated to be dropping due (for example) to new interventions such as a mass testing or vaccine programme, physical events will require careful risk assessment and detailed venue management. They will remain vulnerable to delay or loss if infection rates rise or controls tighten on a local or national basis once more. It is a substantial consideration that there are proven virtual methods of conducting events that can be used in almost any foreseeable circumstances in which public health controls continue to apply and that only a very small number



of Interested Parties have requested any special assistance with participation in virtual events.

The Planning Inspectorate has provided substantial support to participants – including holding familiarisation sessions before all virtual events, providing hands-on experience with virtual event technology and etiquette. Where virtual events are used in these Examinations it will continue to do so for new participants.

Because they are normally held outdoors and in circumstances where small numbers of attendees can be effectively socially distanced, Accompanied Site Inspections (ASIs) typically do not raise the same issues of compliance with public health controls as hearings. The public health controls in force retain the potential to hold physical ASIs, as long as social distancing protocols are observed on site. This is likely to remain the case as long as controls do not become significantly tighter than during the November 2020 national lockdown: and that risk is considered to be low. The ExAs are currently planning to hold physical ASIs in January 2021. We have also held and plan to continue to hold physical Unaccompanied Site Inspections (USIs).

### **3. Where can I find the Examination Timetables?**

The timetables in force can be located on the project websites timetable tabs and latest versions can also be found the Examinations Libraries in the documents tabs.

- <https://infrastructure.planninginspectorate.gov.uk/projects/eastern/east-anglia-one-north-offshore-windfarm/>
- <https://infrastructure.planninginspectorate.gov.uk/projects/eastern/east-anglia-two-offshore-windfarm/>

### **4. Why do the timetables need to change?**

The ExAs keep the timetable under constant review. Changes to the timetables will need to be made to respond to the Applicants' requests made on 2 November 2020 to seek compulsory acquisition (CA) and or temporary possession of some additional land and rights. Any persons affected by those proposed need to be provided with a full and fair opportunity to become involved in the Examinations. Further timetable changes may be sought and in considering whether to make them, the ExAs will pay close regard to the need to meet applicable procedural rules, to provide natural justice and procedural fairness to all involved in the Examinations.

### **5. Do the ExAs need to hold any hearings at all?**

Examination of Nationally Significant Infrastructure Projects (NSIPs) under The Planning Act 2008 (as amended) (PA2008) is primarily a written process. Whilst public health controls remain in force, the ExAs will protect Interested Parties from adverse health effects by maximising their use of written processes. However, there are certain circumstances where hearings must and will be held:



- Where Interested Parties request to be heard at an Open Floor Hearing, they have a right to be heard;
- Affected Persons (people whose land or rights are affected by a Compulsory Acquisition (CA) or Temporary Possession (TP) proposal) who object have a right to be heard on their objections; and
- There are certain matters that are complex and multi-factor in nature, requiring testing against policy or that remain in dispute, where hearings are more efficient than multiple rounds of written questions ever could be.

We have to hold hearings in order to make progress in the Examinations. In the current context, the best and fairest method is to hold virtual hearings.

## 6. What topics will be covered in the Issue Specific Hearings?

Given that there are restrictions on our ability to hold physical events and that virtual meetings or hearings typically take longer to accommodate fewer speakers, we have had to review and revise our approach to the examination of some issues.

For these reasons, the timetables start by requesting the submission of more written material to the Examinations than would typically have been the case before the pandemic. We aimed to obtain as much information as we possibly could in writing, early in the Examinations. In addition, our request for the provision of comments on Relevant Representations during the pre-Examinations period ensures everyone has greater clarity on the position of a range of parties on particular issues from the outset. This approach has helped and will continue to narrow/focus the issues at an earlier stage than normal. It has reduced the need for more generalised hearing sessions with large numbers of speakers, early in the Examinations.

Moving on to hearings, whilst operational flexibility was retained at the start of the Examinations and this meant that hearing topics were not as clearly defined as would typically have been the case in a pre-Covid timetable, having reached a view that all hearings will need to be virtual, the ExAs have now served notice and provided additional detail of the matters to be heard in January and February 2021.

Issue Specific Hearings (ISHs) were held between 1 – 3 December 2020:

- **ISH1** focused on biodiversity and habitats regulations assessment (HRA) and covered:
  - Offshore biodiversity
  - Onshore biodiversity
  - Habitats Regulations Assessment (HRA)
  - Cumulative and in-combination effects; and
- **ISH2** focused on onshore siting, design and construction and covered:
  - Onshore cable corridors and transmission connections
  - Siting
  - BEIS review



- Landscape
- Visual
- Historic environment
- Good design
- Cumulative and in-combination effects.

ISHs in January 2021 will include the following:

- **ISH3** focuses on biodiversity and habitats regulations assessment (HRA) and will cover amended positions in relation to:
  - Offshore biodiversity
  - Onshore biodiversity
  - Habitats Regulations Assessment (HRA)
  - Cumulative and in-combination effects
- **ISH4** focuses on onshore environment, construction and operational effects and will cover:
  - Onshore construction and operational effects including but not limited to flooding and drainage, noise, light and air quality
  - Onshore Traffic and transportation effects
  - Public rights of way (PRoW)
- **ISH5** focuses on social, economic, land and sea use effects and will cover:
  - Onshore land use, arts and culture, tourism, recreation
  - Offshore shipping, fishing, navigation, sea-use
  - Social and economic effects
- **ISH6** focuses on the structure, content and drafting of the draft Development Consent Orders (dDCOs).

ISHs in February 2021 will include:

- Further examination of terrestrial ecology
- Examination of seascapes
- Further examination of the dDCOs.

There may be a further Exceptional Issue Specific Hearing (EISH) in March 2021, but this will only be held at the discretion of the ExAs, to address circumstances where we consider that persons who should be heard have not been provided with a reasonable opportunity to be heard in the earlier stages of the examinations.

Further announcements will be made in due course about the content of and Agendas for these hearings.

The subjects for discussion at hearings are complex, multi-party and contentious matters that are difficult to manage in writing alone.



## **EXAMINING THE APPLICATIONS: THE RELATIONSHIP BETWEEN EAST ANGLIA ONE NORTH & EAST ANGLIA TWO**

### **7. How will the ExAs handle two parallel Examinations for the two separate DCO applications?**

The Examining Authority appointed to examine the East Anglia ONE North Offshore Wind Farm application consists of the same people as the Examining Authority appointed to examine the East Anglia TWO Offshore Wind Farm application. Whilst they consist of the same people, they are two separately appointed Examining Authorities, examining two separate applications. Ultimately, both applications will be fully and independently considered on their planning merits and a separate recommendation report will be produced for each application.

The ExAs recognise that there are some matters which will be common to their consideration of both applications, particularly in relation to onshore aspects of the projects. We have designed a process that allows us to examine common aspects of the two applications in parallel, where it is efficient and sensible to do so. For example:

- the deadlines for written submissions on both cases are identical, thereby simplifying the number of submission dates for parties; and
- the starting point is that hearings for the two Examinations will be held in parallel, allowing us to hear evidence on both cases at once and reducing the need for parties to repeat the points they wish to make.

### **8. What if there are matters that are relevant to only one of the applications?**

We recognise that there are some examination matters, particularly but not exclusively in the marine environment, which relate only to one or other of the applications. Where matters unique to one application are being examined, the timetable allows us to receive submissions in writing and at hearings that are relevant to that application alone.

### **9. How will the ExAs know whether submissions relate to just one application or both?**

#### Written Submissions

The ExAs have made Procedural Decisions which deal with the fact that two separate DCO applications are being examined by the same Examining Inspectors at the same time. The decision to do this was for efficiency and to ensure a consistent approach to the Examinations and consistent consideration of the issues.



Procedural Decisions 2 and 3 set out the approach – they are now linked in the [Procedural Decisions Tracker](#). This document is identical for both Examinations and can be found in both Examination Libraries.

In summary:

- Procedural Decision 2 emphasises the importance of ensuring that any material that is relevant to both applications is submitted to both Examinations. Parties must not assume that the Examining Authority for one application will copy submissions made only to that Examination over to the other Examination, as they cannot do so; and
- Procedural Decision 3 outlines a colour coding approach for written submissions to ensure that all parties can understand whether a submission relates to one application or to both.

### Preliminary Meetings

Preliminary Meetings (PMs) were held to make arrangements for the Examination of applications. We held the PMs for both applications on the same dates, at the same time and place. In practice, this meant that a single event discharged the duties of two separate PMs. We did retain the possibility of discussing matters relating to only one of the applications by pausing proceedings on one application to allow a separate discussion about just the other application to take place within the framework of the overall event. However, as matters turned out, that approach was not used.

### Examination hearings

The Examinations include Issue Specific Hearings (ISHs), Compulsory Acquisition Hearings (CAHs) and Open Floor Hearings (OFHs). We are holding hearings for the two applications on the same date, at the same time and place. This should avoid the need for participants to repeat their points if they are the same for both applications. In practice, this will mean that a single event is held, discharging the duties of two separate hearings.

However, if at any time it is necessary to discuss matters relating to only one of the applications, we can hold hearing sessions unique to that application to allow a separate discussion to take place. For matters where it is necessary to orally examine each application separately, we will hold hearing sessions consecutively rather than concurrently. This means that there will never be circumstances where there are two hearings for different applications happening at the same time. It is most likely that any separate consideration will occur as agenda items within hearings that otherwise provide for the examination of both applications.

### Site Inspections

Accompanied Site Inspections (ASIs) take place in the company of Interested Parties whereas Unaccompanied Site Inspections (USIs) are undertaken by the relevant Examining Authority members alone. We plan to undertake onshore site inspections for the two applications on the same date, at the same time and





place. A single event will normally take place, discharging the functions of two site inspections.

However, if it is necessary to inspect locations unique to just one of the applications, we have the discretion to do. Notice of any ASIs will be given in advance and those for January 2021 have now been provided. We will continue to publish a note of any USIs undertaken.

## **PARTICIPATING IN MEETINGS & HEARINGS**

Previous versions of these FAQs contained detailed responses to the following questions:

- 10. How do virtual hearings work?**
- 11. Why is requesting to be heard in advance of virtual meetings or hearings important?**
- 12. What equipment and software do I need?**
- 13. What if I don't have internet access?**
- 14. What is an 'Arrangements Conference'?**
- 15. How can I prepare for hearings? Is there any help for people to become familiar with virtual meeting and hearing methods and systems?**
- 16. What if I don't know whether I want to speak, or there are not enough speaking links or lines available?**

Advice on these matters can now be found in the Planning Inspectorate's [Advice Note 8.6: Virtual Examination Events](#).

### **17. How can I request to be heard?**

The Examination Timetables provided opportunities for Interested Parties to notify the ExAs of their wish to be heard. You may be asked to:

- complete an online involvement form on your smartphone or computer (used where there are large numbers of people requesting to be heard);
- send an email to the Case mailbox; or if these methods are not possible for you
- telephone or write to the Case Team.

However, you must have done so or do so by the relevant deadline.

If you registered as an Interested Party (IP) between 3 and 27 January 2020, the deadlines are as follows:

- For all Open Floor Hearings (OFHs) the deadlines were Procedural Deadline B (9 September 2020) and Deadline 1 (2 November 2020).
- For Issue Specific Hearings (ISHs) 1 and 2, the deadline was Deadline 1 (2 November 2020).
- For subsequent ISHs to be held in January and February 2021, the deadline is Deadline 3 (15 December 2020).



- For an Exceptional ISH<sup>1</sup> (EISH) that may be held in March 2020 if required, the deadline is Deadline 6 (23 February 2021).
- For Compulsory Acquisition Hearing 1 (CAH1) the deadline was Deadline 1 (2 November 2020).
- For Compulsory Acquisition Hearing 2 (CAH2) the deadline is Deadline 3 (15 December 2020)

If you are affected by an additional land request submitted by the Applicants on 2 November 2020 and have not yet registered as an Interested Party (IP) you will be provided with a opportunity to do so and advised of relevant deadlines for your requests to be heard. If you are concerned by material changes to the applications submitted by the Applicants on 2 November 2020 the ExAs will consider and advise how you might request to be heard.

### **18. What happens if I can't or I forget to request to be heard by the relevant deadline?**

For Open Floor Hearings, multiple events have been programmed to ensure that all people requesting to be heard can be heard. Unless you are affected by an additional land request submitted by the Applicants on 2 November 2020 and have not yet registered as an Interested Party (IP) or are concerned by material changes to the applications submitted by the Applicants on 2 November 2020, it is now too late to request to be heard.

Most Issue Specific and Compulsory Acquisition Hearings are unique and not repeated. They were or will be held once only and if you don't request to be heard by the relevant deadline, then again, you will have missed the opportunity for direct oral participation. Check the Examination Timetable carefully and make sure that you do request to be heard by the right deadline.

If you do miss the deadline to request to be heard, the following opportunities will still be open to you:

- As long as the event is still in progress, you will be able to view or listen to a live stream from a link on the National Infrastructure Planning website for the application;
- If the event has ended, you will be able to view or listen to a recording on our catch-up service; and

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<sup>1</sup> In circumstances where no physical or blended hearings are held in the Examinations, **the Timetables** reserve dates for Exceptional Issue Specific Hearings (EISH) to hear any final oral submissions from any parties with new topics identified in writing at Deadline 6 that have, for good reason, not had an opportunity to be heard at earlier virtual Hearings. Active participation at any such hearings would be at the invitation of the ExAs, following submission of a request to be heard at this deadline. Requests submitted at this deadline must identify the matter(s) to be heard and should seek to demonstrate that these are important and relevant, the subject of ongoing disagreement and so far have not had the benefit of adequate consideration and discussion at a hearing. The selection of matters for hearing following these requests will be at the ExA's discretion.



- All events have a deadline approximately one week after their closure, where people who have used the live-stream or catch-up service can submit their comments in writing.

Finally, at the end of both timetables, an 'Exceptional Issue Specific Hearing' (EISH) has been provided. This will only be held if required and speaking is only by invitation from the ExAs. However, if for good reasons you were unable to speak on an important and relevant matter earlier in the Examinations and that matter remains unexamined or in dispute you may request to be heard at the EISH.

Separate arrangements will be put in place for and communicated to people affected by an additional land request submitted by the Applicants on 2 November 2020 or concerned by material changes to the applications submitted by the Applicants on 2 November 2020.

### **19. I've read the FAQs above and Advice Note 8.6 and I still don't think that I can participate: what next?**

If you have access issues that are not addressed here or in the Planning Inspectorate's Advice Note 8.6: Virtual Examination Events, please contact the Case Team as soon as possible. The answer to FAQ 47 sets out their contact details.

### **20. What will virtual hearings in these Examinations be like?**

As events are held in these Examinations, you will find published recordings provide a valuable guide to the way in which future events will be held. Recordings of completed events are available in the banner, documents tab and Examination Libraries on both project web pages, for example:

- [Preliminary Meetings](#) (PMs) (from the East Anglia ONE North website)
- [Open Floor Hearings 1 - 5](#) (OFHs1-5) (from the East Anglia TWO website)

Written transcripts are also published for hearings – but as these are generated using a computer system and are not manually corrected, care is required with their use. They are a guide to and *aide-memoire* of proceedings, not a 100% accurate verbatim record.

In addition, several other National Infrastructure cases have held virtual hearings already, you may wish to view agendas and watch hearing recordings in order to become more familiar with the hearing format. These can be found on our website - <https://infrastructure.planninginspectorate.gov.uk/>.

Search in the projects search bar for the following cases that have already had virtual hearings, or follow the links below:

- Norfolk Boreas (an offshore wind farm) ([Open Floor Hearing 2](#));
- A38 Derby Junctions ([Issue Specific Hearing 8](#));
- M25 Junction 10 A3 Wisley Interchange Improvement ([Compulsory Acquisition Hearing 1](#)); and



- A1 Birtley to Coalhouse Improvement Scheme ([Issue Specific Hearing 2](#)).

## JOINING A VIRTUAL MEETING OR HEARING ON THE INTERNET

Previous versions of these FAQs contained detailed responses to the following questions:

- 21. Will I be able to participate from a computer, tablet or smartphone connected to the internet and will I need any special software?**
- 22. How do I join from a computer, tablet or smartphone?**
- 23. How will I know who is speaking at any given time?**
- 24. Will I be able to mute my microphone?**
- 25. What if I do not wish to appear on video?**

Advice on these matters can now be found in the Planning Inspectorate's [Advice Note 8.6: Virtual Examination Events](#).

- 26. Will my personal information be shared with any other participants?**

Our virtual events system Microsoft Teams will normally display the name and may sometimes also display the email address of participants to other participants using digital devices.

If you do not wish the email address that we are currently using to correspond with you to be seen by other parties, you can set up a free email account online using an on-line service to join with. Alternatively, your existing internet or email service provider may enable you to set up an 'alias' email address such as 'hearing.participant123@freemail.com'.

These measures will protect your privacy. If you plan to do this, please let us have any alternative email address as soon as you can so that we can send the invitation email and joining instructions to the correct email address.

Please check with your internet or email service provider or an intended alternative email service provider before the virtual meeting, hearing or familiarisation test event and ensure that you have taken any steps that you wish to take to prevent the disclosure of your actual email address to other users.

- 27. How will I know which documents the ExAs refer to, as I won't be able to see them?**

Where necessary, a small number of documents may be shared on screen during the hearings. These include the agenda and documents identified in and linked from the agenda. However, the sharing on screen of too many or too large documents can give rise to technical difficulties. We advise you to have the key documents available in either hard copy or already downloaded to your device.



Alternatively, all documents, apart from the National Policy Statement for National Networks, are available in the Examination Library. The ExAs will say when a document is being referred to during a hearing, providing its Examination Library reference number. The Examination Libraries are at:

- [East Anglia ONE North](#)
- [East Anglia TWO](#)

Accessing the virtual meeting or hearing from a computer or tablet using the web address link provided in the invitation email should allow you to see any documents that are shared during it. The relatively small screen on a smart phone may make that impractical.

Everybody with access to a web browser, including those who access a meeting or hearing by smartphone, should be able to access the documents by clicking on the link in the agenda or in the Examination Library.

## **JOINING A VIRTUAL MEETING OR HEARING BY TELEPHONE**

Previous versions of these FAQs contained detailed responses to the following questions:

- 28. Can I join by using any telephone?**
- 29. How do I join by telephone?**
- 30. Will I be able to mute and unmute my telephone during the event?**
- 31. How will I know who is speaking at any given time?**
- 32. How much does it cost to participate by telephone?**

Advice on these matters can now be found in the Planning Inspectorate's [Advice Note 8.6: Virtual Examination Events](#).

- 33. Will my number be visible to other participants and how can I ensure my privacy?**

A default setting in Microsoft Teams means that your number will be visible to parties who chose to participate in the virtual meeting or hearing or familiarisation test event by video.

If you do not want to display your telephone number, please add a privacy prefix before you dial the telephone number included in the joining instructions. On most UK telephone networks you can dial 141 before the telephone number. This will ensure that you remain anonymous and your telephone number is not shared with any other users. Some networks require you to use a different method. Certain telephone handsets also allow you to withhold your telephone number using a setting that is specific to your handset.

Please check with your telephone service provider and read the instructions for your telephone handset before the meeting, hearing or familiarisation test event



and ensure that you have taken any steps that you wish to take to prevent the disclosure of your telephone number to other users.

### **34. How will I know which documents the ExAs are referring to during the event as I won't be able to see them?**

Where necessary, a small number of documents may be shared on screen during hearings. These include the agenda and documents identified in and linked from the agenda. You are advised to have printed copies of these key documents available in hard copy. Alternatively, all documents, apart from the relevant Acts of Parliament, Statutory Rules and Regulations (Statutory Instruments) and National Policy Statements in force, are available in the Examination Library. The ExAs will say when a document is being referred to during a Hearing and provide its Examination Library reference number.

The Examination Libraries can be seen at:

- [East Anglia ONE North](#)
- [East Anglia TWO](#)

If you have access to the internet but are using the phone because eg your connection is slow or your computer does not have a camera or speakers attached to it, you can still access relevant documents by clicking on the internet link in the agenda or in the Examination Library on the project website.

If you do not have an internet connection, you may wish to obtain printed copies or extracts of documents in advance, from the libraries identified in Annex E to the Rule 8 Letters. Do alert the Case Team and/or Examining Authorities, so they are aware if you are not able to see the documents.

## **WHAT IF THINGS GO WRONG AT A VIRTUAL MEETING OR HEARING?**

### **35. What if I lose my connection?**

If you experience problems with your connection, then please try again using the same joining instructions. On a digital device, it may help to restart and to check whether your internet connection (including your router or modem) is working. On a phone, hang up and re-dial. If these steps do not work, contact the Case Team by email or telephone using the contact details provided in the invitation email. They will attempt to help you to join or re-join the meeting or hearing. It may be that, if you initially joined by video but that failed, you can still re-join by audio only (switch off your camera) or by telephone, to limit the effect of any technical issues that you may have been experiencing.



### **36. What if I can't re-join?**

If you can't join or re-join the meeting or hearing at all, the ExAs will consider the best way for you to still be able to participate in the Examinations. This may include requesting you to view or listen to a recording of the meeting or hearing and to make a submission in writing by the relevant deadline for submissions identified in the Examination Timetable. There may be an appropriate hearing later in the Examination that you could request to join, including the Exceptional Issue Specific Hearing (EISH) at the end. A technology failure excluding you from an earlier hearing is likely to provide sufficient reason for the ExAs to invite you to the EISH, if there is no other opportunity to be heard remaining in the timetables.

### **37. What if the event is disrupted?**

If a meeting or a hearing is disrupted by technical or other issues, the ExAs may adjourn it, or part of it, to another time, date or format. Time has been provided in the Examination Timetables for this to occur – and this explains the decision to reserve blocks of time in the timetables shown as for repeats of meetings or hearings '(if required)'. These contingency events are normally marked with the suffix 'A': so if an event provides contingency cover for Issue Specific Hearing 6 (ISH6) then it will be referred to as Issue Specific Hearing 6 A (ISH6A). If the meetings or hearings are not disrupted, reserved events are unlikely to proceed. They can be cancelled in the banner of the National Infrastructure Planning Website project page for the applications. The ExAs may also decide that it is possible for further written submissions to be made on any agenda items that were not able to be considered at a meeting or hearing. They will normally do so if anyone has lost what otherwise would have been a right or expectation to be heard orally. There may also be an appropriate hearing later in the Examination that you could join. Disruption to or loss of earlier hearing at which you were due to be heard is likely to provide sufficient reason for the ExAs to invite you to the EISH, if there is no other opportunity to be heard remaining in the timetables.

## **HOW DO I PROTECT MY PRIVACY IN VIRTUAL EVENTS?**

### **38. How do I ensure that my personal and private information is not published?**

All National Infrastructure hearings are recorded, and recordings are published on the examination project pages of the National Infrastructure Planning Website. By established practice, a digital audio recording has been published. You are advised not to place private and confidential material onto the oral record. If you feel that need to do so to support your case, seek procedural advice from the ExAs before you do so.

The technology used for virtual meetings and hearings support digital video recording by default. In order to discharge the Planning Inspectorate's legal



obligation to hold events in public, meetings and hearings with large numbers of Interested Parties can be live-streamed. If you are participating using a digital device but you do not wish to be included in a published or live-streamed video recording, you have the option to switch off your device camera during the hearing and the live-stream or recording will be of your voice alone.

The Secretary of State for Communities and Local Government (as was) has provided guidance on the examination of National Infrastructure applications for development consent<sup>2</sup>. This guidance provides as follows:

*'Hearings should be open to journalists and the wider public, as well as interested parties. Provided that it does not disrupt proceedings, all individuals present at hearings should be allowed to report, record and film proceedings including using electronic and social media. Examining inspectors will advise persons present at the start of hearings that the proceedings may be recorded and/or filmed, and that any persons using social media during or after the end of the proceedings should do so reasonably.'*

This guidance remains unchanged and so all participants in a virtual event must be aware that the event may be recorded by any attendee and that any such activity will only be regulated if it becomes unreasonable or disruptive to the event.

### **39. How to I ensure that my privacy is protected when I'm using a digital device to join?**

The virtual event system Microsoft Teams will normally display the name and may sometimes also display the email address of event participants to other hearing participants who are using digital devices.

After you click your joining link but before you join the event, Microsoft Teams will enable you to type in the name that you wish to be displayed. You can choose what name to type in and can add an organisation name too if you need to. It needs to be sufficient to enable the ExAs to identify you.

If you do not wish the email address that the Planning Inspectorate is currently using to correspond with you to be seen by other parties, you can set up a free email account on-line to join with. Alternatively, your existing internet or email service provider may enable you to set up an alias email address such as 'hearing.participant123@freemail.com'. These measures will protect your privacy. You would need to provide any alternative email address from the one we are currently using for you as soon as possible. This is so that we can send out the invitation with the link for joining any familiarisation event and for an actual meeting or hearing, ahead of the event.

Please check with your internet or email service provider or an intended alternative email service provider before a familiarisation event, meeting or hearing and ensure that you have taken any steps that you wish to take to prevent the disclosure of your actual email address to other users.

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<sup>2</sup> [Planning Act 2008: Guidance for the examination of applications for development consent](#), March 2015, Department for Communities and Local Government, at paragraph 102, page 23





#### **40. How to I ensure that my privacy is protected when I'm using the telephone to join?**

Microsoft Teams will normally record and play the name and display the telephone numbers of hearing participants to all other hearing participants who are using digital devices.

You can choose what name to record. It needs to enable the ExAs to identify you in the hearing.

If you do not want to display your telephone number, you can add a privacy prefix before you dial the telephone number for the hearing. On most UK telephone networks you can dial 141 before the telephone number and this will ensure that you remain anonymous and your telephone number is not shared with any other users. Some networks require you to use a different method. Certain telephone handsets also allow you to withhold your telephone number using a setting that is specific to your handset.

Please check with your telephone service provider and read the instructions for your telephone handset before the familiarisation event and the hearing and ensure that you have taken any steps that you wish to take to prevent the disclosure of your telephone number to other users.

## **THE APPROACH TO SITE INSPECTIONS**

#### **41. What will be the approach to Site Inspections?**

The ExAs are holding most of their site inspections in a socially distanced manner by holding Unaccompanied Site Inspections (USIs). Notes of all USIs are published on the National Infrastructure Planning website. Further written notes will be published as further USIs are undertaken.

Interested parties were asked to nominate particular locations for site inspections in writing by timetable **Deadline 1**. The ExAs do not need to inspect locations that have already been inspected unless there is some specific feature at the site that has been drawn to our attention which we had not already observed.

The ExAs won't inspect all nominated sites. We prioritise and inspect sites where observations are likely to identify important and relevant considerations. We will continue to visit as many nominated locations as we can through USIs. USIs can be carried out the ExAs see fit. They are not included in the timetables.

We can't visit private or access-restricted land (such as operating infrastructure) without the consent of the landowner/operator and proper safety measures being taken where necessary. For this reason, there is some land where Accompanied Site Inspections (ASIs) are required and we have reserved time in



the timetable to hold these and have now served notice of two ASIs in January 2021. The notice is accompanied by advice about appropriate social distancing.

ASI attendees need to register with the Case Team in advance of these events in order to receive joining instructions. This step has been taken to ensure that the ExAs are clear about who is attending and can assure themselves that ASIs remain compliant with public health controls in force. If public health controls change, ASI arrangements may need to change too. Intending attendees are asked to monitor the website and their emails closely for any communications from the Case Team. Please check the website before leaving home on the morning of any ASI.

We note that some Interested Parties felt that ASIs might normally have included the ability to make oral submissions. From this perspective, a decision to replace them with virtual processes would mean that an opportunity to be heard would be lost. This is not the case. The normal procedure for National Infrastructure ASIs before Coronavirus drew a very strict distinction between hearings and site inspections and this distinction is still in place. Hearings are the only places where oral submissions and argument can be put in front of the ExA. Site inspections are not and never have been hearings: oral submissions and arguments were never allowed to be made at them. Verbal communication between the ExAs and interested parties at a site inspection is strictly limited to matters of fact: the Inspectors assuring themselves that they are in the right place, looking in the right direction and seeing the right features of the site. People wishing to make oral submissions about the effects of the proposals on particular sites are advised to request to be heard at an appropriate hearing.

#### **42. What if public health restrictions become more severe?**

The ExAs have already undertaken USIs to underpin our understanding of the local area and to view specific locations referred to within Relevant Representations. More are proposed. At the present time it is anticipated that ASIs will be lawful and preparations for these continue to be made.

Site inspections (whether accompanied or unaccompanied) are a common part of the examination process for applications for NSIPs. It is considered good practice for ExAs to be able to visit relevant locations to support their consideration of an application, however there is no legislative requirement for site inspections to be held.

If restrictions preventing effective site inspections are introduced during the Examination period, the ExAs will invite Interested Parties to provide written submissions on the locations that might be beneficial to be viewed as part of future USIs. Alternatively, if long-distance and overnight travel is not possible, a virtual site inspection might be set up, where photographs of relevant locations could be submitted and described by parties, or technology such as drones could be used.

Interested Parties will appreciate that this is inevitably a fluid situation subject to change, dependent on the progress of the COVID-19 pandemic and on controls



in place in local areas as well as nationally.

## COMPOSITION OF THE EXAMINING AUTHORITIES

### 43. Why was there a change to the composition of the Examining Authorities?

Mike Harris resigned his position on the Panel with effect from 26 June 2020 consequent on a change of employment. Jonathan Hockley was appointed to the ExAs for both Examinations. His qualifications, skills and experience (see **Annex B** to the Rule 6 Letters of 16 July 2020) are equivalent to those held by Mike Harris and no other change to the operation of the ExAs will be required.

Formal details of the appointment are available here:

- East Anglia ONE North [Appointment Letter](#); and
- East Anglia TWO [Appointment Letter](#).

The ExAs are also supported by a further Examining Inspector, Mike Hayes. Although he is an Inspector, Mike Hayes is not a member of the ExAs, which means that he does not play a part in any formal decisions. He advises, researches and drafts documents as required.

## HELP, FURTHER INFORMATION & KEEPING UP TO DATE

### 44. Where can I view copies of the application documents?

The Rule 8 Letters set out where the Applicants have deposited digital copies of the applications. Arrangements for viewing these are recorded in Annex E. Please note that the Applicants will additionally maintain a hard copy set of application documents at Leiston Town Council Offices. The ability to visit these locations and the availability of technology to view digital documents may be dependent on the public health restrictions in force.

The application documents can also be viewed online on the Planning Inspectorate's webpage for the applications:

- East Anglia ONE North –  
<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/east-anglia-one-north-offshore-windfarm/?ipcsection=docs>
- East Anglia TWO -  
<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/east-anglia-two-offshore-windfarm/?ipcsection=docs>

As public health restrictions change, people who do not have access to computers or the internet are encouraged to seek support from people (such as relatives or neighbours) who do, as long as it is lawful to do so.



If you do not have access to computers or the internet and have no means of addressing that, please contact the Case Team by telephone at 0303 444 5000 and ask whether there is additional help that can be made available.

#### **45. How should I keep up to date with the latest news about the Examinations?**

Please visit the project websites regularly for updates:

- East Anglia ONE North  
<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/east-anglia-one-north-offshore-windfarm/>
- East Anglia TWO  
<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/east-anglia-two-offshore-windfarm/>

You can register for and receive email updates from both project websites.

This FAQ document will be kept under continuous review and updated as new questions arise.

The project websites also have a facility for you to sign up to receive updates by email.

#### **46. What is the Planning Inspectorate's Advice Note 8.6 and does it apply to these Examinations?**

On 30 September 2020 the Planning Inspectorate published a new Advice Note 8.6 on Virtual Examination Events.

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-8-6-virtual-examination-events/>

This advice note was prepared drawing on Inspector, Case Officer and digital systems staff experience, good practice and customer feedback from virtual meetings and hearings held as part of National Infrastructure Examinations since June 2020. The advice that it contains is broadly the same as the general practice advice in earlier versions of these FAQs. This version of the FAQs has been reviewed to remove advice that can also be found there. It is applicable to all examinations events from January 2021.

Guidance for Interested Parties attending virtual events from October to December 2020 can be found in the previous version of these FAQs that are still available by link from the Rule 8 Letters and in the Examinations Libraries.

#### **47. What if I need more help?**

Please contact the Case Team by telephone at 0303 444 5000 or by email at

- East Anglia ONE North - [EastAngliaOneNorth@planninginspectorate.gov.uk](mailto:EastAngliaOneNorth@planninginspectorate.gov.uk)
- East Anglia TWO - [EastAngliaTwo@planninginspectorate.gov.uk](mailto:EastAngliaTwo@planninginspectorate.gov.uk)



The Case Team can help with inquiries about how the Examinations and any events will be run and how to get involved. They cannot provide planning advice and they cannot arrange for you to be represented or support you at a hearing.

If you need professional planning advice or support you can employ an appropriate consultant (Chartered Town Planners, Surveyors, Engineers, Lawyers and related professionals may all be able to provide relevant advice). You need to make your own inquiries about who to appoint.

If you cannot obtain affordable professional advice, you may be able to get support from Planning Aid England. This is a service provided under the auspices of the Royal Town Planning Institute (RTPI) under which qualified volunteers (Chartered Town Planners) provide advice. Initial requests can be made via: <https://planningaid.zendesk.com/hc/en-us/requests/new>, by telephone (020 7929 8338) or post: Planning Aid England, RTPI, 41 Botolph Lane, London EC3R 8DL.

You may also be able get support from elected representatives or community organisations in the local area. Contact your MP, elected Councillors and any community organisations who are also Interested Parties in the Examinations.

The ExAs are not like a court and do not work in an adversarial manner. They do not rely advocates for the parties to put arguments to them. Instead, they work in an inquisitorial fashion – meaning that the duty to ask questions rests on the ExAs themselves. The ExAs will design and manage hearings to ensure that people who are not professionally represented can make their views known.