



## **East Anglia ONE North Offshore Wind Farm and East Anglia TWO Offshore Wind Farm**

### **Agendas for Issue Specific Hearings 17 (ISHs17): the draft Development Consent Orders (dDCOs) & Other Matters**

**Date:** **Friday 28 May 2021**

**Arrangements Conference:** **9.20pm**

*Participants must join the Arrangements Conference in order to register and be permitted access to the virtual Issue Specific Hearings.*

**Hearing start time:** **10.00am**

**Venue:** **Virtual hearings via Microsoft Teams**

*Full instructions on how to join online or by phone will be sent to parties registered to attend, shortly before the hearings.*

**Hearings Guidance:** Please see Annex A of these Agendas.

**Invited Participants:**

The ExAs invite participation by:

- the Applicants;
- Marine Management Organisation (MMO);
- The Crown Estate (tCE);
- Suffolk County Council (SCC);
- East Suffolk Council (ESC);
- Norfolk County Council (NCC);
- Rt Hon Dr Therese Coffey MP;
- Environment Agency;
- Nuclear Decommissioning Authority (NDA) and Magnox Ltd (SZA);
- EDF Energy Nuclear Generation Limited (SZB);
- NNB Generation Co (SZC);
- Natural England (NE);



- Suffolk Coast and Heaths AONB Partnership;
- East Suffolk Internal Drainage Board;
- Aldeburgh Town Council (ATC);
- Aldringham-cum-Thorpe Parish Council;
- Friston Parish Council;
- Knodishall Parish Council;
- Marlesford Parish Council;
- Snape Parish Council;
- Theberton Parish Council;
- Royal Society for the Protection of Birds (RSPB);
- Substation Action Save East Suffolk (SASES);
- Suffolk Energy Action Solutions (SEAS);
- Save Our Sandlings (SourS); and
- Suffolk Energy Action Coalition.

Invitees have been requested to attend to participate in hearings on the basis that their representations at previous ISHs into the dDCOs or in writing have raised important and relevant issues bearing on the positions of others, which can be most efficiently and fairly addressed by round table involvement. The challenges posed to participation by the current public health controls are acknowledged. The Examining Authorities (ExAs) will manage participation with flexibility, taking careful account of invitees' other commitments. Invited parties (other than the Applicants) who are unable to attend may review the livestream or recording of the event and make written submissions by **Deadline 11, Monday 7 June 2021**.

Invitees are requested to contact the Planning Inspectorate by **noon on Wednesday 19 May 2021** to confirm their attendance.



## Agendas for ISHs17 – Friday 28 May 2021

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| <b>9.20am</b>  | <b>Arrangements Conference</b>  |
|                | Registration by the case team   |
| <b>10.00am</b> | <b>Issue Specific Hearings 17</b>   |
| <b>1.</b>      | <b>Welcome, introductions and arrangements for these Issue Specific Hearings 17</b>   |
| <b>2.</b>      | <b>Progress Position Statement by the Applicant:<br/>Changes to the dDCOs in Progress since ISHs15</b><br><br>The ExAs will ask the Applicants to present progress since ISHs15 (including the non-material changes accepted for examination on 29 April 2021 and responses to D8, D9 and D10 submissions).<br><br>The ExAs will invite submissions from Interested Parties (IPs) and Other Persons (OPs) who wish to raise matters in relation to this item, running in the order of provisions in the dDCOs, except as provided for in separate agenda items below.<br><br>The Applicants will be provided with a right of reply. |
| <b>3.</b>      | <b>The Potential Operation of Each dDCO as a Standalone Consent</b><br><br>The ExAs will review provisions in drafting for circumstances where (for example, as a consequence of decision-making by the Secretary of State on the Applications, in relation to funding, investment or other commercial decisions and processes), one application proceeds to development whilst the other does not.   |



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|           | <p>The ExAs will invite submissions from IPs and OPs who wish to raise matters in relation to this item.</p> <p>The Applicants will be provided with a right of reply.</p>   |
| <b>4.</b> | <p><b>Securing 'Good Design' Solutions at the Friston Substations Site</b></p> <p>The ExAs will review measures to secure 'good design' through the discharge of requirements and the balancing of operational, flood management, landscape, visual and historic environment mitigation measures at the Friston Substations Site. The discussion will be limited to means of security: substantive discussion of these issues has taken place at ISHs2, 4, 11 and will take place at ISH16.</p> <p>The ExAs will invite submissions from IPs and OPs who wish to raise matters in relation to this item.</p> <p>The Applicants will be provided with a right of reply.</p> |
| <b>5.</b> | <p><b>Other Matters Raised in the ExAs' Commentaries on the dDCOs</b></p> <p>The ExAs will review other matters identified in its Commentaries on the dDCOs as published on 20 May 2021.</p> <p>The ExAs will invite submissions from IPs and OPs who wish to raise matters in relation to this item.</p> <p>The Applicants will be provided with a right of reply.</p>  |
| <b>6.</b> | <p><b>Protective Provisions: Final Positions</b></p> <p>The ExAs will inquire into protective provisions and into the position of the Nuclear Decommissioning Authority (R17QD).</p>   |



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|           | <p>The ExAs will invite submissions from IPs and OPs who wish to raise matters in relation to this item.</p> <p>The Applicants will be provided with a right of reply.</p>  |
| <b>7.</b> | <p><b>Consents of Parties: Final Positions</b></p> <p>The ExAs will ask about the grant of Crown consent (PA2008 s135) and any other consents required from IPs.</p> <p>The ExAs will invite submissions from IPs and OPs who wish to raise matters in relation to this item.</p> <p>The Applicants will be provided with a right of reply.</p>   |
| <b>8.</b> | <p><b>Other Consents: Final Positions</b></p> <p>The ExAs will monitor progress on and co-ordination with any consents beyond the NSIP regime and not provided for in the dDCOs, but necessary for delivery.</p> <p>The ExAs will invite submissions from IPs and OPs who wish to raise matters in relation to this item.</p> <p>The Applicants will be provided with a right of reply.</p> |



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| <b>9.</b>  | <b>Certified Documents: Audit and Final Positions</b><br><br>The ExAs will review the list of certified documents and arrangements for any final amendments will be discussed.<br><br>The ExAs will invite submissions from IPs and OPs who wish to raise matters in relation to this item.<br><br>The Applicants will be provided with a right of reply.   |
| <b>10.</b> | <b>Any other business relevant to the Agenda</b><br><br>The ExAs may raise any other topics bearing on the structure and drafting of the dDCOs, certified documents and related agreements that bear on the dDCOs as is expedient, having particular regard to matters bearing on the dDCOs raised in hearings and written representations to date and the readiness of the persons present to address such matters.<br><br>The ExAs may extend an opportunity for participants to raise matters relevant to the topic of these hearings that they consider should be examined by the ExAs.<br><br>If necessary, the Applicants will be provided with a right of reply. |
| <b>11.</b> | <b>Procedural decisions, review of actions and next steps</b><br><br>The ExAs will review whether there is any need for procedural decisions about additional information or any other matter arising from Agenda items 2 to 10.<br><br>To the extent that matters arise that are not addressed in any procedural decisions, the ExAs will address how any actions placed on the Applicants, IPs or OPs are to be met and consider the approaches to be taken in further hearings, in the light of issues raised in these hearings. A written action list will be published if required.  |



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| <b>12.</b> | <b>Closure of the hearings</b> |
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## Annex A

### Guidance about participating in Issue Specific Hearings

#### Joining as a speaker

The speakers invited to each session of each hearing are listed on page 1 of this Agenda.

If your name is listed for a hearing, please join the Arrangements Conference for that hearing, at the time specified on page 1 of the Agenda. This enables arrangements to be explained and hearings to make a prompt start. If any speakers have specific requests for arrangements to respond to public health controls (for example relating to their timing or their availability), these should be raised in the Arrangements Conference. The ExAs may make reasonable adjustments to procedural arrangements.

You will receive instructions on how to join the hearing in a separate email, in advance of the event (at least 48 hours). This email will also explain what to do if you have difficulties getting connected.

#### Joining as an observer

If you are an Interested Party (IP) and you wish to observe, you will need the following:

- a [link to the livestream](#) to watch the hearings in real time (the link can also be found in the banner on the landing page for both project webpages); or
- a link to the recordings of the hearings after they have concluded (these are published under the documents tab on both project webpages).

Members of the public can view and listen to the hearings on the National Infrastructure Planning Website using a livestream, or a recording after they have concluded.

#### Frequently Asked Questions

To help you participate effectively, we have published frequently asked questions (FAQs) on virtual events. These include an explanation as to why these hearings are being held virtually in light of the Coronavirus public health provisions:

- [Frequently Asked Questions v3.2](#)

The FAQs provide information about Microsoft Teams (the system used by the Planning Inspectorate to conduct hearings over the internet) and the digital devices and phones that can be used to join the hearing. Please read the FAQs before you join your hearing as they will help you to prepare and get the best out of your participation. Particular attention is drawn to the FAQ advice 'How do I protect my privacy in Virtual Events' and to Annex H to the Rule 6 Letters, which varies the Planning Inspectorate's National Infrastructure Privacy Policy for virtual events.





## Participation, conduct and management of Issue Specific Hearings

### *Participation by speakers*

The business of an ISH is limited to the matters identified in the Agenda. Oral submissions on other subject matters or from persons who are not IPs may only be heard at the discretion of the ExAs. It is strongly preferable that any such issues arising from IPs are now made in writing by Deadline 11, where IPs may raise any important and relevant matter arising from these Agendas.

IPs or Other Persons (OPs) invited by the ExA to participate in the ISHs are requested to contact the Planning Inspectorate by **noon on Wednesday 19 May 2021** to confirm their attendance.

Participation is subject to the ExAs' power to control the hearings. Hearings will be managed in the interests of ensuring that the submissions of invited persons are fully heard within the allotted time.

Participants may be legally represented if they wish, but the hearings will be conducted to ensure that legal representation is not required. Parties may attend with expert advisers relevant to matters covered within these agendas but may equally participate without expert advice if they so wish.

### *Management of ISHs*

Guidance under the Planning Act 2008 (as amended) (PA2008)<sup>1</sup> and the Infrastructure Planning (Examination Procedure) Rules 2010 provides that the ExAs will probe, test and assess the evidence through direct questioning of persons making oral representations at hearings. Questioning at the hearings will be led by the ExAs.

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

The agendas may be amended by the ExAs at the start of the hearings. Furthermore, the ExAs may wish to raise matters arising from oral submissions, and Relevant Representations (RRs), and pursue lines of inquiry in the course of the discussions which are not listed on the agendas.

The hearings will run until the ExAs are content that all matters on the agendas have been addressed. To avoid virtual event fatigue, session breaks will be provided after approximately 90 minutes of business, subject to ExA discretion. We anticipate closing ISHs<sup>16</sup> by approximately 5.00pm, although an earlier close may be provided if the business on the Agenda is completed.

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<sup>1</sup> 'Planning Act 2008: Guidance for the examination of applications for development consent', (DCLG March 2015).

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/418015/examinations\\_guidance-final\\_for\\_publication.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418015/examinations_guidance-final_for_publication.pdf)



All participants are advised that any new evidence presented orally at these hearings should be included in post-hearing submissions including written submissions of oral case and submitted at Deadline 11, in order to ensure that it has been recorded accurately.

### *Contingencies*

If a hearing or part of a hearing is unable to proceed for technical reasons, then the ExAs will seek outstanding submissions in writing by Deadline 11, with comments provided at Deadline 12.

### *Relationship between ISHs for East Anglia ONE North and East Anglia TWO*

ISH17 for the East Anglia ONE North application is being held at the same time, date and place as ISH17 for the East Anglia TWO application. The two hearings will take place as a single event and a single agenda has been prepared to cover both hearings.

Should the ExAs need to hear evidence relating to only one or other of the applications, this can be managed during the course of proceedings.

More information about how the ExAs are managing the relationship between the application for East Anglia ONE North and the application for East Anglia TWO can be found in our [Frequently Asked Questions v3.2](#).