

Date: 10 March 2020
Our ref: 10571 310142 & 10572 310150
Your ref: EN010077 & EN0100778



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Dear Mr Smith

Application by East Anglia ONE North Limited and East Anglia TWO Limited for an Orders Granting Development Consent for the East Anglia One North and East Anglia TWO Offshore Wind Farms- Rule 6 Letters

Thank you for your consultation on the Rule 6 letters dated 21 February 2020. The following constitutes Natural England's formal statutory response. Natural England is an Interested Party within both examinations.

Natural England is responding to both Rule 6 letters within this reply. It is noted that throughout both Rule 6 letters a parallel process is outlined with the examination timetables being identical. While we agree this is an appropriate approach, we would note that not all concerns or issues are shared by both projects. We note the proposed colour coding for issues and will incorporate this into our advice letters and risks and issues log to allow us to provide a join response at each of the appropriate deadlines.

1. Procedural changes

Natural England has also reviewed our engagement on Offshore Windfarm (OWF) Nationally Significant Infrastructure Projects (NSIPs) over the last 12 months and have identified some changes that we will be making going forwards.

Therefore, please accept this letter as Natural England's comments in relation to contents of the Rule 6 letter and an explanation of how Natural England proposes to provide our statutory advice to the Examining Authority (ExA) during the examination phase of the project.

2. Attendance at Preliminary Hearing

Thank you for the invitation to the Preliminary Hearings on the 24 March 2020. Natural England can confirm we will not attend. We hope this letter will suffice in providing our input into the Hearings.

3. Onshore Site inspections

Natural England does not plan to attend any site inspections. However, it should be noted that assent from Natural England will be needed for any site inspections within Sites of Special Scientific interest (SSSI) which involve crossing areas not a public right of way

4. Issue Specific Hearings (ISH)

As issues have not significantly progressed since the submission of our detailed combined Relevant Representation and Written Representation, we will have no new information to discuss and propose not to attend ISH1 or 2 on 25 March 2020. Furthermore we note that time during these hearings is very limited and therefore there would be minimal time for discussion or resolution of outstanding issues.

With regard to ISH3, 4 and 5, 13 to 14 May 2020, Natural England notes that these hearings cover both projects and that time within each hearing is very limited. We have considered the value and implications of Natural England attending, in terms of staff availability and resources, and consider that we can best contribute through written contributions and workshops outside of the hearings. Therefore, Natural England will not attend and would like to arrange workshops, with the applicant and other relevant stakeholders, where issues could be targeted and resolved. These workshops could be held in more central locations to allow for greatly reduced travel time, or potentially through other means such as telephone conferences to maximise the resource to be focussed on issue resolution. The results of these workshops could be reported by the applicant at the hearings and by stakeholders through written responses at relevant deadlines.

Natural England requests that an agenda with times, themes, areas of discussions is provided by the Planning inspectorate at least 7 days before the date of all ISHs. Based on our experience from other NSIPs it would be helpful to Natural England and our specialists if the ISH agendas could be focused on specific questions from the ExA. This will enable us to discuss the issues with the applicants or other relevant attending stakeholders to ensure that they are aware of our current position and are fully able to provide the ExA with a response.

The decision on attendance at any subsequent ISH will be based on the outstanding issues, wider resource requirements and ensuring best value. At this current juncture Natural England is not planning to attend ISH6 or 7. However, Natural England will continue to engage with the Applicant throughout the examination to ensure issues are progressed and wherever possible resolved. Furthermore Natural England notes that between these two hearings is a full day compulsory purchase hearing. Natural England would suggest the dates for the compulsory purchase hearing and ISH 7 be switched so ISH 6 and 7 are continuous. This will allow those attending both ISHs but not the compulsory hearing to return home a day early and reduce the resource costs of an extra full day attendance.

Our non-attendance at hearings should not be construed as a lack of concern on outstanding issues, or a lack of willingness to engage. As detailed above we are committed to proactively engaging with parties on this project and to gaining the best possible outcome.

5. Statement of Common Ground (SoCG)

Natural England notes the request for the provision of a SoCG by Deadline 2, 28 April 2020, and will be actively engaging with the Applicant to achieve this, with two separate SoCG (ornithology and all other areas). Natural England notes the request for final SoCG at Deadline 9.

Natural England has also developed our own Risk and Issues log to sit beside the Applicant led SoCG. The updated Risk and Issues log will be provided at all Deadlines, 1-11. This will be of assistance to the ExA in understanding Natural England's current outstanding issues and on demonstrating progress on issue resolution. This issues log is owned by Natural England and reflects our position only.

6. Examiners Questions

Unless there is a specific question posed by the ExA on other interested parties Relevant or Written Representations Natural England will not provide comment on these Representations.

7. Response to Deadlines

Throughout the examination it is expected that many documents will be submitted and published on the PINS website. Natural England will check all documents, however, we will only conduct detailed review and provide feedback on documents deemed relevant to our statutory function and the issues we have raised. We will advise the ExA in writing at each Deadline of which documents we have reviewed. If there is a document Natural England has not reviewed that the ExA wishes to have our opinion on then please inform us as soon as possible and we will endeavour to review ahead of the next Deadline or advise which Deadline comments could be expected. Any documents not listed within our Deadline responses should be assumed to have not undergone detailed review by Natural England.

8. Draft Examination Timetable

i) Overlap with other projects: Natural England has some concerns regarding the overlap of the

proposed examination timetable with the timetables of various other projects including Boreas OWF (currently in examination until 12 May 2020), Sizewell C Nuclear Power Station (due to be submitting application in spring 2020) Hornsea Project 4 (submit DCO application in spring 2020) and those yet undetermined projects i.e. Hornsea Project 3 OWF, Vanguard and Thanet advice requests by Business Energy and Industrial Strategy with a decision expected 1 June 2020. All of which will require specialist time, and resources, and will affect the in-combination advice we provide for these and other projects.

ii) Deadlines: Natural England notes that most written deadlines are scheduled for Noon. This has the effect of reducing the available time for response by a half day, but realistically a day. Due to the tight timeframes and that noon deadlines are unusual and this might lead to confusion and missed deadlines, Natural England requests that these deadlines be amended to 11:59pm as on other examination timetables.

iii) Sufficient response times: Deadline 3 is set Noon on Tuesday 19 May 2020 for submission of oral cases presented at ISH3, 4 and 5 13-14 May. However, given the distance for return travel, if Natural England was to attend, Friday 15 May would be spent travelling. This leaves just 1.5 working days to prepare a written summation of oral submission. This seems insufficient a period of time to prepare such a submission and Natural England would request the deadline be amended to the following Tuesday to give the same time period given for Deadline 1. Alternatively the Deadline could be merged with Deadline 4. This issue is repeated at Deadline 6 with ISHs 6 and 7 and Natural England would suggest this deadline also be delayed or merged with Deadline 7.

Deadlines 4 and 7 both include response to information submitted at Deadlines 3 and 6 respectively. However, for both these deadlines the information to review will have been submitted to the examination only 1 week prior. This information will then need to be published on the PINS website before it can be reviewed. Even if there is no delay in publishing, as there has been in some examinations, this leaves just one working week to respond. This is further compounded for Deadline 7 as this is placed during the school holidays when staff coverage will be much lower. Natural England would request these deadlines be extended or merged as suggested above. This will allow sufficient time to respond.

9. Introduction of new Deadlines

During previous examinations ExAs have allowed Applicants to submit documents in between Deadlines, effectively introducing additional Deadlines, for example, Thanet OWF and Vanguard OWF had several half deadlines.

Please be advised that we will be working with Applicant in between Deadlines under our Discretionary Advice Service. There is an expectation that the Applicant would then submit documents into examination at the next appropriate Deadline. Half deadlines are not helpful as we are duty bound to review documents submitted at Deadlines, which could create duplication of effort reviewing out of date documents and confuses the process within short Deadlines. Should there be documents that the Applicant wants to submit between Deadlines we suggest these are issued at the next appropriate Deadline, and we will respond at the following Deadline, or if time does not allow the subsequent Deadline.

For any queries relating to the content of this letter please contact me using the details provided below.

Yours sincerely,

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