



Preliminary Meetings Note (Part 1) (PM1)

Applications: East Anglia ONE North Offshore Windfarm and East Anglia TWO Offshore Windfarm

References: EN010077 and EN010078

Time and date: 10:00am on Wednesday 16 September 2020

Venue: Virtual meetings online (Microsoft Teams, livestream and recording)

Please note that this meetings note is not a full transcript of the Preliminary Meetings. It is a summary of the key points discussed. Full digital recordings of the Meetings are available on the project pages of the Planning Inspectorate's National Infrastructure website, which are:

- [East Anglia ONE North Offshore Windfarm National Infrastructure project page](#)
- [East Anglia TWO Offshore Windfarm National Infrastructure project page](#)

1. Welcome and Introduction

(PM1 Session 1 - 0:00:17 to 0:24:20)¹

Rynd Smith (RS) introduced himself as the lead member of the Examining Authority (ExA) appointed by the Secretary of State (SoS) to examine the application by East Anglia ONE North Limited ('the Applicant'), for the East Anglia ONE North Offshore Windfarm (EA1N), and East Anglia TWO Limited ('the Applicant') for the East Anglia TWO Offshore Windfarm (EA2) projects.

Jonathan Hockley (JH), Caroline Jones (CJ), Jessica Powis (JP) and Guy Rigby (GR) introduced themselves as members of two panels forming two separate Examining Authorities (ExAs), one for each application.

RS explained the appointment of the ExAs was made under delegation from the SoS for the Department of Business, Energy and Industrial Strategy (BEIS) on 13 December 2019, apart from JH who was appointed on 26 June 2020. RS explained that the ExAs would examine the applications and make recommendations to the SoS who will decide whether the Orders granting Development Consent for each proposed project, which are Nationally Significant Infrastructure Projects, should be made.

RS introduced members of the Planning Inspectorate case team who were present.

RS set out a summary of what the applications were for, and the purpose of the Preliminary Meetings (PM), referring to Annex A to the Rule 6 letter dated 16 July 2020.

¹ The timings shown in brackets relate to the digital recordings of the Preliminary Meeting



He explained that the purpose of the PMs was to make procedural arrangements for the Examinations, and that no evidence would be heard about the projects or their merits.

RS explained that full digital recordings of the PMs will be made available in two parts on the relevant project pages of the Planning Inspectorate's National Infrastructure website.

JP set out guidelines on the use of the digital recordings, including reference to the General Data Protection Regulation (GDPR).

[Further info relating to the GDPR can be found in the Planning Inspectorate's [Privacy Note](#).]

The ExAs confirmed that all documents and submissions received and accepted during the Examinations will be published on the project pages of the Planning Inspectorate's National Infrastructure website.

JP then asked attending participants to introduce themselves. The following introductions were made: East Suffolk Council (ESC) Naomi Gould, Suffolk County Council (SCC) Graham Gunby, Aldeburgh Town Council (ATC) Cllr Marianne Fellowes, Save our Sandlings (SourS) Paul Chandler, Substation Action Save East Sussex (SASES) Richard Turney (of Counsel), Sarah and Charles Courage, and the Marine Management Organisation (MMO) Mark Qureshi and Lindsay Mullen. The Applicants were represented by Colin Innes of Shepherd and Wedderburn (Solicitors).

2. ExAs' remarks about PM Process

3. ExA's remarks about Examination Process

(PM1 Session 1 - 0:24:21 to 1:05:33 and PM Session 2 - 0:00:25 to 0:48:36)

Note: These items were covered jointly during the PMs.

RS briefly explained the process for examining applications for Nationally Significant Infrastructure Projects under the Planning Act 2008. He referred to the more detailed information set out at Annex B to the Rule 6 letters and encouraged participants to read it.

Naomi Gould (ESC) raised a question about the weeks allocated for events in November and January and asked for adequate notice to allow officers to prepare fully. RS confirmed that the Inspectorate will give six weeks' notice of events and will endeavour to send headline agendas 4 weeks in advance of hearings.

Cllr Marianne Fellowes (ATC) stated that some participants were considered to have been digitally excluded from events and wondered whether Planning Aid could advocate for Interested Parties. ATC also believed that the examinations should not commence prior to the BEIS review² and in light of the Covid-19 pandemic. RS asked the Applicants to consider ways to assist IPs with digital participation.

² A review of offshore transmission networks by the Department for Business, Energy and Industrial Strategy (BEIS): <https://www.gov.uk/government/publications/offshore-transmission-network-review>



Richard Turney (SASES) recognised current restrictions and did not see why virtual events cannot proceed but emphasised the need for Issue Specific Hearings. SASES consider that the BEIS review brings these projects into scope and are generally aware of Interested Parties (IPs) in the Friston area who have been digitally excluded, for example in terms of the joining instructions for the PMs.

Paul Chandler (SourS) concurred with previous speakers and asked that consideration be given to holding a socially distant event in, for example, a hall where IPs could use a microphone. SourS also considered that the timing of the Accompanied Site Inspections (ASI) should be reviewed.

Mr and Mrs Courage concurred with previous speakers and requested amendments to forms to make them easier to complete, including the use of printed forms.

RS noted that a Written Ministerial Statement by the SoSHCLG³ of 13 May 2020 supported the use of virtual events and referred to the case of Tingey vs SoS for MHCLG and Horsham Council in relation to the lawfulness of and considerations bearing on a decision to use remote (in that case) telephone procedure in planning proceedings.

The Applicants stated that they were open to a flexible approach to the examinations but considered that hearings could be held virtually and that if any "in person" events were planned, a back-up virtual event should be in place. The Applicants confirmed that Snape Maltings had been secured for the dates advised in the Rule 6 letter and that the possibility of an event for IPs to attend and speak into a microphone could be investigated. In term of the BEIS report, the Applicants noted a reasonable expectation that the examinations should proceed further to paragraph 2.6.34 of National Policy Statement (NPS) EN-3.

RS concluded these agenda items and noted that written and oral submissions have the same weight in the examinations and that hearings would be held, testing the evidence including CA Hearings and site inspections. RS confirmed that the examinations were being held within the Planning Act (2008) regime and the relevant policies were NPS EN-1, EN-3 and EN-5.

[Further information can be found in [Advice Note 8.4.](#)]

4. Initial Assessment of Principal Issues

(0:48:47 to 1:18:33 of PM1 Session 2)

GR explained the purpose of the Initial Assessments of Principal Issues (section 88 of the PA2008⁴), which can be found in Annex C of the Rule 6 letters:

- [East Anglia ONE North – Rule 6 Letter](#) dated 16 July 2020; and
- [East Anglia TWO – Rule 6 Letter](#) dated 16 July 2020.

ESC sought clarification that GS construction and operational noise would be dealt with.

³ Secretary of State for Housing, Communities and Local Government, responsible for the planning system

⁴ Planning Act 2008 (as amended).



SASES raised the need for the project assessments to be updated in light of the “minded to” approve decision on Hornsea Project 3.

SourS noted the fragility of Thorpeness cliffs in respect of Horizontal Directional Drilling (HDD).

ATC stated that wider traffic impacts and cumulative impacts should be considered by the ExAs, including the role of future energy projects planned for the area. Cllr Fellowes noted that she felt Planning Aid or similar organisations should be able to assist IPs who are not professionals and may feel intimidated by the process.

RS concluded that the benefit of an inquisitorial examination such as this is that it is for the ExAs to drill down into the evidence and ensure that they understand it.

The Applicants confirmed that the proposed National Grid substation is required for the two DCO applications and that this has been explained in the application documentation.

GR asked any for IPs to write in before Procedural Deadline C with any issues they considered had been missed from the initial list.

5. Habitats Regulation Assessment

(PM1 Session 3 - 0:04:02 to 0:15:50)

JP outlined that this matter had been included on the agenda as some Relevant Representations submitted had highlighted disagreement between statutory consultees and the applicant as to whether it was possible to conclude no adverse effects on the integrity of European sites as a result of the applications, either alone or in combination with other projects. The ExAs asked that the Applicants frontload discussions with the statutory consultees in this regard, including the Statements of Common Ground (SoCG) to seek to avoid any delay in the Secretary of State’s decision making as has been the case on other recent offshore wind applications.

SASES concurred with the ExAs’ comments on the procedural implications of agreement not being reached in respect of adverse effects.

The Applicants confirmed that progress is being made and extensive engagement is being undertaken with Natural England to seek to reach agreement or narrow the issues between the parties.

6. Timetable Provisions

(PM1 Session 3 - 0:16:50 to 0:33:40)

RS introduced Annex D to the Rule 6 letter (the Draft Timetables for the Examinations).

The ExAs flagged the potential for some changes to the timetables, including ongoing monitoring of the BEIS review and any non-material changes to the applications by the Applicants that the ExAs would wish to examine properly and be able to make fully concluded recommendations to the SoS.



ATC sought clarification on submissions at Deadline 1 and Procedural Deadlines and raised local concerns about any clashes with timescales for examination of the Sizewell C application.

The Applicants provided an update on non-material variations to the applications and stated that details would be submitted at Deadline 1.

7. Deadlines for submissions

8. Hearings and Accompanied Site Inspections

(PM1 Session 3 – 0:34:06 to 1:06:13)

Note: These items were covered jointly during the PMs.

The ExAs sought comments on the arrangements for these events. These were duly noted, and the ExAs requested that Interested Parties including those watching on “catch up” put their suggestions in writing by Procedural Deadline C on the Examination Timetables.

CJ confirmed that the timetables for both examinations were the same, but that hearings could be split if necessary, to consider issues separately.

ESC sought clarification in respect of notification of speaking at Issue Specific Hearings.

ATC considered that the timetable would need to take account of the initial outputs from the BEIS review.

RS confirmed that IPs could comment at Deadline C.

SourS requested more site inspections during autumn and summer, rather than winter.

SASES noted that they will add additional suggestions for accompanied site inspections (ASIs) and need for issue specific hearings (ISHs) on Friston, the development consent orders (DCOs) and grid connection locations. They also noted that some parties may not find revised dates suggested by other parties suitable (for example w/c 07/12/20). SASES also asked the ExAs to provide greater clarity on onshore/offshore hearings to help with availability.

The Applicants were in general agreement with SASES in terms of advance notice of hearings and agendas and went on to note that the possibility of virtual site examinations was being investigated, should public health circumstances make ASI impossible. The ExAs thanked the Applicants for this although hoped to be able to undertake further site inspections in due course.

[Further information relating to hearings and site inspections can be found in [Advice Note 8.5](#) and in the FAQs accompanying the Rule 8 letters]

9. Any remaining submissions (Procedural Deadline A)

10. Any other matters

(PM1 Session 3 – 1:06:18 to 1:16:46)

Note: These items were covered jointly during the PM.



ATC asked the ExAs to consider projects not considered by the Applicants, such as Interconnectors and other NGET applications. Cllr Fellowes asked the ExAs to consider Maslow's Hierarchy and the implications of Covid-19 on IPs and the ability of IPs to fully participate in the examinations.

Preliminary Meeting (Part 1) Adjourned

(PM1 Session 3 – 1:19:05)

RS thanked everyone for their attendance and engagement. He reminded attendees that comments in writing on all that had been discussed (including from IPs not able to be present on Microsoft Teams of the livestream who could catch up using the online recordings) should be submitted by Procedural Deadline C and adjourned the Preliminary Meeting to resume in Part 2 (PM2), on Tuesday 6 October 2020.



Resumed Preliminary Meetings Note (Part 2) (PM2)

Applications: East Anglia ONE North Offshore Windfarm and East Anglia TWO Offshore Windfarm

References: EN010077 and EN010078

Time and date: 10:00am on Tuesday 6 October 2020

Venue: Virtual meetings online (Microsoft Teams, livestream and recording)

11. Resumption of the Preliminary Meetings

(PM2 Session 1) (0:00:00 to 0:17:40)

RS welcomed those present and the members of the ExAs reintroduced themselves.

RS gave a very brief summary of the PM1 introductory remarks and referred parties to the digital recordings of PM1.

RS reminded the meetings that the appointments of the ExAs were made under delegation from the Secretary of State for BEIS on 13 December 2019 (apart from JH who was appointed on 26 June 2020) and that the ExAs would examine the applications made by the Applicants before making recommendations to the Secretary of State who will decide whether Orders granting Development Consent for the proposed projects should be made.

JP explained the purpose of the resumed Preliminary Meetings and noted that the Examinations will commence after they close.

The ExAs confirmed that all documents and submissions received and accepted during the Examinations will be published on the project pages of the Planning Inspectorate's National Infrastructure website. The two parts of the digital recordings of these Preliminary Meetings will be made available on the website at:

<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/east-anglia-one-north-offshore-windfarm/?ipcsection=docs&stage=3&filter1=Recording+of+preliminary+meeting>

and

<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/east-anglia-two-offshore-windfarm/?ipcsection=docs&stage=3&filter1=Recording+of+preliminary+meeting>

The ExAs reminded the meetings of the Planning Inspectorate's duties under General Data Protection Regulation (GDPR).

[Further info relating to the GDPR can be found in the Planning Inspectorate's [Privacy Note](#).]



JH re-introduced ESC (Naomi Gould), SCC (Graham Gunby and Corrine McGrath), ATC (Cllr Marianne Fellowes), SourS (Paul Chandler), SASES (Michael Mahoney) and MMO (Mark Qureshi). Fiona Gilmore was introduced as a speaker for Suffolk Energy Action Solutions (SEAS) who had not participated in PM Part 1 but wished to respond to matters raised there during PM2. He then reintroduced the Applicants' team.

12. The Examining Authorities' remarks about Examination process

(PM2 Session 2 0:17:40 to 0:20:54)

CJ summarised responses received at Procedural Deadline C and then invited oral responses to these. CJ heard from:

- ATC which expressed the strength of feeling in the local area around the Open Floor Hearings planned for the week commencing 5 October 2020 and ongoing exclusion from virtual events.
- SourS which supported ATC and mentioned concerns around digital disadvantage.
- SASES which supported the previous two Interested Parties.
- SEAS which argued in response to oral and written submissions at PM Part 1 that the Examinations should be delayed until February to allow for receipt of interim outputs of the BEIS review as it felt the terms of reference of this report included EA2 and EA1N. RS responded by noting that the ExA will take the timeframes and scope of the BEIS review into account and that the decision maker on these Applications and in respect of outcomes from the BEIS review in due course would be the SOSBEIS⁵.

JS asked the Applicants for elaboration on their commitment to making all changes by Deadline 4. The Applicants explained that the aim of this commitment was to provide a catalyst to bring forward any changes to as early as possible in the Examination. The ExA agreed that Deadline 4 is the latest date at any substantial project changes should be attempted to be brought into the Examinations.

The Applicant then replied to the points raised by SEAS, explaining that it felt that the SEAS request for deferred commencement was a question about 'if' the Examinations will be held, not about 'how' they might be held and was therefore not within the scope of the ExAs' power under PA2008 s87. The Applicant also said it felt it had bought the Application forward in line with NPS EN-3 2.6.4. This regulatory framework still applies and does not support deferral.

ATC argued that SEAS's argument was about 'when' not 'if' and therefore was a subset of 'how' furthermore it argued that the NPS includes a need to listen to people impacted and reduce harm both of which were relevant to the BEIS review.

13. Any procedural decisions made by the ExAs

(PM2 Session 3 0:00:00 in session 3 to 0:51:00)

⁵ Secretary of State for Business, Energy and Industrial Strategy



The ExAs provided a summary of the Procedural Decisions made and summary justifications for these. The Procedural Decisions can be found in full in the Rule 8 letters:

[https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010078/EN010078-002441-200929_Rule%208%20Letter_EA2%20\(ExA%20FINAL\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010078/EN010078-002441-200929_Rule%208%20Letter_EA2%20(ExA%20FINAL).pdf)

[https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010077/EN010077-002409-200929_Rule%208%20Letter_EA1Nv2%20\(ExA%20FINAL\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010077/EN010077-002409-200929_Rule%208%20Letter_EA1Nv2%20(ExA%20FINAL).pdf)

14. Any other matters

(PM2 Session 3 0:51:00 in session 3 to 1:36:46)

A number of parties asked for clarification on the topics of ISHs and in relation to sites to be viewed during unaccompanied site inspections (USIs) and ASIs. RS provided these clarifications.

Close of the Preliminary Meeting Part 2

(PM2 Session 3 1:36:46 in session 3 to 1:38:17)

RS thanked everyone for their attendance and contributions and closed the Preliminary Meetings.