



**Offshore Wind Farms**

**EAST ANGLIA ONE NORTH**

**PINS Ref: EN010077**

**and**

**EAST ANGLIA TWO**

**PINS Ref: EN020078**

**SEAS Response to Action Point 1,  
Norfolk Vanguard High Court Decision  
(18th February 2021),  
Issue Specific Hearings 9 (ISHs9)  
Deadline 6 – 24 February 2021**

**SEAS (Suffolk Energy Action Solutions)**

**Unique Ref. No. EA1(N): 2002 4494**

**Unique Ref. No. EA2: 2002 4496**



## **SEAS Response to Hearings Action Point 1, Norfolk Vanguard High Court Decision (18th February 2021), Issue Specific Hearings 9 (ISHs9)**

*ISH9 - Action Point 1 - Applicants and IPs who wish to make initial observations regarding the recent decision to quash the SoS' decision on the above proposed development are invited to do so to assist the ExAs' consideration of the judgement.*

You invited observations on the decision of Holgate J in the 'Vanguard' case by Deadline 6, 24 February.

As you are aware, SEAS's position is that you should refuse the onshore application, amongst other reasons, for reasons relating to cumulative impact.

The Judgment in Vanguard makes it clear that it is the responsibility of the applicant to put before the ExA the full evidence and it is the responsibility of the ExA to verify that it is, in fact, full and accurate.

In this case, there is strong evidence of cumulative impact. SPR, who must in any view have detailed evidence about this due to discussions it will have had with National Grid on this, and because this evidence of a planned infrastructure hub at Friston is in the public domain, have been deafeningly silent.

SPR has declined to provide the ExA with evidence. The same applies to National Grid. The Judgment indicates that in those circumstances, the ExA should decline consent.

On the evidence, we ask you to conclude that the SPR project will be the first of many intended on or about the same site immediately north of Friston. The fact that SPR chose by far the largest of possible sites identified by the Council, notwithstanding its distance from the coast, speaks for itself.

We invite you to take the common-sense view that any permission granted to SPR will be invoked as a precedent in favour of the other projects and that your recommendation



and the decision of the Secretary of State are likely in practice to be very influential, if not determinative, when it comes to future applications.

We hope it will assist you if we make these short points on the significance of the Judgment:

- (i) The error made by the ExA in Vanguard was a failure to take a practical approach and to evaluate information before them on cumulative impact.
- (ii) The Secretary of State erred in deferring that evaluation to a subsequent consenting process.
- (iii) The Judgment makes clear the vital significance of cumulative impact and the impermissibility of “salami slicing”.
- (iv) If information is inadequate to form a view on cumulative impact, and the applicant fails to provide it, then the decision maker must refuse consent.

The full judgement made by Justice Sir David Holgate can be found here:  
<https://www.bailii.org/ew/cases/EWHC/Admin/2021/326.html>

SEAS will be commenting in more detail on this judgement at Deadline 7 or 8.