

**From:** [REDACTED]  
**To:** [East Anglia ONE North](#); [East Anglia Two](#); [REDACTED]  
**Subject:** Urgent - object to the 3-month extension of the examinations  
**Date:** 15 April 2021 10:20:51  
**Attachments:** [image004.png](#)  
[EN010078-004292-EA1N\\_EA2 - Rule 8 Letter for amended Extension Exam Timetable.pdf](#)  
[Objection letter 20210408 FINAL.pdf](#)  
[EN010078-004660-EA2 - 210321 - Letter from BEIS granting three months extension.pdf](#)

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Dear Planning Inspectorate Teams,

I am emailing to endorse SEAS, SASES, Save Our Sandlings, The Aldeburgh Business Association and Friston Parochial Church Council, formal objection letter of 8 April to the Examination extension ( see attached). This planning process pitches a group of paid professionals with effectively unlimited resources against volunteers representing our local interests who have to find the time needed by the process out of their busy professional lives. They are professionals too – just not being paid for their efforts. This weighs the process strongly in favour of the applicants from the outset. The longer the process is drawn out the greater this imbalance becomes. Especially when this area is faced with a significant other large planning issue (namely Sizewell C) and the possibility of further similar applications for off shore windfarms in the future. The situation needs to be clarified now not drawn out indefinitely until the opposition to the plans are utterly exhausted.

Yours faithfully

[REDACTED]  
Managing Director

James White Drinks Ltd

[REDACTED]  
Whites Fruit Farm , Ashbocking, Ipswich, IP6 9JS





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30 March 2021

Dear ██████████

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

Thank you for your e-mail of 9 February 2021 containing a request that the Secretary of State should extend the examination timetables for the proposed East Anglia ONE North and East Anglia TWO offshore wind farms by four months from 6 April 2021 to 6 August 2021.

The Secretary of State has now considered the request. He has decided to grant extensions of three months to the examination timetables for both projects. The examinations must conclude, therefore, no later than 6 July 2021.

We will arrange for a statement to be made to Parliament at the earliest opportunity to announce the Secretary of State's decision on the examination timetables. I would be grateful if the banner for each of the project web-pages could be amended accordingly. We would be happy to consider any drafting if that would be helpful.

Yours sincerely,

GARETH LEIGH  
Head, Energy Infrastructure Planning



# The Planning Inspectorate

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To All Interested Parties and Statutory  
Parties invited to the Preliminary  
Meeting

Your Ref:

Our Ref: EN010077 & EN010078

Date: 1 April 2021

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Dear Sir/ Madam

**Planning Act 2008 (as amended) – Section 98 and The Infrastructure  
Planning (Examination Procedure) Rules 2010 – Rule 8(3)**

**Application by East Anglia ONE North Limited for an Order Granting  
Development Consent for the East Anglia ONE North Offshore Wind Farm**

**Application by East Anglia TWO Limited for an Order Granting Development  
Consent for the East Anglia TWO Offshore Wind Farm**

**Notification of a new deadline for completion of Examinations and variation  
to the Examination Timetables**

On 9 February 2021, the Planning Inspectorate formally requested the Secretary of State (SoS) for Business, Energy and Industrial Strategy (BEIS) to extend the Examination periods for the East Anglia ONE North (EA1N) and East Anglia TWO (EA2) Offshore Wind Farms. The main reasons were:

- The impact of the Covid-19 restrictions and two national lockdowns on the ability of Interested Parties, Local Authorities and Statutory Bodies to engage effectively in the Examinations;
- The impact of the Covid-19 restrictions and two national lockdowns on the ability of the Panels and Case Teams to examine the applications fully and produce robust recommendation reports that would enable the SoS to reach decisions within the statutory timescales; and
- The range, scale and pace of the two simultaneous Examinations during this unprecedented time, leading to a strain on delivery by participants.



The Planning Inspectorate proposed that an extension of no longer than four months to the Examination periods should be granted, if the SoS was so minded.

Taking these reasons into account, and after careful consideration, on 30 March 2021 the Secretary of State agreed to an extension of three months<sup>1</sup>. The Examinations have now been extended and will close on or before **Tuesday 6 July 2021**.

In view of this, the Examining Authorities (ExAs) have adapted their approach to the remainder of the Examinations. The Examination Timetable for both applications has been amended at items 48 to 57 and is appended to this letter at **Annex A. Deadline 9** has now changed and all submissions must now be received by **Thursday 15 April 2021. Deadline 9** now also includes any request to add supplementary information to documents submitted at Deadlines 5, 6 and 7.

The amended Examination Timetable, amongst new written deadlines, provides for:

- Publication of Further Written Questions (ExQ3) and a deadline for responses;
- Publication of the ExA's commentary on and/or schedule of changes to the draft Development Consent Orders and a deadline for comments (if required);
- Publication of amendments to the previously issued Reports on the Implications for European Sites (RIES) and a deadline for comments (if required); and
- Further Issue Specific Hearings and Compulsory Acquisition Hearing (if required).

In delivering these procedures, the ExAs will ensure that there is no need for settled evidence and completed investigations to be re-stated or re-visited unless there are underlying changes in circumstances. There are also some matters for which the relevant parties have been clear that there is no reasonable prospect of agreement being reached, and for which the ExAs consider that we have the evidence that we require to make findings and recommendations.

This next phase in the Examinations will focus on those remaining matters, issues and questions in respect of which it is important that additional information is provided to enable sound findings and recommendations to be made. We will seek to ensure that either agreements are reached on these points, or that positions of difference are clearly stated in a concluded manner. The matters of primary focus will be as follows:

- Biodiversity and Habitats Regulations Assessment (HRA);
- Consideration of alternatives and cumulative impact onshore;
- Flood risk and drainage; and
- Issues around the proposed substations site at Friston, including, but not limited to, considerations of landscape, design, historic environment, visual impacts, and proposed mitigations.

We are aware that the Preliminary Meeting for the Sizewell C Project has recently opened and is due to resume on Wednesday 14 April 2021, and that many parties

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<sup>1</sup> Letter from the Secretary of State granting a three months extension for [EA1N](#) and [EA2](#)



involved in the EA1N and EA2 Examinations will also be participating in that Examination. With this in mind, we have sought to ensure that the amended timetable in the Annex avoids likely events and busy periods in the draft timetable for that examination as far as is possible.

We would like to thank you all for your contributions throughout the Examinations, especially bearing in mind the ongoing Covid pandemic. We look forward to your continued engagement for the remainder of the Examinations.

Yours faithfully

*Rynd Smith*

**Lead Member of the Examining Authority**

## **Annexes**

**A** Amended Examination Timetable



## Amended Examination Timetable

The ExAs is under a duty to complete the Examination of the application by the date set by the Secretary of State under section 98(4) of the Planning Act 2008 (as amended).

<b>48</b>	<b>Deadline 9</b> Deadline for receipt by ExA of: <ul style="list-style-type: none"> <li>Any requests to add supplementary information to documents submitted at Deadlines 5, 6 and 7</li> <li>Comments on the Applicant's updated draft DCO (dDCO) submitted at Deadline 8 (D8)</li> <li>Comments on Statements of Common Ground (SoCG) and Statement of Commonality received by D8</li> <li>Comments on any additional information/submissions received by D8</li> <li>Responses to any further information requested by the ExAs for this deadline</li> </ul>	<b>Thursday 15 April 2021</b>
<b>49</b>	<b>Deadline 10</b> Deadline for receipt by ExA of: <ul style="list-style-type: none"> <li>Comments on any supplementary information received by D9</li> <li>Comments on any additional information/submissions received at D9</li> <li>Responses to any further information requested by the ExAs for this deadline</li> </ul>	<b>Thursday 6 May 2021</b>
<b>50</b>	<b>Publication by ExA of:</b> <ul style="list-style-type: none"> <li>ExA's commentary on and/or schedule of changes to the dDCO (if required)</li> <li>ExA's Further Written Questions (ExQ3)</li> </ul>	<b>Thursday 20 May 2021</b>
<b>51</b>	<b>Time reserved for any Issue Specific Hearings and/or Compulsory Acquisition Hearing</b> (if required)	<b>Tuesday 25 – Thursday 27 May 2021</b>
<b>52</b>	<b>Issue Specific Hearing on the dDCO</b> (if required)	<b>Friday 28 May 2021</b>



<b>53</b>	<p><b>Deadline 11</b></p> <p>Deadline for receipt by ExA of:</p> <ul style="list-style-type: none"> <li>• Post hearing submissions including written submissions of oral case</li> <li>• Comments on ExA's commentary on and/or schedule of changes to the dDCO (if required)</li> <li>• Responses to ExAs Further Written Questions (ExQ3)</li> <li>• Comments on any additional information/submissions received at D10</li> <li>• Responses to any further information requested by the ExAs for this deadline</li> </ul>	<b>Monday 7 June 2021</b>
<b>54</b>	<p><b>Publication by ExA of:</b></p> <ul style="list-style-type: none"> <li>• Amendments to the previously issued Reports on the Implications for European Sites (RIES) (if required)</li> </ul>	<b>Wednesday 16 June 2021</b>
<b>55</b>	<p><b>Deadline 12</b></p> <p>Deadline for receipt by ExA of:</p> <ul style="list-style-type: none"> <li>• Comments on responses to ExQ3</li> <li>• Comments on the amendments to the previously issued RIES (if required)</li> <li>• Applicant's Final Tracking Lists prepared under Procedural Decisions 12, 13, and 14 (<a href="#">Rule 8 (3)</a> dated 08.12.2021 - <b>Annex B</b>)</li> <li>• Applicants Final preferred dDCO to be submitted in the SI template with the SI template validation report (under Procedural Decision 19 (<a href="#">Rule 8 (3)</a> dated 08.12.2021 - <b>Annex B</b>) - including track change version</li> <li>• Applicants Final updated version of the Book of Reference (under Procedural Decision 19 (<a href="#">Rule 8 (3)</a> dated 08.12.2021 - <b>Annex B</b>) - including track change version</li> </ul>	<b>Monday 28 June 2021</b>



	<ul style="list-style-type: none"> <li>• Applicants Final Compulsory Acquisition schedule (identifying any unresolved objections)</li> <li>• Applicants Final Statements of Common Ground (SoCG) and Commonality requested by the ExA under Procedural Decision 15 (<a href="#">Rule 8 (3)</a>) dated 08.12.2021 - <b>Annex B</b>) also listing matters not agreed (in circumstances where a SoCG could not be finalised).</li> <li>• Comments on any additional information/submissions received at D11</li> <li>• Responses to any further information requested by the ExAs for this deadline</li> </ul>	
<b>56</b>	<b>Deadline 13</b> Deadline for receipt by ExA of: <ul style="list-style-type: none"> <li>• Comments on Applicant's Final preferred dDCO</li> <li>• Comments on any additional information/submissions received by D12</li> <li>• Responses to any further information requested by the ExAs for this deadline</li> </ul>	<b>Monday 5 July 2021</b>
<b>57</b>	The ExA is under a duty to complete the Examination of the application by the date set by the Secretary of State under section 98(4) of the Planning Act 2008 (as amended).	<b>Tuesday 6 July 2021</b>

### Submission times for deadlines

The time for submission of documents at any Deadline in the timetable is 23:59 on the relevant Deadline date, unless instructed otherwise by the ExA.

### Publication dates

All information received will be published on the project page of the National Infrastructure Planning website as soon as practicable after the Deadline for submissions. An Examination Library for [EA1N](#) and [EA2](#) will be kept up to date throughout the Examinations and can be accessed via the 'Documents' tab on the project pages. Each document will be given a unique reference. These references will be used by the ExAs during the Examinations.



# **EA1N AND EA2 PROJECTS – OBJECTION TO EXTENSION OF THE EXAMINATIONS**

## **Introduction and Overview**

1. This objection is made on behalf of:
  - Suffolk Energy Action Solutions (SEAS)
  - Substation Action Save East Suffolk (SASES)
  - Save Our Sandlings (SOS)
  - Aldeburgh Society
  - Friston Parochial Church Council
2. On 1<sup>st</sup> April 2021, the examination authority (“**ExA**”) sent to all parties a copy of a letter (“**the ExA letter**”) indicating that the Secretary of State had granted an extension of 3 months for completion of the Examination. That application was made on 9<sup>th</sup> February 2021 and was granted on 30<sup>th</sup> March 2021, as set out in a letter from BEIS to the Planning Inspectorate (“**BEIS letter**”). The ExA gave no warning to the parties that it had either applied for this extension or that its grant was imminent.
3. The ExA letter came as a complete surprise not least given repeated statements by the ExA at the beginning of the examination that the six-month examination period was fixed by statute. The ExA regarded complying with this time period as a key, if not, the key priority of the ExA.

## **Reasons given for the decisions to extend**

4. The reasons given as set out in the ExA letter are:
  - (i) The impact of the Covid-19 restrictions and two national lockdowns on the ability of Interested Parties, Local Authorities and Statutory Bodies to engage effectively in the Examinations (“**Reason 1**”).
  - (ii) The impact of the Covid-19 restrictions and two national lockdowns on the ability of the Panels and Case Teams to examine the applications fully and produce robust recommendation reports that would enable the SoS to reach decisions within the statutory timescales (“**Reason 2**”).

(iii) The range, scale and pace of the two simultaneous Examinations during this unprecedented time, leading to a strain on delivery by participants (“**Reason 3**”).

5. Two of these reasons are said to be due to problems faced by participants due to Covid and the range and scale of the issues (Reasons 1 and 3). The third concerns the ability of the Panel and Case Team to examine the applications fully and produce robust recommendation reports (Reason 2).

6. The parties to this letter acknowledge that the Panel and the Case team might face problems absorbing and evaluating the voluminous evidence and submissions. We would be happy to support an extension of time for the task of reviewing the material.

7. However, we fundamentally disagree with the reasoning in the ExA letter. We have never been asked whether we wanted an extension to the Examination due to problems we faced as a result of Covid, nor have we ever suggested that an extension would improve our ability to engage more effectively. Had we been asked in February 2021, or at any time thereafter, we would have vehemently opposed any extension.

### **Reasons 1 and 3**

8. At the end of the hearings, all expressed the view – recorded on the transcript - that the ExA had made a real effort to accommodate everyone through the use of digital hearings. No one said that due to the Covid crisis they had been denied a right of engagement. There is no evidence that we are aware of that any party sought an extension or considered that it was under any insuperable difficulty in participating. Everyone accepted that in terms of seeking to overcome the problems of conducting digital hearings the ExA had gone to great lengths.

9. As to those who oppose the grant of consent the ExA did not ask whether we were under “*strain*” in terms of “*delivery*” or whether we wanted an extension. Out of Interested Parties, Local Authorities and Statutory Bodies the most affected, by far, have been local communities in terms of lack of human and financial resources.

10. Had an inquiry been made by the Authority as to whether an extension was required the answer from us would have been a resounding negative. Any suggestion of an extension would have been rigorously opposed, for obvious reasons.

11. **First**, the effect of the ExA letter is to create a vast inequality of arms between SPR and those who oppose it. The opposing groups have strictly limited resources. The ExA set

out a timetable for the submission of evidence and for hearings on 9<sup>th</sup> February 2021. This was the same day as the application for an extension was made. This new schedule provided for 8 days of hearings spread over a 10-day period. It operated upon the basis assumed that the evidence collection process would finish on 6<sup>th</sup> April.

12. Everyone planned accordingly. We met these deadlines upon the premise, set out by the timetable issued by the ExA on 9<sup>th</sup> February 2021, that the schedule of submissions and hearings would take everyone to the end date for evidence. The actions of the ExA in adhering to the deadlines throughout the period from 9<sup>th</sup> February 2021 to 1<sup>st</sup> April 2021 reinforced that position.

13. To meet this timetable we, in effect, emptied the bank accounts to pay for experts and counsel and cancelled or deferred other commitments. All will therefore be severely hampered in their ability to participate further in this inquiry. Some may not be able to participate at all.

14. In this context, as the ExA surely know, SPR has unlimited resources. SPR has been under no strain. Relative to other participants it has unlimited financial, human, legal and technical resources at its disposal. It has been supported at the hearing by an army of paid professionals. Its costs will run into many millions of pounds and any extension can and will be funded commensurately.

15. **Secondly**, the Sizewell inquiry has now commenced. Many of those involved in the present examination will now be involved in the Sizewell examination. Many experts and others who had acted for opposition groups had budgeted their time upon the basis that this examination would end on 6<sup>th</sup> April and they could then turn all of their attention to Sizewell.

16. **Thirdly**, the overwhelming impression we are left with is that the extension benefits SPR. The effect of the ExA letter is to grant to SPR an unfair chance to plug the multitude of gaps that exist in its evidence in relation to a host of matters, including cumulative impact and alternative sites, that should have been addressed in evidence according to long passed deadlines. All the decisions it has taken about “delivery” of evidence have been determined by its own forensic calculations as to how to game the process, for instance, in delaying submitting evidence and its belated decision to serve evidence literally days before the deadline for the end of the evidence collection process. There is no right in law for an applicant to have multiple bites of the cherry. SPR has had more than ample opportunity to adduce evidence on all matters. If that evidence is inadequate – which we say it is – then the ExA should not be

giving SPR unlimited new chances to keep having a go. It is bound to conclude that SPR has been given a fair chance to put its case and if it is inadequate then its applications simply fail.

17. **Fourthly**, there is no explanation in the ExA letter as to why additional evidence is needed on any of the matters mentioned there which include: Biodiversity and Habitats Regulations Assessment (HRA); consideration of alternatives and cumulative impact onshore; flood risk and drainage; and issues around the proposed substations site at Friston, including, but not limited to, considerations of landscape, design, historic environment, visual impacts, and proposed mitigations. The deadlines for submission of evidence on these issues expired weeks and months ago. The ExA letter does not say in what respects that evidence is incomplete or why it is now needed.

18. **Fifthly**, it is the decision to extend that is the cause of an intolerable “*strain*” on delivery, not anything that has happened beforehand. Therefore, and perversely, the extension decision will lead to the very strain which the extension request sought to avoid, and yet further additional strain given the commencement of the Sizewell C examination.

## **Reason 2**

19. The second reason given concerns the Covid-19 restrictions and the two national lockdowns and concerns the ability of the Panels and Case Teams to examine the applications fully. The Panel is 5 strong and supported by a case team. The Panel have never before raised any issue about its ability to deal with the material arising. Indeed, it has always been the Panel’s position that the evidence collection process would end definitively on 6<sup>th</sup> April 2021.

20. Nonetheless if it is now the position of the Panels and the Case team that more time is needed to review the evidence then we have no objection to more time being taken.

21. However, as we understand the position of the ExA, as set out in its letter of application to the Secretary of State, that could not have been the position as of 9<sup>th</sup> February 2021.

22. On 9<sup>th</sup> February, the ExA set out a revised timetable for the submission of evidence and for hearings. This was the same day as the application for an extension was made. This new schedule provided for hearings spread over a 10-day period. The ExA identified issue specific hearings, hearings to address compulsory purchase and additional hearings to act as a reserve capacity should they be needed. It assumed that the evidence collection process would finish

on 6<sup>th</sup> April. In that letter the ExA expressly stated that in its view the revised timetable would enable all the issues to have “*sufficient time for examination*” and that there would be “*adequate*” time for submissions and responses. The letter stated in this respect:

“The Examination timetable has been amended (see Annex B) to provide for these events, specifically at items 37 to 47, whilst items 29 to 36 and items from 48 onwards in the timetable remain unamended. ***The reasons for the changes are to ensure that detailed technical matters requiring to be examined orally have sufficient time for examination. Each individual hearing is now held with no further business on the same day, ensuring adequate time for oral submissions and responses from all participants, without timing implications for following events.*** The hearings have also been designed to reserve or provide time to enable any additional Affected Persons requesting to be heard under Regulations 14 (Issue Specific Hearings), 15 (Compulsory Acquisition Hearings) and/ or 16 (Open Floor Hearings) to be heard, should any such requests to be heard be received. Information explaining the status of additional Affected Persons and how they can request to be heard can be found in my letter of 5 February 2021.”

(emphasis added)

23. We do not understand how the ExA can therefore suggest to the Secretary of State on 9<sup>th</sup> February 2021 that it did not have a chance to consider the applications and the evidence fully given that on the same day it took detailed timetabling measures to **ensure** that (i) it collected the relevant evidence; (ii) the parties had sufficient time to submit that evidence and (iii) that it would have a chance to review it.

### **Objections**

24. This decision is procedurally unfair.

25. The ExA is under a duty in law to ensure procedural fairness. It is a basic tenet of fairness that before a body, such as the ExA which plays a pivotal role in a decision-making process, takes an important procedural step it should hear the parties. This procedural decision was taken without notice or consultation. This is made even more troubling given that publication of the extension decision was less than a week before the examination period was due to end, where that week was bisected by a four-day Easter weekend.

26. The participants were not consulted when the ExA applied for an extension on 9<sup>th</sup> February 2021 even though in that application the ExA made various (unwarranted) assumptions about the position of the parties.

27. The participants were also not consulted when the ExA received the BEIS letter and then had to decide how to respond to it. The Secretary of State letter does not compel the ExA to extend the proceedings, nor does it lay down how any extension should operate.

28. Even if there were reasons for an extension in early February 2021, these fell by the wayside and became irrelevant history by the date of the decision to extend. They were not relevant reasons on 1<sup>st</sup> April 2021. No one asked for an extension either at the end of the hearings or in the final round of written submissions. The position had fundamentally changed by the end of March.

29. In these circumstances the parties are entitled to know:

- a) what has passed between the ExA/Planning Inspectorate and the Secretary of State?
- b) whether anything has passed between Scottish Power and the Secretary of State and/or the ExA/Planning Inspectorate?
- c) whether anything has passed between National Grid and the Secretary of State and/or the ExA/Planning Inspectorate?

30. The ExA/Planning Inspectorate is requested to provide the answers to the questions above and provide the information and documents below under its inherent duty to ensure transparency and/or under the Freedom of Information Act:

- (i) a copy of the application made to the Secretary of State on 9<sup>th</sup> February 2021.
- (ii) any and all documents with or relating or referring to SPR and National Grid in relation to the issue of an extension.
- (iii) all correspondence, emails, notes of meeting and other records relating to all communications with the Secretary of State and/or his staff covering the application for an extension from 9<sup>th</sup> February onwards until 1<sup>st</sup> April 2021.

Given that this is a public inquiry there can be nothing confidential about any of these matters, which relates to a procedural issue only.

31. There is no good reason for the evidence collection process to be reopened.

32. The parties have no objection to the ExA taking additional time to consider the evidence.

33. Save for this, the ExA should revoke the decision to extend the examination<sup>1</sup>.
34. We reserve all our rights.

8 April 2021

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<sup>1</sup> We accept that since all parties have adjusted their positions accordingly the date for deadline 9 should remain as 15<sup>th</sup> April 2021.