



**Applications by:**

- **East Anglia ONE North Limited for an Order Granting Development Consent for East Anglia ONE North Offshore Wind Farm; and**
- **East Anglia TWO Limited for an Order Granting Development Consent for East Anglia TWO Offshore Wind Farm.**

**Frequently Asked Questions (FAQs)**

**Version 3.2 issued on 7 May 2021.**

**Applicable to Examinations processes and events from 10 May 2021.**

This FAQ document aims to assist people involved in the Examinations who have questions about the Examination Timetables, procedures and arrangements.

It combines responses to questions relating to the Examining Authorities (ExAs) Coronavirus response, with responses relating to the delivery of two Examinations in parallel and decisions taken by the Secretary of State for Business, Energy and Industrial Strategy (SoSBEIS) on 30 March 2021 to extend the periods of time allowed for the Examinations. It replaces FAQ documents published on 3 January, 21 May, 16 July, 12 October and 8 December 2020 and on 29 April 2021. The Planning Inspectorate’s [Advice Note 8.6](#) on virtual examination events contains useful advice and should also be read. The FAQs may be updated from time to time at the discretion of the ExAs.

Issues are grouped under the following topic headings, which can be clicked to go directly to that topic.

**Topics**

THE EXAMINATIONS ..... 2

EXAMINING THE APPLICATIONS:

THE RELATIONSHIP BETWEEN EAST ANGLIA ONE NORTH & EAST ANGLIA TWO ..... 9

PARTICIPATING IN MEETINGS & HEARINGS..... 11

JOINING A VIRTUAL MEETING OR HEARING ON THE INTERNET ..... 13

JOINING A VIRTUAL MEETING OR HEARING BY TELEPHONE ..... 14

WHAT IF THINGS GO WRONG AT A VIRTUAL MEETING OR HEARING?..... 16

HOW DO I PROTECT MY PRIVACY IN VIRTUAL EVENTS? ..... 18

THE APPROACH TO SITE INSPECTIONS ..... 19

COMPOSITION OF THE EXAMINING AUTHORITIES ..... 21

HELP, FURTHER INFORMATION & KEEPING UP TO DATE ..... 21



## THE EXAMINATIONS

### 1. Why can't the Examinations be postponed until after the Coronavirus pandemic is over?

The Coronavirus (COVID-19) pandemic has had a significant impact on society. During the early stages, the Planning Inspectorate followed Government advice at the time and suspended all casework activities involving unnecessary travel and public gatherings. These included hearings and accompanied site inspections. Over June to August 2020, lockdown restrictions were eased as infection rates fell. Between September and November 2020 infection rates rose, bringing additional local and national controls into force. Significant controls are anticipated to remain in force until March 2021. It is still uncertain when and how large meetings and hearings for planning purposes will be able to be held in the traditional way, in large indoor venues. The Government has made and will make public health judgments moving forward, considering infection rates and emerging factors such as when mass testing, a vaccine or effective drug therapy are available. The ExAs must abide by those judgments and legal requirements that apply.

However, the planning system has a role to play in supporting the UK's economic recovery. Planning decisions of all types still need to be made, as if decision-making was to be halted completely, substantial adverse economic and employment consequences would emerge in the design, construction and related sectors of the economy. Where the development of national infrastructure is argued to meet national needs, a cessation of the assessment and decision-making processes could leave important needs unmet for longer than necessary. A [Written Ministerial Statement](#) was made on 13 May 2020 by the Secretary of State for Housing, Communities and Local Government. The statement emphasised the importance of planning's role. It called for the resumption of hearings using online documents and virtual events and it remains in force. Given the importance of this work, there is no option nor any practical reason to postpone these Examinations until the pandemic ceases to be a consideration.

The applications under examination also include proposals for the compulsory acquisition and temporary possession of land. As long as the applications remain undecided, such proposals are economically and socially disruptive for the people and businesses that they affect. It is important that, if there are means of resolving this disruption sooner rather than later, delay and the blight that can flow from it should be minimised.

The Planning Inspectorate is currently delivering the great majority of its casework using virtual methods. Within its national infrastructure casework, many virtual hearings have now been held, all of which have so far been conducted successfully.

The ExAs consulted all Interested Parties in these Examinations about the possible use of virtual meetings and hearings. They noted the preference of a considerable number to delay hearings until purely physical events can be



conducted. On balance however, it is also clear that the great majority of Interested Parties can participate in virtual events, as long as they can be joined using conventional land-line telephones as well as using internet connected digital devices. Specific steps were taken to identify whether support was required for any Interested Parties who could not participate in virtual events and only a very small number of requests were made.

The ExAs are confident that the ongoing conduct of these Examinations provides for a fair, open and impartial examination of the issues.

## **2. How and why have the timescales for the Examinations been extended?**

Following the return to national lockdown in January 2021, it became apparent to the ExAs that certain of the resulting public health measures put into effect (such as the requirements to work from home and to home school children) could reduce the time and resources available for a range of Interested Parties and the Examinations Teams themselves to participate in and deliver the Examinations. Hearings (reliant as they are on access to information technology and undisturbed time and space) were identified as most likely to be affected, but at the same time, reviews of evidence suggested that additional hearing time would be required to progress the Examinations.

For these reasons, the ExAs invited all parties involved in hearings in January 2021 to make specific procedural submissions to Deadline 5 if they were experiencing difficulty due to public health controls. A number of Interested Parties raised concerns over timing and resource constraints in response to those invitations. These factors were taken into account when, on 9 February 2021, the Planning Inspectorate wrote to the Secretary of State and requested that the Examinations be extended.

The decision to extend an Examination is a statutory decision for the Secretary of State and not for the ExAs. There is no statutory requirement for consultation on such a decision. The question about who (if anyone) to consult before such a decision and on what terms is one for the Secretary of State alone. The Secretary of State asked for the Applicants' views about a possible extension and was also referred to a summary of views provided to the ExAs by Interested Parties at Deadline 5 and advice from the Planning Inspectorate about the effects of public health controls on its own resources.

Following the submission of the request for the extension on 9 February 2021, the ExAs could not adapt the timetables straight away. They were under a duty to continue to examine the applications until the outcome of the extension request was known. The Secretary of State's decision was made on 30 March 2021 and the **Examination periods were both extended until 6 July 2021.**

Steps to amend the timetables were taken once the decision had been made. The main reasons for the extensions 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 ExAs acknowledge that a lot of progress was made in the Examinations during this period. Some (but not all) matters which were outstanding at the start of February were concluded by the time the Secretary of State's decision to allow an extension was made. The ExAs extend their appreciation and thanks to all parties who continued to contribute fully to the Examinations within the original examination deadlines during what was a very difficult time for many.

Nevertheless, an extension decision having now been made, the ExAs have prepared a timetable that uses the granted time to ensure that any parties who had not completed the articulation of their submissions and evidence could do so and that the ExAs themselves have time to review and (where necessary) further interrogate this material.

The ExA's letter dated 6 April 2021 makes the following commitments about the extended Examinations period:

*"... 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".*

### **3. Coronavirus restrictions are changing. Why don't you issue Examination Timetables providing for physical meetings and hearings?**

There is a starting principle that examinations events must be planned based on the public health controls in force at the time that they are planned. But infection rates and the provisions within public health controls can change significantly in as short a period as a month. Any examinations events must be sustainable in a wide range of reasonably foreseeable changed circumstances that are both better and worse than those at the current time. Because it has been a consequence of tightening controls that physical meetings and hearings can become undeliverable, or subject to very restrictive delivery methods, the ExAs have made reasonable allowances in event designs for the possibility that public health controls might tighten in the gap between the service of notice for an event and an event itself.



Virtual Open Floor Hearings (OFHs), Issue Specific (ISHs) and Compulsory Acquisition Hearings (CAHs) have been held throughout the examinations. At all of the times to date that the ExAs had to make decisions about how to hold these events, restrictions in force did not permit us to hold them as large indoor public gatherings.

The ExAs remain aware of the widespread preference of many Interested Parties to attend physical hearings. The draft timetables as originally designed in July 2020 when infection rates were falling retained the flexibility to hold physical events in the second half of the Examinations – if public health controls allowed and it was prudent to do so. Revisions made from October 2020 onwards in turn responded to rising infection rates, substantial public health controls and two periods of national lockdown, the second of which is gradually being lifted in the period from March to June 2021. Decisions about events to be held in May 2021 have now been taken and the only clearly deliverable options for these events at the point of decision were virtual.

The Planning Inspectorate has provided substantial support to participants – including holding familiarisation sessions before all virtual events, providing hands-on experience with virtual event technology and etiquette. Where virtual events are used in these Examinations it will continue to do so for new participants.

Physical Accompanied Site Inspections (ASIs) were originally planned to be held in January 2021. Given the severe public health restrictions in place at that time, these were amended into Access Required (AR) Site Inspections on private land or Unaccompanied Site Inspections (USIs) in the public domain, which were able to comply with public health controls in force. However, this meant that some people who had nominated locations for and requested to attend the original ASIs (including the Applicants) were not permitted to attend the visits as delivered. However, it is important to remember that even before Covid restrictions were implemented, site inspections in national infrastructure casework were not places where oral submissions could be made. The purpose of attendance by Interested Parties was to respond to factual questions from the Inspectors and to provide transparent assurance that inspections on private land did not include any conversations on merits between Inspectors and any persons present.

Notes of all USIs and AR Site Inspections held so far have been published and anyone wishing to comment on the scope of inspections has been provided with an opportunity to respond in writing. The ExAs will continue to carry out USIs to ensure that all places that they need to inspect have been inspected.

#### **4. Where can I find the Examination Timetables?**

The timetables in force can be located on the project websites timetable tabs and latest versions can also be found the Examinations Libraries in the documents tabs.



- <https://infrastructure.planninginspectorate.gov.uk/projects/eastern/east-anglia-one-north-offshore-windfarm/>
- <https://infrastructure.planninginspectorate.gov.uk/projects/eastern/east-anglia-two-offshore-windfarm/>

## 5. Why do the timetables need to change?

The ExAs have kept the timetable under constant review. Since the January 2021 national lockdown, significant concerns have arisen about the capacity of the ExAs themselves, Interested Parties and Other Persons to fully involve themselves in the Examinations, prepare and consider evidence. 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.

On 30 March 2021, the Secretary of State for Business, Energy and Industrial Strategy (SoSBEIS) decided to extend the statutory deadlines for both Examinations to ensure that the ExAs have sufficient time to review and interrogate all evidence and that all parties are provided with a full and fair opportunity to participate, before the Examinations closed. Changes to the timetables were made on 1 April 2021 to respond to these decisions. Whilst it is hoped that no further timetable changes will now be required to enable these Examinations to be concluded, the ExAs will continue to pay close regard to the need to meet applicable procedural rules, and to provide natural justice and procedural fairness to all involved in the Examinations.

## 6. Do the ExAs need to hold any hearings at all?

Examination of Nationally Significant Infrastructure Projects (NSIPs) under The Planning Act 2008 (as amended) (PA2008) is primarily a written process. Whilst public health controls remain in force, the ExAs will protect Interested Parties from adverse health effects by maximising their use of written processes. However, there are certain circumstances where hearings must and will be held:

- Where Interested Parties request to be heard at an Open Floor Hearing, they have a right to be heard, and the ExAs had addressed all such requests before the extensions were granted;
- Affected Persons (people whose land or rights are affected by a Compulsory Acquisition (CA) or Temporary Possession (TP) proposal) who object have a right to be heard on their objections and again, the ExAs had addressed all such requests before the extensions were granted; and
- There are certain matters that are complex and multi-factor in nature, requiring testing against policy, or that remain in dispute, where hearings more efficient than multiple rounds of written questions ever could be. On 30 April 2021, the ExAs confirmed that Issue Specific Hearings will be held to address these. Two of these will be held in the extensions period.

These remaining hearings are considered to be the minimum necessary to be held in order to make progress in and conclude the Examinations. In the current





context, the best and fairest method remains to hold these as virtual hearings. All other remaining matters have been reviewed and the ExAs are content that they can be properly resolved using written procedures.

## 7. What topics will be covered in the Issue Specific Hearings?

Given that there are restrictions on our ability to hold physical events and that virtual meetings or hearings typically take longer and accommodate fewer speakers, we have had to review and revise our approach to the examination of some issues.

For these reasons, the timetables started by requesting the submission of more written material to the Examinations than would typically have been the case before the pandemic. We aimed to obtain as much information as we possibly could in writing, early in the Examinations. In addition, our request for the provision of comments on Relevant Representations during the pre-Examinations period ensured everyone had greater clarity on the position of a range of parties on particular issues from the outset. This approach helped to narrow/focus the issues at an earlier stage than normal. It reduced the need for more generalised hearing sessions with large numbers of speakers, early in the Examinations.

Moving on to hearings, operational flexibility was retained at the start of the Examinations and this meant that hearing topics were not as clearly defined as would typically have been the case in a pre-Covid timetable. Having reached the position that all hearings needed to be virtual, the ExAs have now served notice and provided additional detail of the matters to be heard all remaining hearings.

Issue Specific Hearings (ISHs) were held in December 2020 as follows:

- **ISHs1** focused on biodiversity and habitats regulations assessment (HRA) and covered:
  - Offshore biodiversity
  - Onshore biodiversity
  - Habitats Regulations Assessment (HRA)
  - Cumulative and in-combination effects; and
- **ISHs2** focused on onshore siting, design and construction and covered:
  - Onshore cable corridors and transmission connections
  - Siting
  - BEIS review
  - Landscape
  - Visual
  - Historic environment
  - Good design
  - Cumulative and in-combination effects.

ISHs in January 2021 included the following:

- **ISHs3** focused on biodiversity and habitats regulations assessment (HRA) and covered positions in relation to:
  - Offshore biodiversity



- Onshore biodiversity
- Habitats Regulations Assessment (HRA)
- Cumulative and in-combination effects
- **ISHs4** focused on onshore environment, construction and operational effects and covered:
  - Onshore construction and operational effects including but not limited to flooding and drainage, noise, light and air quality
  - Onshore Traffic and transportation effects
  - Public rights of way (PRoW)
- **ISHs5** focused on social, economic, land and sea use effects and covered:
  - Onshore land use, arts and culture, tourism, recreation
  - Offshore shipping, fishing, navigation, sea-use
  - Social and economic effects
- **ISHs6** focused on the structure, content and drafting of the draft Development Consent Orders (dDCOs).

ISHs in February 2021 included the following:

- **ISHs7** focused on biodiversity and habitats regulations assessment (HRA) and covered developing positions in relation to:
  - Offshore biodiversity
  - Onshore biodiversity
  - Habitats Regulations Assessment (HRA)
  - Cumulative and in-combination effects
- **ISHs8** focused on seascapes and covered:
  - Onshore construction and operational effects including but not limited to flooding and drainage, noise, light and air quality
  - Onshore Traffic and transportation effects
  - Public rights of way (PRoW)
- **ISHs9** focused on developments in the content and drafting of the draft Development Consent Orders (dDCOs).

ISHs in March 2021 had an onshore focus on the following topics:

- **ISHs10** focussed on health and social wellbeing;
- **ISHs11** focussed on flood risk and drainage;
- **ISHs12** focussed on noise; and
- **ISHs13** focussed on traffic and transport.
- **ISHs14** examined biodiversity and Habitats Regulations Assessment matters; and
- **ISHs15** examined final positions on the draft Development Consent Orders (dDCOs).

ISHs in May 2021 will focus on:





- **ISHs16:** a final review of matters relating to the onshore substations site at Friston; and
- **ISHs17:** a final review of the dDCOs.

Further announcements will be made in due course about the content of and Agendas for the hearings in May.

The subjects for discussion at hearings are complex, multi-party and contentious matters that are difficult to manage in writing alone.

## **EXAMINING THE APPLICATIONS: THE RELATIONSHIP BETWEEN EAST ANGLIA ONE NORTH & EAST ANGLIA TWO**

### **8. How will the ExAs handle two parallel Examinations for the two separate DCO applications?**

The Examining Authority appointed to examine the East Anglia ONE North Offshore Wind Farm application consists of the same people as the Examining Authority appointed to examine the East Anglia TWO Offshore Wind Farm application. Whilst they consist of the same people, they are two separately appointed Examining Authorities, examining two separate applications. Ultimately, both applications will be fully and independently considered on their planning merits and a separate recommendation report will be produced for each application.

The ExAs recognise that there are some matters which will be common to their consideration of both applications, particularly in relation to onshore aspects of the projects. We have designed a process that allows us to examine common aspects of the two applications in parallel, where it is efficient and sensible to do so. For example:

- the deadlines for written submissions on both cases are identical, thereby simplifying the number of submission dates for parties; and
- the starting point is that hearings for the two Examinations will be held in parallel, allowing us to hear evidence on both cases at once and reducing the need for parties to repeat the points they wish to make.

### **9. What if there are matters that are relevant to only one of the applications?**

We recognise that there are some examination matters, particularly but not exclusively in the marine environment, which relate only to one or other of the applications. Where matters unique to one application are being examined, the timetable allows us to receive submissions in writing and at hearings that are relevant to that application alone.



## **10. How will the ExAs know whether submissions relate to just one application or both?**

### Written Submissions

The ExAs have made Procedural Decisions which deal with the fact that two separate DCO applications are being examined by the same Examining Inspectors at the same time. The decision to do this was for efficiency and to ensure a consistent approach to the Examinations and consistent consideration of the issues.

Procedural Decisions 2 and 3 set out the approach – they are linked in the Procedural Decisions Tracker. This document is identical for both Examinations and can be found in both Examination Libraries in Annex C to our Procedural Decision Letter of 30 April 2021.

In summary:

- Procedural Decision 2 emphasises the importance of ensuring that any material that is relevant to both applications is submitted to both Examinations. Parties must not assume that the Examining Authority for one application will copy submissions made only to that Examination over to the other Examination, as they cannot do so; and
- Procedural Decision 3 outlines a colour coding approach for written submissions to ensure that all parties can understand whether a submission relates to one application or to both.

### Preliminary Meetings

Preliminary Meetings (PMs) were held to make arrangements for the Examination of applications. We held the PMs for both applications on the same dates, at the same time and place. In practice, this meant that a single event discharged the duties of two separate PMs.

### Examination hearings

The Examinations include Issue Specific Hearings (ISHs), Compulsory Acquisition Hearings (CAHs) and Open Floor Hearings (OFHs). We are holding hearings for the two applications on the same date, at the same time and place. This avoids the need for participants to repeat their points if they are the same for both applications. In practice, this will mean that a single event is held, discharging the duties of two separate hearings.

However, when it is necessary to discuss matters relating to only one of the applications, we can allow a separate discussion to take place within a pair of hearings. For matters where it is necessary to orally examine an application separately, we will hold hearing sessions consecutively rather than concurrently. This means that there will never be circumstances where there are two hearings for different applications happening at the same time. Separate consideration typically occurs as agenda items within hearings that otherwise provide for the examination of both applications.

### Site Inspections



Accompanied Site Inspections (ASIs) take place in the company of Interested Parties, although it has not been possible to hold these due to public health restrictions. Unaccompanied Site Inspections (USIs) are undertaken by the relevant Examining Authority members alone on land that is publicly accessible. Access Required (AR) Site Inspections are held on private land by the relevant Examining Authority members with the consent of the owner/ occupier of the land. They or a relevant technical specialist (eg from the County Council) may attend at a distance to ensure that gates are opened and the ExAs find their way to the correct locations or features. All onshore site inspections have been held for the two applications on the same date, at the same time and place. A single event takes place, discharging the functions of two site inspections.

The AR Site Inspections are now complete and notes of them can be found in the Examination Libraries. We will continue to publish a note of any USIs undertaken.

## **PARTICIPATING IN MEETINGS & HEARINGS**

Previous versions of these FAQs contained detailed responses to the following questions:

- 11. How do virtual hearings work?**
- 12. Why is requesting to be heard in advance of virtual meetings or hearings important?**
- 13. What equipment and software do I need?**
- 14. What if I don't have internet access?**
- 15. What is an 'Arrangements Conference'?**
- 16. How can I prepare for hearings? Is there any help for people to become familiar with virtual meeting and hearing methods and systems?**
- 17. What if I don't know whether I want to speak, or there are not enough speaking links or lines available?**

Advice on these matters can be found in the Planning Inspectorate's [Advice Note 8.6: Virtual Examination Events](#).

### **18. How can I request to be heard?**

The Examination Timetables provided opportunities for Interested Parties to notify the ExAs of their wish to be heard. You may be asked to:

- complete an online involvement form on your smartphone or computer (used where there are large numbers of people requesting to be heard);
- send an email to the Case mailbox; or if these methods are not possible for you
- telephone or write to the Case Team.

However, you must have done so or do so by the relevant deadline.

The deadlines were and are as follows:



- For all Open Floor Hearings (OFHs) the deadlines were Procedural Deadline B (9 September 2020) and Deadline 1 (2 November 2020).
- For Issue Specific Hearings (ISHs) 1 and 2, the deadline was Deadline 1 (2 November 2020).
- For subsequent ISHs to be held in January and February 2021, the deadline was Deadline 3 (15 December 2020).
- For subsequent ISHs to be held in March and April, the deadline was Deadline 6 (23 February 2021).
- For ISHs to be held in May 2021, the deadline is **Monday 10 May 2021**.

### **19. What happens if I can't or I forget to request to be heard by the relevant deadline?**

For Open Floor Hearings, multiple events have been programmed to ensure that all people requesting to be heard can be heard. Unless you are affected by an additional land request submitted by the Applicants on 2 November 2020 and have not yet registered as an Interested Party (IP) or are concerned by material changes to the applications submitted by the Applicants on 2 November 2020, it is now too late to request to be heard. Additional Affected Persons may still request to be heard up to Deadline 7 (4 March 2020).

Most Issue Specific and Compulsory Acquisition Hearings are unique and not repeated. They were or will be held once only and if you don't request to be heard by the relevant deadline, then again, you will have missed the opportunity for direct oral participation. Check the Examination Timetable carefully and make sure that you do request to be heard by the right deadline. Additional Affected Persons may still request to be heard up to Deadline 7 (4 March 2020) and if they do so, will be offered an opportunity to raise matters that have already been heard at hearings that have already been completed.

If you do miss the deadline to request to be heard, the following opportunities will still be open to you:

- As long as the event is still in progress, you will be able to view or listen to a live stream from a link on the National Infrastructure Planning website for the application;
- If the event has ended, you will be able to view or listen to a recording on our catch-up service; and
- All events have a deadline approximately one week after their closure, where people who have used the live-stream or catch-up service can submit their comments in writing.

### **20. I've read the FAQs above and Advice Note 8.6 and I still don't think that I can participate: what next?**

If you have access issues that are not addressed here or in the Planning Inspectorate's Advice Note 8.6: Virtual Examination Events, please contact the Case Team as soon as possible. The answer to FAQ 48 sets out their contact



details.

## **21. What will virtual hearings in these Examinations be like?**

As events are held in these Examinations, you will find published recordings provide a valuable guide to the way in which future events will be held. Recordings of many completed events are available in the banner, documents tab and Examination Libraries on both project web pages:

- [Preliminary Meetings](#) (PMs) (from the East Anglia ONE North website)
- [Recordings and Transcripts of Hearings](#) (from the East Anglia ONE North website)

These recordings are also published on the East Anglia TWO website, but the records held there are identical.

Written transcripts are published for hearings – but as these are generated using a computer system and are not manually corrected, care is required with their use. They are a guide to and *aide-memoire* of proceedings, not a 100% accurate verbatim record. Spellings of personal and place names for example are often incorrect.

## **JOINING A VIRTUAL MEETING OR HEARING ON THE INTERNET**

Previous versions of these FAQs contained responses to the following questions:

- 22. Will I be able to participate from a computer, tablet or smartphone connected to the internet and will I need any special software?**
- 23. How do I join from a computer, tablet or smartphone?**
- 24. How will I know who is speaking at any given time?**
- 25. Will I be able to mute my microphone?**
- 26. What if I do not wish to appear on video?**

Advice on these matters can be found in the Planning Inspectorate's [Advice Note 8.6: Virtual Examination Events](#).

## **27. Will my personal information be shared with any other participants?**

Our virtual events system Microsoft Teams will normally display the name and may sometimes also display the email address of participants to other participants using digital devices.

If you do not wish the email address that we are currently using to correspond with you to be seen by other parties, you can set up a free email account online using an on-line service to join with. Alternatively, your existing internet or email service provider may enable you to set up an 'alias' email address such as 'hearing.participant123@freemail.com'.



These measures will protect your privacy. If you plan to do this, please let us have any alternative email address as soon as you can so that we can send the invitation email and joining instructions to the correct email address.

Please check with your internet or email service provider or an intended alternative email service provider before the virtual meeting, hearing or familiarisation test event and ensure that you have taken any steps that you wish to take to prevent the disclosure of your actual email address to other users.

## **28. How will I know which documents the ExAs refer to, as I won't be able to see them?**

Where necessary, a small number of documents may be shared on screen during the hearings. These include the agenda and documents identified in and linked from the agenda. However, the sharing on screen of too many or too large documents can give rise to technical difficulties. We advise you to have the key documents available in either hard copy or already downloaded to your device. Alternatively, all documents, apart from the National Policy Statement for National Networks, are available in the Examination Library. The ExAs will say when a document is being referred to during a hearing, providing its Examination Library reference number. The Examination Libraries are at:

- [East Anglia ONE North](#)
- [East Anglia TWO](#)

Accessing the virtual meeting or hearing from a computer or tablet using the web address link provided in the invitation email should allow you to see any documents that are shared during it. The relatively small screen on a smart phone may make that impractical.

Everybody with access to a web browser, including those who access a meeting or hearing by smartphone, should be able to access the documents by clicking on the link in the agenda or in the Examination Library.

## **JOINING A VIRTUAL MEETING OR HEARING BY TELEPHONE**

Previous versions of these FAQs contained responses to the following questions:

- 29. Can I join by using any telephone?**
- 30. How do I join by telephone?**
- 31. Will I be able to mute and unmute my telephone during the event?**
- 32. How will I know who is speaking at any given time?**
- 33. How much does it cost to participate by telephone?**

Advice on these matters can be found in the Planning Inspectorate's [Advice Note 8.6: Virtual Examination Events](#).



### **34. Will my number be visible to other participants and how can I ensure my privacy?**

A default setting in Microsoft Teams means that your number will be visible to parties who chose to participate in the virtual meeting or hearing or familiarisation test event by video.

If you do not want to display your telephone number, please add a privacy prefix before you dial the telephone number included in the joining instructions. On most UK telephone networks you can dial 141 before the telephone number. This will ensure that you remain anonymous and your telephone number is not shared with any other users. Some networks require you to use a different method. Certain telephone handsets also allow you to withhold your telephone number using a setting that is specific to your handset.

Please check with your telephone service provider and read the instructions for your telephone handset before the meeting, hearing or familiarisation test event and ensure that you have taken any steps that you wish to take to prevent the disclosure of your telephone number to other users.

### **35. How will I know which documents the ExAs are referring to during the event as I won't be able to see them?**

Where necessary, a small number of documents may be shared on screen during hearings. These include the agenda and documents identified in and linked from the agenda. You are advised to have printed copies of these key documents available in hard copy. Alternatively, all documents, apart from the relevant Acts of Parliament, Statutory Rules and Regulations (Statutory Instruments) and National Policy Statements in force, are available in the Examination Library. The ExAs will say when a document is being referred to during a Hearing and provide its Examination Library reference number.

The Examination Libraries can be seen at:

- [East Anglia ONE North](#)
- [East Anglia TWO](#)

If you have access to the internet but are using the phone because eg your connection is slow or your computer does not have a camera or speakers attached to it, you can still access relevant documents by clicking on the internet link in the agenda or in the Examination Library on the project website.

If you do not have an internet connection, you may wish to obtain printed copies or extracts of documents in advance, from the libraries identified in Annex E to the Rule 8 Letters. Do alert the Case Team and/or Examining Authorities, so they are aware if you are not able to see the documents.





## WHAT IF THINGS GO WRONG AT A VIRTUAL MEETING OR HEARING?

### 36. What if I lose my connection?

If you experience problems with your connection, then please try again using the same joining instructions. On a digital device, it may help to restart and to check whether your internet connection (including your router or modem) is working. On a phone, hang up and re-dial. If these steps do not work, contact the Case Team by email or telephone using the contact details provided in the invitation email. They will attempt to help you to join or re-join the meeting or hearing. It may be that, if you initially joined by video but that failed, you can still re-join by audio only (switch off your camera) or by telephone, to limit the effect of any technical issues that you may have been experiencing.

### 37. What if I can't re-join?

If you can't join or re-join the meeting or hearing at all, the ExAs will consider the best way for you to still be able to participate in the Examinations. This may include requesting you to view or listen to a recording of the meeting or hearing and to make a submission in writing by the relevant deadline for submissions identified in the Examination Timetable. There may be an appropriate hearing later in the Examination that you could request to join. A technology failure excluding you from an earlier hearing is likely to provide sufficient reason for the ExAs to invite you to a later hearing, if there is no other opportunity to be heard remaining in the timetables.

### 38. What if the event is disrupted?

If a meeting or a hearing is disrupted by technical or other issues, the ExAs may adjourn it, or part of it, to another time, date or format. Time has been provided in the Examination Timetables for this to occur – and this explains the decision to reserve blocks of time in the timetables shown as for repeats of meetings or hearings '(if required)'. These contingency events are normally marked with the suffix 'A': so if an event provides contingency cover for Issue Specific Hearings 6 (ISHs6) then it will be referred to as Issue Specific Hearings 6 A (ISHs6A). If the meetings or hearings are not disrupted, reserved events will not proceed. They can be cancelled in the banner of the National Infrastructure Planning Website project page for the applications.

It should be noted that these contingency or 'A' events are intended to respond to the total or substantial loss of events to technical failures affecting many or all participants. They are not provided to address circumstances where events or individual contributions over-run. It is fair and important that all participants speak succinctly and keep events to time.

The ExAs may decide that it is possible for further written submissions to be made on any agenda items that were not able to be considered at a meeting or



hearing. They will normally do so if anyone has lost what otherwise would have been a right or expectation to be heard orally. There may also be an appropriate hearing later in the Examination that you could join. Disruption to or loss of earlier hearing at which you were due to be heard is likely to provide sufficient reason for the ExAs to invite you to the EISH, if there is no other opportunity to be heard remaining in the timetables.



## HOW DO I PROTECT MY PRIVACY IN VIRTUAL EVENTS?

### 39. How do I ensure that my personal and private information is not published?

All National Infrastructure hearings are recorded, and recordings are published on the examination project pages of the National Infrastructure Planning Website. By established practice, a digital audio recording has been published. You are advised not to place private and confidential material onto the oral record. If you feel that need to do so to support your case, seek procedural advice from the ExAs before you do so.

The technology used for virtual meetings and hearings support digital video recording by default. In order to discharge the Planning Inspectorate's legal obligation to hold events in public, meetings and hearings with large numbers of Interested Parties can be live-streamed. If you are participating using a digital device but you do not wish to be included in a published or live-streamed video recording, you have the option to switch off your device camera during the hearing and the live-stream or recording will be of your voice alone.

The Secretary of State for Communities and Local Government (as was) has provided guidance on the examination of National Infrastructure applications for development consent<sup>1</sup>. This guidance provides as follows:

*'Hearings should be open to journalists and the wider public, as well as interested parties. Provided that it does not disrupt proceedings, all individuals present at hearings should be allowed to report, record and film proceedings including using electronic and social media. Examining inspectors will advise persons present at the start of hearings that the proceedings may be recorded and/or filmed, and that any persons using social media during or after the end of the proceedings should do so reasonably.'*

This guidance remains unchanged and so all participants in a virtual event must be aware that the event may be recorded by any attendee and that any such activity will only be regulated if it becomes unreasonable or disruptive to the event.

### 40. How to I ensure that my privacy is protected when I'm using a digital device to join?

The virtual event system Microsoft Teams will normally display the name and may sometimes also display the email address of event participants to other hearing participants who are using digital devices.

After you click your joining link but before you join the event, Microsoft Teams will enable you to type in the name that you wish to be displayed. You can choose what name to type in and can add an organisation name too if you need to. It needs to be sufficient to enable the ExAs to identify you.

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<sup>1</sup> [Planning Act 2008: Guidance for the examination of applications for development consent](#), March 2015, Department for Communities and Local Government, at paragraph 102, page 23.



If you do not wish the email address that the Planning Inspectorate is currently using to correspond with you to be seen by other parties, you can set up a free email account on-line to join with. Alternatively, your existing internet or email service provider may enable you to set up an alias email address such as 'hearing.participant123@freemail.com'. These measures will protect your privacy. You would need to provide any alternative email address from the one we are currently using for you as soon as possible. This is so that we can send out the invitation with the link for joining any familiarisation event and for an actual meeting or hearing, ahead of the event.

Please check with your internet or email service provider or an intended alternative email service provider before a familiarisation event, meeting or hearing and ensure that you have taken any steps that you wish to take to prevent the disclosure of your actual email address to other users.

#### **41. How to I ensure that my privacy is protected when I'm using the telephone to join?**

Microsoft Teams will normally record and play the name and display the telephone numbers of hearing participants to all other hearing participants who are using digital devices.

You can choose what name to record. It needs to enable the ExAs to identify you in the hearing.

If you do not want to display your telephone number, you can add a privacy prefix before you dial the telephone number for the hearing. On most UK telephone networks you can dial 141 before the telephone number and this will ensure that you remain anonymous and your telephone number is not shared with any other users. Some networks require you to use a different method. Certain telephone handsets also allow you to withhold your telephone number using a setting that is specific to your handset.

Please check with your telephone service provider and read the instructions for your telephone handset before the familiarisation event and the hearing and ensure that you have taken any steps that you wish to take to prevent the disclosure of your telephone number to other users.

## **THE APPROACH TO SITE INSPECTIONS**

#### **42. What approach has been taken to Site Inspections?**

The ExAs are holding most of their site inspections in a socially distanced manner as Unaccompanied Site Inspections (USIs). Notes of all USIs are published on the National Infrastructure Planning website. Further written notes will be published as further USIs are undertaken.



Interested parties were asked to nominate particular locations for site inspections in writing by timetable **Deadline 1**<sup>2</sup>. The ExAs do not need to inspect locations that have already been inspected unless there is some specific feature at the site that has been drawn to our attention which we had not already observed.

The ExAs don't inspect all nominated sites. We prioritise and inspected sites where observations are likely to identify important and relevant considerations. We will continue to visit as many nominated locations as we can through USIs. USIs can be carried out the ExAs see fit. They are not included in the timetables.

We can't visit private or access-restricted land (such as operating infrastructure) without the consent of the landowner/operator and proper safety measures being taken where necessary. For this reason, there is some land where Accompanied Site Inspections (ASIs) or Access Required (AR) Site Inspections are required. An ASI is a public event, whereas an AR inspection has attendance limited to only those persons essentially required to permit and facilitate access to the land (by unlocking gates and directing the ExA to specific features). Time reserved in the timetables to hold ASIs in January 2021 was used to hold AR inspections and USIs, to ensure compliance with strong public health requirements in force at the time, which in effect prohibited ASIs due to their nature as mass gatherings.

AR attendees were required to register with the Case Team in advance of these events in order to receive joining instructions. This step ensured that the ExAs are clear about who is attending and that inspections remain compliant with public health controls in force.

We note that some Interested Parties felt that ASIs might normally have included the ability to make oral submissions. From this perspective, a decision to replace them with AR or USI processes would mean that an opportunity to be heard would be lost. This was not the case. The normal procedure for National Infrastructure ASIs before Coronavirus drew a very strict distinction between hearings and site inspections and this distinction is still in place. Hearings are the only places where oral submissions and argument can be put in front of the ExAs. Site inspections are not and never have been hearings: oral submissions and arguments were never allowed to be made at them. Verbal communication between the ExAs and interested parties at a site inspection is strictly limited to matters of fact: the Inspectors assuring themselves that they are in the right place, looking in the right direction and seeing the right features of the site. People wishing to make submissions about the effects of the proposals on particular sites are advised to request to be heard at a hearing or to make a written representation.

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<sup>2</sup> Additional Affected Persons engaged by an additional compulsory acquisition request made by the Applicants at Deadline 1 will be provided with a different opportunity to request site inspections, if they become involved in the Examinations.



#### **43. What if public health restrictions become more severe?**

We hope that health restrictions will continue to be reduced in line with the UK Government's roadmap for Covid restrictions in England.

However, the ExAs have already undertaken AR inspections and USIs to underpin our understanding of the local area and to view specific locations referred to within Relevant Representations and Written Representations and orally at hearings. The ExAs do not need to conduct any virtual site inspections where photographs of relevant locations could be submitted and described by parties, or technology such as drones would be used. Our view is that any remaining site inspections can be conducted on an unaccompanied basis.

Interested Parties can provide written submissions at deadlines up to Deadline 11 on the locations that might be beneficial to be viewed as part of a USI.

## **COMPOSITION OF THE EXAMINING AUTHORITIES**

#### **44. Why was there a change to the composition of the Examining Authorities?**

Mike Harris resigned his position on the Panel with effect from 26 June 2020 consequent on a change of employment. Jonathan Hockley was appointed to the ExAs for both Examinations. His qualifications, skills and experience (see **Annex B** to the Rule 6 Letters of 16 July 2020) are equivalent to those held by Mike Harris and no other change to the operation of the ExAs will be required.

Formal details of the appointment are available here:

- East Anglia ONE North [Appointment Letter](#); and
- East Anglia TWO [Appointment Letter](#).

The ExAs are also supported by two further Examining Inspectors, Mike Hayes and Gavin Jones. Although they are both Inspectors, Mike Hayes and Gavin Jones are not a member of the ExAs, which means that they do not play a part in any formal decisions. They advise, research and drafts documents for approval by the ExAs as required.

## **HELP, FURTHER INFORMATION & KEEPING UP TO DATE**

#### **45. Where can I view copies of the application documents?**

The Rule 8 Letters set out where the Applicants have deposited digital copies of the applications. Arrangements for viewing these are recorded in Annex E. Please note that the Applicants will additionally maintain a hard copy set of application documents at Leiston Town Council Offices. The ability to visit these locations and the availability of technology to view digital documents may be dependent on the public health restrictions in force.



The application documents can also be viewed online on the Planning Inspectorate's webpage for the applications:

- East Anglia ONE North –  
<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/east-anglia-one-north-offshore-windfarm/?ipcsection=docs>
- East Anglia TWO -  
<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/east-anglia-two-offshore-windfarm/?ipcsection=docs>

As public health restrictions change, people who do not have access to computers or the internet are encouraged to seek support from people (such as relatives or neighbours) who do, as long as it is lawful to do so.

If you do not have access to computers or the internet and have no means of addressing that, please contact the Case Team by telephone at 0303 444 5000 and ask whether there is additional help that can be made available.

#### **46. How should I keep up to date with the latest news about the Examinations?**

Please visit the project websites regularly for updates:

- East Anglia ONE North  
<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/east-anglia-one-north-offshore-windfarm/>
- East Anglia TWO  
<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/east-anglia-two-offshore-windfarm/>

You can register for and receive email updates from both project websites.

This FAQ document will be kept under continuous review and updated as new questions arise.

The project websites also have a facility for you to sign up to receive updates by email.

#### **47. What is the Planning Inspectorate's Advice Note 8.6 and does it apply to these Examinations?**

On 30 September 2020 the Planning Inspectorate published a new Advice Note 8.6 on Virtual Examination Events.

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-8-6-virtual-examination-events/>

This advice note was prepared drawing on Inspector, Case Officer and digital systems staff experience, good practice and customer feedback from virtual meetings and hearings held as part of National Infrastructure Examinations since June 2020. The advice that it contains is broadly the same as the general practice advice in earlier versions of these FAQs. This version of the FAQs has





been reviewed to remove advice that can also be found there. It is applicable to all examinations events from January 2021.

Guidance for Interested Parties attending virtual events from October to December 2020 can be found in the previous version of these FAQs that are still available by link from the Rule 8 Letters and in the Examinations Libraries.

#### **48. What if I need more help?**

Please contact the Case Team by telephone at 0303 444 5000 or by email at

- East Anglia ONE North - [EastAngliaOneNorth@planninginspectorate.gov.uk](mailto:EastAngliaOneNorth@planninginspectorate.gov.uk)
- East Anglia TWO - [EastAngliaTwo@planninginspectorate.gov.uk](mailto:EastAngliaTwo@planninginspectorate.gov.uk)

The Case Team can help with inquiries about how the Examinations and any events will be run and how to get involved. They cannot provide planning advice and they cannot arrange for you to be represented or support you at a hearing.

If you need professional planning advice or support you can employ an appropriate consultant (Chartered Town Planners, Surveyors, Engineers, Lawyers and related professionals may all be able to provide relevant advice). You need to make your own inquiries about who to appoint.

If you cannot obtain affordable professional advice, you may be able to get support from Planning Aid England. This is a service provided under the auspices of the Royal Town Planning Institute (RTPI) under which qualified volunteers (Chartered Town Planners) provide advice. Initial requests can be made via: <https://planningaid.zendesk.com/hc/en-us/requests/new>, by telephone (020 7929 8338) or post: Planning Aid England, RTPI, 41 Botolph Lane, London EC3R 8DL.

You may also be able get support from elected representatives or community organisations in the local area. Contact your MP, elected Councillors and any community organisations who are also Interested Parties in the Examinations.

The ExAs are not like a court and do not work in an adversarial manner. They do not rely advocates for the parties to put arguments to them. Instead, they work in an inquisitorial fashion – meaning that the duty to ask questions rests on the ExAs themselves. The ExAs will design and manage hearings to ensure that people who are not professionally represented can make their views known.