

Sent by email to the Planning Inspectorate

7th June 2021

RE: EA1 & EA2 Examination

Dear Mr Smith,

Thank you again for allowing me the opportunity to speak at the Issue Specific Hearing on the 28th May 2021. I did commit to sending Hansard links regarding some points I made in the submission.

The first is James Cartlidge MP's questions to the Prime Minister:

<https://hansard.parliament.uk/commons/2021-05-19/debates/C4EF032A-1F6B-429D-934D-B8BBF28D7B95/Engagements>

The second is the written ministerial statement from BEIS regarding another application, which I maintain is strongly related to the impact of the Justice Holgate ruling.

<https://questions-statements.parliament.uk/written-statements/detail/2021-05-12/hcws5>

JRs are always about technical elements of whether the law was appropriately followed.

<https://www.judiciary.uk/judgments/pearce-v-secretary-of-state-for-business-energy-and-industrial-strategy/>

<https://www.judiciary.uk/wp-content/uploads/2021/02/Pearce-v-BEIS.pdf>

As Justice Holgate ruling (41 pages in length) indicates, he held for the plaintiff on both grounds and granted the quashing of that DCO. This was not on some minor technical point as has been asserted during this latest hearing by the QC responding on behalf of the developer. As such, given that the Government has shown no intent of appealing, the legal points laid down by Mr Justice Holgate should be considered in deliberation of whether this proposed DCO takes account of the cumulative impact and I would suggest that as it stands, it does not.

Yours sincerely,

Rt Hon Dr Therese Coffey MP

Suffolk Coastal

Verbal Submission – EA1 & EA2 Examination - 28th May 2021

Thank you, Mr Smith, for allowing me to speak today – and for providing me, once again, with a specific time slot, which I really appreciate. As I've been active throughout this process, both in making verbal and written submissions, I wanted to contribute to the end of the hearing by making a number of brief points and provide an update that I think is still relevant to your consideration of the drafting of the DCO in recognition of what is effectively changing government policy.

Firstly, I wanted to draw the examining authorities' attention to comments made by the Prime Minister at PMQs on the 19th of May 2021, when responding to my Suffolk colleague, James Cartlidge, firmly backed the need for an offshore transmission grid.

To quote from Hansard:

"As well as building the fantastic windmills, it is vital that we bring the energy onshore in a way that has minimal disruption for local communities and enables us to maximise efficiency."

I put it to the examining authority that this application does not lend itself to fulfilling that clear policy statement from the Prime Minister.

This is further evidence of the government's policy in this area – which adds to the Prime Minister's 10 Point Plan, The Prime Minister's response to Duncan Baker in parliament, the the BEIS Review and the Government's Energy White Paper. All of which promote greater offshore coordination to protect the environment and reduce the cumulative impact of associated onshore development.

I've already made the examining authority aware of and they will be aware anyway, of Justice Holgate's ruling when he ruled against the particular project on grounds of cumulative impact, and that not being clearly considered. I'm not aware that the government has decided to appeal that ruling, indeed, in a written statement to Parliament, by the Energy Minister Anne-Marie Trevelyan, they've actually postponed the decision making process for the sister project to the one that was quashed, in order to allow for an effect the effects of that ruling to be considered as part of the planning consent process. And that's why I don't think it's good enough for the applicant simply not to engage in this developing policy landscape that is rapidly emerging. While I appreciate they are not currently legally required to engage on the potential for sharing transmission, the opportunity is open to them to do so. Even at this stage. Their justification that EA1N and EA2 are to be built out too soon to engage with the 'enduring regime' detracts from what they could achieve if they chose to.

As I pointed out at Deadline 10, the 'enduring regime' is not all that the BEIS Review is about:

The BEIS Review is phased. Stakeholders have been requested by BEIS to come forward with proposals for 'Pathfinder' projects capable of early implementation. In the case of EA1N and EA2, these two projects can share the same technology, share the same developer, which quite possibly would negate the need for changes to legislation and therefore have opportunities to integrate within the existing regime and to engage with the BEIS Review as a 'Pathfinder' project or similar.

Ensuring this happens now would negate the need for cable corridors to be dug and re-dug with every future wind farm project attempting to connect to the Grid here on the Suffolk coast.

This is why I have previously backed a split decision, which would enable an alternative grid connection to be identified that is actually IN LINE WITH the government's emerging environmental and wind energy policy by ensuring that the onshore infrastructure minimises environmental and community damage.

Whilst not holding up the overall project, it would also give the applicant sufficient time to relook at the alternatives such as at Bradwell and Bramford. A comprehensive justification for which I made in writing at Deadline 10. Demonstrating the technology is available now.

In short, in order for the Applicant's proposals to adhere to the emerging government policy of greater offshore coordination to protect our environment - which has been backed again at the highest level in Parliament this month. Then the onshore aspects of these projects must be rejected in favour of a grid connection which offers the capacity to integrate multiple projects without having a devastating impact on local communities and our precious landscapes.

That is why might in my view, the aspects of the onshore DCO that has been drafted, should be reconsidered, to anticipate an alternative which will certainly help us fulfil the ruling in effect given by Justice Holgate. I just want to thank you, I will be putting in a further written submission, or I expect to collate some of those comments further together with some references to Hansard to help inform the examining authority. What I don't have the ability to do is to share the minutes of the meeting. But certainly Suffolk and Norfolk MPs have had regular meetings now with the Minister, also with Ofgem and National Grid on ways forward on how we believe that these sorts of projects specifically this project, can actually be part of that Pathfinder approach and we think it's a very worthy candidate to do so. Thank you very much.