



Preliminary Meeting Note

Summary of key points discussed and advice given

Application: Norfolk Vanguard

Reference: EN010079

Time and date: 10 December 2018 - 10:00

Venue: The Dukes Head Hotel, 5-6 Tuesday Market Place, King's Lynn, PE30 1JS

This meeting note is not a full transcript of the Preliminary Meeting. It is a summary of the key points discussed and responses given. An audio recording of the event is available on the National Infrastructure Planning website.

Item 1: Introduction

Karen Ridge (KR), lead member of the Panel forming the Examining Authority (ExA) opened the Preliminary Meeting (PM) for the application made by Norfolk Vanguard Limited ('the Applicant') for an Order granting Development Consent for the proposed Norfolk Vanguard Offshore Wind Farm. KR introduced herself and provided a brief summary of the proposed development.

KR went over housekeeping arrangements for the meeting, identifying fire exits and explaining that no fire drills were scheduled during the meeting. KR asked if anyone present wished to event or if members of the press were present. No party identified themselves in this capacity.

The other members of the panel introduced themselves; these are Gavin Jones (GJ), Grahame Kean (GK) and Caroline Jones (CJ). KR explained that herself, GJ and GK were appointed on 2 October 2018 and that CJ had been appointed on 7 December 2018 as the fourth member of the ExA, and that her appointment letter was available to view on the examination website.

KR introduced the case team and explained that a meeting note would be produced, in addition to an audio recording of the meeting and published on the project specific page of the National Infrastructure Planning website. KR explained that:

The audio recording would be the official record of the meeting and that it forms a public record that could contain personal information to which the General Data Protection Regulations (GDPR) applies.

The recording would be retained and available on the Planning Inspectorate's website for a period of 5 years from the Secretary of State's decision on the Development Consent Order (DCO).

Those that participate in the hearing process should understand that they will be recorded and that they consent to the retention and publication of the digital recording.

KR explained that the ExA will only ever ask for information to be placed on the public record that is important and relevant to a planning decision, it will only be in the rarest of circumstances that they might ask parties to provide personal information and to not to add information to the public record that parties wish to be kept private and confidential.

Where the disclosure of private and confidential information is considered necessary, the ExA can agree a process to enable it to be made available without it forming part of the public record. A general oral submission can be made but should include the private and confidential information that you need to support it in a written document. Whilst the written document will also need to be published, it can be redacted – a process in which the personal content is removed before publication takes place.

KR explained that the purpose of the PM was to consider procedural issues only, relating to the way in which the application is to be examined and the timetable for that Examination. She noted that the Examination will commence after the PM closes.

KR explained that the ExA's role is to examine the application and make a report and recommendations to the Secretary of State for Business Energy and Industrial Strategy. The ExA has 6 months to examine the proposal and 3 months to consider and produce its report. The Secretary of State has another 3 months to make a decision.

KR asked the parties present that wished to speak to introduce themselves. These were:

Applicant:

John Houghton (Womble Bond Dickinson)

Vicki Redman (Womble Bond Dickinson)

Rebecca Sherwood (Vattenfall)

Ruari Lean (Vattenfall)

Philip Hayton (Necton Parish Council)

Alice Spain (Necton Parish Council)

Glenn Berry (Happisburgh Parish Council)

Louise Burton (Natural England)

Pat Abbott (Environment Agency)

Stephen Faulkner (Norfolk County Council)

Geoff Lyon (North Norfolk District Council)

Shamsul Hoque (Highways England)

Christopher Pater (Historic England)

Brian Sharples

Beverly Wigg (No 2 Relay Stations (N2RS))

Julian Pearson – Holme Hale

Lucy Gresham-Hill

Item 2: The Examination Process

KR outlined how the examination would proceed, emphasising that that the process primarily relied on written submissions and that it was inquisitorial in nature, not adversarial.

Within the process, there is provision for a series of hearings to take place. KR explained that:

Open Floor Hearings (OFH) could be could be requested by any Interested Party (IP).

Issue Specific Hearings (ISH) are set by the ExA, which define the topics for the Hearing and also set an agenda with questions/topics. This also encompasses Hearings in to the draft DCO.

Compulsory Acquisition Hearings (CAH) are for those whose land or rights may be affected by compulsory acquisition subject to the DCO being granted.

Unaccompanied Site Inspections (USI) would be carried out by the ExA throughout the examination period. There will also be provision for an Accompanied Site Inspection (ASI), which IP's will be able to attend. It will not be possible for IP's to present evidence during an ASI, though it will be possible to point out features for observation prior to the ASI.

It is important that the examination is treated with due regard to its statutory status. There is potential to award costs if a party's unreasonable behaviour causes another party to incur wasted expenditure. There is guidance on the Planning Inspectorate's website and this includes examples of potentially unreasonable behaviour, including issues such as not submitting evidence on time, withholding evidence or delaying submission for tactical reasons.

Glenn Berry (GB) - Happisburgh Parish Council (HPC) asked if it was possible to use historic aerial photographs to familiarise the ExA with the site for site inspections. KR responded that the photos should be submitted as evidence, so that the ExA has access to them.

Item 3: Principal Issues

KR explained that the ExA has set out at Annex B of the 'Rule 6' letter, dated 9 November 2018, the initial assessment of the principal issues around which the examination is likely to focus.

GJ reiterated that these were just an initial view and that these are subject to change throughout the examination. GJ made reference to information received from the Applicant.

John Houghton (JH) for the Applicant, questioned if seascape and community benefits need to be principal issues, explaining, in their view, that seascape had been 'scoped out' and that community benefits were not necessarily material for planning purposes but would be subject to a parallel process outside of the examination.

Stephen Faulkner (SF) - Norfolk County Council (NCC) stated that at the Hornsea Project Three Offshore Wind Farm hearings the matter of the type of transmission system (High Voltage Alternating Current (HVAC) or High Voltage Direct Current (HVDC)) was discussed. It would be useful if this issue could be discussed with regard to the Norfolk Vanguard project, as it appears that HVDC may be unfeasible as a deliverable solution.

KR asked if the request was for an examination into whether or not HVDC is deliverable, as the Applicant is committed to the HVDC method.

SF (NCC) stated that at the Hornsea Project Three Offshore Wind Farm hearings, the issues regarding the HVDC method of transmission had been raised. He sought reassurances from the applicant that HVDC is deliverable.

Louise Burton (LB) - Natural England (NE) reported that the developer of the East Anglia ONE Offshore Windfarm was unable to deliver the project using HVDC and had to apply for a non-material change request to use HVAC.

KR stated that the ExA are tasked with examining the acceptability of the scheme, not necessarily the deliverability of the scheme. The ExA will consider this matter further.

Alice Spain (AS) requested that an investigation into land contamination at Necton Wood following an air crash in 1996 should be considered as a principal issue.

KR stated that the ExA understand this issue and that it had been raised in relevant representations. While the matter is not considered a principal issue, it will be examined during the course of the examination.

AS asked to ensure that the Environment Agency is included in the process.

Pat Abbott (PA) - Environment Agency (EA) confirmed that it is aware of the issue and will include a summary in its written representation.

Beverly Wigg (N2RS) would like the Applicant to give assurance that HVDC is deliverable.

JH (WBD) suggested it may be helpful to give a presentation to the panel at a hearing regarding the HVDC element to project and how it has been chosen. Alternatively, this information can be given in a written submission.

KR stated that the ExA will consider which format will be suitable to present this evidence.

Geoff Lyon (GL) - North Norfolk District Council (NNDC) is concerned that amendments may be made to the DCO post decision to allow HVAC. Should not both HVAC and HVDC be subject to the formal DCO process?

KR stated that the ExA understood this and that it is a matter for examination

Philip Hayton (PH) - Necton Parish Council said that community benefit should be part of the DCO process.

KR explained that community benefit was listed under socio-economic affects, which is considered a principal issue.

Julian Pearson (JP) – Holme Hale Parish Council asked can ExA advise on what weight will be given to the Applicant's level of inclusion of the Horlock rules on their substation design in relation to mitigation of visual impact of the development. Also, can the ExA consider why the Applicant dismissed land 200m north-west of the selected site.

KR stated that these matters will form part of the examination, and conclusions will be in the recommendation report.

GB (HPC) asked, can HVDC be changed to HVAC during the application.

KR explained that only HVDC has been applied for in this application; the ExA will make its recommendation in the report to the Secretary of State (SoS). If the SoS was minded to grant a DCO for the proposed development, it would be possible for the developer to apply to the SoS for a non-material change to the DCO.

Lucy Gresham-Hill asked if land use in the principal issues related to just the substation or the development as a whole.

KR responded that it was for all the land required for the proposal.

Items 4 & 5 – Timetable

This section of the meeting was used to discuss the draft timetable (Annex C of the Rule 6 letter of 9 November 2018). Correspondence had been received prior to the PM, providing information on timing and possible locations for forthcoming events.

The final revised examination timetable will be issued in the 'Rule 8' letter

KR stated that there were statutory time periods which must be adhered to in The Infrastructure Planning (Examination Procedure) Rules 2010, such as for giving notice of Hearings, and that the examination must be completed within a period of six months following the end of this meeting (Monday 10 June 2019).

The ExA is mindful of the fact that there are three examinations taking place within this part of the country (Hornsea Project Three Offshore Wind Farm, Thanet Extension Offshore Wind Farm and Norfolk Vanguard) and that this could involve the involvement of many of the same participants and that resources could become stretched. In developing the draft timetable, the ExA has endeavoured to avoid, as much as possible, any clash of Hearings or deadlines for submission of documents.

KR gave an overview of a proposed timetable that took account of comments received and was considerate to the needs of other examinations.

JH (WBD) stated that, as per their letter of 26 November 2018, they had issues with the draft timetable in relation to the short period between deadlines and the substantial requirement for these deadlines.

KR explained that there are logistical difficulties and competing interests but that the aim was to produce an examination timetable that would be fair to all parties.

LB (NE) agreed with the Applicant's views in this matter, stating that the spacing between Deadlines one and two was too short to review and respond to submissions received for Deadline one, which could lead to a holding response being made as NE may not have time to review the documentation.

LB (NE) said that she understood the complexity and that it was the ExA's decision but stressed that they would appreciate any additional time that could be provided within the timetable.

KR explained that the ExA appreciated the challenges but that there also needed to be time for the ExA to review submissions received for deadlines ahead of hearings.

LB (NE) asked if agendas could be detailed in order to inform parties of what they needed to prepare and be issued at least seven days in advance of the hearing.

LB (NE) – due to commitments to Hornsea 3, likely that only a holding response would be submitted for Deadline two.

JH (WBD) stated that they could meet original Deadline one date, as given in the draft timetable.

LB (NE) cautioned that they couldn't be certain that all the ExA's first written questions would be answered by Deadline one.

GK (ExA) stated that most questions were directed towards the Applicant.

Intermission – circa 15 minutes

KR re-opened the meeting and explained that following a discussion between the panel members and taking into account the submissions received, the best compromise is for Deadline one to be on 16 January 2019.

KR reiterated that full details of the revised examination timetable would be given in an annex to the Rule 8 letter. Thanet timetable affected if timetable revised.

KR confirmed that the 24 and 25 April dates for an ASI and/or Hearings would still stand

KR explained that King's Lynn had been selected for the PM as it was geographically closer than alternatives to the location of the proposed sub-station at Necton and that there were logistical problems in securing a suitable venue elsewhere so close to Christmas.

KR stated that the ExA is aware of the views on alternative venues, especially for OFH's.

Following the consideration of responses, it is proposed to hold the next ISH and second OFH in Norwich. The floor was opened up for comments.

PH (Necton Parish council) asked if the ExA had considered Dereham as a potential venue.

KR replied that Dereham has been considered but due to constraints on criteria (such as access to public transport and access for the disabled), suitable venues in Dereham or Swaffham were difficult to source.

BW, SF, PA and GL all signified that they agreed that Norwich was a suitable compromise for hearings to be held

KR reminded those present that, due to Compulsory Acquisition on a scheme such as this, hearings needed to be held in venues that would be suitable to the needs of all parties.

KR gave an overview of the revised timetable. Details of this will be given in the Rule 8 letter.

The Applicant submitted initial information with the application documents in relation to the Report on Implications for European Sites (RIES). The Planning Inspectorate will prepare a report, which will be issued for comment on 9 May 2019.

KR emphasised that comments on the RIES are to be received by Deadline 8 - 30 May 2019.

KR requested suggestions on locations to visit during the Accompanied Site Inspection (ASI) should be made by Deadline 1 (16 January 2019), along with notification of wish to speak at the March 2019 hearings.

BW asked if anyone can attend the OFH.

KR stated that the ExA encouraged members of the public to get involved but stressed that oral submissions carried no more weight than a written submission, and that the Examination was primarily a written process.

LB (NE) raised concerned about the timing of Deadlines 8 and 9 in relation to the RIES, specifically the short period between dates (4 working days).

KR stated that Deadline 8 (30 May 2019) was for the receipt of comments but that RIES would be available from 9 May 2019.

GJ detailed that 10 June 2019 is the deadline for the completion of the examination. Moving deadlines has been considered but timescales do not allow this. There are also potential impacts to the timetables for other NSIPs that needed to be considered.

GY (NNDC) queried as to whether the 6 months for examination could be extended?

GJ replied that fundamentally no, this target has to be met. No NSIP had been granted an extension by the SoS.

Jean Bass (Necton Parish Council) advocated Dereham as a location for an OFH.

KR explained that there was a need to accommodate lots of different IPs, therefore it is felt that Norwich is the most accessible location for the greatest number of people.

JP (HH) asked if submissions could be made at any time?

KR explained that the timetable gave a series of deadlines for parties to provide evidence, followed by deadlines for IP's for responses or comments on evidence submitted. If you feel something has been omitted from a submission, this should be raised in the responses or comments to that submission.

Item 6 - Procedural Matters

KR stated that a number of procedural decisions had been made by the ExA, including the acceptance of material from the applicant and others during the pre-examination period and that these decisions are set out in annex E of the Rule 6 letter.

These submissions have been published on the Planning Inspectorate website and comments on these should be submitted for deadline 1 (16 January 2019).

The Exa have requested a series of Statements of Common Ground (SoGC) between the applicant and various parties on a number of topics. KR stressed the importance of SoCG's to the examination process and that they allowed the ExA to focus on matters where there was still dispute but that the content of SoCG's was not limited to what appeared in annex E.

GK gave an overview of the process for the Compulsory Acquisition (CA) of land and explained that this would be achieved through written questions and Compulsory Acquisition Hearings (CAH). Appendix B of the Rule 6 letter gives a breakdown of the principal issues in relation CA to be examined.

A letter from the Ministry of Defence (MOD) was received on Friday 7 December regarding a lack of agreement with the applicant in relation to radar concerns. If no agreement is reached, MOD may have to apply for a closed hearing to present evidence in relation to national security. KR asked what is Applicant's position in regard to the resolution of these concerns?

JH (WBD) – An SoCG has been sent to MoD; technical solution discussions are under way - hope to avoid the need for a closed Hearing.

JP (HH) – stated that he had read that the MOD consider all wind farms as an problem due to software issues.

KR - only aware of MOD position in relation to this Examination.

The Applicant submitted a letter on 26 November 2018 in relation to other matters.

Many of these matters were dealt with prior to the meeting.

JH (WBD) explained that the errata schedule was ready.

KR - Can ExA have this as soon as possible?

JH – Yes, by Wednesday 12 December at 16:00.

The Applicant outlined minor changes to the application. These can be found in the Change Report document. One of the changes relates to the order limits.

Amendments to the Order limit have arisen primarily due to requests from land owners regarding the cable route alignment, and accesses to the cable route.

KR – no other changes to Order limits?

VR (WBD) – explained that in addition to the cable route alignment that there were changes at the substation regarding the size of the footprint of pylon locations. The proposal is to slightly increase the size of the search area for the pylons but not the footprint of the pylons themselves.

KR – asked if this land fell outside of the DCO Order limits? VR (WBD) – No.

KR – asked why a minor change was needed.

VR (WBD) – changes will be in relation to permanent or temporary acquisition of land and/or easement for overhead lines.

JH (WBD)- the draft DCO contains two options for the route to the substation. A single cable route has now been agreed, and so the change removes land no longer required.

JH (WBD) another minor change is to the number of piles for the offshore electrical platform. This is an increase from 6 (the parameter given in the Environmental Statement (ES)) to 18. This is a change in the number of piles, not a change in size. There are no significant changes to environmental impacts.

NE & MMO have been consulted with regard to this change. The Applicant is awaiting a response.

GJ – are these within the parameters of the 'Rochdale envelope' assessed in ES?

JH – They are outside the parameters, hence the Change request. It does not give rise to impacts that were not originally assessed in the ES.

KR – asked if revisions had been made to ES?

JH (WBD) – explained that the change report will elaborate on this in regard to whether or not there are any additional impacts.

KR – stated that the ExA need to see the Change Report - Is this ready?

JH (WBD) - The report is all but ready but not completely finished but can be submitted in draft.

KR - Change Report to be submitted by 16:00 Wednesday 12 December.

KR asked if there were any other procedural matters. No further matters were raised.

Item 7 - Any other matters

No further matters were raised.

End