



# Preliminary Meeting Note

## Summary of key points discussed and advice given

**Application:** Hornsea Project Three Offshore Wind Farm

**Reference:** EN010080

**Time and date:** 2 October 2018

**Venue:** Blackfriars Hall, The Halls, St Andrew's Plain, Norwich, NR3 1AU

*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

The lead member of the panel introduced the meeting as follows:

“Good morning everyone it is 10.00 and welcome to this Preliminary Meeting (PM).

No requests have been made for any special arrangements such as a hearing induction loop to enable people to participate. Does anybody here need anything further for them to take part?

I'm David Prentis. I am a Chartered Town Planner. I have been appointed as the lead member of the panel that comprises the Examining Authority (ExA) to examine the application by Orsted Hornsea Project Three (UK) Limited for an order granting development consent for the construction and operation of the Hornsea Project Three offshore wind farm, which would comprise up to 300 wind turbine generators with a capacity of approximately 2.4 GW and associated infrastructure.

The wind farm would be located approximately 121km north east of the coast of Norfolk.

I'll ask my fellow panel members to introduce themselves.

David Cliff – Chartered Town Planner

Dr Roger Catchpole – Ecologist and Town Planner

Guy Rigby – Non-practicing barrister and Chartered Civil Engineer.

Kay sully is unfortunately unable to attend today but we are supported by K-J Johansson and Ewa Sherman. If you wish to ask any questions outside the scope of the meeting then K-J Johansson or Ewa Sherman are the people you should approach.

We are not expecting any fire drills. If the fire alarm goes off the Hall's staff will sweep the building and guide us to the exits. Toilets are located in the lobby through which you came. Only a limited

amount of microphones can be used at the same time so could you please turn your microphone off when you stop speaking or else the whole system stops working.

There will be a note of this meeting as well as an audio recording and these will be available on the National Infrastructure pages of the Planning Inspectorate's website. If any of you are not familiar with this website I would encourage you to have a look at it as it has a live examination library where all of the examination documentation will be published.

Does anyone here intend to film or record this event? Any filming or recording should be done in a way that does not distract from or interrupt the proceedings. Is there anyone who does not wish to be filmed or recorded?

Please bear in mind that the audio recording and note on the Planning Inspectorate's website will form the official record. Anything recorded or posted on the internet by others would not be accepted as evidence in this examination.

The application falls to be considered as a Nationally Significant Infrastructure Project under the regime covered by the PA2008 as it is for a generating station exceeding 50MW.

The offshore elements of the scheme would include up to 300 wind turbine generators, accommodation platforms and substations together with a network of connecting cables and export cables leading to the landfall near Weybourne. In the event that high voltage alternating current transmission is used there may also be offshore booster stations. If high voltage direct current transmission is used there would be a need for an offshore converter substation.

The onshore elements would comprise cables from the landfall near Weybourne to a grid connection at Norwich Main National Grid substation. There would be a substation to the south of the A47 near Swardeston. In the event that high voltage alternating current transmission is used there may be a booster station south of Little Barningham Lane.

In principle, the Act allows for all of these components to be included within a single application for a Nationally Significant Infrastructure Project. If approved there would be one development consent order covering all elements.

Our role is to examine the application and make a report and recommendations to the Secretary of State for Business Energy and Industrial Strategy. As the Examining Authority we have 6 months to examine the proposal and 3 months to consider and produce our report. The Secretary of State has another 3 months to make a decision.

The purpose of today is to consider the process that will be followed in conducting the examination. We will not be looking at the substance of the proposal. Discussion of the merits or disadvantages of the scheme are for the examination itself and will not be heard at this point.

We have set out our initial proposals in our letter of 4 September. This meeting is your opportunity to influence the process. We will discuss the process of the examination when we come onto the proposed timetable set out in Annex C of our letter of 4 September.

There is an agenda set out in Annex A of that letter.

On timing, I would expect to complete the meeting by lunchtime though we will reconvene if necessary. We may have a short mid-morning break depending on how the morning goes.

Before asking you to introduce yourselves, do we have anyone from the press here today? It seems not.

In a moment I will ask you to introduce yourselves.

In speaking could you please use a microphone and then clearly indicate your name and who you represent. If speaking more than once please remember each time to say your name and who you represent as this will make it easier to follow the audio recording. There will also be a roaming microphone for parties not sitting at the table who wish to speak”.

The following then introduced themselves:

**Applicant:**

Gareth Philips – partner at Pinsent Masons

Andrew Guyton – Consents manager for Hornsea Project Three Wind Farm Project (Orsted)

**Norfolk County Council**

Steven Faulkner – Principal Planner

Nick Johnson – Head of Planning

**South Norfolk Council**

Claire Curtis – Senior Planning Officer

**North Norfolk District Council**

Jeff Lion – Major Projects Manager

**Broadland District Council**

Councilor Graham Everett –Member for Reepham Ward

**Oulton Parish Council**

Paul Killingback – Chair Oulton Parish Council

Alison Shaw – Parish Councilor

**Natural England**

Louise Burton – Advocacy role

Emma Brown – Senior Responsible Officer

Marija Nilova – Case officer

### **Marine Management Organization**

Richard West – Marine Case Manager

Laura Opel – Marine Case Officer

### **Historic England**

Christopher Pater – Head of Marine Planning

### **Highways England**

Shamsul Hoque – Special Planner from special planning team, Highways England Bedford Office

### **Spirit Energy**

Max Rowe

### **Environment Agency**

Barbara Moss-Taylor – Planning Specialist

### **Savills**

Jean Kenny – representing land owners and the NFU

## **ITEM 2: THE EXAMINATION PROCESS**

The lead member of the panel introduced the Examination process as follows:

“I hope it will be useful for me to briefly outline the approach that the ExA will follow.

Under the Act, it is for the ExA to decide how the examination takes place, within the framework of the Act, regulations and government guidance.

The Government has set out policy in a number of national policy statements. The primary ones on energy are the Overarching National Policy Statement for Energy (EN-1), the National Policy Statement for Renewable Energy Infrastructure (EN-3), which contains a specific section on offshore wind schemes, and the National Policy Statement for Electricity Networks Infrastructure (EN-5).

It is not our role to consider the merits of these policies. We will consider the merits of the application within the parameters of the policy statements and make a recommendation to the Secretary of State (SoS). The Act makes it clear that the SoS ‘*must decide the application in accordance with any relevant NPS*’ (S104(3)) subject to certain provisos.

Essentially, this means that the application must not breach legal obligations, including international obligations, and any adverse impacts of the proposed development must not outweigh its benefits.

The process is to be inquisitorial and not adversarial. Cross examination will not normally be allowed. Our role as the ExA is to focus on evidence and justification rather than assertion. Whilst it

is appropriate at the relevant representation stage for issues of concern to be listed, all such concerns must be substantiated by clear evidence once the examination begins.

This is primarily a written process. The main body of evidence informing judgements and recommendations will come from the written representations, responses to written representations, Local Impact Reports submitted by local authorities, Statements of Common Ground and answers to questions that we may ask as the ExA. It is our responsibility to probe, test and assess the evidence.

Representations or responses should clearly set out why you support or oppose the application. They should indicate those parts of the application with which you agree or disagree. Where you disagree you should give reasons.

There is scope for a number of different hearings:

- a) **Open Floor Hearings.** Any Interested Party may request an Open Floor Hearing. Thus all IPs will have the opportunity to make oral representations about the application. You will have seen from the draft timetable that we are proposing to hold an Open Floor Hearing in the first week of December.
  
- b) **Issue Specific Hearings.** It is for the ExA to decide whether to hold Issue Specific Hearings and what topics they should cover. Hearings will be held if we decide it is necessary to ensure adequate examination of an issue or to provide an Interested Party with a fair chance to put its case. If any such hearings are held the expectation is that we will ask the questions and that an agenda will be published about a week in advance. The questions may be broad or specific. If, exceptionally, we consider that cross examination may be necessary the relevant parties would be notified in advance.

The draft timetable includes our proposals to hold Issue Specific Hearings into environmental matters and the draft development consent order (DCO) in the first week of December.

It is important to note that any hearing relating to the draft DCO will be held on a without prejudice basis. The holding of such a hearing does not imply that we have reached any judgements or conclusions about whether an Order should be made. Irrespective of our recommendations, it is necessary for us to provide the SoS with a draft DCO that is fit for purpose in the event that the SoS

determines that consent should be granted. So, even if you are opposed to the proposal, you would not be compromising your position by engaging in the process by suggesting modifications and amendments to the draft DCO.

- c) A third form of hearing relates to the **Compulsory Acquisition** of land and rights. The Hornsea Project Three draft DCO provides for compulsory acquisition. Anyone whose land or rights may be affected by compulsory acquisition has a right to be heard. We have included a compulsory acquisition hearing in the examination timetable and a deadline for requests to be heard.
  
- d) **Site inspections**. As part of the examination process we shall be conducting site inspections. There will be both unaccompanied and accompanied site inspections. The purpose of these is to see features of the proposal within the context of the evidence put forward.

We carried out unaccompanied visits to the onshore cable route, the landfall area and some of the places referred to in the evidence in July of this year. However, as we had not been formally appointed at that time those visits did not form part of the examination and we will not rely on anything we may have seen when we come to write our report.

You will have seen from our draft examination timetable that dates have been set aside for accompanied site inspections which we can discuss shortly.

I would emphasise that we cannot hear evidence or listen to submissions during a site inspection. There would be the opportunity to point out features referred to in the evidence but not to provide further comment. If you are proposing site inspections it would be helpful if you identify relevant features that we should see and briefly explain why they are relevant.

There is a deadline in the timetable for you to notify us if you wish to attend an inspection. You should note that you will not otherwise have an opportunity to attend.

Some final comments on process. These are statutory proceedings. (Sch 7 to the Tribunals, Courts and Enforcement Act 2007). 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 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. I don't wish to overstate this issue but please treat the examination seriously and expeditiously and bear in mind that we have a duty to ensure that it is fair and open.

Are there any comments /questions on what I have said so far”?

### **ITEM 3 – PRINCIPAL ISSUES**

The lead member of the panel introduced the Principle issues as follows:

“We have set out at Annex B to our letter of 4 September our initial assessment of the principal issues around which the examination is likely to focus. It is not necessarily a comprehensive or exclusive list of all relevant matters. It is a broad list within which specific matters are likely to be covered.

Are there any comments or observations”?

Norfolk County Council (NCC) requested that service water and drainage be added to the list of Principal Issues.

Oulton Parish Council (OPC) requested that the suitability of Oulton Airfield as the main construction compound be included as a Principal Issue.

The lead member of the panel clarified that the Principal Issues are not location specific and that the concerns raised by OPC would be covered under different issues.

Natural England (NE) requested that if substantial additional information is requested there should be sufficient time for parties to respond to such requests.

OPC further asked if decommissioning should be regarded as a Principal Issue. The lead member of the panel clarified that the Principal Issues cover all the stages of the project and therefore the ExA probably wouldn't feel it necessary to specify a specific stage as a principal issue.

North Norfolk District Council (NNDC) queried whether the cable landfall could be a principal issue. The lead member of the panel referred to his previous comment about locations specific issues not being Principal Issues. For example the landfall works might be discussed under alternatives.

### **ITEMS 4 and 5 - TIMETABLE**

The lead member of the panel introduced the timetable as follows:

“The purpose of this section of the meeting is to look at the draft timetable for the examination and to consider representations on it. I propose to take agenda items 4 and 5 together.

The draft timetable is set out in **Annex C** of the letter of 4 September.

Following this meeting and our consideration of any requests for modifications to the timetable, we will be issuing a final timetable as part of a letter – the Rule 8 letter - shortly after this meeting.

I should remind you that the 2010 Infrastructure Planning (Examination Procedure) Rules set out some statutory periods that must be allowed in giving notice of specific parts of the examination process such as notification of hearings. The draft timetable has adhered to these.

To re-iterate, the ExA has a statutory duty to complete the examination within six months following the PM. The examination will therefore close no later than **Tuesday 2 April 2019**.

As I said in my opening comments the examination process is primarily a written one. So I will start with the written components.

These are:

- **Written representations** – including summaries of those that exceed 1500 words;
- **Local Impact Reports** prepared by LAs
- **Statements of Common Ground** – see Annex E to the letter of 4 September in which various SoCGs have been requested.

In the draft timetable all these are required on or before Deadline 1 **Wednesday 7 November**, as are comments on the relevant representations already made.

All interested parties will have the chance to comment on all these documents. Deadline 2 is **Wednesday 21 November**.

At the heart of the examination are the written questions that we shall issue. The first questions will be included with the Rule 8 letter which will follow shortly after this meeting. All interested parties would then have until Deadline 1 **Wednesday 7 November** to respond to these. Any comments on those responses are to be submitted by Deadline 2 **Wednesday 21 November**.

If we need a further round of questions they would be issued by **Thursday 20 December**, which would allow us time to reflect on representations, comments and documents that have been provided, and discussion at the likely hearing sessions which are currently timetabled for the week commencing 3 December.

Interested parties would have until Deadline 4 **Tuesday 15 January 2019** to respond to these questions and would then have until Deadline 5 **Wednesday 23 January** to comment on responses.

I turn now to the **Report on the Impact on European Sites (the RIES)**. The applicant has submitted initial material for this in its application documents. There will no doubt be questions and comments arising from this material during the examination process and from these we shall

prepare a draft report which we propose to issue for comment on **Thursday 21 February**.  
Comments on this would be required by Deadline 8 **Tuesday 26 March**.

There will also be **site inspections and hearings** which support the written part of this process. Any requests to attend an accompanied site inspection, to suggest locations for a site inspection or to speak at a hearing should be submitted by Deadline 1 **Wednesday 7 November**.

A key document in the examination process is the draft DCO. We are keen that this should be open to scrutiny, comment and development at a number of stages in the examination process. We have suggested Deadline 2 **Wednesday 21 November** for the applicant to submit a revised draft DCO.

We have timetabled dates for two subsequent Issue Specific Hearings on the draft DCO (**Thursday 6 December and Wednesday 30 January**). We may decide to publish our own schedule of changes to the draft DCO. If so, this would be on **Tuesday 26 February**, with comments invited by Deadline 7 **Thursday 14 March** and responses to any comments by Deadline 8 **Tuesday 26 March**.

The week commencing **Monday 28 January** is set aside for an accompanied site inspection and, if needed, issue specific, open floor and compulsory acquisition hearings.

Further time is identified for hearings or accompanied site inspections, should either of these be needed in the week beginning Monday 4 March.

We have received written comments on the draft timetable from the applicant, Natural England, North Norfolk Council, Spirit Energy, Oulton Parish Council plus we understand there may be questions or comments from Marine Management Organisation and Eastern Inshore Fisheries and Conservation Authority.

Thank you for those – it is helpful to have seen them in advance – for the benefit of anyone who may not have seen them I will invite you to take us through your comments for the first three months of the Examination, starting please with the Applicant”.

The Applicant suggested the following changes:

- That the revised draft DCO to be submitted for deadline 1 and the comments on the revised draft DCO be submitted for deadline 2. This change would benefit the discussion on the draft DCO at the first DCO hearing in December.
- That Statements of Common Ground might not be finalised for deadline 1

- That the hearings could be grouped around offshore and onshore matters. This would also benefit Statutory Parties who would be able to utilise their experts better.
- That Monday 3 December 2018 be used as a hearing day dealing perhaps with issues affecting both onshore and offshore matters. Tuesday 4 December 2018 could focus on onshore matters, Wednesday 5 December on offshore human matters, Thursday 6 December on offshore environmental matters and Friday for the draft DCO.

The lead member of the panel asked the Applicant to clarify what the intention for the Monday hearing was as it differed from what the Applicant had previously suggested. The Applicant clarified that the day could be used for issues that impacted both the onshore and offshore matters and the intertidal area.

The Applicant also requested that the deadline for issuing the ExA's Further Written questions (Thursday 20 December 2018) be brought forward a day or two.

NNDC highlighted the impact from multiple Nationally Significant Infrastructure Projects that the Statutory Parties are involved in. NNDC supported the Applicant's suggestion on having hearing days allocated to either offshore or onshore matters. NNDC stated that bringing forward the deadline for comments on the revised draft DCO would be problematic in terms of the Council's resources.

NE shared the Applicant's view that some of the Statements of Common Ground might not be ready to submit for deadline 1. The main outstanding issue is ornithology and benthic ecology. NE stated that it would prefer the hearings scheduled for week commencing 3 December 2018 to start on Tuesday 4 December 2018 or at least after midday on Monday 3 December 2018 due to travel reasons. NE sought clarification regarding the hearings on Wednesday 4 December 2018. The Applicant stated that its suggestion was that human offshore issues would be discussed on the Wednesday. NE stated that it needed to reflect on this as it would mean that its experts would have a gap day between the hearings they needed to attend. NE also requested that deadline 3 be moved to Friday 14 December 2018 to give them more time to submit post hearing material.

The Marine Management Organisation (MMO) stated that its experts had to travel some distance to be able to attend the hearings and would therefore prefer a later start for the hearing suggested for Monday 3 December 2018. They supported NE's suggestion of moving deadline 3 to Friday 14 December 2018. The MMO supported the Applicant's proposal to group the hearings into onshore and offshore days with the offshore days grouped together.

Spirit Energy requested that there would be either a dedicated hearing or dedicated time within a hearing to discuss the project's impact on Spirit Energy's operations.

NCC supported the proposal for having onshore and offshore hearing days and echoed the concerns regarding resources. NCC requested clarification on when the agendas for the hearing would be issued. The lead member of the panel stated that agendas would be published 5 working days before the hearings.

South Norfolk Council stated that it would prefer a hearing day dedicated to onshore matters due to resources.

The lead member of the panel explained that the ExA needed to consider all of these suggestions further. In particular, it would be necessary to consider how much time ought to be allocated to onshore and offshore ecological matters.

The lead member of the panel invited the Applicant and the Interested Parties to comment on the second half of the timetable.

The Applicant suggested that there should be two accompanied site inspections and two open floor hearings. It was suggested that the accompanied site inspection scheduled for Monday 28 January 2019 should focus on the southern section of the route followed by an Open Floor Hearing that evening in Norwich. The second site inspection could focus on the northern part of the route followed by an Open Floor Hearing in Cromer.

The Applicant suggested the following hearings for the week commencing 28 January 2019:

- Tuesday 29 January 2019 dedicated to onshore matters
- Compulsory Acquisition hearings on 30 and 31 January 2019
- Hearings on offshore matters to be held in parallel on 30 and 31 January 2019
- Issue Specific Hearing 4 to be on 1 February 2019.

The applicant suggested utilising Friday 8 March for either an accompanied site inspection or a hearing. The Applicant stated that this would help alleviate the impact of multiple examinations on the resources of the statutory parties.

The lead member of the panel asked the Applicant how much time it thought the site visit would take, bearing in mind that much of the route can be seen from roads, footpaths and other publicly accessible land. The Applicant estimated that a day and a half would be needed in total. OPC requested that an accompanied site inspection of Oulton airfield was factored in. The lead member of the panel highlighted that the airfield was private land and it would be necessary for the owner to permit access to the site.

BDC queried where the break between the north and south part of the route would be. NE raised an issue about the possible need for SSSI assent for some site inspections. It was clarified that SSSI assent would not be needed if using public rights of way. NE requested whether it was possible for them to submit written representations instead of attending the March hearings as their specialists would be deployed on other examinations at that time.

NE stated that they would support the idea of concurrent hearing in January.

NE requested that deadline 6 move to Friday 8 February 2019.

The lead member of the panel asked the Applicant's views on whether SSSI assent would be needed. The Applicant was of the view that there would be no need to venture off public rights of way.

## **ITEM 6 – PROCEDURAL MATTERS**

The lead member of the panel introduced the procedural matters as follows:

“Procedural decisions already made by the ExA are set out at Annex E of our letter of 4 September. These relate to the formal acceptance by us of material submitted by the applicant and other parties during pre-examination. The documents have been published on the Hornsea 3 project page. Any comments on these documents should be made as part of interested parties' representations by Deadline 1 **Wednesday 7 November**.

In Annex E we have requested a series of Statements of Common Ground between the applicant and various parties on different topics. These statements should assist us in our consideration of the issues on which we need to report. I would stress the importance of these documents in the examination process because they should provide a focus and save time by identifying matters which are not in dispute or need not be the subject of further evidence. They can be equally useful in indicating where and why there may be disagreement.

The Eastern Inshore Fisheries and Conservation Authority had raised a point about the scope of their Statement of Common Ground and stated that they wanted to include marine conservation. Content is not in any way limited by what we have put in Annex E and parties should free to include anything which they feel will help the examination”.

The lead member of the panel advised that the Applicant should submit the items referred to in its email prior to the PM at deadline 1 and that the Applicant was free to share those documents with any party it deemed would benefit from early sighting of them.

The MMO requested that Historic England be included in the Statement of Common Ground about offshore archaeology. It was clarified this was covered further down in Annex E.

OPC queried whether they would have to submit a Statement of Common Ground on their own or be included in BDC's one's. The lead member of the panel clarified that the ExA had not requested Statements of Common Ground from parish councils but thanked OPC for its suggestion.

#### **ITEM 7 – ANY OTHER MATTERS**

The lead member of the panel concluded the meeting as follows:

“We will reflect on what has been said today and plan to issue the Rule 8 during the course of next week.

We hope to run a thorough, constructive, good-natured examination and we look forward to your co-operation and involvement.

Any administrative questions that you might have I'm sure Mr Johansson or Mrs Sherman would be able to help you with. I would ask you not to speak directly to any of the ExA panel in the interests of fairness and impartiality.

Thank you for your attendance today and for your comments and suggestions.

The Preliminary Meeting is now closed.