

From: [Geoff Lyon](#)
To: [Norfolk Boreas](#)
Subject: RE: Norfolk Boreas Project - EN010087 - Preliminary Meeting
Date: 05 November 2019 12:43:42

Dear Ms Evans,

Thank you for your email.

I do not take issue at all with the Planning Inspectorate's '*aim to publish hearing agendas at least five working days in advance of the hearing*'. This has generally worked fine on previous examinations when the overall examination timetable has been agreed and settled after the Preliminary Meeting.

What I do have significant concern in regard to this examination is the decision taken to hold the first two Issue Specific Hearings on the days immediately following the Preliminary Meeting. Whilst I note that you say that '*It is not uncommon for hearings to be held after the Preliminary Meeting and each Examining Authority runs its Examination independently*', I am not aware this approach is considered to be particularly good practice and was certainly not the approach taken by two separate Examining Authorities when assessing Ørsted Hornsea Project Three and Vattenfall Vanguard. These are good precedents against which this examination should be considered.

I would draw the attention of the Examining Authority to Department for Communities and Local Government - Planning Act 2008: Guidance for the examination of applications for development consent dated March 2015. Specifically in relation to Preliminary Meetings, paragraph 41 states that '*The purpose of the preliminary meeting is to assist the Examining Authority in determining how the application should be examined. The Examining Authority will hear any comments the invited attendees wish to make on this. It may also use the meeting to get a better understanding of the approach to take in examining the issues raised in order to determine whether hearings need to be held (and who should be invited to attend) and the overall timetable for the process*'.

In respect of decisions on handling the examination, paragraph 46 of the guidance states: '*The Examining Authority will decide how the application is to be examined in light of the discussions held at the preliminary meeting. It will notify all participants of this procedural decision at the preliminary meeting, or as soon as practicable afterwards*'.

The proposed timetable allows no time between the Preliminary Meeting and the first two Issue Specific Hearings to take account of views from Interested Parties and presents what can only be considered a fait-accompli for Items 4 and 5 of the Preliminary Meeting regarding timetabling of the examination. I am aware that other Interested Parties have also raised similar concerns

Given that the Examining Authority do not appear to be heeding the warnings of Interested Parties on this matter, I do have to put the Examining Authority on notice that North Norfolk District Council will have to consider its position if appropriate steps are not taken by the Examining Authority to ensure that Interested Parties are not unduly prejudiced from taking an active and meaningful part in the examination of this NSIP project.

I would ask please that this matter is brought to the immediate attention of Frances Fernandes as Lead Member of the Panel of Examining Inspectors.

Kind Regards

Geoff Lyon

From: Norfolk Boreas <NorfolkBoreas@planninginspectorate.gov.uk>
Sent: 04 November 2019 17:15
To: Geoff Lyon <Geoff.Lyon@north-norfolk.gov.uk>
Cc: Norfolk Boreas <NorfolkBoreas@planninginspectorate.gov.uk>
Subject: RE: Norfolk Boreas Project - EN010087 - Preliminary Meeting

Dear Mr Lyon

Thank you for your email notifying us of your wish to attend the Preliminary Meeting.

In the Rule 6 Letter of 11 October 2019 we advised that we would aim to publish hearing agendas at least five working days in advance of the hearing, which is consistent with other Examinations for National Infrastructure projects. The agenda for the ISH on the DCO has been

published on our website:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010087/EN010087-001208-NORB%20%E2%80%93%20Agenda%20for%20Issue%20Specific%20Hearing%201.pdf>

The detailed agenda for the ISH on environmental matters will be published no later than Thursday 7 November.

It is not uncommon for hearings to be held after the Preliminary Meeting and each Examining Authority runs its Examination independently. However your comments on early hearings are noted and will be taken on board in our continual review of our processes.

Regards

Siân Evans

Case Manager

National Infrastructure Planning

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From: Geoff Lyon <Geoff.Lyon@north-norfolk.gov.uk>

Sent: 04 November 2019 10:43

To: Norfolk Boreas <NorfolkBoreas@planninginspectorate.gov.uk>

Subject: Norfolk Boreas Project - EN010087 - Preliminary Meeting

Dear Sir/Madam

Norfolk Boreas Project – EN010087

Our reference: 20022969

Thank you for notifying North Norfolk District Council (NNDC) of the Preliminary Meeting taking place on 12 Nov 2019.

I can confirm that Geoff Lyon (Major Projects Manager) will be representing NNDC at the Preliminary Meeting.

One of the key purposes of the Preliminary Meeting is to agree the examination timetable so that all parties can prepare and take an active part. I wish to make observations in respect of **Agenda Items 4/ 5** regarding the proposed draft examination timetable. I have concerns that interested parties stand to be disadvantaged by the timetabling of Issue Specific Hearings (ISH) on the draft Development Consent Order and Environmental Matters proposed for 13 and 14 Nov respectively. As it stands, at the time of submission of this email, there are no agendas published for either of these ISHs and therefore there is no clear indication as to the basis or scope for these ISH and whether the Council needs to bring its appointed Counsel and related topic experts.

NNDC has committed to take an active part in the examination of other similar NSIP schemes including Ørsted Hornsea Project Three and Vattenfall Vanguard. We consider that the positive engagement by NNDC on those projects has delivered significantly improved potential outcomes for our affected communities and the projects as a whole. However, interested parties such as NNDC receive no specific funding to take part in these examinations and it is critical for NNDC to be able to manage public expenditure properly. The Examining Authority can help all Interested Parties by ensuring agendas are clear and specific as to the expected purpose of an ISH and provided in good time. This was achieved for Ørsted Hornsea Three and Vattenfall Vanguard and I would expect the same for Norfolk Boreas.

In these circumstances I would politely suggest postponing/deferring the ISH planned for 13 and 14 Nov to enable time to publish clear agendas and so allow interested parties to properly prepare. None of the other NSIP schemes I refer to

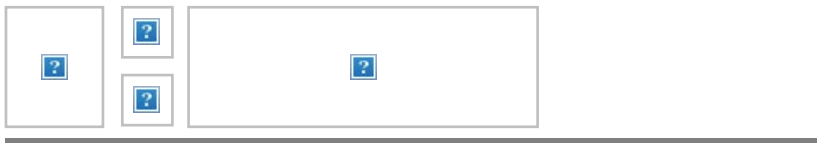
above had ISHs in the days immediately after the Preliminary Meeting and to do so now would, in my view, be prejudicial to the proper examination of this NSIP scheme.

If it is the intention of the Examining Authority to continue to hold the ISHs planned for the 13/14 Nov then Geoff Lyon will likely attend on 13 Nov on behalf of NNDC but not on 14 Nov due to other prior commitments. In the absence of an agenda, the Council will not likely be in a position to bring Counsel or specific topic experts to either of these ISHs. The Council nonetheless reserves the right to attend and speak at either of the dates should it be deemed necessary to attend once an agenda is published.

Kind Regards

Geoff Lyon (MTCP, MRTPI)
Major Projects Manager

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North Norfolk District Council

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