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Dear Sirs,

Norfolk Boreas Examination

We refer to the letter dated 11 May 2020 from the Secretary of State which resets the Examination period to 12 October 2020, and requests the Examining Authority to publish the new Examination timetable by Tuesday 19 May 2020.

It is unclear to us whether, before the final timetable is published, the draft timetable will be consulted on. Accordingly we are writing to urge that when the timetable is drawn up, the following points are borne in mind.

Capacity to participate

One of the main reasons for the Examining Authority's request was that "a number of interested parties no longer had the capacity to participate in the Examination process as a result of Covid-19 resource prioritisation". However out of the four local authorities who had initially requested an extension, three subsequently retracted that request shortly thereafter and the fourth has responded to all written questions and entered into a final Statement of Common Ground which was submitted at Deadline 11. Other interested parties, including those who had requested an extension were given the opportunity to respond in writing to the Examining Authority's fourth Written Questions following a change to the examination timetable, and took the opportunity to do so.

Opportunity to participate

A further reason for the Examining Authority's request was that "several hearings needed to be cancelled, potentially resulting in Interested Parties not being given a fair opportunity to participate in the Examination." However all interested parties have already had the opportunity to attend Issue Specific Hearings and an Open Floor Hearing and have also had the opportunity to respond in writing to the Examining Authority's fourth Written Questions at Deadline 10, and have taken the opportunity to do so.

Statements of Common Ground

As set out in the Applicant's Cover Letter dated 11 May 2020 which accompanied their Deadline 11 submission (submitted on the assumption that the Examination was due to close on 12 May 2020) all 22 Statements of Common Ground have now been finalised. The letter stated that "to the extent that any matter remains unresolved with the parties above (of which there are only a few) the Applicant considers that these are matters of principle for the Secretary of State to consider in the decision making process". We are unclear as to how far the Secretary of State was made aware, before deciding to extend the

Examination, of the subsequent retractions of extension requests, the full set of written questions issued by the Examining Authority on 28 April 2020 and the full responses provided in writing by IPs to those written questions, or the extent to which matters have now been resolved by Deadline 11, not least in the form of 22 Statements of Common Ground.

Notwithstanding we note that the Secretary of State has indicated that he "expects the Examining Authority to make best efforts to complete the Examination process as soon as is reasonably practicable within the extended period."

It is important to the Norfolk Boreas project that a decision on the DCO application is made at the earliest possible opportunity, not least because of supply chain issues and the timing of the next round of bidding for CfD in 2021. It follows that any further delay has serious potential consequences for the project and it is vital that the Examination process is completed as soon as reasonably practicable, and well within that extended period.

In view of the position which the Examination has already reached, we see no reason why the extended examination cannot be completed within a matter of weeks rather than months and we would urge that, if possible, every opportunity is taken to deal with any outstanding issues in writing or, if it is decided, for whatever reason, to hold any further hearings, that these are set up very quickly using experience already gained by the Planning Inspectorate of virtual hearings, without the need to invite comments on the most appropriate way of conducting such hearings.

We have noted the Secretary of State's request to be kept informed of progress and accordingly we are sending a copy of this letter to the Secretary of State.

Yours faithfully,

Jake Laws

Consents Manager
Norfolk Boreas

