



Meeting note

File reference	EN010109
Status	Final
Author	The Planning Inspectorate
Date	20 September 2021
Meeting with	Equinor (the Applicant)
Venue	Microsoft Teams Meeting
Meeting objectives	Project Update Meeting
Circulation	All attendees

Summary of key points discussed and advice given:

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

Project Update and Timeline Programme

The Applicant noted the previous project update meeting was held in February 2021, and set out a brief overview of the relevant updates since that time: its 'Phase 2' Statutory Consultation exercise had closed; five local community stakeholder meetings and one webinar focusing solely on opportunities for coordination of transmission systems in light of increased interest in Norfolk had been held; ongoing engagement with Ofgem on the Offshore Transmission Network Review (OTNR) and Ofgem's July consultation on the OTNR noted; and that it had been reviewing the possibility of accelerating geotechnical survey work to Autumn 2021/ Quarter (Q) 1 2022.

The Applicant acknowledged the Allocation Round (AR) 4 plan had been issued and speculated that AR5 might be eight months later than it initially anticipated. The Applicant explained that its programme had changed since the previous meeting and outlined its indicative project timetable going forward, which now anticipated submission of the DCO application in Q2 2022. The Inspectorate advised realistic timeframes for submission were welcome.

The Applicant explained that it had been reviewing the responses to its Phase 2 consultation over the Summer and had decided to defer the submission date to ensure adequate time is given to consider the potential need for in principle derogation and compensation under the Habitats Regulations and the Marine and

Coastal Access Act, following the Secretary of State's comments on derogation in the Hornsea 3 Decision regarding provision of the necessary evidence and information for consideration in examination.

Phase 2 Consultation

The Applicant provided an overview of its recent Phase 2 Statutory Consultation exercise, which ran from 29 April to 10 June 2021. The methods undertaken and tools used were explained, which included publishing the consultation documents which included Preliminary Environmental Information Report (PEIR); interactive maps to illustrate the cable route; online workshop and question and answer sessions.

The Inspectorate acknowledged the methods and queried how digital footfall was recorded, in light of how it would be presented within the Consultation Report. The Applicant outlined that it had recorded 1260 'visitors' to its website and received 320 completed responses; digital attendance had exceeded numbers that might be expected at face-to-face events. The Applicant illustrated the key issues important to the local community; traffic and transport, noise/vibration and ecology were prevalent concerns.

The Applicant highlighted that OTNR was also a key theme. The Inspectorate queried what the Applicant had/ is considering in terms of coordinated approaches to the cable connection with other projects. The Applicant explained that it was already achieving coordination between two projects, by including them within the same DCO application and cable corridor, despite separate ownership arrangements. It explained it is not intended to coordinate the project design with Hornsea 3, which is already consented on a stand-alone basis and on a completely different project timeline and that there are no other relevant projects. This is being explained to the local community as part of the engagement on OTNR. The Applicant explained that it will coordinate with other relevant projects in terms of project delivery (e.g. traffic management) where they are being constructed at the same time.

The Applicant acknowledged that a letter of complaint from a group of local parish councils setting out concern in respect of adequacy of consultation had been received and responded to. Contrary to the views expressed by the parish councils, the Applicant believed it has conducted its Statutory Consultation exercise in a robust, statutorily compliant manner which provided the local community the opportunity to effectively engage. The Applicant noted that its updated programme allowed additional time to continue engagement with stakeholders including parish councils.

Key Statutory Consultee feedback

The Applicant outlined some of the "big-ticket" issues identified from key statutory consultee responses. Natural England had raised comments and concerns over the ornithological baseline data and assessment methodology. The Inspectorate advised the importance of seeking to resolve disagreement on matters such as this prior to submission to negate unnecessary time being used during the Examination (or clearly presenting the extent of remaining disagreement and the positions of both parties at the point of submission).

Other concerns raised included how the Applicant was considering visual impacts on the Norfolk Coast Area of Outstanding Natural Beauty; how it is seeking to avoid impacts on the conservation objectives of the Cromer Shoal Chalk Beds MCZ; commercial concerns due to narrowing of the shipping lane between the two

developments; onshore trial trenching during pre-application (Historic England) and in respect of proposed aviation and radar mitigation (Ministry of Defence and NATS). The Applicant again noted the additional time afforded by its updated programme should help the Applicant in responding to these matters.

Environmental Headroom

The Applicant provided a recap on its approach to headroom (namely with respect to the ornithology assessment) and that it intended on following the same approach in the DCO application as had been described in the PEIR and discussed at the previous meeting.

Derogation and updated Energy 3 National Policy Statement

The Applicant briefly identified the Secretary of State's decision in respect to derogation under the Habitats Regulations as part of the Hornsea 3 Decision, which encouraged the need for derogation, as well as the provision of evidence around compensatory measures, being presented and considered as part of the Examination. The Applicant acknowledged this and is preparing without prejudice in principle derogation cases in this regard, subject to further discussions with key consultees including Natural England.

The Applicant noted consultation on the draft compensation and derogation proposals were being undertaken in parallel with its Phase 2 Consultation exercise and that meetings to gain stakeholder feedback on its proposals were being scheduled, to which the Inspectorate had been invited to attend. The Inspectorate advised it would be able to attend to listen to the discussion and provide procedural advice where applicable.

The Applicant stated it was keen to fully understand what other sites/ species may need to be included in considering any compensatory measures and the case for derogation. The Inspectorate advised the draft consultation version of the Energy National Policy Statements (NPS) had been published recently, which included new advice on derogation and compensation. Defra are also running a consultation: "Marine Protected Areas: guidance for developing compensatory measures" (closing on 30 Sept 2021). The Applicant acknowledged these publications and noted that they will be taken into consideration despite current uncertainty as to whether the NPS will be designated before submission of its application, and how Defra will respond to the consultation. The Inspectorate noted transitional arrangements will be in place for applications before the updated EN3 has been designated.

Application documents

The Applicant identified recent incidents where applications had been withdrawn and set out that it was keen to understand the reasons for this in reducing any risks for the Acceptance of its own application. The Inspectorate advised where the Applicant withdraws the application, no acceptance decision is issued. Any s51 advice subsequently given to the Applicant post-withdrawal of the application is published on the project pages of the NI website. The Applicant was encouraged to extract utmost value from the Inspectorate's draft document review service by providing well-developed drafts and to signpost to specific sections/ documents that focused feedback is sought.

It was agreed the draft document review suite will be discussed further at the next project update meeting. The Applicant queried as to the timescales for receipt of feedback following provision of its draft document suite and noted it will prepare a list of documents it wants to share. The Inspectorate advised the Applicant to build a six-week period into its programme for the draft document review. The Applicant noted the scheme consisted of two developments so additional time may need to be afforded.

The Applicant set out that applications are now provided in an electronic format; however, hard copies of particular documents can be provided after Acceptance if requested. The Inspectorate advised that a solely electronic application should be submitted and once the ExA is appointed, the provision of hard copy documents such as the plans suite may be requested at ExA discretion.

The Inspectorate acknowledged that its [Advice Note Six: Preparation and submission of application](#) and [Advice Note 8.4: The Examination](#) have both been updated to state that any external hyperlink included in application documents and/ submissions will be redacted when published; the information should either be quoted with the relevant excerpt or appended in full.