



## Hearing Transcript

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| <b>Project:</b> | North Falls Offshore Wind Farm    |
| <b>Hearing:</b> | Preliminary Meeting (PM) - Part 2 |
| <b>Date:</b>    | 28 January 2025                   |

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**North Falls\_Wivenhoe\_Prelim\_28 JAN\_PT2**

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FULL TRANSCRIPT (with timecode)

00:00:05:04 - 00:00:35:22

Now, we're now moving on to agenda item six. That is the handling of potential commonality issues for the proposed North Falls offshore wind farm and five Estuaries offshore wind farm. I will ask my colleague, Mr. Johnson, to say a few words in explanation of the scope of this agenda item and the examining authority's expectations in relation to it, and to respond to any procedural queries you may have.

00:00:37:14 - 00:01:09:27

Thank you. As we notified in the rule six letter, which is referenced PD 006, the examining authority considers potentially there will be commonality issues for the examination of both the proposed North Falls and five estuaries offshore wind farm applications. That's because there are physical elements of both wind farm proposals, which will overlap with one another. And those overlapping elements may be of particular interest to individual interested parties and or affected persons.

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The latter in their capacity as owners and or occupiers of land affected by both of the proposed projects.

00:01:18:22 - 00:01:50:19

Several applications. Sorry. Separate applications have been submitted for each of the proposed wind farms, including their associated onshore works. Each application will be the subject of a separate examination overseen by its discretely appointed examining authority. The examination will therefore be conducted independently, with the examination of five estuaries having started on the 17th of September 2024 and due to be completed by the 17th of March 2025.

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Each application will be decided with reference to its own complete set of documents. Neither the Secretary of State nor the examining authority will be able to have regard to documents submitted in relation to one application that, by implication or express statement, are relevant to the other application, unless they have also been submitted to the application to the examination for the other application.

00:02:19:22 - 00:02:44:09

Given that background, it is important that the applicant or other interested parties and affected persons note that when written or oral submissions are made during the course of one or other of the

examinations and which might be common to the other application. Any such submissions will not automatically be made available to the examining authority for the other application.

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Accordingly, the applicant or other interested parties and affected persons should proceed on the basis that if they wish to make written or oral submissions that will be relevant to both, then it will be their responsibility to make that information available to both examinations. By way of an example, should one of the highway authorities wish to raise a matter concerning a road equally affected by both of the projects, then the Highway Authority will need to make separate submission submissions to both the North Poles and five Estuaries examinations.

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The examining authority would, however, also stressed that in examining the application for the proposed North Falls offshore wind farm and in making a recommendation to the Secretary of State for Energy Security and Net Zero, it will, amongst other things, be considering the cumulative and in combination effects of this nationally significant infrastructure project with other projects.

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Please could the applicant provide a brief summary of how the handling of commonality issues have been dealt with as set out in the application documents. We would also ask the applicant to include, within its written summary of all oral submissions made at this meeting, to be submitted at the next deadline of 18th of February, 2025. A note listing with examination library references where that information can be found in the application documents.

00:04:20:19 - 00:04:34:09

Please also set out in that written note confirmation of any shared resources or survey's handling of land negotiations and land rights trackers, and any proposals planned for future submissions.

00:04:38:07 - 00:04:40:14

Mr. Broderick, would you like to respond?

00:04:50:07 - 00:05:18:20

A pleasure Clever project for the applicant. Thank you. And we note the request to provide a written submission in which we will set out in more detail where the various information can be found in the um DCO application documents, and also in any further documents that are submitted during the um examination process. Um, as we've

00:05:20:07 - 00:06:08:28

stated, there are a number of documents that are live documents that will be updated during the examination process. Um, and the coordination report, um, is one of those documents that's regarded as being um, alive document, which we will, um, seek to update, um, throughout the process in terms of, um, which is uh, which was app two, three, six, and I believe another version was submitted in response to the um section 51 checklist, and we will provide the reference number to that in our written submission, although my colleague may well have it ready for me, um, which was as 007.

00:06:09:22 - 00:06:10:07

Um,

00:06:11:29 - 00:06:51:17

we're mindful, obviously, of the comments that you have made in respect of the separate nature of the two examinations and the need for participants to submit representations, um, which they may have already made in respect of the Five estuaries examination into this examination, if they wish them to be taken into account. Um, however, we are, um, collaborating very closely with five estuaries. Um, and we have been monitoring their examination process very carefully inputting into submissions, um, that the applicant for that examination has been making and also keeping track of where amendments have been agreed.

00:06:51:19 - 00:07:24:27

For example, amendments to any of the outline management plans or amendments to the Draft Development Consent Order. So when we submit revised documents, um, particularly at deadline one, um and others, those will proactively have taken into account comments that may have been made and agreements reached during the Five Estuaries examination where, um, where there is an overlap and where it's appropriate to do so. Um, so in some cases, it may not be necessary for an interested party to make the same point, because we will have already addressed it.

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Um, and added in an amendment to take account of that as part of our updates to the documentation. Um, that collaboration that we have with five estuaries will continue, um, following the close of their examination. So we just wanted to make, um, interested parties aware that those discussions and collaboration on matters such as outlining, management plans and design will continue to take place, and the north walls documentation will be updated accordingly in respect of those ongoing discussions.

00:08:00:05 - 00:08:21:27

Um, we will also be amending our documentation where necessary, where further information becomes available in the public domain in relation to the other projects that have been mentioned. Um, if you'd like anything further, then I can add, but we will provide the cross-references to the relevant documents that provide more detail on coordination of approach in the written summary. Thank you.

00:08:22:28 - 00:08:32:05

Thank you, Miss Broderick. Um, I'd like to go first to those who've indicated in advance that they wish to speak on this agenda item. Um, starting with Mr. Powell.

00:08:38:15 - 00:09:09:14

Uh. Hi, there. Yeah, I think my, um. And what we've flagged up during the Five Estuaries project is that there is a huge amount of overlap, and the agreements that we're being asked to enter into voluntary agreements, um, has has a lot of overlap. I can't stress enough, from our point of view, about the impact of these two schemes on the land and the worst case scenario that one comes through.

00:09:09:19 - 00:09:42:01

They re-instated in a week later. The other one comes through behind it. There's no reason why both of them couldn't happen if they're both consented. And this is what I've asked for. Five estuaries is that if both of them are going ahead, that they both are installed at the same time. It's happened on other schemes in East Yorkshire already, and they put the ducks in, and it avoids massive reduction in and disturbance to the land. Land can't just be restored and returned back to how it was.

00:09:42:25 - 00:10:18:08

Um. It's not just something you can play around with and ignore. And so, um, I think there is a huge amount of overlap. And it's very disappointing that your comments that you're not considering the impacts of diversity on, on on this because I think they should both be considered and my clients believe there should be at the same time. And for going ahead, there should be, there should be, it should be one or both at the same time and not one re-instated. And then the other one, um, put through, you know, a month or two later, which is how the documents have been structured, which is entirely wrong.

00:10:24:21 - 00:10:25:23

Thank you, Mr. Powell.

00:10:27:12 - 00:10:32:09

Um, could I just explore it in the room if there's anybody else that's got the hand up, Mr. Fairley.

00:10:35:17 - 00:11:05:21

Uh, Thomas Fairley for T Fairlie and Sands. Um, I'd just like to echo what Mr. Fellas just said. That is a concern of ours as well. Um, and I've got another point, and I'm aware this isn't a hearing, so I'll be careful how I word it. Um, for five estuaries and North Falls, they have each provided or went. They've got a very different approach to their screening at, uh, Norman's farm for their substations.

00:11:07:01 - 00:11:42:13

Um, we are more preferable to the north. Full screening outline. But five estuaries have told us that they're screening will be the one that happens. And North Wales is effectively a waste of time looking at it, which throughout this process, which screening plan should we be looking at to comment on? Um, and due to the tripartite effect of the heads of terms that we've been presented, they include five estuaries, screening around the edge of fields, etc.

00:11:42:15 - 00:11:51:03

and a different plan to what is in North Wales DCO. Um.

00:11:54:15 - 00:12:18:21

And if we were to sign the heads of terms now with five estuaries, as it would with, as I'm aware, any other landowner along the route, that would preclude us from mentioning concerns throughout the process of North Wales. DCO. So there is a lot of confusion for us, and I should imagine other landowners at the moment. Thank you.

00:12:21:19 - 00:12:32:09

Thank you, Mr. Fairlie. We've noted those comments. Um, can we go to any any other hands online, please? Oh, sorry. Just before we do that, uh, Mr. Roger.

00:12:34:01 - 00:12:40:06

Thank you. Sir. And, uh, through you, ma'am, as the chair of the board. Mark Woods, Essex County Council.

00:12:40:16 - 00:13:11:24

So, um, we can go back a little bit before we actually go forward. I think that would maybe assist you. Um, you'll probably be aware that both this proposal and the sister proposal, which I'm going to call it for five estuaries, have been with us for some considerable amount of time in terms of coordination of approach. The coordination of an approach that we've adopted is to use the same team to discuss the impacts and the implications of both. So, um, there are three of us on the bench here today.

00:13:11:26 - 00:13:45:19

There are there are many others behind us, but we've we've attempted to use the same consultants in terms of archaeology, landscape, highways and transportation as we use on the previous scheme. Um, previously um, to getting deep into. I don't want to get deep into the weeds with this, as we've already mentioned today, is that we've actually encouraged that commonality of approach, because when the developments were first put forward, um, that that commonality could not be ensured there. Obviously they are they are two private proposals from two private companies.

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Um, but but through negotiation with both, we have now, um assured that they've and I believe this is right. And they can they can tell me if I've got this thing correctly. But, um, there is now a good neighbour agreement between the two and also a good neighbour agreement between the third proposal, sir, which is obviously for the Norwich to Tilbury development, uh, which will provide the East Anglian connection node, which both this development and its sister project will come into.

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Um, so uh, both sides were very much a part and now they're conjoined as possible in terms of the information that we can give you or I can say is that to, to we've been able to set up a team to hopefully provide you with that commonality of approach that we're also providing to the sister project, and I hope that helps you this morning. Thank you.

00:14:41:11 - 00:14:49:22

Thank you. That's very helpful. Um, I'm not seeing any other hands in the room, so I'll go virtually now. Are there any hands up? Virtually, please.

00:14:59:19 - 00:15:06:24

Not seeing any any hands. Virtually on on teams. Oh, we've got one now. Um, is that councillor fellows?

00:15:15:09 - 00:15:52:17

Yes. Sorry, sir. Um, Marion fellows over town council are slightly confused because I had expressed that item six would be something I wanted to speak on. So when you ask for any additional hands, I thought you meant people other than those that already registered in our early discussion this morning. Um, commonality issues. Commonality is a positive thing. Uh, but it shouldn't be used to

silence affected parties, not silence or limit their participation. So I was concerned to hear that signing heads of terms would then preclude landowners raising concerns.

00:15:53:02 - 00:16:25:14

And we did have a concern of this during a previous DCO, when landowners were by the applicant at the time asked to sign agreements, not to then raise concerns in return to settling, um, other matters. So I think it's really important that, yes, it's used, but in the most appropriate way and, and the way under it should be used. Um, secondly, I would like to support what Mr.

00:16:25:16 - 00:17:06:28

Fowler said with regard to the difficulty when projects are either sequential or coordinated, because the amount of harm and damage in the same area is obviously just as bad if it's one after the other, or at the same time for a longer period of time, or with a greater impact. What is most important is that these projects are future proofed and as far as possible, really coordinated with sharing of infrastructure, not duplication of infrastructure, but in the same place or at the same time.

00:17:07:17 - 00:17:42:09

So we're looking for real innovation in terms of projects working together to minimise negative impact and optimise positive opportunities, not purely doing things at the same time or putting things in the same place but sharing of infrastructure. And I know the challenges of this because each project is obviously individually owned. Um, and may need to have separation, uh, for various reasons.

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The other thing about commonality I want you to raise is that it's quite difficult, uh, for a layperson like myself, uh, to navigate the document library. Uh, for a planning inspection. So, yes, you can put in author description or document type, but you can't search on keyword. So if I wanted, for example, even if I go into individual documents and and put, I have to know that something is in a document to be able to find it.

00:18:14:19 - 00:18:48:09

So if I take, for example, sea Link, if I put in the word Sealink into the document, search doesn't come up with anything. But I know within certain documents it is mentioned. So it is a bit of a nightmare to actually try to engage and try to provide comment to assist you, but we will endeavour to do so. In terms of language commonality. Are we looking at cumulative? Are we looking at in combination? I think we're probably looking at all of that.

00:18:49:05 - 00:19:22:11

The difficulty is to recognise that things are already in place. So for example, if we look at commonality with regard to mitigation land for the lesser black backed gulls that both North Falls and five estuary need, five estuaries already has plans for Orphan Island. And contrary to what the applicant, um, said to you, says you will need permission to go on to Orphan Island. It's not public, although it's public, it's by boat and it's owned by the National Trust.

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So there isn't just free full access. It has to be arranged. Um, so there is a concern about how that would work together. There's also the concern about the seabed regarding that. North falls is actually

an extension to the Greater Gabbard array that's already off Aldeburgh. There are cables already. There are, uh, infrastructure on the seabed. There may be infrastructure for sealing required on the seabed off offshore.

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So it's very difficult position that you're in when you're looking at the cumulative or in combination or commonality of these projects as to where who gets precedence. It can't just be, we would say first come, first served. We have to be looking to what else is needed and develop a more integrated approach to how the projects may divvy up access or divvy up the seabed or or share infrastructure onshore.

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So yeah, commonalities is a very big question, both of principle and of practicalities for you to consider in your examination. Thank you.

00:20:41:07 - 00:20:53:28

Thank you, councillor fellows. I'm not seeing any more hands up virtually. So I'll just go back to Miss Broderick. Is there anything else you'd like to add? Um, particularly on the point about navigating documents.

00:20:56:05 - 00:21:34:07

Claire. Project for the applicant. Um, I'm mindful that quite a lot of the comments have been made are are perhaps more substantive comments about the merits of the application, which obviously will be dealt with in detail once the examination commences, rather than the sort of narrow procedural element of of commonality. Um, what I would say is that obviously, as in addition to the sort of search function on the examiner. On the planning Inspectorate's website, there is the examination library, which obviously provides a separate PDF, but lists all of the documents that an interested party can search through.

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And also there is the guide to the application, which is an applicant document that it submits at each deadline confirming where certain documents have been updated. So if you were seeking to try and navigate what was changing in terms of the documents or additional documents that have been submitted at each deadline, then that might be a useful document to have a look at in terms of trying to understand the breadth and nature of the documentation.

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Okay. Thank you, Mr. Broderick.

00:22:18:11 - 00:22:23:13

So that brings us on to agenda item seven. Any other matters?

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Thank you. So we now come to the last item on the agenda, where we're happy to hear any other matters that have not been covered to date. Does anyone have any other procedural matters that they do wish to raise?



00:22:51:25 - 00:23:01:08

I'll just just come to you in one moment, just to check with Mr. Fairley that there's nothing that you do now want to raise under this agenda item.

00:23:02:21 - 00:23:04:19

Uh, I think we'll wait for a later date.

00:23:05:01 - 00:23:09:18

Okay. Thank. Thank you. Um. Right. Council.

00:23:11:19 - 00:23:44:20

Uh, thank you, ma'am. Graham. Gumby. Suffolk county council. Um, I previously just outlined our concerns about, um, um, planning performance agreement or lack of IT funding for Suffolk local authorities. I'm only really speaking for Suffolk, but I know it's a similar case with East Suffolk and Mid Suffolk district councils. And just to say, obviously, um, we've heard from councillor fellows for Aldeburgh Town Council about the perceived impacts on that area of the coast from this development.

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And it is it is worth just, um, pointing out that although the landfall is in Essex, the actual lot of the impacts can be on the Suffolk coast. And, um, we've had, um, long running discussions with the applicant. We've attended all their expert topic groups and fed in at every single stage since inception. Um, and we believe that we've had a significant impact on the shape of this scheme. Um, and now we're trying to carry on that good work.

00:24:16:12 - 00:24:46:22

Um, and be a responsible authority. Um, and, uh, trying to feed into the process. Um, and consider things which affect, um, uh, interests of Suffolk. Um, and that would include skills and highways and the national landscape. Um, but yet we're faced with, um, we haven't been able to secure a planning performance agreement. And as you know, um, we do not receive any other funding for this engagement. It's not most of it.

00:24:46:24 - 00:25:36:10

It's not statutory responsibility of a county council. I do, and I do note that the exercise requested, um, submissions of local impact reports and statements of common ground, and no doubt would expect us to respond to the, um, examining panels. Um, questions. So, um, and how this might manifest itself is that obviously we're going to have to find, um, Resources to fund that engagement from I don't know where. Um, and, um, it's putting an additional strain on local services, and I do find it, um, really, um, unsatisfactory that we find ourselves in this position as compared to many other, um, um, and CIP, um, projects that we've faced in Suffolk.

00:25:36:12 - 00:26:09:04

We've got we're dealing with over 20 now and the, um, we've just been referring to five estuaries and we're well along the roads for negotiation, negotiating, negotiating a planning performance agreement with that project. Um, and we're also faced this year with for examinations in public. And all the other three are funding in this respect. So I just wanted to raise it. Um, you might say it's a matter between

ourselves and the applicant, which technically is we do see that the government are proposing to reform this area.

00:26:09:15 - 00:26:34:23

Um, but we're not there yet. Um, so I just wanted to raise that and and obviously just to alert the to the to to the, you know, potential, um, kind of, uh, pressure on our engagement or pressure on our ability to engage so effectively. And obviously that has maybe down the line, it does kind of prejudice, um, the effectiveness of the examination. Thank you.

00:26:37:02 - 00:26:51:16

Thank you. And, um, as you say, it is, in effect, a matter between you and the applicant. Uh, but it's helpful to understand, um, that background in terms of your participation. Thank you.

00:26:55:12 - 00:27:04:18

I'll just check with Miss Broderick. Um, you know, as I say, that's really a matter outside, um, the examination. But there is. Is there anything you wish to add?

00:27:05:28 - 00:27:37:01

Uh, Clare project for the applicant. Um, as has been identified. Obviously, there is no statutory requirement to provide funding at this current moment in time, and PPAs or planning performance agreements are voluntary agreements that are entered into typically with the host authority. I know that Suffolk County Council mentioned another a number of other DCO applications that it's involved with. My understanding is that is a host authority in respect of those applications. Whereas for the North Falls project, it is not a host authority.

00:27:37:11 - 00:27:45:24

Um, and discussions regarding planning performance agreements have taken place with the host authorities on this particular DCO application. Thank you.

00:27:47:17 - 00:27:58:21

Thank you. Um, I there is the virtual. Hands up. Uh, so if I could hear from that person, I'm assuming they're wishing to speak under this agenda item.

00:28:12:09 - 00:28:12:26

Thank you.

00:28:13:19 - 00:28:50:07

Ma'am. Um, thank you Curtis, for baby District Council. I noticed that, um, councillor fellows for all borough parish council was actually number one in the queue, so I hope she doesn't mind. I'm taking a space in case she was waiting to try and join us. Um. Thank you. Just to reiterate the comments of my colleagues from Suffolk County Council, but to add that Baby District Council have not been substantively engaged in this project at all at any point, which is really disappointing to us, and it makes it very difficult for us to plan for resource for this, um, examination. But we have already set out the key themes of our concerns and our relevant reps, and we'll be expanding on those now.

00:28:50:09 - 00:29:05:00

Local impact report. And we'll just have to deal with the information at the at the hearings as we progress. But it would be really helpful if the applicant would, um, engage with us so that we can start getting together on the common issues. Thank you.

00:29:06:08 - 00:29:10:15

Thank you. So I'll now go on to Councillor Fellows.

00:29:16:21 - 00:29:43:03

Thank you ma'am. And just to confirm, I'm always happy to wait and hear others. That's, uh, it's helpful as well, uh, to do that. So thank you. Um, Marian fellows, Aldeburgh town council. Um, I'd like to bring up or request some further information and guidance from you in regard to the status of National Grid specifically. National grid Energy systems operator.

00:29:44:26 - 00:30:17:19

So, um, as the company that actually provides the connection options, which is really the starting point for any project like this, and the rationale for siting and especially with regard to the new design guidance and how communities should be involved, and how these projects should seek to bring benefit. Um, as a legacy project, not just mitigating harm, but actually providing something that is something to be proud of and future proofed, etc..

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So.

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They don't appear to be listed at all as interest to parties. They're not invited to these meetings. You yourselves may find it helpful to ask as they take part into the process, especially when it comes to design or when it comes to siting, uh, and looking at alternatives, specifically item six, um, when it comes to issue specific hearings as well, we have found through our experience in the past that it's been quite difficult to get National Grid, ESO or National Grid itself to come to the examination table and to provide them examining authorities with the assistance they need to understand what is being put forward in the application.

00:31:09:02 - 00:31:15:28

And it's crucial and central to the whole question of how these projects go forward.

00:31:17:16 - 00:31:30:12

So I'd be grateful for that. Um, the other point in terms of any other business is I would support the earlier comments about the definition of host and how applicants do.

00:31:32:15 - 00:32:12:21

I'm not saying in a negative way, but just quite naturally want to contain or limit, um, the kind of involvement of those in a wider area that are also impacted. And I think it could be of benefit to the applicant and to your salesman if you were to be able to support the requests from Suffolk County Council and Baber and others that they're given to recognition and support to be able to engage with you, because it will be a, you know, it will be difficult for them and it will mean that the examination process is not as thorough as it could be.

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And I'm sure nobody would want to have to go through to a judicial review in terms of looking at things that were missed, um, which could have been considered. Thank you very much.

00:32:26:00 - 00:32:41:20

No, thank thank you. And, um, you know, we've listened carefully to all the points that you've made. Obviously, we're concerned with the examination of this particular application. Um, as has already been explained.

00:32:43:18 - 00:32:51:04

I will just check with the applicant whether they wish to comment on anything that has been said on this item.

00:32:56:29 - 00:33:14:21

Uh, for the applicant. Um, no, we don't have anything further to add on. Um, this agenda item, only to reiterate that obviously anyone is free to participate in the examination, and no doubt the examining authority will take into account any representations that are made, whether in writing orally.

00:33:19:06 - 00:33:28:28

Right. Thank you. I'll just check that there are no one else in the room. Um, wants to comment on this agenda item, and there are no hands up.

00:33:31:25 - 00:34:02:06

Right. So we have now covered the matters on the agenda for this preliminary meeting. If there are no other matters that anyone wishes to raise, I shall now close the meeting. We will consider our proposals for examining the application in the light of the discussion at this meeting. The minutes and recording will be available on the project web page as soon as practicable.

00:34:03:00 - 00:34:35:03

The rule six letter, including the examination timetable, will be sent to you as soon as practicable after today's preliminary meeting and will include our decisions on any procedural matters raised. We would ask you to note the requirements of upcoming deadlines, and we confirm that, subject to any changes we may make following this meeting. Our first written questions will be published within the next few days.

00:34:36:25 - 00:34:46:06

So I'd like to thank you all very much for your help and participation in this meeting. This meeting is now closed.