

Meeting note

Project name	East Anglia ONE North and East Anglia TWO
File reference	EN010077 and EN010078
Status	Final
Author	The Planning Inspectorate
Date	21 May 2019
Meeting with	ScottishPower Renewables
Venue	Temple Quay House
Meeting objectives	Programme update
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.

The Inspectorate's previous advice

The Inspectorate reiterated its previous advice that, it is possible to submit one application for a single Development Consent Order (DCO) which contains multiple Nationally Significant Infrastructure Projects (NSIPs), i.e. one application can be submitted which applies for consent for the East Anglia TWO (EA2) and East Anglia ONE North (EA1N) proposals within one DCO. The Inspectorate noted that one of the key reasons as to why this advice was given, was to reduce the potential resource implications on the key stakeholders, by only needing to engage in one examination process, as opposed to engaging in two separate examinations running simultaneously. In addition, there are some constraints within the PA2008 regarding the extent to which two separate examinations could potentially be fully integrated.

The Inspectorate advised the Applicant that it would be possible to go through the Contacts for Difference (CfD) process with a single DCO for two NSIPs.

The Applicant's reasons for separate DCO applications

The Applicant explained why it would be submitting the two projects as separate applications. Through its experience with East Anglia ONE (EA1) it said it had gained a greater understanding of the CfD auctions, which in its view were getting more competitive. Therefore, the Applicant considers that having the projects as two separate entities reduces the risk for them in this process. The Applicant also mentioned that by submitting two separate applications they felt it reduced the difficulty in divesting aspects of each project.

The Inspectorate's considerations

The Inspectorate noted that the Applicant will continue with their proposal to submit two separate and simultaneous applications for both of the above proposals. As a result, the Inspectorate said it had given further thought to how any examinations of the applications (if they were both to be accepted for examination) could be held in a way which, where possible, reduces the resource implications on Interested Parties when dealing with two simultaneous examinations.

The Inspectorate reiterated that the following considerations are not a confirmed approach - a decision on the person or persons (and number of persons) constituting an Examining Authority cannot be made until after an application has been accepted for examination. It is for any appointed Examining Authority to determine how an examination will be held, and the Inspectorate said it was still looking into the potential implications of the following possible approach.

The Inspectorate highlighted that in this particular instance, where the same Applicant is proposing to submit two separate applications for each proposal, with identical application submission dates, and where certain parts of the order limits will be identical - the Inspectorate said it was considering the possibility of appointing the same persons to the two Examining Authorities. For example, considering if the same (for example, five) persons could be appointed to examine both applications.

The Inspectorate said that in this scenario, it was considering the potential that the appointed Examining Authorities may consider holding some hearings which consider both applications/draft DCOs (dDCOs) (regarding the aspects of the proposals where the order limits are identical, for example the onshore cable route corridor). It said it still considered that: two separate Preliminary Meetings would be required; separate hearings for the examination of each application/dDCO are likely to be required, for example where the order limits are not the same; and any Interested Party wishing to comment on both applications would need to submit any written submissions to both project email addresses separately (or send two separate hard copies by post). Persons wishing to become Interested Parties for each application would also be required to make a separate relevant representation for each application.

The Inspectorate advised the Applicant that in order for this potential approach to have the best chance of succeeding in an efficient manner within the 6 month statutory timeframe for both dDCO examinations, clear and detailed information outlining the similarities and differences between the two Proposed Developments and the two suites of application documents would be extremely helpful to all involved, as part of each application submission.

Further discussion

The Applicant said it felt this approach was practical for it and other stakeholders. The Inspectorate asked about ways in which the Applicant might present information about the similarities and differences of each Proposed Development within each application; for example, documents explaining the differences/similarities between each application document etc. The Applicant agreed to consider how to best achieve this, prior to

submission, the Inspectorate stated that it would be able to provide section 51 advice on their proposed approach to this.

The Inspectorate then queried when the Applicant aimed to refine the multiple offshore cable routing options for EA2. The Applicant replied that its aim was for a DCO to grant consent for multiple options, whilst allowing the Applicant to develop only one of them.

The Inspectorate asked whether work numbers on the Works Plans and Schedule 1 of each DCO for each project would be aligned, as this might assist understanding. The Applicant replied that this was being considered.

The Inspectorate advised the Applicant to consider how the dDCOs would be drafted in relation to the Compulsory Acquisition of the same 70 metre strip of land for the onshore cabling. It also suggested that the dDCOs include provisions in which the Applicant notifies the relevant planning authority which DCO the cable work it is conducting, is for.

Specific decisions/ follow-up required?

The following actions were agreed:

- The Applicant to provide a list of queries and novel approaches within the draft DCO for EA2, to assist the Inspectorate's review of the draft DCO ahead of submission.