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To Interested Parties

Your Ref:

Our Ref: EN010056

Date: 17 November 2016

Dear Sir/Madam

**Planning Act 2008 (as amended) – Section 89 and the Infrastructure
Planning (Examination Procedure) Rules 2010 – Rule 17**

**Application by East Anglia Offshore Ltd for an Order Granting Development
Consent for the East Anglia THREE Offshore Wind Farm**

Request for further information

The Examining Authority (ExA) has reflected on a number of matters and has decided to seek the further information and documentation. These queries are set out below. The deadline for the submission of the information set out below is **Deadline 7, Thursday 8 December 2016**.

The ExA notes that a conclusion of no adverse effects on the integrity of the Outer Thames Estuary Special Protection Area (SPA) (and its red-throated diver qualifying feature) is stated in the Statement of Common Ground (SoCG) between the Applicant and Natural England (NE) [REP2-053] to be "*agreed by both parties*". However, it is also noted that NE's previous position (recorded in both the SoCG and its Relevant Representation [RR-003]) indicated that this conclusion is based on best practice vessel operations.

1. Could NE and the Applicant comment on what these best practice vessel operations entail and how these have been secured.
2. Could NE and the Applicant also comment on whether any amendments are required to the Development Consent Order (DCO) or Deemed Marine Licences (DMLs) to ensure that these measures can be relied upon for a conclusion of no adverse effects on the integrity of the Outer Thames Estuary SPA and its red-throated diver qualifying feature.
3. The MMO may also wish to comment on the securing of such measures in the DCO/DMLs as referred to in question 2 above.

4. NE has referred, in its post-hearing submission [REP4-029], following the first Environmental Matters Issue Specific Hearing (ISH) on Wednesday 7 September 2016 to Defra's April 2012 Habitats Regulations review (the Report of the Habitats and Wild Birds Directives Implementation Review). Could NE please submit a copy of this report as an Examination document by Deadline 7.

ExA Consultation Draft DCO

The ExA has published a Consultation Draft DCO which has identified questions for consultation within it. This can be found here;

<http://infrastructure.planninginspectorate.gov.uk/document/EN010056-001902>

The ExA Consultation Draft DCO has identified consultation questions relevant to specific DCO provisions. Your attention is drawn to those questions, which for ease of reference and comprehension are set out embedded in the draft DCO document itself.

You are requested to respond to those questions, noting that they have been asked pursuant to Rule 17 of the Examination Procedure Rules (EPR). The location of each question and its intended recipient is identified below. However all IPs are also welcome to respond;

- DCO Article 2(1) (definitions: "commence") – question to the Applicant and LPAs.
- DCO Article 2(1) (definitions: "maintain") – question to the Applicant, the Marine Management Organisation (MMO) and LPAs.
- DCO Article 33 (arbitration) – question to the Applicant, Eni UK Ltd. and the MMO.
- DCO Article 37 (Crown rights) – question to the Applicant, the Crown Estate (TCE) and the MMO.
- DCO Article 38 (protective provisions) – question to the Applicant, Eni UK Ltd. and the MMO.
- DCO prospective Article 39 (other provisions – proximity plan) question to the Applicant, Eni UK Ltd. and the MMO.
- DCO Requirement 2 (detailed offshore design parameters) question to the Applicant, the MMO and Natural England (NE).
- DCO Requirement 12 (detailed design parameters onshore) question to the Applicant and the LPAs.
- DCO Requirement 22 (code of construction practice) question to the Applicant and the LPAs.

- DCO prospective Requirement (after Requirement 28) (skills strategy) question to the Applicant and LPAs.
- Schedule 8 generally (protective provisions) question to the Applicant.
- Schedule 8 prospective Part 7 (protective provisions) question to the Applicant, Eni UK Ltd, the MMO and TCE.
- Generation Assets DMLs (Schedules 10 and 11) Parts 2, Conditions 1 (design parameters) question to the Applicant, the MMO and NE.
- Annex A Page ii (options for protective or balancing questions on the interface between the application proposals and Eni UK Ltd oil and gas activities: proposals 1, 2 and 3) questions to the Applicant, Eni UK Ltd, the MMO and TCE.
- Annex A Page viii (proposal 3) questions to the Applicant, Eni UK Ltd, the MMO and TCE.

Responses to this Rule 17 letter will be published shortly after Deadline 7 to enable all Interested Parties (IPs) to provide comments at **Deadline 8, Thursday 15 December 2016**. It is important that these deadlines are adhered to, ensuring that all IPs are able to fully participate in the Examination.

We request that IPs send, where practicable, electronic copies of their submissions as email attachments, to eastangliathree@pins.gsi.gov.uk. Electronic attachments should be clearly labelled with a subject title and not exceed 12MB for each email. If IPs prefer to make submissions in hard copy by post, please ensure that they arrive by the specified deadline.

Should any Interested Party have any queries regarding the content of this letter, they are requested to contact the Case Team using the details listed at the top of this letter.

Yours faithfully

Philip Asquith

Philip Asquith
Lead Member of the Panel of Examining Inspectors

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.