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All Interested Parties, Statutory Parties  
and Other Persons

Your Ref:

Our Ref: EN010078

Date: 21 May 2020

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Dear Sir/ Madam

**The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 9  
Application by East Anglia TWO Limited for an Order Granting Development  
Consent for the East Anglia TWO Offshore Wind Farm**

I am writing to you following our letter of 17 March 2020 which confirmed the decision to postpone the Preliminary Meeting and first round of hearings as a result of the impacts of the Covid-19 pandemic. The purpose of this correspondence is to update you on our latest position, including informing you of a Procedural Decision and to issue a request for further information from all Interested Parties.

It has become clear that the public health situation caused by the COVID-19 pandemic continues to affect the running of our day-to-day lives, and it is likely that restrictions on social movements, public gatherings and work practices will remain in place for some time.

At the same time, activity in the economy remains crucial, and businesses are adapting their procedures and ways of working to allow continued services and productivity. The Government recognises<sup>1</sup> the importance of progressing the consideration and determination of applications for development consent, including National Infrastructure projects, and we have been exploring ways of protecting public health while allowing the Preliminary Meeting and examination of the project to proceed in an open, fair and impartial manner.

The Panel remains appointed to examine the application and has been planning for the rearrangement of the Preliminary Meeting and subsequent examination. During this time we have posted a number of update banners on the project website to encourage all parties to continue their own preparation for the examination, together with where possible using remote and digital working methods to replace meetings as required, to

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<sup>1</sup> Including in the Written Ministerial Statement made on 13 May 2020  
(<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2020-05-13/HCWS235/>)

work with other parties to agree positions, including draft Statements of Common Ground.

Planning Inspectorate work to rearrange the examination is advanced and we are now **seeking input from Interested Parties** to support this.

### **Request for Practical Information to Support Arrangements**

In respect of practical arrangements, Interested Parties may be aware that work is being undertaken on other cases to progress hearings virtually. As noted, we are considering how best to examine this application, recognising that this is primarily a written process, albeit one which has a right to be heard for certain matters.

Any such changes to the established approach will be made in the context of the examination and with full regard to the applicable legislation, Government guidance and the Planning Inspectorate's purposes and values and its Customer Charter<sup>2</sup>.

A Frequently Asked Questions document has been prepared to answer questions that we think you may have. It may be updated from time to time as new questions arise. It can be found at: [https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010078/EN010078-001801-200521%20FINAL\\_ea1n2\\_FAQ\\_V1.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010078/EN010078-001801-200521%20FINAL_ea1n2_FAQ_V1.pdf)

In order to help us make decisions about new examination methods, we are now inviting representations on how hearings might be held<sup>3</sup>: these representations should be provided as responses to the **online questionnaire** posted to the project website<sup>4</sup> at:

[https://forms.office.com/Pages/ResponsePage.aspx?id=mN94WIhvq0iTIpmM5VcIjVhG9Fuq\\_qRGqeaSXX2cWNUMjVSR0ZGSzZOSIIKRzU3UDhQVzY0NFpXQy4u](https://forms.office.com/Pages/ResponsePage.aspx?id=mN94WIhvq0iTIpmM5VcIjVhG9Fuq_qRGqeaSXX2cWNUMjVSR0ZGSzZOSIIKRzU3UDhQVzY0NFpXQy4u)

**Responses should be provided via the online questionnaire by 5pm on Thursday 11 June 2020.** Whilst there may appear to be a lot of questions, please be assured of the importance of obtaining your answers. We consider it crucial to hear your views on the way in which the application should be examined and they will help us to finalise our arrangements in due course. If you are unable to complete the questionnaire online, please use the customer services number above to ask the Case Team to help you do so.

This is an information-gathering exercise only and it does not commit the Examining Authority to any particular action. No date has yet been set for the Preliminary Meeting. The responses to the questionnaire will not be published as they are considered to relate to practical matters around the timing and organisation of Examination events and do not constitute submissions on the merits of the Proposed

<sup>2</sup> Available at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/607141/charter\\_final\\_eng.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/607141/charter_final_eng.pdf).

<sup>3</sup> Any responses provided at this stage would not prejudice the formal right to request to speak at a later date, nor would it commit parties to the position reflected in their questionnaire response

<sup>4</sup> If you do not have access to the internet please contact the case team by telephone so that they can complete the Questionnaire on your behalf.

Development. As such, they will not influence our recommendation or, ultimately, the Secretary of State's decision

### **Procedural Decision in Respect of Draft Submissions**

In addition to helping inform our work to commence a virtual examination, the Panel has made **Procedural Decisions** (annexed to this letter) **requesting, where possible and available, the early submission of Comments on Relevant Representations and early draft Statements of Common Ground.**

In making this Procedural Decision, the Panel reiterates that it has been made in order to inform the design of the revised examination but it does not replace any formal deadline which will be set within the examination timetable and which will be published within a subsequent Rule 8 letter sent to all parties following the close of the Preliminary Meeting.

Whilst not forming part of the Procedural Decision, we would also like to take the opportunity to reiterate previous messages in respect of Interested Parties taking the opportunity to **progress general preparation for the examination**, focusing in particular on the preparation of written submissions.

We would like to signal to relevant Local Planning Authorities the important role which **Local Impact Reports** play in the examination of applications and to encourage work to be actively progressed on these. We are however not formally requesting these at this stage.

Finally, you should note that an Application by East Anglia ONE North Limited for an Order Granting Development Consent for the East Anglia ONE North Offshore Wind Farm has also been accepted for examination and that you may, if registered for that application, also receive a letter in equivalent terms relating to that application.

Yours faithfully

*Rynd Smith*

**Lead Member of the Panel of Examining Inspectors**

**Enc**

Annex A

This communication does not constitute legal advice.

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## East Anglia TWO (EN010078)

### Other Procedural Decisions made by the Examining Authority (ExA)

The Panel has previously made Procedural Decisions under Section 89(3) of the PA2008, as follows:

- Nos 1 – 3 issued on 23 December 2009 dealing with the provision of hard copy documents, the need for documents to be submitted to both examinations and a means to identify which application (or both) documents have been submitted to. **These remain in force.**
- Nos 4 – 6<sup>1</sup> and 8 - 9<sup>2</sup> contained within Annex G of the Rule 6 letter dated 21 February 2020 which dealt with a range of issues in advance of the first round of hearings. **These are revoked by this Procedural Decision** as they referred to deadlines proposed in the draft Examination timetable and they are no longer relevant in light of the subsequent Procedural Decision 10 (17 March 2020) to postpone the Preliminary Meeting and first round of hearings (scheduled to be held on 24 March and 25 – 26 March 2020 respectively).
- **Procedural Decision 7 (contained within Annex G of the Rule 6 letter dated 21 February 2020) requesting Statements of Common Ground from a range of parties remains in force; see below.**

In order to support the Panel's preparation, and to assist all parties in their own preparation, Procedural Decisions have been made which are intended to front load preparation and to ensure that once the examination is able to commence there has been, where possible, clarification/further articulation of any common ground between certain Interested Parties together with responses to previously submitted Relevant Representations.

For these reasons, the Panel makes the following Procedural Decisions under Section 89(3) of the PA2008:

#### **Procedural Decision 7.1 - Statements of Common Ground (SoCG)**

The substance of Procedural Decision 7 of 21 February 2020 remains in force insofar as it outlines those organisations which the ExA request work together to prepare a SoCG. As is noted within PD7:

'the aim of a SoCG is to agree factual information and to inform the ExA by identifying where there is agreement and where differences lie at an early stage in the Examination process. It can also state where and why there may be disagreement about the interpretation and relevance of the information (matters not agreed).'

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<sup>1</sup> Tracking Lists relating to: SoCGs, Commercial Side Agreements & Planning Obligations; Changes to documents & Plans; and, Changes to Mitigation Measures

<sup>2</sup> Early Hearings; and, Site Inspections

With this in mind, given the need for the Panel to consider how best to design an examination timetable which will be delivered via virtual methods, and which may require an alternative order for written submissions and hearings than previously envisaged, the ExA would benefit from early sight of 1<sup>st</sup> draft SoCG from those Interested Parties previously identified.

This is in effect an amendment to Procedural Decision 7 and for this reason referred to as Procedural Decision 7.1, responses to which should be submitted **by Thursday 11 June 2020.**

All draft SoCGs received by this deadline will be published on the project page of the National Infrastructure website as soon as practicable after that date.

NB in accordance with established Examination practice, opportunities to revise draft SoCGs will be provided during the Examination.

### **Procedural Decision 11 – Comments on Relevant Representations**

In order to assist in the design of an examination timetable and the general preparation of all parties, the panel requests that the Applicant and other Interested Parties provide any comments on the Relevant Representations<sup>3</sup> **by Thursday 11 June 2020.** The Relevant Representations can be found here:

<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/east-anglia-two-offshore-windfarm/?ipcsection=relreps>

Where a detailed or tabular representation has been submitted, it would assist the panel if responses were presented in a comparable manner in order to ensure that all points are responded to in similar terms.

All comments on RRs received by this deadline will be published on the project page of the National Infrastructure website as soon as practicable after that date.

NB in accordance with Rule 8 of The Infrastructure Planning (Examination Procedure) Rules 2010 a deadline will be set within the Rule 8 letter, issued following the Preliminary Meeting enabling equivalent responses to be made, but there will be no need to amend the response submitted as a consequence of this decision, unless circumstances have changed.

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<sup>3</sup> as would ordinarily be required under Rule 8(1)(c)(i) and 8(1)(d)(i) of The Infrastructure Planning (Examination Procedure) Rules 2010