



The Planning Inspectorate

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To All Interested Parties and Statutory
Parties invited to the Preliminary
Meeting

Your Ref:

Our Ref: EN010078

Date: 29 April 2021

Dear Sir/ Madam

**Planning Act 2008 – Sections 89 and 91, and The Infrastructure Planning
(Examination Procedure) Rules 2010 – Rules 9 and 13.**

**Application by East Anglia TWO Limited for an Order Granting Development
Consent for the East Anglia TWO Offshore Wind Farm**

**Notification of Hearings and of Procedural Decisions on changes to the
applications.**

This letter provides:

- Notification of hearings to be held; and
- Notification of a procedural decision that has been made by the Examining Authority (ExA) on changes to the applications.


Notification of Hearings

On 30 March 2021, the Secretary of State for Business, Energy and Industrial Strategy decided to extend the Examination timetables for the East Anglia ONE North (EA1N) Offshore Wind Farm and the East Anglia TWO (EA2) Offshore Wind Farm by three months¹. This decision was notified to all parties by the ExAs on 1 April 2021. Consequential amendments to the Examination Timetable were also advised². These amendments included details of the primary focus for the Examinations in the additional three months and of time reserved for possible further Issue Specific Hearings (ISHs) and/or Compulsory Acquisition Hearings (CAHs).

The Examining Authority (ExA) has decided to hold further ISHs (ISH16 and 17) in the week commencing 24 May 2021, namely:

¹ Secretary of State letter extending the Examination for [EA2](#)

² Rule 8(3) letter amending the Examination timetable for [EA2](#)

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- **Issue Specific Hearing 16 (ISH16)** into the proposed substations site, on Wednesday 26 May 2021; and
 - **Issue Specific Hearing 17 (ISH17)** into the draft Development Consent Order, on Friday 28 May 2021.

Important information about these hearings can be found in **Annex A** to this letter. These hearings will be held virtually and in parallel with hearings for the same purposes for the East Anglia TWO Examination.

For further guidance on how the virtual events will be held and how you can get involved please refer to our [Frequently Asked Questions v3.1](#) document.

The Rule 8(3) letter amending the Examination timetable referred to above stated that the primary focus of the next phase of the examinations would be on biodiversity and Habitats Regulations Assessment (HRA), the consideration of alternatives and cumulative impact onshore, flood risk and drainage, and issues around the proposed substations site at Friston.

Mindful of time and resource issues for Interested Parties, the ExA has decided to keep Issue Specific Hearing (ISH) time to the minimum necessary to examine the application. The ExA considers that issues surrounding biodiversity and HRA, as well as the consideration of alternatives and cumulative impact onshore are best suited to consideration through further written procedures. The ExA has also decided that, as all Affected Persons³ requesting to be heard have been heard, no further Compulsory Acquisition Hearings (CAHs) are required. Interested Parties are reminded that written representations carry equal weight to oral representations.

Interested Parties must notify the case team of their wish to attend ISH16 and/ or ISH17 no later than **Monday 10 May 2021**. Please note that the ExA will aim to publish detailed agendas on the project website at least two weeks in advance of the hearing dates. However, the actual agenda on the day of each hearing may be subject to change at the discretion of the ExA.

Procedural Decision

The ExA has made a Procedural Decision in relation to changes to the Applications submitted to both Examinations by the Applicants on 23 April 2021. Details of the changes and reasoning for this decision can be found in **Annex B**. A log of all Procedural Decisions made by the Examining Authority can be found in **Annex C**.

Yours faithfully

Rynd Smith

Lead Member of the Examining Authorities

Annexes

- A** Notification of Hearings
- B** Procedural Decisions made by the Examining Authority
- C** Log of Procedural Decisions

This communication does not constitute legal advice.
Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

³ An Affected Person is a person with an interest in land or rights affected by a compulsory acquisition request



East Anglia ONE North Offshore Wind Farm and East Anglia TWO Offshore Wind Farm

Notification of Hearings under Section 91 of the Planning Act 2008 and Rule 13 of the Infrastructure Planning (Examination Procedure) Rules 2010 (EPR2010).

ISHs provide an opportunity for the ExAs to invite Interested Parties (IPs) to make oral representations about specific issues relating to the applications. The ISHs are proposed to address latest positions and progress in respect of the proposed substations site at Friston (ISHs16) and the draft Development Consent Orders (dDCOs) (ISHs17). ISHs17 will be conducted without prejudice to the positions of participants on planning merits.

These ISHs are to be held in parallel and for the same purposes for both the East Anglia ONE North Examination and the East Anglia TWO Examination. Further guidance on the relationship between the East Anglia ONE North Examination and the East Anglia TWO Examination can be found in the **FAQs**.

[Frequently Asked Questions \(FAQs\) v3.1](#)

Date	Hearing	Start Time	Joining Details
Wednesday 26 May 2021	Issue Specific Hearings 16 (ISHs16): The proposed substations site Issues surrounding Friston and the proposed connection points, to include matters of design, flood risk and drainage, landscape and historic heritage.	10.00am (arrangements conference from 9.20am)	Virtual events Join by device or telephone using details to be provided in forthcoming Agendas
Friday 28 May 2021	Issue Specific Hearings 17 (ISHs 17): draft Development Consent Orders (dDCOs) Progress and amended provisions in relation to the dDCOs.	10.00am (arrangements conference from 9.20am)	

East Anglia ONE North Offshore Wind Farm and East Anglia TWO Offshore Wind Farm

Procedural Decision made by the Examining Authorities

The ExAs have made the following procedural decision⁴. Previous procedural decisions can be accessed from the Procedural Decisions Tracker in **Annex C**.

34. Proposed Change to the Applications submitted on 23 April 2021:

On 23 April 2021 the Applicants made submissions to both Examinations, requesting a change to the location of land required onshore for cable corridor alignments in Plot 13, adjacent to Ness House. The proposed change has the effect of increasing the distance between the proposed cable alignments and Ness House, Ness House Cottages and the Wardens Trust premises. The change reduces the extent of land sought for compulsory acquisition (CA) and temporary possession (TP). The change request and supporting documents can be seen under the following references in the Examination Libraries [AS-103] to [AS-117].

The ExAs have considered the proposed change and all supporting documents. They have concluded that the change is non-material, for reasons set out below. It follows that no formal acceptance, notice, consultation or related process is required before the ExAs commence examination of these proposed changes, which the ExAs have done with immediate effect, alongside the Applications as submitted. This agreement by the ExAs does not imply any acceptance of the planning merits or evidence for the changes, the effects of which will be examined with equal rigour to the proposals contained in the original Applications.

Interested Parties or Affected Persons wishing to make representations on the merits of the changes may do so in writing at Deadline 11 and the Applicants may respond to any such representations at Deadline 12.

The Examining Authorities' reasoning

In reaching this decision, the ExAs note that the proposed change reduces the extent of the land affected by the applications. In comparison with the scale of the proposed developments as a whole, the land affected by the change is only minor in extent. The primary effect of the change is to increase the distance between the proposed cable corridors and existing dwellings, land and premises used by the charitable Wardens Trust. A secondary effect is to slightly reduce the extent of land sought to be developed and subject to CA and TP requests.

The proposed change affects some land that was not previously proposed to be affected by the construction or operation of cable corridors (the 'new land'), whilst providing that land previously proposed to be affected will no longer be affected (the 'old land'). The Applicants have provided evidence that the introduction of the new land does not affect the interests in land of any persons who were not already recorded in the Book of Reference as Affected Persons [AS-114/115]. The Applicants have also provided evidence that the relevant Affected Persons consent to the change [AS-103/104]. As the change includes

⁴ Decisions made under Section 89(1) of the Planning Act 2008 and Rule 9 of the Infrastructure Planning (Examination Procedure) Rules 2010



a request for the CA and TP of land, in this respect (and subject to consideration of matters raised in the ongoing Examinations processes) the ExAs are provisionally satisfied that section 123(3) of the Planning Act 2008 has been met and that the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 are not applicable.

The change appears intended to have no additionally adverse environmental effects than those of the applications as submitted in this location (and so appears likely to be within the Rochdale envelopes for the proposed developments). Whilst the ExAs make no judgement yet as to the effects of the change, they accept that there is no likelihood that the change will lead to any material exacerbation of adverse effects.

On this basis and having taken the advice in the Planning Inspectorate's Advice Note 16: How to request a change which may be material⁵ (AN16) fully into account, the ExAs accept that the change described above is not a material change to the applications.

⁵ <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/07/Advice-note-16.pdf>

Application by East Anglia ONE North Limited for an Order Granting Development Consent for the East Anglia ONE North Offshore Wind Farm

Application by East Anglia TWO Limited for an Order Granting Development Consent for the East Anglia TWO Offshore Wind Farm

Log of Procedural Decisions made by the Examining Authorities

The ExAs have made the following groups of procedural decisions⁶:

- **Procedural decisions made in the pre-examination period** before the Preliminary Meeting, initially to support Examination including physical hearing events before the onset of the Covid-19 pandemic, and then to ensure continued preparation for Examination using Covid-safe methods. There are 19 of these decisions, numbered in date order from 1 to 19, of which 5 have been superseded and cancelled and 14 remain in effect having been confirmed following the Preliminary Meetings.
- **Procedural decisions made following the Preliminary Meetings.** There are three of these, numbered in sequence from 20 to 22. These decisions are set out in full in the **Rule 8 Letters** of 12 October 2020. Noting that some elements of these decisions were contested in written and oral submissions to the Preliminary Meetings, a statement of reasons was also provided and can be accessed by a hyperlink from those letters.
- **Procedural decisions made during the Examinations.** There are currently twelve of these, numbered 23 to 34, relating to:
 - **PD 23:** requests by the Applicants for changes to the applications including the inclusion of additional land.
 - **PD24:** a decision by the ExA not to issue a second round of written questions (ExQ2).
 - **PD 25:** a decision by the ExA to accept non-material revisions to details of the onshore substations (updated details of finished ground levels and height of structures).
 - **PD 26:** a decision by the ExA to amend the timetables to respond to requests by the Applicants for changes to the applications and to provide additional time for Open Floor and Issue Specific Hearings.
 - **PD 27:** publication of Questions on the Energy White Paper (December 2020) under EPR Rule 17.
 - **PD 28:** amendment of Timetable to accommodate revised hearings in February 2021.
 - **PD 29:** Examination process decisions for additional Affected Persons under the Infrastructure Planning (Compulsory Acquisition) Regulations 2010.
 - **PD 30:** amendment of Timetable to accommodate revised hearings in March 2021.
 - **PD 31:** Procedural Decision on Negotiations with Affected Persons (ISHs9 Agenda Item 1A).
 - **PD32:** a decision to accept non-material reductions to the land required at the proposed landfall and the crossing of the Hundred River .

⁶ Decisions made under Section 89(1) of the Planning Act 2008 and Rule 9 of the Infrastructure Planning (Examination Procedure) Rules 2010



- **PD33:** amendment of Timetable to accommodate a decision by the Secretary of State for Business, Energy and Industrial Strategy to extend the Examinations periods until 6 July 2021.
- **PD34:** a decision to accept a non-material change to the Applications relating to land adjacent to Ness House for examination (this letter).

The table below provides access to the original documents in which each procedural decision was recorded.

Publication date: 29/04/2021

Procedural Decisions Tracker

The ExA has made the following Procedural Decisions under Section 89(3) of the PA2008. Decisions are numbered in order of the date on which they were made. Decisions shown with a green status (✓) remain applicable. Decisions shown with a red status (✗) have been cancelled or superseded and no longer have effect.

Procedural Decision	Subject	Date Issued	Status	Notes
1	Request for hard copy documents	23/12/2019	✓	East Anglia ONE North: Link to letter: Annex B East Anglia TWO: Link to Letter: Annex B
2	Document submission procedure relating to both East Anglia applications	23/12/2019	✓	East Anglia ONE North: Link to letter: Annex B East Anglia TWO: Link to Letter: Annex B
3	Means of identifying documents relating to one/both East Anglia applications	23/12/2019	✓	East Anglia ONE North: Link to letter: Annex B East Anglia TWO: Link to Letter: Annex B
4	Tracking List relating to SoCG, Commercial Side Agreements and Planning Obligations	21/02/2020	✗	Superseded by PD 12
5	Tracking List relating to changes to application documents and plans	21/02/2020	✗	Superseded by PD 13
6	Tracking List relating to changes to mitigation measures	21/02/2020	✗	Superseded by PD 14
7	Requests for Statements of Common Ground	21/02/2020	✓	East Anglia ONE North: Link to Letter: Annex G East Anglia TWO: Link to Letter: Annex G
7.1	Requests for early submission of selected Statements of Common Ground	21/02/2020	✓	Further to PD 7 East Anglia ONE North: Link to Letter: Annex G East Anglia TWO: Link to Letter: Annex G
8	Decision to hold early Issue Specific Hearings	21/02/2020	✗	Superseded by PD 16 and FAQ
9	Request to nominate locations to be viewed at Site Inspections	21/02/2020	✗	Superseded by PD 17
10	Decision to postpone the Preliminary Meeting and early Hearings	17/03/2020	✓	East Anglia ONE North: Link to Letter East Anglia TWO: Link to Letter
11	Request for Comments on Relevant Representations	21/05/2020	✓	East Anglia ONE North: Link to Letter East Anglia TWO: Link to Letter
12	Tracking List relating to SoCG, Commercial Side Agreements or Planning Obligations	16/07/2020	✓	East Anglia ONE North: Link to Letter: Annex F East Anglia TWO: Link to Letter: Annex F

13	Tracking List relating to changes to application documents and plans	16/07/2020	✓	East Anglia ONE North: Link to Letter: Annex F East Anglia TWO: Link to Letter: Annex F
14	Tracking List relating to changes to mitigation measures	16/07/2020	✓	East Anglia ONE North: Link to Letter: Annex F East Anglia TWO: Link to Letter: Annex F
15	Statements of Common Ground and Commonality – additional requests	16/07/2020	✓	Further to PDs 7 and 7.1 East Anglia ONE North: Link to Letter: Annex F East Anglia TWO: Link to Letter: Annex F
16	Decision to hold early Open Floor Hearings	16/07/2020	✓	East Anglia ONE North: Link to Letter: Annex F East Anglia TWO: Link to Letter: Annex F
17	Request to nominate locations to be viewed at Site Inspections	16/07/2020	✓	East Anglia ONE North: Link to Letter: Annex F East Anglia TWO: Link to Letter: Annex F
18	Request for updates following recent decisions: a) relevant to HRA and b) relevant to the Sizewell C project	16/07/2020	✓	East Anglia ONE North: Link to Letter: Annex F East Anglia TWO: Link to Letter: Annex F
19	Submission of draft Development Consent Orders and Book of Reference	16/07/2020	✓	East Anglia ONE North: Link to Letter: Annex F East Anglia TWO: Link to Letter: Annex F
20	Close of Preliminary Meeting and commencement of Examinations	12/10/2020	✓	East Anglia ONE North: Link to Letter: Annex B(2) East Anglia TWO: Link to Letter: Annex B(2)
21	Approval of the Draft Timetable with Changes	12/10/2020	✓	East Anglia ONE North: Link to Letter: Annex B(2) East Anglia TWO: Link to Letter: Annex B(2)
22	Publication of First Written Questions (ExQ1)	12/10/2020	✓	East Anglia ONE North: Link to Letter: Annex B(2) East Anglia TWO: Link to Letter: Annex B(2)
23	Acceptance of Non-material and Material Changes and Engagement of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010	19/11/2020	✓	East Anglia ONE North: Link to Letter: Annex A East Anglia TWO: Link to Letter: Annex A
24	Deferral of Second Written Questions (ExQ2)	19/11/2020	✓	East Anglia ONE North: Link to Letter: Annex A East Anglia TWO: Link to Letter: Annex A
25	Acceptance of submissions in relation to onshore substations (updated details of finished ground levels and height of structures)	2/12/2020	✓	East Anglia ONE North: Link to Action List: Action 1 East Anglia TWO: Link to Action List: Action 1
26	Amendment of Timetable to accommodate Non-material and Material Changes (see PD23) and additional hearing time	8/12/2020	✓	East Anglia ONE North: Link to Letter: Annex B East Anglia TWO: Link to Letter: Annex B
27	Publication of Questions on the Energy White Paper (December 2020) under EPR Rule 17	16/12/2020	✓	East Anglia ONE North: Link to Letter East Anglia TWO: Link to Letter

28	Amendment of Timetable to accommodate revised hearings in February 2021	25/01/2021	✓	East Anglia ONE North: Link to Letter East Anglia TWO: Link to Letter
29	Examination process decisions for additional Affected Persons under the Infrastructure Planning (Compulsory Acquisition) Regulations 2010	5/02/2021	✓	East Anglia ONE North: Link to Letter East Anglia TWO: Link to Letter
30	Amendment of Timetable to accommodate revised hearings in March 2021	9/02/2021	✓	East Anglia ONE North: Link to Letter East Anglia TWO: Link to Letter
31	Procedural Decision on Negotiations with Affected Persons (ISHs9 Agenda Item 1A)	22/02/2021	✓	East Anglia ONE North: Link to Letter East Anglia TWO: Link to Letter
32	Procedural Decision to accept as non-material changes a reduction in the land required at the proposed landfall and at the crossing of the Hundred River	24/03/2021	✓	East Anglia ONE North: Link to Letter East Anglia TWO: Link to Letter
33	Amendment of Timetable to accommodate extended Examinations until 6 July 2021	01/04/2021	✓	East Anglia ONE North: Link to Letter East Anglia TWO: Link to Letter
34	Procedural Decision to accept a non-material change to the Applications relating to land adjacent to Ness House for examination (this letter)	29/04/2021	✓	This Letter