



National Infrastructure
Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer
Services: 0303 444 5000
e-mail: EastAngliaTwo@planninginspectorate.gov.uk



All Interested Parties, Statutory Parties
and Other Persons

Your Ref:

Our Ref: EN010078

Date: 16 June 2021

Dear Sir/ Madam

**Planning Act 2008 – Section 89 and
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
Procedural decision on changes to the application**

I am writing to advise you of a procedural decision by the Examining Authority (ExA) in relation to changes to the application submitted at Deadline 11.

Having regard to proposed changes to the application submitted to the Examination at Deadline 11 by East Anglia TWO Limited (referred to as 'the Applicant') and to guidance in the Planning Inspectorate's Advice Note 16: Requesting Changes ('AN16'), the ExA has decided that the proposed changes are not material changes. The ExA has accepted the proposed changes for Examination on that basis.

This procedural decision is set out in full **in Annex A** to this letter. The procedural decisions tracker has been re-published to take account of these decisions and is provided in **Annex B**.

Yours faithfully

Rynd Smith

Lead Member of the Panels of Examining Inspectors

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



Procedural Decision made by the Examining Authorities

The Examining Authorities (ExAs) have made the following procedural decision¹. Previous procedural decisions can be accessed from the Procedural Decisions Tracker in Annex B.

35. Proposed changes to the applications at Deadline 11: Land near Ness House and the Wardens Trust

At Deadline 11 in each Examination, East Anglia ONE North Limited and East Anglia TWO Limited (referred to as 'the Applicants') submitted a request to reduce the land required onshore [REP11-053]² in the following locations:

- Remove Plot 10 in its entirety from the area near Ness House/Wardens Trust; and
- Reduce the size of plots 12 and 13 immediately to the north of plot 10³.

As a consequence, it is anticipated that Requirement 12(18)(e), which relates to the working width of the onshore cable route in proximity to the transition bays forming part of Work No 8, would be amended at Deadline 12 to reduce the maximum working width within this area from 190m to 113m, following the removal of Plot 10.

The ExAs have considered the changes and responses to them, and have concluded that these changes are 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.

The Examining Authorities' reasoning

In reaching this decision, the ExAs note that the proposed changes do not extend the land affected by the applications. Both have the effect of reducing the land required for the proposed developments. In comparison with the scale of the proposed developments as a whole, the land affected by the changes is only minor in extent.

The Applicants have provided reasoning which suggests that the proposed developments can be delivered without the need for the land which is proposed be excluded.

¹ Decision made under Section 89(1) of the Planning Act 2008

² References in [square brackets] are to documents in both Examination Libraries, where the relevant documents share the same reference numbers.

³ Plot numbers refer to land shown on the Land Plans Rev 04 [REP7-004] which is no longer required and is therefore not shown on the Land Plans Rev 06 [REP11-003].



The changes appear intended to have the effect of reducing the extent and or adversity of environmental effects (and so appear likely to be within the Rochdale envelopes for the proposed developments). Whilst the ExAs make no judgement yet as to whether the proposed changes will reduce adverse effects, they accept that there is no likelihood that the exclusion of this land will lead to any material exacerbation of adverse effects.

On this basis and having taken the advice in AN16⁴ fully into account, the ExAs accept that the changes described above are not material changes to the applications.

⁴ <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/07/Advice-note-16.pdf>



Annex B

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 decisions⁵:

- **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 13 of these, numbered 23 to 35, relating to:
 - **PD 23:** requests by the Applicants for changes to the applications including the inclusion of additional land.
 - **PD 24:** 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.

⁵ Decisions made under Section 89(1) of the Planning Act 2008



- **PD 31:** Procedural Decision on Negotiations with Affected Persons (ISHs9 Agenda Item 1A).
- **PD 32:** a decision by the ExA to accept non-material reductions to the land required at the proposed landfall and the crossing of the Hundred River .
- **PD 33:** Amendment of timetable to accommodate a decision by the Secretary of State for Business, Energy and Industrial Strategy to extend the examination period for each application to 6 July 2021.
- **PD 34:** A decision to accept as non-material a proposed change to each application relating to land adjacent to Ness House (plot 13).
- **PD 35:** A decision to accept as non-material a proposed change to each application relating to land adjacent to Ness House (plots 10, 12 and 13) (this letter).

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

Publication date: 16/06/2021



Procedural Decisions Tracker

The ExAs have 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



Procedural Decision	Subject	Date Issued	Status	Notes
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



Procedural Decision	Subject	Date Issued	Status	Notes
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	A decision to accept as non-material a proposed change to each application relating to land adjacent to Ness House (plot 13)	29/04/2021	✓	East Anglia ONE North: Link to Letter East Anglia TWO: Link to Letter
35	A decision to accept as non-material a proposed change to each application relating to land adjacent to Ness House (removal of plot 10, reduction of Plots 12 and 13) (this letter)	16/06/21	✓	This letter