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All Interested Parties, Statutory Parties  
and any Other Person invited to the  
Preliminary Meeting

Your Ref:

Our Ref: EN010130

Date: 4 September 2024

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Dear Sir/ Madam

## **Planning Act 2008 – Section 88 and 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rules 4, 6 9 and 13**

### **Application by GT R4 Limited (trading as Outer Dowsing Offshore Wind) for an Order Granting Development Consent for the Outer Dowsing Offshore Wind Project**

### **Appointment of the Examining Authority, invitation to the Preliminary Meeting and Notification of Hearings**

Following my appointment by the Secretary of State as the lead member of the Examining Authority (ExA) to carry out an Examination of the above application I am writing to introduce myself and the other members of the ExA. My name is Rod Macarthur and the other members of the ExA are Mark James, Gavin Jones, Gaurav Joshi and Claire Megginson. A copy of the appointment notice can be viewed [here](#).

We would like to thank those of you who submitted Relevant Representations. These representations have assisted us when considering how we will examine this application.

### **Invitation to the Preliminary Meeting**

As a recipient of this letter, you are invited to the Preliminary Meeting to discuss the procedure for the Examination of the above application.



Date	Start time	Venue and joining details
<b>Thursday 10 October 2024</b>	<b>Registration and seating available at venue from:</b> <b>09:30am</b>  <b>Virtual Registration Process from:</b> <b>09:30am</b>  <b>Preliminary Meeting starts:</b> <b>10:00am</b>	Nineteen33 Suite, Boston United Football Club, The Jakemans Community Stadium, Pilgrim Way, Boston, PE21 7NE, and  By virtual means using Microsoft Teams  Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered
<b>IMPORTANT:</b> The Preliminary Meeting should be completed before 1:00pm on 10 October.		

**You must register by completing the [Event Participation Form](#) by Thursday 19 September 2024 if you intend to participate in the Preliminary Meeting and provide all the information requested (see below).**

If you simply wish to observe the Preliminary Meeting then you do not need to register as you will be able to either:

1. watch a livestream of the event - a link to the livestream will be made available on the [project webpage](#) shortly before the event is scheduled to begin; and/or
2. watch the recording of the event which will be published on the [project webpage](#) shortly after the event has finished.

Alternatively, you can attend the physical event at the venue to observe the proceedings. However, to ensure there is adequate seating capacity at the venue we request that you register your attendance to **observe only** by **Thursday 19 September 2024** using the [Event Participation Form](#). Please note that it may not be possible to participate on the day if you have not registered your wish to speak by **Thursday 19 September 2024**.

### Purpose of the Preliminary Meeting

The purpose of the Preliminary Meeting is to enable views to be put to us about how the application should be examined. The ExA will therefore limit the scope of the Preliminary Meeting to consideration of **how the application will be examined**. See **Annex B** to this letter and the Planning Inspectorate’s Advice Note: [What to expect at a Nationally Significant Infrastructure Project event](#) for more information.

The Preliminary Meeting is **not** an opportunity for you to give your views about what you like or don’t like about the application. The merits or disadvantages of the application will only be considered once the Examination starts, which is after the



Preliminary Meeting has closed. All relevant and important matters will be taken into account when we make a recommendation to the Secretary of State for Energy Security and Net Zero, who will make the final decision in this case.

The agenda for the meeting is at **Annex A** to this letter. This has been set following our Initial Assessment of Principal Issues arising from our reading of the application documents and the Relevant Representations received. The Initial Assessment of Principal Issues is set out in **Annex C** to this letter.

### **Written submissions about how the application should be examined**

The Planning Act 2008 establishes a principally written process for the Examination of applications for Development Consent Orders and **representations made in writing carry equal weight to oral representations at all stages of the process.**

We are now requesting written submissions from recipients of this letter about how the application should be examined. We particularly wish to hear from you if:

- You consider changes need to be made to the draft Examination Timetable set out at **Annex D** to this letter; and/or
- you wish to comment about the arrangements for future Examination hearings, including the use of virtual methods.

You are invited to make a written submission about how the application is to be examined by the **Procedural Deadline on Thursday 19 September 2024** (see **Annex D** to this letter).

We request that all submissions are made using the [Make a Submission tab](#) on the [project webpage](#) on or before the **Procedural Deadline. Annex H** to this letter provides further information about using the Make a submission tab.

### **Requests to participate at the Preliminary Meeting**

Please note that **you are not required to attend, or make written submissions to, the Preliminary Meeting in order to participate in the Examination.** If you are an Interested Party you can make a Written Representation and comment on the Written Representations made by other Interested Parties during the Examination. You will also be able to participate in any hearings that are arranged.

If you wish to participate at the Preliminary Meeting you are required to notify the ExA in writing on or before **Thursday 19 September 2024** (see **Procedural Deadline**).

Any request to participate in the Preliminary Meeting **must include** the following information:



- Name and unique reference number (found at the top your letter or email from the Planning Inspectorate);
- email address (if available) and contact telephone number;
- name and unique reference number of any person/organisation that you are representing (if applicable);
- for blended events, confirmation of whether you will participate virtually or in person; and
- the agenda item on which you wish to speak and a list of the points you wish to make.

Requests to participate should be made using the [Event Participation Form](#) on or before the **Procedural Deadline on Thursday 19 September 2024** .

**Please contact the Case Team using the contact details at the top of this letter if you require any support or assistance to attend the Preliminary Meeting, either virtually or in person.**

### **Format of Examination Events – Preliminary Meeting and Hearings**

The Examination of the application will principally be a written process (see Advice Note: [The stages of the NSIP process and how you can have your say](#)), supplemented where necessary by various types of hearings (see Advice Notes: [What to expect at a Nationally Significant Infrastructure Project event](#) and [Registering to speak at, or attend, a Nationally Significant Infrastructure Project event](#)).

Both blended (part in person and part virtual) and fully virtual events form part of the Planning Inspectorate’s operating model. We remain flexible and will confirm the format of any hearings to be held during the Examination Stage when we provide formal notification of each hearing at least 21 days in advance of it taking place.

As such, we are providing formal notification that the **Preliminary Meeting will be a blended event and that the OFH referred to in Annex E to this letter will also be a blended event.**

### **After the Preliminary Meeting**

After the Preliminary Meeting we will issue a letter (known as the Rule 8 letter) setting out the finalised Examination Timetable. A note of the meeting will also be published on the [project webpage](#).

### **Notification of initial hearings**

We have made a Procedural Decision to hold the following initial hearing:

- Open Floor Hearing 1 (OFH1) on Thursday 10 October 2024 (registration from 2.00pm for 2.30pm start) (Blended event)



Important information about this hearing is contained in **Annex E** to this letter, including what details need to be provided with a request to be heard at a hearing and the procedure that will be followed.

### **Other Procedural Decisions made by the Examining Authority**

We have made some further Procedural Decisions which are set out in detail at **Annex F** to this letter that relate to the following:

- Guide to the Application
- Statements of Common Ground
- Principal Areas of Disagreement Summary Statements
- Local Impact Reports
- Land Rights Tracker
- Examination progress tracker
- Planning obligations and commercial side agreements tracking list
- Closing statements
- Accompanied Site Inspection – suggested locations
- Additional Submissions
- Submission of draft Development Consent Order and Book of Reference

### **Changes to land interests**

When the Applicant becomes aware that there has been a change in ownership, or a new interest, in relevant land the Applicant is requested to make the relevant person aware that they can make a request to the ExA to become an Interested Party under section 102A of the PA2008 by completing the form available on the [project webpage](#). The Examination Timetable includes various Deadlines for the submission of an updated Book of Reference and schedule of changes to the Book of Reference, which should include confirmation that relevant persons have been informed of their rights under section 102A.

### **Managing Examination correspondence**

Given the volume and frequency of letters the Planning Inspectorate needs to send to Interested Parties during an Examination, we aim to communicate with people by email as electronic communication is more environmentally friendly and cost effective for the taxpayer.

If you have received a letter but are able to receive communications by email, please inform the Case Team using the contact details at the top of this letter as soon as possible.



As the Examination process makes substantial use of electronic documents, it will be useful for you to become familiar with the [project webpage](#).

A [Make a submission](#) tab is available on the website which provides a portal through which parties should make written submissions at relevant deadlines during the Examination. Further information about the 'Make a submission' portal is provided at **Annex H** to this letter.

There is also a function on the right-hand side of the [project webpage](#) called 'E-mail updates'. This provides you with an opportunity to register to receive automatic e-mail updates at key stages during the Examination.

### **Your status in the Examination**

You have received this letter because you fall within one of the groups described in the Planning Inspectorate's document [What is My Status in the Examination?](#)

If your reference number begins with 'ODOW', 'ODOW-0', 'ODOW-AFP', 'ODOW-S57' 'ODOW-APP' you are in Group A. If your reference number begins with 'ODOW-SP' you are in Group B. If your reference number begins with 'ODOW-OP' you are in Group C. The meaning and purpose of those groups are explained in the document published at the link above.

If having read this document you are still unsure about your status, please contact the Case Team using the details at the top of this letter.

### **Awards of costs**

All parties will normally be expected to meet their own costs. Costs can be awarded against a party who has acted unreasonably and has caused the party applying for the award of costs to incur unnecessary or wasted expense during the Examination. You should be aware of the relevant costs guidance [Awards of costs: examinations of applications for development consent orders](#).

### **Management of information**

Information, including representations, submitted in respect of this Examination (if accepted by the Examining Authority) and a record of any advice which has been provided by the Planning Inspectorate is published on the [project webpage](#).

Examination Documents can also be viewed electronically at the locations listed in **Annex G** to this letter.

Please note that in the interest of facilitating an effective and fair Examination, it is necessary to publish some personal information. To find out how we handle your personal information please view our [Privacy Notice](#).

We look forward to working with all parties in the Examination of this application.

Yours faithfully



*Rod Macarthur*

**Lead Member of the Examining Authority**

**Annexes**

- A** Agenda for the Preliminary Meeting
- B** Introduction to the Preliminary Meeting
- C** Initial Assessment of Principal Issues
- D** Draft Examination Timetable
- E** Notification of initial hearings
- F** Other Procedural Decisions made by the Examining Authority
- G** Availability of Examination Documents
- H** Information about the Make a submission tab

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

## Agenda for the Preliminary Meeting

**You must register by completing the [Event Participation Form](#) by 23:59 Thursday 19 September 2024 if you intend to participate in the Preliminary Meeting and provide all the information requested (see below).**

If you simply wish to observe the Preliminary Meeting then you do not need to register as you will be able to either:

1. watch a livestream of the event - a link to the livestream will be made available on the [project webpage](#) shortly before the event is scheduled to begin; and/or
2. watch the recording of the event which will be published on the [project webpage](#) shortly after the event has finished.

Alternatively, you can attend the physical event at the venue to observe the proceedings. However, to ensure there is adequate seating capacity at the venue we request that you register your attendance to **observe only** by **23:59 Thursday 19 September 2024** using the [Event Participation Form](#). Please note that it may not be possible to participate on the day if you have not registered your wish to speak by **23:59 Thursday 19 September 2024**.

Please note that by attending the event either in person or online you are agreeing to be filmed for the purposes of the online livestream of the event and the recording of the event which will be published on the [project webpage](#). A limited number of seats will be available for observers who wish not to be filmed at the venue. Please contact the case team to notify them if you prefer not to be filmed at the event. A transcript of the event will also be published on the project page of our website after the event.

<b>Date:</b>	<b>Thursday 10 October 2024</b>
<b>Arrangements Conference:</b>	<b>9.30am</b>
<b>Meeting start time:</b>	<b>10.00am</b>
<b>Venue:</b>	<b>Blended event at The Nineteen33 Suite, Boston United Football Club, The Jakemans Community Stadium, Pilgrim Way, Boston PE21 7NE and by virtual means using Microsoft Teams</b> Full instructions on how to join online or by phone will be provided in advance to those who have pre-registered
<b>Attendees:</b>	<b>The Applicant and Interested parties who have pre-registered</b>



<b>Agenda for the Preliminary Meeting</b>	
<b>9.30am</b>	Registration and seating available at venue for in person attendees
<b>9.30am</b>	<p><b>Virtual Registration Process</b></p> <p>Please arrive at 9.30am to enter the virtual lobby. From here you will be admitted to the virtual meeting by the Case Team, greeted and given further instructions.</p> <p>The Registration Process will commence at 9.30am. This will be hosted by the Case Team and allow for any questions to be asked about how to take part.</p>
<b>10.00am</b>	<p><b>Preliminary Meeting</b></p> <p><b>Item 1</b> The Preliminary Meeting will formally open at <b>10.00am</b>. The Examining Authority will join, welcome participants and lead introductions.</p>
<b>Item 2</b>	The Examining Authority's remarks about the Examination process
<b>Item 3</b>	Initial Assessment of Principal Issues – <b>Annex C</b> to Rule 6 letter
<b>Item 4</b>	Draft Examination Timetable – <b>Annex D</b> to Rule 6 letter
<b>Item 5</b>	Any other matters
<b>Close of the Preliminary Meeting</b>	

If you are participating using Microsoft Teams, please join the virtual lobby promptly using the instructions that will be sent to you. The event will start at **10.00am** irrespective of any late arrivals, for whom access may not be possible.

It may take some time to admit participants from the virtual lobby, your patience whilst you are waiting is appreciated.

The agenda for the Preliminary Meeting is subject to change at the discretion of the Examining Authority (ExA), although in making changes the ExA will be mindful of the need to provide opportunities for fair involvement to all Invited Parties.

Any request to participate in the Preliminary Meeting **must include** the following information and be made on the [Event Participation Form](#):

- Name and unique reference number (found at the top your letter or email from the Planning Inspectorate);
- email address (if available) and contact telephone number;
- name and unique reference number of any person/organisation that you are representing (if applicable);

- for blended events, confirmation of whether you will participate virtually or in person; and
- the agenda item on which you wish to speak and a list of the points you wish to make.

## **Introduction to the Preliminary Meeting**

### **Background**

The Preliminary Meeting (PM) will be a blended event with some participants attending in person and some taking part virtually using Microsoft Teams

The Examining Authority (ExA) is conscious of videoconferencing fatigue and will aim to keep the proceedings focussed and as efficient as possible. This annex provides advance access to information that would usually be included in the ExA's introductory remarks. Please read this carefully. The ExA will only present a summary of the key points set out here in order to ensure that the time available for participants to speak is maximised.

### **The Examining Authority and the Case Team**

The ExA will introduce themselves at the start of the PM.

The ExA will be supported by the Planning Inspectorate Case Team. During the Registration Process a member of the Case Team will welcome and admit participants from the virtual lobby, and will be available to answer questions by email before and after the PM. The contact email address is:

[outerdowsingoffshorewind@planninginspectorate.gov.uk](mailto:outerdowsingoffshorewind@planninginspectorate.gov.uk)

### **The purpose of the Preliminary Meeting**

The PM is being held to discuss the arrangements for the Examination of the application for a Development Consent Order (DCO) for the Outer Dowsing Offshore Wind Project, which is a Nationally Significant Infrastructure Project (NSIP), and which will generally be referred to in the PM and Examination as the 'Proposed Development'. The application has been made by GT R4 Limited (Trading as Outer Dowsing Offshore Wind) which will be referred to as 'the Applicant'.

You will find information about the application and, in due course, documents produced for the Examination on the [project webpage](#) of the National Infrastructure Planning website ([project webpage](#)). The [project webpage](#) has links to the Examination Timetable, Relevant Representations and Examination documents and Examination procedure.

You are encouraged to look at the [project webpage](#) if you haven't already done so, because it will be used to communicate with you and to provide access to documents throughout the Examination.

The main purpose of the PM is to discuss the arrangements for the Examination of the application. It focuses on the process only, and it will not be looking at the substance of the proposals: Questions, discussions and representations about the merits or disadvantages of the Proposed Development are for the Examination itself which will begin after the close of the PM.

The PM will be your opportunity to influence the process that the ExA intends to follow. The agenda for the PM is attached to this Rule 6 letter at **Annex A**. It is important to have the letter and the agenda in front of you and to refer to them during the course of the PM. You may wish to print these in advance of the PM for reference.

### **Government guidance and policy**

The application is an NSIP under the Planning Act 2008 (PA2008) as a consequence of sections 14 and 22. The designated National Policy Statements for Energy (NPS) apply to this Examination and to decision-making relating to this application.

The ExA will consider the Proposed Development in accordance with the NPS and any other applicable policy or considerations the ExA deems to be important and relevant. The PA2008 makes it clear that, in making a decision, the relevant Secretary of State (SoS) “*must decide the application in accordance with any relevant NPS*” (s104(3)), subject to certain provisos. Essentially, the provisos are that the application must not breach legal or treaty obligations, and that any adverse impact of the Proposed Development would not outweigh its benefits.

The SoS is entitled to disregard any representations that relate to the merits of the designated National Policy Statement (NPS). In practice, this means that the ExA will not spend time examining representations that challenge policy set out in NPS or the validity of NPSs themselves. The focus will be on the merits or disadvantages of the Proposed Development, tested to the appropriate extent using the tests set out in relevant designated NPSs that are in force.

Other important and relevant planning policies that the ExA may consider include policies in the relevant local authorities’ development plans. However, if these conflict with policy in a NPS, then the NPS will take precedence.

In summary, the PM will establish the procedures and timetable for the Examination of the Proposed Development. It will set a framework for the ExA to enable the SoS to consider and decide the application. In doing so, the ExA will have regard to:

- The positions and representations of all Interested Parties (IPs);
- any Local Impact Reports (LIR) prepared and provided by relevant local authorities;
- other prescribed matters; and
- any other matters that appear to be both relevant and important to the relevant SoS’s decision.

### **Preliminary Meeting invitees**

The Applicant is invited to the PM and is generally given the opportunity to reply to any representations made.

Everyone who has made a valid Relevant Representation has been registered as an Interested Party (IP) and has been invited to the PM. All IPs are entitled to involvement in the Examination.

Each person or organisation with an interest in land or rights that are affected by a Compulsory Acquisition request in this application is an Affected Person (AP) and has been invited to the PM. In addition to a general entitlement to involvement in the Examination, APs have a right to be heard in relation to any objection about the effects of Compulsory Acquisition on their interests in land, and a right to be notified of any Compulsory Acquisition Hearing. All APs are IPs, whether or not they have made a valid Relevant Representation.

Certain bodies are Statutory Parties and they have been invited to the PM. Statutory Parties can elect to become IPs without having made a valid Relevant Representation by notifying the ExA in writing.

The ExA has the power to involve people who are not IPs in the Examination as though they are IPs, including by inviting them to the PM. However, this is only done in exceptional circumstances, for example if it was clear that the application would materially affect a person, they are not automatically an IP or eligible to elect to become an IP and they had been unable to take the necessary action to register as an IP.

The ExA has invited the following bodies to the PM as Other Persons:

- Eastern Inshore Fisheries and Conservation Authority (EIFCA)
- Centre for Environment, Fisheries and Aquaculture (Cefas)
- NatureScot
- State of Germany
- State of the Netherlands

### Conduct of the Preliminary Meeting

The ExA estimates that the PM will take approximately three hours to complete.

During the PM participants may have to make allowances and be patient if there are delays associated with the technology used. In recognition of the fatigue associated with on-screen communication, the ExA will provide breaks during the PM as appropriate.

A digital recording of the PM will be made available on the [project webpage](#) as soon as practicable following the close of the PM. The recording allows any member of the public who is interested in the application and the Examination to find out what has been discussed at the PM. The making and publication of these recordings is a means by which the ExA meets the legal requirement to hold the PM (and any other hearings) in public. In this regard, **anyone speaking at the PM will need to introduce themselves each time they speak**, to ensure that someone listening to the recording after the event is clear who was speaking. A written note of the PM will be produced and published as soon as practicable following the close of the PM.

As the recordings are retained and published, they form a public record that can contain personal information to which the UK General Data Protection Regulation (UK GDPR) applies. Participants must do their best to avoid providing any information which should otherwise be kept private and confidential. If there is a need to refer to such information, it should be in written form. Although this will also be published, personal and private content can be redacted or removed before it is made publicly available. Any person who is unclear on this point should ask the Case Team for guidance before they place personal and private information into the public domain.

The Planning Inspectorate's practice is to publish the recordings and retain them for a period of five years from the SoS's decision on the DCO. If you actively participate in the PM, it is important that you understand that you will be recorded and that the recording will be made available in the public domain. Please see our [Privacy Notice](#) for more information about how we handle your data.

Following the ExA's introductions, each participant who has been registered to speak will be asked to introduce themselves, including any organisations or groups that they represent. The ExA will then conduct the meeting in accordance with the agenda. If you prefer not to have your image recorded, you can switch off your camera at any point.

### **The Examination process**

The starting point is that the relevant legislation for this system, s.87 of the 2008 Planning Act, states that *"it is for the Examining Authority to decide how to examine the application."*

Examining Inspectors are employed by the Planning Inspectorate. The Planning Inspectorate is an Executive Agency of the Ministry of Housing, Communities and Local Government. This is an application for Development Consent. For the examination of NSIPs the ExA produces an independent and impartial report with a recommendation to the relevant Secretary of State. In the case of this project, this is the Secretary of State for Energy Security and Net Zero. It is the Secretary of State who will make the decision on the application, not the ExA.

The Examination of NSIPs follows different processes to those, for example, of a Public Inquiry into a planning appeal following the refusal of planning permission. The main differences are that the Examination of NSIPs is primarily a written process and hearings will take an inquisitorial approach as opposed to an adversarial one.

This means that the ExA will probe, test and assess the evidence primarily using written questions. While some hearings are held to provide supplementary evidence, questions to the Applicant or to witnesses will come from the ExA. Questioning or cross-examination of witnesses by other parties will not generally be allowed.

In terms of opportunities to provide evidence in writing, the draft Examination Timetable makes provision for the following written processes:

- Local authorities can submit LIRs if they wish. Whilst these are voluntary, the PA2008 requires that if they are provided, they must be considered by the SoS in reaching a decision. Consequently, LIRs are a very important method for local authorities to communicate issues of concern to the ExA, the SoS and their residents.
- IPs can make Written Representations (WRs) and comment on WRs made by other parties.
- IPs can respond to the ExA's written questions (ExQs) and comment on responses to these written questions provided by others.
- IPs may be asked to contribute to the making of Statements of Common Ground (SoCG) if it appears that there are matters on which they and the Applicant agrees, and if it would be useful for this to be clarified. SoCGs most usefully extend to catalogue matters that are not agreed or are outstanding.

The draft Examination Timetable includes a series of numbered Deadlines for receipt of written submissions. Timely submissions received by the relevant Deadline and that address its purpose will be accepted. **Documents received after the relevant Deadline are only accepted at the discretion of the ExA and may not be accepted to ensure fairness to all parties.** Circumstances where documents are submitted late without good reason, causing inconvenience or delay to other parties can amount to unreasonable behaviour.

These written processes will be the principal means used by the ExA to gather information, evidence and views about the application. However, the Examination will only be effective if all parties resolve to give timely, full, frank, clear and evidenced answers to every question that is relevant to their interests and to engage fully with any other related processes such as the completion of WRs and SoCGs.

There is no merit in withholding or delaying information, or in failing to co-operate, and should it occur, any unreasonable behaviour that caused another party to incur wasted expenditure could lead to an award of costs against the offending party.

The ExA has discretion to make amendments to the Examination Timetable for the wider benefit of the Examination. If possible, events will be arranged for times when all relevant parties are available, but the ExA is under a duty to complete the Examination by the end of the six-month period beginning after the close of the PM. This requirement is set by legislation, and while the ExA will try to rearrange event dates to accommodate all relevant parties, in practice there will be limited scope to alter dates set out in the draft Examination Timetable.

The statutory time limit for the Examination means that where there are matters that still need to be discussed and agreed between the Applicant and IPs, it will be very helpful to the ExA if these could be progressed as early as possible.

### Hearings

The draft Examination Timetable includes provision for hearings, at which the ExA takes oral evidence from the various parties.

Any registered IP may request an **Open Floor Hearing** (OFH) to make oral representations about the application if they believe this to be preferable to relying on their written representation, though both carry equal weight. Oral submissions should be based on representations previously made in writing, but they should not simply repeat matters previously covered in the written submission. Rather, they should focus on specific detail and explanation to help inform the ExA. There should be no new or unexpected material in oral representations. A written summary note with any supporting evidence or references will be requested from each speaker following the hearing.

As with all Examination events, OFHs are subject to the powers of control of the ExA, as set out in the PA2008 and supporting legislation. Participants must register in advance by the Deadline shown in the Examination Timetable and in accordance with the instructions. It is common practice for the ExA to set a time limit for each speaker and speakers with common points are asked to come together to nominate a spokesperson or representative speakers to cover specific topics to avoid repetition. Speakers representing public authorities, community and membership organisations or multiple IPs are normally provided with an additional time allowance, recognising their representative role.

The Applicant's draft DCO provides for the Compulsory Acquisition of land and rights, and the Temporary Possession of land. Affected Persons (ie those whose land or rights over land are affected) have a right to request and be heard at a **Compulsory Acquisition Hearing** (CAH)). If one or more APs request to be heard then a CAH must be held. Provisional dates for CAHs are included in the draft Examination Timetable along with Deadlines by which requests to be heard must be submitted.

The ExA has the discretion to hold **Issue Specific Hearings** (ISHs) if it would aid in the Examination and there is a specific reason this would be more helpful than reliance on written evidence only. The lack of an ISH on one or more topics does not suggest that that topic is less important than others which are subject to a hearing. Rather, it is an indication that the ExA is satisfied that the issues can be fully considered through written submissions and responses to its written questions and that each party has had a fair opportunity to put its case.

The draft Examination Timetable includes a number of dates reserved for ISHs and IPs may make suggestions for topics to be discussed at an ISH in their written or oral representations to the PM.

It may be necessary for the ExA to hold more than one ISH on the draft DCO. This is normal practice, and they are held on a without prejudice basis. Parties can suggest modifications and amendments to the draft DCO provided by the Applicant with the application, without prejudicing their overall position on the application.

Holding such hearings does not imply that the ExA has reached any judgements on the merits of the application. Whatever the ultimate recommendation is, the ExA must make sure that the draft DCO is fit for purpose if the SoS decides to grant consent, as any consent will be subject to Requirements set out in the DCO.



At hearings it will not normally be necessary for parties to make long and detailed submissions that require (for example) PowerPoint presentations. Any supporting detail/information can be provided in writing following the event by the relevant Deadline.

The draft Examination Timetable includes at the Pre-examination Procedural Deadline requests for participants to notify the ExA that they wish to speak at the OFH1 to be held after the Preliminary Meeting. A separate request for a further OFH or CAH can be made by **Deadline 1, Thursday 24 October 2024**.

### **Site inspections**

As part of the Examination process the ExA may undertake site inspections. These can be either unaccompanied or accompanied.

The purpose of these is for the ExA to see features of the proposals within the context of the evidence put forward. Notes of Unaccompanied Site Inspections (USIs) are published on the [project webpage](#).

Accompanied Site Inspections (ASIs) will only be necessary to view land to which there is no public right of access, or with no clear view from nearby locations with open public access. The purpose of ASIs is familiarisation only and no discussion of the merits of the Proposed Development will be entertained during an ASI.

The ExA held USIs on 22 May 2024 [EV1-001] and 23 May 2024 [EV1-002]. The ExA may decide to hold further USIs to relevant nominated locations, supported by the submission of additional written, photographic, video or even drone material if this would be preferable to not visiting sites or holding ASIs in circumstances which could make them difficult and unduly time-consuming to conduct (for example if public health restrictions are in place). The ExA may also consider if it would be appropriate to make arrangements for access only to be provided to specific sites such that they could be inspected as part of a USI on an access required basis (Access Required SI)

The draft Examination Timetable includes a Deadline for IPs to make submissions suggesting sites and locations that the ExA should visit. These will be used to inform further USIs/Access Required SIs as well as possible ASIs.

## Initial Assessment of Principal Issues

This is the Initial Assessment of Principal Issues prepared under s88(1) of the Planning Act 2008 (PA2008). It has been prepared by the Examining Authority (ExA) following its reading of:

- the application documents;
- the Relevant Representations received in respect of the application;
- the Principal Areas of Disagreement Statements (PADS); and
- its consideration of any other important and relevant matters.

It is not a comprehensive or exclusive list of the issues that will be subject to examination and inevitably some issues will overlap or interrelate. New issues may arise, and some issues identified here may increase or decrease in relevance and weight during the Examination. Several of the issues set out below have an inter-relationship or overlap. The ExA will have regard to all important and relevant matters during the Examination and when it writes its Recommendation Report to the Secretary of State for Energy Security and Net Zero after the Examination has concluded.

The order of the issues listed is alphabetical and does not imply any determination of priority or importance.

The policy and consenting requirements and documents associated with the PA2008 are an integral part of the Examination and are therefore not listed as principal issues. These include:

- the assessment of alternatives to, and the need for, the Proposed Development;
- the draft Development Consent Order (dDCO), planning obligations, agreements, licences, management plans and protective provisions;
- Compulsory Acquisition and Temporary Possession of Land Rights;
- the achievement of sustainable development, including the effects of the Proposed Development on climate change and Greenhouse Gas emissions;
- the achievement of good design; and
- the effects of the Proposed Development in relation to human rights and equalities duties.

Any observations on the ExA's Initial Assessment of Principal Issues can be made at the Preliminary Meeting. Since the Preliminary Meeting is a procedural meeting, no discussion of the merits of the issues themselves will be permitted.

<b>Principal Issues</b>
<b>1. Benthic Ecology, Intertidal, Subtidal and Coastal Effects</b>
<b>2. Civil and Military Aviation and Communication</b>
<b>3. Commercial Fisheries and Fishing</b>
<b>4. Cumulative Effects</b>
<b>5. Fish and Shellfish Ecology</b>
<b>6. Habitats and Onshore Ecology, including Onshore Ornithology</b>
<b>7. Habitats Regulations Assessment</b>
<b>8. Historic Environment and Marine Archaeology</b>
<b>9. Land Use, Geology and Ground Conditions</b>
<b>10. Landscape and Visual Effects</b>
<b>11. Marine and Intertidal Ornithology</b>
<b>12. Marine Mammals</b>
<b>13. Noise and Vibration</b>
<b>14. Oil, Gas and Other Offshore Infrastructure</b>
<b>15. Traffic, Transport and Public Rights of Way</b>
<b>16. Water Quality and Resources</b>

## Draft Examination Timetable

The Examining Authority (ExA) is under a duty to **complete** the Examination of the application by the end of the period of six months beginning with the close of the Preliminary Meeting.

The Examination of the application primarily takes the form of the consideration of written submissions. The ExA will also consider any oral representations made at hearings.

1.	<p><b>Procedural Deadline</b> Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>▪ Responses to the Rule 6 letter relating to Examination procedure, including any submissions about the draft Examination Timetable and the use of virtual methods</li> <li>▪ Responses to Relevant Representations (RRs), as requested by ExA in its Procedural Decision (PD) letter on 31 July 2024 <a href="#">[PD-006]</a></li> <li>▪ Other responses (if applicable) to the ExA's PD letter of 31 July 2024 <a href="#">[PD-006]</a></li> <li>▪ Summaries of all RRs exceeding 1500 words</li> <li>▪ Submission of Pre-examination Progress Tracker</li> <li>▪ Applicant's submission of the CA and Land Rights Tracker</li> <li>▪ Applicant's submission of draft Statement of Commonality for Statements of Common Ground</li> <li>▪ Requests to be heard orally at the Preliminary Meeting and under which part of the agenda set out in Annex A</li> <li>▪ Requests by Parties to be heard orally at the Open Floor Hearing (OFH) to be held on Thursday 10 October 2024.</li> <li>▪ An indicative schedule showing when updated or new benthic and intertidal ecology, offshore and intertidal ornithology and HRA documents are likely to be submitted into the Examination by the Applicant, including their likely content and approximate size.</li> </ul>	<b>Thursday 19 September 2024</b>
2.	<b>Preliminary Meeting</b>	<b>Thursday 10 October 2024 10:00</b>
3.	<b>Open Floor Hearing (OFH1)</b>	<b>Thursday 10 October 2024</b>

		<b>14:30</b>
4.	<b>Issue by the ExA of:</b> <ul style="list-style-type: none"> <li>▪ Examination Timetable</li> </ul>	As soon as practicable following the Preliminary Meeting
5.	<b>Deadline 1</b> Deadline for receipt by the ExA of: <ul style="list-style-type: none"> <li>▪ Comments on any updates to application documents submitted by the Applicant before or at the PM</li> <li>▪ Submission of comments on oral submissions made and written summaries of oral case put at the OFH held on 10 October 2024</li> <li>▪ Requests from Affected Persons to be heard at any subsequent Compulsory Acquisition Hearing (CAH). Requests by Affected Persons (defined in section 59(4) of the Planning Act 2008)</li> <li>▪ Requests by Interested Parties to attend an Accompanied Site Inspection (ASI)</li> <li>▪ Suggested locations for the ASI including justification, and whether such locations can be seen from public land or require private access, for consideration by the ExA</li> <li>▪ Notification by Statutory Parties of their wish to be considered as an Interested Party (IP) by the ExA</li> <li>▪ Notification of wish to have future correspondence received electronically</li> <li>▪ Applicant's updated Book of Reference (BoR) and Schedule of Changes to the BoR (If required) in clean and tracked versions</li> <li>▪ Applicant's planning obligations, proximity and commercial side agreements tracking list and any draft s106 agreement (see Annex F)</li> <li>▪ Applicant's updated Schedule of Negotiations and Powers Sought in clean and tracked versions</li> <li>▪ Comments on the Applicant's Land Rights Tracker</li> <li>▪ Initial draft Statements of Common Ground</li> <li>▪ Comments on the Applicant's draft Statement of Commonality of Statements of Common Ground</li> <li>▪ Written Representations (WRs), as requested by ExA in its PD letter on 31 July 2024 <a href="#">[PD-006]</a></li> </ul>	<b>Thursday 24 October 2024</b>

	<ul style="list-style-type: none"> <li>▪ Summaries of any WRs that exceed 1500 words</li> <li>▪ Summaries of all RRs exceeding 1500 words (if not provided at the Pre-Examination Procedural Deadline)</li> <li>▪ Responses to RRs (if not provided at the Pre-Examination Procedural Deadline)</li> <li>▪ Local Impact Reports (LIRs) from local authorities (see Annex F)</li> <li>▪ Requests from Interested Parties to be heard at any subsequent Open Floor Hearing (OFH)</li> <li>▪ A revised version of the draft Development Consent Order (draft DCO) in clean and tracked versions</li> <li>▪ An updated Explanatory Memorandum in clean and tracked versions (if required)</li> <li>▪ Comments on any further information / submissions accepted by the ExA</li> <li>▪ Any further information requested by the ExA under Rule 17 of the Examination Procedure Rules</li> </ul>	
6.	<p><b>Publication of:</b></p> <ul style="list-style-type: none"> <li>▪ The ExA's First Written Questions (ExQ1)</li> </ul>	<b>Wednesday 6 November 2024</b>
7.	<p><b>Deadline 2</b> Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>▪ Responses to ExQ1</li> <li>▪ Written Representations (WRs), if not provided at Deadline 1</li> <li>▪ Summaries of any WRs that exceed 1500 words, if not provided at Deadline 1</li> <li>▪ Comments on the LIR(s)</li> <li>▪ Applicant to provide a draft itinerary for the ASI if required</li> <li>▪ Applicant's update to the Guide to the Application</li> <li>▪ Applicant's update to the Statements of Commonality of Statements of Common Ground</li> <li>▪ Applicant's update to the Land Rights Tracker</li> <li>▪ An updated version of the draft DCO in clean and tracked versions (if required as a result of ExQ1)</li> <li>▪ Schedule of changes to the draft DCO (if required)</li> </ul>	<b>Wednesday 27 November 2024</b>

	<ul style="list-style-type: none"> <li>▪ An updated Explanatory Memorandum in clean and tracked versions (if required)</li> <li>▪ Applicant's updated BoR and Schedule of Changes to the BoR (If required) in clean and tracked versions</li> <li>▪ Responses to comments on RRs</li> <li>▪ Comments on any other submissions received at Deadline 1</li> <li>▪ Any further information requested by the ExA under Rule 17 of the Examination Procedure Rules</li> </ul>	
8.	<p><b>Dates reserved (if required) for:</b></p> <ul style="list-style-type: none"> <li>▪ Any Compulsory Acquisition Hearing</li> <li>▪ Any Issue Specific Hearing</li> <li>▪ Further Open Floor Hearing (if required)</li> </ul>	<p><b>Tuesday 3 December 2024 – Friday 6 December 2024</b></p>
9.	<p><b>Deadline 3</b> Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>▪ Post-hearing submissions including written summaries of oral case put at any of the hearings during the w/c 2 December 2024</li> <li>▪ Comments on the Applicant's update to the draft DCO</li> <li>▪ Comments on other submissions received at Deadline 2</li> <li>▪ Comments on the Applicant's update to the Land Rights Tracker</li> <li>▪ Applicant's update to the Land Rights Tracker</li> <li>▪ Comments on the update to the Statements of Commonality of Statements of Common Ground</li> <li>▪ Comments on draft ASI itinerary produced by the Applicant (if required)</li> <li>▪ Comments on WRs</li> <li>▪ Applicant to provide an updated Guide to the Application</li> <li>▪ An updated version of the draft DCO in clean and tracked versions (if required)</li> <li>▪ Schedule of changes to the draft DCO (if required)</li> <li>▪ An updated Explanatory Memorandum in clean and tracked versions (if required)</li> <li>▪ Applicant's updated BoR and Schedule of Changes to the BoR (If required) in clean and tracked versions</li> <li>▪ Updated Statements of Commonality of Statements of Common Ground</li> </ul>	<p><b>Friday 13 December 2024</b></p>

	<ul style="list-style-type: none"> <li>▪ Applicant's updated Schedule of Negotiations and Powers Sought in clean and tracked versions</li> <li>▪ Applicant's 'Mid-Examination' Progress Tracker</li> <li>▪ Any further information requested by the ExA under Rule 17 of the Examination Procedure Rules</li> </ul>	
10.	<b>Dates reserved (if required) for:</b> <ul style="list-style-type: none"> <li>▪ Accompanied Site Inspection</li> </ul>	<b>Wednesday 8 January 2025 and Thursday 9 January 2025</b>
11.	<b>Publication of:</b> <ul style="list-style-type: none"> <li>▪ ExA's further written questions (ExQ2) (if required).</li> </ul>	<b>Monday 13 January 2025</b>
12.	<b>Deadline 4</b> Deadline for receipt by the ExA of: <ul style="list-style-type: none"> <li>▪ Responses to ExQ2 (if published)</li> <li>▪ Comments on the Applicant's update to the draft DCO</li> <li>▪ Comments on the Applicant's update to the Land Rights Tracker</li> <li>▪ Applicant's update to the draft DCO</li> <li>▪ Applicant's update to the Land Rights Tracker</li> <li>▪ Applicant's update to the Guide to the Application</li> <li>▪ Applicant's update to the Statements of Commonality of Statements of Common Ground</li> <li>▪ Comments on any other submissions received at Deadline 3</li> <li>▪ Any further information requested by the ExA under Rule 17 of the Examination Procedure Rules</li> </ul>	<b>Monday 3 February 2025</b>
13.	<b>Dates reserved (if required) for:</b> <ul style="list-style-type: none"> <li>▪ Any Compulsory Acquisition Hearing</li> <li>▪ A further Open Floor Hearing (if requested)</li> <li>▪ Any Issue Specific Hearing</li> </ul>	<b>Tuesday 11 February 2025 to Friday 14 February 2025</b>
14.	<b>Issue by the ExA of:</b> <ul style="list-style-type: none"> <li>▪ The Report into the Implications for European Sites (RIES) (if required)</li> <li>▪ The ExA's preferred draft DCO, proposed schedule of changes, or commentary on the draft DCO (if required)</li> </ul>	<b>Monday 17 February 2025</b>



15.	<p><b>Deadline 5</b> Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>▪ Post-hearing submissions including written summaries of oral case put at hearings during w/c 10 February 2025 (if held)</li> <li>▪ Comments on the Applicant's third update to the draft DCO</li> <li>▪ Comments on the Applicant's third update to the Land Rights Tracker</li> <li>▪ Comments on the Report into the Implications for European Sites (RIES) (if required)</li> <li>▪ Comments on ExA's commentary on, or schedule of changes to, the draft DCO (if required)</li> <li>▪ Completed, signed and dated Statements of Common Ground</li> <li>▪ Final Statement of Commonality of Statements of Common Ground</li> <li>▪ Comments on any other submissions received at Deadline 4</li> <li>▪ Any further information requested by the ExA under Rule 17 of the Examination Procedure Rules</li> </ul>	<b>Tuesday 11 March 2025</b>
16.	<p><b>Issue by the ExA of:</b></p> <ul style="list-style-type: none"> <li>▪ ExA's further written questions (ExQ3) (if required).</li> </ul>	<b>Friday 14 March 2025</b>
17.	<p><b>Dates reserved (if required) for:</b></p> <ul style="list-style-type: none"> <li>▪ Any Compulsory Acquisition Hearing</li> <li>▪ Any Issue Specific Hearing</li> </ul>	<b>Tuesday 18 March 2025 to Friday 21 March 2025</b>
18.	<p><b>Deadline 6</b> Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>▪ Responses to ExQ3 (if published)</li> <li>▪ Post-hearing submissions including written summaries of oral case put at hearings during w/c 18 March 2025 (if held)</li> <li>▪ Final Principal Areas of Disagreement Statements</li> <li>▪ IP's Closing Statement(s)</li> <li>▪ Post-hearing submissions including written submissions of oral cases (if applicable)</li> <li>▪ Applicant's Closing Statement(s)</li> <li>▪ Applicant's Close of Examination Progress Tracker</li> </ul>	<b>Friday 4 April 2025</b>

	<ul style="list-style-type: none"> <li>▪ Final draft DCO to be submitted by the Applicant in the SI template with the SI template validation report</li> <li>▪ Final Explanatory Memorandum in clean and tracked versions</li> <li>▪ Final Book of Reference (BoR) and schedule of changes to BoR</li> <li>▪ Applicant's final Schedule of Negotiations and Powers Sought in clean and tracked versions</li> <li>▪ Completed s106 Agreements (if required)</li> <li>▪ Final Land Rights Tracker</li> <li>▪ Final planning obligations and commercial side agreements tracker</li> <li>▪ Final Guide to the Application</li> <li>▪ Final schedule of changes to the draft DCO (if required)</li> <li>▪ Comments on any other submissions received at Deadline 5</li> <li>▪ Any further information requested by the ExA under Rule 17 of the Examination Procedure Rules</li> </ul>	
<b>19.</b>	<p>The ExA is under a duty to complete the examination of the application by the end of the period of six months.</p> <p>Please note that the ExA may close the Examination before the end of the six-month period if it is satisfied that all relevant matters have been addressed and discussed.</p>	<b>Thursday 10 April 2025</b>

### Submission times for Deadlines

The time for submission of documents at any Deadline in the timetable is no later than 23:59 on the relevant Deadline date, unless instructed otherwise by the ExA.

### Publication dates

All information received will be published on the [project webpage](#) as soon as practicable after the Deadlines for submissions.

### Hearing agendas

Please note that for Issue Specific Hearings and Compulsory Acquisition Hearings the ExA will publish a high-level agenda alongside the notification of the hearing to help inform your decision about whether to register to participate. A detailed draft agenda will be made available on the [project webpage](#) at least five working days in advance of the hearing date. However, the actual agenda on the day of each hearing

may be subject to change at the discretion of the ExA. For Open Floor Hearings agendas may not be published.

**Report on the Implications for European Sites (RIES)**

Where an applicant has provided a No Significant Effects Report or a Habitats Regulations Assessment (HRA) Report with the application, the ExA may decide to issue a RIES during the Examination. The RIES is a factual account of the information and evidence provided to the ExA on HRA matters during the Examination up to the date of the publication of the RIES, for the purposes of enabling the Secretary of State, as competent authority, to undertake its HRA. It is not the ExA's opinion on HRA matters. Comments on the RIES will be invited by the ExA and any received will be taken into account as part of the ExA's Recommendation to the Secretary of State. The ExA may also raise questions in the RIES to confirm or clarify matters that remain outstanding.

The Secretary of State may rely on the consultation on the RIES to meet its obligations under Regulation 63(3) of The Habitats Regulations 2017 and/ or Regulation 28 of The Offshore Marine Regulations.

## Notification of initial hearings

The Examining Authority (ExA) provides notice of the following initial hearing:

Date	Hearing	Start time	Venue and Joining details
Thursday 10 October 2024	Open Floor Hearing (OFH)	<b>Registration and seating available at venue from:</b> <b>2.00pm</b> <b>Virtual Registration Process from:</b> <b>2.00pm</b> <b>Hearing starts:</b> <b>2.30pm</b>	<b>at The Nineteen33 Suite, Boston United Football Club, The Jakemans Community Stadium, Pilgrim Way, Boston PE21 7NE</b> and By virtual means using Microsoft Teams Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered

**NOTE:** If the above hearing is no longer required then notification that a particular date is no longer required will be published as soon as practicable on the [project webpage](#), providing reasonable notice to Interested Parties of the decision to cancel them.

**You must register by completing the [Event Participation Form](#) by 23:59 Thursday 19 September 2024 if you intend to participate in the hearing and provide all the information requested (see below).**

If you simply wish to observe any of the hearings then you do not need to register as you will be able to either:

1. watch a livestream of the event - a link to the livestream will be made available on the [project webpage](#) shortly before the event is scheduled to begin; and/or
2. watch the recording of the event which will be published on the [project webpage](#) shortly after the event has finished.

Alternatively, you can attend the physical hearing at the venue to observe the proceedings; however, to ensure there is adequate seating capacity at the venue we request that you register your attendance to **observe only** by 23:59 Thursday 19 September 2024 using the [Event Participation Form](#). Please note that it may not

be possible to participate on the day if you have not registered your wish to speak by **23:59 Thursday 19 September 2024**

Any request to participate in a hearing **must include** the following information:

- Name and unique reference number (found at the top of any letter or email from the Planning Inspectorate);
- email address (if available) and contact telephone number;
- name and unique reference number of any person/organisation that you are representing (if applicable);
- for blended events, confirmation of whether you will participate virtually or in person;
- confirmation of the hearing(s) you wish to participate in, the agenda item(s) on which you wish to speak and/or brief details of the topic(s) that you would like to raise;
- for Compulsory Acquisition Hearings, the plot number(s) of the relevant land provided in the [Book of Reference](#) and the [Land Plans](#); and
- the [Examination Library](#) reference number (with paragraph/page number where appropriate) of any documents you wish to refer to.

Requests to participate should be made using the [Event Participation Form](#) on or before **23:59 Thursday 19 September 2024**.

**Please contact the Case Team using the contact details at the top of this letter if you require any support or assistance to attend any of the hearings, either virtually or in person.**

### Hearing agendas

For Issue Specific Hearings and Compulsory Acquisition Hearings the ExA will publish a detailed draft agenda on the [project webpage](#) at least five working days in advance of the hearing date. However, the actual agenda on the day of each hearing may be subject to change at the discretion of the ExA. For Open Floor Hearings an agenda may not be published.

### Procedure at hearings

The Examination will principally be a written process (see Advice Note: [The stages of the NSIP process and how you can have your say](#)), supplemented where necessary by various types of hearings (see Advice Notes: [What to expect at a Nationally Significant Infrastructure Project event](#) and [Registering to speak at, or attend, a Nationally Significant Infrastructure Project event](#)).

The procedure to be followed at hearings is set out in Rule 14 of The Infrastructure Planning (Examination Procedure) Rules 2010. The ExA is responsible for the oral

questioning of a person giving evidence and the process affords very limited scope to allow cross-questioning between parties.

### **Hearing livestream and recording**

A link to a livestream for each hearing will be made available on the [project webpage](#) shortly before any hearing is due to open. The livestream is available to anybody who wishes to observe a hearing in real time.

All hearings are recorded, and the recordings will be made available on the [project webpage](#) as soon as practicable after the close of the hearing. The recordings allow any member of the public who is interested in the application and the Examination to find out what has been discussed.

## Other Procedural Decisions made by the Examining Authority

The Examining Authority (ExA) has made the following Procedural Decisions:

### 1. Guide to the Application

The Applicant has provided a Guide to the Application document [APP-002] which provides a full list of the documents submitted with the Application and indicates where documents have been superseded and revised. The ExA considers this a very useful and important document in ensuring the correct versions of the documents are being used. The ExA makes a Procedural Decision for the Guide to the Application document to be updated at: **Deadline 2 Wednesday 27 November 2024**; at **Deadline 3, Friday 13 December 2024**; at **Deadline 4, Monday 3 February 2025** and finally at **Deadline 6, Friday 4 April 2025**.

### 2. Statements of Common Ground (SoCG)

In relation to some of the Principal Issues identified in **Annex C** to this letter, the ExA would be assisted by the preparation of SoCGs between the Applicant and certain Interested Parties. The draft Examination Timetable at **Annex D** to this letter therefore establishes **Deadline 5 Thursday 11 March 2025** for submission of completed and signed SoCGs.

The aim of a SoCG is to agree factual information and to inform the ExA and all other parties by identifying where there is agreement and where the differences lie at an early stage in the Examination process. It should provide a focus and save time by identifying matters which are not in dispute or need not be the subject of further evidence.

In particular, the SoCG should identify where the differences between parties lie and the reasons for any disagreement or outstanding matters. Where disagreement exists, it would assist the ExA for the SoCG to specify what actions could be taken to address the matters in contention.

If there is documented agreement between the Applicant and any party listed below in respect of Protective Provisions and no other matters of disagreement remain, then a statement to this effect would suffice and no SoCG is required. In the absence of such agreement, and even if agreement is expected to be reached, then a SoCG should be provided

Unless otherwise stated or agreed, the SoCG should be agreed between the Applicant and the other relevant Interested Party or parties and submitted **by the Applicant**.

SoCGs are requested to be prepared between the Applicant and:

- Lincolnshire County Council;
- East Lindsey District Council;

- South Holland District Council;
- Boston Borough Council;
- The Environment Agency;
- Natural England;
- Royal Society for the Protection of Birds;
- Historic England;
- National Trust;
- The Forestry Commission;
- National Highways;
- The Maritime and Coastguard Agency;
- The Marine Management Organisation;
- Trinity House;
- National Grid Electricity Transmission;
- Chamber of Shipping;
- NATS (En Route) plc; and
- Defence Infrastructure Organisation (Ministry of Defence).

SoCGs should cover the following matters, to the extent that they are relevant to the particular interests of the party:

- as appropriate for its area of responsibility, the matters listed under the relevant headings in the ExA's Initial Assessment of Principal Issues (see Appendix C of this letter);
- all matters raised in its Relevant Representation;
- relevant policy, legislation and guidance;
- mitigation, monitoring and management plans;
- a summary of matters agreed and matters not agreed or outstanding;
- details of any supplementary agreements, such as draft Section 106 Agreements or commercial side agreements; and
- any other matters upon which agreement might aid the running of the Examination and assist the ExA's recommendation to the Secretary of State.

**All of the SoCGs listed above should cover the Articles and Requirements in the draft Development Consent Order.** Any Interested Party seeking that an Article or Requirement is reworded should provide the form of words which are being sought.

The draft Examination Timetable makes provision for first draft SoCGs to be submitted at **Deadline 1 Thursday 24 October 2024** and signed and dated SoCGs to be submitted by **Deadline 5 Thursday 11 March 2025**.

The content of SoCGs will help to inform the ExA about the need to hold any Issue Specific Hearings during the Examination, and to enable the ExA and the Applicant to give notice of such hearings at least 21 days in advance of them taking place.

At each deadline in the Examination Timetable, the Applicant is requested to submit an updated Statement of Commonality. This document should provide



an overview of the position of each SoCG at the relevant deadline, for example noting where discussions are ongoing and where a final, signed SoCG has been submitted. It would also assist the ExA to have summaries of commonality in respect of the main topics in the Examination. This material should be presented in a tabular, colour-coded format wherever possible.

### **3. Principal Areas of Disagreement Statements (PADS)**

While the ExA considers SoCGs are useful documents and have a place in the Examination, they can often overlap and duplicate respective Written Representations (WRs) and/or Local Impact Reports (LIRs) particularly on areas of agreement or no concerns. Conversely, matters of disagreement are generally not reported in any detail at the pre-Examination stage, if they are at all.

The ExA considers that identification, at an early stage in the process, of the principal areas of disagreement from Interested Parties (IPs) would be helpful. PADS should only be produced if the IP holds a substantive concern or concerns with the Proposed Development and should only set out the summary position as directed below. The ExA would anticipate that such matters listed in a PADS would summarily be expanded upon within a local authority's LIR/WR and other parties' WR, alongside their other minor or moderate comments on the Proposed Development. The ExA considers that an early identification of the principal matters that are not agreed, read alongside Relevant Representations (RRs), would assist in the clarification of principal issues, and provide a clear focus for the Examination and subsequent written questions to be asked.

The ExA welcomes the Applicant's engagement in the Early Adopters Programme launched by the Planning Inspectorate and notes that PADS summaries have been prepared in consultation with Natural England (NE) and the Marine Management Organisation (MMO)

With this in mind, for both the pre-Examination and Examination stages, the ExA has made a Procedural Decision to request from each named local authority and party in the bullet list above and any local authority undertaking a SoCG with the Applicant, to prepare and submit PADS. The ExA requests that these be in a table format, an example of which is provided at Annex B of the Rule 9 and Rule 17 letter [\[PD-006\]](#) and similar to those submitted by the Applicant in its Principal Areas of Disagreement Statement Summary [\[APP-053\]](#), addressing the following matters:

- the principal issue in question;
- the brief concern held by the party which they will report on in full in LIR/WRs;
- what, in their view, needs to change/be amended/included to overcome the disagreement; and
- in the opinion of that party, the likelihood of the concern being addressed during the Examination stage.

The ExA requests the initial PADS are submitted at the same time as responses to RRs. The deadline for both is the pre-Examination Procedural Deadline, **Thursday 19 September 2024**.

The ExA would like each PADS to be a live document which is updated throughout the Examination stage indicating what progress, if any, has been made.

The ExA has set out in the draft Examination Timetable at Annex D where it expects PADS to be updated by IPs (ie not the Applicant) during the examination, with final PADS to be submitted by **Deadline 6, Friday 4 April 2025**.

#### **4. Local Impact Reports**

A Local Impact Report (LIR) is a report in writing giving details of the likely impact of a Proposed Development on a local authority's area (or any part of that area). For more information about the importance and content of LIRs, see our [Advice Note for Local Authorities](#).

The ExA requests LIRs from the host local authorities and welcomes LIRs from any other relevant local authorities defined in section 56A of the Planning Act 2008 who may wish to submit one. All LIRs are requested to be submitted into the Examination no later than by **Deadline 1 Thursday 24<sup>th</sup> October 2024** in order to front-load the Examination and maximise the available time.

#### **5. Land Rights Tracker**

The ExA notes the Applicant's Schedule of the Current Status of Negotiations, which forms Appendices 4 and 5 to the Statement of Reasons [APP-031].

However, the ExA wishes to take this data a stage further with the capture and manipulation of all non-agreed land rights at the outset of the Examination in a simple, useable table. The aim is to make the process of the Applicant's reporting of ongoing discussions with affected persons and others much easier, and the reporting of such matters to the Secretary of State more efficient.

With that in mind, the ExA has made a Procedural Decision to request that the Applicant completes and maintains a Land Rights Tracker.

The ExA requests the Land Rights Tracker is submitted into the Examination at the Procedural Deadline and then at the subsequent deadlines set out in Appendix D. The Applicant can avoid submitting updates as stated above if there are no changes to the previous version.

#### **6. Examination progress tracker**

To prevent the continued submission of draft documents and updates throughout the Examination, the ExA had made a Procedural Decision to request from the Applicant an Examination Progress Tracker, in the form of a

table, reporting on what it considers are the principle, and other notable issues in the Examination. The ExA would like the Applicant to set this out by issue and/or sub issue, the IP(s) which have raised them, the summary of the concern(s)/objection(s) and the progress being made (if any), and the updated position and any progress to resolution. The Applicant could consider “traffic-lighting” the table for ease of reference. The ExA would like this tracker to include progress on negotiations on outstanding concerns raised in PADS.

The ExA requests an initial Progress Tracker to be submitted at the Pre-examination Procedural Deadline, **Thursday 19 September 2024**, with a mid-Examination Tracker submitted at **Deadline 3, Friday 13 December 2024**, and a final Tracker submitted at **Deadline 6, Friday 4 April 2025**.

## **7. Planning obligations and commercial side agreements tracker**

The draft Examination Timetable requests that the Applicant submits a tracking list which indexes all of the following documents that it has produced or intends to produce:

a. any planning obligations under the Town & Country Planning Act 1990 (as amended) or other legislative provisions relevant to planning, identifying the legislative head of power for the obligation, its subject matter(s) and why it is necessary, whether the obligation would be unilateral, bilateral or multi-lateral, the involved Interested Parties or other persons and whether the conclusion of such an agreement is considered likely to remove the need for any provisions in the draft DCO, to remove the need for one or more Statements of Common Ground or lead to the withdrawal of one or more Relevant and/ or Written Representations; and

b. any commercial side agreements or contracts proposed between the Applicant and Interested Parties or other persons, identifying the subject matter(s) and their purpose, the involved Interested Parties or other persons and whether the conclusion of such an agreement is considered likely to remove the need for one or more Statements of Common Ground or lead to the withdrawal of one or more Relevant and/or Written Representations.

At **Deadline 6 Friday 4 April 2025** the Applicant is requested to update the tracking list and to identify what changes (if any) have occurred since the previous version.

If the Applicant wishes the ExA to accord weight to commercial side agreements, evidence that these have been concluded, together with a list of the matters provided for and subscribed to by all signatories to each agreement must be provided at **Deadline 6 Friday 4 April 2025**.

If the Applicant wishes the ExA to accord weight to planning obligations, signed copies must be provided at **Deadline 6 Friday 4 April 2025** together with a summary statement identifying how each obligation addresses the tests in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and paragraph 57 of the National Planning Policy Framework.

## 8. Closing statements

The ExA would like to invite the Applicant and IPs to submit closing statements at **Deadline 6 Friday 4 April 2025**. Closing Statements should build upon the Examination Progress Reports and should set out a concise record of the positions of the Parties prior to the close of the Examination, specifically where areas of disagreement remain. The ExA considers Closing Statements should summarise the parties' positions only, and not look to repeat in large quantity evidence already submitted into the Examination.

## 9. Accompanied Site Inspection – suggested locations

The draft Examination Timetable at **Annex D** to this letter includes dates reserved for an Accompanied Site Inspection (ASI) on **Wednesday 8 January** and **Thursday 9 January 2025**.

The ExA requests that Interested Parties submit suggested locations for the ExA to visit as part of an ASI by **Deadline 1 Thursday 24 October**. The request must include:

- Sufficient information to identify the location;
- the issues to be observed at the location;
- information on whether the site can be accessed via public land; and
- the reason why the location has been suggested.

**Interested Parties should be aware that ASIs are not an opportunity to make any oral representations to the ExA about the Proposed Development.** However, participants may be invited by the ExA to indicate specific features or sites of interest.

The Applicant is requested to prepare a draft itinerary for the ASI to be submitted by **Deadline 2 Wednesday 27 November 2024**. This should include:

- Relevant locations referred to in the Relevant Representations received;
- any other locations at which the Applicant has predicted likely significant environmental effects; and
- the locations suggested by Interested Parties submitted by **Deadline 1**.

Comments by Interested Parties on the Applicant's draft itinerary must be submitted by **Deadline 3 Friday 13 December 2024**.

The ExA will consider each suggested site location, including those provided in the Applicant's draft itinerary, to determine if it could be viewed from public land on an unaccompanied basis or if it is necessary to view it on an

accompanied basis. The ExA will also consider if it would be appropriate to make arrangements for access only to be provided to specific sites such that they could be inspected as part of an Unaccompanied Site Inspection on an access required basis.

The ExA will publish its final itinerary at least five working days before the date of the ASI.

## **10. Additional Submissions**

The ExA has exercised its discretion and made a Procedural Decision to accept the following Additional Submissions:

- Ornithology Population Viability Analysis Parameter Log [AS-001]
- Offshore and Intertidal Ornithology Population Viability Analysis Parameter Log [AS-002]
- 6.3.7.1 Physical Processes Technical Baseline Rev: 2.0 [AS-003]
- 6.3.9.2 Chapter 9 Appendix 2 Benthic Ecology Technical Report Rev 2.0 [AS-004]
- Appendix 12.5: Migratory Bird Collision Risk Modelling Volume 3 [AS-005]
- 4.1 Book of Reference – Revision 2 Clean [AS-006]
- 4.1 Book of Reference – Revision 2 Tracked [AS-007]
- 4.1.1 Schedule of Changes to the Book of Reference [AS-008]
- Response to Rule 17 letter 3 July 2024 [AS-009 to AS-020]
- Response to s51 advice [AS1-001 to AS1-109]

## **11. Submission of draft Development Consent Order (dDCO) and Book of Reference (BoR)**

Where the Applicant submits an amended dDCO at any deadline, the submission should include a new version number identifying that the submitted dDCO is an amended version. Amended dDCOs submitted by the Applicant must be accompanied by:

- a. versions submitted in Microsoft Word. The final version submitted at Deadline 6 must have been validated against the Statutory Instrument template.
- b. an amended Explanatory Memorandum; and
- c. a consolidated schedule of changes listing all changes to the dDCO since the application version, when (including the version number) and for what purpose each change was introduced.

Where the Applicant submits an amended BoR at any deadline, the submission should include a new version number identifying that the submitted BoR is an amended version. The ExA requests that this is accompanied by a consolidated table of changes listing all changes to the BoR since the application version, when (including the version number) and for what purpose each change was introduced.

## Availability of Examination Documents

The application documents and Relevant Representations are available on the [project webpage](#).

All further documents submitted in the course of the Examination will also be published under the [Documents tab](#) of the [project webpage](#).

## The Examination Library

For ease of navigation, please refer to the [Examination Library](#) (EL) which is accessible by clicking the blue button under the Documents tab. The EL is updated regularly throughout the Examination.

The EL records and provides a hyperlink to:

- Each application document;
- each representation made to the Examination; and
- each Procedural Decision made by the Examining Authority.

Each document is given a unique reference which will be fixed for the duration of the Examination. **Please quote the unique reference number from the EL when referring to any Examination Documents in any future submissions that you make.**

## Electronic deposit locations

Documents can be viewed electronically, free of charge, at the electronic deposit locations listed in the table below. Please note that you will need to bring a form of identification and register as a member in order to use a computer at Pinchbeck Community Hub and Library.

The opening hours and availability of information technology set out in the table below may be subject to changes. Please check the current circumstances with the relevant locations before you attend.

Location	Venue/address	Opening hours	Printing costs
Boston Library	County Hall Boston Lincolnshire PE21 6DY	Monday – Wednesday:	A4 BW COST 10p
		09:00 – 17:00	A4 COL
		Thursday:	25p
		09:00 – 18:00	A3 BW COST 20p
		Friday:	A3 COL COST 50p
		09:00 – 17:00	
		Saturday:	

		09:00 – 16:00 Sunday: Closed	
<b>Location</b>	<b>Venue/address</b>	<b>Opening hours</b>	<b>Printing Costs</b>
Pinchbeck Community Hub and Library	48 Knight Street Pinchbeck Lincolnshire PE11 3RU	Monday: Closed Tuesday: 10:00 – 13:00 Wednesday: 10:00 – 13:00 and 14:00 – 16:00 Thursday: 10:00 – 13:00 Friday: Closed Saturday: 10:00 – 12:00 on first Saturday of every month Sunday: Closed	A4 BW COST 10p A4 COL COST 25p A3 BW COST 20p A3 COL COST 50p
<b>Location</b>	<b>Venue/address</b>	<b>Opening hours</b>	<b>Printing Costs</b>
Skegness Library	23 Roman Bank Skegness Lincolnshire PE25 2SA	Monday – Wednesday: 09:00 – 17:00 Thursday: 09:00 – 18:00 Friday: 09:00 – 17:00 Saturday: 09:00 – 13:00 Sunday: Closed	A4 BW COST 10p A4 COL COST 25p A3 BW COST 20p A3 COL COST 50p



## Information about the Make a submission tab

The [Make a submission tab](#) is available on the [project webpage](#).

You will need to enter your unique reference number ('Your ref' found at the top your postcard or email from the Planning Inspectorate) beginning either 2002 or ODOW. If you are making a submission on behalf of another person or organisation, and do not have your own unique reference number, then you should enter the unique reference number of the person or organisation you are representing. If you are not a registered Interested Party then it is at the discretion of the Examining Authority whether or not your submission is accepted.

Submissions will be published on the [project webpage](#) as soon as practicable following the close of the relevant Deadline. For further information about publishing submissions please view our [Privacy Notice](#).

You will be able to submit a document (upload file), make a text representation or both. It is possible to upload multiple files for each individual submission item. Electronic attachments should be clearly labelled with the subject title and not exceed 50MB.

Submissions **must not include hyperlinks** to documents/evidence hosted on a third party website eg technical reports, media articles etc. See the Planning Inspectorate's Advice Note: [The stages of the NSIP process and how you can have your say](#) for further information about making written submissions. All submissions must be made in a format that can be viewed in full on the National Infrastructure Planning website. Any submissions that exceed 1500 words should also be accompanied by a summary; this summary should not exceed 10% of the original text.

You should select the relevant Deadline for your submission and then, on the next webpage, select the appropriate Submission item as described in the Examination Timetable at **Annex D** to this letter. Please ensure you make a separate submission for each Submission item and **do not duplicate your submission**. If you consider that your submission does not fit the description of any of the Submission items then please select the Submission item 'Other' and ensure that it is titled appropriately.

If you experience any issues when using the [Make a submission tab](#) please contact the Case Team using the contact details at the top of this letter and they will assist.