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All Interested Parties, Statutory Parties  
and any other person invited to the  
Preliminary Meeting

Your Ref:

Our Ref: BC080001

Date: 14 February 2022

Dear Sir/ Madam

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

**Application by London Resort Company Holdings for an Order Granting  
Development Consent for the London Resort**

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

I write to you as the lead member of the Examining Authority (ExA) appointed to carry out an examination of the above application. I am Rynd Smith and the other members of the ExA are Michael Hayes, Richard Jones, Deborah McCann and André Pinto.

Former member Simon Warder resigned his membership of the ExA on 7 February 2022, consequent on his earlier appointment to another ExA. In pre-examination, before Examination procedures have been prepared and dates reserved, Inspectors may be assigned to more than one ExA. This necessitates re-assignment if cases then progress within the same timescale. André Pinto has been appointed in Simon Warder's stead. The ExA has also been increased to five members with the appointment of Michael Hayes on the same date. A copy of a document providing [notice of the changes to the constitution of the ExA](#) can be viewed here.

We would like to thank everyone who submitted Relevant Representations in the period up to May 2021 and Additional Submissions, particularly in response to our consultation in December 2021. These representations have assisted us to consider when and how to examine this application.

**Examinations using virtual and physical methods**

We propose to carry out the Examination using written methods, some virtual methods and some physical 'in person' events. It is important to note that the first event - the Preliminary Meeting – will be held virtually.

Virtual methods (using digital technology and telephones) are proposed to be used for events anticipated to have participants from a wide geographic area, to increase accessibility, reduce the cost of their delivery and of travel for participants and hence their environmental impact. It is anticipated that most Issue Specific Hearings and some Compulsory Acquisition Hearings will be held virtually. Virtual methods can also help to reduce social mixing as a public health measure (should any be required), although this is not the main reason for their use and the ExA proposes to continue holding virtual events where these offer access, efficiency and environmental benefits.

Physical methods are proposed to be used for events that need or benefit from proximity to the site and to the local community affected by the Proposed Development. Some Open Floor Hearings, Compulsory Acquisition Hearings which hear local site-specific objections and Accompanied Site Inspections are proposed to be held 'in person'. Where physical events are delivered, these will be managed in alignment with any Government public health guidance that might apply at the relevant time. We will remain flexible, and the design of these events may need to be adapted, or they may need to become virtual events if public health circumstances change and new law or guidance on social mixing emerges during the Examination.

If you intend to participate in virtual events held during the Examination, including the virtual Preliminary Meeting, please read the Planning Inspectorate's [Advice Note 8.6: Virtual Examination events](#) carefully. Advice Note 8.6 contains important information about how virtual events will be held and how you can participate.

If you wish to make representations to us about the use of virtual procedures, please make them in writing by **Procedural Deadline A** (15 March 2022), before the Preliminary Meeting takes place (see **Annex D** to this letter).

If you are not familiar with virtual events, you can ask for assistance from the Case Team. The Case Team will be holding a **familiarisation event for Interested Parties** on 25 March 2022 and details of this are available on request and through the registration process for the Preliminary Meeting.

### **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 this application.

**Date of meeting:** **29 March 2022  
and 30 March 2022**  
**with reserved dates\***  
**of 5 April 2022**  
**and 6 April 2022 (if required)**

**Arrangements Conference:** **From 09-00am on each day**

**Meeting begins:** **10-00am on each day**

**Venue:** **Virtual event (Microsoft Teams)**

\* **Reserved dates** are provided as a contingency, in case of major digital systems, technical service failures or interruptions that prevent the Preliminary Meeting from proceeding as planned. They are not intended to be used under any other circumstances. If the reserved

dates are used, any later dates in this letter and the Annexes to it that relate to Examination events (other than to early hearings for which notice has already been provided) are deemed to have been set one week later than the dates shown.

## Purpose of the Preliminary Meeting

The purpose of the Preliminary Meeting is purely procedural, to enable views to be put to us about when and how the application should be examined. The Agenda for the meeting is at **Annex A** to this letter and it divides the meeting into two stages.

- **Stage 1** will be held on 29 and 30 March 2022 and will consider the question of when to examine the application in the light of recent and likely future progress by the Applicant to address important and relevant issues and provide supporting information. It will support a decision on the timing of the examination.
- **Stage 2** will be held on 30 March if required and would consider how to examine the application in circumstances where a decision on timing has been made and the application is proposed to enter Examination commencing at the end of March 2022.

Applications for Orders Granting Development Consent under the Planning Act 2008 are normally made on the basis that they are ready or will be made ready for examination within three months from the date on which they are accepted for examination by the Secretary of State. [Guidance from the Secretary of State](#) indicates that this three-month period should normally be adhered to.

The applicant requested an extension to that period on the basis of a possible decision to designate a Site of Special Scientific Interest (SSSI) over a substantial portion of the application site. In October 2021, the ExA granted an extension of time until June or July 2022, conditional on the time being used to make changes to the application and regular programme updates being provided. The SSSI designation was confirmed by Natural England on 10 November 2021.

Following concerns from Interested Parties that the applicant was not making progress undertaking the work for which the extension had been agreed and concerns by the ExA that evidence of work in progress was not being provided, on [21 December 2021](#) the ExA consulted the applicant and parties on the procedural approach that should be taken. Comments were sought by 10 January 2022 ([\[AS-063\]](#) to [\[AS-109\]](#) inclusive) and responses to comments were sought by 24 January 2022 ([\[AS-110\]](#) to [\[AS-123\]](#) inclusive).

Taking the results of the consultation fully into account, on [1 February 2022](#) the ExA decided to hold the Preliminary Meeting on 29 and 30 March and to use it to explore two broad options for the timing of the Examination:

- In circumstances where the Applicant is unable to provide evidence of the need for an extension of time until June or July 2022 and in the absence of adequate progress on matters argued to justify the extension or on other important and relevant matters, the ExA would close the Preliminary Meeting and commence Examination of the application before it, with immediate effect. This approach would be taken in the interests of limiting the adverse effects of further delay. If this option is decided upon, then the Examination would proceed according to the

**provisional draft timetable** in **Annex D** to this letter, subject to discussion of that Annex in Preliminary Meeting Stage 2, before the closure of the meeting.

- In circumstances where the applicant is able to provide evidence of the need for an extension and adequate progress on matters argued to justify the extension of time until June or July 2022 and on other important and relevant matters, consideration would be given to the amount of time required to complete the necessary preparatory work. This could lead to agreement by the ExA that the commencement of the Examination might be deferred. If this option is decided upon, then the Preliminary Meeting will be adjourned to a further date to be set, at which amended procedural arrangements would be discussed. In these circumstances we would write to you again in similar terms to this letter, enclosing a revised draft timetable. The Preliminary Meeting would be adjourned at the end of Stage 1 and Stage 2 would not proceed on this occasion.

As it is a purely procedural event, we cannot hear representations about the merits or disadvantages of the application at the Preliminary Meeting. The merits or disadvantages of the application will only be considered once the Examination itself starts. This is after the Preliminary Meeting has closed, which in this case may occur on 30 March 2022 or, following an adjournment, on a later date to be advised in a further letter. See **Annex B** to this letter and the Planning Inspectorate's [Advice Note 8.3: the Preliminary Meeting](#) for more information.

The agenda for the meeting at **Annex A** to this letter has been set taking into account an Initial Assessment of Principal Issues arising from the ExA's reading of the application documents and the Relevant Representations received. The Initial Assessment of Principal Issues was made in March 2021, 21 days after the notice of acceptance of the application under s56 PA2008. It was published by the ExA in [May 2021](#). As a consequence of changes to relevant circumstances having occurred since that time, Additional Issues have emerged, and these have been identified by the ExA. The Initial Assessment of Principal Issues and the Additional Issues are set out in **Annex C** to this letter.

The provisional draft Examination Timetable is set out at **Annex D** to this letter. This will only come into effect if the ExA decides to commence the Examination at the end of March. If we make such a decision in Stage 1 of the meeting, we will wish to hear from you in Stage 2 of the meeting if you consider changes need to be made to the timetable. If we decide to defer the commencement of the Examination then this discussion will be held on a later date, with reference to a new draft timetable. If that occurs, we will write to you again.

## **Attendance at the Preliminary Meeting**

If you wish to participate at the Preliminary Meeting, to assist the management of the meeting it is important that when you register you tell us on which agenda items you wish to speak, listing the points you wish to make. There is an online form that will help you to do this. It also provides you with the option to seek assistance or request to attend a familiarisation event. If you cannot use the online form, please contact the Case Team using the email or telephone contact details at the head of this letter.

Because participation in a virtual Preliminary Meeting relies on the Planning Inspectorate providing you with a joining link or telephone number in advance, **if you intend to participate you must register by 15 March 2022** (see **Procedural Deadline A** at **Annex D** to this letter).

The Planning Inspectorate has prepared an [online form](#) to register your participation, to make procedural comments in writing for consideration by the ExA and to ask for assistance. Scan the QR Code to complete this form from a smartphone.



Please note that **you are not required to attend the Preliminary Meeting in order to participate in the Examination**. Whether or not you attend the Preliminary Meeting, 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. Should you no longer wish to be an Interested Party and do not wish to be involved in the Examination process, you can notify the Case Team of this in writing using the contact details at the top of this letter.

If you wish to observe the Preliminary Meeting, a public livestream of the event will be made available on the [project webpage of the National Infrastructure Planning website](#) shortly before it is scheduled to begin. A recording of the meeting will also be published on the website as soon as practicable after the event takes place. **The livestream and recording will be publicly accessible, and you do not need to register with the Planning Inspectorate in order to view them.**

### **What Happens if the Preliminary Meeting is Adjourned?**

In circumstances where we decide to allow the Applicant additional time before the commencement of the Examination, the Preliminary Meeting will be adjourned. The business in the Agenda at **Annex A** set for Stage 2 of the meeting will be discussed when the meeting is resumed. If this decision is taken, you will receive a further letter in due course, notifying you of the date, time and place for the resumed meeting and setting out a revised Agenda and a revised draft timetable for discussion.

If the Preliminary Meeting is adjourned, we will publish a recording of proceedings up to the adjournment as soon as possible after the adjournment, to assist everyone wishing to participate in the resumed meeting in due course.

## **After the Preliminary Meeting**

The Examination starts after the Preliminary Meeting has closed. You will be sent 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 of the National Infrastructure Planning website](#). You should note that this step will not be taken after an adjournment of the Preliminary Meeting as, if that occurs, the meeting will not have closed, and the Examination will not have started.

## **The Examination**

The Examination will principally be a written process (see [Advice Note 8.4: The Examination](#)), supplemented where necessary by various types of Hearings (see [Advice Note 8.5: Hearings and site inspections](#) and [Advice Note 8.6: Virtual Examination events](#)).

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.

All important and relevant matters will be taken into account when we make a recommendation to the Secretary of State for Levelling Up, Housing and Communities, who will take the final decision in this case.

## **Provisional notification of initial hearings**

If the application proceeds to examination at the end of March 2022, we have made a Procedural Decision to hold the following initial hearings on a provisional basis:

- A virtual Issue Specific Hearing into Matters that May Require Change to the Application (ISH1) on 4 April 2022; and
- A virtual Compulsory Acquisition Hearing into Strategic Matters (CAH1) on 5 April 2022.

Important information about these hearings is contained within **Annex E** to this letter.

If the Preliminary Meeting is adjourned and the Examination does not commence in late March, please note that these hearings will not proceed.

Because participation in a virtual hearing relies on the Planning Inspectorate providing you with a joining link or telephone number in advance, **if you intend to participate you must register by 15 March 2022** (see **Annex D**).

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

A number of Procedural Decisions have been made by the ExA during the pre-examination period to date. We have made some further Procedural Decisions which are set out in detail at **Annex F** to this letter. They are summarised as follows:

- requests by the ExA for the preparation of Statements of Common Ground (SoCGs);
- requests by the ExA for the preparation of trackers to manage Examination processes, the submission of and changes to various documents;
- notice and provisional arrangements for initial hearings (see above);
- preparation and arrangements for site inspections;
- presentation of amendments to the draft Development Consent Order (dDCO), land and rights documents and other related documents; and
- that procedural decisions of the ExA prior to this letter remain in effect or are varied, as recorded in the ExA's Procedural Decisions Tracker [\[OD-007\]](#).

The ExA will continue to track all of its Procedural Decisions, identifying and providing links to the documents in which decisions can be found and flagging which decisions remain in force, have been varied or cancelled. The ExA's Procedural Decisions Tracker [\[OD-007\]](#) will be updated and re-issued, whenever a new Procedural Decision is made.

### **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. Electronic communication is fast, more environmentally friendly and cost effective for the taxpayer.

If you have received a postcard 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 of the National Infrastructure Planning website](#).

After the Preliminary Meeting a 'Make a submission' tab will become available on the website which provides a portal through which parties will be able to make written submissions at relevant deadlines during the Examination. Further information about the 'Make a submission' portal will be included in the Rule 8 letter which will be issued as soon as practicable after the Preliminary Meeting. Other electronic forms may also be used.

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 '2002', 'LORN-AFP' or 'LORN-S57' you are in Group A. If your reference number begins with 'LORN-SP' you are in Group B. If your

reference number begins with 'LORN-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.

### **Compulsory Acquisition request considerations**

The ExA has noted concerns from people who have land or rights subject to a Compulsory Acquisition (CA) request from the Applicant, that delay may be materially adversely affecting their ability to conduct their business or personal affairs and or to dispose of their land or rights. The ExA draws attention to the fact that in certain circumstances a 'blight notice' procedure is available under section 175 and schedule 13 of the Town and Country Planning Act 1990 as amended, under which redress can be sought against the acquiring authority – in this instance the Applicant. Anyone who has concerns of this nature may wish to seek their own legal advice on this procedure.

### **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](#).

An explanation of the application of the guidance on costs in circumstances where delay occurs before a Preliminary Meeting was included in our letter of [21 December 2021](#) at page 4. That explanation remains relevant and can be read from the link in this paragraph.

### **If the Application is withdrawn**

If the application before the ExA is withdrawn at any point up to or during the PM, the Examination will not commence. If the application is withdrawn after the commencement of the Examination, then the ExA will take steps to inform IPs and to limit costs, as soon as possible thereafter.

Reference should be made to the costs guidance in such circumstances.

### **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 of the National Infrastructure Planning website](#).

If you do not have a digital device of your own, Examination Documents can also be viewed electronically at the locations listed in **Annex G** to this letter.

### **Other matters**

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

*Rynd Smith*

**Rynd Smith LLB MA MRTPI FRSA  
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** Provisional Notification of Initial Hearings
- F** Other Procedural Decisions made by the Examining Authority
- G** Availability of Examination Documents

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

**Agenda for the Preliminary Meeting**

Because participation in a virtual Preliminary Meeting relies on the Planning Inspectorate providing you with a joining link or telephone number in advance, **if you intend to participate you must register by 15 March 2022** (see **Procedural Deadline** at **Annex D** to this letter).

**Date:** **29 March 2022 and  
30 March 2022**

**Arrangements Conference:** **9.00am**

**Meeting start time:** **10.00am**

**Venue:** **Virtual event (Microsoft Teams)**  
Full instructions on how to join online or by phone will be provided in advance of the meeting to those who register to participate

**Attendees:** **Invited Parties who have pre-registered**

A public livestream of the meeting will be made available on the [project webpage](#) shortly before the meeting is due to open. The livestream is available to anybody who wishes to observe the meeting.

- **Preliminary Meeting Stage 1** will be held on 29 and 30 March 2022 and will consider the question of when to examine the application in the light of recent and likely future progress by the applicant to address important and relevant issues and provide supporting information. It will support a decision on the timing of the examination.
- **Preliminary Meeting Stage 2** will be held on 30 March if required and will consider how to examine the application in circumstances where a decision on timing has been made and the application is proposed to enter an examination commencing at the end of March 2022.

**Stage 1 (to commence on 29 March 2022)**

<b>08.50am</b>	<b>Event lobby</b> Please arrive early to enter the lobby. From here you will be admitted to the Arrangements Conference by the Case Team, greeted and given further instructions. Please note that it may take time for staff to action all lobby entry requests.
<b>09.00am</b>	<b>Arrangements Conference</b> The Arrangements Conference will commence at 09.00am. This will be hosted by the Case Team and cover the housekeeping

	arrangements for the Preliminary Meeting and allow for any questions to be asked about how to take part.
<b>10.00am</b> <b>Item 1</b>	<b>Preliminary Meeting</b> The Preliminary Meeting will formally open at 10.00am. The Examining Authority will join, welcome participants and lead introductions.
<b>Item 2</b>	The Examining Authority's remarks about the Examination process.
<b>Item 3</b>	Review of progress and Examination timing. (Depending on the length of this item, the Examining Authority will arrange for appropriate refreshment breaks and for lunch at approximately 1.00pm.)
<b>Item 4</b>	Reserved procedural decision on Examination timing The Examining Authority will reserve its decision on Item 3 for deliberation overnight until the resumption of the PM on 30 March 2022.
<b>Item 5</b>	Other procedural business The Examining Authority will: <ul style="list-style-type: none"> <li>• consider whether there is any other business from Stage 1 that may be addressed before the adjournment;</li> <li>• consider whether there is any other business from Stage 1 that needs to be carried forward to the following day (30 March 2022); and</li> <li>• adjourn the Preliminary Meeting (overnight to 30 March 2022).</li> </ul>
<b>Adjournment of the Preliminary Meeting</b>	

## Stage 1 continued (on 30 March 2020)

<b>08.50am</b>	<b>Event lobby</b> Please arrive early to enter the lobby. From here you will be admitted to the Arrangements Conference by the Case Team, greeted and given further instructions. Please note that it may take time for staff to action all lobby entry requests.
<b>09.00am</b>	<b>Arrangements Conference</b> The Arrangements Conference will commence at 09.00am. This will be hosted by the Case Team and cover the housekeeping arrangements for the Preliminary Meeting and allow for any questions to be asked about how to take part.

<b>10.00am</b>	<b>Resumption of Preliminary Meeting</b>
<b>Item 6</b>	The Preliminary Meeting will resume at 10.00am. The Examining Authority will join, welcome participants and lead introductions.
<b>Item 7</b>	<p>Procedural decision on Examination timing  The Examining Authority will address:</p> <ul style="list-style-type: none"> <li>• any business from <b>Stage 1</b> that was carried forward from the previous day (29 March 2022); and</li> <li>• whether and if so, on what terms to adjourn the Preliminary Meeting (to later in the day or to another date to be set).</li> </ul>
<b>Adjournment of the Preliminary Meeting (if required)</b>	

### **Stage 2 (on 30 March 2020) (if required)**

<b>Item 8</b>	<b>Resumption of Preliminary Meeting</b>  The Preliminary Meeting will resume at a time to be set in Item 7. The Examining Authority will join and lead introductions that may be required. Depending on the period of the adjournment, it may be necessary to re-join via the lobby and an arrangements conference. If that is required the ExA will provide necessary instructions at the adjournment.
<b>Item 9</b>	The Examining Authority's additional remarks about the Examination process (if any)
<b>Item 10</b>	Initial Assessment of Principal Issues – <b>Annex C</b> to Rule 6 letter
<b>Item 11</b>	Draft Examination Timetable – <b>Annex D</b> to Rule 6 letter
<b>Item 12</b>	Any other matters
<b>Close of the Preliminary Meeting</b>	

If you are joining as an active participant of the Preliminary Meeting, please join the Arrangements Conference lobby promptly using the instructions that are sent to you. In common with Preliminary Meetings held in physical locations, the event will start at 10.00am, irrespective of any late arrivals, for whom access may not be possible.

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

## **Introduction to the Preliminary Meeting**

### **Background**

The Preliminary Meeting (PM) for the London Resort will take place virtually, using Microsoft Teams, but the format, content and procedure will be similar to the physical, face-to-face PMs that have been held for other National Infrastructure Examinations.

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 following the opening of the PM. Please read this carefully. The ExA will only present a summary of the key points set out here at the PM, in order to ensure that the time available for participants to speak is maximised.

### **The Examining Authority**

The ExA, Rynd Smith (Panel Lead), Deborah McCann, Richard Jones, Michael Hayes and André Pinto, appointed by the Secretary of State for the Ministry of Levelling Up, Housing and Communities (formerly the Secretary of State for Housing, Communities and Local Government), will introduce themselves at the start of the PM.

The ExA's original appointment letter (of 13 April 2021) can be found in the Examination Library under reference [\[PD-004\]](#). It has been varied subsequently following the resignations of Stuart Cowperthwaite (former Panel Lead) and Simon Warder. These resignations related to the management of casework resources by the Planning Inspectorate: until a case has a set date to commence examination Inspectors may be assigned to more than one case. Once examination arrangements are prepared, an Inspector appointed to more than one case may need to resign if there is a timing clash. Rynd Smith was added to the ExA as Panel Lead in Stuart Cowperthwaite's stead. André Pinto was added to the ExA in Simon Warder's stead. Michael Hayes has been added to the ExA to increase the membership to a Panel of five. The relevant variation letters can be found in the Examination Library under reference [\[PD-013\]](#) (of 14 December 2021) and [\[PD-015\]](#) (of 7 February 2022).

### **The Case Team**

The ExA will be supported by the Planning Inspectorate Case Team. Kathrine Haddrill is the Case Manager. Steven Parker and Andrea Reyes are the Case Officers. During the Arrangements Conferences held before the PM and any virtual hearings, a member of the Case Team will welcome and admit participants into the virtual event, and will be available to answer questions by email before and after the PM. The contact email address is:

[LondonResort@planninginspectorate.gov.uk](mailto:LondonResort@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 London Resort, 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 London Resort Company Holdings, which will be referred to as 'the Applicant'.

You will find information about the application, and, in due course, documents produced during the Examination on the Planning Inspectorate's National Infrastructure Planning website ('NI Planning website'). This has a dedicated landing page for the project, with links to Examination procedure, the Examination Timetable, Relevant Representations and Examination documents. The relevant NI Planning website landing page is:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/the-london-resort/>

You are encouraged to explore the NI Planning website landing page 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. There is the option on the project page to register to receive email updates and we encourage you do this so that you will receive a notification via e-mail at key stages during the Examination.

The main purposes of the PM in this case are to discuss when and how the application should be examined. The discussion of when to examine is one that has been made necessary by the extended pre-examination period in this case, arising from a request by the Applicant to delay the commencement of the examination until June or July 2022.

There are changed circumstances (amongst other matters the designation of a Site of Special Scientific Interest (SSSI) over much of the site for the Proposed Development) that require to be considered. But consideration must also be given to concerns raised by Interested Parties (IPs) that the Applicant has not demonstrated that it is using, or will use, an extended pre-examination period to do important preparatory work. In such circumstances, the ExA must also consider requests that the Examination should start without further delay, in the interests of minimising adverse effects arising from delay.

For these reasons, the ExA will hold this PM in two stages:

- **Stage 1:** on **29 March 2022** will consider the question of when to examine the application. Contributions from the Applicant and from all IPs with submissions and evidence on the question of when to examine will be heard. If it is decided that the Applicant's request for delay is justified in the circumstances, then the PM will adjourn at this point to another date, time and place to be set in due course. The Examination will not commence in March 2022.
- **Stage 2:** on **30 March 2022** will only be held if required, because at the end of Stage 1 it was decided that the Applicant's request for delay is not justified in the circumstances. At that point, it will be necessary to consider the

question of how to examine the application commencing directly, with detailed reference to Annexes D (Draft Examination Timetable), E (Provisional Notification of Initial Hearings) and F (Other Procedural Decisions made by the Examining Authority) below. If Stage 2 of the PM is held and the PM is closed as opposed to adjourned, then the Examination will commence on the following day.

The discussion in both stages of the PM will focus on the Examination process only. It will not look at the substance of the proposals: questions, discussions and representations about the merits or disadvantages of the Proposed Development, statements of and evidence in support or objection to it are all for the Examination itself, which will begin the day after the close of the PM.

The PM will be your opportunity to influence when the Examination will be held and the process that we intend to follow during the Examination once it commences, and you should read this Rule 6 letter and all accompanying annexes thoroughly beforehand.

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. If you are not experienced with videoconferencing and using multiple documents on screen, you may wish to print these in advance of the PM for reference.

### **Government guidance and policy**

The application is a NSIP under the Planning Act 2008 (PA2008) as a consequence of a [Direction Letter](#) on behalf of the (then) Secretary of State for Communities and Local Government made under section 35(1) PA2008 on 9 May 2014. The Direction Letter includes a determination on behalf of the Secretary of State that the project then known as "*London Paramount' at Swanscombe Peninsula and land to the south towards Ebbsfleet Station, Kent [...] be treated as development of national significance for which development consent is required under section 35 of the Planning Act 2008.*" The Direction Letter continues to set out that the Secretary of State is satisfied that "*this proposal falls within a business or commercial project of a prescribed description for the purposes of section 35(2)(a)(ii) of the Planning Act 2008 and Regulation 2 of the Infrastructure Planning (Business or Commercial Projects) Regulations 2013.*"

There are no National Policy Statements prepared or designated under Part 2 of PA2008 that directly apply to this Examination and to decision-making relating to this application. It follows that the Examination will proceed and the application will be decided under section 105 PA2008 - Decisions in cases where no national policy statement has effect. This means that in deciding the application, the Secretary of State must have regard to:

- (a) any local impact report (within the meaning given by section 60(3) PA2008) submitted to the Secretary of State before the deadline specified in a notice under section 60(2);
- (b) any matters prescribed in relation to development of the description to which the application relates; and

(c) any other matters which the Secretary of State thinks are both important and relevant to the Secretary of State's decision.

To the extent that the Proposed Development affects the use and development of land that is or is capable of becoming NSIP development under any of sections 15 to 30A PA2008 and for which a National Policy Statement or Statements have been prepared or designated under Part 2 of PA2008, those documents are capable of being important and relevant to the Secretary of State's decision under section 105 PA2008.

The remainder of the planning policy and legal framework, arising from but not limited to relevant legislation, applicable white papers and other national government policy sources, the [National Planning Policy Framework](#) (NPPF), [Planning Practice Guidance](#) (PPG), the development plan made by relevant local planning authorities, and other regional and sectoral social, economic and environmental plans and strategies are all capable, in principle, of giving rise to matters that are important and relevant to the Secretary of State's decision. The ExA will seek the views of the Applicant and IPs on the applicable policy framework in the early stages of the Examination and this is not a matter that will be discussed at the PM.

The ExA will consider the Proposed Development in accordance with any applicable policy or considerations the ExA deem to be important and relevant.

The SoS is entitled to disregard any representations that relate to the merits of a designated National Policy Statement (NPS). In practice, this means that the ExA will not spend time examining representations that challenge policy set out in any NPSs, 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 applicable policy or considerations the ExA deem to be important and relevant.

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, by identifying relevant policy and examining the application in the light of it. In doing so, the ExA will have regard to:

- The positions and representations of all 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, either orally at the time or in writing during the adjournment of the meeting.

Everyone who has made a Relevant Representation has been registered as an IP and has been sent a copy of this Rule 6 letter. Each IP is entitled to participate in this 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). 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. APs are IPs, whether or not they have made a Relevant Representation.

Certain bodies are Statutory Parties. Statutory Parties can elect to become IPs without having made a Relevant Representation.

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 or eligible to elect to become an IP and they had been unable to take the necessary action to register as an IP.

### **Conduct of the Preliminary Meeting**

A PM for a project of this size and complexity that must include an allowance for time to discuss the timing of as well as arrangements for Examination may take a substantial period of time to complete. In running the event virtually there are limitations on the number of people who can speak at any one time. Therefore, in order to ensure that everyone who wishes to speak can do so, and to ensure that the procedural discussion of when to examine is complete before the discussion of how to examine commences, two days have been timetabled as follows:

- **Stage 1** will be held on 29 March 2022 and will consider the question of when to examine the application in the light of recent and likely future progress by the applicant to address important and relevant issues and provide supporting information. It will support a decision on the timing of the examination.
- **Stage 2** will be held on 30 March if required and will consider how to examine the application in circumstances where a decision on timing has been made and the application is proposed to enter an examination commencing at the end of March 2022.

Experience of many virtual events leads the Planning Inspectorate to have high confidence in the digital and technical systems that will be used to support the PM. However, the consequences of a system failure can be severe: without contingency arrangements in place, if systems fail and a PM cannot be concluded, there are circumstances in which new notice and a time delay of several weeks can occur. To ensure that this does not happen, notice has been provided of reserve dates for the PM on 5 and 6 April 2022. Please note that these dates would only be used in the very unlikely circumstances that the PM

was affected by a system failure of such significance that it was unable to resume on the original appointed days.

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. For those who pre-register to be involved, your joining instructions will provide more information about this.

A digital recording will be made available on the project page of the NI Planning website as soon as practicable following the PM. The digital 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, whether they are able to attend or observe the meeting or not. The making and publication of these recordings are a means by which we meet the legal requirement to hold these events 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 about who was speaking. A written note of the PM will be produced and published as soon as practicable following the closure of the PM.

As the digital 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 making public any information which they would otherwise wish to 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 include personal and private information in any submissions.

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**

This guidance aims to assist you if the ExA decides following Stage 1 of the PM to commence the Examination in late March 2020. If the commencement of the Examination is deferred, then the principles set out here will still apply to the process in due course.

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 are primarily a written process and hearings take on 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 provides 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 agree, 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 with the day 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.

It is important to be aware that there are certain types of changes to an application that take a considerable period of time to be examined, because PA2008 and the Rules and Regulations under it require relevant people to be notified and or consulted for defined periods of time. As a rule of thumb, it is important that substantial new information: plans, documents and evidence, are available to the Examination no later than half-way through the six-month timescale, to ensure that necessary notice, consultation and investigation can occur before the statutory six-month deadline. For this reason, it may not be possible to examine late changes to the application.

Similarly, at approximately the mid-point of an Examination, the ExA will give careful consideration to all of the matters put before it. If it appears that there are a large number of outstanding requests for information or ways in which relevant statutory or policy duties, tests or performance requirements have not been met, it may conclude that continuing to seek further submissions is unreasonable, because by that time there is no reasonable prospect of changes being made to the application that could enable a positive recommendation being made. In such circumstances, the ExA may decide not to utilise the full six-month period for Examination, in the interests of efficient decision-making and reducing the costs of IPs overall.

Equally, if all important and relevant matters have been resolved to the satisfaction of the ExA before the end of the six-month examination period, the ExA may also decide to close the Examination early.

## **Hearings**

The draft Examination Timetable includes provision for hearings, at which the ExA takes oral evidence from the various parties. Please be aware that unless the ExA decides to proceed to Examination in late March, the arrangements in the draft timetable may need to change.

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 of 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, an agenda may be circulated. 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, so as 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 reservations for ISHs and IPs may make suggestions for topics 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 with the Proposed Development applications by the Applicant, 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 (ie conditions) 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 a deadline of 15 March 2022 for participants to notify the ExA that they wish to speak at ISH1 or CAH1 and 3 May 2022 for participants to notify the ExA that they wish to speak at any other proposed hearings.

## **Site inspections**

As part of the Examination process the ExA may undertake further site inspections. These can be either unaccompanied or accompanied, though all would be subject to such Government restrictions or guidance relating to public health that may be in force at the time.

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 on the NI Planning website. Two USIs have already been carried out: USI1 on 26 to 28 April 2021 [\[EV-001\]](#) and USI 2 on 20 January 2022 [\[EV-002\]](#). Note of those events are linked here.

Accompanied Site Inspections (ASI) 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 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 as well as possible ASIs. It should be noted that if public health restrictions or guidance are in force, they may limit the scope for ASIs and, if these are applied during relevant parts of the Examination, the ExA may decide that holding USIs to relevant nominated locations, supported by the submission of additional written, photographic, video or even drone material would be preferable to not visiting sites or holding ASIs in circumstances which could make them difficult and unduly time-consuming to conduct.

## **Contingencies: what happens if events go wrong?**

The Planning Inspectorate has delivered many examination events (including many virtual events since June 2020) and very few have ever gone wrong. However, in physical venues used for 'in person' meetings fire alarms can go off, heating systems break down, power supplies fail or pipes leak. Where virtual methods are used, digital and technical systems can occasionally break down too.

The Planning Act 2008 requires formal notice to be provided of events such as Preliminary Meetings, Hearings and Accompanied Site Inspections. If an event cannot be delivered and a timetable or notice does not include contingency provision for a replacement event, delays can occur. In a system where Examination is subject to a six-month deadline, unforeseen delays create significant difficulties for all involved. For these reasons, the Rule 6 Letter, the draft timetable in Annex D and notices in Annex E provide contingency dates that the ExA can use, if events in the early part of the Examination do not proceed as planned. As we move through the Examination, future notices may also provide contingency arrangements for later events, although it will also remain possible for written processes to be used to replace certain oral events.

It is important to be clear that contingency dates in the timetable and event notices are very unlikely to be used.

If something does go wrong, the first approach that the ExA will take will be to try to **recover the event in real time, if it is safe or feasible to do so.**

- In a **physical event**, the Panel Lead will provide information about what to do and how and when attempts will be made to re-start the event. If the building is evacuated, you will be asked to move to an evacuation location. Please remain there to listen to announcements about the resumption or adjournment of the event.
- In a **virtual event**, the ExA and the event management staff will attempt to switch the event onto backup digital systems. Please keep your device online and await announcements. If the event is disrupted for more than ten minutes, the ExA will attempt to resume using the same digital links and phone numbers, commencing at the next quarter hour, half hour and three quarter hour (eg if the event fails at 11.23am and then cannot be restarted by 11.33, then please check in at 11.45am, 12.00pm, 12.15pm and then 12.30pm using the same links and number provided in your joining instructions). Announcements may be made using the [project page of the National Infrastructure Planning website](#).

**If attempts to resume the event in real time fail or it is not safe or feasible to resume on the day**, then the event will be adjourned and a banner to this effect will be published on the [project page of the National Infrastructure Planning website](#). In these circumstances, the banner will flag the contingency arrangements in the R6 letter and Annexes that will come into effect and the event will be adjourned to the relevant reserved time. Later dates in the timetable may need to be amended. The ExA will take action as soon as it can to notify all parties of any consequential changes to the timetable.

## **C1: Initial Assessment of Principal Issues**

This is a copy of the Initial Assessment of Principal Issues prepared under s88(1) of the Planning Act 2008 (PA2008) following the acceptance of the application for Examination and initially published in May 2021 [\[PD-006\]](#). It was prepared by the Examining Authority (ExA) following its reading of:

- The application documents;
- the Relevant Representations received in respect of the application; and
- its consideration of any other important and relevant matters evident at the time.

It was not a comprehensive or exclusive list of the issues that will be subject to examination and some issues overlap or interrelate. 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 the Ministry of Levelling Up, Housing and Communities after the Examination has concluded.

The order of the issues listed does not imply any order of prioritisation or importance.

It should also be noted that whilst the effects of the proposal in relation to human rights and equalities duties are not listed as main issues, the ExA will conduct all aspects of the Examination with these in mind.

### **1. Legislation, national and local policy – to include:**

- a) The PA2008 and other applicable legislation.
- b) "Important and relevant" national and local policy and other matters for the purposes of the PA2008.
- c) The acceptability of the principle of development having regard to national and local policy.
- d) Application of the National Planning Policy Framework (NPPF) "agent of change principle".
- e) Whether those parts of the Proposed Development which fall within the Green Belt would amount to inappropriate development, having regard to the NPPF and relevant development plan policies. If parts of the Proposed Development are inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the Proposed Development.

### **2. General matters for all topics - to include:**

- a) The adequacy of the assessment and mitigation for each environmental topic, including consideration of scope, methodology, study area, receptors and their sensitivity, baseline conditions and how they were identified, magnitude and duration of construction and operational phase effects, mitigation, opportunities for enhancement, residual effects after mitigation and their significance, monitoring and maintenance.

- b) Whether the assessment methodology reflects best practice, whether it has been applied consistently, and whether the assessment of significant residual effects is fully evidenced and reasoned.
- c) The application of professional judgements and assumptions.
- d) Outline/ draft mitigation and management strategies and plans.
- e) Whether the mitigation measures are secured and are likely to result in the identified residual impacts, consistent with the Environmental Statement (ES).
- f) The assessment of cumulative effects and the other plans/ projects included in the cumulative impact assessment. Cumulative effects with the Lower Thames Crossing and Thurrock Flexible Generation Plant developments.
- g) Opportunities for enhancement and environmental benefits.
- h) Effects and other matters in relation to human rights and equalities duties.
- i) Common law nuisance and statutory nuisance.
- j) The achievement of sustainable development.
- k) Consideration given to the notified Swanscombe Peninsula Site of Special Scientific Interest (SSSI), including the balance of adverse effects against benefits.
- l) Implications of the notification of the Swanscombe Peninsula SSSI for the site selection process.
- m) The effects of the proposed helipad.
- n) The effects of temporary accommodation for construction workers.

**3. Rochdale Envelope - to include:**

- a) The flexibility sought for the detailed design, construction, and operational phases.
- b) Whether the extent of flexibility adopted in the Rochdale Envelope for assessment and evidence is consistent.
- c) Whether the size and extent of the “envelopes” is adequately defined and provides an appropriate level of flexibility.
- d) Assessing the effect of the extent of the Rochdale Envelope. Understanding how the reasonable worst-case scenario has been assessed particularly in context of areas of the site that will be changed over time.
- e) Whether wireline montages are adequate to assess the effect on visual receptors.

**4. Design - to include:**

- a) “Good design”, including functionality, durability, and aesthetics and with reference to the NPPF and the National Design Guide 2021.

- b) Whether the design responds to its setting, considering the effect on existing development including living conditions, SSSI and other receptors, including users of footpaths, cycleways, the river, and adjacent roads.
- c) Whether the level of detail in the Design Code is adequate to assess and control the effect of the development including use of materials.
- d) Whether the Design and Access Statement articulates the design concept/context for the proposals.
- e) Whether the Design and Access Statement reflects the findings of the ES.
- f) Whether the information provided enable an assessment of how design is being used to minimise the ecological impact of the development.
- g) Whether the built design elements incorporate opportunities to increase biodiversity.
- h) Car parking strategy and its effect on design.

**5. Land transport, non-motorised users, access, and severance - to include:**

- a) Baseline conditions and surveys.
- b) Methodology and modelling techniques, use of professional judgement.
- c) Growth and committed development assumptions, relationship with A2 Bean to Ebbsfleet junction and Lower Thames Crossing schemes and M2 corridor Brexit arrangements.
- d) Robustness of visitor demand and staff travel forecasts, use of 85th percentile peak day, effect of events, robustness of modal share assumptions and level of ambition of non-car travel mode targets in the Travel Demand Strategy.
- e) Robustness of assumptions for use of river transport for delivery of construction materials, control over use of river transport and implications for land transport of any changes or disruption.
- f) The scope of Transport Assessment and the ES Land Transport chapter, including effects on the local road network and justification for limiting the assessment to links identified using Institute of Environmental Management and Assessment Guidelines.
- g) The potential for construction phase congestion, disruption and safety impacts on the strategic and local road networks and Non-motorised Users (NMUs), temporary closures and diversions, scope, level of maturity and effectiveness of mitigation in the Construction Traffic Management Plan, liaison with the local transport authorities and other stakeholders, mechanisms for updating mitigation and controls.
- h) The potential for operational phase congestion, disruption and safety impacts on the strategic and local road networks and NMUs, permanent road closures, definition, effectiveness and control of mitigation measures, monitoring and liaison with the local transport authorities and other stakeholders, mechanisms for updating mitigation and controls.
- i) Suitability and level of design detail of highways proposals.

- j) Temporary and permanent effects on public rights of way and non-statutory pedestrian and cycle routes.
- k) Effects on emergency services.
- l) Robustness of the assessment on-site parking demand, controls over off-site parking.
- m) Suitability, level of maturity, effectiveness, and controls in the Rail and Bus Strategy Plans, pedestrian and cycling strategies, impacts on existing transport infrastructure and the need for mitigation.
- n) Traffic Regulation measures in the draft Development Consent Order (dDCO).

**6. River transport and navigation - to include:**

- a) Relationship of the "Park and Glide" service with the existing ferry service and potential riverboat services to central London.
- b) Robustness of the assessment of the share of visitors arriving by river from the Essex side and central London locations. Implications for other transport modes of any variation in those shares.
- c) The effect of adverse weather and other potential disruptions on the river transport of construction materials, the Park and Glide service and the delivery and service river crossings, including the implications for other transport modes.
- d) The scope, level of maturity and robustness of the Navigation Risk Assessment. Whether adequate river safety control and mitigation measures are in place.
- e) The effect of the proposal on existing Port of London and any other navigation aids.
- f) The effect of the proposal on Port of London and Port of Tilbury operations and whether any further protective provisions or other mitigation are required.
- g) Level of detail and flexibility of the proposed river transport infrastructure and the need for dredging.
- h) The landside effects of the river transport proposals.

**7. Land use, social and economic - to include:**

- a) The need for the Proposed Development having regard to its social and economic characteristics.
- b) The market opportunity and demand for an entertainment resort.
- c) The adequacy and security of project funding and guarantees for compensation.
- d) The nature of the UK's existing visitor attraction market and the effects on existing theme parks and resorts, including diversion.
- e) The effects on economic development and regeneration.
- f) The effects of visitor and worker expenditure.

- g) The effects on construction and operational employment (including direct, indirect and induced effects and job characteristics).
- h) The effects on the labour market, including the adequacy of the Employment and Skills Strategy, how it will be secured, funded and monitored.
- i) The effects on the Port of Tilbury.
- j) The effects on Ebbsfleet Central.
- k) The effects on businesses, business opportunities and the supply chain.
- l) The effects of displacing existing businesses, services, employment and apprentices, including those based at Northfleet Industrial Estate, Kent Kraft Industrial Estate, Galley Hill Industrial Estate and Manor Way Business Park.
- m) The adequacy of business displacement mitigation, including relocation support and property compensation.
- n) The location of alternative sites in relation to the customer base and employees of displaced businesses.
- o) The suitability of alternative sites to business needs and the ability to accommodate "bad neighbour uses".
- p) The effects on local retail and leisure, including town centres and other destinations.
- q) The effects on housing delivery arising from land-take and construction works.
- r) The effects of workers and visitors on local accommodation options and the housing market.
- s) The effects of displacing existing residential dwellings.
- t) The effects of workers and visitors on healthcare provision and other public services, as well as crime levels.
- u) The effects on community uses, including open spaces, public rights of way and other recreational or community facilities, and the associated effects on local communities.

**8. The water environment and soil and ground conditions - to include:**

- a) Sufficiency of Flood Risk Assessments in considering the effects of coastal, fluvial, surface water, groundwater, sewers, and other sources of flooding, taking into account climate change.
- b) Effects on groundwater and surface water, including Source Protection Zones, water dependent resources and receptors during the construction and operational phases.
- c) Surface water drainage, Sustainable Urban Drainage Systems, discharges to the River Thames, and compliance with national standards.
- d) Modifications to local drainage systems, including ordinary watercourses. Ability of marsh lands to accommodate volumes of surface water drainage.
- e) Connections to the public sewerage network.

- f) Compliance with the Water Framework Directive, including for the Tilbury site.
- g) Contaminated land and land quality pollution control, including the degree of uncertainty of existing contamination and the extent of remedial works.
- h) Geological conservation.
- i) Coastal processes and the flows or sedimentary processes acting on the marine margins of the Proposed Development.
- j) Southern Water capacity, funding timing and consistency with investment plan.

**9. Biodiversity and ecology - to include:**

- a) Whether the ES adequately addresses the notified Swanscombe Peninsula SSSI.
- b) The need for additional mitigation and compensation measures for biodiversity and ecology in relation to the notified Swanscombe Peninsula SSSI.
- c) The Shadow Habitats Regulations Assessment. Screening of European sites. Potential impact pathways and the avoidance measures for impacts to Special Protection Areas, Ramsar Sites and Special Areas of Conservation.
- d) Other statutory designated sites.
- e) Non-statutory designated sites of interest.
- f) Non-designated sites of interest and the weight given to effects on them.
- g) Rationale for scoping in/out the sites.
- h) Effects on Swanscombe Marine Conservation Zone and marine habitats.
- i) Effects on Open Mosaic Habitat on Previously Developed Land and Coastal Floodplain Grazing Marsh.
- j) Effects on other habitats including marshland, grassland, trees, woodland, marine, standing and running water.
- k) Whether there are any irreplaceable habitats.
- l) The removal, cutting or lopping of trees and hedgerows, including any subject to tree preservation orders. Locations, justification, compensation and replacement.
- m) Species surveys and whether they are sufficiently comprehensive and up to date.
- n) Evidence of the presence of Distinguished Jumping Spiders.
- o) Effects on protected species and the mitigation strategies.
- p) Effects on invasive species and the mitigation strategies.
- q) Habitat mitigation, management of retained habitats and how this is secured.

- r) Noise, vibration, artificial light, air quality and hydrology-related effects on biodiversity. The effects of piling in the River Thames on fish. The effects of nitrogen deposition.
- s) Pre-commencement, construction, and operational phase monitoring and how it is secured.
- t) Application of the Ecological Mitigation Hierarchy.
- u) The Biodiversity Net Gain assessment, including the relevance of the Environment Bill 2020.
- v) Effect of additional recreational facilities at the water's edge.
- w) Effect on biodiversity of changes to public access to the site.
- x) Effect of the access road and people mover on the Baker's Hole SSSI/notified Swanscombe Peninsula SSSI.

**10. Noise, vibration, and nuisance - to include:**

- a) Compliance with statutory requirements including the Noise Policy Statement for England, NPPF and Planning Practice Guidance.
- b) Identification of receptors for the assessment, including in the vicinity of the Ebbsfleet Central development.
- c) Proximity to noise sensitive receptors, residential premises, Noise Important Areas, noise sensitive areas, quiet places, areas valued for their tranquillity and designated sites.
- d) Construction noise, vibration and working hour limits, including for the closest receptors to construction works.
- e) Operational noise, including from rides and attractions, events, displays, public announcements, and pyrotechnics. Hours of operation.
- f) The number and location of properties and other receptors likely to experience significant adverse construction or operational phase noise or vibration effects and the timing and duration.
- g) The application of the Noise Insulation Regulations and properties that may require noise insulation or temporary re-housing.
- h) Noise and vibration control measures for the construction and operational phases that address the flexibility sought and that are consistent with identified significant effects. Associated measures for communication, monitoring, and complaints. How the control measures are secured.

**11. Air quality - to include:**

- a) The effects on air quality arising from dust deposition and elevated particulate matter concentrations during the construction phase, including through site preparation and clearance works, earthworks, main construction works, construction traffic and the transport of materials to and from the sites.
- b) The effects on air quality during the operational phase from vehicle fumes, including through road and river traffic and emissions from the proposed on-site energy centre.

- c) The effects on Air Quality Management Areas at Northfleet Industrial Area and Dartford.
- d) The effects on odour from the proposed wastewater treatment works.

**12. Climate change - to include:**

- a) The embodied greenhouse gas emissions from the construction of the Proposed Development.
- b) The embodied greenhouse gas emissions from the life cycle of the Proposed Development, the end of life stage and beyond the life cycle.
- c) The greenhouse gas emissions associated with operational energy consumption, operational water consumption and operational transport, including those associated with servicing, staff, and visitor movements.
- d) The effectiveness of measures proposed to reduce greenhouse gas emissions and minimise the contribution to climate change.
- e) Compliance with national and international obligations and targets.
- f) The vulnerability and resilience of the Proposed Development to risks arising from climate change.
- g) Mitigation measures to reduce climate change risks.

**13. Landscape and visual - to include:**

- a) Effect on landscape character.
- b) Protected landscapes - effect on Kent Downs Area of Outstanding Natural Beauty (AONB) intervisibility, traffic and tranquillity.
- c) The adequacy of the landscape and visual impact assessment to assess effects.
- d) Whether wireline photomontages are adequate to assess the visual effect on the landscape character.
- e) Effect of ground remodelling and changes to the hydrology of the site on landscape character and appearance.
- f) Assessment of effect on AONB and other visual receptors in the absence of detailed design, form of buildings, materials colours, lighting, etc.
- g) Intervisibility between the site and visual receptors.
- h) Identification of important viewpoints.
- i) Whether the landscape strategy is appropriate and whether it changes the character of the sites including consideration of plant species.
- j) Whether the proposals to permanently block some public rights of way and footpaths and divert others including the England Coast Path affect the character of the site and change the visual understanding of the site.
- k) Effect on the Pilgrim's Way and how it would be experienced post development.
- l) Assessment of construction effects on the landscape character.

- m) Effect on the tranquillity of the site, including from increased recreational disturbance.
- n) Effects on visual amenity in adjacent residential areas.
- o) Assessment of night-time views.
- p) Change to the visual experience of the site for users of the Thames.
- q) Assessment of effect on the Green Belt.
- r) Visual effect of the operational use on the chalk cliffs and effect on landscape character.
- s) Whether the proposed landscape strategy including tree planting effects landscape character.
- t) Long term effect on the landscape character.

**14. The historic environment - to include:**

- a) Effect of the access road and people mover on Baker's Hole SSSI and Scheduled Monument.
- b) Evolving Historic Environment Framework.
- c) Whether the effects of the construction and operational phases of development on the Cultural Heritage and archaeology of the site have been adequately assessed and if the post development interpretation details are appropriate.
- d) Effects on designated and non-designated heritage assets, including Tilbury Fort Grade II\* listed building (particularly from the proposed multi-storey car park), The World's End public house and Riverside Station, both of which are Grade II\* listed buildings, and from the new landing stage on the Tilbury terminal building.
- e) Study Area for archaeological assessment and evaluation and for built heritage and setting assessment.
- f) Identification of significant viewpoints.
- g) Lighting effect and management.
- h) Night-time effects.
- i) Extent and effect of below ground works.
- j) On site railway heritage assessment.
- k) Effect of potential ecological off-site mitigation/compensation on heritage assets.
- l) Cultural significance of English Channel/North Sea.
- m) Adequacy of desk based and on-site assessment.
- n) Whether there would be any sterilisation of archaeological sites.
- o) Zone of theoretical visibility.
- p) Opportunities for Public Benefit.
- q) Effect on the Pilgrim's Way and how it would be experienced post development.

- r) Effect of any changes in hydrology on heritage assets, in particular the archaeological importance of the site.
- s) Effect of ground remodelling on heritage assets, in particular the archaeology of the site.
- t) Whether the Deposit Modelling is complete or needs updating.
- u) Details of proposed mitigation measures.
- v) Whether the assessment of visual receptors adequately addresses heritage assets.
- w) Visual effect of the operational use of chalk cliffs on heritage assets.
- x) Effect of the loss of grazing marshes on the historic landscape.
- y) Effect on the historical importance and related heritage assets on the inter-tidal area.

**15. Other environmental topics - to include:**

- a) Effects on human health and well-being, including effects on the living conditions of surrounding residents from construction and operational activities and changes to the natural environment, and in relation to temporary accommodation for construction workers.
- b) Safety, security, accident and disasters assessments and mitigation.
- c) Effects on emergency services, including the development of response plans.
- d) Waste generation, on-site waste treatment, off-site waste management and the effects on available landfill capacity.
- e) Effects on aviation and defence.

**16. Compulsory Acquisition and related matters - to include:**

- a) Whether all relevant statute and guidance has been complied with, including compliance with the PA2008 and with relevant guidance, including "Planning Act 2008: guidance related to procedures for the compulsory acquisition of land Department for Communities and Local Government (DCLG) September 2013".
- b) Accuracy of the Book of Reference, including the identification of persons to be listed within Category 3. Accuracy of the Land Plans. Updates during the Examination.
- c) Whether the full extent of the land, rights and powers that are sought to be compulsorily acquired, including access for maintenance, temporary possession, powers to override easements and rights under streets, are necessary to facilitate or are incidental to the Proposed Development.
- d) The Statement of Reasons and whether the powers sought are required for the development to which the order relates, whether they are legitimate, necessary and proportionate and whether it is clear how the Applicant intends to use the land.

- e) Whether there is a compelling case in the public interest for the compulsory acquisition of the land, rights and powers that are sought by the dDCO that justifies interference with the human rights of those affected.
- f) Minimisation of the need for acquisition of land and rights, including full consideration of acquisition by agreement and the exercise of existing land option agreements.
- g) Whether all reasonable alternatives to compulsory acquisition have been explored.
- h) The acquisition of any statutory undertakers' land or rights over such land and the detriment that may be caused to the carrying on of the undertaking in question. The adequacy and agreement of protective provisions in the dDCO; any necessary side agreements; and compliance with s127 and s136 of the PA2008.
- i) The adequacy of the Protective Provisions set out in the dDCO and the need for any other Protective Provisions to safeguard relevant interests including those of Anglian Water Services Ltd, Port of London Authority, Network Rail, HS1 and the Environment Agency.
- j) Potential impediments to development, including safeguarded land (e.g. Crossrail).
- k) Whether the tests at S135 of the PA2008 for the acquisition of Crown land have been met.
- l) The demonstration of ongoing diligent enquiry to identify any unknown rights and updates during the Examination.
- m) Any objections, the Applicant's responses, and related evidence; and updates on negotiations, voluntary agreements, and blight during the Examination.
- n) Whether there are suitable dDCO provisions for compensation.
- o) Whether adequate funding would be available to enable the Applicant to carry out the compulsory acquisition within the statutory period. The robustness of costings set out in the Funding Statement.

**17. The dDCO and other consents, obligations, and agreements - to include:**

- a) Provisions required for the Proposed Development to be implemented satisfactorily.
- b) The reasoning provided in the Explanatory Memorandum (EM) and departures from the model provisions set out in The Infrastructure Planning (Model Provisions) (England and Wales) Order 2009.
- c) The clarity of definition and the consistency of use of terms and phrases referred to in the dDCO.
- d) Whether a full, precise, and complete description has been provided of the "principal development" and "associated development".
- e) Whether all "associated development" is necessary.

- f) Whether the dDCO and supporting documents adequately define and control the phasing of the Proposed Development.
- g) The status of the dDCO Requirements and associated provisions and documents; whether they are reasonable and relevant to planning and the development to be consented; whether they are enforceable and precise; and whether they secure the proposed mitigation and monitoring.
- h) Whether any additional Requirements are necessary.
- i) Whether the flexibility provided for the detailed design, construction or operational phases can be justified, and whether it represents a reasonable approach.
- j) The proposed procedures for consultation on and the discharge of Requirements, and for approvals, consents, and appeals, including arbitration; and the roles of the local authorities and of other statutory and regulatory authorities.
- k) The need for and means of securing funding for any necessary monitoring and enforcement of the dDCO Requirements.
- l) Harbour powers, the harbour authority, and the Deemed Marine Licence.
- m) The identification of other consents, obligations, or agreements (including relevant s106 agreements) required before the Proposed Development can become operational, progress in obtaining them, and comfort/ impediments and timescales for them being granted.

## **C2: Additional Issues**

The Initial Assessment of Principal Issues required by PA 2008 s88(1) [\[PD-008\]](#) (the ‘statutory IAPI’) set out in Annex C1 was published in May 2021. The pre-examination period has now extended for over 12 months. As a consequence, and due to changes in relevant circumstances, the following additional issues have also been identified by the ExA. Additional issues are provided with the same number as related issues in the May 2021 statutory IAPI.

The identification of additional issues is not a statutory process. It has been undertaken by the ExA as a means to focus the Examination and to assist the Applicant and IPs’ responses to issues that have arisen since the statutory IAPI was made.

It should be noted that the ExA has confined this process of identification to issues subject to changes in circumstances. There may well be further additional issues that arise in Examination, and these will be addressed to the extent that they are important and relevant.

### **1. Legislation, national and local policy - to include:**

Implication of changes to national and local policy including the NPPF (July 2021) and the progression of the emerging Dartford Local Plan to examination.

**2. General matters for all topics - to include:**

Implications for proposed development arising from the designation of the Swanscombe Peninsula SSSI designation.

**3. Rochdale Envelope - to include:**

Potential impact of the extent of the proposed changes to the parameter-led approach for the development, arising from the SSSI designation and the PD of 9th of July 2021, including landscape and visual effects.

**5. Design - to include:**

How the application addresses section 12 of the NPPF (2021) "Achieving well-designed places" including the application of the National Design Guide, the National Model Design Code and the use of Design Review.

**6. River Transport and Navigation - to include:**

How the proposed development affects and integrates with the Thames Freeport proposals.

**7. Land use, social and economic - to include:**

Consideration of any impact on the Thames Freeport and vice versa. Consideration of the relationship with Thurrock Flexible Generation NSIP.

Interrelationship between different visitor groups resulting from SSSI designation.

**8. The water environment and soil and ground conditions - to include:**

The effects of the SSSI designation in relation to the interplay between soil, water and ground conditions.

**9. Biodiversity and ecology – to include:**

Appropriateness and assessment of land proposed for compensation following SSSI designation and the adequate means of securing the use and management of that land.

**17. The dDCO and other consents, obligations, and agreements - to include:**

The need to revise the dDCO to reflect the SSSI designation including the requirement of additional land as compensation.

## 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 day after 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.

<b>Item</b>	<b>Matters</b>	<b>Date</b>
(i)	<p><b>Procedural Deadline A</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• written submissions on Examination timing and procedure (including matters identified in the Procedural Decision of 1 February 2022 <a href="#">[AS-014]</a>);</li> <li>• written submissions about the use of and participation in virtual events;</li> <li>• requests to be heard orally at the Preliminary Meeting; and</li> <li>• provisional requests to be heard at Issue Specific Hearing 1 (ISH1) and / or Compulsory Acquisition Hearing 1 (CAH1), should those hearings proceed.</li> </ul>	<b>15 March 2022</b>
(ii)	<b>Preliminary Meeting</b>	<b>29 March and 30 March 2022</b>
(iii)	<p>Dates reserved for Preliminary Meeting (if required)</p> <p>These reserved dates are provided as a contingency, in case of major digital systems or technical service failures or interruptions that prevent the Preliminary Meeting at item (ii) from proceeding as planned. They are not intended to be used under any other circumstances. If the reserved dates are used for the Preliminary Meeting, any later dates in this timetable that relate to Examination events are deemed to be set one week later than the dates shown. Initial hearings (ISH1 and CAH1) would proceed on the dates notified as reserved dates for those events.</p>	<b>5 and or 6 April (if required)</b>

<b>Item</b>	<b>Matters</b>	<b>Date</b>
<b>1.</b>	<p>Issue by the ExA of:</p> <ul style="list-style-type: none"> <li>• Examination Timetable; and</li> <li>• The ExA's Written Questions (ExQ1)</li> </ul>	As soon as practicable following the Preliminary Meeting
<b>2.</b>	<p><b>Issue Specific Hearing 1 (ISH1)</b> Changes in circumstances that may require changes to the Application including:</p> <ul style="list-style-type: none"> <li>• effect of and progress on response to Swanscombe SSSI designation;</li> <li>• park and glide;</li> <li>• ports and river considerations;</li> <li>• road access considerations;</li> <li>• rail access and interface considerations;</li> <li>• achieving well-designed places; and</li> <li>• other matters that may require changes to the Application.</li> </ul>	<b>4 April 2022</b>
<b>3.</b>	<p><b>Compulsory Acquisition Hearing 1 (CAH1)</b> Strategic matters:</p> <ul style="list-style-type: none"> <li>• the Applicant's case for compulsory acquisition and temporary possession;</li> <li>• The need for the land;</li> <li>• Conformity with statutory tests;</li> <li>• Conformity with guidance; and</li> <li>• The Funding Statement and security for funds.</li> </ul> <p>Site-specific objections to compulsory acquisition and/ or temporary possession will be considered at subsequent hearings.</p>	<b>5 April 2022</b>
<b>4.</b>	<p>Issue by the ExA of:</p> <ul style="list-style-type: none"> <li>• notice(s) for Hearing(s) in May 2022</li> </ul>	<b>11 April 2022</b>
<b>5.</b>	<p><b>Deadline 1</b> Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• written summaries of oral submissions at hearings;</li> <li>• post-hearing submissions requested by the ExA;</li> <li>• comments on Relevant Representations (RR) and other written submissions</li> </ul>	<b>12 April 2022</b>

Item	Matters	Date
	<p>received after the registration of Interested Parties closed on 31 March 2021;</p> <ul style="list-style-type: none"> <li>• summaries of all RRs exceeding 1500 words;</li> <li>• nominations of suggested locations and justifications for site inspections for consideration by the ExA;</li> <li>• notification of wish to attend an Accompanied Site Inspection (ASI);</li> <li>• notification by Statutory Parties of their wish to be considered as an Interested Party (IP) by the ExA;</li> <li>• notification by the Applicant of intent to make any non-material or material changes;</li> <li>• Local Impact Reports (LIRs) from local authorities;</li> <li>• request to be heard at any Compulsory Acquisition Hearings (CAHs) or any Open Floor Hearings (OFHs) later in this timetable;</li> <li>• request to be invited to and speak at any Issue Specific Hearings (ISHs) later in this timetable;</li> <li>• the Applicant's updated: <ul style="list-style-type: none"> <li>○ draft Development Consent Order (including tracked change versions as requested in Procedural Decisions);</li> <li>○ Explanatory Memorandum;</li> <li>○ Book of Reference;</li> <li>○ Statement of Reasons;</li> <li>○ schedule of progress regarding Compulsory Acquisition and Temporary Possession, voluntary agreements and objections (<b>Tracker 1</b>);</li> <li>○ summary of progress in securing any other consents not provided for under the dDCO (<b>Tracker 2</b>);</li> <li>○ schedule, identifying the latest versions of the Applicant's submission documents and plans (<b>Tracker 3</b>) (Guide to the Application);</li> <li>○ schedule of progress on Statements of Common Ground (SoCGs) (<b>Tracker 4</b>);</li> </ul> </li> </ul>	

<b>Item</b>	<b>Matters</b>	<b>Date</b>
	<ul style="list-style-type: none"> <li>○ schedule of progress on commercial side agreements (<b>Tracker 5</b>); and</li> <li>○ schedule of progress on planning obligations (<b>Tracker 6</b>) *The procedural decisions in Annex F identify the content of these Trackers in more detail.</li> <li>● Statements of Common Ground (SoCG) requested by the ExA.</li> <li>● Any further information requested by the ExA under Rule 17 of the Examination Rules<sup>1</sup></li> </ul>	
<b>6.</b>	<p>Dates reserved for Issue Specific Hearing 1A (ISH1A) and/or Compulsory Acquisition Hearing 1A (CAH1A): matters adjourned from ISH1 or CAH1 if required</p> <p>These reserved dates are provided as a contingency, in case of major digital systems or technical service failures or interruptions that prevent ISH1 at item 2 or CAH1 at item 3 from proceeding as planned. They may accommodate disrupted business from either or both hearings. They are not intended to be used under any other circumstances.</p>	<b>13 and 14 April 2022 (if required)</b>
<b>7.</b>	<p><b>Deadline 2</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>● responses to ExQ1;</li> <li>● Written Representations (WR);</li> <li>● summaries of all WR exceeding 1500 words;</li> <li>● requests to make oral submissions at hearing(s) in May 2022;</li> <li>● Applicant's draft itinerary for ASIs;</li> <li>● written summaries of oral submissions at reserved hearings (if any are held);</li> <li>● any further information requested by the ExA under Rule 17 of the Examination Rules</li> </ul>	<b>Tuesday 26 April 2022</b>

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<sup>1</sup> The Infrastructure Planning (Examination Procedure) Rules 2010

<b>Item</b>	<b>Matters</b>	<b>Date</b>
<b>8.</b>	<p>Time reserved for <b>Hearings</b> and <b>Accompanied Site Inspections</b> (if required):</p> <ul style="list-style-type: none"> <li>• Issue Specific Hearings (ISHs)</li> <li>• Open Floor Hearings (OFHs) (if required)</li> <li>• Accompanied Site Inspections (ASIs) (if required)</li> </ul>	<b>2 – 6 May and 9 – 13 May 2022</b>
<b>9.</b>	<p><b>Compulsory Acquisition Hearing 2 (CAH2)</b></p> <ul style="list-style-type: none"> <li>• unwithdrawn objections relating to specific sites.</li> </ul>	<b>10 May 2022 and 11 May 2022 (if required)</b>
<b>10.</b>	<p><b>Deadline 3</b></p> <p>Deadline for receipt by ExA of:</p> <ul style="list-style-type: none"> <li>• written summaries of oral submissions at hearing(s);</li> <li>• post-hearing submissions requested by the ExA;</li> <li>• comments on WRs;</li> <li>• comments on responses to RRs;</li> <li>• comments on LIRs;</li> <li>• comments on responses to the ExA's Written Questions (ExQ1);</li> <li>• comments on any additional information/ submissions received by Deadline 2; and</li> <li>• any further information requested by the ExA under Rule 17 of the Examination Rules.</li> </ul>	<b>Thursday 19 May 2022</b>
<b>11.</b>	<p><b>Deadline 4</b></p> <p>Deadline for receipt by ExA of:</p> <ul style="list-style-type: none"> <li>• comments on submissions for Deadline 3;</li> <li>• responses to any further information requested by the ExA; and</li> <li>• the Applicant's updated: <ul style="list-style-type: none"> <li>○ draft Development Consent Order;</li> <li>○ Explanatory Memorandum;</li> </ul> </li> </ul>	<b>Thursday 27 May 2022</b>

<b>Item</b>	<b>Matters</b>	<b>Date</b>
	<ul style="list-style-type: none"> <li>○ Book of Reference ;</li> <li>○ Statement of Reasons;</li> <li>○ <b>Trackers 1 to 6</b> (see Deadline 1); and</li> <li>○ Statements of Common Ground;</li> <li>• any further information requested by the ExA under Rule 17 of the Examination Rules.</li> </ul>	
<b>12.</b>	Issue by the ExA of: Examination Progress and Process Review issued by the ExA under Rule 17 of the Examination Rules	<b>Tuesday 14 June 2022</b>
<b>13.</b>	<b>Deadline 5</b> Deadline for receipt by the ExA of: <ul style="list-style-type: none"> <li>• Responses to Rule 17 letter of 7 June 2022</li> </ul>	<b>Tuesday 21 June 2022</b>
<b>14.</b>	Issue by the ExA of: The ExA's Second Written Questions (ExQ2) (if required)	<b>Tuesday 28 June 2022</b>
<b>15.</b>	<b>Deadline 6</b> Deadline for receipt by the ExA of: <ul style="list-style-type: none"> <li>• responses to ExA's Further Written Questions (ExQ2) (if issued);</li> <li>• comments on Applicant's revised dDCO;</li> <li>• comments on any additional information/ submissions received by Deadlines 3 and 4;</li> <li>• the Applicant's updated <b>Trackers 1 to 6</b> (see Deadline 1); and</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Rules.</li> </ul>	<b>Tuesday 12 July 2022</b>
<b>16.</b>	<b>Deadline 7</b> Deadline for receipt by the ExA of: <ul style="list-style-type: none"> <li>• requests to make oral submissions at hearing(s) in August 2022; and</li> </ul>	<b>Tuesday 19 July 2022</b>

<b>Item</b>	<b>Matters</b>	<b>Date</b>
	<ul style="list-style-type: none"> <li>• comments on submissions for Deadline 6.</li> </ul>	
<b>17.</b>	Issue by the ExA of: <ul style="list-style-type: none"> <li>• notice(s) for hearing(s) in August 2022 (if required);</li> <li>• the Report on Implications for European Sites (RIES) (if required); and</li> <li>• the ExA's preferred dDCO, proposed schedule of changes, or commentary on the dDCO (if required).</li> </ul>	<b>Tuesday 26 July 2022</b>
<b>18.</b>	Time reserved for Hearings and an ASI (if required): <ul style="list-style-type: none"> <li>• Issue Specific Hearings (if required);</li> <li>• Open Floor Hearings (if required); and</li> <li>• Compulsory Acquisition Hearings (if required).</li> </ul>	<b>2-5 August 2022</b>
<b>19.</b>	<b>Deadline 8</b> Deadline for receipt by the ExA of: <ul style="list-style-type: none"> <li>• post hearing submissions including written submissions of oral case; and</li> <li>• responses to any further information requested by the ExA</li> </ul>	<b>Tuesday 9 August 2022</b>
<b>20.</b>	<b>Deadline 9</b> Deadline for receipt by the ExA of: <ul style="list-style-type: none"> <li>• comments on the RIES;</li> <li>• comments on the ExA's preferred dDCO, proposed schedule of changes, or commentary on the dDCO (if issued);</li> <li>• final SoCGs and Statement of Commonality of SoCGs, also listing matters not agreed (in circumstances where a SoCG could not be finalised);</li> <li>• comments on any submissions received at Deadline 7; and</li> <li>• any further information requested by the ExA under Rule 17 of the Examination Procedure Rules.</li> </ul>	<b>Tuesday 9 September 2022</b>

<b>Item</b>	<b>Matters</b>	<b>Date</b>
21.	<p><b>Deadline 10</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• comments on responses on the RIES;</li> <li>• Statements of matters not agreed (in circumstances where a SoCG could not be finalised by Deadline 9);</li> <li>• the Applicant's: <ul style="list-style-type: none"> <li>◦ final version of the dDCO in clean, tracked and Word versions;</li> <li>◦ final schedule of changes to the dDCO (if required);</li> <li>◦ final dDCO to be submitted by the Applicant in the SI template with the SI validation report;</li> <li>◦ final versions of <b>Trackers 1 to 6</b> (see Deadline 1);</li> <li>◦ final Guide to the Application;</li> <li>◦ final CA Schedule in clean and tracked versions;</li> <li>◦ final updated Book of Reference;</li> <li>◦ final Statement of Reasons;</li> <li>◦ final Funding Statement;</li> <li>◦ Signed and dated planning obligations (if required); and</li> </ul> </li> <li>• comments on any additional information/ submissions received by Deadline 9; and</li> <li>• any further information requested by the ExA under Rule 17 of the Examination Procedure Rules</li> </ul>	<b>Tuesday 13 September 2022</b>
22.	<p><b>Deadline 11</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• comments on responses submitted for Deadline 10; and</li> <li>• any further information requested by the ExA under Rule 17 of the Examination Procedure Rules.</li> </ul>	<b>Tuesday 20 September 2022</b>
23.	<p><b>Deadline 12</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• comments of the nature of concluding submissions from the Applicant on responses submitted for Deadline 11.</li> </ul>	<b>Tuesday 27 September 2022</b>

<b>Item</b>	<b>Matters</b>	<b>Date</b>
<b>24.</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>30 September 2022</b>

### **Submission times for deadlines**

The time for submission of documents at any deadline in the timetable is 17:00 on the relevant deadline date, unless instructed otherwise by the ExA.

### **Publication dates**

All documents received will be published on the [project webpage of the National Infrastructure Planning website](#) as soon as practicable after the deadlines for submissions. If you do not have an internet connected device, see Annex G of this letter for more information about other locations where documents can be inspected.

### **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 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 hearings:

Date	Hearing	Start time	Joining details
<b>4 April 2022</b>	<p><b>Issue Specific Hearing 1</b> (ISH1) held under section 91 of the Planning Act 2008</p> <p>Changes in circumstances that may require changes to the Application including:</p> <ul style="list-style-type: none"> <li>• effect of and progress on response to Swanscombe SSSI designation;</li> <li>• park and glide;</li> <li>• ports and river considerations;</li> <li>• road access considerations;</li> <li>• rail access and interface considerations;</li> <li>• achieving well-designed places; and</li> <li>• other matters that may require changes to the Application.</li> </ul>	<p><b>Lobby open at:</b> <b>08:50am</b></p> <p><b>Arrangements Conference from:</b> <b>09:00am</b></p> <p><b>Hearing starts:</b> <b>10:00am</b></p>	<p>This hearing will be held virtually using Microsoft Teams</p> <p>A joining link/telephone number will be provided to pre-registered participants in advance</p>
<b>5 April 2022</b>	<p><b>Compulsory Acquisition Hearing 1</b> (CAH1) held under section 92 of the Planning Act 2008</p> <p>Strategic matters:</p> <ul style="list-style-type: none"> <li>• the Applicant's case for compulsory acquisition and temporary possession;</li> <li>• The need for the land;</li> <li>• Conformity with statutory tests;</li> <li>• Conformity with guidance; and</li> <li>• The Funding Statement and security for funds.</li> </ul>	<p><b>Lobby open at:</b> <b>08:50am</b></p> <p><b>Arrangements Conference from:</b> <b>09:00am</b></p> <p><b>Hearing starts:</b> <b>10:00am</b></p>	<p>This hearing will be held virtually using Microsoft Teams</p> <p>A joining link/telephone number will be provided to pre-registered participants in advance</p>

Date	Hearing	Start time	Joining details
	Site-specific objections to compulsory acquisition and/ or temporary possession will be considered at subsequent hearings.		

Because participation in a virtual hearing relies on the Planning Inspectorate providing you with a joining link or telephone number in advance, **if you intend to participate at this hearing/any of these hearings you must register by 15 March 2022** (see **Procedural Deadline A** at **Annex D**, above).

## Advice and guidance

Please read the Planning Inspectorate's [Advice Note 8.6: Virtual examination events](#) for important information about the virtual hearing procedure.

## Hearing agendas

High-level agendas for these hearings are included within this notification to help inform your decision about whether to register to participate.

For Issue Specific Hearings and Compulsory Acquisition Hearings the ExA will publish a detailed draft agenda on the project website 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.

## Hearing livestream

A public livestream of these hearings will be made available on the [project webpage](#) shortly before the hearings are due to open. The livestreams are available to anybody who wishes to observe the hearings. **Livestreams and recordings are publicly accessible, and you do not need to register with the Planning Inspectorate in order to view them.**

## Reserved Hearings date

The ExA intends to cover all necessary matters as set out above. However, notification is also made of time reserved for further Hearings to which business may be adjourned in the event that the ExA considers they are required, for example if a Hearing is disrupted by technical issues.

Date	Hearing	Start time	Joining details
<b>13 and or 14 April 2022</b>	<p><b>ISH1A and/ or CAH1A</b></p> <p>Business adjourned from one or both of ISH1 or CAH1 if required.</p>	<p><b>Lobby open at:</b> <b>08:50am</b></p> <p><b>Arrangements Conference from:</b> <b>09:00am</b></p> <p><b>Hearing starts:</b> <b>10:00am</b></p>	<p>This hearing will be held virtually using Microsoft Teams</p> <p>A joining link/telephone number will be provided to pre-registered participants in advance</p>

Reserved hearings that are not required may be cancelled in the banner on the project webpage on the National Infrastructure Planning website and no other notice is required.

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

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

### **1. Statements of Common Ground (SoCGs)**

In relation to some of the Principal Issues identified in **Annex C**, the ExA would be assisted by the preparation of SoCGs between the Applicant and certain Interested Parties. The draft Examination Timetable at **Annex D** therefore established **Deadline 1** (12 April 2022) for submission of 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. It can also usefully state where and why there may be disagreement about the interpretation and relevance of the information. 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 to address the subject matters and involving Interested Parties and other persons in the following list. Whilst Interested Parties and other persons have been identified and grouped within subject matters themes, the ExA does not expect the formation of multi-party SoCGs unless this offers clear efficiencies for the Applicant and parties. Bi-lateral SoCGs prepared in the normal way are acceptable.

#### *Legislation, national and local policy*

##### **A. Between the Applicant and: -**

**Relevant Local Authorities, Environment Agency, Natural England, Department of Transport, Greater London Authority and TfL, Kent Downs AONB, Port of London Authority, Port of Tilbury London Ltd. and any other Interested/Statutory parties responsible for the development or application of important and relevant legislative and policy considerations to include:**

- Matters which the parties agree ought to be taken as "important and relevant" elements of the legislative and policy framework for the purposes of decision-making under s105 of PA2008 and which should form the basis and underlying context of the examination of the Proposed Development, including but not limited to:
  - i. Statutory duties and matters that must be considered in order to address statutory requirements;
  - ii. The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG);
  - iii. Relevant Government policy, including white papers, strategies and investment programmes;
  - iv. Relevant National Policy Statements (NPSs) for infrastructures affected by the Proposed Development;
  - v. National, regional and subregional initiatives and policies;

- vi. The development plan (as prepared within and applicable to the host and neighbouring local planning authority areas);

The Applicant and relevant Local Authorities preparing LIRs are requested to ensure that policy considerations identified as relevant in LIRs are addressed in SoCGs.

*Natural environment and Habitats Regulation Assessment*

**B. Between the Applicant and: -**

**Environment Agency, Natural England, Marine Management Organisation, Forestry Commission, The Wildlife Trusts (TWT), Kent Wildlife Trust, Royal Society for the Protection of Birds (RSPB), The Woodland Trust, The Snowgoose Wildlife Trust, Bumblebee Conservation Trust, Butterfly Conservation, Buglife, British Arachnological Society, Kent Downs AONB, relevant Local Authorities and any other Interested/Statutory party responsible for the management of the natural environment, habitats and species to include:**

- The adequacy of base data, impact assessment methodologies, mitigation strategies and the pre-commencement, construction and operational effects and monitoring on or in respect of:
  - i. protected habitats;
  - ii. species surveys;
  - iii. protected species;
  - iv. invasive species;
  - v. any other terrestrial ecology, including the removal, cutting or lopping of trees and hedgerows, including but not limited to, any subject to TPOs;
  - vi. any other marine ecology, including but not limited to the effects of piling in the River Thames;
  - vii. additional recreational facilities, visitors and traffic (river, land transport, non-motorised users) and the effects on biodiversity and ecology of changes to public access to the site;
  - viii. what are the necessary environmental outcomes and how are these outcomes and underlying environmental performance secured in the DCO?
- Evidence of the presence of Distinguished Jumping Spiders;
- Effects on nationally designated sites, including but not limited to the Swanscombe Peninsula SSSI, the Kent Downs AONB and any other statutory designated sites, including European sites and features relevant to Habitat Regulations Assessment;
- Need for additional mitigation and compensation measures for biodiversity and ecology in relation to the Swanscombe Peninsula SSSI;
- Effects on Swanscombe Marine Conservation Zone and marine habitats, the Open Mosaic Habitat on Previously developed Land and Coastal Floodplain Grazing Marsh;

- Effects on the biodiversity and ecological value of regionally and locally designated sites, habitats of nature conservation importance, ancient woodlands, important hedgerows and protected trees;
- Effects on the biodiversity and ecological value of other statutory and non-statutory habitats of interest including marshland, grassland, trees, woodland, marine, standing and running water;
- Need for habitat mitigation and/or management of retained habitats and how it is proposed to be secured;
- Biodiversity Net Gain;
- Adequacy and effectiveness of the Construction and Environmental Management Plan;
- Any further comments on the DCO.

*Marine and Water Environment*

**C. Between the Applicant and: -**

**Environment Agency, Natural England, Marine Management Organisation, relevant Local Authorities and any other Interested/Statutory party responsible for or affected by the management of the marine and water environment** to include:

- The adequacy of base data, impact assessment methodologies, mitigation strategies and the pre-commencement, construction and operational effects and monitoring on the water and marine environments, particularly in relation to:
  - i. coastal and fluvial water quality;
  - ii. sediment characterisation;
  - iii. groundwater and surface water, including Source Protection Zones, water dependent resources and receptors;
  - iv. flooding and Flooding Risk Assessments including sewers, drainage and other sources of flooding, taking into account climate change.
  - v. Contaminated land and land quality pollution control.
- Compliance with the Water Framework Directive;
- Compliance with national standards in relation to surface water drainage, Sustainable urban Drainage Systems (SUDs) discharges to the River Thames;
- Geological conservation;
- Adequacy and effectiveness of the Construction and Environmental Management Plan;
- Comments on the DCO and mechanisms for securing any mitigation required.

*Access, highways, land and river transportation effects*

**D. Between the Applicant and: -**

**Port of Tilbury, DP World London Gateway, Port of London Authority, Marine Management Organisation, Corporation of Trinity House, Department of Transport, National Highways (formerly Highways England), High Speed 1 Ltd, Network Rail, Govia Thameslink Railway Ltd, Greater London Authority and TfL, Thames Gateway Tramlink Ltd., relevant Local Authorities, Ebbsfleet Development Corporation,**

**Greater North Kent Partnership and any other Interested/Statutory party responsible for the management of highways, rail, ports, land and river transportation** to include:

- The adequacy of base data, impact assessment methodologies, mitigation strategies and the pre-commencement, construction and operational effects and monitoring on land and river transportation, particularly in relation to:
  - i. visitor demand and staff travel forecasts;
  - ii. congestion, disruption and safety impacts on the strategic and local road networks;
  - iii. Public Rights of Way (PRoW) network and on cyclists, pedestrians and horse riders;
  - iv. proposed "Park and Glide" service;
  - v. Navigational Risk Assessment;
  - vi. Transport Assessment;
  - vii. Rail and Bus Strategic Plans;
  - viii. use of river transportation for delivery of construction materials and implications for land transport of any changes and disruption; and
  - ix. On-site parking demand;
- The appropriateness of traffic modelling;
- Suitability and level of design detail of highways proposals;
- The Construction Traffic Management Plan;
- Comments on the DCO and mechanisms for securing any mitigation required.

*Landscape and visual impacts*

**E. Between the Applicant and: -**

**Historic England, Natural England, Kent Downs AONB, relevant Local Authorities, Ebbsfleet Development Corporation, Greater North Kent Partnership and any other Interested/Statutory party** to include:

- Adequacy of approaches to landscape and visual impact assessment;
- Selection and appropriateness of viewpoints;
- Pre-commencement, construction and operational effects on protected landscapes;
- Pre-commencement, construction and operational effects of ground remodelling, changes in access and changes to the hydrology on the landscape's character and appearance;
- Landscape and visual effects on the amenity of adjacent residential areas during pre-commencement, construction and operational phases;
- Landscape and visual effects on users of the PRoW network and on cyclists, pedestrians and horse riders;
- Landscape and visual effects on users of the river Thames;
- Landscape Strategy;
- Assessment of effects on the Green Belt;
- The adequacy of mitigation and monitoring;
- Comments on the DCO and mechanisms for securing any mitigation required.

*Historic Environment***F. Between the Applicant and: -**

**Historic England, relevant Local Authorities, Ebbsfleet Development Corporation, Greater North Kent Partnership and any other Interested/Statutory party responsible for the preservation and management of the historic environment to include:**

- The adequacy of base data, impact assessment methodologies, mitigation strategies and the pre-commencement, construction and operational effects of proposed development on the historic environment and its setting, including:
  - i. Tilbury Fort Scheduled Monument, Officers Barracks Grade II\* listed building and World's End Inn Grade II listed building;
  - ii. New Tavern Fort Scheduled Monument and Grade II\* listed building, Milton Chantry Grade II\* listed building;
  - iii. Gravesend blockhouse Scheduled Monument;
  - iv. Palaeolithic sites near Baker's Hole Scheduled Monument;
  - v. Aspdin's Kiln Scheduled Monument;
  - vi. Neolithic sites near Ebbsfleet Scheduled Monument;
  - vii. Parish Church of St Peter and St Paul Grade I listed building and Churchyard wall, gates and gatepiers to North of Church of St Peter and St Paul, fronting Swanscombe Street and small section to Manor Road, Grade II listed building;
  - viii. Church of St Clement Grade I listed building;
  - ix. Church of Saints Grade II\* listed building;
  - x. Riverside Station, including floating landing stage Grade II\* listed building;
  - xi. Ingress Abbey, Stable Block to East of Ingress Abbey, the Monks well in the Grounds of Ingress Abbey, Terrace Wall to North of Ingress Abbey and Lovers Arch in the Grounds of Ingress Abbey Grade II listed buildings;
  - xii. Flint Cave in the Grounds of Ingress Abbey and The Cave of the Seven Heads in the Grounds of Ingress Abbey Grade II listed buildings;
  - xiii. Boundary stone, Ingress Park, Lovers Lane Grade II listed building;
  - xiv. Wall, gate piers and railings to Ingress Abbey fronting London Road and turning into The Avenue and The Grange (including attached tunnels and garden arch) in the grounds of Ingress Abbey Grade II listed buildings;
  - xv. Garden Bridge, Ingress Park Grade II listed building;
  - xvi. Knockhall Road Grade II listed building;
  - xvii. Lodge to Ingress Abbey and Milestone situated at Junction with Knockhall Chase Grade II listed buildings;
  - xviii. Church of St Peter and St Paul Grade II listed building;
  - xix. 1, Knockhall Road Grade II listed building;
  - xx. The White Hart public house Grade II listed building;
  - xxi. Wharf Public House Grade II listed building;

xxii. Other heritage assets including built heritage, cultural heritage, historic landscape and archaeology.

- Implications of the evolving Historic Environment Framework;
- Archaeological assessment and evaluation;
- Built heritage and setting assessment;
- Effects of any changes in hydrology on heritage assets, in particular the archaeological importance of the site;
- Effects of any changes in the landscape and visual character of the area on heritage assets, in particular built heritage and historic landscape;
- Opportunities for Public Benefit and enhancement of the historic environment;
- The need for and adequacy of mitigation;
- Comments on the DCO and mechanisms for securing any mitigation required.

*Design*

**G. Between the Applicant and: -**

**Relevant Local Authorities, Ebbsfleet Development Corporation and Greater North Kent Partnership** to include:

- The adequacy of the approach to design and to the creation of high quality, beautiful and sustainable buildings and places;
- Whether the design responds to its setting, considering the effects on existing development, the SSSI, the historic environment and other receptors;
- The adequacy of the data and level of detail included in the Design Code and how effective it is in controlling the effect of the Proposed Development, particularly at operational stage;
- The content of the Design and Access Statements;
- How the Design proposal include opportunities to minimise ecological impacts, promote biodiversity, inclusive design principles, integration with the wider area, functionality and durability;
- The application of the National Design Guide 2021, NPPF policy and PPG;
- The need for and adequacy of mitigation;
- Comments on the DCO and mechanisms for securing any mitigation required.

*Land use, social and economic effects*

**H. Between the Applicant and: -**

**Relevant Local Authorities, Ebbsfleet Development Corporation, Greater North Kent Partnership, Kent and Medway Fire and Rescue Authority (KMFRA) and Kent Police** to include:

- The adequacy of base data, impact assessment methodologies, mitigation strategies and the pre-commencement, construction and operational effects of the proposed development, including:
  - i. effects on economic development and regeneration;
  - ii. effects on labour market, construction and operational employment;
  - iii. effects on Ebbsfleet Central, Port of Tilbury, Northfleet Industrial Estate, Kent Kraft Industrial Estate, Galley Hill Industrial Estate and Manor Way Business Park;

- iv. effects on businesses, business opportunities and the supply chain;
  - v. effects on local retail and leisure, including town centres and other destinations;
  - vi. effects on Industrial Land and other land uses;
  - vii. effects on housing delivery;
  - viii. effects of workers and visitors on healthcare provision and other public services, as well as crime levels;
  - ix. effects on community uses, PRoW and other recreational or community facilities;
  - x. Any other associated effects on local communities, including quality of life, community cohesion and resilience.
- Effects on displacing existing residential dwellings and adequacy of any proposed mitigation measures and strategies;
  - The need for and adequacy of mitigation;
  - Comments on the DCO and mechanisms for securing any mitigation required.

*Noise, vibration, nuisance and air quality issues***I. Between the Applicant and: -****Environment Agency and relevant Local Authorities** to include:

- The adequacy of base data, impact assessment methodologies, mitigation strategies and the pre-commencement, construction and operational effects of proposed development, including:
  - i. Identification and classification of receptors for the assessment, including noise sensitive receptors;
  - ii. Proximity to noise sensitive receptors, residential premises, Noise Important Areas, noise sensitive areas, quiet places, designated and protected sites and areas valued for their tranquillity;
  - iii. Construction and operation noise and vibration;
  - iv. Air quality issues, including those arising from dust deposition and elevated particulate matter concentrations;
  - v. Air Quality Management Areas, particularly Northfleet Industrial Area and Dartford;
  - vi. Odour, particularly linked to the treatment of wastewater.
- Compliance with statutory requirements including the Noise Policy Statement for England, National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) and the Noise Insulation Regulations;
- The need for and adequacy of mitigation;
- Comments on the DCO and mechanisms for securing any mitigation required.

*Statutory undertakers***J. Between the Applicant and: -****Thames Water Utilities, National Grid Electricity Transmission Plc (NGET), UK Power Networks, Anglian Water, Southern Water,**

**Southern Gas Networks Plc and any other Interested/Statutory party responsible for the delivery or management of utilities** to include:

- the pre-commencement, construction and operational effects of proposed development on utilities, including availability and distribution;
- Comments on the DCO, mechanisms for securing any mitigation or compensation required and protective provisions.

*Nationally Significant Infrastructure Project (NSIP), Harbour Empowerment Order (HEO) and Local Development Order (LDO) applicants and undertakers*

**K. Between the Applicant and: -**

**Port of Tilbury London Ltd (for Tilbury 2 – made Order), Statera Energy/ Thurrock Power (for Thurrock Flexible Generation Plant – in decision by the SoSBEIS), RWE (Tilbury Energy Centre – not currently progressing) and DP World London Gateway (London Gateway Port, London Gateway Logistics Park – beneficiaries of HEO and LDO)** to include:

- the pre-commencement, construction and operational effects of proposed development on NSIP proposed development;
- Comments on the DCO, mechanisms for securing any mitigation or compensation required and protective provisions.

Matters raised here may be addressed as a consequence of SoCGs prepared with parties to address access, highways, land and river transportation effects. There is no need for any engagements or content to be duplicated.

**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 in the SoCG.

Where a particular SoCG cannot be agreed between the parties by **Deadline 1**, or if any local or other public authority position needs to pass through an organisational approval process, draft versions of that SoCG are requested to be submitted **by the Applicant** to **Deadline 1** and updated or amended thereafter. The position of the relevant Interested Parties should then be confirmed in the course of the Examination.

The content of SoCGs will help to inform the ExA about the need for and content of 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.

## **2. Applicant's Tracking Lists**

The ExA requests that, at **Deadline 1**, the Applicant provides it with Tracking Lists, indexing progress and change on the following matters and on all of the following documents that it has produced or intends to produce.

- A schedule of progress on Compulsory Acquisition and Temporary Possession matters, recording voluntary agreements and the status of

any objections (**Tracker 1**). A table template for this tracker is available from the Case Team.

- A summary of progress in securing any other consents not provided for under the dDCO (**Tracker 2**). This should record all non Planning Act 2008 consents required, the body from which they are required and the stage that any consent process has reached. If a consent will be required to enable the Proposed Development to proceed, a final proof of consent should be provided by **Deadline 10**.
- A schedule, identifying the latest versions of the Applicant's submission documents and plans (**Tracker 3**). This should record circumstances where any application documents or plans are changed, why the change was made, the version number(s) of the new documents and the dates of their submission. This should be referred to in the Examination as the 'Guide to the Application'.
- A schedule of Statements of Common Ground (SoCGs), identifying the subject matter(s) and the involved Interested Parties or Other persons (**Tracker 4**).
- A schedule of any commercial side agreements\* proposed between the Applicant and Interested Parties or other persons (**Tracker 5**). This should identify the subject matter(s) of the agreement(s), 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 (SoCGs) or lead to the withdrawal of one or more Relevant and/or Written Representations; and
- To the extent that any are or might be proposed, a schedule of any planning obligations under the Town & Country Planning Act 1990 (as amended) or other legislative provisions relevant to planning (**Tracker 6**), identifying the legislative head of power for the obligation, its subject matter(s), whether the obligation would be unilateral, bilateral or multi-lateral, if 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 (SoCGs) or lead to the withdrawal of one or more Relevant and/ or Written Representations.

If at any given deadline there are no documents of the type that a given Tracker has been provided for (eg should there be no planning obligations to be recorded in Tracker 6), the Applicant is requested to submit the Tracking List for that Tracker empty, endorsed with the words 'there are no such documents'.

At each identified subsequent timetable deadline, the Applicant is requested to update the Tracking Lists and to identify what changes (if any) have occurred since the previous update. If there is no change to record in a relevant Tracker or part of a Tracker, it should be submitted empty, endorsed with the words 'no changes'.

If the Applicant wishes the ExA to accord weight to any commercial side agreements\* recorded in Tracker 4, 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 10**.

If the Applicant wishes the ExA to accord weight to planning obligations, signed copies must be provided at **Deadline 10** together with a summary statement, identifying how each obligation addresses the tests in NPPF paragraph 57.

\* A 'commercial side agreement' means any contract, covenant or other legally enforceable mechanism under which performance or outcomes relevant to the construction, operation or decommissioning of the development proposed under the draft Development Consent Order would be delivered or guaranteed.

### **3. Provisional Arrangements for Early Hearings**

Having considered matters raised in Relevant Representations, Additional Submissions and responses to our consultation of 21 December 2021, the ExA takes the view that it is necessary to hold two Hearings early in the Examination:

- **Issue Specific Hearing 1** (ISH1) on 4 April 2022; and
- **Compulsory Acquisition Hearing 1** (CAH1) on 5 April 2022.

If either are subject to technical disruption, we have reserved 13 and/or 14 April to accommodate all or any incomplete business from one or both of these hearings. It should be noted that if the Preliminary Meeting were to be disrupted and the Examination was to start one week later than shown in Annex D (with the dates of all events amended accordingly), then these hearings would proceed in the reserved time, for which notice has in any case been provided.

We have provided notice and high-level outlines of the business to be covered at these hearings in Annex E to this letter.

These hearing arrangements are provisional. This means that they are subject to any decision that the ExA makes during Preliminary Meeting Stage 1 (see Annex A to this letter) about when to proceed with the Examination. If it is decided that the Examination will not proceed in late March 2022, then the Examination will not commence as provided for in Annex D and it follows that these hearings will not proceed.

### **4. Site Inspections**

The ExA has commenced its site inspections by holding Unaccompanied Site Inspection 1 (USI1) on 20 and 21 January 2020 and Unaccompanied Site Inspection 2 (USI2) on . Notes of these first Inspections have been published on the National Infrastructure Planning website. Further written notes will be published as further unaccompanied inspections are undertaken.

If you consider that the ExA should inspect a particular location, please nominate the location in writing by timetable **Deadline 1**. You should describe your proposal, identify its location on a map and indicate how an inspection will enable the Panel to observe important and relevant

considerations and so why it is necessary, preferably with reference to any application documents (with their Examination Library reference number) that bear on the nominated location.

Before making any nominations, please review the USI1 and USI2 Notes, as the ExA will not normally need to inspect locations that have already been inspected, unless there is some specific feature at the site that needs to be drawn to its attention which it has not already observed. The ExA will not necessarily inspect all nominated sites. It will prioritise its activities and inspect those sites where observations of the physical condition of the site are likely to identify important and relevant considerations.

The ExA is not able to visit private or access-restricted land without the consent of the landowner/operator and proper safety measures being taken where necessary. For this reason, unaccompanied site inspections (USIs) are normally carried out to locations that can be viewed from the public domain or that are open to the public. When nominating locations for inspection, please identify where relevant features can be observed from public domain or publicly accessible land, wherever this is possible.

If you are requesting an inspection where the ExA inspects sites in the company of representatives of the Applicant and Interested Parties (an Accompanied Site Inspection (ASI)), you will need to demonstrate in your nomination that:

- the inspection is of a location where there are particular physical features that are important and relevant, but which the ExA might not be able observe without the assistance of persons with relevant local, technical or scientific knowledge or expertise; and/ or
- the inspection is of a location which cannot be viewed from the public domain and particularly if it forms part of premises subject to access restrictions in the interests (for example) of health and safety.

In either or both such cases, your nomination should also provide the name, address and contact details of the person responsible for decisions about providing access to the site.

If requests are made that the ExA should visit sites or locations that are operated as visitor attractions, accessible to the general public on payment of an access fee or charge, the ExA will normally visit such locations in a USI, paying such charges as are necessary to enable it to gain access. If such locations are nominated for inspection, please provide a schedule of the features or elements of the site that the ExA is requested to become aware of or inspect.

The Applicant is requested to facilitate access to land for ASIs and to prepare and submit a **draft ASI** itinerary at **Deadline 2** to support this process.

The ExA would undertake ASIs within the dates reserved for ASIs in the timetable. An ASI itinerary or itineraries will be published in due course.

Arrangements for any site inspections may be varied by the ExA as required to address any public health requirements that may be in force or set out in guidance applicable at the inspection location, or to address other unforeseen matters on the day of the inspection. Such variations will be notified on the website if it is possible to do so, but amendments to an itinerary may be made by the ExA in the field on the day of an inspection, without providing notice. The ExA will endeavour to provide persons in attendance at the time with oral advice of any such late changes.

## **5. Submission of draft Development Consent Orders (dDCOs) and Land and Rights Documentation by the Applicant**

Where the Applicant submits an amended dDCO at any deadline or arising from any request by the ExA at a Hearing, in written questions or under EPR Rule 17, the submission is to be made in the following form:

- a new version number must be used, identifying that the submitted dDCO is an amended version;
- a document showing the amended dDCO without any mark-up (the 'clean version');
- a document showing the amended dDCO with tracked changes, marking up all amendments since the last version number; and
- a consolidated table of changes listing all changes to the dDCO since the application version, when (including the previous and current version numbers) and for what purpose each change was introduced.

An amended dDCO submitted by the Applicant at Deadline 10 must be accompanied by:

- a version submitted in Microsoft Word validated against the Statutory Instrument (SI) template;
- amended copies of any plans or other documents to which reference is made (if these are amended); and
- an amended Explanatory Memorandum.

Where the Applicant submits an amended Land or Rights document (including a Book of Reference) at any deadline or arising from any request by the ExA at a Hearing, in written questions or under EPR Rule 17, the submission is to be made in the following form:

- a new version number identifying that the submitted document is an amended version;
- a document showing the original and amended content without any mark-up (the 'clean version');
- a document showing the amended content with tracked changes marking up all amendments since the last version number; and
- a consolidated table of changes listing all changes to the document since the application version, when (including the previous and current version numbers) and for what purpose each change was introduced.

## **6. Other Procedural Decisions and Decision Tracking**

The ExA has made a number of Procedural Decisions during the pre-examination period in addition to those recorded here. Some earlier decisions have been amended or varied by later decisions. The ExA

maintains a Procedural Decision Tracker [\[OD-007\]](#) which records all Procedural Decisions and whether they remain in force, have been varied or cancelled.

The Applicant and all Interested Parties are requested to refer to the Procedural Decisions Tracker and ensure that all remaining extant Procedural Decisions are complied with.

## **Availability of Examination Documents**

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

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

## **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. A hyperlink to each document on the project webpage is also provided. **Please use the unique reference numbers applied in 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 may need to bring a form of identification and register as a library member in order to use a computer at these locations.

The opening hours and availability of information technology set out in the table below may be subject to changes or limitations to address possible public health requirements or changes to local government service levels. Bearing in mind the availability of the documents on the National Infrastructure Planning website and the possible effect of public health requirements, please consider your need to attend these locations with care. Please check the current circumstances with the relevant locations before you attend.

<b>Local authority</b>	<b>Venue/address</b>	<b>Opening hours</b>
Dartford	Swan Valley Library, Swanscombe Library Discover Centre, Ebbsfleet Academy, Southfleet Road, Swanscombe, Kent, DA10 0BZ	Monday: 10am - 2pm Tuesday: 10am-2pm Wednesday: 1pm- 5pm Friday: 1pm-5pm Saturday: 10am-2pm

<b>Local authority</b>	<b>Venue/address</b>	<b>Opening hours</b>
Dartford	Greenhithe Library, London Road, Greenhithe, Kent, DA9 9EJ	Tuesday: 1pm - 5:30pm  Thursday: 1pm- 5:30pm  Saturday: 9:30am- 12:30pm
Dartford	Dartford Library, Central Park, Market Street, Dartford, Kent, DA1 1EU	Monday: 8:30am - 6pm Tuesday: 8:30am - 6pm Wednesday: 8:30am - 6pm Thursday: 8:30am - 6pm Friday: 8:30am - 6pm Saturday: 9am - 5pm
Thurrock	Grays Central Library, Thameside Complex, Orsett Road, Grays, Essex, RM17 5DX	Monday: 10am - 7pm Tuesday: 10am - 7pm Wednesday: 10am - 7pm Thursday: 10am - 7pm Friday: 10am - 5pm Saturday: 10am - 5pm
Gravesend	Gravesend Library, Windmill Street, Gravesend, Kent, DA12 1BE	Monday: 9am - 6pm Tuesday: 9am - 6pm Wednesday: 9am - 6pm Thursday: 9am - 6pm Friday: 9am - 6pm Saturday: 9am - 5pm
<b>Printing costs</b>	<b>Black and white</b>	<b>Colour</b>
Swan Valley Library		
<b>A4</b>	Single-sided: 15p Double-sided: 30p	Single-sided: 50p Double-sided: £1
<b>A3</b>	Single-sided: 20p Double-sided: 40p	Single-sided: 75p Double-sided: £1.50
Greenhithe Library		
<b>A4</b>	Single-sided: 15p Double-sided: 30p	Single-sided: 50p Double-sided: £1

<b>Local authority</b>	<b>Venue/address</b>	<b>Opening hours</b>
<b>A3</b>	Single-sided: 20p Double-sided: 40p	Single-sided: 75p Double-sided: £1.50
Dartford Library		
<b>A4</b>	Single-sided: 15p Double-sided: 30p	Single-sided: 50p Double-sided: £1
<b>A3</b>	Single-sided: 20p Double-sided: 40p	Single-sided: 75p Double-sided: £1.50
Grays Central Library		
<b>A4</b>	Single-sided: 30p Double-sided: 60p	Single-sided: 30p Double-sided: 60p
<b>A3</b>	Single-sided: 30p Double-sided: 60p	Single-sided: 30p Double-sided: 60p
Gravesend Library		
<b>A4</b>	Single-sided: 15p Double-sided: 30p	Single-sided: 50p Double-sided: £1
<b>A3</b>	Single-sided: 20p Double-sided: 40p	Single-sided: 75p Double-sided: £1.50