Dear Sir/Madam

Planning Act 2008 (as amended) Section 89 and the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 4 and Rule 6

Application by SMart Wind Limited for an Order Granting Development Consent for the Hornsea Offshore Wind Farm (Zone 4) – Project Two

Notice of Preliminary Meeting and availability of Relevant Representations

I write to you following my appointment by the Secretary of State as the lead member of the panel who will be the Examining Authority (ExA) for this application for a Development Consent Order (DCO).

This letter is an invitation to the Preliminary Meeting to discuss the examination procedure and contains a number of supporting annexes. We would like to thank those of you who submitted relevant representations. These representations have assisted us when preparing our proposals for how to examine this application.

Date of meeting: Tuesday 16 June 2015

Seating available from: 9:30am

Meeting begins: 10:00am. Please arrive by 9:45am

Venue: Ashbourne Hotel
Vicarage Lane
North Killingholme
Immingham
DN40 3JL

Access and parking: The venue is fully accessible and parking is available on site. The nearest railway station is Grimsby (taxis are available).
The Preliminary Meeting

The purpose of the Preliminary Meeting is to enable views to be put to us about the way in which the application is to be examined. It is important to appreciate that this meeting deals only with procedure, and not the merits of the application. The merits of the application will only be considered once the examination starts after the Preliminary Meeting has closed. Further information is given in Advice Note 8.4, which is available on the National Infrastructure pages of the Planning Portal website at:


We wish to run a fair, efficient and effective meeting so that all relevant views can be heard. As such, we strongly encourage groups of individuals who have similar views on the procedure to choose one representative to speak for the group.

The agenda for the meeting is in Annex B. This has been set following our initial assessment of the principal issues arising on the application. That assessment is set out in Annex C. As a result of this assessment we wish to hear at the meeting from the Applicant, interested parties, statutory parties and local authorities where they consider changes may be needed from the timetable proposals set out in Annex D.

Attending the Preliminary Meeting

If you wish to attend the Preliminary Meeting please write, email or telephone the Planning Inspectorate, using the address and contact details set out at the front of this letter marking correspondence for the attention of Katherine Chapman, Case Manager. We need to receive your confirmation by 2 June 2015. Please also refer to Annex A for administrative arrangements for this meeting.

It will help the management of the meeting and benefit everyone if you also:

- Tell us whether you wish to speak at the meeting and on which agenda items, listing points you wish to make; and
- Bring this letter with you as proof of your identity and unique reference number

Please note that you are not required to attend the Preliminary Meeting in order to participate in the examination. If you are an interested party you will still be able to make written representations and 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 us of this in writing.

Procedural decisions under s.89 (3) of the Planning Act 2008

The Panel intends to discuss Statements of Common Ground at the Preliminary Meeting. The aim of a Statement of Common Ground is to provide factual information identifying areas of agreement and disagreement, highlighting key issues. The Applicant, other interested parties, local authorities (with the right to participate in the examination) and statutory parties are encouraged to use the pre-examination period and the period leading up to any programmed written submissions and hearings to reach as much consensus as possible and to be clear on any disagreements that remain.
We are also inviting Local Impact Reports from those local authorities who fall within the provisions of s.56A of PA2008.

At Annex G we have identified some areas where we believe further information should be provided and where Statements of Common Ground would assist the examination. This is not an exhaustive or definitive list.

You will note from the draft examination timetable at Annex D that the Panel wishes to receive Statements of Common Ground and Local Impact Reports by **Wednesday 15 July 2015.**

**After the Preliminary Meeting**

Shortly after the end of the Preliminary Meeting you will be sent a letter setting out the timetable for the examination. The audio recording of the meeting will also be published on our website. The examination of the application will primarily be a consideration of written representations about the application, along with any oral representations made at the hearings. All relevant and important matters will be taken into account when we make a recommendation to the Secretary of State for Energy and Climate Change, who will take the final decision in this case.

**Award of costs**

We also draw your attention to the possibility of the award of costs against interested parties who behave unreasonably. You should be aware of the relevant cost guidance that applies to National Infrastructure projects. The “Awards of costs; examinations of applications for development consent orders” is available on the National Infrastructure pages of the Planning Portal website:


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

Yours faithfully

**Professor John Glasson**

**Professor John Glasson**

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

**Annexes**

A  Administrative arrangements for the Preliminary Meeting
B  Agenda for the Preliminary Meeting
C  Initial assessment of principal issues
D  Draft timetable for examination of the application
E  Availability of relevant representations and application documents
F  Notice of appointment of Examining Authority
G  Procedural decisions made by the Examining Authority

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1 s.60 (2) of the Planning Act 2008
Annex A

Administrative arrangements for the Preliminary Meeting

Priority will be given to the applicant and those registered as interested parties, statutory parties, local authorities and invited persons before seating is allocated to other members of the public. The Examining Authority may exercise its discretion to permit any person, in addition to those who are entitled to take part, to participate in the meeting.

If you wish to make any submissions on matters not set out in the agenda, please write to Katherine Chapman, Case Manager, setting out the submissions that you wish to make by 12 noon on Tuesday 2 June 2015. We will attempt to accommodate reasonable requests and will alter the agenda on opening the Preliminary Meeting if we consider this will assist the discussion of the procedure for the examination.

A note will be taken of the Preliminary Meeting. This will be published on our website and will be available online at the locations listed in Annex E as soon as practicable after the meeting. Please note that an audio recording of the meeting will also be taken and made available on the website as soon as practicable after the meeting.

The Planning Inspectorate will send you a copy of the procedural decision as to how the application is to be examined as soon as practicable after the meeting.
<table>
<thead>
<tr>
<th>Time</th>
<th>Agenda Item</th>
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<tbody>
<tr>
<td>9:30</td>
<td>Room opens</td>
</tr>
<tr>
<td>10:00</td>
<td>1. Welcome and Introductions</td>
</tr>
<tr>
<td></td>
<td>2. Examining Authority’s (ExA’s) remarks about the examination process</td>
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<tr>
<td></td>
<td>3. Draft timetable for the examination – see Annex D</td>
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<tr>
<td></td>
<td>4. Deadlines for submission of:</td>
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<tr>
<td></td>
<td>• All written representations</td>
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<tr>
<td></td>
<td>• Local Impact Reports</td>
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<tr>
<td></td>
<td>• Responses to ExA’s written questions</td>
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<tr>
<td></td>
<td>• Statements of Common Ground</td>
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<tr>
<td></td>
<td>• Notifications relating to hearings</td>
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<tr>
<td></td>
<td>Break (if needed)</td>
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<td></td>
<td>5. Hearings and accompanied site inspection:</td>
</tr>
<tr>
<td></td>
<td>Date of accompanied site inspection to application site and surrounding area</td>
</tr>
<tr>
<td></td>
<td>Date of issue specific hearing on draft Development Consent Order</td>
</tr>
<tr>
<td></td>
<td>Dates reserved for open floor hearing(s)</td>
</tr>
<tr>
<td></td>
<td>Time period reserved for issue specific hearings</td>
</tr>
<tr>
<td></td>
<td>Time period reserved for compulsory acquisition hearing</td>
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</table>

**Note:** Please be available from the start and throughout the meeting. If the discussion takes less time than anticipated, the ExA will conclude the meeting as soon as all relevant contributions have been made. If there are any additional matters to be dealt with or submissions take a considerable amount of time, the meeting may run for longer and the order of items may change.
Annex C

Initial assessment of principal issues

This is the initial assessment of the principal issues arising from consideration by the Examining Authority (ExA) of the application documents and relevant representations received. It is not a comprehensive list of all relevant matters, nor does the order of the matters relate to importance. The ExA will have regard to all important and relevant matters when it writes its recommendations to the Secretary of State after the examination has concluded.

<table>
<thead>
<tr>
<th>Principal issue</th>
<th>Brief amplification</th>
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</thead>
<tbody>
<tr>
<td>Nature of development and relationship with Hornsea One</td>
<td>Onshore and offshore: relationship between parties involved in the development, scope of proposals and construction techniques; nature of relationships, sequencing and agreements between Hornsea 1 and Hornsea 2, and other possible projects and timetable.</td>
</tr>
<tr>
<td>Construction impacts</td>
<td>Onshore and offshore: onshore construction and compensation compounds, traffic, dust, noise, flooding, drainage, National Grid connection; off-shore cable routes, cable cover, inter-array cable connections and works plan.</td>
</tr>
<tr>
<td>Ecology - offshore</td>
<td>Ornithology and marine mammals: baseline data, various elements of methodology and guidance, HRA, cumulative and in-combination issues, post-construction monitoring, transboundary issues.</td>
</tr>
<tr>
<td>Ecology - onshore</td>
<td>Intertidal and onshore cable route issues and enhancement measures.</td>
</tr>
<tr>
<td>Navigation and marine</td>
<td>Shipping routes, radar, marine safety issues, impacts on ports, marine archaeology, oil, gas and dredging interests and transboundary issues.</td>
</tr>
<tr>
<td>Aviation</td>
<td>Local airport/airstrips impacts and radar issues.</td>
</tr>
<tr>
<td>Fish and fisheries</td>
<td>Impacts on fish species and fishing practices, appropriate management measures, compensation issues and transboundary issues.</td>
</tr>
<tr>
<td>Socio-economic</td>
<td>Alternative scenarios, local employment and skills plan and implementation.</td>
</tr>
<tr>
<td>Landscape and Heritage</td>
<td>Onshore cable route impact issues and mitigation measures, intertidal area and sub-station connection issues.</td>
</tr>
<tr>
<td>Content of DCO</td>
<td>Relevant definitions, disapplication of legislative provisions, discharging requirements, nature of requirements, detailing management plans, transfer requirements, position on agreements on protective provisions, audit trail for DCO revisions, and elements of project and Deemed Marine Licenses (DMLs).</td>
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<tr>
<td>Monitoring, mitigation and management plans</td>
<td>Operation of monitoring, mitigation and management plans throughout the life of the project (e.g. ornithological monitoring during project operation) and assessment of impacts of mitigation measures.</td>
</tr>
<tr>
<td>Compulsory Acquisition (CA)</td>
<td>Nature, extent and scope of land, rights and powers sought by CA (including access for maintenance), compensation compounds, temporary possession powers, project funding and guarantees for compensation, human rights and consideration of alternatives.</td>
</tr>
<tr>
<td></td>
<td>Book of reference.</td>
</tr>
</tbody>
</table>
## Annex D

### Draft timetable for examination of the application

<table>
<thead>
<tr>
<th>Item</th>
<th>Matters</th>
<th>Due Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Preliminary Meeting</td>
<td>Tuesday 16 June 2015</td>
</tr>
</tbody>
</table>
| 2    | Issue by Examining Authority (ExA) of:  
- Examination timetable  
- ExA’s first written questions | As soon as practicable following the Preliminary Meeting |
| 3    | **Deadline 1**  
Deadline for receipt of:  
- Comments on relevant representations (RRs)  
- Summaries of all RRs exceeding 1500 words  
- Written representations (WRs)  
- Summaries of all WRs exceeding 1500 words  
- Local Impact Report from any local authorities – see Annex G  
- Statements of Common Ground (SoCG) requested by ExA – see Annex G  
- Schedule of Mitigation Requirements – see Annex G  
- Responses to ExA’s first written questions  
- Notification of wish to speak at a compulsory acquisition (CA) hearing  
- Notification of wish to make oral representations at the issue specific hearing on the draft Development Consent Order (DCO)  
- Notification of wish to speak at the open floor hearing (OFH)  
- Notification of wish to attend Accompanied Site Inspection (ASI) | Wednesday 15 July 2015 |
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<tbody>
<tr>
<td></td>
<td>• Notification of suggested locations for the ASI to cover</td>
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<tr>
<td>4</td>
<td>Date reserved for open floor hearing (OFH) if any requests are received by the 15 July 2015. If there are no requests then it may be cancelled and interested parties will be notified through the banner on the project webpage.</td>
<td>Tuesday 28 July 2015</td>
</tr>
<tr>
<td>5</td>
<td>Accompanied Site Inspection</td>
<td>Wednesday 29 July 2015</td>
</tr>
<tr>
<td>6</td>
<td>First issue specific hearing (ISH) on draft DCO</td>
<td>Thursday 30 July 2015</td>
</tr>
</tbody>
</table>
| 7 | **Deadline 2**  
Deadline for receipt by the ExA of: | Monday 10 August 2015 |
|   | • Comments on WRs and responses to comments on RRs |   |
|   | • Comments on Local Impact Reports (LIRs) |   |
|   | • Comments on responses to ExA’s first written questions |   |
|   | • Revised draft DCO from Applicant |   |
|   | • Updated HRA matrices (see Annex G) |   |
|   | • All post-hearing documents including written proofs of oral cases made at hearings |   |
|   | • Documents post-Accompanied Site Inspection |   |
|   | • Any other information requested by the ExA |   |
| 8 | Issue specific hearing (ISH) on topics including but not limited to: | Tuesday 15 and Wednesday 16 September 2015 |
|   | • Nature of development and relationship with Hornsea Project 1 |   |
|   | • Construction impacts and socio-economic matters |   |
|   | • Ornithology |   |
|   | • Marine Matters |   |
| 9 | Dates reserved for compulsory acquisition (CA) hearing (including, if required, s127 of PA 2008 issues) | Thursday 17 and Friday 18 September 2015 |
| 10 | **Deadline 3**  
Deadline for receipt of:  
All post-hearing documents including written proofs of oral cases made at hearings and any other information requested by the ExA. | Thursday 24 September 2015 |
<table>
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<tbody>
<tr>
<td>11</td>
<td>Date for issue of ExA’s second written questions (if there are still matters to explore after the hearings)</td>
<td>Tuesday 29 September 2015</td>
</tr>
</tbody>
</table>
| 12 | **Deadline 4**  
Deadline for receipt of:  
- Responses to ExA’s second written questions  
- Any other information requested by the ExA | Tuesday 20 October 2015 |
| 13 | Dates reserved for a second DCO issue specific, any other issue specific or compulsory acquisition hearing (including, if required, s127 of PA 2008 issues) | Tuesday 27, Wednesday 28, Thursday 29 and Friday 30 October 2015 |
| 14 | **Deadline 5**  
Deadline for receipt of:  
- Comments on responses to ExA’s second written questions  
- Receipt and publication of applicant’s final DCO  
- Documents post all hearings  
- Written proofs of oral cases made at hearings  
- Any other information requested by the ExA and  
- Issue of Report on the Implications for European Sites (RIES) | Thursday 12 November 2015 |
| 15 | **Deadline 6**  
Deadline for receipt of:  
- Comments on the RIES  
- Any final versions of SoCGs  
- Any other information requested by the ExA | Thursday 26 November 2015 |
The Examining Authority’s (ExA) examination of the application takes the form of consideration of written representations about the application. The ExA will also consider any oral representations made at the hearings.

| 16 | **Deadline 7**  
Deadline for receipt of:  
- Comments on ExA’s consultation DCO  
- Any other information requested by the ExA | **Thursday 10 December 2015** |
| 17 | The ExA is under a duty to complete the examination of the application by the end of the period of 6 months beginning with the day after the close of the Preliminary Meeting. | **Wednesday 16 December 2015** |
Annex E

Availability of relevant representations and application documents

On the National Infrastructure pages of the Planning Portal website:


For inspection and copying:

**Immingham Library**
Pelham Road
Immingham
South Humberside
DN40 1QF

**Opening times:**
Monday to Friday: 08:30–19:30
Saturday: 09:00-13:00
Sunday: Closed

**Copying charges:**
Black & White A4 – 10p
Colour A4 – 25p

**Grimsby Library**

Town Hall Square
Grimsby
DN31 1HG

**Opening times:**
Monday to Friday: 08:30–19:30
Saturday: 09:00-13:00
Sunday: Closed

**Copying charges:**
Black & White A4 – 10p
Colour A4 – 25p

**East Lindsey District Council**, Planning and Regeneration, Room 51, Tedder Hall, Manby Park, Louth, Lincs
LN11 8UP

**Opening times:**
Monday to Friday: 09:00–17:00
Saturday: Closed
Sunday: Closed

**Copying charges:**
No charge

**Hull Central Library**
Hull City Council
Albion Street
Hull
East Riding of Yorkshire
HU1 3TF

**Opening times:**
Monday: 09:30 – 18:00
Tuesday: 09:30 – 19:00
Wednesday: 09:30 – 18:00
Thursday: 09:30 – 19:00
Friday: 09:30 – 17:30
Saturday: 13:00 – 16:00
Sunday: Closed

**Copying charges:**
Black & white A4 -10p
Black & white A3 -10p
Colour A4 – 50p
Colour A3 – 50p
Annex F

Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 4

Application by SMart Wind Ltd for an Order Granting Development Consent for the Hornsea Offshore (Zone 4) – Project Two Wind Farm

Notice of appointment of Examining Authority (ExA)

On 28 April 2015 a panel of Examining Inspectors was appointed to hold the examination of the above application under Section 61 of the Planning Act 2008 (as amended).

The panel of Examining Inspectors is:

- Prof. John Glasson (Chair)
- Michael Hayes CBE
- Dr. Peter Widd
- Philip Asquith

Pauleen Lane

Dr Pauleen Lane CBE FICE MBA
Group Manager, National Infrastructure
On behalf of the Secretary of State
Annex G

Procedural decisions made by the Examining Authority (ExA)

The ExA has made the following procedural decisions under Section 89(3) of the Planning Act 2008 (PA2008).

1. Statements of Common Ground (SoCG)

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 timetable for the examination therefore provides a deadline for submission of SoCGs.

The aim of SoCGs 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 information. The reasons for the differences and interpretations of the implications of a difference can then be expanded in the evidence. Unless otherwise stated or agreed, the SoCGs should be agreed between the applicant and the other relevant interested party or parties, and be submitted by the applicant.

SoCGs should identify clearly, where relevant, the matters of fact, methodology, assumptions, assessment of impacts and agreed mitigation or compensation measures on which there is agreement between the Applicant and the party or parties concerned. SoCGs involving more than two parties can be helpful but the Panel does not wish to create barriers to agreement.

The ExA would also like the Applicant to provide with the submitted SoCGs a table which shows the commonality on specific points between SoCGs. The Panel would like this table to be updated during the examination to reflect additional agreement achieved, for inclusion with the Panel’s Report.

The parties with whom the Panel would wish to see SoCGs concluded with the Applicant are set out below. This list is not exclusive, and the examination may benefit from SoCGs between the Applicant and other parties, and on other issues, as the examination proceeds.

---

2 Including Requirements in the draft DCO, other legal agreements such as s.106 and s.278 Agreements, or provisions to be included in other specified consents or licences.
Hornsea Project 1 and Hornsea Project 2
Heron Wind Ltd
Njord Wind Ltd
Via Aura Ltd
Optimus Ltd
Breesea Ltd

**Including:** management and implementation, compensation compounds and enforcement.

**Offshore ecology (ornithology)**
Natural England (NE)/Joint Nature Conservation Committee (JNCC)
Lincolnshire and Yorkshire Wildlife Trusts
Royal Society for the Protection of Birds (RSPB)
Marine Management Organisation (MMO)

**Including:** data, methodology, in combination and project alone impacts, monitoring and mitigation.

**Offshore ecology (marine mammals)**
NE/JNCC
Lincolnshire and Yorkshire Wildlife Trusts
MMO
The Wildlife Trusts
Whale and Dolphin Conservation (WDC)

**Including:** data, methodology, in combination and project alone, monitoring and mitigation and approach to the potential designation of the Special Area of Conservation (SAC).

**Onshore ecology**
NE/JNCC
Environment Agency (EA)
Lincolnshire and Yorkshire Wildlife Trusts
Local authorities
RSPB

**Including:** data appropriateness, construction impacts and monitoring.

**Water Framework Directive**
Environment Agency (EA)

**Including:** any implications for the project, data, monitoring, drainage and flood risk issues and climate change.

**Marine and onshore archaeology**
Historic England

**Including:** methodology and data.
Shipping and navigation
Associated British Ports (ABP)
Maritime Coastguard Agency (MCA)
Marine Management Organisation (MMO)
Royal Yachting Association (RYA)
Trinity House (THLS)

Including: safety, mitigation and monitoring.

Aviation and radar
Civil Aviation Authority (CAA)
Defence Infrastructure Organisation/Ministry of Defence (MOD)

Including: radar effects, impacts, mitigation and management.

In combination and cumulative effects
Forewind (Dogger Bank)
East Anglia Offshore Wind Ltd

Including: data, methodology and offshore ecological impacts.

Fishing
National Federation of Fishermen Organisation
Norfolk County Council

Including: data, management and monitoring.

Local socio-economic impacts
Local authorities

Including: data, scenarios, employment and skills plan, traffic and transport.

The date by which the SoCGs must be received from the Applicant has been identified in the draft timetable as **Wednesday 15 July 2015**.

2. Habitats Regulations 2010 (as amended)

The examination must include a process that provides sufficient information to enable the Secretary of State for Energy and Climate Change to meet their statutory duties as the competent authority under the Habitats Regulations 2010 (as amended) relating to European protected sites. In order to inform the ExA’s report and recommendation to the Secretary of State on this application and to provide standalone information for the Secretary of State, the applicant is requested to complete two matrices, to:

- Summarise the screening of likely significant effects for each European protected site assessed, and
- Summarise the implications for the integrity of each European protected site assessed, where a likely significant effect either alone or in combination with other plans and projects has been identified.

These two matrices are available to download from the National Infrastructure pages
of the Planning Portal website:


The date by which the completed matrices must be received from the applicant has been identified in the draft timetable as **Monday 10 August 2015**.

3. **Schedule of mitigation requirements**

The Panel wishes to receive from the applicant a schedule of all impacts requiring mitigation together with an explanation for each as to where that mitigation is secured in the draft DCO or Deemed Marine Licences.

The date by which this should be received is specified in the draft timetable as **Thursday 15 July 2015**.

4. **Other Persons**

The ExA has accepted Mr Broekhoven into the examination as an ‘Other Person’ after the submission of a late representation. The ExA has also included as ‘other persons’ those countries were contacted by the Planning Inspectorate in line with their duty, on behalf of the Secretary of State, in compliance with Regulation 24 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2012. This will enable participation in the forthcoming examination.

5. **Accepted documents following s51 advice following the acceptance of the application**

On 27 April 2014, Smart Wind Ltd (the Applicant) provided the Planning Inspectorate with a number of documents in response to s51 advice issued at the same time as the acceptance of the application and as a consequence of on-going discussions with affected persons and other statutory bodies. The ExA has now considered these documents. The ExA notes that a number of Plots of Land have been removed from the updated Book of Reference and, as such, updated Plans have been submitted. These Plans show a small reduction in the Order limits. The ExA has come to a view that this reduction does not constitute a material change to the application accepted for examination (Paragraph 113 of Planning Act 2008: Guidance for the examination of applications for development consent (2015)). The ExA accepts all documents submitted by the applicant on the 27 April into the examination. These documents can be found through following the link on the banner on the project pages on the national infrastructure pages. The ExA will be asking questions in the first round of written questions in relation to these documents. Furthermore, the ExA request that should any interested party wish to comment on these documents, that they do so through their relevant representation.

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.