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To Interested Parties, Statutory Parties
and Other Persons invited to the
Preliminary Meeting

Your Ref:

Our Ref: EN010084

Date: 18 December 2018

Dear Sir/ Madam

The Planning Act 2008 – Section 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 8 etc

Application by Vattenfall Wind Power Limited for an Order Granting Development Consent for the Thanet Extension Offshore Wind Farm

Examination Timetable and procedure

This letter provides you with the Examination Timetable, details of the publication of the Examining Authority's (ExA) Written Questions and other important information about the Examination.

All documentation associated with this project, including a note of the Preliminary Meeting and the audio recording taken at that meeting, can be found using this link:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/thanet-extension-offshore-wind-farm/?ipcsection=docs>

The Examination Timetable

We have made a Procedural Decision about the way the application will be examined. The final Examination Timetable is attached at **Annex A**.

The Examination Timetable replaces the draft timetable that was included in the Rule 6 letter dated 9 November 2018¹. In finalising the Examination Timetable, we have sought to accommodate requests and suggestions made at the Preliminary Meeting and in representations submitted in advance of that meeting. We have noted submissions that sought changes to the dates of a number of deadlines, arising from

¹ Your invitation to the Preliminary Meeting

concerns about the proximity of dates between this Examination Timetable and the timetable for the Norfolk Vanguard Offshore Wind Farm Examination (referred to as Vanguard). Whilst it has not been possible to address all of the individual requests for changes to dates, a substantial number of changes have been made from Deadline 4 onwards. These, together with equivalent changes made in the early weeks of the Vanguard timetable were accepted by Preliminary Meeting attendees as being sufficient to ensure the avoidance of conflicts between the two timetables.

Please note that the Examination Timetable contains a number of deadlines for receipt of information by the Planning Inspectorate. We have considered representations received regarding the timing of submission deadlines and accordingly, have decided to set all deadline timings to **11:59pm** on the date specified. Please ensure submissions arrive by the deadline. If you do not make your submissions by the dates and times specified in the timetable, we may disregard them.

We request that Interested Parties send, where practicable, electronic copies of their submission as email attachments to ThanetExtension@pins.gsi.gov.uk on or before the applicable deadline. Electronic attachments should be clearly labelled with the subject title and not exceed 12MB for each email. Providing links to websites where your submissions can be viewed is not acceptable. All submissions must be made in a format that can be viewed in full on the National Infrastructure Planning website. Any submissions that exceed 1500 words should also be accompanied by a summary; this summary should not exceed 10% of the original text.

If we consider it necessary to vary the Examination Timetable during the Examination, notification will only be sent to Interested Parties and Other Persons² invited to the Preliminary Meeting. The changes will be published on the Thanet Extension Offshore Wind Farm project page of the National Infrastructure Planning website.

Other Procedural Decisions

Annex B contains important details and clarifications about our other Procedural Decisions made at, or following, the Preliminary Meeting. These include decisions about:

- The Examination Timetable;
- The Examining Authority's Questions (ExQ);
- Local Impact Reports (LIRs);
- Site Inspections;
- The Applicant's Tracking List: Statements of Common Ground, Commercial Side Agreements or Planning Obligations Related to the Proposed Development;
- The Applicant's Tracking List: Changes to Application Documents and Plans;
- The Applicant's Tracking List of Changes to Mitigation Measures;
- Statements of Common Ground (SoCG);
- Statements of Submissions from Other Persons invited into the Examination; and
- The Nemo Link Approval Process.

² Other Persons are persons that we chose to invite to the Preliminary Meeting, in addition to the prescribed persons listed in section 88(3) of the Planning Act 2008 – see 'Your status in the Examination and future notifications' below

Written Representations

All Interested Parties are now invited to submit Written Representations and any comments on the Relevant Representations already submitted. These should be submitted by Deadline 1 in the Examination Timetable (**Annex A**).

Written Representations can cover any relevant matter and are not restricted to the matters set out in our Initial Assessment of Principal Issues discussed at the Preliminary Meeting and included in our Rule 6 letter³. Nor are they restricted to the content of our Written Questions (see next heading, below).

Any person, other than the Applicant, who submits a Written Representation must identify those parts of the application with which they agree and those parts with which they do not agree, explaining the reasons why⁴. Interested Parties should also provide with their Written Representations "*the data, methodology and assumptions used to support their submissions*"⁵.

Further written submissions will be requested by the ExA at various points in the Examination.

Any Written Representations, and any further written submissions requested by the ExA in the course of the Examination which exceed 1500 words should also be accompanied by a summary which should not exceed 10% of the original text. The summary should set out the key facts of the written submission and must be representative of the submission made.

ExA's Written Questions

We have compiled Examination Questions (ExQ) about the application and the representations received so far. Our First Examination Questions (ExQ1) are published on the National Infrastructure Planning website and can be accessed through the following link:

<https://infrastructure.planninginspectorate.gov.uk/document/EN010084-000904>

Answers to our ExQ1 must be provided by Deadline 1 in the Examination Timetable (**Annex A**).

If you require a hard copy of our ExQ1, please contact the Case Team who will send you a copy.

³ <https://infrastructure.planninginspectorate.gov.uk/document/EN010084-000827>

⁴ Required under Rule 10(4) of The Infrastructure Planning (Examination Procedure) Rules 2010

⁵ <https://www.gov.uk/government/publications/planning-act-2008-examination-of-applications-for-development-consent>

Hearings

The Rule 6 letter included preliminary procedural decisions to hold Issue Specific Hearings on 11 and 12 December 2018. No concerns were raised about the proposals to hold those hearings at the Preliminary Meeting. They were held on the dates proposed in the Rule 6 letter.

The Examination Timetable at **Annex A** includes periods of time reserved for future hearings to be held. We will notify all Interested Parties and Other Persons of any hearings scheduled as part of the Examination at least 21 days in advance of them taking place. That notification will include an additional deadline for Interested Parties and Other Persons to inform the Planning Inspectorate if they wish to attend the notified hearing(s).

Annex C provides details about what Interested Parties and Other Persons should include in a request to be heard at a hearing, and the procedure that will be followed at hearings.

Accompanied Site Inspections

We have noted and agreed to submissions made at the Preliminary Meeting which suggested the reservation of additional dates for Accompanied Site Inspections (ASIs) to provide for the possibility that more than a single day of ASIs might be required and that poor weather or light conditions might require the adjournment of all or part of scheduled ASIs to a further day or days.

Information about the ASIs, scheduled to take place on Monday 18 February 2019 and on further reserved dates if required, is also contained in **Annex B**.

Availability of Examination documents

All documentation and audio recordings associated with the examination of this application can be found using this link:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/thanet-extension-offshore-wind-farm/?ipcsection=docs>

Annex D provides details of locations in the vicinity of the Proposed Development at which all Examination documents can be viewed electronically, free of charge.

Advice to Interested Parties about how to access and navigate the Examination Library is also provided at **Annex D**.

Your status in the Examination and future notifications

This letter has been sent to you because you (or the body you represent) fall within one of the categories in s88(3) of the Planning Act 2008 (PA2008).

If you have made a Relevant Representation, have a legal interest in the land affected by the application or are a relevant local authority (reference numbers beginning with

'TEOW-000', 'TEOW-AFP', 'TEOW-S57' or '2001'), you have a formal status as an Interested Party in the Examination.

Interested Parties will receive notifications from the Planning Inspectorate about the Examination throughout the process and may make written and oral submissions regarding the application.

If you are a Statutory Party (ie body specified in the relevant regulations supporting the PA2008) but have not made a Relevant Representation (reference number beginning with 'TEOW-SP') you will not automatically be an Interested Party. However, you may notify the Planning Inspectorate that you wish to be treated as an Interested Party at any point during the Examination.

Statutory Parties who have not made a Relevant Representation and do not notify us of their wish to become an Interested Party **will not** receive any further correspondence in relation to the examination of this application.

If you are not an Interested Party or a Statutory Party (ie a body specified in the relevant regulations supporting the PA2008), you have received this letter because you were invited to the Preliminary Meeting as an Other Person⁶ further to your request and/ or because it appeared to us that the Examination could be informed by your participation. Other Persons have a reference number beginning with 'TEOW-OP'. If you are an Other Person you are not an Interested Party. We have agreed that Other Persons may participate in the Examination and will receive notifications from the Planning Inspectorate on the same basis as if they were an Interested Party.

If you are unsure of your status within the Examination, please do not hesitate to contact the Case Team using the details at the top of this letter. Information regarding the formal status of Interested Parties and how you can get involved in the process is set out in the Planning Inspectorate's Advice Note 8 series, available here: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>.

Important: If we require further information or written comments (a Rule 17 request⁷) to be submitted by a deadline that is set in the Examination Timetable at **Annex A**, this request will be sent to only those persons we consider it is applicable to. However, it will be published on the National Infrastructure Planning website to enable all Interested Parties to respond if they feel it is relevant to their interests. If we consider it necessary, a further deadline will be added to the timetable to give all Interested Parties the opportunity to comment on any responses received.

Award of costs

You should be aware of the possibility of the award of costs against parties who behave unreasonably.

⁶ See footnote 2 on page 2 of this letter

⁷ Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010

To assist understanding of what 'unreasonable behaviour' means in the context of an Examination under the PA2008, you may find it helpful to read the government guidance 'Awards of costs: examinations of applications for development consent orders' (July 2013)⁸. It is in everyone's interest that information is brought forward as early as possible in the examination process so you are encouraged to do so.

Management of information

The Planning Inspectorate has a commitment to transparency. Therefore, all information submitted for this project (if accepted by the ExA) and a record of any advice which has been provided, is published at:

<https://infrastructure.planninginspectorate.gov.uk/projects/South%20East/Thanet-Extension-Offshore-Wind-Farm/>

All Examination documents can also be viewed electronically at the locations listed in **Annex D**.

Please note that in the interest of facilitating an effective and fair examination, we consider it 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

Lead Member of the Examining Authority

Annexes

- A** Examination Timetable
- B** Procedural Decisions made by the Examining Authority
- C** Requests to appear and procedure to be followed at hearings
- D** Availability of Examination documents

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

⁸ <https://www.gov.uk/government/publications/awards-of-costs-examinations-of-applications-for-development-consent-orders>

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.

Item	Matters	Due Dates
1	Preliminary Meeting (PM)	Tuesday 11 December 2018 (10.00am)
2	Issue Specific Hearing 1 (ISH1) ISH1 on International Issues	Tuesday 11 December 2018 (2.00pm)
3	Issue Specific Hearing 2 (ISH2) ISH2 on Shipping, Navigation and Maritime Safety Issues	Wednesday 12 December 2018 (10.00am)
4	Issue by the ExA of: <ul style="list-style-type: none"> • Examination Timetable • The ExA's Examination Questions (ExQ1) 	As soon as practicable following the Preliminary Meeting
5	Deadline 1 Deadline for receipt of: <ul style="list-style-type: none"> • Comments on Relevant Representations (RRs) • Summaries of all RR's exceeding 1500 words • Statements of Submission from Other Persons who have not already provided a written summary statement of case • Written Representations (WRs) • Summaries of all WRs exceeding 1500 words • Local Impact Reports from any local authorities • Statements of Common Ground (SoCG) requested by the ExA – see Annex E • Responses to ExQ1 	Tuesday 15 January 2019 (11.59pm)

Item	Matters	Due Dates
	<ul style="list-style-type: none"> • Comments on updated application documents • Responses to any further information requested by the ExA • Post hearing submissions including written submissions of oral case • Nominations of suggested locations and justifications for site inspections for consideration by the ExA • Notification of wish to attend an Accompanied Site Inspection (ASI) • Notification from any Affected Person of wish to speak at a Compulsory Acquisition Hearing (CAH) • Notification of wish to speak at any of the further Issue Specific Hearings (ISHs) • Notification of wish to speak at an Open Floor Hearing (OFH) • Notification by Statutory Parties of wish to be considered an Interested Party • Applicant's Tracking List of SoCGs and agreements. 	
6	<p>Issue by the ExA of:</p> <ul style="list-style-type: none"> • Notification of Accompanied Site Inspections (ASIs) and reserve (bad weather) arrangements • Notification of Hearings to be held in February 2019 	<p>Tuesday 22 January 2019</p>
7	<p>Deadline 2</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on WRs and responses to comments on RRs • Comments on Statements of Submission from Other Persons 	<p>Tuesday 5 February 2019 (11.59pm)</p>

Item	Matters	Due Dates
	<ul style="list-style-type: none"> • Comments on Local Impact Reports • Comments on responses to ExQ1 • Revised draft DCO from Applicant • Responses to any further information requested by the ExA • Comments on any additional information/submissions received by Deadline 1 	
8	Accompanied Site Inspections (ASIs) (if required and subject to conditions)	Monday 18 February 2019
9	Issue Specific Hearing 3 (ISH3) ISH3 on Environmental matters, Ecology, HRA, physical, construction and other matters	Tuesday 19 February 2019 (morning)
11	Issue Specific Hearing 4 (ISH4) ISH4 on Landscape and Visual, Seascape and Historic Environment Issues	Tuesday 19 February 2019 (afternoon)
10	Open Floor Hearing (OFH1) Date reserved to hold an OFH (if required)	Tuesday 19 February 2019 (evening)
11	Issue Specific Hearing 5 (ISH5) ISH5 on Maritime, Shipping, Navigation, Safety and Recreational Sea Use	Wednesday 20 February 2019
13	Issue Specific Hearing 6 (ISH6) ISH6 on Fishing and Fisheries	Wednesday 20 February 2019 (evening)
14	Compulsory Acquisition Hearing (CAH1) CAH1 on the Applicant's compulsory acquisition (CA) and temporary possession (TP) case and on any CA and TP objections (if there are requests to be heard)	Thursday 21 February 2019 (morning)
15	Issue Specific Hearing 7 (ISH7) ISH7 on the draft Development Consent Order (dDCO)	Thursday 21 February 2019

Item	Matters	Due Dates
		(afternoon)
16	<p>Deadline 3</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Responses to any further information requested by the ExA • Post hearing submissions including written submissions of oral case • Comments on any additional information/ submissions received by Deadline 2 • Applicant's Tracking List of SoCGs and agreements identifying any changes since Deadline 1 • Applicant's Tracking List of Application Documents and Plans identifying any changes since Deadline 1 • Applicant's Tracking List of changes to mitigation measures 	Tuesday 5 March 2019 (11.59pm)
17	<p>Publication by ExA of:</p> <ul style="list-style-type: none"> • The ExA's Further Written Questions (ExQ2) (if required) <p>Issue by the ExA of:</p> <ul style="list-style-type: none"> • Notification of Hearings to be held in April 2019 	Tuesday 12 March 2019

Item	Matters	Due Dates
18	<p>Deadline 4</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Applicant's revised draft DCO • Responses to ExA's Further Written Questions (ExQ2) (if issued) • Responses to any further information requested by the ExA • Comments on any additional information/submissions received by Deadline 3 	<p>Thursday 28 March 2019 (11.59pm)</p>
19	<p>Accompanied Site Inspections (ASIs) (reserve date if required and subject to conditions)</p>	<p>Monday 15 April 2019 (afternoon)</p>
20	<p>Issue Specific Hearing 8 (ISH8)</p> <p>Date reserved to hold ISH8 on International, Shipping, Marine, Environmental and other matters (if required)</p>	<p>Tuesday 16 April 2019</p>
21	<p>Open Floor Hearing 2 (OFH2)</p> <p>Date reserved to hold a OFH2 (if required)</p>	<p>Tuesday 16 April 2019 (evening)</p>
22	<p>Compulsory Acquisition Hearing (CAH2)</p> <p>Date reserved to hold a CAH2 (if required)</p>	<p>Wednesday 17 April 2019 (morning)</p>
23	<p>Issue Specific Hearing 9 (ISH9)</p> <p>ISH9 on the draft Development Consent Order (dDCO)</p>	<p>Wednesday 17 April 2019 (afternoon)</p>
24	<p>Accompanied Site Inspections (ASIs) (reserve date if required and subject to conditions)</p>	<p>Thursday 18 April 2019</p>
25	<p>Deadline 5</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Comments on Applicant's revised dDCO • Comments on responses to the ExA's Further Written Questions (ExQ2) (if required) • Responses to any further information requested 	<p>Tuesday 23 April 2019 (11.59pm)</p>

Item	Matters	Due Dates
	by the ExA <ul style="list-style-type: none"> • Post hearing submissions including written submissions of oral case • Comments on any additional information/submissions received by Deadline 4 	
26	Publication by the ExA of: <ul style="list-style-type: none"> • Report on the Implications for European Sites (RIES) (if required) • The ExA's preferred dDCO or dDCO commentary (if required) 	Tuesday 30 April 2019
27	Deadline 6 Deadline for receipt of: <ul style="list-style-type: none"> • Final SoCGs • Comments on the ExA's draft DCO or dDCO commentary (if required) • Comments on the RIES (if published) • Responses to any further information requested by the ExA • Comments on any additional information/submissions received by Deadline 5 	Tuesday 21 May 2019 (11.59pm)
28	Time reserved for issue by the ExA of: <ul style="list-style-type: none"> • Any further information requests under Rule 17 (if required) 	Tuesday 21 May 2019
29	Deadline 7 Deadline for receipt of: <ul style="list-style-type: none"> • Responses to comments on the ExA's draft DCO or dDCO commentary (if required) • Responses to comments on the RIES (if published) • Responses to any further information requested 	Tuesday 4 June 2019 (11.59pm)

Item	Matters	Due Dates
	<p>by the ExA</p> <ul style="list-style-type: none"> • Comments on any additional information/submissions received by Deadline 6 • Statements of matters not agreed (in circumstances where a SoCG could not be finalised by Deadline 6) • Final DCO to be submitted by the Applicant in the SI template with the SI template validation report • Applicant's Tracking List of SoCGs and agreements identifying any changes since Deadline 3 • Applicant's Tracking List of Application Documents and Plans identifying any changes since Deadline 3 • Applicant's Tracking List of changes to mitigation measures, identifying any changes since Deadline 3 	
30	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.	Tuesday 11 June 2019

Deadlines

Where a deadline is set on a date for the submission of any documents to the ExA, the documents must be received by the ExA by 11:59pm on that day. Persons submitting documents in person are requested to ensure that they allow sufficient time for collation and transmission, to ensure that submissions do not breach this time requirement. The Planning Inspectorate office closes at 5pm and persons submitting hard copy documents in person must ensure that they are received before the office closes. Where hard copy documents are submitted by post or courier, persons submitting documents must ensure that sufficient time is allowed for delivery no later than last post on the deadline day. The acceptance of documents received after the expiry of a deadline is subject to the exercise of discretion by the ExA.

Publication dates

All information received will be published on the project page of the National Infrastructure Planning website as soon as practicable after each deadline for submissions. An Examination Library will be kept up to date throughout the Examination and can be accessed via the project page. Each document will be

provided with a unique reference. These references will be used by the ExA during the Examination and can be obtained from:

<https://infrastructure.planninginspectorate.gov.uk/document/EN010084-000737>

Hearing agendas

We will aim to publish a detailed draft agenda for each hearing on the project page of the National Infrastructure Planning website at least five working days in advance of the hearing date. The actual agenda on the day of each hearing may be subject to change at the discretion of the ExA.

Report on the Implications for European Sites

Given that the Applicant has provided a Habitats Regulations Assessment (HRA) Report to inform an appropriate assessment with the DCO application ([\[APP-031\]](#), [\[APP-032\]](#) and [\[APP-033\]](#)), the ExA may decide to issue a Report on the Implications for European Sites (RIES) during the Examination. If issued, the RIES will be a factual account of the information and evidence provided to the ExA on HRA matters during the Examination up to the date of its issue, for the purposes of enabling the Secretary of State as competent authority to fulfill the requirements of the Habitats Regulations. It does not set out 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 relevant 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 and/ or Regulation 28 of the Offshore Marine Regulations.

Procedural Decisions made by the Examining Authority

We have made a number of Procedural Decisions following the Preliminary Meeting¹:

1. Examination Timetable

Further to written and oral submissions considered at the Preliminary Meeting, The draft Examination Timetable provided as Annex C to the Rule 6 Letter of 9 November 2018 has been amended to ensure that dates and processes undertaken in this Examination are sufficiently distant from dates and processes undertaken in the Examination Timetable for the Norfolk Vanguard Offshore Wind Farm (the Vanguard Examination) to enable persons participating in both Examinations to do so without undue pressure on resources. The approved Examination Timetable in Annex A to the Rule 8 Letter replaces the draft Examination Timetable provided as Annex C to the Rule 6 Letter of 9 November 2018.

2. Examining Authority's Written Questions

Some of our Examination Questions (ExQ1) are directed to specific Statutory Parties which have not, at the time of writing, confirmed that they wish to become Interested Parties for the purposes of the examination of the application.

All relevant Statutory Parties will receive this correspondence and we request for each to check our ExQ1 carefully in order that they may identify and respond to any questions posed to them. No party should feel inhibited or restricted in responding to any question we ask, even if it is directed elsewhere.

For the avoidance of doubt, Statutory Parties are defined as the parties listed in Schedule 1 to The Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015².

3. Local Impact Reports (LIRs)

A LIR is a report in writing giving details of the likely impact of a Proposed Development on a local authority's area (or any part of that area). For more information about the importance and content of LIRs see our Advice Note One: Local Impact Reports³.

Local authorities⁴ are invited to submit LIRs by **Deadline 1** (Annex A).

4. Site Inspections

The ExA is undertaking a programme of site inspections. Where the ExA is able to inspect a site from the public domain on an unaccompanied basis (Unaccompanied Site Inspections or USIs), we have published and will continue to publish USI Notes on the national infrastructure planning website. Where the ExA is unable to undertake a USI due (for example) to the need to inspect private land, to inspect land where special provision must be made for the health and safety of attendees, to inspect locations on water or at sea or to

¹ Section 89(1) of the Planning Act 2008

² <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/legislation/>

³ <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

⁴ Defined in s56A of the Planning Act 2008

inspect locations where attendees may need to highlight matters to be inspected, an Accompanied Site Inspection (ASI) may be held.

Time has been reserved in the Examination Timetable to undertake ASIs on 18 February 2019 and, if required on 15 April (afternoon) and 18 April 2019. The later dates are reserved pending submissions of requests for site inspections and our knowledge of weather conditions on the earlier date(s).

If weather or light conditions are poor, all or part of an ASI itinerary may be deferred from an earlier date to a later reserved date by the ExA. We may defer and reschedule an ASI by written notice on the National Infrastructure website up to one hour before the ASI is due to take place and/or by oral notice to attendees at the start location for the ASI.

The Applicant, Interested Parties and Other Persons are requested to submit requests for site inspections at specific locations; reasons for those requests; indications of the time required to access the land; a list of any special safety or other equipment required to access the land; and consent for the ExA and attendees to enter the land by **Deadline 1** (Annex A). Persons making requests are asked to review the ExA's USI Notes. The ExA will not normally agree to hold an ASI at a location that it has already inspected during a USI, unless there is a clear reason why an ASI is required.

The Persons attending an ASI will include: representatives of the Applicant; at least one representative of Kent County Council, Dover or Thanet District Councils as appropriate to the location; where the inspection is of the operational land or water of a statutory undertaker or authority, representatives of that undertaker or authority; where the inspection is on water or at sea, the appropriately qualified operators of a vessel from which to undertake the inspection; representatives of any landowner, tenant or person with an interest in the land; together with other Interested Parties, Other Persons (or their representatives) who request to attend. Where a vehicle, vessel or safety equipment are required to facilitate access to the land or waters, the Applicant is requested to provide these.

It may be necessary to limit the numbers of persons who accompany us for logistical and safety reasons, but it should be possible for arrangements to be made for Interested Parties (or their representatives) to join the inspection at specified locations. Please contact the Case Team if you wish to meet the inspection at a specific location, or at a new location, as proposed in your comments.

The itinerary for the ASIs will be published on the project page of the National Infrastructure Planning website on or before **Tuesday 22 January 2019**.

ASI attendees should be aware that **ASIs are not an opportunity to make any oral representations to the ExA about the Proposed Development**. However, we may invite participants to indicate specific features of interest.

5. Applicant's Tracking List: Statements of Common Ground, Commercial Side Agreements or Planning Obligations Related to the Proposed Development

The ExA requests that at **Deadline 1** (Annex A), the Applicant provides it with a Tracking List, indexing all of the following documents that it has produced:

- A. Statements of Common Ground**, identifying the subject matter(s) and the involved Interested Parties or Other persons;
- B. commercial side agreements**⁵ proposed between the Applicant and Interested Parties or Other persons, identifying the subject matter(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 Statement of Common Ground or lead to the withdrawal of one or more Relevant and/ or Written Representations; and
- C.** to the extent that any might be proposed, **any planning obligations under the Town & Country Planning Act 1990 (as amended) or other legislative provisions relevant to planning**, identifying the legislative head of power for the obligation, its subject matter(s), 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 one or more Statement of Common Ground or lead to the withdrawal of one or more Relevant and/ or Written Representations.

At the identified timetable **Deadlines 3 and 7** (Annex A), the Applicant is requested to update the Tracking List and to identify what changes (if any) have occurred since the previous update.

If the Applicant wishes the ExA to accord weight to commercial side agreements, evidence that these have been concluded, together with a list of the matters provided for and subscribed to by all signatories to each agreement must be provided at **Deadline 7** (Annex A).

If the Applicant wishes the ExA to accord weight to planning obligations, signed copies must be provided at **Deadline 7** (Annex A), together with a summary statement identifying how each obligation addresses the tests in NPPF paragraph 56.

6. Applicant's Tracking List: Changes to Application Documents and Plans

The ExA requests that at **Deadline 3** Annex A, the Applicant provides it with a Tracking List, indexing any changes to Application Documents and/or Plans that have been made since the start of the Examination and explaining why the change is necessary. The Tracking List should be replaced with an updated list at **Deadline 7** Annex A, and this should also identify what changes (if any) have occurred since **Deadline 3** (Annex A).

7. Applicant's Tracking List of Changes to Mitigation Measures

The ExA requests that at **Deadline 3** (Annex A), the Applicant provides it with a Tracking List, indexing all mitigation measures and commitments and where

⁵ 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.

these are secured. The list should identify whether and why any changes to mitigation measures and commitments have been proposed since the start of the Examination. The Tracking List should be replaced with an updated list at **Deadline 7** (Annex A), and this should also identify what changes (if any) have occurred since **Deadline 3** (Annex A).

8. Statements of Common Ground

The ExA requests the preparation of Statements of Common Ground (SoCG) between the Applicant and certain Interested Parties and Other persons.

The aim of a SoCG is to agree factual information and to inform the ExA by identifying where there is agreement and where differences lie at an early stage in the Examination process. It can also state where and why there may be disagreement about the interpretation and relevance of the information (matters not agreed).

SoCGs addressing the following themes should be agreed between the Applicant and relevant Interested Party(ies) or Other Person(s), and submitted by the Applicant. There may be instances in which the Applicant can prepare a multilateral SoCG covering theme issues between several parties. However, bilateral SoCGs are more normal, may be easier to form within the limited timescales available and will be accepted by the ExA.

If a commercial or other agreement supplants the need for a detailed SoCG, the Applicant is asked to explain that, pursuant to the process outlined in Procedural Decision 5.

On this basis, SoCGs are requested to be prepared to address the subject matters and involving parties as follows:

Natural environment and Habitats Regulation Assessment

A. the Applicant, Environment Agency, Natural England, Marine Management Organisation, National Trust, Kent Wildlife Trust, RSPB, relevant local authorities, relevant representatives of Overseas Public 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, construction, operational and decommissioning effects on or in respect of:
 - marine sediment characterisation, turbidity and water quality;
 - coastal processes;
 - marine fish stocks;
 - shellfish stocks;
 - marine mammals;
 - marine and terrestrial bird species, including the calculation of prospective bird strike mortality effects;
- the relevance of impacts in individual European Sites;
- the adequacy of specific assessments of impact on individual European Sites and the qualifying features / species contained in those sites;
- the need for and adequacy of particular approaches to impact mitigation and the mechanism for securing any mitigation through the draft DCO or Marine Licence;

- the selection and effects of the cable route and landfall;
- a summary statement of matters agreed; and
- a summary statement of matters not agreed or outstanding.

Access, highways and transportation effects

B. the Applicant and relevant local authorities, to include:

- the adequacy of access, highway, other transport provision for construction, maintenance and decommissioning;
- a summary statement of matters agreed; and
- a summary statement of matters not agreed or outstanding.

Other consequential onshore effects

C. the Applicant and relevant local authorities, to include:

- the economic effects of the project;
- a summary statement of matters agreed; and
- a summary statement of matters not agreed or outstanding.

Air navigation

D. the Applicant, River Oak Strategic Partners (and to the extent that there has been any engagement with them, the Civil Aviation Authority, NATS en route plc), **and any other Interested/Statutory Party responsible for airport, airfield, air navigation or aviation services** to include:

- the degree to which air navigation and the integrity of navigation systems have been or can be adequately protected by the project;
- the need for and adequacy of particular approaches to impact mitigation;
- effects on the proposed Manston Airport;
- effects on any other relevant airport;
- a summary statement of matters agreed; and
- a summary statement of matters not agreed or outstanding.

Ports, shipping and commercial sea navigation

E. the Applicant, Port Authorities and Operators, UK Chamber of Shipping and Shipping Interests, the Marine Management Organisation, Trinity House, the Maritime & Coastguard Agency, Pilotage, Port of Tilbury London Ltd., London Gateway Port Ltd., and any other Interested/Statutory Party/ Other Person responsible for maritime navigation, safety and shipping services to include:

- the degree to which the operational needs of commercial ports and harbours have been adequately protected by the project;
- the degree to which shipping channels, access to navigable rivers and canal navigations, anchorages, navigational aids and systems at sea have been adequately protected by the project;
- the effect of the project on commercial shipping movements during construction, operation and decommissioning;
- a summary statement of matters agreed; and
- a summary statement of matters not agreed or outstanding.

Recreational sea use, boating and yachting

F. the Applicant, the Marine Management Organisation, Trinity House, the Maritime & Coastguard Agency and any other

Interested/Statutory Party involved in recreational sea use to include:

- the degree to which the needs of recreational sea use has been adequately protected by the project;
- the need for and adequacy of any particular approaches to impact mitigation;
- a summary statement of matters agreed; and
- a summary statement of matters not agreed or outstanding.

Fishing and fisheries

G. the Applicant, the Marine Management Organisation/Cefas, and Interested/Statutory Parties involved in fishing to include:

- the degree to which access to commercial and recreational fisheries has been adequately protected during the construction, operation and decommissioning of the project;
- a summary statement of matters agreed; and
- a summary statement of matters not agreed or outstanding.

Historic environment

H. the Applicant, Historic England, English Heritage, relevant local authorities, the Marine Management Organisation and any other Interested/Statutory Party involved in the historic environment or archaeology to include:

- the adequacy of base data, impact assessment methodologies, construction, operational and decommissioning effects on the historic marine environment;
- the adequacy of base data, impact assessment methodologies, construction, operational and decommissioning effects on the setting of terrestrial heritage assets;
- the need for and adequacy of particular approaches to impact mitigation;
- a summary statement of matters agreed; and
- a summary statement of matters not agreed or outstanding.

Recreational use of the foreshore

I. the Applicant, National Trust, Kent Wildlife Trust, relevant local authorities and any other Interested/Statutory Party involved in the management of Pegwell Bay and other foreshore areas to include:

- the adequacy of base data, impact assessment methodologies, construction, operational and decommissioning effects on the foreshore and Country Park;
- the need for and adequacy of particular approaches to impact mitigation;
- a summary statement of matters agreed; and
- a summary statement of matters not agreed or outstanding.

Seascape, landscape and visual impact assessment

J. the Applicant, relevant local authorities, Historic England, Natural England, and relevant representatives of Overseas Public Authorities, to include:

- agreed approaches to seascape, landscape and visual impact assessment;
- the adequacy of mitigation;
- a summary statement of matters agreed; and

- a summary statement of matters not agreed or outstanding.

Energy undertakers

K. the Applicant, National Grid Electricity Transmission (NGET) and Gas (NGG), Nemo Link and any other Interested/Statutory Party involved in energy transmission or distribution, to include:

- effects of the proposed development on transmission and distribution infrastructure;
- a summary statement of matters agreed; and
- a summary statement of matters not agreed or outstanding.

Military affairs

L. The ExA notes that the Ministry of Defence (MoD) does not object to the proposed development. However, in the context set by multiple Relevant Representations raising concerns about civil/ merchant shipping a statement of common ground could valuably be prepared to include:

- a review of actions necessary and agreed to safeguard military shipping;
- consideration of actions (if any) necessary and agreed to safeguard military aviation;
- a summary statement of matters agreed; and
- a summary statement of matters (if any) not agreed or outstanding.

All of the SoCGs listed above should address common ground on the Articles and Requirements in the draft DCO. Any Interested Party seeking for an Article or Requirement to be reworded should provide in the SoCG the form of words which are being sought.

To the extent possible, SoCGs should be provided by **Deadline 1** (Annex A). However, it is recognised that changes to SoCGs may emerge during the Examination. To this extent, Procedural Decision 5 (requiring a tracking list) and the Examination Timetable provide for progress on SoCGs throughout the Examination and for the submission of final SoCGs at **Deadline 6** (Annex A).

Where a final SoCG cannot be agreed between the parties by **Deadline 6** (Annex A), or in so far as any local authority position represents an officer level view only, draft versions of that SoCG are requested to be submitted **by the Applicant to Deadline 7** (Annex A). The position of the relevant Interested Parties should be provided in the form of a statement of matters not agreed at **Deadline 7** (Annex A).

The content of SoCGs is necessary to help inform us as to the need to hold any Issue Specific Hearings in February and (if required) April 2019, and to enable us and the Applicant to give notice of such hearings at least 21 days in advance of them taking place.

9. Statements of Submissions from Invited Other Persons

Where the ExA has invited Other Persons to participate in this Examination and the relevant Other Person has not yet provided an initial summary statement of case equivalent to a relevant representation, they are requested to provide a Statement of Submissions which undertakes that task, by **Deadline 1** (Annex A).

10. Nemo Link Approval Process

The Applicant is to provide electronic copies of the development consent instrument for Nemo Link with any requirements or conditions applicable to the passage of cables across Pegwell Bay to the landfall location and across Pegwell Bay Country Park, together with any Environmental Statement documents relevant to soil / subsurface / groundwater conditions at the landfall and in Pegwell Bay, bearing on the decision to use a surface bund to house the Nemo Link cables in that location and on the intended landscape treatment of that bund. The documents are to be supplied in a form such that they can be entered into the Examination Library for this Examination, by **Deadline 1** (Annex A).

Requests to appear and procedure to be followed at hearings

The Examination Timetable reserves two periods of time for two further series of hearings to be held; between Tuesday 19 and Thursday 21 February 2019; and between Tuesday 16 and Wednesday 17 April 2019.

These include two further Issue Specific Hearings, dealing with the draft Development Consent Order, that will be held Thursday 21 February 2019 and Wednesday 17 April 2019.

Requests to appear at hearings

Interested Parties are required to notify the Examining Authority (ExA) in writing of their wish to take part in an Open Floor Hearing (OFH) or Compulsory Acquisition Hearing (CAH). We remind Interested Parties of the Procedural Decision issued with the Rule 6 letter requesting notification from Interested Parties in this regard on or before Tuesday 15 January 2019 (Deadline 1, **Annex A**).

If no written requests to take part in an OFH or CAH are received by the above deadline, we are not required to hold such a hearing; although we may choose to do so nonetheless.

We may also choose to hold Issue Specific Hearings (ISH) about topics that we think need to be explored orally.

The time, date and place of any confirmed hearing will be notified in writing to all Interested Parties, providing at least 21 days' notice.

If an Interested Party wishes to attend an OFH or ISH they should indicate which topics in their Relevant Representation or Written Representation they wish to address at the hearing. Similarly, any Affected Person wishing to attend a CAH should identify clearly the plots of land about which they wish to speak.

Notifications from Interested Parties in respect of the above should be sent separately from any other written submission, and appropriately titled to allow us to quickly identify which event the notification relates to.

Procedure at hearings

The procedure to be followed at hearings is set out in The Infrastructure Planning (Examination Procedure) Rules 2010¹. Any oral representations must be based on either the Relevant Representation or Written Representation made by the person by whom, or on whose behalf, the oral representations are made.

The ExA is responsible for the oral questioning of a person giving evidence and the process affords very limited scope to allow cross-questioning between parties². Our examination will be principally undertaken through the exchange of written submissions, and we will decide whether a hearing on a particular issue or topic is

¹ Rule 14

² Rule 14(5)

necessary. This decision is not connected to how relevant or important we consider an issue or topic to be.

Hearing agendas

We will aim to publish a detailed draft agenda for each hearing on the project page of the National Infrastructure Planning website at least five working days in advance of the hearing date. The actual agenda on the day of each hearing may be subject to change at the discretion of the ExA.

Availability of Examination documents

All application documents and representations submitted to the Examination are available to view on the project page on the National Infrastructure Planning website:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/thanet-extension-offshore-wind-farm/?ipcsection=docs>

For ease of navigation, we recommend that you use the Examination Library (EL) which is accessible via a blue button under the 'Documents' tab. The EL is updated regularly throughout the Examination.

The EL records:

- each application document;
- each representation accepted to be read in conjunction with the Examination; and
- each Procedural Decision made by the Examining Authority.

Each document is provided with a unique reference which will be fixed for the duration of the Examination. A hyperlink to each document on the National Infrastructure Planning website is provided. **Please use the unique reference numbers applied in the EL when referring to any Examination documents in representations that you make.**

Documents can also be viewed electronically at the following locations close to the application site, free of charge. If you have difficulty accessing any documentation please contact the Case Team using the details provided at the top of this letter.

Electronic Deposit Locations:

Local Authority/Library	Address	Opening Hours
Birchington Library	17 Alpha Road Birchington Kent CT7 9EG	Monday: 9.00 – 18.00 Tuesday: 9.00 – 18.00 Wednesday – Closed Thursday: 9.00 – 18.00 Friday: 9.00 – 18.00 Saturday: 10.00 – 14.00 Sunday – Closed
Broadstairs Library	The Broadway Broadstairs CT10 2BS	Monday: 9.00 – 18.00 Tuesday: 9.00 – 18.00 Wednesday: 9.00 – 18.00 Thursday: 9.00 – 20.00 Friday: 9.00 – 18.00 Saturday: 9.00 – 17.00 Sunday – Closed
Canterbury City Council	Military Road Canterbury CT1 1YW	Monday: 8.30 – 17.00 Tuesday: 8.30 – 17.00 Wednesday: 8.30 –

Annex D

		17.00 Thursday: 8.30 – 17.00 Friday: 8.30 – 17.00 Saturday – Closed Sunday – Closed
Dover Library	Market Square Dover CT16 1NX	Monday: 9.00 – 18.00 Tuesday: 9.00 – 18.00 Wednesday: 9.00 – 20.00 Thursday: 9.00 – 18.00 Friday: 9.00 – 18.00 Saturday: 9.00 – 17.00 Sunday – Closed
Deal Library	5 Broad Street Deal CT14 6ER	Monday: 9.00 – 18.00 Tuesday: 9.00 – 18.00 Wednesday: 9.00 – 20.00 Thursday: 9.00 – 18.00 Friday: 9.00 – 18.00 Saturday: 9.00 – 17.00 Sunday – Closed
Library Extra out-of-hours facility is available at this library – please ask staff for details.		
Margate Library	Thanet Gateway Plus Cecil Street Margate Kent CT9 1RE	Monday: 9.00 – 18.00 Tuesday: 9.00 – 18.00 Wednesday: 9.00 – 18.00 Thursday: 9.00 – 20.00 Friday: 9.00 – 18.00 Saturday: 9.00 – 17.00 Sunday – Closed
Ramsgate Library	Guildford Lawn Ramsgate Kent CT11 9AY	Monday: 9.00 – 18.00 Tuesday: 9.00 – 18.00 Wednesday: 9.00 – 18.00 Thursday: 9.00 – 18.00 Friday: 9.00 – 18.00 Saturday: 9.00 – 17.00 Sunday – Closed
Sandwich Library	13 Market Street Sandwich Kent CT13 9DA	Monday: 9.00 – 17.00 Tuesday: 9.00 – 17.00 Wednesday: 9.00 – 13.00 Thursday: 9.00 – 17.00 Friday: 9.00 – 17.00 Saturday: 9.00 – 13.00 Sunday – Closed
Sheerness Library	38 - 42 High Street Sheerness ME12 1NL	Monday: 9.00 – 18.00 Tuesday: 9.00 – 18.00 Wednesday: 9.00 – 18.00 Thursday: 9.00 – 18.00 Friday: 9.00 – 18.00

Annex D

		Saturday: 9.00 – 17.00 Sunday – Closed
Printing Costs	Black and White	Colour
Birchington Library		
A4	0.15p	0.50p
A3	0.20p	0.75p
Broadstairs Library		
A4	0.15p	0.50p
A3	0.20p	0.75p
Canterbury City Council		
A4	0.08p	0.25p
A3	0.16p	0.35p
Dover Library		
A4	0.15p	0.50p
A3	0.20p	0.75p
Margate Library		
A4	0.15p	0.50p
A3	0.20p	0.75p
Ramsgate Library		
A4	0.15p	0.50p
A3	0.20p	0.75p
Sheerness Library		
A4	0.15p	0.50p
A3	0.20p	0.75p
Link to all council library locations:		
Birchington Library http://search3.openobjects.com/kb5/kent/directory/service.page?id=HbUos4Cd6Vo		
Broadstairs Library http://webapps.kent.gov.uk/KCC.Libraries.Web.Sites.Public/LibraryDetails.aspx?aid=0&lid=83&uprn=100062281548		
Canterbury City Council https://www.canterbury.gov.uk		
Dover Library https://local.kent.gov.uk/kb5/kent/directory/service.page?id=UwsqEvrXjtI		
Deal Library http://webapps.kent.gov.uk/KCC.Libraries.Web.Sites.Public/LibraryDetails.aspx?aid=0&lid=28&uprn=100062285653&wb48617274=082A2AD4		
Margate Library http://webapps.kent.gov.uk/KCC.Libraries.Web.Sites.Public/LibraryDetails.aspx?aid=0&lid=81&uprn=100062305105		
Ramsgate Library http://webapps.kent.gov.uk/KCC.Libraries.Web.Sites.Public/LibraryDetails.aspx?aid=0&lid=87&uprn=200002513204		
Sandwich Library http://webapps.kent.gov.uk/KCC.Libraries.Web.Sites.Public/LibraryDetails.aspx?aid=0&lid=30&uprn=010034883329		
Sheerness Library http://webapps.kent.gov.uk/KCC.Libraries.Web.Sites.Public/LibraryDetails.aspx?aid=0&lid=79&uprn=010035063334		