



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

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

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

Your Ref:

Our Ref: EN010084

Date: 1 March 2019

Dear Sir/ Madam

The Planning Act 2008 – Section 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 8(3)

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

Amended Examination Timetable, notification of hearings and related Procedural Decisions

I am writing to you to advise of changes to the Timetable for the Thanet Extension Offshore Wind Farm Examination.

You have received this letter because the law requires that where an Examination Timetable is changed, all persons already involved in the Examination together with all persons entitled to be notified of the acceptance and Examination arrangements for the application must be notified. Further information about your status in the Examination is set out below.

This letter provides you with an amended Examination Timetable, procedural decisions about hearings to be held in April 2019 and other important information about the Examination.

The Examining Authority (ExA) has made Procedural Decisions about the way the application will be examined that has amended the timetable attached to the Rule 8 Letter of 18 December 2018. The Examination Timetable attached at Annex A replaces the Examination Timetable of 18 December 2018 with effect from Deadline 3 (item 16) on Tuesday 5 March 2019.

On the basis that the timetable changes include changes to the dates and times of hearings, Annex B provides notice of hearings to be held in April 2019.

Procedural Decisions to support these changes and the reasoning for them are set out in the balance of this letter.

Procedural Decisions and reasons

Amended hearing and site inspection arrangements in April 2019

At Issue Specific Hearing 5 (ISH5) into Maritime, Shipping, Navigation, Safety and Recreational Sea Use Issues held on 20 February 2018, there was general agreement that the ExA should consider making changes to hearing arrangements in April 2019, allowing additional hearing time for one of two alternative purposes:

- In circumstances where the applicant is able to reach relevant agreements with ports, shipping, pilotage and maritime regulator Interested Parties (IPs) present at ISH5 ('the ISH5 IPs'), to provide time for the presentation and examination of changes to the application giving effect to any such agreements; or
- In circumstances where the applicant is not able to reach relevant agreements with the ISH5 IPs, to provide time on both sides for the presentation of evidence on matters still in contention and for the examination of that evidence.

The ExA has considered those requests and is supportive of them. In order to give effect to them, it has agreed in summary terms to the following changes:

- **15 April 2019 – Accompanied Site Inspection 2 (ASI2)** to the Port of Tilbury, Tilbury 2 and to London Gateway Port will be moved to take place on this day, releasing 18 April 2019 (when it was originally scheduled to be held) to be used as an additional hearing day.
- **16 April 2019 – Issue Specific Hearing 8 (ISH8)** into International, Shipping, Maritime, Environmental, Fishing and any other matters is confirmed and extended to provide in aggregate 2.5 days of hearing time extending into the evening of 16 April 2019 and the daytime session of 17 April 2019.
- **16 April 2019 (evening) – reserved Open Floor Hearing 2 (OFH2) will not proceed**, as an open floor hearing (OFH1) has already been held and there have been no additional requests to be heard at an open floor hearing at this time. The recovered time will form an additional evening session in ISH8.
- **17 April 2019 (morning) – Compulsory Acquisition Hearing 2 (CAH2) will now take place on 18 April 2019 (morning)**. The recovered time on 17 April 2019 will form an additional morning session in ISH8.
- **17 April 2019 (afternoon) – Issue Specific Hearing 9 (ISH9) into the draft Development Consent Order (dDCO) will now take place on 18 April 2019 (afternoon)**. The recovered time on 17 April 2019 will form an additional afternoon session in ISH8.
- **18 April 2019 (morning) – CAH2** will now be held in this session.
- **18 April 2019 (afternoon) – ISH9** will now be held in this session.

Advance submission of evidence for hearing on contended matters

In circumstances where it becomes necessary for ISH8 to hear evidence on substantial technical matters in contention (relating to shipping, pilotage services, navigation safety and port operation), the ExA has made a Procedural Decision that a list of experts whose evidence will be heard and advance written statements of evidence must be submitted on 9 April 2019 (Deadline 4A). Submitted lists of experts

and written statements of evidence will be published on the National Infrastructure Planning website and do not need to be exchanged between the Interested Parties (IPs) and Other Persons involved.

Conduct of hearing on contended and uncontended matters

The ExA has decided that subject to its review of evidence before ISH8 and to its consideration of requests made during that hearing, cross-examination may be used where it will assist in identifying the principal differences and the reasons for those differences between contended bodies of evidence on the same subject matter. The ExA does not propose to enable cross-examination in respect of matters and issues where evidence is not contended.

The ExA has decided to reserve a period on the evening of 16 April 2019 to hear IPs associated with fishing and fisheries within ISH8, but distinct from potentially contended submissions and evidence on shipping, pilotage services, general navigation safety and port operation matters. The decisions above in relation to advance provision of lists of experts and written statements of evidence and to the possible use of cross-examination do not apply to fishing and fisheries IPs.

Accompanied Site Inspection (ASI2)

ASI2 is to be held on 15 April 2019 to the Port of Tilbury, Tilbury 2 and to London Gateway Port, in Essex. The ASI is a public event but is being conducted in part within the secure perimeters of operational port land. People wishing to attend will be requested to bring photo ID and personal protective equipment as a condition of accessing the ports and may be denied entry if they do not do so. Attendees should be aware that parts of the inspection may take place on vehicles and vessels provided by the port operator(s). Places on vehicles and vessels may be limited and if more people request to attend than there are places available, the ExA may request IPs or Other Persons to limit their representation or to be represented by another person. IPs and Other Persons wishing to attend must advise the ExA of their request to do so by Deadline 3 (5 March 2019) and a list of names must be provided for security purposes.

Consequential changes to the Examination Timetable

In finalising the amended Examination Timetable, the ExA has decided to make a number of consequential changes to the timing of its second round of written questions (ExQ2), to its publication of a Report on Implications for European Sites (RIES) (if required) and a Commentary on the dDCO and to the dates of Deadlines 5, 6 and 7 (D5, D6 and D7). In general terms, these changes seek to recognise the likelihood of there being significant volumes of additional oral and written material associated with the April hearings, providing IPs and the ExA with short additional time periods to absorb and respond to this material before relevant rounds of questions and consultative documents are published.

Procedural reasoning

In reaching these decisions, it is important to place on record a summary of the ExA's procedural reasoning provided during the discussion of these matters in ISH5.

The timing and procedure adopted above has been adopted to support key strategic decisions by the Applicant about whether it wishes to pursue relevant agreements with the ISH5 IPs or not in a context where:



- key decisions should be taken in principle by Deadline 3 (D3); and
- key decisions should be given effect to in detailed terms by Deadline 4 (D4).

The ExA considers that if these decisions are not taken within this timescale, whatever approach is adopted will not have sufficient time to be fully examined before the statutory deadline before the closure of the examination on 11 June 2019. Whilst it remains open for a request to be made under s98 of PA2008 to the Secretary of State to extend the examination deadline, existing practice and experience of such requests indicates that a decision to extend would be unlikely to be supported by the Secretary of State. For this reason, the ExA considers that it is necessary for it, for the Applicant and for all IPs and Other Persons engaged in this Examination to plan on the basis that the statutory examination deadline will not be extended.

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 still 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 further correspondence in relation to the examination of this application except where matters subject to general notice (such as a timetable change) become necessary.

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 or to participate in the Examination as an Other Person¹ 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.

¹ An Other Person is a person who is not an Interested Party (IP) who has been invited to participate in the Examination by the ExA

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/>.

Award of costs

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

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)². 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 and all examination documents are published at: <https://infrastructure.planninginspectorate.gov.uk/projects/South%20East/Thanet-Extension-Offshore-Wind-Farm/>

Annex D to the **Rule 8 Letter of 18 December 2018** advises of locations where electronic documents can be inspected if you do not have access to your own computer or equivalent device. Those locations have not changed.

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 continuing to work with all parties in the examination of this application.

Yours faithfully

Rynd Smith

Lead Member of the Examining Authority

Annexes

- A** Amended Examination Timetable
- B** Notice of hearings to be held between 16 and 18 April 2019

² <https://www.gov.uk/government/publications/awards-of-costs-examinations-of-applications-for-development-consent-orders>

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

<https://infrastructure.planninginspectorate.gov.uk>



Amended Examination Timetable

Item	Matters	Due Dates
1-15	<p>Previous Items</p> <p>Items 1 -15 of the approved Examination Timetable published on 18 December 2018 have been delivered as per that Timetable and are not repeated here. Items from 16 of that Timetable are replaced by items from 16 in this Timetable and that Timetable is cancelled.</p>	<p>All from 11 December 2018 to 21 February 2019</p>
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 • Requests from Interested Parties and Other Persons to be heard at ISH8, ISH9 and/ or CAH2 from 16 – 18 April 2019 • Statement of direction from the Applicant indicating that either changes to the application will be submitted at Deadline 4 or alternatively confirming that no such changes will be submitted. • Confirmation by Port of Tilbury London Ltd. and London Gateway Port Ltd. of arrangements for an Accompanied Site Inspection (ASI2) to the Port of Tilbury, 	<p>Tuesday 5 March 2019 (11.59pm)</p>

Item	Matters	Due Dates
	<p>Tilbury 2 and London Gateway Port (the Thames Ports)¹ on 15 April 2019</p> <ul style="list-style-type: none"> • Requests from the Applicant, IPs and Other Persons to attend ASI2 to the Thames Ports 	
17	<p>Issue by the ExA of:</p> <ul style="list-style-type: none"> • Notification of ASI2 to the Thames Ports¹ to be held in April 2019 	<p>Tuesday 12 March 2019</p>
18	<p>Deadline 4</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Applicant's revised draft DCO • Responses to any further information requested by the ExA • Comments on any additional information/submissions received by Deadline 3 • Receipt of report(s) from any Shipping and Navigation workshop(s) convened between the Applicant and any IPs attending ISH5 or 6 (if applicable) • Request for change(s) and documented change(s) to the application (if any) from the Applicant • Parking and meeting locations, security and personal protective equipment requirements for attendees, transport arrangements for attendees within port perimeters, draft itinerary and maps for ASI2 from Port of Tilbury London Ltd. and London Gateway Port Ltd.¹ 	<p>Thursday 28 March 2019 (11.59pm)</p>

¹ Port of Tilbury is an operational port facility and Tilbury 2 is a port development at Tilbury, Essex. DP World London Gateway Port is an operational port facility undergoing development at Stanford-le-Hope, Essex.

Item	Matters	Due Dates
18A	Publication by ExA of: <ul style="list-style-type: none"> • The ExA's Further Written Questions (ExQ2) (if required) • (If necessary) The ExA's Procedural Decision(s) to address matters raised at Deadline 4 (D4) but not specifically provided for in this timetable and procedural decisions made on 1 March 2019 	Friday 05 April 2019
18B	Deadline 4A Deadline for receipt (if necessary) of: <ul style="list-style-type: none"> • Lists of ports, shipping, pilotage and navigation safety experts intending to appear at ISH8 • Submission of statements of evidence to be prepared by or for the Applicant and/ or IPs requesting to be heard to inform ISH8 	Tuesday 09 April 2019 (11.59pm)
19	Accompanied Site Inspection 2 (ASI2) at the Thames Ports ² (itinerary subject to final confirmation)	Monday 15 April 2019 (all day)
20	Issue Specific Hearing 8 (ISH8) Part 1 ISH8 (Part 1) on Environmental, Shipping, Maritime, Fishing and other matters.	Tuesday 16 April 2019 (all day)
21	Issue Specific Hearing 8 (ISH8) Part 2 ISH8 (Part 2) on Environmental, Shipping, Maritime, Fishing and other matters.	Tuesday 16 April 2019 (evening)
22	Issue Specific Hearing 8 (ISH8) Part 3 ISH8 (Part 3) on Environmental, Shipping, Maritime, Fishing and other matters	Wednesday 17 April 2019 (all day)
23	Compulsory Acquisition Hearing (CAH2) CAH2	Thursday 18 April 2019 (morning)

² The Thames Ports: see Page A2 Footnote 1

Item	Matters	Due Dates
24	<p>Issue Specific Hearing 9 (ISH9)</p> <p>ISH9 on the draft Development Consent Order (dDCO)</p>	<p>Thursday 18 April 2019 (afternoon)</p>
25	<p>Deadline 5</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Responses to ExA's Further Written Questions (ExQ2) (if issued) • Comments on Applicant's revised dDCO • 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 4 	<p>Monday 29 April 2019 (11.59pm)</p>
26	<p>Publication by the ExA of:</p> <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) 	<p>Tuesday 7 May 2019</p>
27	<p>Time reserved for issue by the ExA of:</p> <ul style="list-style-type: none"> • Any further information requests under Rule 17 (if required) 	<p>Tuesday 21 May 2019</p>
28	<p>Deadline 6</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Final SoCGs • Comments on responses to the ExA's Further Written Questions (ExQ2) (if required) • Comments on the ExA's preferred dDCO or dDCO commentary (if required) 	<p>Tuesday 28 May 2019 (11.59pm)</p>

Item	Matters	Due Dates
	<ul style="list-style-type: none"> • 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 	
29	<p>Deadline 7</p> <p>Deadline for receipt of:</p> <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 by the ExA • 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 	<p>Thursday 6 June 2019 (11.59pm)</p>
30	<p>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.</p>	<p>Tuesday 11 June 2019</p>

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.

Dates, times and place for forthcoming hearings

Issue Specific Hearings

Please be advised that the Examining Authority (ExA) will hold hearings under Section 91 of the Planning Act 2008 (PA2008) on the following dates:

Event	Date	Time	Venue
Issue Specific Hearing 8 (ISH8) ISH8 on Environmental, Shipping, Maritime, Fishing and other matters	Tuesday 16 and Wednesday 17 April 2019	10.00am on each day (seating available from 9.30am) An evening session will be held on 16 April to commence at 6.30pm if required.	Building 500, Discovery Park Sandwich, CT13 9FF
Issue Specific Hearing 9 (ISH9) ISH9 on the draft Development Consent Order (dDCO)	Thursday 18 April 2019	2.00pm (seating available from 1.30pm)	

If you wish to participate in or observe at either of the Issue Specific Hearings scheduled between 16 and 18 April 2019, please let the Planning Inspectorate's Case Team know by emailing ThanetExtension@planninginspectorate.gov.uk **no later than 9 April 2019** indicating your wish to attend and the matters in respect of which you wish to speak.

Agendas for the Issue Specific Hearings will be published on our website approximately one week prior to the hearing to which they relate taking place.

The time allocated for each of the hearings has been estimated based on the matters identified for consideration. Should a hearing take less time than anticipated, the ExA may conclude the hearing as soon as all relevant contributions have been made and all questions asked and responded to. Equally, if there are additional matters to be dealt with or there are submissions that take a considerable amount of time at any hearing, there may be a need to continue the session for longer on the day or adjourn the hearing and continue at a subsequent sitting.

Compulsory Acquisition Hearing

Please be advised that the ExA will hold a hearing under Section 92 of the PA2008 on the following date:

Event	Date	Time	Venue
Compulsory Acquisition Hearing (CAH2) CAH2 on the Applicant's compulsory acquisition (CA) and temporary possession (TP) case and any outstanding objections to it.	Thursday 18 April 2019	9.30am (seating available from 9.00am)	Building 500, Discovery Park Sandwich, CT13 9FF

The purpose of CAH2 is to hear objections to the Applicant's CA and/ or TP request affecting individual interests in or occupation of land.

If you wish to participate in or observe at the Compulsory Acquisition Hearing scheduled on 18 April 2019, please let the Planning Inspectorate's Case Team know emailing ThanetExtension@planninginspectorate.gov.uk **no later than 9 April 2019** indicating your wish to attend and the matters in respect of which you wish to speak.

An agenda for the Compulsory Acquisition Hearing will be published on our website approximately one week prior to the hearing to which they relate taking place.

The time allocated for the hearing has been estimated based on the matters identified for consideration. Should it take less time than anticipated, the ExA may conclude the hearing as soon as all relevant contributions have been made and all questions asked and responded to. Equally, if there are additional matters to be dealt with or there are submissions that take a considerable amount of time at the hearing, there may be a need to continue the session for longer on the day or adjourn the hearing and continue at a subsequent sitting.