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

Your Ref:

Our Ref: EN010106

Date: 28 June 2022

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Dear Sir/ Madam

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

**Application by Sunnica Ltd for an Order Granting Development Consent for  
the Sunnica Energy Farm Project**

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

Following my appointment by the Secretary of State as the lead member of the Examining Authority (ExA) to carry out an Examination of the above application I am writing to introduce myself and the other members of the ExA. My name is Grahame Kean and the other members of the ExA are Guy Rigby and Karin Taylor. A copy of the appointment notice can be viewed under the [Documents tab](#) on the project webpage of the National Infrastructure Planning website ([project webpage](#)).

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

This letter provides formal notification that the **Preliminary Meeting will be a blended event and that the Issue Specific Hearing (ISH) and Open Floor Hearing (OFH) referred to in Annex E to this letter will also be blended events.**

**Invitation to the Preliminary Meeting**

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



Date	Start time	Venue and joining details
<b>Tuesday 26 July 2022</b>	<b>Seating available at venue from: 09:00</b> <b>Virtual Arrangements Conference from: 09:00</b> <b>Preliminary Meeting starts: 10:00</b>	Bedford Lodge Hotel 11 Bury Road, Newmarket CB8 7BX and By virtual means using Microsoft Teams Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered
<p><b>IMPORTANT:</b> It is possible that the Preliminary Meeting could be completed by 1:00pm on Tuesday 26 July 2022. However, a reserve period has been scheduled for 2:00pm on the same day to allow for the meeting to be resumed in exceptional circumstances e.g., to account for a failure of technology. Normally the reserve period will not be required and confirmation of this will be provided by the ExA at the end of the Preliminary Meeting and subsequently notified on the <a href="#">project webpage</a>.</p>		

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

1. Attend the physical event to observe the proceedings; please note that it may not be possible to participate on the day if you have not registered your wish to do so by Procedural Deadline A (Wednesday 13 July 2022)
2. watch a livestream of the event - a link to the livestream will be made available on the [project webpage](#) shortly before the event is scheduled to begin; and/or
3. watch the recording of the event which will be published on the [project webpage](#) shortly after the event has finished.

### Purpose of the Preliminary Meeting

The purpose of the Preliminary Meeting is to enable views to be put to us about how the application should be examined. The ExA will therefore limit the scope of the Preliminary Meeting to consideration of **how the application will be examined**. See **Annex B** to this letter and the Planning Inspectorate's [Advice Note 8.3 - Influencing how an application is Examined: the Preliminary Meeting](#) for more information.



The ExA gave consideration to whether a two-part Preliminary Meeting should be held, as exceptionally has been the case with other projects. However we have decided to hold a single meeting given that provision can be made for a blended event and in the interests of preventing further delays to the examination process.

The Preliminary Meeting is **not** an opportunity for you to give your views about what you like or don't like about the application. The merits or disadvantages of the application will only be considered once the Examination starts, which is after the Preliminary Meeting has closed. All relevant and important matters will be taken into account when we make a recommendation to the Secretary of State for Business, Energy, & Industrial Strategy who will take the final decision in this case.

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

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

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

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

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

You are invited to make a written submission about how the application is to be examined by **Procedural Deadline A** (Wednesday 13 July 2022) (see **Annex D** to this letter).

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

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

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



If you wish to participate at the Preliminary Meeting you are required to notify the ExA in writing on or before Wednesday 13 July 2022 (see **Procedural Deadline A**).

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

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

Joining instructions for the virtual hearings will be issued by the Case Team via email shortly before the Preliminary Meeting date.

Requests to participate should be made using the [Make a submission tab](#) on the project webpage on or before **Procedural Deadline A. Annex H** to this letter provides further information about the 'Make a submission' tab.

Please contact the Case Team using the contact details at the top of this letter if you require any support to attend the Preliminary Meeting.

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

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

The Planning Inspectorate delivers its National Infrastructure casework using virtual and physical events, including blended events where participants can attend either virtually or physically.

We will confirm the format of any hearings to be held during the Examination Stage when we provide formal notification of each hearing at least 21 days in advance of it taking place.

### **After the Preliminary Meeting**

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

### **Notification of initial hearings**



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

- Issue Specific Hearing 1 (ISH1) on the draft Development Consent Order at 10:00 on Wednesday 27 July 2022
- Open Floor Hearing 1 (OFH1) at 13:30 on Thursday 28 July 2022  
Open Floor Hearing 2 (OFH2) at 18:30 on Thursday 28 July 2022

Please note that the two Open Floor Hearings listed above are two separate sessions and are not a continuation of the same hearing; two separate OFH sessions have been scheduled in order to allow for the maximum number of people to attend.

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

### **The Applicant's Request to Make Changes to the Application**

In a letter dated 30 March 2022 the Applicant gave notice of its intention to submit a request to make changes to the DCO application. This letter has been published on the [\[Project webpage\]](#) and has the Examination Library reference [\[AS-018\]](#). A letter on behalf of the Applicant dated 19 April 2022 advised of its intention to seek changes to the DCO Application and to request a delay to the start of the Examination. [\[AS-017\]](#).

The above documents outlined the proposed changes to the DCO application and provided further detail regarding the changes proposed to the original Sunnica Farm project. As the proposed changes may be considered material by the ExA, non-statutory consultation was carried out by the Applicant prior to making the formal change request commencing during the week beginning 6 June 2022 and continuing until 6 July 2022. It is the Applicant's intention to make a formal change request to the ExA by mid-July 2022.

Responding to the Applicant's submission [\[AS-017\]](#), in a letter dated 26 May 2022 [\[PD-008\]](#) we noted that the proposed changes relate primarily to the optionality included in the DCO application around the substation and connection corridors for the Project, together with other minor changes or updates to the Project. We provided advice regarding the procedural implications of the proposed changes and guidance on the need, scope and nature of the consultation that the Applicant proposed to undertake.

If the ExA decides to accept the proposed changes into the Examination, all Interested Parties will have an opportunity to make representations on the application, including the proposed changes, during the course of the Examination. Because the proposed changes have not yet been formally submitted to the ExA, the draft timetable at Annex D does not make provision for representations to address any proposed changes. However, should the proposed changes be submitted and accepted into the Examination before the Preliminary Meeting, the implications for the Examination timetable will be discussed at the Preliminary Meeting and any amendments confirmed in the Rule 8 letter.



## Other Procedural Decisions made by the Examining Authority

We have made some further Procedural Decisions which are set out in detail at **Annex F** to this letter. They are summarised as follows:

- Requests for Statements of Common Ground.
- Request for suggested locations for an Accompanied Site Inspection.
- Acceptance of Additional Submissions into the Examination.

## Examining Authority's Written Questions

The Written Questions will be published as soon as practicable following the Preliminary Meeting.

The proposed deadline for responses to our first Written Questions is Tuesday 30 August 2022 (**Deadline 2**) (see **Annex D** to this letter). There will be an opportunity to discuss this proposed deadline at the Preliminary Meeting.

## Managing Examination correspondence

Given the volume and frequency of letters the Planning Inspectorate needs to send to Interested Parties during an Examination, we aim to communicate with people by email wherever possible as electronic communication is more environmentally friendly and cost effective for the taxpayer. Please note that if you have specified in your Interested Party registration that you wish to receive communication via post, we will continue to issue correspondence to you via letter.

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

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

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

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

## Your status in the Examination

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



If your reference number begins with '2003', 'SUNN-0', 'SUNN-AFP', 'SUNN-ISP', 'SUNN-S57', 'SUNN-APL' you are in Group A. If your reference number begins with 'SUNN-SP' or 'SUNN-EIA' you are in Group B. If your reference number begins with 'SUNN-OP' you are in Group C. The meaning and purpose of those groups are explained in the document published at the link above.

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

### **Awards of costs**

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

### **Management of information**

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

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

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

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

Yours faithfully

*Grahame Kean*

### **Lead Member of the Examining Authority**

#### **Annexes**

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



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



## Agenda for the Preliminary Meeting

**You must register by 23:59 on Wednesday 13 July 2022 if you intend to participate in the Preliminary Meeting and provide all the information requested (see below).**

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

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

**Date: Tuesday 26 July 2022 10:00**

**Seating available from: 09:00**

**Arrangements Conference: 09:00**

**Meeting start time: 10.00am**

**Venue: Blended event at the Bedford Lodge Hotel, Bury Road, Newmarket CB8 7BX, and by virtual means using Microsoft Teams**  
Full instructions on how to join online or by phone will be provided in advance to those who have pre-registered

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

<b>Agenda for the Preliminary Meeting</b>	
<b>09:00</b>	Seating available at venue for in-person attendees
<b>09:00</b>	<b>Virtual Arrangements Conference</b> Please arrive at 09:00 to enter the virtual lobby using the instructions provided in the Joining Instructions email sent by the Case Team. From here you will be admitted to the Arrangements

	<p>Conference by the Case Team, greeted and given further instructions.</p> <p>The Arrangements Conference will commence at 09:30. This will be hosted by the Case Team and cover the housekeeping arrangements for the Preliminary Meeting and allow time for any questions to be asked about how to take part.</p>
<b>10.00am</b>	
<b>Item 1</b>	<b>Preliminary Meeting</b> The Preliminary Meeting will formally open at <b>10.00am</b> . The Examining Authority will join, welcome participants and lead introductions.
<b>Item 2</b>	The Examining Authority's remarks about the Examination process
<b>Item 3</b>	Initial Assessment of Principal Issues – <b>Annex C</b> to Rule 6 letter
<b>Item 4</b>	Draft Examination Timetable – <b>Annex D</b> to Rule 6 letter
<b>Item 5</b>	Update from the Applicant on the status of the change request and consultation as set out in their letters of 30 March and 19 April 2022
<b>Item 6</b>	Any other matters
<b>Close of the Preliminary Meeting</b>	

The event will start at **10.00am** irrespective of any late arrivals, for whom access may not be possible.

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

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

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

- Name and unique reference number (found at the top of your letter or email from the Planning Inspectorate);
- email address (if available) and contact telephone number;
- name and unique reference number of any person/organisation that you are representing (if applicable);
- for blended events, confirmation of whether you will participate virtually or in-person; and

- the agenda item on which you wish to speak and a list of the points you wish to make.

## Introduction to the Preliminary Meeting

### Background

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

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

### The Examining Authority and the Case Team

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

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

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

The Planning Inspectorate Case Team will also be present at the in-person Preliminary Meeting at the Bedford Lodge Hotel and will welcome and register attendees as they arrive from 9:00 onwards.

### The purpose of the Preliminary Meeting

The PM is being held to discuss the arrangements for the Examination of the application for a Development Consent Order (DCO) for the Sunnica Energy Farm, which is a Nationally Significant Infrastructure Project (NSIP), and which will generally be referred to in the PM and Examination as the 'Proposed Development'. The application has been made by Sunnica Ltd which will be referred to as 'the Applicant'.

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

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

The main purpose of the PM is to discuss the arrangements for the Examination of the application. It focuses on the process only, and it will not be looking at the substance of the proposals: Questions, discussions and representations about the

merits or disadvantages of the Proposed Development are for the Examination itself which will begin the day after the close of the PM.

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

### **Government guidance and policy**

The application is a NSIP under the Planning Act 2008 (PA2008) as a consequence of section 14 of the PA2008: it includes the construction of a generating station. Overarching National Policy Statement for Energy (NPS EN-1) applies to this Examination and to decision-making relating to this application.

The ExA will consider the Proposed Development in accordance with National Policy Statements that are relevant and any other applicable policy or considerations deemed important and relevant. The PA2008 states that, in making a decision, the Secretary of State (SoS) “*must decide the application in accordance with any relevant NPS*” (s104(3)), unless certain provisos apply, namely that the application must not breach legal or treaty obligations, and that any adverse impact of the Proposed Development would not outweigh its benefits.

The ExA will not consider any matter that relates to the merits of policy set out in a national policy statement (NPS).

Other important and relevant planning policies that the ExA may consider include policies in the relevant local authorities’ development plans.

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

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

### **Preliminary Meeting invitees**

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

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

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

Certain bodies are Statutory Parties and they have been invited to the PM. Statutory Parties can elect to become IPs without having made a valid Relevant Representation by notifying the ExA in writing by no later than Deadline 1 (Wednesday 17 August 2022).

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

The ExA has decided to invite the following Other Persons to the PM:

- Exning Parish Council
- Newmarket Town Council
- Optimal Power Networks Limited
- East Cambs Trading Company Limited

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

The ExA estimates that the PM should be concluded in the morning session as scheduled, but in any event should take no longer than one day to complete.

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

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

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

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

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

### **The Examination process**

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

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

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

- Local authorities can submit LIRs if they wish. Whilst these are voluntary, the PA2008 provides that if they are provided, they must be considered by the SoS in reaching a decision. Consequently, LIRs are a very important method for local authorities to communicate issues of concern to the ExA, the SoS and their residents.
- IPs can make Written Representations (WRs) and comment on WRs made by other parties.
- IPs can respond to the ExA's written questions (ExQs) and comment on responses to these written questions provided by others.
- IPs may be asked to contribute to the making of Statements of Common Ground (SoCG) if it appears that there are matters on which they and the

Applicant agree, and if it would be useful for this to be clarified. SoCGs most usefully extend to defining matters that are not agreed or are outstanding.

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

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

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

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

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

## Hearings

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

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

As with all Examination events, OFHs are subject to the powers of control of the ExA, as set out in the PA2008 and supporting legislation. Participants must register



in advance by the Deadline shown in the Examination Timetable and in accordance with the instructions. It is common practice for the ExA to set a time limit for each speaker, and speakers with common points are asked to come together to nominate a spokesperson or representative speakers to cover specific topics so as to avoid repetition. Speakers representing public authorities, community and membership organisations or multiple IPs are normally provided with an additional time allowance, recognising their representative role.

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

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

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

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

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

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

The draft Examination Timetable includes a Procedural Deadline A (23:59 on **Wednesday 13 July 2022**) for participants to notify the ExA that they wish to speak at an OFH or a CAH.

## Site inspections

As part of the Examination process the ExA may undertake site inspections. These can be either unaccompanied or accompanied, though all would be subject to any Government restrictions relating to COVID-19/any public health restrictions in force at the time.

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

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

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

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

## Initial Assessment of Principal Issues

This is the Initial Assessment of Principal Issues prepared as required under section 88(1) of the Planning Act 2008 (PA2008). It has been prepared by the Examining Authority (ExA) following its reading of:

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

This initial assessment has guided the Examining Authority in forming a provisional view as to how the application is to be examined. It is not a comprehensive or exclusive list of the issues that will be subject to examination and inevitably some issues will overlap or interrelate. The ExA will have regard to all important and relevant matters during the Examination and when it writes its Recommendation Report to the Secretary of State for Business, Energy & Industrial Strategy after the Examination has concluded.

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

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

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

Principal Issue	To include but not necessarily limited to:
Principle and nature of the development	<ol style="list-style-type: none"> <li>1. General and Cross-topic Questions.</li> <li>2. Intended generating capacity and relationship between generating capacity and BESS and capacity of grid connection secured</li> </ol>
Air Quality and Human Health	<ol style="list-style-type: none"> <li>3. Dangers of battery storage including: <ul style="list-style-type: none"> <li>• Fire risk</li> <li>• Health implications</li> <li>• Possible radiation</li> </ul> </li> <li>4. Health, safety and welfare</li> <li>5. Impact on mental health</li> </ol>

	6. Emergency planning including evacuation plans
Biodiversity and nature conservation (including Habitats Regulations Assessment)	<p>7. Effects on European and international sites</p> <p>8. Effects on other designated sites</p> <p>9. Effects on protected species</p> <p>10. Effects on other habitats and species of conservation concern including woodland, trees, hedgerows and watercourses</p> <p>11. Extent to which a biodiversity net gain would be delivered and how that should be calculated</p> <p>12. Mitigation measures including management and monitoring of proposed offsetting</p>
Compulsory Acquisition	<p>13. The Applicant's Compulsory Acquisition (CA) and Temporary Possession (TP) case, including:</p> <ul style="list-style-type: none"> <li>• Project funding</li> <li>• Guarantees</li> </ul> <p>14. Concerns and objections about acquisition of land from Affected Persons and Statutory Undertakers</p>
Cultural heritage and historic environment	<p>15. Effects on scheduled and non-scheduled archaeological sites during construction, operation and decommissioning phases</p> <p>16. Effects on listed buildings, conservation areas and their settings</p> <p>17. Effects on Chippenham Park (Registered Park)</p> <p>18. Effects on other features of cultural interest including WW2 plane crash site</p>

	19. Mitigation measures
Draft Development Consent Order (DCO)	<p>20. Relevant definitions</p> <p>21. The structure of the dDCO</p> <p>22. The suitability of proposed requirements</p> <p>23. Application and modification of legislative provisions</p> <p>24. Flexibility as to location of battery storage facility</p> <p>25. Relationships with other projects and consents</p> <p>26. Decommissioning and restoration of the site</p> <p>27. Dispute resolution measures</p>
Environmental Statement - general matters	<p>28. Identification of any other proposed nearby major developments, assessment of cumulative and in-combination effects</p> <p>29. Consideration of alternatives to the Proposed Development, including location and scale</p> <p>30. Expected duration of construction phase, assessment of impacts and arrangements for decommissioning and restoration of the site</p>
Landscape and visual effects	<p>31. Suitability of the study area and the viewpoints used in the Landscape and Visual Impact assessments and Glint and Glare assessment</p> <p>32. Effects on visual receptors</p> <p>33. Effects on landscape character including woodland, trees and hedgerows</p> <p>34. Effectiveness of Outline Landscape and Ecology Management Plan and Construction Environmental Management Plan</p>

Noise and vibration	<p>35. Identification of sensitive receptors</p> <p>36. Noise/vibration effects during construction and decommissioning, and mitigation</p> <p>37. Noise/vibration effects during operation and mitigation</p>
Socio-Economics and Land Use	<p>38. Impacts on agriculture and farming operations</p> <p>39. Soil quality/best and most versatile agricultural land</p> <p>40. Economic and employment effects on local and wider economy in construction operational phases</p> <p>41. Public Rights of Way (PRoW)</p> <p>42. Impacts on horse racing industry</p>
Traffic, Transport and Highway Safety	<p>43. Construction traffic generation and increased vehicle movements</p> <p>44. Construction phasing and timetable (including linkage to local highway management)</p> <p>45. Unscheduled operational traffic movements</p> <p>46. Fire safety and emergency access routes</p> <p>47. Road closures</p> <p>48. Traffic management</p> <p>49. Highway safety</p> <p>50. Effects on PRoW network</p>
Water Resources, Flood Risk and Drainage	<p>51. Flood Risk Assessment (FRA) and climate change allowance</p> <p>52. Surface and groundwater quality including implications for biodiversity</p>

	53. Drainage
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## Draft Examination Timetable

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

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

Item	Matters	Date
1.	<p><b>Procedural Deadline A</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• <b>Written submissions on the Examination Procedure</b>, including any submissions about the use of virtual methods</li> <li>• <b>Requests to be heard orally at the Preliminary Meeting</b></li> <li>• <b>Requests to be heard at notified Issue Specific Hearing (ISH)</b> Requests by Interested Parties to be heard at the ISH as notified at <b>Annex E</b> of the Rule 6 letter</li> <li>• <b>Requests to be heard at notified Open Floor Hearings (OFH)</b> Requests by Interested Parties to be heard at an OFH as notified at <b>Annex E</b> of the Rule 6 letter</li> <li>• <b>Suggested locations for site inspections</b> (Accompanied or Unaccompanied), including justification, for consideration by the ExA</li> </ul>	<p><b>Wednesday</b> <b>13 July 2022</b></p>
2.	<b>Preliminary Meeting</b>	<p><b>Tuesday</b> <b>26 July 2022</b> 10:00</p>
3.	<b>Reserved time for Preliminary Meeting (if required)</b>	<p><b>Tuesday</b> <b>26 July 2022</b> 13:00</p>
4.	<b>Issue Specific Hearing on the draft DCO (ISH1) (if required)</b>	<p><b>Wednesday</b> <b>27 July 2022</b> 10:00</p>



5.	<b>Open Floor Hearing (OFH1) (if required)</b>	<b>Thursday 28 July 2022 13:30</b>
6.	<b>Open Floor Hearing (OFH2) (if required)</b>	<b>Thursday 28 July 2022 18:30</b>
7.	Issue by the ExA of: <ul style="list-style-type: none"> <li>• <b>Examination Timetable</b></li> </ul> Publication of: <ul style="list-style-type: none"> <li>• <b>The ExA's Written Questions (ExQ1)</b></li> </ul>	<b>As soon as practicable following the Preliminary Meeting</b>
8.	<b>Deadline 1</b> For receipt by the ExA of: <ul style="list-style-type: none"> <li>• <b>Comments on Relevant Representations (RR)</b></li> <li>• <b>Summaries of all RR exceeding 1500 words</b></li> <li>• <b>Local Impact Reports (LIR)</b> from any local authorities</li> <li>• <b>Post Hearing Submissions</b>, including written submissions of oral cases</li> <li>• <b>Notification by any Statutory Parties of their wish to be considered as an IP by the ExA</b></li> <li>• <b>Applicant's draft itinerary for ASI</b></li> <li>• <b>Requests to be heard at any further OFH</b>                Requests by Interested Parties to be heard at any further Open Floor Hearing (OFH), if unable to speak at the OFHs notified at Annex E</li> <li>• <b>Requests to be heard at a CAH</b>                Requests by Affected Persons (defined in section 59(4) of the Planning Act 2008) to be heard at a Compulsory Acquisition Hearing (CAH)</li> <li>• <b>Updated Guide to the Application</b></li> <li>• <b>Updated Book of Reference (BoR) and Schedule of Changes to the BoR</b></li> <li>• <b>Updated Schedule of Negotiations</b></li> <li>• <b>Comments on any Additional Submissions</b> accepted at the discretion of the ExA (if any)</li> <li>• <b>Any further information requested by ExA</b>                Any further information requested by the ExA under</li> </ul>	<b>Wednesday 17 August 2022</b>

	<p>Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010</p> <ul style="list-style-type: none"> <li>• <b>Comments on any further information received</b> Comments on any further information requested by the ExA</li> </ul>	
9.	<p><b>Deadline 2</b></p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• <b>Written Representations (WRs)</b></li> <li>• <b>Summaries of all WRs</b> exceeding 1500 words</li> <li>• <b>Initial Statements of Common Ground (SoCG)</b> requested by the ExA</li> <li>• <b>Statement of Commonality of SoCG</b></li> <li>• <b>Responses to the ExA's Written Questions (ExQ1)</b></li> <li>• <b>Responses to comments on RRs</b></li> <li>• <b>Comments on Applicant's draft itinerary for ASI</b></li> <li>• <b>Notification of wish to attend ASI</b></li> <li>• <b>Applicant's revised draft of DCO</b></li> <li>• <b>Updated Guide to the Application</b></li> <li>• <b>Updated Book of Reference (BoR) and Schedule of Changes to the BoR</b></li> <li>• <b>Updated Schedule of Negotiations</b></li> <li>• <b>Comments on any Additional Submissions</b> accepted at the discretion of the ExA (if any) by <b>Deadline 1</b></li> <li>• <b>Any further information requested by ExA</b> Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010</li> <li>• <b>Comments on any further information received</b> Comments on any further information requested by the ExA and received by <b>Deadline 1</b></li> </ul>	<p><b>Tuesday 30 August 2022</b></p>
10.	<p><b>Deadline 3</b></p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• <b>Comments on WRs</b></li> <li>• <b>Comments on LIRs</b></li> <li>• <b>Comments on responses to ExQ1</b></li> </ul>	<p><b>Wednesday 14 September 2022</b></p>

	<ul style="list-style-type: none"> <li>• <b>Comments on SoCG</b></li> <li>• <b>Comments on Applicant’s revised draft of DCO</b></li> <li>• <b>Updated Guide to the Application</b></li> <li>• <b>Updated Book of Reference (BoR) and Schedule of Changes to the BoR</b></li> <li>• <b>Updated Schedule of Negotiations</b></li> <li>• <b>Comments on any Additional Submissions</b> accepted at the discretion of the ExA (if any) by <b>Deadline 2</b></li> <li>• <b>Any further information requested by ExA</b> Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010</li> <li>• <b>Comments on any further information received</b> Comments on any further information requested by the ExA and received by <b>Deadline 2</b></li> </ul>	
11.	<p>Publication by the ExA of:</p> <p><b>ExA’s final itinerary for the ASI (if required)</b></p>	<p><b>Tuesday</b> <b>27 September</b> <b>2022</b></p>
12.	<p>Dates reserved for:</p> <ul style="list-style-type: none"> <li>• <b>Accompanied Site Inspections (ASI) (if required)</b></li> <li>• <b>Further Open Floor Hearings (OFH) (if required)</b></li> <li>• <b>Further Issue Specific Hearings (ISH) (if required)</b></li> <li>• <b>Compulsory Acquisition Hearings (CAH) (if required)</b></li> </ul>	<p><b>Tuesday</b> <b>4 October 2022</b> to <b>Friday</b> <b>7 October 2022</b></p>
13.	<p><b>Deadline 4</b></p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• <b>Post Hearing Submissions</b>, including written submissions of oral cases</li> <li>• <b>Any revised/updated SoCG (if any)</b></li> <li>• <b>Applicant’s revised draft of DCO</b></li> <li>• <b>Updated Guide to the Application</b></li> <li>• <b>Updated Book of Reference (BoR) and Schedule of Changes to the BoR</b></li> <li>• <b>Updated Schedule of Negotiations</b></li> <li>• <b>Any further information requested by ExA</b> Any further information requested by the ExA under</li> </ul>	<p><b>Monday</b> <b>17 October</b> <b>2022</b></p>

	<p>Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010</p> <ul style="list-style-type: none"> <li>• <b>Comments on any further information received</b> Comments on any further information requested by the ExA and received by <b>Deadline 3</b></li> </ul>	
14.	<p>Publication of:</p> <ul style="list-style-type: none"> <li>• <b>ExA's Second Written Questions (ExQ2) (If required)</b></li> </ul>	<p><b>Tuesday 25 October 2022</b></p>
15.	<p><b>Deadline 5</b></p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• <b>Responses to ExA's Second Written Questions (ExQ2)</b></li> <li>• <b>Comments on revised/updated SoCG (if any)</b></li> <li>• <b>Comments on Applicant's revised draft DCO</b></li> <li>• <b>Updated Guide to the Application</b></li> <li>• <b>Updated Book of Reference (BoR) and Schedule of Changes to the BoR</b></li> <li>• <b>Updated Schedule of Negotiations</b></li> <li>• <b>Comments on any Additional Submissions</b> accepted at the discretion of the ExA (if any) by <b>Deadline 4</b></li> <li>• <b>Any further information requested by ExA</b> Any further information requested by the ExA under Rule 17 of the Examination Rules</li> <li>• <b>Comments on any further information received</b> Comments on any further information requested by the ExA and received by <b>Deadline 4</b></li> </ul>	<p><b>Wednesday 9 November 2022</b></p>
16.	<p><b>Deadline 6</b></p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• <b>Any revised/updated SoCG (If any)</b></li> <li>• <b>Applicant's revised draft of DCO</b></li> <li>• <b>Updated Guide to the Application</b></li> <li>• <b>Updated Book of Reference (BoR) and Schedule of Changes to the BoR</b></li> <li>• <b>Updated Schedule of Negotiations</b></li> <li>• <b>Comments on any Additional Submissions</b> accepted at the discretion of the ExA (if any) by <b>Deadline 5</b></li> </ul>	<p><b>Monday 28 November 2022</b></p>

	<ul style="list-style-type: none"> <li>• <b>Any further information requested by ExA</b> Any further information requested by the ExA under Rule 17 of the Examination Rules</li> <li>• <b>Comments on any further information received</b> Comments on any further information requested by the ExA and received by <b>Deadline 5</b></li> </ul>	
17.	<p>Publication of:</p> <ul style="list-style-type: none"> <li>• <b>ExA's Third Written Questions (ExQ3) (If required)</b></li> </ul>	<b>Tuesday 6 December 2022</b>
18.	<p>Publication of:</p> <ul style="list-style-type: none"> <li>• <b>Report on the Implications for European Sites (RIES)</b></li> </ul>	<b>Monday 12 December 2022</b>
19.	<p>Dates reserved for:</p> <ul style="list-style-type: none"> <li>• <b>Accompanied Site Inspections (ASI) (if required)</b></li> <li>• <b>Open Floor Hearings (OFH) (if required)</b></li> <li>• <b>Issue Specific Hearings (ISH) (if required)</b></li> <li>• <b>Compulsory Acquisition Hearings (CAH) (if required)</b></li> </ul>	<b>Tuesday 13 December 2022</b> to <b>Friday 16 December 2022</b>
20.	<p>Publication of:</p> <ul style="list-style-type: none"> <li>• <b>ExA's commentary on, or schedule of changes to, the draft DCO</b></li> </ul>	<b>Monday 19 December 2022</b>
21.	<p><b>Deadline 7</b></p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• <b>Post Hearing Submissions</b>, including written submissions of oral cases</li> <li>• <b>Responses to ExA's Third Written Questions (ExQ3) (If issued)</b></li> <li>• <b>Comments on revised/updated SoCG (if any)</b></li> <li>• <b>Comments on ExA's commentary on, or schedule of changes to, the draft DCO</b></li> <li>• <b>Updated Guide to the Application</b></li> <li>• <b>Updated Book of Reference (BoR) and Schedule of Changes to the BoR</b></li> </ul>	<b>Thursday 22 December 2022</b>

	<ul style="list-style-type: none"> <li>• <b>Updated Schedule of Negotiations</b></li> <li>• <b>Comments on any Additional Submissions</b> accepted at the discretion of the ExA (if any) by <b>Deadline 6</b></li> <li>• <b>Any further information requested by ExA</b> Any further information requested by the ExA under Rule 17 of the Examination Rules</li> <li>• <b>Comments on any further information received</b> Comments on any further information requested by the ExA and received by <b>Deadline 6</b></li> </ul>	
<b>22.</b>	<p><b>Deadline 8</b></p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• <b>Final SoCG</b></li> <li>• <b>Final DCO</b> Final DCO to be submitted by the Applicant in the SI template with the SI template validation report</li> <li>• <b>Final Statement of Commonality of SoCG</b></li> <li>• <b>List of matters not agreed where SoCG could not be finalised</b></li> <li>• <b>Final Guide to the application</b></li> <li>• <b>Final updated BoR</b> Final BoR and schedule of changes to BoR</li> <li>• <b>Final Schedule of Negotiations</b></li> <li>• <b>Comments on any Additional Submissions</b> accepted at the discretion of the ExA (if any) by <b>Deadline 7</b></li> <li>• <b>Comments on any further information received</b> Comments on any additional information/submissions received by <b>Deadline 7</b></li> <li>• <b>Any further information requested by ExA</b> Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010</li> </ul>	<b>Wednesday 18 January 2023</b>
<b>23.</b>	<p><b>Deadline 9</b></p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• <b>Any further information requested by ExA</b> Any further information requested by the ExA under</li> </ul>	<b>Thursday 26 January 2023</b>

	Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010	
<b>24.</b>	The ExA is under a duty to complete the Examination of the application by the end of the period of six months	<b>Thursday 26 January 2023</b>

### Submission times for Deadlines

The time for submission of documents at any Deadline in the timetable is 23:59 on the relevant Deadline date, unless instructed otherwise by the ExA.

### Publication dates

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

### Hearing agendas

Please note that for Issue Specific Hearings and Compulsory Acquisition Hearings the ExA will publish a high-level agenda alongside the notification of the hearing to help inform your decision about whether to register to participate. A detailed draft agenda will be made available on the project webpage at least five working days in advance of the hearing date. However, the actual agenda on the day of each hearing may be subject to change at the discretion of the ExA. For Open Floor Hearings agendas may not be published.

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

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

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

## Notification of initial hearings

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

<b>Date</b>	<b>Hearing</b>	<b>Start time</b>	<b>Venue and Joining details</b>
<b>Wednesday 27 July 2022</b>	<b>Issue Specific Hearing on the draft Development Consent Order (ISH1)</b>	<b>Seating available at venue from:</b>  <b>09:00</b> <b>Virtual Arrangements Conference from:</b> <b>09:00</b> <b>Hearing starts:</b>  <b>10:00</b>	Bedford Lodge Hotel Bury Lodge Newmarket CB8 7BX and By virtual means using Microsoft Teams Full instructions on how to join online or by telephone will be provided in advance to those who have pre- registered
<b>Thursday 28 July 2022</b>	<b>Open Floor Hearing 1 (OFH1)</b>	<b>Seating available at venue from:</b>  <b>12:30</b> <b>Virtual Arrangements Conference from:</b>  <b>12:30</b> <b>Hearing starts:</b>  <b>13:30</b>	Bedford Lodge Hotel Bury Lodge Newmarket CB8 7BX and By virtual means using Microsoft Teams Full instructions on how to join online or by telephone will be provided in advance to those who have pre- registered



Date	Hearing	Start time	Venue and Joining details
Thursday 28 June 2022	Open Floor Hearing 2 (OFH2)	<b>Seating available at venue from: 17:30</b>  <b>Virtual Arrangements Conference from: 17:30</b>  <b>Hearing starts: 18:30</b>	Bedford Lodge Hotel Bury Lodge Newmarket CB8 7BX and By virtual means using Microsoft Teams Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered

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

**You must register by 23:59 on Wednesday 13 July 2022 (Procedural Deadline A) if you intend to participate in the hearings and provide all the information requested (see below).**

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

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

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

- Name and unique reference number (found at the top of any letter or email from the Planning Inspectorate);
- email address (if available) and contact telephone number;

- name and unique reference number of any person/organisation that you are representing (if applicable);
- for blended events, confirmation of whether you will participate virtually or in-person;
- confirmation of the hearing(s) you wish to participate in (date and time), the agenda item(s) on which you wish to speak and/or brief details of the topic(s) that you would like to raise;
- for Compulsory Acquisition Hearings, the plot number(s) of the relevant land provided in the [Book of Reference](#) and the [Land Plans](#); and
- the [Document Library](#) reference number (with paragraph/page number) of any documents you wish to refer to.

It is important that notification from Interested Parties to participate in hearings is submitted separately from any other written submission. For the above hearings please select the Procedural Deadline A (PDA) and then the relevant Submission Item under the [Make a submission tab](#) and ensure the submission is titled appropriately so as to allow us to quickly identify which event the notification relates to. **Annex H** provides further information about the [Make a submission tab](#). Please contact the Case Team using the contact details at the top of this letter if you require any support to attend a hearing.

### **Hearing agendas**

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

### **Purpose of the Issue Specific Hearing (DCO)**

The main purpose of the first draft Development Consent Order (dDCO) Hearing is to undertake an examination of the dDCO Articles and Schedules. In particular, to consider:

- Issues around how the draft DCO is intended to work – what would be consented, the extent of the powers and what requirements and agreements are proposed;
- Any possible issues of prevention, mitigation or compensation which are not covered by the DCO as currently drafted;
- The justification for any changes from established practice;
- The need for changes to other legislative provisions;
- The need for protective provisions and their scope; and
- The initial views of other Interested Parties as to the appropriateness, proportionality or efficacy of the proposals.

This hearing will not examine the detailed content of provisions relating to the compulsory acquisition of land or rights or temporary possession of land. The draft

Examination timetable provides for separate Compulsory Acquisition Hearings on these topics and they may also be returned to in subsequent DCO ISHs.

All Examination documents are provided with a unique identification number for referencing purposes shown in square brackets []. The application version of the dDCO has the reference [APP- 019].

The following is a high-level agenda to help inform your decision to attend. A finalised version of the agenda will be published on the project webpage of the National Infrastructure website five days before the hearing date:

### **Agenda**

1. **Welcome, introductions and arrangements for the Issue Specific Hearing**
2. **Purpose of the Hearing**
3. **Articles and Schedules of the dDCO**

The Applicant will be asked to provide a very brief overview of each part of the DCO. The ExA will then ask questions in respect of DCO powers, seeking responses where appropriate from the Applicant and Interested Parties (IPs). IPs will also be invited to ask questions of clarification in relation to DCO Articles and Schedules.

4. **Schedule 2 of the dDCO – Requirements and Schedule 13 Procedure for Discharge of Requirements**

The Applicant will be asked to provide an overview of the Requirements. The ExA will then ask questions, seeking responses where appropriate from the Applicant and other IPs. IPs will also be invited to ask questions of clarification in relation to DCO Requirements.

The ExA will ask IPs whether the relevant planning authorities have any concerns in principle with the proposed approaches taken to the discharge of requirements, or for managing appeals or disputes under the dDCO

5. **Article 40 and Schedule 12 of the dDCO – Protective Provisions**

To understand the need to obtain an update on progress between parties regarding protective provisions; an explanation of any important differences of view and a timescale for resolution (Schedule 12).

6. **Article 38 and Schedule 10 of the dDCO – Documents and Plans to be Certified**

To review the documents to be certified and seek views as to whether the list is complete and if not, what additional documents would need to be included

## 7. Consents, Licences and Other Agreements

The Applicant will be asked to provide an update of progress and timescales for completion. The ExA will then ask questions, including discussing whether any need for and progress on any planning obligations and/or side agreements and if there is an indicative timescale for finalising them.

## 8. Statements of Common Ground relevant to the DCO

The ExA will ask the Applicant to provide an update on Statements of Common Ground relevant to the DCO

## 9. Review of issues and actions arising

## 10. Close of hearing

### Procedure at hearings

The Examination will principally be a written process (see the Planning Inspectorate's [Advice Note 8.4: The Examination](#)), supplemented where necessary by various types of hearings. Please refer to the [Advice Note 8.5: Hearings and site inspections](#) and [Advice Note 8.6: Virtual Examination events](#) as these provide important information about hearing procedures.

The procedure to be followed at hearings is set out in Rule 14 of The Infrastructure Planning (Examination Procedure) Rules 2010. The ExA is responsible for the oral questioning of a person giving evidence and the process affords very limited scope to allow cross-questioning between parties.

### Hearing livestream and recording

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

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

## Other Procedural Decisions made by the Examining Authority

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

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

In relation to some of the Principal Issues identified in **Annex C** to this letter, the ExA would be assisted by the preparation of SoCGs between the Applicant and certain Interested Parties. The draft Examination Timetable at **Annex D** to this letter therefore establishes **Deadline 2 (Tuesday 30 August 2022)** for submission of SoCGs.

The aim of a SoCG is to agree factual information and to inform the ExA and all other parties by identifying where there is agreement and where the differences lie at an early stage in the Examination process. It should provide a focus and save time by identifying matters which are not in dispute or need not be the subject of further evidence. It can also usefully state where and why there may be disagreement about the interpretation and relevance of the information. Unless otherwise stated or agreed, the SoCG should be agreed between the Applicant and the other relevant Interested Party or parties, and submitted **by the Applicant**.

SoCGs are requested to be prepared between the Applicant and the following parties. It will assist the ExA to include matters listed in the third column where they appear alongside the relevant parties:

Other parties to the SoCG		SoCG to include
A	Natural England and Suffolk Wildlife Trust	<ul style="list-style-type: none"> <li>Impacts on and proposed mitigation for habitats and protected species, including stone curlews</li> </ul>
B	Environment Agency	<ul style="list-style-type: none"> <li>The effects of construction and operation on noise and air quality, and associated mitigation measures;</li> </ul>
C	National Highways	<ul style="list-style-type: none"> <li>The effects of construction and operation on the strategic road network;</li> <li>Impacts on and proposed mitigation for habitats and</li> </ul>

		protected species, including stone curlews
D	East of England Ambulance Services	<ul style="list-style-type: none"> <li>• Emergency planning including evacuation plans;</li> <li>• Road closures;</li> </ul>
E	West Suffolk Council	<ul style="list-style-type: none"> <li>• Effects on access to land and property;</li> <li>• Effects on the public right of way network including footpaths, bridleways and on non-motorised users (NMUs);</li> <li>• The economic and tourism effects of the project;</li> <li>• identification of noise sensitive receptors;</li> <li>• The effects of construction and operation on noise and air quality, and associated mitigation measures;</li> <li>• Battery storage including fire risk, health implications and possible radiation;</li> <li>• Health, safety and welfare</li> <li>• Impact on mental health</li> </ul>

		<ul style="list-style-type: none"> <li>• Emergency planning including evacuation plans;</li> <li>• Fire safety and emergency access routes</li> <li>• Road closures</li> <li>• Cumulative and in-combination effects</li> </ul>
F	East Cambridgeshire District Council	<ul style="list-style-type: none"> <li>• Effects on access to land and property;</li> <li>• Effects on the public right of way network including footpaths, bridleways and on non-motorised users (NMUs);</li> <li>• The economic and tourism effects of the project;</li> <li>• Identification of noise sensitive receptors;</li> <li>• The effects of construction and operation on noise and air quality, and associated mitigation measures;</li> <li>• Battery storage including fire risk, health implications and possible radiation;</li> <li>• Health, safety and welfare</li> </ul>

		<ul style="list-style-type: none"> <li>• Impact on mental health</li> <li>• Emergency planning including evacuation plans;</li> <li>• Fire safety and emergency access routes</li> <li>• Road closures</li> <li>• Cumulative and in-combination effects</li> </ul>
G	Suffolk County Council	<ul style="list-style-type: none"> <li>• Effects on access to land and property;</li> <li>• Effects on the public right of way network including footpaths, bridleways and on non-motorised users (NMUs);</li> <li>• The economic and tourism effects of the project;</li> <li>• Identification of noise sensitive receptors;</li> <li>• The effects of construction and operation on noise and air quality, and associated mitigation measures;</li> <li>• Battery storage including fire risk, health implications and possible radiation;</li> </ul>



		<ul style="list-style-type: none"> <li>• Health, safety and welfare</li> <li>• Impact on mental health</li> <li>• Emergency planning including evacuation plans;</li> <li>• Fire safety and emergency access routes</li> <li>• Road closures</li> <li>• Cumulative and in-combination effects</li> </ul>
H	Cambridgeshire County Council	<ul style="list-style-type: none"> <li>• Effects on access to land and property;</li> <li>• Effects on the public right of way network including footpaths, bridleways and on non-motorised users (NMUs);</li> <li>• The economic and tourism effects of the project;</li> <li>• Identification of noise sensitive receptors;</li> <li>• The effects of construction and operation on noise and air quality, and associated mitigation measures;</li> <li>• Battery storage including fire risk, health implications</li> </ul>

		<p>and possible radiation;</p> <ul style="list-style-type: none"> <li>• Health, safety and welfare</li> <li>• Impact on mental health</li> <li>• Emergency planning including evacuation plans;</li> <li>• Fire safety and emergency access routes</li> <li>• Road closures</li> <li>• Cumulative and in-combination effects</li> </ul>
I	Historic England	
J	National Grid	
K	Say No To Sunnica	
L	Ministry of Defence	
M	National Air Traffic Services (NATS)	
N	Chippenham Parish Council	
O	Burwell Parish Council	
P	Red Lodge Parish Council	
Q	Fordham Parish Council	
R	Moulton Parish Council	
S	Cambridgeshire County Council	
T	Freckenham Parish Council	
U	Mildenhall High Town Council	
V	Worlington Parish Council	
W	Snailwell Parish Council	

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

Where a particular SoCG cannot be agreed between the parties by **Deadline 2**, or if any local authority position needs to be signed off at a higher level, draft versions of that SoCG are requested to be submitted **by the Applicant** by **Deadline 2**. The position of the relevant Interested Parties should then be confirmed in the course of the Examination. The draft Examination Timetable makes provision for updated SoCGs to be submitted at various Deadlines with final versions by **Deadline 8**.

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

## 2. Accompanied Site Inspection – suggested locations

The draft Examination Timetable at **Annex D** to this letter includes potential dates reserved for Accompanied Site Inspections (ASI).

The ExA requests that Interested Parties submit suggested locations for the ExA to visit as part of an ASI by **Procedural Deadline A** (Wednesday 13 July 2022). The request must include:

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

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

The Applicant is requested to prepare a draft itinerary for the ASI to be submitted by **Deadline 1**. This should include:

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

Comments by Interested Parties on the Applicant's draft itinerary must be submitted by **Deadline 2**.

The ExA will consider each suggested site location, including those provided in the Applicant's draft itinerary, to determine if it could be viewed from public land on an unaccompanied basis or if it is necessary to view it on an accompanied basis. The ExA will also consider if it would be helpful to make arrangements for access only to be provided to specific sites such that they could be inspected as part of an Unaccompanied Site Inspection on an access required basis.

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

### **3. Additional Submissions**

The ExA has exercised its discretion and made Procedural Decisions to accept documents submitted during Pre-Examination as Additional Submissions, including all responses received to the ExA's letter of 4 May 2022. These can be viewed here: [Additional Submissions](#)

## Availability of Examination Documents

The application documents and Relevant Representations are available on <https://infrastructure.planninginspectorate.gov.uk/projects/eastern/sunnica-energy-farm/>.

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

## The Examination Library

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

The EL records and provides a hyperlink to:

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

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

## Electronic deposit locations

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

The opening hours and availability of information technology set out in the table below may be subject to changes or limitations to address public health requirements as a result of Coronavirus (COVID-19). Bearing in mind the availability of the documents on the National Infrastructure Planning website and the effect of public health restrictions, please consider your need to attend this location with care. Please check the current circumstances with the relevant location before you attend.

Local authority	Venue/address	Opening hours	Printing costs
Suffolk County Council	Newmarket Library, 1a the Guineas, Newmarket CB8 8EQ	Monday CLOSED Tuesday 8:30am to 6:00pm Wednesday 9:00am to 5:00pm Thursday 8:30am to 5:00pm Friday 8:30am to 6:30pm Saturday 9:00am to 5:00pm Sunday 10:00am to 4:00pm	A4 BW £0.20 per A4 side  A4 COL £0.50 per A4 side
Suffolk County Council	Mildenhall Library Mildenhall Hub, Sheldrick Way, Mildenhall, Bury Saint Edmunds IP28 7JX	Monday 9:00am to 5:00pm Tuesday 9:00am to 5:00pm Wednesday 10:00am to 5:00pm Thursday 9:00am to 5:00pm Friday 9:00am to 5:00pm Saturday CLOSED Sunday CLOSED	A4 BW £0.20 per A4 side  A4 COL £0.50 per A4 side

**Annex G**

Cambridgeshire County Council	Burwell Library, Village College, The Causeway, Burwell, CB25 0DU	Monday 2:00pm to 5:00pm Tuesday 10:00am to 5:00pm Wednesday CLOSED Thursday 12:00pm to 7:00pm Friday 2:00pm to 5:00pm Saturday 10:00am to 1:00pm Sunday CLOSED	A4 BW £0.20 per A4 side A4 COL £0.75 per A4 side
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## Information about the Make a submission tab

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

You will need to enter your unique reference number ('Your ref' found at the top of your postcard or email from the Planning Inspectorate) beginning either 2003, SUNN-SP, SUNN-AFP, SUNN-APL, SUNN-0, SUNN-ISP, SUNN-OP or SUNN-EIA. If you are making a submission on behalf of another person or organisation, and do not have your own unique reference number, then you should enter the unique reference number of the person or organisation you are representing. If you are not a registered Interested Party then it is at the discretion of the Examining Authority whether or not your submission is accepted.

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

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

Submissions **must not include hyperlinks** to documents/evidence hosted on a third party website eg technical reports, media articles etc. See the Planning Inspectorate's [Advice Note 8.4: The Examination](#) for further information about making written submissions. All submissions must be made in a format that can be viewed in full on the National Infrastructure Planning website. Any submissions that exceed 1500 words should also be accompanied by a summary; this summary should not exceed 10% of the original text.

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

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