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

Your Ref:

Our Ref: EN010106

Date: 4 October 2022

Dear Sir/ Madam

Planning Act 2008 – Section 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rules 8, 9, 13 and 16

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

Examination Timetable and procedure and Notification of Hearings and Accompanied Site Inspection

This letter (the Rule 8 letter) provides important information about the Examination of this application. The letter includes:

- The Examination Timetable
- An invitation to submit Written Representations
- Details of the publication of the Examining Authority's (ExA) written questions
- A request for Statements of Common Ground
- A request for Local Impact Reports from Local Authorities
- Other Procedural Decisions made by the ExA, including in relation to the Applicant's Change Request.
- Notification of Hearing and Agenda
- Notification of Accompanied Site Inspections
- Information about Hearings and Accompanied Site Inspections
- Information about the availability of Examination Documents
- Guidance on the use of the 'Make a submission' tab on the project webpage

All documentation associated with this Examination, including a note of the Preliminary Meeting and the recording of that meeting, can be viewed under the [Documents tab](#) on the project webpage of the National Infrastructure Planning website ([project webpage](#)).

The Examination Timetable

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

We have made a Procedural Decision to accept the Applicant's Change Request, details of which are contained in **Annex B** to this letter. The examination period will now provide all Interested Parties with the opportunity to make submissions on the merits of the changed application.

The Examination Timetable replaces the draft timetable that was included in both our [Rule 6 letter](#) and our [Procedural Decision letter of 31 August 2022](#). In finalising the Examination Timetable, we have sought to accommodate requests and suggestions made orally or in writing to the Preliminary Meeting. A list of the main changes we have made to the draft Examination Timetable is set out at **Annex B** to this letter.

Please note that the Examination Timetable contains a number of Deadlines for receipt of information by the Planning Inspectorate. All Deadlines are at 23:59 on the date specified. Please ensure submissions arrive by the Deadline. If you do not make your submissions by the dates specified in the timetable, we may disregard them.

We request that all Interested Parties make their submissions using the [Make a submission tab](#) on the project webpage on or before the applicable Deadline. **Annex F** to this letter provides further information about using the [Make a submission tab](#).

If we consider it necessary to vary the Examination Timetable during the Examination, notification will be sent to Interested Parties, Statutory Parties and Other Persons invited to the Preliminary Meeting. The changes will be published on the [project webpage](#).

Written Representations

All Interested Parties are now invited to submit Written Representations and any comments on the Relevant Representations already submitted. These should be submitted by **Deadline 2** in the Examination Timetable.

Written Representations can cover any relevant matter and are not restricted to the matters set out in our Initial Assessment of Principal Issues or to the content of our written questions (see next heading below).

Any person, other than the Applicant, who submits a Written Representation must identify those parts of the application with which they agree and those parts with which they do not agree, explaining the reasons why. Interested Parties should also provide with their Written Representations any data, methodology and assumptions used to support their submissions to avoid delays in the Examination (see paragraph 74 of [Planning Act 2008: Guidance for the examination of applications for development consent](#)).

We have requested further types of written submissions at various points in the Examination (see **Annex A**).

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

Representations **must not include hyperlinks** to documents/evidence hosted on third party websites. Please see the Planning Inspectorate's [Advice Note 8.4: The Examination](#) for further information about Written Representations.

Examining Authority's Written Questions

We have prepared written questions (ExQ1) about the application and the representations received so far. These questions are published on the project webpage and can be accessed at the following link:

[Examining Authority's First Written Questions \(ExQ1\)](#)

Responses to ExQ1 must be provided by **Deadline 2** in the Examination Timetable.

If you require an editable Microsoft Word version of ExQ1, please contact the Case Team using the contact details at the top of this letter.

Format of Examination Events

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.

The Examination Timetable at **Annex A** to this letter includes periods of time reserved for hearings to be held. We will notify all Interested Parties of any hearings scheduled as part of the Examination, including the format of the hearings, at least 21 days in advance of them taking place. That notification will include a Deadline for Interested Parties to inform the Planning Inspectorate if they wish to participate at the notified hearing(s).

Notification of Hearing and Accompanied Site Inspection

We have made a Procedural Decision to hold the following Hearing:

- Issue Specific Hearing on the draft Development Consent Order (dDCO) (ISH1) on **Tuesday 1 November 2022** (Blended event)

The agenda for ISH1 is at **Annex D** to this letter.

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

You must register by 19 October 2022 (Deadline 1) if you intend to participate in the Hearing and provide all the information requested in Annex C to this letter.

If you simply wish to observe the Hearing then you can either:

1. 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
2. Watch the recording of the event which will be published on the [project webpage](#) shortly after the event has finished.

Alternatively, you can attend the physical event to observe the proceedings; however, to ensure there is adequate seating capacity at the venue we request that you register your attendance to observe only by **19 October 2022** using this [Form](#). Please note that it may not be possible to participate on the day if you have not registered your wish to speak by **19 October 2022**.

We have also made a Procedural Decision to hold Accompanied Site Inspections on **Wednesday 2 and Thursday 3 November 2022**.

Important information about the Accompanied Site Inspections and attendance at the inspections is contained within **Annex C** to this letter.

The ExA's final itineraries for ASI2 and ASI3 will be published on or before **Tuesday 25 October 2022**.

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 as electronic communication is more environmentally friendly and cost effective for the taxpayer.

If you have received a letter from the Planning Inspectorate 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 F** to this letter. Please note that the **Finish** button must be clicked to ensure that the submission is received.

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. Registering to receive Email updates **does not make you an Interested Party**. For further information about Interested Party status please refer to the Planning Inspectorate's [Advice Note 8.2: How to register to participate in an 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 E** 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** Examination Timetable
- B** Other Procedural Decisions made by the Examining Authority
- C** Notice of Hearing and Accompanied Site Inspections, and requests to participate
- D** Agenda for Issue Specific Hearing 1 (ISH1) on the draft DCO
- E** Availability of Examination Documents
- F** 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.

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>Procedural Deadline A</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Written submissions on the Examination Procedure, including any submissions about the use of virtual methods • Requests to be heard orally at the Preliminary Meeting • Requests to be heard at notified Issue Specific Hearing (ISH) Requests by Interested Parties to be heard at the ISH as notified at Annex E of the Rule 6 letter • Requests to be heard at notified Open Floor Hearings (OFH) Requests by Interested Parties to be heard at an OFH as notified at Annex E of the Rule 6 letter • Suggested locations for site inspections (Accompanied or Unaccompanied), including justification, for consideration by the ExA 	<p>Wednesday 13 July 2022</p>
2.	<p>Preliminary Meeting - adjourned</p>	<p>Tuesday 26 July 2022</p>
3.	<p>Procedural Deadline B</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Written submissions on the prospects of sufficient progress being made on the submission of the Change Request to support an effective Examination commencing in September 2022 	<p>Monday 8 August 2022</p>

4.	Procedural Deadline C Deadline for receipt by the ExA of: <ul style="list-style-type: none"> • Requests to be heard orally at the resumed Preliminary Meeting • Notification of wish to attend ASI • Written submissions on the Examination Procedure including any submissions about the use of virtual methods • Applicant's draft itinerary for ASI1 on Thursday 29 September 2022 	Wednesday 14 September 2022
5.	Publication by the ExA of: <ul style="list-style-type: none"> • ExA's final itinerary for the ASI on Thursday 29 September 2022 	Thursday 22 September 2022
6.	Preliminary Meeting resumes	Wednesday 28 September 2022
7.	Accompanied Site Inspection (ASI1)	Thursday 29 September 2022
8.	Issue by the ExA of: <ul style="list-style-type: none"> • Examination Timetable Publication of: <ul style="list-style-type: none"> • The ExA's Written Questions (ExQ1) 	As soon as practicable following the close of the Preliminary Meeting
9.	Deadline 1 For receipt by the ExA of: <ul style="list-style-type: none"> • Comments on Relevant Representations (RR) • Summaries of all RR exceeding 1500 words • Local Impact Reports (LIR) from any local authorities • Notification by Statutory Parties of their wish to be considered as an IP by the ExA • Applicant's draft itinerary for ASI2 and ASI3 • Notification of wish to attend ASI2 and/or ASI3 	Wednesday 19 October 2022

	<ul style="list-style-type: none"> • Requests to be heard at an OFH Requests by Interested Parties to be heard at an Open Floor Hearing (OFH) • Requests to be heard at a CAH Requests by Affected Persons (defined in section 59(4) of the Planning Act 2008) to be heard at a Compulsory Acquisition Hearing (CAH) • Updated Guide to the Application • Updated Book of Reference (BoR) and Schedule of Changes to the BoR • Updated Schedule of Negotiations • Comments on any Additional Submissions accepted at the discretion of the ExA (if any) 	
10.	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • ExA's final itinerary for ASI2 and ASI3 (if required) 	<p>Tuesday 25 October 2022</p>
11.	<p>Dates reserved for:</p> <ul style="list-style-type: none"> • Issue Specific Hearing (ISH1) on the draft DCO (if required) • Accompanied Site Inspection (ASI2) (if required) • Accompanied Site Inspection (ASI3) (if required) 	<p>ISH1 - Tuesday 1 November 2022</p> <p>ASI2 – Wednesday 2 November 2022</p> <p>ASI3 - Thursday 3 November 2022</p>
12.	<p>Deadline 2</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Post Hearing Submissions, including written submissions of oral case • Written Representations (WRs) • Summaries of all WRs exceeding 1500 words • Initial Statements of Common Ground (SoCG) requested by the ExA • Statement of Commonality of SoCG 	<p>Friday 11 November 2022</p>

	<ul style="list-style-type: none"> • Responses to the ExA's Written Questions (ExQ1) • Responses to comments on RRs • Applicant's revised draft of DCO • Updated Guide to the Application • Updated Book of Reference (BoR) and Schedule of Changes to the BoR • Updated Schedule of Negotiations • Comments on any Additional Submissions accepted at the discretion of the ExA by Deadline 1 • Any further information requested by ExA Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 • Comments on any further information received Comments on any further information requested by the ExA and received by Deadline 1 	
13.	<p>Deadline 3</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on WRs • Comments on LIRs • Comments on responses to ExQ1 • Comments on SoCG • Comments on Applicant's revised draft of DCO • Updated Guide to the Application • Updated Book of Reference (BoR) and Schedule of Changes to the BoR • Updated Schedule of Negotiations • Comments on any Additional Submissions accepted at the discretion of the ExA by Deadline 2 	<p>Tuesday 22 November 2022</p>

	<ul style="list-style-type: none"> • Any further information requested by ExA Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 • Comments on any further information received Comments on any further information requested by the ExA and received by Deadline 2 	
14.	<p>Dates reserved for:</p> <ul style="list-style-type: none"> • Open Floor Hearings (OFH) (if required) • Issue Specific Hearings (ISH) (if required) • Compulsory Acquisition Hearings (CAH) (if required) 	<p>Tuesday 6 December 2022</p> <p>To</p> <p>Friday 9 December 2022</p>
15.	<p>Deadline 4</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Post Hearing Submissions, including written submissions of oral case • Any revised/updated SoCG (If any) • Applicant's draft itinerary for ASI4 (if required) • Applicant's revised draft of DCO • Updated Guide to the Application • Updated Book of Reference (BoR) and Schedule of Changes to the BoR • Updated Schedule of Negotiations • Comments on any Additional Submissions accepted at the discretion of the ExA by Deadline 3 • Any further information requested by ExA Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 • Comments on any further information received Comments on any further information requested by the ExA and received by Deadline 3 	<p>Friday 16 December 2022</p>

16.	Publication of: <ul style="list-style-type: none"> • ExA's Second Written Questions (ExQ2) (If required) 	Thursday 5 January 2023
17.	Deadline 5 For receipt by the ExA of: <ul style="list-style-type: none"> • Responses to ExA's Second Written Questions (ExQ2) • Comments on revised/updated SoCG (if any) • Comments on Applicant's draft itinerary for ASI4 (if required) • Comments on Applicant's revised draft DCO • Updated Guide to the Application • Updated Book of Reference (BoR) and Schedule of Changes to the BoR • Updated Schedule of Negotiations • Comments on any Additional Submissions accepted at the discretion of the ExA by Deadline 4 • Any further information requested by ExA Any further information requested by the ExA under Rule 17 of the Examination Rules • Comments on any further information received Comments on any further information requested by the ExA and received by Deadline 4 	Friday 13 January 2023
18.	Deadline 6 For receipt by the ExA of: <ul style="list-style-type: none"> • Any revised/updated SoCG (If any) • Applicant's revised draft of DCO 	Monday 30 January 2023

	<ul style="list-style-type: none"> • Updated Guide to the Application • Updated Book of Reference (BoR) and Schedule of Changes to the BoR • Updated Schedule of Negotiations • Comments on any Additional Submissions accepted at the discretion of the ExA by Deadline 5 • Any further information requested by ExA Any further information requested by the ExA under Rule 17 of the Examination Rules • Comments on any further information received Comments on any further information requested by the ExA and received by Deadline 5 	
19.	<p>Publication of:</p> <ul style="list-style-type: none"> • ExA's Third Written Questions (ExQ3) (If required) • ExA's final itinerary for ASI4 (If required) 	Wednesday 1 February 2023
20.	<p>Publication of:</p> <ul style="list-style-type: none"> • Report on the Implications for European Sites (RIES) 	Monday 13 February 2023
21.	<p>Dates reserved for:</p> <ul style="list-style-type: none"> • Accompanied Site Inspections (ASI4) (if required) • Open Floor Hearings (OFH) (if required) • Issue Specific Hearings (ISH) (if required) • Compulsory Acquisition Hearings (CAH) (if required) 	Tuesday 14 February 2023 to Friday 17 February 2023
22.	<p>Publication of:</p> <ul style="list-style-type: none"> • ExA's commentary on, or schedule of changes to, the draft DCO 	Monday 20 February 2023

<p>23.</p>	<p>Deadline 7</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Post Hearing Submissions, including written submissions of oral case • Responses to ExA’s Third Written Questions (ExQ3) (If issued) • Comments on revised/updated SoCG (if any) • Comments on ExA’s commentary on, or schedule of changes to, the draft DCO • Updated Guide to the Application • Updated Book of Reference (BoR) and Schedule of Changes to the BoR • Updated Schedule of Negotiations • Comments on any Additional Submissions accepted at the discretion of the ExA by Deadline 6 • Any further information requested by ExA Any further information requested by the ExA under Rule 17 of the Examination Rules • Comments on any further information received Comments on any further information requested by the ExA and received by Deadline 6 	<p>Friday 3 March 2023</p>
<p>24.</p>	<p>Deadline 8</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on the RIES • Final SoCG • Final DCO Final DCO to be submitted by the Applicant in the SI template with the SI template validation report 	<p>Monday 13 March 2023</p>

	<ul style="list-style-type: none"> • Final Statement of Commonality of SoCG • List of matters not agreed where SoCG could not be finalised • Final Guide to the application • Final updated BoR Final BoR and schedule of changes to BoR • Final Schedule of Negotiations • Comments on any Additional Submissions accepted at the discretion of the ExA by Deadline 7 • Comments on any further information received Comments on any additional information/submissions received by Deadline 7 • Any further information requested by ExA Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 	
25.	<p>Deadline 9</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Any further information requested by ExA Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 	<p>Tuesday 28 March 2023</p>
26.	<p>The ExA is under a duty to complete the Examination of the application by the end of the period of six months</p>	<p>Tuesday 28 March 2023</p>

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 each Deadline for submissions.

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.

Other Procedural Decisions made by the Examining Authority (ExA)

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

1. Examination Timetable

We have decided to postpone the Issue Specific Hearing on Environmental Matters (ISH2) until after Deadline 3, by which time Written Representations and comments on Written Representations will have been received. This is in order to allow us to ascertain those issues which will need a hearing.

We have also decided to postpone the Accompanied Site Inspection (if required) in December 2022 until February 2023 (ASI4) to allow us time following completion of ASI2 and ASI3 to consider which further locations and features (if any) require inspection on an accompanied basis, and to allow time for the drawing up and finalisation of itineraries and the serving of the requisite notice.

2. Examining Authority's Written Questions

Our [written questions \(ExQ1\)](#) have been published alongside this Rule 8 letter. Whilst most of our written questions are directed at specific parties, no other party should feel inhibited or restricted in responding to any question we ask, even if it is directed elsewhere.

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

All relevant Statutory Parties are requested to check our written questions carefully in order that they may identify and respond to any questions posed to them.

For the avoidance of doubt, Statutory Parties are defined as the parties listed in Schedule 1 to [The Infrastructure Planning \(Interested Parties and Miscellaneous Prescribed Provisions\) Regulations 2015](#). Statutory Parties, including relevant local authorities, that have not already registered to become an Interested Party should consider notifying the ExA of their wish to be considered as an Interested Party, under Section 89(2A)(b) of the Planning Act 2008 as soon as possible.

3. Statements of Common Ground (SoCGs)

The Applicant is taking the lead in the preparation of SoCGs and it will aid the smooth running of the Examination if all IPs who are participating in the preparation of SoCGs liaise and co-operate with the Applicant in respect of their production. We set out in **Annex F** of our [Rule 6 letter](#) the SoCGs we request are submitted during the Examination of this application. This list was supplemented by additional town and parish councils as listed in our [Procedural Decision letter of 31 August 2022](#). Final signed versions of the SoCGs are requested to be submitted **by the Applicant at Deadline 8**.

All of the SoCGs 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.

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

4. Local Impact Reports (LIRs)

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

Local Authorities, defined in section 56A of the Planning Act 2008, are invited to submit LIRs by **Deadline 1**.

5. Change Request

We have decided to accept the Applicant's Change Request (CR) formally submitted on 30 August 2022 [[AS-243](#)]. The CR document [[AS-243](#)] contained an environmental appraisal of each of the identified changes, namely:

- Proposed Change 1: Removal of Option 1 National Grid Substation Extension;
- Proposed Change 2: Option 3 400kV cabling within Grid Connection Routes A and B; and
- Proposed Change 3: 33 to 400kV transformers.

In order to decide whether or not the CR might be accepted into the examination of this application and to assess its materiality, the ExA required further information and clarification in relation to the matters set out in its letter of 8 September 2022 [[PD-015](#)] to which the Applicant responded by letter on 14 September 2022 [[PDC-002](#)].

The ExA has reviewed the information provided and assessed the Applicant's request against the criteria set out in paragraphs 109 to 115 of the DCLG Guidance '[Planning Act 2008: Examination of Applications for Development Consent](#)' and the Planning Inspectorate's [Advice Note 16: How to request a change which may be material](#).

The Applicant has concluded that the proposals would not constitute a material change. This is because Change 3 would lead to a minor increase to the Order limits but overall would modestly reduce the compulsory acquisition powers sought by the Applicant. In addition, the proposed changes have been subject to environmental appraisal as set out in the CR Document [[AS-243](#)] and the Applicant has determined that they would not generate new or different likely significant effects. It is also noted that the conclusions of the Habitats Regulations Assessment [[APP-092](#)] are not altered.

The ExA is satisfied that the information provided is of a satisfactory standard for examination and that there is sufficient time within the Examination for the proposed changes to be properly and fairly examined. The consultation procedures and timetable established as part of the Examination are also considered to meet the requirement for consultation in the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. Therefore, we accept the proposed changes into the examination of the Application as non-material changes.

Representations and submissions on the Application to be made in accordance with the Examination Timetable set out in **Annex A** should therefore be made in relation to the updated Application.

6. Changes to land interests

When the Applicant becomes aware that there has been a change in ownership or a new interest in relevant land, the Applicant is requested to make the relevant persons aware that they can make a request to the ExA to become Interested Parties under section 102A of the PA2008 by completing the [form available on the project webpage](#). The Examination Timetable includes various Deadlines for the submission of an updated Book of Reference and schedule of changes to the Book of Reference, which should include confirmation that relevant persons have been informed of their rights under section 102A.

5. Additional Submissions

In addition to the documentation submitted by Procedural Deadlines A, B and C we have exercised our discretion and made a Procedural Decision to accept the following Additional Submissions:

1. Applicant's response to the ExA's letter of 8 September 2022

Notification of Hearing and Accompanied Site Inspections

Notice of Hearing and requests to participate

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

Date	Hearing	Start time	Venue and Joining details
Tuesday 1 November 2022	Issue Specific Hearing on the draft DCO (ISH1)	Seating available at venue from: 9:00 Virtual Arrangements Conference from: 9:00 Hearing starts: 10:00	Blended event at: Heath Court Hotel Moulton Road Newmarket CB8 8DY 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>NOTE: If the above Hearing is no longer required then notification will be published as soon as practicable on the project webpage, providing reasonable notice to IPs of the decision to cancel.</p>			

You must register by Deadline 1 (19 October 2022) if you intend to participate in the hearing and provide all the information requested in Annex C to this letter.

If you simply wish to observe the Hearing then you can either:

1. 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
2. Watch the recording of the event which will be published on the [project webpage](#) shortly after the event has finished.

Alternatively, you can attend the physical event to observe the proceedings; however, to ensure there is adequate seating capacity at the venue we request that you register your attendance to observe only by **19 October 2022** using this [Form](#). Please note that it may not be possible to participate on the day if you have not registered your wish to speak by **19 October 2022**.

Applicant's notification duties

The Applicant is reminded of its duty to notify and publicise hearings under Rule 13(6) and 13(7) of The Infrastructure Planning (Examination Procedure) Rules 2010.

Requests to participate in hearings

If you wish to participate and speak at ISH1 you are required to notify the ExA by completing this [Form](#) by **Deadline 1**.

Any request to participate in a hearing **should 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, 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 [Examination Library](#) reference number (with paragraph/page number where appropriate) of any documents you wish to refer to.

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

Please contact the Case Team using the contact details at the top of this letter if you require any support to attend any hearing, either virtually or in person.

Attendees

The ExA would find it helpful if the following parties could attend ISH1.

- Sunnica Ltd (the Applicant)
- Cambridgeshire County Council
- East Cambridgeshire District Council
- Suffolk County Council
- West Suffolk Council
- Statutory undertakers and any other Interested Parties (IPs) with an interest in the drafting of the draft Development Consent Order, the implementation or discharge of proposed Articles, Requirements or other provisions.

However, this does not indicate that other parties will not be able to contribute. All IPs are invited to attend and make oral representations on the matters set out in the Agenda, subject to the ExA's ability to control the Hearing.

If you are experiencing any COVID-19 symptoms please do not attend the Hearing in person. Contact the Case Team who will ensure you have access to the Hearing virtually.

Hearing Agendas

A detailed agenda for ISH1 is at **Annex D** to this letter to help inform your decision about whether to register to participate.

For further 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 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 suitability, 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 the 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.

Procedure at hearings

Guidance under the Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provides that it is for the ExA to probe, test and assess the evidence through direct questions of persons making oral representations at hearings. Questioning at the Hearing will be led by the ExA. Cross questioning of a person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that an IP has had a fair chance to put its case.

Arrangements Conference

Parties who register to attend (both in person and virtually) and Invitees will receive an email shortly before the Hearing containing a joining link and telephone number to enable participation virtually as necessary. If attending virtually please join the Arrangements Conference promptly. The Case Team will admit you from the virtual Lobby and register your attendance. The Arrangements Conference allows procedures to be explained and will enable the Hearing to start promptly.

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.

Notice of Accompanied Site Inspections (ASI) and requests to attend

We confirm that we will hold Accompanied Site Inspections (ASI2 and ASI3) under Rule 16 of The Infrastructure Planning (Examination Procedure) Rules 2010 on the following dates:

Date and site	Meeting Place and Parking	Time	Notes
Wednesday 2 November 2022	Morning & Afternoon: Red Lodge Sports Pavilion, Hundred Acre Way, Red Lodge, Bury Saint Edmunds IP28 8FQ	Start: 9:00	Car Parking is available free of charge. Further information about access and other arrangements will be confirmed in the ExA's Final ASI itinerary.
Thursday 3 November 2022	Morning & Afternoon: Red Lodge Sports Pavilion, Hundred Acre Way, Red Lodge, Bury Saint Edmunds IP28 8FQ	Start: 9:00	Car Parking is available free of charge. Further information about access and other arrangements will be confirmed in the ExA's Final ASI itinerary.

NOTE: If any part of the above site inspections is no longer required then notification that a particular date/part is no longer required will be published as soon as practicable on the [project webpage](#).

As requested in **Annex F** of our Rule 6 letter, suggestions, including justification, for locations to be included in ASIs were submitted by Procedural Deadline A and have been published on the [project webpage](#). These have been reviewed by the ExA and the Applicant is requested to prepare draft itineraries for further ASIs that include the following locations:

ASI2

Morning: Sunnica East Site A

- Drive towards Isleham via Four Cross Bridge
- River Lark, West Row
- BESS site
- The Ark Church/Beck Road

- Isleham plane crash site
- ECO1 & ECO2
- Drive through Isleham and southwards along Station Road
- Return to Red Lodge via Fordham

Afternoon: Sunnica East Site B

- Golf Links Road/Royal Worlington & Newmarket Golf Club
- Drive through Worlington
- ECO3
- BESS site
- Elms Road Caravan Site

ASI3

All day: Sunnica West Site A

- Chippenham Hall & Park
- Chippenham Park – The Avenue – from park walls to southern extent of Order Limits
- Bridleway 204/5 to midpoint
- BESS site
- La Hogue Farm

The Applicant should submit the draft itineraries by **Deadline 1**.

The ExA will then review the draft itineraries and may make changes to them. Our final itinerary for each ASI will be published on the project webpage on or before **Tuesday 25 October 2022**.

Please note that for logistical and safety reasons it may be necessary to limit the numbers of persons who accompany us for the ASIs; however it may be possible for arrangements to be made for Interested Parties (IPs) (or their representatives) to join the inspection at specified locations within the itinerary.

IPs who wish to attend the ASIs should notify the ExA by completing this [Form](#) by **Deadline 1**.

The IPs attending the ASIs will include representatives of the Applicant, together with other IPs (or their representatives). Access onto private land is at all times by permission of the person controlling it.

IPs should be aware that ASIs are not an opportunity to make any oral representations to us about the Proposed Development. However, we may invite participants to indicate specific features or sites of interest.

Agenda for Issue Specific Hearing 1 (ISH1):

1. Welcome, introductions and arrangements for the Issue Specific Hearing

2. Purpose of the Hearing

The ExA will explain the purpose of the Hearing, during which it will seek responses from the Applicant and Interested Parties (IPs). IPs will also be invited to ask the ExA questions of clarification in relation to DCO Articles and Schedules.

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. These may include drafting issues and other substantive issues including:

- Whether each battery energy storage system would be Associated Development or an aim in itself;
- whether imposing an upper limit on the capacity of the proposed development would be desirable or necessary;
- the extent and assessment of permitted preliminary works;
- Article 6(3), clarification of disapplication of legislation, including enforceability of planning conditions on Worlington Quarry;
- Articles 18 et seq, scope of compulsory acquisition powers;
- Article 43, scope of compensation guarantees; and
- Article 44, scope and proportionality of traffic regulation measures.

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 including on matters such as:

- Clarification of relationship to each other of all plans and documents to be secured by the DCO;
- Need for supplementary outline plans and related requirements, for example on highway access, individual aspects of construction practice and light emissions;
- Approval of battery fire safety management plan.

The ExA will ask whether there are concerns in principle with the proposed approaches taken to the discharge of requirements, or for managing appeals or disputes under the dDCO.

5. Article 38 and Schedule 10 of the dDCO: Documents and Plans to be Certified

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

6. Article 40 and Schedule 12 of the dDCO: Protective Provisions

To understand and obtain an update on progress between parties regarding protective provisions; an explanation of any important differences of view and a timescale for resolution.

7. Consents, Licences and Other Agreements

The Applicant will be asked to provide an update of progress and timescales for completion. The ExA will ask questions, including discussing whether there is 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

The ExA has sought to provide sufficient detail in this Agenda to assist the parties to prepare for the Hearing. The details set out above are indicative and the ExA may find it necessary to include additional Agenda items or to amend the order in which the items are dealt with.

Availability of Examination Documents

The application documents and Relevant Representations are available to view on the [project webpage](#).

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 and submission made to the Examination; and
- each Procedural Decision made by the Examining Authority.

Each document is given a unique reference number 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 may need to bring a form of identification and register as a library member in order to use a computer at some libraries.

The opening hours and availability of information technology set out in the table below may be subject to changes or limitations. Bearing in mind the availability of the documents on the National Infrastructure Planning website, please consider your need to attend these locations.

Local authority	Venue/address	Opening hours	Printing costs
West Suffolk Council	Mildenhall Hub, Sheldrick Way, Mildenhall, Bury Saint Edmunds IP28 7JX	Monday: 09:00 – 17:00 Tuesday: 09:00 – 17:00 Wednesday: 10:00 – 17:00	

		Thursday: 09:00 – 17:00 Friday: 09:00 – 17:00 Saturday: Closed Sunday: Closed	
Local authority	Venue/address	Opening hours	Printing Costs
West Suffolk Council	Newmarket Library, 1a the Guineas, Newmarket CB8 8EQ	Monday: Closed Tuesday: 08:30 – 18:00 Wednesday: 09:00 – 17:00 Thursday: 08:30 – 17:00 Friday: 08:30 – 18:30 Saturday: 09:00 – 17:00 Sunday: 10:00 – 16:00	A4 Black and White: Single sided: 20p per sheet Double sided: 30p per sheet A4 Colour: Single Sided: 50p per sheet Double Sided: 80p per sheet A3 Black and White: Single Sided: 30p per sheet Double sided: 50p per sheet A3 Colour: Single sided: £1 per per sheet Double sided: £1.60 per sheet

	<p>The Beeches, 32 Mill St, Isleham, Ely CB7 5RY</p>	<p>OPENING TIMES MAY VARY, PLEASE CONTACT VENUE</p> <p>Monday: 10:00 - 11:00am, 18:00 – 21:00</p> <p>Tuesday: 9:00 - 20:00</p> <p>Wednesday: 9:00 - 14:00, 16:00 – 20:30</p> <p>Thursday: 10:00 - 11:00, 16:00 - 17:30</p> <p>Friday: 9:00 - 13:00</p> <p>Saturday: Please contact venue</p> <p>Sunday: Please contact venue</p>	
	<p>Burwell Library, Village College, The Causeway, Burwell, CB25 0DU</p>	<p>Monday: 14:00 – 17:00</p> <p>Tuesday: 10:00 – 17:00</p> <p>Wednesday: Closed</p> <p>Thursday: 12:00 – 19:00</p> <p>Friday: 14:00 – 17:00</p> <p>Saturday: 10:00 – 13:00</p> <p>Sunday: Closed</p>	

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 letter 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 (IP) 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 e.g. 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.

You must click '**Finish**' to ensure your submission is received.

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.