



National Infrastructure Planning
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All Interested Parties,
Statutory Parties and Other Parties invited
to the Preliminary Meeting

Your Ref:

Our Ref: EN010117

Date: 14 December 2023

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 Rampion Extension Development Ltd for a new offshore windfarm with up to 90 wind turbine generators, offshore and onshore substations and electricity transmission infrastructure.

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. I am Richard Allen, and I will be joined by my colleagues Claire Beloe, Richard Morgan, Joe O’Sullivan and Steven Rennie. A copy of the appointment notice can be viewed under the Documents tab on the [project webpage](#) of the National Infrastructure Planning website.

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

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
Tuesday 6 February 2024	Seating available at venue from: 9.30am Virtual Arrangements Conference from: 9.30am Preliminary Meeting starts: 10.00am	DoubleTree by Hilton Brighton Metropole Kings Road Brighton BN1 2FU 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

You must register by the Pre-Examination Procedural Deadline of Tuesday 16 January 2024 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.

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 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 Energy, Security and Net Zero, who will take the final decision in this case. **Annex B** to this letter contains further remarks from the ExA on the Examination process.



The agenda for the meeting is at **Annex A** to this letter. This has been set following our Initial Assessment of Principal Issues (IAP) arising from our reading of the application documents and the Relevant Representations received. The IAP 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 E** to this letter; and/or
- you wish to comment about the arrangements for future Examination Hearings.

You are invited to make a written submission about how the application is to be examined by the **Pre-Examination Procedural Deadline, Tuesday 16 January 2024** (see **Annex E** to this letter).

We request that all submissions are made using the 'Make a Submission' tab on the project webpage on or before the **Pre-examination Procedural Deadline. 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 (IP) you can make a Written Representation (WR) 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.

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

- Name and unique reference number (found at the top 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.

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 and supported 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’s operating model includes both blended (part in-person and part virtual) and fully virtual events. 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. However, and for this case, the ExA expects Hearings will be blended.

As such we are providing formal notification that the **Preliminary Meeting, the Open Floor Hearing 1 and the Issue Specific Hearing 1 will be blended events.**

After the Preliminary Meeting

After 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 Hearings

The ExA provides notice of the following initial Hearings that will take place:

Date	Hearing	Start time	Venue and Joining details
Tuesday 6 February 2024	Open Floor Hearing 1	Seating available at venue from: 2.00pm Virtual Arrangements Conference from: 2.00pm Hearing starts: 2.30pm	DoubleTree by Hilton Brighton Metropole Kings Road Brighton BN1 2FU and By virtual means using Microsoft Teams Full instructions on how to join online or by telephone



Date	Hearing	Start time	Venue and Joining details
			will be provided in advance to those who have pre-registered
Wednesday 7 February 2024	Issue Specific Hearing 1 On Environmental Matters	Seating available at venue from: 9.00am Virtual Arrangements Conference from: 9.00am Hearing starts: 9.30am	DoubleTree by Hilton Brighton Metropole Kings Road Brighton BN1 2FU 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
Thursday 8 February 2024	Issue Specific Hearing 1 (continued if not completed on Wednesday 7 February 2024) On Environmental Matters	Seating available at venue from: 9.00am Virtual Arrangements Conference from: 9.00am Hearing starts: 9:30am	DoubleTree by Hilton Brighton Metropole Kings Road Brighton BN1 2FU 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
Friday 9 February 2024 AM ONLY	Issue Specific Hearing 1 (continued if not completed on Thursday 8 February 2024) On Environmental Matters	Seating available at venue from: 9.00 Virtual Arrangements Conference from: 9.00 Hearing starts: 9:30am	DoubleTree by Hilton Brighton Metropole Kings Road Brighton BN1 2FU 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 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.</p>			

You must register by the Pre-Examination Deadline of Tuesday 16 January 2024 if you intend to participate in any, or all of 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.

High-level agendas for these Hearings have been published at **Annex F** to this letter to help inform your decision about whether to register to participate. This has been set following our IAPI arising from our reading of the application documents and the Relevant Representations received. The IAPI is set out in **Annex C** to this letter.



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

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, 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.

It is important that notifications from Interested Parties to participate in Hearings is submitted separately from any other written submission. Please select the appropriate Deadline and Submission Item under the Make a submission tab and ensure the submission is titled appropriately 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.

Procedural Decisions made by the Examining Authority

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

- The request for additional submissions
- The request for a Land Rights Tracker
- Updates to the Guide to the Application
- Statements of Common Ground and Statement of Commonality of Statements of Common Ground
- Principal Areas of Disagreement Statements Update
- Submission of an Examination Progress Tracker
- Submission of Closing Statement(s)
- Request for statement on the new National Policy Statement for Energy
- Accompanied Site Inspections Suggested Locations (if held)



- Visuals for the Hearings
- Deadline for the submission of Relevant Representations
- Notification by statutory parties or local authorities to be an Interested Party

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 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 '2004', 'RAM2-AFP', 'RAM2-S57' you are in Group A. If your reference number begins with 'RAM2-SP' you are in Group B. If your reference number begins with 'RAM2-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](#).

Pronouns and Titles

Finally, please let the Case Team know if you wish to be referred to by a specific set of pronouns or titles.

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

Yours faithfully

Richard Allen

Lead Member of the Examining Authority

Annexes

- A** Agenda for the Preliminary Meeting
- B** Examining Authority's Remarks About the Examination Process
- C** Initial Assessment of Principal Issues
- D** Procedural Decisions made by the Examining Authority
- E** Draft Examination Timetable
- F** Agenda for the Issue Specific Hearing
- 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 the Pre-Examination Deadline of Tuesday 16 January 2024 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.

If you are participating using Microsoft Teams, please join the virtual lobby promptly using the instructions that will be sent to you. 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, 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 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);
- confirmation of whether you will participate virtually or in-person; and
- the agenda item(s) on which you wish to speak and a list of the points you wish to make.

Date: **Tuesday 6 February 2024**

Arrangements Conference: **9.30am**

Meeting start time: **10.00am**

Venue: DoubleTree by Hilton Brighton Metropole, Kings Road, Brighton, BN1 2FU 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: **The Applicant and Interested Parties who have pre-registered**

Agenda for the Preliminary Meeting	
9.30am	Seating available at venue for in-person attendees
9.30am	<p>Virtual Registration Process</p> <p>Please arrive at 9.30am to enter the virtual lobby. From here you will be admitted to the Arrangements Conference by the Case Team, greeted and given further instructions.</p> <p>The Registration Process will commence at 09:30. This will be hosted by the Case Team and allow for any questions to be asked about how to take part.</p>
10.00am	<p>Preliminary Meeting</p> <p>The Preliminary Meeting will formally open at 10.00am. The Examining Authority will join, welcome participants and lead introductions.</p>
Item 1	The Examining Authority's remarks about the Examination process – Annex B to Rule 6 letter
Item 2	Initial Assessment of Principal Issues – Annex C to the Rule 6 letter
Item 3	Procedural Decisions – Annex D to the Rule 6 Letter
Item 4	Draft Examination Timetable – Annex E to the Rule 6 letter
Item 5	Any other matters
Item 6	
Close of the Preliminary Meeting	

The Examining Authority's Remarks about the Examination Process

This annex provides advance access to information that would usually be included in the ExA's introductory remarks. Please read it carefully, as the ExA will only present a summary of the key points at the Preliminary Meeting, 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 Preliminary Meeting.

The ExA will be supported by the Planning Inspectorate Case Team. Lily Robbins is the Case Manager for the application. During the Arrangements Conferences 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 Preliminary Meeting. The contact email address is: rampion2@planninginspectorate.gov.uk

Format

The Preliminary Meeting and subsequent Hearings will consist of blended events. This means that it will be held in person, with some participants opting to attend online using Microsoft Teams. Aware of videoconferencing fatigue, the ExA will ensure that regular breaks are taken. More details will be provided in the relevant agendas for such meetings, if required.

The Purpose of the Preliminary Meeting

The Preliminary Meeting is being held to discuss the arrangements for the Examination of the application for a Development Consent Order (DCO) for the Rampion 2 Offshore Windfarm Project, which is a Nationally Significant Infrastructure Project (NSIP), and which will generally be referred to in the Preliminary Meeting and Examination as the 'Proposed Development'. The application has been made by Rampion Extension Development Limited, 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 Preliminary Meeting 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 after the close of the Preliminary Meeting.

The Preliminary Meeting will be your opportunity to influence the process that the ExA intends to follow. The agenda 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 Preliminary Meeting. You may wish to print these in advance for reference.

Government Guidance and Policy

The application is an NSIP under the Planning Act 2008 (PA2008) as a consequence of sections 14 and 22. The designated National Policy Statement for Energy (NPS) applies to this Examination and to decision-making relating to this application. On 22 November 2023, the Secretary of State published a revised suite of NPSs which will be laid before parliament in due course. Section 1.6 of the new NPS states that the Secretary of State has decided that for any application accepted for examination before designation of the 2023 amendments, the 2011 suite of NPSs should have effect in accordance with the terms of those NPS.

The ExA will consider the Proposed Development in accordance with the NPS and any other applicable policy or considerations the ExA deem to be important and relevant. The PA2008 makes it clear that, in making a decision, the relevant Secretary of State “*must decide the application in accordance with any relevant NPS*” (s104(3)), subject to certain provisos. Essentially, the provisos are 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 Secretary of State is entitled to disregard any representations that are vexatious or frivolous, or relate to the merits of the designated NPS. In practice, this means that the ExA will not spend time examining representations that challenge policy set out in NPSs, or the validity of NPSs themselves. The focus will be on the merits or disadvantages of the Proposed Development, tested to the appropriate extent using the tests set out in relevant designated NPSs that are in force.

Other important and relevant planning policies that the ExA may consider include policies in the relevant local authorities’ development plans. However, if these conflict with policy in an NPS, then the NPS will take precedence.

In summary, the Preliminary Meeting will establish the procedures and timetable for the Examination of the Proposed Development. It will set a framework for the ExA to enable the Secretary of State 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 Secretary of State’s decision.

Preliminary Meeting Invitees

The Applicant is invited to the Preliminary Meeting 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 IP and has been invited to the Preliminary Meeting. 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 Preliminary Meeting. 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 Preliminary Meeting. Statutory Parties can elect to become IPs without having made a valid Relevant Representation by notifying the ExA in writing.

The ExA has the power to involve people who are not IPs in the Examination. However, this is only done in exceptional circumstances, for example if it was clear that the application would materially affect a person. Those persons are not IPs and do not enjoy the same legal rights, and participation in the Examination is done so at the ExA's discretion.

Further information on your status can be found at:

<https://infrastructure.planninginspectorate.gov.uk/application-process/frequently-asked-questions/status-in-examination-faq/>

Conduct of the Preliminary Meeting

The ExA estimate that the Preliminary Meeting will take approximately two hours to complete.

During the Preliminary Meeting 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 meeting as appropriate.

A digital recording of the Preliminary Meeting will be made available on the project webpage as soon as practicable following its close. The recording allows any member of the public who is interested in the application and the Examination to find out what has been discussed. The making and publication of these recordings are a means by which the ExA meets the legal requirement to hold the Preliminary Meeting (and any other hearings) in public. In this regard, **anyone speaking at the Preliminary Meeting 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 Preliminary Meeting will be produced and published as soon as practicable following its close.

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 Secretary of State's decision on the application. If you actively participate in the Preliminary Meeting, 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 starting point is that the relevant legislation for this system, s.87 of the 2008 Planning Act, states that "*it is for the Examining Authority to decide how to examine the application.*"

Examining Inspectors are employed by the Planning Inspectorate. The Planning Inspectorate is an Executive Agency of the Department of Levelling Up, Housing and Communities. This is an application for Development Consent. For the examination of nationally significant infrastructure projects, the ExA produces an independent and impartial report with a recommendation to the relevant Secretary of State. In the case of this project, this is the Secretary of State for Energy Security and Net Zero. **It is the Secretary of State who will make the decision on the application, not the ExA.**

The Examination of NSIPs follows different processes to 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 are 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 Local Impact Reports (LIR)s if they wish. Whilst these are voluntary, the PA2008 provides that if they are provided, they must be considered by the Secretary of State in reaching a decision. Consequently, LIRs are a very important method for local authorities to communicate issues of concern to the ExA, the Secretary of State 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 agrees, and if it would be useful for this to be clarified. SoCGs most usefully extend to catalogue matters that are not agreed or are outstanding.
- IPs who have been identified by the Applicant as participating in SoCGs have been requested to produce Principal Areas of Disagreement Statements (PADS). This is a new approach on this project which will sit alongside SoCGs but will instead focus on those matters IPs identify as areas of major concern with the application. The PADS is submitted in table format and updated through the Examination. Its purpose is to identify more quickly those areas of concern and assist in focusing the Examination at an early stage.

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 11:59pm on the relevant Deadline date 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 Preliminary Meeting. 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 could be progressed as early as possible.

Efficient Usage of the Examination time

The ExA has taken an open-minded and proactive approach to reviewing extant practices of the pre-examination and examination stages of an application, with a view to finding ways to streamline and thus shorten processes, in order to improve efficiency and timeliness and to avoid unnecessary repetition and duplication of submissions. We believe we have achieved this in a number of ways, which we set out below. We stress that such an approach will not undermine the Examination itself and that the ExA will take the necessary time to obtain the evidence needed to make our recommendation to the Secretary of State.

Principal Areas of Disagreement Statements (PADS)

The ExA firstly requested [\[PD-005\]](#) the submissions of PADS from those IPs who were also preparing Statements of Common Ground with the Applicant. The purpose was to identify, early in the process, those areas where IPs held significant areas of concern with the Application, what in their opinion needed to be undertaken to overcome these concerns, and the likelihood of that concern being resolved. Not only did this provide all IPs and the Applicant with clarity as to what those matters are, it also assisted greatly and provided a clear and defined focus on the preparation of the IAPI (see **Annex C** to this letter).

Approach to Written Questions

The established practice for national infrastructure examinations is to ask written questions at the outset of an examination. For this case, we aim to substitute the early written questions with an Issue Specific Hearing which will be held immediately following the Preliminary Meeting. The ExA will, however, retain the option to ask questions arising from the hearings, if required, either with the Rule 8 letter or shortly thereafter. This is set out in the draft examination timetable (**Annex E** to this letter).

The ExA believes the Hearings will refine and support the primacy of the written process on which a Nationally Significant Infrastructure Project is based and potentially avoid the need for a large number of written questions. The ExA intends to ask its main written questions following the submission of documents at Deadline 3.

The early deadlines as set out in the draft Examination Timetable are structured in such a way to avoid the repetition of and potential overlap of submissions. Thus, the first two deadlines in the Examination seek the submission of comments on the

application by IPs, to which the Applicant can then provide holistic responses to all submissions at the third deadline. This is set out as follows:

- To request responses to RRs be submitted at the **Pre-examination Procedural Deadline**, although to comply with Rule 3 of the Infrastructure Planning (Examination Procedure) Rules 2010 it is also requested by **Deadline 1**.
- To request LIRs, WRs and other submissions from IPs to be submitted at **Deadline 1 and Deadline 2**; and
- The Applicant (and other IPs) to provide responses to WRs, LIRs and others at **Deadline 3**.

Hearings

The Rule 6 letter provides notification of an Open Floor Hearing and one Issue Specific Hearing over three days.

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. IPs may, if they wish to, submit written summaries of their oral representations at the following deadline but this is not compulsory.

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 judgements 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 Secretary of State decides to grant consent.

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 at the **Pre-Examination Procedural Deadline** requests for participants to notify the ExA that they wish to speak at the OFH1 to be held after the Preliminary Meeting. A separate request for a further OFH or CAH can be made by **Deadline 1, Tuesday 20 February 2024** is scheduled for IPs wishing to request a wish to speak at an additional OFH or a CAH.

Unaccompanied and Accompanied Site Inspections

The ExA undertook an Unaccompanied Site Inspection (USI) on the evening of Tuesday 14 November 2023 and on Wednesday 15 and Thursday 16 November 2023. The note of our visit can be found in the Examination Library reference [\[EV1-001\]](#). The ExA considers that it gained a good understanding of the site and surroundings. Further USIs may take place prior to the Preliminary Meeting.

The ExA may not wish or need to hold an Accompanied Site Inspection (ASI). Nevertheless, the draft timetable in Annex E makes provision should one be held. For the Pre-Examination Procedural Deadline, the ExA requests sites where an ASI should take place if held. Before doing so, **IPs should first read our USI note(s)** before advancing such suggestions. The ExA will unlikely revisit sites already seen without very good reasons to do so. If an ASI is to proceed, the ExA will notify IPs **in due course** and those persons wishing to attend will need to inform us by **Thursday 18 April 2024**. For the avoidance of doubt, if no notification of the ASI is published on the said date, it will not take place.

Initial Assessment of Principal Issues

This is the Initial Assessment of Principal Issues (IAP) prepared under s88(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.
- The Principal Areas of Disagreement Statements.
- Our consideration of any other important and relevant matters.

It is not a comprehensive or exclusive list of the issues. There will be other important issues 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 when it writes its Recommendation Report to the Secretary of State for Energy, Security and Net Zero after the Examination has concluded. All issues will be considered during proposed phases of construction, operation and decommissioning where relevant.

The order of the issues listed is alphabetic and does not imply any order of prioritisation or importance. The bulleted items under each issue are indicative and do not preclude other sub-items being considered.

For the avoidance of doubt, the policy and consenting requirements and documents associated with PA2008 are an integral part of the Examination and are therefore not listed as principal 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. Likewise, matters concerning the draft Development Consent Order and Compulsory Acquisition are taken as read as being important and relevant issues in the Examination and are again not listed below.

1. Alternatives

- Whether alternatives to the Proposed Development were adequately considered including the avoidance of the Climbing Beach Site of Scientific Special Interest (SSSI), the route choice including its incursion into the South Downs National Park, and the choice of the onshore substation location.

2. Aviation

- The potential effect of the wind turbine generators (WTGs) to effect civilian and defence radar systems.

3. Commitments Register and Plans

- The adequacy of the Commitments Register and the degree of uncertainty in the language used in the draft DCO related to proposed mitigation, particularly at sensitive locations.
- Efficacy of embedded mitigation measures

4. Construction Effects

- The feasibility of horizontal directional drilling/trenchless crossings and open trenching methods at proposed locations along the proposed cable route. The type of contingency measures proposed, and their potential impact, if some trenchless crossings are not feasible. How contingency measures and mitigation plans for trenchless crossings are secured in the draft Development Consent Order.
- The locations of and sizes of the construction compounds.

5. Design

- The acceptability of the extent, justification and definition of the design choices, design parameters, height of the turbines and number and size scenarios, and the onshore substation.

6. Ecology (Offshore and Onshore)

- The potential effects, including cumulative effects, upon benthic ecology, fish, marine mammals and ornithology from construction and operation of the proposed offshore WTGs, substations and offshore cable routes, and for ongoing management and maintenance. This includes the potential effects on features of the Marine Conservation Zones (MCZs) close to the offshore Order Limits.
- The potential effects of the construction of the Proposed Development on the coast, Climping Beach SSSI and sea defences. The potential effects on the Arun Valley Ramsar and Special Protection Area including the potential loss of functionally linked land, water neutrality and the potential effects on the Farne Islands Special Protection Area.
- The Habitat Regulation Assessment (HRA) derogation case (without prejudice) on the Flamborough and Filey Coast Special Protection Area (SPA), including in-combination impacts.
- Potential construction and operational effects on terrestrial species and habitats in the South Downs National Park, particularly at Ramsar sites, SACs, SPAs, SSSIs and local wildlife sites in the vicinity of the proposed development.

- The scale and significance of potential construction and operational effects of the proposal on priority habitats and species including of the effect of horizontal directional drilling/trenchless crossings on protected sites and important ecologically sensitive areas.
- Adequacy of the proposed mitigation and enhancements.

7. Historic Environment

- The level of effect upon the settings of above-ground heritage assets particularly, but not limited to the setting of Oakendene Manor.
- The level of effect to the Scheduled Monument and Martin Down style enclosure at Harrow Hill and previously unrecorded archaeology of potentially national significance.

8. Landscape, Visual and Seascape Effects

- The level of effect upon landscape character and visual amenity caused by the construction of the cable route and substation, particularly upon but not limited to those associated with the new onshore Substation at Oakendene, the extension to the existing Bolney Substation, at Recreation and Tourist Destinations, Recreation Routes including Public Rights of Way and transport routes.
- The potential effect upon trees loss including protected and Veteran trees; hedge notching caused by the construction of the cable route; and the adequacy of mitigation.
- The level of effect upon the seascape, landscape character and visual amenity from the construction of the offshore WTGs and substations, and night lighting particularly upon but not limited to The South Downs National Park including Sussex Heritage Coast, West Sussex, East Sussex and City of Brighton and the Isle of Wright and Chichester Harbour Historic Landscapes (formerly referred to as Areas of Outstanding Natural Beauty).

9. Traffic and Access

- The effects of traffic generated by the construction of the Proposed Development including but not limited to the Cowfold area.

Procedural Decisions made by the Examining Authority

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

1. Additional Submissions

The ExA has accepted into the Examination the following additional submissions:

- Design and Access Statement [[AS-003](#)]
- General Scheme Outline Plans [[OD-002](#)]
- General written responses [[AS-001](#), [AS-002](#), [AS-004](#)]
- Letter from Aquind Ltd dated 8 December 2023 [[AS-013](#)]

The ExA notes the responses given by the Applicant to the Inspectorate's s51 advice and s55 Checklist on the matter of the number of WTGs that the draft DCO would permit.

Notwithstanding, the ExA considers that IPs may find the scope confusing. The ExA has therefore made a Procedural Decision to request that the Applicant submit into the Examination the following calculations:

1. Clear mathematical calculations accompanied by clear diagrams to compare the total turbine frontal areas within 100m above sea level (ASL) and within 25m ASL for each WTG diameter proposed.
2. A summary table stating the worst-case scenario tested for every topic presented within the Environmental Statement, with a concise justification for the worst-case scenario chosen.
3. A clear visual illustration of the possible number of WTGs of differing diameters that the draft DCO wording as submitted would allow considering the diameters and maximum rotor swept area proposed in the draft DCO.

As a suggestion for the latter bullet, this could be in the form of a clear matrix with the number of smaller diameter WTGs from zero to maximum number proposed along the horizontal and number of the larger diameter WTGs from zero to maximum number proposed down the vertical. Each cell could calculate the total rotor swept area that particular combination of WTGs of different diameters would result in. Each cell could then be formatted one colour if greater than the total rotor swept area and greater than the total number of WTGs proposed and therefore would not be permitted under the Draft DCO or formatted another colour if the total rotor swept area and total number of WTGs proposed would be within that permitted in the draft DCO. This would result in a clear matrix to illustrate all the possible combinations of number of WTGs of differing diameters that the draft DCO would permit and would not permit. The ExA believe this would be a helpful addition to the examination in the interest of clarity.

The ExA requests such plans to be submitted by **the Pre-Examination Procedural Deadline, Tuesday 16 January 2024**.

2. Land Rights Tracker

The ExA notes the Applicant's Schedule of Engagement, which forms Appendix 2 to the Statement of Reasons [\[APP-023\]](#).

However, the ExA wishes to take this data a stage further with the capture and manipulation of all non-agreed land rights at the outset of the Examination in a simple, usable table. The aim is to make the process of the Applicant's reporting of ongoing discussions with affected persons and others much easier, and the reporting of such matters to the Secretary of State more efficient.

With that in mind, the ExA has made a Procedural Decision to request that the Applicant completes and maintains a Land Rights Tracker; an example of which is shown in the figure below and which a copy will be sent to the Applicant by the Case Team. In the example, the structure of the Land Rights Tracker would provide a comprehensive account of the status of non-agreed affected persons, with certain cells providing a restricted drop-down menu of possible responses. Open cells would only be inputted with succinct, focused wording to ensure the table is readable. The ExA and Secretary of State would, upon receipt of regular updates and final versions of the Land Rights Tracker, be able to manipulate and sort the table for accurate referencing and review.

The ExA recognises the figure below is in draft only and is not a statutory requirement. However, it is hoped that the Applicant and Affected Persons will recognise the purpose of the Land Rights Tracker is to simplify the whole examination, recommendation and decision-making process, and the use of drop-down menus will hopefully make the process of updating the tracker a relatively simple and speedy process. The ExA hopes all parties will therefore positively engage in the process.

Should the Applicant consider that the required information for the Land Rights Tracker can be captured in a different and more efficient way or by using different software, they may wish to discuss with the Case Manager and update the ExA at the Preliminary Meeting.

The ExA requests the Land Rights Tracker is submitted into the Examination at the **Pre-examination Deadline, Tuesday 16 January 2024**, and proposes a first update to be submitted at **Deadline 3, Friday 15 March 2024**, a second update at **Deadline 5, Monday 3 June 2024** and a final version at **Deadline 7, Thursday 1 August 2024**.

Affected Persons will have the opportunity to provide a response at **Deadline 1, Tuesday 20 February**, at **Deadline 4, Thursday 18 April 2024**, and again at **Deadline 6, Tuesday 9 July 2024**. The Applicant can avoid submitting updates as stated above if there are no changes to the previous version.

[NAME OF PROJECT]: Schedule and Status of Objections to Land Rights including Temporary Possession, Compulsory Acquisition, Statutory Undertakers and Special Land Cases

Notes

1. All interests which are not already acquired at the point of submission should be entered in this tracker and marked as complete when agreement with known interests is reached.
2. Any non-agreement is also counted as an objection by an Affected Person(s) (AP) for the purpose of this tracker.
3. An entry should also be made where the interest (or potential interest) holder is not known, to allow the relevant information to be added following diligent inquiry, negotiation etc.

Special Category Status
Confirm if this interest lies in any special category land

Statutory Undertakers and Operational Land Status
Is the Affected Person a Statutory Undertaker and is the status of the land as operational known as operational, not operational or disputed?

Give current status
Are Protective Provisions required and if yes, are they the applicant's draft, a working draft under discussion or an agreed draft?

Book of Ref. Plot No. [a]	Plan Ref. No.[b]	Description of Land and Rights Requested [c]	Category 1 [d]			Category 2 [e]	Agent/ Representative [f]	IP/AP Ref No. [g]	RR Ref No. [h]	WR Ref No. [i]	Other Doc Ref No. [j]	Applicant's Response Refs. [k]	Duration of Temporary Rights [l]	Special Category (Crown, Allotment, NT etc) (Select from drop down list)	Special Category - other information including confirmation of status	Is the Affected Person a Statutory Undertaker and is the land operational?	Protective Provision Status (Select from drop down list)	Side Agreements (Select from drop down list)	Status of objection [m]	Heads of Terms (Select from drop down list)	Complete (Select from drop down list)	Last Updated [DD/MM/YY YY]
			Owners	Lessees or Tenants	Occupiers																	
														Cells in this column to use a drop down list to include: - Crown Land - National Trust - Allotment - Commons - Open Space - Other	Cells in this column to use a drop down list to include: - Not SU - SU and known operational - SU and unknown operational - SU and disputed operational	Cells in this column to use a drop down list to include: - Not required - Draft under discussion - Agreed - Agreed and in latest version of DCO - No agreement on final version	Cells in this column to use a drop down list to include: - Not required - Draft under discussion - Agreed		Cells in this column to use a drop down list to include: - None Drafted - Draft under discussion - Agreed	Cells in this column to use a drop down list to include: - Yes - No		
Add new lines as required																						

- [a] Plot no. from the Book of Reference (BoR).
- [b] Plan reference number from the BoR and Examination Library (EL) Reference.
- [c] Description of land and rights requested from the BoR including restrictive covenants.
- [d] A person is within Category 1 if the Applicant, after making diligent inquiry, knows that the person is an owner, lessee, tenant (whatever the tenancy period) or occupier of the land, see section 57 (1) of the 2008 Act.
- [e] A person is within Category 2 if the Applicant, after making diligent inquiry knows that the person: interested in the land or has the power to sell or convey the land or to release the land, see Section 57(20) of the 2008 Act.
- [f] Person or organisation representing the interests of the AP(s). Enter N/A if the AP(s) are representing themselves.
- [g] Reference number assigned to each Interested Party (IP) and Affected Person (AP).
- [h] Reference number assigned to each Relevant Representation in the EL.
- [i] Reference number assigned to each Written Representation (WR) in the EL.
- [j] Reference number assigned to any other document in the EL.
- [k] Reference numbers assigned to all of the Applicant's responses in the EL including specific reference to relevant sections within documents
- [l] Likely duration of any temporary rights such as Temporary Possession [TP].
- [m] Narrative on negotiations to date

3. Guide to the Application

The Applicant has provided a Guide to the Application document [[APP-004](#)] which provides a full list of the documents submitted with the Application and indicates where documents have been superseded and revised. The ExA considers this a very useful and important document in ensuring the correct versions of the documents are being used. The ExA makes a Procedural Decision for the Guide to the Application document to be updated at **Deadline 3, Friday 15 March 2024**, at **Deadline 5, Monday 3 June 2024**, and finally at **Deadline 7, Thursday 1 August 2024**.

4. Statements of Common Ground (SoCG) and Statements of Commonality 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 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.

The Applicant indicated in its response [[AS-004](#)] the ExA's letter of 20 September 2023 [[PD-005](#)] that it will be engaging in SoCGs with the following IPs:

- West Sussex County Council
- Arun District Council
- Horsham District Council
- Mid Sussex District Council
- The South Downs National Park Authority
- The Environment Agency
- Historic England
- Natural England
- National Highways
- The Marine Management Organisation
- National Grid Electricity Transmission
- Civil Aviation Authority
- Maritime & Coastguard Agency
- Marine Aggregates
- Trinity House
- Chamber of Shipping
- Brighton City Airport (aka Shoreham Airport)
- Sussex Inshore Fisheries & Conservation Authority

All 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 are being sought.

The ExA does not intend to request any draft SoCGs either before or during the Examination stage. Instead, only a final, completed and signed SoCGs will be required, to be submitted at, and no later than **Deadline 6, Tuesday 9 July 2024**.

The ExA will instead be kept up to date with the progress on SoCGs, and thus makes a Procedural Decision, for the submission of Statement of Commonality of SoCGs. These will set out, in table form and in a traffic light system, whether matters are agreed (green), in discussion (amber), or not agreed/no likelihood of agreement (red).

The ExA requests the initial Statement of Commonality of SoCGs to be submitted at **the Pre-examination Procedural Deadline, Tuesday 16 January 2024**. The Applicant is then requested to submit its first update at **Deadline 3, Friday 15 March 2024**; its second update at **Deadline 5, Monday 3 June 2024**; and the final version alongside the signed SoCGs at **Deadline 6, Tuesday 9 July 2024**. IPs will be able to make comments on the Statement of Commonality of SoCGs at **Deadline 1, Tuesday 20 February 2024**, and again at **Deadline 4, Thursday 18 April 2024**.

5. Principal Areas of Disagreement Statements (PADS) - Update

As set out in our Procedural Decision letter of 20 September 2023 [[PD-005](#)], the ExA took the decision to request PADS from those IPs who are undertaking SoCGs with the Applicant (and listed above in SoCGs), although it is open to other IPs. The ExA explained that it wished for the said IPs to identify and focus on those matters on which major or principal areas of concerns arise, which would assist in the identification of the principal issues and provide a clear focus for the Examination and subsequent written questions to be asked.

PADS were received from:

- The Marine Management Organisation [[AS-005](#)]
- The South Downs National Park Authority [[AS-006](#)]
- National Highways [[AS-007](#)]
- West Sussex County Council [[AS-008](#)]
- Mid Sussex District Council [[AS-009](#)]
- Horsham District Council [[AS-010](#)]
- Natural England [[AS-011](#)]
- Arun District Council [[AS-012](#)]

The ExA requests that parties submit an updated and final PADS into the Examination at **Deadline 7, Thursday 1 August 2024**.

6. Examination Progress Tracker

To prevent the continued submission of draft documents and updates throughout the Examination, the ExA had made a Procedural Decision to request from the Applicant an Examination Progress Tracker, in the form of a table, reporting on what it considers are the principle, and other notable issues in the Examination. The ExA would like the Applicant to set this out by issue and/or sub issue, the IP(s) which have raised them, the summary of the concern(s)/objection(s) and the progress being made (if any), and the updated position and any progress to resolution. The Applicant could consider “traffic-lighting” the table for ease of reference. The ExA

would like this tracker to include progress on negotiations on outstanding concerns raised in PADS.

The ExA requests an initial Progress Tracker to be submitted at the **Pre-examination Procedural Deadline, Tuesday 16 January 2024**, with a mid-Examination Tracker submitted at **Deadline 4, Thursday 18 April 2024**, and a final Tracker submitted at **Deadline 7, Thursday 1 August 2024**.

7. Closing Statements

The ExA would like to invite the Applicant and IPs to submit closing statements on at **Deadline 7, Thursday 1 August 2024**. Closing Statements should build upon the Examination Progress Reports and should set out a concise record of the Parties prior to the close of the Examination, specifically where it sees the areas of disagreement remain. The ExA considers Closing Statements should summarise the parties' positions only, and not look to repeat in large quantity evidence already submitted into the Examination.

8. National Policy Statements for Energy 22 November 2023

On 22 November 2023, the Secretary of State published a new suite of National Policy Statements for Energy (2023 NPSs). At the time of writing, the 2023 NPSs had not been laid before Parliament. The Applicant and IPs are invited to submit a written statement on the implications the 2023 NPSs may have for the Proposed Development including a comparison of significant changes between them and the draft NPSs of March 2023 and referred to in the ES, and upon the Secretary of State's decision-making process, with particular regard to Section 1.6 of NPS EN-1. The ExA would welcome such responses by **Deadline 1, Tuesday 20 February 2024**.

9. Accompanied Site Inspection – Suggested Locations.

As explained in Annex B to this letter, the draft Examination Timetable at **Annex E** to this letter includes a date reserved for an Accompanied Site Inspection (ASI) on **week commencing 13 May 2024**, should the ExA decide to hold one. The ExA has also timetabled a reserve date of **Thursday 18 July 2024** should it be necessary to hold one.

The ExA requests that Interested Parties submit suggested locations for the ExA to visit as part of an ASI by **the Pre-Examination Procedural Deadline on Tuesday 16 January 2024**. 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 3, Friday 15 March 2024**. 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.

Comments by Interested Parties on the Applicant's draft itinerary must be submitted by **Deadline 4, Thursday 18 April 2024**.

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 appropriate 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 only confirm in writing, in due course, if an ASI is to be held and we will publish the final itinerary at least five working days before the date of the ASI.

10. Visuals for the Hearings

For all Hearings, the ExA may wish to refer to plans and drawings to assist in the discussion points. The Applicant is therefore requested to make provisions for the electronic display of such plans and drawings. The ExA will issue supplementary agendas no less than five days before those events setting out which plans and drawings will be required.

For IPs joining virtually, the ExA considers the most appropriate way of participation would be for persons to have available and to hand the Examination Library (EL). As each plan is uploaded, the ExA will notify those persons online of the EL reference number (e.g. APP-003) and IPs can then load the document themselves. This is considered preferable to the alternative of low-resolution drawings being prepared and screened on Microsoft Teams by the Applicant which, despite best intentions, are often difficult to see and navigate for online users.

11. Deadline for the Submissions of Comments and Summaries on Relevant Representations (RRs)

Rule 3(2) of the Infrastructure Planning (Examination Procedure) Rules 2010 requires written comments on any RRs to be submitted either on the date of the PM, or a date specified in the Rule 8 letter, which follows as soon as practicable following the PM, whichever is the later. To comply, the ExA has requested responses to RRs and summaries exceeding 1500 words by **Deadline 1, Tuesday 20 February 2024**.

However, the ExA has noted from experience that Applicants generally respond as quickly as possible following the close of the RR period, and it would be helpful to the ExA, for the PM and the subsequent Hearings, if responses and summaries to

RRs could be submitted by the **Pre-examination Procedural Deadline, Tuesday 16 January 2024.**

12. Notification by Statutory Parties, or certain Local Authorities of their wish to be considered as an Interested Party

The ExA has made a Procedural Decision that, in order to facilitate a timely start to the Examination, Statutory Parties and Local Authorities who have not already done so should decide whether they wish to be considered as an IP and notify the Planning Inspectorate of their decision by **Deadline 1, Tuesday 20 February 2024.**

Please note, the ExA will consider any specific, and well-reasoned requests for additional time to be provided before issuing the final timetable.

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>Pre-examination Procedural Deadline</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Responses to the Rule 6 letter • Responses to Relevant Representations (RRs) • Responses (if applicable) to the Rule 9 letter of 20 September 2023 [PD-005] • Summaries of all RRs exceeding 1500 words • Submission of Pre-examination Progress Tracker • Applicant's submission of the Land Rights Tracker • Applicant's submission of draft Statement of Commonality for Statements of Common Ground • Requests to be heard orally at the Preliminary Meeting and under which part of the agenda set out in Annex A • Requests by Interested Parties to be heard orally at the Open Floor Hearing 1 • Notification of intention to attend the Issue Specific Hearing(s) under which part of the agenda set out in Annex F • Request by Interested Parties to attend Accompanied Site Inspection (ASI) • Suggested locations for the ASI including justification, and whether such locations can be seen from public land or requires private access, for consideration by the ExA 	<p>Tuesday 16 January 2024</p>

2.	Preliminary Meeting	Tuesday 6 February 2024 10:00
3.	Open Floor Hearing (OFH1)	Tuesday 6 February 2024 14:30
4.	Issue Specific Hearing (ISH1) ISH1 on Environmental Matters	Wednesday 7 February 2024 09:30
5.	Issue Specific Hearing (ISH1) (continued if required) ISH1 on Environmental Matters	Thursday 8 February 2024 09:30
6.	Issue Specific Hearing (ISH1) (continued if required) ISH1 on Environmental Matters	Friday 9 February 2024 09:30 (AM Only)
7.	Issue by the ExA of: <ul style="list-style-type: none"> • Examination Timetable • Any Written Questions deemed necessary arising from OFH1, ISH1 and/or CAH1 (if required) 	As soon as possible following the Preliminary Meeting
8.	Deadline 1 For receipt by the ExA of: <ul style="list-style-type: none"> • Comments on any updates to application documents submitted by the Applicant before or at the PM • Local Impact Reports • Comments on the Applicant's Land Rights Tracker • Comments on the Applicant's draft Statement of Commonality of Statements of Common Ground • Responses to ExA's request for statement on the new National Policy Statement for Energy • Notification by Statutory Parties of their wish to be considered as an IP by the ExA • Requests from Affected Persons to be heard at any subsequent Compulsory Acquisition Hearing (CAH). Requests by Affected Persons (defined 	Tuesday 20 February 2024

	<p>in section 59(4) of the Planning Act 2008) to be heard at a CAH</p> <ul style="list-style-type: none"> • Requests from Interested Parties to be heard at any subsequent Open Floor Hearing (OFH) • Post-hearing submissions including written submissions of oral cases • Notification of wish to have future correspondence received electronically • Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 • Comments on any further information/submissions accepted by the ExA • Summaries of all RRs exceeding 1500 words (if not provided at the Pre-Examination Procedural Deadline) • Responses to RRs (if not provided at the Pre-Examination Procedural Deadline) 	
9.	<p>Deadline 2</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Written Representations (WRs) including summaries if exceeding 1500 words 	Thursday 29 February 2024
10.	<p>Deadline 3</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Responses to WRs • Responses to LIRs • Responses to any written questions arising from OFH1, ISH1, ISH2 and/or CAH1 (if required) • Responses to any further information/submissions received by Deadline 1 • Applicant's first update to the draft DCO • Applicant's first update to the Land Rights Tracker • Applicant's first update to the Guide to the Application • Applicant's first update to the Statements of Commonality of Statements of Common Ground • Applicant's draft itinerary for the ASI (if required) 	Friday 15 March 2024

	<ul style="list-style-type: none"> Any other updated documents and statements from the Applicant deemed necessary following its responses at Deadline 2 Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 	
11.	Publication by the ExA of: <ul style="list-style-type: none"> Written Questions (ExQ1) 	Thursday 28 March 2024
12.	Deadline 4 For receipt by the ExA of: <ul style="list-style-type: none"> Responses to Written Questions (ExQ1) Applicant's second update to the Land Rights Tracker Comments on the Applicant's first update to the draft DCO Comments on the Applicant's first update to the Land Rights Tracker Comments on the first update to the Statements of Commonality of Statements of Common Ground Comments on the Applicant's draft itinerary for the ASI (if required) Notification of wish to attend an Accompanied Site Inspection (ASI) (if required) Applicant's Mid-examination Progress Tracker 	Thursday 18 April 2024
13.	Open Floor Hearing (OFH2) (if required)	Monday 13 May 2024 6:00pm
14.	Dates reserved for: ASI (if required) ISH2 (if required) CAH1 (if required)	Tuesday 14 May 2024 to Friday 17 May 2024 and Tuesday 21 May 2024
15.	Deadline 5 For receipt by the ExA of: <ul style="list-style-type: none"> Post-hearing submissions including written submissions of oral cases (if required) 	Monday 3 June 2024

	<ul style="list-style-type: none"> • Applicant's second update to the draft DCO • Applicant's second update to the Land Rights Tracker • Applicant's second update to the Guide to the Application • Applicant's second update to the Statements of Commonality of Statements of Common Ground • Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 • Comments on any further information/submissions received by Deadline 4 	
16.	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • Further Written Questions (ExQ2) (if required) • Report on the Implications for European Sites (RIES) • ExA's commentary on, or schedule of changes to, the draft DCO (if required) 	Tuesday 18 June 2024
17.	<p>Deadline 6</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Responses to ExA's Further Written Questions (ExQ2) (if required) • Comments on the RIES • Comments on the Applicant's second update to the draft DCO • Comments on the Applicant's second update to the Land Rights Tracker • Comments on ExA's commentary on, or schedule of changes to, the draft DCO (if required) • Completed and Signed Statements of Common Ground • Final Statement of Commonality of Statements of Common Ground • Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 • Comments on any further information/submissions received by Deadline 5 	Tuesday 9 July 2024

18.	Reserve Date for ASI2 (if required)	Thursday 18 July 2024
19.	Reserve Date(s) for ISH3 and/or CAH2 (if required)	Monday 22 July 2024 and/or Tuesday 23 July 2024
20.	<p>Deadline 7</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Final Principal Areas of Disagreement Statements • IPs Closing Statement(s) (if desired) • Post-hearing submissions including written submissions of oral cases (if applicable) • Applicant’s Closing Statement(s) • Applicant’s Close of Examination Progress Tracker • Final draft DCO to be submitted by the Applicant in the SI template with the SI template validation report • Final Book of Reference (BoR) and schedule of changes to BoR • Completed s106 Agreements (if required) • Final Land Rights Tracker • Final Guide to the Application • Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 • Comments on any further information/ submissions received by Deadline 6 • Any further information requested by ExA Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 	Thursday 1 August 2024
21.	The ExA is under a duty to complete the Examination of the application by the end of the period of six months	Tuesday 6 August 2024

Submission times for Deadlines

The time for submission of documents at any Deadline in the timetable is 11:59pm 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.

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 ExA may also raise questions in the RIES to confirm or clarify matters that remain outstanding.

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.

Agenda for the Issue Specific Hearing

You must register by the Pre-Examination Deadline of Tuesday 16 January 2024 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.

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.

Issue Specific Hearing 1

Dates: **Wednesday 7 February 2024 (Day 1)**
Thursday 8 February 2024 (Day 2)
Friday 9 February 2024 (Day 3) AM Only

Arrangements Conference: **9.00am**

Meeting start time: **9.30am**

Venue: **Blended event at DoubleTree by Hilton Brighton Metropole, Kings Road, Brighton, BN1 2FU 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: **The Applicant and Interested Parties who have pre-registered**

Agenda for the Issue Specific Hearing 1	
1	Welcome and Introductions
2	Need for the Proposed Development and Alternatives (Day 1)
3	Traffic and Access (Day 1)
4	Environmental Matters (Day 1 and/or Day 2/Day 3) to be determined at a later date, but may include discussions on: <ul style="list-style-type: none"> - Offshore and onshore ecology - Landscape, seascape and visual effects - Socio-economics and tourism - Historic environment - Construction effects including the use of horizontal directional drilling
5	Draft Development Consent Order
Close of the Issue Specific Hearing 1	

The ExA has allowed two full days and a further half day for ISH1 to allow sufficient time for matters to be discussed. It is likely that the Hearing will be adjourned at some point on Day 1 and resumed on Day 2, and provision is made for an adjournment on Day 2 to Day 3 if required. However, should matters be concluded either at the end of Day 1 or Day 2, the Hearing will be closed and not sit on the following day(s) and the project banner will be updated accordingly.

Availability of Examination Documents

The application documents and Relevant Representations are available 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 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/locations listed in the table below. Please note that you may be required to produce a form of identification and register as a member/library member in order to use a computer at these locations.

Venue/address	Opening hours	Printing Costs
Jubilee Library Jubilee Street, Brighton, BN1 1GE	Monday - Tuesday: 10:00 – 19:00 Wednesday: 10:00 – 17:00 Thursday: 10:00 – 19:00 Friday: 10:00-17:00 Saturday: 10:00-17:00 Sunday: 11:00-17:00	30p per sheet for a black and white
Shoreham-by-Sea Library St Mary's Road, Shoreham-by-Sea, BN43 5ZA	Monday: Friday: 10:00-18:00 Saturday: 10:00-16:00 Sunday: Closed	A4 black and white – 20p

Annex G

		A3 black and white – Unavailable A4 colour – 60p A3 colour – Unavailable
Worthing Library Richmond Road, Worthing, BN11 1PW	Monday – Friday: 09:00-18:00 Saturday: 09:00 – 17:00 Sunday :Closed	A4 black and white – 20p A3 black and white – Unavailable A4 colour – 60p A3 colour – Unavailable
Littlehampton Library Maltravers Road, Littlehampton, BN17 5NA	Monday – Friday: 09:00 - 17:00 Saturday: 10:00-16:00 Sunday: Closed	A4 black and white – 20p A3 black and white – Unavailable A4 colour – 60p A3 colour – Unavailable
Bognor Regis Library London Road, Bognor Regis, PO21 1DE	Monday – Friday: 09:30 – 18:00 Saturday: 09:30 – 17:00 Sunday: Closed	A4 black and white – 20p A3 black and white – Unavailable A4 colour – 60p A3 colour – Unavailable
Storrington Library Ryecroft Lane, Storrington, RH20 4PA	Monday – Friday: 09:00 – 17:00 Saturday: 10:00 – 16:00 Sunday: Closed	A4 black and white – 20p A3 black and white – Unavailable A4 colour – 60p A3 colour – Unavailable
Henfield Library Off High Street, Henfield, BN5 9HN	Monday – Friday: 10:00 – 17:00 Saturday: 10:00-14:00 Sunday: Closed	A4 black and white – 20p A3 black and white – Unavailable A4 colour – 60p A3 colour – Unavailable
Hurstpierpoint Library Trinity Rd, Hurstpierpoint, Hassocks, BN6 9UY	Monday-Wednesday: 09:00-13:00 Thursday-Friday: 13:00 – 17:00 Saturday: 09:00-13:00	A4 black and white – 20p A3 black and white – Unavailable

Annex G

	Sunday: Closed	A4 colour – 60p A3 colour – Unavailable
Sandown Library 119 High Street, Sandown, PO36 8AF	Monday: Closed Tuesday: 09:00 to 12.30 and 13.30 to 17:00 Wednesday: Closed Thursday: 09:00 to 12.30 and 13.30 to 17:00 Friday: 09:00 to 12.30 and 13.30 to 17:00 Saturday: 09:00 to 12.30 and 13.30 to 16.30 Sunday: Closed	A4 black and white/Colour – 20p A3 black and white/Colour – 40p

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 your postcard or email from the Planning Inspectorate) beginning either 2004 or RAM2. 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 appropriate Submission item as described in the Examination Timetable at **Annex D** 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 titled appropriately.

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.