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Planning
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Customer 0303 444 5000
Services:

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

Your Ref:

Our Ref: EN010135

Date: 22 October 2024

Dear Sir/ Madam

Application by EPL 001 Limited for an Order Granting Development Consent for Stonestreet Green Solar

Rule 6 letter – invitation to the Preliminary Meeting, other Procedural Decisions, and information about the Examination

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

Following my appointment by the Secretary of State as the Examining Authority
(ExA) to carry out an Examination of the above application I am writing to introduce
myself. My name is Graham Sword. A copy of the appointment notice can be viewed
under the [Documents tab](#) on the project webpage of the National Infrastructure
Planning website ([project webpage](#)).

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

Invitation to the Preliminary Meeting

As a recipient of this letter (known as the Rule 6 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 19 November 2024	Registration and seating available at venue from: 09.30am Virtual Registration Process from: 09.30am Preliminary Meeting starts: 10.00am	Ashford International Hotel, Simone Weil Avenue, Ashford, Kent, TN24 8UX 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

IMPORTANT: The Preliminary Meeting should be completed before 1:00pm on Tuesday 19 November 2024. However, a reserve period has been scheduled for 2.00pm on the same day to allow for the meeting to be resumed in exceptional circumstances e.g. to account for a failure of technology. Normally the reserve period will not be required and confirmation of this will be provided by the ExA at the end of the Preliminary Meeting and subsequently notified on the [project webpage](#).

You MUST register by completing the [Event Participation Form](#) by Tuesday 5 November 2024 if you intend to participate in the Preliminary Meeting and provide all the information requested (see below).

If you simply wish to **observe only** the Preliminary Meeting, then you do not need to register as you will be able to 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 at the venue 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 **Tuesday 5 November 2024** using the [Event Participation Form](#) <https://forms.office.com/e/y97eVZysTD>. Please note that it may not be possible to participate on the day if you have not registered your wish to speak by **Tuesday 5 November 2024**.

If you are unable to complete the online Event Participation Form or require any support or assistance to attend the Preliminary Meeting, either virtually or in person, please contact the Case Team using the contact details at the top of this letter.



Purpose of the Preliminary Meeting

The purpose of the Preliminary Meeting is to enable views to be put to me 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 I make a recommendation to the Secretary of State for Energy, Security and Net Zero who will take the final decision in this case.

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

Written submissions about how the application should be examined

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

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

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

You are invited to make a written submission about how the application is to be examined by **Procedural Deadline A (23:59 Tuesday 5 November 2024)** (see **Annex D** to this letter).

I request that all submissions are made using the '[Have your say](#)' section on the project webpage on or before **Procedural Deadline A**. **Annex I** to this letter provides further information about using the 'Have your say' section.



Requests to participate at the Preliminary Meeting

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

If you wish to participate at the Preliminary Meeting you are required to notify the ExA in writing on or before **Tuesday 5 November 2024** (see **Procedural Deadline A**).

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

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

Requests to participate should be made using the [Event Participation Form](#) on or before **Procedural Deadline A**.

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

Format of Examination Events – Preliminary Meeting and Hearings

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

Both blended (part in-person and part virtual) and fully virtual events form part of the Planning Inspectorate's operating model. I remain flexible and will confirm the format of any hearings to be held during the Examination Stage when I provide formal notification of each hearing at least 21 days in advance of it taking place.



I am providing formal notification that the **Preliminary Meeting will be a blended event and that the Open Floor Hearing/ Compulsory Acquisition Hearing/ Issue Specific Hearing referred to in Annex E to this letter will also be blended events.**

Because participation in the Preliminary Meeting or any future Hearings by virtual means it relies on the provision of a joining link or telephone number in advance, it is important that you think about whether you wish to speak and confirm your involvement (please see **Annex D** to this letter). Alternatively, if you feel that you are unable to engage in the Preliminary Meeting or further Examination events through any of the methods described in [Advice Note 8.6: Virtual Examination events](#), please contact the Case Team using the contact details at the top of this letter to discuss how you can participate in the Preliminary Meeting.

After the Preliminary Meeting

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

Notification of initial hearings

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

- Issue Specific Hearing 1 (ISH1) on 20 November 2024 (Blended event)
- Compulsory Acquisition Hearing 1 (CAH1) on 20 November 2024 (Blended event)
- Open Floor Hearing 1 (OFH1) on 19 November 2024 (Blended event)
- Issue Specific Hearing 2 (ISH2) on 21 November 2024 (Blended event)

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

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 person aware that they can make a request to the ExA to become an Interested Party 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.

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 'Have your Say' 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 'Have your say' section is provided at **Annex I** 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 'SGSP', 'SGSP-0', 'SGSP-AFP', 'SGSP-S57' 'SGSP-APP' you are in Group A. If your reference number begins with 'SGSP-SP' you are in Group B. If your reference number begins with 'SGSP-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 H** 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](#).

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

Yours faithfully

Graham Sword

Examining Authority

Annexes

- A** Notification of and Agenda for the Preliminary Meeting
- B** Introduction to the Preliminary Meeting
- C** Initial Assessment of Principal Issues
- D** Draft Examination Timetable
- E** Notification of initial hearings
- F** Agendas for initial hearings
- G** Procedural Decisions made by the Examining Authority
- H** Availability of Examination Documents
- I** Information about the 'Have your say' Section

This communication does not constitute legal advice.

Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.



Notification of and Agenda for the Preliminary Meeting

Notification of the Preliminary Meeting	
Time and date	10.00am on Tuesday 19th November 2024
Format	Blended event – some people will attend at the venue in person and others will attend using Microsoft Teams.
Venue	Ashford International Hotel, Simone Weil Avenue, Ashford, Kent, TN24 8UX and using Microsoft Teams Full instructions on how to attend using Microsoft Teams will be provided to those that have completed the Event Participation Form (see below)
Seating available at venue for those attending in person	09.30am
Arrangements conference for those attending using Microsoft Teams	09.30am Please enter the virtual lobby at 09.30am using the instructions that will be sent to you. From here you will be admitted to the Arrangements Conference by the Case Team and given further instructions.

If you would just like to **observe the Preliminary Meeting online**, 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.

If, however, you would like to **speak at the Preliminary Meeting and/ or attend at the venue in person** then you are required to complete the [Event Participation Form](#) by 5th November 2024 providing the following information:

- your title, name and unique reference number (found at the top of the Rule 6 letter) and, if applicable, the name of the organisation or person that you are representing;
- your email address (if available) and contact telephone number;
- whether you will attend in person at the venue or using Microsoft Teams;

- the agenda item on which you wish to speak and the points you wish to make the [Examination Library](#) reference of any documents that you would like to refer to; and
- any special requirements, including disabled access or a hearing loop

Please contact the Case Team using the contract details at the top of the Rule 6 letter if you require any support to observe, attend, or speak at the Preliminary Meeting. Please note that by attending the event either in person or online you are agreeing to be filmed for the purposes of the online livestream of the event and the recording of the event which will be published on the [project webpage](#). A limited number of seats will be available for observers who wish not to be filmed at the venue. Please contact the case team to notify them if you prefer not to be filmed at the event. A transcript of the event will be published on the project page of our website after the event.

Agenda for the Preliminary Meeting	
9:30am	Registration and seating available at venue for in-person attendees
Item 1	Preliminary Meeting The Preliminary Meeting will formally open at 10.00am . The Examining Authority will join, welcome participants and lead introductions.
Item 2	The Examining Authority's remarks about the Examination process (refer to Appendix B).
Item 3	Oral representations from Interested Parties on the Examination process.
Item 4	Initial Assessment of Principal Issues – Annex C to Rule 6 letter.
Item 5	The Examining Authority's remarks about the draft Examination Timetable (refer to Appendix D)
Item 6	Oral representations from Interested Parties on the draft Examination timetable.
Item 7	Any other matters
Close of the Preliminary Meeting	

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 (ExA), although in making changes the ExA will be mindful of the need to provide opportunities for fair involvement to all Invited Parties.

Introduction to the Preliminary Meeting

Background

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

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

The Examining Authority and the Case Team

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

The ExA will be supported by the Planning Inspectorate Case Team. Spencer Barrowman is the Case Manager for the Application. During the Registration Process a member of the Case Team will welcome and admit participants from the virtual lobby, and will be available to answer questions by email before and after the PM. The contact email address is: StonestreetGreenSolar@planninginspectorate.gov.uk

The purpose of the Preliminary Meeting

The PM is being held to discuss the arrangements for the Examination of the application for a Development Consent Order (DCO) for the Stonestreet Green Solar Park Project, which is a Nationally Significant Infrastructure Project (NSIP), and which will generally be referred to in the PM and Examination as the 'Proposed Development'. The application has been made by EPL 001 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 PM is to discuss the arrangements for the Examination of the application. It focuses on the process only, and it will not be looking at the substance of the proposals: Questions, discussions and representations about the merits or disadvantages of the Proposed Development are for the Examination itself which will begin the day after the close of the PM.

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

Government guidance and policy

The application is a NSIP under the Planning Act 2008 (PA2008) as a consequence of sections 14 and 15: it includes the construction of a Generating Station with a capacity exceeding 50 MW in capacity. The following designated National Policy Statements apply to this Examination and to decision-making relating to this application:

- Overarching National Policy Statement for Energy ('NPS EN-1');
- National Policy Statement for Renewable Energy Infrastructure ('NPS EN-3'); and
- National Policy Statement for Electricity Networks Infrastructure ('NPS EN-5').

The ExA will consider the Proposed Development in accordance with the National Policy Statements 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 (SoS) "*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 SoS is entitled to disregard any representations that relate to the merits of the designated National Policy Statement (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 a NPS, then the NPS will take precedence.

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

- The positions and representations of all Interested Parties (IPs);
- any Local Impact Reports (LIR) prepared and provided by relevant local authorities;
- other prescribed matters; and

- any other matters that appear to be both relevant and important to the relevant SoS's decision.

Preliminary Meeting invitees

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

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

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

Certain bodies are Statutory Parties and they have been invited to the PM. Statutory Parties can elect to become IPs without having made a valid Relevant Representation by notifying the ExA in writing.

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

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

- Kent Fire and Rescue Service
- South East Coast Ambulance Service

Conduct of the Preliminary Meeting

The ExA estimate that the PM will take half a day to complete.

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

A digital recording of the PM will be made available on the project webpage as soon as practicable following the close of the PM. The recording allows any member of the public who is interested in the application and the Examination to find out what has been discussed at the PM. The making and publication of these recordings are a

means by which the ExA meets the legal requirement to hold the PM (and any other hearings) in public. In this regard, **anyone speaking at the PM will need to introduce themselves each time they speak**, to ensure that someone listening to the recording after the event is clear who was speaking. A written note of the PM will be produced and published as soon as practicable following the close of the PM.

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

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

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

The Examination process

The Examination of NSIPs follows different processes 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 LIRs if they wish. Whilst these are voluntary, the PA2008 provides that if they are provided, they must be considered by the SoS in reaching a decision. Consequently, LIRs are a very important method for local authorities to communicate issues of concern to the ExA, the SoS and their residents.

- IPs can make Written Representations (WRs) and comment on WRs made by other parties.
- IPs can respond to the ExA's written questions (ExQs) and comment on responses to these written questions provided by others.
- IPs may be asked to contribute to the making of Statements of Common Ground (SoCG) if it appears that there are matters on which they and the Applicant 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.

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

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

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

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

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

Hearings

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

Any registered IP may request an **Open Floor Hearing** (OFH) to make oral representations about the application if they believe this to be preferable to relying on their written representation, though both carry equal weight. Oral submissions should be based on representations previously made in writing, but they should not simply repeat matters previously covered in the written submission. Rather, they

should focus on specific detail and explanation to help inform the ExA. There should be no new or unexpected material in oral representations. A written summary note with any supporting evidence or references will be requested of each speaker following the hearing.

As with all Examination events, OFHs are subject to the powers of control of the ExA, as set out in the PA2008 and supporting legislation. Participants must register in advance by the Deadline shown in the Examination Timetable and in accordance with the instructions. It is common practice for the ExA to set a time limit for each speaker and speakers with common points are asked to come together to nominate a spokesperson or representative speakers to cover specific topics, so as to avoid repetition. Speakers representing public authorities, community and membership organisations or multiple IPs are normally provided with an additional time allowance, recognising their representative role.

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

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

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

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

Holding such hearings does not imply that the ExA has reached any 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 SoS decides to grant consent, as any consent will be subject to Requirements (ie conditions) set out in the DCO.

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

The draft Examination Timetable includes a Deadline (**Procedural Deadline A - 5th November 2024**) for participants to notify the ExA that they wish to speak at an OFH or a CAH.

Site inspections

As part of the Examination process the ExA may undertake site inspections. These can be either unaccompanied or accompanied.

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

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

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

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

Initial Assessment of Principal Issues

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

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

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

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

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

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

1. Biodiversity

To consider, among other things;

- the effect of construction works on East Stour River ecology;
- the construction and operational effects on invertebrates;
- The construction and operational effects on protected species and their habitats including ability for fauna to maintain their ability to roam;
- The mechanisms and future controls of the maintenance and management of new biodiversity sites.

2. Compulsory Acquisition

- To consider, amongst other things, the case and justification for the CA of land and rights and for the Temporary Possession of land including the arrangements for Crown Land.

3. Development Consent Order

To consider, amongst other things:

- the structure of the dDCO;

- definitions;
- scope of the Proposed Development and its associated development;
- the appropriateness of Articles and Requirements;
- the appropriateness of proposed protective provisions;
- relationships with other consents; and
- whether the dDCO is satisfactory in all other respects.

4. General matters

To consider, amongst other things:

- whether all relevant legislation and policy has been complied with and the regard given to guidance and advice;
- the relevance of National Policy Statements. Consideration of any changes to legislation or policy since the application was made;
- matters arising in any Local Impact Reports. Relevant local policy;
- the implications of any relevant planning decisions or case law;
- the Battery Electrical Storage System (BESS) including the number and positioning of the BESS across the application site, infrastructure associated with the BESS and fire safety concerns;
- Security of the site and supply;
- The effects on the local economy including tourism;
- health and wellbeing, including risk from electromagnetic radiation

5. Heritage

To consider, amongst other things:

- impact to the setting of the designated and non-designated assets;
- Impact to the conservation area;
- physical impact from the construction and decommissioning phase on potential archaeological heritage assets; and
- mitigation measures

6. Landscape and Visual Impact

To consider, amongst other things:

- methodology including study area, viewpoints and zone of theoretical visibility and approach to cumulative/ in combination effect;
- the effect of the solar panels, battery storage and other structures on landscape character;
- the effect on visual receptors of the solar panels, battery storage, other structures and the operation of the Proposed Development;
- the effect of the proposal on landscape character and the Kent Downs National Landscape
- the visual impact of glint and glare;
- the visual impact of lighting;
- cumulative impact on visual amenity and landscape character;
- the determining factors for the size and location of the solar panel arrays and associated development;
- the design and size of the solar panels and Proposed Development; and

- proposed mitigation and screening.

7. Noise and Vibration – Construction and Decommissioning

To consider, amongst other things:

- construction related noise during the setting up of the site and construction of the panels;
- construction related noise during the cable construction works including the potential for 24 hour operations for trenchless methods;
- operational noise from the substations and BESS;
- decommissioning phase noise; and
- mitigation measures.

8. Site Selection

- To consider the reasonable alternatives assessed and the reasons for the chosen option taking into account the effects of the Proposed Development on the environment

9. Soils – Best and Most Versatile Land and Agriculture

To consider, amongst other things,

- the agricultural Land Classification of the site including impact on Best and Most Versatile Land (BMV) including quantity and quality of land that would be temporarily and permanently lost, and the methodology and assessment used to ascertain this;
- the proposed end uses for BMV following decommissioning phase;
- the safeguarding of stockpiled soils to ensure their integrity;
- the securing of grazing or others uses underneath the panels during their use; and
- potential for cumulative impacts at regional scale on BMV permanently and temporarily given the Written Ministerial Statement of May 2024.

10. Traffic – Construction and Decommissioning

- To consider, amongst other things
- the effects on users of the Public Rights of Way (PRoW) Network in the vicinity due to proposed stopping up and diversion of PRoW;
- The effects of the volume and size construction and decommissioning traffic vehicles on the local highway network including Smeeth Crossroads;
- The effects of the proposed construction and decommissioning route on residents including carriageway restrictions and access to services;
- cumulative impact with other developments occurring in the locality and the duration of the development proposal.

11. Water Environment

To consider, amongst other things,

- the use of land which are areas situated within Flood Zone 2 and Flood Zone 3, for the project, the sequential and exception tests and ensuring no increase to flood risk downstream;
- the methodology for the installation of the cable by either using existing cable ducts or Horizontal Directional Drilling and effects on water quality from this installation;
- effects on water quality from the construction and decommissioning phases
- effects of surface water runoff from compounds
- effects on Flood Storage areas

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>Procedural Deadline A</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Written submissions on Examination Procedure, including any submissions about the draft Examination Timetable and the use of virtual methods • Requests to be heard at the Preliminary Meeting • Requests to be heard at Issue Specific Hearing 1 (ISH1) regarding the draft Development Consent Order and general principles of the proposed development • Requests to be heard at Issue Specific Hearing 2 (ISH2) regarding Construction Traffic • Requests to be heard at an Open Floor Hearing 1 (OFH1) • Requests to be heard at a Compulsory Acquisition Hearing (CAH1) Requests by Affected Persons (defined in section 59(4) of the Planning Act 2008) to be heard at a Compulsory Acquisition Hearing (CAH) • Suggested locations for site inspections (Accompanied or Unaccompanied), including justification, for consideration by the ExA 	<p>Tuesday 5 November 2024</p>
2	<p>Preliminary Meeting (PM)</p>	<p>Tuesday 19 November 2024 10.00am</p>
3	<p>Open Floor Hearing 1 (OFH1)</p>	<p>Tuesday 19 November 2024 5.00pm</p>

4	Issue Specific Hearing 1 (ISH1) regarding the draft Development Consent Order and general principles of the proposed development	Wednesday 20 November 2024 10.00am
5	Compulsory Acquisition Hearing 1 (CAH1)	Wednesday 20 November 2024 2.30pm
6	Issue Specific Hearing 2 (ISH2) regarding Construction Traffic	Thursday 21 November 2024 10.00am
7	Issue by the ExA of: <ul style="list-style-type: none"> • Examination Timetable 	As soon as practicable following the PM
8	<p>Deadline 1</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on Relevant Representations (RRs) • Written Representations • Summaries of all RR exceeding 1500 words • Post-hearing submissions, including written submissions of oral cases <ul style="list-style-type: none"> • Notification of wish to have future correspondence received electronically • Suggestions for locations for the ASI (if any) together with reasoning • Any further information requested by the ExA Comments on any additional submissions accepted by the ExA • Local Impact Reports (LIRs) <ul style="list-style-type: none"> • Status of Negotiations / Compulsory Acquisition Schedule • Draft Statements of Common Ground – see Annex D • Statement of Commonality on Statements of Common Ground and Issues/progress tracker • Any further information requested by ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 • Comments on any further information/submissions accepted by the ExA 	Tuesday 10 December 2024

9	<p>Deadline 2</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on Written Representations • Comments on the Local Impact Reports • The Applicant's revised dDCO • Comments on any additional submissions received by Deadline 1 • Any further information requested by ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 	<p>Friday 3 January 2025</p>
10	<p>Publication of:</p> <ul style="list-style-type: none"> • The ExA's First Written Questions (ExQ1) 	<p>Tuesday 7 January 2025</p>
11	<p>Deadline 3</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Responses to ExQ1 • Updated DCO • Updated BoR • Updated SoCG and Issues Tracker • Comments on any additional submissions received by Deadline 2 • Any further information requested by ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 	<p>Tuesday 28 January 2025</p>
12	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • The ExA's final itinerary for the ASI (if required) 	<p>w/c 17 February 2025</p>
13	<p>ASI and Hearings</p> <p>Dates reserved for ASIs and hearings:</p> <ul style="list-style-type: none"> • Further ISHs (if required). • CAH (if required). • Further OFHs (if required). • ASIs (if required). 	<p>w/c 24 February 2025</p>

14	<p>Deadline 4</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Post-Hearing Submissions, including written summaries of oral submissions and any documents requested by the ExA • Comments on the Applicant’s revised dDCO at Deadline 3 • Comments on any additional submissions received by Deadline 3 • Any further information requested by ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 	<p>Tuesday 11 March 2025</p>
15	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • Report on the Implications for European Sites (RIES) and any associated questions (if required) • The ExA’s Second Written Questions (ExQ2) (if required) 	<p>Tuesday 25 March 2025</p>
16	<p>Deadline 5</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Response to second written questions • Updated DCO • Updated BoR • Updated SoCG and Issues Tracker • Comments on the RIES (if required) • Comments on any additional submissions received by Deadline 4 • Any further information requested by ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 	<p>Tuesday 15 April 2025</p>
17	<p>Deadline 6</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on Deadline 5 submissions • Comments on any additional submissions received by Deadline 5 • Any further information requested by ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 	<p>Tuesday 29 April 2025</p>

18	<p>Deadline 7</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Final DCO Final DCO to be submitted by the Applicant in the SI MS Word template (clean and tracked). Applicant to provide the email notification from https://publishing.legislation.gov.uk/validation confirming the document has successfully passed validation, and the PDF version of the SI validation report obtained from the link in the notification email. The Applicant should also provide a clean (all tracking removed) standalone MS Word version of the dDCO, with no header or cover page. • Final updated BoR and schedule of changes to BoR • Final SoCG • Final Statement of Commonality of SoCG and issues tracker • List of matters not agreed where SoCG could not be finalised • Final Navigation Document/Guide to the application • Final Status of Negotiations CA Schedule • Final Status of Negotiations with Statutory Undertakers • Final NPS tracker • Final signed and dated section 106 –if needed • Comments on any further information received Comments on any additional information/submissions received by Deadline 6 • Responses to ExQ2 and RIES (if issued) • Any further information requested by ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 	Tuesday 6 May 2025
19	<p>Close of Examination by the Examining Authority</p> <p>The ExA is under a duty to complete the Examination of the application by the end of the period of six months</p>	Monday 19 May 2025

Submission times for Deadlines

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

Publication dates

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

Hearing agendas

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

Report on the Implications for European Sites (RIES)

Where an applicant has provided a No Significant Effects Report or a Habitats Regulations Assessment (HRA) Report with the application, the ExA may decide to issue a RIES during the Examination. The RIES is a factual account of the information and evidence provided to the ExA on HRA matters during the Examination up to the date of the publication of the RIES, for the purposes of enabling the Secretary of State, as competent authority, to undertake its HRA. It is not the ExA's opinion on HRA matters. Comments on the RIES will be invited by the ExA and any received will be taken into account as part of the ExA's Recommendation to the Secretary of State. The 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 and/ or Regulation 28 of The Offshore Marine Regulations.

Notification of initial Hearings

You must register by completing the [Event Participation Form](#) by 23:59 Tuesday 5 November if you intend to participate in any 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 watch a livestream of the events. A link to the livestream will be made available on the [project webpage](#) shortly before the event is scheduled to begin. You will also be able to watch the recording of the events which will be published on the project webpage shortly after the events have finished.

Date	Hearing	Start time	Venue and Joining details
Tuesday 19 November 2024	Open Floor Hearing 1 (OFH1)	Registration and seating available at venue from: 4.30pm Virtual Registration Process from: 4.30pm Hearing starts: 5.00pm	Ashford International Hotel, Simone Weil Avenue, Ashford, Kent, TN24 8UX 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
Wednesday 20 November 2024	Issue Specific Hearing 1 (ISH1) - draft DCO	Registration and seating available at venue from: 9.30am Virtual Registration Process from: 9.30am Hearing starts: 10.00am	Ashford International Hotel, Simone Weil Avenue, Ashford, Kent, TN24 8UX and By virtual means using Microsoft Teams Full instructions on how to join online or by telephone will be provided in advance to

Date	Hearing	Start time	Venue and Joining details
			those who have pre-registered
Wednesday 20 November 2024	Compulsory Acquisition Hearing 1 (CAH1)	Registration and seating available at venue from: 2.00pm Virtual Registration Process from: 2.00pm Hearing starts: 2.30pm	Ashford International Hotel, Simone Weil Avenue, Ashford, Kent, TN24 8UX 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 21 November 2024	Issue Specific Hearing 2 (ISH2)	Registration and seating available at venue from: 9.30am Virtual Registration Process from: 9.30am Hearing starts: 10am	Ashford International Hotel, Simone Weil Avenue, Ashford, Kent, TN24 8UX 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
<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., providing reasonable notice to Interested Parties of the decision to cancel them.</p>			

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.

Requests to participate should be made using the [Event Participation Form](#) on or before **Procedural Deadline A**.

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

Hearing agendas

High-level agendas for these hearings have been published alongside this notification on the project webpage to help inform your decision about whether to register to participate.

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

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.

Agendas for Initial Hearings

Issue Specific Hearing 1 – Draft Development Consent Order

Date: **Wednesday 20 November 2024**

Arrangements Conference: **9.30am**

Meeting start time: **10.00am**

Venue: **Blended event at Ashford International Hotel 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**

The ExA would particularly request that representatives of the following bodies attend the Issue Specific Hearing:

- The Applicant,
- Ashford Borough Council,
- Kent County Council
- Any other proposed beneficiary of protective provisions and
- Any other utility service provider or statutory undertaker with land, infrastructure, alignments or apparatus affected by the dDCO.
- Any other Affected Person who wishes to make oral representations in respect of the Applicant's general case.

Agenda for the Issue Specific Hearing 1	
1	Welcome and Introductions
2	Purpose of the Issue Specific Hearing
3	<p>Project Definition and limitations</p> <p>The Applicant will be asked to set out its overall approach to the Environmental Assessment of the Proposed Development in light of the, so-called, Rochdale envelope. The ExA is particularly interested to ensure that the worst-case scenarios have been assessed.</p>

4	<p>The Overall Structure of the dDCO</p> <p>The Applicant will be asked to explain its overall approach to the drafting of the dDCO and clarify what matters are to be secured by alternative methods, such as Planning Obligations and other forms of agreement.</p>
5	<p>ExA's Questions on the DCO</p> <p>The ExA will ask questions about the dDCO and seek observations from IPs present. Noting that this hearing is in the earliest stages of the Examination, the primary purpose of this Agenda item will be for the ExA to raise its own initial questions. Other IPs will be welcome to participate but will not be expected to frame their own detailed positions until the submission of their Written Representations, Local Impact Reports and participation in a DCO ISH later in the Examination.</p>
6	<p>Next Steps</p>
7	<p>Closing</p>
Close of the Issue Specific Hearing 1	

The purpose of this ISH is to inquire into the draft Development Consent Order (dDCO), providing the Applicant with an initial opportunity to explain the structure, content and drafting approach (Agenda Item 3) and for the ExA to explore initial questions about the drafting approach taken with the Applicant and with bodies who are proposed or who might hold powers or duties under the dDCO (Agenda Item 4).

This ISH into the dDCO will be conducted without prejudice to the in-principle positions taken by Interested Parties (IPs) in relevant or written representations. This means for example that IPs are at liberty to seek improvements to provisions in the dDCO without conceding an in-principal position that there should be no such provisions or that the dDCO itself should not be made. It is held in the interests of ensuring that the dDCO becomes the best draft that can be obtained in the circumstances and is also without prejudice to the ExA's future deliberations on its recommendation to the Secretary of State about whether or not the dDCO should be made.

The ISH is also to allow the Applicant to set out in general case for the interference in land rights and for this to be considered by the ExA. APs are welcome to attend and to raise matters of general application. However, it is the ExA's intention to hold a second CAH, if requested, later in the Examination to deal with any site-specific matters raised by APs.

Compulsory Acquisition Hearing 1

Date: **Wednesday 20 November 2024**

Arrangements Conference: **2pm**

Meeting start time: **2.30pm**

Venue: **Blended event at Ashford International Hotel, Simone Well Avenue, Ashford, Kent TN24 8UX 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 Affected Persons who have pre-registered**

The ExA would particularly request that representatives of the following bodies attend the Compulsory Acquisition Hearing:

- The Applicant,
- National Grid
- Any other proposed beneficiary of protective provisions,
- Any other utility service provider or statutory undertaker with land, infrastructure, alignments or apparatus affected by the dDCO, and
- Any other Affected Person who wishes to make oral representations in respect of the Applicant's general case.

Agenda for the Compulsory Acquisition Hearing 1	
1	Welcome, introductions and purpose of the Hearing
2	<p>General Case</p> <p>The ExA will ask the Applicant to present and justify its case for Compulsory Acquisition (CA) and Temporary Possession (TP) and will wish to address the following matters:</p> <p>a) To review the statutory and policy tests relevant to CA and/or TP under the Planning Act 2008 (PA2008) and DCLG Guidance.</p> <p>b) To review human rights and equality considerations.</p>

	<p>c) To consider the structure and content of the Book of Reference.</p> <p>d) To consider the structure , content and current up-to-date position of the Funding Statement.</p> <p>e) To consider the structure and content of the Statement of Reasons.</p> <p>f) To consider impending legislative changes.</p> <p>The ExA will invite submissions from Affected Parties (APs) who wish to raise matters of general application in relation to items a) to f) listed above. However, any site-specific submissions must be reserved to the specific CAH that has been allocated to individual APs to have their cases heard.</p>
3	<p>Crown Land</p> <p>The ExA will ask the Applicant to present and justify its case for Compulsory Acquisition or rights of Crown Land and to set out the latest position as to whether it has obtained consent from the Crown under s135 of the PA2008.</p>
4	<p>Statutory Undertakers</p> <p>The ExA will ask the Applicant to update it as to the latest position in respect of Operational Land of Statutory Undertakers, as to whether it has obtained agreement for the land to be acquired and whether there are, and if so what, any outstanding matters to be resolved.</p>
5	<p>Funding</p> <p>The ExA will ask the Applicant to update it as to the latest position in respect of funding.</p>
6	<p>Any other matters</p>
Close of the Compulsory Acquisition Hearing 1	

Note: This hearing is to allow the Applicant to set out in general case for the interference in land rights and for this to be considered by the ExA. APs are welcome to attend and to raise matters of general application. However, the ExA's may hold a second CAH, if requested, later in the Examination to deal with any site-specific matters raised by APs.

Open Floor Hearing 1

Date: Tuesday 19th November 2024

Registration and seating available from: 5.00pm

Arrangements Conference: 5.15pm

Meeting start time: 6.00pm

Venue: Blended event at Ashford International Hotel, Simone Well Avenue, Ashford, Kent TN24 8UX 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 Open Floor Hearing 1	
1	Welcome and Introductions
2	Purpose of the Open Floor Hearing
3	Confirmation of those who notified the ExA of a wish to be heard at the OFH
4	<p>Oral Submissions from Interested Parties</p> <ul style="list-style-type: none"> • Each Interested Party who has indicated a wish to speak will be invited forward in turn. Each party will be given a limited amount of time. <p>These are:</p> <ul style="list-style-type: none"> o 5 minutes for individual IPs o 8 minutes where one IP speaks on behalf of a number of IPs o 8 minutes for membership organisations and formal groups. <ul style="list-style-type: none"> • Any other party who has not registered but would wish to speak on the day (if time). • Following each submission, the Examining Authority may wish to ask the speaker questions.

	Oral submissions should be based on representations previously made in writing by the particular participant. However, representations made at the hearing should not simply repeat matters previously covered in a written submission, but rather provide further detail, explanation and evidential corroboration to help inform the Examining Authority.
5	<p>Responses by the Applicant</p> <ul style="list-style-type: none"> The Applicant will be invited to respond to matters raised and to questions arising from the ExA either orally after all IPs and Non-IPs have spoken, or in writing by Deadline 1 on 10 December 2024.
6	Next Steps
7	Closing
Close of the Open Floor Hearing 1	

Issue Specific Hearing 2 (ISH2) – Traffic and Construction**Date: Wednesday 21st November 2024****Arrangements Conference: 9.30am****Meeting start time: 10.00am****Venue: Blended event at Ashford International Hotel 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

The ExA would particularly request that representatives of the following bodies attend the Issue Specific Hearing:

- The Applicant,
- Ashford Borough Council,
- Kent County Council
- Kent Fire and Rescue Service
- South East Ambulance Service
- Any other Affected Person who wishes to make oral representations in respect of the Applicant's general case.

Agenda for the Issue Specific Hearing 2	
1	Welcome and Introductions
2	Purpose of the Issue Specific Hearing
3	Construction traffic routes The Applicant will be asked to present its proposals in relation to construction traffic in the locale.
4	Traffic Management The Applicant will be asked to outline its traffic management proposals in relation to the protect and also update on consultation with local authority highway authorities.

5	Cumulative Impacts from other projects
6	Next Steps
7	Closing
Close of the Issue Specific Hearing 2	

The purpose of this ISH is to explore the Applicant's approach to construction traffic routes and traffic management. It will also take the opportunity to receive updates on progress of consultation with the relevant Highway Authorities

Procedural Decisions made by the Examining Authority

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

1. Visuals for the Hearings

For ISH2 and CAH1 and other subsequent Hearings should the ExA determine their necessity, 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 publish (If required) 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.

2. Statements of Common Ground (SoCG) and Issues Tracker

In relation to some of the Initial Assessment of Principal Issues identified in **Annex C**, the ExA would be assisted by the preparation of SoCGs and issue trackers between the Applicant and certain Interested Parties. The draft Examination Timetable at **Annex D** therefore established **Deadline 2** for submission of SoCGs

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

For each of those areas that are in dispute, it would be beneficial if each party would put their estimation as to the likelihood that disagreement will remain by the end of the Examination. This should be done on a “Low” (Green), “Medium” (Amber) and “High” (Red) traffic light model. This will allow the ExA to assess those areas where oral discussions may be most beneficial.

SoCGs are requested to be prepared between the Applicant and:

a) Ashford Borough Council

- Principle of Development
- Economic and Social effects, including any implications for the Local Plan strategy and of transport effects on local communities

- Construction Traffic
- Environmental Impact Assessment, including cumulative effects
- Landscape and Visual Effects, including lighting
- Any other potential effects, including on heritage assets, biodiversity, noise and vibration, air quality, emissions, contamination and emergency planning
- Good Design
- Various Environment Management Plans, both during construction and operation
- The dDCO, including requirements and discharge mechanisms

b) Kent County Council

- Principle of Development
- Traffic and Transport, including traffic modelling and assessment of alternatives
- Effects on the Public Rights of Way network and on non-motorised users
- Economic and Social Effects
- Environmental Impact Assessment, including cumulative effects
- Water Environment and Flood Risk
- Good Design
- Any other potential effects, including on heritage assets, biodiversity, air quality, emissions and contamination
- Various Environment Management Plans, both during construction and operation
- The dDCO, including requirements and protective provisions

c) National Highways

- Traffic and Transport, including traffic modelling and assessment of alternatives
- Good Design
- The dDCO, including protective provisions

d) Network Rail

- Potential cable routes under the rail line including suitability and specification
- The dDCO, including protective provisions

e) Environment Agency

- EIA Methodology
- Water environment and flood risk, including ground and surface water protection, drainage, geology and soils
- Climate change effects
- Various Environment Management Plans, both during construction and operation
- Any 'Shadow' licence applications
- The dDCO

f) Natural England

- Biodiversity, habitats and nature conservation including issues relating to:
 - The effects on protected species and habitats
 - Mitigation measures, including the likely effectiveness of mitigation, monitoring procedures and their being secured
- Water environment, water protection, drainage and impact on habitats and species
- Landscape and Visual ; appropriateness of mitigation ,ZTC, and impact on Kent Downs National Landscape
- Various Environment Management Plans, both during construction and operation
- ‘Shadow’ licence applications
- The dDCO

g) Historic England

- The effects on heritage assets and their settings and consideration of cumulative effects
- Archaeological considerations
- Various Environment Management Plans, both during construction and operation
- The dDCO

h) National Grid

- Agreement on connection
- The dDCO
- CA and temporary possession provisions

The aim of a SoCG is to agree factual information and to inform the ExA and all other parties by identifying where there is agreement and where the differences lie at an early stage in the Examination process. It should provide a focus and save time by identifying matters which are not in dispute or need not be the subject of further evidence. It can also usefully state where and why there may be disagreement about the interpretation and relevance of the information. Unless otherwise stated or agreed, the SoCG should be agreed between the Applicant and the other relevant Interested Party or parties, and submitted **by the Applicant**. The draft Examination Timetable at **Annex D** to this letter therefore establishes the deadlines in which drafts and final submissions are expected. **The SoCG’s should always be accompanied by an issues tracker showing progress of the resolution of those issues.**

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

Final SoCGs and Issues Tracker should be submitted into the Examination by **Deadline 7 (Tuesday 6 May 2025)** unless completed beforehand and this can be submitted at an earlier deadline. If, by **Deadline 6 (Tuesday 29 April 2025)** a particular SoCG cannot be agreed between the parties, then a final

draft SoCG on the matters of agreement should be submitted at **Deadline 7 (Tuesday 6 May 2025)**.

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

3. Accompanied Site Inspection – suggested locations

As explained in **Annex B** to this letter, the draft Examination Timetable at **Annex E** to this letter includes dates reserved for an Accompanied Site Inspection (ASI) on **week commencing 24th February 2025**, should the ExA decide to hold one.

If either the Applicant or other Interested Party consider that additional locations beyond those which the ExA has already visited as part of US11 need to be visited the ExA requests that they suggest a list of potential locations for an ASI by **Deadline 1**.

Suggestions 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 ExA will consider each suggested site location 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.

If the ExA confirms on 3 February 2025 that an ASI is to be held, we will publish the final itinerary at least five working days before the date of the ASI.

4. Deadline for the submissions of comments and summaries on Relevant Representations

It is normal for ExAs to request that summaries and comments are provided of RRs where these original representations exceed 1500 words in length. The ExA has therefore also made a Procedural Decision to request the submission of summaries and comments by **Deadline 1 (10 December 2024)**.

Where a document is being revised from a previous submission then it should be submitted in two versions 'Clean' and 'Tracked Change' from the previous

version. For revisions to the d DCO these should always be in the SI MS Word template, again two versions, 'Clean' and 'Tracked'.

5. 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 certain Local Authorities should have decided whether they wish to be considered as an IP and notified the Planning Inspectorate of their decision by **Deadline 1 (10 December 2024)**.

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

6. Use of Artificial Intelligence

The Planning Inspectorate has recently issued guidance in relation to the use of Artificial Intelligence (AI). AI is technology that enables a computer or other machine to exhibit 'intelligence' normally associated with humans. Recent advances mean that AI can now be used to create new content in the form of text, images, videos, audio, computer code and other types of data. It can also be used to alter or enhance existing content. In such cases, AI works by drawing on existing information, usually from a large database or from the internet, to provide a response to a user's prompts or requests. If you use AI to create or alter any part of your documents, information or data, you should tell us that you have done this when you provide the material to us. You should also tell us what systems or tools you have used, the source of the information that the AI system has based its content on, and what information or material the AI has been used to create or alter.

In addition, if you have used AI, you should do the following:

- clearly label where you have used AI in the body of the content that AI has created or altered, and clearly state that AI has been used in that content in any references to it elsewhere in your documentation;
- tell us whether any images or video of people, property, objects or places have been created or altered using AI;
- tell us whether any images or video using AI has changed, augmented, or removed parts of the original image or video, and identify which parts of the image or video has been changed (such as adding or removing buildings or infrastructure within an image);
- tell us the date that you used the AI;
- declare your responsibility for the factual accuracy of the content; • declare your use of AI is responsible and lawful; and
- declare that you have appropriate permissions to disclose and share any personal information and that its use complies with data protection and copyright legislation.

By following this guidance, you will help us and other people involved in the Examination to understand the origin, purpose, and accuracy of the information. This will help everyone to interpret it and understand it properly.

As this guidance was published since the application was accepted for Examination, we have made a Procedural Decision that all parties provide us with this information for information submitted to date. We have put this for Deadline 1 (10 December 2024). Future submissions should be endorsed as it is submitted.

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 locations listed in the table below. Please note that you will need to bring a form of identification and register as a library member in order to use a computer at these locations.

The opening hours and availability of information technology set out in the table below may be subject to changes. Please check the current circumstances with the relevant locations before you attend.

Local authority	Venue/address	Opening hours	Printing costs
Kent County Council	Ashford Library , Ashford Gateway Plus, Church Road, Ashford, Kent, TN23 1AS	Monday: 9.00am - 5.00pm Tuesday: 9.00am - 5.00pm Wednesday: 9.00am - 1.00pm Thursday: 10.00am - 6.00pm	Black & White A3: £0.20 Black & White A4: £0.15 Colour A3: £0.75 Colour A4: £0.50

		Friday: 9.00am - 3.00pm Saturday: 9.00am - 3.00pm Sunday: Closed	
Kent County Council	Folkestone Library, 2 Grace Hill, Folkestone, Kent CT20 1HD	Monday: 9.30am - 4.30pm Tuesday: 9.30am - 4.30pm Wednesday: Closed Thursday: 9.30am - 4.30pm Friday: 9.30am - 4.30pm Saturday: 9.30am - 1.00pm Sunday: Closed	Black & white A3: £0.20. Black & white A4: £0.15. Colour A3: £0.75. Colour A4: £0.50
Ashford Borough Council	Ashford Borough Council Offices, Civic Centre, Tannery Lane, Ashford TN23 1PL	Monday: 9.00am - 4.00pm Tuesday: 9.00am - 4.00pm Wednesday: 9.00am - 4.00pm Thursday: 9.00am - 4.00pm Friday: 9.00am - 4.00pm Saturday: Closed Sunday: Closed	Black & white A3: £0.20. Black & white A4: £0.15. Colour A3: £0.75. Colour A4: £0.50
Kent County Council	Folkestone and Hythe Council Offices, Civic Centre, Castle Hill Avenue, Folkestone CT20 2QY	Monday: 10.00am - 4.00pm Tuesday: 10.00am - 4.00pm Wednesday: 10.00am - 4.00pm Thursday: 10.00am - 4.00pm Friday: 10.00am - 4.00pm Saturday: Closed	Black & white A3: £0.20. Black & white A4: £0.15. Colour A3: £0.75. Colour A4: £0.50

		Sunday: Closed	
Kent County Council	New Romney Library , 82 High Street, New Romney, TN28 8AU	Monday: 8.30am - 5.00pm Tuesday: 8.30am - 5.00pm Wednesday: 8.30am - 5.00pm Thursday: 8.30am - 5.00pm Friday: 8.30am - 5.00pm Saturday: Closed Sunday: Closed	Black & white A3: £0.20. Black & white A4: £0.15. Colour A3: £0.75. Colour A4: £0.50
Kent County Council	Lyminge Library , Station Road, Lyminge, CT18 8HS	Monday: 10.00am - 2.00pm Tuesday: 12.00pm - 5.00pm Wednesday: 10.00am - 2.00pm Thursday: 10.00am - 5.00pm Friday: 10.00am - 2.00pm Saturday: 09.00am - 2.00pm Sunday: Closed	Black & white A3: £0.20. Black & white A4: £0.15. Colour A3: £0.75. Colour A4: £0.50
Kent County Council	Hythe Library , 1 Stade Street, Hythe, CT21 6BQ	Monday: 09.30- 5.00pm Tuesday: 9.30am - 5.00pm - Wednesday: 9.30am - 5.00pm Thursday: 9.30am - 5.00pm Friday: 9.30am - 5.00pm Saturday: 9.30am - 4.30pm Sunday: Closed	Black & white A3: £0.20. Black & white A4: £0.15. Colour A3: £0.75. Colour A4: £0.50

Information about the 'Have your say' Section of the Project Webpage

The '[Have your say](#)' section 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 2002 or SGSP. 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 for members of the public: [Advice for submitting representations and comments](#) 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 '[Have your say](#)' section please contact the Case Team using the contact details at the top of this letter and they will assist.