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To the Applicant
(By email only)

Your Ref:

Our Ref: EN010164

Date: 19 December 2024

Dear Ms Price,

Planning Act 2008 (as amended) – Section 51

Application by Xlinks 1 Limited for an Order Granting Development Consent for the Xlinks Morocco-UK Power Project (EN010164)

Advice following issue of decision to accept the application for examination

On 19 December 2024 the Secretary of State decided that the application for the above project satisfied the acceptance tests under section 55 of the Planning Act 2008 (PA2008). The Planning Inspectorate's acceptance checklist and the application documents have been published and made available on the project page of our website.

In undertaking checks at the acceptance stage, the Inspectorate has made some initial observations in relation to the application. This letter comprises advice to the Applicant provided under section 51 of the PA2008 in respect of these initial observations. The Applicant should pay attention to its content and consider how appropriate action might be taken in response.

Consultees identified on a precautionary basis

Given the individual circumstances of this case, the Planning Inspectorate advises taking a precautionary approach to consultation under s42(1)(a) of PA2008 to ensure that all persons potentially affected by, or potentially likely to have an interest in the application are given the opportunity to participate fully in the Examination of the application. On this basis, the Applicant may wish to serve notice on the bodies listed in Box 6 of the section 55 checklist when it serves notice of the accepted application under s56(2)(a) of the PA2008; unless there is a specific justification why this is not necessary.

Minor errors and omissions

There are minor errors and omissions, as reflected in Box 30 of the acceptance checklist.

Application Cover Letter (Doc 1.1)

Whilst it is acknowledged that agreed Statements of Common Ground have not been prepared at this stage, please consider submitting draft Statements of Common Ground as it may help the Examining Authority explore issues and formulate questions during the initial stages of the Examination.

Guide to the Application (Doc 1.2)

Please consider using terminology consistent with the relevant NPS and other guidance, such as Planning Act 2008: Pre-application stage for Nationally Significant Infrastructure Projects. For example, use Land and Rights Negotiation Tracker instead of Schedule of Negotiations and Powers Sought. This will help readers conduct word searches for standard terminology and make navigating the application and the content of each document easier.

If not done so already, it may be helpful to provide a summary table separating out the onshore and offshore components of the Proposed Development (including any intermediate/sub categories such as inshore) and highlight the jurisdiction of relevant statutory authorities on a per issue basis.

Draft Development Consent Order (Doc 3.1)

Consider whether the draft Development Consent Order is consistent with guidance in Planning Act 2008: Content of a Development Consent Order required for Nationally Significant Infrastructure Projects, and relevant advice pages from the Planning Inspectorate, in relation to the use of tailpieces when drafting requirements.

Paragraph 1 of Schedule 2 states that the design principles statement means the document of that name identified in Schedule 13. However, the name in Schedule 13 is design principles document. Please correct the reference and check the draft Development Consent Order for any other erroneous references of a similar nature.

Explanatory Memorandum (Doc 3.2)

Consider expanding on the justification why the use of precedents (whether exact or amended) are appropriate in the specific circumstances of the draft Development Consent Order. For example, among other things, the Explanatory Memorandum sets out that the definition of 'maintain' is based on the Southampton to London Pipeline Development Consent Order 2020 et al but has been amended to allow for works that are specific to the Proposed Development. Further explanation about the amendments and the specific justification for them would be helpful. Please refer to Planning Act 2008: Content of a Development Consent Order required for Nationally Significant Infrastructure Projects accordingly.

The heading above paragraph 11.1.32 reads associate development. Presumably, this should read associated development. Please correct the spelling.

Book of Reference (Doc 4.3)

Page 298 onwards deals with Part 2A but the table heading appears to include reference to Part 3. Please correct the reference and check the Book Reference for any other erroneous references of a similar nature.

Environmental Statement: Volume 4: Chapter 1: Climate Change (Doc 6.4.1)

It would be helpful to consider the scope of effects that should be assessed by undertaking a detailed analysis of the principles established in R (on the application of Finch on behalf of the Weald Action Group) v Surrey County Council and others [2024] UKSC 20. For example, the test of causation between the Proposed Development and upstream emissions.

Non-Technical Summary (Doc 6.5)

To aid the Examination, consider including a table that highlights the chapters where significant effects have been identified, and summarise the significant effects accordingly.

The forecasting methods, assumptions and limitations used are not mentioned, and the length of offshore cable corridor is 1m less than the Project Description. Please update and amend accordingly.

Environmental Statement: Volume 2: Chapter 1: Onshore Ecology and Nature Conservation (Doc 6.2.1)

Paragraph 1.16.7 is absent from this chapter. The Applicant is requested to amend the document to include the missing chapter or rectify the paragraph numbers accordingly.

Environmental Statement: Volume 1 Appendix 5.3 Cumulative Effects Assessment (CEA) Screening Matrix (Doc 6.1.5.3)

Annex A sets out the Onshore CEA Long List and Location Plan. This includes a plan for tier 1 developments and tier 3 developments but not a plan for tier 2 developments. Please provide an explanation for the omission or submit a plan for tier 2 developments.

Environmental Statement: Volume 2 Figure 3.1 – Hydrology and Flood Risk Study Area (Fig 3.1)

The figure has an illegible background map. Please amend accordingly so that it is legible.

Please pay close attention to the advice set out in this letter and act on it accordingly. It is advised that you action these points before the commencement of the Relevant Representation period. This will contribute towards a more efficient examination and give any future Examining Authority comfort that the documentation is complete and accurate.

We trust you find this advice helpful, however if you have any queries on these matters please do not hesitate to contact our office using the contact details at the head of this letter.

Yours sincerely

Spencer Barrowman

**Spencer Barrowman
Case Manager**

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