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To all Interested Parties

Your Ref:

Our Ref: EN020017

Date: 2 November 2016

Dear Sir/Madam

Application by National Grid for an Order Granting Development Consent for the Richborough Connection Project

Examining Authority's request for further information, and notification of Report on the Implications for European Sites

1. Request for further information

In accordance with the published timetable for this examination, the Examining Authority (ExA) requests that further information on the following is submitted for **Deadline 7, Wednesday 16 November 2016**:

- Comments from the Applicant and Interested Parties (IPs) on the Schedule of the ExA's revisions to the Applicant's draft Development Consent Order (DCO) 2.1(C) [REP6-003].

The ExA sets out in Annex A, for consultation, its proposed revisions to the draft DCO, based on the Applicant's draft DCO 2.1(C) [REP6-003] which was submitted to the Examination on 26 October 2016, for Deadline 6. The web link to the Applicant's draft DCO is:

<http://infrastructure.planninginspectorate.gov.uk/document/EN020017-002117>

In Annex A, text struck through is the text proposed to be deleted by the ExA. Underlined text is indicative drafting currently under consideration by the ExA for inclusion in the DCO, albeit that this may change should amendments be proposed by the Applicant and other IPs.

The proposed revisions generally consider only substantive provisions of the DCO. Consequential amendments to the Title and Contents pages, Preamble, Footnotes, etc. are not set out in Annex A.

The revisions do not attempt to respond to all representations made in relation to the form and content of the draft DCO that have been submitted during the course of the

Examination, final consideration of which will take place before submission of the ExA's report and recommendations to the Secretary of State.

Various matters are still under active consideration by the ExA and it may recommend to the Secretary of State further revisions not set out in Annex A; equally, it may decide not to include all the revisions set out in Annex A.

The ExA stresses that the circulation of Annex A is entirely without prejudice to its recommendation to the Secretary of State and should not be taken to indicate that it has concluded that consent should be recommended. The purpose of issuing it for consultation, is to ensure that the Secretary of State is provided with a suitable form of DCO in the event that the Secretary of State decides that consent should be given, having regard to the ExA's recommendation report and all other matters.

IPs (and the Applicant) are asked to comment on Annex A and combine any earlier submissions regarding the drafting of the DCO in respect of particular articles, requirements or schedules into a comprehensive single response to this letter by **Deadline 7, 16 November 2016**.

Where IPs (and the Applicant) consider that the drafting should be changed, they should submit their preferred wording as part of their response, together with their justification for all such proposed changes.

Annex A to this letter is available to view on the Richborough Connection project page of the National Infrastructure Planning website:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/richborough-connection-project/>

2. Notification of the Report on the Implications for European Sites

In accordance with the published timetable for this examination, the Examining Authority (ExA) is issuing the following document for consultation with all IPs:

- The ExA's Report on the Implications for European Sites (RIES).

This document is now available on the Richborough Connection project page of the National Infrastructure Planning website:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/richborough-connection-project/>

All IPs are invited to make written comments in response to this document by **Deadline 8, Thursday 24 November 2016**.

IPs are asked to confirm whether they consider the ExA's understanding as presented in the RIES to be complete and accurate, or if not, to identify those points where there is not agreement and to explain why.

The Applicant is requested to:

- explain the reasons for the inclusion of the bird species referred to in RIES paragraph 2.18 in the screening matrix for The Swale Special Protection Area (SPA) [REP1-003, matrix 10];
- explain whether the Environmental Statement Addendum (ES) Chapter 16

[REP6-018] (submitted at Deadline 6) has led to any changes to the conclusions of the No Significant Effects Report (NSER) [APP-119 and APP-120] – i.e. that there would be no likely significant effects (LSE), either alone or in-combination with other plans or projects, on the eleven European sites screened into the assessment. The Applicant should provide any necessary additional evidence;

- explain whether the updated Embedded Environmental Measures Schedule [REP6-019] has led to any changes to the findings of the NSER [APP-119 and APP-120] – i.e. that there would be no LSE, either alone or in-combination, on the eleven European sites screened into the assessment and provide any necessary evidence; and
- confirm the conclusions of the Habitats Regulations Assessment.

Natural England is requested to provide any comments it has in respect of:

- ES Chapter 16 Addendum [REP6-018] and whether there is any change to its agreed position that there would be no LSE on any European site as a result of the proposed development either alone or in-combination with other plans or projects (as previously confirmed in REP2-073 and REP4-028); and
- matters relating to the Habitat Regulations (which will be submitted at Deadline 7 as written submissions of oral presentations from the ISH on 9 and 10 November 2016).

The Environment Agency is requested to provide any comments it has in respect of:

- ES Chapter 16 Addendum [REP6-018]

The Joint Councils and the Kent Wildlife Trust (KWT) are requested to confirm in light of the updated Environmental Statement (ES) Chapter 16 [REP6-018] and updated Embedded Environmental Measures Schedule [REP6-019]:

- whether there is any change to their previous agreement on the NSER (as confirmed [REP2-024, id 4.23.3 and REP2-082]); and
- whether there is any change to the agreed positions as set out in paragraphs 3.23 and 3.24 of the RIES regarding mitigation.

Please note that Deadline 8 (24 November 2016) is the final deadline for submissions in the timetable for examination of this application. It is therefore the final timetabled opportunity for any outstanding matters to be submitted to the ExA in writing, and should include any comments on submissions received by the ExA at Deadline 7 including matters related to the Habitat Regulations discussed above.

If you have any queries, please do not hesitate to contact the Richborough Connection project case team.

Yours faithfully

Frances Fernandes

Frances Fernandes
Lead member of the Panel of Examining Inspectors

Annex A - Schedule of ExA's revisions to the Applicant's draft DCO 2.1(C) [REP6-003]
(See separate document)

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.