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All Interested Parties, Affected
Persons, Statutory Parties and Other
Persons

Your Ref:

Our Ref: EN020022

Date: 11 January 2021

Dear Sir/ Madam

Planning Act 2008 (as amended), Section 89; The Infrastructure Planning (Examination Procedure) Rules 2010, Rules 8(3), 9 and 13; and The Infrastructure Planning (Compulsory Acquisition) Regulations 2010, Regulation 11

Application by AQUIND Limited for an Order granting Development Consent for the AQUIND Interconnector Project

This letter provides you with information about variations to the Examination Timetable and some Procedural Decisions that we have made.

Further information and all documentation associated with this project can be found on the Planning Inspectorate's National Infrastructure website using this link:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/aquind-interconnector/?ipcsection=docs>.

The Examination Timetable

The Examination Timetable has been updated as a consequence of the Examining Authority's decision to accept a second request for a change to the Proposed Development (Change Request 2) from the Applicant into the Examination. We have also confirmed some Hearings in February 2021. The updated Examination Timetable is at **Annex A** to this letter. This replaces the Examination Timetable annexed to our letter of 20 November 2020¹.

¹ [https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020022/EN020022-002910-20201120%20EN020022%20AQUIND%20-%20Rule%208\(3\)%20Letter.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020022/EN020022-002910-20201120%20EN020022%20AQUIND%20-%20Rule%208(3)%20Letter.pdf)

New deadlines have been inserted into the Timetable. **Deadline 7a**, for the receipt of Relevant Representations solely in relation to the Additional Land sought by the Applicant through its second change request, is **Thursday 28 January 2021**. All such Relevant Representations must be made on the prescribed Registration and Relevant Representation Form provided as a link in the banner on the project web page of the Planning Inspectorate's National Infrastructure website (link above). Any submissions that are not in relation to the Change Request 2, or are not on the prescribed form, will not be seen by the ExA and will be disregarded. Comments submitted after the deadline will also be disregarded.

Deadline 7c, which provides registered Interested Parties with an opportunity to comment on any such Relevant Representations, is **Monday 15 February 2021**. In addition, we have moved the deadline for comments on responses made at Deadline 7 from Deadline 8 to Deadline 7c.

As a consequence of the Examining Authority's acceptance of the two change requests from the Applicant, each additional Affected Person or Interested Party whose land or rights might be affected by those changes can request to be heard at an Open Floor Hearing and Compulsory Acquisition Hearing in relation to those changes only. We have confirmed one of the reserved dates on the Examination Timetable for these Hearings, should they be requested, on **Friday 19 February 2021**, virtually online.

Interested Parties whose land or rights might be affected and who have been registered as such since the earlier Hearings in December 2020 (and who therefore did not have the opportunity to participate then), can also request to be heard at the Compulsory Acquisition Hearing.

We have added a facility for any over-run of either or both of these Hearings, if required, into the Timetable on **Monday 22 February 2021**, so intending participants should keep that date free as well as the requisite time on **Friday 19 February 2021**.

It is important to note that these Hearings are not intended for general representations, and their scope is strictly limited to the topics, issues and parties set out in **Annex B** to this letter. Requests to speak on the merits of the Proposed Development generally, on broader topics that fall outside the prescribed scope, or from other parties will not be accepted.

Any requests from qualifying Interested Parties or Affected Persons to be heard at these two Hearings, together with a summary of the topics to be raised, must be received by the Planning Inspectorate before **Deadline 7b**, which is **Monday 1 February 2021**. Only representations that fall within the scope of the Hearings as set out at **Annex B** will be accepted. Details of how to register for the Hearings are also set out at **Annex B** to this letter.

We have also confirmed two further Issue Specific Hearings on dates reserved in the Examination Timetable: these are ISH4 on the subject of the draft DCO on Wednesday 17 February 2021, and ISH5 on Environmental Matters and Highways on Thursday 18 February 2021, both virtually online. These will cover topics set out on the respective Agendas by the Examining Authority, and we aim to issue these at least 10 days in advance of the Hearings.

Our original Examination Timetable reserved **Monday 22 February 2021** for an Exceptional Issue Specific Hearing, if required. We have also reserved time on the same day for the continuation of Open Floor Hearing 3 (if required), and for the continuation of Compulsory Acquisition Hearing 3 (if required). If required, these would take place virtually, online (**Annex B**).

We have removed the time reserved for Hearings in week commencing 8 February from the Timetable. Reserved time remains in the week commencing 15 February 2021 for various events. Due notice will be provided if further events are confirmed for these dates or they will be cancelled with the necessary notice through a banner on the project web page if not required (**see Annex B**).

Please note that the Examination Timetable deadlines are at 23:59 on the date specified. Please ensure submissions arrive by the deadline. If you do not make your submissions by the dates specified in the timetable, we may disregard them.

Procedural Decisions

Initial determination of issues relating to the change requests

Following the Applicant's two change requests under the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 to introduce new plots of land into the Order limits and Book of Reference, in accordance with Rule 11(1) of the Infrastructure Planning (Examination Procedure) Rules 2010, we have made an initial determination of issues in relation to both of these changes. These are set out at **Annex C** to this letter.

Site inspections

We have not yet made a final decision on an Accompanied Site Inspection or further Unaccompanied Site Inspections. Further information is set out in **Annex C** to this letter.

Requirements at Deadline 7

We have removed the requirement under a Rule 17 request for participants to provide pre-Hearing transcripts of their proposed oral submissions for the Hearings in February from Deadline 7 (See **Annex C**).

Requirements at Deadline 8

Following enquiries, we can confirm that we do require the submission of all information and documents listed at Deadline 8 on the Examination Timetable (See **Annex C**).

Regulation 7, 8 and 9 notices from the Applicant

We are issuing advice to the Applicant in respect of the submission of these notices at **Annex C** to this letter.

Submissions from non-registered parties and repetitious submissions

As we have been receiving a number of repetitious written submissions, many from non-registered parties, we thought it useful to provide a reminder that the Examination Timetable deadlines are for specific purposes and not an opportunity to repeat previous submissions. We are carrying out the Examination process in accordance with the statutory requirements of the Planning Act 2008 (as amended). Only Interested Parties who registered before the Examination commenced have an automatic right to make written submissions. Such submissions are expected to be relevant to the stage that the Examination is at, as set out on the Examination Timetable.

We would highlight that we exceptionally accepted a number of submissions at Deadline 1 from non-registered parties, in recognition of the difficult circumstances at the start of the Examination and new issues arising.

The Planning Act 2008 requires an Examination to be completed within a 6-month period, and as an Examination gets closer to its conclusion, the time available to all parties to read and respond formally to representations reduces, and our discretion to exceptionally accept anything but a materially significant new matter from non-registered parties also reduces if fairness to all parties is to be ensured.

The Examination is undertaken on the basis of planning merits rather than the balance of weight of opposition or support, and the size or number of documents from a particular party has no bearing on our consideration or ultimate recommendation. It is neither necessary nor indeed helpful to an Examination for the same points to be made repeatedly, and we continue to actively encourage persons with similar views to come together to provide a single representation at the appropriate stage rather than providing multiple repetitions of the same points.

We would recommend the Planning Inspectorate's Advice Note 8 series to anybody who would like to know more about the Examination process for Nationally Significant Infrastructure Projects. It is available from:

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>.

End of Examination

Finally, we just wanted to thank all parties to the Examination for their continuing contributions in what we recognise to be very difficult circumstances as a result of the COVID-19 pandemic and associated public health restrictions. We know that the unusual home and working circumstances and the transfer to an online environment for Hearings has been challenging for many, and we do appreciate your flexibility and forbearance.

The Examination Timetable reflects the statutory obligation for the Examination to be completed on or before Monday 8 March 2021. There are no indications of any change to this requirement from the Government or elsewhere. As such, we welcome your continuing efforts as we head towards the conclusion of the Examination with this deadline in mind.

Yours faithfully

Andrew Mahon

Lead Member of the Panel of Examining Inspectors

Annex A: Examination Timetable
Annex B: Notice of Hearings
Annex C: Other Procedural Decisions

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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.

	Matters	Due Dates
1.	<p>Deadline 7</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Responses to ExQ2; • Comments on responses submitted for Deadlines 6 and 6a; • Updated Statements of Common Ground; • Updated Statement of Commonality for SoCG; • An updated Guide to the Application; • Updated Book of Reference; • Updated Statement of Reasons; • Signed and dated s106 Agreement (if required); • An updated version of the draft Development Consent Order (dDCO) in clean and tracked versions; • An updated Schedule of changes to the dDCO; • Any further information requested by the ExA under Rule 17 of the Examination Rules (if required). 	<p>Monday 25 January 2021</p>
2.	<p>Deadline 7a</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Relevant Representations in relation to the Additional Land sought by the Applicant in change request 2 [AS-052]. 	<p>Thursday 28 January 2021</p>
3.	<p>Deadline 7b</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Notification of wish to participate in Open Floor Hearing (OFH3) (see Annex B); • Notification of wish to participate in Compulsory Acquisition Hearing (CAH3) (see Annex B); • Notification of wish to participate in the Issue Specific Hearing into the draft Development Consent Order (ISH4) (see Annex B); • Notification of wish to participate in the Issue Specific Hearing into Environmental Matters and Highways (ISH5) (see Annex B). <p>This notification is for administrative purposes only. The notifications should simply request attendance and not include reference to the merits of the Proposed Development. These responses will not be published to the project web page.</p>	<p>Monday 1 February 2021</p>

4.	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> The Report on the Implications for European Sites (RIES) (if required); The ExA's proposed schedule of changes to the dDCO (if required); Any requests for information under Rule 17 of the Examination Rules (if required). 	<p>Wednesday 3 February 2021</p>
5.	<p>Deadline 7c</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> Comments on responses submitted for Deadlines 7 and 7a. 	<p>Monday 15 February 2021</p>
6.	<p>Hearings and Accompanied Site Inspection(s)</p> <p>Dates reserved for any:</p> <ul style="list-style-type: none"> Issue Specific Hearing(s) (if required); Open Floor Hearing(s) (if required); Compulsory Acquisition Hearing(s) (if required); Accompanied Site Inspection(s) (if required). 	<p>Monday 15 and Tuesday 16 February 2021</p>
7.	<p>Issue Specific Hearing 4 into the draft Development Consent Order</p>	<p>Wednesday 17 February 2021 10:00</p>
8.	<p>Issue Specific Hearing 5 into Environmental matters and Highways</p>	<p>Thursday 18 February 2021 10:00</p>
9.	<p>Open Floor Hearing 3 (if required)</p> <p>This Hearing will be held only if required to hear representations on topics other than Compulsory Acquisition from affected Interested Parties in relation to the Applicant's two change request proposed provisions.</p>	<p>Friday 19 February 2021 10:00</p>
10.	<p>Compulsory Acquisition Hearing 3 (if required)</p> <p>The principal purpose of this Hearing is to hear representations on Compulsory Acquisition topics from:</p> <ul style="list-style-type: none"> Interested Parties affected by the Applicant's two change request proposed provisions; and People that have been accepted as an Interested Party under s102 of the Planning Act 2008 or added to the Book of Reference since CAH2 on 11 December 2020. <p>The ExA may also have some additional Compulsory Acquisition questions to ask the Applicant.</p>	<p>Friday 19 February 2021 12.00</p>

<p>11.</p>	<p>Hearing</p> <ul style="list-style-type: none"> Continuation of OFH3, if required; Continuation of CAH3, if required. <p>Date reserved for any:</p> <ul style="list-style-type: none"> Exceptional Issue Specific Hearing (if required). <p>The Exceptional Issue Specific Hearing would be for any final oral submissions from any parties in relation to new topics that have, for good reason, not had an opportunity to be heard at earlier Hearings. Active participation would be strictly at the invitation of the ExA (who will decide if the event is required at all) and will be restricted to any matters that the ExA considers to be of importance to the Examination that have not had adequate consideration and discussion.</p> <p>Parties should be aware that costs can be awarded against a party that has acted unreasonably during the course of an Examination. Parties that deliberately withhold information until this Hearing that could have been presented (in oral or written form) earlier in the Examination could be subject to an application for an award of costs.</p>	<p>Monday 22 February 2021</p>
<p>12.</p>	<p>Deadline 8</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> Comments on responses submitted for Deadline 7c; Written summaries of oral submissions put at any Hearings held during the weeks commencing 15 and 22 February 2021; Any post-Hearing notes requested at any Hearings held during the weeks commencing 15 and 22 February 2021; Comments on oral submissions put at any Hearings held during the weeks commencing 15 and 22 February 2021; Comments on the RIES (if required); Comments on the ExA's proposed schedule of changes to the dDCO (if required); Finalised Statements of Common Ground; Finalised Statement of Commonality for SoCG; Finalised Compulsory Acquisition Schedule in clean and tracked versions; A finalised Guide to the Application; A finalised version of the draft Development Consent Order (dDCO) in clean and tracked versions; A finalised Schedule of changes to the dDCO; Any further information requested by the ExA under Rule 17 of the Examination Rules (if required). 	<p>Monday 1 March 2021</p>

13.	<p>Deadline 9</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> Any further information requested by the ExA after Deadline 8 (if required), under Rule 17 of the Examination Rules (if required). 	Friday 5 March 2021
14.	The ExA is under a duty to complete the Examination of the application by the end of the period of 6 months.	Monday 8 March 2021

Publication dates

All information received will be published on the project page of the National Infrastructure Planning website as soon as practicable after each Deadline for submissions.

Hearing agendas

We will aim to publish a final agenda for each Hearing on the project page of the National Infrastructure Planning website at least ten working days in advance of the Hearing date. The actual agenda on the day of each Hearing may be subject to change at the discretion of the ExA.

Report on the Implications for European Sites

The Applicant has provided a Habitats Regulations Assessment (HRA) Report with the DCO application, and the ExA may decide to issue a Report on the Implication for European Sites (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 an 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 relevant Secretary of State.

The Secretary of State may rely on the consultation on the RIES to meet the obligations under Regulation 63(3) of the Habitats Regulations¹ and Regulation 28 of the Offshore Marine Regulations.

¹ The Conservation of Habitats and Species Regulations 2017

Notice of Hearings, requests to appear and procedure to be followed at Hearings

Notification of Hearings, under Sections 91, 92, 93 of the Planning Act 2008, to be held between 17 February 2021 and 19 February 2021

Scope of Open Floor Hearing

An Open Floor Hearing will be held subject to the receipt of one or more requests from registered additional Interested Parties or Affected Persons who wish to make representations on the **Applicant's change requests only** (see **Annex C**). However, Interested Parties and Affected Persons whose interests and rights in the additional land sought are affected are encouraged instead to request to attend and speak at the Compulsory Acquisition Hearing, as this would provide a more appropriate forum (see below).

Each Interested Party would be allowed a maximum total speaking time of 5 minutes for all submissions.

We strongly encourage groups of Interested Parties who have similar views to choose one representative to speak for the group.

Scope of Compulsory Acquisition Hearing

The Examining Authority would issue a detailed agenda in due course, but a Compulsory Acquisition Hearing will be held subject to the receipt of one or more requests from affected, registered Interested Parties or Affected Persons **only for:**

- responses specifically in connection with the two change request **proposed provisions received from the Applicant** (see **Annex C**);
- representations from people that have **been accepted as an Interested Party under s102 of the Planning Act 2008 or added to the Book of Reference** [REP6-023] since the last CAH was held on Friday 11 December 2020;

The Examining Authority may also wish to raise other matters with the Applicant in connection with Compulsory Acquisition and Temporary Possession.

Notification of Hearing dates and times

Please be advised that the Examining Authority will hold Issue Specific Hearings, an Open Floor Hearing and a Compulsory Acquisition Hearing on the following dates:

Date	Hearing	Time	Venue
Wednesday 17 February 2021	Issue Specific Hearing into the draft Development Consent Order (ISH4)	10:00	By virtual means (see below)
Thursday 18 February 2021	Issue Specific Hearing into Environmental Matters and Highways (ISH5)	10:00	
Friday 19 February 2021	Open Floor Hearing 3 (OFH3)	10:00	
Friday 19 February 2021	Compulsory Acquisition Hearing 3 (CAH3)	11:30	

The Examining Authority has made a Procedural Decision that these Hearings will be held by virtual means, through the Microsoft Teams platform.

If you wish to participate in any of the listed Hearings, please email the Planning Inspectorate's Case Team (aquind@planninginspectorate.gov.uk) by no later than **Deadline 7b** (Monday 1 February 2021). Please indicate:

- If you wish to speak at OFH3, your Interested Party registration number, which of the Applicant's change requests you are affected by and wish to comment on; and the topic(s) you wish to address in relation to the change request; or
- If wishing to speak at CAH3, whether you are registered as an Affected Person¹ or Interested Party with an interest in the additional land described in the Applicant's change requests (with your registration number); and which of the Applicant's change requests you are affected by and wish to comment on; or
- Which Issue Specific Hearing(s) you wish to speak at, the issue(s) about which you wish to make oral representations, the relevance to that Hearing, and why you consider it necessary to raise the matter orally as opposed to providing a written submission.

Notification in respect of the above should be sent separately from any other written submission, and appropriately titled to allow the Planning Inspectorate to identify quickly which event the notification relates to.

Please note that Deadline 7b and these notifications are for the case team's administrative purposes only. As such, the notifications should simply request attendance, and must not include reference to the merits of the Proposed Development. These responses will not be published to the project page.

¹ Each person or organisation with an interest in land or rights that are affected by a Compulsory Acquisition request in the application is an Affected Person.

We have removed the time reserved for Hearings in the week commencing 8 February from the Examination Timetable (**Annex A**). While no final decision has been made on any arrangements or format for any other Hearings during the week commencing 15 February 2021, it is very likely that any other Hearing(s) would be held virtually online through Microsoft Teams. Due notice will be provided if events are confirmed for these dates. If not required, these reserved dates will be cancelled with the required notice through a banner on the project page on the Planning Inspectorate's National Infrastructure website.

Time remains reserved in the Examination Timetable on Monday 22 February 2021 for an Exceptional Issue Specific Hearing, if required. We have also added the facility for an over-run of either or both of the Hearings timetabled for Friday 19 February 2021 on this date, to be held virtually online, and in each case only if required. These are:

- Continuation of OFH3, if required;
- Continuation of CAH3, if required.

Participants in OFH3 and CAH3 should therefore keep Monday 22 February 2021 free as well as the requisite time on Friday 19 February 2021.

All Hearings

Due to the nature of these events, we can only accommodate participation on the day by those who register in advance with the Case Team, and numbers may need to be limited.

Invitations will be sent by e-mail to those who express a wish to speak at the Hearings and joining instructions will be provided at that time; parties will be able to join from a computer, tablet, smartphone or a traditional landline telephone.

All Hearings will be recorded, and those recordings will subsequently be made available through the project page² of the Planning Inspectorate's National Infrastructure website.

If you do not wish to speak but would like to observe the Hearings in real time, rather than retrospectively as a recording, it is the Applicant's intention to arrange a livestream of the Hearings. The link to the livestream will also be published on the project page of the website.

Depending on the number of participants at each Hearing, and the progress made during the events, it may be necessary to have breaks in proceedings. Additionally, in the unlikely event that there is an IT failure, we will attempt to resume the event later that day. As such, prospective participants are advised to keep the whole day for each event available.

² <https://infrastructure.planninginspectorate.gov.uk/projects/South%20East/AQUIND-Interconnector/>

Procedure at Hearings

The procedure to be followed at Hearings is set out in The Infrastructure Planning (Examination Procedure) Rules 2010³. Any oral representations must be based on either the Relevant Representation or Written Representation made by the person by whom, or on whose behalf, the oral representations are made.

The Examining Authority is responsible for the oral questioning of a person giving evidence and the process affords very limited scope to allow cross-questioning between parties⁴. The Examination will be principally undertaken through the exchange of written submissions, and we will decide whether a Hearing on a particular issue or topic is necessary. This decision is not connected to how relevant or important we consider an issue or topic to be.

Hearing agendas

We will aim to publish a final agenda for each Hearing on the project page of the Planning Inspectorate's National Infrastructure website at least ten working days in advance of the Hearing date. The actual agenda on the day of each Hearing is subject to change at the discretion of the Examining Authority.

Publicity for events

The Applicant should send copies of any newspaper notices advertising each confirmed event to the Case Team by **Deadline 7** (Monday 25 January 2021), in accordance with The Infrastructure Planning (Examination Procedure) Rules 2010.

³ Rule 14

⁴ Rule 14(5)

Other Procedural Decisions made by the Examining Authority

1. Initial Assessment of Issues for the proposed provisions for change requests

We have made a Procedural Decision following two proposals from the Applicant to include provisions authorising the Compulsory Acquisition of additional land in the draft DCO. In both cases, we have before us no evidence that all of the affected persons with an interest in the additional land consent to the inclusion of the relevant provision.

Following the Applicant's two change requests under the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 to introduce new plots of land into the Order limits and Book of Reference, in accordance with Rule 11(1) of the Infrastructure Planning (Examination Procedure) Rules 2010, we have made an initial determination of issues in relation to both of these changes. We now take the opportunity to set these out below. We have made the Procedural Decision not to hold meetings to discuss how the proposed provisions should be examined (Rule 11(2)). The impacts of the requests on the Examination Timetable are set out at **Annex 1** to this letter.

<p>Proposed provision 1</p> <p>[REP3-016] and [REP3-019]</p>	<ul style="list-style-type: none"> • Impact of the proposed works in relation to the proposed additional plots on: <ul style="list-style-type: none"> ○ trees and landscape; ○ the use, condition and accessibility of sports pitches and associated facilities at Baffins; ○ existing land and rights.
<p>Proposed provision 2</p> <p>[AS-052] and [AS-055]</p>	<ul style="list-style-type: none"> • Ash die-back disease and its effect on a future landscape and visual baseline around the area of the proposed Converter Station; • Impact of the proposed works in relation to the proposed additional plots on: <ul style="list-style-type: none"> ○ silvicultural practice and ancient woodland habitats; ○ visual screening on the proposed Converter Station; ○ existing land and rights.

2. Site inspections

We have not yet made a final decision on an Accompanied Site Inspection or further Unaccompanied Site Inspections. Given the Government's tightened public health restrictions relating to the COVID-19 pandemic, at the present moment we consider it extremely unlikely these will take place, though we will continue to monitor the situation, We remain content that our earlier USIs provided us with sufficient information and understanding.

3. Requirements at Deadline 7

We have removed the requirement for participants to provide pre-Hearing transcripts of their proposed oral submissions for the Hearings in February from Deadline 7. Written summaries are still requested following the Hearing.

4. Requirements at Deadline 8

Following enquiries, we can confirm that we do require the submission of all information and documents listed at Deadline 8 on the Examination Timetable (**Annex A**).

Comments on Deadline 7 submissions have been moved from this deadline to Deadline 7c.

5. Regulation 7, 8 and 9 notices from the Applicant

Whilst acknowledging the statutory period allowed in The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 for the Applicant to provide the Planning Inspectorate with the necessary notices relating to Change Request 2, we strongly suggest that these are sent by 10am on 29 January 2021. Any delays beyond this may adversely affect the completion of necessary procedures before the close of the Examination.