

National Infrastructure Planning Temple Quay House 2 The Square Bristol, BS1 6PN Customer Services: 0303 444 5000 Email: GatwickAirport@planninginspectorate.gov.uk

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

Your Ref: Our Ref: TR020005 Date: 5 January 2024

Dear Sir/ Madam

Planning Act 2008 – Sections 88 and 89; and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rules 4, 6, 9, 13 and 16

Application by Gatwick Airport Limited for an Order Granting Development Consent for the Gatwick Airport Northern Runway Project

This letter provides important information about how the application will be examined. This will be considered at the Preliminary Meeting on Tuesday 27 February 2024.

Please only attend the Preliminary Meeting if you wish to comment on the Examination procedure.

If you wish to comment on the application, please do so by submitting Written Representations and/ or commenting on Written Representations made by others at the relevant deadlines; and/ or by participating in Open Floor Hearings (the first of which are on **Wednesday 28 February 2024**). Further details are contained in **Annex A** to this letter.

Appointment of the Examining Authority

Following my appointment by the Secretary of State as the lead member of the Examining Authority (ExA) to carry out an Examination of the above application, I am writing to introduce myself and the other members of the ExA. I am Kevin Gleeson and the other members of the ExA are Philip Brewer, Helen Cassini, Jonathan Hockley and Neil Humphrey. A copy of the appointment notice can be viewed under the <u>'Documents' tab</u> on the <u>project webpage of the National Infrastructure Planning website</u>.

We would like to thank those of you who submitted Relevant Representations. These representations have assisted us in preparing our initial assessment of the principal issues to be the focus of the Examination.

Invitation to the Preliminary Meeting and how to participate

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 this application.



Date	Start time	Venue and joining details
Tuesday 27 February 2024	Registration and seating available at venue from: 9:00am Virtual registration process from: 9:00am Preliminary Meeting starts:	Sandman Signature London Gatwick Hotel 18-23 Tinsley Lane South, Three Bridges, Crawley, West Sussex, RH10 8XH and By virtual means using Microsoft Teams Full instructions on how to join virtually will be provided in advance to those who have pre- registered
	10:00am	

IMPORTANT: The Preliminary Meeting should be completed before 1:00pm on Tuesday 27 February 2024, however parties are encouraged to keep the whole day free in case the meeting overruns or there is a matter that requires the meeting to be adjourned and resumed later in the day.

If you intend to attend in person or participate in the Preliminary Meeting, you must register by completing the <u>Event Participation Form</u> by <u>Tuesday 6 February 2024</u> and provide all the information requested in Annex B to this letter. Please note that it may not be possible to participate or observe in person on the day if you have not registered.

If you wish to observe the Preliminary Meeting remotely then you will be able to either:

1. watch a livestream of the event - a link to the livestream will be made available on the <u>project webpage</u> 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.

You do not need to register if you wish to observe remotely via the above means.

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 the ExA about **how the application should be examined** and to hear your views on examination procedure. See **Annex A** to this letter and the Planning Inspectorate's <u>Advice Note 8.3 - Influencing</u> 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 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.

The agenda for the Preliminary Meeting is at **Annex B** to this letter. This has been set following our Initial Assessment of Principal Issues arising from our reading of the application documents and the Relevant Representations received, which is set out in **Annex C** to this letter.

Written submissions about how the application should be examined

The Planning Act 2008 (PA2008) establishes a principally written process for the examination of applications for Development Consent Orders. Therefore, **submissions about Examination procedure made in writing carry equal weight to oral submissions at the Preliminary Meeting**.

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

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

You are invited to make a written submission about how the application is to be examined by **Procedural Deadline A** (**Tuesday 6 February 2024**) (see **Annex D** to this letter).

We request that all submissions are made using the <u>'Make a submission' tab</u> on the project webpage. **Annex H** to this letter provides further information about using the 'Make a submission' tab.

After the Preliminary Meeting

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

Notification of initial hearings and Accompanied Site Inspection

We have made a Procedural Decision to hold the following initial hearings during **the** weeks commencing 26 February 2024 and 4 March 2024:

- Open Floor Hearing 1 (OFH1). Wednesday 28 February 2024 from 10:00am.
- Open Floor Hearing 2 (OFH2). Wednesday 28 February 2024 from 6:00pm.
- Issue Specific Hearing 1 (ISH1) on the Case for the Proposed Development. Thursday 29 February 2024 from 10:00am.
- Issue Specific Hearing 2 (ISH2) on Control Documents/ the Development Consent Order. Friday 1 March 2024 from 9:30am.



- Issue Specific Hearing 3 (ISH3) on Socio-economics. Tuesday 5 March 2024 from 10:00am.
- Issue Specific Hearing 4 (ISH4) on Surface Transport. Tuesday 5 March 2024 from 2:00pm.
- Issue Specific Hearing 5 (ISH5) on Aviation Noise. Wednesday 6 March 2024 from 10:00am.

We have also made a Procedural Decision to hold an Accompanied Site Inspection (ASI) on **Thursday 7 March 2024**.

Important information about these hearings and ASI 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.

Other Procedural Decisions made by the Examining Authority

We have made some further Procedural Decisions which are set out in detail at **Annex F** to this letter, including (but not limited to) a request for Written Representations from all Interested Parties and Local Impact Reports from local authorities to be submitted by **Deadline 1** (see **Annex D** to this letter).

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 <u>form available on the project webpage</u>. The draft 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 above 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 <u>project webpage</u>.

A <u>'Make a submission' tab</u> is available on the webpage which provides a portal through which parties should make written submissions at relevant deadlines during the Examination. Further information about the 'Make a submission' portal is provided at **Annex H** to this letter.



There is also a function on the right-hand side of the project webpage called 'Email updates'. This provides you with an opportunity to register to receive automatic email 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 <u>What is My Status in the Examination?</u>.

If your reference number begins with '2004', 'GATW-0', 'GATW-ISP', 'GATW-AFP', 'GATW-S57' or 'GATW-APP' you are in Group A. If your reference number begins with 'GATW-SP' you are in Group B. If your reference number begins with 'GATW-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 '<u>Awards of costs: examinations of applications for development consent orders</u>', which also includes details on the costs awards related to Compulsory Acquisition.

Management of information

Information, including representations, submitted in respect of this Examination (if accepted by the ExA) and a record of any advice which has been provided by the Planning Inspectorate is published on the <u>project webpage</u>. Examination documents can also be viewed electronically at the locations listed in **Annex G** to this letter.

Please note that in the interest of facilitating an effective and fair Examination, it is necessary to publish some personal information. To find out how we handle your personal information please view our <u>Privacy Notice</u>.

Pronouns and titles

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

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

Yours faithfully

Kevin Gleeson

Lead Member of the Examining Authority



Annexes

- **A** The Examining Authority's remarks about the Examination process
- **B** Agenda for the Preliminary Meeting
- **C** Initial Assessment of Principal Issues
- **D** Draft Examination Timetable
- **E** Notification of initial hearings and Accompanied Site Inspection
- **F** Other Procedural Decisions made by the Examining Authority
- **G** Availability of Examination documents
- H Information about the 'Make a submission' tab

This communication does not constitute legal advice.

Please view our <u>Privacy Notice</u> before sending information to the Planning Inspectorate.



The Examining Authority's remarks about the Examination process

Background

This annex provides advance access to information that would usually be included in the Examining Authority's (ExA) introductory remarks. Please read this carefully, as the ExA will only present a summary of the key points set out here to ensure that the time available for participants to speak is maximised.

The Examining Authority and the Case Team

The ExA will introduce themselves at the start of the Preliminary Meeting (PM).

The ExA will be supported by the Planning Inspectorate Case Team. George Harrold is the Case Manager for the application. For those attending virtually, a member of the Case Team will welcome participants and will be available to answer questions by email before and after the meeting. The contact email address for the Case Team is: <u>GatwickAirport@planninginspectorate.gov.uk</u>.

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 Gatwick Airport Northern Runway 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 Gatwick Airport 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 <u>project webpage</u> of the National Infrastructure Planning website. The project webpage has links to the Examination Timetable, Relevant Representations and Examination documents, and Examination procedure.

You are encouraged to familiarise yourself with the <u>project webpage</u> if you have not 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 after the close of the PM.

The PM will set out the process that the ExA intends to follow. The agenda for the PM is attached to this Rule 6 letter at **Annex B**. Hard copies of the agenda will not be provided at the PM, so you may wish to print this in advance.

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 Secretary of State (SoS) for Transport, who will take the decision in this case, to consider the application. In doing so, the ExA will have regard to:

- the positions and representations of all Interested Parties (IP);
- 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 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 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 several Other Persons to the PM. Those parties will have received an email or postcard from the Planning Inspectorate with a unique reference number at the top beginning 'GATW-OP'.

Further information on your status can be found in the Planning Inspectorate's FAQ document '<u>What is My Status in the Examination?</u>'.

Conduct at the Preliminary Meeting and hearings

In recognition of the fatigue associated with on-screen communication, the ExA will provide breaks during the PM and hearings as appropriate.

Digital recordings of the PM and hearings will be made available on the project webpage as soon as practicable following the close of the events. The recordings allow any member of the public who is interested in the application and the Examination to find out what has been discussed. The making and publication of these recordings are a means by which the

ExA meets the legal requirement to hold the PM (and any other hearings) in public. In this regard, **anyone speaking at the PM and hearings 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 on the project website as soon as practicable following its close, however written notes are not produced for hearings.

As recordings of the PM and hearings 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 and/ or hearings, it is important that you understand that you will be recorded and that the recording(s) will be made available in the public domain. Please see our <u>Privacy Notice</u> for more information about how we handle your data.

Following the ExA's introductions at the PM and hearings, 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 event in accordance with the agenda. If you are participating virtually and prefer not to have your image recorded, you can switch off your camera at any point.

The Examination process

The starting point is that the relevant legislation, section 87 of the Planning Act 2008 (PA2008), states that **it is for the Examining Authority to decide how to examine the application**.

Examining Inspectors are employed by the Planning Inspectorate. The Planning Inspectorate is an Executive Agency of the Department for Levelling Up, Housing and Communities. For the examination of NSIPs, the ExA produces an independent and impartial report with a recommendation to the relevant SoS; in this case the SoS for Transport. It is the SoS who will make the decision on the application, not the ExA.

The examination of NSIPs follows different processes to those, for example, of a Public Inquiry into a planning appeal following the refusal of planning permission. The main differences are that the examination of NSIPs is 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 (WR) and comment on WRs made by other parties.
- IPs can respond to the ExA's written questions (ExQ) 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 agree, and if it would be useful for this to be clarified. SoCGs most usefully extend to catalogue matters that are not agreed or are outstanding.
- IPs may be asked to produce a Principal Areas of Disagreement Summary Statement (PADSS). These will sit alongside SoCGs but will instead focus on those matters IPs identify as areas of major concern with the application. The PADSSs will be submitted in a table format which will be updated throughout the Examination. Their purpose is to identify more quickly those areas of concern and assist in focusing the Examination at an early stage.

The draft Examination Timetable includes a series of numbered deadlines for receipt of written submissions. Timely submissions received by the relevant deadline and that address its purpose will be accepted. **Documents received after 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. See: '<u>Awards of costs: examinations of applications for development consent orders</u>', which also includes details on the costs awards related to Compulsory Acquisition.

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 WR, 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 hearing notification (see **Annex E**) 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/ or rights, and the Temporary Possession of land. APs (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 a deadline for APs to make a request to be heard at a CAH.

The ExA has the discretion to hold **Issue Specific Hearings** (ISH) 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 ExA will set the agenda for the meeting and will direct the discussion to specific matters where evidence needs testing. It is not an opportunity for a wide-ranging discussion on the topic. 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 (**Deadline 1**) 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. The purpose of these is for the ExA to consider features of the proposals within the context of the evidence put forward. Site inspections can be either unaccompanied or accompanied. The ExA undertook an Unaccompanied Site Inspection (USI) between Tuesday 10 and Thursday 12 October 2023, and a note of this has been published on the project webpage with Examination Library reference [EV1-001]. Notes of any future USIs will be 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. **Please note that it is not possible to make oral representations at an ASI**. The purpose of ASIs is familiarisation only and no discussion of the merits or disadvantages of the Proposed Development will be entertained.

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. This would be known as an Access Required Site Inspection (ARSI).

The draft Examination Timetable includes a deadline for IPs to make submissions suggesting sites and locations that the ExA should visit, and a deadline for the Applicant to submit a suggested site visit itinerary. These will be used to inform further USIs/ ARSIs as well as a possible ASI. It is not generally considered necessary to revisit locations in ASIs that have already been visited in a USI.

Agenda for the Preliminary Meeting

If you intend to attend in person or participate in the Preliminary Meeting, you must register by completing the <u>Event Participation Form</u> by <u>Tuesday 6 February 2024</u> and provide all the information requested (see below). Please note that it may not be possible to participate or observe in person on the day if you have not registered.

If you wish to observe the Preliminary Meeting remotely then you will be able to either:

1. watch a livestream of the event - a link to the livestream will be made available on the <u>project webpage</u> 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.

You do not need to register if you wish to observe remotely via the above means.

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.

The Preliminary Meeting will be a blended event. This means that it will be held in person, with some participants opting to attend virtually either online by using Microsoft Teams or by telephone.

Please be available from the start and throughout the 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, so your patience is appreciated.

The agenda for the Preliminary Meeting is subject to change at the discretion of the ExA, although in making changes the ExA will be mindful of the need to provide opportunities for fair involvement to all invited parties.

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

- Name and unique reference number (found at the top of your letter or email from the Planning Inspectorate).
- Email address (if available) and contact telephone number.
- Name and unique reference number of any person/ organisation that you are representing (if applicable).
- Confirmation of whether you will participate virtually or in person.
- The agenda item on which you wish to speak and a list of the points you wish to make.
- Any special requirements you may have (eg disabled access or hearing loop).

Date:	Tuesday 27 February 2024
Seating available from/ Virtual registration process from:	9:00am
Meeting start time:	10:00am
Venue:	Sandman Signature London Gatwick Hotel, 18-23 Tinsley Lane South, Three Bridges, Crawley, West Sussex, RH10 8XH
	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:	Invited parties who have pre-registered
Access and parking:	Limited free on-site parking

Agenda for the Preliminary Meeting		
9:00am	In-person registration process	
	Registration and seating available at the venue for in-person attendees.	
9:00am	Virtual registration process	
	Please arrive at 9:00am to enter the virtual lobby. From here you will be admitted to the virtual meeting by the Case Team, greeted and given further instructions.	
	ne registration process will be hosted by the Case Team and cover the busekeeping arrangements for the Preliminary Meeting and allow for ny questions to be asked about how to take part.	
10:00am	Preliminary Meeting	
Item 1	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 – Annex A to the Rule 6 letter.	
Item 3	Initial Assessment of Principal Issues – Annex C to the Rule 6 letter.	
Item 4	Procedural Decisions – Annex F to the Rule 6 letter.	
Item 5	Draft Examination Timetable – Annex D to the Rule 6 letter.	

Item 6	The Applicant's notification of intention to make changes to the application.	
Item 7 Any other matters.		
Close of the Preliminary Meeting		

Please ensure that you read our <u>Privacy Notice</u> before attending the Preliminary Meeting.

Initial Assessment of Principal Issues

This is the Initial Assessment of Principal Issues (IAPI) prepared under s88(1) of the Planning Act 2008 (PA2008). It has been prepared following consideration by the Examining Authority (ExA) of:

- the application documents;
- the Relevant Representations received in respect of the application;
- the Principal Areas of Disagreement Summary Statements (PADSS); and
- any other important and relevant matters.

It is not a comprehensive or exclusive list of all relevant matters, and it also represents a snapshot in time. New issues may arise, and some issues identified here may increase or decrease in relevance and weight during the Examination. Several of the issues set out below have an inter-relationship or overlap which will be reflected in the Examination and in the Recommendation Report to the Secretary of State for Transport, submitted after the Examination has concluded. All issues will be considered during proposed phases of construction and operation where relevant.

The order of the issues listed is alphabetic and does not imply any order of prioritisation or importance. Legal, policy and consenting requirements and documents associated with the PA2008 are an integral part of the Examination and are therefore not listed as Principal Issues.

There are several issues that will be taken into account as overarching or integral components of the IAPI. These include:

- the achievement of good design;
- the achievement of sustainable development; and
- the effects of the Proposed Development in relation to human rights and equalities duties.

Principal Issues

- 1. Air Quality
- 2. Case for the Proposed Development
- 3. Climate Change and Greenhouse Gas Emissions
- 4. Compulsory Acquisition and Temporary Possession of Land and Rights
- 5. Draft Development Consent Order, Planning Obligations, Agreements and Management Plans
- 6. Ecology

7. Historic Environment

8. Landscape and Visual Effects

9. Noise and Vibration

10. Social, Economic and Land Use Considerations

11. Traffic and Transportation

12. Water Environment

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.

ltem	Matters	Date
1.	Procedural Deadline A	Tuesday 6 February
	Deadline for receipt by the ExA of:	2024
	 Written submissions on Examination procedure, including any submissions about the draft Examination Timetable. 	
	 Requests to be heard orally at the Preliminary Meeting (PM), including which agenda items you wish to speak on, and why your points need to be made orally rather than in writing (see Annex B to this letter). 	
	 Requests by Interested Parties (IP) to participate in the Open Floor Hearings on 28 February 2024 (see Annex E to this letter). 	
	 Requests by IPs to participate in the Issue Specific Hearings between 29 February and 6 March 2024 (see Annex E to this letter). 	
	 Applicant's submission of the Land Rights Tracker (see Annex F to this letter). 	
	 Suggested locations for site inspections, including the reason for nomination, issues to be observed there, and whether the location(s) can be accessed using public highways. 	
2.	Preliminary Meeting (PM)	Tuesday 27 February 2024
		10:00am
3.	Open Floor Hearing 1 (OFH1) (see Annex E to this letter).	Wednesday 28 February 2024
		10:00am
4.	Open Floor Hearing 2 (OFH2) (see Annex E to this letter).	Wednesday 28 February 2024
		6:00pm

5.	Issue Specific Hearing 1 (ISH1) on the Case for the Proposed Development (see Annex E to this letter).	Thursday 29 February 2024 10:00am
6.	Issue Specific Hearing 2 (ISH2) on Control Documents/ the Development Consent Order (see Annex E to this letter).	Friday 1 March 2024 9:30am (AM only)
7.	Issue Specific Hearing 3 (ISH3) on Socio-economics (see Annex E to this letter).	Tuesday 5 March 2024 10:00am
8.	Issue Specific Hearing 4 (ISH4) on Surface Transport (see Annex E to this letter).	Tuesday 5 March 2024 2:00pm
9.	Issue Specific Hearing 5 (ISH5) on Aviation Noise (see Annex E to this letter).	Wednesday 6 March 2024 10:00am
10.	Reserved for continuation of ISHs 1 to 5 (if required) (see Annex E to this letter).	Wednesday 6 March 2024 2:00pm
11.	Accompanied Site Inspection 1 (ASI1) (see Annex E to this letter).	Thursday 7 March 2024 10:00am
12.	Issue by the ExA of:The Examination Timetable.	As soon as practicable following the Preliminary Meeting
13.	 Deadline 1 For receipt by the ExA of: Post-hearing submissions, including written summaries of oral submissions to the hearings held between 28 February and 6 March 2024. Comments on Relevant Representations. Written Representations (WR). Summaries of WRs exceeding 1500 words. Local Impact Reports (LIR) from any local authorities. 	Tuesday 12 March 2024

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	 Comments on any responses to section 51 advice or Pre-examination Procedural Decisions submitted by the Applicant before or at the PM. 	
	 Comments on any Additional Submissions accepted at the discretion of the ExA (see Annex F to this letter). 	
	 Comments on the Applicant's Land Rights Tracker. 	
	 Requests by IPs to participate in a further Open Floor Hearing. 	
	 Requests by Affected Persons to participate in a Compulsory Acquisition Hearing. 	
	 Notification by Statutory Parties of their wish to be considered as an IP. 	
	 Notification of wish to have future correspondence delivered electronically, including confirmation of email address. 	
	 Initial Statements of Common Ground (SoCG) requested by the ExA (see Annex F to this letter). 	
	 Statement of Commonality for SoCGs. 	
	 Applicant's draft itinerary for an Accompanied Site Inspection (if held). 	
	 Applicant's updated Book of Reference (BoR) and Schedule of Changes to the BoR (if required) in clean and tracked versions. 	
	 Applicant's updated Navigation Document in clean and tracked versions. 	
	 Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010. 	
14.	Deadline 2	Tuesday 26 March
	For receipt by the ExA of:	2024
	 Comments on the Applicant's draft itinerary for an Accompanied Site Inspection (if held). 	
	 Updated Principal Areas of Disagreement Summary Statements (PADSS). 	
	 Draft legal agreement(s). 	
	 Applicant's updated Navigation Document in clean and tracked versions. 	
	 Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010. 	

	Comments on any further information/ submissions received by Deadline 1.	
15.	 Publication by the ExA of: The ExA's Written Questions (ExQ1). 	Thursday 28 March 2024
16.	Deadline 3	Friday 19 April 2024
10.	For receipt by the ExA of:	Friday 19 April 2024
	Responses to ExQ1.	
	Comments on WRs.	
	Comments on LIRs.	
	 Progressed draft legal agreement(s) and/ or an update on progress. 	
	 Applicant's updated draft Development Consent Order (DCO) in clean and tracked versions. 	
	Applicant's Schedule of Changes to the draft DCO.	
	Applicant's first update to the Land Rights Tracker.	
	 Applicant's updated Navigation Document in clean and tracked versions. 	
	 Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010. 	
	Comments on any further information/ submissions received by Deadline 2.	
17.	Hearings	w/c 29 April 2024
	Dates reserved for any:	
	 Issue Specific Hearing(s) (if required). 	
	Open Floor Hearing(s) (if required).	
	Compulsory Acquisition Hearing(s) (if required).	
	Accompanied Site Inspection (if required).	
18.	Deadline 4	Wednesday 15 May
	For receipt by the ExA of:	2024
	 Post-hearing submissions, including written summaries of oral submissions to the hearings held during w/c 29 April 2024 (if held). 	
	Comments on responses to ExQ1.	
	 Applicant's updated Navigation Document in clean and tracked versions. 	

	 Comments on the Applicant's first update to the Land Rights Tracker. 	
	 Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010. 	
	 Comments on any further information/ submissions received by Deadline 3. 	
19.	Deadline 5	Thursday 6 June
	For receipt by the ExA of:	2024
	Updated PADSSs.	
	Progressed SoCGs.	
	 Progressed Statement of Commonality for SoCGs. 	
	 Applicant's updated BoR and Schedule of Changes to the BoR (if required) in clean and tracked versions. 	
	 Applicant's second update to the Land Rights Tracker. 	
	 Applicant's updated Navigation Document in clean and tracked versions. 	
	 Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010. 	
	 Comments on any further information/ submissions received by Deadline 4. 	
20.	Hearings	w/c 17 June 2024
	Dates reserved for any:	
	 Issue Specific Hearing(s) (if required). 	
	 Open Floor Hearing(s) (if required). 	
	 Compulsory Acquisition Hearing(s) (if required). 	
21.	Deadline 6	Wednesday 26 June
	For receipt by the ExA of:	2024
	 Post-hearing submissions, including written summaries of oral submissions to the hearings held during w/c 17 June 2024 (if held). 	
	 Progressed draft legal agreement(s) and/ or an update on progress. 	
	 Applicant's updated draft DCO in clean and tracked versions. 	
	 Applicant's Schedule of Changes to the draft DCO. 	

	Applicant's updated Navigation Document in clean and tracked versions.	
	Comments on the Applicant's second update to the Land Rights Tracker.	
	 Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010. 	
	Comments on any further information/ submissions received by Deadline 5.	
22.	Publication by the ExA of:	Monday 1 July 2024
	 The ExA's Further Written Questions (ExQ2) (if required). 	
23.	Deadline 7	Monday 15 July 2024
	For receipt by the ExA of:	2024
	 Responses to ExQ2 (if issued). 	
	• Applicant's third update to the Land Rights Tracker.	
	 Applicant's updated Navigation Document in clean and tracked versions. 	
	 Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010. 	
	Comments on any further information/ submissions received by Deadline 6.	
24.	Publication by the ExA of:	Thursday 25 July
	• The Report on the Implications for European Sites (RIES) and any associated questions (if required).	2024
25.	Hearings	w/c 29 July 2024
	Dates reserved for any:	
	 Issue Specific Hearing(s) (if required). 	
	Open Floor Hearing(s) (if required).	
	Compulsory Acquisition Hearing(s) (if required).	
26.	Deadline 8	Wednesday 7
	For receipt by the ExA of:	August 2024
	 Post-hearing submissions, including written summaries of oral submissions to the hearings held during w/c 29 July 2024 (if held). 	
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	 Comments on responses to ExQ2 (if issued). 	
	 Progressed draft legal agreement(s) and/ or an update on progress. 	
	 Applicant's updated draft DCO in clean and tracked versions. 	
	 Applicant's Schedule of Changes to the draft DCO. 	
	 Applicant's updated Navigation Document in clean and tracked versions. 	
	 Comments on the Applicant's third update to the Land Rights Tracker. 	
	 Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010. 	
	 Comments on any further information/ submissions received by Deadline 7. 	
27.	Publication by the ExA of:	Wednesday 14
	 The ExA's proposed schedule of changes to the draft DCO (if required). 	August 2024
28.	Deadline 9	Wednesday 21
	For receipt by the ExA of:	August 2024
	 Responses to the RIES (if issued). 	
	 Responses to the ExA's proposed schedule of changes to the draft DCO (if issued). 	
	Finalised PADSSs.	
	Finalised SoCGs.	
	 Finalised Statement of Commonality for SoCGs. 	
	 List of matters not agreed where any SoCG could not be finalised. 	
	 Signed and dated legal agreement(s). 	
	 Applicant's final draft DCO (Microsoft Word) in clean and tracked versions. 	
	 Applicant's final draft DCO (PDF) in clean and tracked versions. 	
	 Applicant's final draft DCO to be submitted in the SI template with the SI template validation report. 	
	 Applicant's finalised Schedule of Changes to the draft DCO. 	

30.	The ExA is under a duty to complete the examination of the application by the end of the period of six months	Tuesday 27 August 2024
29.	 Deadline 10 For receipt by the ExA of: Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010. 	Tuesday 27 August 2024
	 Comments on any further information/ submissions received by Deadline 8. 	
	 Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010. 	
	 Applicant's final Navigation Document in clean and tracked versions. 	
	 Applicant's final Land Rights Tracker. 	
	 Applicant's final BoR and Schedule of Changes to the BoR in clean and tracked versions. 	
	 Applicant's finalised Statement of Reasons in clean and tracked versions. 	

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 <u>project webpage</u> as soon as practicable after the deadlines for submissions.

Report on the Implications for European Sites (RIES)

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

The Secretary of State may rely on the consultation on the RIES to meet its obligations under Regulation 63(3) of The Habitats Regulations 2017.

Notification of initial hearings and Accompanied Site Inspection (ASI)

The Examining Authority (ExA)	provides notice of the following	initial hearings and ASI:
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Date	Hearing	Start time	Venue and Joining details
Wednesday 28 February 2024	Open Floor Hearing 1	Registration and seating available at venue from:	Sandman Signature London Gatwick Hotel
2024	(OFH1)	9:00am	18-23 Tinsley Lane
		Virtual registration Process from:	South, Three Bridges, Crawley, West Sussex, RH10 8XH
		9:00am	
		Hearing starts:	and By virtual means using
		10:00am	By virtual means using Microsoft Teams
Wednesday 28 February	Open Floor Hearing 2	Registration and seating available at venue from:	Full instructions on how to join online or by
2024	(OFH2)	5:15pm	telephone will be provided in advance to
		Virtual registration Process from:	those who have pre- registered
		5:00pm	
		Hearing starts:	
		6:00pm	
Thursday 29 February	Issue Specific Hearing 1 (ISH1)	Registration and seating available at venue from:	
2024	on the Case for	9:15am	
	the Proposed Development	Virtual registration Process from:	
		9:00am	
		Hearing starts:	
		10:00am	

Annex E

Date	Hearing	Start time	Venue and Joining details
Friday 1 March 2024	Issue Specific Hearing 2 (ISH2)	Registration and seating available at venue from:	
AM only	on Control	8:45am	
	Documents/ the Development Consent Order	Virtual registration Process from:	
		8:45am	
		Hearing starts:	
		9:30am	
Tuesday 5 March 2024	Issue Specific Hearing 3 (ISH3)	Registration and seating available at venue from:	
	on Socio-	9:15am	
	economics	Virtual registration Process from:	
		9:00am	
		Hearing starts:	
		10:00am	
Tuesday 5 March 2024	Issue Specific Hearing 4 (ISH4)	Registration and seating available at venue from:	
	on Surface	1:15pm	
	Transport	Virtual registration Process from:	
		1:15pm	
		Hearing starts:	
		2:00pm	
Wednesday 6 March	Issue Specific Hearing 5 (ISH5)	Registration and seating available at venue from:	
2024	on Aviation Noise	9:15am	
		Virtual registration Process from:	
		9:00am	

Annex E

Date	Hearing	Start time	Venue and Joining details
		Hearing starts:	
		10:00am	
Wednesday 6 March	Reserved for continuation of	Registration and seating available at venue from:	
2024	ISHs 1 to 5 (if required)	1:15pm	
		Virtual registration Process from:	
		1:00pm	
		Hearing starts:	
		2:00pm	
Thursday 7 March 2024	Accompanied Site Inspection 1 (ASI1)	See information below	Gatwick Airport

NOTE: If any of the above hearings or ASI are no longer required then notification that a particular date is no longer required will be published as soon as practicable on the <u>project</u> <u>webpage</u>, providing reasonable notice to Interested Parties (IP) of the decision to cancel them.

If you intend to attend in person or participate in the Open Floor Hearings, you must register by completing the <u>Event Participation Form</u> by <u>Tuesday 6 February 2024</u> and provide all the information requested (see below). Please note that it may not be possible to participate or observe in person on the day if you have not registered. An Event Participation Form for the Issue Specific Hearings will be provided at the same time as the agendas for those events are published.

If you wish to observe any of the hearings remotely then you will be able to either:

1. watch a livestream of the event - a link to the livestream will be made available on the <u>project webpage</u> 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.

You do not need to register if you wish to observe remotely via the above means.

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

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).
- 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.
- The <u>Examination Library</u> reference number (with paragraph/ page number where appropriate) of any documents you wish to refer to.
- Any special requirements you may have (eg disabled access or hearing loop).

Hearing agendas

For the Open Floor Hearings, agendas will be published confirming a speaking order and time slots for registered participants to make their oral submissions. The ExA will publish detailed draft agendas on the <u>project webpage</u> at least five working days before the event.

For the Issue Specific Hearings, the ExA will aim to publish detailed draft agendas on the project webpage by 30 January 2024. This will allow IPs time to decide by Procedural Deadline A whether they wish to attend any or all of ISHs 1-5. The purpose of ISHs 1-5 is to focus on issues which the ExA wishes to address primarily to the Applicant. The ExA acknowledges that by the time of these ISHs, IPs will not have submitted Written Representations and local authorities will not have submitted their Local Impact Reports. Matters arising from such submissions and residual matters arising from ISHs 1-5 will be addressed subsequently if necessary.

The actual agenda on the day of each hearing may be subject to change at the discretion of the ExA.

Format

The above hearings will be blended events. This means that they will be held in person, with some participants opting to attend virtually either online by using Microsoft Teams or by telephone.

Procedure at hearings

The Examination will principally be a written process (see the Planning Inspectorate's <u>Advice Note 8.4: The Examination</u>), supplemented where necessary by various types of hearings. Please refer to the <u>Advice Note 8.5: Hearings and site inspections</u> and <u>Advice Note 8.6: Virtual Examination events</u> 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 <u>project webpage</u> 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 <u>project</u> <u>webpage</u> 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.

Accompanied Site Inspection

An ASI is proposed for **Thursday 7 March 2024 at 10:00am**. This is purely to enable the ExA to view the 'airside' aspects of the Proposed Development. Due to the necessary security procedures to enable visitors to go airside it is acknowledged that numbers at this visit will be restricted. The ExA proposes that it is accompanied by representatives from the Applicant and one representative from the local authorities. No discussion of the case will be permitted at the ASI. The draft Examination Timetable at **Annex D** includes the provision for a further ASI at a later date should this be required, and IPs are welcome to suggest locations for any such visits (or unaccompanied ones) in accordance with the timetable.

Other Procedural Decisions made by the Examining Authority

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

1. Written Representations (WR)

The ExA has made the Procedural Decision that WRs will be required at **Deadline 1** in order to front-load the Examination and maximise the available time. Any WRs exceeding 1500 words should also be accompanied by a separate summary, the length of which should not exceed 10% of the original text.

For the purposes of Rule 10(2) of the Infrastructure Planning (Examination Procedure) Rules 2010, the 'period of 21 days' which the ExA must provide as notice for the submission of WRs commences on Friday 5 January 2024. This is a date before the start of the Examination. However, as the deadline for submission of WRs (**Deadline 1**) from the publication of this letter is more than the required 21 days' notice, the ExA is satisfied that IPs have been permitted sufficient time in which to draft and submit WRs. By providing early notice, the ExA is ensuring that all Interested Parties (IP) will have a reasonable time period in which to draft their WRs, before the deadline for submission.

2. Local Impact Reports

A Local Impact Report (LIR) is a report in writing giving details of the likely impact of a Proposed Development on a local authority's area (or any part of that area). For more information about the importance and content of LIRs, see the Planning Inspectorate's '<u>Advice Note One: Local Impact Reports</u>'.

The ExA requests LIRs from the host local authorities, and welcomes LIRs from any other relevant local authorities, defined in section 56A of the Planning Act 2008, who may wish to submit one. All LIRs are requested to be submitted into the Examination no later than by **Deadline 1** in order to front-load the Examination and maximise the available time.

3. Deadline for notification of wish to participate in a further Open Floor Hearing and/ or a Compulsory Acquisition Hearing

The ExA has made the Procedural Decision that IPs must notify the ExA that they wish to speak at a further Open Floor Hearing (OFH), and that Affected Persons must notify the ExA that they wish to speak at a Compulsory Acquisition Hearing, by **Deadline 1**.

For the purposes of Rule 13(1) of the Infrastructure Planning (Examination Procedure) Rules 2010, the '21 days' which the ExA must provide as notice for the deadline commences on Friday 5 January 2024. This is a date before the start of the Examination. However, as the deadline for requesting a further OFH and/ or CAH (**Deadline 1**) from the publication of this letter is more than the required 21 days' notice, the ExA is satisfied that IPs have been permitted sufficient time in which to make such a request.

4. Deadline for the submission of comments on Relevant Representations (RR)

The ExA has made a Procedural Decision to request that any comments on RRs are submitted by **Deadline 1**.

5. Statements of Common Ground (SoCG)

In relation to some of the Principal Issues identified in **Annex C** to this letter, the ExA would be assisted by the preparation of SoCGs between the Applicant and certain IPs. The draft Examination Timetable at **Annex D** to this letter therefore provides a deadline for submission of initial and finalised SoCGs. The deadline for initial SoCGs is **Deadline 1** and the deadline for finalised SoCGs is **Deadline 9**.

The aim of an 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 IP/ IPs, and submitted **by the Applicant**.

The Applicant has set out (Annex C [AS-020]) the parties with whom it intends to develop SoCGs.

At the end of the RR period through a letter dated 27 October 2023 [<u>AS-060</u>], the Applicant confirmed that no additional parties had come forward to request a SoCG. The ExA considers that this is an appropriate list of parties to be subject to SoCG. Nevertheless, the ExA expects the Applicant to keep this matter under review during its consideration of the submitted RRs [<u>PD-007</u>].

The ExA considers that there will be a need for separate SoCGs with each of the local authorities individually as it is unlikely that every issue of concern will apply equally to every local authority. Nevertheless, there are also likely to be matters on which the joint local authorities have a common view. In such circumstances it would be of benefit to the ExA if such matters were addressed through a separate Joint Local Authorities SoCG and that those specific matters need not be included in the individual local authority's SoCG.

All SoCGs 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 should be submitted into the Examination by **Deadline 9** unless completed earlier in which case they should be submitted at an earlier deadline. If by **Deadline 8** a particular SoCG cannot be agreed between the parties, then a draft SoCG on the matters of agreement should be submitted at **Deadline 9**.

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.

6. Statement of Commonality for Statements of Common Ground

The ExA requests that, where indicated in the Examination Timetable, the Applicant provides a Statement of Commonality for SoCGs which is a 'living' document that provides a table showing commonality on specific points between the various SoCGs. The purpose of this document is to provide the ExA with an overview of the position between the Applicant and the relevant parties. A final version must be submitted by **Deadline 9**.

7. Principal Areas of Disagreement Summary Statements (PADSS)

As set out in its Procedural Decision letter of 8 September 2023 [PD-005], the ExA took the decision to request PADSSs from a number of IPs. The ExA requested that the IPs identify matters on which major and principal areas of concern arise, to provide clear focus for the Examination.

PADSSs were received from:

- Crawley Borough Council [AS-061].
- East Sussex County Council [AS-062].
- Horsham District Council [AS-063].
- Kent County Council [AS-064].
- Mid Sussex District Council [AS-065].
- Mole Valley District Council [AS-066].
- Reigate and Banstead Borough Council [AS-068].
- Surrey County Council [AS-070].
- Tandridge District Council [AS-071].
- West Sussex County Council [<u>AS-072</u>].
- National Highways [RR-3222].

The ExA has set out in the draft Examination Timetable at **Annex D** where it expects PADSSs to be updated by IPs (ie not the Applicant) during the Examination, with final PADSSs to be submitted by **Deadline 9**.

8. Accompanied Site Inspection – suggested locations

The draft Examination Timetable at **Annex D** to this letter includes a notification of an Accompanied Site Inspection (ASI) which is due to take place on Thursday 7 March 2024 at 10:00am. Please refer to **Annex E** for further information. Please note that suggested site locations are not being sought for this initial ASI.

The draft Examination Timetable at **Annex D** also includes a date during the week commencing 29 April 2024 which is reserved for a further ASI, if required.

The ExA requests that IPs submit suggested locations for the ExA to visit as part of a possible ASI during the week commencing 29 April 2024 by **Procedural Deadline A** (**Tuesday 6 February 2024**). The request must include:

- sufficient information to identify the location;
- the issues to be observed at the location;
- information on whether the site can be accessed via public land; and
- the reason why the location has been suggested.

IPs should be aware that ASIs are not an opportunity to make any oral representations to the ExA about the Proposed Development. However, participants may be invited by the ExA to indicate specific features or sites of interest.

The Applicant is requested to prepare a draft itinerary for the ASI to be submitted by **Deadline 1.** This should include:

- relevant locations referred to in the Relevant Representations received;
- any other locations at which the Applicant has predicted likely significant environmental effects; and
- the locations suggested by IPs submitted by **Procedural Deadline A**.

Comments by IPs on the Applicant's draft itinerary must be submitted by **Deadline 2**.

The ExA will consider each suggested site location, including those provided in the Applicant's draft itinerary, to determine if it could be viewed from public land on an unaccompanied basis or if it is necessary to view it on an accompanied basis. The ExA will also consider if it would be appropriate to make arrangements for access only to be provided to specific sites such that they could be inspected as part of an Unaccompanied Site Inspection (USI) on an access required basis. In the interests of efficiency, if the ExA considers that suggested sites can be viewed on an unaccompanied or on an access required basis, then they will undertake the visits in these ways rather than being accompanied.

The ExA will publish its final itinerary at least five working days before the date of the ASI, if held. Notes of USIs are published on the <u>project webpage</u> after the events.

9. The Applicant to make electronic displays of plans and drawings available at hearings

For any Issue Specific and Compulsory Acquisition Hearings, the ExA may wish to refer to plans and drawings to assist in discussion points. The Applicant is therefore requested to make provisions for the electronic display of such plans and documents. The ExA will provide details in advance of 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 access to the Examination Library. As each plan or drawing is uploaded, the ExA will notify those persons attending virtually of the EL reference number (eg [APP-001]) and IPs will then be able to access the document themselves. The ExA considers this to be preferable to the alternative of low-resolution plans and 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.

10. Navigation Document

The ExA requests that, at each deadline, the Applicant submits an updated Navigation Document. This should be a 'living' document that captures all updates/ revisions to the

application documents along with any new documents submitted into the Examination by the Applicant. A final version must be submitted by **Deadline 9**.

11. Land Rights Tracker

The ExA notes the 'Justification Table and Status of Engagement with Landowners' and 'Status of Engagement with Statutory Undertakers', which form Appendix A and Appendix B to the Statement of Reasons [AS-008].

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

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

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

Should the Applicant consider that the required information for the Land Rights Tracker can be captured in a different and more efficient way or by using different software, it may wish to discuss with the Case Manager and update the ExA at the Preliminary Meeting. The ExA requests the Land Rights Tracker is submitted at **Procedural Deadline A** (**Tuesday 6 February 2024**), and requests further updates at **Deadline 3**, **Deadline 5** and **Deadline 7**. A final version must be submitted by **Deadline 9**.

Affected Persons will have the opportunity to provide a response at **Deadline 1**, **Deadline 4**, **Deadline 6** and **Deadline 8**.

The Applicant can avoid submitting updates as stated above if there are no changes to the previous version.

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

Notes 1. All interests which are not already acquired at the point of submission should be entered in this tracker and marked as complete when agreement with known interests is reached. 2. Any non-agreement is also counted as an objection by an Affected Person(s) (AP) for the purpose of this tracker. 3. Any non-agreement is also counted as an objection by an Affected Person(s) (AP) for the purpose of this tracker. 4. Any non-agreement is also counted as an objection by an Affected Person(s) (AP) for the purpose of this tracker. 5. Any non-agreement is also counted as an objection by an Affected Person(s) (AP) for the purpose of this tracker. 5. Any non-agreement is also counted as an objection by an Affected Person(s) (AP) for the purpose of this tracker. 5. Any non-agreement is also counted as an objection by an Affected Person(s) (AP) for the purpose of this tracker. 5. Any non-agreement is also counted as an objection by an Affected Person(s) (AP) for the purpose of this tracker. 5. Any non-agreement is also counted as an objection by an Affected Person(s) (AP) for the purpose of this tracker. 5. Any non-agreement is also counted as an objection by an Affected Person(s) (AP) for the purpose of this tracker. 5. Any non-agreement is also counted as an objection by an Affected Person(s) (AP) for the purpose of this tracker. 5. Any non-agreement is also counted as an objection by an Affected Person(s) (AP) for the purpose of this tracker. 5. Any non-agreement is also counted as an objection by an Affected Person(s) (AP) for the purpose of this tracker. 5. Any non-agreement is also counted as an objection by an Affected Person(s) (AP) for the purpose of this tracker. 5. Any non-agreement is also counted as an objection by an Affected Person(s) (AP) for the purpose of this tracker. 5. Any non-agreement is also counted as an objection by any affected Person(s) (AP) for the purpose of this tracker. 5. Any non-agreement is also counted as an objection by any affected Person(s) (AP) for the purpose of this tracker. 5.	Provisions yes, are ant's draft, t under
3. An entry should also be made where the interest (or potential interest) holder is not known, to allow the relevant information to be added following diligent inquiry, negotiation etc.	↓

Book Plan			(Category 1	[d]	Category		IP/AP			Applicant'		Special Category		Is the Affected		Side		Heads of Terms		Last
of Ref. Ref. Plot No.[k	f. [b] a	of Land and Rights	Owners	Lessees	Occupiers	2 [e]	Represent ative [f]		Ref No.	Ref No.	s Response	Temporary Rights [l]	(Crown, Allotment, NT etc)	Category - other	Person a Statutory	Provision Status (Select from	Agreements (Select from	objection [m]	(Select from drop down list)	(Select from drop down list)	Updated [DD/MM/YY
No. [a]		Requested [c]		or Tenants					[h]	[1]	Refs. [k]		(Select from drop down list)	information including confirmation of	Undertaker and is the land	drop down list)					YY]
Add new line	es as	required											Cells in this column to use a drop down list to include: - Crown Land -National Trust - Allotment - Commons - Open Space - Other		column to use	drop down list to	Cells in this column to use a drop down list to include: - Not required - Draft under discussion - Agreed		column to use a drop down list	Cells in this column to use a drop down list to include: - Yes - No	

[a] Plot no. from the Book of Reference (BoR).

[b] Plan reference number from the BoR and Examination Library (EL) Reference.

[c] Description of land and rights requested from the BoR including restrictive covenants.

[d] A person is within Category 1 if the Applicant, after making diligent inquiry, knows that the person is an owner, lessee, tenant (whatever the tenancy period) or occupier of the land, see section 57 (1) of the 2008 Act.

[e] A person is within Category 2 if the Applicant, after making diligent inquiry knows that the person: interested in the land or has the power to sell or convey the land or to release the land, see Section 57(20) of the 2008 Act.

[f] Person or organisation representing the interests of the AP(s). Enter N/A if the AP(s) are representing themselves.

[g] Reference number assigned to each Interested Party (IP) and Affected Person (AP).

[h] Reference number assigned to each Relevant Representation in the EL.

[i] Reference number assigned to each Written Representation (WR) in the EL.

[j] Reference number assigned to any other document in the EL.

[k] Reference numbers assigned to all of the Applicant's responses in the EL including specific reference to relevant sections within documents

[I] Likely duration of any temporary rights such as Temporary Possession [TP].

[m] Narrative on negotiations to date

12. Deadline for notification by Statutory Parties 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 must have decided whether they wish to be considered as an IP and notified the Planning Inspectorate of their decision by **Deadline 1**.

13. Additional Submissions

In addition to the documentation submitted by **Procedural Deadline A**, the ExA has exercised its discretion and made a Procedural Decision to accept the following Additional Submissions which are available to view in the Examination Library:

- 1. Applicant's response to s51 advice [PD-003] and s55 checklist [PD-002] issued on 3 August 2023: [AS-001 to AS-019].
- Responses to Procedural Decision issued on 8 September 2023 [PD-005] -Deadline of 15 September 2023: [AS-020 to AS-058].
- 3. Additional Submission from Horsham District Council: [AS-059].
- 4. Responses to Procedural Decision issued on 8 September 2023 [PD-005] Deadline of 29 October 2023: [AS-060 to AS-072].
- 5. Applicant's response to Procedural Decision issued on 24 October 2023 [PD-006] - Deadline of 14 November 2023: [AS-073 to AS-081].
- 6. Representations received by email prior to the deadline for submission of Relevant Representations: [AS-082 to AS-111].
- Applicant's notification of intention to make changes to the application 27 November 2023: [<u>AS-112</u> and <u>AS-113</u>].
- 8. Applicant's response to Procedural Decision issued on 1 December 2023 [PD-007]: [AS-114 and AS-115].
- 9. Applicant's further response to Procedural Decision issued on 24 October 2023 [PD-006]: [AS-116 to AS-119].

14. Other Procedural Decisions made during Pre-examination

The ExA has made a number of other Procedural Decisions during the Pre-examination stage and prior to the issuing of this Rule 6 letter. These are available to view under Examination Library reference numbers [PD-005], [PD-006], [PD-007], and [PD-008].

Availability of Examination documents

The application documents and Relevant Representations are available on the <u>project</u> <u>webpage</u>.

All further documents submitted in the course of the Examination will also be published under the <u>'Documents' tab</u> of the project webpage.

The Examination Library

For ease of navigation, please refer to the <u>Examination Library</u> (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 may need to bring a form of identification and register as a member in order to use a computer at some of 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
East Sussex Council	Uckfield Library Library Way High Street, Uckfield TN22 1AR	Monday: 10:00 am – 1:00pm Tuesday, Friday and Saturday: 10:00am – 4:30pm Wednesday: 2:00pm – 4:30pm Thursday: 10:00am – 6:00pm Sunday: Closed	A4 B&W: 20p A4 COL: 50p A3 B&W: 20p A3 COL: 50p

Annex G

Local authority	Venue/ address	Opening hours	Printing costs
Kent County Council	Edenbridge Library The Eden Centre, Four Elms Road, Edenbridge, Kent TN8 6BY	Monday: 9:00am – 1:00pm Tuesday to Thursday: 9:00am – 5:00pm Friday: 1:00pm –5:00pm Saturday: 10:00am – 3:00pm Sunday: Closed	A4 B&W: 15p A4 COL: 20p A3 B&W: 15p A3 COL: 20p
Surrey County Council	Caterham Valley Library Stafford Road, Caterham, Surrey CR3 6JG	Monday: Closed Tuesday to Saturday: 9:30am – 5:00pm Sunday: Closed	A4 B&W: 25p A4 COL: 50p A3 B&W: 25p A3 COL: 50p
Surrey County Council	Dorking Library St Martin's Walk, Dorking RH4 1UT	Monday to Friday: 9:30am – 5:30pm Saturday: 9:30am – 5:00pm Sunday: Closed	A4 B&W: 25p A4 COL: 50p A3 B&W: 50p A3 COL: £1
Surrey County Council	Horley Library 55-57 Russell Square, Victoria Road, Horley, Surrey RH6 7QH	Monday : Closed Tuesday to Saturday : 9:30am – 5:00pm Sunday : Closed	A4 B&W: 25p A4 COL: 25p A3 B&W: 50p A3 COL: 50p
Surrey County Council	Leatherhead Library 68 Church Street, Leatherhead KT22 8DP	Monday: Closed Tuesday to Saturday: 9:30am – 5:00pm Sunday: Closed	A4 B&W: 25p A4 COL: 50p A3 B&W: 50p A3 COL: £1

Annex G

Local authority	Venue/ address	Opening hours	Printing costs
Surrey County Council	Oxted Library 12 Gresham Road, Oxted RH8 0BQ	Monday: Closed Tuesday to Saturday: 9:30am – 5:00pm Sunday: Closed	A4 B&W: 25p A4 COL: 50p A3 B&W: 25p A3 COL: 50p
West Sussex County Council	Billinghurst Library Mill Lane, Billinghurst RH14 9JZ	Monday to Friday: 10:00am – 5:00pm Saturday: 10:00am – 2:00pm Sunday: Closed	A4 B&W: 20p A4 COL: 60p A3 B&W: 20p A3 COL: £1
West Sussex County Council	Crawley Library Southgate Avenue, Crawley RH10 6HG	Monday to Friday: 9:00am – 6:00pm Saturday: 9:00am – 5:00pm Sunday: Closed	A4 B&W: 20p A4 COL: 60p A3 B&W: 20p A3 COL: £1
West Sussex County Council	East Grinstead Library 32 - 40 West Street, East Grinstead RH19 4SR	Monday to Thursday: 9:30am – 6:00pm Friday and Saturday: 9:30am – 5:00pm Sunday: Closed	A4 B&W: 20p A4 COL: 60p A3 B&W: 20p A3 COL: £1
West Sussex County Council	Horsham Library Lower Tanbridge Way, Horsham RH12 1PJ	Monday to Friday: 9:00am – 6:00pm Saturday: 9:00am – 5:00pm Sunday: Closed	A4 B&W: 20p A4 COL: 60p A3 B&W: 20p A3 COL: £1
West Sussex County Council	Mid Sussex District Library Oaklands, Oaklands Road, Haywards Heath, West Sussex RH16 1SS	Monday to Thursday: 8:45am – 5:15pm Friday: 8:45am – 4:15pm Saturday and Sunday: Closed	A4 B&W: 20p A4 COL: 60p A3 B&W: 20p A3 COL: £1

Information about the 'Make a submission' tab

The <u>'Make a submission' tab</u> is available on the project webpage.

You will need to enter your unique reference number ('Your ref' found at the top your postcard or email from the Planning Inspectorate) beginning either '2004', 'GATW-0', 'GATW-ISP', 'GATW-AFP', 'GATW-S57', 'GATW-APP', 'GATW-SP' or 'GATW-OP'. If you are making a submission on behalf of another person or organisation, and do have not 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 <u>project webpage</u> as soon as practicable following the close of the relevant deadline. For further information about publishing submissions please view our <u>Privacy Notice</u>.

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 <u>Advice</u> <u>Note 8.4: The Examination</u> 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 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 experience any issues when using the <u>'Make a submission' tab</u> please contact the Case Team using the contact details at the top of this letter and they will assist.