



National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer Services: 0303 444 5000
email: HinckleySRFI@planninginspectorate.gov.uk

All Interested Parties, Statutory Parties

Your Ref:

Our Ref: TR050007

Date: 11 August 2023

Dear Sir/ Madam

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

Application by Tritax Symmetry (Hinckley) Limited for an Order Granting Development Consent for the Hinckley National Rail Freight Interchange

Appointment of the Examining Authority, invitation to the Preliminary Meeting and Notification of Hearings

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. My name is Robert Jackson and the other members of the ExA are Graham Sword and Matthew Heron. A copy of the appointment notice can be viewed under the [Documents tab](#) on the project webpage of the National Infrastructure Planning website ([project webpage](#)).

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

Invitation to the Preliminary Meeting

As a recipient of this letter you are invited to the Preliminary Meeting to discuss the **procedure** for the Examination of the above application.

Date	Start time	Venue and joining details
Tuesday 12 September 2023	Registration and seating available at venue from:	Leicester Tigers Conference and Events Venue, Mattioli Woods



<p>9.00 am</p> <p>Virtual Registration Process from:</p> <p>9.30 am</p> <p>Preliminary Meeting starts:</p> <p>10.00 am</p>	<p>Welford Road Stadium, Aylestone Road, Leicester LE2 7TR</p> <p>and</p> <p>By virtual means using Microsoft Teams</p> <p>Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered</p>
---	---

IMPORTANT: The Preliminary Meeting should be completed before 1:00pm on 12 September. However, a reserve period has been scheduled for 2:00pm on the same day to allow for the meeting to be resumed in exceptional circumstances e.g. to account for a failure of technology. Normally the reserve period will not be required and confirmation of this will be provided by the ExA at the end of the Preliminary Meeting and subsequently notified on the [project webpage](#).

If you simply wish to observe the Preliminary Meeting then you do not need to physically attend the event as you will be able to either:

- 1. watch a livestream of the event** - a link to the livestream will be made available on the [project webpage](#) shortly before the event is scheduled to begin; and/or
- 2. watch the recording of the event** which will be published on the project webpage shortly after the event has finished.

Alternatively, if you want to attend the physical event at the venue to observe the proceedings, to ensure there is adequate seating capacity at the venue we request that you register your attendance by emailing the case team at HinckleySFRI@planninginspectorate.gov.uk by **Procedural Deadline A of Tuesday 5 September 2023**. Please note that it may not be possible to participate on the day if you have not registered your wish to speak by **5 September 2023**.

Purpose of the Preliminary Meeting

The purpose of the Preliminary Meeting is to enable views to be put to us about how the application should be examined. The ExA will therefore limit the scope of the Preliminary Meeting to consideration of **how the application will be examined**. See **Annex B** to this letter and the Planning Inspectorate's [Advice Note 8.3 - Influencing how an application is Examined: the Preliminary Meeting](#) for more information.

The Preliminary Meeting is **not** an opportunity for you to give your views about what you like or don't like about the application. The merits or disadvantages of the application will only be considered once the Examination starts, which is after the Preliminary Meeting has closed. All relevant and important matters will be taken into account when we make a recommendation to the Secretary of State for Transport, who will take the final decision in this case.



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

Written submissions about how the application should be examined.

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

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 E** to this letter; and/or
- you wish to comment about the arrangements for future Examination hearings, including the use of virtual methods.

You are invited to make a written submission about how the application is to be examined by **Procedural Deadline A (5 September 2023)** (see **Annex D** to this letter).

We request that all submissions are made using the [Make a submission tab](#) on the project webpage on or before **Procedural Deadline A. Annex H** to this letter provides further information about using the Make a submission tab.

Requests to participate at the Preliminary Meeting

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

If you wish to participate at the Preliminary Meeting you are required to notify the ExA in writing on or before **5 September 2023** (see **Procedural Deadline A**).

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

- Name and unique reference number (found at the top your letter or email from the Planning Inspectorate);
- email address (if available) and contact telephone number;
- name and unique reference number of any person/organisation that you are representing (if applicable);



- for blended events, confirmation of whether you will participate virtually or in-person; and
- the agenda item on which you wish to speak and a list of the points you wish to make.

Requests to participate should be made by emailing HinckleySFR1@planninginspectorate.gov.uk by **Procedural Deadline A (5 September 2023)**.

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

Format of Examination Events – Preliminary Meeting and Hearings

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

We are conscious that the venue for the Preliminary Meeting and initial hearings mentioned below, is some distance from the site and therefore have asked the Planning Inspectorate Case Team to liaise with the Applicant to find appropriate venues in closer proximity to the Application site for any further blended hearings, including if requested, Open Floor Hearing(s) and Compulsory Acquisition Hearing(s), later in the Examination. These will need to fit in with the Examination timetable.

We are providing formal notification that the **Preliminary Meeting will be a blended event and that the Issue Specific Hearing (ISH) and Compulsory Acquisition Hearing (CAH) referred to in Annex E to this letter will also be blended events.**

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

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

- Issue Specific Hearing (ISH1) on Wednesday 13 September (Blended event) into Project Definition and limitations and the draft Development Consent Order.
- Compulsory Acquisition Hearing (CAH1) on Thursday 14 September 2023 (Blended event)



Important information about these hearings is contained in **Annex D** 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.

We have also set out agendas for these two meetings in **Annex F** to this letter. The consideration of the draft Development Consent Order is without prejudice to the ExA's recommendation, and the SoS's final decision. This is because the ExA is charged with providing a draft Development Consent Order to best deliver the Proposed Development, whatever our recommendation, in the event that the SoS wishes to grant Development Consent.

Attached to **Annex F(i)** is the ExA's initial observation on the drafting of the dDCO, which we wish the Applicant to consider before ISH1 for that hearing. We hope that by giving the Applicant prior notice this should allow more constructive responses when they are discussed.

Other Procedural Decisions made by the Examining Authority

We have made some further Procedural Decisions which are set out in detail at **Annex D** to this letter. They are summarised as follows:

- visuals for the Hearings;
- Statements of Common Ground;
- request for suggested locations for an Accompanied Site Inspection (if any);
- deadline for the submissions of comments and summaries on Relevant Representations;
- notification by Statutory Parties, or certain Local Authorities of their wish to be considered as an Interested Party; and
- submission of a revised Equalities Impact Assessment.

Changes to land interests

When the Applicant becomes aware that there has been a change in ownership, or a new interest, in relevant land the Applicant is requested to make the relevant person aware that they can make a request to the ExA to become an Interested Party under section 102A of the PA2008 by completing the form [available on the project webpage](#). The Examination Timetable includes various Deadlines for the submission of an updated Book of Reference and schedule of changes to the Book of Reference, which should include confirmation that relevant persons have been informed of their rights under section 102A.

Managing Examination correspondence

Given the volume and frequency of letters the Planning Inspectorate needs to send to Interested Parties during an Examination, we aim to communicate with people by email as electronic communication is more environmentally friendly and cost effective for the taxpayer.



If you have received a letter but are able to receive communications by email, please inform the Case Team using the contact details at the top of this letter as soon as possible.

As the Examination process makes substantial use of electronic documents, it will be useful for you to become familiar with the [project webpage](#).

A [Make a submission tab](#) is available on the website which provides a portal through which parties should make written submissions at relevant deadlines during the Examination. Further information about the '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 'E-mail updates'. This provides you with an opportunity to register to receive automatic e-mail updates at key stages during the Examination.

Your status in the Examination

You have received this letter because you fall within one of the groups described in the Planning Inspectorate's document [What is My Status in the Examination?](#)

If your reference number begins with 'HRFI', 'HRFI-0', 'HRFI-AFP', 'HRFI-S57' 'HRFI-APP' you are in Group A. If your reference number begins with 'HRFI-SP' you are in Group B. If your reference number begins with 'HRFI-OP' you are in Group C. The meaning and purpose of those groups are explained in the document published at the link above.

If having read this document you are still unsure about your status, please contact the Case Team using the details at the top of this letter.

Awards of costs

All parties will normally be expected to meet their own costs. Costs can be awarded against a party who has acted unreasonably and has caused the party applying for the award of costs to incur unnecessary or wasted expense during the Examination. You should be aware of the relevant costs guidance [Awards of costs: examinations of applications for development consent orders](#).

Management of information

Information, including representations, submitted in respect of this Examination (if accepted by the Examining Authority) and a record of any advice which has been provided by the Planning Inspectorate is published on the [project webpage](#).

Examination Documents can also be viewed electronically at the locations listed in **Annex 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 [Privacy Notice](#).

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

Yours faithfully

Robert Jackson

Lead Member of the Examining Authority

Annexes

- A.** Agenda for the Preliminary Meeting
- B.** The Examining Authority's Remarks about the Examination Process
- C.** Initial Assessment of Principal Issues
- D.** Procedural Decisions made by the ExA
- E.** Draft Examination Timetable
- F.** Notification and Agendas for the Issue Specific and Compulsory Acquisition Hearings
- F(i).** ExA Initial Observations on Drafting of draft DCO
- G.** Availability of Examination Documents
- H.** Information about the Make a submission tab

This communication does not constitute legal advice.

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



Agenda for the Preliminary Meeting

You must register by Procedural Decision Deadline A of Tuesday 5 September 2023 if you intend to participate in the Preliminary Meeting and provide all the information requested (see below).

If you simply wish to observe the Preliminary Meeting, then you do not need to register as you will be able to either:

1. Attend the physical event to observe the proceedings;
2. Watch a livestream of the event - a link to the livestream will be made available on the [project webpage](#) shortly before the event is scheduled to begin; and/or
3. Watch the recording of the event which will be published on the [project webpage](#) shortly after the event has finished.

If you are participating using Microsoft Teams, please join the virtual lobby promptly using the instructions that will be sent to you. The event will start at **10.00am** irrespective of any late arrivals, for whom access may not be possible.

It may take some time to admit participants from the virtual lobby, your patience whilst you are waiting is appreciated.

The agenda for the Preliminary Meeting is subject to change at the discretion of the Examining Authority, 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 your letter or email from the Planning Inspectorate);
- email address (if available) and contact telephone number;
- name and unique reference number of any person/ organisation that you are representing (if applicable);
- for blended events, confirmation of whether you will participate virtually or in -person; and
- the agenda item on which you wish to speak and a list of the points you wish to make.

Date: **Tuesday 12 September 2023**

Arrangements Conference: **9.30am**

Meeting start time: **10.00am**

- Venue:** Blended event at **Leicester Tigers Conference and Events Venue, Mattioli Woods Welford Road Stadium, Aylestone Road, Leicester LE2 7TR** and by virtual means using **Microsoft Teams**
Full instructions on how to join online or by phone will be provided in advance to those who have pre-registered
- Attendees:** **The Applicant and Interested Parties who have pre-registered**

Agenda for the Preliminary Meeting	
9.30am	Seating available at venue for in-person attendees
9.30am	<p>Virtual Arrangements Conference</p> <p>Please arrive at 9.25am to enter the virtual lobby. From here you will be admitted to the Arrangements Conference by the Case Team, greeted and given further instructions.</p> <p>The Arrangements Conference will commence at 9.30am. This will be hosted by the Case Team and cover the housekeeping arrangements for the Preliminary Meeting and allow for any questions to be asked about how to take part.</p>
10.00am	<p>Preliminary Meeting</p> <p>The Preliminary Meeting will formally open at 10.00am. The Examining Authority will join, welcome participants and lead introductions.</p>
Item 1	The Examining Authority's remarks about the Examination process – Annex B to Rule 6 letter
Item 2	Initial Assessment of Principal Issues – Annex C to Rule 6 letter
Item 3	Procedural Decisions – Annex D to the Rule 6 Letter
Item 4	Draft Examination Timetable – Annex E to Rule 6 letter
Item 5	Any other matters
Item 6	
Close of the Preliminary Meeting	

The Examining Authority's Remarks about the Examination Process

This annex provides advance access to information that would usually be included in the ExA's introductory remarks. Please read it carefully, as the ExA will only present a summary of the key points at the Preliminary Meeting, 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.

The ExA will be supported by the Planning Inspectorate Case Team. Emily Davies is the Case Manager for the Application. However, due to a prior commitment, she will not be able to attend the Preliminary Meeting or immediately subsequent Hearings. For these events the Emre Williams and Caroline Hopewell will lead the Case Team at the venue. During the Arrangements Conferences a member of the Case Team will welcome and admit participants from the virtual lobby and will be available to answer questions by email before and after the Preliminary Meeting. The contact email address is: HinckleySRFI@planninginspectorate.gov.uk.

Format

The Preliminary Meeting and the subsequent first two sets of Hearings will consist of blended events. This means that it will be held in person, with some participants opting to attend online using Microsoft Teams. Aware of videoconferencing fatigue, the ExA will ensure that regular breaks are taken. More details will be provided in the relevant agendas for such meetings, as required. If a third set of hearings is required in the week beginning the 11 December 2023, then these will be held virtually only.

The Purpose of the Preliminary Meeting

The Preliminary Meeting is being held to discuss the arrangements for the Examination of the application for a Development Consent Order (DCO) for the Hinckley National Rail Freight Interchange and associated development project, which is a Nationally Significant Infrastructure Project (NSIP), and which will generally be referred to in the Preliminary Meeting and Examination as the 'Proposed Development'. The application has been made by Tritax Symmetry (Hinckley) Limited, which will be referred to as 'the Applicant'.

You will find information about the application and, in due course, documents produced for the Examination on the project webpage of the National Infrastructure Planning website ([project webpage](#)). The project webpage has links to the Examination Timetable, Relevant Representations and Examination documents and Examination procedure.

You are encouraged to look at the [project webpage](#) if you haven't already done so, because it will be used to communicate with you and to provide access to documents throughout the Examination.

The main purpose of the Preliminary Meeting is to discuss the arrangements for the Examination of the application. It focuses on the process only, and it will not be looking at the substance of the proposals: Questions, discussions and representations about the merits or disadvantages of the Proposed Development are for the Examination itself which will begin the day after the close of the Preliminary Meeting.

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

Government Guidance and Policy

The application is a NSIP under the Planning Act 2008 (PA2008) as a consequence of sections 14 and 26. The designated the National Policy Statement on National Networks (NPSNN) applies to this Examination and to decision-making relating to this application.

The ExA will consider the Proposed Development in accordance with the NPSNN and any other applicable policy or considerations the ExA deem to be important and relevant. The PA2008 makes it clear that, in making a decision, the relevant Secretary of State (SoS) “*must decide the application in accordance with any relevant NPS*” (s104(3)), subject to certain provisos. Essentially, the provisos are that the application must not breach legal or treaty obligations, and that any adverse impact of the Proposed Development would not outweigh its benefits.

The SoS is entitled to disregard any representations that are vexatious or frivolous or relate to the merits of the designated National Policy Statement (NPS). In practice, this means that the ExA will not spend time examining representations that challenge policy set out in NPSs, or the validity of NPSs themselves. The focus will be on the merits or disadvantages of the Proposed Development, tested to the appropriate extent using the tests set out in relevant designated NPSs that are in force.

Other important and relevant planning policies that the ExA may consider include policies in the relevant local authorities’ development plans. However, if these conflict with policy in a NPS, then the NPS will take precedence.

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

- the positions and representations of all Interested Parties (IPs);
- any Local Impact Reports (LIR) prepared and provided by relevant local authorities;
- other prescribed matters; and
- any other matters that appear to be both relevant and important to the relevant SoS’s decision.

Preliminary Meeting Invitees

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

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

Each person or organisation with an interest in land or rights that are affected by a Compulsory Acquisition request in this application is an Affected Person (AP) and has been invited to the Preliminary Meeting. 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 Preliminary Meeting. 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.

Further information on your status can be found at:

<https://infrastructure.planninginspectorate.gov.uk/application-process/frequently-asked-questions/status-in-examination-faq/>

Conduct of the Preliminary Meeting

The ExA estimates that the Preliminary Meeting will take until approximately 1.00pm to complete.

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

A digital recording of the Preliminary Meeting will be made available on the project webpage as soon as practicable following its close. The recording allows 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 Preliminary Meeting (and any other hearings) in public. In this regard, **anyone speaking at the Preliminary Meeting 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 Preliminary Meeting will be produced and published as soon as practicable following its close.

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

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

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

The Examination Process

The starting point is that the relevant legislation for this system, section 87 of the 2008 Planning Act, 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 of Levelling Up, Housing and Communities. This is an application for Development Consent. For the examination of nationally significant infrastructure projects, the ExA produces an independent and impartial report with a recommendation to the relevant Secretary of State. In the case of this project, this is the Secretary of State for Transport. **It is the Secretary of State 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 are primarily a written process and hearings take on an inquisitorial approach as opposed to an adversarial one.

This means that the ExA will probe, test and assess the evidence primarily using written questions. While some hearings are held to provide supplementary evidence, questions to the Applicant or to witnesses will come from the ExA. Questioning or cross-examination of witnesses by other parties will not generally be allowed.

In terms of opportunities to provide evidence in writing, the draft Examination Timetable makes provision for the following written processes:

- Local authorities can submit LIRs if they wish. Whilst these are voluntary, the PA2008 provides that if they are provided, they must be considered by the SoS in reaching a decision. Consequently, LIRs are a very important method for local authorities to communicate issues of concern to the ExA, the SoS and their residents.
- IPs can make Written Representations (WRs) and comment on WRs made by other parties.
- IPs can respond to the ExA's written questions (ExQs) and comment on responses to these written questions provided by others.
- IPs may be asked to contribute to the making of Statements of Common Ground (SoCG) if it appears that there are matters on which they and the Applicant agrees, and if it would be useful for this to be clarified. SoCGs most usefully extend to catalogue matters that are not agreed or are outstanding.

The draft Examination Timetable includes a series of numbered Deadlines for receipt of written submissions. Timely submissions received by the relevant Deadline and that address its purpose will be accepted. **Documents received after 11:59pm on the relevant Deadline date are only accepted at the discretion of the ExA and may not be accepted to ensure fairness to all parties.** Circumstances where documents are submitted late without good reason, causing inconvenience or delay to other parties can amount to unreasonable behaviour.

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

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

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

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

Approach to Written Questions

The established practice for national infrastructure examinations is to ask written questions at the outset of an examination. For this case, we aim to substitute the early written questions with an Issue Specific Hearing and a Compulsory Acquisition Hearing, which will be held immediately following the Preliminary Meeting. The ExA will, however, retain the option to ask questions arising from the hearings, if required, at the same time as issuing the Rule 8 letter. This is set out in the draft examination timetable (**Annex E** to this letter).

The ExA believes the Hearings will refine and support the primacy of the written process on which a Nationally Significant Infrastructure Project is based and reduce the need for a large number of written questions.

Hearings

The Rule 6 letter provides notification of an Issue Specific Hearing and a Compulsory Acquisition Hearing.

Any registered IP may request an **Open Floor Hearing** (OFH) to make oral representations about the application if they believe this to be preferable to relying on their written representation, though both carry equal weight. Oral submissions should be based on representations previously made in writing, but they should not simply repeat matters previously covered in the written submission. Rather, they should focus on specific detail and explanation to help inform the ExA. There should be no new or unexpected material in oral representations. IPs may, if they wish to, submit written summaries of their oral representations at the following deadline but this is not compulsory.

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

The Applicant's dDCO provides for the Compulsory Acquisition of land and rights, and the Temporary Possession of land. Affected Persons (ie those whose land or rights over land are affected) have a right to request and be heard at a **Compulsory Acquisition Hearing** (CAH). If one or more APs request to be heard then a CAH must be held. A date for a CAH is included in the draft Examination Timetable along with Deadlines by which requests to be heard must be submitted. The first CAH will hear the Applicant's overall and general case for Compulsory Acquisition. If APs request a second hearing to consider the effects on individual APs we have put a preliminary date in the Examination Timetable for this.

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

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

The ExA has made a Procedural Decision to hold an ISH on Project Definition and the draft Development Consent Order (dDCO). ISHs into the dDCO are normal practice, and they are held on a without prejudice basis. Parties can suggest modifications and amendments to the dDCO provided by the Applicant with the application, without prejudicing their overall position on the application. It may be necessary for the ExA to hold additional ISHs on the dDCO depending on circumstances.

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 dDCO is fit for purpose if the SoS decides to grant consent.

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 at the **Pre-Examination Procedural Deadline** requests for participants to notify the ExA that they wish to speak at the IFH1 or the CAH1 to be held after the Preliminary Meeting. A further **Deadline 1 (Tuesday 10 October 2023)** is scheduled for IPs wishing to request a wish to speak at an OFH or a CAH.

Unaccompanied and Accompanied Site Inspections

The ExA undertook an Unaccompanied Site Inspection (USI) on Tuesday 8 and Wednesday 9 August 2023. The note of our visit can be found in the Examination Library reference [EV1-001]. The ExA considers that it has a good understanding of the site and surroundings.

The ExA may not wish or need to hold an Accompanied Site Inspection (ASI). These are normally held to allow the ExA to inspect the site from private land. Nevertheless, the draft timetable in Annex E makes provision should one be held. At **Deadline 1**, the ExA requests suggestions for locations where an ASI should take place if held. Before doing so, IPs should first read our USI note [EV1-001] before advancing such suggestions. The ExA will unlikely revisit sites already seen without very good reasons to do so. Depending on locations suggested, it may be that the ExA will

undertake an additional USI, if it is able to do without the need to access private land.

Initial Assessment of Principal Issues

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

- The Application documents.
- The Relevant Representations received in respect of the Application.
- Our consideration of any other important and relevant matters.

It is not a comprehensive or exclusive list of the issues that will be subject to examination and inevitably some issues will overlap or interrelate. The ExA will have regard to all important and relevant matters during the Examination and when it writes its Recommendation Report to the Secretary of State for Transport after the Examination has concluded. All issues will be considered during proposed phases of construction, operation and decommissioning where relevant.

The order of the issues listed is alphabetic and does not imply any order of prioritisation or importance. The bulleted items under each issue are indicative and do not preclude other sub-items being considered.

The policy and consenting requirements and documents associated with PA2008 are an integral part of the Examination and are therefore not listed as main issues. It should also be noted that whilst the effects of the proposal in relation to human rights and equalities duties are not listed as main issues, the ExA will conduct all aspects of the Examination with these in mind.

There are a number of matters that will be taken into account as overarching or internal components of the issues listed here:

- the achievement of good design;
- the achievement of sustainable development;
- the effects of the proposed development;
- the effects of linkages between issues – and by way of example these include but are not limited to;
 - links between construction and operational traffic, the natural environment, agriculture, landscapes, visual impacts, residential amenity and mitigations of those effects;
 - links between daylight, overshadowing, light emissions and matters such as residential amenity and natural environment effects;
 - links between the effects of the proposed development and other major projects and proposals (cumulative and in-combination effects); and
- the effects of the proposal in relation to human rights and equalities duties.

1. Carbon Emissions

To consider the effect of the proposed development on carbon targets, and evidence submitted to support the assertions made.

2. Compulsory Acquisition (CA)

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

3. The draft Development Consent Order (the dDCO)

To consider, amongst other things:

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

4. Landscape and Visual

To consider, amongst other things:

- the effect of the buildings and other structures on the landscape;
- the effect on visual receptors of buildings, other structures and the operation of the Proposed Development;
- the impact of the proposal on the surrounding settlements; and
- proposed mitigation, including the proposed colour scheme.

5. Need, Funding, and Socio-Economic Considerations

To consider, among other things,

- whether there is an identified need for such a facility and what benefits the project will bring locally, regionally and nationally;
- the consideration and clarification of alternatives;
- whether the appropriate and required funding is in place;
- whether the exemption of the proposal from the Community Infrastructure Levy is justified and proportionate; and
- the effect on Best and Most Versatile Agricultural land and agricultural land holdings.

6. Other Environmental matters

To consider, amongst other thing the potential effects on:

- air quality;
- biodiversity, including Habitats Regulations Assessment;
- cultural heritage;
- light noise;
- water; and
- the water environment, including the Water Framework Directive.

7. Traffic and Transport

To consider, amongst other things, the effect of the proposed development on:

- operation of the strategic road and rail network;
- operation of the local road network;
- local access arrangements;
- road safety;

- impact on level crossings, both vehicular and pedestrian; and
- non-motorised users.

Procedural Decisions made by the Examining Authority

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

1. Visuals for the Hearings

For ISH1 and CAH1 and other subsequent Hearings should the ExA determine their necessity, the ExA may wish to refer to plans and drawings to assist in the discussion points. The Applicant is therefore requested to make provisions for the electronic display of such plans and drawings. The ExA will publish (If required) supplementary agendas no less than five days before those events setting out which plans and drawings will be required.

For IPs joining virtually, the ExA considers the most appropriate way of participation would be for persons to have available and to hand the Examination Library (EL). As each plan is uploaded, the ExA will notify those persons online of the EL reference number (e.g. APP-003) and IPs can then load the document themselves. This is considered preferable to the alternative of low resolution drawings being prepared and screened on Microsoft Teams by the Applicant which, despite best intentions, are often difficult to see and navigate for online users.

2. Statements of Common Ground (SoCG)

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

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

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

SoCGs are requested to be prepared between the Applicant and:

a) **Blaby District Council**

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

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

b) Hinckley & Bosworth Borough Council

- Principle of Development
- Economic and Social effects, including any implications for the Local Plan strategy and of transport effects on local communities
- Environmental Impact Assessment, including cumulative effects
- Landscape and Visual Effects, including lighting
- Any other potential effects, including on heritage assets, biodiversity, noise, and vibration, air quality, emissions, contamination and emergency planning
- Good Design
- Various Environment Management Plans, both during construction and operation
- The dDCO, including requirements and discharge mechanisms

c) Leicestershire County Council

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

d) Rugby Borough Council

- Principle of Development
- Economic and Social effects, including any implications for the Local Plan strategy and of transport effects on local communities
- Environmental Impact Assessment, including cumulative effects
- Good Design
- Various Environment Management Plans, both during construction and operation
- Any other potential effects, including on landscape and visual, heritage assets, biodiversity, air quality, emissions and contamination

- The dDCO, including requirements and discharge mechanisms
- e) Harborough District Council**
- Principle of Development
 - Economic and Social effects, including any implications for the Local Plan strategy and of transport effects on local communities
 - Environmental Impact Assessment, including cumulative effects
 - Good Design
 - Any other potential effects, including on landscape and visual, heritage assets, biodiversity, air quality, emissions and contamination
 - Various Environment Management Plans, both during construction and operation
 - The dDCO, including requirements and discharge mechanisms
- f) Warwickshire County Council**
- Principle of Development
 - Traffic and Transport, including traffic modelling and assessment of alternatives
 - Economic and Social Effects
 - Good Design
 - Any other potential effects, including on heritage assets, biodiversity, air quality, emissions and contamination
 - Various Environment Management Plans, both during construction and operation
 - The dDCO, including requirements and protective provisions
- g) National Highways**
- Traffic and Transport, including traffic modelling and assessment of alternatives
 - Good Design
 - The dDCO, including protective provisions
- h) Network Rail**
- The effect on the railway both locally and on the wider network
 - The capacity of the railway and ability to accommodate additional traffic including timing
 - Potential electrification
 - Suitability for passenger services to serve site
 - The effect on level crossings, both vehicular and pedestrian
 - Potential crossings of the railway including suitability and specification
 - The dDCO, including protective provisions
- i) Environment Agency**
- EIA Methodology
 - Water environment and flood risk, including ground and surface water protection, drainage, geology and soils
 - Climate change effects

- Various Environment Management Plans, both during construction and operation
- ‘Shadow’ licence applications
- The dDCO

j) Natural England

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

k) Historic England

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

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

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

Final SoCGs should be submitted into the Examination by **Deadline 7 (Tuesday 27 February 2024)** unless completed beforehand and this can be submitted at an earlier deadline. If, by **Deadline 7 (Tuesday 20 February 2024)** a particular SoCG cannot be agreed between the parties, then a final draft SoCG on the matters of agreement should be submitted at **Deadline 8 (Friday 8 March 2024)**.

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

3. Accompanied Site Inspection – suggested locations

As explained in **Annex B** to this letter, the draft Examination Timetable at **Annex E** to this letter includes dates reserved for an Accompanied Site Inspection (ASI) on **Wednesday 15 and/ or Thursday 16 November 2023**, should the ExA decide to hold one.

If either the Applicant or other Interested Party consider that additional locations beyond those which the ExA has already visited as part of USI1 need to be visited the ExA requests that they suggest a list of potential locations for an ASI by **Deadline 1 (10 October 2023)**.

Suggestions must include:

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

Interested Parties should be aware that ASIs are not an opportunity to make any oral representations to the ExA about the Proposed Development.

However, participants may be invited by the ExA to indicate specific features or sites of interest.

The ExA will consider each suggested site location to determine if it could be viewed from public land on an unaccompanied basis or if it is necessary to view it on an accompanied basis. The ExA will also consider if it would be appropriate to make arrangements for access only to be provided to specific sites such that they could be inspected as part of an Unaccompanied Site Inspection on an access required basis.

If the ExA confirms on Wednesday 25 October 2003 that an ASI is to be held, we will publish the final itinerary at least five working days before the date of the ASI.

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

It is normal for ExAs to request that summaries and comments are provided of RRs where these original representations exceed 1500 words in length. The ExA has therefore also made a Procedural Decision to request the submission of summaries and comments by **Deadline 1 (Tuesday 10 October 2023)**.

5. Notification by Statutory Parties, or certain Local Authorities of their wish to be considered as an Interested Party

The ExA has made a procedural decision that, in order to facilitate a timely start to the Examination, Statutory Parties and certain Local Authorities should have decided whether they wish to be considered as an IP and notified the Planning Inspectorate of their decision by **Deadline 1 (Tuesday 10 October 2023)**.

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

6. Submission of a revised Equalities Impact Assessment (EqIA)

On 12 July the ExA wrote a letter under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) indicating that it was unable to accept the Equalities Impact Assessment Statement which had been submitted by the Applicant in response to section 51 advice from the Planning Inspectorate dated 13 April 2023.

In that letter it was indicated that the Applicant should consider revising the document with a view to submitting it “at the first appropriate Deadline within the Examination”.

The ExA has now made a Procedural Decision that this should be submitted at **Deadline 1 (10 October 2023)**.

Draft Examination Timetable

The Examining Authority (ExA) is under a duty to **complete** the Examination of the application by the end of the period of six months beginning with the day after the close of the Preliminary Meeting.

The Examination of the application primarily takes the form of the consideration of written submissions. The ExA will also consider any oral representations made at hearings.

Item	Matters	Date
1.	Procedural Decision Deadline A Deadline for receipt by the ExA of: <ul style="list-style-type: none"> • Responses to the Rule 6 letter • Submission of additional or updated drawings as requested in Annex D • Requests to be heard orally at the Preliminary Meeting and under which part of the agenda set out in Annex A • Notification of intention to attend the Issue Specific Hearing 1. • Requests by Affected Persons to be heard orally at the Compulsory Acquisition Hearing 1 	Tuesday 5 September 2023
2.	Preliminary Meeting	Tuesday 12 September 2023 (10.00am)
3.	Issue Specific Hearing (ISH1) on the Project Definition and draft Development Consent Order	Wednesday 13 September 2023 (10.00am)
4.	Compulsory Acquisition Hearing (CAH1) on the Applicant's general case	Thursday 14 September (10.00am)
5.	Issue by the ExA of: <ul style="list-style-type: none"> • Examination Timetable 	As soon as practicable after the Preliminary Meeting
6.	Deadline 1 For receipt by the ExA of: <ul style="list-style-type: none"> • Comments on any updates to application documents submitted by the Applicant before or at the PM 	Tuesday 10 October 2023

	<ul style="list-style-type: none"> • Comments on Relevant Representations (RRs) • Summaries of all RRs exceeding 1500 words • Written Representations (WRs) • Summaries of all WRs exceeding 1500 words • Local Impact Reports (LIRs) • Notification by Statutory Parties of their wish to be considered as an IP by the ExA • Notification of wish to be heard at any subsequent Issue Specific Hearings (ISH) (see below for details) • Requests to be heard at any subsequent Compulsory Acquisition Hearing (CAH). Requests by Affected Persons (defined in section 59(4) of the Planning Act 2008) to be heard at a CAH • Request to be heard at an Open Floor Hearing (OFH) • Post-hearing submissions including written submissions of oral cases • Notification of wish to have future correspondence received electronically • Suggestions for locations for the ASI (if any) together with reasoning • Any further information requested by the ExA • Comments on any additional submissions accepted by the ExA 	
7.	<p>Deadline 2</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on WR • Comments on the LIRs • The Applicant's revised dDCO • Status of Negotiations / Compulsory Acquisition Schedule • Draft Statements of Common Ground – see Annex D • Statement of Commonality on Statements of Common Ground • Any further information requested by the ExA 	<p>Tuesday 24 October 2023</p>

	<ul style="list-style-type: none"> Comments on any additional submissions received by Deadline 1 	
8.	Open Floor Hearing (OFH1)	Monday 30 October 2023 (6.00pm)
9.	Issue Specific Hearing (ISH2) on Traffic and Transport	Tuesday 31 October 2023 (10.00am)
10.	Issue Specific Hearing (ISH3) on Environmental Matters	Wednesday 1 November 2023 (10.00 am)
11.	Issue Specific Hearing (ISH4) on Need and Socio-Economic Matters	Wednesday 1 November 2023 (2.00pm)
12.	Open Floor Hearing (OFH2)	Thursday 2 November 2023 (10.00am)
13.	Compulsory Acquisition Hearing (CAH2) (if required)	Thursday 2 November 2023 (2.00 pm)
14.	Issue Specific Hearing (ISH5) dDCO	Friday 3 November 2023 (10.00am)
15.	Accompanied Site Inspections (if needed)	Wednesday 15 and /or Thursday 16 November 2023
16.	<p>Deadline 3</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> Updated Statements of Common Ground Updated Statements of Commonality on Statements of Common Ground Receipt of Written Statements of Oral Cases at ISH2, ISH3, ISH4, CAH2, OFH1 and OFH2 Comments on the Applicant's revised dDCO Comments on any additional submissions received by Deadline 2 Any further information requested by the ExA. 	Tuesday 14 November 2023
17.	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> Written Questions 	Tuesday 28 November 2023

18.	<p>Dates reserved for:</p> <ul style="list-style-type: none"> • Open Floor Hearings (if required) • Issue Specific Hearings (if required) • Compulsory Acquisition Hearings (if required) 	Week commencing 11 December 2023
19.	<p>Deadline 4</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Post-hearing submissions including written submissions of oral cases (if held) • The Applicant’s revised dDCO • Status of Negotiations / CA Schedule • Updated Statements of Common Ground • Updated Statement of Commonality of Statements of Common Ground • Comments on any additional submissions received by Deadline 3 • Any further information requested by the ExA. 	Tuesday 9 January 2024
20.	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • Further Written Questions (if required) • Report on the Implications for European Sites (RIES) (if required) • ExA’s commentary on, or schedule of changes to, the dDCO (if required) 	Friday 19 January 2024
21.	<p>Deadline 5</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Responses to ExA’s Further Written Questions (if required) • Comments on the Applicant’s revised dDCO (if required) • Comments on any additional submissions received by Deadline 4 • Any further information requested by the ExA. 	Friday 9 February 2024
22.	<p>Deadline 6</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on the RIES (if required) 	Tuesday 20 February 2024

	<ul style="list-style-type: none"> • Comments on ExA's commentary on, or schedule of changes to, the dDCO (if required) • Comments on any additional submissions received by Deadline 5 • Any further information requested by the ExA. 	
23.	<p>Deadline 7</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Final dDCO to be submitted by the Applicant in the SI template with the SI template validation report • Final Book of Reference (BoR) and schedule of changes to BoR • Final Status of Negotiations / Compulsory Acquisition Schedule • Final Statements of Common Ground • Final Statement of Commonality of Statements of Common Ground • Final Guide to the Application • Comments on any additional submissions received by Deadline 6 • Any further information requested by the ExA. 	Tuesday 27 February 2024
24.	<p>Deadline 8</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Final draft SoCGs between IPs where agreement has not been reached setting out where agreement/ disagreement remains outstanding and status of negotiation. • Comments on any additional submissions received by Deadline 7 • Any further information requested by the ExA. 	Friday 8 March 2024
25.	The ExA is under a duty to complete the Examination of the application by the end of the period of six months	Tuesday 12 March 2024

Submission times for Deadlines

The time for submission of documents at any Deadline in the timetable is 11:59pm on the relevant Deadline date, unless instructed otherwise by the ExA.

Publication dates

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

Report on the Implications for European Sites (RIES)

Whereas the Applicant has provided a Shadow Habitats Regulations Assessment (HRA) Report [APP-199] 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 and Agendas for the Issue Specific and Compulsory Acquisition Hearings

You must register by the Pre-Examination Deadline of Tuesday 5 September 2023 if you intend to participate in the Hearings and provide all the information requested (see below).

If you simply wish to observe the Hearings then you do not need to register as you will be able to:

1. attend the physical event to observe the proceedings;
2. watch a livestream of the event - a link to the livestream will be made available on the [project webpage](#) shortly before the event is scheduled to begin; and/or
3. watch the recording of the event which will be published on the project webpage shortly after the event has finished.

Procedure at Hearings

The Examination will principally be a written process (see the Planning Inspectorate's [Advice Note 8.4: The Examination](#)), supplemented where necessary by various types of hearings. Please refer to the [Advice Note 8.5: Hearings and site inspections](#) and [Advice Note 8.6: Virtual Examination events](#) as these provide important information about hearing procedures.

The procedure to be followed at Hearings is set out in Rule 14 of The Infrastructure Planning (Examination Procedure) Rules 2010. The ExA is responsible for the oral questioning of a person giving evidence and the process affords very limited scope to allow cross-questioning between parties.

Hearing livestream and recording

A link to a livestream for each hearing will be made available on the [project webpage](#) shortly before any hearing is due to open. The livestream is available to anybody who wishes to observe a hearing in real time.

All hearings are recorded, and the recordings will be made available on the [project webpage](#) as soon as practicable after the close of the hearing. The recordings allow any member of the public who is interested in the application and the Examination to find out what has been discussed.

Issue Specific Hearing 1 – Project Definition and Draft Development Consent Order

Date: **Wednesday 13 September 2023**

Arrangements Conference: **9.30am**

Meeting start time: **10.00am**

Venue: **Blended event at Leicester Tigers Conference and Events Venue, Mattioli Woods Welford Road Stadium, Aylestone Road, Leicester LE2 7TR and by virtual means using Microsoft Teams**

Full instructions on how to join online or by phone will be provided in advance to those who have pre-registered

Attendees: **The Applicant and Interested Parties who have pre-registered**

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

- The Applicant,
- Blaby District Council,
- Hinckley and Bosworth Borough Council,
- Leicestershire County Council,
- Rugby Borough Council,
- Harborough District Council,
- Warwickshire County Council,
- National Highways,
- Network Rail,
- Any other proposed beneficiary of protective provisions and
- Any other utility service provider or statutory undertaker with land, infrastructure, alignments or apparatus affected by the dDCO.

Agenda for the Issue Specific Hearing 1	
1	Welcome and Introductions
2	Purpose of the Issue Specific Hearing

3	<p>Project Definition and limitations</p> <p>a) The Applicant will be asked to set out its overall approach to the Environmental Assessment of the Proposed Development in light of the, so-called, Rochdale envelope. The ExA is particularly interested to ensure that the worst-case scenarios have been assessed given the range of potential employment set out in paragraph 7.214 of Chapter 7 of the ES [APP-116] when compared other employment levels used for assessing effects.</p> <p>b) The Applicant will be asked to explain why in legal terms it considers the energy generation elements of the Proposed Development should be restricted, with particular reference to this element being “associated development” and section 120 and paragraph 5 of Schedule 5 of the Planning Act 2008.</p> <p>The Applicant will also be asked to explain why in policy terms any Requirement to restrict the amount of energy generated would meet the tests for requirements, particularly the tests of necessity and reasonableness, given the overall Government policy of seeking to maximise renewable energy sources.</p>
4	<p>The Overall Structure of the dDCO</p> <p>The Applicant will be asked to explain its overall approach to the drafting of the dDCO and clarify what matters are to be secured by alternative methods, such as Planning Obligations and other forms of agreement.</p>
5	<p>ExA’s Questions on the DCO</p> <p>The ExA will ask questions about the dDCO and seek observations from IPs present. Noting that this hearing is in the earliest stages of the Examination, the primary purpose of this Agenda item will be for the ExA to raise its own initial questions. Other IPs will be welcome to participate but will not be expected to frame their own detailed positions until the submission of their Written Representations, Local Impact Reports and participation in a DCO ISH later in the Examination.</p>
6	<p>Next Steps</p>
7	<p>Closing</p>
<p>Close of the Issue Specific Hearing 1</p>	

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

This ISH into the dDCO will be conducted without prejudice to the in-principle positions taken by Interested Parties (IPs) in relevant or written representations. This

means for example that IPs are at liberty to seek improvements to provisions in the dDCO without conceding an in-principal position that there should be no such provisions or that the dDCO itself should not be made. It is held in the interests of ensuring that the dDCO becomes the best draft that can be obtained in the circumstances and is also without prejudice to the ExA's future deliberations on its recommendation to the Secretary of State about whether or not the dDCO should be made.

Attached at Annex F(i) are the ExA's initial observations on the drafting of the DCO. As will be seen, some of these are typographic and others of more fundamental nature. The Hearing will concentrate on those matters which are of a more fundamental nature.

Compulsory Acquisition Hearing 1**Date:** Thursday 14 September 2023**Arrangements Conference:** 9.30am**Meeting start time:** 10.00am**Venue:** Blended event at Leicester Tigers Conference and Events Venue, Mattioli Woods Welford Road Stadium, Aylestone Road, Leicester LE2 7TR and by virtual means using Microsoft Teams

Full instructions on how to join online or by phone will be provided in advance to those who have pre-registered

Attendees: The Applicant and Affected Persons who have pre-registered

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

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

Agenda for the Compulsory Acquisition Hearing 1	
1	Welcome, introductions and purpose of the Hearing
2	General Case The ExA will ask the Applicant to present and justify its case for Compulsory Acquisition (CA) and Temporary Possession (TP) and will wish to address the following matters: <ul style="list-style-type: none"> a) To review the statutory and policy tests relevant to CA and/or TP under the Planning Act 2008 (PA2008) and DCLG Guidance. b) To review human rights and equality considerations. c) To consider the structure and content of the Book of Reference.

	<p>d) To consider the structure and content of the Funding Statement.</p> <p>e) To consider the structure and content of the Statement of Reasons.</p> <p>f) To consider impending legislative changes.</p> <p>The ExA will invite submissions from Affected Parties (APs) who wish to raise matters of general application in relation to items a) to f) listed above. However, any site-specific submissions must be reserved to the specific CAH that has been allocated to individual APs to have their cases heard.</p>
3	<p>Special Category Land</p> <p>The ExA will ask the Applicant to present and justify its case for Compulsory Acquisition of part of Burbage Common as Special Category Land and in particular the interaction with s132 of the PA2008.</p>
4	<p>Crown Land</p> <p>The ExA will ask the Applicant to present and justify its case for Compulsory Acquisition of Crown Land and to set out the latest position as to whether it has obtained consent from the Crown under s135 of the PA2008.</p>
5	<p>Statutory Undertakers</p> <p>The ExA will ask the Applicant to update it as to the latest position in respect of Operational Land of Statutory Undertakers, as to whether it has obtained agreement for the land to be acquired and whether there are, and if so what, any outstanding matters to be resolved.</p>
6	<p>Funding</p> <p>The ExA will ask the Applicant to update it as to the latest position in respect of funding.</p>
7	<p>Any other matters</p>
Close of the Compulsory Acquisition Hearing 1	

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

ExA Initial Observations on Drafting of dDCO

Abbreviations:

CA	Compulsory Acquisition	PA2008	Planning Act 2008
dDCO	Draft Development Consent Order [APP-085]	TP	Temporary Possession
EM	Explanatory Memorandum [APP-086]	TPR	Temporary Possession with Permanent Rights
ExA	Examining Authority		

General Matters

Matter	Provision	Issue or Question Raised
1.	Preamble	Could the Applicant please update the preamble as the Examining Authority panel consists of three members.
2. Drafting	Footnotes	There are various occasions within the dDCO where footnotes to amending legislation have not been included. Examples are Articles 28(5) and (6) with references to sections 152 and 138 of the PA2008, and Article 30. Could the whole document be comprehensively reviewed to ensure that it is correct.
	Precedents in EM	The Applicant relies heavily in the EM on the Model Order which has now been withdrawn. As there are now a significant number of made precedent Orders, could the Applicant please review the EM with a view to removing references to the Model Order and replacing them with references to made Orders.
	Clarity	a) There appears to be some inconsistency between the use of the terms “relevant ... authority” (either highway or planning) and “local ... authority for the area”. A single terminology may improve the clarity of the drafting.

Matter	Provision	Issue or Question Raised
		b) In the same way that the definition of “maintain” includes derivatives of that word, would including the same terminology improve clarity in respect of the definition of “owner”
		c) In the definition of “public sewer or drain” there are a number of bodies referred to, that is the Environment Agency, an internal drainage board or a lead local flood authority or a sewerage undertaker. There should only be reference to those which exist within the Order land and have such apparatus
		d) Although “statutory utility” includes a communications provider as well as a “statutory undertaker”, could the drafting be improved by combining the use of the terms
		e) Article 13(6) refers to various level crossings. However, none of these are formally defined. To ensure clarity could these please be identified on a specific plan, which is then referred to in this sub-paragraph or by some other mark with the Order, such as Ordnance Survey reference
		f) In Schedule 2, Part 1, Requirement 30 (Biodiversity net gain), the drafting is that net gain would be by each local planning authority, while the aim of the requirement is to achieve 10% net gain over the whole development. Could the Applicant please look at the drafting so that the aim is achieved ¹ .
	Typographic	a) In Art 30(6) there is reference to Article 30. This should be to Article 27.

¹ There is a separate question as to whether the proposal would be able to deliver 10% Biodiversity Net Gain as set out in this provision. This will be explored elsewhere in the Examination.

Matter	Provision	Issue or Question Raised
		b) In Schedule 2 Part 1, it would appear that the word “any” has been omitted between “occupation of” and “warehouse”.
		c) In Schedule 8, Part 3 – Speed limits: Derestricted highways, In the second row points P and Q are entirely on Document 2.7B (and not 2.7C). Could this please be corrected.
3. Novel provisions	Articles 32 and 33 – temporary use of land for carrying out the authorised development and temporary use of land for maintaining the authorised development	Arts 32(3) & (8) and Art 33(9) appear to be novel provisions and the ExA would like to understand why they are proposed to be included in this particular case.
	Articles 36 and 37 – recovery of costs of new connections and no double recovery	Neither of these provisions have been seen in recently made transport DCOs and the ExA would like to understand why they are proposed to be included in this particular case.
	Article 38 – guarantees in respect of	<p>a) The ExA would like to explore whether this provision should cover all matters relating to the implementation of any part of the DCO, if made, rather than just those cited.</p> <p>b) The ExA would like to explore whether the 15-year period after the date on which the relevant power is exercised appropriate, or should it be X years after the completion of</p>

Matter	Provision	Issue or Question Raised
	payment of compensation	the development. If that were to be the case, what would be an appropriate trigger and timescale?
4. Funding		The ExA would like to explore whether there should be a single 'lead' approving authority for the whole funding rather than four different ones to provide simplicity and rigour. If this is the case, who should this be?

Articles

Matter	Provision	Issue or Question Raised
5. Definitions	Article 2	a) The drafting of "Order land" could be interpreted as that it only applies to land the subject of proposed CA, TP or TPR. This has implications for the delivery of the Proposed Development and for the use of the term throughout the dDCO. Art 23(1) would seem to imply that CA could apply to all the land set out in Book of Reference and this goes beyond that identified for CA, TP or TPR.
		b) It is not clear as to why the definitions of both "Order land" and "Order limits" has been included, and whether there is a need for the use of the two terms.
		c) In the same way that the definition of "maintain" includes derivatives of that word, would including the same terminology improve clarity in respect of the definition of "owner"?
		d) Could the Applicant please check that all abbreviations are fully and consistently defined, an example being "Working Days", and the abbreviations "No." and "Nos.".
6. Permanent stopping up of streets	Articles 11 and 13 and Schedule 4	a) Under the terms of Article 11 various streets are to be stopped up. As drafted the Order does not make provision for an alternative route for Smithy Lane which would be stopped up to the northwest of junction 2 of the M69. It would appear that alternative bridleway arrangements (effectively points 18 to 17 to 14 to 37 to 16 of the

Matter	Provision	Issue or Question Raised
		<p>Access and Rights of Way Plan (2.3D)) would provide such a route. Should this be rather a diversion and thus should this be provided before Smithy Lane is stopped up under Art 11.</p> <p>b) Could the Applicant also consider whether this aligns with the provisions in Article 13 in relation to bridleway V29/7?</p>
7. Temporary closure of streets	Article 12	Sub-paragraphs (4) of the dDCO states that the undertaker will be a street authority. This is normally a statutory body rather than a private company. The ExA would therefore like to examine this, particularly to understand whether there are any precedents for such a provision and the implications for self-approval under sub-paragraph (7).
8. Public rights of way - creation, substitution, stopping up and closure of level crossings	Article 13	The drafting allows for temporary closure of public rights of way. If a route is to be temporarily closed then this period should cease either after a period, or at an event. The ExA would like to explore whether an indicator should be specified within the dDCO.
9. Private rights	Articles 28 and 44	<p>The drafting of sub-paragraphs (9) in Article 28 and (a) in Article 44 would appear to relate to land outside the Order lands. Given the statutory notification requirements of the PA2008, could the Applicant show that those who may be affected are so aware. This concern relates to Human Rights Act issues.</p> <p>It is noted that the extension to land outside the Order limits in Article 28(9) does not occur in the precedents cited in the EM.</p>

Matter	Provision	Issue or Question Raised
10. Rights under or over streets	Article 29	Because of the drafting, particularly in relation to the definition of “Order lands” and “Order limits”, this provision would allow the non-strategic highway to be adversely affected, and effectively blocked by an above ground, or overhanging, obstruction. Could this provision please be looked at again.
11. Temporary use of land for carrying out the authorised development	Article 32	<p>a) Article 32(1) provides for greater effect than that provided for in the Northampton Gateway Rail Freight Interchange Order 2019 DCO cited. Could The ExA wishes to understand why additional powers in paragraph (c), for example for the temporary construction of haul roads, fencing and other means of enclosure, bridges and structures, are necessary in this case.</p> <p>The ExA is particularly interested in relation to bridges and how these powers may affect access rights on both road and rail.</p> <p>b) In addition, the ExA wishes to understand why sub-paragraph (1)(e) is required, if this is for permanent works. The Applicant is asked to provide an example as to why this provision is required.</p>
12. Operational land	Article 41	Could the Applicant please explain, why the whole of the Order lands should be considered “operational”? The ExA appreciates the reasons for the road and rail elements, but would like explanation for the rest. When clarified this should be set out in the EM.
13. Statutory nuisance	Article 43	Given the recent Supreme Court case in <i>Fearn and others v Board of Trustees of the Tate Gallery</i> [2023] UKSC 3 the ExA would like to explore whether there any implications for the Proposed Development or the drafting utilised.
14. Disapplication of provisions	Article 27	The ExA would like to explore explicitly and precisely why each provision should be amended as set out. When clarified this should be set out in the EM.

Matter	Provision	Issue or Question Raised
15. Certification of plans and details of requirements	Article 48 and Schedule 2	Recent transport DCO, such as the M54 to M6 link and A47 Wansford to Sutton have included within that the documents should be published on a website to show the details and make them available to the public. The ExA would like to explore whether this should be provided for this Proposed Development. Additionally, this provision sometimes makes provision for a register of requirements. Alternatively, provision could be made within Schedule 2.
16. Human remains and protection of buildings	Potential additional articles	Many made transport DCOs have provisions relating to human remains and the protection of buildings. The ExA would like to explore whether they are required in this case.

Schedule 1 – Works

Matter	Provision	Issue or Question Raised
17.	Works 1 to 7	<p>The ExA would like to explore whether there is a logical inconsistency as to the way elements of Part 1 have been drafted. For example, Work 1(g) and (j). These are to provide as part of the main NSIP something which is ancillary to the associated development. Philosophically, can something in an NSIP be ancillary to associated development?</p> <p>The ExA would look for precedent or legal justification for this, or a potential redrafting of Parts 1 and 2 of Schedule 1 so as to ensure that the main NSIP development and the associated development have the appropriate logical relationship.</p>
18.	Work 9	None of the Masterplans show a “dedicated left-turn slip road into the main site” from the B4669 to the west of Junction 2 of the M69 nor is it shown on the highway plans (Doc 2.4D). The ExA would like to clarify whether such a slip road is proposed. The highway drawings

Matter	Provision	Issue or Question Raised
		indicate a route, but as this is not separate from the main roundabout it could not be described as “dedicated”.
19.	Work 20	The ExA would like to confirm whether that the footbridge would be accessible to all, including those using wheelchairs and buggies, and is concerned as to whether the plans show sufficient land to indicate the maximum size to accommodate this usage. If such a provision for access for all is proposed how is this to be secured.

Schedule 2 – Requirements

Matter	Provision	Issue or Question Raised
<u>Part 1</u>		
20.	General matters	<p>a) Please could the Applicant ensure that all requirements have implementation clauses within them. There are a number which while requiring submission and approval of relevant matters do not require the approved matters to be actually implemented. Examples are requirements 13 and 18. There are many others. Requirement 34 deals with amendments and, for reasons set out below may not meet the tests for requirements.</p> <p>b) No requirement should have within it a tailpiece of the type deprecated in the cases of <i>Midcounties Co-operative Ltd v Wyre Forest DC</i> [2009] EWHC 964 and <i>Hubert v Carmarthenshire CC</i> [2015] EWHC 2327 (Admin). That is “or as may be agreed in writing by the relevant local planning authority” (or similar wording). Examples where it has been used are requirements 5 and 6. See also Advice Note 15, paragraph 17.4. Please delete.</p>

Matter	Provision	Issue or Question Raised
		<p>c) Could The Applicant please check all the requirements for technical terms which should be defined. An example being “Qbar” in requirement 14.</p> <p>d) After the ‘definitions’ requirement, could the requirements please be re-ordered over time, that being pre-construction, construction, operation.</p> <p>e) As a general rule, requirements should not reference external standards or documents as they often change and may lead to the Proposed Development not being constructed to the latest standards. Examples are requirements 14 and 27. Please redraft as necessary.</p> <p>f) Discharging of requirements should be by each local planning authority rather than different elements being approved by other bodies. The local planning authorities can consult where appropriate. There may be wider issues than a single subject that should be co-ordinated. For example, requirement 25 deals with more than highway safety.</p>
21.	R4 – Detailed design approval	<p>Sub-paragraph (2) needs the following clarifications:</p> <ul style="list-style-type: none"> • “passive provision” needs to be defined; • “electrical charging” should it be “electric vehicle charging”; <p>the minimum rating for both the electric vehicle charging and passive provisions should be included in kilowatts hours (kWh).</p>
22.	R5 – Design and phasing of highway works	<p>The ExA would like to explore the situation of Works 16 and 17 having been commenced, but not completed in relation to the effect of the Proposed Development on the highway network. What arrangements can be put in place to prevent the Proposed Development having harmful effects should the Proposed Development become operational, but these works are not completed.</p> <p>Equally the RR from Gazeley UK Limited (GLP) [RR-0410] indicates it is unclear how any future mitigation to the Cross in Hand Roundabout would be delivered given works to the A5 that are being implemented.</p>

Matter	Provision	Issue or Question Raised
23.	R6 – Public rights of way and level crossing closures	<p>a) See matter 2 e) above relating to definitions</p> <p>b) Given nature of works and crossings, the ExA would like to explore whether any of the level crossings should be closed earlier than “operation”? Does operation include testing? If so, this should be clear. Would an earlier closure be possible and practicable?</p> <p>c) Could this requirement be combined with requirement 26 (public rights of way strategy)?</p>
24.	R7 – Construction Environmental Management Plan, R23 – Site waste and materials management plan and R24 – Construction traffic management plan	<p>a) The ExA would like to explore why there would be a Construction Environmental Management Plan, a Site waste and materials management plan and a Construction Traffic management plan for each phase? Could they not be combined given the duplications and interactions between the three.</p> <p>b) The ExA would like to explore whether any updates to the (combined) Construction Management Plan be subject to approval by the relevant local planning authority by way of submission?</p>
25.	R8 – Travel Plan	The ExA would like to ask the Applicant to explain why a five-year period has been chosen for the travel plan given the traffic and transport implications of the development will remain for the whole of the life of the Proposed Development?
26.	R12 – Archaeology and buildings recording	<p>a) See matter 16 above.</p> <p>b) The ExA would like to explore what arrangements are in place for any analysis, reporting, publication or archiving required as part of the works to be secured?</p>

Matter	Provision	Issue or Question Raised
		<p>c) The ExA would like to explore what arrangements are in place to deal with any archaeological remains not previously identified which are revealed when carrying out the Proposed Development</p> <p>The Applicant may wish to consider the drafting of recently made transport DCOs, for example the A47 Wansford to Sutton.</p>
27.	R15 – Contaminated land	The ExA would like to explore why this relates to controlled waters only, and not to potentially contaminated land which may be used, say, for recreational purposes.
28.	R18 – Energy Strategy and R29 – Combined heat and power	The ExA would like to explore whether it would be possible to combine these requirements given the overall use of energy within the site. In any event, the ExA would like to explore whether requirement 29 meets the tests for requirements and particularly the test of necessity.
29.	R20 – Landscape Ecological Management Plan, R21 – Ecological mitigation management plan, R22 – Landscape scheme and R33 - Woodland access	<p>a) The ExA would like to explore why there would be a Landscape Ecological Management Plan, Ecological mitigation management plan, Landscape scheme and Woodland access management plan for each phase? Could they not be combined given the duplications and interactions between them.</p> <p>b) The ExA would like to explore whether any updates to the (combined) Landscape and Ecology Management Plan be subject to approval by the relevant local planning authority by way of submission?</p> <p>c) There are also typographic errors in requirement 33.</p>

Matter	Provision	Issue or Question Raised
	management plan	
30.	R34 – Amendments to approved details	As a matter of legal principle, requirements should be complete within their terms; see matter 20 f). If an applicant wishes to change a proposal following an approval, the appropriate procedure is to submit fresh details pursuant to the requirement. The ExA would like to explore how this requirement complies with the legal principle set out.
Part 2		
31.	General provision	Although it is implied, the ExA would like to explore whether an additional provision explicitly giving the local planning authority the power to determine applications for approval of requirements is required. Section 70(1) of the Town and Country Planning Act 1990 (as amended) may provide outline drafting.
32.	R4 – Appeals	<p>a) The Applicant has cited the Northampton Gateway DCO as precedent in the EM. However, in the equivalent provision to sub-paragraph (3) there is no timetable for the Secretary of State (or the appointed person) to make a decision. The ExA would like to explore why such a provision is justified in this case?</p> <p>b) Sub-paragraph (8) could be seen as fettering the discretion of the decision maker and thus being against the rules of Natural Justice. The ExA would like to explore why such a provision is justified in this case?</p> <p>c) The ExA would like to explore whether sub-paragraph (11) is designed to allow the discharging authority to continue to make a decision after an appeal has been lodged. If this is the case the ExA would like to explore whether there is a precedent for such a provision has been made or otherwise explore why this is justified in this case. If not, whether this should be made clearer.</p>

Matter	Provision	Issue or Question Raised
		d) The ExA would like to explore whether sub-paragraph (13) should be amended so that the appointed person is able to award costs on their own initiative.
33.	R5 – Fees	<p>a) The ExA would like to explore whether this proposal as set out is appropriate.</p> <p>b) There is no reference to “requirements” in the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (the Fee Regulations). This would therefore lead to uncertainty and the ExA will want to explore alternative drafting.</p> <p>c) The Fee Regulations has a refund if a decision is not made within 12 weeks in respect of an application to discharge a condition. The ExA would like to explore why the 42-day period has been chosen and whether it is justified in this case.</p>

Remaining Schedules

Matter	Provision	Issue or Question Raised
34.	Schedule 8 – Speed limits and Schedule 9 – Clearways and no waiting	In each case, the ‘event’ is said to be on “completion”. This term is not defined. The ExA would like to explore whether, if defined, this term is appropriate or whether alternative drafting, such as “open for traffic” is more appropriate.
35.	Schedule 12 - Modifications of compensation and compulsory purchase enactments for	The ExA would like to explore whether there are precedents for these provisions. When clarified this should be set out in the EM.

Matter	Provision	Issue or Question Raised
	creation of new rights	
36.	Schedule 13 – Protective provisions	<p>a) The ExA would like to explore the current situation in respect of protective provisions.</p> <p>b) Given that National Grid Electricity Distribution (East Midlands) plc has its own Part (Part 8) the ExA would like to explore whether this should be specifically ‘carved out’ from Part 6. Various made transport DCOs (for example, M54 to M6 Link Road) have such provisions.</p> <p>c) In Part 7, the ExA would like to explore why, given the drafting set out, there are different definitions for “electronic communications code operator” and “operator”? Could these definitions be combined, and the necessary amendments made?</p>
37.	Schedule 14 – Miscellaneous controls	The ExA would like to explore the reasoning for each and every one of the proposed modifications and exclusions of statutory provisions and why they are necessary in this case. When clarified this should be set out in the EM.

Availability of Examination Documents

The application documents and Relevant Representations are available on the [project webpage](#).

All further documents submitted in the course of the Examination will also be published under the [Documents tab](#) of the project webpage.

The Examination Library

For ease of navigation, please refer to the [Examination Library](#) (EL) which is accessible by clicking the blue button under the Documents tab. The EL is updated regularly throughout the Examination.

The EL records and provides a hyperlink to:

- Each application document;
- each representation made to the Examination; and
- each Procedural Decision made by the Examining Authority.

Each document is given a unique reference which will be fixed for the duration of the Examination. **Please quote the unique reference number from the EL when referring to any Examination Documents in any future submissions that you make.**

Electronic deposit locations

Documents can be viewed electronically, free of charge, at the electronic deposit location/locations listed in the table below. Please note that you may be required to produce a form of identification and register as a member/library member in order to use a computer at these locations.

Local authority	Venue/address	Opening hours
Leicestershire County Council	Sapcote Library Church Street, Sapcote, LE9 4FG	Monday: 10:00-13:00 Tuesday: 10:00-12:00 Wednesday: Closed Thursday: 14:00-17:00 Friday: 14:00-17:00 Saturday: 10:00-13:00 Sunday: Closed
Leicestershire County Council	Burbage Library	Monday: 14:00-17:00 Tuesday: 14:00-17:00

Annex G

	Church Street, Burbage, Hinckley, LE10 2DA	Wednesday: 10:00-13:00 Thursday: 10:00-13:00 & 16:00-18:00 Friday: Closed Saturday: 10:00-13:00 Sunday: Closed
Leicestershire County Council	Hinckley Library Lancaster Road, Hinckley, LE10 0AT	Monday: 08:00-19:00 (staffed 10:00-17:00) Tuesday: 08:00-19:00 (staffed 10:00-13:00) Wednesday: 08:00-19:00 (staffed 10:00-17:00) Thursday: 08:00-19:00 (unstaffed all day) Friday: 08:00-19:00 (staffed 10:00-17:00) Saturday: 08:00-18:00 (staffed 10:00-14:00) Sunday: Closed
Leicestershire County Council	Lutterworth Library George Street, Lutterworth, LE17 4ED	Monday: 08:00-19:00 (staffed 10:00-13:00) Tuesday: 08:00-19:00 (staffed 14:00-17:00) Wednesday: 08:00-19:00 (unstaffed all day) Thursday: 08:00-19:00 (staffed 10:00-13:00) Friday: 08:00-19:00 (staffed 14:00-17:00) Saturday: 08:00-18:00 (staffed 10:00-14:00) Sunday: Closed
Printing costs	Black and white	Colour
Sapcote Library – Phone Number: 0116 305 3674		

Annex G

A4	Single-sided: £0.25 Double-sided: N/A	Single-sided: Contact Library Double-sided: N/A
A3	Single-sided: £0.25 Double-sided: N/A	Single-sided: Contact Library Double-sided: N/A
Burbage Library – Phone Number: 0116 305 3558		
A4	Single-sided: Contact Library Double-sided: N/A	Single-sided: Contact Library Double-sided: N/A
A3	Single-sided: Contact Library Double-sided: N/A	Single-sided: Contact Library Double-sided: N/A
Hinckley Library – Phone Number: 0116 305 2500		
A4	Single-sided: Contact Library Double-sided: N/A	Single-sided: Contact Library Double-sided: N/A
A3	Single-sided: Contact Library Double-sided: N/A	Single-sided: Contact Library Double-sided: N/A
Lutterworth Library – Phone Number: 0116 305 3619		
A4	Single-sided: Contact Library Double-sided: N/A	Single-sided: Contact Library Double-sided: N/A
A3	Single-sided: Contact Library Double-sided: N/A	Single-sided: Contact Library Double-sided: N/A

Information about the Make a submission tab

The Make a submission tab 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 2003 or A66D. If you are making a submission on behalf of another person or organisation, and do not have your own unique reference number, then you should enter the unique reference number of the person or organisation you are representing. If you are not a registered Interested Party, then it is at the discretion of the Examining Authority whether or not your submission is accepted.

Submissions will be published on the [project webpage](#) as soon as practicable following the close of the relevant Deadline. For further information about publishing submissions please view our [Privacy Notice](#).

You will be able to submit a document (upload file), make a text representation or both. It is possible to upload multiple files for each individual submission item. Electronic attachments should be clearly labelled with the subject title and not exceed 50MB.

Submissions **must not include hyperlinks** to documents/evidence hosted on a third party website eg technical reports, media articles etc. See the Planning Inspectorate's [Advice Note 8.4: The Examination](#) for further information about making written submissions. All submissions must be made in a format that can be viewed in full on the National Infrastructure Planning website. Any submissions that exceed 1500 words should also be accompanied by a summary; this summary should not exceed 10% of the original text.

You should select the relevant Deadline for your submission and then, on the next webpage, select the appropriate Submission item as described in the Examination Timetable at **Annex E** to this letter. Please ensure you make a separate submission for each Submission item and **do not duplicate your submission**. If you consider that your submission does not fit the description of any of the Submission items then please select the Submission item 'Other' and ensure that it is titled appropriately.

If you experience any issues when using the Make a Submission tab please contact the Case Team using the contact details at the top of this letter and they will assist.