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All interested parties, statutory parties and any other person invited to the preliminary meeting

Our Ref: EN010152

Date: 31 March 2025

Dear Sir/ Madam

## **Planning Act 2008 – Section 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 8 and 9**

### **Application by Fenwick Solar Project Limited for an Order Granting Development Consent for the Fenwick Solar Farm**

#### **Examination timetable and procedure**

This letter (the Rule 8 letter) provides important information about the examination of this application. The letter includes:

- the examination timetable
- other procedural decisions made by the Examining Authority (ExA) including in relation to statements of common ground
- information about the availability of examination documents
- guidance on the use of the 'Make a submission' tab on the project webpage

All documentation associated with this examination, including a note and a recording of the preliminary meeting, can be viewed under the [documents tab](#) on the project webpage of the National Infrastructure Planning website ([project webpage](#)).

#### **The examination timetable**

We have made a procedural decision about the way the application will be examined. The final examination timetable is attached at **Annex A** to this letter. It replaces the draft timetable that was included in our [Rule 6 letter](#). In finalising the examination timetable, we have sought to accommodate requests and suggestions made orally or in writing to the preliminary meeting. A list of the main changes we made to the draft examination timetable is set out at **Annex B** to this letter.

Please note that the examination timetable contains a number of deadlines for receipt of information by the Planning Inspectorate. All deadlines are at 23:59 on the date specified. Please ensure submissions arrive by the deadline. If you do not make your submissions by the dates specified in the timetable, we may disregard them.

We request that all interested parties make their submissions using the [have your say tab](#) on the project webpage on or before the applicable deadline. **Annex D** to this letter provides further information about using the [have your say tab](#).

If we consider it necessary to vary the examination timetable during the examination, notification will be sent to interested parties, statutory parties and other persons invited to the preliminary meeting. The changes will be published on the [project webpage](#).

## Written representations

All interested parties are now invited to submit written representations and any comments on the relevant representations already submitted. These should be submitted by **deadline 1 (30 April 2025)** in the examination timetable.

Written representations can cover any relevant matter and are not restricted to the matters set out in our initial assessment of principal issues.

Any person, other than the applicant, who submits a written representation must identify those parts of the application with which they agree and those parts with which they do not agree, explaining the reasons why. Interested parties should also provide with their written representations any data, methodology and assumptions used to support their submissions to avoid delays in the examination (see paragraph 009 of the [government's guidance on the examination stage for Nationally Significant Infrastructure Projects](#) for further information about written representations).

We have requested further types of written submissions at various points in the examination (see **Annex A**). Any written representations and any further written submissions requested during the examination, that exceed 1500 words, should also be accompanied by a summary which should not exceed 10% of the original text. The summary should set out the key facts of the written submission and must be representative of the submission made.

Representations **must not include hyperlinks** to documents/evidence hosted on third party websites. See the Planning Inspectorate's Advice for members of the public: [Advice for submitting representations or comments](#) for important information about making written submissions.

## Examining Authority's first written questions (ExQ1)

Written questions will be published on the [project webpage](#) on Friday 9 May 2025. Responses to ExQ1 must be provided by **deadline 2 (Wednesday 28 May 2025)** in the examination timetable.

If you require an editable Microsoft Word version of ExQ1, please [contact the case team](#) using the contact details at the top of this letter.

## Other procedural decisions made by the Examining Authority

**Annex B** to this letter contains important details and clarifications about other procedural decisions we made at, or following, the preliminary meeting. These include:

- Amendments to the statements of common ground requested in Annex F of the Rule 6 letter.

## 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 from the Planning Inspectorate but are unable 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](#). 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 are a person or organisation who is involved in the NSIP process. See the Planning Inspectorate's Advice for members of the public: [National Infrastructure Projects and the people and organisations involved in the process](#) for further details.

If, having read the advice, you are still unsure about how you are involved in the process 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 ExA) and a record of any advice which has been provided by the Planning Inspectorate is published on the [project webpage](#).

Examination documents can be viewed electronically at the locations in **Annex C** 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

*Rory Cridland*

**Lead Member of the Examining Authority**

**Annexes**

- A** Examination Timetable
- B** Other Procedural Decisions made by the Examining Authority
- C** Examination Documents
- D** Information about the 'have your say' tab

This communication does not constitute legal advice.  
Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

## 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.   | <b>Procedural Deadline A</b><br>Deadline for receipt by the ExA of: <ul style="list-style-type: none"> <li>written submissions about how the application should be examined, including the draft examination timetable</li> <li>requests to register for the Preliminary Meeting</li> <li>requests to register for Open Floor Hearing 1</li> <li>requests to register for Issue Specific Hearing 1 regarding the draft Development Consent Order</li> <li>suggested locations for site inspections, including the reason for nomination, issues to be observed there and whether the location(s) require access to private land</li> </ul> | <b>Wednesday 5 March 2025</b>                               |
| 2.   | <b>Preliminary Meeting (PM)</b>  | <b>Wednesday 19 March 2025</b>                              |
| 3.   | <b>Open Floor Hearing 1 (OFH1)</b>   | <b>Wednesday 19 March 2025</b>                              |
| 4.   | <b>Issue Specific Hearing 1 (ISH1) on the draft Development Consent Order</b>  | <b>Thursday 20 March 2025</b>                               |
| 5.   | Issue by the ExA of: <ul style="list-style-type: none"> <li>the Examination Timetable</li> </ul>   | <b>As soon as practicable after the Preliminary Meeting</b> |
| 6.   | <b>Deadline 1</b><br>For receipt by the ExA of: <ul style="list-style-type: none"> <li>comments on relevant representations</li> <li>statements of common ground requested by the ExA – see Annex F of the Rule 6 letter and Annex B of this Rule 8 letter</li> <li>local impact reports from local authorities</li> </ul>   | <b>Wednesday 30 April 2025</b>                              |

|    |  |                              |
|----|--|------------------------------|
|    | <ul style="list-style-type: none"> <li>• written summaries of oral submissions made at hearings held during the w/c 17 March 2025</li> <li>• written representations and summaries for any that exceed 1500 words</li> <li>• requests from interested parties to be heard at a further open floor hearing</li> <li>• requests by affected persons (defined in section 59(4) of the Planning Act 2008) to be heard at a compulsory acquisition hearing</li> <li>• the applicant's proposed itinerary for an accompanied site inspection (if held)</li> <li>• the applicant's updated documents - clean version and version showing tracked changes since the last submitted version, including: <ul style="list-style-type: none"> <li>- the draft Development Consent Order</li> <li>- the Explanatory Memorandum</li> <li>- the Book of Reference</li> <li>- the Statement of Reasons</li> </ul> </li> <li>• the applicant's reports on progress including: <ul style="list-style-type: none"> <li>- the Land Rights Tracker</li> <li>- updated Schedule of Progress regarding Protective Provisions and Statutory Undertakers</li> <li>- Guide to the Application including an up-to-date schedule of documents to be certified</li> </ul> </li> <li>• any other information requested by the ExA for this deadline</li> </ul> |                              |
| 7. | Publication of: <ul style="list-style-type: none"> <li>• the ExA's First Written Questions (ExQ1)</li> </ul>   | <b>Friday 9 May 2025</b>     |
| 8. | <b>Deadline 2</b><br>For receipt by the ExA of: <ul style="list-style-type: none"> <li>• comments on submissions for deadline 1</li> <li>• responses to the ExA's First Written Questions (ExQ1)</li> <li>• updated statements of common ground in clean and tracked changes versions</li> <li>• the applicant's updated documents – clean version and version showing tracked changes since the last submitted version:</li> </ul>  | <b>Wednesday 28 May 2025</b> |

|     |   |                              |
|-----|---|------------------------------|
|     | <ul style="list-style-type: none"> <li>- the draft Development Consent Order</li> <li>- the Explanatory Memorandum</li> <li>- the Book of Reference</li> <li>- the Statement of Reasons</li> <li>- the Land Rights Tracker</li> <li>- Schedule of Progress regarding Protective Provisions and Statutory Undertakers</li> <li>- Guide to the Application including an up-to-date schedule of documents to be certified</li> <li>• Any other information requested by the ExA for this deadline</li> </ul>   |                              |
| 9.  | <p>Time reserved for hearings and an accompanied site inspection (if required), including:</p> <ul style="list-style-type: none"> <li>• Issue Specific Hearings (ISHs)</li> <li>• Compulsory Acquisition Hearing (CAH)</li> <li>• Open Floor Hearing (OFH)</li> </ul>   | <b>W/C 16 June 2025</b>      |
| 10. | <p><b>Deadline 3</b></p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• comments on submissions for deadline 2</li> <li>• updated statements of common ground in clean and tracked changes versions</li> <li>• written summaries of oral submissions made at hearings held during the w/c 16 June 2025</li> <li>• the applicant's updated documents – clean version and version showing tracked changes since the last submitted version, including where relevant: <ul style="list-style-type: none"> <li>- the draft Development Consent Order</li> <li>- the Explanatory Memorandum</li> <li>- the Book of Reference</li> <li>- the Statement of Reasons</li> <li>- the Land Rights Tracker</li> <li>- Schedule of Progress regarding Protective Provisions and Statutory Undertakers</li> <li>- updated Guide to the Application including an up-to-date schedule of documents to be certified</li> </ul> </li> <li>• any other information requested by the ExA for this deadline</li> </ul> | <b>Wednesday 2 July 2025</b> |

|     |   |                               |
|-----|---|-------------------------------|
| 11. | <b>Publication of:</b> <ul style="list-style-type: none"> <li>the ExA's Second Written Questions (ExQ2) (if required)</li> </ul>  | <b>Wednesday 9 July 2025</b>  |
| 12. | <b>Deadline 4</b><br>For receipt by the ExA of: <ul style="list-style-type: none"> <li>responses to the ExA's Second Written Questions (ExQ2)</li> <li>comments on submissions for deadline 3</li> <li>updated statements of common ground in clean and tracked changes versions</li> <li>the applicant's final documents – clean version and version showing tracked changes since the version <b>submitted with the application</b>: <ul style="list-style-type: none"> <li>the draft Development Consent Order in the statutory instrument template with the statutory instrument template validation report</li> <li>the Explanatory Memorandum</li> </ul> </li> </ul> <b>(Please note the final documents referred to above should include a consolidated tracked change version showing the differences between the version submitted with the application and the final version as well as a tracked change version showing changes since the last submitted version).</b> <ul style="list-style-type: none"> <li>the applicant's updated documents – clean version and version showing tracked changes since the last submitted version: <ul style="list-style-type: none"> <li>the Book of Reference</li> <li>the Statement of Reasons</li> <li>the Land Rights Tracker</li> <li>Schedule of Progress regarding Protective Provisions and Statutory Undertakers</li> <li>updated Guide to the Application including an up-to-date schedule of documents to be certified</li> </ul> </li> <li>any other information requested by the ExA for this deadline</li> </ul> | <b>Wednesday 23 July 2025</b> |
| 13. | Publication by the ExA of:  | <b>Wednesday 30 July 2025</b> |



|     |   |                                 |
|-----|---|---------------------------------|
|     | <ul style="list-style-type: none"> <li>the ExA's schedule of proposed changes to the draft Development Consent Order (if required)</li> <li>the Report on Implications for European Sites (if required)</li> </ul>  |                                 |
| 14. | <p><b>Deadline 5</b></p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>comments on submissions for deadline 4</li> <li>comments on the ExA's schedule of changes to the draft Development Consent Order (if required)</li> <li>comments on the Report on Implications for European Sites (if required)</li> <li>final statements of common ground in clean and tracked changes versions</li> <li>summary statements from parties regarding matters that they have previously raised during the examination that have not been resolved to their satisfaction</li> <li>the applicant's final documents – clean version and version showing tracked changes since the last submitted version: <ul style="list-style-type: none"> <li>the Book of Reference</li> <li>the Statement of Reasons</li> <li>the Land Rights Tracker</li> <li>Schedule of Progress regarding Protective Provisions and Statutory Undertakers</li> <li>updated Guide to the Application including an up-to-date schedule of documents to be certified</li> <li>summary of progress in securing other consents and licences (if any)</li> </ul> </li> <li>any other information requested by the ExA for this deadline</li> </ul> | <b>Friday 22 August 2025</b>    |
| 16. | The ExA is under a duty to complete the examination of the application no later than:   | <b>Friday 19 September 2025</b> |

### Submission times for deadlines

The time for submission of documents at any deadline in the timetable is 23:59 on the relevant deadline date, unless instructed otherwise by the ExA. Please ensure submissions arrive by the deadline because they may otherwise be disregarded.

## **Publication dates**

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

## **Report on the Implications for European Sites (RIES)**

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

The Secretary of State may rely on the consultation on the RIES to meet its obligations under Regulation 63(3) of The Habitats Regulations 2017 and/or Regulation 28 of The Offshore Marine Regulations.

## **Updated Documents**

Where updated documents are requested in the examination timetable but no changes have been made since the previous iteration, the applicant is not required to provide updated documents (but should confirm that this is the case as part of its submissions at that deadline).

## Other Procedural Decisions made by the Examining Authority (ExA)

We have made a number of procedural decisions following the preliminary meeting:

### 1. Statements of Common Ground (SoCG)

**Annex F** of the Rule 6 letter set out the SoCG requested for submission during the examination and the matters to be included.

Having considered the oral representations made at the Preliminary Meeting, we have decided to make the following changes to the SoCG requested in our Rule 6 letter:

- Three separate SoCG are requested for Natural England, the Yorkshire Wildlife Trust and the Burnet Heritage Trust instead of a single SoCG with those parties. Areas of coverage are set out in our Rule 6 letter.
- Following confirmation that Historic England does not intend to make any further representations to the examination [[PD1-003](#)], we no longer consider it necessary to receive a SoCG between the applicant and this interested party.
- A SoCG is requested between the applicant, Able UK Limited and Elba Securities Limited to cover the following matters:
  - The effect on existing apparatus
  - The effect of the proposed compulsory acquisition powers affecting this interested party's land interests
  - Protective provisions

In addition, we note that the applicant anticipates agreeing protective provisions with Network Rail, National Grid Electricity Transmission Plc and Northern PowerGrid Plc early in the examination. We have decided that SoCG with these parties are not required at deadline 1 and are content with the applicant's suggestion that updates can instead be provided as part of the requested Land Rights Tracker. However, if agreement with these parties does not proceed as anticipated, we may request detailed SoCG between the applicant and these parties for submission at **deadline 3**.

### 2. Examination Timetable

Please note that we have made some changes to the draft examination timetable we included in our Rule 6 letter. The final examination timetable can be found in Annex A above. In finalising the examination timetable, we have sought to accommodate requests and suggestions made orally or in writing to the preliminary meeting. The main changes are as follows:

1. Removal of the need for the applicant to submit updates on its progress in securing other consents and licences. A final up-to-date version of the applicant's Consents and Agreements Position Statement [[APP-017](#)] should be submitted at **deadline 5** (or confirmation that no updates are necessary and that the position remains as at the time of submission of the application).

2. Deadline 3 has been moved from **Wednesday 25 June 2025** to **Wednesday 2 July 2025**. This will allow extra time for submissions following the hearings scheduled to take place in the week commencing 16 June 2025.
3. The date for the publication of ExQ2 has been moved from **Wednesday 2 July 2025** to **Wednesday 9 July 2025** in consequence of the change set out in 2 above.
4. Deadline 4 has been moved from **Wednesday 16 July 2025** to **Wednesday 23 July 2025** in consequence of the change set out in 2 above.
5. The date for the publication of the Report on Implications for European Sites and the ExA's schedule of proposed changes to the dDCO (if required) has moved from **Wednesday 23 July 2025** to **Wednesday 30 July 2025** in consequence of the change set out in 2 above.
6. Deadline 5 and deadline 6 have been combined and moved to **Friday 22 August 2025** in order to reduce the number of deadlines in August.

**Notwithstanding the above changes, we still consider that it should be possible to examine the application in less than the statutory 6 months. Please note, if we consider no further information is required following the submissions made at deadline 5, we may close the examination shortly thereafter.**

## Examination Documents

The application documents and relevant representations can be inspected on the [project webpage](#).

### How to stay up to date

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

You can also sign up to get [email updates](#).

If you have any questions about the process, examination events or how to access the documents, you can email [[FenwickSolar@planninginspectorate.gov.uk](mailto:FenwickSolar@planninginspectorate.gov.uk)] or contact us on 0303 444 5000.

## 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 and submission made to the examination; and
- each procedural decision made by the Examining Authority.

Each document is given a unique reference number 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.**

## Information about the 'Have your say' page

The '[have your say](#)' page 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). 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 e.g. technical reports, media articles etc. See the Planning Inspectorate's Advice for members of the public: [Advice for submitting representations or comments](#) for important 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 A** 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 '[have your say](#)' page please contact the case team using the contact details at the top of this letter and they will assist.