

Date: 27 January 2025

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

Dear Mr. Barrowman,

## RESPONSE TO SECTION 51 AND SECTION 55 ADVICE

PINS APPLICATION REF: EN010146

Thank you for your letter of 19 December 2024 setting out the Planning Inspectorate's advice regarding the application for Development Consent made by Xlinks 1 Limited (the 'Applicant'). I set out the Applicant's response to this advice below.

### Response to Section 51 and Section 55 advice

Document	Section 51 / Section 55 Advice	Applicant Response
Application Cover Letter [Ref. EN010146/APP/1.1]	Whilst it is acknowledged that agreed Statements of Common Ground have not been prepared at this stage, please consider submitting draft Statements of Common Ground as it may help the Examining Authority explore issues and formulate questions during the initial stages of the Examination.	The Applicant has held ongoing engagement with the Local Planning Authorities and relevant statutory bodies. We hope to have draft Statements of Common Ground submitted as part of deadline 1 of Examination.
Guide to the Application [Ref. EN010146/APP/1.2]	Please consider using terminology consistent with the relevant NPS and other guidance, such as Planning Act 2008: Pre-application stage for Nationally Significant Infrastructure Projects. For example, use Land and Rights Negotiation Tracker instead of Schedule of Negotiations and Powers Sought. This will help readers conduct word searches for standard terminology and make navigating the application and the content of each document easier.	Due to the timing of the submission, the Applicant has followed the terminology set out in the old guidance.  However, moving forward into examination the Applicant will update their terminology in all new documents to align with the updated guidance set out in April 2024.
Guide to the Application [Ref. EN010146/APP/1.2]	If not done so already, it may be helpful to provide a summary table separating out the onshore and offshore components of the Proposed Development (including any intermediate/sub categories such as inshore) and highlight the	Appendix A of the Guide to the Application has been colour coded to distinguish between onshore, offshore and combined documents.

	jurisdiction of relevant statutory authorities on a per issue basis.	
Draft Development Consent Order [Ref. EN010146/APP/3.1]	Consider whether the draft Development Consent Order is consistent with guidance in Planning Act 2008: Content of a Development Consent Order required for Nationally Significant Infrastructure Projects, and relevant advice pages from the Planning Inspectorate, in relation to the use of tailpieces when drafting requirements.	The Applicant has not yet made any changes regarding tailpieces in the updated DCO but notes the guidance and will continue to assess the use of tailpieces and consider whether any changes are necessary.
Draft Development Consent Order [Ref. EN010146/APP/3.1]	Paragraph 1 of Schedule 2 states that the design principles statement means the document of that name identified in Schedule 13. However, the name in Schedule 13 is design principles document. Please correct the reference and check the draft Development Consent Order for any other erroneous references of a similar nature.	Development Consent Order updated and tracked change version provided. Other errors have been picked up and included.
Explanatory Memorandum [Ref. EN010146/APP/3.2]	Consider expanding on the justification why the use of precedents (whether exact or amended) are appropriate in the specific circumstances of the draft Development Consent Order. For example, among other things, the Explanatory Memorandum sets out that the definition of 'maintain' is based on the Southampton to London Pipeline Development Consent Order 2020 et al but has been amended to allow for works that are specific to the Proposed Development. Further explanation about the amendments and the specific justification for them would be helpful. Please refer to Planning Act 2008: Content of a Development Consent Order required for Nationally Significant Infrastructure Projects accordingly.	The Applicant has not made any changes to further justify the use of precedents at this stage but will continue to consider this and provide updates during Examination.
Explanatory Memorandum [Ref. EN010146/APP/3.2]	The heading above paragraph 11.1.32 reads associate development. Presumably, this should read associated development. Please correct the spelling.	Explanatory Memorandum updated on this basis.
Book of Reference [Ref. EN010146/APP/4.3]	Page 298 onwards deals with Part 2A but the table heading appears to include reference to Part 3. Please	The Book of Reference has been updated to the correct references.

	correct the reference and check the Book Reference for any other erroneous references of a similar nature.	
Environmental Statement – Volume 4, Chapter 1: Climate Change [Ref. EN010146/APP/6.4.1]	It would be helpful to consider the scope of effects that should be assessed by undertaking a detailed analysis of the principles established in R (on the application of Finch on behalf of the Weald Action Group) v Surrey County Council and others [2024] UKSC 20. For example, the test of causation between the Proposed Development and upstream emissions.	Volume 1, Chapter 5: EIA Methodology (document reference 6.1.5) as submitted provides an overview of the consideration of downstream effects within the ES (see paragraph 5.7.40 – 5.7.42). The climate change chapter has assessed indirect upstream and downstream emissions as per the IEMA GHG guidance, which states that “ <i>the assessment must include all material emissions, direct or indirect, during the whole life of the proposed development</i> ”. Therefore, the climate change chapter has reported all indirect material emissions as part of our assessments.  The Applicant will consider new information that arises and will provide an analysis at a later stage of the examination where relevant.
Environmental Statement – Non-technical Summary [Ref. EN010146/APP/6.5]	To aid the Examination, consider including a table that highlights the chapters where significant effects have been identified, and summarise the significant effects accordingly.	A table in Section 10 has been included within the Non-Technical Summary summarizing the significant effects and cumulative effects for each topic. During the amendment of the document, the penultimate bullet point within paragraph 9.3.10 was removed, as this was an error and now aligns with the landscape chapter.
Environmental Statement – Non-technical Summary [Ref. EN010146/APP/6.5]	The forecasting methods, assumptions and limitations used are not mentioned, and the length of offshore cable corridor is 1m less than the Project Description. Please update and amend accordingly.	Amended with a couple short paragraphs setting this out in paragraph 6.4.2 – 6.4.5 and Project Description updated accordingly.
Environmental Statement – Volume 2, Chapter 1: Onshore Ecology and	Paragraph 1.16.7 is absent from this chapter. The Applicant is requested to amend the document to include	Paragraph numbering updated.

Nature Conservation [Ref. EN010146/APP/6.2.1]	the missing chapter or rectify the paragraph numbers accordingly.	
Environmental Statement – Volume 1, Appendix 5.3: Cumulative Effects Assessment (CEA) Screening Matrix [Ref. EN010146/APP/6.2.1]	Annex A sets out the Onshore CEA Long List and Location Plan. This includes a plan for tier 1 developments and tier 3 developments but not a plan for tier 2 developments. Please provide an explanation for the omission or submit a plan for tier 2 developments.	Text added into paragraph 1.3.20 to clarify that there are no Tier 2 developments identified. Given this, there is no corresponding location plan necessary for Tier 2 developments.
Environmental Statement – Volume 2, Figure 3.1: Hydrology and Flood Risk Study	The figure has an illegible background map. Please amend accordingly so that it is legible.	The Figure has been updated to ensure that the background is clear and legible.  This document is submitted in clean version only.
Land Plans [EN010146/APP/2.2]	Blue line (also shown in red) depicted on sheet 1 of 14 appears to show 'Mean High Water Line'; however, this is not listed in the key / legend.	The key on the land plans have been updated to show the Mean High Water Line.
Land Plans [EN010146/APP/2.2]	Sheet 7 Insets: Plots 7-04 and 7-08 are labelled correctly in the main plan but misnumbered in insets 7a, 7c and 7d.	The land plans have been updated accordingly.

The Applicant would like to note that given the Book of Reference has been updated, a new document now forms part of the application pack. This is the **Book of Reference Schedule of Changes [EN010146/APP/4.5]** and this is reflected within the updated guide to the Application. This document is submitted in a clean version only.

I trust this is clear, however, if there are any further questions then please do not hesitate to contact Emma-Jane Hayward of DWD at [REDACTED] [@dwd-ltd.co.uk](mailto:[REDACTED]@dwd-ltd.co.uk).

Yours faithfully,

[REDACTED]

Samantha Jones  
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