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email: [Xlinks@planninginspectorate.gov.uk](mailto:Xlinks@planninginspectorate.gov.uk)

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

Your Ref:

Our Ref: EN010164

Date: 8 April 2025

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 Xlinks 1 Limited for an Order Granting Development Consent for the Xlinks Morocco-UK Power Project**

#### **Appointment of the Examining Authority, and 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 Andrea Mageean and the other members of the ExA are Liam Page and Frances Wilkinson. 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 |
|------|------------|---------------------------|
|------|------------|---------------------------|



|  |   |  |
|--|---|--|
| 20 May 2025  | <b>Registration and seating available at venue from:</b><br><b>10:30am</b><br><b>Virtual Registration process from:</b><br><b>10:30am</b><br><b>Preliminary meeting starts:</b><br><b>11:00am</b> | The Park Hotel, 1 Taw Vale,<br>Barnstaple, EX32 9AE<br><br>and<br><br>By virtual means using Microsoft Teams<br><br>Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered |
| <b>IMPORTANT:</b> The preliminary meeting should be completed before 1.00pm on 20 May 2025. 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, for example, 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 <a href="#">project webpage</a> . |   |  |

**You must register by completing the [event participation form](#) by 11.59pm 30 April 2025 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. 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, you can attend the physical event at the venue to observe the proceedings; however, to ensure there is adequate seating capacity at the venue we request that you register your attendance to **observe only** by **30 April 2025** using the [event participation form](#). Please note that it may not be possible to participate on the day if you have not registered your wish to speak by **30 April 2025**.

## 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 for members of the public: [The stages of the NSIP process and how you can have your say](#) 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 Energy Security and Net Zero, 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 set out 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 D** 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 **pre-examination procedural deadline (23.59, 30 April 2025)** (see **annex D** to this letter).

We request that all submissions are made using the '[have your say](#)' page on the project webpage on or before **pre-examination procedural deadline. Annex I** of this letter provides further information about using the have your say page.

### 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 **30 April 2025** (see pre-examination procedural deadline).

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 using the [event participation form](#) on or before **pre-examination procedural deadline**.

**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 supplemented where necessary by various types of hearings. See the Planning Inspectorate's Advice for members of the public: [The stages of the NSIP process and how you can have your say](#) for more information.

Both blended (part in-person and part virtual) and fully virtual events form part of the Planning Inspectorate's operating model. We remain flexible and will confirm the format of any hearings to be held during the examination stage when we provide formal notification of each hearing at least 21 days in advance of it taking place.

We are providing formal notification that the **preliminary meeting will be a blended event and that the OFH1 and ISH1 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:

- Open floor hearing 1 (OFH1) on 20 May 2025 (blended event)
- Issue specific hearing 1 (ISH1) on 21 May 2025 (blended event)



Important information about these hearings is contained in **annex E** and **annex F** to this letter, including what details need to be provided with a request to be heard at a hearing and the procedure that will be followed.

### **Other procedural decisions made by the Examining Authority**

We have made some further procedural decisions which are set out in detail at **annex G** to this letter. They are summarised as follows:

- Statements of common ground;
- Statement of commonality;
- Examination progress tracker;
- Deadlines for the submission of written representations and local impact reports;
- Timetabling and the management of deadlines;
- Land rights tracker;
- Request for suggested locations for an accompanied site inspection (ASI) and request to attend the ASI;
- Notification by statutory parties, or local authorities of their wish to be considered as an interested party;
- Invitation to statutory nature conservation bodies to become other persons;
- Requests for a compulsory acquisition hearing;
- Requests for a further open floor hearing;
- Deadline for the submission of responses to relevant representations;
- Request for further information from the applicant;
- Closing statements;
- Additional submissions.

### **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 emailing the project mailbox at [Xlinks@planninginspectorate.gov.uk](mailto:Xlinks@planninginspectorate.gov.uk). 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 '[have your say](#)' page 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 '[have your say](#)' page is provided at **annex I** 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 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 Examining Authority) and a record of any advice which has been provided by the Planning Inspectorate is published on the [project webpage](#).

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

*Andrea Mageean*

**Lead member of the Examining Authority**

**Annexes**

- A** Agenda for the preliminary meeting
- B** Introduction to the preliminary meeting
- C** Initial assessment of principal issues
- D** Draft examination timetable
- E** Notification of initial hearings
- F** Agenda for initial hearings
- G** Other procedural decisions made by the Examining Authority
- H** Examination documents
- I** Information about the 'have your say' page

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 completing the [event participation form](#) by 30 April 2025 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. 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, you can attend the physical event at the venue to observe the proceedings; however, to ensure there is adequate seating capacity at the venue we request that you register your attendance to **observe only** by **30 April 2025** using the [event participation form](#). Please note that it may not be possible to participate on the day if you have not registered your wish to speak by **30 April 2025**.

Please note that by attending the event either in person or online you are agreeing to be filmed for the purposes of the online livestream of the event and the recording of the event which will be published on the [project webpage](#). A limited number of seats will be available for observers who wish not to be filmed at the venue. Please contact the case team to notify them if you prefer not to be filmed at the event. A transcript of the event will also be published on the project page of our website after the event.

### Venue:

**Blended event at The Park Hotel, 1 Taw Vale, Barnstaple, EX32 9AE and by virtual means using Microsoft Teams**

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

### Attendees:

**Invited parties who have pre-registered**

| Agenda for the preliminary meeting |   |
|------------------------------------|---|
| <b>10.30am</b>                     | Registration and seating available at venue for in-person attendees   |
| <b>10.30am</b>                     | <b>virtual registration process</b><br>Please arrive at 10.30am to enter the virtual lobby. From here you will be admitted to the virtual meeting by the Case Team, greeted and given further instructions. |



|   |  |
|---|--|
|   | The registration process will commence at 10.30am. 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.  |
| <b>11.00am</b><br><b>Item 1</b>         | <b>Preliminary meeting</b><br>The preliminary meeting will formally open at <b>11.00am</b> . The Examining Authority (ExA) will join, welcome participants and lead introductions.   |
| <b>Item 2</b>                           | The ExA's remarks about the examination process, including reference, where appropriate, to any procedural requests to this item that have been submitted to the Planning Inspectorate in writing by the <b>pre-examination procedural deadline</b> (30 April 2025). |
| <b>Item 3</b>                           | Initial assessment of principal issues – <b>annex C</b> to rule 6 letter   |
| <b>Item 4</b>                           | Draft examination timetable – <b>annex D</b> to rule 6 letter  |
| <b>Item 5</b>                           | Any other matters  |
| <b>Close of the preliminary meeting</b> |  |

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 **11.00am** 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 ExA, although in making changes the ExA will be mindful of the need to provide opportunities for fair involvement to all Invited Parties.

Any request to participate in the preliminary meeting **must include** the following information and be made on the [event participation form](#):

- 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
- the agenda item on which you wish to speak and a list of the points you wish to make

## **Introduction to the preliminary meeting**

### **Background**

The preliminary meeting (PM) will be a blended event with some participants attending in person and some taking part virtually using Microsoft Teams

The Examining Authority (ExA) is conscious of videoconferencing fatigue and will aim to keep the proceedings focussed and as efficient as possible. This annex provides advance access to information that would usually be included in the ExA's introductory remarks. Please read this carefully. The ExA will only present a summary of the key points set out here in order 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 PM.

The ExA will be supported by the Planning Inspectorate Case Team. During the registration process 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 PM. The contact email address is:

[Xlinks@planninginspectorate.gov.uk](mailto:Xlinks@planninginspectorate.gov.uk)

### **The purpose of the preliminary meeting**

The PM is being held to discuss the arrangements for the examination of the application for a Development Consent Order (DCO) for the Xlinks Morocco-UK Power Project, which is a Nationally Significant Infrastructure Project (NSIP), and which will generally be referred to in the PM and examination as the 'proposed development'. The application has been made by Xlinks 1 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 PM is to discuss the arrangements for the examination of the application. It focuses on the process only, and it will not be looking at the substance of the proposals: questions, discussions and representations about the merits or disadvantages of the proposed development are for the examination itself which will begin after the close of the PM.

The PM will be your opportunity to influence the process that the ExA intends to follow. The agenda for the PM 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 course of the PM. You may wish to print these in advance of the PM for reference.

### **Government guidance and policy**

The application is a NSIP under the Planning Act 2008 (PA2008) as a consequence of a direction letter on behalf of the (then) Secretary of State for Energy Security and Net Zero (SoSESNZ) made under section (s) 35(1) of the PA2008 on the 26 September 2023. (See the applicant's Planning Statement at [\[APP-282\]](#) annex 4 (section 35 Direction dated 26 September 2023)). The direction letter includes a determination on behalf of the SoSESNZ that the 'Xlinks Morocco – UK Power Project' be treated as development of national significance for which development consent is required under section 35(1) and section 35ZA of the PA2008. The direction letter defines the following 2 elements of the Xlinks-Morocco – UK Power Project as constituting the 'Proposed Project' for the purposes of the SoSESNZ's direction:

- The construction and operation of the two converter stations in the UK to convert and supply the electricity to the GB grid forms the development for which development consent should be required ("the proposed development").
- Associated development, which may include the onshore high voltage direct current ("HVDC") cables from the transition joint bay to the converter stations; the offshore HVDC cables and/or works to install the cables within the UK inshore territorial waters; and other works to facilitate the connection of the project to the UK National Grid.

The SoSESNZ's direction letter also sets out the Proposed Project is an energy project within the scope of section 35 of the PA2008. Further, the SoSESNZ is satisfied that:

- The Proposed Project sits within one of the qualifying infrastructure fields listed in section 35(2)(a)(i) (energy) and that the Proposed Project will be wholly within England, waters adjacent to England up to the seaward limits of the territorial sea or the renewable energy zone (in relation to which the Scottish Ministers do not have functions).
- The Proposed Project does not fall within the existing definition of a "nationally significant infrastructure project" and therefore it is appropriate to consider use of the power in section 35(1) of the PA2008.
- The applicant's request constitutes a "qualifying request" in accordance with section 35ZA(11) of the PA2008.

The SoSESNZ has taken the decision within the conditions as required by sections 35A(2) and (5) of the PA2008, and issues this Direction accordingly under sections 35(1) and 35ZA of the PA2008. As such the SoSESNZ's Direction Letter directs that

the 'Proposed Project' is to be treated as development for which development consent is required.

Designated National Policy Statement (NPS) EN-1 (the Overarching NPS for Energy (January 2024)), together with NPS EN-3 (for renewable energy infrastructure) (January 2024)); and NPS EN-5 (for Electricity Networks Infrastructure (January 2024) apply to this examination and to decision-making relating to this application.

The ExA will consider the proposed development in accordance with the NPSs 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 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 SoSES NZ is entitled to disregard any representations that relate to the merits of the 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 PM will establish the procedures and timetable for the examination of the proposed development. It will set a framework for the ExA to enable the relevant 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 PM and is generally given the opportunity to reply to any representations made.

Everyone who has made a valid relevant representation has been registered as an 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 PM. In addition to a general entitlement to involvement in the examination, APs have a right to be heard in relation to any objection about the effects of compulsory acquisition on their interests in land, and a right to be notified of any compulsory acquisition hearing. All APs are IPs, whether or not they have made a valid relevant representation.

Certain bodies are statutory parties and they have been invited to the PM. Statutory parties can elect to become IPs without having made a valid relevant representation by notifying the ExA in writing.

The ExA has the power to involve people who are not IPs in the examination as though they are IPs, including by inviting them to the PM. However, this is only done in exceptional circumstances, for example if it was clear that the application would materially affect a person, they are not automatically an IP or eligible to elect to become an IP and they had been unable to take the necessary action to register as an IP.

### Conduct of the preliminary meeting

The ExA estimates that the PM will take up to 3 hours to complete.

During the PM 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 PM will be made available on the project webpage as soon as practicable following the close of the PM. The recording allows any member of the public who is interested in the application and the examination to find out what has been discussed at the PM. The making and publication of these recordings are a means by which the ExA meets the legal requirement to hold the PM (and any other hearings) in public. In this regard, **anyone speaking at the PM will need to introduce themselves each time they speak**, to ensure that someone listening to the recording after the event is clear who was speaking. A written note of the PM will be produced and published as soon as practicable following the close of the PM.

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 5 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.

### **The examination process**

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 the relevant deadline are only accepted at the discretion of the ExA and may not be accepted to ensure fairness to all parties.** Circumstances where documents are submitted late without good reason, causing inconvenience or delay to other parties can amount to unreasonable behaviour.

These written processes will be the principal means used by the ExA to gather information, evidence and views about the application. However, the examination will

only be effective if all parties resolve to give timely, full, frank, clear and evidenced answers to every question that is relevant to their interests and to engage fully with any other related processes such as the completion of WRs and SoCGs.

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

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 6-month period beginning with the day after the close of the PM. This requirement is set by legislation, and while the ExA will try to rearrange event dates to accommodate all relevant parties, in practice there will be limited scope to alter dates set out in the draft examination timetable.

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

## **Hearings**

The draft examination timetable includes provision for hearings, at which the ExA takes oral evidence from the various parties.

Any registered IP may request an **open floor hearing** (OFH) to make oral representations about the application if they believe this to be preferable to relying on their 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. A written summary note with any supporting evidence or references will be requested of each speaker following the hearing.

As with all examination events, OFHs are subject to the powers of control of the ExA, as set out in the PA2008 and supporting legislation. Participants must register in advance by the deadline shown in the 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 draft DCO provides for the compulsory acquisition of land and rights, and the temporary possession of land. Affected persons (that is, those whose land or rights over land are affected) have a right to request and be heard at a **compulsory acquisition hearing** (CAH). If one or more APs request to be heard then a CAH

must be held. Provisional dates for CAHs are included in the draft examination timetable along with deadlines by which requests to be heard must be submitted.

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 dates reserved for ISHs and IPs may make suggestions for topics to be discussed at an ISH in their written or oral representations to the PM.

It may be necessary for the ExA to hold more than one ISH on the draft DCO. This is normal practice, and they are held on a without prejudice basis. Parties can suggest modifications and amendments to the draft DCO provided by the applicant with the application, without prejudicing their overall position on the application.

Holding such hearings does not imply that the ExA has reached any judgements on the merits of the application. Whatever the ultimate recommendation is, the ExA must make sure that the draft DCO is fit for purpose if the SoS decides to grant consent, as any consent will be subject to requirements (that is, conditions) set out in the DCO.

At hearings it will not normally be necessary for parties to make long and detailed submissions that require (for example) PowerPoint presentations. Any supporting detail/ information can be provided in writing following the event by the relevant deadline.

The draft examination timetable includes a deadline (deadline 1 (4 June 2025)) for participants to notify the ExA that they wish to speak at an OFH or a CAH.

### **Site inspections**

As part of the examination process the ExA may undertake site inspections. These can be either unaccompanied or accompanied.

The purpose of these is for the ExA to see features of the proposals within the context of the evidence put forward. Notes of unaccompanied site inspections (USIs) are published on the [project webpage](#).

Accompanied site inspections (ASI) will only be necessary to view land to which there is no public right of access, or with no clear view from nearby locations with open public access. The purpose of ASIs is familiarisation only and no discussion of the merits of the proposed development will be entertained during an ASI.

The ExA may decide to hold USIs to relevant nominated locations, supported by the submission of additional written, photographic, video or even drone material if this



would be preferable to not visiting sites or holding ASIs in circumstances which could make them difficult and unduly time-consuming to conduct (for example if public health restrictions are in place). The ExA may also consider if it would be appropriate to make arrangements for access only to be provided to specific sites such that they could be inspected as part of a USI on an access required basis (ARSI)

The draft examination timetable includes a deadline for IPs to make submissions suggesting sites and locations that the ExA should visit. These will be used to inform further USIs/ARSIs as well as possible ASIs.

## Initial assessment of principal issues

This is the initial assessment of principal issues prepared as required under section 88(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
- its consideration of any other important and relevant matters

This initial assessment has guided the ExA in forming a provisional view as to how the application is to be examined. 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 Energy Security and Net Zero after the examination has concluded.

The order of the issues listed is alphabetical and does not imply any order of prioritisation or importance.

The policy and consenting requirements and documents associated with the 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 proposed development 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.

### 1. Agriculture and soils

Including (but not limited to) issues relating to:

- Assessment of agricultural land classification
- Effects on best and most versatile agricultural land and farming
- Effectiveness of the proposed mitigation measures including the outline soil management plan

### 2. Air quality

Including (but not limited to) issues relating to:

- Extent of the assessment
- Impacts on air quality including from dust emissions
- Effectiveness of the proposed mitigation measures

### 3. Commercial fisheries

Including (but not limited to) issues relating to:

- Effects on commercial fishing activities
- Effectiveness of the proposed mitigation measures

#### 4. Fish and shellfish

Including (but not limited to) issues relating to:

- Habitat alteration or loss and injury or disturbance of species, including from changes to hydrodynamic regime, sediment heating, electromagnetic field effects, noise and vibration
- Collision risk to basking shark from vessel activities

#### 5. General and overarching matters

Including (but not limited to) issues relating to:

- The principle of the proposed development, including whether it would accord with the UK's climate change obligations
- The approach to the consideration of the need for, and alternatives to, the proposed development, and whether the proposed development would comply with legal and policy requirements in relation to the consideration of alternatives
- The identification of any other proposed nearby major developments and the consideration of cumulative and in-combination effects of those developments with the proposed development
- Whether opportunities for co-existence/co-location with other marine and terrestrial uses have been explored
- The approach to the consideration of whether any likely significant negative effects would be avoided, reduced, mitigated or compensated for, following the mitigation hierarchy
- Whether any potential risks or impediments to the implementation of the proposed development have been properly considered and managed, including the need for any operational or other consents arising from jurisdictions outside the UK
- Whether any potential risks to the operation of the proposed development in terms of energy security matters have been properly considered
- The approach to consideration of decommissioning effects, noting that the proposed development is not time limited
- Whether the principles set out in the Finch supreme court judgement have informed the assessment of climate change
- The likely worst case scenario in relation to greenhouse gas emissions and future baseline projections
- The likely worst case scenario in relation to unexploded ordnance clearance and whether the likely significant effects need to be assessed in the environmental statement

## 6. Geology, hydrogeology and ground conditions

Including (but not limited to) issues relating to:

- Impacts on designated sites, including sites of special scientific interest
- Mobilisation of any existing contamination
- Changes in groundwater levels, flow and quality
- Feasibility of horizontal directional drilling, including potential geotechnical constraints, alternative techniques and mitigation in case of failure

## 7. Habitats Regulations assessment

Including (but not limited to) issues relating to:

- Screening of protected sites, likely significant effects, and those taken forward for assessment
- Likelihood of adverse impact on the integrity of habitat sites, including information to assess a potential derogation if relevant

## 8. Historic environment including the marine environment

Including (but not limited to) issues relating to:

- The effects on the onshore historic environment including designated and non-designated heritage assets and their settings, with particular reference to the effects on the setting of the scheduled monument, 1004558 iron age enclosure and Roman marching camp
- The effects on archaeological remains and whether further investigation is required to understand potential significant deposits
- The approach to the identification of, and consideration of effects on, offshore cultural heritage and marine heritage receptors
- Adequacy of mitigation measures and monitoring

## 9. Hydrology and flood risk

Including (but not limited to) issues relating to:

- Flood risk, including whether the sequential and exception tests have been passed where required
- The impact of the proposed development on drainage, including the use of sustainable drainage systems and pollution prevention measures
- The impact of the proposed development on water supplies
- Whether there is compliance with the water framework directive (WFD)

## 10. Landscape, seascape and visual and design

Including (but not limited to) issues relating to:

- The extent of the assessment of the effects of the proposed development on protected landscapes and their characteristics/ special qualities
- Whether the proposed development would seek to further the statutory purposes of protected landscapes
- Suitability of the study area and the viewpoints selected, and the adequacy of the visual representations of the proposed development
- The extent of the consideration of temporary and permanent lighting effects on the landscape and visual amenity
- The effectiveness of landscape and visual mitigation measures, and whether they would be adequately secured in the dDCO
- The design of the converter station, including layout, proposed landscape mitigations, and incorporation of good design principles

#### **11. Land use and recreation**

Including (but not limited to) issues relating to:

- The impact on users of public rights of way and other recreational resources including the availability and useability of routes and facilities during construction
- Opportunities to enhance recreational resources
- Effectiveness of the proposed mitigation measures

#### **12. Marine Conservation Zone assessment**

Including (but not limited to) issues relating to:

- Whether the proposed development would further the conservation objectives of a marine conservation zone, would least hinder them, or would hinder them and meet the derogation tests

#### **13. Marine ecology**

Including (but not limited to) issues relating to:

- Habitat alteration or loss and disturbance of species, including as a result of changes to the hydrodynamic regime, sediment heating, electromagnetic field effects, noise and vibration
- Increase in suspended sediment, sediment deposition and resuspension of contaminated sediment

#### **14. Marine mammals and turtles**

Including (but not limited to) issues relating to:

- Habitat alteration or loss and injury or disturbance of species, including from vessel collisions, seabed change, sediment heating, electromagnetic field effects, noise and vibration

#### **15. Noise and vibration**

Including (but not limited to) issues relating to:

- Effects of construction noise and vibration on sensitive receptors including local residents, businesses and recreational users
- Effects of operational noise at the converter site
- Effectiveness of the proposed mitigation measures

#### **16. Offshore ornithology**

Including (but not limited to) issues relating to:

- Habitat alteration or loss, and disturbance of species, including noise and visual distraction from vessel movements, sediment disturbance and turbidity of water and impact on foraging success and behaviour of prey species, and accidental pollution incidents
- Bird species that are qualifying features of designated sites, including consideration of foraging within the study area of the proposed development and any functional links

#### **17. Onshore ecology and nature conservation**

Including (but not limited to) issues relating to:

- Impacts on designated sites, including sites of special scientific interest
- Loss of habitat, including hedgerows, grassland and cropland, wooded banks and watercourses
- Disturbance of species, including dormouse, otters, bats, badgers, birds, reptiles, fish and aquatic invertebrates

#### **18. Physical processes**

Including (but not limited to) issues relating to:

- Sediment disturbance, including impacts on sediment regimes and water quality
- Seabed change, including impacts on morphology
- Changes to metocean conditions, including impacts on currents and waves

#### **19. Shipping, navigation and other marine users**

Including (but not limited to) issues relating to:

- Measures to maintain safe marine navigation
- The potential for disruption or economic loss to shipping
- Effects on other marine users
- Effectiveness of the proposed mitigation measures, including mechanisms for co-existence and/ or co-operation

## 20. Socio-economic

Including (but not limited to) issues relating to:

- Effects on economic receptors including those related to tourism and recreation
- Effects on access to community and social assets, including housing and accommodation, local services and energy supply
- Effects on human health including from electromagnetic fields
- Effectiveness of the proposed mitigation measures

## 21. Traffic and transport

Including (but not limited to) issues relating to:

- Extent of the assessment
- Access arrangements for construction vehicles and workers
- Effects on the road network including delays, severance, road user and pedestrian safety
- Provision of active public or shared transport access and provision for construction workers
- Effectiveness of the proposed mitigation measures

## 22. Waste

Including (but not limited to) issues relating to:

- Measures to ensure that the waste hierarchy would be followed
- Effects on waste management facilities in the area
- Effectiveness of the proposed mitigation measures

## 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.   | <b>Pre-Examination Procedural Deadline</b><br>Deadline for receipt by the ExA of: <ul style="list-style-type: none"> <li>• Written submissions on the examination procedure, including any submissions about the use of virtual methods</li> <li>• Comments on relevant representations (RR) (see annex G, point 11)</li> <li>• Summaries of all RRs exceeding 1,500 words</li> <li>• Applicant's submission of the land rights tracker (see annex G)</li> <li>• Applicant's submission of updated and amended documents (see annex G)</li> <li>• Requests to be heard orally at the preliminary meeting (PM)</li> <li>• Requests to be heard orally at the open floor hearing (OFH) on 20 May 2025</li> <li>• Requests to be heard orally at the issue specific hearing (ISH) on 21 May 2025</li> <li>• Suggested locations for site inspections (accompanied or unaccompanied), including justification, and whether such locations can be seen from public land or require private access, for consideration by the ExA.</li> </ul> | 30 April 2025          |
| 2.   | <b>Preliminary meeting</b>   | 20 May 2025<br>11.00am |
| 3.   | <b>Open floor hearing 1 (OFH1)</b>   | 20 May 2025<br>5.00pm  |
| 4.   | <b>Issue specific hearing 1 (ISH1)</b>   | 21 May 2025            |



|    |   |                                     |
|----|---|-------------------------------------|
|    |   | 10.00am                             |
| 5. | <p>Issue by the ExA of:</p> <ul style="list-style-type: none"> <li>• <b>Examination timetable</b></li> </ul> <p>Publication of:</p> <ul style="list-style-type: none"> <li>• <b>The ExA's written questions (ExQ1)</b></li> </ul>   | As soon as practicable after the PM |
| 6. | <p><b>Deadline 1</b></p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• <b>Written representations (WRs) including summaries if exceeding 1,500 words</b></li> <li>• <b>Summaries of all RR exceeding 1,500 words</b> (if not provided at pre-examination procedural deadline)</li> <li>• <b>Responses to RRs</b> (if not provided at pre-examination procedural deadline)</li> <li>• <b>Local impact reports (LIR) from local authorities</b></li> <li>• <b>Applicant's draft itinerary for the accompanied site inspection (ASI)</b></li> <li>• <b>Requests by interested parties to be heard at a further OFH</b></li> <li>• <b>Requests by affected persons to be heard at a compulsory acquisition hearing (CAH)</b></li> <li>• <b>Initial statements of common ground (SoCG) and statement of commonality requested by the ExA</b> (see annex G of the rule 6 letter)</li> <li>• <b>Applicant's updated application guide in clean and tracked versions</b></li> <li>• <b>Applicant's updated book of reference (BoR) and schedule of changes to the BoR (If required) in clean and tracked versions</b></li> <li>• <b>Applicant's updated schedule of negotiations and powers sought in clean and tracked versions</b></li> <li>• <b>Notification by statutory parties of their wish to be considered as an interested party (IP) by the ExA</b></li> <li>• <b>Notification by statutory nature conservation bodies of their wish be considered as 'other persons' (OP) by the ExA</b></li> <li>• <b>Post-hearing submissions including written submissions of oral cases and comments on any</b></li> </ul> | 4 June 2025                         |

|    |  |                  |
|----|--|------------------|
|    | <p>oral submissions put at hearings during the week commencing 19 May 2025</p> <ul style="list-style-type: none"> <li>• Any further information requested by the ExA under rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010</li> <li>• Comments on any further information/ submissions accepted by the ExA</li> </ul>  |                  |
| 7. | <p><b>Deadline 2</b></p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Comments on WRs</li> <li>• Comments on LIR</li> <li>• Responses to ExQ1</li> <li>• An updated draft development consent order (dDCO) in clean, tracked and Word versions (if required)</li> <li>• An updated explanatory memorandum in clean, tracked and Word versions (if required)</li> <li>• An updated schedule of changes to the dDCO (if required)</li> <li>• Applicant's first update to the land rights tracker</li> <li>• Applicant's updated application guide in clean and tracked versions</li> <li>• Applicant's updated schedule of negotiations and powers sought in clean and tracked versions</li> <li>• Comments on initial statements of common ground</li> <li>• Comments on responses to RR</li> <li>• Comments on the applicant's draft ASI itinerary (if required)</li> <li>• Notification of wish to attend an ASI (if required)</li> <li>• Comments on any other submissions received at deadline 1</li> <li>• Any further information requested by the ExA under rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010</li> </ul> | 18 June 2025     |
| 8. | <p>Dates reserved for:</p> <p><b>Accompanied site inspection (if required)</b></p> <p><b>Further issue specific hearing(s) (if required)</b></p>   | w/c 14 July 2025 |

|            |  |                       |
|------------|--|-----------------------|
|            | <p><b>Compulsory acquisition hearing(s) (if required)</b></p> <p><b>Further open floor hearing(s) (if required)</b></p>  |                       |
| <b>9.</b>  | <p><b>Deadline 3</b></p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• <b>Post-hearing submissions including written submissions of oral cases and comments on any oral submissions put at hearings (if required)</b></li> <li>• <b>An updated dDCO in clean, tracked and Word versions (if required)</b></li> <li>• <b>An updated explanatory memorandum in clean, tracked and Word versions (if required)</b></li> <li>• <b>An updated schedule of changes to the dDCO (if required)</b></li> <li>• <b>Applicant's updated land rights tracker</b></li> <li>• <b>Applicant's updated application guide in clean and tracked versions</b></li> <li>• <b>Applicant's updated schedule of negotiations and powers sought in clean and tracked versions</b></li> <li>• <b>Updated SoCG and statement of commonality</b></li> <li>• <b>Comments on responses to WRs</b></li> <li>• <b>Comments on responses to LIRs</b></li> <li>• <b>Comments on any other submissions received at deadline 2</b></li> <li>• <b>Any further information requested by the ExA under rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010</b></li> </ul> | <b>29 July 2025</b>   |
| <b>10.</b> | <p><b>Publication by the ExA of:</b></p> <ul style="list-style-type: none"> <li>• <b>Further written questions (ExQ2) (if required)</b></li> <li>• <b>Report on the implications for European sites (RIES) and any associated questions (if required)</b></li> </ul>   | <b>19 August 2025</b> |

|            |  |                              |
|------------|--|------------------------------|
|            | <ul style="list-style-type: none"> <li>• <b>ExA's commentary on, or schedule of changes to, the dDCO (if required)</b></li> </ul>  |                              |
| <b>11.</b> | <p><b>Deadline 4</b></p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• <b>Responses to ExA's further written questions (ExQ2) (if required)</b></li> <li>• <b>Comments on the RIES (if required)</b></li> <li>• <b>Comments on the ExA's commentary on, or schedule of changes to, the dDCO (if required)</b></li> <li>• <b>Updated SoCG and statement of commonality</b></li> <li>• <b>Applicant's updated application guide in clean and tracked versions</b></li> <li>• <b>Applicant's updated schedule of negotiations and powers sought in clean and tracked versions</b></li> <li>• <b>Comments on any other submissions received at deadline 3</b></li> <li>• <b>Any further information requested by the ExA under rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010</b></li> </ul> | <b>9 September 2025</b>      |
| <b>12.</b> | <p>Dates reserved for any:</p> <p><b>Further accompanied site inspection (if required)</b></p> <p><b>Further issue specific hearing(s) (if required)</b></p> <p><b>Further compulsory acquisition hearing(s) (if required)</b></p> <p><b>Further open floor hearing(s) (if required)</b></p>   | <b>w/c 29 September 2025</b> |
| <b>13.</b> | <p><b>Deadline 5</b></p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• <b>Post-hearing submissions including written submissions of oral cases (if applicable)</b></li> <li>• <b>Comments on any other submissions received at deadline 4</b></li> </ul>  | <b>14 October 2025</b>       |

|     |   |                  |
|-----|---|------------------|
|     | <ul style="list-style-type: none"> <li>Any further information requested by the ExA under rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010</li> </ul>  |                  |
| 14. | <p><b>Deadline 6</b></p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>Final dDCO to be submitted by the applicant in the SI template with the SI template validation report (clean and tracked versions)</li> <li>Final schedule of changes to the dDCO (if required)</li> <li>Final explanatory memorandum in clean, tracked and Word versions</li> <li>Final SoCGs and final statement of commonality</li> <li>Final BoR and schedule of changes to BoR</li> <li>Applicant's final land rights tracker</li> <li>Applicant's final application guide in clean and tracked versions</li> <li>Applicant's final schedule of negotiations and powers sought in clean and tracked versions</li> <li>Comments on any other submissions received at deadline 5</li> <li>Closing statements (see annex G of this letter)</li> <li>Any further information requested by the ExA under rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010</li> </ul> | 28 October 2025  |
| 15. | <p>The ExA is under a duty to complete the examination of the application by the end of the period of 6 months.</p> <p>Please note that the ExA may close the examination before the end of the 6 month period if they are satisfied that all relevant matters have been addressed and discussed.</p>   | 20 November 2025 |

### 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.

### **Hearing agendas**

Please note that for issue specific hearings and compulsory acquisition hearings the ExA will publish a high-level agenda alongside the notification of the hearing to help inform your decision about whether to register to participate. A detailed draft agenda will be made available on the project webpage at least five working days in advance of the hearing date. However, the actual agenda on the day of each hearing may be subject to change at the discretion of the ExA. For open floor hearings agendas may not be published.

### **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 (SoS), 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 SoS. The ExA may also raise questions in the RIES to confirm or clarify matters that remain outstanding.

The SoS 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.

## Notification of initial hearings

The Examining Authority (ExA) provides notice of the following initial hearings:

| Date  | Hearing                       | Start time  | Venue and Joining details   |
|---|-------------------------------|---|---|
| 20 May 2025   | Open floor hearing (OFH1)     | <b>Registration and seating available at venue from:</b><br><b>4.30pm</b><br><b>Virtual registration process from:</b><br><b>4.30pm</b><br><b>Hearing starts:</b><br><b>5.00pm</b>    | The Park Hotel, 1 Taw Vale, Barnstaple, EX32 9AE<br>and<br>By virtual means using Microsoft Teams<br>Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered |
| 21 May 2025   | Issue specific hearing (ISH1) | <b>Registration and seating available at venue from:</b><br><b>09.30am</b><br><b>Virtual registration process from:</b><br><b>09.30am</b><br><b>Hearing starts:</b><br><b>10.00am</b> | The Park Hotel, 1 Taw Vale, Barnstaple, EX32 9AE<br>and<br>By virtual means using Microsoft Teams<br>Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered |
| <b>NOTE:</b> If any of the above hearings are no longer required then notification that a particular date is no longer required will be published as soon as practicable on the <a href="#">project webpage</a> , providing reasonable notice to interested parties of the decision to cancel them. |                               |   |   |

**You must register by completing the [event participation form](#) by Wednesday 30 April 2025 if you intend to participate in either or both of the hearings and provide all the information requested (see below).**

If you simply wish to observe any of the hearings then you do not need to register 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, you can attend the physical hearing at the venue to observe the proceedings; however, to ensure there is adequate seating capacity at the venue we request that you register your attendance to **observe only** by **Wednesday 30 April 2025** using the [event participation form](#). Please note that it may not be possible to participate on the day if you have not registered your wish to speak by Wednesday 30 April 2025.

Any request to participate in a hearing **must include** the following information:

- name and unique reference number (found at the top of any letter or email from the Planning Inspectorate)
- email address (if available) and contact telephone number
- name and unique reference number of any person/ organisation that you are representing (if applicable)
- for blended events, confirmation of whether you will participate virtually or in-person
- confirmation of the hearing(s) you wish to participate in, the agenda item(s) on which you wish to speak and/or brief details of the topic(s) that you would like to raise
- for compulsory acquisition hearings, the plot number(s) of the relevant land provided in the [book of reference](#) and the [land plans](#)
- the [examination library](#) reference number (with paragraph/ page number where appropriate) of any documents you wish to refer to

Requests to participate should be made using the [event participation form](#) on or before the **pre-examination procedural deadline (30 April 2025)**.

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

**Hearing agendas**



High-level agenda for these hearings are set out at **annex F** to help inform your decision about whether to register to participate. However, the actual agenda on the day of each hearing may be subject to change at the discretion of the ExA.

### Procedure at hearings

The examination of the application will principally be a written process supplemented where necessary by various types of hearings. See the Planning Inspectorate's advice for members of the public: [The stages of the NSIP process and how you can have your say](#) for more information.

The Planning Inspectorate's advice for members of the public provides important information about hearing procedures:

- [What to expect at a Nationally Significant Infrastructure Project event](#)
- [Registering to speak at, or attend, a Nationally Significant Infrastructure Project event](#)

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.

**Agenda for initial hearings****Open floor hearing 1 (OFH1)**

|                                |   |
|--------------------------------|---|
| <b>Date:</b>                   | <b>Wednesday 20 May 2025</b>  |
| <b>Arrangement conference:</b> | <b>4.30pm</b>   |
| <b>Meeting Start:</b>          | <b>5.00pm</b>   |
| <b>Venue:</b>                  | <b>Blended event at The Park Hotel, 1 Taw Vale, Barnstaple, EX32 9AE and by virtual means using Microsoft Teams</b> |
| <b>Attendees:</b>              | <b>The applicant and interested parties that have pre-registered.</b>   |

| <b>Agenda for Open Floor Hearing 1</b> |  |
|--|--|
| <b>1</b>                               | <b>Welcome and introductions</b>   |
| <b>2</b>                               | <b>Purpose of the open floor hearing (OFH)</b>   |
| <b>3</b>                               | <b>Confirmation of those who notified the ExA of a wish to be heard at the OFH</b>   |
| <b>4</b>                               | <p><b>Oral submissions from interested parties</b></p> <ul style="list-style-type: none"> <li>• Each interested party (IP) who has indicated a wish to speak will be invited forward in turn. Each party will be given a limited amount of time. These are: <ul style="list-style-type: none"> <li>○ 5 minutes for individual IPs</li> <li>○ 8 minutes where one IP speaks on behalf of a number of IPs</li> <li>○ 8 minutes for membership organisations and formal groups</li> </ul> </li> <li>• Any other party who has not registered but would wish to speak on the day (if time).</li> <li>• Following each submission, the ExA may wish to ask the speaker questions.</li> </ul> <p>Oral submissions should be based on representations previously made in writing by the particular participant. However, representations made at the hearing should not simply repeat matters previously covered in a written submission, but rather provide further detail, explanation and evidential corroboration to help inform the ExA.</p> |

|          |  |
|----------|--|
| <b>5</b> | <b>Responses by the applicant</b> <ul style="list-style-type: none"><li>• The applicant will be invited to respond to matters raised and to questions arising from the ExA either orally after all IPs and non-IPs have spoken, or in writing by deadline 1 on 4 June 2025</li></ul> |
| <b>7</b> | <b>Any other business</b>  |
| <b>8</b> | <b>Close of OFH1</b>   |

**Issue specific hearing 1 (ISH1)**

|                                |   |
|--------------------------------|---|
| <b>Date:</b>                   | <b>Wednesday 21 May 2025</b>  |
| <b>Arrangement conference:</b> | <b>9.30am</b>   |
| <b>Meeting Start:</b>          | <b>10.00am</b>  |
| <b>Venue:</b>                  | <b>Blended event at The Park Hotel, 1 Taw Vale, Barnstaple, EX32 9AE and by virtual means using Microsoft Teams</b> |
| <b>Attendees:</b>              | <b>The applicant and interested parties that have pre-registered.</b>   |

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

- the applicant
- Torridge District Council
- Devon County Council
- 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
- any other affected person who wishes to make oral representations in respect of the applicant's general case

| <b>Agenda for Issue Specific Hearing 1</b> |  |
|--|--|
| <b>1</b>                                   | <b>Welcome, preliminary matters and introductions</b>  |
| <b>2</b>                                   | <b>Arrangements for the issue specific hearing</b>   |
| <b>3</b>                                   | <b>Overview of the proposed development, including:</b> <ul style="list-style-type: none"> <li>• approach to consideration of alternatives</li> <li>• need and benefits</li> <li>• operational arrangements</li> </ul> |
| <b>4</b>                                   | <b>Transboundary matters:</b> implications of other consenting processes for the delivery of the overall project   |
| <b>5</b>                                   | <b>Energy security matters</b>   |

|           |  |
|-----------|--|
| <b>6</b>  | <b>Scope of the proposed development:</b> the parameters defined in the dDCO and assessed in the environmental statement, including temporal effects and decommissioning |
| <b>7</b>  | <b>Approach to defining design parameters:</b> including consideration of underground versus overground cabling and consideration of the mitigation hierarchy            |
| <b>8</b>  | <b>Changes to the proposed development</b>   |
| <b>9</b>  | <b>Any other business.</b>   |
| <b>10</b> | <b>Action points arising</b>   |
| <b>11</b> | <b>Close of issue specific hearing 1</b>   |

## **Other procedural decisions made by the Examining Authority**

The Examining Authority (ExA) has made the following procedural decisions:

### **1. Statements of common ground (SoCG)**

The ExA would be assisted in the examination by the preparation of SoCGs between the applicant and certain interested parties. The draft examination timetable at **annex D** to this letter therefore establishes **deadline 1** (4 June 2025) 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. BT Openreach
- b. Devon County Council
- c. Environment Agency
- d. Historic England
- e. Joint Nature Conservation Committee
- f. Marine Management Organisation
- g. The Maritime and Coastguard Agency
- h. National Grid Electricity Development,
- i. National Grid Distribution (south west) plc,
- j. National Grid Electricity Transmissions plc
- k. Natural England
- l. The National Trust
- m. Natural Resources Wales
- n. South West Water Limited
- o. Torridge District Council
- p. Trinity House
- q. Wales and West Water Utilities Limited

SoCGs should cover the following matters, to the extent that they are relevant to the particular interests of the party:

- as appropriate for its area of responsibility, the matters listed under the relevant headings in the ExA's initial assessment of principal issues (see annex C of this letter)
- all matters raised in its relevant representation
- relevant policy, legislation and guidance
- the articles and requirements of the dDCO, including any changes to drafting being sought
- mitigation, monitoring and management plans
- details of any supplementary agreements, such as draft section 106 Agreements or commercial side agreements
- a summary of matters agreed and matters not agreed or outstanding
- any other matters upon which agreement might aid the running of the examination and assist the ExA's recommendation to the Secretary of State.

The draft examination timetable makes provision for updated SoCGs to be submitted at various deadlines with final versions by **deadline 6**. Where a particular SoCG cannot be agreed between the parties by **deadline 5**, or if any local authority position needs to be signed off at a higher level, draft versions of that SoCG are requested to be submitted **by the applicant** to **deadline 6** (28 October 2025). The position of the relevant interested parties should then confirmed in the course of the examination.

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 working days in advance of them taking place.

## **2. Statement of commonality**

At each point that the updated SoCGs are submitted to meet a deadline in the examination timetable, the applicant is requested to submit a Statement of Commonality of SoCG, or an update to this Statement. This document should provide an overview of the position of each SoCG at the relevant deadline, for example noting where discussions are ongoing and where a final signed SoCG has been submitted. It would also assist the ExA to have summaries of commonality in respect of the main topics of the examination. The material should be presented in a tabular 'traffic light' coloured format wherever possible.

The ExA requests that the initial statement of commonality to be submitted by **deadline 1** with subsequent deadlines set out in the examination timetable.

It would be helpful and reduce duplication if the statement of commonality was combined with the examination progress tracker (see below).

## **3. Examination progress tracker**

The ExA requests that the applicant submits an examination progress tracker, in the form of a table, reporting on what it considers are the principal and other notable issues in the examination. The ExA would like the applicant to set this out by issue and/ or sub-issue, the interested parties which have raised them, the summary of the concerns raised, the progress being made to address them (if any), the up-to-date position and any progress to resolution. The applicant could consider 'traffic-lighting' the table for ease of reference.

The ExA requests the initial progress tracker to be submitted by **deadline 1** with subsequent deadlines set out in the Examination Timetable.

It would be helpful and reduce duplication if the examination progress tracker was combined with the statement of commonality (see above).

#### **4. Deadline for the submission of written representations (WR) and local impact reports (LIRs)**

In order to maximise the time available within the examination, the ExA has made a procedural decision to request WRs and LIRs at deadline 1. For the avoidance of doubt the ExA wishes to make it clear that WRs and LIRs are two separate documents and must be submitted separately and independently of each other.

For the purpose of rule 10(2) of The Infrastructure Planning (Examination Procedure) Rules 2010, the 'period of 21 days' within reference to which the ExA must provide notice for the submission of WRs commences on the date of the publication of this letter (8 April 2025). This is a date before the start of the examination. However, as the deadline for submission of WRs and LIRs is set at deadline 1, this provides more than the required 21 days' notice.

The ExA is therefore satisfied that interested parties (IPs) have been permitted sufficient time in which to draft and submit WRs and LIRs.

For more information about the importance and content of LIRs, see the Planning Inspectorate's [Advice for Local Authorities](#).

#### **5. The examination timetable and the management of deadlines**

The applicant should note that deadline 6 has been set at approximately 5 months into the 6-month maximum examination period. Any potential change requests would need to be managed during the remaining examination time. Those involving the compulsory acquisition (CA) of land that would engage the [Infrastructure Planning \(Compulsory Acquisition\) Regulations 2010](#), and the associated procedures and their statutory timescales.

Whilst the ExA is not encouraging any requests to change the order limits, any such requests would need to be managed during the remaining examination time.



## 6. Land rights tracker

The ExA notes that the Statement of Reasons appendix 2 provides a table setting out the ‘Status of negotiations with land owners and occupiers’ and that appendix 3 sets out a table providing a ‘Summary of negotiations with statutory undertakers’ [\[APP-019\]](#).

The ExA wishes to take this data a stage further with the capture and manipulation of all non-agreed land rights at the outset of the examination in a simple, usable table. The aim is to make the process of the applicant’s on-going discussions with affected persons and others much easier, and the reporting of such matters to the Secretary of State more efficient.

With that in mind, the ExA has made a procedural decision to request that the applicant completes and maintains a land rights tracker; an example of which will be sent to the applicant by the Case Team in the form of a readable excel. In the example, the structure of the land rights tracker would provide a comprehensive account of the status of non-agreed matters with affected persons.

The ExA recognises that the suggested land rights tracker is draft only and is not a statutory requirement. However, it is hoped that the applicant and affected persons will recognise that the purpose of the land rights tracker is to simplify the whole examination, recommendation and decision-making process. The ExA requests that all parties therefore positively engage with the process.

Should the applicant consider that the required information for the land rights tracker can be captured in a different and more efficient way or by using different software, it may wish to discuss this with the Case Manager and update the ExA at the PM. The ExA requests that the land rights tracker is submitted to the examination at the **pre-examination procedural deadline** (30 April 2025) and proposes a first update to be submitted at **deadline 2** with requests further updates as appropriate at each deadline. A final version must be submitted by **deadline 6**.

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

## 7. Request for suggested locations for an accompanied site inspection (ASI) and request to attend the ASI

The draft examination timetable at **annex D** to this letter includes dates reserved for an accompanied site inspection (ASI) during w/c 14 July 2025.

The ExA requests that interested parties submit suggested locations for the ExA to visit as part of an ASI by the **pre-examination procedural deadline** (30 April 2025). The request must include:

- sufficient information to identify the location

- the issues to be observed at the location
- information on whether the site can be accessed via public land
- 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 applicant is requested to prepare a draft itinerary for the ASI to be submitted by **deadline 1**. This should include:

- relevant locations referred to in the relevant representations received
- any other locations at which the applicant has predicted likely significant environmental effects
- the locations suggested by interested parties submitted by the **pre-examination procedural deadline**

Comments by interested parties on the applicant's draft itinerary must be submitted by **deadline 2**.

The ExA will consider each suggested site location, including those provided in the applicant's draft itinerary, to determine if it could be viewed from public land on an unaccompanied basis or if it is necessary to view it on an accompanied basis. The ExA will also consider if it would be appropriate to make arrangements for access only to be provided to specific sites such that they could be inspected as part of an unaccompanied site inspection on an access required basis.

The ExA will publish its final itinerary at least five working days before the date of the ASI.

## **8. Notification by statutory parties, or 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 have notified the Planning Inspectorate of their decision by **deadline 1** (4 June 2025).

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

## **9. Invitation to statutory nature conservation bodies to become other persons**

The ExA has made a procedural decision that, in order to facilitate their active involvement in the examination, the following statutory nature conservation bodies in Wales and Northern Ireland, and European Economic Area States who have sent positive transboundary responses should consider becoming other persons (OP):

- Natural Resources Wales (NRW)
- Department for Agriculture, Environment and Rural Affairs (DAERA)
- State of Ireland
- State of France
- State of the Netherlands

They should have decided whether they wish to be considered as an OP and have notified the Planning Inspectorate of their decision by **deadline 1** (4 June 2025).

## **10. Requests for a compulsory acquisition hearing**

Affected persons who wish to be heard at a compulsory acquisition hearing (CAH) should make their requests to the Inspectorate by **deadline 1** (4 June 2025) in the draft examination timetable set out at annex D. If the ExA receives one or more requests for a CAH from affected persons within the date specified, we will hold one or more hearings on the relevant dates in the examination timetable (annex D). The ExA may choose to hold a CAH even if it receives no requests. If the ExA decides to hold one or more CAH then it will give adequate notice to all parties, in line with rule 13 of The Infrastructure Planning (Examination Procedure) Rules 2010 (the EPR).

## **11. Requests for a further open floor hearing**

IPs who wish to be heard at an open floor hearing (OFH), should submit their request in writing to the Inspectorate by **deadline 1** (4 June 2025) in the draft examination timetable set out at annex D. If the ExA receives one or more requests for an OFH, we will hold a hearing on the relevant dates in the examination timetable, which will be confirmed by the ExA in its Rule 8 Letter confirming the timetable. The ExA may choose to hold one or more OFH even if it receives no requests. If the ExA decides to hold an OFH adequate notice to all parties will be provided in line with rule 13 of the EPR.

## **12. Deadline for the submission of responses to relevant representations**

Rule 3(2) of the EPR requires written comments on any RRs to be submitted either on the date of the preliminary meeting (PM), or a date specified in the rule 8 letter which follows as soon as practicable following the PM, whichever is the later. To comply, the ExA has requested responses to RRs and summaries for those that exceed 1,500 words by **deadline 1**. However, it would be very helpful to the ExA, for the PM and subsequent hearings, if

comments on the RRs could be submitted by the **pre-examination procedural deadline** (30 April 2025).

Comments on RRs should:

- specify the names of the parties making the representations and the relevant examination library reference in order to demonstrate that all RRs have been responded to
- where a detailed or tabular representation has been submitted, present responses in a comparable manner in order to ensure that all points are responded to in similar terms

### **13. Clarifications and requests for further information from applicant**

#### **Update on other jurisdiction consents**

The applicant has provided [\[APP-305\]](#) setting out other consents and agreements to November 2024. Noting that many of the consenting processing have been progressing in parallel to the application for development consent, the applicant is asked to provide an update to the other consents and agreements document by the **pre-examination procedural deadline**.

#### **Request for additional plans**

To help the ExA with its consideration of the application please provide the following additional plans:

- Before and after indicative sections of the converter site sections, providing more detailed information on AOD levels than is currently presented in the indicative converter site plan, section and engineering drawings [\[APP-010\]](#)
- Illustrative/indicative plans and diagrams of infrastructure and machinery required during the construction phase at landfall to enable consideration of landscape and visual impacts.
- A plan showing the areas for the construction compounds, labelled with the descriptions used in the ES chapters.

This information is to be submitted the **pre-examination procedural deadline**.

### **14. Closing statements**

The ExA invites the applicant and IPs to submit closing statements at **deadline 6** (28 October 2025). Closing statements should build upon the examination progress tracker/ final statement of commonality of SoCG. They should set out a concise record of the party's position prior to the close of the examination, specifically focusing on the areas where any disagreement may

remain. Closing statements should be brief and should not introduce any new evidence.

## **15. Additional submissions**

The ExA has exercised its discretion and made a procedural decision to accept the following additional submissions:

- The applicant's response to the Planning Inspectorate's section 51 advice. These documents are available in the [Examination Library](#) at AS-002 to AS-021.
- The defence infrastructure organisation's additional submission. This document is available in the [Examination Library](#) at AS-022.

Interested parties are asked to submit any comments they may have on any of these documents by **deadline 1**.

## 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 [Xlinks@planninginspectorate.gov.uk](mailto:Xlinks@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 made to the examination
- each procedural decision made by the ExA

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.**

## **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) beginning either 2002 or XLIN. 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 IP 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, for example 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 1,500 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 D** 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.