



# Planning Inspectorate

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Your Ref:

Our Ref: EN010164

Date: 15 May 2025

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Dear Sir / Madam,

## **The Infrastructure Planning (Examination Procedure) Rules 2010 – rule 17**

### **Planning Act 2008 (as amended) and The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 9**

#### **Application by XLinks 1 Limited for an order granting development consent for the XLinks Morocco-UK Power Project**

We are writing under rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010. Following correspondence with the applicant, the Examining Authority (ExA) made a procedural decision to cancel the preliminary meeting (PM) planned for 20 May 2025 [\[PD-005\]](#). This would have marked the start of the examination of the XLinks Morocco-UK Power Project. The open floor hearing and issue specific hearing planned for 20 May and 21 May are therefore also cancelled. In the light of this decision, the ExA has given consideration to how best to manage procedures and timescales to ensure that further delays are minimised and the examination can proceed as efficiently and fairly as possible.

#### **Request for further information**

The ExA notes that in their [letter of 14 May 2025](#) the applicant is seeking a pause to the pre-examination period, with reference primarily to ongoing discussions with the Department for Energy Security and Net Zero in relation to the project's Contract for Difference. Specifically, it is suggested that the nature of recent discussions may mean an amendment to the development consent order application as currently submitted. The applicant notes that the changes under consideration may involve amendments to the application documentation, and further consultation.

The applicant's attention is drawn to the information and guidance relating to the process and handling for [changes to an application after it has been accepted for examination](#). This sets out the fact that the applicant should notify the ExA of any proposed changes to an application at the earliest opportunity.

In particular, [Step 1](#) of the process for requesting changes to an application sets out the information to include in a change notification, including, but not limited to:

- A clear description of the proposed change, including any new works, altered works and ancillary matters.
- A statement setting out the reasons and need for making the change to the application with reference to the government's guidance on the examination stage, any relevant National Policy Statements, and any other important and relevant matters. This statement should include a robust justification for making the change.
- A statement establishing whether the proposed change involves changes to the order land.
- A statement establishing whether the proposed change to the application is expected to result in any new or different likely significant environmental effects.
- The timescale for the applicant's consultation about the proposed change, and the applicant's view on the scope of that consultation, including justification.

Following the submission of this information, [Step 2](#) sets out that, after considering the change notification, the ExA will provide advice to the applicant about the procedural implications of the proposed change. This includes the need, scale, and nature of consultation that the applicant should undertake before formally submitting the change application. The steps following this are set out as:

Step 3: the applicant consults about the proposed changes

Step 4: the applicant makes a formal request to the ExA to change the application

Step 5: the ExA decides whether to accept or reject the change application

Step 6: where the ExA accepts the change application, the examination will proceed by considering the 'changed application'.

In this case, the receipt of Step 1 information would enable the ExA to advise the applicant on the steps required to complete the necessary consultation. It would also assist in providing the ExA with greater clarity on how the examination can proceed in the most efficient and timely manner.

Ultimately, under Step 5, the ExA would need to give consideration to whether, following the proposed changes, the project would be substantially the same as the project which was initially applied for, or whether it would constitute a materially different project.

The applicant is therefore asked to submit information relating to Step 1 of the change request process no later than **5pm on Thursday 12 June 2025**.

## **Rescheduled PM**

The ExA notes that in their letter of 14 May 2025 the applicant has suggested that the pre-examination period could potentially be extended to November 2025 and beyond. On this point the applicant is referred to published guidance on pre-examination, which explains the requirements and expectations for this stage: [Planning Act 2008: Pre-examination stage for nationally significant infrastructure projects](#). Paragraph 005 sets out that overall maximum period for pre-examination of 5 months (3 months in the case of fast-track applications).

This is of importance as it provides certainty for all parties to the process.

Noting that the application was accepted for examination on 19 December 2024, the ExA's position is that the extension period sought by the applicant is unreasonable in terms of the delay to what is otherwise a clearly structured process. The ExA considers that the examination of the application must proceed within the next two months. Accordingly, in the interests of fairness to all parties, the ExA has made the procedural decision to postpone the PM until mid to late July 2025.

The ExA will issue a new Rule 6 letter, which will include a revised timetable and invitation to attend the rescheduled PM, at least 21 days before the rescheduled PM.

Yours faithfully

*Andrea Mageean*

**Lead member of the panel of Examining Inspectors**

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