



3/18 Eagle Wing  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

Customer  
Services: 0303 444 5000  
e-mail: [KnottingleyPower@infrastructure.gsi.gov.uk](mailto:KnottingleyPower@infrastructure.gsi.gov.uk)

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Your Ref:

Our Ref: EN010050

Date: 18 February 2014

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Dear Sir/Madam

**Planning Act 2008 (as amended) and the Infrastructure Planning  
(Examination Procedure) Rules 2010 (as amended) – Rule 6**

**Application by Knottingley Power Limited for an Order Granting Development  
Consent for the Knottingley Power Project**

**Notice of preliminary meeting and availability of relevant representations**

I write to you following my appointment by the Secretary of State as the Examining Authority for this application for a Development Consent Order (DCO).

This letter is an invitation to the Preliminary Meeting to discuss the examination procedure and contains a number of supporting annexes. I would like to thank those of you who submitted relevant representations. These representations have assisted me when preparing my proposals for how to examine this application.

**Date of meeting:** Thursday 13 March 2014

**Registration begins:** 9.30am

**Meeting begins:** 10.00am

**Venue:** Knottingley Town Hall, Weeland Road,  
Knottingley, WF11 9DG

**Access and parking:** Please note this venue does not have a car park. Off street parking is available nearby.

The purpose of the Preliminary Meeting is to enable views to be put to me about the way in which the application is to be examined. It is important to appreciate that this

meeting deals only with procedure, and not the merits of the application. The merits of the application will only be considered once the examination starts after the Preliminary Meeting has closed. Further information is given in Advice Note 8.4, which is available on the National Infrastructure pages of the Planning Portal website at:

<http://infrastructure.planningportal.gov.uk/legislation-and-advice/advice-notes/>

I wish to run a fair, efficient and effective meeting so that all relevant views can be heard. As such, I strongly encourage groups of individuals who have similar views on the procedure to choose one representative to speak for the group.

The agenda for the meeting is in Annex B. This has been set following my initial assessment of the principal issues arising on the application. That assessment is set out in Annex C. As a result of this assessment I wish to hear at the meeting from the applicant, interested parties, statutory parties and local authorities where they consider changes may be needed from the proposals set out in the draft timetable for examination of the application at Annex D.

### **Attending the Preliminary Meeting**

If you wish to attend the Preliminary Meeting please write, email or telephone the Planning Inspectorate, using the address and contact details set out at the front of this letter marking correspondence for the attention of Tracey Williams, Case Manager. We need to receive your confirmation by **23.59pm on Thursday 6 March 2013**. Please also refer to Annex A for administrative arrangements for this meeting.

It will help the management of the meeting and benefit everyone if you also:

- Tell us whether you wish to speak at the meeting and on which agenda items, listing points you wish to make; and
- Bring this letter with you as proof of your identity and unique reference number

Please note that you are **not** required to attend the Preliminary Meeting in order to participate in the examination. If you are an interested party you will still be able to make written representations and participate in any hearings that are arranged. Should you no longer wish to be an interested party and do not wish to be involved in the examination process, you can notify us of this in writing.

### **After the Preliminary Meeting**

Shortly after the end of the Preliminary Meeting you will be sent a letter setting out the timetable for the examination. The audio recording of the meeting will also be published on our website and accessed by following this link:

<http://infrastructure.planningportal.gov.uk/projects/yorkshire-and-the-humber/knottingley-power-project/>

The examination of the application will primarily be a consideration of written representations about the application, along with any oral representations made at the hearings. All relevant and important matters will be taken into account when I make a recommendation to the Secretary of State for the Department of Energy and Climate Change, who will make the final decision in this case.

## Award of costs

I also draw your attention to the possibility of the award of costs against interested parties who behave unreasonably. You should be aware of the relevant Department for Communities and Local Government costs guidance that applies to National Infrastructure projects. The "Awards of costs: examinations of applications for development consent orders" is available on the National Infrastructure pages of the Planning Portal website:

<http://infrastructure.planningportal.gov.uk/legislation-and-advice/guidance/>

I look forward to working with all parties in the examination of this application.

Yours faithfully

*Elizabeth Hill*

**Elizabeth Hill**  
**Examining Authority**

## Annexes

- A** Administrative arrangements for the Preliminary Meeting
- B** Agenda for the Preliminary Meeting
- C** Initial assessment of principal issues
- D** Draft timetable for examination of the application
- E** Availability of relevant representations and application documents
- F** Notice of appointment of Examining Authority
- G** Procedural decisions made by the Examining Authority

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.

## **Administrative arrangements for the Preliminary Meeting**

Priority will be given to the applicant and those registered as interested parties, statutory parties, local authorities and invited persons before seating is allocated to other members of the public. The Examining Authority may exercise its discretion to permit any person, in addition to those who are entitled to take part, to participate in the meeting.

**If you wish to make any submissions on matters not set out in the agenda**, please write to Tracey Williams, Case Manager, setting out the submissions that you wish to make by **Thursday 6 March 2014**. I will attempt to accommodate reasonable requests and will alter the agenda on opening the Preliminary Meeting if I consider this will assist the discussion of the procedure for the examination.

A note will be taken of the Preliminary Meeting. This will be published on our website and to view online at the locations listed in Annex E as soon as practicable after the meeting. Please note that an audio recording of the meeting will also be taken and made available on the website as soon as practicable after the meeting.

The Planning Inspectorate will send you a copy of the procedural decision as to how the application is to be examined as soon as practicable after the meeting.

## Agenda for the Preliminary Meeting

**Date:** Thursday 13 March 2014

**Meeting Start Time:** 10.00 am

**Venue:** Knottingley Town Hall, Weeland Road  
Knottingley WF11 9DG

9:30am	Registration
10:00am	Welcome and Introductions
10:45am	Examining Authority's (ExA's) remarks about the examination process
11:00am	Draft timetable for the examination – see Annex D
	<p>Deadlines for submission of:</p> <ul style="list-style-type: none"> <li>• All written representations</li> <li>• Local Impact Reports</li> <li>• Responses to ExA's written questions</li> <li>• Statements of Common Ground</li> <li>• Notifications relating to hearings</li> </ul>
11:45am	Break
12:00pm	<p>Hearings and accompanied site visit:</p> <ul style="list-style-type: none"> <li>• Date of accompanied site visit to application site and surrounding area</li> <li>• Date of issue specific hearing on Environmental Impacts</li> <li>• Date of issue specific hearing on Compulsory Acquisition</li> <li>• Dates reserved for Open Floor Hearing</li> <li>• Time period reserved for DCO hearing</li> <li>• Time period reserved for any other hearings identified by ExA</li> </ul>
13:00pm	Lunch
14:00pm	Continuation of discussion of hearings and accompanied site visit
14:30pm	Any other matters
14:45pm	Close of the Preliminary Meeting

**Please note:** The timings above are only indicative; please register and be available from the start and throughout the meeting. If the discussion takes less time than anticipated, the ExA will conclude the meeting as soon as all relevant contributions have been made. If there are any additional matters to be dealt with or submissions take a considerable amount of time, the meeting may run for longer and the order of items may change.

### **Initial assessment of principal issues**

This is the initial assessment of the principal issues arising from consideration by the Examining Authority (ExA) of the application documents and relevant representations received.

It is not a comprehensive or exclusive list of all relevant matters. The ExA will have regard to all important and relevant matters when it writes its recommendation to the Secretary of State after the examination has concluded.

The issues are in alphabetical order and should not be taken to imply an order of importance.

### **Air quality, including issues relating to:**

- the impact on air quality from both the construction and operational phases

### **Biodiversity and Habitats, including issues related to:**

- impacts on habitats and biodiversity, including fisheries
- mitigation measures

### **Compulsory Acquisition, including issues related to:**

- the requirement for the powers sought and the need to establish a compelling case in the public interest
- financial arrangements

### **Design, Landscape and Visual Impact, including issues related to:**

- the design concept and process
- landscape and visual impact
- landscaping and screening

### **Economic and Social impacts, including issues related to:**

- the impact on the local economy
- the impact on local regeneration
- the impact on gas/ energy prices

### **Environmental Impact Assessment, including issues related to:**

- the adequacy of the Environmental Statement
- cumulative effects

### **Flood risk, including issues related to:**

- impact of the proposed development on flood risk
- the flood resilience of the proposed buildings and infrastructure

### **Gas/water pipelines, including issues related to:**

- the effect of construction on flood risk and the integrity of flood defences

- water quality
- habitats and biodiversity
- agriculture
- land use and safety
- highways/rights of way

**Green Belt, including issues related to:**

- proposed pumping station
- engineering operations

**Health, including issues relating to:**

- compliance with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines

**Noise, dust and vibration, including issues relating to:**

- impacts during construction and operation

**Operational matters, including issues related to:**

- implications of differing operational scenarios
- Carbon Capture Storage and Carbon Capture readiness
- Potential use of Combined Heat and Power

**Soils and geology, including issues related to:**

- contaminated land
- risk from mining

**Traffic and Transport Issues, including issues related to:**

- traffic movement and routing
- potential use of the canal
- stopping up of Common Lane

**Water Quality and Resources, including issues relating to:**

- impact of construction of buildings and pipelines on water quality
- impact of operation on water resources and water quality

### Draft timetable for examination of the Knottingley Power Project

The Examining Authority's (ExA's) examination of the application takes the form of consideration of written representations about the application. The ExA will also consider any oral representations made at the hearings. The ExA is under a duty to **complete** the examination of the application by the end of the period of 6 months beginning with the day after the close of the Preliminary Meeting.

Item	Matters	Due dates
1	Preliminary Meeting	Thursday 13 March 2014
2	Issue by the ExA of: <ul style="list-style-type: none"> <li>• Examination timetable</li> <li>• First written questions and requests for Statements of Common Ground</li> </ul>	Thursday 20 March 2014
3	<b>Deadline 1</b>  Deadline for statutory parties to inform ExA of wish to be considered as an interested party	Thursday 27 March 2014
4	<b>Deadline 2</b>  Deadline for the receipt by the ExA of: <ul style="list-style-type: none"> <li>• comments on relevant representations already received</li> <li>• summaries of all relevant representations exceeding 1500 words</li> <li>• written representations by all interested parties</li> <li>• summaries of written representations exceeding 1500 words</li> <li>• responses to ExA's first written questions</li> <li>• Statements of Common Ground</li> <li>• Local Impact Reports from local authorities</li> <li>• notification by interested parties of wish to be heard at an open floor hearing</li> <li>• notification by interested parties of wish to make oral representations at any issue specific hearing, including compulsory acquisition, DCO and local environmental impact matters</li> <li>• notification by interested parties of wish to</li> </ul>	12pm Friday 11 April 2014

	attend any accompanied site visit and any representations to view at or near the site or the surrounding area	
5	<p>Notification by the ExA of date, time and place for:</p> <ul style="list-style-type: none"> <li>• compulsory acquisition hearing</li> <li>• local environmental impact matters hearing, likely to include: air quality, water resources, nature conservation, transport, landscape and visual impact, pipeline issues, planning policy, socio-economic impact and other local impacts</li> <li>• any accompanied site visit(s)</li> <li>• any other issue specific hearing(s)</li> <li>• any open floor hearing</li> <li>• any DCO hearing</li> </ul>	Thursday 17 April 2014
6	<p><b>Deadline 3</b></p> <p>Deadline for the receipt of:</p> <ul style="list-style-type: none"> <li>• comments on the written representations and responses to comments on relevant representations</li> <li>• comments on Statements of Common Ground</li> <li>• comments on Local Impact Reports</li> <li>• comments on responses to ExA's first written questions</li> </ul>	Tuesday 6 May 2014
7	Date reserved for any accompanied site visit	Tuesday 13 May 2014
8	Date reserved for environmental impacts hearing (see above)	Wednesday 14 May 2014
9	Date reserved for compulsory acquisition hearing and evening open floor hearing	Thursday 15 May 2014
10	<p><b>Deadline 4</b></p> <p>Deadline for the receipt of:</p> <ul style="list-style-type: none"> <li>• written summary of the oral case put at the environmental impacts hearing, CA and open floor hearing</li> <li>• and any documents/amendments requested</li> </ul>	12pm Friday 23 May 2014

	<p>by the ExA including</p> <ul style="list-style-type: none"> <li>• any revised DCO</li> </ul>	
11	<p>Issue of:</p> <ul style="list-style-type: none"> <li>• ExA's second round of written questions and any further request for Statements of Common Ground</li> </ul>	Wednesday 28 May 2014
12	<p><b>Deadline 5</b></p> <p>Deadline for the receipt of:</p> <ul style="list-style-type: none"> <li>• responses to the ExA's second round of questions and any further statements of common ground</li> <li>• comments on written summaries of cases put at DCO/any other issue specific hearings</li> <li>• comments on any submitted revised DCO</li> </ul>	12pm Friday 20 June 2014
13	<p>Notification by ExA of the time, date and place for:</p> <ul style="list-style-type: none"> <li>• any other hearings deemed necessary by the ExA</li> </ul>	Monday 23 June 2014
14	<p><b>Deadline 6</b></p> <p>Deadline for the receipt of:</p> <ul style="list-style-type: none"> <li>• comments on the responses to the ExA's second round of questions and any further statements of common ground</li> <li>• and any documents/amendments requested by the ExA</li> </ul>	12pm Friday 11 July 2014
15	Date reserved for DCO hearing	Wednesday 16 July 2014
16	Date reserved for any other hearings identified by the ExA	Wednesday 17 July 2014
17	<p><b>Deadline 7</b></p> <p>Deadline for the receipt of:</p> <ul style="list-style-type: none"> <li>• written summaries of cases put orally at any DCO/or other issue specific hearing</li> <li>• and any documents/amendments requested by the ExA</li> </ul>	Thursday 24 July 2014

	<ul style="list-style-type: none"> <li>• final revised DCO</li> </ul>	
18	<p><b>Deadline 8</b></p> <p>Deadline for the receipt of:</p> <ul style="list-style-type: none"> <li>• comments on the written summaries of cases put orally at DCO/ issue specific hearing</li> <li>• comments on any proposed amendments to the draft DCO</li> <li>• comments on final revised DCO</li> </ul>	12pm Friday 15 August 2014
19	Final date by which the examination must be completed	On or before Thursday 13 September 2014

## Availability of Relevant Representations and Application Documents

All documents are available on the National Infrastructure pages of the Planning Portal website:

<http://infrastructure.planningportal.gov.uk/knottingley>

Free internet access to view documents online is available at the following venues:

### Selby Library

52 Micklegate  
Selby  
YO8 4EQ

Opening times:

Monday - 9.30am - 7.30pm

Tuesday - 9.30am - 5.30pm

Wednesday - 9.30am - 5.30pm

Thursday - 9.30am - 12.30pm

Friday - 9.30am - 5.30pm

Saturday - 9.30am - 12.30pm

Sunday – closed

Copying charges: A4 Black & White – 10p, A4 Colour – 50p, A3 Black & White – 25p

### Pontefract Library

Shoemarket  
Pontefract  
WF8 1BD

Opening times:

Monday - 9.30am - 7pm

Tuesday - 9.30am - 7pm

Wednesday - 9.30am - 7pm

Thursday - Closed

Friday - 9.30am - 7pm

Saturday - 9am - 4pm

Sunday – Closed

Copying charges: A4 Black & White – 20p, A4 Colour – 40p

## **Knottingley Library**

Knottingley Sports Centre  
Hill Top  
Pontefract Road  
Knottingley  
WF11 8EE

### Opening times:

Monday - 2pm - 7pm

Tuesday - 9am - 7pm

Wednesday - 9am - 7pm

Thursday - 9am - 1pm

Friday - 9am - 7pm

Saturday - 9am - 1:30pm

Sunday - Closed

Copying charges: A4 Black & White – 20p, A4 Colour – 40p

**Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 4**

**Application by Knottingley Power Limited for an Order Granting Development Consent for the Knottingley Power Project (edit if required)**

**Notice of appointment of Examining Authority**

On 3 February 2014 a single examining inspector was appointed to hold the examination of the above application under Section 61 of the Planning Act 2008 (as amended).

The single examining inspector is:

- Elizabeth Hill

*Pauleen Lane*

**Dr Pauleen Lane CBE FICE MBA  
Group Manager, National Infrastructure  
On behalf of the Secretary of State**

## **Procedural decisions made by the Examining Authority (ExA)**

The ExA has made the following procedural decisions under Section 89(3) of the Planning Act 2008:

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

In relation to some of the principal issues identified in Annex C, the ExA would be assisted by the preparation of SoCGs between the applicant and certain interested parties. The draft timetable for the examination therefore provides a deadline 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. The reasons for the differences and interpretation of the implications of a difference can then be expanded on in the evidence. 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.

SoCGs are requested to be prepared by:

**A. The applicant and Wakefield Council** to include:

- planning policy
- regeneration
- highways/transport
- air quality
- landscape and visual impact
- noise and disturbance
- waste
- heritage

**B. The applicant and Selby DC** to include:

C.

- planning policy, including Green Belt
- landscape and visual impact
- air quality
- other local impacts

**D. The applicant and North Yorkshire CC** to include:

- planning policy
- highways/transport
- waste

- E. **The applicant and the Environment Agency** to include:
- air quality
  - nature conservation, including fisheries, great water parsnip and water voles
  - water quality, including temperature, silt and chemical composition
  - water quantity, including alternative sources
  - environmental permit
  - Combined Heat and Power
  - Carbon Capture
- F. **The applicant and Yorkshire Wildlife Trust** to include:
- impact on locally managed wildlife sites, including hydrological impact on Willow Garth
  - impact of loss of wet ditch on main site
  - any necessary mitigation
  - incorporation of wildlife opportunities in the proposal
- G. **The applicant and Natural England** to include:
- impacts on European sites and SSSIs
  - impacts on protected species
- H. **The applicant and the Canals and Rivers Trust** to include:
- water resources, including alternatives
  - water quality
  - wildlife
  - landscape and visual impact
- I. **The applicant and NGET & NGG** to include:
- impact on existing apparatus
  - any connection issues

The ExA's advice is that the SoCGs should cover the following topics where relevant:

- methodology for environmental impact assessment including assessment of cumulative effects
- data collection methods
- baseline data
- data/statistical analysis, approach to modelling and presentation of results (including forecast methodologies)

- full expression of expert judgements and assumptions
- identification and sensitivity of relevant features and quantification of potential impact
- likely effects (direct and indirect) on special interest features of sites designated or notified for any nature conservation purpose
- feasible and deliverable mitigation and method for securing such mitigation within the DCO