



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

Customer
Services: 0303 444 5000
e-mail: MillbrookPower@pins.gsi.gov.uk

To Interested Parties, Statutory Parties
and Other Persons

Your Ref:

Our Ref: EN010068

Date: 20 March 2018

Dear Sir/ Madam

The Planning Act 2008 – Section 89, and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 8 (as amended)

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

Examination Timetable and Procedure

This letter provides you with the Examination Timetable, details of the publication of the Examining Authority's (ExA) Written Questions and other important information about the Examination.

All documentation associated with this project, including a note of the Preliminary Meeting and the audio recording taken at that meeting can be found using this link:

<https://infrastructure.planninginspectorate.gov.uk/projects/Eastern/Millbrook-Power/>

The Examination Timetable

I have made a Procedural Decision about the way the application will be examined. I have now issued a final Examination Timetable, which is attached at **Annex A** of this letter. The Examination Timetable replaces the draft timetable that was included in the Rule 6 letter dated the 12 February 2018¹.

In finalising the Examination Timetable, I have sought to accommodate requests and suggestions made at the Preliminary Meeting held on **Tuesday 13 March 2018** at the Forest Centre, Marston Moretaine, Bedfordshire. The changes to the Examination Timetable and other Procedural Decisions are explained in **Annex B** of this letter.

¹ Your invitation to the Preliminary Meeting

Please note that the Examination Timetable contains a number of deadlines for receipt of information by the Planning Inspectorate. All deadlines are at **23.59** on the date specified. Please ensure submissions arrive by the deadline. If you do not make your submissions by the dates specified in the timetable, I may disregard them.

I request that Interested Parties send, where practicable, electronic copies of their submission as email attachments to MillbrookPower@pins.gsi.gov.uk on or before the applicable deadline. Electronic attachments should be clearly labelled with the subject title and not exceed 12MB for each email. Providing links to websites where your submissions can be viewed is not acceptable. All documents submissions must be made in a format that can be viewed in full on the Planning Inspectorate's website.

Should electronic submissions include documents of 300 pages or more, Interested Parties are advised to send 2 additional full paper copies of their submission by post to the address at the top of this letter'

If I consider it necessary to vary the Examination Timetable during the Examination, notification will only be sent to Interested Parties, Statutory Parties and Other Persons invited to the Preliminary Meeting². The changes will also be published on the Millbrook Power project page of the Planning Inspectorate's website.

Procedural Decisions

Annex B of this letter contains important details and clarifications about my other Procedural Decisions made at, or following, the Preliminary Meeting. These include:

- **Statements of Common Ground;**
- **Local Impact Reports;**
- **Further Additional Submissions received from parties other than the Applicant prior to the Preliminary Meeting;**
- **Changes to the Examination Timetable**

Written Representations

All Interested Parties are now invited to submit Written Representations and any comments on the Relevant Representations already submitted. These should be submitted by **Deadline 2, Tuesday 17 April 2018** in the Examination Timetable (**Annex A**).

Written Representations can cover any relevant matter and are not restricted to the matters set out in my Initial Assessment of Principal Issues discussed at the Preliminary Meeting and included in my letter dated 12 February 2018³. Nor are they restricted to the content of my Written Questions.

Any person, other than the Applicant, who submits a Written Representation must identify those parts of the application with which they agree and those parts with which they do not agree, explaining the reasons why⁴. Interested Parties should also

² Other Persons are persons that I chose to invite to the Preliminary Meeting in addition to the prescribed persons listed in section 88(3) of the Planning Act 2008

³ [Rule 6 letter](#)

⁴ Required under Rule 10(4) of The Infrastructure Planning (Examination Procedure) Rules 2010

provide with their Written Representations "the data, methodology and assumptions used to support their submissions"⁵.

Any Written Representations, and any further written submissions requested by the ExA in the course of the Examination, which exceed 1500 words should also be accompanied by a summary which should not exceed 10% of the original text. The summary should set out the key facts of the written submission and must be representative of the submission made.

ExA's Written Questions

I have compiled written questions about the application and the representations received so far. These questions are published on the Millbrook Power project page of the National Infrastructure Planning website and can be accessed through the following link:

<https://infrastructure.planninginspectorate.gov.uk/projects/Eastern/Millbrook-Power/>

Answers to my Written Questions (WQs) must be provided by **Deadline 2, Tuesday 17 April 2018** in the Examination Timetable (**Annex A**).

The Examination Timetable provides that I may issue a second round of Written Questions (SWQ) if I consider this to be necessary. However, as discussed at the Preliminary Meeting, I may decide not to issue these questions if the information that I need has been or can be provided by the other written procedures and by oral hearings provided for in the Examination Timetable.

If you require a hard copy of my WQs, please contact the Case Team using the contact details at the top of this letter.

Statements of Common Ground (SoCG) and Local Impact Reports (LIR)

In my Rule 6 letter of 12 February 2018, I requested SoCGs. I now formally invite the submission of completed SoCGs by **Deadline 2, Tuesday 17 April 2018** as listed in the Examination Timetable (Annex A).

Local Authorities defined in s56A of the Planning Act 2008 (PA 2008) are also invited to submit LIRs by **Deadline 2, Tuesday 17 April 2018**.

Notification of a wish to attend a hearing

I now request notifications by **Deadline 1, Tuesday 27 March 2018** of:

- (a) any Interested Party who wishes to speak at the **Issue Specific Hearing (ISH)** on Environmental Matters, to be held on Wednesday 2 May 2018.
- (b) any Affected Persons who wishes to speak at a **Compulsory Acquisition**

⁵ <https://www.gov.uk/government/publications/planning-act-2008-examination-of-applications-for-development-consent>

Hearing (CAH);

- (c) any Interested Party who wishes to speak at an **Open Floor Hearing (OFH)**;
- (d) any Interested Party who wishes to attend the **Accompanied Site Inspection (ASI)** to inspect the locality of the scheme.

Interested parties who wish to speak at a forthcoming ISH, CAH, OFH or ASI should notify Tracey Williams (Case Manager) using the contact details at the top of this letter by **Deadline 1, Tuesday 27 March 2018**.

It would greatly assist in the organisation of the hearings if you inform us if you plan to attend all the hearings or a specific hearing, even if you do not wish to speak. It would also assist us if you could notify us of any special needs you may have (for example disabled access or a hearing loop).

If an Interested Party wishes to make an oral representation at an Open Floor or Issue Specific Hearing they should indicate which topics they wish to address at the hearing. Similarly, any affected person wishing to make an oral representation at a Compulsory Acquisition hearing should identify clearly the plots of land about which they wish to speak.

If no written requests to take part in an OFH or CAH are received by the above deadline, I am not required to hold such a hearing; although I may choose to do so nonetheless.

I aim to publish a detailed draft Agenda for each hearing on the project page of our website at least five working days before the hearing is due to take place. The actual agenda on the day of each hearing may be subject to change at the discretion of the ExA.

I will formally notify all Interested Parties of future hearings scheduled as part of the Examination (**Annex A**) at least 21 days in advance of them taking place. That notification will include an additional deadline for Interested Parties to inform the Planning Inspectorate if they wish to attend the notified hearing(s). If those Hearings are not required I will publish a banner on the Millbrook project page.

Procedure at hearings and notification of wish to speak at hearings

The procedure to be followed at hearings is set out in Rule 14 of the Examination Procedure Rules (EPR). Any oral representations must be based on either the Relevant or Written Representations made by the person by whom or on whose behalf the oral representations are made. I shall be responsible for the oral questioning of a person giving evidence but your attention is drawn to Rule 14(5) of the EPR and the circumstances that apply to cross-questioning between parties.

The Examination will be principally undertaken through written procedures. Whilst I am required to hold Open Floor and Compulsory Acquisition Hearings in certain circumstances, the decision to hold and the subject matters for Issue Specific Hearings are for us to decide.

My decisions about hearings are not connected to how relevant or important I

consider an issue or topic to be. I take these decisions balancing a wide range of factors, including the stage that the Examination has reached, progress in clarifying matters through written procedures and the degree to which further written procedures might be avoided or reduced or matters better clarified by holding a hearing.

Accompanied Site Inspection

An Accompanied Site Inspection (ASI) has been scheduled for **Wednesday 2 May 2018 (Annex A)**. Any requests from Interested Parties for me to inspect particular locations or features must be received by **Deadline 1, Tuesday 27 March 2018**. You must justify the reason for the nomination. Please be aware that I cannot carry out unaccompanied inspections on private land or where special measures with regards to safety must be followed.

It may be necessary to limit the numbers of persons who accompany me for logistical and safety reasons, but it should be possible for arrangements to be made for Interested Parties (or their representatives) to join the inspection at specified locations within the itinerary. Please contact the Case Team if you wish to meet the inspection at a specific location within the itinerary, or at a new location, as proposed in your comments.

The final itinerary for the ASI will be published on the Millbrook Project page of the National Infrastructure Planning website at least 5 working days before the inspection.

Please note that the ASI is not an opportunity to make any oral representations on the proposal. However, I may invite participants to indicate specific features or sites of interest.

Availability of Application Documents and Representations submitted to the Examination

Annex C of this letter provides details of locations in the vicinity of the Proposed Development at which all Examination documents can be viewed electronically, free of charge.

Advice to Interested Parties about how to access and navigate the Examination Library is also provided at **Annex C**.

All documentation and audio recordings associated with the examination of this application, including a note of the Preliminary Meeting and the audio recording taken at that meeting, can be found using this link to the Millbrook Power Project page of the National Infrastructure Planning Website:

[Millbrook Power Project - Documents](#)

Your status in the Examination and future notifications

This letter has been sent to you because you (or the body you represent) fall within one of the categories in s88(3) of the Planning Act 2008 (PA2008).

If you have made a Relevant Representation, have a legal interest in the land affected

by the application or are a relevant local authority (reference numbers beginning with 2001, MILL-AFP and MILL-S57), you have a formal status as an Interested Party in the Examination.

Interested Parties will receive notifications from the Planning Inspectorate about the Examination throughout the process and may make written and oral submissions regarding the application.

If you are a Statutory Party (i.e. body specified in the relevant Regulations supporting the PA2008) but have not made a Relevant Representation (reference number beginning with MILL-SP) you will not automatically be an Interested Party. However, you may notify the Planning Inspectorate that you wish to be treated as an Interested Party at any point during the Examination.

Statutory Parties who have not made a Relevant Representation and do not notify us of their wish to become an Interested Party **will not** receive any further correspondence in relation to the examination of this application.

If you are not an Interested Party or a Statutory Party (i.e. body specified in the relevant regulations supporting the PA2008), you have received this letter because you were invited to the Preliminary Meeting as an Other Person⁶ because it appeared to me that the Examination could be informed by your participation in the Examination. Other Persons have a reference number beginning with MILL-OP.

If you are not sure whether you are an Interested Party, please contact the Case Team using the details at the top of this letter. Information regarding the formal status of Interested Parties and how you can get involved in the process is set out in the Planning Inspectorate's Advice Note 8 series, available here:

<http://bit.ly/1zdsVW5>.

Award of costs

You should be aware of the possibility of the award of costs against parties who behave unreasonably.

To assist understanding of what 'unreasonable behaviour' means in the context of an examination under the PA2008, you may find it helpful to read the Government Guidance: Awards of Costs: Examinations of Applications for Development Consent Orders (July 2013)⁷. It is in everyone's interest that information is brought forward as early as possible in the examination process so you are encouraged to do so.

Management of information

The Planning Inspectorate has a commitment to information transparency. Therefore, all information submitted for this project (if accepted by the EXA) and any record of advice which has been provided, is published on the Millbrook Power Project page of the National Infrastructure Planning Website:

⁶ See footnote 2 on page 2 of this letter

⁷ <https://www.gov.uk/government/publications/awards-of-costs-examinations-of-applications-for-development-consent-orders>

[Millbrook Power Project](#)

The privacy of any other personal information has been protected in accordance with the Planning Inspectorate's Information Charter.

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

Yours faithfully

Jonathan Green

Jonathan Green
Examining Inspector

Annexes

- A** Examination Timetable
- B** Procedural Decisions made by the Examining Authority
- C** Availability of Examination Documents

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 National Infrastructure Planning 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.

Timetable for Examination of the Millbrook Power Project Application

Item	Matters	Due Dates
1	Preliminary Meeting	10:00am Tuesday 13 March 2018
2	Issue Specific Hearing on draft Development Consent Order (dDCO)	2:00pm Tuesday 13 March 2018
3	Issue by the Examining Authority (ExA) of: <ul style="list-style-type: none"> • Examination Timetable; • The ExA's Written Questions 	Tuesday 20 March 2018
4	Deadline 1 Deadline for the receipt of: <ul style="list-style-type: none"> • Notification of wish to speak at a Compulsory Acquisition Hearing • Notification of wish to speak at an Issue Specific Hearing • Notification of wish to speak at an Open Floor Hearing • Notification of wish to attend an Accompanied Site Inspection (ASI), suggested locations and justifications • Notification by statutory parties of wish to be considered as an Interested Party • Notification of wish to have future correspondence electronically 	Tuesday 27 March 2018
5	Time reserved for issue by ExA: <ul style="list-style-type: none"> • Any notification of hearings 	Tuesday 3 April 2018

6	<p>Deadline 2</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Comments on Relevant Representations (RRs) • Written Representations (WRs) • Summaries of all WRs exceeding 1500 words • Local Impact Reports (LIR) from any local authorities • Statements of Common Ground(s) (SoCGs) requested by the ExA • Responses to the ExA's Written Questions • Post hearing submissions including written submissions of oral case 	Tuesday 17 April 2018
7	Issue Specific Hearing on Environmental Matters	Tuesday 1 May 2018
8	Open Floor Hearing (if requested)	Tuesday 1 May 2018 (Evening)
9	Accompanied Site Inspection	Wednesday 2 May 2018
10	Issue Specific Hearing on the draft Development Consent Order	Thursday 3 May 2018 (Morning)
11	Compulsory Acquisition Hearing (if required)	Thursday 3 May 2018 (Afternoon)

12	<p>Deadline 3</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on WRs and responses to comments on RRs • Comments on LIRs • Comments on responses to the ExA's First Written Questions • Revised draft DCO from Applicant • Post hearing submissions including written submissions of oral case • Responses to any further information requested by the ExA 	<p>Thursday 17 May 2018</p>
13	<p>Publication by ExA of:</p> <ul style="list-style-type: none"> • The ExA's Further Written Questions (if required) 	<p>Thursday 31 May 2018</p>
14	<p>Date reserved for issue by ExA of:</p> <ul style="list-style-type: none"> • Any notification of hearings (if required) 	<p>Tuesday 5 June 2018</p>
15	<p>Deadline 4</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Responses to the ExA's Further Written Questions (if required) • Comments on Applicant's revised draft DCO (if required) • Comments on Post hearing submissions including written submissions of oral case 	<p>Thursday 14 June 2018</p>
16	<p>Dates reserved for Issue Specific and any other Hearings (if required)</p>	<p>Wednesday 4 July 2018 and Thursday 5 July 2018</p>
17	<p>Deadline 5</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Comments on responses to the ExA's Further 	<p>Wednesday 11 July 2018</p>

	<p>Written Questions (if required)</p> <ul style="list-style-type: none"> • Applicant's revised draft DCO • Responses to further information requested by the ExA • Post hearing submissions including written submissions of oral case 	
18	<p>Deadline 6</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Comments on the draft DCO (if required) 	Tuesday 31 July 2018
19	<p>Time reserved for issue by the ExA of:</p> <ul style="list-style-type: none"> • Any further information requests under Rule 17 (if required) 	Thursday 9 August 2018
20	<p>Deadline 7</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Responses to comments on the draft DCO (if required) • Responses to further information requested by the ExA • Final draft DCO to be submitted by the Applicant in the statutory instrument (SI) template with the SI template validation report 	Thursday 23 August 2018
21	<p>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.</p>	Thursday 13 September 2018

Publication Dates

All information received will be published on the project website as soon as practicable after the deadline for submissions. The Examination Library will be kept up to date throughout the Examination and can be accessed via the project page. Each document will be afforded a unique reference. These references will be used by the ExA during the Examination.

<https://infrastructure.planninginspectorate.gov.uk/projects/Eastern/Millbrook-Power/>

Hearing Agendas

Please note that I aim to publish a detailed draft agenda for each hearing on the project website at least five working days in advance of the hearing date; but the actual agenda on the day of each hearing may be subject to change at the discretion of the ExA.

Procedural Decisions made by the Examining Authority (ExA)

I have made the following Procedural Decisions under Section 89(3) of the Planning Act (as amended)(PA 2008):

1. The Examination Timetable

At the Preliminary Hearing I announced that I would consider amending the draft Examination Timetable in the light of the request from the Applicant and the availability of the Forest Centre for future Hearings. The final Examination Timetable can be found in Annex A of this letter. I have made the following changes to the timetable;

- The Issue Specific Hearing on Environmental Matters will now take place on Tuesday 1 May 2018;
- The Open Floor Hearing, if requested, will take place on Tuesday 1 May (evening);
- The Accompanied Site Inspection will take place on Wednesday 2 May 2018;
- Further Issue Specific and other Hearings, if required, will take place on Wednesday 4 July 2018 and Thursday 5 July 2018;
- Deadline 3 is now a week later on Thursday 17 May 2018;
- The ExA further Written Questions, if required will be published on Thursday 31 May 2018, and
- As I will not be issuing a Report on the Implications for European Sites (REIS), the date for issuing this and the deadline for submission of comments on it has been removed.

2. Statements of Common Ground (SoCG)

The ExA would be assisted by the preparation of SoCGs between the Applicant and certain Interested Parties. The timetable for the Examination therefore provides a deadline for submission of SoCGs. This is **Tuesday 17 April 2018**.

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 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.

The Applicant is requested to prepare SOCGs with Central Bedfordshire Council and Bedford Borough Council covering issues raised in the Environmental Statement and the draft DCO and with Covanta Rookery South Limited on issues raised by the potential overlap between the Millbrook and Covanta projects and their treatment in the draft DCO.

3. Local Impact Reports (LIR)

Bedford Borough Council and Central Bedfordshire Council are invited to submit their Local Impact Reports by **Tuesday 17 April 2018**.

4. Additional Submission received from parties other than the Applicant prior to the Preliminary Meeting

The ExA has made a Procedural Decision to accept the following submissions as Additional Submissions.

- Submission by Covanta Rookery South Limited dated 7 March 2018 [AS-009]
- Submission by Covanta Rookery South Limited dated 9 March 2018 [AS-008]

These submissions have been published on the Millbrook project page of our website.

Availability of Examination Documents

All application documents including Relevant Representations and application documents are available on the Millbrook project pages of the National Infrastructure Planning website:

[Millbrook Power Project](#)

For ease of navigation, please refer to the Examination Library (EL) which is accessible via a blue button under the 'Documents' tab. The EL is updated regularly throughout the Examination.

Each document is provided with a unique reference which will be fixed for the duration of the Examination. Please use the unique reference numbers applied in the EL when referring to any Examination documents in representations that you make.

Documents can be viewed electronically at the following locations. Please note that you may need to bring a form of ID to use the computer at these locations.

Electronic Deposit Locations:

Bedford Central Library		Opening Hours
Harpur Street Bedford MK40 1PG 1 hour free computer access with library membership, £1.30 per half hour after this, 65p for OAPs and concessions (For library members only using library card number and PIN)		Monday to Saturday - 9:00am - 6:00pm Sunday - 10:00am – 4:00pm
Printing Costs	Black and White	Colour
A4	15p	70p
A3	30p	£1.50

Annex C

Amphill Library		Opening Hours
1 Dunstable Street Amphill MK45 2NL 2 hours free computer access, £1.00 per half hour after this (For library members only using library card number and PIN)		Monday – Closed Tuesday – 9:00am-1:00pm Wednesday – 2:00pm-6:00pm Thursday – 9:00am-1:00pm Friday- 9:00am-1:00pm 2:00pm-6:00pm Saturday – 9:00am-4:00pm Sunday – Closed
Printing Costs	Black and White	Colour
A4	10p	£1.00
A3	15p	£1.50

Shefford Library		Opening Hours
1 High Street Shefford SG17 5DD 2 hours free computer access, £1.00 per half hour after this (For library members only using library card number and PIN)		Monday – Closed Tuesday to Friday - 9:00am – 6:00pm Saturday - 9:00am – 4:00pm Sunday – Closed
Printing Costs	Black and White	Colour
A4	10p	£1.00
A3	15P	£1.50

If you have difficulty accessing any documentation please contact the Planning Inspectorate's case team using the details provided at the top of this letter.