



National Infrastructure Planning
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2 The Square
Bristol, BS1 6PN

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

Your Ref:

Our Ref: EN010081

Date: 30 August 2017

Dear Sir/Madam

**Planning Act 2008 (as amended) – Section 88 and the Infrastructure
Planning (Examination Procedure) Rules 2010 (as amended) – Rule 6**

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

Appointment of the Examining Authority

I write to you following my appointment by the Secretary of State as the Examining Authority (ExA) to carry out an Examination of the above application by Applicant. A copy of the appointment letter can be viewed at:

<https://infrastructure.planninginspectorate.gov.uk/document/EN010081-000771>

Invitation to the Preliminary Meeting

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 regarding how to examine this application.

Date of meeting: **Wednesday 27 September 2017**

Seating available from: **9.30am**

Meeting begins: **10.30am**

Venue: **Knottingley Town Hall, Hilltop, Headlands Ln,
Knottingley WF11 9DG**

Access and parking: **Full disable access. There is both long and short
stay car parks and off street parking available**

nearby.

Purpose of the Preliminary Meeting

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. At this stage, the ExA is looking at the procedure, and not the merits of the application. The merits of the application will only be considered once the Examination starts, which is after the Preliminary Meeting has closed.

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 A**. This has been set following my initial assessment of the Principal Issues arising on the application. That assessment is set out in **Annex B**. 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 to the draft timetable set out in **Annex C**.

Up to date information about the project and the Examination can be obtained from:

<https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/eggborough-ccgt/?ipcsection=overview>

This is the project website address from which I will make copies of all future communications and Examination documents available to the public. You can use this page to track progress of the examination and access all relevant documents and correspondence from the links it contains. As the examination process makes substantial use of electronic documents, it will be useful to become familiar with this resource.

If you wish to receive an email notification when relevant documents and correspondence are published you can register on the project website to do so.

Attendance at the Preliminary Meeting

If you wish to attend the Preliminary Meeting contact Kay Sully, Case Manager using the details set out at the top of this letter. Please confirm this by **Wednesday 20 September 2017**.

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
- Notify us of any special requirements you may have (eg disabled access, hearing loop etc).

The Preliminary Meeting provides a useful introduction to the Examination process. I will use it to make procedural decisions that will affect everyone participating in the Examination. The meeting provides you with an opportunity to have your say about procedural issues before these decisions are finalised. If you intend to play an active

part in the Examination or you have questions about procedure it is useful to attend the meeting. However, 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 the Case Manager of this in writing.

After the Preliminary Meeting

After the Preliminary Meeting you will be sent a letter setting out the timetable for the Examination. An audio recording and a note of the meeting will also be published on the project page of the National Infrastructure Planning website.

Interested Parties have the right to request an Open Floor Hearing and those persons affected by any request for Compulsory Acquisition or temporary possession of their land or rights may request a Compulsory Acquisition Hearing. Any other Issue Specific Hearings are at the discretion of the ExA and will be arranged if I feel that consideration of oral representations would ensure an issue is adequately considered. My Examination will comprise of Written Representations about the proposal and any oral representations made at the hearings, in addition to consideration of the application documents, policy and legal positions, site inspections and any other matters I consider to be relevant and important.

All relevant and important matters will be taken into account when I make a recommendation to the Secretary of State for the Department for Business, Energy & Industrial Strategy, who will take the final decision in this case.

Procedural decisions made by the ExA under ss89(3) and 93(1) of the Planning Act 2008

I have made some preliminary procedural decisions. These include requests for Statements of Common Ground. These procedural decisions are all set out in full at **Annex E**.

Your status in the Examination

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 host local authority (reference numbers beginning with 2001 or EGGB-AFP), 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 prescribed consultee (ie body specified in the relevant regulations supporting the PA2008) but have not made a relevant representation (reference

number beginning with EGGB-SP) you will not automatically be an Interested Party. However, following the Preliminary Meeting, you will have a further opportunity to notify the Planning Inspectorate that you wish to be treated as an Interested Party.

If you are not an Interested Party or a prescribed consultee (ie body specified in the relevant regulations supporting the PA2008), you have received this letter because I wish to invite you to the Preliminary Meeting as an 'other person' because it appeared to me/us that the Examination could be informed by your participation. 'other persons' have a reference number beginning with EGGB-OP

If you are not sure whether you are an Interested Party, please contact the Case Manager 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 Advice Note 8 Series on the National Infrastructure Planning website: <http://bit.ly/1zdsVW5>.

Award of costs

We 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 cost guidance "Awards of costs; examinations of applications for development consent orders" which applies to National Infrastructure projects. This guidance is available at: <http://bit.ly/1ODUUFi>

Management of Information

The Planning Inspectorate has a commitment to transparency. Therefore, all information submitted for this Project (if accepted) and any record of advice which has been provided, is published at:

<https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/eggborough-ccgt/?ipcsection=overview>

All examination documents can also be viewed electronically at the locations listed in **Annex D**.

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

Richard Allen

Examining Authority

Annexes

- A** Agenda for the Preliminary Meeting
- B** Initial assessment of Principal Issues
- C** Draft timetable for examination of the application
- D** Availability of Examination documents

E 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 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.

Agenda for the Preliminary Meeting

Date:	Wednesday 27 September 2017
Registration open from:	09:30
Meeting Start Time:	10:30
Venue:	Knottingley Town Hall, Hilltop, Headlands Ln, Knottingley WF11 9DG

09.30am	Registration opens
Item 1 (10.30am)	Welcome and Introductions
Item 2	Examining Authority's (ExA's) remarks about the examination process
Item 3	Initial Assessment of Principal Issues – see Annex B
Item 4	Draft Timetable for the examination – see Annex C
	Deadlines for submission of: <ul style="list-style-type: none"> • Written Representations • Local Impact Reports • Responses to ExA's Written Questions • Statements of Common Ground • Notifications relating to hearings
	Hearings and Accompanied Site Inspection (ASI): <ul style="list-style-type: none"> • Date of ASI to application site and surrounding area • Date of Issue Specific Hearing on draft Development Consent Order • Dates reserved for Open Floor Hearing(s) • Time period reserved for Issue Specific Hearings • Time period reserved for Compulsory Acquisition Hearing
Item 5	Procedural matters, including any remaining submissions not set out in the agenda that have been submitted to the Planning Inspectorate in advance of the Preliminary Meeting or by Wednesday 20 September 2017
Item 6	Any other matters
	Close of the Preliminary Meeting

Please note: Please register and be available from the start and throughout the meeting. The agenda is subject to change at the discretion of the ExA. 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 ExA may change the order of the agenda items and may introduce breaks in the proceedings.

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; regard will be had to all important and relevant matters in reaching a recommendation after the Examination is concluded. The identified principal issues are listed in alphabetical order and should not be taken to imply an order of importance.

The policy and consenting requirements and documents associated with the Planning Act 2008 (PA2008) are an integral part of the Examination and are therefore not set out as separate principal issues. In addition, it should be noted that a number of these principal issues set out below have an interrelationship and overlap and these will be reflected in the Examination.

Agriculture and Socio-Economics – to include

- The effects on agriculture from drainage, heat transfer, inspection chambers and soil disturbance and reinstatement
- The scope for local employment and other community benefits

Air Quality and Dust – to include

- Adequacy of baseline assessment
- The effects from both construction and operational phases
- The methods to reduce nitrogen dioxide levels through the use of selective catalytic reduction
- The contents of the Construction and Environmental Management Plan

Archaeology and Heritage – to include

- The adequacy of surveys
- The effects on the Hall Garths medieval moated site
- The contents of the Outline Written Scheme of Investigation

Biodiversity, Ecology and Natural Environment – to include

- Adequacy of baseline assessment
- The effects on habitats and biodiversity
- Adequacy of proposed monitoring including enhanced woodland planting and wider integration
- The contents of the Landscape and Biodiversity Management Plan

Compulsory Acquisition – to include

- The need for the land proposed to be subject to compulsory acquisition
- The requirement for the powers sought and the need to establish a compelling case in the public interest
- Crown Land
- The position of Statutory Undertakers and protected provisions and whether the tests of s127 (2)(3)(5) and (6) and s138 (4) of the PA 2008 are satisfied.
- Financial arrangements

Flood Risk and Water Resources – to include

- The impact of the proposed development on flood risk from construction of the CCGT and gas pipeline
- The flood resilience of the proposed buildings and infrastructure
- The effects of construction and integrity of flood defences
- The effects from water abstraction
- The effects on water quality and water flow
- The effects on habitats and biodiversity
- The effects on land and highways

Human Health – to include

- Compliance with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines
- Other effects to local communities

Landscape and Visual – to include

- Design of the proposed CCGT
- The cumulative effects of the proposed and existing power stations
- Landscaping and planting schemes including overlap with the existing woodland
- Number and impact of the temporary construction compounds
- The contents of the Landscape and Biodiversity Management Plan

Noise and Vibration – to include

- Adequacy of surveys
- Construction noise from CCGT and gas pipeline and cumulative effects with the existing power station
- Management and monitoring of operational noise effects

Transportation and Traffic – to include

- Means and effects of transporting construction materials and personnel to site and the contents of the Construction Traffic and Routing Management Plan
- The effects on river traffic navigation
- The effects on highways and rights of ways
- The effects on public transport, including effects on individual services and on bus and rail networks and systems

Draft timetable for Examination of the application

The Examining Authority (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.

My 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	Due Dates
1	Preliminary Meeting	Wednesday 27 September 2017
2	Issue by ExA of: <ul style="list-style-type: none"> • Examination timetable • ExA's Written Questions 	As soon as practicable following the Preliminary Meeting
3	<p>Deadline 1</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Comments on updated application documents • Responses to further information requested by the ExA • Notification of wish to speak at a Compulsory Acquisition Hearing • Notification of wish to make oral representations 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 an Interested Party • Notification of wish to have future correspondence electronically 	Wednesday 11 October 2017

4	<p>Deadline 2</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Comments on Relevant Representations (RRs) • Summaries of all RRs exceeding 1500 words • Written Representations (WRs) • Summaries of all WRs exceeding 1500 words • Local Impact Reports from any local authorities • Statements of Common Ground (SoCG) requested by ExA – see Annex E • Responses to ExA's Written Questions • Statement of Commonality 	<p>Wednesday 1 November 2017</p>
5	<p>Accompanied Site Inspection</p>	<p>Tuesday 14 November 2017 (Morning)</p>
6	<p>Open floor hearing (if requested)</p>	<p>Tuesday 14 November 2017 (Afternoon)</p>
7	<p>Open floor hearing (if requested)</p>	<p>Tuesday 14 November 2017 (Evening)</p>
8	<p>Issue Specific Hearing on Environmental Matters</p>	<p>Wednesday 15 November 2017</p>
9	<p>Issue Specific Hearing on draft DCO</p>	<p>Thursday 16 November 2017 (Morning)</p>
10	<p>Compulsory acquisition hearing (if requested)</p>	<p>Thursday 16 November 2017 (Afternoon)</p>

11	<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 Local Impact Reports • Comments on responses to ExA's First Written Questions • Revised draft DCO from Applicant • Post hearing submissions including written submissions of oral case • Responses to further information requested by the ExA 	Thursday 23 November 2017
12	<p>Publication by ExA of:</p> <ul style="list-style-type: none"> • ExA's Further Written Questions (if required) 	Thursday 7 December 2017
13	<p>Deadline 4</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Responses to ExA's Further Written Questions (if required) • Comments on Applicant's revised draft DCO • Responses to further information requested by the ExA 	Thursday 2 January 2018
14	Date reserved for Issue Specific Hearing (if required)	Tuesday 23 January 2018
15	Date reserved for Compulsory Acquisition Hearing (if required)	Wednesday 24 January 2018
16	<p>Deadline 5</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Applicant's revised draft DCO • Comments on responses to further questions (if required) 	Wednesday 31 January 2018

	<ul style="list-style-type: none"> • Post hearing submissions including written submissions of oral case • Responses to further information requested by the ExA 	
17	<p>Deadline 6</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Comments on Applicant's revised draft DCO • Responses to further information requested by the ExA 	<p>Wednesday 14 February 2018</p>
18	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • The ExA's draft DCO (if required) 	<p>Wednesday 21 February 2018</p>
19	<p>Deadline 7</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Comments on the ExA's draft DCO (if required) • Responses to further information requested by the ExA 	<p>Wednesday 28 February 2018</p>
20	<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) 	<p>Wednesday 7 March 2017</p>
21	<p>Deadline 8</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Responses to comments on the ExA's draft DCO (if required) • Final DCO to be submitted by the Applicant in the SI template with the SI template validation report • Resubmission of final version of updated application documents • Responses to further information requested by the ExA 	<p>Wednesday 14 March 2017</p>
22	<p>The ExA is under a duty to complete the examination of</p>	<p>Wednesday</p>

	the application by the end of the period of 6 months beginning with the day after the close of the Preliminary Meeting.	27 March 2017
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Publication Dates

All information received will be published on the project website as soon as practicable after the deadline for submissions. An 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/yorkshire-and-the-humber/eggborough-ccgt/?ipcsection=overview>

Hearing Agendas

Please note that we will aim to publish a detailed draft agenda for each hearing on the project website at least 5 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.

Availability of Examination Documents

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

<https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/eggborough-ccgt/?ipcsection=overview>

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:

Local Authority	Library/ Address	Opening Hours
	Pontefract Library Shoemarket Pontecraft WF8 1BD	Monday – 9.30 – 7.00 Tuesday – 9.30 – 5.00 Wednesday – 9.30– 7.00Thursday – Closed Friday – 9.30 – 5.00 Saturday – 9.30 – 4.00 Sunday - Closed
	Selby Library and Information Centre 52 Micklegate Selby YO8 4EQ	Monday – 9.30 -7.30 Tuesday – 9.30 -5.30 Wednesday – 9.30– 5.30 Thursday – 9.30 – 12.30 Friday – 9.30 – 5.30 Saturday – 9.30 – 12.30 Sunday Closed
	Snaith Library 27 Market Place Snaith Goole DN14 9HE	Monday – Closed Tuesday – 2.00 – 7.00Wednesday – Closed Thursday – 10.00 – 4.00 Friday – Closed Saturday – 10.00 –12.00 Sunday Closed
Printing Costs	Black and White	Colour
Pontefract Library		
A4	0.20p	0.40p
A3	0.30p	0.75p
Selby Library and Information Centre		
A4	0.10p	0.50p
A3	0.25p	£1.00
Snaith Library		
A4	0.20p	0.50p
A3	n/a	n/a
Link to all council library locations:		
Pontefract Library: http://www.wakefield.gov.uk/residents/libraries-and-local-history/your-local-library/pontefract-library		
Selby Library and Information Centre: https://librarytechnology.org/library/28224		

Snaith Library: <http://www2.eastriding.gov.uk/leisure/libraries/library-finder/?entryid72=79540&p=2>

Procedural decisions made by the Examining Authority (ExA)

The ExA has made the following procedural decisions under Section 89(3) of the PA2008:

1. Statements of Common Ground (SoCG)

In relation to some of the principal issues identified in **Annex B**, 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. This is Deadline 2 Wednesday 1 November 2017.

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.

SoCGs are requested to be prepared by:

A. The applicant and North Yorkshire County Council and Selby District Council to include:

- Planning policy
- Highways and transport
- Air quality
- Landscape and visual
- Noise and disturbance
- Waste
- Archaeology and heritage
- Other local impacts

B. The applicant and the Environment Agency to include:

- Air quality
- The effects on water habitat
- The effects on water quality, including temperature, silt and chemical composition
- Water quantity including alternative sources
- Combined heat and power
- Carbon capture
- Environmental permit

- C. **The applicant and the Yorkshire Wildlife Trust** to include:
- The effects on locally managed wildlife sites
 - Any mitigation including wider integration issues
 - The incorporation of wildlife opportunities in the proposal
- D. **The applicant and Natural England** to include:
- The effects on European sites
 - The effects on protected species
- E. **The applicant and the Canals and Rivers Trust** to include:
- Water resources
 - Water quality
 - Water abstraction
 - Navigation of the River Aire
 - Landscape and visual effects
- F. **The applicant and the National Grid Electricity Transmission/National Grid Gas** to include:
- Impact on existing apparatus
 - Any connection issues
- G. **The applicant and the Coal Authority** to include:
- The effects on land stability and settlement rates
- H. **The applicant and the Marine Management Organisation (MMO)** to include:
- Issues related to the interests of the MMO
 - The content and adequacy of the draft Deemed Marine Licence
- I. **The applicant and the Health and Safety Executive (HSE)** to include:
- The extent and severity of hazards on local populations
 - Other issues related to the interests of the HSE

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 Development Consent Order

The ExA requests the applicant to provide an update as to the progress with the above SoCGs.