

From: Geoff Bullock [mailto:gb@dwdllp.com]
Sent: 22 September 2017 09:43
To: Kay Sully
Cc: Eggborough CCGT; Jake Barnes-Gott; Rob Booth
Subject: EN010081 - Eggborough CCGT Project - Applicant's comments on draft Examination Timetable
Importance: High

Dear Kay,

We have now had the opportunity to review the draft Examination Timetable included at Annex C of the Rule 6 Letter. Having completed our review, we would like to propose some amendments to the draft Timetable, as well as to clarify a few points, and are providing these in advance of the Preliminary Meeting on 27 September in order to allow the Examining Authority time to consider them. We have discussed the below comments with the legal representative for both North Yorkshire County Council and Selby District Council to give them advanced notice of them, and they confirmed that the LPAs are in agreement with the proposed changes to the Timetable.

Taking each point in turn:-

1. We note that the Accompanied Site Inspection is only allocated for half a day. We would welcome a discussion during the Preliminary Meeting on the time allowed for the ASI, with a view to increasing this to allow for a full day. We consider that this would afford the Examining Authority a suitable amount of time to visit both the power station site and the proposed gas pipeline route, as well as allowing time for required safety briefings at the power station and changing in to PPE.
2. In respect of Deadline 4, we note that the current deadline date is "*Thursday 2 January*". This deadline is for both the Applicant and third parties to review and respond to various documents and/or requests submitted and raised at Deadline 3 (and any Further Written Questions if applicable). We would like to propose that this deadline is brought forward, to Thursday 21 December 2017. This would still leave a period of four weeks between Deadlines 3 and 4 which we consider is sufficient for parties to respond on the information as required. Should the Examining Authority accept this proposed amendment we propose that the subsequent deadlines (Deadlines 5, 6, 7 and 8) are brought forward by 1 week in each case, and that the dates currently reserved for a further Issue Specific Hearing and Compulsory Acquisition Hearing (if required) could also be brought forward to Tuesday 16 January and Wednesday 17 January 2018 respectively. If the Examining Authority does not agree with the proposed change to Deadline 4, we note that the current stated date for Deadline 4 will need to be amended, to either "*Tuesday 2 January*" or "*Thursday 4 January*" – we suggest the latter is more appropriate following the Christmas period.

3. The end of the Examination is currently “*Wednesday 27 March*”. This needs to be amended to “*Tuesday 27 March*”. The timetable includes a few typographical errors, which need to be amended from “2017” to “2018” where applicable (Items 20, 21 and 22 in the draft timetable).
4. We note that the draft Timetable does not provide for the Examining Authority to notify parties of the confirmed dates and times of the Hearings. Provision for this notification is commonly included in examination timetables, partly for certainty but it also assists with ensuring that there is sufficient time for the relevant notices to be placed. The Applicant will need to prepare and publish notices, and will need to manage lead-in times for these (its duties are under Rule 13 of The Infrastructure Planning (Examination Procedure) Rules 2010):
 - a. If the Examining Authority confirms the date for the (November) hearings by Deadline 1 (11 October), that would provide the Applicant with sufficient time to be able to finalise and place the relevant notices.
 - b. If the January hearings are required (and depending on whether they move as per point 2 above), confirmation from the Examining Authority would be required by 7 December (Item 12) in order to ensure that EPL has time to place notices (particularly noting the Christmas period).

We trust that these comments on the draft Timetable are helpful. If you would like to discuss any of the above please do not hesitate to contact me.

Kind regards

Geoff Bullock

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