



Preliminary Meeting Note

Summary of key points discussed and advice given

Application: Eggborough CCGT

Reference: EN010081

Time and date: 10: 30am, Wednesday 27 September 2017

Venue: Knottingley Town Hall, Hilltop, Headlands Lane, Knottingley, WF11 9DG

This meeting note is not a full transcript of the Preliminary Meeting. It is a summary of the key points discussed and responses given. An audio recording of the event is available on the National Infrastructure Planning website.

1. Welcome and Introductions

Richard Allen (RA, Single Examining Inspector forming the Examining Authority (ExA)) opened the Preliminary Meeting (PM), welcomed those present, and explained the practical arrangements for the meeting.

RA explained that he was appointed by the Secretary of State for Communities and Local Government to be the Examining Authority for this examination and to report to the Secretary of State for the Department for Business, Energy and Industrial Strategy (BEIS) with a recommendation as to whether the Development Consent Order (DCO) should be made. The ExA will submit a report to the Secretary of State with his conclusions and recommendation as to whether consent should be given. It is the Secretary of State for the Department for BEIS who will take the final decision.

RA explained that the purpose of the PM was to consider procedural issues only, relating to the way in which the application is to be examined and the timetable for that examination. He noted that the examination will commence after the PM closes. The ExA will then publish what is known as a 'Rule 8' letter. This will include a brief note of the meeting and, with whatever modifications, to the examination timetable.

2. Examining Authority's remarks about the examination process

RA outlined the principles of the examination and how he proposes to conduct the examination and the purpose of the Examination of the proposal under the Planning Act 2008 (PA2008), explaining that it is an inquisitorial process, in which the ExA takes the lead in establishing what is important and relevant to the decision which the Secretary of State needs to take.

RA noted that whilst the process is a largely written process, there is also provision for certain types of hearings and provided an explanation as to what the differences

were between an open floor hearing, issue specific and compulsory acquisition hearing.

RA further explained that he will not accept any unsubstantiated assertions from any party and that the PA2008 allows him to disregard any representations if he finds them to be vexatious or frivolous, relate to merits of policy set out in a National Policy Statement or relate to compensation for compulsory acquisition of land or of an interest in or right over land.

RA stated that he undertook an unaccompanied site inspection the day before the PM where he observed the site and surroundings from a number of vantage points, all of which were on public land and that details of the inspection will be published at the same time as he issues his Rule 8 Letter and Written Questions. **RA** also noted that he has a good understanding of the site and its surroundings and does not feel it necessary to visit those sites again, however will consider, as set out in the Examination Timetable, any requests to inspect particular sites to view a particular physical feature.

3. Initial Assessment of Principal Issues

RA explained that the PA2008 requires the ExA to make an initial assessment of the principal issues arising on the application but that it is important to note that the list of principal issues has been compiled alphabetically and that an issue is not of less importance simply because of where on the list it is.

RA outlined his initial assessment of principle issues as follows - Agriculture and socio-economic effects, Air Quality and Dust, Archaeology and Heritage, Biodiversity, Ecology and Natural Environment, Compulsory Acquisition, Flood Risk and Water Resources, Human Health, Landscape and Visual Effects, Noise and Vibration, Traffic and Transport and that in addition shall be examining the future of the existing power station.

4. Procedural matters

RA explained that whilst the next item on the agenda (as set out in his letter of 30 August – the Rule 6 letter) is item 4 and the draft examination timetable, he would instead deal with item 5 (procedural matters) next, followed by item 4, as he felt that many of the points to be discussed in item 5 would feed into the draft timetable and thus avoid repetition and provide a better flow to the meeting.

Statements of Common Ground (SoCG)

RA outlined the aim of a SoCG is to agree factual information and to inform him, and all other parties, by identifying where there is agreement and where the differences lie at an early stage in the examination process. **RA** explained that 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.

RA explained that unless otherwise stated or agreed, the SoCGs should be agreed between the Applicant and the other relevant interested party or parties, and submitted by the Applicant. The draft timetable for the Examination provides a deadline (Deadline 1) for the submissions of SoCG (as set out in the Rule 6 letter (30

August) although accepted that a SoCG may not be completed by then and so he will set regular position updates on their progress within the Examination timetable. In addition to the Rule 6, the ExA highlighted that Historic England (HE) had been omitted in error and so requested a SoCG with HE as well.

The Applicant responded with an update on how these were progressing. The SoCG with Sports England is signed and has already been submitted with the application. In addition to the list set out in Annex E of the Rule 6 letter, the Applicant also advised that SoCGs will be undertaken with Highways England and the Civil Aviation Authority. The Applicant stated the Health and Safety Executive had declined to enter into a SoCG with the Applicant, nevertheless the Applicant is pursuing in the hope that one can be signed. In response to the Applicant's update, the Canal and River Trust agreed with their statement which was then followed by the Marine Management Organisation (MMO) and North Yorkshire County Council and Selby District Council.

Compulsory Acquisition (CA)

RA explained that the use of such document has been very helpful and useful in other Examinations for a regular update to be given by the Applicant on progress on CA in respect to objections and agreements and that he intends at Written Questions to issue a blank pro-forma which he would expect the Applicant to populate on progress in respect to compulsory acquisitions and that he will set deadlines for regular position updates on progress on CA within the Examination timetable. The Applicant agreed to produce this as requested.

Guide to Application / Document Tracker

RA further explained that it would also be extremely helpful to the examination in which he makes a procedural decision to request the Applicant to produce a Guide to the Application/document tracker in which provides a full colour coded list of documents, reference with both the Applicant's and the Inspectorate's document numbers, which are submitted to date, indicating either the latest version or when a new document was submitted, and the superseded document. **RA** noted that he proposes this will be a working document which is to be provided at regular intervals throughout the Examination. The Applicant agreed to produce this as requested.

Updated Documents following acceptance of the application and prior to the commencement of the Examination

RA outlined that he had received an updated Book of Reference (BoR) from the Applicant on 23 August 2017 and in making a decision on whether he should accept this into the examination he has had regard to the guidance in paragraphs 109 to 115 of the Department for Communities and Local Government Guidance for the examination of applications for development consent March 2015. **RA** explained that this part of that Guidance deals with changing an application after it has been accepted for Examination. In particular, it deals with the case where any changes to the application are determined by the ExA to be of such a degree that they constitute a materially different project.

In the case of the changes, **RA** noted that because the aforementioned person was in any event notified of the application under s.56 of the Planning Act 2008, he was satisfied that the changes to the documentation do not change the nature and description of the nationally significant infrastructure project as set out in the draft

Development Consent Order and associated documentation. Consequently, he confirmed he is content to accept it into the Examination and, satisfied that the Wheatcroft Principles test has been satisfied. In response, the Applicant pointed out that the updated BoR does not appear to have been published. **RA** outlined that this had yet to be done because he has only today (at the PM) made a procedural decision to accept this into the examination and therefore it will be made available on the Eggborough CCGT section of the National Infrastructure pages of the Planning Inspectorate website as soon as practicable following the close of the PM.

5. Draft Timetable for the Examination

RA stated that he had received correspondence from the Applicant on 22 September 2017, setting out suggested changes to the draft timetable and that he proposes to make a number of alterations to the timetable dates as set out in his Rule 6 letter of 30 August 2017 and that he will also hear any suggested changes or alteration requests after he has outlined his draft timetable and changes.

RA confirmed that following the close of the Preliminary Meeting, he will issue a letter which will set out the timetable for the examination along with his list of principle issues. This is known as the Rule 8 Letter and will do so as soon as practicably possible, but with the intention that this will be issued on Wednesday 4 October 2017 and that he will also publish his written questions at the same time.

RA explained that written questions are his questions on the application and that they will be primarily directed towards the Applicant, but there may well be questions directed towards statutory bodies, local authorities and others, and he would ask that everyone looks at the questions in their entirety. **RA** also outlined that should anyone feel they wish to contribute or answer a question that is not primarily directed to them, to do so and that they should not feel they are prevented or inhibited from answering such questions or providing comments on any responses received.

Responses to ExA's Written Questions

RA explained that he proposed to receive answers to his written questions by Deadline 2 (Wednesday 1 November) with any comments on those responses to be received by Deadline 3 which has a new date of Thursday 30 November.

Additional Written Questions and Responses

RA explained that should he need to so, he proposed to issue further written questions on Thursday 14 December with responses to those Second Written Questions made by what is set out as Deadline 4 (which will become Deadline 5) by Thursday 4 January 2018 and any comments on those responses by current deadline 4 but what is to become Deadline 6 (Wednesday 21 January).

Hearings Requests

RA reiterated that the examination follows primarily a written process substituted by hearings if requested and required and proposes to receive requests from interested parties for an Open Floor Hearing and/or Compulsory Acquisition Hearing, and for requests to make oral representations at the Issue Specific Hearing – and a number of other requirements by Deadline 1 (Wednesday 11 October).

RA outlined that he will issue on or before Tuesday 24 October 2017 any notification of Hearings set aside for November which will form part of the timetable in the R8 and

that should a second round of Hearings in January be necessary, he will issue notification of intention to hold them on or before Thursday 14 December 2017.

RA then referred to his earlier statement regarding the undertaking of an unaccompanied site inspection. The accompanied site inspection would be mainly to inspect the site itself and the route of the gas pipeline and the Above Ground Installation.

In relation to the hearings and site inspection scheduled in the Rule 6 for w/c 13 November, **RA** explained that he proposes firstly to reschedule the Hearings to the following week, w/c 20 November 2017. Proposing to move the reserved date for the OFH, if requested, to the afternoon and/or evening of Monday 20 November 2017 but that if no request is made, these events may not take place.

RA outlined that this would open up Tuesday 21 November 2017 to become a full day for the Accompanied Site Inspection and that the Applicant will need to advise on any necessary requirements for accessing the site, for example whether site safety equipment will be required and/or provided, and to provide an agenda and meeting place.

RA outlined that Wednesday 22 November would remain reserved for an Issue Specific Hearing for Environmental Issues and that he proposed to schedule a whole day for this albeit that a whole day may not be needed, and that the issues to be discussed will depend on the responses received at Deadline 1 and Deadline 2, but are likely to revolve around some or all of the principal issues set out in Annex B of the Rule 6 letter.

RA outlined that Thursday 23 November 2017 AM would be for the Development Consent Order (DCO) Hearing and, if requested, Thursday 23 November PM would be reserved for a Compulsory Acquisitions (CA) Hearing.

RA explained that whilst he was not anticipating further hearings will be necessary, this may change depending on responses to written questions and written representations received. If so, he has set aside Tuesday 23 and Wednesday 24 January 2018 for an Issue Specific Hearing on environmental matters and DCO/CA.

RA noted that the hearing room is likely to be the same venue as the PM. It will have a public address system with microphones for speakers, an audio recording will be taken of all hearings and published to the Eggborough CCGT section of the Infrastructure pages of the Planning Inspectorate website and that arrangements can be made for an induction loop to be installed if required, and requested that if anyone has any particular concern with the venue or the technical arrangements made there in relation to matters such as location, accessibility, acoustics etc, to advise the Case Manager if this is likely to be necessary and if any particular needs or arrangements are required.

New Deadline 4 and implications

RA outlined his intention to split the current Deadline 4 into a new Deadline 4 and a new Deadline 5. The new Deadline 4 will be Thursday 21 December 2017, and will include all items currently listed except '*Responses to ExA's further Written Questions*' and include an update to SoCG and CA. The new Deadline 5 will occupy the current Thursday 4 January 2018 and will be for the responses to further written questions.

The other deadline numbers will increase by one, so for example Deadline 7 on Wednesday 28 February becomes Deadline 8.

Statements of Common Ground

RA outlined he proposed to receive requested SoCGs, or a progress report on their preparation and dates by which they will be submitted by Deadline 1 (Wednesday 11 October) and to receive regular updates on the progress of SoCGs at new Deadlines 4 (Thursday 21 December) and 8 (Wednesday 28 February) with the final version to be submitted at new Deadline 9 (Wednesday 14 March).

Written Representations

RA outlined he proposed to receive all written representations to the application and any summaries if over 1500 words, and comments on relevant representations by Deadline 2 (Wednesday 1 November) along with any comments on those written representations to be made at Deadline 3 (Thursday 30 November).

Local Impact Reports

RA outlined he proposed to receive Local Impact Reports by Deadline 2 (Wednesday 1 November) and any comments on those Local Impact Reports to be made at Deadline 3 (Thursday 30 November).

Other Changes to the Draft Timetable

RA explained that as discussed earlier in the PM, he proposes to require updated progress on CA matters be made, and propose these should be at Deadline 2 (Wednesday 1 November) alongside responses to written questions and again at new Deadline 4 (Thursday 21 December) and new Deadline 8 (Wednesday 28 February 2018); with the final version at new Deadline 9 (Wednesday 14 March 2018). **RA** also proposed the Applicant produces a guide to the application/document tracker at regular intervals, and suggested these be made from Deadline 3 (Thursday 30 November) and onwards, with a final version submitted at new Deadline 9 (Wednesday 14 March) which will replace the current bullet point under Item 21 of the Rule 6 letter (Deadline 8) which refers to "*Resubmission of final version of updated application documents*", which would be deleted.

The Applicant requested Deadline 5 (Thursday 4 January) be altered to the following week at either Tuesday 9 January or Thursday 11 January to allow time following the Christmas / New Year break. **RA** outlined that it would consider this request at the time of issuing his examination timetable.

6. Any other matters

RA noted that he had no other matters notified to him apart from those already dealt with under item 3 on the agenda for this meeting and asked if there were any other relevant items that anyone wished to raise. In response to this, the MMO outlined that they had been consulted throughout by the Applicant and Eggborough Power Limited representatives and having been consulted on the Draft DCO, Environmental Statement and Deemed Marine Licences is satisfied that issues have been satisfactorily addressed. No other persons present raised any further matters.

7. Close of the Preliminary Meeting

RA thanked everyone for contributing to the meeting and reminded them the next stage will be the issuance of the Rule 8 letter setting out the final timetable and any other procedural decisions that he makes as a result of the meeting and further consideration of the examination, accompanied by his note on the unaccompanied site visit and written questions which is aiming for issue on Wednesday 4 October.

The meeting closed at 11:33.