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To Interested Parties, Statutory Parties  
and Other Persons invited to the  
Preliminary Meeting

Your Ref:

Our Ref: EN010081

Date: 4 October 2017

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Dear Sir/Madam

## **Planning Act 2008 (as amended) – Section 89 and the Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 8 (as amended)**

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

#### **Examination timetable and procedure and notification of hearing(s)**

I write to tell you about the Procedural Decisions following the Preliminary Meeting held on 27 September 2017 at the Knottingley Town Hall, Knottingley. This letter also provides you with the updated Examination Timetable, a link to the written questions that I am asking in the Examination and other matters.

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/yorkshire-and-the-humber/eggborough-ccgt/>

#### **Procedural Decisions**

I have made my Procedural Decisions about the way in which the proposal is to be examined. The updated Examination Timetable is attached as **Annex B** and includes the deadlines by which certain information should be submitted. This Examination Timetable replaces the draft Examination Timetable that was included with the Rule 6 letter dated 30 August 2017<sup>1</sup>. Procedural Decisions and changes to the draft Examination Timetable made after the Preliminary Meeting are explained in **Annex A**. I have sought to accommodate requests to modify the Examination Timetable that were made before and at the Preliminary Meeting.

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<sup>1</sup> <https://infrastructure.planninginspectorate.gov.uk/document/EN010081-000781>

If I consider it necessary to vary the Examination Timetable (set out in **Annex B**), I will notify Interested Parties (reference numbers beginning with EGGB-AFP or 200') and publish the changes on the National Infrastructure Planning website. I will also do this if the date, time and place of any hearing is changed, except in the event of an adjournment.

All Procedural Decisions will be published and a notification issued to all Interested Parties. Should you be unsure of your status, please do not hesitate to contact the case team using the details at the top of this letter.

### **Deadlines for receipt of submissions**

It is important to note that if you do not submit the information by the dates specified in the Examination Timetable, I may disregard them.

Any submissions that exceed 1500 words should also be accompanied by a summary. This summary should not exceed 10% of the original text. The summary should set out the key facts of the Written Representation and must be representative of the submission made.

All deadlines are 11.59pm on the date stated. I request that Interested Parties send, where practicable, electronic copies of their submissions as email attachments, to [EggboroughCCGT@pins.gsi.gov.uk](mailto:EggboroughCCGT@pins.gsi.gov.uk) on or before the applicable deadline. Electronic attachments should be clearly labelled with a subject title and not exceed 12MB for each email. 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. Providing links to websites where your submissions can be viewed is not acceptable. All documents, once accepted into the Examination by the Examination Authority, must be able to be viewed in full on our website. Timely submissions in advance of the deadlines set in the Examination Timetable are encouraged. If Interested Parties prefer to issue submissions in hard copy by post, please ensure they arrive by the deadline.

If no written requests are received for Open Floor Hearings (OFHs) or Compulsory Acquisition Hearings (CAHs) by the deadline specified in **Annex B**, I am not required to hold any such hearings. I may nevertheless choose to do so.

The time, date and place of any confirmed hearing will be notified in writing to all registered Interested Parties, providing at least 21 days' notice.

Below I have explained some of the submissions requested in the Examination Timetable in greater detail for your information, however please refer to **Annex B** for all submission deadlines for this proposal.

### **Examining Authority's Written Questions**

I have decided to ask a number of written questions. These questions are now published on the National Infrastructure Planning website and can be accessed through the following link:

<https://infrastructure.planninginspectorate.gov.uk/document/EN010081-000917>

If you wish to receive an email notification of when these are published you can register on the project website to do so.

The deadline for responses to these questions is listed in the Examination Timetable in **Annex B**.

### **Statements of Common Ground (SoCG) and Local Impact Reports (LIRs)**

In my Rule 6 letter dated 30 August 2017, I requested SoCGs. I now reiterate my invitation for submission of completed SoCGs (and any draft SoCGs) as well additional ones as listed in **Annex A**, by the deadlines listed in the Examination Timetable at **Annex B**.

Local Authorities defined in s56A of the Planning Act 2008 (PA2008) are invited to submit LIRs by the deadline specified in **Annex B**.

### **Written Representations**

I also invite all Interested Parties to submit Written Representations and comments on Relevant Representations already submitted by the deadline specified in **Annex B**.

There is no prescribed form for Written Representations. Written Representations can deal with any relevant matter. They are not restricted to the matters set out in my Initial Assessment of Principal Issues which was discussed at the Preliminary Meeting, nor restricted to the questions I have asked. Please note that under Rule 10(4) of the Infrastructure Planning (Examination Procedure) Rules (2010) (EPR) any person, other than the Applicant, who submits a Written Representation must identify in their Written Representation those parts of the proposal with which they agree and those parts with which they do not agree, and must state the reasons for such disagreement.

Furthermore, in accordance with DCLG 'Planning Act 2008: Guidance for the examination of applications for development consent (March 2015)'<sup>2</sup>, participants should provide with their written statements, 'the data, methodology and assumptions used to support their submissions'.

### **Notification of Hearings and Accompanied Site Inspection**

The Examining Authority (ExA) has taken the opportunity to notify all Interested Parties of the hearings and Accompanied Site Inspection timetabled for November. This notification can be found at **Annex B**.

### **Notification of a wish to attend a hearing and accompanied site inspection**

I now request notifications from –

- a) any Interested Party who wishes to be heard at an **Open Floor Hearing (OFH)**.

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<sup>2</sup> <https://www.gov.uk/government/publications/planning-act-2008-examination-of-applications-for-development-consent>

- b) any affected person who wishes to make oral representations at a **Compulsory Acquisition Hearing (CAH)**.
- c) any Interested Party who wishes to make oral representations at an **Issue Specific Hearing (ISH)**
- d) any Interested Party who wishes to attend the **Accompanied Site Inspection** to inspect the locality of the scheme.

These notifications must be received by the deadline specified in **Annex B**.

Interested parties who wish to speak at a forthcoming ISH or CAH or OFH, should notify Ms Kay Sully (Case Manager) using the contact details at the top of this letter by **11 October 2017**.

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.

### **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 EPR<sup>3</sup>. 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.

My Examination will be principally undertaken through a written process, and I will decide whether a hearing on a particular issue or topic is necessary. This decision is not connected to how relevant or important I consider an issue or topic to be.

### **Site Inspections**

I have undertaken an Unaccompanied Site Inspection; my note of this Inspection I have published alongside this letter. I do not intend to visit those sites again, however I will consider, as set out in the Examination Timetable, any requests to inspect particular sites. Nominations of such locations which are sought to be inspected must be received by the deadline. You must indicate the reason for the nomination and whether the ExA can proceed with the inspection unaccompanied (and if not, why not). Please be aware that I cannot carry out unaccompanied inspections on private land or where special measures with regards to safety must be followed.

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<sup>3</sup> <http://www.legislation.gov.uk/ukxi/2010/103/contents/made>

Please note that the Accompanied Site Inspection 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.

## **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)'<sup>4</sup>. 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.

## **Future notifications**

If you are an Interested Party or Affected Person you will continue to receive correspondence from the Planning Inspectorate about the Examination throughout the process. Affected persons have reference numbers beginning with EGGB-AFP or '200'.

If your reference number begins with EGGB-OP, then you have received this letter because you were invited to attend the Preliminary Meeting, but you are not an Interested Party. You will **not** receive any further communication from us relating to this proposal. You can, however, visit the relevant project page on the National Infrastructure Planning website to stay informed of the progress of the Examination of the proposal.

If your reference number begins with EGGB-SP, then you are a statutory consultee, or a local authority without direct responsibility in the proposed development area. If you have not made a Relevant Representation, then you should inform the Case Manager if you wish to become a registered party by **11 October 2017** (Deadline 1).

Statutory consultees who have not made a Relevant Representation and do not notify the Case Manager of their wish to become an Interested Party will not receive any further correspondence.

If I require further information or written comments (a Rule 17 of the EPR request) to be submitted by a deadline that is set in the Examination Timetable (Annex B), this request will be sent to only those persons I consider it is applicable to. However, it will be published on the National Infrastructure Planning website to enable all Interested Parties to respond should they wish. If the ExA consider it necessary, a further deadline will be added to the timetable to give all Interested Parties the opportunity to comment on any responses received.

## **Management of Information**

The Planning Inspectorate has a commitment to information transparency. Therefore, all information submitted for this project (if accepted) and a record of advice which

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<sup>4</sup> <https://www.gov.uk/government/publications/awards-of-costs-examinations-of-applications-for-development-consent-orders>

the Planning Inspectorate has given can be found 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 has been protected in accordance with our Information Charter.

Yours faithfully

*Richard Allen*

**Examining Authority**

**Annexes:**

- A. Procedural Decisions made after the Preliminary Meeting
- B. Timetable for examination of the application
- C. Availability of examination documents

## **PROCEDURAL DECISIONS MADE AFTER THE PRELIMINARY MEETING**

The ExA has made the following procedural decisions under sections 89(1) of the Planning Act 2008 (as amended) (PA 2008):

### **1. The Examination Timetable**

For the avoidance of doubt, I have considered the request from the Applicant, for amendments to be made to the draft Examination Timetable (Annex C to the Rule 6 letter dated 30 August 2017) to accommodate the period after Christmas/ New Year. The final Examination Timetable (**Annex B** to this letter) sets out how I have decided to accommodate that request. At the Preliminary Meeting I announced that I would be amending the draft timetable to allow further time for responses to my written questions and to any further written questions I may issue. It was also noted that the November hearings will also been put back to the following week.

### **2. Examining Authority's written questions**

Some of my written questions are directed to specific Statutory Parties which have not, at the time of writing, confirmed that they wish to become Interested Parties for the purposes of the examination of the application.

All relevant Statutory Parties will receive this correspondence, and I request for each to check my written questions carefully in order that they may identify and respond to any questions posed to them.

For the avoidance of doubt, Statutory Parties are defined as the parties listed in Schedule 1 to The Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015.

I encourage all parties to read all questions. While the majority will be directed to the Applicant, there will be questions for the local authority, statutory bodies and others. No party should feel inhibited or restricted in responding to any question I ask, even if it is directed elsewhere.

### **3. Accompanied Site Inspection (ASI)**

Requests by Interested Parties to attend the ASI should be provided by Deadline 1. As explained in my Rule 6 letter, the Interested Parties attending the ASI will include representatives of the Applicant, North Yorkshire County Council (NYCC) and Selby District Council (SDC), together with other Interested Parties (or their representatives).

It will 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 Planning Inspectorate's case team if you wish to meet the inspection at a specific location within the itinerary, or at a new location, as proposed.

The final itinerary for the ASI will be published to the Planning Inspectorate's website on or before **14 November 2017**.

#### **4. Hearings**

The Examination Timetable provides periods of the hearings to be held between **20 and 23 November 2017**. Affected Persons should notify me in writing of their wish to speak at a Compulsory Acquisition Hearing (CAH) by **11 October 2017** (Deadline 1). Interested Parties who wish to speak at a further Open Floor Hearing should notify me in the same way, by the same deadline.

All Interested Parties will be notified of the date, time and place of any hearings at least 21 days in advance of them taking place.

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

The Applicant is taking the lead in the preparation of SoCGs and it will aid the smooth running of the Examination if all Interested Parties who are participating in the preparation of SoCGs liaise and co-operate with the Applicant in respect of their production. SoCGs listed below should be submitted by **11 October 2017** (Deadline 1).

1. North Yorkshire County Council and Selby District Council
2. Environment Agency
3. Yorkshire Wildlife Trust
4. Natural England
5. Canal and River Trust
6. National Grid Electricity Transmissions
7. National Grid Gas
8. Coal Authority
9. Marine Management Organisation
10. Highways England
11. Historic England
12. Civil Aviation Authority

The Applicant has already submitted its SoCG with Sport England and a SoCG with the Health and Safety Executive is tentative.

**All of the SoCGs listed above should cover the articles and requirements in the dDCO.** Any Interested Party seeking for an article or requirement to be reworded should provide in the SoCG the form of words which are being sought.

#### **6. Local Impact Reports (LIR)**

NYCC and SDC confirmed at the Preliminary Meeting their intention to submit a joint LIR. The councils are invited to submit their joint LIR by **1 November 2017** (Deadline 2).

## TIMETABLE FOR EXAMINATION OF THE APPLICATION

The Examining Authority's (ExA) examination of the application takes the form of consideration of written submissions about the application. The ExA will also consider oral representations made at any 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	<b>Wednesday 27 September 2017</b>
2	Issue by ExA of: <ul style="list-style-type: none"> <li>• Examination Timetable</li> <li>• ExA's Written Questions</li> </ul>	<b>Wednesday 4 October 2017</b>
3	<p><b>Deadline 1</b></p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> <li>• Comments on updated application documents</li> <li>• Responses to further information requested by the ExA</li> <li>• Statements of Common Ground including any updated versions</li> <li>• Notification of wish to speak at a Compulsory Acquisition Hearing</li> <li>• Notification of wish to make oral representations at an Issue Specific Hearing</li> <li>• Notification of wish to speak at an Open Floor Hearing</li> <li>• Notification of wish to attend an Accompanied Site Inspection (ASI), suggested locations and justifications</li> <li>• Notification by statutory parties of wish to be considered as an Interested Party</li> </ul>	<b>Wednesday 11 October 2017</b>

<b>4</b>	Time reserved for issue by the ExA of: <ul style="list-style-type: none"> <li>Any notification of hearings</li> </ul>	<b>Tuesday 24 October 2017</b>
<b>5</b>	<b>Deadline 2</b> Deadline for receipt of: <ul style="list-style-type: none"> <li>Comments on Relevant Representations (RRs)</li> <li>Summaries of all RRs exceeding 1500 words</li> <li>Written Representations (WRs)</li> <li>Summaries of all WRs exceeding 1500 words</li> <li>Local Impact Reports from any local authorities</li> <li>Responses to ExA's Written Questions</li> <li>Updated Compulsory Acquisition Schedule (Annex to Written Questions)</li> </ul>	<b>Wednesday 1 November 2017</b>
<b>6</b>	Open floor hearing (if requested)	<b>Monday 20 November 2017</b>  <b>(Afternoon and/or Evening)</b>
<b>7</b>	Accompanied Site Inspection	<b>Tuesday 21 November 2017</b>
<b>8</b>	Issue Specific Hearing on Environmental Matters	<b>Wednesday 22 November 2017</b>
<b>9</b>	Issue Specific Hearing on draft DCO	<b>Thursday 23 November 2017 (Morning)</b>
<b>10</b>	Compulsory acquisition hearing (if requested)	<b>Thursday 23 November 2017 (Afternoon)</b>

<p><b>11</b></p>	<p><b>Deadline 3</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Comments on WRs and responses to comments on RRs</li> <li>• Comments on Local Impact Reports</li> <li>• Comments on responses to ExA's Written Questions</li> <li>• Revised draft DCO from Applicant</li> <li>• Post hearing submissions including written submissions of oral case</li> <li>• Guide to Application document tracker</li> <li>• Responses to further information requested by the ExA</li> </ul>	<p><b>Thursday 30 November 2017</b></p>
<p><b>12</b></p>	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> <li>• ExA's Further Written Questions (if required)</li> </ul> <p>Time reserved for issue by the ExA of:</p> <ul style="list-style-type: none"> <li>• Any notification of hearings</li> </ul>	<p><b>Thursday 14 December 2017</b></p>
<p><b>13</b></p>	<p><b>Deadline 4</b></p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> <li>• Comments on Applicant's revised draft DCO</li> <li>• Updated Compulsory Acquisition schedule</li> <li>• Updated Statements of Common Ground</li> <li>• Responses to further information requested by the ExA</li> </ul>	<p><b>Thursday 21 December 2017</b></p>
<p><b>14</b></p>	<p><b>Deadline 5</b></p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> <li>• Responses to ExA's Further Written Questions (if required)</li> </ul>	<p><b>Tuesday 9 January 2018</b></p>
<p><b>15</b></p>	<p>Date reserved for Issue Specific Hearing (if required)</p>	<p><b>Tuesday 23 January 2018</b></p>

<b>16</b>	Date reserved for Compulsory Acquisition Hearing (if required)	<b>Wednesday 24 January 2018</b>
<b>17</b>	<p><b>Deadline 6</b></p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> <li>• Updated Guide to application documents</li> <li>• Applicant's revised draft DCO</li> <li>• Comments on responses to further questions (if required)</li> <li>• Post hearing submissions including written submissions of oral case</li> <li>• Updated Guide to Application document tracker</li> <li>• Responses to further information requested by the ExA</li> </ul>	<b>Wednesday 31 January 2018</b>
<b>18</b>	<p><b>Deadline 7</b></p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> <li>• Comments on Applicant's revised draft DCO</li> <li>• Responses to further information requested by the ExA</li> </ul>	<b>Wednesday 14 February 2018</b>
<b>19</b>	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> <li>• The ExA's draft DCO (if required)</li> </ul>	<b>Wednesday 21 February 2018</b>
<b>20</b>	<p><b>Deadline 8</b></p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> <li>• Comments on the ExA's draft DCO (if required)</li> <li>• Updated Statements of Common Ground</li> <li>• Updated Compulsory Acquisition schedule</li> <li>• Responses to further information requested by the ExA</li> </ul>	<b>Wednesday 28 February 2018</b>
<b>21</b>	<p>Time reserved for issue by the ExA of:</p> <ul style="list-style-type: none"> <li>• Any further information requests under Rule 17 (if required)</li> </ul>	<b>Wednesday 7 March 2018</b>

22	<p><b>Deadline 9</b></p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> <li>• Responses to comments on the ExA's draft DCO (if required)</li> <li>• Final DCO to be submitted by the Applicant in the SI template with the SI template validation report</li> <li>• Final updated Book of Reference</li> <li>• Final Statements of Common Ground</li> <li>• Final Compulsory Acquisition Schedule</li> <li>• Final Guide to Application document tracker</li> <li>• Responses to further information requested by the ExA</li> </ul>	<p><b>Wednesday 14 March 2018</b></p>
23	<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>	<p><b>Tuesday 27 March 2018</b></p>

### Publication Dates

All information submitted and accepted to be read in conjunction with the Examination will be published to our website as soon as practicable after the deadline for submissions:

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

### 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 subjected to change at the discretion of the ExA.

## Availability of representations and application documents

All application documents and representations submitted to the Examination are available to view on the Planning Inspectorate's website:

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

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.

The EL records and provides a hyperlink to:

- each application document;
- each representation accepted to be read in conjunction with the Examination; and
- each procedural decision made by the Examining Authority.

Each document is provided with a unique reference which will be fixed for the duration of the Examination. A hyperlink to each document on the Planning Inspectorate's website is provided. **Please use the unique reference numbers applied in the EL when referring to any Examination documents in representations that you make.**

Documents can also be viewed electronically at the following locations close to the application site. Please note that a form of identification may be required in order to use the computers at these locations. 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.

### Electronic Deposit Locations:

Library/ Address	Opening Hours	
<b>Pontefract Library</b> Shoemarket Pontecraft WF8 1BD	Monday 9:30am - 7:00pm Tuesday 9:30am - 5:00pm Wednesday 9:30am - 7:00pm Thursday - Closed Friday 9:30am - 5:00pm Saturday 9:30am - 4:00pm Sunday - Closed	
Printing Costs (per sheet)	Black & White	Colour
<b>A3</b>	30p	75p
<b>A4</b>	20p	40p

<b>Library/ Address</b>	<b>Opening Hours</b>	
<b>Selby Library and Information Centre</b> 52 Micklegate Selby YO8 4EQ	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	
<b>Printing Costs (per sheet)</b>	<b>Black &amp; White</b>	<b>Colour</b>
<b>A3</b>	25p	£1.00
<b>A4</b>	10p	50p

<b>Library/ Address</b>	<b>Opening Hours</b>	
<b>Snaith Library</b> 27 Market Place Snaith Goole DN14 9HE	Monday - Closed Tuesday 2:00am - 7:00pm Wednesday - Closed Thursday – 10:00am - 4:00pm Friday - Closed Saturday 10:00am - 12:00pm Sunday - Closed	
<b>Printing Costs (per sheet)</b>	<b>Black &amp; White</b>	<b>Colour</b>
<b>A4</b>	20p	50p