



National Infrastructure Planning
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Bristol, BS1 6PN

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

Your Ref:

Our Ref: EN010082

Date: 9 March 2018

Dear Sir/ Madam

Planning Act 2008 (as amended) – Section 88 and the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 6 and 13

Application by Sembcorp Utilities (UK) Limited for an Order Granting Development Consent for the Proposed Tees CCPP Project

Notice of Preliminary Meeting, Issue Specific Hearing on the Scope of the Application, draft examination timetable and other matters

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 Sembcorp Utilities (UK) Limited. A copy of the appointment letter can be viewed at:

[Appointment of ExA letter](#)

Invitation to the Preliminary Meeting and an Issue Specific Hearing into the Scope of the Application

This letter is an invitation to the Preliminary Meeting to discuss the examination procedure, the formal notification of an Issue Specific Hearing (ISH) into the Scope of the Application 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: Tuesday 10 April 2018
Seating available from: 9.30am
Meeting begins: 10.00am
Venue: Redcar and Cleveland House , Kirkleatham Street, Redcar, TS10 1RT

Access and parking: Full disabled access. The venue is accessible by

public transport. Redcar Central Railway Station and several pay and display car parks are adjacent to the venue.

Given the volume and frequency of letters the Planning Inspectorate needs to send to Interested Parties during an examination, the Planning Inspectorate aims to communicate with people by email wherever possible, as electronic communication is more environmentally friendly and cost effective for the Planning Inspectorate as a Government Agency. If you are able to receive communications by email, please confirm this with us by **Deadline 1, Tuesday 24 April 2018**, in the Examination Timetable.

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 for the Examination, 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 Preliminary 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 Examination 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/North%20East/Tees-CCPP/>

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 Tracey Williams , Case Manager using the details set out at the top of this letter. Please confirm this by **Tuesday 3 April 2018**.

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 (**Annex A**), 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 Tees CCPP project page of the National Infrastructure Planning website.

Interested Parties have the right to request an Open Floor 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 initial suggestion for Issue Specific Hearings is set out in the draft timetable at **Annex C** with the particular topics indicated, although you will see further below that I have made a procedural decision to proceed with my first Issue Specific Hearing into the Scope of the Application immediately following the Preliminary Meeting on Tuesday 10 April at 2.00pm.

My Examination will comprise consideration 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 and Industrial Strategy, who will take the final decision in this case.

Procedural decisions made by the ExA under s89(3) and 93(1) of the Planning Act 2008

I have made some preliminary procedural decisions including the decision to hold an Issue Specific Hearing on the Scope of the Application and 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 relevant Local Authority (reference number beginning with TEES-IP or 2001), 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 TEES-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 that the Examination could be informed by your participation. 'Other Persons' have a reference number beginning with TEES-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

I 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 by the ExA) and any record of advice which has been provided, is published at:

<https://infrastructure.planninginspectorate.gov.uk/projects/North%20East/Tees-CCPP/>

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

Kevin Gleeson

Kevin Gleeson
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
- F** Notification of Issue Specific Hearing on the Scope of the Application
- G** Agenda for the Issue Specific Hearing on the Scope of the Application

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: Tuesday 10 April 2018

Doors open from: 9.30am

Meeting Start Time: 10.00am

Venue: Redcar and Cleveland House,
Kirkleatham Street, Redcar, Cleveland
TS10 1RT

9.30am	Doors open
Item 1 10.00am	Welcome and introductions
Item 2	The 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 the 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 the Scope of the Application • Date of Issue Specific Hearing on draft Development Consent Order • Dates reserved for Open Floor Hearing(s) • Time period reserved for Issue Specific Hearings
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 Tuesday 3 April 2018
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 (RRs) 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 list of identified Principal Issues 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.

Draft Development Consent Order (dDCO) including issues related to:

- The structure of the dDCO
- The lack of powers to acquire land or interests in land
- The appropriateness of proposed provisions including the lack of Protective Provisions
- Relationships with other consents

Environmental Impact Assessment including issues related to:

- The assessment of potential effects of the Proposed Development including Scenarios 1 and 2
- The approach to flexibility in adopting the principle of the Rochdale Envelope
- The parameters and description of the Proposed Development
- Cumulative effects
- Mitigation measures, including the level of detail provided in the Construction Environmental Management Plan

Air Quality and Emissions including issues related to:

- Baseline assessment
- Construction impacts including dust and the application of the Institute of Air Quality Management guidance
- Operational impacts on human and ecological receptors

Biodiversity, Ecology and Natural Environment including issues related to:

- Baseline assessment
- The effects on habitats and species

Habitats Regulations Assessment including issues related to:

- Effects on European sites and their qualifying features, including the approach to in-combination assessment

Economic and Social Effects including issues related to:

- Economic and employment effects during construction and operation
- Effects on surrounding communities including on businesses and nearby residents, during construction and operation

Historic Environment including issues related to:

- Effects on the setting of listed buildings

Infrastructure including issues related to:

- Effects on existing and proposed transmission and distribution facilities
- Effects on other infrastructure

Landscape and Visual including issues related to:

- Design of the proposed CCPP
- Construction Effects including the scope of the Landscaping Scheme
- Operational Effects including the height and location of the proposed stacks

Noise and Vibration including issues related to:

- Baseline assessment
- Construction effects including vibration from traffic
- Operational effects including the effect of noise barriers

Risk and Hazard Management including issues related to:

- Compliance with International Commission in Non-Ionising Radiation Protection (ICNIRP) guidelines
- Other effects on local communities

Transportation and Traffic including issues related to:

- Construction effects on the surrounding road network including the management of abnormal indivisible loads and the scope of the Construction Transport Management Plan
- Co-ordination with other major construction projects
- Operational effects including the absence of a Travel Plan

Water Environment including issues related to:

- Flood Risk Assessment (including scope, assessment, methodology and conclusions)
- The extent to which construction and operation of the Proposed Development would impact on waterbodies
- Compliance with requirements of the Water Framework Directive

Draft timetable for Examination of the Application

Item	Matters	Due Dates
1	Preliminary Meeting	10.00am Tuesday 10 April 2018
2	Issue Specific Hearing on the Scope of the Application	2.00pm Tuesday 10 April 2018
3	Reserve Day for Issue Specific Hearing , if required	10.00am Wednesday 11 April 2018
4	Issue by the Examining Authority(ExA) of: <ul style="list-style-type: none"> • Examination Timetable; • The ExA's Written Questions 	Wednesday 18 April 2018 or as soon as practicable following the Preliminary Meeting
5	Deadline 1 Deadline for the receipt of: <ul style="list-style-type: none"> • Notification of wish to speak at a subsequent 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 • Comments on any updates to Application Documents submitted by the Applicant before or at the Preliminary Meeting(PM) 	Tuesday 24 April 2018

Annex C

	<ul style="list-style-type: none"> • Submission by the Applicant of revised Habitats Regulation Assessment (HRA) Matrices 	
6	<p>Time reserved for issue by ExA :</p> <ul style="list-style-type: none"> • Any notifications of hearings 	Monday 14 May 2018
7	<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 the ExA – see Annex E • Responses to the ExA's Written Questions • Post hearing submissions including written submissions of oral case • Responses to any additional information requested by the ExA 	Wednesday 16 May 2018
8	<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 the ExA's Written Questions • Responses to any additional information requested by the ExA 	Tuesday 29 May 2018
9	Accompanied Site Inspection	Tuesday 12 June 2018
10	<p>Issue Specific Hearing on Environmental Matters;</p> <ul style="list-style-type: none"> • Air Quality • Landscape and Visual Impacts 	Wednesday 13 June 2018

Annex C

	<ul style="list-style-type: none"> • Construction and Traffic and Transport Impacts 	
11	Open Floor Hearing (if requested)	Wednesday 13 June 2018 (Evening)
12	Issue Specific Hearing on the draft Development Consent Order (DCO)	Thursday 14 June 2018
13	<p>Deadline 4</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Responses to any additional information requested by the ExA • Comments on Post hearing submissions including written submissions of oral case • Revised draft DCO from Applicant 	Sunday 8 July 2018
14	<p>Time reserved for issue by ExA :</p> <ul style="list-style-type: none"> • Any notifications of hearings 	Tuesday 10 July 2018
15	<p>Publication by ExA of:</p> <ul style="list-style-type: none"> • The ExA's Further Written Questions (if required) 	Tuesday 24 July 2018
16	<p>Deadline 5</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Comments on responses to the ExA's Further Written Questions (if required) • Responses to any additional information requested by the ExA • Comments on Applicant's revised draft DCO (if required) 	Tuesday 7 August 2018
17	Dates reserved for Issue Specific Hearings (if required)	Tuesday 14 August 2018
18	Date reserved for Issue Specific Hearings (if required)	Wednesday 15 August 2018

19	<p>Deadline 6</p> <ul style="list-style-type: none"> • Post hearing submissions including written submissions of oral case • Applicant's revised DCO • Responses to any additional information requested by ExA 	Wednesday 22 August 2018
20	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • Report on the Implications for European Sites (RIES) (if required) 	Wednesday 5 September 2018
21	<p>Deadline 7</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Comments on the RIES (if one was prepared) • Responses to any additional information requested by ExA 	Wednesday 26 September 2018
22	<p>Deadline 8</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Responses to comments on the RIES (if one was prepared) • Responses to additional information requested by the ExA • Final draft DCO to be submitted by the Applicant in the SI template with the SI template validation report • Resubmission of final versions of updated application documents 	Wednesday 3 October 2018
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>The ExA may close the examination before the end of the six month period if he is satisfied that all relevant matters have been addressed and discussed.</p>	Wednesday 10 October 2018

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/North%20East/Tees-CCPP/>

Hearing Agendas

Please note that we will 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.

Report on the Implications for European Sites (RIES)

Where the Applicant has provided a No Significant Effects Report or a Habitats Regulations Assessment (HRA) Report with the DCO application, the ExA may decide to issue a RIES during the Examination. The RIES is a factual account of the information and evidence provided to the ExA on HRA matters during the Examination up to the date of the publication of the RIES, for the purposes of enabling the Secretary of State, as competent authority, to undertake its HRA. It is not the ExA's opinion on HRA matters. Comments on the RIES will be invited by the ExA and any received will be taken into account as part of the ExA's Recommendation to the relevant Secretary of State.

The Secretary of State may rely on the consultation on the RIES to meet its obligations under Regulation 63(3) of the Habitats Regulations and/ or Regulation 28 of the Offshore Marine Regulations.

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/North%20East/Tees-CCPP/>

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

		Opening Hours
Darlington Library Darlington DL1 1ND Tel 01325 349623 carol.houghton@darlington.gov.uk		Monday: 9:00am – 6:00pm Tuesday: 9:00am – 6:00pm Wednesday: 9:00am – 5:00pm Thursday: 10:00am – 6:00pm Friday: 9:00am – 5:00pm Saturday: 9:00am – 4:00pm Sunday: closed Public Holidays: closed
Printing Costs	Black and White	Colour
A4	25p	55p
A3	30p	-

		Opening Hours
Marske Library Windy-Hill Lane Marske-by-the-Sea Redcar TS11 7BL Tel: 01642 485440 Marske_library@redcar-cleveland.gov.uk		Sunday: closed Monday: 9:00am – 5:00pm Tuesday: 10:0am – 4:00pm Wednesday: 10:00am – 5:00pm Thursday: closed Friday: 10:00am – 5:00pm Saturday: 9:00am - 12:30pm
Printing Costs	Black and White	Colour
A4	30p	50p
A3	-	-

		Opening Hours
Middlesbrough Central Library Centre Square Middlesbrough TS1 2AY Tel 01642 729002 reference_library@middlesbrough.gov.uk		Monday: 9:30am – 7:00pm Tuesday: 9:30am – 7:00pm Wednesday: 9:30am – 5:00pm Thursday: 9:30am – 7:00pm Friday: 9:30am – 5:00pm Saturday: 9:30am – 5:00pm Sunday: closed
Printing Costs	Black and White	Colour
A4	10p	30p
A3	-	-

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.

Procedural Decisions made by the Examining Authority (ExA)

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

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 at **Deadline 2 Wednesday 16 May 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 SoCGs are requested to be prepared by:

- A. **The Applicant and Redcar and Cleveland Borough Council** to include:
- Development Consent Order
 - Economic and Social impacts
 - Environmental Impact Assessment, including issues related to:
 - The assessment and its potential effects
 - Cumulative effects
 - Noise and disturbance including construction, operational and decommissioning noise and vibration effects
 - Landscape and visual impact
 - Air quality
 - Nature conservation effects
 - Highways and transport
 - Construction Environmental Management Plan.
- B. **The Applicant and the Environment Agency** to include:
- Development Consent Order
 - Environmental Permits
 - Combined Heat and Power
 - Carbon Capture and Storage
 - Water environment effects including abstraction and discharge, drainage, flooding and the Water Framework Directive
 - Construction Environmental Management Plan
 - Air Quality Assessment

- C. **The Applicant and Natural England** to include:
 - Development Consent Order
 - Effects on habitats, species and nationally designated sites
 - Effects on European sites and features relevant to Habitat Regulations Assessment; assessment methodology and conclusions

- D. **The Applicant and the National Grid Electricity Transmission /National Grid Gas** to include:
 - Impact on existing apparatus
 - Connection matters

- E. **The Applicant and Tees Valley Wildlife Trust** to include:
 - Impact on bird species biodiversity

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

2. Habitats Regulations 2017

The Applicant is requested to provide revised screening matrices (in Word and pdf formats) for its Habitats Regulation Assessment – No Significant Effects Report [APP-076] using the screening matrix template published in the Planning Inspectorate's Advice Note 10: Habitats Regulation Assessment (Advice Note 10), for **Deadline 1, Tuesday 24 April 2018** to reflect the following:

- a) In accordance with Advice Note 10, the screening matrices for the SPAs should include each qualifying feature of the European site in separate rows and assess the likely effects on each. The ExA acknowledges the Applicant's reasoning for the current presentation of the screening matrices (as explained in paragraph H1.79 of the HRA Report [APP-076]), but considers that the approach in Advice Note 10 must be followed to ensure all qualifying features of each designation have been fully considered in the assessment.
- b) The waterbird assemblage qualifying feature should be included in the matrix for the Teesmouth and Cleveland Coast SPA.
- c) The footnotes to all of the screening matrices should be revisited to ensure specific paragraph references are provided in all relevant circumstances to confirm the source of the information/ conclusion provided. This should include reference to evidence of agreement with Natural England, where applicable.
- d) If any mitigation measures have been relied upon to reach the conclusions in the HRA report, the footnotes to all of the matrices should be revised to include the precise mitigation measures relied on, cross-referenced to the draft Development Consent Order (DCO) to confirm how these measures would be secured.

3. Post submission application documents

Following the acceptance of the application on 18 December 2017 and in response to s51 advice issued by the Inspectorate, the Applicant submitted, on 23 January 2018 the following revised application documents to the Inspectorate:

- Covering letter dated 23 January 2018
- Works Plan (Application Document 4.3) Sheet 1 (updated)
- Works Plan (Application Document 4.5) Sheet 3 (updated)
- Application Documents 4.12 and 4.13 (updated)
- Updated Environmental Statement – Revised Chapter 11

The ExA has made a Procedural Decision to accept these documents as Additional Submissions. They have been published on the Tees CCPP project page of our website.

4. Issue Specific Hearing on the Scope of the Application

I have made a Procedural decision to hold an Issue Specific Hearing on the Scope of the Application on **Tuesday 10 April 2018 at 2.00pm and Wednesday 11 April 2018 at 10:00am, if required**. This has been scheduled to be held after the Preliminary Meeting to ensure that I have an early opportunity in the examination process to discuss the application with the Applicant and Interested Parties. The formal notification of this hearing can be found in **Annex F**. The agenda can be found in **Annex G**.

Notification of Issue Specific Hearing on the Scope of the Application

I write to advise you that an Issue Specific Hearing will be held on **Tuesday 10 April 2018 at 2pm at Redcar and Cleveland House, Kirkleatham Street, Redcar, TS10 1RT**

Doors open at 1.30pm and the hearing will commence at 2.00pm.

It would help with the management of the hearing if you can to notify the case team at the postal or email address in the main letter by **Tuesday 3 April 2018**, if:

- You will be attending
- You wish to speak at the meeting
- Notify us of any special needs you may have (e.g. disabled access, hearing loop)

Please ensure that you include your interested party reference number in your correspondence.

An agenda for the Issue Specific Hearing related to the Scope of the Application can be found in **Annex G** and sets out the topics to be discussed.

Agenda for the Issue Specific Hearing on the Scope of the Application

This document sets out the agenda for the Issue Specific Hearing on the Scope of the Development Consent Order (DCO) Application as notified by the Examining Authority (ExA) in **Annex F**.

Background

This early hearing is being held to address matters, issues and questions identified by the ExA during the Initial Assessment of Principal Issues as listed in **Annex B**. The ExA will not examine matters arising from the content of individual Relevant Representations (RRs) at this hearing. These are matters that will be the subject of consideration as the examination progresses, in writing or orally as required, following the submission of Written Representations (WRs).

The ExA considers that it is expedient to examine some matters, issues and questions orally at the outset of the examination in order to ensure that technical and legal matters arising are identified and considered as early as possible. This hearing, and any subsequent hearings, will be held without prejudice to the ExA's consideration of the broader planning merits of the Application.

The ExA requests that the following attendees participate in the hearing into the Scope of the DCO Application:

- **Sembcorp Utilities (UK) Limited (the Applicant)** - including representatives of the Applicant who are in a position to discuss the matters on the agenda;
- **Redcar and Cleveland Borough Council (RCBC);**
- **National Grid Electricity Transmission (NGET);**
- **National Grid Gas (National Grid);**
- **Northern Powergrid (Northeast) Limited;**
- **Northumbrian Water; and**
- **Any other Interested Parties (IPs)** - with an interest in the scope of the DCO application.

Participants may be legally represented if they wish, but the hearing will be conducted to ensure that legal representation is not required.

Guidance under the Planning Act 2008 (PA 2008) and the Infrastructure Planning (Examination Procedure) Rules 2010 provide that it is the ExA that will probe, test and assess the evidence through direct questioning of persons making oral representations at hearings. Questioning at the hearing will be led by the ExA.

The following agenda is indicative and may be amended by the ExA at the start of the hearing session. Furthermore, the ExA may wish to raise other matters arising from submissions, and pursue lines of inquiry in the course of the discussion which are not on the agenda.

1. Welcome, Introductions and Arrangements

2. Purpose of the Hearing

The ExA will examine the scope of the DCO application within the framework of the matters set out below to consider:

- Whether the Proposed Development can be undertaken without the acquisition of land or interests in land;
- Whether the Proposed Development would be adequately served by existing infrastructure provision relating to gas, water and electricity;
- The potential need for Protective Provisions to be included within the draft DCO [APP-005] for the protection of the interests, statutory role and functions of NGET or other electricity, gas water or sewerage undertakers;
- How constructing the Proposed Development in two phases (Scenario 2) has been assessed in the Environmental Statement (ES) [APP-042] and addressed within the draft DCO;
- Whether the draft DCO is consistent with the applicant's approach to flexibility in adopting the principle of the 'Rochdale Envelope' as described in the ES; and
- Consistency between the description of the Proposed Development in chapters 1 and 5 of the ES and the works/thresholds described in the draft DCO and the Works Plans [AS-001 and APP-014].

3. Land Ownership

- 3.1 The ExA will ask the Applicant whether the Proposed Development can be undertaken without the need for land acquisition or acquiring rights over land.
- 3.2 The Land Ownership and Interests Schedule [APP-007] identifies NGET and Northern Powergrid (Northeast) Limited as qualifying persons under s44 of PA2008. In relation to Part 2 and Annexes 1 and 2, explain, preferably with reference to Land Registry plans, the location of the land on which substation 'Greystones B' is situated, the location of the underground cable on the southwestern part of the Project Site and the extent of the freehold interest of the Applicant beyond the site boundary.
- 3.3 The Applicant has confirmed that the private road shown on the Existing Access Plan, [APP-015] is within its ownership. Please indicate any limitations which restrict the use of this private road.
- 3.4 Confirm the existing ownership/land interests of the demineralised water, potable water and raw water connections, as shown in Documents 4.7 and 4.8, within the site boundary [APP-021, APP-022 and APP-023].

- 3.5 Confirm the ownership/land interests of the existing gas connections within the site as shown in Document 4.9 [APP-024].
- 3.6 Please explain whether any other utility service providers have any interests within the Order Limits.
- 3.8 Paragraph 4.21 of the Carbon Capture Readiness (CCR) Statement [APP-039] indicates that an 8 hectare site for CCR would be required based on International Energy Agency estimates. Based on other studies the requirement may only be 4.6 hectares. The area available for CCR at the application site is 5.4 hectares. Does the fact that this is split between two areas create any difficulties and what further reassurance can be provided that providing two separate areas would be adequate for CCR?
- 3.9 Paragraph 4.26 of the CCR Statement indicates that additional land would be available on the adjacent Wilton International site if required. How could this be addressed through the DCO?

4. The Adequacy of Existing Infrastructure

- 4.1 The ExA will ask the Applicant whether the Proposed Development would be adequately served by existing infrastructure provision relating to gas, water and electricity.

Gas

- 4.2 Section 2 of the Gas Connection Statement [APP-034] states that the gas supply capability of the pipeline is well in excess of the requirement for the Proposed Development. It also states that all of the required gas connection infrastructure will be provided by existing assets. Nevertheless, reference is made to Above Ground Installation (AGI) 3 being proposed within the red line DCO boundary. Reference is also made to an application for connection and capacity to the existing pipeline being made to National Grid. Please provide an update with regard to this application and confirm whether the existing gas infrastructure can adequately serve the Proposed Development.

Water

- 4.3 Paragraph 5.47 of the ES [APP-047] states that water for the hybrid water coolers will be sourced from an existing raw water connection which is currently in service and has sufficient capacity to supply the requirements of the Project without variation to existing agreements. Demonstrate whether the existing demineralised water, potable water and raw water connections, as shown on Documents 4.7 and 4.8 [APP-021, APP-022 and APP-023] have sufficient capacity to serve the Proposed Development and whether there is any need to vary existing agreements. Please confirm what agreements are already in place.
- 4.4 Northumbrian Water in their comments set out in the Scoping Report [APP-062] recommended that the Applicant contact them to

discuss the waste and waste water requirements of the project to ensure that the proposals can be accommodated within the existing water and waste water networks. Have discussions taken place between the Applicant and Northumbrian Water in response to this request?

Electricity

- 4.5 In Paragraph 2.5 of the Grid Connection Statement [APP-033] it is stated that the required grid connection infrastructure will be provided by existing NGET assets. On this basis the Applicant believes that the proposed connection is entirely feasible and deliverable. With reference to the Connection Application submitted to NGET on 19 September 2017 comment on whether the necessary infrastructure and capacity exists within the transmission network to accommodate the electricity generated.
- 4.6 Please confirm whether or not the connections and capacity of infrastructure address Carbon Capture Readiness and Combined Heat and Power requirements.

5. Protective Provisions

- 5.1 The ExA will ask the Applicant whether there is a need for Protective Provisions to be included within the DCO for the protection of the interests, statutory role and functions of NGET or other electricity, gas water or sewerage undertakers.
- 5.2 As currently drafted the DCO [APP-005] would not provide powers which would impact on the property interests of any other party within the Order limits.
- 5.3 The Land Ownership and Interests Schedule [APP-007] recognises that there are other land interests within the Order limits in addition to those of the Applicant. One of those interests, NGET, indicated, as set out in an Appendix to the Scoping Opinion [APP-083], that where the promoter intends to acquire land, extinguish rights or interfere with any NGET apparatus, Protective Provisions will be required. The Applicant has stated that the connections to the existing substations would be carried out in accordance with the terms of the agreement with National Grid pursuant to the Connection Application. Accordingly the Applicant has stated that Protective Provisions are not required. The draft DCO does not contain any Protective Provisions.
- 5.4 Nevertheless, NGET in their Relevant Representation [RR-005] has indicated that it is currently in discussion with the promoter in order to secure protective provisions notwithstanding the submission of a Connection Application. Please comment on the applicability of Protective Provisions and whether discussions are ongoing or planned between the Applicant and other parties including NGET.

- 5.5 Are there other land interests within the Order limits or outside of the site which might be affected, thereby necessitating Protective Provisions?
- 5.6 Table 15.3 of the ES [APP-057] describes the mitigation in the event of a gas transmission pipeline rupture as maintenance of an easement zone for the pipeline. Regulation 7 of the Infrastructure Planning (Application Prescribed Forms and Procedure) Regulations defines a Book of Reference which should include in Part 3 the names of all parties entitled to enjoy easements or other private rights over land which it is proposed shall be extinguished, suspended or interfered with. Given the existence of an easement, would this require a protective provision for the owner of the pipeline and the preparation of a Book of Reference?

6. Phasing of the Proposed Development

- 6.1 The ExA will ask the Applicant how constructing the Proposed Development in two phases (Scenario 2) has been assessed in the ES and addressed within the draft DCO.
- 6.2 Can the Applicant confirm if the implementation of Scenario 2 and in particular the construction of a later power train would result in effects greater than those anticipated for Scenario 1. The Applicant should address the potential for construction impacts associated with the second power train to interact with the operational impacts of the first power train. Furthermore, the Applicant should demonstrate, by reference to each ES topic, the differences when the impacts and likely significant effects of each of the scenarios (pre and post mitigation) are compared.
- 6.3 The assessment of the ES anticipates that construction of the second train would be up to five years after first operation of the first train. On this basis, can the Applicant guarantee (through the draft DCO) that construction of the second train will not commence at a point later than that assessed? In the event that this cannot be guaranteed, can the Applicant confirm that the approach to the assessment and the findings of the ES would remain valid? If not, what would be the controlling mechanism to ensure that any likely significant effects (beyond those currently assessed) are taken into account before the development proceeds?
- 6.4 Requirement 2 (2) of the draft DCO provides for the proposed phasing of the authorised development to be submitted to and approved by the relevant planning authority. What process would be followed if there were a significant delay in commencing the second phase of development such that the Applicant could not comply with the agreed phasing?

7. The Approach of the DCO and the ES with Regard to Flexibility

- 7.1 The ExA will ask the Applicant whether the draft DCO is consistent with the applicant's approach to flexibility in adopting the principle of the 'Rochdale Envelope' in the ES.
- 7.2 In addition to the two development scenarios, what other elements of the Proposed Development provide flexibility and how have these been addressed through the draft DCO?
- 7.3 Do the photomontages and photowirelines presented in Annex K of the ES [APP-080] demonstrate the worst case extent of the Proposed Development as built (in line with the description of development in Table 5.3 and/or Table 7.6 and/or paragraph 11.4 of the ES) and do they reflect the maximum dimensions set out in the draft DCO?
- 7.4 The limits of deviation in Article 6 of the draft DCO allow the authorised development to extend laterally and vertically downwards. Demonstrate how this has been addressed within the relevant ES assessments and provide an explanation as to why such deviation is necessary. Why is it necessary to provide deviation vertically downwards and to have such a wide definition?
- 7.5 Paragraph 4.8 of the Design and Access Statement [APP-037] states that the maximum height of the co-located stacks is 75m above existing ground level. Requirement 4 of the draft DCO also specifies a maximum height for the stack to be 75m.
- 7.6 Please explain how these statements reconcile with paragraph E1.9 of Annex E1 [APP-069] which states that the stack height of 75m is the lowest stack height at which impacts on sensitive human receptors are deemed to be acceptable and not significant on ecological receptors. It continues, by indicating that the Applicant will carry out a further stack height assessment among other assessments as part of the environmental permit process with the implication being that the height could change.

8. The Description of Development

- 8.1 The ExA will ask the Applicant about consistency between the Proposed Development as described in chapters 1 and 5 of the ES and the works/thresholds described in the draft DCO and the Works Plans.
- 8.2 Approximate Dimensions for Main Structures are presented in Table 5.3 of the ES [APP-047] with building dimensions set out in Table 7.6 [APP-049]. In the Design and Access Statement [APP-037] maximum dimensions for buildings are presented in Table 4.2. In the draft DCO maximum dimensions of buildings and structures are set out in Requirement 4 (2). Paragraph 11.4 of the ES [APP-053]

describes the worst case scenario for maximum heights of the tallest structures as including 44m for the heat recovery steam generators and 23 m for the turbine halls.

- 8.3 There is inconsistency between all of these sources in terms of the description of the building or structure and the dimensions. On what basis has the environmental impact assessment been undertaken and how does this relate to the draft DCO? What are the current assumptions about building and structure dimensions and how do these compare with those in the ES and draft DCO?
- 8.4 Furthermore, confirm whether or not the Authorised Development in Schedule 1 Part 1 of the draft DCO is fully consistent with the description of the project components in paragraphs 1.9 and 1.10 of ES [APP-043]. This is difficult to establish given the above noted inconsistencies and without the inclusion of Works No's in the ES project description. In addition, please explain why Work No 1A (2) and (3) of the draft DCO indicate that elements '*may comprise*' or '*may include*' and why paragraph 1.10 of the ES states that the Project '*is likely also to include*' various elements. Are these elements not necessary?
- 8.5 Can the Applicant confirm that these elements which '*may*' be included been taken into account in the environmental impact assessment? If not, please explain whether or not it would alter the conclusions of the assessment.
- 8.6 How do the descriptions of buildings and structures in Requirement 4 (2) relate to the works identified in Part 1? Why are maximum lengths, widths and floorspaces of structures not specified?

9. Next Steps

10. Closure of the Hearing