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

Your Ref:

Our Ref: EN010088

Date: 6 November 2019

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Dear Sir/ Madam

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

### **Application by EDF Energy (Thermal Generation) Limited for an Order Granting Development Consent for the West Burton C power station**

#### **Examination Timetable and procedure**

This letter provides you with the Examination Timetable, details of the publication of the Examining Authority's (ExA) Written Questions and other important information about the Examination.

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/north-east/west-burton-c-power-station/?ipcsection=docs>

#### **The Examination Timetable**

I have made a Procedural Decision about the way the application will be examined. The final Examination Timetable is attached at **Annex A**.

The Examination Timetable replaces the draft timetable that was included in the Rule 6 letter dated 26 September 2019<sup>1</sup>. In finalising the Examination Timetable, I have sought to accommodate requests and suggestions made at the Preliminary Meeting and in representations submitted in advance of that meeting.

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<sup>1</sup> Your invitation to the Preliminary Meeting

Please note that the Examination Timetable contains a number of deadlines for receipt of information by the Planning Inspectorate. All deadlines are at 23:59 on the date specified. Please ensure submissions arrive by the deadline. If you do not make your submissions by the dates specified in the timetable, I may disregard them.

I request that Interested Parties send, where practicable, electronic copies of their submission as email attachments to [WestBurtonC@planninginspectorate.gov.uk](mailto:WestBurtonC@planninginspectorate.gov.uk) on or before the applicable deadline. Electronic attachments should be clearly labelled with the subject title and not exceed 12MB for each email. Providing links to websites where your submissions can be viewed is not acceptable. All submissions must be made in a format that can be viewed in full on the National Infrastructure Planning website. Any submissions that exceed 1500 words should also be accompanied by a summary; this summary should not exceed 10% of the original text.

If I consider it necessary to vary the Examination Timetable during the Examination, notification will only be sent to Interested Parties invited to the Preliminary Meeting. The changes will be published on the West Burton C project page of the National Infrastructure Planning website.

## Procedural Decisions

**Annex B** contains important details and clarifications about my other Procedural Decisions made at, or following, the Preliminary Meeting. These include:

- **Additional Submissions;** and
- **Examination Timetable.**

## Written Representations

All Interested Parties are now invited to submit Written Representations and any comments on the Relevant Representations already submitted. These should be submitted by **Deadline 2** (6 December 2019) in the Examination Timetable (**Annex A**).

Written Representations can cover any relevant matter and are not restricted to the matters set out in my Initial Assessment of Principal Issues discussed at the Preliminary Meeting and included in my Rule 6 letter<sup>2</sup>. Nor are they restricted to the content of my Written Questions (see next heading, below).

Any person, other than the Applicant, who submits a Written Representation must identify those parts of the application with which they agree and those parts with which they do not agree, explaining the reasons why<sup>3</sup>. Interested Parties should also provide with their Written Representations "*the data, methodology and assumptions used to support their submissions*"<sup>4</sup>.

<sup>2</sup> <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010088/EN010088-000420-20190926%20EN010088%20West%20Burton%20Rule%206%20Letter.pdf>

<sup>3</sup> Required under Rule 10(4) of The Infrastructure Planning (Examination Procedure) Rules 2010

<sup>4</sup> <https://www.gov.uk/government/publications/planning-act-2008-examination-of-applications-for-development-consent>

Further written submissions will be requested by the ExA at various points in the Examination.

Any Written Representations, and any further written submissions requested by the ExA in the course of the Examination which exceed 1500 words should also be accompanied by a summary which should not exceed 10% of the original text. The summary should set out the key facts of the written submission and must be representative of the submission made.

### **ExA's Written Questions**

I have compiled Written Questions (WQ) about the application and the representations received so far. These questions are published on the National Infrastructure Planning website and can be accessed through the following link:

<https://infrastructure.planninginspectorate.gov.uk/document/EN010088-000407>

Answers to my WQs must be provided by **Deadline 2** (6 December 2019) in the Examination Timetable (**Annex A**).

If you require a hard copy of my WQs, please contact the Case Team who will send you a copy.

### **Hearings and Accompanied Site Inspection (ASI)**

The Examination Timetable at **Annex A** includes periods of time reserved for any hearings and ASI to be held in January 2020, and I will notify all Interested Parties at least 21 days in advance of them taking place. That notification will include an additional deadline for Interested Parties to inform the Planning Inspectorate if they wish to attend the notified hearing(s) and/or ASI.

The hearing agendas, and ASI itinerary, will be published on the project page of our website at least 5 working days before each event.

**Annex C** provides details about what Interested Parties should include in a request to be heard at a hearing, and the procedure that will be followed at hearings.

### **Availability of application documents and representations submitted to the Examination**

All documentation and audio recordings associated with the examination of this application can be found using this link:

<https://infrastructure.planninginspectorate.gov.uk/projects/north-east/west-burton-c-power-station/?ipcsection=docs>

**Annex D** provides details of locations in the vicinity of the Proposed Development at which all Examination documents can be viewed electronically, free of charge.

Advice to Interested Parties about how to access and navigate the Examination Library is also provided at **Annex D**.

## **Your status in the Examination**

You have received this letter because you fall within one of the groups described in this FAQ document: <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2019/02/Status-faq.pdf>.

If your reference number begins with '2002' you are in Group A. If your reference number begins with 'WBC-SP' you are in Group B. If your reference number begins with 'WBC-OP' you are in Group C.

If having read the FAQ document published at the link above you are still unsure about your status, please contact the Case Team using the details at the top of this letter.

## **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>5</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.

## **Management of information**

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

<https://infrastructure.planninginspectorate.gov.uk/projects/north-east/west-burton-c-power-station/?ipcsection=overview>

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

Please note that in the interest of facilitating an effective and fair examination, we consider it necessary to publish some personal information. To find out how we handle your personal information, please view our Privacy Notice.

I look forward to working with all parties in the examination of this application.

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<sup>5</sup> <https://www.gov.uk/government/publications/awards-of-costs-examinations-of-applications-for-development-consent-orders>

Yours faithfully

*Alex Hutson*

**Examining Authority**

**Annexes**

- A** Examination Timetable
- B** Procedural Decisions made by the Examining Authority
- C** Requests to appear and procedure to be followed at hearings
- D** Availability of representations and application documents

This communication does not constitute legal advice.  
Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

## Examination Timetable

The Examining Authority (ExA) is under a duty to **complete** the examination of the application by the end of the period of six months beginning with the day after the close of the Preliminary Meeting.

Item	Matters	Due Dates
1.	<b>Preliminary Meeting</b>	<b>Wednesday 30 October 2019</b>
2.	<b>Issue by the ExA of:</b> <ul style="list-style-type: none"> <li>• Examination Timetable</li> </ul> <b>Publication of:</b> <ul style="list-style-type: none"> <li>• The ExA's Written Questions</li> </ul>	<b>As soon as practicable following the Preliminary Meeting</b>
3.	<b>Deadline 1</b> Deadline for receipt by the ExA of: <ul style="list-style-type: none"> <li>• Local Impact Reports (LIRs) from Local Authorities;</li> <li>• Initial Statements of Common Ground (SoCG) requested by the ExA (<b>see Annex E</b>);</li> <li>• Requests for an Open Floor Hearing (OFH);</li> <li>• Notification of wish to speak at an OFH;</li> <li>• Notification of wish to attend the Accompanied Site Inspection (ASI);</li> <li>• Submission of suggested locations / sites for the ExA to include as part of the ASI including the issues to be observed there, information on whether the site can be accessed on public land and reasoning for each nominated site;</li> <li>• Applicant's draft itinerary for the ASI;</li> <li>• Comments on Relevant Representations;</li> </ul>	<b>Wednesday 20 November 2019</b>

	<ul style="list-style-type: none"> <li>• Comments on any Additional Submissions.</li> </ul>	
<b>4.</b>	<p><b>Deadline 2</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Responses to the ExA’s Written Questions;</li> <li>• Written Representations (WRs);</li> <li>• Summaries of all WRs exceeding 1500 words;</li> <li>• Comments on LIR(s);</li> <li>• Comments on the Applicant’s draft ASI itinerary submitted by Deadline 1;</li> <li>• Progressed SoCG requested by the ExA;</li> <li>• Any updated version of the draft Development Consent Order (dDCO) in clean, tracked and word versions;</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Procedure Rules<sup>1</sup> (EPR).</li> </ul>	<p><b>Friday 6 December 2019</b></p>
<b>5.</b>	<p><b>Issue by the ExA of:</b></p> <ul style="list-style-type: none"> <li>• Notification of Hearings and Accompanied Site Inspection to be held during the week commencing 20 January 2020 (if required).</li> </ul>	<p><b>Monday 16 December 2019</b></p>
<b>6.</b>	<p><b>Deadline 3</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Comments on responses to the ExA’s Written Questions;</li> <li>• Comments on WRs;</li> <li>• Comments on any other information submitted for Deadline 2;</li> <li>• Progressed SoCG requested by the ExA;</li> <li>• Any updated version of the dDCO in clean, tracked and word versions;</li> </ul>	<p><b>Friday 20 December 2019</b></p>

<sup>1</sup> The Infrastructure Planning (Examination Procedure) Rules 2010

	<ul style="list-style-type: none"> <li>Any further information requested by the ExA under Rule 17 of the EPR.</li> </ul>	
<b>7.</b>	<p><b>Hearings</b></p> <p>Dates reserved for:</p> <ul style="list-style-type: none"> <li>Any Issue Specific Hearing(s) (if required);</li> <li>Any Open Floor Hearing(s) (if required);</li> <li>Accompanied Site Inspection.</li> </ul>	<b>Week commencing 20 January 2020</b>
<b>8.</b>	<p><b>Deadline 4</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>Written summaries of oral submissions made at any Hearings held during the week commencing 20 January 2020;</li> <li>Comments on any information submitted for Deadline 3;</li> <li>Any updated version of the dDCO in clean, tracked and word versions;</li> <li>Progressed SoCG requested by the ExA;</li> <li>Any further information requested by the ExA under Rule 17 of the EPR.</li> </ul>	<b>Thursday 30 January 2020</b>
<b>9.</b>	<p><b>Publication of:</b></p> <ul style="list-style-type: none"> <li>The ExA's Further Written Questions (FWQs) (if required).</li> </ul>	<b>Monday 10 February 2020</b>
<b>10.</b>	<p><b>Deadline 5</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>Responses to the ExA's FWQs (if required);</li> <li>Comments on responses submitted for Deadline 4;</li> <li>Any updated version of the dDCO in clean, tracked and word versions;</li> <li>Progressed Statements of Common Ground;</li> </ul>	<b>Monday 24 February 2020</b>



	<ul style="list-style-type: none"> <li>Any further information requested by the ExA under Rule 17 of the EPR.</li> </ul>	
<b>11.</b>	<p>Issue by the ExA of:</p> <ul style="list-style-type: none"> <li>The Report on the Implications for European Sites (RIES) (if required);</li> <li>The ExA's dDCO (if required);</li> <li>Any requests for information under Rule 17 of the EPR (if required).</li> </ul>	<b>Monday 9 March 2020</b>
<b>12.</b>	<p><b>Deadline 6</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>Finalised Statements of Common Ground;</li> <li>Signed and dated s106 Agreement (if required);</li> <li>Comments on the RIES (if required);</li> <li>Comments on the ExA's dDCO (if required);</li> <li>Comments on responses submitted for Deadline 5;</li> <li>Responses to any further information requested by the ExA under Rule 17 of the EPR (if required);</li> <li>The Applicant's Final Preferred DCO in the SI template validation report.</li> </ul>	<b>Monday 30 March 2020</b>
<b>13.</b>	<p><b>Deadline 7</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>Comments on responses submitted for Deadline 6;</li> <li>Comments on the Applicant's Preferred DCO.</li> </ul>	<b>Thursday 9 April 2020</b>
<b>14.</b>	<p>The ExA is under a duty to complete the Examination of the application by the end of the period of 6 months.</p>	<b>Thursday 30 April 2020</b>

	Please note that 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.	
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### **Publication dates**

All information received will be published on the project page of the National Infrastructure Planning website as soon as practicable after each deadline for submissions.

### **Hearing agendas**

I will aim to publish a draft agenda for each hearing on the project page of the National Infrastructure Planning website at least five working days in advance of the hearing date. 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**

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 Report on the Implication for European Sites (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<sup>2</sup> and/ or Regulation 28 of the Offshore Marine Regulations.

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<sup>2</sup> The Conservation of Habitats and Species Regulations 2017

## **Procedural Decisions made by the Examining Authority**

I have made a number of Procedural Decisions following the Preliminary Meeting<sup>1</sup>:

### **1. Examination Timetable**

The Examination Timetable (**Annex A**) remains predominantly the same as that included within the Rule 6 letter. The only additions, for the purpose of clarity, is for comments on Written Representations by **Deadline 3** (20 December 2019) and for comments on the Applicant's draft Accompanied Site Inspection itinerary by **Deadline 2** (6 December 2019).

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

Some of my Written Questions (WQ) 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 WQs carefully in order that they may identify and respond to any questions posed to them. No party should feel inhibited or restricted in responding to any question I ask, even if it is directed elsewhere.

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<sup>2</sup>.

### **3. 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. Final signed versions of the SoCGs listed below are requested to be submitted by **Deadline 6** (30 March 2020).

- A. Natural England
- B. Historic England
- C. Environment Agency
- D. Marine Management Organisation
- E. Nottinghamshire County Council
- F. Lincolnshire County Council
- G. Bassetlaw District Council
- H. West Lindsey District Council
- I. Nottinghamshire Wildlife Trust
- J. Drainage Board
- K. National Grid

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<sup>1</sup> Section 89(1) of the Planning Act 2008

<sup>2</sup> <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/legislation/>

**All of the SoCGs listed above should cover the Articles and Requirements in the draft DCO.** 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.

Where a particular SoCG cannot be agreed between the parties by Deadline 1, or in so far as any local authority position represents an officer level view only, draft versions of that SoCG are requested to be submitted **by the Applicant to Deadline 1** (20 November 2019). The position of the relevant Interested Parties should then be confirmed in the course of the Examination. If any draft SoCG is not submitted by Deadline 1, the reasons for this should be justified and a detailed update provided, including an indication of which matters remain in dispute between the Applicant and the relevant party.

The content of SoCGs is necessary to help inform me as to the need to hold any Issue Specific Hearings in January 2020, and to enable me and the Applicant to give notice of such hearings at least 21 days in advance of them taking place.

#### **4. Local Impact Reports (LIRs)**

A LIR is a report in writing giving details of the likely impact of a Proposed Development on a local authority's area (or any part of that area). For more information about the importance and content of LIRs see our Advice Note One: Local Impact Reports<sup>3</sup>.

Local authorities<sup>4</sup> are invited to submit LIRs by **Deadline 1** (20 November 2019).

#### **5. Additional Submissions**

I made a Procedural Decision on 1 November 2019 to accept submissions from the following:

- ESP Utilities Group Ltd

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

Time has been reserved in the Examination Timetable to undertake an ASI in January 2020.

The Applicant will submit to the Examination a draft itinerary for the ASI by **Deadline 1** (20 November 2019). The draft itinerary will be published to the National Infrastructure Planning website and will be available to view, here:

<https://infrastructure.planninginspectorate.gov.uk/projects/north-east/west-burton-c-power-station/?ipcsection=docs>

Requests by Interested Parties to attend the ASI should be provided by **Deadline 1** (20 November 2019). I invite comments from any Interested Party on the Applicant's draft itinerary by **Deadline 2** (6 December 2019). As explained in my Rule 6 letter, the Interested Parties attending the ASI will include representatives

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<sup>3</sup> <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

<sup>4</sup> Defined in s56A of the Planning Act 2008

of the Applicant, Local Authorities and other Interested Parties (or their representatives).

It may 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 Case Team if you wish to meet the inspection at a specific location within the itinerary, or at a new location, as proposed in your comments.

The final itinerary for the ASI will be published on the project page of the National Infrastructure Planning website no later than 5 working days before the date of the ASI.

Interested Parties should be aware that **ASIs are not an opportunity to make any oral representations to the ExA about the Proposed Development.** However, I may invite participants to indicate specific features or sites of interest.

## Requests to appear and procedure to be followed at hearings

The Examination Timetable (**Annex A**) reserves a period of time for hearings to be held during the week commencing 20 January 2020.

Interested Parties are required to notify the Examining Authority (ExA) in writing of their wish to take part in an Open Floor Hearing (OFH). I remind Interested Parties of the Procedural Decision issued with the Rule 6 letter requesting notification from Interested Parties in this regard on or before **Deadline 1** (20 November 2019).

If no written requests to take part in an OFH are received by the above deadline, I am not required to hold such a hearing; although I may choose to do so nonetheless.

I may also choose to hold Issue Specific Hearings (ISH) about topics that I think need to be explored orally.

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

If an Interested Party wishes to attend an OFH or ISH they should indicate which topics in their Relevant Representation or Written Representation they wish to address at a hearing.

Notifications from Interested Parties in respect of the above should be sent separately from any other written submission, and appropriately titled to allow us to quickly identify which event the notification relates to.

## Procedure at hearings

The procedure to be followed at hearings is set out in The Infrastructure Planning (Examination Procedure) Rules 2010<sup>1</sup>. Any oral representations must be based on either the Relevant Representation or Written Representation made by the person by whom, or on whose behalf, the oral representations are made.

The ExA is responsible for the oral questioning of a person giving evidence and the process affords very limited scope to allow cross-questioning between parties<sup>2</sup>.

My examination will be principally undertaken through the exchange of written submissions, 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.

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<sup>1</sup> Rule 14

<sup>2</sup> Rule 14(5)

**Hearing agendas**

I will aim to publish a draft agenda for each hearing on the project page of the National Infrastructure Planning website at least five working days in advance of the hearing date. The actual agenda on the day of each hearing may be subject 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 project page on the National Infrastructure Planning website:

<https://infrastructure.planninginspectorate.gov.uk/projects/north-east/west-burton-c-power-station/?ipcsection=docs>

For ease of navigation, we recommend that you use 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:

- 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 National Infrastructure Planning 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, free of charge. If you have difficulty accessing any documentation please contact the Case Team using the details provided at the top of this letter.

Library/ address	Opening hours
<p>Retford Library Inspire; Culture, Learning, Libraries Churchgate Retford DN22 6PE <a href="https://www.inspireculture.org.uk/reading-information/find-a-library/retford-library/">https://www.inspireculture.org.uk/reading-information/find-a-library/retford-library/</a></p> <p><b><u>Printing Costs</u></b></p> <p><b><u>A4</u></b> Black and White – 20p per side Colour – 50p per side</p> <p><b><u>A3</u></b> Black and White – 40p per side</p>	<p>Monday: 09:30 to 18:00 Tuesday: 09:30 to 18:00 Wednesday: 09:30 to 18:00 Thursday: 09:30 to 18:00 Friday: 09:30 to 18:00 Saturday: 09:30 to 16:00 Sunday: closed</p>



**Annex D**

<p>Colour - £1.00 per side</p> <p><b><u>Computer Access</u></b></p> <p>ID – Required</p> <p>Charge: None</p>	
<p>Gainsborough Library Cobden Street Gainsborough Lincolnshire DN21 2NG <a href="http://www.better.org.uk/venues/gainsboroughlibrary">http://www.better.org.uk/venues/gainsboroughlibrary</a></p> <p><b><u>Printing Costs</u></b></p> <p><b><u>A4</u></b> Black and White – 10p per page Colour – 50p per page</p> <p><b><u>A3</u></b> Black and White – 50p per page Colour - £1.00 per page</p> <p><b><u>Computer Access</u></b></p> <p>ID – None required for 'Guest Access'</p> <p>Charge – None</p>	<p>Monday: 09:00 to 17:00 Tuesday: 09:00 to 17:00 Wednesday: 09:00 to 17:00 Thursday: 09:00 to 18:00 Friday: 09:00 to 17:00 Saturday: 09:00 to 13:00 Sunday: Closed</p>