



National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

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

To all Interested Parties,
Statutory Parties and
Other Persons

Your Ref:

Our Ref: EN010091

Date: 06 September 2018

Dear Sir/Madam

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

Application by Drax Power Ltd for an Order Granting Development Consent for the Drax Re-power Project

Appointment of the Examining Authority

I write to you following my appointment by the Secretary of State as the lead member of a Panel who will be the Examining Authority (ExA) to carry out an examination of the above application by Drax Power Ltd (Applicant). The other member of the Panel is Menaka Sahai. A copy of the appointment letter can be viewed at:

<https://infrastructure.planninginspectorate.gov.uk/document/EN010091-000536>

Invitation to the Preliminary Meeting

This letter is an invitation to the Preliminary Meeting (PM) to discuss the examination procedure and contains a number of supporting annexes. We would like to thank those of you who submitted Relevant Representations. These representations have assisted us when preparing our proposals regarding how to examine this application.

Date of meeting: Thursday, 4 October 2018

Seating available from: 9.30am

Meeting begins: 10.00am

Venue: Goole Leisure Centre, North Street, Goole DN14 5QX

Access and parking: Full disabled access. There is a large public car park with free parking

Given the volume and frequency of letters the Planning Inspectorate needs to send to Interested Parties (IP) 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 contacting us using the details above by **23.59, 24 September 2018**.

Purpose of the Preliminary Meeting

The purpose of the PM is to enable views to be put to us about the way in which the application is to be examined. At this stage, the Panel is looking at the procedure, and not the merits of the application. The merits of the application will only be considered once the Examination starts, which is after the PM has closed.

We wish to run a fair, efficient and effective meeting so that all relevant views can be heard. As such, we 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 PM is in **Annex A**. This has been set following our Initial Assessment of the Principal Issues arising on the application. That assessment is set out in **Annex B**. As a result of this assessment we wish to hear at the meeting from the Applicant, IPs, 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 Drax Re-Power project and its Examination can be obtained on the National Infrastructure Planning website:

<https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/drax-re-power/?ipcsection=overview>

This is the project website address from which we 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, you may find it useful to become familiar with this webpage.

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. Further information on the examination process is given in Advice Note 8.4, which is available on the Planning Inspectorate's website:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/04/Advice-note-8-4v3.pdf>

Attendance at the Preliminary Meeting

If you wish to attend the PM please contact Michele Gregory, Case Manager using the details set out at the top of this letter. Please confirm this by **23.59, 24 September 2018**.

<https://infrastructure.planninginspectorate.gov.uk>



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 PM provides a useful introduction to the examination process. We 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 PM in order to participate in the Examination.

If you are an IP 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 IP and do not wish to be involved in the examination process, you can notify the Case Manager of this in writing or by email as per the details in the letter heading.

After the Preliminary Meeting

After the PM 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 project page of the National Infrastructure Planning website.

Interested Parties have the right to request an Open Floor Hearing (OFH) and those persons affected by any request for Compulsory Acquisition or Temporary Possession of their land or rights may request a Compulsory Acquisition Hearing (CAH). Our initial suggestions for OFHs and CAHs are set out in the draft Examination timetable at **Annex C**, although you will see further below that we have made a Procedural Decision to proceed with our first OFH (OFH1) shortly after the close of the PM on **Thursday, 4 October 2018 at 2.00pm**.

Any other Issue Specific Hearings (ISH) are at the discretion of the ExA, these have been set out in the draft Examination timetable at **Annex C** and will be arranged if we feel that consideration of oral representations would ensure an issue is adequately considered.

The Examination will comprise consideration of Written Representations about the proposal and any oral representations made at the hearings. It will also consider the application documents, policy and legal positions, site inspections and any other matters we consider to be relevant and important.

All relevant and important matters will be taken into account when we make a recommendation to the Secretary of State for Business, Energy and Industrial Strategy, who will take the final decision in this case.

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 PA2008.

If you have made a RR, have a legal interest in the land affected by the application, or are a relevant Local Authority (reference numbers beginning with 2001, DRAX-XXX, DRAX-API and DRAX-AP), you have a formal status as an IP in the Examination.

IPs 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 consultation body (ie body specified in the relevant regulations supporting the PA2008) but have not made a RR (reference number beginning with DRAX-SP) you will not automatically be an IP. However, following the PM, you will have a further opportunity to notify the Planning Inspectorate that you wish to be treated as an IP (see **Annex C**, Deadline 1).

If you are not an Interested Party or a prescribed consultation body (ie body specified in the relevant regulations supporting the PA2008), you have received this letter because we wish to invite you to the PM as an 'Other person' because it appeared to us that the Examination could be informed by your participation. 'Other persons' have a reference number beginning with 'DRAX-OP'

If you are not sure whether you are an IP, please contact the Case Manager using the details at the top of this letter. Information regarding the formal status of IPs 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:

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

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

We have made some preliminary Procedural Decisions under section (s)89(3) of the Planning Act 2008 (PA2008), which include the setting of dates for action. These include:

- the setting of deadlines for the submission of the matters in Deadline 1 and Deadline 2 of the draft timetable in annex C;
- the notification by IPs of their wish to be heard at a subsequent OFH or CAH;
- The notification by IPs of their wish to attend an Accompanied Site Inspection (ASI) and their nomination of locations including justifications for the consideration of the ExA for their nominations
- The notification by Statutory Parties, or certain Local Authorities of their wish to be considered as an IP by the ExA; and
- The provision of additional information by the Applicant and comments upon this.

These Procedural Decisions are all set out in full at **Annex E**.

Please read our Procedural Decisions in **Annex E** carefully, alongside the draft Examination timetable at **Annex C**. Some of our Procedural Decisions provide you with the opportunity to take action before the date of the PM and/or set dates that require you to take action shortly after the date. If you have any questions or wish to discuss any aspects of these decisions, please attend the PM or raise them in writing before the

meeting. We will give careful consideration to all matters raised therefore before confirming our timetable and Procedural Decisions for the Examination.

Notification of hearing

We have made a Procedural Decision under s93 of the PA2008 to hold an early OFH on **Thursday, 4 October 2018 at 2.00pm** shortly after the close of the PM. Important information about this OFH is provide at **Annex F**.

Award of Costs

We also draw your attention to the possibility of the Award of Costs against IPs 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:

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

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 and available within the Examination Library:

<http://infrastructure.planninginspectorate.gov.uk/document/EN010091-000507>

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.

We look forward to working with all parties in the examination of this application.
Yours faithfully

Richard Allen

Richard Allen

Lead Member of the Panel of Examining Inspectors

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 Open Floor Hearing

This communication does not constitute legal advice.

Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

<https://infrastructure.planninginspectorate.gov.uk>



Agenda for the Preliminary Meeting

Date: Thursday, 4 October 2018

Seating available from: 9.30am

Start Time: 10.00am

Venue: Goole Leisure Centre, North Street, Goole
DN14 5QX

09.30am	Doors open
Item 1 (10.00am)	Welcome and introductions
Item 2	The Examining Authority's (ExA's) remarks about the Examination process
Item 3	The ExA's Procedural Decisions and matters, including procedural requests, not set out in the agenda but which have been submitted to the Planning Inspectorate in advance of the Preliminary Meeting (PM) or by 24 September 2018
Item 4	Initial Assessment of Principal Issues – see Annex B
Item 5	Draft Timetable for the Examination – see Annex C
	Deadlines for submission of:
	<ul style="list-style-type: none"> • Comments on Relevant Representations; • Written Representations; • Statement of Common Ground; • Comments on post-application submissions from the Applicant • Local Impact Reports; • Responses to the ExA's Written Questions • Nominations of suggested locations with justifications for site inspections; and • Notifications relating to any hearings
	Hearings and Accompanied Site Inspection (ASI):
	<ul style="list-style-type: none"> • Procedure, matters and arrangements for Open Floor Hearing (OFH) on 17 October 2018, see Annex E and F; • Date reserved and arrangements for an ASI; • Dates reserved and arrangements for other OFHs; • Dates reserved and arrangements for Compulsory Acquisition Hearings (CAH); • Dates reserved and arrangements for Issue Specific Hearings (ISH) into the draft Development Consent Order; • Dates reserved and arrangements for other ISHs
Item 6	Any other matters
	Close of the Preliminary Meeting

Please note: Please 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 (the ExA) of the application documents and Relevant Representations (RR) received. It is not a comprehensive or exclusive list of all relevant matters; regard will be had to all important and relevant matters; regard will be had to all important and relevant matters in reaching a recommendation after the Examination is concluded. The identified Principal Issues are listed in alphabetical order and 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.

1. Air Quality and Emissions

- The effects of the Proposed Development on air quality from the construction and operation
- The effectiveness of mitigation measures and monitoring

2. Biodiversity and Habitats Regulations Assessment

- Effects on European sites and their qualifying features, including in-combination assessment
- Permanent and temporary loss of habitats, and effectiveness of mitigation and compensation approach
- Mitigation and the effectiveness of the Landscape and Biodiversity Strategy

3. Compulsory Acquisition

- The need for the land proposed to be subject to Compulsory Acquisition and Temporary Possession
- The requirement for the powers sought and the need to establish a compelling case in the public interest
- The position and/or effects of Statutory Undertakers and protected provisions and whether the tests of s127 (2)(3)(5) and (6) and s138(4) of the PA 2008 are satisfied
- The adequacy and security of funding for compensation

4. Draft Development Consent Order (dDCO)

- The structure of the dDCO
- The appropriateness of the proposed provisions
- The relationship with other consents

5. Flood Risk and Water Resources

- Effects of the Proposed Development on waterbodies during construction and operation particularly from the gas pipeline
- Proposed Surface Water Drainage System
- The effectiveness of mitigation measures

- 6. Ground Conditions and Contamination**
 - Effects on soil and ground water during construction, operation and decommissioning
 - Robustness of design and mitigation measures
- 7. Historic Environment**
 - The effects of the Proposed Development on heritage assets including Drax Augustinian Priory, Scruff Hall, and the non-designated heritage asset (historical field boundary) that lies on the site boundary
 - The effectiveness of the outline Written Scheme of Investigation and other mitigation
- 8. Landscape and Visual**
 - Design and physical appearance of the new structures
 - The effects of the construction and operational impacts of the Proposed Development on the landscape and visual receptors, including matters concerned with design and lighting
 - Effectiveness of the mitigation to be delivered through the indicative Landscape and Biodiversity Management Plan
- 9. Noise and Vibration**
 - The effects of noise and vibration generated during the construction and operation
 - The effectiveness of mitigation measures
- 10. Operation of the units**
 - Combined Heat and Power (CHP) readiness
 - Carbon Capture readiness
 - The circumstances of the use of open cycle and combined cycle operations
- 11. Scope of Development and Environmental Impact Assessment**
 - The parameters and description of the Proposed Development
 - Adequacy of surveys and baseline data in the Environmental Statement
 - The effectiveness of the Construction and Environmental Management Plan (CEMP)
 - Exploration of reasonable alternatives relevant to the Proposed Development
 - The approach to flexibility in adopting the principle of the Rochdale Envelope
 - Evidence to support the proposed output generated
 - The circumstances that will determine the scope of development to construct one unit or both units
 - The environmental effects of operating only one unit with natural gas and the other with coal against two gas units
 - The overall construction programme for both units
 - The approach to decommissioning
- 12. Traffic and Transport**
 - The construction and operational effects of the Proposed Development on the local highway network including the programme and timeframe of construction of both units

- The cumulative effects on the local highway network of the timeframe for construction of both units taken with other known and planned projects
- The construction effects on the use of the Public Rights of Way network(s)
- The effectiveness of mitigation measures

Draft timetable for examination of the application

The Examining Authority (the 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.

The ExA's Examination of the application primarily takes the form of the consideration of written submissions. The ExA will also consider any oral representations made at Hearings.

Item	Matters	Due Dates
1	Preliminary Meeting (PM)	Thursday 4 October 2018 (morning)
2	Open Floor Hearing 1 (OFH1) Date reserved to hold an OFH	Thursday 4 October 2018 (afternoon)
3	Issue by the ExA of: <ul style="list-style-type: none"> • Examination Timetable • the ExA's Written Questions 	As soon as practicable following the PM
4	Deadline 1 (D1) Deadline for receipt of: <ul style="list-style-type: none"> • comments on any updates to application documents submitted by the Applicant before or at the PM; • comments on Relevant Representations (RRs); • summaries of all RR's exceeding 1500 words; • Statements of Common Ground (SoCG) requested by the ExA – see Annex E; • response to any further information requested by the ExA for this deadline; • post hearing submissions including written submissions of oral case; • notification by statutory Parties of their wish to be considered as an IP by the ExA; • notification of wish to speak at any Issue Specific Hearing (ISH); • notification of wish to speak at any subsequent OFHs; • notification of wish to speak at any Compulsory Acquisition Hearing (CAH); • provision of suggested locations and justifications for site inspections for consideration by the ExA; • notification of wish to attend an Accompanied Site Inspection (ASI); and • notification of wish to have future correspondence received electronically. 	Thursday 18 October 2018

5	<p>Deadline 2 (D2)</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Written Representations (WRs); • summaries of all WRs exceeding 1500 words; • comments on SoCGs; • Local Impact Reports (LIRs) from any Local Authorities; • response to ExA Written Questions; • updated Compulsory Acquisitions Schedule (Annex to Written Questions); • comments on any additional information/submissions received by D1; and • responses to any further information requested by the ExA for this Deadline. 	<p>Thursday 1 November 2018</p>
6	<p>Deadline 3 (D3)</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • comments on WRs; • comments on LIRs; • comments on responses to the ExA Written Questions; • any revised/ updated SoCG (if any); • the Applicant's revised dDCO; • comments on any additional information/submissions received by D2; and • responses to any further information requested by the ExA received for this Deadline 	<p>Tuesday 20 November 2018</p>
7	<p>Accompanied Site Inspection</p>	<p>Tuesday 4 December 2018</p>
8	<p>Open Floor Hearing 2 (OFH2)</p> <p>Date reserved to hold OFH2 (if required)</p>	<p>Tuesday 4 December 2018</p>
9	<p>Issue Specific Hearing 1 (ISH1)</p> <p>Date reserved to hold ISH1 (if required)</p>	<p>Wednesday 5 December 2018</p>
10	<p>Issue Specific Hearing 2 (ISH2)</p> <p>ISH2 on the draft Development Consent Order (dDCO)</p>	<p>Thursday 6 December 2018 (morning)</p>
11	<p>Compulsory Acquisition Hearing 1 (CAH1)</p> <p>Date reserved for CAH1 (if required)</p>	<p>Thursday 6 December 2018 (afternoon)</p>

12	<p>Deadline 4 (D4)</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • post hearing submissions including written submissions of oral case; • comments on any revised/ updated SoCG (if any); • comments on the Applicants revised dDCO; • comments on any additional information/ submissions received by D3; and • responses to any further information requested by the ExA received for this Deadline. 	<p>Thursday 13 December 2018</p>
13	<p>Deadline 5 (D5)</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • any revised or updated SoCG (if any); • revised dDCO from Applicant; • comments on any additional information/submissions received by D4; and • responses to any further information requested by the ExA for this Deadline. 	<p>Monday 7 January 2019</p>
14	<p>Publication by ExA of:</p> <ul style="list-style-type: none"> • The ExA's Further Written Questions (if required) 	<p>Wednesday 16 January 2019</p>
15	<p>Deadline 6 (D6)</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • responses to the ExA's Further Written Questions (if required); • comments on any revised/updated SoCG (if any); • comments on Applicant's revised dDCO; • comments on any additional information/ submissions received by D5; and • responses to any further information requested by the ExA received for this Deadline. 	<p>Wednesday 30 January 2019</p>
16	<p>Open Floor Hearing 3 (OFH3)</p> <p>Date reserved to hold OFH3 (if required)</p>	<p>Tuesday 12 February 2019</p>
17	<p>Issue Specific Hearing 3 (ISH3)</p> <p>Date reserved to hold ISH3 (if required)</p>	<p>Wednesday 13 February 2019</p>
18	<p>Issue Specific Hearing 4 (ISH4)</p> <p>ISH4 on the dDCO (if required)</p>	<p>Thursday 14 February 2019</p>
19	<p>Compulsory Acquisition Hearing 2 (CAH2)</p> <p>Date reserved for CAH2 (if required)</p>	<p>Thursday 14 February 2019</p>

20	<p>Deadline 7 (D7)</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • post hearing submissions including written submissions of oral case (if required); • comments on responses to the ExA's Further Written Questions (if required); • any revised or updated SoCG (if any); • revised dDCO from the Applicant; • comments on any additional information/ submissions received by D6; and • responses to any further information requested by the ExA received for this Deadline 	<p>Wednesday 20 February 2019</p>
21	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • Report on the Implications for European Sites (RIES) • proposed Schedule of changes to the dDCO (if required) 	<p>Thursday 28 February 2019</p>
22	<p>Deadline 8 (D8)</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • comments on the RIES; • comments on the ExA's Proposed Schedule of changes to the dDCO (if required); • comments on any additional information/ submissions received by D7; and • responses to any further information requested by the ExA received for this Deadline. 	<p>Wednesday 20 March 2019</p>
23	<p>Deadline 9 (D9)</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • final SoCGs; • Applicant's final preferred DCO to be submitted by the Applicant in the SI template with the SI template validation report; • Applicant's final updated Compulsory Acquisitions Schedule; • comments on any additional information/ submissions received by D8; and • responses to any further information requested by the ExA for this Deadline. 	<p>Wednesday 27 March 2019</p>
24	<p>Deadline 10 (D10)</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • comments on any additional information/ submissions received by D9 	<p>Thursday 4 April 2019</p>

25	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.	Thursday 4 April 2019
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Publication Dates

All information received will be published on the project website as soon as practicable after the deadline for submissions:

<https://infrastructure.planninginspectorate.gov.uk/projects/Yorkshire%20and%20the%20Humber/Drax-Re-power/>

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.

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/Yorkshire%20and%20the%20Humber/Drax-Re-power/>

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:

Local Authority	Library/ Address	Opening Hours
North Yorkshire County Council	Selby Library 52 Micklegate, Selby YO8 4EQ Telephone: 01609 534521 Email: selby.library@northyorks.gov.uk	Monday - 9.30am to 7.30pm Tuesday - 9.30am to 5.30pm Wednesday - 9.30am to 5.30pm Thursday - 9.30am to 12.30pm Friday - 9.30am to 5.30pm Saturday - 9.30am to 12.30pm Sunday - closed
Printing Costs	Black and White	Colour
A4	10p per sheet	50p per sheet
A3	25p per sheet	£1 per sheet
Link to library	https://www.northyorks.gov.uk/selby-library	
East Riding of Yorkshire Council	Goole Library Carlisle Street, Goole DN14 5DS Telephone: 01405 762187	Monday – 9.30am to 7.00pm Tuesday - 9:30am to 5.00pm Wednesday - 9:30am to 7.00pm Thursday - 9:30am to 5.00pm Friday - 9:30am to 5.00 Saturday - 9:00am to 4.00pm Sunday: Closed

Printing Costs	Black and White	Colour
A4	20p per sheet	50p per sheet
A3	20p per sheet	£1.50 per sheet
Link to library	http://www2.eastriding.gov.uk/leisure/libraries/library-finder/?tabcontainer_2615318_tab=2&2615324_entryid72=79532&2615324_q=0%7EHornsea%7E&entryid72=79570&catid=0	
East Riding of Yorkshire Council	Snaith Library 27 Market Place, Snaith, Goole, DN14 9HE Telephone: 01405 860096	Monday - Closed Tuesday – 2.00pm to 6.00pm Wednesday - Closed Thursday – 10.00am to 4.00pm Friday - Closed Saturday -10.00am to 12:00pm Sunday: Closed
Printing Costs	Black and White	Colour
A4	20p per sheet	50p per sheet
A3	20p per sheet	£1.50 per sheet
Link to library		
	North Yorkshire Mobile Library Email: nigel.prince@northyorks.gov.uk	Operates a changing fortnightly schedule, visits Balne and Eggborough
Link to library	https://www.northyorks.gov.uk/supermobile-library	

Procedural decisions made by the Examining Authority (ExA)

The ExA has made the following procedural decisions under Section 89(3) of the PA2008:

1. Open Floor Hearing

We have made a Procedural Decision to hold our first Open Floor Hearing (OFH) shortly after the close of the Preliminary Meeting (PM) on Thursday, 4 October 2018. **Annex F** provides notice of this decision.

For the purposes of Rule 13(1) and (6) of the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) (the EPR), the periods of not less than 21 days with reference to which we must provide notice of a hearing and the Applicant must publicly notify and advertise the hearing arrangements no later than **Wednesday 12 September 2018**. This is a date before the start of the Examination, but it ensures that the required statutory 21 days' notice period has been provided for this hearing.

In light of this OFH commencing shortly after the PM, we have also decided that any person intending to participate in this OFH must notify the Case Manager of their intention to attend by **23.59, 26 September 2018**, as advised in **Annex F**.

2. Deadline for matters contained in Deadlines 1 and 2

We have made a Procedural Decision to seek the submission of the matters contained in Deadlines 1 and 2 of **Annex C** above by **Thursday 18 October 2018** and **Thursday 1 November 2018** being **Deadline (D) 1** and **Deadline (D) 2**.

The RRs were published by 4 September 2018 and so there is sufficient time for them to have been read and responded to by the deadline we propose to set.

3. Deadline for summaries of Representations

Our Procedural Decision (2) above also seeks the early submission of summaries pertaining to RRs exceeding 1500 words. It is normal for ExAs to request that summaries are provided of RRs, comments to RRs, where these original representations exceed 1500 words in length. We have therefore also made a Procedural Decision to request the submission of summaries by **Thursday 18 October 2018 (D1)**.

4. Notification by Statutory Parties, or certain Local Authorities¹ of their wish to be considered as an Interested Party

We have made a Procedural Decision that, in order to facilitate a timely start to the Examination, Statutory Parties and certain Local Authorities¹ must have decided whether they wish to be considered as an Interested Party (IP) and notified the Planning Inspectorate of their decision by **Thursday 18 October 2018 (D1)**.

Note:

If persons attending the Preliminary Meeting (PM) seek additional time to be provided for in any of my procedural decisions made above (2 to 4) for good reasons, we will

¹ a Local Authority without direct responsibility in the proposed development area.

consider the reasons for any such requests before we decide whether to confirm these decisions. We will provide oral advice on our concluded decisions before the close of the PM.

5. Accompanied Site Inspection – Nominations, Requests and intent to attend

The Applicant, IPs and other persons will be provided with an opportunity to provide comments to us on the approach that we should take to site inspections at the PM. Subject to this discussion, they are invited to nominate sites that we should inspect, the features that we should observe there and whether the inspection should be on an accompanied or an unaccompanied basis, by **Thursday 18 October 2018 (D1)**.

Site inspections can be carried out on an accompanied or an unaccompanied basis. In principle, inspections need to be carried out on an accompanied basis in the following circumstances:

- where the land is private and consent is required for the ExA to enter it;
- where there are health and safety or other regulatory considerations that require any visitor to a location to be accompanied; and / or
- where there are particular features that an IP wishes to ensure are pointed out to the ExA.

Where these considerations do not apply, it will normally be appropriate for a site inspection to be carried out by the ExA on an unaccompanied basis.

Before agreeing to hold site inspections at particular locations, we will consider the degree to which it is necessary to visit a site that has been nominated for an inspection to inform me about the application. We may decide not to visit nominated locations where we may have already visited the location or we consider that it is not necessary to see the features to be observed there. We may decide not to hold an Accompanied Site Inspection (ASI) if all relevant features can be observed and understood from locations in the public domain on an Unaccompanied Site Inspection (USI).

Provisional arrangements for ASIs are included in the Examination Timetable, but these will only proceed should it appear that such inspections are necessary.

6. 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 submissions of SoCGs. This is **Thursday 18 October 2018**, being **D1**.

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.

SoCGs are requested to be prepared by:

A. **The Applicant and North Yorkshire County Council and Selby District Council** to include:

- Planning policy
- The need and principle of the proposed development and examination of alternatives including fuel sources
- Design
- Combined heat and power
- Carbon capture readiness
- Highways and transport
- Air quality
- Ecology and biodiversity
- Landscape and visual
- Noise and disturbance
- Waste
- Archaeology and heritage
- Socio-economics
- Flooding and water
- Waste management
- Other local impacts

B. **The Applicant and the Environment Agency** to include:

- Air quality
- Noise effects
- Flooding effects and risks
- Drainage matters
- Landscape and biodiversity provisions
- Best Available Techniques
- Combined heat and power
- Carbon capture
- Waste management
- Environmental permit

C. **The Applicant and the Yorkshire Wildlife Trust** to include:

- The effects on locally managed wildlife sites
- Any mitigation including wider integration issues
- The incorporation of wildlife opportunities in the proposal

D. **The Applicant and Natural England** to include:

- The effects on European sites and Sites of Special Scientific Interest
- The effects on protected species

- E. **The Applicant and the Internal Drainage Boards** to include:
- Drainage matters and water resources
- F. **The Applicant and National Grid Gas and National Grid Electricity Transmission** to include:
- Impact on existing apparatus
 - Any connection issues
- G. **The Applicant and the Coal Authority** to include:
- The effects on land stability and settlement rates
- H. **The Applicant and Historic England** to include:
- The effects on heritage assets including archaeological effects
- I. **The Applicant and Highways England** to include:
- The effects on the highway network from construction and operational phases.
- J. **The Applicant and the Civil Aviation Authority** to include:
- The effects on air safety;
 - Lighting;
 - Civil and military aerodrome safeguarding
- K. **The Applicant and the Health and Safety Executive (HSE)** to include:
- The extent and severity of major hazards on local populations
 - Other issues related to the interests of the HSE

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

The ExA requests the Applicant to provide an update as to the progress with the above SoCGs.

7. Compulsory Acquisition

The ExA would be assisted by regular updates throughout the Examination on the progress of negotiations and agreements of land required for the Proposed Development. This update should take the form of a pro-forma which will be issued with Written Questions shortly after the PM.

8. Post-submission application documents

Following the acceptance of the application, the Applicant submitted correspondence on 03 July 2018 and 10 July 2018 [AS-002 to AS-015] to the Planning Inspectorate in response to s51 advice [[PD-002](#)] issued on 26 June 2018.

These letter provided by the Applicant outlines the revised documents submitted in response to the matters raised in advice issued by the Planning Inspectorate. We made a Procedural Decision on 16 July 2018 to accept the documentation, which have now been published to the project page of the National Infrastructure Planning website:

https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/drax-re-power/?ipcsection=docs&stage=3&filter1=Additional+Submissions&filter2=&date_type=published&from=16-07-2018&to=16-07-2018

The revised/amended documents submitted by the Applicant are as follows:

- Accompanying letter dated 3 July 2018 [AS-002]
- Book of Reference (clean) and Schedule of Changes [AS-005 and AS-006]
- Compulsory Acquisition Schedule Rev 02 [AS-007]
- Indicative Plant Layout Sheets 1 and 8 Rev 02 [AS-008]
- Indicative Works Associated with Unit X Sheets 1, 15 and 17 Rev 02 [AS-009]
- Draft Development Consent Order (clean) and tracked changed version [AS-012 and AS-013]
- Works Plans Sheets 1, 24 and 26 Rev 02 [AS-011]
- Habitats Regulations Assessment Report Appendix 3 [AS-015]
- Land Plans Rev 02 [AS-010]
- Letter dated 10 July 2018 [AS-003]
- Application Guide Rev 003 [AS-004]
- Flood Risk Assessment Rev 02 [AS-014]

Interested Parties are asked to submit any comments they may have on any of the revised documents submitted by the Applicant on 03 and 10 July 2018, by **Thursday 18 October 2018 (D1)**.

The ExA will consider procedural questions arising from these documents by the Applicant at the PM at Agenda Item 5 (see **Annex A**).

9. Guide to the Application

The ExA requests that at each deadline, the Applicant provides an updated Guide to the Application document which provides a list of the most up-to-date documents before the Examination. A final version must be submitted before the close of the Examination. The ExA notes that this document forms part of the certification of plans identified by Article 39 of the draft Development Consent Order, and should not be removed from subsequent drafts if submitted during the Examination.

Notification of Hearing under Section 93 of the Planning Act 2008

The first Open Floor Hearing (OFH1) will be held as follows:

Date	Hearing	Starting Time	Venue	Access and Parking
Thursday, 04 October 2018	Open Floor Hearing (OFH)	2.00pm	Goole Leisure Centre, North Street, Goole DN14 5QX	Free parking available at venue

The agenda for this initial hearing will be published at least 5 working days in advance of the OFH.

Those Interested Parties (IPs) who wish to speak at the hearing should notify the Case Manager (Michele Smith) at the postal or email address in the covering letter by **23.59, 26 September 2018**.

It would help with the management of the hearing if by the same date you can let the Case Manager know of any special needs you may have (e.g. disabled access, hearing loop).

Please ensure that you include your IP reference number in your correspondence.

Planning Inspectorate staff will be available at the venue for half an hour before the hearing commences. It is helpful if intending participants make themselves known to staff during this time. The OFH will be open to the public and anyone wishing to attend to observe may do so.

Depending on the number of parties wishing to speak, it may be necessary to limit the time allocated to each speaker.

Purpose of the Open Floor Hearing

The OFH is held to discharge the Examining Authority's (ExA's) duty to hear Interested Parties (IPs) who request to be heard.

Participation, conduct and management of hearing

All IPs who wish to make oral representations are invited to participate in the hearing, attending at the appointed start time of 2.00pm. Participation is subject to the ExA's power to control the hearing. However, this hearing does not have a subject matter controlled agenda and participants may bring up any matter arising from the application that is also important and relevant to a decision taken under the Planning Act 2008 (as amended) (PA2008).

At this stage, no formal requests to be heard have been received. However, we have made a Procedural Decision to hold an initial OFH to provide any IPs an opportunity to make their oral case at this public hearing.

The ExA requests that Drax Power Ltd (the Applicant) attends the hearing. The Applicant may be asked by or through the ExA to address questions raised by any

IPs and will be provided with an opportunity to respond to IPs written and oral cases.

Participants may be legally represented if they wish, but the hearing will be conducted to ensure that legal representation is not required. The Applicant and IPs may attend with expert advisers, but IPs may participate without expert advice.

Guidance under the PA2008² 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.

Cross-questioning of the person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that a person has had a fair chance to put their case. IPs should note that it is not normal procedure at an OFH for an ExA to permit the cross-questioning of an unrepresented IP by the Applicant or the Applicant's representatives.

Furthermore, the ExA may wish to raise matters arising from oral submissions and Relevant Representations, and pursue lines of inquiry in the course of the discussion.

The hearing will run until all IPs have made their oral representations and responded to the ExA's exploration of the matters arising from them.

² DCLG: 'Planning Act 2008: Guidance for the examination of applications for development consent', March 2015.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/418015/examinations_guidance_final_for_publication.pdf