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Published only

Your Ref:

Our Ref: EN010091

Date: 24 September 2018

Dear Sir/Madam

The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended)

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

Examining Authority's Agenda for Open Floor Hearing (OFH)

Further to the procedural decision and timetable enclosed with my Rule 6 letter of 6 September 2018, notifying you of the times, dates and locations associated with the Examination of this application, the Examining Authority (ExA) is now providing its agenda for the OFH to be held at the Goole Leisure Centre, North Street, Goole DN14 5QX, from 2.00pm on Thursday 4 October 2018. The agenda included at **Annex A**, identifies the Applicant (Drax Power Limited) and other Interested Parties (IPs) that the ExA invites to attend the OFH.

Any IPs that wish to participate in the OFH should notify the Planning Inspectorate indicating the issues that they wish to speak about no later than **11:59 on Wednesday 26 September 2018** using the contact details above. Please ensure that you include your IP reference number in your correspondence (this can be found on the postcard or email you received informing you of the Preliminary Meeting and OFH).

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.

The examination timetable provides for the possible holding of further OFHs on Tuesday 4 December 2018 and Tuesday 12 February 2019. If the ExA decides to proceed with these further hearings, we will write to you separately to provide formal notice.

Agendas for any further hearings that we might hold would be provided for, at least one week in advance of such hearings and published on the project page for the Drax Re-power Project of the National Infrastructure website, which can be accessed via the following link:

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

If you have any further queries, please do not hesitate to contact the case team using the above address, email address or telephone number.

Yours faithfully

Richard Allen

Lead Member of the Panel of Examining Inspectors

Annex A Agenda for the Open Floor Hearing (OFH)

Drax Re-power Project - Open Floor Hearing (OFH)

This document sets out the agenda for the Open Floor Hearing (OFH), which the Examining Authority (ExA) notified all Interested Parties (IPs) of in **Annex F** of the Rule 6 letter of 6 September 2018.

Date: 4 October 2018
Time: 2.00pm, room opens from 1.30pm
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

Purpose of the Open Floor Hearing

The OFH is held to discharge the ExA's duty to hear 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, there has been a large quantum of Relevant Representations received; the majority of which focus on a common matter of concern in respect to the principle of the proposal and the proposed use of gas as a fuel source. Because of this, the ExA has made a procedural decision to hold an OFH to provide any IPs an opportunity to make their case on this, or any other relevant matter, orally at this public hearing.

The ExA requests that 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. The ExA may impose a time limit on speakers. This will be dependent on the numbers of IPs who wish to speak.

Guidance under the PA2008¹ 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.

The agenda may be amended by the ExA at the start of the hearing session. Furthermore, the ExA may wish to raise matters arising from oral submissions, Relevant Representations and Written Representations, and pursue lines of inquiry in the course of the discussion which are not listed on the agenda.

The OFH will run until all IPs have made their oral representations and responded to the ExA's exploration of the matters arising from them, and for the Applicant to have been given an opportunity to respond.

If, after ten minutes upon opening of the OFH, no IPs have attended, the ExA is entitled to conclude that none wish to make any oral address, and the ExA may then close the hearing with immediate effect.

¹ 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

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