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All Interested Parties and Statutory
Parties

Your Ref:

Our Ref: EN010092

Date: 21 September 2020

Dear Sir/ Madam

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

Application by Thurrock Power Ltd for an Order Granting Development Consent for the Thurrock Flexible Generation Plant Project

Invitation to the Preliminary Meeting and Draft Examination Timetable

I write to you following my appointment by the Secretary of State as Examining Authority (the ExA) to carry out an Examination of the above application. A copy of my appointment notice can be viewed at:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010092/EN010092-000913-EN010092 Notice of Appointment Single Examiner.pdf>

I would like to thank those of you who submitted Relevant Representations and for the responses to the Virtual Events Questionnaire submitted in response to my request for information dated 2 September 2020. These representations and responses have assisted me when preparing my proposals on how to examine this application.

A set of **Frequently Asked Questions** (FAQs)¹ has been published on the project page to explain how virtual events will be held and how you can get involved. Please read this material carefully. It will be updated from time to time

Invitation to the Preliminary Meeting

¹ <http://infrastructure.planninginspectorate.gov.uk/document/EN010092-000962>

I am conscious of the continued changing threat level of COVID-19 and the latest government guidance and restrictions. Equally the Government has made it clear that the consenting processes for national infrastructure projects should continue to progress. Taking these factors into account, along with the responses to the Virtual Events Questionnaire, I have made the procedural decision that the Preliminary Meeting will take place virtually, and a date and time for this has now been set.

This letter is an invitation to the Preliminary Meeting to discuss the Examination procedure. It contains a number of important supporting annexes including **Annex A** (the Agenda) and **Annex B** which introduces the Preliminary Meeting, explains how it will be conducted and how you can participate.

Dates of meeting: **Tuesday 20 October 2020 (Preliminary Meeting: Part 1) and Wednesday 4 November 2020 (Preliminary Meeting: Part 2)**

Arrangements Conference: **From 1:30 on Tuesday 20 October 2020
From 9:30am on Wednesday 4 November 2020**

Meeting begins: **2.00pm on 20 October
10:00am on Wednesday 4 November 2020**

Venue: **Virtual Event
(Please refer to Annexes A, B and the FAQs)**

Please note that the Preliminary Meeting will adjourn on Tuesday 20 October 2020 rather than close. It will resume on **Wednesday 4 November 2020**. This will allow for the consideration of written submissions by Interested Parties who did not make oral submissions at the virtual event.

Agenda for the Preliminary Meeting

The agenda for the meeting is at **Annex A**. This has been set following my Initial Assessment of Principal Issues (**Annex D**) arising from my reading of the application documents and the Relevant Representations received.

As a result of this assessment, I would like 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** as well as on other procedural arrangements.

I will consider, and would indeed encourage, written submissions, and will give these the same weight as any oral contributions made during the Preliminary Meeting. It will not therefore be necessary to repeat any written submission at the Preliminary Meeting.

Purpose of the Preliminary Meeting

The Preliminary Meeting enables views to be put to me about the way in which the application is to be examined. At this stage, I am 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 Preliminary Meeting has closed.

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 a Written Representation and comment on the Written Representations made by other Interested Parties. You will also be able to participate in any hearings that are arranged.

Further information is given in Planning Inspectorate Advice Note 8.4, which is available on the National Infrastructure Planning website at:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/04/Advice-note-8.0.pdf>

Attendance at the Preliminary Meeting

I intend to run a fair, efficient and effective Preliminary Meeting so that all relevant views can be heard. As the Preliminary Meeting is to be held virtually, it will be held in two parts (Preliminary Meeting: Part 1, an Adjournment to allow for written submissions and Preliminary Meeting: Part 2). A full explanation of the approach is provided in question 4 of the FAQs.

The Preliminary Meeting may be live-streamed. The meeting will be recorded and the recording will be published on the project page of the National Infrastructure Planning website as soon as practicable following the meeting. The adjournment will allow those who were unable to participate virtually in the meeting to make a written response.

If I decide that it would be in the interests of the Examination to hear any further oral submissions at that stage, these will be invited. If not, the resumed event will be held to acknowledge any written submissions and to close the Preliminary Meeting formally. This part of the meeting may also be live-streamed. It will be recorded and the recording will be published on the project page as soon as practicable following the meeting.

Because participation in a virtual Preliminary Meeting relies on the provision of a joining link or telephone number in advance, it is critically important that you think about whether you wish to speak at the meeting and confirm your involvement by **Procedural Deadline A (Tuesday 6 October 2020)**.

It will help with the management of the meeting and benefit everyone if, as part of the above confirmation, you also tell us which agenda items you wish to speak on, listing points you wish to make and why you consider these need to be made orally rather than in writing.

You can do this by completing and returning the [Preliminary Meeting Involvement Form](#) or if you have difficulty completing the form by alternatively contacting the Case Team using the contact details set out in the top of the letter. We will only be able to accommodate those who register in advance.

I would strongly encourage groups of individuals who have similar views on the procedure to choose one representative to speak for the group.

Invitations will be sent by email to those who have expressed a wish to speak at or observe the Preliminary Meeting and joining instructions will be included at that time. Parties will be able to join from a computer, tablet, smartphone or traditional landline telephone.

Up to date information about the project and the Examination can be obtained from:

<https://infrastructure.planninginspectorate.gov.uk/projects/South%20East/Thurrock-Flexible-Generation-Plant/>

As the Examination process makes substantial use of electronic documents, it will be useful for you to become familiar with this resource.

There is a function on the right-hand side of the project page called 'E-mail updates'. This provides you with an opportunity to register to receive email updates on the Application and the Examination. I would encourage you to make use of this. You will receive an email every time the project page is updated and at key stages during the Examination.

All Examination Documents can also be viewed electronically at the locations listed in **Annex F**.

After the Preliminary Meeting

After the Preliminary Meeting you will be sent a letter setting out the finalised Examination Timetable. A digital recording and a note of the meeting will also be published on the project webpage:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/thurrock-flexible-generation-plant/?ipcsection=docs>

Interested Parties have the right to request an Open Floor Hearing and those persons affected by any request for Compulsory Acquisition or Temporary Possession of their land or rights may request a Compulsory Acquisition Hearing. The dates reserved for these, if required, are set out in the draft Examination Timetable at **Annex C**. Depending on the representations received and the information that is provided in response to my First Written Questions (ExQ1), I will decide which, if any, Issue Specific Hearings are necessary.

The Examination process is primarily a written one and any Issue Specific Hearings will only be held where I feel that consideration of oral representations would ensure an issue is adequately examined.

My Examination will take account of Relevant Representations, Written Representations, responses to my Written Questions and any oral representations made at the meetings and hearings. In addition, I will take account of the application documents, Local Impact Reports, policy and legal considerations, site inspections and any other matters I consider to be relevant. All of these will be taken into account when I make a recommendation to the Secretary of State for Business, Energy and Industrial Strategy, who will make the final decision in this case.

Procedural Decisions made by the Examining Authority

I have made some Procedural Decisions which are set out in full at **Annex E**. These include, but are not limited to:

- The use of a virtual format for holding the Preliminary Meeting;
- Requests for Statements of Common Ground (SoCG) and any completed SoCG by Deadline 2, (Monday 7 December 2020);
- The acceptance of additional submissions into the Examination; and
- Requests for regular updated documents during the Examination.

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', 'THUR-S57', 'THUR-AP' you are in Group A. If your reference number begins with 'THUR-SP' you are in Group B.

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.

Electronic Communication

Given the volume and frequency of letters the Planning Inspectorate needs to send to Interested Parties during an Examination, we aim to communicate with people by email wherever possible as electronic communication is more efficient, environmentally friendly and more cost effective for the taxpayer.

If you have received a postal letter/postcard but are able to receive communications by email, please confirm this with the Case Team as soon as possible.

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 Team of this in writing.

Deadlines

Please note that all deadlines (except for Procedural Deadline B) in the Examination Timetable and as referred to in this letter are at **23:59** on the deadline day.

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 costs guidance 'Awards of costs; examinations of applications for development consent orders' which applies to Nationally Significant Infrastructure Projects. This guidance is available at: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/guidance/>

Management of information

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

<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/thurrock-flexible-generation-plant/?ipcsection=docs>

All Examination Documents can also be viewed electronically at the locations listed in **Annex F**.

Please note that in the interest of facilitating an effective and fair Examination, I consider it necessary to publish some personal information. To find out how we handle your personal information, please view our [Privacy Notice](#) as amended by **Annex G** of this letter.

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

Yours faithfully,

Rory Cridland

Examining Authority

Annexes

- A** Agenda for the Preliminary Meeting
- B** Introduction to the Preliminary Meeting
- C** Draft Examination Timetable
- D** Initial Assessment of Principal Issues
- E** Procedural Decisions made by the ExA
- F** Availability of Examination Documents
- G** Coronavirus Response: Examination Practice Changes and Your Privacy

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

Agenda for the Preliminary Meeting

The Preliminary Meeting is to be held virtually and will be conducted in the following stages:

- **Preliminary Meeting Part 1: Agenda Items 1 to 9.** If there are large numbers of requests to be heard, more than one session will be held, to ensure that those who request to speak can do so. Speaking links will be allocated to Interested Parties (IPs) with specific issues to raise. Interested Parties and Other Persons who do not have specific issues to raise can listen to recordings published on the website as soon as practicable after the meeting. The meeting will be adjourned after as many sessions as necessary to address requests to be heard have been conducted.
- **Adjournment:** this enables all IPs to use the recordings published on the National Infrastructure project website ('NI website') to listen to all matters raised in any session of the meeting that they were not able to attend in person. Written submissions responding to these can be made by **Procedural Deadline B (Midday (12:00pm) 30 October 2020)**. Written submissions made by **Procedural Deadline B** are substantive contributions to the PM, carrying equal weight to the oral submissions made in Parts 1 or 2.
- **Preliminary Meeting Part 2: Agenda Items 10 to 13 and closure of the meeting.** The Examining Authority will carefully consider all oral submissions made in Part 1 and written submissions made by **Procedural Deadline B**. The Preliminary Meeting will then resume (Part 2) to enable procedural decisions to be made. The Preliminary Meeting will normally close at the end of Part 2.

Agenda

Title of meeting: **Preliminary Meeting Part 1**
 Meeting Date: **Tuesday 20 October 2020**
 Arrangements Conference: **13:30pm**
 Meeting start time: **14:00pm**
 Venue: **Virtual event**
 Full instructions on how to join online or by phone to follow
 Attendees: **Invited Parties who have pre-registered**

Item 1	Introduction to the Preliminary Meeting. - Welcome and introductions
Item 2	The Examining Authority's (ExA) remarks about the virtual PM process: - Procedural requests relating to this item that have been submitted in writing by Procedural Deadline A (Tuesday 6 October 2020) .
Item 3	The ExA's remarks about the Examination process. - Procedural requests relating to this item that have been submitted in writing by Procedural Deadline A (Tuesday 6 October 2020) .
Item 4	Initial Assessment of Principal Issues – Annex D Procedural requests relating to this item that have been submitted in writing by Procedural Deadline A .
Item 5	Procedural decisions taken by the ExA – Annex E Procedural requests relating to this item that have been submitted in writing by Procedural Deadline A (6 October 2020) .
Item 6	Draft Examination Timetable – Annex C Deadlines for submissions and notifications: - Written Representations - Local Impact Reports - Responses to ExAs Written Questions - Statement of Common Ground - Notifications relating to hearings - Procedural requests relating to this item that have been submitted in writing by Procedural Deadline A .

Item 7	Dates and Format for Open Floor Hearing, Compulsory Acquisition Hearing, Issue Specific Hearing and for Accompanied Site Inspections, if required: - Procedural requests relating to this item that have been submitted in writing by Procedural Deadline A .
Item 8	Any remaining questions or submissions regarding procedural matters not set out in the agenda that have been submitted to the Planning Inspectorate in writing by Procedural Deadline A .
Item 9	Any other matters.
Adjournment of the Preliminary Meeting	

Agenda

Title of meeting:	Preliminary Meeting Part 2 (Resumption)
Meeting Date:	Wednesday 4 November 2020
Arrangements Conference:	09:30am
Meeting start time:	10:00am
Venue:	Virtual event Full instructions on how to join online or by telephone to follow.
Attendees:	Invited Parties who have pre-registered

Item 10	Resumption of the Preliminary Meeting - Welcome and introductions
Item 11	The ExA's remarks about the Examination process: - Responses to written submissions received by Procedural Deadline A (if required) - Responses to oral submissions received at the Preliminary Meeting Part 1 - Responses to written submissions submitted to the Planning Inspectorate in writing by Procedural Deadline B (Midday (12:00pm) Friday 30 October 2020)
Item 12	Any procedural decisions made by the ExA
Item 13	Any other matters
Close of the Preliminary Meeting	

Please note:

If you wish to be heard orally at the Preliminary Meeting Part 1, you must notify the case team (either by email or using the [Preliminary Meeting Involvement Form](#)) by **Procedural Deadline A (Tuesday 6 October 2020)**.

Please be available from the start and throughout the meeting (or any relevant part or session of the meeting that you are asked to attend). The agenda is subject to change at my discretion, although in making changes I will be mindful of the need to provide opportunities for fair involvement to all Interested Parties. I will conclude the meeting (or any relevant part or session of 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, I may change the order of the agenda items and may introduce breaks in the proceedings, including within any part or session of the meeting.

If it is necessary to divide the meeting into sessions, not all sessions of the meeting will address all parts of the Agenda. Participants will be joined to a session or sessions that most closely address those parts of the Agenda that reflect their requests for involvement. It is important that when requesting involvement, you identify the Agenda Items on which you wish to speak.

If it is not possible to join you to a session in which an Agenda Item that concerns you is to be raised, you will be asked to listen to the relevant session using the recording available from the NI website during the adjournment and to make your comments in writing by **Procedural Deadline B (Midday (12:00pm) Friday 30 October 2020)**.

If you wish to be heard orally at the Preliminary Meeting Part 2, you must notify the case team by **Procedural Deadline B (Midday (12:00pm) Friday 30 October 2020)**. Requests to be heard at the Preliminary Meeting Part 2 will need to demonstrate that the matter to be spoken on is new (i.e. was not addressed in Part 1 and that this is because the requesting party did not speak in Part 1) or is the subject of an outstanding disagreement (parties have requested different procedural approaches on which I may need to adjudicate as part of any procedural decision).

Introduction to the Preliminary Meeting

Background

The Preliminary Meeting (PM) for the Thurrock Flexible Plant Generation project will take place virtually, but the format, content and procedure will be very similar to the traditional, face-to-face PMs that have been held for other National Infrastructure Examinations.

I am conscious of videoconferencing fatigue and aim to keep the proceedings focussed and as efficient as possible. This Annex provides advance access to information that would usually be included in my introductory remarks following the opening of the PM. Please read this carefully. I intend to only present a summary of the key points set out here on the day, saving time to ensure fair speaking access for all who request it.

The Examining Authority

My name is Rory Cridland. I am a solicitor and work as a full time Planning Inspector as well as an Examining Inspector for nationally significant infrastructure projects. I have been appointed by the Secretary of State as the Examining Authority (ExA) for this application.

The Case Team

I will be supported by the Planning Inspectorate Case Team, Tracey Williams and K-J Johansson, who are respectively the Case Manager and Case Officer for this application. During the arrangements conferences a member of the case team will welcome and admit participants into the virtual PM, and will be available to answer questions by email before and after the PM. The relevant contact address is:

- thurrockfpg@planninginspectorate.gov.uk

Purpose of the Preliminary Meetings

The PM is being held to discuss the arrangements for the Examination of the application for Development Consent for the Thurrock Flexible Generation Plant project which is a Nationally Significant Infrastructure Project (NSIP), and which will generally be referred to in the PM and Examination as the 'Proposed Development'. The application has been made by Thurrock Power Limited, which will be referred to as 'the Applicant'.

You will find information about the application and, in due course, documents produced for the Examination on the Planning Inspectorate's National Infrastructure website ('NI website'). This has a dedicated landing page for the project, with links to Examination procedure, the examination timetable, Relevant Representations and Examination documents for each. The relevant NI website landing page is:

<https://infrastructure.planninginspectorate.gov.uk/projects/South%20East/Thurrock-Flexible-Generation-Plant/>

You are encouraged to look at this website if you haven't already done so, because it will be used to communicate with you and to provide access to documents throughout the Examination. There is also the option on the project page to register your interest to receive updates by email. I would encourage you to make use of this feature so that you receive an email notification every time the banner is updated on the project page (which happens at key stages during the Examination).

The main purpose of the PM is to discuss the arrangements for the Examination of the Proposed Development. It focuses on the process only, and it will not be looking at the substance of the proposals: questions, discussions and representations about the merits or disadvantages of the Proposed Development are for the Examination. This will begin the day after the close of the PM.

The proposal for the Examination is set out in **Annex C**.

The PM will be your opportunity to influence the process that I intend to follow, and you should read the Rule 6 letter and all of its accompanying Annexes thoroughly beforehand. The agenda for the PM is attached at **Annex A**. It is important to have the letter and the agenda in front of you and to refer to it during the course of the PM. If you are not experienced with videoconferencing and using multiple documents on screen, you may wish to print these in advance of the PM for reference.

Government guidance and policy

The application is a NSIP under sections 14 and 15(2) of the Planning Act 2008 (PA2008) as it is for the construction of an onshore electricity generating station in England that does not generate energy from wind, with a capacity of more than 50MW.

The designated *Overarching National Policy Statement for Energy* (NPS EN-1), the *National Policy Statement for Fossil Fuel Electricity Generating Infrastructure* (NPS EN-2), the *National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines* (NPS EN-4) and the *National Policy Statement for Energy Networks Infrastructure* (NPS EN-5) apply to this Examination and to decision-making relating to it.

I will consider the Proposed Development within the parameters of relevant NPSs and any other applicable policy considerations that I deem to be relevant. The PA2008 makes it clear that, in making a decision, the Secretary of State (SoS) '*must decide the application in accordance with any relevant NPS*' (s104(3)), subject to certain provisos. Essentially, the provisos are that the application must not breach legal or treaty obligations, and that any adverse impact of the Proposed Development would not outweigh their benefits.

The SoS is (and so I am) entitled to disregard any representations that relate to the merits of the designated NPS. In practice, this means that I will not spend time examining representations that challenge policy set out in NPSs, or the

validity of NPSs themselves. The focus will be on the merits of the Proposed Development, tested to the appropriate extent using tests set out in relevant designated NPSs that are in force.

Other relevant planning policies that I may consider include policies in the relevant local authorities' development plans. However, if these conflict with policy in a NPS, then the NPS will take precedence.

In summary terms, the PM will establish the procedures and timetable for the Examination of the Proposed Development. It will set a framework for me to enable the SoS to consider and decide the applications, by identifying relevant policy and examining the application in the light of it. In doing so, I will have regard to:

- the positions and representations of all Interested Parties (IPs);
- any Local Impact Reports (LIRs) prepared and provided by relevant local authorities;
- other prescribed matters; and
- any other matters that appear to be relevant to the SoS's decision.

Preliminary Meetings Invitees

The Applicant is invited to the PM and is generally given the opportunity to reply to any representations made, either orally at the time or in writing during the adjournment of the meeting.

Everyone who has made a written Relevant Representation has been registered as an IP and has been sent a copy of the Rule 6 letter. Each IP is entitled to their involvement in this Examination going forward.

Each person or organisation with an interest in land or rights that are affected by Compulsory Acquisition is an Affected Person (AP). In addition to a general entitlement to involvement in the Examination going forward, APs have a right to be heard in relation to any objection about the effects of Compulsory Acquisition on their interests in land, and a right to be notified of any Compulsory Acquisition Hearing. APs become an IP, whether or not they have made a written Relevant Representation.

Certain bodies are 'Prescribed Consultees' or statutory parties. They are bodies that can elect to become IPs without having made a Relevant Representation.

I have the power to involve 'Other Persons' in the Examination as though they are IPs, including by inviting them to the PM. However, this is only done in exceptional circumstances, for example if it was clear that the application would materially affect a person, they are not automatically or eligible to elect to become an IP and for a good reason they had been unable to take the necessary action to register as an IP.

Conduct of the Preliminary Meetings themselves

Past experience suggests that a PM for a project of this size and complexity could take around one to two hours to complete.

The PM will be conducted in two parts. An adjournment has been provided between PM Part 1 and PM Part 2 to recognise that some people may not know whether they wish to speak until they have heard the issues raised by others and so may have to watch or listen to the recording of the first part of the meeting which will be made available on the NI website. They will then have an opportunity to make written submissions for consideration and, if any new procedural arrangements are being raised that directly affect them, to request to be heard in the PM Part 2. The PM will not close until I have considered all oral submissions made at the PM (Parts 1 and 2) as well as all written submissions made by **Procedural Deadline B (Midday (12:00pm) on Friday 30 October 2020)**. I will then make any further procedural decisions I consider are necessary to govern the Examination moving forward before closing the PM.

Participants may have to make allowances and be patient if there are delays associated with the technology used. In recognition of the fatigue associated with on-screen communication, I will limit the length of sessions and provide breaks between sessions. Your joining instructions will provide more information about these.

A digital recording will be made available on the project page of the NI website as soon as practicable following each part of the PM. The digital recording allows any member of the public who is interested in the application and the Examination to find out what has been discussed at the PM, whether they are able to attend or observe the meeting or not. The making and publication of these recordings are a critical means by which we meet the legal requirement to hold these events in public. **In this regard, anyone speaking at the PM will need to introduce themselves each time they speak, to ensure that someone listening to the recording after the event is clear who was speaking.** A note of the PM will be produced following the closure of the PM (at the conclusion of Part 2 and will also be published on the project page of the NI website).

As the digital recordings are retained and published, they form a public record that can contain personal information to which the General Data Protection Regulation (GDPR) applies. Participants must do their best to avoid making public any information which they would otherwise wish to be kept private and confidential. If there is a need to refer to such information, it should be in written form. Although this will also be published, personal and private content can be redacted or removed before it is made publicly available. Any person who is unclear on this point should ask me for guidance before they place personal and private information into the public domain.

The Planning Inspectorate's practice is to publish the recordings and retain them for a period of five years following the relevant SoS decision on the Development Consent Orders (DCOs). If you actively participate in the PM, it is important that you understand that you will be recorded and the approach to the retention and publication of the digital recordings.

Following my introduction, each participant who has been registered to speak will be asked to introduce themselves, including any organisations or groups that they represent. I will then conduct the meeting in accordance with the Agenda. If you prefer not to have your image recorded, you can switch off your camera at any point.

The Examination processes

The examination of NSIPs follow different processes to those, for example, of a Public Inquiry into a planning appeal following the refusal of planning permission. The main differences are that the examination of NSIPs are primarily a written process and take on an inquisitorial approach as opposed to an adversarial one.

This means that the I will probe, test and assess the evidence primarily using written questions. While some Hearings are held to provide supplementary evidence, questions to the Applicants or to witnesses will come from me. Questioning or cross-examination of witnesses by other parties will not generally be allowed.

In terms of opportunities to provide evidence in writing, the draft Examination Timetable makes provision for the following written processes:

- i. Local authorities can make LIRs if they wish. Whilst these are voluntary, the PA2008 provides that if they are made, they must be individually considered by the SoS in reaching a decision. Consequently, LIRs are a very important method for local authorities to communicate issues of concern to them and their residents.
- ii. Interested Parties can make Written Representations (WRs) and comments on WRs made by other parties.
- iii. Interested Parties can respond to my written questions and comment on responses to these written questions provided by others.
- iv. Interested Parties may be asked to contribute to the making of Statements of Common Ground (SoCG) if it appears that there are matters on which they and the Applicants agree, and if it would be useful for this to be clarified. Statements of Common Ground often extend to catalogue matters that are not agreed or are outstanding.

The draft Examination Timetable includes a series of numbered Deadlines for receipt of written submissions. Timely submissions received by the relevant Deadline and that address its purpose will be accepted. Documents received after the relevant Deadline will only be accepted at my discretion and may not be accepted to ensure fairness to all parties. Circumstances where documents are submitted late without good reason, causing inconvenience or delay to other parties can amount to unreasonable behaviour.

These written processes will be the principal means used to gather information, evidence and views about the applications. However, the Examination will only

be effective if all parties resolve to give timely, full, frank and clear answers to every question that is relevant to their interests and to engage fully with any other related processes such as the completion of WRs and SoCGs.

There is no merit in withholding or delaying information, or in failing to co-operate, and, should it occur, any unreasonable behaviour that caused another party to incur wasted expenditure could lead to an award of costs against the offending party.

As ExA, I have discretion to make amendments to the Examination Timetable for the wider benefit of the Examination. If possible, events will be arranged for times when all relevant parties are available, but I am under a duty to complete the Examination by the end of the six-month period beginning with the day after the close of the PM. This requirement is set by legislation, and while I will try to rearrange event dates to accommodate all relevant parties, in practice there will be limited scope to alter dates set out in the draft Examination Timetable.

The statutory time limit for the Examination means that everyone must strive for a 'right first time' approach to matters set out in writing. **Where there are matters that still need to be discussed and agreed between the Applicants and IPs, it will be very helpful if these could be progressed as early as possible.**

Hearings

The draft Examination Timetable includes provision for Hearings, which will enable the discussion of multi-party issues and take oral evidence from the various parties.

Any registered IP may request an **Open Floor Hearing** (OFH) to make oral representations about the application if they believe this to be preferable to restricting their representation to the written form, though both carry equal weight. Oral submissions should be based on representations previously made in writing, but they should not simply repeat matters previously covered in the written submission. Rather, they should focus on specific detail, explanation and evidential corroboration. There should be no new or unexpected material in oral presentations. A written summary note with any supporting evidence or references will be requested of each speaker following the event.

As with all Examination events, OFHs are subject to the powers of control of the ExA, as set out in the PA2008 and supporting legislation. Participants must register in advance by the Deadline shown in the Examination Timetable and in accordance with the instructions; an agenda will be circulated; it is common practice to set a time limit for each speaker; and those with common points are asked to come together to nominate a spokesperson or representative speakers to cover specific topics, so as to avoid repetition. Speakers representing public authorities, community and membership organisations or multiple IPs are normally provided with an additional time allowance, recognising their representative role.

The Applicant's draft DCO provides for the Compulsory Acquisition of land and rights and the Temporary Possession of land. APs have a right to request and be

heard at a **Compulsory Acquisition Hearing** (CAH). If one or more APs request to be heard, then a CAH must be held. Provisional dates for these are included in the draft Examination Timetable along with a Deadline by which requests to be heard must be submitted.

I have the discretion to hold **Issue Specific Hearings** (ISHs) if they would aid in the Examination and there is a specific reason this would be more helpful than reliance on written evidence only.

The Examination Timetable includes a number of reservations for ISHs and IPs may make suggestions for topics in their written or oral representations to the PM.

It may be necessary for me to hold multiple ISHs on the draft DCO. This is normal practice, and they are held on a without prejudice basis. Parties can suggest modifications and amendments to the draft DCO provided with the Proposed Development applications by the Applicant, without prejudicing their overall position on the application.

Holding such hearings does not imply that the I have reached any judgements on the merits of the application. Whatever my ultimate recommendation is, I must make sure that the draft DCO is fit for purpose if the SoS decides to grant consent, as any consents will be subject to requirements and conditions set out in the DCO.

At hearings, it will not normally be necessary for parties to make long and detailed submissions that require (for example) PowerPoint presentations. Any supporting detail/information can be provided in writing following the event by the relevant Deadline.

Site inspections

As part of the Examination process, I may undertake site inspections. These can be either unaccompanied or accompanied, though all would be subject to any Government restrictions relating to COVID-19 in force at the time.

The purpose of these is for me to see features of the proposals within the context of the evidence put forward. Notes of Unaccompanied Site Inspections (USIs) are published on the project web pages of the NI website.

Accompanied Site Inspections (ASI) will only be necessary to view land to which there is no public right of access, or with no clear view from nearby locations with open public access. The purpose of ASIs is familiarisation only and no discussion of the merits of the Proposed Developments will be entertained during an ASI. Discussion between parties and the ExA only takes place in hearings, because only hearings occur in a physical or virtual public place that everyone can attend, where there is equipment in place to make a digital recording that can be published. Discussion of planning merits on ASIs has never been permitted in national infrastructure casework. Practice in this regard remains unaffected by COVID-19.

The draft Examination Timetable includes Deadlines for the submission by IPs of prospective locations for inspections. These will be used to inform USIs as well as possible ASIs. It should be noted that public health restrictions may limit the scope for ASIs and, if these have not lifted by the end of the Examination, I will take the preliminary view that holding USIs to relevant nominated locations, supported by the submission of additional written, photographic, video or other material (if this might enable views into inaccessible areas) would be preferable to not visiting sites or holding ASIs in circumstances which could make them difficult and unduly time consuming to conduct.

Draft Examination Timetable

As ExA, I am 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 Examination of the application primarily takes the form of the consideration of written submissions. I will also consider any oral representations made at Hearings.

	Matters	Due Dates
1.	<p>Procedural Deadline A</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> Written submissions, if required, from the Applicant and any Interested Party or Affected Persons on any changes that are considered necessary to the draft Examination Timetable; Requests to be heard orally at the Preliminary Meeting (Part 1); Notification of which agenda items you wish to speak on, points you wish to make, and why these need to be made orally rather than in writing. 	<p>Tuesday 6 October 2020</p>
2.	<p>Preliminary Meeting (Part 1)¹</p>	<p>Tuesday 20 October 2020 at 2.00pm</p>
3.	<p>Reserve date for Preliminary Meeting (Part 1) (if required due to overrun or technical issues)</p>	<p>Wednesday 21 October 2020</p>
4.	<p>Procedural Deadline B</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> Submission of written responses to matters discussed at the Preliminary Meeting (Part 1); Requests to be heard orally at the Preliminary Meeting (Part 2), points you wish to make, and why these need to be made orally rather than in writing. 	<p>Midday (12:00pm) Friday 30 October 2020</p>

¹ The Meeting will be adjourned rather than closed following the day's business to allow time for written responses.

5.	Preliminary Meeting (Part 2)	Wednesday 4 November 2020 at 10:00am
6.	Issue by the ExA of: <ul style="list-style-type: none"> • Examination Timetable; • The ExA's Written Questions (EXQ1). 	As soon as practicable after the close of the Preliminary Meeting
7.	Deadline 1 Deadline for the receipt by ExA of: <ul style="list-style-type: none"> • Notification of wish to speak at any Issue Specific Hearing(s) (ISHs) (if held); • Notification of wish to speak at any Compulsory Acquisition Hearing(s) (CAHs) (if held); • Notification of wish to speak at an Open Floor Hearing (OFH) (if held); • Submission by the Applicant, IPs and APs of suggested locations for the ExA to include in any Unaccompanied Site Inspections (USIs) or Accompanied Site Inspections (ASIs), including the reason for nomination and issues to be observed, information about whether the location can be accessed using public rights of way or what access arrangements (if any) would need to be made, and the likely time requirement for the visit to that location²; • Notification by Statutory Parties and certain Local Authorities who wish to be considered as an Interested Party; • Comments on any Additional Submissions accepted by the ExA; • Notification of wish to have future correspondence electronically; 	Monday 16 November 2020

² Please note: an ASI can only go ahead if Government guidance on COVID-19 at that time permits. In the event it cannot be undertaken as a physical visit, alternative approaches (including the use of technology) will be explored, and all participants will be notified.

	<ul style="list-style-type: none"> Any other information requested by the ExA for submission at Deadline 1. 	
8.	<p>Deadline 2</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> Responses to ExQ1; Local Impact Reports (LIRs) from Local Authorities (see Annex B); Written Representations (WRs) including summaries of all WRs exceeding 1500 words (see Annex B); Comments on Relevant Representations (see Annex B); Statements of Common Ground (SoCG) requested by the ExA (see Annex B and E); Statement of Commonality of SoCG; The Compulsory Acquisition (CA) Schedule; Any other information requested by the ExA for submission at Deadline 2. 	Monday 7 December 2020
9.	<p>Time reserved for issue by the Examining Authority (ExA) of</p> <ul style="list-style-type: none"> Any notification of hearings 	Monday 14 December 2020
10.	<p>Deadline 3</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> Comments on WRs; Responses to comments on RRs; Comments on responses to ExQ1; Comments on LIRs; Comments on other submissions for Deadline 2; The Applicant's draft ASI arrangements and itinerary (if required); 	Monday 21 December 2020

	<ul style="list-style-type: none"> • Progressed SOCG and updated Statement of Commonality of SOCG; • An updated Guide to the Application; • An updated version of the draft Development Consent Order (dDCO) in clean and tracked versions; • Schedule of changes to the dDCO; • An updated CA Schedule in clean and tracked versions; • Any other information requested by the ExA for submission at Deadline 3. 	
11. Hearings	<p>Dates reserved to hold any:</p> <ul style="list-style-type: none"> • ISHs (if required); • CAHs (if required); • OFHs (if required). 	<p>w/c 11 January 2021 and/or w/c 18 January 2021</p>
12. Deadline 4	<p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on responses submitted for Deadline 3; • Written summaries of oral submissions made at any Hearings held during the weeks commencing 11 January 2021 and/or 18 January 2021; • Comments on the Applicant's draft ASI arrangements and itinerary³; • Any post-Hearing notes requested at the Hearings; • An updated Guide to the Application; • An updated version of the dDCO in clean, tracked and word versions; 	<p>Thursday 28 January 2021</p>

³ Please note: an ASI can only go ahead if Government guidance on COVID-19 at that time permits. In the event it cannot be undertaken as a physical visit, alternative approaches (including the use of technology) will be explored, and all participants will be notified.

	<ul style="list-style-type: none"> • An updated Schedule of changes to the dDCO; • An updated Compulsory Acquisition Schedule in clean and tracked versions; • Progressed SoCG and updated Statement of Commonality of SOCG; • Any other information requested by the ExA for submission at Deadline 4. 	
13. Publication by the ExA of:	<ul style="list-style-type: none"> • Further Written Questions (ExQ2) (if required). 	Wednesday 10 February 2021
14. Time reserved for issue by the Examining Authority (ExA)	<ul style="list-style-type: none"> • Any notification of Hearings and ASI. 	Tuesday 16 February 2021
15. Deadline 5	<p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Responses to ExQ2; • Comments on submissions for Deadline 4; • Any information requested by the ExA under Rule 17 of the Examination Rules to assist with the preparation of Hearings scheduled for weeks commencing 15 and 22 March 2021; • Progressed SOCG and updated Statement of Commonality of SOCG; • An updated Guide to the Application; • Updated Book of Reference (if required); • Updated Statement of Reasons (if required); • Draft s106 Agreement(s) (if required); • An updated version of the dDCO in clean, tracked and word versions; • An updated Schedule of changes to the dDCO; 	Thursday 25 February 2021

	<ul style="list-style-type: none"> Any other information requested by the ExA for submission at Deadline 5. 	
16. Hearings and Accompanied Site Inspection(s)	<p>Dates reserved for any:</p> <ul style="list-style-type: none"> Further ISHs (if required); Further OFHs (if required); Further CAHs (if required); Accompanied Site Inspection(s) (if required). 	<p>w/c 15 March 2021 and/or w/c 22 March 2021</p>
17. Publication by the ExA of:	<ul style="list-style-type: none"> The Report on the Implications for European Sites (RIES) (if required); Any requests for information under Rule 17 of the Examination Rules (if required); The ExA's proposed schedule of changes to the dDCO (if required). 	<p>Wednesday 31 March 2021</p>
18. Deadline 6	<p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> Comments on submissions for Deadline 5; Written summaries of oral submissions made at any Hearings held during the weeks commencing 15 and 22 March 2021; Any post-Hearing notes requested at the previous Hearings; Any other information requested by the ExA for submission at Deadline 6. 	<p>Thursday 8 April 2021</p>
19.	<p>Date reserved for any further hearings (if required)</p>	<p>Week commencing 12 April 2021</p>
20. Deadline 7	<p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> Comments on responses submitted for Deadline 6; Comments on the RIES (if required); 	<p>Thursday 22 April 2021</p>

	<ul style="list-style-type: none"> • Comments on the ExA's proposed schedule of changes to the dDCO (if required); • Final SoCG and finalised Statement of Commonality; • Final Compulsory Acquisition Schedule in clean and tracked versions; • Final Guide to the Application; • A final Schedule of changes to the dDCO; • Final dDCO to be submitted by the Applicant in the Statutory Instrument (SI) template with the SI template validation report; • Resubmission of final version of updated application documents; • Final updated version of the Book of Reference; • Any final, duly executed, section 106 agreement(s); • Any other information requested by the ExA for submission at Deadline 7. 	
21. Deadline 8	<p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Any further information requested by the ExA after Deadline 7 (if required), under Rule 17 of the Examination Rules. 	Wednesday 28 April 2021
22. Close of Examination	<p>The ExA is under a duty to complete the Examination of the application by the end of the period of 6 months.</p>	Tuesday 4 May 2021

Submission times for deadlines

The time for submission of documents at any deadline in the timetable is, **unless otherwise stated**, 23:59 hours on the relevant deadline date.

Publication dates

All information received will be published on the project webpage on the National Infrastructure Planning website (see link below) as soon as practicable after the deadlines for submissions. An Examination Library will be kept up to date throughout the Examination and can be accessed via the 'Documents' tab on the project webpage. Each document will be given a unique reference. These references will be used by the ExA during the Examination:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/thurrock-flexible-generation-plant/?ipcsection=docs>

Report on the Implications for European Sites (RIES)

The Applicant has provided a Habitats Regulations Assessment (HRA) with the application (Examination Library reference [[APP-040](#)]). In light of this 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 Conservation of Habitats and Species Regulations 2017 (as amended).

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 received. It is not a comprehensive or exclusive list of all relevant matters; regard will be had to all relevant matters in reaching a recommendation after the Examination is concluded.

A number of the Principal Issues set out below have an interrelationship and overlap and this will be reflected in the Examination. The 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. Furthermore, it should also be noted that whilst the effects of the proposal on (i) the achievement of sustainable development and (ii) the effects of the proposal in relation to human rights and equalities duties are not listed as specific Principle Issues, the ExA will conduct all aspects of the Examination with these objectives in mind.

Principal Issue	To include but not necessarily limited to:
Air Quality	<ul style="list-style-type: none"> - The effect of the Proposed Development on air quality, including the effect on those living and working nearby.
Climate Change	<ul style="list-style-type: none"> - Whether the Proposed Development meets the UK's obligations under the Climate Change Act 2008 and the United Nations Framework Convention on Climate Change (the Paris Agreement).
Compulsory Acquisition	<ul style="list-style-type: none"> - Whether the powers of compulsory acquisition included in the dDCO satisfy the conditions set out in the PA2008; - Whether the temporary possession powers sought are justified and proportionate; - Whether adequate consideration has been given to alternatives to compulsory acquisition; - Whether there is a compelling case in the public interest for land to be acquired compulsorily; - The effect of the Proposed Development on the assets and activities of Statutory Undertakers; - The effect of the Proposed Development on special category land; and - Financial arrangements.

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Cultural Heritage	<ul style="list-style-type: none"> - The effect of the Proposed Development on designated and non-designated heritage assets and on buried and marine archaeology.
Cumulative Impacts	<ul style="list-style-type: none"> - The cumulative and combined effects of the Proposed Development with other nearby developments that are likely to contribute to combined or cumulative impacts.
Design and Layout	<ul style="list-style-type: none"> - The design of the power station and associated development.
Draft Development Consent Order	<ul style="list-style-type: none"> - The appropriateness of the Applicant's dDCO including its structure, scope, provisions, requirements, protective provisions and the Deemed Marine Licence.
Environment Impact Assessment and Environmental Statement	<ul style="list-style-type: none"> - The assessment of potential impacts of the Proposed Development; - Justification for assumptions made; - How assumptions used in the EIA could be secured through any DCO; - Approach to EIA, including the use of the 'Rochdale Envelope' and the 'design principles', whether worst-case parameters have been used throughout the EIA, and whether all necessary parameters and mitigation measures are captured in the dDCO; - The approach to, and scope of, cumulative and in-combination assessments in the EIA and HRA; and - Consideration of indirect effects on the qualifying features of European sites.
Green Belt	<ul style="list-style-type: none"> - Whether the Proposed Development represents inappropriate development in the green belt, its effect on the openness of the green belt, and whether the harm by reason of inappropriateness, together with any other harm, would be clearly outweighed by other considerations so as amount to the very special circumstances required to justify the Proposed Development.
Habitats and onshore ecology	<ul style="list-style-type: none"> - Temporary and permanent impacts on species and habitats, including noise, visual and other disturbance, with

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	<p>particular reference to European and other protected sites and species; and</p> <ul style="list-style-type: none">- Consideration of any necessary mitigation, monitoring, management and compensatory measures and their effectiveness.
Infrastructure	<ul style="list-style-type: none">- The effect on existing transmission and distribution facilities;- The effect on other infrastructure;- Environmental permits; and- Operational effects including the height and location of the proposed stacks.
Landscape and Visual	<ul style="list-style-type: none">- The effect of the Proposed Development on landscape and visual amenity; and- The extent to which the design of permanent structures should be controlled and secured through any DCO.
Land use, agriculture and socio-economic effects	<ul style="list-style-type: none">- The economic and social effect of the Proposed Development both during construction and operation, including the effect on registered Common Land;- The effects of the Proposed Development on human health, including consideration of EMF, contamination, air quality, noise and vibration; and- The temporary impact of construction activities on access to community facilities and residential properties.
Marine Environment	<ul style="list-style-type: none">- The effect of the proposed development on the Marine Environment;- The adequacy of submitted information in relation to dredging and disposal of sediment;- The accuracy of sediment contaminant data set out in the Environmental Statement;- The effect of the proposed development on fish and wintering birds; and- The potential need for mitigation measures to be secured through the Deemed Marine Licence.
Noise and Vibration	<ul style="list-style-type: none">- The noise and vibration impacts of the proposed development including the effect on those living and working nearby.

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Onshore Water Environment	<ul style="list-style-type: none">- Adequacy of assessments;- Flood Risk including consideration of the accuracy of the presented Flood Risk Assessments, and whether there would be any increase in the risk of flooding (including offsite flooding) as a result of the Proposed Development;- Surface and groundwater effects;- Contamination risks during construction, and whether there is sufficient information presented to ensure that the risk to the water environment as a result of the Proposed Development is effectively mitigated; and- Drainage (including future management and maintenance).
Traffic and Transport	<ul style="list-style-type: none">- The effect of the Proposed Development on traffic flows, delays, volumes and circulation in both the local and wider context;- The effect of the Proposed Development on road safety, cyclists and pedestrian amenity;- Consideration of alternatives to road freight; and- The effect on Navigational safety.

Other Procedural Decisions made by the Examining Authority (ExA)

I have made the following Procedural Decisions under Section 89(3) of the PA2008:

1. Statements of Common Ground (SoCG)

In relation to some of the Principal Issues identified in **Annex D**, I would be assisted by the preparation of SoCGs between the Applicant and certain Interested Parties. The draft Examination Timetable at **Annex C** therefore provides a deadline for submission of SoCGs. This is **Deadline 2** on **Monday 7 December 2020**.

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.

For each of those areas that are in dispute, it would be beneficial if each party would put their estimation as to the likelihood that disagreement will remain by the end of the Examination. This should be done on a "Low", "Medium" and "High" traffic light model. This will allow the ExA to assess those areas where oral discussions may be most beneficial.

SoCGs are requested to be prepared between the Applicant and:

A. **The Environment Agency** to include:

- Flood risk and breach modelling;
- Surface water drainage;
- Climate change considerations;
- Thames Estuary 2100 considerations;
- Marine ecology;
- Water Framework Directive;
- Environmental permits;
- Other water environment effects;
- Any other relevant matters.

B. **Highways England** to include:

- The effect of the highway network from construction and operational phases;
- The effect on highway safety at the 'Asda' roundabout;

- The contents and adequacy of the outline Construction Traffic Management Plan and outline Construction Worker Travel Plan;
- The potential impact on the proposals for the Lower Thames Crossing project.

C. Natural England to include:

- The effect on habitats, species and nationally designated sites;
- The effect on European sites and features relevant to Habitat Regulations Assessment; assessment methodology and conclusions;
- The effect on the Marine Environment (to include matters in respect of the proposed causeway);
- The effect on air quality;
- The effect on the landscape;
- The effect on water quality;
- Land use, agriculture and socioeconomics including the proposals for Walton Common;
- Adequacy and means of securing mitigation;
- Other issues relevant to Appropriate Assessment.

D. Basildon Borough Council to include:

- The effect on air quality;
- The effect on transport and traffic;
- Adequacy and means of securing appropriate mitigation.

E. Thurrock Borough Council to include:

- Planning policy;
- The need and principle of the Proposed Development and examination of alternatives;
- The effect on air quality;
- The effect on habitats, species and nationally designated sites;
- The effect on European sites and features relevant to Habitat Regulations Assessment; assessment methodology and conclusions;
- Landscape and visual effects;
- Design;
- Water environment including flood risk and ground contamination;
- Noise and vibration impacts;
- Green belt;
- The effect on the Historic Environment including the adequacy of assessments, methodology and proposed mitigation;
- The effect on transport and traffic;
- Land use, agriculture and socio-economics including the proposals for Walton Common;
- Cumulative impacts with other developments;

- Adequacy and means of securing mitigation;
- Any other relevant matters.

F. Gravesham Borough Council to include

- Planning policy;
- The effect on air quality;
- The effect on habitats, species and nationally designated sites
- Marine Environment (to include matters in respect of the proposed causeway);
- Landscape and visual, including the impact on long views from Gravesham towards the development;
- Water quality;
- Noise and vibration impacts;
- Green belt;
- The effect on the Historic Environment;
- Cumulative impacts with other developments;
- Adequacy and means of securing mitigation;
- Any other relevant matters.

G. Essex County Council, to include:

- Planning policy;
- The Need and Principle of the Proposed Development and Examination of Alternatives;
- Effect on habitats, species and nationally designated sites
- Marine Environment (to include matters in respect of the proposed causeway);
- Climate change;
- Minerals and waste.

H. National Grid Electricity Transmission /National Grid Gas to include:

- Effect on existing apparatus;
- Connection matters;
- Protective Provisions.

I. Anglian Water to include:

- Protective Provisions;
- Any other matters raised in the relevant representations [RR-017].

J. Transport for London to include:

- Impacts on traffic and transport;
- Contents and adequacy of the outline Construction Traffic and Transport Plan and outline Construction Worker Travel Plan.

K. The Marine Management Organisation to include:

- The effect on the marine environment including marine habitats, species and nationally designated sites;
- The effect on European sites and features relevant to Habitat Regulations Assessment; assessment, methodology and conclusions;
- Sediment analysis and dredging disposal (including matters related to timing);
- Cumulative and in-combination effects;
- The adequacy of the outline Saltmarsh Enhancement and Management Plan and outline Ecological Mitigation Plan;
- The Deemed Marine Licence (Schedule 8 of the dDCO);
- Adequacy and means of securing mitigation;
- Other matters raised in the relevant representation [RR-005].

L. Public Health England to include:

- Impacts on air quality, including assessments, methodology and conclusions;
- Other potential risks to public health.

O. Network Rail Infrastructure Limited to include:

- Those matters raised in the relevant representation [RR-015]

P. The Port of London Authority to include:

- The design and operation of the proposed causeway and its effect on the Marine Environment, including the adequacy of assessments contained in the Environmental Statement;
- The effect of the proposed causeway on navigational safety;
- Any necessary consents and licences;
- Other matters raised in the relevant representation [RR-005].

Q. Cogent Land LLP to include:

- The matters raised in the relevant representation [RR-009].

R. Royal Mail Group Limited to include:

- The matters raised in the relevant representations [RR-024].

S. Maritime and Coastguard Agency to include:

- Deemed Marine Licence (Schedule 8 of the dDCO);
- The effect of the proposed causeway on navigational safety.

T. RWE Generation Limited to include:

- Protective provisions;
- Other matters raised in the additional submission [AS-006].

U. Historic England to include:

- The effect on the Historic Environment including the adequacy of assessments, methodology and proposed mitigation.

V. Port of Tilbury London Limited to include:

- Those matters raised in the relevant representation [RR-023].

The SoCGs should also 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.

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 2**, 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** at **Deadline 2**. The position of the relevant Interested Parties should then be confirmed in the course of the Examination.

The content of SoCGs is necessary to help inform me as to the need to hold any Issue Specific Hearings in January 2021, and to enable me and the Applicant to give notice of such hearings at least 21 days in advance of them taking place.

2. Draft itinerary for Accompanied Site Inspection

The draft Examination Timetable at **Annex C** shows that I have reserved time for an Accompanied Site Inspection (ASI) later in the Examination (**w/c 15 or 22 March 2021**). This could only take place to the extent that Government COVID19 restrictions at the time allow, and details of any such inspection will be published nearer the time.

In anticipation that an ASI could go ahead, the Applicant is requested to prepare a draft itinerary for the Accompanied Site Inspection (ASI) to be submitted by **Deadline 3 (Monday 21 December 2020)**. The draft ASI itinerary should include relevant sites and locations referred to in the Relevant Representations received and any other sites and locations at which the Applicant has predicted likely significant environmental effects.

I will then publish the draft itinerary for Interested Parties to comment on at **Deadline 4 (Thursday 28 January 2021)** in the proposed Examination Timetable. I will review the comments made about the draft ASI itinerary and may make changes to it. The final ASI itinerary will be published in advance of the event taking place.

3. Guide to the application

I would find it helpful if, at each deadline, the Applicant could provide 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.

4. Virtual events

As set out in the Rule 6 letter, I have the Procedural Decision to hold the Preliminary Meeting virtually, online. I have also decided that reasoned requests to participate actively or to comment on the Agenda must be received by **Procedural Deadline A (Tuesday 6 October 2020)**. I have decided to adjourn the Meeting on the first date, and to reserve a date for a resumption around two weeks later. This will allow sufficient time for written submissions about pertinent matters to be made by **Procedural Deadline B (Midday (12:00) Friday 30 October 2020)**.

In the absence of any certainty around progress with the lifting of Government restrictions on public meetings relating to the COVID-19 pandemic, I have decided, as a starting point, to assume that all meetings and hearings for the Examination will also need to be held virtually, and the Examination Timetable has been drafted on this basis. Should restrictions be relaxed sufficiently to hold future events in either a face-to-face or blended format, I will publish further decisions on this, noting that the Timetable is sufficiently flexible to accommodate a range of possible event formats.

5. Acceptance of Additional Submissions into the Examination

Since the acceptance of the Application, the following documents from the Applicant have been accepted into the Examination:

- Applicant's response to s51 advice [AS-001].
- Updated Works Plans [AS-002].
- Updated draft Development Consent Order (version 2) [AS-003].
- Updated Consultation Report Appendix 4 - Section 42 Consultation [AS-004].
- Table of amendments to the Development Consent Order between version 1 (application) to version 2) [AS-005].

In addition, the following documents have been accepted into the Examination:

- Additional submission from RWE Generation UK Plc [AS-006].

Availability of Examination Documents

The application documents and Relevant Representations are available on the project webpage on the National Infrastructure Planning website:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/thurrock-flexible-generation-plant/?ipcsection=docs>

All further documents submitted during the Examination will also be published at the above location.

For ease of navigation, please refer to the Examination Library (EL) which is accessible via a blue button under the 'Documents' tab. The EL is updated regularly throughout the Examination.

The EL records and provides hyperlinks to:

- each application document;
- each representation made to the Examination; and
- each Procedural Decision made by the Examining Authority.

Each document is given a unique reference which will be fixed for the duration of the Examination. A hyperlink to each document on the project webpage is also provided. Please use the unique reference numbers applied in the EL when referring to any Examination Documents in any future submissions that you make.

Electronic deposit locations

Documents can be viewed electronically, free of charge, at the locations below. Please note that you may need to bring a form of identification and register as a library member in order to use a computer at these locations.

Please Note: Opening hours and the availability of information technology set out in the table below may be subject to local changes or additional limitations to address COVID-19 pandemic public health requirements.

Bearing in mind the effect of public health restrictions, please consider your need to attend these locations with care. Please check the current circumstances with the relevant locations before you attend. The information given in brackets was correct as at 17 September 2020)

Local authority	Library/ address	Opening hours
Thurrock Council (Currently closed to the public)	Civic Offices, New Road, Grays, RM17 6SL	Monday 8:45am–5:15pm Tuesday 8:45am–5:15pm Wednesday 8:45am–5:15pm Thursday 8:45am–5:15pm Friday 8:45am–4:45pm Saturday Closed

Local authority	Library/ address	Opening hours	
		Sunday	Closed
Tilbury Hub	16 Civic Square, Tilbury, RM18 8ZZ	Monday	10:00am-5:00pm
		Tuesday	Closed
		Wednesday	10:00am-5:00pm
		Thursday	Closed
		Friday	10:00am-5:00pm
		Saturday	10:00am-1:00pm
		Sunday	Closed
Gravesend Library	Windmill Street, Gravesend, DA12 1BE	Monday	10:00am-5:00pm
		Tuesday	10:00am-5:00pm
		Wednesday	10:00am-5:00pm
		Thursday	10:00am-5:00pm
		Friday	10:00am-5:00pm
		Saturday	10:00am-5:00pm
		Sunday	Closed
Chadwell St Mary Library	Brentwood Road, Chadwell St Mary, Grays, RM16 4JP	Monday	10:00am-5:00pm
		Tuesday	10:00am-5:00pm
		Wednesday	Closed
		Thursday	10:00am-5:00pm
		Friday	10:00am-5:00pm
		Saturday	10:00am-1.00pm
		Sunday	Closed
Links to all libraries			
<p>Thurrock Council: https://www.thurrock.gov.uk/</p> <p>Tilbury Hub: http://www.tilburyhub.org.uk/</p> <p>Gravesend Library: http://www.kent.gov.uk/lib</p> <p>Chadwell St Mary Library: https://www.thurrock.gov.uk/community-hubs-and-community-centres/chadwell-st-mary-centre</p>			

Coronavirus Response: Examination Practice Changes and Your Privacy

This Annex explains the approach taken to privacy in Examination practice where virtual or blended events are used. It sets out changes to the National Infrastructure Planning Website privacy notice necessary to respond to the Coronavirus (COVID-19) pandemic. Please read it carefully.

Changes due to COVID-19

Due to the Coronavirus (COVID-19) measures introduced by the Government (see <https://www.gov.uk/coronavirus>), social distancing and related requirements are still in place. It is important to recognise that we are in dynamic circumstances and that the controls in force both nationally and locally are likely to vary during a 6-month Examination. The Examination method and timetable have been designed with the following principles in mind:

- To respond flexibly to changing public health controls, minimising the need for later changes to the Examination timetable and additional correspondence.
- To fit selected Examination methods and procedures to the controls in force at the time when notice for any particular events is given.
- To provide processes that are accessible to people who are shielding or isolating.
- To retain the potential to provide physical hearings and site inspections with appropriate social distancing measures in place, where it is possible to do so.
- To ensure that you can protect your privacy and understand the privacy policy that we are applying, whatever Examination methods are used.

I will not be conducting the Preliminary Meeting face to face. Instead, I will be conducting these processes virtually (over the internet, or by telephone link). You will be able to take part at home or from a safe place. Later hearings may be held using a blend of face to face (physical) and virtual processes, although at present I anticipate holding the majority of hearings virtually. Additional information will be provided to enable you to participate in any events and protect your privacy closer to the time of the events concerned.

How to Protect your Privacy in Virtual Meetings and Hearings

The [Frequently Asked Questions](#) (FAQs) for this Examination has been updated to provide you with information about the following topics relevant to virtual meetings and hearings practice:

- what will happen in a virtual meeting or hearing, how to prepare for one and the help available from the Planning Inspectorate (*'Participating in Meetings and Hearings'*);
- how to participate in virtual meetings and hearings using a computer, laptop, tablet, smartphone (*'Joining a Virtual Meeting or Hearing on the Internet'*);
- how to participate in virtual meetings and hearings using a mobile phone or land-line telephone (*'Joining a Virtual Meeting or Hearing by Telephone'*);

- what to do if a virtual event does not work as you'd expected (*'What if things go Wrong'*); and
- Protecting your privacy (*'How do I Protect my Privacy in Virtual Events'*).

The FAQs are kept under constant review. If it is proposed to hold blended hearings, information about how to participate in these events will be added to the FAQs and the Examination banners on the National Infrastructure Planning website will flag this change.

Please note that when joining a meeting or hearing on certain digital devices or by phone, other parties may be able to see the email address or phone number that you use to join the event. There are some well-established methods that you can use to avoid the un-intended disclosure of your personal information and the FAQs provide advice on these (*'How do I Protect my Privacy in Virtual Events'*). Please read this advice before you join the virtual event and take the steps that you feel necessary to protect your privacy.

Privacy Notice Amendment: Handling your Personal Information

Your privacy is important to us. The privacy notice amendment in this Annex explains the personal data that we will be processing specifically for virtual meeting and hearing events. The current [National Infrastructure Privacy Notice](#) should be read in conjunction with this amendment before sending information to the Planning Inspectorate. The amendment sets out how we have changed our data collection and the processing of that data in order to run virtual meetings and hearings.

What will be collected?

- E-mail address
- Phone number (if a participant joins by mobile)
- IP address
- Display Name
- Self-Image – If video is shared
- A livestream and a video or audio recording of the event

How is it collected?

- E-mail address requested in event invite.
- Phone numbers - If the participant joins by phone, then your phone number would be visible to all participants (this can be masked by the individual by turning off Caller ID, generally known as dialling 141) in which case a random number is displayed.
- IP address – Connections to Microsoft Teams will capture the IP address of the participant.
- Display Name – This is collected from the participants joining details
- Self-Image – This is collected when the participant activates their camera
- A video or audio livestream and recording of the event – This is collected when the participant activates their microphone and/ or camera

What metadata will be taken from joining?

- IP Address, joining account information (Email address), Browser Type (If browser is used instead of Teams App)

Where will it be stored?

- E-mail addresses, Phone numbers, Display Name and Self-Image will be stored in the virtual meeting room, within Exchange Online, MS Stream (Video Recording) and as appropriate will be transferred to an internal case management system.
- A video or audio recording of the event forms a document in the case record for all National Infrastructure casework and will be held within Exchange Online, MS Stream (Video Recording) and as appropriate will be transferred to an internal case management system and will also be published (for streaming access or download) on the project page of the National Infrastructure Planning website:
<https://infrastructure.planninginspectorate.gov.uk/>.
- A livestream may be captured by an external provider for the purposes of providing a livestream link, but this process will not involve the transfer of any IP address or metadata, or data other than that which is already visible in the public domain to attendees of the virtual event and/or on the National Infrastructure Planning website to the provider.
- IP Address and Metadata will be stored in the Audit Log.

Cookies

- The Planning Inspectorate does not use any of our own technology or storage for the creation and presentation, or collection of cookies or web-beacon analytics.
- Cookies are collected by Microsoft, which is covered in their Privacy Statement [here](#).