



National Infrastructure Planning
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All Interested Parties, Affected Persons,
Statutory Parties and any other person
invited to the Preliminary Meeting

Your Ref:

Our Ref: EN010095

Date: 17 August 2021

Dear Sir/ Madam

Planning Act 2008 – Section 88 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 4 and Rule 6

Application by Alternative Use Boston Projects for an Order Granting Development Consent for the Boston Alternative Energy Facility

Appointment of the Examining Authority and invitation to the Preliminary Meeting

I write to you following my appointment by the Secretary of State for Housing, Communities and Local Government as the Examining Authority (ExA) to carry out an examination of the above application. I am Max Wiltshire. A copy of the appointment notice can be viewed under the [Documents tab](#) on the project webpage on the National Infrastructure Planning website.

I would like to thank those of you who submitted Relevant Representations. These representations have assisted me when preparing my proposals regarding how to examine this application.

Examinations during Coronavirus (COVID-19)

In the light of the current Government guidance to control the COVID-19 outbreak, and the need to hold events in a way that is safe and fair to all, I will be carrying out this Examination using virtual methods. Please see the Planning Inspectorate's [guidance related to Coronavirus \(COVID-19\)](#) for more information. However, I am intending to hold an Accompanied Site Inspection and, if requested, the Open Floor Hearing (OFH) reserved in the draft timetable for 18 November 2021, can be held in person. If necessary an OFH will be held virtually using Microsoft Teams in week commencing 28 February 2022.

This guidance is updated periodically to align with the most up to date Government guidance relating to Coronavirus (COVID-19). On that basis we will remain flexible so

that, should public health controls allow, I may have the option of holding further physical 'in person' events during the Examination if it is safe to do so.

If you have received this letter and intend to participate in virtual events held during this Examination, including the virtual Preliminary Meeting, please read the Planning Inspectorate's [Advice Note 8.6: Virtual Examination events](#) carefully. Advice Note 8.6 contains important information about how virtual events will be held and how you can participate.

If you wish to make representations to me about the use of virtual procedures to carry out this Examination, please make them to **Procedural Deadline A (Tuesday 14 September 2021)** which is established before the Preliminary Meeting takes place (see **Annex D** to this letter).

Invitation to the Preliminary Meeting

As a recipient of this letter you are invited to the Preliminary Meeting to discuss the procedure for the examination of this application.

Dates of meeting: **Tuesday 28 September 2021** (Preliminary Meeting Part 1) and
Thursday 7 October 2021 (Preliminary Meeting Part 2) (if required)

Arrangements Conference: Join from **09:30** on both days

Meeting begins: **10:00** on both days

Venue: **Virtual event (Microsoft Teams)**

Please note that the Preliminary Meeting will adjourn at the end of Part 1. Thursday 7 October 2021 has been reserved for the Preliminary Meeting to resume, if required.

Purpose of the Preliminary Meeting

The purpose of the Preliminary Meeting is to enable views to be put to me about how the application should be examined. I cannot hear representations about the merits or disadvantages of the application at the Preliminary Meeting. The merits or disadvantages of the application will only be considered once the Examination starts, which is after the Preliminary Meeting has closed. See **Annex B** to this letter and the Planning Inspectorate's [Advice Note 8.3: the Preliminary Meeting](#) for more information.

The agenda for the meeting is at **Annex A** to this letter. This has been set following my Initial Assessment of Principal Issues arising from our reading of the application documents and the Relevant Representations received. The Initial Assessment of Principal Issues is set out in **Annex C** to this letter.

The draft Examination Timetable is set out at **Annex D** to this letter and I wish to hear from you if you consider changes need to be made to the timetable.

Attendance at the Preliminary Meeting

Because participation in a virtual Preliminary Meeting relies on the Planning Inspectorate providing you with a joining link or telephone number in advance, **if you intend to participate you must register by Tuesday 14 September 2021** (see **Procedural Deadline A** at **Annex D** to this letter).

If you wish to participate at the Preliminary Meeting, to assist the management of the meeting it is important that when you register you tell us on which agenda items you wish to speak, listing the points you wish to make.

The Preliminary Meeting is scheduled in two parts, separated by an adjournment period. During the adjournment period any Interested Parties who did not, or could not, make oral representations at Part 1 of the Preliminary Meeting can make written submissions about the examination procedure to **Procedural Deadline B on Monday 4 October 2021** (see **Annex D**).

To facilitate this process a link to a public livestream of Part 1 of the Preliminary Meeting will be made available on the [project page on the National Infrastructure Planning website](#) shortly before the event is scheduled to begin. A recording of Part 1 of the Preliminary Meeting will also be published on the website as soon as practicable after the event takes place. Part 2 of the Preliminary Meeting, if held, will also be livestreamed and a recording published in the same way.

In the event that submissions to **Procedural Deadline B** do not justify the resumption of the Preliminary Meeting at Part 2, the Examining Authority may decide to close the Preliminary Meeting in writing, without Part 2 taking place. Therefore, **Interested Parties should not rely on Part 2 of the Preliminary Meeting to make oral representations about the Examination procedure.**

Please note that **you are not required to make oral or written submissions at the Preliminary Meeting in order to participate in the Examination.** Whether or not you attend the Preliminary Meeting, if you are an Interested Party you can make a Written Representation and comment on the Written Representations made by other Interested Parties during the Examination. You will also be able to participate in any hearings that are arranged. Should you no longer wish to be an Interested Party and do not wish to be involved in the Examination process, you can notify the Case Team of this in writing using the contact details at the top of this letter.

After the Preliminary Meeting

After the Preliminary Meeting you will be sent a letter (known as the Rule 8 letter) setting out the finalised Examination Timetable. A note of the meeting will also be published on the [project page on the National Infrastructure Planning website](#).

The Examination will principally be a written process (see [Advice Note 8.4: The Examination](#)), supplemented where necessary by various types of hearings (see [Advice Note 8.5: Hearings and site inspections](#) and [Advice Note 8.6: Virtual Examination events](#)).

The Planning Act 2008 establishes a principally written process for the examination of applications for Development Consent Orders and **representations made in writing carry equal weight to oral representations** at all stages of the process.

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

Because participation in a virtual hearing relies on the Planning Inspectorate providing you with a joining link or telephone number in advance, **if you intend to participate you must register by Tuesday 14 September 2021** (see **Annex D**).

Other Procedural Decisions made by the Examining Authority

I have made some further Procedural Decisions which are set out in detail at **Annex E** to this letter. They are summarised as follows:

Submission at Deadline 1 of:

- Statements of Common Ground
- Draft itinerary for Accompanied Site Inspection
- Comments on Relevant Representations
- Written Representations
- Summaries of Relevant Representations and Written Representations over 1500 words
- Local Impact Reports

Managing Examination correspondence

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 as electronic communication is more environmentally friendly and cost effective for the taxpayer.

If you have received a letter but are able to receive communications by email, please inform the Case Team using the contact details at the top of this letter as soon as possible.

As the Examination process makes substantial use of electronic documents, it will be useful for you to become familiar with the [project page on the National Infrastructure Planning website](#).

The 'Make a submission' tab will become available on the website shortly which provides a portal through which parties will be able to make written submissions at relevant deadlines during the Examination. Further information about the 'Make a submission' portal is included at **Annex G**.

There is also a function on the right-hand side of the project webpage called 'E-mail updates'. This provides you with an opportunity to register to receive automatic e-mail updates at key stages during the Examination.

Your status in the Examination

You have received this letter because you fall within one of the groups described in the Planning Inspectorate's document [What is My Status in the Examination?](#)

If your reference number begins with '2002', 'BAEF-0', 'BAEF-AFP', 'BAEF-APL' you are in Group A. If your reference number begins with 'BAEF-SP' you are in Group B. If your reference number begins with 'BAEF-OP' you are in Group C. The meaning and purpose of those groups are explained in the document published at the link above.

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

Awards 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](#).

Management of information

Information, including representations, submitted in respect of this examination (if accepted by the Examining Authority) and a record of any advice which has been provided by the Planning Inspectorate is published on the [project page on the National Infrastructure Planning website](#).

Examination Documents can also be viewed electronically at the location listed in **Annex F** to this letter.

Please note that in the interest of facilitating an effective and fair Examination, it is necessary to publish some personal information. To find out how we handle your personal information please view our [Privacy Notice](#).

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

Yours faithfully

Max Wiltshire

Examining Authority

Annexes

- A** Agenda for the Preliminary Meeting
- B** Introduction to the Preliminary Meeting
- C** Initial Assessment of Principal Issues

- D** Draft Examination Timetable
- E** Procedural Decisions made by the Examining Authority
- F** Availability of Examination Documents
- G** Electronic Portal

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

Agenda for the Preliminary Meeting PART 1

Because participation in a virtual Preliminary Meeting relies on the Planning Inspectorate providing you with a joining link or telephone number in advance, **if you intend to participate at Part 1 you must register by 14 September 2021** (see **Procedural Deadline A** at **Annex D** to this letter).

Date: **28 September 2021**

Arrangements Conference: **Join from 09.30am**

Meeting start time: **10.00am**

Venue: **Virtual event (Microsoft Teams)**
Full instructions on how to join online or by phone will be provided in advance of the meeting to those who register to participate

Attendees: **Invited Parties who have pre-registered**

A public livestream of the meeting will be made available on the [project webpage](#) shortly before the meeting is due to open. The livestream is available to anybody who wishes to observe the meeting.

09.30am	Event lobby Please arrive at 09.30am to enter the Preliminary Meeting lobby. You will be admitted into the meeting by the Case Team and given further instructions.
09.50am	Arrangements Conference The Arrangements Conference will commence at 09.50am. This will be hosted by the Case Team and cover the housekeeping arrangements for Part 1 of the Preliminary Meeting and allow for any questions to be asked about how to take part.
10.00am	Preliminary Meeting
Item 1	The Preliminary Meeting will formally open at 10.00am. The Examining Authority will join, welcome participants and lead introductions.
Item 2	The Examining Authority's remarks about the Examination process
Item 3	Initial Assessment of Principal Issues – Annex C to Rule 6 letter
Item 4	Draft Examination Timetable – Annex D to Rule 6 letter
Item 5	Any other matters
Adjournment of the Preliminary Meeting	

Agenda for the Preliminary Meeting PART 2

Because participation in a virtual Preliminary Meeting relies on the Planning Inspectorate providing you with a joining link or telephone number in advance, **if you intend to participate at Part 2 you must register by 4 October 2021** (see **Procedural Deadline B** at **Annex D** to this letter).

Date: **7 October 2021**

Arrangements Conference: **Join from 09.30am**

Meeting start time: **10.00am**

Venue: **Virtual event (Microsoft Teams)**
Full instructions on how to join online or by phone will be provided in advance of the meeting to those who register to participate

Attendees: **Invited Parties who have pre-registered**

A public livestream of the meeting will be made available on the [project webpage](#) shortly before the meeting is due to open. The livestream is available to anybody who wishes to observe the meeting.

09.30am	<p>Event lobby</p> <p>Please arrive at 09.30am to enter the lobby. From here you will be admitted to the Arrangements Conference by the Case Team, greeted and given further instructions.</p>
09.50am	<p>Arrangements Conference</p> <p>The Arrangements Conference will commence at 09.50am. This will be hosted by the Case Team and cover the housekeeping arrangements for Part 2 of the Preliminary Meeting and allow for any questions to be asked about how to take part.</p>
10.00am	<p>Preliminary Meeting</p> <p>The Preliminary Meeting will formally open at 10.00am. The Examining Authority will join, welcome participants and lead introductions.</p>
Item 6	
Item 7	<p>The Examining Authority's remarks about written submissions received to Procedural Deadline B</p>
Item 8	<p>Any procedural representations on matters that could not be raised at Part 1 of the Preliminary Meeting</p>
Item 9	<p>Any other matters</p>
Close of the Preliminary Meeting	

If you are joining as an active participant at Part 1 and/or Part 2 of the Preliminary Meeting, please join the Arrangements Conference lobby promptly using the instructions that are sent to you. In common with Preliminary Meetings held in physical locations, the event will start at 10.00am irrespective of any late arrivals, for whom access may not be possible.

The agenda for both parts of the Preliminary Meeting is subject to change at the discretion of the (ExA), although in making changes the ExA will be mindful of the need to provide opportunities for fair involvement to all Interested Parties.

Introduction to the Preliminary Meeting

Background

The Preliminary Meeting (PM) for the Boston Alternative Energy Facility will take place virtually, using Microsoft Teams, but the format, content and procedure will be very similar to the physical, face-to-face PMs that have been held for other National Infrastructure Examinations.

The Examining Authority (ExA) is conscious of videoconferencing fatigue and will aim to keep the proceedings focussed and as efficient as possible. This annex provides advance access to information that would usually be included in the ExA's introductory remarks following the opening of the PM. Please read this carefully. The ExA will only present a summary of the key points set out here at the Preliminary Meeting, in order to ensure that the time available for participants to speak is maximised.

The Examining Authority

The ExA, Max Wiltshire, appointed by the Secretary of State for Housing, Communities and Local Government, will introduce themselves at the start of the PM. The ExA's appointment letter can be found in the Examination Library under reference ([PD-004](#)).

The Case Team

The ExA will be supported by the Planning Inspectorate Case Team. Siân Evans is the Case Manager and Caroline Hopewell is the Case Officer. 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 contact email address is: BostonAlternativeEnergyFacility@planninginspectorate.gov.uk.

The purpose of the Preliminary Meeting

The PM is being held to discuss the arrangements for the examination of the application for a Development Consent Order (DCO) for the Boston Alternative Energy Facility, 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 Alternative Use Boston Projects 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 Planning website ('NI Planning website'). This has a dedicated landing page for the project with links to Examination procedure, the Examination Timetable, Relevant Representations and Examination documents. The relevant NI Planning website landing page is: <https://infrastructure.planninginspectorate.gov.uk/projects/north-east/boston-alternative-energy-facility-baef/>

You are encouraged to explore the NI Planning website landing page 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 the option on the project page to register to receive updates and we would also encourage you do this so that you will receive a notification via e-mail at key stages during the Examination.

The main purpose of the PM is to discuss how the application should be examined. 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 itself which will begin the day after the close of the PM.

The PM will be your opportunity to influence the process that we intend to follow, and you should read this Rule 6 letter and all accompanying annexes thoroughly beforehand. The agenda for the PM is attached to this Rule 6 letter at **Annex A**. It is important to have the letter and the agenda in front of you and to refer to them 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 the Planning Act 2008 (PA2008) as a consequence of sections 14 and 15(2) 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) and the *National Policy Statement for Renewable Energy Infrastructure* (NPS EN-3) apply to this Examination and to decision-making relating to this application.

The ExA will consider the Proposed Development in accordance with the NPSs and any other applicable policy or considerations the ExA deem to be important and relevant. The PA2008 makes it clear that, in making a decision, the relevant 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 its benefits.

The SoS is entitled to disregard any representations that relate to the merits of the designated National Policy Statement (NPS). In practice, this means that the ExA 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 or disadvantages of the Proposed Development, tested to the appropriate extent using the tests set out in relevant designated NPSs that are in force.

Other important and relevant planning policies that the ExA 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, the PM will establish the procedures and timetable for the Examination of the Proposed Development. It will set a framework for the ExA to enable the SoS to consider and decide the application, by identifying relevant policy and examining the application in the light of it. In doing so, the ExA will have regard to:

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

Preliminary Meeting 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 Relevant Representation has been registered as an IP and has been sent a copy of this Rule 6 letter. Each IP is entitled to participate in this Examination.

Each person or organisation with an interest in land or rights that are affected by a Compulsory Acquisition request in this application is an Affected Person (AP). In addition to a general entitlement to involvement in the Examination, 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 are IPs, whether or not they have made a Relevant Representation.

Certain bodies are Statutory Parties. Statutory Parties can elect to become IPs without having made a Relevant Representation.

The ExA has the power to involve people who are not IPs 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 they had been unable to take the necessary action to register as an IP.

Conduct of the Preliminary Meeting

Past experience suggests that a PM for a project of this size and complexity could take around one to two hours to complete. However, in running the event virtually there are limitations on the number of people who can speak at any one time. Therefore, in order to ensure that everyone who wishes to speak can do so, one day has been timetabled for Part 1. One day has also been timetabled for Part 2 of the PM, subject to the progress made at Part 1 of the PM. The

reasons for programming the PM in two parts, and the circumstances in which Part 2 may not occur, are explained in the cover to this Rule 6 letter.

During 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, the ExA will provide breaks during the PM as appropriate. For those who pre-register to be involved your joining instructions will provide more information about this.

A digital recording will be made available on the project page of the NI Planning website as soon as practicable following Part 1 of the PM and again following Part 2 (if the PM is resumed). 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 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 written note of the PM will be produced and published as soon as practicable following the closure of the PM.

As the digital recordings are retained and published, they form a public record that can contain personal information to which the UK General Data Protection Regulation (UK 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 the Case Team for guidance before they include personal and private information in any submissions.

The Planning Inspectorate's practice is to publish the recordings and retain them for a period of five years from the SoS's decision on the DCO. If you actively participate in the PM, it is important that you understand that you will be recorded and that the recording will be made available in the public domain. Please see our [Privacy Notice](#) for more information about how we handle your data.

Following the ExA's introductions, each participant who has been registered to speak will be asked to introduce themselves, including any organisations or groups that they represent. The ExA 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 process

The examination of NSIPs follows 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 hearings take on an inquisitorial approach as opposed to an adversarial one.

This means that the ExA will probe, test and assess the evidence primarily using written questions. While some hearings are held to provide supplementary evidence, questions to the Applicant or to witnesses will come from the ExA. 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:

- Local authorities can submit LIRs if they wish. Whilst these are voluntary, the PA2008 provides that if they are provided, they must be considered by the SoS in reaching a decision. Consequently, LIRs are a very important method for local authorities to communicate issues of concern to the ExA, the SoS and their residents.
- IPs can make Written Representations (WRs) and comment on WRs made by other parties.
- IPs can respond to the ExA's written questions (ExQs) and comment on responses to these written questions provided by others.
- IPs 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 Applicant agrees, and if it would be useful for this to be clarified. SoCGs most usefully 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 are only accepted at the discretion of the ExA 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 by the ExA to gather information, evidence and views about the application. However, the Examination will only be effective if all parties resolve to give timely, full, frank, clear and evidenced 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.

The ExA has 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 the ExA is 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 the ExA 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 where there are matters that still need to be discussed and agreed between the Applicant and IPs, it will be very helpful to the ExA if these could be progressed as early as possible.

Hearings

The draft Examination Timetable includes provision for hearings, at which the ExA takes 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 relying on their written representation; 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 and explanation to help inform the ExA. There should be no new or unexpected material in oral representations. A written summary note with any supporting evidence or references will be requested of each speaker following the hearing.

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 may be circulated. It is common practice for the ExA to set a time limit for each speaker and speakers 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. Affected Persons (ie those whose land or rights over land are affected) 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 CAHs are included in the draft Examination Timetable along with deadlines by which requests to be heard must be submitted.

The ExA has the discretion to hold Issue Specific Hearings (ISHs) if it would aid in the Examination and there is a specific reason this would be more helpful than reliance on written evidence only. The lack of an ISH on one or more topics does not suggest that that topic is less important than others which are subject to a hearing. Rather, it is an indication that the ExA is satisfied that the issues can be fully considered through written submissions and responses to its written questions and that each party has had a fair opportunity to put its case.

The draft 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 the ExA to hold more than one ISH 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 ExA has reached any judgements on the merits of the application. Whatever the ultimate recommendation is, the ExA must make sure that the draft DCO is fit for purpose if the SoS decides to grant consent, as any consent will be subject to Requirements (ie 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.

The draft Examination Timetable includes a deadline (Deadline 1, 21 October 2021) for participants to notify the ExA that they wish to speak at an OFH or a CAH.

Site inspections

As part of the Examination process the ExA 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 the ExA 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 webpage on the NI Planning 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 Development will be entertained during an ASI.

The draft Examination Timetable includes a deadline for IPs to make submissions suggesting sites and locations that the ExA should visit. These will be used to inform further 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, the ExA may decide that holding USIs to relevant nominated locations, supported by the submission of additional written, photographic, video or even drone material would be preferable to not visiting sites or holding ASIs in circumstances which could make them difficult and unduly time-consuming to conduct.

Initial Assessment of Principal Issues

This is the Initial Assessment of Principal Issues prepared under s88(1) of the Planning Act 2008 (PA2008). It has been prepared by the Examining Authority (ExA) following its reading of:

- The application documents;
- the Relevant Representations received in respect of the application; and
- its consideration of any other important and relevant matters.

It is not a comprehensive or exclusive list of the issues that will be subject to examination and inevitably some issues will overlap or interrelate. The ExA will have regard to all important and relevant matters during the Examination and when it writes its Recommendation Report to the Secretary of State for Business, Energy and Industrial Strategy after the Examination has concluded.

The order of the issues listed is alphabetic and does not imply any order of prioritisation or importance.

The policy and consenting requirements and documents associated with the PA2008 are an integral part of the Examination and are therefore not listed as main issues.

It should also be noted that whilst the effects of the proposal in relation to human rights and equalities duties are not listed as main issues, the ExA will conduct all aspects of the Examination with these in mind.

1. Air quality including issues related to:

- Emissions from the Energy from Waste (EfW) plant
- Cumulative effects on air quality in combination with other existing and proposed developments
- Stack height assessment
- Impacts during construction

2. Compulsory Acquisition, including issues related to:

- The need for the land to be subject to compulsory acquisition
- The need to establish a compelling case in the public interest
- Financial arrangements including the timing and availability of funding
- Disapplication of any legislation

3. Crown land, including issues related to:

- Ownership
- Responsibility for maintaining water quality and implications for waste disposal

4. Design, layout and visibility, including issues related to:

- The design of the Energy from Waste Power Station and associated development
- Greenhouse gas emissions and climate change
- Proposals for net zero carbon design and operation
- Design change from gasification to thermal treatment technology

5. Development Consent Order (DCO), including issues related to:

- Description of the authorised development
- Powers acquired through the DCO
- Requirements
- Protective provisions
- Interrelationship with the Marine Management Licence

6. Economic and social impacts, including issues related to:

- The impact on the local economy
- The impact on local services and facilities
- The impact on housing and employment

7. Habitats, ecology and nature conservation, including issues related to:

- Temporary and permanent impacts on species and habitats, including noise, visual and other disturbance, with particular reference to European and other protected sites and species
- Consideration of any necessary mitigation, monitoring, management and compensatory measures and their effectiveness
- The approach to, and scope of, cumulative and in-combination assessments within the Habitat Regulations Assessment Signposting Report
- Impacts on European and other protected sites and species

8. Landscape and visual impact, including issues related to:

- Visual impact during construction and operation

9. Navigation

- Securing of navigational requirements in the DCO
- Stakeholder agreement of navigational assessments
- Compliance with provisions of policies and plans

- How proposals have addressed concerns expressed by fishing stakeholders

10. Noise, lighting, dust and vibration, including issues related to:

- Impacts during construction
- Impacts during operation

11. Planning Policy

Whether the Proposed Development complies with:

- National Policy Statement EN-1, Overarching National Policy for Energy;
- National Policy Statement EN-3 Renewable Energy Infrastructure;
- Requirements of revised versions of the NPSs
- Policies of Local Development Plans and the extent to which they are relevant and important
- Other Government policies and the extent to which they are relevant and important

12. Transport and traffic, including issues related to:

- Construction traffic movement and routeing, including abnormal roads
- Operational traffic
- Implications of road delivery of refuse derived waste
- Road safety
- Boat traffic movement during construction and operation

13. Water quality and flood protection

- Impact on flood management infrastructure
- Increased flood risk

Draft Examination Timetable

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

The 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	Date
1.	<p>Procedural Deadline A</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Written submissions on the Examination procedure including any submissions about the use of virtual procedures; and • Requests to be heard orally at the Preliminary Meeting Part 1 • Applicant's draft Accompanied Site Inspection itinerary 	Tuesday 14 September 2021
2.	Preliminary Meeting PART 1	Tuesday 28 September 2021
3.	<p>Procedural Deadline B</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Written submissions on Examination procedure including responses to matters raised orally at the Preliminary Meeting Part 1; and • Requests to be heard orally at the Preliminary Meeting Part 2 • Comments on the Applicant's draft Accompanied Site Inspection (ASI) itinerary 	Monday 4 October 2021
4.	Preliminary Meeting PART 2	Thursday 7 October 2021
5.	<p>Issue by the ExA of:</p> <ul style="list-style-type: none"> • Examination Timetable <p>Publication of:</p> <ul style="list-style-type: none"> • The ExA's Written Questions (ExQ1) • The ExA's draft ASI itinerary 	As soon as practicable following the Preliminary Meeting

<p>6.</p>	<p>Deadline 1</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on Relevant Representations (RRs) • Summaries of RR's exceeding 1500 words • Written Representations (WRs) • Summaries of all WRs exceeding 1500 words • Local Impact Report(s) from any local authority • Initial Statements of Common Ground (SoCGs) • Statement of Commonality of SoCGs • Notification of wish to attend ASI • Notification of wish to speak at Open Floor Hearing (virtually or in-person) • Notification from any Affected Person of wish to speak at a Compulsory Acquisition Hearing (CAH) • Any further information requested by the ExA under Rule 17 of the Examination Rules¹ 	<p>Tuesday 19 October 2021</p>
<p>7.</p>	<p>Deadline 2</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on WRs • Comments on LIRs • Updated Application Guide • Responses to ExA's Written Questions • Any further information requested by the ExA under Rule 17 of the Examination Rules 	<p>Thursday 11 November 2021</p>
<p>8.</p>	<p>Accompanied Site Inspection</p>	<p>Wednesday 17 November 2021</p>
<p>9.</p>	<p>Date reserved for Open Floor Hearing in person (if required)</p>	<p>Thursday 18 November 2021</p>
<p>10.</p>	<p>Issue Specific Hearing on the draft Development Consent Order</p>	<p>Tuesday 23 November 2021</p>
<p>11.</p>	<p>Issue Specific Hearing on environmental matters</p>	<p>Wednesday 24 November 2021</p>

¹ The Infrastructure Planning (Examination Procedure) Rules 2010

12.	Issue Specific Hearing on navigation and fishing matters	Thursday 25 November 2021
13.	Date reserved for Compulsory Acquisition Hearing (if required)	Friday 26 November 2022
14.	<p>Deadline 3</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Post hearing submissions including written summaries of oral case • Comments on responses to ExA's Written Questions • Revised draft Development Consent Order (DCO) • Updated Book of Reference • Land negotiations tracker, including s127 Statutory Undertakers' Land and Rights Schedule and s138 Statutory Undertakers' Apparatus Schedule • Updated Application Guide • Any further information requested by the ExA under Rule 17 of the Examination Rules 	Thursday 2 December 2021
15.	<p>Deadline 4</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on revised draft DCO • Updated SoCGs • Updated Statement of Commonality of SoCGs • Updated Application Guide • Any further information requested by the ExA under Rule 17 of the Examination Rules 	Friday 10 December 2021
16.	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • Second Written Questions (if required) • ExA's commentary on the draft DCO 	Tuesday 11 January 2022
17.	<p>Deadline 5</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Responses to Second Written Questions (if required) • Responses to ExA's commentary on the draft DCO • Updated Application Guide 	Tuesday 25 January 2022

	<ul style="list-style-type: none"> Any further information requested by the ExA under Rule 17 of the Examination Rules 	
18.	<p>Deadline 6</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> Comments on responses to Second Written Questions (if required) Revised draft DCO Updated SoCGs Updated Statement of Commonality of SoCGs Updated Application Guide Any further information requested by the ExA under Rule 17 of the Examination Rules 	Tuesday 8 February 2022
19.	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> Report on the Implications for European Sites (RIES) 	Tuesday 22 February 2022
20.	<p>Dates reserved for:</p> <ul style="list-style-type: none"> Accompanied Site Inspection Open Floor Hearings Issue Specific Hearings Compulsory Acquisition Hearings 	Monday 28 February to Friday 4 March 2022
21.	<p>Deadline 7</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> Post hearing submissions including written summaries of oral case (if required) Comments on the RIES Comments on revised draft DCO Updated Application Guide Any further information requested by the ExA under Rule 17 of the Examination Rules 	Tuesday 15 March 2022
22.	<p>Deadline 8</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> Final DCO to be submitted by the Applicant in the SI template with the SI template validation report Final updated Book of Reference Final SoCGs Final Statement of Commonality of SoCGs 	Thursday 24 March 2022

	<ul style="list-style-type: none"> • Updated land negotiations tracker, including s127 Statutory Undertakers' Land and Rights Schedule and s138 Statutory Undertakers' Apparatus Schedule • Updated Application Guide • Any further information requested by the ExA under Rule 17 of the Examination Rules 	
23.	<p>Deadline 9</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Any further information requested by the ExA under Rule 17 of the Examination Rules <p>The ExA is under a duty to complete the examination of the application by the end of the period of six months</p>	Thursday 7 April 2022

Submission times for deadlines

The time for submission of documents at any deadline in the timetable is 23:59 on the relevant deadline date, unless instructed otherwise by the ExA.

Publication dates

All information received will be published on the [project page on the National Infrastructure Planning website](#) as soon as practicable after the deadlines for submissions. See Annex F of this letter for more information.

Hearing agendas

Please note that for Issue Specific Hearings and Compulsory Acquisition Hearings the ExA will publish a high-level agenda alongside the notification of the hearing to help inform your decision about whether to register to participate. A detailed draft agenda will be made available on the [project page on the National Infrastructure Planning website](#) at least five working days in advance of the hearing date. However, the actual agenda on the day of each hearing may be subject to change at the discretion of the ExA. For Open Floor Hearings agendas may not be published.

Report on the Implications for European Sites (RIES)

Where an applicant has provided a No Significant Effects Report or a Habitats Regulations Assessment (HRA) Report with the 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 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 2017 and/ or Regulation 28 of The Offshore Marine Regulations.

Procedural Decisions

The Examining Authority (ExA) has made the following Procedural Decisions:

1. Statements of Common Ground (SoCG)

In relation to some of the Principal Issues identified in **Annex C**, the ExA would be assisted by the preparation of SoCGs between the Applicant and certain Interested Parties. The draft Examination Timetable at **Annex D** therefore established **Deadline 1 (Tuesday 19 October 2021)** for submission of initial SoCGs.

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. 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 between the Applicant and:

A. **Anglian Water**, to include (note that the topics listed for inclusion in all SoCG below should not be read as definitive; further topics may be included as required):

- Agreement of protective provisions

B. **Boston Borough Council**, to include:

- Archaeology and Heritage
- Environmental considerations including landscape, dust, climate change, and Biodiversity
- Highways and Sustainable Transport
- Public Rights of Way, Recreation and Tourism
- Futureproofing – including management of waste and use of bi-products
- Community impact and maximising opportunities to create a positive legacy for the town
- Socio-economic benefits
- Draft DCO

C. **The Boston and Fosdyke Fishing Society**, to include:

- Navigational issues resulting from increased shipping
- Proposed mitigation

D. **Environment Agency**, to include:

- Impact on flood risk management infrastructure and the potential increase of flood risk to others
- The Exception Test (Overarching National Policy Statement for Energy (EN-1))
- Disapplication of Consent Requirements

- Draft DCO
- Requirements in dDCO
- Protective Provisions in dDCO
- Flood Risk Assessment during construction, operation and decommissioning
- Compliance with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017
- Waste Management
- Surface and Waste Water Permitting
- Ground Water Contamination
- Environmental Permit Application

E. Historic England

- Outline Written Scheme of Investigation
- Geoarchaeological analysis
- Impacts of piling

F. Lincolnshire County Council, to include:

- Minerals and Waste
- Highways and Transportation
- Waste
- Public Rights of Way
- Surface Water Flooding and Drainage
- Sustainability
- Cultural Heritage

G. Marine Management Organisation

- Deemed Marine Licence
- Development Consent Order
- Environmental Statement

H. Natural England, to include:

- Generic issues relating to missing or insufficient information
- Ornithology
- Intertidal and Marine Ecology
- Air quality
- Terrestrial Ecology
- Development Consent Order, Deemed Marine Licences and related certified documentation

I. Public Health England, to include:

- Air quality
- Contaminated land
- Electromagnetic Fields
- Accidents

J. Western Power Distribution, to include:

- Agreement of protective provisions

All of the SoCGs listed above should cover the Articles and Requirements in the draft Development Consent Order. Any Interested Party seeking that an Article or Requirement is reworded should provide the form of words which are being sought in the SoCG.

The content of SoCGs will help to inform the ExA about the need to hold any Issue Specific Hearings during the Examination, and to enable the ExA 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 Applicant is requested to prepare a draft itinerary for the Accompanied Site Inspection (ASI). 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.

The draft ASI itinerary should include the following:

- Main works areas;
- Habitat mitigation area;
- Public rights of way to be permanently or temporarily stopped up; and
- Proposed wharf to view navigation issues/impact on commercial fishing interests.

The Applicant's draft ASI itinerary should be submitted to the ExA in advance of the Preliminary Meeting and no later than **Procedural Deadline A (Tuesday 14 September 2021)**.

Interested Parties are invited to comment on the Applicant's draft ASI itinerary and suggest any further locations and justifications for site inspections for consideration by the ExA no later than **Procedural Deadline B (Monday 4 October 2021)**.

The ExA will then publish the draft itinerary for Interested Parties to comment on at **Deadline 1** in the Examination Timetable. The ExA will review the comments made about the draft ASI itinerary and may make changes to it.

The final ASI itinerary will be published one week in advance of the event taking place.

3. Deadline for comments on Relevant Representations

I have made a Procedural Decision to seek comments on Relevant Representations (RR) by **Tuesday 19 October 2021**, being Deadline 1. The RRs were published on the website on 30 June 2021 therefore there is sufficient time for them to have been read and responded to by the deadline I propose to set.

4. Deadline for submission of Written Representations

I have made a Procedural Decision to seek Written Representations (WR) by **Tuesday 19 October 2021**, being Deadline 1. WRs provide Interested Parties (IP) with the opportunity to amplify and provide evidence for the matters set out in their RRs.

For the purposes of Rule 10(2) of The Infrastructure Planning (Examination Procedure) Rules 2010 (EPR), the 'period of 21 days' with reference to which I must provide notice for the submission of WRs commences on 28 September 2021. This is a date before the start of the Examination, however as the deadline for WRs as set for 19 October 2021 is more than the statutory requirement of 21 days' notice, I am satisfied that IPs have been permitted sufficient time in which to draft and submit WRs.

By providing early notice, I am ensuring that all IPs will have a reasonable time period in which to draft their WRs before the deadline for submission.

5. Deadline for summaries of Representations

My Procedural Decisions (3) and (4) above also seek the early submission of summaries pertaining to RRs and WRs exceeding 1500 words. It is normal for ExAs to request that summaries are provided of RRs, comments to RRs and WRs, where these original representations exceed 1500 words in length. I have therefore also made a Procedural Decision to request the submission of summaries by **Tuesday 19 October 2021**, being Deadline 1.

6. Deadline for submission of Local Impact Reports

Under s60 of the PA2008 and Rule 8(1)(j) of the EPR, I have made a Procedural Decision to seek submission of Local Impact Report(s) by **Tuesday 19 October 2021**, being Deadline 1.

Availability of Examination Documents

The application documents and Relevant Representations are available on the [project page on the National Infrastructure Planning website](#).

All further documents submitted in the course of the Examination will also be published under the [Documents](#) tab at the above location.

The Examination Library

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

The EL records and provides a hyperlink 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 electronic deposit location listed in the table below.

The opening hours and availability of information technology set out in the table below may be subject to changes or limitations to address public health requirements as a result of Coronavirus (COVID-19). Bearing in mind the availability of the documents on the National Infrastructure Planning website and the effect of public health restrictions, please consider your need to attend these locations with care. Please check the current circumstances with the relevant location before you attend.

Local authority	Venue/address	Opening hours
Kirton Library	New Life Community Church The Junction, Wash Road Kirton Boston Lincolnshire PE20 1QJ	Monday: Closed Tuesday: 10am to 12pm Wednesday: Closed Thursday: 2pm to 4pm Friday: Closed

Annex F

		Saturday: 10am to 12pm Sunday: Closed
Printing costs	Black and white	Colour
Kirton Library		
A4	Single-sided: 10p	Single-sided: 25p
A3	Single-sided: 20p	Single-sided: 50p

Electronic Portal

'Make a Submission' tab on the project page of the National Infrastructure Planning website

The Planning Inspectorate will be using an electronic portal, which parties will be able to use for Procedural Decisions A and B and during the Examination to make submissions at the relevant Deadlines. The project page will display a new tab for all Interested Parties to use titled "Make a submission", which can be accessed ahead of each Deadline contained in the Examination Timetable.

The electronic portal operates on a system where submissions are separated in accordance with the Deadline submission 'item' requested i.e for Procedural Deadline A the submission items available from the drop down list will be:

- Written submissions on the Examination procedure including any submissions about the use of virtual procedures; and
- Requests to be heard orally at the Preliminary Meeting Part 1
- Applicant's draft Accompanied Site Inspection itinerary

Please ensure documents are submitted appropriately, respective to the associated Deadline, and that the relevant submission 'item' for the document is selected. Where this is not possible please select the submission item "Other..." from the list in the drop down options.

Currently it is only possible to select one submission 'item' at a time, therefore if parties are responding to more than one submission item, for example,

- Written submissions on the Examination procedure including any submissions about the use of virtual procedures; and
- Requests to be heard orally at the Preliminary Meeting Part 1

they will need to click on the 'Make a Submission' tab for each submission item. A confirmation message will be issued each time a submission is made.

Interested Parties will be able to submit a document (Upload file), or make a text representation, or both. It is possible to Upload multiple files for each individual submission item.

Where a document is submitted as an electronic attachment (Upload file) this should be clearly labelled with the Subject title and not exceed 50MB. Providing links to websites where your submissions can be viewed is **not** acceptable. All submissions must be made in a format that can be viewed in full on the National Infrastructure Planning website. Any submissions that exceed 1500 words should also be accompanied by a summary; this summary should not exceed 10% of the original text.

Interested Parties will be able to send, if necessary, their submission by email to BostonAlternativeEnergyFacility@planninginspectorate.gov.uk on or before the applicable Deadline, however we would encourage all

Interested Parties to use the "Make a submission" form in the first instance.