National Infrastructure Planning

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Services:

e-mail: <u>ImminghamOCGT@planninginspectorate.gov.uk</u>

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

Your Ref:

Our Ref: EN010097

Date: 15 August 2019

Dear Sir/ Madam

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

Application by VPI Immingham B Ltd for an Order Granting Development Consent for the VPI Immingham OCGT Project

Examination Timetable and Procedure

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

All documentation associated with this project, including a note of the Preliminary Meeting and the audio recording taken at that meeting, can be found using this link:

https://infrastructure.planninginspectorate.gov.uk/projects/North%20East/VPI-Immingham-OCGT/

The Examination Timetable

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

The Examination Timetable replaces the draft timetable that was included in the Rule 6 letter dated 10 July 2019¹. In finalising the Examination Timetable, I have sought to accommodate requests and suggestions made at the Preliminary Meeting and in representations submitted in advance of that meeting.

Please note that the Examination Timetable contains a number of deadlines for receipt of information by the Planning Inspectorate. All deadlines are at 23:59 on the date



¹ Your invitation to the Preliminary Meeting

specified. Please ensure submissions arrive by the deadline. If you do not make your submissions by the dates specified in the timetable, I may disregard them.

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

If I consider it necessary to vary the Examination Timetable during the Examination, notification will only be sent to Interested Parties and Other Persons² invited to the Preliminary Meeting. The changes will be published on the project page of the National Infrastructure Planning website:

https://infrastructure.planninginspectorate.gov.uk/projects/North%20East/VPI-Immingham-OCGT/

Other Procedural Decisions

I have made a Procedural Decision to accept the following Additional Submissions from the Applicant as follows;

- 'Confirmatory Great Crested Newt Surveys Report' dated May 2019. This has been published on the website and can be found in the Examination Library [Document AS-006];
- Revised Non-Technical Summary of the Environmental Statement [AS-005]

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

- The Examination Timetable;
- My Written Questions);
- Statements of Common Ground (SoCG);
- Local Impact Reports (LIR);
- Additional Submissions

Written Representations

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

Written Representations can cover any relevant matter and are not restricted to the matters set out in my Initial Assessment of Principal Issues discussed at the

disability
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² Other Persons are persons that we chose to invite to the Preliminary Meeting, in addition to the prescribed persons listed in section 88(3) of the Planning Act 2008 – see 'Your status in the Examination and future notifications' below

Preliminary Meeting and included in my Rule 6 letter³. Nor are they restricted to the content of my Written Questions (see next heading, below).

Any person, other than the Applicant, who submits a Written Representation must identify those parts of the application with which they agree and those parts with which they do not agree, explaining the reasons why⁴. Interested Parties should also provide with their Written Representations "the data, methodology and assumptions used to support their submissions"⁵.

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

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

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, IMMI-AFP or IMMI-s57 you are in Group A. If your reference number begins with IMMI-SP you are in Group B. If your reference number begins with IMMI-OP you are in Group C.

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

ExA's Written Questions

I have compiled Written Questions about the application and the representations received so far. These questions are published in the documents tab on the project page of the National Infrastructure Planning website and can be accessed through the following link:

https://infrastructure.planninginspectorate.gov.uk/document/EN010097-000367

Answers to my Written Questions must be provided by **Deadline 2** in the Examination Timetable (**Annex A**). If you require a hard copy of my Written Questions, please contact the Case Team who will send you a copy.

⁵ https://www.gov.uk/government/publications/planning-act-2008-Examination-of-applications-for-development-consent



³ https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010085/EN010085-000510-20190418%20EN010085%20CLEVE%20Rule%206%20Letter.pdf

⁴ Required under Rule 10(4) of The Infrastructure Planning (Examination Procedure) Rules 2010

Availability of application documents and representations submitted to the Examination

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

https://infrastructure.planninginspectorate.gov.uk/projects/North%20East/VPI-Immingham-OCGT/

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

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

Hearings and Accompanied Site Inspection

The Examination Timetable at **Annex A** includes periods of time reserved for future hearings and an Accompanied Site Inspection (ASI) to be held. We will notify all Interested Parties and Other Persons of any hearings and any ASI scheduled as part of the Examination at least 21 days in advance of them taking place.

That notification will include an additional deadline for Interested Parties and Other Persons to inform the Planning Inspectorate if they wish to attend the notified hearing(s)/ASI. **Annex C** provides details about what Interested Parties and Other Persons should include in a request to be heard at a hearing, and the procedure that will be followed at hearings.

Unaccompanied Site Inspection (USI)

I carried out an USI on Wednesday 7 August 2019. I have produced a note of the inspection which has been published on the Immingham project page of the National Infrastructure Planning website.

Award of costs

You should be aware of the possibility of the award of costs against parties who behave unreasonably.

To assist understanding of what 'unreasonable behaviour' means in the context of an Examination under the PA2008, you may find it helpful to read the government guidance 'Awards of costs: Examinations of applications for development consent orders' (July 2013)⁶. It is in everyone's interest that information is brought forward as early as possible in the Examination process so you are encouraged to do so.

Confident

https://infrastructure.planninginspectorate.gov.uk

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

Management of information

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

https://infrastructure.planninginspectorate.gov.uk/projects/North%20East/VPI-Immingham-OCGT/

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

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

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

Yours faithfully

Rory Cridland

Examining Authority

Annexes

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

This communication does not constitute legal advice.

Please view our Privacy Notice before sending information to the Planning Inspectorate.



Immingham OCGT timetable for Examination of the application

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

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

| Item | Matters | Due Dates |
|------|--|-------------------------|
| 1 | Preliminary Meeting | 10:00am |
| | | Thursday 8 |
| | | August 2019 |
| 2 | Issue by the Examining Authority (ExA) of: | Thursday 15 August 2019 |
| | Examination Timetable | August 2019 |
| | The ExA's Written Questions | |
| 3 | Deadline 1 | Thursday 29 |
| | Deadline for the receipt of: | August 2019 |
| | Notification of wish to speak at the Issue Specific Hearing on the draft Development Consent Order (DCO) | |
| | Notification of wish to speak at the Issue Specific Hearing on Environmental Matters | |
| | Notification of wish to speak at a Compulsory Acquisition Hearing (CAH) | |
| | Notification of wish to speak at an Open Floor Hearing (OFH) | |
| | Notification of wish to attend an Accompanied Site Inspection (ASI), suggested locations and justifications | |
| | Notification by Statutory Parties and certain Local Authorities who wish to be considered as an Interested Party | |
| | Notification of wish to have future correspondence electronically | |

| 4 | Time reserved for issue by the ExA: | Tuesday 3 |
|----|--|-----------------------------|
| | Any notification of hearings | September 2019 |
| 5 | Deadline 2 | Thursday 12 |
| | Deadline for receipt of: | September 2019 |
| | Comments on Relevant Representations (RRs) | |
| | Written Representations (WRs) | |
| | Summaries of all WRs exceeding 1500 words | |
| | Local Impact Reports (LIRs) from any local authorities | |
| | Responses to the ExA's Written Questions | |
| | Statements of Common Ground (SoCG) requested by the ExA | |
| | Statement of Commonality of SoCG | |
| | Applicant's Guide to the Application | |
| | The Compulsory Acquisition (CA) Schedule | |
| | Comments on any additional submissions | |
| 6 | Accompanied Site Inspection | Tuesday 1 October 2019 |
| 7 | Open Floor Hearing | Tuesday 1 |
| | Date reserved to hold an OFH (if required) | October 2019 |
| 8 | Issue Specific Hearing 1 (ISH1) | Wednesday 2 |
| | ISH1 into the draft DCO | October 2019 |
| | | (Morning) |
| 9 | Compulsory Acquisition Hearing (CAH) | Wednesday 2 October 2019 |
| | Date reserved to hold a CAH (if required) | |
| 10 | Issue Specific Hearing 2 (ISU2) | (afternoon) |
| 10 | Issue Specific Hearing 2 (ISH2) | Thursday 3 October 2019 |
| | ISH2 into environmental matters | |
| | | |

| 11 | Deadline 3 | Thursday 10 |
|----|--|-----------------------------|
| | Deadline for receipt by the ExA of: | October 2019 |
| | Comments on WRs and responses to comments on RRs | |
| | Comments on LIRs | |
| | Comments on responses to the ExA's Written Questions | |
| | Revised draft DCO from the Applicant | |
| | Post hearing submissions including written submissions of oral case | |
| | Responses to any further information requested by the ExA | |
| 12 | Publication by the ExA of: | Thursday 24 |
| | The ExA's Further Written Questions (if required) | October 2019 |
| 13 | Date reserved for issue by the ExA of: | Wednesday 6 |
| | Any notification of hearings (if required) | November 2019 |
| 14 | Deadline 4 | Thursday 14 |
| | Deadline for receipt of: | November 2019 |
| | Responses to the ExA's Further Written Questions (if required) | |
| | Comments on Applicant's revised draft DCO (if required) | |
| | Responses to any further information requested by the ExA | |
| | Comments on Post hearing submissions including written submissions of oral case | |
| 15 | Date reserved for Issue Specific Hearings or | Wednesday 4 |
| | Accompanied Site Inspection (if required) | December 2019 |
| 16 | Date reserved for Issue Specific Hearings or Accompanied Site Inspection (if required) | Thursday 5 December 2019 |
| 17 | Deadline 5 | Thursday 12 |
| | | December 2019 |

| | Decelling for receipt of | |
|----|---|------------------|
| | Deadline for receipt of: | |
| | Comments on responses to the ExA's Further Written Questions (if required) | |
| | Applicant's revised draft DCO | |
| | Responses to further information requested by the ExA | |
| | Post hearing submissions including written submissions of oral case | |
| 18 | Deadline 6 | Thursday 2 |
| | Deadline for receipt of: | January 2020 |
| | Comments on the Applicant's draft DCO (if required) | |
| | Responses to further information requested by the ExA | |
| 19 | Publication by the ExA of: | Friday 3 January |
| | Report on the Implications for European Sites (RIES) (If required) | 2020 |
| 20 | Deadline 7 | Friday 24 |
| | Deadline for receipt of: | January 2020 |
| | Comments on the REIS (if submitted) | |
| 21 | Time reserved for issue by the ExA of: | Friday 31 |
| | Any further information requests under Rule 17 (if required) | January 2020 |
| 22 | Deadline 8 | Thursday 6 |
| | Deadline for receipt of: | February 2020 |
| | Responses to comments on the Applicant's draft DCO (if required) | |
| | Responses to comments on the RIES | |
| | Responses to further information requested by the ExA | |
| | Final updated version of the Book of Reference | |

| | Applicant's final Guide to the Application document | |
|----|--|-----------------------------|
| | Final CA Schedule | |
| | Final SoCG | |
| | Final Statement of Commonality of SoCG | |
| | Final draft DCO 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 | |
| 23 | The ExA is under a duty to complete the Examination of the application by the end of the period of 6 months beginning with the day after the close of the Preliminary Meeting. | Saturday 8 February 2020 |

Publication Dates

All information received will be published on the project website as soon as practicable after the deadline for submissions. An Examination Library will be kept up to date throughout the Examination and can be accessed via the project page. Each document will be afforded a unique reference. These references will be used by the ExA during the Examination.

Hearing Agendas

Please note that we will aim to publish a detailed draft agenda for each hearing on the project website at least five working days in advance of the hearing date; but the actual agenda on the day of each hearing may be subject to change at the discretion of the ExA.

For Open Floor Hearings agendas will not be published unless, in consideration of the number of participants notified to the Planning Inspectorate, the ExA decides that establishing a running order will facilitate the process on the day.

Report on the Implications for European Sites (RIES)

Where the Applicant has provided a No Significant Effects Report or a Habitats Regulations Assessment (HRA) Report with the DCO application, the ExA may decide to issue a RIES during the Examination. The RIES is a factual account of the information and evidence provided to the ExA on HRA matters during the Examination up to the date of the publication of the RIES, for the purposes of enabling the Secretary of State, as competent authority, to undertake its HRA. It is not the ExA's opinion on HRA matters. Comments on the RIES will be invited

Annex A

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 his/her obligations under Regulation 63(3) of the Habitats Regulations 2017 and/ or Regulation 28 of the Offshore Marine Regulations.

Procedural Decisions made by the Examining Authority

I have made a number of Procedural Decisions following the Preliminary Meeting¹:

1. Examination Timetable

Having carefully considered the representations made at the Preliminary Meeting on **Thursday 8 August 2019**, I have made a Procedural Decision to apply 2 changes to the draft Examination Timetable provided at Annex C to the Rule 6 letter dated 10 July 2019.

The final Examination Timetable is provided at **Annex A** to this letter

The applied changes are:

- Deadline 2 moved to Thursday 12 September 2019
- Deadline 7 moved to Friday 24 January 2020
- Item 21 corrected to Friday 31 January 2020
- Deadline 8 corrected to Thursday 6 February 2020

2. Examining Authority's Written Questions

My Written Questions have been published here:

https://infrastructure.planninginspectorate.gov.uk/document/EN010097-000377

All relevant Statutory Parties will receive this correspondence and I request that each to check party checks my Written Questions carefully in order that they may identify and respond to any questions posed to them. No party should feel inhibited or restricted in responding to any question we ask, even if it is directed elsewhere.

For the avoidance of doubt, Statutory Parties are defined as the parties listed in Schedule 1 to The Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015².

3. Statements of Common Ground (SoCG)

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.

¹ Section 89(1) of the Planning Act 2008

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

Annex B

SoCG are requested to be prepared between the Applicant and:

A. Environment Agency to include:

- Development Consent Order
- Environmental Permits
- · Water environment effects including foul water drainage
- Construction Environmental Management Plan

B. **Natural England** to include:

- Development Consent Order
- Effect on habitats, species and nationally designated sites
- Effect on European sites and features relevant to Habitat Regulations Assessment; assessment methodology and conclusions

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

- Effect on existing apparatus
- Connection matters

The SoCG should cover the following topics where relevant:

- Methodology for Environmental Impact Assessment including assessment of cumulative effects
- Data collection methods
- Baseline data
- Data/ statistical analysis, approach to modelling and presentation of results (including forecast methodologies)
- Full expression of expert judgements and assumptions
- Identification and sensitivity of relevant features and quantification of potential impact
- Likely effects (direct and indirect) on special interest features of sites designated or notified for any nature conservation purpose
- Feasible and deliverable mitigation and method for securing such mitigation within the Development Consent Order

All of the SoCG 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 SoCG is necessary to help inform the ExA as to the need to hold any Issue Specific Hearings in **October/December 2019**, and to enable the ExA and the Applicant to give notice of such hearings at least 21 days in advance of them taking place.

4. Local Impact Reports (LIRs)

A LIR is a report in writing giving details of the likely impact of a Proposed Development on a local authority's area (or any part of that area). For more information about the importance and content of LIRs see our Advice Note One: Local Impact Reports³.

Local authorities⁴ are invited to submit LIRs by **Deadline 2 (Annex A)**.

5. Additional Submissions

Following the close of relevant representations and since the issue of the Rule 6 letter, and Invitation to the Preliminary Meeting a number of submissions have been made. These have been formally accepted by the ExA into the Examination as 'Additional Submissions' and have been published on the Immingham project page of the National Infrastructure Planning website:

https://infrastructure.planninginspectorate.gov.uk/projects/north-east/vpi-immingham-ocgt/?ipcsection=docs

Interested Parties are asked to submit any comments they may have on these documents as part of their representations by **Deadline 2 (Annex A)**

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

⁴ Defined in s56A of the Planning Act 2008

Requests to Appear and Procedure to be followed at Hearings Requests to Appear at Hearings

Interested Parties are required to notify the Examining Authority (ExA) in writing of their wish to take part in an Open Floor Hearing (OFH) or Compulsory Acquisition Hearing (CAH). I remind Interested Parties to notify me in this regard on or before **Deadline 1** (Annex A).

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

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

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

If an Interested Party wishes to attend an OFH or ISH they should indicate which topics in their Relevant Representation or Written Representation they wish to address at the hearing. Similarly, any Affected Person wishing to attend a CAH should identify clearly the plots of land about which they wish to speak.

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

Procedure at Hearings

The procedure to be followed at hearings is set out in The Infrastructure Planning (Examination Procedure) Rules 2010¹. Any oral representations must be based on either the Relevant Representation or Written Representation made by the person by whom, or on whose behalf, the oral representations are made.

The ExA is responsible for the oral questioning of a person giving evidence and the process affords very limited scope to allow cross-questioning between parties². My examination will be principally undertaken through the exchange of written submissions, and I will decide whether a hearing on a particular issue or topic is necessary. This decision is not connected to how relevant or important I consider an issue or topic to be.

Hearing Agendas

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

¹ Rule 14

² Rule 14(5)

Accompanied Site Inspection (ASI)

Interested Parties are required to confirm whether they wish to attend the ASI and suggest any locations from which they wish for the ExA to view the site, by **Deadline 1 (Annex A)**.

The final itinerary for the ASI will be published on the Project Page of the National Infrastructure website no later than **Tuesday 24 September 2019**.

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/North%20East/VPI-lmmingham-OCGT/

All further documents submitted in the course of 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 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.

Documents can be viewed electronically, free of charge, at the following locations. Please note that you may need to bring a form of identification to use a computer at these locations.

Electronic deposit locations

| Venue | Address | Opening hours |
|--|------------------------------------|---|
| Civic Centre, Immingham Town Council | Pelham Road, Immingham DN40 1QF | Monday: 9:00am - 7:00pm Tuesday: 8:30am - 5:30pm Wednesday: 8:30am - 5:00pm Thursday: 9:00am - 7:00pm Friday: 8:30am - 5:30pm Saturday: 9:00am - 2:00pm Sunday: CLOSED Black and White A4 - 20p per sheet Colour A4 - 50p per sheet |

| Immingham Library | Pelham Road, Immingham DN40 1QF | Monday: 8:30am - 5:30pm Tuesday: 8:30am - 5:30pm Wednesday: CLOSED Thursday: 8:30am - 5:30pm Friday: 8:30am - 5:30pm Saturday: 9:00am - 1:00pm Sunday: CLOSED Black and White A4 - 20p per sheet Colour A4 - 50p per sheet |
|---------------------------------------|---|---|
| Scunthorpe Central Library | Carlton Street, Scunthorpe DN15 6TX | Monday: 9:00am - 5:00pm Tuesday: 9;00am - 5;00pm Wednesday: 9:00am - 7:00pm Thursday: 9:00am - 5:00pm Friday: 9:00am - 5:00pm Saturday: 9:00am - 4:00pm Sunday: CLOSED First half hour free then 60p per half hour after. A4 black and white printing - 10p per sheet |
| North East Lincolnshire Council | New Oxford House, George Street, Grimsby DN31 1HB | Monday: CLOSED Tuesday: 10:00am - 4:00pm Wednesday: 10:00am - 4:00pm Thursday: 10:00am - 4:00pm Friday: 10:00am - 4:00pm Saturday: 10:00am - 4:00pm Sunday: 10:00am - 4:00pm |