

Application by E P Waste Management Ltd for an Order granting Development Consent for the South Humber Bank Energy Centre Project

Frequently Asked Questions (FAQs)

Version 1.0 issued on 23 September 2020

This FAQs document answers some questions about the Examination process, timetable, procedures and arrangements to assist persons who have registered to be involved.

It may be updated from time to time at the discretion of the Examining Authority (ExA).

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The Examination

1. How can the time before the Preliminary Meeting (PM) be beneficially used?

The ExA's Rule 6 letter and its annexes of 23 September 2020 gives information about the arrangements for the examination of the application, a draft timetable and the procedures involved to assist all parties to understand and participate in the Examination and to help the Examining Authority (ExA) to hold a focused and efficient PM and subsequent Examination.

2. Why will the events be virtual?

Due to the restrictions on public gatherings imposed by the COVID-19 pandemic, the Planning Inspectorate has been prioritising work towards finding a new approach to conducting PMs and Examination events that could either partially or wholly avoid public gatherings.

The ExA consulted all Interested Parties (IPs) on the ability to conduct virtual events via an online Questionnaire on 31 July 2020. It is clear from the results

that for most participants they would be able to participate in virtual events using an internet-connected digital device and/or conventional telephones and are reasonably comfortable or confident in doing so.

3. How will virtual events work?

The COVID-19 pandemic has had a significant impact on society. The Planning Inspectorate had to follow Government advice and respect the restrictions and so suspended public events such as site inspections and Hearings across all its casework. Recent announcements mean that the ability to gather socially is being tightened again and there is no certainty that additional restrictions will not follow. As such uncertainty still remains as to when and to what extent events can be held in the traditional way.

Having undertaken extensive testing of processes for virtual Hearings and Inquiries, the Planning Inspectorate is now actively delivering a rising volume of its casework using virtual methods.

In recent weeks, several National Infrastructure Examinations and Preliminary Meetings, including: A1 Birtley to Coalhouse Improvement Scheme; the A38 Derby Junctions; the Aquind Interconnector; East Anglia One North Offshore Windfarm; East Anglia Two Offshore Windfarm; M25 Junction 10 A3 Wisley Improvement; and Norfolk Boreas, have been successfully conducted virtually.

Virtual events will be held using a combination of digital technology (computers, laptops, tablets and smartphones connected to the internet) and analogue technology (mobile phones not connected to the internet and land-line telephones).

Instead of people being physically together in one place, teleconferencing and videoconferencing allow people to observe or join in a discussion from a safe, socially isolated location such as their home or office. They are established and increasingly popular methods for business meetings, and it has proved possible to adapt them and create protocols that make them suitable for some Examination events.

Teleconferencing allows an audio (sound only) discussion between people at different locations. Participants can use a smart mobile phone, computer or tablet connected to the internet, or a traditional landline telephone or non-smart mobile phone.

Videoconferencing allows a video (sound and picture) discussion between participants at different locations. It typically involves the use of a smart mobile phone, or a computer or tablet connected to the internet. Some systems permit those with a traditional landline telephone or non-smart mobile phone to listen or participate in the conversations without seeing the live video.

The Planning Inspectorate is using Microsoft Teams to deliver the virtual events.

This software is widely available already and you may have used it before.

Guidance on using Microsoft Teams is referred to below.

4. Why is the Preliminary Meeting in two parts, almost three weeks apart?

For reasons set out in earlier questions, the ExA has made a commitment to hold a virtual Preliminary Meeting.

There are technical limits to the number of people who can attend a virtual event with the ability to speak and be spoken to in real time. There is no practical limit on the number of people who can observe a meeting or Hearing using an on-line live-streaming or a post-event recording. For these reasons, the ExA is providing an adjournment in the PM. The purpose of the adjournment is to allow the submission and consideration of written submissions by any parties observing but not actively participating in the PM (or having seen its digital recording), including any written submissions in response to any party's oral submission at the PM. If the ExA decides it would be in the interests of the Examination to hear any further oral submissions at the resumption, these will be invited. If not, the resumed event will be held to acknowledge the written submissions and to formally close the PM.

Any written submissions made by the relevant procedural deadline will be considered by the ExA and will be given equivalent weight to any oral submissions.

Any person who is entitled to attend and speak but who did not speak during the initial part of the meeting but who, having used the live-stream or watched the digital recording, now wishes to request new changes to Examination procedure, may also provide a written submission or request to speak at the resumed meeting.

5. Would any virtual events still be held in public and would there be any restrictions on who could take part?

The ExA will continue to hold the Examination in public. It will not have any private discussions with any parties. Arrangements would be made for any virtual events to be as accessible to Interested and Statutory Parties as they reasonably can be in the current circumstances. All events would continue to be recorded and made available through the project web page.

As with the traditional process, the Examination would continue to be primarily a written process, and the ExA would use Hearings only when one was considered necessary to better understand written submissions or where the legislation requires it. If the virtual event format did not allow full interactive participation by all parties, there would remain full opportunity for registered Interested Parties to submit written representations after the event, and the ExA affords these the same level of consideration as oral contributions.

The ExA continues to encourage participants who are members of the same organisation, or who know each other and have similar views, to work together and to identify one or two people to make a written submission, or an oral submission at a Hearing. The ExA will give equal consideration to any matter, whether it is raised once or several times.

The ExA does want to hear different views, but it will have to take account of practical considerations as it exercises its discretion on the procedures for events going forward.

Participating in virtual events

6. I might want to take part in the events but have never done teleconferencing or videoconferencing before and am not sure if I will be able to. How will you cater for my needs?

The ExA is very sensitive to catering for different needs and levels of experience.

The Planning Inspectorate is working to make any events as accessible as possible and the case team would provide support and guidance to parties invited to any event before it takes place.

It may be possible for participants to take part in a familiarisation session before the PM, i.e. the week preceding the first week allocated to the PM. This will also be an opportunity to raise any technical queries about access and how to join and participate in the PM. If you are intending on requesting to speak at the Preliminary Meeting and would like to take part in a familiarisation session, please contact the Planning Inspectorate case team using the details at question 33.

7. What equipment and software would I need?

If you have a computer, laptop, tablet or smartphone (a digital device) that is connected to the internet, you will be able to access and speak at a virtual event using a video link. If you do not wish to appear on video, you can switch off your camera and use voice only.

Depending on the performance of your digital device or the internet in your locality, it may be that you join by video and audio, or by audio alone. If you have a slow or intermittent connection, switching off your video camera and using just your audio connection can improve the quality and reliability of your involvement.

If you do not have an internet connection, or you do not feel confident or able to use a digital device, then you will be able to access and speak at the virtual event using any telephone with a keypad.

Please see the sections below on 'Joining virtual events via the internet' and 'Joining virtual events via telephone'. These include specific advice on using Microsoft Teams.

8. How do I join a virtual event?

Registered Interested Parties would be required to give advance notice of a request to speak at or observe events in the normal way, in accordance with the Rule 6 letter or Examination Timetable.

Due to the technical arrangements involved it is unlikely that the ExA would be able to accommodate any requests to speak at events that have not been made

in advance. Similarly, it is likely that any representations that Interested Parties might wish to make in response to an oral representation at the event would need to be made in writing afterwards, rather than orally at the time. These would be given equal consideration by the ExA. Further details would be provided with the notification of event, as required.

Technical and management considerations could result in the ExA having to limit the number of speakers and the time available to them at any event. The ExA would most likely prioritise Interested Parties and those speaking on behalf of a group of people. The ExA gives the same consideration to any matter, whether it is raised once or several times and whether it is submitted orally or in writing.

9. Would I be able to observe the virtual events if I decided that I did not want to speak at them?

The Planning Inspectorate is hoping it is possible to live stream the virtual event as it happens. This would allow observation without active participation.

As with traditional events, a recording would be made of any virtual event which would be the formal record. The recordings would be made available on the project web page as soon as practicable after each event.

Parties who do not speak at events, but who access the recordings (or, if available, live streaming broadcast) would be able to make a written submission on the specific matters included on the Agendas or arising during the event.

These submissions would be made at the Deadline for post-event submissions identified in the Examination Timetable, in the normal way. Interested Parties and Statutory Parties could continue to participate in the Examination through the written process. Deadlines for written submissions are identified in the Examination Timetable.

During an Examination, an ExA can use its discretion to accept submissions from other parties. The ExA's intention here would be to continue to do so when it considers it likely that this would assist the Examination.

10. How can I prepare for virtual events?

As well as the familiarisation session mentioned at question 5, several Nationally Significant Infrastructure Projects have held virtual events already, and you may wish to view event correspondence and agendas and watch the recordings in order to become more familiar with the virtual event format. These can be found on our website - <https://infrastructure.planninginspectorate.gov.uk/>. Search in the Projects search bar for cases that have already had virtual events: Aquind Interconnector; A38 Derby Junctions; M25 Junction 10 A3 Wisley Improvement; A1 Birtley to Coalhouse Improvement Scheme; and Norfolk Boreas.

Please prepare for the virtual event and give other participants the same respect as you would in a normal event:

- check that you know how to join the virtual event: read this guidance fully and check the joining instructions when received;
- decide where you'll sit for the events, it should be quiet and private;

- make sure the computer, tablet or mobile telephone you'll use is fully charged or plugged in, so you do not get cut off;
- have any documents you'll need ready beforehand either in hard copy or downloaded onto your device. For the PM these will include the Rule 6 letter and annexes;
- set your mobile phone to silent if you are not using it to access the virtual event;
- be ready approximately 15 minutes before the Arrangements Conference. If you are joining by video, please dress as if you were coming into a building for a Hearing; and if possible, have something plain behind you like a blank wall or make use of an appropriate Microsoft Teams background option.
- if you are part of a group of participants all representing the same person or group consider ahead of time how you might communicate privately with each other during the event if needed.
- We recommend printing, or otherwise having to hand, the details sent to you in the joining instructions, in case of a complete computer failure just before or during the PM.

11. What is an Arrangements Conference?

All participants are required to attend an Arrangements Conference with the Case Team that will start around 30 minutes before each virtual event session.

When you follow the joining instructions, you will be held in a virtual 'lobby' until the Case Team is able to admit you, one by one, into the Arrangements Conference. This will typically be for a few minutes but may be for 10-20 minutes if there are a lot of participants. There may not be music or messages while you are waiting so it may seem as if there is a lost connection when in fact this may not be the case.

The Arrangements Conference is not an opportunity to air any views in relation to the merits of the application and the ExA will not participate in it. It is important that you join at the start of the Arrangements Conference as this gives time for the Case Team to sign everyone into the virtual event, review their connection and explain the format.

During the Arrangements Conference you will be asked to provide your name, and you may also be asked for your Interested Party reference number (this will start with either 'SHBE' or '2002') and/or any further identifying information that the Case Team requests of you.

The Case Team will control the Arrangements Conference and pass over to the ExA when the event is due to begin. When you are in the virtual PM you will then be able to follow the proceedings by video and/or audio. The ExA will control the PM and will invite IPs to speak at the appropriate time, which will be as set out in the agenda.

12. What if I don't have internet access?

It is possible to participate in virtual events using a land-line telephone, in the same way as a traditional telephone conference. If you decide to join by phone,

before doing so, we encourage you to think about how to follow the proceedings, in particular to ensure that you have relevant documents or extracts of them available which you may wish to refer to, or which other participants might flag.

When referencing documents, it will assist all parties if the Examination Library Document references are used. There is more information about joining by telephone below.

Joining virtual events via the internet

13. Will I be able to participate in the virtual event from a computer, tablet or smart phone and will I need any special software?

The following link will take you to information about how to use Microsoft Teams on a computer, laptop, tablet or smart phone:

<https://support.microsoft.com/en-gb/teams?ui=en-US&rs=en-GB&ad=GB>.

You do not need to download any software to use Microsoft Teams on most computers or laptops, although there are applications that can be downloaded (free of charge) for most types of device. It will work without an application on an internet browser such as Microsoft Edge or Google Chrome.

On Apple devices it will not work on the Safari browser, but Google Chrome (free of charge) can be installed to enable it to work.

On a smartphone or tablet there are Teams applications for most devices, and you will normally need to install these (free of charge). Search for 'Microsoft Teams' in your device AppStore, PlayStore or equivalent.

Download advice is available here: <https://www.microsoft.com/en-gb/microsoft-365/microsoft-teams/download-app>

14. How do I join from a computer, tablet or smart phone?

Please join from a computer, tablet or smart phone as follows:

- Forward the Joining Instructions email (to be sent between 1 and 24 hours before the virtual event) to the email account on the computer or tablet that you are due to join on.
- Click on the web address link provided in the Joining Instructions.
- Either join using Microsoft Teams (if you have it installed), or 'join on the web instead', which will use your internet browser.
- Check that your computer or tablet camera (if it has one), microphone and speakers are turned on. Some computers or tablets require them to be physically plugged in. Some require settings or permissions to be changed and the browser, computer or tablet restarted before you can connect.
- The Teams application or your browser should prompt you to enter your name (this will be visible to all participants), then connect you to a virtual 'lobby' from where a member of the Case Team will admit you into the Arrangements Conference.

15. Will my personal information be shared with any other participants?

Microsoft Teams will normally display the name and may sometimes also display the email address of participants to other participants using digital devices.

If you do not wish the email address that we are currently using to correspond with you to be seen by other parties, you can set up a free email account online using an on-line service to join with.

Alternatively, your existing internet or email service provider may enable you to set up an 'alias' email address such as 'hearing.participant123@freemail.com'.

These measures will protect your privacy. If you plan to do this, please let us have any alternative email address as soon as you can so that we can send the invitation email and Joining Instructions to the correct email address.

Please check with your internet or email service provider or an intended alternative email service provider before the virtual meeting, hearing or familiarisation test event and ensure that you have taken any steps that you wish to take to prevent the disclosure of your actual email address to other users.

You are reminded that the events are recorded and that the General Data Protection Regulation applies. Therefore, you are encouraged not to share any personal data orally at any event. If such information is necessary and relevant, please provide it in written evidence, from which any sensitive data can be redacted before publication. Also see Rule 6 letter dated 23 September 2020 - Annex G (Coronavirus Response: Examination Practice Changes and Your Privacy).

16. How will I know which documents the ExA refers to during the virtual events?

Where necessary, a small number of documents may be shared during the virtual events. However, the sharing on screen of too many or too large documents can give rise to technical difficulties, so this is avoided where possible. You are advised to have the key documents available in either hard copy or already downloaded to your device. Alternatively, all documents, apart from the National Policy Statements for Energy Infrastructure, are available in the Examination Library. The ExA will say when a document is being referred to during an event and provide its Examination Library reference number where appropriate.

The Examination Library can be found here:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010107/EN010107-000285-Internal%20Examination%20Library%20PDF%20Version.pdf>.

Accessing the virtual event from a computer or tablet using the web address link provided in the invitation email should allow you to see any documents that are

shared during the event. The relatively small screen on a smart phone may make that impractical.

Everybody with access to a web browser, including those who access an event by telephone, should be able to access the documents at the appropriate time by clicking on the link in the Agenda or in the Examination Library.

17. How will I know who is speaking in the event at any given time?

If you connect using computer, tablet or smart phone you will be able to see other participants and they will be able to see you. The ExA will make it clear in the opening statement that all parties have to introduce themselves every time they intend to speak. If the person speaking has the camera turned off, their 'button' will usually glow to show that they are speaking. Alternatively, their name will be bold in the participants list, accessed via the Microsoft Teams toolbar.

18. Will I be able to mute my microphone?

You can switch the microphone on and off when you are in the Arrangements Conference or event by clicking the microphone icon on the Microsoft Teams toolbar.

Please ensure that you mute when you are not speaking to avoid unnecessary background noise and disruption. Please note that the Case Team may mute you when you are not talking for the same reason and so you may need to unmute when it's your turn to speak. It is important to note that the Case Team cannot unmute you, only you can unmute yourself. Please do this and say your name when asked to speak by the ExA.

19. What if I do not wish to appear on video?

If you do not wish to appear on video, you can switch off your camera by clicking on the video icon within the Microsoft Teams toolbar and use voice only.

Please ensure that your camera is switched off when you are not speaking.

Joining virtual events via telephone

20. Can I join the Hearing by using any telephone?

Yes, you can join using any telephone including a mobile, smart phone or standard landline telephone with a keypad.

21. How do I join by telephone?

Joining Instructions will be included in an email invitation sent between 1 and 24 hours before each event. Please join from a telephone as follows:

- Dial the telephone number included in the joining instructions.
- Enter the conference ID number from the joining instructions (nine figures) on your keypad, followed by the # (hash) key.
- You will then be prompted to record your name, which will be announced when you join or leave the event.

- You will then enter a virtual 'Lobby'. Please be patient and a member of the Case Team will admit you into the Arrangements Conference as soon as they can. Participants are admitted individually to ensure that everyone receives the attention and support that they need.

22. Will my number be visible to other participants and how can I ensure privacy?

A default setting in Microsoft Teams means that your number will be visible to parties who chose to participate in the virtual event via the internet.

If you do not want to display your telephone number, please add a privacy prefix before you dial the telephone number included in the joining instructions. On most UK telephone networks you can dial 141 before the telephone number and this will ensure that you remain anonymous and your telephone number is not shared with any other users.

Some networks require you to use a different method. Certain telephone handsets also allow you to withhold your telephone number using a setting that is specific to your handset.

Please check with your telephone service provider and read the instructions for your telephone handset before the meeting, hearing or familiarisation test event and ensure that you have taken any steps that you wish to take to prevent the disclosure of your telephone number to other users.

23. How will I know who is speaking at any given time?

If you join by telephone then you will be able to speak and be spoken to, but you will not be able to see other participants and they will not be able to see you. However, the ExA will make it clear in their opening statement that all parties have to introduce themselves orally, every time they speak.

24. Will I be able to mute and unmute my telephone during the event?

You can mute and unmute by pressing * then 6 on your telephone keypad.

Please ensure that you mute when you are not speaking to avoid unnecessary background noise and disruption. The Case Team may mute you when you are not talking for the same reason. Please note that the Case Team cannot unmute you, only you can unmute yourself. Please do this and say your name when asked to speak by the ExA.

Your telephone may have its own mute option, however, please note that you may also need to dial *6 if you've been muted on Microsoft Teams by the Case Team. For this reason, we advise you to use the *6 function in preference to your own handset's mute controls.

25. How will I know which documents the ExA are referring to during the virtual event as I won't be able to see them?

Where necessary, a small number of documents may be shared during virtual events. However, the sharing on screen of too many documents or large documents can give rise to technical difficulties, so you are advised to have the

key documents available in hard copy. Alternatively, all documents, apart from the relevant Acts of Parliament, Statutory Rules and Regulations (Statutory Instruments) and National Policy Statements in force, are available in the Examination Library. The ExA will say when a document is being referred to during a Hearing and provide its Examination Library reference number. The Examination Library can be seen at:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010107/EN010107-000285-Internal%20Examination%20Library%20PDF%20Version.pdf>.

Everybody who accesses a hearing by telephone should be able to access relevant documents by clicking on the internet link in the Agenda or in the Examination Library on the project website.

If you do not have an internet connection, you may wish to obtain printed copies or extracts. Do alert the case team and/or ExA, so they are aware if you are not able to see the documents.

26. How much does it cost to participate in the Hearing via a telephone?

Depending on your network service provider and contract, telephone charges may apply. General guidance on applicable call charges can be found on the website of your telephone service provider and on the UK Government website:

<https://www.gov.uk/call-charges>.

What if things go wrong with a virtual event?

27. What if I lose my connection?

If you experience problems with your connection, then please try again using the same Joining Instructions. On a digital device, it may help to restart your device and to check whether your internet connection (including your router or modem) is working.

On a telephone, hang up and re-dial. If these steps do not work, contact the Case Team by email or telephone using the contact details provided in the invitation email. They will attempt to help you to join or re-join the event at an appropriate point. It may be that, if you initially joined online using video, you can re-join by audio only (switch off your camera) or even by telephone, to limit the effect of any technical issues that you may have been experiencing.

28. What if I can't re-join?

If you cannot join or re-join the event at all, the ExA will consider the most appropriate way for you to continue participation in the Examination. This may include requesting you to view or listen to a recording of the virtual event and to make a submission in writing by the relevant deadline for submissions identified in the Examination timetable.

29. What if the event is disrupted?

If a virtual event is disrupted by technical or other issues, the ExA may adjourn it, or part of it, to another time, date or format. Time has been reserved in the Examination timetable for this to occur if required. If the events are not disrupted, reserved events are unlikely to proceed.

The ExA may also decide that it is possible for further written submissions to be made on any agenda items that were not able to be considered at a virtual event and will normally do so if anyone has lost what otherwise would have been a right or expectation to be heard orally.

How do I protect my privacy in virtual events?

30. How do I ensure that my personal and private information is not published?

All National Infrastructure hearings are recorded, and recordings are published on the examination project pages of the National Infrastructure Planning website. By established practice, a digital audio recording has been published.

You are advised not to place private and confidential material onto the oral record. If you feel that need to do so to support your case, seek procedural advice from the Inspector before you do so.

The technology used for virtual meetings and hearings support digital video recording by default. In order to discharge the Planning Inspectorate's legal obligation to hold events in public, meetings and hearings with large numbers of Interested Parties can be live-streamed. If you are participating using a digital device but you do not wish to be included in a published or livestreamed video recording, you have the option to switch off your device camera during the hearing and the live-stream recording will be of your voice alone.

All participants in a virtual event must be aware that the event may be recorded by any attendee and that any such activity will only be regulated if it becomes unreasonable or disruptive to the event.

31. How do I ensure that my privacy is protected when I'm using a digital device to join?

The virtual event system Microsoft Teams will normally display the name and may sometimes also display the email address of event participants to other hearing participants who are using digital devices.

After you click your joining link but before you join the event, Microsoft Teams will enable you to type in the name that you wish to be displayed. You can choose what name to type in and can add an organisation name too if you need to. It needs to be sufficient to enable the ExA to identify you.

If you do not wish the email address that the Planning Inspectorate is currently using to correspond with you to be seen by other parties, you can set up a free email account on-line to join with. Alternatively, your existing internet or email service provider may enable you to set up an alias email address such as 'hearing.participant123@freemail.com'.

These measures will protect your privacy. If you want to use an alternative email address from the one we are currently using for you, you have to provide it to us as soon as possible. This is so that we can send out the invitation with the link for joining any familiarisation event and for an actual meeting or hearing, ahead of the event.

32. How to I ensure that my privacy is protected when I'm using the telephone to join?

Microsoft Teams will normally record and play the name and display the telephone numbers of hearing participants to all other hearing participants who are using digital devices.

You can choose what name to record. However, it needs to enable the ExA to identify you in the hearing.

If you do not want to display your telephone number, you can add a privacy prefix before you dial the telephone number for the hearing. On most UK telephone networks you can dial 141 before the telephone number and this will ensure that you remain anonymous and your telephone number is not shared with any other users. Some networks require you to use a different method.

Certain telephone handsets also allow you to withhold your telephone number using a setting that is specific to your handset.

Please check with your telephone service provider and read the instructions for your telephone handset before the familiarisation event and the hearing and ensure that you have taken any steps that you wish to take to prevent the disclosure of your telephone number to other users.

Further information, assistance and keeping up to date

33. Who do I contact if I need assistance or more information?

Please contact the project case team at

SouthHumberBank@planninginspectorate.gov.uk or by telephone on 0303 444 5000.

34. How can I keep up to date with the latest news about the Examination?

Please visit the project website regularly for updates:

<https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/south-humber-bank-energy-centre/>

The project website also has a facility for you to sign up to receive updates by email.