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All Interested Parties and Statutory
Parties invited to the Preliminary Meeting

Your Ref:

Our Ref: EN010107

Date: 23 September 2020

Dear Sir/ Madam

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

Application by EP Waste Management Limited for an Order Granting Development Consent for the South Humber Bank Energy Centre Project

Invitation to the Preliminary Meeting and draft Examination Timetable

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

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010107/EN010107-000287-EN010107%20SHBEC%20Notice%20of%20Appointment%20of%20Single%20Examiner.pdf>

I would like to thank those of you who submitted Relevant Representations, and more recently the return of the completed procedural questionnaire providing information, which has assisted me when preparing my proposals regarding how I might examine the application bearing in mind these current circumstances (i.e. COVID-19 pandemic).

I have now made proposals taking account of the responses I have received and the likely effect of ongoing public health controls. As a result, I propose to start the Examination using virtual methods but to remain flexible so that, should public health requirements allow, I have the option of holding physical events later in the Examination, where required, if I can.

I have provided a set of [Frequently Asked Questions](#) (FAQs) to help explain how virtual events will be held and how you can get involved. Please read this material carefully. As the ExA, I will update the FAQs from time to time at my discretion.

Invitation to the Preliminary Meeting

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

Dates of meeting: **Wednesday 21 October 2020 and Tuesday 10 November 2020**

Arrangements conference: **from 9.30am on both days**

Meeting begins: **10.00am on both days**

Venue: **Virtual event
(please refer to Annexes A, B & the FAQs)**

Please note that the Preliminary Meeting will adjourn on 21 October 2020 rather than close. It will then resume on **10 November 2020**. This is to allow for the consideration of written submissions by Interested Parties who did not make oral submissions.

Purpose of the Preliminary Meeting

The purpose of the Preliminary Meeting is to enable views to be put to me about the way in which the application is to be examined. At this stage I am looking at the procedure and not the merits of the application. The merits or concerns about the application will only be considered once the Examination starts, which is after the Preliminary Meeting has closed.

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

As a result of this assessment I wish to hear from the Applicant, Local Authorities, Interested Parties and Statutory Parties where they consider changes may be needed to the draft Examination Timetable, which is set out in **Annex D**, and other procedural arrangements. You can use the [Preliminary Meeting Involvement Form](#) to request to be heard at the meeting, to identify the matters you would like to discuss or to make submissions in writing for consideration if you are unable to attend. You must complete the form by **Procedural Deadline A** (Thursday 8 October 2020).

Please note that due to the nature of the event, we can only accommodate participation on the day by those who register to speak by this date, and numbers may need to be limited.

All submissions whether they are made orally at the Preliminary Meeting or are submitted in writing will be given the same weight by the ExA. If you have already made a written submission you do not need to repeat it through speaking at the Preliminary Meeting.

Attendance at the Preliminary Meeting

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

It is the Applicant's intention to livestream the Preliminary Meeting. Additionally, the Preliminary Meeting will be recorded. The recordings of each of these sessions (Preliminary Meeting: Part 1, Adjournment and Preliminary Meeting: Part 2) will be published on the project page of the website as soon as practicable after each session has been held. Consequently, I am satisfied that the meeting will be in public.

Because participation in a virtual Preliminary Meeting relies on the provision of a joining link or telephone number in advance, it is critically important that you think about whether you wish to speak and confirm your involvement by **Procedural Deadline A** (Thursday 8 October 2020) by completing and returning the [Preliminary Meeting Involvement Form](#).

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

Please remember this meeting is only about the process of Examination, and I will not be hearing any representations at this meeting about the merits of the Proposed Development.

On receipt of requests to participate from Interested Parties, I will consider them and in advance of the Preliminary Meeting taking place, the Case Team may contact some parties to confirm their type of involvement in line with the information provided on the involvement form. As such, at this stage prospective participants are advised to ensure that they would be available for the whole day of the event.

Please note that **you are not required to make oral or written submissions at the Preliminary Meeting in order to participate in the Examination**. If you are an Interested Party, you will still be able to make a Written Representation and comment on the Written Representations made by other Interested Parties. You will also be able to participate in any hearings that are arranged. 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.

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 recording, transcript and a note of the Preliminary Meeting will also be published on the project page on the website.

The Examination will be held using a combination of written and hearing procedures that are explained in Annexes A and B. The FAQ document also answers questions on procedure and the methods of conducting virtual events.

All hearings will be held in public. Where hearings take place virtually they may be livestreamed. Whether or not they are livestreamed, the hearings will be recorded and

made available to view on the project page¹. Where physical hearings can take place, a recording of this will be placed on the project page as soon after the event as is practicable.

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.

Procedural Decisions made by the Examining Authority

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

- requests for Local Impact Reports by Deadline 1;
- requests for Statements of Common Ground;
- requests for regular updated documents during the Examination; and
- the acceptance of Additional Submissions into the Examination.

Your status in the Examination and managing Examination correspondence

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?](#)'. The meaning and purpose of these groups is explained in this document.

If your reference number begins with '2002', 'SHBE-AFP', and 'SHBE-APL' you are in Group A. If your reference number begins with 'SHBE-SP' you are in Group B.

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

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 and using online questionnaires, as electronic communication is more environmentally friendly and cost effective for the taxpayer.

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

Up-to-date information, all the application documents and correspondence about the project and the Examination will be provided on the [project page](#) of the website. As the Examination process predominantly uses electronic documents it will be useful for you to become familiar with this resource.

Please note that there is a function on the right-hand side of the project page called 'Email updates'. This provides you with an opportunity to register to receive email updates on the Application and Examination. We would encourage you to make use of this. If you do so you will receive an e-mail every time the banner is updated on the project page, at key stages during the Examination. The Preliminary Meeting is due to be livestreamed and a link to the livestream will be made available on the project page shortly before the event takes place.

¹ <https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/south-humber-bank-energy-centre/>

Deadlines

Please note that all deadlines in the draft Examination Timetable and as referred to in this letter are at 23:59 on the deadline day.

Award of costs

We also draw your attention to the possibility of the award of costs against Interested Parties who behave unreasonably. You should be aware of the relevant costs guidance 'Awards of costs; examinations of applications for development consent orders' which applies to Nationally Significant Infrastructure Projects. This guidance is available at: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/guidance/>

Management of information

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

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

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

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

Yours faithfully

Christopher Butler

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** Coronavirus Response: Examination Practice Changes and Your Privacy;

This communication does not constitute legal advice.

Please view our [Privacy Notice](#) (and the Amendment to it in Annex G to this letter) before sending information to the Planning Inspectorate.

Agenda for the Preliminary Meeting

The Preliminary Meeting is to be held virtually and will be conducted as follows:

Preliminary Meeting: Part 1 (Agenda Items 1 to 8)

If there are large numbers of requests to speak at this meeting, more than one session may need to be held, to ensure that those, with specific issues, who requested to be heard can do so. Speaking links will be allocated to Interested Parties (IPs) with specific issues to raise. IPs and Other Persons who do not wish to speak can listen to a livestream of the meeting, which the Applicant intends to provide. A recording of the meeting will also be published on the project page of the National Infrastructure website as soon as practicable after the event. The meeting will be adjourned after as many sessions as necessary to enable all those who have requested to speak to be heard. The project page of the National Infrastructure website will be updated closer to the date of the meeting with a more detailed agenda which will confirm how many sessions will be held. Consequently, at this stage, prospective participants are advised to keep the whole day available.

Adjournment

The purpose of the adjournment is to enable all IPs who could not attend the event virtually to use either the livestream or the recordings published on the project page of the National Infrastructure website to listen to all matters raised in any session of the meeting. They can then write in with any points that they would have wished to have made had they been able to attend the virtual event. Any written submissions must be made by **Procedural Deadline B** (3 November 2020). Any submissions received by this deadline are considered to be a substantive contribution to the Preliminary Meeting, carrying equal weight to any oral submissions made in Parts 1 or 2.

Preliminary Meeting: Part 2 (Agenda Items 9 to 12) and closure of the meeting

The Examining Authority will carefully consider all oral submissions made in Part 1 and all written submissions made by **Procedural Deadline B** (3 November 2020). The Preliminary Meeting will then resume (Part 2) to enable any Procedural Decisions that arise as a result of the oral and written submissions to be made. The Preliminary Meeting will close at the end of Preliminary Meeting: Part 2.

Title of meeting: **South Humber Bank Energy Centre Project Preliminary Meeting: Part 1**

Date: **Wednesday 21 October 2020**

Joining available from: **09:30am**

Meeting start time: **10:00am¹**

Venue: **Virtual Event** (See **Annex E**)

Full instructions on how to join online or by telephone will be provided in advance of the meeting to those who register to participate

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

(This meeting will also be available for people to observe live online via a link, which will be advertised on the project page of the National Infrastructure website shortly before the Meeting is due to start)

Item 1	Welcome and introductions
Item 2	The Examining Authority's (ExA) remarks about the virtual PM process including reference, where appropriate, to any procedural requests to this item that have been submitted to the Planning Inspectorate in writing by Procedural Deadline A (8 October 2020)
Item 3	The ExA's remarks about the examination process including reference, where appropriate, to any procedural requests to this item that have been submitted to the Planning Inspectorate in writing by Procedural Deadline A (8 October 2020)
Item 4	Initial Assessment of Principal issues – see Annex C
Item 5	Procedural Decisions taken by the ExA – see Annex E
Item 6	Draft Timetable for the Examination – see Annex D Including the deadlines for submission of: <ul style="list-style-type: none"> • Written Representations • Local Impact Reports • Responses to the ExA's Written Questions

¹ If you are joining as an active participant, please follow the joining instructions for the virtual event carefully and connect into the Preliminary Meeting in good time. In common with traditional Preliminary Meetings, the event will start on time irrespective of any late arrivals, for whom access may not be possible.

	<ul style="list-style-type: none"> • Statements of Common Ground • Procedural requests relating to these items that have been submitted to the Planning Inspectorate in writing by Procedural Deadline A (8 October 2020)
Item 7	<p>Dates and formats of Hearings and Accompanied Site Inspection (if required) (ASI):</p> <ul style="list-style-type: none"> • Date and format of any Open Floor Hearing (if required) • Time period and format reserved for any Issue Specific Hearings (if required) • Date of ASI to application site and surrounding area (including draft itinerary)(if required) • Procedural requests relating to this item that have been submitted to the Planning Inspectorate in writing by Procedural Deadline A (8 October 2020)
Item 8	Any other matters
Adjournment of the Preliminary Meeting until Tuesday 10 November 2020 at 10:00am	

Please note:

If you wish to be heard orally at the Preliminary Meeting: Part 1 you must request to do so using the [Preliminary Meeting Involvement Form](#) by Procedural Deadline A (8 October 2020)

Please be available from the start and throughout the meeting (or any relevant part or session of the meeting that you are asked to attend). The agenda is subject to change at the discretion of the ExA, although in making changes the ExA will be mindful of the format of the meeting and the need to provide opportunities for all parties to participate. The ExA will conclude the meeting (or any relevant part or session of the meeting) as soon as all relevant contributions have been made. If there are any additional matters to be dealt with or submissions take a considerable amount of time the ExA may change the order of the agenda items and may introduce breaks in the proceedings.

If a large number of people wish to participate in the Preliminary Meeting then it may be necessary to divide the meeting into sessions, not all sessions of the meeting will address all parts of the agenda. Participants will be invited to join a session or sessions that most closely address those parts of the agenda that reflect their request to be involved. Consequently, it is important when requesting involvement that you identify the agenda items on which you wish to speak.

If it is not possible for you to join a session in which the agenda item that concerns you is to be raised, you will be asked to listen to the relevant session either using the livestream or the recording both of which will be available through the project page of the National Infrastructure website. You will then

need to submit any comments that you wish to make in writing by **Procedural Deadline B (3 November 2020)**.

If following Preliminary Meeting: Part 1 you wish to be heard orally at the Preliminary Meeting: Part 2 you must request to do so in writing by Procedural Deadline B (3 November 2020).

Requests to be heard at the Preliminary Meeting: Part 2 will need to demonstrate that the matter to be addressed is new (i.e. it was not raised in Part 1 and that this is because the requesting party did not speak in Part 1) or is the subject of an outstanding disagreement (i.e. parties have requested different procedural approaches on which the ExA needs to adjudicate as part of any Procedural Decision).

Please make sure that you read the following documents before attending the Preliminary Meeting:

- The National Infrastructure Planning Privacy Notice:
<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2018/05/ni-privacy-statement.pdf>
- Our FAQ document which contains important information about how data protection legislation is applied at our events:
<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2020/02/GDPR-at-events-FAQ-final.pdf>

Title of meeting: **South Humber Bank Energy Centre Project Preliminary Meeting: Part 2**

Date: **Tuesday 10 November 2020**

Joining available from: **9:30am**

Meeting start time: **10:00am²**

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

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

(This meeting will be available for people to observe live online via a link, which will be advertised on the project page of the National Infrastructure website shortly before the Meeting is due to start)

Item 9	Resumption of the Preliminary Meeting and Welcome
Item 10	The Examining Authority's (ExA) remarks about written submissions about the procedures and conduct of the Examination received by Procedural Deadline B
Item 11	Any procedural representations on matters that could not be raised at the previous sitting of the Preliminary Meeting
Item 12	Any other Matters
Close of the Preliminary Meeting	

² If you are joining as an active participant, please follow the joining instructions for the virtual event carefully and connect into the Preliminary Meeting in good time. In common with traditional Preliminary Meetings, the event will start on time irrespective of any late arrivals, for whom access may not be possible.

An Introduction to the Preliminary Meeting

Background

The Preliminary Meeting for the South Humber Bank Energy Centre Project will take place virtually online, but the format, content and procedure will be very similar to the traditional, face-to-face Preliminary Meetings that have been held for other National Infrastructure Examinations.

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

The Examining Authority

The ExA is a 'Single Appointed Person', Christopher Butler, who will introduce himself at the start of the Preliminary Meeting.

The Case Team

The ExA will be supported before and during the meeting by the Planning Inspectorate Case Team. Liam Fedden is the Case Manager for this application, supported by the case officer, James Bunten. A member of the team will be welcoming and admitting participants into the virtual Preliminary Meeting. They are available to answer questions by email before and after the meeting. The project's email address is: SouthHumberBank@planninginspectorate.gov.uk.

Purpose of the Preliminary Meeting

The Preliminary Meeting is being held to discuss the arrangements for the Examination of an application for Development Consent for the South Humber Bank Energy Centre Project, which is a Nationally Significant Infrastructure Project (NSIP), and which will generally be referred to in the Preliminary Meeting and Examination as the 'Proposed Development'. The application has been made by EP Waste Management Limited, who will be referred to as 'the Applicant'.

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

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

You are encouraged to look at the website if you haven't already done so, because it is used to communicate with you and to provide access to documents throughout the Examination. There is an option on the project web page to register to receive updates throughout the Examination and it is recommended that you register so that you will receive an e-mail every time the banner is updated on the project page, at key stages during the Examination.

The main purpose of the Preliminary Meeting is to consider arrangements for the Examination of the application for the Proposed Development. It focuses on the process only, and it will not be looking at the substance of the proposal: questions, discussions and representations about the merits or disadvantages of the Proposed Development and the application are for the Examination itself which will begin the day after the close of the Preliminary Meeting.

The proposals for the Examination are set out in the Rule 6 letter of **23 September 2020**, to which this is an Annex.

The Preliminary Meeting will be your opportunity to influence the process that the ExA intends to follow, and you should read the Rule 6 letter and all of its Annexes thoroughly beforehand. The agenda for the Preliminary Meeting is attached to the 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 Preliminary Meeting. If you are not experienced with videoconferencing and manipulating various documents on a screen, you may wish to print these out in advance of the meeting for reference.

Government guidance and policy

The application is a NSIP under the Planning Act 2008 (PA2008) regime as a consequence of section 15(2) as the application is for the construction, operation and maintenance of an energy from waste ('EfW') power station with a gross electrical output of up to 95 megawatts (MW) including an electrical connection, a new site access, and other associated development (together 'the Proposed Development'). The Proposed Development is wholly within England, is not offshore and will have a capacity in excess of 50 MW, and is not a permitted development. The designated National Policy Statements (NPS) for Energy Infrastructure (specifically the Overarching National Policy Statement for Energy (EN-1) and the National Policy Statement for Renewable Energy Infrastructure (EN-3)) apply to this Examination and decision-making relating to this application.

The ExA will consider the Proposed Development within the parameters of the NPS and any other policy or considerations that it deems important and relevant. The PA2008 makes it clear that, in making a decision and subject to certain provisos, the Secretary of State '*must decide the application in accordance with any relevant NPS*' (s104(3)). 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 Secretary of State is entitled to disregard any representations that relate to the merits of designated 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 of the Proposed Development, tested to the appropriate extent using the tests within the NPSs that have been designated and so are in force.

Other important and relevant planning policy that the ExA may consider includes policies in the relevant local authorities' development plans. However, if these conflict with policy in an NPS, then the NPS would take precedence.

In summary, the Preliminary Meeting will establish the procedures and timetable for the Examination of the Proposed Development. It will set a framework for the ExA to enable the Secretary of State 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;
- any Local Impact Report prepared and provided by relevant local authorities;
- other prescribed matters; and
- any other matters that appear to be both relevant and important to the Secretary of State's decision.

Preliminary Meeting Invitees

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

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

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

The ExA has the power to involve 'Other Persons' in the Examination as though they are Interested Parties, including inviting them to the Preliminary Meeting. However, this is only likely to happen in exceptional circumstances, for example if it was clear that the application would materially affect a person, and for a good reason they had been unable to take the necessary action to register as an Interested Party.

The Preliminary Meeting itself

The Preliminary Meeting could take up to a few 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, a day has been timetabled for Part 1.

An adjournment has been provided between Part 1 and Part 2 of the Preliminary Meeting. This recognises that some people may not know whether they wish to speak until they have heard the issues raised by others through watching the livestream or listening to the audio recordings which will be available on the project page of the National Infrastructure website. Having heard the points raised if they have any new points that they may wish to make regarding procedural arrangements for the Examination they will be able to do so in writing along with any request to be heard in Part 2 of the Preliminary Meeting. The ExA will then consider all oral submissions made at Part 1 and the written submissions made by **Procedural Deadline B** (3 November 2020). Part 2 of the Preliminary Meeting will then resume on 10 November 2020 to enable any further discussions that may be required and the ExA to make any procedural decisions that they consider necessary.

Participants may have to make allowances and be patient if there are any delays associated with the technology. In recognition of the particular strains of on-screen communication, the ExA will take short breaks if and when considered necessary. The joining instructions will provide more information about the final structure and format of the meeting.

A digital recording of proceedings will be made available on the project page of the National Infrastructure website as soon as practicable following each part of the meeting. The digital recording allows any member of the public who is interested in the application and the Examination to find out what has happened, whether they were able to attend or observe the meeting or not. In this regard, anyone speaking at the Preliminary Meeting will need to introduce themselves each time they speak to ensure that someone listening to the recording after the event knows who is speaking. A note of the Preliminary Meeting (parts 1 and 2) will be produced following the closure of the meeting.

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

The Planning Inspectorate's practice is to publish the recordings and retain them for a period of five years from the Secretary of State's decision on the Development Consent Order (DCO).

If you actively participate in the Preliminary Meeting, it is important that you understand that you will be recorded and that you consent to the retention and publication of the digital recording.

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.

The Examination process

The examination of NSIPs is a very different process to that, 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 it has an inquisitorial approach as opposed to an adversarial one.

This means that the ExA will probe, test and assess the evidence primarily through written questions. While some Hearings may be held to provide supplementary evidence, any questions to the Applicant or to witnesses will come from the ExA. Questioning or cross-examination of witnesses by other parties will generally not be allowed.

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

- i. Local authorities can make Local Impact Reports (LIRs) if they wish. Whilst these are voluntary, they must be considered by the Secretary of State in reaching a decision. Consequently, LIRs are a very important method for local authorities to communicate issues of concern to them and their residents.
- ii. Interested Parties can make Written Representations and comment on Written Representations made by other parties.
- iii. Interested Parties can respond to the ExA's written questions and comment on responses to these written questions provided by others.
- iv. Interested Parties may be asked to contribute to the making of Statements of Common Ground if it appears that there are matters on which they and the Applicant agree, and if it would be useful for this to be clarified.

The draft Examination Timetable includes a series of numbered Deadlines for receipt of written submissions. For clarity, unless otherwise stated in the final Examination Timetable, the statutory deadline for acceptance of written submissions will be at 23:59 on the date specified in the final Examination Timetable. 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 be considered by the ExA to 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 and clear answers to every question that is relevant to their interests and to engage fully with any other related processes such as the completion of Written Representations and Statements of Common Ground.

There is no merit in withholding or delaying information, or in failing to cooperate, 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 changes 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 of the application by the end of the period of six months beginning after the close of the Preliminary Meeting. This requirement is set by the legislation, and while the ExA will try to rearrange event dates to accommodate all relevant parties, in practice there will be very limited scope to alter the dates set out in the draft Examination Timetable.

The statutory time limit for the Examination means that everyone must strive for a 'right first time' approach to matters set out in writing. Where there are things that still need to be discussed and agreed between the Applicant and Interested Parties, it would 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 Interested Party may request an **Open Floor Hearing** to make oral representations about the application, if they believe this to be preferable to restricting their representation to the written form, though both carry equal weight. Oral submissions should be based on representations previously made in writing, but they should not simply repeat matters previously covered in the written submission. Rather, they should focus on specific detail, explanation and evidential corroboration to help inform the ExA. There should be no new or unexpected material in oral presentations. A summary written note with any supporting evidence or references will be requested of each speaker after the Hearing.

As with all Examination events, Open Floor Hearings 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 on the Examination Timetable and in accordance with the instructions; an agenda will be circulated; it is common practice for the ExA to set a time limit for each speaker; and those with common points are asked to come together to nominate a spokesperson or representative speakers to cover specific topics, so as to avoid repetition.

Speakers representing public authorities, community and membership organisations or multiple Interested Parties can be provided with an additional time allowance to recognise their representative role. If you fall into this category, please let the Case Team know, explain why you need additional time and how long you would like. The ExA will consider such requests but given the overall time constraints you should not assume that you will be given additional time.

The ExA has the discretion to hold **Issue Specific Hearings** if they consider that it would aid the Examination and there is a specific reason this would be more helpful than reliance on written evidence only. The lack of an Issue Specific Hearing 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 Examination Timetable includes a number of reservations for Issue Specific Hearings and Interested Parties may make suggestions for topics in their written or oral representations to the Preliminary Meeting.

It may be necessary for the ExA to hold an Issue Specific Hearing on the draft Development Consent Order. This is normal practice, and it would be held on a without prejudice basis. Parties can suggest modifications and amendments to the draft Order provided with the application by the Applicant, without prejudicing their overall position on the application.

Holding such a Hearing would not imply that the ExA had reached any judgements on the application. Whatever its ultimate recommendation, the ExA must make sure that the draft Order is fit for purpose if the Secretary of State decides to approve the application, as any consent will be subject to requirements and conditions set out in the Development Consent Order.

At Hearings, it will not normally be necessary for parties to make long and detailed submissions that need IT support such as PowerPoint presentations, nor would facility for this be provided. Any such detail can be provided in writing after a Hearing and before the relevant Deadline.

The draft Examination Timetable includes a deadline (**Deadline 1** on 8 December 2020) for participants to notify the ExA that they wish to speak at an Open Floor Hearing.

Site inspections

As part of the Examination process, members of 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 proposal within the context of the evidence put forward. Notes of **Unaccompanied Site**

Inspections (USIs) are published on the project page of the National Infrastructure 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 Rule 6 Letter includes a deadline (**Deadline 1** on 8 December 2020) for the submission of prospective locations by Interested Parties. The purpose of ASIs is familiarisation and no discussion on the merits of the Proposed Development will be entertained.

It should be noted that the current public health restrictions may limit the scope for ASIs and, if these have not lifted by the end of the Examination, the ExA takes the preliminary view that holding USIs to relevant nominated locations, supported by the submission of additional written, photographic, video or even drone material, if this might enable views into inaccessible areas, would be preferable to not visiting sites or holding ASIs in circumstances which could make them difficult and unduly time consuming to conduct.

Initial Assessment of Principal Issues

This is the Initial Assessment of the Principal Issues prepared under s88(1) of the Planning Act 2008 (PA2008). In making this initial assessment, the Examining Authority (ExA) has had regard to the application documents and Relevant Representations received in respect of the application.

It is not a comprehensive or exclusive list of all relevant matters. 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 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 set out as separate Principal Issues.

It should be noted that a number of the Principal Issues set out below may have an interrelationship or overlap, and this will be reflected in the Examination. It should also be noted that:

- whilst the effects of the proposal on the achievement of sustainable development including the mitigation of, and adaptation to, climate change are not listed as specific Principal Issues; and
- whilst the effects of the proposal in relation to human rights and equalities duties are not listed as specific Principal Issues;

the ExA will conduct all aspects of the Examination with these objectives in mind.

Principal Issue	Brief Amplification To include but not necessarily limited to:
Air Quality	<ul style="list-style-type: none"> • The extent to which the construction of the Proposed Development and the associated changes to traffic movements would affect air quality with respect to sensitive receptors (human and ecological) from construction traffic and plant emissions, construction dust, operational process emissions and operational traffic emissions; and • The appropriateness of proposed mitigation and extent to which such mitigation should be controlled and secured through any Development Consent Order (DCO).
Cultural Heritage	<ul style="list-style-type: none"> • The effects of the Proposed Development on heritage assets (Designated and Non-designated) and their visual and functional settings, and on archaeology.

Design and Layout	<ul style="list-style-type: none"> The design of the Energy from Waste Power Station and associated development.
Draft Development Consent Order	<ul style="list-style-type: none"> The appropriateness of the Applicant's draft DCO (dDCO); Articles and Requirements within the dDCO; Protective provisions; and Securing mitigation, including the adequacy of the draft deed of variation to the Section 106 Agreement related to Planning Permission DM/1070/18/FUL granted by North East Lincolnshire Borough Council.
Ecology	<ul style="list-style-type: none"> 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; and Consideration of any necessary mitigation, monitoring, management and compensatory measures and their effectiveness, including the use of the South Humber Gateway Strategic Mitigation (SHGSM) scheme.
Environmental Impact Assessment and Environmental Statement	<ul style="list-style-type: none"> The assessment of potential impacts and adequacy of assessment of environmental effects considered in the Environmental Impact Assessment (EIA); Exploration of reasonable alternatives, including locations within the site and alternative technologies; Approach to EIA, including the use of the 'Rochdale Envelope' and the 'design principles', and whether all necessary parameters and mitigation measures are captured in the dDCO; Consideration of direct/indirect effects on the qualifying features of European sites, and the mitigation sought to be secured via the SHGMS scheme; and The significant cumulative adverse effects on views from Viewpoint 5 (Beechwood Farm Carvery) and Viewpoint 9 (Middle Drain footpath) during construction and operation of the Proposed Development together with the construction and operation of other developments proposed in the vicinity of the Site and the fact that no mitigation is proposed as a result of these impacts.
Flood Risk, Hydrology and Water Resources	<ul style="list-style-type: none"> Consideration of the accuracy of the presented Flood Risk Assessments, including whether there would be any increase in the risk of flooding (including offsite flooding) as a result of the Proposed Development; and Contamination risks during construction, operation and de-commissioning and whether there is sufficient information presented to ensure that the risk to the water environment as a result of the Proposed Development is effectively mitigated.

Geology and Land Contamination	<ul style="list-style-type: none"> • Risks from discovery of contaminated ground water and soils, and securing appropriate mitigation; and • Risks from discovery of airborne contamination, such as ground gases and securing appropriate mitigation.
Habitat Regulations Assessment	<ul style="list-style-type: none"> • The approach to, and scope of, cumulative and in-combination assessments within the Habitat Regulations Assessment Signposting Report.
Landscape and Visual Amenity	<ul style="list-style-type: none"> • Zone of Theoretical Influence - The impact of the Proposed Development on landscape and visual amenity, including National Character Area 41: The Humber Estuary; and the settings of protected landscapes, such as Lincolnshire Wolds Area of Outstanding Natural Beauty; • The effects of temporary and permanent lighting on the landscape and visual amenity; and • The extent to which the design of permanent structures should be controlled and secured through any DCO.
Noise and Vibration	<ul style="list-style-type: none"> • Impacts of construction noise and vibration on sensitive receptors close to the construction site, including residents and community receptors, and wildlife communities; and • Impacts of operational noise at the Proposed Development.
Planning Policy	<ul style="list-style-type: none"> • Whether the Proposed Development complies with: <ul style="list-style-type: none"> - National Policy Statement EN-1, Overarching National Policy for Energy; and - National Policy Statement EN-3 Renewable Energy Infrastructure; and • Policies of Local Development Plans and the extent to which they are relevant and important.
Socio-Economic Effects	<ul style="list-style-type: none"> • The extent to which the Proposed Development would result in any socio-economic benefits in terms of the national, regional or local economy; • The extent to which the Proposed Development would result in any adverse socio-economic effects on the national, regional or local economy; • The effects of the Proposed Development on human health, including consideration of electromagnetic fields, contamination, air quality, noise and vibration; and • The extent to which the Proposed Development would impact public rights of way (availability/usability).
Traffic, Transport and Waste Management	<ul style="list-style-type: none"> • The effect of the Proposed Development on traffic flows, delays, volumes and circulation in both the local and wider context; • The effect of the Proposed Development on the Kiln Lane Level Crossing;

	<ul style="list-style-type: none">• The effect of the Proposed Development on road safety, cyclists and pedestrian amenity; and• Waste management during construction, operation and decommissioning and impacts on the disposal off site on traffic flows and circulation in both the local and wider context.
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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	Due Dates
1.	<p>Procedural Deadline A</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> Written submissions, if required, from the Applicant and any Interested Party on Examination procedure, any changes that are considered necessary to the draft examination timetable, together with which agenda items you wish to speak on, points you wish to make, and why these need to be made orally rather than in writing; and Requests to be heard orally at the Preliminary Meeting Part 1. 	Thursday 8 October 2020
2.	Preliminary Meeting¹ Part 1	Wednesday 21 October 2020 at 10:00
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 responding to matters raised orally in the Preliminary Meeting Part 1; and Requests to be heard orally at the Preliminary Meeting Part 2. 	Tuesday 3 November 2020
4.	Preliminary Meeting Part 2	Tuesday 10 November 2020 at 10:00
5.	<p>Issue by the ExA of:</p> <ul style="list-style-type: none"> Examination Timetable; The ExA's Written Questions (ExQ1). 	As soon as practicable after the close of the Preliminary Meeting

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

6.	<p>Deadline 1</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Local Impact Reports (LIRs) from Local Authorities (See Annex E); • Statements of Common Ground (SoCG) requested by the ExA (See Annex E); • Updated Guide to the Application, as requested by the ExA (See Annex E); • Notification of wish to speak at an OFH; • Submission by the Applicant and IPs of suggested locations for the ExA to include in any Accompanied Site Inspection, including the reason for nomination and issues to be observed, information about whether the location can be accessed using public rights of way or what access arrangements would need to be made, and the likely time requirement for the visit to that location (if not covered within <u>USI</u>) (See Annex E); • Comments on Relevant Representations (see Annex E); and • Comments on any Additional Submissions accepted by the Examining Authority (See Annex E). 	<p>Tuesday 8 December 2020</p>
7.	<p>Deadline 2</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on LIR(s); • Comments on responses for Deadline 1; • Responses to the ExA's Written Questions (ExQ1); • Written Representations (WRs) with summaries of all WRs exceeding 1500 words; • Statement of Commonality of SoCG not submitted at Deadline 1 (See Annex E); • Updated Guide to the Application, as requested by the ExA (See Annex E); • Any updated version of the draft Development Consent Order (dDCO) in clean, tracked and word versions; • Schedule of changes to the dDCO (see Annex E); and • Any further information requested by the ExA under Rule 17 of the EPR. 	<p>Tuesday 22 December 2020</p>
8.	<p>Issue by the ExA of:</p> <ul style="list-style-type: none"> • Notification of Hearings to be held during the week commencing 8 February 2021 (if required). 	<p>Wednesday 11 January 2021</p>

9.	<p>Deadline 3</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on Responses to EXQ1; • Comments on WRs; • Comments on responses for Deadline 2; • Applicant’s draft itinerary for the ASI; • Progressed SoCG requested by the ExA; • Statement of Commonality of SoCG not submitted at Deadline 1 (See Annex E); • Updated Guide to the Application, as requested by the ExA (See Annex E); • Any updated version of the dDCO in clean, tracked and word versions; and • Any further information requested by the ExA under Rule 17 of the EPR. 	<p>Wednesday 20 January 2021</p>
10.	<p>Hearings</p> <p>Dates reserved for:</p> <ul style="list-style-type: none"> • Any Issue Specific Hearing(s) (if required); • Any Open Floor Hearing(s) (if required). 	<p>Week commencing 8 February 2021</p>
11.	<p>Deadline 4</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Written summaries of oral submissions made at any Hearings held during the week commencing 8 February 2021; • Comments on any information submitted for Deadline 3; • Any updated version of the dDCO in clean, tracked and word versions; • Schedule of changes to the dDCO (see Annex E); • Statement of Commonality of SoCG not submitted at Deadline 1 (See Annex E); • Updated Guide to the Application, as requested by the ExA (See Annex E); and • Any further information requested by the ExA under Rule 17 of the EPR. 	<p>Friday 19 February 2021</p>
12.	<p>Issue by the ExA:</p> <ul style="list-style-type: none"> • Notification of Accompanied Site Inspection to be held during the week commencing 8 March 2021 (if required). 	<p>Tuesday 23 February 2021</p>
13.	<p>Publication of:</p> <ul style="list-style-type: none"> • The ExA’s Further Written Questions (ExQ2) (if required). 	<p>Friday 5 March 2021</p>

14.	Accompanied site inspection (if required)	Week commencing 8 March 2021
15.	<p>Deadline 5</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Responses to the ExA's ExQ2 (if required); • Comments on responses submitted for Deadline 4; • Any updated version of the dDCO in clean, tracked and word versions; • Schedule of changes to the dDCO (see Annex E); • Statement of Commonality of SoCG not submitted at Deadline 1 (See Annex E); • Updated Guide to the Application, as requested by the ExA (See Annex E); and • Any further information requested by the ExA under Rule 17 of the EPR. 	Friday 19 March 2021
16.	<p>Issue by the ExA of:</p> <ul style="list-style-type: none"> • The Report on the Implications for European Sites (RIES) (if required); • The ExA's proposed schedule of changes to the dDCO (if required); and • Any requests for information under Rule 17 of the EPR (if required). 	Wednesday 31 March 2021
17.	<p>Deadline 6</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Finalised Statements of Common Ground; • Final Guide to the Application; • Signed and dated s106 Agreement (if required); • Comments on the RIES (if required); and • Comments on the ExA's proposed schedule of changes to the dDCO (if required); • Comments on responses submitted for Deadline 5; • The Applicant's Final Preferred DCO in the SI template validation report; and • Responses to any further information requested by the ExA under Rule 17 of the EPR (if required). 	Friday 23 April 2021
18.	<p>Deadline 7</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on responses submitted for Deadline 6; 	Tuesday 4 May 2021

	<ul style="list-style-type: none"> • Responses to any further information requested by the ExA under Rule 17 of the EPR (if required). 	
19.	<p>The ExA is under a duty to complete the Examination of the application by the end of the period of 6 months.</p> <p>Please note that the ExA may close the Examination before the end of the six month period if he is satisfied that all relevant matters have been addressed and discussed.</p>	Monday 10 May 2021

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

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

Hearing agendas

Please note that for Issue Specific Hearings the ExA will aim to publish a detailed draft agenda on the project 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 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 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 relevant Secretary of State.

The Secretary of State may rely on the consultation on the RIES to meet its obligations under Regulation 63(3) of The Habitats Regulations 2017 and/ or Regulation 28 of The Offshore Marine Regulations.

Procedural Decisions made by the Examining Authority (ExA)

The ExA has made the following Procedural Decisions under Section 89(3) of the Planning Act 2008 (PA2008).

1. Virtual events

As set out in the Rule 6 letter, the ExA has made the Procedural Decision to hold the Preliminary Meeting virtually, online. The ExA has also decided that reasoned requests to participate actively or to comment on the Agenda must be received by **Procedural Deadline A** (8 October 2020). I have decided to include in the draft Examination Timetable the adjournment of the Preliminary Meeting on the first date, and to resume the Preliminary Meeting on the 10 November, some 3 weeks later. This would permit written submissions about pertinent matters to be made by **Procedural Deadline B** (3 November 2020).

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

2. 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 a 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.

In relation to some of the Principal Issues identified in **Annex C**, the ExA would be assisted by the preparation of SoCG between the Applicant and certain Interested Parties. Given the application was submitted in April 2020 the ExA assumes that during this time the Applicant will have been working with Interested Parties and consequently a number of SoCG should have been initiated and may well have reach an advance stage. The ExA therefore considers that SoCG should be submitted no later than **Deadline 1** (8 December 2020).

SoCG are requested to be prepared between the Applicant and:

A. Anglian Water to include but not limited to:

- Draft Development Consent Order and any relevant Protective Provisions;
- The effect on existing apparatus and infrastructure, including the capacity of the sewerage network and any mitigation required to ensure adequate capacity;
- Whether there is a need to divert any existing water infrastructure or provide protection to existing water infrastructure.
- Water environment effects including flooding effects and risks to drainage matters; and
- Water quality.

B. The Environment Agency to include but not be limited to:

- Draft Development Consent Order and any relevant Protective Provisions;
- Water environment effects, including flood risk and effects on flood alleviation and storage schemes, watercourses and waterbodies, and foul and surface water drainage matters, including ensuring all assessments have been made using the most up to date data available;
- The Applicant's Flood Risk Assessment, with particular reference to climate change allowances and the flood emergency response and contingency plan;
- Compliance with the Water Framework Directive;
- Biodiversity;
- Land contamination and groundwater, including source protection zones and groundwater dependent ecosystems;
- Waste management;
- Environmental permits, consents and licences, including, where possible, changes to the design of the development consented by the Local Planning Authority would improve efficiency without significant effect on air dispersion modelling; and
- Mitigation, risk management and enhancement measures, including Construction Environmental Management Plan/ Code of Construction Practice.

C. Historic England to include but not be limited to:

- The effect on heritage assets including any archaeological effects.

D. Natural England to include but not be limited to:

- Draft Development Consent Order and any relevant Protective Provisions;
- Ecology, habitats and nature conservation including issues related to:
 - i. The Applicant's Habitats Regulation Assessment report and effects on European sites and features;
 - ii. the effect on protected species and habitats;
 - iii. mitigation measures and enhancements, including likely effectiveness of mitigation, monitoring procedures, how mitigation will be secured within the DCO and the content of the Construction Environmental Management Plan/ Code of Construction Practice.
- Air Quality;

- Landscape; and
- Water Quality.

E. **National Grid Gas and National Grid Electricity Transmissions PLC**, to include but not be limited to:

- Draft Development Consent Order and Protective Provisions;
- Effect on existing apparatus; and
- Any connection issues.

F. **Cadent Gas Ltd**, to include but not be limited to:

- Draft Development Consent Order and Protective Provisions;
- Effect on existing apparatus; and
- Any connection issues.

G. **Network Rail** to include but not be limited to:

- Draft Development Consent Order, Protective Provisions and a response to the Relevant Representation regarding Compulsory Acquisition; and
- The effect on existing railway infrastructure and services, including the use of any level crossing within the proposed designated route for HGV's (such as the Kiln Lane Level Crossing) and any liabilities arising as a result of such use.

H. **Royal Mail** to include but not be limited to:

- Draft Development Consent Order and Protective Provisions;
- Effect on performance of Royal Mail's obligations as a Universal Service Provider;
- Effect on the highway network

I. **North East Lincolnshire Council** to include but not be limited to:

- Planning policy;
- The Need and Principle of the Proposed Development and Examination of Alternatives;
- Ecology and Biodiversity;
- Climate change;
- Construction Effects on people and communities;
- Draft Development Consent Order and Protective Provisions;
- Water resources, drainage and flood risk;
- Historic Environment;
- Highways and Transport, including Public Rights of Way and cycle routes and to what extent HGV movements arising from the construction and operation of the development will have an impact on the highway network;
- Landscape and Visual impacts;
- Noise, air quality and disturbance during construction and operation; and

- Construction Environmental Management Plan/ Code of Construction Practice.

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 Development Consent Order. 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 parties 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 by **Deadline 1** (8 December 2020). The position of the relevant Interested Parties should then be confirmed during the course of the Examination and by no later than **Deadline 6** (23 April 2021).

In addition, the ExA request that at **Deadlines 2, 3, 4, and 5** the Applicant provides a Statement of Commonality of Statements of Common Ground to provide an update on progress with SoCG and an overview of where the areas of agreement and dispute between the Interested Parties are.

3. Guide to the Application

The ExA requests that at each deadline, the Applicant provides an updated Guide to the Application document which provides a list of the most up to date documents before the Examination. A final version must be submitted by **Deadline 6** (23 April 2021). This document should form part of the certification of plans identified within the draft Development Consent Order and should not be removed from subsequent drafts if submitted during the Examination.

4. Local Impact Reports

The ExA requests Local Impact Reports (LIRs) from North East Lincolnshire Council and welcomes LIRs from any other Authorities who may wish to submit

one. All LIRs are to be submitted into the Examination no later than by **Deadline 1** (8 December 2020).

5. Accompanied Site Inspection (ASI)

The ExA undertook an Unaccompanied Site Inspection (USI) on the 25 August 2020. Notes of this USI are provided on the [project page](#) of the Planning Inspectorate's National Infrastructure website [EV-003]. Depending on Government restrictions associated with the COVID-19 emergency on work and travelling further USIs may take place, if required.

The draft Examination Timetable shows that the ExA has reserved time for an Accompanied Site Inspection (ASI), if required, towards the end of the Examination. This could only take place to the extent that Government COVID-19 restrictions at the time allow, and details of any such inspection would be published nearer the time. Suggestions for locations that might be visited in any ASI should be submitted by **Deadline 1** (8 December 2020). Before making any suggestions about the need, route or itinerary for any ASI, could all parties please check the ExA's USI notes and avoid requests for repeat visits to sites that the ExA has already visited. The ExA will consider any suggestions for additional USI locations that are accessible from public land or public rights of way.

6. Response to Relevant Representations

The ExA requests comments on Relevant Representations are made no later than **Deadline 1** (8 December 2020).

7. Additional Submissions

Following the acceptance of the application, the Applicant submitted correspondence [AS-003] in July 2020 to the Planning Inspectorate in response to Section 51 advice [OD-002] issued on 4 May 2020. At the same time the Applicant also submitted an updated Land Plan (Document reference 4.3 Rev 2.0) [AS-002] and a Report on Section 56 and EIA Regulation 16 Activities [AS-004]. The ExA made a Procedural Decision on the 22 July 2020 to accept these additional submissions.

The ExA made a Procedural Decision on the 22 July 2020 to accept a submission from Historic England.

On the 8 September 2020 the ExA made the Procedural Decision to accept an additional submission from Cadent Gas Ltd, where they requested the withdrawal of their Relevant Representation.

These documents are available on the [project page](#) of the National Infrastructure website.

Interested Parties are asked to submit any comments they may have on any of these documents **by Deadline 1** on 8 December 2020.

8. Schedule of changes to the draft Development Consent Order (dDCO)

The ExA requests that, whenever changes are made to the content of the draft Development Consent Order, the Applicant provides a tabulated schedule of amendments setting out what the changes are and the reasons underpinning them.

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/yorkshire-and-the-humber/south-humber-bank-energy-centre/?ipcsection=overview>.

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

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

The EL records and provides hyperlinks to:

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

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

Electronic deposit locations

Documents can be viewed electronically, free of charge, at the locations below. You will need to make an appointment, using the contact details provided below, and present a recognised form of photo identification in order to access these locations.

Please Note: Opening hours and the availability of information technology set out in the table below may be subject to local changes or additional limitations to address COVID-19 pandemic public health requirements. Bearing in mind the effect of public health restrictions, please consider your need to attend these locations with care. Please check the current circumstances with the relevant locations before you attend.

Additionally, please note that the Applicant has stated:

"You are encouraged to view the application form and its accompanying documents, drawings, plans and maps (including the draft DCO and the ES) comprising the Application ('the Application Documents') free of charge by downloading them from either the Planning Inspectorate's Project Website: <https://infrastructure.planninginspectorate.gov.uk/projects/Yorkshire%20and%20the%20Humber/South-Humber-Bank-Energy-Centre/> or the Applicant's Website: <http://www.shbenergycentre.co.uk/dco/>.

If you require alternative methods for inspecting the Application Documents, please telephone 020 3327 4725 or write to info@shbenergycentre.co.uk. Any details you provide to us via the telephone or e-mail will be subject to our privacy policy at [https://www.shbenergycentre.co.uk/privacy-policy/...](https://www.shbenergycentre.co.uk/privacy-policy/)

We are required by law to provide at least one physical deposit location for viewing the Application Documents... However, given the current COVID-19 pandemic ('coronavirus'), and the Government's guidance and in the interests of health and safety, we strongly encourage you to use the alternative methods of viewing documents that we have provided, as described above. The Application Documents are available for inspection free of charge at the venues, dates and times set out below. Viewing is by appointment only. Opening times and visiting arrangements are subject to change by the site owner/operator and will be explained when making an appointment."

Inspection Location	Address and contact details	By appointment only during the hours set out below	Notes
Entrance Gatehouse South Humber Bank Power Station	Entrance Gatehouse South Humber Bank Power Station South Marsh Road Stallingborough DN41 8BZ Telephone: 020 3327 4725 E-mail: info@shbenergycentre.co.uk	Monday to Friday, 9.00am – 6.00pm. Saturday and Sunday, 10.00am – 4.00pm.	The Applicant advises that strict hygiene, distancing, and security protocols are maintained at the office and therefore it is mandatory to book an appointment in advance.
EPUKI Leeds	EPUKI Leeds Ground Floor Paradigm Building 3175 Century Way Thorpe Park Leeds LS15 8ZB Telephone: 020 3327 4725 E-mail: info@shbenergycentre.co.uk	Monday to Sunday, 10.00am – 4.00pm.	Note: The Applicant advises that strict hygiene, distancing, and security protocols are maintained at the office and therefore it is mandatory to book an appointment in advance.

Coronavirus Response: Examination Practice Changes and Your Privacy

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

Changes due to COVID-19

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

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

We will not be conducting the Preliminary Meetings or an initial Open Floor Hearings (if required) face to face. Instead, we will be conducting these processes virtually (over the internet, or by telephone link). You will be able to take part at home or from a safe place. Later hearings may be held using a blend of face to face (physical) and virtual processes and additional information will be provided to enable you to participate in those events and protect your privacy closer to the time of the events concerned.

How to Protect your Privacy in Virtual Meetings and Hearings

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

- what will happen in a virtual meeting or hearing, how to prepare for one and the help available from the Planning Inspectorate (*'Participating in Meetings and Hearings'*);
- how to participate in virtual meetings and hearings using a computer, laptop, tablet, smartphone (*'Joining a Virtual Meeting or Hearing on the Internet'*);
- how to participate in virtual meetings and hearings using a mobile phone or land-line telephone (*'Joining a Virtual Meeting or Hearing by Telephone'*);
- what to do if a virtual event does not work as you'd expected (*'What if things go Wrong'*); and

- Protecting your privacy (*'How do I Protect my Privacy in Virtual Events'*).

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

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

Privacy Notice Amendment: Handling your Personal Information

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

What will be collected?

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

How is it collected?

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

What metadata will be taken from joining?

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

Where will it be stored?

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

Cookies

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