

Date: 8 October 2020  
Your Ref: EN010107  
Our Ref: 14079



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Dear Mr Fedden

**SOUTH HUMBER BANK ENERGY CENTRE PROJECT - APPLICATION FOR AN ENERGY FROM WASTE POWER STATION AND ASSOCIATED DEVELOPMENT - LAND AT THE SOUTH HUMBER BANK POWER STATION SITE, SOUTH MARSH ROAD, STALLINGBOROUGH, DN41 8BZ**

**THE PLANNING ACT 2008**

**THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010**

We write in response to the 'Rule 6' letter dated 21 September 2020 to confirm the applicant's position on a number of procedural matters and to request the Examining Authority exercise his discretion to accept certain documents in advance of the Preliminary Meeting.

**Document Submission**

It is noted that the Examining Authority has requested SoCG's by Deadline 1, however, as a number of SoCG's have already been completed, we request the Examining Authority exercise his discretion to accept the following documents in advance of Deadline A:

- Document 7.2 - Statement of Common Ground with North Lincolnshire Council
- Document 7.5 - Statement of Common Ground with Highways England

**Procedural Matters**

***Examination Timetable***

The Applicant has reviewed the draft examination timetable provided at Annex D of the Rule 6 letter and considers that there are changes which provide for a greater prospect that the examination can be completed by the Examining Authority in less than 6 months and which do not reduce its efficacy.

A version of the draft examination timetable is enclosed (Appendix 1) – a column has been added setting out the Applicant's proposed changes to the examination deadlines and dates. To aid comparison between the Examining Authority's and Applicant's timetables the time periods between each deadline have also been added to both.

In setting the proposed new dates the Applicant has had regard to the number of relevant representations, the information and evidence to be provided at each deadline, its own resources,

**Partners**

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A R Holden BSc (Hons) FRICS  
G Denning B.Eng (Hons) MSc MRICS  
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A Meech BSc MRICS

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interested parties' input and likely resources, review of submissions by the Examining Authority, procedural steps (including hearing notices), and overall to the need to ensure that the process remains fair and efficient. The Applicant has discussed the proposed dates with North East Lincolnshire Council who confirmed that has no objection to them, including in particular those for the submission of a Statement of Common Ground and a Local Impact Report.

The Applicant recognises that whether the examination will close earlier than the 6 month deadline is not something which can be known now – it will depend on the Examining Authority being satisfied that all matters have been appropriately resolved or tested. The Applicant's proposed timetable however provides a greater opportunity for early closure, which would be a benefit to those involved.

#### ***Annex F - Availability of Examination Documents'***

We can confirm that the measures identified within Annex F of the Rule 6 Letter are in place. This includes an email address and telephone number that can be contacted should methods other than using the PINS or Applicants website for reviewing the Application Documents be required. By contacting the email address or telephone number, the user will have ability to arrange an appointment to access a paper copy or an electronic version of the application documents in each identified inspection location.

#### ***Applicant Team Members***

We will continue to engage with the case team on the exact arrangements for the livestreaming, however to ensure a smooth running of events it is noted that the applicant team will typically comprise 1 Project Manager from EPUKI, 2 Planning Consultants from DWD, 2 Environmental Consultants from AECOM and 2 members of legal counsel from Pinsent Masons. Due to local lockdowns currently affecting some members of the team and the clear likelihood of further or more general restrictions on movement we consider it prudent to assume that each member will be on a separate dial in to the Microsoft Teams meeting.

Should you have any questions with regard to the Application, please do not hesitate to contact Colin Turnbull using the details provided.

Yours sincerely,

A large black rectangular redaction box covering the signature area.

**DWD**

## Appendix 1 – Applicant's Proposed Amendments to the Examination Timetable

Item	Matters	Due Dates	Applicant's Proposed Dates
1.	<p><b>Procedural Deadline A</b> Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>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</li> <li>Requests to be heard orally at the Preliminary Meeting Part 1.</li> </ul>	Thursday 8 October 2020	No change
2.	<b>Preliminary Meeting<sup>1</sup> Part 1</b>	Wednesday 21 October 2020 at 10.00 am	No change
3.	<p><b>Procedural Deadline B</b> Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>Written submissions on Examination procedure responding to matters raised orally in the Preliminary Meeting Part 1; and</li> <li>Requests to be heard orally at the Preliminary Meeting Part 2.</li> </ul>	Tuesday 3 November 2020	No change
4.	<b>Preliminary Meeting Part 2</b>	Tuesday 10 November 2020 at 10.00 am	No change
5.	<p><b>Issue by the ExA of:</b></p> <ul style="list-style-type: none"> <li>Examination Timetable; and</li> <li>The ExA's Written Questions (ExQ1).</li> </ul>	As soon as practicable after the close of the Preliminary Meeting	No change
6.	<p><b>Deadline 1</b> Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>Local Impact Reports (LIRs) from Local Authorities (See <b>Annex E</b>);</li> <li>Statements of Common Ground (SoCG) requested by the ExA (See <b>Annex E</b>);</li> <li>Updated Guide to the Application, as requested by the ExA (See <b>Annex E</b>);</li> <li>Notification of wish to speak at an OFH;</li> <li>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</li> </ul>	Tuesday 8 December 2020 (4 weeks after Preliminary Meeting)	Tuesday 24 November 2020 (2 weeks after Preliminary Meeting)

<sup>1</sup> The meeting will be adjourned rather than closed following the day's business to allow time for written responses.

Item	Matters	Due Dates	Applicant's Proposed Dates
	visit to that location (if not covered within <u>USI</u> (See <b>Annex E</b> ); <ul style="list-style-type: none"> <li>• Comments on Relevant Representations (See <b>Annex E</b>); and</li> <li>• Comments on any Additional Submissions accepted by the Examining Authority (See <b>Annex E</b>).</li> </ul>		
7.	<b>Deadline 2</b> Deadline for receipt by the ExA of: <ul style="list-style-type: none"> <li>• Comments on LIR(s);</li> <li>• Comments on responses for Deadline 1;</li> <li>• Responses to the ExA's Written Questions (ExQ1);</li> <li>• Written Representations (WRs) with summaries of all WRs exceeding 1,500 words;</li> <li>• Statement of Commonality of SoCG not submitted at Deadline 1 (See <b>Annex E</b>);</li> <li>• Updated Guide to the Application, as requested by the ExA (See <b>Annex E</b>);</li> <li>• Any updated version of the draft Development Consent Order (dDCO) in clean, tracked and word versions;</li> <li>• Schedule of changes to the dDCO (See <b>Annex E</b>); and</li> <li>• Any further information requested by the ExA under Rule 17 of the EPR.</li> </ul>	<b>Tuesday 22 December 2020</b> (2 weeks after Deadline 1, 6 weeks after Preliminary Meeting, and approx. 5+ weeks after ExQ1)	<b>Tuesday 15 December 2020</b> (3 weeks after Deadline 1, 5 weeks after Preliminary Meeting and approx. 4+ weeks from issue of ExQ1)
8.	<b>Issue by the ExA of:</b> <ul style="list-style-type: none"> <li>• Notification of Hearings to be held during the week commencing 8 February 2021 (if required).</li> </ul>	<b>Wednesday 11 January 2021</b> (3 weeks after Deadline 2) (NB: the currently proposed 11 January 2021 is a Monday)	<b>Wednesday 23 December 2020</b> (1 week 1 day from Deadline 2)
9.	<b>Deadline 3</b> Deadline for receipt by the ExA of: <ul style="list-style-type: none"> <li>• Comments on Responses to ExQ1;</li> <li>• Comments on WRs;</li> <li>• Comments on responses for Deadline 2;</li> <li>• Applicant's draft itinerary for the ASI;</li> <li>• Progressed SoCG requested by the ExA;</li> <li>• Statement of Commonality of SoCG not submitted at Deadline 1 (See <b>Annex E</b>);</li> <li>• Updated Guide to the Application, as requested by the ExA (See <b>Annex E</b>);</li> <li>• Any updated version of the dDCO in clean, tracked and word versions; and</li> <li>• Any further information requested by the ExA under Rule 17 of the EPR.</li> </ul>	<b>Wednesday 20 January 2021</b> (4 weeks 1 day from Deadline 2)	<b>Monday 11 January 2021</b> (3 weeks 6 days from Deadline 2)

Item	Matters	Due Dates	Applicant's Proposed Dates
10.	<b>Hearings</b> Dates reserved for:- <ul style="list-style-type: none"> <li>Any Issue Specific Hearing(s) (if required);</li> <li>Any Open Floor Hearing(s) (if required).</li> </ul>	<b>Week commencing 8 February 2021 (4 weeks from Notification of Hearings, 2 weeks 5 days from Deadline 3)</b>	<b>Week commencing 25 January 2021 (4 weeks from Notification of Hearings, 2 weeks from Deadline 3)</b>
11.	<b>Deadline 4</b> Deadline for receipt by the ExA of: <ul style="list-style-type: none"> <li>Written summaries of oral submissions made at any Hearings held during the week commencing 8 February 2021;</li> <li>Comments on any information submitted for Deadline 3;</li> <li>Any updated version of the dDCO in clean, tracked and Word versions;</li> <li>Schedule of changed to the dDCO (See <b>Annex E</b>);</li> <li>Statement of Commonality of SoCG not submitted at Deadline 1 (See <b>Annex E</b>);</li> <li>Updated Guide to the Application, as requested by the ExA (See <b>Annex E</b>); and</li> <li>Any further information requested by the ExA under Rule 17 of the EPR.</li> </ul>	<b>Friday 19 February 2021 (Approx 1 week from close of Hearings)</b>	<b>Friday 5 February 2021 (Approx. 1 week from close of Hearings)</b>
12.	<b>Issue by the ExA:-</b> <ul style="list-style-type: none"> <li>Notification of Accompanied Site Inspection to be held during the week commencing 8 March 2021 (if required).</li> </ul>	<b>Tuesday 23 February 2021</b>	<b>No change (item to move down to remain in chronological order)</b>
13.	<b>Publication of:-</b> <ul style="list-style-type: none"> <li>The ExA's Further Written Questions ExQ2) (if required).</li> </ul>	<b>Friday 5 March 2021 (2 weeks from Deadline 4)</b>	<b>Wednesday 17 February 2021 (12 days from Deadline 4)</b>
14.	<b>Accompanied site inspection (if required)</b>	<b>Week commencing 8 March 2021</b>	<b>No change (item to move down to remain in chronological order)</b>
15.	<b>Deadline 5</b> Deadline for receipt by the ExA of: <ul style="list-style-type: none"> <li>Responses to the ExA's ExQ2 (if required);</li> <li>Comments on responses submitted for Deadline 4;</li> <li>Any updated version of the dDCO in clean, tracked and word versions;</li> <li>Schedule of changed to the dDCO (See <b>Annex E</b>);</li> <li>Statement of Commonality of SoCG not submitted at Deadline 1 (See <b>Annex E</b>);</li> <li>Updated Guide to the Application, as requested by the ExA (See <b>Annex E</b>); and</li> <li>Any further information requested by the ExA under Rule 17 of the EPR</li> </ul>	<b>Friday 19 March 2021 (2 weeks from issue of ExQ2, c. 1 month from Deadline 4)</b>	<b>Wednesday 3 March 2021 (2 weeks from issue of ExQ2 &amp; c.1 month from Deadline 4)</b>

Item	Matters	Due Dates	Applicant's Proposed Dates
16.	<b>Issue by the ExA of:</b> <ul style="list-style-type: none"> <li>• The Report on the Implications for European Sites (RIES) (if required);</li> <li>• The ExA's proposed schedule of changes to the dDCO (if required); and</li> <li>• Any requests for information under Rule 17 of the EPR (if required).</li> </ul>	<b>Wednesday 31 March 2021 (12 days from Deadline 5)</b>	<b>Friday 12 March 2021 (9 days from Deadline 5)</b>
17.	<b>Deadline 6</b> Deadline for receipt by the ExA of:- <ul style="list-style-type: none"> <li>• Finalised Statements of Common Ground;</li> <li>• Final guide to the Application;</li> <li>• Signed and dated s106 Agreement (if required);</li> <li>• Comments on the RIES (if required);</li> <li>• Comments on the ExA's proposed schedule of changed to the dDCO (if required);</li> <li>• Comments on responses submitted for Deadline 5;</li> <li>• The Applicant's Final Preferred DCO in the SI template validation report; and</li> <li>• Responses to any further information requested by the ExA under Rule 17 of the EPR (if required).</li> </ul>	<b>Friday 23 April 2021 (5 weeks from publication of Deadline 5 submissions, 3 weeks 2 days from publication of RIES)</b>	<b>Friday 26 March 2021 (Approx. 3 weeks from publication of Deadline 5 submissions and 2 weeks from publication of RIES and ExA's dDCO)</b>
18.	<b>Deadline 7</b> Deadline for receipt by the ExA of: <ul style="list-style-type: none"> <li>• Comments on responses submitted for Deadline 6;</li> <li>• Responses to any further information requested by the ExA under Rule 17 of the EPR (if required).</li> </ul>	<b>Tuesday 4 May 2021 (2 weeks from Deadline 6)</b>	<b>Wednesday 7 April 2021 (12 days from Deadline 6)</b>
19.	The ExA is under a duty to complete the Examination of the application by the end of the period of 6 months. 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.	<b>Monday 10 May 2021 (6 days from Deadline 7)</b>	<b>No change (4 weeks and 5 days from Deadline 7)</b>