



National Infrastructure Planning
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Customer
Services: 0303 444 5000
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To Interested Parties and Statutory
Parties

Your Ref:

Our Ref: EN010107

Date: 17 November 2020

Dear Sir/ Madam

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

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

Examination Timetable and procedure

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

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

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

The Examination Timetable

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

The Examination Timetable replaces the draft timetable that was included in the Rule 6 letter dated 23 September 2020¹. In finalising the Examination Timetable, I have considered the requests and suggestions made at the PM and in representations submitted in writing, both prior to the PM and between Part 1 and Part 2 of the PM.

¹ Your invitation to the Preliminary Meeting

Please note that the Examination Timetable contains a number of deadlines for receipt of information by the Planning Inspectorate. All deadlines are at 23:59 on the date specified. Please ensure submissions arrive by the deadline. If you do not make your submissions by the dates specified in the timetable, I may disregard them.

I request that Interested Parties (IPs) send, where practicable, electronic copies of their submissions as email attachments to SouthHumberBank@planninginspectorate.gov.uk on or before the applicable deadline. Electronic attachments should be clearly labelled with the subject title and not exceed 12MB for each email. Any submissions that exceed 1500 words should also be accompanied by a summary; this summary should not exceed 10% of the original text.

If I consider it necessary to vary the Examination Timetable during the Examination, notification will only be sent to IPs invited to the PM. The changes will be published on the South Humber Bank Energy Centre project page of the National Infrastructure Planning website.

Procedural Decisions

I have considered all submissions made, including those made orally at the PM (Parts 1 and 2) and those made in writing prior to the expiry of the relevant set Procedural Deadline (Procedural Deadlines A and B).

One objection was received in response to the Applicant's 'Proposed Amendments of the Examination Timetable'. The Applicant's explanation of its proposed revision to the Examination Timetable are noted, including the submissions made orally, such as in regard to Statements of Common Ground; Deadline 2; and that no other parties have indicated that they have concerns. Additionally, the Applicant's comments about resourcing, agreeing timescales with IPs, etc, are also noted. However, I am not satisfied that all parties would be adequately resourced to produce their submissions and respond adequately by the dates set out within the Applicant's 'Proposed Amendments of the Examination Timetable'.

Bearing the above in mind, it is clear to me that, other than correcting the minor errors I identified in the PM: Part 1, altering the draft Examination Timetable from that set out in Annex D to my Rule 6 letter of the 23 September 2020, would have the potential to prejudice IPs for the reasons set out above.

Therefore, the Draft Examination Timetable as set out in Annex D to my Rule 6 letter of the 23 September 2020, subject to minor corrections alluded to above, is adopted as the Examination Timetable and is attached at **Annex A** to this letter.

Turning to the request for an Issue Specific Hearing (ISH) to explore the issue of level crossing safety, arising as a result of the proposed routes from the road infrastructure to the Proposed Development, this is noted. However, decisions in regard to the nature/ subject matter of any ISHs will be made at a future point and no later than 11 January 2021, once the information sought by Deadlines 1 and 2 has been submitted and considered.

Other Procedural Decisions

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

- Examination Timetable – Error Correction
- Examining Authority’s Written Questions (WQs); and
- Accompanied Site Inspection (ASI)

Written Representations

All IPs are now invited to submit Written Representations (WRs) and any comments on the Relevant Representations already submitted. These should be submitted by **Deadline 1** (Tuesday 8 December 2020) in the Examination Timetable (**Annex A**).

WRs can cover any relevant matter and are not restricted to the matters set out in my Initial Assessment of Principal Issues discussed at the PM and included in my Rule 6 letter². Nor are they restricted to the content of my WQs (see next heading, below).

Any person, other than the Applicant, who submits a WR must identify those parts of the application with which they agree and those parts with which they do not agree, explaining the reasons why³. IPs should also provide with their WRs “*the data, methodology and assumptions used to support their submissions*”⁴.

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

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

ExA’s Written Questions

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

<http://infrastructure.planninginspectorate.gov.uk/document/EN010107-000350>

Answers to my WQs must be provided by **Deadline 2** (22 December 2020) in the Examination Timetable (**Annex A**).

² <http://infrastructure.planninginspectorate.gov.uk/document/EN010107-000331>

³ Required under Rule 10(4) of The Infrastructure Planning (Examination Procedure) Rules 2010

⁴ <https://www.gov.uk/government/publications/planning-act-2008-examination-of-applications-for-development-consent>

If you require a hard copy of my WQs, please contact the Case Team who will send you a copy.

Hearings

The Examination Timetable at **Annex A** includes periods of time reserved for any hearings to be held, and I will notify all IPs of any hearings scheduled as part of the Examination at least 21 days in advance of them taking place. That notification will include an additional deadline for IPs to inform the Planning Inspectorate if they wish to attend the notified hearing(s).

Annex C provides details about what IPs should include in a request to be heard at a hearing, and the procedure that will be followed at hearings.

Accompanied Site Inspection

Information about a possible ASI, scheduled to take place week commencing 8 March 2021, is contained in **Annex B**.

Availability of application documents and representations submitted to the Examination

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

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

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

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

Your status in the Examination

You have received this letter because you fall within one of the groups described in this FAQ document: <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2019/02/Status-faq.pdf>

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

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

Award of costs

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

To assist understanding of what 'unreasonable behaviour' means in the context of an Examination under the PA2008, you may find it helpful to read the government guidance 'Awards of costs: examinations of applications for development consent orders' (July 2013)⁵. It is in everyone's interest that information is brought forward as early as possible in the Examination process so you are encouraged to do so.

Management of information

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

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

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

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

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

Yours faithfully

Christopher Butler

Examining Inspector

Annexes

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

This communication does not constitute legal advice.

Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

⁵ <https://www.gov.uk/government/publications/awards-of-costs-examinations-of-applications-for-development-consent-orders>

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.

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 was adjourned rather than closed following the day's business to allow time for written responses.

<p>6.</p>	<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; • Statements of Common Ground (SoCG) requested by the ExA; • Updated Guide to the Application, as requested by the ExA; • Notification of wish to speak at an Open Floor Hearing (OFH); • Submission by the Applicant and Interested Parties (IPs) of suggested locations for the ExA to include in any Accompanied Site Inspection (ASI), 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 Un-Accompanied Site Inspection (<u>USI</u>); • Comments on Relevant Representations; and • Comments on any Additional Submissions accepted by the ExA. 	<p>Tuesday 8 December 2020</p>
<p>7.</p>	<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 any responses/ information submitted for Deadline 1; • Responses to the ExQ1; • Written Representations (WRs) with summaries of all WRs exceeding 1500 words; • Statement of Commonality of SoCG not submitted at Deadline 1; • Updated Guide to the Application, as requested by the ExA; • Any updated version of the draft Development Consent Order (dDCO) in clean, tracked and word versions; • Schedule of changes to the dDCO; and • Any further information requested by the ExA under Rule 17 of the EPR². 	<p>Tuesday 22 December 2020</p>
<p>8.</p>	<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>Monday 11 January 2021</p>

² [The Infrastructure Planning \(Examination Procedure\) Rules 2010](#)

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 any responses/ information submitted 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; • Updated Guide to the Application, as requested by the ExA; • 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) (ISH) (if required); • Any OFH(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 responses/ information submitted for Deadline 3; • Any updated version of the dDCO in clean, tracked and word versions; • Schedule of changes to the dDCO; • Statement of Commonality of SoCG not submitted at Deadline 1; • Updated Guide to the Application, as requested by the ExA; 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 ASI 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"> • 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 any responses/ information submitted for Deadline 4; • Any updated version of the dDCO in clean, tracked and word versions; • Schedule of changes to the dDCO; • Statement of Commonality of SoCG not submitted at Deadline 1; • Updated Guide to the Application, as requested by the ExA; 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 SoCG; • 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 any responses/ information 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 any responses/ information 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

Publication dates

All information received will be published on the project page of the National Infrastructure Planning website as soon as practicable after each deadline for submissions.

Hearing agendas

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

Report on the Implications for European Sites

Where the Applicant has provided a No Significant Effects Report or a Habitats Regulations Assessment (HRA) Report with the DCO application, the ExA may decide to issue a Report on the Implication for European Sites (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 Regulations³ and/ or Regulation 28 of the Offshore Marine Regulations.

³ The Conservation of Habitats and Species Regulations 2017

Procedural Decisions made by the Examining Authority

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

1. Examination Timetable

The due date for the notification of Hearings was incorrect in the draft Examination Timetable and is now amended from Wednesday 11 January 2021 to Monday 11 January 2021.

2. Examining Authority's Written Questions

Some of my Written Questions (WQ) are directed to specific Statutory Parties which have not, at the time of writing, confirmed that they wish to become Interested Parties (IPs) for the purposes of the examination of the application.

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

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

3. Accompanied Site Inspection (ASI)

Time has been reserved in the Examination Timetable to undertake an ASI during the week commencing 8 March 2021 (if required). The format and detail of this will depend on the Government's public health restrictions relating to the COVID19 pandemic in force at the time. If restrictions have been lifted, the Examining Authority may be able to be accompanied by registered parties. If restrictions remain, attendance may be limited and socially distanced; we may visit unaccompanied (with all necessary consents in place); or we may need to hold a virtual site inspection using photography or technology. We will release details nearer to the time.

The Examination Timetable at **Annex A** invites the Applicant and IPs to submit a suggested itinerary based on the suggestions for locations to be included in the ASI. These are to be submitted by **Deadline 1**.

Additionally, within the Examination Timetable, the ExA has asked the Applicant to provide a draft ASI itinerary by **Deadline 3**, and there is an opportunity for all parties to comment on this at **Deadline 4**.

The ExA will consider all the submissions on this, and decide if it is appropriate to hold an ASI, and I will aim to publish the final itinerary and arrangements, if required, on the project page of the Planning Inspectorate's National Infrastructure website as soon as practically possible.

¹ Section 89(1) of the Planning Act 2008

² <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/legislation/>

IPs should be aware that any ASI would not be an opportunity to make any oral representations to the ExA about the Proposed Development. However, the ExA may invite participants to indicate specific features or sites of interest.

Requests to appear and procedure to be followed at hearings

The Examination Timetable reserves the week commencing 8 February 2021 for any Open Floor Hearings (OFH) or Issue Specific Hearings (ISH) (if required) and notification of any OFH or ISH (if required) will be made no later than Monday 8 January 2021.

Requests to appear at hearings

IPs are required to notify the ExA in writing of their wish to take part in an OFH. I remind IPs that notification of a wish to speak at an OFH needs to be made on or before Tuesday 8 December 2020 (**Deadline 1, Annex A**).

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

I may also choose to hold ISHs about topics that I think need to be explored orally.

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

If an IP wishes to attend an OFH or ISH they should indicate which topics in their Relevant Representation or Written Representation they wish to address at the hearing.

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

Procedure at hearings

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

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

Hearing agendas

The ExA will aim to publish a draft agenda for each hearing on the project page of the National Infrastructure Planning website at least five working days in advance

¹ Rule 14

² Rule 14(5)

of the hearing date. The actual agenda on the day of each hearing may be subject to change at the discretion of the ExA.

Availability of representations and application documents

All application documents and representations submitted to the Examination are available to view on the project page on the National Infrastructure Planning website:

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

For ease of navigation, we recommend that you use 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:

- each application document;
- each representation accepted to be read in conjunction with the Examination; and
- each Procedural Decision made by the Examining Authority.

Each document is provided with a unique reference which will be fixed for the duration of the Examination. A hyperlink to each document on the National Infrastructure Planning website is provided. **Please use the unique reference numbers applied in the EL when referring to any Examination documents in representations that you make.**

Application documents can also be viewed electronically at the following locations close to the application site, free of charge. If you have difficulty accessing any documentation please contact the Case Team using the details provided at the top of this letter.

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.

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	Monday to Friday, 9.00am – 6.00pm. Saturday and 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

Annex D

	E-mail: info@shbenergycentre.co. uk		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.