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Your Ref:

Our Ref: EN010107

Date: 15 January 2021

Dear Sir/ Madam

Planning Act 2008 (as amended) and The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 9

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

Accompanied Site Inspection (ASI)

The Examining Authority (ExA) is conscious of the continued threat of, and uncertainties around, COVID-19 and the latest Government guidance and restrictions. Equally, the Government has made it clear that the consenting processes for national infrastructure projects should progress. The Inspectorate has also published information on activity during the current restrictions, which is available at the following web address:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/951644/210107_COVID-19_Guidance_for_NSIP_External_Events_Advice_12_Jan_2021.pdf

Bearing this in mind, I would like to thank those that have to date taken the time to suggest locations for an ASI. Having considered those locations suggested so far, I am content that I have either visited the majority of the suggested locations already, that some of the locations suggested could, if required, be undertaken by a further unaccompanied site inspection or that enough information has been submitted into the Examination for an ASI not to be required. The only exception to this is the Applicant's suggested ASI within the Proposed Development site, the details of which are as set out in their covering letter to Deadline 1 submissions dated 8 December 2020 [[REP1-015](#)].

The ExA also notes the Applicant's covering letter in response to Deadline 1, where they raised concerns in regard to coronavirus restrictions and the SHB Power Station being critical infrastructure, with only necessary visits permitted in order to minimise

transmission to workers. Also noted is their suggestion in the light of this to procure comprehensive high-resolution drone (hereafter referred to as an Unmanned Aerial Vehicle (UAV)) video footage of the proposed development site as a safer and more convenient means of understanding the site.

Bearing the above in mind, the ExA has taken a Procedural Decision to postpone any further detailed planning of a possible ASI, but rather requires the submission of a detailed flight plan for an UAV with a view to undertaking a comprehensive high-resolution video of the proposed development site that accords with the Applicant's suggested ASI as outlined in their letter referred to in paragraphs 2 and 3 above. As such the ExA does not expect the Applicant to provide a draft ASI itinerary by **Deadline 3** (20 January 2021). Instead, the ExA expects the submission of the UAV detailed flight plan by **Deadline 3** (20 January 2021). Interested Parties should comment on the UAV flight plan at **Deadline 4** (19 February 2021) if they wish to do so.

Use of UAV and the taking of video footage

The ExA would request the Applicant to include details of when it is intended to undertake the UAV flight and take the video footage. The ExA is aware that weather conditions will have the potential to influence this. The ExA would also ask the Applicant to provide a date by which they intend to submit the video footage into the examination.

When considering all of the above, the ExA would refer you to **Annex A** in regard to the use of UAV. This annex makes reference to Legal Matters, Data Protection, Specifications and Other Matters that the Applicant will need to consider/ bear in mind.

Other matters

Following the submission of the UAV high-resolution video footage, the ExA will consider further whether there is additional need for, and planning of, a possible ASI.

If you have any further queries, please do not hesitate to contact the case team using the details at the top of this letter.

Yours faithfully

Christopher Butler

Examining Authority

Annexes

A Legal Matters, Data Protection, Specifications and Other Matters

Legal Matters

The ExA would draw the Applicant's attention to the need to ensure that any Unmanned Aerial Vehicle (UAV) flight undertaken must comply in full with the law, including, but not limited to, the Civil Aviation Authority's CAP1789A, CAP1789B and CAP722. Furthermore, the operator of the UAV must also hold a valid CAA Permission to operate the UAV and be registered within CAP1361 when the flight takes place, as well as holding appropriate insurance. Additionally, the flyer must hold a valid Flyers Licence for an UAV, or an appropriate exemption.

Data Protection – The use of UAV and the recording of images

The Applicant will need to ensure full compliance with the General Data Protection Regulations/ Data Protection Act 2018 and the ExA would draw attention to the Information Commissioner's Office's publication [In the picture: A data protection code of practice for surveillance cameras and personal information](#), especially Section 7.3. The UAV and any video footage recorded must be undertaken in a responsible way that is safe and respects the privacy of others. The Applicant will need to ensure, where necessary, that the appropriate consent of any third parties has been obtained, including those third parties who's land you include within any video footage submitted. Additionally, the Applicant will need to ensure, where necessary, that the consent of any identifiable person included in the footage has been obtained.

The Applicant when submitting any video footage taken using UAV must confirm that the appropriate consents of third parties was obtained. Additionally, the Applicant must include details of what measures were undertaken and/ or put in place to ensure third parties, including owners of third party land, were made aware of the potential to be included within the submitted video footage.

Specifications and Other Matters

In terms of the high-resolution video footage, the ExA would ask for consideration in regard to the size of the data file created and how this could be hosted so it is publicly accessible in the interests of openness, fairness and impartiality. The ExA would also ask for full details of the nature/type of camera used in the filming to be provided, including full details of whether any special functions on the camera are in use and when during the footage (i.e. full details of the camera in use, it's settings, the nature of any focus/zoom being used and when, whether auto focus, white balance or image sharpening is in use and when, etc.) It would also be helpful for the footage to include a clear overhead shot of a structure of known size which can be used as a reference point.

In addition to the above, the high-resolution video footage should also contain information about telemetry, including, but not limited to, height of the UAV at any given time, direction of flight, wind speed and wind direction, GPS data, orientation of the camera (both vertically and horizontally), etc.