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Your Ref:

Our Ref: EN010107

Date: 21 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

Notification of Hearings – Notice(s)

I write in response to the Applicant's e-mail dated 18 January 2021 [[AS-007](#)], which seeks a direction to exempt it from Rule 13(6)(b) of the above mentioned Examination Procedure Rules. To be clear Rule 13(6)(b) relates to the requirement to "post and maintain a notice of the hearing in one or more places where public notices are usually posted in the area to which the proposals contained in the application relate", unless the Examining Authority (ExA) otherwise directs.

The ExA notes the exemption request is limited and comes after the Applicant advises that it had made reasonable efforts to comply with this requirement, including travelling to the area on Friday 15 January 2021, where it found that due to COVID-19 the usual community noticeboards (e.g. in village halls or outdoors) in centres of population near to the site were not accessible.

The ExA also notes:

- that the Applicant has considered other locations to display such notices;
- the Applicant's concerns regarding COVID-19 and current Government guidance and restrictions;
- the Applicant's comments in regard to notices displayed under Rule 13(6)(b) not being displayed at the usual community noticeboards, such as in village halls or outdoors, in centres of population near to the site; and
- the Applicant's indication that it will still be complying with Rule 13(6)(a) and 13(6)(c) of the above mentioned Examination Procedure Rules.

Procedural Decision

Having considered the request, the ExA directs in accordance with Rule 13(6) that the requirement under Rule 13(6)(b) is not required (i.e. The Applicant is no longer required to post and maintain a notice of the hearing in one or more places where public notices are usually posted in the area to which the proposals contained in the application relate), unless the Applicant considers that this can be safely carried out at some point closer to the virtual hearing. The ExA also directs that Rule 13(6)(a) and 13(6)(c) of the above mentioned Examination Procedure Rules must still be complied with.

Other matters

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