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To all Interested Parties, Affected Persons,  
Statutory Parties and Other Persons  
invited to the Preliminary Meeting

Your Ref:

Our Ref: EN010114

Date: 14 February 2022

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Dear Sir/ Madam

**Planning Act 2008 (as amended) – sections 89, 91, 92 and 93; and The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rules 8(3) and 13**

**Application by Keadby Generation Limited for an Order Granting Development Consent for the Keadby 3 Low Carbon Gas Power Station Project**

**Amendments to the Examination Timetable and Notification of Hearings**

This letter provides parties with information about amendments to the Examination Timetable, and notifies parties of the Hearings to be held during the week commencing 14 March 2022 (and the week commencing 21 March 2022, if required).

**Amendments to the Examination Timetable**

The Examination Timetable at Annex A of the ExA's Rule 8 letter [[PD-008](#)] dated 14 December 2021 included a date for the "*issue by the ExA of notification of Hearings to be held during the week commencing 14 and/ or 21 March 2022 (if required)*" of Friday 18 February 2022. In order to provide greater notice of the Hearings, the following section of this letter provides formal notification of the Hearings to be held. The Examination Timetable has therefore been amended to remove the date of Friday 18 February 2022.

The Examination Timetable from item 6 onwards can be found at **Annex A** of this letter, with amendments shown in red.

**Notification of Hearings**

The Examination Timetable at Annex A of the ExA's Rule 8 letter [[PD-008](#)] included reserved dates for Hearings, if required. The ExA is now writing to confirm the arrangements for the following Hearings to be held under sections 91, 92 and 93 of the Planning Act 2008:

Date	Hearing	Time	Venue
<b>Monday 14 March 2022</b>	<b>Open Floor Hearing (OFH)</b>	<b>2.00pm</b> (Arrangements Conference starts 1.30pm)	By virtual means
<b>Tuesday 15 March 2022</b>	<b>Issue Specific Hearing 1 (ISH1)</b> Environmental Matters	<b>10.00am</b> (Arrangements conference starts 9.30am)	By virtual means
<b>Wednesday 16 March 2022</b>	<b>Compulsory Acquisition Hearing (CAH)</b>	<b>10.00am</b> (Arrangements conference starts 9.30am)	By virtual means
<b>Thursday 17 March 2022</b>	<b>Issue Specific Hearing 2 (ISH2)</b> Development Consent Order	<b>10.00am</b> (Arrangements conference starts 9.30am)	By virtual means

### Reserved Hearing dates

The ExA intends to cover all necessary matters as set out above. However, notification is also made of the below reserved dates. **These would be used only if the Hearings listed above are disrupted by technical issues and/ or run-over.** Participants of these Hearings should ensure that they are available for all dates listed above and below.

Date	Hearing	Time	Venue
<b>Tuesday 22 March 2022</b>	<ul style="list-style-type: none"> <li>• <b>OFH</b>; and/ or</li> <li>• <b>ISH1 on Environmental Matters</b>; and/ or</li> <li>• <b>CAH</b></li> </ul> <b>(if required)</b>	<b>10.00am</b> (Arrangements Conference starts 9.30am)	By virtual means
<b>Thursday 24 March 2022</b>	<ul style="list-style-type: none"> <li>• <b>CAH</b>; and/ or</li> <li>• <b>ISH2 into the Development Consent Order</b></li> </ul> <b>(if required)</b>	<b>10.00am</b> (Arrangements conference starts 9.30am)	By virtual means

We will publish draft agendas for the Hearings on the [project webpage of the Planning Inspectorate's National Infrastructure Planning website](#)<sup>1</sup> at least five working days in advance of each Hearing date. The actual agenda on the day of each Hearing may be subject to change at the discretion of the ExA.

Dates for reserved Hearings that are not required may be cancelled during the OFH, CAH, ISH1, ISH2 and any cancellation(s) will be confirmed in the banner on the [project webpage of the National Infrastructure Planning website](#). No other notice is required, and as such Interested Parties are encouraged to [sign up for email updates](#) on the project webpage, and to regularly check the project webpage for the latest information.

## **Format of Hearings**

The ExA is conscious of ongoing public health concerns related to Coronavirus (COVID-19) and has considered the possibility of in-person Hearings being held, or Hearings being held as blended Examination events (part in-person and part virtual). However, given the latest Government guidance and restrictions related to COVID-19, as well as comments made during the Preliminary Meeting regarding how Hearings could be held, the ExA has decided to hold the Hearings using solely virtual methods at this time. The Planning Inspectorate's [Advice Notice 8.6](#) provides detailed advice regarding virtual Examination events.

Please see details in the section below regarding how to register to participate in the virtual Hearings. If your request to participate in a Hearing is accepted, you will receive an invitation which will include instructions on how to join the virtual event. The Arrangements Conference will admit you to the event, and will provide information on the Hearing and reminders about using the technology. Please arrive early so the Case Team can admit you before the start time of the Hearing.

## **Notification of a wish to speak by Interested Parties**

The ExA notes the following requests to speak were made in Relevant Representations or Written Representations:

- i) Canal and River Trust [[REP1-023](#)] wishes to speak at the OFH and the CAH, whilst reserving their position to speak at any ISH, where required;
- ii) The Environment Agency [[REP1-024](#)] state they reserve their position to speak at the CAH; and
- iii) Network Rail [[RR-011](#)] state they reserve their position to speak at any OFH, CAH or ISH, where required.

The ExA would be grateful if:

- the above mentioned Interested Parties could confirm they still wish to participate and be heard orally at any of the above Hearings; and

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<sup>1</sup> See the project webpage of the Planning Inspectorate's National Infrastructure Planning website: <https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/keadby-3-low-carbon-gas-power-station-project/>

- any other Interested Party, who wishes to participate and be heard orally at any of the above Hearings, could confirm their intention to take part in these Hearings.

Any Interested Party wishing to participate and be heard orally at any of the above Hearings should let the Case Team know by contacting the email address at the top of this letter as soon as possible, and no later than **noon on Tuesday 8 March 2022**.

Any request to participate in a Hearing must include the following information:

- Name and Unique Interested Party reference number (Unique Interested Party reference number can be found either in the email covering this letter or on the hard-copy letter you have received);
- Email address (if available) and contact telephone number;
- Name and Unique Interested Party reference number of any person/ organisation that you are representing;
- The Hearing(s) you wish to participate in; and
- For the CAH: the plot number(s) of the relevant land provided in the Book of Reference and the Land Plans.

### **Arrangements Conference**

Invitees can join the Arrangements Conference using a joining link or telephone number that you will receive in a separate email shortly before the Hearings. This is solely for your use. Please join the Arrangements Conference at the appointed time shown above and wait until the Case Manager registers you, and then admits you to the Hearing. The Arrangements Conference allows procedures to be explained and enables the Hearing to start promptly.

### **Procedure at Hearings**

The procedure to be followed at Hearings is set out in The Infrastructure Planning (Examination Procedure) Rules 2010<sup>2</sup>.

Participation in the Hearings will be subject to the ExA's powers of control. It is for the ExA to determine how Hearings are to be conducted, including the time allowed at the Hearings for the making of a person's representations. 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 Hearings will be managed in the interests of ensuring fair access to the events for all parties and to ensure that the submissions of all invited persons are fully heard within the allotted time. Please note that 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 parties<sup>3</sup>.

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<sup>2</sup> Rule 14

<sup>3</sup> Rule 14(5)

## Open Floor Hearings (OFH)

An OFH is open to any Interested Party to attend, and is not related to a particular issue. Those wishing to be heard orally at the OFH are requested to note that a limit on speaking time may be imposed depending on the number of Interested Parties indicating a wish to speak. Should this be necessary the following limits on speaking time will be applied:

- A maximum speaking time guide of 5 minutes per Interested Party will apply to oral submissions by individual Interested Parties. If a group of Interested Parties share common areas of concern, it is acceptable and preferable for a spokesperson to be nominated to represent the group.
- Organisations and groups with shared representations will receive a maximum speaking time guide of 10 minutes.

## Issue Specific Hearings (ISH) and Compulsory Acquisition Hearings (CAH)

ISHs provide an opportunity for the ExA to invite Interested Parties to make oral representations about specific issues relating to the Application.

A CAH is being held because the Application includes a request for an order granting development consent to authorise Compulsory Acquisition (CA) of land or CA of an interest in or right over land.

Depending on the number of participants at each Hearing, and the progress made during the events, it may be necessary to have breaks in proceedings. As such, prospective participants are advised to keep the whole day available for each event.

## Hearing livestream and recording

For those parties who do not wish to participate in these Hearings, a link to the livestream of the events will be made available on the [project webpage of the National Infrastructure Planning website](#) shortly before each event. A recording of each Hearing will also be published on the project webpage as soon as practicable after each Hearing.

As the recordings are retained and published, they form a public record that can contain personal information to which the General Data Protection Regulation (GDPR) applies. Please refer to our [Privacy Notice](#) for further information. Participants should avoid making public any information which they would otherwise wish to be kept private and confidential. If there is a need to refer to such information, it should be in written form. Although this will also be published, personal and private content can be redacted or removed before it is made publicly available.

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. If you actively participate in a Hearing, it is important that you understand that you will be recorded and that the recording will be made available in the public domain. If you prefer not to have your image recorded, you can switch off your camera at any point.

## Publicity for events

In accordance with the Infrastructure Planning (Examination Procedure) Rules 2010, the Applicant should send copies of any newspaper notices advertising each event to the Case Team by **Deadline 4 (Tuesday 1 March 2022)**.

## Other matters

The ExA wishes to emphasise that:

- the examination of this Proposed Development will be principally undertaken through the exchange of written submissions, and that it is for the ExA to decide whether a Hearing on a particular issue or topic is necessary. This decision is not connected to how relevant or important the ExA considers an issue or topic to be; and
- there will be no difference in the treatment of evidence presented to each Hearing orally whether at a virtual or physical event, or in writing before/ or after the event.

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

This communication does not constitute legal advice.

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

## Amended Examination Timetable

Please see below the Examination Timetable, as published in Annex A of the ExA's Rule 8 letter [[PD-008](#)], from item 6 onwards and with amendments in **red**.

The 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
6.	<p><b>Issue by the ExA of:</b></p> <ul style="list-style-type: none"> <li>• Notification of Hearings to be held during the week commencing 14 and/ or 21 March 2022 (if required).</li> </ul>	<p><b>Monday 14 February 2022</b></p>
7.	<p><b>Deadline 3</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Comments on Responses to ExQ1.</li> <li>• Comments on WRs;</li> <li>• Comments on Applicant's draft itinerary for the ASI;</li> <li>• Comments on any information submitted for Deadline 2;</li> <li>• Any updated SoCG requested by the ExA;</li> <li>• An updated Statement of Commonality of SoCG;</li> <li>• Updated Guide to the Application;</li> <li>• An updated Book of Reference;</li> <li>• An update on the progress that has been made with Affected Persons in respect of Compulsory Acquisition and Temporary Possession;</li> <li>• An updated Compulsory Acquisition/ Temporary Possession Schedule, including s127 Statutory Undertakers' Land and Rights Schedule and s138 Statutory Undertakers' Apparatus Schedule;</li> <li>• An updated version of the dDCO in clean, tracked and word versions; and</li> <li>• Any further information requested by the ExA.</li> </ul>	<p><b>Tuesday 15 February 2022</b></p>

<p><del>7.</del></p>	<p><del><b>Issue by the ExA of:</b></del></p> <ul style="list-style-type: none"> <li><del>• Notification of Hearings to be held during the week commencing 14 and/ or 21 March 2022 (if required).</del></li> </ul>	<p><del><b>Friday 18 February 2022</b></del></p>
<p><b>8.</b></p>	<p><b>Deadline 4</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Comments on any information submitted for Deadline 3;</li> <li>• An updated version of the dDCO in clean, tracked and word versions;</li> <li>• Schedule of changes to the dDCO;</li> <li>• An updated Statement of Commonality of SoCG;</li> <li>• Updated Guide to the Application;</li> <li>• An updated Compulsory Acquisition Schedule;</li> <li>• An updated Book of Reference;</li> <li>• An update on the progress that has been made with Affected Persons in respect of Compulsory Acquisition and Temporary Possession; and</li> <li>• Any further information requested by the ExA.</li> </ul>	<p><b>Tuesday 1 March 2022</b></p>
<p><b>9.</b></p>	<p><b>Hearings</b></p> <p>Dates reserved for:</p> <ul style="list-style-type: none"> <li>• Compulsory Acquisition Hearing(s) (if required);</li> <li>• Issue Specific Hearing(s) (if required); and</li> <li>• Open Floor Hearing(s) (if required).</li> </ul>	<p><b>Week commencing 14 March and/ or week commencing 21 March 2022 (if required)</b></p>
<p><b>10.</b></p>	<p><b>Deadline 5</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Written summaries of oral submissions made at any Hearings held during the week commencing 7 March 2022 and 14 March 2022;</li> <li>• Comments on any information submitted for Deadline 4;</li> <li>• An updated version of the dDCO in clean, tracked and word versions;</li> <li>• Schedule of changes to the dDCO;</li> <li>• An updated Statement of Commonality of SoCG;</li> </ul>	<p><b>Tuesday 5 April 2022</b></p>



	<ul style="list-style-type: none"> <li>• Updated Guide to the Application;</li> <li>• An updated Compulsory Acquisition Schedule;</li> <li>• An updated Book of Reference;</li> <li>• An update on the progress that has been made with Affected Persons in respect of Compulsory Acquisition and Temporary Possession; and</li> <li>• Any further information requested by the ExA.</li> </ul>	
<b>11.</b>	<b>Accompanied site inspection (if required)</b>	<b>Week commencing 11 April 2022</b>
<b>12.</b>	<b>Publication by the ExA of:</b> <ul style="list-style-type: none"> <li>• Further Written Questions (ExQ2) (if required); and</li> <li>• Proposed schedule of changes to the dDCO (if required).</li> </ul>	<b>Tuesday 12 April 2022</b>
<b>13.</b>	<b>Deadline 6</b> Deadline for receipt by the ExA of: <ul style="list-style-type: none"> <li>• Responses to ExQ2 (if required);</li> <li>• Comments on the ExA's proposed schedule of changes to the dDCO (if required);</li> <li>• Final SoCG;</li> <li>• Final Statement of Commonality of the SoCG;</li> <li>• Final Guide to the Application;</li> <li>• Final update regarding progress that has been made with Affected Persons in respect of Compulsory Acquisition and Temporary Possession;</li> <li>• Final Book of Reference;</li> <li>• Final CA/ TP schedule;</li> <li>• Signed and dated s106 Agreement (if required);</li> <li>• Comments on any information submitted for Deadline 5;</li> <li>• Applicant's preferred DCO in the SI template validation report and a validated copy of the DCO;</li> <li>• Applicant's preferred DCO in word format; and</li> <li>• Responses to any further information requested by the ExA.</li> </ul>	<b>Tuesday 26 April 2022</b>
<b>14.</b>	<b>Issue by the ExA of:</b>	<b>Tuesday 3 May 2022</b>

	<ul style="list-style-type: none"> <li>The Report on the Implications for European Sites (RIES) (if required).</li> </ul>	
<b>15.</b>	<p><b>Deadline 7</b></p> <p>Deadline for receipt by the ExA of:</p> <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;</li> <li>Comments on the RIES (if required).</li> </ul>	<b>Tuesday 24 May 2022</b>
<b>16.</b>	<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>	<b>Tuesday 7 June 2022</b>

### 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.

### 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 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.