



Agenda for Issue Specific Hearing 2 (ISH2) on the draft Development Consent Order (dDCO) – Version 2 dated 5 January 2023

This updated agenda supersedes and replaces the original ISH2 agenda published as Annex H of the Rule 6 letter dated 13 December 2022

Hearing	Date and time	Location
Issue Specific Hearing 2 (ISH2) The draft Development Consent Order (dDCO)	Thursday 19 January 2023 Hearing starts at 10:00am Seating available at the venue from 9:15am, and virtual Arrangements Conference from 9:15am	The Parsonage Hotel & Spa, Escrick, York YO19 6LF and By virtual means using Microsoft Teams

Agenda

1. Welcome, introductions, arrangements for the hearing

2. Purpose of the Issue Specific Hearing (ISH)

3. Articles and schedules of the dDCO (excluding Schedules 2, 11, 12 & 13)

- The Applicant will be asked to provide a very brief overview of each part of the dDCO.
- The Applicant will be asked to briefly highlight changes which have been made to the dDCO since the original submission version.
- The ExA will then ask questions in respect of articles and schedules in the dDCO, seeking responses where appropriate from the Applicant and Interested Parties (IP).
- IPs will also be invited to ask questions of clarification in relation to Development Consent Order (DCO) articles and schedules.

4. Schedule 2 of the dDCO – Requirements; and Schedule 11 – Procedure for Discharge of Requirements

- The Applicant will be asked to provide an overview of the requirements.
- The ExA will then ask questions, seeking responses where appropriate from the Applicant and IPs.



- IPs will also be invited to ask questions of clarification in relation to DCO requirements.
- The ExA will ask IPs and particularly North Yorkshire County Council, Selby District Council and East Riding of Yorkshire Council whether the relevant planning authorities have any concerns in principle with the proposed approaches taken to the discharge of requirements, or for managing appeals or disputes under the dDCO.

5. Schedule 12 of the dDCO – Protective Provisions

- To obtain an update on progress between parties regarding protective provisions; an explanation of any important differences of view and a timescale for resolution.

6. Schedule 13 of the dDCO – Documents and Plans to be Certified

- To review the documents to be certified and seek views as to whether the list is complete; and if not, what additional documents would need to be included.

7. Consents, licences and other agreements

- The Applicant will be asked to provide an update on progress and timescales for completion.
- The Applicant will then be asked to provide an update on the progress of the s106 agreement.
- The ExA will then ask questions of the Applicant and IPs about the justification for the obligation including whether or not it meets all three tests set out in paragraph 57 of the National Planning Policy Framework and the policy background.
- The ExA will then ask questions, including discussing any need for and progress on any other planning obligations and/ or side agreements and if there is an indicative timescale for finalising them.

8. Statements of Common Ground relevant to the DCO

- The ExA will ask the Applicant to provide an update on Statements of Common Ground relevant to the DCO.

9. Review of issues and actions arising

10. Any other business

11. Closure of the hearing

Purpose of the ISH

The main purpose of the first dDCO hearing is to undertake an examination of the dDCO articles and schedules. In particular, to consider:

- issues around how the dDCO is intended to work – what would be consented, the extent of the powers and what requirements and agreements are proposed;
- any possible issues of prevention, mitigation or compensation which are not covered by the DCO as currently drafted;
- the justification for any changes from established practice;
- the need for changes to other legislative provisions;
- the need for protective provisions and their scope; and
- the initial views of other IPs as to the appropriateness, proportionality or efficacy of the proposals.

This hearing will not examine the detailed content of provisions relating to the Compulsory Acquisition of land or rights or Temporary Possession of land. The draft Examination Timetable proposes separate Compulsory Acquisition Hearing(s) on these topics and they may also be returned to in subsequent DCO ISHs.

All Examination documents are provided with a unique identification number for referencing purposes shown in square brackets []. The application version of the dDCO has the reference [[APP-013](#)]. Following the acceptance of the application, the Applicant submitted a number of revised documents which we have accepted including a further dDCO (Revision 4) which has the reference [[AS-076](#)].

Attendees

The ExA would find it helpful if representatives of the following parties could attend this hearing:

- **Applicant.**
- **North Yorkshire County Council (NYCC).**
- **Selby District Council (SDC).**
- **East Riding of Yorkshire Council (ERoY).**
- **Environment Agency (EA).**
- **Natural England (NE).**
- **National Grid Electricity Transmission (NGET).**
- **National Grid Carbon Limited (NGCL).**
- **National Highways (NH).**
- **Network Rail (NR).**



- **Any other IPs** with an interest in the drafting of the DCO, or the implementation or discharge of proposed articles, requirements, or other provisions.

However, this does not indicate that other parties will not be able to contribute. All IPs are invited to attend and make oral representations on the matters set out in the agenda, subject to the ExA's ability to control the hearing.

The ExA has sought to provide sufficient detail to assist the parties to prepare for the hearing. The details set out above are indicative and the ExA may find it necessary to include additional agenda items or to amend the order in which the items are dealt with.

Anyone wishing to attend the hearing in person, who has not already advised the Case Team of this, should do so as soon as possible.

If you are experiencing any COVID-19 symptoms please do not attend the hearing in person. Contact the Case Team who will ensure you have access to the hearing virtually.

The event will be livestreamed and a link for watching the livestream will be posted on the [project webpage](#) of the National Infrastructure Planning website closer to the hearing date. IPs and members of the public who wish to observe the hearing can therefore view and listen to the hearing using the livestream, or view and listen to the recording, after it has concluded.

Arrangements Conference

Parties who have registered to attend (both in person and virtually), and invitees, will receive an email shortly before the hearing containing a joining link and telephone number to enable participation virtually as necessary. If attending virtually please join the Arrangements Conference promptly. The Case Team will admit you from the virtual lobby and register your attendance. The Arrangements Conference allows procedures to be explained and will enable the hearing to start promptly.

Procedure at the ISH

Guidance under the Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provides that it is for the ExA to probe, test and assess the evidence through direct questions of persons making oral representations at hearings. Questioning at the hearing will be led by the ExA. Cross-questioning of a person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that an IP has had a fair chance to put its case.