

Application by Gate Burton Energy Park Limited for an Order Granting Development Consent for Gate Burton Energy Park

Agenda for Issue Specific Hearing 2 (ISH2): dDCO

Hearing	Date and Time	Location
Issue Specific Hearing 2 on the draft Development Consent Order	<p>Wednesday 23 August 2023</p> <p>Hearing Starts at 10.00am</p> <p>Registration and seating available at venue from 9.30am and virtual Registration Process from 9.30am</p>	<p>Riseholme College - Showground Campus, Horncastle Lane, North Carlton. LN1 2ZR</p> <p>(free on-site day parking) and</p> <p>By virtual means using Microsoft Teams</p>

Attendees

The Examining Authority (ExA) would be assisted by attendance of representatives of the following parties:

- The Applicant
- Lincolnshire County Council
- Nottinghamshire County Council
- West Lindsay District Council
- Bassetlaw District Council
- Canal and River Trust
- Environment Agency
- Marine Management Organisation
- Statutory Undertakers

In addition, all Interested Parties (IP) are welcome to attend and make oral representations on the matters set out in the agenda, subject to the ExA's ability to control the hearing. Confirmation of your wish to attend this hearing was required to be provided by **Deadline 2 - 8 August 2023**

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.

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.

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 must do their best to 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. Any person who is unclear on this point should ask the Case Team for guidance before they place personal and private information into the public domain. The Planning Inspectorate's practice is to publish the recordings and transcripts and retain them for a period of five years from the Secretary of State's decision on the Development Consent Order (DCO). If you actively participate in the Hearing, it is important that you understand that you will be recorded and that the recording and transcript will be made available in the public domain.

Agenda

Item 1	Welcome, introductions and arrangements for the Hearing
Item 2	Purpose of the ISH
Item 3	General update to dDCO The Applicant will be asked to provide a very brief update on any changes that have been made to the original draft DCO and the Schedules. To set the scene and describe what the Order is seeking to provide for and explain the reason for the changes.
Item 4	Draft Development Consent Order – Articles <ul style="list-style-type: none">• Article 9• Article 44 (schedule 9) dML
Item 5	Draft Development Consent - Schedules <ul style="list-style-type: none">• Schedule 2 Requirements 5, 6, 10, 11 and 19• Schedule 15 Protective provisions update in particular Canal and River Trust, Network rail, National Grid Electricity Transmission and the Environment Agency• Schedule 16 (and Article 46)
Item 6	Consents, Licenses and other agreements The Applicant will be asked to provide an update of progress and timescales for completion. The ExA will then ask questions, including discussing whether any section 106 agreements are proposed and if there are indicative timescales for finalising them.
Item 7	Any other matters
Item 8	Review of issues and actions arising
Item 9	Close

Purpose of ISH

The main purpose of this second dDCO hearing is to continue the examination of the dDCO articles and schedules and how they are evolving. 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 dDCO as currently drafted;
- the need for protective provisions and their scope; and
- the views of other IPs as to the appropriateness, proportionality or efficacy of the proposals.

Discussion at the hearing will be held without prejudice to the ExA's final recommendation about whether or not the dDCO should be made. I have already held one hearing into the dDCO and included a number of written questions in my First set of written questions about the dDCO. In addition to the DCO matters requiring further oral examination above, further matters pertaining to the dDCO may be the subject of further written questions from the ExA.

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 Examination Timetable proposes separate Compulsory Acquisition Hearing(s) on these topics and the first of these will be held on the 22 August 2023 they may also be returned to in subsequent DCO ISHs.

Discussion at the hearing may refer to the following documents, amongst others, an electronic or hard copy of which participants should have to hand:

- draft Development Consent Order [REP2-027];
- Explanatory Memorandum [REP2-029];
- Outline Design Principles [REP2-008];
- Indicative Site Layout Plan [APP-033];
- Works Plan [AS-004 and AS-005]; and
- Mitigation Schedule [REP-006].

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.

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.

Registration Process

Parties who have registered to speak (both in person and virtually) will receive a Joining Instruction email shortly before the Hearing which will include a link to the

virtual event on Microsoft Teams, and a telephone number should they need to participate by telephone. To enable the Hearing to start on time at **10.00am** those attending virtually should join promptly at **9.30am** to ensure that all virtual attendees can complete the Registration Process in good time.

Procedure at 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.

The hearing will finish as soon as the ExA deems that all those present have had their say and that all matters have been covered. If there are additional matters to be dealt with, it may be necessary to defer some matters to written questions. The evidence presented orally at ISH2 should be included in post-hearing submissions and submitted by **Deadline 3 (Friday 1 September 2023)**.