



# The Planning Inspectorate

National Infrastructure Planning  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

Customer Services: 0303 444 5000  
Email:  
<mailto:gateburtonsolar@planninginspectorate.gov.uk>

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All Interested Parties, Statutory Parties  
and any Other Person invited to the  
Preliminary Meeting

Our Ref: EN010131

Date: 22 November 2023

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Dear Sir/Madam

## **Application by Gate Burton Energy Park Ltd for an Order Granting Development Consent for the Gate Burton Energy Park**

**The Planning Act 2008 (as amended) - Sections 59, 89, 102, 102A and 102B.**

**The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rules 9, 13 and 15.**

**The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 – Regulations 9, 11, 14, 15 and 16**

### **Notifications of Hearings and other Procedural Decisions**

#### **1. Applicant's change request**

Following my acceptance of the Applicant's recent request for changes to the Proposed Development in my letter dated 6 October 2023 [[PD-012](#)], the Applicant has certified that this change to the Proposed Development has been notified and publicised in accordance with Regulations 7 and 8 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (CA Regulations).

Relevant Representations in accordance with Regulation 10 and Written Representations in accordance with Regulation 13 of the CA Regulations were invited on the Applicant's proposed provision for the Compulsory Acquisition (CA) of additional land from 12 October 2023 to 17 November 2023. Subsequently, the Applicant submitted a Notice under Regulation 9(a) and Certificate of Compliance in line with Regulation 9(b) (of the CA Regulations), which were received in Examination under cover of their letter providing their deadline 5 submissions and accepted by the ExA on 20 November 2023. These will be available in the Examination Library shortly.

Upon receiving the Certificates of Compliance and Notice from the Applicant, I am making several Procedural Decisions to meet the CA Regulations and enable robust Examination of the changes to the Applications within the Examination.

## **2. ExA's Initial Assessment of Principal Issues**

In line with Regulation 11 of the CA Regulations, I have made a further assessment of principal issues and find that my initial assessment [[PD-005, Annex D](#)] remains unchanged on account of the Applicant's change request. Albeit there are changes to details that require to be examined the Principal Issues have not changed. In that regard, I do not find it necessary to hold a meeting to discuss how the proposed provision should be examined.

## **3. Changes to the Examination Timetable and Written Representations**

In my letter of 6 October 2023 [[PD-012](#)] I set out changes to the Examination Timetable to enable the robust examination of the amended application, including inserting additional deadlines for the receipt of submission of Relevant Representations, Written Representations and additional hearings. I am satisfied that these remain robust and appropriate and do not require further amendment. The period for Written Representations ran concurrently with the Relevant Representations period and which both concluded on 17 November 2023.

## **4. Notification of Hearings to be held in December 2023**

### **Notification to hold Issue Specific Hearing in line with CA Regulation 14**

I will hold an Issue Specific Hearing (ISH4) in line with the requirements in Regulation 14(2) of the CA Regulations, if required. I included in the amended timetable reserved dates for hearings in my letter of 6 October 2023 [[PD-012](#)] and am confirming the notification to parties of my intention to hold ISH4 (if required) on Thursday 14 December 2023 (with a reserve day of Friday 15 December 2023 (if required)). In doing so, I am giving the required 21 days' notice to any additional affected persons, additional interested party or interested parties of the date, time and place fixed for the further Issue Specific Hearing.

In the amended timetable published with my letter of 6 October 2023 [[PD-012](#)] additions to Deadline 5 requested that additional Affected Persons, additional Interested Parties and Interested Parties inform me if they wished to be heard at any further ISH. In response to my notification of this hearing if there are any requests to be heard these must be received by **Tuesday 12 December 2023**.

### **Notification and Request for Compulsory Acquisition Hearing and Open Floor Hearing in line with CA Regulations 15 and 16**

I will hold a Compulsory Acquisition Hearing (CAH2) and an Open Floor Hearing (OFH3) in line with Regulations 15(1)(a) and (b), and 16(1)(a) and (b) of the CA Regulations, if required. I included in the amended timetable reserved dates for hearings in my letter of 6 October 2023 [[PD-012](#)] and am confirming the notification to parties of my intention to hold

CAH2 and OFH3 (if required) on Thursday 14 December 2023 (with a reserve day of Friday 15 December 2023 (if required)). In doing so, I am giving the required 21 days' notice to any additional affected persons or additional interested party of the date, time and place fixed for the Compulsory Acquisition regulation hearings on CAH or OFH Hearings.

In the amended timetable published with my letter of 6 October 2023 [PD-012] additions to Deadline 5 requested that additional Affected Persons and additional Interested Parties inform me if they wished to be heard at any further CAH or OFH. In response to my notification of these hearings (CAH and OFH) I request that any additional Affected Persons and additional Interested Parties inform me if they wish to be heard at a Compulsory Acquisition Hearing and at an Open Floor Hearing. Any requests must be received by **Tuesday 12 December 2023**.

### Notes and advice in relation to the Hearings

The Examining Authority (ExA) provides notice of the following hearings between 14 and 15 December 2023.

Hearing	Date/time	Venue	Joining
Issue Specific Hearing under Regulation 14 of the CA Regulations (ISH4) (if required)	Thursday 14 (reserve date Friday 15) December 2023 at 10am Virtual registration open from 9:30 am on Thursday 14 December 2023	Online on Microsoft Teams (Virtual)	Virtually on Microsoft Teams: joining instructions will be sent to all attendees in advance of the events.
Compulsory Acquisition Hearing under Regulation 15 of the CA Regulations (CAH2) (if required)	Thursday 14 (reserve date Friday 15) December 2023 at 10am Virtual registration open from 9:30 am on Thursday 14 December 2023		Hearings held pursuant to Regulations 14, 15 and 16 of the CA Regulations will be held concurrently with each other. Business will be conducted to enable each individual participant to make oral submissions as required for each hearing as a consolidated group of submissions.
Open Floor Hearing under Regulation 16 of the CA Regulations (OFH3) (If required)	Thursday 14 (reserve date Friday 15) December 2023 at 10am Virtual registration open from 9:30 am on Thursday 14 December 2023		

These hearings would be held primarily for the purpose of hearing CA Regulations Additional Affected Persons and Additional Interested Parties (AIPs) who wish to be heard in respect of the Change Requests seeking additional land or rights as documented in my Procedural Decision of 06 October 2023 [[PD-012](#)]. Any such AIPs must already have registered and made a Relevant Representation (RR) by 17 November 2023. AIPs who wish to attend and speak at any of the above Hearings must also request to be heard no later than 12 December 2023 using the [make a submission tab](#), by emailing or by writing to the Case Team using the contact details at the head of this letter to confirm your participation. Please address any letter to the 'Gate Burton Energy Park Case Team', including the case reference EN010131 and a contact telephone number. Postal communications must be posted in good time to be received by the Planning Inspectorate by the specified date.

If there are no requests to be heard from AIPs by 12 December 2023, the ExA will cancel these hearings by notice provided on the [Gate Burton Energy Park](#) page of the National Infrastructure Planning website.

If these hearings proceed, AIPs requesting to be heard will be provided with joining links by email and are asked to attend a registration process from 9:30 am on Thursday 14 December 2023. Registration for all three hearings will be held concurrently and there will not be a separate registration held on Friday 15 December 2023 if any of the hearings are required to be concluded on 15 December 2023.

If there are requests to be heard from AIPs but none attend registration on the morning of Thursday 14 December 2023, the hearings will be opened concurrently and remain open until 10:00 am on that day, and will then be closed.

The CAH and OFH hearings do not provide existing Interested Parties (IPs) who registered in the period closing on Wednesday 12 April 2023 with an additional opportunity to be heard and requests to be heard by such persons for these specific hearings will not normally be accepted. If you are an IP who registered at that time, and you wish to be heard in relation to the proposed provisions at ISH4 this will be limited to matters related to the proposed provisions of the Change request and not the wider development as your opportunity to comment on this has been afforded through the Examination to date and the further opportunities to make submissions at upcoming deadlines.

If they proceed, these hearings would be held as Virtual events. Virtual events allow attendance online through Microsoft Teams. They would be livestreamed, and a link would be posted on the [project webpage](#) before the start of the event.

If these hearings proceed, the ExA will publish detailed agendas on the project webpage at least five working days in advance of the first hearing date that would provide for the business of all three hearings to proceed concurrently. However, actual agendas on the days of each hearing may be subject to change at the discretion of the ExA. The ExA would aim to use time in the hearings as efficiently as possible. Business arising from individual AIPs would be attended to in sequence from the start of the sitting day on Thursday 14 December before moving on to submissions from existing IPs. The hearings would be closed as soon as the business provided for in the agendas is complete. If the hearings are held, it should not be assumed that the ExA will sit on Friday 15 December unless it is necessary to do so in order to complete the business of the hearings.

The agendas would enable AIPs to make oral submissions in principle about the effects of the Change Requests. The agendas would also enable them to make oral submissions relating to their position in respect of any matters arising from hearings conducted prior to these hearings, namely: Open Floor Hearings 1 and 2, Compulsory Acquisition Hearing 1 and Issue Specific Hearings 1 to 3. Agendas, recordings and transcripts for each of those hearings can be found in the [Examination Library](#) under the events (EV) reference.

If these CA Regs Hearings are held and you wish to observe them, this can be done virtually by accessing the livestream link, which would be made available on the project website on the morning of the Hearings. Recordings and transcripts of the hearings would be published shortly after each event.

The procedure that would be followed at these hearings should they proceed is set out in Rule 14 of the Infrastructure Planning (Examination Procedure) Rules and Regulations 14, 15 and 16 of the CA Regs as applicable. The ExA would be responsible for the oral questioning of IPs or Other Persons giving evidence. Cross-questioning between parties is not normally allowed.

The Planning Inspectorate has prepared [Advice Note 8.5](#) to assist those attending hearings of all types and [Advice Note 8.6](#) to support any virtual event participants. Please refer to this advice.

You are reminded that not all issues in the Examination are addressed in hearings. Examinations conducted under the Planning Act 2008 are primarily conducted using written procedures, and the ExA obtains the information that it needs from a range of written procedures in addition to hearings. For AIPs, the submission of written material to relevant deadlines in the Examination Timetable remains the primary means of informing the ExA of their position.

If you have any queries, please contact the Case Team using the details at the head of this letter.

Yours faithfully

*Ken Stone*  
**Kenneth Stone**  
**Examining Authority**

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