



The Planning Inspectorate

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All Interested Parties and Statutory Parties

Your Ref:

Our Ref: EN010138

Date: 16 April 2024

Dear Sir/ Madam

Planning Act 2008 – Section 88 and 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rules 8 and 9

Application by Indaver Rivenhall Ltd for an Order Granting Development Consent for the Rivenhall IWMF and Energy Centre scheme

Examination Timetable and Procedure

This letter (the Rule 8 letter) provides important information about the Examination of this application. The letter and Annexes include:

- The Examination Timetable
- An invitation to submit Written Representations
- Details of the publication of the Examining Authority's (ExA) written questions
- A request for Statements of Common Ground
- A request for Local Impact Reports from Local Authorities
- Procedural Decisions made by the ExA
- Information about Hearings and Accompanied Site Inspections
- Information about the availability of Examination Documents
- Guidance on the use of the 'Have Your Say' tab on the project webpage

All documentation associated with this Examination, including a note of the Preliminary Meeting and the recording of that meeting, can be viewed under the [Documents Tab](#) on the project webpage of the National Infrastructure Planning website ([project webpage](#)).



The Examination Timetable

I have made a Procedural Decision about the way the application will be examined. The final Examination Timetable is attached at **Annex A** to this letter. The Examination Timetable replaces the draft timetable that was included in my [Rule 6 letter](#).

Please note that the Examination Timetable contains a number of Deadlines for receipt of information by the Planning Inspectorate. All Deadlines are at 23:59 on the date specified. Please ensure submissions arrive by the Deadline. If you do not make your submissions by the dates specified in the timetable, I may disregard them.

I request that all Interested Parties make their submissions using the '[Have Your Say](#)' tab on the project webpage on or before the applicable Deadline. **Annex E** to this letter provides further information about using the '[Have Your Say](#)' tab.

If I consider it necessary to vary the Examination Timetable during the Examination, notification will be sent to Interested Parties and Statutory Parties. The changes will be published on the [project webpage](#).

Written Representations

All Interested Parties are now invited to submit Written Representations and any comments on the Relevant Representations already submitted. These should be submitted by **Deadline 1** in the Examination Timetable.

Written Representations can cover any relevant matter and are not restricted to the matters set out in my Initial Assessment of Principal Issues in Annex C of the [Rule 6 letter](#) or to the content of my written questions (see next heading below).

Any person, other than the Applicant, who submits a Written Representation must identify those parts of the application with which they agree and those parts with which they do not agree, explaining the reasons why. Interested Parties should also provide with their Written Representations any data, methodology and assumptions used to support their submissions to avoid delays in the Examination (see paragraph 74 of [Planning Act 2008: Guidance for the examination of applications for development consent](#)).

I have requested further types of written submissions at various points in the Examination (see **Annex A**). Any Written Representations and any further written submissions requested during the Examination, that exceed 1500 words, should also be accompanied by a summary which should not exceed 10% of the original text. The summary should set out the key facts of the written submission and must be representative of the submission made.

Representations must not include hyperlinks to documents/evidence hosted on third party websites. Please see the Planning Inspectorate's [Advice Note 8.4: The Examination](#) for further information about Written Representations.



Examining Authority's Written Questions

I have prepared written questions (ExQ1) about the application and the representations received so far. These questions are published on the project webpage and can be accessed at the following link:

[Examining Authority's First Written Questions \(ExQ1\)](#)

Responses to ExQ1 must be provided by **Deadline 1** in the Examination Timetable.

Format of Examination Events

Both blended (part in-person and part virtual) and fully virtual events will form part of the operating model. I remain flexible and will confirm the format of any hearings when I provide formal notification of each hearing at least 21 days in advance of it taking place.

Hearings and Site Inspections

As explained in my [Rule 6 letter](#) and at the Preliminary Meeting, the Examination will principally be a written process (see [Advice Note 8.4: The Examination](#)), supplemented where necessary by various types of hearings (see [Advice Note 8.5: Hearings and site inspections](#) and [Advice Note 8.6: Virtual Examination events](#)).

On this basis the Examination Timetable at **Annex A** to this letter includes periods of time reserved for any hearings to be held, and I will notify all Interested Parties of any hearings scheduled as part of the Examination at least 21 days in advance of them taking place. That notification will include a Deadline for Interested Parties to inform the Planning Inspectorate if they wish to participate at the notified hearing(s).

I will also undertake a site inspection. The Examination Timetable reserves time for me to undertake an ASI week commencing 3 June 2024. I will consider each suggested site location, including those provided in the Applicant's suggested ASI locations, to determine if it could be viewed from public land on an unaccompanied basis or if it is necessary to view it on an accompanied basis.

Annex C provides details about what Interested Parties should include in a request to be heard at a hearing, and the procedure that will be followed at hearings. It also provides important information about the Accompanied Site Inspection and attendance at the inspection.

Procedural Decisions

The ExA has made a number of procedural decisions that are set out in **Annex B**.

Managing Examination Correspondence

Given the volume and frequency of letters the Planning Inspectorate needs to send to Interested Parties during an Examination, we aim to communicate with people by



email as electronic communication is more environmentally friendly and cost effective for the taxpayer.

If you have received a letter but are able to receive communications by email, please inform the Case Team using the contact details at the top of this letter as soon as possible.

As the Examination process makes substantial use of electronic documents, it will be useful for you to become familiar with the [project webpage](#).

A '[Have Your Say](#)' page is available on the website which provides a portal through which parties should make written submissions at relevant deadlines during the Examination. Further information about the 'Have Your Say' portal is provided at **Annex E** to this letter.

There is also a function on the project webpage called 'Get updates'. This provides you with an opportunity to register to receive automatic e-mail updates at key stages during the Examination.

Your status in the Examination

You have received this letter because you fall within one of the groups described in the Planning Inspectorate's document [What is My Status in the Examination?](#)

If your reference number begins with '2004' or 'RVNH-APP' you are in Group A. If your reference number begins with 'RVNH-SP' you are in Group B. If your reference number begins with 'RVNH-OP' you are in Group C. The meaning and purpose of those groups are explained in the document published at the link above.

If having read this document you are still unsure about your status, please contact the Case Team using the details at the top of this letter.

Awards of Costs

All parties will normally be expected to meet their own costs. Costs can be awarded against a party who has acted unreasonably and has caused the party applying for the award of costs to incur unnecessary or wasted expense during the Examination. You should be aware of the relevant costs guidance [Awards of costs: examinations of applications for development consent orders](#).

Management of Information

Information, including representations, submitted in respect of this Examination (if accepted by the Examining Authority) and a record of any advice which has been provided by the Planning Inspectorate is published on the [project webpage](#).

Examination Documents can also be viewed electronically at the locations listed in **Annex D** to this letter.



Please note that in the interest of facilitating an effective and fair Examination, it is necessary to publish some personal information. To find out how we handle your personal information please view our [Privacy Notice](#).

I look forward to working with all parties in the Examination of this application.

Yours faithfully

Jonathan Manning

Examining Authority

Annexes

- A** Examination Timetable
- B** Procedural Decisions made by the Examining Authority
- C** Requests to appear and procedure to be followed at hearings
- D** Availability of Examination Documents
- E** Information about the 'Have Your Say' tab

This communication does not constitute legal advice.

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



Examination Timetable

The Examining Authority (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	Date
1.	Preliminary Meeting	Tuesday 9 April 2024 10:00am
2.	Issue by the Examining Authority of: <ul style="list-style-type: none"> • The Examination Timetable Publication of: <ul style="list-style-type: none"> • The Examining Authority’s Written Questions (ExQ1) 	As soon as practicable following the Preliminary Meeting
3.	Deadline 1 (D1) For receipt by the Examining Authority of: <ul style="list-style-type: none"> • Responses to Relevant Representations • Written Representations (WR), including summaries of all WRs exceeding 1500 words • Responses to the Examining Authority’s Written Questions (ExQ1) • Local Impact Reports from relevant Local Authorities • Statements of Common Ground requested by ExA – see Annex E • Applicant’s proposed Accompanied Site Inspection (ASI) itinerary • Requests for Open Floor Hearing • Comments on any other information and submissions accepted by the ExA • Drafts of any necessary S106 Agreement(s) • Any other information requested by the Examining Authority under Rule 17 of the Examination Procedure Rules 	Tuesday 7 May 2024

4.	<p>Deadline 2 (D2)</p> <p>For receipt by the Examining Authority of:</p> <ul style="list-style-type: none"> • Comments on responses to Relevant Representations • Comments on Written Representations • Comments on responses to the Examining Authority's Written Questions (ExQ1) • Comments on the Local Impact Reports • Comments on Applicant's proposed Accompanied Site Inspection (ASI) itinerary • Progress on Statements of Common Ground and Statement of Commonality • An updated version of the draft Development Consent Order (dDCO) in clean, tracked and word versions • Schedule of Changes to the dDCO • Comments on any other information and submissions received at D1 • Request to attend Accompanied Site Inspection (ASI) • Any other information requested by the Examining Authority under Rule 17 of the Examination Procedure Rules 	<p>Tuesday 21 May 2024</p>
5.	<p>Hearings</p> <p>Dates reserved for (if any are required)¹</p> <ul style="list-style-type: none"> • Issue Specific Hearing, including draft DCO • Open Floor Hearing 	<p>Week Commencing 3 June 2024</p>
6.	<p>Accompanied Site Inspection</p>	<p>Week Commencing 3 June 2024</p>
7.	<p>Deadline 3 (D3)</p> <p>For receipt by the Examining Authority of:</p> <ul style="list-style-type: none"> • Post-hearing submissions, including written summaries of oral submissions to the hearings (if held) 	<p>Tuesday 18 June 2024</p>

¹ If the ExA decides to hold these Hearings and the ASIs, the notification will be issued well in advance.

	<ul style="list-style-type: none"> • Post-hearing submissions requested by the ExA • Comments on any other information and submissions received at D2 • Any further information requested by the Examining Authority under Rule 17 of the Examination Procedure Rules <p>Updates from the Applicant:</p> <ul style="list-style-type: none"> • Statements of Common Ground • Statement of Commonality • Draft Development Consent Order (dDCO) • Explanatory Memorandum • Schedule of Changes to dDCO 	
8.	<p>Publication by the Examining Authority of:</p> <ul style="list-style-type: none"> • Second Written Questions (ExQ2) (if required) • ExA's proposed Schedule of Changes to the dDCO (if required) 	Tuesday 25 June 2024
9.	<p>Deadline 4 (D4)</p> <p>For receipt by the Examining Authority of:</p> <ul style="list-style-type: none"> • Responses to the Examining Authority's ExQ2 (if ExQ2 is issued) • Comments on ExA's proposed Schedule of Changes to the dDCO (if required) • Final SoCG and Statement of Commonality • Final Navigation Document/Guide to the application • An updated Schedule of Changes to the dDCO • Final signed and dated Section 106 Agreement(s) (if required) • Comments on any other information and submissions received at D3 • Any further information requested by the Examining Authority under Rule 17 of the Examination Procedure Rules 	Tuesday 9 July 2024
10.	<p>Deadline 5 (D5)</p> <p>For receipt by the Examining Authority of:</p> <ul style="list-style-type: none"> • Comments on responses to the Examining Authority's ExQ2 (if ExQ2 is issued) 	Tuesday 23 July 2024

	<ul style="list-style-type: none"> • Comments on responses to ExA's proposed Schedule of Changes to the dDCO (if required) • Final draft DCO to be submitted by the Applicant in clean, tracked, word versions and in the statutory Instrument (SI) template with the SI template validation report • Comments on any other information and submissions received at D4 • Any further information requested by the Examining Authority under Rule 17 of the Examination Procedure Rules 	
	<p>Close of Examination by the Examining Authority</p> <p>The ExA is under a duty to complete the Examination of the application by the end of the period of six months.</p> <p>Please note that the ExA may close the Examination before the end of the six month period if satisfied that all relevant matters have been addressed and discussed.</p>	<p>Wednesday 9 October 2024</p>

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](#) as soon as practicable after the Deadlines for submissions.

Procedural Decisions made by the Examining Authority

I have made a number of Procedural Decisions following the Preliminary Meeting:

1. Examination Timetable

The only change that has been made to the examination timetable in this Rule 8 letter is to add requests to attend the ASI to Deadline 2. No changes to the examination timetable were requested at the Preliminary Meeting.

2. Examining Authority's Written Questions

My first written questions (ExQ1) have been published alongside this Rule 8 letter. While most of my written questions are directed at specific parties, no other party should feel inhibited or restricted in responding to any question I ask, even if it is directed elsewhere.

Some questions may be directed to specific Statutory Parties which have not, at the time of writing, confirmed that they wish to become Interested Parties for the purposes of the Examination of the application. All relevant Statutory Parties are requested to check my Written Questions carefully in order that they may identify and respond to any questions posed to them.

For the avoidance of doubt, Statutory Parties are defined as the parties listed in Schedule 1 to The Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015. Statutory Parties, including relevant local authorities, that have not already registered to become an Interested Party should consider notifying the ExA of their wish to be considered as an Interested Party, under Section 89(2A)(b) of the Planning Act 2008 as soon as possible.

3. Statements of Common Ground (SoCG)

The Applicant is taking the lead in the preparation of SoCGs and it will aid the smooth running of the Examination if all Interested Parties who are participating in the preparation of SoCGs liaise and co-operate with the Applicant in respect of their production. I set out in Annex E of the [Rule 6 letter](#) the SoCGs I request are submitted during the Examination of this application. Early progress on the SoCG will greatly assist in the smooth running of the Examination. In any event, final signed versions of the SoCGs listed below are requested to be submitted by the Applicant to **Deadline 4**:

1. SoCG between the Applicant and **Essex County Council**
2. SoCG between the Applicant and **Braintree District Council**
3. SoCG between the Applicant and **Environment Agency**

Any Interested Party seeking that an Article or Requirement is reworded should provide the form of words which are being sought.

The content of SoCGs will help to inform me about the need to hold any Issue

Specific Hearings during the Examination, and to enable me and the Applicant to give notice of such hearings at least 21 days in advance of them taking place.

4. Local Impact Reports (LIR)

A LIR is a report in writing giving details of the likely impact of a Proposed Development on a local authority's area (or any part of that area). For more information about the importance and content of LIRs see our [Advice Note One: Local Impact Reports](#).

Local Authorities, defined in section 56A of the Planning Act 2008, are invited to submit LIRs by **Deadline 1**.

Requests to appear and procedure to be followed at hearings

Arrangements for Hearings

The Examination will be principally undertaken through the exchange of written submissions however the Examination Timetable reserves periods of time for hearings to be held (if required).

Requests to participate at hearings

Interested Parties are required to notify the Examining Authority (ExA) in writing of their wish to take part in an Open Floor Hearing (OFH) on or before **Deadline 1, Tuesday 7 May 2024**. Any request to participate in a hearing **should include** the following information:

- Name and unique reference number (found at the top of any letter or email from the Planning Inspectorate);
- email address (if available) and contact telephone number;
- name and unique reference number of any person/organisation that you are representing (if applicable);
- for blended events, confirmation of whether you will participate virtually or in-person;
- brief details of the topic(s) that you would like to raise;
- the [Examination Library](#) reference number (with paragraph/page number where appropriate) of any documents you wish to refer to.

It is important that notification from Interested Parties to participate in hearings is submitted separately from any other written submission. Please select the appropriate Deadline and Submission Item under the '[Have Your Say](#)' tab and ensure the submission is titled appropriately to allow us to quickly identify which event the notification relates to. **Annex E** provides further information about the 'Have your Say' tab. Please contact the Case Team using the contact details at the top of this letter if you require any support to attend a hearing.

If no written requests to take part in an OFH are received by the above Deadline, I am not required to hold such a hearing, although I may choose to do so nonetheless.

I may also choose to hold Issue Specific Hearings (ISH) about topics that I think need to be explored orally. The decision to hold an ISH about a particular topic is not connected to how relevant or important I consider an issue or topic to be.

The time, date and place of any confirmed hearing will be notified in writing to all Interested Parties, providing at least 21 days' notice.

Hearing agendas

A high-level agenda will be published alongside the notification of the hearing on the project webpage to help inform your decision about whether to register to participate.

For Issue Specific Hearings I will publish a detailed draft agenda on the project website at least five working days in advance of the hearing date. However, the actual agenda on the day of each hearing may be subject to change at the discretion of the ExA. For Open Floor Hearings an agenda may not be published.

Procedure at hearings

The Examination will principally be a written process (see the Planning Inspectorate's [Advice Note 8.4: The Examination](#)), supplemented where necessary by various types of hearings. Please refer to the [Advice Note 8.5: Hearings and site inspections](#) and [Advice Note 8.6: Virtual Examination events](#) as these provide important information about hearing procedures.

The procedure to be followed at hearings is set out in Rule 14 of The Infrastructure Planning (Examination Procedure) Rules 2010. 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.

Hearing livestream and recording

A link to a livestream for each hearing will be made available on the [project webpage](#) shortly before any hearing is due to open. The livestream is available to anybody who wishes to observe a hearing in real time.

All hearings are recorded, and the recordings will be made available on the [project webpage](#) as soon as practicable after the close of the hearing. The recordings allow any member of the public who is interested in the application and the Examination to find out what has been discussed.

Accompanied Site Inspection (ASI) and requests to attend

Time has been reserved in the Examination Timetable to undertake an ASI week commencing 3 June 2024.

As requested in Annex E of my [Rule 6 letter](#), suggestions, including justification, for locations to be included in the ASI were submitted by Procedural Deadline A and have been published on the [project webpage](#). No locations other than those put forward by the Applicant [PDA-002] were suggested at Procedural Deadline A.

I have reviewed the Applicant's suggested locations, to be included in the ASI and request that the Applicant prepare a draft itinerary for the ASI that includes the following locations:

- Information hub;
- Northern viewpoint from temporary access [PDA-002, Figure 2]; and
- Sensitive noise receptors at: Haywards (R03); The Lodge (R05); and Sheepcotes Farm (R06).

The draft itinerary should be submitted by **Deadline 1, Tuesday 7 May 2024**.

Comments on the Applicant's draft itinerary should be submitted by **Deadline 2, Tuesday 21 May 2024**.

I will then review the comments received and the draft itinerary and may make changes to it. My final itinerary for the ASI will be published on the [project webpage](#) at least one week before the event.

Please note that for logistical and safety reasons it may be necessary to limit the numbers of persons who accompany me for the whole ASI, however it should be possible for arrangements to be made for Interested Parties (or their representatives) to join the inspection at specified locations within the itinerary.

Requests by Interested Parties to attend the ASI should be provided by **Deadline 2**. The request must be submitted separately from any other written submission. Please select the appropriate Deadline and Submission Item under the '[Have Your Say](#)' tab. **Annex E** provides further information about the 'Have Your Say' tab.

The Interested Parties attending the ASI will include representatives of the Applicant, Essex County Council, together with other Interested Parties (or their representatives). Access onto private land is at all times by permission of the person controlling it.

Interested Parties should be aware that ASIs are not an opportunity to make any oral representations to me about the Proposed Development. However, I may invite participants to indicate specific features or sites of interest.

Availability of Examination Documents

The application documents and Relevant Representations are available on the [project webpage](#).

All further documents submitted in the course of the Examination will also be published under the [Documents tab](#) of the [project webpage](#).

The Examination Library

For ease of navigation, please refer to the [Examination Library](#) (EL) which is accessible by clicking the blue button under the Documents tab. The EL is updated regularly throughout the Examination.

The EL records and provides a hyperlink to:

- Each application document;
- each representation made to the Examination; and
- each Procedural Decision made by the Examining Authority.

Each document is given a unique reference which will be fixed for the duration of the Examination. **Please quote the unique reference number from the EL when referring to any Examination Documents in any future submissions that you make.**

Electronic deposit locations

Documents can be viewed electronically, free of charge, at the electronic deposit locations listed in the table below. Please note that you may need to bring a form of identification and register as a library member in order to use a computer at these locations.

The opening hours and availability of information technology set out in the table below may be subject to changes. Please check the current circumstances with the relevant locations before you attend.

Venue/address	Opening hours	Printing costs
Braintree Library Fairfield Road Braintree CM7 3YL	Monday: 9am to 7pm Tuesday: 9am to 5.30pm Wednesday: 9am to 5.30pm Thursday: 9am to 5.30pm Friday: 9am to 5.30pm Saturday: 9am to 5pm Sunday: Closed	A4 black and white 20p A4 colour £1.45 A3 black and white 60p A3 colour £2.35

Annex D

<p>Coggeshall Library Friends Meeting House 29 Stoneham Street Coggeshall Colchester CO6 1UH</p>	<p>Monday: Closed Tuesday: 2pm to 5.30pm Wednesday: Closed Thursday: 9am to 5.30pm Friday: Closed Saturday: 9am to 5pm Sunday: Closed</p>	<p>A4 black and white 20p A4 colour £1.45 A3 black and white 60p A3 colour £2.35</p>
<p>Kelvedon Library Aylett's Foundation School Maldon Road Kelvedon CO5 9BA</p>	<p>Monday: 2pm to 5.30pm Tuesday: Closed Wednesday: Closed Thursday: 9am to 1pm Friday: Closed Saturday: 9am to 5pm Sunday: Closed</p>	<p>A4 black and white 20p A4 colour £1.45 A3 black and white 60p A3 colour £2.35</p>
<p>Silver End Library Silver End Village Hall Broadway CM8 3RQ</p>	<p>Monday: Closed Tuesday: 1pm to 5pm Wednesday: Closed Thursday: 9am to 1pm Friday: Closed Saturday: 9am to 1pm Sunday: Closed</p>	<p>A4 black and white 20p A4 colour £1.45 A3 black and white 60p A3 colour £2.35</p>
<p>Witham Library 18 Newland Street Witham CM8 2AQ</p>	<p>Monday: 9am to 5.30pm Tuesday: 9am to 5.30pm Wednesday: 9am to 7pm Thursday: 9am to 5.30pm Friday: 9am to 5pm Saturday: 9am to 5pm Sunday: Closed</p>	<p>A4 black and white 20p A4 colour £1.45 A3 black and white 60p A3 colour £2.35</p>

Information about the 'Have Your Say' page

The '[Have Your Say](#)' page is available on the project webpage.

You will need to enter your unique reference number ('Your ref' found at the top of your letter or email from the Planning Inspectorate) beginning either '2004', 'RVNH-APP' or 'RVNH-SP'. If you are making a submission on behalf of another person or organisation, and do not have your own unique reference number, then you should enter the unique reference number of the person or organisation you are representing. If you are not a registered Interested Party then it is at the discretion of the Examining Authority whether or not your submission is accepted.

Submissions will be published on the [project webpage](#) as soon as practicable following the close of the relevant Deadline. For further information about publishing submissions please view our [Privacy Notice](#).

You will be able to submit a document (upload file), make a text representation or both. It is possible to upload multiple files for each individual submission item. Electronic attachments should be clearly labelled with the subject title and not exceed 50MB.

Submissions **must not include hyperlinks** to documents/evidence hosted on a third party website eg technical reports, media articles etc. See the Planning Inspectorate's [Advice Note 8.4: The Examination](#) for further information about making written submissions. All submissions must be made in a format that can be viewed in full on the National Infrastructure Planning website. Any submissions that exceed 1500 words should also be accompanied by a summary; this summary should not exceed 10% of the original text.

You should select the relevant Deadline for your submission and then, on the next webpage, select the appropriate Submission item as described in the Examination Timetable at **Annex D** to this letter. Please ensure you make a separate submission for each Submission item and **do not duplicate your submission**. If you consider that your submission does not fit the description of any of the Submission items then please select the Submission item 'Other' and ensure that it is titled appropriately.

If you experience any issues when using the '[Have Your Say](#)' page please contact the Case Team using the contact details at the top of this letter and they will assist.