



The Planning Inspectorate

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

Your Ref:

Our Ref: EN010140

Date: 1 November 2024

Dear Sir/ Madam

Planning Act 2008 – Section 88 and 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rules 4, 6, 9 and 13

Application by Enso Green Holdings D Limited for an Order Granting Development Consent for the Helios Renewable Energy Project.

Invitation to the Preliminary Meeting and Notification of Hearings

Following my appointment by the Secretary of State as the Examining Authority (ExA) to carry out an Examination of the above application I am writing to introduce myself. My name is Ken Taylor. A copy of the appointment notice can be viewed under the [Documents tab](#) on the project webpage of the National Infrastructure Planning website ([project webpage](#)).

I would like to thank those of you who submitted Relevant Representations. These representations have assisted me when considering how I will examine this application.

Invitation to the Preliminary Meeting



As a recipient of this letter you are invited to the Preliminary Meeting to discuss **the procedure** for the Examination of the above application.

Date	Start time	Venue and joining details
Tuesday 3 December 2024	Registration and seating available at venue from: 1:30pm Virtual Registration Process from: 1:30pm Preliminary Meeting starts: 2:00pm	The Parsonage Hotel and Spa, Escrick, York, North Yorkshire, YO19 6LF and By virtual means using Microsoft Teams Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered

IMPORTANT: The Preliminary Meeting should be completed before 4:00pm on 3 December 2024. However, a reserve period has been scheduled for 4:00pm on the same day to allow for the meeting to be resumed in exceptional circumstances e.g. to account for a failure of technology. Normally the reserve period will not be required and confirmation of this will be provided by the ExA at the end of the Preliminary Meeting and subsequently notified on the [project webpage](#).

You must register by completing the [Event Participation Form](#) by Monday 25 November 2024 if you intend to participate in the Preliminary Meeting and provide all the information requested (see below).

If you simply wish to observe the Preliminary Meeting then you do not need to register as you will be able to either:

1. watch a livestream of the event - a link to the livestream will be made available on the [project webpage](#) shortly before the event is scheduled to begin; and/or
2. watch the recording of the event which will be published on the project webpage shortly after the event has finished.

Alternatively, you can attend the physical event at the venue to observe the proceedings; however, to ensure there is adequate seating capacity at the venue we request that you register your attendance to **observe only** by **Monday 25 November 2024** using the [Event Participation Form](#). Please note that it may not be possible to participate on the day if you have not registered your wish to speak by **Monday 25 November 2024**.

Purpose of the Preliminary Meeting



The purpose of the Preliminary Meeting is to enable views to be put to me about how the application should be examined. I, as the ExA, will therefore limit the scope of the Preliminary Meeting to consideration of **how the application will be examined**. See **Annex B** to this letter and the Planning Inspectorate's Advice for members of the public: [The stages of the NSIP process and how you can have your say](#) for more information.

The Preliminary Meeting is **not** an opportunity for you to give your views about what you like or don't like about the application. The merits or disadvantages of the application will only be considered once the Examination starts, which is after the Preliminary Meeting has closed. All relevant and important matters will be taken into account when I make a recommendation to the Secretary of State for Energy Security and Net Zero, who will take the final decision in this case.

The agenda for the meeting is at **Annex A** to this letter. This has been set following my Initial Assessment of Principal Issues arising from my reading of the application documents and the Relevant Representations received. The Initial Assessment of Principal Issues is set out in **Annex C** to this letter.

Written submissions about how the application should be examined

The Planning Act 2008 establishes a principally written process for the Examination of applications for Development Consent Orders and **representations made in writing carry equal weight to oral representations at all stages of the process**.

I am now requesting written submissions from recipients of this letter about how the application should be examined. I particularly wish to hear from you if:

- you consider changes need to be made to the draft Examination Timetable set out at **Annex D** to this letter; and/or
- you wish to comment about the arrangements for future Examination hearings, including the use of virtual methods.

You are invited to make a written submission about how the application is to be examined by **Procedural Deadline A** (Monday 25 November 2024) (see **Annex D** to this letter).

I request that all submissions are made using the '[Have your say](#)' page on the [project webpage](#) on or before **Procedural Deadline A**. **Annex H** to this letter provides further information about using the Make a submission tab.

Requests to participate at the Preliminary Meeting



Please note that **you are not required to attend, or make written submissions to, the Preliminary Meeting in order to participate in the Examination.** If you are an Interested Party you can make a Written Representation and comment on the Written Representations made by other Interested Parties during the Examination. You will also be able to participate in any hearings that are arranged.

If you wish to participate at the Preliminary Meeting you are required to notify the ExA in writing on or before **Monday 25 November 2024** (see **Procedural Deadline A**).

Any request to participate in the Preliminary Meeting **must include** the following information:

- Name and unique reference number (found at the top of your 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; and
- the agenda item on which you wish to speak and a list of the points you wish to make.

Requests to participate should be made using the [Event Participation Form](#) on or before **Procedural Deadline A**.

Please contact the Case Team using the contact details at the top of this letter if you require any support or assistance to attend the Preliminary Meeting, either virtually or in person.

Format of Examination Events – Preliminary Meeting and Hearings



The Examination of the application will principally be a written process supplemented where necessary by various types of hearings. See the Planning Inspectorate's Advice for members of the public: [The stages of the NSIP process and how you can have your say](#) for more information.

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

I am providing formal notification that the **Preliminary Meeting will be a blended event and that the Open Floor Hearing, Issue Specific Hearing and Compulsory Acquisition Hearing referred to in Annex E to this letter will also be blended events.**

After the Preliminary Meeting

After the Preliminary Meeting I will issue a letter (known as the Rule 8 letter) setting out the finalised Examination Timetable. A note of the meeting will also be published on the [project webpage](#).

Notification of initial hearings

I have made a Procedural Decision to hold the following initial hearings:

- **Open Floor Hearing 1 (OFH1)** on the evening of Tuesday **3 December 2024** (Blended event)
- **Issue Specific Hearing 1 (ISH1)** regarding the principal and scope of the Proposed Development, Socio-economic and environmental matters and matters relating to the Development Consent Order (and the associated control documents) on Wednesday **4 December 2024** (Blended event).
- **Compulsory Acquisition Hearing 1 (CAH1)** on the morning of Thursday **5 December 2024** regarding The Applicant's Strategic Case (if required, individual site-specific objections will be fully heard at a later hearing) (Blended event)

Important information about these hearings is contained in **Annex E** to this letter, including what details need to be provided with a request to be heard at a hearing and the procedure that will be followed.

Other Procedural Decisions made by the Examining Authority



I have made some further Procedural Decisions which are set out in detail at **Annex F** to this letter. They are summarised as follows:

- Additional Submissions
- Statements of Common Ground
- Principal Areas of Disagreement
- Site Inspection – suggested locations
- Applicant’s submission of documents at Examination Deadlines
- Changes to land interests

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 ‘Make a submission’ portal is provided at **Annex H** to this letter.

There is also a function on the right-hand side of the [project webpage](#) called ‘E-mail 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 are a person or organisation who is involved in the NSIP process. See the Planning Inspectorate’s Advice for members of the public: [National Infrastructure Projects and the people and organisations involved in the process](#) for further details.

If, having read the advice, you are still unsure about how you are involved in the process 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 G** 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

Ken Taylor

Examining Authority

Annexes

- A** Agenda for the Preliminary Meeting
- B** Introduction to the Preliminary Meeting
- C** Initial Assessment of Principal Issues
- D** Draft Examination Timetable
- E** Notification of initial hearings
- F** Other Procedural Decisions made by the Examining Authority
- G** Availability of Examination Documents
- H** Information about the 'Have your say' page

This communication does not constitute legal advice.

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



Agenda for the Preliminary Meeting

You must register by completing the [Event Participation Form](#) by Monday 25 November 2024 if you intend to participate in the Preliminary Meeting and provide all the information requested (see below).

If you simply wish to observe the Preliminary Meeting then you do not need to register as you will be able to either:

1. watch a livestream of the event - a link to the livestream will be made available on the [project webpage](#) shortly before the event is scheduled to begin; and/or
2. watch the recording of the event which will be published on the project webpage shortly after the event has finished.

Alternatively, you can attend the physical event at the venue to observe the proceedings; however, to ensure there is adequate seating capacity at the venue we request that you register your attendance to **observe only** by **Monday 25 November 2024** using the [Event Participation Form](#). Please note that it may not be possible to participate on the day if you have not registered your wish to speak by **Monday 25 November 2024**.

Please note that by attending the event either in person or online you are agreeing to be filmed for the purposes of the online livestream of the event and the recording of the event which will be published on the [project page](#). A limited number of seats will be available for observers who wish not to be filmed at the venue. Please contact the case team to notify them if you prefer not to be filmed at the event. A transcript of the event will also be published on the project page of our website after the event.

Date: **Tuesday 3 December 2024**

Registration Process: **1:30pm**

Meeting start time: **2:00pm**

Venue: **Blended event at The Parsonage Hotel and Spa, Escrick, York, North Yorkshire, YO19 6LF and by virtual means using Microsoft Teams**
Full instructions on how to join online or by phone will be provided in advance to those who have pre-registered.

Attendees: **Invited parties who have pre-registered**

Agenda for the Preliminary Meeting	
1:30pm	<p>In-person attendees</p> <p>Registration and seating available at venue from 1:30pm</p> <p>Please note: Normal large venue security arrangements may be required. Please be prepared to undergo a bag search if requested by venue or security staff, therefore please do not bring anything that may result in a refusal of entry. Please arrive in good time for any checks as may be required.</p> <p>Please note: In the event of a large number of in person attendees, places will be prioritised for Interested Parties.</p>
1:30pm	<p>Virtual Registration Process</p> <p>Please arrive at 1:30pm to enter the virtual lobby. From here you will be admitted to the virtual meeting by the Case Team, greeted and given further instructions.</p> <p>The Registration Process will commence at 1:30pm. This will be hosted by the Case Team and cover the housekeeping arrangements for the Preliminary Meeting and allow for any questions to be asked about how to take part.</p>
2:00pm	<p>Preliminary Meeting</p>
Item 1	The Preliminary Meeting will formally open at 2:00pm . The Examining Authority will, welcome participants and lead introductions.
Item 2	The Examining Authority's remarks about the Examination process
Item 3	Initial Assessment of Principal Issues – Annex C to Rule 6 letter
Item 4	Draft Examination Timetable – Annex D to Rule 6 letter
Item 5	Any other matters
Close of the Preliminary Meeting	

If you are participating using Microsoft Teams please join the virtual lobby promptly using the instructions that will be sent to you. The event will start at **2:00pm** irrespective of any late arrivals, for whom access may not be possible.

It may take some time to admit participants from the virtual lobby, your patience whilst you are waiting is appreciated.

The agenda for the Preliminary Meeting is subject to change at the discretion of the Examining Authority (ExA), although in making changes the ExA will be mindful of the need to provide opportunities for fair involvement to all Invited Parties.

Any request to participate in the Preliminary Meeting **must include** the following information and be made on the [Event Participation Form](#):

- Name and unique reference number (found at the top of your 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);
- confirmation of whether you will participate virtually or in-person; and
- the agenda item on which you wish to speak and a list of the points you wish to make.

Introduction to the Preliminary Meeting

Background

The Preliminary Meeting (PM) will be a blended event with some participants attending in person and some taking part virtually using Microsoft Teams

The Examining Authority (ExA) is conscious of videoconferencing fatigue and will aim to keep the proceedings focussed and as efficient as possible. This annex provides advance access to information that would usually be included in the ExA's introductory remarks. Please read this carefully. The ExA will only present a summary of the key points set out here in order to ensure that the time available for participants to speak is maximised.

The Examining Authority and the Case Team

The ExA will introduce himself at the start of the PM.

The ExA will be supported by the Planning Inspectorate Case Team. During the Registration Process a member of the Case Team will welcome participants and either aid with seating at the venue or admit participants from the virtual lobby. They will be available to answer questions by email before and after the PM. The contact email address is: HeliosRenewableEnergy@planninginspectorate.gov.uk

The purpose of the Preliminary Meeting

The PM is being held to discuss the arrangements for the Examination of the application for a Development Consent Order (DCO) for the Helios Renewable Energy Project, which is a Nationally Significant Infrastructure Project (NSIP), and which will generally be referred to in the PM and Examination as the 'Proposed Development'. The application has been made by Enso Green Holdings D Limited, which will be referred to as 'the Applicant'.

You will find information about the application and, in due course, documents produced for the Examination on the project webpage of the National Infrastructure Planning website ([project webpage](#)). The project webpage has links to the Examination Timetable, Relevant Representations and Examination documents and Examination procedure.

You are encouraged to look at the [project webpage](#) if you haven't already done so, because it will be used to communicate with you and to provide access to documents throughout the Examination.

The main purpose of the PM is to discuss the arrangements for the Examination of the application. It focuses on the process only, and it will not be looking at the substance of the proposals: questions, discussions and representations about the merits or disadvantages of the Proposed Development are for the Examination itself which will begin after the close of the PM.

The PM will be your opportunity to influence the process that the ExA intends to follow. The agenda for the PM is attached to this letter at **Annex A**. It is important to have the letter and the agenda in front of you and to refer to them during the course of the PM. You may wish to print these in advance of the PM for reference.

Government guidance and policy

The application includes the construction of an onshore generating station in England with a generating capacity of more than 50MW. As such, it is a Nationally Significant Infrastructure Project under the Planning Act 2008 as it includes development falling within the categories in Sections 14(1) and 15 of the Planning Act 2008.

The designated National Policy Statements (NPS) for Energy Infrastructure, which came into force on 17 January 2024 apply to this Examination and to decision making relating to this application. These include the Overarching National Policy Statement for Energy (EN-1), the National Policy Statement for Renewable Energy Infrastructure (EN-3) and the National Policy Statement for Electricity Networks Infrastructure (EN-5).

The ExA will consider the Proposed Development in accordance with these National Policy Statements and any other applicable policy or considerations the ExA deem to be important and relevant. The PA2008 makes it clear that, in making a decision, the relevant Secretary of State (SoS) “*must decide the application in accordance with any relevant NPS*” (s104(3)), subject to certain provisos. Essentially, the provisos are that the application must not breach legal or treaty obligations, and that any adverse impact of the Proposed Development would not outweigh its benefits.

The SoS is entitled to disregard any representations that relate to the merits of the designated National Policy Statement (NPS). In practice, this means that the ExA will not spend time examining representations that challenge policy set out in NPSs, or the validity of NPSs themselves. The focus will be on the merits or disadvantages of the Proposed Development, tested to the appropriate extent using the tests set out in relevant designated NPSs that are in force.

Other important and relevant planning policies that the ExA may consider include policies in the relevant local authorities’ development plans. However, if these conflict with policy in a NPS, then the NPS will take precedence.

In summary, the PM will establish the procedures and timetable for the Examination of the Proposed Development. It will set a framework for the ExA to enable the SoS to consider and decide the application. In doing so, the ExA will have regard to:

- The positions and representations of all Interested Parties (IPs);
- any Local Impact Reports (LIR) prepared and provided by relevant local authorities;
- other prescribed matters; and
- any other matters that appear to be both relevant and important to the relevant SoS’s decision.

Preliminary Meeting invitees

The Applicant is invited to the PM and is generally given the opportunity to reply to any representations made.

Everyone who has made a valid Relevant Representation has been registered as an Interested Party (IP) and has been invited to the PM. All IPs are entitled to involvement in the Examination.

Each person or organisation with an interest in land or rights that are affected by a Compulsory Acquisition request in this application is an Affected Person (AP) and has been invited to the PM. In addition to a general entitlement to involvement in the Examination, APs have a right to be heard in relation to any objection about the effects of Compulsory Acquisition on their interests in land, and a right to be notified of any Compulsory Acquisition Hearing. All APs are IPs, whether or not they have made a valid Relevant Representation.

Certain bodies are Statutory Parties and they have been invited to the PM. Statutory Parties can elect to become IPs without having made a valid Relevant Representation by notifying the ExA in writing.

The ExA has the power to involve people who are not IPs in the Examination as though they are IPs, including by inviting them to the PM. However, this is only done in exceptional circumstances, for example if it was clear that the application would materially affect a person, they are not automatically an IP or eligible to elect to become an IP and they had been unable to take the necessary action to register as an IP.

The ExA has decided to invite the following Other Persons to the PM:

- John Gilder, of the General Aviation Awareness Council, in support of Burn Gliding Club
- Anne Coe

Conduct of the Preliminary Meeting

The ExA estimates that the PM will take half a day to complete.

During the PM participants may have to make allowances and be patient if there are delays associated with the technology used. In recognition of the fatigue associated with on-screen communication, the ExA will provide breaks during the PM as appropriate.

A digital recording of the PM will be made available on the project webpage as soon as practicable following the close of the PM. The recording allows any member of the public who is interested in the application and the Examination to find out what has been discussed at the PM. The making and publication of these recordings are a means by which the ExA meets the legal requirement to hold the PM (and any other hearings) in public. In this regard, **anyone speaking at the PM will need to**

introduce themselves each time they speak, to ensure that someone listening to the recording after the event is clear who was speaking. A written note of the PM will be produced and published as soon as practicable following the close of the PM.

As the recordings are retained and published, they form a public record that can contain personal information to which the UK General Data Protection Regulation (UK GDPR) applies. Participants must do their best to avoid providing any information which should otherwise 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 retain them for a period of five years from the SoS's decision on the DCO. If you actively participate in the PM, it is important that you understand that you will be recorded and that the recording will be made available in the public domain. Please see our [Privacy Notice](#) for more information about how we handle your data.

Following the ExA's introductions, each participant who has been registered to speak will be asked to introduce themselves, including any organisations or groups that they represent. The ExA will then conduct the meeting in accordance with the agenda. If you prefer not to have your image recorded, you can switch off your camera at any point.

The Examination process

The Examination of NSIPs follows different processes to those, for example, of a Public Inquiry into a planning appeal following the refusal of planning permission. The main differences are that the Examination of NSIPs are primarily a written process and hearings take on an inquisitorial approach as opposed to an adversarial one.

This means that the ExA will probe, test and assess the evidence primarily using written questions. While some hearings are held to provide supplementary evidence, questions to the Applicant or to witnesses will come from the ExA. Questioning or cross-examination of witnesses by other parties will not generally be allowed.

In terms of opportunities to provide evidence in writing, the draft Examination Timetable makes provision for the following written processes:

- Local authorities can submit Local Impact Reports (LIRs) if they wish. Whilst these are voluntary, the PA2008 provides that if they are provided, they must be considered by the SoS in reaching a decision. Consequently, LIRs are a very important method for local authorities to communicate issues of concern to the ExA, the SoS and their residents.
- IPs can make Written Representations (WRs) and comment on WRs made by other parties.

- IPs can respond to the ExA's written questions (ExQs) and comment on responses to these written questions provided by others.
- IPs may be asked to contribute to the making of Statements of Common Ground (SoCG) if it appears that there are matters on which they and the Applicant agrees, and if it would be useful for this to be clarified. SoCGs most usefully extend to catalogue matters that are not agreed or are outstanding.

The draft Examination Timetable includes a series of numbered Deadlines for receipt of written submissions. Timely submissions received by the relevant Deadline and that address its purpose will be accepted. **Documents received after the relevant Deadline are only accepted at the discretion of the ExA and may not be accepted to ensure fairness to all parties.** Circumstances where documents are submitted late without good reason, causing inconvenience or delay to other parties can amount to unreasonable behaviour.

These written processes will be the principal means used by the ExA to gather information, evidence, and views about the application. However, the Examination will only be effective if all parties resolve to give timely, full, frank, clear and evidenced answers to every question that is relevant to their interests and to engage fully with any other related processes such as the completion of WRs and SoCGs.

There is no merit in withholding or delaying information, or in failing to co-operate, and should it occur, any unreasonable behaviour that caused another party to incur wasted expenditure could lead to an award of costs against the offending party.

The ExA has discretion to make amendments to the Examination Timetable for the wider benefit of the Examination. If possible, events will be arranged for times when all relevant parties are available, but the ExA is under a duty to complete the Examination by the end of the six-month period beginning with the day after the close of the PM. This requirement is set by legislation, and while the ExA will try to rearrange event dates to accommodate all relevant parties, in practice there will be limited scope to alter dates set out in the draft Examination Timetable.

The statutory time limit for the Examination means that where there are matters that still need to be discussed and agreed between the Applicant and IPs, it will be very helpful to the ExA if these could be progressed as early as possible.

Hearings

The draft Examination Timetable includes provision for hearings, at which the ExA takes oral evidence from the various parties.

Any registered IP may request an **Open Floor Hearing (OFH)** to make oral representations about the application if they believe this to be preferable to relying on their written representation, though both carry equal weight. Oral submissions should be based on representations previously made in writing, but they should not simply repeat matters previously covered in the written submission. Rather, they should focus on specific detail and explanation to help inform the ExA. There should be no new or unexpected material in oral representations. A written summary note

with any supporting evidence or references will be requested of each speaker following the hearing.

As with all Examination events, OFHs are subject to the powers of control of the ExA, as set out in the PA2008 and supporting legislation. Participants must register in advance by the Deadline shown in the Examination Timetable and in accordance with the instructions. It is common practice for the ExA to set a time limit for each speaker and speakers with common points are asked to come together to nominate a spokesperson or representative speakers to cover specific topics, so as to avoid repetition. Speakers representing public authorities, community and membership organisations or multiple IPs are normally provided with an additional time allowance, recognising their representative role.

The Applicant's draft DCO provides for the Compulsory Acquisition of rights, and the Temporary Possession of land. Affected Persons (ie those whose land or rights over land are affected) have a right to request and be heard at a **Compulsory Acquisition Hearing(s)** (CAHs). If one or more APs request to be heard, then a CAH must be held. Provisional dates for CAHs are included in the draft Examination Timetable along with Deadlines by which requests to be heard must be submitted.

The ExA has the discretion to hold **Issue Specific Hearings** (ISHs) if it would aid in the Examination and there is a specific reason this would be more helpful than reliance on written evidence only. The lack of an ISH on one or more topics does not suggest that that topic is less important than others which are subject to a hearing. Rather, it is an indication that the ExA is satisfied that the issues can be fully considered through written submissions and responses to its written questions and that each party has had a fair opportunity to put its case.

The draft Examination Timetable includes a number of dates reserved for ISHs and IPs may make suggestions for topics to be discussed at an ISH in their written or oral representations to the PM.

It may be necessary for the ExA to hold more than one ISH where the draft DCO is discussed. This is normal practice, and they are held on a without prejudice basis. Parties can suggest modifications and amendments to the draft DCO provided by the Applicant with the application, without prejudicing their overall position on the application.

Holding such hearings does not imply that the ExA has reached any judgements on the merits of the application. Whatever the ultimate recommendation is, the ExA must make sure that the draft DCO is fit for purpose if the SoS decides to grant consent, as any consent will be subject to the Requirements (ie conditions) set out in the DCO.

At hearings it will not normally be necessary for parties to make long and detailed submissions that require (for example) PowerPoint presentations. Any supporting detail/information can be provided in writing following the event by the relevant Deadline.

The draft Examination Timetable includes a **Procedural Deadline A (25 November 2024)** for participants to notify the ExA that they wish to speak at OFH1, ISH1 and/or CAH1. The agendas for these hearings will be published on **15 November 2024**. The draft Examination Timetable also includes **Deadline 1 (13 December 2024)** for participants to notify the ExA that they wish to speak at the other OFHs, CAHs and ISHs.

Site inspections

As part of the Examination process the ExA may undertake site inspections. These can be either unaccompanied or accompanied to allow access to private land.

The purpose of these is for the ExA to see features of the proposals within the context of the evidence put forward. Notes of Unaccompanied Site Inspections (USIs) are published on the [project webpage](#).

Accompanied Site Inspections (ASI) will only be necessary to view land to which there is no public right of access, or with no clear view from nearby locations with open public access. The purpose of ASIs is familiarisation only and no discussion of the merits of the Proposed Development will be entertained during an ASI. Alternatively, the ExA can conduct an Access Required Site Inspection, where access from the landowner is granted to the ExA.

The ExA may decide to hold USIs to relevant nominated locations, supported by the submission of additional written, photographic, video or even drone material if this would be preferable to not visiting sites or holding SIs in circumstances which could make them difficult and unduly time-consuming to conduct (for example if public health restrictions are in place).

The draft Examination Timetable includes Deadlines for IPs to make submissions suggesting sites and locations that the ExA should visit. These are at the **Procedural Deadline A (25 November 2024)** and, specifically for the Applicant, **Deadline 2 (13 January 2025)**. These will be used to inform site inspections.

Initial Assessment of Principal Issues

This is the Initial Assessment of Principal Issues prepared as required under section 88(1) of the Planning Act 2008 (PA2008). It has been prepared by the Examining Authority (ExA) following its reading of:

- The application documents;
- the Relevant Representations received in respect of the application; and
- its consideration of any other important and relevant matters.

This initial assessment has guided the Examining Authority in forming a provisional view as to how the application is to be examined. It is not a comprehensive or exclusive list of the issues that will be subject to examination and inevitably some issues will overlap or interrelate. The ExA will have regard to all important and relevant matters during the Examination and when it writes its Recommendation Report to the Secretary of State for Energy Security and Net Zero after the Examination has concluded.

The order of the issues listed is alphabetic and does not imply any order of prioritisation or importance.

The policy and consenting requirements and documents associated with the PA2008 are an integral part of the Examination and are therefore not listed as main issues.

It should also be noted that whilst the effects of the proposal in relation to human rights and equalities duties are not listed as main issues, the ExA will conduct all aspects of the Examination with these in mind.

1. Biodiversity and ecology

- Appropriateness of surveys.
- The effect of the Proposed Development on wildlife at and near the site during construction, operation, and decommissioning/restoration.
- The effect of the Proposed Development on trees, woodland, and hedgerows at and near the site during construction, operation, and decommissioning/restoration.
- The measures proposed to deliver and maintain biodiversity net gain throughout the life of the development including decommissioning/restoration.

2. Climate change and energy generation and storage

- The whole life carbon budget of the Proposed Development and impact upon climate change.

- The whole life energy generated by the Proposed Development and the resultant overall benefit.
- Capacity of the secured Grid connection.

3. Compulsory acquisition

- Compliance with relevant statute and guidance.
- Accuracy of the Book of Reference and the Land Plans.
- Whether the Applicant's intended approach to not seek the permanent acquisition of any land, rather relying on the acquisition of rights, is appropriate.
- Whether the full extent of the rights and powers that are sought to be compulsorily acquired, including access for maintenance, temporary possession, powers to override easements and rights under streets, are necessary to facilitate or are incidental to the Proposed Development.
- The Statement of Reasons and whether the powers sought are required for the development to which the order relates, whether they are legitimate, necessary, and proportionate and whether it is clear how the Applicant intends to use the land.
- Whether there is a compelling case in the public interest for the compulsory acquisition of the land, rights and powers that are sought by the dDCO that justifies interference with the human rights of those affected.
- Whether the temporary possession powers sought are needed to enable the construction, operation, or decommissioning of the Proposed Development; the total period for which the land may be subject to temporary possession; and whether the powers sought are compatible with human rights tests.
- Whether all reasonable alternatives to compulsory acquisition have been explored.
- The acquisition of any statutory undertakers' land or rights over such land and the detriment that may be caused to the carrying on of the undertaking in question.
- The adequacy of the Protective Provisions set out in the dDCO and the need for any other Protective Provisions to safeguard relevant interests.
- The adequacy and security of project funding.

4. Development Consent Order (and related control documents)

- The appropriateness of the draft Development Consent Order including its structure, scope, provisions, requirements, and protective provisions.
- The appropriateness of the related control documents that would be secured through the DCO including their structure and scope.

5. General, cross topic and other planning matters

- Exploration of reasonable alternatives relevant to the Proposed Development.
- The extent of the 'Rochdale Envelope' and the worst-case scenario, including a consideration of how any flexibility could be secured.
- The combination of effects from the Proposed Development taking place concurrently or over similar timescales to other developments planned for the area and any potential in-combination and/or cumulative effects.
- Need case.
- Policy and legislation.
- Waste management, including replacement equipment and decommissioning.
- Electromagnetic field effects.

6. Health, safety, accidents, and incidents

- The effects of the Proposed Development on human health.
- The adequacy of firefighting provision and plans with regards to dealing with a range of potential incidents at the site including those related to the proposed Battery Energy Storage System.
- The effects of the Proposed Development on the safe operation of Burn Gliding Club.
- The potential risks of the Proposed Development, including the cable route corridor on other infrastructure (such as Electricity transmission, gas transmission and rail infrastructure).

7. Heritage

- Assessment methodology.
- Effects on the significance of designated and non-designated heritage assets and their settings.
- Effects on archaeology.
- Mitigation measures.

8. Landscape and visual impact

- Methodology – including study area, viewpoints and zones of theoretical visibility, and the approach to cumulative/in-combination effects.
- Assessment of landscape effects.
- Assessment of visual effects.
- Glint and Glare.
- Consideration of good design.
- Mitigation measures.

9. Noise, vibration, and air quality

<ul style="list-style-type: none"> • Effects of noise and vibration during construction, operation, and decommissioning. • Effects on air quality during construction, operation, and decommissioning • Mitigation measures.
10. Socio-economic (including agriculture)
<ul style="list-style-type: none"> • Appropriateness and accuracy of Best and Most Versatile land designations within the site. • Loss of BMV agricultural land including implications for food production and supply. • Proposed uses of the land once operational. • Soil management Plans. • Site restoration following decommissioning. • Economic and employment effects during all phases including on tourism and local businesses. • Effects on local living conditions and communities including recreational impacts (including those related to the operation of the Burn Gliding Club).
11. Transport and access
<ul style="list-style-type: none"> • Assessment methodology. • Access proposals. • Effects on the local and strategic road networks, and rail network. • Effects on non-motorised user amenity including the Public Right of Way network. • Effects on road user and pedestrian safety. • Mitigation measures.
12. Water environment
<ul style="list-style-type: none"> • The flood risk of the site and its surrounds due to the Proposed Development over its whole life. • The management of surface water run off at the Proposed Development. • The adequate storage of water for firefighting purposes. • Mitigation measures.

Draft 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.	<p>Procedural Deadline A</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Written submissions on the Examination Procedure, including any submissions about the use of virtual methods. • Requests to be heard at the Preliminary Meeting. • Requests to be heard at Open Floor Hearing (OFH) 1. Provisionally scheduled for the evening of 3 December 2024. • Notification of wish to be heard at Issue Specific Hearing (ISH) 1. Provisionally scheduled for 4 December 2024 regarding the principal and scope of the Proposed Development, Socio-economic and environmental matters and matters relating to the Development Consent Order (and the associated control documents). • Notification of wish to be heard at Compulsory Acquisition Hearing (CAH) 1. Provisionally scheduled for the morning of 5 December 2024. Requests by Affected Persons (defined in section 59(4) of the Planning Act 2008) to be heard at a Compulsory Acquisition Hearing (CAH). Please note that CAH1 is intended to only address the Applicant's strategic case. If required, individual site-specific objections will be fully heard at a later CAH. • Submission of suggested locations for site inspections See Annex F, section 5. 	Monday 25 November 2024

	<ul style="list-style-type: none"> • Submission of the Statements of Common Ground (SoCGs) To include the latest version of the SoCGs referred to in the Statement of Common Ground Status document [APP-238]. • Submission of Principal Areas of Disagreement (PADs) By each IP participating in the SoCG process (see Annex F, section 4). 	
2.	Preliminary Meeting	Tuesday 3 December 2024 2:00pm
3.	Open Floor Hearing 1 (OFH1)	Tuesday 3 December 2024 5:15pm
4.	<p>Issue Specific Hearing 1 (ISH1) on the principal and scope of the Proposed Development, Socio-economic and environmental matters.</p> <p>In addition, matters relating to the Development Consent Order (and the associated control documents).</p>	Wednesday 4 December 2024 10:00am
5.	Compulsory Acquisition Hearing 1 on the Applicant's strategic case in respect of compulsory acquisition.	Thursday 5 December 2024 10:00am
6.	Issue by the ExA of: <ul style="list-style-type: none"> • Examination Timetable 	As soon as practicable following the Preliminary Meeting
7.	<p>Deadline 1</p> <ul style="list-style-type: none"> • Comments on Relevant Representations (RR) and Additional Submissions (AS). • Summaries of all RR exceeding 1500 words • Notification by Statutory Parties of their wish to be considered as an IP by the ExA, where an RR has not been submitted. • Notification of wish to have future correspondence electronically. 	Friday 13 December 2024

	<ul style="list-style-type: none"> • Post-Hearing Submissions, comprising written summaries of oral submissions made at the Hearings held on the week commencing 2 December 2024. • Requests to be heard at future Open Floor Hearing (OFH), if not already heard. • Notification of wish to be heard at future Compulsory Acquisition Hearing (CAH) Requests by Affected Persons (defined in section 59(4) of the Planning Act 2008) to be heard at a Compulsory Acquisition Hearing (CAH). 	
8.	<p>Deadline 2</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on any additional information/submissions received by Deadline 1. • Local Impact Reports (LIR) from relevant local planning authorities. • Written Representations (WR) and Summaries of WRs exceeding 1500 words. • Applicant's suggested locations for site inspections (see Annex F Section 5). • SoCGs requested by the ExA (see Annex F, section 3) and updated SoCGs submitted at Procedural Deadline A where any substantive updates have been made. • Statement of Commonality for all SoCGs. • PADs requested by the ExA (see Annex F section 4) which were not submitted at Procedural Deadline A or any updated PADs. • The Applicant's updated documents (see Annex F, section 6). • Any further information requested by ExA Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010. 	Monday 13 January 2025
9.	<p>Deadline 3</p> <p>For receipt by the ExA of:</p>	Monday 27 January 2025

	<ul style="list-style-type: none"> • Comments on the Applicant's draft suggestions for site inspections. • The Applicant's updated documents (see Annex F, section 6). • Updated PADs where any substantive changes have been made. • Comments on any information requested/submissions received by Deadline 2. • Any further information requested by ExA. Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010. 	
10.	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • The ExA's First Written Questions (ExQ1). 	Monday 10 February 2025
11.	<p>Deadline 4</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Responses to the ExA's First Written Questions (ExQ1). • Comments on any information requested/submissions received by Deadline 3. • The Applicant's updated documents (see Annex F, section 6). • Updated PADs where any substantive changes have been made. • Any further information requested by ExA. Any further information requested by the ExA under Rule 17 of the Examination Rules. 	Friday 21 February 2025
12.	<p>Time reserved for Hearings and Site Inspections:</p> <ul style="list-style-type: none"> • Issue Specific Hearings (ISH) (if required). • Compulsory Acquisition Hearing 2 (CAH2) (if required). • Open Floor Hearing 2 (OFH2) (if required). • Site Inspections (SI1) (if required). 	W/C 10 March 2025
13.	<p>Deadline 5</p> <p>For receipt by the ExA of:</p>	Thursday 20 March 2025

	<ul style="list-style-type: none"> • Post-Hearing Submissions, comprising written summaries of oral submissions made at the Hearings held on the week commencing 10 March 2025. • Comments on any information requested/submissions received by Deadline 4. • The Applicant's updated documents (see Annex F, section 6). • Updated PADs where any substantive changes have been made. • Any further information requested by ExA. Any further information requested by the ExA under Rule 17 of the Examination Rules. 	
14.	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • The ExA's Second Written Questions (ExQ2) (if required). 	Friday 28 March 2025
15.	<p>Deadline 6</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Responses to the ExA's Second Written Questions (ExQ2) (if these were issued). • Comments on any information requested/submissions received by Deadline 5. • The Applicant's updated documents (see Annex F, section 6). • Updated PADs where any substantive changes have been made. • Any further information requested by ExA. Any further information requested by the ExA under Rule 17 of the Examination Rules. 	Monday 7 April 2025
16.	<p>Time reserved for Hearings</p> <ul style="list-style-type: none"> • Issue Specific Hearings (ISH) (if required). • Compulsory Acquisition Hearing 3 (CAH3) (if required). • Open Floor Hearing 3 (OFH3) (if required). 	W/C 14 April 2025
17.	<p>Deadline 7</p> <ul style="list-style-type: none"> • Post-Hearing Submissions, comprising written summaries of oral submissions made at the 	Thursday 24 April 2025

	<p>Hearings held on the w/c 14 April 2025 (if these hearings were held).</p> <ul style="list-style-type: none"> • Comments on any information requested/submissions received by Deadline 6. • The Applicant's updated documents (see Annex F, section 6). • Updated PADs where any substantive changes have been made. • Any further information requested by ExA. Any further information requested by the ExA under Rule 17 of the Examination Rules. 	
18.	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • The ExA's Third Written Questions (ExQ3) (if required). • The ExA's commentary on, or schedule of changes to, the dDCO (if required). • Report on the Implications for European Sites (RIES) and any associated questions (if required). 	Friday 2 May 2025
19.	<p>Deadline 8</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Responses to the ExA's Third Written Questions (ExQ3) (if these were issued). • Comments on the ExA's commentary on, or schedule of changes to, the dDCO (if these were issued). • Comments on Report on the Implications for European Sites (RIES) and any associated questions (if it were issued). • Comments on any information requested/submissions received by Deadline 7. • The Applicant's updated documents (see Annex F, section 6). • Updated PADs where any substantive changes have been made. • Any further information requested by ExA. Any further information requested by the ExA under Rule 17 of the Examination Rules. 	Friday 16 May 2025

20.	<p>Deadline 9</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on any information requested/submissions received by Deadline 8. • Final DCO and Explanatory Memorandum Final DCO to be submitted by the Applicant in the SI template. Applicant to provide the email notification from https://publishing.legislation.gov.uk/validation confirming the document has successfully passed validation, and the PDF version of the SI validation report obtained from the link in the notification email. The Applicant should also provide a clean (all tracking removed) standalone MS Word version of the dDCO, with no header or cover page. • Final updated BoR. Final BoR and schedule of changes to BoR. • Final Statement of Reasons. • Final SoCGs. • Final Statement of Commonality of SoCG. • List of matters not agreed where SoCG could not be finalised. • Final Guide to the application. • Final Status of Negotiations CA Schedule. • Final Status of Negotiations with Statutory Undertakers. • Final NPS tracker. • Final Consents and Licences Position Statement. • Final signed and dated section 106s. • Final Versions of any other of the Applicant's documents that have been updated. • Summary statement from the Applicant setting out any outstanding matters. • Final PADs submitted by the relevant IPs. • Any further information requested by ExA. Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010. 	Friday 23 May 2025
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21.	<p>Deadline 10</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Any further information requested by ExA. Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010. 	Monday 2 June 2025
22.	The ExA is under a duty to complete the Examination of the application by the end of the period of six months.	Tuesday 3 June 2025

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.

Hearing agendas

Please note that for Issue Specific Hearings and Compulsory Acquisition Hearings the ExA will publish a high-level agenda alongside the notification of the hearing to help inform your decision about whether to register to participate. A detailed draft agenda will be made available on the project webpage at least five working days in advance of the hearing date. The agendas for OFH1, ISH1, and CAH1 will be published on the **15 November 2024**. 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 agendas may not be published.

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 ExA may also raise questions in the RIES to confirm or clarify matters that remain outstanding.

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.

Notification of initial hearings

The Examining Authority (ExA) provides notice of the following initial hearings:

Date	Hearing	Start time	Venue and Joining details
3 December 2024	Open Floor Hearing 1 (OFH1)	<p>Registration and seating available at venue from: 4:45pm</p> <p>Virtual Registration Process from: 4:45pm</p> <p>Hearing starts: 5:15pm</p>	<p>The Parsonage Hotel and Spa, Escrick, York, North Yorkshire, YO19 6LF</p> <p>and</p> <p>By virtual means using Microsoft Teams</p> <p>Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered</p>
4 December 2024	<p>Issue Specific Hearing 1 (ISH1) on the principal and scope of the Proposed Development, Socio-economic and environmental matters.</p> <p>In addition, matters relating to the Development Consent Order (and the associated control documents).</p>	<p>Registration and seating available at venue from: 9:30am</p> <p>Virtual Registration Process from: 9:30am</p> <p>Hearing starts: 10.00am</p>	<p>The Parsonage Hotel and Spa, Escrick, York, North Yorkshire, YO19 6LF</p> <p>and</p> <p>By virtual means using Microsoft Teams</p> <p>Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered</p>

Date	Hearing	Start time	Venue and Joining details
5 December 2024	<p>Compulsory Acquisition Hearing 1 (CAH1)</p> <p>The Applicant's Strategic Case (if required, individual site specific objections will be fully heard at a later hearing)</p>	<p>Registration and seating available at venue from:</p> <p>9:30am</p> <p>Virtual Registration Process from:</p> <p>9:30am</p> <p>Hearing starts:</p> <p>10:00am</p>	<p>The Parsonage Hotel and Spa, Escrick, York, North Yorkshire, YO19 6LF</p> <p>and</p> <p>By virtual means using Microsoft Teams</p> <p>Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered</p>
<p>NOTE: If any of the above hearings are no longer required then notification that a particular date is no longer required will be published as soon as practicable on the project webpage, providing reasonable notice to Interested Parties of the decision to cancel them.</p>			

You must register by completing the [Event Participation Form](#) by Monday 25 November 2024 if you intend to participate in any of the hearings and provide all the information requested (see below).

If you simply wish to observe any of the hearings then you do not need to register as you will be able to either:

1. watch a livestream of the event - a link to the livestream will be made available on the [project webpage](#) shortly before the event is scheduled to begin; and/or
2. watch the recording of the event which will be published on the project webpage shortly after the event has finished.

Alternatively, you can attend the physical hearing at the venue to observe the proceedings; however, to ensure there is adequate seating capacity at the venue we request that you register your attendance to **observe only** by **Monday 25 November 2024** using the [Event Participation Form](#). Please note that it may not be possible to participate on the day if you have not registered your wish to speak by **Monday 25 November 2024**.

Any request to participate in a hearing **must 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);
- confirmation of whether you will participate virtually or in-person;
- confirmation of the hearing(s) you wish to participate in, the agenda item(s) on which you wish to speak and/or brief details of the topic(s) that you would like to raise;
- for Compulsory Acquisition Hearings, the plot number(s) of the relevant land provided in the [Book of Reference](#) and the [Land Plans](#); and
- the [Examination Library](#) reference number (with paragraph/page number where appropriate) of any documents you wish to refer to.

The agendas for these hearings will be published on the **15 November 2024**. Requests to participate should be made using the [Event Participation Form](#) on or before **Procedural Deadline A (25 November 2024)**.

Please contact the Case Team using the contact details at the top of this letter if you require any support or assistance to attend any of the hearings, either virtually or in person.

Hearing agendas

A high-level indication of the topics to be covered at ISH1 and CAH1 has been included in the notification of initial hearings above to help inform your decision about whether to register to participate.

For Issue Specific Hearings and Compulsory Acquisition Hearings the ExA will publish a detailed draft agenda on the project webpage 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, setting out a speaking order, may be published.

Procedure at hearings

The Examination of the application will principally be a written process supplemented where necessary by various types of hearings. See the Planning Inspectorate's Advice for members of the public: [The stages of the NSIP process and how you can have your say](#) for more information.

The Planning Inspectorate's Advice for members of the public provides important information about hearing procedures:

- [What to expect at a Nationally Significant Infrastructure Project event](#)
- [Registering to speak at, or attend, a Nationally Significant Infrastructure Project event](#)

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.

Other Procedural Decisions made by the Examining Authority

The Examining Authority (ExA) has made the following Procedural Decisions:

1. Additional Submissions

The ExA has made a procedural decision to accept the following additional submissions:

- Application Form Final – Rev. 1 [[AS-001](#)]
- Representation from Anne Coe [[AS-002](#)]
- Representation from John Gilder, of the General Aviation Awareness Council, in support of Burn Gliding Club [[AS-003](#)]

2. Other Procedural Decisions

In addition, the ExA has exercised its discretion and made a Procedural Decision to request the following Additional Submissions:

- Submission by the Applicant of all SoCGs referred to in the Statement of Common Ground Status document [[APP-238](#)] (see section 3 below).
- Submission of Principal Areas of Disagreement Trackers from all parties participating in the SoCG process (see section 4 below).
- Submission by Interested Parties of suggested locations for Site Inspections (see section 5 below).

These submissions should be made by **Procedural Deadline A** (25 November 2024).

3. Statements of Common Ground

In relation to some of the Principal Issues identified in **Annex C** to this letter, the ExA would be assisted by the preparation of SoCGs between the Applicant and certain Interested Parties. The draft Examination Timetable at **Annex D** to this letter therefore establishes **Procedural Deadline A** and **Deadline 2** for submission of SoCGs.

The aim of a SoCG is to agree factual information and to inform the ExA and all other parties by identifying where there is agreement and where the differences lie at an early stage in the Examination process. It should provide a focus and save time by identifying matters which are not in dispute or need not be the subject of further evidence. It can also usefully state where and why there may be disagreement about the interpretation and relevance of the information. Unless otherwise stated or agreed, the SoCG should be agreed between the Applicant and the other relevant Interested Party or parties, and submitted **by the Applicant**.

Within the Statement of Common Ground Status document [[APP-238](#)] the Applicant has already indicated its intention to provide SoCGs with the following parties, which is welcomed by the ExA:

- North Yorkshire Council
- Natural England
- The Environment Agency
- National Highways
- Historic England
- North Yorkshire Fire and Rescue Services

The latest version of these SoCGs should be submitted at **Procedural Deadline A (25 November 2024)**.

In addition, SoCGs are requested to be prepared between the Applicant and:

British Gliding Association, to include, but not necessarily limited to:

- glider flight safety issues;
- glint and glare; and
- impact on the operation of Burn Gliding Club.

Burn Gliding Club, to include, but not necessarily limited to:

- glider flight safety issues;
- glint and glare; and
- impact on the operation of Burn Gliding Club.

UK Civil Aviation Authority, to include, but not necessarily limited to:

- glider flight safety issues;
- glint and glare; and
- impact on the operation of Burn Gliding Club.

Charlton Parish Council, to include, but not necessarily limited to:

- construction traffic;
- rights of way/access;
- landscape mitigation;
- ecological mitigation; and
- health and safety matters.

Hirst Courtney and West Bank Parish Council, to include, but not necessarily limited to:

- construction traffic;
- rights of way/access;
- landscape mitigation;
- ecological mitigation; and

- health and safety matters.

National Gas Transmission LLP, to include, but not necessarily limited to:

- impact on this Interested Party's infrastructure and rights during construction, operation, maintenance and decommissioning of the Project (including mitigation and progress with protective provisions);
- potential impact on this Interested Party's future assets and obligations; and
- construction planning with other proposals in the nearby area.

National Grid Electricity Transmission LLP, to include, but not necessarily limited to:

- impact on this Interested Party's infrastructure and rights during construction, operation, maintenance and decommissioning of the Project (including mitigation and progress with protective provisions);
- potential impact on this Interested Party's future assets and obligations; and
- construction planning with other proposals in the nearby area.

Northern Powergrid (Yorkshire), to include, but not necessarily limited to:

- impact on this Interested Party's infrastructure and rights during construction, operation, maintenance and decommissioning of the Project (including mitigation and progress with protective provisions).

Ofgem, to include, but not necessarily limited to:

- energy security and related cyber security matters.

Network Rail Infrastructure Limited, to include, but not necessarily limited to:

- potential impact on the operation and safety of the railway during construction, operation, maintenance and decommissioning of the Project (including mitigation and progress with protective provisions).

The Woodland Trust, to include but not necessarily limited to:

- potential impact on ancient and veteran trees (including "borderline ancient" trees); and
- potential impact on other notable specimen trees.

Where Interested Parties share similar interests, joint SoCGs would be acceptable.

All of the SoCGs listed above should cover the Articles and Requirements in the draft Development Consent Order and the related controls in the Outline Management Plans and other relevant application

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

Where a particular SoCG cannot be agreed between the parties by the relevant deadline, or if any local authority position needs to be signed off at a higher level, the latest draft version of that SoCG is requested to be submitted **by the Applicant**. The position of the relevant Interested Parties should then be confirmed in the course of the Examination. The draft Examination Timetable makes provision for updated SoCGs to be submitted at various Deadlines with final versions by **Deadline 9**.

The content of SoCGs will help to inform the ExA about the need to hold any Issue Specific Hearings during the Examination, and to enable the ExA and the Applicant to give notice of such hearings at least 21 days in advance of them taking place.

4. Principal Areas of Disagreement (PADs)

The ExA considers that preparations for the Examination will benefit from the early identification of the principal areas of disagreement. The ExA has decided that a tracker recording Principal Areas of Disagreement in Summary (a PADS Tracker) between the Applicant and the parties participating in the Statement of Common Ground (SoCG) process should be used.

The PADS Tracker will provide a short and focused record of those major areas of disagreement emerging from SoCGs. It is not intended as a tool to track every minor issue between the Applicant and the participating Interested Party. It should be updated alongside the SoCGs as appropriate throughout the Examination. The revised PADs Tracker should be submitted at every Examination deadline in due course by the participating parties.

The ExA would anticipate that matters raised at this stage will be expanded upon within each local authority's Local Impact Report and in all relevant parties' Written Representations or oral submissions during Examination. With this in mind, the ExA has decided to request each party engaged in the SoCG process to prepare and submit a PADs Tracker.

The PADS Tracker should be in a table format (equivalent to a [Scott Schedule](#)¹) and should address the following matters:

- the principal issue in question between the applicant and the particular party;
- the brief concern held by the party (which should be included in a Relevant Representation and reported on in full in a Local Impact Report/ Written Representations or oral submissions);
- what in the view of the party needs to change/ be amended/ included, so as to overcome the disagreement; and

¹ <https://www.justice.gov.uk/courts/procedure-rules/civil/standard-directions/general/scott-schedule-note>

- in the opinion of that party, the likelihood of the concern being addressed during the Examination stage.

Practical examples of outputs from of an equivalent process in action can be found in the Examination Library for the A66 Northern Trans-Pennine Project². The first iteration of the PADs Tracker should be submitted by **Procedural Deadline A (25 November 2024)**.

5. Site Inspections – suggested locations

The ExA will undertake Unaccompanied Site Inspection(s) (USIs) from the relevant areas where the site and important viewpoints can be observed from publicly accessible land. Where access to private land is necessary to view sites, these can be conducted as part of an Accompanied Site Inspection or as an Unaccompanied Visit which only requires access for the ExA to private land.

The draft Examination Timetable at **Annex D** to this letter includes a date reserved for a Site Inspection (SI) during the week commencing 10 March 2025.

The ExA requests that Interested Parties submit suggested locations for the ExA to visit by **Procedural Deadline A (25 November 2024)**. The request must include:

- sufficient information to identify the location;
- the issues to be observed at the location;
- information on whether the site can be accessed via public land, or whether access can be arranged; and
- the reason why the location has been suggested.

Interested Parties should be aware that site inspections are not an opportunity to make any oral representations to the ExA about the Proposed Development. However, participants may be invited by the ExA to indicate specific features or sites of interest.

The Applicant is requested to prepare suggested locations for site inspections to be submitted by **Deadline 2**. This should include:

- relevant locations referred to in the Relevant Representations received;
- any other locations at which the Applicant has predicted likely significant environmental effects;
- the locations suggested by Interested Parties submitted by **Procedural Deadline A**;
- recommendations for which sites should be observed on an Accompanied basis, an access only basis, and unaccompanied.

² [TR010062-000628-A66 EL.pdf \(planninginspectorate.gov.uk\)](https://planninginspectorate.gov.uk/TR010062-000628-A66%20EL.pdf)

Comments by Interested Parties on the Applicant's draft itinerary must be submitted by **Deadline 3**.

The ExA will publish the final itinerary at least five working days before the date of any Accompanied Site Inspection.

6. Applicant's submission of documents at Examination Deadlines

The Applicant is requested to submit updated versions of the following documents at any Examination deadline as is appropriate, including notification of nil returns if no updates are required at that deadline:

A. Updated Guide to the Application

B. Draft Development Consent Order (dDCO) and draft Explanatory Memorandum (dEM). This should include:

- a new version number identifying that the submitted dDCO and dEM are amended versions;
- clean versions of the amended documents without any mark-up;
- track changed versions of the amended documents, marking up all amendments since the previous versions; and
- a consolidated schedule of changes listing all amendments to the documents since the application version; including the version number, date of change and the reason for each amendment.

C. Book of Reference (BoR). This should include:

- a new version number identifying that the submitted BoR is an amended version;
- a clean version of the amended BoR without any mark-up;
- a track changed version of the amended BoR, marking up all amendments since the previous version number; and
- a consolidated schedule of changes listing all amendments to the BoR since the application version; including the version number, date of change and the reason for each amendment.

D. Statement of Commonality

E. Updated Statements of Common Ground

F. Status of Negotiations / Compulsory Acquisition schedule

G. Status of Negotiations with Statutory Undertakers

H. National Policy Statement (NPS) tracker

- I. Consents and Licences Position Statement
- J. Any other updated documents or plans where substantive updates have been made since the previous version was submitted.

7. Changes to land interests

If the Applicant becomes aware that there has been a change in ownership or a new interest in relevant land, the Applicant is requested to make the relevant person or organisation aware that they can make a request to the ExA to become an Interested Party under section 102A of the Planning Act 2008 (as amended) by completing the form available on the project webpage. The Examination Timetable includes deadlines for the submission of an updated BoR and Schedule of Changes to the BoR, submission of which should include a clear and separate confirmation of any such relevant persons who have been identified and informed of their rights under section 102A.

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.

Local authority	Venue/address	Opening hours	Printing costs
North Yorkshire Council	Selby library, 52 Micklegate, Selby, YO8 4EQ	Monday: 9:30am to 7:30pm	A4 B&W £0.20
		Tuesday: 9:30am to 5:30pm	A4 COL £0.50
		Wednesday: 9:30am to 5:30pm	A3 B&W £0.50
		Thursday: 9:30am to 12:30pm	A3 COL £1.00

		Friday: 9:30am to 5:30pm Saturday: 9:30am to 12:30pm Sunday: closed	
Local authority	Venue/address	Opening hours	Printing Costs
East Riding of Yorkshire Council	Snaith library, 27-29 Market Place, Snaith, DN14 9HE	Monday: closed Tuesday: 2:00pm to 6:00pm Wednesday: closed Thursday: 10:00am to 4:00pm Friday: closed Saturday: 10:00am to 12:00pm Sunday: closed	A4 B&W £0.20 A4 COL £0.50 A3 printing not available
Local authority	Venue/address	Opening hours	Printing Costs
East Riding of Yorkshire Council	Goole library, Carlisle Street, Goole, DN14 5DS	Monday: 9:30am to 7:00pm Tuesday: 9:30am to 5:00pm Wednesday: 9:30am to 7:00pm Thursday: 9:30am to 5:00pm Friday: 9:30am to 5:00pm Saturday: 9:00am to 4:00pm Sunday: closed	A4 B&W £0.20 A4 COL £0.50 A3 B&W £0.40 A3 COL £1.00

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 postcard or email from the Planning Inspectorate) beginning either 2004, 2005 or HRSE. 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 for members of the public: [Advice for submitting representations or comments](#) for important 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.