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All Interested Parties and Statutory  
Parties

Your Ref:

Our Ref: EN010143

Date: Tuesday 23 April 2024

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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 East Yorkshire Solar Farm Limited for an Order Granting  
Development Consent for the East Yorkshire Solar Farm**

**Appointment of the Examining Authority, invitation to the Preliminary Meeting  
and Notification of Hearing**

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 Simon Warder. 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
<b>Tuesday 21 May 2024</b>	<b>Registration and seating available at venue from:</b>  <b>09:30am</b>  <b>Virtual Registration Process from:</b>  <b>09:30am</b>  <b>Preliminary Meeting starts:</b>  <b>10:00am</b>	The Parsonage Hotel and Spa, Escrick, York, 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
<b>IMPORTANT:</b> The Preliminary Meeting should be completed before 1:00pm on Tuesday 21 May 2024.		

**You must register by completing the [Event Participation Form](#) by Tuesday 7 May 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 **Tuesday 7 May 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 **Tuesday 7 May 2024**.

## Purpose of the Preliminary Meeting

The purpose of the Preliminary Meeting is to enable views to be put to me/us about how the application should be examined. 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 Note 8.3 - Influencing how an application is Examined: the Preliminary Meeting](#) 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, the additional submissions referenced in **Annex F** 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** (23:59 on Tuesday 7 May 2024) (see **Annex D** to this letter).

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

### **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 **Tuesday 7 May 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 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 (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](#)).

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 ISH referred to in Annex E to this letter will also be a blended event.**

### **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 hearing**

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

Issue Specific Hearing 1 (ISH1) on Tuesday 21 May 2024 (Blended)  
 Issue Specific Hearing 1 (ISH1) on Wednesday 22 May 2024 (Blended) (if required)

Important information about this hearing 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:

- Statements of Common Ground.
- Request for suggested locations for an Accompanied Site Inspection.
- Acceptance of Additional Submissions into the Examination.

## Changes to land interests

When 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 aware that they can make a request to the ExA to become an Interested Party under section 102A of the PA2008 by contact the Case Team using the contact details at the top of this letter. The Examination Timetable includes various Deadlines for the submission of an updated Book of Reference and schedule of changes to the Book of Reference, which should include confirmation that relevant persons have been informed of their rights under section 102A.

## 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 submission portal](#) 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 left-hand side of 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 'EYSF', 'EYSF-0', 'EYSF-AFP', 'EYSF-S57' 'EYSF-APP' you are in Group A. If your reference number begins with 'EYSF-SP' you are in Group B. If your reference number begins with 'EYSF-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 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

*Simon Warder*

**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 hearing
- F** Other Procedural Decisions made by the Examining Authority
- G** Availability of Examination Documents
- H** Information about the Have your say submission portal

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 **Tuesday 7 May 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 **Tuesday 7 May 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 **Tuesday 7 May 2024**

**Venue:** **Blended event at The Parsonage Hotel and Spa, Escrick, York, 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**



<b>Agenda for the Preliminary Meeting</b>	
<b>09:30am</b>	Registration and seating available at venue for in-person attendees
<b>09:30am</b>	<p><b>Virtual Registration Process</b></p> <p>Please arrive at 09:30am 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 09:30am. 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>
<b>10.00am</b>	<p><b>Preliminary Meeting</b></p> <p>The Preliminary Meeting will formally open at <b>10.00am</b>. The Examining Authority will join, welcome participants and lead introductions.</p>
<b>Item 1</b>	The Examining Authority will join, welcome participants and lead introductions.
<b>Item 2</b>	The Examining Authority's remarks about the Examination process Any procedural requests relating to this item that were submitted in writing by Procedural Deadline A.
<b>Item 3</b>	Initial Assessment of Principal Issues – <b>Annex C</b> to Rule 6 letter
<b>Item 4</b>	Procedural decisions taken by the ExA – Annex F of the Rule 6 letter, including submissions relating to this item that were submitted in writing by Procedural Deadline A.
<b>Item 5</b>	<p>Draft Examination Timetable – <b>Annex D</b> to Rule 6 letter , including but not limited to:</p> <ul style="list-style-type: none"> <li>• the Accompanied Site Inspection;</li> <li>• notification of wish to speak at a hearing;</li> <li>• date for receipt of Written Representations, Local Impact Reports and Statements of Common Ground; and</li> </ul> <p>Procedural requests relating to this item that were submitted in writing by Procedural Deadline A.</p>
<b>Item 6</b>	Any other matters
<b>Close of the Preliminary Meeting</b>	

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 **10.00am** 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 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.

## **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 themselves 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 and admit participants from the virtual lobby, and will be available to answer questions by email before and after the PM. The contact email address is:  
[EastYorkshireSolarFarm@planninginspectorate.gov.uk](mailto:EastYorkshireSolarFarm@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 East Yorkshire Solar Farm, 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 East Yorkshire Solar Farm 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 the day 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 Rule 6 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 is a NSIP under the Planning Act 2008 (PA2008) as a consequence of sections 14 and 15: it includes the construction or extension of a generating station in England, not generating electricity from wind and is not an offshore generating station with a capacity of more than 50MW.

National Policy Statements (NPS) for Energy Infrastructure, including Overarching NPS for Energy EN-1 and NPS for Renewable Energy Infrastructure EN-3, were designated in 2011. While solar farms are not within their scope, they are important and relevant considerations in the determination of this application. Revised NPSs for Energy Infrastructure including NPSs EN-1 and EN-3 were designated in January 2024. Although solar farms fall within the scope of the revised NPSs, the Secretary of State has decided that for any application accepted for examination before the 2024 designations, the 2011 suite of NPSs should have effect in accordance with the terms of those NPSs. Nevertheless, the 2024 designations are important and relevant considerations in the determination of this application.

Where an NSIP is not within the scope of an NPS, s105 of the PA2008 applies. It requires regard to be had to the following matters:

- any duly submitted local impact report;
- any matters prescribed in relation to development of the description to which the application relates, and
- any other matters which the Secretary of State thinks are both important and relevant to the Secretary of State's decision.

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.

### **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 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 land and 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 (CAH)**. 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 on the draft DCO. 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 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 **Deadline 1 (Tuesday 18 June 2024)** for participants to notify the ExA that they wish to speak at an OFH or a CAH.

### **Site inspections**

As part of the Examination process the ExA may undertake site inspections. These can be either unaccompanied or accompanied.

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.

The ExA may decide to hold USIs at 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 ASIs in circumstances which could make them difficult and unduly time-consuming to conduct (for example if public health restrictions are in place). The ExA may also consider if it would be appropriate to make arrangements for access only to be provided to specific sites such that they could be inspected as part of a USI on an access required basis (ARSI)

The draft Examination Timetable includes a Deadline for IPs to make submissions suggesting sites and locations that the ExA should visit. These will be used to inform further USIs/ARSIs as well as possible ASIs.

## 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 ExA 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.

<b>Principal Issue</b>	<b>To include but not necessarily limited to:</b>
1. Air quality	1.1. Construction and decommissioning effects, including dust; and  1.2. Effectiveness of proposed mitigation.
2. Biodiversity, ecology and the natural environment	2.1. Effects on protected species, including those subject to European designations;  2.2 Effects on other locally present species;  2.3 Effects on statutorily designated sites, including those subject to European site designations, and functionally linked land;  2.4. Effects on non-statutorily designated sites, waterbodies, woodland, grassland, trees and hedgerows;  2.5. Adequacy of assessments and effectiveness of proposed mitigation measures including long term

Principal Issue	To include but not necessarily limited to:
	<p>maintenance and the proposed areas of habitat creation and enhancement; and</p> <p>2.6. The extent to which the Proposed Development would deliver a biodiversity net gain and whether it has been adequately calculated and secured within the draft Development Consent Order (DCO).</p>
3. Climate change	<p>3.1 Approach to the assessment of climate change;</p> <p>3.2 The efficiency of the Proposed Development; and</p> <p>3.3 The carbon footprint of the Proposed Development.</p>
4. Compulsory acquisition	<p>4.1. Whether the powers of compulsory acquisition included in the dDCO satisfy the conditions set out in the Planning Act 2008;</p> <p>4.2. Whether the temporary possession powers sought are justified and proportionate;</p> <p>4.3. Whether adequate consideration has been given to alternatives to compulsory acquisition;</p> <p>4.4. Whether there is a compelling case in the public interest for land to be acquired compulsorily;</p> <p>4.5. The effect of the Proposed Development on the assets and activities of Statutory Undertakers;</p> <p>4.6. Financial arrangements (including project funding and guarantees for compensation);</p> <p>4.7. Human rights considerations; and</p> <p>4.8. The book of reference.</p>
5. Draft development consent order (dDCO)	<p>5.1. The appropriateness of the Applicant's dDCO including its structure, scope, provisions, requirements, and protective provisions;</p> <p>5.2. Consistency between the dDCO and the Explanatory Memorandum;</p> <p>5.3. Clarification of relevant definitions;</p>

Principal Issue	To include but not necessarily limited to:
	<p>5.4. Arrangements for decommissioning and restoration;</p> <p>5.5. Arrangements for the alterations of Public Rights of Way (PRoW) including temporary stopping up and the creation of new permissive rights of way;</p> <p>5.6. Arrangements for the proposed street works, protection and repair of the highway and accesses;</p> <p>5.7. Application and modification of legislative provisions, including the disapplication of legislation and by-laws;</p> <p>5.8 Whether the Requirements adequately secure the controls and mitigations set out in the Environmental Statement (ES).</p>
6. Environmental Statement general matters	<p>6.1 Whether the ES adequately characterises the existing and future baselines, including the definition of study areas for each topic area;</p> <p>6.2. The expected duration and phasing of the construction of the Proposed Development and how the impacts of the construction phase have been assessed;</p> <p>6.3. The relationship between the Outline Design Principles Statement and the ES assessments;</p> <p>6.4. The intended generating capacity for the Proposed Development having regard to the dDCO's reference to an output capacity of over 50 megawatts;</p> <p>6.5. The identification of other proposed nearby major developments and the consideration of cumulative and in-combination effects of those developments with the Proposed Development; and</p> <p>6.6. The approach to the consideration of alternatives to the Proposed Development, including the type of generation, the location, layout and scale of the site, the grid connection, the choice of solar PV panels and whether the Proposed Development would comply with relevant legal and policy requirements.</p>

Principal Issue	To include but not necessarily limited to:
7. Historic environment	<p>7.1. Effects on designated and non-designated heritage assets, including during the construction, operation and decommissioning phases of the Proposed Development;</p> <p>7.2. Effects on below ground archaeological deposits; and</p> <p>7.3. Effectiveness of proposed mitigation.</p>
8. Landscape and visual effects	<p>8.1. Suitability of the study area and the viewpoints used in the Landscape and Visual Amenity Assessment;</p> <p>8.2. Effects during construction, operation and decommissioning, including the effects of the proposed fencing and hedge planting;</p> <p>8.3. Effects on views from the PRow network;</p> <p>8.4 Effects on the outlook from residential properties;</p> <p>8.5. Consideration of glint and glare effects; and</p> <p>8.6. Effectiveness of the landscape and visual mitigation measures and whether they are adequately secured in the dDCO.</p>
9. Land use, agriculture and socio-economics	<p>9.1. The assessment of Agricultural Land Classification and the effects of the proposal on agricultural land and farming, including the proposal for sheep grazing;</p> <p>9.2. The methodology and data used to assess soil quality and the effects of the proposal on soil resources;</p> <p>9.3 Effects on the local community wellbeing including the scale of the Proposed Development relative to adjoining settlements, the cumulative effect with other recent developments, privacy, crime and safety;</p> <p>9.4. Economic and employment effects on the local and wider economy, during construction and operation;</p> <p>9.5. Whether the proposals for minimising disruption to users of the PRow network during construction,</p>

Principal Issue	To include but not necessarily limited to:
	<p>operation and decommissioning, including the adequacy of proposals for their surfacing and maintenance, are appropriate;</p> <p>9.6. Effects on the living conditions/amenity of neighbouring occupiers; and</p> <p>9.7. Effects on human physical and mental health.</p>
10. Noise	<p>10.1. Identification of sensitive receptors;</p> <p>10.2. Noise effects during construction, operation and decommissioning; and</p> <p>10.3. Effectiveness of the proposed mitigation and whether it is adequately secured in the dDCO.</p>
11. Traffic and transport	<p>11.1. Effects on communities and other sensitive receptors along the construction HGV delivery routes, including associated noise and air quality;</p> <p>11.2. Effects on local access routes including disruption and damage; and</p> <p>11.3. Effectiveness of proposed mitigation measures, including the content and adequacy of the Framework Construction Traffic Management Plan and Outline Construction Environmental Management Plan.</p>
12. Water environment	<p>12.1. Adequacy of the Flood Risk Assessment and the approach to flood risk modelling;</p> <p>12.2. Potential changes in surface and groundwater quality including indirect implications for biodiversity and statutorily designated sites and the use of horizontal directional drilling;</p> <p>12.3. Effects on the system of land drainage including surface water crossings and run-off;</p> <p>12.4. Relationship with Environmental Permits;</p> <p>12.5. Assessment of hydrological, water quality, water resource and wildlife effects;</p>

Principal Issue	To include but not necessarily limited to:
	<p>12.6. The effect of the proposal on Water Framework Directive objectives;</p> <p>12.7. Disapplication of relevant legislation;</p> <p>12.8. Mitigation and enhancement measures, including likely effectiveness, maintenance, monitoring procedures and method for securing such measures within the dDCO.</p>

## 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><b>Procedural Deadline A</b></p> <p>Deadline for receipt by the Examining Authority (ExA) of:</p> <ul style="list-style-type: none"> <li>• Written submissions on the Examination Procedure, including any submissions about the use of virtual methods</li> <li>• Requests to be heard orally at the Preliminary Meeting</li> </ul>	<b>7 May 2024</b>
2.	<b>Preliminary Meeting</b>	<b>21 May 2024</b> <b>10:00am</b>
3.	<b>Issue Specific Hearing 1 (ISH1) on the draft Development Consent Order (dDCO)</b>	<b>21 May 2024</b> <b>2:00pm</b>
4.	<b>Issue Specific Hearing 1 (ISH1) on the draft Development Consent Order (dDCO) (if required)</b>	<b>22 May 2024</b> <b>10:00am</b>
5.	<p>Issue by the Examining Authority (ExA) of:</p> <ul style="list-style-type: none"> <li>• Examination Timetable</li> </ul> <p>Publication of:</p> <ul style="list-style-type: none"> <li>• ExA's Written Questions (ExQ1)</li> </ul>	<b>As soon as practical after Preliminary Meeting</b>
6.	<p><b>Deadline 1</b></p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Written summaries of oral submissions from Issue Specific Hearing held on 21 May</li> <li>• Post hearing submissions requested by ExA</li> <li>• Comments on Relevant Representations (RR)</li> <li>• Summaries of all RR exceeding 1500 words</li> <li>• Written Representations (WR)</li> </ul>	<b>18 June 2024</b>



	<ul style="list-style-type: none"> <li>• Local Impact Reports (LIR) from Local Authorities</li> <li>• Statements of Common Ground (SoCGs) requested by the ExA (see Annex F)</li> <li>• Statement of Commonality for SoCG (see Annex F)</li> <li>• Responses to ExQ1</li> <li>• Submission of suggested sites to be included in any Accompanied Site Inspection (ASI) including reasons why the site needs to be visited on an accompanied basis and any access requirements</li> <li>• Revised Application Guide from the Applicant</li> <li>• A Compulsory Acquisition Schedule from the Applicant</li> <li>• Status of Negotiations Schedule (SNS) from the Applicant</li> <li>• Updated Book of Reference (BoR) and Schedule of Changes to the BoR and tracked versions (if required)</li> <li>• Comments on any updated application documents</li> <li>• Notification of wish to have any future correspondence received electronically</li> <li>• Notification of Statutory Parties of their wish to be considered as an Interested party (IP)</li> <li>• Notification of any Affected Person (AP) of a wish to speak at a Compulsory Acquisition Hearing (CAH)</li> <li>• Notification of an interested party of a wish to speak at an Open Floor Hearing (OFH)</li> <li>• Notification of wish to attend an ASI</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Procedure Rule</li> <li>• Comments on any further information/submissions accepted by the ExA</li> </ul>	
<b>7.</b>	<p><b>Deadline 2</b></p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Comments on submissions received at <b>Deadline 1</b></li> <li>• Applicant's draft itinerary for the ASI</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Rules</li> </ul>	<b>27 June 2024</b>
<b>8.</b>	<b>Publication by the ExA of:</b>	<b>2 July 2024</b>

	<ul style="list-style-type: none"> <li>ExA's final itinerary for the ASI</li> </ul>	
9.	Time reserved for ASI	w/c 8 July 2024
10.	<p>Time reserved for hearings</p> <ul style="list-style-type: none"> <li>Issue Specific Hearing(s) (if required)</li> <li>Compulsory Acquisition Hearing (if required)</li> <li>Open Floor Hearing (if required)</li> </ul>	9, 10, 11 July 2024
11.	<p><b>Deadline 3</b></p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>Comments on any submissions received by <b>Deadline 2</b></li> <li>Written summaries of oral contributions at hearings (if required)</li> <li>Post-hearing submissions requested by the ExA (if required)</li> <li>Applicant's updated dDCO, EM, BoR, SoR, SNS and CA Schedule</li> <li>Updated SoCGs</li> <li>Updated Statement of Commonality of SoCGs</li> <li>Any further information requested by the ExA under Rule 17</li> </ul>	23 July 2024
12.	<p>Publication of:</p> <ul style="list-style-type: none"> <li>ExA's Written Questions (ExQ2) (if required)</li> </ul>	1 August 2024
13.	<p><b>Deadline 4</b></p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>Comments on submissions at <b>Deadline 3</b></li> <li>Responses to the ExAs Second Written Questions</li> <li>Applicant's updated dDCO, EM, BoR, SoR, SNS and CA Schedule</li> <li>Updated SoCGs</li> <li>Updated Statement of Commonality</li> <li>Updated Section 106 Agreement/unilateral undertaking (if required)</li> <li>Any further information requested by the ExA</li> <li>under Rule 17</li> </ul>	15 August 2024
14.	<p><b>Deadline 5</b></p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>Comments on submissions at <b>Deadline 4</b></li> </ul>	3 September 2024

	<ul style="list-style-type: none"> <li>Any further information requested by the ExA under Rule 17</li> </ul>	
<b>15.</b>	<p>Time reserved for hearings</p> <ul style="list-style-type: none"> <li>Issue Specific Hearing(s) (if required)</li> <li>Compulsory Acquisition Hearing (if required)</li> </ul>	<b>17, 18 September 2024</b>
<b>16.</b>	<p><b>Deadline 6</b></p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>Comments on any submissions at <b>Deadline 5</b></li> <li>Applicant's updated dDCO and EM</li> <li>Applicant's updated BoR, SoR, SNS and CA Schedule</li> <li>Updated SoCGs</li> <li>Updated SoCG and Statement of Commonality of SoCG</li> <li>Final signed and dated Section 106 Agreement/Unilateral Undertaking (if required)</li> <li>Updated Navigation Document/Guide to the application</li> <li>Written summaries of oral contributions at hearings (if required)</li> <li>Post-hearing submissions requested by the ExA (if required)</li> <li>Any further information requested by the ExA under Rule 17</li> </ul>	<b>1 October 2024</b>
<b>17.</b>	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> <li>The ExA's schedule of changes to the draft DCO (if required)</li> <li>Report on Implications for European Sites (RIES) (if required)</li> <li>ExA's Written Questions (ExQ3) (if required)</li> </ul>	<b>15 October 2024</b>
<b>18.</b>	<p><b>Deadline 7</b></p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>Comments on submissions at <b>Deadline 6</b></li> <li>Comments on the ExA's schedule of changes to the dDCO (if required)</li> <li>Comments on RIES (if required)</li> <li>Responses to ExQ3 (if required)</li> <li>Any further information requested by the ExA under Rule 17</li> </ul>	<b>5 November 2024</b>
<b>19.</b>	<p><b>Deadline 8</b></p> <p>For receipt by the ExA of:</p>	<b>14 November 2024</b>

	<ul style="list-style-type: none"> <li>• Comments on submissions at <b>Deadline 7</b></li> <li>• Applicant's final dDCO - Final and/or updated DCO in editable and PDF formats to be submitted by the Applicant in the SI template with the SI template validation report</li> <li>• Applicant's final EM</li> <li>• Applicant's final BoR, SoR, SNS and CA Schedule</li> <li>• Summary Statements from Interested Parties</li> <li>• Final SoCG</li> <li>• Final Statement of Commonality of SoCG</li> <li>• List of matters not agreed where SoCG could not be finalised</li> <li>• Final Navigation Document/Guide to the application</li> <li>• Final Status of Negotiations with Statutory Undertakers</li> <li>• Final NPS tracker</li> <li>• Final signed and dated section 106</li> <li>• Responses to comments on RIES (if required)</li> <li>• Any further information requested by the ExA under Rule 17</li> </ul>	
<b>20.</b>	The ExA is under a duty to complete the Examination of the application by the end of the period of six months	<b>21 November 2024</b>

### 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. 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 hearing:

Date	Hearing	Start time	Venue and Joining details
<p><b>Tuesday 21 May 2024 and Wednesday 22 May 2024</b> (if required)</p>	<p><b>Issue Specific Hearing 1</b></p>	<p><b>Tuesday 21 May 2024:</b></p> <p><b>Registration and seating available at venue from:</b></p> <p><b>13:30am</b></p> <p><b>Virtual Registration Process from:</b></p> <p><b>13:30am</b></p> <p><b>Hearing starts:</b></p> <p><b>14:00am</b></p> <p><b>Wednesday 22 May 2024</b> (if required):</p> <p><b>Registration and seating available at venue from:</b></p> <p><b>09:30am</b></p> <p><b>Virtual Registration Process from:</b></p> <p><b>09:30am</b></p> <p><b>Hearing starts:</b></p> <p><b>10:00am</b></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><b>NOTE:</b> If this hearing is 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 Tuesday 7 May 2024 if you intend to participate in the hearing 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 **Tuesday 7 May 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 **Tuesday 7 May 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);
- for blended events, 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 Plan](#); and
- the [Examination Library](#) reference number (with paragraph/page number where appropriate) of any documents you wish to refer to.

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 any of the hearings, either virtually or in person.**

### Hearing agenda

The outline agenda for this hearing set is set below. A more detailed agenda will be published in accordance with the information set out above in Annex D.

<b>Outline Agenda</b>	
<b>1</b>	<b>Welcome, introductions and arrangements for the hearing</b>
<b>2</b>	<p><b>Structure of the Order</b></p> <p>The Applicant will be asked to:</p> <ul style="list-style-type: none"> <li>○ summarise the structure of the dDCO;</li> <li>○ describe the extent of the works, provisions and powers sought;</li> <li>○ briefly introduce each of the Schedules and their purpose; and</li> <li>○ provide a brief summary of the changes made to the Order following submission of the application.</li> </ul>
<b>3</b>	<p><b>Main discussion points</b></p> <p>The Applicant will be asked to respond to the following items:</p> <ol style="list-style-type: none"> <li>a) Article 2 Interpretation <ul style="list-style-type: none"> <li>○ Explanation of how control and mitigation of ‘permitted preliminary works’ would be secured, having regard to the definition of ‘commence’</li> </ul> </li> <li>b) Article 6 Application and modification of statutory provisions <ul style="list-style-type: none"> <li>○ Concerns raised in Relevant Representations regarding the disapplication of certain statutory provisions</li> </ul> </li> <li>c) Article 9 Power to alter layout, etc, of streets <ul style="list-style-type: none"> <li>○ Justification and scope of this power</li> </ul> </li> <li>d) Article 11 Temporary closure of streets and public rights of way <ul style="list-style-type: none"> <li>○ Justification and scope of this power</li> </ul> </li> <li>e) Article 16 Discharge of water <ul style="list-style-type: none"> <li>○ Concerns raised in Relevant Representations regarding the scope and oversight of this Article</li> </ul> </li> <li>f) Schedule 2 – Requirements <ul style="list-style-type: none"> <li>○ Identify any additional or amended requirements that it proposes to include in the dDCO and respond to any further queries from the ExA</li> <li>○ Requirement 18 funding of the decommissioning and restoration proposals</li> </ul> </li> <li>g) Schedule 14 – Protective Provisions <ul style="list-style-type: none"> <li>○ Update on the protective provisions, including on-going discussions with affected IPs</li> </ul> </li> <li>h) Schedule 15 – Deemed Marine Licence (DML)</li> </ol>



	<ul style="list-style-type: none"> <li>○ Update of the Application’s position on the need for a DML and, if it considers that a DML is required, explain its reasons</li> <li>○ Natural England will be asked for its views on the need for a DML and its scope</li> </ul> <p>Interested Parties will be given an opportunity to ask questions and/or comment on the above.</p>
<b>4</b>	<b>Opportunity for Interested Parties to comment on other aspects of the dDCO and raise any matters not covered in item 3 above.</b>
<b>5</b>	<b>Other Matters</b>
<b>6</b>	<b>Close</b>

### Attendees

The ExA would find it helpful if the following parties could attend this Hearing.

- Applicant
- East Riding of Yorkshire Council
- North Yorkshire Council
- Natural England
- Environment Agency
- Canal and River Trust
- Ouse and Derwent IDB

However, this does not indicate that other parties will not be able to contribute. All Interested Parties (IP) are invited to attend and make oral representations on the matters set out in the Agenda, subject to the ExA’s ability to control the Hearing.

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

### Timing

The ExA will manage the event in the interests of efficient use of time. Anyone who is not able to provide all their oral submissions by the close of the hearing should follow it up in writing.

### 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.

## Other Procedural Decisions made by the Examining Authority

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

### 1. Statements of Common Ground (SoCG)

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 **Deadline 1** for submission of SoCGs. Where a particular SoCG cannot be agreed between the parties by that deadline, or if any local authority position needs to be signed off at a higher level, draft versions of that SoCG are requested to be submitted **by the Applicant at Deadline 1**. 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 6**.

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**. For each of those areas that are in dispute, it would be beneficial if each party would put their estimation as to the likelihood that disagreement will remain by the end of the Examination. This should be done on a “Low”, “Medium” and “High” traffic light model. This will allow the EXA to assess those areas where oral discussions may be most beneficial.

SoCGs are requested to be prepared between the Applicant and:

Other Parties to the SoCG	SoCG to include
A	East Riding of Yorkshire Council
B	North Yorkshire Council
<ul style="list-style-type: none"> <li>• An assessment of impacts within the Council’s area, including (as relevant) matters relating to:               <ul style="list-style-type: none"> <li>○ air quality;</li> <li>○ biodiversity, ecology and the natural environment including the effect on habitats, species and nationally designated sites;</li> <li>○ ground conditions and land contamination;</li> <li>○ historic environment including archaeology;</li> <li>○ landscape and visual receptors;</li> </ul> </li> </ul>	

Other Parties to the SoCG	SoCG to include
	<ul style="list-style-type: none"> <li>○ the living conditions of residents of the area;</li> <li>○ noise;</li> <li>○ employment and other socioeconomic factors;</li> <li>○ traffic, transport and public rights of way;</li> <li>○ glint and glare;</li> <li>○ water environment, flooding and drainage;</li> <li>○ human health;</li> <li>○ agricultural land and soils;</li> <li>○ effect on trees, woodland and hedgerows;</li> <li>○ waste and minerals, including potential sterilisation of mineral extraction sites and decommissioning;</li> <li>○ safety and fire risk.</li> <li>• The effect on European sites and features relevant to Habitat Regulations Assessment; assessment methodology and conclusions;</li> <li>• An assessment of the Proposed Development's cumulative and in-combination effects with other nearby major developments;</li> <li>• An assessment of compliance with national and local planning policy relevant to the Proposed Development including the approach to consideration of alternatives;</li> <li>• Mitigation measures; including an assessment of their likely effectiveness, ongoing monitoring procedures and how mitigation will be secured within the DCO;</li> <li>• The Articles and Requirements of the dDCO; and</li> </ul> <p>Any other relevant matters.</p>
C	<p>Environment Agency</p> <ul style="list-style-type: none"> <li>• Assessment of hydrological, water quality, water resource and wildlife effects;</li> <li>• Adequacy of Flood Risk Assessment and the approach to flood risk modelling and the effects on flood risk management assets;</li> <li>• Water Framework Directive including adequacy of baseline data;</li> <li>• Other water environment effects including, but not limited to, surface water crossings, the use of HDD, run-off, and</li> </ul>

Other Parties to the SoCG	SoCG to include	
		contamination of surface and groundwaters and land drainage; <ul style="list-style-type: none"> <li>• Ground contamination;</li> <li>• Effects on ecology, including European Sites, Biodiversity Net Gain and invasive species;</li> <li>• Environmental permits including Flood Risk Activity Permits;</li> <li>• Disapplication of relevant legislation;</li> <li>• Climate change considerations;</li> <li>• Mitigation and enhancement measures, including likely effectiveness, monitoring procedures and method for securing such measures within the dDCO;</li> <li>• Drafting of the dDCO, including the Articles and Requirements;</li> <li>• Protective Provisions;</li> <li>• Compulsory Acquisition affecting Environment Agency interests; and</li> <li>• Any other relevant matters.</li> </ul>
D	Forestry Commission	<ul style="list-style-type: none"> <li>• Effects on trees and woodland, including buffer zones, mitigation and maintenance.</li> </ul>
E	Historic England	<ul style="list-style-type: none"> <li>• Effects on the Historic Environment including the adequacy of assessments, methodology and proposed mitigation;</li> <li>• Impacts on the setting of designated heritage assets;</li> <li>• Effects on archaeology;</li> <li>• Effectiveness of proposed mitigation and monitoring measures and method for securing such measures within the dDCO; and</li> <li>• Drafting of the dDCO, including the Articles and Requirements.</li> </ul>
F	National Highways	<ul style="list-style-type: none"> <li>• The impact on the Strategic Road Network;</li> <li>• Effectiveness of proposed mitigation measures, including the contents and adequacy of the Framework Construction Traffic Management, the Construction Environmental Management and the Decommissioning Management Plans.</li> <li>• Drafting of the dDCO, including the Articles and Requirements;</li> </ul>
G	Natural England	<ul style="list-style-type: none"> <li>• Effects on habitats, species and nationally designated sites;</li> <li>• Effects on European sites, functionally linked land and features relevant to</li> </ul>

Other Parties to the SoCG		SoCG to include
		<p>Habitat Regulations Assessment, assessment methodology and conclusions;</p> <ul style="list-style-type: none"> <li>• Methodology for EIA, including assessment of cumulative and in-combination effects;</li> <li>• Other issues relevant to Appropriate Assessment;</li> <li>• Land use, agriculture and socioeconomics including the effect on soils and BMV land;</li> <li>• Mitigation and enhancement measures, including likely effectiveness, monitoring procedures and method for securing such measures within the dDCO including the outline soils resource management plan; and</li> <li>• Drafting of the dDCO, including the Articles and Requirements.</li> </ul>
H	Canal and River Trust	<ul style="list-style-type: none"> <li>• Effects of works affecting watercourses within the Trust area, including cable crossings, HDD, access points, mitigation (including the contents and adequacy of the Framework Construction Environmental Management Plan) and access for Trust operations;</li> <li>• Effects of water discharges within the Board area;</li> <li>• Effects of the Proposed Development on navigation during the construction and operational phases;</li> <li>• The Articles and Requirements of the dDCO including the disapplication of legislation and Protective Provisions.</li> </ul>
I	National Gas Transmission Plc	<ul style="list-style-type: none"> <li>• Effect on existing apparatus;</li> <li>• Compulsory Acquisition affecting National Gas Transmission land and assets; and</li> <li>• Protective Provisions.</li> </ul>
J	Network Rail Infrastructure Ltd	<ul style="list-style-type: none"> <li>• Impacts on the operations of the statutory undertaker;</li> <li>• Compulsory Acquisition affecting Network Rail land and assets; and</li> <li>• Protective provisions;</li> </ul>
K	Northern Powergrid (Yorkshire) plc	<ul style="list-style-type: none"> <li>• Effect on existing apparatus;</li> <li>• Connection matters; and</li> <li>• Compulsory Acquisition affecting Northern Powergrid land and assets; and</li> <li>• Protective Provisions.</li> </ul>

Other Parties to the SoCG		SoCG to include
L	Ouse & Derwent Internal Drainage Board	<ul style="list-style-type: none"> <li>• Effects of works affecting watercourses within the Board area, including cable crossings, HDD, access points, mitigation, access for Board operations;</li> <li>• Effects of water discharges within the Board area;</li> <li>• The Articles and Requirements of the dDCO including the disapplication of legislation and Protective Provisions.</li> </ul>
M	UK Health Security Agency/Office for Health Improvement and Disparities	<ul style="list-style-type: none"> <li>• Approach to assessment of effects on human health including methodology employed and assessment of significance of effects.</li> </ul>

**All of the SoCGs listed above should cover the Articles and Requirements in the draft Development Consent Order.** 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 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.

## 2. Accompanied Site Inspection – suggested locations

The draft Examination Timetable at **Annex D** to this letter includes dates reserved for an Accompanied Site Inspection (ASI) during the week commencing Monday 8 July 2024.

The ExA requests that Interested Parties submit suggested locations for the ExA to visit as part of an ASI by **Deadline 1** 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; and
- the reason why the location has been suggested.

**Interested Parties should be aware that ASIs 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 a draft itinerary for the ASI 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; and
- the locations suggested by Interested Parties submitted by **Procedural Deadline 1**.

The ExA will consider each suggested site location, including those provided in the Applicant's draft itinerary, 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. The ExA will also consider if it would be appropriate to make arrangements for access only to be provided to specific sites such that they could be inspected as part of an Unaccompanied Site Inspection on an access required basis.

The ExA will publish its final itinerary at least five working days before the date of the ASI.

### **3. Additional Submissions**

In addition to the documentation submitted by **Procedural Deadline A** the ExA has exercised its discretion and made a Procedural Decision to accept the following Additional Submissions:

- Letter in response to notification of 25 January 2024 by the Coal Authority
- Submission of documentation for Relevant Representation of National Grid Electricity Transmission Plc in respect of the East Yorkshire Solar Farm DCO (the "Project") by National Grid Electricity Transmission
- Submission of documentation for Relevant Representation for by Northern Gas Networks



## **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 hyperlink provided on the Documents page. 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
East Riding of Yorkshire Council	<a href="#">Goole Library</a> , Carlisle Street, Goole, DN14 5DS	Monday: 9:30am – 7:00pm Tuesday: 9:30am – 5:00pm Wednesday: 9:30am – 7:00pm Thursday: 9:30am – 5:00pm Friday: 9:30am – 5:00pm Saturday: 9:00am – 4:00pm Sunday: Closed <b>Please note:</b> Computer Access ends 15 minutes before the closing time shown for this location.	A4 Black and White - £0.20 (self-service) and £0.60 (staff assisted) A4 Colour - £0.50 (self-service) and £1.20 (staff assisted) A3 Black and White – £0.80 (staff assisted) A3 Colour - £1.50 (staff assisted) <b>Please note:</b> Costs shown are per page
East Riding of Yorkshire Council	<a href="#">Howden Centre</a> 69 Hailgate, Howden, East Yorkshire, DN14 7SX	Monday: 9:30am – 4:30pm Tuesday: Closed Wednesday: 2:00pm – 7:00pm Thursday: Closed Friday: 9:30am-2:30pm Saturday: 9:30am – 12:30PM Sunday: Closed <b>Please note:</b> Computer Access ends 15 minutes before the closing time shown for this location.	A4 Black and White - £0.20 A4 A4 Colour - £0.50 <b>Please note:</b> Costs shown are per page

Local authority	Venue/address	Opening hours	Printing costs
East Riding of Yorkshire Council	<a href="#">Market Weighton Wicstun Centre</a> 14 Beverley Road, Market Weighton, YO43 3JP	Monday: 9:30am – 4:30pm Tuesday: Closed Wednesday: 9:30am – 6:30pm Thursday: Closed Friday: 9:30am – 4:30pm Saturday: 9:30am – 12:30pm Sunday: Closed <b>Please note:</b> Computer Access ends 30 minutes before the closing time shown for this location.	A4 Black and White - £0.20 A4 A4 Colour - £0.50 Printing at A3 is not available at this location. <b>Please note:</b> Costs shown are per page
North Yorkshire Council	<a href="#">Selby Library</a> 52 Micklegate, Selby, North Yorkshire, YO8 4EQ	Monday: 9:30am – 7:30pm Tuesday: 9:30am – 5:30pm Wednesday: 9:30am – 5:30pm Thursday: 9:30am – 12:30pm Friday: 9:30am – 5:30pm Saturday: 9:30am – 12:30pm Sunday: Closed <b>Please note:</b> Computer Access ends 5 minutes before the closing time shown for this location.	A4 Black and White – £0.10 (until 29 April 2024) and £0.20 (from 29 April 2024) A4 Colour – £0.50 A3 Black and White – £0.25 (until 29 April 2024) and £0.50 (from 29 April 2024) A3 Colour – £1:00 <b>Please note:</b> Costs shown are per side

## Information about the Have your say Submission Portal

The [Have your say Submission Portal](#) is available on the project webpage.

You will need to enter your unique reference number ('Your ref' found at the top your postcard or email from the Planning Inspectorate) beginning either 2004 or EYSF. 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 Submission Portal](#) please contact the Case Team using the contact details at the top of this letter and they will assist.