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All Interested Parties and Statutory Parties

Your Ref:

Our Ref: EN020024

Date: 22 February 2023

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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 National Grid for an Order Granting Development Consent for  
the Yorkshire Green Project**

**Appointment of the Examining Authority, Invitation to the Preliminary Meeting  
and Notification of Hearings**

Following my appointment by the Secretary of State as the lead member of the Examining Authority (ExA) to carry out an Examination of the above application, I am writing to introduce myself and the other members of the ExA. My name is Jessica Powis and the other members of the ExA are Annie Coombs and John Anderson. 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](#)).

We would like to thank those of you who submitted Relevant Representations. These representations have assisted us when considering how we 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>Wednesday 22 March 2023</b>	<b>Virtual Room opens from:</b> 9.00am.  <b>Seating available at venue from:</b> 9.30am  <b>Virtual Arrangements Conference from:</b> 9.45am  <b>Preliminary Meeting starts:</b> 10.00am	<b>Blended event at Novotel York Centre, Fishergate, York YO10 4FD</b>  (free on-site parking available)  and  <b>By virtual means using Microsoft Teams</b>  Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered
<p><b>IMPORTANT:</b> The Preliminary Meeting should be completed before 1:00pm on 22 March 2023. However, parties are encouraged to keep the whole day free in case the meeting overruns or there is a technical problem that requires the meeting to be adjourned and resumed later in the day.</p>		

**You must register by Wednesday 8 March 2023 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. attend the physical event to observe the proceedings;
2. 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
3. watch the recording of the event which will be published on the [project webpage](#) shortly after the event has finished.

### **Purpose of the Preliminary Meeting**

The purpose of the Preliminary Meeting is to enable views to be put to 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 do or do not 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 we 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 our Initial Assessment of Principal Issues arising from our 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.**

We are now requesting written submissions from recipients of this letter about how the application should be examined. We 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.

You are invited to make a written submission about how the application is to be examined by **Procedural Deadline A** (Wednesday 8 March 2023) (see **Annex D** to this letter).

We request that all submissions are made using the '[Make a submission](#)' tab 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 **Wednesday 8 March 2023** (see **Procedural Deadline A**) via the '[Make a submission](#)' tab.

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.

Please contact the Case Team using the contact details at the top of this letter if you require any support to attend the Preliminary Meeting.

### **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](#)).

The ExA currently anticipates that for this case, hearings will be blended, meaning that participation can be via in-person or virtual attendance. We will confirm the format of any hearings to be held during the Examination Stage when we provide formal notification of each hearing at least 21 days in advance of it taking place.

As such we are providing formal notification that the **Preliminary Meeting will be a blended event and that the Open Floor Hearing 1 and Issue Specific Hearing 1 referred to in Annex E to this letter will also be blended events.**

### **After the Preliminary Meeting**

After the Preliminary Meeting we 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**

In the interests of frontloading the Examination and enabling early exploration of the issues, we have made a Procedural Decision to hold the following initial hearings:

- **Open Floor Hearing 1 (OFH1)** at 2.00pm on Wednesday 22 March 2023 (blended event)
- **Issue Specific Hearing 1 (ISH1)** on the Scope of the Proposed Development and draft Development Consent Order (dDCO) at 10.00am on Thursday 23 March 2023 (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

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

1. Request for Statements of Common Ground and Statement of Commonality
2. Advance notice of the deadline for submission of Local Impact Reports
3. Invitation to submit suggested locations for Site Inspections
4. Request for submission of comments on Relevant Representations
5. Acceptance of Additional Submissions into the Examination
6. Request to Applicant for submission of additional information
7. Request for updated Guide to the Application
8. Request for updates to National Policy Statement schedules of compliance
9. Format for amended versions of draft Development Consent Order and Book of Reference
10. Request for planning obligations and commercial agreements tracking lists.
11. Deadline for Statutory Parties to notify of their wish to be considered as an Interested Party

## 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 '[Make a submission](#)' tab 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 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 '2003', 'YOGN-AFP', 'YOGN-S57' 'YOGN-APP' you are in Group A. If your reference number begins with 'YOGN-SP' or 'YOGN-ISP' you are in Group B. If your reference number begins with 'YOGN-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](#).

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

Yours faithfully

*Jessica Powis*

### **Lead Member of the 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 'Make a submission' tab

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 Wednesday 8 March 2023 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. attend the physical event to observe the proceedings;
2. 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
3. watch the recording of the event which will be published on the project webpage shortly after the event has finished.

**Date: Wednesday 22 March 2023**

**Arrangements Conference: 9.45am**

**Meeting start time: 10.00am**

**Venue: Blended event at Novotel York Centre, Fishergate, York YO10 4FD 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>9.00am</b>	<p><b>Virtual room opens from 9.00am</b></p> <p>Those participating virtually should arrive from 9.00am to enter the virtual lobby. From here you will be admitted to the Arrangements Conference by the Case Team, greeted and given further instructions.</p> <p><b>Seating available at venue from 9.30am</b></p>
<b>9.45am</b>	<p><b>Virtual Arrangements Conference</b></p> <p>For those participating virtually, the Arrangements Conference will commence at <b>9.45am</b>. 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>	<b>Preliminary Meeting</b>
<b>Item 1</b>	The Preliminary Meeting will formally open at <b>10.00am</b> . The Examining Authority will welcome participants and lead introductions.
<b>Item 2</b>	The Examining Authority's remarks about the Examination process
<b>Item 3</b>	Initial Assessment of Principal Issues – <b>Annex C</b> of this letter
<b>Item 4</b>	Draft Examination Timetable – <b>Annex D</b> of this letter
<b>Item 5</b>	Hearings and Accompanied Site Inspections – <b>Annex E</b> of this letter
<b>Item 6</b>	Procedural Decisions – <b>Annex F</b> of this letter
<b>Item 7</b>	Any other matters
<b>Close of the Preliminary Meeting</b>	

Please be available from the start and throughout the 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 **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:

- 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);
- confirmation of whether you will participate virtually or in-person;
- the agenda item on which you wish to speak and a list of the points you wish to make; and
- any special requirements you may have (eg disabled access or hearing loop).

Please ensure that you read our [Privacy Notice](#) before attending the Preliminary Meeting.



## **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 members of the ExA will introduce themselves at the start of the PM.

The ExA will be supported by the Planning Inspectorate Case Team. During the Arrangements Conferences 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:

[YorkshireGreen@planninginspectorate.gov.uk](mailto:YorkshireGreen@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 Yorkshire Green 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 National Grid Electricity Transmission (NGET), 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 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(1)(b), s16(1)(a), 16(2) and 16(3) of the PA2008: it includes the construction of a new overhead electricity transmission connection in England. The designated Overarching National Policy Statement for Energy (EN-1) and the National Policy Statement for Electricity Networks Infrastructure (EN-5) apply to this Examination and to decision-making relating to this application.

The ExA will consider the Proposed Development in accordance with the National Policy Statements and any other applicable policy or considerations the ExA deems 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, either orally at the time or in writing following the closure of the meeting.

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 no more than 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 from 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. [Awards of costs: examinations of applications for development consent orders.](#)

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 a Deadline (**Deadline 1, Wednesday 5 April 2023**) for participants to notify the ExA that they wish to speak at an OFH or a CAH.

## **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 to the Secretary of State for Energy Security and Net Zero after the Examination has concluded.

The order of the issues listed is alphabetical 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. The effects relate to construction, operational and decommissioning phases, and where relevant, to cumulative effects (inter-project and intra-project).

It should also be noted that:

- whilst the effects of the proposal on, and proposed adaptation to, climate change are not listed as Principal Issues; and
- whilst the effects of the proposal in relation to human rights and equalities duties are not listed as Principal Issues;

these will be subject to continuous test in respect of all issues to which they apply, throughout the Examination.

Any observations on the ExA's Initial Assessment of Principal Issues can be made at the Preliminary Meeting (agenda item 3). Since the Preliminary Meeting is a procedural meeting, no discussion of the merits of the issues themselves will be permitted.

### **1. Air Quality and Emissions**

To consider (amongst other things):

- the effect of the Proposed Development on air quality, including as a result of dust emissions, during the construction, operation and decommissioning phases; and
- the adequacy and security of identified required management measures in the Code of Construction Practice.



## **2. Biodiversity, Ecology and Natural Environment**

To consider (amongst other things):

- the effect of the construction, operation and decommissioning of the Proposed Development on designated sites, including European sites, nationally designated sites, regionally and locally designated sites and habitats of nature conservation importance;
- permanent and temporary effects on protected species and habitats;
- protected species licensing, including in relation to water vole and badger;
- effects on hedgerows, ancient woodland and veteran trees;
- the adequacy and security of proposed mitigation and monitoring measures, including the Biodiversity Mitigation Strategy;
- Habitats Regulations Assessment; and
- Biodiversity Net Gain.

## **3. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations**

To consider (amongst other things):

- whether the full extent of the land, rights and powers that are sought are required;
- whether a compelling case in the public interest has been established;
- whether adequate funding for compensation (including blight) is likely to be available to carry out the compulsory acquisition within the statutory period;
- whether all reasonable alternatives to compulsory acquisition and temporary possession have been explored;
- accuracy of the Book of Reference;
- whether the purposes stated for the acquisition are legitimate and sufficient to justify the inevitable interference with the human rights of those affected;
- 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; whether the tests of s127(2),(3),(5) and (6) and s138(4) of the PA2008 are satisfied;
- the adequacy of Protective Provisions in the dDCO; and
- whether the proposals meet the requirements of PA2008 in all other respects.

## **4. Construction**

To consider the effects from construction and (amongst other things):

- construction phasing and timetable, including linkages to strategic and local highway management;
- proposed temporary construction compounds;
- construction working hours;

- ground conditions, land stability and mechanisms for reporting unexpected land contamination found during construction;
- adequacy and security of the Code of Construction Practice and construction management plans; and
- restoration of land following the effects of temporary construction works or activities.

## **5. Draft Development Consent Order (dDCO)**

To consider (amongst other things):

- relevant definitions;
- the appropriateness of the articles, Requirements and Schedules of the draft DCO;
- application and modification of legislative provisions; and
- Protective Provisions.

## **6. Flood Risk, Water Quality and Resources**

To consider (amongst other things):

- compliance with the Water Framework Directive;
- the effect of the Proposed Development on water resources including its quality;
- the effect on main rivers, ordinary watercourses and drainage systems;
- effects on flood risk; and
- the resilience of the development to flood risk.

## **7. Good Design**

To consider (amongst other things):

- site and route selection and alternatives; and
- how the Proposed Development would meet the good design tests both generally and more specifically at the proposed Overton Substation and Monk Fryston Substation sites and at the Shipton and Tadcaster cable sealing end compounds.

## **8. Green Belt**

To consider the effect of the Proposed Development on the York and Leeds Green Belts and relevant policy tests.

## **9. Historic Environment**

To consider the effect of the Proposed Development on the significance of designated and non-designated heritage assets, including:

- the special architectural or historic interest of Listed Buildings and their setting;
- the desirability of preserving scheduled monuments and sites of archaeological interest (including Registered Battlefields);
- the desirability of preserving the character and appearance of conservation areas; and
- adequacy and security of the archaeological Written Scheme of Investigation.

## **10. Human Health**

To consider the direct and indirect effects of the Proposed Development on human health and well-being, including from Electromagnetic Fields (EMFs).

## **11. Land Use**

To consider (amongst other things):

- the effect of the Proposed Development on existing land uses, including temporary and permanent effects on agricultural land, farming operations (including seasonal considerations) and land used for research;
- approaches to micro-siting;
- the effect on soil resources in terms of potential loss and/or damage;
- the adequacy of soil management measures, including the Outline Soil Management Plan.

## **12. Landscape and Visual**

To consider (amongst other things):

- the effect of the Proposed Development on existing landscape character and views;
- what the photomontages illustrate and their relationship to respective Rochdale Envelopes;
- reinstatement planting proposals for areas not subject to outline landscape mitigation strategies, including management and maintenance;
- design objectives for the outline landscape mitigation strategies;
- justification for 'additional measures', rather than mitigation, e.g. at Woodstock Lodge Wedding Venue;
- timing of advance mounding and planting; and
- hedgerows.

## **13. Noise and Vibration**

To consider (amongst other things):

- the effects of noise and vibration from the construction, operation and decommissioning of the Proposed Development on human health;
- the effects on buildings, structures and land including their use and stability; and
- the Noise and Vibration Management Plan.

#### **14. Socio-economic Effects**

To consider (amongst other things) the effect of the Proposed Development on:

- the national, regional and local economies;
- the efficient and effective use of land and buildings, including farmland; and
- local businesses including but not restricted to:
  - Woodstock Lodge Wedding Venue northeast of Shipton-by-Beningbrough; and
  - Squires Café and Caravan Park, near Newthorpe.

#### **15. Transportation and Traffic**

To consider, for the construction, operation and decommissioning phases (amongst other things):

- the effects of the Proposed Development on the operation of the strategic road and rail network and local access arrangements;
- the effects on highway safety;
- the effects on Public Rights of Way including bridleways;
- the effects on cycle routes, including routes forming part of the National Cycle Network;
- the effects on public transport;
- the effects on navigation on the River Ouse, and
- adequacy and security of the Public Rights of Way Management Plan and Construction Traffic Management Plan.

## 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 of:</p> <ul style="list-style-type: none"> <li>• <b>Written submissions on the Examination Procedure</b>, including any submissions about the draft Examination Timetable and the use of virtual methods.</li> <li>• <b>Requests to be heard orally at the Preliminary Meeting</b>, including which agenda items you wish to speak on.</li> <li>• <b>Requests to participate in the Open Floor Hearing on 22 March 2023</b> (see Annex E of this letter).</li> <li>• <b>Requests to participate in the Issue Specific Hearing on 23 March 2023</b> (see Annex E of this letter).</li> <li>• <b>Suggested locations for site inspections</b>, including the reason for nomination, issues to be observed there and whether the location(s) require access to private land.</li> </ul>	<p><b>Wednesday 8 March 2023</b></p>
2.	<p><b>Preliminary Meeting</b></p>	<p><b>Wednesday 22 March 2023</b> at 10.00am</p>
3.	<p><b>Open Floor Hearing 1 (OFH1)</b> (see Annex E of this letter)</p>	<p><b>Wednesday 22 March 2023</b> at 2.00pm</p>
4.	<p><b>Issue Specific Hearing 1 (ISH1) on the Scope of the Proposed Development and draft Development Consent Order (dDCO)</b> (see Annex E of this letter)</p>	<p><b>Thursday 23 March 2023</b> at 10.00am</p>
5.	<p>Issue by the Examining Authority of:</p> <ul style="list-style-type: none"> <li>• the <b>Examination Timetable</b>.</li> </ul>	<p><b>As soon as practicable following the</b></p>

	Publication of: <ul style="list-style-type: none"> <li>• <b>The Examining Authority’s Written Questions (ExQ1)</b></li> </ul>	<b>Preliminary Meeting</b>
<b>6.</b>	<b>Deadline 1</b> For receipt by the Examining Authority of: <ul style="list-style-type: none"> <li>• <b>Post-hearing submissions</b>, including written summaries of oral submissions to the hearings and any documents requested by the ExA.</li> <li>• <b>Comments on any oral submissions put at the Hearings.</b></li> <li>• <b>Local Impact Reports</b> from any Local Authorities (see <b>Annex F, Part 2</b> of this letter).</li> <li>• <b>Summaries of any Relevant Representations exceeding 1500 words.</b></li> <li>• <b>Comments on Relevant Representations</b> (see <b>Annex F, Part 4</b> of this letter).</li> <li>• <b>Comments on any Additional Submissions</b> accepted at the discretion of the Examining Authority (see <b>Annex F, Part 5</b> of this letter).</li> <li>• <b>Notification by Statutory Parties of their wish to be considered as an Interested Party</b> by the Examining Authority.</li> <li>• <b>Requests by Interested Parties to participate in a further Open Floor Hearing.</b></li> <li>• <b>Requests by Affected Persons<sup>1</sup> to participate in a Compulsory Acquisition Hearing.</b></li> <li>• <b>Requests by Interested Parties to attend Accompanied Site Inspection</b> (if held).</li> <li>• <b>Applicant’s draft itinerary for Accompanied Site Inspection</b> (see <b>Annex F, Part 3</b> of this letter).</li> <li>• <b>Initial Statements of Common Ground</b> requested by the Examining Authority (see <b>Annex F, Part 1</b> of this letter).</li> <li>• <b>Statement of Commonality for Statements of Common Ground</b> (see <b>Annex F, Part 1</b> of this letter).</li> <li>• <b>Applicant’s updated Guide to the Application</b> in clean and tracked versions (see <b>Annex F, Part 7</b> of this letter).</li> </ul>	<b>Wednesday 5 April 2023</b>

<sup>1</sup> Affected Persons (defined in section 59(4) of the Planning Act 2008)

	<ul style="list-style-type: none"> <li>• <b>Applicant’s updated Book of Reference and Schedule of Changes to the Book of Reference (if required)</b> in clean and tracked versions.</li> <li>• <b>Applicant’s cross-section illustration of proposed works</b> (see <b>Annex F, Part 6a</b> of this letter).</li> <li>• <b>Initial draft s106 Agreement(s)</b> (if required).</li> <li>• <b>Applicant’s planning obligations and commercial side agreements tracking list</b> (see <b>Annex F, Part 10</b> of this letter).</li> <li>• <b>Applicant’s updated National Policy Statement schedules of compliance</b> (if required) (see <b>Annex F, Part 8</b> of this letter).</li> <li>• <b>Any further information requested by the Examining Authority</b> under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010.</li> </ul>	
7.	<p><b>Deadline 2</b></p> <p>For receipt by the Examining Authority of:</p> <ul style="list-style-type: none"> <li>• <b>Responses to the Examining Authority’s Written Questions (ExQ1).</b></li> <li>• <b>Written Representations.</b></li> <li>• <b>Summaries of Written Representations</b> exceeding 1500 words.</li> <li>• <b>Comments on Local Impact Report(s).</b></li> <li>• <b>Comments on initial Statements of Common Ground.</b></li> <li>• <b>Comments on the Applicant’s draft itinerary for an Accompanied Site Inspection.</b></li> <li>• <b>Responses to comments on Relevant Representations.</b></li> <li>• <b>Comments on any other submissions received at Deadline 1.</b></li> <li>• <b>Applicant’s additional Landscape and Visual viewpoints assessment, wirelines and photomontages</b> (see <b>Annex F, Part 6b</b> of this letter).</li> <li>• <b>Applicant’s updated Guide to the Application</b> in clean and tracked versions.</li> <li>• <b>Applicant’s updated Compulsory Acquisition, Temporary Possession and Statutory Undertakers</b></li> </ul>	<p><b>Monday 24 April 2023</b></p>



	<p><b>Schedules of Negotiations, Powers Sought and Objections.</b></p> <ul style="list-style-type: none"> <li>• <b>Applicant’s updated Book of Reference and Schedule of Changes to the Book of Reference</b> (if required) in clean and tracked versions.</li> <li>• <b>Applicant’s updated National Policy Statement schedules of compliance</b> (if required).</li> <li>• <b>Any further information requested by the Examining Authority</b> under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010.</li> </ul>	
8.	<p><b>Deadline 3</b></p> <p>For receipt by the Examining Authority of:</p> <ul style="list-style-type: none"> <li>• <b>Comments on Written Representations.</b></li> <li>• <b>Comments on responses to the Examining Authority’s Written Questions (ExQ1).</b></li> <li>• <b>Comments on Applicant’s additional Landscape and Visual viewpoints assessment, wirelines and photomontages</b> submitted at Deadline 2.</li> <li>• <b>Comments on any other submissions received at Deadline 2.</b></li> <li>• <b>Progressed Statements of Common Ground.</b></li> <li>• <b>Progressed Statement of Commonality for Statements of Common Ground.</b></li> <li>• <b>Applicant’s updated draft Development Consent Order</b> in clean and tracked versions.</li> <li>• <b>Applicant’s consolidated schedule of changes to the draft Development Consent Order</b> (see Annex F, Part 9 of this letter).</li> <li>• <b>Applicant’s updated Guide to the Application</b> in clean and tracked versions.</li> <li>• <b>Any further information requested by the Examining Authority</b> under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010.</li> </ul>	<b>Tuesday 9 May 2023</b>
9.	<p><b>Hearings</b></p> <p>Dates reserved for any:</p> <ul style="list-style-type: none"> <li>• <b>Issue Specific Hearing(s)</b> (if required).</li> </ul>	<b>Week commencing 22 May 2023</b>

	<ul style="list-style-type: none"> <li>• <b>Open Floor Hearing(s)</b> (if required).</li> <li>• <b>Compulsory Acquisition Hearing(s)</b> (if required).</li> <li>• <b>Accompanied Site Inspection</b> (if required).</li> </ul>	
<b>10.</b>	<p><b>Deadline 4</b></p> <p>For receipt by the Examining Authority of:</p> <ul style="list-style-type: none"> <li>• <b>Post-hearing submissions</b>, including written summaries of oral submissions to the hearings and any documents requested by the ExA.</li> <li>• <b>Comments on any oral submissions put at the Hearings.</b></li> <li>• <b>Comments on the Applicant's updated draft Development Consent Order.</b></li> <li>• <b>Comments on progressed Statements of Common Ground.</b></li> <li>• <b>Comments on any submissions received at Deadline 3.</b></li> <li>• <b>Applicant's updated Compulsory Acquisition, Temporary Possession and Statutory Undertakers Schedules of Negotiations, Powers Sought and Objections.</b></li> <li>• <b>Applicant's updated Book of Reference and Schedule of Changes to the Book of Reference (if required)</b> in clean and tracked versions.</li> <li>• <b>Progressed s106 agreement(s)</b> (if required)</li> <li>• <b>Applicant's updated National Policy Statement schedules of compliance</b> (if required).</li> <li>• <b>Applicant's updated Guide to the Application</b> in clean and tracked versions.</li> <li>• <b>Any further information requested by the Examining Authority</b> under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010.</li> </ul>	<b>Tuesday 6 June 2023</b>
<b>11.</b>	<p><b>Publication by the ExA of:</b></p> <ul style="list-style-type: none"> <li>• <b>Examining Authority's Further Written Questions (ExQ2)</b> (if required).</li> </ul>	<b>Tuesday 20 June 2023</b>
<b>12.</b>	<p><b>Deadline 5</b></p> <p>For receipt by the Examining Authority of:</p>	<b>Tuesday 11 July 2023</b>

	<ul style="list-style-type: none"> <li>• <b>Responses to the Examining Authority’s Further Written Questions (ExQ2)</b> (if issued).</li> <li>• <b>Comments on any submissions received at Deadline 4.</b></li> <li>• <b>Progressed Statements of Common Ground.</b></li> <li>• <b>Progressed Statement of Commonality for Statements of Common Ground.</b></li> <li>• <b>Applicant’s updated draft Development Consent Order</b> in clean and tracked versions.</li> <li>• <b>Applicant’s consolidated schedule of changes to the draft Development Consent Order.</b></li> <li>• <b>Applicant’s updated Compulsory Acquisition, Temporary Possession and Statutory Undertakers Schedules of Negotiations, Powers Sought and Objections.</b></li> <li>• <b>Applicant’s updated Book of Reference and Schedule of Changes to the Book of Reference (if required)</b> in clean and tracked versions.</li> <li>• <b>Applicant’s updated Guide to the Application</b> in clean and tracked versions.</li> <li>• <b>Any further information requested by the Examining Authority</b> under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010.</li> </ul>	
<b>13.</b>	<p><b>Hearings</b></p> <p>Dates reserved for any:</p> <ul style="list-style-type: none"> <li>• <b>Issue Specific Hearing(s)</b> (if required).</li> <li>• <b>Open Floor Hearing(s)</b> (if required).</li> <li>• <b>Compulsory Acquisition Hearing(s)</b> (if required).</li> <li>• <b>Accompanied Site Inspection</b> (if required).</li> </ul>	<b>Week commencing 17 July 2023</b>
<b>14.</b>	<p><b>Deadline 6</b></p> <p>For receipt by the Examining Authority of:</p> <ul style="list-style-type: none"> <li>• <b>Post-hearing submissions</b>, including written summaries of oral submissions to the hearings and any documents requested by the ExA (if held).</li> <li>• <b>Comments on any oral submissions put at the Hearings</b> (if held).</li> </ul>	<b>Wednesday 26 July 2023</b>

	<ul style="list-style-type: none"> <li>• <b>Comments on progressed Statements of Common Ground.</b></li> <li>• <b>Comments on the Applicant's updated draft Development Consent Order.</b></li> <li>• <b>Comments on any other submissions received at Deadline 5.</b></li> <li>• <b>Applicant's updated National Policy Statement schedules of compliance (if required).</b></li> <li>• <b>Applicant's updated Guide to the Application in clean and tracked versions.</b></li> <li>• <b>Any further information requested by the Examining Authority under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010.</b></li> </ul>	
15.	<p><b>Publication by the Examining Authority of:</b></p> <ul style="list-style-type: none"> <li>• <b>Report on the Implications for European Sites (RIES) and any associated questions (if required).</b></li> <li>• <b>The Examining Authority's commentary on, or proposed schedule of changes to, the draft Development Consent Order (if required).</b></li> </ul>	<b>Wednesday 16 August 2023</b>
16.	<p><b>Deadline 7</b></p> <p>For receipt by the Examining Authority of:</p> <ul style="list-style-type: none"> <li>• <b>Comments on the Report on the Implications for European Sites (RIES) and responses to any associated questions (if issued).</b></li> <li>• <b>Responses to the Examining Authority's commentary on, or proposed schedule of changes to, the draft Development Consent Order (if issued).</b></li> <li>• <b>Comments on any submissions received at Deadline 6.</b></li> <li>• <b>Final Statements of Common Ground.</b></li> <li>• <b>Final Statement of Commonality for Statements of Common Ground.</b></li> <li>• <b>List of matters not agreed where any Statement of Common Ground could not be finalised.</b></li> <li>• <b>Applicant's final draft Development Consent Order in clean and tracked versions.</b></li> </ul>	<b>Wednesday 6 September 2023</b>

	<ul style="list-style-type: none"> <li>• <b>Applicant’s final draft Development Consent Order to be submitted in the SI template with the SI template validation report (see Annex F, Part 9 of this letter).</b></li> <li>• <b>Applicant’s final consolidated schedule of changes to the draft Development Consent Order.</b></li> <li>• <b>Applicant’s final amended Explanatory Memorandum.</b></li> <li>• <b>Applicant’s final updated Book of Reference and Schedule of Changes to the Book of Reference in clean and tracked versions.</b></li> <li>• <b>Applicant’s final Compulsory Acquisition, Temporary Possession and Statutory Undertakers Schedules of Negotiations, Powers Sought and Objections.</b></li> <li>• <b>Applicant’s final National Policy Statement schedules of compliance.</b></li> <li>• <b>Applicant’s final planning obligations and commercial side agreements tracking lists.</b></li> <li>• <b>Any final signed and dated section 106 agreements together with CIL compliance schedule.</b></li> <li>• <b>Applicant’s final updated Guide to the Application, in clean and tracked versions.</b></li> <li>• <b>Any further information requested by the Examining Authority under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010.</b></li> </ul>	
<b>17.</b>	<p><b>Deadline 8</b></p> <p>For receipt by the Examining Authority of:</p> <ul style="list-style-type: none"> <li>• <b>Any further information requested by the Examining Authority under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010.</b></li> </ul>	<b>Wednesday 13 September 2023</b>
<b>18.</b>	The ExA is under a duty to complete the Examination of the application by the end of the period of six months.	<b>Friday 22 September 2023</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.

### **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
<b>Wednesday 22 March 2023</b>	<b>Open Floor Hearing 1 (OFH1)</b>	<b>Virtual Room opens from:</b> 1.00pm  <b>Seating available at venue from:</b> 1.30pm  <b>Virtual Arrangements Conference from:</b> 1.45pm  <b>Hearing starts:</b> 2.00pm	<b>Novotel York Centre, Fishergate, York YO10 4FD</b>  (free on-site day parking) and <b>By virtual means using Microsoft Teams</b>  Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered
<b>Thursday 23 March 2023</b>	<b>Issue Specific Hearing 1 (ISH1)</b>  Scope of the Proposed Development and the draft Development Consent Order (dDCO)	<b>Virtual Room opens from:</b> 9.00am  <b>Seating available at venue from:</b> 9.30am  <b>Virtual Arrangements Conference from:</b> 9.45am  <b>Hearing starts:</b> 10.00am	<b>Novotel York Centre, Fishergate, York YO10 4FD</b>  (free on-site day parking) and <b>By virtual means using Microsoft Teams</b>  Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered
<p><b>NOTE:</b> 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 <a href="#">project webpage</a>, providing reasonable notice to Interested Parties of the decision to cancel them.</p>			



**You must register by Wednesday 8 March 2023 if you intend to participate in the hearings and provide all the information requested (see below).**

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

1. attend the physical event to observe the proceedings;
2. 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
3. watch the recording of the event which will be published on the project webpage shortly after the event has finished.

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 the hearing(s) you wish to participate in, the agenda item(s) on which you wish to speak and brief details of the topic(s) that you would like to raise;
- the [Examination Library](#) reference number (with paragraph/ page number where appropriate) of any documents you wish to refer to;
- confirmation of whether you will participate virtually or in-person; and
- any special requirements you may have (eg disabled access or hearing loop)

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

### Hearing agendas

As a general rule, the ExA will aim to publish a detailed draft agenda for Issue Specific Hearings and Compulsory Acquisition Hearings 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.

## **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.

Seating will be available at the venue at least 30 minutes prior to the start of each hearing to enable a prompt start. The hearing will finish as soon as the ExA deems that all those present have had their say and all matters have been covered. Depending on the numbers wishing to speak at the hearing, it may be necessary for the ExA to limit the time allocated to each speaker.

## **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 under section 89(3) of the PA2008.

### 1. Statements of Common Ground (SoCG) and Statement of Commonality

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 establishes **Deadline 1 (Wednesday 5 April 2023)** for the submission of initial SoCGs.

The aim of a SoCG<sup>2</sup> 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. Where disagreement exists, SoCGs should be as specific and detailed as possible about the matters in dispute.

In identifying the SoCGs requested below, the ExA has had regard to the Applicant's suggested list of SoCGs that are required [APP-202, Table 2.1] and not required [APP-202, Table 2.2]. The ExA's list of requested SoCGs takes account of issues raised in the application documents, Relevant Representations and additional submissions to date.

The ExA welcomes the proposed structure of SoCGs set out in paragraph 2.6.4 of [APP-202]. Unless otherwise stated or agreed, the SoCG should be agreed between the Applicant and the relevant Interested Party or parties, and submitted **by the Applicant**.

The ExA welcomes the Applicant's proposed joint SoCG with North Yorkshire County Council, Hambleton District Council, Harrogate Borough Council and Selby District Council [APP-202, Table 2.1]. This is displayed as a joint SoCG below. If this were no longer to be the case, the ExA requests individual SoCGs between the Applicant and all the aforementioned councils.

The ExA also welcomes the Applicant's proposed SoCG with the York Consortium of Internal Drainage Boards [APP-202, Table 2.1]. The ExA notes that separate Relevant Representations have been submitted by Ainsty Internal Drainage Board and Foss Internal Drainage Board, both of which are members of the York Consortium of Internal Drainage Boards. Should the parties decide not to participate in a joint SoCG for the York Consortium of Internal Drainage Boards, the ExA requests individual SoCGs between the Applicant and the separate Internal Drainage Boards.

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<sup>2</sup> DCLG (March 2015) 'Planning Act 2008: Guidance for the Examination of Applications for Development Consent' paras 58-65

If there is documented agreement between the Applicant and any party listed below in respect of Protective Provisions and no other matters of disagreement remain, then a statement to this effect would suffice and no SoCG is required. In the absence of such agreement, and even if agreement is expected to be reached, then a SoCG should be provided.

SoCGs are requested to be prepared between the Applicant and:

A. **Canal and River Trust** to include, but not limited to:

- relevant policy and construction and operational stage technical matters, including navigation and navigational safety, impact on river banks and protecting rights of river users and access to river banks;
- impact on Canal and River Trust assets;
- Canal and River Trust's Code of Practice for Third Party Works; and
- draft Development Consent Order, including Protective Provisions and any other agreements.

B. **Cellnex UK** to include, but not limited to:

- relevant policy and construction and operational stage technical matters;
- impact on Cellnex UK assets; and
- draft Development Consent Order, including Protective Provisions.

C. **City of York Council**, to include, but not limited to:

- need case including routeing and alternatives;
- planning policy context;
- technical matters covered in the Environmental Statement for construction and operational phases, including scope, reports and assessments contained in Appendices, methodology, baseline, embedded mitigation, likely significant effects, cumulative effects (inter-project and intra-related), additional measures and management plans;
- Biodiversity Net Gain;
- Green Belt and green infrastructure;
- good design; and
- draft Development Consent Order and any other agreements.

C. **Environment Agency**, to include, but not limited to:

- relevant technical matters covered in the Environmental Statement for construction and operational phases, including scope, reports and assessments contained in Appendices, methodology, baseline, embedded mitigation, likely significant effects, cumulative effects (inter-project and intra-related), and management plans;
- flood risk assessment;
- Water Framework Directive;
- relevant other agreements, consents, permits and licences; and

- draft Development Consent Order, including Protective Provisions.
- D. **Historic England**, to include, but not limited to:
- relevant technical matters covered in the Environmental Statement for construction and operational phases, including scope, reports and assessments contained in Appendices, methodology, baseline, embedded mitigation, likely significant effects, cumulative effects (inter-project and intra-related), assessment of harm and substantial harm and management plans; and
  - draft Development Consent Order and deemed consents where required.
- E. **Hutchinson 3 EE**, to include, but not limited to:
- relevant policy and construction and operational stage technical matters
  - impact on Hutchinson 3 EE assets; and
  - draft Development Consent Order, including Protective Provisions.
- F. **Leeds City Council**, to include, but not limited to:
- need case including routeing and alternatives;
  - planning policy context;
  - technical matters covered in the Environmental Statement for construction and operational phases, including scope, reports and assessments contained in Appendices, methodology, baseline, embedded mitigation, likely significant effects, cumulative effects (inter-project and intra-related), and management plans;
  - Biodiversity Net Gain;
  - Green Belt and green infrastructure;
  - good design; and
  - draft Development Consent Order and any other agreements.
- G. **National Gas Transmission (Limited) (formerly National Grid Gas)**, to include, but not limited to:
- relevant policy and construction and operational stage technical matters;
  - impact on National Gas Transmission assets; and
  - draft Development Consent Order, including Protective Provisions and any other agreements.
- H. **National Highways**, to include, but not limited to:
- relevant technical matters covered in the Environmental Statement for construction and operational phases, including scope, reports and assessments contained in Appendices, methodology, baseline, embedded mitigation, likely significant effects, cumulative effects (inter-project and intra-related), and management plans; and
  - draft Development Consent Order.

- I. **National Trust**, to include, but not limited to:
- relevant technical matters covered in the Environmental Statement for construction and operational phases, including scope, reports and assessments contained in Appendices, methodology, baseline, embedded mitigation, likely significant effects, cumulative effects (inter-project and intra-related), and management plans;
  - Beningbrough Hall Grade I listed building; and
  - draft Development Consent Order.
- J. **Natural England**, to include, but not limited to:
- relevant technical matters covered in the Environmental Statement for construction and operational phases, including scope, reports and assessments contained in Appendices, methodology, baseline, embedded mitigation, likely significant effects, cumulative effects (inter-project and intra-related) and management plans;
  - protected species licences;
  - Habitats Regulations Assessment;
  - Biodiversity Net Gain; and
  - draft Development Consent Order.
- K. **Network Rail**, to include, but not limited to:
- relevant policy and construction and operational stage technical matters;
  - impact on Network Rail assets; and
  - draft Development Consent Order including Protective Provisions and any other agreements.
- L. **North Yorkshire County Council, Hambleton District Council, Harrogate Borough Council and Selby District Council (Joint SoCG)** to include, but not limited to:
- need case including routeing and alternatives;
  - planning policy context;
  - technical matters covered in the Environmental Statement for construction and operational phases, including scope, reports and assessments contained in Appendices, methodology, baseline, embedded mitigation, likely significant effects, cumulative effects (inter-project and intra-related), additional measures and management plans;
  - Biodiversity Net Gain;
  - Green Belt and green infrastructure;
  - good design, with specific reference to the proposed substations at Overton and Monk Fryston and cable sealing end compounds at Shipton North and South, and Tadcaster; and
  - draft Development Consent Order and any other agreements, consents, permits and licences.

- M. **Northern Gas Networks**, to include, but not limited to:
- relevant policy and construction and operational stage technical matters;
  - impact on Northern Gas Networks assets; and
  - draft Development Consent Order including Protective Provisions and any other agreements.
- N. **Northern Power Grid**, to include, but not limited to:
- relevant policy and construction and operational stage technical matters;
  - impact on Northern Power Grid assets; and
  - draft Development Consent Order including Protective Provisions and any other agreements.
- O. **Shire Group of Internal Drainage Boards**, to include, but not limited to:
- Relevant technical matters covered in the Environmental Statement for construction and operational phases, including scope, reports and assessments contained in Appendices, methodology, baseline, embedded mitigation, likely significant effects, cumulative effects (inter-project and intra-related), and management plans;
  - flood risk assessment;
  - relevant other legislation, agreements, consents, permits and licences;
  - application of local legislation (bylaws);
  - proposed Code of Construction Practice, and Risk Assessment Method Statements; and
  - draft Development Consent Order, including Protective Provisions.
- P. **Sustrans**, to include, but not limited to:
- relevant technical matters covered in the Environmental Statement for construction and operational phases, including scope, reports and assessments contained in Appendices, methodology, baseline, embedded mitigation, likely significant effects, cumulative effects (inter-project and intra-related) and management plans;
  - Public Rights of Way Management Plan, including National Cycle Network and proposed temporary diversion; and
  - draft Development Consent Order.
- Q. **York Consortium of Internal Drainage Boards**, to include, but not limited to:
- relevant technical matters covered in the Environmental Statement for construction and operational phases, including scope, reports and assessments contained in Appendices, methodology, baseline, embedded mitigation, likely significant effects, cumulative effects (inter-project and intra-related) and management plans;

- relevant other legislation, agreements, consents, permits and licences;
- application of local legislation (bylaws);
- proposed Code of Construction Practice and Risk Assessment Method Statements; and
- draft Development Consent Order, including Protective Provisions.

R. **Yorkshire Water**, to include, but not limited to:

- relevant technical matters covered in the Environmental Statement for construction and operational phases, including scope, reports and assessments contained in Appendices, methodology, baseline, embedded mitigation, likely significant effects, cumulative effects (inter-project and intra-related) and management plans;
- relevant other legislation, agreements, consents, permits and licences; and
- draft Development Consent Order.

S. **Yorkshire Wildlife Trust**, to include, but not limited to:

- relevant technical matters covered in the Environmental Statement for construction and operational phases, including scope, reports and assessments contained in Appendices, methodology, baseline, embedded mitigation, likely significant effects, cumulative effects (inter-project and intra-related) and management plans;
- Biodiversity Net Gain; and
- draft Development Consent Order.

**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.

Where a particular SoCG cannot be agreed between the parties by **Deadline 1**, draft versions of that SoCG should be submitted by the Applicant at that deadline. 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 7**.

The content of SoCGs will help to inform the ExA's decisions about matters to be covered in any Issue Specific Hearings, and to enable the ExA and the Applicant to give notice of such hearings at least 21 days in advance of them taking place.

#### Statement of Commonality

At each point that the updated SoCGs are submitted to meet a deadline in the Examination Timetable, the Applicant is requested to submit an updated



Statement of Commonality. This document should provide an overview of the position of each SoCG at the relevant deadline, for example noting where discussions are ongoing and where a final, signed SoCG has been submitted. It would also assist the ExA to have summaries of commonality in respect of the main topics in the Examination. This material should be presented in a tabular, colour-coded format wherever possible.

### 2. Local Impact Reports

A Local Impact Report (LIR) is a report in writing giving details of the likely impact of a Proposed Development on a local authority's area (or any part of that area). For more information about the importance and content of LIRs, see our Advice Note One: Local Impact Reports<sup>3</sup>.

The ExA requests LIRs from the host local authorities, and welcomes LIRs from any other relevant local authorities defined in section 56A of the Planning Act 2008 who may wish to submit one. All LIRs are requested to be submitted into the Examination no later than by **Deadline 1 (Wednesday 5 April 2023)** in order to front-load the Examination and maximise the available time.

### 3. Site Inspections

The ExA has undertaken an Unaccompanied Site Inspection (USI), a summary note of which can be found in the Examination Library [[EV-001](#)]. Further unaccompanied inspections of publicly accessible locations will be carried out before and/or during the Examination. A summary note of any visit will be published in the Examination Library.

In addition to this, the draft Examination Timetable at **Annex D** of this letter includes dates reserved for Accompanied Site Inspections (ASI), if required. The ExA's starting position is that ASIs will be used only when it is necessary to inspect a site in the company of an Interested Party, for example when access to private land is required. It may also 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.

Interested Parties are invited to submit any suggested locations to be inspected by the ExA. Nominations for locations to be inspected must be received by **Procedural Deadline A, Wednesday 8 March 2023**. You must indicate the reason for the nomination and the issues to be observed. You should also indicate whether access to private land would be required and if so, provide contact details for access. It would be helpful if nominations could be sent separately from any other written submission.

Interested Parties should be aware that ASIs are not an opportunity to make any oral representations to the ExA about the Proposed Development.

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<sup>3</sup> <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-noteone-local-impact-reports/>

However, participants may be invited by the ExA to indicate factual matters such as specific features or sites of interest.

The Applicant is requested to prepare a draft itinerary for the ASI to be submitted by **Deadline 1, Wednesday 5 April 2023**. This should focus on private land to which access is required, taking account of:

- locations referred to in the Relevant Representations;
- any other locations at which the Applicant has predicted likely significant environmental effects; and
- locations suggested by Interested Parties submitted by **Procedural Deadline A**.

Interested Parties are invited to submit any comments on the Applicant's draft itinerary by **Deadline 2, Monday 24 April 2023**.

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

#### **4. Comments on Relevant Representations**

The Applicant and other Interested Parties are invited to provide any comments on the Relevant Representations by **Deadline 1 (Wednesday 5 April 2023)**. The Relevant Representations can be found in the [Examination Library](#).

Comments on Relevant Representations should:

- specify the names of the parties making the representation and the relevant Examination Library reference in order to demonstrate that all Relevant Representations have been responded to; and
- where a detailed or tabular representation has been submitted, present responses in a comparable manner in order to ensure that all points are responded to in similar terms.

#### **5. Additional Submissions**

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

- [AS-001] Late adequacy of consultation response by Scarborough Borough Council; and
- [AS-002] Additional s56 notice dated 17 January 2023 by National Grid Electricity Transmission (NGET).
- Applicant's response dated 17 February 2023 to section 51 advice issued alongside the decision of the Planning Inspectorate to accept the application for Examinations:
  - [AS-003] Cover letter in response to s51 advice.

- Updated Land Plans
  - [AS-005] Updated doc ref 2.5.1(B) Land Plan Section A
  - [AS-006] Updated doc ref 2.5.1(B) Land Plan Section B
  - [AS-007] Updated doc ref 2.5.1(B) Land Plan Section C
  - [AS-008] Updated doc ref 2.5.1(B) Land Plan Section D
  - [AS-009] Updated doc ref 2.5.1(B) Land Plan Section E
  - [AS-010] Updated doc ref 2.5.1(B) Land Plan Section F.
- Updated doc ref 3.1(B) draft Development Consent Order (clean [AS-011] and track changed [AS-012] versions).
- Updated doc ref 3.2(B) Explanatory Memorandum (clean [AS-013] and tracked changed [AS-014] versions).
- [AS-018] Updated doc ref 6.4(B) No Significant Effects Report (Habitats Regulations Assessment Screening).
- Additional submissions from the Applicant dated 17 February 2023. To correct formatting errors and separate out confidential material from the Phase 1 Habitat Survey Report:
  - [AS-004] Updated doc ref 1.3(B) Navigation Document and Application Guide.
  - [AS-015] Updated doc ref 5.3.8B(B) Appendix 8B Extended Phase 1 Habitat Survey Report.
  - [AS-016] Doc ref 5.3.8J Appendix 8J – Confidential Schedule 1 Bird Survey Information.
  - [AS-017] Updated doc ref 5.4.3(B) Environmental Statement Chapter 3 Description of the Project Figures.
  - [AS-019] Doc ref 8.1 Schedule of changes to the draft Development Consent Order.

## **6. Additional information from the Applicant**

The ExA requests that the Applicant submits the following additional information to inform its Examination of the application.

### **a. Cross-section illustration of proposed works**

To aid comprehension of the Proposed Development and its constituent parts, the ExA requests that the Applicant provides a cross-section diagram which illustrates the Works Numbers as they relate to different elements of the dDCO. This should be submitted by **Deadline 1, Wednesday 5 April 2023**.

The schematic diagram should be annotated to show:

- the Works numbers;
- the voltage of each section of electric line (275kV / 400kV);
- pylon reference numbers;

- Northern Power Grid works and Northern Gas Networks works; and
- existing linear features being crossed, such as rivers, major roads and railway lines.

Temporary works such as construction compounds and temporary overhead line diversions need not be shown.

The Applicant is referred to the following cross-section illustration which may assist in production of the requested visual: Richborough Connection Project, [REP2-017], [Document 8.2.1, Appendix Q](#).

#### **b. Additional photomontages**

The ExA requires additional viewpoints to be assessed, illustrated with wirelines and photomontages, to be submitted at **Deadline 2, Monday 24 April 2023**, as listed below. Notice is given to allow winter/ spring photography.

Photomontages and wirelines should include the Rochdale envelope extent of the proposed Overton Substation/ Monk Fryston Substation extension with a coloured hatched line. Viewpoints should be located on site such that where possible intervening, existing vegetation does not obstruct views of the proposed infrastructure. Also provide visual assessments for these new viewpoints.

- Photomontage(s) from a new viewpoint on footpath 10.129/5/1 [APP-027, Sheet 1 of 5] which runs in a south easterly direction from the right-angle bend in East Lane on the eastern edge of Shipton-by-Beningbrough. Viewpoint to be located at the point where footpath 10.129/5/1 meets footpath 11/8/40 and turns in a more southerly direction immediately after passing over a small bridge over Hurns Gutter, looking towards the proposed new overhead line.
- Photomontage(s) from a new viewpoint on the minor road running south of Shipton-by-Beningbrough off the A19. Viewpoint to be located at a position on the verge at the northern end of the crash barrier of the road bridge which crosses the railway, which is due north of VP14. Views to include all angles/ directions that would give views into the proposed Overton Substation area.
- Photomontages(s) from a new viewpoint on the A19, looking north from the western verge. Viewpoint to be located on or near Hurns Bridge over Hurns Gutter where views of the proposed Overton Substation would be gained.
- Wirelines on photograph showing proposed extension to Monk Fryston substation and proposed pylons visible from Whitecote Lane, which runs from the B1222 eastwards to South Milford. Viewpoint to be located at a high point looking south eastwards when travelling east.
- Photomontage(s) from Butts Lane, which runs south from Lumby to the A63. Viewpoint to be located north of VP25, where Butts Lane curves and heads in a south westerly direction, taken from south verge looking

south to include Monk Fryston Lodge and Monk Fryston existing and proposed substations.

## **7. Updated Guide to the Application**

The Applicant is requested to provide an updated Guide to the Application [APP-003, Table 1.1] document listing the most up to date documents that are before the ExA at each deadline. This should be in tabular format and include a column which states whether updates and new documents would form part of the Environmental Statement. Examination Library references should be added when available. A final version must be submitted by **Deadline 7**.

When documents are updated, as is standard in Examinations, the ExA requests that two copies are provided – a ‘clean’ copy and a ‘track changed’ version, showing alterations from the previous iteration. This helps assist the ExA and Interested Parties keep track of changes from deadline to deadline.

## **8. National Policy Statement schedules of compliance**

The ExA notes the inclusion of Tables A.1 and B.1 (Appendices A and B) of the submitted Planning Statement [APP-202] which signpost compliance with National Policy Statements (NPS) EN-1 and EN-5. The ExA requests that the schedules are updated regularly during the Examination to record any changes or additions to the Applicant’s position on NPS compliance demonstrated by submissions during the Examination.

The draft Examination Timetable specifies the deadlines at which updates are sought and requests final versions at **Deadline 7**. Should new National Policy Statements be designated during the course of the Examination then the tables will need to be revised accordingly.

## **9. Submission of draft Development Consent Orders (dDCO) and Book of Reference (BoR) by the Applicant**

Where the Applicant submits an amended dDCO at any deadline, the submission is to be made in the following form:

- a. a new version number identifying that the submitted dDCO is an amended version;
- b. a document showing the amended dDCO without any mark-up (the ‘clean version’);
- c. a document showing the amended dDCO with tracked changes marking up all amendments since the last version number; and
- d. a consolidated schedule of changes listing all changes to the dDCO since the application version, when (including the version number) and for what purpose each change was introduced.

Amended dDCOs submitted by the Applicant at **Deadline 5** and **Deadline 7** must be accompanied by:

- a. versions submitted in Microsoft Word. The version submitted at **Deadline 7** must have been validated against the Statutory Instrument template; and
- b. an amended Explanatory Memorandum.

Where the Applicant submits an amended BoR at any deadline, the submission is to be made in the following form:

- a. a new version number identifying that the submitted BoR is an amended version;
- b. a document showing the amended BoR without any mark-up (the 'clean version');
- c. a document showing the amended BoR with tracked changes marking up all amendments since the last version number; and
- d. a consolidated table of changes listing all changes to the BoR since the application version, when (including the version number) and for what purpose each change was introduced.

#### **10. Planning obligations and commercial side agreements tracking list**

The draft Examination Timetable requests the submission of any initial draft s106 agreements (if required) at **Deadline 1 (Wednesday 5 April 2023)**. At the same deadline, the ExA requests that the Applicant submits a tracking list which indexes all of the following documents that it has produced or intends to produce:

- a. any **planning obligations** under the Town & Country Planning Act 1990 (as amended) or other legislative provisions relevant to planning, identifying the legislative head of power for the obligation, its subject matter(s) and why it is necessary, whether the obligation would be unilateral, bilateral or multi-lateral, the involved Interested Parties or other persons and whether the conclusion of such an agreement is considered likely to remove the need for any provisions in the draft DCO, to remove the need for one or more Statements of Common Ground or lead to the withdrawal of one or more Relevant and/ or Written Representations; and
- b. any **commercial side agreements or contracts** proposed between the Applicant and Interested Parties or other persons, identifying the subject matter(s) and their purpose, the involved Interested Parties or other persons and whether the conclusion of such an agreement is considered likely to remove the need for one or more Statements of Common Ground or lead to the withdrawal of one or more Relevant and/or Written Representations.

At **Deadline 7 (Wednesday 6 September 2023)**, the Applicant is requested to update the tracking list and to identify what changes (if any) have occurred since the previous update.

If the Applicant wishes the ExA to accord weight to commercial side agreements, evidence that these have been concluded, together with a list of

the matters provided for and subscribed to by all signatories to each agreement must be provided at **Deadline 7**.

If the Applicant wishes the ExA to accord weight to planning obligations, signed copies must be provided at **Deadline 7** together with a summary statement identifying how each obligation addresses the tests in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and paragraph 57 of the National Planning Policy Framework.

**11. Deadline for Notification by Statutory Parties of their wish to be considered as an Interested Party (IP) by the Examining Authority**

The ExA has made a Procedural Decision that, in order to facilitate a timely start to the Examination, Statutory Parties must have decided whether they wish to be considered as an IP and notified the Planning Inspectorate of their decision by **Deadline 1, Wednesday 5 April 2023**.

## 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 will need to bring a form of identification and register as a member/library member in order to use a computer at these locations.

Local authority	Venue/address	Opening hours	Printing costs
Selby District Council	Selby Library, 52 Micklegate, Selby YO8 4EQ	Monday: 9:30am to 7:30pm Tuesday: 9:30am to 5:30pm Wednesday: 9:30am to 5:30pm Thursday: 9:30am to 12:30pm Friday: 9:30am to 5:30pm Saturday: 9:30am to 12:30noon Sunday: Closed	A4: 10p for black and white. 50p for colour A3: 25p for black and white. £1 for colour.



Local authority	Venue/address	Opening hours	Printing Costs
Wakefield District Council	Castleford Forum Library & Museum, Carlton St, Castleford WF10 1BB	Monday: 9:30am - 5pm Tuesday: 9:30am - 5pm Wednesday: Closed Thursday: 9:30am - 5pm Friday: 9:30am - 5pm Saturday: 9:30am - 4pm Sunday: Closed	A4: 20p for black and white. 40p for colour.  A3: 30p for black and white. 75p for colour.
Leeds City Council	Central Library, Calverley Street, Leeds, LS1 3AB	Monday to Thursday 9.00am to 8.00pm Friday 9.00am to 5.00pm Saturday 10.00am to 4.00pm Sunday: Closed	A4:10p for black and white. 20p for colour. A3: 20p for black and white 40p for colour

## Information about the 'Make a submission' tab

The ['Make a submission'](#) tab 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 2003 or YOGN-AFP, YOGN-ISP, YOGN-S57, YOGN-APP. 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 ['Make a submission'](#) tab please contact the Case Team using the contact details at the top of this letter and they will assist.