

## **Planning Act 2008 – section 91**

**EN010095**

### **Application by Alternative Use Boston Projects Limited for an Order Granting Development Consent for the Boston Alternative Energy Facility project**

#### **Agenda for Issue Specific Hearing 1: Draft Development Consent Order (dDCO)**

**Date:** Tuesday 23 November 2021

**Time:** 10.00am (Arrangements Conference at 9.30am)

**Venue:** Virtual Hearing via Microsoft Teams

#### **Introduction**

Details on participation, conduct and management of the hearing are included in **Annex A** of this agenda and should be read by all participants in advance of the hearing.

If for any reason, including technical issues, matters are not concluded by the end of this hearing, there are dates reserved for additional hearings during the week of the 28 February 2022. This will only be needed if the Examining Authority (ExA) decides that it is necessary to hear further oral submissions from any party on any relevant matters.

This hearing, and any subsequent hearings, will be held without prejudice to the ExA's consideration of the broader merits of the application.

The Applicant submitted a revised draft Development Consent Order at Deadline 1. It is the tracked change version of this document that we will be working from.

The details set out below are indicative and the ExA may find it necessary to include additional agenda items or to amend the order in which the items are dealt with.

#### **Requested Attendees**

The ExA would find it helpful if the following parties could attend this hearing:

- The Applicant
- Anglian Water
- Boston Borough Council
- Environment Agency

- Lincolnshire County Council
- Marine Management Organisation
- The Black Sluice Internal Drainage Board
- Western Power Distribution

Those Interested Parties (IPs) listed above are those from whom the ExA would particularly like to hear from on this topic. By way of clarification, IPs who are not included in that list, but who have specifically requested to speak at this Issue Specific Hearing (ISH) will also be sent a joining link.

## **Agenda Items**

### **1. Welcome, introductions and arrangements for the hearing**

### **2. Purpose of the Issue Specific Hearing**

### **3. Applicant to update on recent changes to draft DCO at Deadline 1.**

### **4. Articles**

a) The ExA will be seeking confirmation from the Applicant on whether the Articles are agreed, and if not, which specific Articles remain disagreed and the reasons for this.

b) Any submissions from Interested Parties.

### **5. Schedule 8 – Protective Provisions**

The ExA will be seeking confirmation on whether the Protective Provisions in Schedule 8 are agreed, and if not, which specific provisions remain disagreed and the reasons for this.

- a) Part 1: electricity, gas, water and sewerage undertakers.
- b) Part 2: operators of electronic communications code networks
- c) Part 3: highways and traffic undertakers
- d) Part 4: Environment Agency
- e) Part 5: drainage authorities

### **6. Schedule 1 – Authorised Development**

a) Any submissions from the Applicant or IPs.

### **7. Schedule 2 – Requirements**

a) The ExA will be seeking confirmation from the Applicant on whether the Requirements are agreed, and if not, which specific Requirements remain disagreed and the reasons for this.

b) Any submissions from IPs

**8. Schedules 3 (streets subject to street works); 4 (streets subject to alteration of layout); 5 (temporary closure, alteration, diversion and restriction of the use of streets); 6 (permanent stopping up of streets and public rights of way); 7 (land for which temporary possession may be taken).**

a) Any submissions from the Applicant or IPs

**9. Schedule 9– Deemed Marine Licence**

a) The ExA will be seeking confirmation from the Applicant on whether the Deemed Marine Licence is agreed, and if not, which specific items remain unagreed and the reasons for this.

b) Any submissions from IPs

**10. Schedule 10 – Documents and Plans to be Certified**

a) Any submissions from the Applicant or IPs

**11. Any other matters in connection with the draft DCO**

**12. Any other business relevant to the Agenda**

Note: In circumstances where the ExA has been made aware of any technical difficulties around participation, he will provide an opportunity for persons who could not be heard on earlier agenda items to participate as necessary and appropriate.

**13. Actions arising (including any procedural decisions if required) and next steps**

**14. Closing**

### **Conduct and Management of the Hearing**

Guidance under the Planning Act 2008 and the Examination Procedure Rules provides that at Hearings it is the ExA that will probe, test and assess the evidence through direct questioning of persons making oral representations. Questioning at the Hearing will therefore be led by the ExA. Parties wishing to make a representation will be invited to do so at the ExA's discretion.

The ExA will start the Hearing by making introductory comments, introductions and running through housekeeping matters and how the Hearing will be conducted. The ExA's expectation is that each hearing session will typically last for one to two hours. However, the actual duration will depend on the progress made on the day and will be subject to the ExA's powers of control over the conduct of the Hearing.

Questioning at the Hearing will be led by the ExA. Cross-questioning of the person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that a person has had a fair chance to put their case.

The Agenda may be amended by the ExA at the start of the hearing. Furthermore, the ExA may wish to raise matters arising from oral submissions, Relevant Representations and Written Representations, and pursue lines of inquiry in the course of the discussion which are not listed on the Agenda.

The Hearing is being held at the discretion of the ExA to consider matters that it considers to be important and relevant to the effective and robust examination of the application. Consequently, the business of a Hearing will be limited to the matters identified in the agenda or otherwise raised by the ExA.

Oral participation is at the invitation and discretion of the ExA. Oral submissions must address the matters, issues and questions identified in the hearing agenda and raised by the ExA at the hearing. Oral submissions on other subject matters or from persons who have not been invited to speak by the ExA may only be heard at the discretion of the ExA, who may decide that such matters are not heard in the interests of relevance or time efficiency.

If for any reason, including technical issues, matters are not concluded by the end of this hearing, there are dates reserved for additional hearings during the week of the 28 February 2022. This will only be needed if the ExA decides that it is necessary to hear further oral submissions from any party on any relevant matters. This will be at the discretion of the ExA and it may be decided to pursue further representations in writing rather than through an additional hearing on this matter.

## **Annex A**

Recordings of the hearing will be published by the Planning Inspectorate and any IP may make a written submission on the specific matters either included in the agenda or arising at the hearing by Deadline 3 on 6 December 2021.