



National Infrastructure Planning
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All Interested Parties and Statutory Parties

Your Ref:

Our Ref: EN010138

Date: 12 March 2024

Dear Sir/ Madam

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

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

Appointment of the Examining Authority and invitation to the Preliminary Meeting

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

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

Invitation to the Preliminary Meeting

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

Date	Start time	Joining details
Tuesday 9 April 2024	Registration Process from: 9:30 am	This Preliminary Meeting will be held virtually using Microsoft Teams



	Preliminary Meeting starts: 10:00 am	Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered
IMPORTANT: The Preliminary Meeting should be completed before 1:00pm on 9 April 2024.		

You must register by completing the [Event Participation Form](#) by Tuesday 2 April 2024 if you intend to participate in the Preliminary Meeting and provide all the information requested (see below).

If you simply wish to observe the Preliminary Meeting then you do not need to register as you will be able to 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. You will also be able to 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 me about how the application should be examined. The ExA will therefore limit the scope of the Preliminary Meeting to consideration of **how the application will be examined**. See **Annex B** to this letter and the Planning Inspectorate’s [Advice Note 8.3 - Influencing how an application is Examined: the Preliminary Meeting](#) for more information.

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

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

Written submissions about how the application should be examined

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

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



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

You are invited to make a written submission about how the application is to be examined by **Procedural Deadline A (Tuesday 2 April 2024)** (see **Annex D** to this letter).

I request that all submissions are made using the '[Have Your Say](#)' page on the project webpage on or before **Procedural Deadline A. Annex G** to this letter provides further information about using the 'Have Your Say' page.

Requests to participate at the Preliminary Meeting

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

If you wish to participate at the Preliminary Meeting you are required to notify the ExA in writing on or before **Tuesday 2 April 2024** (see **Procedural Deadline A**).

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

- Name and unique reference number (found at the top your letter or email from the Planning Inspectorate);
- email address (if available) and contact telephone number;
- name and unique reference number of any person/organisation that you are representing (if applicable); and
- the agenda item on which you wish to speak and a list of the points you wish to make.

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

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

Format of Examination Events – Preliminary Meeting and Hearings

The Examination of the application will principally be a written process (see [Advice Note 8.4: The Examination](#)), supplemented where necessary by various types of



hearings (see [Advice Note 8.5: Hearings and site inspections](#) and [Advice Note 8.6: Virtual Examination events](#)).

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

I am providing formal notification that the **Preliminary Meeting will be a virtual event**.

After the Preliminary Meeting

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

Other Procedural Decisions made by the Examining Authority

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

- Requested Statements of Common Ground.
- Request for suggested locations for an Accompanied Site Inspection; and.
- Acceptance of Natural England's Additional Submission.

Managing Examination correspondence

Given the volume and frequency of letters the Planning Inspectorate needs to send to Interested Parties during an Examination, we aim to communicate with people by email as electronic communication is more environmentally friendly and cost effective for the taxpayer.

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

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

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



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

Your status in the Examination

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

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

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

Awards of costs

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

Management of information

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

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

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

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

Yours faithfully

Jonathan Manning

Examining Authority



Annexes

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

This communication does not constitute legal advice.
Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

Agenda for the Preliminary Meeting

You must register by completing the [Event Participation Form](#) by Tuesday 2 April 2024 if you intend to participate in the Preliminary Meeting and provide all the information requested (see below).

If you simply wish to observe the Preliminary Meeting then you do not need to register as you will be able to 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. You will also be able to watch the recording of the event which will be published on the [project webpage](#) shortly after the event has finished.

Date:	Tuesday, 9 April 2024
Registration:	from 9.30am
Meeting start time:	10.00am
Venue:	Virtual event (Microsoft Teams) Full instructions on how to join online or by phone will be provided in advance to those who have pre-registered
Attendees:	Interested Parties who have pre-registered

Agenda for the Preliminary Meeting	
9.30am	<p>Virtual Registration Process</p> <p>Please arrive at 9.30am to enter the virtual lobby. From here you will be admitted to the virtual meeting by the Case Team, greeted and given further instructions.</p> <p>The Registration Process will commence at 9.30am. This will be hosted by the Case Team and cover the housekeeping arrangements for the Preliminary Meeting and allow for any questions to be asked about how to take part.</p>
10.00am	<p>Preliminary Meeting</p> <p>The Preliminary Meeting will formally open at 10.00am. The Examining Authority will join, welcome participants and lead introductions.</p>
Item 1	The Examining Authority's remarks about the Examination process
Item 2	Initial Assessment of Principal Issues – Annex C to Rule 6 letter
Item 3	Draft Examination Timetable – Annex D to Rule 6 letter
Item 4	

Item 5	Procedural Decisions – Annex E to Rule 6 letter
Item 6	Any other matters
Close of the Preliminary Meeting	

Please join the virtual lobby promptly using the instructions that will be sent to you. The event will start at **10.00am** irrespective of any late arrivals, for whom access may not be possible.

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

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

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

- Name and unique reference number (found at the top your letter or email from the Planning Inspectorate);
- email address (if available) and contact telephone number;
- name and unique reference number of any person/organisation that you are representing (if applicable); and
- the agenda item on which you wish to speak and a list of the points you wish to make.

Introduction to the Preliminary Meeting

Background

The Preliminary Meeting (PM) will take place 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. In that regard, this annex provides advance access to information that would usually be included in the ExA's introductory remarks. Please read this carefully. The ExA will only present a summary of the key points set out here in order to ensure that the time available for participants to speak is maximised.

The Examining Authority and the Case Team

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

The ExA will be supported by the Planning Inspectorate Case Team. During the Registration Process a member of the Case Team will welcome and admit participants from the virtual lobby, and will be available to answer questions by email before and after the PM. The contact email address is:
rivenhalliwmf@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 Rivenhall IWMF and Energy Centre scheme, 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 Indaver Rivenhall Ltd, who will be referred to as 'the Applicant'.

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

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

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

The PM will be your opportunity to influence the process that the ExA intends to follow. The agenda for the PM is attached to this Rule 6 letter at **Annex A**. It is

important to have the letter and the agenda in front of you and to refer to them during the course of the PM. You may wish to print these in advance of the PM for reference.

Government guidance and policy

The application is a NSIP under the Planning Act 2008 (PA2008) as a consequence of sections 14(1) and 15(1): it includes the extension of a generating station to provide a capacity of more than 50 megawatts. The designated Overarching National Policy Statement for Energy (EN-1) and the National Policy Statement for Renewable Energy (EN-3) apply to this Examination and to decision-making relating to this application.

The ExA will consider the Proposed Development in accordance with these National Policy Statements and any other applicable policy or considerations the ExA deems to be important and relevant. In this case it is relevant that revised draft versions of both National Policy Statements have been published.

The PA2008 makes it clear that, in making a decision, the relevant Secretary of State (SoS) “*must decide the application in accordance with any relevant NPS*” (s104(3)), subject to certain provisos. Essentially, the provisos are that the application must not breach legal or treaty obligations, and that any adverse impact of the Proposed Development would not outweigh its benefits.

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

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

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

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

Preliminary Meeting invitees

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

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

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 PM will start promptly at 10:00 am on Tuesday 9 April 2024 (**Annex A**), and the ExA estimates that it will conclude around lunchtime, if not before.

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

A digital recording of the PM will be made available on the [project webpage](#) as soon as practicable following the close of the PM. The recording allows any member of the public who is interested in the application and the Examination to find out what has been discussed at the PM. The making and publication of these recordings are a means by which the ExA meets the legal requirement to hold the PM (and any other hearings) in public. In this regard, **anyone speaking at the PM will need to introduce themselves each time they speak**, to ensure that someone listening to the recording after the event is clear who was speaking. A written note of the PM will be produced and published as soon as practicable following the close of the PM.

As the recordings are retained and published, they form a public record that can contain personal information to which the UK General Data Protection Regulation (UK GDPR) applies. Participants must do their best to avoid providing any information which should otherwise be kept private and confidential. If there is a need to refer to such information, it should be in written form. Although this will also be published, personal and private content can be redacted or removed before it is made publicly available. Any person who is unclear on this point should ask the Case Team for guidance before they place personal and private information into the public domain.

The Planning Inspectorate's practice is to publish the recordings and retain them for a period of five years from the SoS's decision on the DCO. If you actively participate in the PM, it is important that you understand that you will be recorded and that the

recording will be made available in the public domain. Please see our [Privacy Notice](#) for more information about how we handle your data.

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

The Examination process

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

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

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

- Local authorities can submit LIRs if they wish. Whilst these are voluntary, the PA2008 provides that if they are provided, they must be considered by the SoS in reaching a decision. Consequently, LIRs are a very important method for local authorities to communicate issues of concern to the ExA, the SoS and their residents.
- IPs can make Written Representations (WRs) and comment on WRs made by other parties.
- IPs can respond to the ExA's written questions (ExQs) and comment on responses to these written questions provided by others.
- IPs may be asked to contribute to the making of Statements of Common Ground (SoCG) if it appears that there are matters on which they and the Applicant agrees, and if it would be useful for this to be clarified. SoCGs most usefully extend to catalogue matters that are not agreed or are outstanding.

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

These written processes will be the principal means used by the ExA to gather information, evidence and views about the application. However, the Examination

will only be effective if all parties resolve to give timely, full, frank, clear and evidenced answers to every question that is relevant to their interests and to engage fully with any other related processes such as the completion of WRs and SoCGs.

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

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

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

Hearings

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

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

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

The 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 an ISH on the draft DCO. This is normal practice, and they are held on a without prejudice basis. Parties can suggest modifications and amendments to the draft DCO provided by the Applicant with the application, without prejudicing their overall position on the application.

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

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

The draft Examination Timetable includes Deadline 1 (30 April 2024) for participants to notify the ExA that they wish to speak at an OFH.

Site inspections

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

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

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

The ExA may decide to hold USIs to relevant nominated locations, supported by the submission of additional written, photographic, video or even drone material if this would be preferable to not visiting sites or holding ASIs in circumstances which could make them difficult and unduly time-consuming to conduct (for example if public health restrictions are in place). The ExA may also consider if it would be appropriate to make arrangements for access only to be provided to specific sites such that they could be inspected as part of a USI on an access required basis (ARSI)

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

Initial Assessment of Principal Issues

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

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

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

The order of the issues listed does not imply any order of prioritisation or importance and is largely listed in alphabetical order. The policy and consenting requirements and documents associated with the PA2008 are an integral part of the Examination and are therefore not listed as main issues.

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

1. Climate Change and Greenhouse Gases

To include:

- The approach to the assessment of climate change effects;
- Potential effects on climate change targets, including compliance with the Climate Change Act 2008 as amended and the Energy National Policy Statements; and
- The relationship of the proposal to the existing consent.

2. Consented Development

To include:

- Whether an Integrated Waste Management Facility or Energy from Waste (EfW) plant alone is being constructed under the existing consent; and
- Whether the existing consent allows for an EfW plant to be delivered without the other components of the consented development.

3. Cumulative Effects

To include:

- Cumulative effects on and with other projects and proposals.

4. Development Consent Order

To include:

- The overall structure of the dDCO and adequacy of the Explanatory Memorandum;
- The relationship between the dDCO and the existing consent, including any future decision making and existing Section 106 Agreement(s);
- Whether the Proposed Development should be limited to 65MW within the dDCO;
- Whether any additional Requirements are needed in the dDCO;
- The extent of the Order Limits;
- Whether any other permits or licences are needed that could act as an impediment to the Proposed Development;
- The identification of all relevant statutory undertakers and whether any protective provisions are required; and
- Whether the dDCO is satisfactory in all other respects.

5. Noise

To include:

- The approach, methodology and adequacy of the noise assessment;
- Potential operational effects on identified receptors, including cumulatively with other developments in the area; and
- Mitigation measures and their effectiveness.

Draft Examination Timetable

The Examining Authority (ExA) is under a duty to **complete** the Examination of the application by the end of the period of six months beginning with the day after the close of the Preliminary Meeting.

The Examination of the application primarily takes the form of the consideration of written submissions. The ExA will also consider any oral representations made at hearings.

Item	Matters	Date
1.	<p>Procedural Deadline A</p> <p>For receipt by the Examining Authority of:</p> <ul style="list-style-type: none"> • Confirmation of wish to speak at the Preliminary Meeting including details of which agenda items to discuss • Any written submissions about how the application is to be examined and the use of virtual methods • Suggested locations for site inspections (Accompanied or Unaccompanied), including justification, for consideration by the ExA 	<p>Tuesday 2 April 2024</p>
2.	<p>Preliminary Meeting</p>	<p>Tuesday 9 April 2024</p> <p>10:00am</p>
3.	<p>Issue by the Examining Authority of:</p> <ul style="list-style-type: none"> • The Examination Timetable <p>Publication of:</p> <ul style="list-style-type: none"> • The Examining Authority's Written Questions (ExQ1) 	<p>As soon as practicable following the Preliminary Meeting</p>
4.	<p>Deadline 1 (D1)</p> <p>For receipt by the Examining Authority of:</p> <ul style="list-style-type: none"> • Responses to Relevant Representations • Written Representations (WR), including summaries of all WRs exceeding 1500 words • Responses to the Examining Authority's Written Questions (ExQ1) • Local Impact Reports from relevant Local Authorities 	<p>Tuesday 7 May 2024</p>

	<ul style="list-style-type: none"> • Statements of Common Ground requested by ExA – see Annex E • Applicant's proposed Accompanied Site Inspection (ASI) itinerary • Requests for Open Floor Hearing • Comments on any other information and submissions accepted by the ExA • Any other information requested by the Examining Authority under Rule 17 of the Examination Procedure Rules • Drafts of any necessary S106 Agreement(s) 	
5.	<p>Deadline 2 (D2)</p> <p>For receipt by the Examining Authority of:</p> <ul style="list-style-type: none"> • Comments on responses to Relevant Representations • Comments on Written Representations • Comments on responses to the Examining Authority's Written Questions (ExQ1) • Comments on the Local Impact Reports • Comments on Applicant's proposed Accompanied Site Inspection (ASI) itinerary • Progress on Statements of Common Ground and Statement of Commonality • An updated version of the draft Development Consent Order (dDCO) in clean, tracked and word versions • Schedule of Changes to the dDCO • Comments on any other information and submissions received at D1 • Any other information requested by the Examining Authority under Rule 17 of the Examination Procedure Rules 	Tuesday 21 May 2024
6.	<p>Hearings</p> <p>Dates reserved for (if any are required)¹</p> <ul style="list-style-type: none"> • Issue Specific Hearing, including draft DCO • Open Floor Hearing 	Week Commencing 3 June 2024

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

7.	Accompanied Site Inspection	Week Commencing 3 June 2024
8.	<p>Deadline 3 (D3)</p> <p>For receipt by the Examining Authority of:</p> <ul style="list-style-type: none"> • Post-hearing submissions, including written summaries of oral submissions to the hearings (if held) • Post-hearing submissions requested by the ExA • Comments on any other information and submissions received at D2 • Any further information requested by the Examining Authority under Rule 17 of the Examination Procedure Rules <p>Updates from the Applicant:</p> <ul style="list-style-type: none"> • Statements of Common Ground • Statement of Commonality • Draft Development Consent Order (dDCO) • Explanatory Memorandum • Schedule of Changes to dDCO 	Tuesday 18 June 2024
9.	<p>Publication by the Examining Authority of:</p> <ul style="list-style-type: none"> • Second Written Questions (ExQ2) (if required) • ExA's proposed Schedule of Changes to the dDCO (if required) 	Tuesday 25 June 2024
10.	<p>Deadline 4 (D4)</p> <p>For receipt by the Examining Authority of:</p> <ul style="list-style-type: none"> • Responses to the Examining Authority's ExQ2 (if ExQ2 is issued) • Comments on ExA's proposed Schedule of Changes to the dDCO (if required) • Final SOCG and Statement of Commonality • Final Navigation Document/Guide to the application • An updated Schedule of Changes to the dDCO • Final signed and dated Section 106 Agreement(s) (if required) 	Tuesday 9 July 2024

	<ul style="list-style-type: none"> • Comments on any other information and submissions received at D3 • Any further information requested by the Examining Authority under Rule 17 of the Examination Procedure Rules 	
11.	<p>Deadline 5 (D5)</p> <p>For receipt by the Examining Authority of:</p> <ul style="list-style-type: none"> • Comments on responses to the Examining Authority's ExQ2 (if ExQ2 is issued) • Comments on responses to ExA's proposed Schedule of Changes to the dDCO (if required) • Final draft DCO to be submitted by the Applicant in clean, tracked, word versions and in the statutory Instrument (SI) template with the SI template validation report • Comments on any other information and submissions received at D4 • Any further information requested by the Examining Authority under Rule 17 of the Examination Procedure Rules 	Tuesday 23 July 2024
	<p>Close of Examination by the Examining Authority</p> <p>The ExA is under a duty to complete the Examination of the application by the end of the period of six months.</p> <p>Please note that the ExA may close the Examination before the end of the six month period if satisfied that all relevant matters have been addressed and discussed.</p>	Wednesday 9 October 2024

Submission times for Deadlines

The time for submission of documents at any Deadline in the timetable is 23:59 on the relevant Deadline date, unless instructed otherwise by the ExA.

Publication dates

All information received will be published on the [project webpage](#) as soon as practicable after the Deadlines for submissions.

Hearing agendas

Please note that for Issue Specific Hearings, the ExA will publish a draft agenda on the [project webpage](#) on the National Infrastructure Planning website at least five working days in advance of the Hearing date. However, the actual agenda on the day of the Hearing may be subject to change at the discretion of the ExA. For Open Floor Hearings agendas may not be published.

Other Procedural Decisions made by the Examining Authority

The Examining Authority (ExA) has made Procedural Decisions and are summarised in the Rule 6 letter and explained in greater detail here.

1. Statements of Common Ground (SoCG)

In relation to some of the Principal Issues identified in **Annex C** to this letter, the ExA would be assisted by the preparation of SoCGs between the Applicant and certain Interested Parties. The draft Examination Timetable at **Annex D** to this letter therefore establishes **Deadline 1** for submission of SoCGs.

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

SoCGs are requested to be prepared between the Applicant and:

A. Essex County Council, to include:

- compliance with the development plan;
- compliance with relevant legal requirements and policy, including Environmental Impact Assessment (EIA);
- methodology, findings and conclusions of the noise and climate change chapters of the Environmental Statement;
- impacts on noise receptors and climate change;
- the interaction between the DCO and the planning permission(s) for the consented development, including the need for, and discharge of, Requirements;
- the interaction and enforceability of any existing S106 agreement(s);
- the identification of other consents, permits or licenses required before the development can become operational, their scope, progress to date, comfort/impediments and timescales for issue; and
- the extent of the Order Limits.

B. Braintree District Council, to include:

- compliance with the development plan;
- compliance with relevant legal requirements and policy, including Environmental Impact Assessment (EIA);
- methodology, findings and conclusions of the noise and climate change chapters of the Environmental Statement;

- impacts on noise receptors and climate change;
- the interaction between the DCO and the planning permissions for the consented development, including the need for, and discharge of, Requirements;
- the interaction and enforceability of any existing S106 agreement(s);
- the identification of other consents, permits or licenses required before the development can become operational, their scope, progress to date, comfort/impediments and timescales for issue; and
- the extent of the Order Limits.

C. Environment Agency, to include:

- existing and any varied or new Environmental Permits, including their status, scope, controls, mitigation measures and timescales;
- climate change, including the UK's obligations under the Climate Change Act 2008 (as amended) and the United Nations Framework Convention on Climate Change having regard to the latest UK Climate Change projections. The resilience of the Proposed Development to the effects of climate change; and
- the identification of other consents, permits or licenses required before the development can become operational, their scope, progress to date, comfort/impediments and timescales for issue.

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**, or if any local authority position needs to be signed off at a higher level, draft versions of that SoCG are requested to be submitted **by the Applicant**. 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 5**.

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

2. Accompanied Site Inspection – suggested locations

The draft Examination Timetable at **Annex D** to this letter includes dates reserved for an Accompanied Site Inspection (ASI) on **Thursday 6 June 2024**.

The ExA requests that Interested Parties submit suggested locations for the ExA to visit as part of an ASI by Procedural Deadline A (2 April 2024). The request must include:

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

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

The Applicant is requested to prepare a draft itinerary for the ASI to be submitted by **Deadline 1**. This should include:

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

Comments by Interested Parties on the Applicant's draft itinerary must be submitted by **Deadline 2**.

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

The ExA's final itinerary will be published on the project webpage of the National Infrastructure Planning website ([project webpage](#)) at least one week before the ASI.

3. Additional Submissions

Since acceptance of the application, the ExA has exercised its discretion to accept the following Additional Submissions into the Examination:

- Natural England, letter dated 19 February 2024.

Availability of Examination Documents

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

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

The Examination Library

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

The EL records and provides a hyperlink to:

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

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

Electronic deposit locations

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

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

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

Annex F

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

Information about the 'Have Your Say' page

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

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

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

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

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

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

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