

From: Helen Lancaster [<mailto:Helen.Lancaster@pins.gsi.gov.uk>]
Sent: 20 May 2015 11:27
To: Ben Olney; Paula Madill
Cc: Gideon Amos; Mark Wilson; Will Spencer
Subject: RE: shapefile

Dear Ben,

Thank you for sending the updated shapefile. Unfortunately as this is a formal process we will only review the Regulation 9 list if we receive a scoping request or a new notification under Regulation 6(1)(b) of the EIA Regulations. Following on from our meeting last week I thought it would be helpful if I provided some formal advice which is attached. Please note that this will be published on our website.

Happy to discuss further if you have any queries.

Helen Lancaster
Senior EIA and Land Rights Advisor
Major Applications and Plans

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Paula Madill
Head of Environment
NuGeneration Limited
7th Floor
3, Picadilly Place
Manchester M1 3BN

Our Ref: EN010047_3191421

Date: 20 May 2015

Dear Paula

**Planning Act 2008 (as amended) and The Infrastructure Planning
(Environmental Impact Assessment) Regulations 2009 (as amended)**

**Application by NuGeneration Ltd for an Order Granting Development Consent
for the Moorside electricity generating station project**

Thank you for inviting us to the Moorside Technical Group meeting last week. I thought it would be useful to confirm the points that I raised during our discussion about the proposed request for a scoping opinion.

In response to NuGen's notification under Regulation 6(1)(b) of the above Regulations ('EIA Regulations') in the letter dated 27 April 2015, the Secretary of State has provided you with a list of the prescribed consultation bodies notified in accordance with Regulation 9 of the EIA Regulations. This was attached to the letter dated 8 May 2015. The list was based on the shapefile provided by NuGen in your email of 22 April 2015. The shapefile covered the main site proposed for the power station but did not include the associated development proposed at other sites in the vicinity. My understanding is that your request for a scoping opinion will include a shapefile which covers the main site and the associated development. This may mean that additional consultees would be identified which were not included in the list of consultation bodies previously provided to you. All consultees identified in response to your scoping request will be contacted as soon as possible after a request has been that meets the requirements of the EIA has been received in hard copy by the Planning Inspectorate. As specified in Regulation 8 of the EIA Regulations, consultees will have 28 days to respond to the request from the Secretary of State. All the consultees contacted will be listed in the scoping opinion. This process will be greatly aided if the shapefiles can be supplied at least 10 days before the scoping request is made.

The Planning Inspectorate's Advice Note 7 'Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping' contains advice on the required format for shapefiles and scoping reports that you may find helpful (see sections 15 to 17).

Please be aware that there is no provision within the EIA Regulations for updating a scoping opinion once it has been adopted by the Secretary of State. If the Planning Inspectorate were subsequently to receive an updated scoping report or addendum then this would have to be treated as a new request for a scoping opinion and the requirements of Regulation 8 of the EIA Regulations would have to be complied with. I would strongly recommend that any request for a scoping opinion is only made when you are satisfied that your scoping report contains enough information for the Secretary of State to provide useful advice. It should also be noted that updates to the list of prescribed consultees notified in accordance with Regulation 9 of the EIA Regulations will not be undertaken unless the Secretary of State is in receipt of a new notification under Regulation 6(1)(b).

Please note that this letter will be published on our website. Do contact me if you have any queries or need to discuss this further.

Yours sincerely

Helen Lancaster

Senior EIA and Land Rights Advisor

cc Ben Olney, Deputy Head of Planning and Development Consents

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.