

The Planning Act 2008
Section 55 Acceptance of Applications*

(Appendix 3 of [advice note six: Preparation and submission of application documents](#))

- (1) The following provisions of this section apply where the Secretary of State receives an application that purports to be an application for an order granting development consent.
- (2) The Secretary of State must, by the end of the period of 28 days beginning with the day after the day on which the Secretary of State receives the application, decide whether or not to accept the application.
- (3) The Secretary of State may accept the application only if the Secretary of State concludes -
 - (a) that it is an application for an order granting development consent,
 - (b) [deleted]
 - (c) that development consent is required for any of the development to which the application relates,
 - (d) [deleted]
 - (e) that the applicant has, in relation to a proposed application that has become the application, complied with Chapter 2 of Part 5 (pre-application procedure), and
 - (f) that the application (including accompaniments) is of a standard that the Secretary of State considers satisfactory.
- (4) The Secretary of State, when deciding whether the Secretary of State may reach the conclusion in subsection (3)(e), must have regard to -
 - (a) the consultation report received under section 37(3)(c),
 - (b) any adequacy of consultation representation received by the Secretary of State from a local authority consultee, and
 - (c) the extent to which the applicant has had regard to any guidance issued under section 50.
- (5) In subsection (4) -

"local authority consultee" means -

- (a) a local authority consulted under section 42(1)(b) about a proposed application that has become the application, or
- (b) the Greater London Authority if consulted under section 42(1)(c) about that proposed application;

“adequacy of consultation representation” means a representation about whether the applicant complied, in relation to that proposed application, with the applicant’s duties under sections 42, 47 and 48.

- (5A) The Secretary of State when deciding whether the Secretary of State may reach the conclusion in subsection (3)(f) must have regard to the extent to which –
 - a) the application complies with the requirements in section 37(3) (form and contents of application) and any standards set under section 37(5) and
 - b) any applicable guidance given under section 37(4) has been followed in relation to the application.
- (6) If the Secretary of State accepts the application, the Secretary of State must notify the applicant of the acceptance.
- (7) If the Secretary of State is of the view that the application cannot be accepted, the Secretary of State must –
 - (a) notify that view to the applicant, and
 - (b) notify the applicant of the Secretary of State’s reasons for that view.
- (8) If in response the applicant modifies (or further modifies) the application, subsections (2) to (7) then apply in relation to the application as modified.

* Section 55 of the Planning Act 2008 (as amended)

DISCLAIMER - This is for information only and is not a formal application document. It is a non-statutory checklist for the Planning Inspectorate (Major Applications and Plans Directorate) to complete. Completion or self-assessment by the applicant does not hold weight at the acceptance stage.

NB: See [DCLG Application Form Guidance](#) for guidance on how the application form should be completed and what should be included with it.

Section 55 Acceptance of Applications

White Rose Carbon Capture and Storage Project Section 55 Application Checklist¹

Section 55(2) Acceptance of Applications			
Within 28 days (starting day after receipt) the Secretary of State must decide whether or not to accept the application.	Date received	28 day due date	Date of decision
	24/11/2014	22/12/2014	17/12/2014
Section 55(3) – the Secretary of State may <u>only</u> accept an application if the Secretary of State concludes that:-		Planning Inspectorate Comments	
1. s55(3)(a) and s55(3)(c) It is an application for an order granting development consent			
<p>1.1 Is the development a nationally significant infrastructure project² (NSIP) (or does it form part of an NSIP); and does the application state on the face of it that it is an application for a development consent order³ (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates (i.e. which category or categories in ss14-30 does the application scheme fall)?</p> <p>If the development does not fall within the categories in ss14-30, has a direction been given by the Secretary of</p>	<p>Yes</p> <p>Box 4 of the Application Form (Doc 1.4) states:</p> <p><i>"The Project comprises a new thermal electricity generating station and associated development with a capacity of more than 50 Megawatts 'MW' (up to 448 megawatts electrical 'MWe' gross) and therefore constitutes a 'Nationally Significant Infrastructure Project' (NSIP) under Section 14 and 15(2)(c) of The Planning Act 2008 ('the 2008 Act'). Accordingly the Project requires Development Consent under Section 31 of the 2008 Act."</i></p>		

¹ References in this document to the Secretary of State include references (where applicable) to the Planning Inspectorate Major Applications and Plans Directorate which carries out functions related to consenting nationally significant infrastructure projects on behalf of the Secretary of State

² NSIP is defined generally in s14 with the detailed thresholds for each of the specified categories being set out in ss15-30

³ Development consent is required for development to the extent that the development is or forms part of an NSIP (s31 of the PA2008)

<p>State under s35 of the PA2008 for the development to be treated as development for which development consent is required?</p>	
<p>Summary – s55(3)(a) and s55(3)(c)</p>	<p>The Applicant has demonstrated that the application as submitted is an application for an order granting development consent under the PA2008.</p>
<p>2. s55(3)(e) The applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)</p>	
<p>2.1 Did the applicant before carrying out the s42 consultation either (a) request the Secretary of State to adopt a screening opinion in respect of the development to which the application relates, or (b) notify the Secretary of State in writing that it proposed to provide an environmental statement in respect of that development⁴?</p>	<p>Yes, the Applicant notified the Secretary of State in writing that it proposed to provide an environmental statement in respect of the development.</p> <p>Notification under Regulation 6(1)(b) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 was sent to the Planning Inspectorate on 4 December 2012.</p>
<p>2.2 Have any adequacy of consultation representations⁵ been received from "A", "B", "C" and "D" authorities; and if so do they confirm that the applicant has complied with the duties under s42, s47 and s48?</p>	<p>Yes</p> <p>Adequacy of Consultation Representations (AoCR) have been received from the following authorities:</p> <ul style="list-style-type: none"> • Lancashire County Council (D) • Leeds City Council (A and D) • Middlesbrough Borough Council (D) • North York Moors National Park Authority (Located within the C

⁴ Regulation 6 of the The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

⁵ S55(4) of the PA2008 provides that the Secretary of State must have regard to the consultation report, and any adequacy of consultation representations received

	<p>Authority)</p> <ul style="list-style-type: none"> • Redcar & Cleveland Borough Council (D) • Stockton on Tees Borough Council (D) • East Riding of Yorkshire Council (A and D) • Selby District Council (B) • Cumbria County Council (D) • Harrogate Borough Council (A) • North Yorkshire County Council (C) • Doncaster Metropolitan Borough Council (A and D) • Wakefield Metropolitan District Council (A and D) <p>All the AoC responses confirm that the Applicant has complied with the duties under s42, s47 and s48 of the PA2008. All adequacy of consultation representations have been published to the National Infrastructure portal and are available to view from http://infrastructure.planningportal.gov.uk/projects/yorkshire-and-the-humber/white-rose-carbon-capture-and-storage-project/?ipcsection=docs</p>
<p>s42: Duty to Consult</p>	
<p>2.3 Did the applicant consult the following about the proposed application:</p>	
<p>s42(1)(a) persons prescribed⁶?</p>	<p>Section 5 of the Consultation Report (Doc 5.1) identifies persons/bodies consulted under s42(1)(a) (including those consulted in addition to the statutory requirements), these are depicted in Tables 5.1 and 5.2, and an example of the s42 letter sent is provided at Appendix 8.1.</p> <p>On the basis of the information provided by the Applicant, it appears</p>

⁶ Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

that the following bodies have been omitted from the Applicant's statutory consultation exercise:

- East Riding of Yorkshire Clinical Commissioning Group
- Equality and Human Rights Commission
- The Office Of Rail Regulation
- OFWAT
- Local Area Team - North Yorkshire and the Humber
- Office of the Police & Crime Commissioner for Humberside
- Humberside Fire and Rescue Service

In addition, it appears that a couple of neighbouring Parish/Town Councils have not been consulted:

- Burn Parish Council ('A' Authority)
- Selby Town Council ('A' Authority)

Table 5.1 of the **Consultation report** indicates that the Applicant has consulted the Selby Area Internal Drainage Board (IDB). The Inspectorate has also identified the following IDBs as potentially also relevant that appear not to have been consulted.

- York Consortium Drainage Boards
- Aire, Don & Ouse Consortium of Drainage Boards
- Lower Aire & Don Consortia of Drainage Boards
- Ouse and Humber Drainage Board
- Thorntree Internal Drainage Board

It should be noted however that **Appendix 5.2** of the **Consultation Report** identifies the Shire Group of Internal Drainage Boards as being consulted, which manages the Reedness and Swinefield DB,

Danvm DB, Black Drain, Goole Fields DDB and Selby Area IDB. It is therefore considered that the Applicant has consulted the IDB where the project is located. However the Planning Inspectorate would suggest that the Applicant should consider giving the above bodies notice of the accepted application under s56 (2)(a) of PA2008.

In addition there are 9 bodies which the Planning Inspectorate has identified on a precautionary basis as potential Section 42(1)(a) persons which appear not to have been consulted by the Applicant:

- Office of the Police & Crime Commissioner for South Yorkshire Service
- South Yorkshire Fire and Rescue Service
- The Homes and Communities Agency
- Passenger Focus
- The Highways Agency - North East
- East Riding of Yorkshire Highways Authority
- Disabled Persons Transport Advisory Committee
- Severn Trent
- Scotland Gas Networks Plc

The Applicant's **Consultation Report (Doc 5.1)** does not give a clear explanation as to why these bodies identified above have not been consulted.

Given the individual circumstances of this case, and taking a precautionary approach to ensure that all persons potentially affected by, or potentially likely to have an interest in, the application are given the opportunity to participate fully in the examination of the application, the Planning Inspectorate would suggest that the Applicant may wish to include the above bodies

	amongst those on whom they serve notice of the accepted application under s56 (2)(a) of PA2008.
s42(1)(aa) the Marine Management Organisation ⁷ ?	Yes The Marine Management Organisation is listed in Table 5.1 within Section 5 of the Consultation Report (Doc 5.1) as being consulted.
s42(1)(b) each local authority within s43 ⁸ ?	Yes Paragraph 5.13 of the Consultation Report (Doc 5.1) states: <i>"The relevant local authorities for the purposes of section 43 and the project are set out in Table 5.3..."</i> The table to which the Applicant refers, identifies the following Local Authorities which were consulted: The 'B' Authority is Selby District Council The 'C' Authority is North Yorkshire County Council The 'A' Authority is Harrogate Borough Council The 'D' Authorities are Lancashire County Council, Cumbria County Council, Bradford Council, Durham County Council, Darlington Borough Council, Stockton-on-Tees Borough Council, Redcar and

⁷ In any case where the proposed development would affect, or would be likely to affect, any of the areas specified in s42(2) of the PA2008

⁸ Definition of "local authority" in s43(3): The "B" authority where the application land is in the authority's area; the "A" authority where any part of the boundary of A's area is also a part of the boundary of B's area; the "C" authority (upper tier) where the application land is in that authority's area; the "D" authority where such an authority shares a boundary with a "C" authority

	<p>Cleveland Borough Council and Middlesbrough Borough Council</p> <p>The 'A' and 'D' Authorities are Doncaster Council, Wakefield Council, Leeds City Council, City of York Council and East Riding of Yorkshire Council.</p> <p>The Applicant also consulted the following National Park Authorities: North Yorkshire Moors National Park Authority and Yorkshire Dales National Park Authority</p>
s42(1)(c) the Greater London Authority (if in Greater London area)?	N/A
s42(1)(d) each person in one or more of s44 categories ⁹ ?	<p>Yes</p> <p>The Consultation Report (Doc 5.1), paragraphs 5.15 to 5.20 provides details on consultation undertaken for s42(1)(d) consultees, where the Book of Reference (Doc 3.1) identifies consulted s42(1)(d) consultees.</p> <p>Paragraph 5.18 of the Consultation Report states:</p> <p><i>"Initially a large number of potential Section 44 persons were identified, including those people living in the nearby village of Barlow, who it was initially considered may be affected by noise from the Project. As a result of this, all those persons were consulted pursuant to Section 42 in July and August 2014. The full list of persons who were originally consulted pursuant to Section 44 is provided at Appendix 5.2."</i></p>

⁹ Category 1: owner, lessee, tenant or occupier of land; Category 2: person interested in the land or has power to sell and convey the land or to release the land; Category 3: person entitled to make a relevant claim. There is no requirement to check the accuracy of the list(s) or whether the applicant has made diligent inquiry

Paragraph 5.20 confirms:
"The final list of Section 44 persons (as drawn from the Book of Reference - Document Ref. 3.1) is reproduced in Table 5.4 along with the date those persons were consulted."

s45: Timetable for s42 Consultation

2.4 Did the applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the applicant 28 days or more starting with the day after receipt of the consultation documents?

Yes

Section 8 of the **Consultation Report (Doc 5.1)**, explains the timing of the s42 consultation.

Paragraphs 8.14 to 8.20 and **Table 8.1** of the Consultation Report, provide detail on when s42 consultation was undertaken, which were as follows:

- Issued letter 13 June 2014 – Consultation period 17 June to 15 July (**28 days**)
- Issued letter 18 July 2014 – Consultation period 22 July to 19 August (**28 days**)
- Issued letter 4 September 2014 – Consultation period 5 September to 6 October (**31 days**)
- Issued letter 10 October 2014 – Consultation period 13 October to 10 November (**28 days**)

The sample copies of the Section 42 consultation letters and sites notices are provided at **Appendix 8.1**, whilst consultation documents provided with these letters are provided at **Appendix 8.2** of the Consultation Report.

The Applicant has given a period of 28 days or more from the day after receipt for s42 consultees to respond.

s46: Duty to notify Secretary of State of proposed application

2.5 Did the applicant supply information to notify the Secretary of State of the proposed application; and if so was the information supplied to the Secretary of State on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?

Yes

Paragraph 9.2 of the Consultation Report (Doc 5.1) states that the Applicant supplied PINS with a notification of proposed application under s46 PA2008 via a letter dated 12 June 2014. This letter is supplied at **Appendix 9.1** of the **Consultation Report (Doc 5.1)**.

PINS were notified before the formal s42 consultation commenced on 13 June 2014. The notification letter to s42 consultees supplied at **Appendix 8.1** is dated 13 June 2014, which means that PINS were notified 1 day prior to commencement of s42 consultation.

Paragraph 9.2 states that the s46 notice supplied to PINS was accompanied by the same information supplied to the statutory consultees. This was set out in **paragraph 8.12** of the **Consultation Report (Doc 5.1)** and described as consisting of;

- An example copy of the consultation letter.
- A Site Location Plan.
- A plan showing the extent of the project site outlined in red.
- A Preliminary Environmental Information Report ('PEIR'), comprising a Summary PEIR, a number of technical reports relating to the key environmental topics being assessed as part of the EIA for the Project and a Non-Technical Summary of the PEIR.

s47: Duty to consult local community

<p>2.6 Did the applicant prepare a statement of community consultation (SOCC) on how it intended to consult people living in the vicinity of the land?</p>	<p>Yes</p> <p>Section 6 of the Consultation Report (Doc 5.1) describes the Applicant’s approach to consultation on, and publication of, the Statement of Community Consultation (SoCC).</p> <p>The Draft SoCC for the April 2012 consultation is provided in Appendix 6.1 of the consultation report.</p> <p>The Draft SoCC for the December 2012 consultation is provided in Appendix 6.3 of the consultation report.</p> <p>The Revised Draft SoCC for the December 2013 consultation is provided in Appendix 6.5 of the consultation report.</p> <p>The Final SoCC was published on 30 January 2014 and is provided in Appendix 6.7 of the consultation report.</p>
<p>2.7 Were “B” and (where relevant) “C” authorities consulted about the content of the SOCC; and if so was the deadline for receipt of responses 28 days beginning with the day after the day that “B” and (where applicable) “C” authorities received the consultation documents?</p>	<p>Yes</p> <p>The project lies within the area of a “B” authority (Selby District Council), which is a lower tier local authority within the area of a “C” authority (North Yorkshire County Council).</p> <p>It is confirmed in paragraph 6.2 of the Consultation Report (Doc 5.1) that both Selby District Council and North Yorkshire County Council were consulted about the content of the SoCC.</p> <p>Paragraph 6.3 of the Consultation Report (Doc 5.1) confirms that the “B” and “C” authorities were given 28 days from the day after receipt to respond to the consultation documents.</p>

	<p>Appendix 6.3 confirms the date that the draft SoCC was sent to the "B" and "C" authorities as 13 December 2012. The deadline for receipt of responses was confirmed as 11 January 2013. Assuming that the draft SoCC was received on the 14 December this gave the authorities exactly 28 days from the day after receipt to respond.</p> <p>Selby District Council and North Yorkshire County Council also confirmed that they were consulted on the preparation of the SoCC via their AoCR.</p>
<p>2.8 Has the applicant had regard to any responses received when preparing the SOCC?</p>	<p>Yes</p> <p>The Consultation Report (Doc 5.1) states at Table 6.1 how regard was had to responses to the consultation on the Draft SoCC.</p> <p>Appendix 6.4 details comments received from Local Authorities on the Draft SoCC and the Applicant's responses.</p> <p>Table 6.2 of the Consultation Report (Doc 5.1) states how regard was had to responses to the consultation on the Revised Draft SoCC.</p> <p>Appendix 6.6 details comments received from Local Authorities on the Revised Draft SoCC and the Applicant's responses.</p> <p>Selby District Council also state within their AoCR:</p> <p><i>"I can confirm that the developer/promoter has been in pre-application discussions in this regard with the Authority where Selby District Council has agreed the content and form of the</i></p>

	<p><i>Statement of Community Consultation (SOCC). Furthermore such agreement in the Authority's view has ensured that the SOCC is clear and understandable, provides adequate coverage across the areas concerned, identifies the correct communities, correct media to place adverts with, will effectively reach and engage with hard to reach groups and matches up with the Councils expectations in the SCI and the Planning Act 2008 guidance on pre-application consultation. I can confirm that Selby District Council are satisfied that the developer/promoter has then consulted in accordance with that Statement."</i></p>
<p>2.9 Has the SOCC been made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SOCC can be inspected?</p>	<p>Yes</p> <p>Paragraph 6.24 for the Consultation Report (Doc 5.1) states the final SoCC was advertised in the publications listed in Table 6.3, those being;</p> <ul style="list-style-type: none"> • Selby Times – published on 30 January 2014 • Goole Times – published on 30 January 2014 • Selby Courier – published on 31 January 2014 • Goole and Howden Courier – published on 31 January 2014 <p>Copies of all of these advertisements are contained at Appendix 6.8, which confirms the dates described above.</p> <p>At paragraphs 6.25 and 6.26 the Applicant states that they made the SoCC available for inspection by the public in a way that is reasonably convenient for people living in the vicinity of the land by:</p> <ul style="list-style-type: none"> • Depositing the SoCC at the following locations: Access Selby,

	<p>Drax Sports & Social Club, Goole Library, Howden Library, Junction, Selby Library, Snaith Library;</p> <ul style="list-style-type: none"> • Uploading the SoCC onto the project website; • Having the SoCC available upon request by phone, email and letter.
<p>2.10 Does the SOCC set out whether the development is EIA development¹⁰; and does it set out how the applicant intends to publicise and consult on the preliminary environmental information?</p>	<p>Yes</p> <p>The Final Published SoCC at Appendix 6.7 states that:</p> <p><i>'The White Rose CCS Project is an environmental impact assessment (EIA) development for the purposes of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009.'</i></p> <p>The Final SoCC then goes on to state that the PEI would be made available as part of the second stage of statutory section 47 consultation.</p>
<p>2.11 Has the applicant carried out the consultation in accordance with the SOCC?</p>	<p>Yes</p> <p>The Final Published SoCC (Appendix 6.7) sets out a number of methods of consultation, underlined below:</p> <p>Project updates on the website</p> <p>Paragraph 7.13 and 7.19 state that the project website was used to publicise the consultation process at both Stage 1 and Stage 2. Appendix 7.7 also details the Twitter feed used to promote the consultation during Stage 2.</p>

¹⁰ Regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

Exhibitions, presentations and workshops

Paragraph 7.29 states that three public exhibitions were held during **Stage 1** in April 2014. The public exhibition panel boards, photographs of the exhibitions and project guide are reproduced at **Appendix 7.8**.

Paragraph 7.32 states that three public exhibitions were held during **Stage 2** in July 2014. The public exhibition panel boards, photographs of the exhibitions and project guide are reproduced at **Appendix 7.9**.

Notices and posters

Paragraph 7.10 states that newspaper adverts, detailing the consultation and the venues and times for the public exhibitions, were issued in April 2014 during **Stage 1** consultation to six local newspapers. **Appendix 7.2** contains copies of the press release, adverts and press articles as published.

Paragraph 7.15 states that newspaper adverts, detailing the consultation and the venues and times for the public exhibitions, were issued in July 2014 during **Stage 2** consultation to six local newspapers. **Appendix 7.5** contains copies of the press release, adverts and press articles as published.

Paragraph 7.12 states that posters were also erected at a number of publically accessible venues within the 10km Public Consultation Zone during **Stage 1** consultation. A copy of the poster is provided at **Appendix 7.3**.

Paragraph 7.18 states that posters were also erected at a number of publically accessible venues within the 10km Public Consultation Zone during **Stage 2** consultation. A copy of the poster is provided at **Appendix 7.6**.

Information leaflet distribution

Paragraph 7.5 states that a newsletter was sent out in April 2014 to businesses and households within the 3km Inner Public Consultation Zone, during **Stage 1** of consultation. **Appendix 7.1** contains the Newsletter, dated Spring 2014, and an Invoice, dated April 2014, from this Stage 1 consultation.

Paragraph 7.7 states that a newsletter was sent out in July 2014 to businesses and households within the 3km Inner Public Consultation Zone, during **Stage 2** of consultation. **Appendix 7.4** contains the Newsletter, dated Summer 2014, with freepost feedback form and an Invoice, dated late June 2014, from this Stage 2 consultation.

Displaying project documents within Public Consultation Zone

Paragraph 7.35 states the addresses and opening times of the inspection locations, within the Public Consultation Zone, during Phase 2 of consultation. These deposit locations were: Access Selby, Drax Sports & Social Club, Goole Library, Howden Library, Junction, Selby Library, Snaith Library, The Junction and North Yorkshire County Council.

s48: Duty to publicise the proposed application

2.12 Did the applicant publish a notice, as required by Regulation 4(2) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations):	
(a) for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the proposed development would be situated;	<p>Yes</p> <p>Paragraph 10.4 of the Consultation Report (Doc 5.1) sets out the Applicant's approach to consultation under s48 PA 2008. The first s48 Notice was published to coincide with the Stage 2 of the statutory consultation under s42 and s47.</p> <p>Table 10.1 lists the local publications in which the first s48 notices were placed, as follows:</p> <ul style="list-style-type: none"> • Yorkshire Post – 26 June 2014 • Selby Times – 26 June & 3 July 2014 • Goole Times – 26 June & 3 July 2014 • Selby Courier – 27 June & 4 July 2014 • Goole and Howden Courier – 27 June & 4 July 2014 <p>The duty to publish the notice for 'two successive weeks in one or more local newspapers', has therefore been met.</p> <p>Appendix 10.2 of the Consultation report (Doc 5.1) provides copies of the notices.</p>
(b) once in a national newspaper;	<p>Yes</p> <p>Paragraph 10.4 of the Consultation Report (Doc 5.1) states:</p> <p><i>"The Section 48 Notice was published in The Independent (a national newspaper) and the London Gazette, in addition to a number of local newspapers circulating within the vicinity of the Project site and</i></p>

	<p><i>throughout the 10km Public Consultation Zone and beyond. The local newspapers selected for the Section 48 Notice were the same as those that had been used by the Applicant to provide updates on the Project and publicise consultation activities and events."</i></p> <p>Table 10.1 provides a list of newspapers used for the publication of the first s48 notice. The table confirms that the s48 notice was published in The Independent on 26 June 2014.</p> <p>Appendix 10.2 of the Consultation report (Doc 5.1) provides a copy of this notice.</p>
<p>(c) once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and</p>	<p>Yes. As set out above at 2.12 (b).</p>
<p>(d) where the proposed application relates to offshore development –</p> <p>(i) once in Lloyds List; and</p> <p>(ii) once in an appropriate fishing trade journal?</p>	<p>Yes</p> <p>Paragraph 10.11 of the Consultation Report (Doc 5.1) states:</p> <p><i>"As the Project involves the potential use of and works on land adjacent to an existing jetty on the River Ouse, which is within a part of the River channel that is tidal; the Applicant took the view that this component of the Project could potentially be considered as 'offshore development' and therefore that a Section 48 notice should be published in the Lloyds List and an appropriate fishing journal."</i></p> <p>Table 10.2 confirms the publications of the second s48 notices on the 5 September 2014, in the Lloyd List and Fishing News.</p> <p>Appendix 10.4 of the Consultation report (Doc 5.1) provides copies of the notices.</p>

2.13 Did the notice include, as required by Regulation 4(3) of APFP Regulations:	
(a) the name and address of the applicant;	<p>Yes</p> <p>Appendix 10.1 of the Consultation Report (Doc 5.1) provides a copy of the first s48 notice. Paragraph 1 thereof confirms the name and address of the Applicant as "...<i>Capture Power Limited (CPL) ('the Applicant') of Drax Power Station, Drax, Selby, North Yorkshire, YO8 8PH...</i>"</p> <p>Appendix 10.3 of the Consultation Report (Doc 5.1) provides a copy of the second s48 notice. Paragraph 1 thereof confirms the name and address of the Applicant as "...<i>Capture Power Limited (CPL) ('the Applicant') of Drax Power Station, Drax, Selby, North Yorkshire, YO8 8PH...</i>"</p>
(b) a statement that the applicant intends to make an application for development consent to the Secretary of State;	<p>Yes</p> <p>Appendix 10.1 of the Consultation Report (Doc 5.1) provides a copy of the first s48 notice. Paragraph 1 thereof confirms that the Applicant "...<i>intends to submit an application ('the Proposed Application') to the Secretary of State for the Department of Energy and Climate Change for a Development Consent Order ('DCO') under Section 37 of the Planning Act 2008 ('the 2008 Act') to authorise the construction, operation and maintenance of a new 426 Megawatt electrical (MWe) coal-fired power plant...</i>"</p> <p>Appendix 10.3 of the Consultation Report (Doc 5.1) provides a copy of the second s48 notice. Paragraph 1 thereof confirms that the Applicant "...<i>intends to submit an application ('the Proposed Application') to the Secretary of State for the Department of</i>"</p>

	<i>Energy and Climate Change for a Development Consent Order ('DCO') under Section 37 of the Planning Act 2008 ('the 2008 Act') to authorise the construction, operation and maintenance of a new 426 Megawatt electrical (MWe) coal-fired power plant..."</i>
(c) a statement as to whether the application is EIA development;	<p>Yes</p> <p>Appendix 10.1 of the Consultation Report (Doc 5.1) provides a copy of the first s48 notice. Paragraph 13 states:</p> <p><i>"Due to the nature and size of the Project, CPL is undertaking an Environmental Impact Assessment (EIA). Therefore the Project is classified as an EIA development under The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009."</i></p> <p>Appendix 10.3 of the Consultation Report (Doc 5.1) provides a copy of the second s48 notice. Paragraph 4 states:</p> <p><i>"Due to the nature and size of the Project, CPL is undertaking an Environmental Impact Assessment (EIA). Therefore the Project is classified as an EIA development under The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009."</i></p>
(d) a summary of the main proposals, specifying the location or route of the proposed development;	<p>Yes</p> <p>Paragraphs 2 and 3 of the 1st notice, and paragraph 2 of the 2nd notice provide a summary of the main proposal and location of the development.</p>
(e) a statement that the documents, plans and maps showing the nature and location of the proposed development are available for inspection free of charge at the places (including at least one address in the	<p>Yes</p> <p>Appendix 10.1 and Appendix 10.3 of the Consultation Report (Doc 5.1) provide a copy of the 1st and 2nd s48 notice respectively.</p>

vicinity of the proposed development) and times set out in the notice;	Paragraph 15 of the 1 st notice and Paragraph 6 of the 2 nd notice confirm that the documents, plans and maps showing the nature and location of the proposed development are available for inspection free of charge at the places (including at least one address in the vicinity of the proposed development) and times set out in the notice.
(f) the latest date on which those documents, plans and maps will be available for inspection (being a date not earlier than the deadline in sub-paragraph (i));	Yes The latest date by which documents, plans and maps would be available for inspection is contained in paragraph 15 of the 1 st s48 notice and paragraph 6 of the 2 nd notice.
(g) whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge;	Yes Paragraph 16 of the 1 st s48 notice and paragraph 7 of the 2 nd notice respectively set out: <i>"A hard copy of all the consultation documents is available on request for maximum copying charge of £150.00. Hard copies of individual documents are also available on request. A CD of the documents is also available on request for a charge of £15.00."</i>
(h) details of how to respond to the publicity; and	Yes Paragraph 17 of the 1 st s48 notice and paragraph 8 of the 2 nd notice respectively provide a website, email and freepost address as well as a phone number as a means for the public to respond or submit a representation.
(i) a deadline for receipt of those responses by the applicant, being not less than 28 days following the date when the notice is last published?	Yes Appendix 10.1 of the Consultation Report (Doc 5.1) provides a copy of the first s48 notice. Paragraph 19 states:

	<p><i>'Please note that all responses must be received by CPL no later than 5pm on 1 August 2014'.</i></p> <p>The last notice published was in the Selby Courier and Goole and Howden Courier on 4 July 2014, so 28 days' notice was given, meeting the statutory requirement.</p> <p>Appendix 10.3 of the Consultation Report (Doc 5.1) provides a copy of the second s48 notice. Paragraph 10 states: <i>'Please note that all responses must be received by CPL no later than 5pm on 6 October 2014'.</i></p> <p>The last notice published was in the Lloyd's List and Fishing News on 5 September 2014, so 31 days' notice was given, exceeding the statutory requirement.</p>
<p>2.14 Has a copy of the s48 notice been sent to the EIA consultation bodies and to any person notified to the applicant in accordance with Regulation 9(1)(c) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (the EIA Regulations)¹¹?</p>	<p>Yes</p> <p>Paragraph 11.13 of the Consultation Report (Doc 5.1) states that the Applicant sent a copy of both the first and second notices to the relevant EIA consultation bodies at the two stages of s48 publication, in accordance with regulation 11 (EIA Regulations).</p> <p>Appendix 11.1 and 11.2 contain the sample letters of the two s48 notifications.</p> <p>Paragraph 11.14 of the Consultation report (Doc 5.1) states: <i>'It should be noted that the Applicant was not notified by PINS of any persons pursuant to EIA Regulations 9(1)(c)'.</i></p>

¹¹ Regulation 11 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

s49: Duty to take account of responses to consultation and publicity

2.15 Has the applicant had regard to any relevant responses to the s42, s47 and s48 consultation?

Yes

Section 42

Table 12.2 of the **Consultation report (Doc 5.1)** provides a summary of the Section 42 consultation responses, whilst **Appendix 12.2** provides a table of the s42 consultation comments made by the consultees and the Applicant's responses thereto.

Section 47

Table 12.1 of the **Consultation report (Doc 5.1)** provides a summary of the Section 47 consultation responses, whilst **Appendix 12.1** provides a table of the s47 consultation comments made by the consultees and the Applicant's responses thereto.

Section 42 and 47

Paragraph 12.6 of the **Consultation report (Doc 5.1)** provides information on the content of Tables 12.1 and 12.2, this includes:

- *A summary of the comments/issues raised by the consultation responses received.*
- *The Applicant's responses in respect of those issues (including how these have been taken into account, where relevant).*
- *Any changes that have been made as a result of the consultation responses.*

Section 48

	<p>Paragraph 28 of the Consultation report (Doc 5.1) states:</p> <p><i>"Both Section 48 Notices clearly stated a deadline for the receipt of the responses, with the period allowed for responses satisfying the 2008 Act and APFP Regulations. No responses were received to the publication of either notice."</i></p> <p>Paragraph 12.10 of the Consultation report (Doc 5.1) states:</p> <p><i>"A summary of the principal changes that have been made to the Project and application as a result of pre-application consultation is provided in Table 12.3."</i></p>
<p>Guidance about pre-application procedure</p>	
<p>2.16 To what extent has the applicant had regard to DCLG guidance 'The Planning Act 2008: Guidance on the pre-application process'¹²?</p>	<p>Section 2 and 3 of the Consultation report (Doc 5.1) provides a brief overview of how the Applicant considers it has had regard to guidance and complied with the relevant legal requirements of the process.</p> <p>Table 2.2 demonstrates how the Applicant has complied with the pre-application consultation and publicity requirements of the 2008 Act.</p> <p>Paragraph 3.4 of the consultation report states:</p> <p><i>"In preparing the Consultation Strategy the Applicant had regard to the following advice and guidance on pre-application consultation:</i></p>

¹² The Secretary of State must have regard to the extent to which the applicant has had regard to guidance issued under s50

	<p><i>DCLG guidance 'Planning Act 2008: Guidance on the pre-application process' (January 2013)."</i></p> <p>Having reviewed the application, it appears that the Applicant has identified and had regard to relevant guidance.</p>
<p>Summary - s55(3)(e)</p>	<p>The Applicant's attention is drawn to Section 2.3 above. The Planning Inspectorate has noted some omissions in respect of those consulted and has issued s51 advice to the Applicant in this regard. It is the Planning Inspectorate's view that notwithstanding the s51 advice issued, the Applicant's pre-application consultation duties have been undertaken to a satisfactory standard.</p>
<p>3. s55(3)(f) and s55(5A) The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)</p>	
<p>3.1 Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include:</p> <ul style="list-style-type: none"> • a brief statement which explains why it falls within the remit of the Secretary of State; and • a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme? 	<p>Yes</p> <p>The Application cover letter (Doc 1.1), states:</p> <p><i>"CPL is seeking a DCO to authorise the construction, operation and maintenance of a new thermal generating station (an ultra-supercritical oxy-fuel coal-fired power plant of up to 448 megawatts 'MWe' gross with the ability to co-fire biomass) that will be fitted with carbon capture and storage ('CCS') technology and associated development (together the 'Project') on land within and adjacent to the existing Drax Power Station site, Drax, near Selby, North Yorkshire, YO8 8PH, within the administrative areas of Selby District Council and North Yorkshire County Council.</i></p>

	<p><i>The Project falls within the definition and thresholds for a 'Nationally Significant Infrastructure Project' (a 'NSIP') under Sections 14 and 15(2) of the 2008 Act. It is therefore necessary for CPL to apply to the Secretary of State ('SoS') for the Department of Energy and Climate Change for 'Development Consent' for the Project under Section 31 of the 2008 Act."</i></p>
<p>3.2 Is it accompanied by a consultation report?</p>	<p>Yes</p> <p>The application is accompanied by the:</p> <ul style="list-style-type: none"> • Consultation Report (Doc 5.1), • Consultation Report Appendices 3.1 - 7.7 (Doc 5.1.1) • Consultation Report Appendices 7.8 - 7.17 (Doc 5.1.2) • Consultation Report Appendices 7.18 - 8.1 (Doc 5.1.3) • Consultation Report Appendices 8.2 (Doc 5.1.4), and • Consultation Report Appendices 8.3 - 12.2 (Doc 5.1.5)
<p>3.3 Is it accompanied by the documents and information set out in APFP Regulation 5(2) and listed below:</p>	
<p>(a) where applicable, the environmental statement required under the EIA Regulations and any scoping or screening opinions or directions;</p>	<p>Yes</p> <p>The Environmental Statement (ES) is provided in the following volumes:</p> <ul style="list-style-type: none"> • Non-technical Summary (NTS) (Doc 6.1) • ES - Volume 1 (Main Report) (Doc 6.2) • ES - Volume 2 (Technical Reports) (Doc 6.3) • ES - Volume 3 (Other Reports and Plans) (Doc 6.4) <p>Within the ES – NTS (Doc 6.1) there is limited consideration of</p>

	<p>cumulative impacts, though the proposed development is not considered likely to have many cumulative impacts.</p>
<p>(b) the draft proposed order;</p>	<p>Yes</p> <p>The application is accompanied by a Draft Development Consent Order (Doc 2.1)</p> <p>The draft Development Consent Order, Schedule 1, Part 2 includes a table making reference to "Approved Plans", specifically the Works Plans (Doc 4.3) and Access and rights of way plans (Doc 4.4).</p> <p>These plans are referenced as version 0 (v0), however all the Works plans and Access and rights of way plans submitted as part of the application documents are referenced as version 1.0 (v1.0).</p> <p>However, this is a minor discrepancy which can be easily corrected.</p>
<p>(c) an explanatory memorandum explaining the purpose and effect of provisions in the draft order;</p>	<p>Yes</p> <p>The application is accompanied by the Explanatory Memorandum (Doc 2.2)</p>
<p>(d) where applicable, a book of reference (where the application involves any compulsory acquisition);</p>	<p>Yes</p> <p>The application is accompanied by the Book of Reference (Doc 3.1)</p> <p>The Book of Reference (Doc 3.1) does not fully comply with the relevant guidance (Planning Act 2008 Guidance related to procedures for the compulsory acquisition of land", Annex D, in particular paragraphs 9 and 10) in that it includes an additional</p>

	<p>schedule (a list of statutory undertakers) and does not cross-refer to the relevant articles in the Draft Development Control Order (Doc2.1)</p> <p>However, these are minor drafting points which can be easily corrected.</p> <p>Part 2 has been divided into two categories of persons potentially entitled to make a relevant claim under section 57 Planning Act 2008 (under Section 10 Compulsory Purchase Act 1965 and Part 1 Land Compensation Act 1973). However, there is a third category of relevant claim (under Section 152(3) of the Planning Act 2008) which has not been listed. In practical terms, there is likely to be overlap between the possible relevant claims and it is therefore unlikely that potential claimants have been missed, but it would be clearer for Part 2 to be updated to include the third category of relevant claim.</p>
(e) a copy of any flood risk assessment;	<p>Yes</p> <p>A Flood Risk Assessment is located in Section C.1 of the ES – Volume 2 (Doc 6.3.4)</p>
(f) a statement whether the proposal engages one or more of the matters set out in section 79(1) of the Environmental Protection Act 1990 (statutory nuisances) and if so how the applicant proposes to mitigate or limit them;	<p>Yes</p> <p>Section O of the ES – Volume 3 (Doc 6.4.8) contains a Statement of Engagement. It explains that the only statutory nuisances identified in Section 79(1) of the Environmental Protection Act 1990 that have been assessed in the Environmental Statement as having the potential for significant effects as a result of the project are air quality, noise and artificial lighting.</p>

	<p>However, any potential statutory nuisances would be controlled through mitigation measures, an Environmental Permit (as stipulated by the Environmental Permitting (England and Wales) Regulations 2010) and other relevant consents and licenses and compliance with other regulatory requirements. The project is not considered to give rise to any significant nuisance effects.</p>
<p>(g) any report identifying any European site(s) to which regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 ¹³ applies; or any Ramsar site(s), which may be affected by the proposed development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by regulation 48(1);</p>	<p>Yes</p> <p>A Habitats Regulation Assessment is located Section L of the ES – Volume 3 (Doc 6.4.5).</p> <p>Note: the Examining Authority will be able to ask questions during the examination. This may result in additional information being required to inform the HRA report and the competent authority. Depending upon the type and availability of information required, it may not be possible to obtain this during the statutory timetable of the examination.</p>
<p>(h) a statement of reasons and a funding statement (where the application involves any compulsory acquisition);</p>	<p>Yes</p> <p>The application is accompanied by the Statement of Reasons (Doc 3.2) and the Funding Statement (Doc 3.3)</p>
<p>(i) a land plan identifying:-</p> <p>(i) the land required for, or affected by, the proposed development;</p> <p>(ii) where applicable, any land over which it is proposed to exercise powers of compulsory acquisition or any rights to use land;</p>	<p>Yes</p> <p>(i) The following plans illustrate the land required for, or affected by the proposed development:</p> <ul style="list-style-type: none"> • Land Plan (Key Plan) (Doc 4.2) • Land Plan (Sheet 1 - 4) (Doc 4.2)

¹³ Now Regulation 61 of the Conservation of Habitats and Species Regulations 2010 SI2010/490.

<p>(iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and</p> <p>(iv) any special category land and replacement land;</p>	<p>(ii) The above listed Land Plans (Sheets 1-4) also identify any land over which it is proposed to exercise powers of compulsory acquisition or any rights to use land.</p> <p>(iii) The above listed Land Plans (Sheets 1-4) also identify any land in relation to which it is proposed to extinguish easements, servitudes and other private rights</p> <p>(iv) Land Plan (Sheet 4 of 4) identifies any special category land</p>
<p>(j) a works plan showing, in relation to existing features:-</p> <p>(i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and</p> <p>(ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft order;</p>	<p>Yes</p> <p>The following plans are provided:</p> <ul style="list-style-type: none"> • Works Plan (Key Plan) (Doc 4.3) • Works Plans (Sheet Nos. 1 – 4) (Doc 4.3) <p>These plans confirm the following:</p> <p>(i) the proposed location and proposed route and alignment of the development and works; and</p> <p>(ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft order.</p> <p>The Applicant’s attention is drawn to what appears to be an administrative oversight regarding the Works Plans submitted as (Doc 4.3) Revision v1.0, whilst the draft DCO under Schedule 1, Part 2 refers to these Works Plans as Revision v0. This matter would need to be clarified prior to commencement of the examination.</p>

<p>(k) where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation;</p>	<p>Yes</p> <p>The following plans identify any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation:</p> <ul style="list-style-type: none"> • Access and Rights of Way (Key Plan) (Doc 4.4) • Access and Rights of Way Plans (Sheet Nos. 1 - 4) (Doc 4.4) <p>The applicant's attention is drawn to what appears to be an administrative oversight regarding the Access and Rights of Way plans submitted as (Doc 4.4) Revision v1.0, whilst the draft DCO under Schedule 1, Part 2 refers to these Access and Rights of Way plans as Revision v0. This matter would need to be clarified prior to commencement of the examination.</p>
<p>(l) where applicable, a plan with accompanying information identifying:-</p> <ul style="list-style-type: none"> (i) any statutory/non-statutory sites or features of nature conservation e.g. sites of geological/ landscape importance; (ii) habitats of protected species, important habitats or other diversity features; and (iii) water bodies in a river basin management plan, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed development; 	<p>Yes</p> <p>(i) any statutory/non-statutory sites or features of nature conservation e.g. sites of geological/ landscape importance are identified on the following plans:</p> <ul style="list-style-type: none"> • The Habitats Plan within Section K.2 of the ES – Volume 3 (Doc 6.4.3) • Figure 3.1 of the Habitats Regulations Assessment located in Section L of the ES – Volume 3 (Doc 6.4.5). • The LVIA Technical Report, Chapter H of the ES - Volume 2 (Doc 6.3.12), provides: <ul style="list-style-type: none"> - Figure H.4 Published Landscape Character Areas

- **Figure H.5** Project Landscape Character Areas

Chapter D.1 of the **ES - Volume 2 (Doc 6.3.6) (Geology annexes including Generic Assessment Criteria and Envirocheck Report)**

(ii) habitats of protected species, important habitats or other diversity features are identified on the following plans within the **Ecology Technical Report Annexes 1-11, Chapter I** of the **ES - Volume 2 (Doc 6.3.14)**

- **Figure I1.1** Phase 1 Habitat Map
- **Figure I1.2** Phase 1 Habitat Map of the Jetty Site
- **Figure I2.1** Statutory Designations Within 15km Buffer
- **Figure I3.1** Non Statutory Designations Within 2km Buffer
- **Figure I5.1** Locations of Herpetile Surveys
- **Figure I6.1** Water Vole Survey Locations
- **Figure I7.1** Bat Activity Transect & Anabat Results
- **Figure I8.1** Trees for Bat Roost Potential
- **Figure I11.1** Birds of Conservation Importance Identified on the Project Site

(iii) water bodies in a river basin management plan, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed development; is depicted in:

- **Figure C.2** The Project Site and Surrounds (with Water Features), within the **Surface Water and Flood Risk Technical Report, Chapter C** of the **ES - Volume 2 (Doc 6.3.3)**.

	<p>Note that Section 3.3.1 within the ES - Volume 2 (Doc 6.3.3) confirms that the site is located within the Humber River Basin District.</p> <p>An assessment of the potential effects of the proposed development on the above are contained in the following ES chapters and supporting appendices:</p> <ul style="list-style-type: none"> • Surface Water and Flood Risk Technical Report, Chapter C of the ES - Volume 2 (Doc 6.3.3) • LVIA Technical Report, Chapter H of the ES - Volume 2 (Doc 6.3.12) • Ecology Technical Report, Section I of the ES - Volume 2 (Doc 6.3.13) • Confidential Badger Report of the ES - Volume 2 (Doc 6.3.16)
<p>(m) where applicable, a plan with accompanying information identifying any statutory/non-statutory sites or features of the historic environment, (e.g. scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such sites, features or structures likely to be caused by the proposed development;</p>	<p>Yes</p> <p>The locations of scheduled monuments, listed buildings, historic landscape character areas and cultural heritage assets are shown on:</p> <ul style="list-style-type: none"> • The Historic Environment Plan within Section K.3 of the ES - Volume 3 (Doc 6.4.4) • Archaeology Technical Report, Chapter G of the ES - Volume 2 (Doc 6.3.9), provides the following figures: <ul style="list-style-type: none"> - Figure G.1 Cultural Heritage Assets in the Inner Study Area - Figure G.3 Designated Heritage Assets in the Middle Study Area, and

	<p>- Figure G.4 Designated Heritage Assets considered in the Outer Study Area</p> <p>An assessment of the potential effects of the proposed development on the historic environment is contained in the Archaeology Technical Report, Chapter G of the ES - Volume 2 (Doc 6.3.9)</p>
(n) where applicable, a plan with any accompanying information identifying any Crown land;	<p>Yes</p> <p>Both the plots listed in the Crown Interests section (Part 4) of the Book of Reference (Doc 3.1) do appear on the Land Plan (Sheet 4) (Doc 4.2), which is accompanied by a key plan. This is shown in yellow with red hatching.</p>
(o) any other plans, drawings and sections necessary to describe the development consent proposal showing details of design, external appearance, and the preferred layout of buildings/structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping;	<p>Yes</p> <p>Box 23 of the Application Form (Doc 1.4) identifies any other plans, drawings and sections necessary to describe the proposal for which development consent is sought:</p> <ul style="list-style-type: none"> • Site Location Plan (Doc 4.1) • Indicative Generating Station Drawings (Work No. 1A) (Doc 4.5) • Indicative Site Raising Drawings (Work Nos. 1A and 1B) (Doc 4.6) • Indicative Fuel Intake, Limestone and Gypsum and Fuel Ash Handling and Transportation Infrastructure Drawings (Work No. 2) (Doc 4.7) • Indicative Electrical Connection Routes (Work No. 4) (Doc 4.8) • Indicative Drainage Plan (Doc 4.9) • Indicative Landscaping and Biodiversity Framework Plan (Doc 4.10)
(p) any of the documents prescribed by Regulation 6 of the	<p>Yes</p>

<p>APFP Regulations¹⁴;</p> <p>6.—(1) If the application is for the construction or extension of a generating station the application must be accompanied by—</p> <p>(a) if the application is for a generating station, that is not an offshore generating station—</p> <p>(i) a statement of who will be responsible for designing and building the connection to the electricity grid;</p>	<p>Box 22 of the Application Form (Doc 1.4) states:</p> <p><i>"A Grid Connection Statement (Application Document Ref. No. 5.2) has been prepared to comply with Regulation 6 (1)(a)(i) of the APFP Regulations"</i></p>
<p>(q) any other documents considered necessary to support the application; and</p>	<p>Yes</p> <p>Box 23 of the Application Form (Doc 1.4) identifies any other documents considered necessary to support the application:</p> <ul style="list-style-type: none"> • Application Cover Letter (Doc 1.1) • Application Index (Doc 1.3) • Notices for Statutory Publicity (Doc 1.5) • Planning Statement (Doc 5.4) • Design & Access Statement (Doc 5.5) • Combined Heat and Power Assessment (Doc 5.6) • Carbon Capture Readiness (CCR)/Carbon Capture and Storage (CCS) Statement (Doc 5.7) • Master Glossary (Doc 7.1)
<p>(r) if requested by the Secretary of State, three paper copies of the application form and other supporting documents and plans.</p>	<p>Yes</p> <p>Three paper copies of the application form and application documents were received by the Inspectorate on 24 November 2014.</p>

¹⁴ These are documents which are relevant to specific types of project (generating stations, highway related development, railways, harbour facilities, pipelines, hazardous waste facilities, dam or reservoirs). Confirm in each case the type of project and the relevant documents which **must** be included with the application in each case

<p>3.4 Are the plans, drawings or sections submitted A0 size or smaller, drawn to an identified scale and, in the case of plans, show the direction of north¹⁵?</p>	<p>The plans, drawings or sections are submitted on A0 size paper or smaller, drawn to an identified scale (not smaller than 1:2500) and, in the case of plans, show the direction of north. This is with the exception of the following plans:</p> <ul style="list-style-type: none"> • Site Location Plan (Doc 4.1) @ 1:25000 / 1:250000 • Indicative Landscaping and Biodiversity Plan (Doc 4.10): No direction of North shown.
<p>3.5 Where a plan comprises three or more separate sheets has a key plan been provided showing the relationship between the different sheets¹⁶?</p>	<p>A key plan has been provided for the following sets:</p> <ul style="list-style-type: none"> • Land Plans (Doc 4.2) • Works Plans (Docs 4.3) • Access and Rights of Way Plans (Docs 4.4) <p>There does not appear to be a key plan provided for the Indicative Route of Electrical Connection Plans, Sheets 1 – 3 (Doc 4.8).</p>
<p>3.6 Has the Applicant had regard to DCLG guidance 'Planning Act 2008: Application form guidance', and has this regard lead to the application being prepared to a standard that the Secretary of State considers satisfactory?</p>	<p>Paragraph 34 of the Consultation report (Doc 5.1) states that the Applicant in preparing the Consultation Strategy had regard to CLG guidance and PINS Advice Notes and lists the ones it considered most relevant to the application.</p> <p>Sections 2 'Legislative context and compliance' and 3 'The Applicant's approach to consultation' of the consultation report provide a brief overview of how the Applicant considers it has had regard to guidance and complied with the relevant legal requirements of the process.</p> <p>Specific references are included in Table 2.1 and Table 2.2 of the Consultation Report (Doc 5.1) that demonstrate how the</p>

¹⁵ Regulation 5(3) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

¹⁶ Regulation 5(4) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

	<p>Applicant has complied with the guidance.</p> <p>While there is no specific reference to the Application Form Guidance, having reviewed the application, it appears that the Applicant has identified and has had regard to relevant guidance and the overall standard of the application is satisfactory.</p>
Summary - s55(3)(f) and s55(5A)	<p>In relation to the submitted Book of Reference, draft DCO, Works plans and Access and Rights of Way plans some minor technical points are evident on inspection and will need to be clarified in due course.</p> <p>There are, however, no obvious matters of significance related to the application documents that would preclude Acceptance.</p>
The Infrastructure Planning (Fees) Regulations 2010 (SI106)	
Fees to accompany an application	
Was the fee paid at the same time that the application was made ¹⁷ ?	The fee of £4,500 was paid by BACS and cleared on 16 October 2014, before the submission of the application on 24 November 2014

¹⁷ The Secretary of State must charge the applicant a fee in respect of the decision by the Secretary of State under section 55. If the applicant fails to pay the fee, the Secretary of State need not consider the application until payment is received by the Secretary of State. The fee payable is presently £4,500 and must be paid at the same time that the application is made

Case Leader

Emré Williams

Emré Williams

Signed

Date: 17 December 2014

**Acceptance
Inspector**

Elizabeth Hill

E A Hill

Signed

Date: 17 December 2014
