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Jim Doyle

Our Ref: EN010048

*Sent by email*

Date: 17 December 2014

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Dear Mr Doyle

## **Application by Capture Power Limited for an Order Granting Development Consent for the White Rose Carbon Capture and Storage Project**

### **Section 51 Advice following issue of acceptance decision**

On the 17 December 2014 the Secretary of State made the decision that the application by Capture Power Limited for the proposed White Rose Carbon Capture and Storage Facility, was of a satisfactory standard to proceed to examination.

The Planning Inspectorate's s55 'Acceptance Checklist', now published on our website, notes some observation in relation to the following aspects of the application:

- Section 42 consultation;
- The Book of Reference; and
- Plans and draft Development Consent Order

### **Section 42 consultation**

#### Section 42(1)(a) persons prescribed

As the published section 55 checklist sets out, there are a number of potentially relevant bodies which appear, on the basis of the information provided by the Applicant that have not been consulted at the pre-application stage. These are:

- 'A' Parish and Town Councils: Burn Parish Council and Selby Town Council
- Internal Drainage Boards: York Consortium Drainage Board, Aire, Don & Ouse Consortium of Drainage Boards, Lower Aire & Don Consortia of Drainage Boards, Ouse & Humber Drainage Board and Thorntree Internal Drainage Board
- Strategic Health Authority: East Riding of Yorkshire Clinical Commissioning Group
- Police & Crime Commissioner: Office for Humberside and Office for South Yorkshire Service
- Fire and Rescue Authority: Humberside Fire and Rescue Service and South Yorkshire Fire and Rescue Service
- Highways Authority: East Riding of Yorkshire

- Disabled Persons Transport Advisory Committee
- Water and Sewage Undertaker: Severn Trent
- Public Gas Transporter: Scotland Gas Networks Plc
- The Homes and Communities Agency
- Passenger Focus
- The Highways Agency - North East
- Equality and Human Rights Commission
- The Office Of Rail Regulation
- OFWAT
- Local Area Team - North Yorkshire and the Humber

Unless there is a good reason in each case why the applicant considers that these bodies are not relevant to the proposed development, the applicant is advised to include these bodies, or their appropriate successors, in the notification process of the accepted application. This should highlight the opportunities to become involved in the examination of the application. In particular it should explain the process by which they may make relevant representations during the advertised period.

### **Book of Reference**

The Book of Reference 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 schedule (a list of statutory undertakers) and does not cross-refer to the relevant articles in the Draft Development Control Order.

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 some overlap between the possible relevant claims and it may therefore be 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.

### **Plans and the Development Consent Order (DCO)**

It is noted that the Works plans and Access and Rights of Way plans, are referenced as version 1.0. Paragraph 12 of the DCLG application form guidance (June, 2013) states:

*"...information is provided in a clear manner and the referencing on the plans is consistent with all other application documents."*

Schedule 1, Part 2 of the draft DCO includes a table making reference to the Works plans and the Access and Rights of Way plans. These plans are referenced as version 0. It is assumed that this is an administrative error, however the ExA will require certainty that either the dDCO or plans requires amendments to ensure that referencing is consistent with all application documents submitted.

## **Submission of updated documents**

You are strongly advised to prepare any updates to the documents referred to in this letter so that they can be submitted early during the examination in line with any future timetable which is likely to set a deadline for the submission of updated documents. The ExA is likely to set an early deadline for this material, in order to ensure that all parties have adequate time to consider the updates and comment upon them.

Please pay close attention to the advice set out in this letter and act on it accordingly. This will contribute towards a more efficient examination and give any future ExA comfort that the documentation is complete and accurate

## **Deadline for receipt of representations**

Under s56(5) Planning Act 2008, the deadline for the receipt of representations "must not be earlier than the end of the period of 28 days that begins with the day after the day on which the person receives the notice". Because the start of period is triggered by receipt and because of the foreseeable risk of postal delays over the holiday period which might delay this receipt, you may wish to allow additional time in order to ensure the statutory notice of the deadline is correctly given.

## **Conclusion**

You will be aware that you now have some influence over the timetable for the start of the examination by choosing when to carry out your notification and publicity obligations. This is because the examining authority cannot be appointed until after receipt of your certificate under section 58 and notice under section 59 confirming you have carried out the statutory notification.

The examining authority will make its initial assessment of principal issues within a 21 day period beginning with the day after the deadline you set in your section 56 notice for submission of relevant representations.

We trust you find this information helpful, however if you have any queries regarding this matter please do not hesitate to contact our office.

Yours Sincerely

*Emré Williams*

Emré Williams  
Case Manager  
Major Applications and Plans

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.