

From: Geoff Bullock [mailto:gb@dwdllp.com]

Sent: 19 June 2015 15:19

To: Emre Williams

Cc: White Rose CCS; Jim Doyle; Luke Jenkins; Marvin Seaman; Rachel Wigginton; Helen Robinson1; Carl Bunnage; Mark Rushworth; Imilnes@selby.gov.uk; Martyn Coy; Kipling, Sam; Jake Barnes-Gott; MCDONALD Nick

Subject: EN10048 - White Rose CCS Project - Deadline 3 Submission

Importance: High

Dear Mr Williams,

I write on behalf of the Applicant, Capture Power Limited, and attach the following documents in respect of Deadline 3:

1. Document Ref. 1.3, Rev. 5 – Application Index - This has been updated to take account of the documents that the Applicant is submitting at Deadline 3.
2. Document Ref. 8.1, Rev. 4 – Draft Statement of Common Ground (SoCG) with North Yorkshire County Council (NYCC) and Selby District Council (Selby DC) - This is an updated draft of the SoCG with NYCC/Selby DC and has been developed further since Deadline 1. Discussions are on-going between the Applicant and the authorities in order to resolve outstanding matters.
3. Document Ref. 8.2, Rev. 2 – SoCG with the Canal & River Trust (CRT) - This is a signed copy of the SoCG submitted at Deadline 2.
4. Document Ref. 8.6, Rev. 2 – Draft SoCG with the Environment Agency (EA) - This is an updated draft of the SoCG with the EA and has been developed further since Deadline 1. Discussions are on-going between the Applicant and the EA in order to resolve outstanding issues.
5. Document Ref. 9.4, Rev. 1 – Non-Statutory Consultation on Non-Material Amendments to the DCO Application - In accordance with the Examining Authority's (ExA's) Procedural Decision (set out in the ExA's Rule 8 letter dated 29 April 2015) this document details the non-statutory consultation carried out by the Applicant in respect of the non-material amendments that have been made to the Application (submitted to the ExA on 13 April 2015). The document also compiles the responses that have been received to the non-statutory consultation. The consultation commenced on 7 May and finished at 11.59PM on 12 June 2015 (attached to email 2).

In addition to the above, I would update you on the following matters:

1. Site raising and preparation works planning application (LPA Ref. 2015/0229/EIA) - the planning application for the site raising and preparation works (referred to in the Applicant's letter to the ExA dated 13 April 2015) was unanimously approved at a meeting of Selby DC's Planning Committee on 10 June 2015. A copy of the planning permission (dated 15 June 2015) is attached.
2. Grid connection - the Applicant has now entered into a bilateral connection agreement with National Grid Electricity Transmission Plc (NGET) (dated 1 June 2015) for the proposed grid connection to the NGET owned 400kV substation in between New Road and the existing Drax Power Station site.

I would be grateful if you could confirm receipt of the emails and the attachments.

Yours sincerely

Geoff Bullock

**Geoff Bullock BA Hons BPI. MRTPI
Partner**

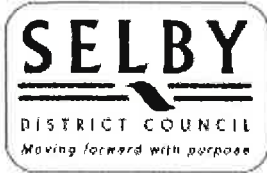
Dalton Warner Davis	Dalton Warner Davis LLPDDI: 020 7489 4892
	21 Garlick Hill S'board: 020 7489 0213
	London Fax: 020 7248 4743
	EC4V 2AU Mobile: 07798 740 238

email: gb@dwdllp.com | www.dwdllp.com | [twitter: dwdllp](https://twitter.com/dwdllp)

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Decision no: 2015/0299/EIA
(8/24/27S/PA)

NOTICE OF DECISION TOWN AND COUNTRY PLANNING ACT 1990

Capture Power Limited
c/o Mr Geoff Bullock
Dalton Warner Davis LLP
21 Garlick Hill
London
EC4V 2AU



NOTICE OF DECISION OF PLANNING AUTHORITY ON APPLICATION FOR PERMISSION TO CARRY OUT DEVELOPMENT

This decision does **not** constitute approval under the Building Regulations
Please read notes at the end of this notice

The above named council being the Local Planning Authority for the purposes of your application dated 11 March 2015 in respect of the following:

Proposal: Proposed carrying out of site raising and preparation works, new and altered accesses and roads, footbridge and road bridge and ancillary works

Location: Drax Power Station, New Road, Drax

have considered your application and have determined to GRANT permission in accordance with the application drawings and particulars subject to the following conditions and reasons

01. The development must commence before the expiration of three years from the date of this permission.

Reason:

This condition is imposed in order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

02. The development must be carried out in accordance with the following approved plans unless otherwise agreed with the local planning authority:

- (a) Figure 1 - Site Location Plan;
- (b) Figure 2 - Planning Application Site Boundary Plan;
- (c) Figure 3 - Site Layout Plan;
- (d) Figure 4 (Sheet 1) - Proposed Site Sections and Levels Plan;
- (e) Figure 4 (Sheet 2) - Proposed Site Sections and Levels Plan; and
- (f) Figure 5 - Vehicle Routing Plan.

Reason:

This condition is imposed for the purposes of clarity and to ensure the development is acceptable and departures from those plans could give rise to unacceptable effects that have not been considered by this application.

03. The development shall not commence until details of the following have been submitted to and approved by the Local Planning Authority:

- (a) the existing site level;
- (b) the material to be used for site raising;
- (c) the extent of the area to be raised; and
- (d) the finished site level.

The development shall be carried out in accordance with the approved details unless otherwise agreed with the local planning authority.

Reason:

This condition is imposed to ensure proposed materials are acceptable and there is a satisfactory relationship between the proposed development and surrounding/adjoining land. Ground levels are required to ensure that surrounding/adjoining land is not adversely affected by difference in levels and surface water run-off.

04. The development shall not commence until a written public rights of way management plan for any section(s) of public rights of way to be diverted or temporarily closed has been submitted to and approved by the Local Planning Authority. The development must be carried out in accordance with the approved plan unless otherwise agreed with the Local Planning Authority.

Reason:

This condition is imposed to ensure the existing Public Right of Way on the site is protected and kept clear of any obstruction until such time as any alternative route has been provided and confirmed (or temporary closure confirmed) under an Order made under the Town and Country Planning Act 1990.

05. The development shall not commence until a scheme for all external lighting to be installed during construction has been submitted to and approved by the Local Planning Authority. The scheme submitted and approved must include measures to minimise and otherwise mitigate any artificial light emissions during development. The development must be carried out in accordance with the approved scheme unless otherwise agreed with the Local Planning Authority.

Reason:

This condition is imposed in the interests of the visual amenities of the area.

06. The development shall not commence until details of the siting, design and layout (including visibility splays and surfacing) of any new or modified permanent or temporary means of access between any part of the application site and the public highway to be used by vehicular traffic, or any alteration to an existing means of access to a public highway used by vehicular traffic, have been submitted to and approved by the Local Planning Authority. The details submitted must provide for any access point directly on to Pear Tree Avenue to only be used in an emergency and must include details of the barrier or other control systems to prevent its use

other than in emergencies. The development must be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority.

Reason:

This condition is imposed in order to secure satisfactory access to the proposed development in the interests of road safety.

07. Any construction areas or sites associated with the development must remain securely fenced at all times during construction of the development. The development must be carried out in accordance with the approved details unless otherwise agreed with the local planning authority.

Reason:

This condition is imposed in the interests of visual amenity.

08. No development shall take place until full details of both hard and soft landscape works for the whole site together with a programme of implementation have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development or as may be otherwise agreed in writing by the Local Planning Authority.

These details shall include:

- i) means of enclosure
- ii) hard surfacing materials
- iii) planting plans

Reason:

This condition is imposed because a well-designed landscaping scheme can enhance the environment, reduce the impact of the development on the amenities of existing residents and help to integrate the development into the surrounding area.

09. If within a period of 5 years from the date of the planting of any tree or shrub that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies (or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective) another tree or shrub of the same species, size and maturity as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason:

This condition is imposed because landscaping works can enhance a development, both for its own sake and for the benefit of the wider area. Trees and shrubs can fail as a result of a number of causes and it is important that, if the landscaping scheme is to succeed there is provision for replacement planting.

10. The development shall not commence until details of surface water and foul drainage systems (including means of pollution control) have been submitted to and approved by the Local Planning Authority. The details submitted must be in accordance with Chapter 7 Flood Risk and Surface Water and Annex C Outline Construction Environmental Management Plan of the Environmental Statement. The development must be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority.

Reason:

This condition is imposed in order to ensure that foul and surface water drainage can be disposed of in a manner which does not cause risks of pollution or injury to public health or increase flood risk.

11. The development shall not commence until a scheme for the mitigation of flood risk during construction has been submitted to and approved by the Local Planning Authority. The scheme submitted and approved must be in accordance with Chapter 7 Flood Risk and Annex D Flood Risk Assessment of the Environmental Statement. Development shall then only proceed in strict accordance with the submitted Flood Risk Assessment and relevant details contained within the Environmental Statement, specifically chapter 7, and the mitigation measures detailed in Section 7.6.2. Measures shall include the setting of finished floor levels of any office buildings or temporary site buildings at a minimum level of 5.13mAOD. The development must be carried out in accordance with the approved scheme unless otherwise agreed with the Local Planning Authority.

Reason:

This condition is imposed to reduce the risk of flooding.

12. Prior to the commencement of development a Construction Environment Management Plan (CEMP) in general accordance with the submitted outline CEMP, shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
- a. A site emergency and contingency plan which must include safe access and egress routes and an area of safe refuge for on-site workers during the construction period;
 - b. Detailed land drainage details for the lay-down area;
 - c. Details of how the construction works will avoid an increase in surface water run-off during the construction period;
 - d. Details of how works will follow the guidelines in the Environment Agency's Pollution Prevention Guideline 5
 - e. Details of measures to prevent the mobilisation of sediments and any other materials from entering a watercourse;
 - f. Details of the inclusion of a 200mm drainage blanket and a perimeter land drain to be installed at the toe of all new platform embankments;
 - g. Details of the provision of cut-off drains and bunds should dewatering be undertaken;
 - h. Details of the reinstatement of the lay-down area to its existing state, including land level and drainage arrangements;
 - i. Details of a pollution contingency plan to deal with pollution should it occur, including that the operator will contact the Environment Agency's 24hr incident hotline on 0800 807060 should there be a pollution incident;
 - j. A final Site Waste Management Plan, backed up with detailed calculations and a relevant CL:AIRE declaration.

Development shall proceed only in strict accordance with the approved CEMP.

Reason:

This condition is imposed reduce the risk of flooding. To ensure a satisfactory means of surface water management. To reduce the risk of pollution. To ensure that any

surface water run-off during the construction period does not leave the construction site area during site raising and preparation works.

13. The development shall not commence until a scheme to deal with the contamination of land (including groundwater), which is likely to cause significant harm to persons or pollution of controlled waters or the environment, has been submitted to and approved by the Local Planning Authority. The scheme submitted and approved must be in accordance with Chapter 8 Geology, Hydrogeology and Contamination and Annex C Outline Construction Environmental Management Plan of the Environmental Statement. The scheme must include an investigation and assessment report to identify the extent of any contamination and the remedial measures to be taken to render the land fit for its intended purpose, together with a management plan which sets out long-term measures with respect to any contaminants remaining on the site. The development, including any remediation, must be carried out in accordance with the approved scheme unless otherwise agreed with the Local Planning Authority.

Reason:

This condition is imposed to reduce the risk of flooding.

14. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall thereafter be implemented as approved.

Reason:

This condition is imposed in order to protect the groundwater quality in the secondary aquifer and the quality of Carr Dyke and the River Ouse.

15. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason:

This condition is imposed in order to protect the groundwater quality in the secondary aquifer and the quality of Carr Dyke and the River Ouse.

16. No development shall commence until a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:
- i. The programme and methodology of site investigation and recording
 - ii. Community involvement and/or outreach proposals
 - iii. The programme for post investigation assessment
 - iv. Provision to be made for analysis of the site investigation and recording
 - v. Provision to be made for publication and dissemination of the analysis and records of the site investigation

- vi. Provision to be made for archive deposition of the analysis and records of the site investigation
- vii. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 16.

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 16 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason:

This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest.

17. The details submitted in pursuance of Condition no. 16 above shall be preceded by the submission to the Local Planning Authority for approval in writing, and subsequent implementation, of a scheme of archaeological investigation to provide for:
 - (i) The proper identification and evaluation of the extent, character and significance of Archaeological remains within the application area;
 - (ii) an assessment of the impact of the proposed development on the archaeological significance of the remains;

Reason:

This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest.

18. The development shall not commence until a construction environmental management plan has been submitted to and approved by the local planning authority. The plan submitted and approved must be in accordance with Annex C Outline Construction Environmental Management Plan of the Environmental Statement and incorporate:
 - (a) a code of construction practice, specifying measures designed to minimise the impacts of construction works;
 - (b) a scheme for the control of any dust, smoke or steam emissions; and
 - (c) a scheme for the notification of any significant construction impacts on local residents and for handling any complaints received from local residents relating such impacts during the construction.

The development must be carried out in accordance with the approved plan unless otherwise agreed with the local planning authority.

Reason:

This condition is imposed to reduce the risk of pollution or injury to public health

19. The development shall not commence until a construction traffic routing and travel plan has been submitted to and approved by the local planning authority. The plan

submitted and approved must be in accordance with Chapter 9 Transport and Travel and Annex H Outline Travel Plan of the Environmental Statement and incorporate details as:

- (a) the routes to be used for the delivery of construction materials and any temporary signage to identify routes and promote their safe use, including details of the access points to the Application Site to be used by light goods vehicles and heavy goods vehicles;
- (d) measures to encourage the use of sustainable transport modes by construction personnel in order to minimise overall traffic impact; and
- (e) parking for construction personnel within the Application Site.

Notices must be erected and maintained throughout the period of construction at every entrance to and exit from the Application Site, indicating to drivers the approved routes for traffic entering and exiting the Application Site. The development must be carried out in accordance with the approved plan unless otherwise agreed with the local planning authority.

Reason:

This condition is imposed in the interests of road safety.

20. Construction work relating to the development, including the delivery or removal of materials, plant and machinery, may not take place outside the hours of:
- (a) 0700 and 1900 hours on Monday to Friday; and
 - (b) 0700 and 1300 hours on a Saturday.

The restrictions above do not apply to construction work or the delivery or removal of materials, plant and machinery where these:

- (a) do not exceed a noise limit of 50dB(A) at the boundary of the Application Site;
- (b) are carried out with the prior approval of the Local Planning Authority under section 61 'Prior consent for work on construction sites' of the Control of Pollution Act 1974; or
- (c) are associated with an emergency.

Paragraph (i) above does not preclude:

- (a) a start-up period from 0630 to 0700 and a shut-down period from 1900 to 1930 Monday to Friday and a start-up period from 0630 to 0700 and a shut-down period from 1300 to 1330 on a Saturday; or
- (b) maintenance at any time of plant and machinery engaged in the construction of the development.

In this condition 'emergency' means a situation where, if the relevant action is not taken, there will be adverse health, safety, security or environmental consequences that in the reasonable opinion of the undertaker would outweigh the adverse effects to the public (whether individuals, classes or generally as the case may be) of taking that action.

Reason:

This condition is imposed in the interests of residential amenity.

21. The development shall not commence until a construction site waste management plan has been submitted to and approved by the local planning authority. The plan

submitted and approved must be in accordance with Annex C Outline Construction Environmental Management Plan (Appendix 1 Outline Site Waste Management Plan) of the Environmental Statement. The development must be carried out in accordance with the approved plan unless otherwise agreed with the Local Planning Authority.

Reason:

This condition is imposed to reduce the risk of pollution or injury to public health.

22. The development shall not commence until a biodiversity mitigation plan has been submitted to and approved by the local planning authority. The plan submitted and approved must be in accordance with Chapter 12 Ecology and Annex C Outline Construction and Environmental Management Plan of the Environmental Statement and incorporate details:

- (a) the further survey work to be carried out;
- (b) biodiversity mitigation measures; and
- (c) an implementation timetable, including details relating to maintenance and management.

The development must be carried out in accordance with the approved plan unless otherwise agreed with the Local Planning Authority.

Reason:

This condition is imposed to ensure that protected species would not be harmed by the development of this site having regard to the Wildlife and Countryside Act 1981 (as amended), The Conservation of Habitats and Species Regulations 2010 (as amended), Protection of Badgers Act 1992 and in the interests of maintaining and improving habitats, biodiversity and the nature conservation value of the site and its surroundings so as to comply with the National Planning Policy Framework (NPPF) and the Natural Environment and Rural Communities Act (NERC) 2006.

23. Within five years of the date of this planning permission a site restoration plan must be submitted to and approved by the Local Planning Authority if:

- (a) development (excluding the development approved by this planning permission) has not commenced on the White Rose CCS Project pursuant to any development consent order; or
- (b) permission or consent for an alternative use of the Application Site has not been granted or does not exist.

The plan must incorporate details of:

- (a) how the site is to be restored at its raised level to its former or alternative use(s);
- (b) landscaping; and
- (c) implementation timetable

The plan must be implemented as approved unless otherwise agreed with the Local Planning Authority.

Reason:

This condition is imposed in the interests of biodiversity.

INFORMATIVES:

01. The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the NPPF.



Mr R M Sunter BSc Hons, Dip TP, Dip Archon, MRTPI
Lead Officer - Planning

Date: 15 June 2015

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference], then if you want to appeal against your local planning authority's decision on your application you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a minor commercial application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Purchase Notice

If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by carrying out any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with Part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on referral of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990.

Circular 10/82 - Access for the disabled

Section 76 of the Town and Country Planning Act 1990 places a duty on local planning authorities to draw the attention of developers to the relevant provisions of The Chronically Sick and Disabled Persons Act 1970. These sections cover buildings or premises to which the public are to be admitted and to offices, shops, railway premises and factories. These sections require any person providing such premises to make

provision, where reasonable and practicable, for the means of access, parking and sanitary conveniences to meet the needs of disabled people.

NOTE

No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under Building Regulations, of the District Council in whose area where the site of the proposed development is situated; or of obtaining approval under any other Bye-Laws, local Acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.

