



# The Planning Inspectorate

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Mr Geoff Bullock  
Dalton Warner Davis LLP

Our Ref: EN010048

(sent by email)

Date: 8 August 2014

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Dear Mr Bullock

Please see our comments and queries below on the draft version of the Consultation Report submitted on 18 July 2014.

The following comments are without prejudice to any decision made under section 55 of the Planning Act 2008 (as amended) or by the Secretary of State on any submitted application.

Please do not hesitate to contact me if you have any queries.

Yours sincerely

*Iwan Davies*

**Iwan Davies**  
**Case Manager**

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.

**White Rose Carbon Capture and Storage Project**  
**Comments on the draft Consultation Report submitted in July 2014.**

**Introduction**

These comments and queries relate solely to the draft Consultation Report submitted in July 2014 ('the Report'), and not the merits of the proposal. They are limited by the time available for consideration, and raised without prejudice to the acceptance or otherwise of the eventual application. They are provided to assist the preparation of the next iteration.

The Planning Inspectorate makes following observations:

- 1.1 The structure of the Report is clear and sensible. In addition, there is a good use of tables which provide a clear overview of information on specific matters. The Report clearly identifies and explains all sections of the Planning Act 2008 (as amended) ('PA 2008') related to the pre-application consultation.
- 1.2 Paragraph 1.15 of the Report currently refers to the components of the Project; the applicant may wish to divide this paragraph and distinguish between what comprises the main project and separately which components are associated with the development (as specified in section 115 of the PA 2008).
- 1.3 It is recommended that consistent terminology is used throughout the document. For example, the Report currently refers to 'formal statutory consultation' or 'formal' consultation when describing statutory consultation under the PA 2008; the applicant may instead wish to use the term 'statutory consultation'. Please note that the same applies to the term 'non-statutory informal consultation' and 'informal' consultation, instead the applicant may wish to use the term 'non-statutory consultation'.
- 1.4 It is noted that page 3 of the Report provides the 'Summary'. This may already be the intention of the applicant, however the Planning Inspectorate recommends providing an Executive Summary which should clearly show the purpose of the document, an overview of consultation requirements and how the consultation undertaken by the applicant (non-statutory and statutory) fits with those requirements. The Executive Summary sections should provide a

clear overview of how the project evolved as result of the applicant's pre-application consultation.

1.5 Although it is noted that the Report is currently incomplete and does not include appendices, the Inspectorate encourages the applicant to provide the documents listed below in its completed version of the Report. Please note that the applicant may wish to consider providing additional appendices that it considers are relevant to evidence the non-statutory and statutory consultation undertaken. The Inspectorate recommends providing the following:

- Original copies of s48 notices. Please consider including the front page of newspapers (including the date) used to place the notices, and
  - copies of notices within these papers itself;
  - copies of the Statement of Community Consultation (SOCC) advertisement including original date as it appears on the newspaper.
- A copy of the original SOCC;
- Copies of consultation correspondence and responses from relevant local planning authorities who were consulted and responded with regards to the content of the SOCC (at both non-statutory and statutory consultation stages);
- Any press releases and media coverage - original copies;
- Copies of letters sent to persons for the purpose of s47 e.g. leaflets;
- A copy of the original letter sent to the local authorities in relation to SOCC;
- A copy of any letters sent to s42 consultees;
- A copy of the s46 notification letter along with a copy of the acknowledgement letter issued by the Inspectorate;
- A complete list of consultees identified and consulted by the applicant for the purpose of statutory consultation under section 42 – this is strongly encouraged;
- Copies of materials from exhibition events e.g. posters, photos of display boards etc;
- Copies of extracts from the project website during consultation – these should demonstrate that the site was functioning at the time;
- Copies of consultation feedback forms.

1.6 In addition, the applicant is encouraged to explain within the content of the Report how each response from a local authority has influenced the preparation

of the SOCC. The Report should state whether the minimum of 28 days was provided to the local authorities to provide responses to this consultation. Where changes were not made in line with comments received by the applicant the Report must provide a clear explanation and provide reasons why. Moreover, the Report should clearly distinguish which SOCC responses were received as part of non-statutory and statutory consultation.

- 1.7 Table 2.2 appears to provide a clear explanation of what A, B, C, and D local authorities mean in the context of the PA 2008.
- 1.8 It is noted that Table 5.1 is titled '*Prescribed Persons – Section 42(1)(A) PA 2008*'. In addition, Table 5.2 is titled '*Relevant Statutory Undertakers – Section 42(1)(A) PA 2008*'.
- 1.9 The Inspectorate's understanding is that Table 5.1 provides a list of all prescribed persons as per Schedule 1 of the (Applications: Prescribed Forms and Procedures) Regulations 2009 ('APFP Regulations'). It appears that Table 5.1 includes confirmation of which persons were consulted, and hence deemed 'relevant' by the applicant, and the applicant's reasoning for consulting, or not consulting, these persons. It is also noted that Table 5.1 includes a column titled 'Date Consulted'. The Inspectorate's understanding is that all dates within this column will indicate the same date of the statutory consultation under which all identified consultees were consulted.
- 1.10 The Inspectorate's understanding is that Table 5.2 identifies all 'relevant' prescribed persons as per Schedule 1 of the APFP Regulations (as identified by the applicant and set out in Table 5.1) and all additional consultees identified by the applicant. As such, the Inspectorate's understanding is that Table 5.2 represents all persons consulted by the applicant for the purposes of s42. If this understanding is correct the applicant should make this clear within the text of the Report and in the title of Table 5.2.
- 1.11 The applicant is strongly encouraged to clearly explain any omission of particular consultees during its statutory consultation. The Inspectorate recommends that an applicant provides clear explanation where the body ceased to exist and where a parent, or replacement company or organisation, was consulted. In addition, where the organisation has indicated that it also

represents other statutory undertakers, this should be explained in the Report for clarity.

- 1.12 It is noted that Table 7.1 refers to compliance with the SOCG, it believed that the applicant meant SOCC not SOCG (Statement of Common Ground). It is noted that Table 13.5 intends to provide details of consultation in relation to Statements of Common Ground; it may be helpful if the applicant would indicate in their table up to date points of agreement and disagreement between the applicant and the party from which the SoCG is sought.
- 1.13 The Inspectorate encourages the applicant to be explicit in the Report about any departure from DCLG Guidance on the pre-application process and relevant Planning Inspectorate Advice Notes, and how the DCLG Guidance has been followed.
- 1.14 Press releases and media coverage activities should also be explained within the text of the Report.
- 1.15 It is noted that Table 13.6 will provide information on the '*Review of Draft Application Documents*'. Should this section intend to provide comments received from the Planning Inspectorate on draft documents, it is recommended that the applicant is explicit that advice given by the Inspectorate was to assist with the preparation of the next iteration of application documents and that the advice given was without prejudgement of any decision to be made by the Secretary of State once the application has been submitted.
- 1.16 Chapter 12 of the Report states that there were two stages of s47 consultation. The Inspectorate advises that each stage is clearly explained within the Report. The exact dates of each stage must also be referred to in the content of the Report. It is recommended that this chapter clearly sets out the methodology undertaken for each stage and methods used to consult with the local community. In addition, this section should explain how 'hard to reach' communities were identified and consulted. It may be helpful if the applicant provides a map showing the 'consultation zone' identified for the purpose of s47. The s47 consultation outlined in Chapter 12 should match statements made by the applicant in its SOCC.

- 1.17 The applicant is encouraged to provide a list of all local authorities (A, B, C and D) identified and consulted by the applicant for the purpose of the section 42(1)(b) consultation.
- 1.18 The Report should clearly explain whether the applicant made 'diligent inquiry' to identify persons that fall under s44. The Inspectorate advises the applicant to list all persons identified under s44 and consulted for the purpose of the s42 consultation, or to provide a statement on whether the applicant is satisfied that identified s44 persons consulted under s42 are in accordance with those listed in the Book of Reference, Parts 1 and Part 2.
- 1.19 The text of the Report should correctly refer to all relevant appendices and tables throughout the whole document.
- 1.20 Should the applicant make any changes to the scheme as a result of any consultation (non-statutory or statutory), this should be clearly explained at the beginning of each stage of consultation within the Report. The applicant is encouraged to explain the reasoning behind any change and state whether further consultation was undertaken as a result of changes, and why. It is recommended that the applicant has regard and refers to relevant parts of the DCLG Guidance on the pre-application stage when providing its explanations.
- 1.21 All exact dates of non-statutory and statutory consultation should be provided within the relevant parts of the Report for each stage of consultation.
- 1.22 Chapter 5 of the Report currently refers to 'non-prescribed consultees', the applicant may wish to explain who the non-prescribed consultees are and how those have been identified. The applicant may wish to list those non-prescribed consultees in an appendix and provide an explanation within the relevant section of the Report.
- 1.23 The applicant may wish to consider including larger tables as appendices rather than include them in the content of the Report, for example Table 5.1.
- 1.24 The applicant is encouraged to undertake a thorough final proof read of the Report to ensure any formatting or typographical errors are erased. For example in paragraph 9.3 of the Report 'addition' should be 'additional'. As a general principle the applicant is also encouraged to ensure that all cross referencing within the document is correct. For example, when any updates are

made to the Report this should be consistent with all other parts of the Report and no contradictory statements should be found within the Report.

- 1.25 When referring to the PA 2008, the applicant may in the first instance wish to state 'as amended'.