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Sent by email only

Your Ref:

Our Ref: EN010081

Date: 27 June 2017

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Dear Mr Bullock

## **Planning Act 2008 (as amended) – Section 51**

### **Application by Eggborough Power Limited for an Order granting development consent for the proposed Eggborough CCGT**

#### **Advice following issue of decision to accept the application for examination**

On 27 June 2017 the Secretary of State decided to accept the above application for examination.

This letter comprises advice to the Applicant provided under section 51 of the Planning Act 2008 (PA2008). It should be read in conjunction with the Eggborough s55 Acceptance of Applications checklist (the Checklist) issued alongside it.

The Applicant should pay close attention to the content of this letter, and consider carefully how appropriate action might be taken in response to the advice issued within it.

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

As the published Checklist sets out, it appears on the basis of the information provided by the Applicant that the below listed potentially relevant bodies were not consulted at the pre-application stage:

- The Homes and Communities Agency
- Sheffield City Region Combined Authority
- National Grid Gas Distribution Limited
- G2 Energy IDNO Limited

Unless there is a good reason in each case on the basis of which the Applicant is confident that these bodies are not relevant to the proposed development, the

Applicant is advised to include these bodies, or their appropriate successors, in its s56 notification exercise.

### **Section 42(1)(d) persons**

The applicant must ensure that they notify all persons within s.56(2)(d) of the acceptance of the application.

Appendix 12.2 of the Consultation Report lists those persons consulted in accordance with s42(1)(d) however there are seven persons who are included as Category 1 persons in Part 1 of the Book of Reference who do not appear to be listed as being consulted in this Appendix:

- Charles William Bayston (Cat 1)
- Rachel Violet Bayston (Cat 1)
- Tamar (Selby Limited) (Cat 1)
- Leslie Heron (Cat 1)
- Deborah Ann Heron (Cat 1)
- George Buckby (Cat 1)
- National Grid PLS (Cat 1)

The applicant must ensure that these persons are notified of the application. Any notification or other form of correspondence with the above named persons should highlight the opportunities for them 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. The Applicant is therefore advised to take the following steps before providing notice of the acceptance of this application under PA2008 s56:

- Please undertake a systematic audit of all lists of consultees and Affected Parties due to receive notice against the Applicant's up to date records of land rights and interests, the Book of Reference and the Land Plans.
- Please ensure that the names and addresses of all persons are accurately recorded.
- Please ensure that information from your latest diligence on land and rights is incorporated.

Minor discrepancies have been noted between the Book of Reference and the Consultation Report in relation to:

- Carole Turner (Cat 1)

Carol Turner is listed as being consulted in Appendix 12.2 but with a different address from Carole Turner listed in the Book of Reference.

- David Arnold Platt (Cat 1)
- D A Platt (Cat 1)

The Book of Reference lists D A Platt and David Arnold Platt at the same address. The Consultation Report lists David Platt & Sons as being consulted at s42 (Appendices 7.4 and 12.2) at the same address. In paragraph 12.15 of the Consultation Report (Doc Ref 5.1) David Arnold Platt (no address given) is listed as being consulted during the targeted stage 2a consultation but he is not included in Appendix 12.2.

The applicant is advised to check that the details are correct for these persons and ensure that they are correctly notified of the application in accordance with s.56(2)(d)

### **The Book of Reference**

The following persons listed as s44 Consultees in the Consultation Report do not appear to be included in the Book of Reference.

- Penelope Jane Plumpton
- David Lewis
- Patricia Mary Lupton
- E Langrick & Sons
- BofAML Trustees Limited
- Energis Communications Limited
- Saint-Gobain Glass UK Limited
- Air Liquide UK Limited
- Marilyn Whitehead

The applicant should ensure that the Book of Reference contains the information required by regulation 5 of the Infrastructure Planning (Applications Prescribed Forms and Procedure) Regulations 2009 and that these persons are correctly notified of the acceptance of the application in accordance with s.56(2)(d).

### **Part 2 of the Book of Reference**

The Applicant has not identified any Category 3 persons in Part 2, however the Statement of Reasons (para 10.10) states that such persons have been consulted and certain individuals are identified in the Consultation Report as being Category 3 persons. The Applicant is therefore advised to take the following steps before providing notice of the acceptance of this application under PA2008 s56:

- Please undertake a systematic audit of prospective Category 3 persons, with reference to the latest diligence on land and rights, information included in the Consultation Report and in the Statement of Reasons
- If Category 3 persons not currently listed in the Book of Reference are identified then these will need to be included.

In light of the above, it is anticipated that an appointed Examining Authority will be likely to request for the Applicant to comprehensively review the Book of Reference, and to provide an updated version in the pre-examination period.

I trust that this advice is useful to you and that it will aid your preparation for the examination of the scheme.

If you have any questions about the content of this letter, please do not hesitate to contact me using the details provided.

Yours sincerely

*Kay Sully*

**Kay Sully**  
**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.