

Date: 17 August 2017
Our Ref: 8086C
Your Ref: EN010081

Ms Kay Sully
Case Manager
Major Applications & Plans
The Planning Inspectorate, Temple Quay House
Temple Quay, Bristol
BS1 6PN

Dear Ms Sully,

EGGBOROUGH POWER LIMITED - THE EGGBOROUGH CCGT PROJECT, LAND AT AND WITHIN THE VICINITY OF THE EGGBOROUGH POWER STATION SITE, NEAR SELBY, NORTH YORKSHIRE, DN14 0BS
THE PLANNING ACT 2008 (AS AMENDED) - SECTION 51 'ADVICE FOR POTENTIAL APPLICANTS AND OTHERS'

We write on behalf of Eggborough Power Limited ('EPL' or the 'Applicant') regarding 'The Eggborough CCGT Project' (the 'Project') and the Secretary of State's Section 51 advice dated 27 June 2017 following the issue of the decision (also 27 June) to accept the application (the 'Application') for examination.

To assist the Examining Authority in preparing for the Preliminary Meeting we have provided a response (below) to the matters raised within the Section 51 Advice. The same headings as the Section 51 Advice have been used for clarity.

Section 42(1)(a) persons prescribed

The Section 51 advice identifies the following, potentially relevant bodies, that it appears were not consulted at the pre-application stage in accordance with Section 42(1)(a):

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

The Section 51 advice goes on to state that unless there is good reason in each case, these bodies or their appropriate successors, should be included in EPL's Section 56 notification exercise.

We can confirm that EPL notified each of the above bodies by letter on 28 June 2017 that the Application had been accepted for examination on 27 June 2017, in accordance with Section 56.

The letter was accompanied by the required Section 56 Notice, a site location plan and a CD containing the Application documents. The letter also provided information on how to make representations and how to participate in the Examination. The bodies were advised that comments on the Application/relevant representation must be made by 9 August 2017.

It is relevant to mention that the requirement to consult the Homes and Communities Agency was removed from the relevant legislation on 6 April 2013 (as per the Infrastructure Planning (Prescribed Consultees and Interested Parties etc) (Amendment) Regulations 2013), and that National Grid Gas (rather than National Grid Gas Distribution Limited) were consulted pursuant to Section 42. Notwithstanding this, as noted above, EPL has notified all these bodies pursuant to Section 56 as recommended.

Section 42(1)(d) persons

The Section 51 advice identifies seven persons, who although included as Category 1 persons in Part 1 of the Book of Reference, were not listed in Appendix 12.2 of the Consultation Report, as having been consulted pursuant to Section 42(1)(d). These are:

- 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); and
- National Grid PLC (Cat 1).

The Section 51 advice goes on to state that these persons must be notified of the application and that the notification should highlight the opportunities for them to become involved in the examination.

The above persons were added to the Book of Reference late in the pre-application process due to potentially having sub-soil or riparian interests in the Application Site.

We can confirm that EPL notified the above persons on 28 June 2017 in accordance with Section 56. The letter was accompanied by the same information as that sent to the Section 42(1)(a) bodies listed earlier in this letter. The letter also provided information on how to make representations and how to participate in the examination. Each person was advised that comments must be made by 9 August 2017.

It is relevant to note that National Grid PLC was consulted as a Section 42(1)(a) person pursuant to Section 42.

The Section 51 advice also requested that the following actions take place prior to notifying persons of the acceptance of the Application pursuant to Section 56:

- a systematic audit of all lists of consultees and affected parties against up-to-date records of land rights and interests, the Book of Reference and Land Plans;
- a check to ensure that all names and addresses are accurately recorded; and
- that information from EPL's latest due diligence on land and rights is incorporated.

We confirm that EPL undertook the above actions prior to it notifying persons of the accepted Application pursuant to Section 56.

The Section 51 advice goes on to refer to minor discrepancies between the addresses in the Book of Reference and the Consultation Report in relation to:

- Carole Turner (Cat 1);
- David Arnold Platt (Cat 1); and
- D A Platt (Cat 1).

We confirm that Carole Turner moved address after the Stage 1 (non-statutory) Consultation, hence why the Consultation Report includes a different address.

David Arnold Platt is listed on the relevant Land Registry documents; however, D A Platt is the farming business that occupies the land owned by David Arnold Platt, Sybill Platt and Wendy Cooper (previously Platt). David Arnold Platt is essentially the same 'person' as D A Platt and the address for both is the same.

EPL notified Carole Turner (at her current address) and David Arnold Platt / D A Platt (each at the same address) of the acceptance of the application on 28 June 2017 pursuant to Section 56. The letter sent to Carole Turner and David Arnold Platt / D A Platt was accompanied by the same information as that sent to the Section 42(1)(a) persons prescribed.

The Book of Reference

The Section 51 advice refers to the following persons listed as Section 44 consultees in the Consultation Report not being 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; and
- Marilyn Whitehead.

The above persons were included in the Stage 1 (non-statutory) and Stage 2 (statutory) consultation for the Project. They were not however included within the Book of Reference submitted as part of the Application as following refinement of the Application Site, including the gas pipeline route corridor, their land was no longer affected or they no longer held an interest in the Application Site (hence they were removed from the Book of Reference).

Part 2 of the Book of Reference

The Section 51 advice states that EPL did not identify any Category 3 persons in Part 2 of the Book of Reference but that the Statement of Reasons (paragraph 10.10) states that such persons have been consulted and that certain individuals are identified in the Consultation Report as being Category 3 persons.

We can confirm that following checks of the Book of Reference, the aforementioned references to Category 3 persons in the Statement of Reasons and the Consultation Report are errors. Part 2 of the Book of Reference is therefore correct in not identifying any Category 3 persons.

We would be grateful if you could acknowledge receipt of this letter. Should you require further information or clarification please contact either Geoff Bullock (gb@dwdllp.com) or Jake-Barnes Gott (jbg@dwdllp.com) in this office.

Yours sincerely



DALTON WARNER DAVIS LLP on behalf of EPL