

# The Drax Power (Generating Stations) Order

Land at, and in the vicinity of, Drax Power Station, near Selby, North Yorkshire

## Section 55 Checklist



The Planning Act 2008  
The Infrastructure Planning (Applications: Prescribed Forms and Procedure)  
Regulations 2009 – Regulation 5(2)(q)

### **Drax Power Limited**

Drax Repower Project

Applicant: DRAX POWER LIMITED  
Date: May 2018  
Document Ref: 1.4  
PINS Ref: EN010091

## Section 55 Acceptance of Applications

### Section 55 Application Checklist<sup>1</sup>

Section 55(2) Acceptance of Applications				
1	Within 28 days (starting day after receipt) the Secretary of State must decide whether or not to accept the application.	Date received	28 day due date	Date of decision
	<b>Section 55(3) – the Secretary of State may <u>only</u> accept an application if the Secretary of State concludes that:-</b>	<b>Planning Inspectorate Comments</b>		
<b>s55(3)(a) and s55(3)(c) It is an application for an order granting development consent</b>				
2	Is the development a nationally significant infrastructure project <sup>2</sup> (NSIP) (or does it form part of an NSIP); and does the application state on the face of it that it is an application for a development consent order <sup>3</sup> (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates (i.e. which category or categories in ss14-30 does the application scheme fall)?  If the development does not fall within the categories in	Yes – the proposed development set out in Schedule 1 of the Order (Doc 3.1) is a NSIP. The proposed development, termed the “Proposed Scheme” in the Application, comprises the construction of up to four generating stations for the purpose of section 14(1) of the PA 2008, and therefore four NSIPs, being up to two gas fired generating stations and up to two battery storage facilities as follows:-  1. Unit X (Work No. 1 in Schedule 1 to the Order) is an onshore generating station in England with a capacity of up to 1,800 MW, thereby in excess of 50MW;  2. Unit Y (Work No. 2 in Schedule 1 to the Order) is an onshore generating station in England with a capacity of up to 1,800 MW, thereby in excess of		

<sup>1</sup> References in this document to the Secretary of State include references (where applicable) to the Planning Inspectorate Major Casework Directorate which carries out functions related to consenting nationally significant infrastructure projects on behalf of the Secretary of State

<sup>2</sup> NSIP is defined generally in s14 with the detailed thresholds for each of the specified categories being set out in ss15-30

<sup>3</sup> Development consent is required for development to the extent that the development is or forms part of an NSIP (s31 of the PA2008)

	<p>ss14-30, has a direction been given by the Secretary of State under s35 of the PA2008 for the development to be treated as development for which development consent is required?</p>	<p>50MW;</p> <p>3. A battery storage facility (Work No. 3A in Schedule 1 to the Order) is an onshore generating station in England with a capacity of up to 100 MW, thereby in excess of 50MW;</p> <p>4. A battery storage facility (Work No. 3B in Schedule 1 to the Order) is an onshore generating station in England with a capacity of up to 100 MW, thereby in excess of 50MW.</p> <p>The Explanatory Memorandum to the Order (Doc 3.2) explains why the two battery storage facilities are "generating stations." In summary, Government and Ofgem have directed that energy storage facilities should be categorised as a subset of a generating station given the process of electricity storage, which involves generating rather than storage. This is because in order to convert the stored potential energy into energy that can be output to the grid, the potential energy must be regenerated and it is this regeneration process that means the battery storage facility is a generating station.</p> <p>For the reasons above, the Application falls within section 14(1)(a) and section 15(1) and (2) of the PA 2008.</p> <p>This is consistent with the summary provided in the Application Form (Doc 1.3) at Section 4 which concludes that the Application is for a NSIP.</p>
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<b>3</b>	<b>Summary – s55(3)(a) and s55(3)(c)</b>	Sufficient evidence has been provided that this is an application for a DCO for an NSIP pursuant to sections 14(1)(a) and 15(2) of the PA 2008.
<b>s55(3)(e) The applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)</b>		
4	In accordance with the EIA Regulations <sup>4</sup> , did the applicant (prior to carrying out consultation in accordance with s42) either (a) request the Secretary of State to adopt a screening opinion in respect of the development to which the application relates, or (b) notify the Secretary of State in writing that it proposed to provide an environmental statement in respect of that development?	<p>(a) No; the Applicant did not request the SoS to adopt a screening opinion in relation to the proposed development;</p> <p>(b) <b>Yes;</b></p> <p>The Applicant notified the SoS that it would be providing an Environmental Statement (ES) with the Application pursuant to regulation 8(1)(b) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations 2017). The notification was included at the front of the Scoping Report (Doc 6.2.1.1) submitted to the SoS on 13 September 2017.</p> <p>The notification (and request for a scoping opinion) was made before the start of statutory consultation under section 42 of the PA 2008, which commenced on 16 January 2018.</p>

5	<p>Have any adequacy of consultation representations<sup>5</sup> been received from “A”, “B”, “C” and “D” authorities; and if so do they confirm that the applicant has complied with the duties under s42, s47 and s48?</p>	<p>The list of A, B, C and D authorities in respect of the Application is contained in Table 5-1 of the Consultation Report (Doc 5.1).</p> <p>The host authorities of the proposed development are Selby District Council and North Yorkshire County Council. East Riding of Yorkshire Council, whilst not a host authority of the proposed development, has been treated by the Applicant as a non-prescribed B authority on the basis that temporary highway closures would take place in its administrative area.</p> <p>As set out in Section 4 of the Consultation Report, the Applicant complied with its duties under section 47 of the PA 2008 and, as demonstrated in Table 4-1 of that Section, carried out its consultation in accordance with its Statement of Community Consultation.</p> <p><i>The Applicant in its discussions with the host authorities understands that the host authorities consider that the Applicant has complied with its duties under sections 42, 47 and 48.</i></p>
<p><b>s42: Duty to Consult</b></p>		

<sup>4</sup> Regulation 8 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (2017 EIA Regulations), or Regulation 6 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (2009 EIA Regulations) (where Regulation 37 of the 2017 EIA Regulations applies).

<sup>5</sup> S55(4) of the PA2008 provides that the Secretary of State must have regard to the consultation report, and any adequacy of consultation representations received

	Did the applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?	
6	s42(1)(a) persons prescribed <sup>6</sup> ?	<p>Yes.</p> <p>The prescribed consultees were consulted at the start of the statutory consultation period. See Chapter 5 of the Consultation Report (Doc 5.1) for more detail and Appendix 8 of the Consultation Report for a complete list of the relevant consultees prescribed in Schedule 1 to the APFP Regulations.</p> <p>Letters and consultation documents were sent on Friday 12 January 2018, with section 42 consultation carried out between 16 January and 27 February 2018.</p>
7	s42(1)(aa) the Marine Management Organisation <sup>7</sup> ?	<p>The Marine Management Organisation was consulted at the start of the statutory consultation period. See Chapter 5 of the Consultation Report for more detail. However, following refinements to proposed development following consultation, it is noted that the MMO would no longer be a prescribed consultee.</p>

8	s42(1)(b) each local authority within s43 <sup>8</sup> ?	<p>The Applicant has consulted each local authority within section 43. A summary of the process is contained in Section 5 of the Consultation Report (Doc 5.1). The relevant authorities are as follows:</p> <ul style="list-style-type: none"> <li>• Selby District Council – B</li> <li>• North Yorkshire County Council – C</li> <li>• East Riding of Yorkshire Council – A &amp; D (treated as a non-prescribed B authority by the Applicant)</li> <li>• Yorkshire Dales National Park Authority – A &amp; D</li> <li>• City of York Council - A &amp; D</li> <li>• Harrogate Borough Council – A</li> <li>• Leeds City Council – A &amp; D</li> <li>• Wakefield Metropolitan District Council - A &amp; D</li> <li>• Doncaster Metropolitan Borough Council - A &amp; D</li> <li>• Bradford Metropolitan District Council - D</li> <li>• Darlington Borough Council – D</li> <li>• Stockton on Tees Borough Council – D</li> <li>• Redcar and Cleveland Borough Council – D</li> <li>• Middlesbrough Borough Council – D</li> <li>• North Yorks Moors National Park Authority - A &amp; D</li> </ul>
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		<ul style="list-style-type: none"> <li>• Lancashire County Council – D</li> <li>• Cumbria County Council – D</li> <li>• Durham County Council - D</li> <li>• Ryedale District Council - treated as a non-prescribed A authority by the Applicant</li> <li>• Scarborough Borough Council - treated as a non-prescribed A authority by the Applicant</li> <li>• Hull City Council - treated as a non-prescribed A authority by the Applicant</li> <li>• North Lincolnshire Council - treated as a non-prescribed A authority by the Applicant</li> </ul>
9	s42(1)(c) the Greater London Authority (if in Greater London area)?	N/a – the proposed development is not in the Greater London area.

10	s42(1)(d) each person in one or more of s44 categories <sup>9</sup> ?	<p>Persons within Category 1, 2 or 3 were consulted during the statutory consultation period (16 January 2018 – 27 February 2018). See Chapter 5 of the Consultation Report (Doc 5.1) for more detail.</p> <p>Appendix 10 of the Consultation Report includes a full list of section 42(1)(d) consultees that were consulted for the statutory consultation. In some instances, due to the developing design of the proposed development since consultation and the creation of new interests in the Site following consultation, there are discrepancies between the list of land interests that were consulted (because they came within section 42(1)(d) at the time of the statutory consultation) and the list of land interests now recorded within the Book of Reference.</p> <p>The reasons for these discrepancies include:</p> <ul style="list-style-type: none"> <li>• Refinement of the red line boundary meaning that land interests who were originally consulted no longer fall under section 42(1)(d). This has generally been because the red line originally encompassed two gas pipeline route options, whereas now a preferred route has been identified. In addition, the red line along the pipeline route has been narrowed wherever possible as a result of further environmental impact assessment. The area within the red line has also been reduced as a result of removing the option of construction transportation via the jetty from the proposed development;</li> <li>• Continued due diligence in identifying land interests has identified that previously consulted land interests no longer fall under section 42(1)(d);</li> </ul>
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|  |  | <ul style="list-style-type: none"><li>• In one case, a new interest has been created in the Site since consultation; Drax has recently granted a grazing licence over agricultural land that it owns – this relates to plot number 6 in the Book of Reference (document reference 4.3). The grazing licence ends in November 2018;</li><li>• Where companies prescribed as relevant statutory consultees pursuant to section 42(1)(a) or companies included in Appendix 9 as being consultees not prescribed by section 42(1)(a) (such as communications and pipeline companies) were considered to have the potential to have apparatus or other interests within the Order limits, those companies were added to the section 42(1)(d) list and duly consulted. Where those companies have either not confirmed they have apparatus or an interest, or have confirmed they do not have apparatus or an interest, they do not appear in the Book of Reference;</li><li>• Where land ownership information was not ascertained through desktop or site referencing methods, the land referencing team erected notices on site requesting information. The notice showed the land ownership boundary in question and provided details of how anyone with information could contact the land referencing team with any relevant information they were aware of. These unknown land interests are set out in Appendix 10.</li></ul> |
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		<p>In order to highlight where these discrepancies exist, Appendix 10 has grouped the list of section 42(1)(d) interests consulted according to:</p> <ul style="list-style-type: none"> <li>• section 42(1)(d) consultees that are also in the Book of Reference;</li> <li>• section 42(1)(d) consultees that were removed from the Book of Reference as they are no longer section 42(1)(d) persons for the reasons set out in Appendix 10;</li> <li>• Interests within the Book of Reference that have not been consulted as section 42(1)(d) consultees because (1) the interest is unknown and therefore only a site notice could be placed on the land relating to the interest and (2) a new interest was created in the Order Land post statutory consultation.</li> </ul>
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<sup>6</sup> Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

<sup>7</sup> In any case where the proposed development would affect, or would be likely to affect, any of the areas specified in s42(2) of the PA2008

<sup>8</sup> Definition of “local authority” in s43(3): The “B” authority where the application land is in the authority’s area; the “A” authority where any part of the boundary of A’s area is also a part of the boundary of B’s area; the “C” authority (upper tier) where the application land is in that authority’s area; the “D” authority where such an authority shares a boundary with a “C” authority

**s45: Timetable for s42 Consultation**

11	Did the applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the applicant 28 days or more starting with the day after receipt of the consultation documents?	<p>All persons consulted pursuant to section 42 of the Planning Act 2008 were notified of the deadline for receipt of responses to the consultation.</p> <p>For persons identified pursuant to section 42(1)(a), section 42(1)(aa) and, section 42(1)(b) this date was included in the covering letter and in the section 48 notice. For persons identified under section 42(1)(d), the deadline for response was included in the letter. Appendix 14 of the Consultation Report (Doc 5.1.14) contains the section 42 letters.</p> <p>The consultation period started on 16 January 2018 and closed on 27 February 2018. This period was in excess of the statutory minimum of 28 days. All persons (with limited exceptions) consulted under section 42 were sent notice of the consultation and the consultation documents by letter dated 12 January 2018 to ensure the letters were received before the statutory consultation was due to start on Tuesday 16 January 2018.</p> <p>Those consulted outside the main consultation period were given a minimum period of 28 days to respond. Table 5-2 of the Consultation Report sets out those section 42 consultees that were either given an extension to the consultation period or were consulted outside the consultation period, together with the reason.</p> <p>See Chapter 5 of the Consultation Report for more information.</p> <p>It is clear from the Consultation Report and its appendices that section 42 consultation has been carried out in accordance with the PA 2008.</p>
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**s46: Duty to notify Secretary of State of proposed application**

12	Did the applicant supply information to notify the Secretary of State of the proposed application; and if so was the information supplied to the Secretary of State on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?	<p>Yes; a letter was sent to PINS, on behalf of the SoS, on 12 January 2018. This is before statutory consultation commenced on 16 January 2018. Receipt was acknowledged by PINS on 19 January 2018. A copy of the letter and confirmation can be found in Appendix 18 of the Consultation Report (Document Ref. 5.1.18).</p> <p>Enclosed with the letter was a list of persons Drax consulted in pursuant to section 42 of the PA 2008 at the start of the consultation, and a USB with the following consultation documents:</p> <ul style="list-style-type: none"> <li>● Example copy of the section 42 letters.</li> <li>● Example copy of the section 42 letters that also include the section 48 notice.</li> <li>● Consultation leaflet.</li> <li>● Project Overview Report.</li> <li>● Preliminary Environmental Information Report (PEIR).</li> <li>● Non-Technical Summary of the PEIR.</li> <li>● Copy of the section 47 and section 48 notices</li> </ul> <p>The letters sent pursuant to section 42 of the Planning Act 2008 were also sent on 12 January 2018; therefore the SoS was notified at the same time as consultees pursuant to section 42 and before the start of consultation on 16 January 2018.</p>
<b>s47: Duty to consult local community</b>		
13	Did the applicant prepare a statement of community consultation (SOCC) on how it intended to consult people living in the vicinity of the land?	Yes; the Applicant prepared a Statement of Community Consultation (SoCC). This was published in accordance with the terms of the PA 2008. See Appendix 22 of the Consultation Report (Document Ref. 5.1.22) for the final SoCC.

14	<p>Were “B” and (where relevant) “C” authorities consulted about the content of the SOCC; and if so was the deadline for receipt of responses 28 days beginning with the day after the day that “B” and (where applicable) “C” authorities received the consultation documents?</p>	<p>Yes. The Applicant initially consulted informally (that is, ahead of the prescribed consultation) with the host local authorities Selby District Council (B) and North Yorkshire County Council (C), as part of the SoCC development.</p> <p>Consultation pursuant to section 47(2) was then undertaken on the draft SoCC with Selby District Council and North Yorkshire County Council. The Applicant also took the decision to consult with East Riding of Yorkshire Council on the draft SoCC under section 42(2) as whilst the proposed development does not fall within its administrative area, the Application is seeking highway powers to for example temporarily close highways within its administrative area. Accordingly, the Application has consulted with Selby District Council (B), East Riding of Yorkshire Council (non-prescribed B) and North Yorkshire County Council (C).</p> <p>See Chapter 4 of the Consultation Report for further detail and Appendices 19 to 21.</p>
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<sup>9</sup> Category 1: owner, lessee, tenant or occupier of land; Category 2: person interested in the land or has power to sell and convey the land or to release the land; Category 3: person entitled to make a relevant claim. There is no requirement to check the accuracy of the list(s) or whether the applicant has made diligent inquiry

15	Has the applicant had regard to any responses received when preparing the SOCC?	<p>Yes.</p> <p>The initial, non-statutory consultation on the draft SoCC was from 15 September 2017 until 16 October 2017. Comments were received from Selby District Council on 16 October 2017 and North Yorkshire County Council on 18 October 2017. The Applicant had regard to these responses in preparing the draft SoCC for statutory consultation.</p> <p>The prescribed consultation was from 23 November 2017 until 21 December 2017. Responses were received on 6 December 2017 on behalf of both North Yorkshire County Council and Selby District Council and on 13 December 2017 from East Riding of Yorkshire Council.</p> <p>Appendix 20 to the Consultation Report contains the comments and responses received on the draft SoCC. The Applicant had regard to these comments and responses. Chapter 4 of the Consultation Report (Doc 5.1) details the response received from the Councils and what changes were made to the final SoCC.</p>
16	Has the SOCC been made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SOCC can be inspected?	<p>Yes.</p> <p>The SoCC was available for inspection at 6 deposit locations within the vicinity of the Site (see Chapter 4 and Appendix 23 of the Consultation Report (Doc 5.1.23)), and online from 2 January 2018 until 27 February 2018.</p> <p>The section 47 notice was published on Tuesday 2 January 2018 in the Yorkshire Post (see Appendix 24 of the Consultation Report (Doc 5.1.24)).</p>

17	Does the SOCC set out whether the development is EIA development <sup>10</sup> ; and does it set out how the applicant intends to publicise and consult on the preliminary environmental information?	<p>Yes.</p> <p>The final SoCC is included at Appendix 22 of the Consultation Report (Doc 5.1.22). Section 2.3 of the SoCC confirms that the proposed development is EIA development.</p> <p>Section 4 of the SoCC outlines how the consultation under section 47 was to be publicised and delivered. This included consultation on the consultation documents, which were listed at section 4.3 and included the Preliminary Environmental Information Report (PEIR) and a Non-Technical Summary of the PEIR (Doc 6.9).</p>
18	Has the applicant carried out the consultation in accordance with the SOCC?	<p>The Applicant has undertaken its consultation in accordance with the proposals set out in the SoCC. This is explained in Table 4-1 of Chapter 4 of the Consultation Report (Doc 5.1) which sets out against each requirement of the SoCC how the Applicant has complied with it. There were no inconsistencies between the consultation carried out and the SoCC, as confirmed in Appendix 1 to the Consultation Report (Doc 5.1.1).</p>

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<sup>10</sup> Regulation 12 of the 2017 EIA Regulations, or Regulation 10 of the 2009 EIA Regulations (where Regulation 37 of the 2017 EIA Regulations applies).

<b>s48: Duty to publicise the proposed application</b>		
19	Did the applicant publicise the proposed application, under s48, in the prescribed manner set out in Regulation 4(2) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009?	Yes. The Applicant has described the newspapers and dates of section 48 publicity in sections 6.1 - 6.3 of the Consultation Report (Doc 5.1). A copy of the published notices can be found in Appendix 25 (Doc 5.1.25).
<b>Newspaper(s)</b>		
		<b>Date</b>
	for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the proposed development would be situated;	Yorkshire Post 5 January 2018 12 January 2018
	once in a national newspaper;	The Times 10 January 2018
	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	London Gazette 5 January 2018
	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	(i) Lloyds List (ii) Fishing News (i) 5 January 2018 (ii) 10 January 2018
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	Yes. Copies of the section 48 notices can be found in Appendix 25 (Doc 5.1.25). Statutory publicity and contents of notice is set out below.

	<b>Information</b>	<b>Paragraph</b>		<b>Information</b>	<b>Paragraph</b>
(a)	The name and address of the applicant	(i)	(b)	A statement that the applicant intends to make an application for development consent to the Secretary of State	(i)
(c)	a statement as to whether the application is EIA development	(vi)	(d)	a summary of the main proposals, specifying the location or route of the proposed development	(ii), (iii), (iv)
(e)	a statement that the documents, plans and maps showing the nature and location of the proposed development are available for inspection free of charge at the places (including at least one address in the vicinity of the proposed development) and times set out in the notice	(vii)	(f)	the latest date on which those documents, plans and maps will be available for inspection	(vii)
(g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	(vii), (xi)	(h)	details of how to respond to the publicity	(xii)
(i)	a deadline for receipt of those responses by the applicant, being not less than 28 days following the date when the notice is last published	(xiv)			

21	Are there any observations in respect of the s48 notice provided above?
	None.

22	<p>Has a copy of the s48 notice been sent to the EIA consultation bodies and to any person notified to the applicant in accordance with the EIA Regulations<sup>11</sup>?</p>	<p>The consultation bodies and people notified to the Applicant by the Planning Inspectorate pursuant to regulation 11(1)(c) are set out Appendix 8 (Doc 5.1.8).</p> <p>The consultation bodies and those persons identified in the Regulation 11(1)(c) were sent a letter, marked clearly as being sent pursuant to section 48 of the PA 2008, Regulation 13 of the EIA Regulations 2017, as well as section 42 of the PA 2008. The letter explained that those bodies were prescribed consultees under the PA 2008 and also the EIA Regulations 2017, and enclosed the section 48 notice as well as the section 42 pack. The letter is at Appendix 14 (Doc 5.1.14).</p> <p>In most cases, each consultation body was sent the letter on Friday 12 January 2018 by special delivery to ensure it was received before the statutory consultation was due to start on Tuesday 16 January 2018. This was at the same time as the section 48 notices were published under section 48(1) (as set out above, the final section 48 notice was published on 12 January 2018).</p> <p>There were some limited instances where consultation bodies received the letter and section 48 notice after the section 48 notice was published (including where late notification of Regulation 11(1)(c) bodies was received from the Planning Inspectorate).</p> <p>The detail of the notification given to the consultation bodies, as well as the explanation for consultation bodies receiving the section 48 notice after it was published, is included in Chapter 5 of the Consultation Report (Doc 5.1).</p>
<p><b>s49: Duty to take account of responses to consultation and publicity</b></p>		

23	Has the applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<p>Yes. The Applicant has reviewed and considered all responses received pursuant to consultation under sections 42, 47 and 48. The Consultation Report records the regard had to every consultation response received within the deadline given. See Chapter 8 of the Consultation Report (Doc 5.1).</p> <p>Following consultation the proposed development has been refined, including the following:</p> <ul style="list-style-type: none"> <li>• Regarding the pipeline routes, Option B was discounted and a single pipeline route alignment was selected following consultation. The alignment and easements for the route are shown on land plans (document reference 2.2) and indicative layout plans for the Above Ground Installation are included in the DCO Application (document reference 2.6);</li> <li>• Measures to reduce the impact and protect biodiversity have been incorporated into the scheme design where possible;</li> <li>• Drax has committed to retaining the existing woodland block as part of the Proposed Scheme; and</li> <li>• Following consultation, Drax decided not to include works to the jetty or powers to use the jetty within the DCO.</li> </ul> <p>The tables 8-1 to 8-28 of Chapter 8 of the Consultation Report go through the consultation responses received and clearly identify where a response has or has not led to a change in the application. From Chapter 8 it is clear that regard has been had to relevant responses received.</p>
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<sup>11</sup> Regulation 13 of the 2017 EIA Regulations, or Regulation 11 of the 2009 EIA Regulations (where Regulation 37 of the 2017 EIA Regulations applies).

<b>Guidance about pre-application procedure</b>		
24	To what extent has the applicant had regard to DCLG guidance 'The Planning Act 2008: Guidance on the pre-application process' <sup>12</sup> ?	Yes. The Applicant has provided a table in Appendix 1 of the Consultation Report (Doc 5.1.1) that demonstrates how the consultation process has complied with the PA 2008 and its associated regulations, DCLG pre-application guidance, and how the Consultation Report has been compiled in accordance with the PINS Advice Note 14: Compiling the consultation report.
25	<b>Summary - s55(3)(e)</b>	The Applicant has complied with Chapter 2 of Part 5 (pre-application procedure). All relevant duties have been complied with.
<b>s55(3)(f) and s55(5A) The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)</b>		

26	<p>Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include:</p> <ul style="list-style-type: none"> <li>• a brief statement which explains why it falls within the remit of the Secretary of State; and</li> <li>• a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme?</li> </ul>	<p>Yes. The Application Form (Document Ref. 1.3) submitted is in the prescribed format and section 4 of the form contains a statement which explains why the proposed project falls under the remit of the SoS.</p> <p>Section 6 of the Application Form identifies the location of the proposed development. The proposed development is located within the Site, which is defined in the Application as encompassing:</p> <ul style="list-style-type: none"> <li>• The Power Station Site (which is located within the Existing Drax Power Station Complex);</li> <li>• The Carbon capture readiness reserve space (which is partly located on the eastern side of New Road, opposite the Existing Drax Power Station Complex); and</li> <li>• The Pipeline Area (which runs from the eastern side of New Road opposite the Existing Drax Power Station Complex for approximately 3km to feeder 29 of the National Transmission System).</li> </ul>
27	<p>Is it accompanied by a consultation report?</p>	<p>Yes. The Application is accompanied by a Consultation Report (Doc 5.1) and Consultation Report Appendices (Doc 5.1.1–5.1.35).</p>

<sup>12</sup> The Secretary of State must have regard to the extent to which the applicant has had regard to guidance issued under s50

28	Where a plan comprises three or more separate sheets has a key plan been provided showing the relationship between the different sheets? <sup>13</sup>	Yes. A Key Plan is included within the Land Plans (Doc 2.2), the Works Plans (Doc 2.3A), and the Access and Public Rights of Way Plans (Doc 2.4).
29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	Yes.

Information		Document	
a)	Where applicable, the environmental statement required under the EIA Regulations <sup>14</sup> and any scoping or screening opinions or directions	<p>The ES is provided in the following volumes:</p> <ul style="list-style-type: none"> <li>• Volume 1: Main Report and Figures (Doc 6.1)</li> <li>• Volume 2: Appendices (Doc 6.2)</li> <li>• Volume 3: Non-Technical Summary (Doc 6.3).</li> </ul> <p>The Application also includes:</p> <ul style="list-style-type: none"> <li>• Environmental Statement Commitments Register (Doc 6.4);</li> <li>• Outline CEMP (Doc 6.5); and</li> <li>• Outline Landscape and Biodiversity Strategy (Doc 6.7).</li> </ul>	b)
		The draft proposed order	The draft Drax Power (Generating Stations) Order (Document Ref. 3.1) has been provided with the Application. The draft Order is in the SI template format and has been validated.

		In accordance with regulation 8(1) of the EIA Regulations 2017, the Applicant submitted a request for an EIA Scoping Opinion, which is submitted with the Application (Doc 6.2.1.1). The Scoping Opinion was received by the Applicant from PINS (on behalf of the SoS) on 23 October 2017 (and is submitted with the Application (Doc 6.2.1.2)).		
	Is this of a satisfactory standard?	Yes.		Is this of a satisfactory standard? Yes.
c)	An explanatory memorandum explaining the purpose and effect of provisions in the draft order	An Explanatory Memorandum (Doc 3.2) has been provided with the Application. The document explains the purpose and effect of provisions in the draft Order.	d)	Where applicable, a book of reference (where the application involves any compulsory acquisition)  The Applicant has provided a Book of Reference (Document Ref. 4.3).
	Is this of a satisfactory standard?	Yes.		Is this of a satisfactory standard? Yes.

e)	A copy of any flood risk assessment	The Applicant has provided a Flood Risk Assessment (FRA) (Doc 6.8).	f)	A statement whether the proposal engages one or more of the matters set out in section 79(1) of the Environmental Protection Act 1990 (statutory nuisances) and if so how the applicant proposes to mitigate or limit them	<p>A Statutory Nuisance Statement has been provided by the Applicant (Document Ref. 5.3).</p> <p>The document provides an explanation of matters set out in section 79(1) of the Environmental Protection Act (EPA) 1990 in respect of statutory nuisances which may occur from the Proposed Scheme.</p> <p>It is concluded in Section 5 of the Statement that only visual amenity has been assessed within the Environmental Statement as having the potential to lead to significant effects; however, following the embedded mitigation measures outlined in Section 3, no significant visual nuisance effects are anticipated.</p>
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<sup>13</sup> Regulation 5(4) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

<sup>14</sup> The 2017 EIA Regulations, or the 2009 EIA Regulations (where Regulation 37 of the 2017 EIA Regulations applies)

h)	Is this of a satisfactory standard?	Yes.	i)	Is this of a satisfactory standard?	Yes.
	A statement of reasons and a funding statement (where the application involves any compulsory acquisition)	A Statement of Reasons (Doc 4.1) and a Funding Statement (Doc 4.2) have been provided.		(i) a land plan identifying:- (i) the land required for, or affected by, the proposed development; (ii) where applicable, any land over which it is proposed to exercise powers of compulsory acquisition or any rights to use land; (iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and (iv) any special category land and replacement land;	Land Plans (Doc 2.2) have been provided and comprises <ul style="list-style-type: none"> <li>• Land Plans Key Plan (Sheet 1)</li> <li>• Land Plans (Sheets 2 – 9)</li> </ul> The Land Plans correspond to the Book of Reference (Doc 4.3) and set out: <ul style="list-style-type: none"> <li>• The land required for, or affected by, the proposed development.</li> <li>• Any land over which it is proposed to exercise powers of compulsory acquisition or any right over the land.</li> <li>• Any land over which it is proposed to take temporary possession and any land in which it is proposed to, if proven necessary, undertake protective works.</li> </ul>
	Is this of a satisfactory standard?	Yes.		Is this of a satisfactory standard?	Yes.

j)	<p>A works plan showing, in relation to existing features:-</p> <p>(i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and</p> <p>(ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft order</p>	<p>Works Plans (Doc 2.3A) have been provided and comprise:</p> <ul style="list-style-type: none"> <li>• Works Plans Overall Location and Master Key Plan</li> <li>• Works Plans Sheets 2 – 46</li> </ul> <p>As requested by PINS, additional Works Plans are provided and show the indicative Works for both Units (Doc 2.3B &amp; 2.3C):</p> <ul style="list-style-type: none"> <li>• Indicative Works Associated with Unit X</li> <li>• Indicative Works Associated with Unit Y</li> </ul> <p>The Works Plans show the proposed works including the alignment of the pipeline and the limits of deviation within which the development and works may be carried out. The works are numbered and the numbers relation to the draft Development Consent Order (Doc 3.1) which lists the works which are to be carried out.</p>	k)	<p>Where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation;</p>	<p>Access and Rights of Way (AROW) Plans (Doc 2.4) are provided and comprise:</p> <ul style="list-style-type: none"> <li>• Access and Public Rights of Way Plans Key Plan</li> <li>• Access and Public Rights of Way Plans Sheets 2 – 16</li> </ul> <p>These plans identify any new or altered means of access, stopping up of streets or roads and any diversions and the extinguishments or creation of rights of way.</p>
Is this of a satisfactory standard?	Yes.		Is this of a satisfactory standard?	Yes.	

l)	<p>Where applicable, a plan with accompanying information identifying:-</p> <p>(i) any statutory/non-statutory sites or features of nature conservation e.g. sites of geological/ landscape importance;</p> <p>(ii) habitats of protected species, important habitats or other diversity features; and</p> <p>(iii) water bodies in a river basin management plan,</p> <p>together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed development;</p>	<p>(i) Nature Conservation / Landscape importance are shown in:</p> <ul style="list-style-type: none"> <li>• Figures 3.1a and 3.1b in Chapter 3 (Site and Project Description) of the ES for Volume 1 Main Text and Figures (Doc 6.1.3);</li> <li>• Figures 9.1, 9.2 and 9.3 in Chapter 9 (Biodiversity) of the ES for Volume 1 Main Text and Figures (Doc 6.1.9);</li> <li>• Figures 10.1, 10.4 and 10.5 in Chapter 10 (Landscape and visual amenity) of the ES for Volume 1 Main Text and Figures (Doc 6.1.10)</li> </ul> <p>(ii) Habitats of protected species, important habitats and other diversity features are shown in Figures 9.1, 9.2 and 9.3 in Chapter 9 (Biodiversity) of the Environmental Statement for Volume 1 Main Text and Figures (Doc 6.1.9); and</p>	m)	<p>Where applicable, a plan with accompanying information identifying any statutory/non-statutory sites or features of the historic environment, (e.g. scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such sites, features or structures likely to be caused by the proposed development</p>	<p>Heritage assets are identified on Figures 8.1 and 8.2 of Chapter 8 (Cultural Heritage) of the ES Volume 1 with an assessment of effects on these designations likely to be caused by the proposed development is provided in Chapter 8 (Cultural Heritage) of the ES Volume 1 (Document Ref. 6.1.8).</p>
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	<p>(iii) Water bodies within a River Basin Management Plan are illustrated in Figures 12.1a and 12.1b in Chapter 12 (Water Resources, Quality and Hydrology) of the Environmental Statement for Volume 1 Main Text and Figures (Doc 6.1.12).</p> <p>The assessments are contained in Chapters Chapter 9 (Biodiversity), 10 (Landscape and visual amenity), 11 (Ground conditions) and 12 (Water Resources, Quality and Hydrology) of the Environmental Statement.</p>		
Is this of a satisfactory standard?	Yes.	Are they of a satisfactory standard?	Yes.

n)	Where applicable, a plan with any accompanying information identifying any Crown land	N/A. The Proposed Scheme will not affect any Crown land.	o)	Any other plans, drawings and sections necessary to describe the development consent proposal showing details of design, external appearance, and the preferred layout of buildings/structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping;	Section 23 of the Application Form (Document Ref. 1.3) identifies any other plans, drawings and sections necessary to describe the proposal for which development consent is sought: <ul style="list-style-type: none"> <li>• 2.1 – Site Location Plan</li> <li>• 2.5A - Two Unit Option Indicative Plant Layout</li> <li>• 2.5B - One Unit Option Indicative Plant Layout</li> <li>• 2.6A - Indicative Plant Elevations</li> <li>• 2.6B - Indicative Gas Receiving Facility and Gas Compressor Building Elevations</li> <li>• 2.6C - Indicative Above Ground Gas Installation Elevations</li> <li>• 2.7 – Site reconfiguration works plans</li> <li>• 2.8 – Pedestrian bridge plan</li> </ul>
	Are they of a satisfactory standard?	N/A		Is this of a satisfactory standard?	Yes.

p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations	<p>Section 22 of the Application Form (Doc 1.3) sets out the following additional documents submitted with the Application:</p> <ul style="list-style-type: none"> <li>• Doc 5.4 - Grid Connection Statement submitted under Regulation 5(2)(p) and 6(1)(a)(i) of the APFP Regulations.</li> <li>• Doc 5.5 - Gas Connection Statement submitted under Regulation 5(2)(p) and 6(1)(a)(ii) of the APFP Regulations.</li> </ul>	q)	Any other documents considered necessary to support the application	<p>Section 23 of the Application Form (Document Ref. 1.3) identifies the following additional documents have been submitted:</p> <ul style="list-style-type: none"> <li>• Doc 1.1 - Application Cover Letter</li> <li>• Doc 1.2 - Application Guide</li> <li>• Doc 1.4 - Section 55 Checklist</li> <li>• Doc 1.5 - Electronic Application Index</li> <li>• Doc 1.6 - Glossary</li> <li>• Doc 4.4 – CA Schedule</li> <li>• Doc 5.2 - Planning Statement</li> <li>• Doc 5.6 - Combined Heat and Power Statement</li> <li>• Doc 5.7 - Carbon Capture Readiness Statement</li> <li>• Doc 5.8 - Other Consents and Licences</li> <li>• Doc 6.4 - Environmental Statement Commitments Register</li> <li>• Doc 6.5 - Outline Construction Environmental Management Plan</li> <li>• Doc 6.7 - Outline Landscape and Biodiversity Strategy</li> <li>• Doc 6.9 PEIR Non-Technical Summary</li> <li>• Doc 7.1 - Statement of Proposed Heads of Terms for an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990</li> </ul>
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	Are they of a satisfactory standard?	Yes.		Are they of a satisfactory standard?	Yes.
30	Are there any observations in respect of the documents provided above? No.				
	<p><i>Where there are concerns over the standard of a document, set out clearly here what these are, referring as far as possible to standards set in guidance/expectations arising from decision notices on earlier DCOs and/or advice notes. The test applies to the entire application, and therefore one unsatisfactory document is not necessarily fatal to the application – but consideration should be given to how serious the matter is and whether or not the application can be accepted.</i></p> <p><i>If there are any concerns, particularly about the land or works plans, that need to be brought to the attention of the applicant, note them here.</i></p>				
31	Is the application accompanied by a report identifying any European site(s) to which regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 applies; or any Ramsar site(s), which may be affected by the proposed development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by regulation 48(1). 15	<p>A Habitats Regulations Assessment (HRA) Report has been provided prepared (Doc 6.6). The HRA Report covers:</p> <ul style="list-style-type: none"> <li>• Stage 1 – Screening, undertaken in accordance with the recent European Court of Justice case in People Over Wind and Sweetman v Coillte Teoranta (Case 323/17). Stage 1 Screening concludes that likely significant effects cannot be ruled out, and therefore a Stage 2 appropriate assessment needs to be carried out; and</li> <li>• Stage 2 – The assessment carried out concludes that there would be no adverse effect on the integrity of European sites.</li> </ul> <p>It is considered that the information provided in the report is adequate for acceptance.</p>			

32	If requested by the Secretary of State, two paper copies of the application form and other supporting documents and plans <sup>16</sup> .	Two paper copies of the Application Form and Application documents were submitted to PINS on 29 May 2018.
33	Has the applicant had regard to DCLG guidance 'Planning Act 2008: Application form guidance', and has this regard led to the application being prepared to a standard that the Secretary of State considers satisfactory?	Yes. The Application is in conformity with the Guidance.
<b>34</b>	<b>Summary - s55(3)(f) and s55(5A)</b>	In consideration of the above, the submitted Application accords with the requirements of section 55(3)(f) having regard to section 55(5A) of the PA 2008.
<b>The Infrastructure Planning (Fees) Regulations 2010 (SI106)</b>		
<b>Fees to accompany an application</b>		
35	Was the fee paid at the same time that the application was made <sup>17</sup> ?	The Application fee of £6,939 has been made by CHAPS on 21 May 2018 (payment ref. BX18052108663643).

Electronic Signature	Name	Date
<b>Case Leader</b>		
<b>Acceptance Inspector</b>		

<sup>15</sup> Regulation 5(2)(g) of the Infrastructure Planning (Application: Prescribed Forms and Procedure) Regulations 2009  
Section 55 Acceptance of Applications Checklist November 2017

<sup>16</sup> Regulation 5(2)(r) of the Infrastructure Planning (Application: Prescribed Forms and Procedure) Regulations 2009

<sup>17</sup> The Secretary of State must charge the applicant a fee in respect of the decision by the Secretary of State under section 55. If the applicant fails to pay the fee, the Secretary of State need not consider the application until payment is received by the Secretary of State. The fee must be paid at the same time that the application is made.