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By email only

Your Ref:

Our Ref: EN010091

Date: 26 June 2018

Dear Mr Doyle

Planning Act 2008 (as amended) – Section 51

Application by Drax Power Ltd for an Order Granting Development Consent for the Drax Re-power Project

Advice following issue of decision to accept the application for examination

On 26 June 2018 the Secretary of State decided that the application for the above project satisfied the acceptance tests under section 55 of the Planning Act 2008 (PA2008). The Planning Inspectorate's (PINS) acceptance checklist has been published and made available on the [project page](#) of our website. The Applicant's application documents will be published and made available shortly.

In undertaking checks at the acceptance stage PINS made some observations in relation to the application. This letter comprises advice to the Applicant, provided under section 51 of the PA2008, in respect of those observations. The Applicant should pay attention to its content and consider how appropriate action might be taken in response.

Section 42(1)(a) persons

As detailed in the published s55 checklist ('the checklist') (Box 6), there are a number of potentially relevant bodies which, on the basis of the information provided by the Applicant, do not appear to have been consulted at the pre-application stage. These are:

- Energy Assets Network Limited
- Energy Assets Power Networks
- Murphy Power Distribution Limited
- Vattenfall Networks Limited

Unless there is a good reason in each case why the Applicant considers that these bodies are not relevant to the proposed development, the Applicant is advised to include these bodies, or their appropriate successors, in the notification process for the accepted application. This should highlight the opportunities to become involved in the Examination of the application. In particular notification should explain the process by which they may make relevant representations during the advertised period.

Section 42(1)(d) persons

In order to establish whether all persons with an interest in land within the order limits had been consulted under s42(1)(d) PINS inspected the evidence set out in the Applicant's Consultation Report and Appendices.

Following a review of the Book of Reference PINS noted that there was no evidence to indicate that one person recorded as a person with a Category 1 interest in Plot 4, and a Category 2 and 3 interest in Plots 2 and 7, had been consulted about the proposed scheme in accordance with section 42 of the PA2008 (as detailed in the checklist in Box 10). It is also noted that a new interest has been created in the land in respect of Plot 6 and that this is not reflected in the Book of Reference.

It is important that all affected persons are able to participate in the Examination process. To ensure this occurs we strongly advise that a full audit of the Book of Reference is carried out before notice is given of the deadline for the submission of relevant representations under s56 of the PA2008. This will provide certainty that all persons within s56(2)(d) of the PA2008 have been notified and are afforded the opportunity to submit a relevant representation. The Examining Authority (ExA) may ask for the position to be clarified at or before the Preliminary Meeting.

Crown Land

The Applicant is advised that whilst no Crown land has been identified within the order limits, should any land be subject to escheat to the Crown or any Crown land be identified through ongoing due diligence, then they should inform PINS without delay.

Draft Development Consent Order (dDCO)

It is noted in the checklist (Box 30, Regulation 5(2)(b) and 5(2)(j)) that there are discrepancies regarding the referencing in both Schedule 3 and Schedule 5 of the dDCO.

The Applicant is advised to carry out a full review of their dDCO to ensure that all references are recorded accurately.

Flood Risk Assessment (FRA) - Appendices

The FRA report includes reference to Appendices A to K; however, these appendices have been omitted from the FRA report submitted to PINS on 29 May 2018.

The Applicant should provide PINS with these appendices and ensure that they are made available to all relevant persons in accordance with Section 56 of the PA2008.

Habitats Regulations Assessment (HRA) – Appendix 3

The HRA report makes reference to copies of SSSI unit condition assessments included in Appendix 3 to the report; however, Appendix 3 has been omitted from the HRA report submitted to PINS on 29 May 2018.

The Applicant should provide PINS with the omitted Appendix 3 and ensure that it is made available to all relevant persons in accordance with Section 56 of the PA2008.

Plans and drawings

Land Plans

As noted in the checklist (Box 30, Regulation 5(2)(h)) the cut lines depicted on the Land Plans are not recorded accurately when reading from sheet to sheet.

Works Plans

It is noted in the checklist (Box 30, Regulation 5(2)(b) and 5(2)(j)) that the plan for Work 7B refers in the key to 'Temporary Construction for Gas Supply pipeline' whereas Schedule 1 of the dDCO describes Work 7B as 'temporary construction laydown areas'.

Other Plans

As noted in the checklist (Box 30, Regulation 5(2)(o)) the Indicative Above Ground Installation (AGI) elevations drawing depicts a building and a nearby satellite dish however these are not illustrated on either the Indicative Plant Layout plan for the 'one unit option' or the Indicative Plant Layout plan for the 'two unit option' for the AGI (Work 6 'above ground gas installation').

The Applicant is reminded to ensure that correct details are depicted on each plan and/or drawing and update the plans accordingly to avoid any confusion during the Examination.

Submission of updated documents

With regard to the issues identified above it would be helpful, and assist the Examination process, if any other information, clarification documents or amendments made to the application documents were submitted to PINS within 10 working days of the date of this letter to enable the Examining Authority to determine if the documents can be accepted for examination and, if so, for them to be published on the project page of the National Infrastructure Planning website as soon as practicable. With regard to version control of application documents, PINS would like to make the Applicant aware of the Guide to the Application 'good example document' on the [Example Documents](#) page of the National Infrastructure Planning website.

Please pay close attention to the advice set out in this letter and act on it accordingly. This will contribute towards a more efficient Examination and give any future Examining Authority (ExA) comfort that the documentation is complete and accurate.

We trust you find this advice helpful; however, if you have any queries on these matters please do not hesitate to contact our office using the contact details at the head of this letter.

Yours sincerely

Michele Gregory

Michele Gregory
Case Manager

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