



SECTION 55 ACCEPTANCE OF APPLICATIONS CHECKLIST

Drax Bioenergy with Carbon Capture and Storage

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations, 2009 - Regulation 5(2)(q)

Document Reference Number: 1.6

Applicant: Drax Power Limited

PINS Reference: EN010120



REVISION: 01

DATE: May 2022

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PUBLIC

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1. INTRODUCTION

1.1. BACKGROUND

1.1.1. This document relates to an application (the 'Application') for development consent made by Drax Power Limited (the 'Applicant') for the Proposed Development as described in Chapter 2 (Site and Project Description) (document reference 6.1.2) of the Environmental Statement ('ES') submitted with the Application. The Application is made to the Secretary of State ('SoS') for Business, Energy and Industrial Strategy ('BEIS') under Section 37 of the Planning Act 2008 (as amended) (the 'PA 2008').

1.2. SECTION 55 OF THE PLANNING ACT 2008 (AS AMENDED)

1.2.1. Section 55 of the PA 2008 sets out the circumstances under which the SoS may accept an application for development consent. Following acceptance, an application will be subject to an examination pursuant to Sections 86 to 102B of the PA 2008. The 'Section 55 Checklist' is a document being prepared by the Planning Inspectorate ('PINS') on behalf of the SoS upon submission of an application. Completion of the Checklist by an applicant is not a requirement under Regulation 5 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the 'APFP Regulations'), nor does the submission of the completed Checklist by the applicant hold any weight at the acceptance stage. However, the Applicant considers that the submission of a 'draft' Section 55 Checklist can assist PINS at the acceptance stage with the compliance check by signposting to relevant submission documents or parts within submission documents. Therefore, the Applicant has decided to complete the Section 55 Checklist for the Application.



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Section 55

Acceptance of Applications Checklist

Appendix 3 of [Advice Note Six: Preparation and submission of application documents](#)

Version: October 2019

Section 55 Acceptance of Applications Checklist

Section 55 of the Planning Act 2008 can be viewed at [legislation.gov.uk](http://www.legislation.gov.uk), here:

<http://www.legislation.gov.uk/ukpga/2008/29/section/55>

DISCLAIMER: This Checklist is for information only and is not a formal application document. It is a non-statutory checklist for the Planning Inspectorate to complete. Completion or self-assessment by the Applicant does not hold weight at the Acceptance stage. Unless specified, **all references to the Planning Inspectorate are made in relation to functions being carried out on behalf of the Secretary of State for Housing, Communities and Local Government.**

Section 55(2) Acceptance of Applications				
1	Within 28 days (starting day after receipt) the Planning Inspectorate must decide whether or not to accept the application for Examination.	Date received	28 day due date	Date of decision
		TBC	TBC	
Section 55(3) – the Planning Inspectorate may only accept an application if it concludes that:			Planning Inspectorate comments	
Section 55(3)(a) and s55(3)(c): It is an application for an order granting development consent				
2	Is the development a Nationally Significant Infrastructure Project ¹ (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	Yes. The proposed development set out in Schedule 1 of the Draft Development Consent Order (document reference 3.1) is a NSIP. The proposed development, termed the “Proposed Scheme” in the application, comprises the installation of post-combustion carbon capture technology to capture carbon dioxide from up to		

¹ NSIP is defined generally in s14 with the detailed thresholds for each of the specified categories being set out in ss15 to 30

<p>Consent Order² (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 to 30 does the Proposed Development fall)?</p> <p>If the development does not fall within the categories in ss14 to 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>two existing 660 megawatt electrical ('MWe') biomass power generating units at the Drax Power Station (Unit 1 and Unit 2). The installation of this technology constitutes an extension to the biomass Units 1 and 2 and is referred to as post-combustion carbon capture as the carbon dioxide is captured from the flue gas produced during the combustion of biomass in Units 1 and 2. The Proposed Scheme is designed to remove approximately 95% of the carbon dioxide from the flue gas from these two Units.</p> <p>The carbon dioxide captured will undergo processing and compression before being transported via a proposed new pipeline for storage under the southern North Sea. Transport and storage infrastructure will be consented through separate applications submitted by other parties (not the Applicant) (see further details on the transport and storage infrastructure below).</p> <p>Core items of the existing infrastructure at the Drax Power Station would be utilised by installing and integrating the Carbon Capture Plant with existing infrastructure including existing power generating units (Units 1 and 2) for extraction of steam, re-using the cooling water systems, Main Stack and electrical connections.</p> <p>Bioenergy with Carbon Capture and Storage (BECCS) refers to the technology combining energy generation from biomass with carbon capture and storage, resulting in carbon negative energy generation (net removal of carbon dioxide from the atmosphere).</p> <p>The Proposed Scheme involves the use by the Applicant of land at the Drax Power Station for a purpose directly related to the generation of electricity by that station. The Applicant considers that, in this particular case, the installation of</p>
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² Development consent is required for development to the extent that the development is or forms part of an NSIP (s31 of the PA2008)

post-combustion carbon capture technology (Work No. 1 as set out in Schedule 1 to the draft DCO) constitutes the NSIP by virtue of it being an extension to the Existing Drax Power Station. The design is unique to carbon capture plants and arises as a result of Units 5 and 6 (the last two remaining coal-fired units at the Existing Drax Power Station) being decommissioned before the Proposed Scheme is operational. This presents an opportunity to the Applicant to design a carbon capture plant that makes use of spare capacity in terms of water treatment, water cooling and steam flows that arise as a result of the decommissioning of Units 5 and 6. The Proposed Scheme therefore involves the modification, upgrade and extension of existing apparatus which will result in the Proposed Scheme becoming an integral part of the process of generating electricity at the Existing Drax Power Station. The effect of the extension (the Proposed Scheme) will be that Units 1 and 2 of the Existing Drax Power Station will not only generate electricity but also produce negative emissions in generating that electricity. For example, the Proposed Scheme will form part of the water cycle of the Existing Drax Power Station and therefore part of the process of the generation of electricity. Indeed, it is akin to a carbon capture plant being incorporated in a new generating station, such as that being promoted at Net Zero Teesside and Keadby 3 (both current NSIP projects). The Proposed Scheme, therefore, comprises an extension of an existing generating station for the purpose of section 14(1)(a) of the PA 2008, and therefore is a Nationally Significant Infrastructure Project. A DCO is therefore required for the Proposed Scheme as it falls within the definition and thresholds for a NSIP under sections 14 and 15(2) of the PA 2008. Further detail is provided in the Explanatory Memorandum (document reference 3.2).

This is consistent with the summary provided in the Application Form (document reference 1.2) which concludes that the Application is for a NSIP for which development consent is required under the PA2008.

3	Summary: Section 55(3)(a) and s55(3)(c)	Sufficient evidence has been provided that this is an application for a DCO for an NSIP requiring development consent pursuant to sections 14(1)(a) and 15(2) of the PA 2008.
Section 55(3)(e): The Applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)		
4	In accordance with the EIA Regulations ³ , did the Applicant (prior to carrying out consultation in accordance with s42) either (a) request the Planning Inspectorate adopt a Screening Opinion in respect of the development to which the application relates, or (b) notify the Planning Inspectorate in writing that it proposed to provide an Environmental Statement in respect of that development?	<p>(a) No – The Applicant did not request the Planning Inspectorate to adopt a Screening Opinion in relation to the proposed development.</p> <p>(b) Yes – The Applicant notified the Planning Inspectorate in writing 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 within the covering letter which accompanied the EIA Scoping Report submitted to the SoS on 15 January 2021. The Scoping Report is appended to the ES at Appendix 1.1 (document reference 6.3.1.1) The SoS subsequently adopted a Scoping Opinion on 26 February 2021. The Scoping Opinion is appended to the ES at Appendix 1.2 (document reference 6.3.1.2).</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 1 November 2021. See Consultation Report (document reference 5.1) for further detail.</p>

³ Regulation 8 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (2017 EIA Regulations), or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 6 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (2009 EIA Regulations)

5	<p>Have any Adequacy of Consultation Representations⁴ been received from 'A', 'B', 'C' and 'D' local authorities; and if so, do they confirm that the Applicant has complied with the duties under s42, s47 and s48?</p>	<p>It is envisaged that the Planning Inspectorate will request upon submission of the Application that relevant local authorities provide an adequacy of consultation statement. This is as set out in the Planning Inspectorate's Advice Note 14.</p> <p>The Consultation Report (document reference 5.1) sets out how the Applicant complied with its duties under Sections 42, 47 and 48 of the PA 2008.</p> <p>The list of A, B, C and D authorities in respect of the Application is contained in Table 6.1 of the Consultation Report (document reference 5.1) and 'Row no.8' below.</p> <p>The host authorities of the Proposed Scheme are:</p> <ul style="list-style-type: none"> • Selby District Council ('SDC'); and • North Yorkshire County Council ('NYCC'). <p>In addition, East Riding of Yorkshire Council ('ERoYC'), whilst not a host authority of the Proposed Scheme, has been treated by the Applicant as a non-prescribed B authority on the basis that temporary highway measures may be required in its administrative area (utilising highway powers) to facilitate transportation of AIL from the Port of Goole to Newlands Bridge.</p> <p>As set out in Section 3 of the Consultation Report, the Applicant complied with its duties under section 47 of the PA 2008 and, as demonstrated in Table 3.1 of that Section, carried out its consultation in accordance with its Statement of Community Consultation.</p>
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⁴ Section 55(4) of the PA2008 provides that the Planning Inspectorate must have regard to the Consultation Report, and any Adequacy of Consultation Representations received

		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.
Section 42: Duty to consult		
Did the Applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?		
6	Section 42(1)(a) persons prescribed ⁵ ?	<p>Yes – The prescribed consultees under Section 42(1)(a) of the PA2008 were consulted. See Chapter 6 of the Consultation Report (Document Ref. 5.1) for more detail. Appendix D of the Consultation Report contains a complete list of the relevant consultees prescribed in Schedule 1 to The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the ‘APFP Regulations’). The list was prepared having regard to the Planning Inspectorate’s Advice Note Three: EIA Notification and Consultation in identifying the consultation bodies and the Scoping Opinion (February 2021).</p> <p>Letters and consultation documents were sent on 29 October 2021 with section 42 consultation carried out between 1 November and 12 December 2021. Drax contacted statutory consultees section 42(1)(a) and section 42(1)(b) in advance of the launch of statutory consultation to ascertain whether the consultee would be happy to receive information via email. Sixteen consultees responded they would be content to receive information via email with attachments only. Hard copy letters were posted to those who had not responded or wished to receive postal information. Consultation notification letter is provided in Appendix E. Respondents had at least 28 full days to respond.</p>

⁵ Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations)

7	Section 42(1)(aa) the Marine Management Organisation ⁶ ?	<p>Yes – The prescribed consultees under Section 42(1)(aa) of the PA2008 were consulted. See Chapter 6 of the Consultation Report (Document Ref. 5.1) for more detail. Appendix D of the Consultation Report contains a complete list of the relevant consultees prescribed in Schedule 1 to The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the ‘APFP Regulations’). The list was prepared having regard to the Planning Inspectorate’s Advice Note Three: EIA Notification and Consultation in identifying the consultation bodies and the Scoping Opinion (February 2021).</p> <p>Letters and consultation documents were sent on 29 October 2021 with section 42 consultation carried out between 1 November and 12 December 2021.</p> <p>The Marine Management Organisation (MMO) were consulted as part of the statutory consultation as the Proposed Scheme. The MMO were also consulted for the non-statutory consultation.</p>
8	Section 42(1)(b) each local authority within s43 ⁷ ?	<p>The Applicant has consulted each local authority within section 43. A summary of the process is contained in Section 6, and Table 6-1 of the Consultation Report (document reference 5.1). The relevant authorities are as follows (with their respective Categories A-D identified, as appropriate):</p> <ul style="list-style-type: none"> • Selby District Council – B • North Yorkshire County Council – C • East Riding of Yorkshire Council – A & D (treated as a non-prescribed B authority by the Applicant)

⁶ 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

⁷ Definition of ‘local authority’ in s43(3) of the PA2008: 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 (upper tier) where such an authority shares a boundary with a ‘C’ authority

- Yorkshire Dales National Park Authority – A & D
- City of York Council - A & D
- Harrogate Borough Council – A
- Ryedale District Council - treated as a non-prescribed A authority by the Applicant
- Scarborough Borough Council - treated as a non-prescribed A authority by the Applicant
- Hull City Council - treated as a non-prescribed A authority by the Applicant
- North Lincolnshire Council - treated as a non-prescribed A authority by the Applicant
- Leeds City Council – A & D
- Wakefield Metropolitan District Council - A & D
- Doncaster Metropolitan Borough Council - A & D
- Bradford Metropolitan District Council - D
- Darlington Borough Council – D
- Stockton on Tees Borough Council – D
- Redcar and Cleveland Borough Council – D
- Middlesbrough Borough Council – D
- North York Moors National Park Authority - A & D
- Lancashire County Council – D
- Cumbria County Council – D
- Durham County Council – D

A sample letter is provided at Appendix E of the Consultation Report. A summary of the responses is contained in Section 7 (Responses from Section 42(1)(b))

		Local Authorities) of the Consultation Report. Letters and consultation documents were sent on 29 October 2021 with section 42 consultation carried out between 1 November and 12 December 2021. Drax contacted statutory consultees section 42(1)(a) and section 42(1)(b) in advance of the launch of statutory consultation to ascertain whether the consultee would be happy to receive information via email. Sixteen consultees responded they would be content to receive information via email with attachments only. Hard copy letters were posted to those who had not responded or wished to receive postal information. Consultation notification letter is provided in Appendix E. Respondents had at least 28 full days to respond.
9	Section 42(1)(c) the Greater London Authority (if in Greater London area)?	N/A – The proposed development is not in the Greater London area.
10	Section 42(1)(d) each person in one or more of s44 categories ⁸ ?	<p>Persons within Category 1, 2 and 3 were consulted during the statutory consultation period (1 November and 12 December 2021), letter sent by first class post on 29 October 2021. See Chapter 6 of the Consultation Report (document reference 5.1) for more detail.</p> <p>A sample letter is provided at Appendix E of the Consultation Report. See Section 7 of the Consultation Report for details of the responses received.</p> <p>Appendix D 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 Scheme 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</p>

⁸ 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: persons who would or might be entitled to make a relevant claim. There is no requirement on the Planning Inspectorate to check the accuracy of the list(s) provided or whether the Applicant has made diligent inquiry

		<p>consultation) and the list of land interests now recorded within the Book of Reference.</p> <p>The reasons for these discrepancies are set out in 6.8.2 of Consultation Report (document reference 5.1)</p> <p>Section 6.11 of Consultation Report (document reference 5.1) sets out the details of ongoing due diligence and activities undertaken to identify and contact relevant interests. Appendix F provides details of additional land consultees that were identified during and post statutory consultation and letters.</p> <p>Chapter 8 and Appendix M of the Consultation Report (document reference 5.1) provides details of additional consultees and the reasons for consulting further, and we note there were no further consultation responses received.</p>
<p>Section 45: Timetable for s42 consultation</p>		
11	<p>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>	<p>Yes. The Applicant notified all persons consulted pursuant to section 42 of the PA 2008 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 and the section 48 notice. Appendix E of the Consultation Report (Document Ref. 5.1.5) contains the section 42 letters.</p> <p>The consultation period started on 1 November and closed on 12 December 2021. 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 on 29 October 2021 to ensure the letters were received before the statutory consultation was due to start on 1 November 2021.</p>

		<p>Those consulted outside the main consultation period were given a minimum period of 28 days to respond. Section 6.11 of Consultation Report (document reference 5.1) sets out the details of ongoing due diligence and activities undertaken to identify and contact relevant interests. Appendix F provides details of additional land consultees that were identified during and post statutory consultation and letters.</p> <p>Chapter 8 and Appendix M of the Consultation Report (document reference 5.1) provides details of additional consultees and the reasons for consulting further, and we note there were no further consultation responses received.</p> <p>See Chapter 6 (overview of statutory consultation) of the Consultation Report for more information.</p> <p>It is clear from the above plus the Consultation Report and its appendices that section 42 consultation has been carried out in accordance with the PA 2008.</p>
<p>Section 46: Duty to notify the Planning Inspectorate of proposed application</p>		
12	<p>Did the Applicant supply information to notify the Planning Inspectorate of the proposed application; and if so, was the information supplied to the Planning Inspectorate on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?</p>	<p>Yes – The Applicant supplied information to notify the Planning Inspectorate of the proposed Application in a letter dated 29 October 2021. This is before statutory consultation commenced on 1 November 2021 and on or before the date it was sent to the section 42 consultees. Receipt was acknowledged by PINS on 29 October 2021. This letter was sent pursuant to section 46 of the PA 2008. Details of the section 46 notification and confirmation can be found in Appendix B of the Consultation Report (Document Ref. 5.1.2).</p> <p>Enclosed with the section 46 letter was:</p> <ul style="list-style-type: none"> • An example copy of the section 42 letter • Copy of the section 48 notice, which sets out details of the proposals and information about the consultation;

		<ul style="list-style-type: none"> • The consultation brochure which provides an overview of the Proposed Scheme; • A link to the electronic version of the consultation documents on the Drax Consultation Website which comprise the following: <ul style="list-style-type: none"> ○ Preliminary Environmental Information Report (PEIR). ○ Non-Technical Summary of the PEIR. ○ A Statement of Community Consultation which states how the Applicant is consulting the local community in the vicinity of the Proposed Scheme
Section 47: Duty to consult local community		
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) setting out how the Applicant is consulting the local community in the vicinity of the Proposed Scheme. This was published in accordance with the terms of the PA 2008. See Appendix C of the Consultation Report (Document Ref. 5.1.3) for the final SoCC.
14	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>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>The draft SoCC was issued informally to Selby DC, NYCC (as the local authorities within whose area the Proposed Scheme is located) and East Riding of Yorkshire County Council by email on 30 April 2021. A deadline of 20 May 2021 was provided to the consultees to provide feedback on the informal SoCC.</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</p>

		<p>draft SoCC under section 42(2) as whilst the Proposed Scheme 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>The SoCC was issued for formal consultation on 5 August 2021 and the authorities were allowed 28 days to comment until the 2 September 2021.</p> <p>See Chapter 5 of the Consultation Report for further detail and Appendix C (document reference 5.1.3)</p>
15	Has the Applicant had regard to any responses received when preparing the SoCC?	<p>Yes. The Applicant had regard to the responses received when preparing the SoCC.</p> <p>The Consultation Report (document reference 5.1) Chapter 5 explains in more detail how the Applicant had regard to the consultation responses on the SoCC</p> <p>.</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. The SoCC was available online at the Drax consultation website (a website maintained by or on behalf of the Applicant) and for inspection at 5 deposit locations (listed below) within the vicinity of the Site during the period from Monday 1 November to Sunday 12 December 2021</p> <ul style="list-style-type: none"> • Selby Library (52 Micklegate, Selby YO8 4EQ) • Snaith Library (27 Market PI, Snaith, Goole DN14 9HE) • Goole Library (Carlisle Street, Goole DN14 5DS) • East Riding of Yorkshire Council (Beverley Customer Service Centre, 7 Cross St, Beverley HU17 6TB) • Drax Sports Club (Main Rd, Drax, Selby YO8 8PJ).

		<p>The section 47 notice, advising where and when the finalised SoCC could be inspected, was published in the following newspapers in the vicinity of the Site (see Appendix H of the Consultation Report (document reference 5.1.8)):</p> <ul style="list-style-type: none"> • Selby Times on 14 October 2021; • Goole Times on 14 October 2021; • Castleford and Pontefract Express on 21 October 2021; • Epworth Times on 14 October 2021; and • The Yorkshire Post on 14 October 2021
17	Does the SoCC set out whether the development is EIA development ⁹ ; and does it set out how the Applicant intends to publicise and consult on the Preliminary Environmental Information?	<p>Yes – The final SoCC is included at Appendix C (document reference 5.1.3) of the Consultation Report (document reference 5.1). Section 2.4 of the SoCC confirms that the Proposed Scheme is EIA development.</p> <p>Section 3.4 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 3.6.3 and included the Preliminary Environmental Information Report (PEIR) and a Non-Technical Summary of the PEIR (document reference 6.4).</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 5-3 of Chapter 5 of the Consultation Report (document reference 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 C of the Consultation Report (document reference 5.1.3).</p>

⁹ Regulation 12 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 10 of the 2009 EIA Regulations

Section 48: Duty to publicise the proposed application

19	Did the Applicant publicise the proposed application in the prescribed manner set out in Regulation 4(2) of the APFP Regulations?	Yes. The Applicant has described the newspapers and dates of section 48 publicity in sections 6.18 of the Consultation Report (document reference 5.1) in accordance with Regulation 4(2) of the APFP Regulations. A copy of the published notices can be found in Appendix H (document reference 5.1.8).
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		Newspaper(s)	Date
a)	for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;	The Yorkshire Post	21 and 28 October 2021
b)	once in a national newspaper;	The Guardian	23 October 2021
c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	London Gazette No land in Scotland is affected by the Proposed Scheme, and there was therefore no requirement to publish in the Edinburgh Gazette.	21 October 2021
d)	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	N/A – the Proposed Scheme does not relate to offshore development.	

20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	Yes. A copy of the section 48 notice can be found in Appendix H (document reference 5.1.8) of the Consultation Report (document reference 5.1). Statutory publicity and contents of notice is set out below.
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Information		Paragraph	
a)	the name and address of the Applicant.	1	b) a statement that the Applicant intends to make an application for development consent to the Secretary of State
c)	a statement as to whether the application is EIA development	6	d) a summary of the main proposals, specifying the location or route of the Proposed Development
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	8	f) the latest date on which those documents, plans and maps will be available for inspection
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	12	h) details of how to respond to the publicity

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	15	
21	Are there any observations in respect of the s48 notice provided above?		
	The notice accords with Section 48 of the PA 2008		
22	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 ¹⁰ ?	A copy of the Section 48 notice was sent to the EIA consultation bodies as part of the section 42 consultation, as confirmed in the Consultation Report. A sample letter is provided at Appendix E (document reference 5.1.5) of the Consultation Report (document reference 5.1). The Applicant did not receive notification of additional consultees under Regulation 11(1)(c) of the EIA Regulations 2017.	
s49: Duty to take account of responses to consultation and publicity			
23	Has the Applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<p>Yes – The Applicant has reviewed, considered and had regard to 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, including whether or not responses led to changes in the Application. See Chapter 7 of the Consultation Report (document reference 5.1).</p> <p>The Tables 7.2, 7.3 and 7.5 Chapter 7 of the Consultation Report (document reference 5.1) go through the consultation responses received and clearly</p>	

¹⁰ Regulation 13 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 11 of the 2009 EIA Regulations

		identify where a response has or has not led to a change in the application. From Chapter 7, it is clear that regard has been had to relevant responses received.
Guidance about pre-application procedure		
24	To what extent has the Applicant had regard to statutory guidance 'Planning Act 2008: Guidance on the pre-application process' ¹¹ ?	The Applicant has provided a table in Chapter 3 (Table 3-2) in Section 3.4 of the Consultation Report (document reference 5.1) 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	Summary: Section 55(3)(e)	In accordance with section 55(3)(e) of the PA 2008, the Applicant has complied with Chapter 2 of Part 5 (pre-application procedure) in relation to the Proposed Scheme that has evolved to become the Application. All relevant duties have been complied with.
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)		
26	Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include:	Yes – The Application Form (document reference 1.2) submitted is in the prescribed format as contained in Schedule 2 of the APFP Regulations. Section 4 of the Application Form includes a statement which explains why the proposed project falls under the remit of the Planning Inspectorate.

¹¹ The Planning Inspectorate must have regard to the extent to which the Applicant has had regard to guidance issued under s50

	<ul style="list-style-type: none"> • a brief statement which explains why it falls within the remit of the Planning Inspectorate; and • a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme? 	<p>Section 6 of the Application Form identifies the location of the Proposed Scheme including reference to appropriate plans. The Proposed Scheme is located within the Order Limits, which is defined in the Application as a Site which is approximately 125ha and is split into the following parcels, which are shown on the Works Plans (document reference 2.3):</p> <ul style="list-style-type: none"> • Drax Power Station Site – the land occupied by the Drax Power Station; • East Construction Laydown Area – area required during the construction phase of the Proposed Scheme for temporary works situated to the east of the Drax Power Station, across New Road. (N.B. There are several parcels of land within the Drax Power Station Site which would be used for construction laydown. These areas have been termed ‘Drax Power Station Site Construction Laydown Areas’; • Habitat Provision Area – the land within the Order Limits that may be used for environmental mitigation for the Proposed Scheme. This parcel is located to the north and north east of the Drax Power Station; and • Surrounding road network.
27	Is it accompanied by a Consultation Report?	Yes – The Application is accompanied by a Consultation Report (document reference 5.1) and Consultation Report Appendices (document reference 5.1.1–5.1.13).
28	Where a plan comprises three or more separate sheets, has a key plan been provided showing the relationship between the different sheets? ¹²	Yes – Key Plans are included within the Land Plans (document reference 2.2), the Works Plans (document reference 2.3), and the Access and Public Rights of Way Plans (document reference 2.4).

¹² Regulation 5(4) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	Yes. The Application is accompanied by the documents and information set out in Regulation 5(2) of the APFP Regulations as listed below.	
Information		Document	
a)	Where applicable, the Environmental Statement required under the EIA Regulations ¹³ and any scoping or screening opinions or directions	<p>The ES is provided in the following documents, as identified by the document references below:</p> <ul style="list-style-type: none"> • 6.1 - Volume 1: Main Text • 6.2 - Volume 2: Figures • 6.3 - Volume 3: Technical Appendices (including Appendix 6.3.1.2 EIA Scoping Opinion) • 6.4 - Volume 4: Non-Technical Summary <p>The Application also includes:</p> <ul style="list-style-type: none"> • 6.5 - Register of Environmental Actions and Commitments; • 6.6 - Outline Landscape and Biodiversity Strategy; 	b)
		The draft Development Consent Order (DCO)	The draft DCO (document reference 3.1) in the validated statutory instrument template.

¹³ The 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, the 2009 EIA Regulations

		<ul style="list-style-type: none"> • 6.7 - Draft Lighting Strategy; and • 6.8 - Habitats Regulation Assessment. • 6.9 Design Framework Document • 6.10 Biodiversity net Gain Assessment 		
	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 DCO	Explanatory Memorandum (document reference 3.2)	d)	Where applicable, a Book of Reference (where the application involves any Compulsory Acquisition) Book of Reference (document reference 4.3)
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard? Yes
e)	A copy of any Flood Risk Assessment	Flood Risk Assessment (document reference 6.3.12.1)	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) Statutory Nuisance Statement (document reference 5.4)

			and if so how the Applicant proposes to mitigate or limit them	
	Is this of a satisfactory standard?	Yes	Is this of a satisfactory standard?	Yes
h)	A Statement of Reasons and a Funding Statement (where the application involves any Compulsory Acquisition)	Statement of Reasons (document reference 4.1); and Funding Statement (document reference 4.2)	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 (document reference 2.2) comprising: • Land Plans Key Plan (Sheet 0) • Land Plans (Sheets 1 – 2) The Land Plans correspond to the Book of Reference (document reference 4.3) and set out: • The land required for, or affected by, the Proposed Scheme. • Any land over which it is proposed to exercise powers of compulsory acquisition or any right over the land. • 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.

	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 DCO</p>	<p>Works Plans (document reference 2.3) – comprising:</p> <ul style="list-style-type: none"> • Works Plans Overall Location and Master Key Plan (Sheet 1) • Works Plans Sheets 2 –17 <p>The Works Plans show the proposed works which are numbered and the correspond to the draft Development Consent Order (document reference 3.1) which lists the works which are to be carried out in Schedule 1.</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 (document reference 2.4) comprising:</p> <ul style="list-style-type: none"> • Access and Public Rights of Way Plans Key Plan (Sheet 0) • Access and Public Rights of Way Plans Sheets 2 – 6 <p>The AROW 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</p>	<p>(i) Nature Conservation / Landscape importance are shown in:</p> <ul style="list-style-type: none"> • Figure 2.1 of Chapter 2 (Site and Project Description) of the ES for 	m)	<p>Where applicable, a plan with accompanying information identifying any statutory/ non-statutory sites or features of the historic</p>	<p>Heritage assets are identified on Figures 10.1 and 10.2 of Chapter 10 (Heritage) of the ES Volume 2 (document references 6.2.10.1 and 6.2.10.2) with an assessment of effects on these designations likely to</p>

<p>conservation eg 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, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the Proposed Development</p>	<p>Volume 2 Figures (document reference 6.2.2.1) ;</p> <ul style="list-style-type: none"> • Figures 8.1 – 8.4 of Chapter 8 (Ecology) of the ES for Volume 2 Figures (document reference 6.2.8.1-6.2.8.4); • Figures 9.1 and 9.7 of Chapter 9 (Landscape and Visual Impact) of the ES for Volume 2 Figures (document references 6.2.9.1 and 6.2.9.7) <p>(ii) Habitats of protected species, important habitats and other diversity features are shown in Figures 8.1, to 8.4 (document references 6.2.8.1 – 6.2.8.4) in Chapter 8 Ecology) of the Environmental Statement for Volume 2 - Figures (document reference 6.2); and</p> <p>(iii) Water bodies within a River Basin Management Plan are illustrated in Figures 12.1 to 12.3 (document references 6.2.12.1-6.2.12.3) in Chapter 12 (Water Environment) of the</p>	<p>environment, (eg 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>be caused by the Proposed Scheme is provided in Chapter 10 (Heritage) of the ES Volume 1 (document reference 6.1.10).</p>
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		<p>Environmental Statement for Volume 2 - Figures (document reference 6.2).</p> <p>The assessments are contained in ES Volume 1 – Chapters: 8 (Ecology) (Document reference 6.1.8); 9 (Landscape and Visual Impact) (Document reference 6.1.9); 11 (Ground Conditions) (document reference 6.1.11); and 12 (Water Environment) (document reference 6.1.12) of the Environmental Statement Volume 1 (Document Reference 6.1)</p>		
	Is this of a satisfactory standard?	Yes		Is this 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)	<p>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,</p> <p>Section 23 of the Application Form (document reference 1.2) identifies any other plans, drawings and sections necessary to describe the proposal for which development consent is sought:</p> <p>It includes the following other plans, drawings and sections at Document References:</p> <ul style="list-style-type: none"> • 2.1 – Site Location Plan

			drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping	<ul style="list-style-type: none"> • 2.2 – Land Plans • 2.3 – Works Plans • 2.4 – Access and Rights of Way Plans • 2.5 – Indicative Plans and Elevations
	Is this of a satisfactory standard?	Yes	Are they of a satisfactory standard?	Yes
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	Yes – A Grid Connection Statement is provided (document reference 5.6) as required under Regulation 6(1)(a)(i) of the APFP Regulations. This document provides information of who will be responsible for designing and building the connection from the Proposed Scheme to the electricity grid.	q) Any other documents considered necessary to support the application	<p>See document reference 1.5 – Electronic Application Index for a full list of documents accompanying the application.</p> <p>Section 23 of the Application Form (document reference 1.2) identifies the following additional documents have been submitted, with the following Document References:</p> <ul style="list-style-type: none"> • 1.1 – Application Cover Letter • 1.2 – Application Form • 1.3 – Application Guide • 1.4 – Document Tracker • 1.5 – Electronic Application Index • 1.6 – Section 55 Checklist

					<ul style="list-style-type: none"> • 1.7 – Glossary • All Category 2 documents (Plans) listed above • 3.1 - Draft Development Consent Order • 3.2 - Explanatory Memorandum • 4.1 - Statement of Reasons • 4.2 - Funding Statement • 4.3 - Book of Reference • 5.1 – Consultation Report • 5.2 – Planning Statement • 5.3 – Needs and Benefits Statement • 5.4 – Statutory Nuisance Statement • 5.5 – Other Consents and Licences • 5.6 – Grid Connection Statement • 6.1 – Environmental Statement Volume 1 – Main Text • 6.2 – Environmental Statement Volume 2 – Figures
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				<ul style="list-style-type: none"> • 6.3 – Environmental Statement Volume 3 – Appendices • 6.4 – Environmental Statement Volume 4 – Non-Technical Summary • 6.5 – Register of Environmental Actions and Commitments • 6.6 – Outline Landscape and Biodiversity Strategy • 6.7 – Draft Lighting Strategy • 6.8 – Habitats Regulations Assessment • 6.9 Design Framework Document • 6.10 – Biodiversity Net Gain Assessment • 7.1 – Heads of Terms for an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 • 7.2 – 3D Model Flyover Video 	
	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 at Box 29 (a) to (q) above?				
	None				

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)? ¹⁴	<p>Yes. A Habitats Regulations Assessment (HRA) Report has been provided (document reference 6.8). The HRA Report covers:</p> <ul style="list-style-type: none"> • Stage 1 – Screening which concludes that likely significant effects cannot be ruled out, and therefore a Stage 2 appropriate assessment needs to be carried out; and • Stage 2 – The assessment carried out concludes that there would be no adverse effect on the integrity of European sites. <p>It is considered that the information provided in the report is adequate for acceptance and provides sufficient information for the Secretary of State to undertake an appropriate assessment to determine whether the Proposed Scheme would have an adverse effect on the integrity of any European site. .</p>
32	If requested by the Planning Inspectorate, two paper copies of the application form and other supporting documents and plans ¹⁵	Not applicable – In discussions between the Applicant and PINS on 29/01/2022 it was confirmed that the application was to be submitted in electronic form only.
33	Has the Applicant had regard to statutory guidance ‘Planning Act 2008: Application form guidance’, and has this regard led to the application being prepared to a standard that the Planning Inspectorate considers satisfactory?	Yes – The Applicant has had regard to statutory guidance ‘Planning Act 2008: Application for guidance’ in preparing the application. The Applicant considers that the Application has been prepared to the standards that the Secretary of State considers satisfactory.

¹⁴ Regulation 5(2)(g) of the APFP Regulations

¹⁵ Regulation 5(2)(r) of the APFP Regulations

34	Summary - s55(3)(f) and s55(5A)	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 and is of a satisfactory standard to be accepted for Examination.
The Infrastructure Planning (Fees) Regulations 2010 (as amended)		
Fees to accompany an application		
35	Was the fee paid at the same time that the application was made ¹⁶ ?	The Application fee of £7,488.00 has been made by CHAPS on 05 May 2022 (payment ref. EN00120 and Transaction Reference BX22050536437327) in advance of the Application submission. This was received by PINS on 05 May 2022, as confirmed in an email from Ryan Sedgman on 16 May 2022.

Role	Electronic signature	Date
Case Manager		
Acceptance Inspector		

¹⁶ The Planning Inspectorate must charge the Applicant a fee in respect of the decision by the Planning Inspectorate under section 55 of the PA2008. If the Applicant fails to pay the fee, the Planning Inspectorate need not consider the application until payment is received. The fee must be paid at the same time that the application is made