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Jim Doyle,
Planning Consent Manager,
Drax Power Limited

Your Ref:

Our Ref: EN010120

By email only

Date: 20 June 2022

Dear Mr Doyle

Planning Act 2008 (as amended) – section 51

Application by Drax Power Limited for an Order Granting Development Consent for the Drax Bioenergy with Carbon Capture and Storage Project

Advice following issue of decision to accept the application for examination

On 20 June 2022 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 acceptance checklist and the application documents have been published and made available on the project webpage of our website.

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

Consultees identified on a precautionary basis

Given the individual circumstances of this case, the Planning Inspectorate advises taking a precautionary approach to consultation under s42(1)(a) of the PA2008 to ensure that all persons potentially affected by, or potentially likely to have an interest in, the application are given the opportunity to participate fully in the Examination of the application. On this basis, the Applicant may wish to serve notice on the bodies listed in Box 6 of the section 55 checklist when it serves notice of the accepted application under s56(2)(a) of the PA2008; unless there is a specific justification why this is not necessary.

Similarly, the Planning Inspectorate has applied a precautionary interpretation of s42(1)(aa) of the PA2008. On this basis, the Applicant may wish to service notice of the accepted application on the Marine Management Organisation under s56(2)(aa) of the PA2008; unless there is a specific justification why this is not necessary.

Category 3 Affected Person omitted from list of prescribed consultees

The Planning Inspectorate has noted at least one Category 3 Affected Person that has not been included in the Applicant's lists of parties consulted under s42(1)(d) on the PA2008, as per Box 10 of the section 55 checklist. It is unclear whether this is an administrative error that has occurred when producing the application documents, and as such the Applicant is advised to ensure that it serves notice on all parties that it has identified under s42(1)(d) of the PA2008 when it serves notice of the accepted application under s56(2)(d).

Plans

The Planning Inspectorate notes that Article 2 of the draft Development Consent Order refers to limits of deviation on the Works Plans, however the Works Plans as submitted do not appear to depict limits of deviation. The Applicant is therefore requested to provide updated Works Plans clearly showing the limits of deviation for each numbered work. It is also requested that the resubmitted Works Plans show the direction of North on each sheet.

The Planning Inspectorate notes that the plans within the Indicative Plans and Elevations do not show the direction of North, and therefore the Applicant is requested to resubmit this document ensuring that the direction of North is shown on each plan sheet.

It is requested that the documents/ information requested above are provided before the commencement of the Relevant Representation period. The Applicant may also wish to consider the other minor errors and omissions detailed in Box 30 of the section 55 checklist when resubmitting the above documents.

Minor errors and omissions

There are minor errors and omissions, as detailed in Box 30 of the section 55 checklist. An Examining Authority, once appointed, may ask questions regarding these matters or request updated documents unless these are provided. It is also recommended that the Applicant undertakes a general review of the documents identified for consistency and grammar.

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 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

George Harrold

George Harrold
Case Manager

This communication does not constitute legal advice.

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