



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: June 2022

Drax Bioenergy with Carbon Capture and Storage Project - Section 55 Acceptance of Applications Checklist

Section 55 of the Planning Act 2008 can be viewed at 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 Levelling Up, Housing and Communities.**

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
		23 May 2022	20 June 2022	20 June 2022
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 Consent Order ² (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	<p>Yes.</p> <p>The Proposed Development set out in Schedule 1 of the Draft DCO (Doc 3.1) includes development falling within the categories in s14(1) of the PA2008.</p> <p>The Proposed Development is for the extension of a generating station with a generating capacity of greater than 50 megawatts through the installation of post-combustion Carbon Capture technology on up to two existing biomass generators, and satisfies section 15(2) of the PA2008; including subsections (a),</p>		

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

² Development consent is required for development to the extent that the development is or forms part of an NSIP (s31 of the PA2008)

	30 does the Proposed Development fall)? 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?	(aa), (b) and (c). This is consistent with the summary provided in section 4 of the Application Form (Doc 1.2) which states that the application is for an NSIP.
3	Summary: Section 55(3)(a) and s55(3)(c)	The Planning Inspectorate is satisfied that the Draft DCO (Doc 3.1) includes development for which development consent is required.
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?	Yes. On 15 January 2021 the Applicant notified the Planning Inspectorate in accordance with Regulation 8(1)(b) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 of its intention to provide an Environmental Statement (ES) in respect of the Proposed Development. The notification was received before the start of statutory consultation on 1 November 2021. The same letter also requested a Scoping Opinion under Regulation 10(1) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.
5	Have any Adequacy of Consultation Representations ⁴ been received from 'A', 'B', 'C'	Yes. There are 18 host and neighbouring authorities, of which 10 responded to the

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)

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

<p>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>Planning Inspectorate's invitation to make an Adequacy of Consultation Representation (AoCR) dated 24 May 2022. An additional 3 non-prescribed local authorities also responded.</p> <p>The following authorities confirmed in their AoCR that either the Applicant had complied with its duties under s42, s47 and s48 of the PA2008 and/ or that their authority had no comments/ objections to make. These local authorities were:</p> <ul style="list-style-type: none"> • Selby District Council ('B' authority) • North Yorkshire County Council ('C' authority) • City of York Council ('A' and 'D' authority) • Doncaster Metropolitan Borough Council ('A' and 'D' authority) • East Riding of Yorkshire Council ('A' and 'D' authority) • North York Moors National Park Authority ('A' and 'D' authority) • Wakefield Metropolitan District Council ('A' and 'D' authority) • Durham County Council ('D' authority) • Lancashire County Council ('D' authority) • Hull City Council (non-prescribed authority) • North Lincolnshire Council (non-prescribed authority) • Ryedale District Council (non-prescribed authority) <p>The Planning Inspectorate notes the representation from Harrogate Borough Council stating that it was "<i>unable to trace any receipt of the consultation that it is stated as having been sent and consequentially cannot confirm the consultation as being adequate</i>". The Authority was identified in Table 6.1 of the Consultation Report (Doc 5.1) as an 'A' authority that was consulted under s42 of the PA2008. Table 3.1 of the Consultation Report (Doc 5.1) states that all parties under s42(1)(b) were written to at the commencement of the statutory consultation with the consultation documentation, and paragraph 6.9.5 states this was done on 29 October 2021. Appendix D1 of the Consultation Report</p>
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(Doc 5.1.4) states that Harrogate Borough Council consented to consultation via email. The Planning Inspectorate also notes that the Authority was consulted at the point of EIA Scoping in January 2021 and, as such, was aware of the project. The Authority now has the opportunity to register as an Interested Party, and participate fully in the Examination, if it wishes to do so.

The following authorities did not respond to our invitation to make an AoCR:

- Leeds City Council ('A' and 'D' authority)
- Yorkshire Dales National Park Authority ('A' and 'D' authority)
- Bradford Metropolitan District Council ('D' authority)
- Cumbria County Council ('D' authority)
- Darlington Borough Council ('D' authority)
- Middlesbrough Borough Council ('D' authority)
- Redcar and Cleveland Borough Council ('D' authority)
- Stockton-on-Tees Borough Council ('D' authority)
- Scarborough Borough Council (non-prescribed authority)

All AoCRs received have been carefully considered and are available to view on the National Infrastructure Planning website:

<https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/drax-bioenergy-with-carbon-capture-and-storage-project/>

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 prescribed⁵?

Yes.

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

The Applicant has provided a list of persons consulted under s42(1)(a) on 1 November 2021 at **Appendix D1** of the **Consultation Report (Doc 5.1.4)**. A sample of the letter sent to s42(1)(a) consultees is provided at **Appendix E1** of the **Consultation Report (Doc 5.1.5)**.

The Applicant explains at **paragraph 6.9.9** of the **Consultation Report (Doc 5.1)** that the Port of Goole was not consulted as the relevant dock and harbour authority as part of its original statutory consultation. **Paragraph 6.9.10** states that the Applicant subsequently sent the Port of Goole a statutory consultation letter on 29 April 2022, providing less than the statutory minimum 28 days for a response. **Paragraph 6.9.9** confirms that the Applicant has engaged with Associated British Ports (which manages the Port of Goole) as part of its ongoing engagement activities, and that it discussed the reduced timeframe for a response with the Port of Goole before issuing the letter. The Applicant's letter and the Port of Goole's response are provided at **Appendices E1** and **E2** of the **Consultation Report (Doc 5.1.5)** respectively. In view of this, the Planning Inspectorate does not consider that the Port of Goole was prejudiced by the reduced timeframe for a response.

The Planning Inspectorate has identified the following parties based on a precautionary interpretation of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations) that do not appear to have been consulted by the Applicant under s42:

- The Maritime and Coastguard Agency
- Sheffield City Region Integrated Transport Authority
- Network Rail Ltd
- The Humber Bridge Board
- Last Mile Gas Ltd
- Murphy Gas Networks Ltd
- Murphy Power Distribution Ltd

- Squire Energy Ltd
- Southern Gas Networks Plc
- Northern Gas Networks Ltd
- Drax Pumped Storage Ltd
- Drax Power Ltd
- Forbury Assets Ltd
- Indigo Power Ltd
- Last Mile Electricity Ltd
- Northern Powergrid (Northeast) Ltd
- Northern Powergrid (Yorkshire) Plc
- National Grid Electricity System Operator Ltd

The Planning Inspectorate has identified the Applicant (Drax Power Ltd) and Drax Pumped Storage Ltd as the relevant electricity generators with CPO Powers.

The Planning Inspectorate has also identified Sheffield City Region Integrated Transport Authority as the relevant Integrated Transport Authority, and the Humber Bridge Board as the relevant statutory undertaker for road transport.

The Applicant's **Consultation Report (Doc 5.1)** does not explain why the bodies identified above do not appear to have been consulted, save for the following parties:

- The Applicant advises in **Appendix D1** of the **Consultation Report (Doc 5.1.4)** that the Maritime and Coastguard Agency was not consulted as "*the Scheme is not likely to affect the maritime or coastal environment, or the shipping industry*".
- The Applicant advises in **paragraph 9.2.9** of the **Consultation Report (Doc 5.1)** that Murphy Gas Networks Ltd and Murphy Power Distribution

		<p>Ltd were not consulted as “<i>the Applicant considered that these undertakers would not have apparatus in the geographical area of the Proposed Scheme</i>”.</p> <ul style="list-style-type: none"> • The Applicant advises in paragraph 9.2.9 of the Consultation Report (Doc 5.1) that the Humber Bridge Board was not consulted as “<i>the Applicant considered that traffic flows on the bridge would not be significantly affected due to the distance of the bridge from the Proposed Scheme, and the type of vehicles potentially using the Humber Bridge crossing as part of the route to the site. Furthermore, the bridge will not be physically affected by the Proposed Scheme</i>”. <p>However, it is noted that the licences held by some of the bodies identified cover Great Britain or various smaller areas and the operational areas of each are not clear from information in the public domain.</p> <p>Northern Powergrid (Yorkshire) Plc and the Applicant, Drax Power Ltd, have been identified by the Applicant as having an interest in the Order land and are listed in the Book of Reference (Doc 4.3). However, Appendix D2 of the Consultation Report (Doc 5.1.4) confirms that Drax Power Ltd and Northern Powergrid (Yorkshire) Plc were consulted under section 42(1)(d). None of the other bodies listed above have been identified by the Applicant as having an interest in the Order lands and are not listed in the Book of Reference (Doc 4.3).</p> <p>Section 51 advice has been issued to the Applicant in respect of the above matter: http://infrastructure.planninginspectorate.gov.uk/document/EN010120-000340</p>
7	Section 42(1)(aa) the Marine Management Organisation ⁶ ?	<p>Yes.</p> <p>Paragraph 10.1.2* of the Consultation Report (Doc 5.1) confirms that the Applicant does not consider section 42(1)(aa) to be relevant to the Proposed</p>

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

		<p>Development, however Appendix D1 of the Consultation Report (Doc 5.1.4) confirms that the Marine Management Organisation was consulted as part of the statutory consultation as an earlier scheme design was considered likely to affect the marine area in England or Wales.</p> <p>The Planning Inspectorate has identified the Marine Management Organisation as a statutory consultee for the purposes of s42(1)(aa) of the PA2008 based on a precautionary interpretation of the APFP Regulations.</p> <p>Section 51 advice has been issued to the Applicant in respect of the above matter:</p> <p>http://infrastructure.planninginspectorate.gov.uk/document/EN010120-000340</p> <p>*The Planning Inspectorate notes that there are two paragraphs with reference number 10.1.2 within section 10 of the Consultation Report (Doc 5.1). This comment relates to the second of those paragraphs.</p>
8	Section 42(1)(b) each local authority within s43 ⁷ ?	<p>Yes.</p> <p>Table 6.1 of the Consultation Report (Doc 5.1) lists the relevant local authorities that were identified under s43 and consulted in accordance with s42(1)(b) of the PA2008 on 1 November 2021.</p> <p>The host 'B' authority was consulted:</p> <ul style="list-style-type: none"> • Selby District Council <p>The host 'C' authority was consulted:</p> <ul style="list-style-type: none"> • North Yorkshire County Council <p>The boundary 'A' authorities were consulted:</p> <ul style="list-style-type: none"> • City of York Council ('A' and 'D')

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

- Doncaster Metropolitan Borough Council ('A' and 'D')
- East Riding of Yorkshire Council ('A' and 'D')
- Harrogate Borough Council
- Leeds City Council ('A' and 'D')
- North York Moors National Park Authority ('A' and 'D')
- Wakefield Metropolitan District Council ('A' and 'D')
- Yorkshire Dales National Park Authority ('A' and 'D')

The boundary 'D' authorities were consulted:

- Bradford Metropolitan District Council
- City of York Council ('A' and 'D')
- Cumbria County Council
- Darlington Borough Council
- Doncaster Metropolitan Borough Council ('A' and 'D')
- Durham County Council
- East Riding of Yorkshire Council ('A' and 'D')
- Lancashire County Council
- Leeds City Council ('A' and 'D')
- Middlesbrough Borough Council
- North York Moors National Park Authority ('A' and 'D')
- Redcar and Cleveland Borough Council
- Stockton-on-Tees Borough Council
- Wakefield Metropolitan District Council ('A' and 'D')

		<ul style="list-style-type: none"> Yorkshire Dales National Park Authority ('A' and 'D') <p>The Applicant has consulted North York Moors National Park Authority and Yorkshire Dales National Park Authority as both 'A' and 'D' authorities; however the Planning Inspectorate has identified them as 'D' authorities only.</p> <p>Table 6.1 of the Consultation Report (Doc 5.1) also identifies several local authorities that the Applicant consulted but were considered by the Applicant to be non-prescribed:</p> <ul style="list-style-type: none"> Hull City Council (considered a non-prescribed 'A' authority) North Lincolnshire Council (considered a non-prescribed 'A' authority) Ryedale District Council (considered a non-prescribed 'A' authority) Scarborough Borough Council (considered a non-prescribed 'A' authority) <p>A sample of the letter sent to s42(1)(b) relevant authorities is provided at Appendix E1 of the Consultation Report (Doc 5.1.5).</p>
9	Section 42(1)(c) the Greater London Authority (if in Greater London area)?	N/A.
10	Section 42(1)(d) each person in one or more of s44 categories ⁸ ?	<p>Yes.</p> <p>Table 3.1 of the Consultation Report (Doc 5.1) states that all persons identified under s42(1)(d) prior to the statutory consultation were consulted at the commencement of the statutory consultation on 1 November 2021. No specific date is provided to confirm when letters were issued to s42(1)(d) consultees, however paragraph 6.11.1 of the Consultation Report (Doc 5.1) suggests this was 29 October 2021.</p> <p>Paragraphs 6.6.1 to 6.7.3 of the Consultation Report (Doc 5.1) summarise how the Applicant made diligent inquiry to seek to identify and consult persons</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.

with an interest in lands affected by the **Draft DCO (Doc 3.1)**. The full methodology undertaken by the Applicant is provided in **Appendix K** of the **Consultation Report (Doc 5.1.11)**.

The persons consulted under s42(1)(d) are listed at **Appendix D2** of the **Consultation Report (Doc 5.1.4)**. A sample of the letter is provided at **Appendix E1** of the **Consultation Report (Doc 5.1.5)**.

The Planning Inspectorate notes, as per **paragraphs 6.11.1 to 6.11.4** of the **Consultation Report (Doc 5.1)**, that several additional s42(1)(d) parties were identified and consulted following the initial statutory consultation as a result of ongoing due diligence. Details of the persons consulted, along with sample letters, are provided at **Appendix F** of the **Consultation Report (Doc 5.1.6)**.

Paragraphs 8.1.1 to 8.1.3 of the **Consultation Report (Doc 5.1)** summarise scheme design refinements which were undertaken following the statutory consultation, including an amendment to the Order limits to include an additional access track. **Paragraphs 8.1.5 to 8.1.9** confirm that an additional consultation took place with all landowners affected by the inclusion of the access track, all persons with rights to use the track, and any new s42(1)(d) consultees identified following the changes. Details of the persons consulted, along with a sample of the letter, are provided at **Appendix M** of the **Consultation Report (Doc 5.1.13)**.

The Planning Inspectorate notes, as per **paragraphs 6.6.8, 6.8.1 and 6.8.2** of the **Consultation Report (Doc 5.1)** and **Appendix F8** of the **Consultation Report (Doc 5.1.6)**, that there are several unknown land interests which the Applicant was unable to consult but attempted to contact by placing notices on the affected plots.

The Planning Inspectorate has noted at least one Category 3 Affected Person in the **Book of Reference (Doc 4.3)** that has not been included in the Applicant's lists of s42(1)(d) consultees at **Appendix D2** of the **Consultation Report (Doc 5.1.4)**, **Appendix F1** of the **Consultation Report (Doc 5.1.6)**, or **Appendix M1** of the **Consultation Report (Doc 5.1.13)**.

Section 51 advice has been issued to the Applicant in respect of the above

matter:

<http://infrastructure.planninginspectorate.gov.uk/document/EN010120-000340>

Section 45: 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?

Yes.

A sample of the letter sent to s42 consultees as part of the statutory consultation is provided at **Appendix E1** of the **Consultation Report (Doc 5.1.5)**.

The sample letter dated 1 November 2021 confirmed that consultation commenced on 1 November 2021 and closed on 12 December 2021, providing more than the required minimum time for receipt of responses. The Planning Inspectorate notes that although the sample letter is dated 1 November 2021, **paragraphs 6.9.5** and **6.11.1** of the **Consultation Report (Doc 5.1)** suggest that the letter was issued to s42 consultees on 29 October 2021.

Samples of the letters sent to additional s42(1)(d) consultees identified after the original statutory consultation are provided at **Appendix F** of the **Consultation Report (Doc 5.1.6)** and **Appendix M2** of the **Consultation Report (Doc 5.1.13)**. The Planning Inspectorate notes several discrepancies between the consultation dates provided in the sample letters, in the **Consultation Report (Doc 5.1)**, and in **Appendix F1** of the **Consultation Report (Doc 5.1.6)**. The information provided is as follows (in chronological order):

- The sample letter dated 22 February 2022 in **Appendix F2** of the **Consultation Report (Doc 5.1.6)** confirms a consultation close date of 23 March 2022. This accords with **paragraph 6.11.3** of the **Consultation Report (Doc 5.1)**, and **Appendix F1** of the **Consultation Report (Doc 5.1.6)**.
- The sample letter dated 7 March 2022 in **Appendix F3** of the **Consultation Report (Doc 5.1.6)** confirms a consultation close date of 4 April 2022. This accords with **paragraph 6.11.4** of the **Consultation Report (Doc 5.1)**, and **Appendix F1** of the **Consultation Report (Doc 5.1.6)**.

5.1.6).

- The sample letter dated 12 March 2022 in **Appendix F4** of the **Consultation Report (Doc 5.1.6)** confirms a consultation close date of 4 April 2022. This accords with **paragraph 6.11.3** of the **Consultation Report (Doc 5.1)**. However, **Appendix F1** of the **Consultation Report (Doc 5.1.6)** confirms a consultation close date of 9 April 2022.
- The sample letter dated 23 March 2022 in **Appendix F5** of the **Consultation Report (Doc 5.1.6)** confirms a consultation close date of 4 April 2022. However, **paragraph 6.11.3** of the **Consultation Report (Doc 5.1)** and **Appendix F1** of the **Consultation Report (Doc 5.1.6)** confirm a consultation close date of 20 April 2022.
- The sample letter dated 2 April 2022 in **Appendix M2** of the **Consultation Report (Doc 5.1.13)** confirms a consultation close date of 2 May 2022. This accords with **paragraph 8.1.5** of the **Consultation Report (Doc 5.1)**, and **Appendix M1** of the **Consultation Report (Doc 5.1.13)**.

The Planning Inspectorate notes that the letter issued on 7 March 2022 provided the parties set out at **Table F-2.2** in **Appendix F1** of the **Consultation Report (Doc 5.1.6)** with 28 days to respond from the date the letter was issued.

The Planning Inspectorate also notes that the letters dated 12 March 2022 and 23 March 2022 either provided the parties set out at **Table F-2.3** and **Table F-2.4** in **Appendix F1** of the **Consultation Report (Doc 5.1.6)** with less than 28 days to respond, or with 28 days to respond from the date the letters were issued (this is unclear due to the discrepancies identified in the above list). **Table 7.1** of the **Consultation Report (Doc 5.1)** indicates that no consultation responses were received from any s42(1)(d) parties. It is therefore unclear whether any consultees would have been prejudiced by receiving less than 28 days to provide a response to the consultations issued on 12 March 2022 and 23 March 2022 (in the event that this reduced timeframe was provided).

However, the Planning Inspectorate notes that these consultations were targeted at parties that were identified after the original statutory consultation as a result of ongoing due diligence. **Tables F-2.3** and **F-2.4** in **Appendix F1** of the

Consultation Report (Doc 5.1.6) also confirm that the only affected consultees are Category 3 Affected Persons. The affected consultees now have the opportunity to participate fully in the Examination, should they wish to.

Section 46: Duty to notify the Planning Inspectorate of proposed application

12	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>Yes.</p> <p>The Applicant gave notice under s46 on 29 October 2021, which was before the beginning of s42 consultation.</p> <p>A copy of the s46 notification letter is provided at Appendix B1 of the Consultation Report (Doc 5.1.2) and a copy of s46 notification acknowledgement letter from the Planning Inspectorate is provided at Appendix B2 of the Consultation Report (Doc 5.1.2).</p>
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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?	<p>Yes.</p> <p>A copy of the final SoCC is provided at Appendix C3 of the Consultation Report (Doc 5.1.3).</p>
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.</p> <p>Paragraphs 5.2.1 and 5.2.2 of the Consultation Report (Doc 5.1) confirm that the Applicant sent the draft SoCC to Selby District Council ('B' authority) and North Yorkshire County Council ('C' authority) on 5 August 2021 and set a deadline of 2 September 2021 for responses; providing the required minimum time for responses to be received.</p>
15	Has the Applicant had regard to any responses received when preparing the SoCC?	<p>Yes.</p> <p>Table 5.1 of the Consultation Report (Doc 5.1) provides a summary of the consultation responses from North Yorkshire County Council (on behalf of North Yorkshire County Council and Selby District Council) in respect of the draft SoCC</p>

		<p>and demonstrates how the Applicant had regard to their content.</p> <p>Examples of changes from the draft SoCC to the final SoCC include:</p> <ul style="list-style-type: none"> • The Councils commented that the list of newspapers that would be used to publicise the section 47 notice at paragraph 3.4.2 of the draft SoCC should include Castleford and Pontefract Express. In response, the Applicant added Castleford and Pontefract Express to the list of newspapers as per paragraph 3.4.2 of the final SoCC at Appendix C3 of the Consultation Report (Doc 5.1.3). • The Councils commented that paragraph 3.4.7 on Political Briefings should be updated to include briefings with the Executive, Planning Committee and affected ward members at Selby District Council, and commented that a further briefing should take place at North Yorkshire County Council offices to include the newly appointed Executive Member for Open for Business. In response, the Applicant updated paragraph 3.4.7 of the final SoCC at Appendix C3 of the Consultation Report (Doc 5.1.3) to include these suggestions. • In relation to the deposit points identified in the draft SoCC, the Councils advised that neither the North Yorkshire County Council nor Selby District Council offices were open to the public at the time of commenting, and directed the Applicant to consider alternatives. In response, the Applicant removed the Council offices from the list of deposit points at paragraph 3.6.12 of the final SoCC at Appendix C3 of the Consultation Report (Doc 5.1.3) and added Drax Sports Club. <p>The Planning Inspectorate is satisfied that the Applicant had regard to the responses received when preparing the SoCC.</p>
16	<p>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</p>	<p>Yes.</p> <p>The final SoCC was made available at the following locations, which is reasonably convenient having regard to the location of the Proposed Development:</p>

	<p>where and when the SoCC can be inspected?</p>	<ul style="list-style-type: none"> • Selby Library (52 Micklegate, Selby YO8 4EQ) • Snaith Library (27 Market Place, Snaith, Goole DN14 9HE) • Goole Library (Carlisle Street, Goole DN14 5DS) • East Riding of Yorkshire Council (Beverley Customer Service Centre, 7 Cross Street, Beverley HU17 6TB) • Drax Sports Club (Main Road, Drax, Selby YO8 8PJ) <p>A notice stating when and where the final SoCC could be inspected was published in:</p> <ul style="list-style-type: none"> • The Yorkshire Post (14 October 2021) • The Goole Times (14 October 2021) • The Selby Times (14 October 2021) • The Epworth Times (14 October 2021) • Pontefract and Castleford Express (21 October 2021) <p>The published SoCC notice, provided at Appendix H1 of the Consultation Report (Doc 5.1.8), states where and when the final SoCC was available to inspect.</p> <p>Clippings of the published advertisements are provided at Appendix H2 of the Consultation Report (Doc 5.1.8).</p>
17	<p>Does the SoCC set out whether the development is EIA development⁹; and does it set out how the Applicant intends to publicise and consult on the Preliminary Environmental Information?</p>	<p>Yes.</p> <p>Paragraph 2.4.1 of the final SoCC at Appendix C3 of the Consultation Report (Doc 5.1.3) sets out that the development is EIA development. Paragraph 2.4.1 and sections 3.4, 3.6 and 3.7 set out how the Applicant intended to publicise and consult on the Preliminary Environmental Information.</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

18	Has the Applicant carried out the consultation in accordance with the SoCC?	<p>Yes.</p> <p>Sections 3.6, 6.16, 6.17, 6.21, and chapter 7 of the Consultation Report (Doc 5.1) set out how the community consultation was carried out in line with the final SoCC.</p> <p>Table 5.3 of the Consultation Report (Doc 5.1) sets out how the Applicant has complied with the commitments set out in the final SoCC.</p> <p>Appendices A1 to A4 of the Consultation Report (Doc 5.1.1), Appendices G1 to G9 of the Consultation Report (Doc 5.1.7), and Appendices H1 to H3 of the Consultation Report (Doc 5.1.8) provide evidence that the commitments within the final SoCC have been carried out.</p> <p>Although the Planning Inspectorate is satisfied that the Applicant has carried out the consultation in line with the final SoCC, the following observations have been noted with regards to certain commitments:</p> <ul style="list-style-type: none"> • Paragraph 3.3.9 of the final SoCC at Appendix C3 of the Consultation Report (Doc 5.1.3) states that “<i>Publicity for the consultation will invite recipients to request consultation information and the feedback questionnaire in other languages or formats</i>”. The Planning Inspectorate notes that some of the publicity does not directly state that consultation material is available in other languages, such as the Consultation Postcard at Appendix G of the Consultation Report (Doc 5.1.7). • Paragraph 3.4.6 of the final SoCC at Appendix C3 of the Consultation Report (Doc 5.1.3) states that the Consultation Postcard would include information regarding “<i>submitting feedback online</i>”. The Consultation Postcard at Appendix G of the Consultation Report (Doc 5.1.7) does not provide specific details about how to provide feedback online. • Paragraph 3.4.10 of the final SoCC at Appendix C3 of the Consultation Report (Doc 5.1.3) states that both Facebook and Twitter would be used to “<i>generate interest and participation in the consultation</i>”. There is no indication from paragraphs 6.21.10 to 6.21.12 of the Consultation Report (Doc 5.1) or Appendix G6 of the Consultation
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Report (Doc 5.1.7) that Twitter was used.

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?	<p>Yes.</p> <p>Paragraph 6.18.1 of the Consultation Report (Doc 5.1) states:</p> <p><i>“Section 48 of the PA2008 requires the applicant to publicise a proposed application in the prescribed manner. Regulation 4 of the APFP Regulations prescribes the manner in which an applicant must undertake the publicity. Regulation 4(2) sets out the requirements for the publication of a notice by the applicant (known as the “section 48 notice”), and Regulation 4(3) provides detail of the matters which must be included in that notice, including that the notice gives not less than 28 days from the last publication of the notice for receipt of responses.”</i></p> <p>Table 6.2 of the Consultation Report (Doc 5.1) displays the newspapers and dates of s48 publicity as set out below.</p> <p>A copy of the s48 notice is provided at Appendix H1 of the Consultation Report (Doc 5.1.8).</p> <p>Clippings of the published notices set out below are provided at Appendix H3 of the Consultation Report (Doc 5.1.8):</p>
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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;	<ul style="list-style-type: none"> • The Yorkshire Post 	21 October 2021 and 28 October 2021
b)	once in a national newspaper;	<ul style="list-style-type: none"> • The Guardian 	23 October 2021
c)	once in the London Gazette and, if land in	<ul style="list-style-type: none"> • London Gazette 	21 October

	Scotland is affected, the Edinburgh Gazette; and		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	N/A
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	Yes. The published s48 notice, supplied at Appendix H1 of the Consultation Report (Doc 5.1.8) , contains the required information as set out below:	

Information		Paragraph	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	1
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	2 and 3
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	8
g)	whether a charge will be made for copies of any of the documents, plans or maps	12	h)	details of how to respond to the publicity	13

	and the amount of any charge				
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?				
	<p>Yes.</p> <p>The Planning Inspectorate notes the following:</p> <ul style="list-style-type: none"> • It is not clear from paragraph 8 what the latest date was to inspect the consultation documents available at the venues detailed in paragraph 8. • Paragraph 8 does not clearly state that maps were available for inspection. • It is not clear from paragraph 12 whether the PEIR was the only consultation document that incurred a charge if hard copies were requested. 				
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 ?	<p>Yes.</p> <p>A copy of the s48 notice was sent to the EIA consultation bodies as part of the s42 consultation, as confirmed in Table 3.1 of the Consultation Report (Doc 5.1).</p> <p>A sample of the s42 consultation letter provided at Appendix E1 of the Consultation Report (Doc 5.1.5) confirms a copy of the s48 notice was enclosed.</p> <p>The Planning Inspectorate notes that paragraphs 6.18.4 and 9.2.9 of the Consultation Report (Doc 5.1) state that two organisations that were identified by the Planning Inspectorate as EIA consultation bodies were not sent the s48 notice, these being Murphy Gas Networks Limited/ Murphy Power Distribution</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

		Limited and the Humber Bridge Board. Paragraph 9.2.9 explains why the Applicant considers that it was not necessary to consult with these bodies.
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.</p> <p>Tables 7.2, 7.3, 7.5, and chapter 7 of the Consultation Report (Doc 5.1) set out how the Applicant had regard to the consultation responses received; including whether or not responses led to changes to the application.</p> <p>The actions informed by the consultation responses appear to be reflected in the final form of the application as submitted. Where a particular response has not led to a change in the application, it is sufficiently clear that regard was had to it.</p>
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 ?	<p>Paragraph 3.2.1 of the Consultation Report (Doc 5.1) states that the Applicant has taken into consideration all relevant statutory and other guidance. Having reviewed the application, the Planning Inspectorate is satisfied that the Applicant has identified and had regard to the relevant statutory guidance.</p> <p>To assist the Planning Inspectorate in reaching this conclusion, all responses to the Applicant's consultation under Part 5 of the PA2008 were requested under Regulation 5(5) of the APFP Regulations. The Planning Inspectorate's request for these responses was made on 31 May 2022 and the Applicant provided the responses on 6 June 2022.</p>
25	Summary: Section 55(3)(e)	<p>Overall, it appears that the Applicant has complied with Chapter 2 of Part 5 (pre-application procedure) of the PA2008.</p> <p>In respect of the minor consultation discrepancies identified, section 51 advice</p>

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

has been provided to the Applicant how in this regard, available here:

<http://infrastructure.planninginspectorate.gov.uk/document/EN010120-000340>

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	<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">• 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>Yes.</p> <p>Section 4 of the Application Form (Doc 1.2) explains why the development falls within the remit of the Planning Inspectorate.</p> <p>Section 5 of the Application Form (Doc 1.2) provides a brief non-technical description of the site and section 6 provides the location of the Proposed Development.</p> <p>A Site Location Plan (Doc 2.1) has been provided.</p>
27	<p>Is it accompanied by a Consultation Report?</p>	<p>Yes.</p> <p>The application is accompanied by a Consultation Report (Doc 5.1) and Consultation Report Appendices (Docs 5.1.1 to 5.1.13).</p>
28	<p>Where a plan comprises three or more separate sheets, has a key plan been provided showing the relationship between the different sheets?¹²</p>	<p>Yes.</p> <p>The Works Plans (Doc 2.3) has a key plan showing all the works, however sheet numbers are not labelled on it.</p>
29	<p>Is it accompanied by the documents and information set out in APFP Regulation 5(2)?</p>	<p>The documents and information required by APFP Regulation 5(2) are set out in the documents and locations within the application as listed below:</p>

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

Information		Document		
a)	Where applicable, the Environmental Statement required under the EIA Regulations ¹³ and any scoping or screening opinions or directions	<p>An Environmental Statement (ES) has been provided. The ES comprises:</p> <p>Volume 1: Main Text (Docs 6.1.1 to 6.1.19);</p> <p>Volume 2: Figures (Docs 6.2.1.1 to 6.2.18.1);</p> <p>Volume 3: Appendices (Docs 6.3.1.1 to 6.3.18.5), including Appendix 6.3.1.2 'EIA Scoping Opinion'; and</p> <p>Volume 4: Non-Technical Summary (NTS) (Doc 6.4).</p> <p>Additional application documents which do not form part of the ES have been referred to within the ES, namely:</p> <p>Register of Environmental Actions and Commitments (Doc 6.5);</p> <p>Outline Landscape and Biodiversity Strategy (Doc 6.6);</p> <p>Draft Lighting Strategy (Doc</p>	b)	<p>The draft Development Consent Order (DCO)</p> <p>Draft Development Consent Order (Doc 3.1)</p>

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

	6.7); Habitats Regulations Assessment (Doc 6.8); Design Framework Document (Doc 6.9); and Biodiversity Net Gain Assessment (Doc 6.10).		
	Is this of a satisfactory standard?	Yes , with minor discrepancies noted in Box 30.	Is this of a satisfactory standard? Yes , with minor discrepancies noted in Box 30.
c)	An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO	Explanatory Memorandum (Doc 3.2)	d) Where applicable, a Book of Reference Book of Reference (Doc 4.3)
	Is this of a satisfactory standard?	Yes , with minor discrepancies noted in Box 30.	Is this of a satisfactory standard? Yes , with minor discrepancies noted in Box 30.
e)	A copy of any Flood Risk Assessment	Flood Risk Assessment (Doc 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) and if so how the Applicant proposes to mitigate or limit them Statutory Nuisance Statement (Doc 5.4)
	Is this of a satisfactory	Yes.	Is this of a satisfactory Yes.

	standard?			standard?	
h)	A Statement of Reasons and a Funding Statement (where the application involves any Compulsory Acquisition)	Statement of Reasons (Doc 4.1) Funding Statement (Doc 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 (Doc 2.2)
	Is this of a satisfactory standard?	Yes , with minor discrepancies noted in Box 30.		Is this of a satisfactory standard?	Yes.
j)	A Works Plan showing, in relation to existing features:-	Works Plans (Doc 2.3)	k)	Where applicable, a plan identifying any new or altered means of	Access and Rights of Way Plans (Doc 2.4)

<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>access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation</p>	
<p>Is this of a satisfactory standard?</p>	<p>Yes, with minor discrepancies noted in Box 30.</p>		<p>Is this of a satisfactory standard?</p>	<p>Yes.</p>
<p>l) Where applicable, a plan with accompanying information identifying:-</p> <p>(i) any statutory/ non-statutory sites or features of nature conservation eg sites of geological/ landscape importance;</p> <p>(ii) habitats of protected species, important habitats or other diversity features;</p>	<p>(i) Figure 2.1 Environmental Constraints (Doc 6.2.2.1)</p> <p>Figure 8.1 Statutory Designated Sites (Doc 6.2.8.1)</p> <p>Figure 8.2 Non-Statutory Designated Sites and Priority Habitats (Doc 6.2.8.2)</p> <p>Figure 8.3 Phase 1 Habitats (Doc 6.2.8.3)</p> <p>Figure 8.4 Waterbodies with Great Crested Newt</p>	<p>m)</p>	<p>Where applicable, a plan with accompanying information identifying any statutory/ non-statutory sites or features of the historic environment, (eg scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such sites,</p>	<p>Figure 10.1 Designated Heritage Assets (Doc 6.2.10.1)</p> <p>Figure 10.2 Non-Designated Heritage Assets (Doc 6.2.10.2)</p> <p>An assessment of effects is provided is provided in ES Chapter 10 (Doc 6.1.10).</p>

<p>and (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>Presence (Doc 6.2.8.4) Figure 9.1 Landscape Character (Doc 6.2.9.1) Figure 9.7 Landscape Designations (Doc 6.2.9.7)</p> <p>(ii) Figure 8.1 Statutory Designated Sites (Doc 6.2.8.1) Figure 8.2 Non-Statutory Designated Sites and Priority Habitats (Doc 6.2.8.2) Figure 8.3 Phase 1 Habitats (Doc 6.2.8.3) Figure 8.4 Waterbodies with Great Crested Newt Presence (Doc 6.2.8.4)</p> <p>(iii) Figure 12.1 Water Constraints Part 1 (Doc 6.2.12.1) Figure 12.2 Water Constraints Part 2 (Doc 6.2.12.2) Figure 12.2 Water Constraints Part 3 (Doc 6.2.12.3)</p> <p>Assessments of effects on the above features are provided in</p>	<p>features or structures likely to be caused by the Proposed Development</p>	
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		ES Chapter 8 (Doc 6.1.8), ES Chapter 9 (Doc 6.1.9), ES Chapter 11 (Doc 6.1.11), ES Chapter 12 (Doc 6.1.12), Habitats Regulation Assessment (Doc 6.8.1) and the associated technical appendices.		
	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	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 Site Location Plan (Doc 2.1) Indicative Plans and Elevations (Doc 2.5)
	Is this of a satisfactory standard?	N/A.		Are they of a satisfactory standard? Yes, with minor discrepancies noted in Box 30.
p)	Any of the documents prescribed by Regulation 6 of the APFP	Grid Connection Statement (Doc 5.6)	q)	Any other documents considered necessary to support the application Cover Letter (Doc 1.1) Application Form (Doc 1.2) Application Guide (Doc 1.3)

Regulations:			<p>Application Document Tracker (Doc 1.4)</p> <p>Electronic Application Index (Doc 1.5)</p> <p>Section 55 Acceptance of Applications Checklist (Doc 1.6)</p> <p>Glossary (Doc 1.7)</p> <p>Planning Statement (Doc 5.2)</p> <p>Needs and Benefits Statement (Doc 5.3)</p> <p>Other Consents and Licences (Doc 5.5)</p> <p>Register of Environmental Actions and Commitments (Doc 6.5)</p> <p>Outline Landscape and Biodiversity Strategy (Doc 6.6)</p> <p>Draft Lighting Strategy (Doc 6.7)</p> <p>Habitats Regulations Assessment (Doc 6.8)</p> <p>Design Framework (Doc 6.9)</p> <p>Biodiversity Net Gain Assessment (Doc 6.10)</p> <p>Heads of Terms for Section 106 Agreement (Doc 7.1)</p> <p>3D Model Flyover Video (Doc 7.2)</p>
Are they of a satisfactory	Yes.	Are they of a	Yes , with minor discrepancies noted in

standard?		satisfactory standard?	Box 30.
30	<p>Are there any observations in respect of the documents provided at Box 29 (a) to (q) above?</p> <p>Yes:</p> <p>Application Document Tracker (Doc 1.4)</p> <ul style="list-style-type: none"> Document 6.3.11.1 has been submitted in two separate parts. It would help avoid confusion if both parts of the document were separately listed in the Application Document Tracker (Doc 1.4), as it is currently presented as one complete document. Document 6.8.2.1 is listed twice on page 20. <p>Electronic Application Index (Doc 1.5)</p> <ul style="list-style-type: none"> The Electronic Application Index (Doc 1.5) refers to document 5.1.1 as “5.1.1 Drax BECCS Consultation Report Appendix A Consultation Engagement Overview.pdf”, whereas the title page of document 5.1.1 and page 8 of the Consultation Report (Doc 5.1) refer to it as “Appendix A: Event Invitation Letters and Correspondence”. The document “6.3.11.1 Drax BECCS ES Vol 3 Appendix 11.1 Phase 1 Preliminary Risk Assessment (Part 2 of 2).pdf” is assigned an incorrect reference number of 6.3.11.2 in column 4 of the Electronic Application Index (Doc 1.5). <p>Works Plans (Doc 2.3)</p> <ul style="list-style-type: none"> The Works Plans (Doc 2.3) do not show the direction of North. The Works Plans (Doc 2.3) show the indicative area for the proposed Works but do not show the limits of deviation. The sheet numbers are not labelled on the Works Plans key plan. The Draft Development Consent Order (Doc 3.1) describes Work No. 3 as “supporting works in connection with and in addition to Work Nos. 1, 2 and 5”, whereas the Works Plans (Doc 2.3) describe Work No. 3 as “Supporting Works for Work Nos. 1 and 2”. <p>Indicative Plans and Elevations (Doc 2.5)</p> <ul style="list-style-type: none"> The plans within this document do not show the direction of North. <p>Draft Development Consent Order (Doc 3.1)</p> <ul style="list-style-type: none"> Article 2 states that the Register of Environmental Actions and Commitments (Doc 6.5) is a certified document that appears 		

in Schedule 13. However, this document is omitted from Schedule 13.

- Schedules 8 and 10 refer to plot numbers in the form “20, 21, 22...”, however in the **Book of Reference (Doc 4.3)** and **Land Plans (Doc 2.2)** plot numbers are presented in the form “01-20, 01-21, 01-22...”.
- The Planning Inspectorate has identified minor typographical errors. For example, Schedule 13 states “*DOCUMENTS AND PLANS TO BE CERTIFIED*”, instead of “...*CERTIFIED*”.

Explanatory Memorandum (Doc 3.2)

- The Planning Inspectorate has identified minor typographical inconsistencies between the **Draft Development Consent Order (Doc 3.1)** and the **Explanatory Memorandum (Doc 3.2)**. For example, **paragraph 4.10** of the **Explanatory Memorandum (Doc 3.2)** refers to “*Article 6 (Benefit of Order)*”, whereas in the **Draft Development Consent Order (Doc 3.1)** Article 6 is entitled “*Benefit of the Order*”; and **paragraph 4.34** of the **Explanatory Memorandum (Doc 3.2)** refers to “*Article 20 (Compulsory acquisition of rights etc.)*”, whereas in the **Draft Development Consent Order (Doc 3.1)** Article 20 is entitled “*Compulsory acquisition of rights*”.
- Document reference numbers are not consistently provided for application documents that are referenced in **paragraph 5.12** of the **Explanatory Memorandum (Doc 3.2)** onwards. For example, **paragraph 5.17** refers to “*Chapter 9 (Landscape and Visual Amenity) of the Environmental Statement (document reference 6.1.9)*”, whereas **paragraph 5.13** refers to “*Chapter 2 of the Environmental Statement (Site and Project Description)*”.

Statement of Reasons (Doc 4.1)

- The main body of text in the **Statement of Reasons (Doc 4.1)** refers to plot numbers in the form “20, 21, 22...”, however in the **Book of Reference (Doc 4.3)** and **Land Plans (Doc 2.2)** plot numbers are presented in the form “01-20, 01-21, 01-22...”.

Book of Reference (Doc 4.3)

- C-Capture Limited is identified as a Category 1 Affected Person in the **Book of Reference (Doc 4.3)**, but the Applicant’s list of additional s42(1)(d) consultees consulted on 22 February 2022 at **Appendix F1** of the **Consultation Report (Doc 5.1.6)** identifies C-Capture Limited as a Category 3 Affected Person.
- Selby Area Internal Drainage Board is identified as a Category 2 Affected Person in the **Book of Reference (Doc 4.3)**, however it is not identified as a s42(1)(d) party that the Applicant consulted in **Appendix D2** of the **Consultation Report (Doc 5.1.4)**, **Appendix F1** of the **Consultation Report (Doc 5.1.6)**, or **Appendix M1** of the **Consultation Report (Doc 5.1.13)**. However, Selby Area Internal Drainage Board is confirmed to have been consulted under s42(1)(a) in **Appendix D1** of the **Consultation Report (Doc 5.1.4)**.

Environmental Statement Appendix 5.1: Outline Construction Traffic Management Plan (Doc 6.3.5.1)

- Schedule 13 of the **Draft Development Consent Order (Doc 3.1)** assigns the **Outline Construction Traffic Management Plan** the document reference “6.3.5.1”, as does the **Application Document Tracker (Doc 1.4)** and **Electronic Application Index (Doc 1.5)**. However, the document reference given within the **Outline Construction Traffic Management Plan** is “6.2.5.1” which is the document reference for **Environmental Statement Vol. 2 Figure 5.1 Study Area (Traffic and Transport) (Doc 6.2.5.1)**.

31	<p>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>	<p>Yes.</p> <p>A Habitat Regulations Assessment (HRA) Report has been provided:</p> <ul style="list-style-type: none"> • Habitats Regulation Assessment – Volume 1 – Main Text (Doc 6.8.1) • Habitats Regulation Assessment – Volume 2 – Figures 1 to 3 (Docs 6.8.2.1 to 6.8.2.3) • Habitats Regulation Assessment – Volume 3 – Appendices (Docs 6.8.3.1 to 6.8.3.6) <p>The HRA Report identifies relevant European sites and the likely effects on those sites. It is considered that the information provided in the report is adequate for Acceptance.</p> <p>Note: The Examining Authority will be able to ask questions during the Examination. This may result in additional information being required to inform the HRA Report and the competent authority. Depending upon the type and availability of information required it may not be possible to obtain this during the statutory timetable of the Examination.</p>
32	<p>If requested by the Planning Inspectorate, two paper copies of the application form and other supporting documents and plans¹⁵</p>	<p>No hard copies requested.</p>

¹⁴ Regulation 5(2)(g) of the APFP Regulations
¹⁵ Regulation 5(2)(r) of the APFP Regulations

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?	<p>Yes.</p> <p>Paragraph 3.2.1 of the Consultation Report (Doc 5.1) states "<i>The Applicant has also taken into account the relevant guidance and advice notes</i>", however the application documents do not appear to explicitly specify that the Applicant has had regard to statutory guidance on the form of the application. Notwithstanding this, and having reviewed the submitted documents, the Planning Inspectorate is satisfied that the Applicant has demonstrated that regard was had to the guidance principles.</p>
34	Summary - s55(3)(f) and s55(5A)	<p>The Planning Inspectorate concludes that the application (including accompaniments) has been prepared to a standard that it considers satisfactory.</p> <p>In respect of the discrepancies identified in Box 30 of this checklist, to help facilitate an efficient and effective examination of the application section 51 advice has been provided to the Applicant in conjunction with the decision to accept the application. That advice is published on the National Infrastructure Planning website, here:</p> <p>http://infrastructure.planninginspectorate.gov.uk/document/EN010120-000340</p>
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 fee was received on 5 May 2022; before the application was made.

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

Role	Electronic signature	Date
Case Manager	<i>George Harrold</i>	20 June 2022
Acceptance Inspector	<i>Caroline Jones</i>	20 June 2022

