



Ferrybridge Multifuel 2 (FM2)

Document Ref No: 1.3

PINS Ref: EN010061

The Proposed Ferrybridge Multifuel 2 (FM2) Order Ferrybridge Power Station Site, Knottingley, West Yorkshire Introduction to the Application

The Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure)

Regulations 2009

Regulation 5(2)(q)



Applicant: Multifuel Energy Limited

July 2014

**Document History**

Document Number	1.3		
Revision	Submission version.		
Author	Dalton Warner Davis LLP (DWD)		
Signed	Geoff Bullock (GB)	Date	30.07.14
Approved By			
Signed	GB	Date	30.07.14
Document Owner	DWD		

Revision History

Revision No.	Date	Reason for Revision	Authorised By
Submission version	30.07.14	-	GB

Glossary of Abbreviations and Definitions

APFP Regulations	The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. Sets out detailed procedures that must be followed for submitting and publicising applications for Nationally Significant Projects.
Applicant	Multifuel Energy Limited.
Application	The Application for a Development Consent Order made to the Secretary of State under Section 37 of the Planning Act 2008 in respect of the Proposed Development, required pursuant to Section 31 of the Planning Act 2008 because the Proposed Development is a Nationally Significant Infrastructure Project under Section 14(1)(a) and Section 15 of the Planning Act 2008 by virtue of being an onshore generating station in England or Wales of 50 Megawatts electrical capacity of more.
Application Site	The land corresponding to the Order Limits that is required for the construction and operation of the Proposed Development.
Associated Development	Defined under S.115 of The Planning Act 2008 as development which is associated with the principal development and that has a direct relationship with it. Associated development should either support the construction or operation of the principal development, or help address its impacts. It should not be an aim in itself but should be subordinate to the principal development.
Book of Reference	A reference document providing details of all landownership interests within the Order Limits and linked to the Land Plan.
CHP	Combined heat and power.
Consents and Licences required under Other Legislation	A document setting out the other consents and licences that are required for the construction and operation of the Proposed Development that are not being included within the Development Consent Order.
Consultation Report	The report prepared by the Applicant documenting the consultation it has carried out including that required by the Planning Act 2008, and how responses to the consultation have been taken into account.
DCO	A Development Consent Order made by the relevant Secretary of State pursuant to The Planning Act 2008 to authorise a Nationally Significant Infrastructure Project. A DCO can incorporate or remove the need for a range of consents which would otherwise be required for a development. A DCO can also include rights of compulsory acquisition.
EfW	Energy from waste. A power plant that generates energy in the form of electricity or heat from the incineration or pyrolysis of waste products.
EIA	Environmental Impact Assessment. The assessment of the likely significant environmental effects of a development undertaken in accordance with The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009.
EIA Regulations	The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 setting out how the EIA of Nationally Significant Infrastructure Projects must be carried out and the procedures that must be followed.
ES	The Environmental Statement documenting the findings of the EIA.
Explanatory Memorandum	A document that explains the intended purpose and affect of a DCO and the authorisations and powers that it seeks.
Ferrybridge 'C'	Ferrybridge 'C' coal-fired Power Station. Part of the Ferrybridge Power Station site.
Ferrybridge Power Station site	Encompassing Ferrybridge 'C' coal-fired Power Station and its associated facilities, the Ferrybridge Multifuel 1 Power Station site and most of the Application Site.
FM1	Ferrybridge Multifuel 1 Power Station, which is currently under construction to the south of the Application Site.
FM2	Ferrybridge Multifuel 2 Power Station. The Proposed Development.
Ha	Hectares. A metric measurement of area.
Host local authority	The local authority whose area the Application Site lies within. In this case, Wakefield Metropolitan Borough Council.
Land Plan	A plan showing all of the land that is required for the Proposed Development over which rights are to be sought as part of the DCO.
Limits of deviation	The lateral limits shown on the Works Plan(s) and the vertical limits (upwards and downwards) determined by reference to the section plan(s) submitted as

	part of the Application and within which the Proposed Development may occur.
MEL	Multifuel Energy Limited, a joint venture that has been formed between SSE Generation Limited and Wheelabrator Technologies Inc (the Applicant).
Multifuel power station	The thermal power station that will generate electricity through the combustion of waste derived fuel.
MWe	Megawatts electrical. A measurement of power.
NSIP	A Nationally Significant Infrastructure Project that must be authorised by the grant of a DCO under The Planning Act 2008.
NYCC	North Yorkshire County Council.
Order	The Ferrybridge Multifuel 2 (FM2) Order, being the DCO that would be made by the Secretary of State authorising the Proposed Development, a draft of which has been submitted as part of the Application.
Order Limits	The limits of the land to which the Application for the DCO relates and shown on the Land Plan and Works Plans within which the Proposed Development must be carried out and which is required for its construction and operation.
PA 2008	The Planning Act 2008 setting out legislation in relation to applications for NSIPs, including pre-application consultation and publicity, the examination of applications and decision making by the Secretary of State.
PINS	The Planning Inspectorate. A Government agency responsible for receiving and administering the acceptance and examination of applications for NSIPs on behalf of the Secretary of State.
Power Station site	All of the land comprised within the Ferrybridge Power Station site, including the Ferrybridge 'C' coal fired Power Station, the FM1 site and the majority of the Application Site.
Proposed Development	The development to which the Application relates and which requires a DCO and as listed at Schedule 1 of the draft Order.
Q1-4	Quarters 1-4. 3 month periods of each calendar year, with Q1 equating to the months of January to March inclusive and so on.
Requirements	The 'requirements' at Schedule 2 of the draft Order that, amongst other matters, are intended to control the final details of the Proposed Development as to be constructed and also to control its operation, amongst other matters (e.g. control of noise levels and delivery hours) to ensure that it accords with the EIA and does not result in unacceptable impacts.
Rochdale Envelope	The approach applied to the EIA of a development whereby flexibility needs to be retained in the design of the development at the consenting stage, which involves defining the maximum parameters of the development and assessing these to ensure that the environmental effects of the development in its final built form have been adequately assessed.
Selby DC	Selby District Council
SoS	The Secretary of State. The decision maker for DCO applications and head of Government department. In this case the SoS for the Department of Energy and Climate Change.
SSE	SSE Generation Limited, 50% of the Applicant, part of SSE plc group.
Statement of Reasons	A statement setting out the reasons and justification for the compulsory acquisition of land or rights in land within the Order Limits.
WDF	Waste derived fuel processed from sources of municipal solid waste, commercial and industrial waste and waste wood.
WMDC	Wakefield Metropolitan Borough Council, the host local planning authority.
Works Plan	Plan(s) showing the numbered works referred to at Schedule 1 of the Order and submitted with the Application.
WTI	Wheelabrator Technologies Inc. 50% of the Applicant.

Contents

1.	INTRODUCTION.....	1
2.	THE BACKGROUND TO THE PROPOSED DEVELOPMENT	1
3.	THE APPLICANT	2
4.	THE APPLICATION SITE (THE ‘ORDER LIMITS’).....	3
5.	THE PROPOSED DEVELOPMENT AND THE ‘DRAFT ORDER’.....	3
6.	THE DCO PRE-APPLICATION AND EXAMINATION PROCESS.....	6
7.	THE APPLICATION DOCUMENTS AND THEIR COMPLIANCE WITH LEGISLATIVE REQUIREMENTS.....	7

Tables

TABLE 7.1	LIST OF DCO APPLICATION DOCUMENTS	8
------------------	--	----------

1. INTRODUCTION

- 1.1 This document provides information on Multifuel Energy Limited (**'MEL'**), the applicant (the **'Applicant'**) for 'The Ferrybridge Multifuel 2 (FM2) Order' (the **'Order'**).
- 1.2 The Applicant is applying to the Secretary of State (the **'SoS'**) for the Department of Energy and Climate Change under Section 37 of the Planning Act 2008 (the **'PA 2008'**) for powers to construct, operate and maintain a new onshore thermal electricity generating station and associated development (together the **'Proposed Development'**) at and on land adjacent to the Ferrybridge Power Station site (the **'Power Station site'**), Knottingley, West Yorkshire, within the administrative area of Wakefield Metropolitan District Council (**'WMDC'**).
- 1.3 The Proposed Development, including an electricity generating station with an average gross electrical output in excess of 50 Megawatts electrical (**'MWe'**), falls within the definition and thresholds for a 'Nationally Significant Infrastructure Project' (a **'NSIP'**) under Sections 14 and 15(2)(c) of the PA 2008. It is, therefore, necessary for the Applicant to apply to the SoS for a Development Consent Order (a **'DCO'**) to construct, operate and maintain the Proposed Development under Section 31 of the PA 2008.
- 1.4 This document provides background information on the Applicant, the Application Site (the **'Order limits'**), the Proposed Development and the draft Order and the DCO process. In addition, it lists the documents that form the DCO Application (the **'Application'**) that the Applicant has submitted to the SoS.

2. THE BACKGROUND TO THE PROPOSED DEVELOPMENT

- 2.1 The Proposed Development comprises a new onshore thermal electricity generating station (a **'multifuel power station'**) with a gross electrical output of up to 90 MWe and associated development, which includes a new underground connection to the electricity grid network.
- 2.2 The multifuel power station will produce low carbon electricity through the combustion of waste derived fuels (**'WDF'**). The WDF will be derived from various sources of processed municipal solid waste, commercial and industrial waste and also waste wood. The Proposed Development will therefore make a positive contribution toward the following national policy objectives:
- the UK Government's climate change commitments, which necessitate achieving an ambitious reduction in greenhouse gas emissions (principally CO₂);
 - security of national electricity supply, which can be addressed through having a mix of electricity generating technologies and a diverse range of fuel sources;
 - maximising energy recovery from waste by making use of WDF for electricity generation;
 - complementing recycling initiatives by accepting the waste that remains after these initiatives have been carried out, thereby forming part of an integrated waste management system that supports the waste hierarchy; and
 - reducing the amount of waste material that may otherwise be sent to landfill, not only saving valuable landfill space but also reducing greenhouse gas emissions (including methane) that would otherwise have been generated from the breakdown of waste material had it gone to landfill.

- 2.3 There is a long history of power generation at the Ferrybridge Power Station site, from 1920 to the present, including the development of the currently operational Ferrybridge 'C' coal-fired Power Station (comprising four generation units with a total capacity of 2 Gigawatts), which was approved in 1961. In 2001 the SoS granted consent under Section 36 of the Electricity Act 1989 for the installation of flue gas desulphurisation equipment for Units 3 and 4, with these works being completed in 2009. Units 1 and 2 ceased operation in early 2014, although Units 3 and 4 will continue to operate.
- 2.4 In October 2011, consent was granted under Section 36 of the Electricity Act 1989 for a similar multifuel power station to that now being proposed through the Application. The multifuel power station consented under Section 36 is known as 'Ferrybridge Multifuel 1 Power Station' ('**FM1**') and will also make use of WDF. It is currently being built on land to the south of the Order limits for the Proposed Development, some of which was originally part of the Power Station site's former golf course. It is anticipated that FM1 will be fully operational from Quarter ('Q')3 2015.
- 2.5 The use of the Power Station site for power generation over the past decades has led to the development of extensive on-site supporting infrastructure, including grid connection and water supply infrastructure. The Power Station site also benefits from excellent road and rail links, including a rail spur that has been upgraded and extended as part of the FM1 development.
- 2.6 In addition to the above, the entire Power Station site is allocated as a 'Power Generation Employment Zone' on the WMDC 'Local Development Framework Policies Map' (2012). The local development plan (the WMDC 'Site Specific Policies Local Plan' 2012) contains a policy (Policy EZ 18) relating to the allocation, which confirms that proposals for power generation and related infrastructure, including renewable energy, will be supported in this location.
- 2.7 The level of interest received from potential fuel suppliers in relation to FM1 has demonstrated to the Applicant that there is sufficient demand and fuel availability for a second multifuel power station at the Power Station site. This, combined with the above factors, has led to the Applicant's decision to progress a second multifuel power station.

3. THE APPLICANT

- 3.1 MEL is the Applicant for the Proposed Development. MEL is a 50:50 joint venture that has been formed by SSE Generation Ltd, part of the SSE plc group, ('**SSE**') and WTI/EfW Holdings Ltd, a subsidiary of Wheelabrator Technologies Inc. ('**WTI**'), to develop low carbon electricity generating plant.
- 3.2 SSE is one of the UK's leading energy companies and the largest non-nuclear electricity generator, operating a diverse portfolio across the UK and Ireland. A subsidiary of SSE owns and operates the Ferrybridge Power Station site, which includes the operational Ferrybridge 'C' Power Station.
- 3.3 WTI is a leading developer, owner and operator of energy from waste ('**EfW**') facilities and has been established for over 37 years. WTI currently owns and/or operates 21 energy facilities in the USA, 17 of which are EfW facilities. It has also recently acquired part of a business in China that has three operational plants and a further six under development.
- 3.4 MEL's registered office is Inveralmond House, 200 Dunkeld Road, Perth, Perthshire, PH1 3AQ. The Proposed Development is being managed by MEL's project team.
- 3.5 MEL has an option agreement in place to enter into a lease for the land within the Order limits that is within the control of SSE, while the Order will provide the necessary rights in

respect of the land required for the Proposed Development that lies outside SSE's control.

3.6 The Applicant has appointed the following as its external consultants in respect of the Proposed Development:

- URS - environmental services;
- Fichtner - engineering services;
- DWD - planning and consenting services; and
- Ardent - land referencing services.

3.7 Legal services and communications support has been provided by SSE's and WTI's own in-house teams and SSE procured external legal support.

3.8 Further information on the Applicant can be found on the FM2 project website: www.multifuelenergy.com/fm2.

4. THE APPLICATION SITE (THE 'ORDER LIMITS')

4.1 The Application Site (the land within the 'Order Limits') comprises almost entirely land inside the boundary of the Power Station site, Stranglands Lane, Knottingley, West Yorkshire, WF11 8SQ (Grid Reference 447261, 425319).

4.2 The Application Site lies wholly within the administrative area of WMDC, a unitary authority and the '**host local authority**' for the Application, although it is located close to the boundaries of both Selby District Council ('**Selby DC**') and North Yorkshire County Council ('**NYCC**') to the east.

4.3 The Power Station site is situated between the River Aire to the north and east, which forms the boundary between WMDC and Selby DC and NYCC and the A1(M) Motorway immediately to the west. Access to the Power Station site is from Kirkhaw Lane to the east and Stranglands Lane to the west. The entire Power Station site extends to approximately 300 hectares ('**ha**') and is dominated by the large structures associated with Ferrybridge 'C' Power Station, including emissions stacks and cooling towers, overhead electricity lines and other infrastructure associated with that Power Station.

4.4 The Application Site itself extends to approximately 32 ha and consists primarily of land that originally formed part of the Power Station's former golf course, some of which is currently being used in connection with the construction of FM1. As confirmed above, most of the land comprised within the Application Site is within the boundary of the Power Station site (and the control of the Applicant through the option agreement with SSE). There is, however, some of the Application Site that lies outside the Power Station site (and the control of the Applicant), notably along Kirkhaw Lane, which may be required for utilities connections for the Proposed Development.

5. THE PROPOSED DEVELOPMENT AND THE 'DRAFT ORDER'

5.1 The Proposed Development comprises the multifuel power station (the 'power station') and its main process area, the principal components of which include the fuel reception and storage facilities, the combustion system, steam turbine and flue gas treatment system and emissions stack, amongst others. The main buildings will consist of the tipping hall and fuel storage bunker, the boiler hall and turbine hall. The tallest structure will be the emissions stack at nominally 120 metres in height (136 metres above ordnance datum); this is lower in height than the existing Ferrybridge 'C' Power Station emissions stacks.

- 5.2 The Proposed Development also includes supporting buildings, works and areas connected with the power station, including a vehicular access road, security gatehouses and barriers, weighbridges, parking and storage areas, a surface water attenuation pond and landscaping.
- 5.3 In addition, the Proposed Development includes ‘**associated development**’ as defined by Section 115(2) of the PA 2008. This is development that has a direct relationship with the ‘principal development’, in this case the power station itself; and that supports the construction or operation of that development, which can be included as part of an application for a DCO. The associated development comprises a new underground connection to the electricity grid network, improvements to an existing access road known as the ‘unnamed road’ and a new foul water connection. A number of potential options have been included and assessed within the Application for the grid and foul water connections, although only one of each will be constructed.
- 5.4 There will also be temporary works connected with the construction phase of the Proposed Development, such as contractors’ compounds and laydown areas, which will be removed once construction has been completed.
- 5.5 It has not been possible to fix some components of the Proposed Development in advance of the submission of the Application. This will not be possible until a contract has been awarded for the design and construction of the Proposed Development and the appointed contractor has completed their detailed design studies. An example of where matters cannot be fixed ahead of a design and construction contract being awarded is the size and dimensions of the main power station buildings, which could vary dependant upon the contractor appointed and their selection and configuration of the process equipment, notably the boiler technology. The design of the Proposed Development for the purposes of the draft Order has therefore needed to incorporate a degree of flexibility to allow for such circumstances.
- 5.6 In order to ensure a robust assessment of the likely significant environmental effects of the Proposed Development, as required by ‘The Infrastructure Planning (Environmental Impact Assessment) (‘**EIA**’) Regulations, the EIA undertaken has adopted the principles of the ‘**Rochdale Envelope**’. This has involved assessing maximum (and minimum) ‘worst case’ dimensions and design parameters for the components of the Proposed Development where flexibility needs to be retained. Where this approach has been applied to specific components of the Proposed Development this has been confirmed within the relevant chapters of the Environmental Statement (‘**ES**’) (Application Document Ref. No. 6.2) that reports the findings of the EIA.
- 5.7 In addition, the draft Order includes ‘**limits of deviation**’ both laterally and vertically so as to provide for further flexibility in the design and construction of the Proposed Development. The lateral limits will provide for some flexibility in terms of the location of the main buildings and structures, subject to the fixed locations of certain buildings and structures set out in the ES being adhered to and the maximum widths and lengths of buildings and structures (also set out in the ES) not being exceeded; and the location of the works connected with the grid and foul water connections and unnamed road remaining within the corridors defined by the limits of deviation. The vertical limits will provide for some flexibility in relation to the heights and finished floor levels of the main buildings and structures subject to the maximum heights set out in the ES not being exceeded and certain conditions being met in relation to establishing the level of the groundwater table. This flexibility has also been taken into account in the EIA carried out for the Proposed Development. The lateral limits of deviation are shown on the ‘Works Plans’ (Application Document Ref. No. 4.4), while the lateral and vertical limits are also

- defined by Article 5 and Schedule 3 of the draft Order (Application Document Ref. No. 2.1).
- 5.8 The power station will produce up to 90 MWe gross of low carbon electricity through the combustion of WDF from various sources of processed municipal solid waste, commercial and industrial waste and also waste wood based upon a maximum throughput of 675,000 tonnes of WDF per annum. It will operate on a 24 hour/ 7 day a week basis. The electricity generated will be exported to the electricity grid network via the new underground electrical connection.
- 5.9 The EIA of the Proposed Development has been based on all WDF being delivered to the power station by road, with all by-products from the combustion process (ash) being removed by the same means. However, there will be the potential to make use of an existing rail siding within the Ferrybridge Power Station site that has been upgraded and extended as part of FM1 (this has included the provision of a new rail container unloading gantry adjacent to the rail siding) for the delivery of fuel/removal of ash, subject to fuel suppliers and contracts. The potential to make use of the River Aire for transport will also be kept under review during the lifetime of the Proposed Development.
- 5.10 In addition to generating low carbon electricity, the power station will be combined heat and power (CHP) ready. This means that heat will potentially be available for export to a local heat network for use by local residents and businesses, subject to a demand for a total heat load that would make investment in such a network commercially viable and also reaching commercial agreements with heat users. The potential for the use of heat will be kept under review.
- 5.11 It is envisaged that the Proposed Development will have a design life of 30 years and an operating life of up to 50 years.
- 5.12 It is currently anticipated that, subject to a DCO being granted and a final investment decision being made, the construction of the Proposed Development will commence in Q4 of 2015. The construction phase would last for approximately three years and is therefore anticipated to be completed by Q2/3 of 2018. The power station would then commence commercial operation in Q4 of 2018.
- 5.13 The formal description of the Proposed Development and all its components is set out in Schedule 1 of the draft Order (Application Document Ref. No. 2.1), while the location and extent of the works that would be involved are shown on the Works Plans (Application Document Ref. No. 4.4).
- 5.14 The draft Order does not seek compulsory purchase powers to facilitate the construction and operation of the Proposed Development as the Applicant has negotiated to acquire the necessary interests and rights in land for the Proposed Development; the Applicant has an option agreement to enter into a lease for the land within the Order limits that is within the control of SSE; while the draft Order includes appropriate provisions to provide for such rights in respect of the other land within the Order limits that is not within the control of SSE.
- 5.15 The only land outside SSE's control that is within the Order limits encompasses a corridor of land along an existing street known as Kirkhaw Lane under which it may be necessary to install a foul water connection for the Proposed Development. In respect of this the draft Order includes a provision that would provide the Applicant with the ability to install this connection without having to compulsorily acquire an interest or rights in Kirkhaw Lane. The '**Land Plan**' (Application Document Ref. No. 4.3) shows the extent of the land along Kirkhaw Lane that would be affected by this provision. The '**Book of Reference**' (Application Document Ref. No. 3.1) confirms the land ownership interests within the Order limits and the '**Statement of Reasons**' (Application Document Ref. No. 3.2)

describes these and the position with regard to the acquisition of interests and rights in land.

- 5.16 The draft Order also contains a number of ‘**requirements**’ at Schedule 2 that, amongst other matters, are intended to control the detailed design of the Proposed Development in addition to its construction and operation in order to ensure that it accords with the EIA carried out and does not result in unacceptable construction and operational impacts.
- 5.17 The intended purpose and affect of the draft Order is explained fully within the ‘**Explanatory Memorandum**’ (Application Document Ref. No. 2.2).
- 5.18 A number of other consents will be required for the construction and operation of the Proposed Development. These include an Environmental Permit. These are being advanced separately to the DCO Application and are listed within the ‘**Consents and Licences required under Other Legislation**’ document (Application Document Ref. No. 5.6). This document also sets out the status of any applications for these consents and summarises the discussions that have taken place to date with the relevant consenting bodies.

6. THE DCO PRE-APPLICATION AND EXAMINATION PROCESS

- 6.1 As confirmed above, the Proposed Development is a NSIP. It is therefore necessary for the Applicant to apply to the SoS for a DCO to construct, operate and maintain the Proposed Development under Section 31 of the PA 2008.
- 6.2 An application for a DCO must be made to the Planning Inspectorate (‘**PINS**’), which on receipt of the application considers whether it can be accepted for examination against set ‘acceptance criteria’. Subject to acceptance PINS then examines the application and prepares a report for the relevant SoS (in the case of the Proposed Development the SoS for the Department of Energy and Climate Change) setting out its recommendation as to whether a DCO should be granted. The SoS will then decide whether or not to grant the DCO.
- 6.3 Before an application for a DCO can be submitted to and accepted by PINS, it is necessary for the applicant to carry out pre-application consultation, notification and publicity in accordance with Sections 42, 46, 47 and 48 of the PA 2008 and applicable regulations. This involves consulting a range of stakeholders, including, but not limited to, technical consultees, statutory undertakers, local authorities, the local community and affected and potentially affected landowners.
- 6.4 The Applicant has carried out consultation and publicity on the Proposed Development since March 2013, which has included a stage of informal (non-statutory) consultation in addition to a stage of formal (statutory) consultation, the latter in accordance with the requirements of the PA 2008 and applicable regulations. At both stages, the Applicant has consulted with the host local authority, WMDC, as well as other relevant local authorities, technical consultees such as the Environment Agency and Natural England, statutory undertakers, the local community within the vicinity of the Application Site and landowners, amongst others. The ‘**Consultation Report**’ (Application Document Ref. No. 5.1) details the consultation and publicity that has been carried out, the results of that consultation and how the Applicant has had regard to the consultation.
- 6.5 Following submission of an application, the DCO process can be summarised as follows:
- PINS have 28 days from the date that the application is made to decide whether to accept it for examination.
 - Following acceptance by PINS, the applicant must carry out certain post-acceptance consultation and notification duties. This includes notifying certain consultees, posting

site notice and publishing advertisements in a local newspaper, a national newspaper and the London Gazette, confirming, amongst other matters, that the application has been accepted, how representations can be made and a deadline for the submission of these.

- PINS then appoints one or more ‘examining inspectors’ (known as the examining authority) to examine the application. The examining authority will consider the application documents and the representations made and invite all parties to attend a ‘preliminary meeting’, setting out what the examining authority considers to be the principal issues relating to the application and a draft timetable for examining it.
- At or before the preliminary meeting, participants may make submissions with regard to how the application should be examined. The preliminary meeting does not consider issues of substance relating to the application.
- Following the preliminary meeting, the examining authority will issue an examination timetable and may also issue an initial set of written questions. The timetable will give details of deadlines for submitting any written representations, commenting on others’ representations, answering the examining authority’s questions and commenting on others’ answers. Hearings may also be scheduled at this point, or these may be programmed at a later time, and further questions and requests for information may be issued by the examining authority.
- The examination period (which includes the submission of all written material as well as hearings and site visits) starts from the date of the preliminary meeting and must take no more than six months. This can exceptionally be extended with the authorisation of the SoS.
- Following the end of the six month examination period, the examining authority must submit a report to the relevant SoS within three months, who then has a further three months to decide whether to grant a DCO for the Proposed Development.
- The host local authority (WMDC in the case of the Proposed Development) will have a key role to play in the DCO process. The authority will be invited by PINS to comment on the Applicant’s consultation process and confirm whether that consultation was in its view adequate. In addition, the authority will be asked to produce a ‘Local Impact Report’ on the application and to make its own representations to PINS on that application.

6.6 Further information on the DCO process and the process that PINS follows after submission and acceptance of an application is provided on its website: <http://infrastructure.planning.gov.uk/>.

7. THE APPLICATION DOCUMENTS AND THEIR COMPLIANCE WITH LEGISLATIVE REQUIREMENTS

7.1 Table 7.1 below lists the documents that the Applicant has submitted and which comprise the Application. The Application Documents have been grouped into categories and each has been given its own reference number (Ref. No.).

7.2 In addition to listing the Application Documents submitted, Table 7.1 also identifies where these have been provided to comply with a relevant legislative or policy requirements or guidance. The legislative requirements for DCO applications are principally contained in the PA 2008, ‘The Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009’ (the ‘**APFP Regulations**’) and ‘The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009’ (the ‘**EIA Regulations**’).

- 7.3 Regulation 5 in the APFP Regulations lists the documents that all DCO applications must include. Regulation 5 includes a category (Reg. 5(2)(o)) described as “any other documents considered necessary to support the application”. Similarly, Regulation 5 (Reg. 5(2)(o)) also allows applicants to submit other plans, drawings and sections which are considered necessary to describe the Proposed Development. The documents and plans and drawings that have been provided by the Applicant under these categories of Regulation 5 are therefore not statutorily required but are those which the Applicant considers are necessary to explain and support the Application.
- 7.4 Regulation 6 sets out a number of documents that particular types of DCO applications must include. Those relating to generating stations are relevant to the Proposed Development and notably include the Grid Connection Statement.
- 7.5 The Application also includes a number of statements of common ground (SoCG) that have been prepared by the Applicant following discussions with a several key consultees. The majority of the SoCG drafted have been agreed and signed by both parties, however, where a SoCG remains to be signed this is highlighted in Table 7.1. The Applicant also proposes to further progress discussions with a number of other consultees regarding the preparation of SoCG, notably the host authority, WMDC.
- 7.6 Table 7.1 lists documents that are referred to in the APFP Regulations or PINS guidance that have not been provided within the Application as standalone documents and the reasons for this. The information that would be provided by these documents is either not relevant to the Proposed Development or has been provided as part of the Application Documents listed.
- 7.7 The Application submitted for the Proposed Development is considered to comply with the statutory requirements of the PA 2008, the APFP and the EIA Regulations and applicable SoS and PINS guidance, including, in particular, PINS Advice Note 6 ‘Preparation and submission of application documents’ (June 2012).

Table 7.1 List of DCO Application Documents

Application Document Reference Number (Ref. No.)	Application Document Name	Statutory/Other Requirement for Document
Category 1.0	Application Form and related documents	
1.1	Application Cover Letter	APFP Reg. 5(2)(q)
1.2	Application Acceptance Checklist	PINS Advice Note 6
1.3	Introduction to Application	APFP Reg. 5(2)(q)
1.4	Application Form	S.37(3)(b) and APFP Reg. 5(1)
1.5	Notices for Statutory Publicity	APFP Reg. 5(2)(q), PINS Advice Note 6 and Application Form (Boxes 8(b) and 14(c))
Category 2.0	Draft Development Consent Order	
2.1	Draft Development Consent Order (DCO)	APFP Reg. 5(2)(b)

Table 7.1 List of DCO Application Documents

Application Document Reference Number (Ref. No.)	Application Document Name	Statutory/Other Requirement for Document
2.2	Explanatory Memorandum	APFP Reg. 5(2)(c)
2.3	Draft DCO - Comparison to Model Provisions version	PINS Advice Note 6
Category 3.0	Compulsory Acquisition Information	
3.1	Book of Reference (Parts 1-5)	APFP Reg. 5(2)(d) & Reg. 7
3.2	Statement of Reasons	APFP Reg. 5(2)(h)
3.3	Funding Statement	APFP Reg. 5(2)(h)
Category 4.0	Plans, Drawings, Sections and Photographs	
4.1	Location Plan	APFP Reg. 5(2)(o)
4.2	Order Plan	APFP Reg. 5(2)(o)
4.3	Land Plan	APFP Reg. 5(2)(i)
4.4	Works Plans (Sheets 1-5)	APFP Reg. 5(2)(j)
4.5	Indicative Generating Station Site Layout, Elevation and Section Plans - Concept Layout (Sheets 1-2)	APFP Reg. 5(2)(o)
4.6	Indicative Generating Station Site Layout, Elevation and Section Plans - Horizontal Boiler Layout (Sheets 1-2)	APFP Reg. 5(2)(o)
4.7	Indicative Generating Station Site Layout, Elevation and Section Plans - Vertical Boiler Layout (Sheets 1-2)	APFP Reg. 5(2)(o)
4.8	Indicative Utilities Plan	APFP Reg. 5(2)(o)
4.9	Indicative Shared Facilities Plan	APFP Reg. 5(2)(o)
4.10	Indicative District Heating Pipeline Routes	APFP Reg. 5(2)(o)
4.11	Constraints Plan	APFP Reg. 5(2)(o)
4.12	Indicative Landscaping Plan.	APFP Reg. 5(2)(o)
4.13	Photographs and Photomontages	APFP Reg. 5(2)(q) and PINS Advice Note 6
Category 5.0	Reports and Statements	
5.1	Consultation Report	S.37(3)(c)
5.2	Application Site Description Document	APFP Reg. 5(2)(q)

Table 7.1 List of DCO Application Documents

Application Document Reference Number (Ref. No.)	Application Document Name	Statutory/Other Requirement for Document
5.3	Proposed Development Description Document	APFP Reg. 5(2)(q)
5.4	Statutory Nuisance Statement	APFP Reg. 5(2)(f)
5.5	Grid Connection Statement	APFP Reg. 5(2)(p) and Reg. 6(1)(a)
5.6	Consents & Licences required under Other Legislation	APFP Reg. 5(2)(q) and PINS Advice Note 6
5.7	Planning Statement	APFP Reg. 5(2)(q) and PINS Advice Note 6
5.8	Design and Access Statement	APFP Reg. 5(2)(q) 'Overarching National Policy Statement (NPS) for Energy' (EN-1) - 4.5, and PINS Advice Note 6
5.9	Fuel Availability and Waste Hierarchy Assessment	APFP Reg. 5(2)(q) and National Policy Statement (NPS) on 'Renewable Energy Infrastructure' (EN-3) - 2.5.66
5.10	Combined Heat and Power (CHP) Assessment	APFP Reg. 5(2)(q), EN-1 - 4.6 and EN-3 - 2.5.26-2.5.27
5.11	Climate Change Statement	APFP Reg. 5(2)(q) and NPS EN-1 - 4.8
5.12	Lighting Strategy	APFP Reg. 5(2)(q)
5.13	Landscaping Strategy	APFP Reg. 5(2)(q) and EN-1 - 5.9
5.14	Biodiversity Strategy	APFP Reg. 5(2)(q) and EN-1 - 5.3
Category 6.0	Environmental Impact Assessment Information	
6.1	Environmental Statement Non-Technical Summary	APFP Reg. 5(2)(a) and EIA Regs.
6.2	Environmental Statement (ES) - Volume I (Main Report)	APFP Reg. 5(2)(a) and EIA Regs. Document 6.2 includes within it the following: (i) An assessment of any

Table 7.1 List of DCO Application Documents

Application Document Reference Number (Ref. No.)	Application Document Name	Statutory/Other Requirement for Document
		<p>effects on sites or features of nature conservation (etc.) at ES Chapter 14 Ecology (APFP Reg. 5(2)(l));</p> <p>(ii) An assessment of any effects on sites or features of the historic environment at ES Chapter 15 Archaeology and Cultural Heritage (APFP Reg. 5(2)(m)); and</p> <p>(iii) An assessment of flood risk at ES Chapter 12 Water Resources and Flood Risk (APFP Reg. 5(2)(e));</p>
6.3	ES - Volume II (Figures)	<p>APFP Reg. 5(2)(a) and EIA Regs.</p> <p>Document 6.3 includes within it the following:</p> <p>(i) Plans showing sites or features of nature conservation (etc.) at ES Chapter Figures 14.1 - 14.2 (APFP Reg. 5(2)(l)); and</p> <p>(ii) Plans showing sites or features of the historic environment at ES Figures 15.1 - 15.3 (APFP Reg. 5(2)(m)).</p>
6.4	ES - Volume III (Appendices)	<p>APFP Reg. 5(2)(a) and EIA Regs.</p> <p>Document 6.4 includes within it the following:</p>

Table 7.1 List of DCO Application Documents

Application Document Reference Number (Ref. No.)	Application Document Name	Statutory/Other Requirement for Document
		(i) Environmental Impact Assessment Scoping Report and Scoping Opinion at ES Appendix 1A and Appendix 1B (APFP Reg. 5(2)(a)); (ii) Flood Risk Assessment (FRA) at ES Appendix 12A (APFP Reg. 5(2)(e); and (iii) Habitats Regulations Assessment (HRA) 'Screening Report' at ES Appendix 14A (APFP Reg. 5(2)(g)).
6.4.1	ES Appendix 1A - EIA Scoping Report	APFP Reg. 5(2)(a) and EIA Regs.
6.4.2	ES Appendix 1B - EIA Scoping Opinion	As above
6.4.3	ES Appendix 1C – Schedule of Consultation Responses from Section 42 Consultees	As above
6.4.4	ES Appendix 1D - Schedule of Consultation Responses from Section 47 Consultees	As above
6.4.5	ES Appendix 3A - Framework Construction and Environmental Management Plan (CEMP)	As above
6.4.6	ES Appendix 5A - Relevant Policies	As above
6.4.7	ES Appendix 7A - Transport Assessment Report	As above
6.4.8	ES Appendix 7B - Construction Staff Travel Plan Framework	As above
6.4.9	ES Appendix 7C - Operational Staff Travel Plan Framework	As above
6.4.10	ES Appendix 8A - Air Quality Assessment	As above

Table 7.1 List of DCO Application Documents

Application Document Reference Number (Ref. No.)	Application Document Name	Statutory/Other Requirement for Document
6.4.11	ES Appendix 8B - Odour Management Plan	As above
6.4.12	ES Appendix 9A - Noise Modelling Methodology	As above
6.4.13	ES Appendix 9B - Noise Survey Report	As above
6.4.14	ES Appendix 11A - Landscape and Visual Impact Assessment Methodology	As above
6.4.15	ES Appendix 12A - Flood Risk Assessment	APFP Regs. 5(2)(a) and 5(2)(e) and EIA Regs.
6.4.16	ES Appendix 13A – Geotechnical Interpretive Report	APFP Reg. 5(2)(a) and EIA Regs.
6.4.17	ES Appendix 13B – Coal Authority Report	As above
6.4.18	ES Appendix 14A - Habitats Regulations Assessment (HRA) ‘Screening Report’	APFP Reg. 5(2)(a) and Reg. 5(2)(g)
6.4.19	ES Appendix 14B - Ecology Desk Study Records	APFP Reg. 5(2)(a)
6.4.20	ES Appendix 14C - Phase 1 Habitat Survey Target Notes	As above
6.4.21	ES Appendix 15A - Archaeology Desk-Based Assessment	APFP Reg. 5(2)(a) and Reg. 5(2)(m)
6.4.22	ES Appendix 16A - Framework Site Waste Management Plan	APFP Reg. 5(2)(a) and NPS EN-1 - 5.14.6
6.4.23	ES Appendix 17A - Carbon Impact Assessment	APFP Reg. 5(2)(a)
6.4.24	ES Appendix 17B - WRATE Assessment Report	As above
6.4.25	ES Appendix 18A - Human Health Risk Assessment	APFP Reg. 5(2)(a), 5(2)(q) and NPS EN-1 - 4.13.10 to 4.15.5
Category 7.0	Statements of Common Ground	
7.1	Natural England	APFP Reg. 5(2)(q) Confirms that Habitats Regulations Assessment is not required. Nonetheless, the Applicant has still

Table 7.1 List of DCO Application Documents

Application Document Reference Number (Ref. No.)	Application Document Name	Statutory/Other Requirement for Document
		provided a HRA 'Screening Report'.
7.2	CAA	APFP Reg. 5(2)(q)
7.3	Highways Agency	APFP Reg. 5(2)(q)
7.4	English Heritage	APFP Reg. 5(2)(q)
7.5	Coal Authority	APFP Reg. 5(2)(q)
7.6	Canal & River Trust (to be agreed/signed)	APFP Reg. 5(2)(q)
7.7	Environment Agency (to be agreed/signed)	APFP Reg. 5(2)(q)
7.8	West Yorkshire Archaeology Advisory Service	APFP Reg. 5(2)(q)
Category 8.0 Other Documents		
8.1	Master Glossary	APFP Reg. 5(2)(q)
Documents that have not been provided		
A.	Access Plan (also known as 'Stopping Up Plan')	APFP Reg. 5(2)(k) Application does not require any temporary or permanent stopping up.
B.	Crown Land Plan	APFP Reg. 5(2)(n) Application does not affect Crown Land.
C.	Report identifying any European Site(s) or Ramsar Site(s) that may be affected by the Proposed Development (where applicable)	APFP Reg. 5(2)(g) Natural England has confirmed in a SoCG that a HRA is not required. The Applicant has also submitted a HRA Screening Report that 'screens' the need for a HRA and demonstrates why this is not required.
D.	Details of Associated Development	PINS Advice Note 6 Details of the Associated Development included in the Application are set out

Table 7.1 List of DCO Application Documents

Application Document Reference Number (Ref. No.)	Application Document Name	Statutory/Other Requirement for Document
		in other Application Documents, notably the Application Form, Proposed Development Description Document and the draft DCO Schedule.