

From: Castle Way Energy
Sent: 24 July 2026 12:59
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Castle Way Energy - Response to Scoping Report (PINS Ref: EN0110037) [MDR-MISHCON_LIVE.FID2539478]

Dear Ms. Trafford,

Thank you for your response. Whilst the Inspectorate maintains its stance on its duty to consult, it agrees that any relevant environmental information submitted to us for the purposes of scoping should be considered within the scoping opinion. As such, we can confirm that the scoping opinion will be produced having regard to the comments submitted by Mr. Peter Le Fol Do Taillis.

It was also noted your original request asked us to confirm that this would be laid in front of the Inspector. For clarity, the scoping opinion and associated consultation is undertaken by the Planning Inspectorate's Environmental Services Team (EST) on behalf of the Secretary of State and not the Planning Inspector (i.e. the Examining Authority). While the comments may be available to the relevant inspector(s) as a part of the wider case file, if you would like the Examining Authority to have regard to your comments, I would draw your attention to the PINS advice notes for information on the most opportune time to submit them:

<https://www.gov.uk/guidance/nationally-significant-infrastructure-projects-the-stages-of-the-nsip-process-and-how-you-can-have-your-say>

As previously mentioned, I would also encourage you to submit your comments to the Applicant to ensure they are appropriately considered in the Application itself.

Kind regards,

Joseph Jones



Joseph Jones
Environmental Advisor
The Planning Inspectorate
T [REDACTED]

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From: [REDACTED]@Mishcon.com>
Sent: 17 July 2026 15:52

To: Castle Way Energy <CastleWayEnergy@planninginspectorate.gov.uk>

Cc: [REDACTED]@Mishcon.com>

Subject: RE: Castle Way Energy - Response to Scoping Report (PINS Ref: EN0110037) [MDR-MISHCON_LIVE.FID2539478]

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Dear Mr Jones

Thank you for your email.

It is unclear to us on what basis the Planning Inspectorate can decline to take into account our client's response to the scoping opinion. We would submit that the Planning Inspectorate is in fact under a duty to take into account the information provided to it, notwithstanding whether the source of that information is a formal consultee (prescribed or non-prescribed in accordance with the Planning Inspectorate's own policy).

We do not dispute the scope of the Planning Inspectorate's duties in regard to consultation, which, as you point out, are set out clearly at Regulation 10(6) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the "**Regulations**") and the definition of "consultation bodies" at Regulation 1. The scope of the Planning Inspectorate's consultation duty is, however, distinct from its duty in regard to the information that it must take into account before adopting a scoping option.

Regulation 10(9) provides as follows:

- (9) *Before adopting a scoping opinion the Secretary of State or the relevant authority **must** take into account—*
- (a) **Any information provided about the proposed development;**
 - (b) *The specific characteristics of the development;*
 - (c) **The likely significant effects of the development on the environment; and**
 - (d) *In the case of a subsequent application, the environmental statement submitted with the original application.*

(emphasis our own)

The above requirement is not limited to information provided by consultees. The basis for the Inspectorate's interpretation that it can "exercise its discretion in choosing whether to take into account responses from non-prescribed consultation bodies or individuals" is therefore unclear and, we would submit, contrary to the Regulations. We also note that the advice page to which you refer ('Nationally Significant Infrastructure Projects: Advice on EIA Notification and Consultation') addresses the matter of who must be consulted and does not anywhere specify that information submitted by parties that are not consulted cannot be taken into account.

Notwithstanding the above, where there is a matter which is directly relevant to the scoping and it is not taken into account, that creates a risk of an incomplete, erroneous and misleading Environmental Impact Assessment. If and when the matter is raised later in the DCO process, that inevitably creates undue delay. It is clearly in the interests of the Planning Inspectorate and the applicant for a full and proper assessment of all information relevant to the scoping opinion to be undertaken at the appropriate stage.

We would therefore respectfully request that you please confirm that our client's representations in respect of the scoping report will be placed before the Inspector.

Regards

Anna

Associate

Mishcon de Reya LLP

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From: Castle Way Energy <CastleWayEnergy@planninginspectorate.gov.uk>
Sent: 17 July 2026 10:20
To: [REDACTED]@Mishcon.com>
Subject: RE: Castle Way Energy - Response to Scoping Report (PINS Ref: EN0110037) [MDR-MISHCON_LIVE.FID2539478]

WARNING: External Email

Dear Ms. Trafford,

Thank you for your email and the comments provided on the applicant's scoping request.

This email sets out the Planning Inspectorate's position regarding consultation as part of the process of adopting a scoping opinion, including an explanation of its obligations and approach to non-prescribed consultation bodies, as described in Advice Page 'Nationally Significant Infrastructure Projects: Advice on EIA Notification and Consultation'.

Mr. Peter Le Fol Do Taillis was not identified by the Planning Inspectorate as a consultation body for the Castle Way Energy consultation and nor is he identified as one of the non-prescribed consultation bodies for which we exercise our discretion to consult.

As such, the Planning Inspectorate will not take your comments into account in the scoping opinion.

As you are aware, BSSL Derbyshire 1 Ltd. asked the Planning Inspectorate on behalf of the Secretary of State for its opinion (a scoping opinion) as to the information to be provided in an Environmental Statement (ES) relating to the proposed development.

The Planning Inspectorate, under the terms of Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations), has a duty to consult:

- a body prescribed under section 42(1)(a) (duty to consult) of the Planning Act 2008 and listed in column 1 of the table set out in Schedule 1 to the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 [(as amended by the Infrastructure Planning (Miscellaneous Provisions) Regulations 2024)] where the circumstances set out in column 2 of that table are satisfied in respect of that body;
- the Marine Management Organisation, where the proposed development would affect, or be likely to affect, areas specified in section 42(2);
- each local authority that is within section 43 (local authorities for purposes of section 42(1)(b)); and
- if the land to which the application, or proposed application, relates or any part of that land is in Greater London, the Greater London Authority.

The Planning Inspectorate also has a duty to notify certain bodies under Regulation 11 of the EIA Regulations of their duty under the EIA Regulations to make available to the applicant information they possess which is considered relevant to the preparation of the ES.

The Planning Inspectorate can also exercise its discretion in choosing whether to take into account responses from non-prescribed consultation bodies or individuals. The position that the Planning Inspectorate takes on consulting non-prescribed bodies is described in Advice Page 'Nationally Significant Infrastructure Projects: Advice on EIA Notification and Consultation'.

As Mr. Peter Le Fol Do Taillis is not identified as one of the non-prescribed bodies in Advice Page 'Nationally Significant Infrastructure Projects: Advice on EIA Notification and Consultation', the Planning Inspectorate will not take your comments into account in the scoping opinion.

The applicant has its own duty to undertake a wide consultation to inform its Application and from experience, this can include consultation with Mr. Peter Le Fol Do Taillis. Should any individual or body wish to make any comments they can become involved in the Planning Act 2008 process in a number of ways. I refer you to our Advice Pages, which are available on the Advice page collection on gov.uk:

<https://www.gov.uk/government/collections/national-infrastructure-planning-advice-notes>

Advice Page 'Nationally Significant Infrastructure Projects: Advice on EIA Notification and Consultation' sets out the EIA notification and consultation process, and the Advice Page 'Nationally Significant Infrastructure Projects: The stages of the NSIP process and how you can have your say' gives information about how to become involved in the Planning Act 2008 process.

If you have comments on the scope of the ES, I encourage you to make these available to the applicant if you have not already done so.

A link to the applicant's website for the proposed development can be found on the Find a National Infrastructure Project website at the following link:

<https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN0110037>

I hope this information has been helpful.

Kind regards

Joseph Jones



The Planning
Inspectorate

Joseph Jones
Environmental Advisor
The Planning Inspectorate



@PINSgov



The Planning Inspectorate



planninginspectorate.gov.uk

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From: [REDACTED]@Mishcon.com>

Sent: 13 July 2026 18:26

To: Castle Way Energy <CastleWayEnergy@planninginspectorate.gov.uk>

Cc: [REDACTED]@Mishcon.com>; info@castlewayenergy.co.uk;
[REDACTED]@brockwellenergy.co.uk

Subject: Castle Way Energy - Response to Scoping Report (PINS Ref: EN0110037) [MDR-MISHCON_LIVE.FID2539478]

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Project: Castle Way Energy

Dear Planning Inspectorate

Please see the attached response to the Scoping Report and accompanying covering letter.

We would be grateful if you could please confirm safe receipt and that the attached response will be placed before the Inspector.

Yours faithfully

Mishcon de Reya LLP

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