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To Drax Power Ltd
For information to all Interested
Parties

Your Ref:

Our Ref: EN010091

Date: 15 January 2019

Dear Sir/Madam

**Planning Act 2008 (as amended) Section 89 and The Infrastructure Planning
(Examination Procedure) Rules 2010 (as amended) – Rule 9 and Rule 17**

**Application by Drax Power Ltd for an Order Granting Development Consent
for the Drax Re-power Project**

Proposed design changes to the original application

We are writing to inform you of the procedural decision made by the Examining Authority (ExA) regarding the Applicant's proposed changes to the Development Consent Order (DCO) Application.

The Applicant submitted a request to the ExA with their Deadline 3 (D3) submissions (Examination Library (EL) reference [REP3-001 and REP3-022]) to accept a number of proposed design changes. These changes were discussed at the Issue Specific Hearing on Environmental Matters held on 5 December 2018 [EV-010 - EV-013]. The Applicant considers the proposed changes are minor and as such are non-material, and do not alter the scope and assessment within the Environmental Statement (ES) [APP-071].

The ExA wrote to the Applicant on 21 December 2018 [PD-012] stating that we were not in a position to make a procedural decision on the materiality of the changes, and a request was made for the environmental information which underpinned the Applicant's assertion on their non-materiality.

The Applicant submitted a response at Deadline 5 (D5), which included:

- Air Quality Technical Note in Relation to Changes in Stack Height [REP5-019];
- An updated Two Unit Option Indicative Plant Layout [REP5-005]; and
- Revised Viewpoints and Additional Photomontage [REP5-017].

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The Applicant also confirmed that it considers these documents, alongside the Assessment of Non-Material Amendments to Proposed Scheme [REP3-022], submitted at D3 sufficiently covers the assessment of environmental effects of the proposed design changes.

The Applicant's reasons for the proposed design changes are:

- To allow the Proposed Scheme to respond to technological improvements and the method in which battery cells are housed/protected;
- To allow the construction of the battery storage facility in two stages;
- To update the Above Ground Installation (AGI) layout configuration to align with progression of the design for the Gas Pipeline connection and discussion with National Grid, including 7m buffer edging the Dickon Field Drain, relocation of the landscape planting, culvert on the Dickon Field to accommodate extension to the access track; and
- To respond to new information on the existing site topography which allowed a more refined height above ordnance datum (AOD) and above ground level (AGL) to be determined for the main stack, the bypass stack, the finished floor level in m AOD, and the Heat Recovery Steam Generators.

The ExA has reviewed the information provided and assessed the Applicant's request in line with paragraphs 109 to 115 of DCLG Guidance 'Planning Act 2008: Examination of Applications for Development Consent'

<https://www.gov.uk/government/publications/planning-act-2008-examination-of-applications-for-development-consent>) and the Planning Inspectorate's Advice Note 16 (<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/07/Advice-note-16.pdf>) and has reached the following conclusions:

- i. The ExA agrees that the proposed changes to the battery storage design will not change the significance of environmental effects as reported in the ES, given the battery facility will continue to have the appearance of a single structure.
- ii. The ExA considers that the amendments in the construction timetable of the battery storage facility and screening structure in two parts would have some effects (in the areas of: traffic and transport; noise and vibration; cultural heritage setting; biodiversity; and landscape and visual impact), but agrees that overall there will be no change in the significance of environmental effects, as reported in the ES [APP-073], [APP-075], [APP-076], [APP-077] and [APP-078].
- iii. The ExA notes that the changes to the buffer around the Dickon Field Drain and the new culvert have been discussed and agreed with the Internal Drainage Board [REP3-018], and the relocated landscape would have the same mitigating effect. The ExA agrees that overall there will be no change in the significance of environment effects associated with the layout amendments to the above-ground installation.
- iv. The ExA notes that the changes to the Power Station Site parameters has some impacts (in the areas of: air quality; cultural heritage setting; and landscape

and visual), but agrees that overall there would be no change in the significance of environmental effects, as reported in the ES [APP-074], [APP-076], and [APP-078].

The ExA has decided that the proposed change to the application put forward by the Applicant does not create any new or different likely significant environmental effects and is non-material and concludes that it should be accepted for consideration in the Examination as part of the application. The ExA is satisfied that the updated draft DCO [REP5-011] submitted at D5 adequately reflects the non-material design changes.

The ExA requests that the Applicant submits an updated 'Chapter 3 Site and Project Description' of the ES [APP-071] that takes into account the removal of Stage 0 and the proposed design changes by Deadline 6, **30 January 2019**, of the examination timetable.

Yours faithfully

Richard Allen

Richard Allen
Lead Member of the Panel of Examining Inspectors