



Date: 13 April 2015
Our Ref: 9028
PINS Ref: EN10048



21 Garlick Hill
 London EC4V 2AU
 Tel: 020 7489 0213
 Fax: 020 7248 4743
 Email: gb@dwdllp.com
 www.dwdllp.com

Emre Williams
 Case Manager
 Major Applications and Plans
 The Planning Inspectorate
 Temple Quay House
 Temple Quay
 Bristol
 BS1 6PN

By email emre.williams@pins.gsi.gov.uk & courier

Dear Mr Williams

THE PLANNING ACT 2008 – SECTION 37 ‘APPLICATIONS FOR ORDERS GRANTING DEVELOPMENT CONSENT’

THE WHITE ROSE CCS (GENERATING STATION) ORDER, LAND WITHIN AND ADJACENT TO THE DRAX POWER STATION SITE, DRAX, NEAR SELBY, NORTH YORKSHIRE, YO8 8PH

NON-MATERIALS AMENDMENTS TO THE DCO APPLICATION AND UPDATES TO THE APPLICATION DOCUMENTS

Since submission of the White Rose CCS Project (the ‘Project’) Development Consent Order (‘DCO’) Application (the ‘Application’) in November 2014, the following have taken place:

1. North Yorkshire County Council (‘NYCC’) has made and confirmed a Footpath Diversion Order (‘FDO’) in respect of a number of public footpaths within the Order limits; and
2. National Grid Electricity Transmission plc (‘NGET’) has made a grid connection offer for the Project.

In response to the confirmed FDO and the grid connection offer, the Applicant now wishes to make a number of non-material changes to the Application in order to reflect the up-to-date position. The non-material changes have necessitated amendments to a number of the submitted Application documents. The changes made are outlined below and updated versions of the relevant Application documents accompany this letter. It is at the discretion of the Examining Authority whether to accept post-submission changes to an application. In submitting these changes, the Applicant has had regard to the Department for Communities and Local Government document ‘Planning Act 2008 – Guidance for the examination of applications for development consent’. In this case, the Applicant is of the view that the proposed changes are non-material and can be accepted by the Examining Authority.

Separately, the Applicant is mindful that the Planning Inspectorate (‘PINS’) issued advice to it on 17 December 2014 under section 51 Planning Act 2008, which required minor amendments to be made to a number of Application documents. Updated versions of the relevant documents are submitted as set out further below.

In addition, the Applicant has identified that the assessment of the transport impacts of the Project (contained within the Environmental Statement) does not fully reflect its proposed operation. A technical note (‘Environmental Statement – Traffic Sensitivity Test’) has therefore been produced, which outlines the position and provides a sensitivity test of the operational transport assumptions in order to check the conclusions of the Environmental Statement.



This letter also provides an update on the site raising and preparatory works planning application that has been submitted to Selby District Council and deals with the Preliminary Meeting for the Application that has been scheduled for 22 April 2015.

For the avoidance of doubt, the following documents accompany this letter:

1. Document Ref. 1.3 – Application Index – Revision. 2 (this has been updated in order to provide clarification as to the latest Application documents).
2. Document Ref. 2.1 – Draft DCO – Revision. 2 – Changes from Submission – Track Change Version (this shows the changes made to the draft DCO in tracks).
3. Document Ref. 2.2 – Explanatory Memorandum – Revision. 2 – Changes from Submission – Track Change Version.
4. Document Ref. 3.1 – Book of Reference – Revision. 4.
5. Document Ref. 3.2 – Statement of Reasons – Revision. 2 – Changes from Submission – Track Change Version (this show the changes made in tracks).
6. Document Ref. 4.1 – Site Location Plan – Version. 4.
7. Document Ref. 4.2 – Land Plans – Key Plan and Sheets 1-4 – Version. 4 (all plans).
8. Document Ref. 4.3 – Works Plans – Key Plan and Sheets 1-4 – Version. 4 (all plans).
9. Document Ref. 4.4 – Access and Rights of Way Plans – Key Plan and Sheets 1-4 – Version. 4 (all plans).
10. Document Ref. 4.8 – Indicative Route of Electrical Connection for 400 kV Plan – Version. 4.
11. Document Ref. 5.2 – Grid Connection Statement – Revision. 2 – Changes from Submission – Track Change Version.
12. Document Ref. 5.2 – Grid Connection Statement – Revision 2 – Changes from Submission – Clean Version.
13. Footpath Nos. 35.47/1, 35.47/6, 35.47/10, Long Drax & 35.6/12, Barlow, Drax Power Station, Long Drax, Diversion Order 2014 (the FDO) and Order Plan (the enclosed Order Plan is the plan that was used to accompany the site notices – NYCC has not yet been able to provide the confirmed Order Plan).
14. Document Ref. 6.3.7(i) – Environmental Statement – Traffic Sensitivity Test.

Please note that the documents listed at items 1 – 12 supersede the versions that were submitted as part of the Application in November 2014. In respect of item 10, this plan supersedes and replaces the three plans that originally formed Document Ref. 4.8.

Footpath Diversion Order (the 'FDO')

NYCC made the 'Footpath Nos. 35.47/1, 35.47/6 & 35.47/10, Long Drax and 35.6/12, Barlow, Drax Power Station, Long Drax Diversion Order 2014' (the 'FDO') on 29 October 2014 and this was subsequently confirmed on 13 February 2015.



The FDO relates to two areas of the Project, and provides for:

1. The stopping up of the footpath between the points marked A – B – C – D – E – F on the Order Plan and that runs west from New Road across the southern side of Work No. 1A (on the Works Plans, Document 4.3), and its replacement with a newly created footpath around the northern side of Work No. 1A (between the points marked A – J – K – L – M – N – O – P – Q – R – S – T – U – V on the Order Plan).
2. The stopping up of the footpath between the points marked G – H – I on the Order Plan and that crosses the Project laydown area to the east of New Road, and its replacement with a footpath that runs along Pear Tree Avenue and a length of New Road (between the points marked W – X – I on the Order Plan).

The FDO provides that the existing footpaths are stopped up on provision of the relevant new footpath(s) and certification by NYCC as to their provision. As the FDO provides for the necessary stopping up and creation of footpaths for the Project, it is no longer proposed to include these elements in the Draft DCO. Removing the stopping up and creation of these specific footpaths from the DCO ensures that there is clarity as to the power being relied on, as only one power (the FDO) will exist. The rights of way proposals have been simplified by the removal of the different temporary and permanent diversion routes around the north side of Work No. 1A – now only the permanent footpath route is proposed, which matches the FDO. The Applicant has discussed the principle of these changes to the Draft DCO with NYCC.

The Draft DCO retains a power to temporarily stop up footpaths during construction or maintenance (in article 14), in case that is required. The way in which rights of way are to be dealt with is controlled by requirement 7 (Schedule 2 to the Draft DCO), which requires a rights of way management plan to be submitted and approved by the local planning authority, and then to be implemented.

These changes do not constitute a material change to the substance of the Project, since the footpath proposals remain similar - the legal mechanism for dealing with them is the change. The environmental impacts would be no different. NYCC has carried out the necessary advertisement of the FDO. The Applicant therefore considers that this change represents a non-material change and can be accepted by the Examining Authority.

The following Application documents have been updated in relation to the FDO, and revised versions are enclosed:

1. Draft DCO (Document Ref. 2.1 - Rev. 2) - article 14 (and related definitions in article 2) and Schedule 7 have been amended to reflect the above;
2. Explanatory Memorandum (Document Ref. 2.2 - Rev. 2) has been updated to explain the Draft DCO as now submitted; and
3. Access and Rights of Way Plans (Document Ref. 4.4 – V. 4) have been amended so that it is clear that the relevant footpaths are being stopped up / created pursuant to the FDO, not the Draft DCO. This is achieved through the Legend and a note which has been added to each sheet. The 'temporary part' of the footpath diversion around the north of Work No. 1A has been removed as noted above.

Grid Connection

NGET submitted a connection agreement offer in relation to the Project on 10 December 2014, which followed the submission of the Application. The grid connection offer is at the NGET owned 400kV substation, in between New Road and the existing Drax Power Station, around 1km south of Work No. 1A. The 400kV substation is part of the area identified as Work No. 8 on the Works Plans (Document Ref. 4.3).



The Application as submitted provided for three grid connection options - one to the 400kV substation (as per the grid connection offer) and two cable route options to the 132kV substation. Following the grid connection offer from NGET, the Applicant no longer proposes to include the two 132kV substation options in the Draft DCO as they are no longer required. This allows the Applicant to remove the 132kV substation and adjacent areas from the Order limits, as well as simplifying the Works Plans (Document Ref. 4.3) and 'authorised development' (as set out in Schedule 1 to the Draft DCO (Document Ref. 2.1)).

The environmental impacts of the Project remain as assessed in the Environmental Statement ('ES') (Document Refs. 6.1 – 6.3), with the confirmed electricity cable route and substation grid connection being one of the options originally proposed in the Application and assessed in the ES. The reduction to the Order limits provides greater certainty in terms of the location of works. It is also important to recognise that it has always been the case that only one of the grid connections options originally proposed would ever be constructed. Again, the Applicant considers that this change is not material and can be accepted by the Examining Authority.

The grid connection offer currently extends to the end of April 2015. The Applicant remains in discussions with NGET and expects to be in a position to accept the connection offer in the near future.

The following Application documents have been updated in relation to the grid connection offer, and revised versions are enclosed:

1. Draft DCO (Document Ref. 2.1 - Rev. 2):
 - (i) Schedule 1 has been amended to reflect the removal of the 132kV electrical connection routes (Work No. 4) and the removal of potential works at the 132kV substation (Work No. 8);
 - (ii) In Schedule 2, requirement paragraphs 4(6) and 4(10) have been updated to delete the need to submit details of the selected sub-station;
 - (iii) New rights are no longer required over some plots of land - the 132kV cable routes (where different to the 400kV route), and the 132kV substation and adjacent land. These plots have been removed from Schedule 8 (Land in which only new rights etc. may be acquired);
 - (iv) One plot of land (60) was previously proposed as part of one of the 132kV cable routes. That cable route is no longer proposed, and this plot has therefore become part of the temporary laydown area which surrounds it. Plot 60 has therefore been added to Schedule 10 (Land of which temporary possession may be taken).
2. Explanatory Memorandum (Document Ref. 2.2 - Rev. 2) has been updated to explain the Draft Development Consent Order as amended.
3. Works Plans (Document Ref. 4.3 – V. 4) have been updated to remove the parts of the electrical connection (Work No. 4) and the 132kV substation which are no longer proposed.
4. Land Plans (Document Ref. 4.2 – V. 4) and the Book of Reference (Document Ref. 3.1- Rev. 4) have been updated to remove plots of land which are no longer proposed to be included in the Order limits. No plot numbers have been changed in undertaking this process to aid cross referral between the original Land Plans / Book of Reference and the replacement documents. Where plot numbers are no longer used this is noted in the Book of Reference as "Number Not Used". As per the change to the Draft DCO, plot 60 has changed from land over which rights are sought to land required temporarily.
5. Statement of Reasons (Document Ref. 3.2 - Rev. 2) has been updated so as to delete references to the grid connection options and 132kV substation.
6. Indicative Electrical Connection Routes Plan (Work No. 4) (Document Ref. 4.8 – V. 4) and the Grid Connection Statement (Document Ref. 5.2 - Rev. 2) have been updated to reflect the proposed single 400kV substation connection option.



7. Location Plan (Document Ref. 4.1 – V. 4) and Access and Rights of Way Plans (Document Ref. 4.4 – V. 4) have been updated to reflect the altered Order limits.

Amendments made in response to Section 51 Advice

PINS Section 51 advice dated 17 December 2014 covered various matters, which have been dealt with as follows:

1. Section 42(1)(a) persons prescribed - the bodies identified by PINS were included within the Section 56 notification process.
2. Book of Reference (Document 3.1 – Rev. 4) – a revised version is enclosed which addresses PINS' advice as follows:
 - (i) Additional schedule of statutory undertakers – this has been retained in the Book of Reference. It is acknowledged that this does not comply with Annex D of the 'Guidance on procedures for the compulsory acquisition of land', but its inclusion is considered to be a sensible way to deal with the fact that there are statutory undertakers who the Applicant has not been able to exclude as having apparatus within the Order limits. It is noted that the Books of Reference on other projects, which have completed their examinations or been granted consent (such as Progress Power Station, the A556 Knutsford to Bowdon Scheme and Hirwaun Power Station) adopted a similar form of Book of Reference. The Applicant has however been able to reduce the list of statutory undertakers in Part 8 of the Book of Reference and is continuing to identify which do or do not have apparatus and where it is located. The Applicant notes the Examining Authority's procedural decision (Item 4, Annex G in the Rule 6 letter) and confirms that it will provide the required schedule of statutory undertakers land / apparatus plot by plot for the deadline of 20 May 2015 along with evidence for the removal of statutory undertakers which are not relevant.
 - (ii) Cross referral to articles in the Draft DCO - the Introduction to the Book of Reference has been updated to cross refer to relevant articles and schedules in the Draft DCO.
 - (iii) Division and headings within Part 2 – as explained in the revised introduction to the Book of Reference, the two parts relate respectively to those who have an interest in the Order land and those who do not (both of whom may be entitled to make a claim). The headings to Part 2 have been updated so as to refer to the three sections referred to in the Planning Inspectorate's advice. This has not altered the content of Part 2.
 - (iv) The description of two plots (48 and 49) have been updated to more accurately describe the land.
 - (v) The changes outlined in the Applicant's 'Section 59 – Schedule of changes to affected persons contained within Book of Reference' (included as part of the Section 58 and 59 certificates) have been included.
3. Referencing of Works Plans and Access and Rights of Way Plans (Document Ref. 4.4 – V. 4) in Part 2 of Schedule 1 to the Draft DCO - these have been updated to refer to the revised versions of these plans as submitted with this letter.

Sensitivity Testing of Operational Transport Impacts

The Application seeks development consent for a generating station (Work No. 1A) that has the ability to co-fire biomass and coal. During operation of the generating station biomass would be delivered to the Project site by road. If the generating station fired at the proposed maximum of 15% biomass this would equate to 31 HGVs (62 HGV movements in total - 31 inbound and 31 outbound) accessing the Project site per day.



Following the submission of the Application in November 2014, the Applicant identified that the operational assessment of the Project contained within the ES had not taken account of biomass HGV movements. The accompanying technical note (Document Ref. 6.3.7(i) – Environmental Statement – Traffic Sensitivity Test) therefore explains the rationale for transporting biomass to the Project site by road and assesses the maximum anticipated number of biomass HGVs in order to identify whether this would result in any change to the assessment conclusions of the ES for operational impacts relating to traffic, air quality and noise. The note concludes that the inclusion of the biomass deliveries as part of the assessment of the Project does not alter the conclusions of the ES in terms of traffic impacts and the capacity of the highway network to accommodate movements, air quality or noise and disturbance.

Site Raising and Preparation Works Planning Application

The Project includes raising the level of the Project Site within the area of Work No. 1A and parts of Work No. 1B (as shown on the Works Plans – Document Ref. 4.3 – V.4) from approximately 3.1 to 5.0 metres ('m') above ordnance datum ('AOD'), with a finished floor level of 5.13 m AOD, to create a suitable development platform for the generating station in addition to other preparation works. The site raising is required to mitigate flood risk and has been informed by a flood risk assessment agreed with the Environment Agency.

As explained at paragraphs 1.31 and 1.32 of the Planning Statement (Document Ref. 5.4) for the DCO Application in order to facilitate the early completion of the site raising and preparation works (and therefore deliver the overall Project within the most expedient timeframe) the Applicant proposed to submit a planning application under the Town and Country Planning Act 1990 (the 'TCPA 1990') to the relevant local authority, Selby District Council ('Selby DC'). Although the site raising and preparation works have been included within the DCO Application, they do not (in themselves as independent works) require development consent, as they do not form part of the construction of the generating station. The Applicant is therefore able to apply for planning permission for the site raising and preparation works under the TCPA 1990, and assuming permission is granted, to implement the permission. The rationale for applying for these works separately under the TCPA 1990 relates principally to the time savings that would be realised for the Project if the works could be carried out in advance of a DCO being made by the Secretary of State.

The principle of the site raising and preparation works being separately consented under the TCPA 1990 has been the subject of discussions between the Applicant and planning officers at Selby DC. During these discussions officers have recognised the time saving benefits to the delivery of the Project of these works proceeding in advance of a DCO being confirmed, in particular, in responding to the urgent need that exists for new electricity generating capacity within the UK. In addition, the Applicant has agreed the documents that would form part of the planning application with officers, including the scope of the Environmental Statement.

The planning application for the site raising and preparation works was submitted to Selby DC on 10 March 2015. The planning application (Ref. 2015/0249/EIA) has been validated by Selby DC (from 11 March 2015) and the determination date (based on a 16 week determination period as an ES has been submitted) is 1 July 2015. The Applicant can provide the Examining Authority with an update on the planning application at the Preliminary Meeting, and will provide further updates during the Examination.

Preliminary Meeting

The Applicant requests that the Examining Authority include the above matters on the agenda for the Preliminary Meeting on 22 April 2015. It is suggested that they are discussed within Item 3.

In terms of attendance at the Preliminary Meeting, I can confirm that the following persons will attend on behalf of the Applicant:

1. Advocate and main speaker on behalf of the Applicant – Andrew Fraser-Urquhart QC of Francis Taylor Building.



2. Other potential speakers on behalf of the Applicant – Robert Rattee of Capture Power Limited and Jim Doyle of Drax Power Limited.
3. Other attendees – Graeme Dunn of Capture Power Limited; Marvin Seaman and Luke Jenkins of Drax Power Limited; Ian Fleming of The BOC Group Limited; Frederic Dupouy of ALSTOM UK Holdings Limited; Jonathan Riley and Nick McDonald of Pinsent Masons LLP (legal advisors); Roderick Ellison of Environmental Resources Management Limited (EIA consultants); and Geoff Bullock of Dalton Warner Davis LLP (planning advisors).

I trust that this letter is of assistance and adequately explains the content and nature of the material being submitted. Should you however require any clarification or further information please do not hesitate to contact either myself or Jake Barnes-Gott.

Yours sincerely



Geoff Bullock
PARTNER
Dalton Warner Davis LLP

- Encs. Document Ref. 1.3 – Application Index – Revision. 2 (this has been updated in order to provide clarification as to the latest Application documents.
 Document Ref. 2.1 – Draft DCO – Revision. 2 – Changes from Submission – Track Change Version (this shows the changes made to the draft DCO in tracks).
 Document Ref. 2.2 – Explanatory Memorandum – Revision. 2 – Changes from Submission –Track Change Version.
 Document Ref. 3.1 – Book of Reference – Revision. 4.
 Document Ref. 3.2 – Statement of Reasons – Revision. 2 – Changes from Submission – Track Change Version.
 Document Ref. 4.1 – Site Location Plan – Version. 4.
 Document Ref. 4.2 – Land Plans – Key Plan and Sheets 1-4 – Version. 4 (all plans).
 Document Ref. 4.3 – Works Plans – Key Plan and Sheets 1-4 – Version. 4 (all plans).
 Document Ref. 4.4 – Access and Rights of Way Plans – Key Plan and Sheets 1-4 – Version. 4 (all plans).
 Document Ref. 4.8 – Indicative Route of Electrical Connection for 400 kV Plan – Version. 4.
 Document Ref. 5.2 – Grid Connection Statement – Revision. 2 – Changes from Submission – Track Change Version.
 Document Ref. 5.2 – Grid Connection Statement – Revision. 2 – Changes from Submission – Clean Version.
 Footpath Nos. 35.47/1, 35.47/6, 35.47/10, Long Drax & 35.6/12, Barlow, Drax Power Station, Long Drax, Diversion Order 2014 (the FDO) and Order Plan.
 Document Ref. 6.3.7(i) – Environmental Statement – Traffic Sensitivity Test.
 CD containing the above documents.