

White Rose Carbon Capture and Storage (CCS) Project

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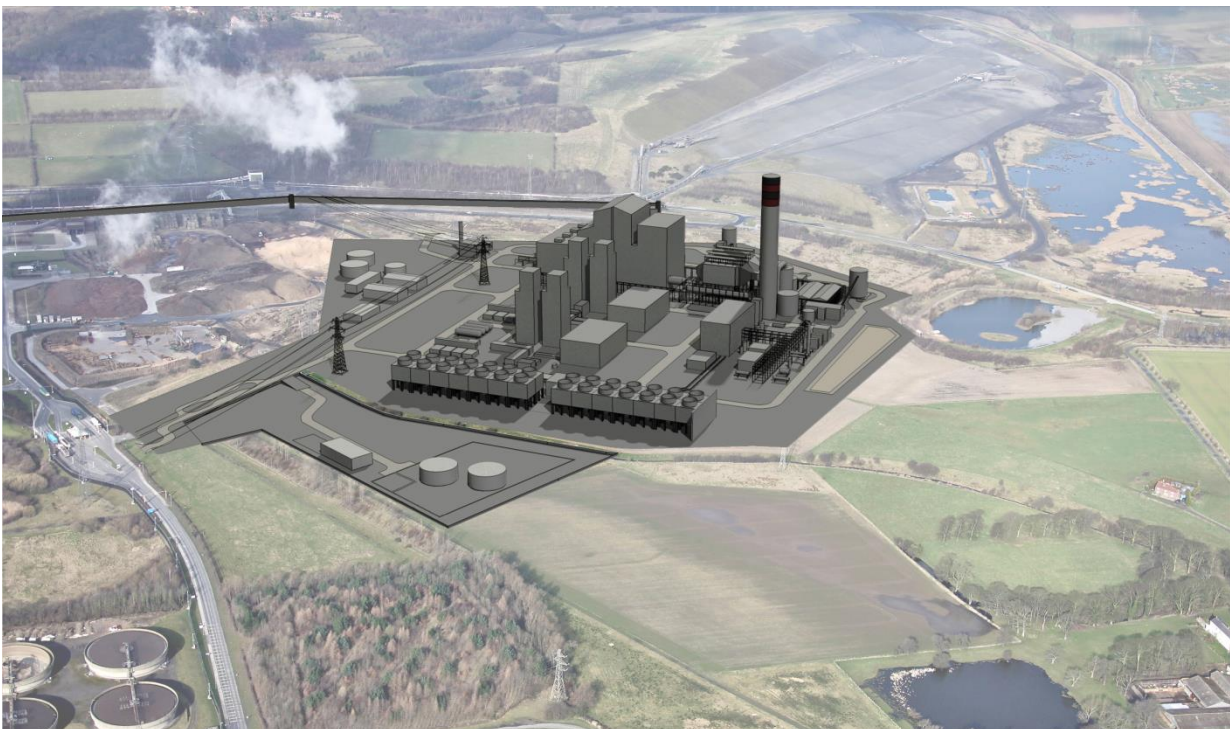
The White Rose CCS (Generating Station) Order

Land adjacent to and within the Drax Power Station, Drax, near Selby, North Yorkshire

Applicant's Statement of Common Ground with Natural England - **DRAFT**

The Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 - Regulation 5(2)(q)



Applicant: Capture Power Limited
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Glossary	
CPL	Capture Power Limited.
CCS	Carbon Capture and Storage.
CO ₂	Carbon dioxide.
DCO	Development Consent Order.
ES	Environmental Statement.
HRA	Habitats Regulations Assessment.
NE	Natural England.
SAC	Special Area of Conservation.
SoCG	Statement of Common Ground.
SoS	Secretary of State.
the Power Station site	The existing Drax Power Station site.
the 2008 Act	The Planning Act 2008.

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1.0 INTRODUCTION

OVERVIEW

- 1.1 This is the Statement of Common Ground ('SoCG') between Capture Power Limited (the 'Applicant') and Natural England ('NE') relating to the application (the 'Application') that has been made to the Secretary of State ('SoS') for a Development Consent Order ('DCO') under Section 37 of the Planning Act 2008 (the '2008 Act').
- 1.2 The Application seeks development consent for the construction, operation and maintenance of the White Rose Carbon Capture and Storage (CCS) project (the 'Project'). The Application was submitted in November 2014 and accepted for Examination on 17 December 2014.
- 1.3 The Project would be located on land within and adjacent to the operational boundary of the existing Drax Power Station site (the 'Power Station site'), near Selby, North Yorkshire.

THE BACKGROUND TO THE PROJECT

- 1.4 The Project comprises a new thermal generating station (an ultra-supercritical oxy-fuel coal-fired power plant of up to 448 MWe gross with the ability to co-fire biomass) that will be fitted with carbon capture and storage ('CCS') technology and associated development.
- 1.5 The CCS technology would capture up 90% of the carbon dioxide emissions from the new power plant. The carbon dioxide would be transported via the National Grid Carbon Limited Yorkshire and Humber CO₂ Pipeline (a separate project) for permanent storage beneath the North Sea.
- 1.6 The Project forms part of the UK Government's CCS Commercialisation Programme and would assist in demonstrating new coal-fired power plant fitted with CCS at a commercial scale. The Project would make an important contribution toward the delivery of national energy policy, which is aimed at ensuring the security of energy supplies while moving toward a low carbon electricity generation mix.

THE APPLICANT

- 1.7 The Applicant, CPL, is an English private limited company that was incorporated in December 2011 as a fully owned subsidiary of Drax CCS Limited (a company fully owned by Drax Group plc) to promote the Project.
- 1.8 In December 2013 ALSTOM UK Holdings Limited (an Alstom Group company) and The BOC Group Limited (a Linde Group company) each acquired a one-third interest in CPL. The Applicant (CPL) is therefore currently a joint venture company equally owned by Drax CCS Limited, ALSTOM UK Holdings Limited and The BOC Group Limited.

NATURAL ENGLAND

- 1.9 NE is a non-departmental public body established under the Natural Environment and Rural Communities Act 2006. NE is the statutory adviser to Government on nature conservation in England and promotes the conservation of England's wildlife and natural features. NE's remit extends to the territorial sea adjacent to England, up to the 12 nautical mile limit from the coastline.
- 1.10 NE is a statutory consultee in respect of all applications seeking a DCO that are likely to affect land in England.

THE PURPOSE AND STRUCTURE OF THE SOCG

- 1.11 The purpose of this SoCG is to set out the agreement that has been reached between the Applicant and NE in respect of the Habitats Regulations Assessment ('HRA') that forms part of the Application and also protected species.
- 1.12 The SoCG also sets out any matters that are not agreed.

2.0 MATTERS AGREED

HABITATS REGULATIONS ASSESSMENT

- 2.1 Section 37(3) (b) and (d) of the 2008 Act states that an application for a DCO must be made in the prescribed form and be accompanied by documents and information of a prescribed description.
- 2.2 Regulation 5 of The Infrastructure Planning (Applications: Prescribed Form and Procedure) Regulations 2009 (as amended) specifies the information that must accompany applications. Regulation 5(2)(g) states that an application must be accompanied by:
- “...any report identifying any European site to which regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994...applies, or any Ramsar site...,which may be affected by the proposed development, together with sufficient information that will enable the Commission [the examining authority] to make an appropriate assessment of the implications for the site if required by regulation 48(1);”*
- 2.3 In accordance with Regulation 5(2)(g) the DCO Application includes a Habitats Regulations Assessment ('HRA') Report in Volume 3, Section L of the Environmental Statement (Document Ref. 6.4.5).
- 2.4 The scope of the HRA Report was discussed and agreed between the Applicant and NE at meetings held on 24 July and 13 November 2014.
- 2.5 For the purposes of the HRA, the relevant European designated sites which could be affected by the Project were identified as those falling within the maximum area of influence adopted for the air quality modelling. It is agreed that this area of influence extends 15 km from the Project site in all directions (a 15 km radius) based on the 'worst case' scenario for air quality effects (i.e. the Project being for a large coal fired power plant, as defined by Environment Agency Guidance Note H1¹).
- 2.6 The sites screened into the HRA were discussed and agreed with NE at the meeting held on the 24 July 2014. It was agreed that consideration of the following sites at Stage 1 (screening) was relevant to the Project:
- Skipwith Common Special Area of Conservation ('SAC').
 - Lower Derwent Valley SAC.
 - Lower Derwent Valley Ramsar Site.
 - River Derwent SAC.
 - Thorne Moor SAC.
 - Humber Estuary SAC.
 - Humber Estuary Ramsar Site.
- 2.7 It is agreed between the parties that sufficient information was been presented at Stage 1 to rule out likely significant effects on the following sites:
- Lower Derwent Valley SAC.
 - Lower Derwent Valley Ramsar Site.
 - Humber Estuary SAC.
 - Humber Estuary Ramsar Site.
- 2.8 It is was subsequently agreed (as noted in NE's Relevant Representation) that the Applicant has demonstrated beyond reasonable scientific doubt that the Project would not have an adverse effect

¹ The Environment Agency for England and Wales (2010) Horizontal Guidance Note H1: Annex F.

on the integrity of the Skipwith Common SAC, the River Derwent SAC or the Thorne Moor SAC or any other European sites.

- 2.9 Annex C of the Rule 8 letter issued by The Planning Inspectorate ('PINS') on 29 April 2015 requested that the footnotes to the HRA screening and integrity matrices (contained with the HRA Report submitted as part of the DCO Application) be updated to cross-refer to the location of the evidence supporting the conclusions drawn. A revised version of the HRA Report (including the updated matrices) was sent by the Applicant to NE on the 11 May 2015. There is agreement between the parties that the matrices have been appropriately updated and that these do not alter the conclusions of the HRA Report.

PROTECTED SPECIES

- 2.10 The following European protected species may be affected by the Project:
- Bats.
- 2.11 In addition, the following nationally protected species may be affected:
- Badgers.
 - Reptiles.
- 2.12 It is agreed that the Environmental Statement ('ES'), Volume 1 (Document Ref. 6.2) and Volume 2, specifically Chapter I Ecology Technical Report and Annexes (Document Refs. 6.2.13 and 6.2.14) submitted as part of the Application, demonstrates that the Project would not result in significant residual effects on bats or reptiles. It is also agreed that all issues relating to protected species other than badgers have been satisfactorily addressed.
- 2.13 It is agreed that further information will be provided with regard to mitigation measures to avoid impacts on badgers, and to update the draft Badger Licence Method Statement. The scope for the bait marking survey required to inform the Badger Licence Method Statement has been agreed between the parties. A new badger survey was undertaken (to update previous surveys and ensure the location and use of setts had not changed). This survey was subsequently supplemented by a bait marking survey (undertaken in April/May 2015). The bait marking survey has now reported and the Applicant is using this information to inform a finalised Badger License application, which it is envisaged will be submitted to NE in June 2015.
- 2.14 It has been agreed that if a replacement sett is required, this would be constructed by the Applicant in accordance with the agreed Badger Licence Method Statement.

DCO REQUIREMENTS

- 2.15 It is agreed between the parties that the following requirements contained at Schedule 2 of the draft DCO would provide an appropriate means by which to secure the biodiversity mitigation set out in the ES both in terms of controlling the construction effects of the Project and secure on-site biodiversity mitigation through the creation of replacement habitat.
- 16. Biodiversity mitigation and management plan.
 - 18. Construction environmental management plan.

3.0 MATTERS NOT AGREED

3.1 No matters have been identified that are the subject of disagreement between the Applicant and NE.

Signed

Print name and position

On behalf of Natural England

Date

Signed

Print name and position

On behalf of the Capture Power Ltd

Date