

The Drax Power (Generating Stations) Order

Land at, and in the vicinity of, Drax Power Station, near Selby, North Yorkshire

Consultation Report

Appendix 18 - Section 46 Letter and Acknowledgement



The Planning Act 2008 – Section 37(3)(c)
The Infrastructure Planning (Applications: Prescribed Forms and Procedure)
Regulations 2009 – Regulation 5(2)(q)

Drax Power Limited

Drax Repower Project

Applicant: DRAX POWER LIMITED
Date: May 2018
Document Ref: 5.1.18
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18.1 Drax Repower section 46 notification (12 January 2018)



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BY SPECIAL DELIVERY

Ms Hannah Pratt
Case Officer
Major Applications and Plans
The Planning Inspectorate
Temple Quay
Bristol
BS1 6PN

12 January 2018

Dear Ms Pratt

DRAX POWER LIMITED: PROPOSED REPOWER OF UP TO TWO COAL FIRED UNITS TO GAS TOGETHER WITH BATTERY STORAGE AT DRAX POWER STATION

DUTY TO NOTIFY SECRETARY OF STATE OF PROPOSED APPLICATION UNDER SECTION 46 OF THE PLANNING ACT 2008 (AS AMENDED)

I write on behalf of Drax Power Limited ("**Drax**") in relation to the Drax Repower Project (the "**Project**"). I confirm that Drax intends to submit an application (the "**Proposed Application**") to the Secretary of State for Business, Energy and Industrial Strategy (the "**SofS**") for a Development Consent Order ("**DCO**") under section 37 of the Planning Act 2008 (as amended) (the "**PA 2008**").

This letter is Drax's formal notification to the SofS of the Proposed Application pursuant to s46 of the PA 2008, 'Duty to notify Secretary of State of proposed application'.

If the DCO is made for the Project, it would authorise the repowering of up to two of the existing generating units (known as units 5 and 6) at Drax Power Station from coal-fired to gas. Each repowered unit would have a new capacity of up to 1,500 megawatts (MW), replacing existing units each with a capacity of up to 660MW. Each repowered unit would (subject to technology and commercial considerations) be connected to its own battery energy storage facility with a capacity of 100MW. Should Drax repower both units and the units are connected to the batteries, then the total combined capacity of the proposed Project would be, therefore, up to 3,500MW. Should Drax repower only one unit and connect that unit to a battery, then the capacity would be up to 1,900MW.

The new units, once constructed, would be able to operate in both combined cycle and open cycle modes and would connect to the existing 400kV National Grid substation within the existing Drax Power Station complex. A new gas pipeline would provide fuel for the new generating units from the national gas transmission system. The Proposed Application also includes such infrastructure as is integral and necessary for the generation of electricity.

Drax Power Limited
Registered Office: Drax Power Station, Selby, North Yorkshire YO8 8PH
Registered in England and Wales Number: 4833598



Section 42 of the PA 2005 ('Duty to consult') requires prospective applicants for a DCO to consult on their proposed applications with the persons specified in the PA 2005 and in the regulations made pursuant to the PA 2005. Drax will commence consultation pursuant to section 42 of the PA 2005 and the associated regulations by issuing a letter (accompanied by consultation documents) to such persons. The letter will be issued so that it arrives, as a minimum, the day before the commencement of the consultation, which is 16 January 2018. The deadline stated in the letter for the receipt of responses to the consultation is 27 February 2018, which is 43 days.

Enclosed with this letter is a list of persons Drax is consulting with pursuant to section 42 of the PA 2005.

This section 42 statutory consultation follows the non-statutory engagement that Drax carried out in November 2017.

The consultation documents that are to be provided to the persons to be consulted pursuant to section 42 are provided on the USB that is enclosed with this letter. These documents are:

1. Example copy of the section 42 letters;
2. Example copy of the section 42 letters that also enclose the section 45 notice pursuant to Regulation 13 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017;
3. A consultation leaflet providing a high level overview of the proposed Project as well as the community consultation that is taking place on the proposed Project;
4. Project Overview Report that contains the following plans:
 - 4.1 Site Boundary Plan including the two options for the gas connection route that we are consulting on (Appendix A);
 - 4.2 Site Location Plan (Appendix B);
 - 4.3 Map showing the six gas pipeline routes originally considered (Appendix C);
 - 4.4 3D illustrative visualisations of how the proposed Project would look (Figures 1 and 2);
 - 4.5 Maps showing the possible transport route options for Abnormal Indivisible Loads and HGVs (Figures 3 – 5);
5. The Preliminary Environmental Information Report ("**PEIR**");
6. The Non-Technical Summary of the findings in the PEIR; and
7. A copy of the notice that has been published pursuant to section 45 of the PA 2005 in The Times on 10 January 2015, the London Gazette on 5 January 2015, the Lloyds List on 5 January 2015 and the Fishing News on 10 January 2015 and for two successive weeks in the Yorkshire Post on 5 and 12 January 2015.

I look forward to receiving the Planning Inspectorate's formal acknowledgement of this section 46 notification.

Please do not hesitate to contact me should you require further information on the consultation process carried out.



Yours sincerely

Jim Doyle
Environmental Consents Officer

Enclosures:

- (1) List of persons Drax is consulting with pursuant to section 42 of the PA 2005; and
- (2) USB containing the consultation documents referred to in this letter.

Drax Power Limited
Registered Office: Drax Power Station, Selby North Yorkshire YO52 5PH
Registered in England and Wales Number 4983585

18.2 Section 46 notification acknowledgement (19 January 2018)



The Planning Inspectorate

National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer Services: 0303 444 5000
e-mail: DraxRe-Power@pins.gsi.gov.uk

By Email only

Your Ref:

Our Ref: EN010091

Date: 19 January 2018

Dear Mr Doyle

Planning Act 2008 (as amended) – Section 46 and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 – Regulation 8

Proposed application by Drax Power Ltd for an Order Granting Development Consent for the Drax Re-Power Project

Acknowledgement of receipt of information concerning proposed application

Thank you for your letter of the 12 January 2018 and the following documentation:

- Example copy of the section 42 letters;
- Example copy of the section 42 letters that also enclose the section 48 notice pursuant to Regulation 13 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017;
- A consultation leaflet providing a high level overview of the proposed Project as well as the community consultation that is taking place on the proposed Project;
- Project Overview Report that contains the following plans:
 - Site Boundary Plan including the two options for the gas connection route that we are consulting on (Appendix A);
 - Site Location Plan (Appendix B);
 - Map showing the six gas pipeline routes originally considered (Appendix C);
 - 3D illustrative visualisations of how the proposed Project would look (Figures 1 and 2);
 - Maps showing the possible transport route options for Abnormal Indivisible Loads and HGVs (Figures 3 – 5);
- The Preliminary Environmental Information Report ("PEIR");
- The Non-Technical Summary of the findings in the PEIR; and
- A copy of the notice that has been published pursuant to section 48 of the PA 2008 in The Times on 10 January 2018, the London Gazette on 5 January 2018, the Lloyds List on 5 January 2018 and the Fishing News on 10 January 2018

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and for two successive weeks in the Yorkshire Post on 5 and 12 January 2018.

I acknowledge that you have notified the Planning Inspectorate of the proposed application for an order granting development consent for the purposes of section 46 of the PA2008 and supplied the information for consultation under section 42. The following reference number has been given to the proposed application, which I would be grateful if you would use in subsequent communications:

EN010091

I also acknowledge notification in accordance with Regulation 8(1)(b) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 that you propose to provide an environmental statement in respect of the proposed development.

I will be your point of contact for this application – my contact details are at the end of this letter.

The role of the Planning Inspectorate in the application process is to provide independent and impartial advice about the procedures involved and to have open discussions with potential applicants, statutory bodies and others about the processes and requirements of the new regime. It is important that you keep us accurately informed of your timetable and any changes that occur.

We will publish advice we give to you or other interested parties on our website and, if relevant, direct parties to you as the applicant. We are happy to meet at key milestones and/or provide advice as the case progresses through the pre-application stage.

Once you have prepared draft documents we are able to provide technical advice, in particular on the draft development consent order, explanatory memorandum, the consultation report, the project description chapter of the Environmental Statement and any draft Habitats Regulations Assessment report. You may therefore wish to build this into your timetables.

In the meantime, you may wish to have regard to the guidance and legislation material provided on our website including the Infrastructure Planning (Fees) Regulations 2010 (as amended) and associated guidance, which you will need to observe closely in establishing the correct fee to be submitted at the successive stages of the application process.

When seeking to meet your pre-application obligations you should also be aware of your obligation under the Data Protection Act 1998 to process personal data fairly and lawfully.

If you have any further queries, please do not hesitate to contact me.

Yours sincerely

Kay Sully

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