



Drax Power Station
Selby
North Yorkshire
YO8 8PH

+44(0)1757 618381
www.drax.com

Michele Gregory
National Infrastructure Case Manager

The Planning Inspectorate
Major Applications and Plans Directorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

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PINS Reference: EN010091

[Application by Drax Power Ltd for an Order Granting Development Consent for the Drax Re-power Project](#)

[Response to Section 51 advice following issue of decision to accept the application for examination](#)

Dear Ms Gregory,

On 26 June 2018 the Secretary of State (the 'SoS') decided that Drax Power Limited's ('Drax' or the 'Applicant') application (the 'Application') for a Development Consent Order ('DCO') satisfied the acceptance tests under Section 55 of the Planning Act 2008 ('PA 2008').

On the same date the Planning Inspectorate ('PINS') provided us with advice (the 'Section 51 Advice') under Section 51 of the PA 2008 in respect of some observations made in relation to the Application. This letter provides a response to the matters raised in the Section 51 Advice. The same headings as used in the Section 51 Advice letter have been used for clarity.

Section 42(1)(a) persons

The Section 51 Advice lists the following potentially relevant bodies which PINS considers should be included in the notification process for the accepted Application, unless there is a good reason in each case not to do so:

- Energy Assets Network Limited
- Energy Assets Power Networks
- Murphy Power Distribution Limited
- Vattenfall Networks Limited

We confirm that we will include the above bodies in the notification process under Section 56 of the PA 2008. This will highlight the opportunities to become involved in the Examination of the Application and notification will explain the process by which they may make relevant representations during the advertised period. The letter will be accompanied by the required Section 56 Notice, a site location plan and a USB containing the Application documents, including the additional information provided with this submission. The bodies will be advised of the date that comments on the Application must be made by.

Section 42(1)(d) persons

The Section 51 Advice notes that

“... there was no evidence to indicate that one person recorded as a person with a Category 1 interest in Plot 4, and a Category 2 and 3 interest in Plots 2 and 7, had been consulted about the proposed scheme in accordance with section 42 of the PA2008 (as detailed in the checklist in Box 10). It is also noted that a new interest has been created in the land in respect of Plot 6 and that this is not reflected in the Book of Reference.

We understand that this relates to Mr Martin Nunns. As set out in the Book of Reference (document reference 4.3) submitted with the Application, Mr Nunns does not have an interest in Plot 6, his tenancy only covers Plot 4, and he has rights of access over Plots 2 and 7. It appears that the Plot number against Mr Nunns in Appendix 10 (Section 42(1)(d) Consultees) of the Consultation Report (document reference 5.1.10) submitted with the Application was incorrect, the Book of Reference is, however, correct.

Mr Nunns was not consulted in respect of his interests over Plots 2, 4 and 7 as the interest was created after the consultation period closed (date 27 February 2018). We confirm that Mr Nunns will be included in the Section 56 process.

Regardless of the above, due to a number of changes in land interests identified following continued diligent inquiry post submission of the Application, an updated Book of Reference is enclosed, both in a clean and a track changed version. These changes are listed in the enclosed Schedule of Changes log and include:

| Plot Number(s) | DCO Submission Value | s56 Value | Comment |
|-----------------------|--|---|--|
| 50, 53 and 54 | The Official Custodian for Charities c/o Charity Commission Direct Po Box 1227 Liverpool L69 3UG (in respect of rights reserved by a subsidiary vesting deed dated 30 May 1973) | Unknown (in respect of rights reserved by a subsidiary vesting deed dated 30 May 1973) | Confirmation from The Official Custodian for Charities advising they do not hold rights over land as the Official Custodian for Charities. Subsidiary Vesting Deed title document not available and no further way to identify charity that holds the rights in relation to this deed. Unknown interest created. |
| 2 and 7 | Cool and Heat Limited Drax PowerStation Drax Selby YO8 8OH | CBRE Drax Power Station Drax Selby YO8 8OH | Confirmation from Drax Power Ltd advising that CBRE has now taken over occupation within the Drax site and that Cool and Heat Limited no longer occupy the site |
| 2 and 7 | Lodge Environmental Solutions Limited Drax Power Station Drax Selby YO8 8OH | CBRE Drax Power Station Drax Selby YO8 8OH | Confirmation from Drax Power Ltd advising that CBRE has now taken over occupation within the Drax site and that Lodge Environmental Solutions Limited no longer occupy the site |

In line with the above, we also enclose an updated version of the Compulsory Acquisition Schedule (document reference 4.4).

As advised in the Section 51 Advice, a full audit of the Book of Reference that was submitted with the Application has been carried out, and no further changes have been identified at this stage.

Crown Land

The advice that, should any land be subject to escheat to the Crown or any Crown land be identified through ongoing due diligence, then the Applicant should inform PINS without delay, is duly noted.

Draft Development Consent Order (dDCO)

The Section 51 Advice states that there are discrepancies regarding the referencing in both Schedule 3 and Schedule 5 of the draft DCO (document reference 3.1) submitted with the Application. PINS advised to carry out a full review of the dDCO to ensure that all references are recorded accurately.

An updated dDCO is enclosed, in clean and redline, with this letter, which contains the following amendments:

- Schedule 1 – Work No. 7B has been amended and now reads "Temporary Construction Laydown Area for Gas Supply Pipeline". This aligns with the updated Works Plans, see below;
- Schedule 3 – Reference has been made to both Work No. 6D and Work No. 7 in the entry for the new construction access off Rusholme Lane, South Side, between points Y and Z; and
- Schedule 5 – Article 11 is now referred to in the header, rather than Article 12.

Flood Risk Assessment (FRA) – Appendices

The Section 51 Advice notes that Appendices A to K to the Flood Risk Assessment (document reference 6.8) were omitted from the submission. We confirm that this was an error and enclose 3 no. electronic and 2 no. soft copies of Appendices A to K with this letter. Copies will be made available to all relevant persons in accordance with Section 56 of the PA 2008.

Habitats Regulations Assessment (HRA) – Appendix 3

The Section 51 Advice notes that the HRA report (document reference 6.6) submitted with the Application makes reference to copies of SSSI unit condition assessments included in Appendix 3 to the report; however, Appendix 3 has been omitted from the HRA report submitted to PINS on 29 May 2018. We confirm that this was an error and enclose 3 no. electronic and 2 no. soft copies of Appendix 3 to the Habitats Regulations Assessment Report (document reference 6.6) with this letter. Copies will be made available to all relevant persons in accordance with Section 56 of the PA 2008.

Plans and drawings

Land Plans

The Section 51 Advice notes that the cut lines depicted on the Land Plans (document reference 2.2) are not recorded accurately when reading from sheet to sheet. Please find enclosed 3 no. electronic and 2 no. soft copies of the updated Land Plans (Rev 02) (Sheets 1 – 9) with revised cut lines.

Works Plans

The Section 51 Advice notes that on Plans 2.3A Works Plans and 2.3B Indicative Works Associated with Unit X, the plan for Work 7B refers in the key to 'Temporary Construction for Gas Supply pipeline' whereas Schedule 1 of the draft DCO (Rev 00) (document reference 3.1) describes Work 7B as 'temporary construction laydown areas'.



Please find enclosed 3 no. electronic and 2 no. soft copies of the updated Works Plans (2.3A Sheets 1, 24 and 26 Rev 02 and 2.3B Sheets 1, 15 and 17 Rev 02) with an update for Work 7B, describing the works as “Temporary Construction Laydown Area for Gas Supply Pipeline”. As noted further above, the draft DCO has been updated accordingly.

Other Plans

The Section 51 Advice notes that the Indicative Above Ground Installation (‘AGI’) elevations drawing (document reference 2.6C) depicts a building and a nearby satellite dish, however these are not illustrated on either the Indicative Plant Layout plan for the ‘one unit option’ (document reference 2.5B) or the Indicative Plant Layout plan for the ‘two unit option’ (document reference 2.5A) for the AGI (Work 6 ‘above ground gas installation’).

Please find enclosed 3 no. electronic and 2 no. soft copies of the updated Indicative Plant Layout Plans (document references 2.5A Sheets 1 and 8 Rev 02 and 2.5B Sheets 1 and 8 Rev 02) showing the building and satellite dish.

In addition to the above, please also find enclosed an updated Table 5 – Application Documents to the Application Guide (document reference 1.2) to reflect the revision numbers to the updated documents where applicable.

All additional or updated documents submitted with this letter will be made available to all relevant persons in accordance with Section 56 of the PA 2008.

We would be grateful if you could acknowledge receipt of this letter and advise whether the accompanying updated and additional documents can be accepted for examination and therefore can be published on the National Infrastructure Planning website, and that the Applicant is able to make these documents available to all relevant persons in accordance with Section 56 of the PA 2008.

Yours sincerely

[REDACTED]

Jim Doyle
Environmental Consents Officer
Jim.Doyle@drax.com

Enclosures:

1. Two hard copies of the following documents:
 - 1.2 Table 5 (Application Documents) from Application Guide
 - 2.2 Land Plans Sheets 1 – 9 Rev 02
 - 2.3A Works Plans Sheets 1, 24 and 26 Rev 02
 - 2.3B Indicative Works Associated with Unit X Sheets 1, 15 and 17 Rev 02
 - 2.5A Two Unit Option Indicative Plant Layout Sheets 1 and 8 Rev 02
 - 2.5B One Unit Option Indicative Plant Layout Sheets 1 and 8 Rev 02
 - 3.1 Draft Development Consent Order Rev 1 Clean
 - 3.1 Draft Development Consent Order Rev 1 Red line of changes between Rev 0 and Rev 1
 - 4.3 Book of Reference Rev 002 Clean
 - 4.3 Book of Reference Rev 002 Track Changes
 - 4.3 Book of Reference Schedule of Changes
 - 4.4 Compulsory Acquisition Schedule Rev 002
 - 6.6 Habitats Regulations Assessment Report Appendix 3
 - 6.8 Flood Risk Assessment Appendices A – K
2. Three USB sticks containing the above documents.