

The Drax Power (Generating Stations) Order

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

Statement of Common Ground between Drax Power Limited and the Health and Safety Executive
(Submitted for Deadline 2)



The Planning Act 2008

Drax Power Limited

Drax Repower Project

Applicant: DRAX POWER LIMITED
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Abbreviations

Abbreviation	Description
AGI	Above Ground Installation
Applicant	Drax Power Limited (also referred to as Drax)
Application	Application made by Drax Power Limited for a Development Consent Order on 29 May 2018
Authorised Development	Development described in Schedule 1 of the draft Development Consent Order
CCGT	CCGT Combined Cycle Gas Turbine
DCO	Development Consent Order
Drax	Drax Power Limited (also referred to as the Applicant)
ES	Environmental Statement
GRF	Gas Receiving Facility
HRSG	Heat Recovery Steam Generator
HSE	Health and Safety Executive
LCA	Landscape Character Area
LCT	Landscape Character Types
NSIP	Nationally Significant Infrastructure Project
NTS	National Transmission System
OCGT	Open Cycle Gas Turbine
PA 2008	Planning Act 2008
PINS	Planning Inspectorate
PRMS	Pressure Reduction and Metering Station
Proposed Scheme	Drax Repower Project
SoCG	Statement of Common Ground
SoS	Secretary of State for Business, Energy and Industrial Strategy

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1 INTRODUCTION

1.1 Purpose of this Statement of Common Ground

- 1.1.1 This Statement of Common Ground ("SoCG") has been prepared by Drax Power Limited ("Drax" or "the Applicant") and the Health and Safety Executive ("HSE") in relation to an application ("the Application") made by Drax for a Development Consent Order on 29 May 2018 to the Secretary of State for Business, Energy and Industrial Strategy ("the SoS"). The Application relates to the Drax Repower Project ("the Proposed Scheme") which is described in section 1.2 below.
- 1.1.2 For the purpose of this SoCG, Drax and HSE will jointly be referred to as the "Parties".
- 1.1.3 The purpose of this SoCG is to set out the agreement that has been reached between the Parties in respect of a number of matters relating to the Proposed Scheme, including:
- a) The extent and severity of major hazards on local populations;
 - b) Other issues related to the interests of the HSE.
- 1.1.4 Section 2 of this SoCG records the consultation undertaken with HSE by Drax. Section 3 of this SoCG sets out the areas of agreement in relation to the above matters, and any areas of disagreement between the Parties.

1.2 The Proposed Scheme

- 1.2.1 Drax is proposing to repower up to two existing coal-fired units (known as unit 5 and unit 6) with gas – this means the existing coal-fired units would be decommissioned and replaced with newly constructed gas-fired units utilising some of the existing infrastructure. Each unit, which is a new gas fired generating station in its own right, would comprise combined cycle gas turbine (CCGT) and open cycle gas turbine (OCGT) technology. Each new gas generating unit would also use existing infrastructure, including the cooling system and steam turbines, and would each have a new capacity of up to 1,800 MW, replacing existing units each with a capacity of up to 660 MW. Each unit would have a battery storage capability (subject to technology and commercial considerations). Should both units be repowered, the new gas-fired units / generating stations would have a total combined capacity of up to 3,800 MW.

- 1.2.2 Drax is seeking consent for the flexibility to construct a single generating station with an up to 1,800 MW generating capacity or to construct two generating stations each with an up to 1,800 MW generating capacity. The construction of each new gas fired generating station would repower either one or both of Unit 5 and Unit 6. The decision as to whether Drax constructs one or two gas fired generating stations and when, is a commercial decision that can only be taken post any consent being granted.
- 1.2.3 In order to repower to gas, a new Gas Pipeline needs to be constructed from Drax Power Station to the National Gas Transmission System (NTS). In addition, an Above Ground Installation (AGI), and Gas Receiving Facility (GRF) are required. A connection to the electrical network would be made via the existing National Grid Substation within the Existing Drax Power Station Complex. Other development includes construction laydown areas, a passing place to enable the construction of the Gas Pipeline and a temporary bridge during construction.
- 1.2.4 The development being applied for is called the "Proposed Scheme" and is more fully described in Schedule 1 of the draft Development Consent Order (where it is termed the "Authorised Development").
- 1.2.5 The Proposed Scheme includes the construction of a generating station with a capacity of more than 50 MW and accordingly meets the criteria given in the Planning Act 2008 (as amended) ("PA 2008") for being a Nationally Significant Infrastructure Project ("NSIP").
- 1.2.6 As a NSIP, the Proposed Scheme therefore requires a Development Consent Order ("DCO") from the SoS for Business, Energy and Industrial Strategy.

2 CONSULTATION WITH HSE

2.1.1 The consultation that has taken place with HSE concerning the issues raised within this SoCG is presented in Table 1.

Table 1 - Consultation with HSE

Ref	Date	Form of contact or type of correspondence	Summary of that contact and key outcomes and points of discussion
1	16 February 2018	Written response to consultation under section 42(1)(a) of the Planning Act 2008.	HSE noted that notification will be required, in line with the Pipelines Safety Regulations 1996. The Applicant will have to comply with Gas Safety Management Regulations. HSE requested that the design consider both flood risk and Waste Management Health and Safety Requirements.
2	21 September 2018	Email to Jim Doyle in response to the Rule 6 letter issued by the Examining Authority.	HSE noted that in light of the response to the points made by HSE in 'Table 8-5 General comments from section 42 (1) (a) Prescribed Consultees' in the Consultation Report, HSE are satisfied that their queries have been addressed and do not feel that they need to be involved further in the process for this NSIP.
3	October 2018	Email correspondence in relation to the SoCG.	HSE provided comments on the Draft SoCG and noted that it does not have a role in examining risk assessments submitted as part of an Environmental Statement. HSE explained that its responsibilities in relation to NSIPs are set out in Annex G (The Health and Safety Executive) to the Planning Inspectorate's Advice Note Eleven.

2.1.2 It is AGREED that Table 1 is an accurate record of the meetings and key correspondence between Drax and HSE.

3 MATTERS AGREED AND MATTERS NOT AGREED

3.1 The extent and severity of major hazards on local populations

The following is AGREED between the Parties:

- 3.1.1 The Examining Authority in their Rule 6 letter, published on 06 September 2018, requested that the SoCG between the Applicant and HSE covers the extent and severity of major hazards on local populations. It is agreed that the Applicant's assessment of the extent and severity of major hazards on local populations is set out in the Major Accidents and Disasters assessment contained in Chapter 16 of the Environmental Statement (ES) (Examination Library Ref: APP-084).
- 3.1.2 However, it is agreed between the Parties that this request goes beyond the remit of the HSE. HSE's position that it is not required to consider 'extent and severity' of hazards on the local populations, as the requirement to undertake the assessment originates from The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations 2017) rather than legislation applicable to HSE's role.
- 3.1.3 HSE's position that it does not have a role in examining risk assessments submitted as part of an Environmental Statement, is supported by Annex G (The Health and Safety Executive) to the Planning Inspectorate's Advice Note Eleven (Working with public bodies in the infrastructure planning process) which states that "*under Great Britain's health and safety legislation, HSE does not have a role in examining risk or hazard assessments unless the circumstances are covered by specific regulations (eg the on-shore chemicals sectors where threshold levels of dangerous substances are exceeded)*".

3.2 Issues related to the interests of the HSE

The following is AGREED between the Parties:

- 3.2.1 The Consultation Report (Examination Library Ref: [APP-026](#)) provides a summary of the consultation undertaken by Drax, details of responses to the consultation, and the account taken of such responses.
- 3.2.2 It is agreed that HSE's response to the formal public consultation raised the following points:
- Notification will be required under the Pipelines Safety Regulations 1996 – a separate legislative process;
 - The Applicant will have to comply with Gas Safety Management Regulations 1996;
 - Pipeline design should consider flood risk;
 - Hazardous Substances Consent ("HSC") may be required;
 - Waste Management Health and Safety Requirements will need to be taken account of.

3.2.3 It is agreed that the issues raised by HSE as part of the consultation process have been adequately addressed in the responses provided in Table 8-5 of the Consultation Report. These stated:

- The HSE and other relevant parties will be notified of the construction start of the Gas Pipeline and any modifications to existing pipelines in accordance with the requirements of the Pipelines Safety Regulations 1996.
- The Applicant is aware of the requirement to comply with Gas Safety Management Regulations 1996 (GSMR) with regards to the conveyance of natural gas, which may include the preparation of a Safety Case for acceptance by HSE.
- The Applicant has considered flood risk with regards to permanent facilities and the Gas Pipeline routing design (see the Flood Risk Assessment (Examination Library Ref APP-136) and ES Volume 1 Chapter 12 Water Resources, Quality and Hydrology (Examination Library Ref: [APP-080](#)). The Gas Pipeline design has considered buoyancy effects and does not consider this to be an issue given the size of the pipeline. However, this shall be re-confirmed during detailed design and any relevant mitigation will be put in place to ensure Cathodic Protection remains effective, pipeline floating is avoided etc.
- When storing or handling any Named Hazardous Substances, the Planning (Hazardous Substances) Act 1990 will be followed. Specific guidance will be sought from the relevant Hazardous Substance Authority.
- The relevant health and safety requirements for waste management will be followed.

4 AGREEMENT ON THIS SOCG

4.1.1 This SoCG has been jointly prepared and agreed by

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