



The Planning
Inspectorate

Preliminary Meeting Note

Summary of key points discussed and advice given

Application: Drax Re-Power

Reference: EN010091

Time and date: Thursday 4 October 2018 at 10am

Venue: Goole Leisure Centre, North Street, Goole DN14 5QX

This meeting note is not a full transcript of the Preliminary Meeting (PM). It is a summary of the key points discussed and responses given. An audio recording of the event is available on the National Infrastructure Planning website.

1. Welcome and introductions

Good Morning,

Can everybody hear me?

Welcome to this PM, which precedes the examination of the proposed Drax Re-Power Project.

My name is Richard Allen. I am a chartered town planner. I am a full-time Planning Inspector for Town and Country Planning Appeal (TCPA) planning appeals, and an Examining Inspector for nationally significant infrastructure proposals with the Planning Inspectorate. I have been appointed by the Secretary of State to be the lead member of the panel to examine this application.

Can I ask Ms Sahai to introduce herself:

Good Morning. My name is Menaka Sahai. I am a chartered town planner, urban designer and architect. I am an Examining Inspector for Nationally Significant Infrastructure Projects as well as an independent consultant. I have 17 years' experience in local and central Government and private sector. I have been appointed by the Secretary of State to be a member of the panel to examine this application.

Together, we constitute the Examining Authority (ExA) for this application.

May I introduce Ms Michele Gregory who is the Case Manager for this project, and Mr K-J Johansson from the Case Team also from the Planning Inspectorate.

Before getting down to business, can we deal with some housekeeping matters and procedures.

Please turn any mobile phones off. There are no planned fire drills planned so please follow the emergency exits if the alarm goes off. Toilets are located outside the hall.

No requests have been made for any special measures or arrangements to enable participation in this PM – such as an induction loop. Does anybody here need any special measures to be undertaken?

We have not observed any obvious issue of concern with accessibility to this room. Nevertheless does any person here know of a particular difficulty or barrier which prevented persons accessing this meeting?

Thank you.

You are all here because:

- You are the Applicant or representative of the Applicant;
- You represent the local authority or a neighbouring authority;
- You represent bodies that are statutory parties;
- You have sent in a Relevant Representation (RR) and, thus, become an Interested Party (IP);
- You are an individual or a body affected by the application for compulsory acquisition of land or rights over land; or
- A combination of these categories.

There may also be people here who are not covered by any of those descriptions.

Whichever, let us welcome you all here today.

Do you all have a copy of the letter notifying you of this PM, published on 6 September 2018 and headed "*Planning Act 2008 (as amended) – Section 88 and the Infrastructure Planning (Examination Procedure) Rules*"

2010 (as amended) – Rule 6” herein referred to as the Rule 6 Letter. If you turn to Annex A this sets out the agenda for this meeting and we are currently on Item 1 of that agenda. At this point, please can I point to an error on this agenda – under Item 5 “*Hearings and Accompanied Site Inspection*” first bullet point – it refers to an Open Floor Hearing (OFH) on 17 October 2018 – this is an error and in fact should read as today’s date of 4 October 2018, and I apologise if this has led to confusion on your part.

Let us explain why we are here today.

We are here to focus on the way in which we intend to examine this application. We will be discussing only the procedural aspects of this examination today. Much as it may be tempting to do so, we are not taking any evidence at this meeting and we are not discussing the merits of this proposal.

I have noticed some letters that has come in in response to the rule 6 letter referring to the list of principal issues. The discussion about the principal issues will exclude the merits of the case.

The merits will only be considered once the Examination of the application begins, which follows the close of this PM.

We are not anticipating that it will, but should this PM take several hours to complete, we intend to take a short morning break; we will aim to finish the PM by no later than 1pm. That is to allow for a one hour lunch break before the OFH commences at 2pm.

This is a working meeting. In running it, we intend to temper efficiency with fairness and mean to allow you all to have your say, if it is relevant, and to allow you to inform us of all we need to know at this stage. However, we will endeavour to make sure that your; and our contributions are as to the point and focussed as possible, so that we make the best use of the time available and allow everyone who wishes to speak an opportunity to do so. We hope that you will support us in this endeavour, particularly in not repeating points that others have already made.

There is also a note and an audio recording being made and this Drax Re-Power section of the Infrastructure pages of the Planning Inspectorate website (the Inspectorate’s website) will be placed on the Planning Inspectorate website.

With this in mind, there is a roving microphone. It will be enormously beneficial to us if you could wait for one of these before you speak and then clearly into the microphone if you could state your name, whom you

represent if you are a representative - and your reference number - which you will find either on the email or the postcard you received informing you of this meeting and the OFH

Please also bear in mind that the only official record of the proceedings is the audio recording that are to be placed on the Inspectorate's website. Tweets, blogs and similar communications arising out of this meeting will not be accepted as evidence in the examination of this application.

Thank you.

I am now going to ask you to introduce yourselves in different groups - but in no particular order of precedence.

First may I ask for:

- i) any Affected Persons - people, firms or bodies who are affected by the applications to compulsorily acquire land or rights - or representatives of affected persons, to introduce themselves (not forgetting to state your name, who you represent and your reference number clearly into the microphone).

No one at the meeting identified themselves as an affected person.

and now the Applicants and their representatives

Richard Griffiths - Pinsent Mason

Alexis Coleman - Pinsent Mason

Oliver Baybut - Drax

Jim Doyle - Drax

Jenny Blyth - Drax

Daren Walker - Drax

Clare Hennessey - WSP

Lara Peter - WSP

Christopher Taylor - WSP

Catherine Sugden - WSP

and now any representatives of local authorities, including Parish or Town Councils

Paul Edwards - Selby District Council

It was confirmed that Mr Edwards had represented the Council during the Triton Knoll examination.

Michael Reynolds - North Yorkshire County Council

Sarah Morton - North Yorkshire County Council

It was confirmed that Mr Reynolds had represented North Yorkshire County Council at during the Eggborough examination.

Stephen Greenwood – Newland Parish Council

There were no statutory undertakers present at the PM.

and now any representatives of local and national amenity bodies, (such as Wildlife Trusts) expert and representative bodies

Sarah Robin – Yorkshire Wildlife Trust

David Brennan – Friends of the Earth (replacing Kenneth Jenkins)

Duncan Law – Biofuel Watch

Sam Hunter-Jones - Client Earth

There were no representatives of governmental bodies or the Crown present at the Meeting

There were no representatives of local businesses present at the PM

It was noted that Julian May was not present (Interested Party).

No one else introduced themselves to the Examining Authority.

Examining Authority's Remarks About the Examination Process

We now turn to Item 2 on the Agenda; the principles of the Examination and how we propose to conduct the Examination. We anticipate that a number of you have already had experience of the process of examining applications for nationally significant infrastructure projects under the 2008 Planning Act. We also anticipate that a number of you may be having your first experience of this system through your involvement in this application. Therefore to ensure everyone here is entirely clear, we shall continue as if this is your first experience of National Significant Infrastructure Projects, and trust those with experience will understand.

The starting point is that the relevant legislation for this system, s.87 of the 2008 Planning Act, states that:

- *It is for the Examining Authority to decide how to examine the application.*

We believe that this system has six attributes; and we will focus on these to describe the system and ways in which we, as the Examining Authority, intend to operate it in this case.

These are:

- i) Independence and Impartiality;**
- ii) Rigour;**
- iii) A focus on evidence and justification;**
- iv) Openness;**
- v) Fairness; and**
- vi) Timeliness.**

And I should like to say a few words on each.

i) Independence and impartiality

Examining Inspectors are employed by the Planning Inspectorate. The Planning Inspectorate is a joint Executive Agency of the Ministry of Housing, Communities and Local Government (MHCLG) and the Welsh Government for cases in Wales.

For the examination of nationally significant infrastructure projects, the ExA produces an independent and impartial report with a recommendation to the relevant Secretary of State (SoS). In the case of this project, this is the Secretary of State for Business, Energy and Industrial Strategy. The recommendation we will make will be based solely on the evidence that has been presented before us in the Examination.

Our recommendation will either be:

- That the Order should be made (i.e. that development should be granted), or
- That the Order should not be made (i.e. that development should be refused).

Whatever recommendation we ultimately will make, it is important for all Interested Parties to understand it is the Secretary of State who will make the decision on the application, not the ExA.

The Secretary of State is not bound to accept the recommendation of the ExA. So, throughout the forthcoming Examination, you will see that the ExA will need to test, and eventually prepare a Development Consent Order to accompany our report and recommendation. We will need to do this regardless of what our recommendation will be. This is because, in the circumstances that we were to recommend the Order should not be made, the SoS may not accept our recommendation and may decide to instead make the Order, and thus he would need an Order to lay before parliament. Therefore discussion and preparation of a DCO is not prejudicial or pre-determinative of the ExA's eventual recommendation. I trust we have made this clear.

ii) **Rigour**

Nationally significant infrastructure projects under the 2008 Planning Act are underpinned by an inquisitorial rather than an adversarial system. For those who are not familiar with those terms, this means that the Examination is led, and questions are posed by the ExA rather than by advocates from interested parties.

It relies primarily on written evidence. This is gained through a rigorous process of interested parties providing written representations; of the Examining Authority asking a wide range of focussed questions; requiring adequate responses to these; and of interested parties commenting on the responses of other parties.

In addition, we ask for specific reports and other information including a Local Impact Report prepared by Local Authorities, and matrices prepared initially by the applicant that are required to enable us to produce a Report on the Impact on European Sites (RIES).

This written evidence is supported, where required, by hearings. There are three different types of hearing.

Open Floor Hearing:

This type of hearing is for all interested parties who wish to have an opportunity to speak more generally on the project. It is led from the floor so-to-speak, and IPs will generally have a period of time in which to make a statement or talk on a matter of interest to them. Depending on the numbers of IPs who wish to speak, this may need to be time limited so as to allow, with the time permitted, as many as those persons the opportunity to address us. Such a hearing will be held if any interested party requests this, and you will have until Deadline 1 on the Examination Timetable to do this we return to this later. If no such request is made, we may choose not to hold any further open floor hearing. Should an OFH be requested, the ExA will issue some guidance to you prior to the event taking place.

When we turn to the next item on the Agenda in respect to the ExA Procedural Decisions, I shall expand a little further on this afternoon's OFH.

Issue Specific Hearing:

An Issue Specific Hearing may deal with some or all of the key issues that are relevant to the Examination of the application. The process is led by the ExA - and will focus on a particular matter e.g. Traffic and will ask

questions of the applicant and invite responses particularly from those who have raised such issues in RRs or Written Representations. Importantly, these hearings may include the nature of the scheme itself and is very likely to focus on the draft Development Consent Order.

We must make the following absolutely clear once again, that hearings support the written process. Thus, if we decide not to hold a hearing on a particular issue e.g. traffic, this does not mean that has no or little importance in the Examination. It may mean that we have obtained the information we need through the written process and we do not need to ask any further questions or obtain additional information at a hearing. The matter will be fully considered by us in preparing our report and recommendations.

Compulsory Acquisitions Hearing:

Finally and relevant to this application, there are hearings related to an application for compulsory acquisition (CA). As with an OFH, these are held again if one affected party requests this. If no such request is made, we may choose not to hold a CA hearing.

As many of you will be aware, the Ministry of Housing Communities and Local Government (then DCLG) issued guidance on procedures for the compulsory acquisition of land in September 2013, and those affected are encouraged to read this.

iii) A focus on evidence and justification

As the ExA, we must advise you all that we will simply not accept unsubstantiated assertions from any party. We will demand that any evaluation or assessment is supported by evidence.

This is extremely important as, for example and while noting that it may not be the case for this project, if doubts were to remain as to the absence of an adverse effect on the integrity of European designated site(s) linked to the project, the ExA will have to consider recommending that the Secretary of State should not make the Order.

I also need to point out that the 2008 Planning Act allows the ExA to disregard representations if we find them to be:

- Vexatious or frivolous;
- Relate to the merits of policy set out in a national policy statement – let me be very clear on this point – any held views on the content of a National Policy Statement, or what it should or should not say, is not a matter for the ExA;
- Are repetitive; or

- Relate to compensation for compulsory acquisition of land or of an interest in or right over land. (s.87(3)).

iv) Openness

As you will see when you look at the Planning Inspectorate website, all the Examination material related to this application is placed on the website. You will also see publication of advice prior to the submission of the application (known as s.51 advice as it refers to s.51 of the 2008 PA) given by the Planning Inspectorate to the Applicant, including notes of meetings and of telephone conversations. Just to be clear to all IPs, such meetings were with Planning Inspectorate staff only. They did not involve the ExA. Our appointment was made on 16 July 2018 and thus post-dated the Application's acceptance for Examination on 26 June 2018. Our appointment letters can be found on the Planning Inspectorate website.

This commitment to openness will continue once the Examination starts. Indeed, the proper running of the Examination demands that all the questions that we put, all the evidence that you provide, all the responses to that evidence and all other material is placed on the website for all of you to see.

This aim is supported by the publication of an Examination Library which is updated at regular intervals to list all the documents that have been submitted to the Examination and all the documents issued by the Examining Authority. For future reference, all communication the ExA issues will reference the examination library reference and not that used by the Applicant.

v) Fairness

The procedure for examining applications for major infrastructure projects is designed to give all interested and affected parties an equal right to put forward their views and evidence and an equal access to all the information related to the application.

It is, for example, the exception that cross questioning (known as cross-examination in TCPA appeals) will take place at any hearings. We are called examining inspectors because we adopt an inquisitorial approach in putting forward written questions and in asking the questions at hearings. We all intend that the examination will be as constructive as possible and will not intimidate anyone taking part.

vi) Timeliness

The legislation sets an absolute time limit on our examination of this application. We are required to complete the examination by the end of a

period of six months beginning with the day after the PM. The close of the Examination is **Thursday 4 April 2019**.

Miss Sahai will go through the draft timetable that I have set out later on in this agenda, but I must stress now that the effectiveness of this process depends on all of us meeting the deadlines that are set out in that timetable. Adherence to the timetable is essential for us to examine the application within the statutory timetable. We actively discourage late submissions and there is no guarantee they will be accepted into the Examination.

I now want to mention the issue of costs. The letter notifying you of this PM, published on 6 September 2018 draws your attention to the revised guidance on costs (*Awards of costs: examinations of applications for development consent orders* - <https://www.gov.uk/government/publications/awards-of-costs-examinations-of-applications-for-development-consent-orders>) that was issued by the Department of Communities and Local Government in July 2013.

This guidance sets out details of two areas where costs may be awarded. The first, in summary, is where the party against whom the award is sought has acted unreasonably; and the unreasonable behaviour has caused the party applying for the award of costs to incur unnecessary or wasted expense during the examination.

Secondly, separate provisions apply to the award of costs in relation to an application for compulsory acquisition.

The guidance contains useful detail and examples.

If you have already read this, you will know that, for costs purposes only, the examination is treated as starting at the beginning of the PM.

Are there any questions relating to the Examining Authority's examination of this application? Are there any other questions?

Friends of the Earth asked for a clarification whether the environmental permit would be twin tracked with the DCO application. The ExA clarified that the environmental permit application does not form a part of the DCO application and advised Friends of the Earth to discuss this matter with the Applicant after the PM. It was further indicated that the written questions were likely to address this issue.

The Applicant confirmed that it had submitted an application to vary the existing permit.

Unaccompanied Site Inspection

We undertook an unaccompanied site inspection yesterday, Wednesday 3 October 2018, where we observed the site and surroundings from a number of vantage points, all of which were on public land. We will publish details of this Inspection at the same time as we issue our Rule 8 Letter and Written Questions. Needless to say that we find that we have a good understanding of the site and its surroundings and do not feel it necessary for us to visit such sites again, unless a specific request is made for us to do so, and only to view a particular physical feature.

Examining Authority's Procedural Decisions (Annex E and F)

For those of you with a copy or access to our Rule 6 Letter of 6 September 2018, please can you turn to Annexes E and F.

Here you will find a number of matters in which the ExA have taken procedural decisions upon. I do not intend to read all of these out, but I do wish to comment upon four of the most pertinent ones.

1. Open Floor Hearing 4 October 2018 (Annex F)

As I have already touched on few minutes ago, the ExA has made a procedural decision to hold an OFH this afternoon at 2pm. This was not requested by any IP. Nevertheless the ExA considered one was necessary to allow IPs the opportunity to address the ExA directly, should they wish to, on matters relating to the principle of the proposed development and the choice of fuel source, and other matters, at the outset of the Examination - given the quantum of RRs received on the matter. Such an OFH would, we feel, assist the ExA in the question of whether such matter(s) are an issue which ought to be subject to further testing at an Issue Specific Hearing.

If you are unable to attend, another OFH is scheduled to be held on Tuesday 4 December, and requests for such an OFH are set out in the timetable and will be outlined shortly. However, you can rest assured that matters raised this afternoon in addition to the matters raised in RRs already received, will not be lost on the ExA. Therefore if other IPs intend on addressing the OFH, we may not need to hear them again at further OFHs.

We will expand further on the requirements of the OFH at the event itself and other matters at that event so do not intend to say anything further here.

2. Post-Submission and Updated Documents following acceptance of the application and prior to the commencement of the Examination (Paragraph 8)

As is set out in paragraph 8 of Annex E, the Applicant submitted a number of documents following the SoS's decision to accept the application for Examination on 26 June 2018. I will allow these to be read by you and I don't propose to read these out. These changes were made because, in accepting the Application, the SoS highlighted a number of inconsistencies and errors in the documentation which he considered warranted correcting.

In addition to that list, the Application submitted on 30 August 2018 and published by the Planning Inspectorate on 4 September 2018 comprising further documents:

- Certificates of compliance with s56 and s59 of the PA2008 and R16 of the EIA Regulations 2017 [Reference OD-001 in the Examination Library];
- An updated Book of Reference Rev 003 clean and tracked changed versions [OD-004 OD-003 and OD-002]; following the Applicant's notice that a small change in a number of parcels of land has occurred through their transfer from one person to another family member by way of a gift; and
- An updated Application Guide Rev 04 [AS-016].

In making the decision on whether we should accept, reject or wish to consult on the acceptance of documents, we had regard to the guidance in paragraphs 109 to 115 of the MHCLG Guidance for the examination of applications for development consent March 2015:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418015/examinations_guidance-final_for_publication.pdf.

This part of that Guidance deals with changing an application after it has been accepted for Examination. In particular, it deals with the case where any changes to the application are determined by the ExA to be of such a degree that they constitute a materially different project.

In the case of the changes that we have just outlined, we found that the changes were minor and in the earlier submissions related to those requested by the SoS; indeed the ExA is satisfied that the SoS would not have accepted the Application in the first place if the identified inconsistencies and errors were deemed grave. The ExA was as such satisfied that the changes to the documentation did not change the nature and description of the nationally significant infrastructure project as set out in the draft Development Consent Order and associated

documentation. Consequently, we were content to accept it into the Examination and, satisfied that the Wheatcroft Principles test has been satisfied.

Two letters were forwarded to the Inspectorate from the Applicant after the close of the RR period; one from the Ministry of Defence and the other from a company entitled SGN. A further document in the form of a petition addressed directly to the SoS entitled "*please say no to Drax's climate-wrecking power plans*" was also submitted after the RR period had expired. The ExA having considered all matters determined that these documents could be accepted into the Examination. They are subsequently on the Inspectorate's website.

Finally, the ExA also made a procedural decision under Rule 13(c) of the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) on 10 September 2018, with a corrected letter republished on 11 September 2018 to allow the notice period for notification of the PM published in a local newspaper to be reduced from 21 days to 20 days. We did so because we were advised that the newspaper publication date prevented the 21-days being met, and we did not feel that the loss of one day would be prejudicial in failing to give sufficient notice of the PM.

3. Statements of Common Ground (Paragraph 6)

The aim of Statement of Common Ground (SoCG) is to agree factual information and to inform us, and all other parties, by identifying where there is agreement and where the differences lie at an early stage in the examination process. It should provide a focus and save time by identifying matters which are not in dispute or need not be the subject of further evidence.

It can also usefully state where and why there may be disagreement about the interpretation and relevance of the information. The reasons for the differences and interpretation of the implications of a difference can then be expanded in the evidence.

Unless otherwise stated or agreed, the SoCG should be agreed between the Applicant and the other relevant interested party or parties, and submitted by the Applicant. The draft timetable for the Examination provides a deadline (Deadline 1) for the submissions of SoCG. But accepting that SoCGs may not be completed by then, we will set regular position updates on their progress within the Examination timetable.

Our Rule 6 letter of 6 September 2018 lists those parties from which we consider a SoCG with the Applicant would be useful, which we have drawn from the Applicant's consultation report submitted with the application.

We do not intend to repeat all the detail in that letter but, to summarise, we have requested SoCGs between the applicant and:

- North Yorkshire County Council with Selby District Council
- Environment Agency
- Yorkshire Wildlife Trust
- Natural England
- Internal Drainage Boards
- National Grid (both arms)
- Coal Authority
- Historic England;
- Highways England;
- Civil Aviation Authority; and
- Health and Safety Executive;

This list may be added to in the course of the Examination and should not be taken as precluding any interested party and the Applicant drafting a SoCG not listed above.

May I first ask any representatives from those bodies that I have just listed whether they are content to prepare a SoCG and, if so, whether progress on this has already been made?

North Yorkshire County Council and Selby District Council confirmed that they would submit a joint draft Statement of Common Ground.

The Yorkshire Wildlife Trust confirmed that it intended to produce a SoCG with the Applicant.

Does the Applicant have any further comments in regards of the SoCGs listed in the Rule 6 Letter?

The Applicant advised the ExA it was progressing with the statement of common ground in annex E of the Rule 6 Letter and will submit signed Statement of Common Grounds with Historic England and East Riding of Yorkshire Council on Friday 5 October 2018. The latter will focus on transport matters.

The Applicant is not anticipating a statement of Common Ground with National Grid Transmission or National Grid Gas PLC. The Applicant is currently negotiating protective provisions with National Grid which will be incorporated in the DCO including any side agreements. A joint statement will also be submitted to the Examining Authority confirming that the protective provisions have been agreed.

In light of the Coal Authority's relevant representation, the Applicant will not progress a SoCG with them. Likewise the Applicant is not pursuing a

SoCG with the Civil Aviation Authority given their position given in their s42 consultation response and actions the Applicant took after the s42 consultation. The Applicant confirmed that the actions taken were summarised in the consultation report.

It was confirmed that the Applicant is progressing with the rest of the SoCG listed in the Rule 6 Letter and that it will keep the ExA up to date on the progress on the SoCG.

It was agreed at the PM that the Applicant would seek a statement of Common Ground with Newland Parish council in regards of traffic. It was clarified that the statement of Common ground could be submitted after deadline 1.

4. Compulsory Acquisition (Paragraph 7)

The applicant may or may not be familiar with this, but it has been held very helpful and useful in other Examinations for a regular update to be given by the Applicant throughout the Examination at the deadlines on progress on CA in respect to objections and agreements.

We intend at Written Questions to issue a blank pro-forma which we would hope and expect the Applicant to populate on progress in respect to compulsory acquisitions. We will set deadlines for regular position updates on progress on CA within the Examination timetable. The Applicant confirmed that it would comply with this request but requested that it could use the tables it had produced with the statement of reason. The ExA said it would take this request into consideration.

5. Document Tracker/Guide to the Application (Paragraph 9)

It was noticed that the Applicant had submitted a guide to the application. The ExA requested that the Applicant resubmitted this document at each deadline. The Applicant confirmed that it would comply with this request.

Any Other Matters

There were no further questions or discussion regarding the procedural decisions.

Initial Assessment of the Issues (Annex B)

Section 88 subsection (1) of the Planning Act 2008 (as amended), requires the Examining Authority to make an initial assessment of the principal issues arising on the application. For those of you who have a

copy of our Rule 6 letter dated 6 September 2018 please to turn to Annex B, which sets out our initial assessment of the principal issues.

Before I outline the initial principal issues, I want to make three points. Firstly, the principal issues have been compiled alphabetically, and not in order of importance.

Secondly, this annex is neither a comprehensive nor an exclusive list of all principal issues. It is an indicative list as we start the examination, but it does not determine the scope of the examination. It will inevitably be the case that other relevant issues will arise during the course of the examination, and those other issues will be considered, and examined thoroughly when that happens. Equally, issues on the list may turn out to be not as important as they appear to be now.

Thirdly, as I go through the list of initial principal issues, when I refer to the proposed development, I am referring to the construction, operation, and decommissioning (stages 0-4) of both plants X and Y, unless I specifically mention otherwise.

The initial principle issues identified by the examining authority are:

Air Quality and Emissions

We will examine the effects of the Proposed Development on air quality caused from both units X and Y. We will examine the effectiveness of the monitoring processes and mitigation measures in the draft Construction and Environmental Management Plan, and whether it is adequately secured within the draft Development Consent Order (DCO).

Biodiversity, Ecology and Natural Environment

We will examine the effects of the Proposed Development on habitat and biodiversity on European sites and their qualifying features, including in combination assessment; and the permanent and temporary loss of habitats. We will also examine the content of the indicative Landscape and Biodiversity Management Plan, and whether it is adequately secured in the draft DCO.

Compulsory Acquisition

We will examine the need and alternatives to compulsory acquisition and Temporary Possession; the position of Statutory Undertakers, and the adequacy and security of funding for compensation. As Mr Allen set out earlier in procedural decisions, we will monitor updates on the discussions between the applicant and affected persons through a summary table submitted by the applicant at regular intervals.

Draft DCO

We will examine the structure and adequacy of the draft DCO, appropriateness of the proposed provisions, and relationship with other consents. We may at the appropriate point during the Examination issue our own draft DCO.

Flood Risk and Water Resources

We will examine the effect of the proposed development, in particular the gas pipeline and the proposed surface water drainage system, on water bodies; and the effectiveness of the mitigation measures.

Ground Conditions and Contamination

We will examine effects of the proposed development on soil and ground water, and the robustness of design and mitigation measures.

Historic Environment

We will examine effects of the proposed development on relevant heritage assets and affected non-designated heritage asset, and the effectiveness of the outline Written Scheme of Investigation and other mitigation measures.

Landscape and Visual

We will examine the design and physical appearance of the new structures. We will examine visual impact of the proposed development, including lighting, on surrounding landscape and settlements.

Noise and Vibration

We will examine the effects of noise and vibration generated by the proposed development, and the effectiveness of mitigation measures.

Operation of the Units

We will examine the Combined Heat and Power (CHP) readiness, and Carbon Capture readiness of the proposed development. We will also examine the circumstances that will determine open cycle and combined cycle operation of the proposed units.

Scope of the Development and Environmental Impact Assessment

We will examine the parameters and description of the Proposed Development, the approach to flexibility in adopting the principle of the Rochdale Envelope, and the circumstances that will determine the scope of development to construct one unit or both units. We will examine the environmental effects of operating one unit with natural gas and the other with coal, against the operation of two gas units. We will examine the evidence to support the proposed output generated, and the exploration of reasonable alternatives relevant to the Proposed Development.

We will examine the overall construction programme of the Proposed Development, and the approach to decommissioning.

We will examine the adequacy of surveys and baseline data in the Environmental Statement, and the effectiveness of the Construction and Environmental Management Plan (CEMP).

Traffic and Transport

We will examine the effects of the Proposed Development on the local highway network including the cumulative effects with other known and planned projects. We will examine effects on the use of the Public Rights of Way, and the effectiveness of mitigation measures.

Reminding you all that we are not here today to discuss the merits of the application, do you have any comments on our initial list of principal issues?

The Applicant confirmed that it was content with the list of Principal Issues.

Friends of the Earth asked if bioaccumulation of air impacts would be considered. The ExA confirmed that they would assess the cumulative impacts of this project with others in the neighbourhood. The Applicant clarified that it had done a base line assessment which is included in the environmental statement.

The ExA confirmed to the Yorkshire Wildlife Trust that it would examine nitrogen deposits during the examination.

Friends of the Earth requested that health and wellbeing of the local community be added to the list of Principal Issues. The ExA stated that they would take this into consideration. The Applicant confirmed that it had no objection to this being added to the principal issues.

Client Earth requested the projects climate impacts and consistency with the UK climate change commitments and the need for the project. The Applicant objected to the inclusion of these issues on the ground that these issues related to policy which is outside the remit of this examination. Biofuelwatch stated that they supported Client Earth request to have these issues included.

Friends of the Earth further requested that light impact be included. The asked for a clarification as lighting is listed as a principal issue. Friend of the Earth clarified that they meant the so called light plum from the project.

Thank you all for your participation.

We will consider any additional comments before we issue our final assessment of principal issues shortly after this meeting.

Draft Timetable for the Examination (Annex C)

Please turn to Annex C of our Rule 6 letter dated 6 September 2018 as we review the draft timetable for the Examination.

We will also hear any suggested changes or alteration requests, but we will outline my draft timetable and changes first before hearing from the parties.

Subsequently, we will hear suggestions and requests for changes from the parties.

1. Following the close of this PM, we will hold an **open floor hearing** at 2 pm today, 4 October 2018. This is item 2 of the time-table.
2. We will issue a **Rule 8 letter** as soon as practicably possible after the close of this meeting but aim to be no later than Thursday 11 October 2018, which will set out the timetable for the Examination and our list of principle issues. We will also issue at the same time a **statement on our unaccompanied site inspection**, and our **written questions** on the application. The Written Questions will be primarily for the Applicant, but there may also be questions for statutory bodies, local authorities and others. As such, we ask you look at the questions in their entirety. Should you wish to contribute or comment on a question that is not directed to you, please feel free to do so.
3. On deadline 1 we will expect the **Statements of Common Ground** and notifications if you wish to speak at any hearings or attend the Accompanied Site Inspection. Please review all other items under deadline 1, and make note of any comments. We will invite comments after I've been through the time table.
4. Deadline 2 is Thursday 1 November. On deadline 2 we will expect the **response to the Examining Authority's written questions** and the **Local Impact Reports**. Please review all other items under deadline 2, and make note of any comments. Please also review items under deadline 3 which is Tuesday 20 November.
5. **Accompanied site inspection and Hearings** – please see items 7-11 in the time-table. As Mr Allen set out previously, the Examination follows a written process substituted by hearings if requested and required. We have set aside the dates 4-6 December (Tuesday to Thursday) for Accompanied Site Inspection, a second open floor hearing, Issue Specific Hearings on environmental matters and DCO,

and a Compulsory Acquisition Hearing. These dates will be confirmed if we receive a request for an OFH or CA Hearing, or if written submission makes any or all necessary. Alternatively these dates will not be used.

The accompanied site inspection will be of the site itself, the route of the gas pipeline, and any other locations IPs feel are significant.

The hearings will be held at Goole Leisure Centre. The room will have a public address system with microphones for speakers. All hearings will be digitally recorded, and the recordings will be published on the Planning Inspectorate website. Arrangements can be made for an induction loop to be installed.

If anyone has any particular concerns and requests with this venue or the technical arrangements such as location, accessibility, acoustics etc., please advise the Case Manager.

6. Deadline 4 is Thursday 13 December, and Deadline 5 is Monday 7 January 2019. Please review all items under both deadlines, and make note of any comments.
7. If required we will issue **further Written Questions**; this is set out under item 14 of the time-table, and will take place on Wednesday 16 January 2019.
8. Responses to the further Written Questions are expected by deadline 6, which is Wednesday 30 January. Please review all other items under deadline 6.
9. We have blocked dates in February for a further set of hearings – please see items 16-19. These dates will be used only if necessary.
10. A **Report on the Impact on European Sites (RIES)** can be issued where there are likely significant effects on such sites. If there are no such effects then a No Significant Effects Report (NSER) will be issued. The purpose of the RIES is to set out what is agreed and what is still contentious in respect of European Sites and their protected characteristics – the purpose is not to reach judgements about the merits of the application. The RIES will be published on Thursday 28 February, and comments on the RIES will be expected by deadline 8, which is Wednesday 20 March. Please review all other items under deadline 8.
11. Deadline 9 is Wednesday 27 March, when we expect to receive series of **final documents**. Please carefully review that list.

12. Deadline 10 is Thursday 4 April, when we will **close the examination**.

13. Also discussed earlier, we propose the Applicant submit at each deadline a document tracker/guide to the application and update on CA negotiations.

Are there any comments or questions on the draft timetable for the examination?

The Applicant suggested the following amendments which have been agreed with Selby District Council and North of Yorkshire County Council:

1. Deadline 2 is moved to the Thursday 8 November 2018
2. Deadline 3 moved to Thursday 22 November 2018
3. Deadline 5 moved to Wednesday 9 January 2019
4. Deadline 6 moved to Thursday 5 February 2019
5. Publication of the RIES moved to Monday 25 February 2019
6. Deadline 8 moved to Tuesday 19 March 2019 and it to include all items under deadline 9
7. Deadline 10 to become deadline 9 and moved to the Tuesday 26 March 2019

The Applicant highlighted that the Goole Leisure Centre cannot be used for an open floor hearing on the evening on Tuesday 4 December

Selby District Council confirmed that they agreed with the applicants suggested changes. It further asked if the timetable in the rule 8 letter would fix the reserved dates and include information about the hearings. The ExA clarify that it wouldn't be able to confirm whether the hearings are needed until later in the examination. The agenda are usually published 5 working days before the hearings.

Friends of the Earth queried why the PM was held in Goole and if any of the next open floor hearings could be held closer to the power station. The ExA explained that the next Open Floor Hearing would only be held if requested by an Interested Party and could be conducted at a different location if required. The ExA advised the Friends of the Earth to put any suggestions in writing with its deadline 1 submissions.

One of the statutory parties informed the ExA that they would have problems attending any hearings located at Drax power station.

Selby District Council raised no concerns over using Goole Leisure Centre and stated that it thought it was suitable for the purpose.

The Applicant clarified that when it scoped for suitable venues this one was the most suitable. The Applicant stated that it had booked the Drax's Sport and Social club for the evening of the 4th of December but clarified that it didn't think it was easier for the local community to access it than Goole Leisure Centre.

It was clarified that the members of Friends of the Earth didn't have a preference for afternoon or evening Open Floor Hearings.

Any Other Matters

I have had no other matters notified to me apart from those already dealt with under item 3 on the agenda for this meeting.

Are there any other relevant items that anyone wishes to raise?

The Applicant informed the ExA that Selby District Council had granted planning permission for the site reconfiguration work and that the reconfiguration works had commenced. As a consequence of this, the Applicant intends to submit a non-material change request to amend the order in regards of this. The non-material change request is likely to be submitted at deadline 2.

It was agreed to include the background for this non-material change in the statement of common ground with Selby District Council.

The Applicant informed the ExA that it will submit an application to include additional land in compulsory acquisition. This does not change the redline boundary. The change relates to rights only. The change will be submitted as soon as possible.

Close of the PM

Thank you all for contributing so fully and usefully to this meeting. We very much look forward to the examination of this application.

May we remind you that the audio recording of the proceedings today will be made available, as soon as is practicable, on the Inspectorate's website.

May we also remind you that the next stage will be the issuance of our Rule 8 letter setting out the final timetable and any other procedural decisions that we have made as a result of this meeting and further

consideration of the Examination, accompanied by our note on the unaccompanied site visit that we undertook yesterday, and our written questions. This will be as soon as practicable following this meeting but we are aiming this to be on or before **Thursday 11 October 2018** – one week from today.

Thank you again for your contributions.

The time is now 12 o'clock, and I declare this PM for the proposed Drax Repower project is now closed.