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22 November 2018

**PINS Reference: EN010091**

**Examination Deadline 3 (“D3”)**

The Drax Power (Generating Stations) Order

Dear Ms Gregory,

Please find enclosed documentation for Examination Deadline 3 from Drax Power Limited ("Drax") for a Development Consent Order ("DCO") in respect of the Drax Repower Project ("the Proposed Scheme"). This Deadline is the third of nine Deadlines for the Examination set out within the Rule 8 Letter published on 11 October 2018.

I set out below the documents submitted at this Deadline 3.

**[Full List of Submission Documents for Deadline 3](#)**

Submission documents for Deadline 3 of the Examination include:

Updated Application Documents

- 1.2 Application Guide
- 1.6 Glossary
- 2.5A Two Unit Option Indicative Plant Layout
- 2.5B One Unit Option Indicative Plant Layout

- 2.6A Indicative Plant Elevations
- 3.1 Draft Development Consent Order (clean and track changed versions)
- 3.2 Explanatory Memorandum
- 4.1 Statement of Reasons
- 4.3 Book of Reference (clean and track changed versions)
- 4.4 Compulsory Acquisition Schedule
- 5.6 Combined Heat and Power Statement
- 5.7 Carbon Capture Readiness Statement
- 5.8 Other Consents and Licences
- 6.6 Habitats Regulations Assessment Report

#### Additional Examination Documents

- 8.1.9 Statement of Common Ground with Selby Area Internal Drainage Board
- 8.1.10 Statement of Common Ground with Newland Parish Council
- 8.2.3 Schedule of Changes for Deadline 3
- 8.4.1 Revised Viewpoints and Additional Photomontages (updated)
- 8.4.8 Assessment of Non-Material Amendments to Proposed Scheme
- 8.4.9 Update to the Cumulative Assessment
- 8.5.9 Applicant's Responses to Written Representations
- 8.5.10 Applicant's Responses to Other Parties' Responses to the Examining Authority's Written Questions
- 8.5.11 Applicant's Response to Local Impact Report

The reasons for the submission of these documents are set out below.

#### Non-Material Amendment – Proposed Design Amendments

The Applicant proposes to amend some of the maximum parameters (both decrease and increase) contained within its DCO Application (as set out in Schedule 13 to the draft DCO) and to amend the description of the Proposed Scheme with respect to the stages in which the battery storage facility is constructed, and requests that the Examining Authority accepts such amendments as a non-material amendment to the DCO Application.

The proposed non-material amendments are set out in Table 2 of the document, Assessment of Non-Material Amendments to Proposed Scheme (Applicant's document reference 8.4.8) submitted

at this Deadline 3, with an explanation for why they are needed in Table 1 of that document. The amendments to the parameters are sought as a result of the ongoing iterative detailed design process and a correction to the stated height of the existing cooling towers due to a more refined cooling tower height above ordnance datum (AOD) and above ground level (AGL) being determined. The proposed amendments to the description of the Proposed Scheme would allow the construction of the battery storage facility and the structure built to enclose or protect it, in two stages. Stage 1 may therefore include the construction of the first portion of the battery storage facility for Unit X, with a structure erected as screening. Stage 2 would then involve the construction of the second portion of the battery storage facility for Unit Y, and surrounded by a structure erected as screening. This will allow the Proposed Scheme to respond to technological improvements and the method in which battery cells are housed/protected.

The Applicant has had regard to the Planning Inspectorate's Advice Note 16 '*How to request a change that may be material*'. Paragraph 2.1 of the Advice Note states that there is no legal definition of what is material, but the tests to apply are whether the change is substantial, or whether the development now being proposed is not in substance that which was originally applied for.

The Applicant submits that the changes proposed are not substantial and the development now being proposed is substantially the same as that which was originally applied for.

No additional land or works are being proposed, and no change to the limits of deviation of any numbered work (as shown on the Works Plans Examination Library Reference REP2-007) is proposed, as the amendments are able to be accommodated within the current areas identified for the numbered works. There will be no new or different likely significant environmental effects as a result of the proposed amendments.

In support of the non-material amendment application, the Applicant has prepared the enclosed Assessment of Non-Material Amendments to Proposed Scheme (Applicant's document reference 8.4.8) for submission at this deadline. The Assessment has been produced to supplement the environmental impact assessment contained within the Environmental Statement (ES) submitted with the DCO Application. Table 1 in the Assessment considers the impact on the environmental assessment for each of the proposed non-material amendments, and demonstrates that the environmental assessment and proposed mitigation measures set out in the ES submitted with the Application remain robust and are not affected by the non-material amendments.

The Applicant has considered whether, without re-consultation on the requested change(s), any of those entitled to be consulted or who were consulted on the original application (including persons who are not an Interested Party in the Examination) would be deprived of the opportunity to make any representations on the changed application. Given the nature of the proposed changes, their anticipated environmental impact and that they are contained within the Existing Drax Power Station Complex, the Applicant considers that there are no persons who would be affected by the proposed changes who would be deprived of the opportunity to make representations on the changes. In any event, by making this non-material change application at Deadline 3, other parties have an opportunity to comment.

In addition to the Assessment of Non-Material Amendments to Proposed Scheme document, the Applicant has also submitted a revised draft DCO at this Deadline 3, which includes changes to the parameters set out in Schedule 13 to reflect the proposed non-material amendments to parameters and to the staged construction of the battery storage and structure. Other revised

documents submitted at this deadline to reflect these amendments (amongst other things) are the updated Glossary, Explanatory Memorandum, Two Unit Option Indicative Plant Layout, One Unit Option Indicative Plant Layout and Indicative Plant Elevations, and the revised Examination document “Revised Viewpoints and Additional Photomontages” .

### Draft Development Consent Order and Explanatory Memorandum and Plans

The updated draft DCO and Explanatory Memorandum reflect the proposed non-material design amendments as set out above.

The updated Two Unit Option Indicative Plant Layout, One Unit Option Indicative Plant Layout and Indicative Plant Elevations drawings are also submitted to reflect these changes.

It is noted that for completeness, full sets of each of the above plans have been submitted for this Deadline, although not all sheets required amendments. The revision number and revision dates for each sheet sets out the latest revision that has been made to each sheet. The Schedule of Changes (Applicant’s document reference 8.2.3) details which sheets have been updated in each case.

### Land Documents

An updated Book of Reference (document reference 4.3) and Compulsory Acquisition Schedule (document reference 4.4) have been submitted to reflect an address change for Ms Kate Bingley.

An updated Statement of Reasons (Applicant’s document reference 4.1) has been submitted to reflect the Additional Land Application and the non-material amendment application to remove Stage 0 from the Application (both of which were made at Deadline 2). The Statement of Reasons has also been updated generally to reflect changes in other documents since the submission of the Application, and to remove the table recording the status of landowner negotiations (which is now a separate stand alone document, the Schedule of Negotiations).

### Environmental Documents

The Habitats Regulations Assessment Report (Applicant’s document reference 6.6) has been updated, the amendments are set out in the Schedule of Changes.

The document “Revised Viewpoints and Additional Photomontages” (Applicant’s document reference 8.4.1) has been updated as revisions were made to the additional photomontage with amended lighting levels and a new section covering the design changes, landscape and visual impacts and accompanying photomontages.

As noted above, the document “Assessment of Non-Material Amendments to Proposed Scheme” (Applicant’s document reference 8.4.8) has been prepared to demonstrate that the proposed non-

material design amendments to the Proposed Scheme will not change the conclusions in the Environmental Statement submitted with the Application.

The document “Update to the Cumulative Assessment” (Applicant’s document reference 8.4.9) has been submitted in response to the Examining Authority’s Written Question (reference CO 1.11) asking for confirmation as to whether the Applicant is aware of any additional other projects or plans that should be included within the cumulative effects assessment since March 2018. The response provided by the Applicant at Deadline 2 in the Applicant’s Response to First Written Questions (Examination Library Reference REP2-035) stated that a supplemental cumulative assessment would be provided at Deadline 3.

### Statements of Common Ground

In addition to the above listed Statements of Common Ground (SoCG) with the Selby Area Internal Drainage Board and Newland Parish Council, SoCGs are currently being progressed by Drax with the following parties:

- North Yorkshire County Council and Selby District Council;
- Environment Agency;
- Yorkshire Wildlife Trust; and
- Highways England.

The abovementioned SoCGs will set out the areas of agreement, and any areas of disagreement between the Parties. In line with the Rule 8 Letter, the final signed versions of the SoCGs will be submitted by Thursday 21 March 2019 (Deadline 8).

### Other Documents

The Applicant acknowledges the submission of the Local Impact Report (“LIR”) (Examination Library Reference REP2-047) jointly prepared by North Yorkshire County Council (“NYCC”) and Selby District Council (“SDC”) and submitted to the Examining Authority on 15 November 2018 (and accepted for Deadline 2 at the discretion of the Examining Authority).

The document “Applicant’s Response to Local Impact Report” (Applicant’s document reference 8.5.11) contains the response to the LIR.

The Applicant’s Responses to Written Representations (document reference 8.5.9) and to Other Parties’ Responses to First Written Questions (document reference 8.5.10) have been submitted in line with the deadline given in the Rule 8 letter.

The Glossary (Applicant’s document reference 1.6) has been updated to reflect a number of minor amendments to the Proposed Scheme. These include the removal of Stage 0 (the “Site Reconfiguration Works”) from the Application as set out in the non-material amendment application in the Cover Letter (Examination Library Reference REP2-003) submitted for Deadline 2. The changes also include some design changes as set out in the non-material amendment application in the Cover Letter submitted for Deadline 3 alongside this updated Glossary. This Glossary supersedes the standalone Glossary submitted with the Application (Examination Library



Reference APP-006) as well as any glossaries contained within other submission documents. Any documents should be read in conjunction with the updated Glossary (Rev. 002).

The Other Consents and Licences document (document reference 5.8) has been updated to reflect some comments made by the Environment Agency in their Written Representation (Examination Library Reference REP2-041).

The Combined Heat and Power Statement (Applicant's document reference 5.6) and Carbon Capture Readiness Statement (Applicant's document reference 5.7) have been updated to reflect discussions between the Applicant and the Environment Agency. The documents may be revised again to reflect any further comments that may be received.

The Schedule of Changes for Deadline 3 (Applicant's document reference 8.2.3) sets out key changes to updated submission documents. The revision numbers for each document are set out in the updated Application Guide (Applicant's document reference 1.2).

Please do not hesitate to contact me should you have any queries regarding the enclosed submissions.

Yours sincerely



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