



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

To Drax Power Ltd
For information to all Interested
Parties

Your Ref:

Our Ref: EN010091

Date: 30 November 2018

Dear Sir/Madam

Planning Act 2008 (as amended) Section 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 9 and Rule 17

Application by Drax Power Ltd for an Order Granting Development Consent for the Drax Re-power Project

Changes to the original application and request for further information

We are writing to inform you of the procedural decision made by the Examining Authority (ExA) regarding the Applicant's request to accept an amendment to the Development Consent Order (DCO) Application, and to request further information relating to the changed application.

At the preliminary meeting on 4 October 2018, the applicant made the ExA aware that the Site Reconfiguration Works of the proposed development, referred to as "Stage 0" in the DCO Application, had secured planning permission under the Town and Country Planning Act 1990 from Selby District Council on 24 May 2018. The Applicant confirmed in their covering letter [REP2-003], dated 8 November 2018, as part of the documents submitted for Deadline 2 of the examination timetable, that the Applicant proposes to amend its DCO Application so that it no longer seeks development consent for the Stage 0 works. The fact that development consent is no longer required has been confirmed in the Statement of Common Ground between Drax Power Limited and North Yorkshire County Council and Selby District Council, section 3.8 [REP1-006], which also confirms that the Applicant has discharged all pre-commencement conditions and lawfully commenced the planning permission.

The ExA has assessed the Applicant's request in line with paragraphs 109 to 115 of DCLG Guidance 'Planning Act 2008: examination of applications for development consent' (<https://www.gov.uk/government/publications/planning-act-2008-examination-of-applications-for-development-consent>) and the Planning Inspectorate's Advice Note 16

(<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/07/Advice-note-16.pdf>) and has reached the following conclusions:

- i. The ExA agrees that the works comprised within Stage 0 do not in themselves constitute a Nationally Significant Infrastructure Project ("NSIP"), but are associated development to the NSIP.
- ii. Given that the Environmental Statement assessed Stages 1, 2 and 3 against a baseline which assumed the completion of Stage 0, the ExA is satisfied that there will be no significant environmental effects that have not already been assessed in the Environmental Statement.
- iii. The ExA is also content that the DCO Application and the pre application consultation made clear that it may not be necessary to consent the site reconfiguration works through the DCO.
- iv. In addition to the pre-application consultation which was carried out on the above basis, the ExA is also satisfied, in the interests of fairness, that all Interested Parties affected by the proposed change (to remove Stage 0 from the application) had an opportunity to make their views known at Deadline 3.

The ExA has decided that the proposed change to the application put forward by the Applicant is non-material and concludes that it should be accepted for consideration in the examination as part of the application.

So that it is clear what the application now constitutes (as a result of accepting this non material change to the application into the examination) and to assist the ExA in examining the application as now changed the ExA is requesting from the applicant:

- i. comprehensive list of all application documents that are impacted consequent on the removal of stage 0, by Deadline 4 of the examination timetable, Thursday 1 December 2018.
- ii. all revised application documents including plans to reflect the removal of stage 0 by Deadline 5 of the examination timetable, Wednesday 9 January 2019. (As noted above the ExA is satisfied that there will be no significant environmental effects that have not already been assessed in the Environmental Statement; as such we do not require a revised Environmental Statement Volume 1, 2 and 3.).

Yours faithfully

Richard Allen

Richard Allen
Lead Member of the Panel of Examining Inspectors

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