

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
Environment Agency
(Submitted for Deadline 4)



The Planning Act 2008

Drax Power Limited

Drax Repower Project

Applicant: DRAX POWER LIMITED
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Contents

1	INTRODUCTION	1-1
2	CONSULTATION WITH THE EA	2-1
3	MATTERS AGREED AND MATTERS NOT AGREED	3-1
4	AGREEMENT ON THIS SOCG	4-1

Table of Tables

Table 2-1 - Consultation with the EA.....	2-1
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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 Environment Agency ("EA") 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 the EA 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 Principle of Development and Applicability of the National Policy Statements ("NPSs")
 - b) Emissions to Air
 - c) Noise
 - d) Flood risk and Water Quality
 - e) Waste
 - f) Ground Conditions
 - g) Combined Heat and Power ('CHP') Readiness
 - h) Carbon Capture Readiness ('CCR')
- 1.1.4 In respect of environmental topics covered in the Environmental Statement submitted with the Application but not referred to in this SoCG, the EA has no comments to make.
- 1.1.5 Section 2 of this SoCG records the consultation undertaken with the EA 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 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 1,800 MW generating capacity or to construct two generating stations each with a 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 footbridge 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") (the latest version of which is at Examination Library Reference REP2-014).
- 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 THE EA

2.1.1 The consultation that has taken place with the EA concerning the issues raised within this SoCG is presented in Table 2-1.

Table 2-1 - Consultation with the EA

Ref	Appendix	Date	Form of contact or type of correspondence	Summary of that contact and key outcomes and points of discussion
1	A	05/03/2018	Meeting	<ul style="list-style-type: none"> - Overview of predicted emissions and scenarios. - Confirmation of designated sites for air quality assessment (site types and distances for air quality assessment). - Critical loads to be used - Approach to assessment for Project Process Contributions >1%. - Approach to assessment for in-combination Process Contributions > 1%.
2	n/a	Various	Various	<p>Extensive consultation has taken place with the EA up to the date of this SoCG as recorded in Table 12-1 in Chapter 12 'Water Resources, Quality and Hydrology' of the Environmental Statement. All aspects related to flood risk associated with the construction and operation of the Proposed Scheme have been agreed and approved with the EA. No further consultation is required.</p>
3	B	25/10/2018	Meeting	<p>Additional information provided to EA on carbon capture and storage.</p> <p>Additional information provided to EA on combined heat and power.</p> <p>EP application duly made; EA assessment of application and discussions with Drax ongoing.</p> <p>Air quality monitoring discussed; Drax considers ambient monitoring will not be necessary.</p> <p>EA unable to comment, at that time, on likely decision of BAT for the Proposed Scheme with respect to SCR. In any event, this is an issue for the EP application.</p> <p>Proposed ammonia cap and likely method of monitoring discussed, although this is not currently</p>

Ref	Appendix	Date	Form of contact or type of correspondence	Summary of that contact and key outcomes and points of discussion
				<p>part of the EP application; EA asked to consider whether this is acceptable in principle.</p> <p>Proposed approach to trenchless crossings to be outlined in response to first written questions.</p> <p>Update provided on ecology field surveys and measures included in the CEMP.</p> <p>Agreement on wording for the SoCG regarding ground conditions.</p> <p>Site Waste Management Plan to be included in CEMP.</p> <p>Meeting to be arranged regarding groundwater monitoring.</p> <p>Surface water drainage, FRA and WFD screening are agreed.</p>
4		6/11/18	Teleconference	Agreed no need for long term groundwater monitoring

2.1.2 It is AGREED that Table 2-1 is an accurate record of the meetings and key correspondence between Drax and the EA.

3 MATTERS AGREED AND MATTERS NOT AGREED

3.1 The Principle of Development and Applicability of the National Policy Statements ("NPSs")

The following is AGREED between the Parties:

- 3.1.1 The Proposed Scheme meets the requirements of the NPSs for the subjects referred to in paragraph 1.1.3 of this SoCG.

Environmental permitting

The following is AGREED between the Parties

- 3.1.2 It is agreed that:

- a) The Proposed Scheme will be subject to the Environmental Permitting regime under the Environmental Permitting (England and Wales) Regulations 2016 ("EPR").
- b) The SoS must be satisfied that potential releases from the Proposed Scheme can be adequately regulated under the EPR.
- c) Having considered the general content of the Environmental Statement for the Proposed Scheme, the EA is satisfied and agrees that the Proposed Scheme is of a type and nature that should be capable of being adequately regulated under EPR.
- d) The EA has received the Applicant's environmental permit ("EP") variation application and is in the process of carrying out a full technical assessment of this proposal, including an appropriate assessment under the Conservation and Habitats Regulations 2017, in its role as a competent authority under the Habitats Directive for the environmental permit.
- e) When assessing the permit application, the EA will set conditions to ensure the emissions and discharges are at a level that will not significantly affect people or the environment and will not adversely affect the integrity of European Sites . This reflects current statutory requirements and will ensure compliance with European Directive 2010/75/EU on industrial emissions. The EA cannot grant a permit until it is satisfied that the operation of the process will not cause significant pollution to the environment or harm to human health.
- f) Only once the EP application has been technically assessed can the EA decide whether it would be appropriate to grant an EP and, if so, the conditions that should be attached to the EP. However, at this point the EA is not aware of anything that would preclude the granting of an EP.

3.2 Emissions to Air

The following is AGREED between the Parties

- 3.2.1 It is agreed that:

- a) Pollutant emissions to air could arise from the operation of the Proposed Scheme, primarily from combustion sources within the plant, notably via the main emissions stacks for the gas turbine ("GT") units.

- b) Emissions will be controlled to meet the requirements of the Industrial Emissions Directive, and, as appropriate, the conclusions of the revised Large Combustion Plant Best Available Techniques ("**BAT**") reference document for large combustion plant ("**BREF**").
- c) The BREF document was revised in July 2017. This included revised BAT levels for NOx emissions from gas turbines of 30 mg/Nm³.
- d) The Proposed Scheme will operate in open cycle mode for no more than 1,500 hours per year, based on a 5-year rolling average. This will be secured via a condition applied to any EP granted for the Proposed Scheme based on the Energy UK Protocol for IED Annex V 1500 Limited Hours Derogation July 2015.
- e) The new generation Siemens technology that is proposed to be used for the Proposed Scheme achieves greater efficiencies (and therefore improvements in carbon emissions) by the use of higher temperatures in the GTs. However, the consequence of this is an increase in NOx emissions. To guarantee achieving BREF levels, the use of secondary abatement technology, being Selective Catalytic Reduction ("**SCR**"), may be required. This would achieve the reduction of NOx emissions by injecting ammonia; however, there would be a small release of ammonia from the emissions stack, called the "ammonia slip".
- f) An assessment of BAT will be undertaken for the Proposed Scheme as part of the EP application. An EP application will only be successful if it demonstrates that the development will incorporate BAT (for reducing emissions as defined in and prescribed under the relevant EU Directives). It is agreed that a technique cannot constitute BAT if it leads to unacceptable effects on an environmental receptor, including an adverse affect on the integrity of a European Site. .
- g) The EA, via the EP application and determination process, will conclude whether the use of SCR constitutes BAT in respect of the Proposed Scheme.
- h) The modelled scenarios presented in the Environmental Statement are appropriate for the assessment of the Proposed Scheme. Those scenarios are summarised as:
 - o Do Nothing: 2 coal unit + 4 biomass units
 - o Scenario A1: 4 biomass units + 4 turbines in CCGT mode + 12 GRF boilers
 - o Scenario A2: 4 biomass units + 4 turbines in OCGT mode + 12 GRF boilers
 - o Scenario B: 4 biomass units + 4 turbines in OCGT mode with NOx abatement (SCR) + 12 GRF boilers
 - o Scenario C: 4 biomass units + 4 turbines in CCGT mode + 12 GRF boilers, Eggborough and Thorpe Marsh CCGT without SCR
 - o Scenario D: 4 biomass units + 4 turbines in OCGT mode with NOx abatement (SCR) x + 12 GRF boilers, Eggborough and Thorpe Marsh CCGT with SCR
- i) The Process Contribution is the difference between Scenarios A-D and the Do-Nothing scenario.
- j) The following assumptions made in the Environmental Statement are appropriate for the assessment of the Proposed Scheme:

- Use of Defra background maps and APIS information to establish existing air quality conditions and in determining potential impacts on sensitive receptors;
 - Use of the ADMS air dispersion model to predict pollutant concentrations and deposition levels at sensitive receptors with 5 years of meteorological data from RAF Waddington and a surface roughness at the Project site of 0.3 m, representative of the maximum for agricultural areas;
 - The stack height sensitivity approach as described in the Environmental Statement, Volume 2, Appendix 6.1 Air Quality Policy and Legislation [APP-098].
- k) Following corrections to the height of the existing cooling towers, the revised recommended minimum height of 122.5 m for the new stacks is appropriate. This maintains the top of the new stacks at 6 m above the cooling towers. Revised modelling has shown these amendments result in a marginal reduction in the impacts of the repowered units with no change in the significance of the predicted effects.
- l) Appropriate air quality mitigation will be applied through the Construction Environmental Management Plan (CEMP) during the construction period.
- m) Emissions to air will be managed during operation of the Proposed Scheme under the EP. If SCR is required, then the EA would place a condition on the EP, if it considered it necessary and appropriate, to secure an annual emissions cap for ammonia that would ensure that the Proposed Scheme would not adversely affect the integrity of a European site.

EA's Regulatory Position

The following is AGREED between the Parties

3.2.2 It is agreed that:

- a) Independent of the Proposed Scheme, the EA is considering the UK position on the BAT Achievable Emission Level (BAT-AEL) for NO_x emissions (included in the BREF document) specifically with reference to the applicability of the AEL for high efficiency combined cycle gas turbine ("**CCGT**") generating stations (such as the one comprised within the Proposed Scheme). Irrespective of this, the EA's decision on the EP application will be based on current guidance at the time of determination. In any event, the EA notes that the Proposed Scheme has been assessed in the Environmental Statement for both with and without SCR technology.

Impact on European Sites

The following is AGREED between the Parties

3.2.3 It is agreed that:

- a) Under the Conservation of Habitats and Species Regulations 2017 ("**Habitats Regulations**") an "appropriate assessment" must be undertaken by the competent authority (in this case, the SoS) for a European site if the project (alone or in combination with other projects) is likely to have a significant effect on it. The conclusions of the appropriate assessment must demonstrate that the project would not adversely affect the integrity of the European site (taking a precautionary approach) in order for the SoS to be able to grant the DCO.

- b) The long term 1% process contribution significance criteria is the screening threshold accepted by the EA and NE, below which the magnitude of an effect is judged to be so low as to be inconsequential and can robustly and reasonably be taken to result in no likely significant effect when applied to Habitats Regulations screening.
- c) The 1% threshold is therefore a screening threshold for guidance only and is to determine insignificant effects. That does not mean by extension that any predicted process contribution that is above the 1% threshold is significant. A change of more than 1% does not necessarily indicate that a significant effect (or adverse effect on integrity) will occur; it means that the change in effect cannot on its own be described as imperceptible and therefore requires further consideration.
- d) The EA has received the HRA Report [APP-134] and is currently in the process of carrying out an appropriate assessment under the Conservation and Habitats Regulations 2010.

3.3 Noise

Environmental Permit

The following is AGREED between the Parties

3.3.1 It is agreed that:

- a) The SoS must be satisfied that predicted noise impacts from the Proposed Scheme can be adequately regulated under the EPR.
- b) The noise mitigation strategy for the Proposed Scheme (identified in the ES) is suitable and meets with all BAT to minimise noise impacts as a result of the operation of the Proposed Scheme.
- c) The operational noise impacts from the Proposed Scheme have been assessed to BS4142:2014 in the ES. With the mitigation measures in place (identified in the ES) the results of the assessment identify that no significant noise impacts are predicted to occur at any noise sensitive receptor locations.
- d) Having considered the general content of the ES for the Proposed Scheme, the EA is satisfied and agrees that the scheme is of a type and nature that would be capable of being adequately regulated under EPR.

3.4 Flood Risk and Water Quality

The following is AGREED between the Parties

- a) The summary of the Chapter 12 Water Resources is agreed.

Environmental Permit

The following is AGREED between the Parties

3.4.1 It is agreed that:

- a) Any proposed works or structures, in, under, over or within 16m of the top of the bank of a tidal Main River or within 8m of a fluvial main river, or under or within 16/8m of the toe of a defence and any temporary structures or stockpiles of

materials within the floodplain will be subject to Environmental Permitting. A permit is separate to and in addition to any planning permission/DCO granted. However, as noted below, the Applicant may seek to disapply this requirement.

The following are matters currently subject to negotiation between the Parties:

With respect to a permit from the EA for flood risk activities under the Environmental Permitting (England and Wales) Regulations 2016, it is agreed that the DCO may disapply the requirement to obtain such a permit from the EA. The Applicant and the EA are discussing appropriate protective provisions regarding this issue.

Water Framework Directive Assessment

The following is AGREED between the Parties

3.4.2 It is agreed that:

- a) The proposed works will not have any adverse impacts on hydromorphology or groundwater from the perspective of the Water Framework directive (WFD) and that a full WFD assessment will not be required in respect to these issues.

Hydraulic Modelling

The following is AGREED between the Parties

3.4.3 It is agreed that:

- a) The hydraulic model used to support the FRA is fit for purpose and it is suitable for the basis of a site specific flood risk assessment.

Flood Risk Assessment

The following is AGREED between the Parties

3.4.4 It is agreed that:

- a) The Flood Risk Assessment (FRA) prepared to support the DCO application is acceptable. Measures within the FRA are incorporated into the Outline Surface Water Drainage Strategy, submitted as Appendix K to the Flood Risk Assessment Rev 03 (REP2-027) .
- b) Measures in the Outline Surface Water Drainage Strategy are secured through requirement 12 of the draft DCO submitted at Deadline 2 (Examination Library Reference REP2-014).
- c) In order to ensure that the works are carried out as per the FRA and that any detailed design is submitted and signed off by the relevant planning authority, a new requirement 13 has been added to the draft DCO submitted at Deadline 2 (Examination Library Reference REP2-014) as follows:
 - (1) The authorised development must be carried out in accordance with the flood risk assessment.
 - (2) In relation to any part of the authorised development comprised in numbered work 3A, no development of that part must commence until the flood mitigation channel has been completed.

Requirement 6 to the draft DCO has also been amended to require that the detailed design of the flood mitigation channel in numbered work 3A is submitted to and approved by the relevant planning authority.

- d) The proposed requirements in the draft DCO are adequate to ensure compliance with the FRA.

Groundwater protection

The following is AGREED between the Parties

3.4.5 It is agreed that:

- a) During construction, if piling is required to the depth of the secondary aquifer, a Foundations Works Risk Assessment will be undertaken and appropriate mitigation measures agreed with the EA in order to manage potential pollution pathways. The risk assessment should be written in accordance with the relevant guidance. Information and guidance is available at www.gov.uk.
- b) This measure will be delivered through the Construction Environmental Management Plan (CEMP) and is included in the Outline CEMP (REP2-025).

3.5 Waste

The following is AGREED between the Parties

3.5.1 It is agreed that:

- a) A Site Waste Management Plan will be produced as part of the CEMP. The proposed structure of the SWMP is included in the Outline CEMP (REP2-025).
- b) Should demolition waste require treatment prior to being reused as part of the construction phase, a relevant exemption or environmental permit would be required.
- c) According to 'The Definition of Waste: Development Industry Code of Practice' (DoWCoP) document, suitably processed or source-segregated aggregate material such as crushed brick and concrete (reused on the site of production) can be used within earthworks/drainage. This voluntary code of practice sets out current good practice and provides a framework for determining whether or not excavated materials arising from the site during remediation and/or land development works are considered waste or not.
- d) If the demolition waste requires treatment to make it suitable for re-use, it would be classed as a waste and therefore should be regulated by the Environment Agency.
- e) If stockpiles of demolition waste are anticipated to be in place for longer than 12 months, then an agreement from the Environment Agency should be sought

3.6 Ground Conditions

The following is AGREED between the Parties

3.6.1 It is agreed that:

- a) The findings of Chapter 11 of the Environmental Statement [APP-079] are agreed, which indicate that construction phase activity could potentially impact on controlled waters.
- b) A ground investigation should be undertaken to assess the risks to groundwater associated with potential sources of contamination.
- c) The application documents provide sufficient information to satisfy the need for a preliminary risk assessment to identify:

- All previous uses;
- Potential contaminants associated with those uses;
- A conceptual model of the site indicating sources, pathways and receptors; and
- Potentially unacceptable risks arising from contamination at the site.

- d) Requirement 14 of the DCO has been revised (in the version submitted at Deadline 2, Examination Library Reference REP2-014) to state:

Ground Conditions

- (1) *No part of the numbered works comprising stage 1 must commence (including permitted preliminary works comprising demolition of existing structures, environmental surveys, geotechnical surveys and other investigations for the purpose of assessing ground conditions only) until a written strategy in relation to the identification and remediation of any risks associated with the contamination of the Order limits associated with that numbered work has been submitted to and approved by the relevant planning authority.*
- (2) *No part of the numbered works comprising stage 2 must commence (including permitted preliminary works comprising demolition of existing structures, environmental surveys, geotechnical surveys and other investigations for the purpose of assessing ground conditions only) until a written strategy in relation to the identification and remediation of any risks associated with the contamination of the Order limits associated with that numbered work has been submitted to and approved by the relevant planning authority.*
- (3) *The strategy submitted and approved pursuant to sub-paragraphs (1) or (2) must:*
 - a) *Include a site investigation scheme, based on the preliminary risk assessment set out in chapter 11 (ground conditions and contamination) of the environmental statement and providing details of the detailed risk assessment to be carried out for the receptors on or in the vicinity of the Order limits that may be affected by the authorised development;*
 - b) *Set out how the outcomes of the site investigation scheme and detailed risk assessment carried out pursuant to (a) above will be reported, and provide for the submission and approval by the relevant planning authority of an options appraisal and remediation strategy based on such outcomes and*

providing details of any remediation measures required and how they are to be carried out; and

- c) Include a verification plan identifying the data to be collected in order to demonstrate that the remediation measures set out in the options appraisal and remediation strategy prepared pursuant to (b) above have been completed and are effective, and any requirement for long term monitoring of pollutant linkages, maintenance or arrangements for contingency action.*
- (4) Prior to the date of Work No. 1A full commissioning a report prepared substantially in accordance with the verification plan prepared pursuant to sub-paragraph 3(c) and approved pursuant to sub-paragraph (1) must be submitted to and approved by the relevant planning authority.*
- (5) Prior to the date of Work No. 2A full commissioning a report prepared substantially in accordance with the verification plan prepared pursuant to sub-paragraph 3(c) and approved pursuant to sub-paragraph (2) must be submitted to and approved by the relevant planning authority.*
- (6) If, during the carrying out of the authorised development on
 - a. The power station area;*
 - b. The pipeline area; or*
 - c. The construction laydown area*contamination not previously identified is found to be present on such area(s) no further development (unless otherwise agreed in writing with the relevant planning authority) must be carried out on the area(s) on which the contamination has been found until a remediation strategy detailing how such contamination shall be dealt with has been submitted to and approved by the relevant planning authority.*
- (7) The authorised development must be carried out in accordance with the strategy approved pursuant to sub-paragraph (1) and any remediation strategy approved pursuant to sub-paragraph (6).*
- e) It is agreed that the requirement adequately manages and mitigates impacts in relation to ground conditions.

3.7 Combined Heat and Power ('CHP') Readiness

The following is AGREED between the Parties

3.7.1 It is agreed that:

- a) The Applicant has concluded that it would not currently be viable to produce heat or steam from the proposed develop Proposed Scheme. The Applicant has reached this decision by undertaking scoping exercise to identify potential sites and an economic appraisal and taking account of the distributed nature of the loads, the distances to the identified opportunities, potential barriers and constraints to the installation of export pipework.

- b) The EA is satisfied that the Applicant has precluded heat or steam production by following the guidance within CHP Ready Guidance for Combustion and Energy from Waste Power Plants' V1.0 February 2013.
- c) All new combustion power plants that do not include CHP from the outset must nevertheless be CHP-ready. The degree to which they are CHP-ready will depend on the technical viability of future opportunities for heat supply in the vicinity of the plant. As such, any permit application will need to assess CHP readiness via a Best Available Technique (BAT) assessment alongside a cost-benefit assessment (under Article 14 of the Energy Efficiency Directive).
- d) Should a permit be issued to the operator, it will include the following condition, which stipulates that the operator must undertake a periodic CHP review:

The operator shall review the viability of Combined Heat and Power (CHP) implementation at least every 4 years, or in response to any of the following factors, whichever comes sooner:

- New plans for significant developments within 15km of the installation
- Changes to the local plan
- Changes to the BEIS UK CHP Development Map or similar
- New financial or fiscal incentives for CHP

- e) On the basis of the above proposed condition, the EA is satisfied that no DCO requirement is required in this respect.

The following are matters currently subject to negotiation between the Parties:

- 3.7.2 Demonstration that sufficient space will be allocated for future retrofit of CHP.
- 3.7.3 Selection of heat loads to confirm the footprint of any development required.
- 3.7.4 The Applicant has submitted additional information to the EA on these matters. The EA is currently considering this further documentation.

3.8 Carbon Capture Readiness ('CCR')

The following is AGREED between the Parties

- 3.8.1 It is agreed that:

- a) The space allocated to the CCR is sufficient to conclude that "there are no foreseeable barriers" to carbon capture with regards space allocation.

The following are matters currently subject to negotiation between the Parties:

- 3.8.2 The Applicant has submitted additional information to the EA to demonstrate that there are no foreseeable barriers to carbon capture with regards to technical feasibility. The EA is currently considering this further documentation.

4 AGREEMENT ON THIS SOCG

4.1.1 This SoCG has been jointly prepared and agreed by

Name:

Signature:

Position:

On behalf of:

Date:

Name:

Signature:

Position:

On behalf of:

Date:

Name:

Signature:

Position:

On behalf of:

Date: