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To Drax Power Ltd

Your Ref:

Our Ref: EN010091

Date: 21 December 2018

Dear Sir/Madam

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

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

Proposed changes to the original application

We are writing under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) to request further information on the proposed changes to the application.

At Deadline 3 (D3) of the Examination, Thursday 22 November, the Applicant proposes (Examination Library reference [REP3-001 and REP3-022]) to change some of the maximum parameters contained within the application, and change the description of the Proposed Scheme contained within Chapter 3 (Site and Project Description) of the Environmental Statement (ES) [APP-071]. The proposed changes concern:

- The battery storage design
- The battery storage construction
- The layout of the above ground installation (AGI)
- The power station site parameters – including (but not limited to) stated stack heights associated with Units X and Y and the Heat Recovery Steam Generator

It is the responsibility of the Examining Authority (ExA) to decide whether new or revised information submitted into the examination by an Applicant constitutes a material change to the application (see paragraph 2.3 of Planning Inspectorate's Advice Note 16 (<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/07/Advice-note-16.pdf>)). Whether or not a change is material could depend on, for example, whether or not there are new or different likely significant environmental effects. In this case, the Applicant states that the proposed changes have been subjected to additional air quality modelling and a Landscape and Visual Impact Assessment and will not result in a change to the likely significant effects of

the Proposed Scheme, as described in the ES. However, the ExA has not seen this environmental information, and is not yet in a position to conclude that the proposed changes do not constitute a material change to the application. The ExA notes that the Applicant submitted at D3 a document with Revised Viewpoints and Additional Photomontage [REP3-021], but we do not feel that this adequately covers the information relied upon to make the assessment and conclusions in REP3-022.

The ExA therefore requests the Applicant to submit by Deadline 5 (D5) of the examination, Wednesday 9 January:

- The documents that the Applicant has relied upon in the assessment of changes in order to draw the conclusion that the proposed changes will not result in a change to the likely significant effects of the Proposed Scheme, as described in the ES.
- If the Applicant considers that this environmental information has already been provided at D3 the ExA requests the Applicant to provide a schedule of all documents and plans which contain that environmental information.
- The ExA also requests the Applicant to submit a full schedule of all application documents and plans listing revisions to each document and plan (as a consequence of the proposed changes) or a 'no change' annotation.

The Applicant's attention is drawn to paragraph 4.1 and figure 3 of Advice Note 16. If, on receipt of the information requested above, the ExA concludes that the proposed change to the application is material the ExA may, in accordance with the guidance in Advice Note 16, request the Applicant to carry out non statutory publicity and to consult the consultation bodies. The Applicant may wish to consider taking these steps in any event.

Yours faithfully

Richard Allen

Richard Allen
Lead Member of the Panel of Examining Inspectors