

Examining Authority in respect of Drax Re-power (EN010091)
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol BS1 6PN

274 Richmond Road
London E8 3QW
United Kingdom
+44 (0)20 7749 5970 / tel
+44 (0)20 7729 4568 / fax

info@clientearth.org
www.clientearth.org

9 January 2019

By email

Dear Sir / Madam

Drax Re-power (EN010091) / IP ref: 20011838

ClientEarth wishes to register its concerns regarding the 'Written Summary of the Applicant's Oral Case put at ISH1' submitted by the Applicant at Deadline 4 in the above-referenced examination.

As explained below, the document's format and structure suggests that it is an objective record of the hearing, when in fact it:

1. includes additional points to those advanced by the Applicant and its representatives at the hearing (without identifying them as such),
2. does not record other participants' submissions in equivalent detail, and
3. fails to record a number of points made by participants, including by the Examining Authority.

The document is formatted and structured in the form of minutes or a neutral summary of proceedings, with each paragraph seemingly reporting a separate point made at the hearing by a particular participant. Equally, there is nothing in the document's content to suggest that it serves as the Applicant's written response to points raised at the hearing. It is simply described as a "note" that "follows the order in which the items were considered at the ISH" (para 1.2), and covers the "main discussions points" (heading to section 3). Accordingly, rather than being presented in a way that makes clear that it serves as the Applicant's written response to matters raised at the hearing, the Applicant's "written summary" is presented as an objective record of the hearing. This makes it unsafe in its current form to be included in the examination's document library.

Yours faithfully

Sam Hunter Jones
Lawyer, ClientEarth