

Rooney, Lauren

From: Wilcock, Matthew D <matthew.wilcock@environment-agency.gov.uk>
Sent: 30 January 2019 14:59
To: Drax Re-power
Subject: EN0100091 - Drax Re-power Project - Environment Agency response to further ExA Questions
Attachments: 20011848 - EA response to first Further questions.pdf

Follow Up Flag: Follow up
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Dear Sir/Madam

Please find attached the following documentation concerning the Drax Re-power DCO application:

- Environment Agency response to the further ExA Questions

Our unique reference number is 20011848.

These relevant representations are given without prejudice to any future detailed representations that we may make throughout the examination process. We may also have further representations to make when supplementary information becomes available in relation to the project.

Please do not hesitate to contact me if you require any further information. We look forward to continuing to work with the applicant to resolve any outstanding matters and to ensure the best environmental outcome for this project.

Kind Regards

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

Planning Inspectorate Reference: EN010091

The Environment Agency's response to the
Examining Authority's Further Written
Questions

Unique Reference Number: 20011848

30 January 2019

Submitted on behalf of the
Environment Agency by:
Matthew Wilcock
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Response to the Examining Authority's Further Written Questions

Please find below answers to your questions directed to the Environment Agency and to other questions where we hope our comments will assist the Examining Authority.

Construction and Operation Effects

CO 2.1 – Carbon Capture Readiness Statement

To the Environment Agency

In its WR at D2 [REP2-041] the Environment Agency, stated that it was assessing the additional information provided by the Applicant following its request for it in its RR [RR-292] and again at WR stages. The Applicant tabled this into the Examination at D3 [REP3-015]. Provide an update on this assessment.

We are satisfied that the additional information has sufficiently addresses the concerns we previously raised. We have recently raised another issue with the applicant regarding the operation of the Carbon Capture Plant and how it will cope with the on/off nature of OCGT operations. We are awaiting a response on this matter.

CO 2.2 – Combined Heat and Power Statement

To the Environment Agency

In its WR at D2 [REP2-041] the Environment Agency, stated that it was assessing the additional information provided by the Applicant following its request for it in its RR [RR-292] and again at WR stages. The Applicant tabled this into the Examination at D3 [REP3-014]. Provide an update on this assessment.

We are satisfied that the additional information has sufficiently addressed our concerns.

Draft Development Consent Order dDCO

DCO 2.5 – Flood Risk Mitigation Requirement 13 Schedule 2

To the Environment Agency

In its WR [REP2-041], the Environment Agency stated that it required changes to the dDCO [AS-012] in respect to flood risk mitigation. The Applicant inserted a new Requirement 13 into the dDCO submitted at D2 [REP2-014]. Comment on its adequacy.

Having reviewed Requirement 13 we are satisfied that it adequately

addressed flood risk mitigation.

DCO 2.6 – Ground Conditions Requirement 14 Schedule 2

To the Environment Agency, North Yorkshire County Council and Selby District Council

**In its WR [REP2-041], the Environment Agency stated that it required changes to the dDCO [AS-012] in respect to ground conditions. The Applicant substantially re-worded Requirement 14 in the dDCO submitted at D2 [REP2-014].
Comment on its adequacy.**

Having reviewed Requirement 14 we are satisfied that the proposed wording addresses our concerns and is sufficient to protect controlled waters.

DCO 2.7 – Combined Heat and Power Requirement 21

To the Applicant and the Environment Agency

At the Issue Specific Hearing on the dDCO held on Thursday 6 December 2018 [EV-014], the ExA requested details as to why Requirement 21 had been deleted in the updated version of the dDCO [REP2-014]. The Applicant responded, confirmed in its written response to D4 [REP4-011] that it had been removed as it was deemed unnecessary because the matter is controlled by the Environmental Permit Regime (EPR).

The ExA has considered the response. However, it considers a separate Requirement in the dDCO is necessary. The ExA considers that even though the Secretary of State, should they decide to make the Order, could rely on the Environment Agency to police the CHP readiness of the scheme, the ExA is concerned that it has other implications, such as an effect on layout, which would fall outside of the EPR.

Provide a response, and re-insert Requirement 21 as worded in the dDCO submitted with the Application [AS-012] or suitable appropriate wording.

The Environment Agency has no objection to the re-insertion of Requirement 21.

DCO 2.9 – Protective Provisions Schedule 11

To National Grid and the Environment Agency

**The Applicant has updated its dDCO with its submissions at D5 [REP5-011] in which Schedule 11 has been significantly amended to include new protective provisions for National Grid Gas, National Grid Electricity Transmission and the Environment Agency.
Provide a response on these additions.**

We note the inclusion of protective provisions within Schedule 11. This is currently being reviewed by our legal team and we will provide further comments in due course.