

From: [Sam Hunter Jones](#)
To: DraxRe-power@pins.gsi.gov.uk
Subject: Fw: Drax Re-power (EN010091) / IP ref: 20011838 - ClientEarth letter to ExA
Date: 20 February 2019 18:53:22
Attachments: [CE letter to ExA re Applicant"s Written Summary of ISH1 - 20 February 2019.pdf](#)

Resending the attached as no automated confirmation of receipt received.

From: Sam Hunter Jones
Sent: 20 February 2019 18:41:06
To: 'Drax Re-power'
Subject: Drax Re-power (EN010091) / IP ref: 20011838 - ClientEarth letter to ExA

Dear Sir / Madam

I attach ClientEarth's letter to the Examining Authority regarding the Applicant's post-hearing submission in respect of ISH1.

Yours faithfully

Sam Hunter Jones
Lawyer, Climate Accountability



t. +44 (0)30 3050 5976
ClientEarth, Fieldworks, 274 Richmond Road, London, E8 3QW

[email](#) | [website](#) | [facebook](#) | [twitter](#)

Please consider the environment before printing this email. This email and any files attached are confidential and intended solely for the use of the individual or entity to whom it was addressed. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent the views of ClientEarth. ClientEarth is a company limited by guarantee, registered in England and Wales, company number 02863827, registered charity number 1053988, registered office 2-6 Cannon Street, London EC4M 6YH, with a registered branch in Belgium, N° d'entreprise 0894.251.512, and with a registered foundation in Poland, Fundacja ClientEarth Poland, KRS 0000364218

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

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

20 February 2019

By email

Dear Sir / Madam

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

We refer to our letter of 9 January 2019 and to Pinsent Masons' letter dated 17 January 2019 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.

Pinson Masons' letter goes some way to addressing ClientEarth's concerns regarding the Applicant's 'Written Summary'. In particular, the letter clarifies on the record that the summary: (i) includes additional points to those advanced by the Applicant and its representatives at the hearing, without identifying them as such; (ii) does not record other participants' related submissions in equivalent detail or at all; and (iii) is not intended to be an objective record of any part of the hearing.

It is of course permissible for the Applicant to include in a post-hearing submission statements and arguments that were not made at the hearing in question and to omit oral submissions that it or others made. However, it is unclear why the Applicant chose here to present such content in the form of objective minutes.

To assist the Examining Authority in understanding the type of unidentified additional content that the Applicant has included in the document, we have provided some examples below:

- Paragraph 3.76 includes a lengthy statement about the reasonableness of the Applicant's baseline scenario that is attributed to Mr Peet (the Applicant's Climate and Carbon consultant), but which Mr Peet did not make.
- Paragraph 3.41 includes various statements regarding grid system services such as frequency response and voltage control that are attributed to Mr Baybut (Environment and Governance Section Head at Drax Power Limited), but which Mr Baybut did not make.

- Paragraphs 3.44 to 3.47 include extensive commentary regarding National Grid's system boundaries and requirements that is attributed to Mr Preece (Lead Engineer at Drax Power Limited), but which Mr Preece did not give.
- Paragraph 3.94 includes various arguments about the economic effect of retrofitting CCS that are attributed to Mr Griffiths (the Applicant's lawyer), but which Mr Griffiths did not make.

In light of these and other hidden discrepancies, we would urge the Examining Authority and the Secretary of State to exercise caution when referring to this document.

Yours faithfully

Sam Hunter Jones
Lawyer, ClientEarth