

CORRECTION NOTICE

THE DRAX POWER (GENERATING STATIONS) ORDER 2019

SCHEDULE 4 TO THE PLANNING ACT 2008 CORRECTION OF ERRORS IN DEVELOPMENT CONSENT DECISIONS

18 August 2020

The Secretary of State received a request on 14 November 2019 from Pinsent Masons on behalf of Drax Power Limited (“the Applicant”) for the correction of Omissions in the Drax Power (Generating Stations) Order 2019 (“the Order”) under Schedule 4 to the Planning Act 2008.

The Secretary of State has made the following corrections to the Order:

Article 2 (Interpretation – definition of “permitted preliminary works”):

The Secretary of State has amended the Order to identify definitions by way of (a) through to (e) rather than from (c) through to (g) to correct a mistake in the Order.

Article 2 (Interpretation – definition of “undertaker”):

The Secretary of State has amended the Order by deleting “subject to article 7(2)” as article 6 is itself drafted as being subject to article 7.

Article 6 (Benefit of the order):

The Secretary of State has amended the Order to read “Subject to article 7 (Consent to transfer benefit of the Order)” to be consistent with the title to article 7.

Article 10(1)(a) (Power to alter layout, etc. of streets):

The Secretary of State has amended the Order to read, “(a) in the case of permanent works as specified in column (2) of Part 1 of Schedule 4 (permanent alteration of layout) in the manner specified in relation to that street in column (3)” to provide consistency with the names of the specified parts in Schedule 4.

Article 10(1)(b) (Power to alter layout, etc. of streets):

The Secretary of State has amended the Order to read, “(b) in the case of temporary works as specified in column (2) of Part 2 of Schedule 4 (temporary alteration of layout) in the manner specified in relation to that street in column (3)” to provide consistency with the names of the specified parts in Schedule 4.

Article 11(6)(b) (Construction and maintenance of new or altered means of access):

The Secretary of State has amended the Order so that the word “apply” is changed to “applies” to make the provision grammatically correct.

Article 13(2)(b)(ii) (Permanent stopping up of public rights of way):

The Secretary of State has amended the Order so that “sub-paragraph (b)” has been changed to “sub-paragraph (b)(i)” to reflect the correct cross reference.

Article 14(a) (Access to works):

The Secretary of State has amended the Order so that it now reads “...Part 1 of Schedule 4 (permanent alteration of layout)” to provide consistency with the titles of the specified parts in Schedule 4.

Article 14(b) (Access to works):

The Secretary of State has amended the Order so that it now reads “...Part 2 of Schedule 4 (temporary alteration of layout)” to provide consistency with the titles of the specified parts in Schedule 4.

Schedule 1 (Authorised development):

The Secretary of State has amended the Order to read “...up to two boiler houses with a total installed thermal input capacity to the heat exchangers of 7.2 megawatts and each boiler house with up to two stacks”. This ensures the wording is consistent with Drax Power Limited’s application documents, namely Environmental Statement Chapter 3 (Site and Project Description), Section 3.2 and Appendix 6.3 to the Environmental Statement (Air Dispersion Modelling), Table A.3-2, which reports the data for up to twelve 600kW boiler units, and avoids ambiguity with the energy (heat) content of the natural gas fuelling the boiler. This is also consistent with the scenario assessed in the Environmental Statement.

Schedule 14 (Documents and plans to be certified):

The Secretary of State has amended the Order to change the Revision number and Date for “the application guide” “013” and “28.03.2019” to “014” and “03.04.2019” to reflect the final version of the application guide which was submitted at the end of the Examination.

Schedule 14 (Table 17, row 5 (environmental statement, Volume 1: 6.1 (excluding Chapter 3))):

The Secretary of State has amended the Order by inserting “(submission date)” after “29.05.2018” to make clear that the date for volume 1 of the Environmental Statement is the date of submission rather than the date of the documents themselves.

Schedule 14 (Table 17, row 5 (environmental statement, Volume 2: 6.2 appendices 1.1, 1.2, 3.1, 5.3, 5.4, 5.5, 5.6, 5.7, 5.7, 5.8, 6.1, 6.2, 6.3, 7.1, 7.2, 7.3, 8.1, 8.2, 8.3, 9.1, 9.2, 9.3, 9.4, 9.5, 9.6, 9.7, 9.8, 9.9, 10.1, 10.2, 10.3, 10.4, 10.5, 11.1, 15.1, 16.1, 16.2, 16.3, 16.4, 17.1, 17.2, 17.3))

The Secretary of state has amended the Order by inserting “(submission date)” after “29.05.2018” to make clear that the date for volume 2 of the Environmental Statement is the date of submission rather than the date of the documents themselves.

Schedule 14 (Table 17, Row 5 (Appendix 9.10)):

The Secretary of State has amended the Order by changing the revision number and date for appendix 9.10 of the Environmental Statement from “003” and “30.01.2019” to “004” and “28.03.2019” to reflect that this was the final version of the biodiversity net gain assessment that was submitted before the end of the Examination.

Schedule 14 (Table 17, Row 5 (environmental statement, Volume 3)):

The Secretary of State has amended the Order to insert a missing document reference number (“6.3”) after “environmental statement volume 3” and to amend the date “29.05.2018” to “22.05.2018” as this is the date of the document.

Schedule 14 (Table 17, Row 5 (environmental statement, breeding bird survey)):

The Secretary of State has amended the Order so that the date for document 8.4.2 is changed from “18.10.2018” to “September 2018” to reflect the date on the document.

Schedule 14 (Table 17, Row 5 (environmental statement, reptile survey)):

The Secretary of State has amended the Order so that the date for document 8.4.3 is changed from “18.10.2018” to “20.09.2018” to reflect the date on the document.

Schedule 14 (Table 17, Row 5 (environmental statement, bat activity survey)):

The Secretary of State has amended the Order so that the date for document 8.4.4 is changed from “18.10.2018” to “20.09.2018” to reflect the date on the document.

Schedule 14 (Table 17, Row 5 (environmental statement, removal of stage 0 mitigation review)):

The Secretary of State has amended the Order so that the date for document 8.5.5 is changed from “08.11.2018” to “07.11.2018” to reflect the date on the document.

Schedule 14 (Table 17, Row 5 (environmental statement, assessment of non-material amendments to the proposed scheme)):

The Secretary of State has amended the Order so that the date for document 8.4.8 is changed from “22.11.2018” to “14.11.2018” to reflect the date on the document.

Schedule 14 (Table 17, Row 5 (environmental statement, errata)):

The Secretary of State has amended the Order so that the date for document 8.3.1 is changed from “18.10.2018” to “03.10.2018” to reflect the date on the document.

Schedule 14 (Table 17, Row 5 (environmental statement, errata – update to the cumulative assessment)):

The Secretary of State has amended the Order so that the date for document 8.4.9 is changed from “22.11.2018” to “15.11.2018” to reflect the date on the document.

Schedule 14 (Table 17, Row 7 (key plan 2.2)):

The Secretary of State has amended the Order so that the date in column 4 for key plan 2.2 of the land plans is changed from “06.11.2019” to “06.11.2018” to correct an error.

Schedule 14 (Table 17, Row 8 (outline construction environmental management plan)):

The Secretary of State has amended the Order so that the date for document 6.5 is changed from “21.03.2019” to “18.03.2019” to reflect the date on the document.

Schedule 14 (Table 17, Row 11 (outline public right of way management plan)):

The Secretary of State has amended the Order so that the Revision number for document 8.4.6 – the outline public rights of way management plan – now reads “003”.

REQUESTED CHANGES THE SECRETARY OF STATE HAS DECIDED NOT TO MAKE

Schedule 13 (Design parameters):

The Secretary of State has decided not to make the change requested to the shoulder note from “Requirement 6” to “Requirement 7”. The published Order notes Article 2 as the operative provision. The view of the Secretary of State is therefore that this is correctly referenced and no amendment is required.