



Meeting note

Project name	Drax Re-Power
File reference	EN010091
Status	Final
Author	The Planning Inspectorate
Date	12 March 2018
Meeting with	Drax Power Limited
Venue	Temple Quay House
Attendees	The Planning Inspectorate Chris White – Infrastructure Planning Lead Kay Sully – Case Manager Ewa Sherman – Case Officer Hannah Pratt – Senior EIA and Land Rights Advisor Emma Cottam – EIA and Land Rights Advisor The Applicant Oliver Baybut – Drax Jim Doyle – Drax Jenny Blyth – Drax Richard Griffiths - Pinsent Masons Alexis Coleman – Pinsent Masons Chris Taylor – WSP Lara Peter - WSP
Meeting objectives	Project update and comments on the draft application documents
Circulation	All attendees

Summary of key points discussed and advice given

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

Project update

The Applicant proposes to repower the existing coal-fired Unit 5 and/or 6 of the Drax Power Station, Selby so that they become gas-fuelled. It would require the reuse of elements of the existing plant. The battery storage will be 2 x 100MW (100MW per unit), and the maximum combined capacity would be up to 3,600MW.

The Applicant provided an update in relation to the Proposed Development following the statutory consultation period which had ended on 27 February 2018. The Proposed Development remains substantially the same as described in the Scoping Report; however, there are some minor alterations including:

- increase of stack height from 100m to 120m;



- relocation of contractors facilities;
- exclusion of the jetty from the red line boundary;
- exclusion of some existing Drax buildings from the site boundary; and
- minor amendments for landscape screening of the carbon capture storage area.

There were also further changes in addition to those mentioned.

With regard to the Options A and B for the gas pipeline as provided in the Preliminary Environmental Information Report (PEIR) of January 2018, the Applicant confirmed that following feedback received at the public consultation events and after further environmental and assessment work, the Option A connecting to Feeder 29 has been chosen as preferred.

The Applicant confirmed that a planning application under TCPA has been made to the LPA for site reconfiguration works, and the decision is expected at the end of May 2018. However, these works will also be included in the submitted draft DCO. Should the TCPA consent be obtained, the Applicant may choose to remove the works from the dDCO during examination. The Applicant confirmed that this approach has been reflected in the drafting of the DCO and the Environmental Statement. Additionally, the suggested conditions from the LPA would be taken into account in the submitted dDCO.

Consultation

The Applicant provided an update in relation to the section 42 consultation responses submitted by Natural England (NE), Historic England (HE), Marine Management Organisation (MMO), Forestry Commission (FC), Environment Agency (EA), Canal and River Trust (CRT), Yorkshire Wildlife Trust (YWT), Public Health England (PHE), Royal Mail and jointly by the Local Authorities: North Yorkshire County Council (NYCC) and Selby District Council (SDC). The key issues that have been discussed with these consultees are as follows: impact on designated sites and areas of influence, protected species; requirement to complete further surveys (NE); abstraction and discharge, transport and navigation up and down the river (CRT); biodiversity (EA). The LPAs were concerned about landscape and visual impacts, ecological impact, noise, and also requested more clarity on the description of the project, information on retention of the existing infrastructure and details of proposed mitigation measures.

The Applicant held five public exhibitions in four separate venues, attended by 133 people. The key issues relate to traffic and transport, swapping one fossil fuel for another (coal for gas), noise, and impacts on nature and habitat. As the existing jetty on the River Ouse has been excluded from the redline boundary the MMO had no queries regarding the proposal. Regarding the incomplete ecological surveys, the Applicant and Natural England have agreed that these can be undertaken post the DCO submission and any issues remaining will be captured in the SoCG between the parties. The surveys are primarily required to confirm the results of surveys already undertaken; specifically for birds, bats and newts along the gas pipeline corridor. These will be completed by June 2018 and submitted to the Inspectorate during the pre-examination period. The Applicant confirmed as a precautionary measure, it is taking a conservative approach to mitigation.

The Applicant advised that it is continuing dialogue with EA and NE regarding the Habitats Regulations Assessment. Construction is unlikely to result in significant effects;



however, the turbines proposed are outside BATREF documents, therefore the EA has confirmed that site specific assessment will be required for the operational phase. With high efficiency turbines there will be higher NO_x but less CO₂. The Applicant has not yet determined whether selective catalytic reduction (SCR) will be incorporated into the design. Without SCR, the modelling undertaken to date by the Applicant indicates that there will not be significant effects on European sites in the vicinity. With SCR, there is potential for ammonia emissions which could result in a significant effect on European sites. The Applicant will model both scenarios in the application documents and will consider any further advice regarding ammonia slip from the EA. The Applicant also confirmed it is considering potential in-combination impacts with other developments, including Eggborough Power Station.

The Applicant's intention is to submit Environmental Permit (EP) application to the EA at the same time as the DCO submission with a view to it being determined during decision stage.

The Applicant also advised on the approach taken regarding the 233 consultation template responses submitted by Biofuelwatch, an organisation that voiced concerns about Drax and against biomass. Due to the volume of responses the Applicant proposes to deal with them separately in the final Consultation Report.

Draft Documents review

The Inspectorate had reviewed the draft Development Consent Order (DCO) documents submitted by the Applicant on 5 March 2018. Detailed comments are provided in the Annex to this note.

With regard to the compulsory acquisition the Applicant explained that information on creating and acquiring new rights over any part of the Order land (Article 22) will be included in Schedule 8 (blue land) of the draft DCO, and the temporary possession of land (Article 28) will be included in Schedule 10 (yellow land).

The Inspectorate recommended looking at [Advice note sixteen](#) regarding any potential material changes to the proposed development which may occur during the examination. The Inspectorate advised the Applicant to be prepared to justify the approach taken to the generation capacity of the proposed units as each has a separate limit, with a total of 3.8MW yet the authorised development sought will be for up to four generators.

The Inspectorate advised the Applicant to ensure that all internal references and legal footnotes in the final DCO are checked, and that the drafting follows the best practice contained in the Inspectorate's [Advice note fifteen](#), and the comments provided during the meeting focused on the main elements of DCO and EM drafting: certainty, justification and effect, including clear explanation if the Application seeks flexibility in the DCO.

The Applicant advised that it will submit a draft Consultation Report on 3 April. The document will demonstrate how the Applicant had mitigated the issue with delivery of s42 consultation packs to the statutory consultees, and also provide justification of the compulsory acquisition rights sought, and ongoing negotiations with the leaseholders.



The Applicant also may submit a draft Habitats Regulations Assessment (HRA) Report to the Inspectorate and Natural England in April for comments and review. The Inspectorate requested advanced notice of submission in order to allocate resources.

The submission date is on track for the end of May 2018.

Pre-submission tasks

The Inspectorate also suggested looking at the document called 'Guide to the Application'. It can be found here: [Guide to the Application](#). Applicants are advised to consider including a 'Guide to the Application' as part of the suite of application documents at submission, and to update it at every Examination deadline as it has proved to be very useful to the Examining Inspectors and Interested Parties in past Examinations. Other good example documents can be found on our website at the link here: [Good example documents](#).

Specific decisions

The following actions were agreed:

- The Inspectorate will provide further information regarding the formalities ahead of the submission of the DCO application.
- The Inspectorate will review the draft Consultation Report and HRA Report dependant on resources and timescales of submission of these documents.