



Drax Power Station
Selby
North Yorkshire
YO8 8HP



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PINS Reference: EN010120

Drax Bioenergy with Carbon Capture and Storage Project

Proposed Changes Request and the Examination Timetable

Document Reference: 8.2.3 Cover Letter

Dear Ms Jones and Mr Harrold,

I write to formally advise you that Drax Power Limited (the 'Applicant') intends to submit a Changes Request for the Bioenergy with Carbon Capture and Storage (BECCS) at Drax project (the 'Scheme').

This letter is submitted to give you advanced notice of our intention to submit this Changes Request, and we set out an indicative programme for this. The Changes Request will have two components:

- **Proposed Change 1:** will be made in order to provide a Floodplain Compensation Area (FCA). This Change reflects the commitment contained at paragraph 7.1.3 of the submitted Flood Risk Assessment (Document Reference APP-160) to provide the FCA and clarifies the location of the proposed FCA. It will only involve land that is owned and under the control of the Applicant and is not considered to comprise a 'proposed provision' for the purposes of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (the CA Regulations).
- **Proposed Change 2:** will be made, following further discussions with the relevant statutory undertakers, to provide additional powers to enable the undergrounding of Overhead Lines (OHLs) in respect of two electrical overhead lines and two telecommunications lines which cross the access route to the site at A614 (Rawcliffe Road) and the A645, to allow for the delivery of multiple Abnormal Indivisible Loads ('AILs') to the site. This Proposed Change will mean that the Applicant needs to make a 'proposed provision' for additional land (as defined in the CA Regulations) outside of the current Order Limits. Details of how this is proposed to be dealt with are set out below.

This letter sets out the Applicant's proposals for how this Changes Request, the location of which is shown in the Indicative Order Limits Plan that is appended to this letter will be brought forward and



the implications that this will have for reaching the start of Examination. These proposals have been developed having regard to: '*Planning Act 2008: Guidance for the examination of applications for development consent*' (DCLG), National Infrastructure Planning Advice Note Sixteen: '*How to request a change which may be material ('AN16')*', and the CA Regulations.

In light of the procedural requirements of the CA Regulations, and to ensure that the Examination starts with matters of interest already resolved, the Applicant considers that it would be preferable for the Proposed Changes to be dealt with prior to the start of Examination. However, it is also mindful of paragraph 45 of the DCLG '*Guidance for the examination of applications for development consent*' which states that a delay to the start of the Examination may be '*appropriate, depending on the circumstances, but should be kept to the minimum period necessary*'. The steps set out in section 2 of this letter have therefore been proposed with the aim of bringing forward the changes as efficiently as possible within the procedural constraints of the CA Regulations and AN16.

1. Why are the changes necessary?

Proposed Change 1

Proposed Change 1 is proposed pursuant to the requirement at paragraph 7.1.3 of the Flood Risk Assessment (Document Reference APP-160) and in item D5 of the Register of Environmental Actions and Commitments (Document Reference APP-179) that the Applicant needs to provide additional floodplain capacity (a minimum floodplain area of 1,889 m² will be created) through the lowering of ground currently outside the floodplain on land controlled by the Applicant, to mitigate against the slight loss of floodplain which arises as a result of the Scheme.

Following further work by the Applicant, it has now been able to confirm the land upon which the FCA works would be located, which is shown on the appended Plans. The land is owned by the Applicant, and no new land interests would be affected by the proposals, save for an agricultural tenant of the Applicant who holds a short term (non-protected) tenancy over the land and whose interest would be managed before the works commence.

Initial discussions regarding the FCA have been held with the Environment Agency who gave an initial view that this location would be likely to be acceptable, subject to further technical detail being provided. The Applicant intends to provide the EA with these technical details before the Changes Request is submitted and a summary of these ongoing discussions will be submitted as part of the Changes Request.

Proposed Change 2

Proposed Change 2 is required to facilitate the delivery of AILs to the site during the construction phase of the Scheme.

In the draft DCO submitted with the Application (Document Reference OD-002), article 9 and Schedule 4 seek powers to replace or underground overhead power and telecommunications lines at the locations identified on the Access and Rights of Way Plans (Document Reference APP-011) (ARoW Plans). These powers are sought in light of the fact that the loads carried as part of the AIL movements would be taller than these OHLs, causing a conflict.

Following submission of the Application, the Applicant has been in further contact with the electrical asset owners (Northern Powergrid) of the OHLs, as to the preferred approach for dealing with this conflict. The result of these discussions is that it has been identified that:



- location 'I' on sheet 4 of the ARoW Plans is in the wrong location and so this plan needs to be amended;
- undergrounding is the preferred approach; and
- undergrounding needs to take place from 'pylon to pylon' rather than just for the section of OHL which sits over the highway. The pylons which relate to the OHLs shown on the ARoW Plans are located outside of the highway boundary. Third party land would therefore be required to access the pylons and undertake the works. Furthermore, as the OHLs will now be undergrounded, the Applicant will need to provide Northern Powergrid with the appropriate rights to access and maintain the undergrounded line in the future.

Proposed Change 2 will therefore require a change to Application documentation to add that third party land to the Order limits to give the Applicant the works powers to undertake these undergrounding works, but also to give it powers of compulsory acquisition of rights over that third party land. This change will therefore constitute the proposed provision of additional land for the purposes of the CA Regulations.

In addition, the Applicant has not yet, but is urgently seeking to, confirm the requirements for the telecommunications OHLs, noting that if the same position applies to that asset, then further 'additional land' will be required for the same reasons, as the relevant telegraph poles are outside of the highway boundary.

As these AIL deliveries are critical to the construction of the Scheme, the Applicant is proceeding on the basis that its proposed provision of additional land as part of Proposed Change 2 will also include third party land to access these telegraph poles, carry out the works and provide appropriate rights and easements for future access and maintenance, until the requirements of the telecommunications company can be confirmed. As these requirements may not be confirmed during Examination, the Applicant needs to ensure that an undergrounding option can be delivered.

If this position changes prior to any of the steps set out (for example, if the telecoms company confirms that undergrounding is not required), this would be reflected during the carrying out of the steps proposed in section 2 of this letter.

2. Proposed Next Steps and Timetable

In light of the above, the Applicant has been considering the appropriate approach to bringing forward the Proposed Changes in the context of the requirements of AN16 and the CA Regulations, which are not entirely consistent.

In doing so, the Applicant has also considered that whilst it is of the view that the FCA works are not a material change and that the OHL works are also not a material change notwithstanding the additional land required, it recognises that this is ultimately a decision for the Examining Authority (ExA) and that additional land is one of the factors that is considered in determining the materiality of a change.

It has therefore set out the following proposed programme, which seeks to combine the requirements of non-material changes and material changes in AN16, and the CA Regulations, whilst mindful of paragraph 45 of the DCLG Examination guidance:

Step 1: Submission of this letter, to enable the ExA to understand the Proposed Changes and receive the Applicant's proposals for consultation on the Proposed Changes and the programme to Examination.



Step 2 (to 30 September): In light of the requirements of Regulation 4(2) and 5 of the CA Regulations, the Applicant is currently in the process of beginning communications (including site notices) with the land interests who hold a land interest in the proposed additional land (identified via the Land Registry) to (a) ascertain whether those interests would consent to the inclusion of the additional land and (b) for the purposes of ‘diligent inquiry’ to ensure all land interests have been identified. The Applicant will keep the ExA informed as to the status of the discussions on (a) throughout the Proposed Changes process.

Step 3 (30 September): The Applicant will submit the following documentation to meet the requirements of Regulation 5 of the CA Regulations, taking account of any responses received as part of Step 2:

1. A supplement to the Book of Reference;
2. An update to the Land Plans identifying the additional land;
3. A Statement of Reasons addendum in respect of the additional land; and
4. A Funding Statement addendum in respect of the additional land.

Step 4: ExA to determine whether the ‘proposed provision’ is accepted as part of the Application and to determine whether it agrees with the proposed consultation proposals. Whilst the Applicant appreciates that Regulation 6 of the CA Regulations gives 28 days for the ExA to determine whether the proposed provision is accepted, the Applicant is working to the presumption that this would be able to be given in 14 days from the 30th September (**14 October**) on the basis that the ExA would have had the time to consider the consultation proposals set out in this letter before 30 September. The timescales in Steps 5 and 6 would be able to be amended if this decision was made before or after 14 October.

The Applicant acknowledges that, at this stage, the ExA would only have considered the ‘land’ position. As such, the Applicant recognises that if, following the conclusions of the steps below, the OHL change is not considered acceptable for other reasons, the ExA would need to later report that compulsory acquisition powers over that land were not authorised.

Step 5 (20 October to 26 November): If the proposed provision is accepted, the Applicant would carry out consultation on both of the Proposed Changes, to take place in the following form:

- The Applicant considers that it would be simplest for the public and the bodies identified in Regulation 7 of the CA Regulations to understand the changes to the Application if both Proposed Changes (notwithstanding that only Proposed Change 2 involves a proposed provision) were notified and publicised in line with the requirements of Regulations 7 and 8 of the CA Regulations, and thus proposes to do this. Furthermore, the Applicant proposes that notices would state that representations on both changes could be made on the PINS website (and therefore including ‘Relevant Representations’ on the proposed provision).
- The Applicant will also send the same notification to:
 - the Ramblers Yorkshire Group, as a non-statutory group, as the FCA works will take place adjacent to a public footpath; and
 - to the residents of ‘consultation zones’ that the Applicant has identified of local residents who live close to the locations of the Proposed Changes and may therefore

have an interest in them. These proposed consultation zones are set out on the Indicative Consultation Zone Plan appended to this letter.

- The notification and newspaper notices would include the information required by Regulations 7 and 8 but would also append (in the case of the letter), or signpost to where it can be found online on the PINS website and library locations where that website can be accessed (in the case of the newspaper notice), a consultation booklet which will include further information on the Proposed Changes, a high level summary of the environmental impacts of the Proposed Changes compared to the effects of the Scheme reported in the ES and information on how to respond to the consultation.

The Applicant does not propose that any public events are required in relation to the Proposed Changes as the impacts are localised in nature and in the context that Proposed Change 1 is proposed to take place on the Drax Power Station site.

If the ExA's Procedural Decision in Step 4 was made on 14 October, the Applicant anticipates that the first newspaper notice would be able to be published by **20 October** (with the booklet provided to PINS in good time before this to be placed on the PINS website). With a second notice being published on 27 October and a 30 day consultation/Relevant Representation period, this would mean the consultation period would end on **26 November**.

Step 6 (9 December latest): In light of the requirements on the ExA of Regulation 11 of the CA Regulations, the Applicant will submit within 10 working days of the end of the consultation end (being also the date of the Relevant Representations period ending), the certificates required by Regulation 9 and a report which will do the following things (and in so doing also perform the role of constituting the Applicant's formal application for the change in respect of Proposed Change 1):

- i. environmentally appraise both of the Proposed Changes – this would consider whether the Proposed Changes would lead to no change, a non-material change, or a material change to the conclusions of the ES; and report on whether there would be any changes to the conclusions of the HRA or lead to the need for any new EPS licences. The Applicant notes that based on initial work undertaken to date, it is not considered that any material changes will be required to the ES or HRA or lead to any new EPS licences as a result of the Proposed Changes, but this will be confirmed in this report.
- ii. describe the changes, including 'before' and 'after' images of the key relevant plans showing the changes;
- iii. provide a schedule of consequential changes to Application documents, and append track changed Word documents and extracts of the relevant plans that change as a result of the Proposed Changes;
- iv. report on the engagement and consultation undertaken (including appending the consultation materials), including an update on the position with affected land interests;
- v. respond to any comments made in the Relevant Representations;
- vi. confirm whether any additional consents or licences are needed for the works; and
- vii. consider the materiality of the change.

Step 7 (up to 20 December): It is considered that the submission of the Step 6 material would enable the ExA to include any additional issues (for the purposes of Regulation 11) arising from the Relevant



Representations within its wider assessment of principal issues for the Scheme as a whole, in issuing a Rule 6 Letter, which could be issued by 20 December to meet the CA Regulations requirements.

This Rule 6 Letter would also incorporate the notification of the Preliminary Meeting which could also serve as the meeting pursuant to Regulation 11(2) of the CA Regulations, as well as setting out the provisional timetable for the Examination to include the steps required by Regulations 12-16 of the CA Regulations.

This timetable could then be finalised in the Rule 8 Letter following the Preliminary Meeting.

3. Other Submissions

In light of the above matters and the anticipated delay to the start of the Examination, the Applicant is conscious of the need for the Examination to be able to start on the ‘front foot’ as much as possible; and for it therefore to make progress in its discussions with Interested Parties in light of their Relevant Representations.

As such, I can confirm that the Applicant intends that, at the same as submitting its Changes Request, it will submit the following documents:

- a Response to Relevant Representations document and any application documentation that is updated as a result of compiling those responses;
- Statements of Common Ground that it has been able to advance with key parties; and
- typographical corrections to application documents that have been identified in discussions with stakeholders.

The Applicant also intends to make an additional submission to deal with the fact that since the submission of the Environmental Statement (“ES”) for the Application, further information has been received from the suppliers of the Carbon Capture and Storage plant which has necessitated the updating of the air dispersion model and assessment assumptions for amines.

This new information has already been incorporated into the Permit Application for the Scheme to the Environment Agency that was submitted in August 2022, and it is the Applicant’s intention to submit, alongside the Changes Request, a technical note outlining how these modelling changes impact upon the information submitted in the ES accompanying the DCO application, to ensure that both decision makers (for the permit and DCO) are considering the same information. This note will also confirm that the changes do not impact upon the conclusions of that ES.

4. Conclusion

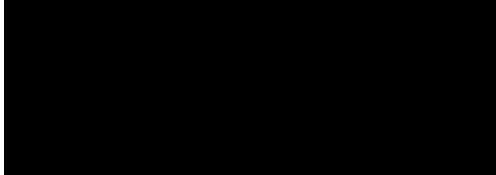
The Applicant considers that the above proposals will enable Proposed Changes to be brought forward in a way that minimises the delay to the start of Examination as much as possible, whilst meeting the relevant procedural requirements. The submission of the proposed Other Submissions at the same time as the Changes Request will also enable the Examination to proceed with progress having been made in the meantime.

In light of the above, we invite the ExA to not issue the Rule 6 Letter (and consequentially arrange the Preliminary Meeting) until Steps 1 to 6 set out in this letter are carried out.

We trust that this letter provides sufficient clarity on the proposed next steps, but please do not hesitate to contact me should you have any queries or any comments on the proposals that have been presented in this letter.



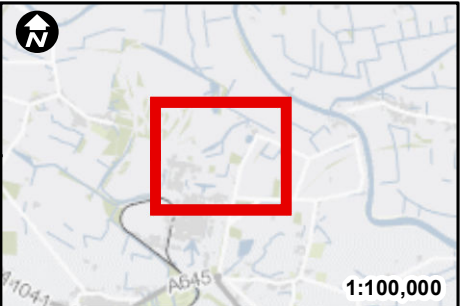
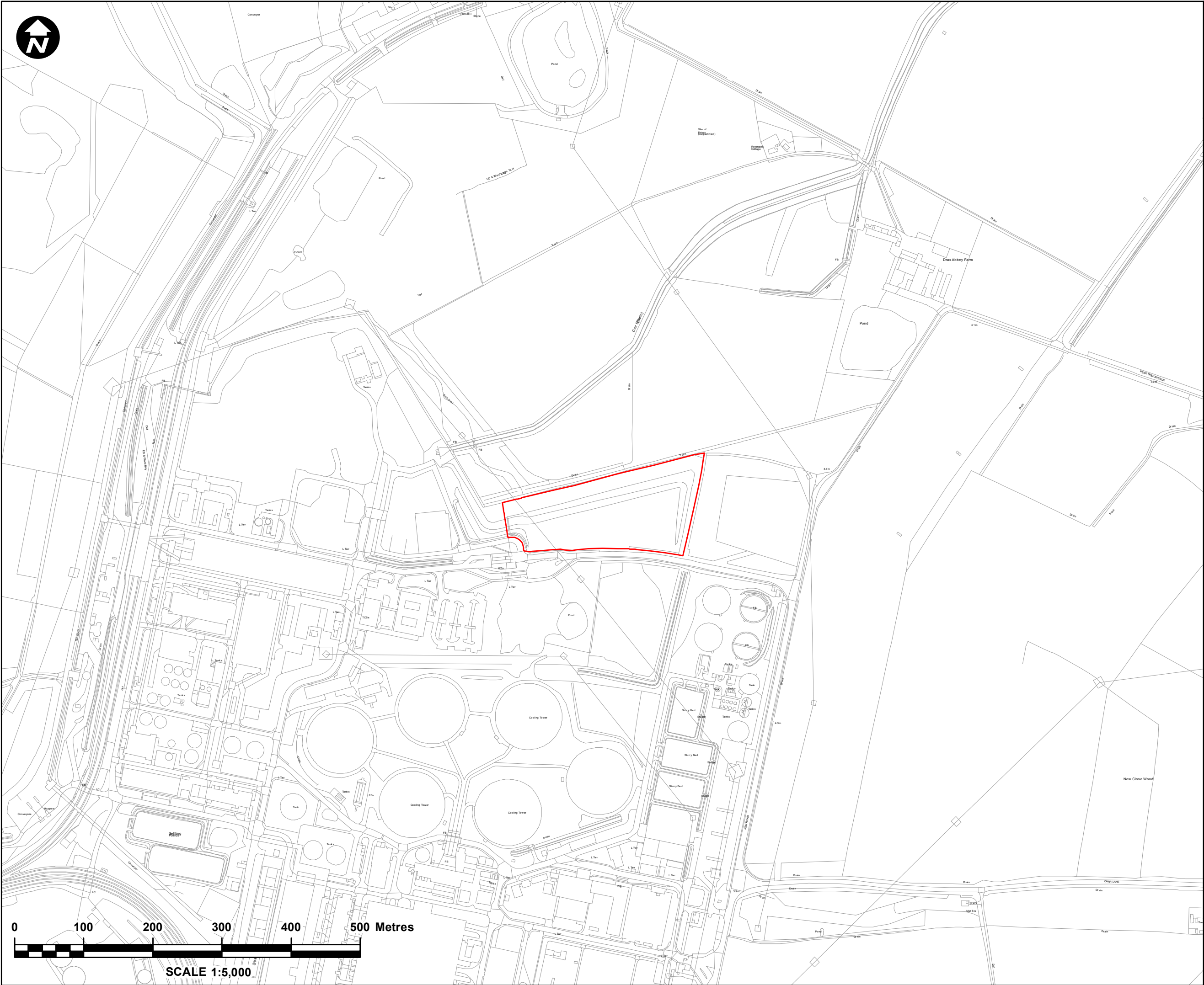
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


Jim Doyle

Planning and Consents Manager





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 Maximum Indicative Order Limits for Proposed Change

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DRAX BECCS DCO

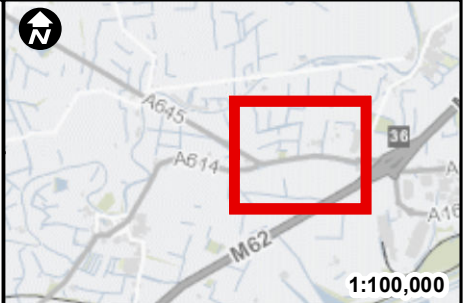
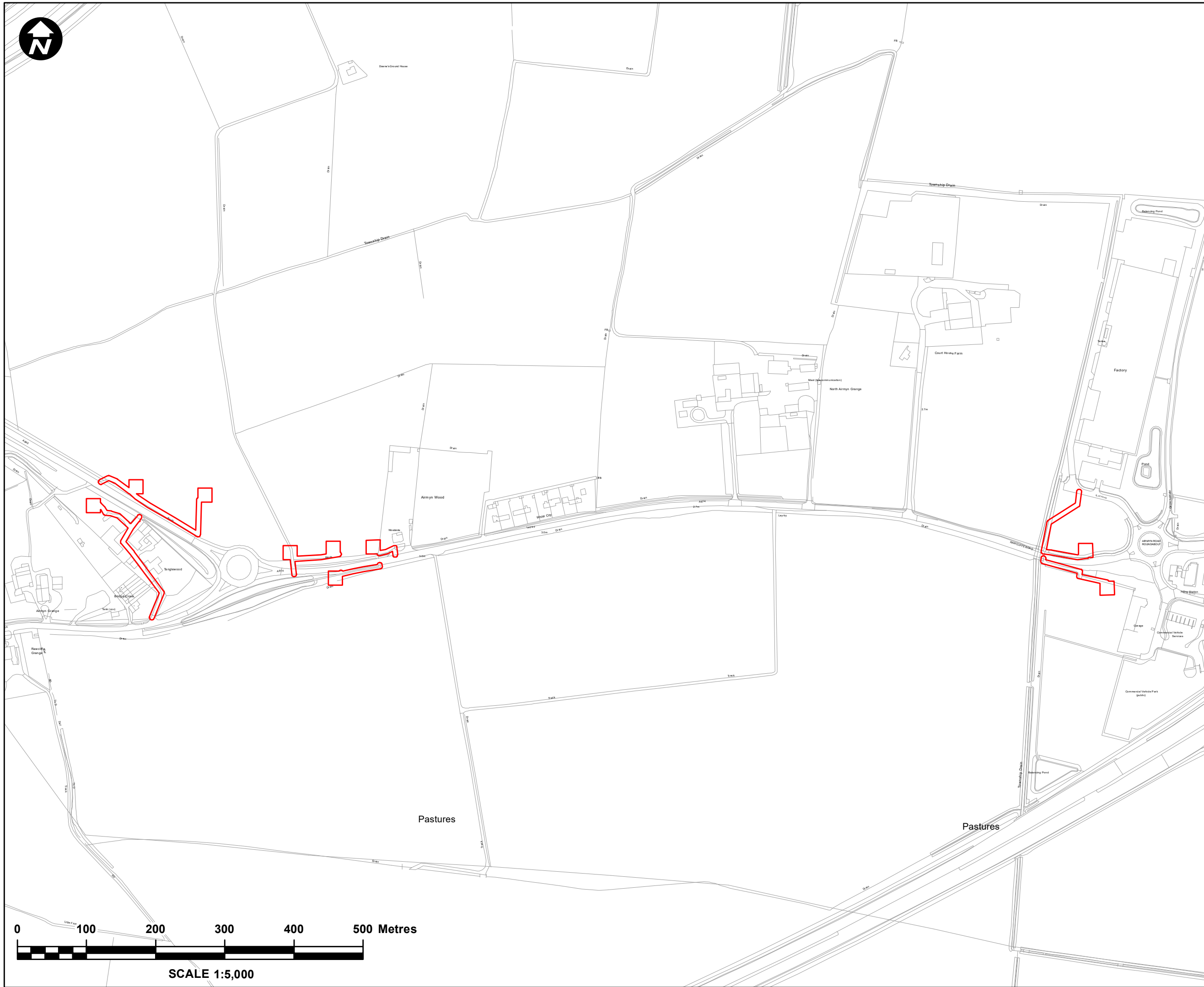
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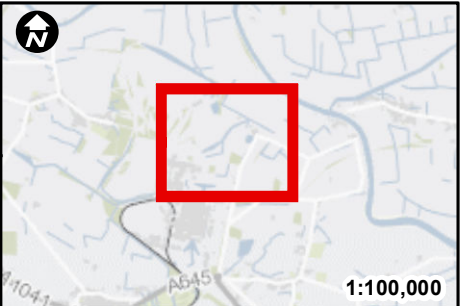
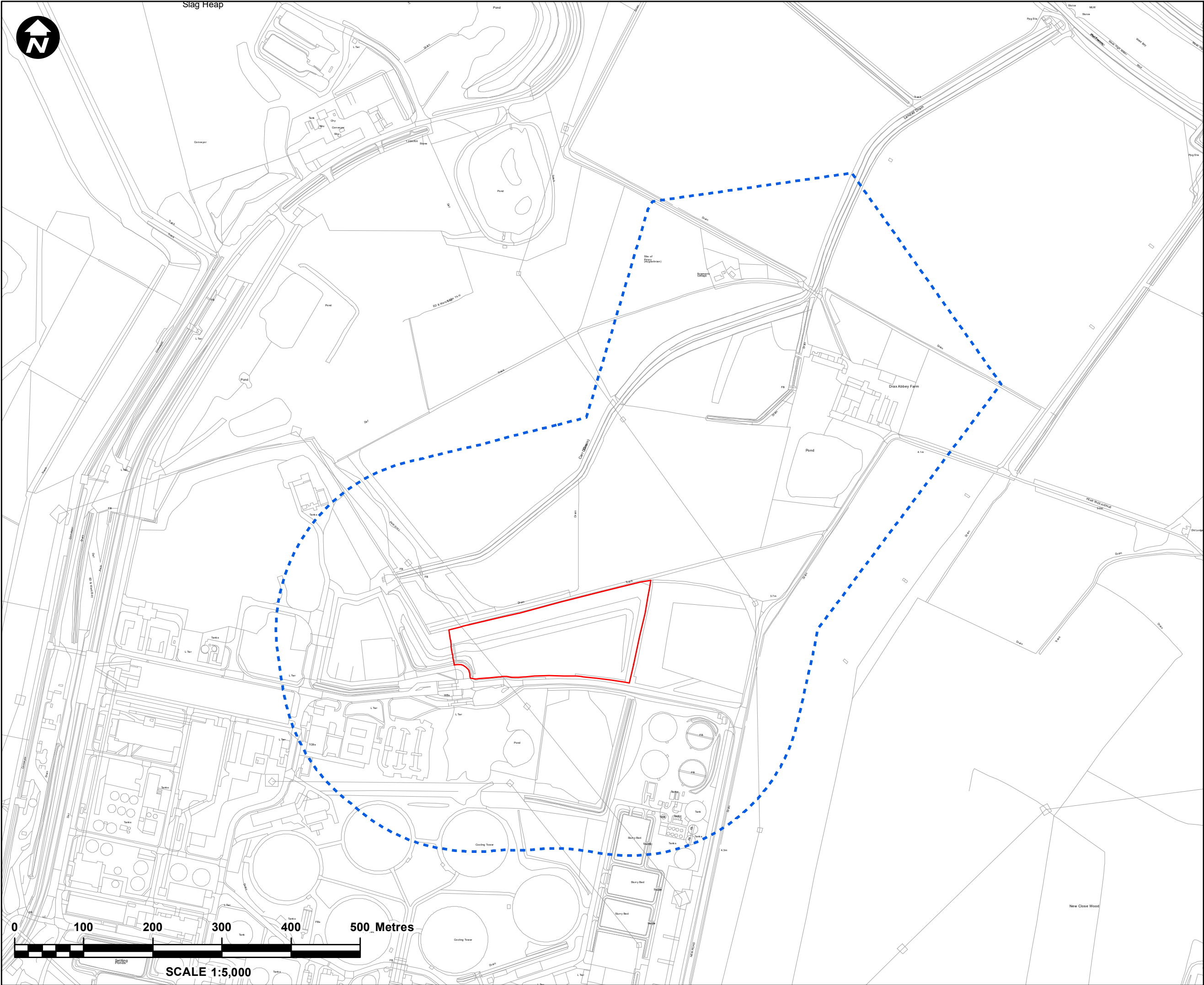
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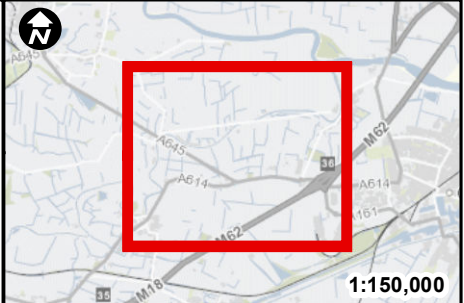
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