



# **STATEMENT OF COMMON GROUND BETWEEN SELBY AREA INTERNAL DRAINAGE BOARD AND DRAX POWER LIMITED**

## **Drax Bioenergy with Carbon Capture and Storage**

The Planning Act 2008 (as amended)

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## **EXECUTIVE SUMMARY**

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A Statement of Common Ground (SoCG) is a written statement produced during the application process for a Development Consent Order (DCO). It is prepared jointly by the applicant and another party, to assist the Examining Authority in examining the DCO application by providing an understanding of the status of discussions or negotiations between the applicant and the other party.

This SoCG has been prepared between Selby Area Internal Drainage Board (IDB) and Drax Power Limited (the 'Applicant') (jointly referred to as the Parties) to show where agreement has been reached to date in relation to the Applicant's application (the Application) for a DCO for their Bioenergy with Carbon Capture and Storage (BECCS) project (referred to as the Proposed Scheme). The SoCG represents an accurate and up to date reflection of matters discussed between the Parties. It is a document which will evolve during the pre-application and examination stages, and conclude with a version which confirms the Parties' positions on relevant matters before the close of the examination.

Selby Area IDB is interested in the Proposed Scheme as a local public authority that manages water levels within areas of special need for drainage.

Throughout this document, points of agreement and disagreement between the Parties are clearly indicated.

# **1. INTRODUCTION AND PURPOSE**

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## **1.1. PURPOSE OF THE STATEMENT OF COMMON GROUND**

- 1.1.1. A Statement of Common Ground (SoCG) is a written statement produced during the application process for a Development Consent Order (DCO) and is prepared jointly by the applicant and another party.
- 1.1.2. Paragraph 58 of the Department for Communities and Local Government's (DCLG, now Ministry of Housing, Communities and LO) guidance entitled 'Planning Act 2008: examination of applications for development consent' (26 March 2015) (DCLG, 2015) hereafter referred to as DCLG Guidance) describes a SoCG as follows:
- "A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree. As well as identifying matters which are not in real dispute, it is also useful if a statement identifies those areas where agreement has not been reached. The statement should include references to show where those matters are dealt with in the written representations or other documentary evidence."*
- 1.1.3. The aim of a SoCG is to assist the Examining Authority in examining the DCO by providing an understanding of the status of discussions or negotiations between the applicant and the other party. The effective use of SoCGs aids an efficient examination process.
- 1.1.4. A SoCG may be submitted to the Planning Inspectorate (PINS) prior to the start of or during an examination and is updated as necessary or as requested during the examination.

## **1.2. DESCRIPTION OF PROPOSED SCHEME**

- 1.2.1. A full description of the Proposed Scheme description is included in Chapter 2 (Site and Project Description) of the ES submitted with the DCO Application (PINS document reference APP-038).

## **1.3. THIS STATEMENT OF COMMON GROUND WITH SELBY AREA IDB**

- 1.3.1. This SoCG has been prepared between Selby Area IDB and the Applicant (jointly referred to as the Parties) in relation to the Application.
- 1.3.2. It addresses topics of interest to Selby Area IDB. Selby Area IDB is interested in the Proposed Scheme as a local public authority that manages water levels in respect of the parts of the Proposed Development located within their administrative boundary.
- 1.3.3. Section 3 summarises the topics of relevance to this SoCG and Section 4 then details whether matters are agreed, not agreed or under discussion between the Parties.

- 1.3.4. In respect of all other environmental topics covered in the Environmental Statement submitted with the Application but not referred to in this SoCG, Selby Area IDB has no comments to make.
- 1.3.5. The SoCG is a document which will evolve during the pre-application and examination stages, and conclude with a version which confirms the Parties' positions on relevant matters before the close of the Examination.
- 1.3.6. This SoCG has been prepared in accordance with the DCLG Guidance.

## 2. RECORD OF ENGAGEMENT UNDERTAKEN TO DATE

### 2.1. RECORD OF ENGAGEMENT

2.1.1. The tables below set out a summary of the key meetings and correspondence between the Parties in relation to the Proposed Scheme.

**Table 2.1 – Schedule of Meetings and Correspondence during the Pre-application Stage**

Date	Form of Contact and Attendees	Summary
<b>13 April 2021</b>	<u>Email</u> From WSP <sup>1</sup> to Selby Area IDB	Introduction of the Proposed Scheme. The IDB requested further information. -
<b>19 August 2021</b>	<u>Email</u> From Selby Area IDB to WSP	Selby Area IDB set out their requirements.
<b>08 December 2021</b>	<u>Email</u> From WSP to Selby Area IDB	Email asking about maintenance and operations of Carr Dyke.
<b>14 January 2022</b>	<u>Email</u> From WSP to Selby Area IDB	No response to Statutory Consultation on PEIR was received from the IDB. WSP sent follow up email requesting a response.
<b>27 January 2022</b>	<u>Email</u> From Selby Area IDB to WSP	WSP confirmed that a request for statutory consultation together with a hard copy of PEIR had been sent to the Selby Area IDB office on 28 October 2021, and followed up with an email including link to the PEIR sent on 1 November 2021. However, the IDB advised that they have not received a request for consultation on the PEIR. The IDB requested the PEIR to be re-sent to them.

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<sup>1</sup> WSP acting on behalf of the Applicant

<b>Date</b>	<b>Form of Contact and Attendees</b>	<b>Summary</b>
<b>27 January 2022</b>	<u>Email</u> From WSP to Selby Area IDB	The PEIR was re-sent to IDB via email.  In addition, the Applicant requested information on the current maintenance regime of Carr Dyke and potential channel improvements at the dyke culvert outlet downstream of Drax Power Station Site.
<b>04 February 2022</b>	<u>Email</u> From Selby Area IDB to WSP	The IDB confirmed that they reviewed the PEIR and that their comments provided in August 2021 are still valid.  The IDB requested a Teams call to discuss the maintenance regime of Carr Dyke.
<b>01 March 2022</b>	<u>Teleconference</u> Selby Area IDB and WSP	Discussion to determine current limitations to enhancement works on Carr Dyke downstream of the Drax Power Station Site. Discussion on opportunities elsewhere in the catchment for enhancement and potential for de-culverting.

**Table 2.2 – Schedule of Meetings and Correspondence during the Pre-Examination and Examination Stages**

<b>Date</b>	<b>Form of Contact</b>	<b>Summary</b>
<b>12 April 2022</b>	<u>Email</u> From WSP to Selby Area IDB	Email to agree the approach to the approval process relating to the drainage scheme. The email was also sent to seek approval for the proposed disapplication of the IDB's bye-laws – the similar approach was agreed with the Selby Area IDB for the Drax Repower project.
<b>18 July 2022</b>	<u>Email</u> From WSP to Selby Area IDB	Email to inform the Selby Area IDB that the DCO application has been accepted for examination. Links to the Flood Risk Assessment (FRA) and the proposed Surface

		<p>Water Drainage Strategy (SWDS) were provided in the email.</p> <p>Reiteration that it is proposed to disapply the IDBs byelaws and highlight of willingness for discussion on that proposal, as well as to discuss the approach to the approval process relating to the drainage scheme.</p>
<b>10 August 2022</b>	<p><u>Email</u> From Selby Area IDB to WSP</p>	<p>The IDB advised that the proposed disapplying of the IDB bye-laws is acceptable.</p> <p>The IDB also advised that they are keen to have a call to identify the key works that would normally require IDB consent to enable SoCG to be produced.</p>
<b>23 August 2022</b>	<p><u>Teleconference</u> Selby Area IDB and WSP</p>	<p>Discussion on disapplying the IDB's byelaws and details of SoCG.</p>
<b>21 October – 2 November 2022</b>	<p><u>Emails</u> Between WSP and Selby Area IDB.</p>	<p>Agreement of Revision 01 of the Statement of Common Ground.</p>



### **3. SUMMARY OF TOPICS COVERED BY THIS STATEMENT OF COMMON GROUND AND RELEVANT DOCUMENTS**

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#### **3.1. TOPICS COVERED IN THIS STATEMENT OF COMMON GROUND**

3.1.1. The following topic discussed between the Parties is covered by this SoCG:

- Water environment and drainage strategy within the IDB's remit.

3.1.2. In respect of matters relevant to the Proposed Scheme but not referred to in this SoCG, Selby Area IDB have no comments to make.

#### **3.2. RELEVANT DOCUMENTS FOR THIS STATEMENT OF COMMON GROUND**

3.2.1. Table 3.1 provides a list of documents of particular relevance to this SoCG. This list will be updated to keep a record of the most recent version of the relevant document.

**Table 3.1 – List of Relevant Application Documents for this SOCG**

<b>Document Reference</b>	<b>Document Name</b>
<b>APP-013</b>	3.1 Draft Development Consent Order
<b>APP-037-178</b>	6.1 - 6.4 Environmental Statement
<b>APP-196</b>	6.10 Biodiversity Net Gain Assessment
<b>APP-160</b>	6.3.12.1 Flood Risk Assessment
<b>APP-161</b>	6.3.12.2 Environmental Statement - Volume 3 - Appendix 12.2: Water Framework Directive Screening Note
<b>APP-179</b>	6.5 Register of Environmental Actions and Commitments
<b>APP-180-183</b>	6.6.1-6.6.2.3 Outline Landscape and Biodiversity Strategy

## 4. CURRENT POSITION

### 4.1. WATER ENVIRONMENT

Table 4.1 – Water Environment

Ref	Description of Matter	Applicant – Current Position	Selby Internal Drainage Board – Current Position	Position
<b>Flood Risk Assessment and WFDa</b>				
4.1.1	Whole Report	The Applicant agrees with the FRA (document reference APP-160) and WFDa (document reference APP-161) being a matter for the Environment Agency and the LLFA to consider.	The IDB agree that the Flood Risk Assessment is a matter for the Environment Agency and the LLFA to review and approve.	Agreed
<b>Surface Water Drainage Strategy</b>				
4.1.2	Whole Report	Surface water runoff generated in the area of Drax Power Station is proposed to be utilised in the existing cooling system. The surface water discharge from the Site will not exceed the existing discharge rate.	The IDB agree with the proposed surface water drainage strategy as the permitted discharge from the site is 1.4 litres per second per hectare or no greater than existing runoff.	Agreed
<b>Water Environment ES Chapter</b>				

Ref	Description of Matter	Applicant – Current Position	Selby Internal Drainage Board – Current Position	Position
4.1.4	Whole Report	The Applicant agrees with the IDB.	The IDB agree with the findings of the Water Environment ES Chapter (document reference APP-048).	Agreed
<b>DCO</b>				
4.1.5	Relevant DCO Requirements/Articles	<p>The Applicant has disapplied the IDB byelaws as defined under section 66 of the Land Drainage Act 1991 and the need for IDB consent under section 23 of the Land Drainage Act 1991, pursuant to section 150 of the Planning Act 2008 and The Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015.</p> <p>The Applicant agrees to keep the IDB informed of the timing / duration / progress of the temporary works and that this will be added to the next iteration of the Register of Environmental Actions and</p>	<p>The IDB consents to the disapplication of section 23 of the Land Drainage Act 1991, pursuant to section 150 of the Planning Act 2008 and The Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015.</p> <p>This is on the basis that the agreed updates will be made to the REAC; the IDB will be required to give approval in respect of any ‘opening’ into their drains under article 15 of the DCO; and because the IDB are a consultee on the approval process for the detailed drainage strategy under</p>	Agreed

Ref	Description of Matter	Applicant – Current Position	Selby Internal Drainage Board – Current Position	Position
		<p>Commitments (REAC) submitted to Examination.</p> <p>The Applicant agrees to halt any Dewatering / temporary drainage measures will be halted during a significant flood event should the IDB request it and the principal contractor will monitor weather conditions / river levels to help restrict these works during adverse weather conditions when the IDB are unlikely to be able to pump sufficient waters to the River Ouse which may cause flooding. This will be added to the next iteration of the REAC submitted to Examination.</p>	Requirement 10 in Schedule 2 to the DCO.	
<b>The Applicant and the IDB have discussed the following aspects of the Proposed Scheme which would ordinarily require consent:</b>				
4.1.6	Works within 7 m of the edge of the piped ordinary watercourse, and / or 7 m from the	The Applicant notes that parts of the current power station are located on top / within 7m of the IDB watercourses.	– The IDB agree with the location of the Proposed Scheme and agree that should detailed design require foundations to be constructed within the restricted areas that	Agreed

Ref	Description of Matter	Applicant – Current Position	Selby Internal Drainage Board – Current Position	Position
	edge of the bank top of the open channels	<p>In relation to the proposed Scheme this includes:</p> <ul style="list-style-type: none"> <li>• Carbon Dioxide Processing and Compression Plant</li> <li>• Carbon Dioxide Pipe Bridge</li> <li>• Carbon Dioxide Delivery Terminal Compound (National Grid Carbon)</li> <li>• Construction compounds / temporary crossings</li> <li>• Habitat Provision Areas which are currently outside of the 7m buffer of the IDB watercourses (Hooks Field Drain (20/1, UN110 and UN009), Sand Land Drain, drain along Pear Tree Av</li> </ul>	<p>they be designed in such a manner so that they would not extend into the culvert / channel (i.e. impact flow conveyance) or prevent maintenance to the culvert / channel from being undertaken (see D8 in the REAC);</p> <p>– With regard to the Habitat Provision Areas the IDB recognise that it may be mutually beneficial for these to be located closer to the channels, this will be discussed and agreed with the IDB during detailed design (see D9 in the REAC);</p> <p>– With regard to the construction compounds the IDB agree with the new measure W12 of the REAC (to be submitted to Examination) which provides suitable maintenance access for the IDB to their drainage assets.</p>	

Ref	Description of Matter	Applicant – Current Position	Selby Internal Drainage Board – Current Position	Position
4.1.7	Works within IDB watercourse (e.g. new outfall, or any access crossings etc) -	The Applicant is not currently considering the inclusion of any permanent crossings, but recognises that they may be required at detailed design or during the construction phase.	<ul style="list-style-type: none"> <li>- The IDB agree that if these are required then these will be undertaken in line with the new REAC measures W12 and D10, the later which ensures that the new culverts / crossings will be no smaller than those immediately upstream / downstream so as not to change the flood risk.</li> </ul>	Agreed
4.1.8	Surface Water Discharges	<p>The Applicant is aware that new surface water discharges to the surface water environment may be required during construction and/or operation.</p> <p>The Applicant is aware that if relocated outfalls are required then they will demonstrate that there was an existing outfall / runoff discharging into the IDB watercourses and that the envisaged runoff will not be much greater than current or at 1.4l/s/ha.</p>	<ul style="list-style-type: none"> <li>- The IDB agree that surface water drainage can pass above / below the culverted section of Carr Dyke to the cooling water system subject to suitable measures to enable maintenance to the culvert being in place and that the connection does not go through the culvert (see D10 in the REAC);</li> <li>- The IDB agree that surface water runoff from new impermeable areas shall be limited to the pre-development greenfield runoff rate or</li> </ul>	Agreed

Ref	Description of Matter	Applicant – Current Position	Selby Internal Drainage Board – Current Position	Position
			<p>1.4l/s/ha, whichever is the least. Should higher runoff rates be required, into Carr Dyke then the IDB may be able to facilitate this through the installation of an additional pump would need to be installed in the downstream pumping station on the Carr Dyke, noting that this would need to be funded by the Applicant.</p> <ul style="list-style-type: none"> <li>– The IDB agree that new outfalls shall be designed in accordance with new item D7 in the REAC:</li> <li>– The IDB agree with the pollution prevention measures will included within the CEMP to minimise the impacts of the construction phase activities.</li> </ul>	
4.1.9	Groundwater abstractions from temporary excavations or trenches	The Applicant is aware that groundwater abstractions, (which require discharge to the surface water environment) may be required during the	The IDB agree subject to all groundwater discharges being filtered, being restricted to 1.4 litres per second per hectare, with the groundwater pumping	Agreed

Ref	Description of Matter	Applicant – Current Position	Selby Internal Drainage Board – Current Position	Position
		construction phase; and has recognised in the REAC that IDB or EA consent (as appropriate) will be required for any such abstractions.	rate and volume to be confirmed as part of the CEMP, and in compliance with the Guidance for Pollution Prevention.	



## 5. SIGNATURES

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**Table 5.1 – Signatures**

<b>Ref</b>	<b>Selby Internal Drainage Board</b>	<b>Drax Power Ltd (the Applicant)</b>
<b>Signature</b>		
<b>Printed Name</b>		
<b>Title</b>		
<b>On behalf of</b>	Selby Internal Drainage Board	Drax Power Ltd
<b>Date</b>		