



National Infrastructure
Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer
Services: 0303 444 5000
Email: DraxBECCS@planninginspectorate.gov.uk

All Interested Parties and Statutory
Parties

Your Ref:

Our Ref: EN010120

Date: 13 December 2022

Dear Sir/ Madam

**Planning Act 2008 – Sections 88 and 89; and The Infrastructure Planning
(Examination Procedure) Rules 2010 – Rules 4, 6, 9 and 13**

**Application by Drax Power Limited for an Order Granting Development
Consent for the Drax Bioenergy with Carbon Capture and Storage project**

**Appointment of the Examining Authority, invitation to the Preliminary Meeting,
draft Examination Timetable, Procedural Decisions, and Notification of
Hearings**

Following my appointment by the Secretary of State as the lead member of the Examining Authority (ExA) to carry out an Examination of the above application, I am writing to introduce myself and the other member of the ExA. My name is Caroline Jones and the other member of the ExA is Ben Northover. A copy of the [appointment notice](#) can be viewed under the '[Documents](#)' tab on the [project webpage](#)¹ of the National Infrastructure Planning website.

The ExA would like to thank those of you who submitted Relevant Representations. These representations have assisted the ExA when preparing its proposals regarding how to examine this application.

The Planning Inspectorate is now seeking feedback on the new BETA service through which Relevant Representations were submitted. Please consider filling out the [online feedback survey](#)². All feedback on the user experience will help to improve the service.

¹ <https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/drax-bioenergy-with-carbon-capture-and-storage-project/>

² <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010120/representations>



Invitation to the Preliminary Meeting

This letter is an invitation to the Preliminary Meeting to discuss the procedure for the examination of the Drax Bioenergy with Carbon Capture and Storage project. It contains several important annexes, including **Annex A** which is the agenda for the Preliminary Meeting, and **Annex B** which introduces the Preliminary Meeting, explains how it will be conducted and explains how you can participate.

Date of Preliminary Meeting	Start time	Venue and joining details
Tuesday 17 January 2023	Seating available at venue from: 9:15am Virtual Arrangements Conference from: 9:15am Preliminary Meeting starts: 10:00am	The Parsonage Hotel & Spa Escrick, York, YO19 6LF and By virtual means using Microsoft Teams Full instructions on how to join online or by telephone will be provided in advance to those who register
IMPORTANT: The Preliminary Meeting should be completed before 1:00pm on Tuesday 17 January 2023, however parties are encouraged to keep the whole day free in case the meeting overruns or there is a technical problem that requires the meeting to be adjourned and resumed later in the day.		

You must register by Friday 6 January 2023 if you intend to participate in the Preliminary Meeting, and provide all the information requested (see 'Attendance at the Preliminary Meeting' below).

If you simply wish to observe the Preliminary Meeting, then you do not need to register as you will be able to either:

1. attend the physical event to observe the proceedings;
2. watch a livestream of the event (a link to the livestream will be made available on the [project webpage](#) shortly before the event is scheduled to begin); and/ or
3. watch the recording of the event which will be published on the [project webpage](#) shortly after the event has finished.



Purpose of the Preliminary Meeting

The purpose of the Preliminary Meeting is to enable views to be put to the ExA about how the application should be examined. The ExA cannot hear representations about the merits of, or concerns about, the application at the Preliminary Meeting. These matters will only be considered once the Examination starts, which is after the Preliminary Meeting has closed. See **Annex B** to this letter and the Planning Inspectorate's [Advice Note 8.3: Influencing how an application is Examined: the Preliminary Meeting](#)³ for more information.

The agenda for the meeting is at **Annex A** to this letter. This has been set following the ExA's Initial Assessment of Principal Issues arising from its reading of the application documents and the Relevant Representations received. The Initial Assessment of Principal Issues is set out in **Annex C** to this letter.

The draft Examination Timetable is set out at **Annex D** to this letter, and the ExA wishes to hear from you if you consider changes need to be made to the timetable.

The Preliminary Meeting will be held as a blended event. This means that it will take place as a virtual event using Microsoft Teams as well as a physical 'in-person' event. The ExA would welcome Interested Parties' views on the use of blended events for future Examination events at the Preliminary Meeting.

Written submissions about how the application should be examined

The Planning Act 2008 establishes a principally written process for the examination of applications for Development Consent Orders, and representations made in writing to the Preliminary Meeting carry equal weight to oral representations.

The ExA is therefore requesting written submissions from recipients of this letter about how the application should be examined. The ExA particularly wishes to hear from you if:

- you consider changes need to be made to the draft Examination Timetable set out at **Annex D** to this letter; and/ or
- you wish to comment about the arrangements for future Examination hearings, including the use of virtual methods.

You are invited to make a written submission about how the application is to be examined by **Procedural Deadline A (Friday 6 January 2023)** (see **Annex D** to this letter).

The ExA requests that all submissions are made using the '[Make a submission](#)' tab on the project webpage on or before **Procedural Deadline A**. **Annex K** of this letter provides further information about using the 'Make a submission' tab.

³ <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-8-3-influencing-how-an-application-is-examined-the-preliminary-meeting/>



Attendance at the Preliminary Meeting

The Preliminary Meeting provides a useful introduction to the Examination process. The ExA will use it to make Procedural Decisions that will affect everyone participating in the Examination. The meeting provides you with an opportunity to have your say about procedural issues before these decisions are finalised. If you intend to play an active part in the Examination or you have questions about procedure, it is useful to attend the meeting.

Please note that **you are not required to attend, or make written submissions to, the Preliminary Meeting in order to participate in the Examination**. If you are an Interested Party, you will still be able to make a Written Representation and comment on the Written Representations made by other Interested Parties. You will also be able to participate in any hearings that are arranged.

If you wish to participate at the Preliminary Meeting, you are required to notify the ExA in writing on or before **Friday 6 January 2023** (see **Procedural Deadline A** at **Annex D** of this letter).

Any request to participate in the Preliminary Meeting **must include** the following information:

- name and unique reference number (found at the top your letter or email from the Planning Inspectorate);
- email address (if available) and contact telephone number;
- name and unique reference number of any person/ organisation that you are representing (if applicable);
- the agenda item on which you wish to speak and a list of the points you wish to make;
- confirmation of whether you will participate virtually or in-person; and
- any special requirements you may have (eg disabled access or hearing loop).

Because participation in a Preliminary Meeting by virtual means relies on the provision of a joining link or telephone number in advance, it is important that you think about whether you wish to speak and confirm your involvement. Alternatively, if you feel that you are unable to engage in the Preliminary Meeting and further Examination events through any of the methods described in [Advice Note 8.6: Virtual Examination events](#)⁴, please contact the Case Team using the contact details at the top of this letter to discuss how you can participate in the Preliminary Meeting.

Requests to participate should be made using the '[Make a submission](#)' tab on the project webpage on or before **Procedural Deadline A**. Annex K to this letter provides further information about the '[Make a submission](#)' tab.

⁴ <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-8-6-virtual-examination-events/>



After the Preliminary Meeting

After the Preliminary Meeting, the ExA will issue a letter (known as the Rule 8 letter) setting out the finalised Examination Timetable. A note of the meeting will also be published on the [project webpage](#).

The Examination of the application will principally be a written process (see [Advice Note 8.4: The Examination](#)⁵), supplemented where necessary by various types of hearings (see [Advice Note 8.5: Hearings and site inspections](#)⁶ and [Advice Note 8.6: Virtual Examination events](#)).

The Planning Act 2008 establishes a principally written process for the examination of applications for Development Consent Orders, and **representations made in writing carry equal weight to oral representations** at all stages of the process.

All important and relevant matters will be taken into account when the ExA makes a recommendation to the Secretary of State for Business, Energy and Industrial Strategy, who will take the final decision in this case.

Notification of initial hearings

The ExA has made a Procedural Decision to hold the following initial hearings shortly after the close of the Preliminary Meeting:

- **Issue Specific Hearing 1 (ISH1)** on the scope of the Proposed Development.
Blended event on Wednesday 18 January 2023.
- **Open Floor Hearing 1 (OFH1).**
Blended event on Wednesday 18 January 2023.
- **Issue Specific Hearing 2 (ISH2)** on the draft Development Consent Order.
Blended event on Thursday 19 January 2023.

Important information about these hearings is contained in **Annex E** of this letter, including what details need to be provided with a request to be heard at a hearing and the procedure that will be followed.

If you wish to make oral representations at any of these hearings, please follow the process to request participation set out at **Annex E** of this letter, and ensure that you include all the required information. We will need to receive notice of your

⁵ <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-8-4-the-examination/>

⁶ <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-8-5-the-examination-hearings-and-site-inspections/>



attendance no later than **Procedural Deadline A (Friday 6 January 2023)** via the '[Make a submission](#)' tab.

As with the Preliminary Meeting, these hearings will be held as blended events. For future hearings forming part of the examination of this project, the ExA may consider whether they should be held as virtual or blended events. The ExA will confirm the format of any further hearings to be held when it provides formal notification of each hearing at least 21 days in advance of it taking place.

Procedural Decision to accept the Applicant's changes to the application

In a letter dated 5 December 2022, the Applicant submitted a request to make two changes to the Development Consent Order application. The Applicant's letter, setting out a summary of the two changes, and all supporting documentation has been published on the [project webpage](#) with Examination Library references [[AS-044](#) to [AS-066](#)].

The ExA has decided to make a Procedural Decision to accept the two proposed changes for examination. The background to the Applicant's change request, reasoning for the ExA's Procedural Decision, and information about the next steps for examining the changed application are set out in a Procedural Decision published alongside this Rule 6 letter:

[Procedural Decision to accept the Applicant's change request](#)

All Interested Parties will have an opportunity to make representations on the changed application, in writing or orally at hearings, when the Examination commences.

As the proposed changes involve additional land, as defined under Regulation 5 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (the CA Regulations), the Applicant must publicise the proposed provision for additional land in accordance with Regulations 7 to 9 of the CA Regulations before the deadline for submission of representations on the changed application is set. As such, the draft Examination Timetable at **Annex D** does not make provision for representations to address any proposed changes, and the deadline for submission of such representations will be notified to all Interested Parties in due course. The implications of the change request for the Examination Timetable will be discussed at the Preliminary Meeting.

Other Procedural Decisions made by the Examining Authority

The ExA has made some further Procedural Decisions which are set out in detail at **Annex I** to this letter. They are summarised as follows:

- Request for Statements of Common Ground (SoCG) from named parties.
- Request for Local Impact Reports from local authorities by **Deadline 1** (see **Annex D** to this letter).



- Request for suggested locations for an Accompanied Site Inspection (ASI).
- Request for regular updated documents throughout the Examination, including an updated Application Guide, Application Document Tracker, Schedule of Negotiations and Powers Sought, and National Policy Statement Tracker.
- Request for update to Applicant's Responses to Relevant Representations and Additional Submissions.
- Deadline for Notification by Statutory Parties of their wish to be considered as an IP by the Examining Authority.
- Acceptance of Additional Submissions into the Examination.

ExA's note of an Unaccompanied Site Inspection

The ExA undertook an Unaccompanied Site Inspection (USI1) over two days on 13 and 14 September 2022. A brief record of USI1 to inform the Applicant, Interested Parties and other parties of the actions taken by the ExA has been published on the project webpage with the Examination Library reference [[EV-001](#)].

Managing Examination correspondence

Given the volume and frequency of letters the Planning Inspectorate needs to send to Interested Parties during an Examination, we aim to communicate with people by email as electronic communication is more environmentally friendly and cost effective for the taxpayer.

If you have received a letter but are able to receive communications by email, please inform the Case Team using the contact details at the top of this letter as soon as possible.

Up to date information, all of the application documents, and correspondence about the project and the Examination will be provided on the [project webpage](#). As the Examination process makes substantial use of electronic documents, it will be useful for you to become familiar with this resource.

A '[Make a submission](#)' tab is available on the website which provides a portal through which parties should make written submissions at relevant deadlines during the Examination. Further information about the 'Make a submission' tab is provided at **Annex K** to this letter.

There is also a function on the right-hand side of the project webpage called 'Email updates'. This provides you with an opportunity to register to receive automatic email updates at key stages during the Examination.



Your status in the Examination

You have received this letter because you fall within one of the groups described in the Planning Inspectorate's Frequently Asked Questions (FAQ) document [What is My Status in the Examination?](#)⁷.

If your reference number begins with '2003', 'DXBX-0', 'DXBX-ISP', 'DXBX-AFP', 'DXBX-S57', or 'DXBX-APP' you are in Group A. If your reference number begins with 'DXBX-SP' you are in Group B. If your reference number begins with 'DXBX-OP' you are in Group C. The meaning and purpose of those groups are explained in the document published at the link above.

If having read this FAQ document you are still unsure about your status, please contact the Case Team using the details at the top of this letter.

Awards of costs

All parties will normally be expected to meet their own costs. Costs can be awarded against a party who has acted unreasonably and has caused the party applying for the award of costs to incur unnecessary or wasted expense during the Examination. You should be aware of the relevant costs guidance: [Awards of costs: examinations of applications for development consent orders](#)⁸.

Management of information and deadlines

Information, including representations, submitted in respect of this Examination (if accepted by the ExA) and a record of any advice which has been provided by the Planning Inspectorate is published on the [project webpage](#). Please note that unless otherwise specified, all deadlines in the draft Examination Timetable (**Annex D**) and as referred to in this letter are at 23:59 on the deadline day.

Examination Documents can also be viewed electronically at the locations listed in **Annex J** to this letter.

Please note that in the interest of facilitating an effective and fair Examination, it is necessary to publish some personal information. To find out how we handle your personal information please view our [Privacy Notice](#)⁹.

We look forward to working with all parties in the Examination of this application.

Yours faithfully

⁷ <https://infrastructure.planninginspectorate.gov.uk/application-process/frequently-asked-questions/status-in-examination-faq/>

⁸ <https://www.gov.uk/government/publications/awards-of-costs-examinations-of-applications-for-development-consent-orders>

⁹ <https://www.gov.uk/government/publications/planning-inspectorate-privacy-notices/customer-privacy-notice>



Caroline Jones

Lead Member of the Examining Authority

Annexes

- A** Agenda for the Preliminary Meeting
- B** Introduction to the Preliminary Meeting
- C** Initial Assessment of Principal Issues
- D** Draft Examination Timetable
- E** Notification of initial hearings
- F** Agenda for Issue Specific Hearing 1 (ISH1) on the scope of the Proposed Development
- G** Agenda for Open Floor Hearing 1 (OFH1)
- H** Agenda for Issue Specific Hearing 2 (ISH2) on the Development Consent Order
- I** Other Procedural Decisions made by the Examining Authority
- J** Availability of Examination Documents
- K** Information about the 'Make a submission' tab

This communication does not constitute legal advice.

Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.



Agenda for the Preliminary Meeting

You must register by Friday 6 January 2023 if you intend to participate in the Preliminary Meeting and provide all the information requested (see below).

If you simply wish to observe the Preliminary Meeting then you do not need to register, as you will be able to either:

1. attend the physical event to observe the proceedings;
2. watch a livestream of the event (a link to the livestream will be made available on the [project webpage](#) shortly before the event is scheduled to begin); and/ or
3. watch the recording of the event which will be published on the project webpage shortly after the event has finished.

Date: **Tuesday 17 January 2023**

**Seating available/
Virtual Arrangements
Conference from:**

9:15am

Meeting start time: **10:00am**

Venue: **The Parsonage Hotel & Spa, Escrick, York
YO19 6LF, and also accessible by virtual
means using Microsoft Teams¹⁰**

Access and parking: **Free on-site parking**

Agenda for the Preliminary Meeting

9:15am	Seating available at venue/ Virtual Arrangements Conference <p>The Arrangements Conference will outline the housekeeping for the Preliminary Meeting for those people attending virtually and allow for an opportunity to raise any concerns about participating in the meeting.</p> <p>Please arrive at 9:15am to enter the virtual lobby. From here you will be admitted to the Arrangements Conference by the Case Team, greeted, and given further instructions.</p>
10:00am Item 1	Preliminary Meeting <p>The Preliminary Meeting will formally open at 10:00am. The Examining Authority (ExA) will welcome participants and lead introductions.</p>

¹⁰ Full instructions on how to join online or by telephone will be provided in advance of the meeting to those who register to participate.

Item 2	The ExA's remarks about the Examination process, including reference, where appropriate, to any procedural requests to this item that have been submitted to the Planning Inspectorate in writing by Procedural Deadline A (Friday 6 January 2023) – Annex B to this letter.
Item 3	Initial Assessment of Principal Issues – Annex C of this letter.
Item 4	The Applicant's changes to the application.
Item 5	Procedural Decisions taken by the Examining Authority – Annex I of this letter.
Item 6	Draft Examination Timetable – Annex D of this letter.
Item 7	Hearings and Accompanied Site Inspection – Annexes E, F, G and H of this letter.
Item 8	Any other matters.
Close of the Preliminary Meeting	

Please be available from the start and throughout the meeting. If you are participating using Microsoft Teams, please join the virtual lobby promptly using the instructions that will be sent to you. The event will start at **10:00am** irrespective of any late arrivals, for whom access may not be possible. It may take some time to admit participants from the virtual lobby, so your patience is appreciated.

The agenda for the Preliminary Meeting is subject to change at the discretion of the ExA, although in making changes the ExA will be mindful of the need to provide opportunities for fair involvement to all invited parties.

Any request to participate in the Preliminary Meeting **must include** the following information:

- name and unique reference number (found at the top of your letter or email from the Planning Inspectorate);
- email address (if available) and contact telephone number;
- name and unique reference number of any person/ organisation that you are representing (if applicable);
- the agenda item on which you wish to speak and a list of the points you wish to make;
- confirmation of whether you will participate virtually or in-person; and
- any special requirements you may have (eg disabled access or hearing loop).

Please ensure that you read our [Privacy Notice](#) before attending the Preliminary Meeting.

Introduction to the Preliminary Meeting

Background

The Preliminary Meeting (PM) will take place as a blended event, with some participants attending in person and some taking part virtually using Microsoft Teams.

The Examining Authority (ExA) is conscious of videoconferencing fatigue and will aim to keep the proceedings focussed and as efficient as possible. This annex provides advance access to information that would usually be included in the ExA's introductory remarks following the opening of the PM. Please read this carefully. The ExA will only present a summary of the key points set out here at the PM, in order to ensure that the time available for participants to speak is maximised.

The Examining Authority and the Case Team

The members of the ExA, Caroline Jones and Ben Northover, who are appointed by the Secretary of State, will introduce themselves at the start of the PM.

The ExA will be supported by the Planning Inspectorate Case Team. During the Arrangements Conference for those joining virtually, a member of the Case Team will welcome and admit participants from the virtual lobby. Members of the Case Team will be available to answer questions by email before and after the PM, and in person at the PM. The contact email address is:

DraxBECCS@planninginspectorate.gov.uk.

The purpose of the Preliminary Meeting

The PM is being held to discuss the arrangements for the examination of the application for a Development Consent Order (DCO) for the Drax Bioenergy with Carbon Capture and Storage project, which is a Nationally Significant Infrastructure Project (NSIP), and which will generally be referred to in the PM and Examination as the 'Proposed Development'. The application has been made by Drax Power Limited, which will be referred to as 'the Applicant'.

You will find information about the application and, in due course, documents produced for the Examination, on the [project webpage](#) of the National Infrastructure Planning website. The project webpage has links to the Examination Timetable, Relevant Representations, Examination documents and Examination procedure.

You are encouraged to explore the [project webpage](#) if you have not already done so, because it will be used to communicate with you and to provide access to documents throughout the Examination. There is the option on the project webpage to register to receive updates, and we would also encourage you do this so that you will receive a notification via email at key stages during the Examination.

The main purpose of the PM is to discuss the arrangements for the examination of the application. It focuses on the process only, and it will not be looking at the substance of the proposals: questions, discussions and representations about the

merits or disadvantages of the Proposed Development are for the Examination itself which will begin the day after the close of the PM.

The PM will be your opportunity to influence the process that the ExA intends to follow, and you should read this Rule 6 letter and all accompanying annexes thoroughly beforehand. The agenda for the PM is attached to this Rule 6 letter at **Annex A**. It is important to have the letter and the agenda in front of you and to refer to them during the PM. If you are participating virtually and not experienced with videoconferencing, you may wish to print these in advance of the PM for reference.

Government guidance and policy

The Proposed Development is an NSIP under the Planning Act 2008 (PA2008) as a consequence of sections 14(1)(a) and 15(1) and (2) of the PA2008: it includes the extension to an onshore generating station in England that has a generating capacity greater than 50 Megawatts.

The designated National Policy Statements (NPS) for Energy Infrastructure, specifically the Overarching National Policy Statement for Energy (EN-1) and the National Policy Statement for Renewable Energy Infrastructure (EN-3) apply to this Examination and to decision-making relating to this application.

The ExA will consider the Proposed Development in accordance with the NPSs and any other applicable policy or considerations the ExA deems to be important and relevant. The PA2008 makes it clear that, in making a decision, the relevant Secretary of State (SoS) “*must decide the application in accordance with any relevant NPS*” (s104(3)), subject to certain provisos. Essentially, the provisos are that the application must not breach legal or treaty obligations, and that any adverse impact of the Proposed Development would not outweigh its benefits.

The SoS is entitled to disregard any representations that relate to the merits of the designated NPS. In practice, this means that the ExA will not spend time examining representations that challenge policy set out in NPSs, or the validity of NPSs themselves. The focus will be on the merits or disadvantages of the Proposed Development, tested to the appropriate extent using the tests set out in relevant designated NPSs that are in force.

Other important and relevant planning policies that the ExA may consider include policies in the relevant local authorities’ development plans. However, if these conflict with policy in a NPS, then the NPS will take precedence.

In summary, the PM will establish the procedures and timetable for the Examination of the Proposed Development. It will set a framework for the ExA to enable the SoS to consider and decide the application. In doing so, the ExA will have regard to:

- the positions and representations of all Interested Parties (IP);
- any Local Impact Reports (LIR) prepared and provided by relevant local authorities;
- other prescribed matters; and

- any other matters that appear to be both relevant and important to the relevant SoS's decision.

Preliminary Meeting invitees

The Applicant is invited to the PM and is generally given the opportunity to reply to any representations made, either orally at the time or in writing following the closure of the meeting.

Everyone who has made a Relevant Representation has been registered as an IP and has been sent a copy of this Rule 6 letter. All IPs are entitled to participate in this Examination.

Each person or organisation with an interest in land or rights that are affected by a Compulsory Acquisition/ Temporary Possession request in this application is an Affected Person (AP). In addition to a general entitlement to participation in the Examination, APs have a right to be heard in relation to any objection about the effects of Compulsory Acquisition/ Temporary Possession on their interests in land, and a right to be notified of any Compulsory Acquisition Hearing. APs are IPs, whether or not they have made a Relevant Representation.

Certain bodies are Statutory Parties. Statutory Parties can elect to become IPs without having made a Relevant Representation by notifying the ExA in writing.

The ExA has the power to involve people who are not IPs in the Examination as though they are IPs, including by inviting them to the PM. However, this is only done in exceptional circumstances; for example, if it were clear that the application would materially affect a person, they are not automatically an IP or eligible to elect to become an IP, and they had been unable to take the necessary action to register as an IP.

Conduct of the Preliminary Meeting

Past experience suggests that a PM for a project of this size and complexity could take a few hours to complete. However, in running the event with a virtual element there are limitations on the number of people who can speak at any one time. During the PM, participants may have to make allowances and be patient if there are delays associated with the technology used. In recognition of the fatigue associated with on-screen communication, the ExA will provide breaks during the PM as appropriate.

A digital recording of the PM will be made available on the [project webpage](#) as soon as practicable following the close of the PM. The recording allows any member of the public who is interested in the application and the Examination to find out what has been discussed at the PM. The making and publication of these recordings are a means by which the ExA meets the legal requirement to hold the PM (and any other hearings) in public. In this regard, **anyone speaking at the PM will need to introduce themselves each time they speak**, to ensure that someone listening to the recording after the event is clear who was speaking. A written note of the PM will be produced and published as soon as practicable following the close of the PM.

As the digital recordings are retained and published, they form a public record that can contain personal information to which the UK General Data Protection Regulation (UK GDPR) applies. Participants must do their best to avoid providing any information which should otherwise be kept private and confidential. If there is a need to refer to such information, it should be in written form. Although this will also be published, personal and private content can be redacted or removed before it is made publicly available. Any person who is unclear on this point should ask the Case Team for guidance before they include personal and private information in any submissions.

The Planning Inspectorate's practice is to publish the digital recordings and retain them for a period of five years from the SoS's decision on the DCO. If you actively participate in the PM, it is important that you understand that you will be recorded and that the recording will be made available in the public domain. Please see our [Privacy Notice](#) for more information about how we handle your data.

Following the ExA's introductions, each participant who has been registered to speak will be asked to introduce themselves, including any organisations or groups that they represent. The ExA will then conduct the meeting in accordance with the agenda. If you are participating virtually and prefer not to have your image recorded, you can switch off your camera at any point.

The Examination process

The examination of NSIPs follows different processes to those, for example, of a public inquiry into a planning appeal following the refusal of planning permission. The main difference is that the examination of NSIPs is primarily a written process and hearings take on an inquisitorial approach as opposed to an adversarial one.

This means that the ExA will probe, test and assess the evidence primarily using written questions. While some hearings are held to provide supplementary evidence, questions to the Applicant or to witnesses will come from the ExA. Questioning or cross-examination of witnesses by other parties will not generally be allowed.

In terms of opportunities to provide evidence in writing, the draft Examination Timetable makes provision for the following written processes:

- Local authorities can submit LIRs if they wish. Whilst these are voluntary, the PA2008 provides that if they are provided, they must be considered by the SoS in reaching a decision. Consequently, LIRs are a very important method for local authorities to communicate issues of concern to the ExA, the SoS and their own residents.
- IPs can make Written Representations (WR) and comment on WRs made by other parties.
- IPs can respond to the ExA's written questions (ExQs) and comment on responses to these written questions provided by others.
- IPs may be asked to contribute to the making of Statements of Common Ground (SoCG) if it appears that there are matters on which they and the

Applicant agree, and if it would be useful for this to be clarified. SoCGs most usefully extend to catalogue matters that are not agreed or are outstanding.

The draft Examination Timetable includes a series of numbered deadlines for the receipt of written submissions. Timely submissions received by the relevant deadline and that address its purpose will be accepted. **Documents received after the relevant deadline are only accepted at the discretion of the ExA and may not be accepted to ensure fairness to all parties.** Circumstances where documents are submitted late without good reason, causing inconvenience or delay to other parties, can amount to unreasonable behaviour.

These written processes will be the principal means used by the ExA to gather information, evidence and views about the application. However, the Examination will only be effective if all parties resolve to give timely, full, frank, clear and evidenced answers to every question that is relevant to their interests and to engage fully with any other related processes such as the completion of WRs and SoCGs.

There is no merit in withholding or delaying information, or in failing to co-operate, and should it occur, any unreasonable behaviour that caused another party to incur wasted expenditure could lead to an award of costs against the offending party: [Awards of costs: examinations of applications for development consent orders.](#)

The ExA has discretion to make amendments to the Examination Timetable for the wider benefit of the Examination. If possible, events will be arranged for times when all relevant parties are available, but the ExA is under a duty to complete the Examination by the end of the six-month period beginning with the day after the close of the PM. This requirement is set by legislation, and while the ExA will try to rearrange event dates to accommodate all relevant parties, in practice there will be limited scope to alter dates set out in the draft Examination Timetable.

The statutory time limit for the Examination means that where there are matters that still need to be discussed and agreed between the Applicant and IPs, it will be very helpful to the ExA if these could be progressed as early as possible.

Hearings

The draft Examination Timetable includes provision for hearings, at which the ExA takes oral evidence from the various parties.

Any registered IP may request an Open Floor Hearing (OFH) to make oral representations about the application if they believe this to be preferable to relying on their Written Representation, though both carry equal weight. Oral submissions should be based on representations previously made in writing, but they should not simply repeat matters previously covered in the written submission. Rather, they should focus on specific detail and explanation to help inform the ExA. There should be no new or unexpected material in oral representations. A written summary note with any supporting evidence or references will be requested of each speaker following the hearing.

As with all Examination events, OFHs are subject to the powers of control of the ExA, as set out in the PA2008 and supporting legislation. Participants must register in advance by the deadline shown in the Examination Timetable and in accordance with the instructions. An agenda may be circulated. It is common practice for the ExA to set a time limit for each speaker and speakers with common points are asked to come together to nominate a spokesperson or representative speakers to cover specific topics, to avoid repetition. Speakers representing public authorities, community and membership organisations, or multiple IPs are normally provided with an additional time allowance, recognising their representative role.

The Applicant's draft DCO provides for the Compulsory Acquisition of land and/ or rights, and the Temporary Possession of land. Affected Persons (ie those whose land or rights over land are affected) have a right to request and be heard at a Compulsory Acquisition Hearing (CAH). If one or more APs request to be heard, then a CAH must be held. The draft Examination Timetable includes a deadline for APs to make a request to be heard at a CAH.

The ExA has the discretion to hold Issue Specific Hearings (ISH) if it would aid in the Examination and there is a specific reason this would be more helpful than reliance on written evidence only. The lack of an ISH on one or more topics does not suggest that that topic is less important than others which are subject to a hearing. Rather, it is an indication that the ExA is satisfied that the issues can be fully considered through written submissions and responses to its written questions and that each party has had a fair opportunity to put its case.

The draft Examination Timetable includes a number of reservations for ISHs, and IPs may make suggestions for topics to be discussed at an ISH in their written or oral representations to the PM. It may be necessary for the ExA to hold more than one ISH on the draft DCO. This is normal practice, and they are held on a without prejudice basis; parties can suggest modifications and amendments to the draft DCO provided by the Applicant with the application, without prejudicing their overall position on the application.

Holding such hearings does not imply that the ExA has reached any judgements on the merits of the application. Whatever the ultimate recommendation is, the ExA must make sure that the draft DCO is fit for purpose if the SoS decides to grant consent, as any consent will be subject to Requirements (ie conditions) set out in the DCO.

At hearings it will not normally be necessary for parties to make long and detailed submissions that require (for example) PowerPoint presentations. Any supporting detail/ information can be provided in writing following the event by the relevant deadline.

The draft Examination Timetable includes a deadline (**Tuesday 22 February 2023**) for participants to notify the ExA that they wish to speak at an OFH or a CAH.

Site inspections

As part of the Examination process, the ExA may undertake site inspections. The purpose of these is for the ExA to see features of the proposals within the context of the evidence put forward. Site inspections can be either unaccompanied or accompanied. On Tuesday 13 and Wednesday 14 September 2022, the ExA undertook an Unaccompanied Site Inspection (USI) to familiarise itself with the general area within which the application is located. A note of the USI has been published on the project webpage with Examination Library reference [[EV-001](#)].

Accompanied Site Inspections (ASI) will only be necessary to view land to which there is no public right of access, or with no clear view from nearby locations with open public access. The purpose of ASIs is familiarisation only and no discussion of the merits of the Proposed Development will be entertained during an ASI.

The ExA may decide to hold USIs to relevant nominated locations, supported by the submission of additional written, photographic, video or even drone material if this would be preferable to not visiting sites or holding ASIs in circumstances which could make them difficult and unduly time-consuming to conduct (for example if public health restrictions are in place). The ExA may also consider if it would be appropriate to make arrangements for access only to be provided to specific sites such that they could be inspected as part of a USI on an access required basis. This would be known as an Access Required Site Inspection (ARSI).

The draft Examination Timetable includes a deadline for IPs to make submissions suggesting sites and locations that the ExA should visit, and a deadline for the Applicant to submit a suggested site visit itinerary. These will be used to inform further USIs/ ARSIs as well as a possible ASI. It is not considered generally necessary to revisit locations in ASIs that have already been visited in a USI.

Initial Assessment of Principal Issues

This is the Initial Assessment of Principal Issues prepared under section 88(1) of the Planning Act 2008 (PA2008). It has been prepared by the Examining Authority (ExA) following its reading of:

- the application documents;
- the Relevant Representations received in respect of the application; and
- its consideration of any other important and relevant matters.

It is not a comprehensive or exclusive list of all relevant matters that will be subject to examination. The ExA will have regard to all important and relevant matters during the Examination and in reaching a recommendation after the Examination is concluded. In addition, it should be noted that some issues will overlap and interrelate, and these will be reflected in the Examination.

The Principal Issues are listed in alphabetical order and the list does not imply any order of prioritisation or importance. The policy and consenting requirements and documents associated with the PA2008 are an integral part of the Examination and are therefore not set out as separate Principal Issues.

It should also be noted that whilst the effects of the proposal in relation to human rights and equalities duties are not listed as main issues, the ExA will conduct all aspects of the Examination with these in mind.

1. Air Quality and Emissions

Including (but not limited to) issues relating to:

- 1.1 The effects of the Proposed Development on human health and ecological receptors during construction and operation.
- 1.2 The effect of operational process emissions, including the assessment methodology and assumptions used, including amine products.
- 1.3 The appropriateness of proposed mitigation measures and monitoring.

2. Biodiversity and Ecology (including Habitats Regulations Assessment)

Including (but not limited to) issues relating to:

- 2.1 Effects on designated sites, including European sites, nationally designated sites, regionally and locally designated sites and habitats of nature conservation importance.
- 2.2 Permanent and temporary impacts on species and habitats.

2.3 Adequacy and security of proposed mitigation, monitoring and mitigation, including the effectiveness of the proposed s106 Agreement and Outline Landscape and Biodiversity Strategy.

2.4 Biodiversity Net Gain.

3. Climate Change

Including (but not limited to) issues relating to:

3.1 The effects of construction and operation of the Proposed Development on climate change.

3.2 The assessment of and the overall change in greenhouse gas emissions that may arise from the construction and operation of the Proposed Development.

3.3 The effectiveness of measures to mitigate the effects of, or adapt to, climate change.

3.4 The timetable for Carbon Capture, Usage and Storage (CCUS) deployment including the relationship with the Humber Low Carbon Pipeline (HLCP) or similar pipelines.

3.5 The appropriateness of a target/ trigger within the Development Consent Order (DCO) to ensure an appropriate level of carbon emissions generated are captured.

3.6 The appropriateness of a control/ trigger within the DCO in regard to CCUS deployment and connection to and use of the HLCP (or similar appropriate pipeline) for transportation of captured emissions to the Endurance aquifer, or similar appropriate offshore reserve.

3.7 The potential impacts of a reduction in output from the biomass boilers due to the use of CCUS.

4. Compulsory Acquisition and/ or Temporary Possession

Including (but not limited to) issues relating to:

4.1 The need for and the amount of land, rights and powers proposed to be subject to Compulsory Acquisition/ and or Temporary Possession.

4.2 The requirement for the powers sought and the need to establish a compelling case in the public interest.

4.3 The position and/ or effects of Statutory Undertakers and Protective Provisions and whether the tests of s127(2),(3),(5) and (6) and s138(4) of the PA2008 are satisfied.

4.4 The adequacy and security of funding for compensation.

4.5 Whether the proposals meet the requirements of PA2008 in all other respects.

5. Design, Landscape and Visual Impacts

Including (but not limited to) issues relating to:

- 5.1 Whether the maximum scale parameters ‘Rochdale Envelope’ with regard to Work No. 1D (CO2 capture plant) are appropriate.
- 5.2 The flexible approach to the design parameters and the adequacy of the design information.
- 5.3 Consideration of design principles and how they can be secured.
- 5.4 The visual effects on the landscape and the likely receptors including residents and recreational users.
- 5.5 Landscape and boundary treatment including mitigation of visual impacts in construction and operation.
- 5.6 Visual effects of lighting in construction and operation.

6. Draft Development Consent Order (dDCO)

Including (but not limited to) issues relating to:

- 6.1 The appropriateness of the Applicant’s dDCO.
- 6.2 Articles and Requirements within the dDCO.
- 6.3 Protective Provisions.

7. Flood Risk and Water Environment

Including (but not limited to) issues relating to:

- 7.1 Consideration of the accuracy of the presented Flood Risk Assessments, including whether there would be any increase in the risk of flooding (including offsite flooding) as a result of the Proposed Development.
- 7.2 Contamination risks during construction, operation and de-commissioning and whether there is sufficient information presented to ensure that the risk to the water environment as a result of the Proposed Development is effectively mitigated.

8. Ground Conditions and Contamination

Including (but not limited to) issues relating to:

- 8.1 Effects on soil and ground water during construction, operation and decommissioning.
- 8.2 Soils and best and most versatile agricultural land.
- 8.3 Robustness of design and mitigation measures.

9. Historic Environment

Including (but not limited to) issues relating to:

- 9.1 The effects on designated and non-designated heritage assets and their settings, in particular the scheduled monument of Drax Augustinian Priory.

9.2 The effects on archaeological remains and whether further investigation is required to understand potential significant deposits.
10. Major Accidents and Natural Disasters
Including (but not limited to) issues relating to:
10.1 Assessment of loss of gaseous containment, geohazards, loss of water supply and staff shortages.
10.2 Potential effects on the safety and monitoring of surrounding sites.
10.3 Mitigation measures, their effectiveness and how they can be secured.
11. Noise and Vibration
Including (but not limited to) issues relating to:
11.1 Construction, operational and decommissioning noise and vibration effects on local residents, businesses, recreational users and wildlife.
11.2 Mitigation measures and their effectiveness.
11.3 Management and monitoring of operational noise effects.
12. Scope of Development
Including (but not limited to) issues relating to:
12.1 Cumulative and combined effects.
12.2 Consideration of reasonable alternatives, including locations within the site and alternative technologies.
12.3 The scope of the Proposed Development as a CCUS.
12.4 The scope of the CO2 gathering network.
12.5 The relationship with and implications for existing and proposed neighbouring uses or infrastructure and other proposed major projects.
12.6 Construction methodology, phasing and timetabling.
12.7 Evidence to support the output and CO2 capture.
12.8 The circumstances that will determine the scope of development to construct on one or both units.
12.9 Carbon capture readiness.
12.10 Effectiveness of the proposed technology.
12.11 Whether all other necessary consents and licences have been considered.
13. Socio-economics
Including (but not limited to) issues relating to:
13.1 Effects on the local and wider economy during construction and operation.

- | |
|--|
| 13.2 The extent to which the Proposed Development would result in any socio-economic benefits in terms of the national, regional or local economy. |
| 13.3 The extent to which the Proposed Development would result in any adverse socio-economic effects on the national, regional or local economy. |

14. Traffic, Transport and Waste Management
--

Including (but not limited to) issues relating to:
--

- | |
|--|
| 14.1 The proposed route for the delivery of abnormal indivisible loads and associated effects on the local and strategic road network. |
| 14.2 Construction effects on the surrounding road network. |
| 14.3 Effects on non-motorised users including users of the public rights of way. |
| 14.4 The Construction Traffic Management Plan and Construction Worker Travel Plan. |
| 14.5 Waste management during construction, operation and decommissioning and impacts of the disposal off site. |

Draft Examination Timetable

The Examining Authority (ExA) is under a duty to **complete** the examination of the application by the end of the period of six months beginning with the day after the close of the Preliminary Meeting.

The examination of the application primarily takes the form of the consideration of written submissions. The ExA will also consider any oral representations made at hearings.

Item	Matters	Date
1.	<p>Procedural Deadline A</p> <p>Deadline for receipt by the Examining Authority of:</p> <ul style="list-style-type: none"> • Written submissions on Examination procedure, including any submissions about the draft Examination Timetable and the use of virtual methods. • Requests to be heard orally at the Preliminary Meeting, including which agenda items you wish to speak on. • Requests to participate in the Issue Specific Hearing on 18 January 2023 (see Annex E of this letter). • Requests to participate in the Open Floor Hearing on 18 January 2023 (see Annex E of this letter). • Requests to participate in the Issue Specific Hearing on 19 January 2023 (see Annex E of this letter). • Suggested locations for site inspections, including the reason for nomination, issues to be observed there, and whether the location(s) can be accessed using public highways. 	Friday 6 January 2023
2.	Preliminary Meeting.	Tuesday 17 January 2023 10:00am
3.	Issue Specific Hearing 1 (ISH1) on the scope of the Proposed Development (see Annex E of this letter).	Wednesday 18 January 2023 10:00am
4.	Open Floor Hearing 1 (OFH1) (see Annex E of this letter).	Wednesday 18 January 2023

		6:00pm
5.	Issue Specific Hearing 2 (ISH2) on the Development Consent Order (see Annex E of this letter).	Thursday 19 January 2023 10:00am
6.	Issue by the Examining Authority of: <ul style="list-style-type: none">• The Examination Timetable. Publication of: <ul style="list-style-type: none">• The Examining Authority's Written Questions (ExQ1).	As soon as practicable following the Preliminary Meeting
7.	Deadline 1 For receipt by the Examining Authority of: <ul style="list-style-type: none">• Post-hearing submissions, including written summaries of oral submissions to the hearings.• Local Impact Reports from any local authorities.• Summaries of Relevant Representations exceeding 1500 words.• Comments on Relevant Representations.• Comments on any Additional Submissions accepted at the discretion of the Examining Authority (see Annex I of this letter).• Notification by Statutory Parties of their wish to be considered an Interested Party by the Examining Authority.• Notification of wish to have future correspondence delivered electronically.• Applicant's draft itinerary for an Accompanied Site Inspection (if held).• Initial draft s106 Agreement(s) (if required).• Initial Statements of Common Ground requested by the Examining Authority (see Annex I of this letter).• Statement of Commonality for Statements of Common Ground.• Applicant's updated Application Guide in clean and tracked versions.• Applicant's updated Application Document Tracker in clean and tracked versions.	Thursday 2 February 2023

	<ul style="list-style-type: none"> • Applicant's updated Schedule of Negotiations and Powers Sought in clean and tracked versions. • Applicant's initial National Policy Statement tracker (see Annex I of this letter). • Applicant's updated Book of Reference (BoR) and Schedule of Changes to the BoR (if required) in clean and tracked versions. • Any further information requested by the Examining Authority under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010. 	
8.	<p>Deadline 2</p> <p>For receipt by the Examining Authority of:</p> <ul style="list-style-type: none"> • Responses to the Examining Authority's Written Questions (ExQ1). • Written Representations. • Summaries of Written Representations exceeding 1500 words. • Comments on Local Impact Report(s). • Comments on initial Statements of Common Ground. • Comments on the Applicant's draft itinerary for an Accompanied Site Inspection (if held). • Responses to comments on Relevant Representations. • Comments on any other responses received by Deadline 1. • Requests by Interested Parties to participate in a further Open Floor Hearing. • Requests by Affected Persons¹¹ to participate in a Compulsory Acquisition Hearing. • Requests by Interested Parties to attend an Accompanied Site Inspection (if held). • Applicant's updated Application Guide in clean and tracked versions. • Applicant's updated Application Document Tracker in clean and tracked versions. 	Tuesday 22 February 2023

¹¹ Defined in section 59(4) of the Planning Act 2008.

	<ul style="list-style-type: none"> • Applicant's updated Schedule of Negotiations and Powers Sought in clean and tracked versions. • Applicant's updated National Policy Statement tracker in clean and tracked versions. • Applicant's updated Book of Reference (BoR) and Schedule of Changes to the BoR (if required) in clean and tracked versions. • Any further information requested by the Examining Authority under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010. 	
9.	<p>Deadline 3</p> <p>For receipt by the Examining Authority of:</p> <ul style="list-style-type: none"> • Comments on Written Representations. • Comments on responses to the Examining Authority's Written Questions (ExQ1). • Comments on any other responses received by Deadline 2. • Progressed s106 Agreement(s) and/ or an update on progress (if required). • Progressed Statements of Common Ground. • Progressed Statement of Commonality for Statements of Common Ground. • Applicant's updated draft Development Consent Order in clean and tracked versions. • Applicant's Schedule of Changes to the draft Development Consent Order. • Applicant's updated Application Guide in clean and tracked versions. • Applicant's updated Application Document Tracker in clean and tracked versions. • Applicant's updated Schedule of Negotiations and Powers Sought in clean and tracked versions. • Applicant's updated National Policy Statement tracker in clean and tracked versions. • Applicant's updated Book of Reference (BoR) and Schedule of Changes to the BoR (if required) in clean and tracked versions. • Any further information requested by the Examining Authority under Rule 17 of The 	Friday 10 March 2023

	Infrastructure Planning (Examination Procedure) Rules 2010.	
10.	<p>Hearings</p> <p>Dates reserved for any:</p> <ul style="list-style-type: none"> • Issue Specific Hearing(s) (if required). • Open Floor Hearing(s) (if required). • Compulsory Acquisition Hearing(s) (if required). • Accompanied Site Inspection (if required). 	w/c 20 March 2023
11.	<p>Deadline 4</p> <p>For receipt by the Examining Authority of:</p> <ul style="list-style-type: none"> • Post-hearing submissions, including written summaries of oral submissions to the hearings (if held). • Comments on progressed Statements of Common Ground (if any). • Comments on the Applicant's updated draft Development Consent Order. • Comments on any other responses received by Deadline 3. • Applicant's updated Application Guide in clean and tracked versions. • Applicant's updated Application Document Tracker in clean and tracked versions. • Applicant's updated Schedule of Negotiations and Powers Sought in clean and tracked versions. • Applicant's updated National Policy Statement tracker in clean and tracked versions. • Applicant's updated Book of Reference (BoR) and Schedule of Changes to the BoR (if required) in clean and tracked versions. • Any further information requested by the Examining Authority under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010. 	Tuesday 28 March 2023
12.	<p>Deadline 5</p> <p>For receipt by the Examining Authority of:</p> <ul style="list-style-type: none"> • Comments on responses received by Deadline 4. 	Wednesday 12 April 2023

	<ul style="list-style-type: none"> • Progressed s106 Agreement(s) and/ or an update on progress (if required). • Progressed Statements of Common Ground. • Progressed Statement of Commonality for Statements of Common Ground. • Applicant's updated draft Development Consent Order in clean and tracked versions. • Applicant's Schedule of Changes to the draft Development Consent Order. • Applicant's updated Application Guide in clean and tracked versions. • Applicant's updated Application Document Tracker in clean and tracked versions. • Applicant's updated Schedule of Negotiations and Powers Sought in clean and tracked versions. • Applicant's updated National Policy Statement tracker in clean and tracked versions. • Applicant's updated Book of Reference (BoR) and Schedule of Changes to the BoR (if required) in clean and tracked versions. • Any further information requested by the Examining Authority under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010. 	
13.	<p>Publication by the Examining Authority of:</p> <ul style="list-style-type: none"> • The Examining Authority's Further Written Questions (ExQ2) (if required). 	Wednesday 19 April 2023
14.	<p>Deadline 6</p> <p>For receipt by the Examining Authority of:</p> <ul style="list-style-type: none"> • Responses to the Examining Authority's Further Written Questions (ExQ2) (if issued). • Comments on progressed Statements of Common Ground (if any). • Comments on the Applicant's updated draft Development Consent Order. • Comments on any other responses received by Deadline 5. • Applicant's updated Application Guide in clean and tracked versions. 	Tuesday 9 May 2023

	<ul style="list-style-type: none"> • Applicant's updated Application Document Tracker in clean and tracked versions. • Applicant's updated Schedule of Negotiations and Powers Sought in clean and tracked versions. • Applicant's updated National Policy Statement tracker in clean and tracked versions. • Applicant's updated Book of Reference (BoR) and Schedule of Changes to the BoR (if required) in clean and tracked versions. • Any further information requested by the Examining Authority under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010. 	
15.	<p>Deadline 7</p> <p>For receipt by the Examining Authority of:</p> <ul style="list-style-type: none"> • Comments on responses to the Examining Authority's Further Written Questions (ExQ2) (if issued). • Comments on any other responses received by Deadline 6. • Progressed s106 Agreement(s) and/ or an update on progress (if required). • Progressed Statements of Common Ground. • Progressed Statement of Commonality for Statements of Common Ground. • Applicant's updated draft Development Consent Order in clean and tracked versions. • Applicant's Schedule of Changes to the draft Development Consent Order. • Applicant's updated Application Guide in clean and tracked versions. • Applicant's updated Application Document Tracker in clean and tracked versions. • Applicant's updated Schedule of Negotiations and Powers Sought in clean and tracked versions. • Applicant's updated National Policy Statement tracker in clean and tracked versions. • Applicant's updated Book of Reference (BoR) and Schedule of Changes to the BoR (if required) in clean and tracked versions. 	Wednesday 24 May 2023

	<ul style="list-style-type: none"> Any further information requested by the Examining Authority under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010. 	
16.	<p>Hearings</p> <p>Dates reserved for any:</p> <ul style="list-style-type: none"> Issue Specific Hearing(s) (if required). Open Floor Hearing(s) (if required). Compulsory Acquisition Hearing(s) (if required). 	w/c 5 June 2023
17.	<p>Deadline 8</p> <p>For receipt by the Examining Authority of:</p> <ul style="list-style-type: none"> Post-hearing submissions, including written summaries of oral submissions to the hearings (if held). Comments on progressed Statements of Common Ground (if any). Comments on the Applicant's updated draft Development Consent Order. Comments on any other responses received by Deadline 7. Applicant's updated Application Guide in clean and tracked versions. Applicant's updated Application Document Tracker in clean and tracked versions. Applicant's updated Schedule of Negotiations and Powers Sought in clean and tracked versions. Applicant's updated National Policy Statement tracker in clean and tracked versions. Applicant's updated Book of Reference (BoR) and Schedule of Changes to the BoR (if required) in clean and tracked versions. Any further information requested by the Examining Authority under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010. 	Tuesday 13 June 2023
18.	<p>Publication by the Examining Authority of:</p> <ul style="list-style-type: none"> The Report on the Implications for European Sites (if required) and any associated questions. 	Wednesday 14 June 2023

	<ul style="list-style-type: none"> The Examining Authority's proposed schedule of changes to the draft Development Consent Order (if required). 	
19.	<p>Deadline 9</p> <p>For receipt by the Examining Authority of:</p> <ul style="list-style-type: none"> Responses to the Report on the Implications for European Sites (if issued). Responses to the Examining Authority's proposed schedule of changes to the draft Development Consent Order (if issued). Comments on responses received by Deadline 8. Signed and dated s106 Agreement(s) (if required). Finalised Statements of Common Ground. Finalised Statement of Commonality for Statements of Common Ground. List of matters not agreed where any Statement of Common Ground could not be finalised. Applicant's final Application Guide in clean and tracked versions. Applicant's final Application Document Tracker in clean and tracked versions. Applicant's final Schedule of Negotiations and Powers Sought in clean and tracked versions. Applicant's final National Policy Statement tracker in clean and tracked versions. Applicant's final draft Development Consent Order (Microsoft Word) in clean and tracked versions. Applicant's final draft Development Consent Order (PDF) in clean and tracked versions. Applicant's final draft Development Consent Order (dDCO) to be submitted in the SI template with the SI template validation report. Applicant's finalised Schedule of Changes to the draft Development Consent Order. Applicant's final Book of Reference (BoR) and Schedule of Changes to the BoR in clean and tracked versions. 	<p>Wednesday 5 July 2023</p>

	<ul style="list-style-type: none"> • Any further information requested by the Examining Authority under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010. 	
20.	<p>Deadline 10</p> <p>For receipt by the Examining Authority of:</p> <ul style="list-style-type: none"> • Any further information requested by the Examining Authority under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010. 	Monday 17 July 2023
21.	The Examining Authority is under a duty to complete the examination of the application by the end of the period of six months.	Monday 17 July 2023

Submission times for deadlines

The time for submission of documents at any deadline in the timetable is 23:59 on the relevant deadline date, unless instructed otherwise by the ExA.

Publication dates

All information received will be published on the [project webpage](#) as soon as practicable after the deadlines for submissions.

Report on the Implications for European Sites (RIES)

Where an applicant has provided a No Significant Effects Report or a Habitats Regulations Assessment (HRA) Report with the application, the ExA may decide to issue a RIES during the Examination. The RIES is a factual account of the information and evidence provided to the ExA on HRA matters during the Examination up to the date of the publication of the RIES, for the purposes of enabling the Secretary of State, as competent authority, to undertake its HRA. It is not the ExA's opinion on HRA matters. Comments on the RIES will be invited by the ExA and any received will be taken into account as part of the ExA's Recommendation to the Secretary of State.

The Secretary of State may rely on the consultation on the RIES to meet its obligations under Regulation 63(3) of The Habitats Regulations 2017 and/ or Regulation 28 of The Offshore Marine Regulations.

Notification of initial hearings

The Examining Authority (ExA) provides notice of the following initial hearings:

Date	Hearing	Start time	Venue and joining details	Access/parking
Wednesday 18 January 2023	Issue Specific Hearing 1 (ISH1) Scope of the Proposed Development	Seating available at venue from: 9:15am Virtual Arrangements Conference from: 9:15am Hearing starts: 10:00am	The Parsonage Hotel & Spa, Escrick, York YO19 6LF and By virtual means using Microsoft Teams Full instructions on how to join online or by telephone will be provided in advance to those who register	Free on-site parking
Wednesday 18 January 2023	Open Floor Hearing 1 (OFH1)	Seating available at venue from: 5:15pm Virtual Arrangements Conference from: 5:15pm Hearing starts: 6:00pm	The Parsonage Hotel & Spa, Escrick, York YO19 6LF and By virtual means using Microsoft Teams Full instructions on how to join online or by telephone will be provided in advance to those who register	Free on-site parking
Thursday 19 January 2023	Issue Specific Hearing 2 (ISH2) The draft Development Consent	Seating available at venue from: 9:15am Virtual Arrangements Conference from:	The Parsonage Hotel & Spa, Escrick, York YO19 6LF and	Free on-site parking

Date	Hearing	Start time	Venue and joining details	Access/parking
	Order (dDCO)	9:15am Hearing starts: 10:00am	By virtual means using Microsoft Teams Full instructions on how to join online or by telephone will be provided in advance to those who register	

NOTE: If any of the above hearings are no longer required then notification that a particular date is no longer required will be published as soon as practicable on the [project webpage](#), providing reasonable notice to Interested Parties of the decision to cancel them.

You must register by Friday 6 January 2023 if you intend to participate in the hearings and provide all the information requested (see below).

If you simply wish to observe the hearings then you do not need to register as you will be able to either:

1. attend the physical event to observe the proceedings;
2. watch a livestream of the event (a link to the livestream will be made available on the [project webpage](#) shortly before the event is scheduled to begin); and/ or
3. watch the recording of the event which will be published on the project webpage shortly after the event has finished.

Any request to participate in a hearing **must include** the following information:

- name and unique reference number (found at the top of any letter or email from the Planning Inspectorate);
- email address (if available) and contact telephone number;
- name and unique reference number of any person/ organisation that you are representing (if applicable);
- confirmation of the hearing(s) you wish to participate in, the agenda item(s) on which you wish to speak and/ or brief details of the topic(s) that you would like to raise;
- for Compulsory Acquisition Hearings, the plot number(s) of the relevant land provided in the [Book of Reference](#) and the [Land Plans](#)¹²;

¹² The Land Plans [APP-009] are supplemented by an extract submitted by the Applicant as part of its change request and published with Examination Library reference [AS-058].

- the [Examination Library](#) reference number (with paragraph/ page number where appropriate) of any documents you wish to refer to;
- confirmation of whether you will participate virtually or in-person; and
- any special requirements you may have (eg disabled access or hearing loop).

It is important that notifications from Interested Parties to participate in hearings are submitted separately from any other written submission. Please select the appropriate 'Deadline' and 'Submission Item' under the '[Make a submission](#)' tab and ensure the submission is titled appropriately to allow us to quickly identify which event the notification relates to. **Annex K** provides further information about the '[Make a submission](#)' tab. Please contact the Case Team using the contact details at the top of this letter if you require any support to attend a hearing.

Hearing agendas

Please note that generally for Issue Specific Hearings and Compulsory Acquisition Hearings, the ExA will aim to publish a detailed draft agenda on the project webpage at least five working days in advance of the hearing date. However, the actual agenda on the day of each hearing may be subject to change at the discretion of the ExA.

To help inform your decision about whether to register to participate in the above hearings, the agenda for Issue Specific Hearing 1 (ISH1) on the scope of the Proposed Development is at **Annex F**, the agenda for Open Floor Hearing 1 (OFH1) is at **Annex G**, and the agenda for Issue Specific Hearing 2 (ISH2) on the draft Development Consent Order is at **Annex H** of this letter.

Procedure at hearings

The Examination will principally be a written process (see the Planning Inspectorate's [Advice Note 8.4: The Examination](#)), supplemented where necessary by various types of hearings. Please refer to the [Advice Note 8.5: Hearings and site inspections](#) and [Advice Note 8.6: Virtual Examination events](#) as these provide important information about hearing procedures.

The procedure to be followed at hearings is set out in Rule 14 of The Infrastructure Planning (Examination Procedure) Rules 2010. The ExA is responsible for the oral questioning of a person giving evidence and the process affords very limited scope to allow cross-questioning between parties.

Seating will be available at the venue 45 minutes prior to the start of each hearing to enable a prompt start. The hearing will finish as soon as the ExA deems that all those present have had their say and all matters have been covered. Depending on the numbers wishing to speak at the hearing, it may be necessary for the ExA to limit the time allocated to each speaker.

Hearing livestream and recording

A link to a livestream for each hearing will be made available on the [project webpage](#) shortly before any hearing is due to open. The livestream is available to anybody who wishes to observe a hearing in real-time.

All hearings are recorded, and the digital recordings will be made available on the [project webpage](#) as soon as practicable after the close of the hearing. The recordings allow any member of the public who is interested in the application and the Examination to find out what has been discussed.

Agenda for Issue Specific Hearing 1 (ISH1) on the scope of the Proposed Development

Hearing	Date and time	Location
Issue Specific Hearing 1 (ISH1) Scope of the Proposed Development	Wednesday 18 January 2023 Hearing starts at 10:00am Seating available at the venue from 9:15am, and virtual Arrangements Conference from 9:15am	The Parsonage Hotel & Spa, Escrick, York YO19 6LF and By virtual means using Microsoft Teams

Agenda

- 1. Welcome, introductions, arrangements for the hearing**
- 2. Purpose of the Issue Specific Hearing (ISH)**
- 3. Components of the Drax Bioenergy with Carbon Capture and Storage (BECCS) project**
 - The ExA considers it would be helpful if the Applicant could provide a brief explanation of the Carbon Capture Plant including the post-combustion carbon capture technology and processes involved. It would also be helpful for a brief explanation to be provided as to how the Applicant considers the BECCS project complies with current and emerging National Policy Statements.
 - The ExA will then ask questions. In this respect, amongst other items, the ExA would wish to ask questions on the following:
 - The overall change in greenhouse gas emissions from the power station.
 - The effect of the proposed scheme on the output capacity of the power station.
 - The effectiveness and reliability of the proposed technology for the capture of CO₂.
 - The circumstances that will determine the scope of development to construct one or both units.
 - The operation and load profile of the BECCS and non-BECCS generating units.
- 4. The need for the Proposed Development**

- The ExA will ask the Applicant about the need for the Proposed Development in the context of the Needs and Benefits Statement [[APP-033](#)] and emerging Government policies.
- The applicability of the Net Zero Strategy in assessing the need for the Proposed Development.

5. The Proposed Development in the context of the East Coast Cluster

- The ExA will ask the Applicant about the relationship of the Proposed Development to Zero Carbon Humber, the Northern Endurance Partnership and the Humber Low Carbon Pipeline.

6. Alternatives

- The ExA will ask the Applicant about the consideration of reasonable alternatives, including locations within the site and alternative technologies with reference to section 6.1.3 of the Environmental Statement [[APP-039](#)].

7. Review of issues and actions arising

8. Any other business

9. Closure of the hearing

Purpose of ISH

This early hearing on the scope of the Proposed Development is being held to address matters, issues and questions identified by the ExA during the Initial Assessment of Principal Issues as listed in **Annex C** of this letter.

The ExA considers that it would be expedient to examine some matters, issues and questions orally at the outset of the Examination in order to ensure that technical matters arising from the Proposed Development are identified and considered as early as possible. This hearing, and any subsequent hearings, will be held without prejudice to the ExA's consideration of the broader planning merits of the application.

Attendees

The ExA would find it helpful if representatives of the following parties could attend this hearing:

- **Applicant.**
- **North Yorkshire County Council (NYCC).**
- **Selby District Council (SDC).**
- **East Riding of Yorkshire Council (ERoY).**
- **Environment Agency (EA).**

- **National Grid Carbon Limited (NGCL).**
- **Any other Interested Parties (IP)** with an interest in the scope of the Proposed Development.

However, this does not indicate that other parties will not be able to contribute. All IPs are invited to attend and make oral representations on the matters set out in the agenda, subject to the ExA's ability to control the hearing.

The ExA has sought to provide sufficient detail to assist the parties to prepare for the hearing. The details set out above are indicative and the ExA may find it necessary to include additional agenda items or to amend the order in which the items are dealt with.

Anyone wishing to attend the hearing in person, who has not already advised the Case Team of this, should do so as soon as possible.

If you are experiencing any COVID-19 symptoms please do not attend the hearing in person. Contact the Case Team who will ensure you have access to the hearing virtually.

The event will be livestreamed and a link for watching the livestream will be posted on the [project webpage](#) of the National Infrastructure Planning website closer to the hearing date. IPs and members of the public who wish to observe the hearing can therefore view and listen to the hearing using the livestream, or view and listen to the recording, after it has concluded.

Arrangements Conference

Parties who have registered to attend (both in person and virtually), and invitees, will receive an email shortly before the hearing containing a joining link and telephone number to enable participation virtually as necessary. If attending virtually please join the Arrangements Conference promptly. The Case Team will admit you from the virtual lobby and register your attendance. The Arrangements Conference allows procedures to be explained and will enable the hearing to start promptly.

Procedure at the ISH

Guidance under the Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provides that it is for the ExA to probe, test and assess the evidence through direct questions of persons making oral representations at hearings. Questioning at the hearing will be led by the ExA. Cross-questioning of a person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that an IP has had a fair chance to put its case.

Agenda for Open Floor Hearing 1 (OFH1)

Hearing	Date and time	Location
Open Floor Hearing 1 (OFH1)	<p>Wednesday 18 January 2023</p> <p>Hearing starts at 6:00pm</p> <p>Seating available at the venue from 5:15pm, and virtual Arrangements Conference from 5:15pm</p>	<p>The Parsonage Hotel & Spa, Escrick, York YO19 6LF</p> <p>and</p> <p>By virtual means using Microsoft Teams</p>

Agenda

- 1. Welcome, introductions, arrangements for the hearing**
- 2. Purpose of the Open Floor Hearing (OFH)**
- 3. Confirmation of those who have notified the ExA of a wish to be heard at OFH1**
- 4. Oral submissions from Interested Parties (IP)**

Each IP who has indicated a wish to speak will be invited forward in turn to speak at a table set up in front of the ExA, or via Microsoft Teams if attending virtually. Following each submission, the ExA may wish to ask the speaker questions. The Applicant is likely to be requested to briefly respond to any matters raised by each of the IPs or in summary at the close of the OFH.

Oral submissions should be based on representations previously made in writing by the particular participant; however, representations made at the hearing should not simply repeat matters previously covered in a written submission, but rather provide further detail, explanation and evidential corroboration to help inform the ExA.

5. Closure of the hearing

Participation, conduct and management of the hearing

At an OFH, each IP is entitled (subject to the ExA's powers of control over the conduct of the hearing) to make oral representations about the application.

The ExA may request those who wish to speak on the same topic to select one person to put forward their views.

If on the day there are other individuals present who wish to make submissions that have not already been made, it will be open to the ExA to use its discretion to hear any relevant submissions from those present should time permit.

It would also assist the ExA if copies of any written summaries of the cases put orally are submitted to the Planning Inspectorate by **Deadline 1** of the draft Examination Timetable (**Thursday 2 February 2023**).

Arrangements Conference

Parties who have registered to attend (both in person and virtually) will receive an email shortly before the hearing containing a joining link and telephone number to enable participation virtually as necessary. If attending virtually, please join the Arrangements Conference promptly. The Case Team will admit you from the virtual lobby and register your attendance. The Arrangements Conference allows procedures to be explained and will enable the hearing to start promptly.

Procedure at the OFH

Guidance under the Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provides that it is for the ExA to probe, test and assess the evidence through direct questions of persons making oral representations at hearings. Questioning at the hearing will be led by the ExA. Cross-questioning of a person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that an IP has had a fair chance to put its case.

Agenda for Issue Specific Hearing 2 (ISH2) on the draft Development Consent Order (dDCO)

Hearing	Date and time	Location
Issue Specific Hearing 2 (ISH2) The draft Development Consent Order (dDCO)	Thursday 19 January 2023 Hearing starts at 10:00am Seating available at the venue from 9:15am, and virtual Arrangements Conference from 9:15am	The Parsonage Hotel & Spa, Escrick, York YO19 6LF and By virtual means using Microsoft Teams

Agenda

- 1. Welcome, introductions, arrangements for the hearing**
- 2. Purpose of the Issue Specific Hearing (ISH)**
- 3. Articles and schedules of the dDCO (excluding Schedules 2, 11, 12 & 13)**
 - The Applicant will be asked to provide a very brief overview of each part of the dDCO.
 - The Applicant will be asked to briefly highlight changes which have been made to the dDCO since the original submission version.
 - The ExA will then ask questions in respect of articles and schedules in the dDCO, seeking responses where appropriate from the Applicant and Interested Parties (IP).
 - IPs will also be invited to ask questions of clarification in relation to Development Consent Order (DCO) articles and schedules.
- 4. Schedule 2 of the dDCO – Requirements; and Schedule 11 – Procedure for Discharge of Requirements**
 - The Applicant will be asked to provide an overview of the requirements.
 - The ExA will then ask questions, seeking responses where appropriate from the Applicant and IPs.
 - IPs will also be invited to ask questions of clarification in relation to DCO requirements.
 - The ExA will ask IPs and particularly North Yorkshire County Council, Selby District Council and East Riding of Yorkshire Council whether the relevant

planning authorities have any concerns in principle with the proposed approaches taken to the discharge of requirements, or for managing appeals or disputes under the dDCO.

5. Schedule 12 of the dDCO – Protective Provisions

- To obtain an update on progress between parties regarding protective provisions; an explanation of any important differences of view and a timescale for resolution.

6. Schedule 13 of the dDCO – Documents and Plans to be Certified

- To review the documents to be certified and seek views as to whether the list is complete; and if not, what additional documents would need to be included.

7. Consents, licences and other agreements

- The Applicant will be asked to provide an update on progress and timescales for completion.
- The Applicant will then be asked to provide an update on the progress of the s106 agreement.
- The ExA will then ask questions of the Applicant and IPs about the justification for the obligation including whether or not it meets all three tests set out in paragraph 57 of the National Planning Policy Framework and the policy background.
- The ExA will then ask questions, including discussing any need for and progress on any other planning obligations and/ or side agreements and if there is an indicative timescale for finalising them.

8. Statements of Common Ground relevant to the DCO

- The ExA will ask the Applicant to provide an update on Statements of Common Ground relevant to the DCO.

9. Review of issues and actions arising**10. Any other business****11. Closure of the hearing****Purpose of the ISH**

The main purpose of the first dDCO hearing is to undertake an examination of the dDCO articles and schedules. In particular, to consider:

- issues around how the dDCO is intended to work – what would be consented, the extent of the powers and what requirements and agreements are proposed;
- any possible issues of prevention, mitigation or compensation which are not covered by the DCO as currently drafted;
- the justification for any changes from established practice;
- the need for changes to other legislative provisions;
- the need for protective provisions and their scope; and
- the initial views of other IPs as to the appropriateness, proportionality or efficacy of the proposals.

This hearing will not examine the detailed content of provisions relating to the Compulsory Acquisition of land or rights or Temporary Possession of land. The draft Examination Timetable proposes separate Compulsory Acquisition Hearing(s) on these topics and they may also be returned to in subsequent DCO ISHs.

All Examination documents are provided with a unique identification number for referencing purposes shown in square brackets []. The application version of the dDCO has the reference [[APP-013](#)]. Following the acceptance of the application, the Applicant submitted a number of revised documents which we have accepted including a further dDCO (Revision 3) which has the reference [[AS-025](#)] and the extracts of the dDCO affected by the change request [[AS-061](#)].

Attendees

The ExA would find it helpful if representatives of the following parties could attend this hearing:

- **Applicant.**
- **North Yorkshire County Council (NYCC).**
- **Selby District Council (SDC).**
- **East Riding of Yorkshire Council (ERoY).**
- **Environment Agency (EA).**
- **Natural England (NE).**
- **National Grid Electricity Transmission (NGET).**
- **National Grid Carbon Limited (NGCL).**
- **National Highways (NH).**
- **Network Rail (NR).**
- **Any other IPs** with an interest in the drafting of the DCO, or the implementation or discharge of proposed articles, requirements, or other provisions.

However, this does not indicate that other parties will not be able to contribute. All IPs are invited to attend and make oral representations on the matters set out in the agenda, subject to the ExA's ability to control the hearing.

The ExA has sought to provide sufficient detail to assist the parties to prepare for the hearing. The details set out above are indicative and the ExA may find it necessary to include additional agenda items or to amend the order in which the items are dealt with.

Anyone wishing to attend the hearing in person, who has not already advised the Case Team of this, should do so as soon as possible.

If you are experiencing any COVID-19 symptoms please do not attend the hearing in person. Contact the Case Team who will ensure you have access to the hearing virtually.

The event will be livestreamed and a link for watching the livestream will be posted on the [project webpage](#) of the National Infrastructure Planning website closer to the hearing date. IPs and members of the public who wish to observe the hearing can therefore view and listen to the hearing using the livestream, or view and listen to the recording, after it has concluded.

Arrangements Conference

Parties who have registered to attend (both in person and virtually), and invitees, will receive an email shortly before the hearing containing a joining link and telephone number to enable participation virtually as necessary. If attending virtually please join the Arrangements Conference promptly. The Case Team will admit you from the virtual lobby and register your attendance. The Arrangements Conference allows procedures to be explained and will enable the hearing to start promptly.

Procedure at the ISH

Guidance under the Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provides that it is for the ExA to probe, test and assess the evidence through direct questions of persons making oral representations at hearings. Questioning at the hearing will be led by the ExA. Cross-questioning of a person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that an IP has had a fair chance to put its case.

Other Procedural Decisions made by the Examining Authority

The Examining Authority (ExA) has made the following Procedural Decisions under section 89(3) of the PA2008:

1. Statements of Common Ground (SoCG)

In relation to some of the Principal Issues identified in **Annex C** to this letter, the ExA would be assisted by the preparation of SoCGs between the Applicant and certain Interested Parties. The draft Examination Timetable at **Annex D** to this letter therefore provides a deadline for submission of initial and finalised SoCGs. The deadline for initial SoCGs is **Deadline 1** and the deadline for finalised SoCGs is **Deadline 9**.

The aim of a SoCG is to agree factual information and to inform the ExA and all other parties by identifying where there is agreement and where the differences lie at an early stage in the Examination process. It should provide a focus and save time by identifying matters which are not in dispute or need not be the subject of further evidence. It can also usefully state where and why there may be disagreement about the interpretation and relevance of the information. Unless otherwise stated or agreed, the SoCG should be agreed between the Applicant and the other relevant Interested Party or parties, and submitted **by the Applicant**.

The ExA notes that a number of draft SoCGs were submitted on 11 November 2022 in response to the ExA's Procedural Decision in respect of draft submissions, dated 14 October 2022, including with:

- National Grid Carbon Limited [[AS-029](#)]
- Selby District Council and North Yorkshire County Council [[AS-030](#)]
- Environment Agency [[AS-031](#)]
- Natural England [[AS-032](#)]
- Historic England [[AS-033](#)]
- National Highways [[AS-034](#)]
- Selby Area Internal Drainage Board [[AS-035](#)]
- East Riding of Yorkshire Council [[AS-036](#)]

The ExA also notes that the Applicant has indicated within the Statement of Commonality for Statements of Common Ground [[AS-039](#)] that SoCGs are in the process of being prepared with National Grid Electricity System Operator and National Grid Electricity Transmission.

The ExA has considered the required scope of the SoCGs and set this out in the list below. It is acknowledged that some of the matters listed have been covered in the draft SoCGs but these are included in the list for clarity and completeness. Additionally, the matters already covered in the draft SoCGs will need to be revisited and the position of the Applicant and other parties confirmed considering the Applicant's change request. The ExA expects the Applicant to continue working with the Interested Parties to finalise SoCGs by Deadline 9.

SoCGs are requested to be prepared between the Applicant and:

15. Selby District Council and North Yorkshire County Council

To include but not be limited to:

- Development Consent Order;
- The need for, and principle of the Proposed Development and the examination of alternatives;
- Local planning policy;
- Relevant planning history and current proposals;
- Air quality and emissions;
- Biodiversity and ecology;
- Climate change;
- Design landscape and visual impacts;
- Flood risk and water environment;
- Ground conditions and contamination;
- Historic environment;
- Major accidents and natural disasters;
- Noise and vibration;
- Socio-economics; and
- Traffic, transport and waste management.

16. East Riding of Yorkshire Council

To include but not be limited to:

- Development Consent Order;
- The need for, and principle of the Proposed Development and the examination of alternatives;
- Local planning policy;
- Relevant planning history and current proposals;
- Air quality and emissions;
- Biodiversity and ecology;
- Climate change;
- Design landscape and visual impacts;
- Flood risk and water environment;
- Ground conditions and contamination;
- Historic environment;

- Major accidents and natural disasters;
- Noise and vibration;
- Socio-economics; and
- Traffic, transport and waste management.

17. Environment Agency

To include but not be limited to:

- Development Consent Order;
- Water environment effects including drainage, flood risk and the Water Framework Directive;
- The Applicant's Flood Risk Assessment with particular reference to climate change allowances;
- Biodiversity and ecology;
- Ground conditions and contamination;
- Waste management; and
- Environmental permits, consents and licences.

18. Natural England

To include but not be limited to:

- Development Consent Order;
- Impacts on internationally and nationally designated sites;
- Impacts on protected species;
- Noise and vibration;
- Ground conditions, contamination, and soil management; and
- Monitoring, mitigation, and enhancement including the approach to biodiversity net gain.

19. Historic England

To include but not be limited to:

- The effect on heritage assets including any scheduled ancient monuments and any archaeological effects.

20. National Highways

To include but not be limited to:

- Development Consent Order;
- Impact of construction and operational traffic on the Strategic Road Network, including Abnormal Indivisible Loads (AIL);

- The Applicant's Transport Assessment; and
- Mitigation measures, including: Outline Construction Traffic Management Plan; Framework Construction Workers Travel Plan; and Construction Environmental Management Plan.

21. Selby Area Internal Drainage Board

To include but not be limited to:

- Draft Development Consent Order and any relevant Protective Provisions;
- Surface water drainage;
- The effect on existing apparatus and infrastructure; and
- Flooding effects and risks to drainage matters.

22. National Grid Carbon Limited

To include but not be limited to:

- Development Consent Order including Relevant Protective Provisions;
- Carbon Capture and Storage; and
- Relationship with, and effect on, the Humber Low Carbon Pipeline (HLCP), including the options on the interface between the proposed development and the HLCP network.

23. National Grid Electricity System Operator

To include but not be limited to:

- Development Consent Order including Relevant Protective Provisions;
- Impact on existing apparatus;
- Impact on existing and future operations; and
- Any connection issues.

24. National Grid Electricity Transmission

To include but not be limited to:

- Development Consent Order including Relevant Protective Provisions;
- Impact on existing apparatus;
- Impact on existing and future operations; and
- Any connection issues.

25. Health and Safety Executive

To include but not be limited to:

- The extent and severity of hazards on local populations; and

- Other issues related to the interests of the Health and Safety Executive.

The SoCG should cover the following topics where relevant:

- Methodology for Environmental Impact Assessment including assessment of cumulative effects;
- Data collection methods;
- Baseline data;
- Data/ statistical analysis, approach to modelling and presentation of results (including forecast methodologies);
- Full expression of expert judgements and assumptions;
- Identification and sensitivity of relevant features and quantification of potential impact;
- Likely effects (direct and indirect) on special interest features of sites designated or notified for any nature conservation purpose; and
- Feasible and deliverable mitigation and method for securing such mitigation within the DCO.

All of the SoCGs listed above should cover the Articles and Requirements in the draft Development Consent Order. Any Interested Party seeking that an Article or Requirement is reworded should provide the form of words which are being sought.

Where a particular SoCG cannot be agreed between the parties by **Deadline 1**, or if any local authority position needs to be signed off at a higher level, draft versions of that SoCG are requested to be submitted **by the Applicant to Deadline 1**. The position of the relevant Interested Parties should then be confirmed during the course of the Examination. The draft Examination Timetable makes provision for updated SoCGs to be submitted at various deadlines with final versions by **Deadline 9**.

The content of SoCGs will help to inform the ExA about the need to hold any Issue Specific Hearings during the Examination, and to enable the ExA and the Applicant to give notice of such hearings at least 21 days in advance of them taking place.

2. Local Impact Reports

A Local Impact Report (LIR) is a report in writing giving details of the likely impact of a Proposed Development on a local authority's area (or any part of that area). For more information about the importance and content of LIRs, see our [Advice Note One: Local Impact Reports](#)¹³.

The ExA requests LIRs from the host local authorities, and welcomes LIRs from any other relevant local authorities, defined in section 56A of the Planning Act 2008, who may wish to submit one. All LIRs are requested to be submitted into the Examination no later than by **Deadline 1** in order to front-load the Examination and maximise the

¹³ <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-one-local-impact-reports/>

available time. Please note that this deadline will remain in effect notwithstanding any subsequent revisions to the Examination Timetable (if required).

3. Accompanied Site Inspection

The draft Examination Timetable at **Annex D** of this letter includes a reservation for an Accompanied Site Inspection (ASI) if required.

The ExA requests that Interested Parties submit suggested locations for the ExA to visit as part of an ASI by **Procedural Deadline A (Friday 6 January 2023)**. The request must include:

- sufficient information to identify the location;
- the issues to be observed at the location;
- information on whether the site can be accessed via public land; and
- the reason why the location has been suggested.

Interested Parties should be aware that ASIs are not an opportunity to make any oral representations to the ExA about the Proposed Development. However, participants may be invited by the ExA to indicate specific features or sites of interest.

The Applicant is requested to prepare a draft itinerary for the ASI to be submitted by **Deadline 1**. This should include:

- relevant locations referred to in the Relevant Representations received;
- any other locations at which the Applicant has predicted likely significant environmental effects; and
- the locations suggested by Interested Parties submitted by **Procedural Deadline A**.

Comments by Interested Parties on the Applicant's draft itinerary must be submitted by **Deadline 2**.

The ExA will consider each suggested site location, including those provided in the Applicant's draft itinerary, to determine if it could be viewed from public land on an unaccompanied basis or if it is necessary to view it on an accompanied basis. The ExA will also consider if it would be appropriate to make arrangements for access only to be provided to specific sites such that they could be inspected as part of an Unaccompanied Site Inspection on an access required basis.

The ExA will publish its final itinerary at least five working days before the date of the ASI.

4. Request for regular updated documents throughout the Examination

The ExA requests that at each deadline, the Applicant submits an updated

Application Guide [APP-003] and Application Document Tracker [AS-024], which provide a list of the most up-to-date documents before the Examination; and an updated Schedule of Negotiations and Powers Sought (Appendix 1 of the Statement of Reasons [OD-008]) setting out the status of negotiations with all parties affected by the proposed works. Final versions must be submitted at **Deadline 9** before the close of the Examination.

The ExA also requests that the Applicant submits a comprehensive National Policy Statement (NPS) Accordance Table (NPS Tracker) for **both the designated and draft versions** of NPS EN-1 and EN-3, setting out the relevant NPS paragraph number, the requirement of the NPS, the compliance with the NPS by way of reference to submitted documentation and summary explanation, together with any subsequent update. The updated tracker is to be submitted at each Examination deadline as specified in the Examination Timetable. This should record any changes and supplements to the Applicant's position on NPS compliance demonstrated by submissions during the Examination. A final version must be submitted at **Deadline 9** before the close of the Examination.

5. Request for update to Applicant's Responses to Relevant Representations and Additional Submissions

The Applicant submitted its Responses to Relevant Representations and Additional Submissions [AS-038], in response to the ExA's Procedural Decision dated 14 October 2022 [PD-007] requesting the early submission of certain documents. The ExA notes that Tables 10.1 to 22.1 of the Applicant's document highlight and comment on certain themes from the Relevant Representations/ Additional Submissions, however it is not clear from the Applicant's document which specific Relevant Representations/ Additional Submissions these themes are attributable to.

The Applicant is therefore requested to submit an updated version of this document that clearly states which Relevant Representations/ Additional Submissions are being commented on in Tables 10.1 to 22.1, including the names of the parties that submitted the Relevant Representations/ Additional Submissions and the appropriate Examination Library reference numbers. Where a theme is attributable to multiple Relevant Representations/ Additional Submissions, the details of all applicable Relevant Representations/ Additional Submissions should be provided. The revised document may form part of a general update to the Applicant's Responses to Relevant Representations and Additional Submissions, and in any case the Applicant is requested to submit the revised document at **Deadline 1**.

6. Deadline for Notification by Statutory Parties of their wish to be considered as an Interested Party (IP) by the Examining Authority

The ExA has made a Procedural Decision that, in order to facilitate a timely start to the Examination, Statutory Parties must have decided whether they wish to be considered as an IP and notified the Planning Inspectorate of their decision by **Deadline 1**.

7. Additional Submissions

In addition to the documentation submitted by **Procedural Deadline A**, the ExA has exercised its discretion and made a Procedural Decision to accept the following post-application Additional Submissions from the Applicant:

Response to section 51 advice issued following Acceptance
Submitted on 8 July 2022
<ul style="list-style-type: none"> • Cover letter [OD-001]. • 1.4 Application Document Tracker - Rev 2 [OD-003]. • 1.5 Electronic Application Index - Rev 2 [OD-004]. • 2.3 Work Plans – Rev P02 [OD-005]. • 2.5 Indicative Plans and Elevations – Rev P02 [OD-006]. • 3.1 draft Development Consent Order - Rev 2 [OD-002]. • 3.2 Explanatory Memorandum - Rev 2 [OD-007]. • 4.1 Statement of Reasons - Rev 2 [OD-008]. • 6.3.5.1 Environmental Statement Volume 3 - Appendix 5.1: Construction Traffic Management Plan - Rev 2 [OD-009].
Updated application documents
Submitted on 20 July 2022
<ul style="list-style-type: none"> • 1.4 Application Document Tracker – Rev 3 [OD-010].
Documentation relating to certification under sections 58 and 59 of the Planning Act 2008 and Regulation 17 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017
Submitted on 14 September 2022
<ul style="list-style-type: none"> • Cover letter regarding certification under sections 58 and 59 of the Planning Act 2008 and Regulation 17 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 [AS-001]. • 4.3 Book of Reference – Rev 2 (Clean) [AS-002]. • 4.3 Book of Reference – Rev 2 (Tracked) [AS-003].
Notice of intention to submit a change request and associated documentation
Submitted between 12 September 2022 and 19 October 2022
<ul style="list-style-type: none"> • Notice of intention to submit a change request and request regarding the timing of the Preliminary Meeting/ Examination [AS-004].

- Initial response to the ExA's letter dated 23 September 2022 following the Applicant's notice of intention to submit a change request and request regarding the timing of the Preliminary Meeting/ Examination [[AS-017](#)].
- Further response to the ExA's letter dated 23 September 2022 following the Applicant's notice of intention to submit a change request and request regarding the timing of the Preliminary Meeting/ Examination [[AS-018](#)].
- 5.1 Air Quality Technical Note 1 [[AS-019](#)].
- 6.3.6.4 Environmental Statement – Volume 3 – Appendix 6.4: Operational Phase Air Quality Results Tables: Human Receptors – Rev 2 [[AS-014](#)].
- 6.3.6.5 Environmental Statement – Volume 3 – Appendix 6.5: Operational Phase Air Quality Results Tables: Ecological Receptors – Rev 2 [[AS-015](#)].
- 6.3.18.2 Environmental Statement – Volume 3 – Appendix 18.2: Short List of Other Developments – Rev 2 [[AS-013](#)].
- 7.1 Head of Terms for Section 106 Agreement – Rev 2 [[AS-016](#)].
- Applicant's notice publicising its consultation on the proposed changes to the application [[AS-021](#)].
- Applicant's proposed changes consultation booklet 21 October - 20 November 2022 [[AS-020](#)].

Response to request for early submission of responses to Relevant Representations and initial Statements of Common Ground

Submitted on 11 November 2022

- 1.4 Application Document Tracker - Rev 4 [[AS-024](#)].
- 3.1 Draft Development Consent Order (Clean) - Rev 3 [[AS-025](#)].
- 3.1 Draft Development Consent Order (Tracked) - Rev 3 [[AS-026](#)].
- 6.5 Register of Environmental Actions and Commitments (Clean) - Rev 2 [[AS-027](#)].
- 6.5 Register of Environmental Actions and Commitments (Tracked) - Rev 2 [[AS-028](#)].
- 8.1.2 Statement of Common Ground between National Grid Carbon Limited and Drax Power Limited - Rev 1 [[AS-029](#)].
- 8.1.3 Statement of Common Ground between Selby District Council, North Yorkshire County Council and Drax Power Limited - Rev 1 [[AS-030](#)].
- 8.1.4 Statement of Common Ground between The Environment Agency and Drax Power Limited - Rev 1 [[AS-031](#)].
- 8.1.5 Statement of Common Ground between Natural England and Drax Power Limited - Rev 1 [[AS-032](#)].
- 8.1.6 Statement of Common Ground between Historic England and Drax Power Limited - Rev 1 [[AS-033](#)].

- 8.1.7 Statement of Common Ground between National Highways and Drax Power Limited - Rev 1 [[AS-034](#)].
- 8.1.8 Statement of Common Ground between Selby Area Internal Drainage Board and Drax Power Limited - Rev 1 [[AS-035](#)].
- 8.1.9 Statement of Common Ground between East Riding of Yorkshire Council and Drax Power Limited - Rev 1 [[AS-036](#)].
- 8.2.6 Cover Letter - Response to Planning Inspectorate request for submission of Applicant's Response to Relevant Representations and Statements of Common Ground [[AS-037](#)].
- 8.3 Applicant's Response to Relevant Representations and Additional Submissions - Rev 1 [[AS-038](#)].
- 8.4 Statement of Commonality for Statements of Common Ground - Rev 1 [[AS-039](#)].

Change request dated 5 December 2022

Submitted on 5 December 2022

- 8.2.7 Drax BECCS Cover Letter [[AS-044](#)].
- 8.5.1 Proposed Changes Application Report [[AS-045](#)].
- 8.5.2.1 Figure 1 - FCA Constraints Plan [[AS-046](#)].
- 8.5.2.2 Figure 2 - OHL Constraints Plan [[AS-047](#)].
- 8.5.2.3 Figure 3 - FCA Landscape and Biodiversity Plan [[AS-048](#)].
- 8.5.2.4 Figure 4 - OHL Landscape and Biodiversity Plan [[AS-049](#)].
- 8.5.3.1 Appendix 1 - FCA Trial Pitting Technical Note [[AS-50](#)].
- 8.5.3.2 Appendix 2 - OHL Preliminary Risk Assessment - Proposed Changes (Part 1) [[AS-051](#)].
- 8.5.3.3 Appendix 3 - OHL Preliminary Risk Assessment - Proposed Changes (Part 2) [[AS-052](#)].
- 8.5.3.4 Appendix 4 - Ecological Walkover Technical Note - Proposed Changes [[AS-053](#)].
- 8.5.3.5 Appendix 5 - FRA Proposed Changes Extracts [[AS-54](#)].
- 8.5.3.6 Appendix 6 - Consultation Materials - Proposed Changes [[AS-055](#)].
- 8.5.3.7 Appendix 7 - Consultees - Proposed Changes [[AS-056](#)].
- 8.5.3.8 Appendix 8 - Consultation Responses - Proposed Changes [[AS-057](#)].
- 8.5.3.9 Appendix 9 - Land Plans - Proposed Changes Extracts [[AS-058](#)].
- 8.5.3.10 Appendix 10 - Works Plans - Proposed Changes Extracts [[AS-059](#)].

- 8.5.3.11 Appendix 11 - Access and Rights of Way Plans - Proposed Changes Extracts [[AS-060](#)].
- 8.5.3.12 Appendix 12 - Draft Development Consent Order (Tracked) - Proposed Changes [[AS-061](#)].
- 8.5.3.13 Appendix 13 - Explanatory Memorandum (Tracked) - Proposed Changes Extracts [[AS-062](#)].
- 8.5.3.14 Appendix 14 - Statement of Reasons - Addendum in Relation to the Proposed Changes [[AS-063](#)].
- 8.5.3.15 Appendix 15 – Funding Statement - Addendum in Relation to the Proposed Changes [[AS-064](#)].
- 8.5.3.16 Appendix 16 - Book of Reference (Tracked) - Incorporating Proposed Changes [[AS-065](#)].
- 8.5.3.17 Appendix 17 - Book of Reference (Clean) - Incorporating Proposed Changes [[AS-066](#)].

The ExA has also made a Procedural Decision to accept Additional Submissions from the following parties:

- Cadent Gas Ltd [[AS-005](#)].
- Denman Instrumentation Ltd [[AS-006](#)].
- Addleshaw Goddard LLP on behalf of Network Rail Infrastructure Ltd [[AS-007](#)].
- Sky Telecommunications Services Ltd [[AS-008](#)].
- Veolia Bioenergy UK Ltd [[AS-009](#)].
- Atkins Global on behalf of Vodafone Ltd [[AS-010](#)].
- Natural England [[AS-011](#)].
- Doncaster Metropolitan Borough Council [[AS-012](#)].
- Northern Gas Networks [[AS-022](#)].
- East Riding of Yorkshire Council [[AS-023](#)].
- Biofuelwatch [[AS-040](#)].
- Canal and River Trust [[AS-041](#)].
- Historic England [[AS-042](#)].
- James E Hewitt [[AS-043](#)].

The draft Examination Timetable at **Annex D** to this letter therefore confirms **Deadline 1** as the deadline for submission of any comments from Interested Parties on the Additional Submissions notified above. This is with the exception of the documentation relating to Proposed Change 02 from the [Applicant's change request](#)

[dated 5 December 2022](#), as parties will be notified of the opportunity to submit Written Representations on this change later in the Examination¹⁴.

¹⁴ Please refer to the Examining Authority's [Procedural Decision dated 13 December 2022](#) for further information.

Availability of Examination Documents

The application documents and Relevant Representations are available on the [project webpage](#).

All further documents submitted in the course of the Examination will also be published under the '[Documents' tab](#)' of the project webpage.

The Examination Library

For ease of navigation, please refer to the [Examination Library](#) (EL) which is accessible by clicking the blue button under the 'Documents' tab. The EL is updated regularly throughout the Examination.

The EL records and provides a hyperlink to:

- each application document;
- each representation made to the Examination; and
- each Procedural Decision made by the Examining Authority.

Each document is given a unique reference which will be fixed for the duration of the Examination. **Please quote the unique reference number from the EL when referring to any Examination Documents in any future submissions that you make.**

Electronic deposit locations

Documents can be viewed electronically, free of charge, at the electronic deposit locations listed in the table below. Please note that you may need to bring a form of identification and register as a member in order to use a computer at these locations.

The opening hours and availability of information technology set out in the table below may be subject to changes or limitations to address public health requirements as a result of Coronavirus (COVID-19). Bearing in mind the availability of the documents on the National Infrastructure Planning website and the effect of public health restrictions, please consider your need to attend these locations with care. Please check the current circumstances with the relevant locations before you attend.

Local authority	Venue/ address	Opening hours	Printing costs
North Yorkshire County Council	Selby Library, 52 Micklegate, Selby, YO8 4EQ	Monday: 9:30am–7:30pm Tuesday: 9:30am–5:30pm Wednesday:	A4 B&W: 10p per side A4 Colour: 50p per side

		9:30am–5:30pm Thursday: 9:30am–12:30pm Friday: 9:30am–5:30pm Saturday: 9:30am–12:30pm Sunday: Closed	A3 B&W: 25p per side A3 Colour: £1 per side
Local authority	Venue/ address	Opening hours	Printing Costs
East Riding of Yorkshire Council	Goole Library, Carlisle Street, Goole, DN14 5DS	Monday: 9:30am–7:00pm Tuesday: 9:30am–5:00pm Wednesday: 9:30am–7:00pm Thursday: 9:30am–5:00pm Friday: 9:30am–5:00pm Saturday: 9:00am–4:00pm Sunday: Closed	A4 B&W: 20p per side A4 Colour: 50p per side A3 B&W: 80p per side A3 Colour: £1.50 per side
Local authority	Venue/ address	Opening hours	Printing Costs
East Riding of Yorkshire Council	Snaith Library, 27-29 Market Place, Snaith, DN14 9HE	Monday: Closed Tuesday: 2:00pm–6:00pm Wednesday: Closed Thursday: 10:00am–4:00pm Friday: Closed Saturday: 10:00am–12:00pm Sunday: Closed	A4 B&W: 20p per side A4 Colour: 50p per side

Information about the Make a submission tab

The '[Make a submission](#)' tab is available on the project webpage.

You will need to enter your unique reference number ('Your ref' found at the top your postcard or email from the Planning Inspectorate) beginning either '2003', 'DXBX-0', 'DXBX-ISP', 'DXBX-AFP', 'DXBX-S57', 'DXBX-APP', 'DXBX-SP', or 'DXBX-OP'. If you are making a submission on behalf of another person or organisation, and do not have your own unique reference number, then you should enter the unique reference number of the person or organisation you are representing. If you are not a registered Interested Party then it is at the discretion of the Examining Authority whether or not your submission is accepted.

Submissions will be published on the [project webpage](#) as soon as practicable following the close of the relevant deadline. For further information about publishing submissions please view our [Privacy Notice](#).

You will be able to submit a document (upload file), make a text representation or both. It is possible to upload multiple files for each individual submission item. Electronic attachments should be clearly labelled with the subject title and not exceed 50MB.

Submissions **must not include hyperlinks** to documents/evidence hosted on a third-party website eg technical reports, media articles etc. See the Planning Inspectorate's [Advice Note 8.4: The Examination](#) for further information about making written submissions. All submissions must be made in a format that can be viewed in full on the National Infrastructure Planning website. Any submissions that exceed 1500 words should also be accompanied by a summary; this summary should not exceed 10% of the original text.

You should select the relevant deadline for your submission and the appropriate submission item as described in the Examination Timetable at **Annex D** to this letter. Please ensure you make a separate submission for each submission item and **do not duplicate your submission**.

If you experience any issues when using the '[Make a submission](#)' tab please contact the Case Team using the contact details at the top of this letter and they will assist.