



PROCEDURAL DEADLINE A: RESPONSE TO EXA'S RULE 6 LETTER

Drax Bioenergy with Carbon Capture and Storage

The Planning Act 2008, Infrastructure Planning (Examination Procedure) Rules 2010

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Applicant: Drax Power Limited

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06 January 2023

Dear Ms Jones,

PINS Reference: EN010120

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The Planning Act 2008, Infrastructure Planning (Examination Procedure) Rules 2010

Drax Power Station Bioenergy with Carbon Capture and Storage ('the Scheme')

1. This letter constitutes Drax Power Limited's ('the Applicant') response to the Rule 6 Letter issued by the Examining Authority ('ExA') on 13 December 2022 in respect of the forthcoming Examination of the Scheme, and incorporates the Applicant's submissions in relation to the matters requested to be submitted by parties to the Examination by the ExA at Procedural Deadline A.

Submissions on Examination Procedure (and related comments in the Rule 6 Letter)

2. The Applicant has no comments on the ExA's Initial Assessment of Principal Issues (Annex C) or on the dates of the timetable set out in the draft Examination Timetable (Annex D) in the Rule 6 Letter.

Comments on Suggested Deadline Submissions

3. However, the Applicant does, however, have a number of comments on the suggestions for what documents should be submitted at each of the Deadlines. These are set out below.

Draft Development Consent Order

4. The Applicant has reviewed the proposed programme for submissions to updates of the DCO, the receipt of comments on those updates; and how that fits into how the Applicant and Interested Parties will be preparing for the other aspects of the Examination.
5. In particular it has noted that there is the suggestion that comments on the DCO should be submitted at the same time as the Applicant is preparing for the second set of Hearings (Deadline

4), answering Second Written Questions ('SWQs') (Deadline 6) and preparing for the third set of hearings (Deadline 8). This will mean that both the ExA and the Applicant will be preparing for those events without sight of what the Interested Parties' views on the DCO may be. It is respectfully suggested that this may mean that there could be inefficiencies in matters being resolved; and at the very least an element of 'deadline lag' in Parties' consideration of drafting issues.

6. In that context, the Applicant would suggest that the course of events in relation to the DCO could be as follows:

- Applicant submission at Deadline 2: accounting for the hearings and responses to First Written Questions ('FWQs)) and enabling the ExA to decide if there needs to be a DCO hearing in March;
- Interested Parties' comments at Deadline 3: this will enable the parties to dovetail their Written Representations with comments on the Deadline 2 DCO, allow the ExA to account for these comments in preparing agendas for the March hearings if a DCO hearing is required, and facilitate the Applicant preparing for those hearings cognisant of the Interested Parties' submissions;
- Applicant submission at Deadline 4: to account for any discussions at the March Hearings;
- Interested Parties' comments at Deadline 5: this will enable the ExA to account for these comments in finalising the SWQs and determine whether a DCO hearing should form part of the potential third set of hearings and the Applicant to be able to take account of these hearings in responding to the SWQs;
- Applicant submission at Deadline 6: to account for responses to the SWQs;
- Interested Parties' comments at Deadline 7: to account for that DCO and to allow the ExA to prepare a fully up to date hearing agenda (and the Applicant to prepare for that hearing) if felt required;
- Applicant submission at Deadline 8: to account for discussions at the hearings and for the ExA to have the most up to date version of the DCO in publishing its schedule of changes to the draft DCO currently scheduled for the day after Deadline 8;
- On that basis the Applicant would suggest that the date for publishing that schedule of changes could be pushed back – for example to Friday 16th June, or early the following week. This would still give Interested Parties and the Applicant over two weeks to comment on that schedule at Deadline 9; and
- Deadline 9, as per the draft Examination timetable, would involve all parties commenting on the schedule of changes and the Applicant submitting its final DCO.

7. The Applicant considers that the above approach will be of benefit to all parties, including the ExA; and will allow the most efficient and effective scrutiny and development of the draft DCO.

National Policy Statement Accordance Tracker

8. The Applicant notes the ExA's request in item 4 of Annex I of the Rule 6 Letter to provide a tracker dealing with the Applicant's view of its compliance with the designated and draft versions of EN-1 and EN-3. The Applicant has also noted that in its draft Examination Timetable, the ExA has indicated that this standalone tracker document should be submitted at every Deadline of the Examination.

9. In response to this, the Applicant would respectfully suggest that this approach may lead to documents being submitted at many of the deadlines that do not have meaningful updates able to be made to them; either because insufficient time had passed between deadlines or because the accompanying submissions at each deadline would be unlikely to have moved matters on substantively (either generally, or to deal with the specific concerns of individual parties). This would add to the workload of Interested Parties and the ExA of having to read through a document that may not be of much practical use to any party.
10. As an alternative suggestion, the Applicant would suggest that it may assist all parties if the tracker was to be submitted once a sufficient body of Examination activities have been able to take place to inform updates to the tracker. As such, the Applicant would suggest that the Examination Timetable provide that the NPS tracker be submitted at:
 - Deadline 3: to account for the first set of Hearings, responses to First Written Questions and responses to Written Representations;
 - Deadline 6: to account for the second set of Hearings and responses to Second Written Questions; and
 - Deadline 9: to account for all Examination submissions.

11. In relation to the format of the tracker, the Applicant intends to extract tables B.1 and C.1 of the submitted Planning Statement [APP-032] as a standalone document, with an additional column to provide for any updates to this position as a result of Examination submissions.
12. As the Rule 6 Letter does not reference the existence of those tables, the Applicant wishes to confirm that this approach is acceptable to the ExA and so would be grateful if this could be confirmed at the Preliminary Meeting or in the subsequent Rule 8 Letter.

Book of Reference and Schedule of Negotiations and Powers Sought

13. The Applicant notes that the Examination Timetable and (in respect of the latter) item 4 of Annex I to the Rule 6 Letter suggests that both of these documents should be submitted at every deadline of the Examination.
14. It is the Applicant team's experience from other Examinations that this leads to documents being submitted that have minimal changes, if any, at many of those deadlines. Whilst the Applicant will be continuing to undertake diligent inquiry and negotiations with Affected Persons, it is considered likely, particularly given the small amount of third party land required for the Scheme, that this will also be the case for this Scheme; potentially leading to wasted time and effort for Interested Parties and the ExA reading through those documents.
15. The Applicant is mindful, however, that the ExA will want to have sight of updates to these documents to help inform its question and hearing agenda setting across the course of the Examination. As such, the Applicant suggests that these documents should instead be required to be submitted at only the following deadlines:
 - Deadline 1: given that will be over a month since submission of the proposed changes application when last updates were provided;
 - Deadline 3: prior to the potential first Compulsory Acquisition Hearing to allow the ExA to consider whether any interest-specific matters need to be discussed;
 - Deadline 5: to allow for the ExA to consider the updates in finalising its Second Written Questions;

- Deadline 7: prior to the potential second Compulsory Acquisition Hearing to allow the ExA to consider whether any interest-specific matters need to be discussed;
- Deadline 9: prior to the end of Examination but with sufficient time for the ExA to make any final Rule 17 request if considered necessary.

Other Matters in relation to Examination Procedure

16. The Applicant has a number of other comments in relation to the matters the ExA has suggested should be dealt with in Examination which are set out below:

Other Documents

17. In a desire to ensure that all Interested Parties are able to respond to the Applicant's most up to date position on the Relevant Representations from the start of the Examination (and in particular to inform submissions at the Hearings and Written Representations), the Applicant has updated its Response to Relevant Representations document [AS-038] in line with the ExA's comments at item 5 of Annex I of the Rule 6 Letter. For completeness, the update to this document also incorporates the Applicant's responses to the matters raised by Biofuelwatch [AS-040] and Mr Hewitt [AS-043]. This updated document is enclosed with this letter in clean and track changed form.
18. Further to the Applicant's submissions in relation to the now accepted Proposed Changes, on-going discussions with Natural England, and successful discussions with a third party as to the delivery of river BNG units, the Applicant can confirm that it intends to submit an update to its BNG Assessment [APP-196] at Deadline 2. The ExA may wish to add this to the Examination Timetable.

Statements of Common Ground

19. The Applicant is in the process of updating the Statements of Common Ground and liaising with the identified Interested Parties in line with the procedural decisions outline in item 1 of Annex I of the Rule 6 Letter, ready for submission at Deadline 1.
20. However, the Applicant wishes to bring to the ExA's attention that it has liaised with the Health and Safety Executive ('HSE'), as requested by that procedural decision, and HSE has confirmed that they do not consider a SoCG to be necessary. The HSE stated as follows:

We agree that as we have no significant comment to make, apart from the clarifications of HSE's current role and that based on the information provided we do not advise against the development, we agree that we do not consider a SoCG to be necessary. However, please note that HSE's advice in response to a subsequent planning application may differ should HSE's policy or the scope of the development change by the time the Development Consent Order application is submitted.

HSE does not have a role assessing risk assessments, including the extent and severity of hazards on local populations, during the NSIP planning process. Our roles and responsibilities in terms of the operators risk assessments are undertaken at an appropriate time under health and safety legislation. In addition, we can confirm that based on the information provided, HSE would not advise against this nationally significant infrastructure project. Finally, we can confirm it is for the applicant to consider whether Hazardous Substances Consent (HSC) would be required and that they can receive further information on HSC from the relevant Hazardous Substances Authority. Although HSE notes that based on the information, the quantities of stored and proposed materials related to the use of the Proposed Scheme fall below the threshold for a Hazardous Substance Consent (HSC).

Issue Specific Hearing 1

21. The Applicant notes that the draft agenda for ISH1 contained within Annex F to the Rule 6 Letter sets out at item 3 that 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'.

22. The Applicant will prepare a Powerpoint presentation in order to do this and will submit this to the ExA in advance of the hearing by 12 January. The Applicant will also liaise with the case management team to ensure that the practicalities of doing this are resolved to enable this to be presented on the day.

Suggested Locations for Site Inspections

23. The Applicant wishes to bring to the ExA's attention that as the Drax power station is a live operational site, tight security constraints are in place; as well as noise/respiratory risk management measures that need to be adhered to, for the purposes of any site inspection.
24. As such, this means that the power station site will need to be visited by minibus and would have to be viewed from the bus; with appropriate PPE in place. The Applicant will also need to have full disclosure of who is attending and advance notification in order to be able to book a mini bus and put in place appropriate security measures, including accounting for the fact that certain parties may not be able to enter certain locations due to security risks. Any visit to the site will also need to be carefully planned to ensure it does not interfere with operation of the live power station site.
25. The Applicant therefore suggests that the ASI would be best organised as a bus trip where Interested Parties can park at the Drax Sport club opposite the entrance to the power station to meet the bus which would take it to areas both on the power station site and off it.
26. In the latter case, this will allow for consideration to be taken of the fact that some of the off-site areas for the Scheme have limited access and very limited parking. The Applicant would therefore suggest that the bus could therefore take attendees of the ASI to the locations of the Habitat Provision Area, Off-Site Habitat Provision Area, affected hedgerows, BNG areas and the location of the Overhead Line works that were the subject of the Applicant's Proposed Changes Application. Attendees could then disembark from the bus and view those locations from an appropriate parking spot.
27. Within the power station site it is proposed that the following locations would be able to be observed from the bus:
 - East Construction Laydown Area;
 - the Flood Compensation Area that formed part of the Proposed Changes Application;
 - the Woodyard to view the areas of ecological impact and the location of connections to the proposed National Grid Low Carbon Pipelines project infrastructure; and
 - the locations of the various aspects of the carbon capture equipment and their relationship and connections to existing parts of the Drax power station.

Attendance at the Hearings

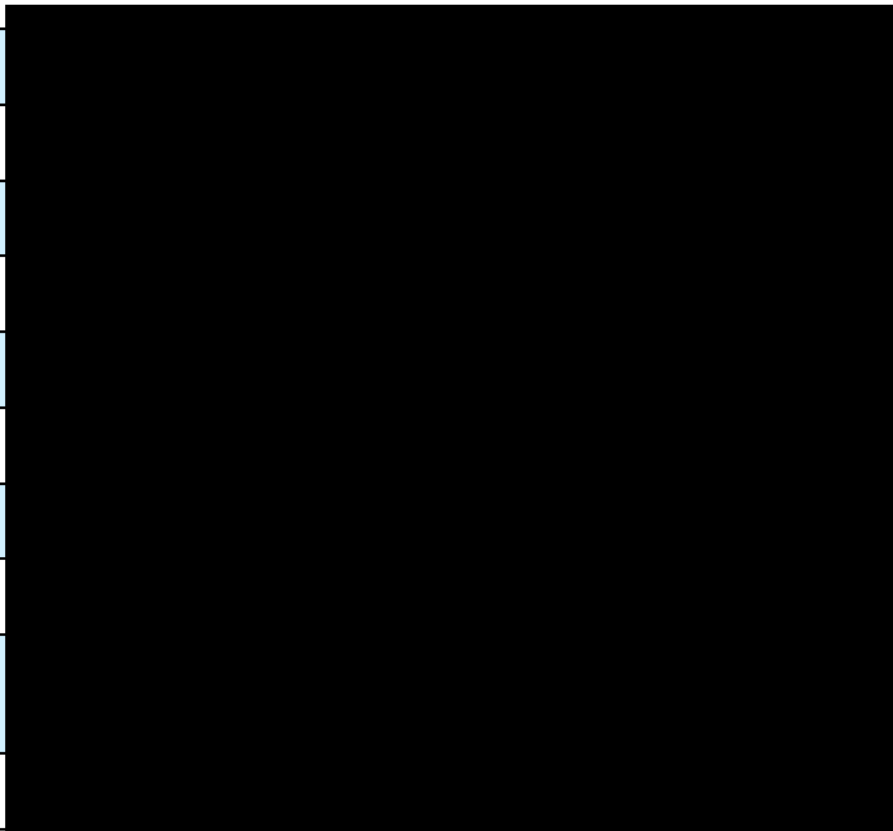
28. The Applicant can confirm that the individuals in the table below are anticipating to physically attend the Hearings scheduled for the week commencing 16 January. It is unlikely that all of the below will speak at the Hearings but are sought to be registered to attend in case they may need to. The Applicant notes that in preparing this list it has assumed that the Hearings will be live streamed, as other Applicant representatives are planning to watch the Hearings by that means.

Name	Email Address	Telephone Number
Preliminary Meeting		
Jim Doyle		
Richard Griffiths		
Alexis Coleman		
Matt Fox		
David Ball		
Richard Fullilove		
Chris Summers		
Luke Varley		
Warren Taylor		
Andrew Rankin		
Michael Goldsworthy		
Alan Knight		
Catriona Reynolds		
Richard Bass		
Iain Harris		
Richard Gwilliam		
Steven Foster		
Ali Lewis		
Bruce Heppenstall		
Jenny Blyth		
Cassie Fountain		

Ellie Simpson	
Daniel O’Kelly	
Issue Specific Hearing 1	
Jim Doyle	
Richard Griffiths	
Alexis Coleman	
Matt Fox	
David Ball	
Richard Fullilove	
Chris Summers	
Luke Varley	
Warren Taylor	
Andrew Rankin	
Michael Goldsworthy	
Alan Knight	
Catriona Reynolds	
Richard Bass	
Iain Harris	
Richard Gwilliam	
Steven Foster	
Ali Lewis	
Bruce Heppenstall	
Jenny Blyth	
Cassie Fountain	

Ellie Simpson	
Daniel O’Kelly	
Nicola Ashworth	
Maria Atwell	
Lynn Arthurs	
Matthew Stocks	
James Peet	
Bethan Tuckett-Jones	
Open Floor Hearing 1	
Jim Doyle	
Richard Griffiths	
Alexis Coleman	
Matt Fox	
Cassie Fountain	
Matthew Stocks	
Nicola Ashworth	
Issue Specific Hearing 2	
Jim Doyle	
Richard Griffiths	
Alexis Coleman	
Matt Fox	
Alice Hayward	
Jenny Blyth	
Richard Fullilove	

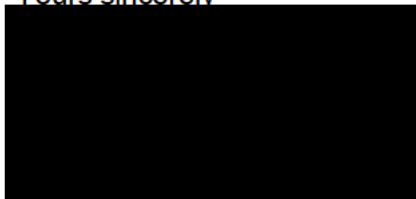
David Ball
Cassie Fountain
Ellie Simpson
Daniel O'Kelly
Nicola Ashworth
Maria Atwell
Matthew Stocks
Philip Peterson
Bethan Tuckett-Jones
Cassie Fountain



Conclusion

29. We hope that all of the above assists. Please do not hesitate to contact the undersigned should you have any queries regarding the submissions made in this letter.

Yours sincerely



Jim Doyle
Planning and Consents Manager

