

# TRANSCRIPT\_PRELIM\_DRAXPOWER\_1701 2022

00:14

Good morning, everyone. And welcome. Before we begin, can I just confirm that everybody can hear me clearly?

00:23

Can I also just confirm with Mr. Herold that the live streaming and recording of this event has come in.

00:31

Thank you.

00:33

For those people that are watching the live stream, can I just advise that should we at any point adjourn proceedings this morning, we will have to stop the live stream in order to give us clear recording files. As a result of the point at which we recommence and restart the live stream, you will need to refresh your browser page to view the restarted stream. And we remind you of this, should we need to adjourn.

00:56

Just now 10 o'clock and it's time for this preliminary meeting to begin. This preliminary meeting is for the application made by Drax power limited, who we will refer to as the applicant for an order granting development consent for the Drax bioenergy with carbon capture and storage project. The applicant is seeking development consent to instal post combustion carbon capture technology on up to two of the existing 660 megawatt electrical biomass power generating units, which includes the modification of grade and extension of existing operators at the Drax power station.

01:32

Thank you all for attending this meeting. My name is Caroline Jones. I'm a chartered town planner. I am a planning inspector employed by the planning Inspectorate and have been appointed by the Secretary of State for levelling up housing and communities to be the lead member of the panel to examine this application. I'm not going to ask my fellow panel members to introduce themselves. Good morning. My name is Ben Northover. I'm a chartered architect and have been appointed to be a member of the panel to examine this application.

02:00

Together we constitute the examining authority for this application and we will be reporting to the Secretary of State for business energy and industrial strategy with a recommendation as to whether the development consent order should be made.

02:12

The case manager for this project is George Harold, and he has been supported here today by a tillable sauce. We also have Kailyn Atkins and Michelle Gregory providing support remotely today. Please don't hesitate to contact a member of the team if you need help at today's event or with the technology. Just to make you aware that we do also have other colleagues from Bristol here today. And they're here purely to observe and won't take part in any discussion at all on the application.

02:39

Today is a blended event and it comprises an in person meeting as well as being held on the Microsoft Teams platform. It is being both live streamed and recorded. For those people observing or participating through teams. In order to minimise background noise can you please make sure that you stay muted unless you are speaking if you are participating virtually and you wish to speak at the relevant point in the proceedings, please use the hand up function. Please be patient as we may not get to get you to immediately but we will invite you to speak at the appropriate time. And I also remind people that the chat function on Microsoft

03:16

Sorry, I've just been told we have a sound issue is the sound issue in the room or

03:23

with the virtual event

03:28

okay, we'll just pause for a few moments until we find out what the issue is and then we will be comments.

03:50

Hello, Caroline, beside me she was in the virtual event.

05:24

Mr. Harold, do we have any update? Our list is conscious. I don't want to make people sit here unnecessarily. Do we need to adjourn and come back? Is there a technical issue?

05:40

Carry on. Okay. Do we have the?

05:57

Good, thank you. Okay, I was just about just to remind people who are on the teams meeting that we're not using the chat function today. So please don't try to use this at any point. If you don't manage to ask your question or raise your point at the relevant time, there will be an opportunity at the end of the meeting to raise this under Agenda Item eight. Because the digital recordings that we make are retained and published, they form a public record that can contain your personal information, and to which the General Data Protection Regulation applies. The planning inspectors practice is to retain and publish recordings for a period of five years from the Secretary of State's decision. Consequently, if you

participate in today's meeting, it is important that you understand you will be live streamed and recorded and that the digital recording will be published. If you don't want your image to be recorded, you can switch off your camera. For those in the room who don't want to be recorded. There is an area at the very back of the room out of the camera shot. If you feel that personal information is necessary, please provide this in a written document so that we can redact before publication. Does anyone have any questions with regards to this matter?

07:08

I'm just going to deal with a few preliminary matters. For those who are attending this meeting in person. Can I just ask that everybody has that all devices and their phones to silent, we're not aware of any fire alarm tests or drills today. So in the event of a fire alarm, please exit at the back of the room, and there are some toilets located to the left there just behind the bar. We will take a short break at around 1130. If it appears we need to continue much beyond this time. If this happens, please just remember those who are participating virtually to turn their cameras and microphones off during the break.

07:49

And audio recording of today's meeting will be available on the Drax bioenergy with carbon capture and storage section of the national infrastructure pages of the planning inspector website as soon as practicable after this hearing. With this in mind, please ensure that you speak clearly into the microphone. If you're not at a table with a microphone, there is a roving microphone that you can use. So please just ask for that.

08:14

The meeting today will follow the agenda as set out in our letter, the 13th of December 2022, which we shall refer to you from now on as the real six letter. This meeting will follow the agenda set out in Annex A of that letter. It would be helpful if you had a copy of this in front of you

08:32

could the case do you just do we have a copy of that agenda display.

08:40

There are also some spare copies of the agenda at the back of the room if anybody needs while I'm

08:50

just going to briefly explain the purpose of the preliminary meeting.

08:55

We are here today to focus on the way in which we intend to examine this application. And we will be discussing only the procedural aspects of this examination this morning. We are not going to take any evidence at this meeting and we are not discussing either the merits or any concerns that you have regarding this application. And we would like to emphasise that we have taken no decisions yet about any of the merits of the application. concerns or merits will only be considered once the examination of the application begins which will happen following the close of this preliminary meeting.

09:30

Please also bear in mind that the only official record of today's proceedings all the notes on the digital recording, tweets, blogs and similar communications arising out of this meeting will not be accepted as evidence into the examination of this application. Thank you.

09:47

I'm now going to ask those of you who are participating in

09:51

yourselves. When I state your organization's name. Could you please introduce yourself stating your name who you represent? And it would be helpful if you could

10:00

Let us know which agenda item you intend on speaking on. For the purpose of the recording, it would also be enormously beneficial if you could each time you speak throughout the hearing, state your name, and if you are representing someone whom it is that you represent. I'm going to start first with those who are with us in the room. Can I just start with the applicant and any of your advisers, please?

10:24

Good morning. My name is Richard Griffiths. I'm a partner at Pinsent Masons LLP solicitors for the applicant. I'm joined by my colleagues to my right Alexis Coleman, senior associates at Pinsent Masons. And just to my behind me, on my left is Matthew Fox, associated pincer Masons. I'm joined on the table by the applicant, Drax power limited, starting to my immediate right, to the right of Alexis Coleman, Michael Goldsworthy, who is carbon markets development lead.

10:59

Next to him is Jim Doyle, planning and consensus manager

11:05

followed by Richard Fullilove, who's the Deputy General Counsel.

11:10

And finally, David ball, who's development director. The African is also joined virtually by Alan Knight, who is the Group Director on sustainability. There were additional members of the applicants in the room, but I don't envisage that we will need to call them

11:27

during today's proceedings. Thank you very much, Mr. Griffiths. Good morning to you all.

11:35

We will now move on to the organisations which have expressed a wish to speak and I have Selby District Council first please.

11:51

Hi, so in the room today is myself, Jenny time and assistant principal Planning Officer at Selby District Council. And virtually we have Glenn sharp who is a planning solicitor for Silva District Council. There are no particular agenda items on which wish to speak today. But here as to comment and as necessary. Thank you. Good morning to you. North Yorkshire District Council.

12:20

Good morning. My name is Katie Dawson. I'm a senior solicitor for North Yorkshire county council.

12:26

I'm here obviously representing North Yorkshire County Council today. To my left, I'm accompanied by my colleague, Michael Reynolds, who is a Senior Policy Officer for North Yorkshire county council. And for the record, I think it wasn't a rule six response letter. But there are no specific items which we wish to speak. Speak against today. Thank you very much. Good morning.

12:47

I also have a Mr. Hewitt.

12:52

And he was James here. Good morning. I'm a shareholder in Drax. I also know none. And so I attend the annual general meeting. So I know some of the senior staff there.

13:01

I wasn't a number of other people in the room, including cases on my side.

13:08

I'm interested primarily.

13:11

It's the first time I've been doing this sort of thing. So I'm not sure to what extent one can consider suspending the application for the moment.

13:22

And, like, I'd be very happy to speak on those on that subject. If there were an opportunity. I would recommend that you probably raise that when we discuss the examination timetable only because I know that biofuel watch also have

13:38

concerns of a similar nature that they wish to raise under that agenda item. So it would make sense if you if you have the same to raise it at this point. Yep.

13:48

Okay, and so we finally we have a representative from biofuel watch.

13:54

Yeah, I'm Casey from biofield. Watch. And similar to what James has said. We've got some points that relate to the timetable.

14:02

Thank you. Good morning to you both.

14:05

Is there anybody else in the room today? who wishes to speak? If they could let me know now?

14:14

In that case, we'll move on to virtual attendees if you are wishes with us sorry on Microsoft Teams today. Could you please raise a virtual hand?

14:33

Mr. Knight, I can see you have Yeah. So honoured to be introduced on your

14:44

side and do we and we also have Mr. shelf here from salby. Is that correct?

14:51

That's correct. My colleague Jenny Tyler, introduced Megan. Great, thank you very much.

15:00

Okay, before we move on, final check if anyone else wishes to speak.

15:07

This doesn't preclude you from speaking later if you do wish to respond to any comments that are made by any parties during the meeting today.

15:17

Are there any other comments anybody wishes to raise under item one?

15:24

Thank you. In that case, that concludes this item of the agenda, and we'll move on to item two. In order to streamline the running of this events, Annex B of our Oh, six leads of our sixth letter was providing an introduction to the preliminary meeting and the examination process explaining how it will be conducted and how you can participate. for expediency, I'm assuming that everybody has read this, and therefore, I'm not proposing to spend time weeding it out now. It is important to the examining authority that you are clear in your understanding of the process. Therefore, if there is anything that you're unclear about, or on which you need to clarify, then please do ask if you have any specific points to make regarding the draft timetable. These will be considered later under item five. And so on the basis of the information set out in Annex B. Are there any other questions about the way in which the examining authority intends to examine this application?

16:21

In that case, I'm going to hand over to Mr. Northover who will deal with item three.

16:27

Thank you. For this item, it would be useful if you had Annex C of the rules six letter in front of you please.

16:35

And we're now going to share a list of the main headings of the principal issues on the screen. So if the case team could put that up for us, but you can find the details for each of these principal issues within the annex within Annex C of the rules six letter.

17:01

So this list provides an an initial framework of issues for the examination of the application. That does not preclude us from amending the list by removing or adding to the proposed principle issues at a later stage in the process. I have nothing further to add at this stage. Nevertheless, individuals here today may wish to comment

17:22

may wish to comment on either the broad headings or the individual matters.

17:28

By inviting you to speak please remember that we're not looking for submissions on the merits of the scheme that will form part of the detailed examination of the application which commences after the preliminary meeting. We are only considering comments on the broad principle issues as identified at this stage.

17:45

You can take down the list now. With that in mind, I will now invite submissions, please remember to introduce yourself and state your name and the organisation. You're you're representing each time you speak.

18:00

Do we have any one who would like to comment on this item?

18:10

Anyone virtually who would like to make comments on this item?

18:19

Is there anything that the applicant would like to say on this matter?

18:23

Thank you so much grievous on behalf of the applicant? No, we consider the list of issues to be comprehensive. So have no comment. Thank you.

18:33

If anything does arise

18:35

on the principal issues, please put it in writing to us by draft deadline one, which is Thursday, the second of February.

18:44

Thank you. I'm now going to hand back to Mrs. Jones who will deal with item four on the agenda which relates to the change request. Thank you Mr. Northover.

18:55

Following a change request that was made by the applicant on the fifth of December 2022. A procedural decision was made on the 13th of December 2022. By the examining authority to accept the applicants proposed changes in the examination. There were two changes proposed both of which had been the subject of the applicant's non statutory consultation exercise. In summary, proposed change one included additional order land to mitigate mitigate against the loss of floodplain. It is located within the applicants ownership and no land powers are proposed over it. A proposed change to is required for the relocation of overhead electrical and telecommunications lines to allow for the delivery of a normal individual indivisible loads. This also includes additional order land, but not in the applicants ownership and over which it is proposed to compulsory acquire rights.

19:46

The examining authority is satisfied that there is sufficient time within the examination for the proposed changes to be properly and fairly examined, including the opportunity for written submissions and any oral representations to be made at any hearings that may be required.

20:00

As proposed change to include the compulsory acquisition of right. The infrastructure planning compulsory acquisition regulations 2010 are invoked. And as such, these changes must be published in accordance with those regulations. And the applicant has provided us with an update on that, please.

20:19

Yes, madam Thank you. The I can confirm that the notice regarding the compulsory acquisition additional land see additional land as it's defined in the change application has been published. The consultation started on the 13th of January 2023. And it closes at 11:59pm on the 12th of February 2023.

20:46

And we absolutely share this time that all consultations have been done and we're not expecting any extensions to the consultation. We're confident that it's been carried out accordingly, according to

regulation seven of the CEA regulations and don't anticipate any extensions in time required to that consultation period. Thank you, Mr. Griffith.

21:08

Does anybody have any comments they wish to make regarding the change request.

21:19

Just to make it clear that any comments that are made during this period must relate to the applicant's proposed provision for the compulsory acquisition of rights over additional land only it isn't another opportunity to put your comments back in we have got them and we have read them.

21:35

I'm now going to hand it back to you, Mr. North over to Verizon five on the agenda. Thank you. I'd now ask that you turn to annex I have the rule six letter where you'll see that we've made a number of procedural decisions about the management of the examination.

21:54

And exci explains in depth the reasons for these procedural decisions. I've assumed that you've all read the annex, so I'm not going to go through them all in detail. However, I will comment on some of these decisions before inviting any questions or comments.

22:10

So firstly, it statements of common ground.

22:15

So the aim of a statement of common ground at an early stage is to both record areas of agreement and identify areas of differences. It should help identify matters which are not in dispute, or that need not be the subject of further evidence. It can also identify areas of differences. To facilitate further discussions between parties, which can be expanded upon during examination. I will share the list of statements that we're expecting on the screen. But you can find the details for each one of these in section one of Annex I of the rule six letter could the case team put the list of statements for common ground.

23:08

So the slide shown lists a number of parties with whom we'd expect the applicant to prepare a statement of common ground. These includes relevant local authorities consultees and affected statutory undertakers. The range of topics that we'd expect to see include it is also set out in that Annex I

23:26

the the examining authority note from the applicants submission at procedural deadline a that they have made some comments on this item for the benefit of everyone in the room and online today. Could you summarise those comments?

23:39

Thank you so much Griffis on behalf of the applicants yesterday, comments relates to the health and safety executive that the examining authority recommended we try and reach a statement of common ground with we've been in contact with the Health and Safety Executive. And as we set out in our letter in response to all six letter, they've confirmed that they do not consider a statement of common grounds to be necessary in respect of this application. So based on that, we won't be pursuing an socg standard common ground with them.

24:14

Thank you. That's fine.

24:18

So are there any comments from any of the relevant parties or from anyone else on this item?

24:31

Okay, so we take down the standards of common ground of the slides. Thank you. So moving on to local impact reports.

24:42

So this is section two of annex psi. And this section sets out our request for local impact report from the host local authorities, and welcome to local impact reports from any other relevant local authorities who may wish to submit one. Can I firstly just ask Selby

25:00

The District Council and North Yorkshire county council will you be submitting a joint local impact report or separate?

25:09

Kenny doses of North Yorkshire county council? Yes, we will be submitting a joint local impact report which is in progress at the moment. Okay. Thank you.

25:18

And following on from the change request item, can the applicant confirm whether because of the changes being accepted into the application are East Riding of Yorkshire now considered to host local authority?

25:41

Thank you. So, yes, we do consider East riding to be a host authority. Okay.

25:48

And is there is there then any knock on effect to any additional neighbouring local authorities?

26:05

So, can I can we come back to that I need to just revisit the boundaries? Yes, that's fine, rather than trying to do it in my head. Now, is that possible to to give you a a

26:20

solid answer? shortly. Okay, if that's acceptable.

26:25

So, Mr. Good, do you want to come back to within the meeting? Or do you want to come back to us in writing will try and do in the meeting, depending on how long the primitive meeting lasts? Well, we can perhaps bring it back up into Agenda Item eight. Thank you.

26:42

Thank you. And as a reminder, the local impact report should be submitted in final form by draft deadline one, which is Thursday, the second of February.

26:54

So moving on to the request for a national policy statement tracker.

27:01

So in section four of annex AI, the examining authority requests that the applicant provides a comprehensive national policy statement, accordance table, or NPS tracker for both the designated and draft versions of en one, the overarching national policy statement for energy and en three, the national policy statement for renewable energy infrastructure. And this NPS tracker should cross reference the relevant MPs to submitted documents and any subsequent updates during the application. And again, we know that the applicant has made some comments on this item in their submission procedure deadline a could you summarise this for the benefits that are in those? Virtually? Yes, thank you so much grievous on behalf of the applicant. So in response to your successor, we

27:57

agree to provide a NPS national policy statement according to tracker.

28:02

And recommendation is that we draft that

28:09

in line with the

28:13

tables B point one and c point one in the submitted planning statement that's referenced a PP hyphen 032.

28:22

And we extract those tables from that planning statement and submit to those tables as a standalone documents. So we keep the content of those tables, submit them as standalone documents and add an

additional column to those tables add to provide any updates in respect of the MPs, and obviously draft MPs. That's our preference, but useful to have confirmation if you find that acceptable in structure. And then my second point we raised in the letter was when we intend to submit the tracker as clearly, it wouldn't be useful if we submit a tracker at every deadline, if there are no updates. So our intention at this point would be to submit the tracker at deadline three, deadline six and deadline nine throughout the examination. And we will respect be asked at the time to perhaps add to that in those deadlines. But of course, if something happens in between those deadlines in terms of designation of the draft MPSS or further consultation and don't neatly match those deadlines, then we will of course, update the tracker as soon as possible, having read those documents and submit to the tracker at the nearest deadline to that event.

29:32

Thank you. Can I suggest with regards to the timetable, we'll come back to that and that item of the agenda.

29:41

But in terms of the format of the tracker that what you suggest is acceptable to us for the format of that.

29:51

Does anyone else have any comments they want to make on the NPS statement? NPS tracker

30:00

Nope. Okay.

30:03

So moving on to additional submissions, as set out in Section seven of the annex psi. Following acceptance of the application, the applicant submitted a range of documents which have been published on the project website. These additional sub missions can be accessed through the examination library. And they have the references. Od one to od 10 as one too as for as 13 to as 21 as 24 to as 39. And as 44 to as 96. Additional submissions from others have also been accepted and being published with references as five to as 12 as 22 as 23 and as 42 as 43.

31:01

If anyone does have any comments, make them any additional and all submissions, please do so by traffic deadline, one second of February.

31:11

Whilst we've accepted and publish these comments prior to the exam, sorry, Mr. Challenge, because I just asked you to turn your camera off for the moment. If you have a comment. I'll just come to you in a second if that's okay.

31:30

Thank you. So once we have accepted and published these documents prior to the examination commencing, we would advise parties that any documents submitted between these deadlines will not normally be published until the subsequent deadline has passed.

31:46

Does anyone have any comments they would like to make on the acceptance of additional submissions into the examination?

32:05

Mr. Chanin, did you want to make a comment on this item?

32:12

No.

32:14

Okay, thank you.

32:19

Did the Mr. Griffis is that the applicant have any comments on

32:25

additional submissions into the application or any of the other items under procedural decisions?

32:31

No, so you just have comments or when various other documents will be submitted, which will refer to the next agenda item. Okay, thank you. I'll now hand back to Mrs. Jones, who will talk about the draft timetable. Okay, thank you. Just before we move on, I do believe that Mr. Chandra has just joined us, virtually. So I would like to say good morning to Mr. Child there. And just to explain, Mr. Charla that. We are on to agenda item six. I don't know whether you have followed any of the meeting prior to this? No,

33:04

you haven't. What I'm going to suggest is if there are any points that you did have to raise on any of the agenda items that we have already covered, then you can do so under Agenda Item eight, which is any other matters.

33:18

But this is recorded and you will be able to go and watch this on the on our project web page. If you did want to and then you could always make any comments that you wish to us. Is that okay?

33:34

Yes, thank you. Okay, Mr. Chairman. Thank you. Okay, this takes us on to agenda item six, which is the draft examination timetable. For this agenda item, it will be useful to have an XD of our rule six letter in front of you and the case team has also shared this on the screen there.

33:55

Annex D sets out our draft examination timetable for the next six months from today until completion on Monday the 17th of July 2023. The Annex sets out the draft dates for hearings and deadlines for the submission of written documents. It also includes dates with the examining authority to issue documents, such as our further written questions, our proposed schedule of changes to the draft DCO and the report on implications for European sites. Please note that the time for submission on each day to date is 2359 One Minute To Midnight. As you will see from the draft timetable, there are 10 proposed deadlines where the examining authority requires information to be submitted. In the interest of brevity, I don't intend to go through the draft timetable its entirety but I will highlight some key points from it. Following the start of the examination, we will hold off first issue specific hearing tomorrow at 10am. This hearing will consider the scope of development tomorrow evening at 6pm. We have an open floor hearing which is an opportunity for individuals or community groups to speak directly

35:00

Due to the examining authority about any topic they wish, on Thursday, we will hold issue specific hearing to and this will consider the draft DCO and will be a high level overview of this document. As soon as possible after this week's hearings, we will issue our rule eight letter which will finalise the timetable. At the same time, we will also issue our first set of written questions.

35:24

Deadline one is timetabled for Thursday, the second of February 2023.

35:31

And accompanied site inspection may be held during the week commencing the 20th of March, and we will talk about site inspections shortly. And you will see from the draft timetable that if required, a second set of questions is currently pencilled in for Wednesday, the 29th of April. And we may also at any point during the examination issue a specific request for information from parties, but only if necessary, and this is known as a rule 17 letter.

36:00

We are conscious that it is a tight timetable in some places, but do note that we have tried to avoid hearings during any of the main school holidays.

36:10

I have had requests to speak on this agenda item from both the applicant and biofuel watch. And also Mr. Hewitt will come to you during this agenda item to turning to the applicant in the first instance. Do you want to give us an overview of any concerns you have about the timetable? Please?

36:29

Thank you, Madam. Yes. It's progressively do it in stages, if that's acceptable, and I'll start with the

36:39

main comments in our letter that were submitted

36:44

in response to all six letter, which is the development consent order, and our observations, in respect of when

36:52

that should be submitted should start off. So before getting the details in terms of the deadlines, we don't have any comments on moving those deadlines. So the actual board structure of the timetable, the applicant is contained without its specific documents when they should be submitted is

37:07

our main observations. So we're in perspective, the deployment consent order, in effect, what we are suggesting a paragraph six of our response to your six letter is that we have we submit an earlier version of the draft development consent order, at the moment. It's at d3, deadline three, we are suggesting that the applicant submits its first updated draft of the development consent order at deadline to

37:40

that can then take into account your first written questions and account for tomorrow for the hearing on the developer consent order that is taking place this Thursday. Then, in effect, the knock on effect by are submitting a revised DCO at deadline to is that where you have applicant interested parties comments on developing consent order followed by the applicants updated DCO. We switched them around. So we submit the DCO at deadline to than it deadline three rather than interested parties commenting on what would have been the current draft DCO. That's actually them commenting on the deadline to version, the DCO. And then deadline for we submit an update to DCA deadline, five, etc. So what we're suggesting is you switch you added a new deadline to a deadline to for us to submit the DCO. And then where you've got, then you switch around all the other deadlines between the applicant and the interested party. So it's all set out in paragraph six of our letter, but we think that'll make for more efficient examination. Otherwise, I think we're going to be at risk of being out of out of sequence with people commenting on the order. And we'd rather submit a updated DCO as quickly as we can after this first day's DCO hearing. So as observations on the run consent, or don't have to stop there for the moment, if the authorities or anyone else would like to comment on observations in respect of the submission of the DCO.

39:04

Does anybody have any comments on that? Okay, carry on. Mr. Griffiths.

39:11

Thank you. So I mentioned under the previous Genda item, the National Policy Statement tracker. So my recommendation is that if the timetable makes provision for that tracker to be submitted at deadline three, which can take into account then hearings and responses to first written questions and written representations, as well as anything else that might happen by government, deadline six, which can take into account the second set of hearings and responses to your second written questions. And again, anything else that might happen from government, and then deadline nine to take into account

effectively the hole of examination, so we would recommend that you add the NPS tracker into those three deadlines. But of course I said earlier, should anything happen in terms of consultation

40:00

And when any updated MPs draft MPs or their adopted, then we would submit to the newest deadline to that event, the MPs tracker. So I'll stop there on that one that item for you to take questions. Does anybody have any comments they wish to make? I want Mr. Griffith has just said.

40:20

Mr. GRIFFIS, your carry on?

40:26

Thank you. And then the next point was really in respect to

40:32

the book of reference and shedule of negotiations. I appreciate your time. So we'll just say I think if required

40:39

on it. I just wanted to put on record now that is our experience. So if examinations that were every deadline doesn't warrant, an update to the book of reference, and the schedule of negotiations, because nothing has changed, we don't want to overload the

40:54

examination with documents that haven't changed, as people might think we've submitted it, and therefore there must be a change. So at the moment, we would, we've written we've recommended that we all submit

41:06

updated documents for the book of reference and shows you the negotiations, particularly given the

41:13

change requests that you've now accepted. Those documents, deadline one, deadline three, and deadline five.

41:22

Deadlines seven and deadline nine, those are intended deadlines to update those two documents, rather than at every deadline. So I appreciate you do have if required, but just so you're aware of what your expectations are. Those are our that's our intention. I mean, that yes, if required is there for a reason it gives you flexibility to submit it at the correct time. If that particular deadline, you don't feel it's necessary to submit or you're not ready to submit? Well, there's no changes, for example, then all we would expect you to do is let us know in that in a covering letter, for example. Thank you very helpful. I just wanted to put on record now for interested parties that the applicants current attention of those deadlines, I just read out for those updates for that updated those updated documents. That was the

book of reference, check negotiations, I just have one more item to mention, which is our biodiversity net gain calculation. And

42:18  
we are

42:20  
intending to submit an updated version of that document at deadline to so you may want to add that into your timetable. Not obviously that's at our

42:31  
discretion. But we that's our intention when we talk to provide an update to the bng report deadline to

42:39  
and those are, I think all my comments on the on the on the turntable. Okay. Thank you. Mr. GRIFFIS. Does anybody have any comments that we should make on anything Mr. GRIFFIS has just raised.

42:53  
Okay, well, those points have have been noted. And obviously as the examining Zoji will consider them.

42:59  
Can I

43:01  
please hear from Miss Brown for biofuel watch Next, please.

43:07  
Yeah, can you hear me?

43:09  
Yeah, so our points,

43:12  
I suppose do relate a little to the

43:15  
suggestion of the policy tracker. But just to put that in a in a context. So the rational policy statements

43:24  
that the real six letter states,

43:27  
the decision making is going to be made on the en one and en three.

43:34

The government

43:36

is determined that these need to be updated following the energy white paper power and art Net Zero future in 2020. And these policy statements are still under review. And

43:51

the

43:53

letter also states that the netzero strategy will be assessed in needs for the proposed developments. But last year, the government's netzero strategy bill but greener, published in October 2021, was ruled to be unlawful by the High Court. And

44:11

the high court judgement stated that the strategy doesn't meet the government's obligations under the Climate Change Act on how to meet the carbon budgets.

44:21

And the strategies do to be revised before the end of 2020 March 2023. To show how the legally binding carbon carbon budget budgets will be met.

44:34

And also the government's biomass strategy hasn't been published yet. It was expected in autumn 2022.

44:44

It's not been published yet. It will inform policy. And the role of biomass in UK is energy policy going forward. So it's highly pertinent to the issue of Beck's and so we believe that the examination timetable should be delayed

45:00

So, once Hillary, these policy statements have been published so that we're assessing against

45:07

the most up to date policies available.

45:13

Yeah, could cause difficulties if they were to be updated in the middle, but also then could lead to a sort of incorrect decision if they were updated and published afterwards. Thanks. Thanks, Mr. Mr. Griffiths, I think it would be best to hear from Mr. Hewitt first before coming back to us. I think he has similar points to make. Mister here it.

45:40

There's I didn't agree that the biomass strategy and the zero strategy haven't been finalised yet. And I think the committee on climate change, and Drax used to have a member on there, but they're no longer on this, for obvious reasons, complicated conflict of interest. They need to be able to judge whether the government's strategy is actually appropriate that we don't want them to go back to the High Court.

46:07

I would also contend that en three might not be appropriate. It refers to renewable energy.

46:15

This project is about carbon, not renewability, or sustainability.

46:21

Drax doesn't do Beck's it does bioenergy, and hoping to capture the carbon. The carbon capture facility has not been proven. They don't know quite yet. What that it's still very much. It's very preliminary level. So I'm wondering whether it's premature to proceed with this in the first place. Also,

46:43

the aspects of the carbon debt. I don't think it's included. It needs to be taken into consideration in planning applications, but I think it should be.

46:58

Bioenergy with carbon capture storage might be arguably okay.

47:04

If the carbon was going to be sequestered annually, but annual crops like miscanthus, Drax have chosen to go down a very different route, which is wood, which has a very much longer carbon debt, the carbon depth typically, for certain types of forest management, clear cutting particularly will be longer than the time available. I therefore think that

47:30

the basic process is is inappropriate for this scheme.

47:36

I would also contend that

47:40

the co2 the carbon dioxide once it's left Drax his premises, Drax has washed his hands of all liability, or the impact of that co2 on the planet. Mr. Hewitt, sorry to interrupt you. That's fine. Your points are valid. We this morning is purely about the examination process and procedural decisions. So we're not taking into account any merits or concerns that people have. But I do know that you are attending tomorrow. Is that correct? Yes. And on Wednesday evening at the OpenFlow. I'm gonna, what I'm going to suggest

to you is, that would be a much better forum for you to raise the points that you're raising just now. Because today is purely just about the

48:30

how we're going to examine this application. We're not getting into merits or one final point. Yes, yes, of course. A recent Chancellor of the Exchequer and Secretary of State for Bayes considers that the scheme is crazy, basically, does Kwasi kwarteng statements preempt the the planning application?

48:56

Thank you. Thank you very much. Mr. Hewitt. That's helpful. Mr. Griffiths, would you like to respond to any of those points? Thank you, madam. I'm not going to go into evidence or the weather policy, the content of specific policies, quite rightly, this is not the forum. What I would just say is that the Planning Act 2008 is quite clear. And the transition arrangements in respect of updating of national policy statements and draft national policy statements, and at the moment, the AP legislation is clear that applications that are coming forward and of course applications not just this one have come forward and have been determined under the current energy, National Policy Statement and key including the recent QB three, develop a consent order. And as you quite rightly identified, the policy pieces to determine this application is under the adopted NPSs en Wan. And we would contend en three

49:53

there are draft national policy statements, and they are important and relevant documents to take into

50:00

counts, particularly given the time and the reference in carbon capture storage and even one to 90% of capture. That is now up to 95%. And about commercial viability, there have been projects in respect that have come forward in the last around the world in respect to proving the technology stop there. So I'm delving into the evidence which be covered tomorrow. So my point is that you have a legal regime. That doesn't

50:30

mean you have to stop this examination or every other energy examination, you have adopted national policy statements, you have draft national policy statements that are important developments. And you have a raft of other government policies since 2018. Through to 2022 in respect of policy and the government's position on power backs, including my ad the Independent reports of last Friday, January the 13th, by the Right Honourable Chris Skidmore, that referenced power backs.

51:04

This is not an application for biomass generating station, biomass as a fuel is not something to be considered an examined, because we're not applying for a new generating station, we're not applying for a biomass fuel supply that is already in existence, and will continue regardless of whether the plant gets concerned for retrofitting carbon capture. What is before you is the benefits of the scheme in terms of greenhouse gas emissions. And so the area for examination is the need to create Net Zero, reach net zero by 2050, which is set out in the policy statements. So our contention is and that's obviously part of your agenda items more. So our contention is there is absolutely no justification for delaying this

examination based on the adoptive policy statements, draft MPSS and indeed, other policy statements that have been submitted by governments over the last three or four years.

52:03

Thank you, Mr. Griffiths. And thank you for everyone's comments on this item. Is there anything else anybody wishes to raise?

52:18

Okay, thank you. It is a difficult task to draft a timetable, which everybody is 100% happy with. But we will take all your comments made here today, and a procedural deadline into account when producing our rule eight letter with the final timetable, but it is ultimately up to the examining authority to decide that final timetable.

52:37

Additionally, all parties should be aware that at any time after the last deadline or events that out in the timetable, we may decide under Section 99 in the act that the examination is complete. This may be before the end of the six month period, which is a statutory period for the completion of the examination. In any case, when the examining authority has completed its examination of the application, it must inform each of the interested parties. I'd also like to highlight the importance of ensuring that information is submitted in accordance with the set deadlines. It may presently seem like the end of the examination is a long way in the future. However, it does pass it does pass quickly.

53:18

Whilst we do have the ability to accept late submissions into the examination, this is at our discretion and should only be done in exceptional circumstances. As late submissions do restrict the ability of other parties involved to respond to the information which can jeopardise the examination timetable. It is therefore important for you to note that if you do submit something late, there is always a possibility that it may not be accepted into the examination. Are there any other thoughts anybody wishes to raise now on what I've just run through before we move on to the next agenda item?

53:52

In which case I'll hand back to you Mr. Northover.

53:57

Thank you, I'm going to run through items six hearings and site inspections. So starting with site inspections, the examining authority has already undertaken an unaccompanied site inspection from publicly accessible land on the 13th and 14th of September 2022.

54:19

The inspection was principally undertaken in order to view the application site and surrounding area from publicly accessible lands including highways and public rights of way by car and on foot.

54:31

The notes of this inspection are available to view on the project page of the national infrastructure website and they have the examination Library Reference number e v 001.

54:45

And accompanies sites inspection is scheduled in the draft timetable for the week commencing the 20th of March. The final itinerary will be published at least three weeks in advance of the event taking place.

55:00

accompanied site inspections ensure that the examining authority has an understanding of the proposed development within its sights and surroundings, as well as its effects. There is no discussion on its merits during the course of the inspection.

55:16

At deadline a we only received suggested locations for the company to site inspection from the applicants.

55:25

It should be noted that submissions made that deadline a do not preclude any further requests for site visits, including suggestions of prospective locations during the examination. This may be after you've had the opportunity to review what has been said at hearings and in any additional documents. However, there should be a good reason for doing so.

55:48

It may be that that the examining authority also does decides to carry out further unaccompanied site inspections at any point during the application that during the examination, any notes from such inspections will be placed on the project page of the national infrastructure website.

56:08

Details of the accompanied site and

56:11

inspection to take place week commencing the 20th of March will be included in the rule eight letter. And if any interested parties would like to attend that accompanied site inspection please notify us in writing by deadline to which is Wednesday the 22nd of February.

56:31

Does anyone have any questions or comments in relation to site inspections?

56:38

Mr. Griffith Thank you. So yes, I just want to highlight we did

56:45

partly say this in our responsible six letter that the Drax power station is of course a live operational site that has tight security. And there are security procedures in place at the site. As well as noise

respiratory risk management measures that we need to that so those going on the accompany site visit and need to adhere to at deadline one, which is Thursday, the second of February, we are proposed and we have a an action to provide the draft itinerary for the competent site inspection. What we'll also do at same time is submit a Adrar a the procedures the security procedures that everyone would have to adhere to such as what I did to bring they have to wear PPE equipments where you cannot cannot do so everyone is fully aware before the site inspection of the security arrangements that are around the power station

57:43

sites site. So I just want to highlight that that will come with deadline one, which hopefully be of assistance to all those attending that that visit it. Can I just quickly ask a question in terms of PPE equipment, with drugs provide that, yes, that the company applicable provide that Yes.

58:02

And then linked to that.

58:05

There'll be areas where you will not be able to exit the minibus. But obviously, you'll be able to see the location of the proposal form from Windows, the mini bus, and then other parts of the sites as we set out in our letter, you will be able to exit the mini bus and walk around. But just want to highlight that and so della one will will submit those procedures with our itinerary.

58:26

Thank you. That's helpful. Does anyone else have any questions or comments?

58:35

So I'll move on to hearings. You'll be aware from the format of this week's events that the examining authority is now able to hold hearings as a blended event in person with other parties of aid, able to attend virtually if they wish. It's our intention to hold future hearings in the same manner.

58:54

I'd like to remind you that any oral oral submissions in all hearings should be based on representations previously made in writing, and not simply repeat matters previously covered in a written submission. They should rather provide further detail on issues previously raised to help inform the examining authority.

59:15

In addition to the hearings this week, we also have reserved two further weeks for additional issues specific compulsory acquisition and open floor hearings if required. In the draft timetable. These are sheduled for the weeks commencing 20th of March and fifth of June.

59:34

If any interested parties anticipated that you would wish to be heard at any future open floor or compulsory acquisition hearing. Please notify us in writing by deadline to which is Wednesday the 22nd of February.

59:50

Does anyone have any comments on this item?

59:57

Anything from the applicant net

1:00:00

Thank you.

1:00:02

And I'll move on then to Item eight on the agenda, which is any other matters.

1:00:10

So if Firstly, we could have just come back to the applicants on the matter of neighbouring authorities.

1:00:20

Yes, thank you. So we have the we have the answer, I have the answer. So I can confirm that at the statutory consultation. So before we submitted the application, each writing was treated as a non prescribed host authority. So Category B, under the Planning Act 2008. And also those authorities that bordered the border. East riding were also classed as non prescribed authorities and they're relevant category. And that is set out in table 6.1 of the Constitution report, which is a PP hyphen, 018. I can then also confirm that in our consultation on the proposed changes that

1:01:02

he's writing, and they're the bordering authorities have also been consulted, also being assaulted, and also pursuant to regulation seven of the compulsory acquisition regulations, and that set out in Appendix seven of the proposed changes document which is a s hyphen, 056. So if your answers your your question.

1:01:25

Thank you. That's helpful.

1:01:29

I haven't had any other matters notified me under this agenda that people wished her raise at this meeting, but that is there anyone who would like to raise something else? Yes.

1:01:41

Thank you, sir Kelly Dawson for North Yorkshire county council. I just wanted to draw to the examining authorities attention really, it's something that you'll be aware of, and is in the draft statement of common ground of the ongoing local government reorganisation that will affect they've Selby district

and North Yorkshire Council. And what we've done in respect of other matters where the examination periods are crossing over, beyond vesting day, you've submitted a letter just confirming the authorities position and that the project teams will remain the same throughout the period of the examination. And if that would be something that will be of assistance to the examining authority. We've got a draft in progress circulating at the moment and we can submit that to you in time for deadline one.

1:02:24

Thank you that that will be helpful if you could submit that deadline.

1:02:30

Was there anyone else who wanted to raise any matters under any other matters?

1:02:38

Not seeing any hands in the room anyone online?

1:02:47

No, in that case, I will hand over to Mrs. Jones to close the meeting.

1:02:51

Thank you just want to say thank you to everyone for contributing so usefully to the meeting this morning, including

1:03:00

those people who attended virtually, we very much look forward to commencing the examination of this application may remind you that both notes and a digital recording of the proceedings today will be made available as soon as practicable on the project page of the national infrastructure website. May we also remind you just of the next stages in the process, and that is we have issues specific hearing one on the scope of development here at 10am. Tomorrow, we have open floor hearing one at 6pm. Also here tomorrow. Issues Pacific here week two on the draft DCO is also here on Thursday morning at 10am.

1:03:42

The issue of the examination timetable and first written questions as soon as practicable after this meeting, and that's likely to be next week at some point on deadline one, which is Thursday, the second of February.

1:03:56

The time is now 1104 and this preliminary meeting for the Drax, bioenergy, carbon capture and storage project is now closed. Thank you