
From: Katy Brown [REDACTED]

Sent: 17 January 2023 13:08

To: Harrold, George [REDACTED]

Subject: Follow up notes from preliminary hearing

Hi George,

Lovely to meet you in person this morning. Please could you share these brief notes with Carol and Ben? I didn't want to take up too much of everyone's time this morning so these elaborate a little on the summary of the points I made. We thought it would be helpful to share these concerns with the ExA in advance of confirmation of the timetable, though we realise their statutory deadline might not allow for any flexibility.

Many thanks,

Katy

1 National Policy Statements for Energy EN-1 & EN-3 still under review yet they are said to be key policies to examine this application

- The [Rule 6 letter](#) states that the Overarching National Policy Statement for Energy (EN-1) and the National Policy Statement for Renewable Energy Infrastructure (EN-3) apply to decision-making relating to this application.
- However, in order to achieve the Government's long-term energy policy to reach net zero emissions by 2050, the Government determined that its existing National Policy Statements for Energy required to be updated following the publication of the Energy White Paper, 'Powering our net zero future' in December 2020.
- **These policy statements, including EN-1 and EN-3 are still under review,**

2) The application refers to the Government's Net Zero Strategy which was ruled to be unlawful by the High Court

- The Rule 6 letter states that the Planning Inspectors will consider: "The applicability of the Net Zero Strategy in assessing the need for the Proposed Development."
- However, the Government's Net-Zero Strategy – 'Build Back Greener', which was published in October 2021, was ruled to be [REDACTED]
- the High Court judgement stated that the strategy does not meet the Government's obligations under the Climate Change Act on how to meet the carbon budgets.
- The net zero strategy is due to be revised by the Government before the end of March 2023 to show how the [REDACTED] will be met.

3) The Government's biomass strategy has not been published yet

- Moreover, the biomass strategy, which was expected in autumn 2022, has not yet been published. This strategy will presumably inform policy and the role of biomass in UK energy policy going forward, making it highly pertinent to the issue of BECCS for woody biomass.
- We believe that the examination timetable should be delayed until these updated policy statements have been published in order to assess the application against the updated policies.

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DPC:76616c646f72



Summary of Biofuelwatch's oral submission at the Drax Bioenergy with Carbon Capture and Storage Project Preliminary Hearing - 17/1/23

A number of government policies which are pertinent to this planning application are currently under review.

We believe that the examination timetable of this application should be delayed until they have been published in order to assess the application against the most up to date policy framework.

1) The Overarching National Policy Statements for Energy are under review

The Rule 6 letter states that the Overarching National Policy Statement for Energy (EN-1) and the National Policy Statement for Renewable Energy Infrastructure (EN-3) apply to decision-making relating to this application.

However, in order to achieve the Government's long-term energy policy to reach net zero emissions by 2050, the Government determined that its existing National Policy Statements for Energy required to be updated following the publication of the Energy White Paper, 'Powering our net zero future' in December 2020.

These policy statements, including EN-1 and EN-3, are still under review.

We request that the examination timetable be delayed until these updated policy statements have been published.

2) The application refers to the Government's Net Zero Strategy which was ruled to be unlawful by the High Court

The Rule 6 letter states that the Planning Inspectors will consider: "The applicability of the Net Zero Strategy in assessing the need for the Proposed Development."

However, the Government's Net-Zero Strategy – 'Build Back Greener', which was published in October 2021, was ruled to be unlawful by the High Court last year. (<https://www.bailii.org/ew/cases/EWHC/Admin/2022/1841.html>)

The High Court judgement stated that the strategy does not meet the Government's obligations under the Climate Change Act on how to meet the carbon budgets.

The net zero strategy is due to be revised by the Government before the end of March 2023 to show how the legally-binding climate targets will be met. (<https://www.bailii.org/ew/cases/EWHC/Admin/2022/1841.html>)

We believe that the examination of the proposed development should be considered with reference to the revised Net Zero Strategy.

3) The Government's biomass strategy has not yet been published

Moreover, the biomass strategy, which was expected in autumn 2022, has not yet been published.

This strategy will presumably inform policy and the role of biomass in UK energy policy going forward, making it highly pertinent to the issue of BECCS from woody biomass.

We therefore request that the examination timetable be delayed until the updated National Policy Statements, the amended Net Zero Strategy and the biomass strategy have been published so that the proposed development can be assessed against the revised Government policies.