



# APPLICATION GUIDE (CLEAN)

## Drax Bioenergy with Carbon Capture and Storage

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations, 2009 - Regulation 5(2)(q)

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AUTHOR: C Fountain

APPROVER: E Simpson

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## EXECUTIVE SUMMARY

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This Application Guide is submitted on behalf of Drax Power Limited (the 'Applicant') to accompany an application (the 'Application') for a Development Consent Order ('DCO') submitted to the Secretary of State ('SoS') for Business, Energy and Industrial Strategy ('BEIS') pursuant to Section 37 of The Planning Act 2008 (as amended) (the 'PA 2008'). The Application relates to Drax Bioenergy with Carbon Capture and Storage (the 'Project'), which constitute the 'Proposed Scheme'.

It provides a brief overview of the Application for the Proposed Scheme and signposts to the documents that make up the Application, so that readers of the Application can easily find any documents or information that they are looking for. This guide should be read in conjunction with the **Electronic Application Index** (document reference 1.5), which contains a complete list of all documents submitted with the Application, and the **Application Document Tracker** (document reference 1.4) which will show any revisions that may be made upon acceptance or during the pre-examination period and examination.

The Application submission is divided into seven categories:

- Category 1 Application Form – Provides the 'front' documents of the Application, including the Application Guide (this document), the Cover Letter, Glossary, Section 55 checklist, Application Document Tracker, Electronic Application Index and the Application Form.
- Category 2 Plans – Contains the relevant plans required by regulation 5(2) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the 'APFP Regulations') (as amended) (except where they are provided within Category 6). The plans include: the Site Location Plan; Land Plans; Works Plans; Access and Rights of Way Plans; and Indicative Plans and Elevations.
- Category 3 Draft Development Consent Orders – Contains the draft DCO ('dDCO'), and the Explanatory Memorandum.
- Category 4 Compulsory Acquisition Information – Contains documents providing evidence of why and where legal powers of compulsory acquisition being sought and the affected parties, as well as information on how the Proposed Scheme is to be funded. The documents include Statement of Reasons; Funding Statement; and the Book of Reference and the Schedule of Negotiations and Powers Sought.
- Category 5 Reports – Provides the reports containing details of the pre-application consultation (Consultation Report), the Planning Statement and Planning Statement Addendum, Needs and Benefits Statement, Statutory Nuisance Statement, and any other technical reports (excluding environmental reports – see below) such as the report on Other Consents and Licences, and a Grid Connection Statement.

- Category 6 Environmental Statement ('ES') (and associated documents) – Provides the environmental information from the assessment of potentially significant effects on the environment and proposed mitigation.
- Category 7 Other – Provides all other documents to be submitted with the DCO application, including Heads of Terms for a development consent obligation (s106 Agreement), a BECCS 3D Model Flyover Video, and a Presentation comprising an Overview of the Technology and the Proposed Scheme.
- Category 8 Examination – Provides any new documents submitted after the acceptance of the Application, during the pre-examination or examination stages. This will include Statements of Common Ground with key parties, a Proposed Changes request, a draft development consent obligation (s106 Agreement) and other documents as appropriate.

## 0. INTRODUCTION

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### 0.1. OVERVIEW

- 0.1.1. This Application Guide has been prepared on behalf of Drax Limited (the 'Applicant') to support an application (the 'Application') for a Development Consent Order ('DCO') that has been submitted to the Secretary of State ('SoS') for Business, Energy and Industrial Strategy ('BEIS') under Section 37 of The Planning Act 2008 (as amended) (the 'PA 2008'). The Application relates to Drax Bioenergy with Carbon Capture and Storage (the 'Project'), which constitute the 'Proposed Scheme'.

### 0.2. PURPOSE OF THIS DOCUMENT

- 0.2.1. This Application Guide provides a brief overview of the Application documents for the Proposed Scheme and provides signposts to the documents that make up the Application submitted to the SoS, so that readers of the Application can easily find any documents or information that they are looking for. This guide should be read in conjunction with the **Electronic Application Index** (document reference 1.5), which contains a complete list of all documents submitted with the Application, and the **Application Document Tracker** (document reference 1.4) which will show any revisions that may be made to submitted documents upon acceptance or during the pre-examination or examination stages.
- 0.2.2. Regulation 5 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) (the 'APFP Regulations') sets out the documents that all DCO applications must include. It also provides at Regulation 5(2)(o) and (q) for the submission of "any other documents considered necessary to support the application" as well as "any other plans, drawings and sections necessary to describe the proposals".
- 0.2.3. Regulation 6 of the APFP Regulations sets out specific documentation required in support of DCO applications for particular types of development, however, none of the requirements under Regulation 6 are considered to apply to the Proposed Scheme.
- 0.2.4. Whilst the Proposed Scheme falls under Schedule 1 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the 'EIA Regulations') as 'installations for the capture of carbon dioxide streams for the purposes of geological storage pursuant to Directive 2009/31/EC from installations referred to in this Schedule, or where the total yearly capture of carbon dioxide is 1.5 megatonnes or more'. The Proposed Scheme will have the capability of capturing in excess of 1.5 megatonnes of carbon dioxide per annum per biomass unit is therefore classified as 'EIA development' and as such the DCO application will be supported by an ES.
- 0.2.5. The Proposed Scheme has not been subject to an EIA Screening Request or Opinion as all development listed within Schedule 1 is automatically classified as EIA

development. Therefore, the EIA Regulations and requirements contained therein apply to the Proposed Scheme.

- 0.2.6. This document provides a brief overview of the documents that have been submitted to satisfy the APFP Regulations and EIA Regulations to the extent that it lists the documents submitted under those Regulations. Full details on compliance with the EIA Regulations are contained within **Chapter 2** (Site and Project Description) of the ES (document reference 6.1.2).

### 0.3. APPLICATION DOCUMENTS

- 0.3.1. The documents submitted in support of the Application have been grouped together as per the following folder categories on the Planning Inspectorate’s (‘PINS’) website:

**Table 0-1 – Application Document Categories**

<b>Category</b>	<b>Description</b>
<b>1. Application Form</b>	Provides the ‘front’ documents of the Application, including the Application Guide (this document), the Cover Letter, Glossary, Section 55 Checklist, Application Document Tracker, Electronic Application Index and the Application Form.
<b>2. Plans</b>	Contains the relevant plans and drawings required by the APFP Regulations (except where they are provided within Category 6). The plans include: the Site Location Plan; Land Plans; Works Plans; Access and Rights of Way Plans; Indicative Plans and Elevations, and a Special Category Land Plan.
<b>3. Draft Development Consent Orders</b>	Contains the draft DCO and the Explanatory Memorandum for the draft DCO.
<b>4. Compulsory Acquisition Information</b>	Contains documents providing evidence of why and where legal powers of compulsory acquisition are being sought and the affected parties, as well as information on how the Proposed Scheme is to be funded. The documents include: Statement of Reasons; Schedule of Negotiations and Powers Sought; Funding Statement; and, the Book of Reference.
<b>5. Reports</b>	Provides the reports containing details of the pre-application consultation (Consultation Report), the Planning Statement and Addendum to the Planning Statement, Statutory Nuisance Statement, the Needs



Category	Description
	and Benefits Report and any other technical reports (excluding environmental reports – see below) such as the a report on Other Consents and Licences, and a Grid Connection Statement.
<b>6. Environmental Statement (ES') (and associated documents)</b>	Provides the environmental information from the assessment of potentially significant effects on the environment and proposed mitigation.
<b>7. Other Documents</b>	This includes all other documents to be submitted with the DCO application including Heads of Terms for a development consent obligation (s106 Agreement) and a BECCS 3D Model Flyover Video.
<b>8. Examination Documentation</b>	This will include any new documents submitted after acceptance during the pre-examination and examination stages, such as Statements of Common Ground, documents submitted to support a Proposed Changes Application, and a draft development consent obligation (s106 Agreement).

0.3.2. To access the Application documents and any documents submitted following the acceptance of the Application, please visit the PINS website:  
<https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/drax-bioenergy-with-carbon-capture-and-storage-project/>

0.3.3. In accordance with PINS Advice Note Six: Preparation and submission of application documents (The Planning Inspectorate, 2022), each document has been given a unique document reference number, as described in the following sections.

## **0.4. DOCUMENT NUMBERING**

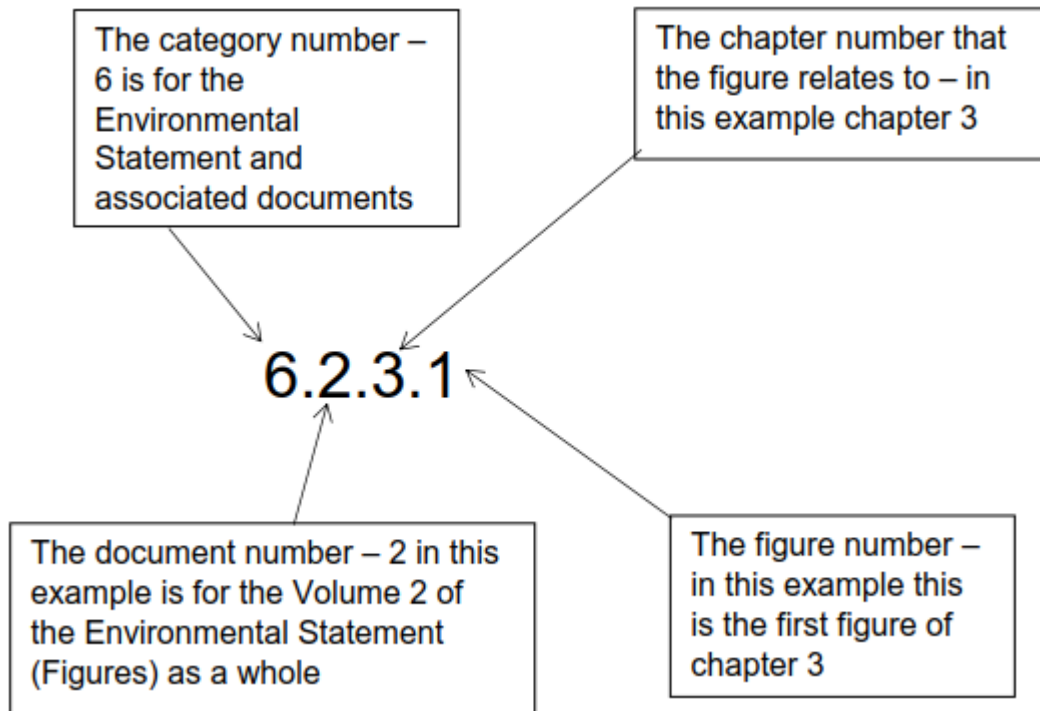
0.4.1. The documents submitted as part of the Application follow a consistent numbering format, with the category number (1 to 8) being the first digit of a document number. This is followed by the document number, and, where relevant, the chapter and / or appendix number if these are submitted as standalone documents. This is the case where documents have large numbers of appendices, to assist with the readability and navigation of these documents, and to reduce the electronic file size of individual documents.

0.4.2. For example, the ES is split into four volumes, the first three of which are containing a number of standalone documents:

- Volume 1 – Main Text;

- Volume 2 – Figures;
- Volume 3 – Technical Appendices; and
- Volume 4 – Non-Technical Summary.

0.4.3. As Volumes 1 – 3 are each of considerable length, each chapter, set of figures, and appendix, is submitted as a standalone document. The numbering within each of the first three volumes is as follows:



0.4.4. In summary:

- 6.1 Environmental Statement – Volume 1 Main Text (i.e., 6.1 is the document reference number for Volume 1 as a whole, although Volume 1 is submitted as individual chapters);
  - 6.1.1 Environmental Statement – Volume 1 – Chapter 1 Introduction;
  - 6.1.2 Environmental Statement – Volume 1 – Chapter 2 Site and Project Description; and
  - 6.1.3 Environmental Statement – Volume 1 – Chapter 3 Consideration of Alternatives.
- 6.2 Environmental Statement – Volume 2 Figures (i.e., 6.2 is the document reference number for Volume 2 as a whole, although Volume 2 is submitted as individual figures):
  - 6.2.1.1 Environmental Statement – Volume 2 – Figure 1.1 Order Limits; and
  - 6.2.1.2 Environmental Statement – Volume 2 – Figure 1.2 Indicative Site Layout Plan.

- 6.3 Environmental Statement – Volume 3 Technical Appendices (i.e., 6.3 is the document reference number for Volume 3 as a whole, although Volume 3 is submitted as individual appendices);
    - 6.3.1.1 Environmental Statement – Volume 3 – Appendix 1.1 EIA Scoping Report; and
    - 6.3.1.2 Environmental Statement – Volume 3 – Appendix 1.2 EIA Scoping Opinion.
- 0.4.5. A similar approach has been taken for the **Habitats Regulations Assessment ('HRA') Report** (document reference 6.8.1), where appendices have been submitted as standalone documents.
- 0.4.6. The document numbering system identified above will be used by the Applicant throughout the application process to ensure consistency.
- 0.4.7. It should be noted that following the submission to and acceptance of the DCO Application by PINS, the Examination Library accessed via the PINS' website will also allocate each document a reference number, which corresponds with the submission date of each document. Updated versions of the Application Document Tracker (document reference 1.4) prepared after the submission version will also include the PINS Examination Library reference numbers for documents.

# 1. APPLICATION FORM

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## 1.0. OVERVIEW

1.0.1. The documents in the Application Form folder on the PINS website form the first set of documents of the Application:

## 1.1. DOCUMENT REFERENCE 1.1 – COVER LETTER

1.1.1. The **Cover Letter** provides a brief overview of the Proposed Scheme and an introduction to the Application. The submission of this document is under Regulation 5(2)(q) of the APFP Regulations.

## 1.2. DOCUMENT REFERENCE 1.2 – APPLICATION FORM

1.2.1. The **Application Form** is the standard form required as part of any DCO application and provides a high-level summary of the Proposed Scheme and the documents submitted with the Application.

1.2.2. This form is required to be submitted under Regulation 5(1) of the APFP Regulations and Section 37(3)(b) of the PA 2008.

## 1.3. DOCUMENT REFERENCE 1.3 – APPLICATION GUIDE

The purpose of the **Application Guide** is set out in section 0.2 above. It is to provide an overview of the Application documents. The submission of this document is under Regulation 5(2)(q) of the APFP Regulations.

## 1.4. DOCUMENT REFERENCE 1.4 – APPLICATION DOCUMENT TRACKER

1.4.1. The **Application Document Tracker** sets out the status and revision number of the documents submitted by the Applicant and will be updated throughout the examination stage where documents are updated, or new documents are submitted. The Tracker will then also contain the Examination Library reference numbers that will be assigned to each document by PINS.

1.4.2. For a complete list of all documents including standalone figures and appendices please see the **Electronic Application Index** document reference 1.5).

1.4.3. The submission of this document is under Regulation 5(2)(q) of the APFP Regulations.

## 1.5. DOCUMENT REFERENCE 1.5 – ELECTRONIC APPLICATION INDEX

1.5.1. The **Electronic Application Index** provides a list of all Application documents, including electronic file names, document reference numbers and document authors for all Application documents.

- 1.5.2. PINS requests that applicants complete the Index to ensure that large volumes of application information can be easily navigated and retrieved for a quantitative and qualitative check of the submission by PINS Officers. This is set out in PINS Advice Note Six: Preparation and submission of application documents (The Planning Inspectorate, 2022). The submission of this document is under Regulation 5(2)(q) of the APFP Regulations.

## **1.6. DOCUMENT REFERENCE 1.6 – SECTION 55 CHECKLIST**

- 1.6.1. The **Section 55 Checklist** is provided as a schedule of compliance to evidence how the Application fulfils the conditions for acceptance required under Section 55 of the PA 2008.
- 1.6.2. The Section 55 Checklist is a document prepared by PINS on behalf of the SoS upon submission of an application. Completion of the Checklist by an applicant is not a regulatory requirement, nor does the submission of the completed Checklist by an applicant hold any weight at the acceptance stage.
- 1.6.3. However, the Applicant considers that the submission of a ‘draft’ Section 55 Checklist can assist PINS at the acceptance stage by signposting to relevant submission documents or parts within submission documents. Therefore, the Applicant has decided to complete the Section 55 Checklist for the Application.

## **1.7. DOCUMENT REFERENCE 1.7 – GLOSSARY**

- 1.7.1. A standalone **Glossary** has been prepared which provides definitions of technical terms and explanations of abbreviations contained within the Application documents. PINS recommends the preparation of a glossary in Section 8 of Advice Note Six (The Planning Inspectorate, 2022).

## 2. PLANS

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### 2.0. OVERVIEW

- 2.0.1. The documents in the Plans category contain the plans which show where and how the Applicant proposes to undertake the Proposed Scheme. The plans show the location of the Proposed Scheme and the land required to build it as well as illustrating technical detail.
- 2.0.2. In accordance with PINS Advice Note Six and Regulation 5(4) of the APFP Regulations, where there is a plan comprises three or more separate sheets, a key plan is provided to enable the viewer to understand the relationship between the different sheets.

### 2.1. DOCUMENT REFERENCE 2.1 – SITE LOCATION PLAN

- 2.1.1. The **Site Location Plan** (document reference 2.1) identifies the location of the Proposed Scheme in its wider context.
- 2.1.2. The preparation of a **Site Location Plan** (document reference 2.1) is not a requirement under the APFP Regulations, as the Order Limits (which constitute the “red line boundary”) are required to be identified on the **Works Plans** (document reference 2.3, see below).
- 2.1.3. This plan has been prepared under Regulation 5(2)(o) of the APFP Regulations, which provides for the preparation of any other plans, drawings and sections necessary to describe the proposals for which development consent is sought.

### 2.2. DOCUMENT REFERENCE 2.2 – LAND PLANS

- 2.2.1. The Land Plans are required to be submitted under Regulation 5(2)(i) of the APFP Regulations. They correspond to, and should be read in conjunction with, the **Book of Reference** (document reference 4.3). They set out:
- The land required for, or affected by, the Proposed Scheme;
  - Land over which it is proposed to exercise powers of compulsory acquisition or any right to use land or impose restrictions; and
  - Any land in relation to which it is proposed to extinguish easements, servitudes and other private rights.
- 2.2.2. The Land Plans also show where the land within the Order limits includes special category land, as required under the APFP Regulations.

### 2.3. DOCUMENT REFERENCE 2.3 – WORKS PLANS

- 2.3.1. Works Plans are required to be prepared under Regulation 5(2)(j) and show the proposed works and the limits of deviation within which the development and works may be carried out.

- 2.3.2. The works packages are numbered and correspond to the works defined in Schedule 1 of the **dDCO** (document reference 3.1) which are sought to be authorised by the DCO.

## **2.4. DOCUMENT REFERENCE 2.4 – ACCESS AND RIGHTS OF WAY PLANS**

- 2.4.1. These plans identify and new or altered means of access, temporary stopping up of streets, roads and Public Rights of Way ('PRoW'), and any diversions.
- 2.4.2. They are required to be submitted under Regulation 5(2)(k) of the APFP Regulations.

## **2.5. DOCUMENT REFERENCE 2.5 – INDICATIVE PLANS AND ELEVATIONS**

- 2.5.1. These plans show an indicative layout and indicative elevations for the Proposed Scheme. To provide context of the Proposed Scheme with respect to the Existing Drax Power Station, an isometric aerial view from the project 3D model has also been included. These plans have been prepared under Regulation 5(2)(o) of the APFP Regulations and are illustrative only, i.e., are not for approval.

## **2.6. DOCUMENT REFERENCE 2.6 – SPECIAL CATEGORY LAND PLAN**

- 2.6.1. This plan identifies Special Category Land which has been included within the Order Limits of the Proposed Scheme as part of the Proposed Changes Application. These plans have been prepared under Regulation 5(2)(i) of the APFP Regulations.

## **3. DRAFT DEVELOPMENT CONSENT ORDER**

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### **3.0. OVERVIEW**

3.0.1. In order to construct and operate the Proposed Scheme, the Applicant requires development consent from the SoS. The documents within this category include the dDCO setting out the legal powers the Applicant is seeking and an Explanatory Memorandum which explains the dDCO.

### **3.1. DOCUMENT REFERENCE 3.1 – DRAFT DEVELOPMENT CONSENT ORDER**

3.1.1. Under Regulation 5(2)(b), an applicant is required to submit the draft proposed DCO with an application for an order granting development consent.

3.1.2. The dDCO submitted with the Application is the draft Statutory Instrument ('SI') that the Applicant requests is made, if the SoS is minded to grant development consent for the Proposed Scheme. The DCO would authorise the construction, operation and maintenance of the Proposed Scheme and includes various powers that the Applicant is seeking to enable it to construct, operate and maintain the Proposed Scheme. It comprises seven parts as outlined below:

- Part 1: Preliminary;
- Part 2: Principal powers;
- Part 3: Streets;
- Part 4: Supplemental powers;
- Part 5: Powers of acquisition;
- Part 6: Operations; and
- Part 7: Miscellaneous and general.

3.1.3. The dDCO also contains the following Schedules:

- Schedule 1 — Authorised development;
- Schedule 2 — Requirements;
- Schedule 3 — Legislation to be disapplied;
- Schedule 4 — Streets subject to street works;
- Schedule 5 — Streets subject to temporary alteration of layout;
- Schedule 6 — Public rights of way to be temporarily stopped up;
- Schedule 7 — Temporary means of access to works;
- Schedule 8 — Land in which only new rights etc. may be acquired;



- Schedule 9 — Modification of compensation and compulsory purchase enactments for creation of new rights and imposition of restrictive covenants;
- Schedule 10 — Land of which temporary possession may be taken;
- Schedule 11 — Procedure for discharge of requirements;
- Schedule 12 — Protective provisions;
- Schedule 13 — Documents and plans to be certified; and
- Schedule 14 — Design parameters.

3.1.4. New document reference 3.1.1 was submitted at Deadline 2 to provide a Schedule of Changes to the Draft Development Consent Order. With each iteration of the draft Development Consent Order submitted to the Examination, a Schedule of Changes is also provided alongside it.

## **3.2. DOCUMENT REFERENCE 3.2 – EXPLANATORY MEMORANDUM**

3.2.1. Under Regulation 5(2)(c) an applicant is required to submit an Explanatory Memorandum explaining the purposes and effect of each provision in the dDCO, including in particular any divergences from the model provisions. Therefore, an Explanatory Memorandum has been submitted with the Application.

## 4. COMPULSORY ACQUISITION INFORMATION

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### 4.0. OVERVIEW

- 4.0.1. To construct and operate the Proposed Scheme, the Applicant will need to acquire rights in land, to extinguish existing rights, and to possess and use land temporarily. Whilst the Applicant will seek to negotiate with the relevant landowners for the required rights, as a last resort the Applicant may need to rely on powers in the DCO to authorise acquisition, the grant of rights, the imposition of restrictions and the ability to extinguish easements and servitudes required to facilitate the delivery of the Proposed Scheme.
- 4.0.2. The Applicant is required to provide evidence that the use of these powers would be justified, proportionate and in the public interest and this evidence is set out in a **Statement of Reasons ('SoR')** (document reference 4.1), **Funding Statement** (document reference 4.2), **Book of Reference ('BoR')** (document reference 4.3) as explained below.

### 4.1. DOCUMENT REFERENCE 4.1 – STATEMENT OF REASONS

- 4.1.1. The Applicant is required to provide evidence that the use of powers of acquisition, the grant of rights, the imposition of restrictions and the ability to extinguish easements and servitudes would be justified, proportionate and in the public interest and the reasons for obtaining such powers over the land are set out in the **SoR** (document reference 4.1).
- 4.1.2. The submission of a SoR is required (where applicable) under Regulation 5(2)(h) of the APFP Regulations.
- 4.1.3. Following the acceptance of the Proposed Changes Application into the examination, the original Appendix 1 to the Statement of Reasons has been extracted to form a new document reference 4.1.1 providing a Schedule of Negotiations and Powers Sought as a separate document. This document will be updated during the examination stage to reflect the status of discussions with relevant parties.

### 4.2. DOCUMENT REFERENCE 4.2 – FUNDING STATEMENT

- 4.2.1. This statement explains how the Proposed Scheme would be funded, including the funding of any land to be purchased through compulsory acquisition.
- 4.2.2. The submission of a Funding Statement is required (where applicable) under Regulation 5(2)(h) of the APFP Regulations.

### 4.3. DOCUMENT REFERENCE 4.3 – BOOK OF REFERENCE

- 4.3.1. The BoR is required to be submitted under Regulation 5(2)(d) of the APFP Regulations.

- 4.3.2. It corresponds with the Land Plans and Crown Land Plans and identifies all parties who own or occupy land and / or have an interest in or right over the land affected by the proposal, and / or who may be entitled to make a 'relevant claim' as defined in Section 57 of the PA 2008 ('affected parties'). It is structured in five parts in accordance with Regulation 7 of the APFP Regulations. The five parts are:
- **Part 1:** Names and addresses for service of each person within categories 1 and 2 as set out in Section 57 of the PA 2008;
  - **Part 2:** Names and addresses for service of each person within category 3 as defined in Section 57 of the PA 2008, who would or might be entitled to make a relevant claim as defined in Section 57(4) of the PA 2008. As explained in section 2.3 of the BoR, no persons are listed in Part 2 of the submitted BoR as potentially having such a claim as the Applicant does not expect that any person will be able to make a relevant claim (as that term is defined at Section 57(6) of the PA 2008);
  - **Part 3:** Names and addresses of those persons whose entitlement to enjoy easements of rights may be extinguished, suspended or interfered with;
  - **Part 4:** Specifies the owner of any Crown interest in the land which is proposed to be used for the purposes of the Proposed Scheme; and
  - **Part 5:** Land which is special category land.
- 4.3.3. For each plot of land described in the BoR, being land within which it is intended that all or part of the Proposed Scheme shall be carried out, the area in square metres for that plot is given.
- 4.3.4. At Deadline 1, a new document 4.3.1 was prepared to provide a Schedule of Changes to the Book of Reference.

## **5. REPORTS**

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### **5.0. OVERVIEW**

5.0.0. A number of technical reports and documents were produced in support of the Application, which are not environmental reports or documents (these are contained in category 6 – see below). The contents of the reports and documents contained within category 5 are summarised in this section of the Application Guide.

### **5.1. DOCUMENT REFERENCE 5.1 – CONSULTATION REPORT**

5.1.1. This report provides an account of the pre-application consultation carried out on the Proposed Scheme. It reports on the statutory consultation carried out on the Proposed Scheme in accordance with Part 5 of the PA 2008 and the non-statutory consultation that took place before this.

5.1.2. The Consultation Report demonstrates how the Applicant has had regard to the consultation feedback and demonstrates compliance with the statutory requirements in relation to the statutory consultation. The report includes details of how the Proposed Scheme has been amended as a result of some of the consultation responses received.

5.1.3. The submission of a Consultation Report is required under Section 37(3)(c) of the PA 2008 (with the term defined in Section 37(7) of the PA 2008).

5.1.4. The chapters of the Consultation Report are as follows:

- Executive Summary;
- Chapter 1: Scheme Overview;
- Chapter 2: Report Structure;
- Chapter 3: Legislative Context and Compliance;
- Chapter 4: Non-Statutory Consultation;
- Chapter 5: Preparation for Statutory Consultation;
- Chapter 6: Overview of Statutory Consultation;
- Chapter 7: Responses to Statutory Consultation;
- Chapter 8: Additional Consultation;
- Chapter 9: Environmental Impact Assessment; and
- Chapter 10: Conclusion.

5.1.5. The submission of a Consultation Report is required (where applicable) under Regulation 5(2)(q) of the APFP Regulations.

## **5.2. DOCUMENT REFERENCE 5.2 – PLANNING STATEMENT**

- 5.2.1. This document demonstrates how the Proposed Scheme accords with relevant planning policy and legislation, in particular the Overarching National Policy Statement ('NPS') for Energy EN-1.
- 5.2.2. The submission of a Planning Statement is not a regulatory requirement; however, it is considered to be useful to assist the SoS in reaching the 'planning balance' under Section 104 of the PA 2008.
- 5.2.3. Following the acceptance of the Proposed Changes Application into the examination, East Riding of Yorkshire Council (ERYC) became a host authority for the purposes of the DCO Application. An Addendum to the Planning Statement was subsequently prepared for submission at Deadline 2 to include an assessment of relevant ERYC development plan policies (document reference 5.2.1). The Addendum also details changes to planning policy of relevance to the Application, which have occurred following the compilation of the application documents. Changes of relevance include the proposed changes to the National Planning Policy Framework (published for consultation on 22 December 2022), and draft policies of the Selby District Council Publication Local Plan (published for consultation on 26 August 2022).
- 5.2.4. The submission of a Planning Statement and subsequent Addendum is under Regulation 5(2)(q) of the APFP Regulations.

## **5.3. DOCUMENT REFERENCE 5.3 – NEEDS AND BENEFITS STATEMENT**

- 5.3.1. This document demonstrates why the BECCS at Drax project is required, building on the emerging Government policy support for CCS infrastructure. It explains why the Proposed Scheme is necessary from a national perspective and how it is also of international importance as it is a vital part of the response to the climate crisis. The report presents the overarching need for renewable power and negative emissions for the UK to reach net zero by 2050. The report then outlines the positive contribution that BECCS at Drax brings in terms of its economic, social and environmental impacts. There are also benefits which can be realised at the local, national and international level. The submission of a Needs and Benefits Statement is under Regulation 5(2)(q) of the APFP Regulations.

## **5.4. DOCUMENT REFERENCE 5.4 – STATUTORY NUISANCE STATEMENT**

- 5.4.1. This document identifies the matters set out in Section 79 of the Environmental Protection Act 1990 in respect of statutory nuisances and considers whether the Proposed Scheme would engage one or more of those matters. Where any matters may be potentially engaged, this statement sets out proposals for mitigating or limiting them.
- 5.4.2. Applicants are required to submit a Statutory Nuisance Statement under Regulation 5(2)(f) of the APFP Regulations.

## **5.5. DOCUMENT REFERENCE 5.5 – OTHER CONSENTS AND LICENCES**

- 5.5.1. This document provides information on the other consents, licences and permits that are or may be required under other legislation for the construction, operation, maintenance and decommissioning of the Proposed Scheme, and that cannot be sought as part of the Application.
- 5.5.2. This document has been produced to meet the requirements of Section 24 of the prescribed **Application Form** (document reference 1.2).

## **5.6. DOCUMENT REFERENCE 5.6 – GRID CONNECTION STATEMENT**

- 5.6.1. This document provides information of who will be responsible for designing and building the connection from the Proposed Scheme to the electricity grid.
- 5.6.2. Applicants are required to submit a Grid Connection Statement under Regulation 6(1)(a)(i) of the APFP Regulations.

## 6. ENVIRONMENTAL STATEMENT

### 6.0. OVERVIEW

- 6.0.1. The documents submitted under this category comprise of the four volumes of the ES, as well as associated technical and environmental reports and documents.
- 6.0.2. The Applicant has undertaken an EIA of the Proposed Scheme to consider and assess the likely significant effects the Proposed Scheme. The ES reports the findings of the EIA.
- 6.0.3. The ES also provides general information on the Proposed Scheme including its context, a full description of the Proposed Scheme and its construction, the main alternatives considered, the consultation process that was part of the EIA, and any relevant technical information that has been used to assess the likely significant effects of the Proposed Scheme.
- 6.0.4. Applicants are required to submit an Environmental Statement under Regulation 5(2)(a) of the APFP Regulations, where applicable, pursuant to the Infrastructure Planning (Environmental Impact Assessment) Regulation 2009 and any scoping or screening opinions or directions.

### 6.1. DOCUMENT REFERENCE 6.1 – ENVIRONMENTAL STATEMENT VOLUME 1 MAIN TEXT

- 6.1.1. The main report of the ES contains the following chapters:

**Table 6-1 – Environmental Statement Chapters**

Chapter	Title	Document Reference
Chapter 1	Introduction	6.1.1
Chapter 2	Site and Project Description	6.1.2
Chapter 3	Consideration of Alternatives	6.1.3
Chapter 4	EIA Methodology	6.1.4
Chapter 5	Traffic and Transport	6.1.5
Chapter 6	Air Quality	6.1.6
Chapter 7	Noise and Vibration	6.1.7
Chapter 8	Ecology	6.1.8
Chapter 9	Landscape and Visual Amenity	6.1.9

Chapter	Title	Document Reference
Chapter 10	Heritage	6.1.10
Chapter 11	Ground Conditions	6.1.11
Chapter 12	Water Environment	6.1.12
Chapter 13	Materials and Waste	6.1.13
Chapter 14	Climate Resilience	6.1.14
Chapter 15	Greenhouse Gases	6.1.15
Chapter 16	Population, Health and Socio Economics	6.1.16
Chapter 17	Major Accidents and Disasters	6.1.17
Chapter 18	Cumulative Effects	6.1.18
Chapter 19	Summary of Significant Effects	6.1.19

## **6.2. DOCUMENT REFERENCE 6.2 – ENVIRONMENTAL STATEMENT VOLUME 2 FIGURES**

6.2.1. As stated above, the Electronic Application Index contains a full list of the ES figures which form Volume 2 of the ES.

## **6.3. DOCUMENT REFERENCE 6.3 – ENVIRONMENTAL STATEMENT VOLUME 3 APPENDICES**

6.3.1. The Electronic Application Index contains a full list of the technical appendices which form Volume 3 of the ES.

## **6.4. DOCUMENT REFERENCE 6.4 – ENVIRONMENTAL STATEMENT VOLUME 4 NON-TECHNICAL SUMMARY**

6.4.1. This document provides a summary of the findings of the ES in non-technical language.

## **6.5. DOCUMENT REFERENCE 6.5 – REGISTER OF ENVIRONMENTAL ACTIONS AND COMMITMENTS**

6.5.1. This document summarises the mitigation measures the Applicant has committed to, as identified within the chapters of the ES and associated appendices.



## **6.6. DOCUMENT REFERENCE 6.6 – OUTLINE LANDSCAPE AND BIODIVERSITY STRATEGY**

- 6.6.1. This document outlines the measures which would mitigate the effects of the Proposed Scheme on landscape and biodiversity features and enhance the value of such features.

## **6.7. DOCUMENT REFERENCE 6.7 – DRAFT LIGHTING STRATEGY**

- 6.7.1. This document provides an assessment of daytime and night-time lighting during construction and operation of the Proposed Scheme where significant effects are likely to occur, as per a request within the **EIA Scoping Opinion** (document reference 6.3.1.2).

## **6.8. DOCUMENT REFERENCE 6.8 – HABITAT REGULATIONS ASSESSMENT REPORT**

- 6.8.1. This document provides information to enable an appropriate assessment under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) of the Proposed Scheme. The information provided is intended to support the Examining Authority (ExA) during their assessment of the implications of the Proposed Scheme for the National Site Network. The submission of a Habitat Regulations and Assessment Report is under Regulation 5(2)(g) of the APFP Regulations.

## **6.9. DOCUMENT REFERENCE 6.9 – DESIGN FRAMEWORK DOCUMENT**

- 6.9.1. This document provides an overview of the historic landscape vision for Drax Power Station and its evolving design context from inception to present day. It illustrates the decision-making processes taken for the Proposed Scheme in response to strategic objectives. The document also outlines good practice design principles intended to be used as a basis of reference for the detailed design of the Proposed Scheme and for any changes to Drax Power Station in the future.

## **6.10. DOCUMENT REFERENCE 6.10 - BIODIVERSITY NET GAIN (BNG) ASSESSMENT**

- 6.10.1. This document provides a detailed insight into the adherence of the Proposed Scheme to the BNG good practice principles.

## **7. OTHER DOCUMENTS**

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### **7.0. OVERVIEW**

7.0.1. This category includes all other documents to be submitted with the DCO application including:

- 7.1 Heads of Terms for development consent obligation (Section 106 Agreement);
- 7.2 BECCS 3D Model Flyover Video; and
- 7.3 Presentation: Overview of the Technology and the Proposed Scheme.

### **7.1. DOCUMENT REFERENCE 7.1 – HEADS OF TERMS FOR DEVELOPMENT CONSENT OBLIGATIONS (SECTION 106 AGREEMENT)**

7.1.1. This document provides an overview of the proposed obligations to be agreed following further discussions between the Applicant (the undertaker of the obligations) and relevant authorities with the capacity to enter in to planning obligations (for example North Yorkshire County Council and Selby District Council) pursuant to section 106 of the Town and Country Planning Act 1990 relating to the Drax BECCS project.

7.1.2. This Heads of Terms sets out a list of key items proposed to be included in the development consent obligation. This document will evolve during the pre-examination and examination stages.

7.1.3. A draft Development Consent Obligation (s106 Agreement) has been prepared following the consideration of the Heads of Terms document, and this is provided as document reference 8.7.

### **7.2. DOCUMENT REFERENCE 7.2 – BECCS 3D MODEL FLYOVER VIDEO**

7.2.1. This document is a video providing a flyover of the 3D model of the Proposed Scheme. It shows an indicative timeline of Drax BECCS, illustrating structures to be demolished, and new structures to be built in the context of the existing retained structures at the Drax Power Station Site. The new structures shown in the video are accordance with the Design Parameters set out in Schedule 14 of the dDCO (document reference 3.1) to provide a guide to the maximum extent of new structures and their setting amongst and adjacent to existing structures which are shown to scale.

7.2.2. The video has been prepared to show the location of new structures on the site, to assist the reader's understanding of the Proposed Scheme.

7.2.3. The submission of the BECCS 3D Model Flyover Video is under Regulation 5(2)(q) of the APFP Regulations, to support the application and are illustrative only, i.e. are not for approval.

### **7.3. DOCUMENT REFERENCE 7.3 – PRESENTATION: OVERVIEW OF THE TECHNOLOGY AND THE PROPOSED SCHEME**

- 7.3.1. This presentation was prepared to assist the explanation of the Proposed Scheme for all parties attending Issue Specific Hearing 1 in response to one of the topics for discussion raised by the Examining Authority. This submission was made under the Infrastructure Planning (Examination Procedure) Rules 2010.

## **8. EXAMINATION DOCUMENTS**

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### **8.0. OVERVIEW**

8.0.1. Any new documents submitted during the pre-examination and examination stages (except revisions to previously submitted documents that may be updated and resubmitted as and when required) will be Category 8 documents. They will be listed in the Application Document Tracker (document reference 1.4). The numbering of the documents will follow the below sub-categories.

- 8.1 Statements of Common Ground ('SoCGs');
- 8.2 Cover Letters;
- 8.3 Applicant's Responses to Relevant Representations;
- 8.4 Statement of Commonality;
- 8.5 Applicant's Proposed Change Request;
- 8.6 Applicant's Post-Hearing Submissions;
- 8.7 Draft s106 Agreement; and
- 8.8 National Policy Statement Tracker.

### **8.1. DOCUMENT REFERENCE 8.1 – STATEMENTS OF COMMON GROUND**

8.1.1. A SoCG is a written statement jointly produced by the Applicant and another party to assist the ExA in examining the DCO application by providing an understand of the status of discussions and negotiations between the Applicant and the other party (or parties).

8.1.2. Eleven draft SoCGs are being prepared with key interested parties as follows:

- 8.1.1 Statement of Common Ground with National Grid Electricity System Operator;
- 8.1.2 Statement of Common Ground with National Grid Carbon Limited;
- 8.1.3 Statement of Common Ground with Selby District Council and North Yorkshire County Council;
- 8.1.4 Statement of Common Ground with the Environment Agency;
- 8.1.5 Statement of Common Ground with Natural England;
- 8.1.6 Statement of Common Ground with Historic England;
- 8.1.7 Statement of Common Ground with National Highways;
- 8.1.8 Statement of Common Ground with Selby Area Internal Drainage Board;
- 8.1.9 Statement of Common Ground with East Riding of Yorkshire Council;

- 8.1.10 Statement of Common Ground with National Grid Electricity Transmission; and
  - 8.1.11 Statement of Common Ground with Airmyn and Goole Area Internal Drainage Board.
- 8.1.3. The SoCGs are currently at different stages of preparation with key interested parties at this stage, although it is anticipated that the draft SoCGs will evolve during the examination stage. SoCGs will be submitted confirming the position reached on issues with each party at appropriate deadlines during the examination. Most first draft SoCGs were submitted prior to the start of the examination, although some will be submitted during the examination.

## **8.2. DOCUMENT REFERENCE 8.2 – COVER LETTERS**

- 8.2.1. These Cover Letters were prepared to accompany submissions to the ExA.

## **8.3. DOCUMENT REFERENCE 8.3 – APPLICANT’S RESPONSES TO RELEVANT REPRESENTATIONS**

- 8.3.1. This document provides the Applicant’s responses to Relevant Representations submitted in response to the confirmation of the acceptance of the DCO Application.

## **8.4. DOCUMENT REFERENCE 8.4 – STATEMENT OF COMMONALITY**

- 8.4.1. The Statement of Commonality has been prepared by the Applicant to provide a summary of principal issues covered in the SoCGs and demonstrate where there is commonality in the topics or matters. The submission of the Statement of Commonality for Statements of Common Ground is under Regulation 5(2)(q) Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 and Rule 8 (1)(e) Infrastructure Planning (Examination Procedure) Rules 2010.

## **8.5. DOCUMENT REFERENCE 8.5 – APPLICANT’S PROPOSED CHANGES APPLICATION**

- 8.5.1. The Applicant submitted a Proposed Changes Application to the ExA on 05 December 2022. The Proposed Changes were accepted in to the examination by PINS in a letter dated 13 December 2022.
- 8.5.2. The Proposed Changes Application documents include:
- 8.5.1 – Proposed Changes Application Report;
  - 8.5.2.1 – Figure 1 - FCA Constraints Plan;
  - 8.5.2.2 – Figure 2 - OHL Constraints Plan;
  - 8.5.2.3 – Figure 3 - FCA Landscape and Biodiversity Plan;
  - 8.5.2.4 – Figure 4 - OHL Landscape and Biodiversity Plan;
  - 8.5.3.1 – Appendix 1 - FCA Trial Pitting Technical Note;

- 8.5.3.2 – Appendix 2 - Appendix 2 - OHL Preliminary Risk Assessment - Proposed Changes (Part 1);
- 8.5.3.3 – Appendix 3 - OHL Preliminary Risk Assessment - Proposed Changes (Part 2);
- 8.5.3.4 – Appendix 4 - Ecological Walkover Technical Note - Proposed Changes;
- 8.5.3.5 – Appendix 5 - FRA Proposed Changes Extracts;
- 8.5.3.6 – Appendix 6 - Consultation Materials - Proposed Changes;
- 8.5.3.7 – Appendix 7 - Consultees – Proposed Changes;
- 8.5.3.8 – Appendix 8 - Consultation Responses - Proposed Changes;
- 8.5.3.9 – Appendix 9 - Land Plans – Proposed Changes Extracts;
- 8.5.3.10 – Appendix 10 - Works Plans – Proposed Changes Extracts;
- 8.5.3.11 – Appendix 11 - Access and Rights of Way Plans - Proposed Changes Extracts;
- 8.5.3.12 – Appendix 12 - Draft Development Consent Order (Tracked);
- 8.5.3.13 – Appendix 13 – Explanatory Memorandum (Tracked);
- 8.5.3.14 – Appendix 14 - Statement of Reasons - Addendum in Relation to the Proposed Changes;
- 8.5.3.15 – Appendix 15 – Funding Statement - Addendum in Relation to the Proposed Changes;
- 8.5.3.16 – Appendix 16 - Book of Reference (Tracked) - Incorporating Proposed Changes; and
- 8.5.3.17 – Appendix 17 - Book of Reference (Clean) - Incorporating Proposed Changes.

8.5.3. The Proposed Changes Application Report and associated appendices were submitted under the Planning Act 2008: Guidance for the examination of applications for development consent, the National Infrastructure Planning Advice Note Sixteen: ‘How to request a change which may be material (‘AN16’), and the Infrastructure Planning (Compulsory Acquisition) Regulations 2010.

## **8.6. DOCUMENT REFERENCE 8.6 – APPLICANT’S POST-HEARING SUBMISSIONS**

8.6.1. The Applicant has prepared a new document to expand upon the suggested locations for site inspections provided to the Examining Authority at Procedural Deadline A, as discussed at the Preliminary Meeting held on 17 January 2023, and as requested by the Examining Authority for Deadline 1. This document is:

- 8.6.1 – Draft Itinerary for Accompanied Site Visit
- 8.6.2. The Applicant has prepared a number of documents to record in writing its oral submissions made at the first set of hearings held on the 18th and 19th January 2023, and to respond to matters raised therein. These include:
- 8.6.2 – Applicant’s Post-Hearing Submissions: Summary of Oral Case at Issue Specific Hearing 1 and Open Floor Hearing 1; and
  - 8.6.3 – Applicant’s Post-Hearing Submissions: Summary of Oral Case at Issue Specific Hearing 2.
- 8.6.3. These submissions were made under the Infrastructure Planning (Examination Procedure) Rules 2010.

## **8.7. DOCUMENT REFERENCE 8.7 – DRAFT DEVELOPMENT CONSENT OBLIGATION (S106 AGREEMENT)**

- 8.7.1. The Applicant has prepared a draft Development Consent Obligation (s106 Agreement) to set out the proposed planning obligations relevant to the Proposed Scheme. This submission was made under the Infrastructure Planning (Examination Procedure) Rules 2010.

## **8.8. DOCUMENT REFERENCE 8.8 – NATIONAL POLICY STATEMENT TRACKER**

- 8.8.1. The Applicant has prepared a National Policy Statement Tracker as requested by the Examining Authority to track compliance of the Proposed Scheme with National Policy Statements. This submission was made under the Infrastructure Planning (Examination Procedure) Rules 2010.

## **8.9. DOCUMENT REFERENCE 8.9 – APPLICANT’S RESPONSES TO EXA’S FIRST WRITTEN QUESTIONS**

- 8.9.1. This document provides the Applicant’s responses to the ExA’s first written questions and request for information (ExQ1) which was issued on 23 January 2023.

## **8.10. DOCUMENT REFERENCE 8.10 – APPLICANT’S RESPONSES TO ISSUES RAISED AT DEADLINESS**

- 8.10.1. The Applicant will prepare documents to respond to matters raised by other parties in their submissions at relevant deadlines, as appropriate. These documents include:
- Document reference 8.10.1 provides the Applicant’s responses to the issues raised at Deadline 1, as identified in a letter from PINS dated 24 January 2023.
- 8.10.2. Further documents will be added to the list above as the Examination progresses.