



The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Our ref: RA/2022/145517/01
Your ref: EN010120
Date: 22 February 2023

Dear Sir/Madam

DRAX POWER STATION BIOENERGY WITH CARBON CAPTURE AND STORAGE EXTENSION DEVELOPMENT CONSENT ORDER: WRITTEN REPRESENTATION

Since the submission of our Relevant Representation [RR-051], we have continued to engage with the Applicant to discuss ways of addressing the matters raised within our representation. Many of the matters raised within our earlier representation have now been addressed, but following review of the Applicant's response to our RRs [AS-038] we have sought to clarify those matters that we considered to be outstanding. We consider the main issues to be ensuring there is a 'trigger' to initiate flood risk reassessment after 20 years, establishing a suitable solution for the increase of river units in the Biodiversity Net Gain (BNG) and the outstanding issues on air quality which cannot be assessed by the Environment Agency until the Applicant's application to vary their existing Environmental Permitting Regulations (EPR) permit has been duly made.

For ease, our response follows in the same order as within RR-051.

Environmental Statement

Flood Risk Assessment

Mitigation for flood risk beyond 25 years

The Environment Agency is broadly supportive of the proposals to mitigate the impacts of the Scheme if the design life extended beyond 25 years. This would be confirmed at the 20 year stage when flood risk was reassessed as stated in the Flood Risk Assessment. Before the Environment Agency can approve the Flood Risk Assessment we require reassurance that there is an effective mechanism for securing a future review of flood risk. Further details are below in the Draft Development Consent Order section.

Biodiversity Net Gain Assessment

We note the Applicant's response [AS-038] to our comments [RR-051] on Biodiversity Net Gain [BNG]. We welcome the Applicant's work to identify an appropriate offsite solution that satisfies BNG trading rules for rivers and including us in the ongoing discussions with Natural England on a solution for increasing the river units. Whilst the Environment Agency has no mandated role for BNG, we are well placed to help ensure biodiversity net gain embeds successfully.

Draft Development Consent Order

Schedule 2 Requirements

Additional text in Requirement 11

We have discussed with the Applicant how to provide reassurance that there is an effective mechanism for securing a future review of flood risk should the lifetime of the development be extended beyond 25 years. We have agreed that this should be via additional text within R11. We understand that proposed revised wording for R11 will be included by the Applicant in their submission. We will then review this wording and discuss with the Applicant any changes that we may require.

Register of Environmental Actions and Commitments

WE14

In our response to ExQ1 we have requested that the text 'Watercourse Pollution Prevention Plan including a contingency plan in case of an accident/pollution incident' is added to the list in section 1.1.4 as a document to be included in the CEMP. We would expect section WE14 of the REAC to be amended to include in the list of details 'A contingency plan in case of an accident/pollution incident'.

Appendix A – CEMP Watercourse Pollution Prevention Plan

We welcome the plan in Appendix A which shows the CEMP Watercourse Pollution Prevention Plan boundary. Whilst this is in line with previous discussions we have had with the Applicant we wish to reiterate that included in the CEMP should be justification for any water features within the 500m buffer that are not within this boundary.

Environmental Permit

Environmental permit: operation of the proposed power plant Air Quality

The Applicant has applied to vary their existing Environmental Permitting Regulations [EPR] permit. That application is 'staged' and cannot be duly made until the 'staged' elements have been submitted, which we understand will be end of March 2023. Once duly made we will then begin a detailed determination of the application. That will involve the air quality impact assessment being fully reviewed by our Air Quality and Modelling Assessment Unit. We cannot provide comment on the air quality impact assessment made for planning purposes, at this time, as that we be in effect 'pre-determining' the EPR application which we cannot do.

We rely on and welcome the advice of the UK Health Security Agency (UKHSA) when seeking to understand the risks to public health from atmospheric emissions from permitted facilities and the derivation of recommended environmental assessment levels (EAL). We recognise their significant experience and expertise when reviewing toxicological information on chemical exposures. Our approach to the development of EALs has been subject to public consultation and is based on expert-led review of the scientific evidence on mammalian and human toxicity for individual chemicals and considers recommendations made by UKHSA. We have begun a programme of work in order to determine new EALs for a range of amines and degradation products, which includes the collation and review of available evidence in line with our approach to other substances. These dossiers will be discussed with UKHSA before finalising any recommendations for public consultation.

We trust this advice is useful.

Yours faithfully

Mrs Frances Edwards

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