



# **COVER LETTER (14)**

## **Drax Bioenergy with Carbon Capture and Storage**

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

**Document Reference Number: 8.2.13**

**Applicant: Drax Power Limited**

**PINS Reference: EN010120**



**REVISION: 01**

**DATE: 22 February 2023**

**DOCUMENT OWNER: WSP UK Limited**

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**PUBLIC**

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22 February 2023

Dear Mr Harrold,

**PINS Reference: EN010120**

**Document Reference: 8.2.13 Cover Letter (14) – Submission of Documents Requested for Deadline 2 of the Examination**

**Drax Power Station Bioenergy with Carbon Capture and Storage**

1. We write on behalf of Drax Power Limited ('the Applicant') to provide the documents requested by the Examining Authority ('ExA') for Deadline 2 of the Examination.
2. This is in accordance with the request set out in the Rule 6 letter dated 13 December 2022 and as updated and confirmed in the Rule 8 letter dated 24 January 2023.
3. Accordingly, the following documents are enclosed with this submission:

<b>Application Document Reference</b>	<b>PINS Document Reference (Most up to date submitted version)</b>	<b>Document Details</b>	<b>Date</b>
<b>1.3</b>	REP-001	Application Guide (Clean)	22 February 2023
<b>1.3</b>	REP-002	Application Guide (Tracked)	22 February 2023
<b>1.4</b>	REP-003	Application Document Tracker (Clean)	22 February 2023

<b>Application Document Reference</b>	<b>PINS Document Reference (Most up to date submitted version)</b>	<b>Document Details</b>	<b>Date</b>
1.4	REP-004	Application Document Tracker (Tracked)	22 February 2023
2.4	AS-074	Access and Rights of Way Plans	22 February 2023
2.6	Replaces former Crown Land Plan AS-075	Special Category Land Plan	22 February 2023
3.1	AS-076	Draft Development Consent Order (dDCO) (Clean)	22 February 2023
3.1	AS-076	Draft Development Consent Order (dDCO) (Tracked)	22 February 2023
3.1.1	N/A (new document)	Schedule of Changes to the dDCO	22 February 2023
3.2	AS-078	Explanatory Memorandum (Clean)	22 February 2023
3.2	AS-078	Explanatory Memorandum (Tracked)	22 February 2023
4.1	AS-080	Statement of Reasons (Clean)	22 February 2023
4.1	AS-081	Statement of Reasons (Tracked)	22 February 2023
4.1.1	REP-005	Schedule of Negotiations and Powers Sought (Clean)	22 February 2023
4.1.1	REP-006	Schedule of Negotiations and Powers Sought (Tracked)	22 February 2023
4.3	REP-007	Book of Reference (Clean) Corrected	22 February 2023
4.3	REP-008	Book of Reference (Tracked) Corrected	22 February 2023
4.3.2	N/A (new document)	Schedule of Changes to the Book of Reference Corrected	22 February 2023
5.2.1	N/A (new document)	Planning Statement Addendum	22 February 2023
5.5	APP-035	Other Consents and Licences (Clean)	22 February 2023
5.5	APP-035	Other Consents and Licences (Tracked)	22 February 2023
6.1.18	APP-054	Environmental Statement – Volume 1 – Chapter 18	22 February 2023

<b>Application Document Reference</b>	<b>PINS Document Reference (Most up to date submitted version)</b>	<b>Document Details</b>	<b>Date</b>
		Cumulative Effects (Clean) Corrected	
<b>6.1.18</b>	APP-054	Environmental Statement – Volume 1 – Chapter 18 – Cumulative Effects (Tracked) Corrected	22 February 2023
<b>6.2.6.1</b>	APP-068	Figure 6.1 (Construction Phase Assessment Study Area)	22 February 2023
<b>6.2.7.1</b>	APP-089	Environmental Statement – Volume 2 – Figure 7.1 – Baseline Noise Survey and Sensitive Receptor Locations	22 February 2023
<b>6.2.7.3</b>	APP-091	Environmental Statement – Volume 2 – Figure 7.3 – Operational Predicted Mitigated Noise Levels	22 February 2023
<b>6.2.18.1</b>	APP-114	Environmental Statement – Volume 2 – Figure 18.1 – Short List of ‘Other Developments’ Considered within the Cumulative Impact Assessment	22 February 2023
<b>6.3.5.1</b>	REP-011	Environmental Statement – Volume 3 – Appendix 5.1 – Outline Construction Traffic Management Plan (Clean)	22 February 2023
<b>6.3.5.1</b>	REP-011	Environmental Statement – Volume 3 – Appendix 5.1 – Outline Construction Traffic Management Plan (Tracked)	22 February 2023
<b>6.3.5.2</b>	REP-013	Environmental Statement – Volume 3 – Appendix 5.2 – Framework Construction Worker Travel Plan (Clean)	22 February 2023
<b>6.3.5.2</b>	REP-014	Environmental Statement – Volume 3 – Appendix 5.2 – Framework Construction Worker Travel Plan (Tracked)	22 February 2023
<b>6.3.6.4</b>	AS-014	Environmental Statement Vol 3 Appendix 6.4 Operational Phase Air Quality Assessment	22 February 2023



<b>Application Document Reference</b>	<b>PINS Document Reference (Most up to date submitted version)</b>	<b>Document Details</b>	<b>Date</b>
		Results Tables: Human Receptors(Clean)	
<b>6.3.6.4</b>	AS-014	Environmental Statement Vol 3 Appendix 6.4 Operational Phase Air Quality Assessment Results Tables: Human Receptors (Tracked)	22 February 2023
<b>6.3.6.5</b>	AS-015	Environmental Statement Vol 3 Appendix 6.5 Operational Phase Air Quality Assessment Results Tables: Ecological Receptors (Clean)	22 February 2023
<b>6.3.6.5</b>	AS-015	Environmental Statement Vol 3 Appendix 6.5 Operational Phase Air Quality Assessment Results Tables: Ecological Receptors (Tracked)	22 February 2023
<b>6.3.7.5</b>	APP-120	Environmental Statement – Volume 3 – Appendix 7.5 – Road Traffic Noise Assessment (Clean)	22 February 2023
<b>6.3.7.5</b>	APP-120	Environmental Statement – Volume 3 – Appendix 7.5 – Road Traffic Noise Assessment (Tracked)	22 February 2023
<b>6.3.11.2</b>	APP-158	Environmental Statement – Volume 3 – Appendix 11.2 – Soil Resource and ALC Survey	22 February 2023
<b>6.3.12.1</b>	AS-088 / AS-090	Environmental Statement – Volume 3 – Appendix 12.1 – Flood Risk Assessment (Clean)	22 February 2023
<b>6.3.12.1</b>	AS-088 / AS-090	Environmental Statement – Volume 3 – Appendix 12.1 – Flood Risk Assessment (Tracked)	22 February 2023
<b>6.3.12.3</b>	APP-162	Environmental Statement – Volume 3 – Appendix 12.3 – Existing Drainage Systems and Proposed Surface Water Drainage Strategy (Clean)	22 February 2023

<b>Application Document Reference</b>	<b>PINS Document Reference (Most up to date submitted version)</b>	<b>Document Details</b>	<b>Date</b>
<b>6.3.12.3</b>	APP-162	Environmental Statement – Volume 3 – Appendix 12.3 – Existing Drainage Systems and Proposed Surface Water Drainage Strategy (Tracked)	22 February 2023
<b>6.3.18.1</b>	APP-173	Environmental Statement – Volume 3 – Appendix 18.1 – Long List of Other Developments (Clean)	22 February 2023
<b>6.3.18.1</b>	APP-173	Environmental Statement – Volume 3 – Appendix 18.1 – Long List of Other Developments (Tracked)	22 February 2023
<b>6.3.18.2</b>	AS-013	Environmental Statement – Volume 3 – Appendix 18.2 – Short List of Other Developments (Clean)	22 February 2023
<b>6.3.18.2</b>	AS-013	Environmental Statement – Volume 3 – Appendix 18.2 – Short List of Other Developments (Tracked)	22 February 2023
<b>6.3.18.4</b>	APP-176	Environmental Statement – Volume 3 – Appendix 18.4 – Justification of Scoping In / Out of Stages 3 and 4 of the Assessment (Clean)	22 February 2023
<b>6.3.18.4</b>	APP-176	Environmental Statement – Volume 3 – Appendix 18.4 – Justification of Scoping In / Out of Stages 3 and 4 of the Assessment (Tracked)	22 February 2023
<b>6.3.18.5</b>	APP-177	Environmental Statement – Volume 3 – Appendix 18.5 – Cumulative Assessment Matrix (Clean)	22 February 2023
<b>6.3.18.5</b>	APP-177	Environmental Statement – Volume 3 – Appendix 18.5 – Cumulative Assessment Matrix (Tracked)	22 February 2023
<b>6.5</b>	REP-015	Register of Environmental Actions and Commitments (Clean)	22 February 2023

<b>Application Document Reference</b>	<b>PINS Document Reference (Most up to date submitted version)</b>	<b>Document Details</b>	<b>Date</b>
<b>6.5</b>	REP-015	Register of Environmental Actions and Commitments (Tracked)	22 February 2023
<b>8.1.11</b>	N/A (new document)	Statement of Common Ground between Airmyn and Goole Area IDB and Drax Power Limited	22 February 2023
<b>8.4</b>	REP-026	Statement of Commonality	22 February 2023
<b>8.5.2.4</b>	AS-049	Change Request – Figure 4 – OHL Landscape and Biodiversity Plan	22 February 2023
<b>8.9</b>	N/A (new document)	Applicant's Responses to ExA's First Written Questions	22 February 2023
<b>8.9.1</b>	N/A (new document)	Appendix 1 - Drax Repower Baseline Lighting Survey Report	22 February 2023
<b>8.9.2</b>	N/A (new document)	Appendix 2 - Extract of CIEEM Guidelines for Ecological Impact Assessment in the UK and Ireland	22 February 2023
<b>8.9.3</b>	N/A (new document)	Appendix 3 - Highways Technical Note	22 February 2023
<b>8.9.4</b>	N/A (new document)	Appendix 4 - Note in relation to WQ EN1.8 25 Year Design Life	22 February 2023
<b>8.9.5</b>	N/A (new document)	Appendix 5 - Air Quality Technical Note 2	22 February 2023
<b>8.9.6</b>	N/A (new document)	Appendix 6 – Drax Power Station Environmental Permit	22 February 2023
<b>8.10.1</b>	N/A (new document)	Applicant's Responses to Submissions at Deadline 1	22 February 2023

In considering this documentation, please note the following:

- Further information available to the Applicant following recent discussions with National Highways has confirmed that there is no longer any Crown Land being affected by the Proposed Changes. This is because the land currently identified by the HM Land Registry as Crown Land forms part of a de-trunked road (a section of the A614) and as such the land is now owned by the local highway authority (ERYC). The Applicant is following this matter up with ERYC as part of ongoing negotiations, and will provide an update at Deadline 3. The land is no longer considered to be Crown Land, and the Book of Reference has been updated for Deadline 2 to reflect this. As a

result of this information, the Applicant confirms that there is no requirement to seek consent for any provision in the DCO which would relate to Crown Land or rights benefiting the Crown in accordance with s135(2) of the Planning Act 2008. Consequently, Document Reference 2.6 (AS-075), formerly the Crown Land Plan, has been removed and replaced for Deadline 2, as explained in paragraph 5, below.

5. Following on from this, Document Reference 2.6 (AS-075 – Crown Land Plan) will henceforth be replaced by 'Document Reference 2.6 - Special Category Land Plan'. This is because, although there is no longer Crown land within the Order Limits as set out above, there are two small plots of land that fall within land protected by an open space Policy in the ERYC Local Plan. As such we are treating it as 'open space' land. This is further discussed in the Planning Statement Addendum being submitted at this Deadline, but the Applicant can confirm that it is land subject to temporary possession, and so section 131 and 132 of the Planning Act 2008 are not applicable.
6. In submitting a number of documents at this Deadline, the Applicant wishes to highlight that it now considers that Keadby 2 should no longer be considered as a development that is a 'cumulative development' for the purposes of the Environmental Statement or as a in-combination project for the purposes of Habitats Regulations Assessment. This is because the project is now coming to the end of its construction phase, and will therefore be well in operation before construction and operation of the Proposed Scheme commences. Instead, Keadby 2 power plant emissions will be considered within the 'future baseline', as part of background pollutant concentrations and deposition levels rather than aggregated within the in-combination impacts. This reflects the approach for the ES for Keadby 3 DCO (Shortlist ID4) which included the Keadby 2 project as part of the future baseline, instead of as a cumulative project. This update brings the approach used for the Proposed Scheme in line with that used for Keadby 3.
7. As a consequence:
  - a. this development has simply been removed from consideration within the updated Cumulative assessment documents submitted at this deadline, rather than amendments being made in respect of its status;
  - b. Air Quality Technical Note 2 (8.9.5) submitted at Deadline 2, explains what this means for Air Quality modelling and the impacts to human and ecological receptors; and
  - c. the updated HRA documentation to be submitted considers the results of revised modelling with Keadby 2 now not as an in-combination project.
8. A Planning Statement Addendum (5.2.1) is submitted that details changes to planning policy of relevance to the Application, which have occurred following the compilation of the application documents and to reflect that East Riding of Yorkshire is now a 'host' authority for the purposes of Work No. 8. It also incorporates consideration of a new relevant policy within NPS EN-1 as a result of the identification of open space which did not previously form part of the Planning Statement or NPS Accordance Tracker, as discussed above. This will be added to the evolving NPS Accordance Tracker when it is next submitted.
9. In addition to the Planning Statement Addendum referred to above, and in response to the ExA's Written Question EN1.1, we are submitting the following planning policy documents alongside our Deadline 2 submission documents:
  - a. Selby District Local Plan - Part 1 (General Policies) (2005);
  - b. Selby District Core Strategy Local Plan (2013);
  - c. North Yorkshire Minerals and Waste Joint Plan (2022);

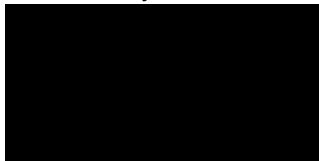


- d. East Riding of Yorkshire Strategy Document (2016); and
  - e. Selby District Council Publication Local Plan (2022).
10. The Applicant notes that the REAC refers to matters to be secured through the Section 106 that do not yet form part of the draft Agreement before the Examination, specifically matters relating to site clearance in the Off-Site Habitat Provision Area, and the delivery of rivers BNG, for which a defined scheme has now been identified. The draft Section 106 Agreement will be updated for Deadline 3 to deal with these matters and to ensure it is consistent with what is reported in this REAC.
11. The updates made to documents within the Environmental Statement (ES) are as follows:
- a. Documents 6.2.7.1 and 6.2.7.3 have been updated in relation to Written Question reference NV.1.2.
  - b. Documents 6.3.5.1 and 6.3.5.2 have been updated in relation to Written Question TTW.1.10.
  - c. Document 6.3.7.5 has been updated in relation to Written Question NV.1.5.
  - d. Documents 6.3.12.1 and 6.3.12.3 have been updated in relation to Written Questions as set out under Topic 8 of Document 8.9.1.
  - e. Documents 6.1.18, 6.3.18.1, 6.3.18.2, 6.3.18.4, 6.3.18.5, and 6.2.18.1 have all been updated in line with consideration of the six developments suggested in the representation made by Selby District Council.
  - f. Document 6.5 has been updated to capture a number of updates required in response to Written Questions.
  - g. Document 6.2.6.1 has been updated to account of the expanded study area for construction works.
  - h. Documents 6.3.6.4 and 6.3.6.5 have been updated to account for new model results.
  - i. Document 6.3.11.2 has been updated to respond to Written Questions GCC.1.1 and GCC.1.4 requesting provision of the additional ALC Survey results.
12. An update to Proposed Changes Application Report, Figure 4 (OHL Landscape and Biodiversity Plan) – document 8.5.2.4 is submitted at Deadline 2. This update responds to WQ EN1.17 and ensures the Plan and the accompanying text regarding pole L3043/00-10 are aligned.
13. In the letter entitled Response to ExA's Rule 6 Letter (PDA-001), as issued at Procedural Deadline A, it was proposed to submit the Biodiversity Net Gain (BNG) Report at Deadline 2. However, following the publication of the Government response and summary of responses to the Consultation on Biodiversity Net Gain regulations and implementation (dated 21 February 2023) the Applicant proposes to delay submission to Deadline 3 in order to ensure the BNG Report document is aligned with the abovementioned Government response. This delay will also enable the BNG Report to be read alongside the updated section 106 agreement which will secure the delivery of the now-identified rivers BNG measures that are to be brought forward and which will be explained in the BNG submission. The Applicant also contemplates that in submitting those details, it will also make submissions at Deadline 3 with regards to how the proposed measures should be treated within the context of the ES and HRA for the Proposed Scheme.
14. The Applicant notes that, unfortunately, the updated HRA documentation referred to above is not in a position to be submitted alongside the other submissions today, due to the volume of changes required, including to account for the revised Air Quality monitoring discussed in Appendix 5 to the Applicant's Written Question response, and seeking to ensure, in light of the Written Questions, that

all cross references within this document are correct. The Applicant is working hard to complete this work to submit this as soon as possible and at the latest by the end of this week (24 February) as a Deadline 2 late submission.

15. Enclosed with this letter are the above documents (with the exception of the HRA documentation as discussed above) via the file upload facility on the project application website<sup>1</sup>, as agreed with the Inspectorate via the Rule 6 letter on 13 December 2022.
16. In addition to the above, we confirm that the updated Shapefile of the Order Limits, including the Proposed Changes, was sent to PINS by email on 15 February 2023.
17. We trust the above and enclosed are helpful. However, please do not hesitate to contact the undersigned should you have any queries regarding these documents.

Yours sincerely



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<sup>1</sup> <https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/drax-bioenergy-with-carbon-capture-and-storage-project>