



The Planning Inspectorate

National Infrastructure
Planning
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Customer
Services: 0303 444 5000
Email: DraxBECCS@planninginspectorate.gov.uk

All Interested Parties, Affected
Persons and Statutory Parties

Your Ref:

Our Ref: EN010120

Date: 27 February 2023

Dear Sir/ Madam

Planning Act 2008; The Infrastructure Planning (Examination Procedure) Rules 2010 – Rules 8(3), 9 and 13; and The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 – Regulations 10 - 16

Application by Drax Power Limited for an Order Granting Development Consent for the Drax Bioenergy with Carbon Capture and Storage project

Notice of variation to the Examination Timetable following acceptance of change request for examination

The Examining Authority (ExA) has previously accepted for examination the Applicant's proposal to amend its Development Consent Order (DCO) application¹, including the proposed provision for the compulsory acquisition of rights over additional land ('Proposed Change 02')². The Applicant has certified that this proposed provision has been publicised in accordance with Regulations 7 and 8 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (the CA Regulations)³.

¹ The Procedural Decision to accept the change request for examination is [\[PD-009\]](#) in the Examination Library (EL), which is available under the 'Documents' tab on the project webpage of the National Infrastructure Planning website: <https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/drax-bioenergy-with-carbon-capture-and-storage-project/>. All Examination documents referred to in this letter are available through the EL.

² Please refer to the Applicant's change request cover letter for more information regarding 'Proposed Change 02' [\[AS-044\]](#).

³ Please refer to the Applicant's Regulation 9a Notice [\[OD-015\]](#) and Regulation 9b Certificate [\[OD-016\]](#) for more information. The Regulation 9b Certificate states that North Yorkshire County Council (NYCC) was not notified in accordance with Regulation 7 of the CA Regulations. NYCC has addressed this in its submission [\[REP2-088\]](#).

Five further representations were received in respect of the Applicant's 'Proposed Change 02': [\[RR-278\]](#), [\[RR-279\]](#), [\[RR-280\]](#), [\[RR-281\]](#) and [\[RR-282\]](#).

In accordance with Regulation 11 of the CA Regulations, the ExA has made an initial assessment of the issues arising in connection with the proposed provision and has decided that the issues remain as set out in Annex C to the ExA's Rule 6 letter of 13 December 2022 [\[PD-008\]](#). There are no new issues arising. The ExA has decided that it is not necessary to hold a meeting to discuss how the proposed provision should be examined. The provision will be examined by Written Representations and by holding further hearings.

Annex A of this letter sets out the revised Examination Timetable which is necessary to accommodate the required deadlines following the acceptance of the Applicant's proposal to amend the DCO application for examination.

Written Representations

All Interested Parties are invited to submit Written Representations on the Applicant's proposal to amend its DCO application. Please note that submissions should relate specifically to the proposed changes, and there is no need to repeat representations already made.

In addition, any **additional Affected Persons**⁴ are invited to submit Written Representations on the DCO application as a whole. Written Representations can cover any relevant matter and are not restricted to the matters set out in Annex C to the ExA's Rule 6 letter of 13 December 2022 [\[PD-008\]](#). Any person, other than the Applicant, who submits a Written Representation must identify those parts of the application with which they agree and those parts with which they do not agree, explaining the reasons why.

Any Written Representations should be submitted by **Tuesday 28 March 2023 (Deadline 4)** in the revised Examination Timetable at **Annex A** of this letter). Any Written Representations and any further written submissions requested during the Examination, that exceed 1500 words, should also be accompanied by a summary which should not exceed 10% of the original text. The summary should set out the key facts of the written submission and must be representative of the submission made.

The ['Make a submission' tab](#) is available on the project webpage of the National Infrastructure Planning website and provides a portal through which parties should make written submissions at relevant deadlines during the Examination. Annex E of the ExA's Rule 8 letter of 24 January 2023 [\[PD-012\]](#) provides further information about the 'Make a submission' tab.

⁴ Persons with an interest in the land which is subject to the proposed provision, and which is deemed to constitute additional land for the purposes of the CA Regulations.

Notification of hearings

The ExA's Rule 8 letter [[PD-012](#)] notified of the following hearings, and notice is hereby provided of the same for the benefit of any additional Interested Parties and additional Affected Persons following the acceptance of the Applicant's change request for examination:

Date	Hearing	Start time	Venue and joining details
Wednesday 22 March 2023	Issue Specific Hearing 3 (ISH3) Environmental matters	Seating available at venue from: 9:15am Virtual Arrangements Conference from: 9:15am Hearing starts: 10:00am	The Parsonage Hotel & Spa, Escrick, York YO19 6LF and By virtual means using Microsoft Teams Full instructions on how to join online or by telephone will be provided in advance to those who have pre- registered
Thursday 23 March 2023	Compulsory Acquisition Hearing 1 (CAH1)	Seating available at venue from: 9:15am Virtual Arrangements Conference from: 9:15am Hearing starts: 10:00am	The Parsonage Hotel & Spa, Escrick, York YO19 6LF and By virtual means using Microsoft Teams Full instructions on how to join online or by telephone will be provided in advance to those who have pre- registered
Friday 24 March 2023	Issue Specific Hearing 4 (ISH4)⁵ Draft Development	Seating available at venue from: 9:15am Virtual Arrangements	The Parsonage Hotel & Spa, Escrick, York YO19 6LF and By virtual means using

⁵ There will be an opportunity during ISH4 for any additional Interested Parties and additional Affected Persons to make oral representations on the matters previously discussed at ISH2 on the draft DCO. The video recordings and transcripts from ISH2 are available under the '[Documents](#)' tab on the project webpage.

Date	Hearing	Start time	Venue and joining details
	Consent Order	<p>Conference from: 9:15am</p> <p>Hearing starts: 10:00am</p>	<p>Microsoft Teams</p> <p>Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered</p>
<p>NOTE: If any of the above hearings are no longer required then notification that a particular date is no longer required will be published as soon as practicable on the project webpage, providing reasonable notice to Interested Parties of the decision to cancel.</p>			

You must register by Monday 13 March 2023 if you intend to participate in the above hearings and provide all the information requested (see below).

If you simply wish to observe the hearings then you do not need to register as you will be able to either:

1. attend the physical event to observe the proceedings;
2. watch a livestream of the event (a link to the livestream will be made available on the [project webpage](#) shortly before the event is scheduled to begin); and/ or
3. watch the recording of the event which will be published on the project webpage shortly after the event has finished.

Any request to participate in a hearing **must include** the following information:

- Name and unique Interested Party reference number (found at the top of any letter or email from the Planning Inspectorate).
- Email address (if available) and contact telephone number.
- Name and unique Interested Party reference number of any person/ organisation that you are representing (if applicable).
- Confirmation of the hearing(s) you wish to participate in, the agenda item(s) on which you wish to speak and/ or brief details of the topic(s) that you would like to raise.
- For Compulsory Acquisition Hearings: the plot number(s) of the relevant land provided in the [Book of Reference](#) and the [Land Plans](#).
- The [Examination Library](#) reference number (with paragraph/ page number where appropriate) of any documents you wish to refer to.
- Confirmation of whether you will participate virtually or in person.
- Any special requirements you may have (eg disabled access or hearing loop).

Requests to participate in any of the above hearings should be submitted by email to: DraxBECCS@planninginspectorate.gov.uk, no later than **Monday 13 March 2023**.

Please contact the Case Team using the contact details at the top of this letter if you require any support to attend a hearing.

Reserve hearing dates

The revised Examination Timetable at **Annex A** of this letter includes reserve dates for further hearings to be held during w/c 5 June 2023. In accordance with the CA Regulations, any additional Interested Parties and additional Affected Persons should be afforded the opportunity to make oral representations in relation to the following hearings that have already been held:

- **Issue Specific Hearing 1 (ISH1)** on the scope of the Proposed Development. Held on Wednesday 18 January 2023.
- **Open Floor Hearing 1 (OFH1)**. Held on Wednesday 18 January 2023.
- **Issue Specific Hearing 2 (ISH2)** on the draft Development Consent Order. Held on Thursday 19 January 2023.

The video recordings and transcripts from the above hearings are available under the [‘Documents’ tab](#) on the project webpage.

We will notify all Interested Parties and Affected Persons of any further hearings at least 21 days in advance of them taking place, including any hearing(s) to allow additional Interested Parties and additional Affected Persons to make oral representations in relation to previous hearings. **NOTE:** the opportunity for any additional Interested Parties and additional Affected Persons to make oral representations on matters previously discussed at ISH2 will be during ISH4.

The revised Examination Timetable at **Annex A** of this letter also sets out the date by which any additional Interested Party must request to participate in an Open Floor Hearing, and any additional Affected Person must request to participate in a Compulsory Acquisition Hearing.

It is expected that both blended (part in-person and part virtual) and fully virtual events will form part of the Planning Inspectorate’s future operating model. We therefore remain flexible and will confirm the format of any further hearings when we provide formal notification of each hearing at least 21 days in advance of it taking place.

Hearing agendas

For Issue Specific Hearings and Compulsory Acquisition Hearings the ExA will publish a detailed draft agenda on the project webpage at least five working days in advance of the hearing date. However, the actual agenda on the day of each hearing

may be subject to change at the discretion of the ExA. For Open Floor Hearings an agenda may not be published.

Procedure at hearings

The Examination will principally be a written process (see the Planning Inspectorate's [Advice Note 8.4: The Examination](#)⁶), supplemented where necessary by various types of hearings. Please refer to the [Advice Note 8.5: Hearings and site inspections](#)⁷ and [Advice Note 8.6: Virtual Examination events](#)⁸ as these provide important information about hearing procedures.

The procedure to be followed at hearings is set out in Rule 14 of The Infrastructure Planning (Examination Procedure) Rules 2010. The ExA is responsible for the oral questioning of a person giving evidence and the process affords very limited scope to allow cross-questioning between parties.

Hearing livestream and recording

A link to a livestream for each hearing will be made available on the [project webpage](#) shortly before any hearing is due to open. The livestream is available to anybody who wishes to observe a hearing in real time.

All hearings are recorded, and the recordings will be made available on the [project webpage](#) as soon as practicable after the close of the hearing. The recordings allow any member of the public who is interested in the application and the Examination to find out what has been discussed.

Availability of Examination documents

The application documents and Relevant Representations are available on the project webpage. All further documents submitted in the course of the Examination will also be published under the ['Documents' tab](#) of the project webpage.

The 'Documents' tab is changing as of w/c 6 March 2023. This will mean that users will be required to access Examination documents and the Examination Library through the new [BETA version of the 'Documents' tab](#). The new version is accessible now, and it is recommended that users familiarise themselves with it in advance of the switchover. Please also consider filling out the [online feedback survey on the BETA service](#). All feedback on the user experience will help to improve the service.

If you have any questions about the content of this letter, please contact the Case Team on the details above.

⁶ <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-8-4-the-examination/>

⁷ <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-8-5-the-examination-hearings-and-site-inspections/>

⁸ <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-8-6-virtual-examination-events/>

Yours faithfully

Caroline Jones

Caroline Jones
Lead Member of the Examining Authority

This communication does not constitute legal advice.
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Varied Examination Timetable

Please see below the Examination Timetable, as published in Annex A of the Examining Authority's (ExA) Rule 8 letter [[PD-012](#)] from item 4 onwards, and with amendments **underlined and highlighted red**.

The ExA is under a duty to complete the examination of the application by the end of the period of six months beginning with the day after the close of the Preliminary Meeting.

The Examination of the application primarily takes the form of the consideration of written submissions. The ExA will also consider any oral representations made at hearings.

Item	Matters	Date
4.	<p>Deadline 3</p> <p>For receipt by the Examining Authority of:</p> <ul style="list-style-type: none"> • Comments on Written Representations. • Comments on responses to the Examining Authority's written questions (ExQ1). • Comments on the Applicant's updated draft Development Consent Order. • Comments on any other responses received by Deadline 2. • Progressed s106 Agreement(s) and/ or an update on progress (if required). • Progressed Statements of Common Ground. • Progressed Statement of Commonality for Statements of Common Ground. • Applicant's updated Application Guide in clean and tracked versions. • Applicant's updated Application Document Tracker in clean and tracked versions. • Applicant's updated Schedule of Negotiations and Powers Sought in clean and tracked versions. • Applicant's updated National Policy Statement tracker (if required) in clean and tracked versions. • Applicant's updated Book of Reference (BoR) and Schedule of Changes to the BoR (if required) in clean and tracked versions. • Any further information requested by the Examining Authority under Rule 17 of The 	<p>Friday 10 March 2023</p>

	Infrastructure Planning (Examination Procedure) Rules 2010.	
5.	Accompanied Site Inspection.	Tuesday 21 March 2023 Meeting at 9:30am
6.	Issue Specific Hearing 3 (ISH3) on environmental matters.	Wednesday 22 March 2023 10:00am
7.	Compulsory Acquisition Hearing 1 (CAH1).	Thursday 23 March 2023 10:00am
8.	Issue Specific Hearing 4 (ISH4) on the draft Development Consent Order.	Friday 24 March 2023 10:00am
9.	<p>Deadline 4</p> <p>For receipt by the Examining Authority of:</p> <ul style="list-style-type: none"> • Post-hearing submissions, including written summaries of oral submissions to the hearings. • <u>Written Representations on the Applicant's proposal to amend its Development Consent Order application⁹.</u> • <u>Summaries of Written Representations submitted at Deadline 4 exceeding 1500 words.</u> • <u>Request by any additional Interested Party to participate in an Open Floor Hearing or any additional Affected Person to participate in a Compulsory Acquisition Hearing, to be held during w/c 5 June 2023 (if required).</u> • Comments on progressed Statements of Common Ground (if any). • Comments on any other responses received by Deadline 3. • Applicant's updated Application Guide in clean and tracked versions. • Applicant's updated Application Document 	Tuesday 28 March 2023

⁹ Please refer to the Applicant's change request cover letter for more information regarding the proposed changes [[AS-044](#)].

	<p>Tracker in clean and tracked versions.</p> <ul style="list-style-type: none"> • Applicant’s updated draft Development Consent Order in clean and tracked versions. • Applicant’s Schedule of Changes to the draft Development Consent Order. • Applicant’s updated Schedule of Negotiations and Powers Sought in clean and tracked versions. • Applicant’s updated National Policy Statement tracker (if required) in clean and tracked versions. • Applicant’s updated Book of Reference (BoR) and Schedule of Changes to the BoR (if required) in clean and tracked versions. • Any further information requested by the Examining Authority under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010. 	
10.	<p>Deadline 5</p> <p>For receipt by the Examining Authority of:</p> <ul style="list-style-type: none"> • <u>Comments on Relevant Representations and Written Representations received by Deadline 4 in relation to the Applicant’s proposal to amend its Development Consent Order application.</u> • Comments on the Applicant’s updated draft Development Consent Order. • Comments on any other responses received by Deadline 4. • Progressed s106 Agreement(s) and/ or an update on progress (if required). • Progressed Statements of Common Ground. • Progressed Statement of Commonality for Statements of Common Ground. • Applicant’s updated Application Guide in clean and tracked versions. • Applicant’s updated Application Document Tracker in clean and tracked versions. • Applicant’s updated Schedule of Negotiations and Powers Sought in clean and tracked versions. • Applicant’s updated National Policy Statement tracker (if required) in clean and tracked versions. • Applicant’s updated Book of Reference (BoR) 	<p>Wednesday 12 April 2023</p>

	<p>and Schedule of Changes to the BoR (if required) in clean and tracked versions.</p> <ul style="list-style-type: none"> • Any further information requested by the Examining Authority under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010. 	
11.	<p>Publication by the Examining Authority of:</p> <ul style="list-style-type: none"> • The Examining Authority's further written questions (ExQ2) (if required). 	Wednesday 19 April 2023
12.	<p>Deadline 6</p> <p>For receipt by the Examining Authority of:</p> <ul style="list-style-type: none"> • Responses to the Examining Authority's further written questions (ExQ2) (if issued). • Comments on progressed Statements of Common Ground (if any). • Comments on any other responses received by Deadline 5. • Applicant's updated Application Guide in clean and tracked versions. • Applicant's updated Application Document Tracker in clean and tracked versions. • Applicant's updated draft Development Consent Order in clean and tracked versions. • Applicant's Schedule of Changes to the draft Development Consent Order. • Applicant's updated Schedule of Negotiations and Powers Sought in clean and tracked versions. • Applicant's updated National Policy Statement tracker (if required) in clean and tracked versions. • Applicant's updated Book of Reference (BoR) and Schedule of Changes to the BoR (if required) in clean and tracked versions. • Any further information requested by the Examining Authority under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010. 	Tuesday 9 May 2023
13.	<p>Deadline 7</p> <p>For receipt by the Examining Authority of:</p> <ul style="list-style-type: none"> • Comments on responses to the Examining Authority's further written questions (ExQ2) (if 	Wednesday 24 May 2023

	<p>issued).</p> <ul style="list-style-type: none"> • Comments on the Applicant’s updated draft Development Consent Order. • Comments on any other responses received by Deadline 6. • Progressed s106 Agreement(s) and/ or an update on progress (if required). • Progressed Statements of Common Ground. • Progressed Statement of Commonality for Statements of Common Ground. • Applicant’s updated Application Guide in clean and tracked versions. • Applicant’s updated Application Document Tracker in clean and tracked versions. • Applicant’s updated Schedule of Negotiations and Powers Sought in clean and tracked versions. • Applicant’s updated National Policy Statement tracker (if required) in clean and tracked versions. • Applicant’s updated Book of Reference (BoR) and Schedule of Changes to the BoR (if required) in clean and tracked versions. • Any further information requested by the Examining Authority under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010. 	
<p>14. Hearings</p> <p>Dates reserved for any:</p>	<ul style="list-style-type: none"> • Issue Specific Hearing(s) (if required). • Open Floor Hearing(s) (if required). • Compulsory Acquisition Hearing(s) (if required). 	<p>w/c 5 June 2023</p>
<p>15. Deadline 8</p> <p>For receipt by the Examining Authority of:</p>	<ul style="list-style-type: none"> • Post-hearing submissions, including written summaries of oral submissions to the hearings (if held). • Comments on progressed Statements of Common Ground (if any). • Comments on any other responses received by 	<p>Tuesday 13 June 2023</p>

	<p>Deadline 7.</p> <ul style="list-style-type: none"> • Applicant's updated Application Guide in clean and tracked versions. • Applicant's updated Application Document Tracker in clean and tracked versions. • Applicant's updated draft Development Consent Order in clean and tracked versions. • Applicant's Schedule of Changes to the draft Development Consent Order. • Applicant's updated Schedule of Negotiations and Powers Sought in clean and tracked versions. • Applicant's updated National Policy Statement tracker (if required) in clean and tracked versions. • Applicant's updated Book of Reference (BoR) and Schedule of Changes to the BoR (if required) in clean and tracked versions. • Any further information requested by the Examining Authority under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010. 	
16.	<p>Publication by the Examining Authority of:</p> <ul style="list-style-type: none"> • The Report on the Implications for European Sites (if required) and any associated questions. 	Wednesday 14 June 2023
17.	<p>Publication by the Examining Authority of:</p> <ul style="list-style-type: none"> • The Examining Authority's proposed schedule of changes to the draft Development Consent Order (if required). 	Wednesday 21 June 2023
18.	<p>Deadline 9</p> <p>For receipt by the Examining Authority of:</p> <ul style="list-style-type: none"> • Responses to the Report on the Implications for European Sites (if issued). • Responses to the Examining Authority's proposed schedule of changes to the draft Development Consent Order (if issued). • Comments on responses received by Deadline 8. • Signed and dated s106 Agreement(s) (if required). • Finalised Statements of Common Ground. 	Wednesday 5 July 2023

	<ul style="list-style-type: none"> • Finalised Statement of Commonality for Statements of Common Ground. • List of matters not agreed where any Statement of Common Ground could not be finalised. • Applicant’s final Application Guide in clean and tracked versions. • Applicant’s final Application Document Tracker in clean and tracked versions. • Applicant’s final Schedule of Negotiations and Powers Sought in clean and tracked versions. • Applicant’s final National Policy Statement tracker in clean and tracked versions. • Applicant’s final draft Development Consent Order (Microsoft Word) in clean and tracked versions. • Applicant’s final draft Development Consent Order (PDF) in clean and tracked versions. • Applicant’s final draft Development Consent Order (dDCO) to be submitted in the SI template with the SI template validation report. • Applicant’s finalised Schedule of Changes to the draft Development Consent Order. • Applicant’s final Book of Reference (BoR) and Schedule of Changes to the BoR in clean and tracked versions. • Any further information requested by the Examining Authority under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010. 	
19.	<p>Deadline 10</p> <p>For receipt by the Examining Authority of:</p> <ul style="list-style-type: none"> • Any further information requested by the Examining Authority under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010. 	Monday 17 July 2023
20.	The Examining Authority is under a duty to complete the examination of the application by the end of the period of six months.	Monday 17 July 2023