

Planning Act 2008 – section 91

Application by Drax Power Limited for an Order Granting Development Consent for the Drax Bioenergy with Carbon Capture and Storage Project (Case ref: EN010120)

Agenda for Issue Specific Hearing 4 (ISH4): draft Development Consent Order

Hearing	Date and Time	Location
Issue Specific Hearing 4 (ISH4): draft Development Consent Order (dDCO)	Friday 24 March 2023 Hearing starts at 10:00am Seating available at venue from 9:15am and virtual Arrangements Conference from 9:15am	The Parsonage Hotel & Spa, Escrick, York YO19 6LF and By virtual means using Microsoft Teams

Notification of the date, time, location and attendance instructions for ISH4 was provided in the Examining Authority’s (ExA) [Rule 8 letter dated 24 January 2023](#).

All Examination documents are provided with a unique identification number for referencing purposes, shown in square brackets: [].

Agenda

1. Welcome, introductions, arrangements for the hearing

2. Purpose of the Issue Specific Hearing

The ExA will explain the purpose of the hearing and the range of topics which will be covered.

3. Matters previously discussed at Issue Specific Hearing 2 (ISH2)

In accordance with Regulation 14(2) of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010, the ExA will give an opportunity for any additional Interested Party (IP) or additional Affected Person (AP), as a result of the Applicant’s proposed changes PC-01 and PC-02, to make oral representations on the matters previously discussed at ISH2 on the dDCO.

4. Articles and schedules of the dDCO (excluding Schedules 2, 11, 12 and 13)

The Applicant will be asked to briefly highlight changes which have been made to the dDCO submitted at Deadline 2 (D2) [[REP2-007](#)].

The ExA may ask questions in respect of articles and schedules in the dDCO, seeking responses where appropriate from the Applicant and IPs.

IPs will also be invited to ask questions of clarification in relation to Development Consent Order (DCO) articles and schedules.

5. Schedule 2 of the dDCO – Requirements; and Schedule 11 – Procedure for Discharge of Requirements

The Applicant will be asked to briefly highlight and explain any changes to requirements within the dDCO submitted at D2.

The ExA will then ask questions, seeking responses where appropriate from the Applicant and IPs.

IPs will also be invited to ask questions of clarification in relation to DCO requirements.

The ExA will ask IPs, and particularly North Yorkshire County Council and Selby District Council as the relevant planning authorities, whether there are any concerns with the amended approaches taken to the discharge of requirements, or for managing appeals or disputes under the dDCO submitted at D2.

6. Schedule 12 of the dDCO – Protective Provisions

The Applicant will be asked to provide an update on progress between parties regarding protective provisions; an explanation of any important differences of view and a timescale for resolution.

7. Schedule 13 of the dDCO – Documents and Plans to be Certified

The Applicant will be asked to briefly highlight any changes to this list in the dDCO submitted at D2.

8. Consents, Licences and Other Agreements

The Applicant will be asked to provide an update on progress and timescales for completion.

The Applicant will then be asked to provide an update on the progress of the s106 agreement.

The ExA will then ask questions, including discussing any need for and progress on any other planning obligations and/ or side agreements and if there is an indicative timescale for finalising them.

9. Statements of Common Ground relevant to the DCO

The ExA will ask the Applicant to provide an update on Statements of Common Ground relevant to the DCO.

10. Review of issues and actions arising

11. Any other business

12. Closure of the hearing

Purpose of ISH4

The main purpose of the dDCO hearing is to undertake an examination of the dDCO articles and schedules.

Attendance at the hearing

The ExA would find it helpful if the following parties could attend this hearing:

- **Applicant.**
- **North Yorkshire County Council (NYCC).**
- **Selby District Council (SDC).**
- **East Riding of Yorkshire Council (ERoY).**
- **Environment Agency (EA).**
- **National Grid Carbon Limited (NGCL).**
- **National Highways (NH).**
- **Network Rail (NR).**
- **Natural England (NE).**

However, this does not indicate that other parties will not be able to contribute. All IPs are invited to attend and make oral representations on the matters set out in the agenda, subject to the ExA's ability to control the hearing.

The ExA has sought to provide sufficient detail to assist the parties to prepare for the hearing. The details set out above are indicative and the ExA may find it necessary to include additional agenda items or to amend the order in which the items are dealt with.

Anyone wishing to participate in the hearing who has not already advised the Case Team of this should do so as soon as possible (and by **Monday 13 March 2023 at the latest**). Please email: DraxBECCS@planninginspectorate.gov.uk to confirm attendance, and provide all the requested information set out in Annex C of the ExA's [Rule 8 letter](#), including confirmation of whether you wish to participate in person or virtually.

If you are experiencing any COVID-19 symptoms, please do not attend the hearing in person. Please contact the Case Team using the details at the bottom of this agenda to ensure that you have access to the hearing virtually.

Participation in a blended hearing

The ExA is conducting this hearing as a blended event, comprising both in-person and virtual participation. The hearing venue will be open 45 minutes prior to the start of the hearing to enable a prompt start.

Parties who have registered to attend the hearing (both in person and virtually) will receive an email shortly before the hearing containing a joining link, telephone number and instructions to enable virtual participation (as necessary). If attending virtually, please join the Arrangements Conference promptly. The Case Team will admit you from the virtual lobby and register your attendance. The Arrangements Conference allows procedures to be explained and will enable the hearing to start promptly.

The event will also be livestreamed and recorded, and a link to watch the livestream will be published on the [project webpage of the National Infrastructure Planning website](#) closer to the event date.

Procedure at the ISH

Guidance under the Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provides that it is for the ExA to probe, test and assess the evidence through direct questions of persons making oral representations at hearings. Questioning at the hearing will be led by the ExA. Cross-questioning of a person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that an IP has had a fair chance to put its case.

Every effort will be made to ensure that the issues will be discussed on the day that they are scheduled for. The hearing will finish as soon as the ExA deems that all those present have had their say and that all matters have been covered. If there are additional matters to be dealt with or there are submissions that take a considerable amount of time at any hearing, it may be necessary to prioritise matters and defer others to written questions.

The agenda is for guidance only. It is not designed to be exclusive or exhaustive. The ExA may add other issues for consideration, may alter the order in which issues are considered and will seek to allocate sufficient time to each issue to allow proper consideration of them. Any lack of discussion of a particular issue at a hearing does not preclude further examination of this issue, including the asking of further written questions. Please note that this agenda was based on submissions up to and including Deadline 2. Nevertheless, ISH4 will address any relevant submissions made at Deadline 3.

May we draw your attention to **Deadline 4** in the Examination Timetable (**Tuesday 28 March 2023**) and our request to receive full summaries of all oral submissions given at this hearing by that date by those who made them.

Please contact the Case Team if you have any questions regarding the arrangements for the hearing or how to participate:

Email: DraxBECCS@planninginspectorate.gov.uk.

Tel: 0303 444 5000.