



STATEMENT OF COMMONALITY

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

Rule 8 (1)(e) Infrastructure Planning (Examination Procedure) Rules 2010

Drax Bioenergy with Carbon Capture and Storage

The Planning Act 2008 (as amended)

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DOCUMENT OWNER: WSP UK Limited

AUTHOR: Sally Garford

APPROVER: Cassie Fountain

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TABLE OF CONTENTS

1. INTRODUCTION AND PURPOSE	1
1.1. Purpose of the Statement of Commonality.....	1
2. STRUCTURE OF STATEMENT OF COMMON GROUND	2
3. LIST OF STATEMENTS OF COMMON GROUND	3
4. SUMMARY OF CURRENT POSITION	4
5. CURRENT POSITION	6

TABLES

Table 3.1 - List of SoCGs under preparation.....	3
Table 4.1 – Current Position of SoCGs	4
Table 5.1 - Table of Commonality at February 2023.....	7

1. INTRODUCTION AND PURPOSE

1.1. PURPOSE OF THE STATEMENT OF COMMONALITY

- 1.1.1. This Statement of Commonality for Statements of Common Ground (this 'Statement') relates to an application made by Drax Power Ltd (the Applicant) on 23 May 2022 to the Secretary of State for Business, Energy and Industrial Strategy via the Planning Inspectorate (PINS).
- 1.1.2. The Application was submitted under section 37 (2) of the Planning Act 2008 (PA2008) for a Development Consent Order (DCO), and if made would grant consent for the Drax Bioenergy with Carbon Capture and Storage Project. The Application was accepted for examination by the Inspectorate on 20 June 2022.
- 1.1.3. The Scheme will involve the installation of technology which is designed to remove carbon dioxide from the flue gas produced from the electricity generating process. The technology will be fitted to Units 1 and 2 of Drax Power Station, these Units are fired on biomass. It is designed to remove approximately 95% of the carbon dioxide from the flue gas that is currently emitted from these existing Units. The carbon dioxide captured will undergo processing and compression before being transported via a proposed new pipeline for storage under the southern North Sea where it will be injected into geological formations below the seabed. The transport and storage infrastructure will be developed as a separate project by National Grid Carbon Limited (NGCL). A detailed description of the Scheme can be found in **Chapter 2 (Site and Project Description)** of the Environmental Statement (APP-038), as amended by the Change Request - **Proposed Changes Application Report** (AS-045).
- 1.1.4. This Statement and the Statements of Common Ground (SoCG) have been prepared by the Applicant and in its view provide an accurate record of both discussions to date with the interested parties listed at Table 3.1 and summary of the issues that are either agreed, subject to further discussion, or not agreed.
- 1.1.5. The Applicant will work to agree and submit joint working drafts of the SoCGs as the examination progresses. When possible, a final signed version of each SoCG will be prepared and submitted prior to the end of the examination, and we intend to submit a final version of this Statement prior to the end of the Examination.
- 1.1.6. This Statement has been prepared to provide the Examining Authority ('ExA') with the current position on SoCG between the Applicant and prescribed consultees, statutory undertakers and interested parties (Other Parties) in relation to the Scheme. This Statement also sets out the current position on the commonality of specific SoCGs.

2. STRUCTURE OF STATEMENT OF COMMON GROUND

- 2.1.1. To ensure consistency in the approach taken to documenting matters agreed, matters subject to further negotiation or matters not agreed, each of the SoCG adopts a standard format in order to provide clarity to the Other Parties and ultimately the ExA.
- 2.1.2. Each SoCG has the following structure:
- Section 1 provides the introduction to the SoCG and a description of its purpose;
 - Section 2 states the engagement that has occurred between the Applicant and Other Party to date; and
 - Section 3 provides a summary of topics covered by the SoCG and lists the DCO Application documents of relevant to the SoCG;
 - Section 4 addresses the key matters of relevance to the SoCG parties and sets out any issues that have arisen, reporting on the status of each issue, i.e. whether it is agreed, still under discussion or not agreed, and set out any remaining actions.

3. LIST OF STATEMENTS OF COMMON GROUND

3.1.1. The parties which the Applicant has prepared an SoCG with are listed in Table 3.1 below.

Table 3.1 - List of SoCGs under preparation

Stakeholder
East Riding of Yorkshire Council (ERYC)
Environment Agency
Goole and Airmyn Internal Drainage Board (Goole and Airmyn IDB)
Historic England (North-East and Yorkshire) (Historic England)
National Grid Carbon Limited (NGCL)
National Grid Electricity System Operator (NG ESO)
National Grid Electricity Transmission (NGET)
National Highways
Natural England
Selby Area Internal Drainage Board (Selby IDB)
Selby District Council (SDC) and North Yorkshire County Council (NYCC)

3.1.2. Further detail about the current position of each SoCG can be found at Sections 4 and 5 of this Statement.

4. SUMMARY OF CURRENT POSITION

4.1.1. This section provides the current position of each SoCG.

4.1.2. Table 4.1 below provides a high-level position and where necessary includes further detail to aid understanding. The high-level positions used in the table are:

- Final Signed SoCG all matters agreed – The final SoCG has been signed by both parties and all matters are agreed.
- Final Signed SoCG with matters outstanding – The final SoCG has been signed by both parties and there remain matters outstanding that the Applicant and the Other Party agree will not be resolved during the Examination.
- SoCG in draft – The SoCG has been drafted by the Applicant, it has been shared with the Other Party and comments have been provided. Discussion is ongoing to reach a ‘Final Signed SoCG all matters agreed’ or ‘Final Signed SoCG with matters outstanding’.

Table 4.1 – Current Position of SoCGs

Document Reference	Party	Current Position
8.1.1	NG ESO	SoCG in draft
8.1.2	NGCL	SoCG in draft
8.1.3	SDC and NYCC	SoCG in draft
8.1.4	Environment Agency	SoCG in draft
8.1.5	Natural England	SoCG in draft
8.1.6	Historic England	Final signed SoCG all matters agreed
8.1.7	National Highways	SoCG in draft
8.1.8	Selby IDB	SoCG in draft
8.1.9	ERYC	SoCG in draft
8.1.10	NGET	SoCG in draft
8.1.11	Goole and Airmyn IDB	SoCG in draft

4.1.3. The Applicant can provide the following updates:

- An updated SoCG with SDC and NYCC is submitted at D3, which confirms agreement has now been reached in respect of Water Environment, Materials and

Waste, and Other Consents and Licenses. Certain matters remain under discussion in terms of Transport, Noise and Vibration, Ecology, Design, Landscape and Visual Impact and the dDCO (incl. Requirements), which are documented in the submitted SoCG.

- An updated SoCG with ERYC is submitted at D3, which adds confirmation that agreement has been reached in respect of Planning Policy and Other Consents and Licenses. The SoCG also adds Matters Relating to Works to Overhead Lines, which remain under discussion and are documented in the submitted SoCG.
- An updated SoCG is being prepared with National Highways, following the Applicant's receipt of their comments upon the submitted technical note "Response to National Highways Relevant Representations (Sept 2022)" on 10 January. The Applicant intends to submit this document in advance of the upcoming hearings in order to document the agreement reached on certain matters, with the view that this would help inform the ExA. It is recognised that this would be subject to the ExA's discretion as to whether it is accepted into the Examination;
- Matters remain agreed with Historic England, Selby IDB, and Goole and Airmyn IDB, and therefore an updated SoCG is not submitted at D3;
- Matters remain under discussion with NG ESO, NGCL and NGET, and in the absence of any significant updates at this time, an updated SoCG is not submitted at D3. The Applicant is seeking to reach agreement on the outstanding matters with all parties.
- In respect of the Environment Agency, the key outstanding issue (above and beyond permitting issues and BNG matters which will continue to be 'under discussion' until the permits are given and the Applicant provides the section 106 agreement for its river BNG proposals) relates to design life. On this issue, the Applicant has been in liaison with the Environment Agency to seek agreement on the Water Environment and specifically the proposed wording for Requirement 11. The Environment Agency intend to provide a response to the Applicant in advance of Issue Specific Hearing 4 (ISH4) on the dDCO on 24 March and hope to be in agreement prior to that date and the Applicant will, if there is time available, seek to update the ExA prior to the Hearing as to the position on this issue.
- In respect of Natural England, due to availabilities, the Applicant has been unable to hold an update meeting with Natural England to enable an agreed approach to the updating of the SoCG. An updated SoCG is therefore unable to be submitted at this deadline. The Applicant is seeking to meet with Natural England prior to the Hearings to enable both parties to understand their respective positions before the Hearings.

5. CURRENT POSITION

5.1.1. This section of the Statement provides a summary of principal issues covered in the SoCGs and demonstrates where there is commonality in the topics or matters.

5.1.2. The table is presented in such a way to show topics covered within the various SoCGs and how these are relevant to each Other Party and a position for each topic as follows:

	Matter agreed
	Matter subject to further discussion
	Matter not agreed
	Matter not relevant

Table 5.1 - Table of Commonality at February 2023

Ref.	Party	Topics																					
		Environmental Permit	Planning history & current proposals	Planning Policy	Need, principle and alternatives	Climate Change Resilience	Population, Health & Socio-economics	Transport	Air quality	Noise and Vibration	Ecology	Design, Landscape and Visual Impact	Heritage	Ground Conditions	Water Environment	Materials and Waste	Greenhouse Gases	Major Accidents and Disasters	Cumulative Effects	dDCO (incl. Requirements)	Protective Provisions	Matters relating to Overhead Lines	Other Consents and Licenses
8.1.1	NG ESO																						
8.1.2	NGCL																						
8.1.3	SDC and NYCC																						
8.1.4	Environment Agency																						
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