COVER LETTER (16)

Drax Bioenergy with Carbon Capture and Storage

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

Document Reference Number: 8.2.15

Applicant: Drax Power Limited

PINS Reference: EN010120

REVISION: 01

DATE: 10 March 2023

DOCUMENT OWNER: WSP UK Limited

AUTHOR: C Fountain

APPROVER: D Green

PUBLIC

Drax Power Station
Selby
North Yorkshire
YO8 8HP

[redacted]

George Harrold
Case Manager
National Infrastructure Planning
The Planning Inspectorate
Major Applications and Plans Directorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

10 March 2023

Dear Mr Harrold,

PINS Reference: EN010120

Document Reference: 8.2.15 Cover Letter (16) – Submission of Documents Requested for Deadline 3 of the Examination

Drax Power Station Bioenergy with Carbon Capture and Storage (BECCS)

1. We write on behalf of Drax Power Limited ('the Applicant') to provide the documents requested by the Examining Authority ('ExA') for Deadline 3 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 and the further letter dated 27 February 2023.
3. Accordingly, the following documents are enclosed with this submission:

Application Document Reference	PINS Document Reference (Most up to date submitted version)	Document Details	Date
1.3	REP2-001	Application Guide (Clean)	10 March 2023
1.3	REP2-002	Application Guide (Tracked)	10 March 2023

Application Document Reference	PINS Document Reference (Most up to date submitted version)	Document Details	Date
1.4	REP2-003	Application Document Tracker (Clean)	10 March 2023
1.4	REP2-004	Application Document Tracker (Tracked)	10 March 2023
4.1.1	REP2-014	Schedule of Negotiations and Powers Sought (Clean)	10 March 2023
4.1.1	REP2-015	Schedule of Negotiations and Powers Sought (Tracked)	10 March 2023
6.5	REP2-053	Register of Environmental Actions and Commitments (Clean)	10 March 2023
6.5	REP2-054	Register of Environmental Actions and Commitments (Tracked)	10 March 2023
6.10	APP-196	Biodiversity Net Gain Report (Clean)	10 March 2023
6.10	APP-196	Biodiversity Net Gain Report (Tracked)	10 March 2023
6.8.3.8	N/A (new document)	Habitats Regulations Assessment – Volume 3 – Appendix 8: Lower Derwent Valley Note on Habitats and Soils	10 March 2023
8.1.3	REP-018	Statement of Common Ground between Selby District Council and North Yorkshire County Council and Drax Power Limited	10 March 2023
8.1.9	REP-023	Statement of Common Ground between East Riding of Yorkshire Council and Drax Power Limited	10 March 2023
8.4	REP2-058	Statement of Commonality	10 March 2023
8.7	REP-030	Draft Section 106 Agreement (Clean)	10 March 2023
8.7	REP-030	Draft Section 106 Agreement (Tracked)	10 March 2023
8.8	REP-031	National Policy Statement Tracker (EN-1 and EN-3) (Clean)	10 March 2023
8.8	REP-032	National Policy Statement Tracker (EN-1 and EN-3) (Tracked)	10 March 2023
8.10.2	N/A (new document)	Applicant's Comments on Submissions at Deadline 2	10 March 2023
8.11	N/A (new document)	Applicant's Comments on Responses to the ExA's First Written Questions	10 March 2023

Application Document Reference	PINS Document Reference (Most up to date submitted version)	Document Details	Date
8.12	N/A (new document)	Outline Local Employment Plan	10 March 2023

In considering this documentation, please note the following:

4. The Application Document Tracker and Application Guide have been updated to reflect the latest status and list of documents submitted as part of the Examination process.

5. The Schedule of Negotiations and Powers Sought document has been updated to reflect the latest status of discussions with affected parties, and includes updates relating to the Relevant Representations submitted in response to the notification of the acceptance of the Proposed Changes into the Examination by the ExA.

6. The Register of Environmental Actions and Commitments (REAC) has been updated for Deadline 3 to reflect the following: amendments requested by Natural England in relation being consulted on soil handling matters (which will be reflected in the next iteration of the draft DCO); further clarification on the Watercourse Pollution Prevention Plan requested by the Environment Agency; and further detail on drainage matters requested by East Riding of Yorkshire Council.

7. The Biodiversity Net Gain Report was previously proposed to be submitted at Deadline 2, but submission was delayed because the Government's response to its recent BNG consultation was released very close to Deadline 2, and the Applicant thought it appropriate to include relevant updates to account for that. It now also includes information on the off-site River BNG project (Black Brook River and Floodplain Restoration Scheme) near Stainland, Halifax, West Yorkshire.

8. The Applicant has identified the Black Brook River and Floodplain Restoration Scheme, developed by Calder and Colne Rivers Trust (CCRT), as being able to provide the required "other rivers and streams" biodiversity net gain (BNG) units to meet at least 10% BNG for the Proposed Scheme. An environmental review has been carried out by the Applicant, given the functional relationship of this BNG proposal with the Proposed Scheme, which has concluded that any environmental impacts would be able to be mitigated and managed and that these works would not lead to any change to the conclusions of the Proposed Scheme Environmental Statement or Habitats Regulations documentation. Appendix A: Black Brook River and Floodplain Restoration Scheme Environmental Review, attached to this Cover Letter, reports on this review.

9. The Habitats Regulations Assessment – Volume 3 – Appendix 8: Lower Derwent Valley Note on Habitats and Soils, provides additional information that was not available at Deadline 2, which is submitted at Deadline 3 and responds to queries raised by Natural England. It should be noted that the most recent HRA does not account for this Appendix, but will be accounted for in a future submission of the HRA once Natural England's position on its contents is understood. The outcome of Appendix 8 is that it is considered by the Applicant to be more appropriate to use the calcareous grassland habitat class for AQ modelling than (as has been used to date) the acid grassland habitat class. The Applicant then anticipates updating its AQ modelling for Lower Derwent Valley using the calcareous grassland critical load for acid deposition on the basis of this note, to inform its discussions with Natural England.

10. The Statement of Commonality explains the latest position with regards to all the SoCGs that are being progressed, including an explanation of why only SoCGs with the LPAs are able to be submitted at this point in time. The Draft Section 106 Agreement has been updated for Deadline 3, to remove the references to the Local Employment Plan, as this is now addressed in Requirement 21 of the Draft DCO (REP2-007) and set out in the new Draft Outline Local Employment Plan document, which is also submitted at Deadline 3. Both the Draft Section 106 Agreement and the Outline Local Employment Plan are pending confirmation from the applicable statutory authorities, and so are submitted in draft form. In addition, the former references to the Local Liaison Committee previously included in the draft S106 will now be addressed instead by Requirement 20 of the Draft DCO. Both of these DCO amendments will be reflected in the next version of the draft DCO to be submitted at Deadline 4.

11. The National Policy Statement Compliance Tracker has been updated for submission at Deadline 3 to include details and the assessment of material submitted at Deadline 2 and Deadline 3. Primary updates relate to the inclusion of policy assessment relevant to 'open space', as the Order Limits include Special Category Land following acceptance of the Proposed Change Request. Further updates include, but are not limited to, the addition and assessment of information relating to biodiversity net gain, cumulative impact on ecological receptors, surface water run-off, cumulative landscape and visual impact on residents, cumulative highway impact, impact on PRoW, and justification of the use of BMV land.

12. The Applicant's comments on other parties' submissions at Deadline 2 is provided in Document 8.10.2, and the Applicant's comments on other parties' responses to the ExA's First Written Questions are set out in Document 8.11.

13. With regard to documents 8.10.2 and 8.11, the Applicant notes that it does not intend to continue to engage with responses on issues relating to the use of Biomass at the Drax Power Station. The Applicant has confirmed in previous responses to Hearings, Relevant Representations and Written Representations in full on these matters and does not wish to repeat its position.

14. However, the Applicant would also draw the ExA's attention to the publication this week of the Climate Change Committee's report entitled 'Delivering a reliable decarbonised power system', which notes the importance of BECCS' role in achieving that aim and recommends that large-scale unabated biomass power plants are converted to BECCS as early as feasible. The Proposed Scheme aligns with this aim.

15. Please note that document 8.10.2 does not include a response to the new comments in Biofuelwatch's Written Representation in relation to Air Quality and Biodiversity. In light of the extent of technical detail set out in that Written Representation and the number of third party sources it refers to, the Applicant is still developing its response to these points and anticipates being able to submit this by Wednesday 15 March, which will still give all parties and the Examining Authority the time to consider the Applicant's responses in their preparation for the forthcoming Hearings.

16. Finally, below is an update to the Applicant's response to First Written Question (FWQ)1.8, as foreshadowed at Deadline 2.

    FRW1.8 from the Examining Authority (ExA) asked:

    It is stated in Table 6-1 (Water Environment) of the PCAR [AS-045] that there may be other receptors present on the site in addition to the Secondary Aquifer, such as private groundwater abstractions, but this has not been confirmed. Please can the Applicant identify any other

sensitive receptors relevant to PC-02 and provide an assessment of potential significant effects as necessary.

The Applicant's response to this was:

The Applicant has submitted a request for information on the Private Water Supplies to East Riding of Yorkshire Council who are the LPA for the PC-02 area on 2 December 2022. A response remains outstanding, and liaison remains on-going with East Riding of Yorkshire Council to obtain the information. No other sensitive receptors have since been identified. An update, including an assessment of any potential significant effects will be provided at a subsequent deadline once the information is received.

As detailed in our initial response, at the time of writing we were waiting for a response on the Private Water Supplies from East Riding of Yorkshire Council (ERYC).

ERYC, as the responsible body, have now confirmed that there are no private groundwater abstractions in the Proposed Change (PC) 02 study area (within a 5 km search radius). Furthermore, the assessment had not identified any other receptors in the intervening period and therefore the assessment of potential significant effects remains as assessed in Table 6-1 (Water Environment) of the PCAR (AS-045). In summary, the conclusion on this aspect remains that no significant effects are expected and PC-02 would not result in any new or different significant effects from those described in the Environmental Statement.

17. Enclosed with this letter are the above documents via the file upload facility on the project application website[1], as agreed with the Inspectorate via the Rule 6 letter on 13 December 2022.

18. 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

Jim Doyle

Planning and Consents Manager

[redacted]

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

DATE:	10 March 2023	**CONFIDENTIALITY:**	Confidential
PROJECT NAME:	Drax BECCS DCO	**PROJECT NUMBER:**	EN010120
DOCUMENT NO. | REV. NO:	N/A	**DOCUMENT OWNER :**	WSP UK Limited
AUTHOR:	LI	**APPROVER :**	NA
SUBJECT: Appendix A : Black Brook River and Floodplain Restoration Scheme Environmental Review			

APPENDIX A: BLACK BROOK RIVER AND FLOODPLAIN RESTORATION SCHEME ENVIRONMENTAL REVIEW

INTRODUCTION

As there are limited opportunities within the Order Limits for Biodiversity Net Gain (BNG) in relation to river/watercourse habitats, off-site schemes have been considered by the Applicant. The Calder and Colne Rivers Trust (CCRT) Black Brook River and Floodplain Restoration Scheme ("the CCRT Scheme") has been identified by the Applicant as being suitable to deliver at least 10% BNG in relation to the Proposed Scheme.

This note aims to review the proposed works in the context of the surrounding environment in order to identify any potential environmental impacts in relation to the works and how these will be managed. This is in the context that the works are sufficient distance away from the main works of the Proposed Scheme that they would not have cumulative impacts with the Proposed Scheme, but that, in light of recent case law and the nexus between these works and the Proposed Scheme, some might seek to argue that the works form part of one wider 'EIA development' or 'project' for the purposes of the EIA Regulations and Habitats Regulations.

BACKGROUND

The CCRT Scheme has been developed by the Calder and Colne Rivers Trust in collaboration with the landowner and is planned to be delivered in summer 2023. The CCRT Scheme will:

- remove the left bank retaining wall and re-profile the bank to restore floodplain connectivity;
- expand the footprint and improve the quality of existing floodplain wetland habitat;
- divert and improve the field boundary ditch to feed floodplain wetlands; and
- remove a weir to restore sediment flow and habitat connectivity within the river.

These interventions will result in an uplift of 2.96 "Other Rivers and Streams" biodiversity units and 0.4 "Ditches" biodiversity units and deliver natural flood management as a co-benefit. The CCRT Scheme is the first phase of a larger, whole-site, restoration plan for habitats, biodiversity, access and recreation, and the local economy.

THE SITE

The CCRT Scheme is located on land adjacent to Bowers Mill and within Black Brook. On the western bank of Black Brook is grassland pasture, with woodland on the opposite bank. Nearby, there are two public rights of way, a number of businesses including Bowers Mill Aparthotel and Peter Jackson and Sons textile manufacturers, as well as some residential and agricultural properties on the eastern bank of Black Brook.

Black Brook is an Ordinary Watercourse, and a tributary of the River Calder[1]. The waterbody is Heavily Modified with at least 11 weirs along its 14 km length, which are remains of the mills in the valley. Black Brook has an overall WFD waterbody classification of moderate and the CCRT Scheme is within Flood Zone 3. There are no statutory designated ecological sites located within 1km although Stubbing Wood, which is Ancient Woodland protected by a Tree Protection Order, is present on the opposite bank of Black Brook from where the works would take place. There is hydrological connectivity with Fairburn and Newton Ings SSSI (36 km east) and the Humber Estuary SAC (66 km east). Due to the distance to these sites and the implementation of planning and regulatory controls, no significant ecological impacts are anticipated. EA Fish Records show that Brown / Sea trout (*Salmo trutta)* and Bullhead (*Cottus gobio)* are present within the river.

MANAGEMENT OF THE WORKS

CCRT will be responsible for ensuring all of the necessary consents are in place for the works including any necessary planning approvals. . Black Brook is an Ordinary Watercourse, therefore Ordinary Watercourse Consent (OWC) is also required and CCRT will apply for this. Work to enhance the river and ditch habitats will be completed in 2023.

In order to avoid impacts to the Coarse and Salmonid spawning seasons, river bank works would be completed between July and September, which would be a condition of the OWC. Necessary tree removal for riverbank works would take place in March/April 2023 and would be subject to any controls imposed through any necessary planning consent and the OWC. There is Ancient Woodland on the eastern bank of the site, but the works will take place on the western bank and within the watercourse, and will be undertaken in accordance with PPG5 (the pollution prevention guidelines on works or maintenance in or near water) and the OWC.

Through the combination of planning and regulatory controls, and in the context of the nature and objective of the works that are to be undertaken, any environmental impacts will be able to be appropriately and sufficiently mitigated and managed to ensure that no likely significant effects arise.

MONITORING

The detailed BNG Management and Monitoring Plan (MMP) for these works is yet to be finalised, and it will be bought forward pursuant to the Section 106 Agreement in respect of

[1] Environment Agency (2023) Catchment Data Explorer. Available at: https://environment.data.gov.uk/catchment-planning/WaterBody/GB104027062570

these works. , However it is expected on completion of the works, post intervention monitoring and reporting would be carried out as built, after 1 year, 3 years, 5 years and then every 5 years up to the end of the 30-year management period. The project site would be monitored using fixed-point photography, River Condition Assessments, and Habitat Condition Assessment of the ditch. Annual site visits would highlight deviation from restoration trajectory, and enable management measures to be deployed to ensure planning habitat uplift is achieved. This would be managed by CCRT.

CONCLUSION

The Black Brook River and Floodplain Restoration Scheme, developed by CCRT, contains a number of measures to restore floodplain connectivity and improve the quality of wetland habitat. These interventions will result in an uplift of 2.96 "Other Rivers and Streams" biodiversity units and 0.4 "Ditches" biodiversity units and deliver natural flood management as a co-benefit. The Applicant will fund these works in order to provide BNG credits for the Proposed Scheme.

Given the surrounding environment, the timing of the works to avoid impacts, and that the works will be carried out in line with the OWC and PPG5, it is considered that potential environmental impacts would be mitigated. Ongoing management and monitoring would be implemented to ensure that the CCRT Scheme is in place for at least 30 years and this will be secured via a Section 106 agreement. Overall it is considered that there will not be any significant adverse environmental effects during construction and, once constructed, there will be beneficial environmental effects as a result of the CCRT Scheme. By removing the weir, sediment flow would be restored, as would habitat connectivity within the river. The enhancement and creation of floodplain wetland features would also increase the range of aquatic plants present along the riverbank and help to improve river condition.

It is therefore concluded that, if it was considered that these works form part of a wider EIA development or ‘project’ alongside the Proposed Scheme, these works would not lead to any change to the conclusions of the Proposed Scheme Environmental Statement or Habitats Regulations documentation.