



Deadline 4 submission of National Highways Limited

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

Planning Inspectorate Reference Number: EN010120

1. Post-hearing submissions, including written summaries of oral submissions to the hearings.
2. National Highways' Deadline 3 submission: update /clarification.

1. Post-hearing submissions, including written summaries of oral submissions to the hearings.

1.1 ISH 3

1.1.1 National Highways attended ISH 3 to update the ExA in respect of five matters which remained of concern to National Highways.

1.1.2 Matter 1 – Statement of Common Ground

National Highways has agreed all technical transport and traffic related matters outstanding listed in the ‘Statement of Common Ground between National Highways and DRAX Power Limited, Revision 2, February 2023’. However, agreement with regard to Protective Provisions (made in our written representation of 24 February 2023 [Rep2-084]) remains outstanding between the parties.

1.1.3 Matter 2 – Passenger Car Units (PCU)

National Highways confirmed to the ExA that the values at 4.2.1 of document Rep2:063 are agreed with the Applicant, and that the previous difference of opinion pertaining to articulated vehicles is now resolved as 2.3 PCU.

1.1.4 Matter 3 – Monitoring of Mitigation

National Highways confirmed with the Applicant to the ExA that the measures set out in the Construction Worker Travel Plan [Rep2:030] would be reviewed throughout the duration of construction phase, and not set prior to commencement of work and left unreviewed. It was jointly confirmed that the plan sets out three (3) succinct review periods at which the parties will review, monitor, and agree to implement where necessary, any relevant mitigation measures.

1.1.5 Matter 4 – DCO Requirements

National Highways clarified it has agreed with the Applicant the wording proposed to requirement fifteen (15) and nineteen (19), and has proposed an amendment to requirement sixteen (16), also agreed with the Applicant:

1.1.6 Matter 5 – Protective Provisions

National Highways confirmed to the ExA that it was in ongoing discussions with the Applicant regarding the insertion of Protective Provisions to ensure the ongoing safe operation of the strategic road network. It further confirmed that it anticipates

that these provisions will be agreed and inserted into the draft DCO prior to the conclusion of the examination, but not prior to ISH4 or in readiness for Deadline 4 Submissions.

1.2 ISH 4

1.2.1 National Highways attended ISH 4 to address the ExA in respect of two matters that remain of concern to National Highways (which were touched upon at ISH 3).

1.2.2 Matter 1 – Agenda Item 5: Requirements

National Highways is grateful to the applicant for confirming the amendment to Requirement 16, at National Highways' request, to include a requirement for the planning authority to consult with National Highways. This is necessary due to potential impacts on the Strategic Road Network (SRN).

*“16- (1) No part of numbered works 1 and 2 of the authorised development is to commence until a construction worker travel plan has, for that part, been submitted to and **after consultation with National Highways**, approved by the relevant planning development.”*

1.2.3 Matter 2 – Agenda Item 6: Protective Provisions

The Applicant confirmed to the ExA that negotiations were ongoing with regards to protective provisions with National Highways and National Highways agreed that this was the case. Nevertheless, National Highways stated its concern that the draft DCO before the examination contains no protection for National Highways, yet the DCO will authorise works on the Strategic Road Network (SRN). This is clearly unacceptable to National Highways who have significant concerns should any third party be permitted to carry out works on the SRN without adequate protections in place.

Outside of the DCO process, National Highways would normally give approval for works to be carried out on its network by way of a section 278 agreement (pursuant to the Highways Act 1980) which will contain conditions and protections governing such works. National Highways is requesting protective provisions within the DCO to provide the same level of protection that would be required if authority to carry out those works was given pursuant to section 278.

National Highways is confident that agreement can be reached with the applicant in this regard prior to the close of the

examination. However, until such time National Highways must maintain an objection to the form of DCO before the examination due to the significant safety concerns of a third party having authority to carry out works on the SRN without National Highways oversight, as well as the potential financial implications for the public purse.

Should agreement not be reached by the close of the examination then National Highways will submit its preferred form of protective provisions at, or before, Deadline 10.

2. National Highways' Deadline 3 submission: update /clarification.

- 2.1 Due to an administrative error National Highways issued a NHPR 22-12 (National Highways Planning Response: Formal Recommendation to an Application for Planning Permission) on 10 March 2023 and this was accepted by the Planning Inspectorate as National Highways' Deadline 3 submission.
- 2.2 Form NHPR 22-12 is National Highways' statutory response issued to local planning authorities when planning applications, submitted pursuant to the Town and Country Planning Act 1990, impact the SRN. National Highways accept that this is not applicable to, nor the correct response type for, an application made pursuant to the Planning Act 2008, and should be disregarded. The purpose however of the contents of the NHPR 22-12 are both relevant and necessary, as it outlines National Highways' position in terms of requirements necessary to protect the integrity of the SRN. For the avoidance of doubt, National Highways can confirm that requirements 15 and 19 (plus requirement 16 when updated in accordance with the agreement reached at ISH 4) are sufficient to address the concerns raised in this regard.
- 2.3 Further, and for absolute clarity, National Highways are not requesting any stipulation, or that there is any further requirement for review of peak hour analysis, outside of the times proposed and agreed [07:30 – 08:30 AM Peak, and 16:30 – 17:30 PM Peak]. The 'informatives' within the NHPR 22-12 sought to include an extended shoulder period (30 minutes) to the peak hours, specifically for the CPMTTP and Decommissioning Traffic Management Plans. National Highways confirms that the extended peak shoulder times are no longer a necessity for inclusion or consideration.

National Highways Limited

28 March 2023