



# **APPLICANT'S RESPONSES TO COMPULSORY ACQUISITION RELEVANT REPRESENTATIONS**

Drax Bioenergy with Carbon Capture and Storage

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**Applicant:** Drax Power Limited

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**AUTHOR: Various**

**APPROVER: David Green**

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# 1. INTRODUCTION

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## 1.1. PURPOSE OF THIS DOCUMENT

- 1.1.1. On 23 May 2022, Drax Power Limited ("the Applicant") made an application ("the Application") for a Development Consent Order (DCO) to the Secretary of State for Business, Energy and Industrial Strategy ("the SoS"). The Application was accepted for Examination on 20 June 2022.
- 1.1.2. On 05 December 2022, the Applicant submitted a Proposed Changes Application to provide for a flood compensation area and the undergrounding and diverted of overhead electricity and telecommunications lines. The submitted Proposed Changes Application Report (AS-045) sets out the full scope of the proposed changes and the assessment thereof. The Proposed Changes were accepted into the Examination by the Examining Authority in a letter dated 13 December 2022.
- 1.1.3. Following the acceptance of the Proposed Changes in to the Examination, the Applicant formally notified relevant parties, pursuant to Regulation 6 of the CA Regulations, of the proposed provision of additional land ('the Proposed Provision') to be added to the Application, and sought relevant representations in respect of the Proposed Provision only, which were to be submitted to the Planning Inspectorate by 11.59pm on Sunday 12 February 2023.
- 1.1.4. This document contains the Applicant's responses to the Relevant Representations on the Proposed Provision that have been made by Interested Parties. It is submitted in accordance with the letter of the Examining Authority dated 27 February 2023 setting out amendments to the Examination Timetable.
- 1.1.5. A total of six relevant representations were submitted to the Examining Authority, including a late submission accepted on 02 March 2023. All the relevant representations received have been reviewed and this report provides the Applicant's consolidated response to the issues raised.
- 1.1.6. In this document the Applicant has focussed on responding to the points raised by Affected Persons, given the focus of the CA Regs process.
- 1.1.7. This document does not respond to the representations made by Mr Robinson or Derbyshire Unfriends the Burning Earth, as these relate to biomass issues which are not relevant to the CA Regs process, and are issues which the Applicant has already responded to in its Response to Relevant Representations, its Summary of Oral Submissions at ISH1 and OFH1 and ISH2, its response to First Written Questions and its Response to Issues Raised at Deadline 1.
- 1.1.8. In its response, Scarborough Borough Council acknowledge that: '*the Drax BECCS proposal will not have direct impacts within the boundary of Scarborough Borough, either positive or negative*'. Ryedale Borough Council have also indicated that they have no observations to make and do not wish to participate in the Examination. As such the Applicant has not provided a response to these representations.

- 1.1.9. The Applicant also notes the representation received from Natural England, which focuses on environmental issues. The Applicant notes that this would have been written by Natural England without sight of the Applicant's Deadline 3 submissions. Natural England's concerns in its Relevant Representation have been responded to in the Applicant's Responses to Issues Raised at Deadline 2 (REP3-020) within Response Ref 4.5 (Key Issue 27 in Table 4-1); and so are not responded to again in this document.
- 1.1.10. In respect of the comments raised by East Riding of Yorkshire, the Applicant has already responded to these in its:
- Deadline 3 Schedule of Negotiations and Powers Sought [REP3-005]; and
  - its response to East Riding's Consultation response to the Proposed Changes which covered the same issues [AS-055].
- 1.1.11. The only additional comments that could be made to those responses are:
- as discussed at the Compulsory Acquisition Hearing, the Applicant anticipates shortly making a change to the Examination to reduce the land take required for the OHL works which will help to reduce the impacts on East Riding's landholdings. The Applicant will engage with the Council in bringing these changes forward;
  - following the concerns in relation to drainage, the REAC (REP3-007) was updated in Examination to contain a commitment (WE23) that the contractor shall ensure that any existing land drainage system is not compromised as a result of construction. This commitment goes on to detail that the potential for disruption will be assessed prior to the works commencing and diversions / alternative drainage routes will be constructed and where applicable land drainage systems will be reinstated as far as reasonably practical upon completion of the works; and
  - to note that the Soil Handling Management Plan (SHMP) (committed to in Ref ID GC2 in the REAC (REP3-007)), will detail suitable methods of soil handling, temporary storage, and reinstatement. The works are anticipated to be short term (approximately 10 days) therefore the requirement for an aftercare plan, and its detail will be determined through discussion and agreement with Natural England when the design is confirmed.
- 1.1.12. In respect of the Representation of Mr Pickering on behalf of Investors in Court House Farm/Delta Enterprise Park, the Applicant has set out the current position in its Deadline 3 Schedule of Negotiations and Powers Sought [REP3-005]. Following confirmation of the position with the asset owners of the OHLs, the Applicant will continue engagement with the Consortium as it brings forward changes to the land powers sought in respect of the OHL works.