



# **Drax Bioenergy with Carbon Capture and Storage**

Planning Act 2008

## **Change Notification**

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Dear Ms Jones,

I write to formally advise you that Drax Power Limited (the 'Applicant') intends to submit a second Change Application as part of the Development Consent Order (DCO) for the Bioenergy with Carbon Capture and Storage (BECCS) at Drax project (the 'Scheme').

As discussed at the Hearings on 22 to 24 March, the Change Application is intended to deal with the fact that the Applicant has, following discussions with the affected asset owners, been able to refine the details of the proposed diversion and undergrounding works in respect of two electrical overhead lines (OHL1 and OHL2) and a telecommunications line (TCL1) which cross the access route to the site at A614 (Rawcliffe Road) and the A645, to allow for the delivery of Abnormal Indivisible Loads ('AILs') to the main Drax power station site.

This Change Application will primarily seek to reduce the third-party land take within the Order Limits; however, it will also need to deal with the position that some plots shown on the Land Plans that had previously been proposed to be subject to powers of extinguishment of existing rights only, will also now need to be proposed for the compulsory acquisition of rights over the land. This will invoke the requirements of the Infrastructure Planning (Compulsory Acquisition Regulations) 2010 ('the CA Regulations').

The second Change Application will be made in accordance with the '*Planning Act 2008: Guidance for the examination of applications for development consent*', and National Infrastructure Planning Advice Note Sixteen (version 3): '*Requests to change applications after they have been accepted for examination*' ('AN16'). This Change Notification provides the information required by Figure 2A of AN16.

## **AN16 Points 1 and 2: Description of the Change and why it is necessary**

The DCO Application was submitted on 23 May 2022 and accepted for examination by the Planning Inspectorate on 20 June 2022. A first Change Application was submitted and accepted by the ExA in December 2022 to provide a Flood Compensation Area (Proposed Change 1) and for works necessary to facilitate AIL deliveries to the Site (Proposed Change 2).

Proposed Change 2 was (and continues to be) required to ensure that AIL deliveries can be made to the Drax power station site, including the core Carbon Capture and Storage equipment for the Scheme. The need for these works is therefore directly linked to the need for the Scheme overall, as set out in the Needs and Benefits Statement.

The proposed new Change Application is required to reduce the overall area of land required to enable works to overhead electricity lines (OHL1 and OHL2) and a telecommunication line (TCL1) and alter some of the rights previously sought in Proposed Change 2. Following the submission of the first Change Application, discussions have been progressed with asset owners and affected persons, which have enabled the refinement of the proposed design of works to facilitate AIL deliveries to the Site taking in to account concerns raised by affected persons and the scope of works required to relocate electrical and telecommunications infrastructure. Responses have been received from the electrical and telecommunications asset owners which confirm the nature and extent of proposed works, and the type of rights necessary to enable the proposed works to be implemented.

The effect of the proposed Change Application is to remove land from the Order Limits that is no longer required to undertake works which reduces the number of affected persons, and to reduce the areas of land needed for both permanent and temporary rights to undertake and maintain relocated electrical and telecommunications infrastructure. The change in the type and extent of works also reduces the impact of works including a significant reduction in impact on agricultural land; removal of land and thus impacts on Special Category Land; removal of impacts on the area of the permitted employment development on land south of Rawcliffe Road (save for a potentially small area of works within a landscape strip around the newly relocated electricity substation which may be required for temporary rights of access to access areas outside this location in order to undertake undergrounding works) by the removal of the majority of overlapping land affected by both schemes, and the clarification of the extent and type of rights sought.

In respect of TCL1, the asset owner has indicated that undergrounding is not required, and instead the existing assets could be made taller, to remove the conflict with the AIL movements for the Scheme. This has enabled a reduction in construction land requirements for these works.

There are some changes in relation to proposed works to OHL1 and OHL2 where the first Change Application sought to extinguish existing rights of the electrical asset owners due to the removal of certain sections of the overhead lines and the intention of locating undergrounded replacement infrastructure in new locations. However, following discussions with the asset owners, the proposed works now include the undergrounding of electrical assets in line with their respective existing overhead alignment instead. This necessitates an 'upgrade' in the powers sought over some plots to facilitate this new routing. Following further discussion with the asset owners, it should be noted that this affects slightly more land than was discussed at the Hearings.

A topographical survey has been completed to accurately plot the recently relocated fence and associated land ownership boundary for the land affected by OHL2 south of Elite Road and north of Rawcliffe Road. This survey has also identified a correction in the extent of the bellmouth access from Elite Road into the land to the south. The proposed new Change Application adjusts the land requirements at this location and an additional corresponding area north of the access within Elite Road

to account for this additional work and to ensure consistency with the proposed temporary access route to be used to undertake the works to OHL2. This land is owned by an existing affected party - the consortium of Investors in Court House Farm/Delta Enterprise Park, and discussions are ongoing with this party regarding this matter. The proposed new Change Application will account for this adjustment, which includes a small amount of additional temporary land (and therefore does not invoke the CA Regulations).

**Appendix 1** to this letter sets out the changes to the Land Plans that would be required as a result of the Change Application. Further information on the changes to the scope and extent of works to existing overhead lines is set out in **Appendix 2**.

#### **AN16 Point 4 Anticipated Environmental effects of the proposed changes**

The previous Change Application demonstrated that the introduction of the works to OHL1, OHL2 and TCL1 did not lead to any new or different likely significant environmental effects from those reported in the Application Environmental Statement.

The changes sought through the proposed forthcoming Changes Application would not change the conclusions of this assessment and indeed will lead to an improved position due to lesser overall third-party land take. This will be explained further in the Changes Application.

#### **AN16 Points 3, 5, 6 and 7: Next Steps and Timetable**

As noted above, the Applicant acknowledges that the CA Regulations will be invoked for the proposed Changes Application. The Applicant considers it is unlikely that consent from all parties will be obtained for the inclusion of the relevant plots within the DCO, prior to submission of the Change Application and as such the procedural requirements of the CA Regulations will need to be considered alongside those of AN16.

As discussed at the hearings on 22-24 March 2023 and noted above, the Applicant has been undertaking on-going engagement with the affected land interests and asset owners both before and after the submission of the first Change Application, including in particular those interests in the plots that will be subject to the CA Regulations – Mr Amir Hussain, East Riding of Yorkshire Council, Mr Cowling, JRS Services (Leeds) Limited and the Consortium. This has involved correspondence and meetings on-site and has been recorded in the Schedule of Negotiations and Powers Sought.

Following confirmation by the asset owners of the refined design, the Applicant has begun a further stage with all of the affected land interests to inform them of the updated design and land take and to continue to seek voluntary agreements with them in respect of the remaining land take that is required.

Given:

- this on-going engagement;
- the localised nature of the changes, which relate to work that have already been subject to a public consultation exercise through the first Change Application process; and
- that affected landowners will separately have the opportunity to submit any additional concerns through the CA Regulations relevant representation process,

the Applicant considers that no public consultation exercise needs to be undertaken for the proposed second Change Application prior to submission.

The Applicant would therefore welcome a Procedural Decision from the ExA to confirm that this is acceptable, as it is able to do pursuant to Step 2 of Figure 1 of AN16, which indicates that the ExA can give advice on the 'need' for consultation that a project promoter may need to undertake.

Subject to this approach being considered to be acceptable, and cognisant of the requirements of the CA Regulations, the Applicant considers that the proposed Change Application can fit into the remaining statutory timescales utilising the following timetable:

- 13/04/23 – Change Notification Submitted (Rev 02)
- 17/04/23 – Indicative date for PINS to be able to respond to the Change Notification.
- 21/04/23 – Change Application Submitted, to include documents required by Regulation 5 of the CA Regulations; and versions of the Application documents that will need to change as a result of the Changes Application. This is anticipated to include (above and beyond the land documents that will be submitted pursuant to the CA Regulations) the DCO, EM, Works Plans, Access and Rights of Way Plans and Figure 4 of the Outline Landscaping and Biodiversity Strategy (currently REP2-079).
- 28/04/23 – Indicative date for the ExA to be able to accept Change Application, including CA Regulations documents. Whilst it is acknowledged that this is less than the period given in the CA Regulations, given the discussions at the March Hearings and the information provided in this Change Notification, it is hoped that this will be acceptable to the ExA.
- 04/05/23 – Site notices to be erected and First Newspaper Notice published.
- 11/05/23 – Second Newspaper Notice published.
- 12/05/23 – Relevant Representations Period for CA Regulations plots commences.
- w/c 05/06/23 – CA Hearing could take place in this week currently timetabled for hearings to enable Affected Persons (who will already be well aware of the proposals following the Applicant's engagement) to attend and speak in advance of submitting their Relevant Representations, if felt required. If this approach was not considered acceptable, the Applicant notes that the steps below would still give sufficient time for a further separate hearing to be held (with the requisite 21 days' notice) prior to the end of Examination, if this was felt necessary.
- 09/06/23 – Deadline for the submission of Relevant Representation (earliest date\*);
- \*13/06/23 – Deadline for submission of Relevant Representations (potential alternative date to dovetail with Deadline 8, if appropriate).
- 13/06/23 (if earliest RR deadline adopted) – Likely date of Publication of Relevant Representations and ExA Procedural Decision on how they are to be examined. Given the small number of Relevant Representations submitted in respect of the first Changes Application and the few plots affected, it is expected that a very small amount of Relevant Representations, if any, will be submitted and need to be considered, enabling a Procedural Decision to be made in this time. Even if a longer period is required, the Applicant considers that the 23/06 date for its response set out below would still be possible in this context.
- 16/06/23 (if earliest RR deadline adopted, assuming significant RRs to PCA#2 are unlikely) – Applicant response to Relevant Representations. This would be a new interim Deadline, to allow for the remainder of the Examination timetable to be utilised without needing it to be changed.
- 27/06/23– Affected Persons able to submit written representations if required prior to Deadline 9 (Potential new interim Deadline before Deadline 9?)

05/07/23 – Applicant’s Response to written representations at Deadline 9

**Conclusion**

We trust that the information set out in this Change Notification is helpful and acceptable to the ExA, but if there are any concerns with what has been proposed, then please do not hesitate to contact me.

Yours sincerely,



Jim Doyle

Planning and Consents Manager

