



# **STATEMENT OF COMMON GROUND BETWEEN NATURAL ENGLAND AND DRAX POWER LIMITED**

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

The Planning Act 2008 (as amended)

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CONFIDENTIAL

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## **EXECUTIVE SUMMARY**

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A Statement of Common Ground (SoCG) is a written statement produced during the application process for a Development Consent Order (DCO). It is prepared jointly by the applicant and another party, to assist the Examining Authority in examining the DCO application by providing an understanding of the status of discussions or negotiations between the applicant and the other party.

This SoCG has been prepared between Natural England (NE) and Drax Power Limited (the 'Applicant') (jointly referred to as the Parties) to show where agreement has been reached to date in relation to the Applicant's application (the Application) for a DCO for their Bioenergy with Carbon Capture and Storage (BECCS) project (referred to as the Proposed Scheme). The SoCG represents an accurate and up to date reflection of matters discussed between the Parties. It is a document which will evolve during the examination, and conclude with a version which confirms the Parties' positions on relevant matters before the close of the examination.

NE is interested in the Proposed Scheme in their capacity as the statutory nature conservation agency in England.

Throughout this document, points of agreement and disagreement between the Parties are clearly indicated.

# **1. INTRODUCTION AND PURPOSE**

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## **1.1. PURPOSE OF THE STATEMENT OF COMMON GROUND**

1.1.1. A Statement of Common Ground (SoCG) is a written statement produced during the application process for a Development Consent Order (DCO) and is prepared jointly by the applicant and another party.

1.1.2. Paragraph 58 of the Department for Communities and Local Government's (DCLG, now Ministry of Housing, Communities and Local Government) guidance entitled 'Planning Act 2008: examination of applications for development consent' (26 March 2015) (DCLG, 2015) hereafter referred to as DCLG Guidance) describes a SoCG as follows:

*"A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree. As well as identifying matters which are not in real dispute, it is also useful if a statement identifies those areas where agreement has not been reached. The statement should include references to show where those matters are dealt with in the written representations or other documentary evidence."*

1.1.3. The aim of a SoCG is to assist the Examining Authority in examining the DCO by providing an understanding of the status of discussions or negotiations between the applicant and the other party. The effective use of SoCGs aids an efficient examination process.

1.1.4. A SoCG is updated as necessary or as requested during the examination.

## **1.2. DESCRIPTION OF THE PROPOSED SCHEME**

1.2.1. A full description of the Proposed Scheme description is included in Chapter 2 (Site and Project Description) of the ES submitted with the DCO Application (APP-038), as amended by the Change Request - 8.5.1 Proposed Changes Application Report (AS-045).

## **1.3. THIS STATEMENT OF COMMON GROUND WITH NATURAL ENGLAND**

1.3.1. This SoCG has been prepared between Natural England (NE) and the Applicant (jointly referred to as the Parties) in relation to the Application.

1.3.2. It addresses topics of interest to NE. NE is interested in the Proposed Scheme in their capacity as the statutory nature conservation agency (SNCA) in England.

1.3.3. NE are a consultation body as prescribed under section 42(1)(a) (duty to consult) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. In their role as SNCA they are responsible for providing advice to project promoters and consultation responses on relevant ecology and landscape matters in response to the Environmental Impact Assessment (EIA) scoping and

statutory consultation (including any Preliminary Environmental Information Report (PEIR)) processes, engagement on the development of the Environmental Statement and Habitats Regulations Assessment application documentation and participation in the Examination process.

- 1.3.4. In addition, NE are responsible for providing statutory advice to the Planning Inspectorate on any Appropriate Assessment produced by the Planning Inspectorate, in accordance with Regulation 63(3) of the Conservation of Habitats and Species Regulations (2017, as amended).
- 1.3.5. Section 3 summarises the topics of relevance to this SoCG and Section 4 then details whether matters are agreed, not agreed or under discussion between the Parties.
- 1.3.6. In respect of matters relevant to the Proposed Scheme but not referred to in this SoCG, NE has no further comments to make at this point. It may have further or additional comments to make, particularly if further information about the project becomes available.
- 1.3.7. Following the Applicant's consultation on the Proposed Changes to the Application, and the acceptance of them into the Examination by the Examining Authority, NE is currently reviewing the additional information provided in respect of the Proposed Changes, which will be expressed through the Relevant Representation process currently being undertaken. Therefore, the statements in the SoCG do not apply to the application inclusive of those Proposed Changes at this stage.
- 1.3.8. Section 3 summarises the topics of relevance to this SoCG and Section 4 then details whether matters are agreed, not agreed or under discussion between the Parties.
- 1.3.9. The SoCG is a document which will evolve during the pre-application and examination stages and conclude with a version which confirms the Parties' positions on relevant matters before the close of the Examination.
- 1.3.10. This SoCG has been prepared in accordance with the DCLG Guidance.

## 2. RECORD OF ENGAGEMENT UNDERTAKEN TO DATE

### 2.1. RECORD OF ENGAGEMENT

2.1.1. The tables below set out a summary of the key meetings and correspondence between the Parties in relation to the Proposed Scheme.

**Table 2.1 – Schedule of Meetings and Correspondence during the Pre-application Stage**

Date	Form of Contact	Summary
<b>February - November 2021</b>	Multiple emails and phone calls	The Applicant sought NE's advice by way of a Discretionary Advice Service Request. NE were unable to provide DAS advice at this time.
<b>10 December 2021</b>	Letter (by email)	Letter from NE to The Applicant, comprising NE's response to the S42 consultation request. NE provided advice and raised points in relation to air quality, ecology and biodiversity, landscape and visual impact assessment, and the water environment.
<b>7 January 2022</b>	Phone	Phone call between NE and the Applicant to arrange a future meeting to discuss the S42 consultation responses in relation to the PEIR. The Applicant also indicated that an application to use the Great Crested Newt (GCN) District Level Licence (DLL) would be sought. NE stated that they would need time to consider availability for a future meeting. NE requested that any discussion points should be sent via email with any future meeting likely to require a DAS.
<b>January to February 2022</b>	Multiple emails	The Applicant provided a list of topics in an email to NE that would form part of a future call, followed by continued discussions between NE and the Applicant to set up meeting.
<b>25 February 2022</b>	Teleconference	A meeting was had between NE and the Applicant to discuss matters including peregrine falcon, BMV agricultural land, BNG and SoCG.
<b>29 March 2022</b>	Email	The Applicant emailed meeting minutes from the teleconference on 25 February along with supporting documents for NE's review. This

<b>Date</b>	<b>Form of Contact</b>	<b>Summary</b>
		included a Nitrate-phosphate limitation note, additional detail on ALC methodology and the Applicant's approach to BNG.  The Applicant also requested a follow up meeting in early April.
<b>March to May 2022</b>	Multiple emails	NE and the Applicant continued to engage in discussions around use of DAS service.
<b>12 April 2022</b>	Email	The Applicant issued a briefing note on BNG and indicated that an additional DAS request was being progressed.
<b>5 May 2022</b>	Email	NE issued their DAS response to the Applicant.

**Table 2.2 – Schedule of Meetings and Correspondence during the Pre-Examination and Examination Stages**

<b>Date</b>	<b>Form of Contact</b>	<b>Summary</b>
<b>12 July 2022</b>	Email	The Applicant informed NE that the ExA would shortly be asking NE and other consultees to provide relevant representations in relation to the application, which would include a review of the HRA.
<b>July 2022</b>	Email	NE and the Applicant continued discussions relating to the DAS advice and in relation to the submitted DCO application, including confirmation of acceptance on the 21 July.
<b>1 August 2022</b>	Email	NE stated that they were no longer able to provide advice on the submitted DCO application via DAS in advance of producing their Relevant representation. NE and the Applicant agreed to continue working together and to set up a meeting after the Relevant Representations had been published. NE also agreed to issue a copy of their Relevant Representation to the Applicant in parallel with issuing it to PINS. NE suggested that any further DAS meetings and other engagement be

<b>Date</b>	<b>Form of Contact</b>	<b>Summary</b>
		postponed until their statutory Relevant Representation response was submitted.
<b>6 September 2022</b>	Email	NE issued their relevant representations to the Applicant. NE indicated that they were seeking advice from their air quality specialists on the air quality assessment. NE indicated that a response would follow shortly.
<b>14 September 2022</b>	Teleconference	A teleconference between NE and the Applicant was held to discuss ecology matters relating to NE's relevant representation responses and SoCG.
<b>23 September 2022</b>	Email	NE issued the second version (Version 1.2) of their relevant representation responses to the Applicant including air quality comments.
<b>25 October 2022</b>	Email	The Applicant issued a briefing note with queries and additional information relating to operational air quality effects of the Proposed Scheme. This included modelling of air quality impacts on proxy habitats for the River Derwent, as per NE's request in their Relevant Representation.
<b>26 October 2022</b>	Teleconference	NE and the Applicant held a meeting to discuss the ecological effects of the Proposed Scheme's air quality impacts. The SoCG and Relevant Representation responses were also discussed, including the accelerated deadline of the 11 November. NE and the Applicant agreed to work together to address as many unresolved issues prior to the 11 as possible. The Applicant confirmed they would issue a draft SoCG as soon as possible, with the Applicant's draft response to the NE Relevant Representation to follow as soon as possible after that. NE requested sight of both documents at the same time, which the Applicant stated they would try to achieve.



Date	Form of Contact	Summary
<b>October – November 2022</b>	Emails	Agreement of Revision 01 of the Statement of Common Ground.
<b>10 November 2022</b>	Emails	The Applicant issued a draft of their response to the NE Relevant Representation, to NE. NE confirmed receipt. The Applicant and NE agreed that the SoCG would remain as drafted prior to 10 November, as there was insufficient time for this to be revised in advance of the 11 November Deadline for submission of draft SoCG to PINS.
<b>06 December 2022</b>	Email	NE raised a drafting query on the Applicant’s response to the NE Relevant Representation. This related to Natural England key issue 18 (clarification on scenarios used to assess the impacts from aerial emissions on designated sites, as set out in Table 1 of AS-011). The Applicant responded confirming the location in the RR response where the information was contained in the Applicant’s Response to Relevant Representations (AS-038).
<b>09 December 2022</b>	Email	<p>NE provided further advice to the Applicant, in response to the Applicant’s response to the NE Relevant Representation. This confirmed NE’s agreement with the Applicant, to the following areas that had previously been identified as ‘under discussion’ in the SoCG between NE and the Applicant (AS-032):</p> <ul style="list-style-type: none"> <li>• Air Quality impacts from construction traffic on the Humber Estuary designated sites (NE Key Issue reference 18 from Table 1 of AS-011);</li> <li>• Impacts from potential loss of functionally linked land in the off-site habitat provision are (NE Key Issue reference 2 from Table 1 of AS-011);</li> </ul>

Date	Form of Contact	Summary
		<ul style="list-style-type: none"> <li>• Protected species - badger (NE Key Issue reference 9 from Table 1 of AS-011);</li> <li>• Protected species – bats NE Key Issue reference 10 from Table 1 of AS-011);</li> <li>• Impacts on Habitats of Principal Importance, specifically reedbeds, under the NERC Act 2006 (NE Key Issue reference 13 from Table 1 of AS-011);</li> <li>• Decommissioning Environmental Management Plan (NE Key Issue reference 42 from Table 2 of AS-011); and</li> <li>• Mechanism by which the Proposed Scheme would secure 10% BNG (NE Key Issue reference 38 from Table 2 of AS-011);</li> </ul> <p>NE also confirmed that other areas not specifically identified as being resolved, were still under discussion from their perspective. NE also confirmed that they were expecting to issue further advice to the Applicant in relation to Agricultural Land and Soils and Operational Air Quality on 16 December 2022.</p>
15 December 2022	Email	<p>NE provided further advice to the Applicant, in response to the Applicant’s response to the NE Relevant Representation. This confirmed NE’s agreement with the Applicant, to the following areas that had previously been identified as ‘under discussion’ in the SoCG between NE and the Applicant (AS-032):</p> <ul style="list-style-type: none"> <li>• Agreement that it was not reasonable for IEMA guidelines published in March 2022 (after the methodology for the Ground Conditions assessment had been established including through consultation) to be followed (NE Key</li> </ul>

Date	Form of Contact	Summary
		<p>Issue reference 16 from Table 1 of AS-011);</p> <ul style="list-style-type: none"> <li>• Agreement by NE to the scope of Agricultural Land Classification (ALC) surveys proposed and completed by the Applicant (NE Key Issue reference 16 from Table 1 of AS-011);</li> <li>• Agreement that applying the ICE guidelines for ALC EIA did not alter the findings of the Applicant’s assessment, with the impacts on ALC not significant under both the ICE and the Applicant’s methodology; and</li> <li>• Agreement that the Soil Management Handling Plan will in part be informed by the habitat and landscape plans for the Habitat Provision Areas, to be developed at the detailed design stage.</li> </ul> <p>The Applicant responded to NE, acknowledging receipt of the NE email.</p>
<p><b>16 – 18 December 2022</b></p>	<p>Email, including letter by email</p>	<p>NE provided further advice to the Applicant, in response to the Applicant’s response to the NE Relevant Representation. This confirmed NE’s agreement with the Applicant, to the following areas that had previously been identified as ‘under discussion’ in the SoCG between NE and the Applicant (AS-032):</p> <ul style="list-style-type: none"> <li>• Air Quality impacts from construction traffic on the Humber Estuary designated sites (NE Key Issue reference 18 from Table 1 of AS-011), with additional detail provided by NE relative to their 09 December response;</li> <li>• Air quality impacts on the qualifying interest fish and otter features of the River Derwent SAC will not be significant (NE Key Issue reference 20 &amp; 25 from Table 1 of AS-011); and</li> </ul>

Date	Form of Contact	Summary
		<ul style="list-style-type: none"> <li>Acceptance of the justification provided regarding the proposed technology to be used to achieve the operational emissions abatement and the measures for securing the currently proposed mitigation for operational emissions (NE Key Issue reference 22 &amp; 26 from Table 1 of AS-011).</li> </ul> <p>The response from NE also confirmed that other aspects of the assessment of operational air quality effects remain to be resolved, and as such remain under discussion between NE and the Applicant. The Applicant responded to NE, acknowledging receipt of the NE email.</p>
<b>04 January 2022</b>	Email	The Applicant provided NE with a summary of updated modelling of air quality impacts on statutory designated sites. This had been produced following a review of achievable emissions control measures for the Proposed Scheme, which enabled further reductions in the emission rate of sulphur dioxide (SO <sub>2</sub> ) from the proposed BECCS units. The reduction in SO <sub>2</sub> emissions led to a corresponding reduction in acid deposition from the Proposed Scheme.
<b>6 January – 2 February 2023</b>	Emails	Agreement of Revision 02 of the Statement of Common Ground.
<b>16 February 2023</b>	Email	The Applicant issued Appendix 7 of the HRA Report (HABITATS REGULATIONS ASSESSMENT: SAC HABITAT MONITORING, REP2-107) to Natural England.
<b>23 February 2023</b>	Teleconference	Meeting between Natural England, Environment Agency, and the Applicant. The Applicant gave a presentation on the proposed approach to securing 10% BNG for rivers and streams, through supporting the Black Brook restoration scheme, to be delivered by the Calder and Colne Rivers Trust.

Date	Form of Contact	Summary
21-22 March 2023	Emails	NE requested clarification on several points relating to the assessment of operational air quality effects on ecological sites, on 21 March. The Applicant responded to these points on 22 March by email and in a response document. NE also confirmed that the Applicant did not need to update the BNG assessment to use the BM4.0 metric and should continue to use the BM3.1 metric for the duration of the Proposed Scheme.
03 April 2023	Teleconference	Meeting between Natural England and the Applicant. Review of Natural England's remaining 'Amber' topics from Table 1a of Natural England's updated comments in respect of Drax Bioenergy with Carbon Capture and Storage Project, promoted by Drax Power Limited (REP4-041)
March to April 2023	Emails	Correspondence pursuant to agreement of Revision 03 of the Statement of Common Ground, and in relation to updates to the Applicant's and Natural England's position following ISH3 (Environmental Matters) on 22 March.  Agreement of Revision 03 of the Statement of Common Ground.

### **3. SUMMARY OF TOPICS COVERED BY THIS STATEMENT OF COMMON GROUND AND RELEVANT DOCUMENTS**

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#### **3.1. TOPICS COVERED IN THIS STATEMENT OF COMMON GROUND**

3.1.1. The following topics discussed between the Parties are covered by this SoCG:

- Best and most versatile agricultural land;
- Air quality;
- Ecology; and
- Landscape and visual impact.

3.1.2. The Applicant notes the list of topics that the ExA has requested (Rule 6 Letter, PD-008) be included in this SoCG between the Applicant and Natural England. The Applicant and Natural England consider that whilst the SoCG is not presented on the basis of those headings (see Section 4), these matters are fully addressed in this SoCG. The Applicant and Natural England also wish to clarify that matters relating to the ecological assessment of Noise and Vibration are agreed.

#### **3.2. RELEVANT DOCUMENTS FOR THIS STATEMENT OF COMMON GROUND**

3.2.1. Table 3.1 provides a list of documents of particular relevance to this SoCG. This list will be updated to keep a record of the most recent version of the relevant document.

**Table 3.1 – List of Relevant Application Documents for this SOCG**

<b>Document Reference</b>	<b>Document Name</b>
<b>APP-037 – APP-178</b>	6.1 – 6.4 Environmental Statement
<b>REP4-022</b>	3.1 Draft Development Consent Order (Clean) - Rev 6
<b>REP3-007</b>	6.5 Register of Environmental Actions and Commitments (Clean) - Rev 2 - Accepted at the discretion of the Examining Authority
<b>AS-011</b>	Natural England's Relevant Representations Version 1.2 – Accepted at the discretion of the Examining Authority
<b>AS-038</b>	8.3 Applicant's Response to Relevant Representations and Additional Submissions - Rev 1 - Accepted at the discretion of the Examining Authority

<b>Document Reference</b>	<b>Document Name</b>
<b>AS-045</b>	Change Request - 8.5.1 Proposed Changes Application Report - Accepted at the discretion of the Examining Authority
<b>AS-053</b>	Change Request - 8.5.3.4 Appendix 4 - Ecological Walkover Technical Note - Proposed Changes - Accepted at the discretion of the Examining Authority
<b>AS-094</b>	6.6.1 Outline Landscape and Biodiversity Strategy - Volume 1 - Main Text (Clean) – Rev: 02 - Accepted at the discretion of the Examining Authority
<b>REP2-034</b>	Deadline 2 Submission - 6.3.6.5 Environmental Statement - Volume 3 - Appendix 6.5: Operational Phase Air Quality Results Tables: Ecological Receptors (Clean) - Rev 3
<b>REP2-065</b>	Deadline 2 Submission - 8.9.5 WQ1 Appendix 5 – Air Quality Technical Note 2 - Rev 1
<b>REP2-101</b>	Deadline 2 Submission - 6.8.1 Habitats Regulations Assessment - Volume 1 - Main Text (Clean) - Rev 2 - Late submission accepted at the discretion of the Examining Authority
<b>APP-186 – APP-188</b>	6.8.2.1 Habitats Regulations Assessment - Volume 2 - Figures 1 to 3
<b>APP-189 – APP-190; APP-193 – APP-194</b>	6.8.3.1 Habitats Regulations Assessment - Volume 3 – Appendices 1 to 2 and 5 to 6
<b>REP2-103</b>	Deadline 2 Submission - 6.8.3.3 Habitats Regulations Assessment - Volume 3 - Appendix 3: Screening Matrices (Clean) - Rev 2 - Late submission accepted at the discretion of the Examining Authority
<b>REP2-105</b>	Deadline 2 Submission - 6.8.3.4 Habitats Regulations Assessment - Volume 3 - Appendix 4: Adverse Effect Matrices (Clean) - Rev 2 - Late submission accepted at the discretion of the Examining Authority
<b>REP2-107</b>	Deadline 2 Submission - 6.8.3.7 Habitats Regulations Assessment - Volume 3 - Appendix 7: SAC Habitat Monitoring

<b>Document Reference</b>	<b>Document Name</b>
	- Rev 1 - Late submission accepted at the discretion of the Examining Authority
<b>REP3-009</b>	Habitats Regulations Assessment - Volume 3 - Appendix 8: Lower Derwent Valley Habitats and Soil Analysis - Rev 1
<b>REP3-010</b>	Biodiversity Net Gain Assessment – Rev 2
<b>REP3-016</b>	Deadline 3 Submission - 8.7 Draft Section 106 Agreement (Draft) (Clean) - Rev 2
<b>REP4-002</b>	Deadline 4 Submission - 6.3.18.5 Environmental Statement - Volume 3 - Appendix 18.5: Cumulative Assessment Matrix (Clean) - Rev 3
<b>REP4-041</b>	Natural England - Deadline 4 Submission - Update to Written Representation
<b>REP2-060</b>	Deadline 2 Submission - 8.9 Applicant's Responses to Examining Authority's First Written Questions - Rev 1
<b>REP2-085</b>	Natural England - Deadline 2 Submission - Written Representation and Responses to the Examining Authority's written questions (ExQ1)



## 4. CURRENT POSITION

### 4.1. BEST AND MOST VERSATILE AGRICULTURAL LAND

Table 4.1 - Best and Most Versatile Agricultural Land

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
4.1.1	ES Study Area and Methodology	<p>The ES Study Area is described in full in Section 11.7 of Chapter 11 (Ground Conditions) of the ES (APP-047). The Methodology is described in full in Section 11.5 of Chapter 11 of the ES.</p> <p>DMRB guidance LA109 methodology has been stated as the assessment methodologies within the PEIR, no comment has been provided on this approach by NE within the S42 Response.</p> <p>Please see response Ref 5.7 within the Relevant Representation response (AS-038) for a comparison of the methodology used within Ch11 of the ES (APP-047) against the methodology outlined within the ICE (2019) EIA Handbook. The comparison concludes that no change to the assessment would</p>	<p>The ALC survey methodology presented in the Soil Resource and Agricultural Land Classification Survey (APP-158) is robust, however, coupled with the available Post-1988 ALC survey data, does not provide complete coverage of the agricultural land subject to disturbance from the proposed development within the project boundary (Figure 11.2).</p> <p>NE welcomes the Applicant's commitment to undertake further ALC surveys this year (2023) and the provision of the additional ALC data for the Off-site Habitat Provision Area.</p> <p>The EIA should be in line with the methodology presented in the ICE (2019) EIA handbook. Consideration of the development impacts on the soil resource and soil function should</p>	Agreed

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
		<p>be produced by applying ICE (2019) EIA Handbook methodology.</p> <p>Please see response Ref 5.5 within the Relevant Representation response in relation to the use of IEMA guidelines (2022).</p> <p>Notwithstanding this comment, it should be noted that soil function is assessed within Chapter 11 of the ES (APP-047).</p>	<p>also be considered (IEMA guidelines (2022)).</p> <p>Natural England acknowledges that the IEMA guidance regarding soils was published in March 2022 after the assessment methodology for the Drax BECCS DCO had been established through the Scoping and PEIR.</p> <p>Natural England welcomes the Applicant's comparison of the ALC EIA methodologies, as set out in row 5.7 of Table 5.1 of the Applicants Response to Relevant Representations (AS-038). The ICE (2019) EIA Handbook Magnitude assessment relates to the area of permanent and temporary loss, and does not include ALC grades. However, Natural England acknowledge that the effect of using either methodology remains not significant.</p> <p>Following the additional information provided by the Applicant in their Responses to Relevant Representations and Additional</p>	

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
			Submissions (AS-038), Natural England now considers this matter agreed.	
4.1.2	ES Baseline	<p>The Applicant set out the baseline in Section 11.7 of Chapter 11 (Ground Conditions) of the ES (APP-047). Please see response Ref 5.23 within the Relevant Representation response in relation to ALC survey and temporary land take calculation.</p> <p>The Applicant intends to complete additional ALC survey work of the on-site Habitat Provision Area in 2023, as set out in row 5.6 of Table 5.1 in the Applicant’s Response to Relevant Representations and Additional Submissions (AS-038).</p>	<p>The ALC Grade should be calculated for all agricultural land (or land which was last used for agricultural use) subject to proposed development or disturbance to inform soil management and sustainable re-use.</p> <p>A detailed ALC field survey should be undertaken on the southern tip of the On-Site Habitat Provision Area to inform soil management and sustainable re-use, as at present it remains un-surveyed. Two areas of land subject to the ALC survey (eastern parcel and central parcel) have not been assigned an ALC Grade based on their current non-agricultural land use. The ALC Grade is not based on the current land use or cropping of the land, but the inherent capability of the land. The ALC Grade should also be calculated for the western parcel with the data presented in Appendix 11.2.</p>	Agreed

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
			<p>NE welcomes the Applicant's commitment to undertake further ALC surveys this year (2023) and use this information to inform the habitat and landscaping plan to be developed for the Habitat Provision Area. We advise that the information from these ALC surveys should also feed into the Soil Management Plan, where appropriate. Natural England welcome the Applicant's clarification of the ALC Grade of the Fallow Field (Off-Site Habitat Provision Area).</p> <p>Subject to the provision of the additional reporting and ALC survey of the On-site Habitat Provision Area by the Applicant, NE now consider this matter agreed.</p>	
4.1.3	Predicted Impacts	The Applicant set out the predicted impacts in Section 11.4 (Scope of the Assessment) and Section 11.9 (Preliminary Assessment of Likely Impacts and Effects) in Chapter 11 (Ground Conditions) of the ES (APP-047).	NE agree with the predicted impacts as outlined in Section 11.4 (Scope of the Assessment) and Section 11.9 (Preliminary Assessment of Likely Impacts and Effects) in Chapter 11 (Ground Conditions) of the ES (APP-047).	Agreed

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
4.1.4	Design, Mitigation and Enhancement Measures	<p>The Applicant set out the design, mitigation and enhancement measures in Section 11.10 in Chapter 11 (Ground Conditions) of the ES (APP-047).</p> <p>Please see row 5.8 of Table 5.1 within the Applicant’s Response to Relevant Representations and Additional Submissions (AS-038) response in relation to comment regarding inappropriate soil handling. The REAC (REP3-007) has been updated to reflect Natural England’s Relevant Representation at ID GC2. The mitigation within the REAC will be secured by requirements in the DCO including the requirement for a Soil Management Handling Plan to be produced as part of the CEMP for the Proposed Scheme.</p>	<p>Regarding Schedule 2 Requirement 14 NE highlight that additional information regarding sustainable soil management should be included within the Soil Handling Management Plan as part of the CEMP (NE Key issue reference 17).</p> <p>Natural England welcome the Soil Management Handling Plan (included in the CEMP (as referred to in REAC item GC2)) will in part be informed by the habitat and landscape plan for the Habitat Provision Area, which will be developed at the detailed design stage.</p> <p>Subject to the securing of the REAC via the DCO, Natural England now consider this matter agreed.</p>	Agreed
4.1.5	Residual Effects	<p>The Applicant set out the assessment of likely significant effects in Section 11.11 in Chapter 11 (Ground Conditions) of the ES (APP-047) and</p>	<p>NE agree with the residual effects assessment in Section 11.11 in Chapter 11 (Ground Conditions) of the ES (APP-047).</p>	Agreed

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
		confirms residual effects are not significant.		
4.1.6	Relevant dDCO Requirements/Articles	<p>Schedule 2 of the dDCO (REP4-022) includes Requirements that secure mitigation and enhancement measures for Ground Conditions receptors.</p> <p>The dDCO includes a commitment to implement a CEMP that will be approved by the relevant local planning authority and regulatory bodies, which includes construction mitigation measures, as detailed in Chapter 11 (Ground Conditions) of the ES (APP-047) and set out in the REAC (REP3-007).</p> <p>Relevant Requirements include Requirement 14 – CEMP which will include a Soil Handling Management Plan.</p> <p>Please see response Ref 5.8 within the Applicant’s Response to Relevant Representations and Additional Submissions.</p>	<p>Natural England welcome the Soil Management Handling Plan (included in the CEMP (as referred to in REAC item GC2)) will in part be informed by the habitat and landscape plan for the Habitat Provision Area, which will be developed at the detailed design stage.</p> <p>Subject to the securing of the REAC via the DCO, Natural England now consider this matter agreed.</p>	Agreed

## 4.2. AIR QUALITY

Table 4.2 - Air Quality

Ref	Description of Matter	Applicant – Current Position	NE – Current Position	Position
4.2.1	ES Study Area	<p>The ES Study Area is described in full in Section 6.6 of Chapter 6 (Air Quality) of the ES (APP-042). The methodology is described in full in Section 6.5 of Chapter 6 of the ES.</p> <p>The Applicant notes NE’s advice that potential LSE on the Humber Estuary designated sites from Construction traffic emissions be considered in more detail. The Applicant remains of the view that LSE would not arise from use of this construction traffic route. This is due to the height of the bridge (approximately 30m above ground level) and the consequent extra dispersal of emissions before they reach the habitats underneath, the low sensitivity of the habitats present (unvegetated mudflats and grazing marsh), and the fact that traffic flows reported</p>	<p>NE agree with the list of statutory designated sites and have no further concerns on the Study Area other than in relation to construction traffic (see below), which have now been agreed.</p> <p>NE advised in their RR ‘that the potential for likely significant effects from traffic emissions on the Humber Estuary designated sites, alone and in-combination, is considered in more detail in the HRA’. NE’s concerns related to emissions from construction traffic using the M62 to access the Proposed Scheme from the north-east. NE’s position was set out fully in Table 1, Key Issue 1 of their RR.</p> <p>Following the additional information provided by the Applicant in their Response to Relevant Representations and Additional</p>	Agreed

Ref	Description of Matter	Applicant – Current Position	NE – Current Position	Position
		<p>in the ES are averaged peak monthly flows rather than Average Annual Daily Traffic (AADT) flows. The Applicant provided initial material to NE relating to this on a call on the 25 and 26 October. Additional material was provided in the Applicant's Response to Relevant Representations and Additional Submissions (row 5.13 of Table 5.1, AS-038).</p>	<p>Submissions, Natural England now agree there would be no Likely Significant Effect or risk of damage to the Humber Estuary SAC, SPA, Ramsar Site, and Site of Special Scientific Interest arising from emissions from construction traffic alone or in combination.</p>	
4.2.2	ES Methodology – dispersion modelling	<p>The methodology is described in full in Section 6.5 of Chapter 6 (Air Quality) of the ES (APP-042). The Applicant notes NE's request for clarification on the Scenarios used to assess the impacts from aerial emissions on designated sites (NE Key Issues ID 18 and 23). The Applicant has provided an explanation in response to NE's queries in Appendix B of the Applicant's Response to Relevant Representations and Additional Submissions (AS-038).</p>	<p>NE welcomes the provision of additional information by The Applicant, as set out in Appendix B of their Response to Relevant Representations and Additional Submissions. Natural England now consider this matter agreed.</p>	Agreed



Ref	Description of Matter	Applicant – Current Position	NE – Current Position	Position
4.2.3	ES Baseline	<p>The designated sites relevant to the Air Quality assessment are set out in Section 8.5 of the Ecology Chapter of the ES (APP-044).</p> <p>In determining the relevant ecological baseline for the assessment of air quality effects, the Applicant has had regard to the relevant Environment Agency advice (<i>Air emissions risk assessment for your environmental permit</i> (2021, Sept 3)).</p>	NE agree with the list of designated ecological sites that have been included in the Operational Air Quality Assessment.	Agreed
4.2.4	Predicted Impacts	<p>The Applicant's assessment of air quality impacts is set out in Sections 6.9, Section 6.11, and Section 6.12 in the Air Quality chapter of the ES (APP-042). The Applicant's Assessment of air quality effects on designated sites is set out in the Ecology chapter of the ES (APP-044).</p> <p>Air quality effects on designated sites are discussed in the Ecology</p>	NE agree with the approach to predicting impacts set out in the ES.	Agreed

Ref	Description of Matter	Applicant – Current Position	NE – Current Position	Position
		section of this SoCG, and are not considered further here.		
4.2.5	Design, Mitigation and Enhancement Measures	<p>The Applicant has proposed mitigation measures to address construction and operational phase air quality impacts.</p> <p>These are set out in Section 6.10 in the Air Quality chapter of the ES (APP-042). The Applicant has since reviewed the levels of SO<sub>2</sub> emissions abatement that can be achieved for the proposed CCS units. This has enabled a further post-mitigation reduction in the SO<sub>2</sub> emissions from the CCS units, which in turn leads to a reduced contribution to acid deposition from the Proposed Scheme. This in turn reduces acid deposition to the assessed designated sites. The Applicant has submitted additional information into the Examination confirming the additional abatement that can be achieved and the corresponding reductions in acid deposition onto</p>	<p>NE agree with the proposed construction-phase mitigation measures (see Key Issue 5 in Table 1 of our Relevant Representation), subject to the necessary mitigation measures being secured via the DCO and consider the proposed mitigation measures adequate to address construction-phase air quality effects.</p> <p>The further information provided on the proposed operational emissions abatement mitigation and its implementation is welcome.</p> <p>The reduction in permitted concentrations of sulphur dioxide is noted, and that the realistic worst-case scenario is based on these revised permit limits. The monitoring, recording and reporting to the regulator (Environment Agency) is considered appropriate to ensure emissions from the plant itself remain within the assumed emissions used in the assessments.</p>	Under discussion

Ref	Description of Matter	Applicant – Current Position	NE – Current Position	Position
		<p>designated sites (REP2-065; REP2-034).</p> <p>The Applicant considers the mitigation measures appropriate and deliverable, and that they will be effective in addressing the air quality effects of the Proposed Scheme and avoiding significant adverse air quality effects.</p> <p>Construction measures are secured via the DCO requirement for a CEMP to be produced in line with the measures in the REAC.</p> <p>Operational measures will be secured via the permit variation for Drax.</p> <p>Further information relating to the ecological assessment of air quality effects is provided in the Ecology Section of this SoCG.</p> <p>The Applicant has also provided additional information in row 5.34 of Table 5.1 of the Applicant’s Responses to Relevant Representations and Additional Submissions (AS-038) and in the latest updates to the HRA Report (REP2-101).</p>	<p>Natural England agree with the Applicant that the technology to be used to achieve the currently proposed operational emissions abatement is appropriate. Natural England also agree that the methods for securing this are appropriate.</p> <p>Although monitoring at the protected sites is recommended, for the reasons listed in the Ecology section of this SoCG, it is agreed that such monitoring is not a required measure to be included in the DCO.</p> <p>We also remain in discussion with the Applicant regarding the assessment of effects of cumulative operational emissions leading to acid deposition on Barn Hill Meadows SSSI only, and hence the need for additional mitigation cannot be completely ruled out in relation to Barn Hill Meadows SSSI. No additional mitigation is considered to be required for any other statutory designated site.</p> <p>NE notes that the Applicant is preparing additional information in relation to the assessment of</p>	

Ref	Description of Matter	Applicant – Current Position	NE – Current Position	Position
		<p>The Applicant welcomes Natural England’s agreement that no further mitigation measures beyond those specified in Section 4.1 of the HRA Report are required, in order to conclude there would be no adverse effects on the integrity of any European Site.</p>	<p>cumulative acid deposition Barn Hill Meadows SSSI, and looks forward to receiving this in due course.</p>	
4.2.6	Residual Effects	<p>With the application of the proposed mitigation measures, the Applicant considers there would be no significant residual effects arising from Construction or Operational phase air quality impacts, with the exception of Barn Hill Meadows SSSI cumulatively with other plans and projects following the incorporation of Development 92 into the cumulative air quality modelling (see Appendix 18.5 of Chapter 18 of the ES, Cumulative Assessment Matrix REP4-002 – updated at Deadline 4). The Applicant also maintains their position as reported in the HRA Report, that there would be no</p>	<p>NE now agree with the Applicant regarding the finding of no adverse effects on integrity / no significant effects for all European Sites and for all nationally designated sites other than Barn Hill Meadows SSSI (see NE key issues 19 – 22, 30, 27, 24, 25, 26, and 31, in Table 1A of our Deadline 4 Relevant Representation (Natural England’s updated comments in respect of Drax Bioenergy with Carbon Capture and Storage Project, promoted by Drax Power Limited; REP4-041).</p> <p>Natural England welcomes the provision of additional information in the Applicant’s Response to</p>	Under discussion

Ref	Description of Matter	Applicant – Current Position	NE – Current Position	Position
		<p>adverse effects on the integrity of any European Site arising from Construction or Operational phase air quality impacts. This is set out in Section 6.11 in the Air Quality chapter of the ES (APP-042), Section 8.11 of the Ecology chapter of the ES (APP-044), and the Habitats Regulations Assessment Report (REP2-101, as supported by REP2-103, REP2-105, REP2-107, and REP3-009). The Applicant notes and welcomes Natural England’s agreement of the findings of no adverse effect on integrity and no adverse significant effects to any statutory designated site, as set out in Table 1a of their Deadline 4 Relevant Representation (Natural England’s updated comments in respect of Drax Bioenergy with Carbon Capture and Storage Project, promoted by Drax Power Limited; REP4-041).</p> <p>The Applicant notes NE’s request for additional information pertaining to effects of operational</p>	<p>Relevant Representations and additional Submissions.</p> <p>We remain in discussion with the Applicant in relation to residual air quality effects (acid deposition) on Barn Hill Meadows SSSI. This is set out in more detail in Row 32 of Table 1A of our Deadline 4 Relevant Representation.</p> <p>Natural England discussed the broad information they would expect to see in any update to the Applicant’s updated assessment for Barn Hill Meadows SSSI at a meeting on 3 April 2023. Natural England notes that the Applicant is preparing additional information in relation to this matter and looks forward to receiving this in due course.</p>	

Ref	Description of Matter	Applicant – Current Position	NE – Current Position	Position
		<p>emissions on Barn Hill Meadows SSSI. The Applicant is in the course of gathering suitable information to update this assessment as per Natural England’s request, which may include the completion of site work, subject to securing access for surveys at Barn Hill Meadows SSSI. The Applicant is targeting Deadline 6 for the provision of this additional information. The Applicant will keep the ExA updated should this proposed timescale need to change for any reason.</p>		
4.2.7	Relevant dDCO Requirements/Articles	<p>Mitigation measures relevant to Air Quality during construction and decommissioning are secured via dDCO (REP4-022) Requirements 14 (Construction environment management plan) and 18 (Decommissioning environment management plan).</p> <p>The Applicant considers that these Requirements adequately secure the necessary mitigation</p>	<p>NE notes that the DCO does not currently secure the mitigation measures proposed to reduce operational air quality impacts. Following provision of the additional information in the Applicant’s Responses to Relevant Representations and Additional Submissions, Natural England acknowledges that the operational emissions abatement mitigation would be secured via the Applicant’s</p>	Under discussion

Ref	Description of Matter	Applicant – Current Position	NE – Current Position	Position
		<p>measures for Construction and Decommissioning phase air quality impacts. The Applicant welcomes NE’s broad agreement to the need for these Requirements, and their importance in securing mitigation measures included in the ES and HRA Report.</p>	<p>proposed variation to their Environmental Permit for the existing Power Station, regulated by the Environment Agency.</p> <p>As such Natural England agree with the Applicant that the technology to be used to achieve the currently proposed operational emissions abatement is appropriate. Natural England also agree that the methods for securing this are appropriate.</p> <p>However, we remain in discussion with the Applicant regarding the assessment of effects of operational emissions on Barn Hill Meadows SSSI, and hence the need for additional mitigation cannot be ruled out at this point in time, for this SSSI only. Therefore, the suitability of securing such additional mitigation measures via the environmental permit variation, not the DCO, cannot be confirmed at this stage.</p> <p>No additional mitigation or monitoring measures beyond those secured via the DCO and to be secured via the Environmental Permit are considered to be</p>	

Ref	Description of Matter	Applicant – Current Position	NE – Current Position	Position
			<p>necessary to avoid adverse effects on the integrity of European Sites. No additional mitigation or monitoring measures beyond those secured via the DCO and to be secured via the Environmental Permit are considered to be necessary to avoid adverse significant effects on any nationally designated sites other than Barn Hill Meadows SSSI.</p> <p>We note that the Applicant is preparing additional information in relation to the assessment of cumulative operational air quality effects on Barn Hill Meadows SSSI and looks forward to receiving this in due course.</p> <p>Natural England had recommended inclusion of monitoring of the protected sites – however we note and acknowledge the applicant's concerns, as outlined in BIO.1.27 in the applicant's responses to the Examining Authority's first written questions (REP2-060). It is understood that such monitoring would be unlikely to identify impacts</p>	



Ref	Description of Matter	Applicant – Current Position	NE – Current Position	Position
			<p>arising specifically from the proposed development, or to separate them from other impacts arising from elsewhere. As such, atmospheric or vegetation monitoring at the protected sites would not aim specifically to monitor environmental effects of the proposed scheme. Instead, it would provide support to the applicant's claims that acid deposition (and other pollution) in the area is decreasing, leading to improvement of the protected sites, and also that the precautionary assumptions within the modelling in the assessment were appropriate, to conclude that the conservation objectives of the protected sites would not be undermined (alone or in combination). Monitoring would provide confirmation of the continued reduction in impacts of atmospheric pollution at the protected sites, and any changes in plant communities resulting from that, rather than considering the proposed scheme specifically.</p>	

Ref	Description of Matter	Applicant – Current Position	NE – Current Position	Position
			However, it is accepted that this is not a necessary measure to ensure protection of the sites (as it would not be possible to attach to any “triggers” to highlight risk occurring requiring further protective measures to be employed) so will not require such a measure to be included in the DCO, but welcomes that the Applicant is willing to discuss this issue further with Natural England as a separate matter.	

### 4.3. ECOLOGY

**Table 4.3 - Ecology**

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
4.3.1	ES Study Area	The Study Area for Ecology varies by receptor, and is set out in Section 8.6 of the Ecology chapter of the ES (APP-044).	NE agree with the Study Area used by the Applicant for ecological receptors, as set out in Section 8.6 of the Ecology chapter of the ES.	Agreed
4.3.2	ES Methodology	The assessment methodology for Ecology is set out in Section 8.4	NE has requested clarification on the methodology/scenarios used in the aerial emissions modelling that	Agreed

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
		<p>and 8.5 of the Ecology chapter of the ES (APP-044).</p> <p>The Applicant notes NE’s request for clarification on the methodology/scenarios used in the aerial emissions modelling that informs the assessment of operational air quality effects on designated sites. This has been provided in Row 5.30 and of Table 5.1 and Appendix B of the Applicant’s Response to Relevant Representations and Additional Submissions (AS-038).</p>	<p>informs the assessment of operational air quality effects on designated sites. Our request is set out in full in our Relevant Representation (Table 1, Key Issues 18 and 23). Natural England welcomes provision of the additional information on operational air quality modelling provided in the Applicant’s Responses to Relevant Representations and Additional Submissions. Key Issues 18 and 23 are now resolved and a matter of agreement with the Applicant.</p> <p>Following discussions, it is confirmed that Key Issue 10 from our Relevant Representation is resolved and a matter of agreement with the Applicant. Natural England no longer considers additional ecological survey information for bats is required.</p> <p>NE agree with the Methodology for the ecological impact assessment used by the Applicant, as set out in</p>	

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
			Section 8.4 and 8.5 of the Ecology chapter of the ES.	
4.3.3	ES Baseline	The baseline for Ecology is set out in Section 8.7 and 8.8 of the Ecology chapter of the ES (APP-044).	NE agree with the Ecology baseline as described in Sections 8.7 and 8.8 of the Ecology chapter of the ES.	Agreed
4.3.4	Predicted Impacts	<p>The impacts on Ecology are set out in Section 8.9, 8.11, and 8.12 of the Ecology chapter of the ES (APP-044) and in the Cumulative Effect Assessment Matrix (REP4-002). The assessment of effects on European Sites is considered in the HRA Report (REP2-101) and underpinning appendices, in particular REP2-103, REP2-105, REP2-107, and REP3-009.</p> <p>With the application of mitigation measures, as secured via Requirements 7, 10, 14, 15, 18, and 19 of the draft DCO (REP4-022), the Applicant has identified that there would be significant negative effects in the short term during</p>	<p>NE has advised that additional information is required to rule out the potential for significant negative effects on some ecological features, although following review of the latest information provided by the Applicant, the majority of Natural England’s previously identified key issues have now been resolved. Further to the additional information provided in the Applicant’s Responses to Relevant Representations and additional Submissions, the following matter remains outstanding and under discussion with the Applicant:</p> <ul style="list-style-type: none"> <li>• Operation-phase aerial emissions and resultant acid</li> </ul>	Under discussion

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
		<p>Construction/Decommissioning, for habitats, bats, breeding and wintering birds, terrestrial invertebrates, and vascular plants.</p> <p>With the application of mitigation measures, as secured via Requirements 7, 8, and 17 of the draft DCO, the Applicant has identified that there would be no significant negative effects on ecological receptors and some significant positive effects during Operation, including cumulatively with other plans and projects.</p> <p>The exception to this is in relation to Barn Hill Meadows SSSI. Following the incorporation of Development 92 into the cumulative dispersion (air quality) modelling (see Appendix 18.5 of Chapter 18 of the ES, Cumulative Assessment Matrix REP4-002 – updated at Deadline 4), the potential for a minor magnitude impact on the SSSI has been identified. This is due to the additional contribution of</p>	<p>deposition cumulatively with other plans and projects on Barn Hill Meadows SSSI, (Key Issue 32 from Table 1a of our Deadline 4 Relevant Representation)</p> <p>NE agree with the outcome of the ecological impact assessment completed by the Applicant, as presented in Section 8.9, 8.11, and 8.12 of the Ecology chapter of the ES (APP-044) in the Cumulative Effect Assessment Matrix (REP4-002), and the updated HRA Report (REP2-101 and underpinning appendices) in all other respects, except where additional required updates have been identified and agreed with the Applicant, as set out in Key Issue 20, 27 and 30 from Table 1a of our Deadline 4 Relevant Representation</p> <p>In particular, the following areas that were previously under discussion with the Applicant and reported as ‘under discussion’ in Version 2 of this Statement of</p>	

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
		<p>Development 92 to acid deposition, which contributes up to 1.8% of critical load alone from operational traffic emissions. This raises the cumulative air quality impact from 1.8% to 3.6% of critical load for acid deposition. These increases decrease with distance from the roadside. The Applicant is preparing additional information in support of the assessment of effects on Barn Hill Meadows SSSI and intends to submit this into the Examination at Deadline 6.</p> <p>The Applicant notes and welcomes that Natural England and the Applicant have now been able to agree that there would be no adverse effects on the integrity of any European Sites arising from the Proposed Scheme, both alone and in-combination with other plans and projects. The Applicant also notes and welcomes that Natural England and the Applicant have now been able to agree that there would be no significant adverse</p>	<p>Common Ground, are now resolved, with Natural England agreeing no significant effects are likely to arise from:</p> <ul style="list-style-type: none"> <li>Operational emissions to air and their effects on acid deposition, nitrogen deposition, concentrations of NO<sub>x</sub>, and concentrations of NH<sub>3</sub> on all statutory designated sites other than Barn Hill Meadows SSSI (see NE key issues 19 – 22, 30, 27, 24, 25, 26, and 31, in Table 1A of our Deadline 4 Relevant Representation (Natural England’s updated comments in respect of Drax Bioenergy with Carbon Capture and Storage Project, promoted by Drax Power Limited; REP4-041);</li> <li>Impacts from loss of functionally-linked land in the vicinity of Work Number 8 that may be used by birds that are qualifying interests of the Humber Estuary</li> </ul>	

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
		effects on any nationally designated sites arising from the Proposed Scheme, both alone and cumulatively with other plans and projects, with the exception of Barn Hill Meadows SSSI.	<p>SPA/Ramsar/SSSI (Key Issues 27 and 28 from Table 1a of our Deadline 4 Relevant Representation);</p> <ul style="list-style-type: none"> <li>• Effects on badgers (key issue 9 from Table 1a of our Deadline 4 Relevant Representation).</li> </ul> <p>NE notes that the Applicant is preparing additional information relating to the assessment of cumulative acid deposition on Barn Hill Meadows SSSI, and looks forward to receiving this in due course.</p>	
4.3.5	Design, Mitigation and Enhancement Measures	Embedded design measures that avoid or reduce ecological and wider environmental impacts are set out in Chapter 2 of the ES (APP-042). Specific ecological mitigation measures are set out in Section 8.10 of the Ecology chapter of the ES (APP-044) and in the Cumulative Effect Assessment Matrix (REP4-002), and the HRA Report (REP2-101).	NE has advised in our Deadline 4 Representation (Natural England’s updated comments in respect of Drax Bioenergy with Carbon Capture and Storage Project, promoted by Drax Power Limited; REP4-041) that the majority of design, mitigation, and enhancement matters are now agreed between Natural England and the Applicant, subject to these being secured appropriately	Under discussion

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
		<p>Mitigation measures are summarised in the Register of Environmental Actions and Commitments (REAC) (REP3-007), and secured via Requirements 7, 8, 14, 15, 18, and 19 of the draft DCO (REP4-022), discussed in item 4.3.6 below.</p> <p>Mitigation/enhancement measures delivered in the off-site Habitat Provision Area would also be secured via a S106 agreement, whilst enhancement to deliver Biodiversity Net Gain (BNG) for rivers and streams will also be secured via S106 agreement, with the latest draft of this submitted at Deadline 3 (REP3-016).</p> <p>The Applicant also notes Natural England’s helpful comments in relation to the wording of REAC item E3 and has updated the wording of this item in the latest version of the REAC (6.5 – Rev-07 submitted at Deadline 5).</p>	<p>through the DCO and other mechanisms as appropriate.</p> <p>The only outstanding matter relates to the potential for additional mitigation pending additional assessment information relating to cumulative air quality impacts on the Barn Hill Meadows SSSI.</p> <p>Remaining matters under discussions in relation to the method of securing mitigation and enhancement measures are discussed at item 4.3.6 below.</p> <p>NE otherwise agree with the Design, Mitigation, and Enhancement measures, as presented in Section 8.10 of the Ecology chapter of the ES (APP-044) in the Cumulative Effect Assessment Matrix (REP4-002), and in the REAC (REP3-007) in all other respects.</p> <p>In particular, the following areas that were previously under discussion with the Applicant and</p>	



Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
			<p>reported as ‘under discussion’ in Version 2 of this Statement of Common Ground, are now resolved, with Natural England agreeing that the mitigation measures for the following are appropriate, or that no mitigation is required:</p> <ul style="list-style-type: none"> <li>• Mitigation measures for operational emissions to air are appropriate and appropriately secured, with the possible exception of measures relating to Barn Hill Meadows SSSI, pending additional assessment information which we await from the Applicant;</li> <li>• No mitigation measures are required in relation to functionally-linked land and potential disturbance to this from Work Number 8; and</li> <li>• That pre-construction surveys proposed in relation to badgers are appropriate as set out</li> </ul>	

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
			under Item E3 of the REAC (REP3-007).	
4.3.6	Residual Effects	<p>Residual effects on Ecology are set out in Section 8.11 and 8.12 of the Ecology chapter of the ES (APP-044) and in the Cumulative Effect Assessment Matrix (REP4-002).</p> <p>With the application of mitigation measures, as secured via Requirements 7, 10, 14, 15, 18, and 19 of the draft DCO (REP4-022), the Applicant has identified that there would be significant negative effects in the short term during Construction/Decommissioning, for habitats, bats, breeding and wintering birds, terrestrial invertebrates, and vascular plants.</p> <p>With the application of mitigation measures, as secured via Requirements 7, 8, and 17 of the draft DCO, the Applicant has identified that there would be no significant negative effects on ecological receptors and some</p>	<p>NE has advised that additional information is required to rule out the potential for significant negative effects on some ecological features. In summary, we have advised that further information is needed in relation to the following:</p> <ul style="list-style-type: none"> <li>• Operation-phase aerial emissions and resultant acid deposition cumulatively with other plans and projects on Barn Hill Meadows SSSI, (Key Issue 32 from Table 1a of our Deadline 4 Relevant Representation);</li> </ul> <p>NE agree with the outcome of the ecological impact assessment completed by the Applicant, as presented in Section 8.9, 8.11, and 8.12 of the Ecology chapter of the ES (APP-044) in the Cumulative Effect Assessment Matrix (REP4-002), and the updated HRA Report</p>	Under discussion

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
		<p>significant positive effects during Operation, including cumulatively with other plans and projects.</p> <p>The exception to this is in relation to Barn Hill Meadows SSSI. Following the incorporation of Development 92 into the cumulative dispersion (air quality) modelling (see Appendix 18.5 of Chapter 18 of the ES, Cumulative Assessment Matrix REP4-002 – updated at Deadline 4), the potential for a minor magnitude impact on the SSSI has been identified. This is due to the additional contribution of Development 92 to acid deposition, which contributes up to 1.8% of critical load alone from operational traffic emissions. This raises the cumulative air quality impact from 1.8% to 3.6% of critical load for acid deposition. These increases decrease with distance from the roadside. The Applicant is preparing additional information in support of the assessment of</p>	<p>(REP2-101 and underpinning appendices) in all other respects, except where additional required updates have been identified and agreed with the Applicant, as set out in Key Issue 20, 27 and 30 from Table 1a of our Deadline 4 Relevant Representation.</p> <p>In particular, the following areas that were previously under discussion with the Applicant and reported as ‘under discussion’ in Version 2 of this Statement of Common Ground, are now resolved, with Natural England agreeing no significant effects are likely to arise:</p> <ul style="list-style-type: none"> <li>Operational emissions to air and their effects on acid deposition, nitrogen deposition, concentrations of NO<sub>x</sub>, and concentrations of NH<sub>3</sub> on all statutory designated sites other than Barn Hill Meadows SSSI (see NE key issues 19 – 22, 30, 27, 24, 25, 26, and 31, in Table 1A of our Deadline 4</li> </ul>	

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
		<p>effects on Barn Hill Meadows SSSI and intends to submit this into the Examination at Deadline 6.</p> <p>The Applicant notes and welcomes that Natural England and the Applicant have now been able to agree that there would be no adverse effects on the integrity of any European Sites arising from the Proposed Scheme, both alone and in-combination with other plans and projects. The Applicant also notes and welcomes that Natural England and the Applicant have now been able to agree that there would be no significant adverse effects on any nationally designated sites arising from the Proposed Scheme, both alone and cumulatively with other plans and projects, with the exception of Barn Hill Meadows SSSI.</p>	<p>Relevant Representation (Natural England’s updated comments in respect of Drax Bioenergy with Carbon Capture and Storage Project, promoted by Drax Power Limited; REP4-041);</p> <ul style="list-style-type: none"> <li>• Impacts from loss of functionally-linked land in the vicinity of Work Number 8 that may be used by birds that are qualifying interests of the Humber Estuary SPA/Ramsar/SSSI (Key Issues 27 and 28 from Table 1a of our Deadline 4 Relevant Representation);</li> <li>• Effects on badgers (key issue 9 from Table 1a of our Deadline 4 Relevant Representation).</li> </ul> <p>NE notes that the Applicant is preparing additional information relating to the assessment of cumulative acid deposition on Barn Hill Meadows SSSI, and looks</p>	

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
			forward to receiving this in due course.	
4.3.7	Relevant dDCO Requirements/Articles	<p>Requirements 6, 7, 8, 14, 15, 18, and 19 in Schedule 2 of the draft DCO (REP4-022) include provisions that are relevant to addressing effects of the Proposed Scheme on ecological receptors.</p> <p>We note NE’s comments on Requirements 7, 8, and 14. The Applicant is providing additional explanatory text summarising the mechanisms by which 10% BNG is secured, for inclusion in the latest update to the BNG Report (anticipated to be submitted into the Examination at Deadline 6).</p> <p>The Applicant’s view is that it is appropriate for the phrase ‘<i>substantially in accordance with</i>’ to be included in Requirements 8 and 14.</p> <p>The air quality mitigation measures will be secured through the</p>	<p>NE has provided comments on the draft DCO in Table 2 of our Relevant Representation (REP2-085), specifically in relation to Requirements 7, 8, and 14.</p> <p>Natural England also note that currently proposed operational emissions abatement measures would be secured by the proposed variation to the Environmental Permit being sought from the Environment Agency by the Applicant. We consider this appropriate, with no requirement for a separate DCO Requirement to secure these operational emissions abatement measures.</p> <p>Natural England now also considers the wording of Requirements 8, 14, 15, 17, and 19 to be appropriate, although our comments regarding the term ‘<i>substantially in accordance with...</i>’ and its proposed application in the</p>	Under discussion

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
		<p>environmental permit variation, not the DCO.</p> <p>The Applicant notes and welcomes that Natural England have removed their recommendation that monitoring of the protected sites should be carried out for acid and nitrogen deposition, and ammonia, given that this could not gather meaningful information in relation to the Proposed Scheme.</p> <p>The Applicant notes Natural England’s residual concerns relating to use of the term ‘<i>substantially in accordance with</i>’.</p> <p>Without the term “<i>substantially</i>”, “<i>in accordance with</i>” can be construed as meaning ‘exactly the same as’.</p> <p>This is not appropriate for any Requirement in the draft DCO (REP4-022), as it is a final plan to be developed based on the detailed design of the Scheme and any update in legislation or guidance. It is therefore important that the term “substantially” remains as part of</p>	<p>context of mitigation measures relied upon in the conclusions of the HRA (as detailed in Table 1 and Table 2 of our Relevant Representation (REP2-085)) should be considered. Clarification on the definition of ‘<i>substantially</i>’ and its proposed application in the context of mitigation measures relied upon in the conclusions of the HRA would therefore be welcomed.</p> <p>We have residual comments on Requirement 7 in relation to the securing of Biodiversity Net Gain, which we will continue to discuss with the Applicant with a view to reaching agreement as soon as possible. We understand from discussions with the Applicant that they will provide a summary of the mechanisms by which the BNG requirements will be secured in an update to be included in the next iteration of the BNG Report.</p> <p>Other than our comments above NE agrees with the Requirements</p>	

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
		<p>this Requirement in order to build in the flexibility needed for the plan to be developed in response to the greater level of detail that will be known at a later stage, whilst ensuring that the mitigation outcomes that have been committed to are still delivered.</p>	<p>as currently drafted and has no further comments to make on the draft DCO (REP4-022).</p>	
4.3.8	Biodiversity Net Gain	<p>The Applicant submitted a BNG Report with the DCO Application (APP-196), which was subsequently updated at Deadline 3 (REP3-010). This set out the anticipated BNG that would be achieved by the Proposed Scheme, on the basis of the loss and disturbance of habitat and the proposals for habitat creation, restoration and enhancement as submitted in the Outline Landscape and Biodiversity Strategy (OLBS) (AS-094).</p> <p>Following the same methodological approach as recommended by Natural England (Habitat Provision Area included in the on-site part of the BM3.1 Biodiversity Metric), the</p>	<p>Following submission of the latest BNG Report (REP3-010) the majority of Natural England’s remaining queries relating to Biodiversity have been resolved. The remaining matter under discussion with the Applicant relates to the securing of 10% BNG throughout operation of the Proposed Scheme, for the required 30 year period. Our current position is set out in full in our Deadline 4 Relevant Representation (see Key Issue 11 in Table 1a, REP4-041). Natural England understands the Applicant intends to provide a collated summary of how each of the relevant elements of BNG will be</p>	Under discussion

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
		<p>Proposed Scheme can now achieve 10% net gain for Habitat units and Hedgerow units (see REP3-010).</p> <p>The Applicant has secured off-site river and stream habitat enhancements to be delivered in partnership with the Calder and Colne River Trusts. It is working with NYCC to ensure that this is appropriately secured via section 106 Agreement, building on the drafts already submitted to the Examination. As such the Applicant also expects to achieve 10% BNG for River and Stream habitats.</p> <p>The Applicant notes and welcomes that several areas that were previously under discussion with Natural England have now been agreed. The Applicant is providing additional explanatory text summarising the mechanisms by which 10% BNG is secured, for inclusion in the latest update to the BNG Report (anticipated to be submitted into the Examination at</p>	<p>delivered in the next update to the BNG Report.</p> <p>Other than our comments above and as expanded on in our Deadline 4 submission, NE agrees with the approach to the BNG report and has no further comments to make on the draft DCO (REP4-022) or BNG Report.</p> <p>Natural England welcomes the Applicant's efforts to secure 10% net gain for River and Stream units through off-site enhancements intended to be delivered by the Calder and Colne Rivers Trusts. Natural England considers the proposed restoration scheme at Black Brook a suitable off-setting proposal to provide an uplift in river units subject to this being appropriately secured for the required 30 year period.</p>	



Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
		Deadline 6), which will highlight that all on-site BNG is secured through the drafting of Requirement 7 as a whole.		

#### 4.4. LANDSCAPE AND VISUAL IMPACT

Table 4.4 - Landscape and Visual Impact

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
4.4.1	LVIA Assessment and Mitigation	The Applicant's LVIA is set out in Chapter 9 (Landscape and Visual Amenity) of the ES (APP-045), with mitigation measures brought forward as described in the REAC.	NE has no concerns with the LVIA assessment and mitigation proposed for the Proposed Scheme.	Agreed

#### 4.5. OTHER CONSENTS AND LICENCES

Table 4.5 - Other Consents and Licences

Ref	Consent / Licence	Applicant – Current Position	Anticipated Submission Date / Timescales	Natural England – Current Position	Position
4.5.1	Protected species licence (for badgers) under	Required for any components of the Proposed Scheme that affect badgers in their places of	If required, this will follow the DCO being made by the	Natural England agrees with the current approach and	Agreed

Ref	Consent / Licence	Applicant – Current Position	Anticipated Submission Date / Timescales	Natural England – Current Position	Position
	The Protection of Badgers Act 1992	<p>shelter (albeit no such places of shelter are currently expected to be affected, and it is considered relatively unlikely that new setts would become established in areas of the Proposed Scheme that could need to be cleared as part of the Proposed Scheme). It is noted that a badger sett can typically only be closed under licence from NE between July and November inclusive.</p> <p>Resurvey for badger would be required prior to site clearance activities, to confirm whether or not a licence is required.</p>	SoS and would precede vegetation and site clearance of any relevant affected areas supporting a badger sett(s).	advises that the requirement for a licence will depend on the outcome of the pre-construction badger surveys as detailed in our Deadline 4 Representation.	
4.5.2	Natural England-led North East Yorkshire District Level Licence ('DLL') scheme for great crested newts ('GCN')	Required in relation to the anticipated impacts of the Proposed Scheme on terrestrial habitats that may be used by GCN, where direct and proportional impacts to ponds have been determined. Use of the DLL would remove the need for the Proposed Scheme to	<p>If required, this will follow the DCO being made by the SoS.</p> <p>A provisional GCN DLL Impact Assessment and Conservation Payment</p>	Natural England agrees with the current position and anticipates that, subject to provision of the FSP and counter-signing of the IAPC, there is no impediment to it	Agreed

Ref	Consent / Licence	Applicant – Current Position	Anticipated Submission Date / Timescales	Natural England – Current Position	Position
		<p>obtain a site-specific derogation licence in relation to great crested newts, under the Conservation of Habitats and Species Regulations (2017, as amended).</p> <p>Use of the DLL would be secured by making an appropriate payment to the SDC DLL scheme. The Applicant has issued a Purchase Order to Natural England for the FSP on 15 March 2023. The Applicant intends to make payment of the relevant amount following receipt of an invoice for this from Natural England.</p>	<p>Certificate was signed by the Applicant on 30 January 2023</p> <p>Natural England require a First Stage Payment (FSP) to be made before an Impact Assessment and Conservation Payment (IACPC) can be counter-signed by Natural England management and issued. This payment has not yet been provided.</p>	<p>being able to consider and determine this consent in its usual fashion. Once counter-signed, the DLL IACPC acts as a Letter of No Impediment (LONI).</p>	

## 5. SIGNATURES

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**Table 5.1 – Signatures**

<b>Ref</b>	<b>Natural England</b>	<b>Drax Power Ltd (the Applicant)</b>
<b>Signature</b>		
<b>Printed Name</b>		
<b>Title</b>		
<b>On behalf of</b>	Natural England	Drax Power Ltd
<b>Date</b>		