



The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Our ref: RA/2022/145800/01
Your ref: EN010120
Date: 9 May 2023

Dear Sir/Madam

DRAX POWER STATION BIOENERGY WITH CARBON CAPTURE AND STORAGE EXTENSION DEVELOPMENT CONSENT ORDER: RESPONSE TO EXAMINER'S QUESTIONS ExQ2

We have reviewed the Examining Authority's questions (ExQ2) and wish to offer the following responses set out below.

GEN.2.3

For any unsigned SoCG could the Applicant please indicate its expectations in terms of reaching a conclusion or highlight any fundamental problems that it may be experiencing in progressing negotiations. Please note that should matters not be resolved in a SoCG, the ExA will require the submission of Final Position Statements from relevant parties by no later than D9.

Resolution of outstanding items in the SoCG with the Environment Agency (EA) are dependent on the progress of the EPR permit variation application determination. We note the ExA will require submission of a Final Position Statement should matters not be resolved in a SoCG.

AQ.2.1

In relation to the Applicant's approach to operational amine emissions modelling, the ExA notes that that it is stated in the SoCG [REP5-016] that the EA agrees with the approach in principle. However, the EA also stated that it intends to produce a new set of EALs for amines by the end of June 2023, on which it will then consult, after which it will confirm its position. Please can the EA provide a timeline for this.

The consultant undertaking this work is due to submit a final report to the EA by 15 June 2023. We will then consult with UKHSA and aim to open a public consultation on the proposed new EALs by the end of July / early August. That consultation will run for three months after which we will then need to respond to the consultation via a 'Consultation Response Document' with the view to publishing it and the new EALs in Q1 2024.

AQ.2.2

The ExA notes that the Other Consents and Licences document [REP5-009] states that the Applicant submitted additional information to the EA to support the process of achieving duly made status for the application to vary the Environmental Permit.

- i. Has the application now achieved duly made status?*
As of 09 May 2023 the application has not been duly made but it is our expectation that the EPR permit variation application will be duly made within the next two weeks

- ii. Please advise if the target date of March 2024 given at ISH2 for the determination of the application is still current?*
Yes, the EA is still working towards determining the EPR permit variation application by March 2024.

- iii. If the application is now duly made, or will be within the remaining time of the examination, is the EA able to provide any further comment on questions AQ 1.3, 1.4, 1.5, 1.7, 1.9 & 1.10 from ExQ1 [PD011]?*
We are not able to provide an update yet as these questions can only be answered once the application is duly made and the determination process begins. It must be noted that those undertaking the review of the applicant's environmental risk assessment, to which your questions relate, will do so by reviewing the information provided to the EA via the EPR permit variation application and not necessarily the specifics of the planning application. It is likely that we will require additional supporting / clarification information as part of the determination.

FRW.2.1

Is the EA now satisfied with the measures set out in the REAC for the WPPP, with further evidence to be provided as part of the submission of the WPPP?

We are satisfied with the measures set out in the REAC, WE14, for the WPPP. We welcome the requirement for further evidence to be provided as part of the submission of the WPPP.

We note that item 9 of WE14 requires a '*Demonstration that there are no flows upstream from the Carr Dyke to the watercourses to the north (i.e. that the Landell Pumping Station controls the flow direction)*'. For surrounding watercourses/drains that are within the 500m but outside the REAC boundary it must be demonstrated that in case of an accident, the flow from the drains is towards the Carr Dyke which provides a cut-off without pumping polluted water into the Ouse.

We trust this answers your questions sufficiently.

Yours faithfully

Mrs Frances Edwards

Planning Specialist (Humber), Sustainable Places

Email: [REDACTED]@environment-agency.gov.uk
SP Team e-mail: sp-yorkshire@environment-agency.gov.uk