

Date: 24 May 2023
Our ref: 434204
Your ref: EN010120



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BY EMAIL ONLY

Dear Sir/Madam,

NSIP Reference Name / Code: EN010120

Title: Natural England's updated comments in respect of Drax Bioenergy with Carbon Capture and Storage Project, promoted by Drax Power Limited (Deadline 7)

Examining authority's submission deadline 24 May 2023

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

For any further advice on this consultation please contact the case officer Alice Megaw at [REDACTED]@naturalengland.org.uk and copy to consultations@naturalengland.org.uk.

Yours faithfully

Alice Megaw

Yorkshire and Northern Lincolnshire Area Team

Summary of Natural England's Advice

Natural England's advice is that, in relation to identified nature conservation issues within its remit, there is no fundamental reason of principle why the project should not be permitted. However, Natural England considers that the applicant has provided insufficient evidence and is not yet satisfied that the following issues have been resolved:

- **Nationally designated sites**
 - Impacts of acid deposition from aerial emissions on Barn Hill Meadows Site of Special Scientific Interest (SSSI) (Operation phase) ('amber').

Natural England consider that the following issues have now been resolved, subject always to the appropriate requirements being adequately secured for all relevant issues:

- **Biodiversity net gain (BNG)**
 - Additional information has been provided to demonstrate that a 10% biodiversity net gain will be achieved ('amber').

Part I: Summary and Conclusions of Natural England's advice

1.1. Natural England's advice is based on information submitted by Drax Power Limited in support of its application for a Development Consent Order ('DCO') in relation to Drax Bioenergy with Carbon Capture and Storage Project ('the project').

1.2. This letter provides an update to our Written Representations Version 1.1 (dated 22 February 2023) (REP2-085) and our Deadline 4 response (dated 23 March 2023) (REP4-041) on key issues where Natural England's position has changed in response to additional documents submitted at Deadline 5 and Deadline 6, or where more detailed advice is being provided.

1.3. Please note that our Written Representations Version 1.1 (REP2-085), our Deadline 4 response (REP4-041) and our response to Examining Authority's Further Written Questions (REP6-050) should be referred to for Natural England's advice on other issues within our remit and outstanding comments on the draft DCO.

1.4 We reiterate previous comments provided in Table 1a of our Deadline 4 Response (REP4-041) under Natural England key issue reference 30 and footnote 1, with regards to agreed updates to the Habitats Regulations Assessment – Volume 3 - Appendix 7 (REP2-107) and Operation Phase Air Quality Assessment Results Tables: Ecological Receptors (AS-015), and note that these have not yet been addressed.

1.5. Our comments are flagged as amber or green:

- Amber are those where further information is required to determine the effects of the project and allow the Examining Authority to properly undertake its task and or advise that further information is required on mitigation/compensation proposals in order to provide a sufficient degree of confidence as to their efficacy.
- Green are those which have been successfully resolved (subject always to the appropriate requirements being adequately secured)

Part II: Natural England’s detailed advice

2.1. Table 1b provides an update to Table 1 from our Written Representations Version 1.1 (dated 22 February 2023) (REP2-085) and subsequent Table 1a from our Deadline 4 Submission (Update to Written Representation) (dated 28 March 2023) (REP4-041) on key issues where Natural England’s position has changed in response to additional documents submitted at Deadline 5 and Deadline 6, or where an update is being provided.

Table 1b: Natural England’s detailed advice					
Natural England key issue reference	Topic	Issue summary (C) – construction phase (O) – operational phase	Natural England commentary and advice on the further information provided	Natural England comment on the mechanism for securing mitigation/ compensation measures in the DCO	Risk
32	Nationally designated sites	Impacts of acid deposition from aerial emissions on Barn Hill Meadows SSSI (in-combination) (O)	<p>Natural England advises that further information is still required to determine the effects of the project on Barn Hill Meadows SSSI.</p> <p>Natural England notes the Applicant's Responses to the Examining Authority's Further Written Questions (REP6-033) states that <i>“In respect of matters relating to Barnhill Meadow SSSI impacts, the Applicant is still working to gain access to land to carry out surveys to enable it to further develop its position on air quality impacts to that site. It is appreciated that until further information is available, Natural England’s position will be, as currently, that likely significant effects should be considered to arise and that the ExA and Secretary of State will need to account for that in their recommendation and decision making.”</i> Therefore, Natural England’s position regarding impacts of acid deposition from aerial emissions on Barn</p>	Natural England’s comments on the mechanism for securing mitigation/ compensation measures in the DCO remain as detailed in Table 1a of our Deadline 4 Submission (dated 28 March 2023) (REP4-041).	Amber

			Hill Meadows SSSI remains as detailed in Table 1a of our Deadline 4 Submission (dated 28 March 2023) (REP4-041).		
11	Biodiversity net gain	<p>Additional information has been provided in order to demonstrate that a 10% biodiversity net gain will be achieved</p> <p>(C)</p>	<p>Natural England welcomes the updates made to the Biodiversity Net Gain (BNG) Report (REP6-027), Outline Landscape and Biodiversity Strategy (OLBS) (REP6-017) and Register of Environmental Actions and Commitments – Rev 9 (REAC) (REP6-015), in accordance with our recommendation to do so within our Deadline 4 Submission (dated 28th March 2023) (REP4-041).</p> <p>The revised OLBS provides further information and clarity in relation to the long-term management and monitoring of habitats for each phase and work number referenced within Requirement 7 of the draft DCO and the draft Section 106 agreement and outlines the mechanisms by which these are secured.</p> <p>The lack of updates to the Landscape and Biodiversity Mitigation Plan (Figure 1) [APP-181] and the applicant’s response to the Examining Authority’s Further Written Questions (REP6-033) to state “<i>that this level of detail can only be provided at the detailed design stage</i>” is acknowledged.</p> <p>It is noted that the Biodiversity Metric calculations have also been updated within the BNG Report to include the off-site river units at Black Brook which is welcomed. Paragraph 1.4.4. within this report states that Biodiversity Metric 3.1 has been utilised in</p>	<p>Natural England consider that the habitats required to achieve biodiversity net gain both on - and off - site and their subsequent long-term management and monitoring are now adequately reflected in the BNG Report and OLBS.</p> <p>Natural England now consider the wording of Requirement 7 to be appropriate to secure these measures, however our comments regarding the term ‘<i>substantially in accordance with...</i>’ within Requirement 7 remain as detailed in Table 1 and Table 2 of our Written Representations (REP2-085) and our response to Examining Authority’s Further Written Questions (REP6-050).</p> <p>We welcome additional reference within G8 of the REAC to state that “<i>The LBS (in line with the OLBS) will prescribe the maintenance regimes for all different landscape planting and habitats considering the aims, objectives and functions of each area of planting / habitat, including delivering BNG aspirations for the Proposed Scheme</i>”.</p>	Green

			accordance with Natural England comments made in regard to this matter, and we concur with the use of Metric 3.1 in this instance. Therefore, we consider our outstanding comments on the Biodiversity Net Gain Report resolved.		
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