



STATEMENT OF COMMON GROUND BETWEEN EAST RIDING OF YORKSHIRE COUNCIL AND DRAX POWER LIMITED

Drax Bioenergy with Carbon Capture and Storage

The Planning Act 2008 (as amended)

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Applicant: Drax Power Limited

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EXECUTIVE SUMMARY

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 East Riding of Yorkshire Council (ERYC) 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 DCO 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.

ERYC is interested in the Proposed Scheme as a landowner and host local planning authority for works relating to the overhead lines (OHL1 and OHL2) which oversail the A645 and the A614 respectively, as well as the telecommunications line which crosses the A614 twice (TCL1), which are located within the Order Limits (as extended through the Change Request) and in the ERYC area. All other elements of the Proposed Scheme fall within the neighbouring Selby authority. ERYC is also interested in the Proposed Scheme as highway authority.

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

1. INTRODUCTION AND PURPOSE

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 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) and Change Request - 8.15 Second Change Application Report - Rev 1 (AS-126).

1.3. THIS STATEMENT OF COMMON GROUND WITH EAST RIDING OF YORKSHIRE COUNCIL

1.3.1. This SoCG has been prepared between East Riding of Yorkshire Council (ERYC) and the Applicant (jointly referred to as the Parties) in relation to the DCO Application.

1.3.2. It addresses topics of interest to ERYC. ERYC is interested in the Proposed Scheme as a statutory consultee and landowner. ERYC are a local planning authority and highway authority responsible for understanding the impacts of the Proposed Scheme, in respect of impacts within their administrative boundary. The proposed works within ownership of ERYC are shown on the Access and Rights of Way Plans

(AS-107) and detailed within the Schedule of Negotiations and Powers Sought (REP6-012). These comprise works to facilitate the delivery of abnormal indivisible loads to the site including diversion of existing electrical 11kV overhead lines and telecommunications overhead line.

- 1.3.3. 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.
- 1.3.4. In respect of matters relevant to the Proposed Scheme but not referred to in this SoCG, ERYC has no comments to make.
- 1.3.5. Following the Applicant's consultation on the Proposed Changes to the Application (both Applicant's change requests dated 5 December 2022 and 21 April 2023), and the acceptance of them into the Examination by the Examining Authority, ERYC agrees that the statements in this SoCG apply to the application inclusive of those Proposed Changes.
- 1.3.6. The Applicant and ERYC will continue to discuss the land impacts of the OHL Works with ERYC.
- 1.3.7. The SoCG 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.
- 1.3.8. 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 and Attendees	Summary
22 February 2021	Email From WSP ¹ to NYCC (Highways), National Highways, East Riding of Yorkshire Council (ERYC).	NYCC, National Highways, and ERYC provided comments on the proposed transport assessment parameters set out in a Transport Scoping Note, which had been provided to them by the Applicant. The approach was generally accepted by the highway authorities, but further discussions are required to reach final agreement ahead of the completion of the ES. The Transport Scoping Note issued covered all transport related parameters including baseline conditions, predicted trip generation, trip distribution, assessment scenarios, proposed growth factors, and other general items ahead of a scheduled meeting with consultees.
02 March 2021	Online Meeting NYCC (Highways); ERYC; National Highways; Drax; WSP Transport.	Inception call to introduce Drax BECCS to highway authorities, Proposed Scheme overview, transport scoping note content, Abnormal Indivisible Loads (AIL) strategy, and approach to future engagement. NYCC, National Highways, and ERYC resolved to provide comment on the Transport Scoping Note and AIL strategy.
02 March 2021	Email From ERYC to WSP.	ERYC reviewed the Transport Scoping Note and comments were limited to raising the main concern related to peak hour impacts. Contact details for PRow officer, abnormal loads, and

¹ WSP acting on behalf of the Applicant

Date	Form of Contact and Attendees	Summary
		area engineer, and street works team were also provided.
25 March 2021	Online Meeting NYCC (Highways); ERYC; National Highways; Drax; WSP Transport.	Call with highway authorities to discuss approach to AIL routes. National Highways to liaise with the DfT and seek confirmation and Approval in Principle for the Port of Goole 'Road Option' (as per the agreed approach for AIL movements associated with Drax Repower).
25 March 2021	Email From WSP to NYCC (Highways), National Highways and ERYC.	Request from the Applicant for National Highways to liaise with the DfT and seek confirmation and Approval in Principle for the Port of Goole 'Road Option' (as per Drax Repower).
22 April 2021	Email From ERYC to WSP.	ERYC Bridges and Structures Team response regarding the AIL route including request for various surveys to check the structures along the Proposed Scheme AIL route.
10 May 2021	Online Meeting ERYC; WSP.	ERYC Bridges and Structures Team survey requirements.
09 June 2021	Online Meeting ERYC; Collett Transport; Drax; WSP.	ERYC Bridges and Structures Team survey requirements.
01 November	Statutory Submission	The preliminary environmental assessment, report in the Preliminary Environmental

Date	Form of Contact and Attendees	Summary
	NYCC (Highways) National Highways ERYC	Information Report (PEIR) was issued to all parties as part of s42 process.
10 January 2022	Online Meeting ERYC; WSP.	Follow up discussion to regarding Abnormal Indivisible Load (AIL) route between Goole Docs and Drax Power Station, structures, previous loads, surveys, and DCO.
12 January 2022	Email From WSP to ERYC.	AIL vehicle configuration and associated loading data issued to ERYC for review and approval in principle by the Infrastructure and Facilities team.
14 January 2022	Email From ERYC (Forward Planning) to WSP	S42 Response – confirmation of no comments from Forward Planning team.
20 January – 22 February 2022	Email From WSP to ERYC	Email to ERYC in relation to the anticipated AIL vehicle configuration and associated loading data for review and comment by ERYC Infrastructure and Facilities officers, including follow up discussions related to timescales for receipt of response.
07 March – 14 April 2022	Email From ERYC to WSP	Further emails with regards to AIL deliveries on the ERYC network and assets.

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

Date	Form of Contact	Summary
22 August 2022	Online Meeting ERYC; WSP; Drax.	The purpose of the meeting was to discuss the DCO submission and examination programme, information sharing with regards to AIL deliveries, and approach to SoCG.

30 September 2022	Online Meeting ERYC; WSP Highways and Planning; Drax.	The purpose of the meeting was to discuss ERYC Relevant Representation submission. It was communicated that ERYC was not expecting to provide a full response (whereas typically the authority would provide a detailed response or not one at all). If a response is made, this would likely be limited to Traffic and Transport matters. It was agreed on that basis that the SoCG would also be limited to Traffic and Transport matters.
14 October 2022	Email From ERYC to Drax	ERYC advised that RRs have not been submitted, and that if PINS have any questions for ERYC as part of the DCO process, they will respond.
20 October – 1 November 2022	Emails Between WSP and ERYC.	Agreement of Revision 01 of the Statement of Common Ground.
23 January 2023	Emails Between WSP and ERYC.	Agreement of the developments which have been identified in the short list for cumulative impacts.
January – February 2023	Emails Between WSP and ERYC.	Agreement of Revision 02 of the Statement of Common Ground.
13 – 20 February 2023	Emails Between WSP and ERYC.	Emails regarding nature of the Open Space potentially affected by the Proposed Change. Agreement that it appears the allotments are no longer in practical use, and that there does not appear to be a loss of open space.
February 2023	Emails Between WSP and ERYC.	Engagement ongoing regarding ownership of affected land and implications of proposed works.
February - May 2023	Emails Between Drax and ERYC.	Engagement ongoing regarding land matters, with further engagement following detailed design of proposed works to assets as set out in the Second Change Application submitted on

		21/04/23, including discussions relating to Crown Land.
February – March 2023	Emails Between WSP and ERYC.	Agreement of Revision 03 of the Statement of Common Ground.
04 May 2023	Email Between WSP and ERYC.	Agreement that the CTMP is sufficient and flexible enough to address the traffic management measures associated with works to the OHL1, OHL2 and TCL1.
May 2023	Emails Between WSP and ERYC.	Correspondence regarding Change Application and agreement of Revision 04 of the Statement of Common Ground.

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

3.1. TOPICS COVERED IN THIS STATEMENT OF COMMON GROUND

3.1.1. The following topic discussed between the Parties is covered by this SoCG:

- Local planning policy;
- Traffic and Transport; and
- Matters relating to works to overhead lines.

3.1.2. In respect of matters relevant to the Proposed Scheme but not referred to in this SoCG, ERYC have no comments to make. For the avoidance of doubt, ERYC have no comments to make in respect of the following matters:

- Development Consent Order;
- The need for, and principle of the Proposed Development and the examination of alternatives;
- Relevant planning history and current proposals;
- Air quality and emissions;
- Biodiversity and ecology;
- Climate change;
- Design landscape and visual impacts;
- Flood risk and water environment;
- Ground conditions and contamination;
- Historic environment;
- Major accidents and natural disasters;
- Noise and vibration;
- Socio-economics; and
- Waste management.

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

Document Reference	Document Name
AS-104	2.1 Site Location Plan (Rev 03)

Document Reference	Document Name
AS-105	2.2. Land Plans (Rev 03)
AS-106	2.3 Works Plans (Rev 04)
AS-107	2.4 Access and Rights of Way Plans (Rev 04)
AS-108	2.7 Crown Land Plan (Rev 02)
REP6-005	3.1 Draft Development Consent Order (Clean) - Rev 08
REP6-010	4.1 Statement of Reasons (Clean) (Rev 05)
REP6-012	4.1.1 Schedule of Negotiations and Powers Sought - Rev 06 (Clean)
AS-116	4.3 Book of Reference - Rev: 08 (Clean)
APP-032	5.2 Planning Statement
REP2-019	5.2.1 Planning Statement Addendum
APP-033	5.3 Needs and Benefits Statement
APP-038	6.1.2 Environmental Statement - Volume 1 - Chapter 2: Site and Project Description
APP-041	6.1.5 Environmental Statement - Volume 1 - Chapter 5: Traffic and Transport
APP-062	6.2.5.1 Environmental Statement - Volume 2 - Figure 5.1: Study Area (Traffic and Transport)
APP-063	6.2.5.2 Environmental Statement - Volume 2 - Figure 5.2: Public Rights of Way
APP-064	6.2.5.3 Environmental Statement - Volume 2 - Figure 5.3: National Cycle Routes
APP-065	6.2.5.4 Environmental Statement - Volume 2 - Figure 5.4: Traffic Survey Data Locations
APP-066	6.2.5.5 Environmental Statement - Volume 2 - Figure 5.5: HDV Routing

Document Reference	Document Name
APP-067	6.2.5.6 Environmental Statement - Volume 2 - Figure 5.6: Abnormal Indivisible Load Routing
APP-121	6.3.5.3 Environmental Statement - Volume 3 - Appendix 5.3: Traffic Flow Diagrams
APP-122	6.3.5.4 Environmental Statement - Volume 3 - Appendix 5.4: Personal Injury Collision Data
APP-123	Limited 6.3.5.5 Environmental Statement - Volume 3 - Appendix 5.5: Schedule Planner
APP-124	6.3.5.6 Environmental Statement - Volume 3 - Appendix 5.6: Junction Modelling Outputs
REP2-028	6.3.5.1 Environmental Statement Volume 3 - Appendix 5.1: Construction Traffic Management Plan (Clean) - Rev 05
AS-045	8.5.1 Proposed Changes Application Report - First Changes Application (December 2022)
REP4-034	8.6.5 Applicant's Summary of Oral Case at Compulsory Acquisition Hearing 1 (CAH1)
REP5-029	8.14 Project Updates Arising From Government Publications on Energy Matters in March 2023 – (Rev 01)
AS-126	8.15 Second Change Application Report – (Rev 01) – Second Change Application (April 2023)

4. CURRENT POSITION

4.1. LOCAL PLANNING POLICY

Table 4.1 - Local Planning Policy

Ref	Description of Matter	Applicant – Current Position	East Riding of Yorkshire Council as LPA – Current Position	Position
4.1.1	Development Plan	<p>Local planning policies from the relevant authorities can be 'important and relevant' considerations for the Secretary of State (SoS) in determining the DCO Application.</p> <p>The current adopted Development Plan of relevance to the components of the Proposed Scheme within the authority of the East Riding of Yorkshire comprises the Strategy Document (2016).</p> <p>The policies of relevance to the Application and how the relevant components of the Proposed Scheme within the authority of the East Riding of Yorkshire accords with them are set out in the Planning Statement Addendum (REP2-019).</p>	<p>ERYC agrees with the Applicant's position in terms of the Development Plan of relevance to the proposals, and that the policies listed by the Applicant in the Planning Statement Addendum are relevant to the Proposed Scheme. ERYC agree that there are no relevant proposed changes to the Local Plan which would alter the support afforded to the Proposed Scheme.</p> <p>ERYC agree that the relevant components of the Proposed Scheme within the authority of the East Riding of Yorkshire comply with the development plan.</p>	Agreed

		<p>The Applicant considers that the relevant components of the Proposed Scheme within the authority of the East Riding of Yorkshire comply with the development plan.</p> <p>The Local Plan Update was submitted to the Planning Inspectorate on 31 March 2023 for Examination. There are no relevant proposed changes from the Regulation 19 version of the Local Plan Update which would alter the support afforded to the Proposed Scheme, as considered in the Planning Statement Addendum (REP2-019).</p>		
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4.2. TRAFFIC AND TRANSPORT

Table 4.2 - Transport

Ref	Description of Matter	Applicant – Current Position	East Riding of Yorkshire Council as LHA – Current Position	Position
4.2.1	Baseline	The Applicant has set out the Baseline Conditions in Section 5.7 of Chapter 5 (Transport) of the ES (APP-041).	ERYC agrees with the Applicant's position in respect to the Baseline Conditions set out in Section 5.7 of Chapter 5 (Transport) of the ES (APP-041).	Agreed

4.2.2	Methodology	The Applicant has set out the Assessment Methodology in Section 5.5 of Chapter 5 (Transport) of the ES (APP-041).	ERYC agrees with the Applicant's position in respect to the Assessment Methodology set out in Section 5.5 of Chapter 5 (Transport) of the ES (APP-041).	Agreed
4.2.3	Assessment	The Applicant has set out the assessment in Section 5.9. 5.11 and 5.12 of Chapter 5 (Transport) of the ES (APP-041).	ERYC agrees with the Applicant's position in respect to the assessment set out in Section 5.9. 5.11 and 5.12 of Chapter 5 (Transport) of the ES (APP-041).	Agreed
4.2.4	Mitigation	The Applicant has set out the Design, Mitigation and Enhancement Measures in Section 5.10 of Chapter 5 (Transport) of the ES (APP-041).	ERYC agrees with the Applicant's position in respect to the proposed Design, Mitigation and Enhancement Measures set out in Section 5.10 of Chapter 5 (Transport) of the ES (APP-041).	Agreed
4.2.5	Other – Abnormal Indivisible Loads (AIL)	The AIL route is shown on Figure 5.6 (Abnormal Indivisible Load Routeing) and the impacts are discussed in Section 5.9, paragraph 5.9.73 – 5.9.76 of Chapter 5 (Traffic and Transport) of the ES (APP-041). The route follows the defined 'Heavy Load Route' between the Port of Goole and Drax Power Station.	ERYC agree with the Applicant's position in respect to the selected route and outline process set out in the Construction Traffic Management Plan (CTMP) (OD-009). Discussions will continue between the parties to ensure the practical implementation of the measures discussed in the CTMP.	Agreed

4.2.6	Other – Timescales for the Proposed Scheme	The Applicant does not consider that there would be any change to the conclusions of the Environmental Statement as submitted in May 2022 based on the changed timescales for implementation described in 8.14 Project Updates Arising From Government Publications on Energy Matters in March 2023 - Rev 1 (REP5-029).	ERYC agree with the Applicant's position.	Agreed
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4.3. MATTERS RELATING TO WORKS TO OVERHEAD LINES

Table 4.3 - Matters Relating to Works to Overhead Lines

Ref	Description of Matter	Applicant – Current Position	East Riding of Yorkshire Council as landowner – Current Position	Position
4.3.1	Design of Proposed Works OHL1, OHL2 and TCL1	<p>The Applicant notes ERYC's comments (see ERYC Current Position) and will ensure they are taken into consideration as the proposal is developed further.</p> <p>With regard to concerns raised relating to 'future rights', the matters have been the subject of ongoing discussions with the relevant asset owners (Northern</p>	ERYC submitted Relevant Representations to PINS on 14 November 2022 (publication date 13 January 2023). ERYC's Representations objected to the changes proposed to the DCO Application on the basis that more information should be provided relating to the following:	Under Discussion

		<p>Powergrid and Openreach) to confirm the detailed design of the proposed works.</p> <p>The Applicant received the detailed design of proposed works from the asset owners and accordingly, submitted a Second Change Application on 21/04/23 to request a change to the DCO Application to accommodate the amended design of works. ERYC have been notified of the proposed Changes set out in the Second Change Application and been provided with relevant details to Officers in their land, planning and transport teams.</p> <p>Relevant details are provided in the following documents submitted in relation to the Second Change Application on 21/04/23:</p> <p>AS-126 – Second Change Application Report;</p> <p>AS-104 – Site Location Plan;</p> <p>AS-105 – Land Plans;</p> <p>AS-106 – Works Plans;</p> <p>AS-107 - Access and Rights of Way Plans; and</p>	<ul style="list-style-type: none"> • Cable route and depth; • Soil management; • Field drainage; • Future rights; • Works compound and access; and • Impact of undergrounding telecommunication line. <p>Applicant and ERYC are in ongoing discussions and await detailed design, to ensure concerns are taken into account and minimise impacts upon landowner and tenant.</p>	
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		<p>AS-108 – Crown Land Plan.</p> <p>The Second Change Application confirms that the scale and extent of works has reduced and the Applicant is hopeful that the amended design of works will address the concerns previously raised by ERYC.</p> <p>The Applicant will continue to engage with ERYC, particularly once their responses have been received on whether their concerns have been addressed and hopes to progress Heads of Terms for an agreement between the parties on land matters in this regard.</p> <p>The Applicant notes that the Council may wish to submit relevant representations regarding the Second Change Application (which are required to be submitted by 23.59 on 11/06/23) but welcomes further discussions at the earliest opportunity, particularly if there are any outstanding matters which the Council would wish the Applicant to address.</p>		
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4.3.2	Traffic Management during works to OHL1, OHL2 and TCL1	The Applicant considers that the CTMP is sufficient and flexible enough to cover any Traffic Management requirements associated with works to OHL1, OHL2 and TCL1.	ERYC agree the Applicants approach is acceptable.	Agreed
4.3.3	PRoW – AIRMF03	PRoW AIRMF03 is located adjacent to the Order Limits for the OHL works but sits just outside the Order Limits. Any works for the OHL would be fenced off to ensure the safety of all users of PRoW AIRMF03. Given the proximity of the PRoW to the fencing, and the lack of any delineating features to guide the public along the definitive route of the PRoW (as shown on the Access and Rights of Way Plans (AS-107)), we have included rights for a temporary diversion of a short section of the PRoW, to ensure interference with the fencing is avoided. We would, however, seek to avoid diverting the footpath if at all possible.	ERYC agree that the works adjacent to AIRMF03 would not require the temporary diversion of PRoW during construction works to OHL1.	Agreed
4.3.4	Land ownership	The Applicant is in discussion with ERYC as a landowner of some of the plots affected by works to	Engagement is ongoing.	Under Discussion

		OHL1 & 2 and TCL1. These are set out in 4.1.1 Schedule of Negotiations and Powers Sought (REP6-012). Engagement is ongoing.		
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4.4. OTHER CONSENTS AND LICENCES

Table 4.4 - Other Consents and Licences

Ref	Consent / Licence	Responsibility	Anticipated Submission Date / Timescales	East Riding of Yorkshire Council – Current Position	Position
4.4.1	Permit for Transport of Abnormal Loads. Road Vehicles (Authorisation of Special Types) (General) Order 2003 or under the Road Traffic Act 1988	ERYC dependent on what administrative area the final agreed route passes through. This permit will only be applied for if required.	As required and in advance of any Abnormal Indivisible Loads (AIL) needing to be transported during the construction of the Proposed Scheme.	ERYC considers that there is no impediment to it being able to consider and determine this consent in its usual fashion.	Agreed
4.4.2	Temporary Traffic Regulation Order ('TTRO')	ERYC as local highway authority. Only if required and to the extent the nature of restrictions is not covered by article [12] of the DCO.	TTRO would be sought once the number and nature of TTRO's is established following appointment of the contractor.	ERYC considers that there is no impediment to it being able to consider and determine this	Agreed

Ref	Consent / Licence	Responsibility	Anticipated Submission Date / Timescales	East Riding of Yorkshire Council – Current Position	Position
		<p>May be required to allow traffic management e.g. in respect of creating new access to the East Laydown Area or to minimise queuing / prevent certain vehicle movements / introduce waiting restrictions during the construction period. The need will be determined by the appointed contractor.</p>		<p>consent in its usual fashion.</p>	

5. SIGNATURES

Table 5.1 – Signatures

Ref	East Riding of Yorkshire Council	Drax Power Ltd (the Applicant)
Signature		
Printed Name		
Title		
On behalf of	East Riding of Yorkshire Council	Drax Power Ltd
Date		