



STATEMENT OF COMMONALITY

Regulation 5(2)(q) Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

Rule 8 (1)(e) Infrastructure Planning (Examination Procedure) Rules 2010

Drax Bioenergy with Carbon Capture and Storage

The Planning Act 2008 (as amended)

Document Reference Number: 8.4

Applicant: Drax Power Limited

PINS Reference: EN010120



REVISION: 08

DATE: May 2023

DOCUMENT OWNER: WSP UK Limited

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PUBLIC

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1. INTRODUCTION AND PURPOSE

1.1. PURPOSE OF THE STATEMENT OF COMMONALITY

- 1.1.1. This Statement of Commonality for Statements of Common Ground (this 'Statement') relates to an application made by Drax Power Ltd (the Applicant) on 23 May 2022 to the Secretary of State for Business, Energy and Industrial Strategy via the Planning Inspectorate (PINS).
- 1.1.2. The Application was submitted under section 37 (2) of the Planning Act 2008 (PA2008) for a Development Consent Order (DCO), and if made would grant consent for the Drax Bioenergy with Carbon Capture and Storage Project. The Application was accepted for examination by the Inspectorate on 20 June 2022.
- 1.1.3. The Scheme will involve the installation of technology which is designed to remove carbon dioxide from the flue gas produced from the electricity generating process. The technology will be fitted to Units 1 and 2 of Drax Power Station, these Units are fired on biomass. It is designed to remove approximately 95% of the carbon dioxide from the flue gas that is currently emitted from these existing Units. The carbon dioxide captured will undergo processing and compression before being transported via a proposed new pipeline for storage under the southern North Sea where it will be injected into geological formations below the seabed. The transport and storage infrastructure will be developed as a separate project by National Grid Carbon Limited (NGCL). A detailed description of the Scheme can be found in **Chapter 2 (Site and Project Description)** of the Environmental Statement (APP-038), as amended by the Change Request - **Proposed Changes Application Report** (AS-045) and **Change Request - 8.15 Second Change Application Report** (AS-126).
- 1.1.4. This Statement and the Statements of Common Ground (SoCG) have been prepared by the Applicant and in its view provide an accurate record of both discussions to date with the interested parties listed at Table 3.1 and summary of the issues that are either agreed, subject to further discussion, or not agreed.
- 1.1.5. The Applicant will work to agree and submit joint working drafts of the SoCGs as the examination progresses. When possible, a final signed version of each SoCG will be prepared and submitted prior to the end of the examination, and we intend to submit a final version of this Statement prior to the end of the Examination.
- 1.1.6. This Statement has been prepared to provide the Examining Authority ('ExA') with the current position on SoCG between the Applicant and prescribed consultees, statutory undertakers and interested parties (Other Parties) in relation to the Scheme. This Statement also sets out the current position on the commonality of specific SoCGs.

2. STRUCTURE OF STATEMENT OF COMMON GROUND

- 2.1.1. To ensure consistency in the approach taken to documenting matters agreed, matters subject to further negotiation or matters not agreed, each of the SoCG adopts a standard format in order to provide clarity to the Other Parties and ultimately the ExA.
- 2.1.2. Each SoCG has the following structure:
- Section 1 provides the introduction to the SoCG and a description of its purpose;
 - Section 2 states the engagement that has occurred between the Applicant and Other Party to date; and
 - Section 3 provides a summary of topics covered by the SoCG and lists the DCO Application documents of relevant to the SoCG;
 - Section 4 addresses the key matters of relevance to the SoCG parties and sets out any issues that have arisen, reporting on the status of each issue, i.e. whether it is agreed, still under discussion or not agreed, and set out any remaining actions.

3. LIST OF STATEMENTS OF COMMON GROUND

3.1.1. The parties which the Applicant has prepared an SoCG with are listed in Table 3.1 below.

Table 3.1 - List of SoCGs under preparation

Stakeholder
East Riding of Yorkshire Council (ERYC)
Environment Agency
Goole and Airmyn Internal Drainage Board (Goole and Airmyn IDB)
Historic England (North-East and Yorkshire) (Historic England)
National Grid Carbon Limited (NGCL)
National Grid Electricity System Operator (NG ESO)
National Grid Electricity Transmission (NGET)
National Highways
Natural England
Selby Area Internal Drainage Board (Selby IDB)
The North Yorkshire County Council (NYC)

3.1.2. Note, NYC is a new single council which was launched on 1 April 2023, replacing the current county council and seven district and borough councils in North Yorkshire, including Selby District Council (SDC) and North Yorkshire County Council (NYCC). The SoCG with NYC therefore constitutes a further revision of the previous SoCG with SDC and NYCC.

3.1.3. Further detail about the current position of each SoCG can be found at Sections 4 and 5 of this Statement.

4. SUMMARY OF CURRENT POSITION

4.1.1. This section provides the current position of each SoCG.

4.1.2. Table 4.1 below provides a high-level position and where necessary includes further detail to aid understanding. The high-level positions used in the table are:

- Final Signed SoCG all matters agreed – The final SoCG has been signed by both parties and all matters are agreed.
- Final Signed SoCG with matters outstanding – The final SoCG has been signed by both parties and there remain matters outstanding that the Applicant and the Other Party agree will not be resolved during the Examination.
- SoCG in draft – The SoCG has been drafted by the Applicant, it has been shared with the Other Party and comments have been provided. Discussion is ongoing to reach a ‘Final Signed SoCG all matters agreed’ or ‘Final Signed SoCG with matters outstanding’.

Table 4.1 – Current Position of SoCGs

Document Reference	Party	Current Position
8.1.1	NG ESO	SoCG in draft
8.1.2	NGCL	SoCG in draft
8.1.3	NYC	SoCG in draft
8.1.4	Environment Agency	SoCG in draft
8.1.5	Natural England	SoCG in draft
8.1.6	Historic England	Final signed SoCG all matters agreed
8.1.7	National Highways	SoCG in draft
8.1.8	Selby IDB	Final signed SoCG all matters agreed
8.1.9	ERYC	SoCG in draft
8.1.10	NGET	SoCG in draft
8.1.11	Goole and Airmyn IDB	Final signed SoCG all matters agreed

4.1.3. The Applicant can provide the following update:

- An updated SoCG with ERYC is submitted at Deadline 7, which confirms 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, and there would be no change to the conclusions of the Environmental Statement as submitted in May 2022 based on the changed timescales for implementation. It also provides an update on the Second Change application;
- An updated SoCG with NG ESO is being progressed but is not in an agreed form to submit at Deadline 7. The Applicant is seeking NG ESO's confirmation that all matters are agreed, and is seeking the signing of the final version of the SoCG to submit at the earliest opportunity;
- The Applicant is in ongoing discussions with NGCL further to NGCL's recent decision to leave the Northern Endurance Partnership (NEP). The Applicant understands that NGCL consider a SoCG is still relevant and is seeking to agree a final iteration by Deadline 9;
- An updated SoCG with NYC is being progressed but is not in an agreed form to submit at Deadline 7. The Applicant understands that agreement has been reached in respect of the outstanding transport and ecology matters, whilst NYC's comments are awaited in terms of noise and vibration, and landscape, design and visual impact, to determine whether these matters are agreed. If a Position Statement is required, this will be submitted at Deadline 9;
- An updated SoCG with the EA is being progressed but is not in an agreed form to submit at Deadline 7. The application for a variation to the Environmental Permit was duly made on 18 May 2023 and the EA will start determining the application in due course. The Applicant understands that the Environment Agency agrees that the application for a variation to the Environmental Permit does not need to have been determined before the decision on whether to grant the DCO has been made. The Applicant is seeking the EA's confirmation that all matters are agreed, and is seeking the signing of the final version of the SoCG to submit at the earliest opportunity;
- An updated SoCG with Natural England is being progressed but is not in an agreed form to submit at Deadline 7. The Applicant understands that agreement has been reached in respect of biodiversity net gain whilst discussion is ongoing regarding Barn Hill Meadows SSSI and acid deposition;
- An updated SoCG with National Highways is being progressed but is not in an agreed form to submit at Deadline 7. The Applicant understands that National Highways consider the existing agreed measures set out in the Construction Traffic Management Plan (CTMP) (REP2-028) and Construction Worker Travel Plan (CWTP) (REP2-030) are appropriate to mitigate the impact of the development with the updated timescales for the project and that they agree that the conclusions of the ES do not change. Confirmation is to be provided as part of the next iteration of the SoCG to submit at the earliest opportunity;

- Matters remain under discussion with NGET, and in the absence of any significant updates at this time, an updated SoCG is not submitted at D7;
- The SoCG with Historic England was finalised and signed prior to the submission of the two Change Requests, as detailed in the **Change Request - Proposed Changes Application Report (AS-045)** and **Change Request - 8.15 Second Change Application Report (AS-126)**. However, the Applicant and Historic England have subsequently agreed that the submitted SoCG remains valid, as the Change Requests have no bearing or alteration to the terms agreed with the current SoCG. The latest submitted iteration (AS-033) is therefore the final version and will not be updated again before the close of the Examination; and
- The SoCGs with Selby IDB and Goole and Airmyn IDB were finalised and signed prior to the submission of the second Change Request, as detailed in the **Change Request - 8.15 Second Change Application Report (AS-126)**. The Applicant has subsequently agreed with both parties that the relevant submitted SoCG remains valid, as the Change Requests have no bearing or alteration to the terms agreed with the current SoCG. The latest submitted iterations (REP5-018 and REP5-020) are therefore the final versions and will not be updated again before the close of the Examination.

5. CURRENT POSITION

5.1.1. This section of the Statement provides a summary of principal issues covered in the SoCGs and demonstrates where there is commonality in the topics or matters.

5.1.2. The table is presented in such a way to show topics covered within the various SoCGs and how these are relevant to each Other Party and a position for each topic as follows:

	Matter agreed
	Matter which the Applicant understands to be agreed, which will be confirmed in a future iteration of the SoCG (to be submitted before the end of the Examination)
	Matter subject to further discussion
	Matter not agreed
	Matter not relevant

Table 5.1 - Table of Commonality at May 2023

Ref.	Party	Topics																					
		Environmental Permit	Planning history & current proposals	Planning Policy	Need, principle and alternatives	Climate Change Resilience	Population, Health & Socio-economics	Transport	Air quality	Noise and Vibration	Ecology	Design, Landscape and Visual Impact	Heritage	Ground Conditions	Water Environment	Materials and Waste	Greenhouse Gases	Major Accidents and Disasters	Cumulative Effects	dDCO (incl. Requirements)	Protective Provisions	Matters relating to Overhead Lines	Other Consents and Licenses
8.1.1	NG ESO																						
8.1.2	NGCL																						
8.1.3	NYC																						
8.1.4	Environment Agency																						
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