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Applicant, Biofuelwatch, Environment Agency, Health and Safety Executive, National Grid Carbon Limited, Natural England, North Yorkshire Council, and all Interested Parties

Your Ref:

Our Ref: EN010120

Date: 6 June 2023

Dear Sir/ Madam

Planning Act 2008 – Section 89; and the Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 17

Application by Drax Power Limited for an Order Granting Development Consent for the Drax Bioenergy with Carbon Capture and Storage Project

Request for further information

We are writing under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 (EPR). The Examining Authority has reviewed submissions arising from Deadlines 6 and 7 of the Examination and, based on this, has decided to seek further information in writing.

Questions under Rule 17 of the EPR (R17Q) are set out in **Annex A** of this letter. These are the first set of such questions issued in this Examination and are known as R17QA. They are addressed to the Applicant, Biofuelwatch, Environment Agency, Health and Safety Executive, National Grid Carbon Limited, Natural England, North Yorkshire Council, and all Interested Parties (IP).

The deadline for the submission of the information sought is **Deadline 8, Tuesday 13 June 2023**. Any IP wishing to comment on responses to this request may do so at Deadline 9. This is with the exception of R17QA1, which seeks responses at the final deadline of the Examination (**Deadline 10, Monday 17 July 2023**).

All responses should be marked as relating to Rule 17 Questions of 6 June 2023 (R17QA).

Yours faithfully



Caroline Jones

Caroline Jones
Lead Member of the Examining Authority

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Application by Drax Power Limited for the Drax Bioenergy with Carbon Capture and Storage Project

Questions under EPR Rule 17 (R17QA)

Issued on 6 June 2023

The questions raised in this document emerge from the Examining Authority's (ExA) consideration of submissions made at Deadlines 6 and 7.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on the one below to set out your responses. An editable version of the table in Microsoft Word format is available on request from the Case Team. Please contact: DraxBECCS@planninginspectorate.gov.uk and include 'Drax BECCS – R17' in the subject line of your email.

The deadline for responses to this Rule 17 request for further information is **Deadline 8** in the Examination Timetable (**Tuesday 13 June 2023**), save for R17QA1, which seeks responses at the final deadline of the Examination (**Deadline 10, Monday 17 July 2023**).



Abbreviations used:

BECCS	Bioenergy with Carbon Capture and Storage
CCS	Carbon Capture and Storage
COMAH	Control of Major Accidents and Hazards
D	Deadline
DCO	Development Consent Order
dDCO	Draft Development Consent Order
EA	Environment Agency
EAL	Environmental Assessment Level
EP	Environmental Permit
ERYC	East Riding of Yorkshire Council
ES	Environmental Statement
ExA	Examining Authority
HRA	Habitats Regulations Assessment

HRAR	Habitats Regulations Assessment Report
HSE	Health and Safety Executive
IP	Interested Party
ISH	Issue Specific Hearing
NE	Natural England
NEP	Northern Endurance Partnership
NGCL	National Grid Carbon Limited
NYC	North Yorkshire Council
NZT	Net Zero Teesside
R	Requirement
SoCG	Statement of Common Ground
SoS	Secretary of State
SSSI	Site of Special Scientific Interest

The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the [Examination Library](#)¹. The Examination Library will be updated as the Examination progresses.

¹ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010120/EN010120-000343-Drax BECCS Examination Library.pdf>

Questions under EPR Rule 17 (R17QA): Tuesday 6 June 2023

Responses due by Deadline 8 (Tuesday 13 June 2023) and Deadline 10 (Monday 17 July 2023)

R17QA	Question to:	Question:
GENERAL AND CROSS-TOPIC QUESTIONS		
R17QA.1	All IPs Applicant	The ExA requests that the Applicant and all IPs submit closing submissions at the final D10, detailing the respondent's closing positions at the close of the Examination on their principal issues.
R17QA.2	Applicant NGCL	At ISH1 it was stated that an application for the Humber Low Carbon Pipelines Development was expected to be submitted by NGCL mid-2023. Given the recent decision by NGCL to leave the NEP, please provide an update on anticipated timescales for submission as a result.
R17QA.3	NGCL	Please provide the ExA with an explanation of why you consider Protective Provisions and an SoCG with NGCL is still necessary.
R17QA.4	Applicant	Please provide an update on any progress or discussions on the following and where you expect to be by the end of the Examination: <ul style="list-style-type: none"> i. Status of SoCG with NGCL. ii. Status of SoCG with NEP/ BP. iii. Status of Protective Provisions with NGCL. iv. Status of Protective Provisions with NEP/ BP.
R17QA.5	EA NE NYC	The Applicant has stated that there will be a two-year delay to the timescales identified in Table 2.1 of Chapter 2 of the ES [APP-038]. Are there any implications on survey work or conclusions that have been drawn as a result of this delay?
AIR QUALITY AND EMISSIONS		
R17QA.6	EA	The ExA notes that the Applicant's Statement of Commonality [REP7-014] states that the application for a variation to the EP was duly made on 18 May 2023. <ul style="list-style-type: none"> i. The EA is asked to answer questions AQ 1.3, 1.4, 1.5, 1.7, 1.9 and 1.10 from ExQ1 [PD-011]. ii. If the EA is unable to confirm its response to this for D8 to prevent pre-determining the EP application, the EA is asked to provide an indication of when during the EP determination process it is likely to be in a position to respond to the above. iii. If the EA is unable to respond by the end of the Examination, please provide confirmation that the matters will be covered and controlled by the EP application process.

Questions under EPR Rule 17 (R17QA): Tuesday 6 June 2023

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R17QA	Question to:	Question:
R17QA.7	EA	<p>The ExA notes that item ref. 4.3.1 of the SoCG between the Applicant and the EA [REP5-016] states the 15km study area size is agreed for ecological sites and ecological receptors. At D6, Biofuelwatch reiterated its concern from previous submissions that the study area size for assessing the effect on human receptors of nitrosamines and nitramines may not encapsulate the location of largest concentrations [REP6-034]. The Applicant explains in its D7 submission [REP7-017] (response ref. 5.1) that the maximum impacts are indeed encapsulated in the 15 x 15km study area and that modelling of impacts is increasingly conservative with distance from the stack.</p> <p>The EA is asked to confirm the following:</p> <ol style="list-style-type: none"> i. Whether or not it is satisfied that the study area for assessing impact of amines and nitrosamines on human health does cover a large enough extent to assess the impact on human health. ii. If the EA is unable to confirm its response to this for D8 to prevent pre-determining the EP application, it is asked to provide its response at D9 or D10 at the latest, and/ or confirm that the matters will be covered and controlled by the EP application process.
R17QA.8	Applicant EA	<p>Biofuelwatch raised concern, both in its Written Representation [REP2-073] and again in its D6 submission [REP6-034], that there is no monitoring of existing emissions and background levels of amines/ nitrosamines. The ExA notes the Applicant's position in its D7 submission [REP7-017] that the assessment demonstrates that the impacts of amines can be screened as insignificant independently of background concentrations and the assessment of nitrosamines is based on an acceptable incremental risk.</p> <ol style="list-style-type: none"> i. The Applicant is asked to confirm whether the ExA is correct in understanding that the assessment of nitrosamines relies on the assumption that the long-term average concentration at receptors in assessment year is <75% of the EAL? ii. Both the Applicant and the EA are asked if they have agreed the Applicant's approach and assumptions in the absence of measured background concentrations of amines and nitrosamines? iii. The EA is asked if an approach to establishing baseline operational monitoring for amines and nitrosamines, both for the proposed scheme and cumulatively with other emitters, will form part of the EP process as is stated by the Applicant in paragraph 6.14.3 of ES Chapter 6 [APP-042]?

Questions under EPR Rule 17 (R17QA): Tuesday 6 June 2023

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R17QA	Question to:	Question:
		<p>iv. If the EA is unable to confirm its response on these matters for D8 to prevent pre-determining the EP application, it is asked to provide its response at D9 or D10 at the latest, and/ or confirm that the matters will be covered and controlled by the EP application process.</p>
R17QA.9	EA Biofuelwatch	<p>The EA was asked at ExQ1 [PD-011] for its view of the Applicant's approach to the assessment of cumulative effects associated with amine compounds. The Applicant's position [REP7-017] (response ref. 5.3) in response to Biofuelwatch's concerns [REP6-034] regarding cumulative short-term impacts is that <i>'to exceed the maximum impacts presented in the ES, the meteorological conditions would have to be such that the near maximum impacts from two plants will occur [...] at the location of maximum impact of the two or more plants in the same hour. This simply will not occur and does not warrant assessment.'</i></p> <p>i. The EA is asked if it agrees with the Applicant's approach on this matter? If the EA is unable to confirm its response on these matters for D8 to prevent pre-determining the EP application, it is asked to provide its response at D9 or D10 at the latest, and/ or confirm that the matters will be covered and controlled by the EP application process.</p> <p>ii. Biofuelwatch is asked if it is able to provide evidence to support its view that there are a range of meteorological conditions likely to exist under which less-than-maximum ground level impacts could combine to exceed the maximum ground level impact for one plant?</p>
R17QA.10	Applicant	<p>The ExA notes that the Applicant explains in [REP4-020] that the modelling for the mid-merit operational scenario explicitly includes partial operations when only the BECCS units are operating. Biofuelwatch in its D6 submission [REP6-034] reiterates its concern that aldehyde and nitrosamine concentrations from the BECCS units would increase at times that the non-BECCS units are not operating.</p> <p>i. Can the Applicant explain how, within the mid-merit scenario, the short-term concentrations of amines, nitrosamines and aldehydes differs between the times when only the BECCS units are operating and when the non-BECCS units are also operating?</p> <p>ii. Can the Applicant direct the ExA to where the increased short-term impacts when only BECCS units are operating are captured within the Applicant's assessment?</p>
R17QA.11	Applicant	<p>The ExA notes the Applicant's response ref. 5.17 in Responses to Issues Raised at Deadline 6 [REP7-017] that it has never been asked to assess unmerged plumes. However, the Applicant is asked to clarify whether the emissions from the BECCS unit flues will behave differently from the emissions from the non-BECCS units,</p>

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R17QA	Question to:	Question:
		due to different flow rate and temperature, impacting how well the plumes merge? And if so, would this change the results of the assessment?
R17QA.12	Applicant	<p>The ExA notes that the Applicant confirmed in Responses to Issues Raised at Deadline 6 [REP7-017] (response ref. 5.14) that the annual average impacts will not be perceptibly impacted by calm conditions. The applicant is asked:</p> <ol style="list-style-type: none"> i. Whether its approach to the dealing with calm conditions in the air quality modelling has been agreed with the EA? ii. Whether including 0.7% of hours in the year as calm conditions would change any outcomes of the air quality assessment, and if so, how?
R17QA.13	EA	<p>In its Written Representation [REP2-073] (paragraph 122) and again in its D6 submission [REP6-034], Biofuelwatch raised three questions relating to the regulation of amine emission rates, emissions temperatures and flow velocity. Could the EA provide a response to Biofuelwatch’s questions as follows:</p> <p><i>“Biofuelwatch requests that the Examining Authority asks the Environment Agency to:</i></p> <ol style="list-style-type: none"> a) <i>Confirm that it will regulate emissions to ensure that amine emissions rates will be no worse than assumed by the applicant in the application (including after taking measurement uncertainties into account - see previous subsection)</i> b) <i>Confirm that it will regulate the emissions temperature to ensure that the temperature will be no less than modelled by the applicant (because the temperature will impact buoyancy and dispersion)</i> c) <i>Confirm that it will regulate flow velocity to ensure that the velocity can be no less than modelled by the applicant (because the velocity will impact dispersion)”.</i>
R17QA.14	Applicant EA	<p>In its D6 submission [REP6-034] Biofuelwatch reiterates a concern raised in its Written Representation regarding dioxin emissions. The ExA understands from the Applicant’s responses to this issue at D4 [REP4-020] and D7 [REP7-017] that dioxin emissions are related to the existing process of biomass combustion and not the carbon capture plant.</p> <ol style="list-style-type: none"> i. The Applicant is asked if it can confirm whether the ExA’s understanding is correct? ii. The EA is asked if it agrees with the Applicant’s position in [REP4-020] (response ref. 9.19) and [REP7-017] (response ref. 5.30) that the assessment of dioxin emissions is unnecessary?

Questions under EPR Rule 17 (R17QA): Tuesday 6 June 2023

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R17QA	Question to:	Question:
BIODIVERSITY AND HABITATS REGULATIONS ASSESSMENT		
R17QA.15	Applicant	Please can the Applicant confirm that the Barn Hill Meadows SSSI Technical Note will be submitted to the Examination, in addition to issuing it to NE.
R17QA.16	Applicant	<p>a) Can the Applicant confirm whether the delay in the construction programme of two years has any implications for the HRA?</p> <p>b) Paragraph 4.3.11 of the HRAR states that habitats affected by temporary works are expected to be reinstated by 2027. Is that according to the revised timetable?</p>
R17QA.17	Applicant	HRAR Table 3.10 (Sediment Loading) [REP6-021] refers to visual disturbance in relation to development ID92, as does Table 3.12 (Noise and Vibration). HRAR Table 3.13 (Visual Disturbance) refers to loss or physical disturbance of functionally-linked land in relation to development ID7. Please can the Applicant confirm that these are textual errors.
R17QA.18	Applicant	In relation to impacts on the Barn Hill Meadows SSSI, NE requires further information to rule out likely significant effects. The Applicant has stated that access is required to carry out further surveys. Can the Applicant confirm the timescales for gaining access onto the land and whether this is likely to be resolved before the end of the Examination. If this is not resolved, what are the implications for the application?
R17QA.19	Applicant	Can the Applicant provide updated versions of [REP2-107] and [AS-015] , as highlighted in Part 1 paragraph 1.4 of NE's D7 response [REP7-019] .
DEVELOPMENT CONSENT ORDER		
R17QA.20	Applicant	Given the potential uncertainty of the submission of the application for the Humber Low Carbon Pipelines Development and the lack of a requirement to ensure the carbon is permanently stored, is there a risk that the captured carbon dioxide could be used commercially and subsequently emitted into the atmosphere rather than permanently stored? How can the ExA be satisfied that the carbon will be permanently stored?
R17QA.21	Applicant	Given the decision by NGCL to leave the NEP and the lack of information before the ExA on the extent of the EP, can the Applicant provide the ExA with an update on whether its current position on the imposition of a Requirement similar to R33 of the Keadby 3 Carbon Capture Power Station DCO as made should change. The ExA requests that the Applicant addresses each part of R33 in its response and explains its reasoning as to why that part should or not should not be included in a Requirement in the dDCO.

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R17QA	Question to:	Question:
R17QA.22	Applicant	In Table 7-1 of the Applicant's Responses to Issues Raised at Deadline 6 [REP7-017] , the Applicant responds to the Client Earth representations on Keadby 3 that Mr Hewitt submitted into the Examination at D6 [REP6-047] . Can the Applicant similarly provide its view on the Client Earth representations relating to the Net Zero Teesside examination that Mr Hewitt submitted into the Examination at D6 [REP6-046] and their relevance to the Drax BECCS dDCO?
FLOOD RISK AND WATER ENVIRONMENT		
R17QA.23	Applicant	The Applicant's response to ExQ1 FRW.1.8 [REP2-060] notes that the Applicant had submitted a request for information on private water supplies to from ERYC in relation to change PC02 and that it would provide an update, including an assessment of effects, at a subsequent deadline. This does not appear to have been received. Please could the Applicant provide such an update and assessment as necessary.
MAJOR ACCIDENTS AND NATURAL DISASTERS		
R17QA.24	HSE	Can HSE, as the competent authority for COMAH sites, comment on the appropriateness of the Applicant's assessment of major accidents in the context of the Proposed Development comprising elements of novel technology as set out in the ES Chapter 17 [APP-053] . Does HSE consider that the Applicant has sufficiently identified and assessed the potential risks associated with the CCS component?