



National Infrastructure
Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer
Services: 0303 444 5000
Email: DraxBECCS@planninginspectorate.gov.uk

All Interested Parties and Statutory
Parties

Your Ref:

Our Ref: EN010120

Date: 13 June 2023

Dear Sir/ Madam

Planning Act 2008; The Infrastructure Planning (Examination Procedure) Rules 2010 – Rules 8(3), 9 and 13; and The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 – Regulations 10 - 16

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

Notice of variation to the Examination Timetable following acceptance of change request for examination

The Examining Authority (ExA) has previously accepted for examination the Applicant's second proposal to amend its Development Consent Order (DCO) application¹, including a proposed provision for the compulsory acquisition of additional rights over land². The Applicant has certified that this proposed provision has been publicised in accordance with Regulations 7 and 8 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (the CA Regulations)³.

One further representation was received in respect of the Applicant's proposed provision: [\[RR-283\]](#).

In accordance with Regulation 11 of the CA Regulations, the ExA has made an initial assessment of the issues arising in connection with the proposed provision and has decided that the issues remain as set out in Annex C to the ExA's Rule 6 letter of 13 December 2022 [\[PD-008\]](#). There are no new issues arising. The ExA has decided that it is not necessary to hold a meeting to discuss how the proposed provision should be

¹ The Procedural Decision to accept the change request for examination is [\[PD-017\]](#) in the Examination Library (EL), which is available under the 'Documents' tab on the project webpage of the National Infrastructure Planning website: <https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/drax-bioenergy-with-carbon-capture-and-storage-project/>. All Examination documents referred to in this letter are available through the EL.

² Please refer to the Applicant's Second Change Application Report [\[AS-126\]](#) for more information.

³ Please refer to the Applicant's Regulation 9a Notice [\[OD-017\]](#) and Regulation 9b Certificate [\[OD-018\]](#) for more information.

examined. The provision will be examined by Written Representations and by holding further hearings.

Annex A of this letter sets out the revised Examination Timetable which is necessary to accommodate the required deadlines following the acceptance of the Applicant's proposal to amend the DCO application for examination.

Written Representations

All Interested Parties are invited to submit Written Representations on the Applicant's proposal to amend its DCO application. Please note that submissions should relate specifically to the proposed changes, and there is no need to repeat representations already made.

In addition, any **additional Affected Persons**⁴ are invited to submit Written Representations on the DCO application as a whole. Written Representations can cover any relevant matter and are not restricted to the matters set out in Annex C to the ExA's Rule 6 letter of 13 December 2022 [PD-008]. Any person, other than the Applicant, who submits a Written Representation must identify those parts of the application with which they agree and those parts with which they do not agree, explaining the reasons why.

Any Written Representations should be submitted by **Thursday 6 July 2023 (Deadline 9** in the revised Examination Timetable at **Annex A** of this letter). Any Written Representations and any further written submissions requested during the Examination, that exceed 1500 words, should also be accompanied by a summary which should not exceed 10% of the original text. The summary should set out the key facts of the written submission and must be representative of the submission made.

The '[Make a submission](#)' tab is available on the project webpage of the National Infrastructure Planning website and provides a portal through which parties should make written submissions at relevant deadlines during the Examination. Annex E of the ExA's Rule 8 letter of 24 January 2023 [PD-012] provides further information about the 'Make a submission' tab.

Notification of hearings

The following hearings will take place as a single virtual event with one start time. All the hearings will be accessed via the same set of joining instructions which will be issued to parties who have registered to attend in accordance with the following information.

The revised Examination Timetable at **Annex A** of this letter includes a date for hearings to be held on Monday 10 July 2023.

In accordance with the Infrastructure Planning (Compulsory Acquisition) Regulations 2010, we are required to give a 21-day notice period for hearings. We therefore write to advise you that the following virtual hearings will be held on Monday 10 July 2023:

⁴ Persons with an interest in the land which is subject to the proposed provision, and which is deemed to constitute additional land for the purposes of the CA Regulations.

Date	Hearing	Start time	Venue and joining details
Monday 10 July 2023	Open Floor Hearing 2 (OFH2)	Virtual Arrangements Conference from: 9:30am Hearing starts: 10:00am	By virtual means using Microsoft Teams Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered
Monday 10 July 2023	Compulsory Acquisition Hearing 2 (CAH2)	Virtual Arrangements Conference from: 9:30am Hearing starts: 10:00am	By virtual means using Microsoft Teams Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered
Monday 10 July 2023	Issue Specific Hearing 5 (ISH5) On matters discussed at Issue Specific Hearings 1 to 4	Virtual Arrangements Conference from: 9:30am Hearing starts: 10:00am	By virtual means using Microsoft Teams Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered
<p>NOTE: If any of the above hearings are no longer required then notification that a particular date is no longer required will be published as soon as practicable on the project webpage, providing reasonable notice to Interested Parties of the decision to cancel.</p>			

Purpose of the hearings

The purpose of ISH5 is to enable any additional Interested Parties and/ or additional Affected Persons, resulting from the Applicant's change request dated 21 April 2023, to make oral representations on matters that have been discussed at the following ISHs that have been held previously:

- **Issue Specific Hearing 1 (ISH1)** on the scope of the Proposed Development. Held on Wednesday 18 January 2023.
- **Issue Specific Hearings 2 and 4 (ISH2/ ISH4)** on the draft DCO. Held on Thursday 19 January 2023 and Friday 24 March 2023 respectively.
- **Issue Specific Hearing 3 (ISH3)** on environmental matters.

Held on Wednesday 22 March 2023.

ISH5 is also intended to allow any additional Interested Parties and additional Affected Persons resulting from the Applicant's initial change request dated 5 December 2022 to make oral representations in relation to ISH1 on the scope of the Proposed Development.

The purpose of CAH2 is:

- to enable any Affected Person and/ or Interested Party to make oral representations on the proposed provision for the compulsory acquisition of additional rights over land set out in the Applicant's change request dated 21 April 2023; and
- to enable any additional Affected Persons to make oral representations on matters relating to the proposed compulsory acquisition of land/ rights in general.

Open Floor Hearings are not related to a particular issue, however those wishing to be heard orally as part of OFH2 are requested to note that it will not be necessary to repeat submissions that have already been made either orally or in writing.

The video recordings and transcripts from all previously held hearings are available under the '[Documents](#)' tab on the project webpage.

Registering to attend the hearings

The ExA would be grateful if any party intending to participate in the above hearings could register by Monday 3 July 2023 and provide all the information requested (see below).

If you simply wish to observe the hearings then you do not need to register as you will be able to either:

1. watch a livestream of the event (a link to the livestream will be made available on the [project webpage](#) shortly before the event is scheduled to begin); and/ or
2. watch the recording of the event which will be published on the project webpage shortly after the event has finished.

Any request to participate in a hearing **must include** the following information:

- Name and unique Interested Party reference number (found at the top of any letter or email from the Planning Inspectorate).
- Email address (if available) and contact telephone number.
- Name and unique Interested Party reference number of any person/ organisation that you are representing (if applicable).
- Confirmation of the hearing(s) you wish to participate in, the agenda item(s) on which you wish to speak and/ or brief details of the topic(s) that you would like to raise.
- For Compulsory Acquisition Hearings: the plot number(s) of the relevant land provided in the [Book of Reference](#) and the [Land Plans](#).

- The [Examination Library](#) reference number (with paragraph/ page number where appropriate) of any documents you wish to refer to.

It is important that notifications to participate in hearings are submitted separately from any other written submission. The [‘Make a submission’ tab](#) will allow additional Affected Persons and additional Interested Parties to request attendance at the Compulsory Acquisition Hearing and Open Floor Hearing (respectively) up until Deadline 9, in accordance with the requirements of the CA Regulations; however for organisational purposes, the ExA would be grateful if requests to participate in any of the above hearings could be submitted by email to: DraxBECCS@planninginspectorate.gov.uk by **23:59 on Monday 3 July 2023**.

If your request to participate is accepted, you will receive an invitation which will include instructions on how to join the virtual event using Microsoft Teams. The Arrangements Conference will admit you to the event, and will provide information on the hearings and reminders about using the technology. Please arrive at the Arrangements Conference start time so the Case Team can admit you before the start of the hearings.

Please contact the Case Team using the contact details at the top of this letter if you require any support to attend the hearings.

Hearing agendas

For Issue Specific Hearings and Compulsory Acquisition Hearings the ExA will publish a detailed draft agenda on the project webpage at least five working days in advance of the hearing date. However, the actual agenda on the day of each hearing may be subject to change at the discretion of the ExA. For Open Floor Hearings an agenda may not be published.

Procedure at hearings

The Examination is principally a written process (see the Planning Inspectorate’s [Advice Note 8.4: The Examination](#)⁵), supplemented where necessary by various types of hearings. Please refer to the [Advice Note 8.5: Hearings and site inspections](#)⁶ and [Advice Note 8.6: Virtual Examination events](#)⁷ as these provide important information about hearing procedures.

The procedure to be followed at hearings is set out in Rule 14 of The Infrastructure Planning (Examination Procedure) Rules 2010. The ExA is responsible for the oral questioning of a person giving evidence and the process affords very limited scope to allow cross-questioning between parties.

⁵ <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-8-4-the-examination/>

⁶ <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-8-5-the-examination-hearings-and-site-inspections/>

⁷ <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-8-6-virtual-examination-events/>

Hearing livestream and recording

A link to a livestream for each hearing will be made available on the [project webpage](#) shortly before any hearing is due to open. The livestream is available to anybody who wishes to observe a hearing in real time.

All hearings are recorded, and the recordings will be made available on the [project webpage](#) as soon as practicable after the close of the hearing. The recordings allow any member of the public who is interested in the application and the Examination to find out what has been discussed.

Closing submissions

The ExA has amended the Examination Timetable to provide all Interested Parties with the opportunity to make written closing submissions at **Deadline 10** of the Examination (**Monday 17 July 2023**), setting out parties' closing positions on their principal issues.

Availability of Examination documents

The application documents and Relevant Representations are available on the project webpage. All further documents submitted in the course of the Examination will also be published under the ['Documents' tab](#) of the project webpage.

If you have any questions about the content of this letter, please contact the Case Team on the details above.

Yours faithfully

Caroline Jones

Caroline Jones
Lead Member of the Examining Authority

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Varied Examination Timetable

Please see below the Examination Timetable, as published in Annex A of the Examining Authority's (ExA) Rule 8 letter [PD-012] and subsequently amended by the ExA's Rule 8(3) letter dated 27 February 2023 [PD-013], from item 15 onwards and with any further amendments underlined and highlighted red.

The ExA is under a duty to complete the examination of the application by the end of the period of six months beginning with the day after the close of the Preliminary Meeting.

The Examination of the application primarily takes the form of the consideration of written submissions. The ExA will also consider any oral representations made at hearings.

Item	Matters	Date
15.	<p>Deadline 8</p> <p>For receipt by the Examining Authority of:</p> <ul style="list-style-type: none"> • Post-hearing submissions, including written summaries of oral submissions to the hearings (if held). • Comments on progressed Statements of Common Ground (if any). • Comments on any other responses received by Deadline 7. • Applicant's updated Application Guide in clean and tracked versions. • Applicant's updated Application Document Tracker in clean and tracked versions. • Applicant's updated draft Development Consent Order in clean and tracked versions. • Applicant's Schedule of Changes to the draft Development Consent Order. • Applicant's updated Schedule of Negotiations and Powers Sought in clean and tracked versions. • Applicant's updated National Policy Statement tracker (if required) in clean and tracked versions. • Applicant's updated Book of Reference (BoR) and Schedule of Changes to the BoR (if required) in clean and tracked versions. • Any further information requested by the Examining Authority under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010. 	Tuesday 13 June 2023
16.	Publication by the Examining Authority of:	Wednesday 14 June

	<ul style="list-style-type: none"> • The Report on the Implications for European Sites and any associated questions. 	2023
17.	<p>Publication by the Examining Authority of:</p> <ul style="list-style-type: none"> • The Examining Authority’s proposed schedule of changes to the draft Development Consent Order (if required). 	Wednesday 21 June 2023
18.	<p>Deadline 9</p> <p>For receipt by the Examining Authority of:</p> <ul style="list-style-type: none"> • <u>Written Representations on the Applicant’s proposal to amend its Development Consent Order application⁸.</u> • <u>Summaries of Written Representations submitted at Deadline 9 exceeding 1500 words.</u> • <u>Requests by any additional Interested Party to participate in an Open Floor Hearing or any additional Affected Person to participate in a Compulsory Acquisition Hearing, to be held on 10 July 2023.</u> • Responses to the Report on the Implications for European Sites. • Responses to the Examining Authority’s proposed schedule of changes to the draft Development Consent Order (if issued). • <u>Comments on the Applicant’s updated draft Development Consent Order.</u> • Comments on <u>any other</u> responses received by Deadline 8. • <u>Progressed s106 Agreement(s) and/ or an update on progress (if required).</u> • <u>Progressed Statements of Common Ground.</u> • <u>Progressed Statement of Commonality for Statements of Common Ground.</u> • <u>Applicant’s updated Application Guide in clean and tracked versions.</u> • <u>Applicant’s updated Application Document Tracker in clean and tracked versions.</u> • <u>Applicant’s updated Schedule of Negotiations and Powers Sought in clean and tracked versions.</u> 	<u>Thursday 6 July 2023</u>

⁸ Please refer to the Applicant’s Second Change Application Report [[AS-126](#)] for more information on the Applicant’s proposal.

	<ul style="list-style-type: none"> • <u>Applicant's updated National Policy Statement tracker (if required)</u> in clean and tracked versions. • <u>Applicant's updated Book of Reference (BoR) and Schedule of Changes to the BoR (if required)</u> in clean and tracked versions. • Any further information requested by the Examining Authority under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010. 	
<u>19.</u>	<p><u>Hearings</u></p> <ul style="list-style-type: none"> • <u>Issue Specific Hearing 5</u> on matters discussed at <u>Issue Specific Hearings 1 to 4</u> (see <u>page 2 of this letter</u>). • <u>Open Floor Hearing 2</u> (see <u>page 2 of this letter</u>). • <u>Compulsory Acquisition Hearing 2</u> (see <u>page 2 of this letter</u>). 	<p><u>Monday 10 July 2023</u></p> <p><u>10:00am</u></p>
<u>20.</u>	<p><u>Deadline 10</u></p> <p>For receipt by the Examining Authority of:</p> <ul style="list-style-type: none"> • <u>Post-hearing submissions</u>, including written summaries of oral submissions to the hearings. • <u>Comments on Relevant Representations and Written Representations received by Deadline 9</u> in relation to the Applicant's proposal to amend its Development Consent Order application. • <u>Comments on any other responses received by Deadline 9.</u> • <u>Closing submissions from Interested Parties</u>, detailing closing positions on principal issues. • <u>Signed and dated s106 Agreement(s) (if required).</u> • <u>Finalised Statements of Common Ground.</u> • <u>Finalised Statement of Commonality for Statements of Common Ground.</u> • <u>List of matters not agreed where any Statement of Common Ground could not be finalised.</u> • <u>Applicant's final Application Guide</u> in clean and tracked versions. • <u>Applicant's final Application Document Tracker</u> in clean and tracked versions. • <u>Applicant's final Schedule of Negotiations and Powers Sought</u> in clean and tracked versions. 	<p><u>Monday 17 July 2023</u></p>

	<ul style="list-style-type: none"> • <u>Applicant’s final National Policy Statement tracker</u> in clean and tracked versions. • <u>Applicant’s final draft Development Consent Order (Microsoft Word)</u> in clean and tracked versions. • <u>Applicant’s final draft Development Consent Order (PDF)</u> in clean and tracked versions. • <u>Applicant’s final draft Development Consent Order (dDCO) to be submitted in the SI template with the SI template validation report.</u> • <u>Applicant’s finalised Schedule of Changes to the draft Development Consent Order.</u> • <u>Applicant’s final Book of Reference (BoR) and Schedule of Changes to the BoR</u> in clean and tracked versions. • Any further information requested by the Examining Authority under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010. 	
<u>21.</u>	The Examining Authority is under a duty to complete the examination of the application by the end of the period of six months.	Monday 17 July 2023