

Date: 13 June 2023
Our ref: 436719
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 8)

Examining authority's submission deadline 13 June 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 consider that the following issues have now been resolved, subject to the submission of the Barn Hill Meadows Habitats and Soil Analysis Technical Note (Revision 01, dated June 2023) and agreed updates to the operational air quality results for ecological receptors (Appendix 6.5 to the Environmental Statement), and subject always to the appropriate requirements being adequately secured for all relevant issues:

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

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 Relevant Representations Version 1.2 (dated 23 September 2022) (AS-011), Written Representations Version 1.1 (dated 22 February 2023) (REP2-085), Deadline 4 submission (dated 23 March 2023) (REP4-041), and Deadline 7 submission (REP7-019) on key issues where Natural England's position has changed in response to additional documents provided since Deadline 7.

1.3. Please note that our Relevant Representations Version 1.2 (AS-011), Written Representations Version 1.1 (REP2-085), Deadline 4 response (REP4-041), and Deadline 7 submission (REP7-019) should be referred to for Natural England's advice on other issues within our remit.

1.4 Natural England reiterates previous comments provided in Table 1a of our Deadline 4 Response (REP4-041) under Natural England key issue reference 30 and footnote 1, regarding 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. However, Natural England has discussed the correct results with the Applicant and agrees with these conclusions. We understand that these errors will be resolved in the final versions of the documents.

1.5. Natural England's previous concerns regarding the phrasing of draft DCO requirements 7, 8, 14, 15, 17, and 19 have now been resolved with the applicant, subject to agreed updates to Schedule 11 (procedure for discharge of requirements) of the draft DCO at Deadline 8 to provide that, in submitting Requirements for discharge, the Applicant must demonstrate that the conclusions of the Habitats Regulations Assessment (HRA) will not change as a result of the detailed plans and strategies.

1.6. Our comments are flagged as green:

- 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 1c provides an update to Table 1 from our Written Representations Version 1.1 (dated 22 February 2023) (REP2-085), subsequent Table 1a from our Deadline 4 Submission (Update to Written Representation) (dated 28 March 2023) (REP4-041), and Table 1b from our Deadline 7 submission (dated 24 May 2023) (REP7-019) on key issues where Natural England’s position has changed in response to additional documents provided since Deadline 7.

Table 1c: 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 has reviewed the applicant’s Barn Hill Meadows Habitats and Soil Analysis Technical Note (Revision 01, dated June 2023).</p> <p>We are satisfied with the content and conclusions of the assessment, subject to submission of the agreed report and agreed updates to the operational air quality results for ecological receptors (Appendix 6.5 to the Environmental Statement) to be submitted at Deadline 8.</p> <p>Based on the information provided, Natural England considers that the proposed development will not damage or destroy the interest features for which Barn Hill Meadows SSSI has been notified.</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).	Green

**Natural England's response to the Examining Authority's (ExA's) Questions under EPR Rule 17 (R17QA):
Tuesday 6 June 2023**

Table 2b: Natural England response to Examiner's Questions under EPR Rule 17 (R17QA): Tuesday 6 June 2023			
ExA question ref	Question addressed to	Question	Answer
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?	<p>With regards to potential implications of the proposed delay on ecological survey results, Natural England considers that the commitment in the Register of Environmental Actions and Commitments – Rev 9 (REAC) (REP6-015), to complete pre-commencement ecological surveys to re-assess the ecological baseline conditions and determine if any additional ecological mitigation is required beyond that specified in the Outline Landscape and Biodiversity Strategy (OLBS) (REP6-017) and relevant Environmental Statement documents, is suitable to ensure that the ecological information is updated prior to commencement of development. These surveys are considered to be secured via Requirement 14 of the draft Development Consent Order (DCO).</p> <p>With regards to Biodiversity Net Gain (BNG), Natural England considers that the commitment within the Draft Section 106 Agreement (REP7-015) that prior to commencement of the project, the Developer and North Yorkshire Council (NYC) must agree when the updated Biodiversity Net Gain Assessment must be submitted for approval to NYC, and that this must have regard to the timing of when detailed landscaping and biodiversity strategies are proposed to be submitted under</p>

			<p>Requirement 7 of the DCO, is suitable to ensure that the Biodiversity Net Gain Assessment is updated prior to the commencement of development.</p> <p>In terms of the air quality assessment, the assessments and modelling were based on a conservative assumption around the baseline (e.g., Section 6.7.17 in the ES AQ Chapter) and assumed there would be no decline in NOx or N deposition between now and 2027/29. In practice, emissions and deposition are likely to decline to 2030 – NOx emissions by approximately 34% and N deposition by approximately 13% (though ammonia being largely unchanged). This is based on the “Business as usual” scenario in Nitrogen Futures, so allowed for only adopted/ implemented N-reduction policies at the time of the N-Futures assessment. However, by not relying on this reduction, the applicant had assessed against a worst-case baseline – and this worst case is still applicable (and even more conservative) assuming a delay in the construction/ operation timescales.</p> <p>We consider that, assuming a 2-year delay, the in-combination assessment for impacts on designated sites will be made with less confidence. However, the in-combination assessment undertaken is robust and has been recently updated/ reviewed for the examination (Deadline 6). Any future applications coming into the planning/ permitting system will have to make their own assessment with Drax BECCS as an in-combination/ cumulative project.</p>
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