



STATEMENT OF COMMON GROUND BETWEEN THE ENVIRONMENT AGENCY AND DRAX POWER LIMITED

Drax Bioenergy with Carbon Capture and Storage

The Planning Act 2008 (as amended)

Document Reference Number: 8.1.4

Applicant: Drax Power Limited

PINS Reference: EN010120



REVISION: 04

DATE: June 2023

DOCUMENT OWNER: WSP UK Limited

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PUBLIC

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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 the Environment Agency 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 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 has evolved during the examination, and concludes with this version which confirms the Parties' agreement on all relevant matters.

The Environment Agency is interested in the Proposed Scheme as a statutory consultee. The Environment Agency are a non-departmental public body responsible for protecting and enhancing the environment in England. They are also responsible for determining the application for an environmental permit variation for the Proposed Scheme.

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 Department for Levelling Up, Housing and Communities) 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 Proposed Changes Application Report (AS-045) and Second Change Application Report (AS-126).

1.3. THIS STATEMENT OF COMMON GROUND WITH THE ENVIRONMENT AGENCY

1.3.1. This SoCG has been prepared between the Environment Agency and the Applicant (jointly referred to as the Parties) in relation to the Application.

1.3.2. It addresses topics of interest to the Environment Agency. The Environment Agency is interested in the Proposed Scheme as a statutory consultee. The Environment Agency are a non-departmental public body responsible for protecting and enhancing the environment in England. They are also responsible for determining the application for an environmental permit variation for the Proposed Scheme.

1.3.3. The Proposed Scheme will be subject to the environmental permitting regime under the Environmental Permitting (England and Wales) Regulations 2016. The

Environment Agency will be responsible for granting an environmental permit variation if they are satisfied that the Proposed Scheme can be adequately regulated under the environmental permitting regime. The Environment Agency would also be responsible for monitoring and enforcing the environmental permit.

- 1.3.4. 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.
- 1.3.5. In respect of matters relevant to the Proposed Scheme but not referred to in this SoCG, the Environment Agency has no comments to make.
- 1.3.6. 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, the Environment Agency agrees that the statements in this SoCG apply to the application inclusive of those Proposed Changes.
- 1.3.7. 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
3 February 2021	<u>Meeting</u> Drax; Environment Agency (EA); and WSP	The meeting covered the following: <ul style="list-style-type: none"> • Introduction to the Proposed Scheme; • Summary of the relevant environmental impact assessment topics: air quality, ecology, noise and vibration, water environment, ground conditions; and • A combined heat and power (CHP) assessment note was provided and updated following comments at the meeting. It was agreed that a combined heat and power assessment could be scoped out.
1 March 2021	<u>Email</u> EA to WSP.	Emailed an information request, updated CHP assessment note and site boundary plan.
1 March 2021	<u>Email</u> WSP to EA	Water Environment data request.
9 April 2021	<u>Email</u> EA to WSP	Initial consultation. Introduction of the project and technical queries raised.
29 April 2021 - 30 June 2021	<u>Various emails/ phone calls</u> between WSP and EA	Communications regarding provision of the flood models / data required to support the FRA.
July to November 2021	<u>Email</u> WSP to EA Customer &	Request for the 2021 Humber Extreme Water Levels model.

Date	Form of Contact and Attendees	Summary
	Engagement Team	
11 August 2021	<u>Email</u> WSP to EA	Request issued to Environment Agency to consult on proposed approach to air quality assessment. Email included attachment of letter outlining proposed methodology.
17 August 2021	<u>Email</u> EA to WSP	The EA provided further advice in relation to the remaining queries submitted in April 2021 regarding water quality matters.
23 August 2021	<u>Email</u> EA to WSP	EA provided their comments following their review of the air quality consultation document submitted to them in the email dated 11 August 2021.
06 October 2021	<u>Conference call</u> EA and WSP	Conference call to discuss WFD Screening assessment. The EA agreed with the WFD screening and scoping conclusion which involved all activities being screened out for assessment other than the environmental improvement works which will be reassessed once the design has been determined.
06 October 2021	<u>Email</u> EA to WSP	EA confirmed that it is satisfied with the breach location used in the 2018 Repower DCO and it can be used for Drax BECCS project. and provided further information regarding requirements for Flood Risk Assessment and the study area.
21 October 2021	<u>Email</u> WSP to EA	Following completion of PEIR Chapter 6 (Air Quality) and in response to the email received from the EA dated 23 August 2021, a further email was issued to the EA to confirm a number of matters included in the 23 August email and to request further clarification on some items. The email specifically referred to the following items: operational emissions; contributions from other

Date	Form of Contact and Attendees	Summary
		facilities; sensitive receptors and AQMAs; habitats; and uncertainty.
21 October 2021	<u>Conference call</u> Between EA and WSP	Meeting to follow up actions for the EA agreed on the Flood Risk call held on 27 September 2021.
02 November 2021	<u>Email</u> From EA to WSP	The EA responded with additional comments relating to the air quality assessment, following the email submitted to the EA on 21 October 2021.
04 November 2021	<u>Email</u> From EA to WSP	. EA provided the Heavily Modified Water Body mitigation measures document. EA confirmed that the WFD Scoping Report is considered suitable and sufficient.
30 November 2021	<u>Email</u> From EA to WSP	WSP sent a Technical Note summarising the approach proposed for the hydraulic modelling as previously agreed with the EA.
06 December 2021	<u>Conference call</u> Between EA and WSP	Discussion on the proposed modelling approach to support the FRA. EA agreed in principle with the proposed approach.
10 December 2021	<u>Letter</u> From EA to WSP	The EA, as a section 42 consultee under the Planning Act 2008, responded to the Proposed Scheme's Statutory Consultation.
05 January 2022	<u>Email</u> From WSP to EA	Email requested confirmation that the EA are in agreement that a CHP Assessment is not required.
10 February 2022	<u>Conference call</u> Between EA and WSP	Meeting to discuss the change in design life of the Proposed Scheme and the results of the baseline hydraulic modelling.
10 February 2022	<u>Conference call</u> Between EA and WSP	Agreement of final WFD Screening conclusion. Discussion of possible sites/projects for funding BNG enhancement.

Date	Form of Contact and Attendees	Summary
28 February 2022	<u>Email</u> From WSP to EA	Request for BNG enhancement opportunity schemes and YWT contact, as discussed on recent WFD call.
19 April 2022	<u>Email</u> From WSP to EA	Issue of the baseline hydraulic model for the Environment Agency review.
22 April 2022	<u>Email</u> From WSP to EA	Issue of the Flood Modelling Report associated with the model sent on 19 th April 2022.

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

Date	Form of Contact	Summary
26 July 2022	<u>Email</u> From WSP to EA	WSP advised of section 56 and likely Examination timescales and sought further engagement on the FRA and the modelling during that period.
03 August 2022	From WSP to EA	WSP advised that the revised hydraulic model was uploaded to the Environment Agency server.
22 August 2022	<u>Email</u> From WSP to EA	WSP sent Technical Notes on its approach to flood compensation.
22 August 2022	<u>Email</u> Drax to EA	Submission of an application for a variation to the existing Environmental Permit, EPR/VP3530LS, for the Drax Power Station to the EA
23 August 2022	<u>Teams call</u> EA, Drax and WSP	Agenda: <ul style="list-style-type: none"> • Approach to flood compensation - discussion on the Technical Notes issued to the Environment Agency on 22 August 2022;

Date	Form of Contact	Summary
		<ul style="list-style-type: none"> • Baseline hydraulic model review - update on progress; • Statement of Common Ground; • Update on review of the Water Environment submissions: FRA, SWDS, Water Chapter of the ES; • Design life; and • Permit application.
30 August 2022	<u>Email</u> From EA to WSP	Environment Agency sent comments on the baseline hydraulic model.
01 September 2022	<u>Relevant Representation</u> submitted by EA	Relevant Representation
07 and 27 September 2022	<u>Email</u> From WSP to EA	WSP requested information from the Environment Agency on their future plans for the existing flood defences in the area of Drax Power Station.
04 October 2022	<u>Email</u> From WSP to EA	Response to the EA's hydraulic model review comments.
05 October 2022	<u>Email</u> From WSP to EA	WSP issued a draft reply to Relevant Representations comments, draft SoCG and a link to Drax BECCS 3D Model Flyover Video which was submitted as part of the DCO application.
05 October 2022	<u>Virtual meeting</u> EA, Drax and WSP.	<p>Agenda:</p> <ul style="list-style-type: none"> • Hydraulic model review – WSP response overview; • Relevant Representatives comments – draft reply for discussion; • Design life; • Flood Compensation Area; and • Statement of Common Ground.

Date	Form of Contact	Summary
19 October 2022 – 6 January 2023	<u>Emails</u> Between WSP and the EA	Correspondence and agreement in respect of Water Environment ES Chapter, Flood Risk Assessment and Hydraulic Modelling.
09 January – 02 February 2023	<u>Emails</u> Between WSP and the EA	Agreement of Revision 02 of the Statement of Common Ground.
06 January 2023	<u>Virtual meeting</u> EA, Drax and WSP	Agenda: <ul style="list-style-type: none"> • Relevant Representation comments; • Recent Project submissions to PINS and documents relevant to the EA; • Statement of Common Ground items currently under discussion; and • Anticipated Deadline 1 submissions.
23 February 2023	<u>Virtual meeting</u> EA, Natural England, Drax and WSP	Agenda: <ul style="list-style-type: none"> • Onsite Baseline • Offsite Options • External Projects • Scheme Identification – CCRT
March – April 2023	<u>Emails and Virtual Meeting</u> Between WSP, Drax and the EA	Agreement of Revision 03 of the Statement of Common Ground.
April – June 2023	<u>Emails</u> Between WSP and the EA	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 topics discussed between the Parties are covered by this SoCG:

- Environmental Permit;
- Air quality;
- Ecology;
- Water Environment;
- Materials and Waste; and
- Draft Development Consent Order.

3.1.2. In respect of matters relevant to the Proposed Scheme but not referred to in this SoCG, the Environment Agency have no comments to make, including in relation to Ground Conditions and Contamination.

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
APP-037 - 178	6.1 - 6.4 Environmental Statement (ES)
REP6-027	6.10 Biodiversity Net Gain Assessment Rev03
REP2-039, REP2-041	6.3.12.1 ES Appendix 12.1 (Flood Risk Assessment) Rev03
APP-161	6.3.12.2 –ES Appendix 12.2 (Water Framework Directive Screening Note)
REP6-017 and APP-181 - 183	6.6.1 (Rev05) - 6.6.2.3 Outline Landscape and Biodiversity Strategy
REP6-005	3.1 Draft Development Consent Order (Clean) - Rev 08
AS-045	8.5.1 Proposed Changes Application Report
AS-126	8.15 Second Change Application Report

Document Reference	Document Name
AS-019	5.1 Air Quality Technical Note 1
REP2-065	8.9.5 Air Quality Technical Note 2 (WQ1 Appendix 5)
REP6-015	6.5 Register of Environmental Actions and Commitments Rev 09

4. CURRENT POSITION

4.1. ENVIRONMENTAL PERMIT

Table 4.1 - Environmental Permit

Ref	Description of Matter	Applicant – Current Position	Environment Agency – Current Position	Position
4.1.1	Environmental Permit	The Applicant submitted an application for a variation to the existing Environment Permit, EPR/VP3530LS, for the Drax Power Station on 22 August 2022. The application for a variation to the Environmental Permit was duly made on 18 May 2023.	<p>The Applicant submitted an application for a variation to the existing Environment Permit, EPR/VP3530LS, for the Drax Power Station on 22 August 2022. The variation to the application was duly made on 18 May 2023.</p> <p>The Environment Agency will now consider the application for a variation to the Environmental Permit as set out above. Determination of this application is not expected before March 2024.</p>	Agreed

4.2. AIR QUALITY

Table 4.2 - Air Quality

Ref	Description of Matter	Applicant – Current Position	Environment Agency – Current Position	Position
4.2.1	Assessment Methodology: BECCS Amine Emissions	<p>The Applicant has set out its approach to emission limit values for modelled amine compounds in Table 6.6 of ES Chapter 6 (Air Quality) (APP-042) and within Appendix 6.3 (Atmospheric Dispersion Modelling) (APP-127).</p> <p>The Applicant notes that the EA proposes to consult on the new EALs after the close of Drax BECCS Examination and that the new EALS are anticipated to be published following the consultation in Q1 2024, which may occur after the decision as to whether to grant the DCO has been made. This should not, however, preclude the decision as to whether to grant the DCO being made.</p>	<p>The Environment Agency agrees in principle to this approach as being appropriate for the assessment of this Scheme. The Environment Agency has concluded a ‘hazard ranking’ process in order to prioritise a work package for the derivation of Environmental Assessment Levels (EALs) for amines and degradation products associated with amine-based carbon capture. The consultant undertaking this work is due to submit the final report to the EA by 15 June 2023. The EA will then consult with the UKHSE with the aim to open a three month public consultation by the end of July / early August. After which a Consultation Response Document will then be produced with the view to publishing it, and the new EALs, in Q1 2024.</p> <p>The EA will take the new EALs into account during the Environmental Permit variation determination process.</p>	Agreed

Ref	Description of Matter	Applicant – Current Position	Environment Agency – Current Position	Position
			<p>The application for a variation to the Environmental Permit was duly made on 18 May 2023. Determination of this application is not expected before March 2024.</p>	
		<p>The Applicant has set out its approach to defining and assessing atmospheric reaction rates for the modelled amine compounds, including sensitivity testing to address uncertainty, in paragraphs 6.5.21 to 6.5.25 within ES Chapter 6 (Air Quality) (APP-042) and within Appendix 6.3 (Atmospheric Dispersion Modelling) (APP-127).</p>	<p>The Environment Agency agrees in principle to this approach as being appropriate for the assessment of this Scheme.</p> <p>The ADMS Amine Chemistry Module is an accepted way of assessing atmospheric amine chemical reactions. 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 which will include reviewing the derivation of the reaction rate coefficients which are key to understanding atmospheric chemistry of the amines and degradation compounds as part of this process.</p> <p>Determination of this application is not expected before March 2024.</p>	<p>Agreed</p>

Ref	Description of Matter	Applicant – Current Position	Environment Agency – Current Position	Position
		<p>The Applicant has set out its approach to characterising the air quality baseline within the study area in Section 6.7, with associated limitations and assumptions provided in paragraph 6.5.54, of ES Chapter 6 (Air Quality) (APP-042).</p>	<p>The Environment Agency agrees to this approach as being appropriate for the assessment of this Scheme.</p>	<p>Agreed</p>
		<p>The Applicant has evidenced that the modelled pollutant mass rates would represent reasonable worst cases Table 6.6 of ES Chapter 6 (Air Quality) (APP-042) and within Appendix 6.3 (Atmospheric Dispersion Modelling) (APP-127).</p> <p>Furthermore, the Applicant has set out the approach to establishing reasonable worst-case emissions profiles within paragraphs 6.5.15 to 6.5.17 of ES Chapter 6 (Air Quality) (APP-042).</p>	<p>The Environment Agency agrees in principle to this approach as being appropriate for the assessment of this Scheme.</p> <p>The main area for discussion relates to the release concentrations (mg/Nm³) of amines and nitrosamines. This can only be confirmed once determination of the variation application commences.</p> <p>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 which will include reviewing the emissions of amines and nitrosamines as part of this process.</p> <p>Determination of this application is not expected before March 2024.</p>	<p>Agreed</p>

Ref	Description of Matter	Applicant – Current Position	Environment Agency – Current Position	Position
		<p>The Applicant submitted an Air Quality Technical Note to PINS on 7 October 2022 (AS-019), which accounted for updates to the assessment approach, specifically to ensure consistency between the DCO application and the permit variation application (August 2022). Based on the revised results presented in the Technical Note, there was no material change to the conclusions of the operational phase air quality assessment reported in ES Chapter 6 (APP-042).</p>	<p>The Environment Agency agrees to the content of the Technical Note dated 7 October 2022.</p> <p>For the record, it is noted that the release rates for amine (1) in Table 13 of the EPR application have not been revised in line with the technical note. This is a typographical error as all other necessary amendments have been made, see Table 8 by way of example.</p>	Agreed
4.2.2	Predicted Impacts: Habitats	<p>The predicted impacts at identified sensitive habitats are reported within ES Chapter 6 (Air Quality) (APP-042) with the results passed to the Proposed Scheme ecologist to determine whether or not there is a likely significant effect. The outcomes of this analysis are reported in Chapter 8 (Ecology) of the ES (APP-044) and the HRA Report (REP6-021). The Applicant has concluded that with mitigation measures in place, air quality effects on designated ecological sites would not lead to</p>	<p>The Environment Agency acknowledges the Air Quality and Ecology information submitted with the DCO application.</p> <p>The Environment Agency will separately undertake an appropriate assessment under the Conservation and Habitats Regulations 2017, as amended (the Habitats Regulations) in the Agency's role as a competent authority under the Habitats Regulations for the environmental permit variation</p>	Agreed

Ref	Description of Matter	Applicant – Current Position	Environment Agency – Current Position	Position
		<p>significant adverse effects, including cumulatively with other plans and projects.</p> <p>Discussions are ongoing with Natural England with respect to the modelled air quality impacts at identified sensitive habitats within the study area, following submission of the ES and receipt of the Natural England Relevant Representation.</p> <p>The Applicant acknowledges that the permit variation application (August 2022) will undergo a full technical assessment of these matters.</p>	<p>application, and will consult with Natural England in doing so.</p> <p>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. Determination of this application is not expected before March 2024.</p>	
4.2.3	Mitigation	<p>The Applicant has proposed the that Main Stack emissions parameters will include: ~ Reducing SO₂ emissions by 40%, applied to the BECCS Biomass Units; and ~ Increasing exit temperature of flue gases from the BECCS Units from 80°C to 103°C; and that this will be able to be secured pursuant to conditions on the permit as varied.</p>	<p>The Environment Agency agrees that these parameters will be able to be secured through the permit and will seek to incorporate them in its permit variation decision.</p>	Agreed

4.3. BIODIVERSITY AND ECOLOGY

Table 4.3 - Biodiversity and Ecology

Ref	Description of Matter	Applicant – Current Position	Environment Agency – Current Position	Position
4.3.1	ES Study Area and Methodology	<p>The Study Area for identifying and assessing air quality impacts on internationally and nationally designated ecological sites (including Special Areas of Conservation, Special Protection Areas, Ramsar Sites, Sites of Special Scientific Interest, and National Nature Reserves from the Proposed Scheme during the operational phase is 15km from the Main Stack.</p> <p>The Study Area for identifying and assessing air quality impacts on other ecological receptors from the Proposed Scheme during the operational phase is 2km from the Main Stack, as set out in ES Chapter 6 (Air Quality) (APP-042).</p> <p>As per Section 8.6 of Chapter 8 (Ecology) of the ES (APP-044) for Study Areas for all other receptors.</p> <p>As per Section 8.6 of Chapter 8 (Ecology) of the ES (APP-044) for all other aspects of methodology.</p>	The Environment Agency agrees with the selected study areas.	Agreed

Ref	Description of Matter	Applicant – Current Position	Environment Agency – Current Position	Position
4.3.2	ES Baseline	<p>The following statutory designated sites are considered relevant to the assessment:</p> <ul style="list-style-type: none"> • Humber Estuary Special Area of Conservation (SAC) • Humber Estuary Special Protection Area (SPA) • Humber Estuary Ramsar Site • Lower Derwent Valley Special Area of Conservation (SAC) • Lower Derwent Valley Special Protection Area (SPA) • Lower Derwent Valley Ramsar site • Thorne Moor Special Area of Conservation (SAC) • Thorne & Hatfield Moors Special Protection Area (SPA) • River Derwent Special Area of Conservation (SAC) • Barn Hill Meadows Site of Special Scientific Interest (SSSI); • Brighton Meadows Site of Special Scientific Interest (SSSI); 	The Environment Agency agrees that the identified sites are those that are relevant to the assessment.	Agreed

Ref	Description of Matter	Applicant – Current Position	Environment Agency – Current Position	Position
		<ul style="list-style-type: none"> • Burr Closes, Selby Site of Special Scientific Interest (SSSI); • Derwent Ings Site of Special Scientific Interest (SSSI); • Eskamhorn Meadows Site of Special Scientific Interest (SSSI); • Humber Estuary Site of Special Scientific Interest (SSSI); • Thorne, Crowle and Goole Moors Site of Special Scientific Interest (SSSI); • River Derwent Site of Special Scientific Interest (SSSI); and • Skipwith Common Site of Special Scientific Interest (SSSI) <p>As per Section 8.7 and 8.8 of Chapter 8 (Ecology) (APP-044) of the ES for all other receptors.</p>		
4.3.3	Environmental Assessment	The environmental impact assessment as presented in Chapter 8 (Ecology) (APP-044) and the habitat creation and enhancement proposals in the Outline Landscape and Biodiversity Strategy (REP6-017) adequately address	This matter is agreed.	Agreed

Ref	Description of Matter	Applicant – Current Position	Environment Agency – Current Position	Position
		impacts to biodiversity associated with the Proposed Scheme.		
4.3.4	Biodiversity Net Gain	<p>The culverted section of Carr Dyke beneath the Drax Power Station Site has been included in the BNG metric for rivers and streams. It is not possible to achieve the 10% BNG target on site as the culvert cannot be practicably restored or enhanced during the operational life time of the power station. Furthermore, there are IDB operational restrictions on watercourses in the surrounding area, which restrict the implementation of improvements to achieve net gain objectives local to the site. The applicant has consulted with various regional stakeholders to identify an appropriate offsite solution that satisfies the BNG trading rules for rivers.</p> <p>Calder and Colne Rivers Trust within the Humber River Basin is delivering a project which will provide surplus of the number of river units required to meet the 10% BNG targets for the Proposed Development. The applicant is currently</p>	<p>Whilst the Environment Agency has no mandated role for BNG, we are well placed to help ensure biodiversity net gain embeds successfully. Planning Authorities will look to the Environment Agency for strategic leadership and support on BNG, particularly for the aquatic environment.</p> <p>The Environment Agency agree with the approach to the BNG for the aquatic environment.</p>	Agreed

Ref	Description of Matter	Applicant – Current Position	Environment Agency – Current Position	Position
		<p>working with this stakeholder and the landowner to appropriately document the purchase of credits for the Proposed Development.</p> <p>Its provision would be secured through the section 106 Agreement anticipated to be agreed with the local planning authority.</p> <p>The proposal to purchase biodiversity credits for rivers and streams from Calder and Colne Rivers Trust to deliver the 10% BNG target has been presented to the Environment Agency and Natural England.</p>		

4.4. WATER ENVIRONMENT

Table 4.4 - Water Environment

Ref	Description of Matter	Applicant – Current Position	Environment Agency – Current Position	Position
Water Environment ES Chapter				
4.4.1	Water Environment	The Applicant would like to detail that Section 12.2 of this chapter states	The Environment Agency agrees with the approach adopted and findings of the	Agreed

Ref	Description of Matter	Applicant – Current Position	Environment Agency – Current Position	Position
	ES Chapter – all sections	that the Water Resources Act 1991 deals with Water Pollution, however, this has since been replaced with the Environmental Permitting Regulations (England and Wales) 2016 currently lay down the regime on water discharge permits.	Water Environment ES Chapter and the clarifications detailed in the responses to the Relevant Representations.	
Other Documents				
4.4.2	Surface Water Drainage Strategy	The Applicant considers that the review and consideration of the Surface Water Drainage Strategy is within the LLFA's remit and not the Environment Agency's.	The Environment Agency agree that the Surface Water Drainage Strategy is a matter for the LLFA and the IDB.	Agreed
4.4.3	WFD assessment	All activities have been screened out for assessment.	The Environment Agency agree with the screening and scoping conclusions.	Agreed
4.4.4	Register of Environmental Actions and Commitments	The Applicant has included all water and flood risk related mitigation measures within the REAC (REP6-015) that have been identified through the EIA and FRA process and consider that these are sufficient to mitigate the impacts of the Proposed Scheme.	The Environment Agency agrees with the measures in the REAC and considers that they will be sufficient to mitigate the impacts of the Proposed Scheme.	Agreed

Ref	Description of Matter	Applicant – Current Position	Environment Agency – Current Position	Position
4.4.5	Flood Risk Assessment	<p>The Applicant provided an updated FRA which incorporated additional information on the floodplain compensation and modelling sensitivity assessment to assess the impacts of climate change for both the 25 year design life and a 60 year design horizon as part of the updated application documents on 5 December 2022.</p> <p>The FRA includes a commitment to deliver the proposed flood compensation area during the construction phase (as it is only required to mitigate the impacts of climate change). This enables the delivery of the provision to be secured pursuant to Requirement 11 of the DCO. This commitment is reflected in the REAC (REP6-015), through measures D5 and WE16.</p> <p>The Applicant has agreed the climate change allowances with the Environment Agency. The allowances are based upon the findings of UKCP18 as detailed in the</p>	<p>The Environment Agency are satisfied with the findings of the FRA. The Applicant has provided a detailed flood model that has been reviewed by the EA and we are satisfied with the conclusions of the model and its results. This model has been developed to use the climate change allowances which have been agreed based upon the current guidance, developed from the findings of UKCP18 (RCP8.5) and the latest Environment Agency’s model, which has been calibrated against the December 2013 flood event, which is the most serious tidal surge in recent times.</p> <p>The Environment Agency welcomes that it will be consulted upon the details of the flood compensation area at detailed design.</p> <p>The Environment Agency is broadly supportive of the proposals to mitigate the impacts of the Scheme if the design life extended beyond 25 years. This would be confirmed at the 20 year stage when flood risk was reassessed as stated in the Flood Risk Assessment. Reassurance of</p>	Agreed

Ref	Description of Matter	Applicant – Current Position	Environment Agency – Current Position	Position
		<p>Environment Agency’s Guidance: Flood Risk Assessments: Climate Change Allowances which have been adjusted to suite the design life of the Proposed Scheme, which given it is an extension to an existing power station is shorter than the that assumed in the guidance for new builds.</p> <p>The assessment included agreed climate change allowances for the 25 year design life and a 60 year design horizon which were assessed against a range of joint probability events to ensure a robust assessment was undertaken. The design of the required mitigation has been based upon the whole matrix for the 25 year design life (see Table 5.2 (Fluvial/Tidal Joint Probability Matrix) of the Flood Risk Assessment (AS-088).</p>	<p>the process to initiate this reassessment is provided within the DCO.</p>	
4.4.6	Hydraulic Modelling	The Applicant has agreed the hydraulic model with the Environment Agency.	The Applicant has provided a detailed flood model that has been reviewed by the EA, we are satisfied with the conclusions of the model and its results.	Agreed

4.5. MATERIALS AND WASTE (INCLUDING WASTE MANAGEMENT)

Table 4.5 - Materials and Waste (including Waste Management)

Ref	Description of Matter	Applicant – Current Position	The Environment Agency – Current Position	Position
4.5.1	Materials and Waste ES Chapter	Set out in Chapter 13 (Materials and Waste) of the ES (APP-049).	The Environment Agency have reviewed this chapter and are satisfied that the assessment has fully considered matters relating to their remit with regards to waste minimisation. The EA have provided advice on the correct assessment of waste.	Agreed
4.5.2	Other Matters	N/A	N/A	N/A

4.6. DRAFT DCO (INCLUDING REQUIREMENTS IN THE DRAFT DCO)

Table 4.6 - Draft DCO (including Requirements in the draft DCO)

Ref	Description of Matter	Applicant – Current Position	The Environment Agency – Current Position	Position
4.6.1	EA Byelaws	There is no requirement to disapply the Environment Agency byelaws as no works are proposed to main rivers or within 16m from the landward toe of the River Ouse flood defences.	The Environment Agency agree that there is no implication / requirements on the byelaws as a result of the Proposed Scheme.	Agreed

Ref	Description of Matter	Applicant – Current Position	The Environment Agency – Current Position	Position
4.6.2	EA as Consultee – Ground Conditions and CEMP/DEMP.	The Applicant agrees that the Environment Agency should be added as consultee to Requirement 12(1) and (3) Ground Conditions, and to the CEMP and DEM (Requirements 14 and 18)	These changes are welcomed by the EA.	Agreed
4.6.3	EA as Consultee – Design and OLBS	The Applicant agrees that the EA can be added as a consultee to Requirement 7 and will make this amendment to the next version of the dDCO (REP6-005).	<p><u>Design</u></p> <p>The Environment Agency accept that the finished floor levels (FFLs) are secured through Requirement 11 for construction and operation of the development in accordance with the Flood Risk Assessment (FRA). Therefore any design taken forward under Detailed Design Approval Requirement 6(1)(b), will need to take the FRA and those agreed FFLs into account and the Environment Agency do not need to be a consultee on Requirement 6.</p> <p><u>OLBS</u></p> <p>The Environment Agency requested to be a consultee on Requirement 7 because proposals within the landscape and biodiversity mitigation and enhancement strategy could fall within the Environment</p>	Agreed

Ref	Description of Matter	Applicant – Current Position	The Environment Agency – Current Position	Position
			Agency's remit. For example, as a competent authority for the Water Framework Directive (WFD), the Environment Agency need to ensure that proposals are compliant with the Water Environment (Water Framework Directive) (England & Wales) Regulations 2017 (the WFD Regulations).	
4.6.4	FRA Requirement	<p>The Applicant does not consider that Requirement 11 needs to be amended to refer to the 'approved' flood risk assessment. This is because the flood risk assessment is to be a 'certified document' pursuant to article 2, 38 and Schedule 13 of the DCO.</p> <p>So the requirement will 'bite' on the FRA submitted with the application, that will be certified by the Secretary of State in due course. The references in the DCO will be updated to reference any update to the FRA that may be submitted during Examination (e.g. if the flood compensation area Proposed Change is accepted).</p>	The Environment Agency accepts the Applicant's position.	Agreed

4.7. OTHER CONSENTS AND LICENCES


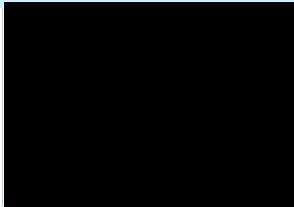
Table 4.7 - Other Consents and Licences

Ref	Consent / Licence	Applicant – Current Position	Anticipated Submission Date / Timescales
4.7.1	Environmental Permit ('EP'). The Environmental Permitting (England and Wales) Regulations 2016	An EP variation will be required to establish stack discharge parameters and associated emission limit values ('ELVs') for the release of different pollutants (e.g. amines, nitrosamines) associated with BECCS and/or changes to ELVs for existing pollutants included in the existing permitted processes.	Submission of an application for a staged variation to the existing Environmental Permit (EPR/VP3530LS), for the Drax Power Station was submitted to the Environment Agency on 22 August 2022. The application for a variation to the Environmental Permit was duly made on 18 May 2023. Determination of this application is not expected before March 2024.
4.7.2	Greenhouse Gas Permit. Greenhouse Gas Emissions Trading Scheme Regulations 2012/3038	The EA has confirmed that a Greenhouse gas permit is required.	Application for a variation to the existing permit to be prepared 12 months prior to full commissioning of the Proposed Scheme.
4.7.3	Surface Water Abstraction Licence (construction phase activities)	Surface water abstraction licence from the EA and / or discharge permit from the EA for the discharge.	Application(s) or notification(s) to be made as required.
4.7.4	Groundwater Abstraction Licence	Groundwater abstractions from temporary excavations or trenches.	Application(s) or notification(s) to be made as required.

Ref	Consent / Licence	Applicant – Current Position	Anticipated Submission Date / Timescales
	(construction phase activities)		
4.7.5	Surface Water Discharge Permit (construction phase activities)	Surface water discharge permit.	Application(s) or notification(s) to be made as required.
4.7.6	Standard Rules Environmental Permits	<p>May be required for certain elements during construction, e.g. temporary discharges to water courses, waste management activities.</p> <p>As identified through the detailed design stages of the Proposed Scheme.</p>	Application(s) or notification(s) to be made as required.

5. SIGNATURES

Table 5.1 - Signatures

Ref	Environment Agency	Drax Power Ltd (the Applicant)
Signature		
Printed Name	Frances Edwards	Dr James Doyle
Title	Planning Specialist (Humber)	Planning and Consents Manager
On behalf of	Environment Agency	Drax Power Ltd
Date	09/06/2023	09/06/2023