



STATEMENT OF COMMON GROUND BETWEEN NATURAL ENGLAND AND DRAX POWER LIMITED

Drax Bioenergy with Carbon Capture and Storage

The Planning Act 2008 (as amended)

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CONFIDENTIAL

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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 Natural England (NE) 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.

NE is interested in the Proposed Scheme in their capacity as the statutory nature conservation agency in England.

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 Ministry of Housing, Communities and Local Government) 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 THE 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 Change Request - 8.5.1 Proposed Changes Application Report (AS-045) and Change Request - 8.15 Second Change Application Report - Rev 1 (AS-126). Further changes to the Proposed Scheme are described in the Second Change Application Report (AS-126).

1.3. THIS STATEMENT OF COMMON GROUND WITH NATURAL ENGLAND

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

1.3.2. It addresses topics of interest to NE. NE is interested in the Proposed Scheme in their capacity as the statutory nature conservation agency (SNCA) in England.

1.3.3. NE are a consultation body as prescribed under section 42(1)(a) (duty to consult) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. In their role as SNCA they are responsible for providing advice to

project promoters and consultation responses on relevant ecology and landscape matters in response to the Environmental Impact Assessment (EIA) scoping and statutory consultation (including any Preliminary Environmental Information Report (PEIR)) processes, engagement on the development of the Environmental Statement and Habitats Regulations Assessment application documentation and participation in the Examination process.

- 1.3.4. In addition, NE are responsible for providing statutory advice to the Planning Inspectorate on any Appropriate Assessment produced by the Planning Inspectorate, in accordance with Regulation 63(3) of the Conservation of Habitats and Species Regulations (2017, as amended).
- 1.3.5. 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.
- 1.3.6. In respect of matters relevant to the Proposed Scheme but not referred to in this SoCG, NE has no further comments to make at this point. It may have further or additional comments to make, particularly if further information about the project becomes available.
- 1.3.7. 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.
- 1.3.8. 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	Summary
February - November 2021	Multiple emails and phone calls	The Applicant sought NE's advice by way of a Discretionary Advice Service Request. NE were unable to provide DAS advice at this time.
10 December 2021	Letter (by email)	Letter from NE to The Applicant, comprising NE's response to the S42 consultation request. NE provided advice and raised points in relation to air quality, ecology and biodiversity, landscape and visual impact assessment, and the water environment.
7 January 2022	Phone	Phone call between NE and the Applicant to arrange a future meeting to discuss the S42 consultation responses in relation to the PEIR. The Applicant also indicated that an application to use the Great Crested Newt (GCN) District Level Licence (DLL) would be sought. NE stated that they would need time to consider availability for a future meeting. NE requested that any discussion points should be sent via email with any future meeting likely to require a DAS.
January to February 2022	Multiple emails	The Applicant provided a list of topics in an email to NE that would form part of a future call, followed by continued discussions between NE and the Applicant to set up meeting.
25 February 2022	Teleconference	A meeting was had between NE and the Applicant to discuss matters including peregrine falcon, BMV agricultural land, BNG and SoCG.
29 March 2022	Email	The Applicant emailed meeting minutes from the teleconference on 25 February along with supporting documents for NE's review. This

Date	Form of Contact	Summary
		included a Nitrate-phosphate limitation note, additional detail on ALC methodology and the Applicant's approach to BNG. The Applicant also requested a follow up meeting in early April.
March to May 2022	Multiple emails	NE and the Applicant continued to engage in discussions around use of DAS service.
12 April 2022	Email	The Applicant issued a briefing note on BNG and indicated that an additional DAS request was being progressed.
5 May 2022	Email	NE issued their DAS response to the Applicant.

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

Date	Form of Contact	Summary
12 July 2022	Email	The Applicant informed NE that the ExA would shortly be asking NE and other consultees to provide relevant representations in relation to the application, which would include a review of the HRA.
July 2022	Email	NE and the Applicant continued discussions relating to the DAS advice and in relation to the submitted DCO application, including confirmation of acceptance on the 21 July.
1 August 2022	Email	NE stated that they were no longer able to provide advice on the submitted DCO application via DAS in advance of producing their Relevant representation. NE and the Applicant agreed to continue working together and to set up a meeting after the Relevant Representations had been published. NE also agreed to issue a copy of their Relevant Representation to the Applicant in parallel with issuing it to PINS. NE suggested that any further DAS meetings and other engagement be

Date	Form of Contact	Summary
		postponed until their statutory Relevant Representation response was submitted.
6 September 2022	Email	NE issued their relevant representations to the Applicant. NE indicated that they were seeking advice from their air quality specialists on the air quality assessment. NE indicated that a response would follow shortly.
14 September 2022	Teleconference	A teleconference between NE and the Applicant was held to discuss ecology matters relating to NE's relevant representation responses and SoCG.
23 September 2022	Email	NE issued the second version (Version 1.2) of their relevant representation responses to the Applicant including air quality comments.
25 October 2022	Email	The Applicant issued a briefing note with queries and additional information relating to operational air quality effects of the Proposed Scheme. This included modelling of air quality impacts on proxy habitats for the River Derwent, as per NE's request in their Relevant Representation.
26 October 2022	Teleconference	NE and the Applicant held a meeting to discuss the ecological effects of the Proposed Scheme's air quality impacts. The SoCG and Relevant Representation responses were also discussed, including the accelerated deadline of the 11 November. NE and the Applicant agreed to work together to address as many unresolved issues prior to the 11 as possible. The Applicant confirmed they would issue a draft SoCG as soon as possible, with the Applicant's draft response to the NE Relevant Representation to follow as soon as possible after that. NE requested sight of both documents at the same time, which the Applicant stated they would try to achieve.

Date	Form of Contact	Summary
October – November 2022	Emails	Agreement of Revision 01 of the Statement of Common Ground.
10 November 2022	Emails	The Applicant issued a draft of their response to the NE Relevant Representation, to NE. NE confirmed receipt. The Applicant and NE agreed that the SoCG would remain as drafted prior to 10 November, as there was insufficient time for this to be revised in advance of the 11 November Deadline for submission of draft SoCG to PINS.
06 December 2022	Email	NE raised a drafting query on the Applicant’s response to the NE Relevant Representation. This related to Natural England key issue 18 (clarification on scenarios used to assess the impacts from aerial emissions on designated sites, as set out in Table 1 of AS-011). The Applicant responded confirming the location in the RR response where the information was contained in the Applicant’s Response to Relevant Representations (AS-038).
09 December 2022	Email	<p>NE provided further advice to the Applicant, in response to the Applicant’s response to the NE Relevant Representation. This confirmed NE’s agreement with the Applicant, to the following areas that had previously been identified as ‘under discussion’ in the SoCG between NE and the Applicant (AS-032):</p> <ul style="list-style-type: none"> • Air Quality impacts from construction traffic on the Humber Estuary designated sites (NE Key Issue reference 18 from Table 1 of AS-011); • Impacts from potential loss of functionally linked land in the off-site habitat provision are (NE Key Issue reference 2 from Table 1 of AS-011);

Date	Form of Contact	Summary
		<ul style="list-style-type: none"> • Protected species - badger (NE Key Issue reference 9 from Table 1 of AS-011); • Protected species – bats NE Key Issue reference 10 from Table 1 of AS-011); • Impacts on Habitats of Principal Importance, specifically reedbeds, under the NERC Act 2006 (NE Key Issue reference 13 from Table 1 of AS-011); • Decommissioning Environmental Management Plan (NE Key Issue reference 42 from Table 2 of AS-011); and • Mechanism by which the Proposed Scheme would secure 10% BNG (NE Key Issue reference 38 from Table 2 of AS-011); <p>NE also confirmed that other areas not specifically identified as being resolved, were still under discussion from their perspective. NE also confirmed that they were expecting to issue further advice to the Applicant in relation to Agricultural Land and Soils and Operational Air Quality on 16 December 2022.</p>
15 December 2022	Email	<p>NE provided further advice to the Applicant, in response to the Applicant’s response to the NE Relevant Representation. This confirmed NE’s agreement with the Applicant, to the following areas that had previously been identified as ‘under discussion’ in the SoCG between NE and the Applicant (AS-032):</p> <ul style="list-style-type: none"> • Agreement that it was not reasonable for IEMA guidelines published in March 2022 (after the methodology for the Ground Conditions assessment had been established including through consultation) to be followed (NE Key

Date	Form of Contact	Summary
		<p>Issue reference 16 from Table 1 of AS-011);</p> <ul style="list-style-type: none"> • Agreement by NE to the scope of Agricultural Land Classification (ALC) surveys proposed and completed by the Applicant (NE Key Issue reference 16 from Table 1 of AS-011); • Agreement that applying the ICE guidelines for ALC EIA did not alter the findings of the Applicant’s assessment, with the impacts on ALC not significant under both the ICE and the Applicant’s methodology; and • Agreement that the Soil Management Handling Plan will in part be informed by the habitat and landscape plans for the Habitat Provision Areas, to be developed at the detailed design stage. <p>The Applicant responded to NE, acknowledging receipt of the NE email.</p>
<p>16 – 18 December 2022</p>	<p>Email, including letter by email</p>	<p>NE provided further advice to the Applicant, in response to the Applicant’s response to the NE Relevant Representation. This confirmed NE’s agreement with the Applicant, to the following areas that had previously been identified as ‘under discussion’ in the SoCG between NE and the Applicant (AS-032):</p> <ul style="list-style-type: none"> • Air Quality impacts from construction traffic on the Humber Estuary designated sites (NE Key Issue reference 18 from Table 1 of AS-011), with additional detail provided by NE relative to their 09 December response; • Air quality impacts on the qualifying interest fish and otter features of the River Derwent SAC will not be significant (NE Key Issue reference 20 & 25 from Table 1 of AS-011); and

Date	Form of Contact	Summary
		<ul style="list-style-type: none"> Acceptance of the justification provided regarding the proposed technology to be used to achieve the operational emissions abatement and the measures for securing the currently proposed mitigation for operational emissions (NE Key Issue reference 22 & 26 from Table 1 of AS-011). <p>The response from NE also confirmed that other aspects of the assessment of operational air quality effects remain to be resolved, and as such remain under discussion between NE and the Applicant. The Applicant responded to NE, acknowledging receipt of the NE email.</p>
04 January 2022	Email	The Applicant provided NE with a summary of updated modelling of air quality impacts on statutory designated sites. This had been produced following a review of achievable emissions control measures for the Proposed Scheme, which enabled further reductions in the emission rate of sulphur dioxide (SO ₂) from the proposed BECCS units. The reduction in SO ₂ emissions led to a corresponding reduction in acid deposition from the Proposed Scheme.
6 January – 2 February 2023	Emails	Agreement of Revision 02 of the Statement of Common Ground.
16 February 2023	Email	The Applicant issued Appendix 7 of the HRA Report (HABITATS REGULATIONS ASSESSMENT: SAC HABITAT MONITORING, REP2-107) to Natural England.
23 February 2023	Teleconference	Meeting between Natural England, Environment Agency, and the Applicant. The Applicant gave a presentation on the proposed approach to securing 10% BNG for rivers and streams, through supporting the Black Brook restoration scheme, to be delivered by the Calder and Colne Rivers Trust.

Date	Form of Contact	Summary
21-22 March 2023	Emails	NE requested clarification on several points relating to the assessment of operational air quality effects on ecological sites, on 21 March. The Applicant responded to these points on 22 March by email and in a response document. NE also confirmed that the Applicant did not need to update the BNG assessment to use the BM4.0 metric and should continue to use the BM3.1 metric for the duration of the Proposed Scheme.
03 April 2023	Teleconference	Meeting between Natural England and the Applicant. Review of Natural England's remaining 'Amber' topics from Table 1a of Natural England's updated comments in respect of Drax Bioenergy with Carbon Capture and Storage Project, promoted by Drax Power Limited (REP4-041)
March to April 2023	Emails	Correspondence pursuant to agreement of Revision 03 of the Statement of Common Ground, and in relation to updates to the Applicant's and Natural England's position following ISH3 (Environmental Matters) on 22 March. Agreement of Revision 03 of the Statement of Common Ground.
April to June 2023	Emails	Correspondence pursuant to agreement of Revision 04 of the Statement of Common Ground. Correspondence regarding the developments considered in the Applicant's assessment of cumulative impacts for the EIA, and in the in-combination assessment in the Habitats Regulations Assessment Report (REP6-021). Correspondence relating to the Applicant's updated BNG assessment submitted at Deadline 6 (REP6-027). Correspondence relating to the Applicant's updated assessment of cumulative acid

Date	Form of Contact	Summary
		<p>deposition impacts and effects on Barn Hill Meadows SSSI. This included provision of the draft 'Barn Hill Meadows Habitats and Soil Analysis Technical Note' (Rev 01 submitted at Deadline 8) from the Applicant to Natural England on 30 May and subsequent related correspondence and documentation.</p> <p>Agreement of minutes of meeting held between the Applicant and Natural England on 03 April.</p> <p>Agreement of Revision 04 of the Statement of Common Ground.</p>

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:

- Best and most versatile agricultural land;
- Air quality;
- Ecology; and
- Landscape and visual impact.

3.1.2. The Applicant notes the list of topics that the ExA has requested (Rule 6 Letter, PD-008) be included in this SoCG between the Applicant and Natural England. The Applicant and Natural England consider that whilst the SoCG is not presented on the basis of those headings (see Section 4), these matters are fully addressed in this SoCG. The Applicant and Natural England also wish to clarify that matters relating to the ecological assessment of Noise and Vibration are agreed.

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 – APP-178	6.1 – 6.4 Environmental Statement
REP6-005	3.1 Draft Development Consent Order (Clean) - Rev 8
REP7-010	6.5 Register of Environmental Actions and Commitments (Clean) - Rev 10
AS-011	Natural England's Relevant Representations Version 1.2 – Accepted at the discretion of the Examining Authority
AS-038	8.3 Applicant's Response to Relevant Representations and Additional Submissions - Rev 1 - Accepted at the discretion of the Examining Authority
AS-045	Change Request - 8.5.1 Proposed Changes Application Report - Accepted at the discretion of the Examining Authority

Document Reference	Document Name
AS-053	Change Request - 8.5.3.4 Appendix 4 - Ecological Walkover Technical Note - Proposed Changes - Accepted at the discretion of the Examining Authority
REP6-017	6.6.1 Outline Landscape and Biodiversity Strategy Rev 5
REP2-034	Deadline 2 Submission - 6.3.6.5 Environmental Statement - Volume 3 - Appendix 6.5: Operational Phase Air Quality Results Tables: Ecological Receptors (Clean) - Rev 3
REP2-065	Deadline 2 Submission - 8.9.5 WQ1 Appendix 5 – Air Quality Technical Note 2 - Rev 1
REP6-021	Deadline 2 Submission - 6.8.1 Habitats Regulations Assessment - Volume 1 - Main Text (Clean) - Rev 3
APP-186 – APP-188	6.8.2.1 Habitats Regulations Assessment - Volume 2 - Figures 1 to 3
APP-189 – APP-190; APP-193 – APP-194	6.8.3.1 Habitats Regulations Assessment - Volume 3 – Appendices 1 to 2 and 5 to 6
REP6-023	Deadline 2 Submission - 6.8.3.3 Habitats Regulations Assessment - Volume 3 - Appendix 3: Screening Matrices (Clean) – Rev 3
REP6-025	Deadline 2 Submission - 6.8.3.4 Habitats Regulations Assessment - Volume 3 - Appendix 4: Adverse Effect Matrices (Clean) – Rev 3
REP2-107	Deadline 2 Submission - 6.8.3.7 Habitats Regulations Assessment - Volume 3 - Appendix 7: SAC Habitat Monitoring - Rev 1 - Late submission accepted at the discretion of the Examining Authority
REP3-009	Habitats Regulations Assessment - Volume 3 - Appendix 8: Lower Derwent Valley Habitats and Soil Analysis - Rev 1
REP6-027	Biodiversity Net Gain Assessment – Rev 3
REP7-015	Deadline 3 Submission - 8.7 Draft Section 106 Agreement (Draft) (Clean) - Rev 3

Document Reference	Document Name
REP4-002	Deadline 4 Submission - 6.3.18.5 Environmental Statement - Volume 3 - Appendix 18.5: Cumulative Assessment Matrix (Clean) - Rev 3
REP4-041	Natural England - Deadline 4 Submission - Update to Written Representation
REP2-060	Deadline 2 Submission - 8.9 Applicant's Responses to Examining Authority's First Written Questions - Rev 1
REP2-085	Natural England - Deadline 2 Submission - Written Representation and Responses to the Examining Authority's written questions (ExQ1)
REP7-019	Deadline 7 Submission - Update to Written Representation
8.17	Barn Hill Meadows Habitats and Soil Analysis Technical Note' (Rev 01 submitted at Deadline 8)

4. CURRENT POSITION

4.1. BEST AND MOST VERSATILE AGRICULTURAL LAND

Table 4.1 - Best and Most Versatile Agricultural Land

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
4.1.1	ES Study Area and Methodology	<p>The ES Study Area is described in full in Section 11.7 of Chapter 11 (Ground Conditions) of the ES (APP-047). The Methodology is described in full in Section 11.5 of Chapter 11 of the ES.</p> <p>DMRB guidance LA109 methodology has been stated as the assessment methodologies within the PEIR, no comment has been provided on this approach by NE within the S42 Response.</p> <p>Please see response Ref 5.7 within the Relevant Representation response (AS-038) for a comparison of the methodology used within Ch11 of the ES (APP-047) against the methodology outlined within the ICE (2019) EIA Handbook. The comparison concludes that no change to the assessment would</p>	<p>The ALC survey methodology presented in the Soil Resource and Agricultural Land Classification Survey (APP-158) is robust, however, coupled with the available Post-1988 ALC survey data, does not provide complete coverage of the agricultural land subject to disturbance from the proposed development within the project boundary (Figure 11.2).</p> <p>NE welcomes the Applicant's commitment to undertake further ALC surveys this year (2023) and the provision of the additional ALC data for the Off-site Habitat Provision Area.</p> <p>The EIA should be in line with the methodology presented in the ICE (2019) EIA handbook. Consideration of the development impacts on the soil</p>	Agreed

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
		<p>be produced by applying ICE (2019) EIA Handbook methodology.</p> <p>Please see response Ref 5.5 within the Relevant Representation response in relation to the use of IEMA guidelines (2022). Notwithstanding this comment, it should be noted that soil function is assessed within Chapter 11 of the ES (APP-047).</p>	<p>resource and soil function should also be considered (IEMA guidelines (2022)).</p> <p>Natural England acknowledges that the IEMA guidance regarding soils was published in March 2022 after the assessment methodology for the Drax BECCS DCO had been established through the Scoping and PEIR.</p> <p>Natural England welcomes the Applicant's comparison of the ALC EIA methodologies, as set out in row 5.7 of Table 5.1 of the Applicants Response to Relevant Representations (AS-038). The ICE (2019) EIA Handbook Magnitude assessment relates to the area of permanent and temporary loss, and does not include ALC grades. However, Natural England acknowledge that the effect of using either methodology remains not significant.</p> <p>Following the additional information provided by the Applicant in their Responses to Relevant Representations and Additional Submissions (AS-038), Natural England now considers this matter agreed.</p>	

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
4.1.2	ES Baseline	<p>The Applicant set out the baseline in Section 11.7 of Chapter 11 (Ground Conditions) of the ES (APP-047). Please see response Ref 5.23 within the Relevant Representation response in relation to ALC survey and temporary land take calculation.</p> <p>The Applicant intends to complete additional ALC survey work of the on-site Habitat Provision Area in 2023, as set out in row 5.6 of Table 5.1 in the Applicant’s Response to Relevant Representations and Additional Submissions (AS-038).</p>	<p>The ALC Grade should be calculated for all agricultural land (or land which was last used for agricultural use) subject to proposed development or disturbance to inform soil management and sustainable re-use.</p> <p>A detailed ALC field survey should be undertaken on the southern tip of the On-Site Habitat Provision Area to inform soil management and sustainable re-use, as at present it remains un-surveyed. Two areas of land subject to the ALC survey (eastern parcel and central parcel) have not been assigned an ALC Grade based on their current non-agricultural land use. The ALC Grade is not based on the current land use or cropping of the land, but the inherent capability of the land. The ALC Grade should also be calculated for the western parcel with the data presented in Appendix 11.2.</p> <p>NE welcomes the Applicant’s commitment to undertake further ALC surveys this year (2023) and use this information to inform the habitat and</p>	Agreed

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
			<p>landscaping plan to be developed for the Habitat Provision Area. We advise that the information from these ALC surveys should also feed into the Soil Management Plan, where appropriate. Natural England welcome the Applicant's clarification of the ALC Grade of the Fallow Field (Off-Site Habitat Provision Area).</p> <p>Subject to the provision of the additional reporting and ALC survey of the On-site Habitat Provision Area by the Applicant, NE now consider this matter agreed.</p>	
4.1.3	Predicted Impacts	The Applicant set out the predicted impacts in Section 11.4 (Scope of the Assessment) and Section 11.9 (Preliminary Assessment of Likely Impacts and Effects) in Chapter 11 (Ground Conditions) of the ES (APP-047).	NE agree with the predicted impacts as outlined in Section 11.4 (Scope of the Assessment) and Section 11.9 (Preliminary Assessment of Likely Impacts and Effects) in Chapter 11 (Ground Conditions) of the ES (APP-047).	Agreed
4.1.4	Design, Mitigation and Enhancement Measures	The Applicant set out the design, mitigation and enhancement measures in Section 11.10 in Chapter 11 (Ground Conditions) of the ES (APP-047).	Regarding Schedule 2 Requirement 14 NE highlight that additional information regarding sustainable soil management should be included within the Soil	Agreed

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
		Please see row 5.8 of Table 5.1 within the Applicant’s Response to Relevant Representations and Additional Submissions (AS-038) response in relation to comment regarding inappropriate soil handling. The REAC (REP7-010) has been updated to reflect Natural England’s Relevant Representation at ID GC2. The mitigation within the REAC will be secured by requirements in the DCO including the requirement for a Soil Management Handling Plan to be produced as part of the CEMP for the Proposed Scheme.	Handling Management Plan as part of the CEMP (NE Key issue reference 17). Natural England welcome the Soil Management Handling Plan (included in the CEMP (as referred to in REAC item GC2)) will in part be informed by the habitat and landscape plan for the Habitat Provision Area, which will be developed at the detailed design stage. Subject to the securing of the REAC via the DCO, Natural England now consider this matter agreed.	
4.1.5	Residual Effects	The Applicant set out the assessment of likely significant effects in Section 11.11 in Chapter 11 (Ground Conditions) of the ES (APP-047) and confirms residual effects are not significant.	NE agree with the residual effects assessment in Section 11.11 in Chapter 11 (Ground Conditions) of the ES (APP-047).	Agreed
4.1.6	Relevant dDCO Requirements/ Articles	Schedule 2 of the dDCO (REP6-005) includes Requirements that secure mitigation and enhancement measures for Ground Conditions receptors.	Natural England welcome the Soil Management Handling Plan (included in the CEMP (as referred to in REAC item GC2)) will in part be informed by the habitat and landscape plan for the	Agreed

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
		<p>The dDCO includes a commitment to implement a CEMP that will be approved by the relevant local planning authority and regulatory bodies, which includes construction mitigation measures, as detailed in Chapter 11 (Ground Conditions) of the ES (APP-047) and set out in the REAC (REP7-010).</p> <p>Relevant Requirements include Requirement 14 – CEMP which will include a Soil Handling Management Plan.</p> <p>Please see response Ref 5.8 within the Applicant’s Response to Relevant Representations and Additional Submissions.</p>	<p>Habitat Provision Area, which will be developed at the detailed design stage.</p> <p>Subject to the securing of the REAC via the DCO, Natural England now consider this matter agreed.</p>	

4.2. AIR QUALITY

Table 4.2 - Air Quality

Ref	Description of Matter	Applicant – Current Position	NE – Current Position	Position
4.2.1	ES Study Area	The ES Study Area is described in full in Section 6.6 of Chapter 6 (Air Quality) of	NE agree with the list of statutory designated sites and have no further	Agreed

Ref	Description of Matter	Applicant – Current Position	NE – Current Position	Position
		<p>the ES (APP-042). The methodology is described in full in Section 6.5 of Chapter 6 of the ES.</p> <p>The Applicant notes NE’s advice that potential LSE on the Humber Estuary designated sites from Construction traffic emissions be considered in more detail. The Applicant remains of the view that LSE would not arise from use of this construction traffic route. This is due to the height of the bridge (approximately 30m above ground level) and the consequent extra dispersal of emissions before they reach the habitats underneath, the low sensitivity of the habitats present (unvegetated mudflats and grazing marsh), and the fact that traffic flows reported in the ES are averaged peak monthly flows rather than Average Annual Daily Traffic (AADT) flows. The Applicant provided initial material to NE relating to this on a call on the 25 and 26 October. Additional material was provided in the Applicant’s Response to Relevant Representations and Additional Submissions (row 5.13 of Table 5.1, AS-</p>	<p>concerns on the Study Area other than in relation to construction traffic (see below), which have now been agreed.</p> <p>NE advised in their RR ‘that the potential for likely significant effects from traffic emissions on the Humber Estuary designated sites, alone and in-combination, is considered in more detail in the HRA’. NE’s concerns related to emissions from construction traffic using the M62 to access the Proposed Scheme from the north-east. NE’s position was set out fully in Table 1, Key Issue 1 of their RR.</p> <p>Following the additional information provided by the Applicant in their Response to Relevant Representations and Additional Submissions, Natural England now agree there would be no Likely Significant Effect or risk of damage to the Humber Estuary SAC, SPA, Ramsar Site, and Site of Special Scientific Interest arising from emissions from construction traffic alone or in combination.</p>	

Ref	Description of Matter	Applicant – Current Position	NE – Current Position	Position
		038) and is reflected in the Habitats Regulations Assessment Report (REP6-021).		
4.2.2	ES Methodology – dispersion modelling	<p>The methodology is described in full in Section 6.5 of Chapter 6 (Air Quality) of the ES (APP-042).</p> <p>The Applicant notes NE’s request for clarification on the Scenarios used to assess the impacts from aerial emissions on designated sites (NE Key Issues ID 18 and 23). The Applicant has provided an explanation in response to NE’s queries in Appendix B of the Applicant’s Response to Relevant Representations and Additional Submissions (AS-038).</p>	NE welcomes the provision of additional information by The Applicant, as set out in Appendix B of their Response to Relevant Representations and Additional Submissions. Natural England now consider this matter agreed.	Agreed
4.2.3	ES Baseline	<p>The designated sites relevant to the Air Quality assessment are set out in Section 8.5 of the Ecology Chapter of the ES (APP-044).</p> <p>In determining the relevant ecological baseline for the assessment of air quality effects, the Applicant has had regard to the relevant Environment Agency advice (<i>Air emissions risk</i></p>	NE agree with the list of designated ecological sites that have been included in the Operational Air Quality Assessment.	Agreed

Ref	Description of Matter	Applicant – Current Position	NE – Current Position	Position
		<i>assessment for your environmental permit (2021, Sept 3)).</i>		
4.2.4	Predicted Impacts	<p>The Applicant's assessment of air quality impacts is set out in Sections 6.9, Section 6.11, and Section 6.12 in the Air Quality chapter of the ES (APP-042). The Applicant's Assessment of air quality effects on designated sites is set out in the Ecology chapter of the ES (APP-044).</p> <p>Air quality effects on designated sites are discussed in the Ecology section of this SoCG and are not considered further here.</p>	NE agree with the approach to predicting impacts set out in the ES.	Agreed
4.2.5	Design, Mitigation and Enhancement Measures	<p>The Applicant has proposed mitigation measures to address construction and operational phase air quality impacts. These are set out in Section 6.10 in the Air Quality chapter of the ES (APP-042). The Applicant has since reviewed the levels of SO₂ emissions abatement that can be achieved for the proposed CCS units. This has enabled a further post-mitigation reduction in the SO₂ emissions from the CCS units, which in turn leads to a reduced contribution to</p>	<p>NE agree with the proposed construction-phase mitigation measures (see Key Issue 5 in Table 1 of our Relevant Representation), subject to the necessary mitigation measures being secured via the DCO and consider the proposed mitigation measures adequate to address construction-phase air quality effects.</p> <p>The further information provided on the proposed operational emissions</p>	Agreed

Ref	Description of Matter	Applicant – Current Position	NE – Current Position	Position
		<p>acid deposition from the Proposed Scheme. This in turn reduces acid deposition to the assessed designated sites. The Applicant has submitted additional information into the Examination confirming the additional abatement that can be achieved and the corresponding reductions in acid deposition onto designated sites (REP2-065; REP2-034).</p> <p>The Applicant considers the mitigation measures appropriate and deliverable, and that they will be effective in addressing the air quality effects of the Proposed Scheme and avoiding significant adverse air quality effects. Construction measures are secured via the DCO requirement for a CEMP to be produced in line with the measures in the REAC. Operational measures will be secured via the permit variation for Drax.</p> <p>Further information relating to the ecological assessment of air quality effects is provided in the Ecology Section of this SoCG. The Applicant has also provided additional information in</p>	<p>abatement mitigation and its implementation is welcome.</p> <p>The reduction in permitted concentrations of sulphur dioxide is noted, and that the realistic worst-case scenario is based on these revised permit limits. The monitoring, recording and reporting to the regulator (Environment Agency) is considered appropriate to ensure emissions from the plant itself remain within the assumed emissions used in the assessments.</p> <p>Natural England agree with the Applicant that the technology to be used to achieve the currently proposed operational emissions abatement is appropriate. Natural England also agree that the methods for securing this are appropriate. Although monitoring at the protected sites is recommended, for the reasons listed in the Ecology section of this SoCG, it is agreed that such monitoring is not a required measure to be included in the DCO.</p> <p>The Applicant has prepared additional analysis of the potential for cumulative</p>	

Ref	Description of Matter	Applicant – Current Position	NE – Current Position	Position
		<p>row 5.34 of Table 5.1 of the Applicant’s Responses to Relevant Representations and Additional Submissions (AS-038) and in the latest updates to the HRA Report (REP6-021).</p> <p>The Applicant welcomes Natural England’s agreement that no further mitigation measures beyond those specified in Section 4.1 of the HRA Report are required to conclude there would be no adverse effects on the integrity of any European Site.</p>	<p>acid deposition effects on Barn Hill Meadows SSSI. Following review of the Barn Hill Meadows Habitats and Soil Analysis Technical Note (document reference 8.17, Rev 01 submitted at Deadline 8), we are in agreement with the Applicant that the calcareous grassland acid deposition critical load is appropriate to use in air quality modelling. With use of this critical load class and consideration of the updated modelling accounting for this that has been provided by the Applicant, there is no exceedance of the 1% screening criterion for acid deposition. There is therefore no requirement for additional mitigation in relation to Barn Hill Meadows SSSI beyond that which would be secured by the draft DCO and the proposed updates to the Environmental Permit.</p>	
4.2.6	Residual Effects	<p>With the application of the proposed mitigation measures and following the additional work set out in the Barn Hill Meadows Habitats and Soils Analysis Technical Note (document reference 8.17, Rev 01 submitted at Deadline 8),</p>	<p>NE now agree with the Applicant regarding the finding of no adverse effects on integrity / no significant effects for all European Sites and for all nationally designated sites other than Barn Hill Meadows SSSI (see NE key</p>	Agreed

Ref	Description of Matter	Applicant – Current Position	NE – Current Position	Position
		<p>the Applicant considers there would be no significant residual effects arising from Construction or Operational phase air quality impacts. The Applicant also maintains their position as reported in the HRA Report, that there would be no adverse effects on the integrity of any European Site arising from Construction or Operational phase air quality impacts. This is set out in Section 6.11 in the Air Quality chapter of the ES (APP-042), Section 8.11 of the Ecology chapter of the ES (APP-044), and the Habitats Regulations Assessment Report (REP6-021, as supported by REP2-103, REP2-105, REP2-107, and REP3-009). The Applicant notes and welcomes Natural England’s agreement of the findings of no adverse effect on integrity and no adverse significant effects to any statutory designated site, as set out in Table 1a of their Deadline 4 Relevant Representation (Natural England’s updated comments in respect of Drax Bioenergy with Carbon Capture and Storage Project, promoted by Drax Power Limited; REP4-041).</p>	<p>issues 19 – 22, 30, 27, 24, 25, 26, and 31, in Table 1A of our Deadline 4 Relevant Representation (Natural England’s updated comments in respect of Drax Bioenergy with Carbon Capture and Storage Project, promoted by Drax Power Limited; REP4-041).</p> <p>Natural England welcomes the provision of additional information in the Applicant’s Response to Relevant Representations and additional Submissions.</p> <p>The Applicant has prepared additional analysis of the potential for cumulative acid deposition effects on Barn Hill Meadows SSSI. Following review of the Barn Hill Meadows Habitats and Soil Analysis Technical Note (document reference 8.17, Rev 01 submitted at Deadline 8), we agree with the Applicant that the calcareous grassland acid deposition critical load is appropriate to use in air quality modelling. With use of this critical load class and consideration of the updated modelling accounting for this that has been provided by the Applicant, there is no exceedance of the</p>	

Ref	Description of Matter	Applicant – Current Position	NE – Current Position	Position
			<p>1% screening criterion for acid deposition.</p> <p>Our previous concerns in relation to cumulative acid deposition effects to Barn Hill Meadows SSSI, as set out in Row 32 of Table 1b of our Deadline 7 Relevant Representation (REP7-019) are therefore now addressed, subject to submission of the report and agreed updates to the operational air quality results for ecological receptors.</p> <p>Based on the updated 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>	
4.2.7	Relevant dDCO Requirements/ Articles	<p>Mitigation measures relevant to Air Quality during construction and decommissioning are secured via dDCO (REP6-005) Requirements 14 (Construction environment management plan) and 18 (Decommissioning environment management plan).</p> <p>The Applicant considers that these Requirements adequately secure the</p>	<p>NE notes that the DCO does not currently secure the mitigation measures proposed to reduce operational air quality impacts. Following provision of the additional information in the Applicant's Responses to Relevant Representations and Additional Submissions, Natural England acknowledges that the operational emissions abatement</p>	Agreed

Ref	Description of Matter	Applicant – Current Position	NE – Current Position	Position
		<p>necessary mitigation measures for Construction and Decommissioning phase air quality impacts. The Applicant welcomes NE’s broad agreement to the need for these Requirements, and their importance in securing mitigation measures included in the ES and HRA Report.</p>	<p>mitigation would be secured via the Applicant’s proposed variation to their Environmental Permit for the existing Power Station, regulated by the Environment Agency.</p> <p>As such Natural England agree with the Applicant that the technology to be used to achieve the currently proposed operational emissions abatement is appropriate. Natural England also agree that the methods for securing this are appropriate.</p> <p>No additional mitigation or monitoring measures beyond those secured via the DCO and to be secured via the Environmental Permit are considered to be necessary to avoid adverse effects on the integrity of European Sites. No additional mitigation or monitoring measures beyond those secured via the DCO and to be secured via the Environmental Permit are considered to be necessary to avoid adverse significant effects on any nationally designated sites. The Applicant has prepared additional analysis of the potential for cumulative acid deposition</p>	

Ref	Description of Matter	Applicant – Current Position	NE – Current Position	Position
			<p>effects on Barn Hill Meadows SSSI. Following review of the Barn Hill Meadows Habitats and Soil Analysis Technical Note (document reference 8.17, Rev01 submitted at Deadline 8), we agree with the Applicant that the calcareous grassland acid deposition critical load is appropriate to use in air quality modelling. With use of this critical load class and consideration of the updated modelling accounting for this that has been provided by the Applicant there is no exceedance of the 1% screening criterion for acid deposition.</p> <p>Our previous concerns in relation to cumulative acid deposition effects to Barn Hill Meadows SSSI, as set out in Row 32 of Table 1b of our Deadline 7 Relevant Representation (REP7-019) are therefore now addressed, subject to submission of the report and agreed updates to the operational air quality results for ecological receptors.</p> <p>Natural England had recommended inclusion of monitoring of the protected sites – however we note and acknowledge the applicant’s concerns,</p>	

Ref	Description of Matter	Applicant – Current Position	NE – Current Position	Position
			<p>as outlined in BIO.1.27 in the applicant's responses to the Examining Authority's first written questions (REP2-060). It is understood that such monitoring would be unlikely to identify impacts arising specifically from the proposed development, or to separate them from other impacts arising from elsewhere. As such, atmospheric or vegetation monitoring at the protected sites would not aim specifically to monitor environmental effects of the proposed scheme. Instead, it would provide support to the applicant's claims that acid deposition (and other pollution) in the area is decreasing, leading to improvement of the protected sites, and also that the precautionary assumptions within the modelling in the assessment were appropriate, to conclude that the conservation objectives of the protected sites would not be undermined (alone or in combination). Monitoring would provide confirmation of the continued reduction in impacts of atmospheric pollution at the protected sites, and any changes in plant communities resulting</p>	

Ref	Description of Matter	Applicant – Current Position	NE – Current Position	Position
			<p>from that, rather than considering the proposed scheme specifically.</p> <p>However, it is accepted that this is not a necessary measure to ensure protection of the sites (as it would not be possible to attach to any “triggers” to highlight risk occurring requiring further protective measures to be employed) so will not require such a measure to be included in the DCO but welcomes that the Applicant is willing to discuss this issue further with Natural England as a separate matter.</p>	

4.3. ECOLOGY

Table 4.3 - Ecology

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
4.3.1	ES Study Area	The Study Area for Ecology varies by receptor and is set out in Section 8.6 of the Ecology chapter of the ES (APP-044).	NE agree with the Study Area used by the Applicant for ecological receptors, as set out in Section 8.6 of the Ecology chapter of the ES.	Agreed

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
4.3.2	ES Methodology	<p>The assessment methodology for Ecology is set out in Section 8.4 and 8.5 of the Ecology chapter of the ES (APP-044).</p> <p>The Applicant notes Natural England’s request for clarification on the methodology/scenarios used in the aerial emissions modelling that informs the assessment of operational air quality effects on designated sites. This has been provided in Row 5.30 and of Table 5.1 and Appendix B of the Applicant’s Response to Relevant Representations and Additional Submissions (AS-038).</p>	<p>Natural England previously requested clarification on the methodology/scenarios used in the aerial emissions modelling that informs the assessment of operational air quality effects on designated sites. Our request was set out in full in our Relevant Representation (Table 1, Key Issues 18 and 23). Natural England welcomes provision of the additional information on operational air quality modelling provided in the Applicant’s Responses to Relevant Representations and Additional Submissions. Key Issues 18 and 23 are now resolved and a matter of agreement with the Applicant.</p> <p>Following discussions, it is confirmed that Key Issue 10 from our Relevant Representation is resolved and a matter of agreement with the Applicant. Natural England no longer considers additional ecological survey information for bats is required.</p> <p>NE agree with the Methodology for the ecological impact assessment used by</p>	Agreed

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
			the Applicant, as set out in Section 8.4 and 8.5 of the Ecology chapter of the ES.	
4.3.3	ES Baseline	The baseline for Ecology is set out in Section 8.7 and 8.8 of the Ecology chapter of the ES (APP-044).	NE agree with the Ecology baseline as described in Sections 8.7 and 8.8 of the Ecology chapter of the ES.	Agreed
4.3.4	Predicted Impacts	<p>The impacts on Ecology are set out in Section 8.9, 8.11, and 8.12 of the Ecology chapter of the ES (APP-044) and in the Cumulative Effect Assessment Matrix (REP4-002). The assessment of effects on European Sites is considered in the HRA Report (REP6-021) and underpinning appendices, in particular REP2-103, REP2-105, REP2-107, and REP3-009.</p> <p>With the application of mitigation measures, as secured via Requirements 7, 10, 14, 15, 18, and 19 of the draft DCO (REP6-005), the Applicant has identified that there would be significant negative effects in the short term during Construction/Decommissioning, for habitats, bats, breeding and wintering</p>	<p>NE had previously advised that additional information was required to rule out the potential for significant negative effects on some ecological features. Following review of the latest information provided by the Applicant, all of Natural England’s previously identified key issues have now been resolved.</p> <p>NE agree with the outcome of the ecological impact assessment completed by the Applicant, as presented in Section 8.9, 8.11, and 8.12 of the Ecology chapter of the ES (APP-044) in the Cumulative Effect Assessment Matrix (REP4-002), and the updated HRA Report (REP6-021) and underpinning appendices, notwithstanding our comments provided</p>	Agreed

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
		<p>birds, terrestrial invertebrates, and vascular plants.</p> <p>With the application of mitigation measures, as secured via Requirements 7, 8, and 17 of the draft DCO, the Applicant has identified that there would be no significant negative effects on ecological receptors and some significant positive effects during Operation, including cumulatively with other plans and projects.</p> <p>The Applicant notes and welcomes that Natural England and the Applicant have now been able to agree that there would be no adverse effects on the integrity of any European Sites arising from the Proposed Scheme, both alone and in-combination with other plans and projects. The Applicant also notes and welcomes that Natural England and the Applicant have now been able to agree that there would be no significant adverse effects on any nationally designated sites arising from the Proposed Scheme, both alone and cumulatively with other plans and projects.</p>	<p>in Table 1a of our Deadline 4 Response (REP4-041) under Natural England key issue reference 30 and footnote 1, regarding noted errors in the Habitats Regulations Assessment – Volume 3 - Appendix 7 (REP2-107) and Operation Phase Air Quality Assessment Results Tables: Ecological Receptors (AS-015). 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 and are therefore satisfied with the conclusions, subject to these agreed amendments.</p> <p>The Applicant has prepared additional analysis of the potential for cumulative acid deposition effects on Barn Hill Meadows SSSI. Following review of the Barn Hill Meadows Habitats and Soil Analysis Technical Note (document reference 8.17, Rev01 submitted at Deadline 8), we are in agreement with the Applicant that the calcareous grassland acid deposition critical load is appropriate to use in air quality</p>	

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
			<p>modelling. With use of this critical load class and consideration of the updated modelling accounting for this that has been provided by the Applicant there is no exceedance of the 1% screening criterion for acid deposition.</p> <p>Our previous concerns in relation to cumulative acid deposition effects to Barn Hill Meadows SSSI, as set out in Row 32 of Table 1b of our Deadline 7 Relevant Representation (REP7-019) are therefore now addressed, subject to submission of the report and agreed updates to the operational air quality results for ecological receptors.</p>	
4.3.5	Design, Mitigation and Enhancement Measures	<p>Embedded design measures that avoid or reduce ecological and wider environmental impacts are set out in Chapter 2 of the ES (APP-042). Specific ecological mitigation measures are set out in Section 8.10 of the Ecology chapter of the ES (APP-044) and in the Cumulative Effect Assessment Matrix (REP4-002), and the HRA Report (REP2-101).</p> <p>Mitigation measures are summarised in the Register of Environmental Actions and</p>	<p>NE has advised in our Deadline 4 Representation (Natural England’s updated comments in respect of Drax Bioenergy with Carbon Capture and Storage Project, promoted by Drax Power Limited; REP4-041) that the majority of design, mitigation, and enhancement matters are now agreed between Natural England and the Applicant, subject to these being</p>	Agreed

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
		<p>Commitments (REAC) (REP7-010), and secured via Requirements 7, 8, 14, 15, 18, and 19 of the draft DCO (REP4-022), discussed in item 4.3.6 below.</p> <p>Mitigation/enhancement measures delivered in the off-site Habitat Provision Area would also be secured via a S106 agreement, whilst enhancement to deliver Biodiversity Net Gain (BNG) for rivers and streams will also be secured via S106 agreement (REP7-015).</p> <p>The Applicant also notes Natural England’s helpful comments in relation to the wording of REAC item E3 and has updated the wording of this item in the latest version of the REAC (REP7-010).</p>	<p>secured appropriately through the DCO and other mechanisms as appropriate.</p> <p>NE agree with the Design, Mitigation, and Enhancement measures, as presented in Section 8.10 of the Ecology chapter of the ES (APP-044) in the Cumulative Effect Assessment Matrix (REP4-002), and in the REAC (REP7-010).</p> <p>In particular, the following areas that were previously under discussion with the Applicant and reported as ‘under discussion’ in Version 2 of this Statement of Common Ground, are now resolved, with Natural England agreeing that the mitigation measures for the following are appropriate, or that no mitigation is required:</p> <ul style="list-style-type: none"> Mitigation measures for operational emissions to air are appropriate and appropriately secured, with the possible exception of measures relating to Barn Hill Meadows SSSI, pending additional assessment information which we await from the Applicant; 	

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
			<ul style="list-style-type: none"> • No mitigation measures are required in relation to functionally-linked land and potential disturbance to this from Work Number 8; and • That pre-construction surveys proposed in relation to badgers are appropriate as set out under Item E3 of the REAC (REP7-010). <p>The Applicant has prepared additional analysis of the potential for cumulative acid deposition effects on Barn Hill Meadows SSSI. Following review of the Barn Hill Meadows Habitats and Soil Analysis Technical Note (document reference 8.17, Rev01 submitted at Deadline 8), we are in agreement with the Applicant that the calcareous grassland acid deposition critical load is appropriate to use in air quality modelling. With use of this critical load class and consideration of the updated modelling accounting for this that has been provided by the Applicant there is no exceedance of the 1% screening criterion for acid deposition. There is therefore no requirement for additional</p>	

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
			mitigation in relation to Barn Hill Meadows SSSI beyond that which would be secured by the draft DCO and the proposed updates to the Environmental Permit.	
4.3.6	Residual Effects	<p>Residual effects on Ecology are set out in Section 8.11 and 8.12 of the Ecology chapter of the ES (APP-044) and in the Cumulative Effect Assessment Matrix (REP4-002).</p> <p>With the application of mitigation measures, as secured via Requirements 7, 10, 14, 15, 18, and 19 of the draft DCO (REP6-005), the Applicant has identified that there would be significant negative effects in the short term during Construction/Decommissioning, for habitats, bats, breeding and wintering birds, terrestrial invertebrates, and vascular plants.</p> <p>With the application of mitigation measures, as secured via Requirements 7, 8, and 17 of the draft DCO, the Applicant has identified that there would be no significant negative effects on ecological receptors and some significant</p>	<p>NE agree with the outcome of the ecological impact assessment completed by the Applicant, as presented in Section 8.9, 8.11, and 8.12 of the Ecology chapter of the ES (APP-044) in the Cumulative Effect Assessment Matrix (REP4-002), and the updated HRA Report (REP6-021) and underpinning appendices.</p> <p>In particular, the following areas that were previously under discussion with the Applicant and reported as ‘under discussion’ in Version 3 of this Statement of Common Ground, are now resolved, with Natural England agreeing no significant effects are likely to arise:</p> <ul style="list-style-type: none"> • Operation-phase aerial emissions and resultant acid deposition cumulatively with other plans and projects on Barn Hill Meadows SSSI, (Key Issue 32 from Table 1b 	Agreed

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
		<p>positive effects during Operation, including cumulatively with other plans and projects.</p> <p>The Applicant notes and welcomes that Natural England and the Applicant have now been able to agree that there would be no adverse effects on the integrity of any European Sites arising from the Proposed Scheme, both alone and in-combination with other plans and projects. The Applicant also notes and welcomes that Natural England and the Applicant have now been able to agree that there would be no significant adverse effects on any nationally designated sites arising from the Proposed Scheme, both alone and cumulatively with other plans and projects.</p>	<p>of our Deadline 7 Relevant Representation (REP7-019))</p> <p>The Applicant has prepared additional analysis of the potential for cumulative acid deposition effects on Barn Hill Meadows SSSI. Following review of the Barn Hill Meadows Habitats and Soil Analysis Technical Note (document reference 8.17, Rev01 submitted at Deadline 8), we agree with the Applicant that the calcareous grassland acid deposition critical load is appropriate to use in air quality modelling. With use of this critical load class and consideration of the updated modelling accounting for this that has been provided by the Applicant there is no exceedance of the 1% screening criterion for acid deposition.</p> <p>Our previous concerns in relation to cumulative acid deposition effects to Barn Hill Meadows SSSI, as set out in Row 32 of Table 1b of our Deadline 7 Relevant Representation (REP7-019) are therefore now addressed, subject to submission of the report and agreed</p>	

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
			updates to the operational air quality results for ecological receptors.	
4.3.7	Relevant dDCO Requirements/ Articles	<p>Requirements 6, 7, 8, 14, 15, 18, and 19 in Schedule 2 of the draft DCO (REP4-022) include provisions that are relevant to addressing effects of the Proposed Scheme on ecological receptors.</p> <p>We note NE's comments on Requirements 7, 8, and 14. The Applicant is providing additional explanatory text summarising the mechanisms by which 10% BNG is secured, for inclusion in the latest update to the BNG Report (anticipated to be submitted into the Examination at Deadline 6).</p> <p>The Applicant's view is that it is appropriate for the phrase '<i>substantially in accordance with</i>' to be included in Requirements 8 and 14.</p> <p>The air quality mitigation measures will be secured through the environmental permit variation, not the DCO.</p> <p>The Applicant notes and welcomes that Natural England have removed their recommendation that monitoring of the</p>	<p>NE has provided comments on the draft DCO in Table 2 of our Relevant Representation (REP2-085), specifically in relation to Requirements 7, 8, and 14.</p> <p>Natural England also note that currently proposed operational emissions abatement measures would be secured by the proposed variation to the Environmental Permit being sought from the Environment Agency by the Applicant. We consider this appropriate, with no requirement for a separate DCO Requirement to secure these operational emissions abatement measures.</p> <p>Our previous concerns in relation to cumulative acid deposition effects to Barn Hill Meadows SSSI, as set out in Row 32 of Table 1b of our Deadline 7 Relevant Representation (REP7-019) are therefore now addressed and therefore no additional Requirements are needed.</p>	Agreed

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
		<p>protected sites should be carried out for acid and nitrogen deposition, and ammonia, given that this could not gather meaningful information in relation to the Proposed Scheme.</p> <p>The Applicant notes Natural England’s residual concerns relating to use of the term ‘<i>substantially in accordance with</i>’.</p> <p>Without the term “<i>substantially</i>”, “<i>in accordance with</i>” can be construed as meaning ‘exactly the same as’. This is not appropriate for any Requirement in the draft DCO (REP6-005), as it is a final plan to be developed based on the detailed design of the Scheme and any update in legislation or guidance. It is therefore important that the term “substantially” remains as part of this Requirement in order to build in the flexibility needed for the plan to be developed in response to the greater level of detail that will be known at a later stage, whilst ensuring that the mitigation outcomes that have been committed to are still delivered.</p> <p>The Applicant would also note, given Natural England’s residual concerns</p>	<p>Natural England now also considers the wording of Requirements 8, 14, 15, 17, and 19 to be appropriate, and welcomes the clarification on how the DCO will ensure no changes to the conclusions of the HRA will arise.</p> <p>The Applicant produced an updated Biodiversity Net Gain (BNG) Assessment at Deadline 6 (REP6-027). As set out in Row 11 of Table 1b of our Deadline 7 Written Representation (REP7-019), the updated BNG Report has addressed our concerns regarding securing of BNG.</p> <p>NE therefore agrees with the Requirements as currently drafted, 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 HRA will not change as a result of the detailed plans and strategies, and has no further comments to make on the draft DCO.</p>	

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position																		
		<p>regarding this phrasing, that all of the Requirements referred to by NE in the adjacent column (8, 14, 15, 17, and 19 plus requirement 7 (provision of landscape and biodiversity mitigation and enhancement) require consultation and/or approval in the course of their discharge. This provides further surety that the strategies to be produced under the relevant requirements will achieve the necessary avoidance, mitigation, and/or compensation. The consultation and approval bodies for the relevant requirements are summarised in the tables below, which is informed by the draft DCO (REP6-005).</p> <table border="1" data-bbox="703 932 1299 1359"> <thead> <tr> <th data-bbox="703 932 927 1011">Requirement</th> <th data-bbox="927 932 1128 1011">Consultees</th> <th data-bbox="1128 932 1299 1011">Approver</th> </tr> </thead> <tbody> <tr> <td data-bbox="703 1011 927 1067">7</td> <td data-bbox="927 1011 1128 1067">EA</td> <td data-bbox="1128 1011 1299 1067">NYC</td> </tr> <tr> <td data-bbox="703 1067 927 1123">8</td> <td data-bbox="927 1067 1128 1123">N/A</td> <td data-bbox="1128 1067 1299 1123">NYC</td> </tr> <tr> <td data-bbox="703 1123 927 1179">14</td> <td data-bbox="927 1123 1128 1179">EA</td> <td data-bbox="1128 1123 1299 1179">NYC</td> </tr> <tr> <td data-bbox="703 1179 927 1307">15</td> <td data-bbox="927 1179 1128 1307">NH, highway authority</td> <td data-bbox="1128 1179 1299 1307">NYC</td> </tr> <tr> <td data-bbox="703 1307 927 1359">17</td> <td data-bbox="927 1307 1128 1359">N/A</td> <td data-bbox="1128 1307 1299 1359">NYC</td> </tr> </tbody> </table>	Requirement	Consultees	Approver	7	EA	NYC	8	N/A	NYC	14	EA	NYC	15	NH, highway authority	NYC	17	N/A	NYC		
Requirement	Consultees	Approver																				
7	EA	NYC																				
8	N/A	NYC																				
14	EA	NYC																				
15	NH, highway authority	NYC																				
17	N/A	NYC																				

Ref	Description of Matter	Applicant – Current Position			Natural England – Current Position	Position
		19	NH, highway authority	NYC		
4.3.8	Biodiversity Net Gain	<p>The consultation and approval process provides further surety that the strategies to be approved and implemented pursuant to the DCO will achieve the required objectives and not change the conclusions of the HRA.</p> <p>It is also noted that the Applicant will be updating 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 HRA will not change as a result of the detailed plans and strategies.</p>			<p>Following submission of the latest BNG Report (REP6-027) the remainder of Natural England’s queries relating to Biodiversity have been resolved.</p> <p>The Applicant produced an updated Biodiversity Net Gain (BNG) Assessment at Deadline 6 (REP6-027). As set out in Row 11 of Table 1b of our</p>	Agreed

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
		<p>proposals for habitat creation, restoration and enhancement as submitted in the Outline Landscape and Biodiversity Strategy (OLBS) (REP6-017).</p> <p>Following the same methodological approach as recommended by Natural England (Habitat Provision Area included in the on-site part of the BM3.1 Biodiversity Metric), the Proposed Scheme can now achieve 10% net gain for Habitat units and Hedgerow units (see REP3-010).</p> <p>The Applicant has secured off-site river and stream habitat enhancements to be delivered in partnership with the Calder and Colne River Trusts. It is working with NYCC to ensure that this is appropriately secured via section 106 Agreement, building on the drafts already submitted to the Examination. As such the Applicant also expects to achieve 10% BNG for River and Stream habitats.</p> <p>The Applicant notes and welcomes that the BNG assessment is now agreed with Natural England following their review of the latest BNG Report (REP6-027). The Applicant has provided additional</p>	<p>Deadline 7 Written Representation (REP7-019), the updated BNG Report has addressed our concerns regarding securing of BNG.</p> <p>Natural England welcomes the Applicant's efforts to secure 10% net gain for River and Stream units through off-site enhancements intended to be delivered by the Calder and Colne Rivers Trusts. Natural England considers the proposed restoration scheme at Black Brook a suitable off-setting proposal to provide an uplift in river units subject to this being appropriately secured for the required 30 year period.</p>	

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
		explanatory text summarising the mechanisms by which 10% BNG is secured in the latest update to the BNG Report which highlights that all on-site BNG is secured through the drafting of Requirement 7 as a whole.		

4.4. LANDSCAPE AND VISUAL IMPACT

Table 4.4 – Landscape and Visual Impact

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
4.4.1	LVIA Assessment and Mitigation	The Applicant's LVIA is set out in Chapter 9 (Landscape and Visual Amenity) of the ES (APP-045), with mitigation measures brought forward as described in the REAC.	NE has no concerns with the LVIA assessment and mitigation proposed for the Proposed Scheme.	Agreed

4.5. OTHER CONSENTS AND LICENCES

Table 4.5 – Other Consents and Licences



Ref	Consent / Licence	Applicant – Current Position	Anticipated Submission Date / Timescales	Natural England – Current Position	Position
4.5.1	Protected species licence (for badgers) under The Protection of Badgers Act 1992	<p>Required for any components of the Proposed Scheme that affect badgers in their places of shelter (albeit no such places of shelter are currently expected to be affected, and it is considered relatively unlikely that new setts would become established in areas of the Proposed Scheme that could need to be cleared as part of the Proposed Scheme). It is noted that a badger sett can typically only be closed under licence from NE between July and November inclusive.</p> <p>Resurvey for badger would be required prior to site clearance activities, to confirm whether or not a licence is required.</p>	If required, this will follow the DCO being made by the SoS and would precede vegetation and site clearance of any relevant affected areas supporting a badger sett(s).	Natural England agrees with the current approach and advises that the requirement for a licence will depend on the outcome of the pre-construction badger surveys as detailed in our Deadline 4 Representation.	Agreed
4.5.2	Natural England-led North East Yorkshire District Level	Required in relation to the anticipated impacts of the Proposed Scheme on terrestrial habitats that may be used by GCN, where direct	If required, this will follow the DCO being made by the SoS.	Natural England agrees with the current position and anticipates that, subject to provision of the FSP and counter-	Agreed

Ref	Consent / Licence	Applicant – Current Position	Anticipated Submission Date / Timescales	Natural England – Current Position	Position
	Licence ('DLL') scheme for great crested newts ('GCN')	<p>and proportional impacts to ponds have been determined. Use of the DLL would remove the need for the Proposed Scheme to obtain a site-specific derogation licence in relation to great crested newts, under the Conservation of Habitats and Species Regulations (2017, as amended).</p> <p>Use of the DLL would be secured by making an appropriate payment to the SDC DLL scheme. The Applicant has issued a Purchase Order to Natural England for the FSP on 15 March 2023. The Applicant intends to make payment of the relevant amount following receipt of an invoice for this from Natural England.</p>	<p>A provisional GCN DLL Impact Assessment and Conservation Payment Certificate was signed by the Applicant on 30 January 2023</p> <p>Natural England require a First Stage Payment (FSP) to be made before an Impact Assessment and Conservation Payment (IACPC) can be counter-signed by Natural England management and issued. This payment has not yet been provided as the Applicant is awaiting an updated invoice from Natural England. Upon receipt of this</p>	<p>signing of the IAPC, there is no impediment to it being able to consider and determine this consent in its usual fashion. Once counter-signed, the DLL IACPC acts as a Letter of No Impediment (LONI).</p>	

Ref	Consent / Licence	Applicant – Current Position	Anticipated Submission Date / Timescales	Natural England – Current Position	Position
			the Applicant will be able to make the payment.		

5. SIGNATURES

Table 5.1 – Signatures

Ref	Natural England	Drax Power Ltd (the Applicant)
Signature		
Printed Name	Hannah Gooch	Dr James Doyle
Title	Sustainable Development – Senior Adviser	Planning and Consents Manager
On behalf of	Natural England	Drax Power Ltd
Date	12/06/2023	12/06/2023