

Planning Act 2008 (PA2008) – sections 91 to 93

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

Agendas for Issue Specific Hearing 5 (ISH5) on matters discussed at ISHs 1 to 4; Compulsory Acquisition Hearing 2 (CAH2); and Open Floor Hearing 2 (OFH2)

Notification of the date, time, location and attendance instructions for the following hearings was provided in the Examining Authority’s (ExA) Rule 8(3) letter dated 13 June 2023:

Date	Hearing	Start time	Venue and joining details
Monday 10 July 2023	Issue Specific Hearing 5 (ISH5) On matters discussed at ISHs 1 to 4	Virtual Arrangements Conference from: 9:30am Hearing starts: 10:00am	By virtual means using Microsoft Teams
Monday 10 July 2023	Compulsory Acquisition Hearing 2 (CAH2)	Virtual Arrangements Conference from: 9:30am Hearing starts: 10:00am	By virtual means using Microsoft Teams
Monday 10 July 2023	Open Floor Hearing 2 (OFH2)	Virtual Arrangements Conference from: 9:30am Hearing starts: 10:00am	By virtual means using Microsoft Teams

The above hearings will take place as a single virtual event, hence the identical start times for each hearing. A single Arrangements Conference will be held at 9:30am for all the hearings, and the hearings will be accessed via a single set of joining instructions that will be issued to parties who have registered to attend in accordance with the information below.

The agendas for the hearings are set out at **Annex A**, **Annex B**, and **Annex C** of this document respectively.

Purpose of the hearings

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

- **ISH1** on the scope of the Proposed Development.
Held on Wednesday 18 January 2023.
- **ISHs 2 and 4** on the draft DCO.
Held on Thursday 19 January 2023 and Friday 24 March 2023 respectively.
- **ISH3** on environmental matters.
Held on Wednesday 22 March 2023.

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

The purpose of CAH2 is:

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

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

The video recordings and transcripts from all previously held hearings are available under the '[Documents](#)' tab¹ on the project webpage.

Attendance at the hearings

The ExA would find it helpful if the following parties could attend these hearings:

- **Applicant.**

¹ <https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/drax-bioenergy-with-carbon-capture-and-storage-project/?ipcsection=docs>



However, this does not indicate that other parties will not be able to contribute. All IPs are invited to attend and make oral representations on the matters set out in the agenda, subject to the ExA's ability to control the hearing.

Anyone wishing to participate in the hearings who has not already advised the Case Team of this should do so as soon as possible. The ExA would be grateful if you could register by Monday 3 July 2023 at the latest.

Please email: DraxBECCS@planninginspectorate.gov.uk to confirm attendance, and provide all of the information requested on [Page 4 of the ExA's Rule 8\(3\) letter dated 13 June 2023](#)².

Participation in a virtual hearing

Parties who have registered to attend any of the hearings will receive an email shortly before the hearings containing a joining link, telephone number and instructions to enable virtual participation. Please join the Arrangements Conference promptly. The Case Team will admit you from the virtual lobby and register your attendance. The Arrangements Conference allows procedures to be explained and will enable the hearings to start promptly.

The event will also be livestreamed and recorded, and a link to watch the livestream will be published on the [project webpage of the National Infrastructure Planning website](#)³ closer to the event date.

Procedure at the hearings

Guidance under the PA2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provides that it is for the ExA to probe, test and assess the evidence through direct questions of persons making oral representations at hearings. Questioning at the hearings will be led by the ExA. Cross-questioning of a person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that an IP has had a fair chance to put its case.

Every effort will be made to ensure that the issues will be discussed on the day that they are scheduled for. The hearings will finish as soon as the ExA deems that all those present have had their say and that all matters have been covered. If there are additional matters to be dealt with or there are submissions that take a considerable amount of time at any hearing, it may be necessary to prioritise matters and defer others to written questions.

² https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010120/EN010120-001424-20230613_EN010120_Drax_BECCS_Rule_8_3_letter.pdf#page=4

³ <https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/drax-bioenergy-with-carbon-capture-and-storage-project/>

The agendas are for guidance only. They are not designed to be exclusive or exhaustive. The ExA may add other issues for consideration, may alter the order in which issues are considered and will seek to allocate sufficient time to each issue to allow proper consideration of them. Any lack of discussion of a particular issue at a hearing does not preclude further examination of this issue, including the asking of further written questions.

May we draw your attention to **Deadline 10** in the Examination Timetable (**Monday 17 July 2023**) and our request to receive full summaries of all oral submissions given at these hearings by that date by those who made them.

Please contact the Case Team if you have any questions regarding the arrangements for the hearings or how to participate:

Email: DraxBECCS@planninginspectorate.gov.uk.

Tel: 0303 444 5000

Agenda for Issue Specific Hearing 5 (ISH5) on matters discussed at ISHs 1 to 4

1. Welcome, introductions, arrangements for the hearing

2. ISH5

In accordance with Regulation 14(2) of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010, the Examining Authority (ExA) will give an opportunity for any Additional Interested Party (AIP) or Additional Affected Person (AAP), as a result of the Applicant's second proposal to amend its Development Order Consent application, to make oral representations on the matters previously discussed at ISHs 1 to 4. The ExA will also give an opportunity for any AAPs or AIPs resulting from the Applicant's initial change request dated 5 December 2022 to make oral representations in relation to ISH1 on the scope of the Proposed Development.

3. Review of issues and actions arising

4. Any other business

5. Closure of the hearing

Agenda for Compulsory Acquisition Hearing 2 (CAH2)

1. Welcome, introductions, arrangements for the hearing

2. CAH2

In accordance with Regulation 15(2) of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010, to:

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

3. Review of issues and actions arising

4. Any other business

5. Closure of the hearing

Agenda for Open Floor Hearing 2 (OFH2)

1. Welcome, introductions, arrangements for the hearing

2. Open Floor Hearing 2 (OFH2)

In accordance with Regulation 16(2) of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010, the ExA will give an opportunity for any Additional Interested Party (AIP) or Additional Affected Person (AAP), as a result of the Applicant's second proposal to amend its Development Order Consent application, to make oral representations.

3. Review of issues and actions arising

4. Any other business

5. Closure of the hearing