



## **STATEMENT OF COMMONALITY**

Regulation 5(2)(q) Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

Rule 8 (1)(e) Infrastructure Planning (Examination Procedure) Rules 2010

### **Drax Bioenergy with Carbon Capture and Storage**

The Planning Act 2008 (as amended)

Document Reference Number: 8.4

Applicant: Drax Power Limited

PINS Reference: EN010120



REVISION: 10

DATE: July 2023

DOCUMENT OWNER: WSP UK Limited

AUTHOR: Sally Garford

APPROVER: Cassie Fountain

PUBLIC

## TABLE OF CONTENTS

---

<b>1. INTRODUCTION AND PURPOSE.....</b>	<b>1</b>
1.1. Purpose of the Statement of Commonality.....	1
<b>2. STRUCTURE OF STATEMENT OF COMMON GROUND.....</b>	<b>2</b>
<b>3. LIST OF STATEMENTS OF COMMON GROUND.....</b>	<b>3</b>
<b>4. SUMMARY OF CURRENT POSITION .....</b>	<b>4</b>
<b>5. CURRENT POSITION.....</b>	<b>6</b>

## TABLES

---

Table 3.1 - List of SoCGs under preparation.....	3
Table 4.1 – Current Position of SoCGs.....	4
Table 5.1 - Table of Commonality at July 2023.....	7

# 1. INTRODUCTION AND PURPOSE

---

## 1.1. PURPOSE OF THE STATEMENT OF COMMONALITY

- 1.1.1. This Statement of Commonality for Statements of Common Ground (this 'Statement') relates to an application made by Drax Power Limited (the Applicant) on 23 May 2022 to the Secretary of State for Business, Energy and Industrial Strategy via the Planning Inspectorate (PINS).
- 1.1.2. The Application was submitted under section 37 (2) of the Planning Act 2008 (PA2008) for a Development Consent Order (DCO), and if made would grant consent for the Drax Bioenergy with Carbon Capture and Storage Project. The Application was accepted for examination by the Inspectorate on 20 June 2022.
- 1.1.3. The Scheme will involve the installation of technology which is designed to remove carbon dioxide from the flue gas produced from the electricity generating process. The technology will be fitted to Units 1 and 2 of Drax Power Station, these Units are fired on biomass. It is designed to remove approximately 95% of the carbon dioxide from the flue gas that is currently emitted from these existing Units. The carbon dioxide captured will undergo processing and compression before being transported via a proposed new pipeline for storage under the southern North Sea where it will be injected into geological formations below the seabed. The transport and storage infrastructure will be developed as a separate project and will be the subject of separate consent applications. A detailed description of the Scheme can be found in **Chapter 2 (Site and Project Description)** of the Environmental Statement (APP-038), as amended by the Change Request - **Proposed Changes Application Report (AS-045)** and **Change Request - 8.15 Second Change Application Report (AS-126)**.
- 1.1.4. This Statement and the Statements of Common Ground (SoCGs) have been prepared by the Applicant and in its view provide an accurate record of both discussions to date with the interested parties listed at Table 3.1 and summary of the issues that are either agreed, subject to further discussion, or not agreed.
- 1.1.5. The Applicant is working to agree and submit final agreed versions of the SoCGs at Deadline 10.
- 1.1.6. This Statement has been prepared to provide the Examining Authority ('ExA') with the current position on SoCG between the Applicant and prescribed consultees, statutory undertakers and interested parties (Other Parties) in relation to the Scheme. This Statement also sets out the current position on the commonality of specific SoCGs.

## **2. STRUCTURE OF STATEMENT OF COMMON GROUND**

---

- 2.1.1. To ensure consistency in the approach taken to documenting matters agreed, matters subject to further negotiation or matters not agreed, each of the SoCG adopts a standard format in order to provide clarity to the Other Parties and ultimately the ExA.
- 2.1.2. Each SoCG has the following structure:
- Section 1 provides the introduction to the SoCG and a description of its purpose;
  - Section 2 states the engagement that has occurred between the Applicant and Other Party to date; and
  - Section 3 provides a summary of topics covered by the SoCG and lists the DCO Application documents of relevant to the SoCG;
  - Section 4 addresses the key matters of relevance to the SoCG parties and sets out any issues that have arisen, reporting on the status of each issue, i.e. whether it is agreed, still under discussion or not agreed, and set out any remaining actions.

### 3. LIST OF STATEMENTS OF COMMON GROUND

---

3.1.1. The parties which the Applicant has prepared an SoCG with are listed in Table 3.1 below.

**Table 3.1 - List of SoCGs under preparation**

<b>Stakeholder</b>
East Riding of Yorkshire Council (ERYC)
Environment Agency
Goole and Airmyn Internal Drainage Board (Goole and Airmyn IDB)
Historic England (North-East and Yorkshire) (Historic England)
National Grid Carbon Limited (NGCL)
National Grid Electricity System Operator (NG ESO)
National Grid Electricity Transmission (NGET)
National Highways
Natural England
Selby Area Internal Drainage Board (Selby IDB)
The North Yorkshire County Council (NYC)

3.1.2. Note, NYC is a new single council which was launched on 1 April 2023, replacing the current county council and seven district and borough councils in North Yorkshire, including Selby District Council (SDC) and North Yorkshire County Council (NYCC). The SoCG with NYC therefore constitutes a further revision of the previous SoCG with SDC and NYCC.

3.1.3. Further detail about the current position of each SoCG can be found at Sections 4 and 5 of this Statement.

## 4. SUMMARY OF CURRENT POSITION

4.1.1. This section provides the current position of each SoCG.

4.1.2. Table 4.1 below provides a high-level position and where necessary includes further detail to aid understanding. The high-level positions used in the table are:

- Final Signed SoCG all matters agreed – The final SoCG has been signed by both parties and all matters are agreed.
- Final Signed SoCG with matters outstanding – The final SoCG has been signed by both parties and there remain matters outstanding that the Applicant and the Other Party agree will not be resolved during the Examination.
- SoCG in draft – The SoCG has been drafted by the Applicant, it has been shared with the Other Party and comments have been provided. Discussion is ongoing to reach a 'Final Signed SoCG all matters agreed' or 'Final Signed SoCG with matters outstanding'.

**Table 4.1 – Current Position of SoCGs**

<b>Document Reference</b>	<b>Party</b>	<b>Current Position</b>
8.1.1	NG ESO	SoCG in draft
8.1.2	NGCL	SoCG in draft
8.1.3	NYC	SoCG in draft
8.1.4	Environment Agency	Final signed SoCG all matters agreed
8.1.5	Natural England	Final signed SoCG all matters agreed
8.1.6	Historic England	Final signed SoCG all matters agreed
8.1.7	National Highways	SoCG in draft
8.1.8	Selby IDB	Final signed SoCG all matters agreed
8.1.9	ERYC	SoCG in draft
8.1.10	NGET	SoCG in draft

8.1.11	Goole and Airmyn IDB	Final signed SoCG all matters agreed
--------	----------------------	---

4.1.3. The Applicant can provide the following update:

- The Applicant understands that all matters are agreed with NG ESO, and is seeking their signing of the final version of the SoCG to submit at Deadline 10;
- Whilst the Applicant does not consider protective provisions for NGCL are necessary, the Applicant is continuing to negotiate the provisions with NGCL for the protection of the HLCP Project on a without prejudice basis, and is seeking their signing of the final version of the SoCG, to reflect where the parties are at in terms of negotiating those protective provisions to submit at Deadline 10;
- The Applicant understands that the position set out in the SoCG submitted at Deadline 8 (REP8-017) will be the final position, and is seeking NYC's signing of the final version of the SoCG to submit at Deadline 10. The Applicant's position on those matters which are not agreed (noise and vibration, and landscape, design and visual impact) is set out in The Applicant's Pre-hearing Position Statement on Outstanding Matters with NYC (REP8-028). NYC have advised the Applicant that there are no barriers to this happening and the signed document can be submitted for Deadline 10;
- The Applicant is working with National Highways to agree Protective Provisions to enable this SoCG to be finalised, and is seeking their signing of a final version of the SoCG to submit at Deadline 10 alongside the final protective provisions;
- The Applicant is seeking clarification on ERYC's position in respect of the Second Change Application and land ownership matters, to enable this to be properly recorded in a final signed version of the SoCG to submit at Deadline 10. The Applicant is seeking a meeting with ERYC to enable this to happen;
- The Applicant has agreed Protective Provisions with NGET. The parties are currently negotiating the terms of a confidential side agreement, and it is expected National Grid will be able to withdraw its objection once that agreement is entered into. Parties anticipate reaching agreement during the course of the Examination to enable a final signed version of the SoCG to be submitted at Deadline 10 alongside the final protective provisions; and
- The SoCGs with Historic England, Selby IDB, Goole and Airmyn IDB, the EA and Natural England are finalised and signed, and will not be updated again before the close of the Examination.

## 5. CURRENT POSITION

---

5.1.1. This section of the Statement provides a summary of principal issues covered in the SoCGs and demonstrates where there is commonality in the topics or matters.

5.1.2. The table is presented in such a way to show topics covered within the various SoCGs and how these are relevant to each Other Party and a position for each topic as follows:

	Matter agreed
	Matter which the Applicant understands to be agreed, and is seeking to confirm as such in the final SoCG to submit at Deadline 10
	Matter subject to further discussion
	Matter not agreed
	Matter not relevant



Table 5.1 - Table of Commonality at July 2023

Ref.	Party	Topics																					
		Environmental Permit	Planning history & current proposals	Planning Policy	Need, principle and alternatives	Climate Change Resilience	Population, Health & Socio-economics	Transport	Air quality	Noise and Vibration	Ecology	Design, Landscape and Visual Impact	Heritage	Ground Conditions	Water Environment	Materials and Waste	Greenhouse Gases	Major Accidents and Disasters	Cumulative Effects	dDCO (incl. Requirements)	Protective Provisions	Matters relating to Overhead Lines	Other Consents and Licenses
8.1.1	NG ESO																						
8.1.2	NGCL																						
8.1.3	NYC																						
8.1.4	Environment Agency																						
8.1.5	Natural England																						
8.1.6	Historic England																						
8.1.7	National Highways																						
8.1.8	Selby IDB																						
8.1.9	ERYC																						
8.1.10	NGET																						
8.1.11	Goole and Airmyn IDB																						