

By Email Only: draxbeccs@planninginspectorate.gov.uk

Drax Power Station
Selby
North Yorkshire
YO8 8HP


www.drax.com

24 November 2023

Dear Mr Wheadon,

Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010 Application by Drax Power Limited (“the Applicant”) for an Order granting Development Consent for the Drax Bioenergy with Carbon Capture and Storage Project (“the Proposed Development”).

Request for Further Information

I write in response to your letter dated 14th November 2023 in respect of the above application for a Development Consent Order. As requested, I am writing to provide you with an update on discussions between the Applicant, National Grid Electricity Transmission (“NGET”), Northern Gas Networks Limited (“NGN”), East Riding of Yorkshire Council (“ERoY”) and Investors in Court House Farm/Delta Enterprise Park (“The Consortium”).

I set the position out between the Applicant and the Other Parties in Table 1, below.

Table 1: position out between the Applicant and the Other Parties

Other Party	Topic	Update
NGET	Protected Provisions and Side Agreement	<p>The Applicant and NGET have reached agreement and completion of a side agreement, containing a modified form of protective provisions.</p> <p>As such, on 12th October 2023, NGET’s representatives wrote to the Planning Inspectorate to confirm the completion of the agreement and the withdrawal of their objection. I understand that this confirmation has been passed on to the Secretary of State and I attach a copy of this at Appendix A.</p> <p>The Applicant can confirm that no changes are required to be made to the DCO as a result of this Agreement being reached.</p>
NGN	Protected Provisions and Asset	<p>The Applicant is engaged in discussions with the representatives of NGN with a view to agreeing Protected Provisions and an Asset Protection Deed.</p>

Other Party	Topic	Update
	Protection Deed	These discussions are well progressed and it is the Applicant's expectation that an agreement with NGN can be reached shortly. The latest update is that the Applicant sent what it hopes will be its final comments on the agreement to NGN's representatives on 11 October 2023, with confirmation coming from NGN's representatives on 14 November 2023 that it would be in a position to respond to the Applicant's comments in early December 2023. The Applicant feels that the outstanding points in the agreement can be resolved quickly and looks forward to the final stages of engagement with NGN's representatives on these few remaining matters.
ERoY	Heads of Terms or Licence	The concerns in respect of the impacts to the Council's landholdings were addressed by the commitments made in the Register of Environmental Actions and Commitments (Document Reference REP9-019) in particular items WE20, PH3 and PH4, all secured via the DCO. The Council's agreement to this is noted in the SoCG (Document Reference REP10-016) at item 4.3.1. The Applicant will formalise the property arrangements with the Council, but this is not expected to conclude prior to the Secretary of State's decision. The Applicant notes, that as the aforementioned key substantive issues are resolved, the remaining negotiation of these arrangements will be focussed on the commercial position between the parties.
The Consortium	Heads of Terms	<p>I can confirm that the Applicant has agreed Heads of Terms with the Consortium. These are in agreed form and at the time of writing, the Consortium is in the process of obtaining all signatures for it.</p> <p>The Applicant notes that the Consortium has requested that the exact location of the proposed access in relation to their land is discussed and agreed with them. This commitment is already contained in the Register of Environmental Actions and Commitments (Document Reference REP9-020) which is secured by Requirement 14 of the draft Development Consent Order (Document Reference REP10-024), and as such the Applicant does not propose any further actions. This commitment is also reflected in the agreed Heads of Terms.</p> <p>The Applicant notes, that as the aforementioned key substantive issues are resolved, the remaining negotiation of these arrangements will be focussed on the commercial position between the parties.</p>



I can also confirm that the Applicant also reached agreement and completion of a side agreement, containing a modified form of protective provisions, with Northern Powergrid (NPG) on 19th September 2023 and that NPG's objection was withdrawn by an email to the Planning Inspectorate the same day (a copy of which is at **Appendix B**). The Applicant can confirm that no changes are required to be made to the DCO as a result of this Agreement being reached.

We trust the above and enclosed are helpful. However, please do not hesitate to contact me should you have any queries regarding these documents.

Yours sincerely



Jenny Blyth MAPM
Development Manager





Appendix A

Alex Tresadern

From: Robert Garden [REDACTED]
Sent: 12 October 2023 15:41
To: DraxBECCS@planninginspectorate.gov.uk
Cc: Alex Tresadern
Subject: [EXTERNAL] Drax BECCS - National Grid Electricity Transmission plc - Withdrawal of Objection [CMCK-UK.FID118391430]

Dear Drax BECCS Team,

I am instructed by National Grid Electricity Transmission plc (NGET) and am writing further to NGET's representations in respect of the Applicant's application for the Drax Bioenergy with Carbon Capture and Storage Project. The Applicant and NGET have continued to negotiate and have reached agreement on the form of protective provisions.

Please accept this email as the withdrawal of NGET's objection in respect of the Order.

Regards,

Rob

Robert Garden
Of Counsel



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Appendix B

Alex Tresadern

From: Felicity Wimbush [REDACTED]
Sent: 19 September 2023 12:03
To: DraxBECCS@planninginspectorate.gov.uk
Cc: Alex Tresadern
Subject: [EXTERNAL] DRAX BIOENERGY WITH CCS ORDER - AGREEMENT WITH NPG REACHED

Dear Sirs

**DRAX BIOENERGY WITH CARBON CAPTURE AND STORAGE ORDER
OUR CLIENT: NORTHERN POWERGRID (YORKSHIRE) PLC**

We write on behalf of our client, Northern Powergrid (Yorkshire) PLC, in relation to the above mentioned Order. Our client has now reached agreement with the Applicant in relation to the protection of NPG's assets and protective provisions have been agreed upon with a side deed completed. Our client therefore has no objections to this scheme.

Please note that the Applicant's solicitor is copied by way of confirmation and for their records.

Kind regards

Felicity

Felicity Wimbush
Associate
Weightmans LLP



<https://www.weightmans.com>

135 specialism rankings and 446 individual rankings in Chambers and Legal 500

My working hours are: Mon–Fri 9–5:30



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