

Meeting note

Project name	Drax Bioenergy with Carbon Capture and Storage Project (BECCS)
File reference	EN010120
Status	Final
Author	The Planning Inspectorate
Date	28 January 2022
Meeting with	Drax Power Limited WSP Pinsent Masons
Venue	Microsoft Teams
Meeting objectives	Update meeting
Circulation	All attendees

Summary of key points discussed and advice given

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

Project update

The Applicant shared a design freeze with the Inspectorate, indicating the final Development Consent Order (DCO) limits in the application, which they have finalised since undertaking the statutory consultation from November to December 2021. The Inspectorate queried whether the land previously included in the Order Limits was in ownership of Drax Power Limited. The Applicant confirmed that all of the land currently in the Order Limits belongs to Drax Power Limited.

The Applicant informed the Inspectorate that the consenting plan has not changed from previous meetings and they are aiming at submitting the application at the end of April 2022. The Inspectorate informed the Applicant that correspondence will be sent to the Applicant a month before submission covering submission formalities and requesting payment of the acceptance fee. The Inspectorate would also inform the relevant Local Authorities (LAs) of the forthcoming submission and confirm that it will be seeking LA views on the adequacy of consultation of the pre-application consultation shortly after receipt of the application.

The Inspectorate asked if the LA had raised any concerns about resource availability for other NSIP projects affecting the examination process. The Applicant stated that the LAs mentioned that they are involved in other projects but are aware of the project's timeframe and their responsibilities in that respect.

Environmental update

The Applicant confirmed that the extent of the proposed 'Environmental Mitigation Area' has been refined and it has now been re-named 'Habitat Provision Area'. Following the design freeze, the Applicant has been working on the environmental assessments that will inform the Environmental Statement (ES). The Environmental Impact Assessment (EIA) is ongoing and s42 consultation responses are being reviewed. The Applicant gave an update on environmental topics:

- **Transport**: Agreement in Principle to Abnormal Indivisible Loads (AIL) being moved by road from Port of Goole to Drax Power Station; agreed with National Highways (NH) and North Yorkshire County Council (NYCC). Discussions are ongoing with East Riding of Yorkshire Council (ERYC) regarding vehicle configuration and loadings. Consultation has been finalised with those parties and methodology agreed, with further assessment of traffic impacts to be finalised. An Outline Construction Traffic Management Plan, Outline Construction Worker Travel Plan and Public Rights of Way (PRoW) assessment are in progress to be submitted with the ES.
- **Ecology**: Hoping to meet Natural England (NE) to discuss topics raised in its s42 consultation response which include the Habitats Regulations Assessment (HRA) and Biodiversity Net Gain (BNG). The Inspectorate asked the Applicant what were the main topics raised by NE. The Applicant responded that some of the main topics included: air quality assessment methodology, peregrine falcon disturbance, best and most versatile agricultural land, the BNG methodology, and the Statement of Common Ground (SoCG). The approach to ecological surveys and assessments has been agreed with NYCC. Work on the BNG assessment is in progress. Discussions with WSP's water specialists have been undertaken regarding the rivers and watercourses element of the assessment.
- **Landscape**: Consultation with Selby District Council (SDC) and NYCC on the Design Principles report and landscape and visual impact assessment (LVIA) methodology, which has been agreed. Photomontages were prepared for the Preliminary Environmental Information and as requested in the consultation response, two further photomontages are being produced to represent the night-time scenario.
- **Water**: The Applicant was advised by the Environment Agency (EA) to use its Humber Extreme Water Level Model combined with the Upper Humber Model, which has been agreed. The Water Framework Directive (WFD) screening and scoping assessment has been completed and initial conclusions agreed with the EA. Further consultation to discuss BNG requirements and consultation is ongoing with the Lead Local Flood Authority (LLFA) at NYCC on the Surface Water Drainage Strategy.
- **Air Quality**: Consultation with the EA and SDC largely completed, awaiting some clarifications from SDC around the use of baseline data. The air quality modelling is ongoing and the Applicant is awaiting confirmation from NE and NYCC to the approach to assessing air quality impacts at designated ecological sites. The Applicant is working with a BECCS technology supplier to identify proxy amine compounds to feed into sensitivity modelling, as requested by the EA.

- **Noise:** Consultation meeting with SDC and NYCC in terms of the noise assessment. Currently undertaking the noise modelling.
- **Ground Conditions:** With the changes to the Order Limits, the Applicant has updated the agricultural land classification survey.
- **Heritage:** An aerial photograph assessment has been included in the ES as a response to NYCC's consultation response. A meeting has been proposed with Historic England (HE) regarding hedgerow planting proposals, as these are located close to a scheduled monument.
- **Materials and Waste:** Currently consulting NYCC to identify any future committed plans for landfill expansion, resource extraction and management facilities in the area. The Inspectorate queried what was the reason for this. The Applicant responded that this would feed into the assessment to understand the impacts of the development on landfill availability.
- **Cumulative effects:** NYCC had identified in the consultation stage that some new developments had come forward since the last review of the Project Implementation Review (PIR). The Applicant has now updated its list of projects and taken into consideration the new developments surrounding the site.
- **Lighting:** A draft Lighting Strategy is being prepared and will be submitted alongside the ES.
- **Major Accidents and Disasters:**
 - A response has been prepared to the Health and Safety Executive (HSE) s42 consultation comments including a suggestion that a SoCG could be entered into with them.
 - The Scoping Opinion stated that the ES should demonstrate that low consequence events have been appropriately addressed in the ES topic chapters. The Applicant provided an explanation as to why it was proposed that low consequence events were not considered in the ES. This was because low consequence events would not give rise to a significant environmental effect and would therefore not be considered in the EIA. If an event could give rise to a likely significant effect, then it would be scoped into the assessment; this was clearly defined in the PEIR and will be defined in the ES.
 - The methodology for Major Accidents and Disasters is being consulted upon with relevant Statutory Consultees and this will be reported in the ES.
 - The Inspectorate agreed that the approach seemed acceptable but would confirm.

(Post Meeting Note: The Inspectorate confirm that the proposed approach is acceptable.)

Statutory consultation

The Applicant informed that the statutory consultation 6-week period ran from 1 November to 12 December 2021, with s42 consultees and an additional list of stakeholders, s47 consultees, consulted. Three in-person events were held, and another three online events. A feedback form was published on [Drax BECCS' website](#), from which 119 responses were recorded. 73% of them supported the Proposed Development.

The Inspectorate queried whether there were any commitments in the Statement of Community Consultation (SoCC) that the Applicant has been unable to meet in its consultation to date. The Applicant stated that there were no such matters.

Stakeholder Engagement

The Applicant will aim to submit the SoCGs with the application, if sufficiently progressed, and gave a list of the key stakeholders involved in the first draft of SoCGs. These included: SDC, NYCC, ERYC, NE, EA, HE, National Highways, National Grid Ventures, Selby Internal Drainage Board, and the Canal and River Trust. If not sufficiently progressed for application submission, the Applicant anticipates being able to submit SoCGs early in the examination of the application.

The Applicant suggested that the Inspectorate has previously asked about the involvement of the Drax BECCS project with other NSIPs and it was unclear what information the Inspectorate was seeking. The Inspectorate confirmed that a summary of the interface with other projects in the zero-carbon partnership would be helpful to give context, but otherwise details of other NSIPs or projects within the Humber cluster will only be required if relevant to the assessment of cumulative effects or to the extent relevant to demonstrate the deliverability of the Proposed Development.

Compulsory Acquisition

The Applicant explained that it may be necessary to seek compulsory acquisition powers for the laydown areas and potential Habitat Provision Area. The Applicant confirmed that these would be included in the draft DCO in due course.

AOB

The Applicant was aware of the current review of the National Policy Statements (NPSs). The application is currently being prepared on the basis of the current NPSs and giving due weight to the draft NPSs. Should new NPSs be designated before the DCO application is submitted, the Planning Statement will instead assess the Proposed Development against the new NPSs as the primary policy framework. Nevertheless, BECCS is a defined technology in the draft NPSs.

The Inspectorate queried whether a draft document review was being sought by the Applicant. The Applicant confirmed that one was planned and it was the Applicant's intention to submit a draft DCO, Explanatory Memorandum and Work Plans. (**Post Meeting Note:** these documents were provided by e-mail on 4 February 2022. The Inspectorate's review of these documents will be completed by the end of March 2022.)

The Inspectorate confirmed that the application can be submitted in electronic format only (i.e. no hard copy is required), and advised the Applicant to suggest a proposed means of submission.

(Post Meeting Note: the Applicant issued the draft DCO, Explanatory Memorandum and Work Plans by WeTransfer, and intend to make the DCO submission via this route also.

The Inspectorate informed the Applicant that it would provide a list of audio-visual (AV) companies that have previously worked on NSIPs. However, this list was only a guide and there may be other AV companies that are not on the list and could undertake such work. The Inspectorate cannot advise on which AV company the Applicant should use.

The Inspectorate queried whether the Applicant had scoped any potential venues for hearings, if physical or blended events are to be held in due course. The Applicant confirmed that a venue has been scoped; this is the leisure centre that was used for hearings for the previous Drax Re-power project.

(Post Meeting Note: the submission date for the project has been amended and is now expected on 6 May 2022).