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21 March 2019

**PINS Reference: EN010091**

**Examination Deadline 8 ("D8")**

The Drax Power (Generating Stations) Order

Dear Ms Gregory,

Please find enclosed documentation for Examination Deadline 8 from Drax Power Limited ("Drax") for a Development Consent Order ("DCO") in respect of the Drax Repower Project ("the Proposed Scheme"). This Deadline is the eighth of nine Deadlines for the Examination set out within the Rule 8 Letter published on 11 October 2018.

I set out below the documents submitted at this Deadline 8.

**Full List of Submission Documents for Deadline 8**

Submission documents for Deadline 8 of the Examination include:

Updated Application Documents

- 1.2 Application Guide
- 4.3 Book of Reference (Clean and Track changed versions)
- 4.4 Compulsory Acquisition Schedule
- 6.5 Outline Construction Environmental Management Plan

## Additional Examination Documents

- 8.1.5 Statement of Common Ground between Drax Power Limited and the Environment Agency (Updated draft)
- 8.1.6 Statement of Common Ground between Drax Power Limited and Highways England (Updated draft)
- 8.1.7 Statement of Common Ground between Drax Power Limited and Yorkshire Wildlife Trust (Final)
- 8.2.8 Schedule of Changes for Deadline 8
- 8.4.12 Applicant's Response to North Yorkshire County Council's and Selby District Council's Position on Landscaping
- 8.5.4 Schedule of Negotiations
- 8.5.22 Applicant's Response to the Examining Authority's Proposed Schedule of Changes to the Draft Development Consent Order

The reasons for the submission of these documents are set out below.

## Land Documents

The updated Book of Reference (Applicant's document reference 4.3) and Compulsory Acquisition Schedule (Applicant's document reference 4.4) are submitted to reflect amendments in relation to land interests. As part of an ongoing review of titles in connection with the preparation of agreements with landowners, an unknown freeholder interest has been identified in plots 2, 3, 4, 6, 7 and 8 in respect of mines and minerals, as confirmed through Her Majesty's Land Registry Deed that was disclosed to the Applicant through these negotiations. Further, a correction has been made against plot 27a to align an unknown interest with similar interests in other plots.

## Outline Construction Environmental Management Plan

The Outline Construction Environmental Management Plan (Applicant's document reference 6.5) has been updated to reflect a minor amendment, providing clarity within the Archaeology and Cultural Heritage section, that the field boundary comprising of a hedge-lined drain that is likely to be protected under the Hedgerow Regulations Act will be demarcated by fencing which would provide a 5m exclusion zone prior to construction of the Gas Receiving Facility commencing in the affected area.

## Statements of Common Ground

Since the submission of the first draft SoCG with the local authorities at Deadline 1 (Examination Library Reference REP1-006), the second draft at Deadline 4 (Examination Library Reference REP4-008) and third draft at Deadline 7 (Examination Library Reference REP7-008), Drax has had further engagement with North Yorkshire County Council and Selby District Council. The only

remaining area of disagreement relates to the extent of mitigation of landscape and visual effects, and Drax is awaiting the position of NYCC and SDC in this respect. The Applicant intends to further update the SoCG to reflect the parties' final position on the outstanding matter, for submission at Deadline 9.

Updated draft Statements of Common Ground (SoCG) with the following parties are submitted at Deadline 8:

- Environment Agency (document reference number 8.1.5) (Updated draft);
- Highways England (document reference number 8.1.6) (Updated draft); and
- Yorkshire Wildlife Trust (document reference number 8.1.7) (Final).

The abovementioned SoCGs set out the areas of agreement, and any areas of disagreement between the Parties.

With regard to a draft SoCG with the Environment Agency, since the submission of the first draft SoCG at Deadline 4 (Examination Library Reference REP4-007) and second draft at Deadline 7 (Examination Library Reference REP-009), Drax has engaged further with the Environment Agency on matters relating to carbon capture readiness. In line with comments received from the Environment Agency, Drax has provided an updated Carbon Capture Readiness Statement at Deadline 7 (Examination Library Reference REP7-005). Drax is still in discussions with the Environment Agency with respect to the protective provisions to the DCO, and this matter remains outstanding between the parties. Drax is endeavouring to reach agreement with the Environment Agency prior to the end of the Examination and will submit a final signed SoCG at Deadline 9. Other than the protective provisions, Drax considers that no further points remain under discussion with the Environment Agency.

Since the submission of the first draft SoCG with Highways England at Deadline 2 (Examination Library Reference REP2-028) and the second draft at Deadline 7 (Examination Library Reference REP7-010), Drax has continued to engage with Highways England on matters relating to the management of abnormal indivisible loads. There are no points remaining under discussion with Highways England. We consider the SoCG to be final, however we have been unable to obtain a signature from Highways England on time for submission at Deadline 8. Therefore, we envisage that a signed version of this SoCG will be submitted at Deadline 9.

With regard to the draft SoCGs with Yorkshire Wildlife Trust (submitted at Deadlines 4 and 7 (Examination Library References REP4-009 and REP7-011 respectively)), as reported at the Issue Specific Hearing held on 12 February 2019, there remains disagreement on the baseline for the carbon assessment. In terms of landscaping, whilst Yorkshire Wildlife Trust considers that further mitigation outside of the red line boundary would be required, it agrees that the Outline Landscape and Biodiversity Strategy addresses the scheme's effects as far as reasonably practicable, and there are no other outstanding matters left to be resolved. In terms of biodiversity net gain, the Applicant has reviewed its land holdings further and not been able to identify any additional land that would be suitable for further habitat provision, except one land parcel which is currently under review. An update on this will be provided by Deadline 9. However, the Applicant has updated the SoCG to reflect the revised Outline Landscape and Biodiversity Strategy submitted at Deadline 7 (Examination Library Reference REP7-007), containing the commitment to secure the minimum percentages of Biodiversity Net Gain together with a commitment to explore further opportunities

to increase that Biodiversity Net Gain through detailed design post any making of the DCO, which is agreed by Yorkshire Wildlife Trust.

### Other Documents

The “*Applicant’s Response to North Yorkshire County Council’s and Selby District Council’s Position on Landscaping*” (Applicant’s document reference 8.4.12) contains the Applicant’s responses to the submissions put to the Examination by or on behalf of the local authorities NYCC and SDC:

- “Drax Re-Power Off-Site Mitigation Strategy” submitted by Martin Woolley Landscape Architects at Deadline 4 (Examination Library Reference REP4-016);
- “North Yorkshire County Council / Selby District Council – Drax Re-Power – Examining Authority’s Further Written Questions LV2.2” (Examination Library Reference REP6-019);
- Oral Submissions made by NYCC (on behalf of SDC) at the Issue Specific Hearing on environmental matters on 12 February 2019; and
- “Deadline 7 Submission – Response to Deadline 6 Submissions” made by the local authorities NYCC and SDC at Deadline 7 (Examination Library Reference REP7-017).

The “*Applicant’s Response to the Examining Authority’s Proposed Schedule of Changes to the Draft Development Consent Order*” (Applicant’s document reference 8.5.22) is submitted in response to the “*Schedule of ExA’s recommended amendments to the Applicant’s draft DCO*” published on 28 February 2019 (Examination Library Reference PD-016 ).

The updated Schedule of Negotiations (Applicant’s document reference 8.5.4, Rev 002) is submitted to present the negotiations to land in respect of which powers of compulsory acquisition of land and rights are being sought. Whilst several of the land agreements have now exchanged (agreements with Ms Bingley, and Mr and Mrs Cooper), others are close to exchange (agreements with Mr and Mrs Holgreaves, T.W. Falkingham Limited and Mr Wild), and the Applicant anticipates submitting a further revised Schedule of Negotiations for Deadline 9 or prior to the close of the Examination.

The Schedule of Changes for Deadline 8 (Applicant’s document reference 8.2.8) sets out key changes to updated submission documents. The revision numbers for each document are set out in the updated Application Guide (document reference 1.2, Rev 12).

We would also like to acknowledge the Report on the Implications for European Sites (RIES) which was published by the Examining Authority (ExA) on 28 February 2019 (Examination Library Reference PD-017), and confirm that we have no comments to make on this Report.

### Deadline 9 – Final Deadline

As set out in the Rule 8 Letter, the next and final deadline is Deadline 9 on 28 March 2019. The Applicant envisages for the final deadline the submission of the following documents:

- Development Consent Order (Final, Rev 6) and Explanatory Memorandum (Final, Rev 3);
- Application Guide (Final, Rev 013);
- Schedule of Changes for Deadline 8;
- Final Outline Landscape and Biodiversity Strategy (Final, Rev 005);
- Final Biodiversity Net Gain Assessment;
- Comments on any additional information/submissions received by D8;
- Note to confirm compliance with the Revised National Planning Policy Framework (2018 and 2019);
- Responses to the Rule 17 Letter published on 14 March 2019, including any associated documents;
- Statements of Common Ground that remained to be signed at Deadline 8 (as noted in this letter);
- Schedule of Negotiations (a further revised version of which will be submitted at Deadline 9 or in any event prior to the close of the Examination, as noted above); and
- Closing submissions.

The Applicant acknowledges the Rule 17 Letter published on 14 March 2019 requesting further information from the Applicant by 28 March 2019 (Deadline 9) relating to a Unit X only option.

Please do not hesitate to contact me should you have any queries regarding the enclosed submissions.

Yours sincerely



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