



CONSULTATION REPORT

Appendix E Section 42 notification and statutory responses

Drax Bioenergy with Carbon Capture and Storage

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

Document Reference Number: 5.1.5

Applicant: Drax Power Limited

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DATE: May 2022

DOCUMENT OWNER: D. Kennedy

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APPROVER: B. Redpath

PUBLIC

E1 Section 42 Notification Issued via Email and
Post



Drax Power Station
Selby
North Yorkshire
YO8 8PH

Address line 1
Address line 2
Address line 3
Address line 4
Postcode

1 November 2021

Dear Sir / Madam

**DRAX POWER LIMITED: DRAX BIOENERGY WITH CARBON CAPTURE AND STORAGE
STATUTORY CONSULTATION UNDER SECTION 42 OF THE PLANNING ACT 2008
PRE-APPLICATION PUBLICITY IN ACCORDANCE WITH SECTION 48 OF THE PLANNING
ACT 2008 AND REGULATION 13 OF THE INFRASTRUCTURE PLANNING (ENVIRONMENTAL
IMPACT ASSESSMENT) REGULATIONS 2017**

I write in relation to our proposals to develop Bioenergy with Carbon Capture and Storage (BECCS) within our existing plant in North Yorkshire. BECCS is a technology that has been successfully trialled and developed to remove carbon dioxide (CO₂) from the atmosphere. Drax Power Ltd ('Drax') is proposing to install carbon capture technology on up to two of the existing biomass power generating units at Drax Power Station. This will help us remove more CO₂ from the atmosphere than is produced across our operations, making the company carbon negative.

As BECCS at Drax is classified as a Nationally Significant Infrastructure Project (NSIP), under the Planning Act 2008 (PA2008), its construction and operation require planning permission known as a Development Consent Order (DCO). As part of this process, we will be holding a statutory public consultation to gather feedback on our proposals before we submit our DCO application.

The public consultation will be held over a 6-week period from Monday 1 November to Sunday 12 December. We have included within this letter more information about the Proposed Scheme, where you can find more information, and how you can provide your feedback. Please note that this consultation will close at 11.59pm on 12 December 2021 and we therefore invite responses on or before this date.

1. The Proposed Scheme

The Proposed Scheme would involve the installation of post combustion carbon capture technology to capture carbon dioxide from up to two existing 660 megawatt electrical ('MWe') biomass power generating units at Drax Power Station (Unit 1 and Unit 2). The Proposed Scheme would comprise:

- Up to two carbon capture plants (one per existing biomass unit), each made up of: a flue gas pre-treatment section (to include up to two gas / gas heat exchangers and one quench column), one absorber column, a solvent regeneration system (to include up to two regenerators), rich solvent / lean solvent heat exchangers, and ancillary systems related to the carbon capture process;
- Common plant elements (used by one or both carbon capture plants) including modification to the existing cooling system and distribution of cooling water to the Proposed Scheme, modification to the existing biomass power generating units (Units 1 and 2) for extraction of steam and new infrastructure to meet required process conditions for distribution of steam to the Proposed Scheme, solvent storage and make-up system, carbon dioxide compression and processing plant, and carbon capture wastewater treatment plant;
- Road modifications;
- An Environmental Mitigation Area; and
- Other works associated with the Proposed Scheme including site drainage, security infrastructure and site lighting infrastructure, as well as an area for temporary construction laydown.

2. Section 42 'Duty to consult'

Section 42 of the PA2008 requires Drax to consult on its proposed application with those persons specified by the PA2008 and its associated regulations. These persons include, for example, local authorities within or near to the Proposed Scheme, prescribed consultation bodies (for example, the Environment Agency), those with an interest in the land to which the application relates (such as landowners, tenants, occupiers, or persons with other interests in land) and those who may be entitled to bring a claim under certain land compensation legislation should the Proposed Scheme be constructed and the land used for the Proposed Scheme.

Drax has identified that you fall into one of the categories of people that it needs to consult under section 42 of the PA2008. As such, you will find enclosed with this letter:

- i. The consultation brochure which provides an overview of the Proposed Scheme;
- ii. Section 48 Notice which has been published in local and national newspaper to publicise our proposed application.

You can also find the following documents on our website at:
www.BECCS-Drax.com/consultationdocuments

- the Preliminary Environmental Information Report ('PEIR') which details the Proposed Scheme and a preliminary assessment of its likely significant environmental effects; and
- a. the Non-Technical Summary ('NTS') of the findings in the PEIR.

If you have any issues accessing the documents noted above, if you would like a hard copy or if you would like them on a USB, please contact us using the details below. Hard copies will also be available for inspection at the venues detailed in part 6 of this letter and available on request. The brochure can also be made available in large print format, braille or other languages upon request.

3. Section 48 of the PA2008 and Regulation 13 Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 ('EIA Regulations 2017') 'Duty to publicise'

Section 48 of the PA2008 requires applicants for a DCO to publicise their proposed application via a notice once in a national newspaper and once in the London Gazette. The Section 48 Notice must also be published for two consecutive weeks in a local newspaper circulating in the vicinity of the land to which the development relates.

In addition, Regulation 13 of the EIA Regulations 2017 requires that the prospective applicant for the DCO, at the same time as publishing notice of the proposed application in accordance with section 48 of the PA2008, sends a copy of that notice to the prescribed consultees set out in Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. If you are a local authority or other prescribed consultation body, you will find the Section 48 notice enclosed with this letter, as required under the EIA Regulations 2017. If you have an interest in land or may be entitled to make a claim in connection with the Proposed Scheme, we have voluntarily also sent you the Section 48 notice.

4. The DCO process

As the Proposed Scheme constitutes a Nationally Significant Infrastructure Project as outlined above, Drax must make an application under the PA2008 for a permission known as a Development Consent Order ('DCO') to construct and operate the Proposed Scheme. Drax intends to submit the application to the Secretary of State for Business, Energy and Industry Strategy ('SoS') in Spring 2022. The application will include supporting documents including a Consultation Report, which will record the results of this consultation exercise and demonstrate how Drax has had regard to the consultation responses in preparing its application.

The decision maker on whether to grant the DCO for the Proposed Scheme will be the SoS. The application will be examined by an Examining Authority (a single Inspector or panel of Inspectors appointed from the Planning Inspectorate) on behalf of the SoS over a six-month examination period. The Examining Authority will then make a recommendation to the SoS and the SoS will then make the final decision whether or not to grant a DCO. Drax anticipates that the examination period would run from the fourth quarter 2022 until early 2023, with a decision from the SoS in the third quarter of 2023.

If granted, the DCO would give authorisation for the construction and operation of the Proposed Scheme. The DCO would include powers required to construct and operate the Proposed Scheme including compulsory acquisition powers for the permanent acquisition of land and / or rights over land. The DCO may also include (if required) powers for the temporary occupation of land, the extinguishment or overriding of easements and other rights over or affecting land required for the Proposed Scheme, the application and / or disapplication of legislation relevant to the Proposed Scheme, highway powers and tree and hedgerow removal, amongst other matters.

5. Environmental Impact Assessment

As the Proposed Scheme falls under paragraph 2(1) of Schedule 1 of the EIA Regulations 2017, the DCO application will also be supported by an Environmental Statement ('ES') that will be prepared following the undertaking of an Environmental Impact Assessment ('EIA'). The ES will contain information about the likely significant environmental effects of the Proposed Scheme, and how any adverse effects will be mitigated.

As part of this consultation, you can view the PEIR, which sets out Drax's preliminary view of the likely significant environmental effects. The PEIR does not contain the final findings, as the EIA is ongoing and a full ES will be submitted as part of the DCO application. The Non-Technical Summary of the PEIR provides a non-technical overview of the findings set out in the PEIR.

6. The consultation

The consultation will be held from 1 November to 12 December 2021 and gives you the opportunity to provide your feedback or questions on our proposals for BECCS at Drax. **Please provide your feedback by 11.59pm on 12 December 2021.** More information about BECCS at Drax can be found on our website: www.BECCS-Drax.com

We will be holding a series of online and in-person events as part of this consultation. This will give you the opportunity to find out more about the proposals and discuss your views directly with members of the project team.

Through our online live-chat events, you can speak with the project team using our one-to-one chat function. You don't need to book ahead, you simply need to go to our website during the event times and register, you will then be able to use the chat function. The online live-chat events will be held on:

- Thursday 11 November 2021 (10am - 2pm)
- Thursday 18 November 2021 (4pm - 8pm)
- Wednesday 24 November 2021 (2pm - 6pm)

We will also be holding in-person exhibition events at the following dates and locations:

- Tuesday 23 November 2021, 12pm - 6pm
Drax Sport and Social Club Main Rd, Drax, Selby YO8 8PJ
- Saturday 27 November 2021, 10am - 4pm
Junction Goole, Paradise Place, Goole DN14 5DL
- Wednesday 1 December 2021, 1.30pm - 7.30pm
Selby Town Hall York St, Selby YO8 4AJ

All appropriate COVID-19 precautions will be taken and relevant Government guidance at the time of consultation will be followed. If it is not possible to hold in-person events due to COVID-19 restrictions, we would provide three further online events instead. We advise those interested in attending our in-person exhibitions to check our website prior to attending for any updates to the events.

Throughout the consultation period, you can view hard copies of the consultation materials at the following deposit point locations:

Drax Sports and Social Club Main Road, Drax, YO8 8PJ 01757 618041	Monday 12pm-10pm; Tuesday 11am-10pm; Wednesday 12pm-10pm; Thursday 11am-11pm; Friday 12pm-11pm; Saturday 10am-12pm; Sunday 10am-6pm
Selby Library 52 Micklegate, Selby, YO8 4EQ 01609 534521	Monday 9:30am-7:30pm; Tuesday 9:30am-5:30pm; Wednesday 9:30am-5:30pm; Thursday 9:30am-12:30pm; Friday 9:30am-5:30pm; Saturday 9:30am-12pm; Sunday Closed
Snaith Library 27 Market Place, Snaith, Goole, DN14 9HE 01405 860096	Monday Closed; Tuesday 2:00pm-6:00pm; Wednesday Closed; Thursday 10:00am-4:00pm; Friday Closed; Saturday 10:00am-12:00pm; Sunday Closed
Goole Library Carlisle Street, Goole, DN14 5DS 01405 762187	Monday, 9:30am-7pm; Tuesday, 9:30am-5pm; Wednesday, 9:30am-7pm; Thursday, 9:30am-5pm; Friday, 9:30am-5pm; Saturday, 9am-4pm; Sunday, Closed

Beverley Customer Service Centre

7 Cross St, Beverley HU17 6TB

01482 393939

Monday, 9am–5pm; Tuesday, 9am–5pm; Wednesday, 9am–5pm; Thursday, 9am–5pm; Friday, 9am–4:30pm; Saturday, Closed; Sunday, Closed

Subject to COVID-19 restrictions, we advise that members of the public check with the relevant venue regarding any restrictions that may be in place prior to visiting. In the event of needing to cancel the use of deposit points due to COVID-19 restrictions, materials will remain available online at [REDACTED]

Hard copies of the materials will also be made available upon request, regardless of the COVID-19 situation. Copies of the consultation brochure and non-technical summary of the PEIR will be provided free of charge. Due to the size of the PEIR as a detailed technical document, a charge of £210 will incur for the printing and delivery of the PEIR upon request.

7. How to respond to the consultation

We would welcome your views on the Proposed Scheme. You can respond to the consultation by:

- Completing our questionnaire online at: [REDACTED]
- Emailing us at: info@BECCS-Drax.com
- Writing to us at: FREEPOST CARBON CAPTURE BY DRAX

When making a response or representation, please include your name / the name of the body or organisation, the main contact person and an address where correspondence about your response or representation may be sent.

Your comments will be analysed by the Applicant and any of its appointed agents. Copies may be made available in due course to the Secretary of State, the Planning Inspectorate and other relevant statutory authorities so that your comments can be considered as part of the DCO application process. Responses may therefore be made public however we will request that your personal details are not placed on public record. The Applicant and its appointed agents will hold your personal details securely in accordance with applicable data protection legislation and will use them solely in connection with the consultation process and subsequent DCO application and, except as noted above, they will not be passed to third parties. Please refer to our Privacy Notice for more details: [REDACTED]

Yours sincerely,

Jim Doyle

Development Manager

Email: info@BECCS-Drax.com

Website: [REDACTED]

Phone: 01757 618381

Post: FREEPOST CARBON CAPTURE BY DRAX



Drax Power Station
Selby
North Yorkshire
YO8 8PH

BY POST AND EMAIL

Email to: humber.commercial@abports.co.uk

Mr C Bowlas
Port of Goole
Port Office East Parade
Goole
East Yorkshire
DN14 5RB

29 April 2022

Dear Mr Bowlas

**DRAX POWER LIMITED: DRAX BIOENERGY WITH CARBON CAPTURE AND STORAGE
STATUTORY CONSULTATION UNDER SECTION 42 OF THE PLANNING ACT 2008
PRE-APPLICATION PUBLICITY IN ACCORDANCE WITH SECTION 48 OF THE PLANNING
ACT 2008 AND REGULATION 13 OF THE INFRASTRUCTURE PLANNING (ENVIRONMENTAL
IMPACT ASSESSMENT) REGULATIONS 2017**

I write in relation to our proposals to develop Bioenergy with Carbon Capture and Storage (BECCS) within our existing plant in North Yorkshire. BECCS is a technology that has been successfully trialled and developed to remove carbon dioxide (CO₂) from the atmosphere. Drax Power Ltd ('Drax') is proposing to install carbon capture technology on up to two of the existing biomass power generating units at Drax Power Station. This will help us remove more CO₂ from the atmosphere than is produced across our operations, making the company carbon negative.

As BECCS at Drax is classified as a Nationally Significant Infrastructure Project (NSIP), under the Planning Act 2008 (PA2008), its construction and operation require planning permission known as a Development Consent Order (DCO). As part of this process, we held a statutory public consultation to gather feedback on our proposals on Monday 1 November 2021 which ended at 11:59pm on 12 December 2021 before we submit our DCO application.

During the Consultation Period a series of in person exhibitions events were held where people were able to speak to the Project team. You may have been able to attend them and speak to the team. A series of online live-chat events were also held, where members of the Project team were available to answer questions.

Whilst the Port of Goole is not within the Order Limits, the Port of Goole operated by Associated British Ports is a relevant Dock and Harbour Authority in respect of the Proposed Scheme. This is because the Port of Goole is the proposed Port to be used for the transport of plant and equipment associated with the Drax BECCS project and that changes to street furniture for which the Port is the street furniture are required to facilitate the transport of that plant and equipment (namely modifications to an existing Port gate). The Secretary of State also identified Port of Goole as a prescribed consultee in accordance with Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the 'APFP Regulations') in their Scoping Opinion adopted for the Proposed Scheme in February 2021, pursuant to Regulation 11 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.

Whilst we are aware that the Port of Goole and Drax Power Limited are in regular contact on a range of matters associated with the existing operations at the Drax Power Station and that initial conversations have been held in respect of the transport needs for BECCS, particularly the importation of biomass, we would like to formally consult you on our Proposed Scheme.

As such, this letter explains the nature of the Proposed Scheme and how you can provide your comments on it.

Included within this letter more information about the Proposed Scheme, where you can find more information, and how you can provide your feedback. Following discussions with you as to the time you would need to respond to this consultation, the closing date for you to provide feedback on the Proposed Scheme is **11.59pm on 19 May 2022. Please note that the consultation documents refer to the deadline for statutory consultation, but the statutory consultation deadline does not apply to any response you send us.**

1. The Proposed Scheme

The Proposed Scheme would involve the installation of post combustion carbon capture technology to capture carbon dioxide from up to two existing 660 megawatt electrical ('MWe') biomass power generating units at Drax Power Station (Unit 1 and Unit 2). The Proposed Scheme would comprise:

- Up to two carbon capture plants (one per existing biomass unit), each made up of: a flue gas pre-treatment section (to include up to two gas / gas heat exchangers and one quench column), one absorber column, a solvent regeneration system (to include up to two regenerators), rich solvent / lean solvent heat exchangers, and ancillary systems related to the carbon capture process;
- Common plant elements (used by one or both carbon capture plants) including modification to the existing cooling system and distribution of cooling water to the Proposed Scheme, modification to the existing biomass power generating units (Units 1 and 2) for extraction of steam and new infrastructure to meet required process conditions for distribution of steam to the Proposed Scheme, solvent storage and make-up system, carbon dioxide compression and processing plant, and carbon capture wastewater treatment plant;
- Road modifications;
- A defined Environmental Mitigation Area and other small areas of environmental mitigation land; and
- Other works associated with the Proposed Scheme including site drainage, security infrastructure and site lighting infrastructure, as well as an area for temporary construction laydown and access.

2. Section 42 'Duty to consult'

Section 42 of the PA2008 requires Drax to consult on its proposed application with those persons specified by the PA2008 and its associated regulations. These persons include, for example, local authorities within or near to the Proposed Scheme, prescribed consultation bodies (such as those identified in a Scoping Opinion), those with an interest in the land to which the application relates (such as landowners, tenants, occupiers, or persons with other interests in land) and those who may be entitled to bring a claim under certain land compensation legislation should the Proposed Scheme be constructed, and the land used for the Proposed Scheme.

Drax has identified that you fall into one of the categories of people that it needs to consult under section 42 of the PA2008. As such, you will find enclosed with this letter:

- i. The consultation brochure which provides an overview of the Proposed Scheme;
- ii. Section 48 Notice which has been published in local and national newspaper to publicise our proposed application; and
- iii. A plan showing the Order Limits for the Proposed Scheme.

You can also find the following documents on our website at:
www.BECCS-Drax.com/consultationdocuments

- a. the Preliminary Environmental Information Report ('PEIR') which details the Proposed Scheme and a preliminary assessment of its likely significant environmental effects; and
- b. the Non-Technical Summary ('NTS') of the findings in the PEIR.

If you have any issues accessing the documents noted above, or if you would like a hard copy or if you would like them on a USB, please contact us using the details below. The brochure can also be made available in large print format, braille or other languages upon request.

3. The DCO process

As the Proposed Scheme constitutes a Nationally Significant Infrastructure Project as outlined above, Drax must make an application under the PA2008 for a permission known as a Development Consent Order ('DCO') to construct and operate the Proposed Scheme. Drax intends to submit the application to the Secretary of State for Business, Energy and Industry Strategy ('SoS') in Spring 2022. The application will include supporting documents including a Consultation Report, which will record the results of this consultation exercise and demonstrate how Drax has had regard to the consultation responses in preparing its application.

The decision maker on whether to grant the DCO for the Proposed Scheme will be the SoS. The application will be examined by an Examining Authority (a single Inspector or panel of Inspectors appointed from the Planning Inspectorate) on behalf of the SoS over a six-month examination period. The Examining Authority will then make a recommendation to the SoS and the SoS will then make the final decision whether or not to grant a DCO. Drax anticipates that the examination period would run from the fourth quarter 2022 until early 2023, with a decision from the SoS in the third quarter of 2023.

If granted, the DCO would give authorisation for the construction and operation of the Proposed Scheme. The DCO would include powers required to construct and operate the Proposed Scheme including compulsory acquisition powers for the permanent acquisition of land and / or rights over land. The DCO may also include (if required) powers for the temporary occupation of land, the extinguishment or overriding of easements and other rights over or affecting land required for the Proposed Scheme, the application and / or disapplication of legislation relevant

to the Proposed Scheme, highway powers and tree and hedgerow removal, amongst other matters.

4. Environmental Impact Assessment

As the Proposed Scheme falls under paragraph 2(1) of Schedule 1 of the EIA Regulations 2017, the DCO application will also be supported by an Environmental Statement ('ES') that will be prepared following the undertaking of an Environmental Impact Assessment ('EIA'). The ES will contain information about the likely significant environmental effects of the Proposed Scheme, and how any adverse effects will be mitigated.

As part of this consultation, you can view the PEIR, which sets out Drax's preliminary view of the likely significant environmental effects. The PEIR does not contain the final findings, as the EIA is ongoing and a full ES will be submitted as part of the DCO application. The Non-Technical Summary of the PEIR provides a non-technical overview of the findings set out in the PEIR.

5. How to respond to the consultation

Responses to this consultation must be received by **23:59 on 19 May 2022**. We would welcome your views on the Proposed Scheme. You can respond to the consultation by:

- Emailing us at: info@BECCS-Drax.com
- Writing to us at: FREEPOST CARBON CAPTURE BY DRAX

When making a response or representation, please include your name / the name of the body or organisation, the main contact person and an address where correspondence about your response or representation may be sent.

Your comments will be analysed by the Applicant and any of its appointed agents. Copies may be made available in due course to the Secretary of State, the Planning Inspectorate and other relevant statutory authorities so that your comments can be considered as part of the DCO application process. Responses may therefore be made public however we will request that your personal details are not placed on public record. The Applicant and its appointed agents will hold your personal details securely in accordance with applicable data protection legislation and will use them solely in connection with the consultation process and subsequent DCO application and, except as noted above, they will not be passed to third parties. Please refer to our Privacy Notice for more details: [REDACTED]

Yours sincerely,

Jim Doyle

Development Manager

Email: info@BECCS-Drax.com

Website: [REDACTED]

Phone: 01757 618381

Post: FREEPOST CARBON CAPTURE BY DRAX

E2 Section 42 Statutory Consultee Responses

3 May 2022

Jim Doyle

Planning and Consents Manager

Drax Power Station

Selby, North Yorkshire

YO8 8PH

Dear Jim

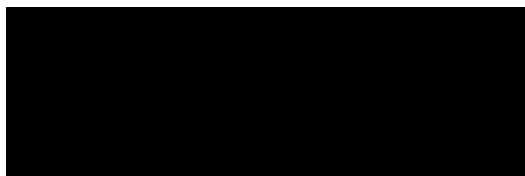
Drax BECCS consultation

Many thanks for the follow up information regarding the BECCS at Drax scheme. As you'll be aware, ABP and Drax have worked together on a number of projects and initiatives in the past and it is positive that we will be working together in the future. We are very supportive of the initiatives proposed by Drax which will help secure jobs in the region as well as driving the Humber towards a low carbon economy.

We have been tracking the progress of various low carbon projects associated with the Humber and of course the project at Drax. We are grateful for the continued engagement and consultation as the project moves through the planning process and we look forward to working with you to deliver the project in the future.

If you wish to discuss any further aspects of this project with us, please do not hesitate to contact me.

Yours sincerely



Tom Jeynes

Sustainable Development Manager

Associated British Ports - Humber




Drax Power Station. North Yorkshire.
Your ref: 70072063-SU-20211020-2968558.

I write to you in line with my role as a British Transport Police (BTP) Designing out Crime Officer (DOCO) and in connection with the land referencing enquiry which would allow Drax Power Station to proceed with plans to develop a Bioenergy and storage facility.

I can confirm that BTP have no licence or apparatus on or in the designated area and have no further comments to make in relation to this enquiry.

Regards

Paul Hardy
DOCO 7448
British Transport Police.
C Div. Pennine Sector.
1st Floor. West Gate House.
Grace Street.
Leeds


This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the originator of the message. This footer also confirms that this email message has been scanned for the presence of computer viruses. Any views expressed in this message are those of the individual sender, except where the sender specifies and with authority, states them to be the views of British Transport Police.

The Planning Inspectorate
3D Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Your Ref EN010120-000019-210119

Our Ref IPP-127

Friday 19 November 2021

Dear Sir/Madam

Planning Act 2008 (as amended) and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

Application by Drax Power Limited for an Order granting Development Consent for the Drax Bioenergy with Carbon Capture and Storage Project – S.42 Consultation

Waterway: River Ouse

Thank you for your consultation under section 42 in relation to the above proposal. The Trust are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation.

The Trust is the Navigation Authority and Harbour Authority for the River Ouse to the west of the Drax Power Station site. Our primary interest in this proposal is to ensure that there are no adverse impacts on navigation on the river or upon general navigational safety.

The DCO site boundary extends to the River Ouse towards the north of the site, which is proposed to comprise of an Environmental Mitigation area. We note that the proposed main power station itself would be sited approximately 500m from the river.

Based on the information available, including the submitted PEIR documents, we wish to provide the following general comments.

Landscape/Visual Impact

The Landscape and Visual Impact Report section of the Preliminary Environmental Impact Report (PEIR) identifies that an assessment of the impacts from several viewpoints will be undertaken. Viewpoints 4 and 5 include the Ouse to the North. This preliminary conclusions on the visual impact of the power station itself appear generally appropriate. We appreciate that views of the power station itself from the River Ouse will be

Canal & River Trust

Fradley Junction, Alrewas, Burton-upon-Trent, Staffordshire DE13 7DN
T 0303 040 4040 E canalrivertrust.org.uk/contact-us W canalrivertrust.org.uk

long distance, and framed by the presence of the existing power station, which may reduce the overall visual impact of the proposal to river users.

We observe that the methodology for the analyses as described are not fully consistent, as some viewpoints will be assessed according to a baseline of existing panorama, whilst other views have a 'wire frame' and other feature photomontages. We recommend that a consistent approach is taken to the assessment each view, which could be looked into prior to the carrying out of full works.

Due to the proximity of the Environmental Mitigation zone to the River Ouse, works in this area are likely to have a greater impact on the character and appearance of the area as viewed from the river. We note that details of the mitigation area have not been finalised (as identified in paragraph 9.7.11). We request that details of works in this area are provided prior to the commencement of development, either as additional information as part of the application submission (if possible) or secured as a requirement of a future Development Consent Order (DCO). This would allow for an assessment to be undertaken with regards to the visual impact of the overall development within the red line boundary as viewed from the Ouse.

Works within the Environmental Mitigation Area

We note that the PEIR report confirms that the exact measures to be undertaken within the Environmental Mitigation area are not yet specified or known (e.g. paragraphs 2.2.47 and 9.7.11). We are unsure if works in this area would constitute construction works that could pose a risk to the stability of the banks of the River Ouse, especially if heavy plant or machinery is required to transverse this area in proximity to the river.

The preliminary PEIR documents do not consider the above risk, and we recommend that this document is expanded to consider this risk either in chapter 7 (noise and vibration) or 11 (ground conditions). The risk of instability towards the river could be appropriately managed via the use of a requirement within the DCO relating to the submission of Construction Management Details within the Environmental Management Area.

In addition, we wish to advise that, depending on the exact nature of the proposals in the Mitigation Area, works here have the potential to result in contamination towards the water environment of the river through the mobilisation of soils or water. Chapter 12 of the PEIR refers to the impacts on the water environment of the River Ouse during the construction phase of development as being low. We would, however, recommend that some consideration is given towards the impact during the development of the Environmental Management Area. This could be managed through the submission of Construction Management Details for this area.

Other Comments

We understand that no changes are proposed to the existing water abstraction and discharge from the Ouse. We advise that should this change, the applicant should liaise with the Trust so that the Trust can assess any impact caused by any alteration to abstraction and discharge from the river.

In our capacity as navigation and harbour authority of the River Ouse, we wish to remind the applicant that the works in proximity to the Ouse may require compliance with the Trust's Code of Practice for Third Party Works. This will depend upon the nature of the works in the Environmental Management Area. The applicant/developer is advised to contact the Trust's Works Engineering Team via switchboard on 0303 040 4040 or Enquiries.TPWNorth@canalrivertrust.org.uk in order to ensure that any necessary consents are obtained and that the works will comply with Trust's 'Code of Practice for Works Affecting the Canal & River Trust'.

Canal & River Trust

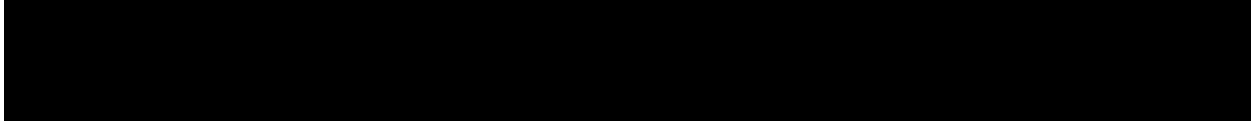
Fradley Junction, Alrewas, Burton-upon-Trent, Staffordshire DE13 7DN

T 0303 040 4040 E canalrivertrust.org.uk/contact-us W canalrivertrust.org.uk

We hope that the information above is of use. If you require more information, please feel free to contact me on the details below.

Yours sincerely,

Simon Tucker MRTPI
Area Planner



Canal & River Trust

Fradley Junction, Alrewas, Burton-upon-Trent, Staffordshire DE13 7DN
T 0303 040 4040 **E** canalrivertrust.org.uk/contact-us **W** canalrivertrust.org.uk

Dear Drax Consultation team

Thank you for your email below regarding the Carbon Capture and Storage project at the existing plant in Selby, North Yorkshire.

I have checked the site location plan against our coal mining information and can confirm that, whilst the proposed development site falls within the coalfield, it is located outside the Development High Risk Area as defined by the Coal Authority. Therefore, the planning team at the Coal Authority, have no specific comment to make on this project.

I trust that the above is helpful, however please do not hesitate to contact me if you would like to discuss this matter further.

Kind regards

Deb Roberts

 The Coal Authority

Deb Roberts M.Sc. MRTPI
Planning & Development Manager – Planning & Development Team
T 
M 
E : planningconsultation@coal.gov.uk
W: gov.uk/government/organisations/the-coal-authority



Department
for Environment
Food & Rural Affairs

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www.gov.uk/defra

Mr Jim Doyle
Drax Power Limited

Our ref: TO2021/27601/CW

info@BECCS-Drax.com

19 November 2021

Dear Mr Doyle,

Thank you for your letter of 1 November to the Secretary of State about your proposals to develop Bioenergy with Carbon Capture and Storage.

The issues you have raised fall within the responsibility of the Department for Business, Energy & Industrial Strategy (BEIS). We have therefore, transferred your letter to the BEIS Correspondence Section, for the department to reply to you directly.

If you wish to contact the Department directly you can find their contact details here:

<https://www.gov.uk>

Yours sincerely,

Catherine Wackett
Ministerial Contact Unit



Jim Doyle
Drax Power Ltd

Our ref: RA/2021/143797/01-L01
Your ref: Email 01/11/2021

Date: 10 December 2021

Dear Jim

**Drax Bioenergy with Carbon Capture and Storage (BECCS) Section 42
Consultation**

Drax Power Station, Selby, North Yorkshire YO8 8PH

Thank you for notifying us of the consultation period on the above proposal. We have reviewed the information submitted, including the Preliminary Environmental Information Report (PEIR), and have provided our comments below. Please note that our comments are not presented in any particular order of importance.

Flood Risk

In terms of flood risk the Preliminary Environmental Impact Report (PEIR) considers the relevant areas and legislation expected. The applicant has also taken into account previous advice and guidance given at the scoping stage, and this is referenced in the report.

We support that a standalone Flood Risk Assessment (FRA) will be produced to inform the ES. We note that the FRA will include an assessment of flood risk for the construction, operation and decommissioning of the development, this will help to ensure that the development throughout its phases will be safe and will not increase risk elsewhere.

We also support that the FRA will take into account breach and overtopping scenarios, consider all sources of risk, and will also take into account the latest climate change allowances. The information included in section 12.4.16 details the appropriate information that the FRA should be considering and will be used to inform the need for any mitigation measures that will be required to ensure the development is safe and does not impact upon others.

We are in ongoing discussions with the applicant to facilitate this and ensure that the FRA is based on the best available information. We are also in discussion with the applicant with respect to the proposed modelling that will be undertaken to inform the

FRA.

We note that the applicant will consult with us with respect the requirements for any works that may require a Flood Risk Activity Permit and agree this at the appropriate stage. As all works taking place are now behind the defences (i.e. within the area benefitting from defences – as the plans to upgrade the Jetty and associated infrastructure are no longer being considered) it is likely that a permit will only be required for any works within 16m of the toe of a defence.

Groundwater and Contaminated Land

Standing advice

'The Environment Agency's approach to groundwater protection' sets out our position for a wide range of activities and developments, including:

Sub water table storage, underground storage & associated pipework:

Underground storage of polluting substances poses particular risks to groundwater because of the problems of leak detection.

It is advisable that a scheme to install any underground tanks, tank surround, associated pipework and monitoring system is designed.

Sub water table storage is more problematic than above ground or underground storage, as a leak is more likely to contravene EPR. Where risk assessment demonstrates a high risk of groundwater pollution, the Environment Agency will normally object to storage below the water table.

A full detailed risk assessment should be conducted for any proposals that may include sub-water table storage, pipelines or fluid filled cables that transport pollutants.

Piling and Other foundation designs

Penetrative methods can result in risks to groundwater from, for example, pollution/turbidity, mobilising contamination, drilling through different aquifers or creating preferential pathways.

Deep, and other foundation designs could physically disturb aquifers, lower groundwater levels, impede or intercept groundwater flow.

Any proposed activities that present a hazard to groundwater resources, quality or abstractions must identify appropriate mitigation where a hydrogeological risk assessment identifies unacceptable risks.

De-watering and Abstraction licences

Dewatering is the removal/abstraction of water (predominantly, but not confined to, groundwater) in order to locally lower water levels near the excavation. This can allow operations to take place, such as mining, quarrying, building, engineering works or other operations, whether underground or on the surface.

Dewatering activities on-site could have an impact upon local wells, water supplies and/or nearby watercourses and environmental interests.

This activity was previously exempt from requiring an abstraction licence. Since 1 January 2018, most cases of new planned dewatering operations above 20 cubic metres a day will require a water abstraction licence from us prior to the commencement of dewatering activities at the site.

More information is available on gov.uk: <https://www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-or-impoundment-licence#apply-for-a-licence-for-a-previously-exempt-abstraction>.

If you intend to abstract more than 20 cubic metres of water per day from a surface water source e.g. a stream or from underground strata (via borehole or well) for any particular purpose then you will need an abstraction licence from the Environment Agency. There is no guarantee that a licence will be granted as this is dependent on available water resources and existing protected rights.

National quality mark scheme (NQMS) for land contamination

Where land contamination is an issue, the Environment Agency will:

- take into account use of the NQMS when formulating its responses under the planning system and encourage developers to use it
- encourage local planning authorities to consider referencing the NQMS in any standing advice
- be able to recommend the discharge of planning conditions more quickly, reducing time and cost
- encourage work under Part 2A voluntarily, in line with the NQMS
- encourage operators to carry out any work under the NQMS in EPR pre-application discussions
- encourage operators to employ specialists working under the NQMS to gather, interpret and present monitoring data
- encourage use of NQMS to assess and manage a pollution incident, accident or spill or returning a site to baseline conditions
- specify the need for works to be carried out under the NQMS when undertaking its enforcement activities

Where NQMS submissions conclude that pollution is being prevented or managed satisfactorily the Environment Agency will take the view that no further regulatory intervention or enforcement is necessary.

Waste on-site

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project

- some naturally occurring clean material can be transferred directly between sites

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to:

- the [position statement](#) on the Definition of Waste: Development Industry Code of Practice
- The [waste management](#) page on GOV.UK

Waste to be taken off-site

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment

Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12-month period, the developer will need to register with us as a hazardous waste producer. Refer to the [hazardous waste](#) pages on GOV.UK for more information.

Biodiversity

PEIR – Chapter 8 (Ecology) – Biodiversity Net Gain

We strongly support the completion of a Biodiversity Net Gain (BNG) assessment using the latest version of the DEFRA Biodiversity Metric and the delivery of, at least, 10% BNG.

As well as accounting for area based (terrestrial) habitats, the latest version of the Biodiversity Metric includes two distinct supplementary modules for linear habitats (A: Hedgerows and lines of trees & B: Rivers and streams). A number of surface waterbodies and their functional riparian zones fall within the red line boundary of the proposed development site – including Carr Dike and the River Ouse. The current Biodiversity Metric guidance states that *“it is an important rule of the metric that the biodiversity units calculated through the core habitat area-based metric and each of the linear units are unique and cannot be summed or converted. When reporting*

biodiversity gains or losses with the metric, the different biodiversity unit types must be reported separately and not summed to give an overall biodiversity unit value”.

Based on the above, the BNG assessment should include an assessment of the rivers and stream habitat on site. In line with the guidance, we expect the development to deliver, at least, 10% net gain for each habitat type present on site (including rivers and streams). Ideally, this should be done on-site, through improvements to these water bodies. However, where this is not deemed feasible, in line with the DEFRA Biodiversity Metric 3.0 guidance, off-site enhancement of river habitat should be pursued.

Section 8.4.12 of Chapter 8 (Ecology) of the PEIR states “*baseline habitat data collected as part of the PEA will be used to inform the habitat calculations for the BNG assessment. The BNG assessment will be presented in the ES, as it will be necessary to base the assessment on the Proposed Scheme design which is still in development at the time of writing*”. Please note that where river habitat is concerned, a river condition assessment survey (using the MoRPh field survey method) is required in order to assess the condition of the baseline habitat. It is not clear whether this information has been collected as part of the PEA. If a river condition assessment survey has not yet been undertaken an accredited surveyor should undertake a river condition assessment for the development site at the earliest opportunity. This is to ensure that the results of the BNG assessment are accurate.

PEIR – Chapter 12 (Water Environment) – Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 – Water Framework Directive Assessment

The findings of a WFD screening assessment were recently presented to the EA on a call between the EA and the applicant. Following this meeting, the EA expressed agreement with the conclusions of the WFD screening assessment that, based on current designs, the scheme presented low risk to WFD receptors and that further impact assessment is therefore not currently required. Should the designs change (including any design changes associated with the delivery of Biodiversity Net Gain which may affect WFD receptors), this assessment should be revisited and updated where necessary.

Environment Management

1. The PIER does not contain a thorough examination of the site’s hydrology. The site falls within two river catchments. The majority of the site falls within the *Ouse from R Wharfe to Upper Humber* river catchment. However, according to our records, a small part of the site (southeast) falls within the *Aire from River Calder to River Ouse* catchment. Properly identified the hydrology of the site is paramount given that it affects the scope and baseline information of the EIA. The PIER Chapter 12 par.12.5.1 states that that

‘The study area will encompass surface water features up to a minimum of 0.5

*km from the Proposed Scheme for the assessment of direct effects (i.e. associated with overland migration of pollutants directly to a surface feature, changes in overland flows and works within or near to a river channel). Features that are further than 0.5 km from the Proposed Scheme **but are in hydraulic connectivity with the study area will also be considered**, including surface water abstractions and downstream watercourses. Features located up to approximately 1 km from the Proposed Scheme will be considered for indirect impacts'.*

The PIER although it makes a reference to the *Ouse from River Wharfe to Upper Humber* when referring to the river Ouse and Carr Dyke, it nevertheless makes no mention of the *Aire from River Calder to River Ouse* catchment. This is something the applicant needs to explore further.

2. The applicant needs to revise table **Table 12.7 - Construction Phase – Preliminary Assessment of Likely Significant Impacts**. Firstly, Column 3 in Rows 1 and 3 contain the same information (magnitude of impact of increased sedimentation) although the first row examines the effect of increased sedimentation and the second that of fuels and harmful substances. Secondly, the applicant has used deterioration of the WFD status as an indicator. It needs to be noted that some minor watercourses are not monitored for WFD. Additionally, in case of an accident there is likelihood of a major pollution incident due to for instance, sediment run-off even though this may not reduce the WFD status of the watercourse. Please note, that especially in case of sediment pollution, sedimentation is not a WFD classification parameter. Therefore, increased pollution risk must be considered when assessing the magnitude of impact for the river Ouse and Carr Dyke. Carr Dyke in particular, running through the site, is at high risk of pollution. It is not very clear why pollution risk is included in column 2 for 'Watercourses, field drains and other surface water features identified within the study area' but not for the river Ouse and the Carr Dyke for which only WFD status deterioration is considered.

The applicant needs to consider the comments above when undertaking the Assessment of Likely Significant impacts during the operational stage.

3. We are pleased that the applicant will produce a Register of Environmental Actions and Commitments (REAC) that will accompany the ES and will inform the Construction Environmental Management Plan (CEMP) which would be prepared before construction begins and secured by a DCO Requirement. We are also pleased that the applicant will be including within the CEMP method statements for the proposed works, details of materials to be used, and an emergency response plan.

In this respect we would also like to advise that the CEMP would need to consider in particular the following:

Containing run-off water: the applicant needs to provide a management plan

for water run-off –rainwater surface run-off and/or water resulting from dewatering activities- during the construction stage. The plan needs to set out specific measures that they will be implemented to effectively prevent water containing sediments from entering the watercourse. In particular the applicant needs to ensure that the storage of any soil piles will be located at a suitable distance from the watercourse and that there shall be no discharge of contaminated site drainage into surface water or groundwater.

Vehicle movement: To reduce the risk of silty material being transferred and deposited to public highways and potentially escaping to watercourses through surface water drains, no HVGs shall be leaving the site without first having passed through a wheel-wash system.

Oil Storage: Any proposed storage tanks for fuel oils need to comply with oil storage regulations to prevent pollution of the water environment by accidental leaks.

In addition to pollution prevention and emergency response planning, provision should also be made for appropriate and adequate environmental management, pollution prevention and pollution incident response training of the staff on site.

No works shall commence before the Environment Agency reviews the Construction Environmental Management Plan

4. Permitting Requirements

a. Construction Stage

i. Water Discharge Permit: The applicant needs to apply for an environmental permit for any discharge of either surface water run-off or excess water resulting from dewatering, or for any activity falling within the definition of water discharge activity or groundwater activity as these are defined in schedule 21 and schedule 22 respectively of the Environmental Permitting (England and Wales) Regulations 2016.

ii. Abstraction License: An abstraction license may be required. Please confirm with the Environment Agency

b. Operational Stage

We are pleased that the applicant has considered our prior comment on potential changes to water abstraction volumes. However our comment on potential changes on the nature of the discharge has not been addressed. The EIA needs to consider such changes. If such changes do occur the applicant may need to apply for a permit variation.

Please note that the granting of planning permission does not guarantee the granting of an environmental permit. When an environmental permit is required no works may commence before the issue of such permit, therefore the applicant needs to consider permitting timeframes.

Environmental Permitting

Advice to applicant

Where a development involves any significant construction or related activities, we would recommend using a management and reporting system to minimise and track the fate of construction wastes, such as that set out in PAS402: 2013, or an appropriate equivalent assurance methodology. This should ensure that any waste contractors employed are suitably responsible in ensuring waste only goes to legitimate destinations.

The advice we shared with the planning inspectorate on 16 February 2021 in our letter reference RA/2021/142654/01-L01 in relation to Environmental Permitting issues is still generally valid but is updated here to reflect changes in our understanding and guidance in relation to post-combustion Carbon Dioxide capture.

This development will require a variation to the existing Environmental Permit, EPR/VP3530LS for Drax Power Station, under the Environmental Permitting (England and Wales) Regulations 2016 (EPR) issued by the Environment Agency. The operator has received initial pre-application advice from the Environment Agency regarding this. The operator is strongly advised to twin track applications for both the DCO process and the EPR permit variation and seek further 'enhanced' pre-application advice from us to support their application. Early engagement with us and submission of the permit application will give us the best opportunity to align the permit decision (or draft decision) with the DCO examination process.

Based on the level of detail provided in the PEIR around the specifics of the precise design of the proposed facility it may be advisable for Drax to consider a flexible design approach in the DCO application that includes a number of scenarios that would allow for some degree of flexibility in the final design. This would include fully assessing all significant effects of the 'worst case' design scenario. This would allow for maximum flexibility when determining the EPR permit application and how this interacts with the DCO process as it is not clear from the PEIR as to the technology to be used and the eventual site design to be chosen. For the DCO process to be successful any design approved would need to mirror what is contained in any eventual EPR permit.

Post combustion carbon capture (PCC) plants utilising an amine process is recognised as an 'emerging technique' for CO₂ capture processes in the Large Combustion Plant Best Available Techniques (BAT) reference document for Large Combustion Plants (2017). Under Article 14(6) of the Industrial Emissions Directive, the Environment Agency has issued BAT guidance, in consultation with industry, for both new plants and in retrofitting PCC to existing power generation plant - ukccsrc.ac.uk/best-available-techniques-bat-information-for-ccs/.

As a retrofit to an existing power generating activity the environmental permit

variation application will be assessed against this BAT guidance. The operator is reminded to include a full BAT justification detailing why, in their opinion, it is BAT to retrofit PCC plant to existing boilers and a detailed assessment of the change in overall energy efficiency (the energy penalty) regarding net electrical output from the units to which PCC is to be retrofitted.

For emissions to air, the operator will need to complete an air emissions risk assessment and compare the impact of any emissions to the environmental standards provided in the following guidance: Air emissions risk assessment for your environmental permit, [air-emissions-risk-assessment-for-your-environmental-permit](#).

Scoping Comments

Finally, please note the advice provided in our EIA scoping response to PINS – PINS ref: EN010120-000019 and our ref: RA/2021/142654/01 (dated 16 February 2021). This advice still applies and should be accounted for during preparation of future assessments.

If you have any questions further to our response or wish to discuss the specifics of any potential DCO conditions, please don't hesitate to contact me.

Yours sincerely

Matthew Wilcock
Planning Specialist

Team e-mail sp-yorkshire@environment-agency.gov.uk



Historic England

Dr Jim Doyle
Drax Power Station
Drax
Selby
North Yorkshire
YO8 8PH

Direct Dial: [REDACTED]

Our ref: PL00759304

10 December 2021

Dear Dr Doyle

Drax Power Limited: Drax Bioenergy with Carbon Capture and Storage (BECCS)

Historic England is the Government's statutory adviser on all matters relating to the historic environment in England. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the Department for Culture, Media and Sport (DCMS). We champion and protect England's historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, enjoyed and cared for.

Thank you for consulting Historic England on the Bioenergy Carbon Capture and Storage (BECCS) statutory consultation. This includes the Preliminary Environmental Impact Report (PEIR).

Overall, we would support the methodology adopted to assess the likely significant effects of the proposed scheme the historic environment in the PEIR report (Chapter 10) and endorse the findings of this preliminary report.

We welcome the acknowledgement that targeted site-based archaeological investigations may be required. We also note the precise nature of the construction laydown area and environmental mitigation area have yet to be determined and that a worse case approach has been assumed in the interim.

We would be happy to be consulted identify any further information which may be required and to develop a programme of mitigation.

This opinion is based on the information provided in the PEIR document dated October 2021 and, for the avoidance of doubt, does not affect our obligation to advise you on, and potentially object to, the final ES or detailed design of the Yorkshire GREEN Project.

If you have any queries or would like to discuss anything further, please do not



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HistoricEngland.org.uk



Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any Information held by the organisation can be requested for release under this legislation.



Historic England

hesitate to contact me.

Yours sincerely,

John Stonard

Team Leader, Development Advice, Regions North East and Yorkshire



cc:



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Hull
City Council



HULL
2017
UK
City
of
Culture

Jim Doyle
Development Manager
Drax Power Station
Selby
North Yorkshire
YO8 8PH

PINS Ref: EN010120
Our Ref: 21/01545/CONSUL
Contact Officer: Simon Mounce
Telephone: 01482 612920
Email: [REDACTED]
Textphone: 01482 300 349
Date: 12th December 2021

Dear Mr Doyle

Application by Drax Power Limited for Bioenergy with Carbon Capture and Storage

Statutory Consultation under Section 42 of the Planning Act 2008

Pre-application publicity in accordance with Section 48 of the Planning Act 2008 and Regulation 13 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

Thank you for consulting Hull City Council inviting comments on the above.

General Comment:

Hull City Council support the development of CCS as a key element in the decarbonisation of energy production in the Yorkshire and Humber Region.

Chapter 5 Traffic and Transport:

This chapter estimates a peak workforce of circa 1000 construction workers (to be confirmed) of which, based on a gravity model (weighted on population and distance from the site), 3% would be from the Hull area (approx. 30 trips). The construction works are also predicted to generate on average approx. 48 two-way HGV trips per day (or 4 two way HGV trips per hour). At the peak of construction this could rise to 240 two way HGV trips per day (or 20 two way HGV trips per hour). From Hull City Council's perspective, the proposed scope and methodologies are considered to be appropriate, although the authority would wish to be consulted on the proposed Construction Traffic Management Plan and the Construction Worker Travel Plan in order to consider the likely traffic impacts on the City's highway network as the development proposals are firmed up.

It is stated that agreement in principle has been reached with National Highways, NYCC, and ERYC for the abnormal loads to be transported by road to the site from Goole Docks (Goole Bypass, across the M62 and then along the A645 to Drax Power Station). Under such a scenario, there is unlikely to be any impact on the city's network, but Hull City Council would wish to be consulted on any alternative arrangements that, for any reason, may need to be considered further down the line as part of the NSIP process.

Chapter 6 Air Quality:

As emissions to air from the process are controlled through the conditions applied by the Environment Agency in the associated Environmental Permits, there are no additional measures needed relating to the potential air quality impact of the installation within Hull City Council's boundaries. The City Council's position in this respect would need to be reconsidered in the event that the proposed development would result in significant additional traffic movements on the city's road network beyond those predicted within Chapter 5 to the PEIR.

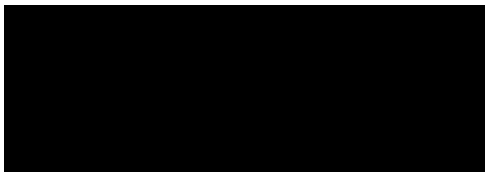
Chapter 7 Noise and Vibration:

Due to the location of the site, there are no anticipated issues associated with noise or vibration that are liable to have any impact within Hull City Council boundaries. The City Council's position in this respect would need to be reconsidered in the event that the proposed development would result in additional traffic movements on the city's road network beyond those predicted within Chapter 5 to the PEIR.

Chapter 8 Ecology:

The distance separating Hull from the proposal means that there are no likely impacts on Hull's local ecology. The Humber Estuary has been identified as a potential sensitive receptor within the PEIR, and the inclusion is welcomed. The PEIR confirms a commitment to biodiversity net gain, and the production of a construction environmental management plan. In-combination effects should be explored in relation to impacts on designated sites, and this should be an integral part of the habitat regulations screening process.

Yours sincerely



John Craig MRTPI
Head of Planning
Hull City Council
2nd Floor, Guildhall
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HU1 2AA

CEMHD - Land Use Planning,
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Bootle, Merseyside
L20 7HS.

HSE email: NSIP.applications@hse.gov.uk

By email only

16 November 2021

Dear Drax Bioenergy with Carbon Capture and Storage (BECCS) Team

Section 42 Planning Act 2008: Statutory Consultation – Drax Bioenergy with Carbon Capture and Storage (BECCS)

Thank you for your letter of the 1 November 2021 regarding the proposed Drax Bioenergy with Carbon Capture and Storage (BECCS) Project.

HSE's land use planning advice

Will the proposed development fall within any of HSE's consultation distances?

According to HSE's records, the proposed project components (Figure 3.1 – DRAX BECCS DCO Site Boundary Plan (EN010120-PA-PEIR-0.10.3.1-Sheet1, October 2021)) falls within the Consultation Zones of three major hazards sites i.e.:

- HSE ref #4563 operated by Lytag Ltd.
- HSE ref #4586 operated by Capture Power Limited.
- HSE ref #4468 operated by Drax Power Limited.

Section 17 Major Accidents, Preliminary Environmental Information Report Volume 1, makes reference to this and Table 17.1 indicates that they are present on and technically connected to the Existing Drax Power Station Site. Therefore, they were considered for practical purposes as part of the Drax Power Station COMAH site as they would not exist if the Power Station ceased operation. However, it is not clear whether the Applicant has made contact with the relevant Operators, to inform an assessment of whether or not the proposed development is vulnerable to a possible major accident. It should be noted that HSE does not have a role assessing risk assessments. HSE's role on NSIPs is summarised in the following Advice Note 11 Annex on the Planning Inspectorate's website [Annex G – The Health and Safety Executive](#)

Section 3.3, of the Preliminary Environmental Information Report, Volume 3 – Non-Technical Summary indicates that the proposed development will include a number of new buildings associated with the carbon capture technology. If those buildings which are classified as workplaces, contain less than 100 occupants in each building and less than 3 occupied storeys, then HSE would not advise against this nationally significant infrastructure project. This seems likely since Section 3.5 and Section 5.13 of the Non-Technical Summary indicate a workforce of 50 full-time staff will be required for operation and maintenance activities. Please note that this advice is based on HSE's existing policy for providing land-use planning advice. HSE's advice in response to a subsequent planning application may differ should HSE's policy or the scope of the development change by the time the Development Consent Order application is submitted.

Would Hazardous Substances Consent be needed?

The presence of hazardous substances on, over or under land at or above set threshold quantities (Controlled Quantities) will probably require Hazardous Substances Consent (HSC) under the Planning (Hazardous Substances) Act 1990 as amended. The substances, alone or when aggregated with others for which HSC is required, and the associated Controlled Quantities, are set out in The Planning (Hazardous Substances) Regulations 2015 as amended.

Section 3.3, Preliminary Environmental Information Report, Volume 3 – Non-Technical Summary, refers to the use of amine solvent (derivative of ammonia (NH₃)); however, no quantities are given.

However, *Section 17 Major Accidents, Preliminary Environmental Information Report Volume 1, Table 17.1* indicates that “The quantities of stored and proposed materials related to the use of the Proposed Scheme fall below the threshold for a Hazardous Substance Consent (HSC) and COMAH; therefore there is no CD / CZ set by the HSE.”

Hazardous Substances Consent would be required if these substances are stored or used, at or above the controlled quantities set out in Schedule 1 of these Regulations. The Applicant is advised to consider whether Hazardous Substances Consent would be required. Further information on HSC should be sought from the relevant Hazardous Substances Authority.

Explosives sites

HSE have no comment as there are no HSE licence explosive sites in the vicinity of the proposed development.

Electrical Safety

No comment from a planning perspective.

During this time, please send any further communication on this project directly to the HSE’s designated e-mail account for NSIP applications at nsip.applications@hse.gov.uk. We are currently unable to accept hard copies, as our offices have limited access.

Yours sincerely,

Monica

Monica Langton
CEMHD4 NSIP Consultation Team

Good afternoon

I am acting on behalf of National Grid.
NG have a number of electrical assets in the vicinity of the development.
Please can you continue to update me on your development as it progresses.

Kind Regards

Spencer Jefferies BSc AssocRTPI
Town Planner
Land Rights and Acquisitions, UK Land and Property
nationalgrid

[Redacted]

[Redacted]

Please consider the environment before printing this email.

In order to deal with your query/request, we may need to collect your personal data. For more information on National Grid's privacy policy in respect of your personal data, please see attached link:

[Redacted]

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For the registered information on the UK operating companies within the National Grid group please use the attached link: [Redacted]

Via email

12 December 2021

Dear Sir/Madam

CONSULTATION RESPONSE TO STATUTORY CONSULTATION IN RESPECT OF THE PROPOSED DRAX BECCS DCO

This is a consultation response submitted by National Grid Ventures (NGV) in response to the statutory public consultation by Drax Power Limited (Drax) in respect of their proposal to develop Bioenergy with Carbon Capture and Storage (BECCS) at the Drax site in Selby which will be authorised by a Development Consent Order (DCO).

NGV is a ringfenced division of National Grid plc, responsible for developing and operating businesses in our UK and US territories. National Grid Carbon (NGC), as an NGV business, is proposing to develop the Humber Low Carbon Pipelines (HLCP) project; the deployment of a terrestrial pipeline network in the Humber region.

HUMBER LOW CARBON PIPELINES (HLCP) PROJECT

The HLCP project intends to establish a pipeline network in the region to transport carbon dioxide (CO₂) to facilitate Carbon Capture Usage and Storage (CCUS), and decarbonisation proposals using hydrogen (H₂), supporting the ambition of the Zero Carbon Humber (ZCH) partnership to create the world's first net zero industrial cluster.

NGV are currently investigating potential pipeline route corridor options within which separate pipelines could be routed and are carrying out surveys and consultations to help inform the development of these corridors. HLCP is in the pre-application stage, with stakeholder engagement underway. This includes dialogue with the Planning Inspectorate over the potential form and content of its associated future DCO application(s), which will be inclusive of the terrestrial environment only to Mean Low Water Springs.

In September 2021, NGV held the first stage of public consultation to share our draft plans and invited stakeholders and local communities to provide feedback on them. NGV intends to hold further consultation and engagement in 2022.

NGV is part of the East Coast Cluster (ECC) bid, combining the Humber and Teesside regions, as recently submitted to the department of Business Energy and Industrial Strategy (BEIS) as part of the CCUS cluster sequencing consultation. BP, as lead transportation and storage operator for the ECC bid covering the infrastructure on Teesside and offshore, have responsibility for the end-to-end full chain process and associated Endurance storage site offshore in the Southern North Sea, while NGV have led development of the onshore transportation network in the Humber. On 19 October 2021, BEIS announced that ECC, along with the HyNet north west cluster, had been confirmed as Track-1 clusters for deployment in the mid-2020s and would therefore now be taken forward into Track-1 negotiations.

NGV'S INTEREST IN DRAX BECCS PROJECT

NGV's role in the deployment of CCUS at scale in the Humber means that close working with emitters, such as Drax is key. The HLCP network is the proposed terrestrial pipeline infrastructure for transporting the CO2 captured by the proposed new carbon capture infrastructure at Drax power station (that is the subject of this application) to the interface at the landfall with the offshore pipelines for onward transportation to the Endurance storage site. NGV's interest relates to the interfaces between the Drax BECCS project and HLCP, which includes the proposed CO2 export connection and associated works. For the avoidance of doubt NGV has no interest in the gas supply nor the electricity connection elements of the project.

Having considered the documentation forming part of the statutory consultation in respect of the Drax BECCS project, NGV would like to note the following:

NGV welcomes confirmation in paragraph 2.2.33 of Chapter 2 of the Preliminary Environmental Information Report – Vol 1 that the proposed scheme will adhere to NGV's pipeline specification, which requires the CO2 to be compressed, dried and have contaminants removed before entering the transportation system. This commitment should be secured in the Drax's proposed DCO. NGV should also be closely involved and consulted in relation to the compression and drying options in order to ensure their compatibility with NGV's requirements, efficiency, technical and safety merits.

NGV welcome continued engagement in relation to the selection of the location for the CO2 Processing and Compression Plant.

With regard to CO2 dehydration technology, NGV welcomes confirmation that Drax has decided to proceed on the basis of using a solid desiccant bed to reduce pipeline risk and would wish this commitment to be reflected in the DCO. NGV will be reviewing and assessing the CO2 dehydration arrangements proposed during the subsequent stages of the project.

NGV notes that there will be a requirement for the venting of CO2. NGV would wish to be closely involved in the design of the vent arrangements and the development of the procedures to be used as they could have an impact of the design and/or operation of the NGV CO2 transportation system and associated facilities.

NGV would additionally wish to see protective provisions included in the proposed DCO for its apparatus. NGV would be happy to progress a Statement of Common Ground with Drax.

Please do not hesitate to contact us if you wish to discuss any of the points made above.

Yours faithfully



Andy Killip

National Grid Consents Officer

Drax NSIP – PEIR

Prepared for: Simon Brown
Prepared by: James Walker (SYSTRA)
Date: 25th January 2022
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Document Reference: AA.21.12.34 Technical Memorandum
Reviewed/approved by: Andy Tennant / Huw Williams / James Finch (SYSTRA)

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Introduction

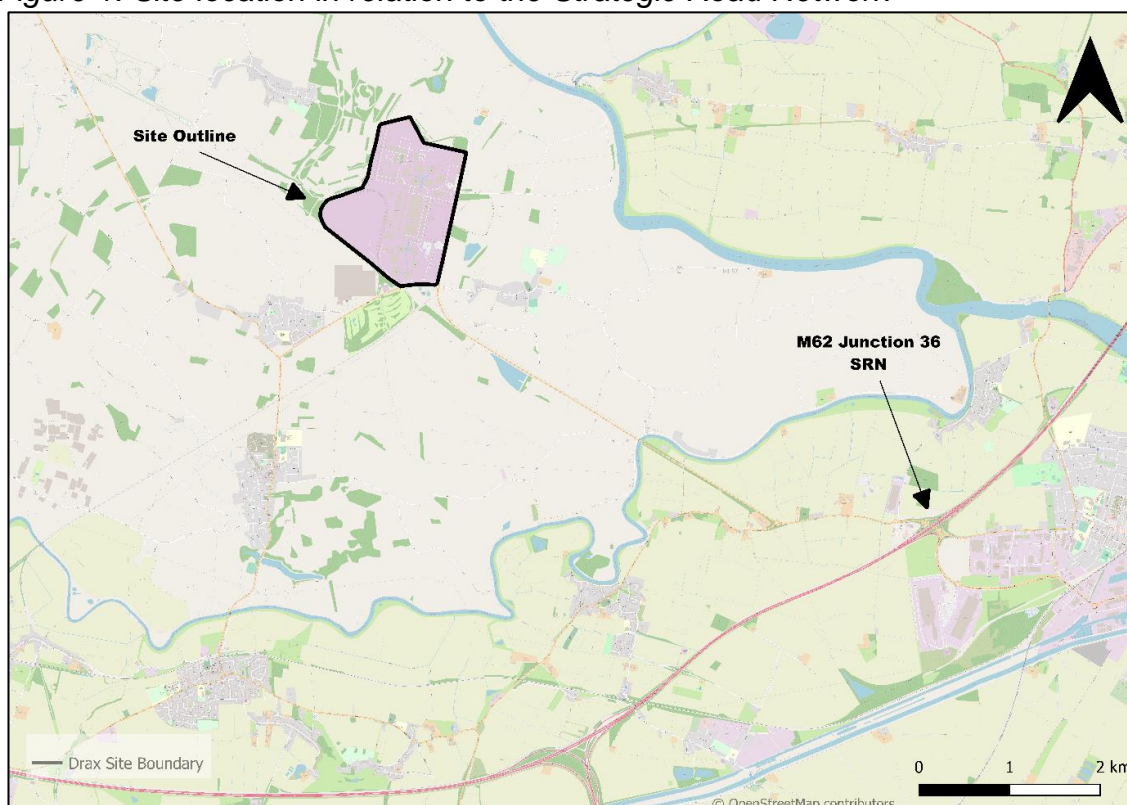
Drax Power Ltd (the Applicant) are undergoing consultation for the proposed development of Drax Bioenergy with Carbon Capture and Storage [BECCS] at Drax Power Station in Selby, North Yorkshire. The developer's consultants are WSP.

Jacobs SYSTRA Joint Venture [JSJV] has reviewed the Preliminary Environmental Impact Report [PEIR] prepared by WSP and would offer the following comments.

Existing situation

The proposed development site's location, in relation to the Strategic Road Network, is presented below in Figure 1.

Figure 1: Site location in relation to the Strategic Road Network



As shown above, the proposed development is located approximately 7km west of M62 Junction 36.

The proposed development is located on the existing Drax Power Station and is located near to the River Ouse.

Background

BECC at Drax is classified as a Nationally Significant Infrastructure Project [NSIP], under the Planning Act 2008 (PA2008) and requires a Development Consent Order [DCO] for its construction and operation.

Drax has full planning permission under the Town and Country Planning Act (TCPA1990) for the demolition of the redundant Flue Gas Desulphurisation [FGD] Plant and associated restoration works at Drax Power Station. The decommissioning and demolition works are currently scheduled to take place between 2022 and 2027.

Previous National Highways Reviews

JSJV understand that the following National Highways tasks relate to this planning application:

National Highways undertook a review of a Transport Scoping Note [TSN] in September 2020. This was prior to the submission of a full planning application, in regard to the proposed demolition of the Flue Gas Desulphurisation [FGD] Plant and the reconfiguration of biomass receipt, handling and storage facilities. The key conclusions from this scoping information are as follows:

- The trip generation associated with the worst-case overlap between the demolition and construction phase of the development will incur a material impact on the operation of the SRN during the AM / PM peak hour period. Nevertheless, it is acknowledged by CH2M (previous reviewer) that the profile of HGV construction trips will vary throughout the development delivery programme, therefore the principle of managing these trips through a D/CTMP is seen to be acceptable and ensures that the anticipated impact of this phase at the SRN is secured and protected. Highways England (as known when the previous review was undertaken) would seek to condition the production of a D/CTMP on any planning permission granted, for subsequent approval by the local highway authority and Highways England.
- It is not anticipated that the trip generation associated with the operational phase of development will incur a material impact on the operation of the SRN during the AM / PM peak hour period. However, in line with previous scoping comments provided by Highways England, it is acknowledged by CH2M that Highways England would seek to condition the production of an OTMP on any planning permission granted, for subsequent approval by the local highway authority and Highways England.
- Should a formal application be submitted for the proposed development, Highways England will require a suitable TS to accompany the application. The TS must quantify and confirm the anticipated trip generation across the AM and PM peak hours associated with each separate aspect of the development delivery process. Highways England will require the TS to take into account the anticipated impact of the development at the SRN, specifically Junctions 34 and 36 of the M62 in addition to the LHN.

In February 2021, National Highways offered comments on the Environmental Impact Assessment [EIA] and Scoping Report [SR] for this development proposal. National Highways provided comments on the existing situation in terms of accessibility, safety, and SRN operation. The review also offered comments on baseline traffic flow conditions, likely significant effects, assessment scenarios and the significance of effects. Key conclusions drawn from this review include:

- The most significant impacts associated with the proposed scheme will be during the construction phase, with negligible vehicle movements during operation.
- Assumptions at this stage will need to be demonstrated within forthcoming assessment material, along with the identification of peak traffic flow impacts.
- Detailed capacity assessments of the M62 J36 should be included as this will form the principal access route for construction traffic.

Also, in February 2021, National Highways provided comments on a Transport Scoping Note [TSN] for BECCS at Drax. Comments at this stage included:

- Effective travel plan measures and wider management of construction phase demands will be required to minimise impacts for M62 J36 and the wider SRN. Identified measures need to be implemented and promoted to construction personnel throughout the construction phase. A monitoring and enforcement strategy will be required.
- If measures fail to avoid significant cumulative traffic flow impacts at M62 J36, then consideration may need to be given to capacity enhancements to mitigate for development traffic increases. It may be necessary to monitor actual traffic flow increases, or arrivals at the site, throughout the Construction Phase.
- It may be necessary to demonstrate local area assignment assumptions and journey time variance, to determine the risk of construction staff using M62 J34 (instead of M62 J36) to access the M62 Westbound.
- Confirmation should be provided that parking opportunities for construction personnel should be limited to the 400 designated spaces, that no alternative on-site parking will be available for use, and that off-site fly-parking will be managed.

In January 2022, National Highways reviewed the Section 42 Letter, Section 48 Notice and Consultation Brochure also submitted to support the project proposal and the DCO application. The response letter following this review reiterated National Highways' stance that they would support the production of a Construction Environmental Management Plan [CEMP], Construction Traffic Management Plan [CTMP] and Outline Construction Workers Travel Plan [CWTP].

Policy review

JSJV acknowledges the list set out by WSP in the PEIR of relevant legislation, planning policy and guidance, specifically, the references for the following:

- 1) National Planning Policy Framework [NPPF] (2021);
- 2) The National Highways document 'The Strategic Road Network planning for the future' (2015); and
- 3) The DfT Circular 02/2013.

We would reiterate that the following National Highways guidance is particularly relevant:

“121. As a statutory consultee in respect of all Nationally Significant Infrastructure Projects (NSIP) promoted by third parties, the promoters of such developments are required to consult with us where their proposals are likely to affect road or transport operation and/or planning on roads for which we are the highway authority. As with other planning matters we recommend that you enter into discussions with us at the earliest opportunity.

122. The regulations relating to NSIPs do not specifically require that promoters identify their proposed access arrangements or any proposed highway mitigation works during the consultation stage prior to submitting a Development Consent Order (DCO) application.

123. Promoters are encouraged to seek consensus with interested parties, including ourselves where applicable, in order to satisfy the Planning Inspectorate (PINS) that full and thorough pre-application consultation with interested parties has been carried out. Where possible, we will work towards agreeing a Statement of Common Ground at an early stage so that this can be an input to the examination.

124. In any case, promoters must provide sufficient detail to allow the assessment of the impact of their proposals on the SRN, and the suitability and deliverability of their proposed transport arrangements, including means of access, when they submit their application and draft DCO.

125. On the basis of the discussions held and the information provided we will make representations on proposals, or will seek to ensure that requirements we deem essential are incorporated in the DCO.”

Preliminary Environmental Impact Report Context

The Environmental Impact Assessment [EIA] for the Drax BECCS development is underway with preliminary results being presented in the PEIR. Following further reviews and consultations, the completed assessment will be presented in an Environmental Statement [ES] to be submitted with the DCO application.

We would suggest that it is robust for the ES to identify any residual effects of Drax BECCS once mitigation measures have been implemented.

Assessment and Methodology

Previous Planning Inspectorate’s comments indicate that the repowering of two remaining coal-powered units would end in 2026. The coal units which ceased operating commercially at Drax Power Station in March 2021 meant for a reduction in operational traffic as the workforce was reduced by 230 people.

On the basis of reopening, the number of operational staff could be either the same as existing numbers or higher at the same time that the BECCS proposed development becomes operational.

Given this potential overlap, the PEIR assesses the worst-case operational year. No allowances are made for delivery of construction materials by water or rail constituting a worst-case construction road traffic impact.

Traffic flows

The final calculation of vehicle trips generated by construction vehicles and construction workers (including profiling) is not proposed in the PEIR. The 'Construction Phasing' and associated construction worker profile is being developed with the Applicant and contractor. This will feed into discussions regarding assessment scenarios and will be shared with the highway authorities when available. Once finalised, this information will be used to inform the EIA which will be reported in the ES. Notwithstanding this, we would offer the following comments in relation to traffic flows for the proposed development.

WSP explains that additional traffic surveys may be commissioned during 2021 or Q1 2022 subject to agreement with the highway authorities that traffic conditions are considered representative. This approach will need to be discussed with National Highways through additional Scoping discussions.

Construction phase

JSJV supports that the PEIR assesses Option2 as the worst-case scenario for traffic and transport whereby Carbon Capture Plants undergo installation simultaneously, due to the more intensive resource requirement and subsequent impact on traffic flows.

The PEIR indicates that during the construction phase a peak workforce of 1,000 workers will be required and that the 500 existing car parking spaces are to be utilised alongside provision for a further 300 overflow spaces in the Laydown Area. The following previous comments regarding car parking remain relevant:

It is noted that the Drax Power Station site area includes areas of hard standing and car parks. Elsewhere within the Transport Scoping Note, we are advised that the BECCS project is to be supported by the provision of a 400-space car park. It should be confirmed whether existing car parking or hard standing within the Drax site will also be used for construction personnel parking during the BECCS Construction Phase. If car parking for the BECCS Construction Phase is to be limited to the proposed 400-space car park, then WSP should outline how Drax will prevent overspill use of available parking within the Drax site or on the surrounding highway. Should traffic generation estimates (and associated development impacts) be informed by the scale of available car parking, then it will be important to manage the scale of BECCS parking provision to that assessed.

The preliminary information also indicates that the construction works are anticipated to generate on average circa. 48 two-way HGV trips per day (or 4 two-way HGV trips per hour). At its peak, the construction works could generate a maximum number of 240 two-way HGV trips per day (or 20 two-way HGV trips per hour).

Construction worker trips have been distributed using a gravity model weighted on population and distance that informed the traffic analysis for the Drax Repower DCO Application, which estimated the likely distribution of worker traffic to and from Drax Power Station. National Highways previously supported the distribution tools utilised in the Transport Scoping Note that had been previously developed for the Drax Repower DCO application. This gravity model to estimate likely distribution of worker traffic to and from Drax Power Station showed that 70% of car trips travelled via the M62 Junction 36 and the remaining 30% via Selby.

We would withhold any further comment on traffic flows, beyond those previously made in this review and others, until the final proposed traffic flows have been submitted.

WSP detail that highway powers may be necessary for temporary works to facilitate transport of plant and AILs during construction. JSJV would suggest that further details of the road modifications should be provided within the full ES.

Abnormal Indivisible Loads

WSP has previously outlined that the transport of construction material will be via the road network, linking to the M62 J36. WSP anticipate that no more than 15 Abnormal Indivisible Loads [AILs] will be transported.

In the previous review of the TSN, National Highways supported the second option for delivering AILs by using an upgraded Drax Jetty, it was acknowledged this needed to be subject to an assessment of economic viability. At a meeting which followed, in March 2021 with the applicant, LPAs and National Highways, it was stated that there were significant health and safety concerns at present if the Drax Jetty was to be used and the conditions remained the same as previous Drax Repower DCO.

Following this meeting and further consultation, it has been agreed with National Highways and LPAs that AILs can be transported by road from the Port of Goole. It is stated that this position has been accepted in principle by North Yorkshire County Council [NYCC] and East Riding of Yorkshire Council [ERoYC].

In regard to the rationale and selected option of utilising the Port of Goole for the transportation of AILs during construction, JSJV would suggest that National Highways should be consulted regarding survey requirements and understanding the practicalities of moving AIL by road. JSJV and National Highways will further review the proposed impact of this route on the M62 J36 in the ES and CTMP.

Operational phase

The Applicant has indicated that a workforce of 40 full time staff will be required for the operation of the Proposed Scheme. Given this, when compared to how the Site operated at the time of the collection of the baseline traffic data during 2018, there will be an overall net-reduction of circa 190 people in the workforce.

WSP explains that the Proposed Scheme will be designed to operate 24 hours per day, seven days per week with planned and unplanned periods of maintenance. Staff are likely to work three shift patterns over the course of a day, which typically could run between 07:00-15:00, 15:00-23:00 and 23:00-07:00. WSP therefore anticipate the Proposed Scheme would generate on average 27 two-way trips per shift over the course of a day.

This assessment assumes that additional staff, deliveries or trips to Drax Power Station will be negligible during the operational phase of the Proposed Scheme and thus deemed insignificant in terms of Traffic and Transport. It is anticipated any assessment of the operational impacts will be proportionate to the change in operational staff levels and maintenance requirements. The level of assessment will be agreed with the highway authorities through further consultation and will be presented in the ES.

Assessment methodology

Sensitivity of Receptors

WSPs preliminary assessment of the likely impacts and effects classifies the M62 westbound and M62 eastbound as being of negligible sensitivity given it is a 3-lane motorway with a derestricted speed limit and subject to motorway regulations. JSJV would suggest that this assertion is not robust enough. When considering the cumulative pressures of the emerging Selby Local Plan onto this network, the link sensitivity of M62 eastbound (link 6) and M62 westbound (link 9) should be greater than negligible and consideration should be given to Junction 34 on the M62.

JSJV support the worst-case operational assessment adopted by WSP within the PEIR. WSP's assessment assumes that additional staff, deliveries or trips to Drax Power Station will be negligible during the operational phase of the proposed scheme, meaning the impact at the M62 Junction 36 will be insignificant. This corresponds with comments offered in the EIA Scoping review from National Highways.

JSJV and National Highways would maintain their position of requesting further assessments in the upcoming ES but given the staff levels which have been proposed for the operation of the proposed site, an Operational Traffic Management Plan is not deemed as necessary, as the operational impact at the SRN will not be material due to the net reduction in operational staff when compared to the sites previous use.

Background traffic growth

WSP has utilised TEMPro to determine future background traffic growth rates.

National Highways considered the approach to background traffic growth at the transport scoping stage as appropriate and accepted the following NTM adjusted TEMPro growth factors (Table 1).

Table 1: Agreed TSN growth rates

Average Selby / East Riding Traffic Growth	AM Peak	PM Peak
2018-2021	1.03605	1.03430
2018-2026	1.09810	1.09490

In the PEIR, a TEMPro traffic growth factor has been applied to the 2018 surveyed traffic flows to obtain figures to accurately reflect conditions expected in 2021 (without COVID-19 restrictions). WSP have applied TEMPro growth factors in order to obtain future year figures for 2026 and 2029. These growth factors were determined using the following criteria in TEMPro:

- Base year of 2018 and future years of 2021, 2026 and 2029
- Location of Selby and East Riding
- NTM Adjusted (Using NTM AF15 Dataset)
- Trip end origin / destination
- Area Type (Rural)
- Road Type (All)

- Average Weekday

Table 2: PEIR traffic growth rates (daily)

Average Selby / East Riding Traffic Growth	East Riding	Selby	Average
2018-2026	1.0941	1.0998	1.0969
2018-2029	1.1165	1.1233	1.1199

The difference in growth rates presented by WSP at the different stages is due to daily averages being adopted in the latest PEIR per MSOA in East Riding and Selby, and the future years presented in this instance are 2026 and 2029. We would suggest that the ES should include AM and PM growth rates, as previously agreed.

WSP state that it is anticipated that there will be no residual traffic and transport effects associated with the Proposed Scheme during construction, operation or decommissioning. JSJV comment that this will be subject to further analysis in the ES.

Assessment years

The following assessment scenarios are proposed to be developed for the ES:

- 2018 Existing – this will be the 2018 surveyed traffic flows collected during 2018 as part of the Drax Repower DCO Application;
- 2022 Baseline - this will be the 2018 surveyed traffic flows and traffic growth applied, or, subject to representative traffic conditions, surveyed traffic flows will be collected and used within the assessment;
- 2022 Do Minimum - this will be the 2022 Baseline plus ‘reasonably foreseeable’ committed development;
- 2026 Future Baseline - this will be the 2022 Baseline with TEMPRO traffic growth applied;
- 2026 Do Minimum – this will be the 2026 Future Baseline plus ‘reasonably foreseeable’ committed development (Without Development);
- 2026 Do Something – this will be the 2026 Do Minimum plus construction traffic (With Development – Construction Phase);
- 2029 Future Baseline - this will be the 2026 Future Baseline with traffic growth applied;
- 2029 Do Minimum - this will be the 2026 Do Minimum with traffic growth applied plus ‘reasonably foreseeable’ committed development (Without Development); and
- 2029 Do Something - this will be the 2029 Do Minimum plus Operational Phase traffic associated with Units 1 and 2 (With Development – Operational Phase).

JSJV would suggest that the above scenario are reasonable.

Committed development and cumulative impacts

WSP state that there could be cumulative impacts from the proposed scheme with other projects from 2024 onwards. Chapter 18 of the PEIR lays out their approach to the assessment of inter-project cumulative effects, considering baseline conditions at common sensitive receptors and other developments.

WSP states that Selby District Council has provided a list of developments to consider in the assessment. Sites allocated ‘major development’ as part of LPA Local Plans and / or Core Strategies are included. This search incorporated the adopted and proposed / draft Local Plans / Core Strategies which have planning in principle and therefore can exceed the 5- year limit set for the other search criteria, i.e. sites allocated more than 5 years ago. Draft allocations in emerging Local Plans are subject to change as the Local Plan progresses and nears adoption.

The Selby District Local plan is emerging and is not yet adopted. Whilst National Highways has offered comments on proposed preferred and additional sites, the consultation process is currently undergoing sifting. National Highways’ recent response to the Selby District Local Plan – Additional Sites Consultation Document shows that one of the most significant impacts of the Local Plan allocations will be at M62 J36.

JSJV would state that the NSIP BECCS at Drax should consider the cumulative assessment of the emerging Selby District Local Plan in its assessments.

JSJV agree that the long and short lists of developments for consideration within the cumulative assessments alongside the methodology should involve engagement with National Highways and Local Planning Authorities.

Cumulative assessments should consider emerging major sites and seek to avoid significant cumulative traffic flow impacts at M62 J36.

Construction traffic management plan

National Highways has previously indicated they would support the production of a Construction Traffic Management Plan [CTMP].

Given the proposed development’s scale and proximity to the Strategic Road Network, JSJV would agree that a CTMP should be produced and agreed with National Highways prior to the determination of this planning application. JSJV would suggest that the CTMP includes the following:

- Length of construction period
- Hours of operation
- Peak trip generation (including type of vehicles)
- Access routes, including consideration of abnormal loads (vehicle swept path analysis may be required) and details of proposed signage, implementation and enforcement
- Mitigation measures – limited delivery times (and details of enforcement e.g. penalty clauses for contractor, noise reduction, wheel washing).

WSP explains that an AIL strategy would be included with the CTMP and all AIL movements would be subject to the necessary consultation and notification process. We would suggest that this approach is acceptable.

Travel Plan

National Highways comments on the TSN requested effective travel plan measures to minimise the impact during construction.

It has been acknowledged by WSP that for a workforce of 1,000 workers, effective travel plan measure would be required in order to minimise single occupancy car use and to provide realistic alternatives to the private car.

JSJV would support the production of a Construction Worker Travel Plan alongside the ES to demonstrate how the impact of construction workers will be minimised on the SRN. The CWTP should include:

- Travel plan type measures (e.g. staff recruitment policies (local staff), mini-bus for staff, number of parking spaces, car share database).

Summary and Conclusions

On the basis of this review, the recommendation to National Highways in relation to this development proposals is:

Pre-application / Scoping Response – comments are made on the pre-application / scoping in order to assist defining an appropriate assessment of the Strategic Road Network.

This review has highlighted the need for further information to be submitted in the ES as part of the DCO application such as:

- 1) JSJV would suggest that further trip estimates and junction capacity assessment work should be undertaken in the ES, as explained in this review and in previous scoping reviews.
- 2) JSJV and National Highways will further review the proposed impact of the route from the Port of Goole on the M62 Junction 36 in the ES and CTMP.
- 3) WSP state it is anticipated that there will be no residual traffic and transport effects associated with the Proposed Scheme during construction, operation or decommissioning. JSJV comment that this will be subject to further analysis in the ES.
- 4) JSJV would state that the NSIP BECCS at Drax should consider the cumulative assessment of the Selby District Local Plan in its assessments.
- 5) Given the proposed development's scale and proximity to the Strategic Road Network, JSJV would agree that a CTMP should be produced and agreed with National Highways prior to the determination of this planning application
- 6) JSJV would support the production of a Construction Worker Travel Plan alongside the ES to demonstrate how the impact of construction workers will be minimised on the SRN.

Date: 10 December 2021
Our ref: 372771



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BY EMAIL ONLY

Dear Mr Jim Doyle

Consultation in accordance with Section 42 of the Planning Act 2008: Drax Bioenergy with Carbon Capture and Storage Development Consent Order.
Location: Drax Power Station, Selby, North Yorkshire.

Thank you for your consultation on the above dated 01 November 2021.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

In responding to your consultation we have reviewed only those chapters that we consider to be most relevant to our statutory purpose. Therefore, our response is based on the following sections of the Preliminary Environmental Impact Report (PEIR):

- Chapter 06 Air Quality;
- Chapter 08 Ecology;
- Chapter 09 Landscape and Visual Impact Assessment;
- Chapter 12 Water Environment;
- Chapter 18 Cumulatives.

CONSERVATION OF HABITATS & SPECIES REGULATION 2017 (AS AMENDED)

Internationally and nationally designated sites

The designated sites relevant to this application are:

- Barn Hill Meadows Site of Special Scientific Interest (SSSI)
- Brighton Meadows Site of Special Scientific Interest (SSSI)
- Burr Closes, Selby Site of Special Scientific Interest (SSSI)
- Derwent Ings Site of Special Scientific Interest (SSSI)
- Eskamhorn Meadows Site of Special Scientific Interest (SSSI)
- Humber Estuary Special Area of Conservation (SAC)
- Humber Estuary Special Protection Area (SPA)
- Humber Estuary Ramsar Site
- Humber Estuary Site of Special Scientific Interest (SSSI)
- Lower Derwent Valley Special Area of Conservation (SAC)
- Lower Derwent Valley Special Protection Area (SPA)

- Lower Derwent Valley Ramsar site
- Thorne Moor Special Area of Conservation (SAC)
- Thorne & Hatfield Moors Special Protection Area (SPA)
- Thorne, Crowle and Goole Moors Site of Special Scientific Interest (SSSI)
- River Derwent Special Area of Conservation (SAC)
- River Derwent Site of Special Scientific Interest (SSSI)
- Skipwith Common Special Area of Conservation (SAC)
- Skipwith Common Site of Special Scientific Interest (SSSI)

The application site is in close proximity to European designated sites (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect their interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations').

Natural England notes that a Habitats Regulations Assessment (HRA) has not yet been completed. It is Natural England's advice that the proposal is not directly connected with or necessary for the management of the European site. You should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. The HRA screening should consider potential likely significant effects on the European Sites specified above. We recommend you consider potential likely significant effects on these sites arising from the impact pathways identified below, in addition to any other potential impact pathways identified during the assessment. Please note that Chapter 8 of the Preliminary Environmental Information Report (PEIR) refers to the River Derwent Special Protection Area (SPA), which does not exist.

Natural England notes that the application site is also in close proximity to a number of SSSIs. Paragraph 6.4.19 in Chapter 6 of the PEIR correctly states that all SSSIs within 15km of the development site should be assessed as ecological receptors. However, Figure 6.4 identifies four SSSIs – Barn Hill Meadows, Eskamhorn Meadows, Went Ings Meadows and Burr Closes, Selby – that are not listed in paragraph 6.4.10. We advise that these sites are also included as ecological receptors in the air quality modelling.

There are a number of SSSIs and European designated sites within 15km of the proposed development site, which require assessment for potential operational air quality impacts:

- Barn Hill Meadows SSSI
- Brighton Meadows SSSI
- Burr Closes, Selby SSSI
- Derwent Ings SSSI
- Eskamhorn Meadows SSSI
- Lower Derwent Valley SPA, SAC and Ramsar site
- Thorne Moor SAC / Thorne & Hatfield Moors SPA
- Thorne, Crowle and Goole Moors SSSI
- Skipwith Common SSSI/SAC
- Humber Estuary SSSI, SPA, SAC and Ramsar site
- West Ings Meadows SSSI

Our advice regarding other potential impacts upon the River Derwent SSSI and the Humber Estuary SSSI coincides with our advice regarding potential impacts upon the River Derwent SAC and Humber Estuary SAC / SPA / Ramsar site as detailed below.

Potential air quality impacts during construction and operation

Natural England notes from Chapter 6 of the Preliminary Environmental Information Report (PEIR) that a preliminary assessment of air quality has taken place. We note from paragraphs 6.7.29 to 6.7.43 and Tables 6.11 to 6.14 that for ammonia at the River Derwent SAC and for acid deposition at the Lower Derwent Valley SPA / SAC, the process contributions for the scheme alone exceeds the significance thresholds of 1% of the respective critical levels and loads and therefore this will be

assessed in further detail in the Environmental Statement (ES). We also note that the assessment of cumulative (in-combination) impacts from other plans and projects is still ongoing. We therefore advise that likely significant effects for other pollutants on these sites, and on other sites, cannot be ruled out at this stage. If in-combination effects exceed the 1% threshold, then these effects will also need to be assessed at the detailed assessment stage both alone and in-combination.

As stated in Chapter 8 of the PEIR, the Proposed Scheme's operational emissions to air have yet to be fully modelled and it is not possible to rule out the potential for significant effects on designated International and National Sites at this preliminary stage. We welcome the statement in paragraph 8.7.6 that results of dispersion modelling in relation to designated sites will be subject to full ecological analysis and will be completed on receipt of the modelling information to inform the ES and Habitats Regulations Assessment (HRA). Natural England will therefore comment further when these assessments have been fully undertaken.

Please note that the riparian zone is explicitly considered in the conservation objectives and condition assessment for SAC/SSSI river habitats, partly in terms of vegetation composition and 'naturalness', and so it is considered to contribute significantly to site integrity.

In the literature, there appears to be no data available specifically on the effects of ammonia gas on riparian vegetation. There is some evidence for effects on herbaceous species, for example woodland ground flora, upon which the critical level for the protection of higher plants was based. The application of this critical level therefore needs to be based on expert judgement.

The ammonia critical level for higher plants is based on observations of changes in community species composition and/or loss of particular species. The mechanism(s) behind which could be one of several (e.g. direct effects on plant physiology and reproduction, secondary influences on responses to other stresses, or differential growth responses affecting species competition). Direct effects of ammonia cannot easily be separated from the contribution of ammonia as part of the total nitrogen input.

Moist habitats are likely to be more sensitive to gaseous ammonia because of the possibility of increased ammonia uptake as the plants' stomata do not close in response to drought. Specific toxic effects are not known but it is not possible to rule out direct effects. However, in many lowland catchments the main driver behind changes in species composition is likely to be through agricultural run-off.

It is Natural England's view that:

- In nutrient poor freshwater systems, there is a likelihood of atmospheric ammonia (at levels above the critical level) causing damage to the site via vegetation changes and therefore the critical level should be applied.
- In nutrient rich systems, whilst ammonia deposition will contribute to the total nitrogen input, consideration is needed as to the relative contribution of atmospheric ammonia to the total nitrogen budget for the site. In many cases, it is likely that the dominant input will be from surface water (or groundwater) sources and that ammonia deposition will have little effect. Note: In some areas these habitats may even emit ammonia. Given the absence of information on direct damage to this type of vegetation, in instances where there are other overwhelmingly dominant sources of nitrogen, the application of the critical level is not considered defensible.
- Some consideration will still need to be given to potential acidification effects caused by ammonia deposition, in acid-sensitive areas.

This advice will have implications for wetland sites where the critical level for higher plants was originally applied. Further investigation is required on a site by site basis to determine if the system is considered to be nutrient poor or nutrient rich and to identify the source and relative magnitude of other nutrient inputs.

Where the critical level for the protection of lower plants has been applied with expert judgement, then our original advice remains unchanged, i.e. that the critical level applies, as there is evidence for direct effects of ammonia on lichens and bryophytes.

Potential water quality and surface water drainage impacts during construction and operation

Natural England welcomes the measures outlined at 12.8 Chapter 12 Water Environment of the PEIR, which are to be included within a Construction Environmental Management Plan (CEMP). It is stated that the CEMP will detail measures to reduce the risk of polluting the surrounding environment and mitigation measures to minimise impacts to the water environment. Natural England advises that the CEMP should adequately commit to the mitigation measures described as *“likely to be required”* in 12.8.9 Chapter 12 of the PEIR. We welcome the statement that *“Surface water run-off and excavation dewatering would be captured and settled out prior to disposal and disposed of in accordance with the relevant consent /permit requirements.”* However, we recommend that further information is provided on how *“Any contaminants would be removed prior to disposal”*, outlined in 12.8.10 Chapter 12 of the PEIR.

Please note that the River Ouse adjacent to the proposal is a Humber Estuary lamprey migration route and as such you should determine whether the proposal is likely to have a significant effect on river and sea lamprey associated with the Humber Estuary SAC/Ramsar. Natural England notes that PEIR Chapter 8 (Table 8.1, Section 4.6.6) states that *“The Drax Jetty and associated access route have been removed from the Proposed Scheme. As such, this comment is no longer relevant to the Proposed Scheme.”* However, we recommend that other potential significant effects arising from construction and/or operational impacts on water quality and lamprey habitat should be considered in the HRA.

Functionally Linked Land

Special Protection Areas (SPAs) are classified for rare and vulnerable birds. Many of these sites are designated for mobile species that may also rely on areas outside of the site boundary. These supporting habitats may be used by SPA populations or some individuals of the population for some or all of the time. These supporting habitats can play an essential role in maintaining SPA species populations, and proposals affecting them may therefore have the potential to affect the European site.

Natural England advises that the potential for offsite impacts, such as loss of functionally linked land and/ or construction/operational disturbance impacts on functionally linked land, should be considered in assessing what, if any, potential impacts the proposal may have on European sites.

Natural England notes that Preliminary Environmental Impact Report (PEIR) Chapter 8 paragraph 8.4.6 refers to wintering bird surveys that have been carried out. We recommend that these bird survey results should be provided within the Environmental Statement and referred to within the HRA to determine if the proposal could lead to impacts on notified bird species.

Other advice

In addition, Natural England would advise on the following issues.

Protected species

We note the surveys and assessments that have been carried out as part of the Preliminary Ecological Appraisal, as detailed in Chapter 8 of the PEIR, Section 8.4. Natural England broadly welcomes the proposed scope of ecological surveys delivered. We have included specific comments relating to species considered in Chapter 8, Section 8.4 of the PEIR.

We welcome the proposed avoidance / mitigation measures and pre-construction checks as set out

in Section 8.8, and the proposed Outline Landscape and Biodiversity Strategy (OLBS).

Bats

Natural England notes that roosting bat surveys were completed in 2018 and the suitability of buildings and trees within the Site was also reassessed during the Extended Phase 1 Habitat Survey in 2021. As the surveys “...confirmed the likely absence of roosting bats in buildings ” and “the suitability of trees and buildings for roosting bats has not changed significantly since 2018,” we agree that further bat surveys are not required at this stage. We note that “Five trees within existing Power Station Site northeast corner (‘North Station Wood’) identified as having potential suitability for roosting bats.” If proposed development is likely to impact these trees, further surveys should be completed and a licence should be secured from Natural England prior to development if roosts are identified.

Great crested newt

We note from paragraph 8.6.25 of Chapter 8 of the PEIR that “Great crested newt presence was identified in a waterbody to the north west of the Site Boundary during ecological surveys for the FGD Planning Permission in June 2020” and “Further population size class assessments... identified a small population of great crested newts using two ponds.” A relevant licence should be secured from Natural England if these ponds will be affected by proposed activities in the “Environmental Mitigation Area.” Please note that Natural England has recently launched District Level Licensing (DLL) for GCN in North East Yorkshire. For further information on joining a DLL scheme to manage GCN populations see <https://www.gov.uk/government/publications/great-crested-newts-district-level-licensing-schemes>.

Otter

As stated in paragraph 8.6.21 Chapter 8 of the PEIR, surveys carried out for the Drax Repower scheme in 2018 identified otter prints and spraints and a potential couch within the “Environmental Mitigation Area”. We therefore recommend that the ES considers potential impacts on otter habitat, including potential impacts associated with air quality and water quality. Potential significant effects on otter associated with the River Derwent SAC should also be considered in the HRA. We welcome the response in Table 12.1, Chapter 12 of the PEIR that “Potential impacts on water habitats will be consulted upon with the project ecologists and included in the ES.”

Peregrine

We note from Chapter 8 of the PEIR, paragraph 8.6.27 that a pair of peregrines were confirmed to be breeding on the main stack of the power station in 2020. Table 8.7 states that impacts are unlikely due to the height of the birds above ground and the location of the nest site in an operational power station. However, it should be noted that peregrine is listed on Schedule 1 of the Wildlife & Countryside Act 1981 (as amended), meaning that it is protected from disturbance while nesting. If any construction activities take place near to the main stack that may cause disturbance to the birds, then appropriate mitigation measures would need to be put in place.

Reptiles

Natural England notes from Table 8.7 (Chapter 8 of the PEIR) that “[Reptile] habitats in the north have improved since surveys were completed for the Repower scheme in 2018” and “it is assumed that permanent and temporary loss of these habitats would result from site and vegetation clearance as a result of construction activities.” We recommend that further details of the “precautionary methods of work during site clearance and construction” should be included in the ES. We welcome the statement that “Habitat reinstatement and creation will also include habitats suitable for reptiles.” As stated below, we advise that additional detailed information regarding the proposed plans for the “Environmental Mitigation Area” is included in the Environmental Statement.

Water vole

Natural England notes from Chapter 8 of the PEIR, paragraph 8.6.23, that “*Numerous records of water vole ('Arvicola amphibius') were identified from the desk study... with confirmed burrows previously identified to the east of the Site Boundary during the ecological surveys for the Drax Repower scheme in 2018.*” We welcome the response in Table 12.1, Chapter 12 of the PEIR that “*Potential impacts on water habitats will be consulted upon with the project ecologists and included in the ES.*”

Natural England recommends that water vole displacement should be implemented if any proposed activities in the “*Environmental Mitigation Area*” will impact sections of watercourse used by water vole. A licence for this activity should be secured from Natural England prior to commencement of development. Please note that it is a Condition of the *Class licence CL31: intentional disturbance of water voles and damage or destruction of water vole burrows by means of displacement - to facilitate development activities* that suitable habitat must be created or existing habitat enhanced within the range of the affected population.

Local sites and priority habitats and species

Natural England does not hold locally specific information on local sites and therefore has not provided specific advice regarding the proximity of these sites and the potential impact of the development.

Priority habitats and species are of particular importance for nature conservation and included in the England Biodiversity List published under 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or a Local Wildlife Sites.

Landscape

The proposal is not located within or in the vicinity of any nationally designated landscapes. We support the use of the *Guidelines for Landscape and Visual Impact Assessment (3rd Edition)* in carrying out the landscape and visual assessment as set out in Chapter 9 of the PEIR.

Best and Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society, for example as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution. It is therefore important that the soil resources are protected and used sustainably.

The assessment should consider the following issues as part of the Environmental Statement:

1. The degree to which soils are going to be disturbed/harmed as part of this development and whether ‘best and most versatile’ agricultural land is involved.

This may require a detailed survey if one is not already available. For further information on the availability of existing agricultural land classification (ALC) information see www.magic.gov.uk. Natural England Technical Information Note 049 - [Agricultural Land Classification: protecting the best and most versatile agricultural land](#) also contains useful background information.

2. If required, an agricultural land classification and soil survey of the land should be undertaken. This should normally be at a detailed level, e.g. one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres.

3. The Environmental Statement should provide details of how any adverse impacts on soils can be minimised. Further guidance is contained in the [Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites](#).

Environmental and Biodiversity Enhancement

Natural England broadly welcomes the proposed “*Environmental Mitigation Area*” to the north of the Drax Power Station Site. However, we are currently not clear what the purpose and plans for this “*Environmental Mitigation Area*” are. Please provide further detailed information in the Environmental Statement and/or Habitats Regulations Assessment, where appropriate.

Natural England welcomes preparation of the OLBS to include details of the creation and replacement of habitats lost to construction activities, alongside the enhancement of existing habitat. As stated in Table 8.9 of PEIR Chapter 8, this should include “*replacement planting to offset loss of [bat] habitats used as flight lines and as feeding grounds.*” We welcome proposed mitigation measures in Table 8.9 including “*Sensitive operational lighting design to avoid and minimise increases in operational lightspill onto bat habitats.*” An external lighting plan should be put in place to ensure that this is achieved.

We support plans to deliver Biodiversity Net Gain (BNG) on site as stated in Chapter 8 of the PEIR, paragraph 8.11.5. Nationally Significant Infrastructure Projects (NSIPs) down to mean low water now fall within the remit of the national policy requirement within The Environment Bill to deliver 10% BNG. At this stage there are still various details to be confirmed, with more information anticipated through the consultation on secondary legislation. However, we welcome the proposal to deliver 10% BNG at this stage.

Please be advised that the Defra metric should not be used to assess impacts and calculate compensation for habitat damage or loss in designated sites or irreplaceable habitats. Any impacts on such habitats and sites should be assessed in accordance with planning policy and via environmental assessments, such as an Appropriate Assessment where European sites are concerned, with any necessary mitigation or compensation requirements dealt with separately from BNG provision.

If you have any queries relating to the advice in this letter please contact me at [REDACTED] or on [REDACTED]. For any new consultation, or to provide further information on this consultation please send your correspondence to consultations@naturalengland.org.uk.

Yours sincerely

Alice Megaw
Yorkshire and Northern Lincolnshire Area Team

FAO: Jim Doyle
 Your Ref: BECCS-Drax
Proposed scheme: Drax Bioenergy with Carbon Capture and Storage

I refer to your letter of 1 November 2021 in respect of the consultation on the Drax Bioenergy and Carbon Capture and Storage development

Network Rail is a statutory undertaker responsible for maintaining and operating the railway infrastructure and associated estate. It owns, operates, maintains and develops the main rail network. Network Rail aims to protect and enhance the railway infrastructure therefore any proposed development which is in close proximity to the railway line or could potentially affect Network Rail's specific land interests, will need to be carefully considered.

Impact on Network Rail Infrastructure

Network Rail has been reviewing the information provided and note that proposals relate to development works within the existing Drax Power Station complex. The site has a rail link to the national railway network and we note that works also include improvements to the local road infrastructure in proximity to Network Rail property.

At this stage the information supplied is not sufficiently detailed to fully assess potential impacts of the scheme on the railway and further information will be required to respond properly on the proposals. However, given the nature of the proposals and that work will be required in proximity to the operational railway environment, early engagement with Network Rail will be essential to discuss and agree the scheme and any licences that may be required to implement it.

In order to ensure that the scheme does not impact on operational railway safety, the developer must liaise closely with **Network Rail Asset Protection** to ensure that the design and construction of the works will not have an adverse impact on railway operations. It is therefore assumed that a condition of any DCO going forward would be that detailed specifications and designs of the proposed scheme and construction methodology are to be provided and agreed in writing before development can commence.

Network Rail will be seeking protection from the exercise of compulsory purchase powers over operational land either for permanent or temporary purposes. In addition, Network Rail will wish to agree protection for the railway during the course of the construction works and otherwise to protect our undertaking and land interests. Network Rail reserves the right to produce additional and further grounds of concern when further details of the application and its effect on Network Rail's land are available. In addition, any rights for power or other lines under, over or alongside the railway line will require appropriate asset protection measures deemed necessary by Network Rail to protect the operational railway and stations. We have standard protective provisions which will need to be included in the DCO as a minimum therefore contact should be made to Emily Christelow, email: [REDACTED] to obtain a copy of the relevant wording. In addition a number of legal and commercial agreements will need to be entered into, for example, asset protection agreements, method statements, connection agreements, property agreements and all other relevant legal and commercial agreements. This list is not exhaustive and will need to be reviewed once more details of the scheme are discussed between the parties.

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land. In addition, security of the railway boundary will require to be maintained at all times. In any event you must contact Network Rail's Asset Protection Engineers as soon as possible in relation to this scheme on the following e-mail address AssetProtectionEastern@networkrail.co.uk.

Network Rail is prepared to discuss the inclusion of Network Rail land or rights over land subject to there being no impact on the operational railway, all regulatory and other required consents being in place and appropriate commercial and other terms having been agreed between the parties and approved by Network Rail's board. Network Rail also reserves the right to make additional comments once we have evaluated the proposals in more detail.

Summary

Network Rail would be grateful if the comments and points detailed within this consultation response are considered by Drax Power Limited. Network Rail would welcome further discussion and negotiation with Drax Power Limited in relation to the proposed development as required going forward. If you have any questions or require more information in relation to the above, please let me know.

Kind regards



Matt Leighton

Town Planning Technician

Diversity and Inclusion Champion

Network Rail Property - Eastern Region

George Stephenson House, Toff Green, York, YO1 6JT

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Drax Bio-Energy and Carbon Capture
Storage

By Email
[REDACTED]

Our Ref: Michael Reynolds
Your Ref: s42 Response

Date: 10 December 2021

Michael Reynolds
Business and Environmental Services
East Block
County Hall
Racecourse Lane
Northallerton
DL7 8AD

Tel: [REDACTED]

Email: [REDACTED]

Dear Sirs

Drax Bio-Energy and Carbon Capture Storage
S42 Statutory Consultation

Thank you for consulting North Yorkshire County Council (NYCC) and Selby District Council (SDC) on the s42 Statutory Consultation.

Please accept this letter as a response on behalf of NYCC and SDC. Both authorities look forward to the continued engagement already planned between now and submission of the application.

Our responses on the various chapters are as follows:

SDC - Development Management

Cumulative Impacts

There are likely to be cumulative impacts in conjunction with other developments.

Chapter 18 of the PEIR is noted, which sets out the approach towards the cumulative impact assessment. At this stage, only a long list has been prepared – this appears to include a range of relevant plans and projects, although it is considered that it needs to be reviewed and updated prior to a short list being prepared, as it is noted that it omits a number of major applications within the relevant search area, which have been submitted recently. A short list has not yet been prepared, but once it has been, it will need to be reviewed and updated as necessary as the development proposals evolve. It is noted that stages 2, 3 and 4 of the cumulative impact assessment will be completed and included as part of the Environmental Statement. The Authorities would welcome early and ongoing discussions on the cumulative impact assessment, given the number of projects which are coming forward in location of the proposed development concurrently.

SDC - Conservation

I have reviewed the consultation documents, in particular the non-technical summary and the heritage chapter within the PIER.

To the north of the Existing Drax Power Station is a Scheduled Monument, Drax Augustinian Priory. There is a Grade I Listed Building (12th Century Church of St Peter and St Paul), a Grade II Listed Building and Hemingbrough Conservation Area within 1 km of the Site. There are nine non-designated Heritage Assets within 500 m which are predominantly below ground assets, the below ground assets will need to be assessed by the Archaeology team at North Yorkshire County Council.

As mentioned previously, there are likely to be built non-designated heritage assets but these have not been formally identified by Selby District Council. There would need to be a review of historic maps and a walk around the area to determine potential non-designated heritage assets.

SDC – Contaminated Land

The report identifies potential contamination sources on the site, including made ground associated with historical development and landfilling, operating processes of Drax Power Station, a historical sewage works, storage tanks, railway sidings and agricultural land uses.

Human health, surface waters, ecological receptors, secondary A aquifers and the Sherwood Sandstone Formation principal aquifer, are identified as potential receptors being at a moderate/low risk from these potential contamination sources.

In order to mitigate these potential impacts, measures will be implemented to prevent contamination of surface or groundwater during construction as a result of accidental spillage or leakage, manage unexpected ground contamination should it be uncovered during construction and a Soil Management Plan will be produced which will contain measures to maintain the quality of the agricultural soils during construction to prevent significant effects on farm practices. These measures will be included in the Register of Environmental Actions and Commitments (REAC) that will accompany the ES and will be taken forward into the CEMP for the Proposed Scheme.

With the implementation of these mitigation measures, no significant effects are anticipated for construction, operation or decommissioning.

A ground investigation will be undertaken to inform detailed design which will include soil and water testing for possible contamination. This will also be used to confirm whether materials can be reused or whether remediation is required.

The Preliminary Environmental Information Report provides a good overview of the site's setting and it's potential to be affected by contamination. The conceptual site model adequately describes the relationship between the potential contamination sources and contaminant receptors for the proposed development. I am pleased to confirm that the report and the proposed approach and site investigation works are acceptable. The completed site investigation report and quantitative risk assessment, and details of any proposed remedial works, should be submitted in support of the application. If contamination is found, please note that appropriate remedial action will be required to make the site safe and suitable for its proposed use and to protect other identified receptors from contamination.

SDC – Environmental Health

Further to your consultation dated 1st November 2021 concerning the above proposals. I have considered the information provided by the applicant and would make the following comments in relation to Chapter 6 (Air Quality) and Chapter 7 (Noise and Vibration).

Air Quality

In response to PEIR Vol 1, Chapter 6 'Air Quality':

Construction Phase

6.4.2 The scope of the assessment is justified and will be secured within the CEMP. Effects of pollutant emissions from construction vehicles have been scoped out of the assessment, and I would concur with the assessment that the proximity of the works to the district's only designated Air Quality Management Area (AQMA) is such that significant air quality impact from construction traffic movements is unlikely.

Operational Phase

6.4.30 The two coal-fired units are not included in the baseline because they stopped generating electricity commercially in March 2021. Air pollutants associated with the operational phase are identified (6.4.28) and baseline data sources provided (6.4.13). I would emphasise the need to accurately set the baseline data to reflect the assessment, notably by ensuring that data source modelling is aligned to the operation of two biomass units without BECCS from the main stack in the absence of coal-fired units.

Noise & Vibration

In response to PEIR Vol 1, Chapter 7 'Noise and Vibration':

Construction Phase

NOISE:

7.4.10 It is proposed to define construction noise through an average of LAeq,1hr values over a 12-hour working day to account for variations in noise due to plant-on and plant-off time, to generate a final LAeq,12hr. Whilst long average target noise criteria are typically appropriate for general construction work, applying this to high impact activities will likely be to the detriment of residential amenity. This is acknowledged within BS5228-1:2009+A1:2014 which states that impulsive noise cannot always be controlled effectively using a long LAeq and instead suggests specifying a short LAeq or looking to control maximum levels (LAFmax). Therefore, high-impact noise activities should be well defined, for example piling works, rollers and tunnel boring, and consideration given to a more representative LAeq,T for such works.

7.7.4 BS5228-1:2009+A1:2014 ABC noise assessment methodology is proposed and adoption of the lowest Category A noise criteria is proportionate given the predominantly rural construction zones, so too is the 500m buffer for sensitive receptor identification (7.5.1).

7.8.1 There is potential for construction works outside of 'core hours' and it is assumed that core hours are 0800-1800 Monday to Friday, 0800-1300 Saturday, and not at all on Sundays and Bank Holidays. I would question the need for construction during evenings and on Sundays/Bank Holidays, and in any event construction hours should be clearly defined due to its relationship with the likelihood of significant noise effects.

VIBRATION:

7.4.20 The SOAEL is set at a PPV level >1mm/s, which accords with BS5228-2:2009+A1:2014 whereby a vibration level of 1mm/s in residential environments will cause complaint but can be tolerated if prior warning and explanation has been given to residents, while 10mm/s is likely to be intolerable for any more than a very brief exposure.

Operational Phase

NOISE:

7.6.2 Noise monitoring was undertaken between 19th May and 16th June 2021 which is justly representative of the operation in the absence of coal-fired units that ceased in March 2021. Monitoring locations are representative of the sensitive receptors (Figure 7.1).

7.7.8 I am unable to locate the NOEL for operational noise, assumed to be where the rating level (LAr) does not exceed existing background levels (LA90,T) (i.e. a difference of 0dB within Tables 7.16 and 7.17). The BS4142 initial assessment identifies instances of adverse and significant noise effects during the operational phase of between +1 and +16dB, albeit based on assumed noise levels. This contradicts local and national planning policy in its current form, which is acknowledged in 7.11 to explore additional mitigation for the compressors and update the operational noise model and assessment within the ES.

VIBRATION:

7.7.2 Vibration effects during operation are not considered to be significant, and I concur with the proposals to quantify operational vibration as part of the assessment within the ES (7.4.38).

NYCC – Ecology

It is noted that the scheme remains in development with ecological surveys and assessments on going – this is partly a result of seasonal restrictions and also due to ongoing detailed design which will affect the outcome of the assessment and specific elements such as biodiversity net gain. It is also noted that the scheme has now removed the Drax Jetty from the proposals.

We welcome the opportunity to have further discussions with the applicant in relation to ecological assessment, mitigation and management once the detailed design has been finalised, all surveys and assessment have been completed and the BNG calculations are complete. We would particularly welcome the opportunity to comment on the landscape and biodiversity mitigation and compensation strategy.

The approach to ecological assessment set out in the PEIR chapter 8 is supported as it follows current best practice guidance. Where full survey information or assessment is not yet available it is

understood that a worst case scenario has been considered at this stage and we would agree with this approach.

Table 8.7 sets out the current expected likely significant effects – whilst acknowledging that this is only preliminary at this stage we generally agree with the assessment which appears reasonable in terms of the location, types and scale of the proposed works. Table 8.9 set out the preliminary mitigation which may need to be incorporated depending on the final assessment. Overall the mitigation measures proposed are considered to be achievable and they can be secured through the DCO process. We would like the opportunity to discuss specific mitigation proposals once the final assessment has been undertaken.

At this stage in the assessment process there are a number of potential residual effects identified. If these are expected to remain once the final assessment has been undertaken we would like to discuss these impacts. In relation to the operational air quality impact we would welcome a joint meeting with Natural England in this regard.

In relation to the residual impacts upon species we would be keen to investigate if any advanced works could be undertaken to offset the time delay in compensatory habitat reaching maturity.

We are aware of other project in the general area of Drax, including proposals at Barlow Ash Mound which may overlap in terms of timescales and would encourage the applicant to fully explore cumulative effects.

We are fully supportive of the intention of this project to provide a minimum of 10% biodiversity net gain in line with current guidance set out in the recent Environment Act 2021. We support use of the most up to date version of the Defra Biodiversity Metric in presenting data on biodiversity losses and gains. The proposals for BNG should sit within a wider landscape and biodiversity strategy which has clear objectives and set out how monitoring and management will be delivered in the long term.

NYCC – Historic Environment

Table 10.6 – The study should include assessment of available aerial photographs and LIDAR data. The LIDAR data should be particularly useful for identifying former water channels and drainage along with the medieval pond to the west of Drax Abbey.

10.4.18 – I agree that the current operational area of Drax Power station is unlikely to include below ground heritage assets given the likely extent of previous disturbance during its construction

10.6.14 – The term ‘Non-Designated Heritage Asset’ should only be used for sites or buildings that have a specifically defined level of interest, e.g. inclusion on a local list. Although the majority of heritage assets are ‘non-designated’ my understanding is that a ‘Non-Designated Heritage Asset’ needs to have been specifically identified by plan making bodies. The sites listed in this paragraph would currently be considered ‘heritage assets’. See:-

Historic environment - GOV.UK (www.gov.uk) Paragraph: 039 Reference ID: 18a-039-20190723
Revision date: 23 07 2019

10.7.7 – This paragraph ascribes a medium value to the medieval fishponds at Drax Abbey (MNY10071). Medieval fishponds are quite regularly Scheduled in their own right and this one is adjacent and directly related to the Scheduled Monument at Drax Abbey. I would argue that the

association and potential to contain waterlogged organic deposits means that this feature is of high value and potentially of equivalent significance to a Scheduled Monument.

10.8.2 – This paragraph proposes ‘a watching brief’ as appropriate mitigation for the recording of archaeological remains within the laydown area and environmental mitigation area if required. The watching brief should be carried out according to the guidance set out in Chartered Institute for Archaeologists. 2014. Standard and guidance for an archaeological watching brief. CIfA.

NYCC – Highways

Assessment of the consultation documentation shows that the Preliminary Environmental Impact Report is still preliminary and whilst it refers to further discussion with the highway authority the information needs additional assessment and therefore the LHA will need to be consulted further down the line to be comfortable with the outcomes in the DCO.

Meetings are suggested as have taken place in the past with Drax together with Area 7 officers as this site very much impacts on area 7 management of the network.

As for the documents the developer has identified reports such as a completed Transport Assessment a Construction management plan and Travel plan which the LHA agrees are needed as well as discussion on how AIL loads will be brought to site. It seems once numbers are known for the construction phase and hence the scheme impact we will be able to discuss or comment further.

NYCC – Landscape

Thank you for your Landscape consultation on the above PEIR information.

The scheme remains at a stage of development. There have been some scheme changes since the Scoping Report (January 2021), including a change in the proposed cooling system (to use the existing cooling towers) and not to use the Drax Jetty (now excluded from the scope of works).

These comments principally relate to Chapter 09 Landscape and Visual Amenity in the Applicant’s PEIR report, but comments overlap with other topic areas such as Ecology, Heritage, and Ground Conditions.

The PEIR indicates that several aspects EIA and the design are still being developed and excluded from the current submission. A brief outline of these is provided in the PEIR:

- The Design Framework and Design Principles document
- Lighting Strategy
- Landscape Mitigation and Outline Landscape and Biodiversity Strategy (OLBS)
- Management Plans based on the mitigation plans
- Register of Environmental Actions and Commitments (REAC) – to include requirements for a Construction Environmental Management Plan (CEMP) and Landscape Management Plan

We would welcome the opportunity to provide further detailed landscape comment once the various aspects of the design have been finalised, strategies and mitigation are more fully developed.

Landscape and Visual Methodology – We welcome the proposed methodology and approach set out in the PEIR Report Chapter 9.2 (Legislation, Policy and Guidance) and Chapter 9.4 (Assessment

Methodology and Significance Criteria). For the LVIA PEIR Option 1 and Year 0 are considered as worse-case scenario. This is to be further developed and agreed as part of the ES following development of mitigation measures, and we would generally agree with this approach.

Landscape and Visual Effects – It is noted within Chapter 9 LVIA Table 9.13 Landscape Effects that a range of Negligible, Minor and Moderate Adverse Effects have been identified at Operation Year 0 and at Decommissioning.

It is noted within Chapter 9 LVIA Table 9.14 Visual Effects that a range of Negligible, Minor, Moderate and Major Adverse Effects have been identified at Operation Year 0 and at Decommissioning, some of which are Significant.

Topographical Survey / Existing trees and Vegetation / Soils and Agricultural Land - The Applicant does not consider that a topography plan needs to be prepared at this stage but has offered to prepare an existing site plan with ground levels to inform the Proposed Scheme.

The Applicant states that all existing vegetation will remain undisturbed and protected through a Construction Environmental Management Plan and that a tree survey is not necessary.

The Applicant states that a soil survey, assessment and management plan are not necessary because no construction works are to be undertaken in the Environmental Mitigation Area and that restoration of the Laydown Area will be covered in a REAC and Construction Environmental Management Plan.

At this stage it is not fully clear how these elements might be affected and it remains the Applicant's responsibility to demonstrate that information included in the ES is sufficiently detailed to explain the design, layout, landscape and visual effects, and mitigation of the proposed development, and that existing landscape resources are protected where reasonable and possible.

Cumulative Assessment – It is noted that within the LVIA the assessment of cumulative effects is still to be developed, but welcome the general approach and method listed in Appendix 9.1 LVIA Methodology.

Study Area – Explanation of the study area extents should be included in the Methodology. As stated at the Scoping stage, for the LVIA we support a maximum study of 10km from the site boundary with a focused 3km study area on built and natural environmental features. We would also support the proposal that this should be extended to a 15km radius for the purposes identifying 'other development' for the assessment of cumulative effects.

Assessment Viewpoints, Mapping and ZTV – The principle of establishing a ZTV using a DTM is acceptable but this should be verified through fieldwork to establish an accurate visual envelope.

As stated at the Scoping stage, the principle of using representative viewpoints to illustrate the experience of different types of visual receptor is acceptable, however the assessment should aim describe and assess the full effects of the development (not limited to a summary of viewpoints). The assessment should provide mapping of the landscape and visual effects to help quantify and illustrate the geographical extent of all receptors and likely effects of the development.

A list of representative viewpoints, photograph and photomontages (including night-time views) was discussed and agreed with the LPA, as summarised in Table 9.2 Consultation Summary Table Chapter 9 Landscape and Visual Amenity.

Photographs and Photomontages - We welcome the proposed method and approach to photographs and photomontages, in-line with Technical Guidance Note (TGN) 06/19 Visual Representation of Development Proposals (Landscape Institute, 2019).

We would consider that for annotated photo-panoramas TGN 06/19 Type 1 or additional wirelines to TGN 06/19 Type 2 are most appropriate. For viewpoints selected for photomontages we would suggest at least Type 3, but Type 4 should be considered where sensitivity of context, scale and proximity of the development warrant it. We would wish to see a realistic impression of scale and detail.

It is noted that Appendix 9.1 LVIA Methodology para. 1.10.2 states wirelines are to Level 1 which seems not in accordance with TGN 06/19 and this should be clarified.

It is noted that the Wireline for Viewpoint 3 Figure 9.25b shows the proposed scheme partly obscured by the perimeter security fence. We suggest that the Applicant should consider re-taking the photograph in an adjusted location to allow an open full view of the proposed scheme and that this should be produced as a full rendered visualisation Level 3 (rather than wireline).

We would wish to see photomontages explain how adverse effects will be mitigated over time. Photographs should include winter views where possible to explain the worst-case scenario.

Appendix 3 and 4 in TGN 06/19 should be noted, with camera / tripod height / position in the field adjusted as necessary so that views show the full extent of the site / development and show the effect it has upon the receptor location. Views of the site should not be unnecessarily obscured by buildings, roadside hedgerows or other vegetation.

We would welcome the opportunity to discuss viewpoints and photomontages further once final Proposed Scheme details and mitigation have been developed.

Site Design / Alternative Design Options – The Design Framework and Design Principles document proposed by the Applicant is welcome. The Applicant should consider both functionality and aesthetics as far as possible, in-line with National Planning Policy Statement criteria for good design.

This document should explain how the current application achieves principles of ‘good design’ in context of the site as a whole, for the overall composition of site structures, massing, layout, colour and materials, aiming to reduce overall massing, visual coalescence and site clutter.

Cross Sections and Elevations – Cross sections and elevations should be included in order to explain design, context and scale of the proposed development.

Night Time Visual Effects – the Applicant should undertake and assessment of night-time visual effects where lighting is to be proposed. The Applicant has proposed to provide a Lighting Strategy, which is welcome. Photomontages representing the final lighting scheme are still to be developed.

Landscape Proposals, Mitigation, Maintenance and Aftercare – The Applicant has proposed to produce a Landscape Mitigation and Outline Landscape and Biodiversity Strategy (OLBS), which is welcome.

The OLBS should consider the wider cumulative effects and avoid removing or double-counting landscape mitigation previously committed as part of other planning approvals.

Landscape proposals and mitigation should be proportionate to the scale of the development and should have regard for and contribute to the wider landscape character and setting, local amenity with clear aims and objectives.

Landscape proposals should support the Government's commitment to improving green infrastructure, health and wellbeing, as set out in the 25 Year Environment Plan. The Leeds City Region Green and Blue Infrastructure Strategy, NPPF and other local policy, also recognise GI.

Should you have any queries please contact Michael Reynolds on the above contact details.

Yours faithfully

Michael Reynolds
Senior Policy Officer (Infrastructure)
North Yorkshire County Council



NORTH YORKSHIRE FIRE & RESCUE SERVICE

NYFRS Reference:

Premises: 00372002
Job: 1233762

**York Fire Station
Kent Street
York
North Yorkshire
YO10 4AH**

When telephoning please ask for: K Caulfield

Tel: 01904 625272
Fax: 01904 620732

Email:

05 November 2021

Dear Sir or Madam

Drax Power Station, Main Site - General, New road, Drax, Selby, YO8 8PQ

FIRE SAFETY - COMMUNICATION WITH THE PLANNING AUTHORITY

Receipt is acknowledged of your planning communication:

Dated: 29/10/2021
Plans No: Drax Bioenergy with carbon capture and storage

Your communication has been dealt with as follows:

At this stage in the planning approval process the North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority have no objection/observation to the proposed development. The North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority will make further comment in relation to the suitability of proposed fire safety measures at the time when the building control body submit a statutory Building Regulations consultation to the Fire Authority.

Drax Power Station
Main Site - General
New road
Drax
Selby
YO8 8PQ

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www.northyorksfire.gov.uk

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Under the Regulatory Reform Order 2005 we are obliged to publish a public register of enforcement action which can be viewed via our website, www.northyorksfire.gov.uk/about-us/financial/lists-and-registers/.

Should you require further information please contact the officer whose name appears at the head of the letter.

Yours faithfully

K Caulfield



North York Moors
National Park
Authority

Tom Hind
Chief Executive

Drax Power Limited
FAO Jim Doyle
via email

Your ref:

Our ref: NYM\2021\ENQ\17471

Date: 05 November 2021

Dear Drax Power Limited

Consultation regarding proposal for Bioenergy with Carbon Capture and Storage (BECCS) within existing plant at

Thank you for the enquiry regarding the above received 02/03/2021.

This Authority has reviewed the submitted documentation for this interesting project, however it has no comments to make.

Yours sincerely

Mark Hill

Mr Mark Hill, MRTPI, PG Dip (URP)
Head of Development Management

Working together to sustain the landscape and life of the
North York Moors for both present and future generations to enjoy

The Old Vicarage, Bondgate, Helmsley, York YO62 5BP
01439 772700 general@northyorkmoors.org.uk
planning@northyorkmoors.org.uk northyorkmoors.org.uk





Drax Power Ltd
FAO Jim Doyle
Drax Power Station
New Road
Drax
Selby
North Yorkshire
YO8 8PQ

Contact: South Team
Tel: 01757 705101
Ref No: 2021/1342/GOV
Date: 8 November 2021

Dear Drax Power Ltd
Proposal: Statutory Consultation under section 42 of the Planning Act 2008 - Drax BioEnergy with Carbon Capture and Storage (BECCS)

Important Information - Implications for your planning application

On the 1st January 2016 Selby District Council adopted the Community Infrastructure Levy (CIL). **This may have significant implications** for your application.

Since the adoption of CIL all relevant current planning applications which have not been determined prior to 1st January 2016, will be liable for payment of CIL- regardless when they have been submitted.

The CIL regulations (The Community Infrastructure Levy Regulations 2010, as amended) detail the levy as liable on any development where the internal gross floor area* of a new build exceeds 100 square meters – the whole floorspace area is charged not just the area over 100 square meters. This would include extensions and buildings which replace demolished buildings.

*Internal gross floor area is the area of a building measured to the internal face of the perimeter walls at each floor level. It should include rooms, service spaces such as lifts and floorspaces devoted to corridors, toilets, storage and underground parking etc.

Details of Selby District Council's charging schedule, as well as the full charging schedule, can be found on the Council's website at www.selby.gov.uk.

The next step

In order to establish if your application will be liable for a CIL Payment please refer to the information contained on the Selby District Council website www.selby.gov.uk (enter CIL into the search box). This will take you direct to the relevant forms and guidance. If you complete Form 1 (Planning Application Additional Information requirement) and Form 2 (Assumption of Liability) and return the completed form to us we will then be able to provide

you with details of any charges your development may occur. **If you have already submitted these forms you do not need to submit these again.**

Further information about CIL is also available on the planning portal –
www.planningportal.gov.uk

If you remain unsure about how this will affect your planning application, please contact your allocated planning officer or email [REDACTED]

Yours sincerely

A large black rectangular box redacting the signature of the Head of Planning.

Mr M Grainger

Head Of Planning

CIL – Guidance Overview

The Community Infrastructure Levy (CIL) Process - January 2016

This note sets out the processes involved in respect of the charging and collection of CIL. Selby District Council's CIL Charging Schedule took effect on 1st January 2016 and all relevant planning consents granted after that date may be liable to pay CIL.

The CIL Process

Step 1 – If the planning application proposed is, or maybe CIL, liable the CIL Additional Information Requirement Form (CIL Form 1) must be submitted – this can be done with the Planning Application form and details.

The CIL Additional Information Form guidance notes will help you complete the form correctly – please note should you tick Section 7B of Form 1 (the application includes previous buildings on the site in lawful use for at least 6 months out of the past 3 years) then * evidence of this must be also submitted. NB This is not necessary if the proposal is only for a change of use of an existing building which does not involve an extension of over 100sqm or involves the creation of a new dwelling).

*This evidence should include proof of Business rates or Council tax payments – the same evidence that would be required to determine a Lawful Development Certificate for an existing use.

If the Council deems the application not to be liable for the CIL then this will be acknowledged and there is no need to continue to the rest of the steps below.

Step 2 – The developer, landowner or another interested party assumes liability for the levy by submitting *CIL Liability Notice. It is best if this is submitted at the same time as the Additional Information Form (Form 1), although it doesn't have to be. If it is not submitted prior to commencement of the development then the default person(s) who will have to pay the levy will be the landowner(s).

Liability of CIL can be transferred to another person at any time, or withdrawn, if it is before commencement of the development. CIL form 3 – Withdrawal of Assumption of liability or CIL form 4 – Transfer of Assumed Liability are the required forms which will need to be completed and sent to the Authority.

Step 3 – On granting of Planning Permission (or on receipt of Notice of Chargeable Development), the Council will issue a *CIL Liability Notice (CIL Form A) – to the applicant, developer and whoever has assumed liability for the scheme which sets out the CIL charge due and details of the payment procedure. If there are any subsequent changes which requires the CIL liability to alter, the Council will send a new Liability Notice and any previous notice is automatically cancelled.

Step 4 – The following forms of relief are available and the CIL forms – Claiming Exemption or Relief must be submitted and agreed by the Council before commencement in order to claim any relief:

- Charitable relief – Form 10
- Social Housing relief – Form 10
- Self-build exemption for a residential annexe or extension – Form 7 Part 1 & 2
- Exceptional circumstances relief – Form 13

Further details of exemptions and relief can be found on the Council's website
www.selby.gov.uk

Step 5 - Before development starts the relevant person(s) must submit CIL Form 6- Commencement Notice to inform the Council about to start date of the development. **The Council must receive this notice at least one day before development commences, otherwise financial penalties will be applied**

Step 6 – The Council will issue a Demand Notice and whoever has assumed liability must pay the charge in accordance with the Council's Instalment Policy.

Step 7 – An Information Notice can be sent by the Council at any point in the above process to gather information on a range of aspects of the CIL.

Please note the above is a brief overview of the process – full details can be found on the Council's website – www.selby.gov.uk . All relevant forms and full guidance are also available.

If you have any queries relating to CIL you can also contact the CIL email box at cil@selby.gov.uk

Should any development be liable for CIL and the Council is not informed of the details above it will default the CIL liability to the landowner of the development and if the development has commenced there will be no provision for any relief, exemptions or instalments (regardless if these would normally be applicable) – it is therefore highly recommended that all applicants are aware of the above.

Details of CIL legislation can be found via the Council website, the Planning Portal and Dept. for Communities and Local Government website

The relevant legislation is - The Community Infrastructure Levy Regulations 2010 (as amended)

Surcharges and other penalties

What happens if I don't pay what I owe after receiving a Demand Notice?

The CIL payment is mandatory and non-negotiable. If you do not pay on the time, the regulation require that you will be subject to a penalty, plus you will not be able to pay in instalments so the total amount will immediately become due. There are strong enforcement powers and penalties for failure to pay.

What happens if liability isn't assumed before commencement?

If no-one has assumed liability to pay CIL before the commencement of development (by submitting a CIL Form 2 - Assumption of liability) the Council will impose a surcharge of £50.00 per landowner. If the Council has apportioned liability between one or more landowners, there is an additional surcharge of £500.00 per landowner.

What happens if a Commencement Notice isn't submitted before development commences?

Failure to submit a CIL Form 6 – Commencement Notice a surcharge of 20% of the CIL amount due, or £2,500.00 if lower, will be applied.

What happens if an Information Notice is not complied with?

Failure to comply with any requirement of an Information Notice within 14 days of the Notice being served will have a surcharge of 20% of the CIL amount due, or £1,000.00 if lower, applied.

What happens if I fail to pay on time?

Interest is charged on late payments at 2.5% above the Bank of England base rate. Late payments also mean that any remaining instalment payments become due immediately, plus the following surcharges

5% of the outstanding amount where payment is still overdue after 30 days (£200.00 minimum).

Plus a further 5% of the outstanding amount where payment is still overdue after 6 months (£200.00 minimum).

Plus a further 5% of the outstanding amount where payment is still due after 1 year (£200.00 minimum).

What happens if I do not notify the Council of a disqualifying event?

When a disqualifying event occurs (e.g. a self-build house is constructed and then sold to a different occupier within 3 years) the liable person is required to notify the Council. If that person fails to do so within 14 days of the disqualifying event occurring, there is a surcharge of 20% or £2,500.00 (whichever is lower).

The CIL Stop Notice

Where the Council believes that surcharges will not secure payment of the overdue CIL, a CIL Stop Notice may be served, which prohibits development from continuing until payment is made. Continuing to develop in the presence of such a notice is a criminal offence.



Believe in better

Dear Sir / Madam

Please find updated contact details for our Plant Enquiry Team below.

Our preferred method for receiving and responding to enquiries is by email and all enquiries should be sent to [REDACTED] with a map and full Eastings & Northings (grid references).

This will not only ensure a quicker response, but also help limit our carbon footprint by reducing paper waste.

If you still wish to send us enquiries by post, our address details are as follows;

SKY UK Ltd,
NRSWA,
70 Buckingham Avenue,
Slough,
Berkshire,
SL1 4PN

Please inform all those in your company that submit enquiries of these changes. All enquiries should also include a location map, nature of your intended works and address details with eastings/ northings being preferred.

Kind Regards,

Tabitha Harris

NRSWA Administrator

Tech UK Implementation

Sky UK Limited

70 Buckingham Avenue

Slough

SL1 4PN



Sky UK Limited, 70 Buckingham Avenue, Slough, SL1 4PN

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Environmental Hazards and Emergencies Department
Seaton House, City Link
London Road
Nottingham, NG2 4LA

nsipconsultations@phe.gov.uk
www.gov.uk/ukhsa

Your Ref: ENO10120
Our Ref: CIRIS 58400

FREEPOST CARBON CAPTURE BY DRAX

6th December 2021

Dear Sir/Madam

**Nationally Significant Infrastructure Project
Drax Power Limited: Drax Bioenergy with Carbon Capture and Storage (ENO10120)
Public Consultation Section 42 Stage**

Thank you for your consultation regarding the above development. The UK Health Security Agency (UKHSA) and the Office for Health Improvement and Disparities (OHID) (formerly Public Health England) welcome the opportunity to comment on your proposals and Preliminary Environmental Information Report (PEIR) at this stage of the Nationally Significant Infrastructure Project (NSIP). Advice offered by UKHSA and OHID is impartial and independent.

Please note that we have replied to earlier consultations as listed below and this response should be read in conjunction with that earlier correspondence:

Request for Scoping Opinion 16/02/2021

The health of an individual or a population is the result of a complex interaction of a wide range of different determinants of health, from an individual's genetic make-up, to lifestyles and behaviours, and the communities, local economy, built and natural environments to global ecosystem trends. All developments will have some effect on the determinants of health, which in turn will influence the health and wellbeing of the general population, vulnerable groups, and individual people. Although assessing impacts on health beyond direct effects from, for example emissions to air or road traffic incidents is complex, there is a need to ensure a proportionate assessment focused on an application's significant effects.

We have assessed the submitted documentation and wish to make the following comments:

Environmental Public Health

Areas for acknowledgement

We acknowledge that the policy and legislation context is well defined in each of the chapters. There is a strong focus on ensuring the impacts of the Development Consent Order (DCO) Project are

compliant with the legal frameworks. However, the policy and legislation should be kept under review between now and submission of the ES to reflect any changes/alterations.

Areas of concern

We note that other projects potentially having interactions and relevant cumulative effects have been identified. At this stage, only a brief discussion of each of the developments is presented and the cumulative effects do not appear to have been adequately assessed. We would expect a full evaluation of potential cumulative effects within the Environmental Statement (ES). Further detail is also needed on the proposed methodology for identifying in-combination effects. We would expect clarity on how the findings of the individual topic areas are brought together in a meaningful way. The UKHSA would also welcome further detail regarding the professional judgement which is anticipated to play a role in the assessment of the significance of in-combination effects. Professional judgements need to be based on clearly defined principles and values, ideally to be agreed beforehand with relevant stakeholders. There may be opportunities to apply quantitative methods in some cases, rather than solely relying on a qualitative, narrative based methods.

Drax Power Limited have undertaken a preliminary assessment using professional judgement and a matrix-based approach, in some cases taking into consideration magnitude and receptor sensitivity. However, we are concerned about key areas of omissions and gaps in the information provided in the consultation material. These are set out in more detail below. Where this is the case, we cannot be confident that the expected outcomes are valid.

Clarity

There is lack of clarity in several areas (particularly the water environment and land quality) of the PEIR. These include:

- Limited justification for the classification criteria and how these criteria have enabled Drax Power Limited to reach judgements as to the significance of the risk. It is important that we understand the rationale behind the criteria and how they have been applied to specific assessments;
- No stipulation of weighting, suggesting that each criterion is of equal consideration in characterising risk. We would expect to see in the ES, a clear explanation as to how and why such conclusions have been reached;
- It is difficult to understand what parameters/inputs have been used to describe worst case scenarios.

Completeness

There are significant gaps in details for several areas of the PEIR. These include:

- Gaps in baseline and methodology details for assessment of areas such as the water environment, and land quality
- Based on the number of water abstractions for agricultural use identified, we would recommend that the Food Standards Agency are consulted to ensure water is of the appropriate quality.

As set out in our scoping response, we would expect an ES to include a specific section summarising potential impacts on population and health. This section should bring together and interpret the information from other assessments as necessary. We believe the summation of relevant issues into

a specific section of the report provides a focus which ensures that public health is given adequate consideration

Human Health and Wellbeing – OHID

This section of OHID's response identifies the wider determinants of health and wellbeing we expect the ES to address, to demonstrate whether they are likely to give rise to significant effects. OHID has focused its approach on scoping determinants of health and wellbeing under four themes, which have been derived from an analysis of the wider determinants of health mentioned in the National Policy Statements. The four themes are:

- Access
- Traffic and Transport
- Socioeconomic
- Land Use

Having considered the submitted consultation documents OHID wish to make the following specific comments and recommendations:

General comments

The PEIR lacked detail or data on which to comment, with many references to intended content within the final ES. This prevents detailed responses at this stage and increases the risk of comments at the DCO stage. It is recommended that further targeted consultation is undertaken prior to the DCO submission.

Methodology

Temporal scope and reporting

The proposed construction timeline results in the need for very clear reporting on the temporal impacts and effects on the local population. In this context "temporary" impacts can extend over long periods, but the PEIR does not comment on how the temporal scope will be defined.

The reporting of temporary effects is therefore not clear. In order for the local community to understand the potential impacts and effects and to assess the magnitude of impacts it is important to understand the temporal nature of any impacts. This is relevant for impacts on Public Right of Ways (PRoW) and the presence of non-home-based construction workforce

Recommendation

The reporting of temporary impacts within the ES should ensure a consistent, transparent, and accurate approach to the reporting of temporary effects, for example by sub-dividing temporary effects into weeks, months or years.

Physical activity / active travel / access to open space

The report identifies potential impact through the change in formal PRoW and the existing road network. Active travel forms an important part in helping to promote healthy weight environments and increase physical activity and as such it is important that any changes have a positive long-term impact where possible. The report identifies that traffic and transport data has yet to be finalised and reported

and no data regarding usage of PRow has been provided. Additionally, no detailed mitigation has been identified other than the intention to submit a PRow Management Plan.

The PEIR makes no qualitative assessment on the impact from construction on walkers, cyclists or horse riding using the affected road network, but this is to be reported in the ES. The PEIR does not contain any details of pedestrian/cycle usage of the local highway network which can inform the findings in Table 5.10 and Para 5.7.2. The assessment of sensitivity within Table 5.10 should be checked with the local highways department and informed by usage, for example the A645W may be suitable for higher sensitivity given there is no lighting, but a footpath is available for use.

Recommendations

- Local consultation or usage data results should be used to review the existing allocation of sensitivity and final assessment of significance to each of the affected PRows and local highway sensitivity for pedestrians and cyclists.
- There should be continued local consultation in order to identify any additional enhancements for active travel and physical activity and agree effective mitigation measures.
- The ES should screen and address any impacts on pedestrians and cyclists including delay, amenity, or safety using the local road network, as outlined within the IEMA GEART Guidelines.

Non-Home-based Workers - Housing affordability and supply / demand on local services

The report recognised that the presence of significant numbers of construction workers (up to 1,000) could foreseeably have an impact on the local availability of affordable housing. Those residents looking for low cost affordable homes will have the least capacity to respond to change (for example, where there may be an overlap between construction workers seeking accommodation in the private rented sector, and people in receipt of housing benefit seeking the same lower-cost accommodation).

The report proposes a potential moderate adverse temporary effect (Para 16.7.12) on the demand for local accommodation due to the non-home-based temporary workforce for the construction phase but does not propose mitigation. The report does not identify the likely peak number of non-home-based construction workers or the current available provision within the local private rented sector or tourist accommodation.

The cumulative effect from other large developments nearby have not been considered. As such the assessment has not been based on an evidence-based justification.

Recommendations

- Demand for temporary accommodation and local services by the non-home-based workers should be identified and an assessment made regarding the potential impact, including on local housing supply, affordability, and homelessness provision of short-term accommodation.
- The Cumulative Effects Assessments identifies other development within the Zone of Influence which may also require increased numbers of non-home-based workers to travel to the work area. The cumulative effects on accommodation provision should also be considered.
- Consideration should also be given the potential demand on local services should the peak construction workforce be significant.

Electromagnetic fields (EMF)

In our scoping response, attention was drawn to advice on the possible health effects of power frequency electric and magnetic fields produced by electrical installations such power stations and related electrical infrastructure.

Recommendation

The possible health impact of electric and magnetic fields should either be considered using the framework provided in the scoping response, and either assessed fully or scoped out as necessary.

If you require any clarification on the above points or wish to discuss any particular issues please do not hesitate to contact us.

Yours faithfully

On behalf of UK Health Security Agency
nsipconsultations@phe.gov.uk

Please can you **resubmit** this and all future requests to include:

- the site location address (including postcode if possible) within the subject heading,
- send separate emails for each separate site location,
- 12-digit grid references within the body of the email,
- a site location plan.

If you sent attachments in your original email then you will need to attach them again.

Please re-send to osm.enquiries@atkinsglobal.com

Many thanks

Plant Enquiries Team

T: 01454 662881

A: Vodafone Plant Enquiries, c/o Atkins, The Hub, 500 Park Avenue, Aztec West, Almondsbury, Bristol, BS32 4RZ

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Grayling is part of Huntsworth. Registered number: 3140273. Registered office: 8th Floor, Holborn Gate, 26 Southampton Buildings, London, England, WC2A 1AN, UK

Good morning Jim

I am now in receipt of your letter sent into Vodafone in November.

I will be the point of contact going forward so please feel free to reach out to me as and when necessary.

Kind regards
Caron

 **Caron Groves**
Networks Engineer
Consents & Wayleaves


Vodafone Limited, Vodafone House, The Connection, Newbury,
Berkshire, RG14 2FN


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C2 General

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