

# North Yorkshire County Council

## Business and Environmental Services

### Executive Members

23 April 2021

## Drax Bioenergy with Carbon Capture and Storage (BECCS)

### Report of the Assistant Director – Growth, Planning and Trading Standards

#### 1.0 Purpose of the report

1.1 The purpose of the report is to set out:

- An overview of the project
- The Consenting Regime
- The County Council's involvement in the project to date
- The joint working with Selby District Council

1.2 Also to recommend that the BES Executive Member for Open to Business authorises the Corporate Director, BES to use delegated powers to authorise the Local Impact Report, the Statement of Common Ground and further representations in response to questions from the Examining Authority on behalf of the County Council in relation to the proposal.

#### 2.0 The Project – Drax Bioenergy with Carbon Capture and Storage (BECCS)

2.1 Drax Power Limited intends to install post combustion carbon capture technology at up to two of the existing 600 MWe biomass power generating units at the Drax Power Station in Selby, North Yorkshire. This will remove up to 95% of the carbon dioxide from the flue gas, resulting in overall negative emissions of greenhouse gases.

2.2 Biomass will be sourced from sustainably managed forests to generate electricity. As the forests used to create biomass absorb carbon dioxide while growing, the carbon dioxide released when it is used as fuel is already accounted for, making the whole process carbon neutral. By then capturing and storing any carbon dioxide emitted in safe underground deposits, the process of electricity generation becomes carbon negative, as more carbon has been removed from the atmosphere than has been added.

2.3 The Proposed Scheme includes the following:

- Carbon capture infrastructure at the Drax Power Station;
- Compression and treatment of carbon dioxide at the Drax Power Station to allow connection to a National Grid carbon dioxide transport system;
- Potential Upgraded Drax Jetty and Road Improvements to facilitate the transport of abnormal indivisible loads; and
- Potential Environmental Mitigation Area to the north of the Drax Power Station.

2.4 The carbon dioxide captured will be transported via the proposed National Grid Ventures pipeline for compression at Easington and storage under the southern North Sea. Transport and storage infrastructure will be consented through separate applications.

2.5 NYCC has recently been contacted about the pipeline Development Consent Order (DCO) and we will report to BES Exec members in due course.

### **3.0 The Consenting Regime**

- 3.1 The project is a Nationally Significant Infrastructure Project (NSIP) due to its size and nature. Councillors Lee and Mackenzie will be familiar with the NSIP process through recent applications at Drax as well as at Eggborough Power Stations. A review of the overall process is as follows:
- 3.2 The planning application will take the form of a DCO which will be determined by the Secretary of State. Selby District Council is the relevant planning authority for the discharge of the planning requirements within the DCO. North Yorkshire County Council is the Highways Authority and will be a consultee. The final decision however as to whether to grant permission for the development lies with the Secretary of State.
- 3.3 The Applicant is aiming to submit its application in March 2022. Once submitted an Examiner will be appointed. NYCC will register the Council's interest in the application and the Examiner will ask for the Council's advice on it through written submissions and verbal submission at hearings. NYCC will aim to work with the Applicant over the coming months to work through and resolve as many areas of disagreement as possible before going into the examination and hopefully no areas of disagreement will remain by the end of the examination period.
- 3.4 NYCC will do that using familiar methods of mitigation either by requirements contained in the DCO itself or through section 106 if necessary (at the time of writing this report no section 106 needs have been identified).
- 3.5 The Examination period will last for 6 months. The Examiner will then make a recommendation to the Secretary of State who will have a further 6 months to decide.

### **4.0 Joint Working with Selby District Council**

- 4.1 Throughout the process NYCC staff will work with Selby District Council to respond to the application jointly as 'The Local Authorities'. Examples of this approach will be to submit one joint Local Impact Report and to agree one joint Statement of Common Ground with the Applicant.
- 4.2 This approach is favourable to the applicant and to the Planning Inspectorate which has expressed its desirability to the applicant because it fosters a closer working relationship with the Local Authorities and therefore, theoretically, a smoother examination process. It is how the two councils have worked together on other NSIPs. Together the two Authorities have the necessary technical specialists to respond to the application fully i.e. NYCC will respond as the Highway Authority and on ecological matters amongst others. Selby District Council officers will respond as Local Planning Authority and environmental health matters such as noise and air pollution.
- 4.3 To date council staff have attended the briefings together and have already submitted the local authorities' response to the applicants Scoping Report.
- 4.4 NYCC and Selby staff have set up monthly meetings to manage the application attended by key planning officers and technical officers. Senior management will be invited as and where required.

## **5.0 Planning Performance Agreement (PPA)**

- 5.1 The County Council and Selby District Council intends to enter into a planning performance agreement (PPA) with the Applicant. This allows NYCC to claim against funds set aside by the Applicant for professional officer time costs in dealing with the application. The funds that can be claimed extend to the use of consultants where required.
- 5.2 In exchange for the agreement calls for the officers to respond in a timely manner to the application and encourages close working with the applicant. It is considered to be an appropriate method of working by the examining Authority.
- 5.3 The County Council has done this with the previous NSIP applications at Drax and Eggborough Power Stations to good effect.

## **6.0 Delegation**

- 6.1 Leading up to the submission of the application to the examiner there will be significant resource implications for the council hence the PPA. Once submitted the examination timetable is set, creating its own time pressure. Officers have found it helpful in the past to have agreement of documents such as the Local Impact Report and the Statement of Common Ground delegated to the Director for Business and Environmental Services to assist in meeting these tight timescales.

## **7.0 Financial Implications**

- 7.1 As in section 5, the County Council and Selby District Council intend to enter into a planning performance agreement (PPA) with the Applicant. This allows the County Council to claim against funds set aside by the Applicant for professional officer time costs in dealing with the application. The funds that can be claimed extend to the use of consultants where required.
- 7.2 The PPA agreement provides funding for the estimated amount of officer time needed to work on this application and is reclaimed using timesheets in arrears. The estimates are based on experience with previous applications of this type. Should additional complex issues arise on the application, there may be additional officer time needed that will not be covered by the PPA. Additional costs may be agreed through negotiation with the applicant in this case, but this is not guaranteed and so additional officer time would be borne by the specialist service areas providing the advice.
- 7.3 In terms of discharging the requirements of the DCO that relate to the land within the administrative boundary of North Yorkshire, fees will be payable to Selby District Council as the relevant planning authority for the purpose of the DCO. The County Council may also seek to agree appropriate planning obligations, in conjunction with Selby District Council, to address the impacts referred to above, if considered necessary in planning terms.

## **8.0 Legal Implications**

- 8.1 The County Council is a Statutory Consultee and support for the scheme is subject to agreeing the requirements in the DCO and section 106 Agreement if required.
- 8.2 The County Council will have further involvement in its role as Statutory Consultee following submission of the application and during the examinations period, including possible attendance at issue specific, and DCO public hearings.

## **9.0 Equalities**

- 9.1 Consideration has been given to the potential for any adverse equality impacts arising from the recommendation. It is the view of officers that the recommendation does not have an adverse impact on any of the protected characteristics identified in the Equalities Act 2010. The initial Equalities Impact Assessment form is attached at Appendix A.

## **10.0 Environmental Impact Assessment**

- 10.1 The Application is not a County Council Scheme, see Appendix B for our initial assessment. A full Environmental Statement will be prepared by the applicant and submitted as part of the application. Through the application process Local Authority officers will respond on the scoping report and the Preliminary Environmental Impact Report (PEIR) and finally the full Environmental Statement. Our response to this will form a large part of our response to the application.

## **11. Recommendations**

- 11.1 It is recommended that the contents of this report are noted and
- a) the County Council supports this NSIP Development Consent Order application in principle, subject to agreement in relation to specific and localised matters of detail;
  - b) BES Executive Member for Open to Business authorises the Corporate Director, BES to use delegated powers to authorise the Local Impact Report, the Statement of Common Ground and further representations in response to questions from the Examining Authority on behalf of the County Council in relation to the proposal.

MATT O'NEILL

Assistant Director Growth, Planning and Trading Standards

Author of Report: Michael Reynolds, Senior Policy Officer (Infrastructure)

Backing Documents: None

<b>Initial equality impact assessment screening form</b>	
<b>This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.</b>	
<b>Directorate</b>	Business and Environmental Services
<b>Service area</b>	Growth, Planning and Trading Standards
<b>Proposal being screened</b>	Drax Bioenergy and Carbon Capture Storage NSIP application
<b>Officer(s) carrying out screening</b>	<b>Michael Reynolds</b>
<b>What are you proposing to do?</b>	<p>Drax Power Limited intends to install post combustion carbon capture technology at up to two of the existing 600 MWe biomass power generating units at the Drax Power Station in Selby, North Yorkshire.</p> <ul style="list-style-type: none"> <li>• Carbon capture infrastructure at the Drax Power Station;</li> <li>• Compression and treatment of carbon dioxide at the Drax Power Station to allow connection to a National Grid carbon dioxide transport system;</li> <li>• Potential Upgraded Drax Jetty and Road Improvements to facilitate the transport of abnormal indivisible loads; and</li> <li>• Potential Environmental Mitigation Area to the north of the Drax Power Station.</li> </ul> <p>The scheme is a Nationally Significant Infrastructure Project (NSIP) to be determined by the Planning Inspectorate. Drax is currently in the first phase of non statutory consultation. It is anticipated that Drax will submit a Development Consent Order (DCO) application at the end of March 2022.</p> <p>This report:</p> <p>(a) seeks the support in principle of the County Council for the project as a Statutory Consultee (and relevant Highways Authority) and</p> <p>(b) asks Executive Members to authorise the Corporate Director, BES to authorise the Local Impact Report, Statement of Common Ground and further representations by the County Council.</p>
<b>Why are you proposing this? What are the desired outcomes?</b>	NYCC has a statutory role in the planning work relating to a NSIP. The county has no reason to object to the proposals and therefore is seeking authorisation to express its support in principle.

	The desired outcome is clarity to the Applicant and to the other parties over the county council's role and position in regard to the application, and to how items of work surrounding the application will be undertaken.		
<b>Does the proposal involve a significant commitment or removal of resources?</b> Please give details.	NYCC resources will be met by Drax Power Limited under the proposed Planning Performance Agreement.		
<p><b>Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristics</b></p> <p>As part of this assessment, please consider the following questions:</p> <ul style="list-style-type: none"> <li>To what extent is this service used by particular groups of people with protected characteristics?</li> <li>Does the proposal relate to functions that previous consultation has identified as important?</li> <li>Do different groups have different needs or experiences in the area the proposal relates to?</li> </ul> <p><b>If for any characteristic it is considered that there is likely to be an adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your <a href="#">Equality rep</a> for advice if you are in any doubt.</b></p>			
Protected characteristic	Potential for adverse impact		Don't know/No info available
	Yes	No	
Age		X	
Disability		X	
Sex		X	
Race		X	
Sexual orientation		X	
Gender reassignment		X	
Religion or belief		X	
Pregnancy or maternity		X	
Marriage or civil partnership		X	
<b>NYCC additional characteristics</b>			
People in rural areas		X	
People on a low income		X	
Carer (unpaid family or friend)		X	
<b>Does the proposal relate to an area where there are known inequalities/probable impacts</b> (e.g. disabled people's access to public transport)? Please give details.	<b>No</b>		
<b>Will the proposal have a significant effect on how other organisations operate?</b> (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please	<b>No</b>		

**APPENDIX A**

explain why you have reached this conclusion.				
<b>Decision (Please tick one option)</b>	EIA not relevant or proportionate:	<input checked="" type="checkbox"/>	Continue to full EIA:	<input type="checkbox"/>
<b>Reason for decision</b>	<p>The report asks for authorisation for technical planning work to be undertaken within a clear context. This will allow the application to be developed further, in order that a planning consent decision can be taken at some point in the future.</p> <p>The technical work will not of itself have any 'on the ground' impact'. Therefore, it is not considered that there will be any impact on any of the people who fall within any of the protected characteristic groups.</p>			
<b>Signed (Assistant Director or equivalent)</b>	Matt O'Neill			
<b>Date</b>	26 March 2021			



## Climate change impact assessment

The purpose of this assessment is to help us understand the likely impacts of our decisions on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030, or as close to that date as possible. The intention is to mitigate negative effects and identify projects which will have positive effects.

This document should be completed in consultation with the supporting guidance. The final document will be published as part of the decision making process and should be written in Plain English.

If you have any additional queries which are not covered by the guidance please email [climatechange@northyorks.gov.uk](mailto:climatechange@northyorks.gov.uk)

**Please note: You may not need to undertake this assessment if your proposal will be subject to any of the following:**

Planning Permission  
Environmental Impact Assessment  
Strategic Environmental Assessment

However, you will still need to summarise your findings in in the summary section of the form below.

Please contact [climatechange@northyorks.gov.uk](mailto:climatechange@northyorks.gov.uk) for advice.

<b>Title of proposal</b>	<b>Drax Bioenergy and Carbon Capture Storage</b>
<b>Brief description of proposal</b>	<p>Drax Power Limited intends to install post combustion carbon capture technology at up to two of the existing 600 MWe biomass power generating units at the Drax Power Station in Selby, North Yorkshire.</p> <ul style="list-style-type: none"> <li>• Carbon capture infrastructure at the Drax Power Station;</li> <li>• Compression and treatment of carbon dioxide at the Drax Power Station to allow connection to a National Grid carbon dioxide transport system;</li> <li>• Potential Upgraded Drax Jetty and Road Improvements to facilitate the transport of abnormal indivisible loads; and</li> <li>• Potential Environmental Mitigation Area to the north of the Drax Power Station.</li> </ul>

<b>Directorate</b>	<b>Business and Environmental Services</b>
<b>Service area</b>	<b>Growth Planning and Trading Standards</b>
<b>Lead officer</b>	<b>Michael Reynolds</b>
<b>Names and roles of other people involved in carrying out the impact assessment</b>	-
<b>Date impact assessment started</b>	<b>26-03-2021</b>

**Options appraisal**

Were any other options considered in trying to achieve the aim of this project? If so, please give brief details and explain why alternative options were not progressed.

The proposal is put forward by Drax Power Limited

**What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?**

Please explain briefly why this will be the result, detailing estimated savings or costs where this is possible.

Resource implications on the Council will be covered by the proposed Planning Performance Agreement with the Applicant

APPENDIX B

<p>How will this proposal impact on the environment?</p> <p><b>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</b></p>	<p><b>Positive impact</b> (Place a X in the box below where</p>	<p><b>No impact</b> (Place a X in the box below where</p>	<p><b>Negative impact</b> (Place a X in the box below where</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>	
<p>Minimise <b>greenhouse gas emissions</b> e.g. reducing emissions from travel, increasing energy efficiencies etc.</p>	Emissions from travel						
	Emissions from construction						
	Emissions from running of buildings						
	Other						
<p>Minimise <b>waste</b>: Reduce, reuse, recycle and compost e.g. reducing use of single use plastic</p>							
<p>Reduce <b>water</b> consumption</p>							

APPENDIX B

<p>How will this proposal impact on the environment?</p> <p><b>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</b></p>	<p><b>Positive impact</b> (Place a X in the box below where</p>	<p><b>No impact</b> (Place a X in the box below where</p>	<p><b>Negative impact</b> (Place a X in the box below where</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> <li>Changes over and above business as usual</li> <li>Evidence or measurement of effect</li> <li>Figures for CO<sub>2</sub>e</li> <li>Links to relevant documents</li> </ul>	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Minimise <b>pollution</b> (including air, land, water, light and noise)</p>						
<p>Ensure <b>resilience</b> to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers</p>						
<p>Enhance <b>conservation</b> and wildlife</p>						
<p>Safeguard the distinctive characteristics, features and special qualities of <b>North Yorkshire's landscape</b></p>						
<p>Other (please state below)</p>						

**Are there any recognised good practice environmental standards in relation to this proposal?** If so, please detail how this proposal meets those standards.

**Summary** Summarise the findings of your impact assessment, including impacts, the recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

This is not a County Council Scheme.

The Application is a Nationally Significant Infrastructure Project (NSIP).

A full Environmental Statement will be submitted as part of the application. Prior to submission the applicant will draft and consult upon the Preliminary Environmental Impact Report. (PEIR)

County Council Officers together with officers from Selby District Council have and will continue to engage with the application in the following environmental areas which will include the completed project and construction impacts:

- Ecology and Biodiversity
- Historic Landscape and Heritage
- Landscape
- Minerals and Waste Planning
- Air Pollution
- Noise Pollution
- Light Pollution
- Land Contamination
- Impact upon the highway
- Drainage and water impact
- Wider climate change impact
- Socio Economic Impacts

To date the County Council has submitted a joint response to the applicants scoping report and been engaged in technical meetings on some of the above topic areas.

Following assessment of the application when it has been received the County Council officers will seek to impact the application through:

Change of the application itself

Development Consent Order requirements  
Mitigation through S106 agreement

### Sign off section

This climate change impact assessment was completed by:

<b>Name</b>	<b>Michael Reynolds</b>
<b>Job title</b>	<b>Senior Policy Officer (Infrastructure)</b>
<b>Service area</b>	<b>Growth Planning and Trading Standards</b>
<b>Directorate</b>	<b>Business and Environmental Services</b>
<b>Signature</b>	
<b>Completion date</b>	<b>26 March 2021</b>

**Authorised by relevant Assistant Director (signature): Matt O'Neill**

**Date: 26 March 2021**