



Confidentiality determination

The Environmental Permitting (England and Wales) Regulations 2016

Notice of determination

To: Company Secretary

Drax Power Limited
Drax Power Station
Drax
Selby
YO8 8PH

Application number: EPR/VP3530LS/V022

The Environment Agency has considered your confidentiality notice dated 22/08/2022 and 24/05/2023 for the exclusion of information from the public register. We give notice of our decision as follows:

All of the information is confidential.

Name	Date
Peter Maksymiw	24/05/2023

Authorised on behalf of the Environment Agency

What the law says

The Environmental Permitting (England and Wales) Regulations 2016.(S.I.2016 No.1154) say -

Regulation 48

The regulator must exclude information from a public register if it considers that the information may be confidential information, or receives notice that you consider the information to be confidential and you have provided reasons for that view. This is the case unless it has been determined that the information should be included on the register.

Note that the Secretary of State can give direction as to information which must be included in the public register even if it may be confidential.

Regulation 49

Where the regulator receives information that it considers may be confidential, it must give notice of that view to the person the information is about. This person is known as the information subject. The information subject may within 15 working days give notice consenting or objecting to the inclusion of the information on the register. If an objection is made you must give the reasons for this view.

Regulations 51

When making a confidentiality determination the regulator must comply with the conditions detailed in this regulation. In particular the regulator must determine to exclude information from the public register if it considers that the information is commercial or industrial information, confidentiality is provided by law to protect a legitimate economic interest, and the public interest in maintaining its confidentiality outweighs the public interest in including it on the register.

Regulation 52

The regulator has 20 working days, or any such longer period that may be agreed with you, to give you notice of its determination. If we fail to give notice within 20 working days (or other agreed period), you can notify us in writing that we are deemed to have determined that the information must be included on the public register. You then have the right of appeal.

Regulation 53

You may give notice of appeal to the Secretary of State within 15 working days after the regulator has made a determination under regulation 50.

Regulation 55

Any information that is determined to be confidential remains so for a period of 4 years or any shorter period specified in the decision. You must make a further application at that time, if you believe the information remains confidential information and should be withheld from the public registers.

Rights of appeal

You have a right to appeal against this decision to the Secretary of State. You must make your appeal within 15 working days of the date of this notice.

Further information about making an appeal and the forms you will need are available from the [Planning Inspectorate pages website](#).

You will need to provide the documents listed below to the Secretary of State at the Planning Inspectorate.

The documents are:

- a statement of the grounds of appeal; and
- a statement indicating whether you wish the appeal to be in the form of a hearing or dealt with by way of written representations.

At the same time, you must send us a copy of the notice and documents to

**Appeals Co-ordinator – Appeals, Environment Agency, National Permitting Service,
Knutsford Road, Latchford, Warrington, WA4 1HT.**

Telephone: 02 03 02 50662

Email : NPSCentralisedServicesTeam@environment-agency.gov.uk

You may withdraw an appeal by notifying the Secretary of State in writing and sending a copy of that notification to us.