

## Examining Authority's Second Written questions

Responses to the Examining Authority's (ExA) second written questions should be received by the ExA on or before **Wednesday 5 August 2015**. The questions are principally addressed to the applicant. However, the ExA invites all interested parties to consider whether they have evidence on the issues raised, and to provide answers to any questions where they can. The questions are not set out according to any order of importance or hierarchy.

Ref No.	Respondent:	Question:
<b>1.0</b>	<b>GENERAL</b>	
<b>1.1</b>	<b>Applicant</b>	Provide updates on progress with Statement of Common Ground (SoCG) and proposed dates for finalised versions.
<b>1.2</b>	<b>Applicant</b>	Provide an update on progress with the proposed S106 agreement and date for finalised version.
<b>2.0</b>	<b>COMPULSORY ACQUISITION (CA)</b>	
<b>2.1</b>	<b>Applicant</b>	Provide details of any changes or updates to the CA Status Update (Deadline IV).
<b>3.0</b>	<b>DEVELOPMENT CONSENT ORDER (DCO)</b>	
<b>3.1</b>	<b>Applicant</b>	<p>The applicant suggests (at para 2.13 of the Written Submissions to the DCO Issue Specific Hearing) that a DCO may modify or exclude the terms of a planning permission. S120(5)(a) and (6) of the PA 2008 refer to the modification or exclusion of a provision of an Act or of an instrument made under an Act.</p> <p>Justify your conclusion that a planning permission is an instrument made under an Act.</p>
<b>3.2</b>	<b>Applicant</b>	<p>The applicant accepts (at para 2.9 of the above document) that the Barlow Mound Controls could be duplicated using requirements.</p> <p>Provide alternate wording for the DCO which would achieve this, to enable this approach to be further examined.</p>

<b>Ref No.</b>	<b>Respondent:</b>	<b>Question:</b>
<b>3.3</b>	<b>Applicant</b>	<p>The applicant states (at para 2.21 of the above document) that allowing Barlow Mound to accept deposits from two power stations instead of one "would not constitute a material (or any) change to the development permitted by the Barlow planning permission".</p> <p>i. Justify this view.</p> <p>ii. Give details of the individual and combined volume arising from two power stations and comment on whether this would lead to potential intensification of the current use.</p>
<b>3.4</b>	<b>Applicant</b>	Schedule 11 of the DCO imposes response times on the Secretary of State. Comment on the possible implications of these response times being revised to reflect those provided for under the TCPA appeals regime.
<b>3.5</b>	<b>Applicant</b>	Respond to the comments of the Environment Agency (EA) on Requirement (R)12 and R13, concerning issues relating to flood risk matters.
<b>4.0</b>	<b>NOISE</b>	
<b>4.1</b>	<b>Applicant</b>	Provide details of how the actions agreed by the applicant and Selby District Council (SDC) on 24 July 2014, and referred to in the latest submission from SDC on noise issues have been taken forward in the noise impact assessment.
<b>4.2</b>	<b>Applicant</b>	Can the applicant confirm what progress has been made towards agreeing the necessary requirements to adequately protect noise sensitive receptors in the vicinity of the proposal?
<b>4.3</b>	<b>Applicant</b>	<p>i. What other methods of mitigating noise impact have been considered e.g. bunds and screens as means of mitigation?</p> <p>ii. If such methods are available why have they not been adopted?</p>
<b>4.4</b>	<b>Applicant</b>	The Environmental Statement (ES) assumed no audible tones. Is this matter still under consideration, as set out in para 1.2.3 of the SDC document and would it be possible to mitigate to reduce audible tone?

<b>Ref No.</b>	<b>Respondent:</b>	<b>Question:</b>
<b>4.5</b>	<b>Applicant</b>	<p>The SDC document suggests that actual noise levels, rather than 30dB, should be used in the noise assessment in para 1.2.4.</p> <p>i. Comment on the effects that this would have and whether the applicant has adopted a worst-case evaluation of the impact on receptors like Old Lodge and any other receptors that would move into the worst case category.</p> <p>ii. Set out the number of affected receptors in the +10dB and +5dB categories and any mitigation proposed.</p>
<b>4.6</b>	<b>Applicant</b>	<p>i. Comment on the averaging method used to determine a representative background noise level in the light of the comments in para 1.2.5 of the SDC document.</p> <p>ii. Justify the use of BS 8233, when that method of level setting has not been referred to in BS4142:2014.</p>
<b>4.7</b>	<b>Applicant</b>	Comment on the drafting of R23 and R18 in the light of the comments by SDC.
<b>4.8</b>	<b>Selby District Council</b>	Comment on and justify the target level ratings which should be applied in R23 and their achievability.