

White Rose Carbon Capture and Storage (CCS) Project

Document Ref: 2.4
PINS Ref: EN10048

The White Rose CCS (Generating Station) Order

Land adjacent to and within the Drax Power Station site, Drax, near Selby, North Yorkshire

Explanation of Changes made to Draft Development Consent Order at Deadline 2

The Planning Act 2008

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



Applicant: Capture Power Limited
Date: June 2015

Document History

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Glossary

CCS	Carbon Capture and Storage
DCO	Development Consent Order
EA	Environment Agency
FWQ	The Examining Authority's First Written Questions
NYCC	North Yorkshire County Council
PINS	The Planning Inspectorate
SDC	Selby District Council

CONTENTS

1.0 INTRODUCTION	1
2.0 EXPLANATION OF CHANGES TO DRAFT DCO	2

TABLES

TABLE 2.1 - APPLICANT'S EXPLANATION OF CHANGES TO THE DRAFT DCO	3
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APPENDICES

APPENDIX 1 - COPY OF BARLOW PLANNING PERMISSION	
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1.0 INTRODUCTION

- 1.1 This document has been prepared in respect of Capture Power Limited's (the Applicant's) application (the Application) submitted, pursuant to Section 37 of The Planning Act 2008, for a Development Consent Order ('DCO') for the White Rose Carbon Capture and Storage ('CCS') Project (the 'Project') to the Secretary of State c/o The Planning Inspectorate ('PINS') on 21 November 2014. The Application was accepted for Examination on 17 December 2014
- 1.2 The Project comprises the construction, operation and maintenance of a new thermal generating station (an ultra-supercritical oxy-fuel coal-fired power plant of up to 448 megawatts gross with the ability to co-fire biomass) that will be fitted with CCS technology in addition to associated development, on land within and adjacent to the existing Drax Power Station site, Drax, near Selby, North Yorkshire, YO8 8PH, within the administrative areas of North Yorkshire County Council (NYCC) and Selby District Council (SDC).
- 1.3 The document sets out the Applicant's brief explanation of the changes made to the Draft DCO (Document Ref. 2.1, Rev. 3) which is submitted to the examination for Deadline 2 (10 June 2015).
- 1.4 The Applicant's explanation is provided in Section 2.

2.0 EXPLANATION OF CHANGES TO DRAFT DCO

- 2.1 The Applicant's brief explanation of the changes it has made to the Draft DCO are set out in Table 2.1 on the following pages of this document.
- 2.2 Table 2.1 includes the cross reference to the relevant article or Schedule of the Draft DCO, the reason for the change and, where known, an indication of interested parties' position on it.
- 2.3 Article and requirement numbers referred to below are to those in the revised Draft DCO (Document Ref. 2.1, Rev. 3), other than where it is necessary to refer to any previous numbering in which case this is made clear.
- 2.4 It should be noted that the footnotes in the revised Draft DCO show as changes from numbers to letters – no change has been made to these (other than to add additional footnotes where required), it is the document comparison software that erroneously shows them as changes.

Table 2.1 - Applicant's Explanation of Changes to the Draft DCO

Article / Schedule in Draft DCO	Explanation for Change Made to Draft DCO
Article 2 – interpretation	<p>The "highway authority", "street works" and the "traffic authority" have now been defined, as requested by North Yorkshire County Council (NYCC), and cross referring to existing legislation. A definition of the Road Traffic Regulation Act 1984 has been added as the new definition of "traffic authority" refers to it. These changes have been agreed with NYCC.</p> <p>Related definitions for "Barlow Mound controls" and "Barlow planning permission" have been added and the definition of "relevant planning authority" has been amended, linked to the changes made to article 3. See below for an explanation of these changes. These have been agreed with NYCC.</p> <p>A typographical error at the end of the definition of "the works plans" has been corrected, as referred to in the Examining Authority's First Written Question (FWQ) 2.8.</p>
Article 3 – development consent etc granted by the Order	<p>The Applicant has continued discussions with NYCC in relation to Barlow Mound and the appropriate controls that apply to it. Planning permission already exists for the storage of ash from Drax Power Station within the area of Work No. 3, and that planning permission includes a number of conditions controlling that development. The Applicant and NYCC have agreed that those controls are appropriate, and should similarly apply to ash produced by the Project and to be stored on Barlow Mound, and that the controls should be enforceable by NYCC. A copy of the Barlow planning permission is included at Appendix 1.</p> <p>Article 3 has therefore been amended so that the requirements (in Schedule 2) do not apply to Work No. 3, and instead the Draft DCO applies the existing "Barlow Mound controls" (as now defined in article 2, and referring to the conditions attached to the Barlow planning permission). The definition allows for future variations or replacement of the Barlow Mound controls, to allow for the possibility that variations to or replacements of the planning permission are sought, and to ensure that the Draft DCO controls would also then apply as varied. Variations would be controlled by the relevant provisions of the Town and Country Planning Act 1990 in the normal way.</p> <p>Paragraph 3(4)(b) specifically provides that the Barlow Mound controls are enforceable pursuant to the Town and Country Planning Act 1990, to ensure that it is clear that the waste planning authority (NYCC) is the enforcing authority. This differs from the position in relation to requirements (now applying to all other Work Nos.) which pursuant to section 173 of the Planning Act 2008 are enforceable by the district planning authority (Selby District Council).</p>

Article / Schedule in Draft DCO	Explanation for Change Made to Draft DCO
	<p>The Barlow Mound permission includes a condition which restricts the storage of ash to that produced by the existing Drax Power Station. Paragraph 3(5) has also been added therefore to ensure that condition 8 also allows the storage of ash from the Project.</p> <p>These changes have been agreed with NYCC and are appropriate to be made to the Draft DCO in order to secure that the current regime of planning controls continues, as these are considered by the waste planning authority and the Applicant to be operating appropriately, and approval of further or different details is not necessary.</p>
<p>Article 10 – power to alter layout, etc., of streets</p>	<p>A minor change has been made to the start of paragraph (2) to alter "Regardless of" to "Without prejudice to", at the request of NYCC.</p> <p>The previous paragraph 10(5) has been deleted – FWQ 2.1 noted a discrepancy between that provision and article 39 as they specified different periods. As article 39 applies to consents and approvals sought under the DCO, including those sought from street authorities, following the deletion of the previous paragraph 10(5), article 39 now applies to article 10 as well. NYCC's response to FWQ 2.1 confirmed that 28 days was the appropriate period for article 10 – that has been achieved as that is the period referred to in article 39.</p>
<p>Article 11 – construction and maintenance of new or altered means of access</p>	<p>Paragraph 11(1) has been amended to allow the highway authority to agree that the undertaker need not maintain an access for 12 months after its completion, this has been included at the request of NYCC. A new paragraph 11(6) has been inserted at the request of NYCC to provide that the article does not prejudice the operation of section 87 of the New Roads and Street Works Act 1991 (which relates to declarations in relation to prospectively maintainable highways), although it is not currently anticipated that any streets which are not at present maintainable highways are likely to be subject to such a declaration by NYCC.</p>
<p>Article 12 – temporary stopping up of streets and public rights of way and (previous) article 14 – public rights of way</p>	<p>Article 12 has been amended so that rather than permitting 'prohibition or restriction on use' of streets, the article permits the temporary <i>stopping up</i> of streets. This more closely matches the model provision and ensures that the provisions of the Traffic Regulation Act 1994 (relating to notifications and consultations on prohibitions or restrictions on use) do not need to be incorporated. The substance of the article – in allowing the undertaker to prevent persons from passing along a street - has not changed, and the streets referred to (in Schedule 6) remain the same. The amendment was requested by NYCC and has been agreed.</p> <p>NYCC also requested that, following that alteration, the article permitting temporary stopping up of public rights of way (previously article 14) is incorporated into article 12. Reference to public rights of way has therefore been added to article 12 wherever relevant. As the public rights of way article (previously 14) is no longer required, it</p>

Article / Schedule in Draft DCO	Explanation for Change Made to Draft DCO
	has been deleted, and subsequent article numbering updated.
Article 14 – agreements with street authorities	Article 14 has been amended to refer to stopping up, rather than prohibition or restriction, following the change to article 12 noted above. Other amendments have been made as agreed with NYCC, including providing for agreements made pursuant to article 14 specifically to deal with adoption of works undertaken pursuant to the DCO (paragraph 14(1)(f)) and to clarify that paragraph 14(2) only applies where the street authority is to undertake works on behalf of the undertaker, although this is not currently anticipated.
Article 28 – rights under or over streets	As per the Applicant's response to FWQ 2.2 amendments have been made to this article similar to those included within article 48 of the Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014.
Article 29 - temporary use of land for carrying out the authorised development	As per the Applicant's response to FWQ 2.8 the terms relating to the commissioning period in article 29(3) have been made consistent.
Article 34 – felling or lopping of trees	A new paragraph (34(2)) has been inserted which prevents the undertaker from felling or lopping trees on the public highway without the consent of the highway authority, at the request of NYCC.
Article 37 – Certification of plans etc	The "environmental statement mitigation annex" has been added as a document to be certified, as it is now referred to in Schedule 2.
Article 42 – Crown rights	As per the Applicant and Crown Estate's respective responses to FWQ 1.4, a new article has been inserted to protect the interests of the Crown.
Schedule 1, Part 1 – authorised development	As per the Applicant's response to FWQ 2.5, the description of Work No. 1B has been updated to refer to "site raising".
Schedule 2 – requirements	<p>As per the Applicant's response to FWQ 2.7 the requirements have been updated in relation to works which can be carried out prior to the discharge of matters relevant to particular requirements. This has been achieved through amending the definition of "commence" so that it contains no exclusions, and by adding a definition of "permitted preliminary works" (both in paragraph 35). The latter has a more restricted list of activities than that previously included in the definition of "commence". Various requirements have then been amended to incorporate the revised definitions.</p> <p>The Applicant has added reference to the environmental statement mitigation annex (Document Ref. 6.5) in a</p>

Article / Schedule in Draft DCO	Explanation for Change Made to Draft DCO
	<p>number of requirements, as well as referring to the environmental statement itself, in order to ensure that the measures the annex sets out are secured. A definition of the annex has been added to paragraph 35.</p> <p>As per the Applicant's response to FWQ 2.4, requirement 2 has been amended to require notice of commissioning at one trigger point only, to ensure it is clear.</p> <p>Requirement 4 has been altered related to the changes to article 3 and Barlow Mound. Since the Barlow Mound permission already provides the controls in relation to ash storage, and will continue to do so under the DCO (as amended), it has been agreed with NYCC that there is no need for further details to be submitted pursuant to the DCO. Paragraph 4(5), which required details of Work No. 3 to be submitted for approval, has therefore been deleted.</p> <p>Requirement 4 has also been amended so that the wording requiring consultation with other bodies matches that used elsewhere in Schedule 2, and to add consultation with the local highway authority where relevant.</p> <p>Requirement 5 has been updated in relation to the trigger for submission of the landscaping scheme (as per the Applicant's response to FWQ 6.13) and to require the landscaping scheme to be in accordance with the biodiversity mitigation and management plan secured by requirement 16 (as per the Applicant's response to FWQ 8.13).</p> <p>Requirement 10 has been amended, as agreed with NYCC, to ensure that the access point on Pear Tree Avenue is only used in emergencies.</p> <p>Requirement 12 has been amended following the Environment Agency's (EA's) written representation and as indicated in the Applicant's response to FWQ 7.15. The principle of the EA's changes have been adopted, except the reference to a minimum of 4,500 cubic metres of attenuation storage for the area north of Carr Dyke – this figure was included in the environmental statement but the size of the storage volume does not need to be specified in order to control environmental impacts. Water collected from the land on the north side of Carr Dyke will be pumped to the existing Drax Power Station, and will then be discharged to the River Ouse under the existing discharge licence – that is covered by the new sub-paragraph (3) in requirement 12, as well as by the controls on that licence.</p> <p>Requirement 13 has been amended following the Environment Agency's (EA's) written representation and as indicated in the Applicant's response to FWQ 7.15. The EA's changes have either been adopted or the principle of them has been incorporated into the requirement – the timing for submission of the flood emergency response and contingency plan is prior to commissioning (sub-paragraph (5), as the details of this could not be included in</p>

Article / Schedule in Draft DCO	Explanation for Change Made to Draft DCO
	<p>the submission pursuant to sub-paragraph (1) as they will not be known prior to commencement of the authorised development.</p> <p>Requirement 15 has been amended to include consultation with Historic England and NYCC, as per the Applicant's response to FWQ 2.8.</p> <p>Requirement 16 has been amended to re-name the plan to be submitted to also refer to "mitigation", to bring the trigger for submission forwards, to cross refer to the landscaping scheme (submitted pursuant to requirement 5) and to include Yorkshire Wildlife Trust as a consultee (as per responses to FWQ 6.10, 6.11, 6.13 and 8.13). The Applicant indicated in its response to FWQ 6.12 that it would include a period of maintenance (5 years) within this requirement – however, sub-paragraph (2)(b) already requires an "implementation timetable and details relating to management and maintenance" and the Applicant therefore does not consider that the requirement needs to specify a period for maintenance. The appropriate maintenance period will be reviewed and approved as part of the details submitted pursuant to the requirement, which retains the appropriate flexibility noted by a number of statutory consultees' responses to FWQ 6.12.</p> <p>Requirement 18 has been amended to refer to sediment control and soil management plans specifically (Applicant's response to FWQ 7.7 and EA's written representation), and to include monitoring and reporting as part of the CEMP following discussions with SDC and as noted in the Local Impact Report (LIR) paragraph 13.2.</p> <p>Requirement 20(2)(a) has been amended to refer to a noise limit of 55dB LAeq (evenings and weekends) and 45dB LAeq (night) at residential receptors, rather than 50dB(A) at the Order limits, as referred to in the LIR at paragraph 13.9. This applies (as previously) to works outside the core construction hours specified in sub-paragraph (1) of the requirement. These levels are the lowest specified in BS5228 for these periods, and ensure that no significant effects will occur, as set out in the Applicant's Comments on the LIR (Document Ref. 9.3, at response ref. 49).</p> <p>Requirement 23 has been added to provide a control in respect of operational noise, which provides for a scheme to be approved and what it must include (sub-paragraphs (1) and (3)), noise levels at specified receptors (sub-paragraph (2)), implementation of the scheme (sub-paragraph (4)) and to deal with tonality (sub-paragraphs (5) and (6)).</p> <p>Requirement 26 has been amended to include the EA as a consultee (Applicant's response to FWQ 10.1 and EA's written representation).</p> <p>Requirement 31 has been added to secure local employment, skills and training details (Applicant's response to</p>

Article / Schedule in Draft DCO	Explanation for Change Made to Draft DCO
	<p>FWQ 11.2 and as referred to in the Local Impact Report).</p> <p>Requirement 33 has been amended to refer to "unless otherwise agreed" (not "approved") to match the words used in requirements and as per the Applicant's response to FWQ 2.6.</p>
<p>Schedule 6 – streets to be temporarily stopped up</p>	<p>The works to improve New Road and the works to create or improve access points on New Road have been amalgamated into one row in Schedule 6 as these works will be undertaken as one set of works. The last line of the Schedule previously referred to New Road which has been corrected to Pear Tree Avenue. Reference has also been added to "removal" of access points, as those that are only required temporarily may require temporary stopping up of the relevant street when they are removed and land reinstated. NYCC has asked the Applicant to remove reference to the access points in Schedule 6 as it did not consider that temporary stopping up was required for these works – the Applicant considers that temporary stopping up will be required to allow the works to take place, and has therefore retained this in Schedule 6.</p>
<p>Schedule 7 – public rights of way to be temporarily stopped up</p>	<p>The changes made to the Draft DCO at revision 2 (April 2015, in relation to the non-material scheme changes) erroneously removed reference to footpath 35/47.1 (which runs across the laydown area to the east of New Road). As noted in NYCC's Comments on Additional Submissions (Non-Material Scheme Changes) (email dated 21 May 2015) this footpath should be referred to – it has therefore been reinstated to permit its temporary stopping up. Similarly the footpath which is to replace footpath 35/47.1 under the footpath diversion order (between points 8 and 10 on the access and rights of way plans, Document Ref. 4.4) has also been included to allow it to be temporarily stopped up during works which conflict with the right of way. As noted previously requirement 7 requires the approval and implementation of a public rights of way management plan, to ensure that any necessary closures are dealt with appropriately.</p>
<p>Schedule 10 – land of which temporary possession may be taken</p>	<p>As per the Applicant's response to FWQ 1.5, plot numbers have been added into Schedule 10 – these are the 'rights plots' (as shown coloured blue on the Land Plans, Document Ref 4.2) which transect temporary working areas, and which may therefore be used as part of those areas.</p>
<p>Schedule 12 – protective provisions</p>	<p>Protective provisions in respect of electronic communications code networks have been added in order to provide protection for relevant statutory undertakers not covered by the protective provisions which were already in the Draft DCO.</p>

APPENDIX 1 - COPY OF BARLOW PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

NORTH YORKSHIRE COUNTY COUNCIL

NOTICE OF DECISION OF PLANNING AUTHORITY ON APPLICATION FOR
PERMISSION TO CARRY OUT DEVELOPMENT

TO: National Power Plc
Drax Power Station
PO Box 3
Selby
North Yorkshire
YO8 8PQ
FAO - Mr I Fenton

The above-named Council being the Planning Authority for the purposes of your application dated 27 April 1998, in respect of proposed development without complying with Conditions 5, 15, 16 and 39 of the Deemed Planning Permission dated 28 April 1993 for the extension of deposition of ash, gypsum and flue gas desulphurisation waste treatment plant residues and ancillary works at Barlow Ash Mound, Drax Power Station have considered your said application and have granted permission for the proposed development subject to the following conditions:-

(See attached sheets)

Date 11 December 1998

.....
Director of Environmental Services

NOTE:-

No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the District Council in whose area the site of the proposed development is situated; or of obtaining approval under any other bye-laws, local acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained

FOR RIGHTS OF APPEAL SEE OVERLEAF

RIGHTS OF APPEAL

- (1) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for proposed development, or to grant permission or approval subject to conditions, he/she may appeal to the Secretary of State for the Environment in accordance with section 78 of the Town and Country Planning Act 1990, within six months of the date of this notice. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements (including reference to office and industrial development) to the provisions of the development order, and to any directions given under the order.

- (2) If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he/she may serve on the Council of the county district in which the land is situated, a purchase notice requiring that Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Note:- If an aggrieved applicant wishes to exercise his/her right of appeal as above mentioned, he/she should do so on the appropriate form obtainable from:-

The Planning Inspectorate
Tollgate House
Houlton Street
BRISTOL
BS2 9DJ

TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No C8/22/34M/PA

Dated 11 December 1998

Site Preparation and Maintenance

1. Prior to tipping taking place all available topsoil and subsoil shall be stripped, and in the event of direct placement for restoration purposes being impractical, they shall be stacked separately from each other and shall be retained for the sole purpose of the landscaping or restoration of the Site in accordance with Conditions 3, 16 and 29. Topsoil stripping shall be carried out in stages and only to the extent necessary to maintain a reasonably adequate area for tipping at any one time. No such topsoil or subsoil shall be removed from the Site.
2. No materials other than vegetation removed as part of Site preparation works, or as part of the restoration management of hedgerows or plantations within the Site, shall be burned within the boundary of the Site.

Reasons 1 & 2: To ensure that all excavated materials and vegetation from the Site are properly utilised or disposed of.

Layout and Design

3. Tipping shall take place in accordance with the Codes of Practice dated 26 August 1998 and 14 October 1998 and the approved scheme details dated 5 October 1993, 12 April 1995 and 30 October 1998 or such modifications that are subsequently approved in writing under Condition 15 below.
4. Fencing and gates shall be provided in accordance with the approved scheme details dated 5 October 1993 and 30 October 1998. Such gates and fencing shall be maintained in accordance with the approved scheme and shall be removed from the Site on completion of tipping except as may be agreed in writing by the County Planning Authority to be retained for the management of the land.
5. Except with the prior written approval of the County Planning Authority there shall be no access to or egress from the Site except via the existing access points.
6. With the exception of FBA all waste materials shall be transported by conveyor, unless otherwise agreed in writing by the County Planning Authority and the materials being conveyed shall at all times be enclosed with the exception of materials conveyed on the wing conveyors.

Reasons 3-6: To enable the County Planning Authority to exercise reasonable and proper control over aspects of the details of the Development.

TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No C8/22/34M/PA

Dated 11 December 1998

Deposition and Disposal of PFA and FBA

7. No part of the ash mound shall exceed a height of 36.6 metres above the level of the surrounding land.
8. Except such other materials as may be agreed by the County Planning Authority in writing and required in connection with the drainage of the Site, only materials arising from the Drax Power Station shall be deposited on the Site.
9. Except in an emergency, no material shall be deposited on the Site except for the following:
 - i. PFA;
 - ii. such FBA, or other materials to be agreed in writing with the County Planning Authority under Condition No 8 above and as may be required for adequate drainage of the Site;
 - iii. not more than 100,000 tonnes of gypsum per calendar year; and
 - iv. arisings from the Drax Power Station Flue Gas Desulphurisation (FGD) plant.
10. No putrescible, hazardous or liquid waste or domestic refuse shall be deposited on the site.
11. Within one month of the end of each calendar quarter, figures detailing the quantities of each material tipped at the Site shall be supplied in writing to the County Planning Authority.
12. No ash, gypsum or other waste products shall be removed from the Site except as may be agreed in writing by the County Planning Authority.
13. The consolidated layer of tipped material on the mound shall be at least 150mm below the final ground surface on the slope of the mound and at least 400mm below the final ground surface on the horizontal surfaces of the mound. The final 1.5m thickness of tipped material on the mound shall consist of PFA only.
14. The Site shall be surveyed and a detailed plan of the Site showing contours of the height of the mound above Ordnance Datum shall be submitted to the County Planning Authority by 31 December 1998. The site shall be re-surveyed at intervals, not exceeding five years from 31 December 1998, or at such other times as may be agreed by the County Planning Authority. The results of the subsequent surveys shall be submitted to the County Planning Authority at the end of the appropriate calendar year.

TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No C8/22/34M/PA

Dated 11 December 1998

15. Except as may be subsequently reviewed, tipping, restoration and landscaping of the Site shall take place in accordance with the approved scheme details dated 5 October 1993, 8 March 1994, 12 April 1995 and 30 October 1998. At intervals not exceeding five years during the period of the operation of the Development, the approved scheme shall be reviewed by the submission of revised scheme for the approval in writing of the County Planning Authority. The further tipping and restoration of the Site shall be carried out according to the terms of the most recently agreed scheme. Such scheme shall take into account any material change of circumstances in the supply and sales of ash and gypsum, the availability of topsoil and subsoil and experience gained from landscaping, planting and use of the restored areas of the Site.

Reasons 7-15: To enable the County Planning Authority to exercise reasonable and proper control over the operation of the Development.

Landscaping

16. Landscaping and tree and shrub planting on the Site shall be implemented in accordance with the approved scheme details dated 5 October 1993, 12 April 1995 and 30 October 1998. Any planting shall be managed in accordance with good forestry practice. Any trees or plants which within a period of five years from the date of planting die or are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the County Planning Authority gives written consent to any variation.
17. Landscaping and tree planting in respect of those areas shown coloured pink on Drawing No ED/1A0/76643 shall be planted and managed in accordance with the approved scheme details dated 5 October 1993, 9 February and 9 March 1994, 17 January and 12 April 1995 and 30 October 1998. Any trees so planted which die within five years of the date of planting shall be replaced to the satisfaction of the County Planning Authority.

Reasons 16 & 17: To ensure the proper landscaping of the Site and other areas owned by the developer.

Suppression of Dust

18. Except as may be otherwise agreed in writing by the County Planning Authority the suppression of dust shall take place in accordance with the approved scheme details dated 5 October 1993, 30 October 1998 and the Code of Practice dated 26 August 1998 and shall continue to employ the best practicable means for the suppression of dust arising from the development, including the use of appropriate sealants.

TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No C8/22/34M/PA

Dated 11 December 1998

19. Dust gauges shall be maintained in such numbers and at such locations as may be agreed in writing by the County Planning Authority and the location of the gauges shall be reviewed every two years or at such other period as may be agreed in writing by the County Planning Authority.

Reasons 18 & 19: To ensure that satisfactory measures are in force so as to alleviate any impact dust and dirt may have on the local environment.

Discharge to water

20. No leachate or surface water carrying any form of pollution shall be allowed at any time to enter into any watercourse or on to any adjoining land. Should any pollution occur all necessary steps shall be taken to rectify the effects of the pollution and to prevent the occurrence of further pollution.
21. The quality and quantity of effluents discharged from the drain outlets at the base of the mound shall be monitored in accordance with a scheme which shall be submitted in writing within 3 months of the date of this permission to the County Planning Authority for approval. The results of the monitoring shall be supplied at the end of each calendar year to the County Planning Authority.
22. Measures shall be taken to prevent silt and/or suspended solids entering the Carr Dyke, or other land drainage systems. The measures shall also include the removal, so far as is reasonably practicable, of any PFA, FBA, gypsum and residues which accumulate in these land drainage systems.

Reasons 20-22: To minimise the contamination of watercourses.

Noise

23. Except as may be otherwise agreed in writing by the County Planning Authority monitoring of noise generated during the period of operation of the Development shall be implemented in accordance with the approved programme dated 5 October 1993 as updated by the Code of Practice dated 8 June 1998. The results of such monitoring shall be given to the County Planning Authority at the end of each calendar year. In the event that noise levels specified in the approved programme are exceeded, those operations at the site causing the excessive noise shall cease immediately and not re-commence until steps have been taken to attenuate noise levels to be in compliance with approved programme.

TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No C8/22/34M/PA

Dated 11 December 1998

24. Machinery and vehicles on the Site shall be properly maintained and fitted with effective silencers.
25. Unless otherwise agreed in writing by the County Planning Authority no boomstackers or conveyors used in connection with the development shall be operated except between 0600 and 2100 hours.
26. Except in an emergency there shall be no disposal of PFA, FBA, gypsum or residues on the Site except between 0600 and 2100 hours.
27. Except in an emergency or when it is necessary to move the wing conveyor no bulldozer, scraper or other heavy earth moving equipment shall be operated except between the following hours:
- | | |
|-----------------|--|
| Monday - Friday | 0600 - 1800 hours for all activities |
| Saturday | 0600 - 1300 hours for all activities <u>including</u> ash recovery and consolidation of ash deposited on Monday - Friday
1300 - 1800 hours for all activities <u>excluding</u> ash recovery and consolidation of ash deposited on Monday - Friday |
| Sunday | 0600 - 1800 hours for all activities <u>excluding</u> ash recovery and consolidation of ash deposited on Monday - Friday |

Reasons 23-27: To ensure that noise arising from the Development is properly controlled.

Miscellaneous Matters

28. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any amending legislation, no building or immobile plant, lighting towers or any other structures shall be erected on the Site without the prior written approval of the County Planning Authority.

Reason 28: To reserve the rights of control by the County Planning Authority in the interests of amenity.

Restoration of the Site and Aftercare

29. Following the deposit of waste to final levels the Site shall be progressively restored in accordance with the approved scheme details dated 8 March 1994 and 30 October 1998 to a condition suitable for agricultural use or to such other use as may be agreed by the County Planning Authority.

TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No C8/22/34M/PA

Dated 11 December 1998

30. In the event that tipping ceases for a period of 12 months due to the closure of Drax Power Station, the site shall be restored within a period of 12 months in accordance with a modified scheme of restoration which shall be submitted to and approved in writing by the County Planning Authority. The scheme shall specify a programme for restoration, include the removal of all plant and machinery, conveyors, foundations, hardstandings and access routes no longer required in connection with the restored Site and shall be implemented within the approved timescale
31. The aftercare of the Site shall, if waterlogging occurs after restoration, include an efficient drainage system for the area of land covered by the permission and serving any adjoining land on the Site where drainage is affected by the development. Such drainage shall be installed at a time when the reinstated land has settled sufficiently for the work to be undertaken and in any event no later than five years after the completion of operations on the Site.
32. Provision shall be made to maintain the drainage of any land on the Site where drainage has been affected by tipping.
33. Aftercare and management of the restored land shall be carried out in accordance with a scheme that has been submitted to and approved in writing by the County Planning Authority. Such scheme shall be submitted within 6 months of the date of this permission and shall:
 - i. provide an outline strategy for the whole site specifying steps to be taken;
 - ii. provide an annual programme to be submitted prior to the annual restoration review meeting; and
 - iii. implement the strategy and programme as approved.

Reasons 29-33: To ensure the effective restoration of the Site.

TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No C8/22/34M/PA

Dated 11 December 1998

Note for Information

In these Conditions, unless the context otherwise requires:-

- "best practicable means" has the same meaning as in section 79(9) of the Environmental Protection Act 1990;
- "emergency" means the circumstances in which there is a reasonable cause for apprehending imminent injury to persons, serious damage to property or danger of serious pollution to the environment;
- "FBA" means furnace bottom ash;
- "gypsum" means the gypsum produced by the FGD plant;
- "hazardous" means toxic, noxious, corrosive, polluting or flammable;
- "PFA" means pulverised fuel ash;
- "the Site" means the area enclosed by a broken line on Drawing No NP/0012; and
- "tipping" means the deposition of PFA, FBA, gypsum and FGD waste water treatment plant residues on the Site.