

White Rose Carbon Capture and Storage (CCS) Project

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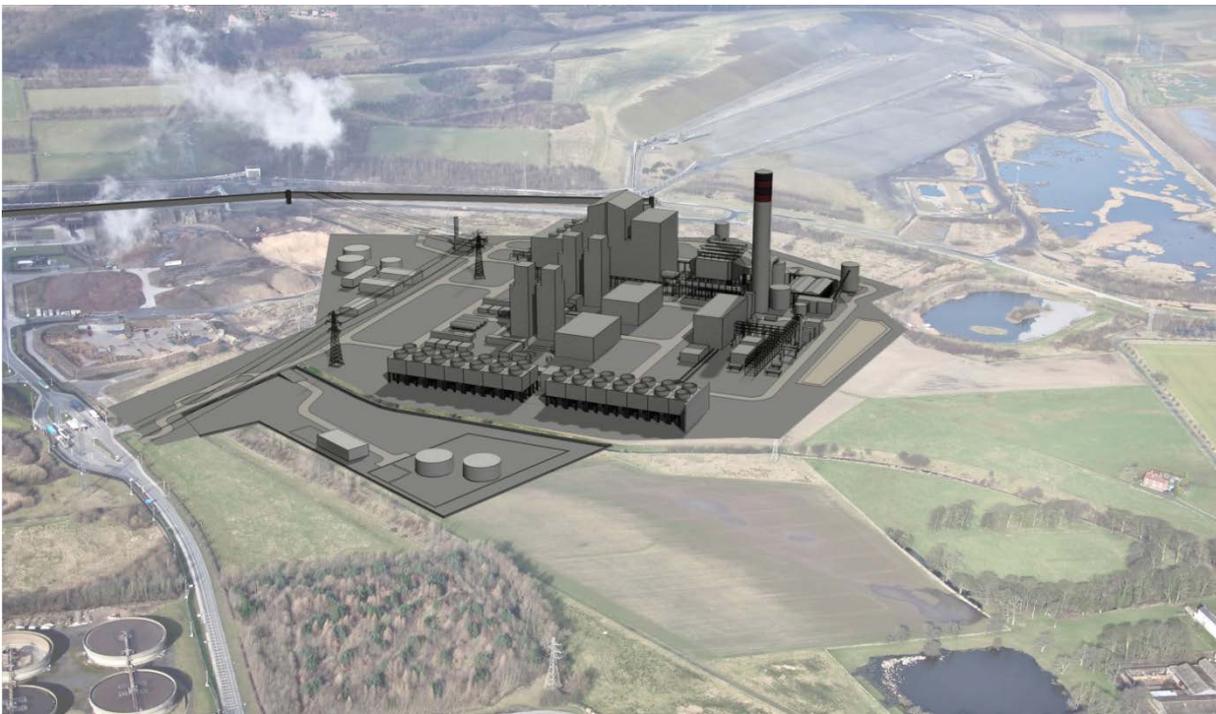
The White Rose CCS (Generating Station) Order

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

Applicant's Comments on the Local Impact Report, Responses to the Examining Authority's First Written Questions and Written Representations

The Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009



Applicant: Capture Power Limited
Date: June 2015

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1	10.06.15	Deadline 2 submission.	GB

Glossary	
AADF	Average Annual Daily Flow
ALC	Agricultural Land Classification
AOD	Ordnance Survey Datum
Applicant	Capture Power Limited or CPL
ASU	Air Separation Units
ATCs	Automatic Traffic Counts
CA	Compulsory Acquisition
CCS	Carbon Capture and Storage
CEMP	Construction Environmental Management Plan
CfD	Contract for Difference
CHP	Combined Heat and Power
CO ₂	Carbon Dioxide
CPL	Capture Power Limited, the Applicant
CRTN	Calculation of Road Traffic Noise
CUSC	Connection and Use of System Code
dB	Decibel
DCO	Development Consent Order
DECC	Department of Energy and Climate Change
DPL	Drax Power Limited
DSEAR	Dangerous Substances Explosive Atmospheres Regulations
DWSZ	Drinking Water Safeguard Zones
ECITB	Engineering Construction Industry Training Board
EN-1	Overarching National Policy Statement for Energy
EN-2	National Policy Statement for Fossil Fuel Electricity Generating Infrastructure
ERM	Environmental Resources Management
ERYC	East Riding of Yorkshire Council
ES	Environmental Statement
ExA	Examining Authority
FBA	Furnace Bottom Ash
FEED	Front End Engineering Design
FTE	Full Time Equivalent
GCN	Great Crested Newt
GPU	Gas Processing Units
GQA	General Quality Assessment
ha	Hectares
HE	Historic England
HGV	Heavy Goods Vehicle
HRA	Habitats Regulations Assessment
HSI	Habitat Suitability Index

Glossary	
IEA	Environmental Assessment
LCA	Landscape Character Area
LVIA	Landscape and Visual Impact Assessment
MoU	Memorandum of Understanding
NE	Natural England
NEYEDC	North and East Yorkshire Ecological Data Centre
NGC	National Grid Carbon Ltd
NGCC	Natural Gas and Clean Coal
NGCL	National Grid Carbon Ltd
NO ₂	Nitrogen Dioxide
NO _x	Oxides of Nitrogen
NPPF	National Planning Policy Framework
NYCC	North Yorkshire County Council
OPP	Oxy-power Plant
OREP	Ouse Renewable Energy Project
pig	Pipeline Inspection Gauge
PINS	Planning Inspectorate
SDC	Selby District Council
SFRA	Selby District Council Strategic Flood Risk Assessment
SM	Scheduled Monument
SO ₂	Sulphur Dioxide
SoCG	Statements of Common Ground
SoCG	Statement of Common Ground
SUDs	Sustainable Urban Drainage
VP	Viewpoint
YWT	Yorkshire Wildlife Trust

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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 and Selby District Council.
- 1.3 The document sets out the Applicant's comments on the joint Local Impact Report ('LIR') prepared by North Yorkshire County Council ('NYCC') and Selby District Council ('SDC') and the responses to the Examining Authority's ('ExA's') First Written Questions ('FWQ') and Written Representations made by Interested Parties. The Applicant's comments are provided in Section 2. The document has been submitted for Deadline 2 of the Examination.

2.0 APPLICANT'S COMMENTS

- 2.1 The Applicant's comments on the joint LIR prepared by NYCC and SDC and the responses to the ExA's FWQ and the Written Representations made by Interested Parties are set out in Table 2.1 on the following pages of this document.
- 2.2 Table 2.1 includes the reference number for each document (where available); document title; section, page and/or paragraph number; a summary of the issue/matter raised and the Applicant's comments.

Table 2.1 - Applicant's Comments on LIR, Responses to ExA's FWQ and Written Representations

Ref.	Interested Party/Document	Section, page and/or paragraph no.	Issue/Matter	Applicant's Comments
1	Canal & River Trust - Response to Examiner's ('ExA') First Written Questions ('FWQ') and Written Representation	Paragraphs 4 - 7	Request for requirement to provide a Sustainable Transport Management Plan ('STMP')	<p>The Applicant notes the submissions made by the Canal & River Trust ('CRT') and the recommendation that consideration is given to the inclusion of a requirement within the draft DCO to secure a 'Sustainable Transport Management Plan' "...which specifies that the Applicant sets out the measures to be taken during the operation of the authorised development to promote the sustainable transport of construction materials, fuel and combustion by-products by means other than road and rail, including barge."</p> <p>The Applicant has already provided a response on this matter, which was raised in the CRT's Relevant Representation. This response is set out in Document Ref. 9.2 (pages 20 - 23), which was submitted at Deadline 1.</p> <p>National policy (in the form of EN-1, Part 5, Section 5.13, paragraph 5.13.10) promotes the use of water-borne and rail transport. However, it does not favour one mode over the other, or indeed place a requirement upon applicants to utilise both modes for their projects. Furthermore, policy recognises that whether or not such modes are feasible will be dependent upon a number of factors, including the ability to access a navigable waterway and the rail network, the cost and feasibility of providing the necessary infrastructure and the overall economic viability of the project.</p> <p>With regard to water-borne transport, the existing Drax Power Station site (the 'Power Station site') has ownership and use of a jetty on the River Ouse. The jetty is located approximately 1.5 km to the east of the Power Station site and is linked to it by the public highway (Redhouse Lane and Carr Lane). The jetty was constructed by the Central Electricity Generating Board to facilitate</p>

Ref.	Interested Party/Document	Section, page and/or paragraph no.	Issue/Matter	Applicant's Comments
				<p>the construction of Drax Power Station.</p> <p>The Project site encompasses the jetty and adjacent land. The DCO Application includes the option of utilising the jetty during the construction phase of the Project for the delivery of some abnormal indivisible loads ('AILs') by barge. A mobile (wheeled or tracked) crane would be placed at the end of the jetty and used to lift AILs from the moored barges delivering them. From the jetty, AILs would be transported to the Power Station site (and in turn the Project site) via Redhouse Lane and Carr Lane.</p> <p>The DCO Application does not include any works to the jetty itself, although it proposes the creation of new hardstanding area adjacent to the jetty to provide a laydown area for AILs and space for the parking and circulation of vehicles. The creation of this laydown area would involve some vegetation clearance and topsoil stripping and the import of road base material to provide a suitable surface.</p> <p>The Applicant has identified that the load capacity of the jetty (factoring in the weight of the mobile crane that would be employed) would allow AILs of up to 200 tonnes to be lifted from a moored barge. Table 2.4 of the Transport Assessment contained within Volume 2, Chapter E of the Environmental Statement (Document Ref. 6.3.7) provides details of the approximate dimensions and weights of the AILs that would be delivered during construction. The table therefore confirms that it would be feasible to deliver a substantial number of AILs via the jetty (using a mobile crane) without any modifications to the structure.</p> <p>It is anticipated that use of the jetty would commence approximately 18 months into the construction phase of the Project and that the duration of use would be 24 months. There would be approximately 50 loads delivered over this period, with a peak of two loads a week,</p>

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				<p>estimated to be around months 12 and 13.</p> <p>Since the submission of the DCO Application and receipt of the CRT's Relevant Representation, further discussions have taken place with potential contractors to consider the scope for use of the jetty to deliver single loads of up to 500 tonnes. In order to facilitate the delivery of such loads via the jetty the Applicant would need to employ a much larger crane. Due to the weight of these loads the crane would need to be positioned on the bank area behind the jetty. This area would need to be infilled to create a suitable load bearing platform for the crane. This would then allow the contractor to pre-modularise loads of up to 500 tonnes and for these to be lifted from a moored barge.</p> <p>These works are not included within the scope of the draft DCO and would require separate consents. With regard to these, the Applicant is currently preparing applications for planning permission and flood defence consent for submission to SDC and the EA respectively.</p> <p>If the large crane option cannot be utilised it would not be possible for the contractor to undertake such pre-modularisation work and it would be necessary for such items to be delivered as smaller loads by road. The EIA of the Project has been based upon the 'worst case' scenario of all construction materials, AILs and other large loads being transported to the Project site by road. The assessment of transport effects confirms that the construction traffic can be accommodated on the highway network without resulting in significant effects and that it is feasible to transport AILs and other large loads to the Project site by road.</p> <p>With regard to the transport of fuel stock by water, it is important to note that the existing Power Station site is served by a dedicated rail</p>

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				<p>spur from the national rail network, which is used for the delivery of coal and other bulk materials such as limestone. The rail spur enters the Power Station site from south-west, linking with the internal rail 'merry go round' system.</p> <p>The primary fuel source for the Project would be coal. This would be delivered making use of the existing rail infrastructure, with new conveyors being provided to move the coal from the existing delivery areas to the Project site. These works would largely be confined to the operational area of the Power Station site. In contrast, the use of the jetty for coal deliveries would necessitate the construction of new conveyors or a new rail link over a distance of approximately 1.5km across agricultural land. The only other alternative for moving coal from the jetty would be by road along Redhouse Lane and Carr Lane. These options would not be cost-effective given the presence of the existing rail infrastructure and would result in additional environmental impacts. It is therefore the Applicant's view that use of the existing rail infrastructure represents the most appropriate means by which to transport coal to the Project site. Furthermore, national policy seeks to promote both rail and water-borne transport and, as stated above, does not favour one over the other.</p> <p>It is therefore considered by the Applicant that the Project would make appropriate use of sustainable transport modes during its construction and operational phases. As all actions which could sensibly be presented in such a plan are already being taken, a requirement for a Sustainable Transport Management Plan is not considered necessary.</p> <p>The Applicant has agreed a SoCG with the CRT and this has been submitted (Document Ref. 8.2) for Deadline 2.</p>

Ref.	Interested Party/Document	Section, page and/or paragraph no.	Issue/Matter	Applicant's Comments
2	Environment Agency - Response to ExA FWQ 17.2	Page 8	Status of and progress on application to vary existing Environmental Permit ('EP').	<p>An application to vary the EP was submitted to the Environment Agency ('EA') on 10 April 2015 and following this (1 June) the EA has responded outlining the information that is required for the application to be 'duly made'. The information requested aligns with the information listed in the EA's response to the ExA's FWQ and its Written Representation. Drax Power Limited ('DPL') is currently (on behalf of the Applicant) in discussion with the EA regarding the information requested in order to ensure that the application is 'duly made'.</p> <p>DPL is keen to engage with the EA and Air Quality Monitoring and Assessment Unit ('AQMAU') regarding the questions raised with regard to air emissions. Previous discussions with the EA have focused upon the methodology and approach with respect to the air dispersion modelling undertaken. The EA has been provided with a copy of the Air Dispersion Modelling files ('ADMS') for their reference. DPL also notes the EA's response regarding discussions relating to noise and again will continue to discuss these matters with the EA through the permitting process.</p>
3	Environment Agency - Response to ExA FWQ 3.3	Page 1	Air quality modelling methodology	See response Ref. 2 above.
4	Environment Agency - Response to ExA FWQ 4.1 - 4.22	Page 2	<p>Issue raised in respect of noise at the pre-EP stage, including:</p> <ul style="list-style-type: none"> • consideration of low frequency noise; • clarification of the assumptions made for the adoption of 30dB for background noise; • emphasis that the World Health 	<p>The Applicant has discussed the predicted operational noise emissions from the plant with Selby District Council ('SDC') which is the local authority with responsibility for considering environmental health (such as noise) impacts during the DCO process as a statutory consultee. Similarly the EA has been consulted through the DCO process starting at the scoping stage, then on the Preliminary Environmental Information Report ('PEIR') and more broadly as part of written and face to face consultation. During the</p>

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			<p>Organisation guidelines recognise that people are entitled to open a window for ventilation;</p> <ul style="list-style-type: none"> • requests for clarity on some of the terms used such as 'very stringent far field noise requirement'; • question the use of the term 'if required' in the mitigation section and what will determine whether this is necessary. • Need to comply with latest BS4142. 	<p>development of the Environmental Impact Assessment ('EIA') (during the aforementioned stages) the Applicant received clear consultation feedback from SDC which helped refine the project design and optimise the plant to best meet the defined day and night time levels. The consultations with SDC on noise were also important from a planning and design perspective, allowing the engineering teams to reappraise matters of layout, acoustic enclosure and other mitigation measures as the design evolved. The EA did not provide any consultation responses which could have led to variations on the approach agreed with SDC or which could have been considered in the evolving design. The fact that the EA seems to be deferring its evaluation to the environmental permitting stage does not detract from the fact that the Applicant has provided a full assessment of noise effects to the Examining Authority and continues to respond to the examination process and to any further questions raised.</p> <p>The Applicant acknowledges that as the Project will operate under a variation to the existing EP), the appropriate information regarding noise emissions will be provided for those purposes during consideration of the EP variation by the EA. Notwithstanding the fact that the Project has already been through a detailed and thorough process of design optimisation to reduce the sound power levels to those used to derive the noise model presented in the Environmental Statement ('ES').</p> <p>The concerns raised by the EA at the pre-permit stage and summarised in the EA's response to the first written questions will be considered during discussions regarding the permit application which will, if accepted, ensure that Best Available Techniques (BATs) are applied taking into account relevant local factors. The Applicant considers that the matters summarised will be dealt with satisfactorily to allow the environmental permit application to be</p>

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				<p>granted.</p> <p>As specified in the Applicant's Response to ExA's FWQ 4.21 (Document Ref. 9.1), the Applicant agrees that an operational noise requirement is needed and has included a new requirement (requirement 23 'Operational noise') within an updated version of the draft DCO to be provided at Deadline 2 to control the level and nature of operational noise from the plant to appropriate levels.</p>
5	Environment Agency - Response to ExA FWQ 6.10	Page 4	Further clarity and certainty regarding significant ecological effects and mitigation.	<p>Although elements of both questions have been substantially dealt with in the Applicant's earlier response provided in the Applicant's response to ExA's FWQs (Document Ref: 9.1: PINS Ref: EN10048) it may be useful to both re-iterate the significance of ecological effects predicted and the steps taken to address them.</p> <p>The impacts of the project, given its location within an intensive and largely arable landscape at the interface with a major power plant, are understandably relatively limited. There are no ecological impacts on designated sites, and impacts on fauna are either of minor significance or negligible. The receptors where minor significant residual effects were predicted are;</p> <ul style="list-style-type: none"> • Priority and Local Biodiversity Action Plan ('LBAP') habitats, including the loss of three ponds; • Badgers; • Breeding bird population at the local level. <p>Subsequent to the publication of the Environmental statement ('ES') a breakdown of habitat loss was provided to the Yorkshire Wildlife Trust ('YWT') and EA and, together with a biodiversity offsetting calculation, published in the first response to written questions.</p>

Ref.	Interested Party/Document	Section, page and/or paragraph no.	Issue/Matter	Applicant's Comments
				<p>An Indicative Landscaping and Biodiversity Management Plan (Document Ref: 4.10) was produced for the ES and is currently in the process of being refined. The principal components of the original design were 2.19 hectares ('ha') of tree and scrub habitat, approximately 5ha of species rich grassland and 0.22ha of flood attenuation pond with enhanced biodiversity elements designed in as stipulated in the Applicant's response to Question 6.14 of the response to the ExA's FWQs.</p> <p>Working closely with YWT and the EA, the Applicant identified that the main area in which mitigation provision could usefully be supplemented was in relation to wetlands where a minor significant residual impact remains. The flood attenuation pond will provide 0.22ha whereas the pond area to be lost will be 0.94ha with a further 0.54ha of swamp habitat to be permanently lost.</p> <p>Other non-priority habitats will be permanently lost and details of these have been given in both the habitats loss and gain calculations (Q6.6. Appendix 1) and offsetting calculations (Q6.6. Appendix 2) submitted in response to the FWQs (Document ref: 9.1).</p> <p>The Indicative Landscaping and Biodiversity Framework Plan (Document ref: 4.10) concentrates on providing grassland, scrub and woodland and pond to mitigate primarily for birds and badgers. The Applicant, aware that it cannot fully mitigate the other residual minor significant effects within the site footprint, has made significant progress with potential providers. Both YWT and EA have put forward options for both offsite mitigation, and opportunities for enhancement. In a teleconference on the 26 May 2015 a number of these options were discussed and it was agreed that the Applicant would examine these using criteria agreed in the meeting;</p>

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				<ul style="list-style-type: none"> • relevance to mitigation need; • distance from WRCCS project; and • feasibility of delivery. <p>A short prioritisation report is currently being produced and will be shared with YWT, EA and North Yorkshire County Council (NYCC) before a final agreement on options is made. Biodiversity offsetting calculations may play a role in that process, although they are not the only or necessarily the most useful mechanism for agreeing the level of provision. Any agreements on mitigation and enhancement options would need to be agreed with the local planning authority.</p> <p>Mechanisms for ensuring commitments could be embedded in the planning process were also discussed during the teleconference on 26 May 2015. The Applicant agreed to examine the available legal options for delivery, and these would need to be agreed with all parties. Part of this mechanism would be the incorporation of commitments both in relation to mitigation within the order limits; and agreements to provide offsite mitigation and enhancement. These can form part of the Biodiversity Mitigation and Management Plan required under requirement 16, but this would not be the only mechanism for ensuring mitigation and enhancement commitments, rather the Plan would provide the detail of delivery.</p>
6	Environment Agency - Response to ExA FWQ 6.14	Page 4	Justification of use of flood attenuation pond for mitigation for both flood risk and biodiversity; need for careful design otherwise the pond will be of low biodiversity value.	The Applicant agrees with EA that a carefully designed attenuation pond with a robust management system can make a useful contribution to biodiversity. The Applicant's response to the first written questions outlines the key principles for achieving the balance between the needs of biodiversity and flood attenuation, drawing upon expert guidance from regulators. Further detailed design of the flood attenuation pond is in the process of being produced as part of the revision of the Landscape and Ecological

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				<p>Management Plan.</p> <p>Progress on addressing the minor significant residual effects on wetlands is described in the responses to Q6.6 and Q6.10 above. The EA is actively involved in that process.</p>
7	Environment Agency - Response to ExA FWQ 7.1	Page 4-5	Status of existing Abstraction Licence; insufficient information to enable full understanding of how water will be used and permits required.	<p>There is sufficient headroom within the existing abstraction licence without the need to vary the licence or apply for a new licence. The Applicant can see no technical reason why it would ever be likely to need to significantly increase the water requirements for the plant beyond the volumes allowed within the current abstraction licence</p> <p>The Applicant provided a quantitative assessment in answer to FWQ number 7.9. This assessment identified the main consumers of water and the peak demand of the Project during the operational phase. The assessment compares the calculated maximum annual consumption of the Project (15Mm³ per annum) with the current headroom in the Drax abstraction Licence, 30-35Mm³ per annum. A range has been provided since the headroom refers to a number of years for the current Drax station's water consumption. This issue was first discussed with the EA on 06.08.13 and the Agency's response and direction (Karen Wooster – Water Resources) was noted regarding the abstraction licence. The minutes of the meeting provided the following direction from the Agency:</p> <p>"If there is no change in use, and the levels fall within the existing licence, there would be no requirement for further assessment."</p>
8	Environment Agency - Response to ExA FWQ 7.6	Page 5	Sensitivity of Sherwood Sandstone Aquifer; should be assessed as 'high' sensitivity.	<p>Please refer to the Applicant's response to ExA FWQ 7.6 (Document ref: 9.1) where the aquifer is referred to as 'high' sensitivity', which is considered as 'High'.</p> <p>ES Vol 2, Chapter D, Table 4.1 should have referred to 'High' value</p>

Ref.	Interested Party/Document	Section, page and/or paragraph no.	Issue/Matter	Applicant's Comments
				for the Sherwood Sandstone aquifer. This does not change the overall assessment of effect ('Major' prior to proposed mitigation and which is assessed as negligible after mitigation).
9	Environment Agency - Response to ExA FWQ 7.9	Page 6	Status of Abstraction Licence; insufficient information to enable full understanding of how water will be used and permits required.	Please refer to response Ref. 7 above.
10	Environment Agency - Written Representation	Section 1.0 Flood Risk, pages 1-2	Request for amendments to requirement 13 'Flood risk mitigation' to improve its precision.	<p>The Applicant accepts the substance of the changes requested by the EA to requirement 13 'Flood risk mitigation'. This was confirmed in the Applicant's response to ExA Q7.15 (Document Ref. 9.1, page 70). The draft DCO (Document Ref. 2.1, Revision 3) that has been submitted for Deadline 2 includes amended wording as follows:</p> <p>"Flood risk mitigation</p> <p><i>13.(1) No part of the authorised development may commence until a scheme for the mitigation of flood risk during the construction and operation, has, for that part, been submitted to, and after consultation with the Environment Agency, been approved by the relevant planning authority.</i></p> <p><i>(2) The scheme submitted and approved must be in accordance with the principles set out in the environmental statement, including the flood risk assessment (environmental statement volume 2, Chapter C.1) and incorporate:</i></p> <p><i>(a) raising the area of the generating station site (Work No. 1A) to a minimum of 5.0 metres above ordnance datum;</i></p> <p><i>(b) a finished floor level for all buildings of a minimum of 5.13 metres above ordnance datum; and</i></p> <p><i>(c) the level for all sensitive equipment to be a minimum of 5.13 metres above ordnance datum.</i></p>

Ref.	Interested Party/Document	Section, page and/or paragraph no.	Issue/Matter	Applicant's Comments
				<p>(3) The flood risk mitigation must be constructed in accordance with the approved details unless otherwise agreed with the relevant planning authority.</p> <p>(4) The authorised development may not be commissioned until the flood risk mitigation has been constructed and until a flood emergency response and contingency plan for the authorised development has been submitted to, and after consultation with the Environment Agency, been approved by the relevant planning authority.</p> <p>(5) The approved flood risk mitigation scheme must be maintained throughout the construction and operation of the authorised development.</p> <p>(6) The approved flood emergency response and contingency plan must be implemented throughout the commissioning and operation of the authorised development.”</p>
11	Environment Agency - Written Representation	Section 1.0 Flood Risk, paragraph 1.3, page 2	River Ouse is a Main River and EA consent will be required for any works in, over, under, or within 8 metres of it and/or the toe of its flood defence.	<p>For the works assumed within the ES no applicable activities were envisaged within 8m of the River Ouse. This is the basis on which this DCO application needs to be assessed.</p> <p>Independently of this process, however, and as explained during the Preliminary Meeting more significant use of the jetty is now being considered via a local planning application. Flood Defence consent will be sought from the EA for these more extensive works which will include activities (the clearance of soil, the importation and consolidation of fill and sheet piling) as they are within 8 metres of the River Ouse.</p>
12	Environment Agency - Written Representation	Section 2.0 Surface Water Management	Request for amendment to requirement 12 'Surface and foul water drainage' to improve its precision.	The Applicant accepts the substance of the changes requested by the EA to requirement 12 'Surface and foul water drainage'. This was confirmed in the Applicant's response to ExA Q7.15 (Document Ref. 9.1, page 70). The draft DCO (Document Ref. 2.1, Revision 3)

Ref.	Interested Party/Document	Section, page and/or paragraph no.	Issue/Matter	Applicant's Comments
		, paragraph 2.1, pages 2-3		<p>that has been submitted for Deadline 2 includes amended wording as follows:</p> <p>“Surface and foul water drainage</p> <p><i>12.(1) No part of the authorised development may commence until details of the temporary surface and foul water drainage systems (including means of pollution control, in accordance with the construction environmental management plan, and a management and maintenance plan to ensure that the systems remain fully operational throughout the construction of the relevant part of the authorised development), have, for that part, been submitted to, and after consultation with the Environment Agency, approved by the relevant planning authority.</i></p> <p><i>(2) Details of the permanent surface and foul water drainage systems (including a programme for their implementation) must be submitted to and, after consultation with the Environment Agency and the Internal Drainage Board approved by the relevant planning authority prior to the start of construction of any part of those systems. The details of the surface water drainage systems shall be based on sustainable drainage principles and must include:</i></p> <p><i>(a) provision of a minimum of 1,150 cubic metres of attenuation storage for the area of the Order land being drained south of Carr Dyke; and</i></p> <p><i>(b) a management and maintenance plan to ensure that the systems remain fully operational throughout the lifetime of the authorised development.</i></p> <p><i>(3) Surface water from the area of the Order land north of Carr Dyke must (along with treated process water) be discharged at a rate that is no greater than that permitted by the discharge licence for the Drax Power Station site (or such other licence to discharge as may replace or vary it).</i></p> <p><i>(4) Surface water from the area of the Order land south of Carr</i></p>

Ref.	Interested Party/Document	Section, page and/or paragraph no.	Issue/Matter	Applicant's Comments
				<p><i>Dyke must be discharged at a rate agreed with the Internal Drainage Board.</i></p> <p><i>(5) The details submitted pursuant to sub-paragraphs (1) and (2) must be in accordance with the principles set out in the environmental statement, including section 4.2 of the flood risk assessment (environmental statement volume 2 chapter C.1) and the surface water and flood risk technical report (environmental statement volume 2 chapter C).</i></p> <p><i>(6) The temporary and permanent surface and foul water drainage systems must each be constructed in accordance with the relevant approved details unless otherwise agreed with the relevant planning authority.</i></p> <p><i>(7) The authorised development may not be brought into commercial use until the permanent surface and foul water drainage systems have been constructed."</i></p>
13	Environment Agency - Written Representation	Section 3.0, Biodiversity, pages 3-4	Further information sought on biodiversity mitigation.	The Applicant notes that the comments relate to earlier relevant representations and that as noted in previous answers (Q6.6. and Q6.10) significant progress has since been made with EA and YWT in dealing with the net loss of wetland. Once the mitigation and enhancement options have been agreed with the EA and other interested parties it will be possible to provide a detailed schedule of measures and commitments, and which can be recorded in the Mitigation Annex (Document Ref: 6.5) as that is updated during the examination.
14	Environment Agency - Written Representation	Section 4.0, Environmental Permit, pages 4-5	Status of and progress on application to vary existing EP.	Please refer to response Ref. 2 above.
15	Environment Agency	Section 5.0,	Status of existing Abstraction	Please refer to response Ref. 7 above.

Ref.	Interested Party/Document	Section, page and/or paragraph no.	Issue/Matter	Applicant's Comments
	- Written Representation	Abstraction License, pages 5-6	License; insufficient information to enable full understanding of how water will be used and permits required.	
16	Environment Agency - Written Representation	Section 6.0, Habitats Regulations Assessment, page 6	Unable to carry out Habitats Regulations Assessment ('HRA') at this stage as do not have application for EP.	<p>In relation to HRA, the Applicant submitted a report to inform the competent authority in relation to the DCO in undertaking their Appropriate Assessment - Annex L of the ES (Vol 3) - Habitats Regulations Assessment (HRA) Report (Document ref: 6.4.5)). The EA has been provided opportunity to provide comments and input to the HRA process and were issued with a number of draft HRAs.</p> <p>As the Applicant's intention is to stay within existing permitted limits, effects from water abstraction or discharge were not considered in the HRA. We note that in their Response to First Written Questions, EA state that environmental effects associated with abstractions from or discharges to the environment will be assessed in detail and ultimately controlled as part of the consenting process.</p> <p>The EA, as a statutory consultee, have been involved from the outset with the DCO Application.</p>
17	Environment Agency - Written Representation	Section 7.0, Waste Management , page 7	Request minor amendment to requirement 18 'Construction environmental management plan' to refer to soil management and sediment control plans (referred to in the ES) and requirement 25 '9addition to requirement 25 'Waste management on site - construction and operational wastes' (now requirement 26) to ensure EA	<p>The Applicant is prepared to accept the substance of the changes requested by the EA to requirements 18 'Construction environmental management plan' and 26 'Waste management on site - construction and operational wastes'. This was confirmed in the Applicant's response to ExA Q10.1 (Document Ref. 9.1). The amended wording for the requirements is included within the version of the draft DCO (Revision 3) that has been submitted for Deadline 2 and is as follows:</p> <p>"Construction environmental management plan</p>

Ref.	Interested Party/Document	Section, page and/or paragraph no.	Issue/Matter	Applicant's Comments
			consulted.	<p>18.(1) No part of the authorised development may commence until a construction environmental management plan has, for that part, been submitted to and approved by the relevant planning authority.</p> <p>(2) The plan submitted and approved must be in accordance with the principles set out in the environmental statement and the environmental statement mitigation annex and incorporate;</p> <p>(a) a code of construction practice, specifying measures designed to minimise the impacts of construction works;</p> <p>(b) a sediment control plan;</p> <p>(c) a soil management plan;</p> <p>(d) a scheme for the control of any dust, smoke or steam emissions;</p> <p>(e) a piling concept document;</p> <p>(f) a scheme for environmental monitoring and reporting during the construction of the authorised development; and</p> <p>(g) a scheme for the notification of any significant construction impacts on local residents and for handling any complaints received from local residents relating such impacts during the construction of the authorised development.</p> <p>(3) All construction works associated with the authorised development must be carried out in accordance with the approved construction environmental management plan unless otherwise agreed with the relevant planning authority.</p> <p>Waste management on site – construction and operational wastes</p> <p>26.(1) No part of the authorised development other than site raising may commence until a construction site waste management plan for that part has been submitted to and, after consultation with the Environment Agency, approved by the relevant planning authority.</p> <p>(2) The plan submitted and approved must be in accordance with the principles set out in the environmental statement and the</p>

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				<p><i>environmental statement mitigation annex.</i></p> <p><i>(3) The plan must be implemented as approved unless otherwise agreed with the relevant planning authority.</i></p> <p><i>(4) The authorised development may not be brought into commercial use until an operational waste management plan has been submitted to and approved by the relevant planning authority.</i></p> <p><i>(5) The plan submitted and approved must be in accordance with the principles set out in the environmental statement and the environmental statement mitigation annex.</i></p> <p><i>(6) The plan must be implemented as approved before the authorised development is brought into commercial use unless otherwise agreed with the relevant planning authority."</i></p>
18	Natural England – Response to ExA FWQ and Written Representation	Section 7, Table 1, 6.0 Ecology, 6.1	Further information awaited on protection of badgers.	Additional update surveys have been undertaken including a bait marking survey as reported in the Applicant's response to the ExA's FWQ 6.8. Based on this information an updated draft badger mitigation method statement explaining which setts require closure, how this will be done, the mitigation required and what steps will be taken to prevent ingress to the 30m buffers surrounding setts is being drafted and issued to Natural England.
19	NYCC - Comments on any additional submissions (Applicant's consultation on non-material amendments to the DCO Application)	Page 1, Highways	Clarification as to whether biomass material will be sourced from the north; how will HGV trips be managed outside network peak hours.	<p>It is possible that materials will be sourced from the north. The dedicated HGV route limits traffic so that it can only follow the route to Drax along the A645 via Junction 36 of the M62. This is to ensure that HGVs do not travel along local roads or through villages near to Drax. Accordingly should materials be sourced from the north, the relevant HGVs will have to travel along the M1 or A1 and along to Junction 36 of the M62.</p> <p>In terms of the managed of traffic outside of the network peaks it is not considered to be required. The revised figures were based on the 10 hour condensed period (rather than the 12 hour potential</p>

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				<p>delivery window) this would equate to around 12 arrivals and 12 departures in an hour. This level of impact has a limited increase in traffic on the network with an extra 3 HGV arrivals and 3 HGV departures per hour than previously analysed, or an extra vehicle every 20 minutes. As such it was clearly demonstrated that there is no reason to change the conclusion reached within the original DCO submission, i.e. a negligible environmental impact and as such no further mitigation measures are required.</p>
20	<p>NYCC – Comments on any additional submissions (Applicant's consultation on non-material amendments to the DCO)</p>	<p>Page 1, Public rights of way ('PROW')</p>	<p>Further clarification sought on:</p> <ul style="list-style-type: none"> • The diversion of footpath 35.47/1 to the east of the development still not mentioned in the draft DCO. The other diverted footpaths are mentioned. Is there a reason for this exclusion? • It does need to be made clear (possibly in the SoCG) that until the diverted route is available on the ground and certified by NYCC; the old route (shown as the pink line on the Access and Rights of Way Plan) remains the legal right of way. The legal process is close to completion but the certification is the vital last element. The sooner this can be achieved the better. • There is a small discrepancy between the diversion order plan and the Access and Rights of 	<p>Footpath 35.47/1 is that between points 7 and 8 on the access and rights of way plans (Document Ref 4.4) and which is to be diverted pursuant to the footpath diversion order (as defined in the Draft DCO, Document Ref 2.1). The DCO does not (and does not need to) provide for its permanent diversion, since that is achieved by the footpath diversion order. Schedule 7 to the Draft DCO has however been updated to refer also to footpath 35.47/1, and its proposed replacement route (between points 8 and 10 on the access and rights of way plans), so as to allow the undertaker to <i>temporarily</i> stop up these routes. This matches the approach to the footpaths to the west of New Road and is similar to the Application Draft DCO (Document Ref. 2.1, Rev 1, November 2014), which included footpath 35.47/1 at Schedule 7.</p> <p>The Applicant agrees with NYCC that until certification by NYCC pursuant to the footpath diversion order, public rights of way remain over the existing footpaths. The Applicant is content to include this in the statement of common ground with NYCC and SDC.</p> <p>The Applicant understands that NYCC is referring to the section of proposed new footpath alongside Pear Tree Avenue, which is shown on the access and rights of way plan as 'kinking' slightly. The Applicant agrees with NYCC that the footpath diversion order plan</p>

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			<p>Way Plan. This probably needs to be amended on the Access and Rights of Way plan for accuracy. More importantly, this diversion could not be certified if the developer implements the path on the ground as shown on the Access and Rights of Way Plan.</p>	<p>and access and rights of way plan should be consistent and is discussing this point further with NYCC to ensure that they are. The Applicant will submit updated versions of the access and rights of way plans to the Examining Authority if necessary.</p>
21	NYCC/SDC – Local Impact Report	Section 8, Paragraphs 8.7, 8.8 and 8.9	Landscape and Visual: Local Impacts.	<p>In the Local Impact Report NYCC raise a number of issues regarding landscape and visual effects in sections 8.7, 8.8 and 8.9. For ease of reference these are précised below and addressed in the following paragraphs.</p> <p>Section 8.7 states that project specific Landscape Character Areas (LCAs) have not been adopted. Section 8.7 also states the insufficient attention has been paid to the significance of the impact of the proposed development on the Drax Priory SM/Drax Abbey Farm; largely related to the site's slight elevation within a floodplain. Section 8.8 seems to question the adopted methodology and how baseline conditions have been characterised. Section 8.9 discusses effects on Drax Priory scheduled monument (SM) and confirms the study area is not covered by any landscape designations.</p> <p>Project specific landscape character areas (LCAs) have been developed for the landscape and visual assessment (LVIA) and utilised within the assessment as a direct response to a consultation response received from NYCC at the PEIR stage.</p> <p>The floodplain character has been considered as recognised in the Ouse River Corridor LCA (see table 3.2) which states under key</p>

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				<p>characteristics that <i>“the river is a dominant feature, lined on either side by flood alleviation embankments which physically and visually isolate it from its natural floodplain. This is often of an engineered appearance and is visually intrusive”</i>.</p> <p>A number of representative viewpoints (VPs) have been selected in this LCA to assess impacts to the LCA and from those viewpoints Vp 17 and Vp14 are located close to the Drax Priory and sufficiently cover the significance of the impact of the proposed development on the Drax Priory scheduled monument (SM).</p> <p>The methodology for the LVIA was shared with the SDC and NYCC at the scoping stages and adheres to the GLVIA 3 guidance. Section 8.5 of the local impact report acknowledges this and no specific comments/concerns were raised at the time of submission.</p>
22	NYCC/SDC – Local Impact Report	Section 8, Paragraph 8.11	Landscape and Visual: Local Impacts	<p>The Applicant considers that viewpoints ('Vp') 17 and 14 provide suitable characterisation of the effect on Drax Priory SM and do not consider that any additional information is required to evaluate the significance of effects. Nonetheless, the Applicant is currently in the process of producing these figures.</p>
23	NYCC/SDC – Local Impact Report	Section 8, Paragraph 8.12	Landscape and Visual: Local Impacts	<p>The LVIA (Document ref: 6.3.12) included an 'Indicative Landscaping and Biodiversity Framework Plan' (Figure H.7). Its purpose was to identify areas suitable for planting and landscaping. It was not its purpose to show all development constraints (for instance the CCS pipeline, overhead transmission lines etc.) or finalised development detail (for instance security fencing etc.). In due course The Applicant will refine these indicative proposals which will be informed by development constraints and respond to the defined requirements such as the screening of Drax Priory SM, the biological potential of the attenuation pond, opportunities for</p>

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				<p>habitats connectivity / enhancement etc. In our experience, until the FEED process is complete and an EPC contract awarded, it is impractical to define the precise specification for these elements hence the indicative plan supplied. The above matters will be considered as part of the details submitted pursuant to requirements.</p>
24	NYCC/SDC – Local Impact Report	Section 8, Paragraph 8.13	Landscape and Visual: Cumulative Impacts	<p>The National Grid Carbon Ltd (NGCL) Pipeline has been included in the Cumulative Impacts section. Refer to Table 6.1 (Document ref: 6.3.12) which includes the potential interaction with Project receptors and the description of potential cumulative effect. NYCC suggested that if “both schemes go ahead there will be significant cumulative visual impacts”; we do not agree on this point because the sensitivity of Camblesforth Lowlands LCA is low and the sensitivity of Viewpoint 17 is high. The NGCL installation works would represent a slight addition to the construction activities present. Considering this, and the temporary nature of the works, the magnitude of change would be small especially as the pipeline construction activities are by their nature low level (in terms of height) and only physical present for a small percentage of the time in proximity to the WRCCS project. The cumulative effect is considered to be Minor at most.</p> <p>Once the NGCL pipeline is operational effects will be very limited (as the vast majority of the project will be buried / reinstated). The main facility associated with the NGCL pipeline (in proximity to the WRCCS Project) will be the pipeline inspection gauge trap (PIG trap). Pig traps are small facilities and the NGCL facility is similar. The highest structure is only 3.2m (the instrument building) and the main elements are only circa 30m wide (Drax Pig Trap Elevation (S+W) (PINS Ref. EN070001). This would make a negligible contribution to cumulative effects in conjunction with the WRCCS</p>

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				<p>Project which is a far wider and more prominent structure. Where visible the PIG trap (if visible) will be an insignificant addition.</p> <p>The effects of pipeline construction (including above ground facilities are limited to the construction stage and as they are a linear project (and built quickly) the effects at one location (for instance in proximity to the WRCCS project) are transitory and limited to no more than typically one year and often only six months. The Guidelines to Landscape and Visual Impact Assessment, Third Edition defines cumulative landscape and visual effects (CLVIA) and stresses that the cumulative assessment task should be proportional and reasonable to the nature of the project and that it is important to remember that the emphasis in EIA is on likely significant effects rather than a comprehensive cataloguing of every conceivable effect.</p> <p>NYCC also raise the issue of the separate planning application lodged with SDC for the site raising of the project site for the purposes of flood protection. Although this is a separate application under the Town and Country Planning Act 1990 the effects of this activity are fully included within the EIA that was submitted to support the DCO as it is integral to the deliverability of the project; therefore it has been considered in assessing impacts.</p> <p>The concern expressed in relation to the raised site relates solely to the scenario of the site raising planning permission being granted and implemented in advance of implementation of the DCO, not to the scenario of implementation of solely the DCO (under which site raising works would be followed immediately by the remainder of the Project). The Applicant has proposed to SDC that, if the site raising planning application is granted, a condition is imposed securing the restoration of the site in specified circumstances.</p>

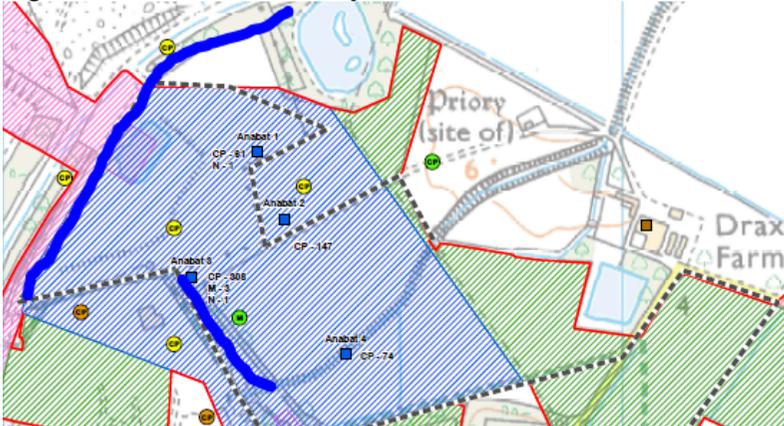
Ref.	Interested Party/Document	Section, page and/or paragraph no.	Issue/Matter	Applicant's Comments
25	NYCC/SDC – Local Impact Report	Section 8, Paragraphs 8.14 - 8.17	Landscape and Visual: Green Infrastructure/Key Green Infrastructure Issues/Impacts	<p>Selby District Core Strategy (October 2013) states “<i>in all circumstances opportunities to protect, enhance and better join up existing Green Infrastructure, as well as creating new Green Infrastructure will be strongly encouraged, in addition to the incorporation of other measures to mitigate or minimise the consequences of development</i>”. The referenced map (Map 7) is drawn from Natural England, Yorkshire and the Humber Green Infrastructure Mapping Project (April 2010) with the objective of being used by local authorities, statutory agencies, voluntary sector organisations and the private sector to:</p> <ul style="list-style-type: none"> • protect green infrastructure • be a starting point for more detailed or localised green infrastructure work • increase awareness of where green infrastructure functions exist and how they complement each other • establish a baseline of green infrastructure from which change can be measured • inform planning decisions and development proposals • provide evidence for policy and strategy creation • form the basis of sub-regional delivery projects • focus green infrastructure enhancement where gains can be maximised <p>In terms of the WRCCS project although it is within the broad ‘Leeds City Region River Ouse GI Corridor and Selby Local Nature Partnership Priority Area’ it is alongside the existing Drax Power station and on agricultural farmland. In terms of the existing Drax Power Station Site it is hard to substantially vary the configuration of what is a heavily constrained site and similarly the WRCCS project site core function is to be an operational energy generation site with its footprint optimised through design to minimise landtake.</p>

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				Nonetheless within these constraints (and mindful of the status of the FEED process) we have evaluated the potential of the WRCCS site to contribute to the GI corridors and measures to integrate the site with the GI corridors are being explored based on the broad opportunities identified in the indicative biodiversity and landscape plan and offsite ecological measures. This is the appropriate balance between minimising the footprint of an operational electrical generation facility and its integration alongside an existing facility / agricultural farmland.
26	NYCC/SDC – Local Impact Report	Section 8, Paragraph 8.18	Landscape and Visual: On-site Mitigation	As mentioned, a significant driver in the design of the site has been minimising the footprint of the construction laydown areas and the operational plant. Opportunities on site are constrained and adjoining areas (owned by Drax) are largely productive farmland. To ensure adequate and proportionate landscape and biodiversity mitigation, options are currently being refined in full consultation with local stakeholders. This will chiefly take the form of off-site ecological enhancement areas (which are likely to confer other benefits including but not limited to, public access, landscape amenity, surface water management).
27	NYCC/SDC – Local Impact Report	Section 8, Paragraphs 8.19 - 8.20	Landscape and Visual: DCO Requirement 5	In accordance with the comments made by NYCC and SDC at paragraph 8.20 of the LIR (and in NYCC's responses to the ExA FWQ) the Applicant has amended requirement 5 on the version of the draft DCO submitted for Deadline 2 (Revision 3) to state that: <i>"5. (1) No part of the authorised development other than site raising may commence until a detailed landscaping scheme for that part has been submitted to and approved by the relevant planning authority..."</i>
28	NYCC/SDC – Local	Section 8,	Landscape and Visual: Off-site	The Applicant is currently in dialogue with NYCC/SDC, the EA and

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	Impact Report	Paragraphs 8.21 - 8.25	Mitigation/Compensation	<p>the YWT to develop agreed off site environmental enhancement. As outlined this is necessary as the optimisation of the project design (that has occurred during the EIA process) has reduced the size of the DCO order limits with the objective of minimising landtake both during construction and operation; one of the overriding objectives being to minimise the landtake.</p> <p>The offsite enhancement option (or options) would be managed by a provider such as YWT and would not conflict with the operational requirements of either power station.</p> <p>The Applicant will further develop the Indicative Landscaping and Biodiversity Framework Plan (Document ref: 4.10) measures to meet a range of environmental objectives such as biodiversity, landscape amenity, screening (of residential and designated sites) and, if tenable green, infrastructure.</p>
29	NYCC/SDC – Local Impact Report	Section 9, Paragraph 9.2	Ecology: Badgers	<p>The issue in relation to surveys is dealt with in our response (Ref.18 in this document) to 'Natural England's – Response to ExA FWQ and Written Representation' where NE deals with ExA Q6.1.</p> <p>The other issue raised in the NYCC/SDC LIR relates to a reference to lack of detail in the 'Landscape and Biodiversity Framework 4.10'. The Applicant assumes this is a reference to the Indicative Landscaping and Biodiversity Framework Plan (Document ref: 4.10).</p> <p>This plan shows that access for badgers to the mitigation area will be retained through badger gates within the perimeter fence. These will be at either end of Carr Dyke. This will give animals opportunity to use the species rich grassland for spring and summer foraging, whilst the berry bearing shrubs will provide autumn foraging. Whilst</p>

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				<p>the overall area of habitat provided within the on-site mitigation area will be smaller it will be of higher quality than much of the improved grassland, poor semi-improved grassland and arable areas permanently lost. The temporary laydown areas will be restored to their former use (mainly agricultural). The Carr Dyke access point will retain connectivity with the wider landscape.</p> <p>The Applicant is currently revising the Indicative Landscape and Biodiversity Framework Plan and this will provide more detail as requested, particularly in relation to which grassland and tree species will be planted, and on badger gate design in relation to the perimeter fencing.</p> <p>The badger population in this area is large and expanding and the species is widespread and common within the UK. Effects arising from the project were assessed as negligible in relation to badger populations. The legal requirements to prevent harm to badgers are being dealt with through licensing and NE and the Applicant aim to agree a draft licence badger mitigation method statement shortly.</p>
30	NYCC/SDC – Local Impact Report	Section 9, Paragraph 9.5	Ecology: Carr Dyke	<p>The LIR requested information on how Carr Dyke will be protected during site raising works. This is addressed within the Project Description of the ES (Chapter5, Document Ref: 6.2) which details the construction codes that will be adhered to and the drainage system that will be put in place to prevent construction effects on the Dyke. This applies to the Project generally and therefore to land on both sides of the Dyke.</p> <p>A seven metre wide strip of rough grassland will be retained on the south side of the dyke, and details of the plant mixes will be included in the Indicative Landscaping and Biodiversity Framework Plan (Document Ref. 4.10), which is currently being developed</p>

Ref.	Interested Party/Document	Section, page and/or paragraph no.	Issue/Matter	Applicant's Comments
				further.
31	NYCC/SDC – Local Impact Report	Section 9, Paragraph 9.6	Ecology: Flood attenuation pond	The LIR has indicated a preference for the flood attenuation pond to be designed so that pumping water from the Carr Dyke would be unnecessary. Detailed design work will form part of the development of the Indicative Landscaping and Biodiversity Framework Plan (Document Ref. 4.10).
32	NYCC/SDC – Local Impact Report	Section 9, Paragraph 9.7	Ecology: Bat foraging	<p>The LIR states; <i>“The key impact is a loss of foraging habitat and loss of connectivity with Barlow Mound – the key mitigation is noted as “maintain scrub/plantation which runs along the fence line in the centre of the Operational Area (Table 4.1)”.</i></p> <p>There is no key impact. Impacts on bats were assessed as non-significant. Unsurprisingly given the largely open and generally intensive arable habitat only common and widespread species were encountered in low numbers. Bats were shown to favour the area around Drax Abbey farm (with its large pond fringed by mature woodland) and the network of woodland, scrub and grassland created on Barlow Mound. A commuting corridor between Drax Abbey farm, the ecological pond created by Drax, and the habitats on Barlow Mound exists in the form of patches of scrub and shelter belt. This will be retained as far as is reasonably practicable and is shown as the long blue line in Figure 1 below</p> <p>A line of scattered scrub along the edge of arable crops and improved grassland is unlikely to be retained. This is shown as the smaller blue line ending at Carr Dyke.</p>

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				<p>Figure 1 Scrub lines used by bats</p>  <p>Although impacts on bats are non-significant the Indicative Landscaping and Biodiversity Framework Plan (Document ref: 4.10) includes provision for lines and clusters of trees and scrub connecting the perimeter of the site with the wider landscape. This will create new commuting opportunities for bat populations. The creation of species rich grassland and provision of a pond will provide foraging opportunities connected to these commuting lines. This represents an ecological benefit.</p>
33	NYCC/SDC – Local Impact Report	Section 9, Paragraph 9.8	Ecology: Grass Snake	The LIR raises concern about the loss of 10ha of potentially suitable habitat for grass snake. It should be noted that habitat suitability on the site is relatively limited, and this was reflected by the fact that a

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				<p>small population of grass snake (one animal) was identified. Research into the home range of grass snakes indicate these are between 1.29 ha and 3.56 ha¹. The research also found that animals avoided grazed fields and dense woodland and prefer boundary habitats where basking opportunities and cover from predators is available. As the population is small and there is alternative habitat in the surrounding area, into which the small population should be easily accommodated no significant effects are predicted.</p> <p>The mitigation area will be approximately 7.45ha and will contain boundary areas between scrub and species rich grassland. This is currently being further defined through the development of the Indicative Landscaping and Biodiversity Framework Plan (Document Ref: 4.10) and features such as hibernacula and basking mounds at the edges of scrub and grassland can be incorporated. This would ensure that sufficient suitable habitat was provided.</p>
34	NYCC/SDC – Local Impact Report	Section 9, Paragraph 9.9	Ecology: Birds - Nesting and Foraging	<p>The provision of habitat for all the birds displaced by the WRCCS project is regarded as insufficient by NYCC/SDC. Minor significant residual effects for breeding birds were reported in the ES. This was on the basis that the populations identified were part of widespread and common bird assemblages.</p> <p>The operational area contained seven species of breeding bird each with between 3-5 territories (unless otherwise specified). These</p>

¹ Reading, C.J & Jofré, G.M. 2009. Habitat selection and range size of grass snakes *Natrix natrix* in an agricultural landscape in southern England. *Amphibia-Reptilia* 30 (2009): 379-388

Ref.	Interested Party/Document	Section, page and/or paragraph no.	Issue/Matter	Applicant's Comments
				<p>were;</p> <ul style="list-style-type: none"> • Reed bunting; • Yellowhammer; • Linnet; • Bullfinch (1 territory); • Dunnock; • Song thrush (1 territory); and • Grasshopper warbler (1 territory) <p>In addition barn owl was observed feeding but were not breeding on site.</p> <p>None of these species are necessarily open arable field species although some (such as yellowhammer) may be commonly associated with them. As a consequence, contra to the suggestions in the LIR, the proposed mitigation would be suitable for these species.</p> <p>Species such as grasshopper warbler and reed bunting are more associated with damp scrub and wetland fringes. It is acknowledged that there is a reduction in wetland that is not met within the mitigation area and therefore for species such as reed bunting some additional offsite mitigation may be required and is being considered as part of the options under review and discussion with YWT.</p> <p>For species such as barn owl the provision of ungrazed grassland is likely to be positive, particularly if nest sites (such as pole mounted nest boxes) can be incorporated into the refined Landscape and Ecology Mitigation plan.</p>

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				For the small number of territories of species that will not be met by the on-site mitigation the Applicant is currently discussing offsite mitigation with an emphasis on wetland provision with providers such as YWT. This focus on wetland provision would reduce the residual minor significant effect to negligible.
35	NYCC/SDC – Local Impact Report	Section 9, Paragraph 9.11	Ecology: Biodiversity Mitigation Plan	<p>The LIR makes the point that the biodiversity management plan requires updating to provide more detail and to demonstrate how it will integrate with the wider area. The Applicant is currently updating the Indicative Landscaping and Biodiversity Framework Plan (Document Ref. 4.10) and this more detailed Plan's provisions and recommendations will inform the Biodiversity Mitigation and Management Plan that is to be secured by requirement 16 of the draft DCO.</p> <p>It is acknowledged that there are some minor residual significant impacts and these relate primarily to the need for the provision of additional wetland habitat, such habitat also addressing any residual impacts on breeding birds. Discussions are well advanced with providers such as YWT as to how this may be addressed.</p> <p>Enhancement in the form of a contribution to land management, landscape level programmes or other programmes not immediately associated with the impacts arising from the project is also part of the discussion with potential providers such as EA and YWT.</p>
36	NYCC/SDC – Local Impact Report	Section 9, Paragraphs 9.13 - 9.16	Ecology: Enhancement	The Applicant welcomes the acknowledgement from SDC/NYCC that it is making progress with regards to the policy requirement in NPS EN-1 that ecological enhancement be provided. Opportunities should be sought for biodiversity enhancement and mitigation must of course be relative to the impacts of the project. It would not be reasonable, logical or legal to seek a level of enhancement based

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				<p>on any other criteria.</p> <p>The securing of mitigation, offsite mitigation, and enhancement measures may require a range of different mechanisms and the Applicant is considering whether an overarching “landscape and biodiversity enhancement plan” as suggested by the LIR is the only or best vehicle for delivering these commitments.</p>
37	NYCC/SDC – Local Impact Report	Section 11, Paragraph 11.1	Highways & Transportation: Movement of abnormal indivisible loads ('AILs')	<p>The movement of Abnormal Indivisible Loads (AIL's) has been discussed within the DCO application submission (Annex D of the ES). This assessment used a high-level approach, assuming that both a 50m and 80m long vehicle would be required to transport the largest of the AILs to the site.</p> <p>This assessment was based upon OS mapping data, but without the final details of the AILs to be used, the origin point, or the route to be undertaken. It therefore concentrated upon the route along the A645 between the M62 junction and the White Rose CCS site. It is likely that the AILs that are actually to be transported will be significantly shorter than the 80m length quoted.</p> <p>The possible use of the jetty to transport some of the AILs is currently being assessed in greater detail, and the identification of which AILs can be moved from the public highway to water based transport.</p> <p>A specialist haulage contractor with expertise in AILs of the size required at the Project will be employed to liaise with the Local Highway Authority (LHA) and Police, securing the necessary approvals for transportation of these materials. The AILs are expected to be transported off-peak, and along dedicated routes.</p>

Ref.	Interested Party/Document	Section, page and/or paragraph no.	Issue/Matter	Applicant's Comments
				The removal of street furniture, or localised strengthening of footways, verges or cutting back of vegetation that may be required will be agreed at that stage. It is considered that these measures will be defined within the required condition and within the Construction Environmental Management Plan. All routes and movements are to be agreed with the LHA and Police via standard processes.
38	NYCC/SDC – Local Impact Report	Section 11, Paragraph 11.6	Highways & Transportation: need for dilapidations surveys.	The ES confirms that the construction phase of the Project will not result in unacceptable effects on the highway network. In view of this, combined with the fact that the proposed route for construction HGVs would be used by other traffic over the period of construction, it is not considered either necessary or reasonable to seek a requirement relating to dilapidation surveys, as traffic associated with the Project would be a relatively small percentage of that on the network, while it would not be possible to attribute any damage to the highway to a particular project or development. Furthermore, requirement 19 'Construction traffic routing and travel plan' of the draft DCO requires the submitted plan to set out details of any necessary measures for the temporary protection of carriageway surfaces, to be agreed by the relevant planning authority in consultation with the local highway authority.
39	NOT USED	NOT USED	NOT USED	NOT USED
40	NYCC/SDC – Local Impact Report	Section 12	PROW	Please refer to response Ref. 20 concerning issues raised by NYCC/SDC relating to PROW.
41	NYCC/SDC – Local Impact Report	Section 13, Paragraph 13.1	Noise and Vibration: Amended Traffic Data	The traffic data referred to in this question have been presented in (Document Ref. 6.3.7(i) - ES Traffic Sensitivity Test) as stated. Although the document analysed a period during construction when a larger number of HGV movements is likely compared to the ES,

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				the conclusions were that no significant traffic noise changes would occur at receptors when total traffic flows were considered. A summary of the findings of the ES Traffic Sensitivity Test is specified in the Applicant's response to ExA's FWQ 4.9 (Document Ref. 9.1).
42	NYCC/SDC – Local Impact Report	Section 13, Paragraph 13.2	Noise and Vibration: Draft Development Consent Order	<p>The Applicant agrees that noise should be managed during construction. Requirement 20 'Construction hours' of the draft DCO specifies the hours during which noisy construction activities can take place, while also specifying a noise limit below which work can take place outside these hours. In addition, requirement 18 'Construction environmental management plan' includes:</p> <p><i>"(f) a scheme for environmental monitoring and reporting during the construction of the authorised development; and</i> <i>(g) a scheme for the notification of any significant construction impacts on local residents and for handling any complaints received from local residents relating to such impacts during the construction of the authorised development."</i></p>
43	NYCC/SDC – Local Impact Report	Section 13, Paragraphs 13.3 - 13.4	Noise and Vibration: Impacts Arising from Noise; operational noise	<p>Noise concerns raised in the LIR relate to a small number of properties. The Applicant is responding actively to provide appropriate mitigation but it is to be recalled that any residual effect must be balanced against the overall benefits which will flow from this Project of national and international importance. Those benefits were set out in detail in the response to first written questions (Document Ref 9.1, FWQ 1.2).</p> <p>Whilst it is accepted that the operation of the Project will occur during the day and night, the use of outdoor amenity spaces at night is uncommon. The principle of protecting the internal noise environment at night through the provision of noise insulation and</p>

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				<p>acoustic ventilation systems has been discussed with SDC, and is supported by current version of BS 4142: 2014 which confirms that the sensitivity of the receptor should be taken into account including the effect of noise insulation.</p> <p>The assessment of operational noise has been discussed extensively with SDC and considered in the ES. Specific points have been further clarified in the Applicant's Response to ExA's First Written Questions (see response to FWQ 4.16 - Document Ref. 9.1). This answer confirms that it would be important to take account of the clarity provided by the relevant parts of the revised BS4142 (2014), as they confirm that the comparison of the predicted noise including any tonal correction (i.e. the rating level) with the background noise is an "initial estimate" of significance. There is no suggestion that this would not also be a relevant approach to the previous version of the standard which was used in the ES. It was, therefore, not concluded that the predicted differences in the ES were equivalent to significant or adverse effects as suggested, once context was taken into account as discussed below.</p> <p>Following the BS4142 approach, the final assessment of significance must take into account the context of the noise. Some definitions are provided that define what is intended by the term "context". The factors considered to assess the context of a sound should take into account the absolute noise level and any reduction in impact at a receptor as a result of noise mitigation such as acoustic glazing. Whilst this was not part of the BS 4142. 1997 standard which was used as a basis of the noise assessment, this is the approach that has effectively been adopted in the ES by considering BS 4142. 1997 and the guidance on absolute noise levels in BS 8233. This avoids very low plant noise levels being classed as significant noise impacts (based on their level relative to</p>

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				background noise) when they will not actually be high enough to result in significant effects on sleep or enjoyment of open spaces.
44	NYCC/SDC – Local Impact Report	Section 13, Paragraph 13.5	Noise and Vibration: Impacts Arising from Noise, tonal noise	<p>Requirement 23 'Operational noise' includes a restriction on tonal noise. There are no other acoustic features that are anticipated for this type of facility. The requirement includes the following wording:</p> <p><i>"(5) Overall sound at residential properties from the operation of the authorised development must not exhibit any significant tonal content as defined using the objective method for assessing audibility of tones in Annex D of British Standard 4142:2014 and such that the measured tonal correction (K_t) should equal zero decibels."</i></p>
45	NYCC/SDC – Local Impact Report	Section 13, Paragraph 13.6	Noise and Vibration: Background noise levels	<p>The reason that the background noise levels presented in the two tables are different is that the levels in Table 3.2 are derived from the measured baseline whereas the values in Table 4.2 are the adopted background for the assessment with, where necessary a 30 dB LA90 lower limit applied in line with the reasons explained in Paragraph 2 of Section 4.3.1 Section 3.2 of the ES Volume 2 Chapter B - Noise and Vibration Technical Report (PINS Reference 6.3.2).</p> <p>The Applicant accepts that one of the changes in BS4142: 1997 was to remove reference to a lower limit of 30 dB LA90. The main changes are described in Applicant's Response to ExA's First Written Questions 4.12. However, another change is that the part of the assessment that refers to the LA90 is now termed as an "initial assessment". The BS4142:2014 approach then confirms that final assessment of significance must take into account the context of the noise. Some definitions are provided that define what is intended by the term "context". The factors considered to assess the context of a sound should take into account the absolute noise</p>

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				<p>level and any reduction in sensitivity at a receptor as a result of noise mitigation such as acoustic glazing (as described in the Applicant's answer to the ExA's Question 13.4). Whilst this was not part of the BS 4142 1997 standard which was used as a basis of the noise assessment, this is the approach that has effectively been adopted in the ES by considering BS 4142 and the guidance on absolute noise levels in BS 8233. In areas where baseline noise levels are low (such as for the Project) the new standard strongly suggests that it is the absolute noise levels which determine the significance of the sound which is being assessed. Since this comparison with absolute sound level standards had already been carried out as part of the ES, in this situation, there would be no change in the conclusions of the assessment (e.g. the number of receptors within the complaints likely category).</p>
46	NYCC/SDC – Local Impact Report	Section 13, Paragraph 13.7	Noise and Vibration: Night-time noise	<p>It is clear from the description in BS 8233 that the BS 4142,1997 is being referred to. BS 4142 2014 provides clarifications on the methodology that should be used to assess industrial noise as discussed above (response Ref. 45 in relation to paragraph 13.6 of the LIR). In Clause 11 1(BS 4142.2014) it states "...where background levels and rating levels are low, absolute levels might be as, or more, relevant that the margin by which the rating level exceeds the background." The provided examples also show the application of such an approach. For instance example A6.1 illustrates that when the difference between the baseline and the plant noise is variable, it might be applicable to consider the level in BS8233.</p> <p>In the case of the Project the plant noise is expected to be predominantly constant, but the background noise measurements (over three surveys) showed that there was a range in the background noise. If the assessment in the ES had been based</p>

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				purely on the difference between the times at which the lowest background noise was low and the noise from the Project the Applicant believes that this would have resulted in an unrepresentative situation. In conclusion the assessment presented in the ES we consider correctly adopted BS 8233 and this method (for this facet of the assessment was consulted upon).
47	NYCC/SDC – Local Impact Report	Section 13, Paragraph 13.8	Noise and Vibration: Operational noise assessment in line with amended BS4142:2014	Based on queries raised by SDC post submission around changes to BS 4142 ERM prepared a note detailing the changes between the 1997 and 2014 version. This was issued to SDC on 30.04.2015 and also to the ExA in response to question 4.2. The reasons for taking this approach are discussed in the answer to 13.7. Since the issue of the aforementioned note we had not heard back from SDC on this matter and if further detail can be provided on specific concern about this interpretation the Applicant will respond to them.
48	NYCC/SDC – Local Impact Report	Section 13, Paragraph 13.8	Noise and Vibration: Traffic noise	Although both sources (industrial noise and road traffic) are attributable to the Project it is not appropriate in a technical sense to combine noise from industrial sources and off-site road traffic and in ERM's experience such an approach is not adopted within Environmental Impact Assessments of an industrial installation. The main reason for this is that people will perceive and react to these two sources in different ways, and therefore, even if they could be combined there is no UK specific criterion to compare the total level to. For instance the guidance in BS4142 does not apply to off-site traffic, whereas other guidance for roads does not apply to industrial noise.
49	NYCC/SDC – Local Impact Report	Section 13, Paragraph 13.9	Noise: DCO Requirement 20 'Construction hours'	Requirement 20 has been redrafted to allow works outside of core daytime hours including evenings and weekends, providing the noise levels do not exceed the lowest criteria in Table E.1 in BS 5228. These limits include limits in terms of evening and night with

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				appropriate values for criteria for each, and these have been adopted for the draft Requirement to limit noise to levels so that significant effects will not be experienced during construction. Since BS 5228 is the appropriate British Standard for construction noise, and the lowest values have been adopted for each period, the Applicant believes that this Requirement is sufficient to control construction noise appropriately. Where construction work cannot be carried out within these limits the redrafted Requirement also includes provision for an application to be made for prior approval through Section 61 of Control of Pollution Act, and any work carried out in this way will need to be approved by Selby District Council.
50	NYCC/SDC – Local Impact Report	Section 13, Paragraph 13.10	Noise: Effectiveness of DCO requirements	The Applicant does not agree that the situation will be likely to give rise to complaints once the absolute noise levels are taken into account, and the noise mitigation in the form of noise insulation and acoustic ventilation, which is proposed at the most affected building, is taken into account. The Applicant has discussed the noise emissions from the plant once it is operational with SDC, which is the competent local authority for consideration of noise impacts during the DCO process as a statutory consultee, and understood that agreement had been reached on the noise criteria and believes the standards applied to be robust. A draft noise requirement to control the level and nature of operational noise from the plant to appropriate levels has been included in the draft DCO (Requirement 23).
51	NYCC/SDC – Local Impact Report	Section 14, Paragraphs 14.1 – 14.2	Air Quality: Emissions from the Operational Plant; pollutants to be monitored; adequacy of air quality information	The Applicant has discussed the range of pollutants to be monitored when the plant is operational with SDC. The suggested suite (SO ₂ , NO _x and PM) is proposed as it is the same suite currently agreed within Drax Power Limited's existing EP for the Drax Power Station sites. As the Project will operate under a variation of this EP, and include more pollution abatement technology than the existing

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				<p>Power Station, this suite is considered appropriate. The suggested suite (now subject to an EP variation application lodged with the EA) was discussed in writing with SDC further to questions received from their Environmental Health Officer. This communication resulted in a memo being issued to SDC on 30 April 2015, which confirmed the above suite and supporting rationale. SDC responded (via email dated the same day) that "...your comments are noted and I do not propose to contend this further at this time". Any variation to the existing monitoring suite would be finalised (if necessary) via the EP variation process.</p> <p>The EA has been consulted through the development of the Environmental Impact Assessment including assumptions, methods and results from the emissions to atmosphere modelling. The EA was consulted further at the PEIR stage and also upon submission of the finalised ES. The consultation included sharing the details of the air quality impact assessment and modelling approach with the EA's air quality modelling and assessment unit (AQMAU) who agreed with the overall approach including the use of Church Fenton meteorological data and the use of Aire Valley baseline data. AQMAU has not undertaken a highly detailed review of the dispersion modelling, as, in line with normal practice, this will be undertaken at Environmental Permit stage; instead AQMAU has provided general commentary on the suitability of the modelling approach and methodology, and the overall findings. The Applicant is currently discussing the more detailed data requirement the EA has requested (post to the submission of the DCO) and are working to reach agreement. On the basis of the responses from AQMAU and other stakeholders received to date, the assessment of emissions to atmosphere undertaken in the EIA is considered to be sufficient, presented a worst case scenario and presented the foreseeable variations in emission and impact associated with oxy-mode versus air mode operations.</p>

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				<p>NYCC/SDC comment that they “are concerned that not all information has been presented with the application and hence cannot be fully assessed by the regulator for the site until the permit application is submitted...”</p> <p>In the light of this comment, it is convenient to provide some background information as to the information already available to the EA and, indeed, as to the detailed specific matters about which the EA has sought further clarification. It is appreciated that this is information of some technical complexity but the nature of NYCC/SDC's comments requires a response in such terms.</p> <p>The air quality impact assessment contains the relevant information required by AQMAU to reach a judgement on the validity of the model and the findings of the assessment; AQMAU was supplied with the following information to appraise the approach to air quality modelling after a meeting held with the EA on the 30 May 2014 in which the applicant passed over everything that AQMAU would need to validate the basic data, check the input data calculations and rebuild the dispersion models.</p> <ul style="list-style-type: none"> • ADMS Additional Input File (needed for assessing hydrogen chloride deposition) • ADMS Grid receptors file • ADMS Habitat receptors file • ADMS Meteorological data • Excel Model input data for air-mode, oxy-mode and the auxiliary boiler models • ADMS Model run files for air-mode, oxy-mode, auxiliary boiler and an additional set for the hydrogen chloride wet deposition • ADMS Time varying emissions for the oxy-mode model

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				<p>NYCC/SDC in the their LIR raise a concern that the EA raises a small number of specific requests for additional information in its response to SDC comments:</p> <p>Modelling included all buildings of greater than 1/3rd stack height, within a radius that constitutes a value of 5 times the stack height. The impact assessment relating to stack emissions was undertaken based upon the greatest impacts in terms of changes to air quality arising at any location. On this basis, the assessment did not specifically identify or consider specific sensitive human receptors. Impacts will be lower than those identified in the air quality impact assessment and as no unacceptable impacts have been identified, none will be identified at sensitive human receptors. The locations of sensitive habitat receptors are set out in Table 4.3 of the air quality impact assessment, (PINS document reference 6.3.1). The Applicant will supply a figure to the Environment Agency during the process illustrating the above information.</p> <p><i>Running hours of the auxiliary boiler</i></p> <p>To confirm, as stated in the EIA (Volume 2, Section A (Document Ref. 6.3.1)) the auxiliary boiler will operate for a maximum of 72 hours per annum.</p> <p><i>Baseline data used</i></p> <p>In Table 4.2 of the air quality impact assessment, (Volume 2, Section A (Document Ref. 6.3.1) the baseline data used and the origin of this data have been specified. In addition, subsequently hourly sequential ambient monitoring data for the Aire Valley network has also been provided. These provide a robust basis for the assessment of impacts.</p>

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				<p><i>Clarification of buildings used in modelling</i></p> <p>The buildings used in the modelling are detailed in Table 5.23 of the air quality impact assessment. These are shown graphically in the figure above.</p> <p><i>Assessment of the impact of NMVOCs</i></p> <p>In the air quality impact assessment, the impacts of non-methane volatile organic compounds (NMVOCs) were not presented. This was due to the fact that detailed VOC composition data has not been derived. However, the emissions of total NMVOCs has been derived as part of the emissions suite for both oxy-mode and air-mode. The worst case approach would be to assume that all VOCs arise as benzene; this represents the worst case, as benzene is subject to a highly stringent Air Quality Standard, and the very large majority of VOCs emitted would be non-benzene species, and considerably less hazardous. The table at Ref. 51 Appendix 1 sets out the assessment of impacts in both air-mode and oxy-mode for NMVOCs assessed as benzene based upon the annual mean air quality standard.</p> <p>On the basis of this assessment the impacts of emissions of NMVOCs are not significant.</p>
52	NYCC/SDC – Local Impact Report	Section 14, Paragraph 14.3 - 14.5	Air Quality: Dust from Construction; programme of environmental monitoring	<p>Requirement 18 'Construction environmental management plan' has been amend as follows:</p> <p><i>"(2) The plan submitted and approved must be in accordance with the principles set out in the environmental statement and the environmental statement mitigation annex and incorporate;</i></p>

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				<p>(a) a code of construction practice, specifying measures designed to minimise the impacts of construction works;</p> <p>(b) a sediment control plan;</p> <p>(c) a soil management plan;</p> <p>(d) a scheme for the control of any dust, smoke or steam emissions;</p> <p>(e) a piling concept document;</p> <p>(f) a scheme for environmental monitoring and reporting during the construction of the authorised development; and</p> <p>(g) a scheme for the notification of any significant construction impacts on local residents and for handling any complaints received from local residents relating such impacts during the construction of the authorised development.”</p>
53	NYCC/SDC – Local Impact Report	Section 15, Paragraphs 15.1 - 15.2	Historic Environment	It is noted that the LIR generally concurs with the Applicant's EIA methodology and findings regarding cultural heritage.
54	NYCC/SDC – Local Impact Report	Section 15, Paragraphs 15.3 - 15.5	Historic Environment: medieval fishponds	It is accepted that, if feature CT25 is found by the evaluation trenching to be a fishpond associated with Drax Augustinian Priory Schedule Monument ('SM'), it could be of moderate to high significance depending on its level of preservation. It is noted that the feature has been substantially degraded since ploughing of the area commenced in the late 1970s. It does not form part of the SM. Appropriate mitigation will be agreed with NYCC/SDC once the results of the evaluation trenching (in accordance with the agreed Written Scheme of Investigation ('WSI')) are known and would be secured by requirement 15 'Archaeology' of the draft DCO.
55	NYCC/SDC – Local Impact Report	Section 15, Paragraph 15.6	Historic Environment: Timing of archaeological works	The evaluation works in accordance with the WSI commenced in early June 2015.

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56	NYCC/SDC – Local Impact Report	Section 16	Employment and Skills	<p>In response to ExA FWQ 11.2 (Document Ref. 9.1, pages 79-80) the Applicant set out in broad terms how the use of local employment and provision of apprenticeships would be promoted. The Applicant also stated that employment, skills and training could be addressed by an appropriate requirement.</p> <p>In response to the matters raised in the LIR, the Applicant has included a new requirement 'Employment skills and training plan' within the draft DCO. The requirement would secure the approval and implementation of a plan to maximise the opportunities for local employment, skills and training. The suggested wording of the new requirement is as follows:</p> <p><i>"Employment, skills and training plan</i></p> <p><i>"31.(1) No part of the authorised development may commence until a plan detailing arrangements to promote employment, skills and training development opportunities for local residents during construction and employment opportunities during operation has been submitted to and, following consultation with North Yorkshire County Council, approved by the relevant planning authority.</i></p> <p><i>(2) The approved plan must be implemented and maintained during the construction and operation of the authorised development unless otherwise agreed by the relevant planning authority."</i></p> <p>With respect to the request for a contribution for local education the Applicant does not consider that this is justified nor complies with the tests for Section 106 development consent obligations. Whilst mitigation in respect of this matter is not required, the Applicant anticipates including a Visitor Centre as part of the Project and that this would provide an excellent educational facility for the local area covering the specific project, as well as the wider carbon capture</p>

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				and storage industry.
57	NYCC/SDC – Local Impact Report	Section 17, paragraphs 17.1 - 17.3	Section 17: Waste and Minerals Planning Issues; waste implications of development	The Applicant notes the comments made in respect of Policy 5/1 of the North Yorkshire Waste Local Plan (2006) and the National Planning Policy for Waste (2014). In respect of this, the Applicant would highlight that requirement 26 'Waste management on site – construction and operational wastes' has been amended to refer to the need for consultation with the EA and would secure the approval and implementation of construction and operational site waste management plans. These would set out measures to maximise reuse/recovery opportunities and minimise of-site disposal.
58	NYCC/SDC - Local Impact Report	Section 17, paragraphs 17.4 -17.7	Waste and Minerals Planning Issues: Barlow Ash Mound - Waste Planning Issues	<p>The Project would result in the deposit of ash. However, this would be dealt with in a similar way to ash from the existing Drax Power Station site, with disposal at Barlow Mound. The Applicant has agreed with NYCC/SDC (as the waste and minerals planning authority) the requirements at Schedule 2 of the draft DCO should not apply to Barlow Mound and that the existing planning controls for Barlow Mound (including those relating to restoration and aftercare) should apply to the Project in the same manner as they currently apply to the existing Power Station site. Furthermore, that NYCC/SDC should continue to be the enforcing authority in relation to those controls. Accordingly, article 3 'Development consent etc. granted by the Order' has been amended to make clear that condition 8 of the 'Barlow planning permission' (planning permission ref. C8/22/34M/PA dated 11 December 1998) applies to the Project.</p> <p>The Applicant notes the comments made in respect of the planning permission (originally granted in 1989) for the temporary storage of peat that was extracted during the construction of the Flue Gas Desulphurisation plant at the Power Station site and that this (and the subsequent permission) required the location of the proposed</p>

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				<p>final placement of the peat to be agreed with NYCC/SDC. Drax Power Limited is currently in dialogue with NYCC/SDC with regard to agreeing an appropriate consenting route for the proposed final location of this material.</p>
59	NYCC – Response to ExA FWQ 2.3	Pages 1-2	DCO Article 30: Concern over the potential period of time	<p>NYCC/SDC identifies concerns in relation to the period sought in article 30 (now article 29) during which land may be used temporarily in connection with the construction and commissioning of the Project. The Applicant's justification for the period was set out in its response to FWQ 2.3 (Document Ref. 9.1), and relates to the nature of the Project as a first of a kind carbon capture and storage (CCS) project and the need for the land to remain available for the possibility of additional construction/rectification work during a 'commercial proving' period after commissioning. As noted in the Applicant's response, whilst the power to use the land is sought for a period which is longer than normally provided for in development consent order (DCOs), its intention is to reinstate and hand back land used temporarily as soon as possible. There is no incentive for the Applicant to continue to occupy laydown areas if no longer required.</p> <p>The local authorities note the interaction with the construction of the Yorkshire & Humber CCS pipeline project. In order to commission the Project (including the carbon capture equipment) it is necessary for the National Grid Carbon Limited (NGCL) pipeline to have been constructed and to be available, in order for it to transport the captured carbon dioxide away from the Project. The NGCL pipeline will therefore need to be constructed by the time that aspect of the Project is ready to be commissioned. As noted in the Applicant's response to FWQ 14.1 (Document Ref. 9.1) the CO₂ pipeline will be installed and pre-commissioned prior to the commissioning of the operational power plant (OPP) in oxy-mode. During the</p>

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				<p>commissioning of the OPP, as soon as CO₂ is consistently available, it will be used to commission the transport and storage network.</p> <p>The local authorities note that construction of the power station (the Project) may not start immediately after consent is given. Whilst there could be a delay before construction commences, it is currently anticipated that the conditions precedent for the Project will be satisfied in the first half of 2016 allowing the necessary final investment decision to be taken (as noted in the Applicants response to FWQ 1.7 - Document Ref. 9.1) – the decision in relation to the DCO for the Project is currently anticipated to be made by 22 April 2016, and therefore the Applicant expects to commence construction of the Project pursuant to the DCO shortly after it is made. In addition, the Applicant would in any case only take possession of the laydown areas when construction was due to start, so (whilst not anticipated) if construction did not commence immediately after the DCO was made, then the laydown areas would not be affected until a later date.</p> <p>The local authorities note that commissioning of the Project may not follow immediately after construction. It is very unlikely that commissioning would not follow on from the construction period – the Applicant will, prior to construction commencing, enter into contracts which procure the construction, commissioning and operation of the Project, as it must know that the large investment required throughout the construction and commissioning phases will result in a power station which will generate income. It would not be commercially viable to commence construction without commissioning and operation following on. It is also the Applicant's intention to let a single EPC (Engineer, Procure and Construct) contract that will cover both construction and commissioning and thus the contractor will not be able to achieve contract completion</p>

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				until both construction and commissioning stages are fulfilled.
60	NYCC – Response to ExA FWQ 2.5	Pages 2-3	Requirement 4 'Detailed design': Would like to see requirement 5 'Provision of landscaping' amended to require information to be submitted and approved before commencement	<p>The Applicant notes that NYCC's response to ExA FWQ 2.5 does not raise any issues in respect of requirement 4 'Detailed design' but instead focuses upon requirement 5 'Provision of landscaping'.</p> <p>In accordance with the comments made by NYCC and SDC at paragraph 8.20 of the LIR (and in NYCC's response to ExA FWQ 2.5) the Applicant has amended requirement 5 to state that:</p> <p><i>"5. (1) No part of the authorised development other than site raising may commence until a detailed landscaping scheme for that part has been submitted to and approved by the relevant planning authority..."</i></p> <p>This is considered to be an acceptable approach as the level of design detail required to inform a detailed landscaping scheme would not be available until toward the end of the site raising works.</p>
61	NYCC – Response to ExA FWQ 2.6	Page 3	Requirement 31: DCO should be revised so that it reads <i>"unless otherwise approved"</i> throughout.	NYCC consider that all the requirements should refer to 'unless otherwise approved'. As per the Applicant's response to FWQ 2.6 (Document Ref. 9.1), the Applicant has amended the draft DCO so that the requirements remain as drafted (<i>"unless otherwise agreed"</i>) and requirement 31 (now requirement 33) is consistent with that.
62	NYCC – Response to ExA FWQ 2.7	Pages 3-4	Requirement 33: Consider that the exemptions have not been justified. Requirement 15 is clear that no "authorised development" may "commence" until a scheme of archaeological investigation is submitted and approved.	<p>The Applicant notes the comments made in respect of the definition of 'commence' and the potential conflict with requirement 15 'Archaeology'.</p> <p>The Applicant would refer NYCC to its response to ExA FWQ 2.7 (Document Ref. 9.1) and the amendments to the definition of 'commence' at requirement 33 of the draft DCO. The Applicant has</p>

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			<p>Amendment is sought to Requirement 33 to include “any works that may cause ground disturbance” to the definition of commencement.</p>	<p>amended the definition of commence within the draft DCO as follows:</p> <p><i>““commence” means beginning to carry out any material operation as defined by Section 155 of the 2008 Act forming part of the relevant part of the authorised development other than permitted preliminary works and “commencement” is to be construed accordingly;”</i></p> <p>A new definition ‘permitted preliminary works’ has been added. The permitted preliminary works are those works that could be carried out without constituting commencement of the authorised development. The works listed are the same as those that were listed as being excluded from the definition of ‘commence’ in the previous version (Revision 2) of the draft DCO). This is with the exception “...remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services...”, which have been excluded. The definition for permitted preliminary works is as follows:</p> <p><i>““permitted preliminary works” means site clearance, demolition work, archaeological investigations, environmental surveys, geotechnical surveys and other investigations for the purpose of assessing ground conditions, the preparation of facilities for the use of contractors, the provision of temporary means of enclosure and site security for construction, the temporary display of site notices or advertisements and any other works agreed by the relevant planning authority;”</i></p>
63	NYCC – Response to ExA FWQ 5.9	Page 5	Transport: Support limit on operational HGVs and suggest 234	The Applicant would refer NYCC to the response provided to ExA FWQ 5.9 (Document Ref. 9.1). On the basis that the Applicant's ES

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			HGVs per day adopted.	has been based upon a 'worst case' assessment of operational HGVs movements, which demonstrates that impacts of the highway network would be negligible and junctions during the AM and PM network peaks would still have reserve capacity and experience limited queuing, it is not considered that there is any justification for such a limit.
64	NYCC – Response to ExA FWQ 6.1	Page 6	Ecology: Baseline Information; not satisfied with level of badger survey data and note Yorkshire Wildlife Trust ('YWT') concerns regarding water vole surveys	<p>The badger bait marking survey took place in May/June 2015 after a further badger survey in March 2015. The timing of the badger survey in March means that the most up to date information on the distribution of this highly mobile species was available to inform and refine the design of the latest bait marking survey. This information is now being incorporated into the Badger Licence Method Statement (which sets out mitigation measures for Badgers and that will inform the Badger Licence application). Throughout the process the Applicant has maintained close contact with Natural England ('NE') on how best to inform the Licence application and identify the data required. In addition to email and telephone discussions, a briefing note was prepared for NE on 7 April 2015, which allowed NE and the Applicant to agree on the scope of the recent bait marking survey.</p> <p>The Applicant welcomes NYCC's agreement that the baseline information is accurate. The YWT has accepted that the baseline data for the assessment of ecology effects in the ES is robust and has accepted the findings of the water vole survey. The YWT did ask for clarification regarding the availability of the original ecology survey reports. The Applicant has provided YWT with a list of the large number of surveys undertaken at the Project site between 2011 and 2015.</p>
65	NYCC – Response	Page 6	Ecology: Otters; no response on the	The Applicant would refer to its response to ExA FWQ 6.4

Ref.	Interested Party/Document	Section, page and/or paragraph no.	Issue/Matter	Applicant's Comments
	to ExA FWQ 6.4		question and not picked up in LIR but if otter present this needs to be considered.	(Document Ref. 9.1). In summary previous surveys at the Project site and adjacent to it, including annual monitoring of Barlow Mound have revealed no evidence of otter. On this basis otters were scoped out of the EIA. NE in its Relevant Representation concluded that it was satisfied that all issues relating to protected species had been addressed.
66	NYCC – Response to ExA FWQ 6.6	Page 7	Biodiversity offsetting: welcome the need for the Applicant to develop strategy to mitigate and compensate in landscape and ecology terms.	The Applicant would refer to its response to ExA FWQ 6.6 (Document 9.1) and the formal offsetting calculation provided. The Applicant is currently in discussions with the YWT with the aim of maximising on-site biodiversity mitigation (through the development of the Indicative Landscaping and Biodiversity Framework Plan – Document Ref. 4.10) and also identifying options for off-site mitigation.
67	NYCC – Response to ExA FWQ 6.12	Page 7	Maintenance period for the mitigation and enhancement works: need to consider a period for maintenance for mitigation and enhancement that is suitable; a longer period (than five years) is recommended.	The Applicant is prepared to work with NYCC and the YWT to identify an appropriate period for the maintenance of the on-site biodiversity mitigation in addition to (subject to the option chosen) the off-site mitigation. Requirement 16 of the draft DCO would secure a Biodiversity Mitigation and Management Plan for the Project site. The Plan submitted and approved must include an implementation timetable and details relating to maintenance and management. The YWT and NE would be consulted on the Plan. The requirement therefore provides a mechanism by which an appropriate maintenance period can be discussed and agreed at the relevant time. It is anticipated that off-site mitigation would be secured through a Section 106 agreement and in respect of that, the agreement could, if appropriate, included provisions relating to maintenance.
68	NYCC – Response to ExA FWQ 6.13	Page 8	Landscape plans and the biodiversity management plan: biodiversity	The Applicant has amended requirements 5 'Provision of landscaping' and 16 'Biodiversity mitigation and management plan'

Ref.	Interested Party/Document	Section, page and/or paragraph no.	Issue/Matter	Applicant's Comments
			management plan needs to be submitted and agreed before the commencement of development.	so that the schemes and plans required would need to be submitted for approval prior to the commencement of development on the generating station. Site raising works would however be able to commence in advance of submission and approval of the schemes/plans. The Applicant is currently in the process of further developing the Indicative Landscaping and Biodiversity Framework Plan (Document Ref. 4.10) and will submit this during the course of the Examination. This Plan will guide the detailed landscaping and biodiversity schemes and plans for the Project site. It will be a certified document within the DCO and both requirements are clear that the plans and schemes submitted (pursuant to their discharge) must be in accordance with this Plan.
69	NYCC – Response to ExA FWQ 6.14	Page 8	Flood attenuation pond: Should not be used as sole biodiversity mitigation at the Project site; more information is required from the Applicant on mitigation, compensation and enhancement.	The Applicant does not propose to rely solely upon flood attenuation pond for biodiversity mitigation at the Project site. The Applicant is currently in discussions with the YWT to identify how biodiversity mitigation can be maximised at the Project site (and is developing the Indicative Landscaping and Biodiversity Framework Plan (Document ref: 4.10) further) in addition to options for off-site mitigation (including wetland provision). However, there is a significant body of evidence that appropriately designed SUDs can deliver considerable biodiversity benefits.
70	NYCC – Response to ExA FWQ 8.1	Page 10	Landscape/Visual Impact: LVIA Study Area; NYCC did not endorse the 7.5 km radius.	<p>The LVIA methodology and justification for using 7.5 km radius was discussed with SDC and NYCC and no objections were raised at the time to suggest that in choosing 7.5 km radius there was a risk of not including receptors which would be significantly affected.</p> <p>A 15 km study area would not have resulted in other sensitive receptors being included in the study area as the impacts to sensitive receptors reduce with distance. Hence the study area was chosen to be 7.5 km to focus on receptors which could have</p>

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				<p>significant impacts on their amenity rather than choosing additional viewpoints and LCAs beyond 7.5 km on which impacts are likely to be either minor or non-significant given the fact that the Project is next to an existing large power station.</p> <p>It is noteworthy that other energy generation development alongside existing infrastructure has adopted a similar or smaller LVIA study areas. This is underlined the ES for the Ferrybridge Multifuel 2 DCO application, which in referring to the LVIA study area adopted states (Section 11.3.16 of ES Volume 1 - PINS Ref. EN010061)):</p> <p><i>“Following consideration of areas up to 12 km from the Site, the Scoping Report concluded that the limit of potential impacts would be 5 km from the Site, based upon professional judgement and information gained from the assessment of effects of the adjacent FM1 development (which is of similar size and massing). Although the FM1 landscape and visual assessment used a 12 km study area, the FM1 assessment found that at 5 km and beyond, the visibility of the scheme would have a negligible effect due to the scale and distance.</i></p> <p><i>Due to the context of the Site being significantly influenced by the existing stacks and cooling towers of Ferrybridge ‘C’ Power Station, it is considered that the Proposed Development will generally appear as part of this existing development.</i></p> <p><i>The boundary for the study area has been therefore limited to 5 km radii from the centre of the Site”</i></p>
71	NYCC – Response to ExA FWQ 8.2	Page 10	Landscape/Visual Impact: Do not agree with the scope of the cumulative LVIA.	Following detailed consultation in June 2014 on the cumulative effects assessment methodology, the assessment methodology, study areas and sites to be included in the assessment, the

Ref.	Interested Party/Document	Section, page and/or paragraph no.	Issue/Matter	Applicant's Comments
				<p>Applicant increased the LVIA cumulative assessment (the CLVIA study area) from 10 km to 15 km in response to feedback from NYCC, which is twice the distance of the LVIA study area (see section 6 Cumulative Effects Chapter of the ES Volume 2 Chapter H- LVIA Technical Report).</p> <p>The Guidelines to Landscape and Visual Impact Assessment, Third Edition defines cumulative landscape and visual effects (CLVIA) and stresses that the cumulative assessment task should be proportional and reasonable to the nature of the project and that it is important to remember that the emphasis in EIA is on likely significant effects rather than a comprehensive cataloguing of every conceivable effect.</p> <p>A screening process was performed (presented in ES Volume 1, Chapter 3) to identify those other projects identified in the surrounding area that have the potential to cumulatively affect landscape and visual receptors; consultees provided feedback on these sites and in some instances recommended additional sites. The potential cumulative effects are presented in ES Volume 2, Chapter H, Table 6.1 Developments with the Potential for Cumulative Effects in Combination with the Project.</p> <p>'Sequential Effects' occur when an observer has to move to another viewpoint to see different developments and should be assessed for travel along regularly-used routes like major roads and popular paths (source snh.org.uk). An assessment of 'sequential effects' from linear viewpoints is unnecessary for this type of project given its close proximity to an existing large scale power station (which is part of the baseline as are other existing facilities and developments).</p>

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72	NYCC – Response to ExA FWQ 8.4	Page 11	Landscape/Visual Impact: Impacts of works near Jetty; impact of works on Barlow Mound.	<p>In terms of the construction works near the jetty, these are minor and temporary compared to the scale of works at the generating station site. The scope of work (to prepare the facility for use) includes clearance of metal work and establishment of safety facilities, stripping of top soil, import of road base, consolidation of the site and at the end of the use it will be decommissioned; these works are of a small scale and short duration (3 weeks). In terms of the use for the importation of AILs during construction, although this will extend over a two year period only 50 loads will be delivered in this way with a peak of 2 loads a week for months 12 & 13; each load will require the use of the jetty for approximately one hour. As such the works are limited (in terms of site establishment) and then only occasional use of an existing structure for its intended use (and limited to construction and reversible); as such the matter was scoped out of the assessment.</p> <p>In terms of Barlow Mound potential screening, future landform and planting is controlled by and will be considered as part of the matters approved pursuant to the conditions attached to the relevant planning permission.</p> <p>In terms of the project's connection to the National Grid CO₂ transmission infrastructure, this has been considered (see Vol. 2, Chapter H, Table 6.1 in the ES). The Barlow Mound Ash disposal site has been considered in the assessment, although restoration work was scoped out in the cumulative assessment as the work is unlikely to be significant and is planned to be carried out in small stages as is currently the case.</p>
73	NYCC – Response to ExA FWQ 8.9	Pages 11-14	Landscape/Visual Impact: Magnitude of Change; NYCC does not agree with the some assessment relating to	The photomontages prepared as part of the assessment are photowirelines combined with the baseline representing a worst case scenario. While winter photographs could have been provided,

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			visual receptors.	<p>their use would not have changed the conclusions of the impact assessment.</p> <p>For both LCAs and visual receptors, professional judgement was used to determine magnitude of change, based on nature, scale and duration of change that is envisaged in the landscape and the overall impact on a particular view. The magnitude of change considered the presence of the existing Drax power station in the landscape, but also considered other factors, especially in regards to the wider settings of the LCAs. The details have been provided in Vol. 2, Chapter H, Figure H.2 LVIA Methodology and these have been applied individually for each of the LCA and Viewpoint receptors. Descriptive text has been provided in 'description of effects' column (refer Table 4.1 and 4.2 of Vol. 2, Chapter H).</p> <p>We note NYCC's comment regarding differing significance of impact (worse) but in our professional judgement the submitted assessment correctly quantified the potential quantum of effects.</p> <p>NYCC suggest that the WRCCS Project is very different in form to Drax's existing six operational units and as such the effects will be more significant. The WRCCS plant will have many similarities to the existing units and will use similar infrastructure; for instance conveyors. The main difference in appearance will related to the more modern finish to buildings and the smaller hybrid cooling towers.</p>
74	NYCC – Response to ExA FWQ 8.10	Page 14	Landscape/Visual Impact: Links to Green Infrastructure Corridor; NYCC of view that very little attention has been paid to Green Infrastructure linkage in the ES and the landscape	The Indicative Landscaping and Biodiversity Framework Plan (Document Ref 4.10) is being further developed, which will include considering future linkages to green infrastructure corridors. However, specific and additional details will be developed during the detailed design stage when further details of the linkages to the

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			and biodiversity masterplan.	green infrastructure corridors will be explored in conjunction with ecology and hydrology specialists.
75	NYCC – Response to ExA FWQ 9.1	Page 14	Historic Environment: Clarification on timing of evaluation work.	The evaluation by trial trenching (in accordance with the agreed WSI) commenced in early June 2015. Based on the results of the evaluation a WSI mitigation works will be prepared by the end of August 2015 in consultation with HE and NYCC.
76	NYCC – Response to ExA FWQ 11.2	Page 16,	(Socio- Economics – Local Workforce: Awaiting further information from Applicant on skills required to construct and run plant. Information requested set out. NYCC may request a S106/further DCO requirements to enable delivery of further employment and training opportunities in conjunction with Selby District Council	<p>The Applicant is re working with its EPC contactor to identify the skills and workforce requirements for the construction of the plant and are also reviewing the skills and workforce requirements for the operation of the plant.</p> <p>The Applicant will continue discussions with NYCC/SDC regarding a skills strategy and will provide such information, as is available, on the types of jobs which might be available locally.</p> <p>In response to ExA Q 11.2, the Applicant have outlined their proposed approach to recruiting locally and providing apprenticeships and indicated that this could be addressed by an appropriate requirement.</p> <p>The Applicant has now included a requirement within the draft DCO to secure an Employment, Skills and Training Plan.</p>
77	NYCC – Response to ExA FWQ 17.7	Page 19,	(Decommissioning: Decommissioning and restoration has not been adequately covered in the ES, but it overlaps with the land raising application. This whole topic needs further clarification and discussion	The focus of the ES in terms of decommissioning was in regard to dismantling and closure of the plant and also to demonstrate that the Project would be designed and operated in a way that would not raise problems (such as soil or groundwater contamination at the closure stage). At this point in time it is very difficult to predict with any certainty what will be the subsequent use of the Project site. The ES assumed that the Operational area would not be returned to

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				<p>agriculture (see Volume 2, Chapter F, Section 4.2) as a worst case scenario.</p> <p>In terms of the assessment of the potential after uses of the Project site no scenario was considered within the ES. Should, for instance, other development be proposed for the Project site it would be subject to consenting requirements at the time related to construction / operation and the form of any such development cannot be predicted at this time. Any consenting process followed can be assumed to include an environmental assessment of whatever development may be proposed on the site after decommissioning.</p> <p>In summary the ES assumed the above ground structures would be removed (to ground level) although the development platform was assumed to remain.</p>
78	Royal Mail Group Ltd – Written Representation	Page 1	Requests that Applicant is required by ExA to implement a communications strategy to include major road hauliers such as Royal Mail and keep the Royal Mail fully informed in advance of all road closures and/or delivery of AILs.	The Applicant notes that the Royal Mail's transport consultant has concluded that neither the construction or operational phases of the Project will significantly impact Royal Mail vehicles operating from the sorting offices in the vicinity of the Project site. In view of this, and the conclusions of the ES relating to traffic generation, the Applicant does not consider it necessary to make any changes to the draft DCO.
79	Yorkshire Wildlife Trust – Response to ExA FWQ 6.1	Page 1,	Further baseline data required	<p>The Project site has been thoroughly characterised by detailed ecological surveys over a number of seasons and from data held by Drax (for instance for the Ouse Project) and from data searches; it is robust for the purposes of the EIA and the NEYEDC data would not add anything material.</p> <p>As noted in the Applicant's response to FWQQ6.1 (Document ref: 9.1) the baseline assessment was informed by the previous ES's</p>

Ref.	Interested Party/Document	Section, page and/or paragraph no.	Issue/Matter	Applicant's Comments
				referred to by YWT. The Applicant undertook extensive survey effort between 2011-2015 that provides a robust baseline assessment.
80	Yorkshire Wildlife Trust – Response to ExA FWQ 6.6	Page 1	More habitat compensation required	The Applicant has made significant progress with the YWT in resolving this issue as outlined in our response (Ref. 5 in this document) to 'Environment Agency - Response to ExA FWQ 6.10'.
81	Yorkshire Wildlife Trust – Response to ExA FWQ 6.10	Page 2,	Further off-site compensation required	The Applicant has made significant progress with the YWT in resolving this issue as outlined in our response (Ref. 5 in this document) to 'Environment Agency - Response to ExA FWQ 6.10'.
82	Yorkshire Wildlife Trust – Response to ExA FWQ 6.11	Page 2	Should YWT be a consultee on requirement 16 'Biodiversity mitigation and management Plan'.	In its response to ExA FWQ 6.11 the YWT states that it is happy to provide input and be a consultee in relation to the Biodiversity Management Plan (now referred to as the Biodiversity Mitigation and Management Plan) that would be secured by requirement 16 of the draft DCO. As confirmed in its response to ExA Q6.11 at Deadline 1 (Document 9.1), the Applicant has no objection to the YWT being a consultee. Accordingly, requirement 16 has been amended in the latest version of the draft DCO to make reference to the need to consult the YWT.
83	Yorkshire Wildlife Trust – Response to ExA FWQ 6.12	Page 2,	Maintenance period will depend on the habitats created, management may need to be long term	The Applicant agrees with YWT, maintenance and management methods will differ depending on the habitats provided and may also need to change over time as habitats mature. As per Requirement 6 (2) any planting which, within five years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased, must be replaced in the first available planting season. The biodiversity management plan will contain information on management including monitoring and triggers for intervention when habitats do not meet their target condition. If off-site mitigation and enhancement is provided the

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				Applicant would agree management requirements and schedules with the provider.
84	Yorkshire Wildlife Trust – Response to ExA FWQ 6.13	Page 2,	Landscape and biodiversity management plans	<p>The Applicant does not agree with YWT suggesting that the project will result in a major loss of biodiversity. The ES concluded that the project would not significantly affect any sites afforded statutory designation and for NERC Priority Habitats and Local BAP Habitats predicted impact were of minor significance. All other predicted impacts were of minor significance bar effects on badgers which are subject to a licence application to mitigate for the predicted impacts.</p> <p>The Applicant has already responded to this in the Applicant's response to FWQ 6.13.</p>
85	Yorkshire Wildlife Trust – Response to ExA FWQ 6.14	Page 2	Use of the flood attenuation pond to fully mitigate for both flood risk and biodiversity cannot be justified	<p>The Applicant's original response to Q6.14 in the first written questions drew on considerable positive experience by the Scottish Environmental Protection Agency and others in the design of ponds to meet the challenges of providing for both flood attenuation and biodiversity. Given the credible track record of well-designed Sustainable Urban Drainage schemes the Applicant will incorporate such a structure into the on-site mitigation. Detailed design of the waterbody will be incorporated into the revised landscape and ecology masterplan.</p> <p>The Applicant had identified a shortfall of 1.26ha of wetland that cannot be mitigated onsite. The Applicant is working closely with YWT and others to provide mitigation for this offsite. As discussed, the Applicant has made significant progress with the YWT in resolving this issue as outlined in our response (Ref. 5 in this document) to 'Environment Agency - Response to ExA FWQ 6.10'.</p>
86	DB Schenker Rail (UK) – Written	Pages 1-2	Strong support for project and use of rail to draft short response	The Applicant welcomes the support expressed by DB Schenker Rail (UK) Ltd for the Project and the market information provided

Ref.	Interested Party/Document	Section, page and/or paragraph no.	Issue/Matter	Applicant's Comments
	Representation		acknowledging support and points made re capacity etc.	with regard to the availability of train paths on the key corridor between Immingham and the Drax Power Station site i.e. that the amount of paths would be more than sufficient to accommodate the needs of the Project.

REF.51 APPENDIX 1 - ASSESSMENT OF IMPACTS IN AIR-MODE AND OXY-MODE

Mode	Annual Mean Air Quality Standard ($\mu\text{g}/\text{m}^3$)	Baseline ($\mu\text{g}/\text{m}^3$)	Process Contribution (PC) ($\mu\text{g}/\text{m}^3$)	PC as a percentage of the AQS (%)	Predicted Environmental Concentration (PEC) ($\mu\text{g}/\text{m}^3$)	PEC as a percentage of the AQS (%)	Significance (IAQM)	Significance (EA H1)
Oxy	5	0.148	0.136	2.7%	0.284	5.7%	Negligible	Not Significant
Air	5	0.148	0.225	4.5%	0.372	7.4%	Negligible	Not Significant