

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 Statement of Common Ground with North Yorkshire County Council and Selby District Council

The Planning Act 2008

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



Applicant: Capture Power Limited
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Glossary	
ASUs	Air Separation Units
CHP	Combined Heat and Power
CO ₂	Carbon Dioxide
CPL	Capture Power Limited
CCR	Carbon Capture Readiness
CCS	Carbon Capture and Storage
DAS	Design and Access Statement
DCO	Development Consent Order
EN-2	National Policy Statement for Fossil Fuel Generating Infrastructure
EPS	Emission Performance Standards
ES	Environmental Statement
FDO	Footpath Diversion Order
GPU	Gas Processing Unit
HGV	Heavy Goods Vehicles
kV	Kilovolts
LIR	Local Impact Report
LVIA	Landscape and Visual Impact Assessment
NERC	Natural Environment and Rural Communities Act 2006
NGCL	National Grid Carbon Ltd
NYCC	North Yorkshire County Council
NSIP	Nationally Significant Infrastructure Project
PROW	Public Rights of Way
Selby DC	Selby District Council
SM	Scheduled Monument
SoCG	Statement of Common Ground
TCPA 1990	Town and Country Planning Act 1990
WRCCS	White Rose Carbon Capture and Storage
YWT	Yorkshire Wildlife Trust

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1.0 INTRODUCTION

OVERVIEW

- 1.1 This is the Statement of Common Ground ('SoCG') between Capture Power Limited (the 'Applicant') and North Yorkshire County Council ('NYCC') and Selby District Council ('Selby DC') relating to the application (the Application) that has made to the Secretary of State ('SoS') for a Development Consent Order ('DCO') under Section 37 of the Planning Act 2008 (the '2008 Act').
- 1.2 The Application seeks development consent for the construction, operation and maintenance of the White Rose Carbon Capture and Storage ('CCS') project (the 'Project'). The Application was submitted in November 2014 and accepted for Examination on 17 December 2014.
- 1.3 The Project would be located on land within and adjacent to the operational boundary of the existing Drax Power Station site (the 'Power Station site'), near Selby, North Yorkshire.

THE BACKGROUND TO THE PROJECT

- 1.4 The Project comprises a new thermal generating station (an ultra-supercritical oxy-fuel coal-fired power plant of up to 448 MWe gross with the ability to co-fire biomass) that will be fitted with CCS technology and associated development.
- 1.5 The CCS technology would capture up to 90% of the carbon dioxide emissions from the new power plant. The carbon dioxide would be transported via the National Grid Carbon Limited Yorkshire and Humber CO₂ Pipeline (a separate project) for permanent storage beneath the North Sea.
- 1.6 The Project forms part of the UK Government's CCS Commercialisation Programme and would assist in demonstrating new coal-fired power plant fitted with CCS at a commercial scale. The Project would make an important contribution toward the delivery of national energy policy, which is aimed at ensuring the security of energy supplies while moving toward a low carbon electricity generation mix.

THE APPLICANT

- 1.7 The Applicant is an English private limited company that was incorporated in December 2011 as a fully owned subsidiary of Drax CCS Limited (a company fully owned by Drax Group plc) to promote the Project.
- 1.8 In December 2013 ALSTOM UK Holdings Limited (an Alstom Group company) and The BOC Group Limited (a Linde Group company) each acquired a one-third interest in CPL. The Applicant (CPL) is therefore currently a joint venture company equally owned by Drax CCS Limited, ALSTOM UK Holdings Limited and The BOC Group Limited.

NORTH YORKSHIRE COUNTY COUNCIL AND SELBY DISTRICT COUNCIL

- 1.9 The Project site lies entirely within the administrative areas of NYCC and Selby DC. NYCC and Selby DC fall within the definition of a local authority ('LA') for the purposes of Section 43 of the 2008 Act and are 'host local authorities' for the purposes of the Application. NYCC is an 'upper tier' local authority, with Selby DC being the 'lower tier' authority.
- 1.10 For the purposes of the Examination of the Application, NYCC and Selby DC have prepared a joint Local Impact Report ('LIR'). Both local authorities have also registered as interested parties for the Examination process. The preparation of the SoCG has been informed by the LIR and discussions and meetings with the two authorities.
- 1.11 It is agreed that Selby DC would be the relevant planning authority to which the Applicant would submit applications to discharge the requirements contained within Schedule 2 of the draft DCO. Selby DC would be responsible for carrying out any consultation in respect of the requirements and ultimately the discharge and enforcement of them.

THE PURPOSE AND STRUCTURE OF THE SOCG

- 1.12 The purpose of this SoCG is to set out the agreement that has been reached between the Applicant and NYCC and Selby DC in respect of a number of matters relating to the Project, including the:

- Description of the Project site.
- Description of the Project.
- Relevant planning history.
- Local planning designations.
- Relevant planning policy.
- The need for the Project.
- Site selection and alternatives.
- Limits of deviation and detailed design.
- Good design.
- Combined heat and power.
- Carbon capture and storage and carbon capture readiness.
- Sustainability and climate change.
- Access and public rights of way.
- Minerals and waste.
- Environmental Impact Assessment.
- The benefits and adverse effects of the Project.
- The scope of the draft DCO and the draft requirements.
- The need for a development consent obligation.
- The site raising and preparation works planning application.

1.13 Sections 2 to 20 of the SoCG set out the areas of agreement in relation to the above matters while Section 21 sets out any matters that are not agreed.

2.0 DESCRIPTION OF THE PROJECT SITE

- 2.1 The Project site comprises land both within and adjacent to the boundary of the existing Power Station site, including part of the Barlow Mound.
- 2.2 The River Ouse is located approximately 1.5 km to the north and north-east of the Project site, with the Barlow Mound (the area used for the long-term storage of fuel ash from Drax Power Station) being situated immediately to the north and west. The existing Power Station site is located to the south.
- 2.3 The Project site, with the exception of the land within the operational area of the existing Power Station site and at the Barlow Mound, consists of land used for the storage, handling and preparation of wood and biomass materials (for co-firing within the Power Station), topsoil storage and agricultural purposes. It is crossed by a number of drainage ditches, including the Carr Dyke.
- 2.4 A public right of way ('PROW') runs along the western side of the Project site, past Barlow Mound, and then eastwards across the site to New Road/Pear Tree Avenue in the east. Another PROW runs south-east from New Road across the Project laydown area to the east of New Road. A Footpath Diversion Order ('FDO') was confirmed by NYCC on 13 February 2015, which allows for these PROWs to be re-routed around the Project site.
- 2.5 Immediately to the north of the Project site is a Scheduled Monument ('SM') known as Drax Augustine Priory. To the east of the SM is Drax Abbey Farm.
- 2.6 The Project site has good road and rail links. There is road access to the existing Power Station site from Junction 36 of the M62 via the A645, which is used as the route for all heavy goods vehicle

('HGV') traffic. A dedicated rail spur enters the existing Power Station site from the south-west, serving the internal rail systems used for the delivery of coal.

- 2.7 The existing Power Station site has use of a jetty on the River Ouse approximately 1.5 km to the east, reached by Redhouse Lane and then Carr Lane. The River Ouse provides access to the Port of Goole, the River Humber and North Sea. The jetty forms part of the Project Site.
- 2.8 It is agreed that Section 3 of the Design and Access Statement ('DAS') (Document Ref: 5.5) provides an accurate description of the Project site, its immediate surroundings and access arrangements, although NYCC/SDC does not agree that the immediate context of the Project site is not sensitive to change.

3.0 DESCRIPTION OF THE PROJECT

- 3.1 The Project is formally described at Schedule 1 to the draft DCO (Document Ref. 2.1). It is agreed that the description of the Project at Schedule 1 is accurate and that all of the components of the Project are capable of being granted development consent within the scope of the draft DCO.
- 3.2 The Works Plans (Document Ref. 4.3 - Version 4) identify the location and extent of the components of the Project within the Project site by reference to the Works Nos. set out in Schedule 1 of the draft DCO.
- 3.3 In summary, the Project comprises the following:
- **Work Nos. 1A and 1B** - site raising and preparation works, including the creation of a development platform for the generating station to an appropriate level to mitigate flood risk, the creation of bridges and crossings over the Carr Dyke, and the creation of construction and laydown areas and site access works (works for raising the level of the Project site would be confined to the area of Work No. 1A and those for the construction and laydown area to Work No. 1B).
 - **Work No. 1A** - the generating station (the 'coal-fired power plant') located in the northern part of the Project site, to the north of the existing Power Station site, primarily fuelled by coal, but with the ability to co-fire biomass, that will be capable of generating up to 448 MWe gross of electricity, including a boiler house, steam turbine, cooling water towers, flue gas treatment systems, a flue gas emissions stack, air separation units and CO₂ processing and compression facilities;
 - **Work No. 2** - fuel intake, limestone and gypsum and fuel ash handling and transportation infrastructure, including connections with the existing Power Station site (located broadly along the western side of the Project site and the existing Power Station site) for the delivery of fuel and limestone for the combustion and flue gas desulphurisation processes and the export of fuel ash for storage at the existing Barlow Mound and also for the transport of gypsum;
 - **Work No. 3** - fuel ash storage on part of the existing Barlow Mound forming the north-western part of the Project site and located to the north-west of the existing Power Station site.
 - **Work No. 4** - a primarily underground connection to the electricity grid comprising an electrical cable running along the eastern side of the Project site to the existing 400kV substation located in the south-eastern part of the existing Power Station site.
 - **Work No. 5** - connections for cooling water, potable water and sewerage and related facilities between the Project site and the northern part of the existing Power Station site.
 - **Work No. 6** - vegetation clearance and the creation of a new hardstanding area immediately adjacent to the existing jetty on the River Ouse, located to the east of the main Project site and the existing Power Station site, to provide a laydown area for abnormal indivisible loads delivered by barge and space for parking and circulation of vehicles.
 - **Work No. 7** - the underground diversion of an existing 11kV overhead electrical cable on the north-eastern edge of the Project site; and

- **Work No. 8** - works to the 400kV substation located in the south-eastern part of the existing Power Station site to facilitate the grid connection.
- 3.4 The works adjacent to the jetty (Work No. 6) are 'associated development' for the purposes of Section 115 of the 2008 Act.
- 3.5 There will be temporary works connected with the construction phase of the Project, which would be removed once construction has been completed. The draft DCO, Schedule 2, includes a requirement (Requirement 22 'Restoration of land used temporarily for construction') to secure the appropriate reinstatement of areas used temporarily during construction.
- 3.6 The detailed description of the Project provided at Chapter 5 of Environmental Statement ('ES') Volume 1 'Main Report' (Document Ref. 6.2) is agreed.
- 3.7 It is agreed that the Project is accurately represented upon the following plans and drawings, although it is agreed that certain details and options are still to be fixed and that consequently the exact location and footprint of certain components will be subject to change within the limits of deviation referred to at article 3 'Development consent etc. granted by the order' of the draft DCO.
- 4.3 - Works Plans (Key Plan and Sheets 1-4 - Version 4).
 - 4.5 - Indicative Generating Station Drawings (Sheets 1-5).
 - 4.6 - Indicative Site Raising Drawings (Sheets 1-2).
 - 4.7 - Indicative Fuel Intake, Limestone and Gypsum and Fuel Ash Handling Transportation Infrastructure Drawing (Sheets 1-3).
 - 4.8 - Indicative Electrical Cable Route for 400 kV Drawing (Version 4).
 - 4.9 - Indicative Drainage Plan.
 - 4.10 - Indicative Landscaping and Biodiversity Framework Plan (Sheets 1-2 - Revision 3).

4.0 RELEVANT PLANNING HISTORY

- 4.1 It is agreed that together the Planning Statement (Document Ref. 5.4, Section 2) and the LIR (Appendix A) provide appropriate details of the planning history relating to the project site and adjacent land of relevance to the Project.
- 4.2 It is agreed that the following planning history is of most relevance:
- Section 36 consent (and deemed planning permission) under the Electricity Act 1989 for the Ouse Renewable Energy Project (Secretary of State Ref: 12.04.09.04/16c).
 - Planning permission ref. C8/22/89/PA dated 30.08.1989 for the temporary storage of peat arising from construction work at Drax Power Station.
 - Section 36 consent and deemed planning permission dated 28.04.1993 for the deposition of ash, gypsum and flue gas desulphurisation residues and ancillary works including plant and equipment (including the linked Section 106 agreement dated 04.09.1992).
 - Planning permission ref. C8/22/89A/PA dated 21.09.1998 for non-compliance with Condition 2 of planning permission ref. C8/22/89/PA dated 30.08.1989 to allow continued storage of peat.
 - Planning permission ref. C8/22/34M/PA dated 11.12.1998 for non-compliance with Conditions 5, 15, 16 and 39 of deemed planning permission dated 28.04.1993.
- 4.3 It is agreed that the Project has the necessary consent for the storage of hazardous substances by virtue of Hazardous Substances Consent ref. 2013/1186/HAZ dated 07.05.2014.

5.0 LOCAL PLANNING DESIGNATIONS

- 5.1 It's agreed that although the Project site and the existing Power Station site are identified on the Selby DC Proposals Map as lying in the open countryside where development, subject to certain exceptions, is generally not supported in planning policy terms, the principle of power generation on

much of the operational area of the Project site has already been established by the consent granted for the Ouse Renewable Energy Plant.

- 5.2 Furthermore, it is agreed that while the Project site is not specifically allocated on the Proposals Map for power generation, both the Selby District Local Plan (2005) and the Selby District Core Strategy Local Plan (2013) contain text and policies that recognise the importance of the location for power generation and that are supportive of power generation and related development.
- 5.3 The Proposals Map identifies the Drax Augustinian Priory SM to the north-east (but outside) the Project site.
- 5.4 The Project site is shown lying within Flood Zones 2 and 3 within the Selby District Core Strategy Local Plan (Map 3, page 13) hence the need to raise the level of the site to mitigate flood risk.
- 5.5 It is agreed that there are no other designations or allocations identified within the local development plan that apply to the Project site.

6.0 RELEVANT PLANNING POLICY

- 6.1 It is agreed that the following policy relating to Nationally Significant Infrastructure Projects ('NSIPs') is the primary policy basis for the consideration of the Project:
 - Overarching National Policy Statement for Energy (EN-1).
 - The National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (EN-2).
 - The National Policy Statement for Electricity Networks Infrastructure (EN-5).
- 6.2 It is also agreed that the following planning policy documents maybe important and relevant to the consideration of the Project:
 - National Planning Policy Framework and Planning Practice Guidance.
 - National Planning Policy for Waste.
 - The 'saved' policies of the Selby District Local Plan - adopted February 2005:
 - Policy ENV 1 Control of Development.
 - Policy ENV 2 Environmental Pollution and Contamination.
 - Policy ENV 3 Light Pollution.
 - Policy ENV 27 Scheduled Monuments and Important Archaeological Sites.
 - Policy ENV 28 Other Archaeological Sites.
 - Policy EMP 10 Additional Industrial Development at Drax and Eggborough Power Stations.
 - Policy T 1 Development in Relation to the Highway Network.
 - Policy T2 Access to Roads.
 - Policy T8 Public Rights of Way.
 - The Selby District Core Strategy Local Plan - adopted October 2013:
 - Policy SP1 Presumption in Favour of Sustainable Development.
 - Policy SP2 Spatial Development Strategy.
 - Policy SP13 Scale and Distribution of Economic Growth.
 - Policy SP15 Sustainable Development and Climate Change.
 - Policy SP 16 Improving Resource Efficiency.
 - Policy SP17 Low-Carbon and Renewable Energy.
 - Policy SP18 Protecting and Enhancing the Environment.

- Policy SP19 Design Quality.
- 6.3 All of the policies of the North Yorkshire Structure Plan, with the exception of Policy E8, have been cancelled. Policy E8 relates to the extent of the Green Belt areas in North Yorkshire. It is agreed that as the Project site does not encompass any Green Belt land or lie in close proximity to such land the policy is not relevant.
- 6.4 In addition, it is agreed that the following may be relevant:
- North Yorkshire Minerals Local Plan - adopted 1997
 - Saved Policy 4/1: Determination of Planning Applications
 - North Yorkshire Waste Local Plan - adopted 2006
 - Saved Policy 5/1 Waste Minimisation
- 6.5 NYCC is currently preparing a Minerals and Waste Plan but the timescales for the preparation of this are currently under review and the document is at an early stage of preparation. It is agreed that it cannot therefore be afforded any weight.
- 6.6 Having regard to the local planning designations and relevant national and local policy, it is agreed that the principle of the development of the Project in the location proposed is acceptable.

7.0 THE NEED FOR THE PROJECT

- 7.1 It is agreed that the 'need' that exists for the Project in policy terms is accurately set out at Section 4 of the Planning Statement (Document Ref: 5.4).
- 7.2 The need that exists for the Project in terms of providing new electricity generating infrastructure is confirmed in the NPSs for energy infrastructure, in particular EN-1.
- 7.3 Section 3.3 of Part 3 of EN-1 sets out a number of key reasons why there is an urgent need for new electricity generating infrastructure, including:
- meeting energy security and carbon reduction objectives;
 - the need to replace closing electricity generating capacity;
 - the need for more electricity capacity to support the increased supply from renewables; and
 - future increases in electricity demand.
- 7.4 Paragraphs 3.3.15 - 3.3.24 of EN-1 underline the urgency of the need for new electricity generating capacity. Paragraph 3.3.15 states that in order to secure energy supplies that enable the UK to meet its climate change obligations to 2050, there is an urgent need for new (and particularly low carbon) energy infrastructure to be brought forward as soon as possible, and certainly in the next 10-15 years, given the crucial role of electricity as the UK decarbonises its energy sector.
- 7.5 Paragraph 3.3.23 confirms that the Government believes (based on predictions) that it is prudent, in order to minimise the risk to energy security and resilience, to plan for a minimum need of 59 gigawatts of new electricity generating capacity by 2025. The Government would like to see a significant proportion of the balance come from low carbon generation (paragraph 3.3.22).
- 7.6 It is agreed that EN-1 confirms the need that exists for all types of nationally significant energy infrastructure, including new fossil fuel plant with CCS, and makes clear that the SoS should assess such applications on the basis that this need and its scale and urgency has been proven. Furthermore, the SoS should give substantial weight to the contribution that all projects would make toward satisfying this need. As such, the need that exists for new electricity generating infrastructure, such as that proposed, is not open to debate or interpretation.

8.0 SITE SELECTION AND ALTERNATIVES

- 8.1 While the Project site is not allocated for power generation upon the Proposals Map of the local development plan, it is agreed that the local development plan documents do contain text and policies that recognise the importance of the location for power generation and that are supportive of

power generation and related development and that the principle of the Project in planning policy terms is acceptable.

- 8.2 It is also agreed that much of the operational area of the Project site lies within the application site boundary for the Ouse Renewable Energy Plant. It is agreed that the Ouse Renewable Energy Plant consent has established the principle of a new generating station, including large scale power generation buildings and structures at this location, although it is noted that the built footprint of the consented development would occupy a smaller area than that for the Project.
- 8.3 It is agreed that the immediate context of the Project site, formed by the existing Power Station site, is industrialised in terms of its character and appearance. Furthermore, it is agreed that the Project site is of relatively low environmental sensitivity.
- 8.4 It is therefore agreed that the Project site represents an appropriate location for the Project.
- 8.5 It is agreed that the consideration of alternatives set out in Chapter 5 of ES Volume 1 is both proportionate and appropriate. Furthermore, it is agreed that there are no legislative or policy requirements that apply to the Project site that would require the Applicant to consider alternative site locations.

9.0 LIMITS OF DEVIATION AND DETAILED DESIGN

- 9.1 It is agreed that it is not possible at this stage to fix all design details relating to the Project. This will be dependent upon the detailed design studies undertaken by the contractor. It is therefore necessary to retain a degree of flexibility within the Project.
- 9.2 It is agreed that the limits of deviation referred to in article 3 of the draft DCO (Document Ref. 2.1) and shown upon the Works Plans (Document Ref. 4.3) and the maximum building/structure dimensions at Table 5.1 of the Design and Access Statement (Document Ref. 5.5) provide for an appropriate degree of flexibility within which the Project can occur. It is also agreed that the EIA of the Project has appropriately assessed the likely significant environmental effects of the Project within the parameters defined by the limits of deviation and maximum dimensions.
- 9.3 In addition, there is agreement that the following requirements contained within the draft DCO at Schedule 2 provide an appropriate means by which to control and secure the detailed design of the Project:
- No. 4 'Detailed Design'.
 - No. 5 'Provision of landscaping'.
 - No. 6 'Implementation and maintenance of landscaping'.
 - No. 9 'External lighting - operation'.
 - No. 10 'Highway accesses'.
 - No. 11 'Means of enclosure'.
 - No. 12 'Surface and foul water drainage'.
 - No. 13 'Flood risk mitigation'.

10.0 GOOD DESIGN

- 10.1 It is agreed that the Design and Access Statement (Document Ref. 5.5) provides an appropriate appraisal of the Project site's context. With regard to this, it is agreed that the immediate context within which the Project will sit is industrial, being dominated by the large buildings and structures associated with the power generation uses at the existing Power Station site. Furthermore, that the landscape character of the immediate area is not particularly sensitive to change.
- 10.2 It is agreed that the design of the Project is appropriate given its function and purpose (to generate electricity) and the industrial context within which it will sit. It is recognised that in terms of siting and layout, the Applicant has sought to minimise the visual impact by locating the Project close to the

development at the existing Power Station site and that it will include on-site landscaping. Appropriate access routes and arrangements would also be provided within the site.

- 10.3 Further to the above, it is recognised that the Project incorporates a number of measures within its design to ensure that it will be resilient in terms of the effects of climate change as well as contributing to mitigating those effects.
- 10.4 It is therefore agreed that the Project represents 'good design' for the purposes of energy infrastructure and policy set out in EN-1, EN-2 and EN-5.

11.0 COMBINED HEAT AND POWER

- 11.1 It is agreed that the Applicant has appropriately assessed the feasibility of combined heat and power ('CHP') and that this is documented within the CHP Assessment (Document Ref. 5.6). It is agreed that at this current time there is no viable demand for CHP.
- 11.2 In addition, it is agreed that the draft DCO includes an appropriate requirement (requirement No. 25 'Combined heat and power') that will ensure that during the lifetime of the Project the feasibility of CHP is periodically reviewed and space is maintained for CHP facilities in order to ensure that it is 'CHP Ready' in accordance with Environment Agency guidance.

12.0 CARBON CAPTURE AND STORAGE AND CARBON CAPTURE READINESS

- 12.1 It is agreed that the Carbon Capture and Storage ('CCS') and Carbon Capture Readiness ('CCR') Statement (Document Ref. 5.7) demonstrates that the Project complies with the requirements of the CCS/CCR regulations and guidance.
- 12.2 It is agreed that there will be no need for any retrofitting of carbon capture technology as the Project will have the ability to capture carbon from the commencement of operations.

13.0 SUSTAINABILITY AND CLIMATE CHANGE

- 13.1 The ES provides information on how the Project will mitigate and adapt to climate change. ES Volume 1, Chapters 6-9 (Document Ref. 6.2) and Volume 2, Chapter C.1 'Flood Risk Assessment' (Document Ref. 6.3.4) provide an assessment of the Project in relation to flooding and confirm that there will be no significant flood risk to the operational Project as it will be built on a raised platform and the presence of the raised platform will not significantly increase the risk or severity of flooding on neighbouring land.
- 13.2 ES Volume 3, Chapter N 'Climate Change Risk Assessment' and Chapter M 'Green House Gas Assessment' (Document Refs. 6.4.6 and 6.4.7) provide an assessment of risks to the Project as a result of climate change and consideration of operational emissions. Sections 4-6 of the Planning Statement (Document Ref: 5.4) consider the Project relative to policy relating to climate change and sustainability, as well as the overall need for the Project.
- 13.3 It is agreed that the above demonstrate that the Project will, amongst other things, be designed to minimise resource use, will incorporate appropriate surface water attenuation and be designed to be resilient to flooding. It is also agreed that the Project will contribute to sustainability objectives through the generation of low carbon energy, thereby making a positive contribution to reducing carbon emissions.
- 13.4 It is therefore agreed that the Project seeks to mitigate the effects of climate change, while it will also be resilient to the future effects of climate change and that it will make a positive contribution toward sustainability and climate change objectives. The Project therefore represents a form of sustainable development.

14.0 ACCESS AND PUBLIC RIGHTS OF WAY

- 14.1 It is agreed that the Project incorporates suitable highways and other access arrangements and that the details of these would be appropriately secured and controlled through requirements 4 'Detailed design' and 10 'Highway accesses' of the draft DCO. The details submitted pursuant to requirement 10 will require consultation with the local highway authority prior to approval.

- 14.2 It is also agreed that it will be acceptable to create a new access on to Pear Tree Avenue for the sole use for emergency ingress/egress to the temporary construction and laydown area No. 4 and that the use of the access for emergency purposes only can be secured and controlled through requirement 10 'Highway accesses'.
- 14.3 A PROW runs along the western side of the Project site, past Barlow Mound, and then eastwards across the site to New Road/Pear Tree Avenue. A PROW also runs south-east from New Road across the Project temporary laydown area. These PROWs are the subject of a FDO that was confirmed by NYCC on 13 February 2015. These PROWs would be diverted as part of the Project.
- 14.4 It is agreed that Footpath nos. 35.47/1/1, 35.47/6/1 and 35.47/10/1 Long Drax and 35.6/12/1 Barlow will be diverted prior to commencement of development and that once diverted they will remain available throughout the development.
- 14.5 During construction it may be necessary to close Footpath Nos. 35.47/10/1, 35.47/6/1 and 35.47/1/1 Long Drax and 35.6/12/1 Barlow on a temporary basis. It is agreed that in such circumstances the NYCC PROW Officer must be consulted and suitable alternative routes provided. The arrangements for temporary closures will be agreed between the Applicant and the PROW Officer, and this is secured by requirement 7 'Public rights of way diversions' of the draft DCO.
- 14.6 It is agreed that the changes that have been made to the draft DCO (Document Ref. 2.1) to reflect the confirmation of the FDO (i.e. certain powers originally sought in the draft DCO in relation to PROW are no longer necessary) are acceptable. It is also agreed that the amended Access and Rights of Way Plans (Document Ref. 4.4) submitted by the Applicant at Deadline 4 accurately show the extent of the closures and diversions.
- 14.7 It is agreed that requirement 7 provides at appropriate means by which to manage and implement the confirmed footpath extinguishments and diversions (both permanent and temporary) required for the Project.

15.0 MINERALS AND WASTE

- 15.1 The Project would result in the deposit of ash. However, this will be dealt with in a similar way to ash from the existing Power Station site, with disposal at Barlow Mound (Work No. 3). It is agreed that 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. It is agreed that NYCC should continue to be the enforcing authority in relation to those controls.
- 15.2 ES Volume 1, Chapter 5 'Project Description and Alternatives', Section 5-31 provides information of waste management for the project. With regard to this, it is agreed that the Framework Site Waste Management Plan contained at Section R of ES Volume 3 (Document Ref. 6.4.11) provides an appropriate framework to minimise and manage any waste arising from the construction and operation of the Project. Furthermore, that the details for minimising and managing waste can be adequately controlled and secured by requirement 25 of the draft DCO 'Waste management on site – construction and operational wastes'. It is therefore agreed that Policy 5/1 'Waste Minimisation' of the North Yorkshire Waste Local Plan (2006) is satisfied.
- 15.3 It is agreed that the principle of utilising the clay that has been stored temporarily at Barlow Mound for site raising in connection with the Project, is acceptable subject to appropriate restoration of that area, to be agreed with NYCC in its capacity as minerals planning authority. On this basis it is agreed that there is no conflict with the 'saved' policies of the North Yorkshire Minerals Local Plan (adopted 1997).
- 15.4 It is agreed that the principle of relocating the peat that has been stored temporarily on part of the Project site is acceptable subject to agreement of a suitable alternative location and the necessary consent. Drax Power Limited is currently in discussions with NYCC regarding the identification of a suitable location.

16.0 ENVIRONMENTAL IMPACT ASSESSMENT

TRAFFIC AND TRANSPORT

- 16.1 This section considers details relating to the impact in terms of transport and access associated with the Project. The assessment of effects is set out in ES Volume 1, Chapters 6-8 (Document Ref. 6.2) and Volume 2, Chapter E 'Transport Assessment' (Document Ref. 6.3.7). The assessment considers the construction, operational and decommissioning traffic associated with the workforce, together with the import and export of materials by Heavy Goods Vehicles ('HGV').
- 16.2 Construction workforce travel to and from the Project site will lead to increased traffic flows particularly on New Road, the A645 (towards the M62) the A614 Rawcliffe Road, the M62 (J36) and the A1041 (towards Selby), which it is agreed will lead to minor to moderate increases in peak hour traffic. Similarly HGV movements on the same roads will also lead to minor to moderate increases.
- 16.3 It is agreed that analysis of junction capacity with the Project construction traffic indicates that the junctions affected will, with one small exception, operate with sufficient reserve capacity in all scenarios, during construction with limited queuing experienced. The one exception is one arm of the M62 northern roundabout junction and this would only apply for a few months of peak Project workforce construction traffic if that coincided with outage work at the existing Power Station site, and then only during part of the daily evening peak periods.
- 16.4 There is the potential for the increased traffic to change the present accident rate during construction. However, it is agreed that there is no clear pattern identified in current accidents on the local road network and with the proposed mitigation measures, especially in regards to junction design and traffic controls, accident risks are expected to be maintained at current levels.
- 16.5 It is agreed that abnormal indivisible loads ('AILs') should be transported during off-peak periods and that liaison will be required with the highway authorities and local police. Requirement 19 of the draft DCO 'Construction traffic routing and travel plan' will require the Applicant to submit a plan providing details of the routing strategy and procedures for the notification and conveyance of AILs, including agreed routes, the anticipated number of AILs to be delivered by road and measures to mitigate traffic impact. This will include temporary removal of street furniture, kerbed islands or street lighting, vegetation cut-back, protection/strengthening of verges and/or carriageways and minor modifications to the public highway, as required.
- 16.6 Overall, it is agreed that construction traffic will lead to increased flows of cars and HGVs on the local road network but significant effects in terms of delays are predicted only at one junction and then only within the evening peak at the theoretical overlap of peak construction traffic flows coinciding with an outage at the existing Power Station site. Other than this, it is agreed that significant effects are not predicted to road users from any other Project activities during construction.
- 16.7 It is agreed that operational traffic movements due to the workforce are expected to be relatively small in number, with an operational workforce of approximately 60 staff over two or three shifts. Even without spreading this number over the operational shifts the associated traffic will be negligible and not have a significant effect. Furthermore, coal for the operational phase of the Project is expected to arrive by rail directly into the Project site.
- 16.8 Rail is the chosen method of transport for the import of coal to the Project site, making use of the existing Power Station site rail facilities. Furthermore, the preferred disposal method for ash would be through the existing Power Station ash facilities, with temporary storage on site before being sold or storage at Barlow Mound. Even if all bulk materials (excluding coal) were transported to and from the Project site by HGV, this would only result in approximately 86 HGV arrivals and departures per day. In addition, if all ash left the site by road there would be approximately 10 HGVs per day.
- 16.9 The Project has the ability to co-fire coal and biomass. During operation of the generating station biomass would be delivered to the Project site by road. If the generating station fired at the potential maximum of 15% biomass this would equate to a further 31 HGVs (62 HGV movements in total) accessing the Project site per day.
- 16.10 Following the submission of the Application in November 2014, the Applicant identified that the operational assessment of the Project contained within the ES had not taken account of biomass

HGV movements. A technical note (Document Ref. 6.3.7(i) - Environmental Statement - Traffic Sensitivity Test) was therefore produced to explain the rationale for transporting biomass to the Project site by road and assess the maximum anticipated number of biomass HGVs in order to identify whether this would result in any change to the assessment conclusions of the ES for operational impacts relating to traffic, air quality and noise. The note confirms that the inclusion of the biomass deliveries in the assessments does not alter the conclusions of the ES in terms of traffic impacts and the capacity of the highway network to accommodate movements, air quality or noise.

- 16.11 It is agreed that operational HGV movements can be adequately accommodated on the highway network and that these will be small in proportion to the movements generated by the construction phase, impacts will be less and the effects on the local road network will not be significant.
- 16.12 It is agreed that the following requirements are suitable to secure mitigation of the traffic and transport effects of the Project:
- No. 19 'Construction traffic routing and travel plan' - this is with the exception of (2)(f) and the extent of the pre-construction surveys of the carriageway surface on New Road (see paragraphs 18.3 and 18.4).
 - No. 24 'Operational traffic routing and travel plan'.

AIR QUALITY

- 16.13 This section considers details relating to the impact in terms of air quality associated with the Project. The assessment of effects is set out in ES Volume 1, Chapters 6-8 (Document Ref. 6.2) and Volume 2, Chapter A 'Emissions to Atmosphere Technical Report' (Document Ref. 6.3.1).
- 16.14 It is agreed that during the construction phase of the Project there will be no significant effects on air quality due to dust or traffic emissions. Furthermore, that requirement 18 'Construction environmental management plan' of the draft DCO would secure a programme of environmental monitoring and reporting, including corrective actions, during construction.
- 16.15 There is the potential for air quality effects as a result of direct emissions to air from the operation of the Project. Furthermore, potential impacts on air quality could result from increased traffic during construction, operation and decommissioning. Impacts on air quality could lead to secondary effects on both sensitive human and ecological receptors. There is also the potential for air quality effects as a result of project start-up and shut down and emissions during some foreseeable non-routine operations. These will be assessed by the EA in determining the application to vary the existing Environmental Permit.

NOISE AND VIBRATION

- 16.16 This section considers the impact of the Project in terms of noise and vibration effects. The assessment of effects is set out in ES Volume 1, Chapters 6-8 (Document Ref. 6.2) and Volume 2, Chapter B 'Noise and Vibration Technical Report' (Document Ref. 6.3.2). The assessment considers both construction and operational noise.
- 16.17 It is agreed, in terms of residual effects that predicted noise levels from construction activities will be within accepted criteria and there will be no significant effects even at the nearest noise sensitive receptor during the noisiest activity. It is agreed that no significant noise effects are predicted from construction traffic and no significant effects from vibration. It is agreed that requirement 20 'Construction hours' of the draft DCO and the noise limits within that requirement will provide an appropriate means to control construction noise effects.
- 16.18 The design of the Project includes mitigation on all the key noise generating plant items. The types of mitigation that will be applied, generally include the following:
- placing loudest noise sources indoors;
 - procuring low noise equipment (transformers, cooling tower fans etc.);
 - adding silencers on air intakes/outlets and upstream/downstream of main boiler fans;
 - using acoustic screens or enclosures on major outdoor items such as pumps and motors; and

- acoustically insulating valves and pipes.

- 16.19 The Applicant has submitted a document entitled 'Summary of Noise Mitigation Measures' (Document Ref. 9.10) for Deadline 7, which provides a full explanation of the proposed noise mitigation measures. This document was provided to Selby DC (the relevant authority in terms of noise) in advance of Deadline 7.
- 16.20 With regard to operational noise the Applicant has proposed a requirement (requirement 23 'Operational noise') within its preferred draft DCO (Document Ref. 2.1 - Revision 5) submitted for Deadline 7. The requirement includes a table that sets out proposed operational noise levels to be achieved at the nearest noise sensitive receptors during the day-time (0700 - 2300 hours) and night-time (2300 - 0700).
- 16.21 The Applicant and Selby DC are in agreement as to the need for an operational noise requirement and have been able to agree on some of the noise levels to be achieved at noise sensitive receptors that have been incorporated within the requirement (as drafted in the Applicant's preferred draft DCO). The respective positions of the Applicant and Selby DC in relation to requirement 23 are clarified at **Appendix 1**.

SOCIO-ECONOMICS

- 16.22 The assessment of socio-economic effects is set out in ES Volume 1, Chapters 6-8 (Document Ref. 6.1) and Volume 2, Chapter F 'Socio-Economic Characteristics' (Document Ref. 6.3.8).
- 16.23 During the construction phase, it is agreed that the Project will generate approximately 500 full time equivalent ('FTE') jobs equating to a major positive beneficial effect.
- 16.24 It is agreed that the main potential effects during operation are related to employment, especially locally. Also relevant is the potential economic benefits to the local, regional and national economies. It is also agreed that wider socio-economic benefits are possible by virtue of the nature of the Project. Other effects assessed included pressure on housing at a local level.
- 16.25 It is expected that the Project will provide approximately 60 FTE jobs when fully operational. Exact shift patterns and employment numbers have yet to be determined but it is expected these will be spread over three operational shifts with the majority on day shift.
- 16.26 It is agreed that economic benefits to a local/regional economy accrue not just from direct employment but also indirectly from the multiplier effect. Overall, the net employment gain during operation is estimated to be approximately 120 FTE jobs. Therefore, it is agreed that the Project is predicted to have a long-term positive effect on the local economy.
- 16.27 If some of the operational workforce moves to the area it will lead to an increased demand for housing in the local area. However, this is not expected to be a major issue given the employee numbers predicted for the Project as outlined above, especially given the proximity of urban areas such as York and Leeds, and the ease of access to the Project site as outlined above.
- 16.28 It is agreed that wider regional economic effects, although not quantified, may include inward investment in the form of research and development locating to the area to take advantage of expertise and experience in CCS and to further develop the technology for use in any future projects of a similar or related nature as part of the Government's CCS Roadmap. Furthermore, it is agreed that the Project will support the NGCL CO₂ transmission pipeline, which will be of future benefit to other major CO₂ emitters and has the potential to stimulate new CCS projects.
- 16.29 In terms of national effects, it is agreed that the Project will assist the UK in establishing itself in the international CCS market with the potential to capture between 2% and 10% of the market. There are other significant economic benefits associated with CCS. The Gross Value Added is estimated by the Carbon Capture and Storage Association to be in the order of £2 to £4 billion per year by 2030 with a cumulative value of £15 to £35 billion depending on whether installed capacity is 10 GWe or 20 GWe. The UK market has the potential to capture a high proportion of engineering services, project management, procurement and commissioning activities and would benefit from crossover with the oil and gas industry.

- 16.30 Future CCS is important for both the energy and industrial sectors in the UK (the regional benefits are discussed above). Aside from power generation, it is agreed that a successful demonstration of CCS at a commercial scale will allow other high CO₂ emitting industries such as cement, steel and chemicals to explore the possibility of incorporating CCS into their own processes. Many of these industries have few options for using renewable energy as many of the emissions are generated from process as well as the fuels used.
- 16.31 Overall, it is agreed that the Project is anticipated to be the first step in a 'new' industry that could have a positive effect on the local, regional and national economy in the long term if the full benefits are realised.
- 16.32 The importance of maximising the potential of the Project to provide employment, skills and training for the local population is agreed. To this end, the Applicant has included a requirement (requirement 31 'Employment, skills and training') within the draft of the DCO to secure a plan to promote and support employment, skills and training development opportunities for local residents during construction and employment opportunities during operation. In addition, the Applicant anticipates including a Visitor Centre as part of the Project, which would provide an educational facility for the local area covering the Project, as well as the wider CCS industry. The wording of requirement 31 is agreed.

LANDSCAPE AND VISUAL AMENITY

- 16.33 The assessment of landscape and visual effects, including cumulative effects, is set out in ES Volume 1, Chapter 6-8 (Document Ref. 6.2) and Volume 2, Chapter H 'LVIA Technical Report' (Document Ref. 6.3.12).
- 16.34 It is agreed that there will be potential long-term landscape and visual effects from plant and activities associated with the Project. The effects considered are as follows:
- the physical presence of new structures in the landscape immediately north of the existing Power Station site;
 - the permanent loss of agricultural land within the operational area of the proposed generating station ;
 - the visibility of the conveyors, including the movement of coal and biomass to the west of the existing Power Station site from the existing coal yard to the Project site;
 - the presence and movement of vehicles within and around the operational area; and
 - potential visibility of plumes from the vent stack and cooling towers.
- 16.35 It is agreed that due to the height of certain elements of the Project, on-site visual screening with vegetation will in most cases not be possible and is unlikely to mitigate potential landscape and visual effects to any great extent. It will though screen some of the lower level buildings and structures.
- 16.36 The proposed on-site mitigation includes the provision of a landscaping scheme and on-going management of landscaping, which it is agreed can be adequately secured by the following requirements:
- No.5 'Provision of landscaping' (with the exception of the site raising works this requires the approval of landscaping details prior to development).
 - No.6 'Implementation and maintenance of landscaping'.
- 16.37 Following discussions with NYCC, Selby DC and the Yorkshire Wildlife Trust ('YWT'), the Applicant has further developed the Indicative Landscape and Biodiversity Framework Plan submitted as part of the DCO Application (Document Ref. 4.10) in order to maximise the contribution that can be made by the on-site landscaping to the landscape setting of the site and its biodiversity interest and value. An updated version of the Plan was submitted at Deadline 6.

- 16.38 The Applicant's position in respect of the landscape and visual effects of the Project, including cumulative effects is set out in Document Ref. 9.3 submitted at Deadline 2, specifically response Refs. 21 – 28. The position of the authorities is set out at Section 8 of the Local Impact Report.

WATER RESOURCES AND FLOOD RISK

- 16.39 This section considers details relating to the impact in terms of water resources and flood risk associated with the Project. The assessment of effects is set out in ES Volume 1, Chapters 6-8 (Document Ref. 6.2) and Volume 2, Chapter C 'Surface Water and Flood Risk Technical Report' and (Document Ref. 6.3.3) and Chapter C.1 'Flood Risk Assessment' (Document 6.3.4).
- 16.40 It is agreed that NYCC is the 'Lead Local Flood Authority' for the county of North Yorkshire but that the Project falls within the administrative boundary of the Shire Group of Internal Drainage Boards ('IDBs') (Selby Area IBD) to whose opinion as local risk management authority NYCC would defer.
- 16.41 The Project will generate new potential effects on the nearby water environment, namely from the potential for an increase in flood risk, surface water drainage issues, newly introduced contamination sources and abstraction, which in the absence of mitigation could adversely affect the nearby water environment and ecological habitat.
- 16.42 It is agreed that the Project will operate on a platform constructed to bring it to a level that is above the flood risk level for the area. However, this will reduce the storage capacity of the flood plain and the Project will change (increase) the rate and volumes of surface water run-off from the pre-Project levels. It is agreed that together these factors could increase the risk of flooding elsewhere. However, notwithstanding the potential adverse effects, it is agreed that through the site raising, flood risk will be appropriately managed and that flood risk effects to neighbours as a result of the Project and associated loss of floodplain storage are not considered significant. No other risks from other flood sources have been identified in the study area. It is also agreed that even if flood defences were to fail, the Project will be adequately protected.
- 16.43 Contamination risks to surface waters from spills and leaks will be avoided and/or minimised through good operational management practice. It is also agreed that the various other mitigation measures inherent in the design of the Project will prevent significant effects on water quality and secondary effects on ecology and other surface water users.
- 16.44 It is agreed that the following requirements are sufficient to secure the proposed mitigation:
- No.12 'Surface and foul water drainage'.
 - No.13 'Flood risk mitigation'.
 - No.14 'Contaminated land and groundwater'.
 - 'No.18 Construction environmental management plan'.
- 16.45 Overall, it is agreed that there will be no significant effects on surface water resources or on ecological populations and human users that rely on them. Process effluent discharges will be treated and within the current consent conditions for the Drax Power Station. It is also agreed that there will be no significant flood risk to the operational Project as it will be built on a raised platform, the height of which has been determined by flood risk assessment studies and it will be served with suitable emergency access and egress. The presence of the raised platform will not significantly increase the risk or severity of flooding on neighbouring land.

SOILS, HYDROGEOLOGY AND LAND QUALITY

- 16.46 This section considers details relating to the soils, hydrogeology and land quality associated with the Project. The assessment of effects is set out in ES Volume 1, Chapters 6-8 (Document Ref. 6.2).
- 16.47 There will be storage and handling of chemicals and wastes and the potential to contaminate soils and groundwater, with the potential for secondary effects on people and ecological receptors. Accidental spills could also affect soils and groundwater and also have the potential for onward transmission to other receptors. Furthermore, the presence of buildings and areas of hardstanding will reduce the infiltration of rainwater to the ground. Groundwater abstraction could put pressure on resources.

- 16.48 It is agreed that impacts and the risk of impacts will be avoided and/or minimised through good operational management practice. With these provisions in place, it is agreed effects on soils and water resources and secondary effects on ecological receptors and people are considered to be not significant.
- 16.49 It is agreed that the shallow groundwater in made ground and superficial deposits will see minimal impacts on recharge and the deeper sandstone aquifer is a confined aquifer and is not fed by infiltration. There will be no significant effects on groundwater resources or their users. Potential impacts on soils and groundwater are amenable to tried and tested mitigation measures (e.g. for waste management, storage of fuels and chemicals) and no significant effects are predicted to these resources. These mitigation measures will also serve to protect surface water resources from accidental harm.

ECOLOGY

- 16.50 The assessment of effects is set out in ES Volume 1, Chapters 6-8 (Document Ref. 6.2) and Volume 2, Chapter I 'Ecology Technical Report' (Document Ref. 6.3.13).
- 16.51 The scope of the assessment is agreed in terms of the effects considered, as follows:
- direct effects (physical habitat loss) and secondary effects (due to changes in air quality and nitrogen and acid deposition, and disturbance including light and noise) on statutory designated sites, non-statutory designated sites and Natural Environment and Rural Communities ('NERC') Act 2006 priority habitats;
 - direct effects (physical habitat loss) and disturbance from light and noise on species present (smooth newts, foraging and roosting bats, snakes, badgers, breeding birds and invertebrates) in the vicinity of the Project;
 - increased traffic levels during operation (and subsequent emissions, dust and exhaust fumes) leading to adverse effects upon statutory designated sites, non-statutory designated sites and NERC priority habitats; and
 - secondary effects due to changes in water quality or physical flows at sites with hydrological connectivity to discharges or to potential sources of spills and leaks.
- 16.52 It is agreed that the Project would provide for on-site habitat mitigation but that this would not fully offset the loss of habitat, notably wetland habitat, at the Project site. Following discussions with the YWT the Applicant has further developed the Indicative Landscaping and Biodiversity Framework Plan (Document Ref. 4.10) to maximise the contribution that the proposed on-site mitigation can make to the biodiversity interest and value of the Project site. This approach is supported by NYCC and SDC. An updated Plan was submitted at Deadline 6.
- 16.53 It is agreed that additional mitigation for on-site habitat loss is required and that this could be provided off-site. The Applicant has reached agreement with the YWT and the EA regarding off-site mitigation and this is documented within the SoCG with the YWT (Document Ref. 8.5). It is agreed that the off-site mitigation would fully mitigate the biodiversity/ecological effects of the Project. The mitigation will be secured by a Section 106 Deed of Development Consent Obligations, which was drafted and agreed with the YWT and Selby DC (who are a party to it) and also NYCC and the EA (although they are not party to it).
- 16.54 It is agreed that a Biodiversity Mitigation and Management Plan could be used to guide and deliver the on-site mitigation. Furthermore, that requirement 16 of the draft DCO ('Biodiversity mitigation and management plan') could provide an appropriate mechanism to secure such a plan.
- 16.55 The Section 106 Deed of Development Consent Obligations was executed on 23 September 2015 and it agreed that it provides an appropriate mechanism to secure the off-site mitigation.

CULTURAL HERITAGE

- 16.56 The assessment of effects of the Project is set out in ES Volume 1, Chapters 6-8 (Document Ref. 6.2) and Volume 2, Chapter G 'Archaeology Technical Report' (Document Ref. 6.3.9) and Chapter H 'LVIA Technical Report' (Document Ref. 6.3.12).

- 16.57 During the construction phase of the Project there would be the potential for direct physical damage to known and unknown archaeology within the Project site.
- 16.58 It is agreed that potential impacts on archaeology within the Project site would be mitigated by a staged programme of archaeological work, informed by an agreed Written Scheme of Investigation ('WSI'). The Applicant has consulted on a draft WSI with the Archaeological Advisor at NYCC. The Archaeological Advisor confirmed in September 2014 that the approach set out in the WSI to archaeological work was acceptable. The Applicant has subsequently (March 2015) agreed an updated WSI with NYCC and Historic England ('HE').
- 16.59 The archaeological mitigation works would be informed by the results of preliminary evaluation works carried out on the Project site in accordance with the agreed WSI. These works have focused upon areas considered to be of moderate to high archaeological potential. The works commenced in June 2015 and have now been completed. Following the evaluation works, it is planned that a scheme for the mitigation works would be prepared in late summer 2015 in consultation with HE and NYCC. It is agreed that there would be sufficient time between the completion of evaluation works and the commencement of construction on the Project for the required mitigation to be implemented.
- 16.60 A report on the archaeological evaluation works (and proposed scheme of mitigation works) was submitted for Deadline 6. The report was also issued to NYCC and HE. It is agreed on the basis of the findings in the report that archaeological mitigation will be required within certain areas across the Project site to mitigate against the impacts of development.
- 16.61 Notwithstanding the above, the draft DCO includes a requirement (requirement 15 'Archaeology') that would require the Applicant to obtain the approval of the relevant planning authority (following that authority having consulted with HE and NYCC for a scheme of archaeological investigation at the Project site.
- 16.62 It is therefore agreed that the approach to be taken to archaeology is acceptable and that appropriate controls are in place to secure mitigation.
- 16.63 Issues relating to the landscape setting of the SM are covered under Landscape and Visual Amenity

CUMULATIVE EFFECTS

- 16.64 The cumulative effects of the Project are considered within ES Volume 1, at Chapter 9 'Cumulative Effects' (Document Ref. 6.2).
- 16.65 It is agreed that Chapter 9 provides a proportionate and robust assessment of cumulative effects.
- 16.66 The conclusions of the ES are agreed with the exception of those relating to landscape and visual effects.

17.0 THE BENEFITS AND ADVERSE EFFECTS OF THE PROJECT

- 17.1 The Applicant's assessment of the benefits and adverse impacts of the Project set out a Section 6 of the Planning Statement (Document Ref: 5.4) is agreed.
- 17.2 It is agreed that the Project will deliver a number of very clear benefits that can be summarised as follows:
- EN-1 and EN-2 confirm that there is an urgent need for new electricity generating capacity in the UK, particularly low carbon energy, in view of the closure of conventional thermal generating stations, in order to maintain the security and diversity of energy supplies. The Project will respond to this need in a timely manner, delivering up to 448 MWe gross of low carbon generating capacity by 2021.
 - The UK remains heavily reliant on fossil fuel generation and will do so for decades to come. However, in view of legally binding greenhouse gas emissions targets, it will not be possible for new conventional (unabated) fossil fuel generating stations to be built. Therefore, if fossil fuels are to remain part of the energy mix (contributing to energy security and diversity) it will be necessary to bring forward new coal-fired generating stations with CCS, such as that proposed.

- The Project will add resilience to the UK energy system, providing a reliable form of electricity generation that is responsive to rapid changes in demand and supply, providing the 'spare capacity' that is needed to compensate for the intermittent and fluctuating contribution of renewables to electricity supply. The need to ensure that there is sufficient responsive spare capacity is becoming increasingly important with the UK's greater reliance on renewables.
- The Project is part of the UK Government's CCS Commercialisation Programme and will demonstrate CCS at a commercial scale. The deployment of CCS at a commercial scale is a priority for UK energy policy and critical to efforts to tackle climate change over the coming decades.
- In its own right, the Project will make a very positive contribution to mitigating greenhouse gas emissions, as the CCS technology is capable of capturing up to 90% of the CO₂ emissions produced during the combustion process.
- The Project will support the emerging CCS sector within the UK, which has the potential to deliver substantial benefits for the UK economy in terms of exporting CCS expertise and services to other countries.
- The Project will also support the NGCL Yorkshire and Humber CCS Cross-country pipeline project, which is subject to a separate DCO application.
- The Project will have substantial benefits for the regional and local economy, particularly in terms of employment during both the construction and operational phases. The ES estimates that the equivalent of around 500 FTE jobs will be created during the construction phase with approximately a further 120 FTE jobs during operation. There will be other benefits for the local economy in terms of increased spending and use of services. The proposed requirement relating to an Employment, Skills and Training Plan would assist in securing these benefits.
- The Project will take advantage of existing rail infrastructure at the existing Drax Power Station site for the transport of fuel and other bulk materials supporting the use of sustainable modes.
- The Project has been designed to be 'CHP Ready' so that should a viable heat demand be identified in the future the generating station will be able to accommodate the necessary facilities and connections to meet that demand.
- Proposals relating to landscaping and biodiversity are included as part of the Project, although it is noted that discussions are on-going as to the extent of these.
- The Project accords with and will assist in delivering the development plan strategy for Selby District, delivering low carbon energy in a location that has been identified as potentially suitable for such activities and generating employment.

17.3 The EIA of the Project has demonstrated that it will result in few significant effects. It is agreed that these limited effects would be outweighed by the substantial benefits of the Project.

18.0 THE SCOPE OF THE DRAFT DCO AND DRAFT REQUIREMENTS

18.1 It is agreed that the scope of the powers being sought through the draft DCO are appropriate, including:

- The amendments that have been made to article 3 to disapply the DCO requirements in relation to Barlow Mound and to ensure that the existing Barlow Mound planning permission conditions apply to the Project.
- The amendments that have been made to articles 11, 12 and 14 relating to streets, including street works.
- The amendments to Schedule 6 'Streets to be temporarily stopped up'.
- The amendments to Schedule 11 'Procedure for the discharge of requirements'.

18.2 The following has been agreed in relation to the requirements included at Schedule 2 of the draft DCO:

- Requirement 5 'Provision of landscaping' – that this would adequately secure the on-site landscape mitigation and that it is acceptable for site raising works to proceed in advance of the agreement of the detailed landscaping scheme(s). 5(2)(c) has also been amended to refer to a maintenance plan.
 - Requirement 6 'Implementation and maintenance of landscaping' – 6(3) has been amended to reflect the maintenance plan referenced in requirement 5.
 - Requirement 10 'Highway accesses' – this has been drafted so as to limit the use of the Pear Tree Avenue access point to emergency use only.
 - Requirement 16 'Biodiversity mitigation and management plan' – that this provides an appropriate means by which to secure the on-site biodiversity/ecology mitigation.
 - Requirement 18 'Construction environmental management plan' – 18(2)(f) has been amended to refer to "...measures for undertaking any corrective actions...".
 - Requirement 20 'Construction hours' – that the noise limits set out are appropriate.
 - Requirement 24 'Operational traffic routing and travel plan' – that the requirement as drafted provides an appropriate mechanism by which to monitor biomass deliveries to the Project site.
 - Requirement 27 'Decommissioning' – that the requirement includes appropriate provision in relation to restoration of the Project site through reference to a "...decommissioning and restoration scheme...".
 - Requirement 31 'Employment skills and training' – this has been amended so that 31(1) refers to "...arrangements to promote and support employment, skills and training development opportunities for local residents during construction and employment opportunities during operation...".
 - Requirement 35 – definition of "permitted preliminary works" – it is agreed that the listed works (which constitute exceptions to 'commencement' when the phrase is used) are acceptable.
- 18.3 The Applicant has proposed amendments to requirement 19 'Construction traffic routing and travel plan' at paragraph (2)(f) to secure details of pre-construction surveys on specified sections of New Road and Pear Tree Avenue, including the standard to which any damage by vehicles associated with the Project caused to those carriageway surfaces during construction is to be repaired.
- 18.4 The specified section of New Road is that north of the materials handling gate of Drax Power Station to the junction with Pear Tree Avenue; and for Pear Tree Avenue east of the junction with New Road to the emergency access point to laydown area No. 4. This is considered appropriate by the Applicant as the majority of traffic on these sections of highway during the construction phase would be associated with the Project. In respect of the remaining section of New Road, the Applicant is of the view that it would not be possible to determine whether any damage to the carriageway surface had been caused by the Project as it is frequently used by other traffic, as is the wider highway network in the surrounding area. NYCC, the highway authority, is however of the view that the entire length of New Road should be subject to paragraph 2(f).
- 18.5 With the exception of requirement 19 ((2)(f)) and requirement 23 'Operational noise' all requirements are agreed and it is also agreed that these would adequately control the Project's construction and operational effects and secure its detailed design.
- 18.6 It is agreed that Selby DC is the appropriate planning authority for the purposes of the discharge of the requirements.
- ## 19.0 S.106 DEVELOPMENT CONSENT OBLIGATIONS
- 19.1 A Section 106 Deed of Development Consent Obligations has been executed (dated 23 September 2015) to secure the agreed off-site biodiversity/ecology mitigation. It is agreed that this is an appropriate means by which to secure the off-site biodiversity/ecology mitigation.

20.0 SITE RAISING AND PREPARATION WORKS PLANNING APPLICATION

- 20.1 It is agreed that the site raising and preparation works within the area of Work No. 1A and parts of Work No. 1B (as shown on the Works Plans – Document Ref. 4.3), can, in themselves as independent works not involving the construction of a generating station, be consented separately under the Town and Country Planning Act 1990 ('TCPA 1990').
- 20.2 The rationale for applying for these works separately under the TCPA 1990, relating to the time savings that would be realised for the Project if the works could be carried out in advance of a DCO being made by the SoS, is agreed.
- 20.3 The planning application for the site raising and preparation works was submitted to Selby DC on 10 March 2015. The planning application (Ref. 2015/0249/EIA) was been validated by Selby DC (from 11 March 2015) was unanimously approved at a meeting of the Selby DC Planning Committee on 10 June 2015 and the planning permission was granted on 15 June 2015.

21.0 MATTERS NOT AGREED

- 21.1 The following matters are not yet agreed:
- The landscape and visual effects of the Project, including the sensitivity of the immediate landscape context of the Project site to change, cumulative landscape and visual effects and the need for off-site mitigation and a suitable mechanism for its delivery.
 - Operational noise effects and the wording of requirement 23 'Operational noise' including certain noise limits to be included in that requirement (see **Appendix 1**).
 - The extent of the pre-construction surveys (requirement 19 'Construction traffic routing and travel plan' (2)(f)) on New Road.
 - The destination and use of the peat currently stored on the Project site.
 - The location and associated details regarding the proposed temporary topsoil store.

Signed

Print name and position

On behalf of NYCC

Date

Signed

Print name and position

On behalf of Selby DC

Date

Signed

Print name and position

On behalf of the Capture Power Ltd

Date

APPENDIX 1: POSITION STATEMENT IN RESPECT OF REQUIREMENT 23

Draft DCO Requirement 23 ('Operational noise')	Selby DC proposed Requirement 23	Summary of areas of agreement/ disagreement
(1) The authorised development may not be brought into commercial use until an operational noise monitoring and mitigation scheme has been submitted to and approved by the relevant planning authority.	No changes proposed.	Sub-paragraph (1) of requirement 23 is agreed by the Applicant and Selby District Council ('SDC') in this form.
(2) The scheme submitted pursuant to sub-paragraph (1) must be based on the objective that the level of noise emitted from the authorised development following commissioning shall not exceed the free-field noise levels listed in the fourth and fifth columns of the following table, except in the case of an emergency, or unless otherwise agreed with the relevant planning authority:	<p>SDC position at 15 September 2015 meeting:</p> <p>One change proposed with the word 'objective' changed to 'requirement' by SDC</p> <p>SDC revised position communicated to the Applicant on 22 September 2015:</p> <p>Modified as follows:</p> <p>(2) The scheme submitted pursuant to sub-paragraph (1) must be based on the objective <u>ensure</u> that the level of noise emitted from the authorised development following commissioning shall not exceed the free-field noise levels listed in the fourth and fifth columns of the following table, except in the case of an emergency, or unless otherwise agreed with the relevant planning authority:</p>	<p>SDC's view is that the word 'objective' is neither precise nor enforceable, and the authority has taken legal advice on the wording of this sub-paragraph, which was proposed on the 22 September 2015.</p> <p>The Applicant does not agree that SDC's proposed change to sub-paragraph (2) is necessary as sub-paragraph (4) includes a requirement to comply with the stated noise levels, which is already both precise and enforceable.</p>

Receptor Number	Receptor at which noise source is measured	Background noise levels (Daytime)	Daytime noise rating levels (0700 - 2300) as per BS4142:2014	Night time noise rating levels (2300-0700) as per BS4142:2014
		$dB_{LA90(T)}$ where T is the daytime period	dB_{LAeq} (1 hour)	dB_{LAeq} (8 hour)
1	Foreman's cottage	35	Background +14dB	See paragraph 3(e)
2	Wren Hall	35	Background +5dB	40
3	Camblesforth	43	Background +5dB	40
4	Barlow	35	Background +5dB	29
5	Drax Abbey Farm	36	Background +5dB	31
6	Long Drax	32	Background +10dB	See paragraph 3(e)
7	Old Lodge	32	Background +5dB	32
8	Landing Lane	32	Background +5dB	25

Receptor Number	Receptor at which noise source is measured	Background noise levels (Daytime)	Daytime noise rating levels (0700 - 2300) as per BS4142:2014	Night time noise rating levels (2300-0700) as per BS4142:2014
		$dB_{LA90(T)}$ where T is the daytime period	dB_{LAeq} (1 hour)	dB_{LAeq} (8 hour)
1	Foreman's cottage	35	Background +5dB	33
2	Wren Hall	35	Background +5dB	40
3	Camblesforth	43	Background +5dB	40
4	Barlow	35	Background +5dB	29
5	Drax Abbey Farm	36	Background +5dB	31
6	Long Drax	32	Background +5dB	31
7	Old Lodge	32	Background +5dB	32
8	Landing Lane	32	Background +5dB	25

In summary SDC propose the use of BS 4142 at night rather than BS 8233 / WHO and thus the levels suggested by SDC at all NSRs bar one are lower than CPL have

In terms of the table of levels at NSRs the Applicant and SDC agree on the operational noise levels at receptors during the day-time except in relation to NSRs 1 and 5 where lower levels than those achievable have been applied by SDC (reduced from +14 dB (NSR 1) and +10 dB (NSR 5) to +5 dB for both NSRs). SDC was asked by the ExA to supply levels which they would be in agreement with and these are given in this table.

In terms of the night-time levels at NSRs 1, 4, 5, 6 and 7 the Applicant does not agree the levels proposed by SDC. The Applicant and SDC do not agree that the night-time levels they have respectively proposed for NSRs 1,4,5,6 and 7 are reasonable. The levels proposed by SDC are based on BS 4142

	<p>modelled as achievable by the operational plant.</p>	<p>rather than BS 8233 / WHO. The night-time levels proposed by the Applicant can be met by the operational plant employing the mitigation measures set out in the Environmental Statement Mitigation Annex (Document Ref 6.5).</p> <p>In terms of the night-time levels at NSR 8 the Environmental Statement was based on night time measurements to 2400 hours. The Applicant maintains that if BS 8233 / WHO criteria are adopted, a robust level can be set at this NSR. SDC do not agree with this method of assessment in regard to existing NSRs and the British Standard BS 4142:2014 refers to “an indication of significant adverse impact” in regard to this receptor</p>
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		<p>On 22 September 2015, SDC suggested a night-time level of 25 dB for NSR 8 based on the noise data (which SDC consider to be limited) provided by the Applicant</p> <p>SDC are aware that the levels set by them in the above table are considered by the Applicant to be unreasonable and unattainable but were asked to provide the levels to which they would be in agreement. SDC cannot agree to increases in noise level which when assessed by British Standard BS 4142:2014 are “an indication of a significant adverse impact” or “an indication of an adverse impact”. The Applicant does not consider this level reasonable or attainable and it is not agreed.</p>
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<p>(3) The scheme submitted pursuant to sub-paragraph (1) must include:</p> <p>(a) a programme for the monitoring of noise generated by the operation of the authorised development;</p> <p>(b) the locations at which operational noise will be monitored;</p> <p>(c) the method of noise measurement;</p> <p>(d) the reporting of noise measurements (including those required by sub-paragraph (5)) to the relevant planning authority; and</p> <p>(e) the noise mitigation measures and acoustic ventilation to be implemented at receptor number 1 (Foreman's Cottage) and receptor number 5 (Drax Abbey Farm), including a programme for their implementation, with the aim to achieve an acceptable noise level inside bedrooms between the hours of 2300 and 0700, consistent with World Health Organisation guidelines and British Standard 8233 (30 dB LAeq, 2300 and 0700), as far as reasonably practicable.</p>	<p>Paragraph (e) of PINs draft DCO is now (f) as SDC have proposed inserting an additional paragraph as detailed below.</p> <p><u>e. where it is found that the measured noise levels exceed the limits laid down in sub-paragraph (2) the report shall include a scheme of mitigation demonstrating how the limits will be achieved. The mitigation shall be agreed by the relevant planning authority and implemented within agreed timescales. Following the completion of the mitigation measures retesting as agreed with the relevant planning authority shall be undertaken; and</u></p>	<p>The Applicant does not agree that SDC's addition is necessary on the basis that the Applicant has already proposed mitigation at NSRs 1 and 5, which is secured via sub-paragraph 3((e)</p> <p>In the scenario where the plant exceeded the levels in requirement 23 as drafted by the Applicant, SDC would be able to use their powers of enforcement under the Planning Act 2008.</p>
<p>(4) The approved noise monitoring and mitigation scheme must be implemented in accordance with the programme it contains, and the noise levels in sub-paragraph (2) must be adhered to at all times during normal operation of the authorised development, except in an emergency, or</p>	<p>SDC position at 15 September 2015 meeting:</p> <p>No changes noted.</p> <p>SDC revised position communicated to the Applicant on</p>	<p>The Applicant and SDC have not agreed sub-paragraph (4) because of remaining differences on sub-paragraph (2).</p>

<p>unless otherwise approved by the relevant planning authority.</p>	<p>22 September 2015:</p> <p>4) The approved noise monitoring and mitigation scheme must be implemented in accordance with the programme it contains the approved scheme in sub-paragraph 1, and the noise levels in sub-paragraph (2) must be adhered to at all times during normal operation of the authorised development, except in an emergency, or unless otherwise approved by the relevant planning authority.</p>	
<p>(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 (Kt) should equal zero decibels.</p>	<p>SDC position until 15 September 2015 meeting: Modified as follows:</p> <p>SDC revised position communicated to the Applicant at 15 September 2015 meeting and confirmed in writing on 22 September 2015:</p> <p>(5) Overall sound at residential properties from the operation of the authorised development must not exhibit any significant tonal content <u>audible tonal noise, prominent impulses or specific features (which are not tonal nor impulsive though otherwise are readily distinctive against the residual acoustic environment,)</u> 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 (Kt) should equal</p>	<p>SDC and the Applicant agree that requirement 23 should include a clause to respond to 'tonality' should it occur when the plant is operational as per the definition provided within BS 4142.</p> <p>BS4142:2014 recognises that other sound characteristics as described in the suggested sub-paragraph (5), including tonality can lead to increased annoyance. SDC, therefore, has requested</p>

	zero decibels.	
<p>(6) Mitigation must be applied during the procurement and commissioning of the authorised development in order to demonstrate that sub-paragraph (5) can be complied with and, if any audible tonal noise is observed during commissioning of the authorised development, it must be analysed to identify the cause and corrective measures must be applied so as to comply with sub-paragraph (5).</p>	<p>SDC position until 15 September 2015 meeting:</p> <p>SDC revised position communicated to the Applicant at 15 September 2015 meeting and confirmed in writing on 22 September 2015:</p> <p>Modified as follows:</p> <p>(6) Mitigation must be applied during the procurement and commissioning of the authorised development in order to demonstrate that sub-paragraph (5) can be complied with and, if any audible tonal noise, <u>prominent impulses or specific features (which are not tonal nor impulsive though otherwise are readily distinctive against the residual acoustic environment),</u> are is observed during commissioning of the authorised development, it must be analysed to identify the cause and corrective measures must be applied so as to comply with sub-paragraph (5).</p>	<p>that these noise aspects are included in sub-paragraphs (5) and (6) to ensure that those aspects of noise identified in BS 4142 are included in the assessment of the rating levels given in the above table and these rating levels are met. However, the Applicant does not agree to SDC's suggested amendment to sub-paragraphs (5) and (6) of requirement 23, for the following reasons:</p> <ul style="list-style-type: none"> • Neither 'other sound characteristics' or 'aspects of noise' are sufficiently defined in BS 4142 and are therefore not sufficiently precise to form the basis of a requirement (on 22 September 2015 SDC agreed to remove the words "<i>any acoustic features including</i>" from

		<p>its proposed wording).</p> <ul style="list-style-type: none">• Similarly, 'specific features' is poorly defined and open to interpretation.• The Applicant has confirmed that the plant will not generate impulsive noise and as such the addition of this aspect is not required or necessary and therefore should not form the basis of a requirement.
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