

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 Response to the Examining Authority's Second Request for Further Information (RFI) & Comments on Deadline 7 Submissions

The Planning Act 2008



Applicant: Capture Power Limited
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Author	Dalton Warner Davis LLP (DWD)		
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Glossary	
CCS	Carbon Capture and Storage
dB	Decibel
DCO	Development Consent Order
ExA	Examining Authority
NSR	Noise Sensitive Receptor
NYCC	North Yorkshire County Council
PEIR	Preliminary Environmental Information Report
PINS	Planning Inspectorate
RFI	Request for Further Information
SDC	Selby District Council
SoCG	Statement of Common Ground
TCPA	Town and Country Planning Act 1990
WHO	World Health Organisation

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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 This document sets out the Applicant's responses to the Examining Authority's (ExA's) second request for further information (RFI), which was issued on the 30 September 2015. In addition, the document provides the Applicant's comments, where appropriate, on the submissions made by Interested Parties at Deadline 7. The Applicant's responses and comments are provided in Section 3.
- 1.4 The document has been submitted for Deadline 8 of the Examination.

2.0 APPLICANT'S RESPONSE TO EXA'S SECOND REQUEST FOR FURTHER INFORMATION & COMMENTS ON DEADLINE 7 SUBMISSIONS

- 2.1 The Applicant's response to the ExA's second RFI is set out in Table 2.1 on the following pages of this document.
- 2.2 Table 2.1 includes the reference number for each ExA RFI/question, the text of the RFI/question and the Applicant's response to each.
- 2.3 In addition to Table 2.1, Table 2.2 sets out the Applicant's comments, where appropriate, on the submissions made by Interested Parties at Deadline 7. This includes the Applicant's initial comments on Selby District Council's (SDC's) Deadline 7 submission (forwarded by SDC to PINS by email on 5 October 2015), which the Applicant only became aware of on 6 October 2015 (when it was published). The Applicant reserves the right to comment further on the matters raised in that document prior to the end of the Examination, and in accordance with any direction given by the ExA.

Table 2.1 - Applicant's Response to ExA's Second Request for Further Information

Ref.	ExA RFI/Question	Applicant's Response
1.0	Noise	
1.2	Applicant, the Table shows a daytime noise rating level at Receptor 5 as being background +10dB. Why is this higher than SDC's recommendation of +5dB?	<p>There are two Noise Sensitive Receptors (NSRs) which cannot meet SDC's preferred target of +5dB above background noise levels during the day:</p> <ul style="list-style-type: none"> • NSR 1 (Foreman's Cottage); and • NSR 5 (Drax Abbey Farm). <p>These two NSRs are the closest residential properties to the Project site and hence display the largest difference between the background noise and the predicted operational noise from the Project compared with other NSRs.</p> <p>The data generated by the noise model predicted that the daytime noise level would be 49dB at NSR 1 and 46dB at NSR 5. Both of these levels are below the BS 8233 guideline for annoyance of 50dB (BS 8233: 2014 Guidance on Sound Insulation and Noise Reduction for Buildings). During the development of the Project the engineering team has undertaken a comprehensive assessment of possible mitigation measures at source. This has led to the comprehensive attenuation measures previously supplied (Document Ref. 9.10). The Applicant maintains that there are no practicable or effective means of reducing the daytime noise levels further at these NSRs via further mitigation at source as described below.</p> <p>The Project's engineering team has looked very carefully at the necessary and appropriate at source mitigation which can be applied to the various pieces of plant and equipment. The process of developing the appropriate mitigation necessary to mitigate noise impacts is outlined in Document Ref. 9.10 '<i>Summary of Noise Mitigation Measures</i>'. That document also outlines other noise mitigation techniques which were considered but, having been assessed, were not adopted as they would not have conferred significant attenuation.</p> <p>The Applicant has engaged with SDC regarding discussions on other potential mitigation measures at NSR 1 and NSR 5 since the development of the PEIR as the Applicant knew that operational noise levels at these receptors would exceed 5 dB over baseline. As previously outlined this led to the development of a package of</p>

Ref.	ExA RFI/Question	Applicant's Response
		mitigation at receptors (to be secured by requirement 23 of the draft DCO). As per the SoCG submitted at Deadline 7, this section of the requirement is agreed with SDC.
1.3	Can the Applicant provide further justification why the subsection suggested by SDC (new subsection f) should not be included in the Requirement?	<p>SDC had suggested at Deadline 6 the addition to requirement 23 of sub-paragraph (3)(e), resulting in the originally drafted 23(3)(e) becoming 23(3)(f). It is still the Applicant's opinion that SDC's proposed addition provides no additional benefit to either the Applicant or SDC in being able to take enforcement action (pursuant to Part 8 of the Planning Act 2008) should the final operational noise levels not be met. In addition there is significant duplication between what SDC has proposed and part of the draft requirement.</p> <p>SDC's suggested addition is as follows::</p> <p><i>"(3)(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 the agreed timescales. Following the completion of the mitigation measures retesting as agreed with the relevant planning authority shall be undertaken; "</i></p> <p>Paragraph (1) of requirement 23 of the Applicant's preferred draft DCO currently states that the Project cannot be brought into commercial use until an operational noise monitoring and mitigation scheme has been submitted to and approved by the relevant planning authority. The noise monitoring and mitigation scheme referenced will demonstrate how the relevant limits will be achieved and the mitigation that shall be applied to meet those levels, and this scheme must be approved by the relevant planning authority under the requirement.</p> <p>Whilst the Applicant is confident that the noise levels specified in requirement 23 (as contained in its preferred draft DCO) can be met, the following point is also pertinent; SDC's proposed additional sub-paragraph (3)(e) is seeking to control or provide for a possible event in the future (noise level exceedance during operation), which is of an unknown nature, location and frequency. It would not therefore be possible at the point of submission of the scheme pursuant to paragraph (1) of requirement 23 to</p>

Ref.	ExA RFI/Question	Applicant's Response
		<p>identify what the appropriate measures to deal with that unknown issue might be. Requiring those measures to be identified as part of the scheme would therefore be futile and impossible to comply with.</p> <p>For these reasons the Applicant considers that there is no benefit or additional control to be gained from the additional wording for the scheme of mitigation as proposed by SDC.</p>

Table 2.2 - Applicant's Comments on Deadline 7 Submissions

Interested Party	Applicant's Comments
<p>Environment Agency - Letter dated 23 September 2015</p> <p>The EA's states that it had spoken with the Applicant for the Environmental Permit variation and had requested further information with respect to noise. The letter goes on to indicate that a Schedule 5 request will be issued shortly by the EA.</p>	<p>The Applicant for the Environmental Permit variation (Drax Power Ltd) has not received a Schedule 5 notice from the EA at the time of this submission (7 October 2015). The Applicant provided the EA with information following a telephone conference call on 11 September 2015 and is not aware of any further information that the EA requires or will be requesting.</p>
<p>Selby District Council - Email dated 5 October 2015</p> <p>ExA RFI 1.3 - Comment and clarification regarding SDC's response.</p>	<p>SDC has referred to the EA's 'Horizontal Guidance' on noise. The Applicant believes that it has followed the requirements of this guidance, for example sourcing plant and equipment with the lowest practicable sound power level.</p> <p>SDC state that mitigation should be applied in the form of silencers and acoustic hoods. The Applicant has identified those items of plant where silencers and hoods would be beneficial and applied the necessary and appropriate mitigation to the plant. This is explained in Document Ref. 9.10, Section 4, 'Mitigation at Source'.</p> <p>Selby DC state in the second paragraph of their response to ExA RFI 1.3 that <i>"In theory it would be possible to enhance the mitigation provided at this point to such a degree that the levels would be acceptable to SDC could be achieved"</i>. This is not correct. Section 3 of Document Ref. 9.10, 'Mitigation' focused on highest ranking noise sources and concludes that it is not theoretically possible to enhance the</p>

Interested Party	Applicant's Comments
	<p>mitigation to such a degree that the levels would be acceptable to SDC. That conclusion is reached having:</p> <p>(a) applied appropriate mitigation to the highest ranking noise sources; and (b) considered potential mitigation for lower ranking noise sources - the conclusion being that even removing those items entirely from the noise model would not achieve a material reduction in noise levels.</p> <p>The Applicant notes the comment that “SDC does not have the technical knowledge to appraise the applicant’s argument in regard to this issue”, which accords with the position as stated by SDC at the meeting of 15 September 2015.</p>
<p>ExA RFI 1.4 - Comment and clarification regarding SDC’s response.</p>	<p>The Applicant submitted the PEIR in June 2014 and these documents were issued to all relevant consultees including SDC. The PEIR included a chapter on noise and vibration entitled ‘Noise and Vibration Preliminary Environmental Information Technical Report’. Section 4.3 of this document, entitled “Assessment of Potential Effects During Operation’ included the following text which introduced the WHO criteria:</p> <p><i>“Other benchmark criteria are provided by the World Health Organisation (WHO) that gives guidelines for avoiding disturbance at night which vary between 40 and 45 dB LAeq (depending on which version of the guidance is used). These noise targets, which apply outside a building, are based on preserving good standards for sleep within the building(1). The night-time criterion does not aim primarily to preserve residential amenity outside the buildings and is less stringent than BS4142 criteria in areas where baseline noise levels are low.”</i></p> <p>Section 4.3 also stated that the Applicant would apply these criteria to assess the Project:</p> <p><i>“During the day a noise threshold outside of buildings (of 55 dB LAeq), below which noise impacts are not expected for external areas, has also been adopted based on WHO standards when defining lower levels at which mitigation will be considered for consented transport schemes. WHO does not suggest that the use of this guidance should be limited to transport schemes and the noise from the Project has been</i></p>

Interested Party	Applicant's Comments
	<p><i>assessed taking this level into account."</i></p> <p>Finally, Section 4.3 of this PEIR chapter identifies the use of a 30 dB cut-off during periods over night when background levels are very low:</p> <p><i>"The standard is generally interpreted as having a range of applicability for background noise levels as low as 30 dB LA90. Where background noise is lower than this a value of 30 dB is adopted. Therefore, when using this standard the background noise level criteria for night-time adopted for all receptors would be 30 dB LA90 except at receptor two (Wren Hall) where a minimum noise level of 35 dB LA90 was recorded, receptor three (Camblesforth) where the noise levels reached a minimum of 40 dB LA90 and receptor five (Drax Abbey Farm) where noise levels of 32 dB LA90 have been adopted."</i></p> <p>SDC commented on the PEIR by e-mail on 11 July 2014, including comments on the 'Noise and Vibration Preliminary Environmental Information Technical Report'. The Applicant therefore does not understand why SDC refuse to accept that the Applicant consulted on an absolute level for night-time (WHO) or a 30 dB cut-off.</p>