



# The Planning Inspectorate

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Mr Jim Doyle  
on behalf of Capture Power Limited  
(sent via email)

Our Ref: EN010048

Date: 31 October 2014

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Dear Mr Jim Doyle

Below are the Planning Inspectorate's comments and queries on the draft documents submitted in October 2014. Detailed comments from our Environmental Services Team on the draft No Significant Effects Report (NSER) can be found at Appendix 1.

The following comments are without prejudice to any decision made under section 55 of the Planning Act 2008 (as amended) or by the Secretary of State on any submitted application.

Please do not hesitate to contact me if you have any queries.

Kind regards

Iwan Davies  
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A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.

## **White Rose Carbon Capture and Storage Project Comments on draft documents submitted in October 2014**

### **Introduction**

These comments and queries relate solely to the draft documents submitted in October 2014, and not the merits of the proposal. They are provided without prejudice to the acceptance or otherwise of the eventual application. They are provided to assist the preparation of the next iteration.

The Planning Inspectorate made the following observations in relation to draft the documents submitted by the applicant in October 2014.

Please note that these comments are in addition to the Planning Inspectorate's comments on the previous set of draft document. As such the applicant is encouraged to ensure that all comments provided by the Planning Inspectorate to date are addressed prior to submission.

### **General comments**

Although it is noted that all submitted documents are working drafts, the applicant is encouraged to undertake a final proof read of all documents, particularly checking for punctuation and typographical errors.

In addition, the applicant is encouraged to ensure that all application documents provide consistent cross referencing when referring to other application documents.

### **Draft Consultation Report**

The Inspectorate has the following comments regarding the second draft consultation report ('the report'). Please note the numbers given above each paragraph refers back to the paragraphs used in the Inspectorate's letter dated 8 August 2014.

1.2

The applicant has expanded the description of the components of the project. However the applicant may wish to clarify further what parts of the project are associated development.

1.3

Despite the applicant defining statutory and non-statutory consultation in the Glossary a variety of terms are used throughout the report. These include non-statutory 'informal' consultation and informal consultation. The applicant is encouraged to use consistent terminology throughout the document, referring to 'statutory consultation' and 'non-statutory consultation'.

1.4

The 'Summary' has been expanded from its previous draft and the Inspectorate's previous comments appear to have been broadly addressed. These include outlining the purpose of the document, an overview of consultation requirements and how the

consultation undertaken by the applicant (non-statutory and statutory) fits with those requirements. There does however appear to be scope for further information being inserted providing a clear overview of how the project evolved as result of the applicant's pre-application consultation. There is still information missing, such as the number of responses and the section on how regard to s.49 had been taken.

#### 1.5

It is noted that none of the appendices to the Report have been included. The Inspectorate's previous comments under this point remain. It is also noted that the numbering used for the appendices accord with the relevant chapter numbers and are not conventionally numbered. Normally appendices are simply numbered in sequence. The applicant is encouraged to number the appendices in sequence or, for clarity, to provide a brief explanatory paragraph at the beginning of the existing list of appendices explaining the numbering sequence.

#### 1.6

Chapter 6 of the consultation report is still incomplete. The applicant is advised to include the names of all local authorities (LAs) that were consulted in regards to the Statement of Community Consultation (SoCC) at all stages.

It is noted that there was a non-statutory consultation conducted before the final SoCC was published. The applicant is strongly encouraged to provide a list of all local authorities consulted, the time period to respond to this consultation and the impact it had on the SoCC.

#### 1.7 - 1.11

The Inspectorate's previous comments in points 1.7 to 1.11 do not appear to have been fully clarified in the report, as such these comments remain.

It is noted that Tables 5.1 and 5.2 list which organisations/bodies were consulted and why. The report, particularly at paragraph 5.8, does not clearly explain why statutory undertakers have been split from the main body of consultees. Table 5.2 is titled 'Table 5.2: Relevant Statutory Undertakers - Section 42(1)(a)', whereas paragraph 5.8 states that Table 5.2 separately lists the statutory consultees who were identified and consulted and the dates that this took place, it does not specifically refer to statutory undertakers. The applicant is encouraged to provide clarification in paragraph 5.8 as to why the statutory undertakers have been listed separately from the rest of the s42(1)(a) consultees as this is not the normal convention. The applicant is also advised to check that all tables contain all the relevant information needed as there are instances in table 5.2 where information has been omitted.

The applicant is encouraged to provide a single table listing all persons consulted by the applicant for the purposes of s42 as an appendix to the report.

#### 1.12

The applicant appears to have addressed the Inspectorate's comments on Table 7.1. The Table now refers to Stage 1 Newspaper adverts.

It is noted that Table 13.5 is still incomplete. The Inspectorate's previous comments on this remain.

1.13

The applicant appears to have addressed the Inspectorate's comments on this matter.

1.14

The Inspectorate notes that there is still information missing in paragraphs 7.10 and 7.15, this should be addressed.

1.15

It appears that Table 13.6 has been renumbered to Table 13.1, however the table is incomplete in parts, including the section dealing with the Inspectorate's advice (13.2). The Planning Inspectorate's previous comments under part 1.15 remain.

1.16

The Inspectorate's previous comments and issues raised on Chapter 12 issues raised are mostly still outstanding. The applicant is advised to revisit the advice provided by the Inspectorate on 8 August 2014.

The applicant should also consider referencing Chapter 7 in this part of the report. Some of the issues raised in the Inspectorate's previous comments at 1.16 have been cross referenced in chapter 7 of the consultation report.

From reading paragraph 7.12 it is unclear whether the venues listed are the complete list of venues or a snapshot of them. It is also unclear if appendix 7.3 includes the high footfall locations or if they were additional ones. The Inspectorate therefore advises the applicant to clarify this.

The applicant may wish to explain why the Yorkshire Post was only used to promote the project at stage one of the SoCC consultation.

Chapter 7 refers to the use of social media to promote the consultation, however this seems not to have been evidenced in any of the appendices.

Paragraph 7.19 refers to parish councils located within the consultation zone and along the construction transportation route. The applicant may wish to add a list of these councils as an appendix to chapter 7 or list them in paragraph 7.19.

The applicant refers to a stakeholder database in Table 7.6. The same table also refers to local businesses, parish councils and special interests/leisure groups but do not state if they are included in the stakeholder database. The Inspectorate advises that any such list(s) should be added to the report as an appendix and be clearly referred to within the report. It is also recommended that the households next to the haulage route specifically targeted be listed in an appendix and referenced accordingly.

Chapter 7 would benefit from having a similar picture of the consultation zones as the one used in figure 3.1.

The applicant may wish to expand on how they will engage with hard to reach groups or signpost to where this information is provided within the report.

1.17

The applicant appears to have addressed the Inspectorate previous comments on this matter.

1.18

It is noted that paragraph 5.17 to 5.19 sets out the framework for diligent inquiry but the information relating to how TeraQuest identified category 1,2 and 3 persons is missing. It is also noted that table 5.4 has not been populated with the parties identified under s.44.

1.19 and 1.20

The Inspectorate notes that tables 11.1, 12.1-2 and 13.1-5 are still incomplete.

The Inspectorate notes that section 12.8 (Changes resulting from the consultation) is still incomplete as is the majority of Chapter 4 (Non-statutory consultation).

This should be addressed by the applicant.

1.21

The applicant is advised to check that all consultation dates (both statutory and non-statutory) have been provided.

1.22

Paragraphs 5.20 and 5.21 set out who the additional s.42 consultees are and why they were consulted. However if these were consulted under s.42 the Inspectorate feels there is no need to separate them out from the main list of s.42 as long as there is an explanation as to why they were consulted.

1.23

The Inspectorate's previous comments remain. It is noted that the larger tables have been left in the report.

1.24

The Inspectorate iterates its previous advice to undertake a final proof read of the report to ensure that cross referencing, typographical error and any formatting issues have been corrected.

1.25

The applicant is advised to be concise when referring to the Planning Act 2008 (as amended). The report is currently using three different abbreviations:

- PA 2008 (not defined in the report);
- The Planning act 2008; and
- 2008 Act.

The applicant may wish to refer to the Planning Act 2008 (as amended) as PA 2008 which is extensively used.

It is noted that some parts of the report are yet to be completed. The applicant should ensure that all the outstanding parts are completed and that all Appendices and pages are included prior to submission.

## **Draft Plans**

### *Land plans*

The Inspectorate notes that the land plans still use the same colour for the red line boundary of the Order Limit and to separate the plots on the land plans. The Inspectorate therefore re-iterates its previous advice that the applicant considers using a different colour for the plots on the land plans so there is a clear distinction between the Order Limit and the plots on the land plans. In addition, the Inspectorate advises that the red line boundary showing Order Limits on all plans should be clear and solid.

Together with the above, the colours used for the Order Limits and crown interests are very similar in colour. It is felt that the land plans would be easier to interpret if a different colour was used for the crown interests.

The key on the land plans has now been updated in accordance with previous advice given, however the applicant may wish to change the colours used in the key to make the different classifications of land more distinct on the plans.

As noted previously, there is no reference on the land plans to what rights the applicant may wish to acquire for the purpose of the development. The applicant is encouraged to identify these on the land plans.

### *Access and Public Right of Way Plans*

The Inspectorate's previous comments regarding reference to the Access and Public Right of Way Plans within the Development Consent Order (DCO) and Explanatory Memorandum appear to have been addressed. The DCO now appears to correctly refer to 'access and rights of way plans'. The applicant may wish to state the drawing title in full on the plans (i.e. 'Access and Rights of Way Plan' rather than 'ARoW Plan'). The Inspectorate's previous comments regarding 'reference points' and 'reference numbers' do not appear to have been addressed and, as such, these comments remain.

Sheet 2 appears to include 'Public Rights of Way (to be created)'; Public Rights of Way (current/to be removed); and 'Public Rights of Way (to be created) – Permanent (Post Construction) that fall outside the Order Limits. The applicant is encouraged to review this matter and either amend accordingly or provide an explanation and justification

for this.

### *Works Plans*

It is noted that Sheet 2 to of the Works Plans has been updated so that Work 1B refers to 'Temporary Laydown and Construction area'. However the description of Works No 1B in the DCO (Schedule 1, p 31) reads as follows (without referring to 'temporary'):

**Work No. 1B** – (laydown and construction) development comprising laydown and construction areas relating to the construction and maintenance of Work Nos. 1A, 2, 3, 4, 5, 6, 7 and 8

The applicant should ensure that consistent reference titles are provided to Works descriptions throughout all the application documents.

## **Draft Development Consent Order (DCO) and Explanatory Memorandum (EM)**

### *Article 2 & 4 - Definition of Maintain*

Article 2 contains a wide definition of maintain, including removal and replacement, this could permit substantial works to be carried out. The power to maintain should not permit the construction of what is a different project from that consented and the applicant should provide justification for including "removal" and "replacement". While it is acknowledged that the power to maintain is limited in Article 4 to works within the Order limits it still does not limit the maintenance works permitted to that assessed within the Environmental Statement (ES). A DCO should only authorise works that are within the scope of the environmental impact assessment (EIA) that has been carried out and the applicant is advised to limit the definition of maintain either in the definition of "maintain" and / or within the maintenance article, to the extent assessed in the ES. If the applicant does not consider this to be necessary they should provide an explanation for this within the EM.

### *Article 7 – Consent to transfer the benefit of the Order*

7(3) still refers to "Capture Power Ltd", "undertaker" would be more appropriate here particularly as 7(2) refers to undertaker in relation to 7(3).

### *Article 23 – Compulsory acquisition of Rights*

23(1) refers to creation and acquisition of the new rights "described in the BoR and shown on the land plans", we previously commented that these were not identified in the Book of Reference (BoR), the applicant does not appear to have rectified this. If the applicant seeks to create new rights these must be described somewhere, this can either be in the BoR as the DCO indicates or the applicant could amend the DCO to include a schedule of new rights and amend article 23 to reflect this.

### *Article 39 – Certification of Plans*

The wording in 39(g) "any other plans or documents referred to in this Order" is insufficiently clear and precise and should be removed. The applicant should specifically list all plans and documents which are required to be certified.

It is noted that Requirement 24 refers to compliance with the document certified as the “combined heat and power assessment”. This should be listed in Article 39 as a document to be certified.

Requirement 5 refers to being in accordance with a landscaping plan, if this is a plan submitted with the application it should also be listed in Article 39 as a document to be certified.

#### *Article 41 – Procedure in relation to certain approvals*

41(2) applies where Schedule 11 does not, it would be helpful if the applicant could identify the circumstances in which it is likely to apply in the EM. The applicant is advised to consult with the local planning authorities (LPAs) and other bodies likely to be affected by this provision regarding the 28 day deemed approval procedure.

#### *Explanatory Memorandum (EM) - Article numbers*

At 4.24 the EM refers to article 21 (compulsory acquisition of land – incorporation of the mineral code). This is incorrect. Article 21 is statutory authority to override easements and other rights. Article 28 is the article relating to the mineral code. The numbering of all subsequent articles until article 28 is therefore incorrect in the EM (4.24 – 4.33). The applicant should ensure that all references to articles in the EM correspond with the articles in the DCO prior to submission.

#### *Schedule 1, Part 1 – Authorised development*

Work No 1B is described as “(laydown and construction) development comprising laydown and construction areas relating to the construction and maintenance of Work Nos. 1A, 2, 3, 4, 5, 6, 7 and 8”. On the land plans Work No 1B is described as “Temporary laydown and Construction”. The applicant is advised to ensure consistency between the works described in the DCO and the plans. If the works are only temporary works this should be secured within the DCO.

#### *Schedule 2 - Requirements*

These are at present in a separate document; the applicant should ensure these are inserted into the DCO before submission

#### *Definitions*

The applicant has defined certain terms at the end of the table of requirements, the applicant should consider whether it is necessary to separately define these here or if they could be included within Article 2 of the DCO.

The applicant may also wish to consider whether there are other terms which need defining such as “commercial use” and “commissioning”.

In relation to the applicant’s definition of “commence” the applicant should note that in recent decisions (for example see DIRFT) the Secretary of State has removed definitions of “commence” and/or “preliminary works” which appeared to be intended to allow a range of site preparation works (such as demolition or de-vegetation) to

take place before the relevant LPA had approved details of measures to protect the environment under the requirements. This was considered to be inappropriate, particularly where such advance works were themselves likely to have significant environmental effects, for example, in terms of noise or impacts on protected species or archaeological remains. The applicant may wish to consider if their definition is appropriate and provide justification for it within the EM.

It is noted that many requirements permit "site raising" to take place before the requirements has been discharged by the submission and approval of a plan containing necessary mitigation. The applicant should explain why this is necessary and why it is acceptable in their EM. The applicant should also ensure that the definition of "site raising" is sufficiently clear and precise so that the examining authority and the LPA are able to identify the full extent of the works that will be authorised prior to discharge of the requirements. It is noted that this version of the DCO has different works specified at 1A(aa) and is advised to check that these are still correctly referred to in the definition.

The EM at 4.51 refers to stages which are defined in schedule 2, it does not appear that these stages have been specifically set out in the requirements document, the applicant should ensure that they are comprehensively set out in schedule 2 prior to submission.

### *Tailpieces*

There are a number of requirements which permit the LPA to agree a subsequent change to approved details in writing by use of the tailpiece "unless otherwise approved in writing". The courts have not looked favourably on the use of tailpieces because it generates uncertainty as to the development consented and use of a tailpiece to permit the LPA to change the development authorised by the DCO, or essential mitigation secured by the DCO, is not acceptable.

The Applicant should ensure that any requirements that include tailpiece provisions are drafted in as precise a way as possible so that the scope of the tailpiece and the limited circumstances in which it applies are clear. Use of each tailpiece should be justified in the EM by reference to the relevant case law.

### *References to principles set out in the Environmental Statement (ES)*

Several requirements refer to the plans to be submitted and approved by the LPA being in accordance with a plan or certain principles contained within the ES. The applicant may wish to consider whether it would be easier to identify the development consented if these plans were also submitted as separate "outline" plans to be certified within the DCO. If the applicant does not consider this appropriate they should ensure that the correct references to the ES are included in all relevant requirements so that it is easy to identify the plans and principles that the requirement identifies must be complied with.

### *Requirement 5*

This requirement refers to the scheme submitted and approved being in accordance with the "landscaping plan". In the EM at 4.54 it is referred to as the "indicative landscaping plan". The applicant should ensure that there is no discrepancy between

the DCO and the EM and that all references to plans within the DCO and the EM accurately reflect the name that is on the submitted plan. In addition, if the landscaping plan is a separate plan to be submitted with the application it should be listed in Article 39 as a plan to be certified.

#### *Schedule 11 – Procedure for discharge of requirements*

11D(1)(b) of the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989 was Revoked by Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012/2920 Sch.3 para.1. The applicant may wish to consider replacing this with regulation 16 of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012/2920.

The Inspectorate notes that the applicant has updated the EM to take into account the comments regarding formal and informal consultation. However the EM still refers incorrectly to Work No 1C. This Work has now been removed from the DCO and been renamed Work No 1B. The applicant should ensure that cross referencing across all documents is correct.

#### **Book of Reference (BoR)**

The applicant has added a non-statutory part six to the BoR. The BoR should not contain a list of Statutory undertakers (see paragraph 9 Annex D Planning Act 2008 Guidance related to procedures for the compulsory acquisition of land 2013). The applicant should remove this prior to submission.

The Inspectorate notes that the applicant has not clarified what rights might be acquired in the Book of Reference (BoR) and is recommended to revisit the Inspectorate's previous advice on this matter.

There is no introduction to the BoR as stated in the Inspectorate's previous advice and, as such, these comments remain.

It is noted that the BoR now contains an additional row distinguishing between category one and category two persons.

There are sections of the BoR that are incomplete. If these sections are to be left blank it would be helpful if these were explained or noted in the table.

## Appendix 1

### **Review of the White Rose Carbon Capture and Storage (CCS) No Significant Effects Report (NSER) – 9 October 2014**

The information contained within this note follows a request by Capture Power Limited (the applicant) on the 29 August 2014 for the Planning Inspectorate (Inspectorate) to review the draft Habitat Regulations Screening Assessment (HRSA). The applicant has also provided other Draft Documents and a Round Table meeting was held on 18 September 2014 where the Inspectorate provided comments verbally and in writing on 19 September 2014 its comments on the draft HRSA. Further to the above on the 9 October 2014 the applicant supplied an amended No Significant Effects Report (NSER) and requested the comments of the Inspectorate. A teleconference was held with the applicant on 23 October 2014 where the Inspectorate provided comments on the NSER verbally. The NSER provides the evidence base to underpin the conclusions that were made in the draft HRSA and will therefore be an important element of any future application.

The Inspectorate welcomes the opportunity to comment on draft documents as this enables us to provide advice about any omissions or procedural risks for the acceptance or examination stages. This advice forms parts of our pre-application service, details of which are available in the Inspectorate's pre-application prospectus which outlines the structured and facilitative approach to support the Inspectorate can offer during the pre-application stage.

Please see below the Inspectorate's comments on the applicant's draft NSER. To avoid duplication the comments are provided in tabular format with cross reference as relevant to our original comments provided in relation to the draft HRSA. New comments not previously raised are highlighted in the table with red text. Please note that the comments provided are without prejudice to any decisions taken by the Secretary of State during acceptance or the Examining Authority during examination, if the proposed development is accepted for examination.

These comments are not intended to be a detailed review of the draft NSER and its findings, but are a high level review intended to provide helpful comments/observations as appropriate.

Please note that reference to 'European sites' within this document is to Special Areas of Conservation (SAC), candidate SACs (cSAC), Special Protection Areas (SPA), potential SPAs (pSPA) and Ramsar sites.

<b>PINS Query from previous review of the White Rose CCS draft HRSA</b>	<b>Section of NSER</b>	<b>PINS Comments on the NSER</b>
<b>Introduction</b>		
Section 1 of the draft HRSA sets out in brief the legislative context in which the draft HRSA has been produced. This section includes a reference to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009. The Inspectorate reminds the applicant that the consideration of impacts to European sites and their features is required by The Conservation of Habitats and Species Regulations 2010 (the Habitat Regulations) and is separate from the EIA Regulations. Therefore, the applicant may wish to clarify this issue in completing the final report.	1.1.2	Reference to the EIA Regulations remains in the NSER, the Inspectorate recommends removal in this document to avoid confusion.
Section 1.1.3 of the draft HRSA contains a description of the project and refers to the 'upgrading of an existing jetty adjacent to the River Ouse, east of the main Drax'. The purpose of the jetty and details of when it would be used has not been identified in the draft HRSA, although the Inspectorate notes that the draft HRSA states the land adjacent to the jetty would be reinstated after the construction phase. The Inspectorate is unclear as to whether the jetty would be used during the operational phase of the project and advises the applicant to clarify these points.	1.1.3	The Inspectorate welcomes that the jetty use has been described as recommended.
<b>Methodology</b>		
<b>Additional</b>	<b>Figure 1</b>	The Inspectorate notes that Figure 1 in the document is provided at low resolution and as such it is difficult to discern.
Section 2.1.2 of the draft HRSA states that the screening has sought to conclude on one of the following three outcomes: 1. No likely significant effect; 2. A likely significant effect; and 3. It cannot be concluded that there will be no likely significant effect. It is not immediately apparent how conclusions 2 and 3 differ and what impact this may have on the level of assessment required. The Inspectorate recommends that the possible outcomes are either rationalised or clarified in preparing the final report.	2.1.1	The Inspectorate notes that in section 2.1.1 of the NSER the potential outcomes are unaltered; it is recommended that the outcomes be altered so it is clear how conclusions 2 and 3 differ.

<p>Section 2.1.3 of the draft HRSA provides a bullet point list of the information that should be included for Stage 2 – Appropriate Assessment. The Inspectorate notes there is no equivalent list of information to be provided for Stage 1 – Screening.</p>	<p>2.1.1</p>	<p>The Inspectorate welcomes that a list has been provided for Stage 1 as recommended.</p>
<p><b>European Sites which could be Affected</b></p>		
<p>For example, Section 3.1 of the draft HRSA states that European sites within a 15km radius of the Project site have been identified. There is no explanation/justification provided as to why a 15km study area is appropriate in this instance. The Inspectorate recommends that justification is provided to explain why this study area was used.</p>	<p>3</p>	<p>The Inspectorate welcomes that the applicant has referenced the guidance (Environment Agency (EA) H1) referred to in determining the study area. It is also welcomed that the applicant has consulted Natural England (NE) regarding which sites to include in the study.</p>
<p>It is noted that the qualifying features for the Lower Derwent Valley SPA do not correlate with those in the SPA Review site accounts on the JNCC website (<a href="http://jncc.defra.gov.uk/default.aspx?page=1994">http://jncc.defra.gov.uk/default.aspx?page=1994</a>). The Inspectorate recommends that the applicant consults with the relevant statutory nature conservation body to agree the features to be assessed.</p>	<p>Table 3.1</p>	<p>The applicant has indicated at the teleconference held on 23/10/14 that the qualifying features noted for this site have been agreed with NE and that this will be cross referenced in the final report.</p>
<p><b>Assessment of likely Significant Effects</b></p>		
<p>Additional</p>	<p>4</p>	<p>The Inspectorate notes and welcomes that further detail regarding the air quality modelling undertaken has been incorporated into section 4 in support of the conclusions drawn in the NSER.</p>
<p>Additional</p>	<p>4.2</p>	<p>The Inspectorate notes that an automated reference is missing from the body text in this section and recommends this is rectified in the final report.</p>

<p>Additional</p>	<p>4.2</p>	<p>The Inspectorate notes that the methodology behind defining the significance of an effect has not been presented in the NSER; it is recommended, to benefit the reader; that this is presented in this report when it is finalised. Though the sources used to derive the assessment criteria are noted in section 4.4.4 of the NSER more detail should be provided about the criteria in this report.</p>
<p>The Inspectorate advises that the HRSA should include a methodology section with details of the criteria used to determine whether there would be a likely significant effect.</p>	<p>4.4.4</p>	<p>The Inspectorate welcomes that the method for describing the significance of air quality impacts has been drawn from Expert Panel on Air Quality Standards (EPAQS) guidance, EA H1 guidance, Environmental Protection United Kingdom (EPUK) guidance and Institute of Air Quality Management (IAQM) guidance.</p>
<p>However, the Inspectorate considers that details of the air quality modelling undertaken should be provided and advises that as a minimum the following information is included in the HRSA:</p> <ul style="list-style-type: none"> <li>• an overview of the assessment methodology, including the air quality model used and any relevant input data for example the stack height and explanation of the worst case scenario(s) considered</li> </ul>	<p>4.4.2</p>	<p>The Inspectorate welcomes that the applicant has confirmed which air quality model was used for the purposes of the assessment and cross reference has been made to the relevant technical appendices for further information regarding the assessment methodology.</p>

Additional	4.4.5	The Inspectorate notes that it is stated in section 4.4.5 that: <i>'In practice the impacts associated with long term annual means will not arise, as air-mode is not the expected primary operational mode for the Project'</i> . It is recommended that the applicant clarify here whether this reasoning also applies to the impacts associated with the deposition of acid.
Additional	Table 4.1	The Inspectorate notes an apparent error in the baseline NO <sub>x</sub> figure for the Humber Estuary in Table 4.1. The current figure is 180; presumably this is a typographical error and should read 18.0.
<ul style="list-style-type: none"> <li>• clear identification of whether each of the qualifying features of the European sites is sensitive to emissions, along with their critical loads and an explanation of how these have been identified;</li> </ul>	Table 4.2	The Inspectorate welcomes that critical loads have been provided in the NSER.
<ul style="list-style-type: none"> <li>• A clear presentation of the modelled process contributions and, if relevant, the predicted environmental concentrations applicable to each qualifying feature and clear identification of features at which critical loads are exceeded.</li> </ul>	Table 4.4 – Table 4.11	The Inspectorate welcomes that process contributions have been presented and that information has been presented by feature. The exceedance of any critical loads has also been identified.
<b>Screening Matrices</b>		

<p>For example, footnote 'a' states 'Power station operating in oxy-mode will not result in release of significant pollutants to atmosphere'. In this case, the Inspectorate would expect the footnote to include a brief summary of and/or references to the results of air quality modelling which clearly justifies why the pollutants would not be significant. All footnotes should contain a robust justification to the conclusion drawn with cross reference to specific paragraphs in other application documents as appropriate (i.e. either to the HRSA itself or specific paragraphs of the ES). Furthermore, assertions such as 'it is unlikely these would have significant adverse effects on mobile qualifying features downstream of the SAC limit' (footnote 'h') should be fully justified.</p>	4.6	<p>The Inspectorate notes that cross referencing to relevant sections of the NSER and the ES has been made, however the matrices remain very high level, it is recommended wherever possible summary information is included in the footnote itself. The applicant may wish to refer to the guidance supplied in the Inspectorate's Advice Note 10.</p>
<p>The Stage 1 Matrix 1: River Derwent SAC footnote 'f' has been used to indicate a likely significant effect (i.e. a tick) for 'Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation' and also no likely significant effect (i.e. a cross) for the remaining features. The Inspectorate considers that this approach is confusing and should be avoided; the same footnote should not be used to indicate both the screening in and screening out of a likely significant effect.</p>	4.6	<p>The Inspectorate welcomes that this potential confusion has been resolved in the Stage 1 Matrix 1 for River Derwent SAC.</p>
<p><b>Conclusion</b></p>		
<p>The Inspectorate notes that Table 5.1 of the draft HRSA identifies the qualifying features of each European site where there is uncertainty remaining about the level of potential effect and notes the conclusion that these would be taken forward to Stage 2 - Appropriate Assessment. The applicant is reminded of the need to provide sufficient information to enable the competent authority to undertake an appropriate assessment, should one be required. This would include consideration of adverse impacts on integrity of European sites with reference to the site's Conservation Objectives. The Inspectorate would expect such information to be provided and for the relevant integrity (Stage 2) matrices to also be completed for these features.</p>	5	<p>The Inspectorate notes the applicant's intent not to progress to Stage 2 of the assessment on the basis of the most recent air quality modelling work undertaken.</p>
<p>The applicant is reminded that in this instance the report would no longer be limited to being a screening stage assessment or 'HRSA' and is advised to amend the title of the document accordingly.</p>	Title	<p>The Inspectorate welcomes that the applicant has renamed this report as a no significant effects report.</p>

<p>As noted above, the Inspectorate advises that the HRSA provides further details on the potential operating modes of the power station.</p>	<p>4.4.5</p>	<p>The Inspectorate notes that the first reference to operating modes in the NSER is in section 4.2, but the difference between them is not explained here. It is recommended that a description of all the operating scenarios that have been modelled and discussed in section 4 are clearly described in the NSER enabling readers to understand why different scenarios have been modelled.</p>
<p>The applicant confirmed at the Draft Documents meeting held on 18 September 2014 that flexibility in relation to the operational mode needs to be maintained within the DCO (though there will be some legislative control) consequently the HRSA will need assess the worst case potential operating scenario.</p>	<p>4.4.5</p>	<p>The assessment has considered that 56% of operational time in air mode is the maximum possible but it is not clear how this can be secured beyond the current regulatory back-stop of the Emissions Performance Standard (EPS) the Inspectorate recommends that the final report should illustrate how this can be secured beyond the EPS back-stop.</p>
<p><b>In-combination Effects</b></p>		
<p>The draft HRSA states that in-combination effects have not been assessed at this stage as the list of plans and projects has recently been compiled and requires air quality assessment to be completed.</p>	<p>4.6</p>	<p>The Inspectorate notes that there are no in-combination effects predicted.</p>
<p>The HRSA should describe how the 'other plans and projects' considered in the in-combination assessment have been identified i.e. what study area has been used and why. It would also be helpful to include a statement in the HRSA stating whether the list of 'other plans and projects' have been discussed and agreed with the local planning authority and NE. Where any 'other plans and projects' have been identified, but not included within the in-combination assessment, these should also be identified within the HRSA.</p>	<p>4.5</p>	<p>The Inspectorate welcomes that reasoning behind the identification of the projects to be included in the in-combination assessment has been provided.</p>

<p>The Inspectorate also advises that a plan is included with the HRSA that plots the location of 'other plans and projects' considered within the in-combination assessment.</p>	<p>Figure 4.1</p>	<p>The Inspectorate welcomes that Figure 4.1 plots the 'other plans and projects' considered in the in-combination assessment as recommended.</p>
<p>The draft HRSA does not identify any mitigation measures that would be implemented.</p>	<p>4.2</p>	<p>The Inspectorate notes that no specific mitigation measures have been identified in the NSER, it is recommended that any specific mitigation proposed be presented in the report and a note be made of how this mitigation has been secured.</p>
<p><b>Consultation with Natural England</b></p>		
<p>The Inspectorate welcomes this engagement and advises that, where possible, evidence of agreement of the following is provided:</p> <ul style="list-style-type: none"> <li>• all relevant European sites and features have been considered</li> <li>• all relevant plans and/or projects have been considered in the in-combination assessment</li> <li>• the conclusions of the HRSA</li> </ul>	<p>2.2</p>	<p>The Inspectorate notes that the applicant refers to Annex A containing the relevant consultation information, which has not been supplied with the NSER, it is recommended that this Annex be supplied alongside the final report.</p>
<p><b>Presentation</b></p>		
<p>On a presentation matter, the Inspectorate recommends each paragraph is numbered individually to enable easier referencing.</p>	<p>Through out</p>	<p>The Inspectorate recommends that each paragraph is numbered to allow cross referencing, this will be particularly important for consultees who will be asked to comment on finalised documents.</p>