

## Knottingley Power Project – second round of ExA’s written questions

### CA

CA2/1. To the **Applicant**. Please update Appendix A to the response to Question CA1 from the first round of questions, including agreements on protective provisions.

CA2/2. To the **Applicant**. Please provide plans of the proposed permanent access route along the canal corridor and the proposed temporary access route during construction.

CA2/3. To the **Applicant**. Please report on progress with protective provisions, specifically upon Yorkshire Water, National Grid, Eggborough Power Ltd and Canal and River Trust (CRT).

CA2/4. To the **Applicant**. Please confirm and provide extracts to show that the Book of Reference has been amended in terms of Network Rail’s assets.

CA2/5. To the Applicant. Are there any unresolved issues regarding affected persons, not listed in the responses to Question CA1.

### Water resources

WR2/1. To the **EA** and **Applicant**. Please provide comments on the water resources aspects of the document “Abstraction and Discharge from the Aire and Calder Navigation”, including the modelling, which was attached as an appendix to the CRT’s written representations. As a result, is there any change in the applicant’s or EA’s position with regard to the use of the canal for cooling water abstraction and discharge.

### Nature conservation

NAT2/1. To **EA** and **Applicant**. Please provide comments on the fisheries and ecology aspects of the document “Abstraction and Discharge from the Aire and Calder Navigation”, including the modelling, attached as an appendix to the CRT’s written representations.

NAT2/2. To **Applicant** and **YWT**. Please update the position on biodiversity offsetting. If this is to be provided off-site, what would be the mechanism used for implementation?

NAT2/3. To the **EA**. Is the EA content with the applicant’s proposal to review the suggested improvement measures for local water bodies at detailed design stage (or via the Construction Environmental Management Plan; Requirement 17)?

### Landscape/visual impact

L2/1. To **Wakefield Council, N Yorkshire CC** and the **Applicant**. One of NYCC’s main concerns about landscape was the longer views along the Aire valley and the introduction of a further element of large infrastructure in the

local landscape. Please give your comments on these longitudinal views and their impacts on local landscape character.

L2/2. To the **Applicant** and **Wakefield Council**. The detailed design of the proposal is still to be determined and there are no details as yet on the proposed housing/mixed uses on the rest of site SPA8. Are the requirements and proposed mitigation sufficient to mitigate the visual impact on future local occupiers of the proposed housing, as receptors, on a "worst case" basis?

#### Green Belt

GB2/1. To **Selby DC**. Please provide a copy of the up-to-date development plan policies for the Green Belt.

#### Air quality

AQ2/1. To the **Applicant**, the **EA** and **Wakefield Council**. Please comment on (and in the case of the applicant, give further justification to) the suitability of the use of surrogate background levels of NO<sub>2</sub> from the Smeathalls Farm location. If the concentration were to be higher than that at Smeathalls Farm, what would be the impact on Knottingley AQMA and what is the "headroom", if any, for further increases in NO<sub>2</sub> emissions in the AQMA?

AQ2/2. To the **Applicant** and **Wakefield Council**. What progress has been made with the agreement of the Travel Plan and the list of mitigation measures required by the Council.

AQ2/3. To the **Applicant** and **Wakefield Council**. (Council - Please provide a copy of policy D20). Would the proposed mitigation measures for air quality be sufficient for the proposal to comply with policy D20? If not, what would be necessary?

AQ2/4. To the **Applicant**, **EA** and **YWT**. It was suggested at the Environmental Impacts hearing that local wildlife sites where the nitrogen critical levels are already exceeded (Brockdale and Shirley Pool SSSI) could be a location for monitoring under Requirement 26. If levels were found to be raised following the commencement of commissioning/operations, how would any adverse effects be mitigated? (see also Question DC2/22)

#### Transport/Traffic

T2/1 – To **North Yorkshire CC** (highways), **Eggborough PC** and **Chapel Haddlesey PC**. Please comment on the recently-accepted document "Draft Construction Traffic Management Plan for Water and Gas Pipelines".

#### Environmental statement errata

ES2/1. To the **Applicant**. ES para 20.5.6. The errata refers to Figure 20.2 (Vol 4) as having been amended to additionally show the deposits (stated to be known as 'unproductive strata')/aquifers, in addition to abstractions. The ES text in 20.5.6 indicates that the site is on both aquifers and deposits, however

the key of the amended figure only includes aquifers, and no deposits appear to be shown. Please clarify.

ES2. To the **Applicant**. ES para 8.7.22. This paragraph refers to a noise contour plot at Figure 8.3. The errata states that it is 'To be changed to 2 units...', however Fig 8.3 still appears to show 3 units. Please clarify.

ES3. To the **Applicant**. ES para 17.7.28. The errata notes that the 'detailed viewpoint assessment' is now part of the text, rather than included in Appendix 8.4. Please can you give a further explanation, as it appears that the detailed assessments, in addition to a summary assessment, were in the original version of the ES at Table 13.4 but not referenced in the text, and that there was no Appendix 8.4.

### **Schedule of Mitigation**

#### **DCO and requirements (To the Applicant and relevant local planning authorities)**

DCO2/1. Why is the clause requiring the relevant planning authority to consult with other bodies necessary, when it will be for the relevant planning authority to determine whether a requirement can be discharged, including consultees.

DCO2/2. R32. Please provide a copy of the amendment to R32 which ensures that details should reflect the certified documents. In addition, is there an alternative form of words, other than "reflect the certified documents" "as appropriate", which would allow more precision when the relevant planning authority considers the submitted details.

DCO2/3. R18. This requirement should not require an agreement with a 3<sup>rd</sup> party. A better approach would be to make the upgrade works a condition precedent to the construction of the generating station.

DCO2/4. R13. Although this requirement now includes a verification report, it does not include a timescale for its production. In addition, a separate requirement is required to cover unexpected contamination in any of the proposed development, including the pipeline.

DCO2/5. Should the schedule of mitigation be one of the certified documents under A34? Please provide comments on the observations on the schedule of mitigation set out in annex A to this document.

DCO2/6. Article 2(1), applicant's response para 19.7. The MP do not appear to provide such an option. The ancillary works need either to be defined in Schedule 1 or in a separate article.

DCO2/7. Applicant's response para 19.13. A schedule of changes to the application version of the ES is considered to be essential.

DCO2/8. Article 2(1) and Article 3(b), responses paras 19.15 and 19.23, the final version will need to expressly reference the individual sheet numbers in the Land Plan Definition.

DCO2/9. Article 2(1), para 19.16. The word "repair" was not one of the words questioned, it was the definition of the word "maintain". Please revisit the original question.

DCO2/10. Article 2(1) para 19.20. The wording of the definition appears to assume that for each relevant provision there will be just one "relevant planning authority".

DCO2/11. para 19.24. Please see DCO2/6.

DCO2/12. para 19.25. Have the Coal Authority agreed to provide a pillar of support agreement with the applicant? Such an agreement would protect the Applicant against coal workings underneath the project; what (if any) protection would be required for any coal workings from the Project works above?

Detailed DCO drafting matters (To the **Applicant** and **relevant local planning authorities**)

DCO2/13. ExA Q30. A24. Please draft an appropriate article "without prejudice" for use if, on the ExA's consideration, an extension is required, notwithstanding the applicant's view.

DCO2/14. ExA Q31. A26(1)(d). The response does not answer the question which relates to the scope of the "required mitigation works" which are not defined either in the Article or elsewhere. How can this be addressed?

DCO2/15. ExA Q36 & 41. A27(1) and R1(1). Both refer to the definition of when the plant becomes operational, which now commences on notice to the planning authority. There remains no definition of "commissioning" or "commercial basis" so that the planning authority will have no objective basis for ascertaining whether such a notice should have been served. Is this acceptable to the relevant planning authorities?

DCO2/16. ExA Q40. R1(1). Please confirm that the relevant area of the works plan will be coloured pink. In addition, the second part of ExA Q40 was "How has this degree of flexibility in the CCS site been assessed in the ES?", to which the response was "1.32 [BD to update once final CCS requirement agreed with KPL]. Please provide an update on this.

DCO2/17. ExA Q43. R1(1). Change "relevant highways authority" to "relevant highway authority" to reflect the phrase used in the Highways Act 1980.

DCO2/18. ExA Q54. R18(1). Should this read "The part of the authorised development" as mentioned in ExA Q54?

DCO2/19. ExA Q55. R19(1) and (2). Can "UK DVOF & Powerlines at the Defence Geographic Centre" be further defined?

DCO2/20. ExA Q57. R23(1) & (2). Should (1) refer to commissioning as well as operational use? Should (2) be extended to include "and maintained through the period of operation" to ensure it will continue?

DCO2/21. ExA Q60. R26. The ExA's view is that the Thorpe Marsh decision does go further in that it requires "The Company shall work with the Council, supplying full details of the measurements obtained in accordance with the scheme, as soon as possible after they become available, and ensure that such monitoring is integrated within the Council's air quality strategy. In addition, the Company shall support the annual modelling for the air quality review and assessment process whilst the Development is in operation." Why has a similar approach not been excluded from R26?

DCO2/22. ExA Q61. R29. Please supply the amendments said to be made to requirement 27. (See paragraph 1.55 of the response to my first questions)

DCO2/23. ExA Q66. Sch 6, para9. Please provide further explanation as to how the proposed additional paragraph to the schedule is incorporated in the statutory modifications made by the Schedule.

DCO2/24. ExA Q67. Sch7, para1. what progress has been made with Wakefield Council in determining the timescale in which decisions should be made?

DCO2/25. To **Wakefield Council** and **Selby DC**. Please provide examples of conditions from other developments which require recruitment of local people to the workforce.

DCO2/26. To the **Applicant**. Please provide comments on the condition 58 to the consent for Ferrybridge Multi-Fuel Generating Station, supplied by Wakefield Council, on local liaison committees.

## S106

S2/1. To the **Applicant** and **relevant planning authorities**. Please indicate progress with the S106 agreements.

S2/2. To the **Applicant/Selby DC/North Yorkshire CC**. Please indicate on a plan the general location of the proposed pedestrian crossing in Eggborough.

## **Annex A – observations on the schedule of mitigation**

### **Air Quality**

- Page 8 - *Emissions from generating station main stacks - Proposed mitigation* - does not include selection of efficient combustion technology, as set out in ES paragraphs 7.6.2 and 7.10.2.

### **Noise and Vibration**

- Page 9 - *Construction phase impacts - Proposed mitigation* - does not include monitoring, as set out in ES para 8.8.16 and Table 8.16.

- Page 9 - *Construction phase impacts - Mechanism to secure mitigation* – Requirement 17 (CEMP) does not include specific wording that relates to impact piling (last para).

### **Terrestrial Ecology**

- Does not include mitigation measures set out in ES (see Table 9.10) relating to breeding birds, otters, reptiles and water voles.

### **Aquatic Ecology**

- Page 11 – *Construction phase impacts – Mechanism to secure mitigation* – last para – there are no specific references to controls for impacts on aquatic ecology in Requirement 17 or the draft CEMP.

### **Water Resources**

- Page 12 – *Construction phase impacts – Mechanism* – as above, spills not specifically mentioned in Requirement 17 or the CEMP.
- Page 12/13 – *Flood Risk – Mechanism* – refers to Requirement 32 ('Approved Details'). In the draft DCO the Requirement is titled 'Amendments to approved details', but should this be a reference instead to Requirement 20 'Flooding – mitigation'?

### **Traffic, Transport and Access**

- Page 14 – *Construction phase – Proposed mitigation* – does not include (as identified in the ES): junction improvements at Weeland Road/Common Lane/Low Green junction and Common Lane improvements; the potential use of the canal for delivery of construction materials and AILs; and the Construction Travel Plan. The Mechanism section refers to Requirement 18 (Common Lane Improvement), but does that also cover the junction improvement?
- Page 14 – *Public Rights of Way – Proposed mitigation* – is not referenced in the ES Traffic, Transport and Access chapter.