

Meaford Energy Centre ExA's first round questions

Responses are requested from bodies identified in **bold** after individual questions. The applicant may also wish to provide further information where not specifically identified as a respondent.

Planning and legislative context (PLC)

PLC 1 – Applicant, Stafford Borough Council, Staffordshire County Council

Please provide a commentary on how the proposal should be assessed in the context of the National Planning Policy Framework Part 9: Protecting Green Belt land and Policy E5 of the Local Plan for Stafford Borough – June 2014: Major developed sites in the Green Belt, in particular the requirement that partial or complete redevelopment should not have a greater impact on the openness of the green belt and the purpose of including land within it.

Transport & Traffic (T&T)

T&T 1 – Staffordshire County Council, Stafford Borough Council, Highways England, Environment Agency

Chapter 7 of the ES states that standard guidelines have been followed in undertaking the assessment of environmental effects for this topic. The use of professional judgement has been referred to a number of times throughout Chapter 7 including paragraphs 7.51, 7.55, 7.56, 7.61, 7.84, &.128, &.175 and Table 7.3. Please confirm that you are satisfied with the judgements made for any of the areas of the assessment that rely wholly or partly on professional judgment.

T&T 2 – Staffordshire County Council, Stafford Borough Council, Highways England, Environment Agency

Standard significance of effect criteria are presented in Table 7.1 of the ES. The assessment involves a degree of professional judgement. Where professional judgement is relied on to determine the importance/sensitivity of the identified receptors and the magnitude of change relating to road traffic, please confirm that you are satisfied with the assumptions that have been made.

T&T 3 – Staffordshire County Council, Stafford Borough Council, Highways England, Environment Agency

Table 7.16 of the ES indicates that none of the residual effects of the scheme are predicted to be significant. The only slight adverse effects impacts predicted are for pedestrian delay and amenity, accidents and safety and residential amenity, which are all temporary and relate to the

construction period. Please confirm that you are satisfied with the ES assessment of residual effects.

T&T 4 – Staffordshire County Council, Stafford Borough Council, Highways England, Environment Agency

Areas of uncertainty are identified in paragraphs 7.84 – 7.85 of Chapter 7 of the ES, particularly in respect of the detailed design and construction programme. Estimated volumes of traffic have had to be used in the assessment and the level of staff required to be on site during the construction phase has also been estimated. Please confirm that you are satisfied with the estimated volumes of construction traffic used in the assessment, and that it represents a worst case scenario.

T&T 5 – Staffordshire County Council, Stafford Borough Council, Highways England, Environment Agency

Cumulative impacts are described in paragraphs 7.70 – 7.74 of Chapter 7 of the ES. The cumulative assessment for T&T has considered Scenario C4 as a likely worst case scenario.

The developments that have been included in scenario C4 include:

- Staffordshire County Council (SCC) highway upgrades in operation
- 30,000m² Meaford Business Park Operational
- 10,000m² Meaford Business Park under construction

It is predicted that cumulatively there would be a slight adverse impact on topics including pedestrian amenity and fear and intimidation, accidents and safety residential amenity, all construction related impacts will be temporary. No significant cumulative impacts are predicted for transport and traffic.

Please confirm that you are satisfied that the developments which have been included within the cumulative assessment for T&T are an appropriate basis for the assessment of cumulative impact, and that no others should have been included.

Air Quality (AQ)

AQ 1 – Applicant, Stafford Borough Council, Environment Agency

Defra mapped backgrounds are included in Table 8.14. This data was used to inform both the ecological and the traffic impact assessments. Monitored data from Stoke on Trent Automated Urban and Rural Network (AURN) site shows higher concentrations than the Defra mapped backgrounds. It is noted that the AURN data has been used to inform the assessment of the stack emissions as this will result in a more conservative assessment.

Please provide further clarification to explain why the more conservative AURN data was not used to inform the background concentrations in either the ecological or the traffic impact assessments. The EA is asked to confirm that they are satisfied with this approach to the assessment of potential impacts.

AQ 2 – Applicant, Stafford Borough Council, Environment Agency

Tables 8.7, 8.15, 8.27 and 8.28 of ES Chapter 8 contain the relevant figures used in the assessment of acid and nitrogen deposition at sites of ecological interest. None of these tables refer to the Midland Meres and Mosses Phase 1 Ramsar and the West Midland Mosses SAC. Tables C2 and C3 which present equivalent information in Appendix C of the NSER do refer to these sites. Can the Applicant explain the discrepancy? Can they confirm that the nitrogen and acid deposition has been modelled in the same way for all the European sites? If this is not the case, how were the figures for the Midland Meres and Mosses Phase 1 Ramsar and the West Midlands Mosses SAC calculated?

AQ 3 – Applicant, Stafford Borough Council, Environment Agency

The methodology behind the assessment is described in paragraphs 8.43 to 8.142 of Chapter 8 of the ES (Volume 2) (Doc 6.2.8). Standard guidelines have been followed in carrying out the assessment. The applicant has adhered to guidance in the 2010 update of the Environmental Protection UK Development Control: Planning for Air Quality guidance.

A further update was issued in May 2015: Land-Use Planning and Development Control: Planning for Air Quality guidance produced by Environmental Protection UK and the Institute of Air Quality Management. The descriptors of significance have altered in this revision of the guidance, though the applicant would not have been able to take this into account in their assessment as it was completed in March 2015.

Please provide an assessment of whether consideration of the new guidance would have changed the conclusions of the assessment.

AQ 4 – Stafford Borough Council, Environment Agency

Reference is made within Chapter 8 of the ES to the use of professional judgement in carrying out the dust assessment in paragraph 8.47 and in paragraph 8.131.

Please confirm that you are satisfied with the approach taken in those parts of the assessment where professional judgement has been applied.

AQ 5 – Stafford Borough Council, Environment Agency

Key stakeholder concerns alluded to within the ES air quality chapter include those raised about the necessity to consider particulate pollution

in the air quality assessment. Particulates have not been considered in the stack emissions assessment as the applicant has indicated particulate emissions from a natural gas power station would be negligible.

Please confirm that you are satisfied that the applicant's position on particulate emissions from a natural gas power station is reasonable and justified by available evidence.

Please confirm that you have no other outstanding concerns regarding the air quality assessment.

AQ 6 – Applicant, Stafford Borough Council, Environment Agency

Cumulative impacts are considered in paragraphs 8.252 to 8.262 of Chapter 8 of the ES.

For the air quality cumulative assessment the C4 construction scenario has been used and for the operational phase the O4 scenario has been used, these are the scenarios the applicant has deemed to represent the worst-case scenario in terms of emissions. Please explain why it was necessary to consider different combinations of development in the cumulative assessments for the different topics.

It is indicated in Chapter 5 that the scope of the cumulative assessment has been agreed with Staffordshire County Council. Please provide evidence in support of this assertion, for example letters confirming the detail of this agreement.

AQ 7 – Applicant, Staffordshire County Council, Stafford Borough Council, Environment Agency

Other developments in the locality are identified within the chapter but these were not included in the cumulative assessment. Five consented or pending residential developments were identified between 1.7 and 5km from the proposed scheme, the largest included the provision of 500 dwellings 2.5 km from the site.

Paragraph 5.66 of Chapter 5 of the ES (Volume 2) (Doc 6.2.5) states that 'these other local developments will not be considered as part of the cumulative assessment of the MEC because they are considered to be too distant for effects to combine cumulatively on any shared receptors, to any measurable degree during either operation or construction. The schemes are of a different type to the MEC and associated traffic would not use the same haul or operation route (Meaford Road) as the MEC.'

Please provide further explanation of the basis on which these nearby developments were scoped out of the cumulative assessment.

Noise and Vibration (N&V)

N&V 1 – Stafford Borough Council

Chapter 9 of the ES describes how the baseline noise levels for the area around the site were measured (paragraphs 9.102 – 9.108).

Please confirm that you are satisfied with the number and location of sampling points, and that these may be taken as representative of conditions at other properties within 1 km of the order boundaries.

Please confirm that you are satisfied with the method of estimating night-time background noise levels.

N&V 2 – Applicant, Stafford Borough Council

Chapter 9 of the ES provides a broad description of the methodology used to assess noise and vibration from construction, during operation and from increased traffic levels during construction and operation. However, no information is presented in the ES to explain exactly what plant has been included in the generic assessment. In addition there is no detailed explanation or examples of how the methodology in BS 5228 has been applied.

Please explain what plant has been included in the generic assessment?

Please provide a detailed explanation or examples of the way the methodology in BS 5228 has been applied?

Are SBC satisfied with the applicant's approach to assessing construction noise effects?

N&V 3 – Applicant, Stafford Borough Council

The methodology for assessing operational effects is described briefly in ES Chapter 9 paragraphs 9.58 – 9.61. It is based on the methodology contained in BS 4142:1997. BS 4142:1997 has now been replaced by BS 4142:2014.

If the assessment had been carried out based on BS 4142:2014 rather than BS 4142:1977 could the applicant explain what would the conclusions be?

N&V 4 – Applicant

Table 9.2 of the ES lists the sound power levels for typical power plant equipment. ES states that the sound power levels are conservative and based on discussions with the design team and experience from similar facilities. They also assume that the exhaust stacks will contain silencers (ES Chapter 9, paragraph 9.97).

Please provide more detail on how these sound power levels have been estimated, particularly for the exhaust stacks and air-condensers.

N&V 5 – Applicant

The significance of construction noise effects is defined with reference to BS 5228 thresholds. Table 9.5 lists the thresholds from BS 5228 for different times of day and night. The ES states that if the site noise level exceeds the relevant threshold then there may be a potential significant effect but then goes on to say that BS 5228 advises that other project-specific factors such as the duration and character of the impact also needs to be considered (ES Chapter 9, paragraphs 9.76 – 9.77).

Paragraph 9.77 describes various project-specific factors including the low background noise in the area and the distance between residential receptors and the construction work and states that the relatively quiet nature of the study area has led to the choice of significance criteria in Table 9.6. It is not clear from either the table or the supporting text how these criteria have been derived.

Please provide a detailed rationale for the criteria used in Table 9.6.

N&V 6 – Stafford Borough Council

The criteria for establishing the significance of operational noise effects are listed in Table 9.10 and appear to be drawn directly from BS 4142. The ES also states though that the BS 4142 approach is not suitable for assessing noise measured inside buildings or when the background and rating noise levels are both very low. In these cases the Applicant has agreed with the SBC Environmental Health Officer to use the guidance contained in BS 8233 (ES Chapter 9, paragraphs 9.87). Although the ES states that this has been agreed with the Environmental Health Officer for SBC, the correspondence between the Applicant and SBC in ES Appendix 9.1 (Doc 6.4.4) does not refer to the use of BS 8233.

Please confirm SBC's agreement with the approach used to determining the significance of operational noise.

Do SBC agree with the Applicant's approach to the assessment of noise effects? Do SBC agree with the conclusions of the Applicant's assessment?

N&V 7 – Stafford Borough Council

The study area of the assessment is 1km from the edge of the Order Limits. The ES states that this area was chosen because of the 'decrease in accuracy of acoustic prediction methodologies over distances greater than this' and refers to guidance within the Design Manual for Roads and Bridges and BS 5228 (ES Chapter 9, paragraphs 9.67 – 9.68).

Please confirm SBC's agreement with the approach to defining the study area.

N&V 8 – Applicant

Figures for construction traffic noise are presented in Table 9.17. Traffic flows have been derived from the assessment in Chapter 7 of the ES. Figures are presented for the base year (2014) and for 2018 which is assumed to represent the peak construction year. No units are given for the figures in the 'all traffic' columns.

Please explain what the figures in the 'all traffic' columns represent.

N&V 9 - Applicant

The ES notes that if the peak year of construction were to change a growth factor would have to be applied to account for changes in traffic levels but states that if the change was from 2018 to 2019 applying the growth factor would not lead to an increase in traffic noise levels (ES Chapter 9, paragraph 9.123).

Please explain how the noise levels would change if the peak construction year was later than 2019.

N&V 10 – Applicant

The assessment of operational noise impacts assumes that the buildings will comprise a metal cladding structure with an Rw of 43 dB. It is not clear what this means or if/how it has been secured in the DCO.

Please explain what Rw means. How will it be ensured that the project buildings when constructed perform as the ES assumes they will?

N&V 11 – Applicant

The ES considers 'in-combination' effects which it defines as multiple separate impacts from the scheme on individual receptors (ES Chapter 16, paragraph 16.14).

Most of the noise effects in the relevant chapter are classed as being of negligible significance and so are deemed not to contribute to inter-related effects. The ES assumes that batch concrete processing will be used rather than delivery by HGV (ES Chapter 16, paragraph 16.25).

Please explain how the conclusions of the ES would change with regard to noise, air quality and traffic movements if batch concrete processing is not used? Does the assumption that batch concrete processing will be used mean that a worst case scenario has not been assessed with regard to noise, air quality and traffic movements?

N&V 12 - Applicant

Chapter 16 identifies significant inter-related effects on users of the Trent and Mersey Canal during construction from visual effects and noise. Although this effect is classed as significant the ES states that all receptors would only be passing through the area and so would only be exposed to combined effects for a short period (ES Chapter 16, paragraph 16.35).

Please explain what evidence supports the statement that receptors would only passing through the area for a short time?

N&V 13 – Applicant

ES Chapter 9, paragraphs 9.44 and 9.55 define the 'realistic worst case scenario' for the scheme. The parameters used to define the plant and structures for the purposes of assessing operational noise are provided in Table 9.1. The ES states that as the exact equipment that will be installed is still unknown conservative assumptions have been made on the likely noise emissions that could be used based on the discussions with the design team and experience from similar facilities (Chapter 9, paragraph 9.56). The likely plant, number of units and height are listed in Table 9.1. The parameters listed in Table 9.1 correspond to the parameters listed in Table 2 of the draft DCO (Schedule 2) with the following exceptions:

- The gas turbine building height is 35m in the ES and 25m in the draft DCO;
- The transformers have a maximum height of 6m in the ES – no figure is given for the transformers in the DCO but the transformer building is 8m in height;
- The switch yard height is 8m in the ES but 10m in the DCO.

Please update the assessments in Chapter 9 of the environmental statement to reflect the parameters in the DCO.

N&V 14 – Applicant

Chapter 5 of the ES describes 4 different scenarios for the construction phase and 4 different scenarios for the operational phase of the project.

The ES states that the scenarios are based on the assumption that up to 10,000 m² of development would be constructed per year at Meaford Business Park. This is on the basis that it is a commercially realistic amount of development to be occupied by tenants and that no development has taken place on the site since the original power stations were demolished in the early 1990s (ES Chapter 5, paragraph 5.62).

Please provide evidence to support the assumption that up to 10,000 m² of development would be constructed per year at Meaford Business Park.

N&V 15 – Stafford Borough Council, Staffordshire County Council

Other projects and developments were identified within a 5 km radius of the project site but the ES concludes that all they are all too distant for effects to operate cumulatively on shared receptors (ES Chapter 5, paragraphs 5.64 – 5.68).

Do SBC and Staffordshire County Council agree with this conclusion? Are there any other proposed developments or projects that should be taken into consideration?

N&V 16 – Applicant

The ES concludes that there would be no cumulative noise effects from construction activities 'assuming that standard construction methods are used' (ES Chapter 9, paragraph 9.170).

Please explain what is meant by 'standard construction methods'? How will the use of such methods during construction be secured?

N&V 17 – Applicant

Cumulative noise from construction traffic is considered in ES Chapter 9, Table 9.23. All effects are considered to be negligible. There does not appear to be any consideration of the cumulative effects of traffic noise and noise from construction activities on noise sensitive receptors. Have the cumulative effects of construction activities and construction traffic noise on noise sensitive receptors been assessed? If so, what were the results? If not, why not?

N&V 18 – Staffordshire County Council

Scenario C4 assumes that the A34 improvements will be in operation because the Applicant has been informed by Staffordshire County Council that the work will be carried out for 12 months from April 2015 and so will be completed before the construction for Meaford Energy Centre begins.

Please confirm the timescale for the works.

N&V 19 – Applicant, Stafford Borough Council

Operational noise from Meaford Business Park has not been included in the cumulative impact assessment because the approved application for the business park does not include any information on noise impacts from the proposed development (ES Chapter 9, paragraph 9.173).

Please provide information on the assessment of noise impacts in relation to the consent for Meaford Business Park. Is it expected that cumulative noise impacts will be included in the assessment of reserved matters for Meaford Business Park?

N&V 20 – Applicant, Stafford Borough Council

The ES states that consideration should be given to monitoring noise complaints throughout the life of the scheme (ES Chapter 9, paragraph 9.145). Requirement 5 of the draft DCO specifies that the Construction and Environmental Management Plan (CEMP) should include nuisance management measures for construction effects, including noise. There is no other commitment in the draft DCO to monitoring noise during the construction or operational phase. It is also unclear why the Applicant feels that monitoring should be considered since they conclude that there would not be any significant impacts. In addition, the Applicant has not suggested any actions that would be triggered by the results of any monitoring during operation.

Is the Applicant willing to undertake noise monitoring as suggested in paragraph 9.145 of the ES? How would this monitoring be secured? What is its purpose? How would noise complaints be dealt with? Does SBC feel that noise monitoring should be undertaken during construction, operation or decommissioning?

N&V 21 – Applicant

The assessment of construction noise has not taken any specific mitigation measures into account but has assumed the use of generic good practice measures which are listed in the CEMP (ES Appendix 17.1, Doc 6.4.11). As noted above the assessment of operational noise has assumed that the energy centre building will be constructed to achieve an overall Rw of 43Db. The ES also refers to the use of good operating practice and design of mechanical ventilation systems to minimise operational noise (ES paragraphs 9.149 – 9.150) but it is not clear whether this has been taken into account in the assessment of noise impacts.

Does the assessment of operational noise in the environmental statement rely on the measures referred in ES paragraphs 9.148 – 9.151? If it does, how can the delivery of these measures be ensured through the DCO?

Landscape and Visual Effects (LVE)

LVE 1 – Applicant, Stafford Borough Council

Para 10.19 of the ES states that the assessment of LVE has been undertaken on the realistic worst case scenario of a 2 + 1 layout with two stacks. Para 4.39 of ES Chapter 4 refers to 'Gas Turbine Building(s) – which contains up to two gas turbines' and 'Up to two Heat Recovery Steam Generators and Stacks'. What are the implications for the design and appearance of the scheme of these different operational scenarios?

LVE 2 – Applicant, Stafford Borough Council

Paragraph 10.21 of the ES states that '*a more sympathetic finish will be considered as secondary mitigation during the detailed design process*'. Paragraph 10.160 states that '*the secondary measures are not*

incorporated into the scheme design at present and would be based on rendering the built form of the Power station Complex to aid in perceptually reducing the mass and scale of the buildings and integrating them within existing views of the vegetation. Design principles and alternative coloured finishes are included within the Design and Access Statement to inform the requirement of the Order.' How will these measures be secured through the DCO to achieve the objective of good design?

LVE 3 – Applicant, Stafford Borough Council

Paragraph 10.143 of the ES acknowledges that the sky glow would increase due to permanent lighting being introduced, into an unlit area. What measures are proposed to minimise the effects of ambient lighting, glare and sky glow? How can they be secured?

LVE 4 – Applicant, Stafford Borough Council

MOD (additional submission published 20 August 2015) requests the installation of aircraft warning lights on the stacks. Would the inclusion of such lighting alter the conclusions of the Landscape and Visual Impact Assessment? Is it appropriate to include a Requirement in the DCO to address the issue?

Cultural Heritage (CH)

CH 1 – Applicant

Appendix 12.1 to the ES refers to a geo-environmental assessment report prepared by Atkins dated March 2014 which contains the evidence for the geology and made ground on the site. It is not clear if this report has been provided with the ES documents. ES Appendix 13.5 (Doc 6.4.8) contains a geo-environmental assessment which is dated March 2008. Is this the geo-environmental report referred in Appendix 12.1? If not please supply a copy of the correct report.

CH 2 – Staffordshire County Council, Stafford Borough Council, Historic England

The methodology used in the assessment of cultural heritage impacts is described in ES Chapter 12, paragraphs 12.36 – 12.38. Paragraphs 12.27 – 12.38 also refer to English Heritage's (now Historic England (HE)) guidance on the setting of heritage assets.

The ES states that the methodology has been agreed with Staffordshire County Council, Staffordshire Borough Council (SBC) and English Heritage (now Historic England) no evidence in the form of correspondence or meetings minutes have been provided. No relevant representations have been received from the County Council, SBC or HE so it is not clear whether they agree with the applicant's approach to the assessment.

Do Staffordshire County Council, SBC and HE agree with the applicant's approach?

CH 3 – Applicant

The ES identifies potential effects from the project on heritage assets but only in very general terms such as destruction of material remains or effects on the surroundings of an asset (ES Chapter 12, paragraph 12.70). This makes it difficult to identify exactly which aspect of the project is likely to lead to effects on historic buildings or archaeology. Table 5.12 lists the designated heritage assets that will not be affected by construction but does not provide any reasons why there will be no effect.

Please explain why the heritage assets in Table 12.5 of the ES will not be affected by construction of the project?

CH 4 – Applicant

ES Chapter 12, paragraph 12.74 states that there would be no impact on the non-designated assets AH20-AH31 and AH33-AH53. No reasons have been provided to explain the lack of effects from construction.

Please explain why the heritage assets referred to in ES paragraph 12.74 will not be affected by construction.

CH 5 – Stafford Borough Council, Staffordshire County Council, Historic England

The ES states that previously unknown archaeological remains are unlikely to be found during construction or operation because of the previous level of disturbance to the site from the construction and demolition of the previous power stations and associated infrastructure (ES Chapter 12, paragraphs 12.76 – 12.78).

Please confirm whether you agree with this conclusion.

CH 6 – Stafford Borough Council, Staffordshire County Council, Historic England

Table 12.8 describes the potential impacts on the setting of designated assets during operation. It gives the value of an asset and the magnitude of impact. It does not describe the significance of effects but this can be deduced from referring to the 'significance of effect' matrix in Table 12.3. Based on Table 12.3 the effects would either be neutral or slight adverse.

Table 12.9 describes operational effects on the setting of non-designated heritage assets. This table does include a column for significance of effect. All effects are considered to be neutral in significance. ES paragraph 12.82 states that a further 27 non-designated assets were identified in the study area. Their setting would not be affected by the development so effects from the development would be of neutral significance.

Please confirm whether you agree with the applicant's conclusions on the effects of the setting of designated and non-designated heritage assets.

CH 7 – Applicant

The assessment of operational effects has assumed that because the Meaford Business Park will require approval for reserved matters an appropriate landscape scheme is likely to be required to 'address the development's relationship to the Trent and Mersey Canal'. The ES assumes that as a result there would be minimal additional impact on the setting of the canal from Meaford Business Park and therefore the significance of the cumulative effects would be similar to the effects of Meaford Energy Centre alone (ES Chapter 12, paragraph 12.99).

Does this mean that the ES is relying on mitigation being delivered through another scheme to avoid significant cumulative effects?

In the absence of mitigation for the effects of Meaford Business Park, what would the cumulative effects be?

CH 8 – Canal and River Trust

I note that the Canal and River Trust are seeking details of any repairs to Malkins bridge. The application document 'MEC Canal Bridge 101 (Malkins Bridge) illustrative gas connection pipeline proposals (Doc 2.6.2) contains information on the proposed bridge repairs.

Please explain what additional information the Trust is seeking?

CH 9 – Applicant, Canal and River Trust, Stafford Borough Council, Historic England

Figure 4.6 of the ES (Visualisation of Canal Bridge 101 (Malkin's Bridge) during operation of the MEC) shows the upper surface of the gas supply pipeline slightly above the repaired bridge parapet. Are there any physical or engineering constraints that prevent the pipeline being lowered at this point to avoid any visual intrusion? If so, has consideration been given to alternative mitigation in this location?

CH 10 – Canal and River Trust

The Canal and River Trust is seeking landscape planting adjacent to the canal to minimise adverse visual effects on canal users.

Is the planting proposed in the application document 'Illustrative landscape within MES site' (Doc 2.7.2) appropriate in the Trust's view? If not, what additional landscaping is required?

CH 11 – Applicant

The Canal and River Trust is seeking the removal of redundant pipework associated with the previous power stations at the site from Turnover Bridge (Grade II listed structure) and repairs/improvements to the bridge.

What is the applicant's response to this request?

CH 12 – Applicant, Stafford Borough Council, Historic England

Please explain how heritage impacts of the proposal should be assessed in the context of the advice in the National Planning Policy Guidance section 12, in particular paragraphs 133 – 135.

Development Consent Order (DCO)

DCO 1 - Applicant

In Article 2, the definition for 'date of final commissioning' appears incomplete. Please clarify

In Article 2, the definition of 'maintain' contains the word 'maintain'. Please omit.

DCO 2 - Applicant

Article 3 (3) permits the undertaker to deviate within the corresponding numbered area on the works plan up to the limits of deviation. The limits of deviation are not defined in the DCO and they are not demarcated on the works plan for each work, other than for work 2B. Please clearly identify all limits of deviation on the works plans and include a definition of the 'limits of deviation' in article 2 of the DCO?

DCO 3 - Applicant

Please explain why it is necessary to include in Article 7(4)(a) to have a power to transfer the order to any statutory undertaker without the consent of the Secretary of State and explain the circumstances in which it is anticipated that this would take place? Is it possible to limit this power to a particular type of statutory undertaker?

DCO 4 - Applicant

In Article 13, please insert a definition in article 2 for 'traffic authority'.

DCO 5 - Applicant

Please explain the interaction of Article 18 with Article 27.

DCO 6 - Applicant

Article 23(2) extinguishes rights over the land subject to compulsory acquisition in 23(1) and all private rights and restrictive covenants over the land which is leased by the undertaker or subject to rights by agreement for the benefit of the undertaker. The extinguishment of a private right or a restrictive covenant is achieved by compulsorily acquiring the right and then extinguishing it. This is a compulsory acquisition power, consent for which cannot be granted in a DCO unless the tests set out in s.122 & 123 Planning Act 2008 (as amended) are satisfied. The applicant was advised of this in s.51 advice dated 24 April 2015, following acceptance. If the applicant wishes to retain this power in the DCO please can they provide an amended Book of Reference, Statement of Reasons and Explanatory Memorandum (EM) that accurately reflect the extent of the compulsory acquisition powers sought?

Please provide a plan to show the extent of the leased land referred to in 23(2) (a)

Please explain the types of agreement that 23(2)(b) will apply to and why this power is necessary?

DCO 7 - Applicant

Please consider whether any consequential amendment should be made to Article 25 to reflect any amendments to Part 1 of the Book of Reference.

DCO 8 - Applicant

The EM at 5.6.19 states that the ability to acquire land compulsorily has been removed from Article 26 but 26(b) expressly permits the undertaker to create and acquire compulsorily rights over land belonging to statutory undertakers described in the book of reference. Please provide an explanation for this discrepancy.

DCO 9 - Applicant

Please ensure that all plans relied on in the DCO are listed in Article 33. In particular, please include the illustrative landscaping plan doc 2.7.2 and the illustrative foul and surface drainage plan.

DCO 10 - Applicant

Please explain the nature of Work No. 4(a) in Schedule 1 in more detail. The final paragraph of works authorises 'such other works or operations as may be necessary...'. Please explain why this power is necessary and the type of works it is likely to authorise?

DCO 11 - Applicant

Please confirm that the preliminary works referred to in Schedule 2 (Section 1) will not permit any works to be undertaken before necessary mitigation is in place?

DCO 12 - Applicant

Requirement (3)(1) refers to the development being carried out in accordance with the 'approved plans' but these are not defined in the order. The term is used again in Requirement 19. Please provide a definition of 'approved plans' for the purpose of both requirements.

This requirement contains tailpieces that appear to permit the LPA to amend key plans shown in table 1 which define the development, and maximum physical dimensions (taken from table 4.1 of the ES) at Tables 2 and 3 which define the limits of the works assessed. It is important that the drafting of requirements does not allow for any material changes to the scheme when requirements are discharged.

Please explain the necessity and justification for the retention of these tailpieces with reference to relevant caselaw. (It is noted that Article 19(1) appears to attempt to limit the power of the Local Planning Authority (LPA) to vary the details but it is not entirely clear how these articles interact, and the lack of a definition of 'approved plans' creates further ambiguity. Use of the term 'substantially in accordance with' is also insufficiently precise). If the applicant does not intend that the LPA should be able to vary the plans in table 1, please redraft Requirements 3 and 19 to ensure that this is achieved and remove any ambiguity.

Similar considerations apply to requirements 5, 10, 13, and the applicant is requested to redraft these to remove any discretionary element.

DCO 13 - Applicant

As discussed above (DCO 12), please redraft Requirement 19 to ensure it achieves its intention clearly and precisely.

DCO 14 - Applicant

With respect to Schedule 7, please provide a full update on any agreement reached with statutory undertakers on protective provisions.

DCO 15 – Stafford Borough Council

Requirements 5, 9 and 10 permit discharge in stages. Please can the Council give their views on the acceptability of this approach?

DCO 16 – Stafford Borough Council

Can the Council confirm that they are content with the provisions contained in Schedule 8 for the discharge of requirements, particularly in

relation to the proposal for approval to be deemed to be granted if no response is received from the LPA within 21 days?

DCO 17 – Staffordshire County Council, Stafford Borough Council

Can the street and traffic authorities confirm that they are content with Articles 12 and 13 in the DCO?

Other legal issues (OLI)

OLI 1 – Applicant

The planning permission contained in Appendix 2 of the Explanatory Memorandum is an application for an extension of time on permission 35897 – change of use to B1, B2 & B8. Please provide a copy of the original permission 35897.

OLI 2 – Applicant

The statement of reasons explains that an option agreement has been entered into by Meaford Land Limited (MML) which provides for a lease enabling MML to draw down the land and rights required for the scheme save for plots CG3 & CG5. The statement says that the lease includes the necessary alienation provision to allow MMI to transfer, assign or underlet the whole of the land and necessary rights to the applicant to enable them to deliver the scheme.

Please provide evidence of this in the form of a copy of the lease.

OLI 3 – Applicant

Please explain how the figure of £300m for the scheme, including any compulsory acquisition, was arrived at. In particular please provide the exact amount attributable to compulsory acquisition and explain how this figure has been determined?

While it is stated at paragraph 2.9 of the funding statement that St Modwen Properties alone has the financial resources to secure the necessary funding for the scheme, please provide further detail of the resources, asset profile and development experience of Glenfinnan Properties.