

Eggborough CCGT - Examining Authority's Written Questions

The following table sets out the Examining Authority (ExA)'s Written Questions and requests in relation to the Eggborough CCGT.

Responses are required by Wednesday 1 November 2017. Please note that if this deadline is missed the ExA is not obliged to take account of your response.

Each question has a unique number in Column 1, which is largely based upon the ExA's initial assessment of principal issues contained in Annex C of the Notice of Preliminary Meeting and availability of Relevant Representations letter (Rule 6) issued on 30 August 2017.

Please use the number reference system when responding to a question. Column 2 identifies the organisation(s) or individual(s) from which answers are sought. Column 3 sets out the question, often with a contextual introduction. There is a slightly different layout for questions in respect to the draft Development Consent Order (DCO) and the draft Deemed Marine Licence (DML) so as to provide reference to the Article or Part in question and for an excerpt, where relevant, to be included. Please note that there may be a number of questions which overlap with other subject areas.

The ExA would be grateful if all named bodies would answer questions directed at them, providing either a substantive response or explaining why the question is not relevant to them. The expectation is that each organisation will provide an answer to each question asked of it, but joint answers are acceptable if the relevant issue is addressed. If the answer to a question is set out in, for example, a Statement of Common Ground (SoCG) then a cross reference to where the issue is addressed is acceptable.

In some areas there may be a degree of overlap between the answers to questions and it is acceptable to provide a single answer which responds to multiple questions or answer questions individually and provide cross references between multiple answers where appropriate. If you do so, please use all number references and ensure all elements are addressed.

The list of organisations to which an individual question is addressed is not exclusive. You may put relevant evidence to the ExA in response to any question asked of any party.

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AQ	Air Quality and Dust	
AQ 1.1	<i>Baseline Data</i> The Applicant	<p>Figure 8.1 of the ES [APP-075] illustrates that there are no identified receptors in and around the proposed development route corridor. Paragraph 8.6.13 of the Environmental Statement (ES) [APP-046] states the area of construction is within 200m of sensitive receptors including Chapel Haddlesey and East Haddlesy.</p> <p>Explain why potential construction impacts along the pipeline corridor did not warrant specific receptors to be defined.</p>
AQ 1.2	<i>Baseline Data</i> The Applicant	<p>Paragraph 8.6.13 of the ES [APP-046] also identifies sensitive receptors within 200m of the construction area, including <i>“several farms in the north”</i>.</p> <ul style="list-style-type: none"> i) Identify these farms. ii) Appraise the potential effects of the proposed development.
AQ 1.3	<i>Baseline Data</i> North Yorkshire CC Selby DC Environment Agency	<p>Provide a response to paragraphs 8.4.7 to 8.4.10 of the ES [APP-046], which refer to sources of air quality monitoring data in the local area and why the most appropriate source for the modelling is the Defra mapping.</p>
AQ 1.4	<i>Baseline Data</i> The Applicant	<p>Sections 8.6 to 8.9 of the ES [APP-046] describe the likely impacts and effects from construction; mitigation and enhancement measures; limitations and difficulties and residual effects from construction, operations and decommissioning. Reference is made to the <i>“pollutants of concern resulting from construction and operation of the Proposed Development are oxides of nitrogen, nitrogen dioxide, CO, PM10 and PM2.5, therefore the assessment of baseline conditions considers these pollutants only”</i>.</p> <p>Explain why no reference is made of PM2.5 impacts or significance of effects associated with this “pollutant of concern”.</p>

AQ 1.5	<p><i>Methodology</i></p> <p>The Applicant</p>	<p>Paragraph 8.6.8 of the ES [APP-046] describes the use of professional judgement to determine sensitivity levels. Table 8A.2 of ES Appendix 8A [APP-100] states that "<i>ecological effects have been screened out as no sensitive ecological receptors are present within 500 m of the site</i>". However, paragraph 6.4.10 of Appendix 10C of the ES [APP-106] identifies habitats and species within and immediately adjacent to the site boundary, particularly in the context of the pipeline route corridor.</p> <p>Explain if and/or how the features set out in Appendix 10C [APP-106] are reflected in the Air Quality Assessment [APP-100].</p>
AQ 1.6	<p><i>Methodology</i></p> <p>The Applicant</p>	<p>Paragraph 8.5.12 of the ES [APP-046] states that the potential for visible plumes is considered to be very low as a result of the water content and temperature of the flue gas. This would appear to be contradicted at paragraph 16.6.31 of the ES [APP-054] which states that plumes are visible for, potentially 63.6% of daylight hours. Mr and Mrs Laurenson in their Relevant Representations [RR-009] and [RR-015] also raise concerns in respect to plumes and steam.</p> <p>Provide a response.</p>
AQ 1.7	<p><i>Impact Assessment</i></p> <p>The Applicant</p>	<p>Table 8.4 of the ES [APP-046] seeks to scope out consideration of construction dust on sensitive ecological receptors. Paragraph 8.3.15 of the ES [APP-046] states that "<i>Consideration has also been given within the assessment to the potential cumulative dust emissions from the construction of the Proposed Development and the demolition of the existing coal-fired power station</i>".</p> <p>Clarify, with reference to the Institute of Air Quality Management guidance cited in paragraph 8.3.13 of the ES [APP-046], the basis on which this has been scoped out with particular reference to cumulative effects.</p>
AQ 1.8	<p><i>Impact Assessment</i></p> <p>The Applicant</p>	<p>Paragraph 8.6.19 of the ES [APP-046] refers to dispersion modelling and that a number of conservative and worst case approach has been adopted.</p> <p>Clarify the extent to which assuming maximum EU Industrial Emissions Directive emission limit values has overestimated predicted concentrations at identified receptors.</p>

AQ 1.9	<i>Use of Selective Catalytic Reduction</i> The Applicant The Environment Agency	<ul style="list-style-type: none"> i) Provide an update on whether Selective Catalytic Reduction (SCR) is to be used and if necessary, update documents accordingly. ii) Explain how the need for SCR is secured in the draft DCO [APP-005] and the extent to which it is reflected elsewhere in the ES on a topic by topic basis. iii) What is the status of the Environmental Permit application
AQ 1.10	<i>Use of Selective Catalytic Reduction</i> The Applicant	<p>Table 21.1 of the ES [APP-059] states that significant residual effects would occur with SCR in place.</p> <p>When considering SCR potentially being in place, explain whether mitigation measures, such as increased stack heights or additional flue gas controls, have been considered and assessed in the ES accordingly in response to the potentially significant residual effects.</p>
AQ 1.11	<i>Use of Selective Catalytic Reduction</i> The Environment Agency	<p>Paragraph 8.2.13 of the ES [APP-046] states that the Environment Agency is in the process of reviewing whether the potentially tighter Best Available Technologies and Achievable Emissions Values need to apply to high efficiency gas-fired plant.</p> <p>Provide an update on this position.</p>
AQ 1.12	<i>Emissions Monitoring</i> The Applicant	<p>Works Nos. 1A and 1B as defined in Schedule 1 of the draft DCO [APP-005] set out that the works include “<i>continuous emissions monitoring system</i>”. The need for a programme of emissions monitoring does not appear to be secured in any requirement in Schedule 2 of the DCO.</p> <p>Explain why no requirement has been included to secure a programme of emissions monitoring.</p>
AQ 1.13	<i>Black Start Plant Stacks</i> The Applicant	<p>Paragraph 4.2.36 of the ES [APP-042] sets out details for the Black Start Plant. Schedule 14 of the draft DCO [APP-005] sets the height restrictions for each potential technology options for the Black Start Plant stacks; 45m for the open cycle gas turbine option and 25m for the reciprocating gas engines option. Several references in the ES [APP-042], but with one such reference at paragraph 4.2.2 indicate that Black Start</p>

		<p>Plant Stacks would have having a single or several co-located stacks.</p> <ul style="list-style-type: none"> i) Explain why the quantum and locations of the stacks associated with the Black Start Plant are not fixed. ii) Amend the draft DCO [APP-005], notably Tables 14 and 16 of Schedule 14 to include restrictions on the quantum and location of stacks.
AQ 1.14	<p><i>Black Start Plant</i> The Applicant</p>	<ul style="list-style-type: none"> i) Explain how the limitations of the hours of use of the Black Start plant, as set out in the ES [APP-042] are secured in the draft DCO [APP-005]. ii) Explain how the limitations on hours of use will be imposed, and what worst case scenario assumptions have been made in terms of the percentage splits between diesel and gas firing as reflected in 'abnormal condition' short term modelling. iii) Explain the modelling assumptions for the 25m stack height for the reciprocating gas engines option set out in Schedule 14 of the draft DCO [APP-005], which are not replicated in the modelling in table 8.10 of the ES [APP-046].
AQ 1.15	<p><i>Peaking Plant Stacks</i> The Applicant</p>	<p>Paragraph 4.2.32 of the ES [APP-042] sets out details for the Peaking Plant. Tables 14 and 16 of Schedule 14 of the draft DCO [APP-005] sets the height restrictions for each potential technology options for the Peaking Plant; 45m for the open cycle gas turbine option and 28m for the reciprocating gas engines option. ES paragraph 4.2.33 [APP-042] describes the Peaking Plant of having a single or several co-located stacks.</p> <ul style="list-style-type: none"> i) Explain why the quantum and locations of stacks associated with the Peaking Plant is not fixed ii) Amend the draft DCO [APP-005], notably Tables 14 and 16 of Schedule 14 of the draft DCO to include restrictions on the quantum and location of stacks.
AQ 1.16	<p><i>Dispersal Modelling</i> The Applicant</p>	<p>Plates 8A.2 to 8A.4 of Appendix 8A of the ES [APP-100] show the modelled buildings within the dispersion modelling. It shows only four of the existing cooling towers when eight are on site, and does not appear to represent the cooling tower structures for the</p>

		<p>proposed development.</p> <p>Provide a response.</p>
AQ 1.17	<p><i>Existing Coal-Fired Station</i></p> <p>The Applicant</p>	<p>Table 8.17 of the ES [APP-046] presents the significance of effects during construction of the proposed development from dust and particulates, including the effects from demolition of the existing coal-fired station.</p> <p>Justify the conclusion of 'medium risk' for cumulative effects of dust soiling and PM10 during demolition (i.e. with concurrent demolition of the existing power station).</p>
AQ 1.18	<p><i>Significance of Effects</i></p> <p>The Applicant</p>	<p>Provide a version table 8.20 of the ES [APP-046] which covers all of the short term concentrations across all pollutants considered at all of the identified receptor points, and not just those worst affected.</p>
AQ 1.19	<p><i>Significance of Effects</i></p> <p>The Applicant</p>	<p>Paragraph 8.6.40 of the ES [APP-046] explains the short term pollutant concentrations were modelled on the basis of abnormal conditions by operation of the black start and peaking plant.</p> <ul style="list-style-type: none"> i) Confirm whether the assessment of short term concentrations also considers the 'normal' operation of the proposed development as well (i.e. with the CCGT units also in operation). ii) If not, explain why not. iii) If not, provide a separate version of the table 8.20 ES [APP-046] (detailing all human health receptors and pollutants) showing the short terms concentrations under 'normal' operating conditions assuming the CCGT and peaking plant units are in operation but without the black start unit.
AQ 1.20	<p><i>Cumulative Impacts</i></p> <p>The Applicant</p>	<p>Table 20.3 of the ES [APP-058] presents the change in annual mean NO2 predicted concentrations with Proposed Development (during peak of construction) and other proposed developments.</p> <p>Provide an updated table showing <u>all</u> of the receptor locations (including the Air Quality Management Areas (AQMA)) as well as actual changes not just percentage changes.</p>

AQ 1.21	<p><i>Cumulative Impacts</i> The Applicant</p>	<p>Paragraph 8.6.23 of the ES [APP-046] refers to changes in pollutant concentrations at the AQMA's during operation of the proposed development.</p> <p>Clarify what the overall effect on the AQMA receptors (23 and 24 as shown in Table 8.19 of the ES [APP-046]) would be taking into account the cumulative effect of traffic associated with the demolition of the existing power station and other committed developments plus the process contributions of NO₂ from the proposed development should it be the case that operation of the proposed development overlaps with demolition of the existing station.</p>
AQ 1.22	<p><i>Cumulative Impacts</i> The Applicant</p>	<p>Paragraph 8.4.20 of the ES [APP-046] states that the adjacent Saint Gobain manufacturing facility "<i>is not expected to emit the same pollutants as the Proposed Development and therefore does not represent a risk to attainment of the NAQS for the study species</i>".</p> <p>Justify this assertion.</p>
AQ 1.23	<p><i>Framework Construction and Environmental Management Plan</i> The Applicant</p>	<p>Appendix 5A to the ES [APP-099] sets out a "Framework" for the Construction and Environmental Management Plan (CEMP). Requirement 18 of the draft DCO [APP-005] requires a submission of a CEMP.</p> <ul style="list-style-type: none"> i) Explain the definition 'Framework' and whether this differs in approach from an indicative or outline prefixed report. It is unclear, for example, why the Landscaping and Biodiversity Strategy is "indicative" [APP-035] whereas the submitted CEMP is a "Framework". ii) Explain whether the Framework CEMP is sufficiently detailed to provide reasonable comfort and confidence that the included matters can be satisfactorily discharged at the required stage. iii) Explain whether Requirement 18(2) of the draft DCO [APP-005] is sufficiently precise in stating that the approved CEMP must be in accordance "<i>with the principles</i>" of Appendix 5A of the ES [APP-099] as opposed to simply being "<i>in accordance with</i>" the Framework CEMP itself.

AH	Archaeology and Heritage	
AH 1.1	<p><i>Outline Written Scheme of Investigation</i></p> <p>The Applicant</p>	<p>Paragraphs 13.7.6 and 13.7.7 of the ES [APP-051] state that “mitigation measures will be discussed and approved with the NYCC archaeologist. The methodology will be set out in a written scheme of investigation which will be approved in writing by the local authority. The successful implementation of an approved mitigation strategy will reduce any significant adverse effects to a level which is not significant (i.e. minor adverse or lower), because heritage assets will either be avoided by design or appropriately investigated and recorded”. Table 13.9 of the ES [APP-051] confirms that the Outline Written Scheme of Investigation (OWSI) is reliant upon to reduce moderate/ major adverse (significant) effects to “minor adverse”.</p> <p>Requirement 16 (2) of the draft DCO [APP-005] in respect to archaeology matters states that a scheme submitted and approved must be in accordance with the principles set out in chapter 13 of the ES [APP-051].</p> <ul style="list-style-type: none"> i) Explain why an OWSI has not been submitted with the application. ii) Submit an OWSI.
AH 1.2	<p><i>Outline Written Scheme of Investigation</i></p> <p>North Yorkshire County Council</p>	<p>Provide a response as to the adequacy of Requirement 16 of the draft DCO [APP-005] in reducing potentially significant archaeological effects during construction to a not significant level.</p>
AH 1.3	<p><i>Archaeology Strategy</i></p> <p>The Applicant Historic England</p>	<p>Historic England in its Relevant Representation [RR-006] states that an archaeology strategy was necessary and is to be agreed.</p> <p>For the Applicant:</p> <ul style="list-style-type: none"> i) Explain whether this forms part of the OWSI. ii) If not, explain if it is to be submitted during this Examination.

		For Historic England: iii) Comment as to whether you should be included in the approval of the WSI in Requirement 16 of the draft DCO [APP-005].
AH 1.4	<i>Hall Garths Medieval Moated Site</i> Selby DC North Yorkshire CC	Set out your concerns in respect to the effect of the proposed development on the Hall Garths Medieval Moated Site Scheduled Ancient Monument (and in particular its peripheral features) as, raised in your Relevant Representation [RR-018]. The Applicant may wish to provide a response to set out set out how potential effects of the proposed development on the site and its peripheral features have been considered.
AH 1.5	<i>Historic Assessment of Existing Coal-Fired Station</i> The Applicant Selby DC North Yorkshire CC	North Yorkshire County Council and Selby District Council in their Relevant Representation [RR-018] expressed concerns as to whether an assessment had been undertaken on the loss of the existing power station on the historic environment. For NYCC/Selby DC: i) Explain your comments further. For the Applicant: ii) Explain the extent to which the cultural heritage and landscape assessments reflect the presence of the existing power station both as a community asset and as a landscape feature.

AS	Agriculture and Socio-Economic	
AS 1.1	<i>Farm Drainage</i> The Applicant	i) Respond to Mr Pearson in his Relevant Representation [RR-002] and explain how farmland will continue to effectively drain during construction of the gas pipeline, and how this is safeguarded in the draft DCO [APP-005]. ii) Explain how this has been assessed in the ES.

AS 1.2	<i>Link Boxes/Inspection Chambers</i> The Applicant	<ul style="list-style-type: none"> i) Clarify the extent of permanent above ground infrastructure or inspection chambers/pits along the pipeline route during operation? ii) If such structures are to be installed, explain the effects on agricultural practices, and consultations undertaken with famers/landowners.
AS 1.3	<i>Employment and Social Facilities</i> The Applicant	<p>Mr Rhodes in his Relevant Representation [RR-001] asks about employment opportunities and social facility improvements from the proposed development. Requirement 34 of the draft DCO [APP-005] requires a plan detailing arrangements for the promotion of employment, skills and training opportunities to be approved by the relevant planning authority.</p> <ul style="list-style-type: none"> i) Expand on such methods to promote those measures in Requirement 34 of the draft DCO [APP-005]. ii) Submit a Framework of such measures.

BE	Biodiversity and Ecology	
BE 1.1	<i>Cooling Water Discharge Temperatures</i> The Applicant	<p>Paragraph 10.6.44 of the ES [APP-048] discusses the temperature of the cooling water discharge in terms of potential effects on fish. The basis of the assessment is a comparison with the existing cooling discharge of the coal-fired power station. The ExA considers it is not clearly worded as to what the anticipated temperature associated with the proposals will be, and data on river temperature is not provided.</p> <p>Explain the assessment on anticipated cooling water discharge temperatures.</p>
BE 1.2	<i>Operational Lighting</i> The Applicant	<p>Paragraphs 10.3.10 and 10.3.11 of the ES [APP-048] describe how the key parameters of the proposal have been considered in the assessment. The ExA considers that it has not been explained how parameters to do with dimensions and layout will influence the lighting scheme or the potential for barrier effects arising from the built elements, and therefore it is not clear that the worst case for sensitive species groups, in particular</p>

		<p>foraging bats, has been assessed. The Indicative Lighting Strategy [APP-036] provides information on the light limits and principles of lighting design to be adopted, but only considers watercourses as ecological receptors and does not specifically consider lighting effects on foraging bats.</p> <ul style="list-style-type: none"> i) Explain how the Indicative Lighting Strategy [APP-036] has been used to inform the worst case adopted for the ecological appraisal. ii) Explain how the scheme for external lighting during construction and that for permanent lighting under DCO Requirement 8(1) and 8(2) respectively [APP-005] will take into account ecological receptors and why there is no reference in Requirement 8 of the draft DCO to these lighting schemes being in accordance with the Indicative Lighting Scheme submitted [APP-036].
BE 1.3	<p><i>Woodland Screening</i></p> <p>The Applicant</p> <p>Selby DC</p> <p>Yorkshire Wildlife Trust</p>	<p>Yorkshire Wildlife Trust in its Relevant Representation [RR-011] states that the proposed woodland screening proposals may not be sufficient to raise the condition of the woodland to 'good' as non-native trees cannot be removed and the canopy is mainly closed which reduces opportunities for improving the understorey of the woodland. These comments are made in reference to paragraph 5.1 of the Indicative Landscape and Biodiversity Enhancement Strategy [APP-035].</p> <p>For the Applicant:</p> <ul style="list-style-type: none"> i) Explain the extent to which maintaining the existing level of screening may compromise the ability to achieve "meaningful enhancement". <p>For Selby DC/Yorkshire Wildlife Trust</p> <ul style="list-style-type: none"> ii) Comment on the extent to which you are satisfied that the Applicant's biodiversity offsetting metrics summarised in table 5.2 and Appendix 2 of the Indicative Landscape and Biodiversity Enhancement Strategy [APP-035] are satisfactory in demonstrating the achievement of "a small net gain in biodiversity" as a result of the proposed development. iii) Comment on the extent to which reliance is placed on the condition of the woodland as achieving a "good" condition.

BE 1.4	<i>Attenuation Pond</i> The Applicant	Yorkshire Wildlife Trust in its Relevant Representation [RR-011] states that the proposed attenuation pond will not be as ideal for biodiversity purposes as the existing lagoon, because it is smaller in size and its primary purpose is for drainage purposes. Explain how an additional 0.3ha (3.00 biodiversity units) will be delivered by the attenuation pond with specific reference to the primary function (drainage) and the extent to which the secondary function (biodiversity enhancement) can also be achieved within the context of the DCO [APP-005].
BE 1.5	<i>Use of Selective Catalytic Reduction</i> Natural England Yorkshire Wildlife Trust	Provide comments on the effect of the proposed development on wildlife should the use of Selective Catalytic Reduction to reduce NO2 emissions be implemented.
BE 1.6	<i>Mitigation</i> Statutory Bodies	Section 10.5 of the ES [APP-048], and the indicative Landscape and Biodiversity Strategy [APP-035] describe the embedded mitigation measures taken into account in the assessment of effects. Appendix 21A of the ES [APP-124] also summarises the ecological mitigation commitments and how they are secured in the draft DCO [APP-005] Respond with particular reference to Requirement 17 of the draft DCO [APP-005] on the above, and explain whether the likely protected species licensing requirements of the proposals can be met.
BE 1.7	<i>Mitigation</i> Statutory Bodies Selby DC Others	Comment on the adequacy of the Landscape and Biodiversity Strategy [APP-035] in respect to mitigation of ecology effects. You may alternatively wish to do so within your Written Representations.
BE 1.8	<i>Mitigation</i>	Yorkshire Wildlife Trust in its Relevant Representation [RR-011] states that the wider area does not appear to have been considered adequately in the application, which they

	The Applicant	say is vital to ensure that local biodiversity is not affected by the application. Respond.
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CA	Compulsory Acquisition	
NOTE	<i>Overlap with DCO</i> The Applicant	A number of questions relating to compulsory acquisition (CA) are tied in with the DCO matters, and such questions are listed in the DCO section.
CA 1.1	<i>Table Maintenance</i> The Applicant	The Applicant is requested to complete columns 7 to 10 of the annexed Compulsory Acquisitions Objections Schedule and to make any entries, or delete any entries that it believes would be appropriate, taking account of the positions expressed in Relevant Representations, and giving reasons for any additions or deletions.
CA 1.2	<i>Clarity of Compulsory Acquisitions</i> The Applicant	The ExA considers Articles 17 and 20 of the draft DCO [APP-005] are not sufficiently clear as to which plots are to be compulsorily acquired for land or rights over land. Update the draft DCO [APP-005] and provide a list, relative to Articles 17 and 20 of the draft DCO [APP-005], excluding the plots which are not subject to CA of Land, and to the CA of Rights.
CA 1.3	<i>Clarity of Compulsory Acquisitions</i> The Applicant	It is not clear what your intentions are in respect to the National Grid substation, identified as plot 65 on the Land Plans [APP-013] and in the Book of Reference [AS-001] Explain.
CA 1.4	<i>Protected Provisions</i> The Applicant	The Book of Reference [AS-001] includes a number of Statutory Undertakers with interests in land. i) Provide a progress report on negotiations with each of the Statutory Undertakers listed in the Book of Reference, with an estimate of the timescale for securing agreement from them.

		<ul style="list-style-type: none"> ii) State whether there are any envisaged impediments to the securing of such agreements. iii) State whether any additional Statutory Undertakers have been identified since the submission of the Book of Reference as an application document.
CA 1.5	<i>Protected Provisions</i> Statutory Bodies	Provide comments on Schedule 12 of the draft DCO [APP-005]
CA 1.6	<i>Crown Land</i> The Applicant	<p>The Land Plans [APP-013] and the Book of Reference [AS-001] show plots 245, 255 and 690 as being subject to a request for the CA of new rights over land in the ownership of The Queen's Most Excellent Majesty in Right of Her Crown.</p> <p>As the interest in this land is not stated to be held by a party other than the Crown, interests in Crown land cannot be compulsorily acquired.</p> <p>Paragraph 8.4 of the Statement of Reasons [APP-009] states negotiations are underway with the Crown Estate Commissioners in order to secure rights necessary to carry out the relevant parts of Works Nos. 4 and 6.</p> <ul style="list-style-type: none"> i) Confirm that CA is not sought over this or any other Crown interest owned by the Crown ii) Explain how this is secured in the DCO. iii) Confirm that an agreement for a lease has been entered into to permit works to be undertaken in this land and provide a copy of this, or an update to these discussions.
CA 1.7	<i>Objection to Compulsory Acquisition</i> The Applicant Canal & River Trust	The application proposal includes the CA of land identified as 230, 245, 255, 345 and 690 on the Land Plans [APP-013] which is identified as Crown land operated by the Canal & River Trust (CRT). CRT objects to CA, stating in its Relevant Representation [RR-008] that the " <i>extreme measures of permanent appropriation are being sought given that the Applicants have yet to engage with the Trust in relation to the voluntary basis on which more appropriate, proportionate and temporary rights may be secured...and...the Trust does not consider it necessary or justifiable to CA any part of its</i>

		<p><i>interest”.</i></p> <p>For CRT:</p> <ul style="list-style-type: none"> i) Provide further explanations as to why CA is inappropriate, with reference to the effect it would have on its operational responsibilities. <p>For the Applicant:</p> <ul style="list-style-type: none"> ii) Respond to the Relevant Representation, and explain why requirements could not be met by way of a private agreement. <p>[N.B – The ExA notes the comments of CRT made at the Preliminary Meeting [EV-001], in which many if not all of the issues raised by CRT in its Relevant Representations [RR-008] on CA may have been resolved. A statement to this effect from both parties may suffice in lieu of a response to these questions]</p>
CA 1.8	<p><i>Availability of Funding</i></p> <p>The Applicant</p>	<p>The Applicant is reminded that Department for Communities and Local Government Guidance related to procedures for CA (September 2013) states that:</p> <p><i>Applicants should be able to demonstrate that adequate funding is likely to be available to enable the compulsory acquisition within the statutory period following the order being made, and that the resource implications of a possible acquisition resulting from a blight notice have been taken account of.</i></p> <p>The Funding Statement [APP-011] does not identify the CA costs separately from the project costs or explain how the figure for CA costs was arrived at.</p> <p>Explain the anticipated cost of CA, how this figure was arrived at, and how these costs are going to be met.</p>
CA 1.9	<p><i>Connection Agreements</i></p> <p>The Applicant</p> <p>National Grid</p>	<p>Update the position in respect to connections to National Grid’s electricity and gas infrastructure.</p>

CA 1.10	<i>Category 3 Persons</i> The Applicant	Clarify why you do not consider Category 3 persons exist.
CA 1.11	<i>New Substation</i> The Applicant	Section 3.15 of the Statement of Reasons [APP-009] says that " <i>a new substation may be required</i> ". These works do not appear to be contained within the draft DCO [APP-005]. Clarify.

COD	Construction, Operation and Demolition	
COD 1.1	<i>Construction</i> The Applicant Statutory Bodies	Explain whether a schedule exists of any statutory undertaker diversions that would be required to facilitate construction of the proposed development
COD 1.2	<i>Works Nos 1 to 7 and 9 and 10</i> The Applicant	Set out where on the site surface water drainage systems, storm water attenuation systems, and storage basis would be located in relation to Works 1 to 7, and 9 and 10.
COD 1.3	<i>Earthworks</i> The Applicant	Paragraph 5.2.4 of the ES [APP-043] states that earthworks ' <i>may also be required</i> '. Clarify the circumstances in which earthworks may or may not be required and how the former eventuality has been considered as part of the EIA and reflected in the design and mitigation measures.
COD 1.4	<i>Health and Safety</i> The Applicant	The Health and Safety Executive in its Relevant Representation [RR-014] states that the application lacks information on the extent and severity of hazards on local populations and the adjacent major hazard installation.

		<ul style="list-style-type: none"> i) Provide a response. ii) Explain whether such assessment formed part of the ES.
COD 1.5	<i>Health and Safety</i> The Applicant	The Health and Safety Executive in its Relevant Representation [RR-014] comment on the implication on the loss of fuel gas containment. Provide a response.
COD 1.6	<i>Cable Depth</i> The Applicant	Confirm how the burial depth of the gas pipeline is informed by safety considerations
COD 1.7	<i>Coal Storage Area</i> The Applicant	Explain how coal storage will be facilitated during construction of the CCGT while the existing coal-fired station remains operational.
COD 1.8	<i>Mitigation</i> The Applicant	<p>The ES [APP-047, APP-049, APP-051, APP-053, APP-054 and APP-058] identify significant effects in respect to noise, water resources, cultural heritage, land use, landscape and visual and cumulative and combined matters. These are summarised in Table 21.1 of the ES [APP-059]. However no further mitigation measures are identified or deemed necessary to reduce effects to non-significant levels.</p> <p>With reference to the significant residual effects identified in table 21.1 of the ES [APP-059], provide topic-by-topic justification as to why further mitigation measures have not been identified or are not possible.</p>
COD 1.9	<i>Maintenance</i> The Applicant	<p>Paragraph 4.4.5 of the ES [APP-042] states that the proposed development will require an annual routine maintenance with '<i>major overhauls</i>' needed once every five years on each unit.</p> <ul style="list-style-type: none"> i) Define '<i>major overhauls</i>'. ii) Explain whether such '<i>major overhauls</i>' have been assessed as part of the ES.
COD 1.10	<i>Demolition of Existing Coal Fired Station</i>	The future of the existing coal-fired power station is not clear from the application.

	The Applicant	Explain what is to become of the existing power station.
COD 1.11	<i>Demolition of Existing Coal Fired Station</i> The Applicant	<ul style="list-style-type: none"> i) If the existing power station is to be removed, explain why it is not secured in any way within the draft DCO [APP-005]. ii) What securities would the Secretary of State have that the existing coal-fired power station would be removed, and in a timely manner. iii) Set out a policy justification for not securing the demolition of the existing coal-fired power station within the draft DCO [APP-005]. iv) Explain why a requirement in the draft DCO [APP-005] could not be added seeking approval for a scheme of demolition and a timetable for such works relative to the construction of the CCGT.
COD 1.12	<i>Cumulative Effects</i> The Applicant	<p>The ES [APP-058] concludes that there would not be any significant combined effects on the environment. It identifies potential significant adverse cumulative effects in respect to air quality, and to landscape and visual impact, but not to waste management. This appears to conflict with paragraph 17.6.17 of the ES [APP-055], in which it is stated that cumulative waste generated from the construction of the proposed development and demolition of the existing power station could have a potentially major adverse significant effect on regional waste infrastructure.</p> <p>Clarify the apparent conflicting information.</p>

DML		Draft Deemed Marine Licence (DML)		
		Part of DML	Relevant Extract from DML	Commentary
DML 1.1	<i>Introduction</i> The Applicant	<i>Part 1</i> <i>Para 1</i>		The DML is a standalone document. Explain whether the DML should include its own references such as a definition of "Order Land", "Order Limits", and "maintain".
DML 1.2	<i>Licensed Activities</i> The Applicant	<i>Part 2</i> <i>Para 3(3)</i>	<i>...Schedule 1 (authorised development) of this Order...</i>	The DML is a standalone document. Explain whether the wording should refer to Schedule 1 of the Order as defined in Para 1.
DML 1.3	<i>Licensed Activities</i> The Applicant	<i>Part 2</i> <i>Para 3(3)</i>		<ul style="list-style-type: none"> i) Explain the need for subparagraph 4 (b) ii) Explain the interaction between subparagraphs (4) (a) and (b).
DML 1.4	<i>Maintenance or Demolition Activities</i> The Applicant			The Marine Management Organisation (MMO) in its Relevant Representation [RR-019] state that maintenance and demolition activities at the outfall location should be captured within the draft DML [APP-005]. Respond and if necessary rectify.
DML 1.5	<i>Construction and Environmental Management Plan</i> The Applicant			The MMO in its Relevant Representation [RR-019] state that a Construction and Environmental Management Plan needs to be part of the draft DML [APP-005] Respond and rectify.

DML 1.6	<i>Notice to Mariners Condition</i> The Applicant			The MMO in its Relevant Representation [RR-019] state that a Notice to Mariners should be made a Condition of the draft DML [APP-005] in respect to navigation impediment, and be issued prior to activities commencing and a copy sent to the MMO within five working days of issuance. Respond and rectify.
DML 1.7	<i>Discharge of Water</i> The Applicant			The MMO in its Relevant Representation [RR-019] state that Article 14 of the draft DCO [APP-005] needs to be replicated in the draft DML [APP-005]. As the DML is a standalone document, respond and rectify.
DML 1.8	<i>Works No 6</i> The Applicant	<i>Part 3(2)(b)</i>	<i>Works No.6</i>	The MMO in its Relevant Representation [RR-019] state that these works need to be omitted from the draft DML [APP-005] Respond and rectify.
DML 1.9	<i>Conditions</i> The Applicant	<i>Part 3(5)</i>	<i>"Should the licence holder become aware that any information on which the granting of this deemed marine licence was based has changed or is likely to change, the licence holder must notify the MMO at the earliest opportunity"</i>	The MMO in its Relevant Representation [RR-019] state that the words " <i>failure to do so may render this licence invalid and may lead to enforcement action</i> " be added to the sentence's end. Respond and rectify.

DML 1.10	<i>Conditions</i> The Applicant			<p>The MMO in its Relevant Representation [RR-019] has requested a number of additional conditions be added to Part 3 of draft DML [APP-005]</p> <p>Respond and, where necessary, rectify.</p> <p>[N.B – The ExA notes the comments of the MMO made at the Preliminary Meeting [EV-001], in which many if not all of the issues raised by the MMO in its Relevant Representations [RR-019] on the draft DML may have been resolved. A statement to this effect from both parties may suffice in lieu of a response to the above questions]</p>
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DCO		Draft Development Consent Order (DCO)		
		Part of DCO	Relevant Extract from DCO	Commentary
CO 1.1	<i>Authorised Development</i> The Applicant	<i>Schedule 1, Works No. 10 (n)</i>	<i>“and, to the extent that it does not form part of such works, further associated development comprising such other works (i) as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised development and (ii) which fall within the scope of the works assessed in the environmental statement”.</i>	<p>The described works are not set out in section 4.2 of the ES [APP-042].</p> <ul style="list-style-type: none"> i) Explain the “other works”. ii) Explain how “other works” have been assessed in the ES if they are only defined as such at this stage.

DCO 1.2	<i>Interpretation</i> The Applicant	<i>Part 1,</i> <i>Article 2</i>	<i>Definition of "commence"</i>	Justify the approach for the difference in the definition of " <i>commence</i> " with that set out in Requirement 1.
DCO 1.3	<i>Interpretation</i> The Applicant	<i>Part 1,</i> <i>Article 2</i>	<i>Definition of "maintain" "includes inspect, repair, adjust, alter, remove, refurbish, reconstruct, replace and improve"</i>	<ul style="list-style-type: none"> i) Clarify that said activities have been assessed in the ES [APP-039 to APP-124]. ii) If yes, explain whether "<i>to the extent where it has been considered in the ES</i>" should be added to the definition.
DCO 1.4	<i>Interpretation</i> The Applicant	<i>Part 1,</i> <i>Article 2</i>	<i>Definition of "maintain" "to the extent that the same are unlikely to give rise to any materially new or materially different environmental effects from those identified in the environmental statement"</i>	<p>This ExA is concerned that the wording potentially allows materially new or different environmental effects as long as it is unlikely that they will arise.</p> <ul style="list-style-type: none"> i) Comment. ii) Consider substituting "<i>to the extent assessed in the environmental statement</i>"
DCO 1.5	<i>Interpretation</i> The Applicant	<i>Part 1,</i> <i>Article 2</i>	<i>Definitions of "Limits of Deviation" and "Order Land"</i>	<p>Interpretation differs from that set out in the Explanatory Memorandum [APP-006] and the Statement of Reasons [APP-009]</p> <p>Explain.</p>

DCO 1.6	<i>Interpretation</i> The Applicant	<i>Part 1,</i> <i>Article 2</i>	<i>Definition of "Order Land"</i> <i>"the land required for, or affected by, the proposed development shown on the Land Plans and described in the book of reference".</i>	The Land Plans [APP-013] contain a red outline which the key describes as the " <i>land required for or affected by the authorised proposed development</i> " but describes this as the " <i>order limits</i> ". The Land Plans use the term " <i>order land</i> " in relation to the coloured land which is subject to CA of the freehold and new rights but also to land in which it is proposed to extinguish other rights. Rectify the anomalies between the documents.
DCO 1.7	<i>Interpretation</i> The Applicant	<i>Part 1,</i> <i>Article 2</i>	<i>Definition of "Order Limits"</i>	The Land Plans [APP-013] contain a red outline which the key says is the " <i>land required for or affected by the authorised proposed development</i> " but then describes this as the " <i>order limits</i> ". This does not reflect the definition of " <i>order limits</i> " in the DCO. Explain and/or rectify.
DCO 1.8	<i>Consent to Transfer Benefit of the Order</i>	<i>Part 1</i> <i>Article 7</i>		Further to paragraph 4.10 of the Explanatory Memorandum [APP-006], explain in greater detail the basis for the assertion that transfer without consent is permissible to Gas Act licence holders and highway authorities.
DCO 1.9	<i>Temporary Stopping Up etc</i> The Canal & River Trust The Applicant	<i>Part 1</i> <i>Article 11</i>		For the Canal & River Trust: i) Provide further comments to your Relevant Representation [RR-008] in respect to your concerns. For the Applicant: ii) Respond to the Relevant Representation [RR-008] on this matter.

DCO 1.10	<i>Powers of Acquisition</i> The Applicant	<i>Part 5 Article 17</i>	<i>Compulsory Acquisition of Land</i>	<p>The ExA is concerned with the clarity of this Article. Paragraphs 8 and 3.2 of the Statement of Reasons [APP-009] states that the Applicant is not seeking powers over CA for areas only required for highway works or within the existing NG substation.</p> <ul style="list-style-type: none"> i) The ExA requests this Article is altered to identify the plots which are not subject to CA or temporary possession. ii) Explain how the draft DCO ensures that those plots are not subject to CA.
DCO 1.11	<i>Powers of Acquisition</i> The Applicant	<i>Part 5 Article 17</i>	<i>Compulsory Acquisition of Land</i>	<p>The Article is not clear in respect to Crown land. Comment on whether the Article should be amended to include wording <i>"Nothing in this article authorises the acquisition of an interest which is for the time being held by or on behalf of the Crown"</i></p>
DCO 1.12	<i>Powers of Acquisition</i> The Applicant	<i>Part 5 Article 20</i>	<i>Compulsory Acquisition of Rights</i>	<p>The ExA is concerned with the clarity of this Article. It is not clear what existing rights are to be acquired.</p> <ul style="list-style-type: none"> i) The ExA requests this Article is altered to identify the plots which are not subject to CA Rights. ii) Amend the Article to include wording <i>"Nothing in this article authorises the acquisition of an interest which is for the time being held by or on behalf of the Crown"</i>

DCO 1.13	<i>Powers of Acquisition</i> The Applicant	<i>Part 5</i> <i>Article 21</i>	<i>Private rights</i> <i>(3) Subject to the provisions of this article, all private rights over land owned by the undertaker are extinguished on commencement of any activity authorised by this Order which interferes with or breaches such rights.</i>	As currently worded, the Article extinguishes rights over all land owned by the undertaker, not just within the Order Land. Justify, or rectify and insert the words " <i>within the Order Limits</i> " after " <i>...land owned</i> ".
DCO 1.14	<i>Powers of Acquisition</i> The Applicant	<i>Part 5</i> <i>Article 22</i>	<i>Application of the Compulsory Purchase (Vesting Declarations) Act 1981</i>	Justify the need for subsections (3), (6), (7), (8) and (9)
DCO 1.15	<i>Application fo Part 1 of the Compulsory Purchase Act 1965</i>	<i>Part 5</i> <i>Article 24</i>		Explain why the changes are necessary and in particular why the notice periods should not apply to temporary possession authorised by the Order.
DCO 1.16	<i>Powers of Acquisition</i> The Applicant	<i>Part 5</i> <i>Article 26</i>	<i>Temporary use of land for carrying out the authorised development</i>	Identify and list the plots from the Land Plans [APP-013] and listed in the Book of Reference [AS-001] which are intended to be excluded from temporary possession power in 26(a)(ii).

DCO 1.17	<i>Powers of Acquisition</i> The Applicant	<i>Part 5</i> <i>Article 26</i>	<i>Temporary use of land for carrying out the authorised development</i>	<p>Paragraph 4.35 of the Explanatory Memorandum [APP-006] states "<i>The powers in this article are not intended to be used so as to permit the undertaker to use the land for the construction laydown area (being that area shown as Work No. 2A), as EPL already owns the freehold interest in this land.</i>"</p> <p>This is not secured by Article 26(a)(ii), which permits the temporary possession of any of the Order land (other than that in schedule 10) over which no CA is exercised and this includes the area shown as work 2A.</p> <p>Explain whether this article should exclude the plots of land which make up Work 2A.</p>
DCO 1.18	<i>Crown Rights</i> The Applicant	<i>Part 7</i> <i>Article 42</i>		Crown land cannot be taken. Rectify and remove the word " <i>take</i> " after " <i>licence to</i> ".
DCO 1.19	<i>Authorised Development</i> The Applicant	<i>Sched 1</i>	<i>Work No 1</i>	<p>Works 1B and 1C entirely overlap with work 1A on the Works Plans [APP-015]. The ExA considers this means that parts of Work 1A can be constructed in the areas designated for 1B and 1C and within their limits of deviation. The Explanatory Memorandum [APP-006] does not explain how this is intended to work.</p> <p>Clarify.</p>
DCO 1.20	<i>Authorised Development</i> The Applicant	<i>Sched 1</i>	<i>Work No 2</i>	<p>Work 2B overlaps with work 2A which comprises the whole area of work 2. The Explanatory Memorandum [APP-006] does not explain how these works interact.</p> <p>Clarify.</p>

DCO 1.21	<i>Authorised Development</i> The Applicant	<i>Sched 1</i>	<i>Work No 2</i>	Work 2B is defined as the " <i>capture readiness reserve space</i> ". Requirement 31 relates to the " <i>carbon capture readiness site</i> ". Explain the difference or rectify.
DCO 1.22	<i>Authorised Development</i> The Applicant	<i>Sched 1</i>	<i>Work No 8</i> <i>"retained landscaping comprising..."</i>	Clarify whether " <i>retained</i> " should be removed or replaced with " <i>works for the retention of existing landscaping comprising...</i> ".
DCO 1.23	<i>Authorised Development</i> The Applicant	<i>Sched 1</i>	<i>Work No 10 (n)</i>	Explain whether (n)(ii) in this subsection (which limits works to those assessed within the ES) apply to all further associated development works (a) – (n) and not just to (n).
DCO 1.24	<i>Requirements</i> The Applicant	<i>Sched 2</i> <i>Req 1</i>	<i>Definition of "permitted preliminary works"</i> <i>"...environmental surveys, geotechnical surveys and other investigations for the purpose of assessing ground conditions, demolition of buildings, removal of plant and machinery, the preparation of facilities for the use of contractors, the provision of temporary means of enclosure and site security for construction, the temporary display of site notices or advertisements and any other works agreed by the relevant planning authority"</i>	Many of the requirements are to be carried out before commencement. i) Clarify and explain the approach that these exclusions represent works which can safely be carried out before the steps set out in other requirements have been satisfied. ii) Explain the current contradiction with, for example, Requirement 10, which requires details of temporary means of enclosure to be approved before commencement, but (as currently worded) the provision of the temporary means of enclosure does not constitute commencement.

DCO 1.25	<i>Requirements</i> The Applicant Selby DC	<i>Sched 2</i> <i>Req 1</i>	<i>Definition of "A Part"</i>	The ExA considers that, as currently worded, the Applicant could apply in relation to any part of any work to partially discharge a requirement. The ExA is concerned that potentially allows for a very large number of discharge requests to be made to LPAs. i) Comment. ii) Explain whether the definition needs to be altered to refer to specific parts of each work.
DCO 1.26	<i>Requirements</i> The Applicant	<i>Sched 2</i> <i>Req 5</i> <i>Sched 14</i>	<i>Detailed design</i> <i>"(2) Prior to commencing any part of Work No. 1 the undertaker must notify the relevant planning authority as to whether it is to construct that part in accordance with the design parameters in Part 1 of Schedule 14 (single-shaft parameters) or Part 2 of Schedule 14 (multi-shaft parameters), and the design parameters notified pursuant to this paragraph are the "relevant parameters" for the purposes of this requirement."</i>	Paragraph 5.9 of the Explanatory Memorandum [APP-006] at states that Work No 1A is drafted so as to allow the proposed development to be configured as either a single or multi shaft layout. However, the DCO does not limit the single / multi shaft approach to work 1A. Use of the term a " <i>part</i> " in this Requirement means that some of work 1A could be single and some could be multi shaft. It further relates to work number 1 rather than 1A, it means that a different approach could be taken for work 1A, 1B and 1C. Clarify and explain.
DCO 1.27	<i>Requirements</i> The Applicant	<i>Sched 2</i> <i>Req 5</i>	<i>"(6) No part of the authorised development comprised in Work No 4 must commence..."</i>	The Canal & River Trust in its Relevant Representations [RR-008] state that it wishes to be included as consultees in this Requirement along with the Environment Agency and the Marine Management Organisation. Comment.

DCO 1.28	<i>Requirements</i> The Applicant	<i>Sched 2</i> <i>Req 15(3)</i>	<i>Contaminated Land</i>	The Environment Agency in its Relevant Representation [RR-013] recommends the removal of the words ' <i>if necessary</i> ' from Requirement 15(3) to ensure delivery of site investigation works. Respond.
DCO 1.29	<i>Requirements</i> The Applicant	<i>Sched 2</i> <i>Req 16</i>	<i>Archaeology</i>	Explain whether a " <i>scheme for archaeological investigation</i> " should be replaced with " <i>written scheme of investigation</i> "
DCO 1.30	<i>Requirements</i> The Applicant	<i>Sched 2</i> <i>Reqs 20 and 21</i>	<i>Construction Traffic and Routing Plan, and Traffic Plan for Construction Staff</i>	Explain whether these should be reworded as " <i>Construction Traffic Management Plan and Construction Workers Travel Plan</i> " to reflect the ES [APP-052].
DCO 1.31	<i>Requirements</i> The Applicant	<i>Sched 2</i> <i>Req 31</i>	<i>Carbon capture readiness site</i> <i>"within two years of such action or occurrence"</i>	Justify the two year time period.

DCO 1.32	<i>Requirements</i> The Applicant	<i>Sched 2</i> <i>Req 38</i>	<i>Amendments agreed by the relevant planning authority (a) may only be given in relation to non-material amendments where it has been demonstrated to the satisfaction of that authority that the subject matter of the approval or agreement sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement;</i>	The ExA finds that the requirement as currently worded means approval may only be given if the amendments are non-material, or as only limiting amendments applied for that are non-material. The implications are that material amendments would still be permissible and would not be limited in this way. Rectify with the following suggested wording: <i>“may only be given for amendments which are non-material and where it has been demonstrated that the subject matter of the approval or agreement sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement”.</i>
DCO 1.33	<i>Requirements</i> The Applicant	<i>Sched 2</i> <i>Various</i>		There are numerous requirements for consultations with bodies before approval by the relevant planning authority. i) Explain the necessity for this, and define what consultation. ii) Alternatively, delete.
DCO 1.34	<i>Requirements</i> The Applicant	<i>Sched 2</i> <i>Various</i>		There are numerous tailpieces <i>“unless otherwise agreed to in writing with the relevant planning authority”</i> . The ExA is concerned that such tailpieces are imprecise and allow for alterations without adhering to the requirement. Explain the need.

DCO 1.35	<i>Modification of Compensation etc</i> The Applicant	<i>Sched 9</i>		Paragraphs 3 and 10 are not explained in the Explanatory Memorandum [APP-006]. Explain their necessity in the draft DCO. [APP-005]
DCO 1.36	<i>Procedure for Discharge of Requirements</i> Selby DC	<i>Sched 11</i>		Provide comments on this Schedule.
DCO 1.37	<i>Procedure for Discharge of Requirements</i> The Applicant	<i>Sched 11</i>	<i>(1)(3)(c) such application is accompanied by a report that considers it likely that the subject matter of such application will give rise to any materially new or materially different environmental effects in comparison to the authorised development as approved</i>	Justify the need for this provision, particularly how the Applicant envisages an application which could amount to materially new or materially different environmental effects.
DCO 1.38	<i>Protected Provisions</i> Statutory Bodies/ Undertakers	<i>Sched 12</i>		Provide comments on Schedule 12.

FW	Flooding and Water	
FW 1.1	<i>Missing Evidence</i> The Applicant	Figure 10E.1 referred to in paragraph 11.4.20 of the ES [APP-049] does not appear to have been provided. Provide this figure.
FW 1.2	<i>Missing Evidence</i> The Applicant	The Marine Management Organisation (MMO) in its Relevant Representation [RR-019] states that there is no mention in the ES [APP-049] of the Marine and Coastal Access Act 2009. Provide a response.
FW 1.3	<i>Methodology</i> The Applicant The Environment Agency	Section 11.3 of the ES [APP-049] sets out the assessment methodology and significance criteria. The majority of the assessment has been undertaken on a qualitative basis although the Flood Risk Assessment Appendix 11A [APP-112] has used modelled flood levels from the Environment Agency to inform the assessment. Paragraph 5.2.10 of the Flood Risk Assessment (FRA) states that the EA will be updating its hydraulic modelling for the area, with deliverables expected at the end of 2016/early 2017. <ul style="list-style-type: none"> i) Confirm whether the deliverables are available ii) Explain whether the conclusions in the FRA are affected.
FW 1.4	<i>Methodology</i> The Environment Agency	Comment on the qualitative approach and conclusions drawn in the ES [APP-049] and the Flood Risk Assessment, Appendix 11A to the ES [APP-112].
FW 1.5	<i>Operational Effects</i> The Applicant	Paragraph 11.6.33 of the ES [APP-049] assesses the operational impacts on the River Aire. However, there appears to have been no operational assessment regarding leakage from the drainage system and contamination of site runoff, as reported in the ES [APP-049] paragraphs 11.6.35 to 11.6.43.

		Justify the omission.
FW 1.6	<i>Cooling System</i> The Applicant	Paragraph 4.2.23 onwards in the ES [APP-042] discusses the cooling system for the proposed development, and states that the final technology selection for the cooling system has not been made. It does not appear to explain what implications if any would occur to the environment and on the EIA generally, depending on the chosen technology. Provide this explanation.
FW 1.7	<i>Cooling System</i> <i>Environmental Permit</i> The Applicant	Provide an update on progress in respect to the application of an Environmental Permit (also asked at AQ 1.9) and whether a decision has been made on the preferred cooling system technology. Update the draft DCO [APP-005] to reflect the cooling system technology if able to do so.
FW 1.8	<i>Water Abstraction and Discharge</i> The Applicant	The Canal & River Trust in its Relevant Representation [RR-008] raises concerns that alterations to the abstraction rates could alter the quantity of flow of water and impact upon navigational safety, and that the exact details of abstraction must be made a requirement in the draft DCO [APP-005]. Respond and if necessary amend the draft DCO [APP-005] accordingly.
FW 1.9	<i>Water Abstraction and Discharge</i> The Applicant	The Environment Agency in its Relevant Representation [RR-013] expresses concerns that a thermal plume could cause a barrier to migrating fish, and state that additional information was required in respect to water abstraction and discharge. Provide this information.
FW 1.10	<i>Water Abstraction and Discharge and Cofferdams</i> The Applicant	The Marine Management Organisation in its Relevant Representation [RR-019] states that there are apparent discrepancies between figures 5.3 and 5.4 of the ES [APP-071 and APP-072] regarding the extent of the cofferdams into the River Aire. Provide a response.

FW 1.11	<i>Cofferdam Removal</i> The Applicant Selby DC North Yorkshire CC The Environment Agency The Marine Management Organisation	<p>i) Comment on the need for a specific plan for cofferdam removal.</p> <p>For the Applicant:</p> <p>ii) If necessary, provide this plan.</p>
FW 1.12	<i>Indicative Construction and Environmental Management Plan</i> The Applicant	<p>The Canal & River Trust in its Relevant Representation [RR-008] requests that the measures proposed in paragraph 5.2.27 of the ES [APP-043] to limit potential environmental impacts of the cofferdams should be provided via condition within the draft DCO [APP-005]. Avoidance of installation in the salmonid migratory period is contained within the Framework CEMP [APP-099], however installation of the cofferdams during the summer/lower flow periods; and pre-construction sediment contamination testing are not.</p> <p>Respond and if necessary, rectify.</p>
FW 1.13	<i>Groundwater and Towns Water Supply</i> The Applicant	<p>Paragraphs 4.2.69 to 4.2.70 of the ES [APP-042] explain that groundwater from one or two existing bore holes is 'likely' to be used for the supply of raw water to the power station. The locations of these boreholes are not identified in the ES</p> <p>Identify the locations of the boreholes.</p>
FW 1.14	<i>Eel Screens</i> The Applicant	<p>Paragraph 5.2.23 of the ES [APP-043] states that eel screens may be required to meet the Eels Regulations 2009. This is also set out in Requirement 5(6)(b) of the draft DCO [APP-005].</p> <p>Provide an explanation as to how it will be determined that an eel screen will be required and what provisions are in place for monitoring of its effectiveness.</p>

FW 1.15	<i>River Aire Crossing</i> The Applicant	<p>Paragraphs 4.2.71 to 4.2.75 of the ES [APP-042] explain the gas pipeline corridor and above ground installation works, with 'no dig' construction techniques to be deployed where the pipeline is required to tunnel under the River Aire. Horizontal Directional Drilling is considered the 'most likely' method of construction, but it is not defined within the definition of Works No. 6 or elsewhere in the draft DCO [APP-005].</p> <p>Set out the potential options for construction; how the draft DCO [APP-005] allows/secures them; and how they have been considered as part of the ES assessment.</p>
FW 1.16	<i>River Aire Crossing</i> The Applicant The Environment Agency	<p>The Environment Agency (EA) in its Relevant Representation [RR-013] raises concerns that the open cut crossing either side of the River Aire will affect the integrity of the EA's flood defences on this land.</p> <p>For the EA:</p> <ul style="list-style-type: none"> i) Explain how the crossing could affect flood defence integrity, and mitigation that would alleviate its concerns. <p>For the Applicant:</p> <ul style="list-style-type: none"> ii) Provide a response.
FW 1.17	<i>Indicative Construction and Environmental Management Plan</i> The Environment Agency	<ul style="list-style-type: none"> i) Comment on the sufficiency of the 'Framework' CEMP set out in the ES [APP-099] Appendix 5A. ii) Comment on Requirement 18(2)(d) of the draft DCO [APP-005] in respect to a sediment control plan and mitigating potential effects from silt pollution.
FW 1.18	<i>Water Framework Directive</i> The Environment Agency	<p>Comment on the ES [APP-049] paragraphs 11.6.61-11.6.65 in respect that there would be no effect on Water Framework Directive (WFD) status and objectives, and that the proposed development is unlikely to impact upon the ability of WFD mitigation measures to be implemented or for current measures to remain.</p>

FW 1.19	<p><i>Mitigation</i></p> <p>The Applicant</p>	<p>The draft Deemed Marine Licence [APP-005] Part 2 Work No 6 requires the pipeline <i>"beneath the River Aire to be constructed using tunnelling and/ or boring techniques"</i>. However, the extent of the trenchless technique is not clear and there is no reference to trenchless techniques within Work No 6 of the DCO [APP-005].</p> <p>Respond and rectify.</p>
FW 1.20	<p><i>Gas Connection Corridor Drainage</i></p> <p>The Applicant</p>	<p>Paragraph 11.5.39 of the ES [APP-049] explains that <i>"Land drainage along the Proposed Gas Connection corridor will remain at greenfield runoff rates and all land drains/ minor watercourses will be reinstated to ensure farmland drains appropriately following construction of the pipeline. A commitment to undertake a study to identify all land drainage features with potential to be affected by the construction of the Proposed Gas Connection pipeline, and measures to ensure they are appropriately reinstated, is included as a Requirement in the draft DCO."</i></p> <p>However, the draft DCO [APP-005] does not appear to secure this; the ExA is not convinced that it is adequately covered by Requirement 13. Mr Pearson in his Relevant Representation [RR-002] echoes concerns in farmland drainage.</p> <p>Respond and rectify.</p>
FW 1.21	<p><i>Outline Drainage Strategy</i></p> <p>The Environment Agency</p> <p>North Yorkshire CC</p> <p>Internal Drainage Boards</p>	<p>Comment on the Outline Drainage Strategy (Appendix 11A to the ES) [APP-112] and the draft DCO [APP-005] Requirement 13 in respect to control of surface and foul drainage.</p>
FW 1.22	<p><i>Other Consents and Licences</i></p> <p>The Applicant</p>	<p>Provide an update to the document entitled <i>"Other Consent and Licences"</i> [APP-029] to reflect any permitting requirements in relation to discharges to surface water or groundwater.</p>

LV	Landscape and Visual	
LV 1.1	<i>Baseline Data</i> The Applicant	<p>Paragraphs 16.4.51 to 16.4.55 of the ES [APP-054] sets out the concept of future baseline. It assumes that demolition is ongoing and the existing coal-fired power station may be entirely or partly still standing.</p> <ul style="list-style-type: none"> i) Clarify that it is intended that the structures remain in place (as a worst case) or whether the process of demolition and associated infrastructure could lead to the worst case. ii) Clarify that the presented effects are based on year 0 of opening so as to represent a worst case in terms of assumed success of landscaping strategies.
LV 1.2	<i>Baseline Data</i> Selby DC	<p>Paragraph 16.4.5 of the ES [APP-054] explains that the effects of the proposed development on national character areas are not considered further within the assessment.</p> <p>Provide a response on the conclusions reached.</p>
LV 1.3	<i>Methodology</i> The Applicant	<p>Paragraphs 16.6.31 and 16.6.32 of the ES [APP-054] discuss plume visibility. While a figure is quoted for operational visibility, there is no assessment of the significance of these effects.</p> <p>Provide such an assessment, based on the wet cooling option as a worst case scenario.</p>
LV 1.4	<i>Design</i> The Applicant Selby DC	<p>Paragraph 16.5.8 of the ES [APP-054] discusses design matters. The ExA is concerned that much of the design details are unknown, and places a considerable reliance of approval of such matters under Requirement 5 of the draft DCO [APP-005].</p> <p>For the Applicant:</p> <ul style="list-style-type: none"> i) Explain why the proposed development is not fixed to a particular design ii) If fixing the design is not practical at this stage, explain why a separate design

		<p>principles document has not been submitted on which the proposed development should adhere to.</p> <p>For Selby DC</p> <p>iii) Comment on this matter and Requirement 5 of the draft DCO [APP-005].</p>
LV 1.5	<p><i>Above Ground Installation Kiosks</i></p> <p>The Applicant</p>	<p>Paragraph 4.3.4 of the ES [APP-042] sets out the maximum dimensions for the above ground installation (AGI) kiosks. However, they are not set out in Schedule 14 of the draft DCO [APP-005].</p> <p>i) Explain how the AGI kiosks are to be secured in the DCO [APP-005].</p> <p>ii) Confirm whether the kiosks represent the tallest structures at the AGI sites.</p>
LV 1.6	<p><i>Woodland</i></p> <p>The Applicant</p>	<p>Table 16.8 of the ES [APP-054] states that during construction phase, the sensitivity of the woodland plantation is “high” with a magnitude of impact as “low”, thus a moderate adverse (significant) effect arises. This contradicts the opening phase where the effect is considered “minor beneficial”.</p> <p>Explain the diverging conclusions reached on both the construction and opening phases of the proposed development.</p>
LV 1.7	<p><i>Aviation Lighting</i></p> <p>The Civil Aviation Authority</p>	<p>Explain whether Requirement 29 of Schedule 2 of the draft DCO [APP-005] addresses your concerns in respect to warning lighting for stacks.</p>
LV 1.8	<p><i>Photomontages</i></p> <p>The Applicant</p>	<p>Table 16.11 of the ES [APP-054] for Viewpoint 15 identifies the construction, opening and operational significance of effects as ‘major adverse’.</p> <p>Explain why there are no photomontages to illustrate this significant effect.</p>
LV 1.9	<p><i>Photomontages</i></p> <p>The Applicant</p>	<p>Table 16.11 of the ES [APP-054] for Viewpoints 7 and 9 identifies moderate adverse operational effects.</p> <p>Explain why there are no photomontages to illustrate this significant effect.</p>

LV 1.10	<i>Photomontages/ Visual Assessment</i> The Applicant	Explain why no visual assessment has been undertaken from: <ul style="list-style-type: none"> i) the Public Right of Way identified as 35.27 1/1 on Figure 16.3 [APP-087] to the north of the site; and ii) High Eggborough Lane to the south where there are residential receptors.
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NV	Noise and Vibration	
NV 1.1	<i>Operational Noise</i> Selby DC	Paragraph 9.3.43 of the ES [APP-047] states that an assessment of operational noise from the above ground installations (AGI) has not been undertaken as the AGI does not contain any significant noise emitting plant sources. Comment on this assertion.
NV 1.2	<i>Night-time Noise</i> The Applicant Selby DC North Yorkshire CC	Selby DC and North Yorkshire CC in their Relevant Representation [RR-018] raise concerns in respect to night time noise levels during the operational phase. For Selby DC/NYCC: <ul style="list-style-type: none"> i) Explain the concerns, and suggested changes necessary to Requirement 24 of the draft DCO [APP-005]. For the Applicant <ul style="list-style-type: none"> ii) Provide a response.

TT	Traffic and Transport	
TT 1.1	<i>Public Rights of Way Management Plan</i> The Applicant	Requirement 7 of the draft DCO [APP-005] requires the submission of a Public Rights of Way Management Plan to be submitted for approval by the relevant planning authority. <ul style="list-style-type: none"> i) Justify the approach as to why a draft Public Rights of Way Management Plan has not been submitted with the application. ii) Submit a draft/indicative Public Rights of Way Management Plan.
TT 1.2	<i>A19 Crossing</i> The Applicant	Paragraphs 4.2.71 to 4.2.75 of the ES [APP-042] explain the gas pipeline corridor and above ground installation works, with 'no dig' construction techniques to be deployed where the pipeline is required to tunnel under the A19. Auger Boring is considered to be the 'most likely' method of construction, but it is not defined within the definition of Works No. 6 or elsewhere in the draft DCO [APP-005]. Set out the potential options for construction; how the draft DCO allows/secures them; and how they have been considered as part of the ES assessment.
TT 1.3	<i>Ports</i> The Applicant North Yorkshire CC	Section 14.6 of the ES [APP-052] details the anticipated construction programme of the proposed development. It is stated that consideration will be given to the effect from abnormal indivisible loads on appropriate ports at the detailed design stage, but that a reasonable expectation exists that such ports will be able to accommodate the proposed development. For the Applicant: <ul style="list-style-type: none"> i) Explain how control of abnormal indivisible loads would be secured through the DCO. For North Yorkshire CC: <ul style="list-style-type: none"> ii) Comment on the adequacy of provisions for AIL's within the DCO as drafted.
TT 1.4	<i>Demolition of Existing</i>	Section 7.2 of Appendix 14A to the ES [APP-118] discusses traffic associated with the

	<p><i>Station</i></p> <p>Statutory Bodies</p> <p>Selby DC</p> <p>North Yorkshire CC</p>	<p>demolition of the existing coal-fired power station.</p> <p>Respond to the conclusions reached on traffic flows, and in particular, whether they adequately represent potential flows associated with the scale of demolition likely to be required.</p>
TT 1.5	<p><i>Framework Construction Traffic Management Plan and Construction Workers Travel Plan</i></p> <p>The Applicant</p>	<p>Paragraphs 14.7.2 and 14.7.3 of the ES [APP-052] assess mitigation measures. It relies on a Construction Traffic Management Plan (CTMP) and a Construction Workers Travel Plan (CWTP) to be secured in the draft DCO [APP-005] as key mitigation. These are submitted in Framework form at Annexes AC and AB to Appendix 14A of the ES [APP-118]. Requirements 20 and 21 of the DCO [APP-005] require the submission and approval of “<i>construction traffic and routing management plan</i>” and “<i>travel plan for construction staff</i>”.</p> <ul style="list-style-type: none"> i) Explain the definition ‘Framework’ and whether this differs in approach from an indicative or outline prefixed report. iv) Explain whether Frameworks CTMP and CWTP are sufficiently detailed to provide reasonable comfort and confidence that the included matters can be satisfactorily discharged at the required stage. v) Explain whether Requirements 20(2) and 21(2) of the draft DCO [APP-005] is sufficiently precise in stating that the approved CEMP must be in accordance “<i>with the principles</i>” of Chapter 14 of the ES [APP-052] as opposed to the Framework CTMP and CTWP itself.
TT 1.6	<p><i>Residential Amenity</i></p> <p>The Applicant</p>	<p>Mr Turner in his Relevant Representation [RR-003] raises concerns in respect to construction activities and potential effects on residents.</p> <p>In the absence of submissions of an indicative Construction and Environmental Management Plan and Construction Traffic Management Plan for examination, explain to Mr Turner and the Local Authorities how the construction will minimise effects to the local community.</p>
TT 1.7	<p><i>Mitigation</i></p>	<p>Section 14.6 of the ES [APP-052] identifies no significant adverse effects from</p>

	The Applicant	<p>transportation, and likely impacts would be negligible adverse. However, chapter 20 of the ES [APP-058] describes a potentially significant effect associated with construction traffic emissions, and that the preparation of a co-ordinated travel plan with other projects is a consideration only.</p> <p>Explain why a co-ordinated travel plan has not been prepared, particularly in respect to air quality matters and the potential cumulative effect on Air Quality Management Areas.</p>
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ANNEX A

EGGBOROUGH CCGT:

LIST OF ALL OBJECTIONS TO THE GRANT OF COMPULSORY ACQUISITION OR TEMPORARY POSSESSION POWERS

(EXQ1: QUESTIONS CA 1.1)

Obj No. ⁱ	Name/ Organisation	IP/AP Ref No ⁱⁱ	RR Ref No ⁱⁱⁱ	WR Ref No ^{iv}	Other Doc Ref No ^v	Interest ^{vi}	Permanent/ Temporary ^{vii}	Plot(s)	CA? ^{viii}	Status of objection
1	Jamie Turner on behalf of Geeta Sahay	20010004	RR-003							
2	Shakespeare Martineau on behalf of National Grid	20010005/ EGGB-AFP035	RR-007							
3	Canal & River Trust	20010007/ EGGB-AFP007	RR-008							
4	Stephen Laurenson	20010010	RR-009							
5	Mary Laurenson	20010017	RR-015							
6	Environment Agency	20010014/ EGGB-AFP019	RR-013							

ⁱ Obj = objection number.

ⁱⁱ Reference number assigned to each Interested Party (IP) and Affected Person (AP)

ⁱⁱⁱ Reference number assigned to each Relevant Representation (RR) in the Examination library

^{iv} Reference number assigned to each Written Representation (WR) in the Examination library

^v Reference number assigned to any other document in the Examination library

^{vi} This refers to parts 1 to 3 of the Book of Reference:

- Part 1, containing the names and addresses of the owners, lessees, tenants, and occupiers of, and others with an interest in, or power to sell and convey, or release, each parcel of Order land;
- Part 2, containing the names and addresses of any persons whose land is not directly affected under the Order, but who “would or might” be entitled to make a claim under section 10 of the Compulsory Purchase Act 1965, as a result of the Order being implemented, or Part 1 of the Land Compensation Act 1973, as a result of the use of the land once the Order has been implemented;
- Part 3, containing the names and addresses of any persons who are entitled to easements or other private rights over the Order land that may be extinguished, suspended or interfered with under the Order.

^{vii} This column indicates whether the applicant is seeking compulsory acquisition or temporary possession of land/ rights

^{viii} CA = compulsory acquisition. The answer is ‘yes’ if the land is in parts 1 or 3 of the Book of Reference and the Applicant is seeking compulsory acquisition of land/ rights