

The Planning Inspectorate

By email:

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Dear Sirs

**Application by Eggborough Power Limited for an Order Granting Development Consent for the Eggborough CCGT Project**

**Deadline 5**

Please see attached responses to those second round written questions which relate directly to North Yorkshire County Council or Selby District Council (The Authorities).

Further to these responses the Authorities thought it would be helpful to set out the position in relation to matters discussed during the Issue Specific Hearing on DCO matters on 23 November. These are as follows:

**Definition of "maintain"**

Following the discussion around the Applicant's proposed definition of "maintain" within the DCO with the Examining Authority at the Issue Specific Hearing, the Authorities considered the definition further.

Following the Applicant's submission of the draft DCO a Deadline 3 the Authorities advised the Applicant that whilst they agree with the *insertion of "any part but not the whole of"*, the Authorities would also like to see the addition of *"and assessed"* after *"identified"*.

It is the Authorities view that *"identified and assessed"* goes somewhat further than the inclusion of just *"identified"* and provides the relevant planning authority with a more definitive benchmark against which to assess whether any of the activities included in the definition are carried out as **assessed** in the ES (as opposed to solely as **identified**); or whether they are materially different to those assessed, and the outcomes contained in the ES as submitted.

The Applicant has advised the Authorities that it is now in a position to move forward with suggested wording from Examining Authority.

#### Requirement 24 -Control noise – operational”

Following further discussions with the Applicant the following wording has been agreed I respect requirement 24.

*24.—(1) No part of the authorised development must be brought into commercial use until a scheme for management and monitoring of noise during operation of the authorised development has been submitted to and approved by the relevant planning authority.*

*“(2) Noise (in terms of the BS4142:2014 rating level) from the operation of the authorised development must be no greater than equal to the defined representative background sound level during the daytime and no greater than ~~around~~ +5dB ~~different to~~ the defined representative background sound level during the night time adjacent to the nearest residential properties at such locations as agreed with the relevant planning authority.*

*(3) The scheme submitted pursuant to sub-paragraph (1) must include a report setting out the extent to which the undertaker is able to achieve lower night time noise levels than those set out in sub-paragraph (2) and an explanation as to the levels that can be achieved.*

*(4) The scheme must be implemented as approved unless otherwise agreed with the relevant planning authority.*

*(5) In this requirement “daytime” means the period from 0700 to 2300 and “night time” means the period from 2300 to 0700.*

#### Requirement 35

Following further discussions with the Applicant ,the following amended wording has been agreed in respect of requirement 35 and will be included in the Deadline 5 draft DCO..

#### *Ambient air ~~modelling~~-monitoring*

*35.—(1) The authorised development must not be commissioned until a written scheme of air quality monitoring has been submitted to and approved by the relevant planning authority.*

*(2) The scheme submitted and approved must provide for the monitoring of nitrogen oxides and must specify—*

*(a) each location within the vicinity of Hensall at which air pollution is to be measured;*

*(b) the equipment and method of measurement to be used; and*

*(c) the frequency of measurement.*

*(3) The first measurement made in accordance with the scheme must be made not less than 12 months before the authorised development is brought into commercial use.*

*(4) Unless the relevant planning authority gives the undertaker notice under sub-paragraph (6), the final measurement made in accordance with the scheme must be made at least 24 months after the first commercial use of the authorised development.*

*(5) The scheme must be implemented as approved.*

*(6) The relevant planning authority may, if it considers appropriate, give notice to the undertaker that the scheme is to be extended for the period specified in the notice, which may not be more than*

24 months from the date of the final measurement in accordance with the scheme as originally approved.

(7) The relevant planning authority may not serve notice pursuant to sub-paragraph (6) after the date which is 18 months after the date that the authorised development is brought into commercial use.

(8) For each year during which measurements are made pursuant to this requirement, the undertaker must, within three months after the final measurement made in that year, provide the relevant planning authority with a report of measurements made in accordance with the scheme in that year.

#### Permitted Preliminary Works

Following further discussions with the Applicant following the Issue Specific Hearing, the Authorities proposed the following wording for the definition of "permitted preliminary works";

*" means environmental surveys, geotechnical surveys and other investigations for the purpose of assessing ground conditions, 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;"*

The Authorities were concerned about the inclusion of the words "demolition of buildings" potentially giving rise to the inclusion of demolition of the existing power station (or part of) as part of "permitted preliminary works."

The Applicant has advised the Authorities that it proposes to amend the definition to remove reference to "demolition of buildings" and "removal of plant and machinery" from the definition, which is welcomed.

The Applicant has also advised the Authorities that it also proposes, in the Deadline 5 DCO to limit the definition so that it only allows "permitted preliminary works" within the main power station site (so not for instance on the gas pipeline corridor). This is welcomed by the Authorities.

#### Definition of "Commence"

The Authorities have no concerns with the proposed amendment to the definition of "Commence" contained in the Deadline 5 DCO.

#### Planning Performance Agreement

The Authorities anticipate receipt of draft PPA proposals from the Applicant in the coming days and will provide an update to the Examining Authority at Deadline 6.

#### Section 106 Agreement – Demolition

The Applicant has provided the Authorities with a draft Section 106 Agreement to review. Negotiations will continue with the Applicant and an update will be provided to the Examining Authority at Deadline 6.

We hope this update is useful to the Examining Authority.

Yours faithfully



Michael Reynolds  
Senior Policy Officer (Infrastructure)

