

## Drax Re-Power - Examining Authority's Written Questions

The following table sets out the Examining Authority (ExA)'s Written Questions and requests in relation to the Drax Re-Power project.

**Responses are required by Thursday 8 November 2018.** Please note that if this deadline is missed the ExA is not obliged to take account of your response.

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.

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.

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.

For the avoidance of doubt, the ExA is using the draft Development Consent Order (dDCO) referenced in the Examination Library as [AS-012].

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ANC	Alternatives, Need and Climate Effects	
ANC 1.1	<i>Baseline</i> <b>The Applicant</b>	<p>Chapter 3 of the Environmental Statement (ES) [APP-071] and subsequent ES Chapters [APP-069 to APP-086] set out the baseline conditions for each aspect matter and at each stage of the Proposed Development process. The current baseline is defined as three units operating using biomass and three units using coal. The future baseline is defined as four units operating biomass and two units on coal.</p> <ul style="list-style-type: none"> <li>i) Confirm when the proposed unit to be converted from coal to biomass will be operational.</li> <li>ii) Confirm whether any conversion earlier than late 2018 affects the scope and assessment in the ES.</li> </ul>
ANC 1.2	<i>Do Nothing Scenario</i> <b>The Applicant</b>	<p>Explain why the 'Do Nothing' Scenario is described only in the Air Quality [APP-074], Noise and Vibration [APP-075] and Climate [APP-083] aspect Chapters of the ES.</p>
ANC 1.3	<i>Fuel Source</i> <b>The Applicant</b>	<p>Chapter 4 of the ES [APP-072] sets out the alternatives to the Proposed Development examined by the Applicant. Paragraph 4.8.3 states that, aside from natural gas and biomass, the only other alternative fuel sources considered were waste and nuclear. Both were ruled out on viability grounds.</p> <p>Mr May in his Relevant Representation (RR) [RR-298] suggests fuel sources such as biogas and synthetic gas should also have been considered.</p> <ul style="list-style-type: none"> <li>i) Explain why these fuel sources were not explored.</li> <li>ii) Explain whether any assessments were undertaken of other types of energy</li> </ul>

		<p>production.</p> <p>iii) Justify the approach that an assessment of waste and nuclear fuel sources represents a reasonable assessment of alternatives.</p>
ANC 1.4	<p><i>Fuel Source</i></p> <p><b>The Applicant</b></p>	<p>Comment on the assertions of a considerable majority RRs (too numerous to list here), and Interested Parties at the Open Floor Hearing held on Thursday 4 October [EV-004] that the Proposed Development would eventually be sourced by an unconventional gas source, such as shale gas.</p>
ANC 1.5	<p><i>Battery Storage</i></p> <p><b>The Applicant</b></p>	<p>Explain whether this technology is or has been widely used and available in other similar projects.</p>
ANC 1.6	<p><i>OCGT and CCGT</i></p> <p><b>The Applicant</b></p>	<p>i) Explain the circumstances and proportion of time that the proposed Units X and/or Y would operate on open cycle technology.</p> <p>ii) Justify the approach to the use of open cycle, and whether this represents the most sustainable option and Best Available Techniques against combined cycle.</p>
ANC 1.7	<p><i>Carbon Capture Storage</i></p> <p><b>The Applicant</b></p>	<p>The Environment Agency in its RR [RR-292] states that additional information is required before they can conclude whether there are no foreseeable barriers to carbon capture with regards to technical feasibility, including the following:</p> <ul style="list-style-type: none"> <li>• A scaled plan to identify the CO<sub>2</sub> pipeline and exit point;</li> <li>• Details of the space requirements for the carbon capture equipment, along with an explanation of how space allocations have been determined;</li> <li>• A statement of estimated cooling demand and that the space allocated is sufficient;</li> </ul>

		<ul style="list-style-type: none"> <li>• A statement of estimated additional compressed air requirements, along with the size of the compressor and their location;</li> <li>• Details of the estimated additional waste water treatment needs and that the existing effluent treatment plant can meet this demand;</li> <li>• Confirmation that emissions will be the same or lower in Open Cycle Gas Turbine (OCGT) mode than in Combined Cycle Gas Turbine (CCGT) mode, and if not, an assessment of carbon capture readiness against OCGT mode; and</li> <li>• Confirm how the carbon capture equipment will be able to operate at 90% efficiency in OCGT mode.</li> </ul> <p>i) Justify why this information is not required for this Application; or</p> <p>ii) Provide this information, and confirm the extent to which it alters the assessment presented in the ES. [APP-069 to APP-086].</p> <p>iii) Confirm that the parameters of the buildings as set out in the dDCO [AS-012] leave sufficient space for the carbon capture readiness.</p>
ANC 1.8	<p><i>Combined Heat and Power</i></p> <p><b>The Applicant</b></p>	<p>The Environment Agency in its RR [RR-292] states that a site layout plan has not been submitted indicating that sufficient space exists for combined heat and power. It also states that the selection of heat loads also could have planning implications as it could dictate the site infrastructure and affect the footprint of any development required.</p> <p>i) Provide a justified response to both concerns raised.</p> <p>ii) Provide this plan.</p>
ANC 1.9	<i>Need</i>	Paragraph 3.1.2 of National Policy Statement (NPS) EN-1 states that it is for industry to

	<b>Client Earth</b>	<p>propose new energy infrastructure projects within the strategic framework set by Government, and that the Government does not consider it appropriate for planning policy to set targets for or limits on different technologies.</p> <p>In your RR [RR-273] you state that the Proposed Development would not be consistent with NPSs EN-1 and EN-2 as there is no need for this additional capacity in view of current Government projections.</p> <p>Substantiate your views in light of the NPS paragraph cited above.</p>
ANC 1.10	<i>Need</i> <b>The Applicant</b>	<p>In addition to the views of Client Earth in its RR [RR-273], Mr May in his RR [RR-298] states that the Proposed Development would exceed 10% of the current UK energy demand.</p> <ul style="list-style-type: none"> <li>i) Explain the relevance of national targets for energy generation.</li> <li>ii) Provide these targets.</li> <li>iii) Explain whether both Units X and Y, are required to meet current energy need and/or demand.</li> <li>iv) If Unit X alone is sufficient to meet UK energy need and/or demand, explain how the additional Greenhouse Gas Emissions (GHG) that would be generated by the Proposed Development (Units X and Y) is justified.</li> <li>v) Provide a response to Client Earth's and Mr May's RRs.</li> </ul>
ANC 1.11	<i>Coal Units 5 or 6 and Gas Unit Y</i> <b>The Applicant</b>	<ul style="list-style-type: none"> <li>i) Explain why Unit Y is only optional.</li> <li>ii) What are the circumstances envisaged in which Unit Y would not be commenced.</li> <li>iii) Comment on the likelihood that Units 5 or 6 would operate beyond 2025 (with</li> </ul>

		coal abatement) should Unit Y not be commenced given that the Proposed Development seeks only to provide land for carbon capture storage.
ANC 1.12	<i>Climate Effects</i> <b>The Applicant</b>	<p>The ExA is not convinced that the information contained within Chapter 15 of the ES [APP-083] contains a complete picture of the effect of the Proposed Development on climate change. Friends of the Earth in their RR [RR-293] also cite similar but vague concerns.</p> <p>Only two scenarios are provided. Firstly, the continued coal usage of Units 5 and 6 (the 'do nothing' scenario) and accounting for the change in regulations in 2025, Tables 15-8 and 15-15 of Chapter 15 of the ES [APP-083] state that GHG emissions will amount to 188,323,000 tonnes of CO<sub>2</sub> (tCO<sub>2</sub>e) for the period 2020-2050. Secondly, the scenario of both Units X and Y being built, which Tables 15-12 and 15-15 of Chapter 15 of the ES state that the total GHG emissions would be 287,568,000 tCO<sub>2</sub>e for the period 2023-2050.</p> <p>The Proposed Development may only result in Unit X being built. Yet no information is provided on the scenario of Unit 5 operating alongside Unit X with abated coal, where Unit Y is not commenced. Those scenarios being:</p> <ul style="list-style-type: none"> <li>• The total GHG emissions for the period 2023-2025 where Unit 5, operating under the existing Regulations, runs alongside Unit X;</li> <li>• The total GHG emissions for the period 2026-2046, where Unit 5 operating under new Regulations of emissions abatement, runs alongside Unit X;</li> <li>• The total GHG emissions for the period 2047-2050 whereby Unit 5 operates following the closure of Unit X;</li> </ul> <p>While the ExA understand that the Applicant may be presenting the worst-case scenarios, the ExA nevertheless feels the Secretary of State will be assisted in a better</p>

		<p>understanding of the case if these figures were provided.</p> <p>Provide a table of all GHG emissions figures totals for all possible scenarios, broken down into the relevant time periods, and to clearly show the increase in GHG emissions in quantum and percentage terms over the existing baseline for each scenario. Specifically, the ExA requires the GHG emission increase should only Unit X be constructed.</p>
ANC 1.13	<p><i>Climate Effects</i> <b>Yorkshire Wildlife Trust</b></p>	<p>In your RR [RR-320], you state that the Proposed Development would be incompatible with the Climate Change Act 2008, having regard to its requirements of carbon emissions being 80% lower than 1990 baseline levels.</p> <p>i) Justify this assertion.</p> <p>ii) Explain how the Proposed Development is incompatible with the legislation given that the compliance date is 2050.</p>
ANC 1.14	<p><i>Climate Effects</i> <b>The Applicant</b></p>	<p>Yorkshire Wildlife Trust in its RR [RR-320] considers the Proposed Development would be incompatible with the Climate Change Act 2008.</p> <p>Provide a justified response.</p>
ANC 1.15	<p><i>Climate Effects</i> <b>The Applicant</b></p>	<p>Mr Plunkett and AJ Rushton in their RRs [RR-209 and RR-284] suggest that Units 5 and 6 should be decommissioned without replacement to reduce the effects of GHG emissions.</p> <p>Provide a justified response.</p>
ANC 1.16	<p><i>Climate Effects</i> <b>The Applicant</b></p>	<p>Respond to Yorkshire Wildlife Trust's comments raised in its RR [RR-320] stating that Carbon Capture Storage should not be considered an acceptable solution for increased</p>

		carbon emissions as the technology is untested.
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<b>AQ</b>	<b>Air Quality</b>	
AQ 1.1	<i>Assessment Methodology</i> <b>The Applicant</b>	<p>Paragraph 6.8.3 of Chapter 6 of the ES [APP-074] states that the design of boilers for the Gas Recovery Facility have not been finalised and that modelling is based on operation of 6.6MW (thermal input) boilers.</p> <ul style="list-style-type: none"> <li>i) Confirm at what point the design of the boilers for the Gas Recovery Facility would be finalised.</li> <li>ii) Explain whether this has any bearing on the assessment of likely significant effects in the ES.</li> </ul>
AQ 1.2	<i>Environmental Permit</i> <b>The Environment Agency</b>	<p>The ExA notes your comments in your RR [RR-292]. However, it gives little steer as to whether, based on the assessment in the ES and the information provided in other dDCO application documents, any obvious errors or issues exist before the Environment Agency that would prevent the Environmental Permit from being granted.</p> <p>Provide this clarification.</p>
AQ 1.3	<i>Environmental Permit Monitoring</i> <b>The Applicant</b> <b>The Environment Agency</b>	<p>Chapter 6 of the ES [APP-074] identifies that the need for long-term air quality monitoring will be determined through the Environmental Permit pre-application discussions.</p> <p>Provide an update on such discussion and whether the need for monitoring has been determined.</p>
AQ 1.4	<i>Use of Selective</i>	Provide an update as to whether the use of Selective Catalytic Reduction will likely be

	<i>Catalytic Reduction</i> <b>The Environment Agency</b>	deemed to represent Best Available Technologies.
AQ 1.5	<i>Emissions Monitoring</i> <b>The Applicant</b>	<p>Table 6-3 of Chapter 6 of the ES [APP-074] states that long-term air quality monitoring is required but will form part of the Environmental Permit application to be determined by the Environment Agency.</p> <ul style="list-style-type: none"> <li>i) Confirm whether air quality monitoring is or should be secured by the dDCO [AS-012] and whether it forms part of Requirement 17.</li> <li>ii) Explain whether ambient air quality monitoring is necessary for the monitoring of nitrogen oxides in specific areas and if so, how this is secured in the dDCO.</li> </ul>
AQ 1.6	<i>Atmospheric emissions</i> <b>The Applicant</b>	<p>Paragraph 6.3.22 of Chapter 6 of the ES [APP-074] states that atmospheric emissions from the operation of the Proposed Development were quantified by obtaining information from relevant plant suppliers.</p> <ul style="list-style-type: none"> <li>i) Provide the information obtained from plant suppliers.</li> <li>ii) Explain how the information taken from plant suppliers is relevant to the assessment of atmospheric emissions and how this information has been used.</li> <li>iii) Demonstrate that the dDCO [AS-012] will not permit a plant that would result in a worse case than that which has been assessed in the ES.</li> </ul>
AQ 1.7	<i>Methodology</i> <b>The Applicant</b>	<p>Paragraph 6.3.2 of Chapter 6 of the ES [APP-074] states "<i>The NOx emission guarantees being given by the manufacturer of the proposed units are, without the use of NOx abatement technology, outside of the BAT AEL range for NOx set for lower efficiency units.</i>"</p>

		<ul style="list-style-type: none"> <li>i) Provide details regarding the figures of NOx emission guaranteed by the manufacturer of the 'proposed units'.</li> <li>ii) What confidence does the Applicant have on the robustness of the manufacturer guarantees?</li> </ul>
AQ 1.8	<i>Ammonia cap</i> <b>The Applicant</b>	<p>Chapter 6 of the ES [APP-074] identifies that total ammonia concentrations and deposition levels exceed the critical levels and loads applicable at some sites and to specific habitats. As a result an ammonia cap has been proposed which limits the amount of emissions of ammonia to 120 tonnes annually.</p> <ul style="list-style-type: none"> <li>i) Confirm if the ammonia cap of 120 tonnes annually has been agreed with Environment Agency.</li> <li>ii) Set out how ammonia levels will be measured and monitored.</li> </ul>
AQ 1.9	<i>Ammonia cap</i> <b>The Applicant</b>	<p>Paragraph 6.3.7 of Chapter 6 of the ES [APP-074] states that the ammonia cap can be achieved via other methods, such as only operating a single unit or by taking into account both emission rate and the number of operating hours in combined cycle mode for either or both units.</p> <ul style="list-style-type: none"> <li>i) Confirm if a final decision has been made regarding the operation of the units in order to achieve the ammonia cap and has this been confirmed with the Environment Agency.</li> <li>ii) Confirm that this has been factored into assessments elsewhere in the ES, including the assessment of biodiversity.</li> </ul>
AQ 1.10	<i>Assessment of effects</i> <b>The Applicant</b>	<p>Table 6.5 of Chapter 6 of the ES [APP-074] sets out the different scenarios which have been considered for the air quality assessment:</p>

		<ul style="list-style-type: none"> <li>• Scenario A1 – combined cycle gas turbine without NOx abatement</li> <li>• Scenario A2 – open cycle gas turbine</li> <li>• Scenario B – 1,500 hours in open cycle gas turbine up to 7,260 hours in CCGT mode with NOx abatement and ammonia cap</li> <li>• Scenario C – cumulative effects CCGT mode (Scenario A1)</li> <li>• Scenario D – 1,500 hours in OCGT mode, ~7,260 hours in CCGT mode with NOx abatement and ammonia cap (Scenario B).</li> </ul> <p>Elsewhere, in Section 3.2 in Chapter 3 of the ES [APP-071], indicates that the dDCO [AS-012] seeks flexibility whereby Unit Y will continue to function as an operational coal fired generator.</p> <ol style="list-style-type: none"> <li>i) Explain how this scenario (whereby Unit Y will continue to function as an operational coal fired generator) has been factored in to the scenarios (Table 6.5 of Chapter 6 of the ES [APP-074]) that have been assessed in the ES.</li> <li>ii) Set out the impacts of this scenario (whereby Unit Y will continue to function as an operational coal fired generator) on all sensitive receptors.</li> </ol>
AQ 1.11	<p><i>Stack height</i></p> <p><b>The Applicant</b></p>	<p>The Air Dispersion Modelling assessment [APP-100] states that the recommended 'minimum' stack height is 120m. This assessment also states that stack heights of greater than 120m are not structurally possible with the proposed vertical Heat Recovery Steam Generators. It is noted that Schedule 13 of the dDCO [AS-012] identifies that the stack height is a 'maximum' of 120m Above Ground Level (AGL) and thus implies the stack could be constructed at a height less than 120 AGL.</p> <ol style="list-style-type: none"> <li>i) Confirm if the recommendation of 120m as stated in APP-100 is 120m AGL or Above Ordinance Datum (AOD).</li> <li>ii) As the Habitats Regulations Assessment (HRA) report [APP-134] relies upon the ES air quality assessment and modelling, would the conclusion of the HRA be</li> </ol>

		affected if the stack height was constructed lower than 120m AGL?
AQ 1.12	<p><i>DEFRA 2010 Report on Air Quality</i></p> <p><b>Friends of the Earth</b></p>	<p>At the Open Floor hearing held on Thursday 4 October 2018 [EV-004], you made reference to a DEFRA Report 2010 which indicated air quality related fatalities in the Selby District area.</p> <p>Substantiate your comments.</p>

<b>BHR</b>	<b>Biodiversity and Habitats Regulations</b>	
BHR 1.1	<p><i>Gas pipeline crossings techniques</i></p> <p><b>The Applicant</b></p>	<p>Paragraph 3.3.19 of Chapter 3 of the ES [APP-071] states that the Gas Pipeline will likely be constructed using primarily open cut construction techniques. It is noted that Chapter 9 of the ES [APP-077] has made an assessment with particular assumptions, such as it is likely that the gas pipeline crossings under watercourses, drains and hedgerows would be undertaken using trenchless techniques. It also includes at Section 9.7, further strategies should trenchless crossing not be used. Yet, the term “<i>likely to be used</i>” is also stated.</p> <p>The ExA is concerned that the wordings “<i>consider the use of trenchless crossing techniques</i>” and “<i>likely to be used</i>” are insufficiently precise, that the Applicant should commit to using trenchless crossing techniques for the constraints.</p> <ul style="list-style-type: none"> <li>i) Confirm if the crossings are to be trenchless and provide a plan.</li> <li>ii) Clarify whether trenchless techniques are relied upon for the conclusion of no likely significant effects in the ES in respect to biodiversity.</li> <li>iii) How is trenchless techniques secured in the dDCO [AS-012] in this regard.</li> </ul>

		<i>[N.B: This question overlaps with FW 1.1 – The ExA is content if the Applicant wishes to addresses the questions together.]</i>
BHR 1.2	<p><i>Gas pipeline crossings techniques</i></p> <p><b>The Applicant</b> <b>Natural England</b> <b>The Environment Agency</b> <b>North Yorkshire County Council</b></p>	<p>Chapter 9 of the ES [APP-077] also sets out various mitigation measures to minimise adverse impacts on species such as otters, water voles and eels, in the event that trenchless techniques were not possible.</p> <p>For the Applicant:</p> <ul style="list-style-type: none"> <li>i) Demonstrate the impacts on protected species if trenchless crossings are not possible.</li> <li>ii) Provide further details regarding mitigation measures to be employed if trenchless techniques are not possible.</li> <li>iii) Explain how additional techniques would be secured in the dDCO [AS-012].</li> </ul> <p>For Natural England, the Environment Agency and North Yorkshire County Council:</p> <ul style="list-style-type: none"> <li>iv) Comment on the uncertainty associated with techniques proposed for the gas pipeline crossings under watercourses, drains and hedgerows.</li> </ul>
BHR 1.3	<p><i>Field Surveys</i></p> <p><b>The Applicant</b> <b>Natural England</b> <b>The Environment Agency</b> <b>North Yorkshire County Council</b></p>	<p>Table 9-2 of Chapter 9 of the ES [APP-077] identifies that a “<i>reptile survey report documenting the results of the reptile survey will be submitted after the dDCO [AS-012] submission date as an addendum.</i>” Paragraphs 9.5.14 to 9.5.24 identify that further surveys are being undertaken in 2018 for:</p> <ul style="list-style-type: none"> <li>• Reptiles (two further surveys)</li> <li>• Breeding birds</li> <li>• Bats (activity surveys)</li> </ul>

	<b>Selby District Council</b>	<p>For the Applicant:</p> <ul style="list-style-type: none"> <li>i) Explain why these surveys were not carried out prior to submission of the application.</li> <li>ii) Provide an update with regard to further ecological surveys that are identified in the ES as to be undertaken in 2018.</li> <li>iii) Provide the results of these surveys and identify how the results of these affect the assessment in the ES, including mitigation proposed.</li> </ul> <p>For Natural England, The Environment Agency, North Yorkshire County Council and Selby District Council:</p> <ul style="list-style-type: none"> <li>iv) Comment on any concerns with regards to the current absence of this data.</li> </ul>
BHR 1.4	<p><i>Field Surveys</i></p> <p><b>The Applicant</b>  <b>Natural England</b>  <b>The Environment Agency</b>  <b>North Yorkshire County Council</b>  <b>Selby District Council</b></p>	<p>In respect to question BHR 1.3, the Applicant made the Inspectorate aware of this possibility at the scoping stage. Table 9-2 in response to comments made by the Inspectorate in the Scoping Opinion, states that the Applicant has agreed the scope of the biodiversity impact assessment, and the approach to addressing potential data omissions arising from incomplete or partial ecological survey data with Natural England (NE) and North Yorkshire Council Ecology Service (NYCES).</p> <p>Provide copies of agreements reached and/or confirm agreement with any Statement of Common Ground with these consultation bodies.</p> <p><i>[N.B It is noted that no concerns regarding data omissions/approach to missing data has been identified in the respective RRs [RR-212 and RR-309] from NE and NYCES]</i></p>
BHR 1.5	<p><i>Ecological Networks</i></p> <p><b>The Applicant</b></p>	<p>Paragraph 9.5.30 of Chapter 9 of the ES [APP-077] states that "<i>Ecological networks are assessed based on their resilience to the effects of the Proposed Scheme and their</i></p>

		<p><i>relative importance.”</i></p> <ul style="list-style-type: none"> <li>i) Confirm if such an assessment of ecological networks has been carried out and identify where this has been presented in the ES.</li> <li>ii) Explain how the habitats to be created as part of the mitigation measures would contribute to coherent ecological networks.</li> </ul>
BHR 1.6	<p><i>Ecological Networks</i></p> <p><b>The Applicant</b></p> <p><b>Yorkshire Wildlife Trust</b></p>	<p>Yorkshire Wildlife Trust in its RR [RR-320] state that the methodologies within the Applicant’s Biodiversity Net Gain strategy [APP-116] are sound. However, they state that further information is required to fully assess the implications of the proposals and the likely achievable net gain. Yorkshire Wildlife Trust also states that a 20% net biodiversity gain would be more appropriate for development of this size and scale.</p> <p>For the Applicant:</p> <ul style="list-style-type: none"> <li>i) Explain whether the Applicant can achieve 20% net biodiversity gain from the Proposed Development.</li> </ul> <p>For Yorkshire Wildlife Trust:</p> <ul style="list-style-type: none"> <li>ii) Explain what further information is required to assess the implications of the proposals and comment accordingly.</li> </ul>
BHR 1.7	<p><i>Ecological Networks</i></p> <p><b>The Applicant</b></p>	<p>Yorkshire Wildlife Trust in its RR [RR-320] state that improvements to ecological networks should be explored, and that the existing habitats conditions should be improved to ‘high’ rather than retained as ‘moderate’. This view is somewhat supported by North Yorkshire County Council in its RR [RR-309].</p> <ul style="list-style-type: none"> <li>i) Explain how the outline Landscape and Biodiversity Strategy (LBS) [APP-135] addresses these concerns.</li> </ul>

BHR 1.8	<i>Mitigation</i> <b>Natural England</b> <b>Yorkshire Wildlife Trust</b> <b>Selby District Council</b>	<p>Provide comment on the adequacy of the outline LBS [APP-135] in respect to mitigation of ecology effects. You may alternatively wish to do so within your Written Representations.</p>
BHR 1.9	<i>European (Natura 2000) sites</i> <b>The Applicant</b>	<ul style="list-style-type: none"> <li>i) Table 17-4 in Chapter 17 of the ES [APP-085] identified at ID 52 (cumulative effects with Thorpe Marsh CCGT) that there may be a potentially significant residual effect (Moderate – Major) on European sites during the operational phase, as a result of nitrogen deposition in combination with emissions from Eggborough CCGT, Knottingley Power Project, Ferrybridge CCGT and Thorpe Marsh CCGT and states that detailed consideration is provided in Chapter 9: Biodiversity [APP-077]. However, elsewhere in ES Chapter 17 it is concluded that there are no significant residual effects identified on biodiversity. Explain where information pertaining to the cumulative impacts on biodiversity with Thorpe Marsh CCGT is located.</li> <li>ii) How have the cumulative impacts with Thorpe Marsh CCGT on biodiversity been assessed?</li> <li>iii) Provide a comprehensive narrative of this assessment, including the relevant findings in Chapter 9: Biodiversity [APP-077], Chapter 6: Air Quality [APP-074] and the HRA Report [APP-134].</li> </ul>
BHR 1.10	<i>European (Natura 2000) sites</i>	<p>The HRA report [APP-134] briefly describes the approach to the in-combination assessment at Section 3.3. Table 3-1 lists the projects identified as relevant to the in-combination assessment. This table includes a variety of projects, predominantly</p>

	<b>The Applicant</b>	<p>residential developments; however, it is noted that the only projects discussed in the HRA report are the power stations of Eggborough, Ferrybridge D, Knottingley, and Thorpe Marsh. It is noted that Table 3-1 includes reference to Thorpe Marsh gas pipeline only. It does not refer to Thorpe Marsh Power Station, though Section 6 does state that it has been included in the air quality assessment.</p> <p>Confirm that the assessment in the HRA report has taken into account the Thorpe Marsh Power Station and the Thorpe Marsh gas pipeline.</p>
BHR 1.11	<p><i>European (Natura 2000) sites</i></p> <p><b>The Applicant</b></p>	<p>Table 17-5 in Chapter 17 of the ES [APP-085] identifies that scheduling deliveries and the use of a Construction Environmental Management Plan (CEMP) [APP-133] would be a mitigation measure used to help minimise potential air quality impacts during construction arising from traffic.</p> <ul style="list-style-type: none"> <li>i) Provide details on the aforementioned deliveries, and how you anticipate the scheduling of deliveries to be secured.</li> <li>ii) Explain the effects if you are unable to secure scheduled deliveries.</li> </ul>
BHR 1.12	<p><i>Zone of Influence</i></p> <p><b>The Applicant</b></p>	<p>The study area and Zone of Influence for biodiversity is set out in paragraphs 9.5.7 to 9.5.11 of Chapter 9 of the ES [APP-077]. A study area comprising the site plus a 50m buffer is identified to assess impacts of habitat loss and degradation, and for disturbance of protected/notable species arising from construction activities and operation of the Proposed Development. Paragraph 9.5.9 also identifies a study area of up to 10 km downstream of the Proposed Development for designated sites, habitats and species associated with watercourses.</p> <ul style="list-style-type: none"> <li>i) Explain how it was determined that a 50m buffer will be adequate to assess the impact zone for habitat loss and degradation arising from construction activities</li> <li>ii) Explain the likely impacts beyond that distance.</li> </ul>

BHR 1.13	<p><i>Habitat clearance during construction</i></p> <p><b>The Applicant</b></p>	<p>Paragraph 9.5.4 of Chapter 9 of the ES [APP-077] makes reference to the construction programme and assumptions about when habitat clearance would have occurred in the programme. It states that "<i>the installation of the Gas Pipeline will take place primarily between the months of April and September inclusive, avoiding the winter months.</i>"</p> <ul style="list-style-type: none"> <li>i) Confirm if construction activities for the gas pipeline will be limited to the period April and September.</li> <li>ii) Confirm if this restriction is required in order to reach a conclusion of no significant effects on ecological receptors.</li> <li>iii) Demonstrate how this restriction on the timing of construction of the gas pipeline has been secured in dDCO [AS-012].</li> </ul>
BHR 1.14	<p><i>Scope</i></p> <p><b>Natural England</b></p> <p><b>The Environment Agency</b></p>	<p>The ExA note that NE and the Environment Agency have not raised any concerns regarding the scope in their RRs [RR-212 and RR-292], respectively. The ES makes reference to agreements with NE on specific matters.</p> <ul style="list-style-type: none"> <li>i) Confirm that all agreements referred to in the ES are satisfactory.</li> <li>ii) Confirm details and provide evidence of such agreements.</li> </ul>
BHR 1.15	<p><i>Consents and Licences</i></p> <p><b>The Applicant</b></p> <p><b>Natural England</b></p>	<p>While it may be that no European Protected Species (EPS) licences are currently required, as stated in Table 9-2 of Chapter 9 of the ES [APP-077], a mitigation licence from NE in respect of badgers will be required. This requirement has been identified in Document 5.8 'Other Consents and Licences' [APP-068]. Reference is made in Tables 9-2 and 9-3 of Chapter 9 of the ES [APP-077] to agreeing a 'shadow' licence approach to licensing (where required). Paragraphs 9.8.15 – 9.8.19 of Chapter 9 of the ES [APP-077] state that the closure of one or more badger setts is anticipated.</p>

		<ul style="list-style-type: none"> <li>i) Confirm the accuracy of the reference to an 'EPS licence for badgers'.</li> <li>ii) Explain whether a 'shadow' licence approach has been agreed and prepared.</li> <li>iii) State whether a letter of no impediment to obtaining a licence in respect of badgers affected by the Proposed Development will be submitted into the Examination.</li> <li>iv) Provide evidence to show how the provision of artificial badger sett(s) will be secured.</li> </ul>
BHR 1.16	<i>Post construction monitoring</i> <b>The Applicant</b>	<p>Chapter 9 of the ES [APP-077] identifies that post construction monitoring is proposed for the following: bats, otters, water voles, breeding and wintering birds and reptiles.</p> <p>Explain how post construction monitoring will be secured.</p>
BHR 1.17	<i>Post construction monitoring</i> <b>Selby District Council</b>	<p>Your RR [RR-315] states that comments will be provided on the impacts upon designated sites, natural habitats and species; the nature of biodiversity off- setting proposals and mitigation; monitoring and long-term management.</p> <p>Expand on your areas of concern and provide details.</p>
BHR 1.18	<i>HRA Report – qualifying features</i> <b>The Applicant</b> <b>Natural England</b>	<p>There are a number of discrepancies in the Applicant's HRA report [APP-134] with regards to the qualifying features of the European sites listed in Tables 2-1 to 2-9 and presented in Appendix 1: HRA Screening Matrices. Paragraph 2.2.8 of the HRA report [APP-134] states that the screening assessment is summarised in Tables 2-1 to 2-8 in the main body of the HRA report; however, it is noted that one European site is missing from these summary tables, the Lower Derwent Valley Ramsar, and a number of qualifying features for several of the European sites are also missing from the summary tables and/or appendices.</p>

		<p>For instance, HRA Screening Matrix 4: Lower Derwent Valley SPA at Appendix 1 refers to breeding corncrake and spotted crake as qualifying features; however, summary Table 2-2 of the HRA report refers only to breeding shoveler. The Natura 2000 Standard Data form for the Lower Derwent Valley SPA only identifies shoveler as a breeding qualifying feature. It is noted that the Humber Estuary Ramsar is not listed separately but is included with the Humber Estuary SPA in Table 2-5. River lamprey is missing as a qualifying feature for the River Derwent SAC in Table 2-3; however, it has been included in the screening matrix at Appendix 1. It also appears that the HRA report has not identified the same qualifying features for the Humber Estuary SPA as the Natura 2000 Standard Data form.</p> <p>For the Applicant:</p> <ul style="list-style-type: none"> <li>i) Provide revised matrices and summary tables 2-2 to 2-9 and in Word format.</li> <li>ii) Explain the extent to which the conclusions in the HRA Report would be affected by any amendments made.</li> </ul> <p>For Natural England:</p> <ul style="list-style-type: none"> <li>iii) Confirm if the correct qualifying species have been identified for the ten European sites considered.</li> </ul>
BHR 1.19	<p><i>Otters and fish species</i></p> <p><b>The Applicant</b></p> <p><b>Natural England</b></p> <p><b>The Environment Agency</b></p>	<p>Paragraph 5.3.16 in Section 5 in the HRA report [APP-134] relies on mitigation measures to avoid adverse effects on the integrity of European sites supporting otter, river lamprey and sea lamprey. The measures are stated to be delivered through the outline LBS [APP-135], which is secured through Requirement 8 of the dDCO [AS-012]. The majority of measures set out in 5.3.16 are not included within the outline LBS [APP-135] as provided with the application.</p> <p>Measures are also stated in Section 5 in the HRA report [APP-134] to be secured</p>

		<p>through the CEMP [APP-133], which is secured through Requirement 16 of the dDCO [AS-012]. Paragraph 5.3.18 of the HRA report states that the CEMP will contain detailed method statements to ensure the protection of otters and fish, yet the CEMP contains no reference to fish.</p> <p>For the Applicant:</p> <ul style="list-style-type: none"> <li>i) Explain why the avoidance and mitigation measures as set out in paragraph 5.3.16 of the HRA report [APP-134] are not included in full within the outline LBS [APP-135].</li> <li>ii) Confirm that measures to control effects on fish species (including eels) form part of the CEMP, or provide further detail.</li> </ul> <p>For Natural England and the Environment Agency:</p> <ul style="list-style-type: none"> <li>iii) Comment whether you are satisfied with the level of detail included in the outline LBS [APP-135] and outline CEMP [APP-133], together the wording of Requirements 8 and 16 of the dDCO [AS-012] in respect of these plans, such that they can be relied upon for the conclusions of the Applicant's HRA report [APP-134] as presented at Section 5 concerning the otter and fish qualifying features of the River Derwent SAC and Ramsar and Lower Derwent SAC.</li> </ul>
BHR 1.20	<p><i>Otters and fish species</i></p> <p><b>The Applicant</b></p>	<p>Paragraph 5.3.22 of the HRA report [APP-134] states that "<i>As a result of a negative assessment, it is not considered that the Proposed Scheme will act in-combination with those projects and plans listed in Table 2.1 above.</i>"</p> <ul style="list-style-type: none"> <li>i) Confirm if you were intending to refer to Table 3-1: Screening of Other Projects and Plans for Potential In-Combination Effects and not Table 2-1 in Paragraph 5.3.22?</li> <li>ii) Given that Chapter 17 of the ES [APP-085] states there may be a moderate/major</li> </ul>

		impact on European sites from in-combination effects with Thorpe Marsh CCGT, Eggborough CCGT, Knottingley CCGT and Ferrybridge D CCGT; explain and justify why the Proposed Development is not considered to act in-combination with the plans and projects listed in Table 3-1.
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CA	Compulsory Acquisition	
CA 1.1	<i>Update Table</i> <b>The Applicant</b>	<p>At the Preliminary Meeting held on Thursday 4 October 2018 [EV-002 &amp; 003], it was stated that an update table will be regularly provided on the progress of negotiations for Compulsory Acquisition (CA) of the Freehold of land and of new rights over existing land.</p> <p>Provide this table, and in particular advise the ExA on the progress of negotiations between the Applicant and the following, and when it expects agreements to be concluded:</p> <ul style="list-style-type: none"> <li>• Mr Richard Watson and Mr David Watson;</li> <li>• Ms Katie Elizabeth Bingley and Mr John Neville Stones;</li> <li>• Ms Gwendoline Cooper and Mr Paul Cooper;</li> <li>• Mr John Holgreaves and Ms Yvonne Holgreaves; and</li> <li>• T.W Falkingham Limited.</li> </ul>
CA 1.2	<i>Protective Provisions</i> <b>The Applicant</b>	<p>The Book of Reference [AS-005] includes a number of Statutory Undertakers with interests in land.</p> <p>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.</p> <p>ii) State whether there are any envisaged impediments to the securing of such</p>

		<p>agreements.</p> <p>iii) State whether any additional Statutory Undertakers have been identified since the submission of the Book of Reference as an application document.</p>
CA 1.3	<p><i>Category 1 Persons</i> <b>The Applicant</b></p>	<p>There is no mention of Kate Elizabeth Bingley within the Statement of Reasons [APP-022] with John Neville Stones on page 60, despite being listed as a Category 1 person in respect of Plots 9, 9B, 12, 25, and 27 in the Book of Reference [AS-005].</p> <p>Explain this omission.</p>
CA 1.4	<p><i>Category 1 Persons</i> <b>The Applicant</b></p>	<p>Confirm that Mr Martin Nunns will no longer be a Category 1 party, and thus will not be an Affected Person after 30 November 2018.</p>
CA 1.5	<p><i>Connection Agreements</i> <b>The Applicant</b> <b>National Grid</b></p>	<p>Update the position in respect to connections to National Grid’s electricity and gas infrastructure and how this will be secured.</p>
CA 1.6	<p><i>Availability of Funding</i> <b>The Applicant</b></p>	<p>The Applicant is reminded that the Department for Communities and Local Government (as it was then) Guidance related to procedures for CA (September 2013) states that: <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>i) The ExA is not clear whether the Funding Statement [APP-023] identifies the CA costs separately from the project costs or explains how the figure for CA costs was arrived at.</p>

		ii) Clarify the anticipated cost of CA, how this figure was arrived at, and how these costs are going to be met.
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<b>CO</b>	<b>Construction and Operation Effects</b>	
CO 1.1	<i>Construction Programme</i> <b>The Applicant</b>	<p>Chapter 3 of the ES [APP-071] states that if both units were repowered, then the construction would occur consecutively rather than concurrently. It goes on to report that there would be a gap of a year between construction periods, though the gap could be longer, dependant on commercial conditions.</p> <p>i) Explain the extent to which the findings in the ES are sensitive to this assumption.</p> <p>ii) Explain the likely outcome implications if construction did not adopt these assumptions in practice.</p>
CO 1.2	<i>Construction Programme</i> <b>The Applicant</b>	Justify the approach as to why the construction of Unit Y could not be undertaken alongside the construction of Unit X to minimise the longevity of the construction programme of at least 83 months.
CO 1.3	<i>Working width</i> <b>The Applicant</b>	<p>Paragraphs 3.3.20 to 3.3.23 of Chapter 3 of the ES [APP-071] discuss the approach taken to the working width. However, it is not clear what the working width actually is, and why precisely this size is required.</p> <p>Provide this information.</p>
CO 1.4	<i>Other Consents and Licences</i>	Chapter 3 of the ES [APP-071] acknowledges that a proposed connection agreement will be required with National Grid. The Other Consents and Licences [APP-068] document states that a Bilateral Connection Agreement and construction agreement for connection

	<b>The Applicant</b>	to the National Transmission System at the existing National Grid 400 kilovolt substation for the export of electricity from the Site will be required. It further states that such an agreement is expected to be in place before 2 June 2018.  Provide an update.
CO 1.5	<i>Other Consents and Licences</i> <b>The Applicant</b>	Provide an update to Document 5.8 'Other Consents and Licences' [APP-068], noting that there are references within the application version to expected agreements. Ensure that this is kept updated and resubmitted at each subsequent deadline of the Examination.
CO 1.6	<i>Site Configuration Works (Stage 0)</i> <b>The Applicant</b>	Chapter 3 of the ES [APP-071] states that site reconfiguration works may be consented under the Town and Country Planning Act 1990 or through the dDCO [AS-012]. At the Preliminary Meeting held on Thursday 4 October 2018 [EV-002 & 003], it was stated that these works had been consented and commenced, and accordingly Stage 0 would be deleted from the application.  Provide a written update, and explain the implications for the dDCO [AS-012] and ES [APP-069 to APP-086].
CO 1.7	<i>Permanent and Temporary Land Take</i> <b>The Applicant</b> <b>Natural England</b> <b>Selby District Council</b>	<ul style="list-style-type: none"> <li>i) Provide comments on the effects of the Proposed Development and the proposed land take on Best and Most Versatile land.</li> <li>ii) Comment on the draft Soil Management Plan, currently appended to the outline CEMP [APP-133].</li> </ul> <p>For the Applicant:</p> <ul style="list-style-type: none"> <li>iii) Provide a plan which identifies and distinguishes between land that is required permanently and temporarily.</li> </ul>

CO 1.8	<i>Land Drainage</i> <b>The Applicant</b>	<p>Chapter 3 of the ES [APP-071] states that a pre-construction land drainage scheme will be developed for areas where a land drainage scheme is deemed necessary, in discussion with landowners and occupiers. The ES goes on to describe what this may entail; however, any proposed measures do not appear to be confirmed at this stage.</p> <p>Provide this information.</p>
CO 1.9	<i>Securing Land Drainage</i> <b>The Applicant</b>	<p>Paragraphs 3.3.24 to 3.3.26 of Chapter 3 of the ES [APP-071] describe proposals to inspect and record land drains at the detailed design and construction phases. Inspection and recording of land drains is not secured in the dDCO [AS-012].</p> <ul style="list-style-type: none"> <li>i) Justify the approach not secure inspection or recording of land drains in the dDCO; or</li> <li>ii) Make such a provision.</li> </ul>
CO 1.10	<i>Human Health</i> <b>The Applicant</b>	<p>Paragraph 3.2.23 of Chapter 3 of the ES [APP-071] states that the Proposed Development will comply with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines for health protection. It further states that the impact of the change to electro-magnetic field (EMF) is likely to be minimal, but nevertheless an assessment of both occupational exposure and public exposure guidelines that apply due to proximity to a public right of way is being undertaken and will be discussed with Public Health England and submitted to the Examining Authority.</p> <p>Provide an update, including whether such an assessment has been or will be submitted for this Examination.</p>
CO 1.11	<i>Cumulative Effects</i> <b>The Applicant</b>	<p>Paragraph 17.11.3 of Chapter 17 of the ES [APP-085] states that any planning applications, status updates or additional information published since March 2018 have</p>

	<b>North Yorkshire County Council</b> <b>Selby District Council</b>	not been included with the assessment in the ES.  Confirm whether you are aware of any additional other projects or plans that should be included within the cumulative effects assessment since March 2018.
CO 1.12	<i>Pedestrian Bridge</i> <b>The Applicant</b>	Paragraph 3.3.10 of Chapter 3 of the ES [APP-071] states that a temporary pedestrian bridge will be constructed to avoid staff having to cross New Road. A Pedestrian Bridge Plan is also submitted [APP-019], but it does not appear to indicate that persons with mobility issues would be able to navigate the staircases on either side with ease.  Provide a response.
CO 1.13	<i>Construction Methodology</i> <b>The Applicant</b>	Paragraph 6.8.1 of Chapter 6 of the ES [APP-074] states that as the specific construction methodology has not yet been finalised, and the risk assessment has been based on professional judgement and previous experience of major construction works.  i) Provide details of previous experience of major construction works that the applicant is drawing professional judgement from.  ii) Justify that all likely significant effects have been identified given that the specific construction methodology has not yet been finalised.
CO 1.14	<i>Assessment of effects</i> <b>The Applicant</b>	Table 6.2, Paragraph 6.2.12 of Chapter 6 of the ES [APP-074] states that the Applicant has agreed with the Environmental Health Officer from Selby District Council of the scoping out of the assessment, of construction and operational traffic. Paragraph 6.2.2 on Page 6-12 provides a commentary regarding the number of trips which have to be generated before a significant effect in ambient pollutant concentrations is identified and explains that the trips generated by both the construction and operation of the Proposed Development are expected to be lower than that threshold. The summary in Section 6.5 states that no likely significant effects will arise during construction work, from dust

		<p>arising, vehicle exhausts or emissions from construction plant.</p> <ul style="list-style-type: none"> <li>i) Show how anticipated traffic numbers was determined, and how that data alongside the distance to sensitive receptors was used to determine an absence of likely significant effects to air quality during construction and operation.</li> <li>ii) Explain the extent to which cumulative effects to air quality from increased traffic owing to construction and operation of other known developments has been considered.</li> </ul>
CO 1.15	<p><i>Buffer from construction activities</i></p> <p><b>The Applicant</b></p>	<p>Chapter 9 of the ES [APP-077] refers to a buffer from woodland in Development Parcel B and directs the reader to the outline LBS[APP-135] for where this will be secured. However, whilst the outline LBS refers generally to a buffer of 15m from woodland, it only specifically refers to and shows on Figure 6.7.2 a buffer in Development Parcel A. There is also no reference to a buffer in the outline CEMP [APP-133] or dDCO [AS-012], although Chapter 9 of the ES [APP-077] Table 9-4 infers that the CEMP will include measures such as the use of fencing to demarcate the construction footprint and protect adjacent ecological features.</p> <ul style="list-style-type: none"> <li>i) Clarify whether a 15m buffer from construction activities is proposed for all areas of woodland within the Proposed Development.</li> <li>ii) Justify that the 15m buffer is adequate.</li> <li>iii) Confirm how buffers referred to in the outline LBS [APP-135] will be secured?</li> </ul>

DCO	Draft Development Consent Order (dDCO)	
ARTICLES		
DCO 1.1	<p><i>Definition of "Commence" – Part 1 Article 2</i></p> <p><i>General Requirements – Paragraph 2 Part 1 Schedule 2</i></p> <p><b>The Applicant</b></p>	<p>The ExA is concerned that this definitions as worded does not sufficiently tie the construction and completion dates of Unit Y. As a result, Unit Y could be constructed at any time after Unit X is commenced, and thus the construction programme and operating time period of Unit Y could fall outside the scope of the ES [APP-069 to APP-086].</p> <ul style="list-style-type: none"> <li>i) Justify the approach not to impose a separate commencement and completion requirement on Unit Y in line with the scope and assessment of the ES.</li> <li>ii) Explain how the Secretary of State can be assured, having regard to the dDCO as worded, that Unit Y if commenced, will be restricted to the timescales assessed in the ES.</li> <li>iii) Alternatively, include a new paragraph in Part 1 of Schedule 2 which requires Unit Y to be commenced and completed pursuant to Unit X and within the scope and assessment of the ES.</li> </ul>
DCO 1.2	<p><i>"Permitted Preliminary Works" – Part 1 Article 2</i></p> <p><b>The Applicant</b></p>	<p>The dDCO [AS-012] subpart(1) defines "<i>permitted preliminary works</i>" as "<i>environmental surveys, geotechnical surveys, intrusive archaeological surveys and other investigations for the purpose of investigating ground conditions, demolition of buildings and removal of plant and machinery</i>".</p> <p>The ExA considers that "<i>intrusive archaeological surveys</i>" should be approved <u>prior</u> to permitted preliminary works taking place.</p>

		<ul style="list-style-type: none"> <li>i) Provide a justified response.</li> <li>ii) Explain why the "<i>demolition of buildings</i>" is required as "<i>permitted preliminary works</i>"</li> </ul>
DCO 1.3	<p><i>Definition of "Maintain" – Part 1 Article 2</i></p> <p><b>The Applicant</b></p>	<p>While the ExA accepts the need for the Applicant to undertake maintenance works, the ExA is nevertheless concerned that the definition as worded is not sufficiently precise. This is specifically the case where such maintenance works would be allowed "<i>insofar as such activities are unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement</i>". As currently worded, the ExA is concerned that maintenance activities could exceed the Rochdale Envelope of the ES.</p> <ul style="list-style-type: none"> <li>i) Explain what is meant by "<i>materially new or materially different</i>".</li> <li>ii) Explain where "<i>materially new or materially different</i>" is defined in the dDCO [AS-012].</li> <li>iii) Explain why the scope of maintenance works should exceed the scope of the ES.</li> <li>iv) Distinguish "<i>materially new or materially different</i>" from "<i>new or different</i>".</li> <li>v) Who would be the arbiter or assessor that such maintenance works were "<i>new or different</i>" as opposed to "<i>materially new or materially different</i>", and how this is secured in the dDCO.</li> <li>vi) Explain whether the relevant planning authority would have any role in checking whether maintenance works, individually or collectively, would be "<i>materially new or materially different</i>" and how this is secured in the dDCO.</li> </ul>
DCO 1.4	<i>Definition of</i>	In the Eggborough Gas Fired Generating Station Order 2018, made by the Secretary of

	<p><i>"Maintain" – Part 1 Article 2</i></p> <p><b>The Applicant</b></p>	<p>State on 20 September 2018, the definition of <i>"maintain"</i> is defined as:</p> <p><i>"includes inspect, repair, adjust, alter, remove, refurbish, reconstruct, replace and improve any part, but not the whole of the authorised development, to the extent that such activities have been assessed in the environmental statement and "maintenance" and "maintaining" are to be construed accordingly"</i></p> <p>i) Explain why the Secretary of State should adopt a different and less precise definition as set out in the dDCO [AS-012]; or</p> <p>ii) Alter the definition to match the above.</p> <p><i>[N.B – If the Applicant intends to alter the definition to reflect the Eggborough CCGT, it may not be necessary to provide a response to DCO 1.3 above].</i></p>
DCO 1.5	<p><i>Development consent etc. granted by the Order –</i></p> <p><i>Part 2 Article 3</i></p> <p><b>The Applicant</b></p>	<p>For the Eggborough Gas Fired Generating Station Order made by the Secretary of State on 20 September 2018, subparagraph (2) also included the words at the end <i>"...for each work number on the works plans"</i>.</p> <p>i) Explain whether such wording is needed here in the interests of clarity and if so, amend accordingly.</p>
DCO 1.6	<p><i>Application and modification of legislative provisions</i></p> <p><i>Part 2 Article 8</i></p> <p><b>The Applicant</b></p>	<p>The Article seeks to dis-apply the provisions of the Neighbourhood Planning Act 2017 (2017 Act) in respect to Articles 28 (temporary use of land for carrying out the authorised development) and 29 (temporary use of land for maintaining the authorised development). The Applicant's position as set out in the Explanatory Memorandum [APP-021] that the disapplication is necessary for certainty given the absence of regulations providing any detail is noted.</p> <p>However the Government's overall approach is understood namely to provide protections for those affected by the use of temporary possession powers. The ExA is</p>

		<p>concerned that the provisions within the 2017 Act which, amongst other things, specify an absolute period of temporary possession, have not been adequately justified to be dis-applied.</p> <ul style="list-style-type: none"> <li>i) Provide this justification; or</li> <li>ii) Amend accordingly.</li> </ul>
DCO 1.7	<p><i>Application and modification of legislative provisions</i>  <i>Part 2 Article 8</i>  <b>The Applicant</b></p>	<p>The ExA is concerned that approvals, permissions etc. are not “statutory provisions” and as such Article 8(2) of the dDCO [AS-012] cannot apply or modify statutory provisions pursuant to s120 (5)(a) of the PA2008.</p> <ul style="list-style-type: none"> <li>i) Explain whether the Article is pursuant to s120 (5)(c) of the PA2008 in which case it must be “necessary or expedient in consequence of a provision of the order or in connection with the order”.</li> <li>ii) Confirm the power on which Article 8(2) is based.</li> </ul>
DCO 1.8	<p><i>Compulsory acquisition of land</i>  <i>Part 5 Article 19</i>  <b>The Applicant</b></p>	<p>The ExA is concerned with the clarity of this Article. It is not clear what land is to be acquired particularly if the Applicant is not seeking powers of compulsory acquisition of plots concerning statutory undertakers land or land required for highway works.</p> <ul style="list-style-type: none"> <li>i) The ExA requests this Article is altered to include an additional subparagraph to identify the plots from the Land Plans [AS-010] which are not subject to this Article and/or other Articles within Part 5 of the dDCO [AS-012].</li> <li>ii) If the Applicant intends to include a subparagraph identifying plots not subject to this or other Articles within Part 5 of the dDCO, consider whether similar wording is required for other Articles within Part 5 of the dDCO.</li> <li>iii) Comment on whether an additional subparagraph(s) is required to dis-apply</li> </ul>

		statutory undertakers land or where this is elsewhere secured in the dDCO.
DCO 1.9	<p><i>Application of the Compulsory Purchase (Vesting Declarations) Act 1981</i></p> <p><i>Modifications of Part 1 of the Compulsory Purchase Act 1965</i></p> <p><i>Part 5 Articles 24 and 26</i></p> <p><b>The Applicant</b></p>	Explain what changes were made to these Acts by the Housing and Planning Act 2016.
DCO 1.10	<p><i>Statutory undertakers Part 5 Article 30</i></p> <p><b>The Applicant</b></p>	<p>i) Provide an update on whether it is expected that any representations made by statutory undertakers will have been withdrawn by the end of the Examination.</p> <p>ii) If not, provide justification (having regard to the specified matters within s127) as to why the Secretary of State will be able to include this Article.</p>
DCO 1.11	<p><i>Apparatus and rights of statutory undertakers in streets</i></p> <p><i>Part 5 Article 31</i></p> <p><b>The Applicant</b></p>	Provide justification as why the Secretary of State should be satisfied that the extinguishment or removal is necessary for the purpose of carrying out the development to which the Order relates.
DCO 1.12	<p><i>Defence to proceedings in respect to statutory</i></p>	<p>i) Explain whether the Article requires updating to reflect that Section 65 (noise exceeding registered level) of the Control of Pollution Act 1974 was repealed by</p>

	<p><i>nuisance</i> <i>Part 7 Article 38</i> <b>The Applicant</b></p>	<p>the Deregulation Act 2015).</p> <p>ii) Ensure all statutory references are updated in this dDCO.</p>
	<b>SCHEDULES</b>	
DCO 1.13	<p><i>Temporary Construction Areas – Schedule 1</i> <b>The Applicant</b></p>	<p>Schedule 1 of the dDCO [AS-012] lists those works that form part of the authorised development. A number of works are temporary. Of note are the required construction laydown areas and the pedestrian footbridge. However, it is not clear from the dDCO how the temporary nature and time limit for their subsequent removal are secured.</p> <p>Clarify.</p>
DCO 1.14	<p><i>Notice of carrying out of the site reconfiguration works under another permission</i> <i>Schedule 2 Part 1 Requirement 3</i> <b>The Applicant</b></p>	<p>At the Preliminary Meeting held on Thursday 4 October 2018 [EV-002 &amp; 003], the Applicant stated that the 'Stage 0' works were no longer being sought for the Proposed Development.</p> <p>In pursuance of written question CO 1.6 and in advance of such formal notification being submitted in the Examination, confirm whether this Requirement 3 is to be deleted and what other Articles and Schedules require amending.</p>
DCO 1.15	<p><i>The use of "save for the permitted preliminary works"</i> <i>Schedule 2 – All relevant Requirements</i></p>	<p>The ExA is concerned that in some cases, allowing all permitted preliminary works to take place prior to the submission of a particular requirement could undermine the very requirement sought for approval. Specifically, Requirements 14 (Ground Conditions) and 16 (Construction and Environmental Management Plan (CEMP)) are not sufficiently precise in permitting specific investigation works to inform the Phase 2 geo-technical reports and CEMP respectively.</p>

	<b>The Applicant</b>	<ul style="list-style-type: none"> <li>i) Justify the approach; or</li> <li>ii) Amend the Requirements.</li> </ul>
DCO 1.16	<i>Ground conditions</i> <i>Schedule 2 Part 2</i> <i>Requirement 14</i> <b>The Applicant</b>	<p>The Environment Agency in its RR [RR-292] states that the wording of this Requirement needs amending because it is insufficient to protect controlled waters.</p> <p>Provide a response and if necessary amend the Requirement.</p>
DCO 1.17	<i>Archaeology</i> <i>Schedule 2 Part 2</i> <i>Requirement 15</i> <b>The Applicant</b> <b>North Yorkshire</b> <b>County Council</b>	<p>Requirement 15 (archaeology) of the dDCO [AS-012] would permit all permitted preliminary works and in particular permit uncontrolled archaeological works before the written scheme of investigation is submitted. The ExA considers excluding permitted preliminary works from the submission of the written scheme of investigation could undermine it. The ExA considers no permitted preliminary works take place prior to the submission of the written scheme of investigation.</p> <ul style="list-style-type: none"> <li>i) Provide a response; or</li> <li>ii) Amend the Requirement accordingly.</li> </ul>
DCO 1.18	<i>Absence of Highway</i> <i>Works</i> <i>Schedule 2 Part 2</i> <b>The Applicant</b>	<p>North Yorkshire County Council in its RR [RR-309] refers to the provision for a temporary car park and footway over New Road for construction traffic associated with the Proposed Development.</p> <p>Indicate how this is secured in the dDCO [AS-012].</p>
DCO 1.19	<i>Absence of separate</i> <i>Site Waste</i> <i>Management Plan</i>	<p>The Environment Agency in its RR [RR-292] states that the Site Waste Management Plan should be specifically referred to in Requirement 16 of the dDCO [AS-012].</p>

	<i>Schedule 2 Part 2</i> <b>The Applicant</b>	Provide a justified response.
DCO 1.20	<i>Absence of Requirement for Protected Species</i> <i>Schedule 2 Part 2</i> <b>The Applicant</b>	The ExA notes that no Requirement is included for survey works to establish whether any protected species are present on any part of the land affected or likely to be affected by the authorised development.  Explain whether such a Requirement needs to be inserted.
DCO 1.21	<i>Absence of Requirement for the Control of Noise and Vibration from Construction</i> <i>Schedule 2 Part 2</i> <b>The Applicant</b>	The ExA notes that no Requirement is included for the monitoring and control of noise and vibration during the construction of the relevant part of the authorised development.  Explain whether such a Requirement needs to be inserted.
DCO 1.22	<i>Absence of Requirement for the Restoration of Land Used for Temporary Construction</i> <i>Schedule 2 Part 2</i> <b>The Applicant</b>	The ExA notes that no Requirement is included for the land, particularly Work No 7 (gas pipeline) during the construction to be restored.  Explain whether such a Requirement needs to be inserted.
DCO 1.23	<i>Absence of Requirement for Employment, Skills</i>	North Yorkshire County Council in its RR [RR-309] states that the construction phase of the Proposed Development will create opportunities to train and employ local people. Section 14.9 of Chapter 14 of the ES [APP-082] set out the direct and indirect

	<p><i>and Training</i> <i>Schedule 2 Part 2</i> <b>The Applicant</b></p>	<p>employment opportunities, per phase, the Proposed Development would generate.</p> <p>The ExA notes that a proposed Heads of Terms [APP-138] would obligate the Applicant to offer apprenticeships and to submit a Local Employment Scheme.</p> <ul style="list-style-type: none"> <li>i) Explain why the promotion of local employment, skills and training is regulated by a planning obligation as opposed to being a Requirement in the dDCO [AS-012].</li> <li>ii) If a legal agreement is to be pursued, set out a timetable as to when it intends to be signed and submitted into the Examination.</li> </ul>
DCO 1.24	<p><i>Procedure for discharge of requirements</i> <i>Schedule 11</i> <b>The Applicant</b></p>	<p>Paragraph 4(2)(b) of Schedule 11 of the dDCO [AS-012] states that "<i>the Secretary of State is to appoint a person within twenty business days...</i>". The ExA considers that it is not for the dDCO to dictate to the Secretary of State the time period in which they must undertake this action. In any event, the ExA questions the enforceability of this paragraph if it were not complied with.</p> <p>In the Eggborough Gas Fired Generating Station Order 2018, made by the Secretary of State on 20 September 2018, a similar obligation stated that "<i>the Secretary of State is to appoint a person as soon as reasonably practicable...</i>".</p> <p>The ExA requests this paragraph is amended.</p>
DCO 1.25	<p><i>Procedure for discharge of requirements</i> <i>Schedule 11</i> <b>The Applicant</b></p>	<p>Paragraph 10 of Schedule 11 of the dDCO [AS-012] states that "<i>the appointed person may or may not be a member of the Planning Inspectorate but must be a qualified town planner of at least ten years' experience</i>". The ExA considers that it is not for the dDCO to dictate to the Secretary of State whom they should appoint in such circumstances. In any event, the ExA questions the enforceability of this paragraph if it were not complied with.</p> <ul style="list-style-type: none"> <li>i) Delete the paragraph; and</li> </ul>

		ii) Amend the referencing in paragraph 11 accordingly.
DCO 1.26	<i>Protective Provisions Schedule 12</i> <b>Statutory Bodies</b>	Comment on the adequacy of Schedule 12 (Protective Provisions) in the dDCO [AS-012].
DCO 1.27	<i>Design parameters Schedule 13</i> <b>The Applicant</b>	<p>Schedule 13, of the dDCO [AS-012] states that the maximum stack heights for the Proposed Development should be 120m. However, as a stack height of 120m has been applied to the modelling of emissions used to inform the ES [APP-071] the ExA considers that any ambiguity that the stack height could be lower would fall outside the scope of the ES and the assessment made in the HRA report.</p> <p>i) Justify the approach taken, or</p> <p>ii) Amend to read a 'minimum of 120m'.</p> <p>iii) Ensure your response here is reconciled with your response to question AQ 1.11</p>

<b>FW</b>	<b>Flood Risk and Water Resources</b>	
FW 1.1	<i>Gas pipeline crossings techniques</i> <b>The Applicant</b>	<p>Paragraph 3.3.19 of Chapter 3 of the ES [APP-071] states that the Gas Pipeline will likely be constructed using primarily open cut construction techniques. It is noted that Paragraph 12.9.2 of Chapter 12 of the ES [APP-080] has made an assessment with particular assumptions, such as it is likely that the gas pipeline crossings under watercourses, drains and hedgerows would be undertaken using trenchless techniques. It also includes at Section 9.7, further strategies should trenchless crossing not be used. Yet, the term "<i>likely to be used</i>" is also stated.</p>

		<p>The ExA is concerned that the wordings “<i>consider the use of trenchless crossing techniques</i>” and “<i>likely to be used</i>” are insufficiently precise, that the Applicant should commit to using trenchless crossing techniques for the constraints.</p> <ul style="list-style-type: none"> <li>i) Confirm if the crossings are to be trenchless and provide a plan.</li> <li>ii) Clarify whether trenchless techniques are relied upon for the conclusion of no likely significant effects in the ES in respect to flooding.</li> <li>iii) How is trenchless techniques secured in the dDCO [AS-012] in this regard.</li> </ul> <p><i>[N.B: This question overlaps with BHR 1.1 – The ExA is content if the Applicant wishes to addresses the questions together.]</i></p>
FW 1.2	<p><i>Gas pipeline crossings techniques</i></p> <p><b>The Applicant</b></p>	<p>There is no explanation of the requirements of open cut techniques, such as width of cutting and duration of works.</p> <p>Confirm that the worst case scenario regarding construction of the pipeline using open cut techniques has been assessed.</p>
FW 1.3	<p><i>Mitigation</i></p> <p><b>The Applicant</b> <b>The Environment Agency</b></p>	<p>Chapter 12 of the ES [APP-080] refers to continuous long term groundwater level monitoring and water user groundwater level and/or surface water level monitoring should be completed for baseline purposes to assess hydraulic linkages.</p> <p>For the Applicant:</p> <ul style="list-style-type: none"> <li>i) Confirm whether such monitoring has been put in place.</li> </ul> <p>For the Environment Agency:</p> <ul style="list-style-type: none"> <li>ii) Comment on the proposed monitoring.</li> </ul>

FW 1.4	<p><i>Outline Surface Water Drainage Strategy</i></p> <p><b>The Environment Agency</b></p> <p><b>North Yorkshire County Council</b></p>	<p>Provide a response as to the adequacy of this document (Chapter 6 of the Flood Risk Assessment [APP-136] and Requirement 13 of the dDCO [AS-012]).</p>
FW 1.5	<p><i>Flood Risk Assessment</i></p> <p><b>The Environment Agency</b></p> <p><b>North Yorkshire County Council</b></p>	<p>Confirm whether or not they are content with the scope, assessment, methodology and conclusions of the Flood Risk Assessment [AS-014]. If not, provide details of the specific areas of concern and confirm how these should be addressed by the Applicant.</p>
FW 1.6	<p><i>Water Framework Directive</i></p> <p><b>The Applicant</b></p> <p><b>The Environment Agency</b></p>	<p>It is noted from Chapter 12 of the ES [APP-080] that a Water Framework Directive (WFD) Screening was submitted to the EA during the pre-application period and it is stated the Environment Agency (EA) confirmed to the Applicant that a full WFD assessment was not required.</p> <p>Provide the WFD Screening to the Examination and evidence of agreement with the EA regarding this matter.</p>
<b>HE</b>	<b>Historic Environment</b>	
HE 1.1	<i>Heritage value of the</i>	<p>Provide a response on whether the existing power station and in particular the group of</p>

	existing power station <b>The Applicant</b> <b>Historic England</b> <b>North Yorkshire</b> <b>County Council</b> <b>Selby District</b> <b>Council</b>	cooling towers has any local, regional or national heritage value.
HE 1.2	<i>Written scheme of investigation</i> <b>North Yorkshire</b> <b>County Council</b> <b>Selby District</b> <b>Council</b> <b>Historic England</b>	Comment on the approach taken by the Applicant to submit a Written Scheme of Investigation for future mitigation, as set out in Requirement 15 of the dDCO [AS-012] post decision/pre-commencement.
HE 1.3	<i>Assessment methodology</i> <b>Historic England</b>	Chapter 8 of the ES [APP-076] makes reference to agreements with Historic England on specific matters.  i) Confirm whether all agreements referred to in the ES are satisfactory.  ii) Confirm details and provide evidence of such agreements.
<b>LV</b>	<b>Landscape and Visual</b>	
LV 1.1	<i>Assessment</i>	Paragraphs 10.4.56 and 10.4.57 of Chapter 10 of the ES [APP-078] describe that Table

	<p><i>Methodology</i></p> <p><b>The Applicant</b></p>	<p>10-7 includes shading to identify 'significant' effects. However, there is no shading within Table 10-7. Table 10.3.8 of Appendix 10.3 [APP-119] also does not make this clear.</p> <ul style="list-style-type: none"> <li>i) Clarify both so that it clearly states what level of effect is considered to be significant or not significant.</li> <li>ii) Confirm whether the 'moderate' and 'minor' residual effects identified in Table 10-15 are considered to be 'significant'.</li> </ul>
LV 1.2	<p><i>Design</i></p> <p><b>The Applicant</b></p> <p><b>North Yorkshire County Council</b></p> <p><b>Selby District Council</b></p>	<p>The ExA notes that Chapter 4 of the ES[APP-072] does not outline the design approach and objectives for the Proposed Development. Furthermore, North Yorkshire County Council (NYCC) in its RR [RR-309] states that the design choice and its subsequent effects (if any) on the original power station design needs to be further explained.</p> <p>For the Applicant:</p> <ul style="list-style-type: none"> <li>i) Explain whether an assessment of the architectural and landmark value of the existing power station and in particular the composition of the group of cooling towers from range of close and distant viewpoints has been undertaken.</li> <li>ii) Explain the approach to the design and visual appearance of the proposed development, setting it within the composition of the existing power station.</li> <li>iii) Confirm whether the approach been discussed with NYCC and Selby District Council (SDC). Include the outcome of the discussion in Statements of Common Ground.</li> </ul> <p>For NYCC and SDC:</p> <ul style="list-style-type: none"> <li>iv) Explain how this assessment can be strengthened.</li> </ul>

		v) Provide a response on the proposed design in relation to the existing power station and within the context of its landscape setting.
LV 1.3	<i>Landscape Mitigation</i> <b>The Applicant</b> <b>Yorkshire Wildlife Trust</b> <b>North Yorkshire County Council</b>	<p>Yorkshire Wildlife Trust in its RR [RR-320] states that opportunities exist to mitigate the effects on landscape and visual character as identified in the Chapters 10 [APP-078] and 18 [APP-086] of the ES. Options include improving visitor experiences at Barlow Common Nature Reserve or to major habitat creation flood plain grassland at the River Ouse, which it says would add to landscape value.</p> <p>NYCC in its RR [RR-309] states that the current proposals do not seek to adequately mitigate or compensate for the identified significant adverse effects of the Proposed Development.</p> <ul style="list-style-type: none"> <li>i) Provide a response, including whether further discussions are on-going between parties.</li> <li>ii) If mitigation is to be undertaken off-site, explain how this is to be secured and why, notwithstanding the Landscape and Biodiversity Strategy, additional work is required and agreed.</li> <li>iii) If an off-site financial contribution is to be agreed, provide an explanation and justification for the sum sought and the project to be funded, and how the contribution would meet the requirements of paragraph 4.1.8 of NPS EN-1.</li> </ul>
LV 1.4	<i>Landscape Mitigation</i> <b>The Applicant</b>	Provide a response to the points raised by the Forestry Commission in its RR [RR-152] in respect to landscape mitigation and its accordance with its policies and guidance.
LV 1.5	<i>Landscape Mitigation</i> <b>The Forestry Commission</b>	Provide a response to the Yorkshire Wildlife Trust's RR [RR-320] and whether measures it proposes to improve surrounding landscape value would overcome your concerns raised in your RR [RR-152] on this matter.

LV 1.6	<i>Photomontages</i> <b>North Yorkshire County Council</b> <b>Selby District Council</b>	Chapter 10 of the ES [APP-078] states at Table 10-2 that verified viewpoints have been agreed with the LPAs and photomontages prepared to demonstrate the location of both Units X and Y.  i) Confirm that the viewpoints are appropriate and provide reasonably representative views of the Proposed Development.  ii) Provide a response as to whether any concerns exist with regards to the photomontages provided with the ES.
LV 1.7	<i>Gas Pipeline</i> <b>The Applicant</b>	Provide information on the visual effects of the stockpiling of soils during construction of the pipeline.
<b>NV</b>	<b>Noise and Vibration</b>	
NV 1.1	<i>Operational Noise</i> <b>Selby District Council</b>	Comment on the approach, methodology and assessment presented in Chapter 7 of the ES [APP-075] and Requirement 20 of the dDCO [AS-012]. Alternatively, you may wish to provide such a response in your Local Impact Report and/or Written Representation for Deadline 2.
<b>TT</b>	<b>Traffic and Transport</b>	
TT 1.1	<i>Assessment Methodology</i> <b>The Applicant</b>	Paragraph 5.11.1 of Chapter 5 of the ES [APP-073] states that assumptions relating to the assessment of transport impacts and operational traffic, including the scoping of the impacted transport network have been agreed with Highways England, North Yorkshire

		<p>County Council (NYCC) and East Riding of Yorkshire Council. The ExA notes however, that no explanation has been offered as to what those assumptions are.</p> <ul style="list-style-type: none"> <li>i) Provide those assumptions.</li> <li>ii) Confirm how concerns raised by Highways England, NYCC and East Riding of Yorkshire Council regarding traffic and transport issues have been addressed in the ES.</li> </ul>
TT 1.2	<p><i>Assessment Methodology</i></p> <p><b>The Applicant</b></p>	<p>Confirm whether the likely vehicle movements associated with the disposal of waste from the construction of the Proposed Development has been included in the assessment in Chapter 5 of the ES [APP-073].</p>
TT 1.3	<p><i>Gas Pipeline and Above-Ground Installation</i></p> <p><b>The Applicant</b></p>	<p>Chapter 4 of the ES [APP-072] sets out the transport implications of the Proposed Development on the local highway network. Figures 5.2 and 5.3 illustrate the Abnormal Indivisible Loads (AIL) and Heavy Good Vehicles (HGV) routes from Port of Goole and J36 of the M62 motorway. However, the ExA is not clear on the traffic routes to be taken for the construction of the proposed gas pipeline route and above-ground installation. Newland Parish Council in its RR [RR-239] cite concerns with the use of Brier Lane for these purposes, and suggest a temporary route in advance of a construction haul road.</p> <p>Clarify and indicate on a plan the construction traffic route for the gas pipeline and above-ground installation.</p>
TT 1.4	<p><i>HGV/AIL</i></p> <p><b>The Applicant</b></p>	<p>Paragraph 3.3.32 of Chapter 3 of the ES [APP-071] identifies that the Applicant may require certain highway powers to for example, remove barriers on the highway (such as street furniture) and temporarily close part of the highway to allow the HGV and AIL to pass. Possible construction transport routes for HGVs/AILs are stated to be shown on Figures 5.2, 5.3 and 5.4 of Chapter 5 of the ES [APP- 073]. No highways works beyond the proposed passing place along Rushmore Lane are shown on the Works Plans [APP-</p>

		009].  Explain the extent to which effects associated with any highways works along Rushmore Lane have been assessed.
TT 1.5	<i>Waterborne Freight</i> <b>The Applicant</b>	Both the Canal & River Trust and the Commercial Boat Operators Association in their RR [RR-235 and RR-288] state that waterborne freight should be explored fully to maximise potential usage of the river. Paragraphs 4.10.1 and 4.10.2 of Chapter 4 of the ES [APP-072] state that Drax Jetty was discounted for use because the necessary works to facilitate its use would have resulted in significant environmental effects, particularly from dredging. Paragraph 4.10.3 and Figure 5.2 of Chapter 5 of the ES [APP-073] state and illustrate that the Port of Goole will be used for AILs.  i) Clarify whether Drax Jetty could have been used for other construction deliveries without the need for facilitating works and if so, why it was not considered within the scope of the ES.  ii) Clarify why the Port of Goole is only being used for AILs and not other construction deliveries.  iii) Respond to the points raised by the Canal & River Trust and the Commercial Boat Operators Association particularly in respect to the "Government's Water Preferred Policy".
TT 1.6	<i>Drax Jetty</i> <b>North Yorkshire County Council</b>	Provide comment on the Applicant's assertions stated within paragraph 4.10.2 of Chapter 4 of the ES [APP-072] on the investigation and discounting of waterborne freight being used.
TT 1.7	<i>Public Rights of Way</i> <b>The Applicant</b>	Paragraph 5.8.16 of Chapter 5 of the ES [APP-073] states that during the construction phase of Stage 1, a number of Public Rights of Way (PRoW) may need to be temporarily closed in order to remove any potential for conflict between pedestrians and

		<p>construction vehicles for the construction of the Gas Pipeline. In Stage 2, the Gas Pipeline will be complete, and there will be no impacts for severance. Requirement 9 of the dDCO [AS-012] states that a PRow management plan will be submitted. No such outline plan accompanies the ES. Schedule 7 states the footpaths 35.47/1/1 and 35.47/6/1 are to be permanently stopped up; those PRowS being illustrated on Sheet 2 of the Access &amp; Rights of Way Plans [APP-012].</p> <p>i) Justify the approach as to why a draft PRow Management Plan has not been submitted with the application, particularly given that Schedule 7 of the dDCO [AS-012] indicates two.</p> <p>ii) Submit a draft/outline PRow Management Plan.</p>
TT 1.8	<p><i>Outline Construction Traffic Management Plan</i></p> <p><b>The Applicant</b> <b>Highways England</b> <b>North Yorkshire County Council</b></p>	<p>Provide a response as to the adequacy of this document [APP-091] and Requirement 17 of the dDCO [AS-012] particularly in the light of the comments made by North Yorkshire CC in its RR [RR-309] in respect to temporary car park and footbridge construction and management.</p>
TT 1.9	<p><i>Outline Construction Workers Travel Plan</i></p> <p><b>The Applicant</b> <b>Highways England</b> <b>North Yorkshire County Council</b></p>	<p>Provide a response as to the adequacy of this document [APP-090] and Requirement 18 of the dDCO [AS-012], particularly in the light of the comments made by NYCC in its RR [RR-309] on the need for improvement.</p>