

The Drax Power (Generating Stations) Order

Land at, and in the vicinity of, Drax Power Station, near Selby, North Yorkshire

Applicant's Responses to Other Parties' Responses to the Examining Authority's Written Questions

(Submitted for Deadline 3)



The Planning Act 2008

Drax Power Limited

Drax Repower Project

Applicant: DRAX POWER LIMITED
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Glossary and Abbreviations

The updated Glossary and Abbreviations for the Proposed Scheme are contained in Document Reference 1.6 submitted in November 2018 at Deadline 3 of the Examination.

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1 INTRODUCTION

1.1 Purpose of this Document

- 1.1.1 On 29 May 2018, Drax Power Limited ("Drax" or "the Applicant") made an application ("the Application") for a Development Consent Order to the Secretary of State for Business, Energy and Industrial Strategy ("the SoS"). The Application relates to the Drax Repower Project ("the Proposed Scheme") which is described in detail in chapter 3 of the Environmental Statement (document reference 6.1.3, Examination Library reference APP-071), as amended by the Non-Material Amendment applications submitted at Deadline 2 and Deadline 3.
- 1.1.2 The Application was accepted for Examination on 26 June 2018.
- 1.1.3 This document, submitted for Deadline 3 of the Examination, contains the Applicant's responses to responses from Other Parties to the Examining Authority's First Written Questions ("FWQ"), published at Deadline 2 on 08 November 2018.

2 ALTERNATIVES, NEED & CLIMATE EFFECTS

Table 2-1 - ExA Written Question – ANC 1.7

ExA Ref	Question to	Question
ANC 1.7	Applicant	<p>Carbon Capture Storage</p> <p>The Environment Agency in its RR 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"> ○ A scaled plan to identify the CO2 pipeline and exit point; ○ Details of the space requirements for the carbon capture equipment, along with an explanation of how space allocations have been determined; ○ A statement of estimated cooling demand and that the space allocated is sufficient; ○ A statement of estimated additional compressed air requirements, along with the size of the compressor and their location; ○ Details of the estimated additional waste water treatment needs and that the existing effluent treatment plant can meet this demand; ○ 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 ○ Confirm how the carbon capture equipment will be able to operate at 90% efficiency in OCGT mode. <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.</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>

2.1.1 The Environment Agency (EA) has responded to this question to confirm that it is currently reviewing the documents relating to Carbon Capture Readiness (CCR) the Applicant provided in response to the EA's relevant representation. The EA has also confirmed it remains in discussions with the Applicant in relation to the carbon capture requirements.

- 2.1.2 The Applicant is awaiting further comments on CCR from the Environment Agency. However, a revised CCR Report is submitted at this Deadline 3 (Applicant's document ref 5.7 Rev 002). The EA's Written Representation (Examination Library Ref [REP2-041](#)) and draft SoCG acknowledges that there are no foreseeable barriers to carbon capture with regards space allocation.

Table 2-2 - ExA Written Question – ANC 1.8

ExA Ref	Question to	Question
ANC 1.8	Applicant	<p>Combined Heat and Power</p> <p>The Environment Agency in its RR 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>

- 2.1.3 The EA has responded to this question to confirm that it is currently reviewing the documents relating to Combined Heat and Power (CHP) the Applicant provided in response to the EA's relevant representation. The EA has also confirmed it remains in discussions with the Applicant in relation to the CHP requirements.
- 2.1.4 The Applicant has now received comments on CHP from the EA and has addressed the comments in the revised CHP Report submitted at this Deadline 3 (Applicant's document ref 5.6 Rev 002).
- 2.1.5 The EA's Written Representation (Examination Library Ref [REP2-041](#)) confirmed that it is satisfied that the Applicant has precluded heat or steam production and the draft SoCG acknowledges that the plant will be CHP ready, although there are currently no viable opportunities.

Table 2-3 - ExA Written Question – ANC 1.9

ExA Ref	Question to	Question
ANC 1.9	Client Earth	<p>Need</p> <p>Paragraph 3.1.2 of National Policy Statement (NPS) EN-1 states that it is for industry to 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>

		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. Substantiate your views in light of the NPS paragraph cited above.
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- 2.1.6 Client Earth has not provided a response to this question; however, it has expanded on its submission that there is no need for additional capacity in its Written Representation (Examination Library Ref [REP2-002](#)) which the Applicant has responded to in the Applicant's Responses to Written Representations (Applicant's document ref 8.5.9) submitted at deadline 3.

Table 2-4 - ExA Written Question – ANC 1.13

ExA Ref	Question to	Question
ANC 1.13	Yorkshire Wildlife Trust	<p>Climate Effects</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>

- 2.1.7 The response of Yorkshire Wildlife Trust (YWT) to ANC 1.13 does not explain how the Proposed Scheme is incompatible with the Climate Change Act 2008, having regard to its requirements of carbon emissions being 80% lower than 1990 baseline levels. YWT simply states that failing to reduce actual emissions in the power sector would "*undermine the Act's effectiveness*", which is not the same as being incompatible. As outlined below, the Applicant considers that the Proposed Scheme would not undermine the Act, but would rather support the transition to a decarbonised power sector.
- 2.1.8 The response acknowledges that "*emissions from the power sector, covered by the EU Emissions Trading System (ETS), are not formally counted under the current accounting framework used for assessing compliance with the Climate Change Act.*" YWT then goes on to speculate on possible changes to future carbon budgets. However, consideration of this Application must be based on current legislation and Government policy.
- 2.1.9 YWT raises the point that the UK Committee on Climate Change (CCC) has stated carbon emissions from the power sector must also reduce. YWT also highlights the cost-effective scenario proposed by the CCC. However, the Applicant considers that this presents an incomplete picture of the CCC's position.

- 2.1.10 The CCC considers a range of scenarios (CCC “The compatibility of onshore petroleum with meeting the UK’s carbon budgets” 2015), including a more gradual reduction in gas power generation:

“Carbon budgets and the 2050 target can be met in a range of ways, which imply different balances of reductions in coal, oil and natural gas use, as well as the application of carbon capture and storage (CCS). But, in general, they require unabated consumption (i.e. without CCS) of all fossil fuels to decline over time, most likely reducing the use of fuels with the highest carbon intensity (e.g. coal) earlier and more strongly than those with lower carbon intensity (e.g. natural gas).”

- 2.1.11 These scenarios are considered because the future development of energy generation technology and viability of other technology, such as carbon capture and storage, are not known with certainty.

- 2.1.12 The CCC has also considered (CCC “The Fifth Carbon Budget – The next step towards a low carbon economy” 2015) what will be required to support:

“A deeply decarbonised UK power system in 2030 with high levels of intermittent renewables (e.g. 40% of total generation) while maintaining security of supply... Managing this transition at lowest cost while ensuring security of supply will require investment in flexible gas-fired generation capacity alongside expansion of international interconnection, flexible demand response and electricity storage.”

- 2.1.13 On gas plant, the CCC states *“More efficient and flexible generation technologies are available that can operate stably at lower levels of output, provide faster frequency response than at current levels, and consume less fuel when part-loaded to provide system reserve. Greater use of these would require less overall thermal plant to be built to stabilise the system, be less likely to curtail renewables output, and reduce overall emissions.”*

- 2.1.14 On energy storage technologies, the CCC states *“Further deployment of bulk and distributed energy storage (e.g. battery technologies) can reduce the need for additional back-up capacity and infrastructure, by storing electricity when demand is low and discharging when demand is high.”*

- 2.1.15 This confirms that there will be a role for new, modern gas plants as well as energy storage technology to supply future energy needs. The Proposed Scheme addresses both the need for modern, flexible gas plant and energy storage technology to support the transition to a decarbonised UK power system.

- 2.1.16 YWT states that “it is not reasonable to plan on the basis of a sudden switch away from high- to low-carbon energy generation.” However, YWT’s concerns about the need for rapid construction of alternative generation capacity and effects on employment would likely apply in the 2020s if the Proposed Scheme did not go ahead and coal power generation at the existing Drax Power Station ended. Instead, proceeding with the Proposed Scheme would allow time for, and support to, other low carbon energy generation to be developed (thus facilitating the transition, avoiding a “sudden switch”) and would secure the continuation of nearly 1,000 direct jobs at the existing power station. This is precisely the policy set out in the energy suite of NPSs; to help transition to a low carbon economy now. Indeed, section 2.2 of NPS EN-1 describes how policy supporting new energy generation capacity sits alongside the UK’s climate change obligations. In short, the need for fossil fuel generating

stations is identified in the context of and with the aim of meeting the legally binding target contained in the Climate Change Act 2008 to cut greenhouse gas emissions by at least 80% by 2050 as compared to 1990 levels. Accordingly, the energy NPSs, and the Proposed Scheme (which will support the transition to a decarbonised power sector as envisaged by the CCC), are not incompatible with the Climate Change Act.

3 AIR QUALITY

Table 3-1 - ExA Written Question – AQ 1.2

ExA Ref	Question to	Question
AQ 1.2	The Environment Agency	<p>Environmental Permit</p> <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. Provide this clarification.</p>

- 3.1.1 The Applicant notes the positive comments from the EA in relation to the Proposed Scheme being of the type and nature capable of being adequately regulated under the EPR and that the EA knows "*of no obvious errors or issues which would prevent a permit being granted.*"
- 3.1.2 The Applicant's assessment of air quality has been undertaken in line with guidance published by UK Government, including Defra and EA, and the Institute for Air Quality Management. It has incorporated conservative assumptions which increase the robustness of the conclusions and the approach to the assessment of insignificant process and in-combination contributions was agreed with the EA at the outset of the assessment. The Applicant anticipates, therefore, that the EA's full assessment will confirm that there are no issues that would prevent the EP being granted.

Table 3-2 - ExA Written Question – AQ 1.3

ExA Ref	Question to	Question
AQ 1.3	Applicant The Environment Agency	<p>Environmental Permit Monitoring</p> <p>Chapter 6 of the ES 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>

- 3.1.3 The Applicant agrees with the EA that a final decision on the need for long term air quality monitoring will be determined through the permit application process.

- 3.1.4 However, the Applicant considers that ambient (ground level) monitoring will not be required. Based on the modelled magnitude of the impacts of the Proposed Scheme on sensitive receptors and, in particular, on ecological receptors, the impacts are highly unlikely to be perceptible against the inherent spatial and temporal variability in background pollutant concentrations using ambient air quality monitoring. This applies whether the monitoring is undertaken using either or both continuous monitoring at a limited number of locations or a dense network of passive samplers. As such, it is the Applicant's position that the impact of the Proposed Scheme is most appropriately monitored through continuous emissions monitoring which will be required under permit conditions.

Table 3-3 - ExA Written Question – AQ 1.4

ExA Ref	Question to	Question
AQ 1.4	The Environment Agency	<p>Use of Selective Catalytic Reduction</p> <p>Provide an update as to whether the use of Selective Catalytic Reduction will likely be deemed to represent Best Available Technologies.</p>

- 3.1.5 No response has been received from the EA on this question. The Applicant will respond for a future deadline if the EA provides a further update.

Table 3-4 - ExA Written Question – AQ 1.5

ExA Ref	Question to	Question
AQ 1.5	Applicant	<p>Emissions Monitoring</p> <p>Table 6-3 of Chapter 6 of the ES 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> <p>i) Confirm whether air quality monitoring is or should be secured by the dDCO and whether it forms part of Requirement 17.</p> <p>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.</p>

- 3.1.6 The Applicant notes and confirms that air quality ambient monitoring conducted between 2005 and 2015 showed a significant reduction in concentrations of NO₂. As a result of the low concentrations recorded, ambient monitoring was discontinued.

- 3.1.7 The Applicant agrees with the EA and expects that air quality monitoring requirements will be set as conditions in any Environmental Permit granted for the Proposed Scheme. As such, the Applicant considers that no DCO requirement is necessary in this regard.

Table 3-5 - ExA Written Question – AQ 1.8

ExA Ref	Question to	Question
AQ 1.8	Applicant	<p>Ammonia cap</p> <p>Chapter 6 of the ES 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> <p>i) Confirm if the ammonia cap of 120 tonnes annually has been agreed with Environment Agency.</p> <p>ii) Set out how ammonia levels will be measured and monitored.</p>

- 3.1.8 The Applicant acknowledges the EA's statement that the requirement for SCR abatement has not been included within the EP variation application made for the Proposed Scheme. However, for clarity, the Applicant has presented and discussed the proposed monitoring approach with the EA in a meeting held on 25 October 2018. Further, the Applicant has assessed scenarios both with and without SCR in the ES and demonstrated that the Proposed Scheme is capable of being adequately regulated under the Environmental Permitting Regulations, either with or without SCR. Indeed, this is supported by the EA, which confirms that the Proposed Scheme is one that should be capable of being adequately regulated under the Environmental Permitting Regulations.

Table 3-6 - ExA Written Question – AQ 1.9

ExA Ref	Question to	Question
AQ 1.9	Applicant	<p>Ammonia cap</p> <p>Paragraph 6.3.7 of Chapter 6 of the ES 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> <p>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.</p> <p>ii) Confirm that this has been factored into assessments elsewhere in the ES, including the assessment of biodiversity.</p>

- 3.1.9 This question, addressed to the Applicant, was answered in the Applicant's Response to Written Questions (Examination Library Ref [REP2-035](#)). Please refer to our response to the EA's response to AQ 1.8 above.

Table 3-7 - ExA Written Question – AQ 1.12

ExA Ref	Question to	Question
AQ 1.12	Friends of the Earth	DEFRA 2010 Report on Air Quality 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. Substantiate your comments.

- 3.1.10 Friends of the Earth confirmed in its response to this question at Deadline 1 (Examination Library Ref [REP1-016](#)) that the report referred to was “Estimating Local Mortality Burdens associated with Particulate Air Pollution PHE-CRCE-010” (Public Health England, 2014). The Applicant responded to this issue in the Applicant's Responses to Relevant Representations (Examination Library Ref [REP1-013](#)), paragraph 1.2.2.

4 BIODIVERSITY & HABITATS REGULATIONS

Table 4-1 - ExA Written Question – BHR 1.2

ExA Ref	Question to	Question
BHR 1.2	Applicant Natural England The Environment Agency North Yorkshire County Council	<p>Gas pipeline crossings techniques</p> <p>Chapter 9 of the ES 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>i) Demonstrate the impacts on protected species if trenchless crossings are not possible.</p> <p>ii) Provide further details regarding mitigation measures to be employed if trenchless techniques are not possible.</p> <p>iii) Explain how additional techniques would be secured in the dDCO</p> <p>For Natural England, the Environment Agency and North Yorkshire County Council:</p> <p>iv) Comment on the uncertainty associated with techniques proposed for the gas pipeline crossings under watercourses, drains and hedgerows.</p>

- 4.1.1 The Applicant agrees with the responses made by the Environment Agency and Natural England in relation to BHR 1.2. Natural England's response is in line with the Applicant's Response to Written Questions (Examination Library Ref [REP2-035](#)), and confirms that Natural England is satisfied that if trenchless techniques cannot be used, appropriate mitigation measures could be put in place.
- 4.1.2 The Applicant notes the response made by North Yorkshire County Council and Selby District Council. In relation to the following '*The authorities' preferred position is that there should be a commitment from the applicant that major watercourses and highways will be crossed using trenchless techniques. All lesser crossings where removal of, for example, hedgerows is inevitable should be detailed and replacement measures agreed or put in place*', the Applicant has stated the anticipated techniques to be used for each crossing in its response to Written Question BHR 1.1 (see Examination Library Ref: [REP2-035](#)). These are set out in Figure 4-1 with justifications in paragraph 4.14. These crossings are also set out in Table 1-2 of the Outline Construction Environmental Management Plan (CEMP) (Examination Library Ref: [REP2-025](#)) submitted for Deadline 2. Temporarily removed habitats will be re-instated and, where possible, enhanced as documented in the Biodiversity Net Gain assessment (Examination Library Ref: [REP2-023](#)) and the Outline Landscape and Biodiversity Strategy (Examination Library Ref: [REP2-026](#)).
- 4.1.3 In relation to the following '*It is the Authorities view that the ecological assessment should be undertaken on a worst-case scenario basis which means this must include an*

assessment of impacts should trenchless crossings not be possible and what further protection / mitigation measures may be required', the Applicant confirms that this approach was taken in the Environmental Statement. This is set out in the Biodiversity Chapter of the ES (Examination Library Ref: [APP-077](#), see for example paragraphs 9.8.23, 9.8.30 and 9.8.31).

- 4.1.4 Measures to mitigate against the use of open cut trenches (where required) are set out in Table 3-1 and Appendix 3 of the Outline Landscape and Biodiversity Strategy (Examination Library Ref: [REP2-026](#)). See Section 2.9 of the Applicant's Response to Local Impact Report (Applicant's Document Ref: 8.5.11, as submitted at Deadline 3) for further information on mitigation in relation to Gas Pipeline Construction.
- 4.1.5 In summary, the Applicant is committed to using trenchless techniques at sensitive locations, as set out in the Outline CEMP (Examination Library Ref: [REP2-025](#)), but where that is not appropriate once detailed investigations take place the Applicant will adopt measures to mitigate against the use of open cut trenches, which Natural England has confirmed are acceptable (and these are set out in Table 3-1 and Appendix 3 of the outline Landscape and Biodiversity Strategy (Examination Library Ref: [REP2-026](#)). This approach has been assessed in the Environmental Statement.

Table 4-2 - ExA Written Question – BHR 1.3

ExA Ref	Question to	Question
BHR 1.3	Applicant Natural England The Environment Agency North Yorkshire County Council Selby District Council	<p>Field Surveys</p> <p>Table 9-2 of Chapter 9 of the ES identifies that a “<i>reptile survey report documenting the results of the reptile survey will be submitted after the dDCO 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"> ○ Reptiles (two further surveys) ○ Breeding birds ○ Bats (activity surveys) <p>For the Applicant:</p> <p>i) Explain why these surveys were not carried out prior to submission of the application.</p> <p>ii) Provide an update with regard to further ecological surveys that are identified in the ES as to be undertaken in 2018.</p> <p>iii) Provide the results of these surveys and identify how the results of these affect the assessment in the ES, including mitigation proposed.</p> <p>For Natural England, The Environment Agency, North Yorkshire County Council and Selby District Council:</p> <p>iv) Comment on any concerns with regards to the current absence of this data.</p>

- 4.1.6 The Applicant agrees with the responses made by the Environment Agency, Natural England, North Yorkshire County Council and Selby District Council in relation to BHR 1.3. Natural England has confirmed it has received the surveys and has no concerns. The Councils have also confirmed receipt and that they have no concerns, as set out in the email from NYCC provided at Appendix BHR_ResA of this document. The EA has simply confirmed this question is not within its remit. See paragraph 2.92 and 2.93 of the Applicant's Response to Local Impact Report (Applicant's document reference 8.5.11, version 001 submitted at deadline 3). Please also see the Applicant's response to Written Question BHR 1.3 (Examination Library Ref [REP2-035](#)).

Table 4-3 - ExA Written Question – BHR 1.4

ExA Ref	Question to	Question
BHR 1.4	Applicant Natural England The Environment Agency North Yorkshire County Council Selby District Council	<p>Field Surveys</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 missions/ approach to missing data has been identified in the respective RRs from NE and NYCES]</i></p>

- 4.1.7 The Applicant agrees with the responses made by the Environment Agency, Natural England, NYCC and SDC in relation to BHR 1.4; Natural England has referred to the Statement of Common Ground entered into with the Applicant (Examination Library Ref [REP1-004](#)), and the Councils have confirmed receipt of surveys and that they have no concerns. It should be noted that the Local Impact Report (Examination Library Ref: [REP02-047](#)), paragraphs 7.86 states that 'There are a number of specific surveys reports which still need to be received and reviewed'. This has been confirmed as erroneous by NYCC's Principal Ecologist; NYCC have received all reports and have agreed the content (see BHR Response – Appendix A – NYCC Correspondence). The EA has simply confirmed this question is not within its remit. Please see the Applicant's response to Written Question BHR 1.4 (Examination Library Ref [REP2-035](#)) and paragraphs 2.92 and 2.93 of the Applicant's Response to Local Impact Report (Applicant's Document Ref: 8.5.11, as submitted at Deadline 3).

Table 4-4 - ExA Written Question – BHR 1.6

ExA Ref	Question to	Question
BHR 1.6	Applicant Yorkshire Wildlife Trust	<p>Ecological Networks</p> <p>Yorkshire Wildlife Trust in its RR state that the methodologies within the Applicant’s Biodiversity Net Gain strategy 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> <p>i) Explain whether the Applicant can achieve 20% net biodiversity gain from the Proposed Development.</p> <p>For Yorkshire Wildlife Trust:</p> <p>ii) Explain what further information is required to assess the implications of the proposals and comment accordingly.</p>

4.1.8 In relation to the YWT response to part ii) of the question, the Applicant can confirm that an updated Biodiversity Net Gain Assessment (Examination Library Ref: [REP2-023](#)) was submitted at Deadline 2. Following revisions to the Outline Landscape and Biodiversity Strategy, an updated version of which was also submitted at Deadline 2 (Examination Library Ref: [REP2-026](#)), the BNG Report has identified that a net gain for biodiversity will be delivered, equivalent to ~5% for area-based Biodiversity Units and ~6% for Linear Units. These documents identify that the Proposed Scheme would deliver approximately 1000 m of hedgerow planting as part of the mitigation/compensation for impacts on linear habitats. Furthermore, the Outline Landscape and Biodiversity Strategy submitted at Deadline 2 (Examination Library Ref: [REP2-026](#)) includes ‘off-site’ mitigation that include proposals for habitat creation, enhancement and management outside of the Proposed Scheme on land owned by Drax. These proposals seek to strengthen ecological networks. The Applicant believes that the proposals adequately address the comments made by YWT in relation to habitat creation outside of the development area, as set out in Section 2 of the Outline Landscape and Biodiversity Strategy.

Table 4-5 - ExA Written Question – BHR 1.8

ExA Ref	Question to	Question
BHR 1.8	Natural England Yorkshire Wildlife Trust	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.

ExA Ref	Question to	Question
	Selby District Council	

- 4.1.9 The Applicant agrees with the responses made by Natural England in relation to BHR 1.8; Natural England considers that amendments to the outline Landscape and Biodiversity Strategy would reinforce its position that the strategy sets out measures to enhance biodiversity. Please see the Statement of Common Ground with Natural England (Examination Library Ref: [REP1-004](#)).
- 4.1.10 The response from SDC and NYCC in relation to the revised Outline Landscape and Biodiversity Strategy is provided in the Councils' Local Impact Report (Examination Library Ref: [REP2-047](#)). Therefore, in relation to SDC's and NYCC's response to this question, please see section 2.9 of the Applicant's Response to Local Impact Report (Applicant's Document Ref: 8.5.11, as submitted at Deadline 3). It is noted that, as per the Applicant's Response to Written Question BHR 1.7 (Examination Library Ref [REP2-035](#)) submitted at Deadline 2, the Outline Landscape and Biodiversity Strategy has been revised in discussion with NYCC and was resubmitted at Deadline 2 (Examination Library Ref: [REP2-026](#)) with a number of amendments made, including reference to improving ecological connectivity. Please also see the Applicant's Response to Written Question BHR1.5. Impacts on species and habitats and the mitigation proposed to compensate for the impacts are outlined in Table 3.1 and Appendix 3 of the revised Outline Landscape and Biodiversity Strategy.
- 4.1.11 In relation to the response by YWT to Written Question BHR 1.8 (Examination Library Ref: [REP2-046](#)), the Applicant notes that the assessment of ecological impacts was set out in Section 9.7 of the ES Biodiversity Chapter (Examination Library Ref: [APP-077](#)). Although there have been minor changes to the layout and hence direct impacts of the Proposed Scheme, these have not significantly altered the effects on habitats, species and ecological networks. The Applicant does not consider it practicable to repeat the impact assessment set out in the ES in full in the Outline Landscape and Biodiversity Strategy. The structure of the Outline Landscape and Biodiversity Strategy submitted at Deadline 2 (Examination Library [REP2-026](#)) was revised in response to comments made by NYCC.
- 4.1.12 The Applicant would like to highlight that Section 4 of the Biodiversity Net Gain Report, submitted at Deadline 2 (Examination Library Ref: [REP2-023](#)), sets out the pre-construction habitats and post-construction habitats associated with each Development Parcel and habitat Compensation Area. Tables 11 to 49 set these out for each land parcel considered, with a summary of losses and gains of Biodiversity Units and Linear Units set out in Tables 49 and 50 in Section 5. The Applicant agrees with YWT's comment in relation to suitable techniques for habitat creation, planting plans and management and would like to confirm that there will be a net gain as a result of the Proposed Scheme.

Table 4-6 - ExA Written Question – BHR 1.14

ExA Ref	Question to	Question
BHR 1.14	Natural England The Environment Agency	<p>Scope</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> <p>i) Confirm that all agreements referred to in the ES are satisfactory.</p> <p>ii) Confirm details and provide evidence of such agreements.</p>

- 4.1.13 The Applicant agrees with the responses made by the Environment Agency and Natural England in relation to BHR 1.14; Natural England has confirmed it is content with the scope of the EIA and the content of the ES (as recorded in the Statement of Common Ground), whilst the EA has confirmed this topic is not within its remit. Please see the Applicant's response to Written Question BHR 1.14 (Examination Library Ref [REP2-035](#)) and Statement of Common Ground with Natural England (Examination Library Ref [REP1-004](#)).

Table 4-7 - ExA Written Question – BHR 1.15

ExA Ref	Question to	Question
BHR 1.15	Applicant Natural England	<p>Consents and Licences</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, 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'. Reference is made in Tables 9- 2 and 9-3 of Chapter 9 of the ES to agreeing a 'shadow' licence approach to licensing (where required). Paragraphs 9.8.15 – 9.8.19 of Chapter 9 of the ES state that the closure of one or more badger setts is anticipated.</p> <p>i) Confirm the accuracy of the reference to an 'EPS licence for badgers'.</p> <p>ii) Explain whether a 'shadow' licence approach has been agreed and prepared.</p> <p>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.</p> <p>iv) Provide evidence to show how the provision of artificial badger sett(s) will be secured.</p>

- 4.1.14 The Applicant agrees with the responses made by Natural England in relation to BHR 1.15, in particular that a Defra licence for badgers and not an EPS licence would be required, and that there is no impediment to granting a licence (subject to confirmation that all reasonable avoidance measures have been taken and confirmation of various details). The second point is agreed by the Applicant on the understanding (obtained verbally from NE) that the detailed design of mitigation measures would be assessed at the time a badger licence application was formally submitted to NE. This would take place after granting of a DCO by the SoS rather than during the DCO Examination process. Please also see the Applicant's response to Written Question BHR 1.15 (Examination Library Ref: [REP2-035](#)).

Table 4-8 - ExA Written Question – BHR 1.17

ExA Ref	Question to	Question
BHR 1.17	Selby District Council	<p>Post construction monitoring</p> <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>

- 4.1.15 The joint response from SDC and NYCC states that there is no specific concern in this respect, and that issues on this point have been expanded upon in the Councils' Local Impact Report (Examination Library Ref: [REP2-047](#)). In relation to SDC's and NYCC's response to this question, please therefore see the Applicant's Response to Local Impact Report (Applicant's Document Ref: 8.5.11, as submitted at Deadline 3).

Table 4-9 - ExA Written Question – BHR 1.18

ExA Ref	Question to	Question
BHR 1.18	Applicant Natural England	<p>HRA Report –qualifying features</p> <p>There are a number of discrepancies in the Applicant's HRA report 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 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 crane 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</p>

ExA Ref	Question to	Question
		<p>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> <p>i) Provide revised matrices and summary tables 2-2 to 2-9 and in Word format.</p> <p>ii) Explain the extent to which the conclusions in the HRA Report would be affected by any amendments made.</p> <p>For Natural England:</p> <p>iii) Confirm if the correct qualifying species have been identified for the ten European sites considered.</p>

4.1.16 The Applicant agrees with the responses made by and Natural England in relation to BHR 1.18; Natural England has confirmed that the correct qualifying features have been identified for the European sites identified in the HRA. The list of site features listed in HRA Screening Matrix 4 (Lower Derwent Valley) in Appendix 1 has been amended and updated for Deadline 3. Please see the Applicant's response to Written Question BHR 1.18 (Examination Library Ref [REP2-035](#)) and accompanying Appendix BHR-C.

Table 4-10 - ExA Written Question – BHR 1.19

ExA Ref	Question to	Question
BHR 1.19	Applicant Natural England The Environment Agency	<p>Otters and fish species</p> <p>Paragraph 5.3.16 in Section 5 in the HRA report 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, which is secured through Requirement 8 of the dDCO. The majority of measures set out in 5.3.16 are not included within the outline LBS as provided with the application.</p> <p>Measures are also stated in Section 5 in the HRA report to be secured through the CEMP, which is secured through Requirement 16 of the dDCO. Paragraph 5.3.18 of the HRA report states that the</p>

ExA Ref	Question to	Question
		<p>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> <p>i) Explain why the avoidance and mitigation measures as set out in paragraph 5.3.16 of the HRA report are not included in full within the outline LBS.</p> <p>ii) Confirm that measures to control effects on fish species (including eels) form part of the CEMP, or provide further detail.</p> <p>For Natural England and the Environment Agency:</p> <p>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.</p>

4.1.17 The Applicant agrees with the responses made by the Environment Agency and Natural England in relation to BHR 1.19; Natural England has confirmed its understanding that the Outline Landscape and Biodiversity Strategy and the Outline Construction Environmental Management Plan are to be updated to include the mitigation measures referred to from the HRA. The Applicant made these changes to the revisions of both these documents submitted at Deadline 2 (Examination Library Ref: REP2-025 and REP2-026 respectively). The EA has confirmed this question is not within its remit. Natural England has confirmed that it is content with the conclusions of the Applicant's HRA report. Please see the Applicant's response to Written Question BHR 1.19 (Examination Library Ref [REP2-035](#)).

5 COMPULSORY ACQUISITION

Table 5-1 – ExA Written Question – CA 1.5

ExA Ref	Question to	Question
CA 1.5	Applicant National Grid	Connection Agreements Update the position in respect to connections to National Grid's electricity and gas infrastructure and how this will be secured.

- 5.1.1 The Applicant agrees with National Grid's response to Written Question CA 1.5, and has no further comment to make.

6 CONSTRUCTION AND OPERATION EFFECTS

Table 6-1 - ExA Written Question – CO 1.7

ExA Ref	Question to	Question
CO 1.7	Applicant Natural England Selby District Council	<p>Permanent and Temporary Land Take</p> <p>i) Provide comments on the effects of the Proposed Development and the proposed land take on Best and Most Versatile land.</p> <p>ii) Comment on the draft Soil Management Plan, currently appended to the outline CEMP [APP-133].</p> <p>For the Applicant:</p> <p>iii) Provide a plan which identifies and distinguishes between land that is required permanently and temporarily.</p>

- 6.1.1 Natural England has advised in its response to this FWQ (Examination Library Ref REP2-045) “*that works set out in the Soil Management Plan are carried out in accordance with the Defra’s Code of Practice for the Sustainable Use of Soils on Construction sites.*”
- 6.1.2 The Applicant can confirm that the outline Construction Environmental Management Plan and appended draft Soil Management Plan (SMP) (Examination Library Ref [REP2-025](#)) are based on based on Defra’s “Construction Code of Practice for the Sustainable Use of Soils on Construction Sites” and that works will be carried out in accordance with these plans, as secured by Requirement 16 of the draft DCO (Applicant’s document reference 3.1 Rev 3 submitted at Deadline 3).
- 6.1.3 The Applicant welcomes SDC and NYCC’s confirmation in their Response to the Examining Authority’s Written Questions and in its Local Impact Report (Examination Library Ref: [REP2-047](#)) that the SMP appended to the Outline CEMP (Examination Library Ref [REP2-025](#)) includes the measures requested by the Authorities. The Applicant also confirms that the SMP is secured by the draft DCO (Applicant’s document reference 3.1 Rev 3 submitted at Deadline 3) requirement 16, which requires that the CEMP must be substantially in accordance with the outline construction environmental management plan. As indicated above, the outline CEMP (Examination Library Ref [REP2-025](#)) includes the SMP and will be a certified document.

Table 6-2 - ExA Written Question – CO 1.11

ExA Ref	Question to	Question
CO 1.11	Applicant North Yorkshire	<p>Cumulative Effects</p> <p>Paragraph 17.11.3 of Chapter 17 of the ES states that any planning applications, status updates or additional information published since</p>

ExA Ref	Question to	Question
	County Council	March 2018 have 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.
	Selby District Council	

- 6.1.4 The Applicant welcomes the confirmation from North Yorkshire County Council and Selby District Council that the Authorities are not aware of any developments of a scale that would have cumulative effects sufficient that they should be included.
- 6.1.5 An update to the Cumulative Impact Assessment is submitted in the Supplemental Cumulative Assessment (Applicant's Ref: 8.4.9) at this Deadline 3.

7 DRAFT DEVELOPMENT CONSENT ORDER (DDCO)

Table 7-1 - ExA Written Question – DCO 1.16

ExA Ref	Question to	Question
DCO 1.16	Applicant	<p>Ground conditions</p> <p>The Environment Agency in its RR states that the wording of this Requirement needs amending because it is insufficient to protect controlled waters. Provide a response and if necessary amend the Requirement.</p>

- 7.1.1 The Environment Agency (EA) has provided a response to this question in its Response to the Examining Authority's Written Questions (Examination Library Ref [REP2-042](#)). Its response records its understanding that the wording proposed by the EA in its Relevant Representation for a requirement in relation to ground conditions will be included in the draft DCO. The Applicant confirms (as set out in its Response to Written Questions, Examination Library Reference [REP2-035](#)) that it has revised the wording of Requirement 14 in the draft DCO submitted at Deadline 2 (Examination Library Reference REP2-014) in response to the EA's Relevant Representation. Whilst substantially the same, the wording of the revised requirement is not exactly the same as that set out by the EA, primarily in order for the requirement to “fit” into the style of a statutory instrument. The Applicant is in discussions with the EA in this respect. Agreement on this point will be recorded in the Statement of Common Ground being discussed between the parties.

Table 7-2 - ExA Written Question – DCO 1.17

ExA Ref	Question to	Question
DCO 1.17	Applicant North Yorkshire County Council	<p>Archaeology</p> <p>Requirement 15 (archaeology) of the dDCO 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> <p>i) Provide a response; or</p> <p>ii) Amend the Requirement accordingly.</p>

7.1.2 Selby District Council and North Yorkshire County Council have responded to this question, stating their position that Requirement 15 should be amended so as not to permit preliminary works to take place prior to the submission of a written scheme of investigation.

7.1.3 The Applicant's position (as set out in response to FWQ DCO 1.2 and 1.17, Examination Library Ref [REP2-035](#)) is that the permitted preliminary works comprised of "intrusive archaeological surveys" should be excluded in respect of Requirement 15, but that it is appropriate for all other actions included in the definition of "permitted preliminary works" to be carried out prior to the submission and approval of the written scheme of investigation pursuant to Requirement 15. The reason for this is that it is not anticipated that such actions will adversely affect archaeological features, as explained in the Applicant's response to the question.

Table 7-3 - ExA Written Question – DCO 1.19

ExA Ref	Question to	Question
DCO 1.19	Applicant	<p>Absence of separate Site Waste Management Plan</p> <p>The Environment Agency in its RR states that the Site Waste Management Plan should be specifically referred to in Requirement 16 of the dDCO. Provide a justified response.</p>

7.1.4 The EA has confirmed in its Response to the Examining Authority's Written Questions (Examination Library Ref: [REP2-042](#)) that it considers it acceptable that the Site Waste Management Plan is required to be produced as part of the Construction Environmental Management Plan, which is in turn secured by Requirement 16 to the draft DCO (Applicant's document reference 3.1 revision 3 submitted at Deadline 3), and that no additional requirement is therefore necessary. The Applicant concurs with this response.

Table 7-4 - ExA Written Question – DCO 1.26

ExA Ref	Question to	Question
DCO 1.26	Statutory Bodies	<p>Protective Provisions</p> <p>Comment on the adequacy of Schedule 12 (Protective Provisions) in the dDCO [AS-012].</p>

7.1.5 No responses have been received from statutory bodies to this question.

8 FLOOD RISK AND WATER RESOURCES

Table 8-1 - ExA Written Question – FW 1.3

ExA Ref	Question to	Question
FW 1.3	Applicant Environment Agency	<p>Mitigation</p> <p>Chapter 12 of the ES 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> <p>i) Confirm whether such monitoring has been put in place.</p> <p>For the Environment Agency:</p> <p>ii) Comment on the proposed monitoring.</p>

- 8.1.1 The EA's response to the Examining Authority's Written Questions, pages 8 – 9 (Examination Library Ref: [REP2-042](#)) confirms that, following information being provided by the Applicant in relation to the local geology and hydrogeology, the Environment Agency has agreed with the Applicant that long-term groundwater level and surface water level monitoring will not be required. This agreement will be recorded in a Statement of Common Ground and submitted to the Examination.

Table 8-2 - ExA Written Question – FW 1.4

ExA Ref	Question to	Question
FW 1.4	The Environment Agency North Yorkshire County Council	<p>Outline Surface Water Drainage Strategy</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 DCO [AS-012]).</p>

- 8.1.2 In the response to the Examining Authority's Written Questions (Examination Library Ref: [REP2-042](#)), the EA confirmed that they are satisfied with the proposed Outline Surface Water Drainage Strategy.
- 8.1.3 In the Response to the Examining Authority's Written Questions and in its Local Impact Report (Examination Library Ref: [REP2-047](#)), North Yorkshire County Council (NYCC) confirms that it has no concerns regarding the proposed outline Surface Water Drainage Strategy. NYCC advises that the Proposed Scheme also falls within the administrative boundary of the Selby Area Internal Drainage Board (SAIDB) to whose opinion NYCC would

defer. The Applicant has agreed a Statement of Common Ground with SAIDB (Applicant document ref: 8.1.9), which is submitted at Deadline 3. SAIDB has confirmed it is satisfied with the proposed outline drainage strategy subject to any required consents being put in place.

Table 8-3 - ExA Written Question – FW 1.5

ExA Ref	Question to	Question
FW 1.5	The Environment Agency North Yorkshire County Council	Flood Risk Assessment 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.

8.1.4 In the response to the Examining Authority's Written Questions (Examination Library Ref: [REP2-042](#)), the EA confirms that it is content with the scope, assessment, methodology and conclusions of the Flood Risk Assessment.

8.1.5 In the Response to the Examining Authority's Written Questions and in its Local Impact Report (Examination Library Ref: [REP2-047](#)), North Yorkshire County Council (NYCC) confirms that, in its capacity as Lead Local Flood Authority, it has no concerns regarding the proposals to control foul and surface water drainage. NYCC advises that the Proposed Scheme also falls within the administrative boundary of the Selby Area Internal Drainage Board (SAIDB) to whose opinion NYCC would defer. The Applicant has agreed a Statement of Common Ground (SoCG) with SAIDB (Applicant document ref: 8.1.9), which is submitted at Deadline 3. SAIDB confirmed that the proposed mitigation measures described in the FRA are sufficient to mitigate the identified impacts relating to surface water runoff, flood risk and preventing pollution of watercourses to be negligible. This is recorded in the SoCG.

Table 8-4 - ExA Written Question – FW 1.6

ExA Ref	Question to	Question
FW 1.6	Applicant The Environment Agency	Water framework directive It is noted from Chapter 12 of the ES 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. Provide the WFD Screening to the Examination and evidence of agreement with the EA regarding this matter.

- 8.1.6 In the response to the Examining Authority's Written Questions (Examination Library Ref: [REP2-042](#)), the EA confirms that they reviewed and agreed with the findings of the WFD Screening assessment as part of the pre-application discussion. The Environment Agency also confirms that a full WFD assessment is not required.

9 HISTORIC ENVIRONMENT

Table 9-1 - ExA Written Question – HE 1.1

ExA Ref	Question to	Question
HE 1.1	Applicant Historic England North Yorkshire County Council Selby District Council	Heritage value of the existing power station Provide a response on whether the existing power station and in particular the group of cooling towers has any local, regional or national heritage value.

- 9.1.1 A response to this question was not received from Historic England.
- 9.1.2 In its Response to the Examining Authority's Written Questions and in its Local Impact Report (Examination Library Ref: [REP2-047](#)), NYCC (and on behalf of SDC) recognises the heritage value of the existing power station as the largest of its type in the county and with the tallest chimney. NYCC suggests that with other planned and consented developments to neighbouring power stations, Drax power station will remain as the sole Aire Valley power station that retains much of its original distinctive design. Due to this, there is some heritage value in the existing power station at Drax. However, as is acknowledged in the answer, the existing power station is not designated (statutory or otherwise) at any level.
- 9.1.3 The Applicant acknowledges that, if other power stations are demolished, Drax power station would be the sole remaining "Aire Valley Power Station" and therefore carries some heritage merit, albeit not designated. The Proposed Scheme, therefore, should be viewed as development that is making use of a heritage asset that could otherwise be redundant and, with no heritage protection, could be partially demolished should Units 5 and 6 not be repowered. In addition to this benefit, the Applicant considers that the repowering will not have a significant impact from a heritage perspective on the distinctive design and character of the existing power station, which will still be recognisable in the landscape.

Table 9-2 - ExA Written Question – HE 1.2

ExA Ref	Question to	Question
HE 1.2	North Yorkshire County Council, Selby District Council and Historic England	Written Scheme of Investigation 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.

- 9.1.4 In its response to the Examining Authority's Written Questions and its Local Impact Report (Examination Library Ref: [REP2-047](#)) NYCC (and on behalf of SDC) agrees with the approach taken by the Applicant in proposing to submit a Written Scheme of Investigation for future archaeological mitigation. The SoCG between the Applicant, NYCC and SDC also records the agreed position that a programme of archaeological mitigation (including a Written Scheme of Investigation) has been devised in consultation with NYCC and SDC, and is adequately secured by requirement 15 of the draft DCO (Applicant's document reference 3.1 Rev 3).
- 9.1.5 A response to this question was not received from Historic England.

Table 9-3 - ExA Written Question – HE 1.3

ExA Ref	Question to	Question
HE 1.3	Historic England	<p>Assessment methodology</p> <p>Chapter 8 of the ES [APP-076] makes reference to agreements with Historic England on specific matters.</p> <p>i) Confirm whether all agreements referred to in the ES are satisfactory.</p> <p>ii) Confirm details and provide evidence of such agreements.</p>

- 9.1.6 A response to this question was not received from Historic England.
- 9.1.7 However, as set out in the Applicant's Response to Written Questions (Examination Library Ref [REP2-035](#)), the Statement of Common Ground with Historic England (Examination Library Ref: REP1-003) confirms agreement between the parties in relation to the consultation undertaken between the parties, the scope of the assessment, assessment of methodology and assessment conclusions. Furthermore, paragraph 2.5 of the Statement of Common Ground confirms that there are no outstanding matters. Accordingly, the Applicant considers that the Statement of Common Ground provides the ExA with the necessary evidence of agreement with Historic England.

10 LANDSCAPE AND VISUAL

Table 10-1 - ExA Written Question – LV 1.2

ExA Ref	Question to	Question
LV 1.2	The Applicant North Yorkshire County Council Selby District Council	<p>Design</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"> 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. ii) Explain the approach to the design and visual appearance of the proposed development, setting it within the composition of the existing power station. 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. <p>For NYCC and SDC:</p> <ul style="list-style-type: none"> iv) Explain how this assessment can be strengthened. v) Provide a response on the proposed design in relation to the existing power station and within the context of its landscape setting.

10.1.1 The joint response from SDC and NYCC to part (iv) of the question states that an explanation could have been provided of how the architectural, landmark and aesthetic design of the Existing Drax Power Station Complex has: been considered and assessed; influenced the technology choice and alternatives considered; and influenced the final design taking into account potential impact on the landscape. With respect to the Authorities' response, the architectural, landmark and aesthetic design of the original power station were not key drivers in influencing the initial technology choice and alternatives considered in Chapter 4 of the ES (Examination Library Ref APP-072). The Applicant's objectives are set out in Section 3 of the Planning Statement (Examination Library Ref APP-062) and in the

Applicant's position statement on Landscape and Visual Amenity Effects – Appropriateness of Proposed Mitigation submitted for Deadline 2 on 8 November 2018 (Examination Library Ref REP2-033), and alternatives, including the choice of technology, were considered in the context of those objectives.

- 10.1.2 The Applicant considered that the Existing Drax Power Station Complex is the most appropriate location for the Proposed Scheme rather than a new greenfield location given its objectives relating to the re-utilisation of existing infrastructure (as part of the UK's transition to a low carbon economy), re-using as much existing operational land as possible, and maximising the efficiency of Drax Power Station.
- 10.1.3 Existing infrastructure such as cooling systems, cooling towers and steam turbines would otherwise be potentially redundant despite the infrastructure remaining within its operating life and capable of contributing to more efficient energy production and a lower carbon footprint (given it is already constructed). Indeed, by re-using this infrastructure the power station, which, as NYCC and SDC have admitted, is the last Aire Valley Power Station, would have a potentially uncertain future and face partial demolition (although Units 5 and 6 could potentially continue with abated coal). Accordingly, the Proposed Scheme should also be viewed in the context of being the "next stage" of the long history of power generation at Drax.
- 10.1.4 The Proposed Scheme makes use of an existing brownfield site that has long been established for electricity generation. The majority of the site is brownfield land, and the majority of the proposed infrastructure would be perceived in the context of the already industrialised Existing Drax Power Station Complex. Permanent loss of currently agricultural land would be minimised and there would therefore be little material change in land use.
- 10.1.5 Structures forming part of the Proposed Scheme have been considered carefully in terms of their siting:
- Units X and Y have been positioned close to the existing steam turbines to reuse existing infrastructure, maximise existing infrastructure and enable ongoing operations of Drax's coal units until such a time as they are decommissioned; and
 - Vertical Heat Recovery Steam Generators (HRSGs) rather than horizontal HRSGs are proposed since they are compact and have a much smaller footprint allowing the plant layout within the Existing Drax Power Station Complex boundary to be optimised.
- 10.1.6 Chapter 10 of the ES considered the symmetry and original design of the power station (including development that has taken place since the original design in order to reflect the existing environment at the Existing Drax Power Station Complex) as part of the existing baseline, against which the assessment of the Proposed Scheme's impact has taken place. This is in accordance with EIA Regulations 2017.
- 10.1.7 The ES Chapter 10 Landscape and Visual Amenity (Examination Library Refe APP-078) does acknowledge the architectural symmetry of the original power station as referenced in paragraph 10.5.43, "*The Existing Drax Power Station Complex is a dominant feature in the landscape with a strong, almost iconic "presence". Its large scale, mass and coherent, considered design has resulted in strong, symmetry primarily relating to the cooling towers, chimney, boiler house and turbine hall.*" The coherent, considered design and symmetry of the original design has been taken into account for the purposes of the assessment.

- 10.1.8 Chapter 10 also notes that subsequent development has taken place since the implementation of the original design of the power station which has eroded this harmony. Paragraph 10.4.95 of Chapter 10 states that *“Since the original Weddle design, there has been an erosion of the original symmetry and a widening of the original footprint increasing visual coalescence from some elevations and increasing visual clutter through an intensification of land use. This has been through incremental development on the existing Drax Power Station Complex prior to the application, including the introduction of biomass cofiring units, the biomass storage domes as well as the more recent Lytag plant to the north west of the existing Drax Power Station Complex”*.
- 10.1.9 In terms of influencing the final design, taking into account potential impact on the landscape, regard will be had during the detailed design development to using materials for the proposed structures which reduce reflection and glare and assist with breaking up the massing of the buildings and structures. The buildings are likely to be steel structures with concrete walls or metal / GRP cladding. The turbine stacks would be a steel frame with a reinforced concrete shell. Requirement 6 in Schedule 2 of the draft DCO (Applicant’s document reference 3.1 Rev 3 submitted at Deadline 3) requires the approval by Selby District Council of the siting, layout, scale and external appearance, including colour, materials and surface finishes of all new permanent buildings and structures. An indicative colour palette for structures is provided in the ES Chapter 10 Landscape and Visual Amenity (Examination Library Ref APP-078). The proposed colours have drawn on the colour palette used in the original Drax design.
- 10.1.10 The Proposed Scheme retains existing blocks of woodland on and off site which were identified through the original Weddle’s landscape proposals. Specific areas which have been retained through changes in the design process include:
- The retention of North Station Wood (north of the materials handling entrance) during construction and operation of the Proposed Scheme (without CCS).
 - The retention of a 15 m wide woodland buffer within the Power Station Site, adjacent to the northern boundary during construction providing a continuous belt of woodland during the construction and operation of the Proposed Scheme (without CCS).
 - The retention of existing planting along the southern road entrance and within the Site Boundary resulting in revisions to the arrangement of the contractor’s village access
 - road.
- 10.1.11 The revised Outline Landscape and Biodiversity Strategy submitted at Deadline 2 (Examination Library Ref - REP2-026) sets out design objectives for the detailed design of the proposed landscaping of the Proposed Scheme. These objectives reflect many of the landscape design objectives of the Weddle landscape management report including objectives that:
- Provide a bold, simple landscape structure to connect and unify large scale structures as well as linking physically and visually with surrounding off site planting. Planting should be drawn from a small planting palette.
 - Reduce visual clutter and introduce a low-level screening internally through new hedgerows and shrub planting where feasible.
 - Maintain existing trees and shrubs and where appropriate substitute and introduce further planting to provide greater interest, increase density and spread.

10.1.12 With respect to part (v) of this question the Applicant notes and agrees with NYCC and SDC’s comment. ES Chapter 10 Landscape and Visual Amenity (Examination Library Ref APP-078) acknowledges in paragraph 10.5.69 and 10.5.70 that “*The Proposed Scheme would “jar” within the Existing Drax Power Station Complex from certain elevations and conflict with its simple symmetry*”. It goes on to state that “*The Proposed Scheme, and in particular the presence of eight stacks would protrude above the horizontal lines created by the tops of the cooling towers, forming a strong contrast to the existing mass due to their narrow width and form, and visually “clutter” the top of the towers resulting in a slightly discordant view from certain angles. However, subject to appropriate climatic conditions, plumes from the existing cooling towers would mask views of the tops of the stacks in certain directions.*” Discordant views would be particularly apparent in elevations to the north east, east and south east.

10.1.13 The Applicant notes that it is agreed whilst the Proposed Scheme would be visible over a significant distance (due to the Proposed Scheme’s location within a relatively flat and low lying arable landscape), visibility is less harmful in long range views. Furthermore, it is acknowledged in NPS EN-2 that it “*is not possible to eliminate the visual impacts associated with a fossil fuel generating station.*” At paragraph 2.6.10 of EN-2, provided that the Secretary of State is satisfied that the location is appropriate for the project, and that it has been designed sensitively (having regard to relevant constraints), the visibility of a fossil fuel generating station should be given limited weight. The Applicant submits that given the proposed locations of the generating stations are within the boundary of an existing power station and given the Applicant has designed the Proposed Scheme as sensitively as it can working within the existing site and landscape constraints, that the visibility of the Proposed Scheme should be given limited weight.

Table 10-2 - ExA Written Question – LV 1.3

ExA Ref	Question to	Question
LV 1.3	Applicant Yorkshire Wildlife Trust North Yorkshire County Council	<p>Landscape Mitigation</p> <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 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> <p>i) Provide a response, including whether further discussions are ongoing between parties.</p> <p>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.</p>

ExA Ref	Question to	Question
		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.

- 10.1.14 With respect to part i) whilst the Applicant is continuing discussions with NYCC, SDC and YWT over further options to “offset” or compensate for the impact on landscape character and visual amenity through working with partnerships on local projects, due to the scale and size of the Proposed Scheme, the Applicant considers that further mitigation would not reduce the significant adverse effects and would in fact give rise to greater effects in terms of loss of, or degradation of, Best and Most Versatile Land. A full response is outlined in the Appropriateness of Proposed Mitigation report, which was submitted at Deadline 2 (Examination Library Reference REP2-033).
- 10.1.15 The Applicant considers that the updated Biodiversity Net Gain (BNG) Assessment (revised and resubmitted at Deadline 2 (Examination Library Ref: REP2-023) sets out a realistic assessment of the biodiversity units that would be delivered. This version of the BNG report is based on the current site clearance, construction, landscaping and habitat creation and enhancement measures, as set out in revision 002 of the outline Landscape and Biodiversity Strategy (Examination Library Ref: REP2-026). This assessment suggests that the Proposed Scheme can deliver a net gain for biodiversity will be delivered, equivalent to ~5% for area-based Biodiversity Units and ~6% for Linear Units
- 10.1.16 The Applicant notes that NYCC and SDC have stated in their response to the Examining Authority (Examination Library Ref: [REP2-047](#)) that further work is ongoing to clarify and update the Outline Landscape and Biodiversity Strategy. The revised Outline Landscape and Biodiversity Strategy was submitted to the Examination at Deadline 2 (Examination Library Ref [REP2-026](#)), and the Applicant would like to stress that this is an overarching, outline document which was revised to reflect comments made on the document’s structure and content. The structure of the revised Outline Landscape and Biodiversity Strategy was agreed with both NYCC’s Principal Landscape Architect and Principal Ecologist in a meeting held on 12 July 2018.
- 10.1.17 It should be noted that the Statement of Common Ground with Natural England (Application Library Ref: [REP1-004](#)) confirms that the Proposed Scheme’s predicted impacts on BMV agricultural land are insignificant, given that the loss is less than 20ha. Avoiding significant effects on agricultural land has been one of the Applicant's aims and has been achieved by minimising the land take required for the Proposed Scheme.
- 10.1.18 Whilst “offset” or compensation measures (such as those referred to by YWT in its response) may contribute to improving health, well-being and education, and this is acknowledged, it is unlikely that they would directly reduce the landscape and visual effects of the Proposed Scheme.

10.1.19 In relation to parts (ii) and (iii) of the question, as outlined above the Applicant is continuing discussions with NYCC, SDC and YWT to determine whether further mitigation in the form of “offsets” or compensation should be secured through a Section 106 agreement.

Table 10-3 - ExA Written Question – LV 1.5

ExA Ref	Question to	Question
LV 1.5	The Forestry Commission	<p>Landscape Mitigation</p> <p>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.</p>

10.1.20 No response has been received to this question from the Forestry Commission. A full response will be prepared and submitted to the Examination at the appropriate time following receipt of the Forestry Commission’s comments.

Table 10-4 - ExA Written Question – LV 1.6

ExA Ref	Question to	Question
LV 1.6	North Yorkshire County Council Selby District Council	<p>Photomontages</p> <p>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.</p> <p>i) Confirm that the viewpoints are appropriate and provide reasonably representative views of the Proposed Development.</p> <p>ii) Provide a response as to whether any concerns exist with regards to the photomontages provided with the ES.</p>

10.1.21 The Applicant welcomes the agreement of SDC and NYCC that, with respect to part i) the viewpoints are considered appropriate and reasonably representative and in terms of part ii) that the revised viewpoint photographs and additional photomontage have been provided to resolve issues of clarity.

10.1.22 With respect to part ii) of the question, the additional photomontage from viewpoint 9 has been amended to reflect the correct lighting levels. The Revised Viewpoints and Additional Photomontage document, which was submitted at Deadline 1 (Examination Library Ref [REP1 – 009](#)), now includes the revised additional photomontage and a revised version is submitted at this Deadline 3 (Applicant document reference 8.4.1, Rev 2).

10.1.23 The Revised Viewpoints and Additional Photomontage document has also been amended to include a new section covering the landscape and visual impacts of the design changes

to the Proposed Scheme. This includes amended photomontages from viewpoints 3, 5, 6, 9, 13 and 15 illustrating the change in the scheme's design and a summary of the nature of effects as a consequence.

11 NOISE AND VIBRATION

Table 11-1 - ExA Written Question – NV 1.1

ExA Ref	Question to	Question
NV 1.1	Selby District Council	<p>Operational Noise</p> <p>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.</p>

- 11.1.1 In its Response to the Examining Authority's Written Questions and in its Local Impact Report (Examination Library Ref: [REP2-047](#)), Selby District Council (jointly with North Yorkshire County Council) confirms that there is agreement with the Applicant on the appropriate standard which has been used in the assessment. The Applicant also confirms that there is agreement on this point, and this is recorded in the draft Statement of Common Ground submitted at Deadline 1 (Examination Library Ref [REP1-006](#)).
- 11.1.2 It is noted that Selby District Council have no further comment to make on Requirement 20 of the dDCO as presently drafted (draft DCO (Applicant's document reference 3.1 Rev 3 submitted at Deadline 3) on the assumption that it will be physically possible in devising a scheme for monitoring to measure from the top of the stacks. The Applicant confirms that it will be possible to devise a scheme of monitoring to quantify noise emitted from the top of the stacks. Requirement 20 has not been amended in revision 3 of the draft DCO submitted at Deadline 3.

12 TRAFFIC AND TRANSPORT

Table 12-1 - ExA Written Question – TT 1.6

ExA Ref	Question to	Question
TT 1.6	North Yorkshire County Council	<p>Drax Jetty</p> <p>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.</p>

- 12.1.1 NYCC (jointly with SDC) states in its Response to the Examining Authority's Written Questions and Local Impact Report (Examination Library Ref: [REP2-047](#)) that they agree there would be an ecological impact of the reinstatement of the Drax Jetty and that they anticipate that the cost would be significantly higher than the cost of implementing the Construction Traffic Management Plan. NYCC also states that the CTMP is considered adequate to manage the impact of the Application on the highway.
- 12.1.2 The Applicant agrees with NYCC's statements and notes that it intends to use the inland Port of Goole on the River Ouse, approximately 7 miles from the Drax Power Station, for the delivery of abnormal indivisible loads (AILs) for the Drax Repower Project.
- 12.1.3 The Applicant is in discussion with Highways England to confirm compliance with the Government's Water preferred policy guidelines for the movement of abnormal indivisible loads (2016); agreement on this matter will be recorded in a Statement of Common Ground and submitted to the Examination.

Table 12-2 - ExA Written Question – TT 1.8

ExA Ref	Question to	Question
TT 1.8	The Applicant Highways England North Yorkshire County Council	<p>Outline Construction Traffic Management Plan</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>

- 12.1.4 The outline CTMP (Examination Library Ref: REP2-022) outlines the proposed management of traffic relating to all construction related activities, including the construction of a car park and footbridge. NYCC confirms in its Response to the Examining Authority's Written Questions and Local Impact Report (Examination Library Ref: [REP2-047](#)) that the outline CTMP is adequate. The CTMP is secured by requirement 17 in the draft DCO (Applicant's document reference 3.1 Rev 3 submitted at Deadline 3), which requirement NYCC has confirmed satisfactorily secures the implementation of the CTMP. The Applicant and NYCC are in discussions regarding any side agreement that may be required in respect of the footbridge (which may include provisions ordinarily included in a licence), to supplement the consent for the pedestrian footbridge and the general powers required to construct and temporarily retain it, provided by the draft DCO.
- 12.1.5 Whilst no response was received to this question from Highways England, agreement with Highways England on the adequacy of the CTMP is recorded in the Statement of Common Ground with Highways England (Draft) (Examination Library Ref: [REP2-028](#)). An update to this draft will be submitted to the Examination in due course.

Table 12-3 - ExA Written Question – TT 1.9

ExA Ref	Question to	Question
TT 1.9	The Applicant Highways England North Yorkshire County Council	Outline Construction Workers Travel Plan 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.

- 12.1.6 A revised Outline CWTP was submitted at Deadline 2 (Examination Library Ref: [REP2-021](#)). NYCC confirms in its Response to the Examining Authority's Written Questions and Local Impact Report (Examination Library Ref: [REP2-047](#)) that the Outline CWTP is adequate to manage the impact on the highway and that the requested improvements have been taken into account. The CWTP is secured by requirement 18 in the draft DCO (Applicant's document reference 3.1 Rev 3), as agreed with NYCC in the Statement of Common Ground with North Yorkshire County Council and Selby District Council Rev 001 (Draft) (Examination Library Ref: [REP1-006](#)).
- 12.1.7 Whilst no response was received to this question from Highways England, agreement with Highways England on the adequacy of the CWTP is recorded in the Statement of Common Ground with Highways England (Draft) (Examination Library Ref: [REP2-028](#)). An update to this draft will be submitted to the Examination in due course.

APPENDICES

BIODIVERSITY & HABITATS REGULATIONS

BHR RESPONSE – APPENDIX A – NYCC CORRESPONDENCE

Davidson, Philip

From: Julia Casterton <Julia.Casterton@northyorks.gov.uk>
Sent: 19 November 2018 16:01
To: [REDACTED]
Cc: [REDACTED]
Subject: Drax NSIP Local Impact Report

Hi Lloyd

Thank you for bringing to my attention outdated references within the biodiversity section of the Local Impact Report (LIR).

Within 7.86 and 7.94 of the LIR references to the Authorities still waiting for these reports should have been updated. North Yorkshire County Council (NYCC) has been provided with all of the species surveys, which we have confirmed receipt of and have also agreed the contents of the reports. We will ensure that these references are updated accordingly and that the Examiner is made aware of this.

Best wishes

Julia

Julia Casterton
Principal Ecologist

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Growth, Planning and Trading Standards
Business and Environmental Services
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Please note that I am part time and do not work on Fridays.

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