

Rooney, Lauren

From: Michael Reynolds <Michael.Reynolds@northyorks.gov.uk>
Sent: 30 January 2019 15:47
To: Drax Re-power
Subject: Drax Re-Power - Deadline 6
Attachments: Local Authority Response to Written Questions 2.pdf

Follow Up Flag: Follow up
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Dear sirs

Please find attached NYCC and Selby District Council Response to ExA written questions.

Due to internal sign off procedures we are not yet in a position to submit the response to question LV2.2. We would like to ask for an extension of time until 12.00 noon on Friday 1 February.

Many thanks
Michael

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North Yorkshire County Council and Selby District Council

Response to ExA Written Questions 2

BHR	Biodiversity and Habitats Regulations	
<p>BHR 2.2</p> <p><i>Watercourse crossings and Outline Construction Environmental Management Plan (CEMP)</i></p> <p>North Yorkshire County Council Selby District Council</p>	<p>At the ISH on Environmental Matters on Wednesday 5 December 2018 [EV-010 – EV-013] the Applicant offered to strengthen the wording in the Outline Construction and Environmental Management Plan (CEMP) [REP2-025] in respect of the watercourse crossings and the selected construction technique. An updated Outline CEMP submitted for D4 [REP4-005] amends Paragraph 1.3.11 to include the following statement: <i>“The confirmed construction technique at each crossing location and reasons for any deviation from the approach shown in Table 1-2 will be shared with North Yorkshire County Council and Selby District Council prior to the commencement of those works.”</i></p> <p>Confirm the adequacy of the Outline CEMP.</p>	<p>Confirm the adequacy of the Outline CEMP.</p>
	<p>Response</p> <p>The Local Authorities are satisfied that the updated wording in the CEMP (submitted for D4) is sufficient for the watercourse crossings.</p>	
DCO	Draft Development Consent Order (dDCO)	

<p>DCO 2.1 <i>Definition of Commence</i> <i>Part 1 Article 2</i> North Yorkshire County Council Selby District Council</p>	<p>In Written Question DCO 1.1 [PD-006], the ExA explained that it was concerned the commencement of proposed Unit Y was not controlled by the dDCO [AS-012]. Notwithstanding its written response at D2 [REP2-035], the Applicant stated at the Issue Specific Hearing on the dDCO held on Thursday 6 December 2018 [EV-014], confirmed in its written response at D4 [REP4-011] that it would look to insert a new Requirement into the dDCO which would require the development to accord with a phasing plan. The dDCO submitted at D5 [REP5-011] inserted new Requirement 3 in which this commitment is made.</p>	<p>Provide a response as to its adequacy</p>
	<p>Response</p> <p>The Authorities are satisfied the matter being dealt with by Requirement and the wording of the proposed Requirement. The Authorities have confirmed this agreement to the Applicant.</p>	
<p>DCO 2.4 <i>Temporary and permanent lighting</i> <i>Requirement 9</i> <i>Schedule 2</i> North Yorkshire County Council Selby District Council</p>	<p>At the Issue Specific Hearing on the dDCO held on Thursday 6 December 2018 [EV-014], the ExA requested that the Applicant consider splitting Requirement 9 into separate Requirements so as to separate temporary and permanent lighting. NYCC/SDC stated that they saw benefits in such a move, and the Applicant stated it would consider doing so. The dDCO submitted at D5 [REP5-011] does not separate the Requirement itself, but divorces temporary and permanent lighting with the insertion of new subparagraphs (4), (5) and (6).</p>	<p>Comment on their adequacy.</p>
	<p>Response</p>	

	<p>The Authorities are satisfied with the approach taken has the effect discussed at the ISH and see the benefit of keeping external lighting as one Requirement. The subparagraphs are adequate.</p>	
<p>DCO 2.6</p> <p><i>Ground Conditions Requirement 14 Schedule 2</i></p> <p>The Environment Agency North Yorkshire County Council Selby District Council</p>	<p>In its WR [REP2-041], the Environment Agency stated that it required changes to the dDCO [AS-012] in respect to ground conditions. The Applicant substantially re-worded Requirement 14 in the dDCO submitted at D2 [REP2-014].</p>	<p>Comment on its adequacy.</p>
	<p>Response</p> <p>The Authorities are content to defer to the Environment Agency on this point.</p>	
HE	Historic Environment	
<p>HE 2.1</p> <p><i>dDCO Requirement 15 – permitted preliminary works</i></p>	<p>Following the ExA’s question DCO 1.17 [PD-006] and subsequent responses from NYCC and SDC [REP2-047], amendments were made to the Requirements in the dDCO [REP2-014] with regards to permitted preliminary works. Requirement 15 was amended to insert</p>	<p>Provide a response on these additions.</p>

<p>North Yorkshire County Council Selby District Council</p>	<p><i>"...(including permitted preliminary works comprising intrusive archaeological surveys only)..."</i></p>	
	<p>Response</p> <p>The Authorities are satisfied with the drafting of Requirement 15. It makes sense that provision for intrusive archaeological surveys would be made in the Requirement.</p>	
<p>LV</p>	<p>Landscape and Visual</p>	
<p>LV 2.2</p> <p><i>Outline Landscape and Biodiversity Strategy – Mitigation</i></p> <p>North Yorkshire County Council Selby County Council</p>	<p>At the ISH on Environmental Matters held on Wednesday 5 December 2018 [EV-010 – EV-013], NYCC and SDC referred to a document prepared by its appointed consultant, submitted at D4 [REP4-016], in which a scheme of mitigation and its costings were advanced. NYCC stated orally at the ISH that it considered the document [REP4-016] was a starting point on which to base negotiations with the Applicant.</p>	<p>i. Set out the position in respect to offsite landscape mitigation including the Outline LBS [REP2-026] and the wording of Requirement 8 of the dDCO [REP5-011]. Update any documents accordingly.</p> <p>ii. Justify the mitigation as set out in the D4 submission [REP4-016], specifically that the financial contributions sought meet the tests of Paragraph 56 of the National Planning Policy Framework in that they are:</p> <p><i>a) Necessary to make the development acceptable in planning terms;</i> <i>b) Directly related to the development; and</i></p>

		<p><i>c) Fairly and reasonably related in scale and kind to the development.</i></p> <p>iii. Confirm to what extent the land required for the mitigation as set out in the D4 submission [REP4-016] is within their control.</p>
	<p>Response</p> <p>Full response to follow.</p>	
TT	Traffic and Transport	
<p>TT 2.1</p> <p><i>Outline Public Rights of Way Management Plan</i></p> <p>North Yorkshire County Council</p> <p>Selby District Council</p>	<p>Comment on the Outline Public Rights of Way Management Plan submitted at D5 [REP5-018].</p>	
	<p>Response</p> <p>Following a telephone conference on the matter shortly after the ISH on Thursday 6th the Applicant provided a revised draft in of the Public Rights of Way Management Plan. The Authorities requested further amendments and the Applicant has provided those. The plan is substantially in line with what the Authorities would require.</p>	

	Three amendments have been put to the Applicant for their consideration and we expect to be able to give full agreement to the plan in time for Deadline 7.	
TT 2.2 <i>Agreement regarding footbridge</i> The Applicant North Yorkshire County Council	Provide an update regarding progress towards any further provisions or agreements required in respect of the footbridge.	
	Response The Applicant has responded on the draft licence agreement sent to them and instructions are being taken from the North Yorkshire Bridges and Design Services team and will respond as soon as possible.	