



## Application by Drax Power Limited for the Drax Bioenergy with Carbon Capture and Storage Project

### The Examining Authority's written questions and requests for information (ExQ1)

Issued on 24 January 2023

The following table sets out the Examining Authority's (ExA) first round of written questions and requests for information (ExQ1). Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as **Annex C** to the Rule 6 letter of 13 December 2022. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IP) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with an alphabetical code and then has an issue number and a question number. For example, the first question on general matters is identified as 'GEN.1.1'. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on the one below to set out your responses. An editable version of the table in Microsoft Word format is available on request from the Case Team. Please contact: [DraxBECCS@planninginspectorate.gov.uk](mailto:DraxBECCS@planninginspectorate.gov.uk) and include 'Drax BECCS – ExQ1' in the subject line of your email.

The deadline for responses to ExQ1 is **Deadline 2** in the Examination Timetable (**Wednesday 22 February 2023**). If necessary, the Examination Timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ2.



## Abbreviations used:

<b>AEL</b>	Associated Emission Level
<b>AEoI</b>	Adverse Effect on Integrity
<b>AIL</b>	Abnormal Indivisible Load
<b>ALC</b>	Agricultural Land Classification
<b>AP</b>	Affected Person
<b>AS</b>	Additional Submission
<b>BAT</b>	Best Available Technique
<b>BECCS</b>	Bioenergy with Carbon Capture and Storage
<b>BEIS</b>	Business, Energy and Industrial Strategy
<b>BMV</b>	Best and Most Versatile Agricultural Land
<b>BNG</b>	Biodiversity Net Gain
<b>BoR</b>	Book of Reference
<b>CA</b>	Compulsory Acquisition
<b>CC</b>	Carbon capture
<b>CCC</b>	Climate Change Committee
<b>CCS</b>	Carbon Capture and Storage
<b>CCUS</b>	Carbon Capture Usage and Storage
<b>CEMP</b>	Construction Environmental Management Plan
<b>CLo</b>	Critical Load
<b>CLe</b>	Critical Level
<b>CO</b>	Carbon monoxide



<b>CO<sub>2</sub></b>	Carbon dioxide
<b>COMAH</b>	Control of Major Accidents and Hazards
<b>CTMP</b>	Construction Traffic Management Plan
<b>CWTP</b>	Construction Worker Travel Plan
<b>DAS</b>	Design and Access Statement
<b>DC</b>	Doncaster Council
<b>DCO</b>	Development Consent Order
<b>dDCO</b>	Draft Development Consent Order
<b>DLL</b>	District Level Licence
<b>EA</b>	Environment Agency
<b>EAL</b>	Environmental Assessment Level
<b>EIA</b>	Environmental Impact Assessment
<b>EM</b>	Explanatory Memorandum
<b>ERYC</b>	East Riding of Yorkshire Council
<b>ES</b>	Environmental Statement
<b>ExA</b>	Examining Authority
<b>FCA</b>	Flood Compensation Area
<b>FLL</b>	Functionally-linked land
<b>GCN</b>	Great crested newts
<b>GHG</b>	Greenhouse gas
<b>GIS</b>	Geographic information system
<b>HDD</b>	Horizontal Directional Drilling
<b>HGV</b>	Heavy goods vehicle



<b>HRA</b>	Habitats Regulations Assessment
<b>HRAR</b>	Habitats Regulations Assessment Report
<b>HSE</b>	Health and Safety Executive
<b>ICE</b>	In-combination effects
<b>IEF(s)</b>	Important Ecological Feature(s)
<b>IP</b>	Interested Party
<b>LCA</b>	Landscape Character Assessment
<b>LIR</b>	Local Impact Report
<b>LLFA</b>	Lead Local Flood Authority
<b>LONI</b>	Letter Of No Impediment
<b>LPA</b>	Local Planning Authority
<b>LSE</b>	Likely significant effect
<b>LVIA</b>	Landscape and Visual Impact Assessment
<b>LWS</b>	Local Wildlife Site
<b>m</b>	Metre
<b>MA&amp;D</b>	Major accidents and disasters
<b>MEA</b>	Monoethanolamine
<b>MMP</b>	Materials Management Plan
<b>NDMA</b>	N-nitrosodimethylamine
<b>NE</b>	Natural England
<b>NGCL</b>	National Grid Carbon Limited
<b>NGET</b>	National Grid Electricity Transmission
<b>NGV</b>	National Grid Ventures



<b>NH</b>	National Highways
<b>NH<sub>3</sub></b>	Ammonia
<b>NO<sub>2</sub></b>	Nitrogen dioxide
<b>NO<sub>x</sub></b>	Nitrogen oxides
<b>NPPF</b>	National Planning Policy Framework
<b>NPS</b>	National Policy Statement
<b>NPS EN-1</b>	Overarching National Policy Statement for Energy
<b>NSIP</b>	Nationally Significant infrastructure Project
<b>NYCC</b>	North Yorkshire County Council
<b>NZT</b>	Net Zero Teesside
<b>OHL</b>	Overhead line
<b>PA2008</b>	Planning Act 2008
<b>PC</b>	Process contribution
<b>PCAR</b>	Proposed Changes Application Report
<b>PCC</b>	Power Capture and Compression
<b>PEC</b>	Predicted environmental concentration
<b>PINS</b>	The Planning Inspectorate
<b>PM<sub>10</sub></b>	Particulate matter less than 10 micrometres in diameter
<b>PPG</b>	Planning Practice Guidance
<b>PRoW</b>	Public Rights of Way
<b>R</b>	Requirement
<b>REAC</b>	Register of Environmental Actions and Commitments



<b>RFC</b>	Rate of Flow to Capacity
<b>RPA</b>	Relevant Planning Authority
<b>RR</b>	Relevant Representation
<b>SAC</b>	Special Area of Conservation
<b>SDC</b>	Selby District Council
<b>SOAEL</b>	Significant Observed Adverse Effect Level
<b>SoCG</b>	Statement of Common Ground
<b>SoR</b>	Statement of Reasons
<b>SoS</b>	Secretary of State
<b>SPA</b>	Special Protection Area
<b>SRN</b>	Strategic Road Network
<b>SSSI</b>	Site of Special Scientific Interest
<b>TP</b>	Temporary Possession
<b>TPA</b>	Tonnes per annum
<b>UKHSA</b>	UK Health Security Agency
<b>WFD</b>	Water Framework Directive
<b>WSI</b>	Written scheme of investigation
<b>WwTW</b>	Wastewater Treatment Works
<b>ZTV</b>	Zone of Theoretical Visibility



## The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the [Examination Library](#)<sup>1</sup>. The Examination Library will be updated as the Examination progresses.

## Citation of questions

Questions in this table should be cited as follows:

*'Question reference: issue reference: question number'*, eg *'GEN.1.1'* refers to question 1 in this table.

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<sup>1</sup> <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010120/EN010120-000343-Drax BECCS Examination Library.pdf>



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ExQ1	Question to:	Question:
<b>1. GENERAL AND CROSS-TOPIC QUESTIONS</b>		
GEN1.1	Applicant/ ERYC/ NYCC	<ul style="list-style-type: none"> <li>i. Please submit into the Examination full copies of any Development Plan policies that you have referred to in any of your submissions. Should you refer to any additional Development Plan policies at any time in your future submissions (for example in an LIR) then, if they have not already been provided, please also submit copies of these into the Examination.</li> <li>ii. Have there been any relevant updates to the statutory Development Plan since the compilation of the application documents?</li> <li>iii. Are the LPAs content with the Applicant's policy analysis?</li> </ul>
GEN1.2	Applicant	Please could the Applicant state whether the short list of developments for the cumulative assessment was agreed with relevant consultees.
GEN.1.3	Applicant	R14 of the dDCO [AS-076] requires that a CEMP is submitted to and approved by the LPA prior to works commencing on-site. Can the Applicant submit an outline CEMP into the Examination which includes outline versions of the soil handling management plan, site waste management plan, stakeholder communication plan, materials management plan, surface water management plan and the invasive species strategy. If this cannot be submitted, please explain why.
GEN.1.4	EA/ NE/ NYCC/ SDC	Are you satisfied that the list of plans outlined in the REAC, to be included in the CEMP, is complete? Would you expect any further plans to be listed? Would you expect to see any outline plans at this stage?
GEN.1.5	Applicant	G1 of the REAC states that the CEMP will be reviewed and updated every six months. Would this review or the outcomes of any review be agreed with the RPA? If so, how is this secured?
GEN.1.6	Applicant	Please could the Applicant submit an updated version of the REAC with the relevant DCO Requirement identified in the column ' <i>Mechanism for Securing Measure</i> '.
GEN.1.7	NGCL	Please could NGCL confirm that there is sufficient space within the site to accommodate the necessary carbon capture equipment for the storage and transport infrastructure to be operated by NGCL.

ExQ1: 24 January 2023

Responses due by Deadline 2 (Wednesday 22 February 2023)

ExQ1	Question to:	Question:
GEN1.8	Applicant	Given the uncertainty over the Proposed Development's 25-year operational lifespan, can the Applicant justify how the assessments represent a worst-case scenario in light of the potential for an investment decision to extend the operational lifespan?
GEN1.9	Applicant	The Humber Low Carbon Pipelines development is not taken forward from the long list to the short list of cumulative developments, despite construction potentially overlapping, due to "a lack of environmental information available" (Appendix 18.4 [APP-176]). At ISH1, it was stated that an application is expected mid-2023. Please could the Applicant consider whether the cumulative assessment (and the HRA in-combination assessment) should be updated to incorporate this project and provide assessments accordingly.
GEN.1.10	NGCL	NGCL is asked to provide an update on the Humber Low Carbon Pipelines project and include the anticipated timescale for submission of any application.
GEN.1.11	Applicant	Please could the Applicant provide an update on securing the phasing for the Flue Gas Desulphurisation Plant Demolition and explain any cumulative effect implications.
GEN.1.12	Applicant/ ERYC/ SDC	Paragraph 18.5.38 of ES Chapter 18 [APP-054] states that any planning applications published since February 2022 have not been included within the cumulative effects assessment. Could the Applicant and LPAs confirm: <ul style="list-style-type: none"> <li>i. whether they are aware of any other developments submitted to the local authority/ PINS since this date that should be included in the short list, and whether this is reflected in [AS-013]; and</li> <li>ii. whether any of the other developments in the long list had additional environmental assessment information subsequently submitted that would necessitate inclusion of that development in the short list.</li> </ul>
GEN.1.13	Applicant	Document 5.5 Other Consents and Licences [APP-035] refers to a number of other consents, licences and permits that would be required for the Proposed Development. The Applicant is asked to: <ul style="list-style-type: none"> <li>i. provide updates on progress with obtaining these consents, licences and permits throughout the Examination; and</li> <li>ii. include a section providing an update on these consents, licences and permits in any emerging SoCGs that are being drafted with the relevant consenting authorities.</li> </ul>
GEN.1.14	Applicant	Paragraph 6.2.13 of ES Chapter 6 Air Quality [APP-042] refers to the BAT conclusions for large combustion plants that were adopted on 31 July 2017. Could the Applicant confirm whether and how the latest guidance on BAT for post-combustion carbon dioxide capture, published July 2021, has been considered in the design of the Proposed Development?

ExQ1	Question to:	Question:
GEN.1.15	Applicant	The High Court found the Government's Net Zero Strategy unlawful in July 2022. Do any ES chapters need reviewing as a result?
<b>GENERAL AND CROSS-TOPIC QUESTIONS – CHANGE REQUEST</b>		
GEN.1.16	Applicant	Paragraph 6.1.2.b.viii of the Change Request Report [AS-045] says the underground cable beneath Rawcliffe road would either use HDD/ auger boring or trenching and cut and fill. <ul style="list-style-type: none"> <li>i. Will these details be worked out within the timescale of the Examination?</li> <li>ii. Would this affect the extent of land required and/ or likely effects?</li> </ul>
GEN.1.17	Applicant	Paragraph 6.1.2 of the Change Request Report [AS-045] says pole L3043/00-10 is to be removed but the OHL Landscape and Biodiversity Plan [AS-049] shows it as being retained. Can the Applicant clarify which is correct?
GEN.1.18	Applicant	Paragraph 6.1.14 of the Change Request Report [AS-045] says that a smaller area would be required for the HDD Receptor Compounds. However, to provide flexibility for the Driving and Receptor Compounds at either end of the HDD until full details are known, a maximum compound size of 20m x 20m has been provided for within the revised Order Limits at each end of a proposed HDD section. Is it possible that these details can be worked out within the timescale of the Examination and the compound size subsequently reduced?
GEN.1.19	Applicant/ SDC	<ul style="list-style-type: none"> <li>i. Can the LPA advise of the status of the planning application 21/03027/STPLF listed as short list ID44 in the Short List of Other Developments [AS-013]?</li> <li>ii. Can the Applicant explain how the proposed Order Limits for PC-02 relate to the site boundary for shortlist ID44?</li> </ul>
GEN.1.20	Applicant	As per the Applicant's oral submissions to the Preliminary Meeting, the ExA notes that the Applicant considers ERYC to be a host local authority in light of the acceptance of the change request for examination. Does the Applicant consider it necessary to provide PINS with an updated GIS shapefile to enable PINS to identify any additional neighbouring local authorities for future statutory correspondence?
<b>2. AIR QUALITY AND EMISSIONS</b>		
AQ.1.1	Applicant	The study area for the construction phase is described within ES Chapter 6 [APP-042] as including: " <i>within 50 m of routes used by construction vehicles up to 500 m from the Order Limits</i> ", however this is not shown on Figure 6.1.

ExQ1	Question to:	Question:
		<p>The 50m buffer is only shown as 50m offset from the Order Limits and not 50m from routes used for construction vehicles up to 500m from the Order Limits.</p> <p>Can the Applicant respond as to whether Figure 6.1 should be revised and if so, whether there are any implications for the assessment of effects in the ES?</p>
AQ.1.2	Applicant/ EA	<p>i. Please could the Applicant confirm whether the use of proxy amine and nitrosamine data for the purposes of the operational amine emission modelling was agreed with the EA, given the confidentiality issues with the BECCS technology supplier.</p> <p>ii. Please could the EA provide its view of the Applicant's approach.</p>
AQ.1.3	EA	<p>Could the EA confirm if it is satisfied that:</p> <p>i. the modelled emissions profile used for the assessment in ES Chapter 6 [APP-042] represents a reasonable worst case; and</p> <p>ii. the ES provides sufficient detail for the pollution impacts from emissions to air on both public health and ecological receptors to be fully and accurately assessed?</p>
AQ.1.4	EA	<p>Figure 6.8 [APP-075] shows a significant area that would fall into the category of slight adverse impact (<math>\geq 6\%</math> of EAL) for annual nitrosamines process contribution, and the dispersion pattern suggests that the area would extend beyond the study area.</p> <p>Does the EA consider the study area to be sufficient for the assessment of the impact of nitrosamines?</p>
AQ.1.5	EA	<p>Is the EA satisfied that any potential uncertainties in the modelling of atmospheric degradation of amines has been addressed by the Applicant?</p>
AQ.1.6	Applicant	<p>Can the Applicant provide an explanation as to why, in reference to paragraph 6.5.47 of the ES [APP-042], the assessment of cumulative impacts is dealt with differently in relation to ecological vs. human receptors?</p>
AQ.1.7	EA/ SDC	<p>Can the EA and SDC confirm that they are satisfied with the Applicant's approach of undertaking no additional project-specific air quality surveys as per paragraph 6.5.49 of the ES [APP-042]?</p>
AQ.1.8	Applicant	<p>Paragraph 6.10.8 of the ES [APP-042] and AQ2 of the REAC [AS-092] describe the proposed mitigation measures for the operational phase. The Applicant is asked for further clarification as follows:</p>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>i. Explain how the SO<sub>2</sub> emissions are reduced by 40%, including whether there is additional plant proposed for this process.</li> <li>ii. Table 6.23 describes an additional mitigation measure of reducing SO<sub>2</sub> emissions of all four biomass units by 30%, whereas paragraph 6.10.8 and Table 6.17 describe reducing the SO<sub>2</sub> emissions by 40%. Please confirm which is correct.</li> <li>iii. Does increasing the exit temperature of flue gases simply move the problem of acid deposition beyond the study area or does it decrease the total acid deposition effects associated with the Proposed Development?</li> <li>iv. Explain how the exit temperature of flue gases is increased including whether there is an energy penalty associated with this process.</li> <li>v. Provide the scientific basis of the evidence, and how the measures would avoid or reduce effects at nationally and internationally designated sites.</li> <li>vi. Explain the degree of confidence in the success of these measures to mitigate impacts of aerial emissions, including whether there is an appropriate example of an existing development where the proposed mitigation measures have been effective.</li> <li>vii. Explain how the measures will be secured, monitored, and enforced.</li> <li>viii. If, during the operational phase, monitoring demonstrates that the measures have failed, explain how the failure will be rectified.</li> </ul>
AQ.1.9	EA	<p>ES Chapter 6 [APP-042] explains that it was not considered appropriate to undertake modelling of cumulative impacts associated with amine compounds due to uncertainty in amine chemistry methodology and conservatism in modelling for proxy compounds. Instead, an approach was taken whereby the maximum predicted MEA and NDMA concentrations from both the Proposed Development and the Keadby 3 assessments were summed and compared to the respective EALs.</p> <p>Please can the EA provide its view of this approach.</p>
AQ.1.10	Applicant/ EA	<p>The summing of the maximum modelled PC from the Proposed Development and Keadby 3 resulted in a slight adverse effect for the MEA 1-hour averaging period, a negligible effect for the MEA 24-hour averaging period, and a moderate adverse effect for the annual mean NDMA. It is concluded in paragraph 6.12.12 of the ES [APP-042] that this did not represent a significant cumulative effect. This is on the basis that a conservative approach was</p>

ExQ1	Question to:	Question:
		<p>applied, including the worst-case assumption that maximum concentrations from both schemes would occur at the same location and time anywhere within the operational phase study area; and that the modelled values from both projects represented the sum of MEA and NDMA.</p> <p>i. Please can the EA provide its view of the appropriateness of this conclusion.</p> <p>ii. Please can the Applicant provide an explanation as to why an assessment cannot be undertaken that does take into account location and time of cumulative concentrations of amines and nitrosamines.</p>
AQ.1.11	EA/ UKHSA	<p>Several RRs raise concerns regarding potential carcinogenic effects of compounds that form from the emissions to air of amines. The Applicant provided its response in point 16.1 of the Applicant's Response to Relevant Representations and Additional Submissions [AS-038].</p> <p>The EA and UKHSA are each asked to provide comment on whether further assessment of the impacts to human health is required.</p>
<b>3. BIODIVERSITY AND HABITATS REGULATIONS ASSESSMENT</b>		
BIODIVERSITY		
BIO.1.1	Applicant	A number of pre-construction ecological surveys are proposed prior to the commencement of development. How are the pre-construction surveys secured?
BIO.1.2	Applicant	In the Applicant's letter dated 30 September 2022 [AS-017] it states that the offsite habitat area is not included within the Order Limits due to its dual role as both mitigating scheme impacts and assisting in the achievement of BNG and the need to retain flexibility as to the land that will be required. Can the Applicant explain why this approach is necessary as opposed to the 'Rochdale Envelope' approach to flexibility explained in The Planning Inspectorate's Advice Note 9: Rochdale Envelope.
BIO.1.3	Applicant	It appears from the information provided in respect of BNG that no net gain has yet been achieved in relation to river units. Please can the Applicant explain how it intends to achieve a 10% river unit BNG.
BIO.1.4	Applicant	Although it is stated in Section 8.5 of the ES Ecology chapter that the significance of an effect was determined based on the magnitude of the effect and the value/ sensitivity of the feature, defined though the geographical scale, no criteria is provided in relation to magnitude of an impact; nor is it explained how magnitude is combined

ExQ1	Question to:	Question:
		with receptor value/ sensitivity to determine the significance of an effect. Please could the Applicant provide this information, preferably in a tabular format if appropriate.
BIO.1.5	Applicant	There are frequent references throughout the chapter to potential effects of activities in the Woodyard, an area in the north of the power station site which would be used for laydown and heavy fabrication. However, it does not appear to be specifically identified on any plan. Please could the Applicant confirm that the area hatched in brown on ES Figure 2.3 [APP-061] depicts the Woodyard.
BIO.1.6	Applicant	The summary of construction/ decommissioning effects on designated sites (para 8.9.41) concludes that there would be a “ <i>minor adverse effect that is long term, reversible and significant at International and National geographical scales</i> ”, however it does not separately identify the individual sites and the potential effects on each one. Please could the Applicant confirm if this conclusion applies to all impact pathways and all sites.
BIO.1.7	Applicant	Potential construction/ decommissioning effects on the species identified as IEFs are considered in paras 8.9.48 to 8.9.93. A single overarching conclusion is provided for each feature (in terms of significance according to the geographical scale) rather than presenting the predicted significance level of each of the individual potential effects identified for each feature and considered in the assessment. For example, a number of potential effects are discussed in relation to otter, and it is concluded that there would be an effect significant up to a county scale. As the potential effects are not separated out it is unclear which or if all of them are considered to be significant. Please could the Applicant confirm if the conclusion stated for each feature applies to all of the predicted effects.
BIO.1.8	Applicant	Although water voles are identified in Section 8 of the ES Ecology chapter as an IEF that has been assessed, no subsequent assessment has been provided within the chapter in relation to effects of the Proposed Development on water vole. Please could the Applicant explain why one was not provided or provide an assessment as necessary.
BIO.1.9	NE	Can NE provide its view of the Applicant’s conclusion that although the modelled CLo would be exceeded for acid deposition at a number of designated sites it would in reality be analogous to 1%, as the modelling was based on a number of conservative assumptions.
BIO.1.10	Applicant	The assessment of operational effects on species prior to mitigation provided in Section 9 of the ES Ecology chapter does not include all of the species previously identified as IEFs and requiring assessment, although some of those are included in the assessment of residual LSEs contained in Section 8.11. Please could the Applicant explain why no pre-mitigation operational assessment was provided in this chapter in respect of the other IEFs identified, or provide assessments as necessary

ExQ1	Question to:	Question:
BIO.1.11	Applicant/ NE	Para 8.10.39 states that in relation to potential effects on GCN an application to use the DLL scheme, that provides strategic mitigation, has been made to NE.  i. Can the Applicant provide an update on progress with the application. ii. Please can NE indicate if it is likely to be able to submit a LONI to the Examination.
BIO.1.12	EA/ NE	The ExA notes the content of Air Quality Technical Note 1, submitted in October 2022, that updates the emissions modelling results in relation to amines and other pollutants, and the Applicant's conclusion that the revised data does not change the conclusions of the air quality assessment and the HRA. Can NE and the EA provide their view of the effect of the revised data on those assessments.
BIO.1.13	EA	Following mitigation, acid deposition at the Lower Derwent Valley SAC and Brighton Meadows and Barn Hill Meadow SSSIs is modelled to reduce to 1.1% of the CLo, which is an exceedance of the 1% CLo for these sites. This is considered by the Applicant to represent a marginal exceedance and not result in a significant effect. The Applicant is referred to NE's comments on this matter contained in its RR. Can the EA also provide its view of the Applicant's conclusion.
BIO.1.14	NE/ RPAs	Are you satisfied that mitigation measures outlined in Section 12.10 of ES Chapter 12 and the proposed Surface Water Management Plan referred to in WE8 of the REAC are secured in Schedule 2 of the dDCO?
BIO.1.15	NE/ RPAs	Are you satisfied that mitigation measures outlined in Section 5.1.3 of ES Appendix 6.2 and AQ1 of the REAC are secured in the dDCO?
<b>BIODIVERSITY – CHANGE REQUEST</b>		
BIO.1.16	NE	With reference to Tables 5-1 and 6-1 of the PCAR [AS-045], is NE satisfied that Appendix 4 of the PCAR (Ecology Survey Technical Note) [AS-053] provides sufficient evidence for the Applicant's conclusion that there is negligible potential for land within and adjacent to the sites of the proposed changes to act as functionally-linked land for any of the qualifying interests of the relevant European sites?
BIO.1.17	NE	Is NE satisfied that Appendix 4 of the PCAR (Ecology Survey Technical Note) [AS-053] provides sufficient information on species that may be present or use the land required for the change proposals, and that no further mitigation is required?
<b>HABITATS REGULATIONS ASSESSMENT</b>		

ExQ1	Question to:	Question:
BIO.1.18	Applicant	Paragraph 5.1.6 of the HRAR states that it was intended that this assessment would be passed to NE in order to obtain its advice on the conclusions reached. Neither the HRAR nor its appendices contain any indication that NE was consulted on the HRA. NE makes a reference in its RR to advice provided to the Applicant in May 2022 which does not appear to have been taken into account in the HRA (or the air quality assessment). Please can the Applicant confirm whether the approach to the HRA and its conclusions were subsequently discussed with NE and, if so, how that has been reflected in the application HRAR.
BIO.1.19	NE	Please can NE confirm whether it agrees that the HRAR for the Proposed Development considers the correct European sites and features.
BIO.1.20	Applicant	Information in the screening matrices is inconsistent with information in the HRAR, eg some features for which an LSE is excluded in the HRAR are shown as subject to an LSE in the matrices. In addition, some matrix evidence notes are not consistent with the conclusions within the matrices about whether particular features are subject or not to an LSE. Can the Applicant provide updated, corrected matrices.
BIO.1.21	Applicant	<p>Para 3.3.4 of the HRAR states there are only slight differences between the Option 1 and Option 2 construction programmes and so no material difference in potential effects on the European sites. However, Option 1 shows second CC plant installation being undertaken over seven quarters between Q1 2028 and Q3 2029; while Option 2 shows it occurring over 10 quarters between Q1 2026 and Q2 2028. Additionally, Option 1 shows its commissioning (four quarters in total) taking place simultaneously during the last three quarters of its installation; whereas under Option 2 it is shown as being commissioned over six quarters but simultaneously only during one quarter (the final one) of installation.</p> <p>Can the Applicant explain what was used to represent the worst case construction scenario in the HRA.</p>
BIO.1.22	Applicant	In point 5.15 of the Applicant's Response to Relevant Representations and Additional Submissions [AS-038], the Applicant responds to NE's concerns about potential impacts from construction traffic emissions to air on the Humber Estuary SAC/ SPA/ Ramsar site designated features, which were ruled out in the HRAR. Similarly, NE raised concerns about such impacts on the Humber Estuary SSSI. Please can NE comment on whether the additional information provided sufficiently addresses its concerns about this matter.
BIO.1.23	Applicant	Wording about potential biophysical changes during operation appears to be missing from the end of the paragraph 3.3.29. Please can the Applicant provide the omitted text.

ExQ1: 24 January 2023

Responses due by Deadline 2 (Wednesday 22 February 2023)

ExQ1	Question to:	Question:
BIO.1.24	Applicant	The information on potential ICE is not consistent between that in Tables 3.8 to 3.17 and that in Table 3.18 (Summary of ICE); neither is the info on ICE in the evidence notes to the screening matrices. As a result, it is unclear which impacts on which features of which sites are concluded to lead to in-combination LSEs. Can the Applicant provide an updated HRAR and screening matrices that address these inconsistencies.
BIO.1.25	Applicant	Paragraph 4.1.4 states that hedgerow planting would be carried out in March to minimise the potential effects of loss and disturbance of FLL on wintering/ passage SPA and Ramsar bird species. The Outline Landscape and Biodiversity Strategy [APP-180] limits hedgerow maintenance activities to outside the wintering bird period but does not appear to include limits on the timing of planting. Can the Applicant state where this mitigation is secured.
BIO.1.26	Applicant	Para 4.1.20 includes the Lower Derwent Valley SPA as subject to an LSE from acid deposition in combination with other plans and projects during operation. However, this is inconsistent with information contained in other sections of the HRAR, such as in Table 3-18, and the screening matrix contained in HRAR Appendix 1, which indicates that no LSE is anticipated. Can the Applicant confirm whether this is a textual error.
BIO.1.27	Applicant	It is stated in para 4.1.23 of the HRAR that the proposed operational mitigation for air quality impacts, ie changes to the Main Stack emissions parameters, would be secured through the permitting process. In addition, no reference has been made any monitoring arrangements. Can the Applicant explain where the proposed operational mitigation and monitoring is secured in the dDCO.
BIO.1.28	Applicant	Table 4.16 of the HRAR appears to reflect the same information as in ES Chapter 6 Table 6.18 (with the addition of the same figures presented for the Lower Derwent Valley Ramsar as the SPA), except the ' <i>Max PC (Impact) – With Mitigation</i> ' figure is different (0.00 instead of 0.01). In addition, for each of the other two sites, although the Max PC figure with and without mitigation is the same, the Max PC as a % of the CLo is different. Can the Applicant explain these anomalies.
BIO.1.29	Applicant	The ExA notes the Applicant's conclusions within the HRAR in relation to: acid deposition on the Lower Derwent Valley SAC and Ramsar site from the Proposed Development alone and in combination with other plans and projects; and NH <sub>3</sub> , nitrogen deposition, and acid deposition from the Proposed Development on Thorne Moor SAC in combination. Please can the Applicant provide further justification for the conclusion that the quoted exceedances of the CLeS and CLoS would not result in an AEoI on the European sites (the same point applies to the assessment in the ES Ecology chapter of the effects on SSSIs). The Applicant is referred to the advice contained in NE's RR [AS-011] in this regard. The ExA notes from information contained within [AS-038] that the Applicant is currently liaising with NE in relation to this matter.

ExQ1	Question to:	Question:
BIO.1.30	NE	The ExA notes that Section 3 of the HRAR concludes that there could be an LSE on the Lower Derwent Valley SPA/ Ramsar and the Humber Estuary SPA/ Ramsar in relation to loss of FLL in the Off-site Habitat Provision Area (in addition to the Habitat Provision Area) but that the information to inform appropriate assessment contained in Section 4.2 does not include an assessment in respect of that area. The ExA welcomes the commitment in point 5.14 of AS-038 that an updated HRAR will be provided that contains the additional information provided therein. Similarly, NE raised concerns about such impacts on a number of SSSIs. Please can NE comment on whether the additional information provided sufficiently addresses its concerns about this matter.
<b>4. CLIMATE CHANGE</b>		
CC.1.1	Applicant	Given the uncertainty over the Proposed Development's operational lifespan, can the Applicant justify the use of the 25-year design life for the purposes of the climate change resilience assessment or provide an updated assessment which accounts for the potential continuation of operation beyond 25 years.
CC.1.2	Applicant	Could the Applicant please respond to Climate Emergency Planning and Policy who, in its RR [RR-017], raised concern over the method of accounting for biomass supply chain GHG emissions.
CC.1.3	Applicant	Is it proposed that the metering facilities in Work No. 2(a)(iv) would provide an ongoing monitoring of the % CC efficiency? If so, how would CC efficiency be monitored under the option of Work No. 2(b) where no such metering facilities appear to be included?
<b>5. COMPULSORY ACQUISITION AND TEMPORARY POSSESSION</b>		
CA.1.1	Applicant	Please advise whether the BoR is fully compliant with DCLG Guidance <sup>2</sup> .
CA.1.2	APs/ IPs	Are any APs or IPs aware of any inaccuracies in the BoR [AS-002], SoR [AS-080] or Land Plans [AS-072]? If so, please set out what these are and provide the correct details.
CA.1.3	Applicant	There are a number of interests identified as 'unknown' in the BoR. Can the Applicant confirm if any further steps will be taken during the Examination to identify any persons having an interest in the land?

<sup>2</sup> Planning Act 2008, Guidance related to procedures for the compulsory acquisition of land, DCLG, September 2013

ExQ1: 24 January 2023

Responses due by Deadline 2 (Wednesday 22 February 2023)

ExQ1	Question to:	Question:
CA.1.4	Applicant	Can the Applicant explain the rationale for including various plots in the BoR over which the Applicant is not seeking with CA or imposition of rights, eg Plot 01-14.
CA.1.5	Applicant/ Statutory Undertakers	The BoR includes a number of Statutory Undertakers with interests in land. The ExA would ask the Applicant to: <ol style="list-style-type: none"> <li>i. provide a progress report on negotiations with each of the Statutory Undertakers listed in the BoR, with an estimate of the timescale for securing agreement with them; and</li> <li>ii. state whether there are any envisaged impediments to the securing of such agreements.</li> </ol>
CA.1.6	Applicant	Can the Applicant explain in more detail the need for CA of new rights and the need to extinguish existing rights set out in paragraph 2.3.2 and 5.3.4 of the SoR.
CA.1.7	Applicant	Part 2 of the BoR lists ' <i>Category 3</i> ' persons. The Applicant is asked to: <ol style="list-style-type: none"> <li>i. provide further detail/ justification of how it has identified such Category 3 parties for the purposes of the BoR; and</li> <li>ii. clarify if there are there any other persons who might be entitled to make a relevant claim if the DCO were to be made and fully implemented and should therefore be added as Category 3 parties to the BoR? This could include, but not be limited to, those that have provided representations on, or have interests in:               <ul style="list-style-type: none"> <li>• noise, vibration, smell, fumes, smoke or artificial lighting;</li> <li>• the effect of construction or operation of the Proposed Development on property values or rental incomes;</li> <li>• concerns about subsidence or settlement;</li> <li>• claims that someone would need to be temporarily or permanently relocated;</li> <li>• impacts on a business;</li> <li>• loss of rights, eg to a parking space or access to a private property;</li> <li>• concerns about project financing;</li> <li>• claims that there are viable alternatives; or</li> <li>• blight.</li> </ul> </li> </ol>
CA.1.8	RPAs	Are the RPAs in their role as the LPA and the Highway Authority aware of:

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>i. any reasonable alternatives to CA or TP sought by the Applicant; and</li> <li>ii. any areas of land or rights that the Applicant is seeking the powers to acquire that they consider would not be needed?</li> </ul>
CA.1.9	Applicant	<ul style="list-style-type: none"> <li>i. Please could the Applicant summarise where it has not yet been able to identify any persons having an interest in the land, including any rights over unregistered land?</li> <li>ii. What further steps will the Applicant be taking to identify any unknown rights during the Examination?</li> </ul>
CA.1.10	Applicant	<p>The Applicant is asked:</p> <ul style="list-style-type: none"> <li>i. to clarify how it has had regard to the Equalities Act 2010 in relation to the powers sought; and</li> <li>ii. have any APs been identified as having protected characteristics? If so, what regard has been given to them?</li> </ul>
CA.1.11	APs	<p>Do any APs have any concerns that they have not yet raised about the legitimacy, proportionality or necessity of the CA or TP powers sought by the Applicant that would affect land that they own or have an interest in?</p>
CA.1.12	Applicant/ Statutory Undertakers	<p>The BoR includes a number of Statutory Undertakers with interest in land and equipment that would be affected by CA/ TP.</p> <p>Please could the Applicant:</p> <ul style="list-style-type: none"> <li>i. provide a progress report on negotiations with the Statutory Undertakers listed in the BoR, with an estimate of the timescale for securing agreement with them;</li> <li>ii. state whether there are any envisaged impediments to the securing of such agreements; and</li> <li>iii. state whether any additional Statutory Undertakers have been identified since the submission of the BoR and whether the latest version of the BoR includes any recently identified Statutory Undertakers.</li> </ul> <p>A number of Statutory Undertakers [RR-022 and RR-052] have commented on Protective Provisions.</p> <p>Please could Statutory Undertakers:</p> <ul style="list-style-type: none"> <li>iv. provide copies of preferred wording and explain, where relevant, why you do not consider the wording as currently drafted to be appropriate.</li> </ul>

ExQ1	Question to:	Question:
CA.1.13	Applicant	<p>Where a representation is made by a Statutory Undertaker under section 127 of the PA2008 and has not been withdrawn, the SoS would be unable to authorise powers relating to the Statutory Undertaker land unless satisfied of specified matters set out in section 127. If the representation is not withdrawn by the end of the Examination, confirmation would be needed that the 'expedience' test is met.</p> <p>The SoS would also be unable to authorise removal or repositioning of apparatus unless satisfied that the extinguishment or removal would be necessary for the purpose of carrying out the development to which the Order relates in accordance with section 138 of the PA2008. Justification would be needed to show that extinguishment or removal would be necessary.</p> <p>Please indicate when, if the objections from Statutory Undertakers are not withdrawn, this information would be submitted into the Examination.</p>
CA.1.14	Applicant/ APs/ IPs	Do you consider all potential impediments to the development have been properly identified and addressed? Additionally, are there concerns that any matters, either within or outside the scope of the dDCO, that would prevent the development becoming operational or may not be satisfactorily resolved? This includes matters related to acquisitions, consents, resources or other agreements.
CA1.15	Applicant	<p>Consent is required for any provision in the DCO which would relate to Crown land or rights benefiting the Crown in accordance with s135(2) of the PA2008. Among other things this includes consent for any TP sought over Crown land.</p> <p>i. The SoR advises that you have begun the process of seeking to obtain the relevant consents as required under s135 of the PA2008. Can you provide an update on where these discussions are and whether agreement will be reached before the close of the Examination?</p> <p>ii. Can you confirm whether any land that would be subject to escheat is included within the Order Limits?</p>
<b>COMPULSORY ACQUISITION AND TEMPORARY POSSESSION – CHANGE REQUEST</b>		
CA1.16	Applicant	<p>Proposed Change 02 of the change request involves additional order land over which it is proposed to compulsory acquire rights.</p> <p>i. Have Northern Power Grid and Openreach confirmed that the undergrounding of the electrical and telecommunications wires is the only option to allow for the delivery of AILs?</p>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>ii. Are there any reasonable alternatives?</li> <li>iii. If undergrounding is not the only option, would the amount of land needed be the same?</li> </ul>
<b>6. DESIGN, LANDSCAPE AND VISUAL</b>		
DLV.1.1	Applicant	<p>Section 5 of the Design Framework [APP-195] refers to the policy context in terms of design. The Applicant is asked:</p> <ul style="list-style-type: none"> <li>i. whether it has considered the National Infrastructure Commission Design Principles for National Infrastructure;</li> <li>ii. to confirm the relevance of the document to the Proposed Development; and</li> <li>iii. to demonstrate how these principles have been considered in design work to date and how they will be used in future design work with particular reference to the carbon capture plant (Work No. 1D and 1E).</li> </ul>
DLV.1.2	Applicant	<p>Paragraphs 4.5.1 to 4.5.6 of NPS EN-1 establish the criteria for good design. Paragraph 4.5.1 includes that good design of energy projects should be "<i>matched by an appearance that demonstrates good aesthetic as far as possible.</i>" Please could the Applicant:</p> <ul style="list-style-type: none"> <li>i. expand on how the concept of good design has been considered in the design process for the buildings and structures that make up the larger components of the proposed carbon capture plant (Work No. 1D and 1E) in relation to both aesthetics and functionality; and</li> <li>ii. explain whether an independent design review of the Proposed Development has been undertaken and if not, why not?</li> </ul>
DLV.1.3	Applicant	<p>In point 10.2 of the Applicant's Response to Relevant Representations and Additional Submissions [AS-038], the Applicant states that the KS21 solvent has been shown to outperform its predecessor.</p> <ul style="list-style-type: none"> <li>i. Is solvent technology continuing to evolve?</li> <li>ii. If so, will the design of the carbon capture plant of the Proposed Development be specific to the current proposed solvent or is there potential within the design for the plant to accommodate any future evolution in solvent technology for carbon capture within the operational phase?</li> </ul>
DLV.1.4	Applicant	<p>Section 4.1.5 of the Design Framework [APP-195] states that the design aspiration for the absorber columns is that they are in context height-wise with the main boiler/ turbine house and that they align within this overall central massing. However, if developed to the maximum height design parameters within the dDCO, the absorber columns</p>

ExQ1	Question to:	Question:
		<p>could appear very prominent in relation to the overall central massing. This raises some key questions in relation to the appearance of these prominent structures.</p> <ul style="list-style-type: none"> <li>i. To what extent is the external appearance of the absorber columns limited by the functional requirements?</li> <li>ii. Has there been a design process to explore options of how the appearance of the absorber columns sit against the context of the existing structures? And if so, could further information on this be provided?</li> <li>iii. Can the Applicant also provide further information to justify the range of flexibility proposed for the design parameters of the absorber columns?</li> </ul>
DLV.1.5	LPAs	<p>Chapter 9 of the ES [APP-045] states in section 9.5.24 that representative viewpoints have been selected through consultation with the LPAs. Can the LPAs:</p> <ul style="list-style-type: none"> <li>i. confirm that the viewpoints are appropriate and provide reasonably representative views of the Proposed Development; and</li> <li>ii. provide a response as to whether any concerns exist with regard to the photomontages provided with the ES.</li> </ul>
DLV.1.6	Applicant	<p>Section 4.1.31 of the Design Framework [APP-195] states that the lighting levels for the Proposed Development are noticeably less intense than for other existing installations. Is there a mechanism in the dDCO to secure the lighting at a relatively less intense level than the rest of the site?</p>
DLV.1.7	Applicant	<p>Is the lighting shown in the night-time photomontages [APP-103] representative of a maximum level of lighting at night or is it representative of a baseline level and is there likely to be periods of greater illuminance required for maintenance and/ or regular tasks?</p>
DLV.1.8	Applicant	<p>The Draft Lighting Strategy [APP-184] sets out broad principles of how the lighting will be designed. Should R8 in the dDCO include a mechanism to set a curfew time and associated maximum limits for sky glow, light intrusion (into windows) and luminaire intensity from key viewpoints and receptors?</p>
DLV.1.9	Applicant	<p>The Baseline Lighting Survey Report that is referred to in the Draft Lighting Strategy [APP-184] is not included in the application documents. Can the Applicant submit this document so that it can be considered as part of the Examination?</p>

ExQ1	Question to:	Question:
DLV.1.10	Applicant	The ExA notes that the consultation material [APP-025] did not include the visuals of the indicative design that is now shown in the LVIA viewpoints. Has the Applicant sought views from the community and/ or LPAs on the design and visual appearance of the Proposed Development?
DLV.1.11	Applicant	<p>The combined RR from NYCC and SDC [RR-024] says that the Authority requested the Applicant begin work on an up-to-date design strategy for the site and also that the Applicant has agreed to this and has consulted on early drafts of the design guide.</p> <ul style="list-style-type: none"> <li>i. Is this a separate document to the Design Framework [APP-195]?</li> <li>ii. If so, can this be provided to the ExA to consider as part of the Examination?</li> </ul>
DLV.1.12	Applicant	In the Applicant's responses to Relevant Representations [AS-038] (Response ref. 2.18) the Applicant points to item D1 in the REAC [AS-092] which describes the design principles for the soft and hard landscaping that will be followed in the detailed design. Should design principles for the proposed buildings and structures also be described in the REAC and secured in the DCO to reinforce the original intents of the Weddle Strategy for the Drax Power Station Site?
DLV.1.13	Applicant	<p>There is a moderate adverse effect identified (Table 18.8 ES Chapter 18 [APP-054]) on common visual receptors from the Proposed Development combined with the Scotland to England Green Link 2 Project (Short List ID3), Barlow Ash Mound (ID6), Development of an energy storage facility (ID8) and Development of a ground-mounted solar farm (ID10).</p> <p>The Applicant is asked to provide more detail on the extent of visual impact of ID3, ID6, ID8 and ID10 in construction and how this may be experienced by visual receptors in combination with the Proposed Development.</p>
DLV.1.14	Applicant	<p>The hedgerow to the east edge of the East Construction Laydown Area is proposed to be enhanced through thickening of the hedge and planting of frequent broadleaved species as part of the Outline Landscape and Biodiversity Strategy [APP-180].</p> <ul style="list-style-type: none"> <li>i. Are these works planned to be done prior to construction in order to mitigate the visual impact of the construction site on visual receptors?</li> <li>ii. If so, will any new planting be of sufficient maturity to provide adequate screening? And how is this secured in the dDCO?</li> </ul>

ExQ1	Question to:	Question:
<b>7. DEVELOPMENT CONSENT ORDER</b>		
N/A	N/A	No questions at this time.
<b>8. FLOOD RISK AND WATER ENVIRONMENT</b>		
FRW.1.1	Applicant/ EA	<ul style="list-style-type: none"> <li>i. Can you confirm that you consider that the wording in R11 of the dDCO [AS-076] which requires the authorised development to be carried out and operated in accordance with the flood risk assessment satisfactorily secures the flood risk mitigation both during construction and operation for the lifetime of the development?</li> <li>ii. Would you expect further details post-consent or any management or maintenance plan to be submitted?</li> <li>iii. Does the wording of this Requirement ensure works are retained or remain effective?</li> </ul>
FRW.1.2	EA	In its RR [RR-051], the EA disagreed with the scoping out of some of the surface water drainage features highlighted within Table 12.2 of ES Chapter 12 and invited the Applicant to discuss these matters. The Applicant responded to these points in its response to the RRs [PDA-002]. Can the EA state whether it considers that its concerns have been addressed by the additional information provided.
FRW.1.3	EA	In the Applicant's Response to RRs it states that, although the presence of great crested newts has been recorded in the ponds, they are not likely to be affected by the construction of the Proposed Development given that they are separated from the Proposed Development and construction areas by an earth embankment. Do you agree?
FRW.1.4	Applicant	WE14 of the REAC [AS-092] states that prior to any works being undertaken, a watercourse pollution prevention plan will be prepared and shared with the EA. How is the submission and approval of this plan secured?
FRW.1.5	EA	In its RR [RR-051] the EA states that it is undertaking a review of the Applicant's flood risk model and is unable to confirm whether the modelling is fit for purpose at this time. Can the EA please provide an update on the outcome of the flood risk modelling review.
FRW.1.6	Applicant	The PPG on Flood Risk and Coastal Change was updated on 25 August 2022. The changes are a significant refresh to the guidance and bring the PPG up to date and in line with the latest policy position on flood risk introduced in the updates to the NPPF in 2018 and 2021. Please advise whether the update affects the assessment undertaken.

ExQ1	Question to:	Question:
FRW.1.7	DC/ ERYC/ NYCC/ SDC	Please could NYCC, SDC, ERYC and DC confirm whether they agree with the list of plans and projects that have been used in the assessment of cumulative effects on the water environment, as identified in ES Chapter 18 [APP-054].
<b>FLOOD RISK AND WATER ENVIRONMENT – CHANGE REQUEST</b>		
FRW.1.8	Applicant	It is stated in Table 6-1 (Water Environment) of the PCAR [AS-045] that there may be other receptors present on the site in addition to the Secondary Aquifer, such as private groundwater abstractions, but this has not been confirmed. Please can the Applicant identify any other sensitive receptors relevant to PC-02 and provide an assessment of potential significant effects as necessary.
FRW.1.9	NE	Is NE satisfied that the evidence provided with the PCAR [AS-045] of the effects of the proposed changes on the water environment justifies the Applicant's conclusion that there would be no significant effects on water quality, and therefore on the features of the European sites, during construction and operation?
<b>9. GROUND CONDITIONS AND CONTAMINATION</b>		
GCC.1.1	NE	The ExA notes that land to the north of the East Construction Laydown Area within the Habitat Provision Area has not been subject to an ALC survey. The Applicant, in the ES Chapter 11 [APP-047], classes this land as Subgrade 3b based on a pre-1988 ALC survey which was based on anecdotal evidence of the landowner.  NE is asked if it is satisfied with the classification of land that the Applicant is suggesting?
GCC.1.2	Applicant	Item GC3 in the REAC [AS-092] states that an Earthworks Specification will be produced to ensure that imported materials are suitable for their intended use in terms of their chemical and geotechnical quality. Should this be identified within R12 of the dDCO to be agreed with the RPA in consultation with NE?
GCC.1.3	Applicant	Item GC3 in the REAC [AS-092] states that the mechanism for securing the MMP is by DCO Requirement. Can the Applicant explain how the dDCO secures this measure?
GCC.1.4	Applicant	As raised in NE's Additional Submission [AS-011], can the Applicant provide an ALC field survey for the southern tip of the on-site Habitat Provision Area and also assign an ALC grade to the central and western parcels of land in the Soil Resource and Agricultural Land Classification Survey (Appendix 11.2 [APP-158]).

ExQ1	Question to:	Question:
GCC.1.5	Applicant	Can the Applicant confirm if it has considered potential impacts to agricultural land beyond and adjacent to the East Construction Laydown Area.
GCC.1.6	Applicant	Can the Applicant provide a response to the comment from NE in its Additional Submission [AS-011] (Table 1, Item 17) that inappropriate soil handling, in the form of topsoil removal or topsoil inversion, is currently proposed for the Habitat Provision Area to the north of the East Construction Laydown Area and for the Off-Site Habitat Provision Area.
GCC.1.7	NE	In point 5.7 of the Applicant's Response to Relevant Representations and Additional Submissions [AS-038], the Applicant responds to NE's concerns about the methodology used to assess impact to agricultural land within Chapter 11 (Ground Conditions) of the ES [APP-047] relative to the methodology outlined within the ICE (2019) EIA Handbook. Please can NE comment on whether the comparison provided sufficiently addresses its concerns about this matter.
<b>GROUND CONDITIONS AND CONTAMINATION – CHANGE REQUEST</b>		
GCC.1.8	Applicant	Table 5-1 of the Proposed Changes Application Report (PCAR) [AS-045] highlights that soil leachate results identify exceedances and that the Water Environment assessment has not considered the potential for mobilisation of existing contaminants. Can the Applicant provide such an assessment or a justification as to why one is not required?
GCC.1.9	EA	Does the EA agree with the Applicant's conclusion in Table 5-1 of the PCAR [AS-045] that the identified soil leachate exceedances (as contained in PCAR Appendix 1: FCA Soil Testing Technical Note [AS-050]) are marginal in nature and not significant, and do not preclude the use of the area as a proposed FCA?
GCC.1.10	Applicant	Where the proposed underground cable route for OHL1 passes beneath agricultural land, can the Applicant explain whether and the extent to which farming operations will be affected in the operational phase of the development and the measures taken in the design to minimise this?
GCC.1.11	Applicant	<ul style="list-style-type: none"> <li>i. Can the Applicant provide the ALC survey which was completed for PC-01 in November 2022 which classified the land as Grade 3b (non-BMV)?</li> <li>ii. Can the Applicant also provide a detailed ALC and soil survey where detailed data is not available for PC-02 to inform soil handling and suitability for reuse, including depth of topsoil strip?</li> </ul>

ExQ1	Question to:	Question:
<b>10. HISTORIC ENVIRONMENT</b>		
HE.1.1	Applicant	<p>The Environment and Biodiversity Mitigation Plan [APP-181] appears to show new hedgerow and hedgerow enhancement works at the location of the boundary of the scheduled monument, whereas ES Chapter 10 [APP-046] states in paragraph 10.10.2 that any planting in the Habitat Provision Area would avoid the boundary of the Drax Augustinian Priory.</p> <p>Can the Applicant clarify how the location of these works relates to the location of the scheduled monument boundary?</p>
HE.1.2	Historic England/ NYCC/ SDC	The walkover undertaken to examine the setting of above ground heritage assets was carried out in the month of March. Are Historic England, SDC and NYCC satisfied that the time of year that the setting of the above ground assets was examined represents a worst-case scenario in relation to vegetation growth providing screening of the Proposed Development?
HE.1.3	Applicant	Can the Applicant outline the reasons for the choice of location for the Habitat Provision Area adjacent to the scheduled monument?
HE.1.4	Applicant	R13 of the dDCO [AS-076] requires approval of a WSI prior to the starting of Work No. 5. Can the Applicant provide an outline of the WSI referred to in R13?
<b>HISTORIC ENVIRONMENT – CHANGE REQUEST</b>		
HE.1.5	Applicant/ Historic England	<p>The ExA notes in the PCAR [AS-045] that the Applicant states no further mitigation for historic assets is recommended for Work No. 8, but this will be agreed with the Local Planning Authority before construction commences as part of the discharge of Requirement 13 of the DCO.</p> <ol style="list-style-type: none"> <li>i. Can the Applicant provide a response on whether the wording of Requirement 13 needs to be updated to secure this?</li> <li>ii. Can Historic England comment on whether it is satisfied with the Applicant's assessment of the effects of Work No. 8 on unknown archaeological remains?</li> </ol>

ExQ1	Question to:	Question:
<b>11. MAJOR ACCIDENTS AND NATURAL DISASTERS</b>		
MAD.1.1	UKHSA	<p>Can the UKHSA comment on the Applicant's approach to assessment of major accidents as set out in ES Chapter 17 [APP-053] in the context of the Proposed Development, including elements of novel technology.</p> <p>Does the UKHSA consider that the Applicant has sufficiently identified and assessed the potential risks associated with the CCS component?</p>
MAD.1.2	Applicant	<p>Paragraph 17.6.28.g of ES Chapter 17 [APP-053] states that detailed construction information is not yet available for the Proposed Development and this assessment therefore draws on the professional experience of the assessor of other similar projects.</p> <p>Can the Applicant confirm, given the novel technology used in the Proposed Development, what assumptions have been made based on other projects about the design of, safety and control systems for, and construction of, any novel technology, and the level of confidence in these assumptions for the purpose of the assessment of MA&amp;D?</p>
MAD.1.3	Applicant	<p>The Risk Record items 13 &amp; 14 in Appendix 17.2 [APP-172] to the ES relate to loss of containment of CO<sub>2</sub>, and the primary mitigation measure is to integrate a fail-safe emergency shutdown system. Can the Applicant:</p> <ol style="list-style-type: none"> <li>i. comment on whether the design has considered the possibility of secondary containment to isolate any loss of primary containment;</li> <li>ii. comment on whether there has been any modelling done to understand the potential hazards related to major loss of containment of CO<sub>2</sub>; and</li> <li>iii. explain how the effects of loss of containment of other gaseous hazardous substances, including amines, stored at the site during operation have been assessed.</li> </ol>
MAD.1.4	Applicant	<p>Section 17.1.2 of ES Chapter 17 [APP-053] states that the vulnerability of the Proposed Development to an MA&amp;D event during decommissioning is anticipated to be no worse than that for the construction phase.</p> <ol style="list-style-type: none"> <li>i. Please provide evidence to support this statement.</li> <li>ii. What certainty can the ExA have that, at least in principle, the inherent features of the design would be sufficient to prevent, control and mitigate major accidents during this phase?</li> </ol>

ExQ1	Question to:	Question:
<b>12. NOISE AND VIBRATION</b>		
NV.1.1	Applicant	<p>ES Chapter 7 [APP-123] Section 7.1.7 states that the programme option where Units 1 &amp; 2 are to be constructed at the same time presents a worst-case scenario for noise and vibration effects.</p> <p>Can the Applicant advise which items in column 1 of the Schedule Planner [APP-123] are the key activities relating to noise and vibration in order to assist the ExA in understanding the indicative duration and overlap of these activities?</p>
NV.1.2	Applicant	<p>On ES Figure 7.3 [APP-091] there are two locations noted as LT3,R4 and there are additional short term noise measurement locations (ST4 and ST5) which are not referred to in ES Chapter 7 [APP-043]. Can the Applicant provide a revised document correcting the labelling of LT3,R4 and confirm whether ST4 and ST5 will be used as locations for short term noise measurement?</p>
NV.1.3	Applicant	<p>Tables 7.27 and 7.28 of ES Chapter 7 [APP-123] present the ambient day-time and night-time operational noise assessments. The column for predicted noise level does not allow for correction to account for the potential of tonality and intermittency in the operational noise arising from the Proposed Development. Can the Applicant explain why this is the case?</p>
NV.1.4	Applicant/ SDC	<p>Item NV1 in the REAC [AS-092] includes proposed noise limits for residential receptors and proposed noise limits at a 5m distance from the plant equipment. R17 of the dDCO [AS-076] includes the table for noise limits at residential receptors but not the table for the noise limits at a 5m distance from the plant equipment.</p> <ol style="list-style-type: none"> <li>i. Can SDC comment on whether the Requirement should set the operational noise limits at the location of the noise source or at the receptors?</li> <li>ii. Can the Applicant explain why noise limits are not included for biodiversity receptors?</li> <li>iii. Can the Applicant confirm how the monitoring of operational noise limits will be secured in the DCO?</li> </ol>
NV.1.5	Applicant	<p>There is no description included for the purpose of Table 1.3 in the Road Traffic Noise Assessment [APP-134]. The column headings are the same as Table 1.2 but the values are different. Can the Applicant provide an explanation to accompany Table 1.3?</p>
NV.1.6	Applicant/ SDC	<p>Table 7.26 in ES Chapter 7 [APP-043] shows adverse operational noise impacts at residential receptors R6 and R14 for night-time operational noise impacts before contextual considerations are applied.</p>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>i. The Applicant is asked what noise sources are contributing to the existing ambient noise levels at these receptors and whether it is anticipated that there will be any changes in the future baseline that would affect the contextual considerations put forward?</li> <li>ii. SDC is asked if the contextual considerations put forward by the Applicant (7.9.15 to 7.9.20 of ES Chapter 7) and the noise rating levels set out in Table 1 of R17 in the dDCO [AS-076] provide sufficient certainty that no significant adverse noise effects occur?</li> </ul>
NV.1.7	Applicant	Can the Applicant provide further information on the nature of anticipated construction work outside of core working hours for which it may be seeking prior approval of the RPA and the justification for the necessity of such works taking place outside of core working hours?
NV.1.8	Applicant	<ul style="list-style-type: none"> <li>i. Can the Applicant explain what activities will take place on site during the one-hour start-up and shut-down window each day?</li> <li>ii. Also, how will the scope of the activities permitted to take place during this window be controlled by the DCO?</li> </ul>
NV.1.9	Applicant	The ExA notes in item G5 of the REAC [AS-092] that the construction working hours are proposed to be included in the CEMP. However, can the Applicant explain why this approach is taken as opposed to including an equivalent Requirement for construction hours to R20 of the Drax Repower DCO?
<b>NOISE AND VIBRATION – CHANGE REQUEST</b>		
NV.1.10	Applicant	Can the Applicant identify the location of any evidence in the submitted documents for the conclusion in Tables 5-1 and 6-1 of the PCAR [AS-045] that vibration levels due to the works required for the two proposed changes are not expected to exceed the SOAEL at the nearest receptors.
<b>13. PLANNING POLICY AND LEGISLATION</b>		
PPL.1.1	Applicant	<p>Paragraph 3.2.12 of The Planning Statement [APP-032] states that for any application accepted for Examination before designation of the revised energy NPSs, the original suite of NPSs would have effect and the revised NPSs would only have effect as primary policy in relation to applications accepted for Examination after their designation.</p> <p>What is the legislative or policy basis for this assumption?</p>

ExQ1	Question to:	Question:
<b>14. SCOPE OF DEVELOPMENT</b>		
N/A	N/A	No questions at this time.
<b>15. SOCIO-ECONOMICS</b>		
SE.1.1		<p>Paragraph 57 of the NPPF states that planning obligations should only be sought where they meet all of the following 3 tests:</p> <ul style="list-style-type: none"> <li>• Necessary to make the development acceptable in planning terms.</li> <li>• Directly related to the development.</li> <li>• Fairly and reasonably related in scale and kind to the development.</li> </ul> <p>i. Can the Applicant please provide evidence that the proposed s106 agreement meets these tests.</p> <p>ii. Are the matters outlined in the s106 Heads of Terms backed up, or justified, by development plan policy and/ or supplementary planning documents?</p> <p>iii. Could the matters outlined in the s106 Heads of Terms be secured by way of a Requirement?</p> <p>iv. Without the s106 agreement, would there be a harmful effect?</p>
<b>16. TRAFFIC, TRANSPORT AND WASTE MANAGEMENT</b>		
TTW.1.1	Applicant	Please could the Applicant provide further information on the extent and duration of the road closures required for construction delivery and access as highlighted in Section 2.3 of ES Chapter 2 [APP-038] and the likely dimensions of AILs.
TTW.1.2	Applicant/ ERYC	Table 5.1 of ES Chapter 5 [APP-041] summarises the consultation with stakeholders. Can the Applicant and ERYC confirm if the structural review of the structures along the AIL route has been undertaken and if so provide the results along with an explanation of the effect of the Proposed Development on the proposed AIL route?
TTW.1.3	Local Highways Authorities/	The methodology, baseline data and assessment of for assessment of the potential effects of the Proposed Development on traffic and transport are set out in ES Chapter 5 [APP-041]. NH and the Local Highways Authorities are asked whether the methodology, baseline data and assessment are acceptable?

ExQ1: 24 January 2023

Responses due by Deadline 2 (Wednesday 22 February 2023)

ExQ1	Question to:	Question:
	NH	
TTW.1.4	Applicant	<p>Section 5.5.24 of ES Chapter 5 [APP-041] states that the ES has been prepared during the COVID-19 pandemic which has drastically changed travel patterns in the short-term and, potentially medium to longer term. It also states that the survey data used for the assessment is from March and October of 2018, which is before the pandemic.</p> <p>Can the Applicant explain how the effects of the COVID-19 pandemic on medium to longer term travel patterns have been factored into the assessment?</p>
TTW.1.5	NH	<p>Table 5.3 of ES Chapter 5 [APP-041] states that for driver delay, the magnitude of impact is derived using professional judgment informed by the predicted increase in vehicle delay and whether a junction is at, or close to capacity.</p> <p>As an example, Table 5.28 shows that the driver delay increases on the A645 arm from 25.46 seconds to 47.6 seconds between Scenario 4 (do minimum) and Scenario 5 (do something). The RFC nears the capacity for that junction arm. The driver delay effects are however determined to be negligible.</p> <p>NH is asked if it is satisfied with the Applicant’s calculation of the magnitude of impact for driver delay in the assessment?</p>
TTW.1.6	Applicant	<p>Section 5.9.57 ES Chapter 5 [APP-041] states that it is understood that the M62 junction dumbbell roundabout improvements are due to be implemented between 2024 – 2029.</p> <ol style="list-style-type: none"> <li>i. Have the cumulative effects of the works to the junction happening concurrently with the Proposed Development, potentially resulting in further driver delay, been assessed?</li> <li>ii. Can the Applicant give the ExA an update on the status of discussions with ERYC and NH to understand the timescale and mechanism to upgrade the junction?</li> <li>iii. Can the Applicant provide information on proposals to mitigate the significant impacts at J36 in the scenario that the dumbbell roundabout improvements are not implemented?</li> </ol>
TTW.1.7	Applicant	<p>The Outline CTMP [AS-086] section 5.5.2 describes potential mitigation requirements to facilitate the proposed AIL route including street furniture removal, overhead lines lifted or switched off, and vegetation pruned.</p>

ExQ1: 24 January 2023

Responses due by Deadline 2 (Wednesday 22 February 2023)

ExQ1	Question to:	Question:
		Can the Applicant give the ExA an update on the status of discussions with NH, NYCC and ERYC to understand the likely logistics for AILs from the Port of Goole via the M62?
TTW.1.8	Applicant	<p>Section 4.7.1 of the Outline CTMP [AS-086] states that access to create enhanced habitats within agricultural land identified in the Order Limits would be via existing farm vehicle accesses on New Road and Pear Tree Avenue.</p> <p>Considering that the existing access passes through the scheduled monument of Drax Priory, have the existing vehicle accesses been assessed and confirmed as appropriate for the access and vehicle requirements of the Proposed Development?</p>
TTW.1.9	Applicant	<p>Section 5.9.80 of ES Chapter 5 [APP-041] refers to planned and unplanned periods of maintenance in the operation phase. Can the Applicant confirm:</p> <ol style="list-style-type: none"> <li>i. whether it is anticipated that the planned periods of maintenance will require significant numbers of additional staff;</li> <li>ii. the frequency of planned maintenance; and</li> <li>iii. the associated traffic and transport effects.</li> </ol>
TTW.1.10	Applicant	Section 4.1 of the Outline CTMP [AS-086] explains that the number of proposed parking spaces in the construction phase construction ensures operational resilience throughout the construction phase as the existing operational units will still require maintenance and outages. Have the cumulative traffic and transport effects of the Proposed Development plus the additional traffic associated with maintenance and outages of the existing operational units been accounted for in the assessment?
TTW.1.11	Applicant	Can the Applicant provide further information on the maximum duration for which the PRoW 35.6/6/1 will be stopped up for and how the duration is secured through the dDCO?
TTW.1.12	Applicant	Section 6 of the Framework CWTP [APP-120] sets out the sustainable travel plan measures. Can the Applicant comment on whether the proposed SMART measures have been used and implemented effectively on a similar scheme?
TTW.1.13	Applicant	NH raised in its RR [RR-097] that collision data analysis should cover the period of 2015-2019 and that collision data should include all recorded collisions on the SRN. The ExA notes the Applicant's response to the RR [AS-038] and requests that the additional analysis to identify any pre-existent trends that the Proposed Development may exacerbate is submitted into the Examination.

ExQ1	Question to:	Question:
TTW.1.14	Applicant/ NH	<p>NH states in its RR [RR-097] that the worst-case peak period traffic flows for M62 J36 may be outside of the traditional network peak and because of this there may be a requirement to assess the shoulder peak periods of the worst-case peak periods.</p> <ul style="list-style-type: none"> <li>i. The Applicant is asked to clarify whether the worst-case traffic flows have been assessed at M62 J36.</li> <li>ii. The Applicant and NH are asked for an update on discussions regarding the level of sensitivity of the M62 mainline east and west given the high sensitivity of J36.</li> </ul>
TTW.1.15	NH	<p>NH is asked if it is satisfied with:</p> <ul style="list-style-type: none"> <li>i. the wording of R15 (Construction Traffic Management Plan) and R19 (Decommissioning Traffic Management Plan) in the dDCO [AS-076]; and</li> <li>ii. the content of the Outline CTMP [AS-086].</li> </ul>
TTW.1.16	NH	<p>The ExA notes that NH in its RR [RR-097] stated that it will withhold comment on the robustness of the proposed assessment of the J36 dumbbell roundabout capacity until it has finished reviewing ES Appendix 5.6 - Junction Modelling Outputs [APP-124].</p> <p>NH is asked to provide comment on:</p> <ul style="list-style-type: none"> <li>i. whether the assessment is appropriate; and</li> <li>ii. the significance of cumulative impacts of the increased demand on the J36 dumbbell roundabout.</li> </ul>
TTW.1.17	Applicant	<p>The Needs and Benefits Statement [APP-033] says once the BECCS units are operational, up to 375 full-time equivalent employees will be employed at the site. However, the annual forecasts for solid waste in the operational phase provided in the Materials and Waste Chapter of the ES [APP-049] are based on 50 employees.</p> <p>Can the Applicant confirm the reason for the apparent discrepancy and whether the forecasts for solid waste in the operational phase are an annual total for the site or an annual increase in waste associated with the BECCS plant only?</p>
TTW.1.18	Applicant	<p>ES Chapter 13 Table 13.17 states that the amine solvent waste will be stored on site before being treated for reuse or transported off-site to an appropriate waste treatment facility. Can the Applicant provide information on the proportion of the amine solvent waste that is anticipated to be treated and re-used on-site?</p>

**ExQ1: 24 January 2023**

**Responses due by Deadline 2 (Wednesday 22 February 2023)**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
TTW.1.19	NYCC	The worst-case future baseline is that there would be no landfill capacity for inert and non-inert waste by 2028. Can NYCC provide a summary of the status of proposals for additional landfill capacity in the region and whether the Applicant's figure of an 80% decrease in landfill void capacity within the given construction timescale is an appropriate future baseline for the assessment of effects of the Proposed Development?
TRAFFIC, TRANSPORT AND WASTE MANAGEMENT – CHANGE REQUEST		
TTW.1.20	Applicant	Is there any effect of OHL1 on public access to and use of PRow AIRMF03 given the close proximity to the proposed Order Limits?
TTW.1.21	Applicant	It is stated in Table 6-1 of the PCAR [AS-045] that once the quantity and other characteristics of the slurry resulting from the proposed works is known its method of disposal will be chosen. Please can the Applicant provide a worst-case estimate of the volume of solid arisings that could potentially require disposal and an assessment of any potential significant effects as appropriate.