

**The Planning Inspectorate**

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**Our Ref: Michael Reynolds**  
**Your Ref: EN010120**

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Michael Reynolds  
Business and Environmental Services  
East Block  
County Hall  
Racecourse Lane  
Northallerton  
DL7 8AD

**Tel:** [REDACTED]

**Email:**

[REDACTED]@northyorks.gov.uk

Dear Sirs

**Drax Bio-Energy and Carbon Capture Storage  
Deadline 3**

**Comments on responses to the Examining Authority's written questions (ExQ1)**

The Authorities have the following comments on the Applicant's responses to the Examining Authority's written questions (ExQ1):

- NV.1.6 reference is made to a meeting with SDC on 4 February 2022 to discuss the noise and vibration assessment methodology where an alleged agreement was made to enabling operational noise impacts of between +5dB and +10dB at sensitive receptors, subject to satisfactory contextual factors. These parameters are an indication of adverse noise impacts (BS4142:2014+A1:2019) and it is our recollection that good acoustic design was a key part of the contextual factors discussion, which is yet to be scrutinised when putting into context adverse noise impacts at receptors R6 (2 Forest Grove, Barlow) and R14 (Low Farm).
- NV.1.7 it is stated that the core construction hours for the project are set out in the Register of Environmental Actions and Commitments, Commitment G5 which are: Monday to Friday 09:00 – 17:00 and 07:00 – 14:30 on Saturdays. By contrast, commitment G5 identifies core construction hours of Monday to Friday 07:00 – 19:00 and 07:00 – 14:30 on Saturdays. Our position is that core construction hours should be Monday to Friday 08:00 – 18:00 and 08:00 – 13:00 on Saturday which reflect those considered to safeguard residential amenity in the early mornings and into the evening. This applies only to core construction hours and is a separate issue to construction works identified as necessary outside of these hours.

**Comments on the Applicant's updated draft Development Consent Order**

The Authorities have the following comments on the updated draft Development Consent Order:

- Requirement 14(1) – concerns that the temporary compound strategy constitutes permitted preliminary works considering the association with noise complaints if not properly considered.
- Requirement 14(1) – ‘The provision of temporary means of enclosure and site security for construction should be included in the list of permitted preliminary works which are excluded from taking place prior to the Construction Environmental Management Plan being agreed.
- Requirement 17 (Table 1) – Rating level for Receptors R6 (2 Forest Grove, Barlow) and R14 (Low Farm) have not been amended as per comments in the Local Impact Report. There would be adverse operation noise impacts at Receptors R6 (2 Forest Grove, Barlow) and R14 (Low Farm) without proper scrutiny of good acoustic design.
- Schedule 11 – paragraph 2(1) and 4(2)(b) – the Authorities welcome that the time period has been increased from six to eight weeks.
- Schedule 11 – paragraph 3(2) and 3 (3) – the Authorities would ask that the time period for requesting further information is increased from 10 and 15 days respectively, to 21 days for both.
- With regard to Schedule 2 Article 7, the Authorities note the Applicants position set out at paragraph 2.34 of Applicants response to Issues raised at deadline 1 [REP2-067]. However, the Authorities position remains as set out in the Local Impact Report.
- Please note other drafting aspects have been shared with the Applicant prior to deadline 3 as part of ongoing dialogue between the parties.

#### Comments on any other responses received by Deadline 2

The Authorities have the following responses to the Applicant’s Responses to issues raised at Deadline 1 [REP2-067].

- Table 2.1 (2.1) permitted preliminary construction works to take place prior to the CEMP being agreed. In reference to earlier comments, the CEMP is the mechanism to agree finer details such as temporary compound location(s) which are a notorious source of noise complaints due to them (often) being sited close to highway infrastructure thus residential receptors. The revised DCO Requirement 14(1) identifies ‘above ground site preparation for temporary facilities for the use of contractors’ as permitted preliminary works and I would suggest that this is reconsidered so that the temporary compound strategy does not constitute such works. Furthermore, permitted preliminary construction works carried out outside of recommended core construction hours creates a potential for noise impacts and reinforces the need to agree core construction hours in advance at this stage.
- Table 2.1 (2.2) operational noise impacts and good acoustic design. It is not disputed that the relevant authority has an opportunity to ensure that a good acoustic design is achieved during the detailed design stage. Our position is that good acoustic design was a key part of the contextual factors discussion which is yet to be scrutinised when putting into context adverse noise impacts at receptors R6 (2 Forest Grove, Barlow) and R14 (Low Farm), which is enabled through DCO Requirement 17.
- Please note the Authorities have responded to the issues raised by the Applicant on the Landscape Chapter of the Authorities’ Local Impact Report. That response has been shared

with the applicant on 10 March 2023 and submitted to the examination on deadline 3 separately.

Yours faithfully

**Michael Reynolds**  
**Senior Policy Officer (Infrastructure)**  
**North Yorkshire County Council**