



# **APPLICANT'S COMMENTS ON RESPONSES TO THE EXAMINING AUTHORITY'S FIRST WRITTEN QUESTIONS**

## **Drax Bioenergy with Carbon Capture and Storage**

Infrastructure Planning (Examination Procedure) Rules 2010, Rule 8(1)(b); Planning Act 2008;  
Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

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## TABLE OF CONTENTS

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INTRODUCTION.....	0
1.GENERAL AND CROSS-TOPIC QUESTIONS .....	1
2.TOPIC 2 AIR QUALITY AND EMISSIONS .....	9
3.TOPIC 3 BIODIVERSITY AND HABITATS REGULATIONS ASSESSMENT .....	10
4.TOPIC 6 DESIGN, LANDSCAPE AND VISUAL .....	17
5. TOPIC 8 FLOOD RISK AND WATER ENVIRONMENT .....	19
6. TOPIC 9 GROUND CONDITIONS AND CONTAMINATION .....	22
7.TOPIC 10 HISTORIC ENVIRONMENT .....	24
8. TOPIC 12 NOISE AND VIBRATION .....	25
9.TOPIC 16 TRAFFIC TRANSPORT AN'D WASTE MANAGEMENT .....	27

## TABLES

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Table 1.1 – General and Cross-Topic Questions .....	1
Table 2.1 – Air Quality and Emissions .....	9
Table 3.1 – Biodiversity and Habitats Regulations Assessment .....	10
Table 4.1 - Design, Landscape and Visual.....	17
Table 5.1 – Flood Risk and Water Environment.....	19
Table 6.1 – Ground Conditions and Contamination .....	22
Table 7.1 – Historic Environment .....	24
Table 8.1 – Noise and Vibration.....	25
Table 9.1 – Traffic, Transport and Waste Management.....	27

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## **INTRODUCTION**

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### **1.1. PURPOSE OF THIS DOCUMENT**

- 1.1.1. On 23 May 2022, Drax Power Limited ("the Applicant") made an application ("the Application") for a Development Consent Order (DCO) to the Secretary of State for Business, Energy and Industrial Strategy ("the SoS"). The Application relates to the Drax Bioenergy with Carbon Capture and Storage (BECCS) Project ("the Proposed Scheme") which is described in detail in Chapter 2 (Site and Project Description) of the Environmental Statement (ES) (APP-038).
- 1.1.2. The Application was accepted for Examination on 20 June 2022.
- 1.1.3. This document, submitted at Deadline 3 of the Examination, contains the Applicant's responses to other parties' responses to the Examining Authority's (ExA) First Written Questions, in the respective parties' submissions at Deadline 2. This document follows the same order as the First Written Questions issued by the ExA.

### **1.2. SCOPE OF THE RESPONSES**

- 1.2.1. Where other parties have agreed with its position or have provided a response that aligns with the Applicant's response to the same question, The Applicant has not commented further and these are not responded to in this document. Where another party's response does not agree or align with the Applicant's response to a question, the Applicant has not repeated its response and has only commented where doing so adds to what it has said in its original response.
- 1.2.2. At Deadline 2 the Applicant has submitted new or revised versions of documents submitted with the Application, some further updates have been made to certain documents at Deadline 3. These documents are referred to where relevant in the responses to the written questions in this document.

# 1. GENERAL AND CROSS-TOPIC QUESTIONS

Table 1.1 – General and Cross-Topic Questions

ExA Ref.	Addressed to	Question	Interested Parties' Response at Deadline 2	Applicant's Response at Deadline 2	Applicant's Response at Deadline 3
EN1.1	Applicant/ ERYC/ NYCC and SDC	<p>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.</p> <p>ii. Have there been any relevant updates to the statutory Development Plan since the compilation of the application documents?</p> <p>iii. Are the LPAs content with the Applicant's policy analysis?</p>	<p><u>Response from NYCC and SDC</u></p> <p>i. Copies of Development Plan policies referred to in submissions by NYCC/SDC are provided.</p> <p>ii. There have been no updates to the statutory Development Plan since the compilation of the application documents. On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2024. Consultation on issues and options took place early in 2020 and further consultation took place on preferred options and additional sites in 2021. The Pre-submission Publication Local Plan was subject to formal consultation that ended on 28th October 2022. The responses are currently being considered. Providing no modifications are proposed, the next stage involves the submission to the Secretary of State for Examination. Paragraph 48 of the NPPF states that weight may be given to relevant policies in emerging plans according to a) the stage of preparation; b) the extent to which these are unresolved</p>	<p>i. The Applicant submits into the Examination at Deadline 2 the following documents which contain the full copies of Development Plan policies referred to in our submissions to date:</p> <ul style="list-style-type: none"> <li>Selby District Local Plan (2005) – The Applicant submits Selby District Local Plan - Part 1 (General Policies), and not Part 2 (Detailed Policies and Proposal) or Part 3 (Proposals Map and Inset Maps) on the basis that these do not include policies of relevance;</li> <li>Selby District Core Strategy Local Plan (2013); and</li> <li>North Yorkshire Minerals and Waste Joint Plan (NYCC, 2022).</li> </ul> <p>The Applicant can confirm that, should any additional Development Plan policies be referred to at any time in future submissions, the Applicant will submit copies of these into the Examination.</p> <p>ii. Yes, there have been relevant updates to the statutory Development Plan since the compilation of the application documents.</p> <p>Following the compilation of the application documents, Selby District Council have published the Publication Local Plan for consultation between 26 August 2022 and 28 October 2022. The Applicant submits this document into the Examination.</p> <p>With the document still in the early stages of preparation, it is still subject to change, and therefore the Applicant considers its draft policies should be afforded limited weight in the assessment of the Application. As the document constitutes a draft iteration of part of the secondary planning policy framework, the Applicant does not</p>	<p>With regard to <b>part ii)</b> of the Examining Authority's question, the Applicant considers that there has been an update to the Statutory Development Plan, on the basis that the Proposed Changes mean that ERYC is now a host authority for the Application. As such, the ERYC Development Plan is now an important and relevant matter.</p> <p>The Applicant notes that whilst ERYC submitted a Relevant Representation to the Change Request, this was '<i>not made in any of the Council's other statutory capacities, i.e. as a Local Planning Authority or as a Highway Authority</i>'. As such there is no formal response to the ExA's Question submitted by ERYC.</p> <p>However, with regard to <b>part ii)</b> of the Examining Authority's question, the Applicant submitted the relevant Development Plan policies at D2 (REP-068 to REP-072) and considers that this point has already been addressed in the Planning Statement Addendum (REP2-019) in respect of the ERYC development plan.</p> <p>Also, with regard to <b>part iii)</b> of the Examining Authority's question, ERYC have agreed, in the Statement of Common Ground between East Riding of Yorkshire Council and Drax Power Limited (updated at Deadline 3, document reference 6.5, Rev 6), that ERYC are content with the Applicant's policy analysis set out in the Planning Statement Addendum (REP2-019). This analysis concludes that there are no</p>

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			<p>objections to the policies; and c) the degree of consistency of the policies to the Framework. Given the stage of the emerging Local Plan, the policies contained within it are attributed limited weight and are not reference specifically in submissions by NYCC/SDC.</p> <p>iii. NYCC/SDC are content with the Applicant's policy analysis as set out in the Applicant's Planning Statement [APP-032].</p>	<p>consider it necessary to undertake a detailed planning policy assessment of the Proposed Scheme against the draft policies. However, the document does set out the council's intended changes in planning policy direction and may therefore constitute an important and relevant consideration in the ExA's consideration of the application. As such, the Applicant has undertaken a high-level analysis of the document in relation to the Proposed Scheme, which is provided in a Planning Statement Addendum (document reference 5.2.1), which we submit at Deadline 2, and should be read alongside the originally submitted Planning Statement (APP-032).</p> <p>Furthermore, as a result of the Proposed Change 2, the East Riding of Yorkshire is now a host authority, whereas it was previously a neighbouring authority. As such, the Planning Statement Addendum (document reference 5.2.1) includes a planning policy assessment of the relevant components of the Proposed Scheme within the authority of the East Riding of Yorkshire against the relevant policies of the development plan.</p> <p>The Applicant therefore also submits into the Examination at Deadline 2 the following document which contains the full copies of East Riding of Yorkshire's Development Plan policies referred to in this additional submission:</p> <ul style="list-style-type: none"> <li>• Strategy Document (adopted April 2016).</li> </ul> <p>Neither the East Riding of Yorkshire Allocations Document (adopted July 2016), which allocates sites for development, nor the Bridlington Town Centre Area Action Plan (AAP, adopted 2013) are of relevance to this application.</p> <p>iii. The Applicant notes that the LPAs are to provide a response to this question. However, the Applicant can confirm that the Statement of Common Ground between Selby District Council, North Yorkshire County Council and Drax Power Limited - Rev 2, submitted at Deadline 1 (REP-</p>	<p>conflicts between the policies of the Development Plan and the Proposed Scheme.</p> <p>As a separate matter, NYCC / SDC state there have been no updates to the Statutory Development Plan since the compilation of the application documents.</p> <p>The Applicant, however, considers that the Pre-submission Publication Local Plan, whilst not formally adopted, is also a relevant matter in respect of updates to the Statutory Development Plan.</p> <p>In any event, both the Applicant and NYCC / SDC agree that the policies contained within the Pre-submission Publication Local Plan are to be attributed limited weight in the assessment of the Application, and both parties agree with the Applicant's policy analysis as set out in the Planning Statement (APP-032).</p>

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				018) and Selby District Council and North Yorkshire County Council's Local Impact Report (REP-039) state that the LPAs consider the proposal is policy compliant. Whilst the planning policy assessment of the Proposed Scheme against the relevant development plan for East Riding of Yorkshire Council is submitted at this point and has not been seen by East Riding of Yorkshire Council, the Applicant notes that the Statement of Common Ground between East Riding of Yorkshire Council and Drax Power Limited - Rev 2, submitted at Deadline 1 (REP-023) confirms that the LPAs have no comments to make in regard to local planning policy.	
EN1.4	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?	<p><u>Response from NYCC and SDC</u></p> <p><u>Environmental Health</u> – In relation to ID G5, SDC have concerns regarding amenity impacts from standard hours of construction Mon-Fri 0700 to 1900 and Sat 0700 to 1300. It is considered these should be amended to Mon-Fri 0800 to 1800 and Sat 0800 to 1300.</p> <p>The Authorities have no additional concerns and consider the necessary plans are secured adequately by the DCO.</p>	<p>As detailed within the Register of Environmental Actions and Commitments (REAC) (REP-015, Rev05 submitted at Deadline 2) paragraph 1.1.4 the following plans will be included in the CEMP, which is secured via the draft Development Consent Order Schedule 2 (14), for the Proposed Scheme:</p> <ol style="list-style-type: none"> <li>a. Materials Management Plan (as an appendix to the CEMP)</li> <li>b. Stakeholder Communication Plan</li> <li>c. Invasive Species Strategy</li> <li>d. Soils Handling Management Plan</li> <li>e. Surface Water Management Plan</li> <li>f. Site Waste Management Plan</li> </ol> <p>These plans have been identified through the environmental impact assessment as being required to mitigate effects of the Proposed Scheme. Paragraph 1.1.5 includes other plans that will be produced for the Proposed Scheme but will not be included within the CEMP as follows:</p> <ol style="list-style-type: none"> <li>a. Lighting Strategy</li> <li>b. Construction Traffic Management Plan</li> <li>c. Construction Worker Travel Plan</li> <li>d. Landscape and Biodiversity Strategy</li> </ol>	<p>It should be noted that construction working hours are as detailed in ES Chapter 2 (Site and Project Description) (APP-038) paragraphs 2.3.15 – 16 as follows: Mon-Fri 0700 to 1900 and Sat 0700 to 1430. The hours referenced in REAC ID G5 were incorrect and were updated at Deadline 2 to align (REP2-053). The Applicant considers that these hours are appropriate and acceptable for the following reasons:</p> <ul style="list-style-type: none"> <li>• Drax Power Station is an operational site which currently operates under an Environmental Permit 24 hours a day;</li> <li>• Should the construction hours be shortened this would lead to a much longer construction programme which would lead to effects on local amenity for a longer period of time;</li> <li>• Retaining the construction hours as submitted would allow peak spreading on the road network. The current peaks on the surrounding roads have been identified as 07.30 - 08.30 and 16.30 – 17.30. The proposed</li> </ul>

ExA Ref.	Addressed to	Question	Interested Parties' Response at Deadline 2	Applicant's Response at Deadline 2	Applicant's Response at Deadline 3
				<p>The Applicant considers that the list of plans included in paragraph 1.1.4 is complete.</p> <p>As detailed in the Statement of Common Ground between Selby District Council (SDC), North Yorkshire County Council (NYCC) and Drax Power Limited (REP-018), NYCC and SDC do not reference any additional plans or outline plans they wish to see, other than a landscape strategy, which is currently under discussion with NYCC and the Applicant.</p> <p>In the Statement of Common Ground between the Environment Agency (EA) and Drax Power Limited (REP-019), no additional plans or outline plans are requested by the EA.</p> <p>In the Statement of Common Ground between Natural England (NE) and Drax Power Limited (REP-020), no additional plans or outline plans are requested, other than a monitoring plan for designated sites. This is under discussion with NE.</p>	<p>hours would retain flexibility around travel to and from the site, including before and after these times, thus reducing impacts during peak times; and</p> <ul style="list-style-type: none"> <li>The construction hours are similar to comparable projects that have been consented, including Keadby 3.</li> </ul> <p>In relation to the details within Chapter 2 (Site and Project Description) (APP-038) the current proposals are marked as Agreed with the LPA in the Statement of Common Ground (updated at Deadline 3, document reference 8.1.3, Rev 3).</p>
	EA/ NE/ NYCC/ SDC Response from the Environment Agency	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?	<p><u>Response from Environment Agency</u></p> <p>We do not consider that the list of plans in outlined in section 1.1.14 of the REAC to be included in the CEMP is complete. The Watercourse Pollution Prevention Plan is not listed in section 1.1.4 of documents to be included within the CEMP, although WE14 of Table 1.1 states that the Plan will be included in the CEMP. We consider that the following would be added to the list in 1.14 of the REAC:</p> <p>Watercourse Pollution Prevention Plan including a contingency plan in case of an accident/pollution incident.</p>	The Applicant did not respond at Deadline 2.	The Environment Agency's comments are noted and the REAC (updated at Deadline 3, document reference 6.5, Rev 6) will be updated to include the Watercourse Pollution Prevention Plan in section 1.1.4. Ref ID WE14 of the REAC has also been amended to include "A contingency plan in case of an accident/pollution incident".
	EA/ NE/ NYCC/ SDC Response from Natural England	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	<p><u>Response from Natural England</u></p> <p>Our answer is set out against the following sub-headings from our key areas of remit:</p>	The Applicant did not respond at Deadline 2.	<p><u>Internationally and nationally designated sites</u></p> <p>The Applicant notes Natural England comments. The Applicant wishes to refer the ExA and Natural England to our</p>

ExA Ref.	Addressed to	Question	Interested Parties' Response at Deadline 2	Applicant's Response at Deadline 2	Applicant's Response at Deadline 3
		<p>you expect to see any outline plans at this stage?</p>	<ul style="list-style-type: none"> <li>• Internationally and nationally designated sites</li> <li>• Biodiversity net gain</li> <li>• Soils and best and most versatile agricultural land</li> </ul> <p><u>Internationally and nationally designated sites</u></p> <p>As stated above (Table 2, Natural England key issue reference 19), Natural England recommends that monitoring of the relevant designated sites should be carried out for the identified pollutants (acid and nitrogen deposition, and ammonia). This requirement should be secured by the DCO or permit variation application (outlining proposed mitigation measures and a detailed monitoring plan). It is anticipated that the requirement for this monitoring may be included in the REAC as an Ecological Air Quality Monitoring Plan (or similar title) with the methodology to be agreed with Natural England.</p> <p>We also highlight that the requirement for additional plans in the REAC will depend on the outcomes of the outstanding further assessment of effects on some designated sites.</p> <p>With regards to mitigation measures for other impacts on internationally and nationally designated sites, Natural England agrees that the list of plans outlined in the REAC, to be included in the CEMP, is complete at this stage.</p> <p>However, as detailed below in our answer to BIO.1.14, we highlight that the plans which are required to</p>		<p>response to question BIO1.27 as set out in the Applicant's Responses to First Written Questions (REP2-060). To summarise that response, the Applicant is unaware of any monitoring techniques that would be capable of achieving what is requested by Natural England, and therefore considers it is effectively impossible to deliver the requested monitoring.</p> <p>Please also see our response to Natural England's response to BIO1.14, below.</p> <p><u>Biodiversity Net Gain</u></p> <p>Requirement 7 of the draft DCO (REP2-007) requires that '...No phase of the authorised development or part of numbered works 5, 6 and 8 is to commence until, a written strategy for that phase or part, which is substantially in accordance with the outline landscape and biodiversity strategy, has been submitted to and approved by the relevant planning authority....'</p> <p>The Outline Landscape and Biodiversity Strategy as drafted (AS-094) sets out all envisaged terrestrial habitat enhancement, restoration, and creation measures, i.e. it sets out all habitat proposals that support achieving the Applicant's target of 10% BNG for area-based habitat units and linear (hedgerow) habitat units. As such, securing of the OLBS supports securing of the terrestrial habitat BNG requirements.</p> <p>As set out in the Applicant's response to question BIO1.3 of the Applicant's Responses to Examining Authority's First Written Questions (REP2-060), the Applicant has identified an opportunity for the delivery of the required river units,</p>



ExA Ref.	Addressed to	Question	Interested Parties' Response at Deadline 2	Applicant's Response at Deadline 2	Applicant's Response at Deadline 3
			<p>mitigate for potential impacts to designated sites during the operational phase do not appear to be currently secured, as reference to the REAC in the DCO is currently limited to the CEMP.</p> <p>Natural England does not necessarily expect to see any outline plans at this stage; however, we highlight that the plans must detail relevant mitigation measures as specified in the HRA. Further detailed advice is included in our answer to BIO.1.14 below.</p> <p><u>Biodiversity net gain (BNG)</u></p> <p>Natural England welcomes reference to the Landscape and Biodiversity Strategy (LBS) in the REAC, which will be developed from the Outline LBS (APP-180).</p> <p>However, we highlight that the BNG strategy is not included in the REAC, and only limited details of the BNG strategy are currently included in the OLBS. We recognise that the Applicant has stated that it will not be the LBS by itself which supports achievement of the full BNG figure as this will be secured via a Section 106 Agreement. However, as detailed in Table 1 above (Natural England reference 11), we highlight that regardless of the approach taken, all habitats accounted for in the metric and contributing toward the achievement of 10 % Biodiversity Net Gain (on-site and off-site) must be legally secured and maintained for the minimum 30-year period. Clarity on the proposed approach should therefore be provided.</p>		<p>through supporting habitat enhancement and restoration measures to be delivered by the Colne and Calder Rivers Trust.</p> <p>The delivery of BNG and the commitment to 30 year delivery has formed part of the Heads of Terms of the proposed section 106 Agreement that was submitted with the application, and is contained in the section 106 Agreement submitted at Deadline 1 (REP1-030) and at Deadline 3 (document reference 8.7, Rev 2).</p> <p>The Applicant is working on the drafting of a separate section 106 Agreement (as it will involve other LPAs) to provide for the same securing in respect of the Rivers BNG works.</p> <p><u>Soils and best and most versatile agricultural land</u></p> <p>Noted and agreed.</p>

ExA Ref.	Addressed to	Question	Interested Parties' Response at Deadline 2	Applicant's Response at Deadline 2	Applicant's Response at Deadline 3
			<p><u>Soils and best and most versatile agricultural land</u></p> <p>Natural England is satisfied that the REAC will include a Soil Management Handling Plan, which will include mitigation measures based on the soils present within the Site. The mitigation within the REAC will be secured by requirements in the DCO including the requirement for a Soil Management Handling Plan to be produced as part of the CEMP for the Proposed Scheme.</p>		
EN1.10	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.	<p><u>Response from NGCL</u></p> <p>The Humber Low Carbon Pipelines project is at the pre-application stage of development. A statutory consultation on a proposed pipeline route alignment and above ground installation locations was held by NGCL between 31 October 2022 and 5 December 2022. NGCL is now in the process of considering the feedback submitted in response to the statutory consultation.</p> <p>The anticipated timescale for submission of the DCO application is currently Q3 2023.</p>	The Applicant notes that NGCL is to provide a response to this question. However, we can note that the Statement of Common Ground between National Grid Carbon Limited and Drax Power Limited (REP-017) states at Table 4-1, 4.1.5 that, the Humber Low Carbon Pipelines (HLCP) DCO Application is proposed to be submitted in early-mid 2023.	<p>The Applicant notes the confirmation from NGCL that the anticipated timescales for submission of the Humber Low Carbon Pipelines DCO Application are the third quarter of 2023.</p> <p>This timescale is broadly consistent with the Applicant's expectations, and is compatible with the Proposed Scheme.</p>
EN1.12	Applicant/ ERYC/ SDC	<p>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:</p> <p>i. whether they are aware of any other developments submitted to the local authority/ PINS since this date that should be included in the</p>	<p><u>Response from NYCC and SDC</u></p> <p>The Applicant has provided SDC with an updated version of the long list and the short list, dated January 2023, which reflects an updated planning application search, which was finalised on 30th November 2022. SDC have provided the Applicant with comments on this and it is expected that the Applicant will be submitting updated versions of the long list and short list into the Examination, which</p>	An updated Cumulative Assessment (Chapter 18 (Cumulative Effects) has been submitted at Deadline 2 (APP-054, Rev02). This includes additional developments that have come forward since February 2022 up to 30 November 2022, and also those that have had additional environmental assessment information subsequently submitted.	SDC commented on the updated Short List (REP2-047) and Long List (REP2-045) on 10 February 2023. As a result, there were six developments which were unable to be assessed due to the timeframes to submission at Deadline 2. These six developments are currently being assessed, and the results will be submitted at Deadline 4 (28 March 2023).

ExA Ref.	Addressed to	Question	Interested Parties' Response at Deadline 2	Applicant's Response at Deadline 2	Applicant's Response at Deadline 3
		<p>short list, and whether this is reflected in [AS-013]; and</p> <p>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.</p>	<p>reflects comments made by SDC. For the avoidance of doubt, SDC have only commented on the long list and short list insofar as it relates to developments within Selby District.</p>		

## 2. TOPIC 2 AIR QUALITY AND EMISSIONS

Table 2.1 – Air Quality and Emissions

ExA Ref.	Addressed to	Question	Interested Parties' Response at Deadline 2	Applicant's Response at Deadline 2	Applicant's Response at Deadline 3
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>	<p><u>Response from Environment Agency</u></p> <p>i. As a point of clarity, whilst the applicant has made a 'commercial in confidence' request on the naming of the substance(s) in the solvent, this request does not apply to the Environment Agency. The Environment Agency does know the make up of the solvent.</p> <p>ii. The Environment Agency has begun a programme of works in order to determine new environmental assessment levels (EALs) for a range of amines and degradation products. That work initially assessed circa 30 substances based on hazard properties in order to rank them. The highest-ranking amines and degradation products, 15 in total, are now to be assessed in more detail. We will consult with the UKHSA prior to publishing any new EALs. In the interim period we consider the use of EALs for proxy amine and nitrosamine as being acceptable.</p> <p>Further detail on this is provided within our Written Representation.</p>	<p>The Applicant has not used proxy amine and nitrosamine data for the purpose of the operational amine emissions modelling for the May 2022 ES. Therefore, there was no need to agree such an approach with EA. Notwithstanding this, the overall methodology for the dispersion modelling undertaken by the Applicant follows Environment Agency Guidance: Air emissions risk assessment for your environmental permit:</p> <p><a href="https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit">Air emissions risk assessment for your environmental permit - GOV.UK (www.gov.uk)</a></p> <p>Further summary information on the amines modelling is provided below.</p> <p>The modelling and assessment of the impacts of amines and nitrosamines has been undertaken using technology-specific amine compounds. This relates to both the reaction rates used in the modelling of atmospheric chemistry and to the air quality standards against which the impacts have been assessed.</p> <p>It is not, at this stage, possible to share these data due to the compounds being Commercial in Confidence. The information supplied within Chapter 6 (Air Quality) (APP-042), associated appendices and Air Quality Technical Note 1 (AS-019) is sufficient to illustrate that no significant effects will arise from the operation of BECCS units.</p> <p>Proxy amine data was applied to sensitivity testing for the amine reaction rates only, but not used to generate the main results for the impact assessment.</p> <p>It should also be reiterated that the assessment has been based on conservative assumptions.</p> <p>The technology specific compound information has been shared with the Environment Agency under the Environmental Permit application process.</p>	<p>The Applicant confirms that full details of the technology specific amine compounds and degradation products have been provided to the Environment Agency.</p> <p>We note that the Environment Agency has begun a programme of works to determine new EALs for a greater range of amines. When the results of the study are available they will be taken into account in the assessment and in the environmental permit determination.</p> <p>At this time, the Applicant notes that technology/compound specific EALs have been provided in Air Quality Technical Note 1 (AS-019) that are equally or more stringent than the existing EALs.</p>

### 3. TOPIC 3 BIODIVERSITY AND HABITATS REGULATIONS ASSESSMENT

Table 3.1 – Biodiversity and Habitats Regulations Assessment

ExA Ref.	Addressed to	Question	Interested Parties' Response at Deadline 2	Applicant's Response at Deadline 2	Applicant's Response at Deadline 3
BIO1.9	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.	<p><u>Response from Natural England</u></p> <p>Modelling by definition is uncertain. Outcomes from any model are not expected to directly replicate the exact concentration received at a protected site as a result of a proposed development. Any model is of course dependent on its inputs including (in the case of air quality (AQ) models) assumptions on meteorology, emissions, plant operational capacity, deposition velocities on a particular habitat type etc. There is no way a model can precisely predict these – albeit they are based on our best available scientific understanding, and it is accepted that robust AQ models are “the best we have” to predict AQ impacts. In order to ensure this uncertainty complies with the precautionary principle, it is essential that conservative assumptions are built into the model, to achieve a “realistic worst case”. Therefore, if the outcome of the (precautionary) model predicts a process contribution as &lt;1% of the relevant environmental benchmark we have sufficient and reasonable certainty that it will indeed be &lt;1% in real life, which is the threshold at which we would conclude no likely significant effect. It is acknowledged that this precautionary approach may overestimate pollutant deposition or concentration in many cases. However, this possible/ likely overestimation cannot be discounted, where the assumptions included in the model cannot be constrained, due to uncertainty. Therefore, in this case, a process contribution of, say, 2%, cannot be concluded to be analogous to 1% on the grounds that certain assumptions will overestimate concentrations.</p>	<p>The Applicant has provided a response to this question, as there are relevant updates to the air quality dispersion modelling and mitigation measures for the Proposed Scheme. These are relevant to this question.</p> <p>The Applicant assumes that this question relates to the acid deposition impacts from the Proposed Scheme alone, on Lower Derwent Valley SAC and Ramsar, Brighton Meadows SSSI, and Barn Hill Meadows SSSI, as reported in Table 8.10 of the Ecology chapter of the ES (APP-044). The Applicant also assumes this question relates to paragraphs 8.11.14 and 8.11.15 of the Ecology chapter, which summarise the inherent conservatism in the dispersion modelling and set out the Applicant's position regarding modelled acid deposition of 1.1% of critical load as being analogous to 1.0% of critical load.</p> <p>The Applicant has revisited levels of Sulphur Dioxide (SO<sub>2</sub>) emissions abatement that can be achieved for the Proposed Scheme since submission of the DCO application. Details of this are provided in Appendix 5 (Revised Emissions Abatement Technical Note) (document reference 8.9.5). The Applicant has also revised the approach to the modelling of other plans and projects, so that it aligns with the agreed HRA for the consented Keadby 3 DCO; in line with the Keadby 3 air quality dispersion modelling, Keadby 2 has been assessed as part of the future baseline, rather than as another project. This is reflected in the Revised Emissions Abatement Technical Note.</p> <p>With these updates, the impacts from the Proposed Scheme alone on acid deposition for all designated sites are reduced. As can be seen in Appendix 5, with the additional emissions abatement, acid deposition from the Proposed</p>	<p>As set out in our response to BIO1.9 in the Applicant's Responses to First Written Questions (REP2-060), the Applicant had previously made the assertion that modelled acid deposition of 1.1% of critical load was analogous to 1.0% of critical load. The Applicant had not applied this specific argument in relation to impacts that were modelled to exceed 1.1% of critical load.</p> <p>Also as highlighted in the Applicant's response to BIO1.9 (REP2-060), the point is no longer directly relevant. This is due to the updates to the dispersion (air quality) modelling submitted at Deadline 2 in Air Quality Technical Note 2 (REP2-065), with impacts of 1.1% no longer predicted.</p>

ExA Ref.	Addressed to	Question	Interested Parties' Response at Deadline 2	Applicant's Response at Deadline 2	Applicant's Response at Deadline 3
				<p>Scheme alone is now modelled to be a maximum of 1.0% of the critical load for Lower Derwent Valley SAC and Ramsar and Brighton Meadows SSSI, and 0.9% of the critical load for Barn Hill Meadows SSSI.</p> <p>The Applicant still considers it appropriate to consider the previously predicted impacts of 1.1% of critical load analogous to 1.0% of critical load. The question is however no longer directly relevant, as impacts of 1.1% are no longer predicted.</p>	
<p><b>BIO1.9</b></p>	<p>NE</p>	<p>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.</p>	<p><u>Response from Natural England</u></p> <p>Modelling by definition is uncertain. Outcomes from any model are not expected to directly replicate the exact concentration received at a protected site as a result of a proposed development. Any model is of course dependent on its inputs including (in the case of air quality (AQ) models) assumptions on meteorology, emissions, plant operational capacity, deposition velocities on a particular habitat type etc. There is no way a model can precisely predict these – albeit they are based on our best available scientific understanding, and it is accepted that robust AQ models are “the best we have” to predict AQ impacts. In order to ensure this uncertainty complies with the precautionary principle, it is essential that conservative assumptions are built into the model, to achieve a “realistic worst case”. Therefore, if the outcome of the (precautionary) model predicts a process contribution as &lt;1% of the relevant environmental benchmark we have sufficient and reasonable certainty that it will indeed be &lt;1% in real life, which is the threshold at which we would conclude no likely significant effect. It is acknowledged that this precautionary approach may overestimate pollutant deposition or concentration in many cases. However,</p>	<p>The Applicant has provided a response to this question, as there are relevant updates to the air quality dispersion modelling and mitigation measures for the Proposed Scheme. These are relevant to this question.</p> <p>The Applicant assumes that this question relates to the acid deposition impacts from the Proposed Scheme alone, on Lower Derwent Valley SAC and Ramsar, Brighton Meadows SSSI, and Barn Hill Meadows SSSI, as reported in Table 8.10 of the Ecology chapter of the ES (APP-044). The Applicant also assumes this question relates to paragraphs 8.11.14 and 8.11.15 of the Ecology chapter, which summarise the inherent conservatism in the dispersion modelling and set out the Applicant's position regarding modelled acid deposition of 1.1% of critical load as being analogous to 1.0% of critical load.</p> <p>The Applicant has revisited levels of Sulphur Dioxide (SO<sub>2</sub>) emissions abatement that can be achieved for the Proposed Scheme since submission of the DCO application. Details of this are provided in Appendix 5 (Revised Emissions Abatement Technical Note) (document reference 8.9.5). The Applicant has also revised the approach to the modelling of other plans and projects, so that it aligns with the agreed HRA for the consented Keadby 3 DCO; in line with the Keadby 3 air quality dispersion modelling, Keadby 2 has been assessed as part of the future</p>	<p>As set out in our response to BIO1.9 in the Applicant's Responses to First Written Questions (REP2-060), the Applicant had previously made the assertion that modelled acid deposition of 1.1% of critical load was analogous to 1.0% of critical load. The Applicant had not applied this specific argument in relation to impacts that were modelled to exceed 1.1% of critical load.</p> <p>Also as highlighted in the Applicant's response to BIO1.9 (REP2-060), the point is no longer directly relevant. This is due to the updates to the dispersion (air quality) modelling submitted at Deadline 2 in Air Quality Technical Note 2 (REP2-065) , with impacts of 1.1% no longer predicted.</p>

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			<p>this possible/ likely overestimation cannot be discounted, where the assumptions included in the model cannot be constrained, due to uncertainty. Therefore, in this case, a process contribution of, say, 2%, cannot be concluded to be analogous to 1% on the grounds that certain assumptions will overestimate concentrations.</p>	<p>baseline, rather than as another project. This is reflected in the Revised Emissions Abatement Technical Note.</p> <p>With these updates, the impacts from the Proposed Scheme alone on acid deposition for all designated sites are reduced. As can be seen in Appendix 5, with the additional emissions abatement, acid deposition from the Proposed Scheme alone is now modelled to be a maximum of 1.0% of the critical load for Lower Derwent Valley SAC and Ramsar and Brighton Meadows SSSI, and 0.9% of the critical load for Barn Hill Meadows SSSI.</p> <p>The Applicant still considers it appropriate to consider the previously predicted impacts of 1.1% of critical load analogous to 1.0% of critical load. The question is however no longer directly relevant, as impacts of 1.1% are no longer predicted.</p>	
<b>BIO1.11</b>	NE/Applicant	<p>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.</p> <p>i. Can the Applicant provide an update on progress with the application.</p> <p>ii. Please can NE indicate if it is likely to be able to submit a LONI to the Examination.</p>	<p><u>Response from Natural England</u></p> <p>i) Natural England's District Level Licensing Team have been in discussions with the Applicant over the pre-examination and Examination Periods to date. This has allowed the Applicant and Natural England to reach agreement regarding the requirements for the Applicant to rely on the North-East Yorkshire DLL Scheme.</p> <p>Natural England provided an updated Impact Assessment and Conservation Payment Certificate (IACPC) to the Applicant on the 19 December 2022. This confirms that subject to the Applicant making the required Conservation Payments and Natural England's final sign-off, the Applicant can rely on the North-East Yorkshire DLL. Following final discussions between the Applicant and Natural England, the Applicant returned a signed copy of the IACPC to Natural England on the 30 January 2023. Natural</p>	<p>The Applicant has been in discussions with Natural England's District Level Licensing Team regularly over the pre-examination and Examination Periods to date. This has allowed the Applicant and Natural England to reach agreement regarding the requirements for the Applicant to rely on the North-East Yorkshire DLL Scheme.</p> <p>Natural England provided an updated Impact Assessment and Conservation Payment Certificate (IACPC) to the Applicant on the 19 December 2022. This confirms that subject to the Applicant making the required Conservation Payments and Natural England's final sign-off, the Applicant can rely on the North-East Yorkshire DLL. Following final discussions between the Applicant and Natural England, the Applicant returned a signed copy of the IACPC to Natural England on 30 January 2023.</p> <p>The Applicant anticipates Natural England will shortly issue them with an invoice for the necessary administration fees and 1st Stage</p>	<p>Noted. The Applicant is currently processing a Purchase Order for the first stage conservation payment, and will issue this to Natural England shortly to facilitate invoicing/payment of the first-stage conservation payment referred to by NE.</p>

ExA Ref.	Addressed to	Question	Interested Parties' Response at Deadline 2	Applicant's Response at Deadline 2	Applicant's Response at Deadline 3
			<p>England are currently awaiting a First Stage Payment (FSP) to be made by the Applicant before the counter-signed IACPC can be issued.</p> <p>ii) As set out in the Planning Inspectorate's Advice Note Eleven, Annex C – Natural England and the Planning Inspectorate, where strategic approaches such as district level licensing (DLL) for great crested newts (GCN) are used, a letter of no impediment (LONI) will not be required. Instead, the developer will need to provide evidence to the Examining Authority (ExA) on how and where this approach has been used in relation to the proposal, which must include a counter-signed Impact Assessment and Conservation Payment Certificate (IACPC) from Natural England, or a similar approval from an alternative DLL provider. As outlined above, Natural England are currently awaiting a First Stage Payment (FSP) to be made by the Applicant before the counter-signed IACPC can be issued.</p>	<p>Conservation Payment (see section 4 of the IACPC for details). Once the Applicant has paid these fees, we understand that Natural England will then also sign the IACPC, and return a copy to the Applicant. At that point, the IACPC will be complete and the Applicant expects to be able to rely on it to demonstrate that European Protected Species licensing matters relating to great crested newts have been addressed.</p> <p>On Point ii. of the ExA's question, the Applicant understands from Natural England's DLL team that they do not issue LONI into DCO Examinations where District Licensing is being used instead of a site-specific EPS licence. The Applicant understands that Natural England will advise that the completed IACPC can be relied upon instead.</p>	
<p><b>BIO1.12</b></p>	<p>NE</p>	<p>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.</p>	<p><u>Response from Natural England</u></p> <p>The applicant has concluded that "the revised amines modelling has no material impact on ecological receptors due to the low contribution from amines to nutrient nitrogen (N) deposition and acid deposition and hence no change to the conclusions of the HRA". Natural England has no in-house modelling expertise so cannot comment on the detail of the revised modelling. Assuming the Environment Agency has no major concerns with the specifics of the modelling, we accept that the revised impacts at the relevant protected sites (in terms of Nitrogen deposition and acid deposition) are as previously presented</p>	<p>The Applicant did not respond at Deadline 2.</p>	<p>Noted. The Applicant is unaware of the 'reviews of current scientific understanding undertaken by the Environment Agency and the UKs Air Quality Technical Advisory Group (AQTAG)', and will request copies of these from Natural England.. NE state that there is the possibility for amines in the atmosphere to react in a similar way to ammonia. We note that predicted concentrations of total amines in the atmosphere are very low and amount to a maximum of 0.03% of the critical level for ammonia over the designated habitats sites. Furthermore, NE state that the impact of atmospheric breakdown products may also need to be considered. Total concentrations of nitrosamines and nitramines are over an order of magnitude lower than the amine concentrations and</p>



ExA Ref.	Addressed to	Question	Interested Parties' Response at Deadline 2	Applicant's Response at Deadline 2	Applicant's Response at Deadline 3
			<p>and our comments would remain the same.</p> <p>We note that the applicant considers amine impact only in terms of deposition and not concentration for ecological receptors. However, there is potential for amines to react in the atmosphere in a similar way to ammonia, which is a pollutant in its own right, and not just as a component of deposition. Recent reviews of current scientific understanding undertaken by the Environment Agency and the UKs Air Quality Technical Advisory Group (AQTAG) have suggested that the impact of atmospheric breakdown products from emitted amines may need to be considered in addition to deposition.</p>		<p>amount to a maximum of 0.001% of the critical level for ammonia. The Applicant considers that given the extremely low concentrations required in order to meet conservative criteria relating to human health, there is also likely to be negligible risk of adverse effects on ecological systems.</p>
BIO1.14	NE	<p>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?</p>	<p><u>Response from Natural England</u></p> <p>Natural England are satisfied that the mitigation measures included in WE8 of the REAC are appropriate to conclude no adverse effect on integrity of the relevant internationally designated sites from water quality impacts, as long as they are included in the Surface Water Management Plan and rigorously implemented throughout construction, operation and decommissioning phases.</p> <p>We would welcome clarification regarding whether additional measures outlined in WE8, WE9, and WE12, WE13 of the REAC relating to PC-02 are considered to be mitigation for potential impacts on the Humber Estuary designated sites, and highlight that relevant updates should be made to the HRA where appropriate.</p> <p>We also note that there is no explicit reference to the Surface Water Management Plan in the dDCO. Although Schedule 2 Requirement 14 includes commitment to completing a CEMP in line</p>	<p>The mitigation measures outlined in Section 12.10 of ES Chapter 12 (Water Environment) (APP-048), including provision of a Surface Water Management Plan, are included within the REAC (REP-015, Rev 05 submitted at Deadline 2) including:</p> <ul style="list-style-type: none"> <li>e. Section 1.1.4 bullet e. states that the CEMP for the Proposed Scheme will include a Surface Water Management Plan.</li> <li>f. [WE8] describes those measures that will be implemented through the Surface Water Management Plan which will be approved by the LPA.</li> </ul> <p>The mitigation measures within the REAC (REP-015, Rev05 submitted at Deadline 2) are secured within the draft Development Consent Order (DCO) (AS-076, Rev05 submitted at Deadline 2) via Requirement 14.</p>	<p>The Applicant notes that the measures included in WE8 in the REAC (REP2-053) are secured through Requirement 14 in the dDCO (REP2-007).</p> <p>In the REAC (updated at Deadline 3, document reference 6.5, Rev 6), measures WE18 to WE23 relate specifically to Work No. 8. These measures are secured through Requirement 14 of the dDCO (REP2-007). These measures provide mitigation to reduce any adverse effects on nearby watercourses, which may arise during construction.</p> <p>The Surface Water Management Plan will be produced as part of the CEMP and is secured through Requirement 14 of the dDCO (REP2-007). This secures all drainage matters during construction.</p> <p>During operation, the Existing Drainage Systems and Proposed Surface Water Drainage Strategy document (REP2-043) (secured through Requirement 10 of the dDCO (REP2-007)) will outline measures to prevent pollution entering watercourses</p>

ExA Ref.	Addressed to	Question	Interested Parties' Response at Deadline 2	Applicant's Response at Deadline 2	Applicant's Response at Deadline 3
			<p>with relevant plans in the REAC, including the Surface Water Management Plan, the CEMP by definition is limited to construction phase measures, whereas the Surface Water Management Plan and associated measures must also apply to the operation phase. Therefore, we consider that it may be beneficial to include an explicit reference to the Surface Water Management Plan in the DCO.</p> <p>We also highlight our concerns with the use of the phrase '<i>substantially in accordance with</i>' in this context, i.e., "<i>The plan submitted and approved pursuant to sub-paragraph (1) must be substantially in accordance with the register of environmental actions and commitments,</i>" and note that the term '<i>substantially</i>' is not defined in the dDCO. The inclusion of mitigation measures in the HRA should be supported by evidence and confidence that they will be effective and that they can be legally enforced to ensure they are strictly implemented. We consider that the term '<i>substantially</i>' is open to interpretation and therefore there is potential uncertainty around whether this could lead to changes that mean the measures committed to in the HRA are not strictly implemented, and therefore the conclusions of the HRA could be undermined.</p>		<p>during operation. Discharges to watercourses during operation will also be controlled through the Environmental Permit (see measures WE1 to WE6 in the REAC, (updated at Deadline 3, document reference 6.5, Rev 6)).</p> <p>These measures have been developed to prevent impacts on the water environment in the immediate vicinity of the PC-02 works and are not required to protect the Humber Estuary and associated designations, or any other European Site or SSSI.</p>
<p><b>BIO1.16</b></p>	<p>NE</p>	<p>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</p>	<p><u>Response from Natural England</u></p> <p>On the basis of information provided in 6-1 of the PCAR (AS-045), Natural England advises that there is currently not enough information to rule out the likelihood of significant effects from loss of/disturbance to functionally linked land associated with the Humber Estuary SPA/Ramsar in the Order Limits for Proposed Change 02 (PC-02).</p>	<p>The Applicant did not provide a response at Deadline 2.</p>	<p>The Applicant notes Natural England's response and is grateful for confirmation that the outcome of the assessment for PC-01 is agreed.</p> <p>The Applicant acknowledges NE's response in relation to PC-02 (Work Number 8), however the Applicant's position remains as set out in the response to Natural England Key Issue 27 from Table 2 of their Written Representation (RR-281)</p>

ExA Ref.	Addressed to	Question	Interested Parties' Response at Deadline 2	Applicant's Response at Deadline 2	Applicant's Response at Deadline 3
		changes to act as functionally-linked land for any of the qualifying interests of the relevant European sites?	<p>We therefore recommend that further assessment of the potential suitability of the proposed Order Limits and adjacent areas for SPA birds is carried out to inform the updated HRA. Further detailed advice on the assessment is provided in our Relevant Representation for PC-02 (submitted online, dated 09 February 2023) and detailed above (Table 2, Natural England key issue reference 27).</p> <p>Natural England agrees with the assessment provided for the areas associated with PC-01 in Table 5-1 of the PCAR (AS-045) and agrees that likely effects from loss of/disturbance to functionally linked land associated with the Lower Derwent Valley SPA/Ramsar and Humber Estuary SPA/Ramsar can be ruled out for PC-01, based on the information provided.</p>		as set out in The Applicant's Responses to Issues Raised at Deadline 2, being submitted at Deadline 3 (document reference 8.10.2, Rev 1).
BIO1.17	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?	<p><u>Response from Natural England</u></p> <p>Natural England are broadly satisfied with the information provided in the Ecology Survey Technical Note (AS-053). However, we are aware that additional protected species surveys have been carried out since completion of this note and we are yet to receive these reports. Therefore, we cannot rule out the requirement for further mitigation at this stage.</p> <p>Natural England also highlight that E13 of the REAC includes a commitment to completion of a pre-construction walkover, which will inform the detailed delivery of construction phase ecological mitigation for the relevant protected species. We also note that the monitoring surveys included in E14 of the REAC should be suitably secured.</p>	The Applicant did not provide a response at Deadline 2.	<p>The Applicant acknowledges Natural England's response.</p> <p>The Applicant has not and does not consider it necessary to complete 'additional protected species surveys' in relation to Work Number 7 or 8 due to the limited ecological interest of these locations and is uncertain where Natural England's expectation of this has arisen from. The Applicant is seeking to clarify this with Natural England and is in the process of arranging a call in this regard.</p>

## 4. TOPIC 6 DESIGN, LANDSCAPE AND VISUAL

Table 4.1 - Design, Landscape and Visual

ExA Ref.	Addressed to	Question	Interested Parties' Response at Deadline 2	Applicant's Response at Deadline 2	Applicant's Response at Deadline 3
DLV.1.5	LPA's	<p>Chapter 9 of the ES [APP-045] states in section 9.5.24 that representative viewpoints have been selected through consultation with the LPA's. Can the LPA's:</p> <p>i. confirm that the viewpoints are appropriate and provide reasonably representative views of the Proposed Development; and</p> <p>ii. provide a response as to whether any concerns exist with regard to the photomontages provided with the ES.</p>	<p><u>Response from LPA's</u></p> <p>The Local Authorities have provided comments in the Local Impact Report</p> <p>“NYCC is generally satisfied with the location and quantity of representative viewpoints in the LVIA and methodology used to produce photographs and photomontages. These include day-time and night-time views where appropriate. These are set out within Vol 2 Figure 6.9 Viewpoint Photography.”</p> <p>And this:</p> <p>“The Viewpoint photography illustrates the Proposed Scheme Maximum Design Parameters as a red line, often to much larger extents than the photorealistic image shown of proposed buildings. It is unclear what parameter has been taken into account within the LVIA and the Authority would question whether this presents a misleading or confusing representation of what might be developed through detailed design, secured by the DCO.”</p>	<p>i - The Applicant considers that the viewpoints are appropriate and provide representative views of the Proposed Scheme. The locations of the viewpoints were agreed in consultation with NYCC and East Riding of Yorkshire, as identified within Table 9.1 (Consultation Summary Table) in ES Chapter 9 (Landscape and Visual Amenity) (APP-045). This included modifying the location of viewpoint 3, and night-time photography from agreed viewpoints 2, 4, 7 and 10 as shown in Environmental Statement - Volume 2 - Figure 9.6 (Viewpoint Photography) (APP-103). This is also confirmed in item 4.10.2 of Table 4.10 – Design, Landscape and Visual Impact of the Statement of Common Ground between Selby District Council, North Yorkshire County Council and Drax Power Limited (AS-030).</p> <p>ii -The Applicant considers that the photomontages are accurate as they are fully compliant with the standards required for Photomontages as identified by the Landscape Institute (Visual Representation of Development Proposals – Technical Guidance Note 06/19, 17 September 2019, available at: [REDACTED]). These have been prepared in accordance with the highest level of accuracy required by the guidance, as Type 4.</p> <p>The locations of the viewpoints to be taken forward as photomontages were agreed in consultation with NYCC and East Riding of Yorkshire, as identified within Table 9.1 (Consultation Summary Table) of the ES Chapter 9 (Landscape and Visual Amenity) (APP-045). This is also confirmed in item 4.10.2 of Table 4.10 (Design, Landscape and Visual Impact) of the Statement of Common Ground between Selby District Council, North Yorkshire County Council and Drax Power Limited (AS-030).</p>	<p>The Applicant confirms that the red line, which illustrates Maximum Design Parameters of the Proposed Scheme in the Viewpoint photography, was used for the Landscape and Visual Impact Assessment.</p> <p>The reason this illustrates a larger extent than the photorealistic image shown of proposed buildings, is due to the requirement for the LVIA to represent the ‘worst case’ scenario in terms of the likely visible extent of the Proposed Development, including various layout configurations.</p> <p>It is for this reason the parameter used was the ‘red line’, representative of the ‘worst case’,</p> <p>However, it is also accurate to state that the photorealistic renders of the proposed buildings are an accurate representation of the proposed buildings, in terms of location and size. Put simply, the extent of the red line is what has been assessed, but the photorealistic renders show the buildings and infrastructure that are currently being proposed, both in terms of size and location. Therefore, it is fair to say the assessment is potentially slightly more adverse than that which would be for the eventual reality, to ensure the potential ‘worst case’ has been represented.</p> <p>This methodology is in accordance with relevant guidance and is both a rigorous and thorough approach to represent what might be developed through detailed design.</p> <p>In addition, the design of the Proposed Scheme will continue to be progressed and there will be a need to continue refining the design up until the detailed design stage,</p>

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					<p>given uncertainties around technology suppliers and advancement, which requires a certain level of flexibility to be maintained.</p> <p>Therefore, in line with PINS Advice Note Nine (Rochdale Envelope) (PINS, 2018) a parameter-based approach (the 'Rochdale Envelope' approach) has been adopted to define the envelopes within which the construction and operation of the Proposed Scheme will be undertaken.</p> <p>The parameters approach presents the maximum envelope within which the built development may be undertaken, and an assessment of the parameters ensures that a "reasonable worst case" is assessed in the EIA.</p> <p>As such, the environmental effects associated with the Proposed Scheme when it is constructed, operated, maintained and decommissioned would be no worse than those reported within this ES.</p> <p>Furthermore, the LPA can be confident that the LVIA presents an accurate and clear representation of what may be developed, because 'detailed design' is secured by Requirement 6 (Detailed Design Approval) of the dDCO (REP2-007), whereby the proposals will need to be submitted to and approved by the relevant planning authority.</p>

## 5. TOPIC 8 FLOOD RISK AND WATER ENVIRONMENT

Table 5.1 – Flood Risk and Water Environment

ExA Ref.	Addressed to	Question	Interested Parties' Response at Deadline 2	Applicant's Response at Deadline 2	Applicant's Response at Deadline 3
FRW.1.1	Applicant/EA	<p>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?</p> <p>ii. Would you expect further details post-consent or any management or maintenance plan to be submitted?</p> <p>iii. Does the wording of this Requirement ensure works are retained or remain effective?</p>	<p><u>Response from Environment Agency</u></p> <p>i. The Flood Risk Assessment (FRA) provides a satisfactory assessment over an initial design lifetime of 25 years. The EA requested a longer lifetime to be considered which considered 60 years. This proxy was used to also consider a credible maximum set of impacts. The EA are satisfied with the proposed mitigation embedded within the FRA for the initial 25 years and we consider that the wording in R11 of the dDCO [AS-076] is satisfactory to cover the initial design lifetime of 25 years.</p> <p>However, we do require an effective mechanism for securing a future review of flood risk (after 20 years) if an extended lifetime is proposed is sufficient. We have agreed with the Applicant that additional wording is included in R11. Further detail on this is provided within our Written Representation.</p> <p>The FRA also provides details of floodplain compensation which has been discussed with the EA.</p> <p>ii. We believe the FRA contains the relevant mitigation requirements for an initial design lifetime of 25 years. Other than the point raised in (i) regarding a future intervention to incorporate additional flood risk mitigation if</p>	<p>i. The Applicant has held detailed discussions with the Environment Agency as part of the development of the Flood Risk Assessment (FRA) / Water Environment evidence base. These discussions have continued post submission of the DCO application. The FRA (AS-089) contains details of all aspects that need to be secured. It is the Applicant's view that the wording of R11 is sufficient to ensure the mitigation during construction and operation of the lifetime of the Proposed Scheme, as it is the FRA itself which sets out what must be provided.</p> <p>ii. The Applicant will provide the Environment Agency with additional details on the floodplain compensation post consent. This commitment is detailed / secured in paragraph 7.1.36 of the FRA (AS-089). This information is to confirm the exact volume of floodplain lost, upon completion of the detailed design stage, which may require greater impacts than currently envisaged. However, the floodplain compensation scheme has been developed to demonstrate that additional volumes can be provided (Table 7.5 for the FRA (AS-089)) which details that 879.3 m<sup>3</sup> is required but between 880m<sup>3</sup> and 1,079m<sup>3</sup> can be provided. If the design life of the Proposed Scheme is to be extended beyond 25 years, then there is a requirement for discussions to be held with the Environment Agency in year 20, when there is greater certainty on the flood risk / levels. The wording on this has been revised following discussions with the Environment Agency for Deadline 2 to bring more certainty as to the delivery of any measures that may be required.</p>	<p>Prior to Deadline 2, the Applicant discussed the EA's concerns in relation to Requirement 11, the FRA and possible extended design life prior to Deadline 2. At Deadline 2, the Applicant made updates to the dDCO (REP2-007) and FRA (REP2-039 to RE2-042) and has sought to pro-actively deal with these concerns.</p> <p>At the time of writing the Applicant had proposed amendments to the dDCO and was still in discussions with the EA in order to reach agreement. It is hoped that agreement would be reached between both parties prior to ISH3.</p>

ExA Ref.	Addressed to	Question	Interested Parties' Response at Deadline 2	Applicant's Response at Deadline 2	Applicant's Response at Deadline 3
			<p>the lifetime is extended, we do not require any further details.</p> <p>iii. The wording of the Requirement is sufficient for the initial design lifetime of 25 years, however we require additional wording in the Requirement to allow for the development to have an extended lifetime. Further detail on this is provided within our Written Representation. In relation to the floodplain compensation measures, we understand that the applicant has sufficient control over this land to ensure it remains available so long as the development requires. Construction and maintenance of the area is mentioned within the REAC under refs WE16 and WE17 for Work no. 7.</p>	<p>iii. The Applicant considers that this wording is suitable. In particular it notes that section 7 of the FRA, which deals with the operational phase mitigation, is made up of two key matters: freeboard and the Flood Compensation Area (FCA). Paragraph 7.1.32 of the FRA deals with the latter and specifically required that it is maintained by Drax Power Ltd throughout the lifetime of the Proposed Scheme to ensure the FCA remains suitable for the proposed use. Whilst the Applicant considers that once the Proposed Scheme is constructed to the levels of freeboard set out in the FRA, it would be practically complex for them to ever be changed, it is updated in the FRA for Deadline 2 to make clear that those freeboard levels should be maintained for the lifetime of the development.</p> <p>Chapter 8 deals with the Surface Water Drainage Strategy, (APP-162), which is summarised within the FRA, and which, pursuant to Requirement 10 will require the submission of a detailed drainage strategy to the Lead Local Flood Authority (LLFA) post consent for approval. Requirement 10 goes on to require that this is retained and maintained during the operation of the Proposed Scheme.</p>	
FRW1.9	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?	<p><u>Response from Natural England</u></p> <p>Natural England note that Table 5-1 of the PCAR (AS-045) states that the approach to PC-01 builds on the assessment within Chapter 12 Water Environment (APP-048) and Natural England agrees that the conclusions apply to PC-01. Therefore, adverse effect on integrity of the relevant internationally designated sites can be ruled out, subject to the mitigation measures in the REAC being included in the Surface Water Management Plan and rigorously implemented throughout</p>	The Applicant did not provide a response at Deadline 2.	<p>The Applicant notes and agrees with this response in relation to the Table 5-1 observation.</p> <p>Since the preparation of the assessment East Riding of Yorkshire Council have confirmed that there are no private water supplies within the 5km search area. The Applicants cover letter (document reference 8.2.15, Rev 1) for the Deadline 3 Submission confirms this and that there are no impacts on the water environment.</p> <p>The 23 December 2022 submission of the REAC (this was the same deadline as the PC-02 submission), included measures WE18-</p>

ExA Ref.	Addressed to	Question	Interested Parties' Response at Deadline 2	Applicant's Response at Deadline 2	Applicant's Response at Deadline 3
			<p>construction, operation and decommissioning phases.</p> <p>With regards to PC-02, we note that Table 6-1 of the PCAR (AS-045) refers to additional potential impacts and new measures to prevent adverse impacts on the water environment. We would welcome clarification regarding whether these additional measures, now included in the Water Environment section of the REAC, are considered to be mitigation for potential impacts on the Humber Estuary designated sites from PC-02, and highlight that, if so, relevant updates should be made to the HRA, where appropriate.</p>		<p>WE23 which are specific for the PCAR, these supplement those within the REAC for the wider Scheme, many of which would also apply, as part of the adoption of best construction practise. These measures have been developed to prevent impacts on the water environment in the immediate vicinity of the PC-02 works and are not required to protect the Humber Estuary and associated designations, or any other European Site or SSSI, not least as given the nature of the works and their distance from those sites, no impacts would be expected to be caused in any event.</p> <p>The additional measures which apply to PC-02 (WE18-WE23) that have been included within the REAC (updated at Deadline 3, document reference 6.5, Rev 6) are to protect the construction works / water environment in the immediate vicinity of the works as:</p> <ul style="list-style-type: none"> <li>• WE16 – reinforces best practise for sensitive water environment by ensuring that a drilling fluid that is approved for discharge to the water environment is used;</li> <li>• WE19 – ensures no change to local flood risk due to an increase in impermeable surfaces</li> <li>• WE20 and 21 – ensures that the watercourse channel in the immediate vicinity to the works is protected and the construction workers are not exposed to unnecessary risks;</li> <li>• WE22 – ensures that there is no increase in turbidity in the immediate water environment;</li> <li>• WE23 - ensures no change in local flood risk / drainage regime.</li> </ul>



## 6. TOPIC 9 GROUND CONDITIONS AND CONTAMINATION

Table 6.1 – Ground Conditions and Contamination

ExA Ref.	Addressed to	Question	Interested Parties' Response at Deadline 2	Applicant's Response at Deadline 2	Applicant's Response at Deadline 3
GCC1.1	NE	<p>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?</p>	<p><u>Response from Natural England</u></p> <p>The Agricultural Land Classification (ALC) survey data presented in the Soil Resource and Agricultural Land Classification Survey (Appendix 11.2) does not provide complete coverage of the agricultural land within the project boundary (Figure 11.2).</p> <p>The applicant states that the extrapolation of the ALC grade utilising the adjacent surveyed land (as stated in para 11.7.28 of Chapter 11 (Ground Conditions) of the ES (APP-047)) suggests this section of the Habitat Provision Area is of Subgrade 3b (non BMV).</p> <p>Pre-1988 ALC site survey data is now out of date as it was assessed using criteria which have now been superseded. A detailed ALC survey should be undertaken in line with the 1988 MAFF Guidelines in the land north of the East Construction Laydown Area within the Habitat Provision Area to understand the ALC grade of the Habitat Provision Area, and whether this land, or part thereof, is Best and Most Versatile (BMV) or not.</p> <p>This is important given the proposal to remove topsoil or invert the topsoil at the Habitat Provision Area (Paragraphs 3.3.16 and 3.3.34; Outline Landscape and Biodiversity Strategy (6.6.1)). This would be soil loss or disturbance and potential BMV loss which is not considered in the EIA (Chapter 11).</p> <p>In the Applicant's Response to Relevant Representations and Additional Submissions, the Applicant states their intention to complete additional ALC surveys of the on-site Habitat Provision Area in 2023 (land to the north of the East Construction Laydown Area within the Habitat Provision Area), as set out in row 5.6 of Table 5.1 (document reference AS-038 Applicant's Responses to Relevant Representations).</p>	<p>The Applicant did not provide a response at Deadline 2.</p>	<p>An ALC survey has been undertaken within the Habitat Provision Area and the results provided at Deadline 2 in the updated version of ES Appendix 11.2 (Soil Resource and Agricultural Land Classification Survey) (REP2-038). This area has been confirmed as Subgrade 3b (non-BMV) and therefore the assessment within Chapter 11 (Ground Conditions) of the ES (APP-047) remains valid.</p>

ExA Ref.	Addressed to	Question	Interested Parties' Response at Deadline 2	Applicant's Response at Deadline 2	Applicant's Response at Deadline 3
			<p>In summary, the current ALC Grading of the Habitat Provision Area has not been determined in a robust and reliable manner at this stage. However, it is understood by Natural England that the applicant will undertake a detailed ALC survey at the Habitat Provision Area which will provide reliable ALC Grade(s) of the area.</p>		

## 7. TOPIC 10 HISTORIC ENVIRONMENT

Table 7.1 – Historic Environment

ExA Ref.	Addressed to	Question	Interested Parties' Response at Deadline 2	Applicant's Response at Deadline 2	Applicant's Response at Deadline 3
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?	<p><u>Response from NYCC/SDC</u></p> <p>The best time of year to assess the setting of above ground assets are the months where there are no leaves on the trees or hedgerows. The winter months are the months where there are no leaves on the trees, these months include November, December, January, February. By March there will be buds growing (ash, beech, oak) and leaves emerging on trees (alder, silver birch). On some trees there may also be blossoms in March. An assessment earlier in the year would have been preferable in order to determine the worst-case scenario.</p>	<p>While vegetation growth had begun in March, it was not sufficient to have screened relevant features which would therefore have affected the assessment of the effects on heritage assets. As such the assessment is considered to be robust and suitably worst case. SDC &amp; NYCC and Historic England have confirmed agreement with the methodology in their respective Statements of Common Ground (REP-018, AS-033).</p> <p>Furthermore there will be no significant impact on the setting of any heritage asset. As described in paragraph 6.2.12 of ES Appendix 10.1 (Historic Environment Desk-Based Assessment) (APP-154) the setting of Drax Augustinian Priory only provides a minor contribution to the value of the asset and "the Proposed Scheme would not change the elements of setting which contribute to its value". Historic England agree with this position, as recorded in the Statement of Common Ground (AS-033).</p>	The Applicant refers the ExA to the response provided by the Applicant at Deadline 3.

## 8. TOPIC 12 NOISE AND VIBRATION

Table 8.1 – Noise and Vibration

ExA Ref.	Addressed to	Question	Interested Parties' Response at Deadline 2	Applicant's Response at Deadline 2	Applicant's Response at Deadline 3
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> <p>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?</p> <p>ii. SDC is asked if the contextual considerations put forward by the Applicant (7.9.15 to</p>	<p><u>Response from SDC</u></p> <p>Operational noise impacts of &gt;5dB are predicted during the night-time period at two residential receptors. In accordance with BS4142:2014+A1:2019, this is an indication of an adverse impact depending on the context. Contextual considerations are put forward, notably no exceedance of ambient LAeq,T values, widespread compliance with BS8233:2014 design criteria and use of conservative background LA90,T values. However, there is uncertainty regarding good acoustic design within this section in terms of efforts to incorporate noise mitigation measures as set out within Section 7.5.53 when seeking to avoid adverse noise impacts at all sensitive receptors. In the absence of demonstrating good acoustic design, under DCO requirement 17, the 'Rating Level' against Receptor R6 (2 Forest Grove, Barlow) should be reduced from 34dB to 33dB, and against Receptor R14 (Low Farm) reduced from 35dB to 33dB.</p>	<p>i. Noise sources contributing to the existing ambient noise levels at residential receptors R6 and R14 correspond to farming, distant local traffic road and existing operations at Drax. The Applicant has undertaken an assessment of potential noise generating developments near noise sensitive receptors R6 and R14 in the Cumulative Assessment Matrix (APP-177, Rev02 submitted at Deadline 2) . There is potential for an increase in the baseline noise levels due to operational noise levels that may be associated with applications 2022/1257/FULM and 2021/0788/EIA. However, we have reviewed the potential impacts that any such changes may have on the contextual factors considered in ES Chapter 7 (APP-043) for the Proposed Scheme and can confirm that the assessment conclusions would not change.</p> <p>ii. The Applicant met SDC on 4 February 2022 to discuss the noise and vibration assessment methodology. During the meeting, the Applicant aligned the potential for adverse noise impact, with situations where the rating level was predicted to be between +5dB and +10dB above background noise levels, subject to potential modification to take account of contextual factors. The Applicant and SDC agreed the contextual considerations that would be developed in the ES as detailed in the Statement of Common Ground between Selby District Council, North Yorkshire County Council and Drax Power Limited (REP-018).</p>	<p>As confirmed at paragraph 7.9.20 of ES Chapter 7 (Noise and Vibration) (APP-043), once the identified contextual factors have been considered (see paragraphs 7.5.46 and 7.5.63), the initial impact estimations indicated in Table 7.26 are held to be <b>not significant</b>.</p> <p>Notwithstanding the above conclusion based on embedded mitigation, Requirement 17 of the draft DCO 'Control of noise during operation' commits the Applicant to prepare a noise mitigation scheme to be submitted to and approved by the local planning authority (LPA). The Applicant is also obliged to implement the mitigation scheme, as approved, so the LPA will have an opportunity to ensure that a good acoustic design is achieved during the detailed design stage. The Applicant believes that this demonstrates good acoustic design at the appropriate stage of the Proposed Development and that reducing the Operational Rating Noise Limits shown in Table 1 of Requirement 17 has the potential to cause onerous design implications.</p>

ExA Ref.	Addressed to	Question	Interested Parties' Response at Deadline 2	Applicant's Response at Deadline 2	Applicant's Response at Deadline 3
		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?			

## 9. TOPIC 16 TRAFFIC TRANSPORT AND WASTE MANAGEMENT

Table 9.1 – Traffic, Transport and Waste Management

ExA Ref.	Addressed to	Question	Interested Parties' Response at Deadline 2	Applicant's Response at Deadline 2	Applicant's Response at Deadline 3
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?	<p>Response from NYCC</p> <p>Please find attached document LPA128 – MWJP adopted Plan, WEB03 – North Yorkshire sub regions waste arisings and capacity requirements update report (September 2016) which was used as an evidence document for the MWJP which was adopted in 2022. And also the last published AMR. They all provide information on Landfill Capacity.</p>		The MWJP adopted Plan and the evidence document 'Waste Arisings and Capacity Requirements Update Report September 2016' were both used to support preparation of the baseline section of ES Chapter 13 (Materials and Waste) (APP-049).