



# **STATEMENT OF COMMON GROUND BETWEEN THE NORTH YORKSHIRE COUNCIL AND DRAX POWER LIMITED**

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

The Planning Act 2008 (as amended)

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CONFIDENTIAL

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## **EXECUTIVE SUMMARY**

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A Statement of Common Ground (SoCG) is a written statement produced during the application process for a Development Consent Order (DCO). It is prepared jointly by the applicant and another party, to assist the Examining Authority in examining the DCO Application by providing an understanding of the status of discussions or negotiations between the applicant and the other party.

This SoCG has been prepared between The North Yorkshire Council (NYC) and Drax Power Limited (the 'Applicant') (jointly referred to as the Parties) to show where agreement has been reached to date in relation to the Applicant's application (the DCO Application) for a DCO their Bioenergy with Carbon Capture and Storage (BECCS) project (referred to as the Proposed Scheme). NYC is a new single council which was launched on 1 April 2023, replacing the current county council and seven district and borough councils in North Yorkshire, including Selby District Council (SDC) and North Yorkshire County Council (NYCC). This SoCG therefore constitutes a further revision of the previous SoCG with SDC and NYCC. The SoCG represents an accurate and up to date reflection of matters discussed between the Parties. It is a document which will evolve during the examination, and conclude with a version which confirms the Parties' positions on relevant matters before the close of the examination.

NYC is interested in the Proposed Scheme as a local planning authority, highway authority, street authority, Lead Local Flood Authority (LLFA) and in their services in regard to ecology, heritage, minerals and waste, and landscape.

Throughout this document, points of agreement and disagreement between the Parties are clearly indicated.

# **1. INTRODUCTION AND PURPOSE**

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## **1.1. PURPOSE OF THE STATEMENT OF COMMON GROUND**

1.1.1. A Statement of Common Ground (SoCG) is a written statement produced during the application process for a Development Consent Order (DCO) and is prepared jointly by the applicant and another party or parties.

1.1.2. Paragraph 58 of the Department for Communities and Local Government's (DCLG, now Department for Levelling Up, Housing and Communities) guidance entitled 'Planning Act 2008: examination of applications for development consent' (26 March 2015) (DCLG, 2015) hereafter referred to as DCLG Guidance) describes a SoCG as follows:

*“A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree. As well as identifying matters which are not in real dispute, it is also useful if a statement identifies those areas where agreement has not been reached. The statement should include references to show where those matters are dealt with in the written representations or other documentary evidence.”*

1.1.3. The aim of a SoCG is to assist the Examining Authority in examining the DCO by providing an understanding of the status of discussions or negotiations between the applicant and the other party. The effective use of SoCGs aids an efficient examination process.

1.1.4. A SoCG is updated as necessary or as requested during the examination.

## **1.2. DESCRIPTION OF PROPOSED SCHEME**

1.2.1. A full description of the Proposed Scheme description is included in Chapter 2 (Site and Project Description) of the ES submitted with the DCO Application (PINS document reference APP-038), as amended by the Change Request - 8.5.1 Proposed Changes Application Report (document reference AS-045).

## **1.3. THIS STATEMENT OF COMMON GROUND WITH NYC**

1.3.1. This SoCG has been prepared between The North Yorkshire Council (NYC) and the Applicant (jointly referred to as the Parties) in relation to the DCO Application.

1.3.2. It addresses topics of interest to NYC, which is interested in the Proposed Scheme as a local planning authority, in respect of Proposed Scheme which is located within their administrative boundary, and as a highway authority, street authority, Lead Local Flood Authority (LLFA) and in their services in regard to ecology, heritage, minerals and waste, and landscape.

1.3.3. NYC will be responsible for discharging many of the requirements of the DCO should development consent be granted for the Proposed Scheme. NYC would also be

responsible for monitoring and enforcing many of the DCO provisions and requirements.

- 1.3.4. Section 3 summarises the topics of relevance to this SoCG and Section 4 then details whether matters are agreed, not agreed or under discussion between the Parties.
- 1.3.5. In respect of matters relevant to the Proposed Scheme but not referred to in this SoCG, NYC have no comments to make.
- 1.3.6. Following the Applicant's consultation on the Proposed Changes to the Application, and the acceptance of them into the Examination by the Examining Authority, NYC agrees that the statements in this SoCG apply to the application inclusive of those Proposed Changes.
- 1.3.7. The SoCG is a document which will evolve during the examination, and conclude with a version which confirms the Parties' positions on relevant matters before the close of the examination.
- 1.3.8. This SoCG has been prepared in accordance with the DCLG Guidance.

## 2. RECORD OF ENGAGEMENT UNDERTAKEN TO DATE

### 2.1. RECORD OF ENGAGEMENT

2.1.1. The tables below set out a summary of the key meetings and correspondence between the Parties in relation to the Proposed Scheme. Meetings and correspondence up to 1 April 2023 are stated to be with SDC and NYCC, prior to their merger as NYC.

**Table 2.1 – Schedule of Meetings and Correspondence during the Pre-application Stage**

<b>Date</b>	<b>Form of Contact and Attendees</b>	<b>Summary</b>
<b>08 December 2020</b>	Online meeting SDC Planning; NYCC Planning; Drax; WSP <sup>1</sup> Planning.	Introduction to the Applicant team, the Site and the Proposed Scheme.  Outline of the case for BECCS and overview of the Consenting Strategy.  Detail as to the activities, surveys and stakeholder engagement to date, and the future proposed consultations to commence early 2021.  Noted that the Applicant may need to apply for some compulsory acquisition powers.  Agreement to enter into a Planning Performance Agreement (PPA) with SDC and NYCC.
<b>01 February 2021</b>	Online meeting SDC Planning; NYCC Planning; Drax; Grayling; WSP Planning and Stakeholder Engagement.	Introduction to the aims of engagement and the DCO consultation timelines.  WSP is currently preparing non-statutory consultation and will develop the draft Statement of Community Consultation (SoCC) for LPA comments.  Grayling is working with the Applicant on social media and methods used to reach hard to reach groups.

<sup>1</sup> WSP attending on behalf of the Applicant

<p><b>22 February 2021</b></p>	<p>Online meeting NYCC Ecology; Drax; WSP Planning, Environmental Impact Assessment (EIA) and Ecology</p>	<p>Introductions and overview of the Proposed Scheme.  Ecology EIA Scoping input and ecology survey and assessment scope.  NYCC content with assumptions and scope.</p>
<p><b>22 February 2021</b></p>	<p>Email  From WSP to NYCC (Highways), National Highways, East Riding of Yorkshire Council (ERoY).</p>	<p>NYCC, National Highways, and ERoY provided comments on the proposed transport assessment parameters set out in a Transport Scoping Note, which had been provided to them by the Applicant. The approach was generally accepted by the highway authorities, but further discussions are required to reach final agreement ahead of the completion of the ES.  The Transport Scoping Note issued covered all transport related parameters including baseline conditions, predicted trip generation, trip distribution, assessment scenarios, proposed growth factors, and other general items ahead of a scheduled meeting with consultees.</p>
<p><b>02 March 2021</b></p>	<p>Online Meeting NYCC (Highways); ERoY; National Highways; Drax; WSP Transport.</p>	<p>Inception call to introduce Drax BECCS to highway authorities, Proposed Scheme overview, transport scoping note content, Abnormal Indivisible Loads (AIL) strategy, and approach to future engagement.  NYCC, National Highways, and ERoY resolved to provide comment on the Transport Scoping Note and AIL strategy.</p>
<p><b>08 March 2021</b></p>	<p>Email  From WSP to LLFA.</p>	<p>The LLFA confirmed that the submitted documents demonstrate a reasonable approach to the management of surface water and are in line with what has been discussed and as such the LLFA confirmed its agreement in principle to</p>



		<p>the proposed surface water drainage strategy.</p> <p>In addition, the LLFA advised on further information which would be needed to allow the LLFA to accept the proposed surface water drainage strategy during DCO examination.</p>
<b>16 March 2021</b>	<p>Online meeting</p> <p>SDC Planning;</p> <p>NYCC Planning;</p> <p>Drax;</p> <p>WSP Planning and EIA.</p>	<p>Update on PPA and consultation.</p> <p>Overview of updates to the Proposed Scheme, various technical matters and update on our response to the comments in the EIA Scoping Opinion.</p> <p>Agreement to a single SoCG with NYCC and SDC.</p> <p>Update that the Applicant is not implementing the Drax Repower DCO which will therefore not be considered in the EIA cumulative impact assessment.</p> <p>Confirmation that the Applicant submitted no comments to the consultation version of the Preferred Options iteration of the Selby Local Plan in relation to the Proposed Scheme.</p>
<b>19 March 2021</b>	<p>Email</p> <p>From WSP to NYCC Heritage (and Historic England).</p>	<p>Outlining initial discussions with WSP Landscape and Visual Impacts (LVIA) and sending plan showing the proposed winter viewpoints.</p> <p>VP7 will pick up the view to/from Drax Abbey.</p> <p>Proposal that WSP review these images and if necessary, supplement with additional photographs taken from the two viewpoints indicated, during the site walkover. Images taken for the Repower project to be used as supporting information, if appropriate.</p>
<b>23 March 2021</b>	<p>Online meeting</p>	<p>Meeting to discuss proposed winter viewpoints; night-time photography; and photomontages.</p>

	NYCC Landscape Officer; Drax; WSP Landscape and Visual Impacts (LVIA).	
<b>24 March 2021</b>	Online meeting NYCC Landscape Officer; Drax; WSP LVIA.	Night-time photography discussed and covered in various emails dating from 23/03/2021. Five night-time photos agreed with NYCC based on a priority list in accordance with Landscape Institute (LI) guidance.
<b>25 March 2021</b>	Online meeting NYCC Heritage; Drax; WSP EIA and Heritage.	Introduction to the Proposed Scheme. Outline of programme for assessment. Overview of proposed assessment strategy. Review of key heritage constraints.
<b>25 March 2021</b>	Online Meeting NYCC (Highways); ERoY; National Highways; Drax; WSP Transport.	AIL call with highway authorities to discuss approach to AIL routes. National Highways to liaise with the DfT and seek confirmation and Approval in Principle for the Port of Goole 'Road Option' (as per the agreed approach for AIL movements associated with Drax Repower).
<b>25 March 2021 Online Meeting</b>	Email From WSP to NYCC (Highways), National Highways and ERoY	Request from the Applicant for National Highways to liaise with the DfT and seek confirmation and Approval in Principle for the Port of Goole 'Road Option' (as per Drax Repower).
<b>13 April 2021</b>	Email From WSP to SDC Planning.	Initial consultation on Flood Risk Assessment (FRA) and whether SDC have any comments / requirements regarding the FRA.

<p><b>13 April 2021</b></p>	<p>Email From WSP to NYCC LLFA.</p>	<p>Initial consultation. Introduction of the Proposed Scheme and request for confirmation on the following queries:  Sequential Test is assumed to be not required as the infrastructure is proposed within the existing Drax Power Station Site; and  Asking for any comments/requirements regarding the proposed works and the supporting FRA.</p>
<p><b>16 April 2021</b></p>	<p>Email From WSP to SDC Environmental Health Officer (EHO).</p>	<p>Request for information in relation to ground conditions and groundwater. Also requested opinion on aspects scoped in/out of the EIA.</p>
<p><b>23 April 2021</b></p>	<p>Online meeting NYCC Planning and Landscape Officers; SDC Planning; Drax; WSP LVIA and EIA.</p>	<p>Meeting to run through NYCC's LVIA comments in the EIA Scoping Opinion relating to:</p> <ul style="list-style-type: none"> <li>• A topographic survey;</li> <li>• Cumulative effects;</li> <li>• Existing trees and vegetation;</li> <li>• Soil management / agricultural land;</li> <li>• Study area;</li> <li>• Site design;</li> <li>• Alternative design options;</li> <li>• Landscape proposals, mitigation, maintenance and aftercare;</li> <li>• Green infrastructure; and</li> <li>• Representative viewpoints, summer views and night-time assessment.</li> </ul>
<p><b>23 April 2021</b></p>	<p>Online meeting SDC EHO and Planning; Drax;</p>	<p>Proposed methodology and scope for the noise and vibration assessment presented. SDC EHO confirmed that this aligned with their expectations for the assessment.</p>

	WSP Noise, EIA and Planning.	
<b>23 April 2021</b>	Email From WSP to NYCC Landscape Officer.	Email confirming further to meeting on 23 April 2021 representative viewpoints to be omitted and further visualisations to be prepared.
<b>27 April 2021</b>	Email From WSP to NYCC Landscape Officer.	Email confirming viewpoints but requesting further visualisations, further commentary on the need for a topographic survey, soil survey, assessment and management plan, night-time assessment and photomontages, use of cross sections /elevations and site design / alternative design solutions.
<b>04 May 2021 Email</b>	Email From WSP to NYCC (Highways)	NYCC (Highways) provided comments on the Transport Scoping Note and agreed the level of assessment, mitigation measures, use of 2018 traffic survey data, feedback on committed development, agreed assessment scenarios, distribution, and study area. NYCC highlighted the need to link sustainable travel options with shift patterns, understand how the large workforce will be managed including incentives to travel by sustainable means, and concerns about the number of HGV movements.
<b>17 May 2021</b>	Email From WSP to NYCC Landscape Officer.	Email circulated including minutes from 23 April 2021, draft LVIA methodology for comment and memo dated 14 May 2021 covering responses to points made in NYCC email of 27 April 2021.
<b>01 June 2021</b>	Emails Between WSP and SDC in respect of ground conditions	Agreement with proposed approach to scoping out of operational effects relating to ground conditions.

<b>03 June 2021</b>	Emails Between WSP and NYCC Landscape Officer.	Minutes circulated from 24 April 2021 regarding the LVIA discussing the photomontages, night-time photomontages and assessment, topographic survey, cross sections / elevations, soil survey and design. NYCC confirmed that they agreed with the methodology.
<b>14 June 2021</b>	Email From WSP to NYCC Landscape Officer.	Email confirming an additional night-time photomontage and contextual cross sections / elevations and that a soil survey would not be undertaken.
<b>21 June 2021</b>	Online meeting NYCC Planning; SDC Planning; Drax; WSP Planning and Stakeholder Engagement.	Update meeting advising the jetty is no longer part of the Proposed Scheme, providing an update on the project timeline, update on SoCC and progress on discussions between the LPAs and technical specialists relating to environmental matters.
<b>19 July 2021</b>	Online meeting NYCC Planning; Drax; WSP Planning.	Update meeting running through the current schedule, update on activities on Site and progress on discussions between the LPAs and technical specialists relating to environmental matters.
<b>06 August 2021</b>	Online meeting NYCC Planning and Landscape Officer; SDC Planning; Drax; WSP EIA and LVIA.	Briefing meeting running through baseline data collected and timings of work relating to the Design Framework / Design Principles, Landscape Mitigation and Outline Landscape and Biodiversity Strategy and the Lighting Strategy.
<b>11 August 2021</b>	Emails From WSP to SDC and NYCC.	Email confirming scope of climate (GHG) assessment to scope out land use, land use change and forestry (LULUCF).

<b>11 August 2021</b>	Email From WSP to SDC.	Email confirming scope of air quality assessment.
<b>18 August 2021</b>	Emails From WSP to SDC.	Email confirming scope of climate (GHG) assessment to scope out land use, land use change and forestry (LULUCF).
<b>02 September 2021</b>	Telephone meeting SDC; NYCC; WSP EIA; Drax.	<p>Meeting to discuss scope of the Population, Health and Socio-economics assessment with NYCC and SDC.</p> <p>During the meeting, the Applicant, SDC and NYCC agreed the scope of the assessment will include:</p> <ul style="list-style-type: none"> <li>• Generation of direct, indirect and induced employment opportunities;</li> <li>• Increased demand for accommodation and community facilities due to an influx of workers; and</li> <li>• Development land and businesses - access and disruption to businesses during construction.</li> </ul> <p>Following the meeting, NYCC and SDC provided confirmation that they were in agreement that this matter could be excluded from the Population, Health and Socio-economics assessment. It was agreed that, during the EIA, should it be the case that the Environmental Mitigation Measures mean that there would be impacts to the agricultural land, that this would then be scoped back into the Population, Health, and Socio-economics assessment.</p>
<b>21 September 2021</b>	Email From WSP to NYCC.	Email requesting any future committed plans for landfill expansion, resource extraction and management facilities within NYCC's area, which would have the potential to affect the sensitivity of receptors.

<b>10 December 2021</b>	Letter (S42 consultation response)  From NYCC and SDC.	Formal S42 response.
<b>13 December 2021</b>	Online meeting NYCC Ecology; Drax; WSP Ecology and Planning.	Discussion around the NYCC S42 consultation comments on the Ecology Section of the PEIR. JC confirmed broad agreement to the approach and findings of the ecology assessment in the PEIR.
<b>17 December 2021</b>	Online meeting NYCC LLFA; Drax; WSP Water.	Meeting regarding the scope of the assessment.
<b>20 December 2021</b>	Online meeting SDC Planning; NYCC Planning; Drax; WSP Planning.	Discussion regarding the draft Statement of Common Ground concerning the format of the document and current position in respect of the technical matters in order to seek to identify areas where agreement can be confirmed.
<b>20 December 2021</b>	Online meeting SDC Planning; NYCC Planning; Drax; WSP Planning, EIA and cumulative impact team.	Discussion regarding the long and short lists for the cumulative impact assessment.
<b>21 January 2022</b>	Online meeting SDC Planning; NYCC Planning; Drax;	Following meeting with the Local Planning Authority (LPA) on 20 December 2021, a subsequent meeting was held to discuss the short list of 'other developments' and confirm with the LPA if there are any other developments to consider. The proposed inter-project

	WSP Planning, EIA and cumulative impact team.	cumulative effects assessment methodology was agreed.
<b>28 January 2022</b>	Online meeting NYCC Planning and Landscape Officer; SDC Planning; Drax; WSP EIA and LVIA.	Briefing meeting running through Design Principles including approach to scale, massing, appearance, and lighting strategy approach.
<b>04 February 2022</b>	Online meeting NYCC Planning and EHO; SDC Planning; Drax; WSP Planning, EIA and Noise.	Follow up meeting to go through previous discussion in 2021 and to agree on items on noise and vibration raised in the S42 letter.
<b>17 February 2022</b>	<u>Emails</u>  From WSP to SDC, NYCC, ERoY and DMBC	A confirmation email of the updated short list of 'other developments' (including the inter-project cumulative effects methodology) was issued to the LPAs.  Doncaster Council responded on 17 February 2022 with additional information regarding the status of the projects under consideration.  East Riding of Yorkshire Council responded on 22 February 2022 stating that if the information was taken from the public access Planning Portal it would be up-to-date and correct.  No formal response was issued from North Yorkshire County Council.  Selby District Council responded on 25 February with comments on the short list. Responses to these comments and an updated short list were reissued on 3 March 2022.



<b>24 February 2022</b>	Emails From SDC to WSP.	Email confirming that land use, land use change and forestry (LULUCF) should be included in the scope of the climate (GHG) assessment.  Queries on the wording of the technology and infrastructure being 'carbon negative'
<b>03 March 2022</b>	Online meeting SDC Planning; Drax; WSP EIA and GHG Emails From WSP to SDC.	Online meeting to discuss email sent on 24 February.  Email confirming scope of climate (GHG) assessment to include (LULUCF) and clarification of carbon negative wording and operation at the site considered appropriate.
<b>14 April 2022</b>	Email From WSP to SDC and NYCC.	An email was sent to SDC and NYCC with the approach for agreeing the phasing of the FGD. Two options were put forward by the Applicant.  The first would be to set out the phasing in an SoCG, and the second would be to secure the phasing via a requirement in the dDCO, which would reflect the ES assumptions in terms of the FGD.
<b>04 May 2022</b>	Email From SDC to WSP.	The email from SDC confirmed that a SoCG would not be sufficient to deal with the phasing satisfactorily. They asked for further detail regarding the wording on the DCO Requirement.
<b>05 May 2022</b>	Email From WSP to SDC.	Following the email from SDC on 4 May 2022, the Applicant responded via email with the draft requirement text, along with the suggestion that this is discussed further post-submission.

**Table 2.2 – Schedule of Meetings and Correspondence during the Pre-Examination and Examination Stages**

Date	Form of Contact	Summary
<b>18 July 2022</b>	Online meeting LLFA; Drax; WSP.	<p>LLFA confirmed flood risk aspects of the DCO application are for Environment Agency / Internal Drainage Board, not the LLFA.</p> <p>LLFA stated that they did not consider that the proposal fulfils the requirements of the NPPF (detailed drawings and calculations).</p> <p>Discussion on under which legislation / policy the DCO application should be considered. In the LLFA opinion - it is the NPPF. Outcome from the call - LLFA is to discuss internally with planners and senior members of the LLFA.</p>
<b>19 and 27 July 2022</b>	Emails Between WSP and LLFA.	Further discussion on the Applicants position as to which legislation / policy the DCO application should be considered.
<b>20 September 2022</b>	Phone call Between WSP and the LLFA.	Discussion between WSP and the LLFA in relation to the outstanding RR response, it was agreed that all matters in relation to the water environment were agreed bar the determining the operational design standard of the surface water drainage system. An approach for doing so was agreed.
<b>13 October 2022</b>	Email From WSP to LLFA.	Follow up email on the agreed approach to assessing the operational design standard for the surface water drainage system which will be adopted as part of the detailed design / post-consent.
<b>22 December 2022</b>	Online meeting Drax; WSP.	Update meeting in advance of first hearings to update on next steps and agree approach to updates to the SoCG.

<b>January – February 2023</b>	Emails Between WSP, SDC and NYCC	Agreement of Revision 02 of the Statement of Common Ground.
<b>23 January 2023</b>	Email from WSP to SDC and NYCC	As an updated planning application search was completed on 30 November 2022 to inform an update to the cumulative assessment, an updated short list of other developments was sent to SDC and NYCC for comment.
<b>10 February 2023</b>	Email from SDC to WSP	The response received from SDC in relation to the updated short list of other developments, offered comments on some developments plus ten additional to consider. SDC also asked for confirmation on whether this updated shortlist would be submitted at Deadline 2 (22 February 2023).
<b>16 February 2023</b>	Email from WSP to SDC	The Applicant responded to the developments already included within the shortlist had been taken into account and the shortlist updated accordingly. Of the ten additional developments put forward by SDC to be included in the assessment, four were included in the longlist but were not taken through to the shortlist as they did not meet the criteria. A further six developments were not able to be assessed due to the short timeframes to submission at Deadline 2. On the 20 February SDC asked for confirmation on whether these six developments will be included at some point during the Examination, just not at Deadline 2. On the 20 February SDC asked for confirmation on whether these six developments will be submitted later in the Examination.
<b>22 February 2023</b>	Email from WSP to SDC	In response to an email from SDC dated 20 February, the Applicant confirmed that the six developments were included in

		the shortlist at Deadline 2, however due to timescales, the full cumulative assessment for those developments would be submitted at a later Deadline.
<b>February – March 2023</b>	Emails Between WSP, SDC and NYCC	Agreement of Revision 03 of the Statement of Common Ground.
<b>23 March 2023</b>	Online meeting Between WSP and NYC	Discussions to progress noise matters.
<b>March – April 2023</b>	Emails Between WSP and NYC	Agreement of Revision 04 of the Statement of Common Ground.
<b>05 April 2023</b>	Online meeting Between WSP and NYC	Discussions to progress noise matters.

### **3. SUMMARY OF TOPICS COVERED BY THIS STATEMENT OF COMMON GROUND AND RELEVANT DOCUMENTS**

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#### **3.1. TOPICS COVERED IN THIS STATEMENT OF COMMON GROUND**

3.1.1. The following topics discussed between the Parties are covered by this SoCG:

- Relevant planning history and current proposals;
- Planning policy;
- Need for and principle of the Proposed Scheme and the examination of alternatives;
- Climate change resilience;
- Population health and socio-economics;
- Transport;
- Air quality;
- Noise and vibration;
- Ecology;
- Design, landscape and visual impact;
- Heritage;
- Ground conditions;
- Water environment;
- Material and waste;
- Greenhouse gases;
- Major accidents and disasters;
- Cumulative effects;
- Draft DCO (including requirements in the draft DCO); and
- Other consents and licenses.

#### **3.2. RELEVANT DOCUMENTS FOR THIS STATEMENT OF COMMON GROUND**

3.2.1. Table 3.1 provides a list of documents of particular relevance to this SoCG. This list will be updated to keep a record of the most recent version of the relevant document.

**Table 3.1 – List of Relevant DCO Application Documents for this SOCG**

<b>Document Reference</b>	<b>Document Name</b>
<b>REP4-022</b>	3.1 Draft Development Consent Order (Clean) - Rev 6
<b>APP-032</b>	5.2 Planning Statement
<b>APP-033</b>	5.3 Needs and Benefits Statement
<b>APP-038</b>	6.1.2 Environmental Statement - Volume 1 - Chapter 2: Site and Project Description
<b>APP-039</b>	6.1.3 Environmental Statement - Volume 1 - Chapter 3: Consideration of Alternatives
<b>APP-041</b>	6.1.5 Environmental Statement - Volume 1 - Chapter 5: Traffic and Transport; and associated figures and appendices
<b>APP-042</b>	6.1.6 Environmental Statement - Volume 1 - Chapter 6: Air Quality; and associated figures and appendices
<b>APP-043</b>	6.1.7 Environmental Statement - Volume 1 - Chapter 7: Noise and Vibration; and associated figures and appendices
<b>APP-044</b>	6.1.8 Environmental Statement - Volume 1 - Chapter 8: Ecology; and associated figures and appendices
<b>APP-045</b>	6.1.9 Environmental Statement - Volume 1 - Chapter 9: Landscape and Visual Amenity; and associated figures and appendices
<b>APP-046</b>	6.1.10 Environmental Statement - Volume 1 - Chapter 10: Heritage; and associated figures and appendices
<b>APP-047</b>	6.1.11 Environmental Statement - Volume 1 - Chapter 11: Ground Conditions; and associated figures and appendices
<b>APP-048</b>	6.1.12 Environmental Statement - Volume 1 - Chapter 12: Water Environment; and associated figures and appendices

<b>Document Reference</b>	<b>Document Name</b>
<b>APP-049</b>	6.1.13 Environmental Statement - Volume 1 - Chapter 13: Materials and Waste; and associated figures and appendices
<b>APP-050</b>	6.1.14 Environmental Statement - Volume 1 - Chapter 14: Climate Change Resilience; and associated figures and appendices
<b>APP-051</b>	6.1.15 Environmental Statement - Volume 1 - Chapter 15: Greenhouse Gases; and associated figures and appendices
<b>APP-052</b>	6.1.16 Environmental Statement - Volume 1 - Chapter 16: Population, Health and Socio-Economics; and associated figures and appendices
<b>APP-053</b>	6.1.17 Environmental Statement - Volume 1 - Chapter 17: Major Accidents and Disasters; and associated figures and appendices
<b>REP4-035</b>	Deadline 4 Submission - 6.1.18 Environmental Statement – Volume 1 – Chapter 18: Cumulative Effects (Clean) - Rev 3; and associated figures and appendices
<b>REP3-007</b>	6.5 Register of Environmental Actions and Commitments (Clean) - Rev 6
<b>AS-094; APP-181 – APP-183</b>	6.6.1 – 6.6.2.3 Outline Landscape and Biodiversity Strategy - Volume 1 - Main Text (Clean) – Rev: 02 - Accepted at the discretion of the Examining Authority; and Volume 2
<b>AS-045</b>	Change Request - 8.5.1 Proposed Changes Application Report - Accepted at the discretion of the Examining Authority
<b>REP-039</b>	Local Impact Report
<b>REP3-018</b>	8.8 National Policy Statement Compliance Tracker (Clean) - Rev 2
<b>REP2-019</b>	5.2.1 Planning Statement Addendum

## 4. CURRENT POSITION

### 4.1. RELEVANT PLANNING HISTORY AND CURRENT PROPOSALS

Table 4.1 – Relevant planning history and current proposals

Ref.	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
4.1.1	Relevant Planning History	The relevant planning history for the Proposed Scheme is set out in the Planning Statement (APP-032).	NYC agrees that the planning history set out in the Planning Statement (APP-032) constitutes the relevant planning history for the Proposed Scheme.	Agreed
4.1.2	Current Proposals	The details of the Proposed Scheme is set out in 6.1.2 Environmental Statement - Volume 1 - Chapter 2: Site and Project Description (APP-038), as amended by the Change Request - 8.5.1 Proposed Changes Application Report (AS-045).	NYC agrees that the Proposed Scheme is set out in 6.1.2 Environmental Statement - Volume 1 - Chapter 2: Site and Project Description (APP-038), as amended by the Change Request - 8.5.1 Proposed Changes Application Report (AS-045).	Agreed



## 4.2. PLANNING POLICY

Table 4.2 – Planning Policy

Ref.	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
4.2.1	NPS	The relevant National Policy Statements (NPSs) for the Proposed Scheme include the Overarching National Policy Statement for Energy (EN-1) (Department for Energy and Climate Change, 2011) and the National Policy Statement for Renewable Energy and Infrastructure (EN-3) (Department of Energy and Climate Change, 2011), which represent the primary policy basis for the determination of the DCO Application as is set out in the Planning Statement (APP-032) and the National Policy Statement Compliance Tracker (REP3-018). Draft revised NPSs were published for consultation from September to November 2021. As the DCO Application was accepted for examination before the designation of any amendments to the NPS, the original suite of NPSs represent the	NYC agrees with the applicant’s position.  There are no outstanding matters to be agreed with regard to the status of the Proposed Scheme as a NSIP and the applicability of the NPSs.	Agreed

		primary policy basis for the determination of the DCO Application.		
<b>4.2.2</b>	NPPF	<p>The National Planning Policy Framework (NPPF) was originally published in 2012 and last updated in July 2021. Whilst the NPPs are the primary consenting framework against which the DCO application will be assessed, the NPPF constitutes secondary planning policy framework, against which the proposals must also be assessed. The government's 'Planning Practice Guidance' constitutes guidance to support the government's planning policies for England and how these are expected to be applied.</p> <p>The policies of relevance to the Application are set out in the Planning Statement (APP-032) and proposed updates to the NPPF are considered in the Planning Statement Addendum (REP2-019).</p>	NYC agrees with the applicant's position.	Agreed
<b>4.2.3</b>	Development Plan	Local planning policies from the relevant authorities can be 'important and relevant' considerations for the	NYC agrees with the applicant's position in terms of the Development Plan of relevance to the proposals, and that the policies	Agreed

		<p>Secretary of State (SoS) in determining the DCO Application.</p> <p>The current adopted Development Plan of relevance to the proposals comprises:</p> <ul style="list-style-type: none"> <li>• Selby District Core Strategy Local Plan (2013) (SDCSLP);</li> <li>• Saved Policies of the Selby District Local Plan (2005) (SDLP); and</li> <li>• The North Yorkshire Minerals and Waste Joint Plan (2022) (NYMWJP).</li> </ul> <p>The policies of relevance to the Application and how the Scheme accords with them are set out in the Planning Statement (APP-032) and the Planning Statement Addendum (REP2-019).</p> <p>NYC is preparing a new Local Plan for Selby area which will supersede the SDCSLP and SDLP upon adoption. The Preferred Options consultation took place in January to March 2021, and a subsequent consultation on additional sites proposed to be allocated was undertaken in August to</p>	<p>listed by the applicant in the Planning Statement are relevant to the Proposed Scheme. This is confirmed in the Local Impact Report (REP-039).</p> <p>NYC considers that there are a number of additional adopted Development Management policies in NYMWJP which are relevant to this scheme, including D06 – Landscape. The applicant does not consider these policies are relevant to the Proposed Scheme as these policies only relate to Minerals and Waste development. There are however ‘equivalent’ policies in the Local Plan which the applicant has assessed the scheme against, and considers the proposal is policy compliant. NYC agrees that, if weight were to be afforded to these policies in NYMWJP, the proposal would comply with these policies, irrespective of the weight to be afforded to these policies in NYMWJP.</p>	
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		September 2021. The Publication version of the new Local Plan was subject to consultation from August to October 2022. It is anticipated that the new Local Plan will be adopted no earlier than January 2024. The latest draft version of the Local Plan can only be afforded limited weight given the stage of preparation, as it is subject to change.		
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### 4.3. NEED FOR AND PRINCIPLE OF THE PROPOSED SCHEME AND THE EXAMINATION OF ALTERNATIVES

**Table 4.3 – Need for the Proposed Scheme**

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
4.3.1	Need for the Proposed Scheme	The Applicant considers that there is a clear need for the Proposed Scheme as set out in the Needs and Benefits Statement (APP-033).	NYC agrees with the applicant’s position in terms of the general need for the Proposed Scheme and are supportive of the project in principle, as set out in the Relevant Representation.	Agreed
4.3.2	Need for the Proposed Scheme (specifically)	In December 2019, Drax Power Ltd (Drax) announced a world-leading ambition to become a carbon negative company by 2030. This ambition is	NYC agrees with the applicant’s position.	Agreed

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
		<p>only achievable with an effective negative emissions policy and investment framework.</p> <p>Biomass is considered neutral from the point of view of carbon emissions, as carbon released from combustion is to be compensated with carbon absorbed during the lifecycle of the tree or plant. The existing biomass units and site infrastructure present an opportunity to turn Drax Power Station ‘carbon negative’ by utilising carbon capture technology to remove the carbon dioxide from the flue gas, and inherently the atmosphere.</p> <p>Further detail is provided in the Needs and Benefits Statement (APP-033).</p>	<p>There are no outstanding matters to be resolved with regard to the need for the Proposed Scheme.</p> <p>It is agreed that the Applicant has adequately considered and assessed biomass from the point of view of carbon emissions. The authorities have taken a pragmatic approach to the consideration and assessment of these issues and do not have any additional queries or concerns with them.</p>	
4.3.3	Wider Benefits	<p>The Proposed Scheme helps to position the UK as a global leader in developing innovative solutions to the fight against climate change.</p> <p>BECCS provides reliable renewable electricity to support the grid as more wind and solar are connected.</p>	<p>NYC agrees with the applicant’s position.</p> <p>There are no outstanding matters to be resolved with regard to the need for the Proposed Scheme.</p>	Agreed

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
		Further detail is provided in the Needs and Benefits Statement (APP-033).		
4.3.4	New Employment Opportunities	<p>The Proposed Scheme will create a range of social and economic benefits by providing new employment opportunities and generating economic activity. These benefits will be both temporary (during construction phase of the Scheme) and permanent (via the creation of good quality long term employment opportunities during the operational phase).</p> <p>The Applicant has provided a Needs and Benefits Statement (APP-033) which sets out the employment and economic benefits that the Scheme will bring. The Scheme will play an important role in creating jobs and generating economic growth across the Humber and North Yorkshire region.</p>	<p>NYC agrees with the applicant’s position.</p> <p>There are no outstanding matters to be resolved with regard to the need for the Proposed Scheme.</p>	Agreed
4.3.5	Principle of the Proposed Scheme	Given the clear need for the Proposed Scheme and in the absence of any policies which would dictate otherwise,	NYC agrees with the Applicant’s position.	Agreed

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
		the Applicant considers the principle of the Proposed Scheme is acceptable.		
4.3.6	Examination of Alternatives	The consideration of alternatives to the Proposed Scheme has been carried out in Volume 1 Chapter 3 (Consideration of Alternatives) of the ES (APP-039). This is considered to be in accordance with the requirements of the EIA Regulations and relevant policy.	NYC agrees with the Applicant's position.	Agreed

#### 4.4. CLIMATE CHANGE RESILIENCE

**Table 4.4 – Climate Change Resilience**

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
4.4.1	ES Study Area and Methodology	The ES Study Area for the climate resilience assessment is the Site Boundary and the assessment methodology and the significance of effects has been undertaken in accordance with the Design Manual for Roads and Bridges LA 114.	It is agreed that the Applicant has adequately considered and assessed the climate resilience implications of the Proposed Scheme. The authority has taken a pragmatic approach to the consideration and assessment of these issues and does not have	Agreed

			any additional queries or concerns with them.	
<b>4.4.2</b>	ES Baseline	The existing baseline is determined using data from the Met Office. The future baseline utilises the UK Climate Projections 2018 (UKCP18) which provide projected changes in climate variables for the UK. The Proposed Scheme has a design life of 25 years and therefore the projections are done for the 2020s (2010-2039) and 2050s (2040-2069).	As above.	Agreed
<b>4.4.3</b>	Predicted Impacts	The potential impacts assessed for the ES include flooding, overheating of equipment, risk of fire, increased wind loading on stacks, longer growing seasons and more vigorous vegetation growth, changes to ground conditions, windborne dust and debris clogging drainage channels and requiring clearing, deformation and melting of paved surface.	As above.	Agreed
<b>4.4.4</b>	Design, Mitigation and Enhancement Measures	Mitigation measures are set out in the REAC (REP3-007) which also sets out how the actions and commitments set out within it are secured.	As above.	Agreed



<b>4.4.5</b>	Residual Effects	With the additional mitigation measures applied residual effects were assessed to be 'minor adverse' therefore 'not significant'.	As above.	Agreed
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## 4.5. POPULATION, HEALTH AND SOCIO-ECONOMICS

**Table 4.5 – Population Health and Socio-Economics**

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	RAG
<b>4.5.1</b>	ES Study Area and Methodology	The scope and methodology for this topic are set out in Chapter 16 of the ES (APP-052).	NYC has confirmed agreement regarding the ES Study Area and methodology for this topic.	Agreed
<b>4.5.2</b>	ES Baseline	Baseline characterisation for this topic is set out in Chapter 16 of the ES (APP-052).	NYC has confirmed agreement regarding the ES Baseline for this topic.	Agreed
<b>4.5.3</b>	Predicted Impacts	The predicted impacts of the Scheme are set out in Chapter 16 of the ES (APP-052).	NYC confirms agreement with the impacts the Proposed Scheme could have for this topic.	Agreed
<b>4.5.4</b>	Design, Mitigation and Enhancement Measures	The design, mitigation and enhancement measures for this topic are set out in the REAC (REP3-007).	NYC agrees the mitigation measures that have been included in the REAC for this topic and do not consider any additional matters are required.	Agreed

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	RAG
4.5.5	Residual Effects	The ES reports that there would be a residual significant beneficial effect relating to the generation of direct, indirect and induced employment opportunities during both the Construction and Operation phases.	NYC agrees with these conclusions.	Agreed

## 4.6. TRAFFIC AND TRANSPORT

**Table 4.6 – Traffic and Transport**

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
4.6.1	Study Area	The study area is set out in Section 5.6 of Chapter 5 (Traffic and Transport) (APP-041) and shown on Figure 5.1 (Study Area (Traffic and Transport) (APP-062).	NYC agrees with the study area used in the assessment.	Agreed
4.6.2	Assessment Scenarios	The Applicant has set out the Assessment Scenarios in Section 5.5 of Chapter 5 (Transport) (APP-041).	NYC agrees with the scenarios assessed.	Agreed
4.6.3	Baseline Conditions (Traffic Flows)	The Applicant has set out the baseline conditions in Section 5.7 of Chapter 5	NYC agrees the use of 2018 data is acceptable.	Agreed

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
		(Transport) (APP-041) including the use of 2018 traffic survey data.		
4.6.4	Future Baseline (Committed Developments)	The Applicant has set out the approach to committed development in Section 5.7 of Chapter 5 (Transport) (APP-041).	NYC agrees with the inclusion of the identified committed development in the assessment.	Agreed
4.6.5	Trip Generation, Distribution and Assignment (Construction Workers and Construction Vehicles)	The Applicant has set out the trip generation, trip distribution, and trip assignment in Section 5.7 and 5.9 of Chapter 5 (Transport) (APP-041). The approach is consistent with previous assessments at the Drax Power Station Site and scoping discussions.	NYC agrees that this approach is acceptable.	Agreed
4.6.6	Predicted Impacts (Operation)	The Applicant considered the potential impact during operation in Section 5.4 of Chapter 5 (Transport) (APP-041) and it was concluded that the traffic impacts during the operational phase will likely be negligible.	NYC agrees that this conclusion is acceptable. The LHA is satisfied that the project will not have a significant impact on the highway network within North Yorkshire and the road network will perform without significant issues.	Agreed
4.6.7	Predicted Impacts (Construction)	The Applicant considered the potential impact during construction in Section 5.9 of Chapter 5 (Transport) (APP-041)	NYC agrees that this conclusion is acceptable. The LHA is satisfied that the project will not have a	Agreed

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
		and concluded that the traffic impacts on NYC highway network during the construction phase will not give rise to significant environmental impacts within North Yorkshire and the impacts can be managed using a Construction Traffic Management Plan (OD-009) and Construction Worker Travel Plan (APP-120).	significant impact on the highway network within North Yorkshire and the road network will perform without significant issues.  However, the construction phase of the project will have the greatest impact on the network and the LHA will work with the developer to reduce numbers of HGVs where possible.	
<b>4.6.8</b>	Design, Mitigation and Enhancement Measures	The following mitigation have been identified to safeguard the environment and updated versions have been submitted to respond to feedback from NYC (Highways):  1. Construction Traffic Management Plan (CTMP) (REP2-028);  2. Construction Worker Travel Plan (CWTP) (REP2-030).	NYC is satisfied with the updated CTMP and CWTP and agrees that this will avoid as much as possible congestion on the network and mitigate accidents which may be attributed to the increase in traffic around the site.	Agreed
<b>4.6.9</b>	Abnormal Indivisible Loads (AIL)	AIL Strategy – The Applicant’s AIL strategy is to transport AIL by road from Port of Goole to Drax Power Station with measures included in the	NYC has agreed that the Port of Goole option is acceptable.  NYC expects this work to be managed by the developer and for	Agreed

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
		CTMP (OD-009) (including notification) to manage the movements including all necessary notifications.	consultation to be undertaken with the local highway authority when such work is to be programmed.	
<b>4.6.10</b>	Residual Effects	It is considered that there will be no residual effects on the highway network within North Yorkshire.	NYC is satisfied that the project will not have a significant impact on the highway network within North Yorkshire and the road network will perform without significant issues.	Agreed
<b>4.6.11</b>	Public Right of Way	The Applicant considered the impact on the Public Right of Way Network during construction in Chapter 5 (Transport) (APP-041) and notes the need to temporarily close path 35.6/6/1 to allow for ecological mitigation.	NYC recognises the need to temporarily close 35.6/6/1. It will be necessary for the closure to be managed in accordance with local policy and legislation. The Authority looks forward to working with the applicant to ensure the necessary procedures are in place and secured through the DCO. There are minor items which may need to be discussed concerning the description of some of the routes effected. Overall the mitigation measures proposed seem appropriate to the scheme. The Applicant has confirmed that	Under Discussion

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
			details of closure and the necessary local requirements will be set out in the CTMP.	

## 4.7. AIR QUALITY

Table 4.7 – Air Quality

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
4.7.1	ES Study Area and Methodology	This is detailed in Chapter 6 of the ES (APP-042).	NYC agrees with the scope and methodology for the construction and operational assessments.	Agreed
4.7.2	ES Baseline	Chapter 6 of the ES (APP-042) sets out a description of the existing Air Quality baseline.	NYC confirms their acceptance of the baseline as described in the ES.	Agreed
4.7.3	Predicted Impacts	As detailed in ES Chapter 6 (APP-042), all impacts with respect to human health are predicted to be negligible (not significant). The results of the air quality assessment with respect to ecological receptors were passed to the Proposed Scheme ecologist to determine whether or not	NYC agrees this position.	Agreed

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
		there is a likely significant effect. The outcomes of this analysis are reported in Chapter 8 (Ecology) of the ES (APP-044).		
4.7.4	Design, Mitigation and Enhancement Measures	As detailed in ES Chapter 6 (APP-042) and Appendix 6.2 Construction & Decommissioning Dust Assessment (APP-042).  Operation phase mitigation is detailed in ES Chapter 6, focussed on reducing acid deposition impacts to sensitive features within identified designated habitat sites.	NYC agrees the proposed mitigation measures for the construction and operational phases.	Agreed
4.7.5	Cumulative effects	The approach to cumulative assessments is set out in chapters 6 and 18 (REP4-035) of the ES.	NYC agrees with the approach undertaken by the Applicant.	Agreed
4.7.6	Residual Effects	ES Chapter 6 (APP-042) confirms that no residual effects are predicted for Air Quality.	NYC agrees this position.	Agreed
4.7.7	Relevant dDCO Requirements/ Articles	Draft DCO (REP4-022) includes a commitment to implement a CEMP and CTMP that will be approved by the relevant local planning authority,	NYC agrees with this approach.	Agreed

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
		which includes construction mitigation measures, as detailed in Chapter 6 (APP-042), Appendix 6.2 of the ES (APP-042) and set out in the REAC (REP3-007).		

## 4.8. NOISE AND VIBRATION

**Table 4.8 – Noise and Vibration**

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
4.8.1	ES Study Area and Methodology	The study area and methodology are set out in section 7.6 of the ES (APP-043) and built on engagement undertaken with NYC.	The study area and methodology are agreed.	Agreed
4.8.2	ES Baseline	The baseline is described in section 7.7 of the ES (APP-043), taking into account monitoring undertaken at locations agreed with NYC.	The approach to developing, and the description of, the baseline is agreed by NYC.	Agreed
4.8.3	Predicted Impacts	The ES sets out the results of the noise and vibration predictions in Section 7.9 in accordance with the methodology agreed with NYC.	NYC has acknowledged the conclusions of the assessment. A comment was received from NYC in relation to high-impact noise	Agreed



Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
		The significant of effects for construction noise and vibration and also for operational noise are identified as being not significant.	<p>activities during construction phase. The comment states that impulsive noise cannot always be controlled effectively using a long LAeq and instead suggests specifying a short LAeq or looking to control maximum levels (LAFmax). Therefore, high-impact noise activities should be well defined, for example piling works, rollers and tunnel boring, and consideration given to a more representative LAeq,T for such works.</p> <p>NYC has confirmed the matters outstanding and this item is not one of them. Therefore we consider this matter closed.</p>	
4.8.7	Design, Mitigation and Enhancement Measures	<p>Best Practicable Measures (BPMs) will be required during the construction phase.</p> <p>Mitigation during the operational phase of the Proposed Scheme will be required to meet the DCO</p>	NYC has provided comments stating that there is uncertainty regarding good acoustic design in terms of noise mitigation measures seeking to avoid adverse operational noise impacts.	Ongoing discussion

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
		requirement on operational noise (see next item).	Parties discussed this issue during Issue Specific Hearing 3 on 22 March 2023, and also on follow up meetings on 23 March and 5 April 2023. The good acoustic design process undertaken during preparation of the ES was described by the Applicant. NYC will undertake a further review of the information discussed and will provide comments for Deadline 5.	
4.8.8	Residual Effects	The residual effects for both construction and operation are likely to be not significant provided that required mitigation is implemented in the design.	Contextual considerations were discussed between parties during Issue Specific Hearing 3 on 22 March 2023, and also on follow up meetings on 23 March and 5 April 2023. Matter in ongoing discussion as inherently linked to the above point.	Ongoing discussion
4.8.9	Relevant dDCO Requirements/ Articles	Control of noise during operation (17) (REP4-022). Requirement 17 of Schedule 2 of the draft DCO requires a noise mitigation scheme to be submitted to and approved by the	The effectiveness of Requirement 17 was discussed between parties during Issue Specific Hearing 3 on 22 March 2023, and also on follow	Ongoing discussion

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
		<p>relevant planning authority containing details of how the design has incorporated noise mitigation measures for work nos. 1 (carbon capture plant), 2 (infrastructure to transport compressed CO<sub>2</sub>) and 3 (supporting works), to ensure that the operational noise rating levels will not be exceeded.</p> <p>The relevant planning authority therefore has an opportunity to ensure that a good acoustic design is achieved during the detailed design stage. As such, it is considered that a suitable and robust mechanism for mitigating noise impacts during the operation phase is secured via the DCO.</p>	<p>up meetings on 23 March and 5 April 2023.</p> <p>Matter in ongoing discussion as inherently linked to the above point.</p> <p>NYC also raised concerns about Requirement 14 and the potential for noise impacts arising from construction compounds and preliminary works. This matter was discussed between parties during Issue Specific Hearing 3 on 22 March 2023, and also on follow up meetings on 23 March and 5 April 2023. The Applicant provided references to links showing the location of compounds. We understand this matter is now agreed.</p>	

## 4.9. ECOLOGY

**Table 4.9 – Ecology**

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
4.9.1	ES Study Area and Methodology	The ES Study Area and Methodology are set out in Sections 8.4 and 8.5 of Chapter 8 (Ecology) of the Environmental Statement (ES) (APP-044). The Applicant considers the methodology described therein remains appropriate.	NYC is satisfied that the DCO application includes an adequate ecological impact assessment and biodiversity net gain assessment.	Agreed
4.9.2	ES Baseline	The scope of surveys and their results are summarised in Sections 8.5, 8.6, and 8.7 of Chapter 8 (Ecology) of the Environmental Statement (ES) (APP-044). Further details are provided in the supporting survey information set out in Appendices 8.1 to 8.13 (APP-136 to APP-148). Other sources of data utilised are set out in Chapter 6 (Air Quality), Chapter 7 (Noise and Vibration) and Chapter 12 (Water Environment) of the ES (APP-044). The Applicant considers that the scope of ecological surveys, including use of survey data gathered for the Drax Repower scheme, is	NYC is satisfied with the scope of ecological survey undertaken to inform the ES and HRA and that alongside the use of existing data sources set out in the ES, that the characterisation of the ecological baseline is sufficient.	Agreed

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
		commensurate with the scale and scope of the Proposed Scheme.		
4.9.3	Habitats Regulation Assessment	The Applicant has produced a Habitats Regulations Assessment (HRA) Report, which sets out the Applicants assessment of potential effects on European Sites (6.8.1). As set out in the HRA Report, the Applicant has concluded that the Proposed Scheme would not lead to adverse effects on the integrity of any European Site, subject to the securing of the mitigation measures identified in the HRA Report.	NYC agrees with the scope of sites that have been screened into the Habitats Regulations Assessment documentation; and that the Habitats Regulations Assessment undertaken is sufficient.  To date no agreement with the conclusions of the HRA have been made by NYC. NYC would defer to Natural England for their expert opinion on the findings of the HRA.	Agreed
4.9.4	Predicted Impacts	The Applicant has set out their assessment of impacts on ecological receptors in Sections 8.9 to 8.13 of Chapter 8 (Ecology) of the ES (APP-044).	NYC is in agreement with the Applicant on this matter.	Agreed
4.9.5	Design, Mitigation and Enhancement Measures	Primary design measures (i.e. embedded measures) are set out in Chapter 2 (Site and Project Description)	At present the BNG off site agreement for riverine units is still in discussion. The principal of the	Ongoing discussion

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
		<p>of the ES (APP-038). Ecological mitigation and enhancement measures are set out in Section 8.10 of Chapter 8 (Ecology) of the ES (APP-044) and are secured as set out in the REAC (REP3-007).</p> <p>In addition, the Applicant has completed a Biodiversity Net Gain Assessment (APP-196) and is seeking to deliver 10% BNG for all habitats affected by the Proposed Scheme. The Applicant has undertaken additional work to refine the extent of habitat loss required to facilitate construction and also to confirm the habitats that may be reinstated post-construction. The Applicant submitted a revised BNG Assessment into the Examination at Deadline 3 (REP3-010) and Deadline 5 which demonstrates that 10% BNG can be achieved for area-based, linear (hedgerow) and river habitats</p> <p>The Colne and Calder Rivers Trust (CCRT) within the Humber River Basin is delivering a project which has the</p>	<p>off-site preferred option has been agreed, with the 10% BNG proposed to be delivered through support to river restoration works to be carried out on the Black Brook by CCRT.</p> <p>S106 discussions have advanced and the principle of including the third party Rivers Trust has been agreed. The parties are agreed in terms of the approach to securing the rivers BNG in the s106 agreement currently being negotiated, and NYC is considering wording proposed by the Applicant.</p>	

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
		<p>potential to provide the number of river units required to meet the 10% BNG targets for the Proposed Scheme. The Applicant is currently working with CCRT and consulting with Natural England and the Environment Agency to agree if this option satisfies the trading rules of the metric for the delivery of offsite enhancement. If this is agreed, its provision would be secured through a deed pursuant to section 106 of the Town and Country Planning Act 1990, as well as through the section 106 agreement currently being negotiated with NYC. The principle of the approach to securing the delivery of the rivers restoration BNG via the s106 agreement currently being negotiated with NYC has been agreed with the parties, and NYC is currently considering the drafting proposed by the Applicant in this respect.</p>		
4.9.6	Cumulative effects	The ecological assessment of cumulative effects is presented in the Cumulative Assessment Matrix at	NYC agrees with the Applicant's approach to cumulative assessment.	Agreed

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
		<p>Appendix 18.5 of the ES (APP-177). With the application of mitigation from the Proposed Scheme and the other developments assessed, significant residual effects are predicted in relation to Development 6 (Barlow Mound) during Construction. Cumulative effects are predicted to be non-significant for all other developments, and to be non-significant for all developments during the Operation phase.</p>		
4.9.7	Residual Effects	<p>The Applicants assessment of residual effects is set out Section 8.11 of Chapter 8 (Ecology) of the ES (APP-044).</p> <p>Significant residual effects during the construction phase are identified for habitats, bats, breeding and wintering birds, terrestrial invertebrates, and vascular plants.</p> <p>With the application of mitigation where required, no significant residual effects are predicted during the Operation phase.</p>	NYC agrees with the Applicant’s conclusions.	Agreed



Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
4.9.8	Relevant dDCO Requirements/ Articles	<p>Schedule 2 of the dDCO (REP4-022) includes Requirements that secure mitigation and enhancement measures for ecological receptors.</p> <p>Relevant Requirements include:</p> <ul style="list-style-type: none"> <li>• Requirement 7 - Provision of landscape and biodiversity mitigation and enhancement;</li> <li>• Requirement 8 – External lighting during operation;</li> <li>• Requirement 14 – Construction environmental management plan;</li> <li>• Requirement 17 – Control of noise during operation; and</li> <li>• Requirement 18 – Decommissioning environmental management plan;</li> </ul> <p>The Applicant considers that the identified Requirements secure the embedded measures that form an integral part of the Proposed Scheme, adequately secure the ecological mitigation and enhancement measures</p>	<p>In their Relevant Representation responding to the Proposed Scheme’s DCO application, NYC stated that the Authority is satisfied that the DCO application includes an adequate ecological impact assessment and biodiversity net gain assessment.</p>	Agreed

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
		identified in Chapter 8 (Ecology) of the ES (APP-044).		

#### 4.10. DESIGN, LANDSCAPE AND VISUAL IMPACT

Table 4.10 – Design, Landscape and Visual Impact

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
4.10.1	ES Study Area	The Applicant has applied a maximum Study Area of 10 km from the Site Boundary and a focused 3 km study area covering built and natural environmental features.  A 15 km cumulative radius is applied.	NYC supports the size of the applied study areas.	Agreed
4.10.2	ES Methodology – viewpoints and visualisations	<b>Zone of Theoretical Visibility (ZTVs):</b> A ZTV was prepared to inform the selection of viewpoints and has been verified in the field to establish an accurate visual envelope.  <b>Viewpoints:</b> Ten viewpoints have been selected. The Applicant notes that these are winter viewpoints and it has been agreed that summer	<b>ZTVs:</b> NYC is in agreement with the process of establishing the ZTV.  <b>Viewpoints:</b> NYC confirmed agreement of the viewpoints and that summer viewpoints were not required. NYC would like	Agreed

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
		<p>viewpoints are not required.</p> <p><b>Visualisations:</b> In response to NYC’s comments, six visualisations (a mix of Type 2 and 3) have been prepared.</p>	<p>however to reserve the right to review the photo viewpoints and photomontages once more detailed design and layout information becomes available.</p> <p><b>Visualisations:</b> NYC confirmed agreement with the six day-time visualisations suggested.</p> <p>It was also agreed between NYC and the Applicant that two night-time visualisations would also be prepared from viewpoint 2 and 7.</p>	
4.10.3	ES Methodology	<p>The Applicant confirms that the LVIA will following guidance stipulated in the EIA Scoping Report covering:</p> <ul style="list-style-type: none"> <li>• GLVIA Third Edition (LI and IEMA, 2013);</li> <li>• An approach to Landscape Character Assessment (Natural England 2014); and</li> <li>• Landscape Institute Technical Guidance Note 06/119: Visual</li> </ul>	<p>NYC confirmed agreement with the approach and the methodology.</p> <p>NYC as per their response to the EIA Scoping Report states that whilst the principle of using representative viewpoints to illustrate the experience of different types of visual receptor is acceptable, the assessment should aim to describe and assess the full effects of the</p>	Agreed

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
		<p>Representation of Development Proposals.</p> <p>The Applicant is using the methodology and baseline documentation as agreed with NYC's landscape officer.</p>	<p>development (not limited to a summary of viewpoints). The assessment should provide mapping of the landscape and visual effects to help quantify and illustrate the geographical extent of all receptors and likely effects of the development.</p> <p>NYC confirmed that they are happy with the list of baseline documents referred to in the PEIR.</p> <p>NYC agreed the threshold for Significant Adverse effect to be Moderate Adverse.</p>	
4.10.4	ES Methodology – night-time assessment	<p>The Applicant has undertaken a night-time assessment and prepared two night-time photomontages from viewpoint 2 and 7b (now 7).</p> <p>The Applicant notes that Drax Power Station is already well lit, and the future baseline is likely to reduce the extent of lighting. The reduction in lighting associated with the future baseline</p>	<p>NYC recommended that a night-time visual assessment be undertaken if external lighting is proposed.</p> <p>NYC have requested that future lighting on the site is minimised to prevent the incremental build-up of lighting on the site and reduce adverse visual effects.</p>	Agreed

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
		<p>relates to the demolition of the FGD equipment (which are cream coloured structures) covered under a Town and Country Planning application (reference 2020/0994/FULM). As such this change cannot form part of the assessment of the Proposed Scheme and the positive benefit attained cannot be acknowledged.</p> <p>Lighting will be required for health and safety reasons and it is expected that lighting introduced would be down lit LED lights; this will be detailed in a lighting strategy.</p>	<p>NYC confirmed that they agree with this approach.</p> <p>The process has been agreed and the applicant has discussed some draft documents with the Authorities. The final document remains in development and completion to the satisfaction of the Authorities will need to be secured through the DCO.</p>	
4.10.5a	ES Baseline	<p><b>Detailed Study of Existing Landscape Components:</b> The Applicant confirms that existing landscape components have been considered in the LVIA and presented as part of the design framework, and that the relationship between the existing Drax Power Station Site and Proposed Scheme have been shown. Whilst a site survey plan has not be prepared, some ground levels have</p>	<p><b>Detailed Study of Existing Landscape Components:</b> NYC confirmed that they are content with the Applicant’s approach.</p>	Agreed

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
		been included to demonstrate the variation in levels across the Site.		
4.10.5b	ES Baseline	<p><b>Existing trees and vegetation survey:</b> The Applicant considered that a tree survey and arboricultural impact assessment was not necessary. It would have been required where there are direct impacts on trees resulting from the Proposed Scheme; for instance, if works were proposed to the Existing Drax Jetty. However, improvements to the access road leading to the Existing Drax have been removed from the Proposed Scheme.</p> <p>Elsewhere, existing vegetation will remain undisturbed and will be protected through a CEMP which will be secured through a requirement of the draft DCO. References to the protection of trees under BS 5837 trees in relation to design, demolition and construction will also be made in a proposed Outline Landscape and Biodiversity Strategy (OLBS).</p>	<p><b>Existing Trees and Vegetation survey:</b> NYC to confirm whether they are content with the Applicant’s approach.</p> <p>NYC to confirm whether they are content with the Applicant’s Response to LIR Response Ref. 2.26, where it is stated there is no provision for an arboricultural method statement and tree protection to BS5837, etc.</p> <p>Following ISH3, NYC have stated that have concerns relating to the removal of existing vegetation and the protection of existing trees and vegetation, and that they wish to see a requirement for a Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement to BS 5837:2012.</p>	Ongoing discussion

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
		<p>Furthermore, the Applicant has included Measure [G5] within the REAC, which details that trees and their roots that are within or enter the construction areas will be protected in accordance with BS5837:2012 (LIR Response Ref. 2.26).</p>		
4.10.5c	ES Baseline	<p><b>Soil management / agricultural land:</b>  The Applicant has confirmed that a soil survey, assessment and management plan were not necessary given that agricultural land will be temporary and limited to the Laydown Area.  Restoration of the temporary Laydown Area to the east will be covered under a mitigation measure (LVIA7) in the REAC (REP3-007) and measures will be taken to set back construction activities from the field boundaries to avoid damage to root protection areas. A CEMP will be secured through the DCO. This land will be reinstated to the same quality and condition as existing.  The Applicant has confirmed that a Soil Handling Management Plan (SHMP)</p>	<p><b>Soil management / agricultural land:</b> NYC to confirm whether they are content with the Applicant’s approach. NYC questioned the use of Best and Most Versatile agricultural land, including land within the mitigation area, and how agricultural use and ALC grade 3b+ may be affected. Matter to be discussed.  NYC to confirm whether they are content with the Applicant’s Response to LIR Response Ref. 2.25, where it is stated the REAC makes no reference to ground conditions or reinstatement to achieve a specific ALC grade for</p>	Agreed

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
		will be included in the CEMP, which will include best practice measures and that the soil will be returned to the same quality after the works (LIR Response Ref. 2.25 & 2.27).	<p>the Construction Laydown Area, and to LIR Response Ref. 2.27, where it is stated there is no requirement for a Soil Resource Management Plan.</p> <p>However, during ISH3 and in their response, following the hearing, NYC did not raise soil management or agricultural land as issues that require the provision of additional information, nor that they represented a matter that required further resolution.. Therefore, unless stated otherwise by NYC, the Applicant considers this matter to be closed.</p>	
<b>4.10.6</b>	Predicted Impacts	The Applicant has set out the predicated impacts in the ES (APP-045).	NYC agree with the applicant's position.	Agreed
<b>4.10.7a</b>	Design, Mitigation and Enhancement Measures	<b>Site Design / Alternatives Design Options:</b> The Proposed Scheme meets the requirement for good	<b>Site Design / Alternatives Design Options:</b> NYC recognise that the design is largely driven	Ongoing discussion



Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
		<p>design. This will be further supported by the requirement in the dDCO (REP4-022) which would require the approval by the LPA of detailed design, design principles and mitigation including the landscape and biodiversity strategy. This is in the context of the design being largely driven by engineering / technical requirements.</p> <p>The Applicant confirmed consideration of AE Weddle’s design intent will be reflected in the LVIA.</p> <p>In addition, a clear design strategy has been prepared through a design framework and accompanying design principles / objectives. The design framework, whilst making a positive contribution, will need to maintain flexibility in terms of future development and adaptation to new technologies. The document explains and justifies the decisions taken in terms of the design of the Proposed Scheme covering for instance siting,</p>	<p>by engineering / technical requirements, and the Proposed Scheme would meet the requirement for good design, subject to the proposed requirement.</p> <p>NYC states in their response to the EIA Scoping Report that they support the consideration of the original design intent as set out by AE Weddle’s 1966 Landscape and Mitigation Report.</p> <p>NYC added that a clear design strategy for the site is required given the scale of the existing Drax Power Station Site and the significant changes that have taken place since the original report. This strategy should explain how the current application achieves principles of ‘good design’ in context of the site as a whole, for the overall composition of site structures, massing, layout, colour and</p>	

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
		<p>layout, scale and massing. Alongside the design framework, further information on alternative solutions is covered in the Alternatives Chapter of the ES.</p> <p>The Applicant has included contextual cross sections and elevations as part of the Design Framework.</p> <p>The applicant intends to work with NYC to implement design principles / objectives from the design framework where appropriate and necessary, within the context of this DCO application.</p> <p>The Applicant has noted that the Design Framework (APP-195) has been developed in consultation with the LPA (LIR Response Ref. 2.9).</p>	<p>materials, aiming to reduce overall massing, visual coalescence and site clutter. NYC also requests that there is considered of other low-profile cooling solutions and plume eliminators, being less visually obtrusive, to demonstrate good design and in consideration of alternatives.</p> <p>NYC also requested the use of long elevations and cross sections to explain the height, layout and design of the existing Drax Power Station Site and Proposed Scheme, in context.</p> <p>NYC has confirmed that they are content with the Applicant’s approach and that a design framework / design principles has been prepared and included as an appendix to the project description of the ES.</p> <p>NYC has expressed an interest in working with the Applicant on</p>	

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
			<p>detailed aspects of the design framework to understand how opportunities can be secured through this Application, to ensure an appropriate design response.</p> <p>NYC has expressed a preference for Design Framework to be further developed. LIR Response Ref 2.9 - NYC to confirm whether they are content with the Applicant's response to their comments.</p> <p>Since the responses to the LIR at deadline 2 the parties are corresponding to resolve the issues. The Applicant has had sight of NYC's letter submitted to the Examination dated 9 March 2023 (received by the Applicant on 10 March 2023), and the issues raised therein are being considered by the Applicant and will form part of the ongoing discussions</p>	

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
4.10.7b	Design, Mitigation and Enhancement Measures	<p><b>Landscape Proposals, Mitigation, Management and Aftercare:</b> The Applicant confirmed that an OLBS has been developed. Careful consideration was given to how landscape and visual impacts can be reduced, whilst being mindful that adverse significant visual effects are likely to remain.</p> <p>The Applicant has provided reasonable and appropriate mitigation, proportionate to the level of effects predicted to result from the Proposed Scheme, and as a result has minimised harm to the landscape resulting from the Proposed Scheme (in accordance with paragraph 5.9.8 of NPS EN-1).</p> <p>The Applicant prepared the OLBS drawing on the Drax Repower OLBS.</p> <p>The Applicant has proposed landscape mitigation proposals that minimise harm caused by the Proposed Scheme to the landscape, and these have been set out in the Outline Landscape and Biodiversity Strategy (AS-094) which is</p>	<p><b>Landscape Proposals, Mitigation, Maintenance and Aftercare:</b> NYC would like to see a landscape strategy for the Proposed Scheme, which should consider the wider Drax Power Station Site and future maintenance responsibilities. The Proposed Scheme should avoid removing or double-counting landscape mitigation previously committed as part of other planning approvals and NSIPs.</p> <p>Consideration should be given to both landscape and biodiversity objectives for the site as a clear joined-up approach.</p> <p>Landscape proposals and mitigation should be proportionate to the scale of the Proposed Scheme and should have regard for and contribute to the wider landscape character and setting, local amenity with clear aims and objectives.</p>	Ongoing discussion

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
		<p>secured via Requirement 7 of the Draft DCO (LIR Response Ref. 2.4)</p> <p>Furthermore, the Applicant has carried out an assessment of the potential impacts from the Proposed Scheme and identified appropriate measures to mitigate likely significant effects in this respect. (LIR Response Ref. 2.5)</p>	<p>NYC confirmed that they are content with the Applicant’s approach.</p> <p>The process has been agreed and the applicant has discussed some draft documents with the Authorities. The final document remains in development and completion to the satisfaction of the Authorities will need to be secured through the DCO.</p> <p>NYC has stated their concern that there are no clearly identified landscape mitigation proposals or other landscape design proposals or commitments set out within the Application which would demonstrate ‘good design’ and to help reduce adverse landscape and visual effects (LIR Response Ref. 2.4), and that the original landscape mitigation strategy for the power station has been notably eroded over a number of years and with ongoing</p>	

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
			redevelopment pressures on and around the Application Site (LIR Response Ref. 2.4) - NYC to confirm whether they are content with the Applicant's response to their comments.	
4.10.7c	Design, Mitigation and Enhancement Measures	<p><b>Green Infrastructure (GI) initiatives:</b> The Applicant has given consideration to GI and has referred to various documents as per the Drax Repower Project OLBS.</p> <p>Consideration was given to community opportunities and Drax Power Limited's work with adjacent communities.</p> <p>Following ISH3 and comments from NYC, the Applicant acknowledges the expectation that landscape proposals developed at the Detailed Design stage should include principles set out in the Design Framework.</p> <p>However, these detailed landscape schemes will only include principles that are relevant, appropriate, and proportionate, in response to</p>	<p><b>Green Infrastructure (GI) initiatives:</b> NYC considers that landscape proposals should support the Government's commitment to improving green infrastructure, health and wellbeing, as set out in the 25 Year Environment Plan. The Leeds City Region Green and Blue Infrastructure Strategy, NPPF and other local policy, also recognise GI.</p> <p>NYC confirmed that they are content with the Applicant's approach as it remains in development as part of the landscape strategy.</p>	Ongoing discussion

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
		requirements for provision of landscape mitigation / green infrastructure associated with the site of the Proposed Scheme.	<p>NYC has agreed that mitigation outside of the Order limits is not sought / needed.</p> <p>However, following ISH3 NYC have stated their expectation that landscape proposals for the site of the Proposed Scheme, at the detailed design stage, should reflect principles of good design which are set out in the Design Framework, are also addressed / referenced in the Environmental Statemen and the Outline Landscape and Biodiversity Strategy (OLBS), and included in the Register of Environmental Actions and Commitments (REAC).</p>	
4.10.8	Residual Effects	Current assessment shows there will be no long term significant adverse effects - therefore, there will be no residual effects (see flow dia. on page 66 of GLVIA).	NYC agrees with the applicant's position.	Agreed

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
4.10.9	Cumulative effects	The Applicant has confirmed that cumulative effects during the Construction Phase have been considered should the construction programme overlap with other recently approved schemes. As a decision has been taken not to proceed with the Drax Repower Project this will now not form part of the future baseline.	NYC has confirmed that they are in agreement with this approach.	Agreed
4.10.10	Relevant dDCO Requirements/ Articles	Landscape works (including removal of hedgerows) will not be commenced until, a written strategy for that part, which is substantially in accordance with the Outline Landscape and Biodiversity Strategy (OLBS), has been submitted to and, after consultation with NYC, approved by the relevant planning authority (REP4-022).	NYC agrees with the applicant's position.	Agreed
4.10.11	Other Matters	N/A	N/A	N/A



## 4.11. HERITAGE

**Table 4.11 – Heritage**

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
4.11.1	ES Study Area and Methodology	The Applicant sets out a description of the Study Area and Methodology for assessment of heritage matters in Section 10.4 and 10.5 of the Heritage Chapter of the ES (APP-046). As only significant effects need to be reported, and because there are no significant effects on Grade II listed buildings, the ES chapter has limited the assessment of effects to Grade I and Grade II* listed buildings	NYC agrees with the applicant's position.	Agreed
4.11.2	ES Baseline	The Applicant sets out the baseline in Section 10.6 of the Heritage Chapter of the ES (APP-046).	NYC confirmed that most of the Site has already been subject to geophysical survey with some trial trenching previously undertaken.	Agreed
4.11.3	Predicted Impacts	The Applicant sets out the predicted impacts in section 10.8 of the Heritage Chapter of the ES (APP-046). The Applicant confirms that the environmental mitigation works are	NYC agrees with the scope and paleoenvironmental approach.  The NYC response in the Relevant Representations (RR) agrees with the recommendation	Agreed

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
		<p>unlikely to impact on archaeological remains as no farmland will be altered. There is potential for some impacts in the Laydown Area, which the assessment will need to consider, including ground treatment and construction methods.</p> <p>As works to the Existing Drax Jetty have been removed from the Proposed Scheme, any possible paleoenvironmental impacts of this area of the Proposed Scheme are no longer a concern. Discussion of any paleoenvironmental assessment with the Historic England Regional Science advisor will therefore be taken forwards during the review of the draft assessment, rather than earlier in the programme.</p>	<p>for archaeological monitoring and recording prior to development within the proposed laydown area and environmental offset area as a proportionate response to the expected significance of archaeological remains.</p>	
4.11.4	Design, Mitigation and Enhancement Measures	<p>The Applicant confirms that mitigation measures will be developed as part of the design process and informed by the assessment. Measures are set out in section 10.10 of the Heritage Chapter of the ES (document</p>	<p>NYC agrees in the RR response with the recommendation for archaeological monitoring and recording prior to development within the proposed laydown area and environmental offset area as</p>	Agreed

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
		reference APP-046). Measures identified will be undertaken in accordance with the standards and guidance from Historic England (2016, 2017) and Chartered Institute for Archaeologists (2014).	a proportionate response to the expected significance of archaeological remains.	
4.11.5	Residual Effects	The Applicant confirmed the mitigation measures as part of the design process and as such it is not anticipated there will be any significant adverse residual effects.	NYC agrees in the RR response with the recommendation for archaeological monitoring and recording prior to development within the proposed laydown area and environmental offset area as a proportionate response to the expected significance of archaeological remains.	Agreed
4.11.6	Relevant dDCO Requirements/ Articles	The REAC (REP3-007) set out a scheme of archaeological mitigation in the form of archaeological monitoring and recording prior to development.	NYC agrees to the proposed environmental measures in relation to heritage that will be implemented during design and construction of the Proposed Scheme.	Agreed
4.11.7	Other Matters	The Applicant sets out the approach to public engagement in Section 10.10 of the Heritage Chapter of the ES (APP-	NYC agrees with the proposed approach for public engagement.	Agreed

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
		046) and in the REAC (REP3-007). The Written Scheme of Investigation for the agreed mitigation will set out how public benefits may be achieved by means of engagement, participation and/or dissemination, as appropriate to the scale and circumstances of the work.		

## 4.12. GROUND CONDITIONS

**Table 4.12 – Ground Conditions**

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
4.12.1	ES Study Area and Methodology	The ES Study Area is described in full in Section 11.6 of Chapter 11 (Ground Conditions) of the ES (APP-047). The Methodology is described in full in Section 11.5 of Chapter 11 of the ES.	NYC agrees with the Applicant's position.	Agreed
4.12.2	ES Baseline	The Applicant sets out the baseline in Section 11.7 Chapter 11 (Ground Conditions) of the ES (APP-047).	NYC agrees with the Applicant's position.	Agreed

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
4.12.3	Predicted Impacts	The Applicant sets out the predicted impacts Section 11.4 (Scope of the Assessment) and Section 11.9 (Preliminary Assessment of Likely Impacts and Effects) in Chapter 11 (Ground Conditions) of the ES (APP-047).	NYC agrees with the Applicant's position.	Agreed
4.12.4	Design, Mitigation and Enhancement Measures	The Applicant sets out the design, mitigation and enhancement measures in Section 11.10 in Chapter 11 (Ground Conditions) of the ES (APP-047).	NYC agrees the proposed mitigation measures and Applicant's position.	Agreed
4.12.5	Residual Effects	The Applicant sets out the assessment of likely significant effects in Section 11.11 in Chapter 11 (Ground Conditions) of the ES (APP-047) and confirms residual effects are not significant.	NYC agrees with the Applicant's position.	Agreed
4.12.6	Relevant dDCO Requirements/ Articles	Schedule 2 of the dDCO (REP4-022) includes Requirements that secure mitigation and enhancement measures for Ground Conditions receptors.	In their Relevant Representative response NYC agrees with the Applicant's position.	Agreed

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
		Draft DCO includes a commitment to implement a CEMP that will be approved by the relevant local planning authority and regulatory bodies, which includes construction mitigation measures, as detailed in Chapter 11 (Ground Conditions) of the ES (APP-047) and set out in the REAC (REP3-007).		

#### 4.13. WATER ENVIRONMENT

**Table 4.13 – Water Environment**

Ref	Description of Matter	Applicant – Current Position	NYC (LLFA) – Current Position	Position
<b>Flood Risk Assessment</b>				
4.13.1	Whole Report	The Applicant agrees with the LLFA.	The LLFA agree with the Flood Risk Assessment.	Agreed
<b>Surface Water Drainage Strategy</b>				

Ref	Description of Matter	Applicant – Current Position	NYC (LLFA) – Current Position	Position
4.13.2	Whole Report	The Applicant has agreed the proposed conceptual drainage strategy with the LLFA. A new surface water drainage system will be installed within Work Nos. 1D and 2 (and 3 if required) shown on the Works Plans (AS-073) with the proposed operational design standard to be in line with the LLFA's guidance.	The LLFA agree with the approach and findings of the Surface Water Drainage Strategy.	Agreed
<b>WFDa</b>				
4.13.3	Whole Report	The Applicant agrees with the WFDa being a matter for the Environment Agency to review.	The LLFA agree that the Flood Risk Assessment is a matter for the Environment Agency to review.  It is agreed no adverse impacts are perceived by the proposed works from a WFD perspective.	Agreed
<b>Water Environment ES Chapter</b>				

Ref	Description of Matter	Applicant – Current Position	NYC (LLFA) – Current Position	Position
4.13.4	Whole Report	The Applicant agrees with the LLFA.	The LLFA agree with the findings of the Water Environment ES Chapter.	Agreed
<b>DCO</b>				
4.13.5	Relevant DCO Requirements/ Articles	<p>The Applicant has disapplied the IDB byelaws as defined under section 66 of the Land Drainage Act 1991 and the need for IDB consent under section 23 of the Land Drainage Act 1991, pursuant to section 150 of the Planning Act 2008 and The Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015.</p> <p>However, it is noted that there are no ordinary watercourses which consent would be required from the LLFA to facilitate the proposed works.</p>	The LLFA is agreeable to the disapplication of section 23 of the Land Drainage Act 1991, pursuant to section 150 of the Planning Act 2008 and The Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015.	Agreed



## 4.14. MATERIALS AND WASTE

Table 4.14 – Materials and Waste

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
4.14.1	ES Study Area and Methodology	<p>The ES Study Area and Methodology are set out in Sections 13.5 and 13.6 of Chapter 13 of the ES (APP-044).</p> <p>Following the response in the Scoping Opinion from PINS, the Applicant agreed to scope in a description of the potential impacts arising from the use of process chemicals (e.g. amine solvent, caustic soda, anti-foam and sulphuric acid) and an assessment of likely significant effects are included in the ES.</p>	<p>NYC’s response in the Relevant Representations (RR) noted that reference to the recently adopted Minerals and Waste Joint Plan (MWJP) has been referenced and relevant minerals and waste policies included. No action required on comment provided.</p> <p>NYC agrees with this position.</p>	Agreed
4.14.2	ES Baseline	<p>During the preparation of the ES, this incorporated current waste generation data.</p> <p>Baseline data for available landfill capacity indicates there will be a shortfall by the time of year of completion (2028). The Minerals and Waste Joint Plan (MWJP) produced by NYCC acknowledges this and states</p>	<p>NYC’s response in the Relevant Representations (RR) note that the site is within a Minerals Safeguarding Area (MSA). Paragraph 8.55 of the [MWJP] includes exemption criteria for MSAs one of which states:</p> <p>Redevelopment of previously developed land not increasing</p>	Agreed

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
		<p>that there are plans to increase landfill capacity in the region. The assessment was carried out without that information as a worst-case scenario.</p> <p>For clarity, we reconfirm that the MSA is already constrained by the existing site, and hence – as the proposed development does not increase the existing site footprint, its presence will not affect the overall findings of the assessment.</p> <p>The figure of 470,000 tpa was provided in the previous version of the MWJP – this can be updated. It is confirmed that this update does not affect the overall findings of the assessment.</p> <p>As per section 4.2 of this document, the development management policies relate to minerals and waste developments and mineral site reclamation. It is considered that these policies are not directly relevant to the Drax site (as it is neither a minerals nor a waste development), and therefore do not apply to this chapter.</p>	<p>the footprint of the former development.</p> <p>This applies to the Drax site.</p> <p>NYC’s response in the Relevant Representations (RR) noted that in paragraph 13.7.22 of the report it states that the capacity gap for recycling CDE waste is approximately 470,000 tpa by 2030, the adopted MWJP states that it would be 437,000 tpa by 2030.</p> <p>As per section 4.2 of this document, NYC considers that there are a number of additional adopted Development Management policies in NYMWJP which are relevant to this scheme, including D06 – Landscape. The applicant does not consider these policies are relevant to the Proposed Scheme as these policies only relate to Minerals and Waste development. There are however ‘equivalent’ policies in the</p>	

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
			Local Plan which the applicant has assessed the scheme against, and considers the proposal is policy compliant. NYC agree that, if weight were to be afforded to these policies in NYMWJP, the proposal would comply with these policies, and therefore irrespective of the weight to be afforded to these policies in NYMWJP, this should not result in refusal of application.	
4.14.3	Predicted Impacts	Predicted impacts for materials relate to consumption of natural and non-renewable resources. Impacts predicted for waste result in a reduction in available landfill capacity.	NYC is in agreement with the Applicant on this matter.	Agreed
4.14.4	Design, Mitigation and Enhancement Measures	Design, Mitigation and Enhancement measures are set out in the ES and the REAC for the Proposed Scheme (REP3-007).	NYC agrees the mitigation measures have been included in the REAC for this topic and do not consider any additional matters are required.	Agreed
4.14.5	Residual Effects	Residual effects are set out in the ES.	NYC agrees with the Applicant's conclusions.	Agreed

## 4.15. GREENHOUSE GASES

Table 4.15 – Greenhouse Gases

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
4.15.1	ES Study Area and Methodology	<p>The study area for greenhouse gases (GHGs) is not restricted by geographical area, but instead includes any increase or decrease in emissions as a result of the Proposed Scheme. The GHG emission sources scoped in for assessment comprise:</p> <ul style="list-style-type: none"> <li>• Construction Phase emissions from manufacture and transport of raw materials to suppliers; transport of materials to and waste from Site; plant and equipment used during construction;</li> <li>• Operational Phase emissions from biomass supply chain, solvent use, operational energy use and replacement and refurbishment.</li> </ul>	<p>NYC agrees that the Applicant has adequately considered and assessed the GHG implications of the Proposed Scheme.</p> <p>It is agreed that the Applicant has adequately considered and assessed the GHG implications of the Proposed Scheme. NYC has taken a pragmatic approach to the consideration and assessment of these issues and does not have any additional queries or concerns with them.</p>	Agreed
4.15.2	ES Baseline	The Construction Phase baseline scenario involves no construction activities and therefore the construction baseline is zero emissions. Operational	NYC agrees that the Applicant has adequately considered and assessed the GHG implications of the Proposed Scheme.	Agreed

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
		baseline conditions assessed comprise the emissions from two of the existing biomass units at the Drax Power station (the two remaining coal units are excluded from the scope as they stopped generating electricity commercially in March 2021 and will cease operations entirely prior to works to construct the Proposed Scheme) and biomass supply chain emissions.		
4.15.3	Predicted Impacts	The magnitude and significance of emissions associated with the Proposed Scheme have been quantified and are presented in Chapter 15 (Greenhouse Gases) of the ES (APP-051).	NYC agrees that the Applicant has adequately considered and assessed the GHG implications of the Proposed Scheme.	Agreed
4.15.4	Design, Mitigation and Enhancement Measures	Design, mitigation and enhancement measures are set out in the ES and the REAC (REP3-007).	NYC agrees with the proposed mitigation measures.	Agreed
4.15.5	Residual Effects	Residual effects are set out in the ES. Construction phase mitigation measures are likely to reduce the adverse effects. Operational phase enhancement measures would seek to	NYC agrees that the Applicant has adequately considered and assessed the GHG implications of the Proposed Scheme.	Agreed

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
		ensure continuation of beneficial impacts. However, the impact of mitigation measures are not quantifiable and therefore the impacts of the assessment remain unchanged, as reported in the ES (APP-051).		

#### 4.16. MAJOR ACCIDENTS AND DISASTERS

Table 4.16 – Major Accidents and Disasters

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
4.16.1	ES Study Area and Methodology	The ES methodology and study area are set out in sections 17.6 and 17.7 of the ES (APP-053).	NYC agrees that the Applicant has adequately considered and assessed the major accidents and disasters implications of the Proposed Scheme.	Agreed
4.16.2	ES Baseline	The baseline relevant to this topic comprises: <ul style="list-style-type: none"> <li>• Features external to the Proposed Scheme that contribute a potential source of hazard to it;</li> </ul>	As above.	Agreed

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
		<ul style="list-style-type: none"> <li>• Sensitive environmental receptors at risk of significant effect; and</li> <li>• Current (without the Proposed Scheme) major accident and disaster risks for the existing locality.</li> </ul>		
4.16.3	Mitigation Measures	Specific mitigation measures for each risk event have been presented in the ES and are secured as set out in the REAC (REP3-007).	As above.	Agreed

## 4.17. CUMULATIVE EFFECTS

**Table 4.17 – Cumulative Effects**

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
4.17.1	Cumulative Effects Assessment Methodology	The methodology for carrying out cumulative assessment is set out in chapter 18 of the ES; and the longlist and shortlist of developments considered are set out in Appendices 18.1 and 18.2. Appendix 18.2 was	It is agreed that the methodology proposed, and the list of developments identified, by the Applicant provides the basis for an adequate assessment of cumulative effects. NYC has taken a pragmatic approach to the	Agreed

		<p>updated to correct a typo and submitted on 7 October.</p> <p>An update to the cumulative assessment was submitted at Deadline 2 (22 February 2023). This used the same methodology as the assessment submitted with DCO Application.</p>	<p>consideration of the methodology and does not have any additional queries or concerns with it.</p>	
<b>4.17.2</b>	Relevant dDCO Requirements/ Articles	<p>Article 2 of Schedule 2 of the dDCO (REP4-022) proposes how the phasing of the Flue Gas Demolition (FGD) and construction of the Proposed Scheme will be carried out.</p>	<p>This wording is agreed by NYC.</p>	Agreed

#### 4.18. DRAFT DCO (INCLUDING REQUIREMENTS IN THE DRAFT DCO)

**Table 4.18 – Draft DCO (including Requirements in the draft DCO)**

Ref	Description of Matter	Applicant – Current Position	NYC – Current Position	Position
<b>4.18.1</b>	DCO Requirements	<p>The DCO includes a number of Requirements which require matters of detail to be approved by the relevant authority as well as creating a process for the discharge of those requirements.</p> <p>Following Issue Specific Hearing 4 on 24 March 2023, all DCO Requirements</p>	<p>NYC agrees with the current position and expect to develop the DCO throughout the examination period with agreement with the Applicant and ExA.</p> <p>NYC agrees only DCO Requirement 17 remains under</p>	Ongoing discussion



		were agreed with NYC excluding Requirement 17 (Control of noise during operation) which remains under discussion.	discussion, and all other Requirements are agreed.	
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## 4.19. OTHER CONSENTS AND LICENSES

**Table 4.19 - Other Consents and Licenses**

Ref	Consent / Licence	Responsibility	Anticipated Submission Date / Timescales	NYC – Current Position	Position
<b>4.19.1</b>	Permit for Transport of Abnormal Loads. Road Vehicles (Authorisation of Special Types) (General) Order 2003 or under the Road Traffic Act 1988	NYC as local highway authority.  This permit will only be applied for if required.	As required and in advance of any Abnormal Indivisible Loads (AIL) needing to be transported during the construction of the Proposed Scheme.	NYC considers that there is no impediment to it being able to consider and determine this consent in its usual fashion.	Agreed
<b>4.19.2</b>	Temporary Traffic Regulation Order ('TTRO')	NYC as local highway authority.  Only if required and to the extent the nature of	TTRO would be sought once the number and nature of TTRO's is established	NYC considers that there is no impediment to it being able to consider and	Agreed

		<p>restrictions is not covered by article [12] of the DCO.</p> <p>May be required to allow traffic management e.g. in respect of creating new access to the East Laydown Area or to minimise queuing / prevent certain vehicle movements / introduce waiting restrictions during the construction period. The need will be determined by the appointed contractor.</p>	<p>following appointment of the contractor.</p>	<p>determine this consent in its usual fashion.</p>	
<b>4.19.3</b>	<p>Section 61 Construction Noise Consent. Control of Pollution Act 1974</p>	<p>NYC May be required during the construction of the Proposed Scheme for certain activities.</p>	<p>Apply for during construction, if required.</p>	<p>Acknowledgment of Section 61 construction noise consent set out within the Control of Pollution Act 1974. Clarification that this is optional and not a requirement of NYC. NYC considers that there is no impediment to it being able to consider and determine this consent</p>	<p>Agreed</p>

				in its usual fashion, if required.	
<b>4.19.4</b>	Hazardous Substances Consent ('HSC') The Planning (Hazardous Substances) Act 1990 and the Planning (Hazardous Substances) Regulations 2015	NYC. May be required for storage of chemicals/ hazardous materials in relation to the BECCS units.	Requirement for any application is to be established at least 12 months prior to operation of BECCS units.	NYC considers that there is no impediment to it being able to consider and determine this consent in its usual fashion.	Agreed

## 5. SIGNATURES

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**Table 5.1 - Signatures**

<b>Ref</b>		<b>The North Yorkshire Council</b>	<b>Drax Power Ltd (the Applicant)</b>
<b>Signature</b>			
<b>Printed Name</b>			
<b>Title</b>			
<b>On behalf of</b>		The North Yorkshire Council	Drax Power Ltd
<b>Date</b>			