

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

The Examining Authority's written questions and requests for information (ExQ2)

The North Yorkshire Council's Responses

ExQ2	Question:	NYC Answer:
5. DESIGN, LANDSCAPE AND VISUAL		
DLV.2.1	<p>The ExA notes the NYCC and SDC submission at D4 [REP4-042] in response to the action point from ISH3 to outline what it would wish to see in the REAC in terms of the Design Framework [APP-195] principles. However, it is not clear to the ExA what is being requested in some of the bullet points, therefore NYC is asked to clarify and expand on a number of the principles identified as follows:</p> <ul style="list-style-type: none"> i. Siting – Please expand and clarify what the design principle relating to ‘Siting’ is. If it is in relation to the siting of buildings and structures, explain why the siting of structures described in the Design Framework is not sufficiently secured by the Works Plans [AS-073] for each part of Work No. 1 and Work No. 2. ii. Massing and Appearance – In relation to massing of building and structure, explain why the massing described in the Design Framework is not sufficiently secured by a combination of the Works Plans [AS-073] and the design parameters in Schedule 14 of the dDCO [REP4-022]. In relation to appearance, please clarify what the design principle is that NYC wishes to be included, and how this differs from Colour Palette and the massing of structures. iii. Colour Palette – Please confirm if Item D1 (5) of the REAC [REP5-011] covers this principle. iv. Night-time appearance and Lighting design – Please explain why principles relating to the night-time appearance and lighting design are not adequately covered by REAC Item D4 and the Draft Lighting Strategy [APP-184] which is included as a document to be certified in Schedule 13 of the dDCO [REP4-022] and secured by R8. If NYC proposes changes or additions to the 	<p>As an overall response to these questions the Authority would like to clarify that the submission at deadline 4 was submitted in such a way as to include all things that the Authority would consider necessary for good design. It was not intended to be read that such topic areas were not covered by or insufficiently covered by the Design Framework. They were listed for completeness.</p> <p>Please note that the Design Framework was a document that the Authority asked to be produced and were consulted on throughout the process. The document is a good piece of work. Our concern has been that the OLBS did not adequately secure sufficient landscape design to make use of the framework across the whole of the Works area.</p> <p>At the Issue Specific Hearing the Applicant committed to updating the Outline Landscape and Biodiversity Strategy. That draft has been shared with the Authority and the parties have met to discuss the revised Strategy. The Authority is pleased to report that its concerns have largely been met. The balance of landscape development has been addressed and other than two points which have been referred to in our response to DLV2.4 the Authority is happy with the landscape elements of the scheme.</p> <p>The Local Authority's response to the specific questions are as follows:</p> <ul style="list-style-type: none"> i. Siting. The description set out in the Design Framework is sufficient. ii. Massing and Appearance: The Authority has no issue with the massing and appearance sections of the Design Framework. iii. Colour Palette: Confirmed

<p>Draft Lighting Strategy, please detail what these changes should be.</p> <p>v. The following bullet points appear to be taken from paragraphs 4.2.2 – 4.2.11 of the Design Framework under the subheadings of ‘The Importance of Green Infrastructure’ and ‘Green Infrastructure in Relation To Drax Power Station’:</p> <ul style="list-style-type: none"> • Incorporation of the Natural England Guidance and Leeds City Region Green and Blue Infrastructure Strategy. • Opportunities to strengthen landscape framework surrounding Drax. • Combined Landscape and ecology benefits of green infrastructure. <p>These paragraphs precede the subheading ‘Green Infrastructure in Relation to the Proposed Scheme’ rather than coming under that subheading. Is it the understanding of NYC that paragraphs 4.2.2 – 4.2.11 are to be taken as design principles for the Proposed Development, or that they provide the context for the principles that follow from paragraph 4.2.12?</p> <p>vi. Vegetation Retention – Please confirm if Item G8 of the REAC and the OLBS [REP5-013] paragraphs 3.3.7 – 3.3.9 sufficiently cover the retention of vegetation as set out in the Design Framework. If not, please detail the measures that NYC requests to be included.</p> <p>vii. Enhancement Opportunities – Please confirm if Items D1 2), 4) and G8 of the REAC alongside the OLBS sufficiently cover the Enhancement Opportunities set out in the Design Framework. If not, please detail the measures that NYC requests to be included.</p> <p>viii. Please confirm if Items D1, 1), 2) and 3) of the REAC alongside the OLBS paragraphs 1.4.11 – 1.4.13 sufficiently cover the following principles:</p> <ul style="list-style-type: none"> • To create an attractive and positive working environment for site users within the confines of Drax Power Station. • To provide a landscape structure capable of continuing development of ancillary industry. • Planting measures which seek to enhance any new or modified public realm. 	<p>iv. Lighting Design: The only issue that the Authority has with the lighting strategy is the level of detail. The Applicant has been asked by the authority in a meeting between the parties, to confirm the level of detail that will accompany the Lighting Strategy for approval.</p> <p>v. Green Infrastructure: The Local Authority is content with the document as drafted.</p> <p>vi. Vegetation retention. This topic has been covered in discussions between the applicant and the Authority. The Authority is content that the vegetation retention is sufficiently covered in the REAC and within the revised OLBS. The Authority is seeking clarification that the long-term maintenance and management will extend to all existing and proposed landscape and vegetation within the Works areas and not just new vegetation.</p> <p>vii. Enhancement Opportunities: Confirmed.</p> <p>viii. OLBS - Confirmed</p>
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	<ul style="list-style-type: none"> Improving the biodiversity value of amenity planting within the Power Station Site. 	
DLV.2.4	<p>NYC is asked to provide comments on the Applicant's updated OLBS [REP5-013] and the Applicant's Responses to Issues Raised at D4 [REP5-028] in relation to the concerns raised in its D4 submission [REP4-042], including whether its concerns on the following matters have been addressed and if not, what information NYC requires to address these concerns:</p> <ol style="list-style-type: none"> Long-term Maintenance and Management of Landscape. Removal of existing vegetation. Protection of existing trees. The landscape mitigation plan for works other than the habitat provision area. 	<p>The Authority is much happier with the revised OLBS as drafted. There are two points that the Applicant has been asked to clarify and consider. These are:</p> <p>That the ongoing maintenance requirements relate to both existing landscape features and vegetation within the Works areas and not just new vegetation.</p> <p>That the details of the lighting design to be submitted for approval by NYC will be of sufficient detail to allow the Authority to sign off when it is submitted. The Applicant has committed to provide responses to those matters.</p>
11. NOISE AND VIBRATION		
NV.2.2	<p>The ExA notes the LPA's submission at D4 [REP4-042] that it would provide further comment on its position regarding the demonstration of good acoustic design and residual noise impacts on residential receptors R6 and R14 having studied the indicative layout, revisiting the statistical analysis of background noise levels at LT4, and revisiting the operational noise assumptions. The LPA provided an update in its submission at D5 [REP5-032] but it is not clear to the ExA what measures it would like to see secured in the dDCO to ensure that good acoustic design forms part of the context case in terms of equipment choice and orientation. NYC is asked:</p>	<p>(i) The effects (at R6 and R14) are reported to be 'adverse' rather than 'significant' when viewed in accordance with BS4142:2014+A1:2019. The night-time background noise level is quantified through statistical analysis and represents a level that will be exceeded 30% of the time when all plant is operating at the same time. Therefore, the adverse impacts will occur under these circumstances. It is recommended that the ExA consider how realistic it is that all plant will be operating at the same time during night-time hours to appreciate the likelihood of the adverse impacts occurring under these circumstances.</p> <p>(ii) In hierarchical terms, in the first instance the rating levels should be reduced as previously requested which reduces the adverse impact</p>

	<p>i. Is the context of the ‘deflated background noise level’ and ‘inflated rating level’ sufficient to satisfy that any effects would be not significant?</p> <p>ii. Is NYC suggesting that the indicative layout needs to be changed or does NYC maintain that the rating levels should be reduced as previously requested?</p> <p>iii. Is there further information, for example how acoustic design was factored in to the early design options appraisal, that the Applicant could provide to answer NYC’s concerns on this matter?</p>	<p>predictions to suitable levels. Failing that, the principles of the Noise Policy Statement for England (NPSE) apply to mitigate and minimise adverse impacts through good acoustic design. It is recommended that the ExA is reassured that the applicant has done everything reasonably practicable to mitigate and minimise adverse impacts through good acoustic design.</p> <p>(iii) There are two options set out within Chapter 3 – ‘Consideration of Alternatives’; a northern solution and a southern solution. Both options are not quantified in noise terms for like-for-like comparison, which requires sophisticated noise modelling using, for example, 3D CadnaA software as is adopted and presented in Figure 7.3. This was discussed during a meeting with the noise consultant on 24 April 2023 and it is understood that further information is being submitted in their response to provide reassurance to the ExA, most notably the change in distance from noise sources to receptors and how the northern option is favoured over the southern option in acoustic terms.</p>
<p>NV.2.4</p>	<p>The extract of BS4142:2014+A1:2019 Technical Note, March 2020 Version 1 that the Applicant provided at D4 [REP4-026] states “absolute levels may be as, or more, important than relative outcomes where background and rating levels are low.” And goes on to clarify that BS 4142 doesn’t define ‘low’ in the context of background sound or rating levels, although it does say “The note to the Scope of the 1997 version of BS 4142 defined [...] low rating levels as being less than about 35 dB LAR,TR. The WG suggest that similar values would not be unreasonable in the context of BS4142, but that the assessor should make a judgement and justify it where appropriate.”</p> <p>Can NYC answer the following questions:</p> <p>i. In the context of the above technical note and the rating levels for R6 and R14 being 34 & 35 dB LAR,TR respectively, are the absolute noise levels, or the margin by which the rating level exceeds the background, more important in terms of assessing the significance of effect and why?</p> <p>ii. Is NYC satisfied with the assessment and conclusions drawn by the Applicant of the absolute noise levels in paragraphs 7.9.17</p>	<p>(i) The margin by which the rating level exceeds the background is more important to appreciating what the impact will be as it is a comparison of what noise exists without the scheme vs. what it will likely be when operational. Reviewing the absolute noise levels enables a comparison between the predicted operational noise levels against BS8233:2014 design criteria for habitable rooms. What is clear from the data is that the receptors currently enjoy very quiet living conditions and will continue to do so alongside the scheme in accordance with BS8233:2014 design criteria for habitable rooms. However, the adverse exceedance still exists, and it should be noted that the scope of BS8233:2014 applies to new residential development and excludes assessing the effects of change in the external noise levels to occupants of an existing building.</p> <p>(ii) NYC are satisfied with the assessment and conclusions drawn by the Applicant of the absolute noise levels in paragraphs 7.9.17 and 7.9.18 of ES Chapter 7.</p>

	and 7.9.18 of ES Chapter 7 [APP-043]? If not, please provide an explanation of the information required to adequately assess the absolute noise levels.	
12. PLANNING POLICY AND LEGISLATION		
PPL.2.1	A suite of documents published under 'Powering up Britain' was published on 30 March 2023. What, if any, are the implications for the consideration of the application?	No Comment
PPL.2.2	The Government's response to the recommendations made by the Independent Review of Net Zero was published alongside the Powering Up Britain: Net Zero Delivery Plan on 30 March 2023. What, if any, are the implications for the consideration of the application?	No Comment
PPL.2.3	The Government published 'Planning for new energy infrastructure: revised draft National Policy Statements - consultation document' on 30 March 2023. All parties are asked whether they would like to comment on the implications of the revised draft NPS EN-1 & EN-3.	No Comment
15. TRAFFIC, TRANSPORT AND WASTE MANAGEMENT		
TTW.2.3	The SoCG between the Applicant and NYC [REP5-015] states that the temporary closure of PRowS is still under discussion. Can both the Applicant and NYC provide an update on what matters are not yet agreed and whether it is expected that these matters can be agreed prior to the end of the Examination?	This matter will be moved to agreed in the next iteration of the SOCG. The applicant has committed to provide all necessary information and address concerns related to the temporary closures in the final CTMP.