



# **APPLICANT'S RESPONSES TO THE EXAMINING AUTHORITY'S FURTHER WRITTEN QUESTIONS**

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

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

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# **1. INTRODUCTION**

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

1.1.1. On 23 May 2022, Drax Power Limited ("the Applicant") made an application ("the Application") for a Development Consent Order (DCO) to the Secretary of State for Business, Energy and Industrial Strategy ("the SoS"). The Application relates to the Drax Bioenergy with Carbon Capture and Storage (BECCS) Project ("the Proposed Scheme") which is described in detail in Chapter 2 (Site and Project Description) of the Environmental Statement (ES) (APP-038).

1.1.2. The Application was accepted for Examination on 20 June 2022.

This document, submitted at Deadline 6 of the Examination, contains the Applicant's responses to the Examining Authority's (ExA) Further Written Questions that were published on Wednesday 19 April 2023. This document follows the same order as the Further Written Questions issued by the ExA

## 2. GENERAL AND CROSS-TOPIC QUESTIONS

Table 2.1 – General and Cross-Topic Questions

ExA Ref.	Addressed to	Question	Applicant's Response
GEN.2.1	Applicant	The REAC [REP5-011] lists plans that are to be included in the CEMP. Should these plans be listed within R14 of the dDCO as is the case for the equivalent requirement in the Keadby 3 DCO? And should R14 also include the associated REAC item references? If not, why?	<p>The Applicant considers that Requirement 14 of the dDCO already secures the plans listed at paragraph 1.1.4 of the REAC (AS-121, Rev09 to be submitted at Deadline 6), and does not propose any further drafting amendments to Requirement 14. Requirement 14 requires that a CEMP is submitted, which is to be substantially in accordance with the REAC. The REAC then makes clear what measures must be included in the CEMP. In terms of the commitments in the REAC, the columns entitled "Mitigation measure," "Mechanism for securing measure" and "Achievement criteria and reporting requirements" clearly identify what is to be included in the CEMP." For this reason, the Applicant does not consider specific REAC references are required.</p> <p>With respect to the plans to be included in the CEMP(s) these are identified in paragraph 1.1.4 of the REAC, which provides that the CEMP "will include the following plans." Any CEMP submitted for approval pursuant to Requirement 14 would need to be in accordance with both the commitments in Table 1.1 of the REAC and the introductory paragraphs, including paragraph 1.1.4. It is not considered that further drafting added to Requirement 14 is necessary in order to secure the delivery of these plans.</p> <p>For some of the plans listed in paragraph 1.1.4 there is also some nuance to the requirement that is best captured in the REAC, and which would not lend itself to the drafting of a requirement of the style of Keadby 3. The Materials Management Plan (MMP) is the key example of this. REAC commitment G3 provides that a MMP will be produced as part of the CEMP if necessary, and that if a MMP is not needed at the time the CEMP is submitted for approval, the CEMP will set out the conditions under which a MMP will have to be produced with details of the timing of its production. As recorded in G3 (Achievement criteria and reporting requirements), the MMP will be approved by a Qualified Person with a declaration sent to the Environment Agency. The MMP therefore does not lend itself to a simple requirement that a MMP be submitted with the CEMP. Similarly, the watercourse pollution prevention plan, secured by REAC commitment WE14, is to be prepared and agreed with the Environment Agency and then included in the CEMP, meaning the watercourse pollution prevention plan is not required to be submitted for approval by NYC and therefore the approach is more appropriately secured by the REAC via Requirement 14, rather than an additional provision in Requirement 14 itself.</p>
GEN.2.2	Applicant	In a similar manner as has been done for the contents of other plans in the REAC [REP5-011] (eg Soil Handling Management Plan, MMP and Site Waste Management Plan) please outline what would be included in the Stakeholder Communication Plan.	<p>A Stakeholder Communication Plan would include, but not be limited to, the following:</p> <ol style="list-style-type: none"> <li>Details of stakeholders who will be communicated with;</li> <li>The methods that will be used to communicate with stakeholders including how regular updates on the progress of the works will be communicated e.g. Drax website, social media;</li> <li>Details of when stakeholders will be contacted e.g. during specific works that could be disruptive or noisy or affect stakeholders directly;</li> <li>Details of the complaints procedure for the Proposed Scheme, including how stakeholders and members of the public can raise complaints, and how complaints will be dealt with; and</li> <li>Contact details for the Proposed Scheme for enquiries or complaints.</li> </ol>

ExA Ref.	Addressed to	Question	Applicant's Response
			This has been added to the Register of Environmental Actions and Commitments (AS-121, Rev09 to be submitted at Deadline 6) as Ref ID G21.
<b>GEN.2.3</b>	Applicant / All parties entering into a SoCG with the Applicant	For any unsigned SoCG could the Applicant please indicate its expectations in terms of reaching a conclusion or highlight any fundamental problems that it may be experiencing in progressing negotiations. Please note that should matters not be resolved in a SoCG, the ExA will require the submission of Final Position Statements from relevant parties by no later than D9.	<p>The SoCGs listed below are unsigned. The Applicant has set out its expectations in terms of whether a conclusion would be reached prior to the close of the Examination and whether there are any fundamental problems in progressing negotiations:</p> <ul style="list-style-type: none"> <li>8.1.1 - NG ESO - The Applicant does not expect the Modification Application to be determined before the close of the Examination. However, the Modification Application does not need to be determined before a decision on the DCO Application can be made, and NG ESO have given no indication that it will not be able to be dealt with. The Applicant is therefore seeking to develop the SoCG with NG ESO on that basis to allow it to be signed before the end of Examination.</li> <li>8.1.2 - NGCL - The Applicant notes that NGCL (part of NGV) recently confirmed a decision to leave the Northern Endurance Partnership (NEP) in order for National Grid to focus on their existing portfolio of projects. On 23 April 2023, the NEP confirmed changes to its equity partner structure, including the relinquishment of equity holdings by NGV and Shell, and the acquisition of those equity holdings by bp and Equinor. The NEP now comprises bp, Equinor and TotalEnergies. NGV are in commercial discussions with NEP partners on the sale of Humber onshore pipeline proposals. Subject to completion of the discussions, NGV will transition the Humber onshore carbon dioxide system assets to the NEP which will continue to serve carbon capture projects across Teesside and the Humber. bp would assume sole operatorship of the full end-to-end NEP carbon dioxides transport and storage system. In light of this, the Applicant is progressing discussions with the NEP and bp and will prepare a new SoCG at the earliest opportunity to replace the previous draft SoCG with NGCL, which the Applicant considers is no longer relevant (confirmation is being sought from NGCL). The Applicant will also seek to discuss the need for any Protective Provisions with NEP and bp.</li> <li>8.1.3 - NYC - The Applicant is in continued discussions with NYC and both parties expect to reach agreement in respect of the outstanding matters on transport, noise and vibration, ecology, and design, landscape and visual impact before the close of the Examination. The Applicant expects that Final Position Statements will not be required but as these matters remain under discussion, this may prove necessary. If this is the case, Final Position Statements will be provided no later than Deadline 9.</li> <li>8.1.4 - Environment Agency - The matters under discussion in this SoCG predominantly relate to Environmental Permitting, and Air Quality, and relate to the EA's consideration of the Applicant's permit application and the EA's development of new EALs for Air Quality. On the former, it is understood that the <u>final</u> decision on the permit variation will not be made prior to the end of Examination and the last SoCG will record the status of that determination at that point in time. On Air Quality, the Applicant will respond to the consultation on the EALs as discussed in the response to AQ2.1. The SoCG will record the position at the end of Examination, but given the consultation status of the EALs, it is unlikely that the matter will be able to be said to be 'Agreed' at the time of Examination. In any event, this is a matter that will ultimately be able to be determined by the EA in considering the permit variation. In relation to Biodiversity, the Applicant anticipates that this will be able to be agreed once the EA has been able to consider its Deadline 6 submissions.</li> </ul>

ExA Ref.	Addressed to	Question	Applicant's Response
			<ul style="list-style-type: none"> <li>• 8.1.5 - Natural England - The Applicant expects to reach agreement in respect of the negotiations on Air Quality and Ecology before the close of the Examination. The Applicant and Natural England have reached agreement over all Air Quality matters other than in relation to Barn Hill Meadows SSSI. In respect of matters related to BNG, the Applicant anticipates that this shall be able to be agreed following Natural England being able to consider the Applicant's Deadline 6 submissions. In respect of matters relating to Barnhill Meadow SSSI impacts, the Applicant is still working to gain access to land to carry out surveys to enable it to further develop its position on air quality impacts to that site. It is appreciated that until further information is available, Natural England's position will be, as currently, that likely significant effects should be considered to arise and that the ExA and Secretary of State will need to account for that in their recommendation and decision making. The Applicant will make its case in response to this by the end of Examination if this is still their position at that point.</li> <li>• 8.1.7 - National Highways - The Applicant expects to reach agreement in respect of the negotiations on Protective Provisions before the close of the Examination, which is the only outstanding matter referenced in the SoCG.</li> <li>• 8.1.9 - ERYC - The Applicant is discussing with ERYC the matters 'under discussion' in the SoCG, all of which relate to the implementation of Work No. 8. The Applicant understands that ERYC are content with the works in principle, but wish to be protected as an affected land owner. The Applicant will be working with ERYC to agree at the very least Heads of Terms by the end of Examination, which will then be reflected in the SoCG. The Applicant's case in respect of the need for land powers over that land was set out in its Changes Applications. The matter of traffic management requirements during works to OHL1, OHL2 and TCL1 has been agreed with ERYC. The SoCG will be updated to reflect this agreement and submitted at Deadline 7.</li> <li>• 8.1.10 - NGET - The Applicant expects to reach agreement in respect of the negotiations on National Grid infrastructure within/in close proximity to the proposed Order Limits; Protection of National Grid Assets; Compulsory Acquisition Powers in respect of the Project; and Security (which are all related matters to the negotiations on the Protective Provisions) before the close of the Examination.</li> </ul> <p>The following SoCGs are signed. If any further updates or clarifications are required, the Applicant expects this can be resolved:</p> <ul style="list-style-type: none"> <li>• 8.1.6 - Historic England;</li> <li>• 8.1.8 - Selby IDB; and</li> <li>• 8.1.11 - Goole and Airmyn IDB.</li> </ul>
<b>GEN.2.4</b>	Applicant	In the D5 submission 'Project Updates Arising from Government Publications on Energy Matters in March 2023' [REP5-029] it states that as a result of the project failing to be included within the selection of projects within the initial Track 1 of the Cluster Sequencing Programme, the	Whilst the project has not been included within Track 1 of the Cluster Sequencing Programme, as announced by the government in March 2023, the Applicant is in formal, bilateral discussions with the Government to discuss the Track 1 expansion programme which was identified as part of the government's March announcements. The Government said in its March 2023 documents that it will launch a process, later in 2023, to enable further expansion of Track 1 clusters beyond the initial Track-1 deployment,

ExA Ref.	Addressed to	Question	Applicant's Response
		<p>timescales for the project will now be extended. Provide further details of the anticipated timescales.</p>	<p>identifying and selecting projects within HyNet and East Coast Cluster – including the Humber – and their associated stores as they become viable, to be operational by 2030.</p> <p>The Applicant is also conscious that National Grid Ventures have formally announced their withdrawal from the Humber Low Carbon Pipeline Project and that Northern Endurance Partnership (NEP) will now be responsible for promoting the project and seeking planning consent. From the Applicant's perspective, this does not change the need for the project and indeed the Government's recent announcements on CCS re-enforce this.</p> <p>The Applicant would therefore wish to reiterate that decarbonising the Humber remains vital if the UK is to meet its net zero targets and BECCS is a critical part of that. With BECCS and the range of other projects proposed for the Humber Cluster (including Keadby 3), the private sector continues to stand ready to invest £15bn in major capital decarbonisation projects in the region which will continue to underpin the need for a pipeline and for the Government's Net Zero targets to be met.</p> <p>In light of all of the above, given the Government's re-stated commitment to GHG removal and to power BECCS generally (as set out in REP5-029), the Applicant expects that following the conclusion of negotiations with Government, the Applicant will be in a position to progress the project to enable first operation by 2030 as the Government expects. As set out in REP5-029, this will mean a 2 year delay in the project programme, i.e. the timescales in table 2.1 of the ES (APP-038) will move 2 years to the right. This delay will account for the further discussions needing to take place with the Government and for progress to be made with the pipeline, to allow for Drax to make robust investment decisions.</p>

### 3. TOPIC 2 AIR QUALITY AND EMISSIONS

Table 3.1 – Air Quality and Emissions

ExA Ref.	Addressed to	Question	Applicant's Response
AQ.2.1	EA	In relation to the Applicant's approach to operational amine emissions modelling, the ExA notes that that it is stated in the SoCG [REP5-016] that the EA agrees with the approach in principle. However, the EA also stated that it intends to produce a new set of EALs for amines by the end of June 2023, on which it will then consult, after which it will confirm its position. Please can the EA provide a timeline for this.	<p>The approach taken for the ES (Chapter 6 (Air Quality) of the ES (APP-042)) was to assess the combined impacts of both primary and secondary amines against the EAL for MEA and to assess the combined impacts of all degradation products (nitrosamines and nitramines) against the EAL for NDMA. This is, as set out in the ES, a highly conservative approach.</p> <p>When the new set of EALs is released, this approach will be reviewed and if appropriate, the assessment will be made compound and technology specific. To be clear, assessing risks from individual chemicals is the typical and intended use of EALs. Assessing total risks from the combination of all degradation products was a conservative approach specifically adopted for this assessment where compound specific EALs were unavailable.</p> <p>For both amines and, more significantly, the degradation products, the availability of compound specific EALs would enable the Applicant to reduce the level of conservatism built into the assessment and better reflect the actual (lowered) risk levels.</p> <p>For example, should any of the new EALs relate to the technology specific degradation products from the Proposed Scheme, then these compounds would be assessed as individual compounds (not in combination) and any remaining compounds would continue to be assessed in combination against the existing NDMA EAL. Since NDMA is one of the most carcinogenic nitrosamines, this approach is highly likely to lower the assessed risk levels set out in the ES. Alternatively, EALs may become available that enable a differentiation between risks associated with nitrosamines and nitramines, which would have a similar effect.</p> <p>The specific approach adopted will, of course, depend on the details of the new EALs and any revision to the assessment of impacts would only be made if it is robust to do so.</p>
AQ.2.2	Applicant / EA	<p>The ExA notes that the Other Consents and Licences document [REP5-009] states that the Applicant submitted additional information to the EA to support the process of achieving duly made status for the application to vary the Environmental Permit.</p> <p>i. Has the application now achieved duly made status?</p> <p>ii. Please advise if the target date of March 2024 given at ISH2 for the determination of the application is still current?</p> <p>iii. If the application is now duly made, or will be within the remaining time of the examination, is the EA able to provide any further comment on questions AQ 1.3, 1.4, 1.5, 1.7, 1.9 &amp; 1.10 from ExQ1 [PD-011]?</p>	<p>i. The Applicant has submitted all outstanding documentation to the Environment Agency associated with the application to vary the Environmental Permit and has responded to further minor requests and clarifications associated with the documentation submitted to the Environment Agency at the end of March 2023. The Applicant understands that the Environment Agency has all the information that has been requested, and is in a position to make a decision on duly made status.</p> <p>ii. The Applicant remains confident that the target date of determination of March 2024 is reasonable and achievable.</p> <p>iii. Question directed to the EA, so the Applicant has not responded.</p>



## 4. TOPIC 3 BIODIVERSITY AND HABITATS REGULATIONS ASSESSMENT

Table 4.1 – Biodiversity and Habitats Regulations Assessment

ExA Ref.	Addressed to	Question	Applicant's Response
BIO.2.1	Applicant / NE	Could the Applicant / NE provide an update on progress with the District Level Licensing application in relation to GCNs.	The Applicant is awaiting receipt of an invoice for the 1 <sup>st</sup> Stage Conservation Payment from Natural England. Once this is received, the Applicant will be able to make the 1 <sup>st</sup> Stage Conservation Payment to Natural England. The Applicant has been in regular communication with Natural England over this matter since Deadline 4 and understands that Natural England is working to issue the invoice as quickly as possible.
BIO.2.5	Applicant	The ExA notes that the Applicant intends to submit an updated HRAR to incorporate in the in-combination assessment consideration of additional developments identified during the Examination. Please can the Applicant confirm when it anticipates it will submit the updated HRAR, and also whether any other application documents need updating as a result.	The Applicant intends to submit an updated HRAR at Deadline 6 (REP2-101, Rev03 to be submitted at Deadline 6).
BIO.2.6	Applicant	<p>A planning obligation [REP3-016] was submitted at D3 which is proposed to secure the offsite habitat provision area and BNG. Paragraph 57 of the NPPF states that planning obligations should only be sought where they meet all of the following 3 tests:</p> <ul style="list-style-type: none"> <li>• Necessary to make the development acceptable in planning terms.</li> <li>• Directly related to the development.</li> <li>• Fairly and reasonably related in scale and kind to the development.</li> </ul> <p>i. Can the Applicant please provide evidence that the submitted s106 agreement, or any future iterations, meets these tests for any additional matters covered since the initial Heads of Terms.</p> <p>ii. Are the matters outlined in the s106 backed up, or justified, by development plan policy and/ or supplementary planning documents?</p> <p>iii. Could the matters outlined in the s106 be secured by way of a Requirement?</p> <p>iv. Without the s106 agreement, would there be a harmful effect?</p>	<p>The Applicant set out how the tests in paragraph 57 of the NPPF are met in response to First Written Question SE.1.1 (Applicant's Responses to Examining Authority's First Written Questions (REP2-060)) with respect to the Deadline 1 version of the draft section 106 agreement (REP-030).</p> <p>At Deadline 3 the Applicant submitted an updated version of the draft section 106 agreement (see tracked version for changes since Deadline 1 at (REP3-017)). The changes at Deadline 3 related to the removal of the local employment scheme obligations, and amendments to the Ecological Off-Site Improvement Works and River Habitat obligations. The amendments with respect to the ecological obligations did not fundamentally change the nature of the obligations, and were aimed at refining the delivery of the off-site habitat provision and Biodiversity Net Gain. Additional obligations were also included to ensure that off-site works on the Off-Site Provision Area are also subject to relevant mitigation measures included in the REAC, by way of a construction environmental management plan.</p> <p>The Applicant can therefore confirm that its response to SE.1.1 (REP2-060) remains applicable, and that the tests in paragraph 57 of the NPPF are satisfied by the proposed obligations in the current draft s106 agreement, as set out in response to SE.1.1. Further iterations of the draft agreement and the final agreement are not anticipated to include new obligations, rather there may be minor amendments to the off-site ecological works obligations. On this basis, it is considered that the response to SE.1.1 would remain relevant and applicable, and that the NPPF tests would be met.</p> <p>For the same reasons, the responses to SE.1.1 with respect to parts ii, iii and iv of this question also remain relevant and applicable to the draft section agreement as currently drafted and are anticipated to remain relevant to future iterations of the deed.</p>

## 5. TOPIC 4 CLIMATE CHANGE

Table 5.1 – Climate Change

ExA Ref.	Addressed to	Question	Applicant's Response
CC.2.1	Applicant	In relation to carbon emissions during construction, the ExA notes the assessment assumptions and limitations included in paragraph 15.5.45 in ES Chapter 15 [APP-051]. The Applicant is asked to justify whether the emissions presented/ assessed for the construction phase represent a worst-case scenario? Or if necessary, provide an updated figure that does present a worst-case scenario.	<p>The construction greenhouse gas (GHG) emissions are calculated using design information (bill of quantities) for the Proposed Scheme. As noted in the bullet points under paragraph 15.5.45 in Chapter 15 (Greenhouse Gases) of the ES (APP-051), professional judgment was used to make assumptions where there was limited availability on dimensions, and financial costs of items were used as proxy for some equipment and materials. This approach was used to ensure all construction materials were included in the GHG emission calculations to ensure a proportionate and robust assessment. By utilising the design information for the Proposed Development, and using proxy information where data was limited, it is considered that the worst-case scenario was assessed and reported in the ES.</p> <p>Recognised databases were used to identify emission factors, including ICE (University of Bath, 2019) CESMM4 (Institution of Civil Engineers, 2012). Where exact emission factors were not available, then the most appropriate emission factor was chosen using professional judgement. Examples of this included the provision of imported aggregate material, where a worst case 'general mixture' aggregate emission factor was chosen over other 'virgin' emission factors from the ICE database. A further example is the use of reinforcement steel, whereby the ICE V3.0 emission factor is based on world average steel, rather than on a portion of recycled content. Where data sources differed (either on material extents or from emission factors), the higher value was used to represent a worst-case scenario.</p> <p>Construction plant emission and transport emissions were included in the construction emissions calculation. The approach used aligns to best practice methodology, using RICS Whole Life Carbon Assessment, whereby industry recognised default values have been applied in the absence of design and contractor data. These default values are inherently conservative and present a reasonable worst-case for the A4 and A5 emissions within the construction GHG assessment.</p> <p>It is the Applicant's opinion that the construction phase GHG emissions do represent a worst-case scenario of the data received at the time of the assessment, whilst being as accurate as possible to the design of the Proposed Scheme.</p>

## 6. TOPIC 5 COMPULSORY ACQUISITION AND TEMPORARY POSSESSION

Table 6.1 – Compulsory Acquisition and Temporary Possession

ExA Ref.	Addressed to	Question	Applicant's Response
CA.2.1	Applicant	Provide an update on the progress being made regarding voluntary agreements with landowners and whether these are to be resolved before the close of Examination. If objections are likely to remain outstanding explain whether the SoS should then withhold consent for the Proposed Development.	The Applicant is in discussions with all land owners and interested parties associated with the management of Overhead Lines (OHL). The Applicant is confident that agreements will be reached by close of examination and that any objections and concerns can be resolved. The latest position in this respect is set out in the Schedule of Negotiations and Powers Sought, which is updated at this Deadline 6 (AS-112, Rev06) to be submitted at Deadline 6.
CA.2.2	Applicant/ Statutory Undertakers	<p>Please provide a progress report on negotiations with each of the Statutory Undertakers listed in the BoR including outstanding differences and an indication of whether these negotiations will be completed before the close of Examination. If they will not be completed provide a progress report on the preparation of the s127 case that will need to be submitted at D9.</p> <p>Please could Statutory Undertakers provide copies of preferred wording for Protective Provisions and explain, where relevant, why you do not consider the wording as currently drafted to be appropriate.</p>	<p>The Applicant provided an update on progress of negotiations with statutory undertakers (and other utility providers) as recorded in Applicant's Summary of Oral Case at Compulsory Acquisition Hearing 1 (CAH1) (REP4-034), see paragraphs 4.19 and 4.20.</p> <p>With respect to statutory undertakers with whom negotiations are ongoing, the Applicant provides the following update since CAH1:</p> <ol style="list-style-type: none"> <li><b>National Grid Carbon Limited</b> – the Applicant has been negotiating protective provisions with NGCL, with a view to including agreed provisions in the draft DCO. In April 2023 NGCL (part of National Grid Ventures (NGV)) confirmed a decision to leave the Northern Endurance Partnership (NEP) in order for National Grid to focus on its existing portfolio of projects. On 23 April 2023, the NEP confirmed changes to its equity partner structure, including the relinquishment of equity holdings by NGV and Shell, and the acquisition of those equity holdings by bp and Equinor. The NEP now comprises bp, Equinor and TotalEnergies. NGV are in commercial discussions with NEP partners on the sale of Humber onshore pipeline proposals. Subject to completion of the discussions, NGV will transition the Humber onshore carbon dioxide system assets to the NEP which will continue to serve carbon capture projects across Teesside and the Humber. bp would assume sole operatorship of the full end-to-end NEP carbon dioxides transport and storage system.</li> </ol> <p>The Applicant therefore does not consider protective provisions are required to be included in the dDCO for the protection of NGCL and had sought this confirmation from NGCL's legal representatives. It is noted that the Applicant received a response from NGCL's legal representatives on the afternoon of 9 May 2023, indicating that NGCL would be still seeking protective provisions.</p> <p>The Applicant is also progressing discussions with the NEP and bp and will seek to confirm whether NEP or bp require protective provisions to be included in the dDCO.</p> <p>In any event, the Applicant considers that NEP and bp (taking over the interest of National Grid Carbon Limited in the Order limits) would not suffer serious detriment to the carrying on of its undertaking, given standard protective provisions included in Part 1 of Schedule 12 of the dDCO for the protection of electricity, gas, water and sewerage undertakers, which would apply were NEP or bp to become a statutory undertaker falling within the scope of Part 1, Schedule 12 in the future (or were protective provisions negotiated with NGCL applicable to NEP or bp).</p> <p>The Applicant has previously set out its position (paragraph 4.20.3 of REP4-034) that National Grid Carbon Limited are a party who do not yet hold apparatus, a right in apparatus or any land and</p>

ExA Ref.	Addressed to	Question	Applicant's Response
			<p>generally do not yet have a 'statutory undertaking'. As such they are neither a section 127 nor a section 138 party. NEP and bp would be in the same position, and the Applicant's view is that those parties would also not be section 127 nor 138 parties. The Applicant recognises that they will have future interests and that the Proposed Scheme interlinks with their proposed project and will continue seeking to engage on protective provisions for their benefit.</p> <ol style="list-style-type: none"> <li>2. <b>National Grid Electricity Transmission</b> – as previously reported, the protective provisions are in agreed form. The Applicant is in discussions with NGET with respect to other agreements sitting outside of the dDCO, and it is anticipated that once these are agreed, NGET can withdraw its objection. With respect to section 127, on the basis of the agreed protective provisions the Applicant understands that no serious detriment could be caused to NGET's undertaking.</li> <li>3. <b>Network Rail Limited</b> – a confidential agreement has been reached with Network Rail, and on this basis Network Rail agrees that protective provisions are not required. The Applicant awaits engrossments of the agreement from Network Rail, following which parties will sign and complete the agreement. It is expected this will happen prior to the close of the Examination. As such, section 127 is not engaged as no serious detriment is likely to be caused.</li> <li>4. <b>Yorkshire Water Services Limited</b> – the Applicant has provided the form of standard protective provisions (included in the dDCO at Schedule 12, Part 1), most recently on 23 March 2023. On 04 May 2023, following discussions with the Applicant in late April 2023, Yorkshire Water sent to the Applicant details of its policies for doing work near its assets to enable these to be considered. The Applicant responded on the same day to propose minor amendments to the standard protective provisions to include the Yorkshire Water policies. A response is awaited to that email. With respect to section 127, this party benefits from the Protective Provisions set out in Part 1 of Schedule 12 meaning that no serious detriment is caused.</li> </ol>
CA.2.3	Applicant	<p>The Crown Land Plan [REP5-005] has been reintroduced and plots 1-83 and 1-87 have been reinstated and shown as Crown Land in the BoR [REP5-006]. The ExA notes that discussions with the Department for Transport are progressing to obtain Crown Land consent pursuant to section 135 of the PA2008.</p> <p>If consent is not secured by the end of the Examination, an explanation of how the project can proceed if Crown Land is removed from the Order Land should be submitted by no later than D9.</p>	<p>The Applicant confirms that the Crown Land plots have been reinstated, and will continue to engage with DfT to seek section 135 consent for the inclusion of the Crown Land as part of the Proposed Scheme.</p> <p>If consent is not secured by the end of the Examination, the Applicant notes that the existing BT Openreach pole within the land south of the A614 is located on ERoY's land and is public highway verge. In terms of securing future maintenance access, the Applicant and BT Openreach may be able to rely on an existing Openreach wayleave, and this matter is being investigated. This is because the proposed works in this location arising from Work No. 8B relate to the removal of an existing wooden pole and replacing it with a similar, but slightly higher wooden pole and associated restringing works. It is expected that BT Openreach already have a wayleave in place in order to maintain their existing equipment. If this is not the case, then the Applicant considers that it should be possible to negotiate a wayleave with East Riding of Yorkshire in the event Crown Land consent is not able to be obtained.</p> <p>The Applicant notes that the Crown Land is within the extent of the highway boundary as confirmed by ERoY, and thus there is a right for all to use the highway for access purposes, which would be able to be used by BT Openreach to initially carry out the necessary works, meaning no impediment to construction of the Proposed Scheme being able to take place.</p>

## 7. TOPIC 6 DESIGN, LANDSCAPE AND VISUAL

Table 7.1 - Design, Landscape and Visual

ExA Ref.	Addressed to	Question	Applicant's Response
DLV.2.2	Applicant	<p>NYCC and SDC raised concern at ISH3 that the OLBS and the REAC do not provide a full picture of the vegetation that is there now and what will be removed.</p> <ol style="list-style-type: none"> <li>i. Should the Existing Retained Vegetation [APP-183] plan be updated and retitled to also show existing vegetation that is expected to need to be removed? If not, why not?</li> <li>ii. Can the Applicant explain how decisions for vegetation removal will be made, recorded and feed through to the detailed design including arrangements for replacement?</li> </ol>	<p>i. It is the Applicant's considered opinion that the Existing Retained Vegetation Plan (APP-183) should not be updated at this stage, as it is not possible to accurately identify the vegetation that is expected to be removed, because this level of detail can only be determined at the detailed design stage, i.e. we do not yet know the exact location of vegetation that needs to be removed.</p> <p>At the detailed design stage, the LBS and the Existing Retained Vegetation Plan (APP-183) can and will be updated and retitled to also show the vegetation that needs to be removed to facilitate construction and operation of the BECCS facility and associated, connected infrastructure development; this has been reflected in the updated OLBS (AS-119, Rev05 to be submitted at Deadline 6).</p> <p>The plan could be updated to identify existing vegetation that could potentially be removed, however the value of this would be questionable, as it is likely that the plan would then show more vegetation to be removed than would actually need to be removed in order to cover all potential eventualities.</p> <p>ii. The decision to remove vegetation will be made in order to facilitate the construction and operation of the BECCS facility. The decision will also be influenced by the requirement to enable connectivity of the Proposed Scheme with the Humber Low Carbon Pipeline (Short List ID 102).</p> <p>Regarding decisions for vegetation removal, the following approach will be taken, and the outcomes will be included in the LBS at the detailed design stage:</p> <ul style="list-style-type: none"> <li>• If <b>amenity planting</b> (planted vegetation) <b>will not obstruct</b> construction and maintenance of the Proposed Scheme, it <b>will be retained</b> (OLBS paragraph 3.3.8 (AS-119, Rev05 to be submitted at Deadline 6)).</li> <li>• If <b>amenity planting</b> (planted vegetation) <b>will obstruct</b> construction and maintenance of the Proposed Scheme, it <b>will be removed and reinstated</b> (OLBS paragraph 3.3.8 (AS-119, Rev05 to be submitted at Deadline 6)).</li> <li>• If <b>natural habitat</b> (self-set vegetation) <b>will not obstruct</b> construction and maintenance of the proposed development, and has been <b>identified for retention and protection</b>, it will be <b>retained</b> (OLBS paragraph 3.3.7 (AS-119, Rev05 to be submitted at Deadline 6)).</li> </ul> <p>This process has been reflected in the OLBS, an updated version of which has been submitted at Deadline 6.</p> <p>A survey of existing vegetation (secured via the CEMP (REAC Ref ID G5 (21) (AS-121, Rev09 to be submitted at Deadline 6)) as recorded in the OLBS paragraph 3.2.6 (AS-119, Rev05 to be submitted at Deadline 6)) will be undertaken, and the amenity planting (planted vegetation) or natural habitats (self-set vegetation) will be recorded in this existing vegetation survey. This has been reflected in the OLBS, an updated version of which has been submitted at Deadline 6.</p>

ExA Ref.	Addressed to	Question	Applicant's Response
			<p>As the landscape design is developed during the detailed design stage, decisions regarding vegetation removal will be reviewed and amended as necessary, e.g. if vegetation does not need to be removed, it will not be removed as part of the Proposed Scheme.</p> <p>Replacement planting will be incorporated in the landscape design for the BECCS facility within the Drax Power Station Site during the detailed design stage, and these proposals will be shared with the LPAs for review and approval as detailed in the OLBS (AS-119, Rev05 to be submitted at Deadline 6) and secured via Requirement 7 of the dDCO (AS-109, Rev08 to be submitted at Deadline 6).</p>
<b>DLV.2.3</b>	Applicant	<p>Paragraph 5.1.2 of the updated OLBS [REP5-013] includes two new planting types (Amenity planting within the main Drax Power Station; and New Broadleaved Planting within the main Drax Power Station) and refers to the Landscape and Biodiversity Mitigation Plan (Figure 1) [APP-181].</p> <p>Will the Applicant be submitting an updated version of Figure 1 into the Examination that includes the additional planting types?</p>	<p>These two 'new' planting types (Amenity planting within the main Drax Power Station; and New Broadleaved Planting within the main Drax Power Station) were included to both ensure alignment with the Design Framework document and to demonstrate and confirm the intention for there to be new tree and shrub planting within the main Drax Power Station site, as part of the proposed BECCS facility development. Some of this planting will also constitute replacement planting referred to in the previous response.</p> <p>For aligned and similar reasons to the response to question DLV.2.2 above, it is our considered opinion that the Landscape and Biodiversity Mitigation Plan (Figure 1) (APP-181) should not be updated, because it is not possible to accurately determine the location of new amenity and broadleaved planting within the Drax Power Station – as defined by the Order Limits – at this stage.</p> <p>The current design for the Drax Power Station Site is not sufficiently developed for us to identify where these areas would be, as this level of detail can only be provided at the detailed design stage, i.e. we do not yet know the location of proposed planting within the Drax Power Station site because the detailed landscape design has not been done.</p> <p>However, the design team will consult with the LPAs during the detailed design phase (OLBS para 1.3.3 (AS-119, Rev05 to be submitted at Deadline 6)) and that the LPAs will review the proposals to ensure requirements have been met before giving approval for the proposed landscape design for the Drax Power Station site as detailed in the OLBS (AS-119, Rev05 to be submitted at Deadline 6) and secured via Requirement 7 of the dDCO (AS-109, Rev08 to be submitted at Deadline 6).</p>

## 8. TOPIC 8 FLOOD RISK AND WATER ENVIRONMENT

Table 8.1 – Flood Risk and Water Environment

ExA Ref.	Addressed to	Question	Applicant's Response
FRW.2.1	EA	Is the EA now satisfied with the measures set out in the REAC for the WPPP, with further evidence to be provided as part of the submission of the WPPP?	The Environment Agency advised the Applicant via email on 9 March 2023 that they agree with the measures set out in the REAC (AS-121, Rev09 to be submitted at Deadline 6) for the Watercourse Pollution Prevention Plan (WPPP) and on 6 April 2023 that all aspects related to the Water Environment are now agreed.

## 9. TOPIC 10 HISTORIC ENVIRONMENT

Table 9.1 – Historic Environment

ExA Ref.	Addressed to	Question	Applicant's Response
HE.2.1	Applicant	The SoCG with Historic England [AS-033] was signed prior to the change request PC-01 and PC-02. Has the Applicant sought confirmation from HE that its position set out in the signed SoCG is unchanged?	The Applicant has sought and received confirmation from Historic England that its position set out in the signed SoCG is unchanged following the change request PC-01 and PC-02. The Applicant has also sought and received confirmation from Historic England that its position set out in the signed SoCG is unchanged following the change request submitted into the Examination and received in April 2023.



## 10. TOPIC 12 NOISE AND VIBRATION

Table 10.1 – Noise and Vibration

ExA Ref.	Addressed to	Question	Applicant's Response
NV.2.1	Applicant	The ExA notes that in Item G5 (2) of the REAC [REP5-011], the delivery or removal of materials, plant and machinery is restricted to 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 on a Saturday. The Applicant is asked whether key activities relating to noise and vibration, for example piling, could be similarly restricted to these hours?	<p>The results in Table 7.20 and Table 7.21 in Chapter 7 (Noise and Vibration) (APP-043) of the ES show that the predicted noise levels at the nearest noise sensitive receptors are expected to be below the baseline ambient noise levels, and therefore, below the LOAEL. The LOAEL is the Lowest Observed Adverse Effect Level, as defined in the Noise Policy Statement for England. Below this, the Planning Practice Guidance, which summarised the noise exposure hierarchy, stated that below the LOAEL "Noise can be heard, but does not cause any change in behaviour, attitude or other physiological response. Can slightly affect the acoustic character of the area but not such that there is a change in the quality of life" and that no specific measures are required. Additionally, as detailed in the Register of Environmental Actions and Commitments (REAC) (AS-121, Rev09 to be submitted at Deadline 6) (NV2), Best Practicable Means will be used to minimise the potential for significant effects during construction. As outlined in the REAC (AS-121, Rev09 to be submitted at Deadline 6) and Requirement 14 of the DCO a Construction Environmental Management Plan (CEMP) will be produced for the Proposed Scheme that is substantially in accordance with the REAC and will be agreed with the LPA.</p> <p>The Applicant therefore considers that activities do not need to be restricted to these hours given there are no significant adverse effects.</p> <p>In addition, it is the Applicant's position that a number of these activities may well be occurring as a result of the Power Station's normal operations and maintenance activities.</p>
NV.2.2	NYC	<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> <ol style="list-style-type: none"> <li>i. Is the context of the 'deflated background noise level' and 'inflated rating level' sufficient to satisfy that any effects would be not significant?</li> <li>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?</li> </ol>	<p>The Applicant met NYC on 24 April 2023 to discuss their comments submitted at Deadline 5 (Comments on the Applicant's updated draft Development Consent Order; and Comments on any other responses received by Deadline 4) (REP5-032). It was agreed that a short description on the noise impact implications of the alternative layout considered in Section 3.4 of ES Chapter 3 (Consideration of Alternatives) (APP-039) would be provided to by the Applicant to NYC. NYC and the Applicant agreed that additional noise modelling will not be undertaken to support this description. This note, which also included narrative relating to the differences in the options for other environmental topics, was issued to NYC on 5 May 2023.</p> <ol style="list-style-type: none"> <li>i) The Applicant is of the opinion that the 'deflated background noise level' and 'inflated rating level' combined with the dDCO commitments on noise are sufficient to satisfy that any effects would be not significant.</li> <li>ii) The Applicant considers that it is not necessary to revisit the layout and that the dDCO commitments on noise present an appropriate balance between onerous design implications and adverse night-time impacts.</li> </ol> <p>A rigorous assessment following the methodology in BS4142:2014+A1:2019 was undertaken as part of the ES to identify a set of suitable rating levels that could be incorporated into Requirement 17 of the dDCO. As confirmed at paragraph 7.9.20 of the ES, once the identified contextual factors have been considered (see paragraphs 7.5.46 and 7.5.63), the initial operational noise impact estimations indicated in Table 7.26 are held to be not significant. Therefore, the Applicant does not consider that it is necessary to reduce the rating levels any further.</p>

ExA Ref.	Addressed to	Question	Applicant's Response
		<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>These operational rating noise limits will ensure that the Contractor achieves these limits at detailed design through informed interfacing between the noise and engineering specialists which will, in turn, ensure good acoustic design is delivered for the Proposed Scheme.</p> <p>Furthermore, reducing the rating levels any further would add disproportionate costs to the project. This is in accordance with the Overarching National Policy Statement for Energy (EN-1) 2011, paragraph 5.11.8:.</p> <p><i>"The project should demonstrate good design through the selection of the quietest cost-effective plant available; containment of noise within buildings where possible; optimisation of plant layout to minimise noise emissions; and, where possible, the use of landscaping, bunds or noise barriers to reduce noise transmission."</i></p> <p>iii) Good acoustic design formed part of the equipment choice and orientation, however, it is noted that differences in the potential noise impact between both layout options considered did not play a key role in the selection of the preferred layout which was driven by engineering feasibility. The Applicant issued a note to NYC on 5 May 2023 which included further information on the noise impact implications of the alternative layout considered in Section 3.4 of ES Chapter 3 (Consideration of Alternatives) (APP-039). The Note includes a high level comparison of the northern and southern solutions which concludes that, whilst the environmental effects due to noise during construction and operation of the northern option may be slightly less than the southern option it is not anticipated that this would be significant. The note also provides a plan of the southern option, information on acoustic principles and the shortest distances to noise sensitive receptors.</p>
NV.2.3	Applicant	<p>The ExA notes in NYC's submission at D5 [REP5-032] that it has uncertainty that NYC had input into the options appraisal that took place in the early stages of design. The Applicant is asked to explain how good acoustic design was factored into the options appraisal of the layout that took place in the early stages of design.</p>	<p>The potential for noise impacts was considered using preliminary information during early stages to compare the two layouts presented in ES Chapter 3 (Consideration of Alternatives) (APP-039) and the outcome of this exercise was fed into the consideration of the options. As described in ES Chapter 3 (Consideration of Alternatives) (APP-039) the selection of the northern solution was driven by engineering reasons however the potential environmental impacts of the northern solution were also considered to be less than those of the southern solution, although the differences were not significant.</p> <p>Good acoustic design was factored into the options for the carbon dioxide compression, described in paragraphs 3.5.25 and 3.5.26 of ES Chapter 3 (Consideration of Alternatives) (APP-039). Similarly, noise impact was considered during early stages to decide on the wastewater treatment plant option, as described in paragraphs 3.5.16 and 3.5.17 of ES Chapter 3 (Consideration of Alternatives) (APP-039). This was achieved through advice during design team workshops where noise was one of the variables in the selection of the plant locations.</p>
NV.2.4	NYC	<p>The extract of BS4142:2014+A1:2019 Technical Note, March 2020 Version 1 that the Applicant provided at D4 [REP4-026] states "<i>absolute levels may be as, or more, important than relative outcomes where background and rating levels are low.</i>" And goes on to clarify that BS 4142 doesn't define 'low' in the context of background sound or</p>	<p>The Applicant met NYC on 24 April 2023 to discuss their comments submitted at Deadline 5 (Comments on the Applicant's updated draft Development Consent Order; and Comments on any other responses received by Deadline 4) (REP5-032). The Applicant reiterated the advice in BS4142:2014+A1:2019 Technical Note, March 2020 Version 1 regarding low background sound and low rating levels.</p>

ExA Ref.	Addressed to	Question	Applicant's Response
		<p>rating levels, although it does say “<i>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.</i>”</p> <p>Can NYC answer the following questions:</p> <ul style="list-style-type: none"> <li data-bbox="617 533 1383 768">i. In the context of the above technical note and the rating levels for R6 and R14 being 34 &amp; 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?</li> <li data-bbox="617 789 1383 1024">ii. Is NYC 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 [APP-043]? If not, please provide an explanation of the information required to adequately assess the absolute noise levels.</li> </ul>	<p>The Applicant also reiterated that the absolute internal noise levels arising from the Proposed Scheme, with an open window, will be low, as demonstrated in Table 7-29 of ES Chapter 7 (Noise and Vibration) (APP-043), particularly in the context of other internal noise levels such as those from domestic appliances.</p> <ul style="list-style-type: none"> <li data-bbox="1433 359 2807 726">i) The Applicant considers that both factors are important. BS4142:2014+A1:2019 Clause 11 advises that:  <i>“The significance of sound of an industrial/or commercial nature depends upon both the margin by which the rating level of the specific sound source exceeds the background sound level and the context in which the sound occurs. An effective assessment cannot be conducted without an understanding of the reason(s) for the assessment and the context in which the sound occurs/will occur. When making assessments and arriving at decisions, therefore, it is essential to place the sound in context.”</i> The Standard presents the difference between the rating level and the measured background sound level as an initial estimate of the impact.</li> </ul>

## 11. TOPIC 13 PLANNING POLICY AND LEGISLATION

Table 11.1 – Planning Policy and Legislation

ExA Ref.	Addressed to	Question	Applicant's Response
PPL.2.1	All parties	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?	The Applicant has addressed the implications of the publication of 'Powering up Britain' for the consideration of the Application in Project Updates Arising From Government Publications on Energy Matters in March 2023, submitted at Deadline 5 (REP5-029). In summary, they build on the needs case set out in the Needs and Benefits Statement (APP-033), and make clear that CCUS and BECCS itself is a fundamental part of delivering the challenge that is meeting Net Zero.
PPL.2.2	All parties	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?	<p>In autumn 2022, the Government commissioned an Independent Review of the Government's approach to net zero, to ensure it was pursuing the most economically efficient path to meeting its climate change commitments, given the changed economic context. This review made a number of recommendations, including encouraging Government to finalise the business models and regulatory frameworks for CCS, and for greenhouse gas removal ('GGR') projects more generally, as part of its recognition that CCS is a key part of the overall delivery of Net Zero.</p> <p>The Government published their response to this review on 30 March 2023, confirming they agree with the Review's conclusion that net zero is the growth opportunity of the 21<sup>st</sup> century and could offer major economic opportunities to the UK – but that decisive action is needed to seize these.</p> <p>In particular, it set out how it is working towards putting the relevant business models and regulatory framework in place for CCS, and for GGR, particularly referred to the progress it had made and will soon make in developing the models and frameworks for Power BECCS. It goes to reiterate the Government's focus on unlocking the ambition of places and communities to deliver net zero by 2050. This includes work to remove barriers to the development and deployment of net zero technologies set out in the Net Zero Growth Plan. The Government's response also reiterates that a Biomass Strategy will be published in 2023 and states this <i>"will set out how sustainable biomass could be best utilised across the economy to help achieve the Government's net zero and wider environmental commitments while also supporting energy security"</i>. It also stresses the importance of a flexible energy system and states the Government is considering bespoke support to de-risk some "first-of-a-kind" technologies. In summary, the Government response offers further support and commitment to reaching Net Zero, noting the importance of CCUS and the use of biomass to ensure a robust, flexible energy supply, further building on the overall need case for the Proposed Scheme.</p>
PPL.2.3	All parties	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.	The Applicant has addressed the implications of the publication of the revised draft NPSs in revision 3 of the National Policy Statement Compliance Tracker, submitted at Deadline 5 (REP5-026, Rev04 to be submitted at Deadline 6).

## 12. TOPIC 16 TRAFFIC, TRANSPORT AND WASTE MANAGEMENT

Table 12.1 – Traffic, Transport and Waste Management

ExA Ref.	Addressed to	Question	Applicant's Response
TTW.2.1	Applicant/ ERYC	The SoCG between the Applicant and ERYC [REP3-013] states that traffic management during works to OHL1, OHL2 and TCL1 are still under discussion. Can the Applicant and ERYC provide an update on whether there are outstanding issues on this matter and confirm that proactive discussions are taking place to agree traffic management measures prior to the end of the Examination period?	The Applicant considers that the Outline Construction Traffic Management Plan (REP2-028) is sufficient and flexible enough to cover any traffic management requirements during works to OHL1, OHL2 and TCL1 and ERYC have confirmed this approach is acceptable noting that they will be able to consider the detailed measures in the construction traffic management plans that are produced post-consent. The SoCG will be updated to reflect this agreement and submitted at Deadline 7.
TTW.2.2	Applicant	Is the Special Order Application referred to in the Applicant's response to ExQ1 ref. TTW1.1 & TTW1.7 [REP2- 060] the same as the Permit for Transport of Abnormal Loads listed in the Other Consents and Licences [REP5- 009]? If not, does it need to be included in the Other Consents and Licences?	Yes. Although the language used is different there is only one consent that is required being either the relevant permits and approvals under the Road Vehicles (Authorisation of Special Types) (General) Order 2003 or, if the relevant vehicles don't meet the requirements of that Order, approval under section 44 of the Road Traffic Act 1988 (the latter is what often referred to as a Special Order). The Other Consents and Licences document refers to both of those possibilities.
TTW.2.3	Applicant/ NYC	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?	The Applicant considers that the principle of temporary closures of PRowS is agreed with NYC but await confirmation that NYC agree with the scope of the requested powers set out in Part 3, Article 12 of the Draft Development Consent Order (AS-109, Rev08 to be submitted at Deadline 6) and shown on the Access and Rights of Way Plans (AS-107). It is anticipated that agreement will be in place with NYC prior to the end of the Examination period.