



THE APPLICANT'S RESPONSES TO RULE 17 QUESTIONS FROM LETTERS OF 22 JUNE AND 29 JUNE 2023 (R17QB AND R17QC)

Drax Bioenergy with Carbon Capture and Storage

Planning Act 2008 – Section 89; Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 17

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INTRODUCTION

1.1. PURPOSE OF THIS DOCUMENT

- 1.1.1. On 23 May 2022, Drax Power Limited ("the Applicant") made an application ("the Application") for a Development Consent Order (DCO) to the Secretary of State for Business, Energy and Industrial Strategy ("the SoS"). The Application relates to the Drax Bioenergy with Carbon Capture and Storage (BECCS) Project ("the Proposed Scheme") which is described in detail in Chapter 2 (Site and Project Description) of the Environmental Statement (ES) (APP-038).
- 1.1.2. The Application was accepted for Examination on 20 June 2022.
- 1.1.3. This document, submitted at Deadline 9 of the Examination, contains the Applicant's responses to the Examining Authority's (ExA) second and third Rule 17 Questions, issued by the ExA on 22 June 2023 and (R17QB) on 29 June 2023 (R17QC).
- 1.1.4. This document follows the same order as the first Rule 17 Questions issued by the ExA.

GENERAL AND CROSS TOPIC QUESTIONS

Table 0-1 – General and Cross Topic Questions

ExA Ref (Applicant Ref)	Addressed to	Question	Applicant's Response
R17QB.1	Applicant	<p>In the dDCO submitted at D8 [REP8-005], the time in which to commence the authorised development (Schedule 2, Requirement 1) and exercise CA powers (Article 19, 22 and 24) has increased from five to seven years. In the Schedule of Changes to the dDCO [REP8-007] it states the reason for this change is as a result of the anticipated change to the promoter and operator of the Humber Low Carbon Pipelines.</p> <ol style="list-style-type: none"> Please provide full justification for the additional two years given that there is no evidence currently before the ExA that the change in promoter would result in a significant delay. Does the Applicant's reason for this change not contradict the Applicant's stance in its response to R17QA.20 that a requirement preventing commencement of the authorised development until development consent is in place for the carbon pipeline would have the effect of delaying the Proposed Development's delivery and therefore its contribution to the transition to Net Zero? Could an extension of this nature constitute a change to the application? 	<p>(a) Following the Government's announcement regarding Track 1 Cluster sequencing and also, more recently, the change in the organisational structure and equity associated with the transport and storage system provider, Drax believes it is prudent for the benefit of the Proposed Scheme and indeed the delivery of the Government's net zero strategy to extend the window within which to commence development of the Proposed Scheme.</p> <p>As reported in the Applicant's Project Updates Arising From Government Publications on Energy Matters in March 2023 [REP5-029], as a result of the Track 1 announcement the timescales for the Proposed Scheme will be extended. Given the Government's re-stated commitment to GHG removal and to power BECCS generally, the Applicant expects that following the conclusion of negotiations with Government, it will be in a position to progress the Proposed Scheme with the aim of delivering it to a timescale that will assist the Government in meeting its target for GHG removal by 2030. The Government's announcements regarding Cluster sequencing identified that although the BECCS project was a compliant bid, it would not be entering the Track 1 program. However, the Government have clearly stated that they are keen to move forwards with discussions on a Track 1 expansion program which could include the BECCS project. Bilateral talks are underway with the Government to discuss what this option may look like and indeed the relevant timescales associated with it. It is not unreasonable that Drax Power Limited requires a degree of certainty from the Government that the BECCS project and indeed the pipeline project are seen as key levers in the drive toward net zero.</p> <p>The Applicant is still anticipating a delay in construction by two years (as set out in its response to the ExA's first Rule 17 response [REP8-029]) and is still aiming to deliver the Proposed Scheme to assist Government in its GHG removal target by 2030. However, the Applicant seeks some flexibility to have 7 years in which to implement the Proposed Scheme, given the interdependencies of BECCS on other factors.</p> <p>As set out in response to R17QA.20 [REP8-029] the Proposed Scheme is likely to be supported through the Government's Power BECCS Business Model, which is currently in development. Significant capital expenditure is required to construct the Proposed Scheme and as such it would not be economically realistic or feasible for the Applicant to begin construction of the main work packages comprising the Proposed Scheme without clarity as to development of the supporting pipeline and storage infrastructure. In turn, this clarity on development of supporting pipeline and storage infrastructure will likely need to be in place before any support mechanism for the Proposed Scheme can be finalised through the Power BECCS Business Model.</p> <p>The HLCP DCO initially had a submission date of Q1 2023 following a statutory consultation period which ended in November 2022. It is understood that National Grid</p>

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			<p>Ventures has been in dialogue with the Planning Inspectorate and identified that it will no longer be promoting this project. Inevitably this will lead to a delay in the application and it will be for the new promoters to set their own timescales.</p> <p>Drax is keen to protect the viability of the BECCS project to ensure that it can be delivered at a point in time when it is required to meet the relevant timescales set by the Government. Drax is ready to reengage to discuss details with the new promoters in order to specify route and access options, entry specifications and support any additional consultation exercises which the promoter may choose to carry out. For this type of project it is not unreasonable that Drax Power Limited will seek certainty that the pipeline as proposed will meet the operational specifications which Drax had agreed with the previous promoter.</p> <p>NEP have communicated with prospective East Coast Cluster carbon capture projects that they envisage submitting an application for a Development Consent Order in 2024; this is based on anticipated development of their plans which will be firmed up when NEP become the promoters and take ownership of the project.</p> <p>It is noted that there is some precedent for a longer period for implementation in made Orders, including The Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022. The Explanatory Memorandum for Keadby 3 justified the seven years as follows:</p> <p><i>“... the 7 year period is considered appropriate given that the revenue mechanisms to underpin investment in industrial carbon capture projects are not yet developed as identified in the Energy White Paper and this will need to be concluded, and the relevant revenue secured, for procurement to conclude and the authorised development commenced.”</i></p> <p>Other examples are given in the Explanatory Memorandum that is updated at this Deadline 9. In Orders where a longer period has been given, this has tended to be due to uncertainty associated with reliance on external factors, as for Keadby 3 and as for the Proposed Scheme.</p> <p>(b) As set out in response to R17QA.20 [REP8-029] and above in response to (a), the delivery of the Proposed Scheme is not wholly unconnected to the T&S infrastructure. The change in the promoter of the onshore T&S infrastructure (and the fact that that transfer will not be complete during the Examination of the Proposed Scheme) has made timescales around the delivery of the onshore carbon pipeline that will transport CO2 from the Proposed Scheme more uncertain, which has informed the Applicant's decision to seek an extended period of time in which to commence construction of the Proposed Scheme. However, this does not contradict the Applicant's point that a requirement restricting the commencement of development until development consent is in place for the carbon pipeline would have the effect of delaying the Proposed Scheme's delivery, as such a requirement would be overly onerous and may mean the commissioning of the Proposed Scheme is delayed unnecessarily until after the carbon pipeline becomes operational, as explained below.</p> <p>Drax is currently in discussions with the Government regarding Track 1 expansion; there is no clear date for completion of these discussions, however, in order to meet possible contractual deadlines the BECCS project needs the flexibility to be capable of</p>

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			<p>commencing development prior to the transport and storage elements which will have a more rapid construction program. BECCS will therefore need a head-start so that when the transport infrastructure is complete, the BECCS units will also be ready for commissioning. By constraining the BECCS development, this may delay the removal of significant volumes of CO₂, as the pipeline may be operating under capacity and inefficiently.</p> <p>(c) The Applicant does not consider that the proposed extension from 5 to 7 years amounts to a change to the Application.</p> <p>This is primarily due to the limited impact that this change would have in terms of environmental impacts, habitats and protected species, compulsory acquisition and impacts on businesses and residents as set out in the responses below.</p> <p>The proposed extension does not entail any alteration to the "authorised development" itself, as set out in Schedule 1 of the dDCO, nor does it involve any change to the mitigation measures proposed.</p> <p>The proposed extension of time does not result in any change in the powers of compulsory acquisition that are sought, other than the period of time in which those powers can be exercised. The Applicant's response below to R17QB.5 addresses impacts in terms of compulsory acquisition and confirms that Affected Persons have been informed of the proposed extension and that there is not considered to be an impact on these people in that respect.</p> <p>From a Habitat Regulations perspective, the effect of the time extension is addressed in response to R17QB.4 below, which confirms that the proposed extension of time does not have any substantive implications for the HRA.</p> <p>In terms of environmental impacts, the effect of the time extension is addressed in response to R17QB.2 below. Overall it is not anticipated that any new or different significant environmental effects would result from this extension taking into account the mitigation identified for the Proposed Scheme.</p> <p>With respect to any impacts on businesses and local residents, as there has been no change to the authorised development itself, nor its construction or operational processes, nor the environmental effects, impacts are expected to remain the same. The Applicant also notes that arrangements in place for stakeholder engagement and the local liaison committee will ensure local businesses and residents are aware of the construction programme.</p> <p>Given the limited impact of the proposed extension in time, the Applicant does not consider that this amounts to a change to the Application.</p>
R17QB.2	Applicant	In response to R17QA.21 [REP8-029] the Applicant states that the impacts of the extension to the time within which it can implement the DCO has been addressed in the Project Updates Arising from Government Publications on Energy Matters in March 2023 ([REP5-029] section 2.3).	(a) The anticipated timescales have not shifted, however, given the interdependencies of the BECCS project, the Applicant feels additional flexibility is needed in terms of the timescales in which to commence construction of the Proposed Scheme. This is why it

ExA Ref (Applicant Ref)	Addressed to	Question	Applicant's Response
		<p>However, this document did not consider an extension to the time within which the DCO would be implemented, only that the timescales for the Proposed Development would be extended. The ExA asked the Applicant to expand on this in ExQ2 GEN2.4. In its response, the Applicant stated that this meant a two-year delay in the project programme (ie the timescales in Table 2.1 of the ES would move two years to the right). This is reiterated in the SoR submitted at D6 which states that it is anticipated that works would commence in 2026, well within the original five-year period.</p> <ol style="list-style-type: none"> a. A two-year delay to the anticipated timescales and a two-year extension to implement the DCO are quite different. Can you confirm whether the anticipated timescales have now shifted again? If not, justify why you are now seeking an extension to the time within which the DCO can be implemented. b. Is this change significantly different to the construction programme that has been assessed in each individual topic chapter of the ES? If commencement did not begin until seven years post-consent, has the worst-case construction programme been considered for each chapter? c. Provide an update of any impacts on the baselines, assessments and conclusions of the ES that an extension to the time within which to implement the DCO, rather than a two-year delay to the anticipated timescales, may have. d. Confirm if the parties which have entered into SoCGs are aware that this may result in a seven-year delay to the commencement of development rather than a two-year delay to the anticipated timescales. 	<p>seeks an extension of time in which to implement the Proposed Scheme. The reasons for this are set out in response to R17QB.1(a) and (b) above.</p> <ol style="list-style-type: none"> (b) Please refer to the table in Appendix A of this document. (c) Please refer to the table in Appendix A of this document. (d) The information contained within a draft of Appendix A was issued on 04/07/2023 to parties who have entered into SoCGs. The Environment Agency requested, and agreed to, an amendment that is reflected in the final version of Appendix A, below. The Applicant has been informed that Natural England and East Riding of Yorkshire Council will issue their responses directly to PINS. The North Yorkshire Council have verbally advised that they agree with and endorse the Applicant's position on this matter.
R17QB.3	EA NE NYC	<p>In its response to R17QA.21 [REP8-029] the Applicant explains it is now seeking that it has seven years within which to commence the authorised development and exercise its compulsory acquisition powers.</p> <p>Given that a seven-year commencement date is different to the Applicant's previous position that there would be a two-year delay to the anticipated timescales originally given in Table 2.1 of the ES [APP-038], would there be any implications to baselines, survey work undertaken and/ or conclusions drawn as a result of this extended commencement period?</p>	Note not directed at Applicant.

BIODIVERSITY AND HABITATS REGULATIONS ASSESSMENT

Table 0-1 – Biodiversity and Habitats Regulations Assessment

ExA Ref	Addressed to	Question	Applicant's Response
R17QB.4	Applicant	Can the Applicant confirm whether an extension of time in which to implement the DCO has any implications for the HRA?	<p>As set out in the Applicant's response to R17QB.2, the proposed extension would allow implementation to commence as late as Jan 2031. This proposed extension of time does not have any substantive implications for the HRA as explored below.</p> <p>The following factors relating to the delay in implementation could in theory have implications for the HRA:</p> <ul style="list-style-type: none"> a. Changes over time in background concentrations and deposition rates of gaseous 'pollutants'¹ in air; and b. Changes in the other plans and projects which are relevant for in-combination assessment. <p>Background concentrations and deposition rates of gaseous pollutants are, overall, likely to reduce up to and beyond 2031. As such, background air pollution is likely to be more favourable for the European Sites within the Zone of influence (Zol) of the Proposed Scheme in 2031 than in 2027. As such, there is a negligible risk of the Proposed Scheme triggering significant air quality impacts that have not already been assessed in the Applicant's HRA Report (REP6-021, Rev04 submitted at Deadline 9).</p> <p>With predicted ongoing improvements in air quality, delays in the commencement of implementation may reduce likely significant effects on European Sites from air quality impacts. This could arise due to reductions in background concentrations and/or deposition meaning some European Sites no longer experience exceedances of critical levels or loads. The assessment of potential air quality impacts and effects in the HRA Report therefore becomes more precautionary with the proposed delay in implementation.</p> <p>This is reflected in Natural England's response to R17QA.5 in their Deadline 8 Relevant Representation (REP8-038), where they state:</p> <p><i>'...in practice, emissions and deposition are likely to decline to 2030 – NOx emissions by approximately 34% and N deposition by approximately 13% (though ammonia being largely unchanged).... ...by not relying on this reduction, the applicant had assessed against a worst-case baseline – and this worst case is still applicable (and even more conservative) assuming a delay in the construction/operation timescales.'</i></p> <p>In relation to the in-combination assessment, the potential 2031 commencement would reduce certainty in the assessment. This is because with a 2031 commencement, it becomes less certain which other plans and projects would be relevant for the in-combination assessment. Considering the potential 2031 commencement and the plans</p>

¹ E.g. NOx, NH3, and SO2 concentrations, nitrogen deposition and acid deposition. Whilst these are naturally occurring gases and processes, excesses caused by human activity are commonly considered to be pollution.

ExA Ref	Addressed to	Question	Applicant's Response
			<p>and projects considered to date (see Table 3.1 of the HRA Report), no evident worsening of in-combination LSE can be identified.</p> <p>Potential changes to the in-combination assessment that could be triggered by a 2031 commencement in implementation are set out below:</p> <ul style="list-style-type: none"> a. Development 3 (Scotland to England Green Link 2) – construction of this project is expected to take place between 2024 – 2029. There would therefore be no overlap between construction of the Proposed Scheme and Development 3 if the Proposed Scheme commenced implementation in 2031. This would reduce in-combination construction effects. b. Development 24 (Flue Gas Desulphurisation demolition) –implementation of this project is expected to take place between 2022 – 2027. There would therefore be no overlap between construction of the Proposed Scheme and Development 24 if the Proposed Scheme commenced implementation in 2031. This would reduce potential for in-combination construction effects. c. Development 103 (East Yorkshire Solar Farm) – construction of this project is expected to take place between 2024 – 2027. There would therefore be no overlap between construction of the Proposed Scheme and Development 103 if the Proposed Scheme commenced implementation in 2031. This would reduce in-combination construction effects. <p>Any future projects coming forward for which details are not currently available would need to complete their own in-combination assessment which would include the Proposed Scheme. It is not possible for the Proposed Scheme to complete an in-combination assessment of plans and projects for which details are not yet available or are very limited. The Applicant has completed regular updates to the in-combination assessment during the Examination of the Proposed Scheme, most recently in the Deadline 6 HRA Report. The Applicant considers this provides the best possible assessment of in-combination effects that can be completed within the Examination timescales.</p> <p>This has been agreed with by Natural England. In their Deadline 8 Relevant Representation, Natural England stated in response to R17QA.5 that '<i>...However, the in-combination assessment undertaken is robust and has been recently updated/ reviewed for the Examination (Deadline 6). Any future applications coming into the planning/ permitting system will have to make their own assessment with Drax BECCS as an in-combination/cumulative project...</i>'</p>

COMPULSORY ACQUISITION AND TEMPORARY POSSESSION

Table 0-1 – Compulsory Acquisition and Temporary Possession

ExA Ref	Addressed to	Question	Applicant's Response
R17QB.5	Applicant	Can the Applicant confirm if all APs have been consulted on the extension of time in which to exercise CA powers to seven years? If not, please explain why and what impact this may have with particular regard to whether the exercise of powers interacts with the rights protected by the Human Rights Act 1998.	<p>The Applicant can confirm that it has been in contact with Affected Parties to notify them that, if voluntary agreement is not reached, it is seeking that it has seven years in which to exercise Compulsory Acquisition powers rather than five years. This is with the exception of the various statutory undertakers affected, who are in any event protected from any use of compulsory acquisition powers by their protective provisions and would be able to consider their operation at the relevant time. The Applicant has been in constant contact with Northern Powergrid in respect of the OHL works, and this would continue post consent in order that OHL works can be properly timetabled and programmed.</p> <p>As set out in the Schedule of Negotiations, the Applicant will now be following up with the Crown following ERYC providing them with the letter they required in respect of Crown land consent, and, in so doing, will refer to the extended time period (noting that their ownership is in any event a technicality at this point whilst the Crown land issue is resolved).</p> <p>In terms of impact of the extension of time in which to exercise CA powers, the Applicant does not consider that the proposed change from five to seven years in which to exercise the powers changes its consideration of and conclusions with respect to the human rights of the Affected Persons, as set out in Section 10 of the Statement of Reasons, given (a) the need for the Scheme, whenever it is delivered, and (b) the limited extent of the powers that are required in any event. Further, the extension of time does not change the fact that there is a compelling case in the public interest for the exercise of the CA powers.</p>
R17QB.6	Applicant	Would seven years in which to exercise CA powers be necessary, proportionate and justifiable?	<p>The Applicant has set out in response to R17QB.1 that there is a need for flexibility to potentially implement (and therefore exercise CA powers) within 7 years. The effect of the extended timeframe does not change the nature of the authorised development, how it will be constructed or operated, land take requirements, nor the considerable public benefits it will deliver. For these reasons, and those set out in response to R17QB.1, the Applicant considers that seven years in which to exercise CA powers is necessary, proportionate and justifiable.</p>
R17QB.7	Applicant	Provide an updated SoR which fully takes account of the extension of time in which to exercise CA powers.	<p>The Applicant has provided an updated Statement of Reasons for Deadline 9, which reflects the extension of time sought in which to exercise Compulsory Acquisition powers.</p>

DEVELOPMENT CONSENT ORDER

Table 0-1 – Development Consent Order

ExA Ref	Addressed to	Question	Applicant's Response
R17QB.8	Applicant	The ExA notes that an updated EM has not been submitted into the Examination since D4. Please provide an updated EM incorporating any amendments made to the dDCO since D4.	The Applicant has provided an updated EM at Deadline 9.
R17QB.9	Applicant EA NE NYC	<p>Applicant:</p> <p>a. Whilst the ExA notes the requirement set out in the Applicant's Response to R17QA.21 [REP8-029] has been put forward without prejudice, please provide a detailed explanation of what this requirement would achieve and how it would work in practice.</p> <p>EA, NE and NYC:</p> <p>b. Please provide comment on the Applicant's suggested requirement as set out in the Applicant's response to R17AQ.21 [REP8-029] which would, amongst other things, prevent the authorised development commencing until development consent for the pipeline, the licence for the storage and the EP for Work No.1 was in place.</p>	<p>a. Sub-paragraph (1) of the draft Requirement prevents the authorised development from commencing, until the relevant planning authority ("RPA") has been provided with, and has approved, details of –</p> <ul style="list-style-type: none"> -Evidence that development consent is in place for the construction of the carbon pipeline (meaning the onshore and offshore CO2 transport and storage infrastructure that the Proposed Scheme will connect into); -Evidence that a CO2 storage licence for the intended CO2 storage site is in place; -Evidence that an environmental permit is in place for the carbon capture plant; -Evidence of any required pipeline works authorisation for offshore pipeline works of the transportation of the CO2. <p>Whilst the Applicant does not consider the above restrictions are necessary for reasons set out elsewhere, they would provide further certainty that the Proposed Scheme cannot be constructed and commissioned until the required environmental permit (EP) is in place, and necessary permissions for the transport and storage (T&S) infrastructure taking the CO2 from the Proposed Scheme have been obtained.</p> <p>The exception to the authorised development not being able to commence is that "additional permitted works" would be able to go ahead without the T&S consents and the EP being in place. This is because the Applicant does not consider these works would cause any harm given any effects would be reversible (due to being short term temporary works within the boundary of the operational power station). Those works are described in the Applicant's response to R17QA.21 [REP8-029].</p> <p>The remaining sub-paragraphs of the draft Requirement are explained below, and they are aimed at ensuring the RPA is kept up to date in terms of likely timescales for commencement of the authorised development, and regularising or addressing the impacts of the additional permitted works (particularly where those works have been undertaken but the rest of the authorised development does not proceed).</p> <p>Sub-paragraph (2) – This sub-paragraph deals with the situation where the undertaker has undertaken the additional permitted works but has not been able to provide the required evidence (under sub-paragraph (1)) by 31 December 2030 to enable the remainder of the authorised development to proceed. In that situation the undertaker must either –</p>

ExA Ref	Addressed to	Question	Applicant's Response
			<p>Confirm to the RPA that it intends to carry out the authorised development within the following twelve months and set out the proposed timescales for further works and when it anticipates being able to commence the remainder of the authorised development. In this case, the undertaker must also have a revised phasing plan approved to reflect the updated timescales; or</p> <p>Confirm to the RPA that it does not intend to carry out the authorised development in the following 12 months and submit for approval a plan setting out how impacts to the environmental baseline are to be managed until a submission is made under sub-paragraph (3)(a) (see below). Such a plan must be implemented as approved (sub-paragraph (3)(e)).</p> <p>Sub-paragraphs (3)(a) & (b) address the situation where the second option above has been taken (i.e. undertaker has confirmed authorised development won't proceed in next 12 months). The undertaker is required, on each anniversary of the undertaker's confirmation, to essentially repeat the steps in sub-paragraph (2) (i.e. confirming whether the authorised development will or won't proceed in the following twelve months). At the point where the undertaker confirms it will be undertaking the authorised development in the following twelve months, the undertaker does not have to keep repeating the steps giving notification to the RPA of when it anticipates proceeding with the authorised development.</p> <p>Essentially sub-paragraphs (2) and (3)(a) – (b) set up a framework so that the undertaker is required to keep the RPA updated as to when it anticipates satisfying the evidence requirements in sub-paragraph (1) and being able to proceed with the authorised development. Pursuant to sub-paragraph (3)(f), the obligations under these sub-paragraphs cease when either the undertaker submits an application to the RPA for planning permission or confirms it will use its permitted development rights (as provided for in sub-paragraph (3)(c) and explained below), or the undertaker provides a plan for the long term management of environmental impacts (as provided for in sub-paragraph (3)(d) and explained below). This is because if either of the situations in sub-paragraphs (3)(c) or (d) occur, there is no need for the undertaker to continue updating the RPA as to the commencement of the authorised development.</p> <p>Sub-paragraph (3)(c) confirms that the undertaker is not prevented from seeking planning permission under the Town and Country Planning Act 1990 or using permitted development rights, with respect to development on the land the subject of information provided under sub-paragraph (2)(c). In other words, the undertaker is able to obtain planning permission or use its permitted development rights to carry out works on that land for other projects, appropriately controlled through the planning process. This is aimed at ensuring that that land is not sterilised by avoiding any doubt that such works can be brought forward, in particular in a situation where it has indicated to the RPA under sub-paragraph (3)(d) that it does not intend to carry out the authorised development.</p>

ExA Ref	Addressed to	Question	Applicant's Response
			<p>Sub-paragraph 3(d) confirms that the undertaker can notify the RPA that it does not intend to carry out the authorised development at all (other than the additional permitted works already undertaken). If the undertaker gives such confirmation it must then submit a plan to the RPA setting out how it proposes the environmental impacts of the additional permitted works are to be managed long term. Such a plan must be implemented as approved (sub-paragraph (3)(e)).</p> <p>Sub-paragraphs (2) and (3) are designed to give the RPA comfort that there are safeguards in place, which justify the undertaker being able to undertake the additional permitted works ahead of the requirements of sub-paragraph (1) being satisfied.</p>

DESIGN, LANDSCAPE AND VISUAL

Table 0-1 – Design, Landscape and Visual

ExA Ref	Addressed to	Question	Applicant's Response
R17QB.10	ERYC	<p>The SoCG between the Applicant and ERYC submitted at D8 states in relation to the Design of Proposed Works OHL1, OHL2 and TCL1 that: "Following the online meeting on 02 June 2023 between ERYC, WSP and the Applicant, ERYC will review the Second Change Application and provide any comments via relevant representations where necessary." As no Relevant Representation on the Second Change Application was received from ERYC, ERYC is asked to detail any remaining concerns they have regarding the following:</p> <ul style="list-style-type: none"> a. Cable route and depth; b. Soil management; c. Field drainage; d. Future rights; e. Works compound and access; and f. Impact of undergrounding telecommunication line 	<p>The Applicant has been advised by Matthew Sunman (Planning Officer at ERYC), that ERYC intend to respond to this question at Deadline 9.</p>
R17QB.11	NYC	<p>NYC is asked to comment on whether the updated lighting strategy [REP6-019] submitted by the Applicant at D6 addresses the concerns raised by NYC in its response to ExQ2 [PD-015] question DLV 2.4</p>	

COMPULSORY ACQUISITION

Table 01 – Compulsory Acquisition

ExA Ref	Addressed to	Question	Applicant's Response
R17QC.1	Applicant NGN	<p>In its RR [RR-283], NGN has raised an objection to the proposed provision and raised concerns regarding the wording of protective provisions.</p> <p>Please could the Applicant:</p> <p>a) provide an update on the progress of any negotiations with NGN with an estimate of the timescale for securing agreement with them;</p> <p>b) state whether there are any envisaged impediments to the securing of such an agreement; and</p> <p>Please could NGN:</p> <p>c) provide copies of preferred wording and explain, where relevant, why you do not consider the wording as currently drafted to be appropriate.</p>	<p>(a) Upon receipt of the RR from NGN the Applicant obtained the relevant contact details for NGN via the Planning Inspectorate. On 14 June 2023 the Applicant contacted NGN and exchanged several emails on 14 and 15 June. On 14 June 2023 NGN provided its preferred form of confidential asset protection agreement, which the Applicant reviewed and provided comments on 20 June 2023. The Applicant followed up with NGN on 30 June 2023. On 4 July 2023 the Applicant received an email from NGN advising that it had sent the Applicant the wrong template asset protection agreement and providing an alternate template. NGN instead asked the Applicant to review and comment on the second template agreement. The Applicant is now reviewing this document. As part of its response to NGN the Applicant has sought clarification as to what NGN requires in terms of protective provisions, and the Applicant is not clear on what NGN seeks is included in the dDCO in this respect. The Applicant maintains that the provisions for the protection of electricity, gas, water and sewerage undertakers in Part 1 of Schedule 12 of the dDCO provide appropriate protection for NGN's undertaking.</p> <p>The Applicant would hope agreement can be reached during the course of the Examination.</p> <p>(b) The Applicant does not foresee any impediments to reaching agreement with NGN.</p>

APPENDIX A – THE APPLICANT’S RESPONSE TO EXA RULE 17 QUESTION R17QB.2 B AND C

1.2. INTRODUCTION

- 1.2.1. The ExA issued a letter under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 on 22 June 2023 seeking further information in writing. The Applicant has prepared a response to question R17QB2 parts b. and c. in advance of Deadline 9 in order to inform East Riding of Yorkshire Council, Environment Agency, Natural England and North Yorkshire Council how it intends to respond. This is provided below.
- 1.2.2. The ExA’s question R17QB.2 is as follows: *In response to R17QA.21 [REP8-029] the Applicant states that the impacts of the extension to the time within which it can implement the DCO has been addressed in the Project Updates Arising from Government Publications on Energy Matters in March 2023 ([REP5-029] section 2.3). However, this document did not consider an extension to the time within which the DCO would be implemented, only that the timescales for the Proposed Development would be extended. The ExA asked the Applicant to expand on this in ExQ2 GEN2.4. In its response, the Applicant stated that this meant a two-year delay in the project programme (i.e., the timescales in Table 2.1 of the ES would move two years to the right). This is reiterated in the SoR submitted at D6 which states that it is anticipated that works would commence in 2026, well within the original five-year period.*
- g. Is this change significantly different to the construction programme that has been assessed in each individual topic chapter of the ES?, has the worst-case construction programme been considered for each chapter?*
- h. Provide an update of any impacts on the baselines, assessments and conclusions of the ES that an extension to the time within which to implement the DCO, rather than a two-year delay to the anticipated timescales, may have.*

THE APPLICANT'S RESPONSE

- 1.2.3. The Applicant considers that the change in the programme is not significantly different compared to the assessments carried out and reported in the Environmental Statement for the Proposed Scheme. In relation to construction, the time that it would take to construct the Proposed Scheme and the phasing of construction activities would stay the same; they are just moved potentially further to the right. As such the assessment of the construction programme is the same, and the consideration is only whether the years in which the works take place changing would affect the assessments. In relation to the baseline against which operational effects are assessed, it is also considered that generally there would not be a significant change in baseline conditions that would result in a change in assessment outcome. Further information has been provided in relation to the potential impacts on baseline, survey work, worst case construction programme and outcomes of the Environmental Impact Assessment (EIA) in relation to each topic assessment in the table below.

Table 0.1 – Responses to R17QB.2

Topic	Potential impacts to Baseline used in the Assessment	Impact to Survey Work carried out to inform the Assessment	Confirmation if the worst case construction programme has been considered	Potential impacts to the outcome of the environmental impact assessment
Traffic and Transport	<p>If commencement did not begin until 7 years post consent (consent assumed to be in 2024), the anticipated peak construction year would be pushed back to 2033 (on the basis that the peak month of construction, in terms of workers and traffic movements, would still occur during the third year of the construction programme).</p> <p>This is 6 years later than originally assessed in the ES and 4 years later than discussed in the revised agreements with NYC, ERYC, and National Highways.</p> <p>The 2033 baseline traffic volumes would likely be greater than those included in the assessment due to background traffic growth, forecast build out of committed developments and allocated Local Plan sites.</p> <p>There is the potential that, should the Proposed Scheme not commence until seven years post consent, that other planned reasonably foreseeable highway improvements would have been implemented e.g. improvements to the M62</p>	<p>No impact to survey work as modelled traffic volumes for the Proposed Scheme would stay the same.</p>	<p>A construction programme commencing 7 years post consent has not been considered in the assessment in detail, it is therefore not possible with complete certainty to state that the worst case for construction has been assessed. However, it is considered that the Applicant's mitigation would be the same i.e. a Construction Traffic Management Plan (CTMP) and Construction Worker Travel Plan (CWTP), reflecting the effects of the project on its own are temporary and negligible, and the cumulative effects are uncertain.</p>	<p>For some environmental effects (severance, pedestrian amenity, fear and intimidation), the potential impacts would be neutral, the same as reported. This is because they are assessed on the basis of the percentage change in traffic volumes and the baseline traffic volumes would likely be greater than assessed, therefore, the reported magnitude of impact would not change. However, for other effects (delay and highway safety), it is likely that the inter-project potential impacts could be greater than reported due to increased baseline traffic volumes and potentially reduced available spare capacity on the highway network, resulting in a potentially greater magnitude of impact. However, this is uncertain (e.g. not all developments in the Local Plan may come forward; or mode shares may change) and identified Local Plan junction improvements could also come on stream therefore unlocking capacity and thereby reducing the magnitude of impact.</p> <p>It is considered that the Applicant's mitigation would be the same i.e. a Construction Traffic Management Plan (CTMP) and Construction Worker Travel Plan (CWTP), reflecting the effects of the project on its own are temporary and negligible, and the cumulative effects are uncertain. The agreed management measures are considered sufficiently flexible and robust to adapt to the prevailing traffic conditions at the time of construction.</p>

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	(Junction 36) identified in the ERYC Local Plan, thus potentially unlocking junction capacity and offsetting any increase in traffic flows.			The CTMP and CWTP are secured through Schedule 2 Requirement 15 and Schedule 2 Requirement 16 of the Draft Development Consent Order, respectively.
Air Quality	<p>It is unlikely there would be any significant impacts on the baseline air quality used in the Air Quality Assessment.</p> <p>In particular, pollutant concentrations and their deposition to surfaces are likely to decrease over time as emissions of key pollutants (NO_x, PM, SO_x etc.) from all sectors are reduced. The decrease in emissions per vehicle, as technology improves and electrification of fleet increases, will likely more than offset the any increase in general traffic levels, resulting in a net decrease in roadside pollutant concentrations and scheme impacts.</p>	Project specific survey work was not undertaken and would therefore not be affected	<p>The worst case construction impacts have been considered for air quality since,</p> <p>A) In relation to construction works themselves, they are based on receptor sensitivity taking into account existing particulate pollution levels which are likely to decrease in the future.</p> <p>B) In relation to construction traffic, they are based on existing levels of roadside emissions and typical HGV emissions, both of which are likely to decrease in the future. The decrease in emissions due to technological improvements will likely more than offset any increase in overall traffic levels.</p> <p>No developments were scoped out of the cumulative impact assessment on the grounds that there was no potential for temporal overlap of construction traffic/works – rather developments were scoped out of the assessment on the grounds that there was no potential for overlap of impacts within zone of influence of construction traffic.</p>	<p>There will be no material impact on the conclusions of the Environmental Statement, either in relation to delayed construction or delayed operation of the plant.</p> <p>The delay would not significantly affect the magnitude of the impact from the Proposed Scheme itself, whilst future baseline air quality in its vicinity is likely to improve. In combination, these effects would reduce the total exposure to pollution in comparison to that presented in the Environmental Statement. This applies in relation to construction and operation impacts, and to consideration of the Proposed Scheme alone and in-combination.</p> <p>There would be no change to the requirements for mitigation during construction and operation, and the proposed mitigation remains effective and appropriate.</p>
Noise and Vibration	It is unlikely that there would be a material change to the baseline noise conditions which would affect the conclusions presented in the ES. Although some slight increases in baseline noise levels may occur during the daytime, due to additional traffic from other developments, night-time baseline noise levels are unlikely to change as this is during the off-peak period.	No impact to survey work.	The worst-case construction programme has been considered for noise and vibration as although the baseline noise levels may increase slightly over time, other planned highway improvements would likely have been implemented, offsetting these potential effects.	<p>There would be no material impact on the conclusions of the ES, should the Proposed Scheme not commence until 7 years post consent.</p> <p>Cumulative effects on construction noise and vibration reported in the ES are also unlikely to change. This is due to some cumulative projects, that have been assessed, having already been constructed, whilst other future, as yet unknown projects, may have a</p>

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				<p>construction overlap. Should any new developments come forwards, in the intervening time they would be required to assess the Proposed Scheme cumulatively and implement mitigation as required.</p> <p>There is no change in the requirements for mitigation on construction noise and vibration impacts.</p> <p>For operation, the most sensitive period is night-time. In this period, the baseline noise levels are unlikely to change due to this delay. Similarly, the plant noise arising from BECCS would not change due to this delay.</p> <p>Cumulative effects on operational noise levels would be controlled with the mitigation defined in each scheme. As new developments arise the Local Authority would comment on the noise limits for each scheme. Therefore, it is not expected that this delay would change the cumulative effects on operational noise.</p> <p>Therefore, there is no implication in the conclusion of the ES.</p>
Ecology	<p>It is unlikely there would be any significant impacts on the baseline used in the Ecology assessment if the Proposed Scheme did not begin until seven years post-consent.</p> <p>There could be changes over time in background concentrations and deposition rates of gaseous 'pollutants'² in air. However, background concentrations and deposition rates of gaseous pollutants are, overall, likely to reduce up to and beyond 2031. As such, background air pollution is likely to be more favourable for ecological features within the Zone of influence (Zol) of the Proposed Scheme in 2031 than in</p>	<p>With a 2031 commencement, the ecological surveys used to inform the assessment would be increasingly out of date. This is countered by the requirement for pre-commencement ecological surveys, as secured by Requirements 7</p>	<p>The worst-case construction programme has been considered for the assessment of ecology, and it will not change if commencement of the Proposed Scheme did not begin until seven years post-consent. It is possible that delaying commencement until seven years post consent could lead to a slight betterment in terms of environmental effects. This is because baseline air quality conditions are predicted to be better, which could in turn lead to some ecological features no longer experiencing exceedances of their critical loads/levels in the baseline scenario.</p>	<p>There would be no material impact on the assessment reported in the Environmental Statement because it is unlikely that there would be any significant changes to the ecological baseline within seven years post-consent, although a degree of change in the composition of faunal and floral communities may occur commensurate with ongoing land management, climate change, and ongoing interactions between plants, animals, and their environment. Such changes are unlikely to introduce new or materially different significant environmental effects compared to those reported in the Ecology chapter of the Environmental Statement, which already includes consideration of a future baseline scenario based on the anticipated programme at the time of the Application. It is possible there will be a betterment in terms of air quality impacts on ecological features, due to the predicted future decreases in concentrations and</p>

² E.g. NOx, NH3, and SO2 concentrations, nitrogen deposition and acid deposition. Whilst these are naturally occurring gases and processes, excesses caused by human activity are commonly considered to be pollution.

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	<p>earlier years. As such, there is a negligible risk of the Proposed Scheme triggering additional significant air quality impacts on ecological receptors with a 2031 commencement.</p> <p>With a 2031 commencement, the ecological surveys used to inform the assessment would be increasingly out of date and would therefore be less certainty regarding their findings and associated conclusions. This is countered by the requirement for pre-commencement ecological surveys, as secured by Requirements 7 (Provision of landscape and biodiversity mitigation and enhancement) and 14 (Construction Environment Management Plan) of the draft DCO (REP8-005).</p>	<p>(Provision of landscape and biodiversity mitigation and enhancement) and 14 (Construction Environment Management Plan) of the draft DCO (REP8-005).</p>		<p>deposition rates of gaseous pollutants. The efficacy of the avoidance, mitigation, and compensation measures identified in the Ecology Chapter of the ES would also not be reduced by a 2031 commencement.</p> <p>In relation to cumulative assessment, the potential 2031 commencement would reduce certainty in this. This is because with a 2031 commencement, it becomes less certain which other plans and projects would be relevant for the cumulative assessment. Considering the potential 2031 commencement and the plans and projects considered to date (see Appendix 18.4 and 18.5 of the ES), no worsening of cumulative effects is predicted.</p>
Landscape and Visual Amenity	<p>It is unlikely there would be any significant impacts on the baseline used in the Landscape and Visual Impact Assessment if the start of construction was delayed.</p> <p>Although there are a number of other proposed developments in the area, including solar farm developments, that are likely to begin construction within the seven year period post consent (see REP4-007 for cumulative short list), these are unlikely to change the baseline because the landscape assessment has taken account of key landscape characteristics including, “<i>Strong human influence from the industrial Drax Power Station, highly visible from throughout the landscape</i>” (ES, Vol. 1, Ch. 9, Landscape and Visual Amenity, Doc. Ref. No. 6.1.9, Para. 9.7.9 d.), and these additional developments are unlikely to</p>	None	<p>The worst-case construction programme has been considered for the assessment of landscape and visual amenity, and it would not change if commencement of the Proposed Scheme did not begin until seven years post-consent.</p> <p>For the purposes of the assessment, the construction options are described in Chapter 2 of the ES (APP-038). Option 1 was considered for the assessment of the LVIA as it represents the ‘worst case scenario’ given its extended construction programme causing receptors to experience the anticipated impacts over a longer duration. (see Chapter 9, Landscape and Visual Amenity, (APP-045), para. 9.2.6 a.)</p>	<p>There would be no impact on the assessment reported in the Environmental Statement because it is unlikely that there would be any significant changes to the landscape within seven years post-consent, and it is unlikely there would be any new or different significant environmental effects compared to those reported in Chapter 9, Landscape and Visual Amenity (APP-045).</p> <p>Committed developments which will effect the surrounding landscape in the next seven years have been considered and assessed in conjunction with the Proposed Scheme, as part of the Cumulative Assessment, which found no significant permanent adverse effects on either landscape or visual amenity (see Chapter 18, Cumulative Effects (REP4-035). It is understood that additional developments will become committed developments over the next 7 years which we can’t account for at this stage, however the Proposed Scheme will be considered in their cumulative</p>

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	<p>change the key characteristics of the Landscape Character Area that Drax Power station sits within.</p> <p>In addition, a future baseline has also been assessed where it has been reported that, “it is not anticipated that the baseline conditions as described above in Section 9.7 would be significantly different to those encountered today, or within the 15 year period assessed in this chapter.</p> <p>As such, for the purpose of this assessment, the future baseline (2044) is considered as comparable to the present day (ES, Vol. 1, Ch. 9, Landscape and Visual Amenity, Doc. Ref. No. 6.1.9, Para. 9.7.48 & 49)./</p>		<p>Furthermore, as part of the consultation with NYC / SDC it was agreed that consideration of cumulative effects be undertaken should the construction programme overlap with other recently approved schemes.</p> <p>(see Chapter 9, Landscape and Visual Amenity, (APP-045), Table 9.1 – Consultation Summary Table)</p>	<p>assessments which will ensure any cumulative impacts are mitigated.</p>
Heritage	<p>It is extremely unlikely that the cultural heritage baseline would change if the Proposed Scheme were to commence seven years post-consent as it is not anticipated that there would be any additional archaeological remains or heritage assets identified.</p>	None	<p>The assessment of heritage assets and archaeological sites would not change if the Proposed Scheme proceeds seven years post-consent as the timing of construction is not relevant to the assessment. There are not anticipated to be any additional archaeological remains or heritage assets identified. The impact assessment has been undertaken following a worst-case assessment scenario in line with the Rochdale Envelope.</p>	<p>There is no impact on the assessment as reported in the Environmental Statement. The heritage baseline would not change should the Proposed Scheme proceed seven years post-consent, nor would the current impact assessment. There are not anticipated to be any additional archaeological remains or heritage assets identified within the study area that would be affected by the Proposed Scheme.</p>
Ground Conditions	<p>Although it is unlikely that the baseline would change significantly if the Proposed Scheme were to proceed 7 years post consent, the desk study and risk assessment which informs the baseline may require a refresh as it was produced in 2021. There is no guidance on validity of a desk study/risk assessment therefore it</p>	None	<p>The construction programme is not relevant to the assessment.</p>	<p>There would be no impact on the assessment as reported within the ES as the construction programme isn’t relevant to the assessment. There is unlikely to be any new or different significant environmental impacts.</p>

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	would be at the discretion of the Environment Agency. However, given the results of the ES, it is considered that conclusions are unlikely to change.			
Water Environment	It is unlikely there would be any significant changes to the baseline used in the Water Environment Assessment if the Proposed Development did not begin until seven years post-consent. As in accordance with the Water Framework Directive the condition of the water environment should improve. A range of flood risk scenarios have been assessed to account for climate change uncertainty, it has been agreed with the Environment Agency that there would be no significant increase in flood risk should the Proposed Development not begin until seven years post-consent.	None	The worst-case construction programme has been considered for the Water Environment assessment, and it would not change if commencement of the Proposed Development did not begin until seven years post-consent as the condition of the water environment should improve and a range of flood risk scenarios have been assessed.	<p>The Proposed Scheme has been designed with appropriate freeboard in place (a minimum of 250mm above the assessed flood levels) to account for uncertainties, and this would ensure that the Scheme remains safe and operational should construction not commence until seven years post consent.</p> <p>However, there is an additional safeguard within Requirement 11 of the dDCO, which requires that a further assessment of the flood risk is undertaken 25 years after first commissioning.</p> <p>No impacts on other aspects of the assessment are foreseen. This has been agreed with the Environment Agency</p>
Climate Resilience	The climate change resilience assessment uses 30 year time slices to assess historic and current climate (existing baseline) and future baseline climate projections. As such, a delay in the timeframe of the project would not impact the baseline used in the assessment.	No survey work undertaken	The construction phase was scoped out of the assessment however the relevant time slice for construction (2010 – 2039) was used in the scoping process. This is considered to be appropriate to assess the climate trends applicable to the construction phase of the project.	The assessment of climate impacts has been undertaken for the 2020s (2010-2039) and the 2050s (2040-2069) aligning with the 25 year design life of the project. As such, and potential delay in the construction and operation of the Proposed Scheme would not affect the findings of the assessment.
Materials and Waste	<p>There may be a slight variation to the availability of key construction materials required for the Proposed Scheme, which has the potential to increase or decrease.</p> <p>The remaining landfill capacity is not expected to change (no capacity available by 2029 – this was used in the original assessment).</p>	No survey work undertaken	The quantities of materials required for construction of the Proposed Scheme and the quantities of waste generated during construction and operation of the Proposed Scheme are not programme dependent and would therefore not be affected by a delay to the construction programme.	Based on the assessment criteria used, the significance of effect would be unlikely to change should construction commence 7 years post-consent. Whilst remaining landfill capacity would become an increasingly sensitive receptor through time, it is anticipated that national capacity would be available, and it is possible that additional landfill capacity will be made available. The mitigation measures provided in the ES would remain valid.

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				It is considered likely that any regional shortfall in construction material availability would be able to be met nationally.
Green House Gases	The baseline assessed annual emissions for operational energy use, land use change and biomass. These emission values are not dependant on the construction start date, and therefore would not be altered by a delay to the construction or operational timeframe.	No survey work undertaken	The construction start date is not relevant to the assessment of GHG emissions, as the assessment considers the embodied carbon within the construction materials, which would not alter based on a delay to the construction programme.	<p>The assessment of GHG emissions is calculated by the anticipated emissions generated during construction and operation of the proposed development. These variables are not dependant on the construction start date. Therefore, any potential delay to the construction or operational timeframe would not alter the findings of the assessment.</p> <p>A delay in the construction programme would move the construction and operation of the proposed scheme into later Carbon Budget timeframes, which were provided for context in the ES. However the overall findings of the original ES are not anticipated to alter as the 'amount' of emissions would not change.</p>
Population, Health and Socio-Economics	<p>It is unlikely that the baseline would change significantly should the Proposed Scheme proceed seven years post consent.</p> <p>There may be minor changes in relation to the general population in the local and wider regional area (such as changes in age structure, employment and the economy) however these would not be significant over a period of seven years.</p> <p>The local community context for businesses, accommodation, and community facilities may change slightly, however there are not anticipated to be significant increases or decreases in the number or type of facilities which would significantly alter the baseline environment over a period of seven years.</p>	No survey work undertaken	The worst case scenario is based on the length of the construction period. As the length of the construction programme hasn't changed, the worst-case construction programme has been considered for the assessment of Population, Health and Socio-economics. It would not change if commencement of the Proposed Development did not begin until seven years post-consent.	As the worst case scenario has been assessed for the construction and operational phases, there would be no impact on the assessment as reported within the ES. .

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	<p>Whilst it is acknowledged that new development land plots could be designated, and some land parcels with planning permission are likely to be under construction or completed, this is not anticipated to materially alter the baseline for the purposes of the Population, Health and Socio-economics assessment.</p>			
Major Accidents and Disasters	<p>It is not considered likely that the baseline would change if the Proposed Scheme were to proceed seven years post-consent (assumed 2023) as the event types the Proposed Scheme could be vulnerable to will remain the same.</p>	<p>No survey work undertaken.</p>	<p>The construction timeframes are not relevant to the assessment of MA&D. The potential MA&D to which the Proposed Scheme may be vulnerable will not be affected by the construction programme.</p>	<p>The vulnerability of the Proposed Scheme to major accidents and disasters is unlikely to change should construction commence 7 years post-consent (assumed 2023) as construction start date is not relevant to the assessment undertaken.</p>
Cumulative Effects	<p>The cumulative effects assessment draws on the baselines for each specific topic. For any potential changes to baseline, see rows above.</p>	<p>No survey work undertaken.</p>	<p>The Applicant's review of "other developments" considered all "other developments" within the consolidated zone of influence and, where construction dates were not specified, these were automatically included on the Long List as a worst case. There were however no developments identified in the Long List that specified a construction start date later than 2029. As such, should the Proposed Scheme not commence until 7 years post consent, then it is likely that a number of projects that were assessed in the cumulative effects assessment would have completed construction and would therefore form part of the baseline, and that projects that were not identified in the planning searches would have come forwards. Given that it is not possible to predict those developments that would come forward in this time, it is therefore not</p>	<p>As described in the narrative provided for each topic in the rows above, it is considered that there would not be any new or materially different significant effects for the assessment of intra-project cumulative effects should the Proposed Scheme proceed seven years post consent.</p> <p>In relation to the assessment of inter-project cumulative effects certainty is reduced in relation to the outcome of the assessment. However, the assessment reported in the Environmental Statement has taken a worst case approach and included all developments that could interact with the Proposed Scheme where information was available (noting that the list of developments was also updated during examination) and this also included developments with unknown timeframes. It is also important to note that should any new developments come forwards, that require an Environmental Impact Assessment, that they would be required to assess the Proposed Scheme cumulatively and implement mitigation as required.</p>

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			<p>possible with complete certainty to state that the worst case for construction has been assessed.</p> <p>However, as detailed above, a worst case has been assessed based on the information available, and no significant effects that are worse than those already assessed in the topic specific Environmental Statement Chapters for the Proposed Scheme, were identified in the assessment of cumulative effects. As such it is considered unlikely that a change to the construction programme start date would result in a worsening of adverse environmental effects due to a conservative approach having already been taken.</p>	<p>Based on the projects identified on the short list, it is considered that for the assessment of effects during operation, that it is unlikely that there would be new or different significant effects were the Proposed Scheme not proceed until seven years after consent. This is due to having information (as detailed in the short list) available on those developments that are likely to have been constructed by this date. Furthermore, any projects that are brought forward in that period, would need to account for the Proposed Scheme likely coming into operation.</p> <p>In relation to construction it is not possible to predict the new developments that could come forward in the intervening time. It is however considered likely that, based on the outcome of the assessment of the worst case cumulative effects that has been carried out, and taking into account the implementation of the mitigation as detailed within the Register of Environmental Actions and Commitments (REAC) (REP7-010) and secured via the DCO, that there would not be a worsening of construction effects.</p>