The Eggborough CCGT Project

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The Eggborough CCGT (Generating Station) Order

Land at and in the vicinity of the Eggborough Power Station site, near Selby, North Yorkshire, DN14 0BS

Applicant's Responses to the Examining Authority's First Written Questions - Deadline 2

The Planning Act 2008

Applicant: Eggborough Power Limited
Date: November 2017

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GLOSSARY

ABBREVIATION	DESCRIPTION
AILs	Abnormal Indivisible Loads
AOD	Above Ordnance Datum
Applicant	Eggborough Power Limited
AQMA	Air Quality Management Areas
BAT	Best Available Techniques
BoR	Book of Reference
CA	compulsory acquisition
CCGT	combined cycle gas turbine
CCR	carbon capture readiness
CCR	Carbon Capture Readiness
CCS	Carbon Capture and Storage
CEMP	Construction Environmental Management Plan
COI	Certificate of Immunity from Listing
CRT	Canal & River Trusts
CWTP	Construction Workers Travel Plan
DCMS	Department of Culture, Media and Sport
DCO	Development Consent Order
DML	Deemed Marine Licence
DMRB	Design Manual for Bridges and Roads
EA	Environment Agency
EA	Environment Agency
ELVs	emission limit values
EN-1	Overarching National Policy Statement for Energy
EPL	Eggborough Power Limited
ES	Environmental Statement
ExA	Examining Authority
FRA	Flood Risk Assessment
FWQs	First Written Questions
GPDO	General Permitted Development Order 2015
HAZID	Hazard Identification
HAZOP	Hazard and Operability Study
HDD	Horizontal Directional Drilling
HE	Historic England
HRSG	Heat Recovery Steam Generator

ABBREVIATION	DESCRIPTION
HSE	Health and Safety Executive
IAQM	Air Quality Management
IED	Industrial Emissions Directive
LOAEL	Lowest Observable Adverse Effect Level
m	metres
MHWS	mean high water spring tide
MMO	Marine Management Organisation
MW	megawatts
NOEL	No Observed Effect Level
NPPF	National Planning Policy Framework
NPSE	Noise Policy Statement for England
NSIP	Nationally Significant Infrastructure Project
NYCC	North Yorkshire County Council
Order	Eggborough CCGT (Generating Station) Order
OWSI	Outline Written Scheme of Investigation
PA 2008	Planning Act 2008
PRoW	Public Rights of Way
RFI	Requests For Information
SCR	Selective Catalytic Reduction
SDC	Selby District Council
SOAEL	Significant Observed Adverse Effect Level
SoCG	Statement of Common Ground
SoS	Secretary of State
SuDS	Sustainable Drainage System
YWT	Yorkshire Wildlife Trust

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TABLES

APPENDICES

1.0 INTRODUCTION

1.1 This document (Document Ref. 9.1) has been prepared on behalf of Eggborough Power Limited ('EPL' or the 'Applicant') in respect of its application (the 'Application') for a Development Consent Order (a 'DCO') for the Eggborough CCGT Project (the 'Proposed Development'). The Application was submitted to the Secretary of State (the 'SoS') for Business, Energy and Industrial Strategy on 30 May 2017 and was accepted for examination on 27 June 2017.

1.2 The Proposed Development comprises the construction, operation and maintenance of a new gas-fired electricity generating station with a gross output capacity of up to 2,500 megawatts ('MW'), including electrical and water connections, a new gas supply pipeline and other associated development, on land at and in the vicinity of the existing Eggborough coal-fired power station, near Selby, North Yorkshire.

1.3 A DCO is required for the Proposed Development as it falls within the definition and thresholds for a 'Nationally Significant Infrastructure Project' (a 'NSIP') under Sections 14 and 15(2) of The Planning Act 2008 (the 'PA 2008'). The DCO, if made by the SoS, would be known as the 'Eggborough CCGT (Generating Station) Order' (the 'Order').

1.4 This document includes the Applicant's responses to the Examining Authority's (the 'ExA') First Written Questions ('FWQs') issued on 4 October 2017. The Applicant's responses are provided in Section 2. The document has been submitted for Deadline 2 of the Examination.

1.5 The document contains a number of appendices. The updated Compulsory Acquisition Schedule (issued as an Annex to the ExA's FWQs) is provided as **Appendix 1**.

2.0 APPLICANT'S RESPONSES TO THE EXA'S FIRST WRITTEN QUESTIONS

2.1 The Applicant's responses to the ExA's FWQs are set out in Table 2.1 on the following pages of this document.

2.2 Table 2.1 includes the reference number for each of the ExA's FWQs, the full text of the question under the relevant topic heading and the Applicant's response to each question. The Applicant's responses cross-refer to the Application Documents and other documents submitted since the start of the Examination where relevant.

Table 2.1 - Applicant's Response to ExA's Written Questions

ExA Question	Category	Question	Applicant's Response
AQ	**Air Quality And Dust**		
AQ 1.1	*Baseline Data* **The Applicant**	Figure 8.1 of the ES [APP-075] illustrates that there are no identified receptors in and around the proposed development route corridor. Paragraph 8.6.13 of the Environmental Statement (ES) [APP-046] states the area of construction is within 200m of sensitive receptors including Chapel Haddlesey and East Haddlesy. Explain why potential construction impacts along the pipeline corridor did not warrant specific receptors to be defined.	The worst-case impacts from construction would be associated with the site clearance and construction of the Proposed Power Plant. Impacts from the Proposed Gas Connection have been considered across the whole length of the pipeline corridor using representative worst-case receptors (R2, Chapel Haddlesey; R3, Eggborough; R25-26, East Haddlesey, R27-31 isolated receptors along the pipeline corridor), as described in Table 8A.6 of the Environmental Statement ('ES') (Document Ref. 6.4.4), however, receptors R25-R31 were inadvertently omitted from ES Figure 8.1 (Document Ref. 6.3.15). A revised ES Figure 8.1 is provided at **Appendix 2**. The Institute of Air Quality Management ('IAQM') guidance on the assessment of dust from demolition and construction (IAQM, 2014; Step 2b) requires an estimation of the number of receptors, their sensitivities and distance to the source; for example dust soiling effects on people and property where there are 1-10 receptors within 100 metres ('m') gives the same sensitivity rating ('low') as 10-100 receptors within 100-350 m; and where there are more than 100 receptors within 100 m gives a 'medium' sensitivity rating. This is explained further at ES Appendix 8A (Document Ref. 6.4.4). Construction of the Proposed Gas Connection is unlikely to have a significant effect beyond 100 m due to the nature of the works. The identification of the above worst-case receptors was judged to be representative of the area's sensitivity. This is in keeping with the IAQM methodology which indicates that determination of only an approximate number of receptors within each distance band is necessary once the highest level of sensitivity has been determined.
AQ 1.2	*Baseline Data* **The Applicant**	Paragraph 8.6.13 of the ES [APP-046] also identifies sensitive receptors within 200m of the construction area, including *"several farms in the north"*. i) Identify these farms. ii) Appraise the potential effects of the proposed development.	i) Identified farms within 200 m of the construction area are Lodge Farm (R27); Burn Lodge Farm (R28); Top House Farm (R29). ii) These receptors were included within the assessment of area sensitivity, which was determined to be 'low sensitivity' to construction impacts and therefore given the small scale of works within this area the construction effects are, as described in the ES paragraphs 8.6.13-14, not significant.
AQ 1.4	*Baseline Data* **The Applicant**	Sections 8.6 to 8.9 of the ES [APP-046] describe the likely impacts and effects from construction; mitigation and enhancement measures; limitations and difficulties and residual effects from construction, operations and decommissioning. Reference is made to the "*pollutants of concern resulting from construction and operation of the Proposed Development are oxides of nitrogen, nitrogen dioxide, CO, PM10 and PM2.5, therefore the assessment of baseline conditions considers these pollutants only*". Explain why no reference is made of PM2.5 impacts or significance of effects associated with this "pollutant of concern".	Whilst dust soiling may occur from the deposition of dust of all size fractions, $PM_{2.5}$ impacts are primarily associated with solid or liquid fuel combustion. Gas fired combustion and most construction activities do not therefore contribute significant levels of $PM_{2.5.}$ PM_{10} is a better representative of construction impacts on human health and is specifically dealt with in the IAQM, 2014 guidance, with the acknowledgement that this is likely to be in the coarse ($PM_{2.5-10}$) fraction. The effects from PM_{10} on human health were assessed at Table 8.17 and paragraph 8.6.14 of the ES (Document Ref. 6.2.8) as not significant. Construction traffic, in particular HGVs, could give rise to $PM_{2.5}$ emissions but the air quality impacts of traffic were screened out from the Environmental Impact Assessment ('EIA') process as they were below the IAQM/Design Manual for Bridges and Roads ('DMRB') screening threshold, and therefore $PM_{2.5}$ emissions from construction traffic were also screened out as insignificant. Selby District Council ('SDC') and North Yorkshire County Council ('NYCC') have confirmed that the ES air quality methodology is appropriate in the draft Statement of Common Ground ('SoCG') with the Applicant (Document Ref. 7.1 submitted at Deadline 2). Operational sources of $PM_{2.5}$ are confined to the diesel firing of the Black Start Plant. The operation of the Black Start Plant will be limited to 50 hours per year and diesel firing will represent only a small proportion of this and is not therefore significant. As such this source of $PM_{2.5}$ is considered to be insignificant against the annual mean air quality standard for $PM_{2.5}$.
AQ 1.5	*Methodology* **The Applicant**	Paragraph 8.6.8 of the ES [APP-046] describes the use of professional judgement to determine sensitivity levels. Table 8A.2 of ES Appendix 8A [APP-100] states that "*ecological effects have been screened out as no sensitive ecological receptors are present within 500 m of the site*". However, paragraph 6.4.10 of Appendix 10C of the ES [APP-106] identifies habitats and species within and immediately adjacent to the site boundary, particularly in the context of the pipeline route corridor. Explain if and/or how the features set out in Appendix 10C [APP-106] are reflected in the Air Quality Assessment [APP-100].	The IAQM 2014 guidance indicates that sensitive ecological receptors to construction dust may include European designated sites (Special Areas for Conservation and Ramsar sites - 'high sensitivity receptor'), nationally designated sites (Sites of Special Scientific Interest - 'medium sensitivity receptor) or local nature reserves with dust sensitive features ('low sensitivity receptor') within 50 m of the construction site boundary or within 50 m of the route used by construction vehicles up to 500 m from the site entrance. No dust-sensitive ecological receptors within the definitions described within the IAQM guidance have been identified within these screening distances and therefore ecological effects are screened out of the construction dust assessment.

ExA Question	Category	Question	Applicant's Response
AQ	**Air Quality And Dust**		
AQ 1.6	*Methodology* **The Applicant**	Paragraph 8.5.12 of the ES [APP-046] states that the potential for visible plumes is considered to be very low as a result of the water content and temperature of the flue gas. This would appear to be contradicted at paragraph 16.6.31 of the ES [APP-054] which states that plumes are visible for, potentially 63.6% of daylight hours. Mr and Mrs Laurenson in their Relevant Representations [RR-009] and [RR-015] also raise concerns in respect to plumes and steam. Provide a response.	The two references relate to different parts of the Proposed Power Plant. ES paragraph 8.5.12 (Document Ref. 6.2.8) relates to visible plume risk from the main emissions stacks, which is considered negligible for a gas-fired power station, as water vapour from the combustion process does not occur in sufficient quantity or at sufficiently low temperature to condense to a visible plume before it disperses. Therefore, this was not considered further in the ES. However, visible plumes from cooling towers are likely to occur for water based systems, as referenced at paragraph 16.6.31 of the ES (Document Ref. 6.2.16) and at ES Appendix 8B (Document Ref. 6.4.5). Consequently, ES Appendix 8B presents the findings of a visible plume assessment undertaken on the cooling tower technologies under consideration - wet and hybrid cooling. This includes the prediction that a wet cooling system could result in a visible plume of less than 100 m in length for 63.6% of daylight hours (total of all wind directions) and 3.6% of daylight hours with a plume of more than 100 m in length. The Applicant recognises the importance of managing visible plumes from the cooling towers so specifically consulted on the choice of cooling technology during the Stage 2 consultation. The feedback received from the local community was that 43% (see Consultation Report, paragraph 8.19 - Document Ref. 5.1) preferred the reduced visible plume option associated with the use of hybrid cooling, which was predicted to result in visible plumes of more than 100 m in length for 0.1% of daylight hours. Only 13% preferred wet cooling options with the remainder of people having no strong preference. Therefore, the Applicant proposes to use this technology in the Proposed Development, subject to final agreement on the use of Best Available Techniques ('BAT') from the Environment Agency ('EA') through the Environmental Permit application process. This will minimise visible plumes from the cooling system.
AQ 1.7	*Impact Assessment* **The Applicant**	Table 8.4 of the ES [APP-046] seeks to scope out consideration of construction dust on sensitive ecological receptors. Paragraph 8.3.15 of the ES [APP-046] states that "*Consideration has also been given within the assessment to the potential cumulative dust emissions from the construction of the Proposed Development and the demolition of the existing coal-fired power station*". Clarify, with reference to the Institute of Air Quality Management guidance cited in paragraph 8.3.13 of the ES [APP-046], the basis on which this has been scoped out with particular reference to cumulative effects.	It is considered that the distances prescribed in the IAQM guidance (as detailed in the Applicant's response to AQ 1.5 above) associated with potentially significant construction/demolition impacts on air quality are such that there are no identified receptors that could be impacted by these activities. In addition, the potential for significant effects associated with the construction of the Proposed Development will be minimised through the use of industry standard control and mitigation techniques and will be implemented through the Construction Environmental Management Plan ('CEMP') secured by Requirement 18 of the draft DCO (Document Ref. 2.1).
AQ 1.8	*Impact Assessment* **The Applicant**	Paragraph 8.6.19 of the ES [APP-046] refers to dispersion modelling and that a number of conservative and worst-case approach has been adopted. Clarify the extent to which assuming maximum EU Industrial Emissions Directive emission limit values has overestimated predicted concentrations at identified receptors.	The Industrial Emissions Directive ('IED') emission limit values ('ELVs') are a list of maximum pollutant concentrations that new electricity generating stations listed under the Directive, including gas-fired power plants, can emit to air from their associated stacks. These ELVs cannot be exceeded and this is regulated by the EA through the Environmental Permit application process for the Proposed Power Plant. Site specific ELVs may be imposed by the EA through the Environmental Permit, if required, to safeguard local air quality. Therefore, the IED ELVs are the worst-case concentrations that can be emitted by the Proposed Power Plant. In practice the ELVs may be set at a lower level than these. As stated in paragraphs 8.3.53-55 of the ES (Document Ref. 6.2.8), the effects on local air quality are overestimated by assuming 100% operability of the combined cycle gas turbine ('CCGT') units and the Peaking Plant with emissions at IED ELVs; this would likely only occur for a few hours per year. In addition, in order for the Proposed Power Plant to remain compliant with the ELVs over the life of its Environmental Permit, by definition the Plant's performance must be better than those limits to prevent exceedance, as the Plant must be operated taking into account the specific confidence intervals (as set in the Environmental Permit), before determination of compliance with the ELV can be made.
AQ 1.9	*Use of Selective Catalytic Reduction* **The Applicant** **The Environment Agency**	i) Provide an update on whether Selective Catalytic Reduction (SCR) is to be used and if necessary, update documents accordingly. ii) Explain how the need for SCR is secured in the draft DCO [APP-005] and the extent to which it is reflected elsewhere in the ES on a topic by topic basis. iii) What is the status of the Environmental Permit application	Selective Catalytic Reduction ('SCR') is a secondary abatement technique that can be installed on combustion plant to reduce emissions to air of nitrogen oxides. It works by injecting ammonia into the flue gas to react with the nitrogen oxides, forming nitrogen and water. Any unreacted ammonia is emitted with the flue gas through the stack. i) The decision as to whether SCR is required to be installed on the Proposed Power Plant will be made by the EA through determination of the Environmental Permit application required for the operation of the Plant; specifically following determination of which approach to emissions control represents BAT for the Plant, given its characteristics, location and geographical context. ii) & iii) The Environmental Permit application for the Proposed Power Plant has been submitted by the Applicant. It was confirmed as

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AQ	**Air Quality And Dust**		
			being 'Duly Made' by the EA on 28 June 2017 and is currently undergoing EA determination. The EA's position during the Examination process must not prejudice the outcome of that permit determination process. That said, based on the Applicant's initial review of the predicted levels of impact on human health and ecological receptors when running with and without SCR, the levels of impact do not preclude either option at this stage and both options should be retained until BAT has been determined. The final decision on the need for SCR will be made through the permitting process based on a balance of a number of factors including air impact, energy efficiency, carbon emissions, safety and cost. The Applicant has submitted a technical note to the EA on air impacts associated with the use of SCR, which is provided at **Appendix 3**.
AQ 1.10	*Use of Selective Catalytic Reduction* **The Applicant**	Table 21.1 of the ES [APP-059] states that significant residual effects would occur with SCR in place. When considering SCR potentially being in place, explain whether mitigation measures, such as increased stack heights or additional flue gas controls, have been considered and assessed in the ES accordingly in response to the potentially significant residual effects.	Following EA and Natural England guidance, initial assessments screened out the potential for any significant effects on designated habitats sites, since no internationally designated sites have been identified within 15 km of the Site. However, one site beyond that agreed assessment distance has been identified and considered for nitrogen deposition with and without the use of SCR. Without SCR, all impacts are identified as insignificant. With SCR, based on conservative modelling assumptions, the potential nitrogen deposition impact at that designated site has been modelled to be marginally over the threshold for insignificance. This is not the same as determining that impact to be significant. In addition, the assessment initially took no account of the current nitrogen depositional impacts on that site associated with the emissions of the existing coal-fired power station. When considered against those impacts, even with the use of SCR, there is a lower nitrogen deposition impact than from the existing coal-fired power station. Various control options have been considered including the choice of emission limit value for ammonia slip. The stack height was fixed at 99.9 m Above Ordnance Datum ('AOD') based on a review of potential air quality impacts from various worst case scenarios and following the Stage 2 consultation. The ExA is referred to the technical note (**Appendix 3**) referred to in the response to AQ 1.9 above.
AQ 1.12	*Emissions Monitoring* **The Applicant**	Works Nos. 1A and 1B as defined in Schedule 1 of the draft DCO [APP-005] set out that the works include *"continuous emissions monitoring system"*. The need for a programme of emissions monitoring does not appear to be secured in any requirement in Schedule 2 of the DCO. Explain why no requirement has been included to secure a programme of emissions monitoring.	The requirement to continuously monitor emissions from the Proposed Power Plant will be specified within the Environmental Permit required for the operation of the Plant. The EA would be able to take enforcement action if continuous emissions monitoring were not implemented and tested through periodic independent verification, and the EA could prevent the Plant from being operated. Therefore, the Applicant considers that a requirement within the DCO would duplicate controls secured through the Environmental Permit and enforced by the AE and is not therefore necessary or appropriate. Securing the provision of continuous emissions monitoring is therefore outside the scope of the DCO. Separately the Applicant has also confirmed to SDC and NYCC that it will undertake ambient air modelling at locations to be specified within and around Hensall. This type of modelling is outside the EA's remit, and is therefore secured by Requirement 35 within the revised draft DCO (Document Ref. 2.1) submitted at Deadline 2.
AQ 1.13	*Black Start Plant Stacks* **The Applicant**	Paragraph 4.2.36 of the ES [APP-042] sets out details for the Black Start Plant. Schedule 14 of the draft DCO [APP-005] sets the height restrictions for each potential technology options for the Black Start Plant stacks; 45m for the open cycle gas turbine option and 25m for the reciprocating gas engines option. Several references in the ES [APP-042], but with one such reference at paragraph 4.2.2 indicate that Black Start Plant Stacks would have having a single or several co-located stacks. i) Explain why the quantum and locations of the stacks associated with the Black Start Plant are not fixed. ii) Amend the draft DCO [APP-005], notably Tables 14 and 16 of Schedule 14 to include restrictions on the quantum and location of stacks.	i) The final technology selection for the Peaking and Black Start Plants has not yet been made. Therefore, a conservative approach has been undertaken for the worst-case stack heights. Extensive air modelling and visual impact assessments have been conducted to consider the implications of the number and location of the Peaking and Black Start Plant emissions stacks and this has concluded that the difference in the overall impact of emissions from the Proposed Power Plant is limited (and is in all cases not significant). ii) Tables 14 and 16 of the draft DCO (Document Ref. 2.1) specify the location of the CCGT stacks only as it is not possible or necessary (as set out above) to fix the precise location or quantum of the Peaking and Black Start stacks at this stage. Given the results of the environmental assessments undertaken, and the need to maintain flexibility on future technology options, the Applicant does not therefore consider it necessary or appropriate to amend Schedule 14 of the draft DCO in relation to this.
AQ 1.14	*Black Start Plant* **The Applicant**	i) Explain how the limitations of the hours of use of the Black Start plant, as set out in the ES [APP-042] are secured in the draft DCO [APP-005]. ii) Explain how the limitations on hours of use will be imposed, and what worst case scenario assumptions have been made in terms of the percentage splits between diesel and gas firing as reflected in 'abnormal condition' short term modelling. iii) Explain the modelling assumptions for the 25m stack height for the	i) The limitation on operational hours of the Black Start Plant will be specified within the Environmental Permit required from the EA for the operation of the Proposed Power Plant. Therefore, the Applicant considers that additional and overlapping controls in the DCO are not warranted. ii) Please see i) above in terms of limitations. The modelling assumed as a worst-case that the operation of the Black Start Plant was entirely using diesel (middle distillates) as this would be expected to result in worse emissions of NOx than gas-firing for this unit type. Additionally, the operation of the Black Start Plant (in combination with the Peaking Plant) was modelled assuming

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AQ	**Air Quality And Dust**		
		reciprocating gas engines option set out in Schedule 14 of the draft DCO [APP- 005], which are not replicated in the modelling in table 8.10 of the ES [APP- 046].	continuous operation in order to secure the worst-case predicted impacts from all meteorological data sets. iii) Schedule 14 of the draft DCO and Table 8.10 of the ES (Document Ref. 6.2.8) describe the modelled parameters for the air quality assessment including stack heights. The Black Start Plant was modelled based on the 45 m high stacks proposed for the Peaking Plant. The 25 m high stacks relate to the auxiliary boilers associated with the CCGT Plant, which are only used in the event that safe shutdown of the CCGT Plant is required during an emergency. These were not assessed separately in the air impact assessment as they are not expected to be operational, and if they were used would only operate for approximately 30 minutes while the CCGT Plant is safely shutdown. The Applicant does not consider that any amendments to the draft DCO are required in order to achieve the necessary limitations and controls, for the following reasons.
AQ 1.15	*Peaking Plant Stacks* **The Applicant**	Paragraph 4.2.32 of the ES [APP-042] sets out details for the Peaking Plant. Tables 14 and 16 of Schedule 14 of the draft DCO [APP-005] sets the height restrictions for each potential technology options for the Peaking Plant; 45m for the open cycle gas turbine option and 28m for the reciprocating gas engines option. ES paragraph 4.2.33 [APP- 042] describes the Peaking Plant of having a single or several co-located stacks. i) Explain why the quantum and locations of stacks associated with the Peaking Plant is not fixed ii) Amend the draft DCO [APP-005], notably Tables 14 and 16 of Schedule 14 of the draft DCO to include restrictions on the quantum and location of stacks.	i) The stacks have not been fixed for the Peaking Plant as the final technology selection has not yet been made. Therefore, a conservative approach has been undertaken for the worst-case stack heights. Extensive air modelling and visual impact assessments have been conducted to consider the implications for the number and location of the Peaking and Black Start Plant stacks and this has concluded that the difference in overall impact of emissions from the Proposed Power Plant is limited. Therefore, no restrictions beyond those already set out in Tables 14 and 16 of the draft DCO are considered necessary. ii) The quantum and location of stacks will be determined through the Environmental Permit process. For that reason and those set out above, the Applicant does not consider it necessary to amend Schedule 14 of the draft DCO.
AQ 1.16	*Dispersal Modelling* **The Applicant**	Plates 8A.2 to 8A.4 of Appendix 8A of the ES [APP-100] show the modelled buildings within the dispersion modelling. It shows only four of the existing cooling towers when eight are on site, and does not appear to represent the cooling tower structures for the proposed development. Provide a response.	Only four natural draught cooling towers were represented as these are the ones closest to the proposed stacks and therefore have the potential to affect dispersion from the stacks. The remaining four towers are obscured from the stack by the closest towers and therefore will not affect dispersion. They are also too far away to be considered within the model in accordance with EA dispersion modelling guidance, as described below. The proposed cooling tower structures for the Proposed Power Plant will be a maximum of 30 m high. All structures more than 40% of the height of the stack and within a horizontal distance of 8-10 stack heights of that stack need to be considered in the assessment. At 30 m high therefore, the cooling towers are below the threshold for a 90m stack and do not therefore need to be considered. The proposed cooling tower structures are obscured from the Peaking and Black Start Plant stacks by the taller CCGT Heat Recovery Steam Generator ('HRSG') buildings and therefore will not affect dispersion from these stacks.
AQ 1.17	*Existing Coal-Fired Station* **The Applicant**	Table 8.17 of the ES [APP-046] presents the significance of effects during construction of the proposed development from dust and particulates, including the effects from demolition of the existing coal-fired station. Justify the conclusion of 'medium risk' for cumulative effects of dust soiling and PM10 during demolition (i.e. with concurrent demolition of the existing power station).	The methodology determines the risk of effects on receptors occurring, through combination of the magnitude of impact (determined through consideration of the scale and duration of activities) and the sensitivity of the area (through determination of the sensitivity of receptors, the number of such receptors and their distance from construction activities), in accordance with the IAQM 2014 guidance. The sensitivity of the receptors to dust soiling and PM_{10} health effects from demolition activities was determined to be high, as there are residential properties present within 350 m of the boundary for both the Proposed Development and the existing coal-fired power station. The overall area sensitivity to demolition impacts was determined to be 'low' as there are 1-10 high sensitivity receptors (R15) identified within 200 m of the demolition activities for both the Proposed Development, and the demolition of the existing coal-fired power station. The scale of the demolition works for the Proposed Development was considered to be 'small' (as the total building volume to be demolished was estimated to be less than 20,000m^3 and of prefabricated design with limited concrete removal); when combined with the 'low' area sensitivity this resulted in a 'negligible' overall risk of dust soiling and human health (PM_{10}) impacts. The scale of the demolition works for the Proposed Development with concurrent demolition of the existing coal-fired power station

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AQ	**Air Quality And Dust**		
			was considered to be 'large' (the highest classification, as the total building volume was likely to be greater than >50,000m^3, and involving potentially dusty materials more than 20 m above ground); when combined with the 'low' area sensitivity this resulted in a 'medium' overall risk of dust soiling and human health (PM_{10}) impacts from concurrent demolition activities.
AQ 1.18	*Significance of Effects* **The Applicant**	Provide a version table 8.20 of the ES [APP-046] which covers all of the short term concentrations across all pollutants considered at all of the identified receptor points, and not just those worst affected.	Tables 8.20A and 8.20B provided at **Appendix 4** set out additional information on short-term pollutant concentrations for both the CCGT and Peaking Plants in operation. Table 8.22 of the ES provides maximum short-term impacts from 'abnormal' operation (both Peaking and Black Start Plants in operation) and additional information on this is presented at Tables 8.22A and 8.22B) at **Appendix 5**.
AQ 1.19	*Significance of Effects* **The Applicant**	Paragraph 8.6.40 of the ES [APP-046] explains the short term pollutant concentrations were modelled on the basis of abnormal conditions by operation of the black start and peaking plant. i) Confirm whether the assessment of short term concentrations also considers the 'normal' operation of the proposed development as well (i.e. with the CCGT units also in operation). ii) If not, explain why not. iii) If not, provide a separate version of the table 8.20 ES [APP-046] (detailing all human health receptors and pollutants) showing the short terms concentrations under 'normal' operating conditions assuming the CCGT and peaking plant units are in operation but without the black start unit.	i) The Applicant confirms that the assessment of short-term concentrations considers the 'normal' operation of the Proposed Power Plant (described in ES paragraphs 8.2.24-26). The ExA is also referred to the response to AQ 1.18 above. ii) n/a iii) The ExA is referred to Tables 8.20A and 8.20B (**Appendix 4**) and the Applicant's response to AQ 1.18 above.
AQ 1.20	*Cumulative Impacts* **The Applicant**	Table 20.3 of the ES [APP-058] presents the change in annual mean NO2 predicted concentrations with Proposed Development (during peak of construction) and other proposed developments. Provide an updated table showing <u>all</u> of the receptor locations (including the Air Quality Management Areas (AQMA)) as well as actual changes not just percentage changes.	The Applicant has provided an updated version of Table 20.3 at **Appendix 6**, including both actual changes and percentages) and provides the following explanation. Receptor Numbers R25 (Haddlesey Manor, E.Haddlesey) and R26 (Manor Cottages, E.Haddlesey) are receptors identified specifically for the effects of construction dust impacts only, as described in the Applicant's response to AQ 1.1. Table 20.3 of the ES erroneously identified receptors on the A19, Eggborough as R25, R26; these receptor locations are represented in the operational assessment by receptor R3 (Eggborough) and, whilst initially considered within the Preliminary Environmental Information Report ('PEIR') for the Stage 2 consultation, were screened out of the Proposed Development traffic assessment as the expected traffic volumes would be below the threshold requiring a quantitative assessment (as described in ES paragraphs 8.3.21-22). The receptor locations described in the cumulative assessment are referred to here as R32 and R33 respectively. Tabulated data for those receptors potentially affected by traffic impacts (peak of construction) are provided at Table 20.3. Due to the distance between the Air Quality Management Areas ('AQMAs') and the Site, coupled with the fact that air quality traffic impacts were screened out from further assessment, the impacts at the identified AQMAs have not been quantitatively assessed. In respect of the potential impacts from cumulative schemes on the Selby Town AQMA, none of the major identified cumulative schemes that could contribute to cumulative traffic impacts (including decommissioning and demolition of the existing coal-fired power station, the Knottingley CCGT Power Plant, the Southmoor Energy Centre, Single-Storey Production Facility and Kellingley Colliery Business Park) have reason to route significant traffic volumes through Selby Town Centre, and similarly the Proposed Development would not involve HGV traffic being routed through this area. Therefore, the cumulative schemes are not considered likely to have a significant effect on the Selby Town AQMA and this has been screened out of the assessment. In respect of the potential impacts from cumulative schemes on the M62 AQMA (to the west of the junction with the A19), the conservative cumulative traffic volume from all the identified schemes is predicted to represent 3.7% of the total traffic flow along this stretch of the M62 (66,071 AADT) and therefore the contribution to traffic flows and therefore the contribution to NO_2 within the AQMA is considered to be negligible and has been screened out of the assessment.
AQ 1.21	*Cumulative Impacts*	Paragraph 8.6.23 of the ES [APP-046] refers to changes in pollutant concentrations	The Proposed Development operational process contribution of NO_2 represents 0.1% and 0.4% of the annual mean NO_2 NAQS for the

ExA Question	Category	Question	Applicant's Response
AQ	**Air Quality And Dust**		
	The Applicant	at the AQMA's during operation of the proposed development. Clarify what the overall effect on the AQMA receptors (23 and 24 as shown in Table 8.19 of the ES [APP-046]) would be taking into account the cumulative effect of traffic associated with the demolition of the existing power station and other committed developments plus the process contributions of NO2 from the proposed development should it be the case that operation of the proposed development overlaps with demolition of the existing station.	M62 AQMA and Selby town AQMA respectively, and therefore is considered to have negligible effect in isolation and therefore in combination with the cumulative NO_2 from traffic emissions from other committed developments as described in response to AQ 1.20. Furthermore, the cessation of operation of the existing coal-fired power station would be expected to reduce the NO_2 load at each of these sites, therefore the baseline NO_2 level at each of these receptors would be expected to be lower than currently experienced. Potential cumulative traffic impacts from the Proposed Development with identified cumulative schemes is discussed in the response to AQ 1.20.
AQ 1.22	*Cumulative Impacts* **The Applicant**	Paragraph 8.4.20 of the ES [APP-046] states that the adjacent Saint Gobain manufacturing facility "*is not expected to emit the same pollutants as the Proposed Development and therefore does not represent a risk to attainment of the NAQS for the study species*". Justify this assertion.	The proposed development at the Saint Gobain facility includes the erection of additional warehousing and structures, and a process involving the emission of isocyanate and particulates. The Saint Gobain facility is considered unlikely to give rise to significant combustion emissions requiring consideration of cumulative impacts with the operation of the Proposed Development. Locally there could be construction dust impacts but these would not overlap geographically or temporally with those associated with the construction of the Proposed Development due to the distance between the two projects. Emissions of particulates associated with construction traffic could present a cumulative effect. However. the Proposed Development traffic contribution to particulates is considered to be negligible and therefore is not considered to represent a risk to attainment of the NAQS for PM_{10}.
AQ 1.23	*Framework Construction and Environmental Management Plan* **The Applicant**	Appendix 5A to the ES [APP-099] sets out a "Framework" for the Construction and Environmental Management Plan (CEMP). Requirement 18 of the draft DCO [APP-005] requires a submission of a CEMP. i) Explain the definition 'Framework' and whether this differs in approach froman indicative or outline prefixed report. It is unclear, for example, why the Landscaping and Biodiversity Strategy is "indicative" [APP-035] whereas the submitted CEMP is a "Framework". ii) Explain whether the Framework CEMP is sufficiently detailed to provide reasonable comfort and confidence that the included matters can be satisfactorily discharged at the required stage. iii) Explain whether Requirement 18(2) of the draft DCO [APP-005] is sufficiently precise in stating that the approved CEMP must be in accordance "with the principles" of Appendix 5A of the ES [APP-099] as opposed to simply being "in accordance with" the Framework CEMP itself.	i) The word 'Framework' is used to identify that the document sets the parameters for the CEMP, recognising that the detail cannot be finalised until a construction contractor has been appointed. The detailed CEMP will be agreed with SDC (pursuant to Requirement 18), but must accord with the Framework supplied with the Application. This is therefore intended to provide sufficient detail to stakeholders on how construction environmental effects will be managed given the current development stage of the Proposed Development. This approach has precedent in a number of other DCOs, and has also been agreed with SDC and NYCC. This differs from an 'indicative' document (such as the Indicative Landscape and Biodiversity Strategy) which provides an example of how a topic or issue may be addressed. ii) It is considered that the Framework CEMP (Document Ref. 6.4.3) addresses the key environmental impacts during construction and how they will be controlled and mitigated. The measures listed in the Framework CEMP link directly with the construction mitigation provided within the technical chapters of the ES, which have themselves been informed by the outcomes of the environmental assessments. The Framework CEMP provides as much detail as is possible, in the absence of a construction contractor being appointed. Requirement 18 of the draft DCO also provides that, in addition to being in compliance with the Framework CEMP and the Indicative Landscape and Biodiversity Strategy (Document Ref. 5.10), the CEMP must include specific schemes and plans (sub-paragraphs (2)(a)-(e)). An updated Framework CEMP is provided at **Appendix 7**. iii) The Applicant considers that in the interests of clarity, Requirement 18 should be amended in line with the ExA's recommendation. Please see the Applicant's revised draft DCO (Document Ref. 2.1) submitted at Deadline 2, which includes an amendment to sub-paragraph (2).

ExA Question	Category	Question	Applicant's Response
AH	**Archaeology and Heritage**		
AH 1.1	*Outline Written Scheme of*	Paragraphs 13.7.6 and 13.7.7 of the ES [APP-051] state that "*mitigation measures will be discussed and approved with the NYCC archaeologist. The methodology will*	i) During pre-application discussions with NYCC and Historic England ('HE'), an Outline Written Scheme of Investigation ('OWSI') was not requested. The mitigation for archaeological assets is set out in the ES Chapter 13 on Cultural Heritage (Document Ref.

ExA Question	Category	Question	Applicant's Response
AH	**Archaeology and Heritage**		
	Investigation **The Applicant**	*be set out in a written scheme of investigation which will be approved in writing by the local authority. The successful implementation of an approved mitigation strategy will reduce any significant adverse effects to a level which is not significant (i.e. minor adverse or lower), because heritage assets will either be avoided by design or appropriately investigated and recorded*". Table 13.9 of the ES [APP-051] confirms that the Outline Written Scheme of Investigation (OWSI) is reliant upon to reduce moderate/ major adverse (significant) effects to "minor adverse". Requirement 16 (2) of the draft DCO [APP-005] in respect to archaeology matters states that a scheme submitted and approved must be in accordance with the principles set out in chapter 13 of the ES [APP-051]. i) Explain why an OWSI has not been submitted with the application. ii) Submit an OWSI.	6.2.13) and was agreed with the archaeological officer at NYCC. It has been agreed with NYCC and HE that an OWSI was not required to be produced at this stage. The proposed requirement on archaeology (Requirement 16) provides for the mitigation and works which will be carried out. The first part of this is the production of an OWSI. ii) The Applicant does not intend to submit an OWSI during the Examination but as noted above is required to do so by Requirement 16. It must be submitted to and approved by the relevant planning authority (SDC) in consultation with NYCC prior to commencing any part of the Proposed Development. This is the approach was adopted for the Dogger Bank Offshore Wind Farm DCO in agreement with HE and Humber Archaeology Partnership, the archaeological advisor to the local planning authority.
AH 1.3	*Archaeology Strategy* **The Applicant Historic England**	Historic England in its Relevant Representation [RR-006] states that an archaeology strategy was necessary and is to be agreed. For the Applicant: i) Explain whether this forms part of the OWSI. ii) If not, explain if it is to be submitted during this Examination. For Historic England: iii) Comment as to whether you should be included in the approval of the WSI in Requirement 16 of the draft DCO [APP-005].	i) The archaeology strategy will form part of the OWSI. The mitigation for archaeological assets is set out in the ES Chapter 13 on Cultural Heritage. This was agreed with the archaeological officer at NYCC and with HE (as confirmed in the agreed SoCG with Historic England (the ExA is referred to the SoCG submitted at Deadline 1 - Document Ref. 7.4). The proposed archaeological approach agreed with HE is that archaeological works would be secured through Requirement 16 of the draft DCO. The first part of those works is the preparation and approval of an OWSI. ii) In line with the Applicant's response to AH 1.1, it is not proposed to submit an OWSI during the Examination.
AH 1.5	*Historic Assessment of Existing Coal-Fired Station* **The Applicant Selby DC North Yorkshire CC**	North Yorkshire County Council and Selby District Council in their Relevant Representation [RR-018] expressed concerns as to whether an assessment had been undertaken on the loss of the existing power station on the historic environment. For NYCC/Selby DC: i) Explain your comments further. For the Applicant: ii) Explain the extent to which the cultural heritage and landscape assessments reflect the presence of the existing power station both as a community asset and as a landscape feature.	ii) HE has already assessed the existing coal-fired power station for listing as part of its strategic approach to assessing later C20th power stations. The Secretary of State ('SoS') for the Department of Culture, Media and Sport ('DCMS') has considered HE's advice and recommendation on the existing coal-fired power station and has decided not to take the case forward to full assessment or to add the power station to the list. The HE Report (dated 25 January 2017) is available to view on the Heritage Gateway website. The Applicant has also submitted an application for a Certificate of Immunity from Listing ('COI') in respect of the existing coal-fired power station. The extent to which cultural heritage and landscape assessments reflect the presence of the existing coal-fired power station as a community asset and as a landscape feature are discussed in turn below. *Heritage* Chapter 13 of the ES (Document Ref. 6.2.13) discusses the Cultural Heritage considerations arising as a result of the Proposed Development. The purpose of the cultural heritage chapter is to identify those heritage assets that may be affected by the Proposed Development, their significance, their setting, how their setting contributes to the heritage significance and how the Proposed Development may affect those. The assessment does not identify or assess the value of the existing coal-fired power station as a community asset. As part of the assessment, the existing coal-fired power station was discussed within the 'non-designated assets' section of Chapter 13 (paragraphs 13.4.1-14). This section specifically identified that the existing coal-fired power station is of some heritage interest. The existing coal-fired power station is discussed in some detail from paragraphs 13.4.129 - 13.4.141. The information in this section was a summary of information that was submitted as part of a more detailed assessment to accompany the COI application to the DCMS for the existing coal-fired power station. The application remains undetermined.

ExA Question	Category	Question	Applicant's Response
AH	Archaeology and Heritage		
			The Chapter summarises that the existing coal-fired power station is considered a non-designated heritage asset and that it, along with other power stations of that generation, are among the largest and most recognisable complexes built in the British landscape during the C20th. It also recognised that the existing coal-fired power station and those similar to it had a profound impact on the British landscape, visually, environmentally, and culturally, and the electricity they generated had a transformational effect on our economy and society. The Chapter considers that Eggborough, like other power stations of its generation was testament to the scale of Britain's post-war national electricity industry. However, the assessment concluded that, in line with HE guidance on the selection of listing buildings, Eggborough was built to the same template as other power stations of the Central Electricity Generating Board era. Whilst it has some architectural and landscape merit particularly in response to its location, it does not stand out as an innovative example of a power station. The initial assessment concludes that the existing coal-fired power station has a presence within the landscape and has influenced many people's lives and thus may have local interest but is not nationally important. HE, in its designation decision report (25 January 2017), states that whilst Eggborough Power Station does not meet the criteria for listing, in recognition of the contribution it has made to England's energy needs and the profound impact on the surrounding landscape, the power station should be recorded prior to decommissioning. While HE's decision on the COI application is outstanding, it is likely to take a similar stance as to its designation decision. The Proposed Development does not include the demolition of the existing coal-fired power station and, as such, no assessment was made of the impact of any demolition works on the historic environment, as those works do not form part of the Application. However, recognising that the timing of the construction of the Proposed Development against the demolition of the existing coal-fired power station is uncertain, the heritage assessment did consider the effects of the Proposed Development against baselines that both included and did not include the presence of the existing coal-fired power station. This approach was taken in order to ensure that a conservative assessment of impact was undertaken. *Landscape* The landscape assessment considers the presence of the existing coal-fired power station as an industrial feature in the landscape in the Levels Farmland Landscape Character Type (Table 16.4 in Chapter 16 of the ES – Document Ref. 6.2.16). The landscape assessment considers the introduction of further industrial structures in the landscape adjacent to the existing coal-fired power station and the impact to the woodland plantation screen planting which forms part of the Brenda Colvin landscape scheme (Table 16.7 of Chapter 16). The landscape assessment considers the value of the site in relation to the presence of a non-designated heritage asset (the existing coal-fired power station). The landscape assessment does not consider the presence of the existing coal-fired power station as a landscape feature in its own right. Instead the landscape assessment considers the existing landscape that includes a number of power station developments including the existing coal-fired power station. The landscape assessment also assesses the Proposed Development against a 'modified' baseline where the existing coal-fired power station is no longer present. Paragraphs 16.4.54-55 at Chapter 16 states the following: *"In the future baseline scenario the wider Study Area would continue to be influenced by mineral extraction, the presence of a number of large scale industrial buildings, power station complexes and infrastructure corridors.* *In the absence of the Proposed Development it is considered that the existing coal-fired power station site may be used for other industrial or commercial developments, but the nature of these are unknown*." The ES considers the existing coal-fired power station as a landscape feature but does not assess the demolition as this is outside the scope of the Proposed Development.

ExA Question	Category	Question	Applicant's Response
AS	**Agriculture and Socio-Economic**		
AS 1.1	*Farm Drainage* **The Applicant**	i) Respond to Mr Pearson in his Relevant Representation [RR-002] and explain how farmland will continue to effectively drain during construction of the gas pipeline, and how this is safeguarded in the draft DCO [APP-005]. ii) Explain how this has been assessed in the ES.	i) The ExA is referred to the Applicant's response to Mr Pearson's the Relevant Representations (submitted at Deadline 2 - Document Ref. 9.2) and its response to FW 1.20. The provision of drainage management and any required reinstatement of land will be secured through a combination of articles and requirements in the draft DCO and proposed private contractual land agreements. ii) Construction impacts on surface water are assessed in ES Chapter 11 'Flood Risk, Hydrology and Water Resources' of the ES (Document Ref. 6.2.11). The assessment outlines the surface water features within the baseline conditions (Section 11.4) and minor watercourses/drainage ditches are applied an 'importance' level of 'low' within Table 11.12. As outlined in Paragraph 11.5.3, impact avoidance measures are standard construction practices and have been taken into account within the assessment process (and the Framework CEMP), such as those outlined within paragraphs 11.5.16-18 and it has been assumed that these measures in the CEMP will be adopted (paragraphs 11.5.4). The assessment then considers that as the potential for impact is considered to be low and the minor watercourses/drainage ditches have been applied an importance level of 'low'; with the implementation of impact avoidance measures, the significance of effect is considered to be negligible adverse (not significant). In addition, paragraph 11.5.39 confirms that the land drainage along the Proposed Gas Connection corridor will remain at greenfield runoff rates and all land drains/ minor watercourses will be reinstated to ensure farmland drains appropriately following construction of the pipeline. It is also noted that a commitment to undertake a study to identify all land drainage features with potential to be affected by the construction of the Proposed Gas Connection and measures to ensure these are appropriately reinstated are secured through the methods set out in the response to FW 1.20.
AS 1.2	*Link Boxes/Inspection Chambers* **The Applicant**	i) Clarify the extent of permanent above ground infrastructure or inspection chambers/pits along the pipeline route during operation? ii) If such structures are to be installed, explain the effects on agricultural practices, and consultations undertaken with famers/landowners.	i) Marker posts (aerial markers (approx. 10), boundary markers (approx. 20) and cathodic protection posts (approx. 5)) will be required at regular intervals along the route of the Proposed Gas Connection. The posts are required to identify the presence of a high-pressure pipeline, provide emergency contact information and to monitor the levels of the pipeline's cathodic protection. The exact locations of such markers have not been determined; however, to avoid disruption to farmers/landowners, it is envisaged that markers will be placed along field boundaries, wherever possible. No inspection chambers or pits are proposed. The exact details will be secured by Requirement 5 'Detailed design', sub-paragraph (8)(e) of the draft DCO, which requires approval of the (e) the "approximate number and location of cathodic protection posts and marker posts". As the locations of markers will be carefully planned to seek to avoid disruption and will be approved by the relevant planning authority, it is considered that agricultural practices and local landowners are not likely to be adversely affected. ii) As noted above, adverse effects on agricultural practices from such structures are not likely. There has been extensive consultation with affected landowners on the Proposed Gas Connection route since September 2016 and the Applicant has sought to address the concerns that have been raised. The Applicant's commitments in relation to such concerns are in the Heads of Terms for contractual land agreements. The Applicant is continuing to negotiate with owners and occupiers to agree Heads of Terms and enter into contractual agreements. These agreements set out how land will be occupied, both temporarily during construction, and permanently during operation, to mitigate the impact on agricultural operations. The agreements also set out how compensation will be provided where the impact on agricultural activities cannot be mitigated.
AS 1.3	*Employment and Social Facilities* **The Applicant**	Mr Rhodes in his Relevant Representation [RR-001] asks about employment opportunities and social facility improvements from the proposed development. Requirement 34 of the draft DCO [APP-005] requires a plan detailing arrangements for the promotion of employment, skills and training opportunities to be approved by the relevant planning authority. i) Expand on such methods to promote those measures in Requirement 34 of the draft DCO [APP-005]. ii) Submit a Framework of such measures.	i) Requirement 34 'Employment, skills and training plan' of the draft DCO secures the submission of a plan detailing arrangements to promote employment, skills and training development opportunities for local residents during construction, and employment opportunities during operation of the Proposed Development. The plan must be submitted prior to the commencement of the Proposed Development and approved by the relevant planning authority, SDC after consultation with NYCC. Sub-paragraph (2) requires the approved plan to be implemented and maintained during the construction and operational phases. Prior to the submission of the employment, skills and training plan, the Applicant would will discuss and agree the specific details of the construction phase element of the plan with the appointed contractor. The appointed contractor would have their own guidelines and procedures relating to the procurement of labour and suppliers and the Applicant would need to have regard to

ExA Question	Category	Question	Applicant's Response
AS	Agriculture and Socio-Economic		these in developing the plan. A contractor is yet to be appointed and the tendering process is still in its early stages. As such, any framework plan prepared now would be done so without the input of a contractor and would require substantial amendment at a later date (after the contractor has been appointed). With regard to the operational phase, the Applicant is unable at this time to establish the extent to which staff at the existing coal-fired power station may be transferred to the Proposed Power Plant, as well as its exact operational arrangements. In view of these factors, the Applicant considers that any framework plan provided now would not be meaningful and as such it does not intend to submit such a plan during the Examination. Notwithstanding the above, it is anticipated that measures within the employment, skills and training plan could include: • appointment of a 'Jobs Co-ordinator' prior to implementation of the plan; • liaison with the appointed contractor, Local Authorities and JobCentre Plus (including to ensure that where possible vacancies for construction and operational staff are advertised through JobCentre Plus) and other relevant agencies (the Applicant would seek to include clauses within the procurement contracts with external partners requiring them, wherever possible, to recruit from the local area; • a 'Meet the Buyer' event providing local residents and local suppliers/businesses with the opportunity to engage face-to-face with the Applicant and the appointed contractor and obtain information on and register for employment and supplier opportunities; • setting up an online portal to facilitate further engagement between the Applicant/appointed contractor and local suppliers/businesses; • implementing an apprenticeship programme liaising with the appointed contactor, Local Authorities, local schools and colleges; • engaging with the local community through the Local Liaison Committee (Requirement 33); • engaging with schools and colleges to identify opportunities for outreach activities; and • monitoring and review mechanisms, including regular review meetings with the Local Authorities, JobCentre Plus and other relevant agencies. The wording of Requirement 34 has been discussed and agreed with SDC, as relevant planning authority and also NYCC, who would be consulted on the plan (that consultation is secured by the wording of the Requirement). The ExA is referred to the draft SoCG between the Applicant and SDC/NYCC submitted at Deadline 2 (Document Ref. 7.1), which confirms that agreement has been reached between the parties with regard to Requirement 34. ii) For the reasons set out above the Applicant does not propose to submit a framework plan during the Examination, It is relevant to note that the use of requirements to secure employment, skills and training plans (with the detail submitted later prior to the commencement of development) has been considered acceptable by the SoS and ExA's in respect of a number of recent DCOs, notably the Knottingley Power Plant Order 2014, the Ferrybridge Multifuel 2 (Generating Station) Order 2015 and the White Rose CCS Project (whilst the latter was refused, that was solely on grounds of the lack of project funding - the ExA having recommended that the DCO be granted). In relation to the White Rose CCS Project, which was also proposed within the administrative areas of SDC and NYCC, the ExA concluded that it was appropriate to include such a requirement within the DCO, while both Local Authorities (as is the case for the Proposed Development) were content that the requirement would adequately secure the plan. A framework plan was not sought at an earlier stage in respect of any of these projects.

ExA Question	Category	Question	Applicant's Response

BE	Biodiversity and Ecology		
BE 1.1	*Cooling Water Discharge Temperatures* **The Applicant**	Paragraph 10.6.44 of the ES [APP-048] discusses the temperature of the cooling water discharge in terms of potential effects on fish. The basis of the assessment is a comparison with the existing cooling discharge of the coal-fired power station. The ExA considers it is not clearly worded as to what the anticipated temperature associated with the proposals will be, and data on river temperature is not provided. Explain the assessment on anticipated cooling water discharge temperatures.	The thermal load generated by the Proposed Power Plant will be less than that for the existing coal-fired power station. The discharge temperature to the River Aire will not exceed the limit set by the existing Environmental Permit at 30 °C. This will be achieved by cooling the purge on high temperature days or a load reduction. The total thermal load on the cooling water system would be 1,110 MW. The heat load from the existing coal-fired station is 641 MW per unit, giving a total for the existing station of 2,564 MW, more than double the load of the Proposed Power Plant. Historical data on temperature within the River Aire is provided at Appendix 8.
BE 1.2	*Operational Lighting* **The Applicant**	Paragraphs 10.3.10 and 10.3.11 of the ES [APP-048] describe how the key parameters of the proposal have been considered in the assessment. The ExA considers that it has not been explained how parameters to do with dimensions and layout will influence the lighting scheme or the potential for barrier effects arising from the built elements, and therefore it is not clear that the worst case for sensitive species groups, in particular foraging bats, has been assessed. The Indicative Lighting Strategy [APP-036] provides information on the light limits and principles of lighting design to be adopted, but only considers watercourses as ecological receptors and does not specifically consider lighting effects on foraging bats. i) Explain how the Indicative Lighting Strategy [APP-036] has been used to inform the worst case adopted for the ecological appraisal. ii) Explain how the scheme for external lighting during construction and that for permanent lighting under DCO Requirement 8(1) and 8(2) respectively [APP- 005] will take into account ecological receptors and why there is no reference in Requirement 8 of the draft DCO to these lighting schemes being in accordance with the Indicative Lighting Scheme submitted [APP-036].	i) An Indicative Lighting Strategy (Document Ref. 5.11) has been prepared for the Proposed Development, which includes measures to mitigate the impact of lighting on ecological receptors, such as reducing light spill to sensitive habitats. The Lighting Strategy will be further developed at the detailed design stage (in accordance with Requirement 8 of the draft DCO) and will take account of the proposed biodiversity enhancements to ensure that lighting impacts are minimised on ecological receptors as far as possible. It is important to note that the existing bat population currently experiences lighting from the existing coal-fired power station that is greater than that required for the Proposed Development, since coal-handling, conveying and management operations require greater external and broad lighting than the Proposed Power Plant. Species groups sensitive to lighting impacts, such as foraging bats, are associated with habitats around the periphery of the existing coal-fired power station, mainly comprising screening plantation woodland. As the majority of this habitat will be retained within the Proposed Development, potential lighting effects on sensitive species are likely to be the same, regardless of the final lighting scheme. The Proposed Power Plant is not suitable for protected or notable species, and therefore no potential barrier effects were identified in the ES; the final dimensions and layout of buildings would not influence this conclusion. Outline lighting design and indicative obtrusive lighting impact avoidance measures set out in the Indicative Lighting Strategy were used when assessing worst-case potential effects of lighting on sensitive species. In particular, measures such as the use of shields and baffles to luminaires and 'lighting the site boundaries with low power periphery lighting with an asymmetric forward optic having good rear spill cut-off characteristics' (paragraph 8.2 of the Indicative Lighting Strategy) were used when assessing likely impacts and effects. The retained habitats around the periphery of the Proposed Development will be included in the ecological receptor areas within the detailed lighting design. ii) How the scheme for external lighting will take account of ecological receptors is set out above. The scheme will be in accordance with the Indicative Lighting Strategy that has been submitted. The ExA is referred to the Applicant's updated draft DCO (Document Ref. 2.1 submitted at Deadline 2) in which the wording of Requirement 8 has been amended to ensure that the scheme submitted is in accordance with the Indicative Lighting Strategy.
BE 1.3	*Woodland Screening* **The Applicant Selby DC Yorkshire Wildlife Trust**	Yorkshire Wildlife Trust in its Relevant Representation [RR-011] states that the proposed woodland screening proposals may not be sufficient to raise the condition of the woodland to 'good' as non-native trees cannot be removed and the canopy is mainly closed which reduces opportunities for improving the understorey of the woodland. These comments are made in reference to paragraph 5.1 of the Indicative Landscape and Biodiversity Enhancement Strategy [APP-035]. For the Applicant: i) Explain the extent to which maintaining the existing level of screening may compromise the ability to achieve "meaningful enhancement". For Selby DC/Yorkshire Wildlife Trust	i) The criteria for assessing the condition of the woodland using biodiversity offsetting metrics are set out in Table A1 in the Indicative Landscape and Biodiversity Strategy (Document Ref. 5.10). The condition of the woodland at present is assessed as 'Moderate' as is it considered to fail on Criteria 3, based on the results of the Arboricultural Survey which recorded many trees in poor structural and physiological condition. In order to raise the condition of the woodland to 'Good', Criteria 3 needs to be met. It is considered that the enhancement measures proposed for the screening woodland will restore appropriate management of the woodland, so that Criteria 3 is met. The woodland management proposals within the Indicative Landscape and Biodiversity Strategy acknowledge that enhancements (such as understorey and ground flora planting) will need to be located in areas where suitable light and space allows, due to the requirement to maintain screening function. This includes planting along woodland edges. Whilst enhancements will be limited in some areas due to the closed canopy of the woodland, it is considered there is sufficient scope for improvements to the woodland to achieve meaningful biodiversity enhancement. A meeting was held between the Applicant and the Yorkshire Wildlife Trust ('YWT') on 12 October 2017 to discuss the proposed

ExA Question	Category	Question	Applicant's Response
BE	**Biodiversity and Ecology**		
		ii) Comment on the extent to which you are satisfied that the Applicant's biodiversity offsetting metrics summarised in table 5.2 and Appendix 2 of the Indicative Landscape and Biodiversity Enhancement Strategy [APP-035] are satisfactory in demonstrating the achievement of "a small net gain in biodiversity" as a result of the proposed development. iii) Comment on the extent to which reliance is placed on the condition of the woodland as achieving a "good" condition.	enhancement measures. It is agreed that the appropriate assumptions have been used in the biodiversity calculator but it is recognised that additional enhancement is sought by YWT that may not be achievable through further on-site enhancement. The Applicant and YWT are currently therefore discussing what alternate provision may be acceptable to both parties. The ExA is also referred to the Applicant's response to the YWT's Relevant Representation submitted at Deadline 2 (Document Ref. 9.3) and the draft SoCG (Document Ref. 7.11) with the YWT (also submitted at Deadline 2).
BE 1.4	*Attenuation Pond* **The Applicant**	Yorkshire Wildlife Trust in its Relevant Representation [RR-011] states that the proposed attenuation pond will not be as ideal for biodiversity purposes as the existing lagoon, because it is smaller in size and its primary purpose is for drainage purposes. Explain how an additional 0.3ha (3.00 biodiversity units) will be delivered by the attenuation pond with specific reference to the primary function (drainage) and the extent to which the secondary function (biodiversity enhancement) can also be achieved within the context of the DCO [APP-005].	The proposed attenuation pond is not intended to replace the existing lagoon. It forms part of a range of measures that will deliver benefits for biodiversity to offset the loss of biodiversity arising from the Proposed Development. Biodiversity offsetting does not require 'like for like' replacement of habitats. The primary drainage function of the attenuation pond does not mean that it cannot also have value for biodiversity, if designed in accordance with Sustainable Drainage System ('SuDS') principles. The calculation of how the attenuation pond will deliver 3.00 biodiversity units is set out in Appendix 2 of the Indicative Landscape and Biodiversity Strategy (Document Ref. 5.10). The calculation takes account of the likely limits on the biodiversity value of the pond, based on its primary function for surface water attenuation, by predicting a 'Moderate' target condition. The ExA is referred to the Applicant's response to BE 1.3 above in respect of discussions with the YWT on additional biodiversity enhancement.
BE 1.8	*Mitigation* **The Applicant**	Yorkshire Wildlife Trust in its Relevant Representation [RR-011] states that the wider area does not appear to have been considered adequately in the application, which they say is vital to ensure that local biodiversity is not affected by the application. Respond.	Potential biodiversity enhancements in the wider area were considered when developing the Indicative Landscape and Biodiversity Strategy (Document Ref. 5.10), but no meaningful enhancement measures were identified at that time due to constraints imposed by the limits of land ownership and the intensive arable land use in the wider area. Habitat networks in the area around the Site are generally limited to hedgerows and drainage ditches along arable field boundaries. Management of these habitats for their primary function (for example, to maintain drainage function) would limit the effectiveness of any enhancement measures. The Proposed Development will not result in severance of habitats in the landscape and habitats around the existing coal-fired power station (mainly comprising mature screening woodland) will be retained and enhanced, which will continue to support local wildlife and permit movements around the Site. The Applicant would refer to ExA to its responses to BE 1.3 and BE 1.4 above.

ExA Question	Category	Question	Applicant's Response
CA	**Compulsory Acquisition**		
NOTE	*Overlap with DCO* **The Applicant**	A number of questions relating to compulsory acquisition (CA) are tied in with the DCO matters, and such questions are listed in the DCO section.	N/A
CA 1.1	*Table Maintenance* **The Applicant**	The Applicant is requested to complete columns 7 to 10 of the annexed Compulsory Acquisitions Objections Schedule and to make any entries, or delete any entries that it believes would be appropriate, taking account of the positions expressed in Relevant Representations, and giving reasons for any additions or deletions.	Columns 7 to 10 of the Compulsory Acquisition Schedule (see **Appendix 7**) have been completed. Those entries that are not relevant to Compulsory acquisition ('CA') have been marked as n/a in Columns 7 to 10. There are also some parties' interests that are not affected by CA but for completeness we have included all interests for the parties identified on the Schedule where these are listed in the Book of Reference (Document Ref. 3.1). An updated Book of Reference ('BoR') has been submitted at Deadline 2.

ExA Question	Category	Question	Applicant's Response
CA	**Compulsory Acquisition**		
CA 1.2	*Clarity of Compulsory Acquisitions* **The Applicant**	The ExA considers Articles 17 and 20 of the draft DCO [APP-005] are not sufficiently clear as to which plots are to be compulsorily acquired for land or rights over land. Update the draft DCO [APP-005] and provide a list, relative to Articles 17 and 20 of the draft DCO [APP-005], excluding the plots which are not subject to CA of Land, and to the CA of Rights.	The Applicant considers that Articles 17 and 20 of the draft DCO (Document Ref. 2.1 - updated at Deadline 2) operate appropriately and provide the necessary limits on the powers of CA, such that only the powers that the Applicant needs are available to it. Part 5 of the draft DCO and the Land Plans (Document Ref. 4.2) between them determine which plots are subject to which powers of CA, as explained further below. The Applicant, does however, consider that the draft DCO should be updated to put beyond doubt that the powers of CA do not apply to the 'white land' shown on the Land Plans. This point is explained further below, and in the Applicant's response to DCO 1.5. *Draft DCO* The power in Article 17(1) is broadly drafted, relating to the whole of the Order land. However sub-paragraph (3) limits the power of compulsory acquisition in sub-paragraph (1) by reference to powers contained in Articles 20 (Compulsory acquisition of rights), Article 26 (Temporary use of land for carrying out the authorised development) and Article 42 (Crown rights). Article 20(1) entitles the undertaker to acquire rights over land which may be compulsorily acquired, including rights already in existence, or to create new rights (as explained in further detail at paragraph 4.24 of the Explanatory Memorandum - Document Ref. 2.2). Within certain parts of the Order land it is proposed to only acquire new rights, and not the freehold interest, and this is secured by Article 20(2) and Table 10 in Schedule 8 of the draft DCO. The plots listed in Schedule 8 can only be subject to the power to create new rights (as per Article 20(2), and cannot be subject to the general power of compulsory acquisition (in Article 17) by virtue of the operation in combination of Article 17(3), Article 20(2) and Schedule 8. For completeness, the following information is also provided in relation to the temporary possession powers in Article 26. The interaction between Articles 17 and 26 operates in a similar way, in relation to land of which temporary possession can be taken. As noted above, Article 17(3) limits the general compulsory acquisition power in Article 17(1) by reference to Article 26. Article 26(1) provides that the undertaker may take temporary possession of both the plots specified in Table 11 in Schedule 10, and any other Order land. Article 26(8) prevents the undertaker from compulsorily acquiring the land specified in Article 26(1)(a) (which is that listed in Schedule 10). *Land Plans* The Land Plans (Document Ref. 4.2) show how the above powers relate to the plots of land included in the Order land. The plots shaded pink are proposed to be compulsorily acquired pursuant to the powers in Article 17(1); the land shaded blue is that in which the undertaker can only acquire new rights, pursuant to the powers of Article 20 (as limited by Article 20(2) and Schedule 8); and the land shaded yellow can only be subject to powers of temporary possession, pursuant to the powers of Article 26(1) (as limited by Article 26(8) and Schedule 10). There are two further categories of land shown on the Land Plans - that shaded green, and those plots which do not have any shading (referred to below as 'white land'). The land shaded green is owned by the Applicant, and is subject to the powers in Articles 18 and 21 of the draft DCO. This authorises the Applicant to suspend or extinguish private rights or easements which may be in existence and which may hinder the construction, operation or maintenance of the Proposed Development. The white land is land in which the Applicant has not sought any powers of CA. That is achieved through the use of 'Order land' in relevant compulsory acquisition articles in the draft DCO. 'Order land' is defined (in Article 2) by reference to the land described as 'Order land' on the Land Plans. The white land, unlike the other shaded land on the Land Plans, is described on the Land Plans as part of the 'Order limits' (the area to which the draft DCO as a whole applies), and not as part of the 'Order land' (to which the compulsory acquisition powers apply). The ExA is referred to the Applicant's response to DCO 1.5, in which amendments to the definition of 'Order land' in the draft DCO are proposed. The white land includes three types of land. The majority are those plots of land which are highway land and in which only highways works are proposed (plots 25, 45, 60, 130, 395, 405, 475, 485, 570 and 605).

ExA Question	Category	Question	Applicant's Response
CA	**Compulsory Acquisition**		
			The National Grid substation is the second type (plot 65)-see the Applicant's response to question CA 1.3 for more information on this. The third type of white land plots (plots 110, 115 and 140) are those in which only retained landscaping (Work No. 8) is proposed. No CA powers are required in this land, given the nature of the activities. These plots are therefore <u>not</u> subject to any of the powers contained in Articles 17, 18, 20 and 21. These plots are show on the Land Plans, however, the Applicant has provided the list in the paragraphs above to assist the ExA. The Applicant notes that there is currently no mechanism within the draft DCO which explicitly limits the exercise of CA powers over the white land. The Applicant has therefore amended article 17 of the draft DCO. This amendment is in the form of a new sub-paragraph (article 17(4)) which explicitly excludes those plots listed above from the powers of compulsory acquisition pursuant to articles 17, 18, 20 and 21. The ExA is referred to the Applicant's updated draft DCO submitted at Deadline 2 (Document Ref. 2.1).
CA 1.3	*Clarity of Compulsory Acquisitions* **The Applicant**	It is not clear what your intentions are in respect to the National Grid substation, identified as plot 65 on the Land Plans [APP-013] and in the Book of Reference [AS-001] Explain.	The existing National Grid substation sited on plot 65 is located on land which is owned by the Applicant, and leased to National Grid Electricity plc. This area of land is required for Work No. 3 of the draft DCO, which comprises the electrical connection works, including underground electrical cables to and from the existing National Grid substation (Work No. 3A), and works within the existing National Grid substation (Work No. 3B). Plot 65 is within the Order limits, and is therefore generally subject to the powers sought in the draft DCO. However, as explained in the Statement of Reasons (Document Ref. 3.2) at paragraph 8.6, no powers of CA are sought over the National Grid substation (Work No. 3B). The works within the National Grid substation, to connect the electrical cables from the Proposed Development to the substation, would be carried out by National Grid in accordance with a Connection Agreement (please refer to the draft SoCG between the Applicant and National Grid Gas plc/ National Grid Electricity Transmission plc in relation to these matters submitted at Deadline 1 (Document Ref. 7.9). The draft DCO expressly provides that Work No. 3B (those works within the substation) may be carried out by the undertaker or National Grid Electricity Transmission plc (article 6(2)(a)), reflecting the Connection Agreement that is sought by the Applicant. The ExA is also referred to the Applicant's response to CA 1.2 (above), in which the Applicant explains its proposal to amend a article 17 in the draft DCO to expressly prevent the use of CA powers in respect of 'white land' (including plot 65).
CA 1.4	*Protected Provisions* **The Applicant**	The Book of Reference [AS-001] includes a number of Statutory Undertakers with interests in land. i) Provide a progress report on negotiations with each of the Statutory Undertakers listed in the Book of Reference, with an estimate of the timescale for securing agreement from them. ii) State whether there are any envisaged impediments to the securing of such agreements. iii) State whether any additional Statutory Undertakers have been identified since the submission of the Book of Reference as an application document.	i) The Applicant has been actively engaging with those Statutory Undertakers listed in the BoR (Document Ref. 3.1). An update on those negotiations is set out below: <u>*National Grid Gas and National Grid Electricity Transmission (collectively referred to as "National Grid"*</u> As set out in the draft SoCG (submitted at Deadline 1) (Document Ref. 7.9) the Applicant and National Grid have not yet reached agreement on the terms of the Protective Provisions to be included in the draft DCO. The 'technical' provisions included in National Grid's standard set of protective provisions are substantively agreed, and it is only those matters relating to commercial and financial provisions which remain outstanding. The Applicant and National Grid are continuing to discuss these with a view to reaching agreement as soon as possible. The ExA is referred to Part 4 of Schedule 12 of the revised draft DCO. A summary of the outstanding issues remaining to be agreed between the parties are: • Indemnity – the parties are continuing to discuss this provision, including the level of indemnity and the need for security. At this time, the substance of the paragraph has been removed from the protective provisions in the draft DCO, with a placeholder included to note that this is subject to further on-going discussions. Any associated definitions or provisions relating to these commercial terms have been deleted from the form of Protective Provisions included in the draft DCO. It has been agreed between the parties that once these provisions are agreed they will be contained in a confidential

ExA Question	Category	Question	Applicant's Response
CA	Compulsory Acquisition		
			asset protective agreement. • Expenses – on 31 October 2017 the Applicant provided some additional drafting to National Grid to govern the payment of any costs (paragraphs 45(2) – 45(6)). The Applicant awaits comment from National Grid on these amendments. *Yorkshire Water Services Limited* The Applicant wrote to Yorkshire Water ('YW') on 21 April 2017 enclosing a copy of the Protective Provisions included at Part 1 of Schedule 12 of the draft DCO and requesting comments. YW and the Applicant have been in discussions since that time. YW has confirmed that the version of the Protective Provisions as included at Part 1 of Schedule 12 of the draft DCO is acceptable. The ExA is referred to the written confirmation provided by YW at **Appendix 9** of this document. No further matters remain to be discussed with Yorkshire Water. *Northern Powergrid (Yorkshire) Plc* The Applicant wrote to Northern Powergrid (Yorkshire) Plc on 21 April 2017 enclosing a copy of the standard Protective Provisions (included at Part 1 of Schedule 12 of the draft DCO) and requesting comments. The Applicant has been in contact with the lawyers appointed by Northern Powergrid (Yorkshire) Plc regularly since April 2017; to date no substantive comments have been provided by Northern Powergrid (Yorkshire) Plc, and it has not submitted a Relevant Representation. The Applicant will continue to liaise with Northern Powergrid (Yorkshire) Plc in relation to the Protective Provisions but at the present time has no reason to consider that those included in the draft DCO are not accepted by Northern Powergrid. *BT Limited* The Applicant wrote to BT Limited in April, June and October 2017 requesting comments on the Protective Provisions; however no response has been received. The Applicant notes that any interest held by BT will be protected by virtue of the Protective Provisions included at Part 2 of Schedule 12 of the draft DCO, and that the provisions included match those included on a number of other DCOs that have been granted. The Applicant notes that BT has not submitted a Relevant Representation. *Northern Gas Networks* The Applicant wrote to Northern Gas Networks on 21 April 2017 enclosing a copy of the standard Protective Provisions (included at Part 1 of Schedule 12 of the draft DCO) and requesting comments. Northern Gas Networks has provided a copy of their standard form protective provisions for consideration, as well as a draft Asset Protection Agreement. The Applicant provided initial comments on some elements of the proposed Protective Provisions and a further response on 1 November 2017, following a detailed technical exercise of the Proposed Development's potential interference with interests or apparatus owned by Northern Gas Networks. The Applicant will continue to liaise with Northern Gas Networks with a view to reaching agreement on these as soon as possible. The Applicant notes that Northern Gas Networks has not submitted a Relevant Representation. *Canal & River Trust* Since seeing Canal & River Trust's ('CRT') Relevant Representation, the Applicant has engaged with CRT, including a meeting on 4 September 2017 and subsequent correspondence in relation to the matters raised. The CRT referred the Applicant to protective provisions which had been included for CRT's benefit in another DCO, and the Applicant provided a mark-up of those to CRT on 9 October 2017. The Applicant was notified on 18 October 2017 that CRT had appointed solicitors, who requested an undertaking for the CRT's legal fees. An undertaking was provided on 30 October 2017. The CRT provided comments on the Applicant's mark up on 26 October 2017, and the Applicant responded on 31 October 2017. The ExA is referred to the draft SoCG with CRT (Document Ref. 7.6) submitted at Deadline 1 which provides further information. The ExA is also referred to Part 3 of Schedule 12 of the revised draft DCO. This includes a set of Protective Provisions for the benefit of CRT. At this time, there are some matters which remain outstanding and to be agreed between the parties, and which are subject to further on-going technical and commercial discussions. A summary of the main points is provided below:

ExA Question	Category	Question	Applicant's Response
CA	**Compulsory Acquisition**		
			• The Applicant considers that the maintenance period in the definition of "construction" should be limited to 24 months (as has been agreed in other Protective Provisions with CRT on other projects), rather than being open-ended. • The Applicant is considering technical amendments proposed by CRT to paragraph 2(5)(a) in respect of the flow and angle of discharge of water. • The Applicant does not consider that the amendments which CRT proposed to paragraph (5) are required. The Applicant has included drafting which the CRT has agreed elsewhere. • The Applicant is considering amendments proposed to paragraph 14 in respect of additional temporary lighting. • The Applicant does not agree to provide an uncapped indemnity, and does not consider that it is justified. The proposed figure, and the express exclusion of consequential losses, has been reflected in the Applicant's proposed draft. ii) The Applicant will continue to engage with the relevant Statutory Undertakers with a view to reaching agreement as soon as possible. While elements of the protective provisions are not agreed with some of the Statutory Undertakers (as noted above), that is not uncommon at this stage, and the Applicant does not envisage any impediment to reaching agreement. The Applicant will continue to seek to engage with those Statutory Undertakers who have not yet provided substantive comments or responded. iii) The Applicant confirms that no additional Statutory Undertakers have been identified since (a) submission of the BoR with the Application, or (b) submission of the updated BoR as accepted into the Examination on 28 September 2017.
CA 1.6	*Crown Land* **The Applicant**	The Land Plans [APP-013] and the Book of Reference [AS-001] show plots 245, 255 and 690 as being subject to a request for the CA of new rights over land in the ownership of The Queen's Most Excellent Majesty in Right of Her Crown. As the interest in this land is not stated to be held by a party other than the Crown, interests in Crown land cannot be compulsorily acquired. Paragraph 8.4 of the Statement of Reasons [APP-009] states negotiations are underway with the Crown Estate Commissioners in order to secure rights necessary to carry out the relevant parts of Works Nos. 4 and 6. i) Confirm that CA is not sought over this or any other Crown interest owned by the Crown ii) Explain how this is secured in the DCO. iii) Confirm that an agreement for a lease has been entered into to permit works to be undertaken in this land and provide a copy of this, or an update to these discussions.	i) The rights required in respect of plot 245 are for and in connection with Work No. 4 (cooling water connection works) and the rights required in respect of plot 255 are for and in connection with Work No. 6 (gas supply pipeline connection works). In respect of plot 690, the Applicant requires temporary possession for the purposes of laydown, construction compound and construction use required to facilitate Work No 6. The Applicant confirms that it is not seeking powers of CA of interests owned by the Crown. ii) This is secured in the draft DCO by way of Article 42 (Crown rights) which expressly removes any power of the undertaker to *"take, use, enter on or in any manner interfere with any land or rights"* of the Crown (Article 42(1)). Whilst that express provision is sufficient to prevent the undertaker from compulsorily acquiring Crown interests, in addition the powers of CA in Articles 17 and 20 are also expressly limited by reference to Article 42. The drafting in Article 42 is aligned with the requirements and restrictions contained in Section 135 of the PA 2008. This approach is also explained in paragraph 4.52 of the Applicant's Explanatory Memorandum (Document Ref. 2.2) and paragraphs 8.1-8.4 of the Statement of Reasons (Document Ref. 3.2). The drafting of Article 42 has been amended to take into account suggested wording proposed by the Crown Estate on 27 October 2017. This article now reflects the Crown Estate's preferred position and is therefore agreed between the parties. The ExA is referred to the Applicant's responses to DCO 1.11, DCO 1.12 and DCO 1.18 which provide further explanation as to the operation and drafting of Article 42. iii) The Applicant has engaged with The Crown Estate's ('TCE') agents, Carter Jonas, throughout the process and is working constructively to reach an agreement. Technical information has been provided to TCE's agents to inform the agreement between the parties to enable the Applicant to take an interest in TCE's land. The parties confirm that the intention and expectation that an agreement will be reached and entered into by close of the Examination.
CA 1.7	*Objection to Compulsory Acquisition* **The Applicant Canal & River Trust**	The application proposal includes the CA of land identified as 230, 245, 255, 345 and 690 on the Land Plans [APP-013] which is identified as Crown land operated by the Canal & River Trust (CRT). CRT objects to CA, stating in its Relevant Representation [RR-008] that the "extreme measures of permanent appropriation are being sought given that the Applicants have yet to engage with the Trust in	ii) The Applicant refers the ExA to the draft SoCG (Document Ref. 7.6) with the CRT (submitted at Deadline 1. Section 5 of the SoCG confirms that the CRT does not own any land within the Order limits, and therefore the powers of CA sought do not affect CRT.

ExA Question	Category	Question	Applicant's Response
CA	**Compulsory Acquisition**		
		relation to the voluntary basis on which more appropriate, proportionate and temporary rights may be secured…and…the Trust does not consider it necessary or justifiable to CA any part of its interest". For CRT: i) Provide further explanations as to why CA is inappropriate, with reference to the effect it would have on its operational responsibilities. For the Applicant: ii) Respond to the Relevant Representation, and explain why requirements could not be met by way of a private agreement. [N.B – The ExA notes the comments of CRT made at the Preliminary Meeting [EV-001], in which many if not all of the issues raised by CRT in its Relevant Representations [RR- 008] on CA may have been resolved. A statement to this effect from both parties may suffice in lieu of a response to these questions]	
CA 1.8	*Availability of Funding* **The Applicant**	The Applicant is reminded that Department for Communities and Local Government Guidance related to procedures for CA (September 2013) states that: Applicants should be able to demonstrate that adequate funding is likely to be available to enable the compulsory acquisition within the statutory period following the order being made, and that the resource implications of a possible acquisition resulting from a blight notice have been taken account of. The Funding Statement [APP-011] does not identify the CA costs separately from the project costs or explain how the figure for CA costs was arrived at. Explain the anticipated cost of CA, how this figure was arrived at, and how these costs are going to be met.	The Applicant notes the DCLG Guidance, and confirms that this was taken into account in seeking powers of CA in the Application. The Guidance requires that the Applicant shows how funding for the CA is likely to be available in the statutory period - the latter refers to the period in which the CA powers may be used, which here is 5 years (as per Article 19 of the draft DCO). Blight notices can be served by relevant landowners, and the effect of a valid blight notice is to bring forward the point at which land is CA. They can therefore require the undertaker to have funds available for CA before it utilises any powers of compulsory acquisition. As noted in the Funding Statement (Document Ref. 3.3), the Applicant does not consider that there are any interests in the Order land for which blight claims may be submitted (paragraph 3.2). A requirement to pay compensation in relation to CA will therefore only occur once the undertaker is ready to proceed with the Proposed Development - following a final investment decision being taken and a successful bid in the Capacity Market Auction - and at which point it will have secured the funds necessary for all aspects of the Proposed Development (i.e. the full cost, estimated in the Funding Statement as £1 billion). Ardent Management Limited is appointed by the Applicant to act both as land referencer and land agent, leading the negotiations with affected landowners. Ardent has calculated the likely compensation amount – this is not provided as it could prejudice the ongoing commercial negotiations with landowners. The Applicant has confirmed that it has sufficient money available to pay these costs.
CA 1.9	*Connection Agreements* **The Applicant** **National Grid**	Update the position in respect to connections to National Grid's electricity and gas infrastructure.	The Applicant confirms that these discussions are on-going. The ExA is referred to the draft SoCG between the Applicant and National Grid Gas plc and National Grid Electricity Transmission plc submitted at Deadline 1 (Document Ref. No. 7.9). Section 2 of the draft SoCG provides an update on the status of the connections to National Grid Gas' and National Grid Electricity Transmission's respective infrastructure.
CA 1.10	*Category 3 Persons* **The Applicant**	Clarify why you do not consider Category 3 persons exist.	Section 57 of the PA 2008 defines the categories of persons to be included in the BoR. A Category 3 Person is (pursuant to Section 57(4)) a person who: *"if the order sought by the application were to be made and fully implemented, the person would or might be entitled—* *(a) as a result of the implementing of the order,* *(b) as a result of the order having been implemented, or* *(c) as a result of use of the land once the order has been implemented,* *to make a "relevant claim."*

ExA Question	Category	Question	Applicant's Response
CA	**Compulsory Acquisition**		
			A 'relevant claim' is a claim under any of the following statutory provisions: • Section 10 of the Compulsory Purchase Act 1965; • Part 1 of the Land Compensation Act 1973; or • Section 152(3) of the Planning Act 2008. A claimant under Section 10 of the Compulsory Purchase Act 1965 (or Section 152(3) of the PA 2008) is someone who does not have any freehold or leasehold land acquired under the DCO, but who (i) has the benefit of a right or restrictive covenant over the land within the Order limits, and (ii) whose right or covenant will be interfered with or breached by the execution of the authorised works in such a way as to depreciate the value of their land (including, in certain cases, by way of nuisance). A claimant under Part 1 of the Land Compensation Act 1973 is someone who lives outside the Order limits but whose property may be sufficiently close to be depreciated in value due to noise, vibration, smells, smoke or light emissions caused by the use of the authorised project once it is in operation. A person can only be classified as a Category 3 person if the person is known to the applicant after making 'diligent inquiry'. Relevant assessments (such as noise, vibration, lighting etc.) have been undertaken to identify any parties that may fall within the above categories, as reported in the ES. Based on the level impacts associated with the Proposed Development, no such parties have been identified. When preparing the BoR the Applicant identified that anyone with a possible Category 3 interest was already listed in the BoR in Categories 1 or 2 (and is therefore not relevant to Section 10 / Section 152 claims, as they have a freehold or leasehold interest affected by the Proposed Development). Diligent inquiry was carried out using the land agent's standard land methodology; desktop research (HMLR inc. interrogation of Deeds etc, Companies House, Electoral Roll, review of Report on Title for EPL land), sending out Requests For Information ('RFI'), multiple site visits (speaking to locals and erecting unknown site notices where necessary), arranging meetings with landowners and confirmation schedules prior to submission.
CA 1.11	*New Substation* **The Applicant**	Section 3.15 of the Statement of Reasons [APP-009] says that "a new substation may be required". These works do not appear to be contained within the draft DCO [APP-005]. Clarify.	The Applicant refers the ExA to Schedule 1 of the draft DCO - Work No. 1 comprises the CCGT Plant, the Peaking Plant and the Black Start Plant (Work Nos. 1A, 1B respectively). Work No. 1C is the CCGT Plant cooling infrastructure. Sub-paragraph (d) of Work No. 1 lists additional works which are comprised within the scope of Work No. 1 and which are in connection with and in addition to Work Nos. 1A, 1B and 1C. Item (iv) of sub-paragraph (d) authorises "*an electrical substation, electrical equipment, buildings and enclosures*." The Applicant notes that the references to 'substation' in the draft DCO are inconsistently written as 'substation' and 'sub-station'. The Applicant will update the draft DCO to ensure that reference to 'substation' is consistent throughout.

ExA Question	Category	Question	Applicant's Response
COD	**Construction, Operation and Demolition**		
COD 1.1	*Construction* **The Applicant** **Statutory Bodies**	Explain whether a schedule exists of any statutory undertaker diversions that would be required to facilitate construction of the proposed development	The construction, operation and maintenance of the Proposed Development means that there is a potential for the interaction with assets benefitting or owned by the Statutory Undertakers listed below. It is not anticipated that the Proposed Development will require any diversion of assets owned by Statutory Undertakers, however, the Applicant is in the process of negotiating protective provisions for inclusion in the draft DCO to control any such interactions. The ExA is referred to the Applicant's response to CA 1.4 for an update on these negotiations.

ExA Question	Category	Question	Applicant's Response
COD	**Construction, Operation and Demolition**		
			The relevant Statutory Undertakers are: • Yorkshire Water Services Limited; • National Grid Gas plc; • National Grid Electricity Transmission plc; • Northern Gas Networks; • Northern Powergrid (Yorkshire) plc; and • BT Group Limited.
COD 1.2	*Works Nos 1 to 7 and 9 and 10* **The Applicant**	Set out where on the site surface water drainage systems, storm water attenuation systems, and storage basis would be located in relation to Works 1 to 7, and 9 and 10.	Works Nos. 1 and 2 (section east of Work No. 1) would drain to a water attenuation pond located in the south-east corner of the main coal stock yard and indicated by the hatched area show on Drawing Ref. 2095-059-R3 provided at **Appendix 11**. Work No. 2 (section north of Work No. 1) and Work Nos. 4, 5 and 6 (where they overlap with Work No. 2) would drain to a second attenuation pond located in the south-east corner of the construction laydown area/carbon capture readiness ('CCR') site. Both ponds would then drain to the adjacent Hensall Dyke at a discharge rate limited to the 'greenfield' runoff rate. Works Nos. 3, 4, 5, 6 and 10 as highlighted in Drawing Ref. 2095-059-R3 would use surface drains that are part of the existing coal-fired power station drainage systems and would continue to be managed as part of the overall coal-fired power station decommissioning and demolition process. The coal-fired power station surface water drain system flows to the existing ash reservoir, and is pumped to Gale Common ash disposal site that (after separation) is pumped water to the River Aire. The section of Work Nos. 4 and 6 north of the existing coal-fired power station site, where they do not overlap with Work No. 2, will comprise of buried gas and cooling water pipes which will not introduce additional impermeable surface or affect existing land drainage. Work No. 7 (both 7A and 7B), the Above Ground Installation ('AGI') site, would introduce small areas of impermeable surface (access roads and hardstanding, kiosks, etc) which is proposed to be drained via infiltration within the AGI site. Work No. 9 is in itself drainage apparatus to drain relevant areas of the Site, as noted above.
COD 1.3	*Earthworks* **The Applicant**	Paragraph 5.2.4 of the ES [APP-043] states that earthworks 'may also be required'. Clarify the circumstances in which earthworks may or may not be required and how the former eventuality has been considered as part of the EIA and reflected in the design and mitigation measures.	ES Chapter 5 'Construction Programme and Management', paragraph 5.2.4 (Document Ref. 6.2.5) states that: *"Earthworks may also be required to reprofile the Site, remove the coal layer, fill in the lagoon on the laydown area, excavate foundations and/or remove or remediate contaminated soils."* There are no other significant earthworks proposed. The limited earthworks envisaged for the Proposed Development would be undertaken within the Site, and have already been considered qualitatively as part of the assessment of construction works generally within the ES. Any such earthworks activities would be covered by standard mitigation measures outlined in the Framework CEMP. The main potential environmental effect of earthworks would be dust generation. Dust generation from construction generally was assessed in Chapter 8 of the ES (Document Ref. 6.2.8); based on the distances to sensitive receptors and the low sensitivity of the local environment to construction air quality impacts (based on IAQM assessment criteria). On this basis, no further assessment of earthworks was considered necessary.
COD 1.4	*Health and Safety* **The Applicant**	The Health and Safety Executive in its Relevant Representation [RR-014] states that the application lacks information on the extent and severity of hazards on local	i) Following receipt of the Relevant Representation from the Health and Safety Executive ('HSE'), a 'Concept Safety Review' has been conducted to consider the potential for major accident hazards associated with the Proposed Development. This is

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		populations and the adjacent major hazard installation. i) Provide a response. ii) Explain whether such assessment formed part of the ES.	provided at **Appendix 12**. ii) The Concept Safety Review has been prepared in response to HSE's Relevant Representation, however, a high level appraisal of process safety was considered within the various technical chapters of the ES. This appraisal considered the siting of the Proposed Power Plant and equipment and appraising if abnormal or emergency scenarios needed to be considered. More detailed assessment of hazard scenarios and their prevention will be undertaken at the detailed design stage of the Proposed Development through a Hazard and Operability Study ('HAZOP') and Hazard Identification ('HAZID') reviews as is standard engineering practice. The recommendations put forward in the Concept Safety Review will also be taken into consideration at that time. Accident prevention also forms part of the Environmental Permit application and the Permit determination by the EA. No hazard scenarios or concerns were identified that require more detailed consideration or mitigation at this stage. The ExA is also referred to the Applicant's response to the HSE's Relevant Representation, submitted at Deadline 2 (Document Ref. 9.2).
COD 1.5	*Health and Safety* **The Applicant**	The Health and Safety Executive in its Relevant Representation [RR-014] comment on the implication on the loss of fuel gas containment. Provide a response.	As confirmed above in the response to COD 1.4, a Concept Safety Review has been conducted to address the concerns raised by the HSE in its Relevant Representation, including the loss of fuel gas containment.
COD 1.6	*Cable Depth* **The Applicant**	Confirm how the burial depth of the gas pipeline is informed by safety considerations	The required depth of cover, which is the distance from the lowest ground surface level to the crown of the pipeline, is outlined in Table 9, Chapter 7.16 of IGEM/TD/1 Edition 5- Steel pipeline and associated installations for high pressure gas transmission. This is the standard the Applicant has adopted and it specifies the minimum required depth of cover for a buried pipeline within different environments (e.g. under a river) This table identifies the minimum depth of cover over a pipeline. For rural areas, based on a number of factors, including safety, tolerance in design and the location of markers beneath the surface, the minimum cover is identified as 1.1 m. The Applicant proposes to provide a cover of approximately 1.25 m to account for any variation in ground surface profile. Table 9 also identifies that under a river the minimum cover is to be 1.2 m from the 'lowest anticipated true clean bed level'. Due to the uncertainty of the depth of the river bed here, and also the soil condition at the bed, in addition to the presence of a nearby cooling water pipeline that needs to be crossed, the Applicant will provide a depth of cover of 5 m below the predicted river bed depth. The Applicant is also planning to use Horizontal Directional Drilling ('HDD') in this location. The HDD will also provide for a safer installation as it does not require persons in deep open excavation to install the pipe sections.
COD 1.7	*Coal Storage Area* **The Applicant**	Explain how coal storage will be facilitated during construction of the CCGT while the existing coal-fired station remains operational.	The initial release of land for construction of the Proposed Power Plant will be an area of the main coal stock yard to the east of the existing coal handling conveyors. Releasing this area of the land initially will enable the existing coal-fired power station to continue to use the coal handling conveyors and the existing coal storage land to the west side of the coal handling conveyors. If a period of overlap between the operation of the existing coal-fired power station and construction of the Proposed Power Plant occurs, this will be managed by the Applicant as the operation of the coal-fired power station is forecast to be relatively low and therefore fewer deliveries of coal, and therefore less storage space, will be required. It may also be possible to schedule some coal deliveries on a 'just in time' basis where the coal goes directly to coal bunkers to match current power generation.
COD 1.8	*Mitigation* **The Applicant**	The ES [APP-047, APP-049, APP-051, APP-053, APP-054 and APP-058] identify significant effects in respect to noise, water resources, cultural heritage, land use, landscape and visual and cumulative and combined matters. These are summarised in Table 21.1 of the ES [APP-059]. However no further mitigation measures are identified or deemed necessary to reduce effects to non-significant levels. With reference to the significant residual effects identified in table 21.1 of the ES [APP- 059], provide topic-by-topic justification as to why further mitigation	The Applicant has sought to mitigate any significant effects of the Proposed Development either through its design (through embedded mitigation) or the inclusion of appropriate requirements within the draft DCO. It is considered that the benefits of the Proposed Development (set out at Section 6.0 of the Planning Statement - Document Ref. 5.5) clearly outweigh any significant impacts that would remain (after mitigation) and that the SoS should therefore grant development consent in accordance with Section 104 of the PA 2008 and the Overarching National Policy Statement for Energy (EN-1)) recognising the urgency of the need that exists for new electricity generation capacity. Effects in respect of noise, water resources, cultural heritage, land use and visual and cumulative and combined matters are considered in turn below:

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		measures have not been identified or are not possible.	<u>*Noise*</u> The only potentially moderate adverse (i.e. significant) residual effects which have been identified are for (i) the cooling water infrastructure (specifically the breaking out of concrete at the cooling water abstraction point on the River Aire) and (ii) the potential for construction traffic noise during the two-week mobilisation period. No major adverse residual effects have been identified. With regards to the cooling water infrastructure, the intention is to avoid breaking out of the concrete structure if possible, so as to avoid significant effects. In the event that breakout is required, the proposed method for breakout will be determined with the appointed contractor and as discussed in Paragraph 9.6.16 of the ES (Document Ref. 6.2.9), *"detailed consideration will be given to mitigation methods to minimise noise from breaking out (for example localised temporary screening, where practical)."* Any such method will be agreed with SDC as relevant planning authority. This is secured by way of Requirement 5 'Detailed design' sub-paragraph (6) of the draft DCO. It is also noted in Paragraph 9.6.16 of the ES that in the event that breakout of the structure is required, works will be undertaken during normal working hours (Monday to Friday 07:00 to 19:00 and Saturday 07:00 to 13:00,) as specified in Chapter 5 of the ES (Document Ref. 6.2.5) and secured by way of Requirement 22 'Construction hours' of the draft DCO. In addition, the duration of such works is anticipated to be short and temporary in nature. With regard to construction traffic noise during the two-week mobilisation period, a Construction Traffic Management Plan is secured through Requirement 20 'Construction Traffic Management Plan', which is intended to mitigate any environmental effects associated with construction traffic movements. This is expected to control noise effects as far as is practicable. <u>*Water Resources*</u> The only potentially moderate adverse (significant) residual effect identified relates to the potential increase in flood risk during the use of cofferdams. No major adverse effects have been identified. This risk has been mitigated through the commitment to install the cofferdams during low flow periods and to use two separate periods (each a maximum of 3 months) for the cofferdams to be in place, rather than one continuous longer period. This is secured through Requirement 5 (6)(c), which requires approval and implementation of (amongst other matters) *"the method and timing of installation and removal of the cofferdams at the intake and outfall points, their phasing, and the extent to which each extends into the River Aire."* Whilst the effect of any flood event at the time of cofferdam installation potentially remains moderate adverse (significant), through these measures, the risk of occurrence of that event has been managed to be highly unlikely. <u>*Cultural Heritage and Landscape and Visual*</u> For cultural heritage, the only moderate adverse (significant) residual effects which have been identified are for visual prominence of the Proposed Development on the Church of St Paul's and on Red House, while for landscape and visual, a number of moderate and major (significant) residual visual effects have been identified for various viewpoints during construction, opening, operation and decommissioning of the Proposed Development, as well as a moderate adverse effect on landscape due to removal of trees during the construction phase. As outlined in the ES, planting is to be considered where possible; however, due to the scale and nature of the development, opportunities for vegetative screening are limited and consequently, the classification of the residual effect remains the same as prior to mitigation for both cultural heritage and landscape and visual assessments. This limitation is explained within Section 2.6.5 of NPS EN-2, which states the following: *"it is not possible to eliminate the visual impacts associated with a fossil fuel generating station. Mitigation is therefore to reduce the visual intrusion of the buildings in the landscape and minimise impact on visual amenity as far as reasonably practicable."* This key policy therefore clearly identifies both that visual impacts cannot be eliminated and that there are also practical limitations on

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			how far such impacts can be reduced. Paragraphs 2.6.6 and 2.6.7 of NPS EN-2 also state that "*Applicants should design fossil fuel generating stations with the aim of providing the best fit with the existing local landscape so as to reduce visual impacts"* and that *"earth bunds and mounts, tree planting or both may be used for softening the visual intrusion"*. The Proposed Power Plant has been deliberately sited adjacent to the existing coal-fired power station, in part to be located in an appropriate setting based on current use. The main coal stock yard site was also selected for the Plant in part due to the significant existing screening. The Proposed Power Plant is of smaller massing than the existing coal-fired power station. The Proposed Development has therefore been designed (principally through siting) to eliminate or reduce visual impacts as far as possible, as required by NPS EN-2. Nevertheless, given the size of Proposed Power Plant buildings and structures (as outlined in NPS EN-2), screening of structures through planting is not always feasible. Therefore, no further mitigation for setting impacts has been provided. *Land Use* The only moderate adverse (significant) residual effects which have been identified are for land use relate to the temporary disruption to users of three Public Rights of Way ('PRoW') during construction of the Proposed Cooling Water and Gas Connections, as the PRoW will require temporary closure. This has been discussed with the PRoW officers at NYCC, and given the relatively short duration of the temporary closures (approximately 3 months for each PRoW) it has been agreed that no alternative provision is required. Requirement 7 of the draft DCO requires the Applicant to submit a Public Rights of Way Management Plan prior to commencing the Proposed Development. This will require details of publicity, signage and the nature and duration of the temporary closure to be set out and approved. *Cumulative and Combined Effects* A moderate adverse (significant) residual cumulative effect has been identified at Chapter 20 of the ES in relation to construction traffic effects with other developments. There are also three moderate adverse and three major adverse (significant) residual cumulative visual effects identified. In relation to cumulative construction traffic effects with other developments, based on consented and committed developments (as set out in Chapter 20 of the ES - Document Ref. 6.2.20), if all those developments were to take place concurrently, based on available information, there is the potential for this to lead to a cumulative effect on primarily the A19-Weeland Road junction. It is however considered highly unlikely that all committed developments would occur at the same time and until more certainty is available on the timings of these schemes, it is not appropriate or proportionate to specify any particular mitigation measures. Prior to construction of the Proposed Development, the timings and status of other committed schemes will be reappraised and as outlined in Chapter 14 of the ES (Document Ref. 6.2.14), the Construction Traffic Management Plan (secured by Requirement 20) will be drafted to take into account any potential significant effects. In addition, as further outlined in Chapter 14 of the ES, prior to construction of the Proposed Development, the timing of any demolition activities associated with the existing coal-fired power station will be known, and given that these activities are within the control of the Applicant, cumulative effects from traffic activities will be managed to prevent significant effects, again through Requirement 20. In relation to the cumulative visual effects, as discussed in the Landscape and Visual section above and in accordance with NPS EN-2, it is not possible to eliminate visual impacts, and as such no further mitigation for cumulative visual effects has been proposed. The ExA is referred to the amendments to Requirement 20 in the amended draft DCO submitted at Deadline 2.
COD 1.9	*Maintenance* **The Applicant**	Paragraph 4.4.5 of the ES [APP-042] states that the proposed development will require an annual routine maintenance with 'major overhauls' needed once every five years on each unit. i) Define 'major overhauls'. ii) Explain whether such 'major overhauls' have been assessed as part of the	i) A major overhaul is required around every 5 years and involves the CCGT units being shut down for more comprehensive maintenance. This therefore may involve more contractor personnel being required on the Site compared to more minor and routine maintenance. ii) (Major overhauls do not have the potential to result in significant effects on any topic considered in the ES. Increased levels of contractor personnel on the Site during major overhauls could result in a slight increase in the level of traffic on local roads.

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		ES.	However, the peak maintenance workforce (likely to be up to 300) associated with a major overhaul is significantly less than the construction stage workforce assessed in Chapter 14 of the ES. Given that construction impacts have been identified as not significant; by extension, the impacts during major overhauls are also considered to be not significant.
COD 1.10	*Demolition of Existing Coal Fired Station*	The future of the existing coal-fired power station is not clear from the application. Explain what is to become of the existing power station.	The ExA is referred to the Applicant's response (below) to COD 1.11.
COD 1.11	*Demolition of Existing Coal Fired Station* **The Applicant**	i) If the existing power station is to be removed, explain why it is not secured in any way within the draft DCO [APP-005]. ii) What securities would the Secretary of State have that the existing coal-fired power station would be removed, and in a timely manner. iii) Set out a policy justification for not securing the demolition of the existing coal-fired power station within the draft DCO [APP-005]. iv) Explain why a requirement in the draft DCO [APP-005] could not be added seeking approval for a scheme of demolition and a timetable for such works relative to the construction of the CCGT.	i) The existing coal-fired power station is anticipated to cease generation by 2019 and its decommissioning and demolition would take approximately three years to complete. Whilst these dates are not set, it is therefore certainly possible that the construction of the Proposed Development could take place at the same time as the decommissioning and demolition works. Due to the continuing uncertainty as to the exact date for the closure of the existing coal-fired power station it has been necessary for the Applicant to make decisions with regard to the Proposed Power Plant that would allow it to be constructed without preventing the continued operation of the coal station (in line with the Applicant's contractual obligations) or requiring its prior decommissioning and demolition (with the exception of the removal of some ancillary buildings and structures, notably within the main coal stock yard area - the location for the Proposed Power Plant). The Proposed Development and the decommissioning and demolition of the existing coal-fired power station (the 'demolition project') are therefore separate projects that can occur independently of each other. As such, the delivery of the Proposed Development is not dependent upon the demolition project, and it is therefore appropriate for the two to be consented separately. Notwithstanding the above, there is potential for effects associated with the construction and operation of the Proposed Development to interact with the effects from the demolition project (i.e. for the effects of the two projects to be cumulative). These effects have therefore been assessed with as part of the EIA undertaken for the Proposed Development and the findings are reported within the each of the environmental topic chapters (within Chapters 8 to 19) of the ES. The Applicant intends to undertake the demolition project using the permitted development rights provided by Part 11 of the General Permitted Development Order 2015 subject to applying to the relevant planning authority for a determination as to whether the prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site. The Applicant has already obtained an EIA Screening Opinion (Ref. 2017/0003/SCN) from the planning authority (SDC) that confirms that the demolition project is not EIA development and will shortly be discussing with the authority the information that is required for a determination as to whether its prior approval would be required. It is not therefore considered appropriate or necessary to secure the removal of the existing coal-fired power station within the draft DCO on the basis that (a) there is still uncertainty over the timing of its decommissioning and demolition and as (b) its removal is not required to facilitate the delivery of the Proposed Development. ii) As confirmed, although there is still uncertainty as to the timing of the demolition project, the Applicant has already started to prepare for this by obtaining an EIA Screening Opinion and will shortly be approaching SDC to discuss the information requirements for a prior approval application. SDC, as relevant planning authority, and NYCC have confirmed that they are in agreement with the approach that the Applicant is taking to the demolition project (see the draft SoCG with NYCC/SDC submitted at Deadline 2 – Document Ref. 7.1). iii) As confirmed above, given the potential for the Proposed Development and demolition project to overlap, the potential effects associated with the construction and operation of the Proposed Development have been assessed along with those of the demolition project within the ES. A number of different scenarios have been considered within the ES and the findings are reported within the each of the environmental topic chapters (Chapters 8 to 19) with a summary in Chapter 21.

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			Chapter 21 'Summary of Significant Effects' of the ES (Application Document Ref. 6.2.21) provides a summary of the significant environmental effects of the Proposed Development at its different phases, including construction, opening, operation and decommissioning. The summary is provided at Table 21.1 of Chapter 21 and provides a classification of effects both prior to mitigation and also after mitigation (residual effects). It identifies whether effects are short-term, medium-term, long-term, temporary, permanent, direct or indirect. The table also identifies the mitigation that has been applied to reduce effects, where relevant. Taking account of mitigation, the effects identified in Table 21.1 under the various ES chapters/topics are for the most part either not significant, negligible adverse or minor adverse. However, there are a number of moderate adverse and major adverse effects relating to cultural heritage (the impact on the setting or certain heritage assets) and landscape and visual amenity. Of these effects, a number are long-term, permanent and direct. In the majority of cases, these moderate and major adverse effects relate to the operational and decommissioning phases for the Proposed Development. The assessments for these phases were based upon the 'worst case' of the existing coal-fired power station - which currently exerts a major influence on landscape character and visual amenity in the area surrounding the Proposed Development Site - having been demolished and no longer forming part of the landscape. Clearly, with the removal of the coal-fired power station, the Proposed Development, notably the Proposed Power Plant, will result in greater landscape and visual amenity effects, than in a scenario where the existing coal-fired power station was still in place. It is relevant to note that NPS EN-1 (paragraphs 5.9.8 and 5.9.18) recognises that virtually all nationally significant energy infrastructure projects will have effects on the landscape and are likely to have visual effects for many of the receptors around proposed sites. In addition, EN-2 (paragraph 2.6.2) states that the main structures for a fossil fuel generating stations, including the turbine and boiler halls, exhaust gas stacks, storage facilities, cooling towers, and water processing plant, are large and: *"They will have an impact on the surrounding landscape and visual amenity".* Furthermore, in providing guidance to the SoS on decision-making, EN-2 (paragraph 2.6.5) states that: *"It is not possible to eliminate the visual impacts associated with a fossil fuel generating station".* In view of the above, and specifically policy set out in EN-1 and EN-2, the Applicant considers there is no policy justification for securing the demolition of the existing coal-fired power station within the draft DCO. The demolition of the coal-fired power station is neither required to facilitate the Proposed Development, nor to make in acceptable in planning terms. The Applicant's view is that the imposition of such a requirement would fail to satisfy the tests for planning conditions set out in the National Planning Policy Framework ('NPPF'), and which are also of relevance to requirements. iv) It is not considered appropriate in planning terms to add such a requirement to the draft DCO. The demolition project is separate to the Proposed Development. Furthermore, the demolition of the existing coal-fired power station is not required to facilitate the Proposed Development or to make it acceptable. Such a requirement would not satisfy the tests set out in the NPPF.
IV)	*Cumulative Effects* **The Applicant**	The ES [APP-058] concludes that there would not be any significant combined effects on the environment. It identifies potential significant adverse cumulative effects in respect to air quality, and to landscape and visual impact, but not to waste management. This appears to conflict with paragraph 17.6.17 of the ES [APP-055], in which it is stated that cumulative waste generated from the construction of the proposed development and demolition of the existing power station could have a potentially major adverse significant effect on regional waste infrastructure. Clarify the apparent conflicting information.	The statement made at paragraph 17.6.17 of Chapter 17 of the ES was based on very conservative assumptions and an appraisal of potential waste arisings of the demolition of the existing coal-fired power station, not taking account of any mitigation (i.e. minimisation of waste, recycling, re-use etc). As reported in Table 17.9 of that chapter, the contribution of waste arising from the Proposed Development is less than 5% of the waste volumes quoted. In practice, demolition activities are carefully managed to minimise waste arisings requiring offsite disposal. Where possible, metal, plant and machinery are sold or recycled, while clean crushed concrete is used to restore and reprofile the land. Therefore, it is highly unlikely that the waste volumes associated with demolition activities presented in Table 17.9 would be realised in practice. Consequently, and as noted in paragraph 17.6.17, higher recycling rates are likely to reduce the cumulative waste requiring disposal to levels which are not significant. In addition, a Construction Site Waste Management Plan will be developed and implemented by the Applicant in accordance with Requirement 26 of the draft DCO, which must be approved by the planning authority. The Plan will control how waste arisings from the Site are managed during plant construction in order to minimise

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			adverse effects and optimise recycling and recovery of wastes.

ExA Question	Draft Deemed Marine Licence (DML)				
DML	**Category**	**Part of DML**	**Relevant Extract from DML**	**Question**	**Applicant's Response**
DML 1.1	Introduction **The Applicant**	Part 1 Para 1		The DML is a standalone document. Explain whether the DML should include its own references such as a definition of "Order Land", "Order Limits", and "maintain".	The Applicant notes the ExA's recommendation and has updated Part 1 of the draft Deemed Marine Licence ('DML') accordingly. The ExA is referred to the Applicant's revised draft DCO submitted at Deadline 2 (Document Ref. 2.1).
DML 1.2	Licensed Activities **The Applicant**	Part 2 Para 3(3)	…Schedule 1 (authorised development) of this Order...	The DML is a standalone document. Explain whether the wording should refer to Schedule 1 of the Order as defined in Para 1.	The Applicant notes the ExA's recommendation and has updated Part 2 of the draft DML accordingly. The ExA is referred to the Applicant's revised draft DCO submitted at Deadline 2.
DML 1.3	Licensed Activities **The Applicant**	Part 2 Para 3(3)		Explain the need for subparagraph 4 (b) Explain the interaction between subparagraphs (4) (a) and (b).	The DML is drafted on the basis that the *"licensed activities"*, being specifically Work No. 4, can be carried out either: • Within the area bounded by the co-ordinates on the indicative plan; or • Any area within the Order limits which are outwith the co-ordinates but which fall below mean high water spring tide ('MHWS') at the time when the licensed activities are carried out. Any works are therefore limited by the Order limits, and separately the DCO already limits works associated with Work No. 4 to the area delineated as Work No. 4 on the Works Plans. The Marine and Coastal Access Act 2009 (the Act) defines the MMO's jurisdiction by reference to the *"marine licensing area"*. Section 66 of the Act defines this area as being the *"UK marine area"*, which is subsequently defined in Section 42 of the Act. Section 42(1) and (3) define the MMO's jurisdiction in the UK marine area by reference to *"mean high water spring tide"*. The wording included in Part 3 of the DML therefore mirrors the wording used in the primary legislation which sets the MMO's jurisdiction. The Applicant considers that this flexibility is appropriate, and justifiable, on the basis that the area specified in the DML would only vary outwith the co-ordinates to the same degree and extent as the MHWS itself varies; an approach which is consistent with the provisions of the Act and the bounds of the MMO's own jurisdiction. If drafting to allow the boundary of the DML to 'move' as MHWS moves is not included in the DML, then there is the possibility that the Applicant would need to apply for a new or varied marine licence, if MHWS had moved 'out'. The Applicant is keen to ensure that all activities requiring marine licensing consent are incorporated within the DML at this time. The Applicant refers the ExA to the draft SoCG between the Applicant and the MMO (submitted at Deadline 1 - Document Ref. 7.10). The above is the only outstanding point to be agreed between the Applicant and MMO. The Applicant will continue to engage with the MMO on this matter.
DML 1.4	Maintenance or Demolition			The Marine Management Organisation (MMO) in its Relevant Representation [RR-	The Applicant notes the ExA's recommendation at DML 1.10.

ExA Question	Draft Deemed Marine Licence (DML)				
DML	**Category**	**Part of DML**	**Relevant Extract from DML**	**Question**	**Applicant's Response**
	Activities **The Applicant**			019] state that maintenance and demolition activities at the outfall location should be captured within the draft DML [APP- 005]. Respond and if necessary rectify.	Given the position reached between the Applicant and the MMO, the following is the Applicant's response to DML 1.4 - DML 1.10: Save for the point regarding the co-ordinates of the DML (as explained in the Applicant's response to DML 1.3), the Applicant and the MMO have reached agreement on the form of the DML. The ExA is referred to the draft SoCG between the Applicant and the MMO submitted at Deadline 1, as well as the revised draft DML included at Schedule 13 of the Applicant's revised draft DCO submitted at Deadline 2 (Document Ref. 2.1) and the updated Deemed Marine Licence Co-ordinates Plan also submitted at Deadline 2 (Document Ref. 4.14.). To assist the ExA, the relevant points to note in the revised draft DML, as raised in questions DML 1.4 - DML 1.6 and DML 1.8-DML 1.10 are: • Part 2, (paragraph (2)) expressly refers to the *"construction, maintenance and operation of"* (in respect of Work No 4); • Part 3 (paragraph (11)) has been added to require the submission of a method statement to the MMO prior to the commencement of the licensed activities; • Part 3 (paragraph (17)) has been added to require a notice to mariners to be issued; • Part 2 (paragraph (2)) has been amended to remove reference to Work No. 6. The Deemed Marine Licence Co-ordinates Plan has also been updated to remove Work No. 6; • Part 3 (paragraph (5)) has been amended to include the words *"failure to do so may render this licence invalid and may lead to enforcement action"*; and • Part 3 has been amended to include all the conditions requested by the MMO in its Relevant Representation.
DML 1.5	Construction and Environmental Management Plan **The Applicant**			The MMO in its Relevant Representation [RR-019] state that a Construction and Environmental Management Plan needs to be part of the draft DML [APP-005] Respond and rectify.	The ExA is referred to the Applicant's response to DML 1.4
DML 1.6	Notice to Mariners Condition **The Applicant**			The MMO in its Relevant Representation [RR-019] state that a Notice to Mariners should be made a Condition of the draft DML [APP-005] in respect to navigation impediment, and be issued prior to activities commencing and a copy sent to the MMO within five working days of issuance. Respond and rectify.	The ExA is referred to the Applicant's response to DML 1.4
DML 1.7	Discharge of Water **The Applicant**			The MMO in its Relevant Representation [RR-019] state that Article 14 of the draft DCO [APP-005] needs to be replicated in the draft DML [APP-005]. As the DML is a standalone document, respond and rectify.	The Applicant notes the MMO's Relevant Representation, however, it does not consider that it was seeking the amendment suggested by the ExA, nor that any amendments are required to the draft DCO or draft DML in this respect. Any activities falling within the geographical or functional jurisdictional of the MMO (in accordance with the provisions of the Marine Act) have been discussed with the MMO and, where appropriate, have been included in the draft DML. Article 14 does not therefore need to be reproduced in the draft DML. The Applicant further refers the ExA to its response to the Relevant Representations submitted at Deadline 2 (Document Ref. 9.2).
DML 1.8	Works No 6 **The Applicant**	Part 3(2)(b)	Works No.6	The MMO in its Relevant Representation [RR-019] state that these works need to be omitted from the draft DML [APP-005]	The ExA is referred to the Applicant's response to DML 1.4

ExA Question	Draft Deemed Marine Licence (DML)				
DML	**Category**	**Part of DML**	**Relevant Extract from DML**	**Question**	**Applicant's Response**
				Respond and rectify.	
DML 1.9	Conditions **The Applicant**	Part 3(5)	"Should the licence holder become aware that any information on which the granting of this deemed marine licence was based has changed or is likely to change, the licence holder must notify the MMO at the earliest opportunity"	The MMO in its Relevant Representation [RR-019] state that the words "failure to do so may render this licence invalid and may lead to enforcement action" be added to the sentence's end. Respond and rectify.	The ExA is referred to the Applicant's response to DML 1.4
DML 1.10	Conditions **The Applicant**			The MMO in its Relevant Representation [RR-019] has requested a number of additional conditions be added to Part 3 of draft DML [APP-005] Respond and, where necessary, rectify. [N.B – The ExA notes the comments of the MMO made at the Preliminary Meeting [EV-001], in which many if not all of the issues raised by the MMO in its Relevant Representations [RR-019] on the draft DML may have been resolved. A statement to this effect from both parties may suffice in lieu of a response to the above questions]	The ExA is referred to the Applicant's response to DML 1.4

DCO	Draft Development Consent Order (DCO)				
		Part of DCO	**Relevant Extract From DCO**	**Commentary**	**Draft Answer**
DCO 1.1	Authorised Development **The Applicant**	Schedule 1, Works No.10 (n)	"and, to the extent that it does not form part of such works, further associated development comprising such other works (i) as may be necessary or expedient for the purposes of or in connection with the relevant part of the	The described works are not set out in section 4.2 of the ES [APP-042]. i) Explain the "other works". Explain how "other works" have been assessed in the ES if they are only defined as such at this stage.	i) The wording specified in Schedule 1 to the draft DCO is commonly included in DCOs, to pick up those minor works which are not expressly set out in the description of the authorised development and which may be required. This is a proportionate approach to Schedule 1, not describing every single possible potential activity or work. ii) Given that they are not specified in the draft DCO, it follows that they are also not explicitly considered in the ES – they are however of a nature which means that the ES has implicitly assessed them. The ES is based on Schedule 1 to the draft DCO, and is also informed by the typical approach to construction and maintenance of this type of project (therefore including all activities, including those encompassed by sub-paragraph (n)). It is therefore considered that the activities that fall within that sub-paragraph are within the envelope of the assessment presented in the ES.

DCO	Draft Development Consent Order (DCO)				
		Part of DCO	Relevant Extract From DCO	Commentary	Draft Answer
			authorised development and (ii) which fall within the scope of the works assessed in the environmental statement".		
DCO 1.2	Interpretation **The Applicant**	Part 1, Article 2	Definition of "commence"	Justify the approach for the difference in the definition of "commence" with that set out in Requirement 1.	The draft DCO includes two definitions of *"commencement"* as they perform different functions – that in Schedule 2 applying solely in that Schedule, and that in Article 2 applying to all other provisions of the statutory instrument. The definition of *"commencement"* in Article 2 of the draft DCO means the "*carrying out of a material operation, as defined in section 155 of the Planning Act 2008 (which explains where development begins), comprised in or carried out for the purposes of the authorised development".* This definition is broad, and means that where it used, any works pursuant to the Order are included. The definition of *"commencement"* in Schedule 2 (Requirements) of the draft DCO also defines commencement by reference to section 155 of the PA 2008, but then goes on to carve out works which are "*permitted preliminary works*". These works (as also defined in Schedule 2) are those works which can take place prior to "commencement" as used in the requirements. The effect of this is to allow the permitted preliminary works to take place before the relevant requirement must be discharged. This approach is justified in the event that the SoS chooses to make the Order, as it would enable the Applicant to carry out the permitted preliminary works more quickly after the DCO is made. Further justification for why the approach to permitted preliminary works is justified in substance is provided in the Applicant's response to DCO 1.24. There is also precedent for this approach in other DCOs such as the Ferrybridge Multifuel 2 Power Station Order 2015 and the White Rose CCS (Generating Station) Order (whilst this DCO application was refused, that was solely on grounds of the lack of project funding - the ExA recommended that the DCO be granted, including allowing for permitted preliminary works, see Annex A of the ExA's Report).
DCO 1.3	Interpretation **The Applicant**	Part 1, Article 2	Definition of "maintain" "includes inspect, repair, adjust, alter, remove, refurbish, reconstruct, replace and improve"	i) Clarify that said activities have been assessed in the ES [APP-039 to APP-124]. ii) If yes, explain whether "to the extent where it has been considered in the ES" should be added to the definition.	i) In a similar way to the response to DCO 1.1 above, the wording in Schedule 1 to the draft DCO does not expressly refer to maintenance activities. As is common for DCOs, Article 2 expressly permits the undertaker to maintain the authorised development, as well as constructing it. As the maintenance activities are not expressly set out in the description of the authorised development, it follows that they are also not explicitly considered in the ES – they are however of a nature which means that the ES has implicitly assessed them. It is also noted that Chapter 4 of the ES (Document Ref. 6.2.4) refers to various maintenance activities. The ES is based on Schedule 1 to the draft DCO, and is also informed by the typical approach to maintenance of this type of project (therefore including all activities). It is considered that the maintenance activities are therefore within the envelope of the assessment presented in the ES. ii) Given the response to i) above, the Applicant considers that it would be more appropriate to include the wording set out below in DCO 1.4. This ensures that the effects considered in the ES are not exceeded through maintenance activities permitted as part of the DCO.
DCO 1.4	Interpretation **The Applicant**	Part 1, Article 2	Definition of "maintain" "to the extent that the same are unlikely to give rise to any materially new or materially different	This ExA is concerned that the wording potentially allows materially new or different environmental effects as long as it is unlikely that they will arise. i) Comment.	i) The definition of *"maintain"* in Article 2 of the draft DCO is drafted so as to permit future maintenance works that may be required during the lifetime of the authorised development. These works include the right to "*inspect, repair, adjust, alter, remove, refurbish, reconstruct, replace and improve*'. The drafting is intended to ensure that required maintenance activities are permitted but only to the extent that they are unlikely to give rise to any materially new or materially different environmental effects. Whilst the Applicant considers that the drafting

DCO	Draft Development Consent Order (DCO)				
		Part of DCO	Relevant Extract From DCO	Commentary	Draft Answer
			environmental effects from those identified in the environmental statement"	ii) Consider substituting "to the extent assessed in the environmental statement"	in Article 2 ensures that any maintenance activities will not be permitted to be carried out if they are likely to give rise to any new or materially different environmental effects, it nevertheless proposes an amendment to put this beyond doubt (see further below) ii) The Applicant considers that to limit the definition of *"maintain"* in the way suggested by the ExA would be inappropriate and unduly restrictive given the lifespan of the Proposed Development. It is not possible to predict at this time exactly what maintenance works may be required in the future, and the definition of *"maintain"* therefore needs to be suitably wide enough to accommodate any future change to the approach to maintenance brought about by changes in technology. The definition is appropriately limited to ensure that any maintenance activities currently not envisaged or known (and therefore not specifically assessed in the ES) will only be authorised to the extent that they do not give rise to materially new or materially different environmental effects to those as have been assessed. Whilst the Applicant does not consider the amendment suggested by the ExA is required, the Applicant proposes to amend the definition of "maintain" in Article 2 as follows: "*includes inspect, repair, adjust, alter, remove, refurbish, reconstruct, replace and improve to the extent that <u>such activities are not permitted if</u> the same are likely to give rise to any materially new or materially different environmental effects from those identified in the environmental statement […]".* This amendment has been included in the revised draft DCO submitted at Deadline 2 (Document Ref. 2.1).
DCO 1.5	Interpretation **The Applicant**	Part 1, Article 2	Definitions of "Limits of Deviation" and "Order Land"	Interpretation differs from that set out in the Explanatory Memorandum [APP-006] and the Statement of Reasons [APP-009] Explain.	<u>*Limits of Deviation*</u> The definition of *"Limits of Deviation"* in Article 2 of the draft DCO is as *"the limits of deviation shown for each work number on the works plans*". The description of *"Limits of Deviation"* in the Statement of Reasons (Document Ref. 3.2) and the Explanatory Memorandum (Document Ref. 2.2) is by reference to the areas delineated on the Works Plans, and within which the authorised development may be carried out. The Applicant notes that the definition in Article 2 does not refer expressly to any lateral limits on the Works Plans (as per the definitions in the Statement of Reasons and the Explanatory Memorandum), however the ExA is referred to Article 3 (development consent etc. granted by the Order) of the draft DCO. This article gives effect to the concept of the limits of deviation, in that it permits the authorised development to be carried out (i) within the Order limits and (ii) within the corresponding work number on the Works Plans and *"within the limits of deviation".* The draft DCO, by virtue of the operation of the definition in Article 2, the provisions of article 3 and the Works Plans, ensures that the limits of deviation are adequately and clearly defined. The relevant text in the Statement of Reasons and the Explanatory Memorandum was for explanatory purposes only, and does not affect the interpretation of the draft DCO or Works Plans (Document Ref. 4.4). <u>*Order Land*</u> The *"Order land"* needs to be understood in the context of the *"Order limits".* The *"Order Limits"* (as defined in Article 2 of the draft DCO) define the area in which the authorised development can be carried out. This is shown on the Works Plans, which also show the relevant limits of deviation. The Applicant cannot carry out any part of the authorised development outside the Order limits, and all plots listed in the BoR fall within the Order limits. The *"Order land"* (as explained in paragraph 3.2 of the Statement of Reasons), is the land over which powers of CA are sought, and does

DCO	Draft Development Consent Order (DCO)				
		Part of DCO	Relevant Extract From DCO	Commentary	Draft Answer
					not include all of the land within the Order limits. As explained in response to CA 1.2, there are some plots (those plots which are categorised as 'white land') over which the Applicant is not seeking powers of CA. For example, plot 135 (which is shaded pink on the Land Plans) is both within the Order limits and comprises part of the Order land, as the Applicant is seeking powers of CA over this plot. Plot 65 (not shaded on the Land Plans, and therefore white land) is within the Order limits (as the land is required for the construction, maintenance and operation of the authorised development), however is not comprised within the Order land as the Applicant is not seeking powers of CA over this plot. The Applicant considers that the definition of "*Order land*" in Article 2 of the draft DCO should be amended for clarity as follows:- *"Order land" means the land ~~required for, or affected by the proposed development shown on the land plans and described in the book of reference~~ delineated and marked as such on the land plans"* The Applicant has made this change in the version of the draft DCO submitted at Deadline 2 (Document Ref. 2.1).
DCO 1.6	Interpretation **The Applicant**	Part 1, Article 2	Definition of "Order Land" "the land required for, or affected by, the proposed development shown on the Land Plans and described in the book of reference".	The Land Plans [APP-013] contain a red outline which the key describes as the "land required for or affected by the authorised proposed development" but describes this as the "order limits". The Land Plans use the term "order land" in relation to the coloured land which is subject to CA of the freehold and new rights but also to land in which it is proposed to extinguish other rights. Rectify the anomalies between the documents.	The ExA is referred to the Applicant's response to DCO 1.5 in which amendments to the definition of *"Order land"* in Article 2 of the draft DCO are proposed. That response also provides an explanation as to the relationship between Order limits and Order land. For consistency and clarity, the Applicant proposes to amend the reference to *"Order limits"* on the Land Plans (Document Ref. 4.2) to match that contained in Article 2 of the draft DCO. Amended Land Plans have therefore been submitted at Deadline 2. The Applicant does not consider that other amendments are required to the Land Plans.
DCO 1.7	Interpretation **The Applicant**	Part 1, Article 2	Definition of "Order Limits"	The Land Plans [APP-013] contain a red outline which the key says is the "land required for or affected by the authorised proposed development" but then describes this as the "order limits". This does not reflect the definition of "order limits" in the DCO. Explain and/or rectify.	The ExA is referred to the Applicant's responses to DCO 1.5, DCO 1.6 and CA 1.2. As set out at DCO 1.6, the Applicant proposes to amend the definition of "*Order limits*" on the Land Plans to be consistent with the definition in Article 2 of the draft DCO.
DCO 1.8	Consent to Transfer Benefit of the Order	Part 1 Article 7		Further to paragraph 4.10 of the Explanatory Memorandum [APP-006], explain in greater detail the basis for the assertion that transfer without consent is permissible to Gas Act licence holders and highway authorities.	Article 7 of the draft DCO sets out the process and provisions governing the transfer of the benefit of the Order. Article 7(4) prescribes that the consent of the SoS is to be obtained for the transfer, except where the transferee or lessee is (i) the holder of a licence under Section 6 of the Electricity Act 1989, (ii) the holder of a gas licence under Section 7 of the Gas Act 1989 (in respect of Work Nos. 6 and 7), or (iii) a highway authority in respect of a transfer of lease of works within a highway. For the transfer to a gas or electricity licence holder, this is a standard transfer provision and has precedent in a number of other orders (including the Progress Power (Gas Fired Power Station) Order 2015 and the Wrexham Gas Fired Generating Station Order 2017). The justification for these provisions is that in such cases, the transferee or lessee will be of a similar regulatory standing to that of the Applicant (who is required to hold an electricity generation licence to operate the Proposed Development). The transfer to a gas licence holder is specifically restricted in respect of Work Nos. 6 and 7 (being the gas supply pipeline connection works and the AGI respectively) Any transfer to a gas holder in respect of any other specified works comprised within the statutory remit of the draft DCO would be

DCO	Draft Development Consent Order (DCO)				
		Part of DCO	Relevant Extract From DCO	Commentary	Draft Answer
					outwith the regulatory functions of a Section 6 licence holder and would require SoS consent. For the transfer to a highway authority, any transferee or lessee would be to a highway authority, with the same level of financial and regulatory standing to the Applicant. The power to transfer without consent is limited again to any works within a highway, thereby restricting the transfer to that within the remit and jurisdiction of a highway authority. The SoS can therefore be satisfied that in the event those powers were transferred to a body specified in sub-paragraphs (a)(i) - (iii) of Article 7, the transferee or lessee would be able, and permitted to, to carry out the works and/or perform the duties of the Applicant.
DCO 1.9	Temporary Stopping Up etc **The Canal & River Trust** **The Applicant**	Part 1 Article 11		For the Canal & River Trust: i) Provide further comments to your Relevant Representation [RR-008] in respect to your concerns. For the Applicant: ii) Respond to the Relevant Representation [RR- 008] on this matter.	The ExA is referred to the Applicant's response to the CRT's Relevant Representations (Document Ref. No. 9.2) submitted at Deadline 2.
DCO 1.10	Powers of Acquisition **The Applicant**	Part 5 Article 17	Compulsory Acquisition of Land	The ExA is concerned with the clarity of this Article. Paragraphs 8 and 3.2 of the Statement of Reasons [APP-009] states that the Applicant is not seeking powers over CA for areas only required for highway works or within the existing NG substation. i) The ExA requests this Article is altered to identify the plots which are not subject to CA or temporary possession. ii) Explain how the draft DCO ensures that those plots are not subject to CA.	The ExA is referred to the Applicant's responses to CA 1.2 and CA 1.3. i) The Applicant proposes to amend article 17 of the draft DCO to expressly exclude the 'white land' plots from the powers of compulsory acquisition. ii) Please see amended Article 17(4) of the Applicant's revised draft DCO submitted for Deadline 2.
DCO 1.11	Powers of Acquisition **The Applicant**	Part 5 Article 17	Compulsory Acquisition of Land	The Article is not clear in respect to Crown land. Comment on whether the Article should be amended to include wording "Nothing in this article authorises the acquisition of an interest which is for the time being held by or on behalf of the Crown"	The Applicant considers that the draft DCO adequately secures that the undertaker cannot compulsorily acquire Crown interests, and that therefore an amendment to Article 17 is not required, for the following reasons. Article 17 sub-paragraph (3) provides that the powers of CA permitted by Article 17 are "*subject to*" Article 42 (Crown rights). Article 42 reflects the terms of Section 135 of the PA 2008 and provides that the Order does not prejudicially affect any estate (etc) of the Crown nor permit the taking, use or interference (etc) with Crown land. The draft DCO is therefore clear that the undertaker has no powers of CA in relation to Crown interests. The drafting of Article 42 has precedent in other development consent orders, including the Triton Knoll Electrical Connection Order 2016. The drafting has also been agreed with The Crown Estate (please refer to **Appendix 10** for a copy of that correspondence). The ExA is also referred to the Applicant's response to DCO 1.18.
DCO 1.12	Powers of	Part 5	Compulsory	The ExA is concerned with the clarity of	The Applicant considers that Article 20 operates as intended, and with sufficient clarity, as drafted, and does not therefore propose that

DCO	Draft Development Consent Order (DCO)				
		Part of DCO	Relevant Extract From DCO	Commentary	Draft Answer
	Acquisition **The Applicant**	Article 20	Acquisition of Rights	this Article. It is not clear what existing rights are to be acquired. i) The ExA requests this Article is altered to identify the plots which are not subject to CA Rights. ii) Amend the Article to include wording "Nothing in this article authorises the acquisition of an interest which is for the time being held by or on behalf of the Crown"	any amendments are made to it. The question raises three matters, each dealt with below (expressly or by reference to other responses) - existing rights in land, plots subject to the power to acquire rights and Crown land. Article 20(1) provides that the undertaker may acquire new rights (considered below), and *"rights already in existence".* This latter provision enables the undertaker to, for instance, compulsorily acquire a right of way which already exists, where this right would benefit the Proposed Development or where its existence would impede the Proposed Development. The existing rights that the Applicant is aware of are listed in the BoR. The power is not limited to those rights in existence at the date of the BoR, since a third-party owner may grant rights which could impede the Proposed Development. In the event that any existing rights are compulsorily acquired, those affected are entitled to compensation. The ExA is referred to the Applicant's response to CA 1.2.
DCO 1.13	Powers of Acquisition **The Applicant**	Part 5 Article 21	Private rights (3) Subject to the provisions of this article, all private rights over land owned by the undertaker are extinguished on commencement of any activity authorised by this Order which interferes with or breaches such rights.	As currently worded, the Article extinguishes rights over all land owned by the undertaker, not just within the Order Land. Justify, or rectify and insert the words "within the Order Limits" after "…land owned".	The Applicant agrees that Article 21(3) should be limited by reference to the Order land (not the Order limits, see the Applicant's responses to CA 1.2 and DCO 1.5), and has therefore updated the draft DCO (submitted at Deadline 2) so that the sub-paragraph reads *"…all private rights over land owned by the undertaker within the Order land…".*
DCO 1.14	Powers of Acquisition **The Applicant**	Part 5 Article 22	Application of the Compulsory Purchase (Vesting Declarations) Act 1981	Justify the need for subsections (3), (6), (7), (8) and (9)	This article is included so as to enable the Applicant to exercise the powers of CA via the process set out in the 1981 Act. This article is based on a model provision (as explained at paragraph 4.29 of the Applicant's Explanatory Memorandum (Document Ref. 2.2) and has been included in a number ofDCOs. The effect of Article 22 is that the 1981 Act applies to the draft DCO as if it were a compulsory purchase order. This article amends the 1981 Act to ensure that it applies to a development consent order within the requirements of the PA 2008. To include the powers of the 1981 Act within the draft DCO without amending them to take in to account the powers sought in the draft DCO, would result in legislative inconsistencies. Taking each sub-paragraph in turn:- Sub-paragraph (3): this amends sub-section (1) of the 1981 Act by inserting the words "*or any other body or person"*. This is required so as to enable the powers of the 1981 Act to be used more widely than those parties specified in the 1981 Act (being any Minister or public authority). Without this, the Applicant would not be able to rely on the powers in the 1981 Act. Sub-paragraph (6) this amends sub-section 5B of the 1981 Act. Sub-paragraph 6(a) inserts the relevant section of the PA 2008 pursuant to which any challenges relating to the Order must be made. Sub-paragraph 6(b) amends Section 5B of the 1981 Act to refer to the 5 (rather than 3) year period for exercising powers of compulsory acquisition, as provided for in Article 19 of the draft DCO. The 5 year period is justified by reference to Article 20 of the Model Provisions and has precedent in a number of DCOs. Sub-paragraph (7): this amends Section 6 of the 1981 Act by deleting the 1981 Act wording and instead inserting reference to Section 134 of the PA 2008. This is required to ensure that the 1981 Act refers to information given to the acquiring authority as part of the PA 2008 process. Sub-paragraph (8): this amends Section 7 of the 1981 Act to exclude a provision relating to compensation (relating to a reduction in

DCO	Draft Development Consent Order (DCO)				
		Part of DCO	Relevant Extract From DCO	Commentary	Draft Answer
					compensation where actions are taken solely for the purpose of seeking increase compensation, contained in section 4 of the Acquisition of Land Act 1981) which is not relevant to compulsory acquisition pursuant to the DCO. Sub-paragraph (9): this amends Schedule A1 of the 1981 Act to remove reference to a section of the Acquisition of Land Act 1981, as this is not applicable to compulsory acquisition pursuant to the DCO.
DCO 1.15	Application for Part 1 of the Compulsory Purchase Act 1965	Part 5 Article 24		Explain why the changes are necessary and in particular why the notice periods should not apply to temporary possession authorised by the Order.	The ExA is referred to the Applicant's response to DCO 1.14 which explains why the changes to sub-paragraph (2) of Article 24 are required. The amendments to paragraph 2(a) are required as the 1965 Act applies only in relation to compulsory acquisition, rather than temporary possession. This amendment therefore makes it clear on the face of the order that the counter notice to treat procedure does not apply in respect of temporary possession. The notice periods which apply to temporary possession exercised pursuant to the draft DCO are those periods prescribed by the relevant articles of the draft DCO itself (Articles 32, 26, 27 and 32). At this time, the temporary possession notice provisions (including as to notice periods) prescribed by the Neighbourhood Planning Act 2017 (in Part 2) have not yet come in to force. It is therefore appropriate, in the absence of any defined notice periods for temporary possession currently enacted in the legislation, that the relevant periods are set in accordance with the articles of the draft DCO. The notice periods in these articles match a significant number of DCOs which have been made to date.
DCO 1.16	Powers of Acquisition **The Applicant**	Part 5 Article 26	Temporary use of land for carrying out the authorised development	Identify and list the plots from the Land Plans [APP-013] and listed in the Book of Reference [AS-001] which are intended to be excluded from temporary possession power in 26(a)(ii).	There are two categories of plots which are excluded from the power to take temporary possession of land pursuant to Article 26. The first category in relation to which the Article 26 power does not apply is the unshaded ('white land') plots on the Land Plans. Since these are outside the Order land (see the Applicant's response to CA 1.2 and DCO 1.5), the power in Article 26(1)(a)(ii) does not apply, since that sub-paragraph relates specifically to the Order land. These are plots: • 25 • 45 • 60 • 65 • 110 • 115 • 130 • 140 • 395 • 405 • 475 • 485 • 570 • 605 Secondly, the Article 26 power does not apply to plots that are within the Order land where powers of compulsory acquisition have been exercised (either a notice to treat or a general vesting declaration). That is again provided for in Article 26(1)(a)(ii). These plots cannot be identified at this stage, since the circumstances relevant to this category cannot yet have arisen.
DCO 1.17	Powers of Acquisition **The Applicant**	Part 5 Article 26	Temporary use of land for carrying out the authorised development	Paragraph 4.35 of the Explanatory Memorandum [APP- 006] states *"The powers in this article are not intended to be used so as to permit the undertaker to use the land for the construction laydown*	The Applicant considers that there is no need to exclude plots within Work No. 2A from the powers in Article 26. Paragraph 4.35 of the Explanatory Memorandum (Document Ref. 2.2) was seeking to explain that powers of temporary possession are not to be used over the land within Work No. 2A, as the land is owned by the Applicant and therefore can be possessed without the need to exercise the powers. The point in the Explanatory Memorandum was made so as to differentiate between the construction

DCO	Draft Development Consent Order (DCO)				
		Part of DCO	Relevant Extract From DCO	Commentary	Draft Answer
				area (being that area shown as Work No. 2A), as EPL already owns the freehold interest in this land." This is not secured by Article 26(a)(ii), which permits the temporary possession of any of the Order land (other than that in schedule 10) over which no CA is exercised and this includes the area shown as work 2A. Explain whether this article should exclude the plots of land which make up Work 2A.	compound area for the Main Site (i.e. the construction compound that is Work No. 2A), and construction areas located on land not currently owned by the Applicant (such as those within Work No. 6).
DCO 1.18	Crown Rights **The Applicant**	Part 7 Article 42		Crown land cannot be taken. Rectify and remove the word "take" after "licence to".	The Applicant does not consider that any amendments are required to this Article. The wording in Article 42 has precedent in other DCOs such as the Triton Knoll Electrical System Order 2016 and the Hornsea Two Offshore Wind Farm Order 2016, and the Applicant considers that the drafting is sufficiently clear so as to comply with the requirements prescribed in Section 135 of the PA 2008. The word *"take"* operates in the context of Article 42 so as to ensure that no Crown land interests can be taken; to remove this would leave open the possibility of interpretation as to whether any land could be taken, and would therefore weaken the effect of Article 42. The ExA is also referred to the Applicant's response to FWQs DCO 1.11 and CA 1.4 in which it is confirmed that the drafting of Article 42 has been agreed with the Crown Estate.
DCO 1.19	Authorised Development **The Applicant**	Sched 1	Work No 1	Works 1B and 1C entirely overlap with work 1A on the Works Plans [APP-015]. The ExA considers this means that parts of Work 1A can be constructed in the areas designated for 1B and 1C and within their limits of deviation. The Explanatory Memorandum [APP-006] does not explain how this is intended to work. Clarify.	The overlap between these Work Nos. is part of the flexibility which the Applicant seeks in the DCO, and which it has assessed in the ES. Work No. 1 (the Proposed Power Plant) comprises three main elements, being Work No. 1A the CCGT Plant; Work No. 1B the Peaking and Black Start Plants; and Work No. 1C the cooling infrastructure for the CCGT Plant. The areas within which each Work No. can be constructed are shown delineated on the Works Plans (Document Ref. 4.4). The effect of the overlapping areas on the Works Plans is that the CCGT Plant (Work No. 1A) can be constructed anywhere within the area comprising that Work No., including potentially within the areas of Work Nos. 1B and 1C. In the event that (for example) the Peaking Plant (Work No. 1B) requires less space than allowed for on the Works Plans, the undertaker could then build some of the items of the CCGT Plant within the Work No. 1B area. From a practical perspective there is a limit to how much the CCGT Plant can actually move around within the overall Work No. 1 area, given the scale of the main CCGT Plant and buildings and the potential 'space' within Work No. 1B or 1C areas. Work Nos 1B and 1C can only be constructed within the areas delineated as such on the Works Plans. The ES has assessed this potential flexibility. The visual impact of the Proposed Power Plant has been based on the Rochdale Envelope approach and has considered where the main structures could be located within the area of Work No. 1. This approach has also been taken to the assessment of noise and vibration effects. Air quality effects have been assessed based on the fixed CCGT Plant stack coordinates and limits of deviation in the Peaking and Black Start Plant building locations. For all other environmental assessments, the proposed flexibility has negligible effect on the predicted levels of impact.
DCO 1.20	Authorised Development **The Applicant**	Sched 1	Work No 2	Work 2B overlaps with work 2A which comprises the whole area of work 2. The Explanatory Memorandum [APP-006]	The Applicant's approach to Work No. 2 reflects an efficient use of the land in its ownership, for two uses which will occur at different stages of the Proposed Development, as explained further below.

DCO	Draft Development Consent Order (DCO)				
		Part of DCO	Relevant Extract From DCO	Commentary	Draft Answer
				does not explain how these works interact. Clarify.	Work No. 2 is comprised of two overlapping elements, being (a) a temporary construction and laydown area (Work No. 2A), and (b) the carbon capture readiness reserve space (Work No. 2B). The Works Plans (Document Ref. 4.4) have been designed in this way so as to allow the whole area of Work No 2 to be used as a temporary construction and laydown area for and in connection with the construction of Work No. 1 (the Proposed Power Plant). (NPS EN-1, paragraphs 3.6.5 and 3.6.6 sets out a requirement that any order granting development consent for a fossil fuel generating station with a generating capacity of 300 MW or greater, has to include a provision to ensure that the generating station can be constructed so as to be carbon capture ready ('CCR'). One element of the Proposed Power Plant being CCR is providing an area sufficient to accommodate the equipment and apparatus that would be required to capture the carbon dioxide produced by it, in the event that it became viable to retrofit such equipment in the future. The ExA is referred to the Carbon Capture and Storage ('CCS') & Carbon Capture Readiness ('CCR') Statement (Document Ref. No. 5.8) for more information. As the CCR land can only be required for that purpose once the Proposed Power Plant is operating, that use will not conflict with the use of the area for construction activities whilst the Plant is being built. The two activities are inherently temporally distinct. The approach taken by the Applicant is therefore practical and justifiable, and has assisted in limiting the land required for the Proposed Development.
DCO 1.21	Authorised Development **The Applicant**	Sched 1	Work No 2	Work 2B is defined as the "capture readiness reserve space". Requirement 31 relates to the "carbon capture readiness site". Explain the difference or rectify.	The Applicant notes the inconsistency between Work No. 2B and Requirement 31. The ExA is referred to the Applicant's revised draft DCO (Document Ref. 2.1 - submitted for Deadline 2), in which this inconsistency has been amended, and all references throughout the draft DCO refer to the *"carbon capture readiness reserve space"*.
DCO 1.22	Authorised Development **The Applicant**	Sched 1	Work No 8 "retained landscaping comprising…"	Clarify whether "retained" should be removed or replaced with "works for the retention of existing landscaping comprising…".	The Applicant considers that the wording describing Work No. 8 in Schedule 1 to the draft DCO is appropriate as drafted, for the following reasons. Work No. 8, as described in the Schedule 1 of the draft DCO and shown delineated on the Works Plans (Document Ref. 4.4), encompasses the areas of existing bunds, vegetation and landscaping, which run around significant parts of the perimeter of the existing coal-fired power station. As set out in Chapter 16 of the ES (Document Ref. 6.2.16), the area comprised within Work No. 8 will be "*retained and managed to ensure its continued presence to aid the screening of low levels in to the site*". The Indicative Landscape and Biodiversity Strategy (Document Ref. 5.10) states that the existing coal-fired power station already benefits from mature boundary woodland plantations. These provide an important screening function and reduce the visual impacts of the Proposed Development, particularly given the main coal stock yard site that was selected for the Proposed Development as outlined in Chapter 6 'Need, Alternatives and Design Evolution' of the ES (Document Ref. 6.2.6). These woodland plantations will be retained and enhanced for purposes of screening and biodiversity benefit. It is not proposed that any works, save for those listed in sub-paragraphs (a) - (c) of Work No. 8, will be carried out in the area comprising Work No. 8. This is secured in the draft DCO by way of Article 3 (which controls where each numbered work can take place by reference to the Works Plans), and through the wording at the end of Schedule 1, which expressly carves out Work No. 8 from the further associated development permitted. The Applicant does not consider that it would be appropriate to amend the wording in Article 8 in line with the ExA's suggested alternative drafting. This is because the undertaker is not carrying out any works to facilitate the retained landscaping; the retained landscaping is landscaping that it is already in existence. The wording currently included in the draft DCO has been agreed with NYCC and SDC and is drafted as such to make it clear that the landscaping comprised within Work No. 8 will be retained, and that there will

DCO	Draft Development Consent Order (DCO)				
		Part of DCO	Relevant Extract From DCO	Commentary	Draft Answer
					not be any works, save for the minor activities listed, taking place within this area.
DCO 1.23	Authorised Development **The Applicant**	Sched 1	Work No 10 (n)	Explain whether (n)(ii) in this subsection (which limits works to those assessed within the ES) apply to all further associated development works (a) – (n) and not just to (n).	The wording in sub-paragraph (n)(ii) applies only to the works in sub-paragraph (n). This is because the category of works which may fall under sub-paragraph (n) are potentially broad, and therefore it is appropriate to explicitly limit these works to those that form part of the scope of works assessed in the ES. The works comprised within (a) to (m) are more specific, and have already been assessed as part of the assessments in the ES. There is therefore no need for them to be limited by similar wording.
DCO 1.24	Requirements **The Applicant**	Sched 2 Req 1	Definition of *"permitted preliminary works"* *"…environmental surveys, geotechnical surveys and other investigations for the purpose of assessing ground conditions, demolition of buildings, removal of plant and machinery, the preparation of facilities for the use of contractors, the provision of temporary means of enclosure and site security for construction, the temporary display of site notices or advertisements and any other works agreed by the relevant planning authority"*	Many of the requirements are to be carried out before commencement. i) Clarify and explain the approach that these exclusions represent works which can safely be carried out before the steps set out in other requirements have been satisfied. Explain the current contradiction with, for example, Requirement 10, which requires details of temporary means of enclosure to be approved before commencement, but (as currently worded) the provision of the temporary means of enclosure does not constitute commencement.	i) As confirmed in the Applicant's response to DCO 1.2, there is precedent for this approach in a number of other DCOs, notably the Ferrybridge Multifuel 2 Power Station Order 2015 and the White Rose CCS Project. The permitted preliminary works are limited to *"environmental surveys, geotechnical surveys and other investigations for the purpose of assessing ground conditions, demolition of buildings, removal of plant and machinery, the preparation of facilities for the use of contractors, the provision of temporary means of enclosure and site security for construction, the temporary display of site notices or advertisements and any other works agreed by the relevant planning authority."* The surveys and investigations undertaken will not involve any works that constitute development for the purposes of Section 32 of the PA 2008 or Section 55 of the Town and Country Act 1990. The demolition of buildings and removal of plant and machinery are works, that, in their own right, either would not constitute development or would normally be undertaken as permitted development Under Part 11 of the General Permitted Development Order 2015 ('GPDO'), subject to obtaining a determination from the relevant planning authority as to the need for its prior approval and notification under the Building Act 1984. As the proposed demolition and removal of plant and machinery is either not development or permitted under the GPDO and will be confined to the operational areas of the existing coal-fired power station and not involve intrusive works, it is considered appropriate that these works can be carried out in advance of the discharge of the 'pre-commencement' requirements. The preparation of facilities for contractors will be limited to establishing compounds, including preparing surfaces (this will not involve earthworks), siting temporary porta-cabin type buildings and erecting temporary fencing and security measures. Again, it is considered that such works can be carried out without conflict with the pre-commencement requirements. The temporary display of site notices and advertisements will be in connection with the facilities for contractors would have no implications for the pre-commencement requirements as other signage secured by those requirements its specific to them (e.g. Requirements 7 'Public rights of way diversions' and 20 'Construction traffic management plan'. ii) The Applicant notes that Requirement 10 'Means of enclosure', sub-paragraph (1) currently requires the approval of any temporary means of enclosure (including a programme for the removal of such means of enclosure), prior to any part of the authorised development commencing, whereas such temporary means of enclosure are included within permitted preliminary works. The Applicant considers that the element that needs to be secured by requirement is removal of the temporary fencing, and that given the minor nature of such works (necessary for other 'permitted preliminary works'), it is appropriate that they can be carried out as permitted preliminary works. The Applicant has therefore amended sub-paragraph (1) as follows: *"(1) No part of the authorised development must commence until details of a programme for the removal of all temporary means of enclosure for any construction areas or sites associated with the authorised development have, for that part, been submitted to and approved by the relevant planning authority."*
DCO 1.25	Requirements **The Applicant** **Selby DC**	Sched 2 Req 1	Definition of "A Part"	The ExA considers that, as currently worded, the Applicant could apply in relation to any part of any work to	The Applicant considers that the definition of *"a part"* in Schedule 2, whilst broad, is appropriate when considered in combination with the process to discharge requirements in Schedule 11. Points (i) and (ii) are dealt with together below.

DCO	Draft Development Consent Order (DCO)				
		Part of DCO	Relevant Extract From DCO	Commentary	Draft Answer
				partially discharge a requirement. The ExA is concerned that potentially allows for a very large number of discharge requests to be made to LPAs. i) Comment. ii) Explain whether the definition needs to be altered to refer to specific parts of each work.	The Applicant notes the ExA's comment that there may be a large number of discharge requests made to the relevant planning authority for the discharge of requirements. If the undertaker submitted an application to discharge a requirement in relation to a part of a Work No, and the relevant planning authority did not consider that the scope of it was appropriate, there are two courses of action open to it. Firstly the relevant planning authority could request further information, in accordance with paragraph 2 of Schedule 11. Secondly, in the event that the relevant planning authority continued to consider the application to be inappropriate (in planning terms), it can refuse it. In practice, the Applicant will discuss the scope and content of applications to discharge requirements with the relevant planning authority before they are submitted, to seek to ensure that the relevant planning authority understands the Applicant's intended programme and so that the parties can discuss the substance of the proposed submissions. In terms of resourcing the consideration of applications to discharge requirements, the Applicant refers the ExA to paragraph 3 of Schedule 11 of the draft DCO. That requires the Applicant to pay a fee which is the same as that payable to discharge a condition attached to a planning permission (this is achieved by reference to the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012). In addition, the Applicant has already indicated to SDC as relevant planning authority, that it would be content to extend the scope of the existing planning performance agreement (or enter into a new one) to ensure that the authority has access to additional resource where required to discharge requirements and enable the Proposed Development to proceed as quickly as possible. The Applicant would also agree a programme for the submission of the details to discharge requirements with the authority.
DCO 1.26	Requirements **The Applicant**	Sched 2 Req 5 Sched 14	Detailed design *"(2) Prior to commencing any part of Work No. 1 the undertaker must notify the relevant planning authority as to whether it is to construct that part in accordance with the design parameters in Part 1 of Schedule 14 (single-shaft parameters) or Part 2 of Schedule 14 (multi-shaft parameters), and the design parameters notified pursuant to this paragraph are the "relevant parameters" for the purposes of this requirement."*	Paragraph 5.9 of the Explanatory Memorandum [APP- 006] at states that Work No 1A is drafted so as to allow the proposed development to be configured as either a single or multi shaft layout. However, the DCO does not limit the single / multi shaft approach to work 1A. Use of the term a "part" in this Requirement means that some of work 1A could be single and some could be multi shaft. It further relates to work number 1 rather than 1A, it means that a different approach could be taken for work 1A, 1B and 1C. Clarify and explain.	The Applicant has sought to incorporate the flexibility within the draft DCO to allow for the Proposed Power Plant to be constructed in either a 'single-shaft' or 'multi-shaft' plant configuration. This flexibility is required as it is not possible to fix the plant configuration in advance of a contractor having been appointed for the detailed design and construction of the Proposed Power Plant. The decision on the plant configuration to be deployed would be informed by that detailed design work, in addition to the contractor's selection of plant and process equipment. Further to the above, the latest generation of CCGT units are still in the relatively early stages of development and manufacturers are continuing to improve the efficiencies of their units. In addition, single-shaft and multi-shaft CCGT units have different performance characteristics and it is not clear at this stage which would best be suited to meet evolving market conditions. These factors underline the importance of retaining flexibility within the draft DCO as to plant configuration. This is not an uncommon approach. A single-shaft CCGT unit consists of one gas turbine, a steam turbine, a generator and heat recovery steam generator ('HRSG'), with the gas turbine and steam turbine coupled to the same generator. In contrast, a multi-shaft CCGT unit includes two gas turbines and two HRSGs (in effect two CCGT units) but with the steam from both HRSGs fed into a separate steam turbine (with its own generator). Although single and multi-shaft CCGT units have broadly comparable electrical outputs they do have slightly different modes of operation. The principal difference between single and multi-shaft, however, is their built envelopes, and consequently, visual appearance. In contrast to a single-shaft CCGT unit, a multi-shaft CCGT unit combines several buildings (that would be separate for single-shaft) and has differing numbers of generators and transformers resulting in a more compact footprint. The draft DCO confirms that the Proposed Power Plant (Work No.1A) would comprise up to three CCGT units. The single-shaft plant configuration would consist of up to three single-shaft CCGT units. The indicative (concept) layout for the single-shaft configuration is shown upon Sheet 1 of the 'Indicative Generating Station Plans & Elevations' (Document Ref. 4.6) and at Figure 4.1a of the ES (Document Ref. 6.3). The multi-shaft configuration would consist of one multi-shaft unit and in addition to this (so as to effectively bring the configuration up to three units) one single-shaft unit. The indicative layout for the multi-shaft configuration is shown upon on Sheet 4 of the Indicative Generating Station Plans & Elevations and at Figure 4.1b of the ES. The Applicant has applied the Rochdale Envelope approach to the assessment of the environmental impacts of the Proposed Development in order to provide the flexibility to deploy either a single-shaft or multi-shaft plant configuration. The assessment of both

DCO	Draft Development Consent Order (DCO)				
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					potential configurations has been based upon the maximum dimensions/scale parameters presented at Tables 4.1 and 4.2 of the ES (Document Ref. 6.2.4). Those dimensions are also listed at Schedule 14 'Design Parameters' of the draft DCO (Document Ref. 2.1). Each technical chapter of the ES presents the 'worst-case' in terms of predicted environmental effects for the relevant plant configuration. While the design parameters for the single and multi-shaft configurations are presented separately at Tables 13 and 15 of Schedule 14, it is relevant to note that with the exception of the steam hall turbine building, HRSG, electrical intake building (near the air intake filter), generator transformer, feed water pump, cooling tower banks and electrical sub-station, the parameters for the other main buildings and structures are the same. Furthermore, the difference between the two configurations for the cooling tower banks is limited to the cooling tower banks being 5 metres higher for the multi-shaft configuration and the footprint for the electrical sub-station being smaller for that configuration. The Applicant considers that Requirement 5, sub-paragraph (2), as drafted including the use of the word 'part', is appropriate. Work No. 1A would be constructed in accordance with either the single-shaft concept layout or the multi-shaft concept layout and the relevant design parameters at Schedule 14. As the multi-shaft plant configuration includes one single-shaft CCGT unit it is necessary for sub-paragraph (2) to retain the word 'part' so should the Applicant appointed contractor decide to proceed with the multi-shaft configuration, the single-shaft 'part' could be constructed. If the draft DCO required, the multi-shaft configuration to be constructed solely in accordance with Table 15 at Schedule 14 that would preclude the inclusion of the single-shaft unit within the overall plant configuration. Regardless of whichever configuration is constructed, the design parameters set out at Schedule 14 have been fully assessed and the worst-case effects for the relevant plant configuration are presented within the ES. Turning to the point raised that a different approach could be taken for Work Nos. 1B (the Peaking and Black Start plants) and 1C (the CCGT Plant cooling infrastructure), that is they could include elements of both single-shaft and multi-shaft, it is important to note that the design parameters for Work No. 1B are the same whichever plant configuration is selected (that is the parameters of the Peaking and Black Start Plants are not affected whether a single or multi-shaft configuration is selected for the CCGT Plant) while for Work No. 1C the difference between the two configurations is (as set out above) confined to the cooling tower banks for multi-shaft being 5 metres higher. As such, the number of different outcomes that could result in terms of the construction of Works Nos. 1B and 1C is very limited. Notwithstanding this, as for Work No. 1A, the design parameters for Work Nos. 1B and 1C have been fully assessed. In view of the above the Applicant does not consider it necessary to amend the wording of Requirement 5, sub-paragraph 2, or Schedule 14 of the draft DCO.
DCO 1.27	Requirements **The Applicant**	Sched 2 Req 5	*"(6) No part of the authorised development comprised in Work No 4 must commence…"*	The Canal & River Trust in its Relevant Representations [RR-008] state that it wishes to be included as consultees in this Requirement along with the Environment Agency and the Marine Management Organisation. Comment.	The Applicant agrees that the CRT should be included as a consultee in Requirement 5(6) and the draft DCO has been amended accordingly (see the revised draft DCO submitted at Deadline 2). The ExA is also referred to the draft SoCG with the CRT (Document Ref. 7.6) that confirms that this matter is agreed.
DCO 1.28	Requirements **The Applicant**	Sched 2 Req 15(3)	Contaminated Land	The Environment Agency in its Relevant Representation [RR-013] recommends the removal of the words 'if necessary' from Requirement 15(3) to ensure delivery of site investigation works. Respond.	The Applicant has deleted the wording "*if necessary*" from the requirement and has proposed further amendments to ensure the wording is clear. The requirement now states: "*(1) The scheme must include a risk assessment, supported by site investigation data, to identify the extent of any contamination and the remedial measures to be taken to render the land fit for its intended purpose, together with a materials management plan, which sets out long-term measures with respect to any contaminants remaining on the site.*"
DCO 1.29	Requirements **The Applicant**	Sched 2 Req 16	Archaeology	Explain whether a "scheme for archaeological investigation" should be replaced with "written scheme of	The Applicant is content to amend the wording of Requirement 16 'Archaeology' to refer to a *"written scheme of investigation*" rather than a *"scheme for archaeological investigation".* The draft DCO has been amended accordingly.

DCO	Draft Development Consent Order (DCO)				
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				investigation"	
DCO 1.30	Requirements **The Applicant**	Sched 2 Reqs 20 and 21	Construction Traffic and Routing Plan, and Traffic Plan for Construction Staff	Explain whether these should be reworded as "Construction Traffic Management Plan and Construction Workers Travel Plan" to reflect the ES [APP-052].	The Applicant is content for Requirements 20 and 21 to be re-named as 'Construction traffic management plan' and 'Construction workers travel plan' respectively to reflect the traffic management and travel plan documents appended to the ES. The draft DCO has been amended accordingly.
DCO 1.31	Requirements **The Applicant**	Sched 2 Req 31	Carbon capture readiness site "within two years of such action or occurrence"	Justify the two year time period.	The two-year period referred to in Requirement 31 'Carbon capture readiness reserve space' is the period within which the undertaker must be able to prepare the carbon capture readiness reserve space for the installation and operation of carbon capture equipment, should it be deemed necessary to do so. The two-year period is taken from the Department for Energy and Climate Change (now Business, Energy and Industrial Strategy) document 'Carbon Capture Readiness (CCR) - A guidance note for Section 36 Electricity Act 1989 consent applications' (the 'CCR Guidance Note'), which states that (paragraph 16): *"The retained land should not be owned, occupied or used (either by the applicant or a third party) in any way which may prevent its being cleared and free to accommodate the carbon capture plant within two years of the capture equipment being required to be installed."* This would ensure that the carbon capture readiness reserve space would be available for the installation and operation of carbon capture equipment, should that be feasible, within a two-year timeframe, while providing some scope for the limited temporary use of the site. The two-year period also is reflected within the timescales specified within Requirement 32 'Carbon capture readiness monitoring report'. This requires for the submission of a Carbon Capture Readiness Monitoring Report to the SoS, every two years. Sub-paragraph (2)(b) of Requirement 32 states that the submitted report must *"…explain how the undertaker expects to continue to comply with Requirement 31 over the next two years."* The two-year reporting period for the CCR Monitoring Report is taken from paragraph 8 of the CCR Guidance Note. It is also relevant to note that the wording of Requirement 31 reflects the carbon capture readiness requirements within a number of other DCOs, including Requirement 29 of the North Killingholme (Generating Station) Order 2014 and Requirement 29 of the Knottingley Power Plant Order 2015.
DCO 1.32	**Requirements** **The Applicant**	Sched 2 Req 38	Amendments agreed by the relevant planning authority (a) may only be given in relation to non-material amendments where it has been demonstrated to the satisfaction of that authority that the subject matter of the approval or agreement sought is unlikely	The ExA finds that the requirement as currently worded means approval may only be given if the amendments are non-material, or as only limiting amendments applied for that are non-material. The implications are that material amendments would still be permissible and would not be limited in this way. Rectify with the following suggested wording: "may only be given for amendments which are non- material and where it has been demonstrated that the subject matter of the approval or agreement sought is unlikely to give rise to any materially new or materially different	The Applicant agrees that the wording of Requirement 38 (Requirement 39 in the revised draft DCO submitted at Deadline 2) should be amended for clarity. The Requirement have been amended as follows: *"(39(1)) - Where the words 'unless otherwise agreed by the relevant planning authority' appear in the requirements, any such approval or agreement may only be given in relation to non-material amendments and where it has been demonstrated to the satisfaction of that authority that the subject matter of the approval or agreement sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.* *(2) In cases where the requirement or the relevant sub-paragraph requires consultation with specified persons, must not be given without the relevant planning authority having first consulted those persons.* The Applicant considers that this amendment ensures that any approval may only be given if the subject matter of the approval is both (a) non-material, and (b) is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the ES.

DCO	Draft Development Consent Order (DCO)				
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			to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement;	environmental effects from those assessed in the environmental statement".	
DCO 1.33	Requirements **The Applicant**	Sched 2 Various		There are numerous requirements for consultations with bodies before approval by the relevant planning authority. i) Explain the necessity for this, and define what consultation. ii) Alternatively, delete.	i) The reason for a number of requirements within the draft DCO referring to consultation with certain bodies is because those bodies should have the opportunity to review the details submitted to discharge those requirements as the details are relevant to their functions and/or jurisdiction. By way of example, NYCC, as highway authority for the area within with the Proposed Development is located, should have the opportunity to review the details of the Construction Traffic Management Plan that is submitted to discharge Requirement 20. In a number of cases the bodies referred to in the requirements have specifically requested that they are included (e.g. CRT in respect of Requirement 5(1)). The consultation of these bodies would be undertaken by SDC as the relevant planning authority. It would be open to SDC to consult any other bodies it considers should also have the opportunity to review the submitted details. This is no different from the consultation that a planning authority may wish to undertake in respect of details submitted to discharge a planning condition attached to a planning permission. Schedule 11 of the draft DCO ('Procedure for discharge of requirements') provides for consultation with such bodies by the relevant planning authority, including the circumstances where a consultee requests further information before commenting. ii) The Applicant does not consider that this wording, which appears throughout Schedule 2 of the draft DCO, should be deleted.
DCO 1.34	Requirements **The Applicant**	Sched 2 Various		There are numerous tailpieces "unless otherwise agreed to in writing with the relevant planning authority". The ExA is concerned that such tailpieces are imprecise and allow for alterations without adhering to the requirement. Explain the need.	The words *"unless otherwise agreed to in writing with the relevant planning authority"* are intended to allow for the agreement of minor, non-material changes to the details submitted to discharge the requirements. The agreement of such changes would be controlled by Requirement 39 'Amendments agreed by the relevant planning authority' of the draft DCO, which is reproduced below: The ExA is referred to the Applicant's revised draft DCO submitted at Deadline 2, which includes amendments to Requirement 39 in accordance with DCO 1.32. *"39(1). Where the words 'unless otherwise agreed by the relevant planning authority' appear in the above requirements, any such approval or agreement may only be given in relation to non-material amendments and where it has been demonstrated to the satisfaction of that authority that the subject matter of the approval or agreement sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.* *(2) In cases where the requirement or the relevant sub-paragraph requires consultation with specified persons, must not be given without the relevant planning authority having first consulted with those persons."* Therefore, approval for such changes may only be given by the relevant planning authority where it has been demonstrated that they (a) those changes will be minor and not give rise to any materially new or materially different environmental effects from those assessed in the ES, and (b) the relevant planning authority has consulted with any persons consulted on the previous details submitted.
DCO 1.35	Modification of Compensation etc **The Applicant**	Sched 9		Paragraphs 3 and 10 are not explained in the Explanatory	The provisions of paragraphs (3) and (10) of Schedule 9 are to ensure that the legislation is applicable and that the way in which the DCO operates is consistent with the relevant legislation including the Housing and Planning Act 2016. These provisions are sought in the draft DCO submitted by the applicant for the Silvertown Tunnel Order - a decision by the Secretary of

DCO	Draft Development Consent Order (DCO)				
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				Memorandum [APP-006]. Explain their necessity in the draft DCO. [APP-005]	State on that is expected in November 2017, and if necessary the Applicant will provide a further update to the ExA following that decision by the Secretary of State.
DCO 1.37	Procedure for Discharge of Requirements **The Applicant**	Sched 11	(1)(3)(c) such application is accompanied by a report that considers it likely that the subject matter of such application will give rise to any materially new or materially different environmental effects in comparison to the authorised development as approved.	Justify the need for this provision, particularly how the Applicant envisages an application which could amount to materially new or materially different environmental effects.	The Applicant would not submit applications to discharge requirements that could amount to materially new or materially different environmental effects. Furthermore, Requirement 38 'Approved details and amendments to them' sub-paragraph (1) states that *"All details submitted for the approval of the relevant planning authority under these requirements must be in accordance with the parameters of the environmental statement and reflect the principles set out in the documents certified under article 38"* (Certification of plans etc). Further to the above, sub-paragraph 1(3)(c) of 1. 'Schedule 11 'Applications made under requirements', of Schedule 11 is intended to allow the relevant planning authority to refuse an application where it considers that the subject matter of the application would give rise to any materially new or materially different environmental effects in comparison to the authorised development as approved. The wording has been amended to provide greater clarity upon this.

ExA Question	Category	Question	Applicant's Response
FW	FLOODING AND WATER		
FW 1.1	Missing Evidence **The Applicant**	Figure 10E.1 referred to in paragraph 11.4.20 of the ES [APP-049] does not appear to have been provided. Provide this figure.	Paragraph 11.4.20 of the ES refers to Figure 10E.1 being contained within ES Volume II, however the figure is actually provided within Appendix 10E (ES Volume III). The ExA is therefore referred to Appendix 10E (Document Ref. 6.4.12).
FW 1.2	Missing Evidence **The Applicant**	The Marine Management Organisation (MMO) in its Relevant Representation [RR-019] states that there is no mention in the ES [APP-049] of the Marine and Coastal Access Act 2009. Provide a response.	The Applicant has referred to and considered relevant marine policy, including the Marine and Coastal Access Act 2009, within ES at paragraphs 7.3.23 to 7.3.32 and also within the Planning Statement (Document Ref. 5.5) at paragraphs 3.29 to 3.37.
FW 1.3	Methodology **The Applicant** **The Environment Agency**	Section 11.3 of the ES [APP-049] sets out the assessment methodology and significance criteria. The majority of the assessment has been undertaken on a qualitative basis although the Flood Risk Assessment Appendix 11A [APP-112] has used modelled flood levels from the Environment Agency to inform the assessment. Paragraph 5.2.10 of the Flood Risk Assessment (FRA) states that the EA will be updating its hydraulic modelling for the area, with deliverables expected at the end of 2016/early 2017. i) Confirm whether the deliverables are available ii) Explain whether the conclusions in the FRA are affected.	i) Since the ES was submitted, the Northern Forecasting Package: Lower Aire Model and Lower Aire Final Report (July 2017) has been published. This is therefore now the most recent model available and (subject to not being further updated) will be used by the Applicant to inform detailed design matters in the future, such as the cofferdam. ii) The Applicant has reviewed the ES assessment against the updated model. With regards to fluvial flood risk the following conclusions remain unchanged: - The Proposed Power Plant Site, CCR reserve space and the southern area of the Proposed Construction Laydown Area are located in Flood Zone 1 and is deemed at low risk of flooding from fluvial/ tidal sources. - The Proposed Gas Connection corridor is located predominantly in Flood Zones 3a and 3b and is therefore deemed at high risk of flooding from fluvial/ tidal sources (but only below-ground infrastructure will be installed in these areas, so potential impacts relate to construction only).

ExA Question	Category	Question	Applicant's Response
FW	**FLOODING AND WATER**		
			Updated mapping of the flood extent taken from the Lower Aire Final Report shows that for both the existing defended and undefended scenarios floodwater is modelled to reach Wand Lane during a present day 0.1% AEP event, the existing coal-fired power station is modelled to remain dry, therefore the northern part of the Proposed Construction Laydown area would now be located in Flood Zone 1, not Flood Zone 3, as shown on the EA Flood Map for Planning (within Annex 4 of the Appendix 11A: Flood Risk Assessment- Document Ref. 6.4.16). Modelling of the 1% AEP flood event with a 50% climate change allowance (Upper End Allowance for climate change based on EA Climate Change Guidance (2016)) shows the existing coal-fired power station is modelled to remain dry. Overall, the risk of fluvial flooding based on Lower Aire Model shows that the Site is at lower risk of fluvial flooding than originally reported in the Flood Risk Assessment ('FRA'). The FRA submitted with the Application therefore remains conservative and the conclusions remain unaffected.
FW 1.5	Operational Effects **The Applicant**	Paragraph 11.6.33 of the ES [APP-049] assesses the operational impacts on the River Aire. However, there appears to have been no operational assessment regarding leakage from the drainage system and contamination of site runoff, as reported in the ES [APP-049] paragraphs 11.6.35 to11.6.43.	The Proposed Power Plant Site is located approximately 1.1 km south/south-west of the River Aire and site drainage will be discharged to Hensall Dyke (to the south east of the Proposed Power Plant Site). Any contaminated run-off from the Site, if it were to occur, will enter the Site drainage system with the receptor being Hensall Dyke. Based on the measures set out in Section 11.5 (Development Design and Impact Avoidance) of the ES (Document Ref. 6.2.11), the likelihood of such events occurring is low. Given the level of dilution provided within the Dyke and the River Aire itself, the potential impact is evaluated to be of very low magnitude on the River Aire. The resulting operational effects would be the same as reported in the Construction Impacts Section of the ES (Section 11.6) - minor adverse (not significant) (and unlikely to occur based on the impact avoidance measures to be implemented) for water quality, water supply and recreation and negligible adverse for biodiversity.
FW 1.6	Cooling System **The Applicant**	Paragraph 4.2.23 onwards in the ES [APP-042] discusses the cooling system for the proposed development, and states that the final technology selection for the cooling system has not been made. It does not appear to explain what implications if any would occur to the environment and on the EIA generally, depending on the chosen technology. Provide this explanation.	Paragraph 4.2.29 of the ES (Document Ref. 6.2.4) states that the cooling system will be either hybrid cooling or use of wet cooling towers, with that decision to be determined in agreement with the EA through a BAT justification. Both technologies - wet cooling towers and hybrid cooling - would depend on water abstraction from the River Aire, and both involve the heated water being cooled within a set of cooling towers (wet cooling) or high level cooling cells (hybrid cooling) before being returned to the water body. In both cases therefore, temperature/ thermal plume impacts are controlled. The volume of water required to cool the CCGT Plant using either technology would be considerably lower than the currently consented water abstraction rate for the existing coal-fired power station. Similarly, the thermal effluent discharge returned to the River Aire would be of lower load than that from the existing coal-fired power station. While there would be slight differences in the rate of water abstraction/ discharge between the two technologies, the difference between them is considered small, and the effect on the environment will be less than that currently consented for the existing coal-fired power station. By way of comparison, the existing abstraction licence permits 10,000 tonnes of water per hour to be abstracted from the River Aire. New wet cooling towers would require around 2,000 tonnes per hour, whereas hybrid cooling would require around 500 tonnes per hour, based on indicative plant calculations. The only cooling technology that would have a more significant effect than the currently consented discharges would be the use of direct (once-through) cooling. While the EA have yet to conclude through the Environmental Permit application process that this technology does not represent BAT for the installation, as outlined in the SoCG with the EA (submitted at Deadline 1 - Document Ref. 7.3). *"This [*choice of cooling*] is agreed to be likely to lead to unacceptable impacts on the river environment"*. On this basis, it is not envisaged that direct cooling represents BAT for the installation and its use is not proposed by the Applicant.
FW 1.7	Cooling System Environmental Permit **The Applicant**	Provide an update on progress in respect to the application of an Environmental Permit (also asked at AQ 1.9) and whether a decision has been made on the preferred cooling system technology. Update the draft DCO [APP-005] to reflect the cooling system technology if able to do so.	The Environmental Permit application has been confirmed as 'Duly Made' (on 28 June 2017) by the EA and is currently being determined. The ExA is referred to the Applicant's response to AQ 1.9, and the SoCG with the EA submitted at Deadline 1. The Applicant does not propose that the draft DCO is updated in relation to the cooling technology, and does not consider that it needs

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FW	**FLOODING AND WATER**		
			to be as the Environmental Permit application process provides the assessment and control on this aspect of the Proposed Development.
FW 1.8	Water Abstraction and Discharge **The Applicant**	The Canal & River Trust in its Relevant Representation [RR-008] raises concerns that alterations to the abstraction rates could alter the quantity of flow of water and impact upon navigational safety, and that the exact details of abstraction must be made a requirement in the draft DCO [APP-005]. Respond and if necessary amend the draft DCO [APP-005] accordingly.	The Applicant has undertaken further discussions with the CRT and this has provided confirmation that the risk to navigation from the abstraction is very low. The ExA is referred to the draft SoCG between the Applicant and CRT (Document Ref. 7.6) submitted at Deadline 1 in which it is agreed that there will be no significant effects arising as a result of volumes of abstraction from the River Aire. The Applicant and CRT have agreed that the CRT should be a consultee in relation to the discharge of Requirement 5(6), and the Applicant has updated the draft DCO in this respect. No other amendments to the draft DCO are necessary in light of this agreed position.
FW 1.9	Water Abstraction and Discharge **The Applicant**	The Environment Agency in its Relevant Representation [RR-013] expresses concerns that a thermal plume could cause a barrier to migrating fish, and state that additional information was required in respect to water abstraction and discharge. Provide this information.	Both wet cooling towers and hybrid cooling would depend on water abstraction from the River Aire and the heated water is cooled within a set of cooling towers (wet cooling) or high level cooling cells (hybrid cooling) before being returned to the water body – therefore temperature/ thermal plume impacts are controlled. The volume of water required to cool the CCGT using both methods would be considerably lower than the currently consented water abstraction rate for the existing coal-fired power station. Likewise the thermal effluent discharge returned to the River Aire would be of lower load than that from the consented coal-fired power station. While there would be slight differences in the rate of water abstraction/ discharge, the difference between the hybrid and wet cooling systems is considered small and the overall effect (including any effect on fish migration) is less than the environment currently consented for the existing coal-fired power station.
FW 1.10	Water Abstraction and Discharge and Cofferdams **The Applicant**	The Marine Management Organisation in its Relevant Representation [RR-019] states that there are apparent discrepancies between figures 5.3 and 5.4 of the ES [APP-071 and APP-072] regarding the extent of the cofferdams into the River Aire. Provide a response.	The Applicant has updated Figure 5.4 to ensure this is clarified (the difference relating to the point on the river bank from where the cofferdam dimension was measured from) and the revised version is provided at **Appendix 13**. No changes to Figure 5.3 are necessary.
FW 1.11	Cofferdam Removal **The Applicant Selby DC** **North Yorkshire CC** **The Environment Agency** **The Marine Management Organisation**	i) Comment on the need for a specific plan for cofferdam removal. For the Applicant: ii) If necessary, provide this plan.	ii) Removal of both cofferdams (at the intake and outfall points) would be covered by Requirement 5 of the draft DCO. In addition, the Deemed Marine Licence Part 3, Paragraph 11 requires the submission of a method statement for those parts of Work No. 4 within the UK marine area (which would include the cofferdam at the outfall). Requirement 5 'Detailed design', sub-paragraph (6)(c) of the draft DCO has been amended as follows to secure details relating to the removal of the cofferdams: *"the method and timing of installation and removal of the cofferdams at the intake and outfall points, their phasing, and the extent to which each extends into the River Aire."* Given the above, which appropriately secures the necessary measures, the Applicant does not consider that a plan is required now. The relevant statutory authorities are understood to support this approach.
FW 1.12	Indicative Construction and Environmental Management Plan **The Applicant**	The Canal & River Trust in its Relevant Representation [RR-008] requests that the measures proposed in paragraph 5.2.27 of the ES [APP-043] to limit potential environmental impacts of the cofferdams should be provided via condition within the draft DCO [APP-005]. Avoidance of installation in the salmonid migratory period is contained within the Framework CEMP [APP-099], however installation of the cofferdams during the summer/lower flow periods; and pre-construction sediment contamination testing are not. Respond and if necessary, rectify.	Reference to the installation of the cofferdams during the summer/lower flow periods; and pre-construction sediment contamination testing have been included in an update to the Framework CEMP (see **Appendix 7**). The ExA is also referred to the response to FW 1.11 above.
FW 1.13	Groundwater and Towns Water Supply **The Applicant**	Paragraphs 4.2.69 to 4.2.70 of the ES [APP-042] explain that groundwater from one or two existing bore holes is 'likely' to be used for the supply of raw water to the power station. The locations of these boreholes are not identified in the	The locations of the boreholes are discussed within Section 3.5 of ES Chapter 3 (Document Ref. 6.2.3). Borehole No. 1 is located adjacent to the A19-Weeland Road roundabout, at the southern extent of the Site, while Borehole No. 2 is located adjacent to the Eggborough Sports and Leisure Complex. The borehole locations are shown on Document Ref. 4.9 'Indicative Groundwater and Towns Water

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FW	**FLOODING AND WATER**		
		ES Identify the locations of the boreholes.	Connection Plan'.
FW 1.14	Eel Screens **The Applicant**	Paragraph 5.2.23 of the ES [APP-043] states that eel screens may be required to meet the Eels Regulations 2009. This is also set out in Requirement 5(6)(b) of the draft DCO [APP-005]. Provide an explanation as to how it will be determined that an eel screen will be required and what provisions are in place for monitoring of its effectiveness.	Eel screens would be provided in relation to the cooling water infrastructure in accordance with the Eel (England and Wales) Regulations 2009 (the 'Eels Regulations'). Regulation 17(2) of the Eels Regulations allows the EA to serve a notice requiring a 'responsible person' to install an eel screen and Regulation 17(3) allows the EA to specify by notice the dimensions and type of screen and where it is to be placed. Under Regulation 17(6) it is an offence not to comply with these notices. Under Regulation 19, the 'responsible person' must maintain the eel screen in an efficient state, and that not to do so is an offence. Ensuring compliance with the Eels Regulations is the responsibility of the EA.
FW 1.15	River Aire Crossing **The Applicant**	Paragraphs 4.2.71 to 4.2.75 of the ES [APP-042] explain the gas pipeline corridor and above ground installation works, with 'no dig' construction techniques to be deployed where the pipeline is required to tunnel under the River Aire. Horizontal Directional Drilling is considered the 'most likely' method of construction, but it is not defined within the definition of Works No. 6 or elsewhere in the draft DCO [APP-005]. Set out the potential options for construction; how the draft DCO [APP-005] allows/secures them; and how they have been considered as part of the ES assessment.	The different construction methods which have been considered for constructing the Proposed Gas Connection under the River Aire include auger boring, microtunnelling, and horizontal directional drilling ('HDD'). While other methods exist, these methods have been chosen as they are considered the most suitable for crossing major rivers at the depth required. HDD has several benefits over the other techniques; predominately it is safer, faster and does not require the construction of launch and reception pits within the flood plain and in close proximity to existing overhead power lines. For these reasons HDD is considered the most suitable method of construction at this location. As set out below, the draft DCO secures the approval of the method of installation of the gas pipeline (Requirement 5(8)), and the ES has assessed the methods of installation proposed along the pipeline route. Whilst tunnelling works are considered to be implicitly included in Schedule 1 to the draft DCO via the references to "*underground*", the Applicant notes that they are not explicitly identified. The Applicant has therefore updated Schedule 1 to refer to "*tunnelling, boring and drilling works*". This has been included in the 'further associated development' paragraph at the end of Schedule 1 so that it applies (where relevant) to Work Nos. 4 and 6. The gas pipeline is subject to detailed design as confirmed above, and this is secured through DCO Requirement 5(8)(d), which states: *"(8) No part of the authorised development comprised in Work No. 6 must commence until details of the following for that part have been submitted to and, after consultation with the highway authority, approved by the relevant planning authority—* *(d) the route and method of installation of the high pressure steel pipeline and any electrical supply, telemetry and other apparatus."* As discussed within Chapter 5 of the ES, the majority of the pipeline will be constructed using open-cut method. This has been assessed as the worst-case construction method, when compared to the 'no-dig' methods for special crossings, when considering relevant topics (air quality, noise and water resource (contaminated run-off) impacts). The HDD method will be of lower environmental impact than that assessed in the ES as a worst case.
FW 1.16	River Aire Crossing **The Applicant** **The Environment Agency**	The Environment Agency (EA) in its Relevant Representation [RR-013] raises concerns that the open cut crossing either side of the River Aire will affect the integrity of the EA's flood defences on this land. For the EA: i) Explain how the crossing could affect flood defence integrity, and mitigation that would alleviate its concerns. For the Applicant: ii) Provide a response.	ii) The Applicant has reviewed the proposed pipeline construction works relative to the flood defences on the River Aire. In light of EA concerns, the Applicant proposes to HDD under the whole area – extending either side of the flood defences – instead of using open-cut method closer to the River as originally planned. The HDD start point and location of the main rig (and accompanying laydown equipment) would be located to the north of the River Aire, where flood risk is lower (Flood Zone 2) than on the south side (Flood Zone 3). Additionally, due to the uncertainty of the river bed depth and bed condition, a cover of 5m to the top of the pipe below the River has been proposed.

ExA Question	Category	Question	Applicant's Response
FW	**FLOODING AND WATER**		
			These details are secured by the detailed design requirement (Requirement 5 of the draft DCO) and it is proposed that the EA are included as a consultee to the detailed design requirement for Work No. 6 (the gas pipeline connection works) (specifically Requirement 5(8)), and to refer specifically to tunnelling under flood defences. These proposals have been submitted to the EA. They were discussed further at a meeting on 27 October 2017, and the parties agreed that a further requirement would secure settlement monitoring in the vicinity of the flood defences - the Applicant is awaiting sight of draft wording from the EA. The EA is referred to the Applicant's revised draft DCO submitted at Deadline 2 which reflects this change to Requirement 5.
FW 1.19	Mitigation **The Applicant**	The draft Deemed Marine Licence [APP-005] Part 2 Work No 6 requires the pipeline "beneath the River Aire to be constructed using tunnelling and/ or boring techniques". However, the extent of the trenchless technique is not clear and there is no reference to trenchless techniques within Work No 6 of the DCO [APP-005]. Respond and rectify.	The ExA is referred to the Applicant's responses to FW 1.15 and FW 1.16 above. The extent of the HDD proposed beneath the River Aire can be provided and proposals are currently with the EA for agreement. It has been agreed between the Applicant and the MMO that Work No. 6 can be removed from the Deemed Marine Licence ('DML'). The Applicant refers the ExA to (a) the SoCG (specifically at paragraph 2.4) between the Applicant and the MMO (submitted at Deadline 1), (b) the revised draft DCO submitted at Deadline 2 and (c) the Applicant's response to the ExA's questions on the DML above.
FW 1.20	Gas Connection Corridor Drainage **The Applicant**	Paragraph 11.5.39 of the ES [APP-049] explains that "Land drainage along the Proposed Gas Connection corridor will remain at greenfield runoff rates and all land drains/ minor watercourses will be reinstated to ensure farmland drains appropriately following construction of the pipeline. A commitment to undertake a study to identify all land drainage features with potential to be affected by the construction of the Proposed Gas Connection pipeline, and measures to ensure they are appropriately reinstated, is included as a Requirement in the draft DCO." However, the draft DCO [APP-005] does not appear to secure this; the ExA is not convinced that it is adequately covered by Requirement 13. Mr Pearson in his Relevant Representation [RR-002] echoes concerns in farmland drainage. Respond and rectify.	The Applicant considers that these issues are appropriately dealt with and secured through a combination of provisions in the draft DCO and in proposed legal documentation with landowners. These are explained below. Articles 26 and 27 of the draft DCO enable the Applicant to enter on, and take temporary possession of land for the purposes of (respectively) construction and maintenance of the Proposed Development. Sub-paragraphs 26(4) and 27(5) require the undertaker to "*remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land"* (other than where the undertaker has acquired the land). Requirement 13 of the draft DCO requires details of temporary foul and surface water drainage to be submitted and approved prior to commencing a part of the authorised development, and for details of the permanent foul and surface water drainage systems to be submitted and approved prior to construction of that apparatus. This requirement ensures that the Applicant is restricted from commencing, and constructing, the authorised development until such time as measures for the control of surface and foul water drainage are approved and then subsequently implemented. Requirement 27 also requires the Applicant to submit a scheme for the restoration of any land which is used temporarily for construction. Any restoration works must be carried out within 3 years of the authorised development being brought in to commercial use. The undertaker will also carry out a survey of relevant land areas, including will also be carried out by the Applicant. This will be secured in contracts between the landowner and undertaker, and the carrying out of pre-works drainage surveys forms part of the Heads of Terms that will be issued by Ardent Management Limited to affected landowners. The Heads of Terms also contain reinstatement provisions. The Applicant considers that landowners will have the benefit of a private contractual commitment from the Applicant to carry out surveys, as well as protection offered by Requirement 13. In terms of the reinstatement provisions, there are private contractual obligations between the Applicant and the landowner, as well as the requirements of Articles 26 and 27 and Requirement 27 as the draft DCO.
FW 1.22	Other Consents and Licences **The Applicant**	Provide an update to the document entitled "Other Consent and Licences" [APP-029] to reflect any permitting requirements in relation to discharges to surface water or groundwater.	An amended Consents and Licences Document (Document Ref. 5.4) has been submitted for Deadline 2.

ExA Question	Category	Question	Applicant's Response
LV	**Landscape and Visual**		
LV 1.1	Baseline Data **The Applicant**	Paragraphs 16.4.51 to 16.4.55 of the ES [APP-054] sets out the concept of future baseline. It assumes that demolition is ongoing and the existing coal-fired power station may be entirely or partly still standing. i) Clarify that it is intended that the structures remain in place (as a worst case) or whether the process of demolition and associated infrastructure could lead to the worst case. ii) Clarify that the presented effects are based on year 0 of opening so as to represent a worst case in terms of assumed success of landscaping strategies.	i) Paragraph 16.4.52 of the ES (Document Ref. 6.2.16) states that the future baseline assumes" demolition *is ongoing, and the existing coal-fired power station may be entirely or partly still standing"*. The assessment considered several future baseline scenarios – both with and without the existing coal-fired power station structures being present. It is considered that the process of demolition could lead to the worst case visual impact of the Proposed Development as a result of the increase of structures and demolition plant and movement and this is what has been assessed. There are no plans to leave the existing coal-fired power station structures in place but this decision is outside the scope of this project. ii) The presented effects are based on year 0 of opening and planting is assumed to have just been implemented and to be in place, so limited benefit is assessed for that opening year scenario. Requirement 6(5) secures that the Landscaping and Biodiversity Management and Enhancement Plan includes an implementation timetable. However, the screening and landscape contribution of the proposed planting scheme will progressively increase for the operational assessed scenario (15 years post planting).
LV 1.3	Methodology **The Applicant**	Paragraphs 16.6.31 and 16.6.32 of the ES [APP-054] discuss plume visibility. While a figure is quoted for operational visibility, there is no assessment of the significance of these effects. Provide such an assessment, based on the wet cooling option as a worst case scenario.	The Applicant notes that this information is already provided in the ES. Paragraph 16.6.31 states that the impact from wet cooling towers would be greater than that for hybrid cooling towers. The landscape and visual impact assessment assumes a 'worst case' scenario (paragraph 16.3.14) and it is the 'worst case' scenario of wet cooling towers that has been assessed for each individual viewpoint as set out in Table 16.11 of the ES.
LV 1.4	Design **The Applicant Selby DC**	Paragraph 16.5.8 of the ES [APP-054] discusses design matters. The ExA is concerned that much of the design details are unknown, and places a considerable reliance of approval of such matters under Requirement 5 of the draft DCO [APP-005]. For the Applicant: i) Explain why the proposed development is not fixed to a particular design ii) If fixing the design is not practical at this stage, explain why a separate design principles document has not been submitted on which the proposed development should adhere to. For Selby DC iii) Comment on this matter and Requirement 5 of the draft DCO [APP-005].	i) Please refer to the response to DCO 1.26 above as to why it is not possible for the Applicant to fix the design of the Proposed Power Plant at this stage. ii) While a separate 'design principles' document has not been submitted, the Applicant has defined maximum design parameters for both possible plant configurations for the Proposed Power Plant and these are secured through Requirement 5 'Detailed design' and Schedule 14 'Design Parameters' of the draft DCO. Sub-paragraph (1) of Requirement 5 secures the submission of the details of the Proposed Power Plant (Work No. 1) and sub-paragraph (3) requires those details to be in accordance with the design parameters. Sub-paragraphs (4) to (11) secure the submission of details in respect of the other components of the Proposed Development. The Applicant has submitted 'Indicative Generating Station Plans & Drawings' (Document Ref. 4.6) that provide an indication of how the different plant configurations for the Proposed Power Plant would appear based on the design parameters. These plans and drawings also include 3-D visualisations showing how the Proposed Power Plant may appear. Furthermore, the Design and Access Statement (Application Document Ref. 5.6) provides information on the key design components for the Proposed Power Plant, including its anticipated appearance and finishes. The Applicant has also provided a substantial amount of information in respect of the other components of the Proposed Development. Requirement 5 would therefore secure the submission of a significant level of design detail by the Applicant, not only in relation to the Proposed Power Plant but other components of the Proposed Development. The wording of Requirement 5 has been agreed with the relevant planning authority and it would provide the authority with a significant degree of control over and certainty as to the final design of the Proposed Development. The approach taken to the design of the Proposed Development and securing design details is consistent with other DCOs, notably the Ferrybridge Multifuel 2 Power Station Order 2015, where maximum design parameters were incorporated within the Order to provide flexibility in terms of plant configuration (Article 5 and Schedules 3 and 4) with the design details secured by requirement (Requirement 4).
LV 1.5	Above Ground Installation Kiosks **The Applicant**	Paragraph 4.3.4 of the ES [APP-042] sets out the maximum dimensions for the above ground installation (AGI) kiosks. However, they are not set out in Schedule 14 of the draft DCO [APP-005]. i) Explain how the AGI kiosks are to be secured in the DCO [APP-005].	i) The dimensions of the AGI kiosks are shown on the 'Indicative Above Ground Installation Plans' Sheets 1 and 2 (Document Ref. 4.11). The detailed design of the kiosks, including their siting and scale would be secured by Requirement 5 'Detailed design' sub-paragraph (9)(b) of the draft DCO, which states: *"(9) No part of the authorised development comprised in Work No. 7 must commence until details of the following for that part*

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LV	**Landscape and Visual**		
		ii) Confirm whether the kiosks represent the tallest structures at the AGI sites.	*have been submitted to and, in respect of sub-paragraph (d) after consultation with the highway authority, approved by the relevant planning authority-* *(b) The siting, layout, scale and external appearance, including the colour, materials and surface finishes of all new permanent buildings, structures and above ground apparatus;"* Requirement 5(9)(b) therefore provides the relevant planning authority, with a significant degree of control over the design and appearance of the AGI. ii) The Design and Access Statement (Document Ref. 5.6) confirms (paragraph 4.9) that the maximum dimensions of the AGI kiosks would be 3 metres in height, 7 metres in length and 5 metres in width. With the exception of a CCTV lighting column that may be erected at the AGI sites the kiosks would be the tallest structures.
LV 1.6	Woodland **The Applicant**	Table 16.8 of the ES [APP-054] states that during construction phase, the sensitivity of the woodland plantation is "high" with a magnitude of impact as "low", thus a moderate adverse (significant) effect arises. This contradicts the opening phase where the effect is considered "minor beneficial". Explain the diverging conclusions reached on both the construction and opening phases of the proposed development.	The assessment presented in Table 16.8 of the ES (Document Ref. 6.2.16) is based on the impact of the removal of an area of tree planting to the north east of the main coal stock yard (in order to allow the construction of the Proposed Power Plant (Work No. 1) and the Construction Laydown area (Work No. 2A) and hedgerow and trees within the Proposed Cooling Water and Gas Connection corridors in order to allow installation of the water and gas pipelines (Work Nos. 4 and 6, respectively). This results in a moderate adverse impact. The landscape and visual impact assessment at opening is assessing the impact on the remaining woodland at the start of the operational phase. This takes into account the small loss of woodland area lost during construction, and the new replacement tree planting which is assumed to have been planted very recently. This therefore results in a minor beneficial impact. The differing conclusions reached for these stages are because the loss of the woodland is assessed at the construction scenario and the introduction of the new planting and woodland management is assessed at opening. The loss of the woodland is not assessed again at opening, as that loss has already occurred.
LV 1.8	Photomontages **The Applicant**	Table 16.11 of the ES [APP-054] for Viewpoint 15 identifies the construction, opening and operational significance of effects as 'major adverse'. Explain why there are no photomontages to illustrate this significant effect.	Following feedback on the Preliminary Environmental Information Report and comments received from NYCC, an additional viewpoint was visited (viewpoint 15) and an assessment and photo viewpoint provided (ES Figure 16.36). Photomontages have been produced to aid the ExA for viewpoint 15 and are provided at **Appendix 14**. Photomontages have been produced for the single and multi-shaft layout options at the two assessment scenarios (opening with and without the existing coal-fired power station and future operation with and without the existing coal-fired power station).
LV 1.9	Photomontages **The Applicant**	Table 16.11 of the ES [APP-054] for Viewpoints 7 and 9 identifies moderate adverse operational effects. Explain why there are no photomontages to illustrate this significant effect.	Photomontages were only produced for a number of representative viewpoints and typically those that would experience a major adverse significance of effect (viewpoints 1, 3 and 6). Photomontages were also produced for viewpoints 5 and 10 which demonstrate a moderate adverse significance of effect compared to a major or minor significance of effect.
LV 1.10	Photomontages/ Visual Assessment **The Applicant**	Explain why no visual assessment has been undertaken from: i) the Public Right of Way identified as 35.27 1/1 on Figure 16.3 [APP-087] to the north of the site; and ii) High Eggborough Lane to the south where there are residential receptors.	i) It is considered that this receptor would gain a similar view as demonstrated by viewpoint 7 as a result of a similar direction of view and limited intervening vegetation between both viewpoints and the Proposed Development. Therefore, the assessment of effect on viewpoint 7 serves as a representative assessment for PRoW 35.27 1/1. ii) The viewpoint at High Eggborough Lane was visited and discounted for further assessment as a result of the limited view of the existing coal-fired power station, indicated as potential viewpoint ID Z, High Eggborough Lane, in Appendix 16C of the ES (Document Ref. 6.4.25). Please note this is incorrectly labelled as potential viewpoint W on Figure 16.1 of the ES (Document Ref. 6.4.25).

ExA Question	Category	Question	Applicant's Response
NV	**Noise and Vibration**		
NV 1.2	Night-time Noise **The Applicant** **Selby DC** **North Yorkshire CC**	Selby DC and North Yorkshire CC in their Relevant Representation [RR-018] raise concerns in respect to night time noise levels during the operational phase. For Selby DC/NYCC: i) Explain the concerns, and suggested changes necessary to Requirement 24 of the draft DCO [APP-005]. For the Applicant ii) Provide a response.	A meeting between SDC, NYCC and the Applicant took place on 27 September 2017, and the parties are continuing to discuss the issue of operational noise. An update of the Applicant's position is provided below. The 2014 version of BS 4142 'Methods for rating and assessing industrial and commercial sound' introduces the terms adverse impact and significant adverse impact. When comparing the *rating level* against the *background sound level*, BS 4142:2014 states that: • A difference of around +10 dB or more is likely to be an indication of a significant adverse impact, depending upon the context. • A difference of around +5 dB is likely to be an indication of an adverse impact, depending upon the context. Separately, guidance contained in Noise Policy Statement for England (NPSE) (2010), published by Defra, provides further guidance on defining 'significant adverse effects' and 'adverse effects' using the concepts: • No Observed Effect Level (NOEL) - the level below which no effect can be detected. Below this level no detectable effect on health and quality of life due to noise can be established; • Lowest Observable Adverse Effect Level (LOAEL) - the level above which adverse effects on health and quality of life can be detected; and • Significant Observed Adverse Effect Level (SOAEL) - the level above which significant adverse effects on health and quality of life occur. For a high sensitivity residential receptor, the SOAEL for operational noise on the project when assessed in accordance with BS4142:2014 was set at a *rating level* of around +10 dB or more over the *background sound level*, depending upon the context. This aligns with the level at which BS4142:2014 indicates a potential significant adverse impact, depending upon the context. This has in turn been aligned with 'moderate adverse' with respect to the EIA methodology for defining significance of effect, thereby 'significant' in terms of the EIA methodology and to be 'avoided' in accordance with the NPSE. With respect to the LOAEL for a high sensitivity residential receptor, this has been set at a *rating level* of ≤5 dB over the *background sound level*, depending upon the context. This aligns with the level at which BS4142:2014 indicates a potential adverse impact, depending upon the context. This has in turn been aligned with 'minor adverse' with respect to the EIA methodology for defining significance of effect, but 'not significant'. It should be noted that based upon the PPG, noise below the LOAEL is not necessarily inaudible. It may still be heard and can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life. Based upon the context of the Eggborough site, even the highest predicted unmitigated *Rating Levels* of +7 dB/+8 dB over the night-time *background sound levels* for the single shaft/multi-shaft layouts (as set out in 9.35 and 9.36 of the ES), would have resulted in less than a 1 dB increase in existing ambient noise levels when added to the existing night-time noise levels (in Table 9.27 of the ES). This increase would be considered negligible above existing average ambient $L_{Aeq,8h}$ night-time noise levels. The reduced excess of the *rating level* over the *background sound level* of +3 dB would result in an even smaller increase in ambient noise level. With respect to the operational noise modelling and assessment, conservative assumptions have been used including: • The use of 10th percentile *background sound levels*, which tend towards the lower end of the measured range. Given the large extent of sound level data obtained during the surveys, significantly different 'representative' background sound level values can be obtained using different statistical analysis methods. The example analysis used in BS 4142:2014 is the 'mode'. However, in the ES assessment the mode was considered alongside the 10th percentile of the measured $L_{A90,15mins}$ values and the graphical representation of all of the $L_{A90,15mins}$ data at each location. As a result, *background sound levels* equal to or lower than the mode (lower by up to 13 dB during the daytime and 6 dB at night at some NSRs) have been assigned as 'representative' and used in the

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			assessment. • A +3 dB character correction has been used, which is considered conservative in the context of the operation of the existing coal-fired power station. The SoS ruled on the Keuper Gas Storage DCO Project that a mitigated *rating level* of +6 dB above the *background sound level* would not cause a significant adverse impact (in the context of the environment). This mitigated *rating level* of +6 dB did not include any correction for the sound character. However, the predicted highest *rating level* above the *background sound level* for the Proposed Development is lower than this, and this is also inclusive of a +3 dB correction for potential acoustic character as a conservative approach. Based upon the context of the existing environment, this would be below the LOAEL set for the project and no specific mitigation measures would be required in accordance with the PPG. Nevertheless, where possible during the detailed design of the CCGT Plant, measures to further reduce this rating level will be considered.

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TT 1.1	Public Rights of Way Management Plan **The Applicant**	Requirement 7 of the draft DCO [APP-005] requires the submission of a Public Rights of Way Management Plan to be submitted for approval by the relevant planning authority. i) Justify the approach as to why a draft Public Rights of Way Management Plan has not been submitted with the application. ii) Submit a draft/indicative Public Rights of Way Management Plan.	i) The Proposed Development would only require the temporary closure of three PRoW during the construction phase in connection with the Proposed Gas Connection (Work No. 6) and Proposed Cooling Water Connection (Work No. 4) works. The closures will be required for a period of approximately 3 months and as the closures would be for less than 6 months the PRoW officers at NYCC have agreed that there is no requirement for alternative routes. The wording of Requirement 7 has been discussed and agreed with the PRoW officers at NYCC and this agreement is confirmed in the draft SoCG with NYCC and SDC (Document Ref. 7.1) submitted at Deadline 2. Further to the above, Requirement 7 as drafted outlines the details and measures that would be included within the plan to be submitted and implemented in order to discharge the Requirement. ii) In view of the limited duration of the closures, the absence of the need for alternative routes and the wording of Requirement 7 it is not considered that a draft PRoW Management Plan is required.
TT 1.2	A19 Crossing **The Applicant**	Paragraphs 4.2.71 to 4.2.75 of the ES [APP-042] explain the gas pipeline corridor and above ground installation works, with 'no dig' construction techniques to be deployed where the pipeline is required to tunnel under the A19. Auger Boring is considered to be the 'most likely' method of construction, but it is not defined within the definition of Works No. 6 or elsewhere in the draft DCO [APP-005]. Set out the potential options for construction; how the draft DCO allows/secures them; and how they have been considered as part of the ES assessment.	A number of construction methods were considered for the 'no-dig' crossing points, including auger boring, microtunnelling and HDD. In this case, auger boring was considered the most suitable method because of the required depth of crossing. It is a common method used for crossing roads, such as A19. Auger boring will provide a straight tunnel lining for the pipeline, it is a cost effective method, requires a smaller compound area in comparison to HDD (so reducing land take from third parties), and allows for the pipeline to be easily connected to the open-cut sections before and after the crossing. The gas pipeline is subject to detailed design and will be secured through Requirement 5 (specifically sub-paragraph part (8)(d). This requires details of the "*route and method of installation of the high pressure steel pipeline and any electrical supply, telemetry and other apparatus*" to be submitted to and approved by the relevant planning authority, in consultation with the highway authority. The ExA is also referred to the response to FWQ 1.15 in relation to the wording in Schedule 1 to the draft DCO. As discussed within Chapter 5 of the ES, the majority of the pipeline will be constructed using open-cut method. This has been assessed as the worst-case construction method, when compared to the 'no-dig' methods for special crossings, when considering air quality,

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			noise and water resource (contaminated run-off) impacts. The auger boring method will be of lower environmental impact than that assessed in the ES as a worst case.
TT 1.3	Ports **The Applicant** **North Yorkshire CC**	Section 14.6 of the ES [APP-052] details the anticipated construction programme of the proposed development. It is stated that consideration will be given to the effect from abnormal indivisible loads on appropriate ports at the detailed design stage, but that a reasonable expectation exists that such ports will be able to accommodate the proposed development. For the Applicant: i) Explain how control of abnormal indivisible loads would be secured through the DCO. For North Yorkshire CC: ii) Comment on the adequacy of provisions for AIL's within the DCO as drafted.	The most appropriate route for Abnormal Indivisible Loads ('AILs') will be considered once final details of the size and origin of loads are known, at the detailed design stage. There are a number of ports which are capable of handling the types of AILs required for the Proposed Development. The routing and timing of AILs would be secured through Requirement 20 'Construction traffic management plan' of the draft DCO, the wording of which has been discussed and agreed between the Applicant and Highways England and is reflected in the SoCG that has been agreed between the parties (Document Ref. 7.2) submitted at Deadline 1. Requirement 20 states that: *"(3) The plan submitted and approved must include-* *(b) details of the routing strategy and procedures for the notification and conveyance of abnormal indivisible loads, including agree routes, the number of abnormal loads to be delivered by road and measures to mitigate traffic impact;"* The Requirement states that the plan must be approved by the relevant planning authority after consultation with Highways England and the highway authority. As noted in the 'Other Consents & Licences' document (Document Ref. 5.4), the delivery of AILs would also be separately controlled through the Road Vehicles (Authorisation of Special Types) (General) (Order) 2003. The Construction Traffic Management Plan and the need to obtain permits under the Road Vehicles (Authorisation of Special Types) (General) (Order) 2003 would provide the opportunity for the relevant agencies to comment upon and control the delivery of AILs.
TT 1.5	Framework Construction Traffic Management Plan and Construction Workers Travel Plan **The Applicant**	Paragraphs 14.7.2 and 14.7.3 of the ES [APP-052] assess mitigation measures. It relies on a Construction Traffic Management Plan (CTMP) and a Construction Workers Travel Plan (CWTP) to be secured in the draft DCO [APP-005] as key mitigation. These are submitted in Framework form at Annexes AC and AB to Appendix 14A of the ES [APP- 118]. Requirements 20 and 21 of the DCO [APP-005] require the submission and approval of "construction traffic and routing management plan" and "travel plan for construction staff". i) Explain the definition 'Framework' and whether this differs in approach from an indicative or outline prefixed report. ii) Explain whether Frameworks CTMP and CWTP are sufficiently detailed to provide reasonable comfort and confidence that the included matters can be satisfactorily discharged at the required stage. iii) Explain whether Requirements 20(2) and 21(2)of the draft DCO [APP-005] is sufficiently precise in stating that the approved CEMP must be in accordance "with the principles" of Chapter 14 of the ES [APP-052] as opposed to the Framework CTMP and CTWP itself.	i) A 'Framework' report is similar to an indicative or outline prefixed report and provides an overarching document setting the limits assessed during the consenting process (i.e. in advance of detailed design and further information being available). The 'Framework' document is a starting point for the appointed contractor to prepare the final CTMP and CWTP. ii) Both the Framework CTMP and CWTP identify the issues that have been noted by consultees during the consultation process, and the measures necessary to address these issues. The scope and content of both framework documents have been agreed with the local highway authority, and Highways England during the pre-application process. Both Requirements 20 and 21 require that CTMP and CWTP must be implemented as approved. The appointed contractor will therefore be compelled to carry out and comply with the measures identified in both the approved CTMP and CWTP documents (which must themselves be consistent with the Framework documents). iii) The Applicant considers that in the interests of clarity, Requirements 20 and 21 should be amended in line with the ExA's recommendation to require that the CTMP and CWTP must be "in accordance" with the framework. Please see the Applicant's revised draft DCO submitted at Deadline 2 which includes an amendment to Requirement 20(2) and 21(2).
TT 1.6	Residential Amenity **The Applicant**	Mr Turner in his Relevant Representation [RR-003] raises concerns in respect to construction activities and potential effects on residents. In the absence of submissions of an indicative Construction and Environmental Management Plan and Construction Traffic Management Plan for examination, explain to Mr Turner and the Local Authorities how the construction will minimise effects to the local community.	DCO Requirements 20 and 21 of the draft DCO require a CTMP and CWTP to be prepared by the undertaker and approved by the relevant planning authority (in consultation with the highway authority, and in respect of Requirement 20 with Highways England) prior to the commencement of the authorised development. It is standard practice to prepare framework documents at the planning stage and this has been the approach approved in other DCOs. Only when detailed design is underway can the programme, construction methods and workforce totals be confirmed, and therefore the CTMP and CWTP finalised. This approach has been discussed and agreed with the relevant highway authorities. The CTMP and CWTP must be in accordance with the framework CTMP and CWTP which have been prepared by the Applicant and are

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			included as Annexes AC and AB to Appendix 14A of the ES (Document Ref. 6.4.21). These framework documents identify the issues that have been considered as a result of the environmental impact assessment work which has been undertaken, and the measures necessary to address these issues. Measures included within the CTMP include: • Designated HGV Routes to site; • Restrictions on Construction Working Hours; • Before and After Road Condition Surveys; • Wheel Cleaning Facilities; and • Advance Warning Signage. Measures included within the CWTP include: • Car Parking Controls; • Encouraging the use of contractor minibuses; • Encouraging car sharing; • Staggered working hours; and • Signage strategy to ensure no parking on the public highway. The appointed contractor will be required to carry out construction in accordance with the documents approved by the relevant planning authority. This will ensure that measures are implemented to minimise the construction traffic impacts on the local community.
TT 1.7	Mitigation The **Applicant**	Section 14.6 of the ES [APP-052] identifies no significant adverse effects from transportation, and likely impacts would be negligible adverse. However, chapter 20 of the ES [APP-058] describes a potentially significant effect associated with construction traffic emissions, and that the preparation of a co-ordinated travel plan with other projects is a consideration only. Explain why a co-ordinated travel plan has not been prepared, particularly in respect to air quality matters and the potential cumulative effect on Air Quality Management Areas.	A co-ordinated construction and demolition travel plan has not been prepared as the timing associated with the demolition of the existing coal-fired power station is not yet known. The demolition of the existing coal-fired power station is outside the scope of the DCO application, and is not associated with the Proposed Development. The Transport Assessment (Appendix 14A of the ES - Document Ref. 6.4.21) tested a worst case scenario by combining the peak demolition traffic with the peak Proposed Development construction period, and identified that no significant effects result. The Applicant will monitor the status of the demolition works in terms of its programme compared to that for the Proposed Development. If this shows both developments potentially reaching their construction peak at the same time, further travel plan measures will be implemented to reduce the traffic impact arising from the developments. The Applicant has proposed an amendment to Requirement 20 in relation to this - the ExA is referred to the revised Draft DCO submitted at Deadline 2.