

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 Comments on Relevant Representations - Deadline 2

The Planning Act 2008



Applicant: Eggborough Power Limited
Date: November 2017

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GLOSSARY

ABBREVIATION	DESCRIPTION
Applicant	Eggborough Power Limited
CAA	Civil Aviation Authority
CEMP	Construction Environmental Management Plan
CTRMP	Construction Traffic Routing and Management
CWTP	Construction Worker Travel Plan
DCO	Development Consent Order
DML	Deemed Marine Licence
EA	Environment Agency
EN-1	Overarching National Policy Statement for Energy
EPL	Eggborough Power Limited
FWQs	First Written Questions
HAZID	Hazard Identification
HAZOP	Hazard and Operability Study
HE	Historic England
HSE	Health and Safety Executive
LA	Local Authorities
LIR	Local Impact Report
MMO	Marine Management Organisation
MW	megawatts
NE	Natural England
NGET	National Grid Electricity Transmission plc
NGG	National Grid Gas plc
NSIP	Nationally Significant Infrastructure Project
NYCC	North Yorkshire County Council
OHL	overhead transmission lines
Order	Eggborough CCGT (Generating Station) Order
PA 2008	Planning Act 2008
PINS	Planning Inspectorate
Proposed Development	Eggborough CCGT Project
Royal Mail'	Royal Mail Group Limited
SCR	Selective Catalytic Reduction
SDC	Selby District Council
SINC	Site of Importance for Nature Conservation
SoCG	Statement of Common Ground
SoS	Secretary of State
TCA	The Coal Authority

ABBREVIATION	DESCRIPTION
the Club	Sports & Social Club
The Trust	The Canal & River Trust
YWT	Yorkshire Wildlife Trust

CONTENTS

1.0 INTRODUCTION	1
2.0 APPLICANT'S COMMENTS ON RELEVANT REPRESENTATIONS.....	2

TABLES

Table 2.1 - Applicant's Comments on Relevant Representations	3
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APPENDICES

APPENDIX 1: CARBON CAPTURE PLANT INDICATIVE LAYOUT PLAN

1.0 INTRODUCTION

- 1.1 This document (Document Ref. 9.2) 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 set out the Applicant's comments on the Relevant Representations ('RRs') that were submitted by Interested Parties to the SoS by the relevant deadline of 9 August 2017. The Applicant's comments are provided in Section 2. The document has been submitted for Deadline 2 of the Examination.

2.0 APPLICANT'S COMMENTS ON RELEVANT REPRESENTATIONS

- 2.1 The Applicant's comments on the RRs submitted by Interested Parties 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 RRs, the name of the Interested Party that submitted the RR, the full text of the RR and the Applicant's comments on each RR. The Applicant's comments cross-refer to its responses to the ExA's First Written Questions ('FWQs') where relevant in addition to the Application Documents and other documents submitted since the start of the Examination.

Table 2.1 - Applicant's Comments on Relevant Representations

Ref.	Interested Party	Relevant Representation	Applicant's Comments
1.	Alan Rhodes	<p>Employment and social facilities for the local community. As an Eggborough resident and a former secretary of the Sports & Social club, I want to know what the future is for these issues.</p>	<p>The ExA is referred to the Applicant's response to FWQ AS 1.3.</p> <p>The draft Development Consent Order ('DCO') includes a requirement (Requirement 34 'Employment, skills and training plan') that will secure the submission by the Applicant 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, Selby District Council ('SDC') after consultation with North Yorkshire County Council ('NYCC'). Sub-paragraph (2) of Requirement 34 requires the approved plan to be implemented and maintained during the construction and operational phases of the Proposed Development.</p> <p>The wording of Requirement 34 has been discussed and agreed with SDC and NYCC, the latter who would be consulted on the plan. The ExA is referred to the draft Statement of Common Ground ('SoCG') between the Applicant and the Local Authorities (Document Ref. 7.1 - submitted at Deadline 2), which confirms that agreement has been reached between the parties with regard to Requirement 34.</p> <p>The potential impacts of the Proposed development upon the Sports & Social Club (the 'Club') are temporary and short-term in nature, and affect only a very small part of the land occupied by the Club. These temporary and limited impacts are explained in the SoCG agreed between the Applicant and Sport England (Document Ref. 7.12) that was submitted with the Application on 30 May 2017.</p> <p>In summary, works may need to be carried out within part of the area occupied by the Club to install a new groundwater connection to the Proposed</p>

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			<p>Development. Those works would require closing the relevant area for around 3 months. Once those works are complete, the relevant area will be reinstated. The Applicant and Sport England have agreed that Requirement 5 'Detailed design', sub-paragraph (7) of the draft DCO is an appropriate means by which to minimise any impacts upon the Club during the short period of the water connection works if required, to allow for the continued use of the recreational and sports facilities during those works and to ensure that the land is appropriately reinstated. Requirement 5(7) reads as follows:</p> <p><i>"(7) No part of the authorised development comprised in Work No. 5 must commence until details of the following for that part have been submitted to and, after consultation with the highway authority and Sport England, approved by the relevant planning authority—</i></p> <ul style="list-style-type: none"> <i>(a) the route and method of construction of any upgraded or replacement ground and towns water supply pipelines;</i> <i>(b) the method of construction, siting, layout, scale and external appearance of any upgraded or replacement ancillary plant, buildings, enclosures or structures;</i> <i>(c) measures to minimise disruption to users of the Eggborough Sports and Social Club recreational and sports facilities; and</i> <i>(d) the reinstatement of the land to allow for continued recreational and sports use."</i>
2.	Christopher Frank Pearson	I have concerns about the route of the gas pipeline and its effects on the drainage of the farming land that this crosses.	<p>The ExA is referred to the Applicant's responses to FWQs AS 1.1 and FW 1.20.</p> <p>As explained in the Applicant's responses to AS 1.1 and FW 1.20 the provision of drainage management and any required reinstatement of land will be secured through a combination of articles and requirements (Requirement 13 'Surface and fuel water drainage' and 27 'Restoration of land used temporarily for construction') in the draft DCO in addition to the private contractual land</p>

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			<p>agreements that the Applicant is proposing to enter into with land owners within the Proposed Gas Connection Corridor.</p>
3.	Geeta Sahay	<p>Residents at Haddlesey Manor have received this consultation letter as EPL considers that they have an interest in the Application, given that their property is situated directly next to the gas supply pipeline proposed for this development. This property can be clearly seen on the map on Hirst Road, near to Eastfield Road.</p> <p>The residents would like to know more about the following:</p> <ol style="list-style-type: none"> 1) How long will the digging of the trench and the laying of the above pipeline take, and how will this impact on the property, in terms of: <ul style="list-style-type: none"> • access to the property (will the road required to be closed for long periods of time, given that the proposed route cuts across the through road); • the closing of public footpaths in the area. 2) Will the work that will need to take place here impact on the residence in terms of noise pollution, workers on site at hours beyond 9 to 5 o'clock on weekdays, and the need for heavy/large vehicles to travel down Eastfield Road, thus eroding an already poorly maintained road? Can the residents receive assurance that work to be done here is confined within the hours of 9 and 5 and on weekdays only? 3) What is the proposed work to be done to rectify any 	<p>Haddlesey Manor is not directly affected by Proposed Gas Connection works being located approximately 130 m east of the Gas Connection Corridor. It is also relevant for the ExA to note that as part of the selection of the Proposed Gas Connection Corridor the proximity of residential properties was taken into account.</p> <p>The issues raised by Ms Sahay are dealt with in turn below:</p> <ol style="list-style-type: none"> 1) As discussed in paragraph 5.2.18 of Chapter 5 of the Environmental Statement ('ES'), <i>"Overall construction of the pipeline is likely to take circa nine months although each section of the pipeline will only take around three months to install."</i> Therefore, it is anticipated that works in the vicinity of Haddlesey Manor will only take approximately 3 months. <p>Millfield Road will temporarily require traffic management to have a trench excavated and the pipeline laid approximately 1.2 m below ground level. This will involve fencing off the works area, stripping and storing topsoil, excavating a trench and storing subsoil, laying and welding pipe sections together at grade level (pipe stringing), laying pipe in the trench, re-instating land drainage, and then backfilling subsoil, reinstating topsoil and re-planting to the original state as required. These works are not envisaged to require closure of Millfield Road and traffic control measures are considered to be sufficient. Appropriate traffic management plans will be implemented as agreed with SDC and NYCC but access to properties will be maintained throughout.</p> <p>Access along public footpaths along existing roads will be maintained throughout the construction works. As stated in the ES, two Public Rights of</p>

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		<p>damage done by the work to lay the pipeline? Will the local environment be restored to its original setting after the work is done? This work can be used as an opportunity to improve the roads and infrastructure in this area, and boost the long term natural environment. How is this opportunity being catered for within current development plans?</p> <p>4) Are there any safety issues that the residents should be concerned about in terms of being situated so closely to such a gas pipeline? Can the residents receive assurance that there are no risks inherent in these works?</p> <p>5) What are the avenues in which to receive compensation for the extent of disruption that will be caused by this development?</p>	<p>Way ('PRoW') will be temporarily closed during construction of the pipeline. These will be:</p> <ul style="list-style-type: none"> ● PRoW 35.27/1/1 which is located to the north of the existing coal-fired power station site and routes in a north westerly direction from Wand Lane to Chapel Haddlesey; and ● PRoW 35.14/4/1 which is a short section of bridleway known as Whiting's Lane located to the east of Burn Lodge Farm. The bridleway runs from the A19 in an easterly direction passing under the East Coast Mainline before heading in a northerly direction to Blossom Hill. <p>The PRoWs are anticipated to be closed for up to three months and will be reopened upon completion of the gas pipeline sections. It has been agreed with the PRoW officers at NYCC that no alternative routes are required during the closures.</p> <p>2) No Heavy Goods Vehicles ('HGVs') are proposed to travel down Eastfield Road. In addition, Eastfield Road was not identified in the Transport Assessment (Appendix 14A of the ES) as a key construction worker route (to be used by construction workers going to and from work). Therefore, it is not anticipated that this road would be adversely affected by vehicle movements associated with construction of the Proposed Development. As discussed in paragraphs 5.2.33-34 of Chapter 5 of the ES, pipeline construction working hours will be Monday to Friday 07:00 to 19:00 and Saturday 07:00 to 13:00 and no 24 hour working is envisaged.</p> <p>3) In terms of reinstatement of the gas pipeline corridor, there are provisions in the draft DCO which place a duty on the Applicant to restore any land which is used temporarily for the purpose of construction and/or maintenance of the Proposed Development. Articles 26 and 27 of the draft DCO enable the Applicant to enter on, and take temporary possession of</p>

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			<p>land for the purposes of (respectively) construction and maintenance of the Proposed Development. Sub-paragraphs 26(4) and 27(5) respectively 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 since acquired the land). In addition, Requirement 27 of the draft DCO) requires the restoration of land used temporarily for construction in accordance with a scheme approved by the local planning authority. Please refer to the Applicant's response to FWQ 1.20 where this is explained in further detail. With regard to the natural environment, the Applicant has examined opportunities to enhance biodiversity and landscaping within the Site and has submitted an Indicative Landscape and Biodiversity Strategy with the Application. The draft DCO also includes a requirement (Requirement 6) that will secure the submission, approval and implementation of a Landscaping and Biodiversity Management and Enhancement Plan.</p> <p>4) The design and operation of high efficiency gas-fired power stations and associated gas pipelines such as that proposed by the Applicant is standard engineering practice that is closely regulated and carefully operated to avoid major incidents occurring. There are many thousands of miles of gas pipeline crossing the country that have been installed and safely operated for many years. The design and construction of the pipeline must meet stringent safety standards and will be checked by independent engineers before any gas is passed through the pipeline. Regular monitoring and periodic inspections will be undertaken when the pipeline is operational to confirm that the pipeline remains fully integral and safe. During the construction of the gas pipeline, the contractor will comply with relevant health and safety legislation to ensure the safety of the public and also on-site workers is not compromised.</p> <p>5) It is intended that the construction of the Proposed Development will have</p>

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			<p>minimal inconvenience or disruption to members of the public. However, in the event of any problems, the constructor of the pipeline will provide a 24-hour helpline number that anyone affected by the construction works can call to complain about any nuisance or any other issue that may arise. They will then register that call and respond to it, confirming the response or action that has been made back to the complainant. If this does not remedy the situation, residents are advised to contact the local Environmental Health Officer at SDC or potentially the Environment Agency ('EA') to take the matter further.</p>
4.	East Riding of Yorkshire Council (East Riding of Yorkshire Council)	<p>Thank you for your consultation regarding the above proposed development which has been carefully considered. I hereby confirm that the East Riding of Yorkshire Council has no comments to make and will not be submitting a Local Impact Report (LIR) for this proposal.</p>	<p>The Applicant notes East Riding of Yorkshire Council's RR and has no comments to make.</p>
5.	Natural England	<p>PART I: Summary of Natural England's advice.</p> <p>Natural England does not consider that the proposal is likely to have a significant impact on any nationally or internationally designated nature conservation sites or nationally designated landscapes, and that sufficient mitigation measures have been put in place to avoid significant impacts on protected species.</p> <p>PART II: Natural England's detailed advice</p> <p>1.1. Natural England's advice in these relevant representations is based on information submitted by Eggborough Power Ltd in support of its application</p>	<p>The Applicant notes the comments made by Natural England ('NE') within its RR and would refer the ExA to the agreed SoCG between the parties that was submitted at Deadline 1 (Document Ref. 7.7).</p> <p>The SoCG covers the agreement that has been reached in respect of internationally designated nature conservation sites, protected species, agricultural land and soil quality, biodiversity enhancement and landscape. It is also agreed between the parties that Requirement 6 'Landscaping and biodiversity protection management and enhancement' of the draft DCO provides an appropriate mechanism by which to secure biodiversity protection, management and enhancement in connection with the construction and operation of the Proposed Development. There are no matters of disagreement between the parties.</p>

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		<p>for a Development Consent Order ('DCO') in relation to Eggborough CCGT (Generating Station).</p> <p>1.2. Natural England has been working closely with Eggborough Power Ltd to provide advice and guidance since August 2016.</p> <p>1.3. These relevant representations contain a summary of what Natural England considers the main nature conservation, landscape and related issues to be in relation to the DCO application, and indicate the principal submissions that it wishes to make at this point. Natural England will develop these points further as appropriate during the examination process. It may have further or additional points to make, particularly if further information about the project becomes available.</p> <p>1.4. Natural England has worked successfully with Eggborough Power Ltd and there are no substantive outstanding matters.</p> <p>2. The natural features potentially affected by this application</p> <p>2.1. The following European / nationally protected species may be affected by the proposed project:</p> <p>2.1.1. Great crested newt 2.1.2. Badger 2.1.3. Water vole</p>	

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		<p>2.1.4. Grass snake 2.1.5. Nesting birds</p> <p>Part II: NATURAL ENGLAND'S RELEVANT REPRESENTATIONS IN RESPECT OF EGGBOROUGH CCGT (GENERATING STATION)</p> <p>3. Planning Inspectorate Reference: EN010081</p> <p>3.1. Natural England has no objection to the project for the following reasons:</p> <p>3.1.1. There are no European sites, Ramsar sites or nationally designated landscapes located within the vicinity of the project that could be significantly affected</p> <p>3.1.2. The project site currently supports habitats of negligible ecological interest and all protected species issues (including any licensing requirements under the Habitats Regulations or the 1981 Act) can be addressed by the proposed draft DCO requirement 17.</p> <p>3.1.3. Natural England welcomes the biodiversity enhancements as set out in the Landscape and Biodiversity Strategy which will have a positive effect on the natural environment by creating and enhancing habitats of biodiversity value on the site. This is in accordance with the principles set out in</p>	

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		<p>paragraph 118 of the National Planning Policy Framework. Natural England notes that this commitment is reflected in proposed Requirement 6 of the draft DCO. Natural England therefore advises that this requirement should be secured by a suitably worded requirement in the DCO, if the project is approved.</p> <p>3.2. Natural England's headline points are that on the basis of the information submitted:</p> <p>3.2.1. Natural England is satisfied that the potential impacts of the project on nationally and internationally designate nature conservation sites, nationally designated landscapes and protected species have been adequately addressed.</p> <p>3.2.2. Natural England advises that, if approved, the project must be subject to all necessary and appropriate requirements which ensure that unacceptable environmental impacts either do not occur or are sufficiently mitigated.</p>	
6.	Historic England	Historic England was informed by letter of 28 June 2017 from Dalton Warner Davis (agents for the applicant) that an application for a Development Consent Order has been made for the Eggborough CCGT Plant. We have assessed the documents that constitute the application submission (May 2017) and considered the impact of the	<p>The Applicant notes the comments made by Historic England ('HE') in its RR and would refer the ExA to the agreed SoCG between the parties that was submitted at Deadline 1 (Document Ref. 7.4). The Applicant would also refer the ExA to its response to FWQs AH 1.1, AH 1.2 and AH 1.3.</p> <p>The SoCG covers the agreement that has been reached in respect of potential</p>

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		<p>proposals on the historic environment, both within the site and the surrounding area. We agree with the conclusions of Chapter 13 of the Environmental Statement that the proposed development is likely to affect the significance of some listed buildings as a result of development within their setting. We do not consider this harm would be substantial but should be taken into account in consideration of the order and weighed against the public benefits of the scheme.</p> <p>We welcome the proposed mitigation measures and the intention to agree details of archaeological mitigation with the Principal Archaeologist at North Yorkshire County Council. We expect to have further engagement via the Principal Archaeologist in order to agree the overall archaeological strategy.</p>	<p>impacts upon archaeology and the setting of heritage assets. It is also agreed between the parties that Requirement 6 'Archaeology' would secure the necessary archaeological mitigation through the agreement an implementation of a Written Scheme of Investigation. There are no matters of disagreement between the parties.</p>
7.	National Grid Plc	<p>Representation by National Grid Plc on behalf of National Grid Gas Plc and National Grid Electricity Transmissions Plc to the Eggborough CCGT (Generating Station) Order</p> <p>NATIONAL GRID ELECTRICITY INFRASTRUCTURE IN THE VICINITY OF THE PROPOSED WORKS</p> <p>National Grid Electricity Transmission PLC ("NGET") has high voltage electricity overhead transmission lines (OHL) within close proximity to the proposed gas fired generation station and related connection works. Details of the overhead transmission lines are as follows:</p> <p>(a) 4YS - 400kV OHL from Eggborough substation to</p>	<p>The Applicant refers the ExA to its responses to FWQs CA 1.9, CA 1.4 and COD 1.1, and the draft SoCG between the parties that was submitted at Deadline 1 (Document Ref. 7.9).</p> <p>National Grid's ('NG's') representation covers three main points; (a) notably the potential interference with assets and interests owned by NG; (b) the controls in the draft DCO protecting those assets and interests; and (c) the gas/grid connection agreements which will be required. These are each addressed briefly below.</p> <p>Regarding the interference with NG's assets, the Applicant agrees that NG has various gas and electricity assets within the Order limits. The Applicant has prepared a table and accompanying plan detailing each asset owned and operated by NG which may interface with the Proposed Development. This was</p>

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		<p>Monk Fryston Substation;</p> <p>(a) 4VJ - 400kV OHL from Eggborough substation to Drax Substation;</p> <p>(b) 4YQ - 400kV OHL from Eggborough substation to Ferrybridge and Rochdale Substations;</p> <p>(c) 4YT - 400kV OHL from Eggborough substation to Neepsend and Thorpe Marsh Substations.</p> <p>In addition, NGET's Eggborough (400kV) electricity substation is included within the order limits along with five 400kV underground cables to the west of substation. The overhead lines, underground cables and substation form an essential part of the electricity transmission network in England and Wales. NGET may require the Undertaker to enter into crossing agreements in respect of crossings of their underground cables. NGET will also require appropriate agreements to be entered into with the Undertaker in relation to the connection to their existing substation (Work No. 3).</p> <p>In respect of all NGET infrastructure located within the DCO boundary, or in close proximity to the proposed project and associated works, NGET will require protective provisions to be put in place to ensure (i) that all NGET interests and rights of access are unaffected by the power of compulsory acquisition, grant and extinguishment of new rights and temporary use powers and (ii) to ensure that appropriate protection for the retained apparatus is maintained during and after construction of the project. This includes compliance with all relevant standards on safety clearances "EN 43 -8",</p>	<p>provided to NG and is being used by the parties to inform the discussions on the potential level of interference with NG's assets and consequently the form of Protective Provisions to be included in the draft DCO.</p> <p>In terms of controls within the draft DCO, the Applicant and NG are discussing the detail of the Protective Provisions, and, as noted in the response to FWQ CA 1.4, the 'technical' provisions are substantively agreed. The Applicant refers the ExA to the updated draft DCO submitted at Deadline 2 (see Schedule 12, Part 4) in which a form of Protective Provisions are included. The ExA will note that the 'Indemnity' provision is currently blank; the Applicant accepts that an indemnity in favour of NG is appropriate, however the form of it is subject to on-going discussions between the parties.</p> <p>The Applicant notes NG's representation regarding the powers of compulsory acquisition sought in the draft DCO. The Applicant refers the ExA to the updated draft DCO, in which changes have been proposed to relevant compulsory acquisition articles as a result of discussions with NG. To the extent that changes to the draft DCO proposed by NG were not accepted by the Applicant, they were either replaced with alternative drafting or mechanisms achieving the same result, or the Applicant considers that the amendments are not required. The Applicant considers that the draft DCO, including these amendments, offers the protection sought to NG by explicitly excluding powers of compulsory acquisition in respect of land and/or rights owned by NG.</p> <p>The ExA is referred to the draft SoCG (specifically paragraphs 2.2 – 2.11) in which an update on the grid and gas connections is provided.</p>

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		<p>"Development near overhead lines" and HSE Guidance Note GS6 "Avoiding Danger from Overhead Electric Lines".</p> <p>NATIONAL GRID GAS INFRASTRUCTURE WITHIN THE VICINITY OF THE PROPOSED WORKS</p> <p>National Grid Gas Plc ("NGG") has a high-pressure gas transmission pipeline located within the proposed order limits (Feeder Main 29 (Asselby to Pannal)). NGG owns and operates the gas transmission network in England, Wales and Scotland and this equipment is essential to the efficient and reliable operation of the network. NGG may require the Undertaker to enter into crossing agreements in respect of crossings of their underground high-pressure gas main. NGG will also require appropriate agreements to be entered into with the Undertaker in relation to their proposed AGI connection to NGG's existing gas mains (Work No. 7).</p> <p>In respect of all NGG infrastructure located within the DCO boundary, or in close proximity to the proposed project and associated works, NGG will require protective provisions to be put in place to ensure (i) all NGG interests and rights of access are unaffected by the power of compulsory acquisition, grant and extinguishment of new rights and temporary use powers and (ii) to ensure appropriate protection for the retained apparatus is maintained during and after construction of the project. This includes compliance with all relevant standards for works being carried out within the relevant tolerances to</p>	

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		<p>Gas Equipment contained in T/SP/SSW22 and HSE G 47 "Avoiding danger from underground services".</p> <p>OVERVIEW</p> <p>In relation to both NGET and NGG assets relevant guidance can be provided on request. Plans showing Gas and Electricity Assets in the area can also be provided on request.</p> <p>In light of the above infrastructure being located within the DCO boundary or in the vicinity of it, National Grid Plc ("National Grid") make this relevant representation to the above DCO in order to protect their position and that of both National Grid Gas Plc and National Grid Electricity Transmission Plc given the existence of this infrastructure and any other equipment within or adjoining the DCO boundary not already identified. Additionally National Grid want to ensure that any connections taken to their existing equipment are carried out in an approved manner.</p> <p>National Grid's rights to retain its apparatus in situ and rights of access to inspect, maintain, renew and repair such apparatus located within or in close proximity to the order limits should be maintained at all times and access to inspect such apparatus must not be restricted.</p> <p>Appropriate protective provisions will be required to be included within the DCO to ensure that National Grid's apparatus and land interests are adequately protected</p>	

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		<p>and to include compliance with National Grid's relevant safety standards. These are not currently contained within the draft order. National Grid is currently awaiting the promoters response to their standard protective provisions in order to then seek to agree and secure appropriate protective provisions.</p> <p>As a responsible statutory undertaker, National Grid's primary concern is to meet its statutory obligations and ensure that any development does not impact in any adverse way upon those statutory obligations.</p> <p>National Grid reserves the right to make further representations as part of the examination process but in the meantime will continue negotiations with the promoter with a view to reaching a satisfactory agreement.</p>	
8.	Canal & River Trust	<p>The Canal & River Trust ("The Trust") has provided comments in relation to the section 42 consultation in September 2016 and February 2017, and wish to register and comment as an interested party for the Examination relating to the Project.</p> <p>The representations made here are without prejudice to further representations which the Trust may make following a comprehensive review of the documentation published in respect of the Project. We intend to make submissions in relation to the proposed abstraction from the River Aire, where we are navigation authority, with concern to Work No. 4 within the Draft Development</p>	<p>The Applicant would refer the ExA to its responses to FWQs CA 1.7, DCO 1.9, DCO 1.27 and FW 1.12 and the draft SoCG between the parties that was submitted at Deadline 1 (Document Ref. 7.6).</p> <p>The RR submitted by Canal & River Trust ('CRT') covers three principal matters: (a) the compulsory acquisition of land owned by CRT; (b) environmental impacts including water abstraction and details of the cofferdam installation; and (c) matters relating to navigation along the River Aire and works in the River, to be addressed through the inclusion of Protective Provisions within the draft DCO.</p> <p>Dealing with these points in turn:</p> <ul style="list-style-type: none"> As set out in paragraph 5 of the draft SoCG, it has been agreed that the CRT

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		<p>Consent Order ("the Order") and the impact of the overall proposals upon the appearance of the landscape in relation to views from the River Aire to the north and the Aire & Calder Navigation to the south of the proposed power station site.</p> <p>We also intend to make representations in respect of the direct impact which the proposed Order will have on land within the Trust's ownership.</p> <p>Furthermore, we intend to address the specific drafting of the proposed Order which we consider will have an impact on the Trust both as navigation authority and landowner.</p> <p>Proposed abstraction from the River Aire</p> <p>In our response of 16th February 2017 in relation to the stage 2 consultation, we noted that alterations to the existing abstraction arrangements at the River Aire are proposed, which are likely to reduce abstraction rates. Significant changes to the quantity and flow of water can impact upon navigational safety, whilst any new abstraction would also have a potential impact upon fish stocks without sufficient mitigation.</p> <p>We note that the Environmental Statement highlights that the volume of cooling water abstraction from the river Aire for the proposed development will be lower than for the existing coal-fired power station (paragraphs 4.2.27; 11.6.46), although a final determination on the</p>	<p>does not own any land within the Order limits and therefore that the powers of compulsory acquisition sought in the draft DCO do not affect CRT. No land, rights or property licence is required by the Applicant from CRT for the Proposed Development.</p> <ul style="list-style-type: none"> The Applicant met with CRT on 4 September 2017, and has provided additional information in relation to the abstraction of water and avoidance of environmental impacts. It is understood that CRT is content with the information provided at this stage, and it has been agreed that CRT are to be added as a consultee regarding the final detailed design of Work No. 4 (see paragraph 3 of the draft SoCG, and the updated draft DCO submitted at Deadline 2. There are also provisions of relevance in the proposed Protective Provisions (see below), whereby the Applicant is required to submit certain information for CRT's approval before undertaking works which could affect the River. The parties are in discussions on the form of Protective Provisions to be included in the draft DCO. The ExA is referred to Part 3 of Schedule 12 of the updated draft DCO, in which EPL has set out its proposed set of Protective Provisions. These were previously provided to CRT, and the CRT provided its comments on them. The Applicant has taken account of those comments in the version included in the draft DCO, and will continue to engage with CRT on these with a view to reaching agreement as soon as possible. The Applicant has also amended Article 11 of the draft DCO to ensure that any suspension of public rights of navigation are done so in accordance with the terms of the Protective Provisions to be agreed with CRT.

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		<p>cooling processes has yet to be made (4.2.29). In principle, lower abstraction rates should not result in any significant negative impact. This is subject to the final design of the abstraction apparatus, given that the angle of abstraction can have an impact on water flows. We therefore request that the exact details of abstraction, notably with regards to the angle of flow, are made a condition of any DCO so that the full impact can be judged, and that the Trust are included as a consultee within any such wording. We note that this is not included within schedule 2 of the draft DCO.</p> <p>The Environmental Statement (paragraph 5.2.23) has identified the potential requirement for the installation of an eel screen, the requirement for which will be judged by the details upon the proposed abstraction rates. We request that details the eel screening are made a condition of any DCO so that its implementation as necessary can be ensured. We note the inclusion in schedule 2, 5.(6)(b) of the draft DCO, but request that the consultation referred to in the proposed condition includes the Trust.</p> <p>Cofferdams are proposed to be installed temporarily to allow for construction of the new abstraction point (paragraph 5.2.24). Paragraph 5.2.27 of the Environmental Statement does identify the potential environmental impacts of the cofferdam and measures to limit the impact, which is welcomed. We wish for such measures to be fully detailed and provided via condition within any DCO prior to the commencement of works</p>	

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		<p>upon the cofferdams. We note that the draft DCO refers to the need for consultation with the Environment Agency and Marine Management Organisation. However, as navigation authority for the River Aire at the point of abstraction, we request that the Trust are also referred to, as the extent and location of cofferdams will have a direct impact upon navigational activities on the River, where our input will be crucial in order to secure the safety of waterway users.</p> <p>Given that the works to be undertaken have the potential to impact upon water flows, and the navigation of the river Aire, we request that the DCO includes provisions for the protection of the Trust. We note that the draft DCO includes protective provisions within schedule 12 for the protection of electricity, gas, water and sewerage undertakers; and for the protection of operators of electronic communications code networks. We request that protective provisions in relation to the Trust are included within Schedule 12. The Trust has standard provisions which have been included in a number of DCOs which have recently been confirmed. We would therefore urge the Applicant to make contact with us at the earliest opportunity in order that these provisions can be included as part of the draft DCO.</p> <p>Acknowledging the role of the Trust as navigation authority of the River Aire at the abstraction point, we also request that the Trust be included within the list of organisations within Schedule 2, section 1. In addition, we request that paragraph 5(6) of Schedule 2 is amended</p>	

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		<p>such that the Trust is included as an organisation to be consulted in respect of the details of the design of Work No. 4.</p> <p>Visual Impact of the New Plant on the Landscape</p> <p>Concerning the design and visual impacts of the proposal, which we have previously commented upon within our section 42 response, we acknowledge that the surrounding landscape is flat, low lying and agricultural, and thereby dominated by the existing plant, which is visible from the river Aire and the Aire & Calder Navigation. As such, we did raise comment at the scoping stage with regards to the need for a visual assessment to be carried out to identify the main impacts of the proposal upon the wider landscape, notably as viewed from the River Aire, and the need for mitigation measures to be identified. We appreciate that the environment statement includes an assessment upon wider views and identifies the potential for mitigation and enhancement measures for the visual effects of the proposed works. Subject to the provision of enhanced mitigation such as the strengthening of the woodland plantations to screen the lower height buildings and plant proposed, we do not wish to raise any additional comment upon this matter.</p> <p>Proposed compulsory acquisition of the Trust's property</p> <p>We refer to the Book of Reference and note that the Trust is listed as a Category 1 owner in respect of plots 230, 245, 255, 345 and 690. The Land Plans clarify that</p>	

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		<p>the Trust's freehold interest in part of the River Aire is intended to be compulsorily acquired and that new rights are also intended to be compulsorily acquired. The Trust is concerned that extreme measures of permanent appropriation are being sought given that the Applicants have yet to engage with the Trust in relation to the voluntary basis on which more appropriate, proportionate and temporary rights may be secured.</p> <p>The Trust is willing to engage with the Applicant to enter into an agreement in respect of the rights which the applicant requires to deliver the Project. We therefore urge the Applicant to contact us as soon as possible in respect of this.</p> <p>The Trust does not consider that it is necessary or justifiable to compulsorily acquire any part of its freehold interest forming part of the order limits.</p> <p>Draft DCO</p> <p>We note that there are a number of provisions in the draft DCO which are likely to impact on the Trust and the interests it seeks to protect and promote as navigation authority. We need a further opportunity to consider the detail of these provisions before any further representations are made. It would be helpful to return to these matters in light of detailed negotiations with the Applicant.</p> <p>At this stage, we would like to register our concerns in</p>	

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		<p>respect of the drafting of article 11 of the draft DCO in particular. The Trust will require greater input into the proposed temporary suspension of public rights of navigation. It is also important for us to understand the proposed duration of such suspension in order that we can properly consider the likely impact. We therefore invite the Applicant to engage with the Trust at the earliest opportunity.</p>	
9.	Stephen Laurenson	<p>I am concerned about:</p> <p>Pollution - in particular Nitrogen Dioxide emissions, and the effect of air pollution, and health impact on local residents. Effect of low level chimney, compared to existing chimney</p> <p>Noise - due to the proximity to our house.</p> <p>Low level steam from the coolers, and effect on local environment and road safety.</p> <p>Demolition of existing structures, cooling towers and chimney.</p> <p>The impact of above on local residents, and have appropriate measures been included to minimise. Contribution of this proposal towards the local community - engagement and support with local community, employment etc.</p>	<p>The issues raised by Mr Laurenson are dealt with in turn below:</p> <p>1) Pollution: Emissions of nitrogen dioxide from the emissions stack will be regulated by the EA to meet strict standards set by European and UK legislation for this type of power station. The emissions will be continuously monitored to ensure they remain compliant with the limits set by the EA. The concentration of nitrogen oxides in the emissions is 12.5% of that of the existing coal-fired power station. The mass emission of nitrogen oxides per year will be 20% of those from the fully operational coal-fired power station, or around 40% of those from the coal-fired power station operating two units as it does currently. In addition, there will be no sulphur dioxide or particulate emissions from the gas-fired power station that are currently emitted from the coal-fired power station.</p> <p>The stack heights have been set based on extensive dispersion modelling of predicted impacts and to ensure that the local air quality continues to meet national air quality standards. During the Stage 2 consultation on the Proposed Development the Applicant consulted on whether to use slightly higher stacks - at 99.9 m Above Ordnance Datum ('AOD') - or slightly lower stacks that still gave rise to insignificant air quality impacts. The feedback received was that higher stacks were preferred and therefore the stack heights in the Application were fixed at 99.9 m AOD. Due to the high gas</p>

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			<p>flow through the stacks as well as the lower concentration and mass emission rates of nitrogen oxides, the stacks for the Proposed Power Plant can be lower than that of the existing coal-fired power station and still have an improved impact on air quality. Nevertheless, to reassure local residents, the Applicant is committing to undertaking ambient air monitoring in the local area before and after the plant is operational to demonstrate that the local air quality impacts are insignificant. This monitoring is secured through a requirement within the draft DCO.</p> <p>2) Noise: The effects of noise have been extensively assessed for both construction and operation of the Proposed Power Plant. Various conservative assumptions have been applied to the assessment to present a worst-case assessment of impact. In particular, the current background level of noise used in the assessment has been set at the 10th percentile of current noise levels - in other words, taking into account all the noises associated with the existing coal-fired power station, the background level was set at the quietest 10%. As the Proposed Power Plant has not yet been designed in detail, the noise assessment is also based on conservative assumptions of the sound levels associated with different parts of the plant. Taking into account the assumptions used, a slight increase in noise over background levels is predicted at a few receptors, although the Applicant has committed to providing more information and agreeing appropriate noise controls with SDC to be secured through a requirement in the draft DCO before the plant is constructed.</p> <p>3) Steam: The Proposed Power Plant will not give rise to emissions of steam from the emission stack or plant. Gas-fired power stations do not generate steam emissions. The proposed cooling towers may give rise to visible water vapour plumes under certain weather conditions, however, following the Stage 2 consultation it was decided by the Applicant that hybrid cooling towers would be employed on rather than wet cooling towers. The hybrid</p>

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			<p>towers also partly use air cooling to minimise the formation and length of visible plumes. An assessment was presented in Appendix 8B of the ES showing the predicted levels of visible plumes from the cooling towers.</p> <p>4) Demolition: The Proposed Development and the decommissioning and demolition of the existing coal-fired power station are separate projects that can occur independently of each other. As such, a full assessment of the demolition works does not form part of this project. However, it is acknowledged that 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 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. Potentially significant effects have been mitigated by design and approach to the different activities.</p> <p>5) The ES has assessed where adverse (and beneficial) impacts and effects on local residents are anticipated to arise during the construction and operation of the Proposed Development. Where adverse effects are predicted to arise, mitigation measures have been proposed to reduce these adverse impacts from occurring wherever possible. Mitigation measures to be applied during the construction of the Proposed Development have been included in the Framework Construction Environmental Management Plan (CEMP), included as Appendix 5A in the ES. Mitigation measures have also been provided to reduce adverse effects during the operation of the Proposed Development and have been included within each environmental topic chapter (Chapter 8 to 19) of the ES. These measures are considered to be appropriate in managing adverse impact and effects of the Proposed Development.</p>

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			<p>The Applicant also will refresh the use of a Community Liaison Committee during the construction and operation of the Proposed Development and this will provide the opportunity to present plans and proposals to the local community and keep the community updated on progress and developments. This forum can also be used to raise any concerns that the community may have.</p> <p>As reported in Chapter 15 of the ES, the net employment generated by the Proposed Development is predicted to result in major beneficial (significant) effects on the local community. The draft DCO also includes Requirement 34 'Employment, skills and training plan' that will secure the submission by the Applicant 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.</p>
10.	The Coal Authority	<p>Further to our comments submitted 17th July 2017, it has come to my attention that the content was incorrect.</p> <p>The comments below will supersede all comments made on the 17th July 2017:</p> <p>I have reviewed the proposals and confirm that the proposed development, whilst falling within the defined coalfield, would be located within the Development Low Risk Area, meaning that there are no recorded coal mining legacy risks at shallow depth. However, the site does fall within the licence area of the former Kellingley Colliery, which ceased deep coal mining activities in December 2015. The longwall method of mining employed can potentially result in surface subsidence for</p>	<p>The Applicant would refer the ExA to the agreed SoCG between the Applicant and The Coal Authority ('TCA') (Document Ref. 7.5) that was submitted at Deadline 1 (a signed copy has been submitted at Deadline 2).</p> <p>The SoCG confirms that there is agreement between the Applicant and the TCA on the matters raised within its RR and that there are no areas of disagreement between the parties.</p>

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		<p>several years following cessation of deep mining activities.</p> <p>The Coal Authority is therefore pleased to note that due consideration has been afforded to this potential land stability risk as part of Chapter 12 of the Environmental Statement: Volume 1 (May 2017). Table 12.7 summarises the initial consultation responses received and within that acknowledges the Coal Authority's comments of 13 September 2016 and 17 February 2017 regarding the above issue. Confirmation is provided within the table and paragraphs 12.4.18 to 12.4.22 that ongoing assessment is being made regarding settlement rates and that, based on this monitoring, mitigation measures will be identified during the detailed design, if necessary. Accordingly, a conclusion is reached at paragraph 12.4.22 that the sensitivity of the geology is moderate, due to the past underground coal mining activity.</p>	
11.	Yorkshire Wildlife Trust	<p>The Yorkshire Wildlife Trust is reasonably confident that the surveys for habitats and protected species have been carried out to a good standard. The Yorkshire Wildlife Trust is however concerned that the construction of the new Eggborough Gas Powered power station will lead to a loss of habitat and biodiversity and this may not be fully mitigated or compensated for. This will be contrary to national policy, for example from the Overarching National Policy Statement for Energy (EN-1) 2011.</p> <p>The Trust is supportive of the suggestions for enhancement of habitats which are present on the</p>	<p>The ExA is referred to the Applicant's responses to FWQs BE 1.3, BE 1.4 and BE 1.8 and the drafted SoCG with the Yorkshire Wildlife Trust ('YWT') submitted at Deadline 2 (Document Ref. 7.11)</p> <p>A meeting was held between the Applicant and the YWT on 12 October 2017 to discuss the YWT's RR and proposed 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 on-site enhancement works. The Applicant and YWT are committed to discussing what alternate provision may be acceptable to both parties.</p>

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		<p>development site and pleased that the Trust's suggestion that the retained area for Carbon Capture will be seeded with a suitable seed mix to support biodiversity. The Trust considers that further mitigation and compensation is likely to be required to ensure no net loss of biodiversity and if possible net gains in biodiversity for the project. For example, the suggestions for improving the screening woodland 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 (Section 5 p20 Indicative Landscape and Biodiversity Enhancement Strategy). Also, the new surface water attenuation pond is included as part of the enhancement of biodiversity for the site, however the primary purpose of the pond will be as part of the drainage strategy for the site and this will take precedence. The pond is also considerably smaller than the lagoon which will be lost due to the development. This may mean that water quality or management operations may not be ideal for biodiversity.</p> <p>Connecting the development site to the wider area does not appear to have been considered adequately in the application. This is vital to ensure that local biodiversity is not affected by the application. There could be further opportunities for improving habitat connectivity to the Lower Aire corridor which is one of the Yorkshire Wildlife Trust Living Landscapes see http://www.ywt.org.uk/living-landscapes and also connecting habitat within the site to the Site of</p>	<p>Following the meeting, the Applicant has been provided with a list of off-site biodiversity enhancement schemes being developed by the EA. The Applicant is currently considering whether any of these schemes can be supported.</p> <p>The Applicant intends to provide an update on discussions with the YWT and EA at the Hearings scheduled for 22 and 23 November 2017.</p>

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		<p>Importance for Nature Conservation (SINC) at Beal Carr. There may also be opportunities within the pipeline corridor to enhance biodiversity and connect up habitat.</p>	
12.	Civil Aviation Authority	<p>Please see below my comments regarding the Eggborough CCGT (Generating Station) planning application.</p> <p>Aviation Warning Lighting</p> <p>In the UK, the need for aviation obstruction lighting on 'tall' structures depends in the first instance upon any particular structure's location in relationship to an aerodrome. If the structure constitutes an 'aerodrome obstruction' it is the aerodrome operator that will review the lighting requirement (part of the safeguarding process). For civil aerodromes, they will, in general terms, follow the requirements of CAP 168 - Licensing of Aerodromes. This document can be downloaded from the Civil Aviation CAA website at: http://publicapps.caa.co.uk/docs/33/CAP168LicensingofAerodromes.pdf Chapter 4 refers to obstacles and obstacle lighting (I have included an extract from CAP168).</p> <p>Away from aerodromes Article 222 of the UK Air Navigation Order applies (CAP 393 published on our website at: http://publicapps.caa.co.uk/docs/33/CAP393Ed5Am1_OC_T2016.pdf -</p>	<p>The Applicant would refer the ExA to the agreed and signed SoCG between the Applicant and the Civil Aviation Authority (the 'CAA') (Document Ref. 7.8) that was submitted at Deadline 1.</p> <p>The SoCG confirms that there is agreement between the Applicant and the CAA on the matters raised within its RR and that there are no areas of disagreement between the parties.</p> <p>The SoCG confirms that agreement has been reached between the parties on a number of matters, including civil aerodrome safeguarding, military aerodrome safeguarding, aviation warning lighting and air safety. It is agreed that the draft DCO includes appropriate requirements (Requirements 29 'Aviation warning lighting' and 30 'Air safety') to satisfy CAA requirements with regard to the installation and operation of aviation warning lighting on tall structures and the mapping of such structures by the Defence Geographic Centre of the Ministry of Defence. There are no areas of disagreement between the parties.</p>

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		<p>to get there quickly, open the document and search for 'Lights and Lighting'. Article 222 requires that for En-route obstructions (i.e. away from aerodromes) lighting only becomes legally mandated for structures of a height of 150m or more above ground level.</p> <p>Typically, structures less than 150m above ground level and away from the immediate vicinity of an aerodrome are not routinely lit for civil aviation purposes. However, structures of lesser high might need aviation obstruction lighting if, by virtue of their location and nature, they are considered a significant navigational hazard.</p> <p>Note that if the structure is to be 150m or higher, the lighting specification set out in Article 222 becomes a statutory requirement. In this latter case, any proposal to seek a lighting specification at odds with Article 222 should involve the CAA at the earliest convenience (0207 453 6559 / craig.jiggins@caa.co.uk).</p> <p>With reference to para 6.3 'Electronic Interference' which refers to maximum building heights and temporary construction cranes being no higher than the existing cooling towers/stacks associated with the WBA Power Station. At this height (WBA Stack) there would be a requirement for them to be lit.</p> <p>I would also recommend that this proposal should be brought to the attention of the Safeguarding Department within the MoD's Defence Infrastructure Organisation,</p>	

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		<p>email: DIO-safeguarding-statutory@mod.uk, to ensure that military aircraft safety is taken into consideration.</p> <p>Finally, I would also recommend, due to the proximity of this power Station that Sherburn-in-Elmet Aerodrome is advised of this proposal.</p>	
13.	Environment Agency	<p>Our relevant representations provide an overview of the project issues which fall within our remit, including where further work, clarification or mitigation is required. Those issues within our remit include flood risk, contaminated land, groundwater, water quality, waste management, and fisheries and biodiversity. Our submission also provides information in relation to our regulatory role for this project, including a narrative on any environment permitting requirements.</p> <p>Overall, the draft Development Control Order appears to adequately mitigate most of the environmental considerations within our remit. The key concern we have highlighted relates to the open cut crossing points either side of the River Aire. We are concerned that this method of construction could affect the integrity of our flood defences on this land. This concern is heightened by historic coal mining activity (and any associated risk of subsidence) near the gas pipeline corridor. We will submit further detailed representations about this matter in due course.</p> <p>1. Environmental permit: operation of the proposed power plant</p>	<p>The Applicant would refer the ExA to its responses to FWQs AQ 1.9, DCO 1.28, FW 1.9, FW 1.16 and the draft SoCG between the parties that was submitted at Deadline 1 (Document Ref. 7.3).</p> <p>These address the outstanding areas for discussion between the two parties. Additional information on the technical feasibility of carbon capture retrofit on the Proposed Power Plant, including a revised 'Carbon Capture Plant Indicative Layout Plan' (see Appendix 1) has been provided to the EA and it has confirmed that it is satisfied with the information provided.</p> <p>In addition, the EA is drafting a requirement for inclusion within the draft DCO to safeguard its flood defences during construction of the gas pipeline.</p>

Ref.	Interested Party	Relevant Representation	Applicant's Comments
		<p>1.1. This project is for a new 2500 gross megawatt electrical generating plant operating as a Combined Cycle Gas Turbine (CCGT) power station and a new 299 gross megawatt electrical generating plant operating as a 'peaking' / 'black start' power station. The proposed development would provide electricity to the national grid.</p> <p>1.2. As the works described in Schedule 1 (Authorised Development) are classed as a Section 1 Combustion Activity under the Environmental Permitting (England and Wales) Regulations 2016 (EPR), an environment permit would be required before operations commenced.</p> <p>1.3. We have received the applicant's permit variation application and are in the process of carrying out a full technical assessment of this proposal, including an appropriate assessment under the Conservation and Habitats Regulations 2010, in our role as a competent authority under the Habitats Directive for the environmental permit.</p> <p>1.4. As we are yet to carry out this assessment, the comments within this letter are provided in response to the DCO application only. They do not determine whether or not a permit will be granted.</p> <p>1.5. In determining a permit application, we will consider:</p>	

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		<ul style="list-style-type: none"> • Management - including general management, accident management, energy efficiency, efficient use of raw materials and waste recovery • Operating activities and techniques - including the use of Best Available Techniques for process design and management • Combined heat and power • Carbon capture and Sequestration • Emissions to air and discharges to water, land and groundwater along with odour, noise and vibration • Information - monitoring, records, reporting and notifications <p>1.6. All of the above are assessed within the requirements of Best Available Techniques (BAT). BAT is required in order to avoid or reduce emissions resulting from certain installations and to reduce the impact on the environment as a whole. Use of BAT is required when licensing the major potentially polluting industries under the Environmental Permitting Regulations 2016.</p> <p>1.7. When assessing the permit application we will set conditions to ensure the emissions and discharges are at a level that will not significantly affect people and the environment. This reflects current statutory requirements and will ensure compliance with European Directive 2010/75/EU on industrial</p>	

Ref.	Interested Party	Relevant Representation	Applicant's Comments
		<p>emissions. We cannot grant a permit until we are satisfied that the operation of the process will not cause significant pollution to the environment or harm to human health.</p> <p>1.8. If the applicant does not demonstrate an ability to comply with such conditions, the permit will be refused.</p> <p>2. Environmental permit: combined heat and power ready requirements</p> <p>2.1. The applicant has concluded that it would not currently be viable to produce heat or steam from the proposed development. The applicant has reached this decision by undertaking a high level economic appraisal (with costs estimated using experience from other schemes) and taking account of the distributed nature of the loads, the distances to the identified opportunities, potential barriers and constraints to the installation of export pipework.</p> <p>2.2. We are satisfied that the applicant has precluded heat or steam production by following the guidance within 'CHP Ready Guidance for Combustion and Energy from Waste Power Plants' V1.0 February 2013'</p> <p>2.3. All new combustion power plants that do not include CHP from the outset must nevertheless be</p>	

Ref.	Interested Party	Relevant Representation	Applicant's Comments
		<p>CHP-ready. The degree to which they are CHP-ready will depend on the technical viability of future opportunities for heat supply in the vicinity of the plant. As such, any permit application will need to assess CHP readiness via a Best Available Technique (BAT) assessment alongside a cost-benefit assessment (under Article 14 of the Energy Efficiency Directive).</p> <p>2.4. Should a permit be issued to the operator, it will include the following condition, which stipulates that the operator must undertake a periodic CHP review:</p> <p>The operator shall review the viability of Combined Heat and Power (CHP) implementation at least every 4 years, or in response to any of the following factors, whichever comes sooner:</p> <ul style="list-style-type: none"> ● new plans for significant developments within 15km of the installation ● changes to the local plan ● changes to the DECC UK CHP Development Map or similar ● new financial or fiscal incentives for CHP <p>2.5. Although the applicant has stated that 'sufficient space will be allocated for future retrofit' we highlight that a site layout plan, indicating available space which could be made available for CHP, has not been provided with the DCO application.</p>	

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		<p>2.6. The selection of heat loads has not been agreed with the Environment Agency. Whilst this is a requirement for the environmental permitting regulations, it also has planning implications as the agreed heat loads could dictate the site infrastructure and therefore affect the footprint of any development required. A further revision of the CHP-R assessment will, however, take place following completion of the detailed design. This will be based on potential heat loads agreed with the Environment Agency. The applicant states it is likely that the heat load available from the proposed development would be the load from a single CCGT unit without modification and that the other two CCGT units and /or the peaking plant could be used to improve redundancy in the system. This needs further assessment via the revised CHP-R.</p> <p>2.7. The CHP-R assessment takes into consideration the CC-Ready requirements.</p> <p>3. Environmental permit: carbon capture ready requirements</p> <p>3.1. Based on the information provided, we consider that there are no foreseeable barriers to carbon capture with regards to space.</p> <p>3.2. However, before we can conclude that there are no</p>	

Ref.	Interested Party	Relevant Representation	Applicant's Comments
		<p>foreseeable barriers to the technical feasibility of carbon capture retrofit, we need the following information:</p> <ul style="list-style-type: none"> • The location of the hybrid cooling towers dedicated to the carbon capture plant needs to be clearly identified on the plot plan (figure 1) • The extent of the 120,000m² area allocated to the carbon capture plant and equipment needs to be clearly marked on the plot plan (figure 1) • A statement is required on the sizing of the flue gas ductwork. <p>4. Environmental permit: flood risk activities</p> <p>4.1. The applicant has acknowledged our main river permitting requirements within their 'Other consents and licences' document (ref: 5.4). A permit will therefore be required for any works within 8m (16m if tidal) from the top of the bank of a main river. The applicant should also be aware that any works in, under, or over a flood defence, or within 8m (16m if tidal), of the toe of a defence will also require a permit. A permit is separate to and in addition to any planning permission/DCO granted. Further details are available at www.gov.uk/guidance/flood-risk-activities-environmental-permits</p> <p>4.2. All applications for consent for the erection of any culvert and/or any alteration likely to affect the flow</p>	

Ref.	Interested Party	Relevant Representation	Applicant's Comments
		<p>in an ordinary watercourse must be made to the local internal drainage board.</p> <p>5. Environmental permit: discharges to surface water and groundwater</p> <p>5.1. An EPR permit may be required if there are any discharges to surface water arising from dewatering activities as part of the construction phase. Early consultation with our environmental management team is advised as these permits can take up to 3 months to determine.</p> <p>5.2. Chapter 4, section 4.2.84 of the environmental statement refers to the possible installation of a septic tank at the site. A permit may be necessary for discharging any sewage effluent to ground or surface waters.</p> <p>5.3. The 'Others consent and licences' document (ref: 5.4) should be updated to reflect any permitting requirements in relation to discharges to surface water or groundwater</p> <p>5.4. Chapter 5, sections 5.2.22 to 5.2.27 of the environment statement details the construction of the water connection. An EPR permit may be required.</p> <p>6. Environmental permit: air quality and noise</p>	

Ref.	Interested Party	Relevant Representation	Applicant's Comments
		<p>6.1. We have reviewed chapters 8 (air quality) and 9 (noise and vibration) of the environmental statement. Whilst we cannot comment on the modelling predictions' validity as this could prejudice the permit determination, we note that the applicant has addressed our air quality comments we made on the draft environmental statement. Addressing these comments has increased the likelihood of a prospective permit application being duly made. The applicant should be aware that we will need to review the model input files as part of the determination process.</p> <p>6.2. The applicant has conducted a BS4142 assessment comparing their soundplan predictions to baseline monitoring. Copies of the monitoring traces will be needed for EPR determination as well as copies of the soundplan modelling files.</p> <p>6.3. For reference, the EPR applicant should ensure their submission contains the information identified in our guidance. This can be attained using the link https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/521189/972_14.pdf</p> <p>7. Environmental permit: waste</p> <p>7.1. Should demolition waste require treatment prior to being reused as part of the construction phase, a relevant exemption or environmental permit would be required.</p>	

Ref.	Interested Party	Relevant Representation	Applicant's Comments
		<p>7.2. According to 'The Definition of Waste: Development Industry Code of Practice' (DoWCoP) document, suitably processed or source-segregated aggregate material such as crushed brick and concrete (reused on the site of production) can be used within earthworks/drainage. This voluntary code of practice sets out current good practice and provides a framework for determining whether or not excavated materials arising from the site during remediation and/or land development works are considered waste or not.</p> <p>7.3. If the demolition waste requires treatment to make is suitable for re-use, it would be classed as a waste and therefore should be regulated by the Environment Agency.</p> <p>7.4. If stockpiles of demolition waste are anticipated to be in place for longer than 12 months, then an agreement from the Environment Agency should be sought (see DoWCoP, Paragraph 4.1).</p> <p>8. Water abstraction licence</p> <p>8.1. The applicant's current abstraction licence (2/27/18/123R01) authorises abstraction from the ground from two boreholes. The water is used for boiler feed at an aggregated rate of no more than 1500 MI/a</p>	

Ref.	Interested Party	Relevant Representation	Applicant's Comments
		<p>8.2. The applicant also has a licence (2/27/18/045) which authorises abstraction from the River Aire for the purpose of:</p> <ul style="list-style-type: none"> ● Cooling water make up ● Ash disposal ● Flue gas desulphurisation process water (6% of the total river water abstracted, 10% returned to source) <p>8.3. We are aware that the applicant wants to retain their licences for cooling water abstraction from the River Aire alongside two groundwater boreholes at the existing site. Due to the proposed development's increased operating efficiency, we understand that the volume of cooling water abstracted will be less than half that which is currently allowed by the permit.</p> <p>8.4. Our water resources team would nevertheless appreciate further information on what exactly is proposed. The applicant should contact Karen Wooster (0203 0256808, karen.wooster@environment-agency.gov.uk) to further discuss water abstraction licence requirements.</p> <p>Draft DCO comments</p> <p>9. Draft development consent order: general comments</p>	

Ref.	Interested Party	Relevant Representation	Applicant's Comments
		<p>9.1. Overall, we are satisfied that the draft Development Consent Order (DCO) adequately mitigates those environmental considerations within our remit.</p> <p>9.2. However, as the freehold owner of land sought by the applicant for the installation of the gas pipeline, we have concerns in relation to how the open cut crossing points either side of the River Aire will affect the integrity of our flood defences on this land. This concern is heightened by historic coal mining activity (and any associated risk of subsidence) near the gas pipeline corridor. We will submit further detailed representations about this matter in due course.</p> <p>9.3. We understand that no part of the DCO seeks to disapply the requirements of the Water Resources Act 1991, the Land Drainage Act 1991 and/or any byelaws made under these acts in relation to the construction of works carried out for the purpose of, or in connection with the construction or maintenance of the project.</p> <p>10. Detailed design (schedule 2, requirement 5)</p> <p>10.1. We are pleased that this requirement will ensure that any works take place in accordance with the Eel (England and Wales) Regulations 2009 and that details of the cofferdams will be submitted to the Environment Agency and local planning authority prior to commencement.</p>	

Ref.	Interested Party	Relevant Representation	Applicant's Comments
		<p>11. Surface and foul water drainage (schedule 2, requirement 13)</p> <p>11.1. We welcome the inclusion of this requirement.</p> <p>12. Flood risk mitigation (schedule 2, requirement 14)</p> <p>12.1. Overall, we are supportive of the content and principles laid out in chapter 11 and appendix 11A of the environmental statement. All works must be carried out in accordance with these principles. We are pleased that requirement 14 of the draft DCO states that all flood risk mitigation shall be agreed in writing by the Environment Agency and the local planning authority before any works commence.</p> <p>12.2. We agree that the small area of flood zone 3 in the construction laydown area should not be considered as flood zone 3 as the submitted topographic survey shows that ground levels are located above the modelled flood levels in this location.</p> <p>12.3. The applicant has stated that all flood flow routes will be maintained, construction materials and arisings will be stored outside of the floodplain where possible, and that there will be no raising of ground levels as a result of the installation of the gas pipeline.</p>	

Ref.	Interested Party	Relevant Representation	Applicant's Comments
		<p>12.4. We expect to see no permanent ground raising in flood zone 3 or washland areas. Any temporary ground raising in these areas should not increase flood risk to others. This will need to be demonstrated in any flood risk mitigation schemes submitted for our review as part of requirement 14.</p> <p>13. Contaminated land and groundwater (schedule 2, requirement 15)</p> <p>13.1. Overall, we are satisfied that the requirements within the draft DCO provide suitable mitigation for any concerns in relation to groundwater and contaminated land. However, in the third clause of requirement 15.2, we object to the inclusion of the words 'if necessary'. A site investigation must be undertaken as recommended in chapter 12 of the environmental statement.</p> <p>13.2. If the site investigation report reveals any previously unidentified contamination, further mitigation measures should be defined and investigated in the subsequent remediation strategy report.</p> <p>14. Construction and environment management plan (schedule 2, requirement 18)</p> <p>14.1. We support the mitigation outlined in requirement 18 for a construction and environment management plan, in particular the requirement outlined in clause 2 (section d) for a sediment</p>	

Ref.	Interested Party	Relevant Representation	Applicant's Comments
		<p>control plan.</p> <p>14.2. As we have advised the applicant in our previous responses, silt and sediment can cause significant pollution in a watercourse. It covers the bed, smothering invertebrates and fish eggs and reduces the light entering the water column. In extreme cases it can kill fish directly. Water that is contaminated with silt or sediment is a polluting material and as such it is an offence under the Environmental Permitting (England & Wales) Regulations 2016 to discharge it to a watercourse.</p> <p>14.3. Activities which may cause silt pollution include:</p> <ul style="list-style-type: none"> ● Dewatering of trenches and excavations ● Cementing / concreting or grouting ● Grit blasting ● Piling ● Working within the bed of a watercourse <p>15. Waste management on site – construction wastes (schedule 2, requirement 26)</p> <p>15.1. We welcome the requirement for a construction site waste management plan (SWMP) to be submitted prior to development.</p> <p>15.2. We consider that the potential impacts of waste management from the project have been considered and regard has been given to the waste</p>	

Ref.	Interested Party	Relevant Representation	Applicant's Comments
		<p>hierarchy and designing waste out of the construction phase.</p> <p>15.3. Waste arisings should be reduced as far as is reasonably practicable. Should treatment of waste arisings be required to reduce 'waste' exportation, the applicant should contact the Environment Agency for advice for on-site treatment.</p> <p>15.4. The SWMP should be initiated at design stage. This will ensure that, where possible, waste can be prevented before it is created.</p> <p>15.5. The SWMP should continue to be a 'live document' which is updated and monitored by contractors. This will ensure that wastes are managed as high up the waste hierarchy as possible, that the amount of waste produced is known, and that the waste recovery and recycling aspirations of the project (described in section 14 of the environmental statement) are met.</p> <p>15.6. The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable for any off-site movements of wastes. As a waste producer, the applicant has a duty of care to ensure that all removed materials go to an appropriate permitted facility and all relevant documentation is completed and kept in line with regulations.</p>	

Ref.	Interested Party	Relevant Representation	Applicant's Comments
		<p>16. Design parameters (schedule 14, requirement 5, part 1)</p> <p>16.1. This requirement sets out the maximum design parameters for the stacks, cooling towers and other buildings and structures. The heights for certain structures on site will be dependent on the results of the technical assessment submitted with environmental permit application.</p> <p>16.2. As we are yet to consider the permit application in detail, we are currently unable to comment on the appropriateness of the thresholds set out in the DCO. It remains possible that the limits set out in the DCO may not be considered appropriate for the permit application.</p> <p>Further comments</p> <p>17. Groundwater protection</p> <p>17.1. We agree with the risk assessment outlined in chapters 11 and 12 of the environmental statement and accept the proposals to mitigate contamination from stockpiling materials, run-off and imported fill.</p> <p>17.2. For the coal stockpile areas, we agree that the stockpiles should either be covered or run-off should be collected from the area and properly treated or disposed of.</p>	

Ref.	Interested Party	Relevant Representation	Applicant's Comments
		<p>18. Fisheries</p> <p>18.1. Our primary concern relates to how fish within the River Aire will be affected by the abstraction and discharge of water for cooling the power plant.</p> <p>18.2. We would therefore like to know whether there will be an increase in the temperature of the water being discharged into the River Aire, given that the plume may cause a temperature barrier to migrating fish.</p>	
14.	Health and Safety Executive	<p>HSE has made the suggestion earlier in the consultation process that it would be beneficial if the submission for the Eggborough CCGT Project included information on the extent and severity of hazards from the proposed generating station, with the potential to impact on local populations, and/or the adjacent major hazard installation. The loss of fuel gas containment may give rise to vapour cloud explosion or flash fire hazards. These may in turn escalate to impact adjacent plant. This would allow the applicant to take public safety implications of the project into account by carrying out a high-level risk assessment.</p> <p>On 15/2/17 we provided our advice in a letter emailed to Dalton Warner Davis (on behalf of the Applicant) when consulted under Section 42 of The Planning Act 2008. In reply to their subsequent request for future involvement in a Statement of Common Ground, we advised on 24/2/17 that HSE was not able to engage further on this</p>	<p>The Applicant notes the comments made by the Health & Safety Executive ('HSE') in its RR and would refer the ExA to its response to FWQs COD 1.4 and COD 1.5.</p> <p>The Applicant has undertaken a Concept Safety Review to consider the potential for major accident hazards associated with the Proposed Development.</p> <p>While the Concept Safety Review has been prepared in response to HSE's RR, the Applicant would advise that a high-level appraisal of process safety for the Proposed Power Plant was considered within the various technical chapters of the ES. This appraisal covered the siting of the main plant and equipment and considered if abnormal or emergency scenarios needed to be taken into account. More detailed assessment of hazard scenarios and their prevention will be undertaken at the detailed design stage for the Proposed Power Plant through a Hazard and Operability Study ('HAZOP') and Hazard Identification ('HAZID') reviews, which is standard engineering practice. The commitments 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 (the variation application for which was confirmed as 'Duly Made' by the</p>

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		<p>matter. It is for the applicant themselves to be satisfied (using external expertise if necessary) that their design and operation will meet the requirements of relevant health and safety legislation as the project progresses. It is not HSE's role to 'approve' risk or hazard assessments in these particular circumstances. We only do this in limited circumstances covered by specific regulations in sectors such as; explosives, off-shore oil and gas and on shore chemicals where threshold levels of dangerous substances are exceeded.</p> <p>HSE's response was a reminder to ensure that any safety implications of the proposed project were not overlooked at this early stage.</p>	<p>Environment Agency on 28 June 2017). No hazard scenarios or concerns were identified that require more detailed consideration or mitigation at the consenting stage.</p>
15.	Mary Laurenson	<p>No adequate noise prevention outlined Closer to houses than the present Power Station No provision for effects of flood lighting outlined No outline about effects of noise or steam into atmosphere for nearby residents No mention of effects of toxicity on health of local residents Increased traffic No mention of detrimental effects on health No outline of decommission and demolition date of present power plant</p>	<p>The issues raised by Mrs Laurenson as</p> <ol style="list-style-type: none"> 1) The effects of noise have been extensively assessed for both construction and operation of the power station. Various conservative assumptions have been applied to the assessment to present a worst-case assessment of impact. In particular, the current background level of noise used in the assessment has been set at the 10th percentile of current noise levels - in other words, taking into account all the noises associated with the existing power station, the background level was set at the quietest 10%. As the Proposed Power Plant has not yet been designed in detail, the noise assessment is also based on conservative assumptions of the sound levels associated with different parts of the Plant. Taking into account the assumptions used, a slight increase in noise over background levels is predicted at a few receptors although the Applicant has committed to providing more information and agreeing appropriate noise controls with SDC to be secured through a requirement in the draft DCO before the Plant

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			<p>is constructed. Working with SDC, the Applicant will commit to appropriate noise control and prevention methods being installed on the Plant so as to minimise the potential impacts on local residents, recognising that the Plant will be closer to some residents than the existing coal-fired power station. However, the noise associated with coal stockpiling, handling, conveying and crushing, including the mobile plant operations, will not continue when the Proposed Power Plant is operating, which will consequently improve the current noise environment with regards to these activities.</p> <p>2) The draft DCO includes Requirement 8 'External lighting' that secures the submission of a scheme for all external lighting to be installed during construction prior to the commencement of the Proposed Development and a scheme for permanent light before it is commissioned. Sub-paragraph (3) of the Requirement states that the schemes submitted and approved must include measures to minimise and mitigate any artificial light emissions during construction and operation. The scheme must be approved by SDC as relevant planning authority.</p> <p>3) The Proposed Power Plant will not give rise to emissions of steam from the emission stack or the plant. Gas-fired power stations do not generate steam emissions. The proposed cooling towers may give rise to visible water vapour plumes under certain weather conditions, however, following the Stage 2 consultation it was decided by the Applicant that hybrid cooling towers would be employed rather than wet cooling towers. The hybrid towers also partly use air cooling to minimise the formation and length of visible plumes. An assessment was presented in Appendix 8B of the ES showing the predicted levels of visible plumes from the cooling towers.</p> <p>4) Traffic levels associated with the Proposed Development are considered and assessed in Chapter 14 of the ES. Operational traffic levels will be a fraction of those of the existing coal-fired power station. Construction traffic will be</p>

Ref.	Interested Party	Relevant Representation	Applicant's Comments
			<p>required to adopt designated transport routes into the Site - these will be secured through a Construction Traffic Management Plan ('CTMP') that will be submitted to SDC and NYCC for approval. The contractor will also be required to prepare and implement a Construction Worker Travel Plan ('CWTP') aimed at identifying measures and establishing procedures to encourage construction workers to adopt modes of transport which reduce reliance on single occupancy private car. The environmental effects of the construction traffic are not considered to be significant based on the predicted traffic movements.</p> <p>5) Chapter 19 'Human Health' of the ES addresses the potential effects of the Proposed Development on human health. The chapter considers the potential effects on human health. Chapter 19 confirms that no significant no significant residual health effects have been identified for the Proposed Development following the implementation of mitigation measures.</p> <p>6) In respect of the decommissioning and demolition of the existing coal-fired power station the Applicant would refer the ExA to its response to FWQ COD 1.11. It is anticipated that the existing coal-fired power station will cease generation by 2019 and its decommissioning and demolition would take approximately three years to complete. Due to the uncertainty as to the timing of closure of the existing coal-fired power station it has been necessary for the Applicant to make decisions with regard to the Proposed Development that would allow it to be constructed without preventing the continued operation of the existing power station or requiring its prior decommissioning and demolition. The Proposed Development and the decommissioning and demolition of the existing power station 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.</p>

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16.	Public Health England	<p>Thank you for your consultation regarding the above development. Public Health England (PHE) has no additional comments to make at this stage and have chosen NOT to register an interest with the Planning Inspectorate on this occasion.</p> <p>Please do not hesitate to contact us if you have any questions or concerns.</p>	<p>The Applicant notes Public Health England ('PHE') has not additional comments to make at this stage.</p> <p>The Applicant would refer the ExA to Chapter 19 'Human Health' of the ES, which addresses the potential effects of the Proposed Development on human health. The chapter considers the potential effects on human health from emissions to air and electro-magnetic fields ('EMFs') amongst other matters. The consideration of potential effects on human health set out at Chapter 19 took account of PHE's consultation response to the Applicant's request for an EIA Scoping Opinion in respect of the Proposed Development. Chapter 19 confirms that no significant EMF related health effects have been identified and that no significant residual health effects have been identified for all other environmental assessments following the implementation of mitigation measures.</p>
17.	Royal Mail Group Limited	<p>Royal Mail is responsible for providing efficient mail sorting and delivery nationally. As the Universal Service Provider under the Postal Services Act 2011, Royal Mail has a statutory duty to deliver mail to every residential and business address in the country as well as collecting mail from all Post Offices and post boxes six days a week.</p> <p>Royal Mail's postal sorting and delivery operations rely heavily on road communications. Royal Mail's ability to provide efficient mail collection, sorting and delivery to the public is highly sensitive to changes in the capacity of the highway network.</p> <p>Royal Mail is a major road user nationally. Disruption to the highway network and traffic delays can have direct</p>	<p>The Applicant has reviewed the RR submitted on behalf of Royal Mail Group Limited ('Royal Mail') and notes that this is broadly in line with the response received from Royal Mail to the Applicant's Stage 2 consultation.</p> <p>The Applicant has carried out a detailed assessment of the impact of traffic on local roads as a result of construction of the Proposed Development. This is set out in ES Chapter 14 'Traffic and Transport'. The have demonstrated that, even during the construction phase of the Proposed Development, when traffic is at its peak, there will be no significant effects to any of the road sections assessed. However, notwithstanding this, a number of mitigation measures will be implemented as standard practice and to address comments received from bodies such as the Royal Mail and from the local community.</p> <p>The mitigation measures can be summarised as follows:</p>

Ref.	Interested Party	Relevant Representation	Applicant's Comments
		<p>consequences on Royal Mail's operations, its ability to meet the Universal Service Obligation and comply with the regulatory regime for postal services, thereby presenting a significant risk to Royal Mail's business.</p> <p>Reference the annotated map below, Royal Mail has the following operational sites locally to the proposal site:</p> <p>Selby Delivery Office, Micklegate, Selby YO8 4EH Goole Delivery Office, Larsen Road, Goole DN14 6DA Whitwood Delivery Office, Speedwell Road, Whitwood , Castleford WF10 5QA Pontefract Delivery Office, Trinity Road, Pontefract WF8 1AA Doncaster Delivery Office, Northgate, Doncaster DN11 9HZ</p> <p>The M62 and A19 are strategically important distribution routes for Royal Mail. In exercising its statutory duties, Royal Mail uses all of the main roads in the vicinity of the proposed Eggborough CCGT development on a daily basis.</p> <p>Consequently, Royal Mail is concerned that its future ability to provide an efficient mail sorting and delivery service to the public in accordance with its statutory obligations may be adversely affected by any additional road traffic or delays arising from the construction of this proposed scheme.</p> <p>Royal Mail made representations to ES consultation (September 2016) and Section 42 consultation on the</p>	<ul style="list-style-type: none"> The appointed contractor will be required to prepare and implement a Construction Traffic Management ('CTMP') identifying measures to control the routing and impact that HGVs will have on the local road network during construction. The contractor will also be required to prepare and implement a Construction Worker Travel Plan ('CWTP') aimed at identifying measures and establishing procedures to encourage construction workers to adopt modes of transport which reduce reliance on single occupancy private car. <p>Framework CTMP and CWTP documents were submitted as part of the Application and in advance of this were also provided to the Royal Mail on 27 April 2017. Requirements 20 and 21 would secure the submission and approval of the CTMP and CWTP. The CTMP would only be approved after consultation with Highways England and NYCC as local highway authority (the CTRMP must provide details on the routing strategy and procedures relating to Abnormal Indivisible Loads) and in the case of the CWTP consultation with the local highway authority.</p> <p>Although it is not proposed to list specific organisations within the CTMP, as part of agreeing the document with the relevant planning authority (in consultation with Highways England and the local highway authority) it is envisaged that as part of that consultation a list of organisations that will need to be notified on matters such as AILs will be agreed.</p>

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		<p>PEIR (February 2017) and there has very helpfully been subsequent dialogue with Eggborough Power Ltd's consultants in relation to the content of the CTMP and CWTP, but Royal Mail wishes to further protect its interests through submission of this relevant representation.</p> <p>In order to address its residual concerns Royal Mail requests that:</p> <p>Eggborough Power Ltd notes the above Royal Mail operational locations and takes all reasonable actions to ensure that major road users (including Royal Mail) are not disrupted through full consultation with these parties at the appropriate times during the DCO and development processes.</p> <p>Major road users such as Royal Mail are included in the public communications strategy for this scheme. Eggborough Power Ltd and its appointed contractor will keep Royal Mail fully informed in advance of all temporary road closures and/or delivery of Abnormal Indivisible Loads.</p> <p>Royal Mail is able to provide Eggborough Power Ltd and the appointed contractor with its relevant local operational contacts for future consultations and information on its road usage / trips, if required.</p>	
18.	Selby District Council & North Yorkshire County	The following representation is made on behalf of Selby District Council (SDC) and North Yorkshire County Council (NYCC) jointly (the Authorities).	The Applicant would refer the ExA to the draft SoCG with North Yorkshire County Council and Selby District Council (Document Ref. 7.1 submitted at Deadline 2). The draft SoCG sets out the up to date position and agreement that has been

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	Council	<p>The proposed development is entirely situated within the administrative boundaries of SDC and NYCC. The two Authorities have previously submitted responses to the Applicant's consultation jointly and intend to submit a joint Local Impact Report as well as inputting jointly to a Statement of Common Ground.</p> <p>The Authorities have no strategic concerns and are supportive of the project in principle, subject to the ongoing work highlighted below. Service areas from both Authorities have responded to the Applicant's statutory and non-statutory consultations, draft DCO documentation and Environmental Statement.</p> <p>The following represent the current position from the main service areas.</p> <p><u>North Yorkshire Highways Authority</u> At the site of the new power station itself, construction traffic and the need to develop a comprehensive construction management plan remains the main topic for the highways authority however, the Authority is satisfied with the assessments and approach taken by the Applicant. Highways improvements will be required at identified points along the pipeline route, and nearby Burn village will be affected the most due to the construction of the AGI.</p> <p><u>Minerals and Waste Planning</u> There will be a need to consider the waste generation</p>	<p>reached between the Applicant and the Local Authorities ('LA').</p> <p>The majority of matters are agreed between the parties; however, the following matters are still the subject of discussion:</p> <ul style="list-style-type: none"> ● the need for a requirement within the draft DCO to ensure that air quality strategy objectives are not exceeded (it is currently proposed that an additional requirement is included within the draft DCO to require the Applicant to undertake ambient air monitoring in the local area for a period before and after commissioning of the Proposed Power Plant); ● the control of noise during construction and the wording of Requirement 23 'Control of noise and vibration - construction'; ● the noise rating level set out within Requirement 24 'Control of operational noise' sub-paragraph (2); ● the need for further landscape mitigation and improvements to green infrastructure within the local area; and ● the biodiversity offsetting calculations and the extent of biodiversity enhancement ('net gain') required. <p>The Applicant intends to provide the ExA with an update on the above matters at the Hearings scheduled to be held on 22 and 23 November 2017.</p> <p>With regard to the LA's RR the ExA's attention is brought to the following matters:</p> <ul style="list-style-type: none"> ● archaeology and cultural heritage - it has been agreed that no further investigation of Hall Garths is necessary and that the Written Scheme of Investigation that will be secured by Requirement 16 'Archaeology' of the draft DCO will provide sufficient mitigation of any impacts; ● air quality - it is agreed that Selective Catalytic Reduction ('SCR') is an

Ref.	Interested Party	Relevant Representation	Applicant's Comments
		<p>from the proposed development and its handling properly, but it is considered that the application has approached this appropriately. In terms of on site management of construction wastes the County Council, as Waste Planning Authority, must be consulted prior to approval by the relevant planning authority on the constructions site waste management plan received from the developer. This has been addressed in the draft Development Control Order (DCO).</p> <p><u>Archaeology and Cultural Heritage</u> The heritage value of the existing power station will need to be assessed both as a community asset and as a landscape feature. The principal impact of the proposal on archaeological heritage assets will be the construction of the pipeline, and in particular, the effect on the Hall Garths medieval moated site. It is agreed that the core of the Hall Garths site is avoided, but peripheral features may be affected. In the event that DCO is granted, it is understood that trial trenching will only take place after its granting due to land ownership issues.</p> <p><u>Ecology</u> The surveys and assessments undertaken have been carried out to industry standards. Whilst no significant negative impacts have been identified with which the Authorities agree, local level impacts upon woodlands, hedgerows, bats and badgers will occur. There is a need to mitigate these local impacts and a requirement in line with national policy to secure a net gain in relation to biodiversity. To achieve this, work will be needed to more</p>	<p>Environmental Permitting matter that the Applicant must resolve with the EA and Natural England. The Applicant is currently in discussions with the EA regarding the need or otherwise for SCR. It is acknowledged by the LAs that the Applicant is not currently in a position to determine whether or not SCR would be required;</p> <ul style="list-style-type: none"> minerals and waste planning - Requirement 26 'Waste management on site - construction wastes' of the draft DCO secures the submission and approval of a Construction Site Waste Management Plan prior to the commencement of the Proposed Development. NYCC, as Waste Planning Authority, has requested that it is consulted by the relevant planning authority (SDC) prior to the approval of the construction site waste management plan. The Applicant is in agreement with regard to this and the revised draft DCO (submitted at Deadline 2) now reflects this; and employment, skills and training - the Applicant has included Requirement 34 'Employment, skills and training plan' with the draft DCO, the wording of which has been agreed with the Local Authorities. It is agreed that Requirement 34 provides an appropriate mechanism by which to promote employment, skills and training opportunities during construction and employment opportunities during operation for local residents.

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		<p>strongly connect habitats on site with the semi-natural habitats in the surrounding areas.</p> <p><u>Landscape</u> The Authorities are satisfied that the DCO application includes adequate landscape and visual impact assessment. A coordinated approach to mitigation involving landscape, historic landscape and ecology interests is needed. It is anticipated that this will be achieved through a Landscape and Biodiversity strategy which will require further discussion. Construction impacts are likely to be compounded by overlapping or consecutive impacts arising from demolition of the existing power station and at this point the start date for demolition works is still unknown. Whilst the iconic 1960s power station is a landmark, the proposed power station would be less dominant, allowing some of the former rural character of the surroundings to be restored.</p> <p><u>Noise and Vibration</u> There are concerns regarding night time noise levels during the operational phase which indicate an adverse effect and alterations to Requirement 24 are requested. Agreement has not yet been reached on the acceptable limit. Some predicted construction noise levels also exceed relevant limits although the applicant has indicated that the limits will be achieved. Further work is, therefore, required to ensure that the proposed scheme of managing the levels of noise and vibration incorporates adequate mitigation methods for a project of this size.</p>	

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		<p><u>Air Quality</u> The Authorities agree that air quality during the construction phase can be controlled via an agreed CEMP and that a travel plan will be produced to cover the construction/demolition phase. The possible use of Selective Catalytic Reduction to reduce NOx emissions is a concern due to the effects on ecological receptors and this needs to be examined further when the generation technology has been finalised. It should be noted that SDC do not have the technology to confirm the air quality modelling results and that the EA should be consulted.</p> <p><u>Land Contamination</u> The Authorities are satisfied that the risks of land contamination have been adequately identified within the application documents. Pursuant to the DCO, a scheme is to be submitted to control land and groundwater contamination likely to cause significant harm in consultation with the Environment Agency and approved by the Local Planning Authority. The submitted scheme is to include site investigation and remedial measures to be taken to render the land fit for its intended purpose. This requirement is to be a requirement of the DCO.</p> <p><u>Socio Economic</u> The construction phase of the proposed development is likely to create an opportunity to train and employ local people to work and train on site. Whilst reference is made to the construction industry being flexible enough</p>	

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		<p>to meet the needs of this development the Authorities welcome the provision included within the draft DCO to provide a local skills and development plan.</p> <p>Whilst the Authorities are broadly supportive of the proposal, further work is required to ensure the details of the proposed development come forward in a way which is acceptable to all parties. The Authorities are confident that this will happen.</p>	
19.	Marine Management Organisation (MMO)	<p>The Marine Management Organisation (MMO) is an interested party for the examination of Development Consent Order (DCO) applications for Nationally Significant Infrastructure Projects (NSIPs) in the marine area. The MMO received notification on 28 June 2017 stating that the Planning Inspectorate (PINS) (on behalf of the Secretary of State for Business, Energy and Industrial Strategy) has accepted an application from Eggborough Power Limited ("the Applicant"), for a DCO for The Eggborough CCGT (Generating Station).</p> <p>The MMO has an interest in this project because the development contains the construction of an outfall for a discharge point as well as cofferdams on the River Aire. The DCO application includes deemed marine licences (DMLs) under Section 65 of the Marine and Coastal Access Act 2009 (MCAA 2009) and should consent be granted for the project, the MMO will be responsible for monitoring, compliance and enforcement of DML conditions.</p>	<p>The Applicant would refer the ExA to its responses to FWQs DML 1.1 to 1.10, FW 1.1 and FW 1.19 in addition to the draft SoCG with the Marine Management Organisation ('MMO') submitted at Deadline 1 (Document Ref. 7.10). The ExA is also referred to Schedule 13 of the updated draft DCO submitted at Deadline 2, which contains an updated draft Deemed Marine Licence ('DML').</p> <p>As set out in the responses to the FWQs referenced above and in the SoCG, the parties are agreed on all points, save for the boundary of the DML in respect of 'Mean High Water Spring Tide'. This is explained in greater detail in response to FWQ DML 1.4. The parties will continue to engage on this point with a view to seeking agreement as soon as possible.</p>

Ref.	Interested Party	Relevant Representation	Applicant's Comments
		<p>During the pre-application stages of this application the MMO has met with the Applicant on a number of occasions, has visited the proposed development site and has also undertaken document review including draft chapters of relevance in the Environmental Statement and a draft DML (further detail provided below). The documents which have been submitted to the Planning Inspectorate are the same as those which were submitted for the MMO's review during pre-application consultation. Although we have provided comments on these documents to the Applicant, we note that the documents remain unchanged since our earlier advice. Notwithstanding this however, the Applicant has indicated that they are willing to discuss and address the issues raised. For completeness we repeat our previous advice below so the Planning Inspectorate is fully aware of our comments on the proposal.</p> <p>The MMO has reviewed the chapters of the ES as provided. The following chapters have been considered: Chapter 4: The Proposed Development Chapter 5: Construction Programme and Management Chapter 7: Legislative Context and Planning Policy Framework Chapter 10: Ecology Chapter 11: Water Resources, Flood Risk and Drainage</p> <p>The following chapters have not been reviewed as the MMO consider them to be outside of our remit: Chapter 1 (Introduction) Chapter 2 (Assessment Methodology)</p>	

Ref.	Interested Party	Relevant Representation	Applicant's Comments
		<p>Chapter 3 (Description of the Site) Chapter 6 (Need, Alternatives and Design Evolution) Chapter 8 (Air Quality) Chapter 13 (Cultural Heritage) Chapter 14 (Traffic and Transport) Chapter 15 (Land Use, Agriculture and Socio-Economics) Chapter 16 (Landscape and Visual Amenity) Chapter 17 (Waste Management) Chapter 18 (Sustainability and Climate Change) Chapter 19 (Human Health) Chapter 20 (Cumulative and Combined Effects) Chapter 21 (Summary of Significant Effects)</p> <p>As indicated above, the MMO has worked closely with the applicant during the pre-application phase of the project. This has included but has not been limited to: Consultation from Eggborough Power Limited to the MMO regarding the Environmental Scoping Report (September 2016) Consultation from Eggborough Power Limited to the MMO regarding the Preliminary Environmental Information Report (January 2017) Pre-Application teleconference to discuss the project & the MMO's responses to Section 42 Consultation Requests (March 2017) Consultation from Eggborough Power Limited to the MMO surrounding draft chapters of the Environmental Statement Consultation from Eggborough Power Limited to the MMO surrounding the draft Deemed Marine Licence (DML) within the Development Consent Order (DCO)</p>	

Ref.	Interested Party	Relevant Representation	Applicant's Comments
		<p>(May 2017).</p> <p>Throughout the pre-application process, the MMO has been willing to engage in discussions surrounding the development of Statements of Common Ground (SoCG).</p> <p>Detailed comments</p> <p>1. Environmental Statement (ES)</p> <p>1.1. General Comments</p> <p>1.1.1. The MMO is of the opinion that overall, the data and assessments presented in the ES are proportionate and appropriate to this DCO application.</p> <p>1.1.2. The MMO is of the opinion that the study area accurately captures the area of interest to the MMO and we agree with the ES conclusions and proposed mitigation measures. In particular, the MMO are content with the radius defined for local environmental considerations and feel that any potential impacts to the marine environment have been considered.</p> <p>1.1.3. The information presented in the ES is in line with pre-application discussions and responses to consultations that the MMO have already engaged in throughout 2016 and 2017 (see above).</p> <p>1.2. Chapter 4 (Decommissioning)</p> <p>1.2.1. In relation to Section 4.5 of Chapter 4, the MMO advises that there are likely to be individual</p>	

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		<p>licensing requirements for maintenance or demolition activities at the outfall location. It is the MMO's preference that all maintenance activities are captured within the DML to negate the need for separate marine licences at a later date.</p> <p>1.3. Chapter 5 (Construction Programme and Management)</p> <p>1.3.1. Section 5.2 (Construction Programme and Methods) states that 'A Construction Environmental Management Plan (CEMP) will be prepared prior to construction, and the submission, approval and implementation of this is secured by a Requirement in Schedule 2 to the draft DCO [...]'. The MMO would like to point out that conditions within the DML also require the MMO's review and approval of a method statement prior to marine activities taking place.</p> <p>1.3.2. In section 5.2.23 to 5.2.28, – any cofferdam to be placed below mean high water springs should be included as part of the method statement supporting the DML.</p> <p>1.3.3. The MMO notes that whilst Figure 5.3 correctly reflects the stated extent of the intake cofferdam into the River Aire ('approximately 11m from the riverbank into the river'), Figure 5.4 appears to indicate the extent of the outfall cofferdam as being 12.5m into the River Aire. Given that section 5.2.26 states that 'the cofferdam will extend</p>	

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		<p>approximately 22m from the top of the riverside embankment', the MMO advises that clarification on the extent of the cofferdam into the River Aire should be sought.</p> <p>1.3.4. Section 5.2.28 includes the conclusion that 'navigation will not be impeded and appropriate warning signs will be installed for navigational safety'. Based on the information provided, the MMO is largely in agreement with this judgment however would also reiterate that a Notice to Mariners condition (see section 3.4.1) has been requested as part of the DML to further reduce any navigational risks. The MMO advises that reference to this is included in support of this judgment on navigational risk.</p> <p>1.4. Chapter 10 (Ecology)</p> <p>1.4.1. The MMO notes that there is no mention of the Marine and Coastal Access Act 2009 in Section 10.2. The MMO advises that this may be included in any final documents.</p> <p>1.5. Chapter 11 (Water Resources, Flood Risk and Drainage)</p> <p>1.5.1. As above, the MMO notes that within the detailed relevant legislation lists of 11.2 there is no mention of the Marine and Coastal Access Act 2009. The MMO advises that this may be included in any final documents.</p>	

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		<p>1.5.2. Notwithstanding this the MMO is content that the study area and impact assessment are robust.</p> <p>2. Development Consent Order (DCO)</p> <p>2.1. In Part 4 (14) the DCO makes reference to the use of 'any watercourse or any public sewer or drain for the drainage of water in connection with the carrying out or maintenance of the authorised development'. The MMO advises that discharges or proposed altering of pipes may have their own requirements for marine licensing should the watercourse in question be considered to be within the UK Marine Area (Section 42, Marine and Coastal Access Act).</p> <p>2.2. In Schedule 2 (6), there is a requirement that no part of the works comprised in Work No. 4 must commence until the MMO has been consulted. The MMO advises that some of the works included within Work No. 4 are not within the marine environment and the MMO will not provide comment on works outside of the marine environment and our own jurisdiction.</p> <p>3. Deemed Marine Licence (DML)</p> <p>3.1. Within the DML, the activities described to be authorised include Work No. 6, for the installation of a high-pressure gas pipeline via a bored tunnel. Further to discussions held during pre-application engagement with the applicant, the MMO can advise that the works, as described, appear to be</p>	

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		<p>exempt under the Marine Licensing (Exempted Activities Order) 2011 (as amended) and therefore should not be included within the DML.</p> <p>3.2. For Part 1 (2), the DML should be amended to reflect the correct contact details:</p> <p>(1) Unless otherwise advised in writing by the MMO, the address for postal correspondence with the MMO for the purposes of this Schedule is the Marine Management Organisation, Marine Licensing Team, Lancaster House, Hampshire Court, Newcastle upon Tyne, NE4 7YH, telephone 0300 123 1032. Where contact to the local MMO office is required, the following contact details should be used: Marine Management Organisation, Pakefield Road, Lowestoft, Suffolk, NR33 0HT, email lowestoft@marinemanagement.org.uk.</p> <p>(2) Unless otherwise advised in writing by the MMO, the address for electronic communication with the MMO for the purposes of this licence is marine.consent@marinemanagement.org.uk.</p> <p>3.3. For Part 3 (5) of the DML, the MMO requests that an additional sentence be added to the end of the condition. This sentence should read 'Failure to do so may render this licence invalid and may lead to</p>	

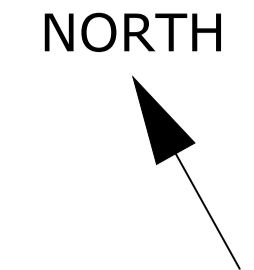
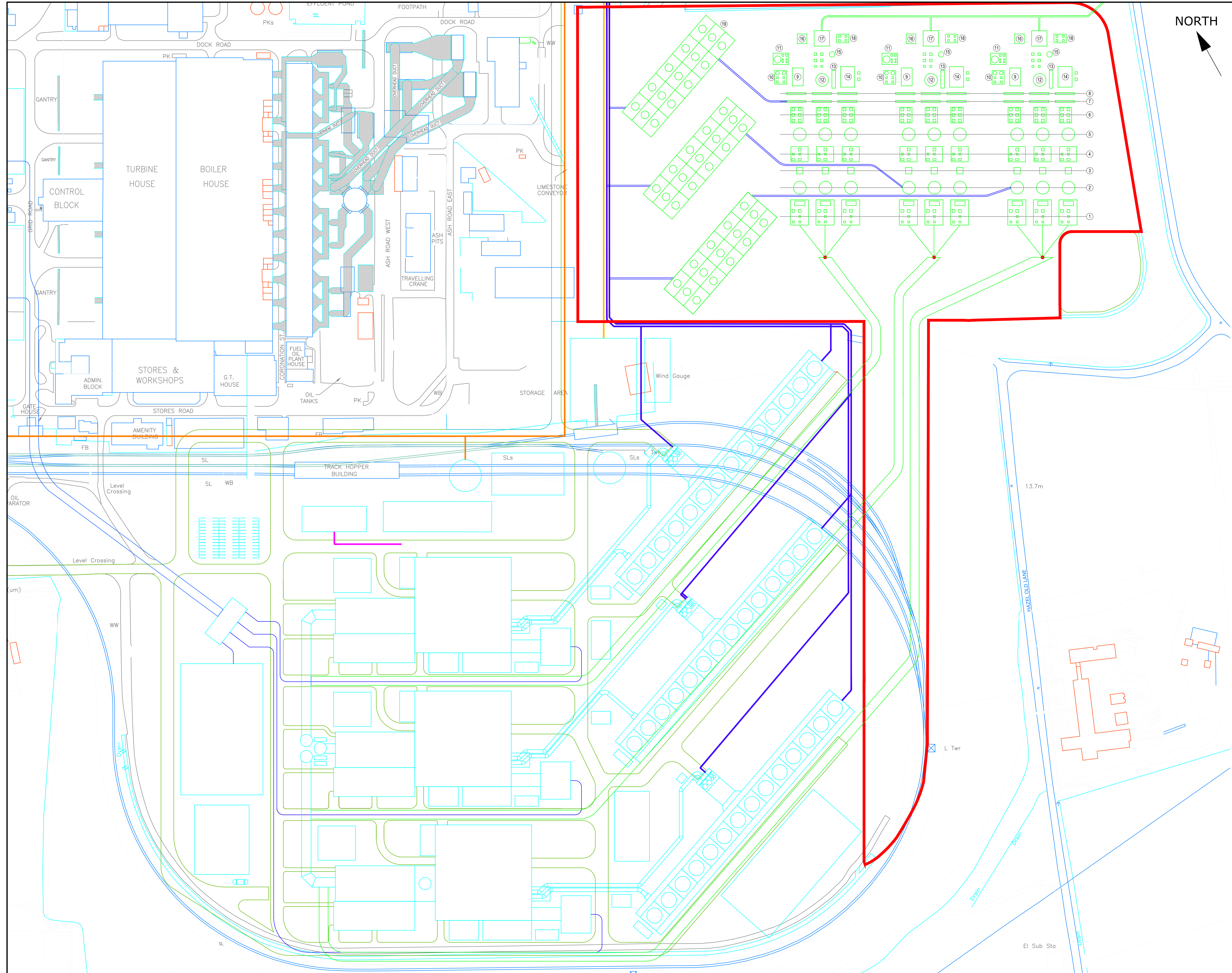
Ref.	Interested Party	Relevant Representation	Applicant's Comments
		<p>enforcement action.'</p> <p>3.4. The MMO requests that the following additional conditions be added to the DML in order to ensure the protection of the marine environment:</p> <p>3.4.1. A notice to mariners must be issued prior to activities commencing and a copy sent to the MMO within 5 working days of issue.</p> <p>3.4.2. The licence holder must submit a method statement to the MMO at least 6 weeks prior to the proposed commencement of the licensed activities. The licensed activities must not commence until written approval is provided by the MMO.</p> <p>3.4.3. Further to queries raised during pre-application engagement with the applicant, the reason that the return is required 6 weeks prior to licensed activities commencing is to give the MMO the opportunity to review, consult where necessary and agree upon the method statement.</p> <p>3.4.4. The storage, handling, transport and use of fuels, lubricants, chemicals and other substances must be undertaken so as to prevent releases into the marine environment including bunding of 110% of the total volume of all reservoirs and containers.</p> <p>3.4.5. The licence holder must not discharge waste</p>	

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		<p>concrete slurry or wash water from concrete or cement into the River. The licence holder must site concrete and cement mixing and washing areas at least 10 metres from the River or surface water drain to minimise the risk of run off entering the River.</p> <p>3.4.6. Vibro piling must be used as standard, with percussive piling only used if required to drive a pile to its design depth. If percussive piling is necessary soft-start procedures must be used to ensure incremental increase in pile power over a set time period until full operational power is achieved. The soft-start duration must be a period of not less than 20 minutes.</p> <p>3.4.7. Should piling cease for a period greater than 10 minutes, then the soft start procedure must be repeated.</p> <p>3.4.8. If concrete is to be sprayed suitable protective sheeting must be provided to prevent rebounded or windblown concrete from entering the water environment. Rebound material must be cleared away before the sheeting is removed.</p> <p>3.4.9. During licensed activities all wastes must be stored in designated areas that are isolated from surface water drains, open water and bunded to contain any spillage.</p>	

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		<p>3.4.10. The licence holder must notify the MMO in writing of any vessel being used to carry on any licensed activity listed in this licence on behalf of the licence holder. Such notification must be received by the MMO no less than 24 hours before the commencement of the licensed activity. Notification must include the master's name, vessel type, vessel IMO number and vessel owner or operating company. The licence holder must ensure that a copy of this licence and any subsequent revisions or amendments has been read and understood by the masters of any vessel being used to carry on any licensed activity listed in this licence, and that a copy of this licence is held on board any such vessel.</p> <p>Conclusion The MMO welcomes consultation on this proposal and wishes to reiterate the value of the pre-application engagement that has taken place between the applicant and the MMO prior to this submission; a summary detailing some of this activity can be found at the head of this response.</p> <p>The MMO is of the opinion that the Environmental Statement generally provides a thorough assessment of the potential impacts on the marine environment from the construction activities surrounding the plant abstraction and discharge points. The MMO is content with the boundaries of the environmental scoping report which the MMO were given the opportunity to comment</p>	

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		<p>upon in September 2016. Following the definition of assessment boundaries to underpin the ES, the MMO is content that the resulting ES accurately and fully addresses the key receptors to be considered in relation to the development and its impact on the marine area.</p> <p>During pre-application engagement between the MMO and the applicant, the MMO made comments on the draft ES, draft DCO and draft Licence documents. Despite comments being made by the MMO, the documents that have been submitted to the Planning Inspectorate in support of the DCO application remain unchanged since the last consultation response that the MMO issued.</p> <p>We advise that the matters raised above, particularly those in relation to the DCO and DML, are addressed should the proposal be granted development consent via a DCO. In light of this, the MMO would welcome future engagement from the developer to ensure that the issues are resolved in a timely manner.</p> <p>The MMO reserves the right to modify its present advice or opinion in view of any additional matters or information that may come to our attention.</p> <p>The MMO would be grateful if you could ensure that those indicated below are added to the distribution list for PINS communications for this case.</p>	

APPENDIX 1: CARBON CAPTURE PLANT INDICATIVE LAYOUT PLAN




THIS DRAWING IS TO BE USED ONLY FOR THE PURPOSE OF ISSUE THAT IT WAS ISSUED FOR AND IS SUBJECT TO AMENDMENT

LEGEND

1. GAS CONDITIONING STATION
2. FLUE GAS COOLER
3. FLUE GAS BLOWER
4. QUENCH WATER HEAT EXCHANGER W/FILTER STATION
5. ABSORBER
6. RICH / LEAN SOLVENT PUMPS
7. SOLVENT CROSS EXCHANGER
8. LEAN AMINE COOLER
9. RECLAIMER
10. DOSING POT
11. AMINE STORAGE TANKS AND PUMPS
12. DESORBER UNIT
13. STRIPPER CONDENSER
14. RE-BOILER
15. OVERHEAD ACCUMULATOR
16. DEHYDRATION UNIT/DE-OXYGENATION UNIT
17. CO2 COMPRESSOR
18. WASTE WATER PUMP
19. HYBRID COOLERS
20. CO2 PIPELINE

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Purpose of Issue
DCO APPLICATION

Client
EGGBOROUGH POWER LTD


Project Title
EGGBOROUGH CCGT DCO

Drawing Title
**CARBON CAPTURE PLANT
INDICATIVE LAYOUT**

Drawn MS	Checked VS	Approved RL	Date 25/10/2017
AECOM Internal Project No. 60506766		Scale @ A1	

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Drawing Number FIGURE 1	Rev 2.0
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