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

Written Summary of Applicant's Oral Case - Issue Specific Hearing on Environmental Matters 22 November 2017

The Planning Act 2008

Applicant: Eggborough Power Limited
Date: November 2017

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GLOSSARY

ABBREVIATION	DESCRIPTION
Applicant	Eggborough Power Limited
BAT	Best Available Technique
BAT-AEL	BAT Achievable Emission Level
CCGT	combined cycle gas turbine
DCO	Development Consent Order
ELV	Emission Limit Value
EN-1	Overarching National Policy Statement for Energy
EPL	Eggborough Power Limited
ExA	Examining Authority
IDB	Internal Drainage Board
IED	Industrial Emissions Directive
ISH	Issue Specific Hearing
MMO	Marine Management Organisation
MW	megawatts
NOx	nitrogen oxide
NSIP	Nationally Significant Infrastructure Project
NYCC	North Yorkshire County Council
PA 2008	Planning Act 2008
Proposed Development	Eggborough CCGT Project
SAC	Special Area of Conservation
SCR	Selective Catalytic Reduction technology
SDC	Selby District Council
SoS	the Secretary of State
SuDS	Sustainable Drainage System
the Order	Eggborough CCGT (Generating Station) Order
YWT	Yorkshire Wildlife Trust

CONTENTS

1.0 INTRODUCTION

1.1 This document (Document Ref. 9.4) 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 The document provides a written summary of the Applicant's oral case put at the Issue Specific Hearing ('ISH') on Environmental Matters held on 22 November 2017. The document has been submitted for Deadline 3 of the Examination.

2.0 WRITTEN SUMMARY OF APPLICANT'S ORAL CASE

Introductory Remarks

2.1 The Issue Specific Hearing ("**ISH**") on environmental issues was held on 22 November at Knottingley Town Hall, Hilltop, Headlands Lane, Knottingley, WF11 9DG.

2.2 The ISH concerns the application made by Eggborough Power Limited ("**EPL**" or the "**Applicant**") for an order granting development consent for 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') and associated works (the 'Proposed Development') on land at and in the vicinity of the existing Eggborough coal-fired power station, near Selby, North Yorkshire.

2.3 The ISH took the form of running through the Examining Authority's ("**ExA**") agenda, published on 15 November 2017. The ExA advised that, in addition to the items listed in the Agenda, he would also be asking the Applicant to respond on whether it considers that there is sufficient information provided should an Appropriate Assessment (pursuant to the Conservation of Habitats and Species Regulations 2010 (the "**Habitats Regulations**") be required. This would be dealt with as part of Agenda Item B.

Introduction of Participating Parties

2.4 The ExA, Mr Richard Allen;

2.5 The Applicant;-

- Mark Westmoreland Smith; Barrister at Francis Taylor Building;
- Dr Richard Lowe; Director at AECOM;
- Geoff Bullock; Partner at Dalton Warner Davis LLP; and
- James Crankshaw, Head of Asset Management at EPL.

2.6 The following parties participated in the ISH;-

- Helen Robinson; Solicitor at Weightmans LLP on behalf of North Yorkshire County Council ("**NYCC**") and Selby District Council ("**SDC**") (the "**Councils**"), Michael Reynolds (NYCC), Ruth Hardingham (SDC), Julia Casterton (NYCC) and Diana Adamson (SDC);
- Lauren Garside, Yorkshire Wildlife Trust;
- Heather Hamilton and Ed Walker, the Marine Management Organisation ("**MMO**");
- Mr Bob Tams, Hensall Parish Council;
- Mr Stephen Laurenson (local resident);
- Mr Alan Rhodes (local resident); and
- Mr Ken Jackson (local resident).

Agenda Item A: Archaeology and Heritage

The Hall Garths medieval moated site and peripheral archaeological investigation, the effectiveness of Requirement 16 of Schedule 2 of the draft Development Consent Order (DCO) and the absence of a draft/indicative Outline Written Scheme of Investigation.

2.7 The ExA opened the discussion on Agenda Item A by asking the Councils to (i) outline the position of the parties in respect of heritage matters, and (ii) explain the Councils' position on the effectiveness of Requirement 16.

2.8 Helen Robinson on behalf of the Councils explained that, following submission of the documents submitted for Deadline 2, further discussions had taken place between the Applicant and the Councils. The Councils' position, as outlined in its responses to the ExA's First Written Questions was that, whilst Requirement 16 (as originally drafted) secured investigative works, there was no express mechanism within it to secure any mitigation if archaeological features were discovered.

2.9 The Councils explained that a proposed revision to Requirement 16 had been put forward to the Applicant and had been subsequently agreed. On that basis, the Councils were now satisfied with the scope and content of Requirement 16 (as amended).

2.10 This position was confirmed as agreed by the Applicant. The ExA is referred to the revised draft Development Consent Order ("**dDCO**") submitted for Deadline 3 which contains an amended Requirement 16 (Document Ref. 2.1 - Rev. 3.0).

2.11 The ExA additionally asked the Applicant to consider removing the wording "*with the principles of*" from Requirement 16. The Applicant refers the ExA to paragraph (2) of the revised dDCO submitted for Deadline 3, in which this wording had been removed.

Agenda Item B: Biodiversity and Ecology

Habitats Regulations Assessment and Effects on European Sites

2.12 The ExA stated that, notwithstanding the agreed position with Natural England on this matter, it required further certainty that the procedural tests in the Habitats Regulations had been met in reaching the conclusions on the effect on European sites. The ExA was concerned that it could not conclude that there would be no likely significant effects on European Sites for the project alone, or in combination with other projects, and questioned whether it would be in a position to report to the Secretary of State, with sufficient information to inform an Appropriate Assessment if required, given that the Proposed Development *could* have a likely significant effect on European Sites. The ExA referred the Applicant to the recent judgment in the case of *Wealden District Council v. Secretary of State for Communities and Local Government, Lewes District Council and South Downs National Park Authority [2017] EWHC 351 (Admin)*, which it considered may cast some doubt on the Applicant's approach (as endorsed by Natural England).

2.13 The ExA referred to the technical note on air quality (submitted at Appendix 3 of the Applicant's response to the ExA's First Written Questions - Document Ref. 9.1) which concluded that, in respect of the Thorne Moor Special Area of Conservation ("**SAC**"), indicated that the Proposed Development contributed to a 1.5% increase above the exceeded critical load. The ExA requested the Applicant to confirm its position, and explain whether it still considers that there are not likely to be any significant effects, either alone or in combination, on European Sites.

2.14 Dr Richard Lowe, on behalf of the Applicant, explained by way of background, the use and application of Selective Catalytic Reduction technology ("**SCR**") in this context:-

Selective Catalytic Reduction

2.15 Nitrogen Oxides are the primary pollutant of concern arising from the Proposed Development. At the time of preparing the Application, the Industrial Emissions Directive Emission Limit Value (ELV) for nitrogen oxide (NOx) emissions to air from gas turbines of 50mg/Nm3 was the standard to be considered and this was assessed. This ELV is achievable through the use of primary means without requiring secondary abatement. The ELV was considered to represent the worst case (highest) emission concentration.

2.16 In July 2017 revisions to the Best Available Technique (BAT) Conclusions for Large Combustion Plant were published. This included a BAT Achievable Emission Level (BAT-AEL) for NOx emissions from gas turbines of 30 mg/Nm3. To guarantee achieving that may require the use of secondary abatement technology, being SCR. This would achieve the reduction of nitrogen oxides by injecting ammonia, however there would be a small release of ammonia from the emissions stack, called the "ammonia slip", at an expected emission level of 3mg/Nm3.

2.17 Independently of its consideration of the Proposed Development, the Environment Agency is considering the UK BAT position on the BAT-AEL for NOx emissions specifically with reference to the applicability of the AEL for high efficiency combined cycle gas turbine ("**CCGT**") generating stations (such as the one comprised within the Proposed Development). The Environment Agency recognises that CCGT efficiencies continue to improve through the use of higher temperatures in the turbine, and that this has a direct knock-on effect on NOx emissions performance due to thermal NOx formation. Use of SCR requires additional pumps and parasitic energy load and conformance with the BAT-AEL may encourage operators to install less efficient turbines which is counterproductive to the UK aim of reducing carbon emissions from electricity generation. Therefore the Environment Agency is developing its regulatory position on the use of SCR on high efficiency CCGTs and is minded to rule that the BAT-AEL does not apply. However, this position is yet to be formally adopted.

2.18 The Environment Agency wishes to reserve the decision on whether SCR is required for the Proposed Development – in effect whether SCR represents BAT for the Proposed Development – to their determination of the Environmental Permit. This is a position that is supported by the Applicant. The Applicant is preparing a BAT justification as part of this process for the absence, or use, of SCR and as part of this, the environmental effects of SCR (as well as those effects without SCR) are required to be considered with a view to determining the most appropriate approach. This requires a balancing consideration, given that ammonia has a significantly worse nitrogen deposition effect than NOx.

2.19 It remains the expectation of the Applicant that SCR will **not** be required and an appropriate emission level will be achieved through agreement with the Environment Agency as part of the Environmental Permit application.

Habitats Regulations Assessment

2.20 The HRA was screened in accordance with Environment Agency and Natural England guidance, at a 10km screening distance. It was agreed between the Applicant and Natural England that no Appropriate Assessment was required to support the DCO application and that there was unlikely

to be any significant effects on designated site features, due to the distance from the sites and the absence of any pathways for potential effects. The HRA screening matrices were submitted as part of the ES (Appendix 10H - Document Ref. 6.4.15) which are detailed and have been reviewed and agreed with Natural England.

2.21 However, in subsequent discussions with the Environment Agency, it requested that the assessment distance for habitat effects was increased to beyond 15km. This included the Thorne Moor SAC located 15.4km south east of the Proposed Development. On the basis of the use of SCR and using conservative modelling assumptions, an effect was predicted at the Thorne Moor SAC that is above the insignificance threshold for nitrogen deposition (greater than 1% of the Critical Load of the SAC). However, given the distance of the Thorne Moor SAC from the Proposed Development (with 15km being at the edge of "modelling reliability"), the predicted 1.5%/1.6% impact is within a band of uncertainty, and could be significantly lower.

2.22 The Applicant has considered with the Environment Agency and Natural England the most appropriate way to deal with this potential issue. It has therefore been agreed that an in-combination assessment will be undertaken as part of the BAT justification process for the Environmental Permit application. If the BAT assessment and in-combination assessment show a potential effect(s) on the Thorne Moor SAC, then that conclusion will inform the BAT justification to not install SCR at the Proposed Development.

2.23 The Applicant is continuing to discuss the need for a requirement with Natural England.

2.24 The ExA asked the Applicant to confirm whether it considered that the approach taken complied with the requirements of the Habitats Regulations, and whether the Applicant should produce additional integrity matrices to enable the ExA to advise the Secretary of State that there are no likely significant effects on the integrity of European Sites. The ExA requested that the Applicant consider the position in writing for Deadline 3, by providing either:-

- Additional integrity matrices; or
- A rebuttal statement, justifying that the approach taken by the Applicant complies with the requirements of the Habitats Regulations.

2.25 Following the Examination hearings, the Applicant has considered the issue further and re-engaged with the EA. The only reason that SCR would be required to be installed is if it represented BAT for the control of emissions from the CCGT units and was therefore required to be installed by the EA. An emissions control technique could not be considered to represent BAT if it gives rise to significant environmental effects at a sensitive receptor. Therefore, SCR would not be installed on the Proposed Development if it gave rise to significant effects – either in isolation or in combination with other schemes – on Thorne Moor SAC (or indeed on any other receptor). By definition, SCR could only be installed if it did not give rise to significant effects.

2.26 It is important to stress that there is a clear distinction between a predicted effect being not insignificant and that effect becoming significant. Based on conservative modelling assumptions, the predicted worst case effect of the Proposed Development on Thorne Moor SAC if SCR is used is 1.5% of the Critical Load. This is a fraction above the insignificance threshold, and well within modelling uncertainty of that insignificance threshold. A predicted impact marginally above the insignificance threshold does not mean that the effect automatically becomes significant. The EA has reviewed the modelling assessment undertaken and considers the results to be conservative,

in that they are at the upper end of the actual predicted effect of the Proposed Development emissions. The SAC also lies some distance outside the screening distance used to screen the need for an Appropriate Assessment.

2.27 Furthermore, as specified in Requirement 4 of the dDCO: *"The authorised development must not enter commercial use if the existing coal-fired power station has not ceased to generate electricity"*. Therefore any emissions form the coal-fired power station must cease prior to emissions occurring from the CCGT. The impacts on the Thorne Moor SAC from emission from the fully operational coal-fired power station have been considered and these are assessed to contribute circa 3% of the Critical Load, or twice as much as the Proposed Development. Therefore impacts on Thorne Moor from the CCGT units will be half those that have historically occurred from the Eggborough power station site.

2.28 The following wording has been agreed with the EA on this issue:

"As part of the Best Available Techniques (BAT) justification for the use of SCR, an assessment of potential environmental effects has to be considered. A technique cannot constitute BAT if it leads to significant or unacceptable effects on an environmental receptor, including designated ecological sites. An EPR application will only be successful if it demonstrates that the development will incorporate BAT (for reducing emissions as defined in and prescribed under the relevant EU Directives). In addition to the need to obtain an EPR permit, the applicant will have to demonstrate that atmospheric emissions will not lead to significant impacts. Therefore if significant effects are identified from the use of a particular technique, such a technique would not constitute BAT for that installation based on site specific conditions. In other words, if SCR were at risk of causing a significant effect on a Habitat site, it would not be considered to represent BAT for that installation.

It has been agreed between the Applicant, the EA and Natural England that an in-combination assessment of effects on the Habitats site will be undertaken to inform the BAT justification. If no significant effects are predicted on the Habitat site, the use of SCR could still therefore represent BAT for the installation but by definition, an Appropriate Assessment would not be required since the effects would not be significant.

The EA is reviewing the air impact assessment used to support the DCO and environmental permit applications and the initial screening review indicates that the assessment is conservative, such that the predicted levels of impact are at the upper end of the range of impacts that are likely to occur. Given that, even with these conservative assumptions applied, the predicted level of impact at the Habitat site are only just over the insignificance threshold, we therefore consider that the effect on the Habitat site is not significant and therefore that no further assessment or Appropriate Assessment is required."

2.29 On this basis it is considered that an Appropriate Assessment is not required for the Proposed Development. Nevertheless, the integrity matrices for Thorne Moor will be updated to reflect the potential use of SCR and these will be submitted to the ExA on 13 December 2017. It is proposed that no other matrices will be resubmitted since the effects of the Proposed Development are insignificant at all other identified designated sites, with or without the use of SCR.

Biodiversity and Net Gain

"Whether the scheme enhances biodiversity, and the provisions made off-site; the effectiveness of the Indicative Landscape and Biodiversity Strategy; and the extent to which the proposed attenuation pond is capable of contributing to biodiversity enhancement."

2.30 The ExA noted that a principal area of discussion was the potential for disagreement between the Applicant and the Yorkshire Wildlife Trust ("**YWT**") as to the biodiversity off-setting calculations used by the Applicant, by reference specifically to the value attributed to the woodland canopy.

2.31 The YWT confirmed that conversations with the Applicant have subsequently progressed following submission of documents for Deadline 2, and that it has been confirmed that the Applicant will provide a financial contribution towards an off-site biodiversity mitigation and compensation project; notably the enhancement of wetland habitats in the lower Aire catchment to provide additional habitat for biodiversity gains and natural flood alleviation benefits.

2.32 In response to a question from the ExA, the YWT in their opinion confirmed that in the absence of the Applicant's proposals to provide a financial contribution, the Proposed Development would result in a net loss in biodiversity. Julia Casterton, Principal Ecologist at NYCC confirmed that the Council had only recently been made aware of the proposal to offer a contribution; however that NYCC agreed with YWT's assessment of the calculations. The Council noted and agreed that there was an opportunity for off-site mitigation, in partnership with agencies such as the YWT and the Environment Agency, given the perceived net loss in biodiversity as a result of the Proposed Development.

2.33 The Applicant confirmed that the information provided was sufficient to show a small net gain, however appreciated that the values assigned in the 2012 Defra Biodiversity Offsetting Metric could be subjective; leading to a difference of opinion on the value of enhancement for different habitat areas, particularly as the calculator is in the early stages of use, a point which was confirmed by SDC and YWT in the Hearing. On that basis, the Applicant considered that it was appropriate to offer a financial contribution to be applied towards enhancement of off-site biodiversity so as to ensure agreement that biodiversity gain had been achieved; however, that this was not an admission that the calculations presented in the assessment were incorrect.

2.34 By reference to Table 5.2 within the Indicative Landscape and Biodiversity Strategy, the Applicant explained that the principal area of disagreement between the parties related to the achievable enhancement value of the woodland management, given its separate function as a screening tool During these discussions, the YWT explained that in its opinion, the 25.88 biodiversity units attributed to the 11 hectares of woodland management, and relied upon by the Applicant in its biodiversity calculations, is unachievable, given that the primary usage of the woodland canopy is for screening rather than as a principal biodiversity habitat. The YWT considered that woodland could not be enhanced sufficiently so as to enhance biodiversity from "moderate" to "good", and that the results of the biodiversity offsetting metric relied too heavily on this aspect of the calculation. On that basis, taking that in to account, the YWT considered that there would be a net loss in biodiversity, rather than the net gain calculated by the Applicant. This position was supported by the Councils.

2.35 In response to further questions on this issue raised by the ExA, the Applicant explained that, whilst it was confident that the figures presented in Table 5.2 were correct and defensible, the

contribution proposed sought to address any areas of disagreement between the parties. The woodland management proposals within the Indicative Landscape and Biodiversity Strategy acknowledge that enhancements (such as understorey and ground flora planting) will need to be located in areas where suitable light and space allows, due to the requirement to maintain screening function. This includes planting along woodland edges. Whilst enhancements will be limited in some areas due to the closed canopy of the woodland, it is considered there is sufficient scope for improvements to the woodland to achieve meaningful biodiversity enhancement.

2.36 Furthermore, as set out in the Applicant's response to the ExA's First Written Questions (BE1.4 - Document Ref. 9.1), the condition of the woodland at present is assessed as 'Moderate' as is it considered to fall within Criteria 3, based on the results of the Aboricultural Survey which recorded many trees in poor structural and physiological condition. In order to raise the condition of the woodland to 'Good', Criteria 3 needs to be met. It is considered that the enhancement measures proposed for the screening woodland will restore appropriate management of the woodland, so that Criteria 3 is met, enhancing the biodiversity to a 'Good' level.

2.37 The ExA asked the Applicant to justify why the off-site proposal was necessary given that it considered the results of the biodiversity calculations were correct.

2.38 The Applicant explained that:-

- it recognised that the Defra biodiversity offsetting metric was a developing tool and that the values and multipliers contained therein were subjective;
- that the offsetting metric was not originally envisaged to be used in these types of applications; and
- the offsetting metric should be treated as a guide (given its status as a developing tool), and is therefore not to be applied prescriptively but needs to be considered in context.

2.39 On that basis, and given the relatively small net gain, it was therefore appropriate to offer a financial contribution for off-site enhancement.

2.40 The Applicant confirmed that it was in the process of drafting a Section 106 Agreement, as opposed to a Requirement, to secure the financial contribution. The Applicant explained that it would not be appropriate to secure this contribution by way of a Requirement on the basis that the land benefitting from the contribution is outside of the Order limits and affects land which is not in the control of the Applicant.

2.41 The ExA requested that as part of its submissions for Deadline 3, the Applicant is to provide an update on the negotiation and progression of the Section 106 Agreement. The ExA is referred to the updated SoCG with the YWT (Document Ref. 7.11 - Rev. 2.0) and the draft Section 106 Agreement (Document Ref. 9.6) in this respect.

2.42 Mr Westmoreland Smith, on behalf of the Applicant, referred the ExA to paragraph 5.3.4 of the Overarching National Policy Statement for Energy (EN-1), which requires an applicant to take advantages of opportunities for enhancing biodiversity, rather than prescriptively requiring a net gain, and, that it is within this policy context the Applicant considers that the contribution proposed is justified and appropriate.

2.43 Finally, in response to this Agenda Item, the MMO advised that should any of these mitigation works take place within the UK Marine Area (as defined in accordance with the provisions of the Marine and Coastal Access Act 2009), then a Marine Licence would be required. The Applicant agreed with this position, however that the exact detail of the enhancement works would be led and determined by the Environment Agency.

Attenuation Pond

2.44 The ExA asked the YWT to explain why, in its opinion (and as set out in its response to the ExA's First Written Questions) the attenuation pond should not be used to calculate biodiversity enhancements. The YWT stated that, similarly to the woodland canopy, the attenuation pond is designed for use as another primary function (in this case a drainage function) rather than as a wildlife habitat.

2.45 The YWT confirmed that this was their opinion, rather than a reflection of policy requirements, however that they sought advice from the Chartered Institute of Ecology and Environmental Management in reaching this conclusion. The YWT explained that it would not be appropriate to rely on the attenuation pond as having a biodiversity benefit given (for example) fluctuating temperature changes which would affect the suitability of the pond as a primary wildlife habitat. The Council confirmed that in its view the attenuation pond should be considered as an "added on" benefit, but should not be regarded as a primary mitigation or enhancement measure. The Council confirmed that it did not have any comments on the calculation; however this was due to the Council not having the suitable experience in this area to comment in detail on this matter.

2.46 In conclusion, the Applicant confirmed that biodiversity benefits **are** possible from the attenuation pond on the basis that:-

- it forms part of a range of measures that will deliver benefits for biodiversity to offset the loss of biodiversity arising from the Proposed Development;
- that Biodiversity offsetting does not require 'like for like' replacement of habitats, and whilst the Applicant accepts that the primary function of the attenuation pond is for drainage purposes, that does not mean that it cannot also have value for biodiversity, if designed in accordance with Sustainable Drainage System ('SuDS') principles; and
- the attenuation pond would be for surface water only (and not potentially contaminated water related to the operation of the power station which would be segregated and managed through a separate drainage system).

Agenda Item C Noise and Vibration

2.47 The ExA directed that it proposed to discuss those issues which remain outstanding in respect of its First Written Question NV 1.2.

2.48 The Councils confirmed that further discussions were on-going with the Applicant, and that the additional work undertaken and the further modelling provided by the Applicant at Deadline 2 was welcomed and provided additional comfort to the Councils in this respect, however the outstanding issue to be resolved is how those levels are worded and secured in Requirement 24 of the dDCO.

2.49 The Applicant confirmed that for the avoidance of doubt, no new or additional information had been presented for Deadline 2. However, further work had been undertaken to understand

whether the assumptions that had been applied to the noise modelling that resulted in the BS 4142 *rating levels* in excess of the *background sound levels* of +7dB and +8 dB (as a worst case, as presented in the Environmental Statement) remained proportionate.

2.50 Diana Adamson, Environmental Health Officer at SDC, explained that the Applicant had indicated that it could achieve *rating* levels of +3dB above the background sound level at the worst-case receptor (as had been explained in a meeting between the Applicant and the Councils on 27 September 2017), and that, where possible, the Applicant would seek to achieve a level of +0dB. The Council had therefore proposed an amendment to Requirement 24, which sought to distinguish between day time and night time levels, (on the basis that the Applicant could achieve a *rating level* of +0dB during the day time, but levels of +3dB and +1dB at the worst affected receptors at night time), and where possible would seek to try and achieve +0dB (this is as per the position set out in the Councils' response to the ExA's First Written Questions).

2.51 The Applicant provided an update on this issue, and explained that work had been undertaken to see if the aspirational *rating levels* of +0dB during the daytime and +3dB during the night time could be achieved. However, further dialogue with technology providers had subsequently confirmed that, whilst the Applicant would be in a position to achieve the aspirational *rating level* of +0 dB during the daytime, it wouldn't be in a position to achieve the aspirational night-time *rating level* of +3 dB at this early concept design stage, but **could** achieve a rating level of +5dB at night. This is with a view to undertaking additional work at the detailed design stage to reduce this level further, where possible. The Applicant considers that a *rating level* of around +5 dB would be a "minor adverse" significance of effect in accordance with the requirements of British Standard BS 4142:2014 and the EIA methodology applied.

2.52 The Applicant was therefore seeking to put a restriction on the Proposed Development that, at this stage, would limit and ensure that the environmental effects in respect of noise were acceptable, but would not endanger the delivery of the Proposed Development. On that basis, the level of +5dB was considered suitable.

2.53 The Applicant referred the ExA to the British Standard BS 4142:2014 to justify the inclusion of levels at +5dB, and explained that when comparing the *rating level* against the background sound level:-

- a difference of around +10 dB or more is likely to be an indication of a significant adverse impact, depending upon the context; and
- a difference of around +5 dB is likely to be an indication of an adverse impact, depending upon the context.

2.54 In its response to the ExA and the Councils, the Applicant set out that in its assessment it had taken a conservative approach as follows:-

- It adopted the use of 10th percentile *background sound levels*, which are towards the lower end of the measured range. Given the large extent of sound level data obtained during the surveys, significantly different 'representative' *background sound level* values can be obtained using different statistical analysis methods. The example analysis used in BS 4142:2014 is the 'mode'. However, in the ES assessment the mode was considered alongside the 10th percentile of the measured $L_{A90,15mins}$ values and the graphical representation of all of the $L_{A90,15mins}$ data at each location. As a result, background sound levels equal to or lower

than the mode (lower by up to 13 dB during the daytime and 6 dB at night at some NSRs) have been conservatively assigned as 'representative' and used in the assessment.

- A +3 dB character correction has been used (for "other sound characteristics" that are neither tonal nor impulsive), which is considered conservative in the context of the operation of the existing coal-fired power station.

2.55 The Applicant confirmed that there were likely to be opportunities to achieve a reduction on +5dB, but that it could not definitively guarantee this at this time. The Applicant confirmed to the ExA and the Councils that it would consider amending Requirement 24 as follows:-

- split out the Requirement to distinguish between day time and night time *rating* levels; and
- secure in the Requirement measures to seek to further lower the *rating* levels at the detailed design stage.

2.56 The Applicant refers the ExA to the amended Requirement 24 included in the version of the dDCO (Document Ref. 2.1 – Rev. 3.0) submitted at Deadline 3.

2.57 In response to this Agenda Item, Mr Tams and Mr Laurenson also expressed concerns as to the proposed noise levels in and around Hensall.

2.58 Mr Tams explained that for Hensall residents an increase on the current noise level would be detrimental; especially given that the Proposed Development would be closer to the village than the existing coal-fired power station.

2.59 The Applicant explained that:-

- the noise associated with the existing coal-fired power station is of a very different character to the noise predicted from the Proposed Development, (for example those mechanical noises associated with the management of the coal stocks - such as reversing alarms of mobile plant - would not occur as a result of the Proposed Development); and
- the Applicant confirmed that it was **not** seeking an increase of +5 dB over existing ambient (L_{Aeq}) sound levels in and around Hensall, but that the sound level from the Proposed Development would be no more than +5 dB above the lowest 10th percentile of the representative *background sound level* (L_{A90}); the background sound level itself being defined as "the *A-weighted sound pressure level that is exceeded by the residual sound for 90% of a given time interval….*" (i.e. towards the lower end of the measured range at receptors).

2.60 On that basis, the character of the sound of the Proposed Development should therefore be **better** than the existing coal-fired power station; (for example, the type of operation from the gas fired power station will be related to pumps etc, rather than the variability of the mechanical operations of the coal-fired power station - such as the use of mobile plant and conveyors at the existing coal stockpile), and therefore the Proposed Development should be **quieter** overall.

2.61 Mr Laurenson requested clarity regarding where the relevant noise modelling for Hensall is reported in the suite of application documents, and when the noise measurements of the existing coal-fired power station were taken. The Applicant referred Mr Laurenson to Chapter 9 of the Environmental Statement, particularly Table 9.4 (Document Ref. 6.2.9) where this information is presented.

2.62 To conclude this Agenda Item, the ExA asked the Councils to clarify their position as set out in the SoCG regarding Requirement 23; however, the Council confirmed that it had no further comments on the wording of Requirement 23 as currently drafted, and that the SoCG will be revised to reflect this.

Agenda Item D: The Future of The Coal-Fired Power Station

2.63 The ExA explained that its concerns on this issue were around if, and how, the removal of the existing coal-fired power station is secured in the dDCO. In framing its question, the ExA referred to its First Written Question COD 1.11, and the draft SoCG with the Councils (Document Ref. 7.1) which set out the Applicant's position on this issue.

2.64 The ExA asked for clarification from the Applicant as to how the existing coal-fired power station would be demolished. The Applicant confirmed that a Screening Opinion submitted to the Councils confirmed that the demolition would not be EIA development and could therefore be undertaken using Permitted Development rights pursuant to Part 11 of the General Permitted Development Order 2015.

2.65 In response to further questions raised by the ExA, the Applicant confirmed that if the Order was made, there would be no obligation on the Applicant to remove the existing coal-fired power station. It was explained by Mr Westmoreland Smith on behalf of the Applicant that this separation was an explicit and intentional approach on the basis that the duration of the future operation of the existing coal-fired power station is in part dictated by economic factors, not least, the Applicant's success in bidding the existing coal-fired power station into the Capacity Market. The existing coal-fired power station is currently operating under a Capacity Market contract with National Grid for the period 1st October 2017 to 30th September 2018. Its continued operation beyond winter 2017/18 will be dependent upon the award of future contracts.

2.66 The Applicant explained that the existing coal-fired power station has, since 1 January 2016, had Industrial Emissions Directive ('IED') compliance to run on a 'Limited Life Derogation'. This means that the existing coal-fired power station must either close by 31 December 2023 or when a running hours limit of 17,500 operational hours has been reached, whichever is sooner.

2.67 Taking in to account these factors, it has been necessary for the Applicant to make decisions with regard to the Proposed Development that will allow for it to be constructed without preventing the continued operation of the existing coal-fired power station or requiring its prior decommissioning and demolition. The Proposed Development and the decommissioning and demolition of the existing coal-fired power station (the 'decommissioning and demolition project') are therefore necessarily separate projects that can occur independently of each other.

2.68 As such, the construction of the Proposed Development is not dependent upon the existing coal-fired power station ceasing generation or the completion of the decommissioning and demolition project.

2.69 The assessment in the Environmental Statement has been based upon the 'worst case' scenario of all decommissioning and demolition activities relating to the existing coal-fired power station being undertaken within a three-year period. A number of different scenarios have been considered within the Environmental Statement and the findings are reported within each of the environmental topic chapters (Chapters 8 to 19 - Documents Refs. 6.2.8 to 6.2.19) with a summary in Chapter 21 (Document Ref. 6.2.21).

2.70 In response to questions raised by the ExA, Mr Bullock, on behalf of the Applicant, referred the ExA to the Indicative Layout (Indicative Generating Plans, Sheet 1 of 6 - Document Ref. 4.6). Following further discussions between the ExA and the Applicant, the Applicant confirmed that the existing coal-fired power station could continue to operate, as it is now, during the construction of the Proposed Development (for example the Applicant would look at "just in time" deliveries of coal if required), and that the operation of the existing coal-fired power station would not be stymied, even with a reduction in the coal storage area and the severed rail loop, as a result of the Proposed Development.

2.71 The Applicant also explained that there are a number of difficulties in trying to link the two projects; the main risks being:-

- **Timing**: the build programme of the Proposed Development is approximately 3 years. That programme, which is critical in the context of the Capacity Market Auction, does not allow for the demolition of the existing coal-fired power station, and therefore the build of the Proposed Development would be inherently endangered if the demolition of the existing coal-fired power station had to be factored in to this timetable; and
- **Finance**: the liabilities associated with the existing coal-fired power station would prejudicially affect the risk profile of the financing of the Proposed Development.

2.72 The ExA, by reference to Requirement 4, asked the Applicant to explain whether the existing coal-fired power station could remain in-situ in perpetuity, notwithstanding that Requirement 4 establishes a "legal link" between the two. The Applicant was asked to explain why, in light of this Requirement, it considers it is unnecessary to de-couple the Proposed Development and the existing coal-fired power station and why this should not be secured in the dDCO. The Applicant explained to the ExA that this approach is justified on the basis that:-

- the consent for the existing coal-fired power station does not require its removal (save for the specific removal of Flue Gas Desulphurisation equipment in accordance with a later 2001 consent); and
- Requirement 4 is designed to address the *operation* of the two together; PINS Advice Note 15 (paragraph 17.2) states that the imposition of Requirements should be subject to the same tests as those for conditions on a planning permission (being precision, enforceability, and necessity etc). Requirement 4(2) meets those tests, however it would be unnecessary to seek to link the demolition of the existing coal-fired power station and the Proposed Development, and that a Requirement securing its removal would not meet the tests set out in AN 15.

2.73 The ExA explained that, on the basis of the dDCO and the Application as currently provided, he would **not** be in a position to report to the Secretary of State appropriately as to the future of the existing coal-fired power station, and that by leaving it in-situ there would be a risk of environmental effects which had not been considered as part of the Environmental Statement. In response to this specific concern, the Applicant stressed to the ExA that it was not the Applicant's intention to leave the existing structures with no maintenance or protection in place and that any environmental or health and safety issues would be managed accordingly.

2.74 The ExA noted that its current position was that:-

- there was nothing in the dDCO securing the removal of the existing coal-fired power station;

- there may be environmental effects arising as a result of it being left in situ which have not been assessed in the Environmental Statement; and
- it therefore could not report to the Secretary of State with the required degree of certainty on this issue.

2.75 The Applicant was asked to consider providing a schedule which would secure a scheme of demolition of the existing coal-fired power station, and a timetable for that demolition that is both practical and suitable for the Applicant in accordance with its programming and financing commitments. The ExA subsequently advised that should the Applicant not consider this to be necessary and not provide such wording, the ExA may impose wording of this nature as part of its reporting to the Secretary of State.

2.76 Before concluding this Agenda Item, the ExA asked for comments from third parties as follows:-

- the Council made no further comments on this matter;
- Mr Laurenson raised concerns that the patterns of emissions distribution may be affected as a result of the existing coal-fired power station remaining in-situ;
- Mr Rhodes asked the Applicant to provide further details on the Sports and Social Club; to which the Applicant explained that any impact of the Sports and Social Club would be limited to any temporary construction impact, and that there will be no change to the relationship with the Sports and Social Club as a result of the Proposed Development; and
- Mr Tams confirmed that the Application should seek to secure the removal of the existing coal-fired power station.

2.77 The Applicant has considered the ExA's request for a Schedule further, and refers the ExA to the Document Ref. 9.4 submitted that has been submitted for Deadline 3.

Agenda Item E: Further Matters for Clarification

Air Quality

"Air Quality – Whether there is a need for requirement to ensure air quality strategy objectives are not exceeded (matters to be resolved as set out in the draft SoCG with NYCC/SDC [REP2-011]); the need and wording of (new) Requirement 35; and whether Schedule 14 of the DCO should provide maximum figures for quantum of stacks and minimum heights for peaking plant and black start plant"

Air Quality Emissions

2.78 The Applicant and the Councils confirmed to the ExA that it had been subsequently agreed between the parties that there was no requirement to include an air quality Requirement in the dDCO.

2.79 The Applicant provided further clarification to the ExA on the Ambient Air Monitoring Requirement (included as Requirement 35 in the revised dDCO submitted for Deadline 2). The inclusion of this was proposed by the Applicant at a Parish Council meeting in September 2017 in response to concerns expressed from members of the local community that emissions from the Proposed Power Plant emissions stacks (at a height of 90m) would disperse closer to Hensall than emissions from the existing coal-fired power station (with a stack height of 198m), and that there was a

perception that local air quality will be worsened in and around the locality of Hensall as a result of the Proposed Development.

2.80 In response to this matter, the Council confirmed that it accepted the inclusion of this Requirement in principle, but that the Council reserved the right to provide further comments on the wording in due course. Further wording was provided to the Applicant on 29 November 2017 following the Hearing and the Applicant is considering the drafting proposed.

2.81 During discussions between Mr Tams and the Applicant, Mr Tams confirmed that the inclusion of Requirement 35 was welcomed. In response to questions put by Mr Tams, the Applicant confirmed that the exact locations of the monitoring sites would be agreed at a later date, to be in agreement with third parties and the Councils. However, the Councils would seek to agree these proposals in advance and that the data would be shared on an open and transparent basis. The Applicant further clarified that the ambient air monitoring (pursuant to Requirement 35) is outside of the scope of the monitoring of the Environmental Permit, which requires the use of continuous monitors installed on the plant to measure the gases prior to release from the stacks.

2.82 In response to further questioning by the ExA and Mr Tams, the Applicant explained in greater detail whether a lower emissions stack would result in emissions being dispersed at a lower level across Hensall village. The use of a lower stack is considered to be appropriate, given that the mass emission and concentration of the pollutant from the Proposed Development will be at a considerably lower level than the coal-fired power station, especially given the age of the existing coal-fired power station. Based on the results of the dispersion modelling, whilst the stack for the Proposed Development is lower and will therefore disperse more locally, those emissions will disperse adequately by the time they reach ground level such that they will be imperceptible or minor adverse at worst depending upon the receptor.

2.83 Following further questions raised by Mr Tams, the Applicant confirmed:-

- The air dispersion modelling used five years' worth of meteorological data, measured on an hourly basis, from a local meteorological station. These are assessed and used to inform worst case conditions. Therefore, the stack height is more than adequate to protect human health and comply with air quality objectives within the local, and wider, area.
- The stack heights proposed for the plant are higher than the level identified through the air dispersion modelling to be necessary to ensure adequate dispersion. This is because the Applicant consulted with the public during formal consultation and the feedback received indicated a preference in the local community for higher stacks to be used rather than lower and less visual stacks.
- Requirement 35 requires the monitoring scheme to be agreed, however it is not expected that there will be a need to monitor ammonia given that any ammonia will be at such a low concentration.

2.84 Further questions were raised by Mr Laurenson as to the level at which the emissions are deemed to be dangerous and/or unsatisfactory. In response to this, the Applicant confirmed that the emission level from the stack would be controlled through the Environmental Permit, on a continuous emissions monitoring basis, prior to the release to the air (which will be regulated by the Environment Agency). The Applicant will therefore be required to demonstrate that there is no risk of exceedance of air quality objectives (including impacts on human health), and based on the

assessment and the modelling work undertaken, the Applicant confirmed that there is no risk of exceedance of air quality objectives as a result of the Proposed Development.

2.85 Information has also been provided to the Parish Council by the Applicant that the concentration of nitrogen oxide emissions from the Proposed Development are 12.5% of those from the coal-fired power station and the mass emissions are 20% of those from the fully operational coal-fired power station. There are also negligible sulphur dioxide and particulate emissions from the Proposed Development – unlike the coal-fired power station. For these reasons, the proposed stacks can be correspondingly lower.

2.86 Mr Tams asked whether the Applicant would consider increasing the stack height. The ExA and the Applicant explained that a higher stack would go beyond the scope of the assessments in the Environmental Statement, and therefore a higher stack would require a different assessment. Furthermore, the proposed 90m stacks were considered as part of the Stage 2 Consultation and are higher than the circa 75m stacks that could have been employed. The Councils confirmed that it agreed with the assessment undertaken by the Applicant in respect of the air quality objectives.

Schedule 14: Peaking Plant and Black Start

2.87 The ExA questioned whether Schedule 14 of the dDCO should set out the minimum height of the stacks **and** the maximum number of stacks. The Applicant explained that the modelling assessed a number of alternatives for the peaking plant (if installed), however the final technology is yet to be established. Three distinct scenarios were assessed, and the worst case of these scenarios was presented in the Environmental Statement.

2.88 The assessment demonstrated that peak impacts from the Proposed Development as a whole – from the peaking plant, black start facility and CCGTs units – are dominated by the emissions from the CCGT units. This is not unexpected, as the mass emission rate from the CCGT units is higher than that from the peaking plant, which is smaller and also restricted to 1,500 hours operation a year, and the black start facility, which is likely to be restricted to 50 hours of operation per year. Taking the peaking plant and black start in turn:-

(i) Peaking Plant

2.89 Several scenarios were considered for the technology used for the peaking plant:-

- One large open cycle gas turbine;
- Two smaller open cycle gas turbines; or
- Up to 10 reciprocating engines.

2.90 The impact assessment considered all three scenarios and a range of stack heights to determine the worst-case impacts. In particular, stack heights from 35 m high to 60 m high were assessed. The stack heights considered to give rise to acceptable but conservative impacts was determined to be 45 m high. Higher peaking plant stacks resulted in marginal difference to predicted air impacts from the Proposed Development.

2.91 While lower peaking plant stacks than 45 m high could give rise to slightly higher localised off-site impacts from the Proposed Development, the combined impacts with the CCGT emissions start to diminish as the predicted points of peak impact of the two types of generating plant move further

apart as the difference in relative stack heights increases. In addition, the presence of the proposed peaking plant building as well as other structures on site mean that the peaking plant stack heights need to be sufficient to ensure adequate dispersion.

2.92 At this stage in the project development, it is not possible to select a preferred peaking plant technology; its role and need in the UK energy market will likely change as the market continues to change each year through the Capacity Market Auction process. If a particular peaking plant technology were selected at the time of application submission in 2017, by the time the plant was to be constructed in circa 2022 the need that the peaking plant is to address is likely to have changed.

2.93 Therefore a degree of flexibility needs to be retained in the technology selected. Consequently the exact dimensions (in particular the exact height) of the peaking plant building cannot also yet be determined. For these reasons, the quantum and minimum heights of the peaking plant stacks cannot therefore also be determined at this stage. It would be inappropriate for example to specify a minimum stack height for the peaking plant within the DCO that was lower than the proposed peaking plant building.

2.94 However, by assessing the representative worst case of the various peaking plant options under consideration and by securing the final stack heights through the detailed design Requirement (Requirement 5 in the dDCO) and the Environmental Permit, the appropriate peaking plant stack heights (and peaking plant building dimensions) can be established once the preferred technology has been selected. It is considered that such flexibility does not change the conclusions of the air impact assessment presented within the ES submitted with the DCO application.

(ii) Black Start Facility

2.95 Regarding the black start facility, this will not operate at the same time as the CCGT units. The worst-case impacts from abnormal plant operation (of the peaking plant and black start plant in simultaneous operation) are approximately 25% of the maximum impacts from peak operation of the CCGT units with peaking plant at the identified receptors. Once the black start plant has powered the peaking plant or a CCGT unit, it will be switched off, so there is no scenario whereby the CCGT units, peaking plant and black start plant will all operate simultaneously at full load.

2.96 Given that the black start facility operates for such a short period of time and is also likely to be delivered from the peaking plant, it is considered that the most appropriate stack height for the peaking plant will in turn be appropriate for the black start facility.

2.97 On the basis of the explanation provided, the Applicant confirmed that it was confident that the parameters presented in the Environmental Statement adequately assessed the worst-case impacts, and that the parameters in the Environmental Statement would not be exceeded.

Water Abstraction and Cofferdams

"Water abstraction and cofferdam installation/removal; and the absence of representations from the Internal Drainage Board."

2.98 The MMO, in response to this Agenda Item, confirmed that work had been on-going with the Applicant regarding rights of navigation in the tidal section of the River Aire (below mean high water springs within the UK Marine Area).

2.99 Further to questions raised by the ExA, the Applicant explained the position on cofferdams as follows:-

2.100 Temporary cofferdams will need to be installed at **both** the **abstraction** and **discharge** points, to enable maintenance or construction works to take place safely in the River Aire (this is also required so as to be compliant with the Eel (England and Wales) Regulations 2009.

- At the **cooling water abstraction point**, the cofferdam would extend approximately 11 m from the riverbank into the River. This is required in order to allow works to the existing abstraction structure which includes a concrete apron extending approximately 8 m from the riverbank (as shown on Figure 5.3 of the ES - Document Ref. 6.3.11).
- At the **cooling water discharge point,** the cofferdam will extend approximately 22 m from the top of the riverside embankment in order to allow works to the existing discharge structure and associated apron which extends approximately 18 m from the top of the embankment. The Applicant is seeking a Deemed Marine Licence for these works, as it is located within the UK Marine Area, and is under the jurisdiction of the MMO.

2.101 It is anticipated that the cofferdam at the abstraction point will be required for two separate three-month periods, with an intervening gap of approximately six months (to reduce the duration of the cofferdam being present in the water for ecological, flood risk and hydrodynamic/ erosion/ scour purposes). The first three-month period will comprise inspections, measurements and cleaning of the existing structure to inform the detailed design of works required to upgrade/ reconstruct the existing infrastructure. It is anticipated that the cofferdam at the discharge point would be required for one three to six-month period.

2.102 The timing of these works at the water intake (between May and September), and the phasing of these works has been selected to avoid periods of higher water levels in the river and also to avoid any salmonid migration periods. This mitigation reduced the likelihood of the cofferdam being installed during periods of high water levels in the river.

Drainage

2.103 The ExA directed that the Council seek the views of the relevant Internal Drainage Board ("**IDB**"), and report by Deadline 3, or Deadline 4 if required, as to the IDB's position on this issue.

2.104 The Applicant referenced correspondence it had previously had with the IDB and offered to share this with the Councils (this has been provided to the Councils). It was noted that the IDB (the Danvm Drainage Commissioners) have confirmed in principle that the surface water drainage to Hensall Dyke was agreed, subject to a consent application pursuant to the Land Drainage Act 1961 being submitted in due course. The Applicant referred the ExA to pages 19-21 of Chapter 11 of the Environmental Statement (Document Ref. 6.2.11) in this regard.

2.105 Mr Tams explained that there is a flood risk in the area, owing in part as a result of mining damage in the area, and requested that the Applicant outlines the consideration given to drainage solutions. The Applicant confirmed that:-

- a drainage solution was required for the Proposed Development to replace the current regime of surface water being pumped to an ash handling system for the existing coal-fired power station and used to transport ash to Gale Common. On cessation of the coal-fired power station this will not be required.

- Based on site topography, it is proposed that surface water incident on the site be managed through on-site attenuation in a storage pond and discharged at greenfield rate (1.4 l/s/ha) into Hensall Dyke. Hensall Dyke was previously used by the existing coal-fired power station but this discharge was closed in the 1970s.
- The Applicant engaged with the IDB on the potential for discharging clean surface water to Hensall Dyke (being at the natural low point of the topography of the Site) under controlled rates. The Hensall pumping station was commissioned in 1965 and designed to accommodate an average runoff rate from the catchment area that includes the power station at greenfield rates.
- Based on the proposed area requiring run-off discharge to the Dyke being 41 ha, a run-off rate of 57.4 l/s into the Dyke is proposed.
- On the basis of a formal request, the IDB undertook hydraulic modelling, independent of the Applicant, of the Hensall catchment area for various return period scenarios and considering climate change effects. The baseline assessment assumed zero discharge to the catchment area from the power station site due to the pumping to Gale Common, and on that basis the IDB agreed in principle to the discharge to Hensall Dyke, subject to the consent application being submitted in accordance with statutory requirements.
- Furthermore, the Applicant will be required to show that it has not exceeded greenfield run-off rates.

Further Matters for Clarification and Any Other Business

- The Applicant committed to update the Application Guide (Document Ref. 1.2) to refer in full to any updated documents submitted as part of the Examination.
- In response to a question raised by the ExA, the Applicant can confirm that the Framework Construction Environmental Management Plan (Document Ref. 6.4.3) was updated at Deadline 2. For clarification, the Framework CEMP was updated to include the following mitigation measures - installation of the cofferdam during summer/lower flow periods; and sediment contamination testing. This was in response to the ExA's First Written Question FW 1.12.
- The Applicant confirmed that borehole water would be used for boiler-feed water, as it is of a higher purity than river water.
- The Applicant confirmed that a BAT justification would be undertaken by the Environment Agency as to which technology (hybrid or wet cooling) would be utilised. Both technologies would use less water than the coal-fired power station was licensed to use.
- The ExA requested that Requirement 28(6) be amended to refer to a "four year" period, as opposed to "five years". The Applicant refers the ExA to the revised dDCO (Document Ref. 2.1 - Rev. 3.0) submitted for Deadline 3 which makes this change.
- Mr Laurenson requested further clarification to be provided as to (i) the landscape and visual impact of the Proposed Development in Hensall, and (ii) the effect of lighting. The Applicant explained that the Proposed Development would not require such evident or high-level lighting structures as are currently required by the existing coal-fired power station. Furthermore, Requirement 8 of the dDCO will require details of a lighting strategy to be approved to control light spill etc.