

## **The Drax Power (Generating Stations) Order**

### **Land at, and in the vicinity of, Drax Power Station, near Selby, North Yorkshire**

## **Statement of Common Ground between Drax Power Limited and North Yorkshire County Council and Selby District Council**



The Planning Act 2008

## **Drax Power Limited**

### **Drax Repower Project**

Applicant: DRAX POWER LIMITED  
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## Glossary

Abbreviation	Description
AGI	Above Ground Installation
Applicant	Drax Power Limited (also referred to as Drax)
Application	Application made by Drax Power Limited for a Development Consent Order on 29 May 2018
DCO	Development Consent Order
Drax	Drax Power Limited (also referred to as the Applicant)
EHO	Environmental Health Officer
ES	Environmental Statement
GIS	Gas Insulated Switchgear
GRF	Gas Receiving Facility
HRSG	Heat Recovery Steam Generator
LA	Local Authority
MOC	Minimum Offtake Connection
NSIP	Nationally Significant Infrastructure Project
NPS	National Policy Statement
NTS	National Transmission System
NYCC	North Yorkshire County Council
OLBS	Outline Landscape and Biodiversity Strategy
PA 2008	Planning Act 2008
PINS	Planning Inspectorate
PIG	Pipeline Inspection Gauge
PRMS	Pressure Reduction and Metering Station
Proposed Scheme	Drax Repower Project
SCR	Selective Catalytic Reduction
SDC	Selby District Council
SoCC	Statement of Community Consultation
SoCG	Statement of Common Ground
SoS	Secretary of State for Business, Energy and Industrial Strategy

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# 1 INTRODUCTION

## 1.1 Purpose of this Statement of Common Ground

- 1.1.1 This Statement of Common Ground ("SoCG") has been prepared by Drax Power Limited ("Drax" or "the Applicant") and North Yorkshire County Council ("NYCC") and Selby District Council ("SDC") in relation to an application ("the Application") made by Drax for a Development Consent Order on 29 May 2018 to the Secretary of State for Business, Energy and Industrial Strategy ("the SoS"). The Application relates to the Drax Repower Project ("the Proposed Scheme") which is described in section 1.2 below.
- 1.1.2 For the purpose of this SoCG, Drax, NYCC and SDC will be referred to as the "Parties".
- 1.1.3 The purpose of this SoCG is to set out the agreement that has been reached between the Parties in respect of a number of matters relating to the Proposed Scheme, including:
- a) The Role of NYCC and SDC
  - b) Relevant Planning History
  - c) Status as a National Significant Infrastructure Project and Applicability of the National Policy Statements
  - d) The Principle of the Proposed Scheme and Compliance with Policy
  - e) The Need for the Proposed Scheme
  - f) Consideration of Alternatives and Appropriateness of the Site
  - g) Flexibility and Design
  - h) Removal of "Stage 0" from the Application and Non-Material Design Changes
  - i) Combined Heat and Power
  - j) Carbon Capture Readiness
  - k) Transport
  - l) Air Quality
  - m) Noise and Vibration
  - n) Historic Environment
  - o) Biodiversity
  - p) Landscape and Visual Amenity
  - q) Ground Conditions
  - r) Water Resources, Quality and Hydrology
  - s) Waste
  - t) Socio-Economics

- u) Climate
- v) Major Accidents and Disasters
- w) Cumulative Assessment
- x) Benefits of the Proposed Scheme
- y) Scope of the draft DCO and Draft Requirements

- 1.1.4 Section 2 of this SoCG records the consultation undertaken with NYCC and SDC by Drax. Section 3 of this SoCG sets out the areas of agreement in relation to the above matters between the Parties. The only remaining area of disagreement relates to the extent of mitigation of landscape and visual effects. This is set out in section 3.16 below.
- 1.1.5 This SoCG refers to requirements in the revised draft DCO (Applicant's document reference 3.1), Rev 5 as submitted at Deadline 7 alongside this updated SoCG. Where reference is made to earlier iterations of the draft DCO, this is explicitly stated.

## **1.2 The Proposed Scheme**

- 1.2.1 Drax is proposing to repower up to two existing coal-fired units (known as unit 5 and unit 6) with gas – this means the existing coal-fired units would be decommissioned and replaced with newly constructed gas-fired units utilising some of the existing infrastructure. Each unit, which is a new gas fired generating station in its own right, would comprise combined cycle gas turbine ("CCGT") and open cycle gas turbine ("OCGT") technology. Each new gas generating unit would also use existing infrastructure, including the cooling system and steam turbines, and would each have a capacity of up to 1,800 MW, replacing existing units each with a capacity of up to 660 MW. Each unit would have a battery storage capability (subject to technology and commercial considerations). Should both units be repowered, the new gas-fired units / generating stations would have total a combined capacity of up to 3,800 MW.
- 1.2.2 Drax is seeking consent for the flexibility to construct a single generating station with an 1,800 MW generating capacity or to construct two generating stations each with a 1,800 MW generating capacity. The construction of each new gas fired generating station would repower either one or both of Unit 5 and Unit 6. The decision as to whether Drax constructs one or two gas fired generating stations and when, is a commercial decision that can only be taken post any consent being granted.
- 1.2.3 In order to repower to gas, a new Gas Pipeline needs to be constructed from Drax Power Station to the National Gas Transmission System ("NTS"). In addition, an Above Ground Installation ("AGI"), and Gas Receiving Facility ("GRF") are required. A connection to the electrical network would be made via the existing National Grid Substation within the Existing Drax Power Station Complex. Other development includes construction laydown areas, a passing place to enable the construction of the Gas Pipeline and a temporary footbridge during construction.
- 1.2.4 The development being applied for is called the "Proposed Scheme" and is more fully described in Schedule 1 of the draft Development Consent Order (where it is termed the "Authorised Development").

- 1.2.5 The Proposed Scheme includes the construction of a generating station with a capacity of more than 50 MW and accordingly meets the criteria given in the Planning Act 2008 (as amended) ("PA 2008") for being a Nationally Significant Infrastructure Project ("NSIP").
- 1.2.6 As a NSIP, the Proposed Scheme therefore requires a Development Consent Order ("DCO") from the SoS for Business, Energy and Industrial Strategy.

## 2 CONSULTATION WITH NYCC AND SDC

- 2.1.1 It is agreed that the individual technical chapters in the Environmental Statement (“ES”) submitted with the Application (Examination Library Ref: APP-073 – APP-085) accurately set out the consultation and engagement undertaken between the Parties in relation to the EIA topic areas in advance of submission.
- 2.1.2 It is agreed that any other consultation (including consultation on the Statement of Community Consultation and any engagement post-submission) between the Parties is as set out in Appendix 1 of this SoCG.

## 3 MATTERS AGREED AND MATTERS NOT AGREED

### 3.1 The Role of NYCC and SDC

The following is AGREED between the Parties:

- 3.1.1 The Application site lies entirely within the administrative areas of NYCC and SDC. NYCC and SDC are the “host local authorities” for the purposes of the Application.
- 3.1.2 It is agreed that SDC would be the relevant planning authority for the purposes of discharging the requirements contained at Schedule 2 to the final DCO, should a DCO be made by the SoS. It is also agreed that SDC would be responsible for consulting bodies referred to in the requirements, where relevant, prior to their discharge.

### 3.2 Relevant Planning History

The following is AGREED between the Parties:

- 3.2.1 It is agreed that the relevant planning history and planning permissions relating to the Site within which the Proposed Scheme is located are set out in Table 1-1 in Appendix 1 of the Planning Statement (Examination Library Ref: APP-062).

### 3.3 Status as a National Significant Infrastructure Project (“NSIP”) and Applicability of the National Policy Statements (“NPSs”)

The following is AGREED between the Parties:

- 3.3.1 The Proposed Scheme qualifies as a Nationally Significant Infrastructure Project (“NSIP”) under the Planning Act 2008 (“PA 2008”). The SoS must determine the Application in accordance with the relevant NPS per section 104 of the Planning Act 2008 (as amended) (the “PA 2008”) and must also have regard to any local impact report submitted to the SoS; any matters prescribed in relation to development of the description to which the application relates; and any other matters which the SoS thinks are both important and relevant to the decision.
- 3.3.2 The relevant NPSs provide the primary basis for decision-making by the SoS for applications for Nationally Significant Infrastructure Projects, such as the Proposed Scheme.
- 3.3.3 It is agreed that the relevant NPSs for the Application are:

- Overarching NPS for Energy (EN-1);
- NPS for Fossil Fuel Generating Infrastructure (EN-2);
- NPS for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4); and
- NPS for Electricity Networks Infrastructure (EN-5).

3.3.4 There are no outstanding matters to be agreed with regard to the status of the Proposed Scheme as a NSIP and the applicability of the above NPSs.

### **3.4 The Principle of the Proposed Scheme and Compliance with Policy**

#### **National Policy Statements**

The following is AGREED between the Parties:

3.4.1 Paragraph 4.1.3 of EN-1 states that, in considering applications for energy Nationally Significant Infrastructure Projects, the Secretary of State should take into account both the potential benefits, including the contribution to meeting the need for energy infrastructure, job creation and long-term or wider benefits; and the potential adverse impacts, including any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts. This includes environmental, social and economic benefits and adverse impacts nationally, regionally and locally.

3.4.2 The Proposed Scheme would reduce reliance of Drax Power Station on coal, replacing it with a source that meets the Government's aims as set out in EN-1. It would ensure that Drax Power Station plays a role in helping the UK transition to a low carbon economy. The Proposed Scheme would utilise existing operational land within the existing Drax Power Station to maximise the use and efficiency of existing infrastructure. It aims to maximise the efficiency of Drax Power Station and would increase the flexible, reliable generating capacity of Drax Power Station to meet increasing demand across the UK.

3.4.3 There are no outstanding matters to be agreed with regard to the principle of the Proposed Scheme, which is supported by NYCC and SDC.

#### **Other National Planning Policy**

The following is AGREED between the Parties:

3.4.4 Since the Application was submitted, the Revised National Planning Policy Framework ("NPPF") has been adopted.

3.4.5 It is agreed that the principle of the Proposed Scheme is supported by the Revised NPPF (which was in draft form at the time of submission) as assessed in the Planning Statement (Examination Library Ref: APP-062).

3.4.6 It is agreed that the adoption of the Revised NPPF 2019 does not change the outcomes of the Environmental Impact Assessment or the conclusion of the planning balance as set out in the Planning Statement.

3.4.7 There are no outstanding matters to be agreed with regard to the Revised NPPF.

### Local Planning Policy

The following is AGREED between the Parties:

- 3.4.8 It is agreed that local development plan documents and policies may also be relevant to the consideration of the Application. Relevant local planning policies are contained in the Selby District Core Strategy Local Plan (adopted October 2013) and the “Saved” Policies of the Selby District Local Plan (adopted February 2005).
- 3.4.9 It is agreed that the relevant policies are listed in the Planning Statement as well as sections 2.4.3 and 2.4.4 of Chapter 2 (Planning Policy) of the Environmental Statement submitted with the Application (Examination Library Ref: APP-070).
- 3.4.10 The Proposed Scheme is identified on the Selby Local Development Framework Proposals Map as lying outside any defined development limits and within the open countryside.
- 3.4.11 The Selby District Core Strategy Local Plan at paragraph 4.31 states that development in the open countryside, outside defined development limits, will generally be resisted unless it involves the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes and well-designed buildings. Proposals of an appropriate scale which will diversify the local economy or meet affordable housing need may also be acceptable.
- 3.4.12 Saved policy EMP10 of the Selby District Local Plan confirms that additional industrial and business development may be permitted close to the Existing Drax Power Station Complex provided proposals satisfy a number of criteria. These are that the additional infrastructure/business development:
- Is directly related to the process of generating electricity, either by making use of by-products from the power station or utilising a direct source of energy;
  - Would be suitably linked to the strategic highway and rail networks and would not create conditions prejudicial to highway safety;
  - Would not create environmental problems associated with noise, smell or water pollution or dust emissions;
  - Would not have a significant adverse effect on residential amenity in nearby settlements;
  - Would be related to existing development and would be well screened, including provision for earth mounding and strategic off-site planting; and
  - Would not harm nature conservation interests or sites of archaeological importance.
- 3.4.13 It is agreed that the Proposed Scheme involves the replacement or extension of existing buildings and the re-use of buildings preferably for employment purposes.
- 3.4.14 The Planning Statement submitted with the Application has assessed the Proposed Scheme against the local development plan policies including saved policy EMP10 of the Selby District Local Plan.

- 3.4.15 In chapter 6 (Promoting Economic Prosperity) at paragraph 6.32, the Selby District Core Strategy Local Plan acknowledges the importance of the energy sector to the District by highlighting that Drax Power Station is a major employer which contributes to national energy infrastructure as well as the local economy whilst having the potential for future development of renewable and low carbon energy. The Selby District Core Strategy Local Plan states that there is a need for further investment in energy infrastructure in line with national policy and that supporting the energy sector will assist in reinvigorating, expanding, and modernising the District's economy.
- 3.4.16 It is agreed that Drax Power Station, which the Proposed Scheme would form a part, is a significant driver of economic growth in the North of England.
- 3.4.17 NYCC, together with the City of York and the North York Moors National Park Authority, is preparing a Minerals and Waste Joint Plan which is currently under examination. Much of the Proposed Scheme lies within an area identified in the emerging plan for minerals safeguarding (brick clay and sand and gravel) on the Policies Map of the draft Plan and is subject to policies S01 (safeguarding mineral resources) and S02 (Developments proposed within Minerals Safeguarding Areas).
- 3.4.18 Paragraph 8.47 of the emerging Minerals and Waste Joint Plan lists types of developments that are exempt from consideration under the safeguarding policies of the Plan. This includes the redevelopment of previously developed land that will not increase the footprint of the former development. It is agreed that most of the Proposed Scheme, except for the construction of the Gas Pipeline and the GRF and AGI on agricultural land lies within previously developed land. It is agreed that most of the area is subject to minerals safeguarding and that an alternative pipeline route would not have resulted in a reduced impact on safeguarded areas.
- 3.4.19 Paragraph 8.22 of the Joint Plan confirms that the purpose of "safeguarding" is not to prevent other forms of development on or near to a safeguarded resource or infrastructure, but to ensure that the presence of the resource or infrastructure is taken into account when other development proposals are under consideration. It is agreed that minerals safeguarding has been adequately considered as part of the Application and it is agreed that, should the development be permitted, the need for and benefits of the proposal outweigh the small loss of the safeguarded area.
- 3.4.20 In conclusion, it is agreed that the principle of the Proposed Scheme is supported by national and local planning policy

### **3.5 The Need for the Proposed Scheme**

The following is AGREED between the Parties:

- 3.5.1 It is agreed that the need for the Proposed Scheme is set out in the section 3 of the Planning Statement.
- 3.5.2 Section 3.3 of Part 3 of the Overarching NPS for Energy (EN-1) sets out a number of key reasons why there is an urgent need for new electricity generating infrastructure, including:

- Meeting energy security and carbon reduction objectives;
- The need to replace closing electricity generating capacity;
- The need for more electricity capacity to support the increased supply from renewables; and
- Future increases in electricity demand.

- 3.5.3 The Overarching Energy National Policy Statement (“NPS”) EN-1 confirms the need for new energy infrastructure. Paragraph 2.2.20 of EN-1 states that it is critical that the UK continues to have secure and reliable supplies of electricity as it makes the transition to a low carbon economy.
- 3.5.4 Paragraph 3.1 of EN-1 states that applications for development consent for the types of infrastructure covered by the energy NPSs should be assessed on the basis that the Government has demonstrated that there is a need for those types of infrastructure. This includes the need for new gas generating plants and it is agreed that the Proposed Scheme is a type of infrastructure covered by the energy NPSs. Paragraph 3.1.4 states that the SoS should give substantial weight to the contribution that projects would make toward satisfying this need when considering applications for development consent.
- 3.5.5 The scale and urgency of the need is described in Part 3 of EN-1 (paragraphs 3.3.15 - 3.3.24) with new energy infrastructure needed to be brought forward as soon as possible in order to enable the UK to meet its climate change obligations to 2050.
- 3.5.6 It is agreed that the Applicant’s objectives for the Proposed Scheme are consistent with the need for new energy infrastructure and gas generation plants as identified by the relevant energy NPSs.
- 3.5.7 It is agreed that the Proposed Scheme would provide an important role in supporting the transition to a low carbon economy and would contribute to addressing the urgent need that exists for new electricity generating capacity in the UK and would improve the security, diversity and resilience of the UK electricity supplies generally, supporting the UK’s transition to low carbon electricity generation.
- 3.5.8 The Parties note paragraph 4.1.2 of EN-1 which provides that the decision maker (formerly the IPC) should start with a presumption in favour of granting consent to applications for energy NSIPs.
- 3.5.9 There are no outstanding matters to be resolved with regard to the need for the Proposed Scheme.

### **3.6 Consideration of Alternatives and Appropriateness of the Site**

The following is AGREED between the Parties:

- 3.6.1 The Applicant’s approach to alternatives assessed is set out in Chapter 4 (Consideration of Alternatives) of the ES (Examination Library Ref: APP-072). The Applicant has considered the reasonable alternatives to realistically achieve the objectives of the Proposed Scheme. It is agreed that the Applicant’s approach to alternatives is appropriate and demonstrates that robust consideration has been given to alternative design options, locations and layouts, technologies and fuels, and that the Proposed Scheme is appropriate and fit for the purpose of achieving Drax’s objectives.

- 3.6.2 The Application lists alternatives for the Proposed Scheme including alternative sites as well as the engineering and technology constraints relating to the layout, turbine and generator selection, emissions abatement and stack configurations. The authorities have taken a pragmatic approach to the consideration and assessment of these issues and do not have any additional queries or concerns with them.
- 3.6.3 It is agreed that the Site is appropriate for the Proposed Scheme in principle, as
- it has a long history of power generation;
  - the re-powering of up to two coal-fired units to gas would maintain and create employment opportunities;
  - the Site has existing electrical grid connections with spare capacity, water and transport links and is a brownfield site which is considered more attractive to redevelop for large scale power generation than a greenfield one;
  - the Proposed Scheme plays an important role in helping the UK transition to a low carbon economy through the re-utilisation of as much existing infrastructure as possible (such as cooling systems, cooling towers and steam turbines) which could otherwise be potentially redundant despite the infrastructure remaining within its operating life and capable of contributing to more efficient energy production and a lower carbon footprint (given it is already constructed);
  - the Proposed Scheme utilises existing operational land within the Existing Drax Power Station Complex so as to maximise the use and efficiency of existing infrastructure;
  - the majority of the Site (and particularly the Existing Drax Power Station Complex) is in the freehold ownership of the Applicant; and
  - the Existing Drax Power Station Complex is located relatively close to the National Grid gas transmission network.
- 3.6.4 It is agreed that the Planning Statement provides an appropriate appraisal of the Site's context. It is agreed that the Proposed Scheme is located within and adjacent to the Existing Power Station Complex. In planning terms, the Proposed Scheme is industrial by nature and is considered to be, in principle, appropriate for the context within which it is proposed to be located.
- 3.6.5 There are no outstanding matters to be resolved with regard to the Applicant's consideration of alternatives and the appropriateness of the Site.

### 3.7 Flexibility and Design

The following is AGREED between the Parties:

- 3.7.1 Whilst NYCC and SDC do not wish to comment on the appropriateness of the Proposed Scheme's design from an engineering point of view, it is acknowledged and agreed that the Applicant has sought to incorporate a degree of flexibility within the layout and design of the Proposed Scheme. The Applicant has adopted a flexible approach and has assessed a number of maximum design parameters which are set out and secured in Schedule 13 of the revised draft DCO.
- 3.7.2 It is agreed that the Environmental Impact Assessment provides an appropriate assessment of the likely significant environmental effects of the Proposed Scheme within the parameters defined by Schedule 13.

3.7.3 Requirements set out in Schedule 2 of the revised draft DCO which secure the submission of details of design are:

- Requirement 7: Detailed design approval
- Requirement 8: Provision of landscape and biodiversity mitigation
- Requirement 10: External lighting during construction and operation
- Requirement 11: Highway access and passing place during construction
- Requirement 12: Means of enclosure
- Requirement 13: Surface water drainage

3.7.4 It is agreed that the above requirements would secure the submission of the necessary level of detail (in accordance with the design parameters) and provide SDC, as relevant planning authority, with sufficient control over and certainty as to the final design of the Proposed Scheme.

3.7.5 It is agreed that the consideration of alternatives in Chapter 4 of the ES demonstrates that consideration has been given to alternative design options. Key elements of the Proposed Scheme have been through several design iterations and evolutions. Environmental and technological constraints have informed the siting of the Proposed Scheme, its extent and height. The authorities have taken a pragmatic approach to the consideration and assessment of these issues and do not have any additional queries or concerns with them.

3.7.6 There are no outstanding matters to be resolved with regard to flexibility and design.

### **3.8 Removal of “Stage 0” from the Application and Non-Material Design Changes**

The following is AGREED between the Parties:

3.8.1 Since submission of the DCO Application, SDC have granted planning permission 2018/0154/FULM under the Town and Country Planning Act 1990 for “proposed site reconfiguration works comprising the demolition and relocation of the existing contractor's welfare compound with new access road and associated works and the construction of a new turbine outage office block, new mitigant ash delivery facility and new distribution pump house” [which includes the Site Reconfiguration Works, also known as “Stage 0” under the DCO Application] (granted on 24 May 2018). Since then, the Applicant has discharged all pre-commencement conditions and lawfully commenced the planning permission. Therefore, and as noted at the Preliminary Meeting on 04 October 2018, the Applicant has removed the Site Reconfiguration Works from the DCO Application by way of a non-material amendment application submitted at Deadline 2 (Examination Library Ref: REP2-003). Where relevant, updated Application documents reflecting this change have been submitted to the Examining Authority for Deadline 2. An updated Chapter 3 (Site and Project Description) of the ES has been submitted by the Applicant at Deadline 6 following a request from the Examining Authority (Examination Library Ref: REP6-003).

3.8.2 As the completion of the Site Reconfiguration Works pursuant to planning permission 2018/0154/FULM will establish the same baseline for Stage 1 as per the assessment in the Environmental Statement submitted with the DCO Application (which assumed completion of the Site Reconfiguration Works pursuant either to the planning permission or the DCO), it is agreed that the removal of Stage 0 from the DCO has no implications for Stages 1, 2, 3 and 4.

- 3.8.3 A further non-material amendment was submitted by the Applicant at Deadline 3 (Examination Library Ref: REP3-022) comprising a number of design changes to the Proposed Scheme parameters. It is agreed that the changes are not material and would not alter the conclusions of the Environmental Statement. The updated Chapter 3 of the ES submitted by the Applicant at Deadline 6 reflects these changes.
- 3.8.4 There are no outstanding matters to be resolved with regard to the removal of “Stage 0” or the non-material design amendments.

### **3.9 Combined Heat and Power**

The following is AGREED between the Parties:

- 3.9.1 It is agreed that the Applicant has assessed the feasibility of combined heat and power and reported the findings within the revised Combined Heat and Power Statement (Examination Library Ref: REP3-014). The authorities have taken a pragmatic approach to the consideration and assessment of these issues and do not have any additional queries or concerns with them.
- 3.9.2 An Environmental Permit Application (Application reference: EPR/VP3530LS/V015) was received by the Environment Agency (“EA”) on 24 May 2018. The application was Duly Made on 18 July 2018. The Environment Agency, in their Relevant Representation (Examination Library Ref: RR-292) published on the Planning Inspectorate’s website on 04 September 2018, confirmed that any permit variation, should it be granted by the EA, will include a permit condition to review CHP readiness, and as a result the Applicant considers it is not necessary to duplicate this by way of a requirement to the DCO. As a result, the revised draft DCO submitted at Deadline 2 (Examination Library Ref: AS-012) has removed the CHP requirement. It is agreed by the Parties that there is an existing regulatory regime in assessing CHP readiness and therefore inclusion in the DCO would be duplication of regulation.
- 3.9.3 There are no outstanding matters to be resolved with regard to combined heat and power.

### **3.10 Carbon Capture Readiness**

The following is AGREED between the Parties:

- 3.10.1 It is agreed that the revised Carbon Capture Readiness Statement submitted at Deadline 7 (Applicant’s document reference 5.7, Rev 003) demonstrates that the Proposed Scheme complies with the requirements of the relevant regulations and guidance as far as the authorities are able to comment on such matters.
- 3.10.2 It is agreed that requirements 22 (“carbon capture readiness reserve space”) and 23 (“carbon capture readiness monitoring report”) of Schedule 2 of the draft DCO would ensure the space is maintained for carbon capture plant, should this be required, and that the feasibility of such plant being deployed is reviewed at regular intervals.
- 3.10.3 There are no outstanding matters to be resolved with regard to carbon capture readiness.

### 3.11 Transport

The following is AGREED between the Parties:

- 3.11.1 The assessment of the traffic and transport effects of the Proposed Scheme is set out in Chapter 5 of the Environmental Statement (Examination Library Ref: APP-073). The assessment methodology and baseline conditions at the Site and in the surrounding area, set out in Chapter 5 of the Environmental Statement (Examination Library Ref: APP-073).
- 3.11.2 It is agreed that during construction the Proposed Scheme will generate additional vehicle movements on the highway network, however these additional movements are of a temporary nature and therefore the approach taken by the applicant and the extent of the assessment is satisfactory. It is agreed that the impact can be controlled through a comprehensive Construction Worker Travel Plan (“CWTP”) and a Construction Traffic Management Plan (“CTMP”).
- 3.11.3 Amendments to the Outline CTMP (Examination Library Ref: REP4-014) and the CWTP (Examination Library Ref: REP4-013) have been discussed with NYCC and it is agreed that subject to the mitigation measures set out in the revised documents, the Proposed Scheme would not result in unacceptable impacts in traffic and transportation terms, including upon the local highway network. It is agreed that draft DCO requirements 18 and 19 respectively will adequately secure the submission of final versions of the documents for approval by the relevant Local Planning Authority.
- 3.11.4 It is agreed that the Applicant’s approach to the delivery of abnormal loads as set out in the Outline Construction Traffic Management Plan (REP4-014) is acceptable.
- 3.11.5 Upon request from the Examining Authority, the Applicant has submitted an Outline Public Rights of Way Management Plan at Deadline 2 (Examination Library Ref: REP2-032) which is to be secured by revised requirement 9 (Public rights of way diversions) of the revised draft DCO. An updated Outline Public Rights of Way Management Plan (now Rev 002) has been submitted at Deadline 7, following requests by NYCC for minor changes. The content of the Outline Public Rights of Way Management Plan is agreed. It is agreed that the submission and approval of a final plan would adequately manage the temporary closure of the affected public rights of way.
- 3.11.6 The highway works and temporary road closures identified at Schedule 3 (Streets subject to Street Works), Schedule 4 (Streets Subject to Permanent and Temporary Alteration of Layout), Schedule 5 (Access), and Schedule 6 (Streets and Public Rights of Way to be Temporarily Stopped Up)) of the draft DCO are agreed.
- 3.11.7 Requirement 9 of Schedule 2 to the draft DCO adequately manages the closure or diversion of public rights of way, requirement 11 adequately manages the construction and reinstatement of highway accesses and passing place, requirement 18 adequately secures the implementation of a construction traffic management plan during construction of the Proposed Scheme, requirement 19 adequately secures the implementation of a construction worker travel plan during construction of the Proposed Scheme, and requirement 27 adequately secures the implementation of the decommissioning traffic management plan during decommissioning of the Proposed Scheme.
- 3.11.8 The powers contained in Part 3 (Streets) of the draft DCO are agreed.

- 3.11.9 With regard to the proposed footbridge, it is agreed that the revised draft DCO as submitted at Deadline 7 includes all necessary provisions to enable the Applicant to construct and use the pedestrian footbridge, including a requirement providing that NYCC's approval is obtained to the detailed design of the footbridge prior to construction of the bridge, to ensure it meets relevant safety and design standards. The responsibilities and duties of each party in relation to the detailed design of the bridge, maintenance, operation and dismantling of the bridge are set out in a separate side agreement to be entered into by the Applicant and NYCC and are agreed.
- 3.11.10 There are no outstanding matters to be resolved with regard to traffic and transport.

### 3.12 Air Quality

The following is AGREED between the Parties:

- 3.12.1 The assessment of air quality effects for the Proposed Scheme is set out at Chapter 6 of the ES (Examination Library Ref: APP-074) and in the Air Quality Technical Note in Relation to Changes in Stack Height (Examination Library Ref: REP5-019).
- 3.12.2 It is agreed that the baseline information used in the air quality assessment is appropriate. The baseline conditions as set out in section 6.4 of Chapter 6 are agreed.
- 3.12.3 It is agreed that Table 6-2 of Chapter 6 of the ES records engagement with SDC in relation to the scope and methodology of the air quality assessment.
- 3.12.4 The policy, legislation and guidance for the assessment of air quality is set out in section 6.2 of Chapter 6 of the ES and is agreed to be relevant to the assessment.
- 3.12.5 It is agreed that the scope and methodology set out in Chapter 6 of the ES is appropriate. This includes the scoping out of construction and operation traffic, the selected background and meteorological data, the identified sensitive receptors, the extent of the study area and the significance criteria.
- 3.12.6 The primary and embedded mitigation set out in paragraphs 6.3.15 and 6.3.16 of Chapter 6 of the ES is agreed.
- 3.12.7 The assessment of likely significant effects set out in section 6.5 of Chapter 6 is agreed. It is agreed that effects considered to be insignificant for the purposes of the air quality assessment are as set out in paragraph 6.2.2 of Chapter 6 of the ES.
- 3.12.8 It is agreed that, taking account of proposed mitigation, including that set out in the Outline CEMP (Examination Library Ref: REP6-005) which would be secured by requirement 17 of Schedule 2 of the revised draft DCO, the Proposed Scheme would not result in unacceptable impacts upon air quality alone or cumulatively with other relevant development proposals either during construction or operation.
- 3.12.9 It is agreed that no further direct mitigation of air emissions is necessary beyond the embedded mitigation of setting an appropriate stack height and the inclusion of NO<sub>x</sub> and ammonia emissions control either by combustion control or the use of SCR with an ammonia emissions ceiling (section 6.6 of Chapter 6).
- 3.12.10 It is agreed that operational emissions from the Proposed Scheme would be controlled through the Environmental Permitting regime that is administered by the EA.

- 3.12.11 It is agreed that comments made by the NYCC and SDC in response to consultation on the Preliminary Environmental Information (“PEIR”) have been satisfactorily addressed as set out in Table 6-4 of Chapter 6 of the ES.
- 3.12.12 Air quality measures during construction of the Proposed Scheme as proposed in the revised Outline CEMP (Examination Library Ref: REP6-005) to be secured by requirement 17 in Schedule 2 to the draft DCO are sufficient.
- 3.12.13 There are no outstanding matters to resolve with regard to air quality.

### **3.13 Noise and Vibration**

The following is AGREED between the Parties:

- 3.13.1 The assessment of noise and vibration effects from the Proposed Scheme is assessed in Chapter 7 of the ES (Examination Library Ref: APP-075).
- 3.13.2 The summary of consultation activities set out in Table 7-1 of Chapter 7 of the ES is agreed.
- 3.13.3 The policy, legislation and guidance set out in section 7.2 of Chapter 7 of the ES is agreed to be relevant to the assessment.
- 3.13.4 The method of baseline data collection set out in paragraphs 7.4.12 – 7.4.19 is agreed. The baseline conditions identified in section 7.5 of Chapter 7 of the ES are agreed.
- 3.13.5 The scope of the assessment as set out in section 7.3 of Chapter 7 of the ES is agreed. The assessment methodology and significance criteria set out in section 7.4 of Chapter 7 of the ES is agreed.
- 3.13.6 The assessment of effects and mitigation set out in section 7.6 and 7.7 of Chapter 7 is agreed, in particular that:
- Noise and vibration effects for the Site Reconfiguration Works are predicted to be negligible and acceptable;
  - Noise and vibration effects for the construction of Unit X are predicted to be negligible and acceptable;
  - Noise and vibration effects for the operation of Unit X and construction of Unit Y are acceptable with mitigation in place as set out below.
  - It is agreed that operational noise effects identified in Chapter 7 are acceptable at a sound power level not exceeding 98 dB(A). To achieve this sound power level acoustic attenuators will be in place in the 4 No open cycle stacks; and
  - It is agreed that appropriate mitigation for noise effects during operation is secured by requirement 21 of the draft DCO.
- 3.13.7 The wording of requirement 21 of the draft DCO is agreed.
- 3.13.8 There are no outstanding matters to resolve with regard to noise.

### **3.14 Historic Environment**

The following is AGREED between the Parties:

- 3.14.1 The assessment of the Proposed Scheme upon the historic environment is set out in Chapter 8 of the ES (Examination Library Ref: APP-076).

- 3.14.2 The policy, legislation and guidance set out in section 8.2 of Chapter 8 is agreed to be relevant to the assessment.
- 3.14.3 The summary of consultation activities set out in section table 8-1 of Chapter 8 of the ES is agreed.
- 3.14.4 The assessment methodology and significance criteria set out in section 8.4 is appropriate and agreed.
- 3.14.5 The method of baseline data collection and baseline conditions set out in section 8.5 is appropriate and agreed.
- 3.14.6 The conclusions of the assessment are that there would be a temporary, direct, short-term adverse effect of minor significance to the setting of Drax Augustinian Priory resulting from the temporary construction laydown (Work No. 9B) during the construction of Unit X (Work No. 1) and Unit Y (Work No. 2). There would be a permanent, direct long-term adverse effect of minor significance resulting from the impact of new built forms in the landscape (Units X and Y) during operation.
- 3.14.7 The conclusions of the assessment are that there would be a direct, temporary short-term adverse effect of minor significance to the setting of the Scurff Hall resulting from the construction of the Gas Pipeline (Work No. 7) and the associated Above Ground Installation (Work No.4).
- 3.14.8 In the context of the National Planning Policy Framework (2018), effects of minor significance in the Historic Environment Chapter of the ES (Examination Library Ref: APP-076) equate to less than substantial harm.
- 3.14.9 The geophysical survey (Examination Library Ref: APP-105) and evaluation trenching fieldwork (Examination Library Ref: APP-106) was shared with Historic England as requested in their response to consultation under 42(1)(a) of the Planning Act 2008. It was agreed that no remains of national significance were exposed or expected. NYCC and SDC agree with this conclusion.
- 3.14.10 Although no significant impacts are predicted on any settings of Heritage Assets, in response to requests from Historic England it is agreed that enhancement mitigation for Drax Augustinian priory (SM 1016857), to enhance people's experience of the priory in the context of the reported minor negative impacts, would comprise the provision of interpretative panels.
- 3.14.11 It is agreed that the interpretative panels will be placed at a suitable location, likely to be the Drax Visitor Centre. The draft development consent obligation agreement provides for the installation these panels in either of those locations.
- 3.14.12 A programme of archaeological mitigation has been devised in consultation with NYCC and SDC, and is adequately secured by requirement 16 of the draft DCO.
- 3.14.13 There are no outstanding matters to resolve with regard to the historic environment.

### 3.15 Biodiversity

The following is AGREED between the Parties:

- 3.15.1 The assessment of the Proposed Scheme upon Biodiversity is set out in Chapter 9 of the ES (Examination Library Ref: APP-077).
- 3.15.2 The policy, legislation and guidance set out in section 9.2 of Chapter 9 is agreed to be relevant to the assessment.
- 3.15.3 The summary of consultation activities set out in table 9-1 in Chapter 9 of the ES is agreed.
- 3.15.4 The assessment methodology and significance criteria set out in section 9.5 is appropriate and agreed. It is agreed that the assessment methodology has had due regard to the CIEEM Guidelines for Ecological Impact Assessment (Terrestrial and Freshwater) (Examination Library Ref: APP-107).
- 3.15.5 The method of baseline data collection and baseline conditions set out in sections 9.5.12 to 9.5.25 and 9.6 is appropriate and agreed. It is agreed that all Important Ecological Receptors relevant to the assessment have been identified.
- 3.15.6 The assessment of likely significant impacts and effects (including assessment of avoidance, mitigation and compensation measures) set out between sections 9.7 and 9.8 of Chapter 9 of the ES is appropriate and agreed.
- 3.15.7 It is also agreed that biodiversity impact avoidance, mitigation and enhancement measures are set out in the revised Outline Landscape and Biodiversity Strategy (Examination Library Ref: REP6-009). The approach taken to the biodiversity elements of the revised Outline Landscape and Biodiversity Strategy is agreed by the Parties.
- 3.15.8 The Parties agree that Natural England is the statutory nature conservation organisation which will be consulted in relation to Habitats Regulations Assessment matters relating to the Proposed Scheme, pursuant to the Conservation of Habitats and Species Regulations 2017.
- 3.15.9 NYCC has requested sight of the confidential appendix 9.4 Badger Survey Report of the ES (Examination Library Ref: APP-110) which was issued to NYCC on 31 August 2018. The methodology and conclusions of this report are agreed. The Breeding Bird and Reptile Survey Reports were also issued to NYCC on 20 September 2018. These have been submitted to the Examining Authority for Deadline 1 (Examination Library Ref: REP1-010 and REP1-011). The Bat Activity Survey Report has been submitted by the Applicant at Deadline 2 (Examination Library Ref: REP2-031). The conclusions of these reports are agreed.
- 3.15.10 With regard to biodiversity net gain, at the Issue Specific Hearing on Environmental Matters on 5 December 2018 it was stated by the Authorities that the net gain secured of 5% and 6% under the revised Biodiversity Net Gain Assessment issued at Deadline 2 (Examination Library Ref: REP2-023) was the minimum expected and that a recent Defra consultation recommended 10%. Following the introduction of additional planting on the land of a landowner (the Bingley Land), a further revised Biodiversity Net Gain Assessment (Examination Library Ref: REP6-004) has been submitted at Deadline 6,

securing 7% net gain for area based habitats and 8% for linear habitats. It is agreed that this adequately demonstrates there would be an acceptable net gain of area based and linear habitats. The Outline Landscape and Biodiversity Strategy has been amended for Deadline 7 to secure this net gain as a minimum. However, the Applicant has agreed to continue to look for further opportunities within Drax's own land holdings to deliver additional Biodiversity Net Gain and will update the authorities and the Examining Authority before the close of the Examination.

3.15.11 It is agreed that any biodiversity impacts associated with the proposed Gas Pipeline Construction can be adequately mitigated through the final Construction Environmental Management Plan, secured by requirement 17 of the draft DCO.

3.15.12 There are no outstanding matters to be resolved with regard to biodiversity.

### **3.16 Landscape and Visual**

**The following is AGREED between the Parties**

3.16.1 ES Volume 1, Chapter 10 "Landscape and Visual Amenity" (Examination Library Ref: APP-078) considers the landscape and visual effects of the Proposed Scheme. This is supported by a review of relevant local policies (Examination Library Ref: APP-117), consultations with LPAs (Examination Library Ref: APP-118), LVIA methodology (Examination Library Ref: APP-119), landscape and visual baseline (Examination Library Ref: APP-120) and landscape character (Examination Library Ref: APP-120). Chapter 16 includes a review of landscape character and visual receptors within a 10 km radius of the Proposed Scheme and is supported by zones of theoretical visibility, representative viewpoints and photomontages (including within the Revised Viewpoint Additional Photomontage document, Examination Library Ref: REP6-011). Mitigation measures are referred to within the revised Outline Landscape and Biodiversity Strategy submitted at Deadline 6 (Examination Library Ref: REP6-009).

3.16.2 It is agreed that the scope of section 9 of the LVIA is appropriate. The assessment considers the potential significant effects on landscape character and visual amenity of visual receptors within and surrounding the study area during construction and operation. The latter relates to the construction of the Units, associated structures and infrastructure as well as the AGIs. Landscape and visual amenity effects relating to the construction of the Gas Pipeline were deemed insignificant and scoped out.

3.16.3 It is agreed that the methodology (Examination Library Ref: APP-119) adopted for the assessment of landscape and visual effects, including representative viewpoints and photomontages is acceptable and in accordance with the Guidelines for Landscape and Visual Impact Assessment (3<sup>rd</sup> Edition). It was agreed, as requested in response to the section 42 statutory consultation on the PEIR, that the broader approach of assessing the range of effects based on a radius of 1 km, 1 to 3 km and 3 to 10 km was acceptable.

3.16.4 It is agreed that the process of consultation with NYCC and SDC in relation to landscape and visual effects was comprehensive.

- 3.16.5 It is agreed that the baseline information gathered was appropriate and sufficient to inform the identification of impacts and assessment of landscape and visual effects (Examination Library Ref: APP-120 and APP-121). It has described the existing baseline including the Site and its immediate setting, the Gas Pipeline, local landscape designations, the historic design of the Power Station (taking into consideration Weddle's original design and management plan), heritage assets, ZTVs representative viewpoints and visual receptors. In addition, it was agreed that by refining the study area down to a 3 km inner search area equal consideration was given to all assets which contribute to landscape character.
- 3.16.6 It is agreed that there would be significant adverse effects on landscape character, including on LCT 23 Levels Farmland, LCT 24 River Floodplains, LCT 4 River Corridors including LCA 4A Derwent Valley, LCA 4B River Ouse Corridor and LCA 4D River Aire Corridor, local landscape character and the Lower Derwent Important Landscape Area. Such effects would be more pronounced within 3 km of the Site and would diminish with distance. For local landscape features, and subject to proposed mitigation, some effects would diminish once planting has matured (by 15 years post Stage 3).
- 3.16.7 It is agreed that there would be significant adverse effects on visual amenity and more specifically on visual receptors within a 3 km radius of the Proposed Scheme, namely local residents, users of the Trans Pennine Trail and National Cycle Network as well as users of education facilities / places of worship and local road users who would have a direct view of the Proposed Scheme. Effects on other visual receptors would be less based on proximity, orientation, intervening vegetation and built form.
- 3.16.8 The photographs and photomontages should be based on a good quality photographic image. Some of the photographs in the Application as submitted originally lacked clarity due to poor weather conditions at the time they were taken. The viewpoints selected were taken to illustrate a representative range of views from different receptor types, directions and distances from the Proposed Scheme. It is agreed that these are a suitable range of views for interpretation from a professional perspective. However, in many of these views the Power Station is seen at an oblique angle. NYCC has requested as a minimum an additional photomontage from viewpoint 9 to show the Proposed Scheme at close range and side on, and has also requested that viewpoints 6, 7 and 8 are taken in better visibility conditions. The Applicant has submitted those viewpoints to NYCC and SDC on 25.09.2018. These have been submitted to the Examining Authority for Deadline 1 (Examination Library Ref: REP1-009) and resubmitted at Deadlines 3 and 6, subject to minor amendments (Examination Library Ref: REP3-021 and REP6-011 respectively). It is agreed that these additional viewpoints adequately address NYCC's concerns.
- 3.16.9 It is agreed between the Parties that the Site of the Proposed Scheme is appropriate and that the level of design detail submitted with the Application and secured via the requirements to the draft DCO are acceptable.
- 3.16.10 An Outline Landscape and Biodiversity Strategy has been submitted with the Application. Following ongoing discussions between the Parties, this has subsequently been revised during the Examination; Rev 004 was submitted at Deadline 7 (Examination Library Ref: REP7-007) and a Rev 005 is submitted at Deadline 9.

- 3.16.11 At Deadline 8, NYCC submitted a Mitigation Strategy to the Examining Authority (Examination Library Ref: REP8-015) that included 8 project options with cost estimates provided by potential landscape delivery partners and partnerships. The Applicant has reviewed this document and held further discussions with both NYCC and SDC. The Applicant has reached agreement with SDC on measures that the parties consider to be reasonable and proportionate. NYCC, however, are not in agreement on this matter.

**The following is AGREED between the Applicant and SDC:**

- 3.16.12 The Applicant and SDC have agreed a package of offsetting measures for Unit X and Unit Y. This will be secured through a section 106 agreement. Together with the measures described in the revised Outline Landscape and Biodiversity Strategy (Applicant's ref: 3.1.4) submitted at Deadline 9, this will provide adequate mitigation for the Proposed Scheme.
- 3.16.13 Paragraph 5.9.8 of NPS EN-1 states that projects should be designed carefully with the aim being to "*minimise harm to the landscape providing reasonable mitigation where possible and appropriate*". NPS EN-2 paragraph 2.6.5 states that "*It is not possible to eliminate the visual impacts associated with a fossil fuel generating station*". It is therefore agreed that in line with EN-2, "*mitigation measures should reduce the visual intrusion of the buildings in the landscape and minimise impacts on visual amenity as far as reasonably practicable*". It is agreed that the extent of mitigation measures proposed would minimise the impact on local landscape character and visual amenity as far as reasonably practicable and in accordance with NPS EN-1 and NPS EN-2.

**The following is NOT AGREED between the Applicant and NYCC:**

- 3.16.14 The extent of the offsetting for adverse landscape effects proposed by the Applicant in the Strategy remains the only matter that is not agreed between the Applicant and NYCC.
- 3.16.15 Paragraph 5.9.8 of NPS EN-1 states that projects should be designed carefully with the aim being to "*minimise harm to the landscape providing reasonable mitigation where possible and appropriate*". NPS EN-2 paragraph 2.6.5 states that "*It is not possible to eliminate the visual impacts associated with a fossil fuel generating station*". It is therefore agreed that in line with EN-2, "*mitigation measures should reduce the visual intrusion of the buildings in the landscape and minimise impacts on visual amenity as far as reasonably practicable*". It is, however, not currently agreed that the extent of mitigation measures proposed would minimise the impact on local landscape character and visual amenity as far as reasonably practicable and in accordance with NPS EN-1 and EN-2.
- 3.16.16 Whilst there has been agreement on what the Outline Landscape and Biodiversity Strategy should cover, and the structure of the revised Strategy is agreed in principle, NYCC does not agree with the content of the Outline Strategy and does not believe that the strategy adequately mitigates for the effects of the Proposed Scheme. These concerns have been raised in meetings with the Applicant and in letters dated 23 July 2018 and 15 October 2018.
- 3.16.17 The Applicant submitted the document "Landscape and Visual Amenity Effects – Appropriateness of Proposed Mitigation" within their Deadline 2 submission (Examination Library Ref: REP2-033) to provide further information on the appropriateness and proportionality of the proposed mitigation measures. NYCC and SDC have since instructed Martin Woolley Landscape Architects to review and respond to this document.

- 3.16.18 Martin Woolley's response ("Drax Re-Power Off-Site Mitigation Strategy", dated November 2018) has been submitted by NYCC into the Examination on 04 December 2018 (Examination Library Ref: REP4-016). The Applicant does not agree with the contents, observations, conclusions and recommendations of this document and has set out its reasons in the "Applicant's Response to Off-Site Mitigation Strategy Submitted by the Local Authorities" submitted at Deadline 6 (Examination Library Ref: REP6-012).
- 3.16.19 At Deadline 8, NYCC submitted a Mitigation Strategy to the Examining Authority (Examination Library Ref: REP8-015) that included 8 project options with cost estimates provided by potential landscape delivery partners and partnerships.
- 3.16.20 Although the Applicant and SDC have agreed a package of offsetting measures, NYCC considers that all measures (1-8) in the Mitigation Strategy would be required to provide adequate mitigation for the Proposed Scheme. The Applicant does not consider this position to be reasonable.

### 3.17 Ground Conditions

The following is AGREED between the Parties:

- 3.17.1 The assessment of ground conditions is set out in Chapter 11 of the ES (Examination Library Ref: APP-079).
- 3.17.2 It is agreed that the baseline, methodology and assessment of significance as set out in Chapter 11 is appropriate.
- 3.17.3 It is agreed that the Applicant has adequately considered any implications on ground conditions of the Proposed Scheme.
- 3.17.4 Following the Relevant Representation made by the EA, the Applicant has amended requirement 15 of the draft DCO as follows:

#### Ground conditions

- (1) No part of the numbered works comprising stage 1 must commence (including permitted preliminary works comprising demolition of existing structures, environmental surveys, geotechnical surveys and other investigations for the purpose of assessing ground conditions only) until a written strategy in relation to the identification and remediation of any risks associated with the contamination of the Order limits associated with that numbered work has been submitted to and approved by the relevant planning authority.
- (2) No part of the numbered works comprising stage 2 must commence (including permitted preliminary works comprising demolition of existing structures, environmental surveys, geotechnical surveys and other investigations for the purpose of assessing ground conditions only) until a written strategy in relation to the identification and remediation of any risks associated with the contamination of the Order limits associated with that numbered work has been submitted to and approved by the relevant planning authority.
- (3) The strategy submitted and approved pursuant to sub-paragraph (1) or (2) must:

- a) include a site investigation scheme, based on the preliminary risk assessment set out in chapter 11 (ground conditions and contamination) of the environmental statement and providing details of the detailed risk assessment to be carried out for the receptors on or in the vicinity of the Order limits that may be affected by the authorised development;
- b) set out how the outcomes of the site investigation scheme and detailed risk assessment carried out pursuant to (a) above will be reported, and provide for the submission and approval by the relevant planning authority of an options appraisal and remediation strategy based on such outcomes and providing details of any remediation measures required and how they are to be carried out; and
- c) include a verification plan identifying the data to be collected in order to demonstrate that the remediation measures set out in the options appraisal and remediation strategy prepared pursuant to (b) above have been completed and are effective, and any requirement for long term monitoring of pollutant linkages, maintenance or arrangements for contingency action.

(4) Prior to the date of Work No. 1A full commissioning a report prepared substantially in accordance with the verification plan prepared pursuant to sub-paragraph 3(c) and approved pursuant to sub-paragraph (1) must be submitted to and approved by the relevant planning authority.

(5) Prior to the date of Work No. 2A full commissioning a report prepared substantially in accordance with the verification plan prepared pursuant to sub-paragraph 3(c) and approved pursuant to sub-paragraph (2) must be submitted to and approved by the relevant planning authority.

(6) If, during the carrying out of the authorised development on –

- a) the power station area;
- b) the pipeline area; or
- c) the construction laydown area

contamination not previously identified is found to be present on such area(s) no further development (unless otherwise agreed in writing with the relevant planning authority) shall be carried out on the area(s) on which the contamination has been found until a remediation strategy detailing how such contamination must be dealt with has been submitted to and approved by the relevant planning authority.

(7) The authorised development must be carried out in accordance with the strategies approved pursuant to sub-paragraphs (1) and (2) and any remediation strategy approved pursuant to sub-paragraph (6).

3.17.5 With the embedded mitigation (paragraph 11.5.4), including phase 2 ground investigations secured by rewording of requirement 15 as proposed by the Environment Agency in their Relevant Representation, and the revised Outline CEMP (Examination Library Ref: REP6-005 to be secured through requirement 17 of Schedule 2 of the revised draft DCO, it is agreed there are no likely significant effects on ground conditions for the Proposed Scheme.

3.17.6 There are no outstanding matters to be resolved with regard to ground conditions.

### 3.18 Water Resource, Quality and Hydrology

The following is AGREED between the Parties:

- 3.18.1 The assessment of water resource, quality and hydrology is set out in Chapter 12 of the ES (Examination Library Ref: APP-080).
- 3.18.2 It is agreed that section 12.2 sets out the relevant policy, legislation and guidance applicable to the assessment.
- 3.18.3 It is agreed that the baseline conditions, methodology and assessment of significance as set out in Chapter 12 is appropriate.
- 3.18.4 It is agreed that section 12.10 summarises the potential impacts on water resource, quality and hydrology. The proposed surface water drainage strategy and layout of proposed development is considered to adequately address flood risk issues.
- 3.18.5 Following the Relevant Representation made by the EA, the Applicant has revised requirement 14 (Flood risk mitigation) to the draft DCO as follows:
  - (1) The authorised development must be carried out in accordance with the flood risk assessment.
  - (2) In relation to any part of the authorised development comprised in numbered work 3A, no development of that part must commence until the flood mitigation channel comprised in that numbered work has been completed.
- 3.18.6 Requirement 7 to the draft DCO (Detailed design approval) has also been amended to require that the detailed design of the flood mitigation channel is submitted to and approved by the relevant planning authority.
- 3.18.7 The Parties agree that this is appropriate to ensure that the works are carried out as per the FRA and that any detailed design is submitted and signed off by the relevant planning authority.
- 3.18.8 It is agreed that the Applicant has adequately considered the water resource, quality and hydrology implications of the Proposed Scheme. NYCC, in its capacity as Lead Local Flood Authority defers to Selby Internal Drainage Board and has no concerns in respect of the Proposed Scheme.
- 3.18.9 There are no outstanding matters to be resolved with regard to water resource, quality and hydrology.

### 3.19 Waste

The following is AGREED between the Parties:

- 3.19.1 The assessment of waste is set out in Chapter 13 of the ES (Examination Library Ref: APP-081).
- 3.19.2 It is agreed section 13.2 sets out the relevant policy, legislation and guidance applicable to the assessment.
- 3.19.3 It is agreed that the baseline conditions, methodology and assessment of significance as set out in Chapter 13 is appropriate.

- 3.19.4 It is agreed that a Site Waste Management Plan will be produced as part of the revised CEMP (Examination Library Ref: REP6-005) (to be secured through requirement 17 of Schedule 2 of the draft DCO).
- 3.19.5 It is agreed that the conclusions on likely significant effects as set out in section 13.7 of Chapter 13 are appropriate and that there will be no likely significant effects on waste as a result of the Proposed Scheme.
- 3.19.6 It is agreed that the Applicant has adequately considered the waste implications of the Proposed Scheme.
- 3.19.7 There are no outstanding matters to be resolved with regard to waste.

### **3.20 Socio-Economics**

The following is AGREED between the Parties:

- 3.20.1 The assessment of socio-economics is set out in Chapter 14 of the ES (Examination Library Ref: APP-082).
- 3.20.2 It is agreed that the Applicant has adequately considered the socio-economic implications of the Proposed Scheme.
- 3.20.3 It is acknowledged that the Application includes heads of terms for a development consent obligation agreement to secure obligations in relation to apprenticeship opportunities and a Local Employment Scheme (Examination Library Ref: APP-138), and both these obligations are included in the draft development consent order obligation agreement.
- 3.20.4 There are no outstanding matters to be resolved with regard to socio-economics.

### **3.21 Climate**

The following is AGREED between the Parties:

- 3.21.1 The assessment of the Proposed Scheme on climate change is set out in Chapter 15 of the ES (Examination Library Ref: APP-083).
- 3.21.2 It is agreed that the Applicant has adequately considered and assessed the climate change implications of the Proposed Scheme in line with NPS EN-1. The authorities have taken a pragmatic approach to the consideration and assessment of these issues and do not have any additional queries or concerns with them.
- 3.21.3 There are no outstanding matters to be resolved with regard to climate.

### **3.22 Major Accidents and Disasters**

The following is AGREED between the Parties:

- 3.22.1 The assessment of Major Accidents and Disasters is set out in Chapter 16 of the ES (Examination Library Ref: APP-084).
- 3.22.2 It is agreed that the Applicant has adequately considered the implications of major accidents and disasters in the context of the Proposed Scheme. The authorities have taken a pragmatic approach to the consideration and assessment of these issues and do not have any additional queries or concerns with them.

- 3.22.3 There are no outstanding matters to be resolved with regard to major accidents and disasters.

### **3.23 Cumulative Effects**

The following is AGREED between the Parties:

- 3.23.1 It is agreed that the approach taken to the assessment of cumulative effects in Chapter 17 of the ES (Examination Library Ref: APP-085) and the “Update to the Cumulative Assessment” submitted at Deadline 3 (Examination Library Ref: REP3-023) is appropriate and proportionate and that the Applicant has taken account of the relevant planned and consented projects and agree with the conclusions to the assessments.
- 3.23.2 There are no outstanding matters to be resolved with regard to cumulative effects.

### **3.24 Benefits of the Proposed Scheme**

The following is AGREED between the Parties:

- 3.24.1 The assessment of the key benefits of the Proposed Scheme as set out in section 7.2 of the Planning Statement (Examination Library Ref: APP-062) is agreed.
- 3.24.2 It is agreed that need for the Proposed Scheme is established by NPS EN-1. The Parties’ disagreement over the acceptable level of landscape mitigation is detailed in section 3.16 above. Notwithstanding that specific area of disagreement, the Parties agree that the substantial benefits of the Proposed Scheme including the need for it outweigh its adverse impacts including its landscape and visual impacts.
- 3.24.3 There are no outstanding matters to be resolved with regard to the benefits of the Proposed Scheme.

### **3.25 The Scope of the Draft DCO and Draft Requirements**

The following is AGREED between the Parties:

- 3.25.1 It is agreed that the scope of the powers being sought through the revised draft DCO are appropriate. The Parties are agreed on the wording of the operative provisions of the draft DCO. The authorities are satisfied with the procedure and timescales provided for the discharge of requirements.
- 3.25.2 There are no outstanding matters to be resolved with regard to the scope of the draft DCO and draft requirements.

## 4 AGREEMENT ON THIS SOCG

### 4.1.1 This SoCG has been jointly prepared and agreed by

Name:

Signature:

Position:

On behalf of:

Date:

ENVIRONMENT & GOVERNANCE SECTION HEAD.

Drax Power Ltd.

27/3/19

Name:

Signature:

Position:

On behalf of:

Date:

HEAD OF LEGAL SERVICES (CORPORATE)

NORTH YORKSHIRE COUNTY COUNCIL

27/3/19

Name:

Signature:

Position:

On behalf of:

Date:

DIRECTOR OF ECONOMIC REGENERATION + PLACE

SELBY DISTRICT COUNCIL

28/3/19

## APPENDIX 1

Table 1 - Consultation with NYCC and SDC (SoCC and post submission engagement only)

Ref	Date	Form of contact or type of correspondence	Summary of that contact and key outcomes and points of discussion
1	15.09.2017	Issue of draft Statement of Community Consultation ("SoCC") for comment (informal consultation)	<ul style="list-style-type: none"> <li>SDC responded on 16 October 2017 with no comments.</li> <li>NYCC responded on 18 October 2017 and were happy with the draft SoCC.</li> </ul>
2	23.11.2017	Issue of revised SoCC (formal consultation)	<ul style="list-style-type: none"> <li>Joint response received from both authorities on 06 December 2017 confirming they were happy with the updated SoCC.</li> </ul>
3	30.01.2018	Project briefing for SDC elected members at SDC offices	<ul style="list-style-type: none"> <li>Elected members attended briefing. Note that a members briefing was also offered to NYCC however no such briefing was requested.</li> </ul>
4	12.06.2018	Meeting with NYCC to discuss Outline Landscape and Biodiversity Strategy	<ul style="list-style-type: none"> <li>Project update provided by Drax following Application having been made on 29 May 2018.</li> <li>Drax confirmed that the Site Reconfiguration Works ("Stage 0") will be removed from the draft DCO following approval of TCPA application.</li> <li>Discussed the authority's initial thoughts on the submitted OLBS.</li> <li>Drax provided clarification on <ul style="list-style-type: none"> <li>how the final OLBS would be discharged;</li> </ul> </li> </ul>

			<ul style="list-style-type: none"> <li>○ how the OLBS responds to the effects identified in the ES.</li> <li>● It was agreed that the Applicant would review the format of the Strategy and circulate a revised structure for comment prior to commencement of any revisions. It was agreed that the revised Strategy would: <ul style="list-style-type: none"> <li>○ emphasise that the document was overarching and that further detail would follow;</li> <li>○ each compensation area would have a clear set of aims and objectives, details of its landscape and biodiversity function, benefits of the measure, an indication of monitoring and remediation strategies to be provided in the detailed strategy;</li> <li>○ show mitigation in the context of the wider environment; and</li> <li>○ there would be an explanation of the optioneering process (which land has been discounted for commercial or operational reasons).</li> </ul> </li> <li>● In addition, it was agreed that the plans would: <ul style="list-style-type: none"> <li>○ be linked to the text;</li> <li>○ include a clear key; and</li> <li>○ be annotated to link to the objectives.</li> </ul> </li> </ul>
5	20.06.2018	Submitted DCO Application documents shared with both authorities via Huddle online platform for information in advance of acceptance of the Application	<ul style="list-style-type: none"> <li>● Submission documents have been discussed in following meetings.</li> </ul>

6	29.06.2018	Revised structure for OLBS issued to both authorities for comment following meeting on 12.06.2018	<ul style="list-style-type: none"> <li>• Officers' comments discussed in meeting on 12 July 2018 (see below).</li> </ul>
7	06.07.2018	Draft section 106 agreement and draft DCO issued to both authorities	<ul style="list-style-type: none"> <li>• Comments from both authorities received on 03 September 2018 (see below).</li> </ul>
8	12.07.2018	Meeting with both authorities to discuss LVIA/OLBS and timeframes for SoCG	<ul style="list-style-type: none"> <li>• Drax provided overview of LVIA pre- and post PEIR covering the consultations and work undertaken to address queries raised by the LPAs.</li> <li>• Study area agreed by NYCC Landscape Officer.</li> <li>• NYCC Landscape Officer stated that viewpoints may need further review due to poor weather conditions.</li> <li>• Revised structure of OLBS agreed by NYCC Landscape and Ecology Officers.</li> </ul>
9	23.07.2018	NYCC Landscape Officer's comments on contents of revised OLBS received by Drax in writing	<ul style="list-style-type: none"> <li>• NYCC were satisfied that the OLBS describes the existing baseline for landscape character and visual amenity including the Site and its immediate setting, the Gas Pipeline, local landscape designations, historic design of the Power Station and its landscape, heritage assets, ZTVs, primary viewpoints and visual receptors.</li> <li>• NYCC were satisfied that the revised OLBS is close to the points discussed previously to include <ul style="list-style-type: none"> <li>○ Clear aims and objectives for each area of reinstatement, mitigation and enhancement;</li> </ul> </li> </ul>

			<ul style="list-style-type: none"> <li>○ Commitment to detail, but try to keep the initial strategy at a higher level;</li> <li>○ Provide justification for the offsite choices;</li> <li>○ Consider context, networks and connectivity;</li> <li>○ Appropriate emphasis on landscape and visual mitigation (to compliment ecology mitigation and reinstatement).</li> <li>● NYCC raised concerns over landscape effects and effectiveness of mitigation proposed.</li> <li>● NYCC suggested that the Applicant should explore opportunities to work with regional strategies or partnerships to provide additional mitigation.</li> <li>● NYCC asked Applicant to re-consider the photographs used for viewpoints 6, 7, 8, and the possibility of a further photomontage at viewpoint 9 due to lack of clarity as a result of poor weather conditions.</li> <li>● NYCC's comments were discussed in meeting on 16 August 2018.</li> </ul>
10	25.07.2018	Meeting with NYCC Transport Officer and Highways England to discuss transport matters	<ul style="list-style-type: none"> <li>● Drax provided project and programme update.</li> <li>● Discussion around NYCC and Highways England comments on transport issues.</li> <li>● Discussion around the format of the SoCG and outstanding tasks.</li> </ul>
11	31.07.2018	Meeting with both authorities to discuss draft section 106 agreement and draft DCO	<ul style="list-style-type: none"> <li>● Received comments on 03 September 2018 (see below).</li> </ul>

12	15.08.2018	Drax issued draft SoCG to both authorities	<ul style="list-style-type: none"> <li>• Draft SoCG was discussed in following meetings.</li> </ul>
13	16.08.2018	Skype meeting with both authorities to discuss LVIA and SoCG	<ul style="list-style-type: none"> <li>• NYCC confirmed that the scope of the draft SoCG was comprehensive.</li> <li>• SDC stated that the authorities needed sufficient time to review draft SoCG with technical Officers.</li> <li>• NYCC felt that the LVIA and engineering / design sections needed rewording as the appropriateness of the design and effectiveness of the proposed mitigation needed further discussion.</li> <li>• Drax confirmed that viewpoints 6, 7 and 8 would be retaken and an additional photomontage be prepared for viewpoint 9.</li> <li>• Discussed possibilities to engage with other projects / partnerships to explore options for further mitigation.</li> </ul>
14	20.08.2018	Meeting with NYCC Transport Officer (and Officers of Highways England and East Riding of Yorkshire Council) to discuss transport matters	<ul style="list-style-type: none"> <li>• Drax provided project and programme update.</li> <li>• Discussion around Abnormal Indivisible Loads.</li> <li>• Schedules of the DCO / proposed schedule of movements.</li> <li>• Discussed progress on the SoCG.</li> </ul>
15	28.08.2018	Draft Relevant Representation received from NYCC Officers for consideration	<ul style="list-style-type: none"> <li>• Drax welcomed view of the draft Relevant Representation.</li> <li>• The Relevant Representation is responded to in the document "Applicant's Responses to Relevant Representations" (document</li> </ul>

			reference 8.5.1) submitted to the Examining Authority for Deadline 1.
16	28.08.2018	Skype meeting with NYCC Officers to discuss LVIA and Relevant Representation	<ul style="list-style-type: none"> <li>Discussed original design of the Power Station.</li> <li>Discussed draft Relevant Representation circulated by NYCC.</li> </ul>
17	31.08.2018	Email to NYCC Ecologist to issue confidential Badger Survey Report (document reference 6.2.9.4) to NYCC Ecologist via email	<ul style="list-style-type: none"> <li>No concerns raised by NYCC.</li> </ul>
18	03.09.2018	Drax received comments from both authorities following meeting on 31.07.2018 via email	<ul style="list-style-type: none"> <li>Comments on DCO Schedule 11 made by authorities regarding timeframe for discharge of conditions – concerns that 9 weeks may be too tight.</li> <li>Comments on pedestrian footbridge regarding maintenance made by NYCC.</li> <li>Query on whether there is a need for landscape obligations.</li> <li>Interpretation boards – question of maintenance raised by authorities.</li> </ul>
19	13.09.2018	Drax issued updated draft section 106 agreement to both authorities following comments received on 03.09.2018	<ul style="list-style-type: none"> <li>Schedule 11: Drax proposes to enter into a PPA to assist in providing resources necessary to meet the 9 week timeframe. Drax would be open to considering requests to extend the 9 week timeframe (as provided for by Schedule 11 to the DCO) if necessary.</li> <li>Footbridge: Drax is agreeable in principle to a side agreement including provisions, as appropriate, in relation to the pedestrian footbridge.</li> </ul>

			<ul style="list-style-type: none"> <li>Need for landscape obligations – still under discussion.</li> <li>Interpretation boards: Drax awaited confirmation in relation to the NYCC requirements associated with erecting the interpretation panels on the Public Right of Way (“ProW”). Noted that Historic England would also be agreeable to an alternative which would be to have the interpretation panels at the Drax visitors centre. Drax therefore proposed some amended drafting of the obligation to allow for a fall-back position of providing the panels at the visitor centre in the event the necessary consents are not able to be obtained for the PRow option. This matter is now resolved.</li> </ul>
20	20.09.2018	Email to NYCC Ecologist to issue breeding bird and reptile survey reports for comment	<ul style="list-style-type: none"> <li>No concerns raised by NYCC.</li> </ul>
21	25.09.2018	Email to NYCC and SDC Officers to issue updated OLBS, LVIA note, viewpoints and proposed changes to Examination timetable	<ul style="list-style-type: none"> <li>Documents were discussed during meeting on 02 October 2018.</li> </ul>
22	26.09.2018	Following correspondence on 13.09.2018, issued draft PPA in relation to the discharge of DCO requirements to both authorities	<ul style="list-style-type: none"> <li>The PPA is still under discussion. Drax issued the latest draft to NYCC and SDC on 15 January 2019 and received comments on 08 February 2019. These comments are currently being considered by Drax.</li> </ul>
23	01.10.2018	Email to NYCC and SDC Officers to issue updated Outline CTMP and CWTP	<ul style="list-style-type: none"> <li>No concerns raised by NYCC and SDC.</li> </ul>
24	02.10.2018	Skype meeting with both authorities to discuss noise, updated OLBS, progress on SoCG and proposed changes to the	<ul style="list-style-type: none"> <li>Outstanding queries from SDC Environmental Health Officer on noise / applicability of British Standards clarified. Agreed that no amendments or</li> </ul>

		Examination timetable	<p>additions to the noise assessment in the ES are necessary.</p> <ul style="list-style-type: none"> <li>• Drax awaiting formal comments on the OLBS from the authorities (received on 15 October 2018 – see below).</li> <li>• Drax agreed to issue updated draft SoCG to both authorities for further comment, taking into account previous comments.</li> <li>• Drax' proposed changes to the Examination timetable (as presented at the Preliminary Meeting on 04 October 2018) agreed by both authorities.</li> </ul>
25	15.10.2018	Issue of comments on revised OLBS from NYCC Landscape Officer and Ecologist	<ul style="list-style-type: none"> <li>• Comments still under discussion.</li> </ul>
26	16.10.2018	Meeting with both authorities to finalise draft SoCG for submission at Deadline 1	<ul style="list-style-type: none"> <li>• Final amendments to draft SoCG made and agreed.</li> </ul>
27	27.11.2018	Telephone call with authorities to discuss Local Impact Report	<ul style="list-style-type: none"> <li>• The Local Impact Report submitted into the Examination was discussed, it was noted that landscape impact remains the main outstanding issues between the Parties. The authorities confirmed they had instructed Martin Woolley Landscape Architects to review the report and wider landscape issues prior to the examination hearings.</li> </ul>
28	04.12.2018	Issue of Martin Woolley's Draft Mitigation Strategy to the Applicant by NYCC	<ul style="list-style-type: none"> <li>• The contents of the document are currently not agreed and remain under discussion.</li> </ul>
29	13.12.2018	Revised draft SoCG agreed for submission into the Examination at Deadline 6	<ul style="list-style-type: none"> <li>• Updated draft SoCG was submitted.</li> </ul>

30	11.01.2019	Telephone call with authorities to discuss outstanding areas of disagreement in relation to landscape and visual effects	<ul style="list-style-type: none"><li>• Landscape and visual effects and appropriateness of mitigation still under discussion.</li></ul>
31	25.03.2019	Meeting with SDC	<ul style="list-style-type: none"><li>• Agreement on projects to be undertaken by Drax to mitigate effects on landscape</li></ul>

