ENVIRONMENTAL STATEMENT - VOLUME 3 - APPENDIX 4.2

Environmental Statement Scoping Opinion Responses

Drax Bioenergy with Carbon Capture and Storage

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 – Regulation 5(2)(a)

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TABLE OF CONTENTS

TABLES

1. SCOPING OPINION RESPONSES

1.1.1. An **EIA Scoping Report** was submitted to the Secretary of State (SoS) in January 2021, as presented in **Appendix 1.1** (document reference 6.3.1.1).

1.1.2. An **EIA Scoping Opinion (Appendix 1.2)** (document reference 6.3.1.2) was received by the Applicant from the Planning Inspectorate (PINS) (on behalf of the SoS) on 26 February 2021, including formal responses from Statutory Consultees. The comments made by PINS on the Scoping Report and how these are addressed by the Applicant in the ES are set out in **Table 1.1**.

Table 1.1 - Scoping Opinion Responses

Scoping Opinion ID	Planning Inspectorate Comments	ES Comments
General		
1.2.3	The ES submitted by the Applicant should demonstrate consideration of the points raised by the consultation bodies. It is recommended that a table is provided in the ES summarising the scoping responses from the consultation bodies and how they are, or are not, addressed in the ES.	**Section 3** of **Chapters 5 - 18** provides a summary table detailing the topic-specific responses from consultation bodies has been included. This table (**Table 1.1)** also includes responses from consultation bodies where applicable.
2.3.1	The Inspectorate notes that the precise location and design of some elements of the Proposed Development have not been determined and will be refined prior to submission of the DCO application. Notably, limited information on the location, design and extent of the 'Other Works' has been provided in the Scoping Report. These other works include potential refurbishment, demolition, and reconstruction of existing electrostatic precipitators, to which no other reference is made in the report.	**Chapter 2 (Site and Project Description)** (document reference 6.1.2) provides details of the elements of the Proposed Scheme in **Section 2.2**. **Figure 2.2 (Indicative Plan Equipment Layout)** (document reference 6.2.2.2) provides more detail on the locations of the different elements of the Proposed Scheme. **Section 2.6** includes the design parameters and Rochdale Envelope for completing the environmental assessments within the ES. Further information on how the Rochdale Envelope applies to the Proposed Scheme is set out in **Section 4.7** of **Chapter 4 (EIA Methodology)** of this ES.
2.3.3	The maximum parameters for each element of the Proposed Development have not been defined. The ES must include a clear description of the location, design and maximum parameters for each element of the Proposed Development. It is considered that figures may be useful in this regard.	**Chapter 2 (Site and Project Description) Table 2.3** sets out the maximum parameters for the Proposed Scheme. Furthermore, indicative layouts and elevations are shown on the **Indicative Plans and Elevations** (document reference 2.6) and the extent of the different works is shown on the **Works Plans** (document reference 2.3).
2.3.4	The Scoping Report does not provide a description of the decommissioning phase of the Proposed Development. Paragraph 2.5.1 of the Scoping Report states, 'at the end of the operation, the facility may have some residual life remaining and an investment decision may be made as to whether the operating life will be extended'. The Inspectorate considers that an assessment of the decommissioning phase should be provided in the ES. This should be proportionate and include a description of the decommissioning works and estimated timescales of completion. The Applicant should clearly demonstrate that the anticipated complete lifecycle of the Proposed Development, including the decommissioning phase, has been described and adequately assessed in the ES. In addition, the Applicant should ensure that the operational lifetime of the Proposed Development specified in the ES is consistent with that set out in the DCO.	**Chapter 2 (Site and Project Description)** sets out the details of the lifecycle of the project. **Section 3** of the chapter details the construction phase of the Proposed Scheme. **Section 4** describes the operational phase and maintenance procedures for the Proposed Scheme, whilst **Section 5** of **Chapter 2 (Site and Project Description**) outlines the decommissioning phase. The lifecycle of the Proposed Scheme, including the decommissioning phase, has been assessed, as appropriate, in **Chapters 5-18** (document references 6.1.5 - 6.1.18) of this ES**.**
2.3.5	The Scoping Report does not provide an indication of the construction methods, machinery (numbers and type) or resources (quantities and type) that would be required to facilitate construction of the Proposed Development. The ES should clearly describe these and provide an assessment of resulting impacts, including from the use, transport, movement and storage of materials, where significant effects are likely to occur.	**Section 2.3** of **Chapter 2 (Site and Project Description)** provides details of the construction methods and programme. Additionally, construction plant that has been assumed for the Proposed Scheme is included in Appendix 7.1 Construction Noise and Vibration Assessment Assumptions (document reference 6.3.7.2). The impacts of these have been assessed in **Chapters 5 - 18** of this ES as appropriate.

Scoping Opinion ID	Planning Inspectorate Comments	ES Comments
2.3.7	The Scoping Report does not describe the activities required for the potential road modifications to Redhouse Lane, Carr Lane and New Road in the event that the upgrading of Drax Jetty is taken forward. The ES should include a description of the works required, including identification of the specific location of these works and any temporary or permanent use of agricultural land required to facilitate construction. It is considered that figures would be useful in this regard.	The Existing Drax Jetty is no longer included in the Proposed Scheme and the aforementioned road modifications are therefore no longer required.
2.3.8	The Scoping Report does not provide any information on the works or activities that may be undertaken on the land identified as the Environmental Mitigation Area. The ES should include a description of proposed works within the Environmental Mitigation Area and identify how these relate to the Proposed Development, including relevant design and / or environmental objectives, for example, biodiversity net gain, as mentioned in paragraph 3.11.4 of the Scoping Report. The Applicant's attention is drawn to the Environment Agency's (EA's) consultation response in this regard.	**Chapter 2 (Site and Project Description)** includes a summary of the works to take place in the Habitat Provision Area (formerly the Environmental Mitigation Area). Further details of the works proposed are included in **Chapter 8 (Ecology)** (document reference 6.1.8) and **Chapter 9 (Landscape and Visual Amenity)** (document reference 6.1.9) and the **Outline Landscape and Biodiversity Strategy (OLBS**) (document reference 6.6).
2.3.9	Paragraph 2.3.1 of the Scoping Report refers to 'Unit 1' and 'Unit 2' in relation to the Proposed Development. It is understood that Unit 1 and 2 relate to two existing biomass generating units. The ES should identify their location on a plan and distinguish between the two units.	The location of Biomass units 1 and 2 are included **Figure 1.2 (Indicative Site Layout Plan)** (document reference 6.2.1.2).
2.3.10	Scoping Report paragraph 2.2.10 states that for Steam Option A, infrastructure would be needed to connect the carbon capture technology to the existing steam supply. It is inferred that such infrastructure would also be required in the event that Steam Option B was taken forward, but this is not clearly stated. This should be made clear in the description of the development in the ES and potential impacts considered accordingly.	Details on the steam extraction and processing for Processing for the Proposed Scheme is provided in paragraphs 2.2.36 – 2.2.39 of **Chapter 2 (Site and Project Description)**. A description of the available steam source optionality and option selected are described in **paragraphs 3.5.6 – 3.5.10** of **Chapter 3 (Consideration of Alternatives)** (document reference 6.1.3). Each of the ES chapters (**Chapters 5-18)** assesses the worst-case scenario, as appropriate, arising from this activity. Further details on the worst-case assumptions can be found in each chapter.
2.3.11	Paragraph 2.2.17 states that there may be a requirement for 'unplanned venting of carbon dioxide for safety reasons prior to the gas entering the National Grid transport system'. No further information is provided on what this would involve, and no other references are made to it in the Scoping Report. This should be included in the description of the Proposed Development provided in the ES. A worst-case scenario should be assumed for the purposes of assessment and any potential impacts arising from this activity should be considered in the technical assessments as appropriate.	**Paragraph 2.2.30** of **Chapter 2 (Site and Project Description)** provides further detail on the venting of carbon dioxide. Modelling work (completed by a third party) has already been done and demonstrated that there would be a low risk of asphyxiating atmospheres being created. There was no commentary in the study completed and this would therefore need to be assessed by the process safety engineers. Given that there is no information on potential odorous or other polluting compounds, there is no further assessment that Air Quality can do with respect to venting at this stage.
2.3.12	The Inspectorate notes that the Scoping Report provides a generic diagram of the carbon capture infrastructure (see Figure 2.2, Scoping Report). The ES should include a detailed process diagram that clearly identifies the components of the proposed carbon capture technology and is consistent with the description of the Proposed Development provided in the ES. This must be consistent with the description of development in the DCO.	**Plate 2.1 (Process Block Flow Diagram for the Proposed Scheme)** in **Chapter 2 (Site and Project Description)** provides a schematic to show the BECCS process in line with the description set out in the chapter. This is consistent with the description of the development in the **dDCO (**document reference 3.1) and supporting plans (document reference 2.1 – 2.6).

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2.3.13	Paragraph 2.3.2 of the **Scoping Report** states that construction laydown areas will be reinstated to their original use following construction of the Proposed Development. The Scoping Report does not provide a description of the reinstatement works to be undertaken or the current land-use within these areas. The ES should include a description of these works and provide an assessment of potential impacts where significant effects could occur.	A description of the Drax Power Station Site Construction Laydown Areas and the East Construction Laydown Area is included in paragraphs 2.3.7 – 2.3.10, with details of reinstatement works set out in 2.3.7 to 2.3.10 in **Chapter 2 (Site and Project Description)** along with a description of the proposed uses. This is also shown on **Figure 2.3 (Construction Laydown Plan**) (document reference 6.2.2.3) The technical assessments reported in the ES chapters (**Chapters 5-18)** include an assessment of potential impacts in relation to the construction laydown areas where significant effects could occur. In relation to the physical reinstatement of the soil profile and aftercare period for agricultural land, all impacts have been discussed in construction phase only. As outlined in **Section 3.3** of the **Outline Biodiversity and Landscape Strategy (OLBS)** (document reference 6.6), specific details on reinstatement activities in relation to habitats will be provided in the detailed Landscape Biodiversity Strategy which will be produced at the corresponding phase of the Proposed Scheme.
2.3.14	The Inspectorate notes that two options are currently under consideration for the transport of AILs and construction material to the application site (see Section 2.2 of this Scoping Opinion). The location of the roads under Option 1 is indicated in Figure 1.2 of the Scoping Report, however there is no figure showing the roads that would be affected under Option 2, as described in Chapter 2 of the **Scoping Report**. In the event that Option 2 is taken forward the ES should provide a description of the road network that would be affected under Option 2 and identify the location of temporary road closures and removal of barriers and street furniture. It is considered that a figure may be useful in this regard.	**Section 2.3** of **Chapter 2 (Site and Project Description)** details the route for the transport of AILs. Further information is also provided in **Chapter 5 (Traffic and Transport)** (document reference 6.1.5) and is included in the **Outline Construction Traffic Management Plan** (document reference 6.3.5.1) submitted as part of the DCO Application. Locations of temporary changes to roads, barriers and furniture are set out in the **Access and Rights of Way Plans** (document reference 2.4).
2.3.17	The **Scoping Report** states that temporary construction lighting and additional operational lighting may be required. In addition, the **Scoping Report** states additional operational lighting will comply with the same standards as existing lighting at Drax Power Station. The ES should clearly describe the location and design of temporary construction lighting and additional operational lighting and provide an assessment where significant effects are likely to occur. The design standards that additional lighting will be required to meet should also be described in the ES, including evidence they are fit for purpose.	Construction lighting is detailed in paragraph 2.3.11 and operational lighting in paragraph 2.4.4 in **Chapter 2 (Site and Project Description)** of the ES. A **Draft Lighting Strategy** (document reference 6.7) has been produced, which includes the design standards that additional lighting will be required to meet during both the construction and operation phases of the Proposed Scheme. This strategy will be submitted as part of the DCO Application, and compliance with it is secured via a DCO Requirement. The Applicant has also undertaken a night-time assessment in **Chapter 9 (Landscape and Visual Amenity)** of the ES during the operation phase, accounting for the principle set out in that Strategy. The assessment includes referencing two night-time views (viewpoints 2 and 7) to allow for a day to night-time comparison in agreement with NYCC / SDC. For construction activities, the impacts from lighting are not significant, and are outlined in **Appendix 9.4 (Landscape and Visual Assessment Tables)** (document reference 6.3.9.4).
2.3.18	The **Scoping Report** does not provide an estimated number of staff required to facilitate construction and operation of the Proposed Development. The ES should describe the anticipated number of staff required during construction and operation of the Proposed Development and ensure that this is appropriately considered within the relevant aspect chapters of the ES.	**Sections 2.3 and 2.4** of **Chapter 2 (Site and Project Description)** provide estimates of the number of workers during construction and operation of the Proposed Scheme.

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3.3.1	The Inspectorate recommends that in order to assist the decision-making process, the Applicant uses tables: • to demonstrate how the assessment has taken account of this Opinion; • to identify and collate the residual effects after mitigation for each of the aspect chapters, including the relevant interrelationships and cumulative effects; • to set out the proposed mitigation and / or monitoring measures including cross-reference to the means of securing such measures (e.g. a dDCO requirement); • to describe any remedial measures that are identified as being necessary following monitoring; and • to identify where details are contained in the Habitats Regulations Assessment (HRA) report (where relevant), such as descriptions of National Site Network sites and their locations, together with any mitigation or compensation measures, are to be found in the ES.	This table has been provided to demonstrate how the assessment has taken account of the **Scoping Opinion**. Table 19.2 (Summary of Likely Significant Effects) which details the residual effects for each of the aspect chapters is provided in **Chapter 19 (Summary of Significant Effects)** (document reference 6.1.19). In addition to the dDCO, a **Register of Environmental Actions and Commitments** (document reference 6.5) has been provided which sets out the following: ~ Mitigation measures, including monitoring measures as appropriate; ~ Source references; ~ Achievement Criteria and Reporting Requirements. Signposting to the HRA has been included throughout **Chapter 8 (Ecology)** of the ES. The HRA also signposts back to relevant sections within **Chapter 8 (Ecology)** of the ES but is not in a tabulated format. However, it is seen to be presented in an appropriate way that supports ease of cross referencing to the reader.
3.3.5	The Inspectorate notes that the Scoping Report identifies the River Ouse as tidally influenced in the location of the Proposed Development. The Applicant should be aware that if the Proposed Development includes any works that take place below the mean high water springs mark, which includes the tidal extent of rivers, a marine licence under the Marine and Coastal Access Act (2009) may be required.	The Existing Drax Jetty is no longer part of the Proposed Scheme so no works will take place on the River Ouse.
3.3.6	Paragraph 3.13.1 of the Scoping Report states that the Applicant proposes to scope navigational risk out of further assessment and does not intend to submit a Navigation Risk Assessment (NRA) alongside the ES. This is on the basis that the Applicant would comply with all marine legislation and byelaws and that it has been agreed with the Marine Contractor, Harbour Master and a River Ouse Pilot that a safe passage would be feasible (despite the required AIL transport vessels exceeding the published maximum dimensions for the River Ouse). It is also stated that approximately 10 deliveries would be required during construction and no vessel movements are anticipated during operation of the Proposed Development.	The Existing Drax Jetty is no longer part of the Proposed Scheme so no works will take place on the River Ouse that would necessitate a Navigation Risk Assessment.
3.3.13	The ES should contain the timescales upon which the surveys which underpin the technical assessments have been based. For clarity, this information should be provided either in the introductory chapters of the ES (with confirmation that these timescales apply to all chapters), or in each aspect chapter.	The timescales upon which any surveys which underpin the technical assessments have been based are provided within the aspect **Chapters 5-18** (document references 6.1.5 - 6.1.18) of this ES, as appropriate.

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3.3.17	The Inspectorate notes that it is proposed to scope out emissions of heat, light and radiation on the basis that no significant sources of such emissions are anticipated. It is agreed that an assessment of effects from radiation may be scoped out. However, as no further information has been provided to justify this conclusion the Inspectorate does not agree that heat and light may be scoped out unless it is agreed with relevant consultees and such agreement is evidenced in the ES. An assessment of potential impacts should be provided where significant effects may occur. This may be integrated into the relevant aspect assessments rather than included in a discrete chapter.	The Applicant has included additional information around heat in the context of the Proposed Scheme in **Chapter 4 (EIA Methodology).** As no significant sources of heat, light and radiation are anticipated, they have been scoped out of the ES. Furthermore, a combined heat and power (CHP) Statement has not been prepared on the basis that insufficient heat would be produced from the Proposed Scheme; the EA agreed with this approach to the CHP Statement during the pre-application discussions, on the basis that the Proposed Scheme does not include any new, additional, combustion processes above and beyond that already permitted. A lighting baseline survey was undertaken for the Drax Repower Project which is still representative of the current lighting conditions on site. A **Draft Lighting Strategy** has been prepared and submitted alongside the ES with the DCO Application. **Chapter 8 (Ecology)** (document reference 6.1.8) and **Chapter 9 (Landscape and Visual Amenity)** assess the potential impacts of light where significant effects may occur. The effects of heatwaves, extreme weather and other external hazards are considered within **Chapter 17 (Major Accidents and Disasters)** (document reference 6.1.17).
3.3.19	It is noted that the Applicant intends to submit a Register of Commitments with the DCO application and to prepare a Construction Environmental Management Plan (CEMP) prior to construction, both of which will set out proposed mitigation measures. The DCO application should include all documents which contain measures relied upon within the impact assessments to mitigate the predicted effects of the Proposed Development. A draft of the CEMP should be submitted with the application. Explicit cross-reference should be provided from the ES to the relevant mitigation contained in such documents so that it is clear what measures are proposed for each of the likely significant effects identified in the ES and where each is secured.	A **Register of Environmental Actions and Commitments** (REAC) has been prepared and will be submitted as part of the DCO Application. Within this, proposed mitigation measures are detailed, as are the ways in which these will be secured. The requirement for a CEMP will be a condition within the draft DCO submitted with the Application. It is proposed that a draft CEMP is not provided with the Application. This is on the basis that a draft CEMP is not required as part of a DCO application and will repeat the information contained within the **REAC**. This approach was confirmed with PINS on 10 March 2021.
3.3.20	It is noted that mitigation and enhancement measures are not differentiated in the technical chapters of the Scoping Report. It should be made clear in the ES which measures are intended to provide mitigation and which are intended to provide enhancement.	**Section 10** of each technical chapter (**Chapter 5-18**) details the mitigation and enhancement measures under separate subheadings.
3.3.21	The ES should identify and describe any proposed monitoring of significant adverse effects and how the results of such monitoring would be utilised to inform any necessary remedial actions.	**Section 14** of each technical chapter (**Chapter 5-18**) details the monitoring measures (where necessary) required.
3.3.24	The ES should include a description and assessment (where relevant) of the likely significant effects the Proposed Development has on climate (for example having regard to the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change. Where relevant, the ES should describe and assess the adaptive capacity that has been incorporated into the design of the Proposed Development. This may include, for example, alternative measures such as changes in the use of materials or construction and design techniques that will be more resilient to risks from climate change.	**Chapter 14 (Climate Resilience)** and **Chapter 15 Greenhouse Gases** consider the Proposed Schemes effects on Climate.

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3.3.25	Transboundary effects: Having considered the nature and location of the Proposed Development, the Inspectorate is not aware that there are potential pathways of effect to any European Economic Area (EEA) states but recommends that, for the avoidance of doubt, the ES details any such consideration and assessment.	**Section 4.14** of **Chapter 4 (EIA Methodology)** (document reference 6.1.4) details the approach to transboundary effects included in the ES.
3.3.26	A reference list detailing the sources used for the descriptions and assessments must be included in the ES.	**Chapters 5 - 18** include a reference list detailing the sources used in the preparation of their assessments.
Chapter 5 (Traffic and Transport)		
4.3.1	No matters are proposed to be scoped out.	Paragraph 5.4.3 of **Chapter 5 (Traffic and Transport)** (document reference 6.1.5) notes that the study area has been refined in accordance with the proposed methodology set out in **paragraph 6.3.3** of the **EIA Scoping Report.** The A63/A162 4-arm roundabout (Junction 7) has been removed from the study area as the number of vehicular trips during the construction and operation phase is predicted to result in a change of less than 10% (Rule 1) on the link approaching the junction and less than 30 trips through the junction during the AM and PM peak hour. No further assessment of the Proposed Scheme's impact on Junction 7 is therefore presented in this chapter.
4.3.2	The Inspectorate notes that it is proposed to utilise the traffic flow data collected for the Drax Repower DCO application on the basis that it includes traffic surveys for all of the junctions and links within the study area for the Proposed Development. The relevance of the data should be demonstrated and clearly presented within the ES.	The Applicant can confirm that additional traffic surveys were not undertaken during 2021 or Q1 2022. The ES has been prepared during the COVID-19 pandemic which has drastically changed travel patterns in the short-term and, potentially medium to longer term. Government policy has been at varying levels since March 2020, which has led to temporary changes in travel demand, and as a result, consultants and Local Highway Authorities are unable to undertake representative traffic surveys to measure 'typical' traffic conditions to assess the impact of development proposals The existing traffic flows collected during 2018 as part of the Drax Repower DCO Application have been used where appropriate. National Highways, NYCC, and ERoY considered this to be acceptable as part of their response to the Transport Scoping Note. National Highways made available a separate set of traffic flows for the M62 Junction 36 at requested that the most appropriate traffic count should be used for future assessments at the junction. A review undertaken found that the overall number of traffic movements through Junction 36 of the M62 were higher in the data provided by National Highways. As such, data at Junction 36 used the traffic flows provided by National Highways.

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4.3.3	It is stated that the proposed transport study area is the same as that used for the Repower application, but the Report does not include a plan depicting the study area. It is unclear whether it includes the roads that would be utilised in the event that Drax Jetty is upgraded and used for the transportation of construction materials, and whether the Repower traffic flow data encompasses those roads. The traffic flow data should be supplemented as necessary if the affected roads were not previously included. The finalised study area should be depicted on a figure in the ES that identifies all sensitive receptors, including PRoW and bridleways, that could be affected by the Proposed Development.	**Section 5.6** and **Figure 5.1 (Study Area)** in **Chapter 5 Traffic and Transport)** (document reference 6.2.5.1) identifies all sensitive receptors, including junctions and highway links. **Figure 5.2** also considers PRoW and bridleways within the study area that could be affected by the Proposed Scheme.
4.3.4	It is unclear why Section 6.5 only refers to tertiary mitigation during construction. The ES should include details of all forms of mitigation required for all phases of the Proposed Development.	**Chapter 2 (Site and Project Description)** sets out the primary mitigation for the Proposed Scheme. **Section 5.10** of **Chapter 5 (Traffic and Transport)** sets out the secondary mitigation.
4.3.5	Along with a Construction Traffic Management Plan and Public Rights of Way Management Plan reference is made to a Construction Worker Travel Plan. Draft plans should be submitted with the application material and demonstrably secured in the DCO.	An **Outline Construction Traffic Management Plan (CTMP)** (**Appendix 5.1 of Volume 3** (document reference 6.2.5.1)), and **Framework Construction Worker Travel Plan (CWTP)** (**Appendix 5.2 of Volume 3** (document reference 6.2.5.2)) have been submitted as part of the submission. A Public Rights of Way Management Plan was identified as potential mitigation in the **EIA Scoping Report**. However, as described in paragraph of **Chapter 3 (Alternatives)** (document reference 6.1.3) the northern part of the East Construction Laydown Area has been removed to avoid temporary impacts to a public right of way and owing to a reduction in the extent of land required for laydown in this location. **Paragraphs 5.9.63** and **5.9.64** of **Chapter 5 (Traffic and Transport)** sets out the impacts of the Proposed Scheme on the wider Public Rights of Way Network and consideration of the construction environmental measures to be put in place to manage the effects. No Public Rights of Way Management Plan is therefore required
4.3.6	The construction timetable contained in this chapter differs to the timetable presented in Chapter 2. Such information should be presented consistently throughout the ES so that it is clear that the potential for different effects arising during different phases of construction has been reflected in the assessment.	The construction programme for the Proposed Scheme is set out in **Section 2.3** of **Chapter 2 (Site and Project Description)** and **Tables 2.1 and 2.2**. Two options are being considered for the construction of the Proposed Scheme. Technical chapters have assessed the option that is the worst case for that topic and this is described within each technical chapter (**Chapters 5-18**), with the Traffic Chapter assuming Option 2 as a worst case.
4.3.7	Staffing levels at the Drax Power Station during the operational phase are anticipated to be less than existing levels as a result of the two-remaining coal-powered units ceasing commercial operation in March 2021. However, the construction timetable subsequently described for the repowering of up to two of those units indicates that the peak construction years for that project would end in 2026. On that basis the number of operational staff could potentially be either the same as the existing number or higher at the same time that the Proposed Development becomes operational (2027/2028). The ES should justify and assess the worst-case operational year.	The workforce based at Drax Power Station has reduced by 230 workers since the collection of the baseline traffic survey data collected during 2018. The reduction in the workforce is as a result of two coal-powered units ceasing operation in March 2021. As noted by the inspector the Applicant has an existing Development Consent Order ('DCO') (The Drax Power (Generating Stations) Order 2019), which allows Drax to repower up to two of the existing coal-powered generating units with new gas turbines that can operate in both combined cycle and open cycle modes (referred to as the Drax Repower Project). The new units would have a new combined capacity of up to 3,600

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		MW in combined cycle mode (1,800 MW each) and a require similar size workforce as the coal powered units. The Applicant has indicated that a workforce of 40 full time staff would be required for the operation of the Proposed Scheme. Given this, when compared against recent operations associated with coal or repowering associated with Drax Repower, there will be an overall net-reduction of circa. 190 people in the workforce.
Chapter 6 (Air Quality)		
4.4.1	Detailed construction traffic volume and movements generated by the Proposed Development are currently unknown but that 'fewer than 100 HDV' would be generated on a daily basis as an annual average, and taking into account baseline air quality, the distance of receptors from the site boundary and the nature of the works it is considered that there is no realistic potential for significant effects from vehicles. It is also explained that appropriate control measures will be included within the Register of Commitments for inclusion in the CEMP. The Inspectorate agrees that this matter may be scoped out as long as evidence of traffic volume and movements is provided in the ES to substantiate the assumption that there will be fewer than 100 Heavy Duty Vehicles (HDV)/day, and on the basis that the construction traffic route would not affect any Air Quality Management Areas (AQMAs). Should the number be high enough to potentially result in significant air quality effects this matter should be scoped In, and an assessment provided in the ES.	A review of construction traffic data for the Proposed Scheme, combined with a review of potential sensitive receptor locations and existing air quality within the construction phase study area, has concluded that impacts associated with construction traffic movements can be scoped out of the assessment (refer to **Table 6.3 -** Elements Scoped Out of the Assessment within **Chapter 6 (Air Quality)** (document reference 6.1.6) for further information). There will be no HDV movements through the existing Selby AQMA on the basis of the construction routing set out in the **Outline Construction Traffic Management Plan (document reference 6.3.5.1** and associated **Figure 5.5 (HDV Routeing)** (document reference 6.2.5.5).
4.4.2	It is stated in the Scoping Report that changes to operational traffic volumes would not trigger Institute of Air Quality Management (IAQM) criteria for assessment of impacts (i.e., 500 vehicles/100 heavy goods vehicles (HGV) per day outside an AQMA) and consequently there is no potential for significant effects. The Inspectorate agrees that this matter may be scoped out as long as evidence of traffic volume and movements is provided in the ES to substantiate the assumption that there will be fewer than 500 vehicles/100 HDV per day. Should it be predicted that the number would be high enough to potentially result in significant effects this matter should be scoped In, and an assessment provided in the ES.	**Paragraphs 5.9.67 - 5.9.71** of **Chapter 5 (Traffic and Transport)** provide a review of operational traffic data for the Proposed Scheme, combined with a review of potential sensitive receptor locations and existing air quality within the construction phase study area, has concluded that impacts associated with operational traffic movements can be scoped out of the assessment. All vehicle movements generated by the Proposed Scheme will be below the IAQM assessment screening criteria on all relevant road links, including the Selby AQMA. **Table 6.3 -** Elements Scoped Out of the Assessment within **Chapter 6 (Air Quality)** (document reference 6.1.6) sets out that peak construction year (2024, option 2 construction programme) would have LDV flows of 523 AADT which marginally exceed the respective IAQM criterion. Similarly peak year flows of HDV are predicted to be 197 AADT. However, given that mapped existing and future (2027/29) annual mean pollutant levels are well below the respective statutory air quality standards and given the distance the sensitive receptors are located from the roadside, the short-term change in vehicle emissions attributed to construction traffic will have insignificant effects on local air quality. The A1041 road linking to the Selby AQMA is predicted to experience peak year construction vehicle movements of ten LDV AADT movements and zero HDV movements, thus will remain well below the above criteria.

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		As such, emissions from construction traffic movements are expected to have no significant effect on local air quality both within and outside of the Selby AQMA.
4.4.3	This chapter is described as setting out the proposed methodology for the historic environment assessment. The Inspectorate assumes that this was a textual error and was intended to refer to the air quality assessment.	Noted, this is confirmed as a textual error.
4.4.4	The Inspectorate notes that no project-specific air quality surveys are proposed at this stage. This approach should be discussed and agreed with relevant consultation bodies.	Consultation was undertaken with SDC and NYCC who confirmed the scope of the assessment including baseline surveys on 11 August 2021 and 10 December 2021 as highlight in Table 6.2 in **Chapter 6 (Air Quality).** No additional, project-specific, air quality surveys have been undertaken to inform the assessment given the availability of existing data holdings as outlined in **para 6.5.45** of **Chapter 6 (Air Quality).** This approach was outlined in the Applicant's consultation submission to SDC and the EA, dated 11 August 2021. Whilst the EA did not query this approach in their consultation response, dated 2 November 2021, the EA recommended that the air quality assessment must provide robust evidence that background concentrations are likely to be representative at locations of exposure. This evidence is provided in **Section 6.7** of **Chapter 6 (Air Quality).**
4.4.5	It is explained in the Report that the operational study area extends 15km in all directions from the 'Proposed Scheme'. It should be specified in the ES from where that begins, such as, for example, the application site boundary. The methodology used to determine the extent of the study area should be clearly set out in the ES. The study area must be sufficient to encompass all likely significant effects arising from the Proposed Development. The Applicant is referred to the comments of Doncaster Council in this regard, in relation to the location of the receptors that would experience the maximum ground-level impacts of the emissions from the Power Station main stack.	The 15 km study area is determined based on the location of the Main Stack within the Site, which has a height equal to 259 m above ground level. This follows relevant Environment Agency guidance for 'larger emitters', defined as plant generating in excess of 50 megawatts (see **Section 6.6** of **Chapter 6 (Air Quality)**). The air quality assessment of operational impacts from the Proposed Scheme has recognised Doncaster Council's comments. Whilst discrete modelling of receptors within Doncaster's AQMAs is not required as they are located beyond the 15 km study area (see **Section 6.6**), discrete receptors have been modelled at locations within Doncaster Council's administrative area which are close to exceeding air quality objectives (e.g., Thorne) that fall within the study area (see **Table 6.13, Section 6.8** of **Chapter 6 (Air Quality)** and **Figure 6.3**). With respect to cumulative impacts from future developments, emissions from the consented Keadby 2 and proposed Keadby 3 power stations have been accounted for in the cumulative impact assessment for air quality, based on the respective air quality assessments submitted for each application. Similarly, emissions from the consented Eggborough CCGT Power Station and the proposed Energy from Waste installation in Kirk Sandall, Doncaster have been considered based on the corresponding air quality assessment submitted for the planning application. See **Section 6.12** of **Chapter 6 (Air Quality)** for further information on the cumulative impacts assessment.

Scoping Opinion ID	Planning Inspectorate Comments	ES Comments
4.4.6	Limited information is provided on potential mitigation measures. The ES should provide details of proposed measures, identify where and how they are secured, and specify which predicted effects they are intended to address.	Proposed mitigation measures that are required for the Proposed Scheme and how they would be secured are provided within **Section 6.10** of **Chapter 6 (Air Quality)**.
4.4.7	Details of the models used to assess atmospheric dispersion and chemical reactions associated with amines should be provided in the ES.	Details of dispersion modelling and chemical reactions associated with amines are provided in **Section 6.5** of **Chapter 6 (Air Quality)** and **Appendix 6.3 (Atmospheric Dispersion Modelling)** of the ES.
4.4.8	It is stated that "emissions from the Proposed Development will be taken, where available, from the limits set in the Industrial Emissions Directive (IED)". The ES should demonstrate that this is a valid assumption for the proposed operation.	Where applicable, emission limit values set by the IED (Council of the European Union, 2010), implemented in England and Wales via the Environmental Permitting Regulations 2016 (SI 2016/1154) have been applied to the existing and proposed emissions sources within the Site for the relevant pollutants, which aligns with the current environmental permit for Drax Power Station. Emissions data for amines and associated by-products from the proposed BECCS process are based on data supplied by the proposed technology suppliers (Mitsubishi Heavy Industries, MHI). Refer to **Section 6.5** of **Chapter 6 (Air Quality)** for further details**.**
Chapter 7 (Noise and Vibration)		
4.5.1	It is proposed to scope this matter out on the basis that there are no sensitive receptors closer than 50m from any proposed potential sources of vibration and therefore the industrial activities associated with operation would not be expected to generate vibration levels that would be significant. The Inspectorate considers that insufficient information has been provided in the Scoping Report to justify scoping this matter out at this time. It is not explained what the characteristics of the vibration sources are likely to be and on what the 50m limit is based, and no evidence has been provided to substantiate the statement that there no sensitive receptors within 50m, since distances under 100m are reported as 'less than 100m'. The 'Initial List of Sensitive Receptors' contained in Table 8.2 only identifies properties and does not include the other potentially sensitive receptors identified in paragraph 8.4.1. In addition, it is explained that consideration will be given to other receptors once more information on the Proposed Development becomes available. Accordingly, the ES should include an assessment of this matter where significant effects are likely to occur, unless it is subsequently agreed with relevant consultation bodies that it would not give rise to any likely significant effects. Such agreement should be evidenced in the ES.	On 4 February 2022, consultation was undertaken with the EHO at Selby and it was agreed that a vibration assessment for the operational phase of the Proposed Scheme would not be required in the ES. As explained in **Section 7.4** of **Chapter 7 (Noise and Vibration),** the operation of the new equipment is not expected to give rise to a significant effect at the nearest sensitive receptor.
4.5.2	It is proposed to scope this matter out on the basis that changes to transport as a result of the operation of the Proposed Development would not be expected to change traffic flows on the road network by more than 10% and therefore would not result in significant noise and vibration effects. The Inspectorate agrees that this matter may be scoped out according to the justification provided, as long as the traffic flow modelling supports the assertion	As sufficient evidence is not available to scope this out until completion of the Proposed Scheme, an assessment for the likely significant noise effects due to change in traffic flows has been undertaken for both construction and operational phases. The assessment is presented in **Chapter 7 (Noise and Vibration)** (document reference 6.1.7) of this ES.

Scoping Opinion ID	Planning Inspectorate Comments	ES Comments
	about the predicted change in traffic flows. Cross-reference should be made as appropriate from the ES Noise and Vibration chapter to the relevant traffic data.	
4.5.3	Reference is made to the use for this assessment of baseline information gathered as part of the White Rose Carbon Capture and Storage and Drax Repower DCO applications. The relevance of the data should be demonstrated and clearly presented within the ES. Care should be taken to ensure that the baseline information for the Proposed Development encompasses the total area within which it could give rise to significant effects, and it should be supplemented as necessary.	As detailed in **Section 7.5, Method of Baseline Data Collection** in **Chapter 7 (Noise and Vibration)** of this ES, baseline noise monitoring was undertaken by the Applicant between 19 May 2021 and 16 June 2021 at representative locations near the Proposed Scheme and has been used in the assessment. The baseline noise monitoring does not rely on the White Rose Carbon Capture and Storage and Drax Repower projects.
4.5.4	The basis for defining the proposed study areas is not explained in the Report. The study areas to be used for the assessment should be sufficiently broad to encompass all receptors that could experience significant effects arising from the Proposed Development, and the rationale for determining the extent of the study areas should be explained in the ES.	The justification of the proposed study areas is provided in paragraphs 7.6.1 and 7.6.2 in **Chapter 7 (Noise and Vibration)** of this ES.
4.5.5	In relation to the construction phase of the upgraded Drax Jetty it is stated that additional monitoring of underwater noise will be undertaken to inform the assessment if needed. The assessment should also include consideration of potential vibration impacts during construction on the structural integrity of the existing riverbank.	The use of the Existing Drax Jetty is no longer part of the Proposed Scheme.
4.5.6	It is stated that noise modelling will be undertaken to inform the construction and operational assessments. A detailed modelling report should be provided in the ES setting out the model assumptions and results.	The conclusions in the ES are supported by the results of a 3D computer noise model using CadnaA. The results are presented in **Chapter 7 (Noise and Vibration**) and supporting appendices including **Appendix 7.4 Baseline Noise Statistical Analysis Appendix 7.5 Road Traffic Noise Assessment, Appendix 7.5 Biodiversity Receptor Modelling Results** which accompany the ES.
4.5.7	It is explained that the assessment of noise and vibration effects on biodiversity receptors will be presented in the ES Ecology chapter. Clear cross-reference should be made from the ES Noise and Vibration chapter to the location of the relevant information within the Ecology chapter.	Noise predictions at biodiversity receptors are presented in **Chapter 7 (Noise and Vibration)**, **Appendix 7.6 Biodiversity Receptor Results** (document reference 6.3.7.6) with cross-reference to **Chapter 8 (Ecology)** (document reference 6.1.8)**.**
Chapter 8 (Ecology)		
4.6.1	**Construction and Operation - loss or disturbance of common and widespread habitats of negligible nature conservation importance.** The Scoping Report proposes to scope this matter out of the assessment on the basis that impacts “are not expected to lead to significant effects”. However, no evidence has been provided in the **Scoping Report** to substantiate this statement. In addition, the **Scoping Report** does not clearly describe the criteria used to determine the nature conservation importance of habitats. Therefore, the Inspectorate does not agree that this matter may be scoped out and the ES should include an assessment of these matters where significant effects are likely	The assessment describes the baseline for all habitats and species assessed (which have been agreed with NYCC Ecology) and identifies which of these are important ecological features with due regard to the CIEEM Guidelines for Ecological Impact Assessment. Where habitats or species are determined to be Important Ecological Features, they are subject to ecological impact assessment. A summary of consultation is provided in **Table 8.1**, **Chapter 8 (Ecology).**

Scoping Opinion ID	Planning Inspectorate Comments	ES Comments
	to occur, unless it is agreed with relevant consultation bodies that they may be scoped out, and this is evidenced accordingly in the ES.	The approach to the ecological assessment has been agreed with North Yorkshire County Council (NYCC) / Selby District Council (SDC) in a meeting on 22 February 2021. A teleconference between the Applicant and Natural England took place on 25 February 2022 which included discussions on the Statement of Common Ground (SoCG). Matters for agreeing topic areas to scope out elements for formal assessment formed part of this Agenda but were not formally agreed in this session. A robust justification for why elements have been formally scoped out of the assessment are summarised in **Table 8.2,** in **Chapter 8 (Ecology)**. The CIEEM EcIA Guidelines make it clear that not all effects on ecological receptors will be significant. The CIEEM EcIA Guidelines form the basis for the EcIA in the ES, and are used as the process of identifying: ~ Receptors which are not Important Ecological Features, and therefore cannot experience significant effects; and ~ Important Ecological Features which are subject to negligible or no impacts as a result of the Proposed Scheme, and therefore are not subject to significant effects.
4.6.2	**Construction and Operation - temporary disturbance of common and widespread species of negligible nature conservation importance**. The Scoping Report proposes to scope this matter out of the assessment on the basis that effects “will be managed through generic control measures” and “are not expected to lead to significant effects”. However, no evidence has been provided in the Scoping Report to substantiate these statements and ‘generic control measures’ are not clearly described. In addition, the Scoping Report does not clearly describe the criteria used to determine the nature conservation importance of habitats. Therefore, the Inspectorate does not agree that this matter may be scoped out and the ES should include an assessment of these matters where significant effects are likely to occur, unless it is agreed with relevant consultation bodies that they may be scoped out, and this is evidenced accordingly in the ES.	The assessment describes the baseline for all habitats and species assessed (which have been agreed with NYCC Ecology) and identifies which of these are important ecological features with due regard to the CIEEM Guidelines for Ecological Impact Assessment. Where habitats or species are determined to be Important Ecological Features, they are subject to ecological impact assessment. The approach to the ecological assessment has been agreed with North Yorkshire County Council (NYCC) / Selby District Council (SDC) in a meeting on 22 February 2021 as detailed in **Table 8.2** in **Chapter 8 (Ecology).** The Applicant has only recently been able to obtain advice from Natural England, and has yet to conclude a SoCG with NE, although this is in process. The CIEEM EcIA Guidelines make it clear that not all effects on ecological receptors will be significant. The CIEEM EcIA Guidelines form the basis for the EcIA in the ES, and are used as the process of identifying: ~ Receptors which are not Important Ecological Features, and therefore cannot experience significant effects; and ~ Important Ecological Features which are subject to negligible or no impacts as a result of the Proposed Scheme, and therefore are not subject to significant effects.
4.6.3	The Scoping Report states that existing environmental information for two other projects (FGD Plant and Drax Repower) will be used to inform the ES. Where existing ecological information sourced from other projects has been relied upon for the purposes of the baseline assessment this should be clearly described in the ES, and evidence should be presented that such baseline data is	The use of existing environmental information in relation to FGD Plant and Drax Repower has been signposted throughout the assessment (**Chapter 8, Ecology**). As detailed in **paragraph 8.5.25** of **Chapter 8 (Ecology),** the ecological baseline has not changed significantly since the Drax Repower Environmental Statement, hence the inclusion of surveys done for this project. The approach to the ecological assessment

Scoping Opinion ID	Planning Inspectorate Comments	ES Comments
	representative and fit for purpose. The Applicant should seek agreement with the relevant consultation bodies regarding the suitability of existing baseline data and evidence this within the ES.	has been agreed with NYCC / SDC in a meeting on 22 February 2021 and was subsequently reconfirmed in a further meeting with NYCC on the 1 September 2021. The Applicant has only recently been able to obtain advice from Natural England, and has yet to conclude a SoCG with NE, although this is in process.
4.6.4	The Scoping Report does not clearly explain how the potential ZoIs for 'Nationally important designated nature conservation sites' (5km), 'Locally important designated nature conservation sites' (2km) and 'Priority Habitats, protected and notable species' (100m, 500m) have been determined. The ES should clearly describe how each ZoI has been defined according to the sensitivity of the receiving environment and potential impacts during construction, operation and decommissioning of the Proposed Development. The Applicant should seek agreement with the relevant consultation bodies regarding the ZoI of the Proposed Development and evidence this within the ES.	Additional explanation of the rationale for selecting the ZoI for each ecological receptor is set out in **Section 8.6 Study Area** within **Chapter 8 (Ecology)** (document reference 6.1.8). The maximum ZoI for international and nationally designated statutory designated sites relates to the potential maximum ZoI for air quality impacts arising from operation of the Proposed Scheme. This has therefore been aligned with the ZoI for these used in **Chapter 6 (Air Quality)** (document reference 6.1.6). The Applicant has only recently been able to obtain advice from Natural England, and has yet to conclude a SoCG with NE, although this is in process.
4.6.5	The Scoping Report provides conflicting statements about the ZoI for statutory designated sites. For example, Table 9.1 refers to a radius of 15km from the 'Proposed Scheme' whilst paragraph 9.3.3 refers to sites 'within 10km of the Site Boundary'. The ES should clearly describe the ZoIs used for each of the ecological assessments and ensure they are consistently reported in the ES.	Additional explanation of the rationale for selecting the ZoI for each ecological receptor is set out in **Section 8.6 Study Area** within **Chapter 8 (Ecology)** (document reference 6.1.8). The maximum ZoI for international and nationally designated statutory designated sites relates to the potential maximum ZoI for air quality impacts arising from operation of the Proposed Scheme. This has therefore been aligned with the ZoI for these used in **Chapter 6 (Air Quality)**. The Applicant has only recently been able to obtain advice from Natural England and has yet to conclude a first draft SoCG with NE, although this is in process.
4.6.6	The Inspectorate notes that the upgraded Drax Jetty would be located upstream of the Humber Estuary SPA, Ramsar and SSSI. The Applicant should consider impacts to mobile species for which these sites have been designated such as, for example, migrating lamprey, during construction of the Proposed Development. The ES should provide an assessment of these matters where significant effects are likely to occur. The Applicant's attention is drawn to Natural England's consultation response in this regard.	The Existing Drax Jetty and associated access route have been removed from the Proposed Scheme.
4.6.7	Based on the information presented in the Scoping Report, it is unclear if potential impacts to regional and locally designated sites will be considered in the ES. The ES should identify regional and locally designated sites within an agreed study area and provide an assessment where significant effects are likely to occur. The Applicant's attention is drawn to Natural England's consultation response in this regard.	The Applicant can confirm that regionally and locally important Designated Sites are included within the assessment presented in the ES

Scoping Opinion ID	Planning Inspectorate Comments	ES Comments
4.6.8	The Applicant should seek agreement with the statutory nature conservation bodies (SNCBs) regarding the suitability of the proposed mitigation and its efficacy and evidence this in the ES. The ES should describe the mechanism through which mitigation shall be secured in the DCO. The ES should also consider environmental impacts resulting from the implementation of proposed mitigation (e.g., habitat creation) and provide an assessment of these where significant effects are likely to occur. The Applicant should also consider opportunities for off-site mitigation /enhancement as part of the Proposed Development. The Applicant's attention is drawn to the EA's consultation response in this regard.	The Applicant has only recently been able to obtain advice from Natural England, and has yet to conclude a first draft SoCG with NE, although this is in process. In the S42 response to the PEIR, NYCC state (in relation to the ecology mitigation measures proposed in the PEIR (WSP UK, 2021)) 'Table 8.9 set out the preliminary mitigation which may need to be incorporated depending on the final assessment. Overall the mitigation measures proposed are considered to be achievable and they can be secured through the DCO process'. The Applicant has presented finalised ecology mitigation measures in **Chapter 8 (Ecology)** including signposting on how these measures would be secured in the DCO. The Applicant can confirm that **Chapter 8 (Ecology)** of the ES includes assessment of the ecological effects arising from habitat creation measures that would provide mitigation and support the delivery of biodiversity net gain.
4.6.9	Although the description of the impact in Table 9.4 refers only to construction activities it is indicated below 'Phase' and 'Justification' that loss and/or disturbance of protected species and their habitats matter will also be scoped into the operational assessment. For the avoidance of doubt, the Inspectorate has assumed that this matter will be assessed for both the construction and operational stages where significant effects are likely to occur and considers that a proportionate assessment should also be provided for the decommissioning phase.	The Applicant can confirm that where significant effects on Important Ecological Features may result from habitat loss during the operational phase, this has been included and assessed within the ES. As detailed in **Section 8.4** of **Chapter 8 (Ecology),** this has also been considered for the decommissioning phase.
4.6.10	Although the description of the impact and the phase in Table 9.4 refer only to construction it is indicated below 'Justification' that disruption of ecological networks provided by habitats that will be lost, altered, or disturbed will also be scoped into the operational assessment. For the avoidance of doubt, the Inspectorate has assumed that this matter will be assessed for both the construction and operational stages where significant effects are likely to occur and considers that a proportionate assessment should also be provided for the decommissioning phase.	The Applicant can confirm that consideration of effects on Important Ecological Features from disruption of ecological networks during both the construction and operational stages has been included and assessed within the ES. As detailed in **Section 8.4** of **Chapter 8 (Ecology),** this has also been considered for the decommissioning phase.
4.6.11	Planning Inspectorate 'Advice Note Ten: Habitats Regulations Assessment relevant to Nationally Significant Infrastructure Projects' (AN10) was updated in 2017. The Applicant should ensure that the ES has regard to the most recent version of advice and guidance and reference this accordingly in the ES.	The Applicant can confirm that due regard has been had to 'Advice Note Ten: Habitats Regulations Assessment (HRA) relevant to Nationally Significant Infrastructure Projects (NSIP)' (AN10) during completion of the **HRA Report** (document reference 6.8.1). The findings of HRA work for the Proposed Scheme are referred to in the ES, rather than presented in their entirety.
4.6.12	Paragraph 9.7.4 of the Scoping Report only states which protected species surveys are being considered and paragraph 9.7.5 provides limited information in relation to timings of WBS and Great Crested Newt surveys. The ES should clearly set out which specific ecological surveys have been used to inform the assessment, including survey timings and methodologies. The Applicant should seek agreement with the relevant consultation bodies regarding the ecological survey requirements associated with the Proposed Development and evidence this in the ES.	The Applicant can confirm that the timings and methodologies followed for ecological surveys are presented in **section 8.5** of **Chapter 8 (Ecology),** with further details presented in the **Volume 3 Appendices** (document references 6.3.8.1 - 6.3.8.5). The Applicant has agreed the scope of ecological surveys with NYCC, via an 'Ecological Survey Scope Note' which is appended to the draft **Statement of Common Ground (SoCG) with NYCC** (document reference 7.1.1). The Applicant has only recently been able to obtain advice from Natural England and has yet to conclude a first draft SoCG with NE, although this is in progress.

Scoping Opinion ID	Planning Inspectorate Comments	ES Comments
4.6.13	The Scoping Report states that construction of the upgraded Drax Jetty may require capital dredging and maintenance dredging within the River Ouse. The Inspectorate notes that Table 13.3, Chapter 13 of the Scoping Report indicates that impacts to biological quality elements of the River Ouse will be included in the assessment. However, it is not apparent that the ES will include an assessment of potential effects of dredging on aquatic ecological receptors, including the spread of Invasive Non-Native Species (INNS) via vessels transporting AILS and construction materials to site (e.g., ballast water, accidents, spillages). For the avoidance of doubt, the ES should describe the method, timing, duration, volume of material and location of dredging works and provide an assessment of these matters where significant effects are likely to occur. The Applicant's attention is drawn to the Canal and River Trust and EA consultation responses in this regard.	The Existing Drax Jetty and associated access route are no longer part of the Proposed Scheme.
4.6.14	The Inspectorate notes the Applicant intends to submit a BNG assessment alongside the ES. The BNG assessment should be undertaken in accordance with industry best practice and any requirements introduced by the Environment Bill, where relevant. The Applicant's attention is drawn to the EA and North Yorkshire County Council consultation responses in this regard.	The Applicant can confirm that a Biodiversity Net Gain (BNG) assessment, (refer to **Biodiversity Net Gain Assessment**, document reference 6.10) has been undertaken in accordance with CIEEM, Institute of Environmental Management and Assessment (IEMA) and Construction Industry Research and Information Association's (CIRIA) BNG: Good practice principles for development and follows the steps outlined in Natural England's Biodiversity Metric 3.0.
Chapter 9 (Landscape and Visual Amenity)		
4.7.1	No matters are proposed to be scoped out.	Noted.
4.7.2	The Scoping Report states that the Landscape and Visual Amenity Assessment (LVIA) conducted for Drax Repower and the 'Landscape and Mitigation Report' (Weddle, 1966) will be used to inform the LVIA for the Proposed Development. Existing LVIA documentation relating to other projects that has been relied upon for the purposes of the baseline assessment should be clearly described and referenced in the ES, and evidence should be included that demonstrates that the existing baseline data is representative and fit for purpose. The Applicant should seek agreement with relevant consultation bodies regarding the suitability of existing baseline data and evidence this in the ES.	The Applicant can confirm that documentation relating to other projects that has been relied upon for the purposes of the LVIA baseline have been clearly described and referenced in the ES, and that the baseline is fit for purpose. Details on the documentation used are included in **paragraphs 9.5.15 to 9.5.29.** The list of documents used to inform the baseline has been agreed with NYCC / SDC and this is detailed in **Table 9.1 (Consultation Summary)** of **Chapter 9 (Landscape and Visual Amenity)** (document reference 6.1.9).
4.7.3	Based on the information presented in the Scoping Report, it is unclear if potential visual impacts on users of the River Ouse will be considered in the LVIA. The ES should provide an assessment of this matter where significant effects are likely to occur. The Applicant's attention is drawn to Public Health England's consultation response in this regard.	As commented on by Public Health England in their consultation response, the Applicant confirms that consideration has been given to users of the River Ouse as part of the LVIA for the ES. The views for users of the River Ouse are represented in Viewpoints 4 and 5. Impacts have been considered under construction and decommissioning, although scoped out for operation where effects are not considered to be significant.
4.7.4	The Scoping Report refers to the application of both a ZVI and ZTV in relation to the LVIA. In addition, it appears these are often used interchangeably within the Scoping Report (e.g., heritage chapter). However, the Guidelines for Landscape and Visual Assessment (GLVIA) Third Edition (2018)5 now recommend that ZTV is used, whereby potential screening (e.g., vegetation, buildings) are not considered when mapping the theoretical visibility of the Proposed Development.	The Applicant confirms that only references to agreed ZTVs are referred to in the LVIA, as discussed in **Chapter 9 (Landscape and Visual Amenity)** (document reference 6.1.9). These ZVTs are shown in **Figure 9.3**) (document reference 6.2.9.3).

Scoping Opinion ID	Planning Inspectorate Comments	ES Comments
	The Inspectorate considers that the Applicant should avoid referring to a ZVI and refer only to an agreed ZTV in the LVIA and other relevant chapters of the ES.	
4.7.5	The Scoping Report suggests that mitigation planting may be considered as mitigation for the Proposed Development. The ES should provide a clear description of any landscaping and planting proposals that will form on-site or off-site mitigation. The ES should also explain how mitigation planting will take into account the time taken for planting to reach maturity and become fully effective. The Applicant should seek agreement with relevant consultation bodies regarding the suitability of proposed mitigation and evidence this in the ES. The ES should describe the mechanism through which mitigation shall be secured in the DCO.	A meeting was held with North Yorkshire County Council and Selby District Council on 23 April 2021 to discuss a variety of topics relating to the LVIA, including mitigation. The discussion concluded that a landscape strategy for the Proposed Scheme (which would include the wider site elements and future maintenance responsibilities) should ensure a joined-up approach with biodiversity (as outlined in **Table 9.1, Chapter 9 (Landscape and Visual Amenity**). As such an **Outline Landscape and Biodiversity Strategy (OLBS)** (document reference 6.6) setting out the approach and maintenance to the proposed landscape mitigation shown in **Figure 9.8** (document reference 6.2.9.8) has been submitted as part of the ES. The content of the OLBS has been discussed with North Yorkshire County Council and Selby District Council on the outlined mitigation measures, further meetings are being planned to discuss the outputs in detail.
4.7.6	The ZTV should be based on the relevant maximum parameters of the Proposed Development and informed using site surveys to establish an accurate visual envelope. Where flexibility is sought in the DCO, the LVIA should provide an assessment of the worst-case scenario as defined in the ES. In addition, where assumptions have been made in the LVIA regarding the design of the Proposed Development this should be clearly explained in the ES. The Applicant should seek agreement with relevant consultation bodies regarding the LVIA approach, including an agreed ZTV and evidence this in the ES. The Applicant's attention is drawn to the Historic England, North Yorkshire County Council and Selby District Council consultation responses in this regard. If appropriate, the ZTV and LVIA should also consider impacts of plumes generated by the Proposed Development.	As explained in **paragraphs 9.5.18 to 9.5.21** of **Chapter 9 (Landscape and Visual Impact)**, the ZTV has been prepared based on the maximum parameter heights for the Proposed Scheme, which are detailed in **Table 1.2 - Anticipated maximum parameters (number and dimensions) of each main component / building / area when fitting BECCS to two biomass units** in **Chapter 2 (Project and Site Description)**. Agreement of the ZTV is evidenced in **Table 9.1** in **Chapter 9 (Landscape and Visual Amenity)**. No visible plumes will be generated through the main stack as a result of the Proposed Scheme and so any potential impact of the plume has been scoped out of the ES assessment.
4.7.7	The Scoping Report lists nine viewpoints that may be included in the LVIA (subject to site survey and detailed design). Six of these have been taken from the LVIA conducted for Drax Repower and three new viewpoints are proposed. Where pre-determined viewpoints have been relied upon for the purposes of the LVIA this should be clearly stated in the ES, including evidence that these are representative of the Proposed Development. The Applicant should seek agreement with the relevant consultation bodies regarding the location and number of viewpoints and subsequent photomontages. The location of viewpoints should be illustrated in a suitable figure. The Applicant's attention is drawn to the North Yorkshire County Council, Selby District Council and Canal and River Trust's consultation response in this regard.	Ten viewpoints have been identified that are appropriate for the Proposed Scheme which have been informed by field surveys and consultation, and these have been agreed with the NYCC, SDC and the Canal and Rivers Trust (where appropriate) as detailed in **Table 9.1** of **Chapter 9 (Landscape and Visual Amenity)** (document reference 6.1.9) along with the number and type of visualisations required. Viewpoint locations are listed in **Table 9.4** in **Chapter 9 (Landscape and Visual Amenity)** (document reference 6.1.9) and illustrated in **Figure 9.5** (document reference 6.2.9.5).

Scoping Opinion ID	Planning Inspectorate Comments	ES Comments
4.7.8	The Scoping Report states, “Cumulative Effects with any other proposed development of a similar type within the Study Area will be considered in the assessment”. It is unclear why consideration of cumulative landscape and visual effects has been limited to projects of a ‘similar type’ to the Proposed Development. In addition, the Scoping Report does not state how the ‘type’ of development would be defined. The ES should include all development types within the agreed study area with potential to cause likely significant cumulative effects as a result of construction, operation and decommissioning of the Proposed Development. The Applicant should seek agreement with the relevant consultation bodies regarding the extent of the study area and developments to be included in the cumulative impact assessment and evidence this in the ES.	The Applicant confirms that all development types within the agreed study area with the potential to cause likely cumulative effects during the life cycle of the Proposed Scheme have been considered. This is reported in **Chapter 18 (Cumulative Effects)** (document reference 6.1.18) of this ES. Details of the consultation on this are included in **Table 9.1** in **Chapter 9 (Landscape and Visual Amenity)**.
4.7.9	The Scoping Report states, “Assessment of the effects of lighting during the Construction Phases will not be included on the basis that it would be temporary and within the context of existing operational lighting”. However, the location and parameters of temporary lighting have yet to be defined. In addition, the **Scoping Report** suggests construction may occur outside of standard working hours (07:00-19:00). Therefore, the Inspectorate cannot conclude that temporary lighting will not result in likely significant effects. As night-time lighting may be required during construction and operation of the Proposed Development this should be considered when determining the ZTV. The Applicant should seek agreement with the relevant consultation bodies regarding the suitability of the ZTV, including any requirements for night-time surveys to establish existing lighting conditions within and surrounding the Proposed Development site. The ES should include an assessment of day-time and night-time lighting during construction and operation of the Proposed Development where significant effects are likely to occur. The night-time lighting assessment should reference the ecology chapter (and vice-versa) where relevant in the ES.	Detailed discussions with consultees on the development of the night-time ZTV are outlined in Table 9.1 in **Chapter 9 (Landscape and Visual Amenity)** (document reference 6.1.9). The LVIA does consider lighting during the construction phase and it is judged that significant effects will not arise. A **Draft Lighting Strategy** has been developed outside of the ES, which considers this phase, which states that lighting proposed in the compound areas (including security) will be detailed within the Construction Environmental Management Plan. Lighting will be aimed away from sensitive areas and utilise lower output and if required shielded luminaires. The compounds will be surrounded by hoardings located towards the edge of the Site which will be a minimum of 2.4m high. Effects relating to ecological receptors due to night time lighting are captured in **Chapter 8 (Ecology).** As described in **Chapter 2 (Site and Project Description)** it is expected that standard working hours would be Mondays to Friday 07:00 to 19:00 with all personnel working a nine-hour period within this timeframe. The Applicant has undertaken a night-time assessment as part of the ES during the construction and operation phases, referencing two night-time views (viewpoints 2 and 7) to allow for a day to night-time comparison in agreement with NYCC / SDC. Day and night-time photomontages have been prepared for both viewpoints. The night-time assessment has been informed by a Draft Lighting Strategy for the Proposed Scheme.
4.7.10	The Inspectorate is content that the assessment of visual impacts on residential receptors based on representative viewpoints from publicly accessible locations and professional judgement is sufficient for the purposes of the ES and that a separate RVAA is not required.	Noted.
4.7.11	The ES should explain how the design of the Proposed Development, including the materials used, have been selected with the intention of minimising potential impacts on landscape and visual receptors identified in the LVIA. The Applicant’s attention is drawn to North Yorkshire County Council’s consultation response in this regard.	The Applicant confirms that a **Design Principles Document** (document reference 6.9) has been prepared as part of the Proposed Scheme, which provides reference to design principles that form a part of embedded mitigation and further design principles to inform subsequent detailed design elements.
Chapter 10 (Heritage)		

Scoping Opinion ID	Planning Inspectorate Comments	ES Comments
4.8.1	No matters are proposed to be scoped out.	Noted.
4.8.2	The Scoping Report suggests that the Heritage Impact Assessment (HIA) undertaken for the Drax Repower application will be used to inform the HIA for the Proposed Development. Evidence should be included in the ES to demonstrate that the existing baseline data is representative and fit for purpose. The Applicant should seek agreement with relevant consultation bodies regarding the suitability of existing baseline data and evidence this in the ES.	New baseline data has been collected to inform the **Historic Environment Desk Based Assessment (HEDBA) (Appendix 10.1)** (document reference 6.3.10.1) carried out for the Proposed Scheme, and the previous baseline data from the Drax Repower application has been used for reference only.
4.8.3	The Scoping Report indicates third party sources will be used to establish the presence of heritage assets within and beyond the Proposed Development boundary. The ES should establish whether NDHAs are present within and beyond the Proposed Development boundary. The Applicant's attention is drawn to North Yorkshire County Council's consultation response in this regard.	NDHAs have been identified from a review of the Historic Environment Record (HER) data, the walkover survey and from a map regression exercise. A S42 response letter from SDC and NYCC was received on 10 December 2021 in response to the PEIR, noted a presence of nine NHDAs within 500m of the Site which have been considered within the assessment. A summary of consultation is presented in **Table 10.1 Consultation Summary Table** in **Chapter 10 (Heritage)**
4.8.4	The Scoping Report proposes a 10km study area for the assessment of designated heritage assets and an inner 500m study area for the assessment of non-designated heritage assets (above and below-ground). However, the Scoping Report provides little explanation as to how these study areas have been determined. The ES should clearly describe how study areas have been defined according to the sensitivity of the receiving environment and potential impacts during construction, operation and decommissioning of the Proposed Development. The study area for the HIA should be informed using an agreed ZTV. The Applicant should seek agreement with the relevant consultation bodies regarding the study areas used to inform the HIA and evidence this in the ES. The Applicant's attention is drawn to Historic England's consultation response in this regard.	**Section 10.6 Study Area** of **Chapter 10 (Heritage)** (document reference 6.1.10) clearly describes how the study areas for the assessment of designated heritage assets and non-designated heritage assets (above and below-ground) have been defined. Historic England agree to the Study Area and Methodology, as set out in the response at the meeting held on 16 March 2021 where they requested that dynamic viewpoints are also identified and assessed. As detailed in **Table 10.1 Consultation Summary Table** in **Chapter 10 (Heritage)** the study areas and ZTV have been agreed in consultation with Historic England (HE) and NYCC. The use of photomontages has been included in the ES.
4.8.5	The HIA should consider potential impacts arising from all elements of the Proposed Development, including ancillary infrastructure where significant effects are likely to occur. The Applicant should seek agreement with the relevant consultation bodies regarding the approach to the HIA, for example, the Conservation Officer of Selby District Council and archaeological staff of North Yorkshire County Council. The Applicant's attention is drawn to Historic England's consultation response in this regard.	The comment is noted and has been addressed within the ES. As detailed in **Table 10.1 Consultation Summary Table** in **Chapter 10 (Heritage)** the 10 km study area and methodology for the HIA has been agreed with HE and archaeological staff of North Yorkshire County Council.
4.8.6	The Scoping Report states that construction of the upgraded Drax Jetty may require capital dredging and maintenance dredging within the River Ouse. However, based on the information presented in the Scoping Report, it is unclear if potential impacts to underwater heritage assets will be considered in the ES. The ES should provide an assessment of underwater heritage where significant effects are likely to occur.	The Existing Drax Jetty is no longer part of the Proposed Scheme.

Scoping Opinion ID	Planning Inspectorate Comments	ES Comments
4.8.7	Table 11.1 of the Scoping Report states, “The proposals do not include the demolition of any existing buildings so no direct, physical impacts are anticipated on Non-Designated built Heritage Assets within the Site Boundary”. However, this conflicts with paragraph 2.2.23 of the Scoping Report which indicates that demolition/of temporary buildings and infrastructure and existing electrostatic precipitators are likely to be required during construction of the Proposed Development. The ES should provide an assessment of direct, physical impacts on NDHAs as a result of any demolition works where significant effects are likely to occur.	There are no known Non-Designated Heritage built HAs within the Order Limits, and therefore significant effects are not anticipated to occur. Due to previous ground disturbance resulting from the construction of the Drax Power Station Site, no impacts are anticipated for construction related works proposed within the Drax Power Station Site.
4.8.8	The ES should consider potential impacts to below ground heritage assets as a result of alteration to drainage patterns and subsequent damage (decomposition, destruction) to archaeological remains and deposits. In addition, subsidence of above ground heritage assets (buildings, monuments) as a result of alteration to drainage patterns should also be considered in the ES. The ES should provide an assessment of these matters where significant effects are likely to occur. The Applicant’s attention is drawn to Historic England’s consultation response in this regard.	There are currently no planned drainage works within the Habitat Provision Area. These impacts have been scoped out following a review of the Proposed Scheme design. Drainage impacts on known and unknown HAs have been scoped out of the assessment as detailed in **Table 10.2** in **Chapter 10 (Heritage)**.
Chapter 11 (Ground Conditions)		
4.9.1	The Scoping Report proposes to scope this matter out on the basis that “Contaminants found during the Construction Phase will be remediated in line with proposed uses” and “Clean cover layers and imported materials, if required, will be validated for depth and chemical quality prior to use of the Proposed Development”. However, no evidence has been provided in the Scoping Report to substantiate these statements. In addition, measures to be included in the CEMP, (remediation, validation), have not been described in sufficient detail to establish the efficacy of proposed mitigation. Therefore, the Inspectorate does not agree that this matter may be scoped out. The ES should provide a clear description of remediation and validation measures and the mechanisms through which they would be secured. It should include an assessment of these matters, including the potential impacts of remediation works where significant effects are likely to occur. The Inspectorate notes that Table 12.1 refers to an ‘operation management plan’ (OMP). However, this OMP is not described, and no reference is made to it elsewhere in the Scoping Report. The ES should clearly identify the management plans relied upon for the purpose of mitigating likely significant effects of the Proposed Development.	Following consultation with SDC, NYCC and the EA, the Applicant has agreed the scope of the assessment works to consider the likely significant effects of the Proposed Scheme. A summary of discussions is outlined in **Table 11.1** in **Chapter 11 (Ground Conditions).** Section 11.4 in **Chapter 11 (Ground Conditions)** sets out elements that are scoped into the construction, operational and decommissioning phases and considers the risks of contaminants to a variety of receptors on and off-site. Further details of Insignificant Effects are summarised in **Appendix 11.3** (document reference 6.3.11.3) which accompanies the chapter. Management plans that are relied upon for the purpose of mitigating significant effects of the Proposed Scheme have been clearly identified within the ES including **Chapter 11 (Ground Conditions).** It is not possible to provide a specific remediation plan where the topic is not known (i.e. if contamination is encountered during construction). The process for if contamination is encountered is set out in **Section 11.10 (Design, Mitigation and Enhancement Measures)** of **Chapter 11 (Ground Conditions).**
4.9.2	Paragraph 2.1.8 of the Scoping Report indicates that the New Road historic landfill site is located in the proposed Environmental Mitigation Area within the Proposed Development boundary. However, the landfill site is not mentioned in the description of baseline ground conditions. Therefore, it is not apparent that potential impacts associated with the landfill site (e.g., migration of contaminants, ground gas) will be considered in the ground conditions assessment. The ES	Information relating to the landfill is included within **paragraph 11.7.46 (Registered Landfills)** of **Chapter 11 (Ground Conditions)**. Mitigation such as a Ground Investigation are detailed within **paragraphs 11.10.5-11.10.11** which would quantitatively assess potential impacts to sensitive receptors from potential ground gas.

Scoping Opinion ID	Planning Inspectorate Comments	ES Comments
	should provide an assessment of these matters where significant effects are likely to occur.	The following effects have been assessed as having potentially significant effects prior to mitigation and have been assessed within **Section 11.9:** ~ Construction workers / Site workers / Site users in relation to potential contamination within the underlying soils / groundwater during construction activities; ~ Controlled waters / Groundwater Dependant Terrestrial Ecosystems (GWDTE) during construction activities; ~ Agricultural land impact from construction activities (e.g., physical removal of a soil resource or agricultural land, the permanent sealing of a soil resource or agricultural land, permanent or temporary loss or the reduction of one or more soil functions or restriction to current or approved future use, such as through degradation, compaction or erosion);
4.9.3	The Scoping Report proposes a 250m study area for the assessment of human health receptors and 1km for the assessment of controlled waters. However, the Scoping Report provides little explanation as to how these study areas have been determined. The ES should clearly describe how study areas have been defined according to the sensitivity of the receiving environment and potential impacts during construction, operation and decommissioning of the Proposed Development. The Applicant should seek agreement with the relevant consultation bodies regarding the study areas used to inform the assessment of ground conditions and evidence this in the ES.	This comment is noted. **Chapter 11 (Ground Conditions)** describes how study areas have been defined in **Section 11.6** according to the sensitivity of the receiving environment and potential impacts during construction, operation and decommissioning of the Proposed Scheme. Specifically for Human Health the 250 m distance is referenced in best practice documents, including Guidance for the Safe Development of Housing on Land Affected by Contamination: R&D Publication 66 (National House Building Council, 2008), and is typical at the hazard identification stage of an assessment. Consideration has been given to the study area selected and, based on the site specifics (such as the underlying geology, an appreciation of the water environment and previous land use) the buffer zone extends up to 1 km for Controlled Water receptors which is considered suitable. The preliminary environmental assessment, reported in the Preliminary Environmental Information Report (PEIR) described the study areas used within the assessment and was provided for review by statutory consultees, (WSP UK, 2021). No comment regarding the study areas was received within the Section 42 response.
4.9.4	The Scoping Report proposes that only human health and controlled water receptors will be considered in the ground conditions assessment. However, the Inspectorate considers that the ground conditions assessment should also take into account ecological receptors likely to be significantly affected during construction, operation and decommissioning of the Proposed Development. The Ground Conditions assessment should also reference the Ecology and Water Environment ES chapters (and vice-versa) where relevant. The Applicant should seek agreement with the relevant consultation bodies regarding the receptors to be included in the ground conditions assessment. The Inspectorate notes that the definition of sensitive receptors provided in paragraph 12.3.1 (human health, controlled water) conflicts with the definition provided in paragraph 12.7.5 (human health, controlled waters, buildings, services). The ES should provide a clear and consistent description of the sensitive receptors considered in the assessment.	**Chapter 11 (Ground Conditions)** includes an assessment of ecological receptors, specifically groundwater dependant terrestrial ecosystems (GWDTE) and Sites of Special Scientific Interest (SSSI) within the study area. Relevant ecological receptors are described in **section 11.7.44 (Ecological Designations),** sensitivity of all receptors is assessed in **Table 11.15** and assessed in **para 11.9.6-11.9.7**. **Chapter 11 (Ground Conditions)** makes reference to **Chapter 8 (Ecology)** and **Chapter 12 (Water Environment)**. The preliminary environmental assessment, reported in the Preliminary Environmental Information Report (PEIR) described each sensitive receptor and was provided for review by statutory consultees. No comment regarding the sensitive receptors was received within the Section 42 response.

Scoping Opinion ID	Planning Inspectorate Comments	ES Comments
4.9.5	The Applicant should ensure that short, medium and long-term effects are clearly defined in the ES, including any assumptions made with regard to the duration of potential effects as a result of construction, operation and decommissioning of the Proposed Development.	This comment is noted. Short-, medium- and long-term effects are defined in **para 11.5.23 (Temporal Scope)** of **Chapter 11 (Ground Conditions). Paragraph 11.5.30** of **Chapter 11 (Ground Conditions)** details the assessment assumptions and limitations.
Chapter 12 (Water Environment)		
4.10.1	No matters are proposed to be scoped out.	Note that this is incorrect, as in ID 4.10.7 (ref 13.2.6) the Inspectorate agreed that impact on the River Derwent SSSI / SAC can be scoped out.
4.10.2	Paragraph 2.2.12 of the Scoping Report states that there would be no change to current water abstraction or discharge into the River Ouse as a result of the Proposed Development in relation to Cooling Option A. It is not indicated whether any changes to existing abstractions or discharges would be required if Option B was implemented. If any changes are required, the ES should provide an assessment of impacts where significant effects are likely to occur. The Applicant should seek agreement with the relevant consultation bodies regarding future abstraction/discharge requirements and variations to licences/consents if required. The Applicant's attention is drawn to the Canal and River Trust and EA consultation responses in this regard.	**Table 12.1 in Chapter 12 (Water Environment)** sets out the consultation summary to date including S42 responses from the PEIR. Consultation has been undertaken with the Environment Agency, Selby Area Internal Drainage Board, Selby District Council and the Canal & River Trust in respect to discharges and proposed permits. Implementation of the proposed surface water drainage strategy as described in **Surface Water Drainage Strategy (Appendix 12.3)** (document reference: 6.3.12.3) accompanying Chapter 12 (Water Environment) would result in a reduction in the amount of water abstracted from the River Ouse for the cooling process. In addition, implementation of the proposed **Surface Water Drainage Strategy** would result in reduction of the amount of water discharged from Drax Power Station Site to the River Ouse. The abstracted and discharge rates will be within the existing permits limits. No change in the quality of water discharged from the Drax Power Station Site is envisaged
4.10.3	The Inspectorate notes that there is existing water supply and sewerage infrastructure located within the Proposed Development site boundary. The ES should demonstrate that reasonable attempts have been made to avoid or reduce impacts on the existing water supply and sewerage infrastructure, through the design and layout of the Proposed Development. The location of the existing water supply and sewerage infrastructure should be clearly illustrated in appropriate figures in the ES. The Applicant's attention is drawn to Yorkshire Water's consultation response in this regard.	As detailed in **Table 12.1 - Consultation Summary Table of Chapter 12** (Water Environment) further consultation was carried out with Yorkshire Water (YW). A map showing location of the existing infrastructure was received from YW and are shown on the **Water Constraints Map (Figure 12.2)** (document reference: 6.2.12.2) included in the ES. **Figure 12.2** shows that the Yorkshire Water assets are located within the Order Limits but outside of the construction works areas and thus no impacts are anticipated. No discharge to Yorkshire Water sewers during construction and / or operational phases is proposed. Foul water is to be treated at the on-site wastewater treatment works. Sufficient headroom within the treatment works is available given the additional on-site workers (1500) during an outage maintenance period. The potable water demands will be in the headroom of the existing supply capacity with Yorkshire Water, given the additional on-site workers (1500) during an outage maintenance period.
4.10.4	The Applicant should also consider Strategic Flood Risk Assessments (SFRAs) produced by relevant planning authorities when establishing the baseline conditions within the Proposed Development boundary in the ES.	SFRAs produced by North Yorkshire County Council (NYCC) and Selby District Council (SDC) are considered in the **Flood Risk Assessment (FRA)** (document reference 6.3.12.1) and **Chapter 12 (Water Environment)** (document reference 6.1.12) of this ES.
4.10.5	The **Scoping Report** states that existing environmental information from other projects (Drax Repower) will be used to inform the ES. Where environmental assessment information compiled for other projects has been relied upon for the purposes of the baseline assessment this should be clearly described in the ES, including evidence that the existing baseline data is representative and fit for	**Paragraphs 12.5.24** to **12.5.27** detail the information used for the baseline assessment, clearly stating which sources have been used and explaining how they are fit for purpose. A Geotechnical Desk Study by SOCOTEC UK Limited (**Appendix 12.5**) (document reference 6.3.12.5) was undertaken for the Drax Repower project, this was

Scoping Opinion ID	Planning Inspectorate Comments	ES Comments
	purpose. The Applicant should seek agreement with the relevant consultation bodies regarding the suitability of existing baseline data and evidence this within the ES.	used to inform the baseline conditions for groundwater levels and lithological thicknesses. A hydraulic modelling of breach of the existing flood defences was carried out as part of the **FRA** (document reference 6.3.12.1). The location of the breach used in the model was the same as the one used for the Drax Repower project. As detailed in **Table 12.1 - Consultation Summary Table of Chapter 12** (Water Environment) the approach was agreed with the Environment Agency.
4.10.6	The Scoping Report identifies ordinary watercourses in proximity to the Proposed Development boundary which may provide suitable habitat for otters and water vole. The water environment assessment should reference and inform the ecology chapter (and vice-versa) where relevant in the ES.	A project ecologist was consulted in relation to presence and / or suitable habitat for protected species in the surface water receptors assessed in **Chapter 12 (Water Environment)** of the ES.
4.10.7	The Scoping Report proposes to scope these designated sites out of the ES (although this is not reflected in Table 13.3) on the basis that they are located 1km upstream of the Proposed Development site and therefore unlikely to be affected by it. On that basis that the River Derwent SSSI/SAC is located upstream of the Proposed Development the Inspectorate agrees that this designated site can be scoped out of the Water Environment assessment of the ES. The specified distance between the Proposed Development and the River Derwent SAC/SSSI varies within the Scoping Report. For example, paragraph 2.1.12 states it is 700m to the north and paragraph 9.4.2 states it is 0.1km to the north east. The location from which receptor distances have been calculated should be clearly explained and consistently reported in the ES.	The location from which receptor distances have been calculated are clearly explained in **Chapter 12 (Water Environment)** of this ES and are consistently reported in this ES.
4.10.8	The **Scoping Report** states that the Proposed Development lies within Flood Zone 3. However, the **Scoping Report** does not specify if this is Flood Zone 3a or Flood Zone 3b. The ES should clearly describe the Flood Zones within which the Proposed Development is situated and distinguish between Flood Zone 3a and Flood Zone 3b where appropriate. It is considered that a plan may be useful in this regard.	The Level 1 SFRA includes a map showing extent of Flood Zones 3a and 3b. The **FRA** clarifies which parts of the Proposed Scheme are in Flood Zone 3a and which parts are situated in Flood Zone 3b.
4.10.9	Based on the information presented in the Scoping Report it appears that the proposed Environmental Mitigation Area is located within Flood Zone 3. The ES should consider whether any works in the Environmental Mitigation Area undertaken during construction and operation of the Proposed Development would have the potential to affect the existing functions of that land in relation to flood risk and provide an assessment of these matters where significant effects are likely to occur.	The **FRA** and **Chapter 12 (Water Environment)** of the ES consider the potential impacts of the works proposed in the Habitat Provision Area in relation to the existing functions of the land in relation to flood risk.

Scoping Opinion ID	Planning Inspectorate Comments	ES Comments
4.10.10	The Scoping Report proposes a 0.5km study area for the assessment of direct effects on surface water receptors and a 1km study area for the assessment of indirect effects on surface and ground water receptors and assessment of flood risk. However, the Scoping Report provides little explanation as to how these study areas have been determined. The ES should clearly describe how study areas have been defined according to the sensitivity of the receiving environment and potential impacts during construction, operation and decommissioning of the Proposed Development. The Applicant should seek agreement with the relevant consultation bodies regarding the study areas used to inform the Water Environment assessment and evidence this in the ES.	An explanation on how the study areas have been determined is provided in **Chapter 12 (Water Environment)** of this ES. As detailed in **Table 12.1 - Consultation Summary Table of Chapter 12** (Water Environment) the study area has been agreed with NYCC (Lead Local Flood Authority), SDC and the EA.
4.10.11	The Scoping Report states that watercourses located within the area proposed for the road modifications (Redhouse Lane, Carr Lane, New Road) may need to be diverted to prevent a reduction in their existing capacity. The Inspectorate notes that diversion of watercourses is not mentioned in the description of works associated with the upgraded Drax Jetty and road modifications (paragraph 2.2.19 - 2.2.22, Scoping Report). The ES should include a clear description of the location, extent, design and works associated with diversion of watercourses during construction of the Proposed Development. The ES should provide an assessment where significant effects are likely to occur and cross-reference the ecology chapter (and vice-versa) where relevant. The ES should demonstrate that reasonable attempts have been made to avoid or reduce impacts on diverted watercourses, through the design of the Proposed Development and/or appropriate mitigation measures.	Modification works to Carr Lane and Redhouse Lane are no longer proposed as part of the Proposed Scheme.
4.10.12	The Inspectorate notes that although reference is made to operation under 'Phase' in relation to flood risk to adjacent receptors and Drax Power Station the information provided relates only to construction, so it is unclear whether it is intended that this matter is scoped in. For the avoidance of doubt, The Inspectorate confirms that the ES should provide an assessment of this matter for the construction, operation and decommissioning phases of the Proposed Development where significant effects are likely to occur.	**Chapter 12 (Water Environment)** of this ES includes an assessment in relation to flood risk during construction, operation and decommissioning phases of the Proposed Scheme.
4.10.13	Paragraph 13.7.4 of the Scoping Report states that a FRA will be submitted alongside the ES. The drainage strategy supporting the FRA should consider use of Sustainable Drainage Systems (SuDS). Paragraph 4.2.32 of the Scoping Report states that the Proposed Development site is located within Flood Zone 3 and benefits from existing flood defences on the River Ouse. It also mentions that the River Ouse is tidally influenced, with minor fluvial contributions. The FRA should include an assessment of the potential impacts of breach and overtopping events on the Proposed Development where significant effects are likely to occur. In addition, the FRA should consider the latest climate change allowances. The Applicant's attention is drawn to the Yorkshire Water and EA consultation responses in this regard.	The proposed surface water drainage strategy as described in **Surface Water Drainage Strategy (Appendix 12.3)** (document reference: 6.3.12.3) considers the use of SuDS. Hydraulic modelling of the baseline and future day scenarios has been carried out to support the **FRA.** Residual risks from breach and overtopping of the existing flood defences have also been modelled as part of the assessment. As detailed in **Table 12.1 - Consultation Summary Table of Chapter 12** (Water Environment) the approach to the modelling and climate change allowances used in the hydraulic model have been agreed with the Environment Agency.
Chapter 13 (Materials and Waste)		

Scoping Opinion ID	Planning Inspectorate Comments	ES Comments
4.11.1	It is proposed to scope this matter out on the basis of the 'tertiary mitigation measures already adopted' and professional judgement. However, no information is provided on what these mitigation measures comprise other than identifying environmental permitting as an example. In the absence of details of the potential impacts and the measures proposed to mitigate these impacts the Inspectorate is unable to agree that this matter may be scoped out. The ES should include a description of potential impacts arising from the use of process chemicals and provide an assessment where significant effects are likely to occur.	Impacts from waste process chemicals have been scoped into the assessment. The ES therefore includes a description (in Operational Waste) of potential impacts arising from waste derived from the use of process chemicals (see **Table 13.21** of **Chapter 13 (Materials and Waste)** (document reference 6.1.13) and an assessment of the potential for significant effects.
4.11.2	It is proposed to scope out the impacts and effects of extraction and manufacture of materials according to the justification that they cannot be assured with any accuracy. The Inspectorate does not consider that lack of available information or data is an appropriate basis for scoping out matters from assessment. It would be usual to assume a worst case scenario in such circumstances and make an assessment on that basis. However, the Inspectorate agrees that this particular matter may be scoped out subject to the inclusion of a description of the nature and quantity of the materials and natural resources used during the construction and operational phases of the Proposed Development within the ES.	In **Chapter 13 (Materials and Waste) (document reference 6.1.13), Section 13.7** includes a description of the nature and quantity of the materials and natural resources expected to be used during construction and operational phases. **Table 13.16** outlines the materials resources required for construction, and **Table 13.17** provides outlines the material resource consumption during operation. Use of materials and natural resource has been scoped out of the decommissioning phase, as explained in **Table 13.2,** in **Chapter 13 (Materials and Waste).**

Scoping Opinion ID	Planning Inspectorate Comments	ES Comments
4.11.3	It is stated that the Proposed Development is not anticipated to consume material resources beyond those required for routine repair and maintenance in the first year of operation, and that the impacts and effects from chemicals, including amine solvent, consumed as part of the processes have been excluded from further assessment as they already fall within the existing environmental permitting regime for the site. It is therefore concluded that the impacts would be minimal and not significant. However, this appears to conflict with a statement in Table 16.3 (Chapter 16: Major Accidents and Disasters) that indicates that the Proposed Development is expected to result in changes to emissions of amines which would require a variation to the site's existing environmental permit (EP). It is considered that in determining the proposed variation the EA would set emission limits on amines together with a requirement to implement appropriate mitigation measures to prevent harm to environmental receptors. The Inspectorate notes that the EA's consultation response indicates that amine pollutants would need to be controlled through the varied EP. No information is provided in the Scoping Report on the submission of an application to the EA to vary the existing EP. The Inspectorate agrees that this matter may be scoped out on the basis that a variation to the existing EP will be sought, which would control potential impacts from use of amines, as long as information on the application is provided in the ES, including on the timelines for the application and its decision. The Applicant is referred to the information contained in the EA's consultation response on the activities that would be controlled by the varied EP and the information that the permit application should contain. In addition, the ES should provide a description of the nature and quantity of the materials and natural resources used during the operational phase.	The potential impacts from waste process chemicals, including amine-loaded sludge, were scoped in for the assessment. The Applicant provided estimated daily quantities expected of amine solvent waste from the Absorber Column, as well as for other non-hazardous and hazardous waste types. As the estimated volume of non-hazardous operational waste generated by the Proposed Scheme is not expected to reduce regional landfill void capacity by more than 1% and national hazardous waste landfill void capacity by more than 0.1%, the magnitude of impact is in both cases considered to be Negligible. The significance of effect for operational waste generation (for both non-hazardous and hazardous waste) is considered to be Slight Adverse and therefore not significant. The Applicant will submit a separate application for a variation to the existing Environment Permit, EPR/VP3530LS, for Drax Power Station. This will be developed in parallel to the DCO Application and submitted to the Environment Agency at the same time, or shortly after, the DCO Application is submitted to PINS. In **Chapter 13 (Materials and Waste) (document reference 6.1.13), Section 13.7** includes a description of the nature and quantity of the materials and natural resources expected to be used during construction and operational phases. **Table 13.16** outlines the materials resources required for construction, and **Table 13.17** provides outlines the material resource consumption during operation. Use of materials and natural resource has been scoped out of the decommissioning phase, as explained in **Table 13.2,** in **Chapter 13 (Materials and Waste).**
4.11.4	It is considered that operation of the Proposed Development beyond the first year of commissioning is anticipated to generate only minimal waste arisings from routine maintenance and repairs and explained that the impacts and effects from wastes generated from site by-products have been excluded from further assessment on the basis of the 'tertiary mitigation measures already adopted' and as they already fall within the existing environmental permitting regime for the site. it is therefore concluded that the impacts associated with waste generation and disposal would be minimal and not significant. However, no information is provided on what the mitigation measures comprise, other than the environmental permitting regime. In the absence of details of the measures proposed to mitigate potential impacts the Inspectorate is unable to agree that this matter may be scoped out. The ES should include a description of potential impacts arising from the disposal and recovery of waste and provide an assessment where significant effects are likely to occur.	An assessment of operational waste has been scoped into the assessment and is reported on in **Chapter 13 (Materials and Waste)** of this ES. The ES includes a description of potential impacts arising from the disposal and recovery of operational solid waste types and also provides details of the mitigation measures proposed. Gaseous emissions and waste water have been excluded, as these have been assessed within **Chapter 6 (Air Quality)** and **Chapter 12 (Water Environment)** respectively.

Scoping Opinion ID	Planning Inspectorate Comments	ES Comments
4.11.5	It is proposed to scope this matter out since transportation effects will be considered as part of the air quality, traffic and transport and noise and vibration assessments. The Inspectorate agrees that this matter may be scoped out on the basis that the potential impacts will be reported within the corresponding ES technical chapters.	Noted. Transportation of materials has been considered in **Chapter 5 (Traffic and Transport)** and the effects of this transportation on air pollution and noise have been considered in **Chapter 6 (Air Quality)** and **Chapter 7 (Noise and Vibration)**.
4.11.6	It is stated that impacts and effects on human health and controlled waters will be considered in the geology and soils assessment. The Inspectorate assumes that this was intended to refer to the ground conditions assessment and agrees that this matter may be scoped out from the Materials and Waste ES chapter as long as an assessment of it is contained within another technical chapter/other technical chapters in the ES as appropriate such as, for example, Ground Conditions.	Noted. Impacts and effects on human health and controlled waters have been considered in the ES as appropriate including, for example, in **Chapter 11 (Ground Conditions)**.
4.11.7	It is stated that no data exists on the current generation of waste within the proposed application site boundary, but it is anticipated (using professional judgement) that it is minimal in the context of available regional capacity. The Inspectorate expects baseline data on current waste generation to be provided in the ES. Where it is not available estimates of waste types should be provided together with an explanation of on what they are based.	Baseline data on current waste generation for the application within the Order Limits has been provided within the ES within **Section 13.7 Baseline Conditions of Chapter 13 (Materials and Waste)**. Where data are not available, estimates and justifications of those estimates have been provided.
4.11.8	Reference is made to the potential construction of ‘a’ new cooling tower whereas the description of the Proposed Development in Chapter 2 of the Report refers to ‘cooling towers’, which implies more than one tower. The description of the Proposed Development must be consistent throughout the ES and the assessments must reflect the maximum parameters as set out in the DCO. Where the ‘Rochdale Envelope’ approach is applied and a number of options are under consideration each of the options must be assessed and reported in the ES, and the worst case scenarios must be considered.	The description of the Proposed Scheme is provided in **Chapter 2 (Site and Project Description)** which has been used to inform the technical assessments. The maximum parameters that have been used in the assessment for the Proposed Scheme are provided in **Table 1.3 - Anticipated maximum parameters (number and dimensions) of each main component / building / area when fitting BECCS to two biomass units** in **Chapter 2 (Site and Project Description)**. For the purposes of the environmental assessment a Rochdale Envelope approach has been adopted, further detail is set out in **Chapter 4 (EIA Methodology)** (document reference 6.1.4).
Chapter 14 (Climate Resilience)		
4.1.1	Although it is proposed to scope this aspect out of the ES in its entirety it is stated that in-combination climate impacts (the potential for climate change to exacerbate or diminish the potential effects identified within each of the aspect assessments) are scoped in and will be assessed within the ES cumulative effects chapter. Construction impacts are proposed to be scoped out as they have been determined as having low vulnerability due to the short construction timescale and measures that would be integrated into the CEMP to ensure the site would be prepared and responsive to extreme weather events. Operational impacts are proposed to be scoped out on the basis that they have been determined as having low vulnerability due to the embedded climate resilience measures integrated into the design of the Proposed Development. The Inspectorate does not agree that this entire aspect may be scoped out at this time. It is agreed that impacts from climate change on construction of the Proposed Development can be scoped out on the basis of the relatively short construction period. However, it is not agreed that impacts from climate change	Noted. Construction impacts remain scoped out. An assessment of the vulnerability of the Proposed Scheme to climate change hazards during operation has been scoped in and is provided in **Chapter 14 (Climate Resilience)**. In-combination climate impacts have been assessed in the individual ES chapters.

Scoping Opinion ID	Planning Inspectorate Comments	ES Comments
	on its operation can be scoped out on the basis of the information provided at this time (see comments below). In addition, the operational lifetime of the Proposed Development is unclear. It is stated in Chapter 2 that an investment decision would be made after its expected operational life of 25 years, and it is explained in paragraph 4.2.17 that a design life of 60 years has been assumed for the purposes of the climate resilience assessment. It is also unclear how in-combination climate impacts will be assessed in the absence of any information on climate impacts alone. Accordingly, an assessment of climate change impacts of the Proposed Development should be included in the ES. This could be contained in relevant ES chapters rather than within a discrete chapter.	
4.1.2	No reference is made in the description of sensitive receptors considered within the assessment to Drax Jetty, which may potentially be upgraded as part of the Proposed Development, although the associated road modifications are mentioned. All sensitive receptors which could potentially be impacted by climate changes/events should be identified in the ES.	Upgrades to the Existing Drax Jetty are no longer part of the Proposed Scheme.
4.1.3	References are made in this chapter to 'embedded mitigation'. This term is not used in any other chapter of the Report, and it is unclear whether it has the same meaning as 'primary mitigation', as described in the Glossary and paragraph 3.7.1. Care should be taken in the ES to ensure that the terminology applied is used consistently throughout.	Noted – the ES has applied terminology consistently throughout.
4.1.4	Although snow and ice are identified previously as having the potential to impact the Proposed Development, they are not referenced in the construction site climate risks and so it is unclear in the description of the mitigation measures to be included in the CEMP which are the measures proposed to address such impacts. This should be made clear in the ES.	**Table 14.1** in **Chapter 14 (Climate Resilience)** identifies the potential effects from snow and ice and the mitigation for these.
4.1.5	It is stated that any 'significant changes' to the impermeable areas of the upgraded Drax Jetty and the roads may require an appropriate outline drainage strategy, which will be discussed and agreed with key stakeholders. It is not explained what would be considered to constitute a significant change and is unclear at what stage this would be undertaken. If it is considered that such a strategy is required details of this should be provided with the ES and evidence of agreement with relevant stakeholders.	The Existing Drax Jetty is no longer part of the Proposed Scheme. A **Surface Water Drainage Strategy (Appendix 12.3)** (document reference: 6.3.12.3) has been produced for the Proposed Scheme. The LLFA was consulted on the **Surface Water Drainage Strategy** and agreed in principle to the document on 8 March 2022, but advised on further information which would be needed to allow the LLFA to accept the proposed strategy during DCO examination.
4.1.6	It is stated that the design of the upgraded jetty will minimise works in the existing river channel 'as far as practicably feasible', however no further details are provided, and it is not clear how this relates to the provision of mitigation for the potential impacts of precipitation and sea level rise on the jetty. This should be explained in the ES.	The Existing Drax Jetty is no longer part of the scope of the Proposed Scheme.
4.1.7	It is set out that the need and scope for hydraulic modelling of the proposed works to the jetty will be discussed with the EA. Evidence of any agreement regarding the modelling approach, outputs and any consequent mitigation requirements, should be included in the ES or cross-reference provided to other documents as appropriate. It should be demonstrated where in the application documents any mitigation measures are secured.	The Existing Drax Jetty is no longer part of the scope of the Proposed Scheme.

Scoping Opinion ID	Planning Inspectorate Comments	ES Comments
4.1.8	It is stated that existing structures will be reviewed for their ability to withstand future worst case wind conditions. If it is anticipated that further works / mitigation would be required these should be described in the ES and cross-reference provided to any relevant documents, including to where they are secured.	Secondary mitigation relating to wind conditions is identified in **paragraph 14.10.6** of **Chapter 14 (Climate Resilience)**. The **REAC** (document 6.5) details how these mitigation measures will be secured.
4.1.9	Increased humidity is identified in Section 4.4 as a climate variable that could affect the Proposed Development and relative humidity is included in Table 4.11 (Vulnerability Assessment). Humidity is not identified as a climate variable for the operational phase in Table 4.7, so no information is provided on any potential impacts and relevant climate resilience measures. This should be presented in the ES.	The potential impacts and relevant climate resilience measures in relation to humidity have been considered in **Chapter 14 (Climate Resilience)**.
4.1.10	Although snow and ice are identified previously as having the potential to impact the Proposed Development they are only mentioned as a potential source of significant effects during operation. It is not explained why potential effects arising are not considered during construction. This should be set out in the ES.	**Table 14.1** in **Chapter 14 (Climate Resilience)** identifies the potential effects from snow and ice and the mitigation for these.
4.1.11	The Report's Glossary defines and distinguishes between impacts and LSEs. Although these tables are described in the text as presenting the potential or likely significant effects of the Proposed Development during construction and operation the titles within the tables refer to potential impacts, so it is unclear to which they refer. The assessments in the ES should clearly distinguish between potential impacts and predicted LSEs, and the terminology applied should be used consistently throughout.	Potential climate impacts are identified in **Table 14.10** and **Table 14.11** of **Chapter 14 (Climate Resilience)** with the likely significant effects identified in **Appendix 14.1, Table 14.2**.
4.1.12	Although changes in sea level are identified in Section 4.4 as a climate variable that could affect the Proposed Development, they are not included in the vulnerability assessment contained in Table 4.11. The Inspectorate notes that it was previously anticipated that sea level changes would not result in potentially significant effects during the construction phase, however potential effects were considered for the operational phase. Given that the Proposed Development would be located in Flood Zone 3, its vulnerability to changes in sea level should be assessed and presented in the ES.	**Section 14.9** of **Chapter 14 (Climate Resilience)** assesses sea level rise. The vulnerability of the Proposed Scheme in relation to sea level changes is also assessed in **Chapter 12 (Water Environment)** of this ES as well as the **Flood Risk Assessment** (document reference 6.3.12.1).
4.1.13	The Inspectorate notes that no further information has been provided on methodology on the basis that it is proposed to scope out climate resilience (other than in respect of 'in-combination' climate impacts). In the event that this aspect is subsequently assessed in the ES full details of the methodology utilised for the assessment should be provided, including the criteria used to determine a significant effect.	The methodology for the assessment of the vulnerability of the Proposed Scheme to climate change hazards during operation is detailed within **Section 14.5** of **Chapter 14 (Climate Resilience).**
Chapter 15 (Greenhouse Gases)		

Scoping Opinion ID	Planning Inspectorate Comments	ES Comments
4.12.1	It is proposed to scope this matter out because emissions from the disposal of waste are unlikely to be large due to a large proportion of construction waste being inert. It is agreed that emissions from the final disposal of waste may be scoped out on this basis. However, as the transport of waste is not mentioned it is unclear whether it is intended to additionally scope that matter out. Emissions would be generated by vehicles transporting the waste offsite. It is stated in the Materials and Waste chapter that waste volumes arising from the Proposed Development are not yet available and in the absence of that data it is considered that the generation and disposal of waste could result in a significant effect. For the avoidance of doubt, in the absence of information on waste volumes to be disposed during construction it is not agreed that emissions from the transport of construction waste may be scoped out at this time.	Further to this Scoping Response and consultation with SDC, the assessment during the construction phase of the Proposed Scheme incorporated GHG emissions from LULUCF comprise the change in emissions associated with the clearance of habitat during the construction phase. Emissions from the disposal of waste are unlikely to be large, due to a large proportion of construction waste being inert. The Planning Inspectorate (PINS) on behalf of the Secretary of State (SoS) agreed to the scoping out of GHG emissions from the final disposal of construction waste in their **Scoping Opinion.** The transport of waste has been scoped in to **Chapter 15 (Greenhouse Gases)** assessment in the ES during the construction phase.
4.12.2	It is proposed that these matters are scoped out, however the only justification provided is in relation to emissions from land use change during construction, which states that they are 'not expected to be large'. On the basis of this very limited justification, and also noting that a change in emissions associated with land use change is identified in Table 15.3 as a key source that could give rise to a significant effect, the Inspectorate does not agree that these matters may be scoped out. An assessment should be provided where significant effects are likely to occur.	An assessment of GHG emissions from land use, land use change and forestry (LULUCF) during construction and operation has been included in the ES in **Chapter 15 (Greenhouse Gases)**.
4.12.3	It is proposed to scope this matter out on the basis that lighting is not anticipated to be an emissions source as there would be no change to lighting. It is stated in the description of the Proposed Development in Chapter 2 of the Report that temporary lighting would be provided during construction; however it is agreed that this matter can be scoped out as the emissions would be unlikely to be large given the relatively short duration of the construction phase.	Noted.
4.12.4	It is agreed that maintenance associated with the Proposed Development can be scoped out on the basis that it would not be a large emissions source as only a small amount would be required in addition to the maintenance that already takes place.	Noted.
4.12.5	It is agreed that this matter can be scoped out on the basis that the Proposed Development is designed to be maintained rather than repaired and that therefore subsequent repair emissions sources are unlikely to be large.	Noted.
4.12.6	It is agreed that this matter can be scoped out on the basis that the reduction in carbon sequestration due to the land use change is unlikely to be large.	The reduction in carbon sequestration due to the land use change from the Proposed Scheme is not considered to be large. PINS, on behalf of the SoS, agreed in their Scoping Opinion to the scoping out of GHG emissions from operational LULUCF. However, in order to proportionally assess LULUCF (given that construction phase LULUCF has been scoped in), the emissions during operation have also been scoped into the assessment. This comprises the change in emissions associated with the existence of the Proposed Scheme hindering or promoting the storage of carbon into organic matter (i.e. vegetation and soils of different habitats).

Scoping Opinion ID	Planning Inspectorate Comments	ES Comments
4.12.7	High level information only is provided on proposed mitigation for the construction and operational phases of the Proposed Development. The Inspectorate notes that it is stated that mitigation measures will be developed further in the ES and expects full details to be provided.	Mitigation measures are set out in **Section 15.10** of **Chapter 15 (Climate - Greenhouse Gases)** of this ES.
4.12.8	It is stated in the Report there are no clear thresholds for what level of GHG emissions can be considered significant in an EIA context and that significance is assessed through the best practice technique of comparing estimated GHG emissions arising from the Proposed Development with the respective UK carbon budget and taking into account professional judgement. Assessments of significance based on professional judgement should be fully justified.	The assessment approach aligns with the IEMA guidance 'Assessing Greenhouse Gas Emissions and Evaluating their Significance' (IEMA, 2022) and follows the lifecycle assessment approach outlined in PAS 2080 (BSI, 2016). Significance assessments based on professional judgement are provided in **Section 15.9** of **Chapter 15 (Climate - Greenhouse Gases)** of the ES.
Chapter 16 (Population, Health and Socioeconomics)		
4.2.1	The Scoping Report proposes to scope this out on the basis that the majority of workers would be sourced from the local area (i.e., Selby District Council) and the wider region and so would not increase demand for accommodation and community facilities in the area. However, the Scoping Report does not provide an indication of the number of workers that would be required to construct the Proposed Development, including 'specialist contractors' which may require accommodation in the local area. In addition, the Inspectorate notes there could be potential cumulative effects as a result of committed developments at Drax Power Station (Drax Repower, Drax FGD Plant demolition) (paragraph 6.7.8 of the Scoping Report). On the basis of the information provided the Inspectorate does not agree that this matter may be scoped out. The ES should include an assessment of these matters where significant effects are likely to occur, particularly in respect of cumulative effects associated with other committed developments.	Increased demand for accommodation and local facilities from specialist contractors who may come from outside the area to undertake the construction works, has been scoped into the assessment as set out in **paragraphs 16.5.3, 16.5.4 and 16.5.5** of **Chapter 16 (Population, Health and Socio-economics)** of the ES.
4.2.2	The Inspectorate has had regard to the characteristics of the Proposed Development and considers likely significant effects on crime and safety as a result of construction and operation of the Proposed Development are unlikely to occur and that this matter may be scoped out from further assessment. The ES should explain how security measures are secured in the application material.	**Chapter 16 (Population, Health and Socio-economics)** of the ES provides an overview the security measures that will be implemented as part of the Proposed Scheme and how these will be secured.
4.2.3	The Scoping Report proposes that potential effects to private property and housing along Carr Lane and Redhouse Lane are scoped out of this aspect chapter as they will be assessed in the Traffic and Transport, Noise and Vibration, Air Quality and Landscape and Visual chapters of the ES. The Inspectorate agrees that potential effects on private property and housing can be considered within the relevant aspect chapters of the ES. Notwithstanding, the Applicant should also consider impacts on private property and housing in relation to flood risk, including whether construction of the Proposed Development could change the flood risk, within the relevant aspect chapters of the ES, e.g. Water Environment.	The Existing Drax Jetty is no longer included in the Proposed Scheme and the associated road modifications that would impact properties on Carr Lane and Redhouse Lane are therefore no longer required. As such, these properties referenced in the Scoping Report are not relevant for assessment. The potential impacts of the Proposed Scheme on private property are covered in **Chapter 12 (Water Environment)** and increased flood risk will be considered within **Chapter 11 (Ground Conditions)** and **Chapter 12 (Water Environment)**, and **Chapter 14 (Climate Change Resilience)** of the ES. These elements will not be covered within the Population, Health and Socio-economics assessment.

Scoping Opinion ID	Planning Inspectorate Comments	ES Comments
4.2.4	The Applicant acknowledges potential impacts to PRoW (located within the Proposed Development boundary) and Drax Golf Club car park (surrounded by the Proposed Development boundary) but concludes these are unlikely to be significant. The Inspectorate has had regard to the characteristics of the development and considers likely significant effects to community land and assets as a result of construction of the Proposed Development are unlikely to occur and can be scoped out of the ES. The ES should consider any other potential impacts on these receptors within the relevant aspect chapters.	Noted. The potential effects on PRoW users are considered within **Chapter 5 (Traffic and Transport), Chapter 6 (Air Quality), Chapter 7 (Noise and Vibration)** and **Chapter 9 (Landscape and Visual Amenity)** of the ES.
4.2.5	The Scoping Report proposes to scope this matter out of further assessment on the basis that access to/from local businesses would remain open during construction, and it is not anticipated that there would be significant disruption which would affect business operations. However, no evidence has been provided to substantiate this statement. Notably, vehicle movements associated with construction of the Proposed Development are not known at this stage (see Table 6.2 of the Scoping Report) and overnight road closures would be required if transport of AILs to site was to proceed under Option 2 (see paragraph 2.2.21 of the Scoping Report). In addition, the Inspectorate notes that there could be potential cumulative effects (e.g., construction traffic) on development land and businesses as a result of committed development at Drax Power Station (Drax Repower, Drax FGD Plant demolition) (paragraph 6.7.8 of the Scoping Report). Therefore, the Inspectorate does not agree that this matter may be scoped out. The ES should include an assessment of these matters where significant effects are likely to occur.	The potential effects of disruption to local businesses during construction has been scoped into the Population, Health and Socio-economics assessment as set out in **paragraphs 16.5.20 and 16.5.21** of **Chapter 16 (Population, Health and Socio-economics)** of the ES. The potential traffic impacts of site construction works are set out within **Chapter 5 (Traffic and Transport)** of the ES. The potential cumulative effects associated with construction traffic are set out in **Chapter 18 (Cumulative Effects)** of the ES.
4.2.6	The Inspectorate notes that agricultural land may be temporarily (to facilitate construction of road modifications) and permanently affected as a result of construction and operation of the Proposed Development. The Scoping Report proposes to scope this out of further assessment on the basis that impacts on agricultural land during construction and operation 'are likely to be minimal'. However, no evidence has been provided to substantiate this statement. In addition, the quantum and quality of agricultural land likely to be temporarily and permanently affected as a result of the Proposed Development has not been specified in the Scoping Report. Therefore, the Inspectorate does not agree that this matter may be scoped out. The ES should include an assessment of these matters where significant effects are likely to occur.	As the Comments from PINS note, an assessment should be included where significant effects are likely to occur. However, the Proposed Scheme has been refined since the submission of the **EIA Scoping Report** and now would require less agricultural land for the construction and operation of the Proposed Scheme. The reduction in agricultural land requirements means there is less of an impact anticipated on agricultural land. The assessment of agricultural land holdings in line with Design Manual for Roads and Bridges (DMRB) guidance is based on the loss of the resource; changes to the quality of the resource; and any severance related to the works. In regard to these elements, it is not anticipated that there will be any significant impacts on the quantity, quality or viability of agricultural land, or changes in access to agricultural land given the refinement in the Proposed Scheme design. Works on agricultural land are limited to: hedgerow planting and reinforcement within the Habitat Provision Area, provision of a seasonal / intermittently wet pond area to the north of the East Construction Laydown Area, and the use of the East Construction Laydown Area temporarily during construction for laydown of plant, equipment and materials, light fabrication, storage of topsoil from the area and as an overflow car park during construction. As outlined in **Table 16.1** in **Chapter 16 (Population, Health and Socio-economics)**, following consultation with North Yorkshire County Council (NYCC) and Selby District Council (SDC), both parties were in agreement that this matter could therefore be

Scoping Opinion ID	Planning Inspectorate Comments	ES Comments
		excluded from the Population, Health and Socio-economics assessment. It was agreed that should the proposed activities for the Habitat Provision Area result in significant impacts on agricultural land, then this would be scoped back into the Population, Health, and Socio-economics assessment. The latest extension to the Order Limits introduces a Habitat Provision Area within the land to the north of the East Construction Laydown Area. As set out in **Table 16.2** in **Chapter 16 (Population, Health and Socio-economics)** 179.86 hectares are operated for agricultural purposes within this land. The permanent loss of land to accommodate the Habitat Provision Area will be 4.2 hectares, which equates to 2.3% of the total operational agricultural land held by the farmer in question. The inclusion of the Habitat Provision Area in the Order Limits would not result in any significant effects on agricultural land holdings and the farmer's ability to effectively operate on the land and generate an income. The loss of the agricultural use of this land has also been agreed directly between the Applicant and the farmer.
4.2.7	It is proposed to scope this matter out as potential effects on health will be assessed in the Noise and Vibration and Air Quality chapters of the ES. The Inspectorate agrees that this matter may be scoped out on that basis.	Noted.
4.2.8	The Scoping Report states "There are no likely effects of moderate or major significance anticipated to arise for Population, Health and Socioeconomic receptors. Therefore, there are no Population and Health effects which should be scoped in and assessed within the ES." It is not clear what is intended by this statement as it conflicts with Table 5.1 which has scoped in impacts relating to the generation of direct and indirect employment opportunities during construction and operation of the Proposed Development. In addition, this is not a justifiable basis for scoping out matters, as effects that are predicted to be of a lower than moderate significance could contribute to a significant cumulative effect. The ES should include assessment of the matters set out above, as stated by the Inspectorate, unless it is agreed with relevant consultees that they may be scoped out and evidenced accordingly in the ES.	Noted. In the **Scoping Report,** Table 5.1 scopes in potential significant effects, and therefore the statement in the Scoping Report that "There are no likely effects of moderate or major significance anticipated to arise for Population, Health and Socioeconomic receptors. Therefore, there are no Population and Health effects which should be scoped in and assessed within the ES." was made in error and should be disregarded.
4.2.9	The Inspectorate notes agricultural land may be temporarily and permanently affected as a result of construction and operation of the Proposed Development. The Scoping Report does not indicate that the Applicant intends to include an assessment of land quality in the ES. The Inspectorate considers the ES should include an assessment of land quality where significant effects are likely to occur. The land quality assessment should include an Agricultural Land Classification Survey (ALC) to quantify the amount of ALC grade land temporarily and permanently lost as a result of the Proposed Development and assess potential impacts on farming businesses. In addition, the land quality assessment should include a description of soil quality and provide an assessment where significant effects are likely to occur. The Applicant's attention is drawn to the Natural England consultation response in this regard.	As the Comments from PINS note, an assessment should be included where significant effects are likely to occur. As outlined in **Table 16.1** in **Chapter 16 (Population, Health and Socio-economics)**, following consultation with NYCC and SDC, both parties were in agreement that an assessment of agricultural land could be excluded from the Population, Health and Socio-economics assessment on the basis of there being no significant effects anticipated, due to the small area of land in question. The Proposed Scheme has been refined since the submission of the **EIA Scoping Report** and would require less agricultural land for the construction and operation of the Proposed Scheme. The reduction in agricultural land requirements means there is less of an impact anticipated on agricultural land and that no significant effects are likely to occur. The assessment of agricultural land holdings in line with DMRB guidance is based on the loss of the resource; changes to the quality of the resource; and any severance related to the works. In regard to these elements, there will be no significant impact on

Scoping Opinion ID	Planning Inspectorate Comments	ES Comments
		the quantity, quality, viability, or changes in access to agricultural land given the refinement in the Proposed Scheme design. The only works on agricultural land being the mitigation measures on the Habitat Provision Area (anticipated to be in the form of hedgerow and woodland reinforcement, in agreement with the landowner) and construction laydown area to the east of Drax Power Station Site. The construction laydown area would be required temporarily during the construction phase for construction offices, warehouses, workshops, open air storage areas and car parking. The use of the laydown area to the east of the Drax Power Station Site has been agreed with the landowner and will be reinstated to arable use following completion of all construction works. Following consultation with NYCC and SDC, both parties were in agreement that this matter could therefore be excluded from the Population, Health and Socio-economics assessment. It was agreed that, during the EIA, should it be the case that the mitigation measures for the Habitat Provision Area mean that there would be impacts to the agricultural land, that this would then be scoped back in to the Population, Health, and Socio-economics assessment. Based on professional judgement, it is therefore anticipated that no significant effects on agricultural land holdings during construction and operation would occur, and any impacts in relation to the Habitat Provision Area and construction laydown area would be minimal. This will however continue to be reviewed as more design information becomes available. The consultation response from Natural England notes that an ALC survey may be required to identify “the degree to which soils are going to be disturbed/harmed as part of this development and whether ‘best and most versatile’ agricultural land is involved”. This response was titled ‘Soils and Agricultural Land Quality’, which are assessed as part of **Chapter 9 (Landscape and Visual)** of this ES.
4.2.10	The Scoping Report states that the Proposed Development boundary intersects with seven PRoW however paragraph 5.2.7 lists eight PRoW. The ES should describe the likely significant effects on all relevant PRoW.	The PRoW baseline within **Chapter 16 (Population, Health and Socio-Economics)** has been updated and is consistent with **Chapter 9 (Landscape and Visual)** of this ES. The potential effects on PRoW users are considered within **Chapter 5 (Traffic and Transport), Chapter 6 (Air Quality), Chapter 7 (Noise and Vibration)** and **Chapter 9 (Landscape and Visual Amenity)** of this ES.
4.2.11	The Scoping Report states that the assessment of employment generation will be undertaken using ‘Excel based analysis’. However, no further explanation of this has been provided. The ES should clearly describe the methodology used for the population, health and socio-economic assessment, including the criteria used to determine the significance of effects. Socio-economic impacts resulting from the Proposed Development should be quantified where possible. Where professional judgement has been applied this should be clearly stated and suitably justified in the ES with reference to supporting evidence.	Drax commissioned Vivid Economics to quantify the social and economic benefit of deploying BECCs at Drax Power Site. As a result, the assessment used the figures produced by Vivid Economics as a basis for Excel based calculations for indirect and induced employment. The outputs of their report were used in the assessment for employment generation as detailed in **Section 16.5** of **Chapter 16 (Population, Health and Socio-Economics)** of this ES.

Scoping Opinion ID	Planning Inspectorate Comments	ES Comments
	The Scoping Report does not provide a description of the decommissioning phase of the Proposed Development. Paragraph 2.5.1 of the Scoping Report states, "*at the end of the operation, the facility may have some residual life remaining and an investment decision may be made as to whether the operating life will be extended*". The Inspectorate considers that an assessment of the decommissioning phase should be provided in the ES. This should be proportionate and include a description of the decommissioning works and estimated timescales of completion. The Applicant should clearly demonstrate that the anticipated complete lifecycle of the Proposed Development, including the decommissioning phase, has been described and adequately assessed in the ES. In addition, the Applicant should ensure that the operational lifetime of the Proposed Development specified in the ES is consistent with that set out in the DCO.	A description of the decommissioning phase has been provided in **Section 2.5** of **Chapter 2 (Site and Project Description)** of this ES. A decommissioning phase assessment has been scoped out of the Population, Health and Socio-economics assessment. This is due to the Proposed Scheme's design life being 25 years meaning that it is not possible to predict, with certainty, the change in baseline conditions over this period, and also due to detail on the decommissioning Proposed Scheme in relation to Population Health and Socio-economics not being available at this time. As a result, it is not considered that a robust and meaningful assessment of the impacts on Population, Health and Socio-economics could be carried out. However, it is anticipated that the number of workers required for decommissioning would be less than the construction phase, meaning there would be a beneficial impact on employment, but it would not be as great as the construction phase. Due to the reduced level of works required for decommissioning, the potential impacts on the disruption to businesses and demand on accommodation and local services due to an influx of workers are anticipated to be no worse than those during the construction phase following the implementation of an Environmental Management Plan for the works.
Chapter 17 (Major Accidents and Disasters)		
4.13.1	The Scoping Report proposed to scope these matters out on the basis that "these events are unlikely to result in significant adverse effects as they do not fall into the definition of a MA&D". Provided that the ES addresses concerns regarding significance criteria and that low likelihood and low consequence events are clearly defined, the Inspectorate agrees that these matters can be scoped out. However, the ES should clearly demonstrate that low likelihood and low consequence events have been appropriately addressed in the relevant aspect chapters. The Applicant should seek agreement with the relevant consultation bodies regarding the definition of low likelihood and low consequence events and evidence this in the ES.	**Chapter 17 (Major Accidents and Disasters)** (document reference 6.1.17) describes the significance criteria in **paragraphs 17.6.6-17.6.11**. Consultation was undertaken with the HSE on 12 January 2022 in respect to confirming major hazard sites, the assessment of occupied buildings under COMAH and confirmation an application for hazardous substances consent will be submitted. No formal response was provided by HSE on the approach to the methodology provided. Further consultation was undertaken with the Planning Inspectorate (28 January 2022), SDC and NYCC (20 December 2022) on the approach to the assessment. No comments or concerns were raised in the approach to the assessment by the local authorities. A summary of consultation undertaken is presented in **Section 17.3** of **Chapter 17 (Major Accidents and Disasters)**.
4.13.2	It is unclear whether the Applicant intends to undertake an assessment of the potential impacts of the accidental release of CO_2 and other pollutants in the event that a major accident or disaster occurred. Although the risk of this occurring may be low the consequences of such an event could be significant. Given that the Proposed Development is an emerging technology for which design and safety information is currently limited, the Inspectorate considers that the ES should identify potential accidents or disasters that could lead to an accidental release of pollutants from the carbon capture infrastructure and provide an assessment of potential impacts where significant effects could occur.	The potential impacts of an accidental release of CO_2 and other pollutants associated with the Proposed Scheme have been assessed in the ES. The assessment of this risk event type is presented in **Appendix 17.2** (document reference 6.3.17.2).

Scoping Opinion ID	Planning Inspectorate Comments	ES Comments
4.13.3	The Scoping Report proposed to scope these matters out on the basis that "they will not lead to significant adverse effects". Provided that the ES addresses concerns regarding significance criteria and that high likelihood and low consequence events are clearly defined, the Inspectorate agrees that these matters can be scoped out. However, the ES should clearly demonstrate that high likelihood and low consequence events have been appropriately addressed in the relevant aspect chapters. The Applicant should seek agreement with the relevant consultation bodies regarding the definition of high likelihood and low consequence events and evidence this in the ES.	**Chapter 17 (Major Accidents and Disasters)** describes the significance criteria in **paragraphs 17.6.6-17.6.11**. Consultation was undertaken with the HSE on 12 January 2022 in respect to confirming major hazard sites, the assessment of occupied buildings under COMAH and confirmation an application for hazardous substances consent will be submitted. No formal response was provided by HSE on the approach to the methodology provided. Further consultation was undertaken with the Planning Inspectorate (28 January 2022), SDC and NYCC (20 December 2022) on the approach to the assessment. A summary of consultation undertaken is presented in **Section 17.3** of **Chapter 17 (Major Accidents and Disasters)**.
4.13.4	The Scoping Report proposed to scope these matters out on the basis that "existing legislation (see Appendix A) and regulatory controls would not permit the Proposed Scheme to be progressed under these circumstances". Provided that the ES addresses concerns regarding significance criteria whereby high likelihood and high consequence events are clearly defined in the ES, and on the basis that the Proposed Development would not receive consent if high likelihood and high consequence events were to occur, the Inspectorate agrees that these matters can be scoped out of the ES. However, the ES should clearly describe how these matters have been identified and how unacceptable risk has been avoided/managed through risk assessment and the design process.	**Chapter 17 (Major Accidents and Disasters)** describes the significance criteria in **paragraphs 17.6.6-17.6.11**. A programme of hazard studies has been undertaken by the Applicant to produce an inherently safe design and to ensure that any residual risks are managed to be as low as reasonably practicable (ALARP).
4.13.5	The Scoping Report proposes to scope this matter out on the basis that impacts would be prevented through existing health and safety legislation, including The Management of Health and Safety at Work Regulations 1999, The Workplace (Health, Safety and Welfare) Regulations 1992 and the Dangerous Substances and Explosive Atmospheres Regulations 2002. On the basis that potential impacts to on-site workers are addressed through existing health and safety legislation, the Inspectorate agrees that this matter can be scoped out of the assessment.	Noted.
4.13.6	The Scoping Report proposes to scope out some Major Accident and Disaster event types out on the basis that these were "highly unlikely to occur due to the location of the Proposed Scheme, based on information provided by environmental topic teams and use of information sources related to Accidents and Disasters (BGS, 2020) (Prevention Web Europe 2005)". On the basis that no impact pathway exists between the Proposed Development and accidents/disasters identified, and provided that the ES addresses concerns regarding the agreed study area the Inspectorate agrees these matters can be scoped out.	Noted.

Scoping Opinion ID	Planning Inspectorate Comments	ES Comments
4.13.7	Based on the information presented in the Scoping Report and considering the nature of the Proposed Development, the Inspectorate agrees that these matters can be scoped out of the ES. Notwithstanding, the Applicant should demonstrate that low consequence events in relation to poor air quality and plants (i.e., invasive plant species) have been appropriately addressed in the relevant aspect chapters of the ES.	Impacts in relation to poor air quality and biodiversity have been assessed in **Chapter 6 (Air Quality)** and **Chapter 8 (Ecology)** of this ES. As detailed in IEMA's 'Major Accidents and Disasters in EIA: A Primer' ('IEMA's Primer') (Institute of Environmental Management & Assessment, 2020) low consequence events do not meet the definition of a major accident and / or disaster and are therefore not considered within this chapter. They would also not be considered in the relevant topic chapters. An example of low consequence event is some leaks and spills which would not give rise to a likely significant effect. The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, regulation 5 (2), requires the Applicant to "*…identify, describe and assess in an appropriate manner, in light of each individual case, the direct and indirect significant effects of the proposed development*". IEMA's low consequence events would not result in a significant effect, and these would therefore not be considered within the EIA. This approach was discussed with the Planning Inspectorate in a meeting on 28 January 2022.No comments or concerns were raised in the approach to the assessment.
4.13.8	Based on the information presented in the Scoping Report and considering the nature of the Proposed Development, the Inspectorate agrees that these matters can be scoped out of the ES. Notwithstanding, the ES should consider potential impacts associated with the accidental release of CO_2 and other pollutants as requested in ID 4.13.2 of this Scoping Opinion.	Non-MA&D events which have significant effects will be addressed in the relevant specialist topic chapter of the ES. Consideration of the potential impacts associated with the accidental release of CO_2 from the Proposed Scheme have been considered in **Chapter 17 (Major Accidents and Disasters)**. The assessment of this risk event type is presented in **Appendix 17.2**.
4.13.9	The Scoping Report proposes to scope this matter out on the basis that identified pipelines are located sufficiently far away from the Proposed Development and if work is needed within a pipeline's Consultation Zone (CZ) the risk would be required to be as low as reasonably practicable (ALARP) under existing health and safety (H&S) legislation. It is explained in Chapter 2 of the Scoping Report that a proposed National Grid pipeline would transport the compressed CO_2 from its treatment location at Drax to its storage location under the North Sea. It is anticipated that the connection to the pipeline would be at the northern boundary of Drax Power Station. Given the proximity of this proposed pipeline to the Proposed Development the Inspectorate does not agree that this matter may be scoped out and considers that an assessment of potential impacts and a description of relevant control measures should be provided in the ES.	The National Grid pipeline has been assessed as part of the inter-project cumulative assessment for the Proposed Scheme, reported on in **Chapter 18 (Cumulative Effects)**. CO_2 is not a material which falls within the scope of the Pipelines Act and therefore the CO_2 cross-country pipeline itself is not classified as a Major Accident Hazard Pipeline which this section was specifically addressing. As such an assessment would not be carried out within **Chapter 17 (Major Accidents and Disasters)** however, as discussed above, it has been assessed in the inter-project cumulative assessment.
4.13.10	The 'Definition' of Major Accident provided in Scoping Report states that the significance of effect 'will take into account the extent, severity and duration of harm and the sensitivity of the Receptor'. The ES should provide a clear description of the criteria used to determine the significance of likely effects,	A graphical representation of Major Accidents and Disasters consequence significances is show in Plate 17.1 (**Chapter 17 (Major Accidents and Disasters)**) in the ES.

Scoping Opinion ID	Planning Inspectorate Comments	ES Comments
	including how extent, severity, duration and sensitivity have been defined. The definition of sensitivity should consider the adaptability, tolerance and recoverability of each receptor identified in the Major Accidents and Disasters assessment of the ES. The Applicant should also consider the effort required to restore the affected environment when determining the significance of likely effects. The Applicant should seek agreement with the relevant consultation bodies regarding the criteria used in the determination of significant effects and evidence this in the ES.	If a MA&D event were to occur, then by definition it would always be of major significance. A major significance is defined as '*an event that threatens immediate or delayed serious damage to human health, welfare and / or the environment and requires the use of resources beyond those of* ***the Applicant*** *or its contractors. Serious damage includes the loss of life or permanent injury and / or permanent or long-lasting damage to an environmental* ***receptor*** *that cannot be restored through minor clean-up and restoration efforts (which constitutes the definition of significance of likely effects).The significance of this effect will take into account the extent, severity and duration of harm and the sensitivity of the receptor'*. The definition of what constitutes a MA&D event is described in **Section 17.6 Assessment Methodology** of **Chapter 17 (Major Accidents and Disasters)** of this ES. The definitions that have been used are aligned with those included in the IEMA Primer on Assessing MA&D in EIA (Institute of Environmental Management & Assessment, 2020). In addition, the definitions are consistent with those used under the COMAH Regulations (HM Government, 2015) and the Pipelines Safety Regulations (HM Government, 1996). Consultation was undertaken with the HSE on 12 January 2022 in respect to confirming major hazard sites, the assessment of occupied buildings under COMAH and confirmation an application for hazardous substances consent will be submitted. No formal response was provided by HSE on the approach to the methodology provided. Further consultation was undertaken with the Planning Inspectorate (28 January 2022), SDC and NYCC (20 December 2022) on the approach to the assessment, no comments or concerns were raised in the approach to the assessment by the consultees. A summary of consultation undertaken is presented in **Section 17.3** of **Chapter 17 (Major Accidents and Disasters)**.
4.13.11	The 'Definition' of Vulnerability provided in the Scoping Report states, "Vulnerability is influenced by sensitivity, adaptive capacity and Magnitude of Impact". The ES should provide a clear description of the criteria used to determine the vulnerability of receptors, including how sensitivity, adaptive capacity and impact magnitude have been defined. The definition of magnitude should consider the extent, duration, frequency and severity of each potential impact identified in the major accidents and disasters assessment in the ES. The Applicant should seek agreement with the relevant consultation bodies regarding the criteria used in the determination of vulnerability and evidence this in the ES.	A graphical representation of Major Accidents and Disasters consequence significances is show in Plate 17.1 (**Chapter 17 (Major Accidents and Disasters)**) in the ES. If a MA&D event were to occur, then by definition it would always be of major significance. A major significance is defined as '*an event that threatens immediate or delayed serious damage to human health, welfare and / or the environment and requires the use of resources beyond those of* ***the Applicant*** *or its contractors. Serious damage includes the loss of life or permanent injury and / or permanent or long-lasting damage to an environmental* ***receptor*** *that cannot be restored through minor clean-up and restoration efforts (which constitutes the definition of significance of likely effects). The significance*

Scoping Opinion ID	Planning Inspectorate Comments	ES Comments
		of this effect will take into account the extent, severity and duration of harm and the sensitivity of the receptor'. In addition, **Table 17.1 - Key Definitions** of **Chapter 17 (Major Accidents and Disasters)** has been updated to include the following terms adaptive capacity, magnitude of impact and sensitivity. The definitions that have been used are aligned with those included in the IEMA Primer on Assessing MA&D in EIA (Institute of Environmental Management & Assessment, 2020). In addition, the definitions are consistent with those used under the COMAH Regulations (HM Government, 2015) and the Pipelines Safety Regulations (HM Government, 1996). Consultation was undertaken with the HSE on 12 January 2022 in respect to confirming major hazard sites, the assessment of occupied buildings under COMAH and confirmation an application for hazardous substances consent will be submitted. No formal response was provided by HSE on the approach to the methodology provided. Further consultation was undertaken with the Planning Inspectorate (28 January 2022), SDC and NYCC (20 December 2021) on the approach to the assessment, no comments or concerns were raised in the approach to the assessment by the consultees. A summary of consultation undertaken is presented in **Section 17.3** of **Chapter 17 (Major Accidents and Disasters)**..
4.13.12	The ES should specify the CD set by the Health and Safety Executive (HSE) in relation to the Proposed Development and describe interactions with other COMAH establishments within the CZ where significant effects are likely to occur. The ES should have particular regard for COMAH sites within the Proposed Development site boundary. The Applicant's attention is drawn to HSE's consultation response in this regard.	The quantities of stored and proposed materials related to the use of the Proposed Scheme fall below the threshold for a Hazardous Substance Consent (HSC) and COMAH; therefore, there is no CD / CZ set by the HSE. The other COMAH establishments referred to within the HSE's response were considered as a specific MA&D event type in the **Scoping Report** and the assessment of this risk event type is presented in **Appendix 17.2.**
4.13.13	The Inspectorate notes that types of receptors are identified in paragraph 16.3.3 and 'key major events receptors' are specifically identified in Table 16.2. It is unclear which receptors have been considered in relation to the potential impacts identified in the Scoping Report. The ES should clearly set out the receptors included in the major accidents and disasters assessment. The Applicant should seek agreement with the relevant consultation bodies regarding the receptors to be considered in the assessment and evidence this in the ES.	**Section 17.9** of **Chapter 17 (Major Accidents and Disasters)** of this ES sets out the types of receptors that have been considered in the assessment. **Appendix 17.2** details the receptors in relation to each potential MA&D identified. Consultation was undertaken with the HSE (12 January 2022), SDC and NYCC (20 December 2021) to discuss the approach to the assessment including receptors. No formal response or comments were provided.
4.13.14	Table 16.3 of the Scoping Report states that there are no other COMAH sites within 5km of the Drax Power Station other than Drax Power Station itself. The Inspectorate notes that the extent of this study area deviates from the extent of the study area specified in paragraph 16.3.1 (2.5km). The Applicant should describe all the study areas used to inform the major accidents and disasters assessment and ensure these are consistently reported in the ES. In addition, the Inspectorate is aware that two other COMAH sites are located within the Proposed Development boundary, as identified in HSE's consultation response	The study area for the MA&D assessment is presented in **Section 17.7** of **Chapter 17 (Major Accidents and Disasters)** of this ES. The Applicant has confirmed that Lytag Limited is no longer registered as a COMAH site and Capture Power Limited is no longer operational. **Appendix 17.2** includes an assessment of considered potential consequential (or 'domino') effects on and from Lytag Ltd and the existing Drax Power Station.

Scoping Opinion ID	Planning Inspectorate Comments	ES Comments
	(see Appendix 2 of this Opinion), impacts on which should be assessed in the ES where significant effects are likely to occur.	
Chapter 18 (Cumulative Effects)		
4.14.1	No matters are proposed to be scoped out.	Noted.
4.14.2	Limited information is provided on other plans and projects that will be considered in the inter-project cumulative assessment and potential significant effects. A few examples are provided of projects that it is anticipated will be included. Whilst it is understood that it is not intended to comprise an exhaustive list at this stage, the projects do not include the Drax Flue Gas Desulphurisation Demolition project at Drax Power Station, highlighted in Chapters 2, 6 and 9, the programme for which would overlap with the construction of the Proposed Development, whereas the other projects referenced in the Report are listed. This should be included.	Other plans and projects have been identified using the methodology set out in **Section 18.3** in **Chapter 18 (Cumulative Effects)** of the ES. The long-list and short-lists of 'other developments' are presented in **Appendix 18.1** (document reference 6.3.18.1) **and 18.2** (document reference 6.3.18.2) of the ES respectively. The Drax Flue Gas Desulphurisation Demolition project at Drax Power Station has been included in the short-list of 'other developments' as ID12. Consultation is ongoing with Selby District Council with regard to securing the phasing of the FGD. In a videoconference on the 5 April 2022, the Applicant stated that the intention was for the demolition of three units (Absorber Units 4, 5 and 6) to be carried out before the Proposed Scheme, and the demolition of Absorber Units 1, 2 and 3 to be carried out after construction of the Proposed Scheme. Subsequently, an email was sent on the 14 April 2022 in order to agree an approach for this. Two approaches were put forward by the Applicant. The first would be to set out the phasing in an SoCG, and the second would be to secure the phasing via a requirement in the dDCO, which would reflect the ES assumptions in terms of the FGD. As of May 2022, the Applicant is still awaiting a response to this. As detailed in **Table 18.1 - Consultation Summary** in **Chapter 18 (Cumulative Effects)** NYCC, SDC, ERoY and Doncaster Council have been consulted on the short list of 'other developments'.
4.14.3	The assessment methodology and the short list of projects to be assessed should be consulted on and agreed where possible with the relevant consultation bodies including the local planning authorities. The Applicant's attention is drawn to Doncaster Council's consultation response, which highlights some projects that they consider should be included in the cumulative assessment.	As detailed in **Table 18.1 - Consultation Summary** in **Chapter 18 (Cumulative Effects)** a meeting was held with Selby District Council and North Yorkshire County Council on 21 January 2022 to verify the methodology and confirm the 'other developments' on the short-list. Doncaster Borough Council, East Riding of Yorkshire Council, Selby District Council and North Yorkshire County Council were issued the finalised short-list of 'other developments;' and proposed final methodology on 17 February 2022. The two projects that Doncaster Metropolitan Borough Council referenced in their response are Keadby Power Station Complex (Keadby 2 is Short List ID 74, and Keadby 3 is Short List ID 4) and an Energy from Waste Installation at Kirk Sandall (Short List ID 47). These have been assessed as part of the cumulative assessment, with details on the outcome provided in **Appendix 18.5** and in **Chapter 18 (Cumulative Effects).**

Scoping Opinion ID	Planning Inspectorate Comments	ES Comments
4.14.4	No reference is made to climate change resilience, which is proposed to be scoped out in its entirety apart from in relation to intra-project combined effects. It is unclear how this aspect would be assessed in the absence of an ES chapter as it is stated that the assessment of combined effects will be based on the information provided within the technical chapters.	An assessment of climate change resilience has been carried out and is reported in **Chapter 14 (Climate Change Resilience)**. The Proposed Scheme is the receptor being assessed in **Chapter 14**, however, there is no assessment of intra-project combined effects as there are no receptors in common with other assessments. In terms of inter-project cumulative effects, the effect of other proposed developments in the vicinity of the Proposed Scheme in relation to flood risk has been assessed in **Chapter 12 (Water Environment)** of this ES (document reference: 6.1.12). No other cumulative effects have been identified.
4.14.5	It is noted that it is stated in the LVIA chapter of the Scoping Report that only similar types of development to the Proposed Development will be considered in the cumulative assessment. The ES should include all development types within the agreed study area with potential to cause likely significant cumulative effects as a result of the construction, operation and decommissioning of the Proposed Development.	The cumulative assessment considers relevant developments in line with the criteria set out in **Section 18.4 of Chapter 18 (Cumulative Effects)** and is not limited to similar types of development. Also refer to **Table 9.1 Section 9.7.6** within of **Chapter 9 (Landscape and Visual Amenity**) of this ES which confirms that all development types within the agreed study area with the potential to cause likely cumulative effects during the life cycle of the Proposed Scheme have been considered.

REFERENCES

WSP UK. (2021). *Drax BECCS Preliminary Environmental Information Report.*