



Ferrybridge Multifuel 2 (FM2)

PINS Ref: EN10061

The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015 No. 1832)

Application for a non-material change in relation to the alternative provision of land for landscaping and biodiversity enhancement

Application Statement

The Planning Act 2008 – Part 7, Chapter 2 (Changes to, and Revocation of, Orders)

The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011



Applicant: Ferrybridge MFE 2 Limited

Date: January 2018



Revision	2.0		
Author	Jake Barnes-Gott (JBG)		
Signed	JBG	Date	January 2018
Approved By	Geoff Bullock (GB)		
Signed	GB	Date	January 2018
Document Owner	Dalton Warner Davis LLP (DWD)		

Revision History			
Revision No.	Date	Reason for Revision	Authorised By
1.0	November 2017	Initial draft for review by project team	GB
2.0	January 2018	Final version	GB

Glossary

BEIS	Department of Business, Energy and Industrial Strategy
DCO	Development Consent Order
EIA	Environmental Impact Assessment
ES	Environmental Statement
FM1	Ferrybridge Multifuel 1
ha	Hectares
HRA	Habitats Regulations Assessment
km	Kilometres
m	Metres
PA 2008	Planning Act 2008'
SoS	Secretary of State
SSEG	SSE Generation Limited
the Order	The Ferrybridge Multifuel 2 Power Station Order 2015
WMDC	Metropolitan District Council
WYE	West Yorkshire Ecology
YWT	Yorkshire Wildlife Trust

Contents

EXECUTIVE SUMMARY	1
1. INTRODUCTION	2
The Order	2
The proposed non-material change	2
Application documents	2
Consultation.....	3
Purpose and structure of this report	3
2. THE PROPOSED NON-MATERIAL CHANGE	4
Background	4
Rationale for the proposed non-material change	4
The Replacement Area.....	5
3. APPROACH TO MATERIALITY	7
The approach to materiality	7
Determining materiality.....	7
Conclusion	8
4. SECTION 106 AGREEMENT	9
5. ENVIRONMENTAL IMPACT OF THE PROPOSED CHANGE	10
Overview of legal considerations.....	10
Environmental assessment	10
6. DCO REQUIREMENTS	11
7. CONSULTATION	12

Appendices

APPENDIX 1: ENVIRONMENTAL ASSESSMENT

APPENDIX 2: CHANGES TO DCO REQUIREMENTS

EXECUTIVE SUMMARY

The Ferrybridge Multifuel 2 Power Station Order 2015 (the 'Order') (S.I. 2015 No. 1832) was made by the Secretary of State pursuant to section 114 'Grant or refusal of development consent' of the Planning Act 2008 on 28 October 2015.

The Order grants development consent for an onshore electricity generating station on land at and adjacent to the Ferrybridge Power Station site, with a gross combined installed generating capacity of up to 90 megawatts fuelled by waste derived fuels, in addition to 'associated development' including an electricity grid connection, improvements to an access road and a foul water connection.

The Order includes a commitment to provide an area of landscaping and biodiversity enhancement immediately to the north of the new power station.

Since the Order was made in 2015, a need has been identified to utilise the area to the north of the new power station for the development of an independently operated ash processing facility. Therefore, this area would then no longer be able to be used to provide the proposed landscaping and biodiversity enhancement.

This report forms part of an application for a non-material change to the Order in relation to the re-provision of the landscaping and biodiversity enhancement. The change application proposes to replace the area to the north of the new power station with an alternate and improved area of landscape and biodiversity enhancement to enable the ash processing plant can be developed. The replacement area is located in close proximity, to the west of the A1(M).

The replacement area is outside of the Order limits and would be secured by a planning obligation under section 106 of the Town and Country Planning Act 1990 (as amended).

1. INTRODUCTION

The Order

- 1.1 The Ferrybridge Multifuel 2 Power Station Order 2015 (the 'Order') (S.I. 2015 No. 1832) was made by the Secretary of State ('SoS') for the Department of Energy and Climate Change (now the Department of Business, Energy and Industrial Strategy or 'BEIS') pursuant to section 114 'Grant or refusal of development consent' of the Planning Act 2008 ('PA 2008') on 28 October 2015. The Order came into force on 19 November 2015.
- 1.2 The Order grants development consent, subject to certain provisions, for the 'Authorised Development' comprising an onshore electricity generating station (the 'multifuel power station' or 'FM2') on land at and adjacent to the Ferrybridge Power Station site, with a gross combined installed generating capacity of up to 90 MWe fuelled by waste derived fuels, in addition to 'associated development' including an electricity grid connection, improvements to an access road and a foul water connection.
- 1.3 The full description of the Authorised Development is set out at Schedule 1 'Authorised Development' of the Order. FM2 is currently undergoing construction and it is expected that commissioning will commence in summer 2018.
- 1.4 The Order includes a commitment to provide an area of landscaping and biodiversity enhancement immediately to the north of the multifuel power station (hereafter referred to as the 'Approved Area'). The location of the Approved Area is shown in the Indicative Landscaping Plan (Application Document Ref. 4.12) forming part of the original application for development consent.

The proposed non-material change

- 1.5 Since the Order was made in 2015, a need has been identified to utilise the Approved Area for the development of an independently operated ash processing facility. The Approved Area would therefore no longer be able to be used to provide the proposed landscaping and biodiversity enhancement.
- 1.6 This Application Statement forms part of an application for a non-material change to the Order in relation to the re-provision of the landscaping and biodiversity enhancement (the 'Change Application'). The Change Application proposes to replace the Approved Area with an alternate and improved area of landscape and biodiversity enhancement on land to the west of the A1(M) (hereafter referred to as the 'Replacement Area'). The Replacement Area is located approximately 300 metres ('m') to the north-west of the Approved Area and is shown in the Revised Indicative Landscaping Plan forming part of the Change Application.
- 1.7 The Replacement Area is located outside of the Order limits and would be secured by a planning obligation under section 106 of the Town and Country Planning Act 1990 (as amended).

Application documents

- 1.8 The documents that make up the Change Application are as follows:
- Covering letter;
 - Application Statement (this document);
 - Biodiversity Strategy (the version that formed part of the original application for development consent – included as part of the Change Application for reference only);
 - Landscape Strategy (the version that formed part of the original application for development consent – included as part of the Change Application for reference only);

- Indicative Landscaping Plan (the version that formed part of the original application for development consent – included as part of the Change Application for reference only);
- Revised Biodiversity Strategy;
- Revised Landscape Strategy;
- Revised Indicative Landscaping Plan;
- Draft Section 106 Agreement; and
- Draft Amendment Order.

1.9 It is proposed that the Revised Biodiversity Strategy, Revised Landscape Strategy and Revised Indicative Landscaping Plan will replace the original versions.

Consultation

1.10 Ferrybridge MFE 2 Limited (the ‘Undertaker’) has engaged with key stakeholders before submitting the Change Application. The Undertaker held a meeting with the Wakefield Metropolitan District Council (‘WMDC’) (the local planning authority) and West Yorkshire Ecology (‘WYE’) (ecological advisor to WMDC) on 3 August 2017 to discuss the proposed change. The Undertaker then met with WYE again on 23 October 2017 to discuss the proposed change in more detail having developed the plans following the initial meeting. The Undertaker has also discussed the proposed change with Yorkshire Wildlife Trust (‘YWT’), including a meeting on 12 October 2017.

1.11 WMDC and YWT were key stakeholders in respect of the original landscape and biodiversity enhancement scheme that was prepared for the Authorised Development. In recent discussions, both stakeholders have expressed a strong preference to maximise the amount of limestone magnesian grassland in the replacement area. The stakeholders have also expressed in principle support for the proposals, subject to complying with this request.

1.12 Please refer to Section 7 of this report for more detail in respect of consultation.

Purpose and structure of this report

1.13 The purpose and structure of this report is as follows:

- Section 2 – explains the proposed non-material change and the rationale for it;
- Section 3 – explains the approach to materiality and why the proposed application is non-material;
- Section 4 – sets out how the proposed non-material change would be secured using a section 106 agreement;
- Section 5 – demonstrates that there would be no new or materially different environmental effects as a result of the proposed change;
- Section 6 – provides an explanation of changes proposed to relevant requirements; and
- Section 7 – details of engagement with key stakeholders in respect of the proposed non-material change.

2. THE PROPOSED NON-MATERIAL CHANGE

2.1 This section sets out the detail and scope of the proposed non-material change, and the rationale for it.

Background

2.2 FM2 is a waste fuelled power station located for the most part on land (the 'FM2 Site') within the boundary of the Ferrybridge Power Station site at Stranglands Lane, Knottingley, West Yorkshire, WF11 8SQ. Adjacent to FM2 is an equivalent waste fuelled power station named Ferrybridge Multifuel 1 ('FM1'); also located within the wider site of the Ferrybridge Power Station and which has been in operation since 2015. The two power stations will be operated independently but utilise the same wider infrastructure and traffic network.

2.3 The FM2 Order includes a commitment to provide the Approved Area for landscaping and biodiversity enhancement immediately to the north of FM2. The Approved Area is illustrated in the Indicative Landscaping Plan. The commitment forms part of the Landscape Strategy (Application Document Ref. 5.13) and Biodiversity Strategy (Application Document Ref. 5.14) for FM2 – hereafter collectively referred to as the 'Approved Strategy'.

2.4 The primary objective of the Approved Strategy is habitat enhancement, rather than 'traditional landscaping' that would seek to visually screen the development or integrate it within the landscape. It is therefore not an area of land that was specifically allocated to mitigate landscaping effects of the development. This is on the basis that Volume 1, Chapter 11 'Landscape and Visual' of the Environmental Statement ('ES') forming part of the original Development Consent Order ('DCO') application concludes the following:

- paragraph 11.7.1 – the assessment of landscape impacts does not consider that any significant landscape effects will result and, as such, no mitigation has been proposed; and
- paragraph 11.7.2. – the opportunity for mitigation of the visual effects of FM2 is limited due to its size and scale. The effects on visual amenity largely relate to the height of tallest structures, in particular the stack height.

2.5 Furthermore, the Landscape Strategy states (at paragraph 7.4) that due to the location of the proposed planting, it would predominantly only be appreciated by workers and visitors to the FM2 Site and wider Ferrybridge Power Station complex. This further moves the focus to habitat enhancement.

2.6 The size and nature of the landscaping and biodiversity provision was agreed with relevant consultees, including WMDC and YWT.

2.7 It is important to note that the specific, geographic location of the Approved Area was not required in order to mitigate any significant biodiversity (or landscape) adverse effects of FM2. Rather, the area was selected as it formed part of the construction laydown area required to construct FM2 and was therefore suitable for restoration to provide landscape and biodiversity enhancement on completion of construction.

2.8 Following the grant of development consent; construction commenced on FM2 in 2016. It is currently anticipated that construction will be completed in spring/summer 2018.

Rationale for the proposed non-material change

2.9 Both FM1 and FM2 generate bottom ash from the combustion process, which is a non-hazardous material. The material can be processed in an ash processing facility for beneficial use. Currently FM1 has to transport that ash from the site to a processing plant

near Sheffield. It was intended that FM2 would do the same or utilise another facility further away. However, now that FM2 is moving closer to completion and commercial operation, it is recognised that there is an opportunity to locate an ash processing facility close to FM1 and FM2, thereby removing those HGVs from the road and processing the ash at the point of generation. The prospective ash processing facility would also potentially be able to take third party ash from other nearby energy from waste facilities.

2.10 A site is needed for the ash processing facility and the only suitable area identified within the Ferrybridge Power Station site is the Approved Area to the north of FM2. It is therefore proposed to provide the Replacement Area on land outside the Order limits, to enable the ash processing plant to be developed.

2.11 Importantly, the proposed ash processing plant does not form part of the Change Application. It is not directly linked to, nor would it change/affect the operation of FM2. The ash processing facility is being promoted by a third party and will be consented under the Town and Country Planning Act 1990 (as amended). The proposals have been the subject of an Environmental Impact Assessment ('EIA') Screening process and WMDC, as local planning authority, has issued its Screening Opinion (Reference: 17/01506/EIASO) confirming that an EIA is not required. It is anticipated that a full planning application for the ash processing plant will be submitted in the coming months.

2.12 It therefore follows, for the avoidance of doubt, that:

- any environmental impact or mitigation/enhancement associated with the ash processing plant will be assessed/secured as part of the planning application for that facility; and
- the proposed non-material amendment to the Order (as set out in this report) makes alternative provision for landscape and biodiversity enhancement only.

The Replacement Area

2.13 The Replacement Area, including the types of habitat proposed, is shown in the Revised Indicative Landscaping Plan submitted as part of the Change Application. The area comprises approximately 5 hectares ('ha') of land and is approximately the same size as the Approved Area.

2.14 The Replacement Area is situated outside of the Order limits; however, this would not impact on the FM2 landscape and biodiversity provision and would not materially affect the Order, on the basis that:

- recent assessments carried out by landscape and ecological specialists on behalf of the Undertaker have determined that the Replacement Area is capable of providing levels of enhancement that are equivalent to or better than that provided by the Approved Area;
- the Replacement Area is owned SSE Generation Limited ('SSEG'), a joint venture partner of the Undertaker;
- the primary objective of the Approved Strategy is habitat creation and biodiversity enhancement, rather than to visually screen FM2, mitigate any significant adverse effects or integrate it into the landscape, meaning that the area providing the enhancement does not necessarily need to be located immediately adjacent to FM2; and
- the landscape and biodiversity enhancement on land outside the Order limits does not alter the conclusions of the ES that formed part of the DCO application for FM2.

- 2.15 Further detail on materiality and environmental impact is provided in Section 3 and Section 5 of this report.
- 2.16 The proposed change follows the same principles as the Approved Strategy, with the creation of woodland, scrub and species rich grassland. Both incorporate elements to address WYE's and YWT's preference to include magnesian limestone grassland within the scheme. However, through the change in location, the Replacement Area is able to offer an increased focus on the creation of magnesian limestone grassland, plus the incorporation of approximately 1.4 kilometres ('km') of native hedgerow to create a clearly defined and protective boundary to the grassland. The latter was not achievable in the Approved Area and would therefore comprise an additional benefit of the proposed change.
- 2.17 The Undertaker has produced a Revised Biodiversity Strategy and Revised Landscape Strategy that form part of the Change Application. These documents set out the concept, including planting details, rationale and methodology.
- 2.18 The key difference to the Approved Strategy is that the area to the north of FM2 would be set aside for future development and is replaced by the Replacement Area. The revised documents supersede and replace the approved Biodiversity Strategy and Landscape Strategy.

3. APPROACH TO MATERIALITY

3.1 This section sets out the Undertaker's approach to materiality and the reasoned approach to determining that the Change Application is non-material.

The approach to materiality

3.2 Schedule 6 of the PA 2008 makes provision for the SoS to grant both material and non-material changes to an order.

3.3 There is no statutory definition of 'materiality' for the purposes of either the PA 2008 or the 2011 Regulations. The Government's 'Planning Act 2008: Guidance on Changes to Development Consent Orders 2015' (the 'Guidance') makes clear that such decisions will inevitably depend on the circumstances of a specific case. Notwithstanding this, the Guidance sets out four examples of characteristics which are likely to indicate whether or not a change is material. These are considered in turn below.

Determining materiality

1) Environmental considerations

3.4 The Guidance states that a change might be considered material if it would result in the need for an updated ES to take account of:

- a new significant effect that was not identified in the ES for the Authorised Development; or
- a materially different effect (positive or negative) when compared when compared to the ES for the Authorised Development.

3.5 As previously stated, the Approved Area provides for landscape and biodiversity enhancement only; it is not intended to mitigate any significant adverse effects.

3.6 The Replacement Area is capable of providing equivalent habitat enhancement, with the potential for some additional benefit (not significant) from the proposed hedgerows as outlined previously. The environmental effects of the proposed change would be within the scale of effects reported within the ES and would create no materially different or new significant effects.

3.7 A detailed review of the ES is set out in Section 5 of this report. This demonstrates that there would be no new or materially different environmental effects as a result of the proposed change.

2) Habitats and Protected Species

3.8 The Guidance states that a proposed change to a project might be considered material if it would invoke a need for a Habitats Regulations Assessment ('HRA'), or the need for a new or additional license in respect of European Protected Species.

3.9 A HRA is not required for the proposed change. European Protected Species are not present within the Replacement Area nor would there be a consequential impact on any European Protected Species within the locality.

3.10 It should also be noted that a HRA was not required for the existing DCO. This was on the basis that there are no internationally protected Natura 2000 sites (European or Ramsar sites) within a 20 km radius of the FM2 Site. It was therefore agreed with Natural England through a Statement of Common Ground that FM2 would not impact on such sites and therefore that a HRA was not required.

3.11 Please refer to Section 5 of this report for more detail in respect of impact on habitats and protected species.

3) Compulsory Acquisition

3.12 The Guidance states that a proposed change might be considered material if it would result in a need for the compulsory acquisition of any that was not authorised through the existing DCO.

3.13 The proposed change would not require the compulsory purchase of land, as the land required for the Replacement Area is owned by SSEG, a joint venture partner of the Undertaker.

4) Impact on business and residents

3.14 The Guidance makes clear that the potential impact of the proposed change on local residents and businesses will also be a consideration in determining whether a change is material. The Guidance notes that material changes might include impacts relating to visual amenity from changes to the size or height of buildings; impacts on the natural or historic environment; and impacts arising from additional traffic.

3.15 There would be no detrimental impact upon local residents or businesses in dealing with the proposed change as non-material, on the basis that:

- no buildings or structures are associated with the proposed change;
- the change is very limited when judged in the context of the overall Authorised Development, as it only applies to moving landscape and biodiversity enhancement;
- the environmental effects of the proposed change do not change the conclusions of the ES and would not create any materially different or new significant effects; and
- the proposal does not involve any change in the design, construction or operation of FM2, nor does it include any changes to traffic movements.

3.16 Please refer to Section 5 of this report for more detail in respect of environmental impacts, including in respect of amenity, socio-economics and human health.

Conclusion

3.17 For the reasons set out above, it has been determined that the proposed change is **non-material**.

4. SECTION 106 AGREEMENT

- 4.1 The Change Application includes a draft section 106 agreement between WMDC, the Undertaker and SSEG. The draft section 106 sets out how the Replacement Area is to be secured as an area for landscape and biodiversity enhancement.
- 4.2 The agreement is required because the Replacement Area is located outside of the Order limits (the FM2 Site).

5. ENVIRONMENTAL IMPACT OF THE PROPOSED CHANGE

5.1 This section sets out a review of the ES for the Authorised Development and the potential impact of the proposed change.

Overview of legal considerations

5.2 Consideration has been given, in accordance with the guidance set out in Section 3 of this report, to whether the proposed change would give rise to:

- new significant effects that were not identified in the ES for the authorised development; or
- materially different effects (positive or negative) when compared to the effects set out in the ES for the project.

5.3 In doing so, the Undertaker has also considered whether the proposed change would constitute 'EIA Development' for the purposes of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.

5.4 The change does not constitute either Schedule 1 development or Schedule 2 development. Paragraph 13 (1) of Schedule 2 provides that a change or extension to a Schedule 1 development which has already been authorised will be Schedule 2 development only if "*the change or extension may have significant adverse effects on the environment*". In considering whether or not that is likely, the change is not to be assessed in isolation. It falls to be considered by looking at the overall effect of the proposed change on the project, and identifying whether the whole, as modified, has or is likely to have other significant effects that need to be taken into account (i.e. significant effects which were not identified in the original assessment).

5.5 The Undertaker has considered all of the environmental matters submitted with the original DCO application, particularly in respect of landscape and biodiversity.

5.6 Importantly, the ES produced for the Authorised Development did not identify any significant adverse impacts on ecology. This is on the basis that FM2 has been designed such that significant adverse effects on ecological receptors have been avoided or reduced through embedded mitigation and appropriate design. The measures set out in the Approved Strategy are for enhancement only.

Environmental assessment

5.7 In respect of the proposed change, the Undertaker's consideration of each environmental issue is detailed at **Appendix 1** to this report. The appendix provides analysis detailing whether this change would be material or not (positive or negative), as compared with the effects set out in the ES for the Authorised Development.

5.8 In summary, it is not considered that the proposed change would result in any new significant effects or materially different effects from those already assessed in respect of the original DCO application. The Approved Area provides for landscape and biodiversity enhancement only; it is not intended to mitigate any significant adverse effects. The Replacement Area is capable of providing equivalent habitat enhancement, with the potential for some additional benefit (not significant) from the proposed hedgerows as outlined previously.

5.9 The environmental effects of the proposed change would be within the scale of effect reported within the ES for the Authorised Development and would create no materially different or new significant effects.

6. DCO REQUIREMENTS

- 6.1 This section provides detail in respect of any necessary amendments to the requirements attached to the Order.
- 6.2 Four of the requirements will need to be amended to accommodate the proposed changes, in the event that they are consented. An explanation of any proposed changes to the requirements is set out at **Appendix 2** of this report.

7. CONSULTATION

- 7.1 This section sets out the consultation undertaken by the Undertaker in respect of the Change Application.
- 7.2 The key consultation activities undertaken by the Undertaker, up to and including submission of the change application, are set out in **Table 7.1** below. The consultation included both non-statutory and statutory activities (the latter in accordance with regulations 6 and 7 of the 2011 Regulations).
- 7.3 The Undertaker, in addition to the below, has maintained contact with key consultees and the Department of Business, Energy and Industrial Strategy ('BEIS') throughout the pre-application process. This has included telephone calls and emails regarding the details of the proposed enhancements, project and submission programme, and scope of proposed application and consultation.

Table 7.1 Consultation activities

Activity	Date	Comments
Meeting with WMDC and WYE	03.08.2017	The Undertaker provided a summary of the proposed change and the ash processing plan proposal. It was agreed that the Undertaker would further develop the plans and then organise a further pre-application meeting with WMDC and/or WYE. The latter expressed favour for increasing magnesian limestone grassland provision as part of the Revised Strategy.
Meeting with YWT	12.10.2017	The Undertaker discussed the proposed change YWT, including providing details in respect of the proposed enhancement measures. YWT also expressed favour for increasing magnesian limestone grassland provision as part of the Revised Strategy.
Meeting with the Planning Inspectorate	25.09.2017	The Undertaker provided a summary of the proposals and the scope of the proposed application. PINS Provided advice in respect of submission procedures and key matters to address in the application.
Meeting with WYE	23.10.2017	The Undertaker presented more detailed proposals, including proposed planting and habitat provision. WYE concluded that the principle of the Revised Strategy is acceptable, subject to sourcing an appropriate seed mix, amongst other things. WMDC subsequently confirmed by email on 03.11.2017 that it has <i>"no concerns with the principal of relocating the biodiversity area subject to any concerns of WYE and YWT being satisfied"</i> .

Table 7.1 Consultation activities

Activity	Date	Comments
Letter and regulation 6 notice sent to consultees in accordance with regulation 7 of the 2011 Regulations	To arrive for 11.01.2018	The list of persons and organisations as agreed with BEIS.
Regulation 6 notice and Change Application documents made available at local inspection venues.	From 11.01.2018	The same venues utilised for consultation in respect of the original application for consent. Other than one venue (Knottingley Library) which had closed down.
Regulation 6 notice displayed at FM2 Site entrance.	From 11.01.2018	
Regulation 6 notice published in local newspapers for two consecutive weeks.	11.01.2018 and 18.01.2018	The local newspapers comprise the Selby Times and Pontefract & Castleford Express.

APPENDIX 1: ENVIRONMENTAL ASSESSMENT

Environmental considerations

The Guidance states that a change might be considered material if it would result in the need for an updated ES to take account of:

- a new significant effect that was not identified in the ES for the Authorised Development; or
- a materially different effect (positive or negative) when compared when compared to the Environmental Statement for the consented project.

Error! Reference source not found. on the following page summarises the original assessment of the potentially significant environmental effects of FM2, following implementation of the embedded mitigation or impact avoidance measures included in the multifuel power station design.

For the purposes of the EIA, an effect was considered to be 'significant' if it was assessed to be moderate (adverse or beneficial) or major (adverse or beneficial). Minor and neutral effects are only referenced in Error! Reference source not found. where a 'significant' effect was identified but reduced to 'insignificant' through additional mitigation.

To provide further clarification on the nature of the effects, as originally assessed, each has been identified as

- short term (St) – effects occurring only over a short period of time, e.g. an effect that only lasts for the duration of the construction period, or one that lasts for only part of the operational phase;
- medium term (Mt) – effects occurring for the duration of the development's operation, but which cease when operations cease; or
- long term (Lt) – effects occurring beyond the operation of the proposed scheme, for example the permanent change to archaeology;
- temporary (T) – effects that are not permanent because the effect would no longer occur if the impact was removed within the relevant timescale (for example the visual amenity impact of construction structures would be described as St, T as the impact goes when the structures are removed);
- permanent (P) – effects that are permanent and cannot be readily reversed within the relevant timescale (for example an environmental feature that is lost and cannot be replaced until after decommissioning would be Mt, P. In the event that it could not be replaced at all, this would be Lt, P); and
- direct (D) – effects that result from a direct impact, for example , the loss of ecological habitat; or
- indirect (In) – also known as secondary effects, are effects that result indirectly, for example, increased traffic could indirectly impact on air quality or creation of construction jobs can indirectly impact upon the local area through increased use of services/ goods.

Table 1: Summary of Potential Environmental Effects by Topic

Columns (1) to (5) of the table below set out the impacts on different aspects of the environment as set out in the original ES. Column (6) sets out the impacts of the proposed non-material change by comparison.

Development stage	Environmental effect (following scheme design and impact avoidance measures)	Additional mitigation/enhancement (if identified)	Residual effect after additional mitigation	Nature of effect(s)	Impact/Effect of the proposed non-material change
Transport and Access					
Construction	No significant effects identified	None	None	None	The implementation of the Revised Strategy will not result in any alterations to the traffic movements associated with the construction and operation of the multifuel power station. These will, therefore, remain within the limits assessed as part of the EIA. No Change
Construction	No significant effects identified	None	None	None	
Air Quality					
Construction	No significant effects identified	None	None	None	The implementation of the Revised Strategy will not introduce any additional emissions sources or, as above, alter the previously assessed profiles of traffic generation associated with the multifuel power station. No Change
Operation	No significant effects identified	None	None	None	
Noise and Vibration					
Construction	Evening and night-time noise effect at nearby noise sensitive receptors due to construction activities	Employment of best practicable means working practices. Limitation of night time activities to exclude those that could generate substantial noise. A noise limit of 55 dB during night time hours will be set at the Order Limits, to be	Negligible	St, T and D	Works associated with the establishment of the Replacement Area will be required to adhere to the noise limits and time restrictions established by the EIA and secured by the Order. The agreement of WMDC will be sought for any short-term variations or out of hours working, as per the proposals for the construction and operation of the multifuel power station. No Change

Development stage	Environmental effect (following scheme design and impact avoidance measures)	Additional mitigation/enhancement (if identified)	Residual effect after additional mitigation	Nature of effect(s)	Impact/Effect of the proposed non-material change
		measured by a continuous noise monitor.			
	Potential for night-time construction traffic noise effects on Kirkhaw Lane	Agreed delivery times and routes for construction deliveries. Out of hours deliveries only subject to agreement with WMDC. Provision for vehicle holding areas off the public highway. Control of temporary parking near noise sensitive receptors. The use of clear signage regarding routes.	Minor adverse	St, T, and D	
Operation	No significant effects identified	Operation	No significant effects identified	Operation	
Land Use and Socio-economics					
Construction	Economic benefit from creation of construction industry jobs	None required –the Applicant and its contractor will seek to maximise local employment opportunities through Meet the Buyer events.	Moderate beneficial	St, T, D and In	The land proposed for the Replacement Area is land previously used for agriculture and is owned by SSEG, a joint venture partner of the Undertaker. There will be no loss of 'active' land from the establishment of the Replacement Area.
Land Use and Socio-economics					
Construction	Economic benefit from creation of construction industry jobs	None required –the Applicant and its contractor will seek to	Moderate beneficial	St, T, D and In	The land proposed for the Replacement Area is land previously used for agriculture and is owned by SSEG, a joint venture partner of the Undertaker.

Development stage	Environmental effect (following scheme design and impact avoidance measures)	Additional mitigation/enhancement (if identified)	Residual effect after additional mitigation	Nature of effect(s)	Impact/Effect of the proposed non-material change
		maximise local employment opportunities through Meet the Buyer events.			There will be no loss of 'active' land from the establishment of the Replacement Area.
Landscape and Visual Amenity					
Construction	Visibility of tower cranes, tallest structures and stack from Viewpoint F (Darkfield Lane, Pontefract)	None	Moderate adverse	St, T and D	The original landscaping proposals within the Approved Area do not seek to mitigate the impact on Viewpoint F given its location and that of the Approved Area relative to FM2. Therefore, any changes within the Approved Area will not change the potential visual impacts at Darkfield Lane. No Change
Operation	Visibility of boiler/ turbine halls and stack from Viewpoint F (Darkfield Lane, Pontefract)	None	Moderate adverse	Lt, P and D	
Water Resources and Flood Risk					
Construction	No significant effects identified	None	None	None	The loss of the existing pond within the Approved Area was considered to be a minor adverse impact and not significant, in respect of assessment of the potential impacts to water resources and flood risk. The location of the proposed new pond as part of the biodiversity enhancement proposals will not be affected by the implementation of the Revised Strategy. No Change
Operation	No significant effects identified	None	None	None	
Ground Conditions					
Construction	No significant effects identified	None	None	None	The establishment of the Replacement Area will not require significant groundworks and, given the former agricultural nature of the land proposed for the Replacement Area, the risk for significant levels of contamination is very low. No Change
Operation	No significant effects identified	None	None	None	

Development stage	Environmental effect (following scheme design and impact avoidance measures)	Additional mitigation/enhancement (if identified)	Residual effect after additional mitigation	Nature of effect(s)	Impact/Effect of the proposed non-material change
Ecology					
Construction	Loss of woodland, amenity grassland, amphibian breeding pond and habitats for birds	Creation of new habitats and management of landscape to improve biodiversity through the Biodiversity Strategy for the Proposed Development (Application Document Ref. No. 5.14)	Moderate beneficial	Lt, P, D	The Revised Strategy is intended to provide replacement habitat for the species-poor amenity grassland, immature broad-leaved tree plantings, and man-made pond associated with the former golf course that will be lost, and to provide an enhanced biodiversity value relative to the baseline conditions. These aims would have been met by the Approved Area and it is considered that they will similarly be met by the Replacement Area. No Change
Operation	No significant effects identified				
Archaeology and Cultural Heritage					
Construction	No significant effects identified	None	None	None	The nature of the landscaping/ biodiversity works detailed in the Revised Strategy is such that the impact to any unknown assets beneath the Replacement Area would be negligible. The establishment of the Replacement Area is not likely to require groundworks of greater depth than those associated with the former agricultural nature of the land proposed for the Replacement Area (e.g. ploughing). A minor beneficial improvement (over the future baseline) may be experienced at the identified listed buildings to the north of the Replacement Area. No Change
Operation	No significant effects identified	None	None	None	
Waste and Resource Management					
Construction	No significant effects identified	None	None	None	There will be a negligible difference in the level of waste arisings associated with the implementation of the Revised Strategy at the Replacement Area given that this will be limited to waste materials associated with the establishment (i.e. topsoil workings) of the
Operation	No significant effects identified	None	None	None	

Development stage	Environmental effect (following scheme design and impact avoidance measures)	Additional mitigation/enhancement (if identified)	Residual effect after additional mitigation	Nature of effect(s)	Impact/Effect of the proposed non-material change
					biodiversity enhancement measures the nature of which are not subject to change. No Change
Sustainability					
Construction	No significant effects identified	None	None	None	The Replacement Area will be capable of providing biodiversity enhancements equivalent to (or marginally better than) the proposals for the Approved Area. The same carbon savings through the use of waste derived fuel will be realised. No Change
Operation	Significant carbon savings through the use of waste derived fuel in comparison to disposal of waste directly to landfill	None	Significant beneficial	Lt, P and D	
Health Impact					
Construction	No significant effects identified	None	None	None	No significant effects on human health were identified. The establishment of the Replacement Area will not require significant groundworks and, given the former agricultural nature of the land proposed for the Replacement Area, the risk for significant levels of contamination is very low. The use of the Replacement Area as an alternative to the Approved Area will not result in any changes that could affect human health impacts. No Change
Operation	No significant effects identified	None	None	None	
Cumulative and Combined Effects					
Construction	No significant effects identified	None	None	None	No mechanism by which adverse cumulative effects on ecological receptors could occur has been identified. The EIA determined that there is
Operation	No significant effects identified	None	None	None	

Development stage	Environmental effect (following scheme design and impact avoidance measures)	Additional mitigation/enhancement (if identified)	Residual effect after additional mitigation	Nature of effect(s)	Impact/Effect of the proposed non-material change
					<p>limited visibility of FM2 from all representative viewpoints (except Viewpoint F to the south west of FM2). Given that the relative location of the Approved Area to Viewpoint F is such that the Approved Area would not be visible from Viewpoint F, the conclusions would not be affected by the use of the Replacement Area as an alternative to the Approved Area.</p> <p>No Change</p>

Source: Ferrybridge Multifuel 2 (FM2) Document Ref No: 6.2 Environmental Statement – Volume I (Main Report), July 2014



APPENDIX 2: CHANGES TO DCO REQUIREMENTS

No.	Topic	Existing requirement text	Revised requirement text (note: revised text highlighted yellow)	Rationale
7	Provision of landscaping	<p>(1) Each part of the authorised development must not be commissioned until a written detailed landscaping scheme for that part has been submitted to and approved by the planning authority.</p> <p>(2) Each scheme submitted and approved must include details of all proposed hard and soft landscaping works, including—</p> <p>(a) the treatment of hard surfaced areas;</p> <p>(b) earthworks, including the proposed levels and contours of landscaped areas;</p> <p>(c) the seed mix for areas of grassland;</p> <p>(d) tree and shrub planting, including the height, size and species and the density of distribution;</p> <p>(e) the management of existing and new areas of grassland and tree and shrub planting;</p> <p>(f) an implementation timetable for the phasing and completion of the landscaping works.</p> <p>(3) Each scheme submitted and approved must be in accordance with the indicative landscaping plan, the biodiversity strategy and the biodiversity enhancement and management plan.</p> <p>(4) In subparagraph (3), “the biodiversity enhancement and management plan” means the plan approved under requirement 17(1).</p>	<p>(1) Within 12 months of the start of commissioning of the authorised development a written detailed landscaping scheme for each part shall be submitted to and approved by the planning authority.</p> <p>(2) Each scheme submitted and approved must include details of all proposed hard and soft landscaping works, including—</p> <p>(a) the treatment of hard surfaced areas;</p> <p>(b) earthworks, including the proposed levels and contours of landscaped areas;</p> <p>(c) the seed mix for areas of grassland;</p> <p>(d) tree and shrub planting, including the height, size and species and the density of distribution;</p> <p>(e) the management of existing and new areas of grassland and tree and shrub planting;</p> <p>(f) an implementation timetable for the phasing and completion of the landscaping works.</p> <p>(3) Each scheme submitted and approved must be in accordance with the revised indicative landscaping plan, the revised biodiversity strategy and the biodiversity enhancement and management plan.</p> <p>(4) In subparagraph (3), “the biodiversity enhancement and management plan” means the plan approved under requirement 17(1).</p>	<p>It is currently proposed to begin the commissioning of FM2 in July 2018.</p> <p>The amendment to the requirement is proposed to ensure that commissioning could continue following approval of the Change Application, in a scenario where approval is close to/after the proposed start of commissioning. In its current form, the requirement would effectively mean that any commissioning activities would need to be postponed until the requirement is discharged, which could result in a programme conflict.</p>
17	Biodiversity enhancement	<p>(1) The authorised development must not be commissioned until a written biodiversity</p>	<p>(1) Within 12 months of commissioning of the authorised development a written biodiversity</p>	<p>It is currently proposed to begin the commissioning of FM2 in July 2018. The</p>

No.	Topic	Existing requirement text	Revised requirement text (note: revised text highlighted yellow)	Rationale
	and management plan	<p>enhancement and management plan has been submitted to and, after consultation with Yorkshire Wildlife Trust, approved by the planning authority.</p> <p>(2) The plan submitted and approved must—</p> <p>(a) be in accordance with the survey results and mitigation and enhancement measures included in chapter 14 of the environmental statement, the biodiversity strategy and the indicative landscaping strategy;</p> <p>(b) include an implementation timetable and details relating to maintenance and management.</p> <p>(3) The plan must be implemented as approved.</p>	<p>enhancement and management plan shall be submitted to and, after consultation with Yorkshire Wildlife Trust, approved by the planning authority.</p> <p>(2) The plan submitted and approved must—</p> <p>(a) be in accordance with the relevant survey results and mitigation and enhancement measures included in chapter 14 of the environmental statement, the revised biodiversity strategy and the revised indicative landscaping strategy;</p> <p>(b) include an implementation timetable and details relating to maintenance and management.</p> <p>(3) The plan must be implemented as approved.</p>	<p>amendment to the requirement is proposed to ensure that commissioning could continue following approval of the change application, in a scenario where approval is close to/after the proposed start of commissioning. In its current form, the requirement would effectively mean that any commissioning activities would need to be postponed until the requirement is discharged, which could result in a programme conflict.</p>
31	Restoration of land used temporarily for construction	<p>(1) The authorised development must not be brought into commercial use until a written scheme for the restoration of any land within the Order limits which has been used temporarily for construction has been submitted to and approved by the planning authority.</p> <p>(2) The land must be restored within 12 months after the authorised development is brought into commercial use, in accordance with—</p> <p>(a) the restoration scheme approved in accordance with subparagraph (1),</p>	<p>(1) Within 12 months of bringing the authorised development into commercial use, a written scheme for the restoration of any land within the Order limits which has been used temporarily for construction should be submitted to and approved by the planning authority.</p> <p>(2) The land must be restored within 12 months after the written scheme referred to in subparagraph (1) is approved, in accordance with—</p> <p>(a) the restoration scheme approved in accordance with subparagraph (1),</p>	<p>It is currently proposed to commence commercial use of FM2 in March 2019. The amendment to the requirement is proposed to ensure that commercial use could continue following approval of the change application, in a scenario where approval is close to/after the proposed start of commissioning. In its current form, the requirement would effectively mean that commercial use would need to be postponed until the requirement is discharged, which could result in a programme conflict.</p>

No.	Topic	Existing requirement text	Revised requirement text (note: revised text highlighted yellow)	Rationale
		(b) each landscaping scheme approved in accordance with requirement 7, and (c) the biodiversity enhancement and management plan approved in accordance with requirement 17.	(b) each landscaping scheme approved in accordance with requirement 7, and (c) the biodiversity enhancement and management plan approved in accordance with requirement 17.	
49	Interpretation	(1) In this Schedule— “bank holiday” is a day that is a bank holiday in England and Wales by virtue of section 1 of the 1971 Act; “biodiversity strategy” means the document certified as the biodiversity strategy by the Secretary of State for the purposes of this Order under article 23; “CEMP” means the construction environmental management plan approved in accordance with requirement 18(1); “commencement of the authorised development” means beginning to carry out any material operation, as defined in section 155 of the 2008 Act (which explains when development begins), other than permitted preliminary works, comprised in or carried out for the purposes of the authorised development; and “commence” and other cognate expressions, in relation to the authorised development, are to be construed accordingly; “commercial use” of the authorised development means the export of electricity from the authorised development;	(1) In this Schedule— “bank holiday” is a day that is a bank holiday in England and Wales by virtue of section 1 of the 1971 Act; “revised biodiversity strategy” means the document certified as the biodiversity strategy by the Secretary of State for the purposes of this Order under article 23; “CEMP” means the construction environmental management plan approved in accordance with requirement 18(1); “commencement of the authorised development” means beginning to carry out any material operation, as defined in section 155 of the 2008 Act (which explains when development begins), other than permitted preliminary works, comprised in or carried out for the purposes of the authorised development; and “commence” and other cognate expressions, in relation to the authorised development, are to be construed accordingly; “commercial use” of the authorised development means the export of electricity from the authorised development;	The amendment to the requirement is proposed to ensure that the stated definitions are consistent with the amended documents forming part of the change application.

No.	Topic	Existing requirement text	Revised requirement text (note: revised text highlighted yellow)	Rationale
		<p>“commissioning of the authorised development” means the process of testing all systems and components of the authorised development (including systems and components which are not yet installed but the installation of which is near to completion), in order to verify that they function in accordance with the design objectives, specifications and operational requirements of the undertaker; and “commission” and other cognate expressions, in relation to the authorised development, are to be construed accordingly;</p> <p>“construction site” means the Order land during the construction of the authorised development;</p> <p>“environmental permit” means a permit granted under the 2010 Regulations authorising the operation of the authorised development;</p> <p>“indicative landscaping plan” means the document certified as the indicative landscaping plan by the Secretary of State for the purposes of this Order under article 23;</p> <p>“means of enclosure” means fencing, walls or other means of boundary treatment and enclosure;</p> <p>“permitted preliminary works” means site clearance work, survey work, archaeological field work, investigations for the purpose of</p>	<p>“commissioning of the authorised development” means the process of testing all systems and components of the authorised development (including systems and components which are not yet installed but the installation of which is near to completion), in order to verify that they function in accordance with the design objectives, specifications and operational requirements of the undertaker; and “commission” and other cognate expressions, in relation to the authorised development, are to be construed accordingly;</p> <p>“construction site” means the Order land during the construction of the authorised development;</p> <p>“environmental permit” means a permit granted under the 2010 Regulations authorising the operation of the authorised development;</p> <p>“revised indicative landscaping plan” means the document certified as the indicative landscaping plan by the Secretary of State for the purposes of this Order under article 23;</p> <p>“means of enclosure” means fencing, walls or other means of boundary treatment and enclosure;</p> <p>“permitted preliminary works” means site clearance work, survey work, archaeological field work, investigations for the purpose of</p>	

No.	Topic	Existing requirement text	Revised requirement text (note: revised text highlighted yellow)	Rationale
		<p>assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, the diversion and laying of services, the erection of any temporary means of enclosure, the preparation of facilities for the use of the contractor, the temporary display of site notices and advertisements and the provision of site security; and</p> <p>“relevant highway authorities” means Wakefield Metropolitan District Council, North Yorkshire Council and the Highways Agency, each in its capacity as a highway authority.</p> <p>(2) A reference in this Schedule to an agreement, approval, consent, notice, report, scheme, submission or any other form of communication is a reference to that form of communication in writing.</p> <p>(3) A reference in this Schedule to details, a method statement, a plan, a programme, a scheme or any other document approved by the planning authority is a reference to that document including any amendments subsequently approved by the planning authority.</p>	<p>assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, the diversion and laying of services, the erection of any temporary means of enclosure, the preparation of facilities for the use of the contractor, the temporary display of site notices and advertisements and the provision of site security; and</p> <p>“relevant highway authorities” means Wakefield Metropolitan District Council, North Yorkshire Council and the Highways Agency, each in its capacity as a highway authority.</p> <p>(2) A reference in this Schedule to an agreement, approval, consent, notice, report, scheme, submission or any other form of communication is a reference to that form of communication in writing.</p> <p>(3) A reference in this Schedule to details, a method statement, a plan, a programme, a scheme or any other document approved by the planning authority is a reference to that document including any amendments subsequently approved by the planning authority.</p>	