

Inspector's Agenda and Supplementary Questions: Issue 4

Agenda

- 1 Opening remarks
- 2 HRA requirements in plan making
- 3 The findings of ERM given in CD5.1
- 4 Are changes required to policy WCS4 in particular?

Having read the further submissions the following questions need to be addressed by the Council, and others as appropriate, **at the Hearing session. Unless specifically requested by the Inspector via the Programme Officer, no further written statements should be supplied in response and any that are will be returned by the Programme Officer.**

Agenda Item 2

1. Natural England quotes Reg 61 of the Conservation of Habitats and Species Regulations 2010 in its response (CD6.1 p331). NE clearly thinks that the regulation applies to plans as well as planning applications. Is this correct?
2. Is it agreed that unless it can be concluded that there would not be likely to be a significant effect on a European site the next stage, Appropriate Assessment (AA), must be carried out before the plan can be approved?

Agenda Item 3

1. In its response (see CD6.1 pages 310-para 3.6 and 316-para 3.26) the EA comments on the use of AERMOD and ADMS for plan level assessment. Where, as in this case, the difference in outcomes appears to be significant, could the EA explain its comment in 3.26 and advise which model outcomes should, in its view be used for the assessment I am being asked to judge?
2. Is it a fair reading of CD5.1 sections 9.3 and 10.2 that for the sites included in the plan the conclusion of 'no likely significant effect' cannot be drawn with certainty (the use of the phrase 'at certain parameters' for both ADMS and AERMOD outcomes)?
3. Is there a misprint in 9.3.2 first para, last line? Should this not be 100 ktpa?
4. Has the in-combination effect assessment for each of the Javelin Park and Moreton Valence sites included the other one and does the development assessed at MV include the recently approved gasification plant? Similarly for the two Wingmoor Farm sites.
5. Although ERM refer to AA at many points in CD5.1 has this actually been carried out? If so, where is it reported?
6. Depending on the discussion under Agenda item 2, is it in accordance with the Regulations to defer AA to the planning application stage (see General Development Control Criteria in CD1.1 Appendix 5)?

Agenda Item 4

1. Should the facilities proposed in WCS4 reflect the parameters that allow a 'no likely significant effect' conclusion?