

The Drax Power (Generating Stations) Order

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

Environmental Statement 2 – Planning Policy



The Planning Act 2008
The Infrastructure Planning (Applications: Prescribed Forms and Procedure)
Regulations 2009 – Regulation 5(2)(a)

Drax Power Limited

Drax Repower Project

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2 PLANNING POLICY

2.1 Introduction

- 2.1.1. This chapter provides an overview of national and local planning policy relevant to the Proposed Scheme. Each technical chapter refers to the policies, legislation and guidance that are relevant to the assessment. The preparation of this ES took account of relevant planning policy.
- 2.1.2. The ES has been prepared to support the DCO Application. It provides environmental information and evidence to enable the SoS to understand the likely significant environmental effects of the Proposed Scheme and whether it complies with environmental planning policy and legislation. Under section 104 of the PA 2008, the SoS must determine NSIP applications in accordance with the relevant National Policy Statement (NPS) unless doing so will: lead to the UK being in breach of its international obligations; be unlawful; lead to the SoS being in breach of any duty imposed on him by or under any legislation; result in adverse impacts of the development outweighing its benefits; or be contrary to legislation about how decisions are to be taken. Under section 104, the SoS must also have regard to: any local impact report (within the meaning given by section 60(3) submitted to SoS before the deadline specified; any matters prescribed in relation to development of the description to which the application relates; and any other matters which the SoS thinks are both important and relevant to this decision.
- 2.1.3. The DCO Application is also supported by a Planning Statement which discusses the planning policy in more detail and provides the legislative context for the Proposed Scheme. The Planning Statement uses information from this ES to demonstrate how the Proposed Scheme complies with the relevant national and local planning policies set out below.

2.2 National Planning Policy

National Policy Statements

- 2.2.1. National Policy Statements (NPSs) are the primary policy used by the SoS to examine and determine applications for Nationally Significant Infrastructure Projects (NSIPs).
- 2.2.2. The Department for Energy and Climate Change (DECC), now the Department for Business, Energy and Industrial Strategy (DBEIS), has published several NPSs relevant to energy infrastructure.
- 2.2.3. Those relevant to the Proposed Scheme are listed below, along with some relevant content:
- Overarching National Policy Statement For Energy: EN-1 (NPS EN-1, July 2011):
 - This sets out national policy for energy infrastructure. All other energy NPSs sit under the policy framework provided by this NPS.

- It provides the primary basis for determining if development consent should be granted. All other energy NPSs (listed below) are used together with this NPS.
- It contains a presumption in favour of granting consent for applications for energy NSIPs (NPS EN-1 Paragraph 4.1.2).
- When deciding whether to grant development consent, the SoS will take into account the Proposed Scheme's potential benefits including its contribution to meeting the need for energy infrastructure, job creation and any long-term or wider benefits, and the Proposed Scheme's potential adverse impacts, including any long-term and cumulative adverse impacts, as well as measures to avoid, reduce or compensate for any adverse impacts. In doing so, the SoS will take account of national, regional and local level impacts and effects. (NPS EN-1 Paragraphs 4.1.3-4.14).
- Part 4 details additional matters relevant to the ES, including: whether the Proposed Scheme would have a significant effect on a European Site; the consideration of alternatives; "good design"; consideration of Combined Heat and Power (CHP); Carbon Capture and Storage (CCS) and Carbon Capture Readiness (CCR) requirements; and climate change adaptation; grid connection; pollution control; safety; health and security considerations.
- Part 5 is concerned with impacts generic to most energy infrastructure schemes, some of which are assessed as part of EIA. It sets out what is required for each generic impact in terms of "applicant's assessment", "decision making" and "mitigation".
- National Policy Statement for Fossil Fuel Generating Infrastructure: EN-2 (NPS EN-2, July 2011):
 - This sets out policies specific to determining development consent applications for fossil fuel electricity generating stations of over 50 MW generating capacity.
 - It contains policy on the potential impacts of fossil fuel generating stations from air emissions, noise and vibration, water quality, and on landscape and views. All are considered as part of the applicant's EIA.
 - NPS EN-2 paragraph 2.5.3 states that a range of mitigation measures are required to minimise NO_x and other emissions to meet the requirements of the Large Combustion Plant Directive (LCPD) and the Industrial Emissions Directive (IED). The NPS recognises, however, that these emissions will be regulated through an Environmental Permit from the Environment Agency.
- National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (NPS EN-4, July 2011):
 - This provides the basis for determining if development consent should be granted for gas supply infrastructure and gas and oil pipelines.
 - The Gas Pipeline does not meet the thresholds in the PA 2008 for being a NSIP in its own right. However, pipelines which are not NSIPs may be included in an application for a DCO where that pipeline is necessary for

the generating station NSIP on the basis that it is "associated development." In this case, the pipeline is necessary to transport gas to the gas turbine generating units, without which the generating units would have no fuel. The pipeline is therefore classed as "associated development", given its direct relationship to the proposed NSIP (being the gas turbine generating units).

- The EIA being carried out for the Proposed Scheme is considering effects associated with the factors set out in NPS EN-4 (including noise and vibration, biodiversity, landscape and visual, water quality and resources, soils and geology).
- National Policy Statement for Electricity Networks Infrastructure (NPS EN-5, July 2011):
 - This sets out policy specific to determining development consent applications for transmission and distribution systems.
 - It also covers above ground electricity lines with a voltage of 132kV or above and applies to electricity infrastructure considered as associated development to a NSIP, for which consent is being sought.
 - NPS EN-5 will therefore be relevant to the associated electricity infrastructure required for the Proposed Scheme.
 - It sets out additional technology specific considerations for the assessment of electricity networks in relation to biodiversity and geological conservation, landscape and visual and noise and vibration.

2.3 National Planning Policy Framework and Planning Practice Guidance

- 2.3.1. Paragraph 4.1.5 of NPS EN-1 provides clarification as to what might be considered "any other matters which SoS thinks are both important and relevant to the decision" under section 104 of the PA 2008.
- 2.3.2. The National Planning Policy Framework (NPPF) (Department of Communities and Local Government (DCLG), 2012) provides a framework upon which local authorities make development plans. It is also a material consideration for LPAs when making planning decisions for development under the TCPA. The Ministry of Housing, Communities and Local Government (formerly DCLG) has published a draft revised version of the NPPF which is currently being consulted upon, and the expectation is that a revised version of the current NPPF will be published in the Summer of 2018.
- 2.3.3. The policies contained within the NPPF are supported by national 'Planning Practice Guidance' (PPG) (2014 and updated regularly).
- 2.3.4. Both the NPPF and the PPG are likely to be important and relevant considerations in decisions on NSIPs, but only to the extent relevant to that project.
- 2.3.5. NPPF Paragraph 3 makes it clear that the document does not contain specific policies for NSIPs, where particular considerations can apply. It also states that matters considered to be both important and relevant to NSIPs, may include the NPPF and the policies within it.

2.4 Local Planning Policy

- 2.4.1. NPS EN-1 states that planning policy outside of the NPSs can be important and relevant considerations to the SoS's decision and that these may include development plan documents or other documents in the local development framework (NPS EN-1 Paragraph 4.1.5).
- 2.4.2. The development aspects of the Proposed Scheme are solely within Selby District and North Yorkshire County. The applicant seeks various highway powers along highways within the administrative areas of both Selby District Council and East Riding of Yorkshire Council, such as the temporary closure of highways and/or the removal and replacement of street furniture / barriers on the highway, to enable construction materials to arrive at the Site unhindered. The exercise of the highways powers does not constitute "development" and actions such as temporary road closures are therefore not included as part of the "authorised development" for which development consent is sought. As a result, no part of the Proposed Scheme is located within East Riding of Yorkshire Council and its planning policies are therefore not included.

[The Selby District Core Strategy Local Plan \(Adopted October 2013\)](#)

- 2.4.3. Relevant policies include:
- SP 1 Presumption in Favour of Sustainable Development.
 - SP 15 Sustainable Development and Climate Change.
 - SP 16 Improving Resource Efficiency.
 - SP 18 Protecting and Enhancing the Environment.
 - SP 19 Design Quality.

[The 'Saved' Policies of the Selby District Local Plan \(Adopted February 2005\)](#)

- 2.4.4. Relevant saved policies include:
- ENV1 Control of Development.
 - ENV2 Environmental Pollution and Contamination.
 - ENV3 Light Pollution.
 - ENV4 Hazardous Substances;
 - ENV9 Sites of Importance for Nature Conservation Importance.
 - ENV27 Scheduled Monuments and Important Archaeological Sites.
 - ENV28 Other Archaeological Sites.
 - EMP10 Additional Industrial Development at Drax and Eggborough Power Stations.
 - T 1 Development in Relation to the Highway Network.
 - T2 Access to Roads.
 - T8 Public Rights of Way.

[PLAN Selby](#)

- 2.4.5. This is the emerging Sites and Policies Local Plan, which SDC is developing to deliver the strategic vision outlined in the Core Strategy (2013). When PLAN Selby

is adopted it will form part of the Local Plan for the District against which planning applications will be assessed.

- 2.4.6. PLAN Selby will incorporate site allocations to promote the growth needs of the district and site specific designations and policies to manage other development proposals. Between October and November 2017, SDC consulted on a "Pool of Sites" for views on a wide range of sites. A further consultation on additional sites took place in March-April 2018. These documents are still in the preparation stages with SDC analysing the results from the consultations. Accordingly, PLAN Selby will not be considered further for the purposes of the EIA given its early stages of development.

[Minerals and Waste Plans](#)

- 2.4.7. As minerals and waste planning authorities, NYCC, the City of York Council and the North York Moors National Park Authority have produced a minerals and waste joint plan; the 'North Yorkshire Minerals and Waste Plan'. Once adopted, it will replace the 'Waste Local Plan' and the 'Minerals Local Plan'.
- 2.4.8. Until then, the 'Saved Policies' of the 'Waste Local Plan' and the 'Minerals Local Plan' will continue to form part of the statutory development plan and provide the local policy framework.
- 2.4.9. The minerals and waste joint plan was submitted to the Department for Communities and Local Government (DCLG) on 28 November 2017. Hearings to examine the plan have been held throughout February, March and April 2018; as yet no date has been issued for anticipated adoption of the plan, but it is expected to be some time in 2018. Once adopted it will set out new planning policies for minerals and waste developments across all three areas which will guide decisions on planning applications up to 31 December 2030.

[The 'Saved' North Yorkshire Waste Local Plan \(Adopted 2006\)](#)

- 2.4.10. In particular, Policy 5/1 – Waste Minimisation.

[The 'Saved' North Yorkshire Minerals Local Plan 1997](#)

- 2.4.11. None of the saved policies are considered to be of direct relevance to the Proposed Scheme.

2.5 Climate Change and Carbon Reduction Policy

- 2.5.1. The Large Combustion Plant Directive (LCPD) is a European directive that entered into force in November 2001 and includes provision for a national emission reduction plan (NERP) that achieves overall reductions in pollutants from combustion plants having thermal capacity of 50 MW or greater. It applies to fossil fuel power stations.
- 2.5.2. In 2010 the Industrial Emissions Directive (Directive 2010/75/EU) was introduced by the European Parliament, committing European Union members to control and reduce the impact of industrial emission on the environment. The directive uses a polluter pays approach and is based on the 'best available technology' to help reach the goals of the directive.

- 2.5.3. In July 2006 the Government published 'The Energy Challenge Energy Review Report'. In this report, the Government highlights two challenges the country faces, energy security and climate change. The report highlights the need for a balanced approach to put the UK on a path to cut carbon dioxide emissions by some 60% by about 2050, with real progress by 2020 and to maintain reliable energy supplies¹.
- 2.5.4. In May 2007 the Government published 'Meeting the Energy Challenge a White Paper on Energy', which emphasises the need for cleaner large scale electricity generation and support for a diverse mix of power stations that over time move towards a low carbon mix.
- 2.5.5. The above sets a framework of policy that new energy generation must comply with to meet European and UK standards on carbon reduction and industrial emissions.
- 2.5.6. The UK Government introduced the Electricity Market Reform (EMR) to incentivise investment in secure, low-carbon electricity whilst improving the security of the UK's electricity supply and improving affordability to customers. The reformed electricity market is intended to transform the UK electricity sector to one in which low-carbon generation can compete with conventional, fossil-fuel generation – ensuring a cleaner, more sustainable energy mix. Nevertheless, gas generation is still required to meet demand. It also contributes to the objective of reducing national carbon dioxide (CO₂) emissions. Generating electricity from gas is more efficient and has a lower carbon intensity than coal, resulting in significantly lower CO₂ emissions per generated MW. The Proposed Scheme will be part of the mix that helps the UK energy industry to complete the move from a coal dependent energy production industry to a more efficient, lower carbon form of energy production.
- 2.5.7. The NPSs referred to above include an explanation of how Government takes account of policy relating to the mitigation of, and adaptation to climate change, including how gas generation power stations align with the objectives of the UK Government to reduce carbon emissions and can contribute in assisting the UK in meeting the obligations set out in European Directives. NPS EN-1 establishes the need for a mix of new energy generation technologies, of which gas generation is one.

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/272376/6887.pdf, Pg10.

