

Drax Re-Power

North Yorkshire County Council and
Selby District Council

Response to EXA Written Questions 1

BHR	Biodiversity and Habitats Regulations	
<p>BHR 1.1 and BHR 1.2 <i>Gas pipeline crossings techniques</i> The Applicant Natural England The Environment Agency North Yorkshire County Council</p>	<p>Chapter 9 of the ES [APP-077] also sets out various mitigation measures to minimise adverse impacts on species such as otters, water voles and eels, in the event that trenchless techniques were not possible. For the Applicant: i) Demonstrate the impacts on protected species if trenchless crossings are not possible. ii) Provide further details regarding mitigation measures to be employed if trenchless techniques are not possible. iii) Explain how additional techniques would be secured in the dDCO [AS-012].</p>	<p>For Natural England, the Environment Agency and North Yorkshire County Council: iv) Comment on the uncertainty associated with techniques proposed for the gas pipeline crossings under watercourses, drains and hedgerows.</p>
	<p>Response</p> <p>Communication between the Authorities and the Applicants consultants on this matter has been good.</p> <p>This specific matter has been raised with the Applicant and documented from a telephone call on 7 August 2018. At that time the need to maintain flexibility to respond to ground conditions effectively and contractors preferred methods of working was cited as the reason why construction techniques may not be known in the near future. As</p>	

	<p>such this issue remains open and this has been reflected in the draft Statement of Common Ground submitted at Deadline 1.</p> <p>The authorities’ preferred position is that there should be a commitment from the applicant that major watercourses and highways will be crossed using trenchless techniques. All lesser crossings where removal of, for example, hedgerows is inevitable should be detailed and replacement measures agreed or put in place.</p> <p>It is the Authorities view that the ecological assessment should be undertaken on a worst case scenario basis which means this must include an assessment of impacts should trenchless crossings not be possible and what further protection / mitigation measures may be required.</p>	
<p>BHR 1.3 <i>Field Surveys</i> The Applicant Natural England The Environment Agency North Yorkshire County Council</p>	<p>Table 9-2 of Chapter 9 of the ES [APP-077] identifies that a <i>“reptile survey report documenting the results of the reptile survey will be submitted after the dDCO [AS-012] submission date as an addendum.”</i> Paragraphs 9.5.14 to 9.5.24 identify that further surveys are being undertaken in 2018 for:</p> <ul style="list-style-type: none"> ☐☐ Reptiles (two further surveys) ☐☐ Breeding birds ☐☐ Bats (activity surveys) <p>For the Applicant:</p> <ul style="list-style-type: none"> iv) Explain why these surveys were not carried out prior to submission of the application. ii) Provide an update with regard to further ecological surveys that are identified in the ES as to be undertaken in 2018. iii) Provide the results of these surveys and identify how the results of these affect 	<p>For Natural England, The Environment Agency, North Yorkshire County Council and Selby District Council:</p> <p>iv) Comment on any concerns with regards to the current absence of this data.</p>

	the assessment in the ES, including mitigation proposed.	
	<p>Response</p> <p>The communication from the Applicant has been good on this issue. The Authorities have understood the timescales for surveys since the beginning of the process.</p> <p>The Authorities have been kept up to date with progress of the surveys and provided results as they have become available. All Surveys have now been received and our response of the results is contained within the relevant chapters of the Local Impact Report.</p>	
<p>BHR 1.4 <i>Field Surveys</i></p> <p>The Applicant Natural England The Environment Agency North Yorkshire County Council Selby District Council</p>	<p>In respect to question BHR 1.3, the Applicant made the Inspectorate aware of this possibility at the scoping stage. Table 9-2 in response to comments made by the Inspectorate in the Scoping Opinion, states that the Applicant has agreed the scope of the biodiversity impact assessment, and the approach to addressing potential data omissions arising from incomplete or partial ecological survey data with Natural England (NE) and North Yorkshire Council Ecology Service (NYCES).</p> <p>Provide copies of agreements reached and/or confirm agreement with any Statement of Common Ground with these consultation bodies. <i>[N.B It is noted that no concerns regarding data omissions/approach to missing data has been identified in the respective RRs [RR-212 and RR-309] from NE and NYCES]</i></p>	

	<p>Response</p> <p>As in response to Question BHR 1.3 The communication from the Applicant has been good on this issue. The Authorities have understood the timescales for surveys since the beginning of the process.</p> <p>The Authorities have been kept up to date with progress of the surveys and provided results as they have become available. All Surveys have now been received and our response of the results is contained within the relevant chapters of the Local Impact Report.</p>	
<p>BHR 1.8 <i>Mitigation</i> Natural England YWT Selby District Council</p>	<p>Provide comment on the adequacy of the outline LBS (APP-135) in respect of mitigation of ecology effects.</p> <p>Response</p> <p>The outline L&BS has been amended since submission to v.2 and a review of this draft Outline LBS has been produced and submitted with Deadline 2. The authorities response to the LBS is set out in the Joint LIR at para 7.102 and the District Council will defer to the County Ecologist in this matter.</p>	
<p>BHR 1.17<i>Post construction monitoring</i> Selby District Council</p>	<p>Your RR [RR-315] states that comments will be provided on the impacts upon designated sites, natural habitats and species; the nature of biodiversity off- setting proposals and mitigation; monitoring and long-term management. Expand on your areas of concern and provide details.</p>	
	<p>Response</p> <p>The relevant representation raised the issues that would be commented on rather than raising any particular concern. In any event, the Principle Ecologist for North Yorkshire County Council has expanded on all relevant issues within the Local Impact Report.</p>	

CO	Construction and Operation Effects	
<p>CO 1.7 <i>Permanent and Temporary Land Take</i> The Applicant Natural England Selby District Council</p>	<p>i) Provide comments on the effects of the Proposed Development and the proposed land take on Best and Most Versatile land. ii) Comment on the draft Soil Management Plan, currently appended to the outline CEMP [APP-133]. For the Applicant: iii) Provide a plan which identifies and distinguishes between land that is required permanently and temporarily.</p>	
	<p>Response</p> <p>The Proposed scheme would lead to the loss of some 6ha of bmv agricultural land associated with the Gas Receiving Facility and consultation with Natural England resulted in the response that this was considered to be negligible (ES Chapter 11 Ground Conditions and ES Chapter 14 Socio Economics para 14.4.5). The laydown area will be reinstated in accordance with a Soil Management Plan and the temporary disturbance along the line of the pipeline will similarly be reinstated.</p> <p>The Soil Management Plan (SMP)(6.5) is an appendix to the CEMP (Appendix B) and provided the Requirement in Schedule 2 of the Draft DCO adequately reflects that it includes a SMP, the draft Plan includes, for example soil handling and stockpiling in accordance with the MAFF Good Practice Guide and the appointment of a Soil Officer as previously required by the authorities.</p>	
<p>CO 1.11 <i>Cumulative Effects</i> The Applicant</p>	<p>Paragraph 17.11.3 of Chapter 17 of the ES [APP-085] states that any planning</p>	

<p>North Yorkshire County Council Selby District Council</p>	<p>applications, status updates or additional information published since March 2018 have not been included with the assessment in the ES. Confirm whether you are aware of any additional other projects or plans that should be included within the cumulative effects assessment since March 2018.</p>	
	<p>Response</p> <p>The authorities are not aware of any developments of a scale that would have cumulative effects sufficient that they should be included.</p>	
<p>DCO</p>	<p>Draft Development Consent Order</p>	
<p>DCO 1.17 <i>Archaeology Schedule 2 Part 2 Requirement 15</i></p> <p>The Applicant North Yorkshire County Council</p>	<p>Requirement 15 (archaeology) of the dDCO [AS-012] would permit all permitted preliminary works and in particular permit uncontrolled archaeological works before the written scheme of investigation is submitted. The ExA considers excluding permitted preliminary works from the submission of the written scheme of investigation could undermine it. The ExA considers no permitted preliminary works take place prior to the submission of the written scheme of investigation.</p>	<p>i) Provide a response; or ii) Amend the Requirement accordingly.</p>
	<p>RESPONSE</p>	

	The Authorities agree that Requirement 15 should be amended so as not to permit preliminary works to take place prior to the submission of the written scheme of investigation being submitted.	
FW	Flood Risk and Water Resources	
FW 1.4 <i>Outline Surface Water Drainage Strategy</i> The Environment Agency North Yorkshire County Council	Provide a response as to the adequacy of this document (Chapter 6 of the Flood Risk Assessment [APP-136] and Requirement 13 of the dDCO [AS-012]).	
	<p>Response</p> <p>NYCC, in its capacity as Lead Local Flood Authority has no specific concerns regarding the proposals to control foul and surface water drainage. The project also falls within the administrative boundary of the Shire Group of IDBs (Selby Area IDB) to whose opinion as local risk management authority NYCC would defer.</p>	
FW 1.5 <i>Flood Risk Assessment</i> The Environment Agency North Yorkshire County Council	Confirm whether or not they are content with the scope, assessment, methodology and conclusions of the Flood Risk Assessment [AS-014]. If not, provide details of the specific areas of concern and confirm how these should be addressed by the Applicant.	
	<p>Response</p> <p>NYCC, in its capacity as Lead Local Flood Authority has no specific concerns regarding the proposals to control foul and surface water drainage. The project also falls within the administrative boundary of the Shire Group of IDBs (Selby Area IDB) to whose opinion as local risk management authority NYCC would defer.</p>	

HE	Historic Environment	
<p>HE 1.1 <i>Archaeology</i> <i>Heritage value of the existing power station</i></p> <p>The Applicant Historic England North Yorkshire County Council Selby District Council</p>	<p>Provide a response on whether the existing power station and in particular the group of cooling towers has any local, regional or national heritage value.</p>	
	<p>RESPONSE</p> <p>The Authorities understand that the existing infrastructure will remain including the utilisation, without external change, of the existing cooling system and the twelve natural draft cooling towers.</p> <p>Drax Power Station carries some significance as the largest power station of its type in the country and with planned and consented developments at Eggborough and Ferrybridge will remain the sole remaining Aire Valley Power station that resembles and retains much of its original distinctive design in the landscape. The 259m high main stack remains the tallest chimney in the UK and the iconic symmetry of Drax is acknowledged by the Authorities as a heritage asset in its own right.</p> <p>The Authorities are aware of the decision of Historic England last year not to grant listed status to the cooling towers on the basis of their numbers across the country but nevertheless recognise the heriatge value of this Aire Valley power station.</p>	
HE 1.2	Comment on the approach taken by the Applicant to submit a Written Scheme of	

<p><i>Written scheme of investigation</i> North Yorkshire County Council Selby District Council Historic England</p>	<p>Investigation for future mitigation, as set out in Requirement 15 of the dDCO [AS-012] post decision/pre-commencement.</p>	
	<p>RESPONSE</p> <p>The approach taken by the Applicant is appropriate and has been agreed in pre-application discussion.</p> <p>Where heritage assets of archaeological interest have been identified they have either been avoided by the proposal or appropriate mitigation has been suggested which is proportionate to the significance of the assets. This process of assessment and proposed mitigation follows the guidance given in the NPPF (para's. 189 & 199 respectively).</p>	
<p>LV</p>	<p>Landscape and Visual</p>	
<p>LV 1.2</p> <p><i>Design</i> The Applicant North Yorkshire County Council Selby District Council</p>	<p>The ExA notes that Chapter 4 of the ES[APP-072] does not outline the design approach and objectives for the Proposed Development. Furthermore, North Yorkshire County Council (NYCC) in its RR [RR-309] states that the design choice and its subsequent effects (if any) on the original power station design needs to be further explained.</p> <p>For the Applicant:</p> <p>i) Explain whether an assessment of the architectural and landmark value of the existing power station and in particular the composition of the group of cooling towers from range of close and distant viewpoints has been undertaken.</p>	<p>For NYCC and SDC:</p> <p>iv) Explain how this assessment can be strengthened.</p> <p>v) Provide a response on the proposed design in relation to the existing power station and within the context of its landscape setting.</p>

	<p>ii) Explain the approach to the design and visual appearance of the proposed development, setting it within the composition of the existing power station.</p> <p>iii) Confirm whether the approach been discussed with NYCC and Selby District Council (SDC). Include the outcome of the discussion in Statements of Common Ground.</p>	
	<p>RESPONSE</p> <p>iv) The assessment could have been strengthened by explanation of how the architectural, landmark and aesthetic design of the existing power station complex has :</p> <ul style="list-style-type: none"> - influenced the initial technology choice and alternatives considered (ES Chapter 4). - been considered and assessed (ES Chapter 10) - influenced the final design taking into account potential impact on the landscape (ES Chapters 10). <p>v) The Proposed Scheme is likely to jar and conflict with the original power station design resulting in the potential for some visual clutter and discordant views.</p> <p>The Proposed Scheme is located within a relatively flat and low lying arable landscape and is likely to be visibly over significant distance up to 10km, as confirmed by the Applicant visual assessment and review of the existing visual baseline (ES Appendix 10.4 Landscape and Visual Baseline). The Authorities agree that visibility is however less harmful in long range views.</p>	

<p>LV 1.3</p> <p><i>Landscape Mitigation</i></p> <p>The Applicant Yorkshire Wildlife Trust North Yorkshire County Council</p>	<p>Yorkshire Wildlife Trust in its RR [RR-320] states that opportunities exist to mitigate the effects on landscape and visual character as identified in the Chapters 10 [APP-078] and 18 [APP-086] of the ES. Options include improving visitor experiences at Barlow Common Nature Reserve or to major habitat creation flood plain grassland at the River Ouse, which it says would add to landscape value.</p> <p>NYCC in its RR [RR-309] states that the current proposals do not seek to adequately mitigate or compensate for the identified significant adverse effects of the Proposed Development.</p>	<p>i) Provide a response, including whether further discussions are on-going between parties.</p> <p>ii) If mitigation is to be undertaken off-site, explain how this is to be secured and why, notwithstanding the Landscape and Biodiversity Strategy, additional work is required and agreed.</p> <p>iii) If an off-site financial contribution is to be agreed, provide an explanation and justification for the sum sought and the project to be funded, and how the contribution would meet the requirements of paragraph 4.1.8 of NPS EN-1.</p>
	<p>RESPONSE</p> <p>i) Work between the parties is ongoing to seek to mitigate as far as reasonably practicable the impact of the proposed scheme upon landscape and visual amenity and where other mitigation could have a very significant benefit. Further work is ongoing to clarify and update the Landscape and Biodiversity Strategy, to liaise with local Partnerships, and to identify wider opportunities for mitigation.</p> <p>ii) and iii) Work between the parties is ongoing and we are expecting to answer these questions in the coming weeks.</p>	
<p>LV 1.6</p> <p><i>Photomontages</i></p> <p>North Yorkshire</p>	<p>Chapter 10 of the ES [APP-078] states at Table 10-2 that verified viewpoints have been agreed with the LPAs and photomontages prepared to demonstrate the location of both</p>	<p>i) Confirm that the viewpoints are appropriate and provide reasonably representative views of the Proposed Development.</p>

County Council Selby District Council	Units X and Y. i) Confirm that the viewpoints are appropriate and provide reasonably representative views of the Proposed Development. ii) Provide a response as to whether any concerns exist with regards to the photomontages provided with the ES.	ii) Provide a response as to whether any concerns exist with regards to the photomontages provided with the ES.
	<p>RESPONSE</p> <p>i) The Authorities can confirm that the viewpoints are considered appropriate and reasonably representative.</p> <p>ii) Several revised viewpoint photographs and an additional photomontage have been provided by the Applicant to resolve issues of clarity (Document Ref: 8.2.2, Date: September 2018).</p>	
NV	Noise and Vibration	
<i>NV 1.1 Operational Noise</i> Selby District Council	Comment on the approach, methodology and assessment presented in Chapter 7 of the ES [APP-075] and Requirement 20 of the dDCO [AS-012]. Alternatively, you may wish to provide such a response in your Local Impact Report and/or Written Representation for Deadline 2.	
	<p>Response</p> <p>The communication from the Applicant has been good on this issue. It has been agreed that BS4142 2014 is the appropriate standard which to assess the magnitude of the impact due to noise at residential receptors in respect of operational noise.</p>	

	The authorities have no further comment to make on Requirement 20 as presently drafted on the assumption that it will be physically possible in devising a scheme for monitoring to measure from the top of the stacks.	
TT	Traffic and Transport	
TT 1.6 <i>Drax Jetty</i> North Yorkshire County Council	Provide comment on the Applicant's assertions stated within paragraph 4.10.2 of Chapter 4 of the ES [APP-072] on the investigation and discounting of waterborne freight being used.	
	<p>Response</p> <p>We were made aware from early conversations with the Applicant that re-use of the jetty would be a possible option. Whilst we have not seen and assessed the requirements for the reinstatement of the jetty to operational use or the costs of doing so, we could anticipate that the cost would be significantly higher than the cost of implementing the Construction Traffic Management Plan (CTMP).</p> <p>Whilst an assessment has not been considered we agree that there would be an ecological impact of the reinstatement of the jetty. We are aware that the matter has been raised with the Applicant by the Environment Agency.</p> <p>Overall the Highways Authority has assessed the application as put in front of them. The CTMP is considered adequate to manage the impact of the Application on the highway has been signed off by the Highways Authority.</p>	
TT 1.8 <i>Outline Construction Traffic Management Plan</i> The Applicant Highways England	Provide a response as to the adequacy of this document [APP-091] and Requirement 17 of the dDCO [AS-012] particularly in the light of the comments made by North Yorkshire CC in its RR [RR-309] in respect to temporary car park and footbridge construction and management.	

North Yorkshire County Council		
	<p>Response</p> <p>The Highways Authority has signed off the Outline Construction Traffic Management Plan as adequate to manage the effect on the highway. Requirement 17 secures its implementation to our satisfaction.</p> <p>The construction of the footbridge from the temporary car park would, under a normal YCPA application, require a licence and to follow the full approval in principle process. At the time of responding to this question these documents have been sent to the Applicant and we will work with them to ensure the DCO adequately reflects their requirements. The right to enter into agreement with the local authority for the construction of the footbridge already exists at part 2 clause 15 of the DCO.</p>	
<i>TT 1.9 Outline Construction Workers Travel Plan</i> The Applicant Highways England North Yorkshire County Council	Provide a response as to the adequacy of this document [APP-090] and Requirement 18 of the dDCO [AS-012], particularly in the light of the comments made by NYCC in its RR [RR-309] on the need for improvement.	
	<p>Response</p> <p>The consultation with the Applicant has been very good. Since the submission of the relevant representation, the Authority has been able to sign off the Outline Construction Workers Travel Plan as adequate to manage the impact on the Highway. The improvement referred to has taken place.</p>	

**North Yorkshire County Council
Selby District Council**

**Local Impact Report
Drax Re-Power**

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North Yorkshire County Council Selby District Council

Local Impact Report Drax Re-Power

1. Terms of reference

Introduction

- 1.1 This report comprises the Local Impact Report (LIR) of North Yorkshire County Council (NYCC) and Selby District Council (SDC) (the Authorities).
- 1.2 The Local Authorities have had regard to the purpose of LIRs as set out in s.60 Planning Act 2008 (PA2008) (as amended), DCLG's *Guidance for the examination of applications for development consent*, and the Planning Inspectorate's *Advice Note 1: Local Impact Reports*, in preparing this LIR.

Scope

- 1.3 This LIR only relates to the impact of the proposed development as it affects the administrative areas of NYCC and SDC.
- 1.4 The LIR relies upon the Applicant's description of the development as set out in volume 1, Chapter 3 of the Environmental Statement (ES). This LIR sets out the relevant planning history to be taken into consideration.

Purpose and structure of the LIR

- 1.5 The primary purpose of the LIR is to identify any potential local impacts of the proposed development and identify the relevant national and local planning policies in so far as they are relevant to the proposed development, and the extent to which the proposed development accords with the policies identified.
- 1.6 Topic-based headings set out how the Authorities consider the proposed development accords with relevant planning policy and any potential local impacts of the development.
- 1.7 Key issues identified by the Authorities are set out within the topic headings in the supporting commentary in respect of the extent to which the Applicant has sought to address issues raised by both NYCC and SDC, with reference to

relevant Application documents (including the articles and requirements of the Draft Development Consent Order (DCO)).

- 1.8 Whilst a number of points within the LIR are repeated from the Authorities' s.56 PA2008 consultation response, the significance of the LIR in the PA2008 is such that they are confirmed here for the purpose of clarity for the benefit of the Examining Authority (ExA).

2. Description of the Area

- 2.1 It is proposed that the Drax Re-Power Project will be constructed and operate entirely within the administrative areas of SDC within NYCC.
- 2.2 Construction of the Repower project will take place in three sites on and around the existing power station site.
- 2.3 The Carbon Capture Reserve Space is agricultural land owned by the Applicant and leased to a third party;
- 2.4 The Power Station site itself is a mixture of hard standing road way and scrub land; and
- 2.5 The Pipeline area is made primarily of Agricultural land.
- 2.6 The Site is approximately 79 hectares (ha) in size. The area comprises the existing power station and associated infrastructure, including 12 cooling towers, the turbine hall and boiler house buildings, emissions stack, coal stockyard and coal handling equipment and conveyors, flue gas desulphurisation (FGD) plant and associated conveyors, and numerous other buildings, tanks and structures.
- 2.7 Drax Power Station is surrounded by the villages of Drax, approximately 700 m to the south, Long Drax, approximately 900 m north-east, Hemingbrough, approximately 2 km north, and Camblesforth, approximately 1 km south-west. Larger towns in the vicinity of the Existing Drax Power Station Complex are Selby, approximately 5 km north-west, and Goole, approximately 7.5 km south-east.
- 2.8 Rusholme Wind Farm is located approximately 3.8 km to the east of the Power Station Site and Drax Golf Club just across the A645 to the South. There is an industrial site immediately adjacent to the Power Station Site to the south-west. Drax Skylark Centre and Nature Reserve are adjacent to the north-west of the Power Station Site.
- 2.9 The Site is surrounded by grade 3 agricultural land to the east, south and west and by grade 2 agricultural land to the north. It is situated in Flood Zone 1 and

the gas connection passes through flood zones 1, 2 and 3. The Site is not within the Green Belt.

- 2.10 The majority of the Site is built upon concrete hard standing.
- 2.11 There are a number of Public Rights of Way and Bridleways in the area with 6 directly affected which will be either temporarily stopped up by the construction of the pipeline or permanently stopped up and alternative routes established to account for the construction laydown and the carbon capture readiness site.
- 2.12 The wider geographical area includes a number of other power stations including Eggborough Power Station and Ferrybridge Power Station.

3. Relevant National and Local Planning Policy

- 3.1 All national and local planning policies considered relevant to the consideration of this Application are listed below.

National Policy Statements

- 3.2 As an Application for a DCO for an energy infrastructure project, the proposal is to be considered in accordance with relevant National Policy Statements (NPS); in particular;
 - EN-1 Overarching National Policy Statement for Energy that is generally supportive of new infrastructure to meet national need. It sets out generic assessment principles and impacts for consideration in determining any energy project. The assessment principles include good design, assessment of alternatives and climate change adaptation. Impacts relate to topics such as biodiversity, flood risk, landscape and views.
 - EN-2 National Policy Statement for Fossil Fuel Electricity Generating Infrastructure.
 - EN-4 National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines
 - EN-5 National Policy Statement for Electricity Networks Infrastructure
- 3.3 These National Policy Statements (NPS), taken together with the Overarching National Policy Statement for Energy (EN-1), provide the primary basis for decisions on applications for nationally significant fossil fuel electricity generating stations. The current draft of the Statement of Common Ground (Deadline 1) with the applicant sets out the extent to which the parties agree on the relevance of and principal issues raised within those NPS's.

National Planning Policy Framework

- 3.5 The 2012 NPPF introduced a presumption in favour of sustainable development. Paragraph 14 of the NPPF states that "at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking".
- 3.6 Since submission, a revised NPPF has been published on 24 July 2018. The presumption in favour of sustainable development remains in paragraph 11 but reference to a golden thread has been removed. The Framework does not contain specific policies for NSIPs but may be relevant for the determination.

Development Plan

- 3.7 The development plan in force for the area in which the proposed development is situated is the Selby District Core Strategy Local Plan (SDCS)(adopted 22nd October 2013) and those policies in the Selby District Local Plan (SDLP)(adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy. These development plan documents, the authorities would assert, are 'important and relevant' for the Secretary of State to take into account in his decision.
- 3.8 The development plan also comprises the saved policies in the North Yorkshire Minerals Local Plan (1997) and Waste Local Plan (2006).
- 3.9 The relevant Core Strategy Local Plan Policies are:
- SP1: Presumption in Favour of Sustainable Development;
 - SP2: Spatial Development Strategy;
 - SP12: Access to Services, Community Facilities and Infrastructure
 - SP13: Scale and Distribution of Economic Growth
 - SP15: Sustainable Development and Climate Change
 - SP17: Low Carbon and Renewable Energy
 - SP18: Protecting and Enhancing the Environment Selby District Core Strategy which refers to ensuring developments minimise the use of non-renewable resources and the amount of waste material
 - SP19: Design Quality

Selby District Local Plan

- 3.10 The relevant SDLP Policies are considered to be;
- Policy ENV 1: Control of Development
 - Policy ENV 2: Environmental Pollution and Contaminated Land

- Policy ENV 22: Protection of Listed Buildings
- Policy ENV 25: Control of Development in Conservation Areas
- Policy ENV 27: Scheduled Monuments and Important Archaeological Sites
- Policy ENV 28: Other Archaeological Remains
- Policy EMP 10 Additional Industrial Development at Drax and Eggborough Power Stations
- Policy T1: Development in Relation to the Highway Network
- Policy T2: Access to Roads
- Policy T8: Public Rights of Way

North Yorkshire Waste Local Plan

- 3.11 The relevant policy of the North Yorkshire Waste Local Plan is considered to be Policy 5/1 of the North Yorkshire Waste Local Plan (2006) which states that proposals for major development should include a statement identifying the waste implications of the development and measures taken to minimise and manage the waste generated and that permission would not be granted where this has not been adequately addressed. As the Minerals and Waste Joint Plan has reached Examination in Public some weight must be given to relevant emerging policies in the Joint Plan. This includes Policy S01 Safeguarding mineral resources which is relevant due to parts of the development site lying within clay and sand & gravel resource areas proposed for safeguarding, which therefore makes Policy S02 *Developments proposed within Minerals Safeguarding Areas* relevant.
- 3.12 It is common ground that the determination of NSIP applications is against the National Energy Policy Statements and the development plan is capable of being a material consideration since the s.38(6) presumption in favour of the development plan does not apply.

Other relevant local policy

- 3.13
- Landscape, Visual and Green Infrastructure Policies
 - Natural England NE176, Green Infrastructure Guidance, 2009
 - The Leeds City Region: Green Infrastructure Strategy, August 2010
 - Selby District Council: Countryside and Green Space Strategy, 2013

European Landscape Convention

- 3.14 The European Landscape Convention applies equally to all landscapes, including urban and degraded landscapes (Article 2) and promotes cooperation in protection, management and planning (Article 3), with specific measures outlined in Article 6. Because it recognises the importance of ‘everyday’ landscapes to those who experience them, it is very relevant to the consideration of local landscape impacts.

Other Relevant Policies/Guidance

3.15

- I. North Yorkshire and York: Local Nature Partnership Strategy, 2014
- II. Selby Local Biodiversity Action Plan August 2004
- III. Selby Area Internal Drainage Board: Biodiversity Action Plan, 2009
- IV. The Wildlife Trusts Yorkshire and the Humber: A Living Landscape, 2009
- V. Defra: National Pollinator Strategy and related Buglife: B-Lines Initiative 2011
- VI. Environment Agency: Humber District River Basin Management Plan, 2009
- VII. Natural England: Yorkshire and the Humber Green Infrastructure Mapping Project 2010
- VIII. Natural England: National Character Area 39 Humberhead Levels, 2012

Relevant Planning History

- 3.16 It is agreed that the Applicants' Planning Statement (Document ref 5.2) accurately summarises the planning history relating to the Site at Part 2.2 .
- 3.17 The history of planning and County matter applications has no significant bearing on this proposal in so far as this is an authorised operating power station first commissioned in 1974. The Proposed Site Reconfiguration works (Stage 'O') and listed in the applicants Appendix 1 to the Planning Statement under SDC ref 2018/0154 has been granted and it is common ground that it has been lawfully commenced.

4. Assessment of Impacts

- 4.1 The following sections identify the relevant national policy and local planning policies within the development plan (and other relevant local policy) and how the Application accords with them.
- 4.2 The following sections also consider the adequacy of assessment for each identified subject area and any potential impacts.
- 4.3 The baseline against which each subject area has been assessed is discussed, setting out the Authorities' views in respect of the adequacy of the assessments carried out, the base line data against which assessments have been based, and any mitigation proposed.
- 4.4 The extent to which the Applicant has addressed identified impacts and assessed them adequately, complying with local planning policy has also been considered.

- 4.5 The headings used in the LIR broadly reflect those used in Part 5 of EN-1 (overarching NPS for Energy).

5. Principle of Development

Commentary

- 5.1 The Site is located in an area of open countryside as designated in the SDLP. SDCS Policy SP2 states that development in the countryside will be limited to (amongst other criteria) well designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities in accordance with Policy SP13.
- 5.2 Policy SP13 states that in rural areas, sustainable development which brings sustainable economic growth through local employment opportunities or expansion of business and enterprise will be supported.
- 5.3 Policies SP15 and SP16 supports sustainable development and climate change and Policy SP17 supports development for new sources of renewable energy and low-carbon energy generation. Policy SP18 refers to ensuring developments minimise the use of non-renewable resources and the amount of waste material.
- 5.4 In addition, Policy SP1 of the Core Strategy states that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.
- 5.5 Paragraph 6.32 of the SDCS refers to the importance of the energy sector in the area and is supportive of the development of the sector.
- 5.6 SDLP Policy EMP10 is the only development plan policy specific to Drax and is a permissive criteria based policy which would support additional development at or close to the Station subject to normal development management criteria.

Adequacy of Application / DCO

- 5.7 The above policy context supports development linked to economic development and low carbon energy development. SDC and NYCC agree that the principle of the proposed development in this location is supported by policies contained within the Development Plan.

6. Air Quality and Emissions

- 6.1 The extent and scope of the applicants' approach to Air Quality is an agreed point in that the methodology, extent of impact and proposed mitigation are agreed.
- 6.2 Subject to compliance with the Outline CEMP which will be controlled by a Requirement in any DCO, the Council's agree that there are no further mitigations that are necessary or required and that operational emissions will be controlled by environmental permitting.
- 6.3 The visual impact of the power station is effected by the decision taken by the Applicant to raise the stack heights. The Authorities accept that landscape and visual impact would naturally be effected in this way at the expense of air quality and vice versa had the opposite decision been taken. Nevertheless, the landscape and visual impact of the power station as a whole has not been sufficiently mitigated against as discussed in more detail in chapter 7.

7. Landscape, Biodiversity and Green Infrastructure

Landscape

- 7.1 The national policy position in respect of landscape and visual effects is set out in National Policy Statements EN-1 (section 5.9), EN-2 (section 2.6), EN-4 (sections 2.14 and 2.21) and EN-5 (section 2.8).
- 7.2 EN-1 is the overarching NPS for Energy which sets out generic principles and requirements for assessing and mitigating landscape and visual impacts of new energy NSIP projects.
- 7.3 Paragraphs 5.9.6 and 5.9.7 states that assessments should include effects during construction and of the completed development on landscape components, landscape character, visibility and light pollution effects.
- 7.4 NYCC and SDC consider that the above factors have been considered in the submission and that the application accords with relevant national policy. NYCC and SDC agree that the local planning policies in the SDLP and in the SDCS which are listed and described in Paragraphs 10.2.24 and 10.2.25 of the ES are relevant to landscape and visual effects of the proposed development, but not ENV21 Landscape Requirements, which is now replaced by policy SP19.
- 7.5 Paragraph 5.9.8 of EN-1 also provides that regard must be had to siting, operational and other relevant constraints and the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and

appropriate; in the context of this paragraph which confirms that virtually all such projects will have effects on the landscape.

- 7.6 As mitigation, paragraphs 5.9.21 to 5.9.22 of EN-1 encourage the reduction in scale of a project to help mitigate the visual and landscape effects of the proposed project. Adverse landscape and visual effects may be minimised through appropriate siting of infrastructure, design including colours and materials, and landscaping schemes. Materials and designs of buildings should always be given careful consideration.
- 7.7 The application lists alternatives for the proposed development including alternative sites as well as the engineering and technology constraints relating to the layout, turbine and generator selection, emissions abatement and stack configurations (ES 4 – Consideration of Alternatives).
- 7.8 The Authorities do not have the engineering and technology specialists available to comment on these constraints and how these have impacted upon the final design. The Authorities have therefore agreed as far as possible that these constraints exist and that the design and assessment of design alternatives is a product of those constraints.
- 7.9 Paragraph 5.9.23 of EN-1 states that depending on the topography of the surrounding terrain and areas of population it may be appropriate to undertake landscaping off site.
- 7.10 The LVIA has identified that there would be significant adverse landscape and visual effects of the Proposed Scheme. The applicant has not sufficiently demonstrated that the spirit of these policies has been taken into account, by mitigating offsetting or minimising significant adverse landscape and visual effects.
- 7.11 At the meeting between NYCC officers and the Applicant on 12th July 2018, it was recommended that the Applicant should actively review all operational and non-operational land within their control, and to contact the Leeds City Region Enterprise Partnership (LEP) and Selby DC Partnerships manager to explore further opportunities for mitigation within the local study area.
- 7.12 At that time the Applicant approached the Partnerships Manager and the Applicant and Selby DC have discussed the potential for opportunities but at the time of writing, just prior to deadline 2, no progress has been made in terms of identifying opportunities with partners.
- 7.13 A review of the draft Outline L&BS has been produced and submitted with Deadline 2. The Authorities have responded to the Applicant directly on the content of the revised draft. It is the Authorities view that the draft is too heavily focussed on optioneering a select number of sites, rather than on

need and how it can be achieved, or a review of the wider options to compensate by improving green infrastructure.

- 7.14 The Authorities have begun undertaking a review of opportunities to assist the Applicant in appropriately mitigating and compensating for the identified significant adverse effects. This is being undertaken with the intention to inform and provide options for the Applicant to include within the outline L&BS
- 7.15 Locally Important Landscape Areas (LILAs) located to the north-west of the proposed scheme at Brayton Barff and Hambleton Hough are situated within (and partly within) the wider 10km study area. Policy ENV15 (Selby District Local Plan) states that within the locally important landscape areas, priority will be given to the conservation and enhancement of the character and quality of the landscape.
- 7.16 It is common ground that there are unlikely to be significant adverse effects on Selby's Locally Important Landscape Areas (ENV15 Selby District Local Plan) during construction, completion and operational phases.
- 7.17 Significant adverse effects for the Lower Derwent LILA (East Riding of Yorkshire area) are reported within the LVIA with cross border visibility. This should be addressed jointly within the Applicant's mitigation strategy and the Landscape and Biodiversity Management Plan.
- 7.18 The application is made in the context of and with reference to paragraphs 2.6.5 and 2.6.10 of EN2. The existing Drax Power Station and the proposed addition in this scheme are large generating stations. It is not reasonable or possible to eliminate all visual impacts of the station. Mitigation and compensation for the scheme must be considered in this context. The Authorities are not satisfied that all reasonable and practical measures to minimise landscape harm have been considered and have procured an independent landscape architect with the necessary available capacity to assess and present possible measures to the applicant.

Green infrastructure

- 7.19 Paragraph 5.10.2 of EN-1 states that Governments policy is to ensure adequate provision of high quality open space including green infrastructure to meet local community needs, and that green infrastructure in particular will also play an increasingly important role in mitigating or adapting to the impacts of climate change.
- 7.20 EN-1 defines green infrastructure as *"a network of multi-functional green spaces, both new and existing, both rural and urban, which supports the*

natural and ecological processes and is integral to the health and quality of life of sustainable communities”.

- 7.21 Green infrastructure enhancement is a key part of SDCSPolicies SP12, SP 18 (4) and SP 19 (f).
- 7.22 SP 12 states *“In all circumstances opportunities to protect, enhance and better join up existing Green Infrastructure, as well as creating new Green Infrastructure will be strongly encouraged, in addition to the incorporation of other measures to mitigate or minimise the consequences of development”.*
- 7.23 The policy guidance for SP12 sets out the benefits to be gained from green infrastructure including:
- Enhanced connectivity between large and small green spaces;
 - Creating opportunities for more sustainable travel modes, especially walking and cycling;
 - Contributing to the health and regeneration, particularly of urban areas; and
 - Meeting the needs of visitors and recreational and leisure needs of local residents.
- 7.24 SP18 (4) requires *“...a strategic approach will be taken to increasing connectivity to the District’s Green infrastructure including improving the network of linked open spaces and green corridors and promoting opportunities to increase its multi-functionality. This will be informed by the Leeds City Region [Green] Infrastructure Strategy.”*
- 7.25 Selby District Council’s green infrastructure policies aim to contribute to the development of the Leeds City Region Green Infrastructure Strategy, and to take account of its emerging priorities (SP18 guidance notes 7.71)
- 7.26 The Leeds City Region Green and Blue Infrastructure Strategy (updated 2017-2016) includes priorities to provide: Effective water management and flood risk reduction; Build GBI into physical development; Enhance green corridors and networks; Heighten community access to and enjoyment of GBI, Plant and manage more trees and woodland.
- 7.27 Other regional strategies which echo Selby District Council’s green infrastructure policies include the Yorkshire Wildlife Trust Living Landscape strategy and the Ouse Catchment Partnership Actionable Plan.
- 7.28 The LVIA has identified that there would be significant adverse landscape and visual effects of the Proposed Scheme. The applicant has not sufficiently demonstrated that the spirit of local green infrastructure policy has been taken into account, by enhancing existing green infrastructure or providing new green infrastructure in order to mitigate, offset or minimise significant adverse landscape and visual effects.

Key Local Issues

Landscape

7.29 Key issues are:

- Design impact and the original Drax Power Station design
- Landscape and visual effects of the proposed development
- Mitigation to reduce adverse effects

Design impact and the original Drax Power Station design

7.30 The LVIA acknowledges that considerable effort went into the original 1960's Power Station Design. The aesthetics, setting and treatment of the buildings and structures was considered of utmost importance; to reduce visual coalescence; the layout and grouping of the cooling towers; to reduce site clutter; building design and massing; materials and colours.

7.31 The proposed development will introduce built facilities and infrastructure in the form of additional new buildings, exhaust stacks and other infrastructure. The applicant proposes that each new turbine and generator unit will have 2 exhaust stacks 120m high (8 stacks in total).

7.32 The LVIA describes GRP construction or brick for the PTF, PRMS and Compressor Building and all other buildings are likely to be steel structures with concrete walls or metal / GRP cladding. Stacks up to 120m high are likely to be steel frame with a reinforced concrete shell.

7.33 Materials and surface finishes of all new buildings and structures will require approval prior to commencement (Schedule 2 of the draft DCO).

7.34 The LVIA assess the effect of the Proposed Scheme on landscape character relative to the qualities of the existing Drax Power Station. It is considered that there are likely to be localised (within 3km) significant effects during Stage 3 (Operation of Units X and Y). Beyond 3km these effects are reduced and not likely to be significant.

7.35 The overall design and arrangement of the proposed scheme is illustrated in the Field Verified Photomontages (ES 10 - View 3 Figure 10.11.3d, and ES 8.2.4 View 9 Figure 1.3B)

7.36 Paragraph 10.5.69 states that *"the Proposed Scheme would "jar" within the existing Drax Power Station Complex from certain elevations and conflict with its simple symmetry"*.

7.37 Paragraph 10.5.70 states *"The Proposed Scheme, and in particular the presence of eight stacks would protrude above the horizontal lines created by*

the tops of the cooling towers, forming a strong contrast to the existing mass due to their narrow width and form, and visually “clutter” the top of the towers resulting in a slightly discordant view from certain angles.”

- 7.38 The Local Authorities are concerned that the proposed scheme would conflict with the symmetry of the original design resulting in visual coalescence, visual clutter and discordant views. Significant adverse effects are associated with the aesthetic and perceptual qualities of the new units, stacks and associated structure. The proposed scheme will strongly contrast against the Existing Power Station complex which is a dominant feature in the landscape, with a strong iconic presence.
- 7.39 The Local Authorities recognise that there are environmental and technological constraints, alternative solutions were considered, inherent design measures such as colour and lighting, and the retention of existing vegetation have been considered.
- 7.40 However, this inherent mitigation alone is not sufficient to offset the likely significant residual landscape and visual effects inherent through the design.
- 7.41 Work between the parties is ongoing to fully understand the impact of the proposed scheme upon the design and setting of the power station and where other mitigation could have a very significant benefit.

Landscape and visual effects of the Proposed Scheme

- 7.42 The study area extent for the assessment of landscape character and visual amenity was based on 10km. Through a baseline review the LVIA narrowed the study of the key landscape features and assets to a 3km inner search area.
- 7.43 The Authorities concur that this study areas extent is sufficient to consider landscape character areas and visual amenity likely to be significantly affected.
- 7.44 The assessment of Landscape and Visual Amenity (ES 10) has determined that there would be significant adverse effects of the Proposed Scheme on landscape character including LCT 23 Levels Farmland, LCT 24 River Floodplains, LCT4 River Corridors (LVA 4A Derwent Valley, 4BRiver Ouse Corridor and 4D River Aire Corridor). Equally there would be significant adverse effects on part of the Lower Derwent ILA (ES 10.9.4).
- 7.45 N.B. Lower Derwent ILA is within the East Riding of Yorkshire local authority area. This should be addressed jointly within the Applicant’s mitigation strategy and the Landscape and Biodiversity Strategy.

- 7.46 In terms of local landscape features, significant adverse effects would be notable during Stages 0 to 2. Effects will diminish (to varying degrees) once planting has matured 15years post Stage 3 (ES 10.9.7).
- 7.47 The Proposed Scheme would also result in the temporary and permanent loss of some landscape features. This includes the loss of ornamental trees, shrub and hedgerow planting, woodlands, tree belts, field hedgerows, scrub, grassland, as well as arable land and associated habitats (ES 10.6.2).
- 7.48 Some compensation areas have been identified to mitigate and offset loss of local landscape features. However this contribution is relatively very small. Significant permanent, long term, moderate and major, adverse effects will remain at all Stages (0 – 3) of the development, and after 15 years (ES 10, Table 10.15 – Summary of Landscape Effects and ES 18 – Summary of Significant Effects Table 18.5).
- 7.49 The assessment has also identified that there will be significant adverse effects on visual amenity as a consequence of the proposed scheme. Significant adverse effects will be notable to visual receptors within 3km of the Proposed Scheme particularly for local residents, users of the Trans Pennine Trail and National Cycle Network, and local road users within 1km of the Site. Significant effects relate to those receptors with a direct view of the Proposed Scheme.
- 7.50 Significant permanent, long term, moderate and major, adverse Visual Effects will remain at all Stages (0 – 3) of the development, and after 15 years (ES 10, Table 10.16 – Summary of Visual Effects and ES 18 – Summary of Significant Effects Table 18.6).
- 7.51 The existing landscape around the existing Drax Power Station complex has become eroded and weakened over time due to expansion of the existing complex. Proposed on-site landscape mitigation within the Strategy is limited and weak. Opportunities should be taken to create a good quality working environment by reviewing existing landscape within or adjacent to proposed development areas.
- 7.52 The Authorities note that despite a substantial quantity of significant adverse landscape and visual effects being identified, limited mitigation is proposed to reduce or offset these effects. This thus has to be balanced against paras 2.6.5 and 2.6.10 of EN-2.
- 7.53 Work between the parties is ongoing to fully understand the impact of the proposed scheme upon landscape and visual amenity and where other mitigation could have a very significant benefit.

Mitigation to reduce adverse effects

- 7.54 In addition to the preliminary avoidance measures and embedded mitigation, the ES has identified the need for a Landscape and Biodiversity Strategy (L&BS) to provide a clear framework for mitigation, compensation and enhancement. The principle of this joint strategy is welcomed and discussion on the first draft has led to a revised document being provided (Document ref. 6.7 L&BS Rev 002).
- 7.55 The Proposed Scheme has taken into account and retained the original planting mitigation (A E Weddle scheme) where feasible. However, this was designed and implemented in a different context more than 50 years ago and alone, is insufficient to mitigate the Proposed Scheme.
- 7.56 The assessment sets out the preliminary avoidance, mitigation and compensation measures (ES 10 - Landscape and Visual Amenity sets out mitigation and enhancement measures (chapter 10.6)).
- 7.57 Compensation areas are further considered in the Outline Landscape and Biodiversity Strategy (Document Ref. 6.7).
- 7.58 NYCC and SDC consider that sufficient mitigation has not currently been identified to adequately reduce or offset the significant landscape and visual effects identified in the Applicant's Landscape and Visual Impact Assessment (ES 18 – Summary of Significant Effects Tables 18.5, 18.6 and 18.10).
- 7.59 Every opportunity should be taken to minimise harm to the landscape, providing reasonable mitigation where reasonable and appropriate, in line with current national policy.
- 7.60 The Power Station is visible over a wide geographical area. Landscape and visual mitigation should be sought as far as is reasonably practicable to reflect the scale, significance and likely lifespan of the development with consideration to sensitive receptors such as local residents and visitors to the local area.
- 7.61 During the meeting on 12th July 2018, Drax Power Ltd and WSP described a review of land and mitigation but very few opportunities were identified. It was suggested that Drax Power Ltd should actively review all operational and non-operational land within their control in order to identify opportunities to mitigate the identified visual impacts.
- 7.62 Drax Power Station falls within the Leeds City Region Green Infrastructure Strategy Area and objectives for the River Ouse catchment area. There may be opportunities to work with these strategies and Partnerships.
- 7.63 Work between the parties is ongoing to fully understand the impact of the proposed scheme upon landscape and visual amenity and where other mitigation could have a very significant benefit. Further work is needed to

clarify and update the Landscape and Biodiversity Strategy, to liaise with local Partnerships, and to identify wider opportunities for mitigation.

Adequacy of Application/DCO

- 7.64 The effectiveness of the mitigation/compensation proposals in relation to the key local impacts identified are discussed in more detail below.

On-site mitigation during Construction and Operation

- 7.65 The on-site mitigation for both Construction and Operation phases of the Proposed Scheme is not sufficient or clearly defined in the Landscape and Biodiversity Strategy (L&BS) or the Draft DCO.
- 7.66 Proposals for screening of temporary facilities and work areas should be defined in the L&BS and be a requirement of the DCO.
- 7.67 Protection measures for existing vegetation to be retained should be clearly explained in the L&BS. To provide a landscape and biodiversity protection plan should be a requirement of the DCO.
- 7.68 Proposals for topsoil stripping, handling, storage and reinstatement should be defined in the L&BS and be a requirement of the DCO.
- 7.69 Proposals for reinstatement of agricultural land should be defined in the L&BS and a requirement of the DCO.
- 7.70 The timescale for ongoing management and maintenance of landscape and biodiversity mitigation should be for the lifetime of the development (duration of the effects), and a requirement of the DCO (not 25years currently stated in the Draft L&BS).
- 7.71 Permanent external lighting should not commence until a detailed scheme is approved by the planning authority. Clarification is needed in DCO Schedule 2 (10) for permanent lighting, with reference to landscape and visual amenity ES 10.

Offsite mitigation/compensation

- 7.72 The L&BS does not sufficiently look outside of the red line boundary for opportunities to reduce the wider significant landscape and visual effects by enhancing existing green infrastructure or providing new green infrastructure in order to mitigate, offset or minimise these effects.

Summary .

- 7.73 The Authorities support the principle of the L&BS. It has the potential to provide a comprehensive framework on which the provision of mitigation

and enhancement is to be based. However, further work is needed to clarify and update the L&BS.

- 7.74 The Authorities recognise that there are environmental and technological constraints, alternative solutions were considered, inherent design measures such as colour and lighting, and the retention of existing vegetation have been considered.
- 7.75 However, this inherent mitigation alone is not sufficient to offset the likely significant residual landscape and visual effects.
- 7.76 The assessment has identified that there will be significant adverse Landscape and visual amenity as a consequence of the Proposed Scheme.
- 7.77 The Authorities are concerned that despite a substantial quantity of adverse effects being identified, minimal mitigation is proposed.
- 7.78 Work between the parties is ongoing to fully understand the impact of the proposed scheme upon landscape and visual amenity and where other mitigation could have a benefit.
- 7.79 Drax Power Station falls within the Leeds City Region Green Infrastructure Strategy Area and objectives for the River Ouse catchment area. There may be opportunities to work with these strategies and liaise with local Partnerships to identify wider opportunities for mitigation.
- 7.80 The Authorities recommend and would encourage discussions to take place with key partners such as Leeds City Region Enterprise Partnership Board, The Environment Agency, Natural England, Yorkshire Wildlife Trust, and Dales to Vale Rivers Network.

Biodiversity

Relevant local planning policies

- 7.81 The national policy position in respect of biodiversity is set out in National Policy Statement EN-1, within which it states that:
- *“the applicant should include appropriate mitigation measures as an integral part of the proposed development. In particular, the applicant should demonstrate that:*
 - *during construction, they will seek to ensure that activities will be confined to the minimum areas required for the works;*
 - *during construction and operation best practice will be followed to ensure that risk of disturbance or damage to species or habitats is minimised, including as a consequence of transport access arrangements;*

- *habitats will, where practicable, be restored after construction works have finished; and*
- *opportunities will be taken to enhance existing habitats and, where practicable, to create new habitats of value within the site landscaping proposals. (5.3.18)*

7.82 It is also stated that:

- *“Development proposals provide many opportunities for building in beneficial biodiversity or geological features as part of good design. When considering proposals the IPC should maximise such opportunities in and around developments, using requirements or planning obligations where appropriate.” (5.3.15)*

7.83 National Policy Statements EN-2, EN-4 and EN-5 also set our requirements for biodiversity; however they are of less relevance than EN-1.

7.84 NYCC and SDC consider that the above factors have been considered in the submission and that the application accords with relevant national policy.

Selby District Council policy

7.85 NYCC and SDC agree that the local planning policies in the SDLP and in the SDCS which are listed and described in Paragraphs 9.2.9 to 9.2.15 of the ES are relevant to the biodiversity assessment of the proposed development.

Commentary

7.86 The ecological surveys and assessments which have been completed to inform the ES are considered to have been undertaken using appropriate methods, in line with current guidance and best practice. There are a number of specific surveys reports which still need to be received and reviewed, however it is understood that these are nearing completion and the results to date are unlikely to alter the conclusions of the ES. Confirmation of this will be made once all reports have been reviewed.

7.87 Impacts upon ecological features will result from the construction and operation of the proposed scheme – the ES has identified the following impacts:

7.88 Construction

- Permanent or temporary loss/disturbance to habitats within and adjacent to the scheme
- Disturbance to protected species and their habitats both direct and indirect
- Disruption of ecological networks both temporary and permanent

7.89 Operation

- Designated sites impacted by emissions to air
 - Disturbance to protected species and their habitats both direct and indirect
 - Disruption of ecological networks both temporary and permanent
- 7.90 The conclusion of the ES is that there would be no significant effects resulting from the development upon statutory and non-statutory designated sites. However, there will be some impact upon certain designated sites resulting from emissions to air, as discussed within the Habitat Regulations Assessment report (Document Ref. 6.6). Whilst the increased levels at these sites are not considered significant within the context of the Habitat Regulations Assessment there will be local impacts, particularly under the 'SCR scenario' and when considered in combination with other projects. These are of particular concern at sites such as Skipwith Common SAC and Thorne and Hatfield Moors SAC as critical levels are already significantly exceeded.
- 7.91 The ES identified a number of impacts upon habitats and species that require mitigation and or compensation measures to be secured. There is also the need in line with national and local policy to build in enhancements for biodiversity in order to secure net gain.
- 7.92 Key ecological features impacted as a result of habitat loss and disturbance to habitats and species are set out in Table 9-17 which summarises the effects before and after mitigation.
- 7.93 Habitats – impacts upon habitats (woodland, trees, grassland, hedgerows, dry ditch and agricultural land) resulting primarily from site clearance and construction. Total quantities of habitats lost is summarised in tables 9-11 to 9-16. Habitat loss collectively is assessed as a significant minor negative impact which is expected to be fully mitigated once reinstatement of habitats is undertaken during Stage 3. Further compensation and enhancement measures are proposed to be included within the Landscape and Biodiversity Strategy (L&BS) with the aim of providing a net gain for biodiversity.
- 7.94 Bats – The final bat activity survey reports are still to be received, however current information indicates that there will be no impact upon roosting bats, however there will be an impact upon foraging and commuting bats as a result of site clearance and construction which is expected to be significant minor impact which remains until habitats have been reinstated at Stage 3. Impacts associated with noise, vibration and lighting will be avoided through measures within the Construction Environmental Management Plan (CEMP). Enhancement measures for bats are proposed to be included within the L&BS.
- 7.95 Otter – indirect impacts upon otter are expected only during site clearance and construction as a result of noise, vibration, lighting and potential pollution incidences – it is proposed to control these through measures

within the CEMP and lighting strategy which will be secured through specific DCO requirements. There is no residual impact expected.

- 7.96 Water vole – Impacts upon water vole relates mainly to a section of pipeline construction in an area identified as supporting water vole. Whilst a trenchless technique for pipeline installation is expected this has not yet been confirmed and there is concern that an open cut crossing in this location could have a more significant impact upon water vole than is currently anticipated. This concern has been highlighted to the applicant. Impacts (with trenchless crossing) includes disturbance to water voles from noise, vibration, human and mechanical presence, and lighting. There is also a risk associated with pollution incidences. Mitigation is proposed to be included within the CEMP, however further work is required to assess the potential impacts upon water vole should a trenchless crossing not be possible at this location. The worst case scenario should be assessed so that mitigation, compensation and enhancement can be included.
- 7.97 Birds – Impacts upon breeding and wintering birds are expected during site clearance and construction as a result of habitat loss/disturbance, disturbance from noise, vibration and direct mortality. Embedded mitigation will be included within the CEMP to deal with noise, vibration and lighting. Residual impacts will remain in the medium term due to habitat loss, however over time as habitats are reinstated and enhancement measures are carried out in compensation areas there is not expected to be a residual negative impact in the long term.
- 7.98 Reptiles – whilst no reptiles were recorded during surveys for this site, there is the possibility that they are present in low numbers (indicated by previous records) and where present reptiles could certainly be impacted during site clearance and construction of the pipeline. Measures to avoid direct impacts upon reptiles will be included and enhancement measures will be included in the L&BS with the aim of providing more suitable habitat to increase reptile numbers in the local area.
- 7.99 INNS – Where invasive non-native species (INNS) are present on site, causing them to spread into the wild would constitute a significant effect and would also be contrary to legislation. Measures to control the spread of INNS will be included within the L&BS.
- 7.100 Confidential report (Appendix 9.4) – survey undertaken is considered sufficient. Impacts, mitigation and enhancement measures set out within this separate report are considered to be in line with relevant legislation.
- 7.101 In addition to avoidance measures and embedded mitigation the ES has identified the need for a Landscape and Biodiversity Strategy (L&BS) to provide a clear framework for mitigation, compensation and enhancement. The principle of this joint strategy is welcomed and discussion on the first

draft has led to a revised document being provided (Document ref. 6.7 Rev 002). The revised strategy in relation to biodiversity has drawn targets for mitigation, compensation and enhancement from the impacts identified within the ES, focusing on temporary and permanent habitat and species impacts. A suite of retention and reinstatement measures have been proposed to be incorporated into each of the development parcels; in addition to this, three additional compensation areas have been identified and included within the strategy, these are areas of land within Drax ownership which are within close proximity to the development site. Further work is needed between the parties to ensure that the L&BS is clear and concise, particularly there is a need to make a distinction between measures proposed to provide compensation and those provided to secure enhancement. The document could be ordered in a more logical way with key information currently contained within appendices being included within the main body of the report.

7.102 The ES is supported by a Biodiversity Net Gain Assessment (Appendix 9.10), this is a tool used to measure the loss/gain of the development in biodiversity terms. The version submitted with the ES does not take account of the revised L&BS; however key recommendations made within the report are still valid and need to be progressed:

- Undertake final net gain assessment once L&BS has been finalised
- Undertake habitat surveys and condition assessments of compensation areas
- Seek to address the residual loss of linear habitats within the footprint of the scheme and if not possible through off site habitat creation/restoration.

7.103 As noted above the L&BS has now been revised, however it has not been agreed as a final version. The Biodiversity Net Gain Assessment will in time need to be updated to include the additional areas of mitigation, compensation and enhancement. It is expected that the report will be available in advance of the hearings. NYCC and SDC will continue to discuss the L&BS and the biodiversity net gain assessment with the applicant with the aim of ensuring the residual impacts of the development are compensated for and net gain is achieved and sustained in the long term.

7.104 In summary, NYCC and SDC are of the opinion that whilst some mitigation, compensation and enhancement measures for impacts have been detailed within the ES and the L&BS, net gain has still to be demonstrated and there is a need to update proposals to secure full mitigation, compensation and enhancement measures.

Adequacy of Application/DCO

7.105 Requirement 8, 10 and 18 are substantially adequate in that they secure the necessary plans required to mitigate against the effects of the development. Some work may be required to ensure consultation with North Yorkshire

County Council is secured as well as consent from the relevant planning authority.

8. Cultural Heritage

Relevant Local Planning Policies

- 8.1 Relevant policies with respect to the historic environment include SDLP Policies ENV1, ENV22, ENV25, ENV27 and ENV28 and Policy SP18 of the SDCS.

Commentary

- 8.2 An archaeological desk based assessment has been prepared by WSP Environmental (January 2018) that considers the impact on heritage assets including impacts on setting. This was followed by a geophysical survey by Sumo Services Ltd. (January 2018) of the two pipeline route options. Archaeological trial trenching was subsequently carried out on the chosen pipeline route by the University of Salford (March 2018). All of these assessments have been conducted to the relevant professional standards.
- 8.3 The desk-based assessment sets out the known archaeological and built heritage of the power station and its environs. This is an adequate baseline from which to begin the assessment of both direct and indirect impacts on heritage assets.
- 8.4 Development within the curtilage of the current coal-fired power station is unlikely to have a significant impact on archaeological remains due to previous ground disturbance.
- 8.5 The development provides an opportunity to enhance the appreciation of the Scheduled Monument at Drax Abbey.
- 8.6 The geophysical survey identified a number of anomalies of archaeological interest in both of the pipeline route options. The anomalies in the southern route option appeared to be of greater complexity and included a number of discrete enclosures with internal features, likely to represent later prehistoric and Roman activity. The avoidance of these anomalies was a contributing factor in the choice of the northern route option.
- 8.7 Trial trenching has taken place to characterise the significance of the more ephemeral anomalies within the northern option. These were found to relate to medieval agricultural features including field boundaries and drainage

although there is potential for some of these to be later prehistoric or Roman in date.

Key Local Issues

- 8.8 Pre-application discussions with the developer identified that the pipeline options had archaeological potential, particularly for prehistoric and Roman remains. Subsequently a programme of archaeological desk-based and field evaluation has taken place. The chosen pipeline option contains former landscape features of potentially later prehistoric and medieval date. The pipeline construction will have a negative impact on these features that will be offset by archaeological mitigation recording.
- 8.9 The proposal provides an opportunity to tell the story of medieval life at Drax Abbey by the placing of an interpretation panel and/or artwork on the adjacent public right of way or the Drax visitors centre.

Adequacy of Application/DCO

- 8.10 The process of desk based assessment and field evaluation has demonstrated that there will be no major impacts on heritage assets of high significance. Where heritage assets of archaeological interest have been identified they have either been avoided by the proposal or appropriate mitigation has been suggested which is proportionate to the significance of the assets. This process of assessment and proposed mitigation follows the guidance given in the NPPF (para's. 189 & 199 respectively).

9. Highways and Transportation

Relevant Local Planning Policies

- 9.1 The re development of the power station is in terms very similar to other developments close by from the point of view of Local Highway Authority (LHA) It reflects the policies within the NPPF and relevant local plan polices recognising that the development is sustainable by using the existing highway infrastructure to route construction vehicles to the site. The proposed development is not considered to be severe in terms of traffic generation. The development also accords with the NYCC local Transport Plan on the basis that the proposed development will contribute to economic growth and improve road safety.

Access to the Site

- 9.2 The Drax power station is connected to the surrounding road network from the east via the A645 and from the west on A1041/A63. The A645 provides direct access to the M62 (J36). The A645 adjacent to the site is subject to a 30 mph speed limit. The A645 linking to the M62 is subject to a 60 mph speed limit.

- 9.3 The existing access into the power station complex, North Gate, is to be used by the construction traffic. The application includes for a new contractors welfare compound, proposed turbine office, ash delivery facility and distribution pump house as well as new gas turbines at the power station. All the above facilities will be accessed via the South Gate from the roundabout at the front of the site directly from the A645.
- 9.4 Pedestrian access to the main site is possible following footways along the A645 and then onto New Road.

Constructing the project

- 9.5 HGV construction traffic will access the site via J36 of the M62 via the A614/A645/ New Road. Access to the site will be provided via the North Gate. Fortunately the villages of Camblesforth and Carlton will experience negligible disruption by construction traffic. It is likely that 200 (HGV) two way vehicle movements per day will be generated at peak times, predicted in week 21 of the project. All vehicles will access the site from the M62 and avoid any direct routing through the above villages. The LHA is therefore satisfied that A645 south of the site can be used for this purpose.
- 9.6 It is expected that a high proportion of construction workers will arrive by private vehicle and the worst case relating to the construction will be in week 21 and predicts 825 car trips per day. A temporary footbridge is to be constructed across New Road to enable safe access for employees from the parking area to the Site. Whilst this a large increase in traffic the LHA understands that the increase is only temporary during the construction period and therefore expects the developer to manage its work force to reduce the impact as much as possible and will expect the number of vehicular trips to reduce after this peak time. The development will be managed by a construction traffic management plan (CMTP) and a construction workers travel plan (CWTP) to control and reduce the impact of traffic on the local road network. The LHA has yet to agree the final content of these two documents however the impact on the highway network will be acceptable as long as the measures proposed in the CMTP and CWTP are agreed and implemented. The site is not in a sustainable location in so far as travel to and from the site will be done primarily in private vehicles but the measures in the above documents represent the optimal way of reducing traffic impact on local road network. Both the CMTP and CWTP will be secured through a DCO requirement which will include the requirement of submission to and approval by the Local Planning Authority.

Construction of the Gas Pipeline.

- 9.7 The potential routes for the gas pipeline do not directly affect Drax village or other settlements close to the site. However, the use of the minor road

network along the gas pipeline needs to be managed to avoid damage and congestion on the road network. The developer needs to consult with the local school in Drax to help understand the impact the construction of the gas line will have on the operation of the school. It is expected trenchless methods will be employed to implement the works avoiding as much as possible disruption to the minor road network. Again the construction worker travel plan needs to control the numbers of vehicles being used to undertake this work to avoid disruption to local people. With these controls in place the LHA is satisfied that the development can proceed. Measures within the DCO schedules will control and manage the closures and temporary diversions and the LHA is satisfied that implementation of the project can be controlled in this manner.

Adequacy of the Application/DCO

- 9.8 The LHA has considered the content of the Application and discussed impacts likely to be experienced on the network.
- 9.9 The LHA is satisfied that the development can be managed on the surrounding network and accords with national and local planning policies in respect to sustainable development.
- 9.10 The CTMP & CWTP framework documents required by the draft DCO are agreed in principle. The LHA is satisfied with the proposed draft DCO requirements which will ensure that the final traffic management and travel plans will be approved in consultation with the LHA prior to the commencement of the development. The highway improvement works identified in draft DCO have also been agreed with the LHA.
- 9.11 The LHA is satisfied that work on the minor road network can be controlled by measures within the DCO

10. Noise and Vibration

- 10.1 The parties have reached agreement on the impacts from noise and vibration. It is common ground that noise and vibration will be mitigated through Requirements in the draft DCO.

11. Socio-Economic

Relevant Local Planning Policies

- 11.1 Local planning policies relevant to the identified local socio economic impact of the proposed development are considered to be;
- a) SDCS Policy SP1: Presumption in favour of sustainable development; and
 - b) SP13: Scale and Distribution of Economic Growth.
- 11.2 It is considered that the proposed development accords with SP13 in the development of existing employment sites in the rural community. The proposed development is expected to create sustainable employment opportunities and may contribute to the wider economic growth of the area (as detailed further below).

Key Local Issues

- 11.3 The Environmental Statement, which accompanies the Application, identifies the following local employment impacts as a result of the proposed development as follows:
- 11.3.1 Creation of 200 direct new job and 100 indirect new jobs as part of the demolition phase and 1200 direct and 600 indirect in the construction phase.
 - 11.3.2 Operational jobs will remain at approximately 930 and therefore have no discernable long term impact.
- 11.4 The creation of new construction jobs will have a meaningful impact on the local economy overall and it is likely that this will create a temporary upsurge in activity and productivity.
- 11.5 The Authorities agree that the employment opportunities are likely to be taken up largely within the region and sub region. It is unlikely the construction activity will cause any significant inward migration putting pressure on infrastructure such as additional school places.
- 11.6 In terms of productivity or Gross Value Added (GVA), it is considered by the Authorities that the impact of the proposed development is likely to be significant, however, the impact of this is more likely to be felt nationally rather than locally. By its nature as a Nationally Significant Infrastructure Project the benefits of the power generation and uplift in GVA will be felt on a wider scale than the development or creation of a local business serving the community for example.
- 11.7 It is the view of the Authorities that the proposed development will maintain the existence of significant energy generating capacity within this locality and that in itself will help to reinforce aspirations to develop a future M62 energy corridor.

Adequacy of the DCO

- 11.8 It is considered that the proposed development accords with the relevant national and local planning policies identified above.
- 11.9 The applicants approach to apprenticeships and their Local Employment Scheme is considered as part of schedules 1 and 2 of a draft section 106 agreement. The agreement is still to be finalised between the Applicant and the Authorities. It is considered that the section 106 agreement is the most appropriate place for these obligations.

12. Mineral & Waste Planning

Relevant Local Planning Policies

- 12.1 It is agreed that there are no policies relevant to this development in the North Yorkshire Minerals Local Plan.
- 12.2 As this is a major development it is considered that 'Saved' Policy 5/1 of the North Yorkshire Waste Local Plan (2006) is relevant in terms of the waste implications. The Policy is mentioned in Chapter 2 of the Environmental Statement but is not included in the Local Policies Appendix 10.1.

Other local policy

- 12.3 As the Minerals and Waste Joint Plan has reached Examination in Public some weight must be given to relevant emerging policies in the Joint Plan. This includes Policy S01 Safeguarding mineral resources which is relevant due to parts of the development site lying within clay and sand & gravel resource areas proposed for safeguarding, which therefore makes Policy S02 *Developments proposed within Minerals Safeguarding Areas* relevant.
- 12.4 Part 2 of the Joint Plan Policy of Policy D11 *Sustainable design, construction and operation of development* relates to any new built development such that development should be designed, constructed and operated in order amongst other matter to: minimise waste generated through construction and incorporate measures to encourage/facilitate the re-use and recovery of any waste generated during construction.

Commentary

- 12.5 Given that parts of the development lie within mineral safeguarding areas, the developer is encouraged to consider whether any prior extraction of suitable materials for use on site in connection with the development would be practicable.

- 12.6 The proposed scheme is taking into account, see Chapter 13 of the ES, of the waste generation during construction, operation and decommissioning including regarding the pipeline and also takes account of the potential for generation of hazardous waste. DCO proposes a Construction environmental management plan which, if it includes a site waste management plan, would accord with the principles being sought through the North Yorkshire Waste Local Plan and via Policy D11 of the emerging Joint Plan.

13. Hydrology and Flood Risk

- 13.1 The NPPF, Section 10 'Meeting the Challenge of Climate Change, Flooding and Coastal Change' sets out the policy context for assessing the proposals with respect to the impacts to/from flooding. There are no relevant Local Plan Policies with respect to this matter.
- 13.2 NYCC, in its capacity as Lead Local Flood Authority has no specific concerns regarding the proposals. NYCC is the Lead Local Flood Authority for the whole county of North Yorkshire. However, the project, does, however fall within the administrative boundary of the Shire Group of IDBs (Selby Area IDB) to whose opinion as local risk management authority NYCC would defer.

14. Public Rights of Way

Relevant Local Policies

- 14.1 Policy T8 of the Selby Local Plan and Policies SP18 and SP19 of the Core Strategy relate to the impact of the proposed development on Public Rights of Way.
- 14.2 It is understood and acknowledged that the following Public Footpaths will need to be temporarily stopped up under Road Traffic Regulation Act 1984, during works relating to the construction of the gas pipeline and cooling water pipeline works:
- Public footpath 35.47/4/1
 - Public footpath 35.47/5/1
 - Public footpath 35.47/9/1
 - Public footpath 35.49/2/1
- 14.3 Public footpath 35.47/4/1 was drawn incorrectly on the Access and Rights of Way Plans EN10091-000394. The footpath was shown on the east of the drain but in fact runs to the west. The Applicant has been made aware of the error at a meeting on Thursday 25 October. These routes will be reinstated on their original alignment once the works have been completed.

- 14.4 The following footpaths have been listed as Public Rights of Way which may need to be diverted, (via stopping up and provision of an alternative route) only if the carbon capture storage element comes forward.

Public footpath 35.47/1/1
Public footpath 35.47/6/1

- 14.5 The Authorities understand that the temporary stopping ups will be required for less than 6 months in connection with construction of the gas pipeline. Under the usual procedure there is no statutory requirement to provide a diversion or alternative footpath or bridleway where the closure will last no more than 6 months.
- 14.6 We understand that the applicant is preparing a Public Rights of Way management plan. This plan should include details of notice periods, advertisements and re-instatement.
- 14.7 At the date of the Local Impact Report the Authority has not seen an outline management plan. However, the closures have been explained to the Authorities and we expect the impact on the network will be adequately managed by the plan.
- 14.8 The Authority is satisfied that requirement 9 of the draft DCO adequately secures the provision of a Public Rights of Way management plan. The Authority may seek to alter the wording of the requirement slightly to reflect the necessary requirements of the management plan once a draft has been shared by the applicant and we have had time to consider the DCO revision submitted at deadline 2

15. Work No '0'

- 15.1 The relevance of Work '0' has reduced since submission to the LPA since it is no longer a part of the Proposals and has been removed, through agreement from the draft DCO – see para 3.16 to this LIR above.

16. Adequacy of the DCO

- 16.1 The Authorities have reviewed the draft DCO and commented as to its adequacy on a topic by topic basis above. The Authorities may continue to request alterations to the draft DCO as necessary as discussions between the parties continue.
- 16.2 Schedule 11 sets out the procedure for the discharge of DCO requirements.

The Authorities are satisfied with the procedure and timescales provided for the discharge of requirements.

17. Summary

- 17.1 The Authorities have reviewed the Application and evaluated the impacts in the context of the SDCS, the SDLP and all other relevant local plans and policies referred to above.
- 17.2 The Authorities consider that the DCO in combination with agreed and recommended ancillary plans and strategies will ensure that the proposed development is acceptable in planning terms and therefore accords with relevant national and local planning policy. Securing the future of the Drax Power station and its shift towards renewable energy, job protection and wider economic benefits is a strategic priority for the Authorities and the application is welcomed.
- 17.3 The exception to 17.2 and as referred to above, is the Landscape and Biodiversity Strategy is yet to be agreed. The application is made in the context of and with reference to paragraphs 2.6.5 and 2.6.10 of EN2. The existing Drax Power Station and the proposed addition in this scheme are large generating stations. It is not reasonable or possible to eliminate all visual impacts of the station. Mitigation and compensation for the scheme must be considered in this context. However, the Authorities are not satisfied that all reasonable and practical measures to minimise landscape harm have been considered and have procured an independent landscape architect with the necessary available capacity to assess and present possible measures to the applicant.