

The Drax Power (Generating Stations) Order

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

Applicant's Response to the Local Impact Report
(Submitted for Deadline 3)



The Planning Act 2008

Drax Power Limited

Drax Repower Project

Applicant: DRAX POWER LIMITED
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Glossary and Abbreviations

The updated Glossary and Abbreviations for the Proposed Scheme are contained in Document Reference 1.6 submitted in November 2018 at Deadline 3 of the Examination.

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1 INTRODUCTION

1.1 Purpose of this Document

- 1.1.1 On 29 May 2018, Drax Power Limited ("Drax" or "the Applicant") made an application ("the Application") for a Development Consent Order to the Secretary of State for Business, Energy and Industrial Strategy ("the SoS"). The Application relates to the Drax Repower Project ("the Proposed Scheme") which is described in detail in Chapter 3 of the Environmental Statement (Examination Library Reference APP-071), as amended by the Non-Material Amendment applications submitted at Deadline 2 and Deadline 3.
- 1.1.2 The Application was accepted for Examination on 26 June 2018.
- 1.1.3 This document, submitted for Deadline 3 of the Examination, contains the Applicant's responses to the Local Impact Report (Examination Library Reference REP2-047), jointly produced by North Yorkshire County Council ("NYCC") and Selby District Council ("SDC") and published for Deadline 2 on 15 November 2018.

2 APPLICANT'S RESPONSE TO LOCAL IMPACT REPORT

- 2.1.1 This document generally follows the structure of the Local Impact Report ("LIR") submitted by NYCC and SDC (the "Authorities").

2.2 Terms of Reference

- 2.2.1 The Applicant has no comments to make on this section of the LIR.

2.3 Description of the Area

- 2.3.1 The Applicant notes that following the removal of Stage 0 from the Application (see the non-material amendment application submitted at Deadline 2), the Site is now approximately 71.41 ha in size rather than 79 ha.
- 2.3.2 Apart from the above comment, the Applicant has no comments to make on this section of the LIR.

2.4 Relevant National and Local Planning Policy

- 2.4.1 The Applicant welcomes the statement at paragraph 3.2 of the LIR that the Proposed Scheme is considered to be in accordance with the relevant National Policy Statements.
- 2.4.2 The Applicant acknowledges that the current draft of the Statement of Common Ground with NYCC and SDC submitted for Deadline 1 on 19 October 2018 (Examination Library Reference REP1-006) sets out the extent to which the parties agree on the relevant and principal issues raised within those National Policy Statements.

- 2.4.3 The Applicant also recognises that since submission of the Application a revised National Planning Policy Framework (NPPF) has been published on 24 July 2018. The Applicant is conducting a supplementary review of the revised NPPF (further to the assessment in the Planning Statement (Examination Library Reference APP-062) against the draft revised NPPF that was available at the time of submission of the Application) and will provide this to the Examining Authority before the end of the Examination, which will highlight any policies that may be relevant for the determination of the Application and which changed between the draft and the publication of the final revised NPPF. The Applicant considers that the revised NPPF does not alter the assessments submitted with the Application.
- 2.4.4 The Applicant agrees that the development plan documents are likely to be considered by the Secretary of State as "important and relevant", as asserted in paragraph 3.7 of the LIR.
- 2.4.5 The Applicant notes the inclusion of relevant Selby District Local Plan Policies ENV22 (Protection of Listed Buildings) and ENV25 (Control of Development in Conservation Areas) under paragraph 3.10 of the LIR, which have not been included in the Planning Statement (Examination Library Reference APP-062). The Applicant confirms that the assessment provided in the relevant Environmental Statement Chapter 8 Historic Environment (Examination Library Reference APP-076) does take into consideration these policies.
- 2.4.6 The Applicant notes the inclusion of other relevant Policies and Guidance listed under paragraphs 3.13 to 3.15 of the LIR and confirms that these have been taken into consideration in the relevant sections of the Planning Statement (Examination Library Reference App-062).
- 2.4.7 The Applicant welcomes the Authorities agreement on the planning history relating to the Site (as set out in the Applicant's Planning Statement), recorded in paragraph 3.16 of the LIR.

2.5 Assessment of Impacts

- 2.5.1 The Applicant has no comments to make on this section 4 of the LIR.

2.6 Principle of Development

- 2.6.1 The Applicant welcomes the Authorities' position set out at Paragraph 5.7 of the LIR that *"SDC and NYCC agree that the principle of the proposed development in this location is supported by policies contained within the Development Plan"*.
- 2.6.2 SDC Core Strategy Local Plan Policy SP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development, and hence the Applicant welcomes this agreement that the Proposed Scheme is a sustainable development, given its location, re-use of infrastructure and in accordance with the statutory development plan policies.
- 2.6.3 The Applicant has no comments to make on the remaining paragraphs in this section 5.

2.7 Air Quality and Emissions

- 2.7.1 The Applicant has no comments to make on this section of the LIR and welcomes the agreement to the extent and scope of the Applicant's approach to Air Quality, in particular the Applicant's methodology, extent of impact and proposed mitigation. The Applicant also welcomes the Authorities' confirmation that no further mitigation is required in respect of air quality and emissions that is in addition to the CEMP during construction, and that operational emissions will be controlled by the environmental permit.
- 2.7.2 The Applicant notes that at LIR paragraph 6.3 it is stated that, *"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 affected 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"*.
- 2.7.3 The Applicant confirms that the stack heights associated with Units X and Y are in response to reducing air quality impacts detailed in Chapter 6 of the ES (Examination Library Reference APP-074) and this has inevitably generated landscape and visual impacts. As referred to in EN-2 paragraph 2.6.5 *"[I]t is not possible to eliminate the visual impact associated with a fossil fuel generating station. Mitigation is therefore to reduce the visual intrusion of the buildings in the landscape and minimise impact on visual amenity as far as reasonably practicable."* At paragraph 2.6.10 of EN-2, provided that the Secretary of State is satisfied that the location is appropriate for the project, and that it has been designed sensitively (having regard to relevant constraints), the visibility of a fossil fuel generating station should be given limited weight. The Applicant submits that given the proposed locations of the generating stations are within the boundary of an existing power station and given the Applicant has designed the Proposed Scheme as sensitively as it can, working within the existing site and landscape constraints, that the visibility of the Proposed Scheme should be given limited weight.
- 2.7.4 The Applicant's response on the landscape and visual impacts of the Proposed Scheme are addressed in the following section.

2.8 Landscape, Biodiversity and Green Infrastructure

Landscape

- 2.8.1 The Applicant welcomes the confirmation from the Authorities that they consider the relevant NPS policies have been considered and that the Application accords with the relevant national policy. The Applicant notes (LIR Paragraph 7.4) Selby District Local Plan 2005 Policy ENV21 (Landscape Requirements) being replaced with Selby District Core Strategy 2013 Policy SP19 (Design Quality).

- 2.8.2 With respect to SP19 (Design Quality) the Proposed Scheme has had regard to *“local character, identity and context of its surroundings including historic townscapes, settlement pattern and the open countryside”* reflected through Chapter 10 of the ES (Examination Library Reference APP-078). In terms of the policy’s reference to *“high quality design”*, the key drivers associated with the Proposed Scheme relate to the re-utilisation of existing infrastructure (as part of the UK’s transition to a low carbon economy), reusing as much existing operational land as possible and maximising the efficiency of Drax Power Station.
- 2.8.3 The final design will take into account potential impacts on the landscape resource and visual receptors, and will be considered during detailed design development and through the use of materials for the proposed structures which reduce reflection and glare and assist with breaking up the massing of the buildings and structures. The buildings are likely to be steel structures with concrete walls or metal / GRP cladding. The turbine stacks would be a steel frame with a reinforced concrete shell. Requirement 6 in Schedule 2 of the draft DCO (Applicant’s document reference 3.1, Rev. 3 submitted at Deadline 3) requires the approval by Selby District Council of the siting, layout, scale and external appearance, including colour, materials and surface finishes of all new permanent buildings and structures. An indicative colour palette for structures is provided in ES Chapter 10 Landscape and Visual Amenity (Examination Library Reference APP-078). The proposed colours have drawn on the colour palette used in the original Drax design.
- 2.8.4 The Proposed Scheme retains existing blocks of woodland on and off site which were identified through the original Weddle’s landscape proposals. Specific areas which have been retained through changes in the design process include:
- The retention of North Station Wood (north of the materials handling entrance) during construction and operation of the Proposed Scheme (without CCS).
 - The retention of a 15m wide woodland buffer within the Power Station Site, adjacent to the northern boundary during construction providing a continuous belt of woodland during the construction and operation of the Proposed Scheme (without CCS).
 - The retention of existing planting along the southern road entrance and within the Site Boundary resulting in revisions to the arrangement of the contractor’s village access road.
- 2.8.5 The revised Outline Landscape and Biodiversity Strategy submitted at Deadline 2 (Examination Library Reference REP2-026) sets out design objectives for the detailed design of the proposed landscaping of the Proposed Scheme. These objectives reflect many of the landscape design objectives of the Weddle landscape management report including objectives that:
- Provide a bold, simple landscape structure to connect and unify large scale structures as well as linking physically and visually with surrounding off site planting. Planting should be drawn from a small planting palette.
 - Reduce visual clutter and introduce a low-level screening internally through new hedgerows and shrub planting where feasible.

- Maintain existing trees and shrubs and where appropriate substitute and introduce further planting to provide greater interest, increase density and spread.

- 2.8.6 The Applicant welcomes the Authorities' agreement (to the extent possible, given the Authorities do not have engineering and technology specialists available) to the engineering and technological constraints and their impact on the design of the Proposed Scheme, as set out and considered in Chapter 4 of the Environmental Statement (Consideration of Alternatives) (Examination Library Reference APP-072), as recorded in paragraphs 7.7 and 7.8 of the LIR.
- 2.8.7 Paragraph 7.10 of the LIR states that *"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"*. We assume that the reference to "these policies" is to paragraph 5.9.23 of NPS EN-1 that is referred to in paragraph 7.9 of the LIR.
- 2.8.8 In response to this, please see the Applicant's position statement on Landscape and Visual Amenity Effects – Appropriateness of Proposed Mitigation submitted for Deadline 2 on 8 November 2018 (Examination Library Reference REP2-033). In this position statement the Applicant sets out the measures taken to minimise the effects of the Proposed Scheme on landscape and visual amenity, and has demonstrated why further measures are not reasonably practicable. This position statement concludes that due to the scale and size of the Proposed Scheme it is not feasible to eliminate the localised visual effects on visual receptors and aesthetic, experience and perceptual effects on Landscape Character Areas and the River Derwent Locally Important Landscape Area (ILA), but that the mitigation measures proposed do minimise the effects of the Proposed Scheme as far as reasonably practicable (in line with the requirements of paragraphs 2.6.5 and 2.6.8 of NPS EN-2). As EN-2 states:
- "It is not possible to eliminate the visual impacts associated with a fossil fuel generating station. Mitigation is therefore to reduce the visual intrusion of the buildings in the landscape and minimise impact on visual amenity as far as reasonably practicable."* (paragraph 2.6.5)
- 2.8.9 It is considered that the mitigation of local landscape character and associated features is as much as can be reasonably and practicably provided based on the constraints outlined in Section 4 of the position statement and in light of the disproportionality and unfeasibility of providing further mitigation as set out in Section 6 of the position statement. The mitigation provided in the Outline Landscape and Biodiversity Strategy (Examination Library Reference REP2-026) is proportionate and, whilst the residual visual effects of the Proposed Scheme are acknowledged, they should be given limited weight in accordance with EN-2 paragraphs 2.6.5 to 2.6.10.

- 2.8.10 This is on the basis that additional mitigation would not in any meaningful way reduce the significant adverse effects on visual receptors within a 3 km radius of the Site or on the localised effects on the aesthetic, experiential and perceptual qualities of specific Landscape Character Areas and Types and the Lower Derwent ILA (refer to Figure 1.1 of the Applicant's position statement on Landscape and Visual Amenity Effects – Appropriateness of Proposed Mitigation (Examination Library Reference REP2-033) which demonstrates the extent of mitigation required for an area covering 1 km radius from the Proposed Scheme). The benefits of providing further mitigation would be disproportionately low (the significance of effect would not change) compared to the disbenefits (primarily land take of Best and Most Versatile agricultural land and the resultant sterilisation of land) associated with such further mitigation. Accordingly, the Applicant considers that it has taken the necessary measures to minimise the effects of the Proposed Scheme on landscape and visual amenity as far as reasonably practicable as required by paragraphs 2.6.5 and 2.6.8 of EN-2. Such measures are considered in the context of the existing Site and decisions taken in relation to the location, layout and design of the Proposed Scheme. Measures are based on the current baseline as it is today and not on the original Power Station Site.
- 2.8.11 The Applicant has actively reviewed all operational and non-operational land within their control and this is reflected in Section 2 of the revised Outline Landscape and Biodiversity Strategy (Examination Library Reference REP2-026).
- 2.8.12 With respect to LIR paragraphs 7.11 and 7.12, the Applicant has explored opportunities for further mitigation. Further opportunities with partnerships in the local area will not mitigate the direct landscape / visual impact of the Proposed Scheme as evidenced in the Applicant's position statement on Landscape and Visual Amenity Effects – Appropriateness of Proposed Mitigation (Examination Library Reference REP2-033). The Applicant does however acknowledge that, whilst unlikely to directly reduce the landscape and visual effects of the Proposed Scheme, additional compensation measures via local partnerships may contribute to improving health, well-being and education.
- 2.8.13 The Applicant has been in active discussions with the Councils in terms of additional compensation measures. With respect to the comment that no progress has been made in identifying opportunities with partners (paragraph 7.12), the Applicant has been working with the Councils as set out below:

- Further to the meeting held between NYCC's Officers and the Applicant on 12 July 2018, a further discussion took place between NYCC and the Applicant on 16 August 2018. At this meeting SDC suggested that the discussions over potential projects / partnerships could be driven by a round table discussion with NYCC and SDC. The Applicant then met with SDC officers on 31 July 2018 and is awaiting advice on further local partnerships contacts. A local partnerships meeting took place on 27 September 2018 to discuss Green Infrastructure projects with an emphasis on health and well-being but SDC's Principal Planning Officer could not attend and the Applicant was not made aware of the meeting. Further to the meeting with NYCC and SDC on 2 October 2018, the Applicant submitted to NYCC and SDC on 23 October 2018 a presentation used at a recent Selby District Council Community Engagement Forum. The presentation outlined the nature and status of Drax Group's Social Strategy which falls within the Applicant's Sustainable Business Strategy. The Applicant noted in their response to NYCC and SDC on 23 October 2018 that to receive Drax Power Limited support, any new partnership created would have to be linked to the Social Strategy.
- The Applicant's email to NYCC and SDC was then supplemented by a further email on 1 November 2018 with a draft copy of the Applicant's position statement on Landscape and Visual Amenity Effects – Appropriateness of Proposed Mitigation submitted for Deadline 2 (Examination Library Reference REP2-033).

- 2.8.14 The Applicant's position is that, as demonstrated in this position statement, no further on or off-Site planting would be reasonable or beneficial. However, the Applicant is open to agreeing with the Authorities a partnering arrangement which would enable the Authorities and their partners to carry out necessary landscape improvements. Whilst this would not directly mitigate the Proposed Scheme, the Applicant recognises the health and well-being benefits this would create given SDC is hosting the Proposed Scheme.
- 2.8.15 LIR paragraph 7.13 sets out the Authorities' view that the revised Outline Landscape and Biodiversity Strategy (Examination Library Reference REP2-026) is too focussed on optioneering sites rather than the need for mitigation and how to achieve it or improvements to green infrastructure. The document was revised by the Applicant to reflect comments made by the Authorities over the structure and content of the document. A revised structure for the Outline Landscape and Biodiversity Strategy was circulated to LPAs on 29 June 2018 and, as recorded in LPA Minutes from 12 July 2018, both NYCC Principal Landscape Architect and Principal Ecologist confirmed that they were happy with the revised approach. The Applicant does not intend to make further changes to the document given this previous agreement.
- 2.8.16 In response to paragraph 7.14 the Applicant welcomes input from the Authorities' in relation to opportunities for further mitigation. The Applicant's letter to NYCC and SDC dated 31 October 2018 reiterates that the Applicant would be pleased to meet appropriate partners in order to identify wider opportunities which directly reduce significant effects, and will review any options proposed by the authorities to appropriately mitigate and compensate for the identified significant effects through an appropriate mechanism, such as a partnering arrangement.
- 2.8.17 The Applicant welcomes the Authorities' agreement recorded in paragraph 7.16 of the LIR.

- 2.8.18 In response to paragraph 7.17 it is agreed that Chapter 10 of the ES, Landscape and Visual Amenity (Examination Library Reference APP-078) does recognise that the Lower Derwent ILA will experience significant effects because of the Proposed Scheme with cross border visibility. The significant adverse effects associated with the landscape designation relate to the aesthetic and perceptual qualities of the new units, stacks and associated structures against the existing Drax Power Station Complex which is a dominant feature in the landscape with a strong, almost “iconic” presence. Paragraph 10.9.4 of Chapter 10 of the ES states that *“the linear nature of the local designations effects would be localised and diminished with distance”*. No off-site mitigation measures are proposed and it is considered that any additional mitigation would not in any meaningful way reduce the localised effects on the designation due to height and relative position of the Proposed Scheme to the Existing Drax Power Station Complex, and the flat open landscape within which the Proposed Scheme is located. For further details refer to the Applicant’s position statement on Landscape and Visual Amenity Effects – Appropriateness of Proposed Mitigation submitted for Deadline 2 (Examination Library Reference REP2-033).
- 2.8.19 With respect to paragraph 7.18, the Applicant welcomes the acknowledgement from the Authorities that it is not reasonable or possible to eliminate all visual impacts of the proposed generating stations, and that mitigation and compensation measures must be considered in this context. As noted above, the Applicant considers that it has proposed measures to mitigate the Proposed Scheme’s impact as far as reasonably practicable. As also noted above, the Applicant is open to considering further measures to mitigate the landscape and visual impact of the Proposed Scheme suggested by the landscape architect procured by the Authorities and, subject to the measures, agree an appropriate mechanism, such as a partnering arrangement.

Green Infrastructure

- 2.8.20 The LIR (Paragraphs 7.19 to 7.27) sets out applicable policies and strategies with respect to green infrastructure, and concludes (in paragraph 7.28) that 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”*.
- 2.8.21 The Applicant supports the “spirit” of local green infrastructure and has reviewed the Leeds City Region Green Infrastructure Strategy 2017 – 2036 and the objectives of the Dales and Vales Network Catchment Partnership to determine whether, through the Proposed Scheme, opportunities could be sought to directly mitigate the impacts of the Proposed Scheme as well as respond to green infrastructure objectives.

- 2.8.22 Through the Outline Landscape and Biodiversity Strategy (Examination Library Reference REP2-026), opportunities were considered to plant more trees, manage more trees and woodland, manage water and reduce flood risk as well as improve connectivity visually and through the creation of new landscape features and associated habitats. Paragraph 3.1.36 of the Outline Landscape and Biodiversity Strategy states that “[t]he Strategy has also considered the context of the Proposed Scheme as well as opportunities to improve connectivity to the green infrastructure network linking with adjacent landscape features as well as visually with extensive blocks of planting on Barlow Mound to the west. Opportunities to meet the objectives defined in the Leeds City Green Infrastructure Strategy and more specifically the Ouse Catchment Management Plan (Ref 1.16), have also been reviewed and the Strategy has sought to support management of flood water flows into the River Ouse through the introduction of both riparian and floodplain woodland planting where feasible.”
- 2.8.23 Specific areas in the Outline Landscape and Biodiversity Strategy which respond to green infrastructure objectives include Additional Areas 1 and 2 and Compensation Areas J and K.
- 2.8.24 Opportunities to respond to green infrastructure are limited by a number of siting and operational constraints and other limitations. Such constraints / limitations are outlined in Section 6 of the Applicant’s position statement on Landscape and Visual Amenity Effects – Appropriateness of Proposed Mitigation submitted for Deadline 2 on 8 November 2018 (Examination Library Reference REP2-033). Constraints include the extent of Best and Most Versatile agricultural land (Grade 1 and 2) in the immediate vicinity of the Existing Drax Power Station Complex.
- 2.8.25 However, as referred to earlier in this Response, the Applicant is open to agreeing with the Authorities a partnering arrangement which would enable the Authorities and their partners to carry out necessary landscape improvements. Whilst this would not directly mitigate the Proposed Scheme, the Applicant recognises the health and well-being benefits this would create given SDC is hosting the Proposed Scheme.

Key Local Issues: Design Impact and the Original Drax Power Station Design

- 2.8.26 The Applicant notes the key landscape issues set out in paragraph 7.29, and the background set out in paragraphs 7.30 to 7.37 with respect to design impact and the original Drax Power Station design.
- 2.8.27 In paragraphs 7.38 to 7.41, the LIR states that 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. The local authorities recognise that there are environmental and technological constraints, alternative solutions were considered, and inherent design measures such as colour and lighting, and the retention of existing vegetation have been considered. The local authorities consider that inherent mitigation alone is not sufficient to offset the likely significant residual landscape and visual effects inherent through the design. The Authorities states that they are working with the Applicant to understand, amongst other things, where other mitigation could have a significant effect.

- 2.8.28 As recorded above, whilst the Applicant agrees that the mitigation proposed does not completely mitigate or offset the landscape and visual effects of the Proposed Scheme, the Applicant has proposed measures to reduce the effects as far as reasonably practicable. The Applicant's position statement on Landscape and Visual Amenity Effects – Appropriateness of Proposed Mitigation submitted for Deadline 2 (Examination Library Reference REP2-033) demonstrates how the Applicant has addressed the test in EN-2 paragraph 2.6.5, which states that:

“[i]t is not possible to eliminate the visual impacts associated with a fossil fuel generating station. Mitigation is therefore to reduce the visual intrusion of the buildings in the landscape and minimise impact on visual amenity as far as reasonably practicable.”

- 2.8.29 The position statement reviewed opportunities for strategic “landscape” scale mitigation similar to that proposed through Weddle's original design and covering a 1 km radius from the Proposed Scheme.
- 2.8.30 The position statement determined that in terms of addressing significant landscape and visual effects, the effects are minimised as far as reasonably practicable (in accordance with EN-1 and paragraphs 2.6.5 and 2.6.8 of EN-2). Siting, operational and other relevant limitations have constrained the mitigation measures proposed (as recognised by the Authorities).
- 2.8.31 The landscape mitigation proposed through the Outline Landscape and Biodiversity Strategy (Examination Library Reference REP2-026) and, should the DCO be granted, the detailed Landscape and Biodiversity Strategy(ies) and accompanying plans, seeks to respond to local landscape character and associated features and reduce the extent of visual effects on a small number of visual receptors relating to the AGIs and other infrastructure including the GRF / Compressor Building.
- 2.8.32 Due to the scale and size of the Proposed Scheme it is not feasible to eliminate the localised visual effects on visual receptors and aesthetic, experiential and perceptual effects on Landscape Character Areas and Types and the River Derwent ILA.
- 2.8.33 It considered that the mitigation of local landscape character and associated features is as much as can be reasonably and practicably provided based on the constraints outlined in the position statement and in light of the disproportionality and unfeasibility of providing further mitigation within a 1 km radius of the Proposed Scheme. The mitigation provided in the Outline Landscape and Biodiversity Strategy (Examination Library Reference REP2-026) is proportionate and whilst the residual visual effects of the Proposed Scheme are acknowledged, they should be given limited weight in accordance with EN-2 paragraphs 2.6.5 to 2.6.10.

- 2.8.34 The position statement concludes that given the height of the proposed stacks, their relative position to the Existing Drax Power Station Complex and the flat open landscape in which the Proposed Scheme is located, opportunities for strategic “landscape” scale mitigation would only result in a marginal reduction in effect – not sufficient to change the level of significance of the effects predicted to be experienced. Such measures would result in the loss of agricultural land (primarily land take of Best and Most Versatile agricultural land and the resultant sterilisation of land) and generate a negative effect on farmers’ livelihoods. Accordingly, the Applicant considers that it has taken the necessary measures to minimise the effects of the Proposed Scheme on landscape and visual amenity as far as reasonably practicable as required by paragraphs 2.6.5 and 2.6.8 of EN-2. Such measures are considered in the context of the existing Site and decisions taken in relation to the location, layout and design of the Proposed Scheme. Measures are based on the current baseline as it is today and not on the original Power Station Site.
- 2.8.35 Furthermore, whilst the Authorities refer to the “strong iconic presence” of the Existing Drax Power Station Complex, the power station is not listed, and has no national, regional or local designation. There is no policy that would prevent Drax from demolishing the power station. Accordingly, the conclusions of the ES assessment must be seen in the context that it is, in the longevity of heritage and landscape, a temporary structure. Indeed, an objective of the Proposed Scheme is to keep and re-use the “iconic” power station.

Key Local Issues: Landscape and Visual Effects of the Proposed Scheme

- 2.8.36 The Applicant welcomes the Authorities’ agreement to the study area for the assessment of landscape character and visual amenity as stated in paragraph 7.43 of the LIR.
- 2.8.37 In response to LIR paragraph 7.45, that Lower Derwent ILA is being referred to within in the revised Outline Landscape and Biodiversity Strategy (Examination Library Reference REP2-026). Paragraph 7.4 Chapter 10 of the ES, Landscape and Visual Amenity (Examination Library Reference APP-078) does recognise that the Lower Derwent ILA will experience significant effects because of the Proposed Scheme with cross border visibility. The significant adverse effects associated with the landscape designation relate to the aesthetic and perceptual qualities of the new units, stacks and associated structures against the existing Drax Power Station Complex which is a dominant feature in the landscape with a strong, almost “iconic” presence. Paragraph 10.9.4 of Chapter 10 of the ES states that “*the linear nature of the local designations effects would be localised and diminished with distance*”. No off-site mitigation measures are proposed and it is considered that any additional mitigation would not in any meaningful way reduce the localised effects on the designation due the height and relative position of the Proposed Scheme to the Existing Drax Power Station Complex, and the flat open landscape within which the Proposed Scheme is located. For further details refer to the Applicant’s position statement on Landscape and Visual Amenity Effects – Appropriateness of Proposed Mitigation submitted for Deadline 2 (Examination Library Reference REP2-033).

- 2.8.38 The Applicant notes the ES findings set out in paragraphs 7.44 to 7.50. In response to paragraph 7.48 that the contribution of compensation areas is relatively small, the Applicant has also included Additional Areas of mitigation as well as defining internal objectives where the exact detailed site design has yet to be determined. On this basis the Applicant considers that mitigation is as much as can be reasonably and practically provided based on the constraints and as evidenced by the position statement on Landscape and Visual Amenity Effects – Appropriateness of Proposed Mitigation submitted for Deadline 2 on 8 November 2018 (Examination Library Document Reference REP2-033). The paper states that the provision of further mitigation would be disproportional and unfeasible.
- 2.8.39 In response to paragraph 7.51, where the Authorities state that the existing landscape around the Existing Drax Power Station Complex has become eroded and weakened over time due to the expansion of the existing complex and that proposed on site landscape mitigation is limited and weak, it is considered that the proposed mitigation outlined in the Outline Landscape and Biodiversity Strategy and accompanying strategic and internal design objectives redresses this issue (Examination Library Reference REP2-026). Strategy objectives associated with the Compensation Areas (on site mitigation) and Additional Areas (off site mitigation), and internal design objectives are defined. The internal design objectives are a suite of objectives proposed where the exact detailed site design has yet to be determined. The objectives will form the basis for detailed mitigation plans within specific locations and many of the objectives reiterate the landscape design objectives reflected in Weddle’s landscape management report. These objectives are within the Outline Landscape and Biodiversity Strategy, which is secured via the draft DCO.
- 2.8.40 In terms of reviewing existing landscape within or adjacent to proposed development areas to create a good quality working environment, the Applicant has actively reviewed all operational and non-operational land within their control to determine where mitigation is feasible and to create a good quality working environment. The review of potential sites is reflected in Section 2 of the revised Outline Landscape and Biodiversity Strategy which was submitted at Deadline 2 (Examination Library Reference REP2-026), and Section 3 outlines a specific set of strategic objectives and internal objectives where the footprint of the Proposed Scheme has yet to be determined. Both sets of objectives seek to “*create an active working environment within the confines of the station*” refer to paragraph 3.1.24 and 3.1.31 of the Strategy.

- 2.8.41 The Applicant welcomes LIR paragraph 7.52 and considers that it has provided mitigation to reduce the landscape and visual effects of the Proposed Scheme as far as reasonably practicable (as set out in the Applicant's position statement on Landscape and Visual Amenity Effects – Appropriateness of Proposed Mitigation submitted for Deadline 2), and therefore that the Proposed Scheme is in accordance with NPS EN-2 paragraphs 2.6.5 and 2.6.10. The significant adverse effects associated with the landscape designation relate to the aesthetic and perceptual qualities of the new Units, stacks and associated structures against the existing Drax Power Station Complex which is a dominant feature in the landscape with a strong, almost “iconic” presence. Chapter 10 of the ES, Landscape and Visual Amenity (Examination Library Reference APP-078) paragraph 10.9.4 states that *“the linear nature of the local designations effects would be localised and diminished with distance”*. No off-site mitigation measures are proposed and it is considered that any additional mitigation would not in any meaningful way reduce the localised effects on the designation due the height and relative position of the Proposed Scheme to the Existing Drax Power Station Complex, and the flat open landscape within which the Proposed Scheme is located. For further details refer to the Applicant's position statement on Landscape and Visual Amenity Effects – Appropriateness of Proposed Mitigation submitted for Deadline 2 on 8 November 2018 (Examination Library Reference REP2-033).
- 2.8.42 As state above, whilst the Authorities refer to the "strong iconic presence" of the Existing Drax Power Station Complex, the power station is not listed, and has no national, regional or local designation. There is no policy that would prevent Drax from demolishing the power station. Accordingly, the conclusions of the ES assessment must be seen in the context that it is, in the longevity of heritage and landscape, a temporary structure. Indeed, an objective of the Proposed Scheme is to keep and re-use the "iconic" power station.
- 2.8.43 The Applicant acknowledges LIR paragraph 7.53 and confirms ongoing liaison with the local authorities *“to fully understand the impact of the proposed scheme upon landscape and visual amenity and where other mitigation could have a very significant benefit”*.

Key Local Issues: Mitigation to Reduce Adverse Effects

- 2.8.44 The Applicant notes paragraphs 7.54 to 7.60. The Applicant agrees that the original planting mitigation was designed and implemented in a different context, more than 50 years ago and alone, is insufficient to mitigate the Proposed Scheme (paragraph 7.55). As such Compensation Areas and Additional Areas of mitigation were identified through an optioneering process detailed in Section 2 of the Outline Landscape and Biodiversity Strategy (Examination Library Reference REP2-026). In response to paragraph 7.58 and NYCC and SDC concerns that sufficient mitigation has not currently been identified to adequately reduce or offset the significant landscape and visual effects, the Applicant considers that mitigation is as much as can be reasonably and practically provided based on the constraints outlined, as evidenced by the position statement on Landscape and Visual Amenity Effects – Appropriateness of Proposed Mitigation submitted for Deadline 2 on 8 November 2018 (Examination Library Document Reference REP2-033). This position paper states that the provision of further mitigation would be disproportional and unfeasible.

- 2.8.45 In paragraph 7.61, the Authorities refer to the meeting with the Applicant on 12 July 2018, in which Drax Power Ltd and WSP described a review of land and mitigation. The Authorities report that very few opportunities were identified in that meeting. The Authorities further note that it was suggested that the Applicant should actively review all operational and non-operational land within their control in order to identify opportunities to mitigate the identified visual impacts. This review was undertaken by the Applicant and is detailed in Section 2 of the Outline Landscape and Biodiversity Strategy (Examination Library Reference REP2-026).
- 2.8.46 In response to LIR paragraph 7.62 and as referred to earlier in this Response, the Applicant is open to agreeing with the Authorities a partnering arrangement which would enable the Authorities and their partners to carry out necessary landscape improvements. Whilst this would not directly mitigate the Proposed Scheme, the Applicant recognises the health and well-being benefits this would create given SDC is hosting the Proposed Scheme.
- 2.8.47 NYCC and SDC consider (in paragraph 7.63) that sufficient mitigation has not currently been identified to adequately reduce or offset the significant landscape and visual effects. In response to this, please see the Applicant's position statement on Landscape and Visual Amenity Effects – Appropriateness of Proposed Mitigation submitted for Deadline 2 on 8 November 2018 (Examination Library Reference REP2-033).

Adequacy of Application / DCO

- 2.8.48 Within respect to paragraphs 7.65 – 7.72, the Applicant agreed with NYCC and SDC on 12 June 2018 that the outline Landscape and Biodiversity Strategy (Examination Library Reference REP2-026) would be an “overarching” document and that further detail would follow in the detailed Landscape and Biodiversity Strategy(ies) (LPA meeting notes from 12 June 2018). A revised structure was circulated to the Authorities on 29 June 2018, and as recorded in LPA Minutes from 12 July 2018, both NYCC Principal Landscape Architect and Principal Ecologist confirmed that they were happy with the revised structure of the Strategy.
- 2.8.49 The revised Outline Landscape and Biodiversity Strategy submitted at Deadline 2 (Examination Library Reference REP2-026) states the following in paragraph 1.2.14 to 1.2.16:

Paragraph 1.2.14: *“Following the making of the DCO for the Proposed Scheme and prior to commencement of any part of the numbered works in Stage 1 (being numbered works 1, 3A, 4A, 5, 6, 7, 8A, 9 (only in so far as is applicable to numbered work 1), 11 (only in so far as is applicable to numbered work 1), 12A, 13 and 14) and the numbered works in Stage 2 (being numbered works 2, 3B, 4B, 8B, 9 (only in so far as is applicable to numbered work 2), 11 (only in so far as is applicable to numbered work 2) and 12B), a detailed Landscape and Biodiversity Strategy(ies) which includes an overarching management, maintenance and monitoring plan and detailed mitigation plans, and which is to be prepared substantially in accordance with this Outline Landscape and Biodiversity Strategy, would be submitted for approval in respect of that numbered work.”*

Paragraph 1.2.15: *Depending on the build programme, a detailed Strategy could be submitted in respect of part of a numbered work, in respect of a numbered work or in respect of more than one numbered work.*

Paragraph 1.2.16: *The detailed Strategy(ies) applicable to the work number in question, would provide specific information on proposed hard and soft landscaping works and ecological measures for each Compensation Area and Additional Area. It would also include mitigation measures for locations where the exact detailed site design has yet to be determined and for which internal design objectives have been agreed.*”

- 2.8.50 Based on the above, further information will be provided within the detailed Landscape and Biodiversity Strategy(ies) to be approved by SDC in accordance with the requirements to the DCO. This would be carried out as part of the detailed design stage for the Proposed Scheme and prior to commencement of development, so that detail is available of the exact development footprint and layouts of temporary facilities and work areas. Such detail would consider the points made in paragraphs 7.66 to 7.69 covering:
- Screening temporary facilities and work areas;
 - Protection of existing vegetation; and
 - Proposals for topsoil stripping, handling, storage and reinstatement.
- 2.8.51 Reference should also be made to the Soil Management Plan, appended to the Outline Construction Management Plan, (Examination Library Reference REP2-025).
- 2.8.52 The exact position of temporary facilities, protection of existing vegetation and proposals for top soiling cannot be determined at this time. This is because detailed design of these measures is dependent on the exact footprint of the Proposed Scheme and Gas Pipeline. The assessment in the ES was not dependent on the refinement of these options and was based on a worst case scenario (Examination Library Reference APP-078).
- 2.8.53 The above information would also be detailed in the Construction and Environmental Management Plan (CEMP) which would be submitted for the approval of relevant local planning authorities in accordance with the Outline CEMP submitted at Deadline 2 (Examination Library Reference REP2-025) and which states in paragraph 1.1.2 that “[t]he commitments register confirms that a CEMP (Construction Environmental Management Plan) will be prepared and implemented during construction of the Proposed Scheme, which will set out how construction will be managed in order to deliver the environmental mitigation measures and how environmental issues that arise will be handled to ensure compliance with relevant legislation and with environmental policies. The CEMP will be prepared in substantial accordance with this document, the outline CEMP, which is submitted in support of the DCO Application.”
- 2.8.54 As the proposals set out in paragraphs 7.65 to 7.69 are secured within the Outline Landscape and Biodiversity Strategy and Outline CEMP (both of which will be certified documents), such proposals are adequately secured by the requirements to the draft DCO requiring the approval and implementation of those strategies. It is therefore duplication, and not appropriate, to include additional specific requirements.

- 2.8.55 With respect to paragraph 7.70, the Applicant has previously agreed the 25 year time scale with the Councils and considers that such time frame is appropriate. Timescales for ongoing management and maintenance were discussed at the LPA meeting on 12 June 2018. The minutes from this meeting refer to a 25 year timescale and this is evidenced by comments from NYCC's Principal Ecologist who stated *"a target should be set for 25 years reflecting a commitment by Drax to mitigate the identified effects. The Strategy should recognise that over a 25 year period the overall aim of what may be achieved could change. It should also refer to regular checks by relevant people to determine whether the aims / objectives identified are being achieved, and if not actions to remedy any issues where they arise."* The point is further iterated by NYCC Principal Ecologist who adds that *"a table detailing key impacts, aims / objectives, proposals and targets/ indicators as well as the duration of monitoring, interventions and responsibilities would give LPAs the certainty of knowing that Drax is committed to achieving the objectives over the next 25 years"*. The Applicant considers that a 25 year timescale for the maintenance is appropriate in terms of extent and nature of impacts and in line with consultation with the local planning authority. The timescale allows for trees to mature and a post establishment maintenance period.
- 2.8.56 In terms of permanent lighting (paragraph 7.71), as noted by the Authorities, requirement 9 to the draft DCO (Examination Library Reference REP2-014) secures the submission and approval of written schemes for the temporary external lighting to be installed during construction and the permanent external lighting to be installed for the purposes of operation, prior to commencement of development. The requirement requires that the lighting schemes must be in substantial accordance with the principles set out in Chapter 9 of the ES, Biodiversity, and Chapter 10 of the ES, Landscape and Visual Amenity. Chapter 10 of the ES, Landscape and Visual Amenity paragraphs 10.4.19 to 10.4.21 (Examination Library Reference APP-078) to the need to minimise light spill outside of the Site boundary and avoid unnecessary sky glow. Requirement 9 also secures the implementation of the approved schemes.

2.9 Biodiversity

- 2.9.1 The LIR sets out relevant policy at paragraphs 7.81 to 7.83. The Applicant welcomes the confirmation from the Authorities in paragraph 7.84 that they consider such policies have been considered in the Application, and that the Application accords with relevant national policy. The Applicant also welcomes the Authorities agreement, at paragraph 7.85, that the relevant SDC Planning Policies have been described in the ES.
- 2.9.2 The LIR in paragraph 7.86 confirms that the ecological surveys and assessments that inform the Application are considered to have been undertaken using appropriate methods, in line with current guidance and best practice. It also states that *'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'*.

- 2.9.3 In response, the Applicant notes that all outstanding species survey reports have now been submitted. The Reptile Survey report (Examination Library Reference REP1-011) and Breeding Bird Survey report (Examination Library Reference REP1-010) were submitted for Deadline 1. The Bat Activity Survey Report (Examination Library Reference REP2-031) was submitted for Deadline 2. This is further documented in the Applicant's Response to First Written Questions (Examination Library Reference REP2-035) submitted for Deadline 2. NYCC confirmed on 19 November 2018 that the text referenced above in paragraph 7.86 is erroneous. NYCC confirmed receipt and have agreed the content of all species reports, and this is reflected in the Authorities' response to written question BHR 1.3 (where it states "All Surveys have now been received") and is documented in Appendix BHR_A to this document.
- 2.9.4 The Applicant further notes that the LIR states at paragraph 7.94 that '*The final bat activity survey reports are still to be received...*'. As noted above, the Applicant has provided this report, and the Applicant received confirmation from the NYCC Principal Ecologist on the 23rd October 2018 (see Appendix BHR-A to the Applicant's response to First Written Questions (Examination Library Reference REP2-035) and the Authorities' response to written question BHR 1.3) that the Bat Activity Survey Report had been received and the findings of the report were agreed. The Applicant therefore considers that references to outstanding survey reports in the LIR are erroneous and has confirmed this through discussions with NYCC.
- 2.9.5 The Applicant notes the ES findings set out at paragraphs 7.87 to 7.89, 7.91 to 7.93, and 7.95.
- 2.9.6 The Applicant notes paragraph 7.90 of the LIR, which states in relation to air quality impacts on ecological designated sites that '*...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*'.
- 2.9.7 In relation to this comment, the Applicant would like to highlight that Natural England has agreed (see SoCG, Examination Library Reference REP1-004) with the conclusions of the Applicant's Habitats Regulations Assessment report (Examination Library Reference APP-134, a revised version of which is submitted at Deadline 3); specifically that the Proposed Scheme would not lead to any adverse effects on the integrity of European Sites, either alone or in combination with other plans or projects. The Applicant has also assessed the potential air quality impacts on nationally and locally designated ecological sites, with the predicted impacts not expected to lead to significant effects on these.
- 2.9.8 The Applicant notes reference in LIR paragraph 7.96 to the further work required to assess the potential impacts upon water voles should a trenchless crossing not be possible for Gas Pipeline construction. The Applicant would like to note that mitigation for water voles in the absence of trenchless crossings has been documented in Chapter 9 – Biodiversity of the Environmental Statement (Examination Library Reference APP-077, see paragraphs 9.3.28 and 9.3.30 - 9.3.31). This sets out the likely requirement for a water vole displacement licence and associated mitigation measures should trenchless crossings not be possible.

- 2.9.9 This is further captured in the Applicant's response to Written Question BHR 1.2 within paragraphs 4.1.11 and 4.1.12 of the Applicant's Response to First Written Questions (Examination Library Reference REP2-035). The response discusses mitigation and the avoidance of impact on water vole should trenchless crossings not be possible where water vole are present. Additionally, in response to Written Question BHR 1.1, the Applicant has included a table (Figure 4-1) that details the crossings anticipated as part of the Gas Pipeline construction. Water vole burrows and droppings have been recorded within a ditch alongside Main Road. The Applicant has indicated in Figure 4-1 that this crossing is anticipated to be trenchless. Only if pre-construction surveys indicated a trenchless crossing should or could not be used, would an open-cut crossing be considered. The Applicant further notes Natural England's response to written question BHR 1.2 (Examination Library Reference REP2-045), in which it confirms that it is *"satisfied that in the event that trenchless techniques could not be used, appropriate mitigation measures could be put in place to mitigate any impacts on otter or water vole, as detailed in Sections 9.8.23, 9.8.30 and 9.8.31 of the Environmental Statement"*.
- 2.9.10 The Applicant notes the ES findings set out in paragraphs 7.97 to 7.100.
- 2.9.11 The Applicant notes reference in LIR paragraph 7.101 to comments on the structure of the Outline Landscape and Biodiversity Strategy. The Applicant agreed with NYCC and SDC on 12 June 2018 that the outline Landscape and Biodiversity Strategy would be an "overarching" document and that further detail would follow in the detailed Landscape and Biodiversity Strategy(ies) (LPA meeting notes from 12 June 2018). A revised structure was circulated to the LPAs on 29 June 2018 and as recorded in LPA Minutes from 12 July 2018 both NYCC Principal Landscape Architect and Principal Ecologist confirmed that they were happy with the revised structure of the strategy. The Applicant does not intend to make further changes to the document.
- 2.9.12 The Applicant notes the summary provided in LIR paragraph 7.104 that *"whilst some mitigation, compensation and enhancement measures for impacts have been detailed within the Environmental Statement and the Outline Landscape and Biodiversity Strategy, net gain has still to be demonstrated and there is a need to update proposals to secure full mitigation, compensation and enhancement measures"*. With respect to paragraph 7.103 the Applicant would like to note that an updated Biodiversity Net Gain Assessment has been submitted for Deadline 2 (Examination Library Reference REP2-023) which has addressed each of the bullet points listed in LIR paragraph 7.102. This iteration sets out a realistic assessment of the biodiversity units that would be delivered and also updates information on the baseline condition of the habitats present.
- 2.9.13 In relation to LIR paragraphs 7.102 and 7.104 the updated Biodiversity Net Gain assessment demonstrates a net gain for biodiversity, equivalent to ~5% for Area-based Biodiversity Units and ~6% for Linear Units. This assessment has been based on the most recent iteration of the Outline Landscape and Biodiversity Strategy (Examination Library Reference REP2-026) which was revised and resubmitted for Deadline 2.

- 2.9.14 The Applicant notes that the NYCC and SDC agree that draft DCO requirements 8 (now requirement 7), 10 (now requirement 9) and 18 are *“substantially adequate in that they secure the necessary plans required to mitigate against the effects of the development”*. With respect to the comment that amendments may be needed to ensure consultation with NYCC, requirement 7 (Provision of landscape and biodiversity mitigation) of the draft DCO (Examination Library Reference REP2-014) provides for consultation with NYCC prior to approval by SDC. With respect to requirement 9 (External lighting during construction and operation), this requirement does not currently provide for consultation with NYCC. The Applicant currently awaits substantive comments on the draft DCO from the Councils, and is open to considering a request to amend the drafting of this requirement to allow for NYCC consultation. Requirement 18 relates to the Construction Worker Travel Plan and NYCC as the highway authority would be consulted on that plan in accordance with the requirement.

2.10 Cultural Heritage

- 2.10.1 The Applicant welcomes the confirmation of the Authorities that the assessment has demonstrated there will be no major impacts on heritage assets of high significance, and that impacts on heritage assets of archaeological interest have either been avoided or appropriate mitigation has been proposed which is proportionate to the significance of the assets. The Applicant has no further comments to make on this section of the LIR.

2.11 Highways and Transportation

- 2.11.1 The Applicant welcomes the confirmation from the Authorities in paragraph 9.1 that the development is not considered to be severe in terms of traffic generation, and that the Proposed Scheme accords with the NYCC Local Transport Plan on the basis that the Proposed Scheme will contribute to economic growth and improve road safety.
- 2.11.2 The Applicant notes the points set out in paragraph 9.2 to 9.4.
- 2.11.3 The Applicant welcomes the confirmation that NYCC, as the Local Highway Authority, is satisfied that the A645 south of the Site can be used for the purpose of construction traffic and agrees that access to the Site from the M62 will avoid any direct routing through the villages listed in paragraph 9.5.
- 2.11.4 Whilst the Applicant notes that NYCC states in paragraph 9.6 that it has *“yet to agree the final content of these two documents [the Construction Traffic Management Plan (CTMP) and Construction Workers Travel Plan (CWTP)]”*, this appears to contradict paragraph 9.10 which states that the *“CTMP and CWTP framework documents required by the draft DCO are agreed in principle.”*
- 2.11.5 The Applicant notes the NYCC's comment in paragraph 9.7 that it 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”*. The outline Construction Traffic Management Plan has identified both Read School and Drax Community Primary School as two schools that need to be considered during the construction phase of the Project, and the Applicant will consult with both schools during construction as stated in the outline CTMP.

- 2.11.6 The Applicant welcomes confirmation from NYCC in paragraph 9.7 that with proposed controls in place, it is satisfied that the Proposed Scheme can proceed, and that measures in the DCO will control and manage the closures and temporary diversions.
- 2.11.7 The Applicant welcomes the confirmation in paragraph 9.9 from NYCC as the relevant Local Highway Authority that it 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”* and that the draft DCO will secure the Construction Traffic Management Plan (CTMP) and Construction Workers Travel Plan (CWTP), and the control of work on the minor road network, as stated in LIR paragraphs 9.8 to 9.11. NYCC's agreement in principle to the framework of the CTMP and CWTP, and agreement to the highway improvement works identified in the draft DCO, is welcomed.

2.12 Noise and Vibration

- 2.12.1 The Applicant confirms that an agreement has been reached on the impacts from noise and vibration, how those impacts will be mitigated, and that such mitigation is secured through the draft DCO.

2.13 Socio-Economics

- 2.13.1 The confirmation in paragraph 11.2 that the Authorities consider the Proposed Scheme accords with policy SP13 and creates sustainable employment opportunities and may contribute to the wider economic growth of the area is welcomed. The Applicant has no further comments to make on this section of the LIR.

2.14 Mineral and Waste Planning

- 2.14.1 LIR paragraph 12.2 states that saved policy 5/1 of the North Yorkshire Waste Local Plan (2006) is referred to in Environmental Statement Chapter 2 Planning Policy (Examination Library Reference APP-070) but not referred to in Environmental Statement Appendix 10.1 Local Policies (Examination Library Reference APP-117). In response, the Applicant would like to note that Environmental Statement Appendix 10.1 relates to Chapter 10 Landscape and Visual Amenity. Whilst policy 5/1 has been considered in relation to waste in Environmental Statement Chapter 2 Planning Policy, it is considered that saved policy 5/1 on waste minimisation is not relevant to Landscape and Visual Amenity and hence has not been included in Environmental Statement Appendix 10.1.
- 2.14.2 The Applicant notes reference in LIR paragraph 12.5 that *“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”*. The Applicant will consider the use of excavated material during the detailed design stage and will include this as a principle to maximise the use of excavated material on site.

2.15 Hydrology and Flood Risk

- 2.15.1 The Applicant has no comments to make on this section of the LIR and note NYCC's no objection to the Proposed Scheme in its capacity as Lead Local Flood Authority. The Applicant confirms it is separately consulting with Selby Area IDB.

2.16 Public Rights of Way

- 2.16.1 In response to paragraph 14.3, the Applicant has noted the error on the Access and Rights of Way Plans and intends to submit a revised version into the Examination at a later date.
- 2.16.2 With respect to paragraph 14.6, the Applicant has submitted an Outline Public Rights of Way Management Plan which includes details on notice periods, advertisements and re-instatement at Deadline 2 (Examination Library Reference REP2-032).
- 2.16.3 The Applicant welcomes the confirmation that NYCC as the relevant Local Highway Authority are satisfied that draft DCO (Examination Library Reference REP2-014) Requirement 9 (now requirement 8) adequately secures the provision of a Public Rights of Way Management Plan. The Applicant also notes that NYCC may seek to alter the wording of the requirement to reflect the necessary requirements of the management plan.

2.17 Work No '0'

- 2.17.1 The Applicant has no comments to make on this section of the LIR with respect to "Stage 0" (also known as the Site Reconfiguration Works).

2.18 Adequacy of the DCO

- 2.18.1 The Applicant welcomes the Authorities' agreement to Schedule 11 of the draft DCO. It is noted that this agreement relates to the draft DCO submitted with the Application (Examination Library Reference AS-012), a revised version of which was submitted for Deadline 2 (Examination Library Reference REP2-014). Whilst amendments were made to Schedule 11 at Deadline 2, the Applicant does not consider that these would affect the procedures set out in Schedule 11 for how requirements are to be discharged. The Applicant has no further comments to make on this section of the LIR, and looks forward to receiving any further comments from the Authorities on the draft DCO.

2.19 Summary

- 2.19.1 The Applicant welcomes the confirmation from the Authorities at paragraph 17.2 that they consider the DCO in combination with agreed and recommended ancillary plans and strategies will ensure that the Proposed Scheme is acceptable in planning terms and therefore accords with relevant national and local policy.

- 2.19.2 The Applicant particularly welcomes the Authorities statement that *"[s]ecuring 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."*
- 2.19.3 The Applicant has no further comments to make on this section of the LIR and notes NYCC's and SDC's support for the Proposed Scheme subject to resolving outstanding issues relating to the Landscape and Visual Impacts of the Proposed Scheme.