

The Drax Power (Generating Stations) Order

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

**Note to Confirm Compliance with the Revised National Planning
Policy Framework (2018 and 2019)**

(Submitted for Deadline 9)



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

Drax Power Limited

Drax Repower Project

Applicant: DRAX POWER LIMITED
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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”) submitted 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 chapter 3 of the Environmental Statement (Examination Library Reference REP6-003).
- 1.1.2 The Application was accepted for Examination on 26 June 2018.
- 1.1.3 Since the Application was submitted, the National Planning Policy Framework has been updated and this document considers the effect of those changes on the Applicant’s Application and Examination documents and concludes that where those documents cite the NPPF, carry out an assessment in accordance with the NPPF, or carry out an assessment against the policies in the NPPF, the statements or findings in those documents remain valid.

2 NATIONAL PLANNING POLICY FRAMEWORK

2.1 Introduction

2.1.1 Since submission of the DCO Application in May 2018, the National Planning Policy Framework (“NPPF”) 2012 has been revised and updated versions were published by the Ministry of Housing, Communities and Local Government (“MHCLG”) in July 2018 and February 2019. As with the previous version, the revised NPPF sets out the Government’s planning policies and how these should be applied; it is a material consideration in planning decisions.

2.2 NPPF 2018

2.2.1 The NPPF 2018 made a number of substantive policy changes in areas such as design and biodiversity net gain versus the 2012 document, as well as some amendments to the structure of the document.

2.2.2 With regard to the DCO Application made by Drax, the Planning Statement submitted with the Application (Examination Library Reference APP-062) is the main document that contains the assessment of the Proposed Scheme against national and local policy, including the NPPF. The Planning Statement acknowledged the (at the time) emerging revised NPPF and concluded that the Proposed Scheme accords with the draft revised NPPF. Where Application documents, such as the Biodiversity Net Gain Assessment (Examination Library Reference APP-116), were amended and re-submitted during the Examination stage, reference was made to the revised NPPF where relevant. However, for completeness, this document sets out the relevant sections of all Application and Examination documents citing the NPPF, and considers how the revised NPPF affects them, and provides confirmation that the findings in those documents remain valid.

2.3 NPPF 2019

2.3.1 There were fewer substantive policy changes made between the NPPF (2018) and NPPF (2019), although policy guidance relating to the sustainable development and Appropriate Assessment was altered. The updated paragraph reads:

177. *The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.*

- 2.3.2 This amendment followed the “People Over Wind” decision by the Court of Justice of the European Union (case reference C-323/17) of April 2018.
- 2.3.3 The NPPF 2019 also clarifies national planning policy on housing land supply, and the definition of what constitutes a “deliverable” site.
- 2.3.4 Whilst the 2019 amendments are less substantial than the 2018 amendments, and largely do not affect the DCO Application, the 2019 NPPF is referenced in this document where relevant.

2.4 Effect of the Revised NPPF on DCO Application Documents

- 2.4.1 The Planning Statement and the methodologies contained within the Environmental Statement have been assessed against the revised NPPF and that exercise has confirmed the conclusions in the Planning Statement with respect to compliance of the Proposed Scheme with NPPF policies, and the methodologies set out in the ES; no further assessment is required to be undertaken as a result of any changes.
- 2.4.2 This is because the revised NPPF does not significantly change the content or conclusions of the Application documents, specifically the Planning Statement (APP-062) and the Environmental Statement (APP-069 - APP-131, and including revisions to those documents from time to time during the Examination). It is therefore not proposed to issue a suite of revised Application or Examination documents into the Examination. Instead this document highlights the Application or Examination documents with the potential to be affected by the revised NPPF, and sets out the effect of the change.

2.5 Application Documents Containing References to the NPPF

- 2.5.1 The NPPF is quoted extensively throughout DCO Application documents submitted by the Applicant, most notably in the Planning Statement and in the Environmental Statement and its appendices. A full list of the documents that refer to the NPPF is set out below in Table 2-1.

Table 2-1 – Submission documents that refer to the NPPF

Document	Applicant's Document Reference	Examination Library Reference	Relevant Table
Statement of Reasons	4.1	REP3-010	2-2
Planning Statement	5.2	APP-062	2-3
Planning Statement Appendix 2	5.2	APP-062	2-4
Environmental Statement Chapter 2 Planning Policy	6.1.2	APP-070	2-5
Environmental Statement Chapter 5 Transport	6.1.5	APP-073	2-6
Environmental Statement Chapter 6 Air Quality	6.1.6	APP-074	2-7

Document	Applicant's Document Reference	Examination Library Reference	Relevant Table
Environmental Statement Chapter 7 Noise and Vibration	6.1.7	APP-075	2-8
Environmental Statement Chapter 9 Biodiversity	6.1.9	APP-077	2-9
Environmental Statement Chapter 10 Landscape and Visual Amenity	6.1.10	APP-078	2-10
Environmental Statement Chapter 11 Ground Conditions	6.1.11	APP-079	2-11
Environmental Statement Chapter 12 Water Resources, Quality and Hydrology	6.1.12	APP-080	2-12
Environmental Statement Chapter 13 Waste	6.1.13	APP-081	2-13
Environmental Statement Chapter 14 Socio-Economic	6.1.14	APP-082	2-14
Environmental Statement Appendix 6.1 Air Quality Policy and Legislation	6.2.6.1	APP-098	2-15
Environmental Statement Appendix 8.1 Historic Environment Desk-Based Assessment	6.2.8.1	APP-104	2-16
Environmental Statement Appendix 8.3 Archaeological Evaluation Report	6.2.8.3	APP-106	2-17
Environmental Statement Appendix 9.3 Preliminary Ecological Appraisal	6.2.9.3	APP-109	2-18
Environmental Statement Appendix 9.7 Wintering Bird Survey	6.2.9.7	APP-113	2-19
Environmental Statement Appendix 9.8 Great Crested Newt Survey	6.2.9.8	APP-114	2-20
Environmental Statement Appendix 9.9 Otter and Water Vole Survey	6.2.9.9	APP-115	2-21
Environmental Statement Appendix 9.10 Biodiversity Net Gain Assessment	6.2.9.10	REP6-004	2-22

Document	Applicant's Document Reference	Examination Library Reference	Relevant Table
Environmental Statement Appendix 15.1 Climate Risk and Vulnerability Assessment	6.2.15.1	APP-123	2-23
Outline Construction Environmental Management Plan	6.5	REP6-005	2-24
Outline Landscape and Biodiversity Strategy	6.7	REP7-007	2-25
Flood Risk Assessment	6.8	REP2-027	2-26
Breeding Bird Survey	8.4.2	REP1-010	2-27
Reptile Survey	8.4.3	REP1-011	2-28
Bat Activity Survey	8.4.4	REP2-31	2-29

2.5.2 Set out below in Tables 2-2 to 2-29 are references made to the NPPF in the DCO Application documents alongside additional commentary, where applicable, to reflect the revised NPPF.

Table 2-2 – Commentary relating to the revised NPPF in relation to the Statement of Reasons (Examination Library Reference REP3-010)

Paragraph Reference	Current Text in the Statement of Reasons	Commentary
7.1.18	<p>The National Planning Policy Framework ('NPPF') was adopted in March 2012 (Department for Communities and Local Government (DCLG), 2012) and replaced the majority of Planning Policy Statements and Planning Policy Guidance Notes. The policies contained within the NPPF are expanded upon and supported by the 'Planning Practice Guidance', which was published in March 2014.</p>	<p>The text in the revised NPPF has not substantively changed.</p>
7.1.19	<p>The NPPF sets out the Government's planning policies for England and how these are to be applied. It is a material consideration in planning decisions. Paragraph 3 of the NPPF makes it clear that the document does not contain specific policies for NSIPs and that applications in relation to NSIPs are to be determined in accordance with the decision making framework set out in the PA 2008 and relevant NPSs, as well as any other matters that are considered both important and relevant. However, paragraph 3 goes on to confirm that the NPPF may be considered to be a matter that is both important and relevant for the purposes of assessing DCO applications. The EIA undertaken for the Proposed Scheme, therefore, has had regard to the relevant policies of the NPPF as part of the overall framework of national policy.</p>	<p>The text in the revised NPPF has not substantively changed.</p>
7.1.20	<p>Paragraph 6 of the NPPF is clear that the purpose of the planning system is to contribute to the achievement of sustainable development and that the policies that are set out in the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice. Paragraph 7 goes on to identify three dimensions to sustainable development: economic, social and environmental. It states that</p>	<p>The text in the revised NPPF has not substantively changed. Paragraph numbers have changed.</p>

Paragraph Reference	Current Text in the Statement of Reasons	Commentary
	<p>these dimensions give rise to the need for the planning system to perform a number of key roles as follows:</p> <ul style="list-style-type: none"> ○ An economic role - contributing to a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development, including the provision of infrastructure; ○ A social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generation and by creating a high quality built environment, with accessible local services that reflect communities needs and support their health, social and cultural well-being; and ○ An environmental role - contributing to protecting and enhancing our natural, built and historic environment, and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change, including moving to a low carbon economy. 	
7.1.21	<p>Paragraph 8 emphasises that these roles should not be undertaken in isolation, because they are mutually dependent. For example, economic growth can secure higher social and environmental standards, while well designed buildings and places can improve the lives of people and communities.</p>	<p>The previous text in the NPPF has been deleted and (now paragraph 9) reads as follows: <i>“These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local</i></p>

Paragraph Reference	Current Text in the Statement of Reasons	Commentary
		<i>circumstances into account, to reflect the character, needs and opportunities of each area.”</i>
7.1.22	Central to the NPPF is 'a presumption in favour of sustainable development'. This is highlighted at Paragraph 14. For decision-making, this means approving applications that accord with the development plan without delay.	The substantive text is the same. Paragraph numbers have changed.
7.1.23	<p>Paragraph 17 sets out a number of core land-use planning principles that should underpin decision making. Those of particular relevance to the Proposed Scheme include to:</p> <ul style="list-style-type: none"> ○ Proactively drive and support sustainable economic development to deliver the infrastructure that the country needs; ○ Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; ○ Support the transition to a low carbon future in a changing climate, taking full account of flood risk and encouraging the reuse of existing resources and the use of renewable energy sources (for example, by the development of renewable energy); ○ Contribute to conserving and enhancing the natural environment and reducing pollution; ○ Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value; and ○ Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. 	The revised NPPF (2019) is structured differently to the NPPF 2012 and the 12 core land use planning principles are not set out separately but are incorporated into the body of the revised NPPF within separate sections on plan-making and decision making, each containing strategic policies.

Paragraph Reference	Current Text in the Statement of Reasons	Commentary
7.1.24	NPPF policies of particular relevance include promoting sustainable transport; requiring good design; promoting healthy communities; conserving and enhancing the natural and historic environment; and meeting the challenge of climate change and mitigating its effects.	This text is still relevant.
7.1.25	At the time of writing this Statement, the Government is analysing the consultation feedback on draft revised text of the NPPF. It is anticipated that the revised NPPF will be adopted in the Summer of 2019. Where relevant, the Proposed Scheme has also been assessed against the revisions to the NPPF.	It is considered that the Proposed Scheme is in accordance with both the 2018 and 2019 versions of the NPPF.

Table 2-3 – Commentary relating to the revised NPPF in relation to the Planning Statement (Examination Library Reference APP-062)

Paragraph Reference	Current Text in the Planning Statement	Commentary
8.	An assessment of the Proposed Scheme’s compliance with other matters that may be considered important and relevant by the SoS for the purposes of decision-making (section 104(2)(d) of the PA 2008), including the National Planning Policy Framework (NPPF) 2012 (Ref. 1.6), the revised draft NPPF (2018) (Ref. 1.7), and local planning policy, is also provided at section 6, with the detailed assessment set out in Table 2-1 at Appendix 2.	Revised NPPF now adopted. Otherwise no comment.
9.	The policy assessment at sections 5 and 6 shows that the Applicant has fully taken into account the relevant policy considerations and guidance contained within the NPSs, the NPPF, the revised draft NPPF and local planning policy.	Revised NPPF now adopted. Otherwise no comment.

Paragraph Reference	Current Text in the Planning Statement	Commentary
1.1.8 (7 th bullet)	Section 6 contains the assessment of the Proposed Scheme against the relevant secondary policy framework, including the National Planning Policy Framework (NPPF) (Ref. 1.6), the revised draft NPPF (Ref. 1.7), the local development plan and emerging national and local policy, and other relevant policy and strategy documents. This section should be read in conjunction with the detailed policy appraisal in Table 2-1 at Appendix 2.	Revised NPPF now adopted. Otherwise no comment.
4.1.7	Matters of importance and relevance might include relevant policies in the National Planning Policy Framework (NPPF), relevant Marine Plans, and relevant policies in the local development plan documents as well as emerging national and local planning policy. These are set out below and are considered in section 6 and Appendix 2 of this Planning Statement.	This text is still relevant.
4.2.1	An analysis of the Proposed Scheme against relevant national and local planning policies has been undertaken, including the NPPF, the draft revised NPPF and Planning Practice Guidance (PPG) (Ref. 4.2). EN-1 states that consideration may be given to planning policy outside the NPSs where it is important and relevant to the SoS's decision. Paragraph 4.1.5 of EN-1 confirms that these may include development plan documents or other documents in the local development framework.	Revised NPPF now adopted. Otherwise no comment.
4.2.2	The NPPF was adopted in March 2012, replacing the majority of Planning Policy Statements and Planning Policy Guidance Notes. The policies contained within the NPPF are expanded upon and supported by the PPG, which was published in March 2014.	Revised NPPF now adopted. Otherwise no comment.

Paragraph Reference	Current Text in the Planning Statement	Commentary
4.2.3	<p>The NPPF sets out the Government’s planning policies for England and how these are to be applied. It is a material consideration in planning decisions. Paragraph 3 of the NPPF makes it clear that the document does not contain specific policies for NSIPs and that applications in relation to NSIPs are to be determined in accordance with the decision making framework set out in the PA 2008 and relevant NPSs, as well as any other matters that are considered both important and relevant. However, paragraph 3 goes on to confirm that matters that can be considered to be both important and relevant to NSIPs may include the NPPF and the policies within it.</p>	<p>The text in the revised NPPF has not substantively changed. Paragraph numbers have changed.</p>
4.2.5	<p>Consultation on a draft revised NPPF commenced on 5 March 2018 and closed on 10 May 2018. The draft could still be subject to change. The revised NPPF is anticipated to be published in summer 2018. The draft revised NPPF has been considered in section 6 below and in Table 2-1 of Appendix 2, so far as relevant, whilst being aware that it might be subject to some changes.</p>	<p>It is considered that the Proposed Scheme is in accordance with both the 2018 and 2019 versions of the NPPF.</p>
4.2.17	<p>The draft revised NPPF has already been mentioned above, and where relevant, the Proposed Scheme has been assessed against the emerging policies.</p>	<p>Revised NPPF now adopted. Otherwise no comment.</p>
4.4.1	<p>The NPSs form the primary basis for decisions by the SoS on applications for NSIPs. In addition to setting out the strong need for new energy infrastructure, they provide detailed guidance on the matters to take into account when both preparing and assessing applications for NSIPs. They also confirm that the SoS must have regard to any other matters that he / she considers are both important and relevant, which can include the NPPF and local development plan policy. Both the NPS and NPPF are</p>	<p>This text is still relevant.</p>

Paragraph Reference	Current Text in the Planning Statement	Commentary
	clear, however, that in the event of any conflict between a NPS and another document, the NPS prevails.	
6.2.1	The relevant NPSs provide the primary decision-making framework for the SoS, under section 104 of the PA 2008. However, the SoS must also have regard to any other matters which the SoS thinks are both important and relevant to their decision and, therefore, policies set out in the NPPF and local development plan documents may also be material considerations. In the event of a conflict between policies of the NPSs and NPPF, the NPS prevails for the purposes of decision making, given the national significance of the infrastructure (EN-1 paragraph 4.1.5).	This text is still relevant.
6.3.1	The NPPF was adopted in March 2012 by the former Department for Communities and Local Government (DCLG) and replaced the majority of Planning Policy Statements and Planning Policy Guidance Notes. The policies contained within the NPPF are expanded upon and supported by the PPG, which was published in March 2014 (also by the former DCLG).	Revised NPPF now adopted. Otherwise no comment.
6.3.2	In March 2018 the Ministry of Housing, Communities and Local Government (MHCLG) (formerly DCLG) published a draft revised NPPF for consultation. The consultation closed on 10 May 2018 and it is anticipated that the revised NPPF will be published in mid-2018. There are likely to be changes arising out of the consultation, however as the policies in the revised NPPF will take effect as material considerations in decision making from the date of publication, consideration has been given to the draft and comment is made on it below where relevant.	Revised NPPF now adopted. Otherwise no comment.

Paragraph Reference	Current Text in the Planning Statement	Commentary
6.3.3	<p>The NPPF sets out the Government’s planning policies for England and how these are to be applied. It is a material consideration in planning decisions. Paragraph 3 of the NPPF makes it clear that the document does not contain specific policies for NSIPs and that applications in relation to NSIPs are to be determined in accordance with the decision making framework set out in the Act and relevant NPSs, as well as any other matters that are considered both important and relevant. However, paragraph 3 goes on to confirm that the NPPF may be considered to be a matter that is both important and relevant for the purposes of assessing DCO applications. The EIA undertaken for the Proposed Scheme would therefore have regard to the relevant policies of the NPPF as part of the overall framework of national policy.</p>	<p>The text in the revised NPPF has not substantively changed. Paragraph numbers have changed.</p>
6.3.4	<p>Paragraph 6 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The policies that are set out in the NPPF paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice.</p>	<p>The text in the revised NPPF has not substantively changed. Paragraph numbers have changed.</p>
6.3.5	<p>Paragraph 7 outlines the three dimensions to sustainable development, giving rise to the need for the planning system to perform a number of key roles as follows:</p> <ul style="list-style-type: none"> ○ An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development, including the provision of infrastructure; 	<p>The text in the revised NPPF has been updated but not substantively changed. Paragraph numbers have changed.</p>

Paragraph Reference	Current Text in the Planning Statement	Commentary
	<ul style="list-style-type: none"> ○ A social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generation and by creating a high quality built environment, with accessible local services that reflect community's needs and support their health, social and cultural well-being; and ○ An environmental role – contributing to protecting and enhancing our natural, built and historic environment, and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change, including moving to a low carbon economy. 	
6.3.6	<p>Paragraph 8 of the NPPF highlights that the above roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.</p>	<p>Updated reference to what is now paragraph 9 – NPPF is now referring to “objectives” rather than “roles”.</p>
6.3.7	<p>In the revised draft of the NPPF these three dimensions are described as “objectives” which should be delivered through the preparation and implementation of plans and the policies in the NPPF not as criteria against which every decision can or should be judged.</p>	<p>Subject to comments above. This paragraph is no longer relevant.</p>

Paragraph Reference	Current Text in the Planning Statement	Commentary
6.3.14	<p>Paragraph 17 of the NPPF lists the 12 core land use planning principles that should underpin decision making. Those of particular relevance to the Proposed Scheme include:</p> <ul style="list-style-type: none"> ○ The principle to proactively drive and support sustainable economic development to deliver the infrastructure that the country needs; ○ The principle to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; ○ The principle to support the transition to a low carbon future in a changing climate, taking full account of flood risk and encouraging the reuse of existing resources and the use of renewable energy sources; ○ The principle to contribute to conserving and enhancing the natural environment and reducing pollution; ○ The principle to encourage the effective use of land by reusing land that has been previously developed, provided that it is not of high environmental value; and ○ The principle to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. 	<p>The revised NPPF is structured differently to the NPPF 2012 and the 12 core land use planning principles are not set out separately but are incorporated into the body of the revised NPPF within separate sections on plan-making and decision making, each containing strategic policies. The Proposed Scheme is still considered to be in accordance with those policies.</p>
6.3.16	<p>Specific NPPF policies of particular relevance to the Proposed Scheme include promoting sustainable transport; requiring good design; promoting healthy communities; conserving and enhancing the natural and historic environment; and meeting the challenge of climate change and mitigating its effects. Table 2-1 to Appendix 2 assesses the Proposed Scheme against these policies.</p>	<p>This text is still relevant.</p>

Paragraph Reference	Current Text in the Planning Statement	Commentary
6.3.17	<p>The revised draft NPPF is structured differently to the current NPPF and the 12 core land use planning principles are not set out separately but are incorporated into the body of the draft within separate sections on plan-making and decision-making, each containing strategic policies. The revised draft has sections on specific topic areas including delivering a sufficient supply of homes and ensuring the vitality of town centres. The specific topic areas that are relevant to the Proposed Scheme include:</p> <ul style="list-style-type: none"> ○ Building a strong, competitive economy – this includes supporting a prosperous rural economy recommending that planning policies and decisions should enable “the sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed new buildings.” ○ Promoting sustainable transport – this states that in assessing specific applications for development it should be ensured that: (a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; (b) safe and suitable access to the site can be achieved for all users; and (c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Development should only be prevented or refused on highways grounds if the residual cumulative impacts on the road network or road safety would be severe. ○ Meeting the challenge of climate change, flooding and coastal change – this includes supporting the transition to a low carbon future in a changing climate including low carbon energy and associated infrastructure, avoiding inappropriate 	<p>This text is still relevant. Revised NPPF now adopted.</p>

Paragraph Reference	Current Text in the Planning Statement	Commentary
	<p>development in areas at highest risk of flooding and only allowing development where it is appropriately flood resilient and resistant, and incorporates sustainable drainage systems unless there is clear evidence that this would be inappropriate.</p> <ul style="list-style-type: none"> ○ Conserving and enhancing the natural environment – this includes protecting and enhancing valued landscapes, sites of geological value and soils; minimising impacts and providing net gains for biodiversity; preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating contaminated land where appropriate. It states that development should, wherever possible, help to improve local environmental conditions such as air quality. ○ Conserving and enhancing the historic environment – this states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation, irrespective of the degree of potential harm to its significance. Any harm or loss to a designated heritage asset should require clear and convincing justification. 	
6.3.18	Table 2-1 to Appendix 2 sets out the compliance of the Proposed Scheme with draft policies in respect of the above in detail where the policy direction differs from the existing policy direction under the NPPF. Where it is considered to be the same, this is stated.	Revised NPPF now adopted. Otherwise no comment.
6.3.19	In addition to the draft revised NPPF, draft Planning Practice Guidance has also been published. This sets out additional	Revised NPPF and PPG (where applicable) now adopted. Otherwise no comment.

Paragraph Reference	Current Text in the Planning Statement	Commentary
	guidance in terms of viability, housing delivery, local housing need assessment, neighbourhood plans, plan-making and build to rent. It is therefore not considered to be of relevance to the Proposed Scheme.	
6.5.1	This section along with Table 2-1 to Appendix 2, has demonstrated how the Proposed Scheme's satisfies the assessment principles and policies of the NPSs, as well as with the NPPF, draft revised NPPF and relevant local development plan policy.	Revised NPPF now adopted. Otherwise no comment.
7.4.2	This Planning Statement has assessed the Proposed Scheme against the assessment principles, generic impacts and assessment and technology specific considerations of the relevant NPSs and, where relevant, the NPPF, the revised draft NPPF, local development plan policy and other relevant planning policy.	Revised NPPF now adopted. Otherwise no comment.
8.1.5	The Proposed Scheme supports the UK's urgent need for new electricity generating infrastructure, as confirmed by NPS EN-1 whilst complying with the technology specific considerations of NPSs EN-1, EN-2, EN-4 and EN-5, as well as the relevant policies of the NPPF and local development plan.	Revised NPPF now adopted. Otherwise no comment.

Table 2-4 – Commentary relating to the revised NPPF in relation to Appendix 2 to the Planning Statement (Examination Library Reference APP-062)

Current Text in Planning Statement Appendix 2	Amendments		
Appendix 2 of the Planning Statement quotes relevant sections of the NPPF (2012) in full. For ease of reference, the text of the NPPF (2019) and the associated assessment is therefore copied verbatim into this table.			
Policy Text 2012 NPPF	Assessment	Policy Text 2019 NPPF	Commentary
<p>Part 1 Building a strong and competitive economy</p> <p>18. The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.</p> <p>19. The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.</p> <p>20. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.</p> <p>21. Investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing. In drawing up Local Plans, local planning authorities should:</p> <ul style="list-style-type: none"> o Set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth; o Set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period; o Support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances; 	<p>It is considered that the Proposed Scheme would support sustainable economic growth by providing much needed electricity generating capacity, thus providing for security, diversity and resilience of UK energy supplies. This is vital for homes and businesses and to economic growth.</p> <p>As set out in Chapter 14 (Socio-Economics) of the ES (document reference 6.1.14), and in the assessment against the policies in EN-1 section 5.12 above, the Proposed Scheme would generate negligible to minor positive effects associated with employment opportunities during construction. The Proposed Scheme is anticipated to create an average of 200 demolition jobs each year during Stage 0, as well as an additional 100 FTE of indirect jobs, and approximately 1,200 FTE jobs plus 600 indirect FTE jobs each year during the construction phase in Stages 1 and 2, creating both direct and indirect benefits for the local and regional economy.</p> <p>It is noted that the local development plan confirms the suitability of the Power Station Site for further power generation development and thus, the location of the Proposed Scheme is in line with NPPF policies requiring local authorities to identify priority areas for infrastructure provision.</p> <p>The revised draft NPPF also seeks to support a prosperous rural economy, recommending that planning policies and decisions should enable “the sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed new buildings.” Whilst the Proposed Scheme is for industrial development, it would clearly support the local economy.</p> <p>The Proposed Scheme is considered to accord with the NPPF’s and revised draft NPPF’s policies related to building a strong and competitive economy.</p>	<p>Part 6 Building a strong, competitive economy</p> <p>80. Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.</p> <p>81. Planning policies should:</p> <ul style="list-style-type: none"> a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration; b) set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period; c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances. <p>82. Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in</p>	<p>The Proposed Scheme is considered to accord with the NPPF’s and revised draft NPPF’s policies related to building a strong and competitive economy.</p> <p>The Proposed Scheme is still considered to accord with the NPPF’s policies related to building a strong and competitive economy for the reasons provided previously.</p>

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<ul style="list-style-type: none"> o Plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries; o Identify priority areas for economic regeneration, infrastructure provision and environmental enhancement; and o Facilitate flexible working practices such as the integration of residential and commercial uses within the same unit. 		<p>suitably accessible locations. Supporting a prosperous rural economy</p> <p>83. Planning policies and decisions should enable:</p> <ul style="list-style-type: none"> a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; b) the development and diversification of agricultural and other land-based rural businesses; c) sustainable rural tourism and leisure developments which respect the character of the countryside; and d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship. <p>84. Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.</p>	
<p>Part 4 Promoting sustainable transport</p> <p>29. Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.</p>	<p>The Applicant has submitted an Outline Construction Worker Travel Plan (CWTP) (Appendix 5.5 of the ES Volume 2 (document reference 6.2.5.5) and Outline Construction Traffic Management Plan (CTMP) (Appendix 5.2 of the ES Volume 2 (document reference 6.2.5.2) which would be secured by requirements in Schedule 2 to the draft DCO. These plans would promote sustainable transport choices during construction and minimise transport effects.</p>	<p>Part 9 Promoting sustainable transport</p> <p>102. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:</p> <ul style="list-style-type: none"> a) the potential impacts of development on transport networks can be addressed; 	<p>Subject to appropriate mitigation, the Proposed Scheme is considered to be in accordance with the NPPF (2019) with regard to sustainable transport for the reasons provided previously.</p>

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<p>However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.</p> <p>30. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. In preparing Local Plans, local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport.</p> <p>31. Local authorities should work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development, including large scale facilities such as rail freight interchanges, roadside facilities for motorists or transport investment necessary to support strategies for the growth of ports, airports or other major generators of travel demand in their areas. The primary function of roadside facilities for motorists should be to support the safety and welfare of the road user.</p> <p>32. All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:</p> <ul style="list-style-type: none"> o The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; o Safe and suitable access to the site can be achieved for all people; and o Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. [...] <p>34. Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be</p>	<p>The revised draft NPPF states that in assessing specific applications for development it should be ensured that:</p> <p>(a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;</p> <p>(b) safe and suitable access to the site can be achieved for all users; and</p> <p>(c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.</p> <p>Development should only be prevented or refused on highways grounds if the residual cumulative impacts on the road network or road safety would be severe. Use of the River Ouse and the existing Drax Jetty was considered as a sustainable mode of transport.</p> <p>However, the Applicant weighed the environmental harm that would be caused by potentially having to dredge the River and constructing the necessary infrastructure at the Jetty against the impact of utilising the existing road network for the temporary construction period. The impact outweighed the benefit in the Applicant's consideration, and hence the Jetty has been considered, assessed and then dismissed as part of the Applicant's iterative process in designing the Proposed Scheme.</p> <p>As set out in Chapters 5 (Transport) (document reference 6.1.5) of the ES, the Proposed Scheme would result in significant effects associated with increased vehicular delay and worsening junction performance in Stages 1 and Stages 2, however, these effects would be temporary and limited to during construction.</p> <p>Subject to appropriate mitigation, the Proposed Scheme is considered to be in accordance with the NPPF and the revised draft NPPF with regard to sustainable transport.</p>	<p>b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;</p> <p>c) opportunities to promote walking, cycling and public transport use are identified and pursued;</p> <p>d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and</p> <p>e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.</p> <p>103. The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.</p> <p>104. Planning policies should:</p> <p>a) support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities;</p> <p>b) be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned;</p> <p>c) identify and protect, where there is robust evidence, sites and routes which could be critical in</p>	

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<p>minimised and the use of sustainable transport modes can be maximised. However, this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas.</p> <p>35. Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to;</p> <ul style="list-style-type: none"> o Accommodate the efficient delivery of goods and supplies; o Give priority to pedestrian and cycle movements, and have access to high quality public transport facilities; o Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones; o Incorporate facilities for charging plug-in and other ultra-low emission vehicles; and o Consider the needs of people with disabilities by all modes of transport. [...] 		<p>developing infrastructure to widen transport choice and realise opportunities for large scale development;</p> <p>d) provide for high quality walking and cycling networks and supporting facilities such as cycle parking (drawing on Local Cycling and Walking Infrastructure Plans);</p> <p>e) provide for any large scale transport facilities that need to be located in the area42, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy. In doing so they should take into account whether such development is likely to be a nationally significant infrastructure project and any relevant national policy statements; and</p> <p>f) recognise the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time – taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government’s General Aviation Strategy</p> <p>105. If setting local parking standards for residential and non-residential development, policies should take into account:</p> <ul style="list-style-type: none"> a) the accessibility of the development; b) the type, mix and use of development; c) the availability of and opportunities for public transport; d) local car ownership levels; and e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles. <p>106. Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework). In town centres, local authorities should seek to</p>	

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		<p>improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.</p> <p>107. Planning policies and decisions should recognise the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance. Proposals for new or expanded distribution centres should make provision for sufficient lorry parking to cater for their anticipated use. Considering development proposals</p> <p>108. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:</p> <p>a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;</p> <p>b) safe and suitable access to the site can be achieved for all users; and</p> <p>c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.</p> <p>109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.</p> <p>110. Within this context, applications for development should:</p> <p>a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;</p>	

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		<p>b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;</p> <p>c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;</p> <p>d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and</p> <p>e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.</p> <p>111. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.</p>	
<p>Part 7 Requiring good design</p> <p>56. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.</p> <p>57. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. [...]</p> <p>66. Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.</p>	<p>Section 5.6 of this Planning Statement demonstrates that the Applicant has taken an iterative design process, taking account of and appraising the Site's context.</p> <p>As noted above, the location of the Pipeline Area and the design and location of the AGI and stacks have been informed by a detailed LVIA and the feedback obtained during nonstatutory and statutory consultation.</p> <p>A requirement in Schedule 2 to the draft DCO contains provisions to control and approve the detailed design of the Proposed Scheme, to ensure that visual impacts would be minimised where possible. This would, for example, include appropriate colours and textures of infrastructure where possible. The indicative colours as set out in Table 10-6 of Chapter 10 (Landscape and Visual Amenity) of the ES have drawn on Drax Power Station's original colour palette.</p> <p>Where possible, opportunities have been taken to incorporate landscaping and biodiversity enhancement. A requirement in Schedule 2 to the draft DCO secures the submission and approval of a final Landscape and Biodiversity Strategy. A</p>	<p>Part 12 Achieving well-designed place</p> <p>124. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.</p> <p>125. Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood plans can play an important role in identifying the special qualities of each area and</p>	<p>The Proposed Scheme is, on balance, still considered to be in accordance with what is now part 12 of the NPPF (2019) for the reasons provided previously.</p>

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	<p>comprehensive Outline Landscape and Biodiversity Strategy (document reference 6.7) has been submitted with the Application.</p> <p>Whilst the Proposed Scheme would have some impacts on landscape character, local landscape designations and visual amenity, these should be considered acknowledging the existing context and industrial nature of Drax Power Station. The Proposed Scheme is, on balance, considered to be in accordance with part 7 of the NPPF.</p> <p>The draft revised NPPF seeks to protect and enhance valued landscapes, sites of geological value and soils; minimise impacts and provide net gains for biodiversity; prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediate and mitigate contaminated land where appropriate. It states that development should, wherever possible, help to improve local environmental conditions such as air quality.</p> <p>The Proposed Scheme would result some impacts on the environment, including landscape character, however, the primary policy framework provided by the NPPFs acknowledge that energy NSIPs will always result in visual effects, and there is no expectation that they would not do so.</p> <p>The Proposed Scheme would not result in significant effects on sites of geological value and soils, or unacceptable effects on water, ground conditions or noise levels. Where the Proposed Scheme can help improve local environmental conditions, it has done so, such as through the comprehensive measures set out in the Outline Landscape and Biodiversity Strategy (document reference 6.7) which would result in a net gain of area based habitats, clearly in line with the above policy of the revised draft NPPF. In addition, the repowering from coal to gas would represent a reduction in carbon emissions per unit of electricity generated.</p> <p>The Proposed Scheme is therefore considered to be in accordance with the relevant policies of the revised draft NPPF.</p>	<p>explaining how this should be reflected in development.</p> <p>126. To provide maximum clarity about design expectations at an early stage, plans or supplementary planning documents should use visual tools such as design guides and codes. These provide a framework for creating distinctive places, with a consistent and high quality standard of design. However their level of detail and degree of prescription should be tailored to the circumstances in each place, and should allow a suitable degree of variety where this would be justified.</p> <p>127. Planning policies and decisions should ensure that developments:</p> <ul style="list-style-type: none"> a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. <p>128. Design quality should be considered throughout the evolution and assessment of</p>	

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		<p>individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.</p> <p>129. Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. These include workshops to engage the local community, design advice and review arrangements, and assessment frameworks such as Building for Life. These are of most benefit if used as early as possible in the evolution of schemes, and are particularly important for significant projects such as large scale housing and mixed use developments. In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.</p> <p>130. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).</p> <p>131. In determining applications, great weight should be given to outstanding or innovative</p>	

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		<p>designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.</p> <p>132. The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.</p>	
<p>Part 10 Meeting the challenge of climate change, flooding and coastal change</p> <p>93. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.</p> <p>99. Local Plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.</p> <p>100. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local Plans should be supported by Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk</p>	<p>The FRA submitted with the Application (document reference 6.8) concludes that the Proposed Scheme would not increase the risk of flooding off-site, as the drainage and landscape design would follow appropriate guidance to attenuate and control run-off rates from the Site. Section 7 of the FRA explains that Selby District Council (SDC) confirmed that as the Proposed Scheme could not be located somewhere else, the Sequential Test does not need to be carried out. However, the sequential approach should be considered in the design process.</p> <p>As explained further above, the FRA has been prepared in accordance with policy requirements for the Exception Test.</p> <p>It follows that no significant effects are predicted due to the proposed use of best practice measures during construction, operation and decommissioning, and the design of the drainage system for the Proposed Scheme.</p> <p>The majority of the Proposed Scheme would be constructed at the Existing Power Station Complex, therefore appropriate flood emergency procedures are already in place. In addition, the finished floor levels of the proposed structures would be 600 mm above the flood levels that may occur during the 1 in 200 year breach scenario with climate change allowance to ensure that these elements would remain operational during the unlikely breach scenario.</p> <p>The Climate Risk and Vulnerability Assessment (CRVA) contained in Appendix 15.1 of the ES</p>	<p>Part 14 Meeting the challenge of climate change, flooding and coastal change</p> <p>149. Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.</p> <p>150. New development should be planned for in ways that:</p> <p>a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and</p> <p>b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.</p>	<p>The FRA (which has been updated during the Examination, see below for more detail) concludes that the Proposed Scheme would not increase the risk of flooding off-site, as the drainage and landscape design would follow appropriate guidance to attenuate and control run-off rates from the Site.</p> <p>The Proposed Scheme would still be in accordance with the NPPF (2019), which supports the transition to a low carbon future in a changing climate including low carbon energy and associated infrastructure, while seeking to avoid inappropriate development in areas at highest risk of flooding and only allowing development where it is appropriately flood resilient and resistant, and incorporates sustainable drainage systems unless there is clear evidence that this would be inappropriate. The Proposed Scheme would meet all of these requirements.</p>

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<p>management bodies, such as lead local flood authorities and internal drainage boards. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by:</p> <ul style="list-style-type: none"> o Applying the Sequential Test; o If necessary, applying the Exception Test; o Safeguarding land from development that is required for current and future flood management; o Using opportunities offered by new development to reduce the causes and impacts of flooding; and o Where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations. <p>101. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.</p> <p>102. If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate.</p> <p>For the Exception Test to be passed:</p> <p>It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and</p> <ul style="list-style-type: none"> o A site-specific flood risk assessment must demonstrate that the development will be safe 	<p>Volume 2 concludes that the Proposed Scheme would be moderately to highly resilient to the potential impacts from climate change.</p> <p>The results of the hydraulic modelling of the post-development scenario with the proposed flood relief channel shows that construction of the proposed structures is unlikely to increase the risk of flooding elsewhere.</p> <p>Considering the information provided in the paragraphs above, the Proposed Scheme fulfils the requirements of the Exception Test in accordance with paragraph 5.7.15 of EN-1.</p> <p>Requirements in Schedule 2 to the draft DCO control surface water drainage during construction and operation, and ensure management of flood risk.</p> <p>A climate change assessment has been undertaken that evaluates the potential increase and / or decrease of greenhouse gas in the atmosphere as a result of the Proposed Scheme. The detailed assessment is included within the ES in Chapter 15 (Climate Change) (document reference 6.1.15). Whilst the Proposed Scheme would result in substantial greenhouse gas emissions during construction, particularly during the “product stage”, it would continue to utilise existing infrastructure such as the cooling towers and steam turbines, reducing the greenhouse gas emissions compared to the alternative of constructing equivalent power generation capacity at a new power station site.</p> <p>In terms of the greenhouse gas emissions intensity per unit of electricity output, the Proposed Scheme would result in a significant positive effect on climate. Whilst it would increase generation capacity by up to 173%, resulting in up to 90% increase in direct greenhouse gas emissions, when comparing “like with like” (i.e. greenhouse gas emissions per KWh), the Proposed Scheme represents 55% less than the emissions intensity for current coal-fired units.</p> <p>Therefore, the Proposed Scheme would also be in accordance with the draft revised NPPF, which supports the transition to a low carbon future in a</p>	<p>151. To help increase the use and supply of renewable and low carbon energy and heat, plans should:</p> <p>a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);</p> <p>b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and</p> <p>c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for collocating potential heat customers and suppliers.</p> <p>152. Local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning.</p> <p>153. In determining planning applications, local planning authorities should expect new development to:</p> <p>a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and</p> <p>b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.</p> <p>154. When determining planning applications for renewable and low carbon development, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for</p>	

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<p>for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Both elements of the test will have to be passed for development to be allocated or permitted.</p> <p>103. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:</p> <ul style="list-style-type: none"> o Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and o A development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems. 	<p>changing climate including low carbon energy and associated infrastructure, while seeking to avoid inappropriate development in areas at highest risk of flooding and only allowing development where it is appropriately flood resilient and resistant, and incorporates sustainable drainage systems unless there is clear evidence that this would be inappropriate. The Proposed Scheme would meet all of these requirements.</p>	<p>renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas. Planning and flood risk</p> <p>155. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.</p> <p>156. Strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.</p> <p>157. All plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:</p> <ul style="list-style-type: none"> a) applying the sequential test and then, if necessary, the exception test as set out below; b) safeguarding land from development that is required, or likely to be required, for current or future flood management; c) using opportunities provided by new development to reduce the causes and impacts of flooding (where appropriate through the use of natural flood management techniques); and d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations. 	

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		<p>158. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.</p> <p>159. If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance.</p> <p>160. The application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage.</p> <p>For the exception test to be passed it should be demonstrated that:</p> <p>a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and</p> <p>b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.</p> <p>161. Both elements of the exception test should be satisfied for development to be allocated or permitted.</p> <p>162. Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. However, the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the planmaking stage, or if more</p>	

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		<p>recent information about existing or potential flood risk should be taken into account.</p> <p>163. When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:</p> <ul style="list-style-type: none"> a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan. <p>164. Applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 50.</p> <p>165. Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:</p> <ul style="list-style-type: none"> a) take account of advice from the lead local flood authority; b) have appropriate proposed minimum operational standards; c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and d) where possible, provide multifunctional benefits. 	

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<p>Part 11 Conserving and enhancing the natural environment</p> <p>110. In preparing plans to meet development needs, the aim should be to minimise pollution and other adverse effects on the local and natural environment. Plans should allocate land with the least environmental or amenity value, where consistent with other policies in this Framework.</p> <p>111. Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land.</p> <p>112. Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.</p> <p>113. Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.</p> <p>114. Local planning authorities should:</p> <ul style="list-style-type: none"> o Set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure; and o Maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes, particularly in areas defined as Heritage Coast, and improve public access to and enjoyment of the coast. 	<p>Apart from the Gas Pipeline and the Rusholme Lane Area, the Proposed Scheme would be located on land that is already used for electricity generation. It is therefore considered that the Site represents an appropriate location for the Proposed Scheme in principle, in accordance with paragraph 111 of the NPPF.</p> <p>The technical Chapters of the ES include an assessment of the potential effects of the Proposed Scheme upon the natural environment as set out in Part 11 of the NPPF.</p> <p>In addition, a HRA Report (document reference 6.6) has been submitted with the Application, assessing impacts on European sites and Ramsar sites.</p> <p>Chapter 9 of the ES concludes that following the application of appropriate mitigation measures such as the implementation of a Landscape and Biodiversity Strategy, there would be no significant effects on biodiversity. In particular, effects on internationally and nationally designated sites are predicted to be negligible and not significant. The Landscape and Biodiversity Strategy would also mitigate effects on landscape character and visual amenity where possible.</p> <p>In addition to the assessments contained within Chapters 6 and 9 of the ES, a Habitats Regulations Assessment (HRA) Report has been submitted with the Application (document reference 6.6). The HRA Report concludes that there would be no adverse effects on the integrity of any European Sites.</p> <p>With appropriate mitigation, the Proposed Scheme would not result in unacceptable impacts upon the natural environment or result in significant effects upon the health or amenity of nearby residents.</p> <p>With respect to paragraph 123, it is noted that with embedded and secondary design mitigation (including the installation of acoustic attenuators within the open cycle stacks), noise levels associated with the operation of the Proposed Scheme would be minimised. With embedded and secondary mitigation in place, operational noise levels at eight out of the 10 Noise Sensitive Receptors (NSR) assessed are predicted to be below the Lowest Observed Adverse Effects Level</p>	<p>Part 15 Conserving and Enhancing the Natural Environment</p> <p>170. Planning policies and decisions should contribute to and enhance the natural and local environment by:</p> <ul style="list-style-type: none"> a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate; d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. <p>171. Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework⁵³; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a</p>	<p>“Making effective use of land” is now as policy under part 11 of the revised NPPF (not quoted here). It is still considered that the Site represents an appropriate location for the Proposed Scheme in principle, in accordance with that section of the NPPF (2019).</p> <p>The technical Chapters of the ES include an assessment of the potential effects of the Proposed Scheme upon the natural environment as set out in Part 15 of the NPPF (2019).</p> <p>In addition, a HRA Report (Examination Library Reference REP3-017) has been submitted with the Application (and updated since then, see below), assessing impacts on European sites and Ramsar sites.</p> <p>Paragraph 177 of the NPPF (2019) states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site, unless and appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.</p> <p>Chapter 9 of the ES concludes that following the application of appropriate mitigation measures such as the implementation of a Landscape and Biodiversity Strategy, there would be no significant effects on biodiversity. In particular, effects on internationally and nationally designated sites are predicted to be negligible and not significant. Given that the Applicant has submitted an appropriate assessment demonstrating no adverse impacts on habitats sites, the presumption in favour of sustainable development would apply in accordance with paragraph 177 of the NPPF (2019).</p> <p>The Landscape and Biodiversity Strategy would also mitigate effects on landscape character and visual amenity where possible. In addition to the assessments contained within Chapters 6 and 9 of the ES, a Habitats Regulations Assessment (HRA) Report has been submitted with the Application (Examination Library Reference REP3-017). The HRA Report concludes that there would be no adverse effects on the integrity of any European Sites. With appropriate mitigation, the Proposed</p>

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<p>115. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important 24 Circular 06/2005 provides further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system.</p> <p>116. Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:</p> <ul style="list-style-type: none"> o The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy; o The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and o Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated. <p>117. To minimise impacts on biodiversity and geodiversity, planning policies should:</p> <ul style="list-style-type: none"> o Plan for biodiversity at a landscape-scale across local authority boundaries; o Identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation; o Promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan; o Aim to prevent harm to geological conservation interests; and 	<p>(LOAEL) threshold, the remaining two NSR are predicted to be above the LOAEL threshold but below the Significant Observed Adverse Effects Level (SOAEL) threshold during both day and night time.</p> <p>Therefore, no significant effects on health and quality of life are expected as a result of noise impacts from the Proposed Scheme. The noise assessment states that with the proposed mitigation, noise effects would be either of negligible or low adverse significance at all NSR locations operationally. Noise effects associated with Site Reconfiguration Works and construction activities are considered negligible.</p> <p>As demonstrated by Chapter 6 (Air Quality) of the ES, there is a low risk of exceedance of air quality standards set for the protection of human health, therefore the effects of the operation of the Proposed Scheme on residential receptors are not predicted to be significant. This applies whether the Proposed Scheme is considered alone or in-combination with other projects. This would be in accordance with paragraph 124 of the NPPF. The ground conditions assessment in Chapter 11 (Ground Conditions) of the ES identifies that no significant effects to surface or ground water quality are expected from contamination during either construction or operation of the Proposed Scheme. There are no geological Sites of Special Scientific Interest (SSSIs) or Regionally Important Geological Sites (RIGS) within the defined study area for the ground conditions assessment.</p> <p>Overall, the Proposed Scheme is considered to accord with part 11 of the NPPF. As already stated above, it would also accord with the revised draft NPPF, which includes policies relating to:</p> <ul style="list-style-type: none"> o Protecting and enhancing valued landscapes, sites of geological value and soils; o Minimising impacts and providing net gains for biodiversity; o Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; 	<p>catchment or landscape scale across local authority boundaries.</p> <p>172. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development⁵⁵ other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:</p> <p>a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;</p> <p>b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and</p> <p>c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.</p> <p>173. Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 172), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character. Habitats and biodiversity</p> <p>174. To protect and enhance biodiversity and geodiversity, plans should: a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect</p>	<p>Scheme would not result in unacceptable impacts upon the natural environment or result in significant effects upon the health or amenity of nearby residents.</p> <p>Overall, the Proposed Scheme is considered to accord with part 15 of the NPPF (2019) by conserving and enhancing the natural environment and meeting the policies relating to:</p> <ul style="list-style-type: none"> o Protecting and enhancing valued landscapes, sites of geological value and soils; o Minimising impacts and providing net gains for biodiversity; o Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; o And remediating and mitigating contaminated land where appropriate. o Improving local environmental conditions such as air quality

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<ul style="list-style-type: none"> o Where Nature Improvement Areas are identified in Local Plans, consider specifying the types of development that may be appropriate in these Areas. <p>118. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:</p> <ul style="list-style-type: none"> o If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; o Proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest; o Development proposals where the primary objective is to conserve or enhance biodiversity should be permitted; o Opportunities to incorporate biodiversity in and around developments should be encouraged; o Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and o The following wildlife sites should be given the same protection as European sites: – potential Special Protection Areas and possible Special Areas of Conservation; – listed or proposed Ramsar sites; and – sites identified, or required, 	<ul style="list-style-type: none"> o And remediating and mitigating contaminated land where appropriate. o Improving local environmental conditions such as air quality. 	<p>them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.</p> <p>175. When determining planning applications, local planning authorities should apply the following principles:</p> <p>a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;</p> <p>b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;</p> <p>c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁵⁸ and a suitable compensation strategy exists; and</p> <p>d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.</p> <p>176. The following should be given the same protection as habitats sites: a) potential Special Protection Areas and possible Special Areas of Conservation; b) listed or proposed Ramsar</p>	

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<p>as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.</p> <p>119. The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.</p> <p>120. To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.</p> <p>121. Planning policies and decisions should also ensure that:</p> <ul style="list-style-type: none"> o The site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation; o After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and 26 Potential Special Protection Areas, possible Special Areas of Conservation and proposed Ramsar sites are sites on which Government has initiated public consultation on the scientific case for designation as a Special Protection Area, candidate Special Area of Conservation or Ramsar site; o Adequate site investigation information, prepared by a competent person, is presented. 		<p>sites59; and c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.</p> <p>177. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site. Ground conditions and pollution</p> <p>178. Planning policies and decisions should ensure that:</p> <p>a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);</p> <p>b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and</p> <p>c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.</p> <p>179. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.</p> <p>180. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:</p>	

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<p>122. In doing so, local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.</p> <p>123. Planning policies and decisions should aim to</p> <ul style="list-style-type: none"> ○ Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; ○ Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions; ○ Recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and ○ Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason. <p>124. Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.</p> <p>125. By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.</p>		<p>a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;</p> <p>b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and</p> <p>c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.</p> <p>181. Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.</p> <p>182. Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.</p>	

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Policy Text 2012 NPPF	Assessment	Policy Text 2019 NPPF	Commentary
		183. The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.	
<p>Part 12 Conserving and enhancing the historic environment</p> <p>126. Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. In developing this strategy, local planning authorities should take into account:</p> <ul style="list-style-type: none"> o The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; o The wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring; o The desirability of new development making a positive contribution to local character and distinctiveness; and o Opportunities to draw on the contribution made by the historic environment to the character of a place. <p>127. When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>128. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The</p>	<p>Chapter 8 (Historic Environment) of the ES (document reference 6.1.8) assesses the significance of any heritage assets in the study area, having consulted the relevant Historic Environment Record (HRE) in accordance with paragraph 128 of the NPPF (see Appendix 8.1 of the ES for the historic environment desk-based assessment). Field evaluation of below ground heritage assets has also been carried out (see Appendices 8.2 and 8.3 of the ES for the geophysical survey results and the archaeological evaluation report).</p> <p>Chapter 8 of the ES does not anticipate any significant residual effects on archaeological heritage assets following the implementation of appropriate mitigation measures secured in the draft DCO in the form of a written scheme of investigation and further requirements in order to protect, record or preserve any significant archaeological features.</p> <p>No designated heritage asset would be lost as a result of the Proposed Scheme, and whilst there would be minor harm to the settings of the Drax Augustinian Priory a Scheduled Monuments) during the operation phases of Units X and Y (Stages 2 and 3), and Scurff Hall Moated Site (another Scheduled Monument) during Stage 1, this harm is considered to be “less than substantial harm”. The harm identified has then been balanced in section 7 of the Planning Statement with the benefits of the Proposed Scheme. It is considered that the benefits, most notably the Proposed Scheme’s significant contribution to meeting the UK’s urgent energy need and moving the UK towards a decarbonised future, outweigh the less than</p>	<p>Part 16 Conserving and enhancing the historic environment</p> <p>184. Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.</p> <p>185. Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:</p> <ul style="list-style-type: none"> a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation; b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring; c) the desirability of new development making a positive contribution to local character and distinctiveness; and d) opportunities to draw on the contribution made by the historic environment to the character of a place. <p>186. When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic</p>	<p>The NPPF (2019) retains the previous approach to heritage whereby less than substantial harm to heritage assets can be outweighed by public benefits. It is considered that the benefits, most notably the Proposed Scheme’s significant contribution to meeting the UK’s urgent energy need and moving the UK towards a decarbonised future, outweigh the less than substantial harm identified. This would be in accordance with paragraph 194 of the NPPF (2019).</p> <p>It is noted that the Proposed Scheme would not result in any effects on any conservation areas.</p> <p>Overall, the Proposed Scheme is considered to be in accordance with part 16 of the NPPF (2019), which state that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation, irrespective of the degree of potential harm to its significance.</p>

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<p>level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.</p> <p>129. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.</p> <p>130. Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision. The principles and policies set out in this section apply to the heritage -related consent regimes for which local planning authorities are responsible under the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as to plan -making and decision -taking.</p> <p>131. In determining planning applications, local planning authorities should take account of:</p> <ul style="list-style-type: none"> o The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; o The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and o The desirability of new development making a positive contribution to local character and distinctiveness. 	<p>substantial harm identified. This would be in accordance with paragraph 134 of the NPPF.</p> <p>It is noted that the Proposed Scheme would not result in any effects on any conservation areas.</p> <p>Overall, the Proposed Scheme is considered to be in accordance with part 12 of the NPPF and the relevant policies in the revised draft NPPF, which state that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation, irrespective of the degree of potential harm to its significance.</p>	<p>interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>187. Local planning authorities should maintain or have access to a historic environment record. This should contain up-to-date evidence about the historic environment in their area and be used to:</p> <ul style="list-style-type: none"> a) assess the significance of heritage assets and the contribution they make to their environment; and b) predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future. <p>188. Local planning authorities should make information about the historic environment, gathered as part of policy-making or development management, publicly accessible. Proposals affecting heritage assets</p> <p>189. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.</p> <p>190. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any</p>	

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<p>132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.</p> <p>133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:</p> <ul style="list-style-type: none"> o The nature of the heritage asset prevents all reasonable uses of the site; and o No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and o Conservation by grant -funding or some form of charitable or public ownership is demonstrably not possible; and o The harm or loss is outweighed by the benefit of bringing the site back into use. <p>134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.</p> <p>135. The effect of an application on the significance of a non - designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced</p>		<p>conflict between the heritage asset's conservation and any aspect of the proposal.</p> <p>191. Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.</p> <p>192. In determining applications, local planning authorities should take account of:</p> <ul style="list-style-type: none"> a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. Considering potential impacts 1 <p>93. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.</p> <p>194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:</p> <ul style="list-style-type: none"> a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional⁶³. <p>195. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss</p>	

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Policy Text 2012 NPPF	Assessment	Policy Text 2019 NPPF	Commentary
<p>judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.</p> <p>136. Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.</p> <p>137. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.</p> <p>138. Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.</p> <p>139. Non -designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.</p> <p>140. Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.</p> <p>141. Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and</p>		<p>is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:</p> <p>a) the nature of the heritage asset prevents all reasonable uses of the site; and</p> <p>b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and</p> <p>c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and</p> <p>d) the harm or loss is outweighed by the benefit of bringing the site back into use.</p> <p>196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.</p> <p>197. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.</p> <p>198. Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. 199. Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.</p> <p>200. Local planning authorities should look for opportunities for new development within</p>	

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<p>advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.</p>		<p>Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.</p> <p>201. Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.</p> <p>202. Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.</p>	

Table 2-5 – Commentary relating to the revised NPPF in relation to the Environmental Statement Chapter 2 Planning Policy (Examination Library Reference APP-070)

Paragraph Reference	Current Text in the Environmental Statement Chapter 2 Planning Policy	Commentary
2.3.2	The National Planning Policy Framework (NPPF) (Department of Communities and Local Government (DCLG), 2012) provides a framework upon which local authorities make development plans. It is also a material consideration for LPAs when making planning decisions for development under the TCPA. The Ministry of Housing, Communities and Local Government (formerly DCLG) has published a draft revised version of the NPPF which is currently being consulted upon, and the expectation is that a revised version of the current NPPF will be published in the Summer of 2018.	Revised NPPF now adopted. Otherwise no comment.
2.3.3	The policies contained within the NPPF are supported by national 'Planning Practice Guidance' (PPG) (2014 and updated regularly).	No comment.
2.3.4	Both the NPPF and the PPG are likely to be important and relevant considerations in decisions on NSIPs, but only to the extent relevant to that project.	No comment.
2.3.5	NPPF Paragraph 3 makes it clear that the document does not contain specific policies for NSIPs, where particular considerations can apply. It also states that matters considered to be both important and relevant to NSIPs, may include the NPPF and the policies within it.	The text in the revised NPPF has not substantively changed. Paragraph numbers have changed.

Table 2-6 – Commentary relating to the revised NPPF in relation to the Environmental Statement Chapter 5 Transport (Examination Library Reference APP-073)

Paragraph Reference	Current Text in the Environmental Statement Chapter 5 Transport	Commentary
5.2.7	<p>The document states the need for a Transport Statement (TS) or Transport Assessment (TA) to support developments likely to generate significant numbers of trips. It suggests that development should take advantage of opportunities for sustainable travel, facilitated by a Travel Plan. The transport objectives of the NPPF are to:</p> <ul style="list-style-type: none"> ○ Facilitate economic growth by taking a positive approach to planning for development; and ○ Support reductions in greenhouse gas emissions and congestion, and promote accessibility through planning for the location and mix of development. 	<p>The content in the revised NPPF has not substantively changed. At paragraph 108, the revised NPPF states that in assessing specific applications for development it should be ensured that: (a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; (b) safe and suitable access to the site can be achieved for all users; and (c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Development should only be prevented or refused on highways grounds if the residual cumulative impacts on the road network or road safety would be severe.</p> <p>The Proposed Scheme is considered to be in accordance with this.</p>
5.2.8	<p>NPPF states that “All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:</p> <ul style="list-style-type: none"> ○ The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; ○ Safe and suitable access to the site can be achieved for all people; and ○ Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of 	<p>The revised NPPF (2019) now reads: <i>“All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.”</i></p> <p>An Outline Construction Worker Travel Plan has been submitted with the Application. The Proposed Scheme is considered to be in accordance with the revised policies on transport.</p>

Paragraph Reference	Current Text in the Environmental Statement Chapter 5 Transport	Commentary
	the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”	

Table 2-7 – Commentary relating to the revised NPPF in relation to the Environmental Statement Chapter 6 Air Quality (Examination Library Reference APP-074)

Paragraph Reference	Current Text in the Environmental Statement Chapter 6 Air Quality	Commentary
6.2.1 second bullet	Ministry of Housing, Communities and Local Government (HCLG) [published under the Department of Communities and Local Government (DCLG)], National Planning Policy Framework (NPPF) (Ref. 6.2). The Government’s overall planning policies for England are described in the NPPF. One of the 12 core planning principles in the NPPF is that planning should “contribute to conserving and enhancing the natural environment and reducing pollution.” The draft NPPF (Ref. 6.3) published in March 2018 includes some minor amendments to the existing air quality considerations. The draft NPPF states the need to consider air quality and potential mitigation at the plan making stage.	The revised NPPF is structured differently to the NPPF 2012 and the 12 core land use planning principles are not set out separately but are incorporated into the body of the revised NPPF within separate sections on plan-making and decision making, each containing strategic policies.

Table 2-8 – Commentary relating to the revised NPPF in relation to the Environmental Statement Chapter 7 Noise and Vibration (Examination Library Reference APP-075)

Paragraph Reference	Current Text in the Environmental Statement Chapter 7 Noise and Vibration	Commentary
7.2.1	<p>The applicable policy framework is summarised as follows:</p> <ul style="list-style-type: none"> ○ National Policy Statement EN-1 (Ref. 7.1). ○ National Policy Statement EN-2 (Ref. 7.2). ○ The National Planning Policy Framework (NPPF, DCLG 2012) (Ref. 7.3). ○ The Noise Policy Statement for England 2010 (NPSE) (Ref. 7.4). 	<p>Revised NPPF now adopted. Otherwise no comment.</p>
7.2.6	<p>The National Planning Policy Framework (NPPF, DCLG 2012) (Ref. 7.3); states that planning policies and decisions should aim to:</p> <ul style="list-style-type: none"> ○ Avoid noise that gives rise to significant adverse impacts on health and quality of life as a result of new development. ○ Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions ○ Recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established. ○ Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason. 	<p>The revised NPPF is structured differently to the NPPF 2012.</p> <p>The revised NPPF states that: “Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:</p> <p>a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life’.</p>
7.2.7	<p>In order to deliver sustainable development, the NPPF states "to help economic growth, local planning authorities should plan</p>	<p>The text in the revised NPPF has not substantively changed. Paragraph numbers have changed.</p>

Paragraph Reference	Current Text in the Environmental Statement Chapter 7 Noise and Vibration	Commentary
	<p>proactively to meet the development needs of business and support an economy fit for the 21st century" (paragraph 20, page 6). Planning Practice Guidance (PPG) has been published alongside the NPPF, and is regularly updated, to provide guidance on the implementation of the planning policies.</p>	
7.2.8	<p>It is noted that at the time of writing this ES a revision to the NPPF is under preparation and is currently at the draft stage. The draft NPPF currently states the following aims relating to noise and planning:</p> <ul style="list-style-type: none"> ○ Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including Cumulative effects) of pollution on health and living conditions, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: <ul style="list-style-type: none"> a) Mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and quality of life; b) Identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason. 	<p>Revised NPPF now adopted. Otherwise no comment.</p>

Table 2-9 – Commentary relating to the revised NPPF in relation to the Environmental Statement Chapter 9 Biodiversity (Examination Library Reference APP-077)

Paragraph Reference	Current Text in the Environmental Statement Chapter 9 Biodiversity	Commentary
9.2.6	<p>The NPPF, 2012 (Ref 9.6) sets out the Government’s planning policies for England. Although the NPPF does not contain specific policies for Nationally Significant Infrastructure Projects (NSIPs), such as the Proposed Scheme, it contains policies specific to ecology and nature conservation (most notably section 118). Moreover, it sets out provisions for biodiversity, including protected sites and species for which local planning authorities (LPAs) must have regard. Planning Practice Guidance (PPG) has been published alongside the NPPF, and is regularly updated, to provide guidance on the implementation of the planning policies.</p>	<p>Revised NPPF now adopted. Otherwise no comment.</p>
9.2.7	<p>The natural environment elements of the PPG provide guidance on the key issues in implementing biodiversity aspects of the NPPF. This includes advice on minimising impacts on biodiversity and delivering net gain, and on how biodiversity should be considered in planning decisions.</p>	<p>This text is still relevant.</p>
9.2.8	<p>The consultation draft for the future update of the NPPF was released for public consultation in March 2018. This includes broadly similar policies in relation to biodiversity and the natural environment as the current NPPF. Within the draft NPPF (reference 9.50) greater weight is placed on the protection and promotion of ecological networks and the wording in relation to protection of SSSI and irreplaceable habitats has been slightly altered (paragraphs 172 – 174 of Ref 9.50).</p>	<p>Revised NPPF now adopted. Paragraphs 174 – 177 of the NPPF (2019) contain the updated text on habitats and biodiversity, placing greater weight on the protection and promotion of ecological networks.</p> <p>In particular, paragraph 177 of the NPPF (2019) states that: The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an</p>

Paragraph Reference	Current Text in the Environmental Statement Chapter 9 Biodiversity	Commentary
		<p>appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.</p> <p>An appropriate assessment has been carried out and updated within the Applicant's Deadline 6 submission (Examination Library Reference REP6-006), which has concluded that the Proposed Scheme will not adversely affect the integrity of any European Sites.</p>

Table 2-10 – Commentary relating to the revised NPPF in relation to the Environmental Statement Chapter 10 Landscape and Visual Amenity (Examination Library Reference APP-078)

Paragraph Reference	Current Text in the Environmental Statement Chapter 10 Landscape and Visual Amenity	Commentary
10.2.20	<p>The National Planning Policy Framework Consultation Proposals, March 2018 (Ref 10.5) differs from the current NPPF and states under Chapter 15 “Conserving and enhancing the natural environment” paragraph 168 a) that valued landscapes, sites of geological interest and soils should be protected and enhanced “in a manner commensurate with their statutory status or identified quality”. Under paragraph 109 clause b) an additional reference is added stating that the “intrinsic character and beauty of the countryside, and the wider benefits from natural capital – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland” must be recognised. Further text has been added to this paragraph under clause d) which emphasises that impacts on biodiversity should be minimised and net gains achieved by “establishing ecological networks that are more resilient to</p>	<p>Revised NPPF now adopted. Otherwise no comment.</p>

Paragraph Reference	Current Text in the Environmental Statement Chapter 10 Landscape and Visual Amenity	Commentary
	current and future pressures”. Under clause e) further text has been added stating that “development should, wherever possible, help to improve local environmental conditions such as air quality.”	

Table 2-11 – Commentary relating to the revised NPPF in relation to the Environmental Statement Chapter 11 Ground Conditions (Examination Library Reference APP-079)

Paragraph Reference	Current Text in the Environmental Statement Chapter 11 Ground Conditions	Commentary
11.2.1	<p>The applicable policy framework is summarised as follows:</p> <ul style="list-style-type: none"> ○ Overarching National Policy Statement (NPS) for Energy (EN-1) (Ref. 11.30). ○ NPS for Fossil Fuel Electricity Generating Infrastructure (En-2) (Ref. 11.31). ○ NPS for Gas Supply Infrastructure and Gas and Oil Pipelines (En-4) (Ref. 11.32). ○ NPS for Electricity Networks Infrastructure (En-5) (Ref. 11.33). ○ National Planning Policy Framework (NPPF) (Ref. 11.34). ○ Draft revised NPPF (Ref. 11.43). ○ Selby District Local Plan, Section 4: Environment (Ref. 11.35). ○ Selby District Core Strategy Local Plan, Section 7: Improving the Quality of Life (Ref. 11.36). 	Revised NPPF now adopted. Otherwise no comment.
11.2.8	The National Planning Policy Framework (NPPF) does not contain specific policies for nationally significant infrastructure	This text is still relevant.

Paragraph Reference	Current Text in the Environmental Statement Chapter 11 Ground Conditions	Commentary
	<p>projects, which must be determined in accordance with The Planning Act 2008 (PA 2008) and the relevant Nationally Policy Statements. However, the NPPF may be considered and important and relevant consideration in the SoS's determination.</p>	
11.2.9	<p>The NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing geological conservation interests and soils (paragraph 109). It also instructs the prevention of new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil or water pollution or land instability (paragraph 109).</p>	<p>The text in the revised NPPF has not substantively changed. Paragraph numbers have changed.</p>
11.2.10	<p>The NPPF states in paragraphs 120 and 121:</p> <p>“To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment and general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.”</p> <p>“Planning policies and decisions should also ensure that:</p> <ul style="list-style-type: none"> ○ The site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation 	<p>The text in the revised NPPF has not substantively changed. Paragraph numbers have changed.</p>

Paragraph Reference	Current Text in the Environmental Statement Chapter 11 Ground Conditions	Commentary
	<p>including land remediation or impacts on the natural environment arising from that remediation;</p> <ul style="list-style-type: none"> ○ After remediation, as a minimum, land should not be capable as being determined as contaminated land under Part 2A of the Environmental Protection Act 1990; and ○ Adequate site investigation information, prepared by a competent person, is presented.” 	
11.2.11	<p>In relation to the sustainable use of minerals the NPPF states the following in paragraph 144:</p> <p>“When determining planning application, local planning authorities should:</p> <ul style="list-style-type: none"> ○ Not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes”. 	<p>The text in the revised NPPF has not substantively changed. Paragraph numbers have changed.</p>
11.2.12	<p>In the draft revised NPPF, ground conditions and pollution is considered in Section 15: Conserving and enhancing the natural environment (refer to paragraphs 176-181). The draft revised NPPF contains similar provisions to the current NPPF with regard to ground risk, stating:</p> <p>“Planning policies and decisions should ensure that:</p> <p>a) A site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);</p>	<p>Revised NPPF now adopted. Otherwise no comment.</p>

Paragraph Reference	Current Text in the Environmental Statement Chapter 11 Ground Conditions	Commentary
	<p>b) After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and</p> <p>c) Adequate site investigation information, prepared by a competent person, is available to inform these assessments.”</p>	
11.2.13	<p>The draft revised NPPF differentiates between planning policies and decisions (which should focus on whether a proposed development is an acceptable use of land) and pollution control regimes (which should focus on the control of processes of emissions). The draft revised NPPF states that planning policies and decisions should assume that pollution control regimes will operate effectively.</p>	<p>Revised NPPF now adopted. Otherwise no comment.</p>
11.6.27	<p>Some parts of the study area have been resurveyed post-1988. The agricultural land to the south of the Existing Drax Power Station Complex was assigned ALC Grades 2-3b, and the agricultural land to the north of the Existing Drax Power Station Complex was assigned ALC Grades 1-4. Land of ALC Grades 1, 2, and 3a is defined as BMV agricultural land by the NPPF.</p>	<p>This text is still relevant.</p>
11.7.3 (Table 11-25)	<p>The study area contains rural and agricultural land, a proportion of which is likely to be best and most versatile agricultural land, as defined in the NPPF. No other soil receptors, such as peat deposits or soils associated with Ancient Woodland have been identified.</p>	<p>This text is still relevant.</p>
11.7.6	<p>The NPPF promotes safeguarding of the long-term potential of BMV agricultural land. Although there is BMV agricultural land</p>	<p>This text is still relevant.</p>

Paragraph Reference	Current Text in the Environmental Statement Chapter 11 Ground Conditions	Commentary
	<p>within the study area, identified in post-1988 detailed surveys carried out to the north of the Existing Drax Power Station Complex and to the south of the Pipeline Area, this will not be directly impacted by the Proposed Scheme as it is not located within the Site Boundary.</p>	
11.7.37	<p>The NPPF promotes safeguarding of the long-term potential of BMV agricultural land. Although there is BMV agricultural land within the study area, identified in post-1988 detailed surveys carried out to the north of the Existing Drax Power Station Complex and to the south of the Pipeline Area, this will not be directly impacted by the construction of Stage 1.</p>	<p>This text is still relevant.</p>
11.7.67	<p>The NPPF promotes safeguarding of the long-term potential of BMV agricultural land. Although there is BMV agricultural land within the study area, identified in post-1988 detailed surveys carried out to the north of the Existing Drax Power Station Complex and to the south of the Pipeline Area, this will not be directly impacted by Stage 2 which refers to the operation of Unit X and the Gas Pipeline and construction of Unit Y. The Pipeline Area construction will be completed by Stage 2 and reinstated.</p>	<p>This text is still relevant.</p>
11.7.98	<p>The NPPF promotes safeguarding of the long-term potential of BMV agricultural land. Although there is BMV agricultural land within the study area, identified in post-1988 detailed surveys carried out to the north of the Existing Drax Power Station Complex and to the south of the Pipeline Area, this will not be directly impacted by the Proposed Scheme as it is not located within the Site Boundary.</p>	<p>This text is still relevant.</p>

Paragraph Reference	Current Text in the Environmental Statement Chapter 11 Ground Conditions	Commentary
11.7.114	The NPPF promotes safeguarding of the long-term potential of BMV agricultural land. Although there is BMV agricultural land within the study area, identified in post-1988 detailed surveys carried out to the north of the Existing Drax Power Station Complex and to the south of the Pipeline Area, this will not be directly impacted by the Proposed Scheme as it is not located within the Site Boundary.	This text is still relevant.

Table 2-12 – Commentary relating to the revised NPPF in relation to the Environmental Statement Chapter 12 Water Resources, Quality and Hydrology (Examination Library Reference APP-080)

Paragraph Reference	Current Text in the Environmental Statement Chapter 12 Water Resources, Quality and Hydrology	Commentary
12.2.13	The NPPF sets out the Government’s planning policies for England and provides a framework which allows Local Authorities to produce their own plans that better reflect the specific needs of their communities. Planning Practice Guidance (PPG) has been published alongside the NPPF, and is regularly updated, to provide guidance on the implementation of the planning policies, including those relating to flood risk, set out in the NPPF. The NPPF also sets out the requirements for a site specific FRA to be undertaken and states that development should not increase flood risk elsewhere.	This text is still relevant.
12.2.14	A revised version of the NPPF is currently under consultation. The draft revised NPPF (March 2018) provides more detailed requirements related to climate change and sustainable drainage	As noted the revised NPPF provides more detailed requirements related to climate change and sustainable drainage as detailed in paragraphs 148 to 169 of the revised NPPF.

Paragraph Reference	Current Text in the Environmental Statement Chapter 12 Water Resources, Quality and Hydrology	Commentary
	<p>from a flood risk and planning perspective, in relation to the current March 2012 NPPF:</p> <ul style="list-style-type: none"> ○ To meet the challenge of climate change, flooding and coastal change, plans should have regard to the cumulative impacts of flood risk, rather than just looking at the flood risk impact of individual development sites. ○ Sites that have been allocated in the development plans have already applied the sequential test, however the exception test, informed by site specific FRA, may need to be re-applied (depending on the nature and extent of flood risk, and the time passed since the initial assessment was carried out). ○ Developments within areas at risk of flooding should demonstrate that they incorporate sustainable drainage systems (unless there is a clear evidence that this would be inappropriate), and safe access and egress routes are provided as part of an agreed emergency plan. <p>A site-specific FRA is required for all sites currently located in Flood Zone 1, but identified in a SFRA as being at increased risk of flooding in the future.</p>	<p>It is considered that the Proposed Scheme is in accordance with the revised NPPF, which supports the transition to a low carbon future in a changing climate including low carbon energy and associated infrastructure, while seeking to avoid inappropriate development in areas at highest risk of flooding and only allowing development where it is appropriately flood resilient and resistant, and incorporates sustainable drainage systems unless there is clear evidence that this would be inappropriate.</p>
Table 12-1 page 12-19	<p>In accordance with NPPF, the Sequential Test does not need to be carried out. However, it is likely that inspectors reviewing the application would expect that the sequential approach was applied in the design process.</p>	<p>This text is still relevant.</p>
Table 12-3 page 12-29	<p>In accordance with the NPPF, the Sequential Test is not required. However, the sequential test approach should be considered in the scheme design. The works proposed in Flood Zone 3 require the Exception Test to be passed. All essential</p>	<p>This text is still relevant.</p>

Paragraph Reference	Current Text in the Environmental Statement Chapter 12 Water Resources, Quality and Hydrology	Commentary
	<p>infrastructure should be designed in order to remain operational and safe in times of flood. Selby District Local Plan Policy EMP10 remains a part of the adopted development plan. The Council advised that the policy relates to additional/ancillary industrial development at or close to Drax rather than the continuing development/repowering within Drax Power Station.</p>	

Table 2-13 – Commentary relating to the revised NPPF in relation to the Environmental Statement Chapter 13 Waste (Examination Library Reference APP-081)

Paragraph Reference	Current Text in the Environmental Statement Chapter 13 Waste	Commentary
13.2.4	<p>The National Planning Policy Framework (NPPF) sets out the Government’s economic, environmental and social planning policies for England and provides a framework within which local people and councils can produce local and neighbourhood plans, and councils can determine planning applications. Most of the existing Planning Policy Statements (PPS) have now been abolished and replaced by 12 'core' planning principles in the NPPF. In relation to waste, the NPPF states that:</p> <p>“This Framework does not contain specific waste policies, since national waste planning policy will be published as part of the National Waste Management Plan for England. However, local authorities preparing waste plans and taking decisions on waste applications should have regard to policies in this Framework so far as relevant.”</p>	<p>The revised NPPF is structured differently to NPPF 2012 and the 12 core land use planning principles are not set out separately but are incorporated into the body of the revised NPPF within separate sections on plan-making and decision making, each containing strategic policies.</p>

Paragraph Reference	Current Text in the Environmental Statement Chapter 13 Waste	Commentary
	Further guidance is included in the Waste Management Plan for England (2013) as set out below.	
13.2.9	The National Planning Policy for Waste replaces 'Planning Policy Statement 10: Planning for Sustainable Waste Management' (PPS 10) and is to be considered alongside other national planning policy for England - such as in the NPPF and the Waste Management Plan for England. As its primary focus is on planning for waste management facilities by waste authorities, it is not considered relevant to the Proposed Scheme.	This text is still relevant.
13.2.12	The PPG is an online planning resource that provides guidance on the NPPF. With regard to waste issues, the PPG provides further information in support of the implementation of waste planning policy, including the role of waste planning in meeting European obligations, preparing Local Plans and implementing the Waste Hierarchy.	This text is still relevant.

Table 2-14 – Commentary relating to the revised NPPF in relation to the Environmental Statement Chapter 14 Socio-Economic (Examination Library Reference APP-082)

Paragraph Reference	Current Text in the Environmental Statement Chapter 14 Socio-Economic	Commentary
14.2.1	<p>The applicable policy framework is summarised as follows:</p> <ul style="list-style-type: none"> ○ National Planning Statement for Energy (NPS EN-1) (Ref. 14.1). ○ National Planning Policy Framework (NPPF) (Ref. 14.2). ○ National Planning Policy Framework – draft text for consultation (Ref. 14.3). ○ Planning Practice Guidance (Ref. 14.4). ○ SDC Local Plan ‘Saved Policies (2005) (Ref. 14.5). ○ SDC Core Strategy Local Plan (2013) (Ref. 14.6). 	Revised NPPF now adopted. Otherwise no comment.
14.2.4	<p>NPPF, published in 2012 (Ref. 14.2), has an overarching presumption in favour of sustainable development that should be the basis of every plan and every decision. The NPPF notes at paragraph 7 that there are three dimensions to sustainable development: economic, social and environmental. The role of the planning process is to contribute to building a strong, responsive and competitive economy and to identify and coordinate development requirements, including the provision of infrastructure.</p>	Revised NPPF now adopted. Otherwise no comment. Paragraph numbers have changed.
14.2.5	<p>The NPPF states that planning should proactively drive and support sustainable economic development. The NPPF requires local authorities to set clear economic vision and strategy for their area which encourages economic growth.</p>	The text in the revised NPPF has not substantively changed. Paragraph numbers have changed.

Paragraph Reference	Current Text in the Environmental Statement Chapter 14 Socio-Economic	Commentary
	<p>Paragraph 18 states that “The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths....”</p> <p>Paragraph 19 states that “The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system”</p> <p>Paragraph 75 states that “planning policies should seek to protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails”</p>	
14.2.6	<p>The NPPF- draft text for consultation was published in March 2018 (Ref. 14.3), reiterates the presumption in favour of sustainable development alongside the economic objective of the planning system, which is “to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity”.</p>	<p>Revised NPPF now adopted. Otherwise no comment.</p>

Table 2-15 – Commentary relating to the revised NPPF in relation to the Environmental Statement Appendix 6.1 Air Quality Policy & Legislation (Examination Library Reference APP-098)

Paragraph Reference	Current Text in the Environmental Statement Appendix 6.1 Air Quality Policy & Legislation	Commentary
6.1.10	<p>The Government’s overall planning policies for England are described in the NPPF. The core underpinning principle of the NPPF is the presumption in favour of sustainable development, defined as:</p> <p>"Development that meets the needs of the present without compromising the ability of future generations to meet their own needs"</p>	<p>This text is still relevant.</p>
6.1.11	<p>One of the 12 core planning principles in the NPPF is that planning should "contribute to conserving and enhancing the natural environment and reducing pollution."</p>	<p>The revised NPPF is structured differently to the NPPF 2012 and the 12 core land use planning principles are not set out separately but are incorporated into the body of the revised NPPF within separate sections on plan-making and decision making, each containing strategic policies.</p>
6.1.12	<p>In relation to air quality, the following paragraphs in the document are relevant:</p> <ul style="list-style-type: none"> ○ Paragraph 109, which states "The planning system should contribute to and enhance the natural and local environment by: preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water, or noise pollution." ○ Paragraph 110, which states "In preparing plans to meet development needs, the aim should be to minimise pollution and other adverse effects on the local and natural environment." 	<p>The text in the revised NPPF has not substantively changed. Paragraph numbers have changed.</p>

Paragraph Reference	Current Text in the Environmental Statement Appendix 6.1 Air Quality Policy & Legislation	Commentary
	<p>Plans should allocate land with the least environmental or amenity values, where consistent with other policies in this Framework."</p> <ul style="list-style-type: none"> ○ Paragraph 122, which states "...local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities." ○ Paragraph 124, which states "Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan." ○ Paragraph 203, which states "Local Planning Authorities should consider where otherwise unacceptable development could be made acceptable though the use of conditions or planning obligations. Planning Obligations should only be used where it is not possible to address unacceptable impacts through a planning condition." 	
6.1.13	The draft NPPF (Ref. 6.3) published in March 2018 includes some minor amendments to the existing air quality considerations. The draft NPPF states the need to consider air quality and potential	The text in the revised NPPF has not substantively changed. Paragraph numbers have changed.

Paragraph Reference	Current Text in the Environmental Statement Appendix 6.1 Air Quality Policy & Legislation	Commentary
	<p>mitigation at the plan making stage rather than when determining applications. The relevant paragraphs of the draft NPPF are:</p> <ul style="list-style-type: none"> ○ Paragraph 129, which states “Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.” ○ Paragraph 168, which states “Planning policies and decisions should contribute to and enhance the natural local environment by: ...e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. Development should wherever possible, help to improve local environmental conditions such as air quality.” ○ Paragraph 178, which states “Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.” 	

Paragraph Reference	Current Text in the Environmental Statement Appendix 6.1 Air Quality Policy & Legislation	Commentary
	<ul style="list-style-type: none"> Paragraph 181, which states “The focus of planning policies and decision should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should be revisited through the permitting regimes operated by pollution control authorities.” 	

Table 2-16 – Amendments relating to the revised NPPF in relation to the Environmental Statement Appendix 8.1 Historic Environment Desk-Based Assessment (Examination Library Reference APP-104)

Paragraph Reference	Current Text in the Environmental Statement Appendix 8.1 Historic Environment Desk-Based Assessment	Amendments
3.1.18 to 3.1.33	<p>Policy 126: "Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. In developing this strategy, local planning authorities should take into account:</p> <ul style="list-style-type: none"> The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; The wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring; and The desirability of new development making a positive contribution to local character and distinctiveness. 	The text in the revised NPPF has not substantively changed. Paragraph numbers have changed.

Paragraph Reference	Current Text in the Environmental Statement Appendix 8.1 Historic Environment Desk-Based Assessment	Amendments
	<p>o Opportunities to draw on the contribution made by the historic environment to the character of a place." Policy 127: "When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest."</p> <p>Policy 128: "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."</p> <p>Policy 129: "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal."</p> <p>Policy 130: "Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision." Policy 131: "In determining planning applications, local planning authorities should take account of: • The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; • The positive contribution that</p>	

Paragraph Reference	Current Text in the Environmental Statement Appendix 8.1 Historic Environment Desk-Based Assessment	Amendments
	<p>conservation of heritage assets can make to sustainable communities including their economic vitality; and • The desirability of new development making a positive contribution to local character and distinctiveness."</p> <p>Policy 132: "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."</p> <p>Policy 133: "Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:</p> <ul style="list-style-type: none"> ○ The nature of the heritage asset prevents all reasonable uses of the site; ○ No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; ○ Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and ○ The harm or loss is outweighed by the benefit of bringing the site back into use. <p>Policy 134: "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be</p>	

Paragraph Reference	Current Text in the Environmental Statement Appendix 8.1 Historic Environment Desk-Based Assessment	Amendments
	<p>weighed against the public benefits of the proposal, including securing its optimum viable use."</p> <p>Policy 135: "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."</p> <p>Policy 136: "Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred." Policy 137: "Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably."</p> <p>Policy 138: "Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole."</p> <p>Policy 139: "Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets."</p> <p>Policy 140: "Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning</p>	

Paragraph Reference	Current Text in the Environmental Statement Appendix 8.1 Historic Environment Desk-Based Assessment	Amendments
	<p>policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies."</p> <p>Policy 141: "Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted." Planning</p>	
3.1.34	<p>Planning Practice Guidance (PPG) published by the DCLG alongside the NPPF is regularly updated to provide guidance on the implementation of the planning policies. The section with reference to Cultural Heritage is entitled Conserving and Enhancing the Historic Environment and was revised in 2014. It provides guidance to NPPF paragraphs 126 to 141.</p>	Paragraph numbers have changed.
3.2.5	<p>The technical terminology applied to the assessment process is based on that contained within the NPPF Planning Practice Guide and Historic England's The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 36. Professional judgement is applied throughout.</p>	This text is still relevant.
3.3.1	<p>In addition to compliance with the NPPF, this desk-based assessment has been compiled in accordance with professional standards and guidance. The standards and guidance which relate to this assessment are:</p> <ul style="list-style-type: none"> ○ Chartered Institute for Archaeologists (CIfA) 2014, Standard and Guidance for Historic Environment Desk-based Assessment. ○ CIfA, 2014a, Code of Conduct. 	This text is still relevant.

Paragraph Reference	Current Text in the Environmental Statement Appendix 8.1 Historic Environment Desk-Based Assessment	Amendments
	<ul style="list-style-type: none"> ○ ClfA, 2014b Standards and Guidance for Consultancy Advice. ○ Historic England, 2017, The Setting of Heritage Assets, Historic Environment Good Practice in Planning: 3 (Second Edition). 	
4.2.7	<p>Cultural Heritage Significance (Section 8): A statement of cultural heritage significance is presented for those assets that will be subject to a harmful impact from the Proposed Scheme (Section 9). The NPPF specified heritage values: historical, aesthetic, architectural, and archaeological interests are applied.</p>	<p>This text is still relevant.</p>
8.1.1	<p>The definition of setting used here is taken from the NPPF setting is</p> <p>“The surroundings in which an asset is experienced. Its extent is not fixed and may change as the asset and its surrounding evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral” (Annex 2).</p>	<p>This text is still relevant.</p>
9.1.1 (Table 9-1)	<p>Cultural heritage significance is defined in Annex 2 of the NPPF as “the value of a heritage asset to this and future generations because of its heritage interest”. The NPPF is clear that ‘heritage interest’ may be archaeological, architectural, artistic or historic. The NPPF definitions for the values are provided in Table 9-1, below.</p>	<p>This text is still relevant. The NPPF Heritage Value definitions have not changed, with the exception of the Archaeological Value definition which has been shortened.</p>
10.1.1	<p>The ClfA 'Standard and Guidance for Historic Environment Desk-based Assessment' (2014) considers that an assessment of the cultural heritage significance of heritage assets should identify the potential impact of proposed or predicted changes on the cultural heritage significance of the asset and the opportunities for reducing that impact. Policy 129 of NPPF states that this</p>	<p>The text in the revised NPPF has not substantively changed. Paragraph numbers have changed.</p>

Paragraph Reference	Current Text in the Environmental Statement Appendix 8.1 Historic Environment Desk-Based Assessment	Amendments
	evidence should be taken into account when considering the impact of a proposal.	
10.1.4	The level of harm is often difficult to define. However, substantial harm is taken to be “total loss of significance of a heritage asset” which implies loss of the asset, loss of its heritage values and/or its setting. Furthermore, NPPF Planning Policy Guidance (revised 2014) states that “even minor works have the potential to cause substantial harm.” It goes on to state “it is the degree of harm to the assets significance that is to be assessed rather the scale of the development”. Consequently, this provides a baseline for varying levels of harm with less than substantial harm being harm, slight harm, or negligible, as defined in Table 15, below	This text is still relevant. PPG has been updated.

Table 2-17 – Commentary relating to the revised NPPF in relation to the Environmental Statement Appendix 8.3 Archaeological Evaluation Report (Examination Library Reference APP-106)

Paragraph Reference	Current Text in the Environmental Statement Appendix 8.3 Archaeological Evaluation Report	Commentary
Appendix 2 Written Scheme of Investigation 1.4.2	Where development will lead to the loss of a material part of the significance of a heritage asset, policy HE12.3 [of PPS5, now paragraph 141 of the NPPF] requires local planning authorities to ensure that developers take advantage of the opportunity to advance our understanding of the past before the asset or the relevant part is irretrievably lost. As this is the only opportunity to do this it is important that: 1: Any investigation is carried out to professional standards and to an appropriate level of detail proportionate to the assets likely significance, by an organisation or individual with appropriate expertise; 2. The resultant records, artefacts and samples are analysed and, where necessary, conserved;	The text in the revised NPPF has not substantively changed. Paragraph numbers have changed.

Paragraph Reference	Current Text in the Environmental Statement Appendix 8.3 Archaeological Evaluation Report	Commentary
	3: The understanding gained is made publically available; 4: An archive is created, and deposited for future research.'	

Table 2-18 – Commentary relating to the revised NPPF in relation to the Environmental Statement Appendix 9.3 Preliminary Ecological Appraisal (Examination Library Reference APP-109)

Paragraph Reference	Current Text in the Environmental Statement Appendix 9.3 Preliminary Ecological Appraisal	Commentary
1.1.8	<p>The appraisal has been compiled with reference to the following relevant nature conservation legislation, planning policy and the UK Biodiversity Framework from which the protection of sites, habitats and species is derived in England. The context and applicability of each item is explained as appropriate in the relevant sections of the report and additional details are presented in Appendix 1.</p> <ul style="list-style-type: none"> ○ The Conservation of Habitats and Species Regulations 2010 as amended (Habitats Regulations). ○ The Wildlife and Countryside Act 1981 (as amended) (WCA). ○ Countryside and Rights of Way Act 2000. ○ The Natural Environment and Rural Communities (NERC) Act 2006. ○ The Protection of Badgers Act 1992. ○ The Wild Mammals (Protection) Act 1996. ○ The UK Post-2010 Biodiversity Framework (2011-2020) (JNCC and DEFRA, 2012). ○ Biodiversity 2020: A strategy for England’s wildlife and ecosystem services (DEFRA, 2011). ○ UK Biodiversity Action Plan (UKBAP)1. ○ The National Planning Policy Framework (NPPF) 2012 (DCLG, 2012). 	Revised NPPF now adopted. Otherwise no comment.

Paragraph Reference	Current Text in the Environmental Statement Appendix 9.3 Preliminary Ecological Appraisal	Commentary
	<ul style="list-style-type: none"> ○ Technical Advice Note 5; Nature Conservation and Planning 2009. ○ Selby Local Biodiversity Action Plan, 2004. 	
4.7.3	<p>The National Planning Policy Framework (NPPF) (2012) states that at an overview level the ‘planning system should contribute to and enhance the national and local environment by... minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures’. At a local level, the Local Plan states that one of its objectives is to ‘safeguard existing semi-natural habitats and species, prevent further losses and encourage restoration and creation.</p>	<p>Revised NPPF now adopted. Amended wording in the NPPF now reads “minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;”</p>

Table 2-19 - Commentary relating to the revised NPPF in relation to the Environmental Statement Appendix 9.7 Wintering Bird Survey (Examination Library Reference APP-113)

Paragraph Reference	Current Text in the Environmental Statement Appendix 9.7 Wintering Bird Survey	Commentary
1.2.7	<p>The NPPF sets out, amongst other points how at an overview level the “planning system should contribute to and enhance the natural and local environment by:</p> <ul style="list-style-type: none"> ○ Minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures...” 	<p>Amendments to the NPPF (2019) are as follows:</p> <p>The NPPF (2019) sets out, amongst other points how at an overview level “planning policies and decisions should contribute to and enhance the natural and local environment by: [...]</p> <ul style="list-style-type: none"> ○ Minimising impact on and providing net gains for biodiversity, including by establishing coherent ecological

Paragraph Reference	Current Text in the Environmental Statement Appendix 9.7 Wintering Bird Survey	Commentary
		<p>networks that are more resilient to current and future pressures; [...]</p> <p>Assessment remains the same.</p>
1.2.8	<p>The NPPF also sets out how planning policies should “minimise impacts on biodiversity by the:</p> <ul style="list-style-type: none"> ○ [promotion of] the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations... 	<p>Amendments to the NPPF (2019) are as follows:</p> <p>The NPPF (2019) sets out how planning policies and decisions should contribute and enhance the natural and local environment by:</p> <ul style="list-style-type: none"> ○ Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; <p>Assessment remains the same.</p>

Table 2-20 - Commentary relating to the revised NPPF in relation to the Environmental Statement Appendix 9.8 Great Crested Newt Survey (Examination Library Reference APP-114)

Paragraph Reference	Current Text in the Environmental Statement Appendix 9.8 Great Crested Newt Survey	Commentary
1.2.6	<p>The NPPF (Ref 8) sets out, amongst other points how at an overview level the “planning system should contribute to and enhance the natural and local environment by:</p> <ul style="list-style-type: none"> ○ Minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures...” 	<p>Amendments to the NPPF (2019) are as follows:</p> <p>The NPPF (2019) sets out, amongst other points how at an overview level “planning policies and decisions should contribute to and enhance the natural and local environment by: [...] Minimising impact on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; [...]</p> <p>Assessment remains the same.</p>
1.2.7	<p>The NPPF (Ref 8) also sets out how planning policies should “minimise impacts on biodiversity by the:</p> <ul style="list-style-type: none"> ○ [promotion of] the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations... 	<p>Amendments to the NPPF (2019) are as follows:</p> <p>The NPPF (2019) sets out how planning policies and decisions should contribute and enhance the natural and local environment by: preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;</p> <p>Assessment remains the same.</p>

Table 2-21 - Commentary relating to the revised NPPF in relation to the Environmental Statement Appendix 9.9 Otter and Water Vole Survey (Examination Library Reference APP-115)

Paragraph Reference	Current Text in the Environmental Statement Appendix 9.9 Otter and Water Vole Survey	Commentary
1.2.7	<p>The NPPF (Ref 8) sets out, amongst other points how at an overview level the “planning system should contribute to and enhance the natural and local environment by:</p> <ul style="list-style-type: none"> ○ Minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures...” 	<p>Amendments to the NPPF (2019) are as follows:</p> <p>The NPPF (2019) sets out, amongst other points how at an overview level “planning policies and decisions should contribute to and enhance the natural and local environment by: [...]</p> <p>Minimising impact on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; [...]</p> <p>Assessment remains the same.</p>
1.2.8	<p>The NPPF (Ref 8) also sets out how planning policies should “minimise impacts on biodiversity by the:</p> <ul style="list-style-type: none"> ○ [promotion of] the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations... 	<p>Amendments to the NPPF (2019) are as follows:</p> <p>The NPPF (2019) sets out how planning policies and decisions should contribute and enhance the natural and local environment by:</p> <p>preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;</p> <p>Assessment remains the same.</p>

Table 2-22 - Commentary relating to the revised NPPF in relation to the Environmental Statement Appendix 9.10 Biodiversity Net Gain Assessment (Examination Library Reference REP6-004)

Paragraph Reference	Current Text in the Environmental Statement Appendix 9.10 Biodiversity Net Gain Assessment	Commentary
1.6.1	<p>Since submission of the DCO Application, the Revised National Planning Policy Framework (NPPF) has been adopted (Ref 1.8). The Revised NPPF refers to net gains in biodiversity under Section 15 for conserving and enhancing the natural environment:</p> <p>“The planning policies and decisions should contribute to and enhance the natural and local environment by: ...minimising impacts on biodiversity and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures” (Section 15, paragraph 170);</p> <p>“To protect and enhance biodiversity and geodiversity, plans should:</p> <p>a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and</p>	<p>The NPPF (2019) makes the following references to net gain in biodiversity under Section 15 for conserving and enhancing the natural environment:</p> <p>170. Planning policies and decisions should contribute to and enhance the natural and local environment by:</p> <p>d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;</p> <p>174. To protect and enhance biodiversity and geodiversity, plans should:</p> <p>a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation⁵⁷; and</p> <p>b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.</p> <p>175. When determining planning applications, local planning authorities should apply the following principles:</p>

Paragraph Reference	Current Text in the Environmental Statement Appendix 9.10 Biodiversity Net Gain Assessment	Commentary
	<p>b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.” (Section 15, paragraph 174); and</p> <p>“When determining planning applications...: if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused” (Section 15, paragraph 175).</p>	<p>a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;</p> <p>b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;</p> <p>c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁵⁸ and a suitable compensation strategy exists; and</p> <p>d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity</p> <p>NPPF (2019) states at paragraph 32 that:</p>

Paragraph Reference	Current Text in the Environmental Statement Appendix 9.10 Biodiversity Net Gain Assessment	Commentary
		<p>Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements. This should demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains). Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered).</p> <p>Assessment remains the same.</p>

Table 2-23 - Commentary relating to the revised NPPF in relation to the Environmental Statement Appendix 15.1 Climate Risk and Vulnerability Assessment (Examination Library Reference APP-123)

Paragraph Reference	Current Text in the Environmental Statement Appendix 15.1 Climate Risk and Vulnerability Assessment	Commentary
2.1.1	<p>The National Planning Policy Framework (NPPF)¹ was published on 27 March 2012 and replaces the majority of the Planning Policy Statements and Planning Policy Guidance. Section 4.7 of part 2 of the Report EN-1, the overarching National Policy Statements (NPS) for Energy, details the Government's commitments and strategy for mitigation of, and adaptation to, climate change (Ref. 1.6), including 'generic considerations' to be addressed by applicants to ensure that infrastructure is resilient to climate change</p> <p>"...applicants must consider the impacts of climate change when planning the location, design, build, operation and, where appropriate, decommissioning of new energy infrastructure" (ibid)</p>	Revised NPPF now adopted. Otherwise no comment.
2.1.2	<p>The Climate Change Act (2008) strengthened the institutional framework in respect of planning policy and managing the impact of climate change. In line with the objectives and provisions of the Climate Change Act (2008), the NPPF states that local authorities should adopt proactive strategies to mitigate and adapt to climate change.</p>	This text is still relevant.

Table 2-24 - Commentary relating to the revised NPPF in relation to the Outline Construction Environmental Management Plan (Examination Library Reference REP6-005)

Paragraph Reference	Current Text in the Outline Construction Environmental Management Plan	Commentary
1.4.1 (Table 1-2)	<p>National Planning Policy Framework (NPPF) States that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing geological conservation interests and soils (paragraph 109). It also instructs the prevention of new and existing development from contributing to or being put at</p>	<p>The text in the revised NPPF has not substantively changed. Paragraph numbers have changed.</p>

Paragraph Reference	Current Text in the Outline Construction Environmental Management Plan	Commentary
	unacceptable risk from, or being adversely affected by unacceptable levels of soil or water pollution or land instability (paragraph 109).	

Table 2-25 - Commentary relating to the revised NPPF in relation to the Outline Landscape and Biodiversity Strategy (Examination Library Reference REP7-007)

Paragraph Reference	Current Text in the Outline Landscape and Biodiversity Strategy	Commentary
Appendix 2	<p>The National Planning Policy Framework (NPPF) was recently updated in July 2018. The following paragraphs are of relevance to the Proposed Scheme:</p> <p>Section 12: Achieving well-designed places:</p> <p>Paragraph 124 states that “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve”.</p> <p>Paragraph 127 Planning policies and decisions should ensure that developments:</p> <ul style="list-style-type: none"> b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to the local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.” <p>Section 15: Conserving and enhancing the natural environment:</p> <p>Paragraph 170 a, b and d states that</p> <p>“Planning policies and decisions should contribute to and enhance the natural and local environment by:</p>	The text in the revised NPPF (2019) has not changed.

Paragraph Reference	Current Text in the Outline Landscape and Biodiversity Strategy	Commentary
	<p>a) Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory state or identified quality in the development plan.</p> <p>b) Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.</p> <p>d) Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.</p> <p>e) Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable level of soil, air water or noise pollution or land instability. Development should wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.”</p> <p>Paragraph 174 a and b which states “To protect and enhance biodiversity and geodiversity, plans should:</p> <p>a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks including the hierarchy of international, national and locally designates site of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and</p> <p>b) Promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species, and identify and pursue opportunities of securing measurable net gains for biodiversity.”</p>	

Table 2-26 – Commentary relating to the revised NPPF in relation to the Flood Risk Assessment (Examination Library Reference (REP2-027))

Paragraph Reference	Current Text in the Flood Risk Assessment	Commentary
1.1.2	<p>The FRA is conducted in accordance with the National Planning Policy Framework (NPPF) and Overarching National Policy Statement for Energy (EN-1), providing a quantitative analysis of flood risk to support the DCO application. The assessment includes the following:</p> <ul style="list-style-type: none"> ○ Review of the relevant policy, legislation and guidance. ○ Review of the availability and adequacy of the existing information related to risk of flooding. ○ Confirmation of the sources of flooding that may affect the proposal. ○ A quantitative assessment of the risk of flooding to the proposal and to the adjacent sites as a result of the proposal. ○ Provision of appropriate flood mitigation measures, including an outline surface water drainage strategy. 	This text is still relevant.
1.3.2 (Table 2) Page 1-8	In accordance with NPPF, the Sequential Test does not need to be carried out. However, it is likely that inspectors reviewing the application would expect that the sequential approach was applied in the design process.	This text is still relevant.
2.1.2	Flood risk is assessed in accordance with the NPPF, NPS and local planning policy relevant to the proposed location of the Proposed Scheme. A summary of these policies is provided in this section.	This text is still relevant.
2.3.1	The NPPF and Planning Practice Guidance 'Flood Risk and Coastal Change' documents provide guidance on how new developments must take into account flood risk, including allowance for the impacts of climate change.	This text is still relevant.
2.3.2	<p>In relation to flood risk, the NPPF encourages decision makers to:</p> <ul style="list-style-type: none"> ○ Steer new development to lower risk locations that are appropriate to the proposed use and ensure that development is safe. ○ Prevent any increase in flood risk elsewhere and reduce flood risk through the layout and form of the development and the appropriate application of sustainable drainage systems. 	This text is still relevant.

Paragraph Reference	Current Text in the Flood Risk Assessment	Commentary
	<ul style="list-style-type: none"> ○ Reduce flood risk by making space for water by creating flood flow paths and by identifying, allocating and safeguarding space for flood storage. <p>Use regeneration to help relocate development to lower risk locations when climate change is expected to mean that some existing development may not be sustainable in the long-term.</p>	
2.3.3	As discussed below, the NPPF defines flood risk as the product of the likelihood or chance of a flood occurring (flood frequency) and the consequence or impact of the flooding (flood consequence).	This text is still relevant.
2.3.5	The NPPF identifies Flood Zones in relation to flood frequency. The zones refer to the probability of river (fluvial) and sea (tidal) flooding, whilst ignoring the presence of defences. Table 4 summarises the relationship between the Flood Zone categories and the identified flood risk.	This text is still relevant.
2.4.1	<p>In accordance with the NPPF, the following sources of flooding have been considered in this assessment:</p> <ul style="list-style-type: none"> ○ Fluvial water from watercourses. ○ Overland surface water runoff from adjacent sites. ○ Site generated surface water runoff. ○ Surcharging of sewers. ○ Reservoirs. ○ Groundwater. ○ Tidal water. 	This text is still relevant.
2.7.2	<p>In addition, the NPPF promotes the SUDS hierarchy, which states that the following methods of surface water disposal from a site should be considered in descending order of preference:</p> <ul style="list-style-type: none"> ○ Discharge to the ground. ○ Discharge to a surface water body. ○ Discharge to a surface water sewer ○ Discharge to a combined sewer. 	This text is still relevant.
2.10.1	<p>The methodology adopted in the preparation of this FRA comprises:</p> <ul style="list-style-type: none"> ○ Review of available flood risk data to identify existing flood risk from fluvial, tidal, groundwater, surface water and artificial sources. 	This text is still relevant.

Paragraph Reference	Current Text in the Flood Risk Assessment	Commentary
	<ul style="list-style-type: none"> ○ Review of existing ground conditions on-site to determine groundwater levels, soil permeability and contamination risks through examination of previous land uses and information available from the EA, the British Geological Survey (BGS) and the National Soil Resources Institute (NSRI) Soils Site Report. ○ Review of the Proposed Scheme with respect to the flood risk vulnerability and flood zone compatibility of the Scheme, in accordance with the methodology outlined in the NPPF. ○ Assessment of how the Proposed Scheme might affect flood risk to the site and elsewhere supported by a hydraulic modelling of the proposed works. ○ Preparation and assessment of proposals for the appropriate management of flood risk to enable construction and operation of the development without increasing flood risk elsewhere. 	
7.1.1	<p>The NPPF recommends that the risk-based Sequential Test should be applied by the Local Planning Authority when considering applications for new development. Its aim is to steer new development to areas at the lowest risk of flooding (Flood Zone 1). Where this is not possible, higher risk flood zones can be considered, but in the context of flood risk vulnerability classification and the possible application of the Exception Test.</p>	<p>This text is still relevant.</p>
7.2.2	<p>In accordance with the NPPF for the Exception Test to be passed:</p> <ul style="list-style-type: none"> ○ It must demonstrate that the development provides wider sustainability benefits to the community that outweigh flood risk. ○ A site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. 	<p>This text is still relevant.</p>

Table 2-27 - Commentary relating to the revised NPPF in relation to the Breeding Bird Survey (Examination Library Reference REP1-010)

Paragraph Reference	Current Text in the Breeding Bird Survey	Commentary
1.4.10-1.4.12	<p>At the national level, the National Planning Policy Framework (NPPF) (2018) (Ref 11) forms the basis for planning development decisions with respect to conserving and enhancing the natural environment, including birds. The NPPF sets out, amongst other points how at an overview level the “planning system should contribute to and enhance the natural and local environment by:</p> <p>Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures...”</p> <p>The NPPF also sets out how planning policies should “minimise impacts on biodiversity by the:</p> <ul style="list-style-type: none"> ○ -[promotion of] the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity ...” 	<p>Revised NPPF (2019) now adopted. Otherwise no comment. .</p>

Table 2-28 - Commentary relating to the revised NPPF in relation to the Reptile Survey (Examination Library Reference REP 1-011)

Paragraph Reference	Current Text in the Reptile Survey	Commentary
1.3.9-1.3.10	<p>The NPPF sets out, amongst other points how at an overview level the “planning system should contribute to and enhance the natural and local environment by:</p> <ul style="list-style-type: none"> ○ Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures...” 	<p>No comment as the text quoted is from the NPPF (2018) which in this instance is the same as the NPPF (2019).</p>

Paragraph Reference	Current Text in the Reptile Survey	Commentary
	<p>The NPPF also sets out how planning policies should “minimise impacts on biodiversity by the:</p> <ul style="list-style-type: none"> ○ Promotion of] the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity ...” 	

Table 2-29 - Commentary relating to the revised NPPF in relation to the Bat Activity Survey (Examination Library Reference REP2-31)

Paragraph Reference	Current Text in the Outline Construction Environmental Management Plan	Commentary
1.3.10-1.3.11	<p>At the national level, the National Planning Policy Framework (NPPF) (2018) (Ref 13) forms the basis for planning development decisions with respect to conserving and enhancing the natural environment, including bats. The NPPF sets out, amongst other points how at an overview level the planning system should contribute to and enhance the natural and local environment by:</p> <ul style="list-style-type: none"> ○ “Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures...” <p>The NPPF also sets out how planning policies should minimise impacts on biodiversity by the:</p> <ul style="list-style-type: none"> ○ “- [promotion of] the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity ...” 	Revised NPPF (2019) now adopted. Otherwise no comment.

