PLANNING STATEMENT

Drax Bioenergy with Carbon Capture and Storage

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations, 2009 - Regulation 5(2)(q)

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TABLE OF CONTENTS

PLATES

TABLES

EXECUTIVE SUMMARY

This Planning Statement has been prepared by WSP UK Limited on behalf of Drax Power Limited ('the Applicant'). It accompanies a Development Consent Order ('DCO Application') in relation to the Drax Bioenergy with Carbon Capture and Storage (BECCS) Project ('the Proposed Scheme') in North Yorkshire. The DCO Application has been made under section 37 of the Planning Act 2008 (as amended) ('PA 2008') (Planning Act 2008) and submitted to the Secretary of State ('the SoS') for Business, Energy and Industrial Strategy ('BEIS'). The Order, if made by the SoS, would be known as The Drax Power Station Bioenergy with Carbon Capture and Storage Extension Order.

The Applicant is seeking development consent for the proposed installation of post combustion carbon capture technology to capture carbon dioxide from up to two of the existing 660-megawatt electrical ('MWe') biomass power generating units (Unit 1 and Unit 2) at the Drax Power Station in Selby, North Yorkshire. The installation of this technology constitutes an extension to the Drax Power Station (of which biomass Units 1 and 2 form part), and is referred to as post-combustion carbon capture as the carbon dioxide is captured from the flue gas produced during the combustion of biomass in Units 1 and 2. The Proposed Scheme is designed to remove approximately 95% of the carbon dioxide from the flue gas from these two units, resulting in overall negative emissions of greenhouse gases.

The Proposed Scheme would involve the installation of post-combustion carbon capture technology to capture carbon dioxide from up to two existing 660 MWe biomass power generating units at the Drax Power Station (Unit 1 and Unit 2). The installation of this technology constitutes an extension to the Drax Power Station (of which biomass Units 1 and 2 are part) and is referred to as post-combustion carbon capture as the carbon dioxide is captured from the flue gas produced during the combustion of biomass in Units 1 and 2. . The Proposed Scheme is therefore an extension of an existing generating station with a capacity of more than 50 megawatts ('MW').

In England, under sections 14(1)(a) and 15 of the PA 2008, an onshore electricity generating station is considered to be a Nationally Significant Infrastructure Project ('NSIP') if the electrical power generating capacity is more than 50 MW. As the electrical power generating capacity of the Proposed Scheme exceeds this threshold, the proposed extension to the Drax Power Station to provide post combustion carbon capture technology constitutes an NSIP.

Under section 31 of the PA 2008, a DCO is required to authorise the construction, operation and decommissioning of an NSIP.

The National Policy Statements ('NPSs') produced by Government for energy infrastructure form the primary planning policy framework for NSIPs in the energy sector. Under section 104(3) of the PA 2008, the SoS must decide applications for NSIPs in accordance with the relevant NPSs, except to the extent that certain

circumstances apply (such as where deciding the application in accordance with the NPSs would lead to the SoS being in breach of his duty under any enactment). The energy NPSs highlight that there is an urgent need to decarbonise the UK's power sector by adopting low carbon sources quickly in order to mitigate the worst impacts of climate change.

The government is committed to net zero and decarbonisation of the energy sector through the use of Carbon Capture and Storage ('CCS'). The Committee on Climate Change ('CCC') (an independent, statutory body established under the Climate Change Act 2008) state that in order to achieve UK net-zero by 2050, CCS is a necessity not an option (CCC, 2019). This is in response to the international efforts to limit the global temperature increase in this century to 2°C, compared to pre-industrial levels, while pursuing efforts to limit the increase even further to 1.5°C. Recently, the International Panel on Climate Change (IPCC) has advised that global temperatures are likely to breach the 1.5°C threshold during the 21st century, albeit this is more than likely to be a temporary overshoot (IPCC, 2022). It therefore stresses the need to implement adaptation to climate change. This emphasises the urgency for using CCS whilst other projects and technologies progress.

The energy NPSs contain policies that need to be taken into account by applicants in preparing applications and also the SoS in decision-making. An assessment of the Proposed Scheme against these policies is provided in Chapter 4 of this Planning Statement.

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') 2021, local planning policy and emerging draft NPSs, is provided at Chapter 5.

The policy assessment at Chapters 4 and 5 shows that the Applicant has fully taken into account the relevant policy considerations and guidance contained within the NPSs, the NPPF and local planning policy.

Chapter 6 of the Planning Statement weighs up the key benefits and disbenefits of the Proposed Scheme and considers the planning balance. The Proposed Scheme has a number of very clear and tangible benefits, including:

~ BECCS technology at Drax could ensure the generation of renewable power to millions of UK homes and businesses, whilst capturing 8 million tonnes of carbon from the atmosphere each year at Selby alone. The Proposed Scheme has been designed to remove approximately 95% of the carbon dioxide from the flue gas emitted from two of the four energy generation from biomass units, becoming the first negative emissions power plant in the UK. With the addition of BECCS technology, Drax Power Station could deliver a significant contribution towards the urgent national need for low carbon electricity generation established in NPS EN-1;

- The existing Drax biomass power generating plant provides a form of renewable energy which is reliable and not dependent upon the weather. The Intergovernmental Panel on Climate Change ('IPCC') anticipate that by 2050, whilst 85% of power will come from renewables, like wind and solar, the other 15% will need to come from reliable technologies like sustainable biomass (IPCC, 2019). The installation of BECCS technology on existing biomass power generating units will allow the continued use of a reliable and sustainable energy generation technology which also provides a significant contribution to UK negative emissions;
- The Proposed Scheme would connect into and act as an important enabler of the Zero Carbon Humber ('ZCH') cluster, and would help deliver Government policies and commitments on Carbon Capture Use and Storage (CCUS);
- The Proposed Scheme would be the UK's first delivery of BECCS at an existing power plant, which helps reinforce the UK as a key player in the development and delivery of carbon capture technology. This is a scalable technology which can be applied elsewhere with the Proposed Scheme creating UK leadership and kick-starting a CCS revolution. This will ensure continued economic growth and investment in the UK power and renewables sector. Otherwise, the UK risks being left behind as other nations pursue carbon capture technologies and attract global investment in the industries of the future;
- Significant beneficial local and regional impacts would result from the direct, indirect, and induced employment created by the construction phase of the Proposed Scheme. It is estimated that the Drax BECCS project could generate annual average construction employment of 4,000 direct, 1,600 indirect and 2,500 induced jobs. Once operational, up to 375 Full Time Equivalent ('FTE') employees will be employed at the site (a combination of retained and new jobs), and a total of 960 indirect and 1,800 induced FTE jobs will be created;
- The operational aspects of the Proposed Scheme would be situated on brownfield land making use of an existing power station with existing infrastructure and connections. BECCS currently offers the best value for money in terms of the capture of carbon dioxide compared to direct air capture;
- The parameters within the Draft DCO, as assessed in the Environmental Statement ('ES') and Application documents, provide an appropriate degree of flexibility, allowing for the future connection to the ZCH cluster and allowing for unforeseeable technological advancements and efficiencies to be incorporated in the final design;
- The Proposed Scheme may result in a decrease in surface water runoff from the Drax Power Station. This is because it is expected that surface water from other parts of the Drax Power Station, where feasible, will also be connected into the Northern Cooling Water Reservoir. The collected runoff would then be utilised as cooling water. This presents a more sustainable option than abstracting water from the River Ouse, therefore demonstrating a more sustainable, energy and water efficient practice through design.

As with most developments, the Proposed Scheme would result in some disbenefits relating to traffic and transport, ecology and landscape and visual amenity. These include cumulative impacts upon driver delay (major adverse) and highway safety (minor adverse) at Junction 4 (Junction 36 of the M62), disturbance from construction and/or site and/or vegetation clearance on ecological receptors, and visual impact upon Site fabric due to a change in landscape character (moderate adverse), Landscape Character Area ('LCA') 15: Camblesforth Farmland Viewpoints 1, 2, 3, 6, 7, 9 and 10 (moderate adverse) and visual amenity of nearby residents and PRoW users (moderate adverse).

The above adverse effects are set out in Chapter 19 (Summary of Significant Effects) of the ES (document reference 6.1.19). However, the energy NPSs acknowledge that new energy NSIPs will always have a visual impact; therefore, there is no expectation that proposals for new energy NSIPs will not result in any adverse effects. The Proposed Scheme would deliver clear and substantial benefits which, on balance, are considered by the Applicant to outweigh any of the disbenefits identified.

In conclusion, given the urgency of the need for new CCS in order to decarbonise the power sector in the UK to meet the legally binding target of net zero by 2050, the Applicant considers that the benefits of the Proposed Scheme significantly outweigh the limited harm. The Applicant therefore considers that the Proposed Scheme is acceptable in planning terms and that a DCO should be made by the SoS for the Proposed Scheme.

1. INTRODUCTION

1.1.1. This Planning Statement has been prepared by WSP UK Limited on behalf of Drax Power Limited ('the Applicant') to support the application for a Development Consent Order ('DCO Application') that has been submitted to the Secretary of State ('SoS') for Business, Energy, and Industrial Strategy ('BEIS') under section 37 of the Planning Act 2008 ('PA 2008').

1.1.2. The Applicant is seeking development consent for the proposed installation of post combustion carbon capture technology to capture carbon dioxide from up to two of the existing 660-megawatt electrical ('MWe') biomass power generating units (Unit 1 and Unit 2) at the Drax Power Station in Selby, North Yorkshire. This is called the Drax Bioenergy with Carbon Capture and Storage (BECCS) Project ('the Proposed Scheme'). The installation of this technology constitutes an extension to the Drax Power Station (of which biomass Units 1 and 2 form part) and is referred to as post-combustion carbon capture as the carbon dioxide is captured from the flue gas produced during the combustion of biomass in Units 1 and 2. The Proposed Scheme has been designed to remove approximately 95% of the carbon dioxide from the flue gas from these two Units, resulting in overall negative emissions of greenhouse gases.

1.1.3. The purpose of the Planning Statement is to assist the Examining Authority ('ExA') and the SoS in their assessment of the Proposed Scheme by setting out how the Proposed Scheme accords with relevant planning policy, notably the National Policy Statements ('NPSs') for energy infrastructure, as well as other existing and emerging relevant policy at national, regional and local level.

1.1.4. The Planning Statement demonstrates why the Proposed Scheme should be granted development consent, having given regard to the decision-making criteria of the PA 2008 which, at sections 104(2)(a) and 104(2)(d), directs the SoS to have regard to any relevant NPS and any other matters the SoS thinks are both important and relevant. Regard has also been given to section 104(3), which requires the SoS to decide the Application in accordance with the relevant NPSs, except to the extent that one or more of subsections (4) to (8) of section 104 apply (such as the adverse impact of the proposed development would outweigh its benefits or approving the proposed development would lead to the UK being in breach of any of its international obligations).

1.1.5. In this case, the relevant NPSs are the Overarching NPS for Energy (EN-1) and the NPS for Renewable Energy Infrastructure (EN-3), prepared in 2011 by the Department of Energy and Climate Change ('DECC'), now BEIS.

1.1.6. The Government is currently undertaking a review of the existing energy NPSs to ensure they reflect current energy policy, and to ensure the planning policy framework can deliver investment in the infrastructure needed for the transition to net zero. It is

anticipated that the updated NPSs will be published in 2022. The draft energy NPSs were published by the Government on 6 September 2021 and the consultation period ran until 29 November 2021. The draft NPSs of relevance are Draft Overarching Energy NPS (EN-1) and Draft National Policy Statement for renewable energy infrastructure (EN-3), and accordingly are considered as part of this Planning Statement and DCO Application.

1.1.7. Other matters of potential relevance are considered, including national and local planning policy, the findings of the consultation carried out by the Applicant, and the findings of the Environmental Impact Assessment ('EIA'), as reported in the Environmental Statement ('ES') (document references 6.1, 6.2, 6.3 and 6.4).

1.1.8. The PA 2008 confirms that where NPSs are in place, they shall be the primary basis for the decisions made by the SoS. In the event of any conflict between a NPS and other documents or policy, the NPS takes precedence (EN-1 paragraph 4.1.5).

1.2. THE APPLICANT

1.2.1. The Applicant is Drax Power Limited. Drax Power Limited is a subsidiary of Drax Group Plc and is a UK energy business committed to helping change the way energy is generated, supplied, and used as the UK moves to a low carbon future.

1.2.2. The Applicant owns and operates the Drax Power Station, where the proposed technology combining energy generation from biomass with carbon capture and storage and associated works will be located. Drax Power Station is one of the UK's largest energy producers which provides 6% of the country's electricity needs and generated 12% of the UK's renewable power in 2021.

1.3. PROPOSED SCHEME

1.3.1. The Applicant is proposing to install post combustion Carbon Capture technology to capture carbon dioxide from up to two of the existing 660 MWe biomass power generating units (Unit 1 and Unit 2) at the Drax Power Station in Selby, North Yorkshire. The installation of this technology constitutes an extension to the Existing Drax Power Station (of which biomass Units 1 and 2 form part) and is referred to as post-combustion carbon capture as the carbon dioxide is captured from the flue gas produced during the combustion of biomass in Units 1 and 2. As noted above, this has been designed to remove approximately 95% of the carbon dioxide from the flue gas, resulting in overall negative emissions of greenhouse gases.

1.3.2. Biomass will continue to be sourced from sustainable sources, primarily sustainably managed forests in accordance with the Applicant's published policy for responsible sourcing (Drax, 2019). The forests used to supply biomass absorb carbon dioxide as the trees grow, therefore the carbon dioxide released when the biomass is combusted as fuel is already accounted for. By capturing and storing carbon dioxide emitted in safe underground deposits, the process of biomass electricity generation becomes carbon negative, as more carbon has been removed from the atmosphere than has been added.

1.3.3. The Proposed Scheme includes the following:

a. Up to two Carbon Capture Plants (one associated with Unit 1 and one associated with Unit 2) (Work No. 1D as described in Schedule 1 of the draft DCO);

b. Additional Common Plant infrastructure and modification works to the Drax Power Station that are required to support and integrate with one or both Carbon Capture Plants;

c. Infrastructure to transport compressed carbon dioxide from the Carbon Dioxide Processing and Compression Plant to storage and transport infrastructure operated by National Grid Carbon Limited (Work No. 2 in Schedule 1 of the draft DCO);

d. Minor vegetation and street furniture management and other works to facilitate access during construction (Work No. 4 in Schedule 1 of the draft DCO);

e. Additional supporting infrastructure and other works for the Proposed Scheme as set out in Section 2.2.49 (Work No. 3 in Schedule 1 of the draft DCO);

f. Temporary construction laydown areas (Drax Power Station Site Construction Laydown Areas and the East Construction Laydown Area) (Work No. 5 in Schedule 1 of the draft DCO); and

g. Habitat Provision Area (Work No. 6 in Schedule 1 of the draft DCO); and

h. A more detailed description is included in Chapter 2 (Site and Project Description) of the ES (document reference 6.1.2).

1.3.4. The Northern Endurance Partnership ('NEP') is a partnership between BP, Shell, National Grid, Equinor and Total (Zero Carbon Humber, 2021). NEP will develop the offshore pipeline and Endurance saline aquifer carbon storage infrastructure in the southern North Sea for the carbon dioxide captured by Net Zero Teesside and Zero Carbon Humber (ZCH) (Zero Carbon Humber, 2021). The Applicant is a formal partner of ZCH.

1.3.5. The NEP, ZCH and Net Zero Teesside unite as the East Coast Cluster, whose goal is to remove 50% of the UK's industrial cluster carbon dioxide emissions (Zero Carbon Humber, 2021).

1.3.6. Further to the above, National Grid Carbon Limited ('NGCL') is part of National Grid Ventures ('NGV'), a division of National Grid plc. NGCL is responsible for the Humber Low Carbon Pipeline DCO Project, which is a separate Nationally Significant Infrastructure Project ('NSIP') which will provide the carbon dioxide pipeline required to enable the export of the carbon dioxide captured by the Proposed Scheme to the Humberside Coast, for onward transportation to the Endurance storage site under the North Sea. The NGCL pipeline and the Endurance storage site are both separate projects and do not form part of the Proposed Scheme and they are not included in the DCO Application but will be the subject of separate consent applications by third parties, such as by NGCL.

THE DRAFT DCO

1.3.7. In England, under sections 14(1)(a) and 15 of the PA 2008, an extension to an onshore electricity generating station with capacity of more than 50 megawatts is considered to be a NSIP if the electrical power generating capacity is more than 50 megawatts ('MW'). The Proposed Scheme would involve the installation of post-combustion carbon capture technology to capture carbon dioxide from up to two existing 660 MWe biomass power generating units at the Drax Power Station (Unit 1 and Unit 2). The installation of this technology constitutes an extension to the Existing Drax Power Station (of which biomass Units 1 and 2 are part) and is referred to as post-combustion carbon capture as the carbon dioxide is captured from the flue gas produced during the combustion of biomass in Units 1 and 2. The Proposed Scheme is designed to remove approximately 95% of the carbon dioxide from the flue gas from these two Units. The Proposed Scheme is therefore an extension of an existing generating station with capacity of more than 50 MW.

1.3.8. As the Proposed Scheme constitutes a NSIP the Applicant must make an application under the PA 2008 for a DCO to construct, operate, maintain and eventually decommission the Proposed Scheme. This Application has been submitted to the SoS, and, if accepted, will be examined by the ExA (appointed by the SoS from PINS), who will then make a recommendation to the SoS. The SoS will then make a decision on whether or not to make the DCO.

1.3.9. The DCO, if made by the SoS, would be known as The Drax Power Station Bioenergy with Carbon Capture and Storage Extension Order.

1.3.10. In accordance with Regulation 5(2)(b) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) ('APFP Regulations'), a Draft DCO (document reference 3.1) has been submitted to the SoS as part of this Application. The Draft DCO seeks powers of compulsory acquisition of interests and rights in land (including new rights and the imposition of restrictive covenants) within the Order Land as shown on the Land Plans (document reference 2.2). The provisions relating to compulsory acquisition are set out in Part 5 of the Draft DCO. These and other provisions of the Draft DCO are explained in the Explanatory Memorandum (document reference 3.2). Information on the interests and rights that exist in relation to the land within the Order Limits is contained in the Book of Reference (document reference 4.3), and the justification for the proposed compulsory acquisition of interests and rights in land is set out in the Statement of Reasons (document reference 4.1). To demonstrate the Applicant's ability to fund the compulsory acquisition, the Applicant has submitted a Funding Statement (document reference 4.2) in accordance with regulation (5)(2)(h) of the APFP Regulations.

1.3.11. Schedule 1 of the Draft DCO (document reference 3.1) sets out the individual works proposed as part of the Proposed Scheme (termed in the Draft DCO as the "authorised development"). A detailed description of these works is contained in Chapter 2 (Site and Project Description) of the ES (document reference: 6.1.2) and Chapter 2 of this Planning Statement.

1.3.12. Schedule 2 (Requirements) of the Draft DCO (document reference 3.1) contains a number of requirements that would control the detailed design of the Proposed Scheme, in addition to its construction, operation (which includes maintenance) and decommissioning, to ensure that its effects would remain within the scope of the EIA carried out and would not result in unacceptable impacts. Details of the Proposed Scheme to be approved pursuant to these requirements would necessitate the submission to, and approval by, the local planning authority, Selby District Council (SDC) and, in respect of county matters, to North Yorkshire County Council (NYCC) (and in some cases approval by or consultation with the Environment Agency and National Highways). Several of these requirements would need to be discharged prior to the commencement of the Proposed Scheme (or part thereof), while others are to be discharged prior to the date of full commissioning, or any decommissioning.

1.3.13. Of note, parliamentary approval was given in 2021 for the creation of North Yorkshire Council ('NYC'); a 'new' unitary council which will replace North Yorkshire County Council and the seven district and borough councils in Craven, Hambleton, Harrogate, Richmondshire, Ryedale, Scarborough and Selby. North Yorkshire Council will be established on 1 April 2023 and submission of the aforementioned Schedule 2 (Requirements) of the Draft DCO (document reference 3.1) may therefore need to be made to NYC from that date. The Draft DCO makes allowance for this.

ENVIRONMENTAL IMPACT ASSESSMENT

1.3.14. The Proposed Scheme is considered to be Schedule 1 development under paragraph 23 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regulations 2017'). It falls under the category of 'Installations for the capture of carbon dioxide streams for the purposes of geological storage pursuant to Directive 2009/31/EC from installations referred to in this Schedule, or where the total yearly capture of carbon dioxide is 1.5 megatonnes or more'. The Proposed Scheme will have the capability of capturing in excess of 1.5 megatonnes of carbon dioxide per annum per biomass unit. The Proposed Scheme, therefore, requires an EIA, and there is no requirement to obtain a screening opinion on this matter from the SoS.

1.3.15. In accordance with the EIA Regulations 2017, the Application therefore includes an ES (document reference 6.1 for Volume 1 Main Text; document reference 6.2 for Volume 2 Figures; document reference 6.3 for Volume 3 Appendices; and document reference 6.4 for Volume 4 Non-Technical Summary) that reports the findings of the EIA undertaken. An EIA scoping exercise was undertaken prior to the preparation of the ES.

1.3.16. The EIA Regulations 2017 set out a procedure for assessing, consulting on, and coming to a decision on projects that are likely to have significant environmental effects. The EIA considers the likely significant environmental effects resulting from the construction, operation (including maintenance) and decommissioning phases of the Proposed Scheme.

1.3.17. The ES is produced so that the SoS can take account of the environmental effects of the Proposed Scheme when deciding whether or not to grant the DCO.

1.3.18. The ES identifies and sets out any likely significant environmental effects, as well as any measures needed to mitigate likely significant adverse environmental effects, taking account of the Mitigation Hierarchy to first try to avoid, then prevent and then reduce likely significant adverse effects on the environment and, if possible, offset likely significant adverse effects on the environment.

1.3.19. The ES also identifies residual effects; i.e., those effects that the Proposed Scheme is likely to have after mitigation measures are implemented.

1.3.20. The ES, in Chapter 18 (Cumulative Effects) (document reference 6.1.18), takes account of the potential cumulative effects of the Proposed Scheme in combination with other relevant, known, proposed or consented schemes, as well as the combined effects resulting from the interrelationship of the various environmental effects caused by the Proposed Scheme.

1.3.21. The ES has been produced in accordance with regulation 14 of the EIA Regulations 2017, including all necessary information in order to satisfy regulation 14(2)(a) -(f) and schedule 4.

1.3.22. It has not been possible for the Applicant to fix all of the design details of the Proposed Scheme prior to submission of the Application. Therefore, the Applicant seeks to incorporate a degree of flexibility within the layout and design of the Proposed Scheme. In order to accommodate this flexibility and ensure a robust EIA of the Proposed Scheme, the Applicant has adopted a flexible approach and has assessed a number of maximum design parameters, as set out within the Draft DCO and explained in Chapter 2 (Site and Project Description) of the ES (document reference 6.1.2). This is in accordance with the Rochdale Envelope.

1.3.23. PINS Advice Note nine: 'Using the 'Rochdale Envelope' (PINS, 2018) provides guidance regarding the degree of flexibility that may be considered appropriate within an application for development consent under the PA 2008. The Advice Note acknowledges that there may be parameters of a proposed development's design that are not yet fixed and, therefore, it may be necessary for the ES to assess likely worst-case variations to ensure that the likely significant effects of the Proposed Scheme have been assessed.

1.3.24. The Application includes heads of terms for a legal agreement under section 106 of the Town and Country Planning Act 1990 to secure ecological off-site improvement works, a Local Liaison Committee, a Local Employment Scheme, and a contribution to off-site River Habitat.

1.3.25. The above obligations are set out in greater detail in Section 4.4 of this Planning Statement. The obligations are to be secured by a section 106 Agreement and are set out in the Heads of Terms for section 106 Agreement (document reference 7.1) submitted with the DCO Application. The Applicant is in discussion with SDC and NYCC in relation to these obligations and it is envisaged that a section 106 agreement would be entered into and provided to ExA during the course of the Examination of the Application.

1.3.26. Currently, Drax Power Station operates 4 biomass units (units 1-4). All 4 units are consented, in current operation and permitted to operate to their maximum operational capability. All 4 units currently benefit from certain subsidies that apply to biomass generation that expire at the end of Q1 2027, after which the Applicant expects that those biomass units that are not converted to BECCS under the Proposed Scheme will continue to operate but generate less frequently than they did when the subsidy was available (due to reduced revenues due to the loss of subsidy and only marginal increases in revenue due to new revenues received through participation of those units in the capacity market). However, the extent to which they operate will depend on market economics, principally the power price and the cost of biomass fuel and the commercial reality is that the units would likely operate whenever it was commercially feasible to do so.

1.3.27. As part of the assessment methodology for the Environmental Statement, Drax Power Limited has looked at a future "baseline scenario" which does not involve extending the station with BECCS and continuing to operate the power station as it is. This scenario assumes that there will still be a need for flexible, dispatchable thermal plant as the energy market evolves and that any biomass unit operating without CCS would operate as mid-merit plant, with load factors of approximately 4,000 hours of operation per annum. However, this is a reasonable modelling assumption only - the 4 biomass units are already consented and permitted to operate as baseload plant as required and the plant would be fully capable to operate at full load if market economics made this commercially attractive. Conversely, it may operate less frequently if market economics were unattractive.

1.3.28. The scenarios in the Environmental Statement have assumed (although again this is an assumption of an uncertain market) that the application of BECCS to two units (units 1 and 2) will increase their revenues and so enable those units to operate full baseload - i.e. the application of BECCS to a given unit will increases its load factor relative to the assumed baseline scenario if BECCS was not applied. However, as detailed above, the baseline scenario is only a reasonable assumption of a highly uncertain market and biomass units without BECCS are already fully consented to generate at full load. This Proposed Scheme is not seeking consent for nor seeking to limit this ability to operate at increased load factors relative to the baseline scenario given that no such restrictions exist currently.

1.3.29. Whilst a number of chapters, including air quality, Ecology (including the HRA) and Greenhouse Gas assessments have sought to identify and/or assess a range of other operating scenarios as part of sensitivity checks or else to ascertain maximum impacts of any change, it is the Applicant's view that the determination of this Proposed Scheme should properly only consider the impact that the changes that the application of BECCS technology under the Proposed Scheme would have on the environment compared to a unit operating at the same load factor without BECCS, not effects arising from changes to load factors.

1.4. PURPOSE OF DOCUMENT

1.4.1. This Planning Statement is part of the suite of documents which accompany the Application made pursuant to section 37 of the PA 2008. The purpose of this document is to assist the ExA in their assessment of the Proposed Scheme so they can make an informed and robust recommendation to the SoS, and to assist the decision maker (the SoS) in the determination of the Application.

1.4.2. This document identifies the relevant legislation and policy applicable to the Proposed Scheme and assesses the proposals against this policy context. This demonstrates how the Applicant has taken account of relevant planning policy, notably the energy NPSs, and the extent to which the Proposed Scheme complies with these policies. It also considers other matters which are "important and relevant" to the SoS's determination of the Application including UK Government energy and climate change policy, draft revised energy NPSs, the National Planning Policy Framework ('NPPF') and local planning documents. The Planning Statement sets out the key benefits and likely significant adverse environmental effects of the Proposed Scheme drawing upon other relevant application documents that provide more detail including the Needs & Benefits Statement and the ES.

1.4.3. This Planning Statement demonstrates the application complies with planning policy and that the DCO should be made having regard to the decision-making criteria in the PA 2008.

1.5. STRUCTURE

1.5.1. This Planning Statement is structured as follows:

- **a.** This chapter (Chapter 1) provides an introduction to the Planning Statement;
- **b.** Chapter 2 provides an overview of the site and planning history. It also sets out the Project Description;
- **c.** Chapter 3 sets out the consenting framework for the Proposed Scheme including the national and local planning policy framework;
- **d.** Chapter 4 analyses and assesses the Proposed Scheme against the relevant NPSs (the primary planning policy framework);
- **e.** Chapter 5 analyses and assesses the Proposed Scheme against other relevant planning policy including the NPPF and local planning policy, as well as the emerging draft NPSs (the secondary planning policy framework and other policy considerations);
- **f.** Chapter 6 sets out the likely benefits and disbenefits of the Proposed Scheme and the planning balance; and
- **g.** Chapter 7 provides the overall conclusion of the planning analysis.

1.5.2. The Planning Statement contains the following Appendices:

- **a.** Appendix A – Relevant Planning History of Drax Power Station and Surrounds.
- **b.** Appendix B – Adopted Planning Policy Analysis, including the assessment of:

i. Table B.1 – National Policy Statements (EN-1 and EN-3);
ii. Table B.2 – National Planning Policy Framework;
iii. Table B.3 – Local Planning Policy; and

c. Appendix C – Emerging Planning Policy Analysis (Draft NPS EN-1 and Draft EN-3).

1.5.3. The Planning Statement should be read in conjunction with the other documents submitted with the Application, in particular:

a. The Glossary (document reference 1.7);

b. The Plans (document references 2.1 – 2.5);

c. The Draft DCO and Explanatory Memorandum (document references 3.1 and 3.2, respectively);

d. The Consultation Report (document reference 5.1);

e. The Needs and Benefits Statement (document reference 5.3);

f. The Environmental Statement (document references 6.1 – 6.4); and

g. The Draft Heads of Terms for a development consent obligation (s106) (document reference 7.1).

2. THE SITE AND PROPOSED SCHEME

2.1. SITE DESCRIPTION

2.1.1. The Site refers to the land within which the Proposed Scheme would be located, which are bounded by the Order Limits. Document reference 2.1 provides a Site Location Plan identifying the location of the site in the context of the local area.

2.1.2. The Order Limits are shown on **Figure 1.1 (Order Limits)** of the ES (document reference 6.2.1.1) and refers to the outer perimeter of the Site, including the maximum extent of all potential permanent and temporary works required as part of the Proposed Scheme.

2.1.3. The Site is approximately 125 ha and is split into the following parcels:

a. Drax Power Station Site – the land occupied by the Drax Power Station;

b. East Construction Laydown Area –area required during the construction phase of the Proposed Scheme for temporary works situated to the east of the Drax Power Station, across New Road. (N.B. There are several parcels of land within the Drax Power Station Site which would be used for construction laydown. These areas have been termed 'Drax Power Station Site Construction Laydown Areas');

c. Habitat Provision Area – the land within the Order Limits that may be used for environmental mitigation for the Proposed Scheme. This parcel is located to the north and north east of the Drax Power Station; and

d. Surrounding road network.

2.1.4. In addition, an Off-site Habitat Provision Area has been identified within land outside of the Order Limits, to the west of the Site, that will be used to provide some of the ecological mitigation and compensation associated with the Proposed Scheme. This area is shown on **Figure 1.3 (Off-Site Habitat Provision Area)** of the ES (document reference 6.2.1.3). The provision of these works will be secured via a development consent obligation under section 106 (see **Heads of Terms** for this section 106 agreement, (document reference 7.1).

DRAX POWER STATION SITE

2.1.5. Drax Power Station was originally built, owned and operated by the Central Electricity Generating Board. It had a capacity of just under 2,000 megawatts ('MW') when Phase 1 was completed in 1975, increasing to 4,000 MW from six coal-fired units after the construction of Phase 2 in 1986.

2.1.6. It is now owned and operated by Drax Power Limited (the 'Applicant'). Four of the six main generating units (units 1 to 4) run on biomass, making Drax Power Station the UK's largest single site renewable power generator.

2.1.7. The two remaining coal units (units 5 and 6) stopped generating electricity commercially in March 2021 and will cease operations prior to works to construct the Proposed Scheme commencing.

2.1.8. The Applicant has the benefit of a Development Consent Order ('DCO') (The Drax Power (Generating Stations) Order 2019), which allows it to repower up to two of the existing coal-powered generating units with new gas turbines that can operate in both combined cycle and open cycle modes (" Drax Repower"). The new units would have a new combined capacity of up to 3,600 MW in combined cycle mode (1,800 MW each). The Applicant has publicly stated that it has no plans to progress Drax Repower, and this is confirmed by a proposed article in the **draft DCO** submitted with the Application (document reference 3.1). As such, for the purposes of the Application for the Proposed Scheme including this ES, it has been assumed that Drax Repower will not be built.

2.1.9. The Applicant has full planning permission under the Town and Country Planning Act 1990 for the demolition of the redundant Flue Gas Desulphurisation ('FGD') Plant and associated restoration works at Drax Power Station. The decommissioning and demolition works are scheduled to take place between 2022 and 2027. The decommissioning and demolition works of Absorber Units 4, 5 and 6 are scheduled to take place prior to the start of the construction of the Proposed Scheme, whilst the demolition of Absorber Units 1, 2 and 3 are assumed to take place following the completion of the Proposed Scheme.

2.1.10. The Existing Drax Power Station is characterised by a number of large structures, including the main generating station buildings housing the four biomass units (retrofitted sequentially at Drax Power Station since 2013) and two coal units, a main emissions stack of 259 m in height, 12 cooling towers each of 116.5 m in height (six to the north and six to the south of the generating station buildings), offices, storage buildings and ash handling facilities, as well as overhead electricity cables and rail infrastructure.

2.1.11. Drax Power Station currently operates in accordance with Environmental Permits as required by the Environmental Permitting (England and Wales) Regulations 2016 which are implemented under an environmental management system certified to ISO 14001:2015. The management system was developed to manage the operations in line with the permit requirements and compliance obligations through a series of processes and documented systems. These systems are audited biannually internally on a risk basis targeting circa 8 audits per annum and externally, with two surveillance visits and two verification audits generally carried out every year by the regulator.

2.1.12. The Applicant will submit a separate application for a variation to the existing Environment Permit, EPR/VP3530LS, for the Drax Power Station. This will be developed in parallel to the DCO Application and submitted to the Environment Agency at the same time, or shortly after, the DCO Application is submitted to PINS.

2.1.13. Three Public Rights of Way ('PRoW') run adjacent to the Drax Power Station Site (see **Figure 1.2 (Indicative Site Layout Plan**) of the ES (document reference 6.2.1.2)). PRoW 35.47/6/1 runs from New Road along part of the northern edge of the Drax Power Station Site (eastern side) and connects to PRoW 35.6/12/1. PRoW 35.6/12/1 also runs along part of the northern edge of the Drax Power Station Site (western side) and connects PRoW 35.47/6/1 with PRoW 35.47/10/1. PRoW 35.47/10/1 runs along the western boundary of the Drax Power Station Site and connects with PRoW 35.6/11/1 and part of PRoW 35.47/11/1. Further detail is shown on **Figure 2.1 (Environmental Constraints)** of the ES (document reference 6.2.2.1).

CONSTRUCTION LAYDOWN AREAS

2.1.14. The construction laydown areas for the Proposed Scheme are made up of the East Construction Laydown Area, which is situated to the east of the Drax Power Station, across New Road and the Drax Power Station Site Construction Laydown Areas, which are several parcels of land within the Drax Power Station Site.

2.1.15. PRoW 35.47/1/1 runs adjacent to the northern boundary of the East Construction Laydown Area. Further detail is shown on **Figure 2.1 (Environmental Constraints)** of the ES (document reference 6.2.2.1).

2.1.16. Further details of the proposed use and reinstatement of the different construction laydown areas are set out in paragraphs 2.3.8. to 2.3.11 of Chapter 2 of the ES (document reference 6.1.2).

HABITAT PROVISION AREA

2.1.17. Land to the north and north east of the Drax Power Station Site within the Order Limits (shown on **Figure 1.1**) of the ES (document reference 6.2.1.1) consists of mainly agricultural fields. New Road landfill site, an historic landfill, is located to the north east of the Drax Power Station Site, partially within the Order Limits.

2.1.18. Drax Augustinian Priory Scheduled Monument, Foreman's Cottage and Drax Abbey Farm fall outside of the Habitat Provision Area but are either partially or entirely bounded by it.

2.1.19. One Public Right of Way ('PRoW') runs within the Habitat Provision Area (see **Figure 1.2 (Indicative Site Layout Plan**) of the ES (document reference 6.2.1.2)). PRoW 35.47/6/1 runs from New Road along part of the Habitat Provision Area, to be used for access for planting and maintenance on proposed hedgerows. PRoW 35.47/1/1 runs adjacent to the southern boundary of the Habitat Provision Area, to the south of Pear Tree Avenue. Further detail is shown on **Figure 2.1 (Environmental Constraints)** of the ES (document reference 6.2.2.1).

OFF-SITE HABITAT PROVISION AREA

2.1.20. The Off-Site Habitat Provision area sits outside of the Order Limits, to the west of the Drax Power Station Site, and is shown on **Figure 1.3 (Off-Site Habitat Provision Area)** of the ES (document reference 6.2.1.3). This land consists of a northern section, referred to as 'Arthurs Wood' and a southern section referred to as the

'Fallow Field'. The Off-Site Habitat Provision Area is situated partially within the Skylark Centre and Nature Reserve, established and run by Drax Power Limited.

2.1.21. The Off-Site Habitat Provision Area within Arthurs Wood comprises broadleaved woodland. An access track forming part of the Nature Reserve runs along the eastern boundary and Park Lane is to the North. Stable Road bounds the area to the west.

2.1.22. Fallow Field consists of disused agricultural land comprising grassland, scrub, hedgerow and young woodland scrub. A PRoW (35.6/6/1) runs through the southern half of Fallow Field entering from agricultural land to the west and running approximately south to the southern boundary of the Off-Site Habitat Provision Area.

SURROUNDING ROAD NETWORK

2.1.23. Minor vegetation and street furniture management required to construct the Proposed Scheme within the Order Limits in relation to the transportation of construction materials via the road network. These works would take place along the A645 along the southern boundary of the Order Limits.

SURROUNDING AREA

2.1.24. Environmental constraints are shown in **Figure 2.1 (Environmental Constraints)** of (document reference 6.2.2.1). Drax Power Station is surrounded by the villages of Drax, approximately 700 m to the south east of the Order Limits, Long Drax approximately 1.3 km north east, Hemingbrough approximately 1.2 km north and Camblesforth approximately 1.5 km south west. Larger towns in the vicinity of the Drax Power Station are Selby approximately 6 km north west and Goole approximately 8 km south east of the Drax Power Station Site.

2.1.25. Rusholme Wind Farm is located approximately 3 km to the east of the Order Limits and Drax Golf Club is across the A645 to the south. There is an industrial site adjacent to the south west of the Order Limits to the. Drax Skylark Centre and Nature Reserve are located to the north west.

2.1.26. The nearest major surface water feature is the River Ouse, located adjacent to the north east of the Order Limits. Approximately 6.2 km downstream from this location, the River Ouse forms part of the Humber Estuary Ramsar site, Special Area of Conservation ('SAC'), Special Protection Area ('SPA') and Site of Special Scientific Interest ('SSSI'). The River Derwent is the closest SAC, approximately 450 m to the north of the Order Limits. There are various other sites designated for their biodiversity value within the area. All distances are measured from the Order Limits.

2.1.27. PRoW run adjacent to the western and northern borders of the Drax Power Station Site and to the north of the East Construction Laydown Area. A PRoW network extends across much of the surrounding area, with a high concentration between the village of Drax and the River Ouse. The Trans-Pennine trail long distance path and the Sustrans Route 65 run along the eastern bank of the River Ouse.

2.1.28. The road network adjacent to the Order Limits includes the A1041 and the A645, which connect the Drax Power Station to the wider road network including the M62

Junction 36, approximately 6 km south east. Minor roads connect the Drax Power Station to the villages of Drax, Newland and isolated properties.

2.1.29. Further details on environmental constraints are shown in **Figure 2.1 (Environmental Constraints)** of the ES (document reference 6.2.2.1).

2.2. SITE DEVELOPMENT AND PLANNING HISTORY

2.2.1. Drax Power Station began generating electricity after its first 660 MW coal-fired unit was commissioned in 1974. In 1975, the Power Station was officially opened, with three coal fired units and a total generating capacity of just under 2,000 MW. Eleven years later, in 1986, the Power Station had doubled in size and was the largest power station in the UK. There are currently six generating units at Drax Power Station, which include four units converted to be fuelled by biomass. The two remaining units run on coal, however they stopped generating electricity commercially in March 2021 and will cease operations entirely prior to works to construct the Proposed Scheme commencing. The use of biomass pellets reduces Drax Power Station's carbon emissions by 80% compared to coal, and the biomass sourcing policy used by Drax Power Limited goes beyond the stringent requirements outlined by both Ofgem and the EU. The conversion from coal to biomass was a world first which created a robust and resilient global supply chain for sustainable biomass.

2.2.2. Drax Power Station provides approximately 6% of the country's electricity needs, including 12% of the UK's renewable power, and employs 700 people directly on an annual basis and supports a further 4,200 jobs throughout Yorkshire and the Humber Region (Drax, 2022).

2.2.3. The planning history for Drax Power Station generally consists of planning decisions relating to the existing operations. For the most part, these relate to the operation of Drax Power Station and have been for ancillary buildings, structures and infrastructure. More recently, in October 2019, development consent was granted to the Applicant for The Drax Power (Generating Stations) Order 2019, which allows Drax Power Limited to repower up to two of the existing coal-powered generating units with new gas turbines that can operate in both combined cycle and open cycle modes so that the source of fuel would change from coal fuel to natural gas, thus reducing carbon dioxide outputs (referred to as the Drax Repower Project). The new units would have a new combined capacity of up to 3,600 MW in combined cycle mode (1,800 MW each). However, the Applicant has publicly stated that they have no plans to progress the Drax Repower Project, and this is confirmed by a proposed article in the Draft DCO submitted with the DCO Application (document reference 3.1). As such, for the purpose of this DCO Application, it is assumed that the Drax Repower Project will not be built.

2.2.4. In January 2021, the Applicant received full planning permission under the Town and Country Planning Act 1990 for the demolition of the redundant Flue Gas Desulphurisation ('FGD') Plant and associated restoration works at Drax Power Station (local planning authority ref. 2020/0994/FULM). The decommissioning and

demolition works of Absorber Units 4, 5 and 6 are scheduled to take place prior to the start of the construction of the Proposed Scheme, and the demolition of Absorber Units 1, 2 and 3 are expected to take place following the completion of the Proposed Scheme. The decommissioning and demolition works have not yet commenced and are anticipated to commence in 2023. The Draft DCO (document reference 3.1) includes a requirement at Schedule 2 for the approval of a phasing plan for the Proposed Scheme, which is required to be in accordance with the phasing arrangements set out in Chapter 2 of the ES (document reference 6.1.2), which includes confirmation that the FGD demolition would occur before and following the construction of the Proposed Scheme.

2.2.5. The other relevant planning history and planning permissions relating to the Site and its surrounds are set out in more detail within Table A.1 in Appendix A of this Planning Statement. Where relevant, these permissions are also considered within the cumulative effects assessment in Chapter 18 (Cumulative Assessment) of the ES (document reference 6.1.18).

2.3. THE PROPOSED SCHEME

2.3.1. The Proposed Scheme would involve the installation of post-combustion carbon capture technology to capture carbon dioxide from up to two existing 660-megawatt electrical ('MWe') biomass power generating units at the Drax Power Station (Unit 1 and Unit 2). The installation of this technology constitutes an extension to the Existing Drax Power Station (of which biomass Units 1 and 2 are part) and is referred to as post-combustion carbon capture as the carbon dioxide is captured from the flue gas produced during the combustion of biomass in Units 1 and 2. The Proposed Scheme is designed to remove approximately 95% of the carbon dioxide from the flue gas from these two Units.

2.3.2. The carbon dioxide captured will undergo processing and compression before being transported via a proposed new pipeline for storage under the southern North Sea. Transport and storage infrastructure will be consented through separate applications submitted by other parties (not the Applicant).

2.3.3. Core items of the existing infrastructure at the Drax Power Station would be utilised by installing and integrating the Carbon Capture Plant with existing infrastructure including existing power generating units (Units 1 and 2) for extraction of steam, re-using the cooling water systems, Main Stack and electrical connections.

2.3.4. The description of the Proposed Scheme included within this section has been written and structured to align with the process flow. For a visual representation of the process flow, refer to **Plate 2.1** in Chapter 2 of the ES (document reference 6.1.2). In the description of the "authorised development" in Schedule 1 of the draft DCO (document reference 3.1) the nationally significant infrastructure is described under Work No. 1 and the associated development work described in the subsequent Work Nos 2 - 6.

2.3.5. The Proposed Scheme is made up of the following:

a. Up to two Carbon Capture Plants (one associated with Unit 1 and one associated with Unit 2) (Work No. 1D as described in Schedule 1 of the **draft DCO**), each made up of:

i. Flue gas pre-treatment section (includes flue gas booster fans (Work Nos. 1D(v) and (vi)), Gas / Gas Heat Exchangers (Work Nos. 1D(v) and (vi)) and Quench Columns (Work Nos. 1D(i) and (ii)));

ii. One Absorber Column (Work Nos. 1D(i) and (ii));

iii. Solvent Regeneration System (to include up to two Regenerators) (Work Nos. 1D(iii) and (iv)); and

iv. Rich Solvent / Lean Solvent Heat Exchangers (Work Nos. 1D(iii) and (iv));

b. Additional Common Plant infrastructure and modification works to the Drax Power Station that are required to support and integrate with one or both Carbon Capture Plants including:

i. Solvent Storage and Make-up System (comprising up to four bunded solvent storage compounds) (Work No. 1D(vii) in Schedule 1 of the draft DCO);

ii. Carbon Capture Wastewater Treatment Plant (Work No. 1D(viii) in Schedule 1 of the draft DCO);

iii. Carbon Dioxide Processing and Compression Plant (Work No. 1E in Schedule 1 of the draft DCO);

iv. Modification to the existing water pre-treatment plant (Work No. 1A in Schedule 1 of the draft DCO);

v. Modification, upgrade and extension of the existing cooling system and distribution of cooling water to the Proposed Scheme (Work No. 1B in Schedule 1 of the draft DCO);

vi. Modifications to existing electrostatic precipitators (Work No. 3 in Schedule 1 of the draft DCO);

vii. Modifications, upgrade and extension to existing power generating units, boilers and turbines for steam extraction and new steam processing infrastructure for distribution of process steam and electricity supply to the Proposed Scheme (Work No. 1C and Work No. 1F in Schedule 1 of the draft DCO); and

viii. Integral electrical connections within the existing generating station and Carbon Capture Plant including upgrades to the existing electrical infrastructure and new electrical infrastructure for the secondary electrical supply to the Proposed Scheme (Work No. 1F in Schedule 1 of the draft DCO);

c. Infrastructure to transport compressed carbon dioxide from the Carbon Dioxide Processing and Compression Plant to storage and transport infrastructure operated by National Grid Carbon Limited (Work No. 2 in Schedule 1 of the **draft DCO**);

d. Minor vegetation and street furniture management and other works to facilitate access during construction (Work No. 4 in Schedule 1 of the **draft DCO**);

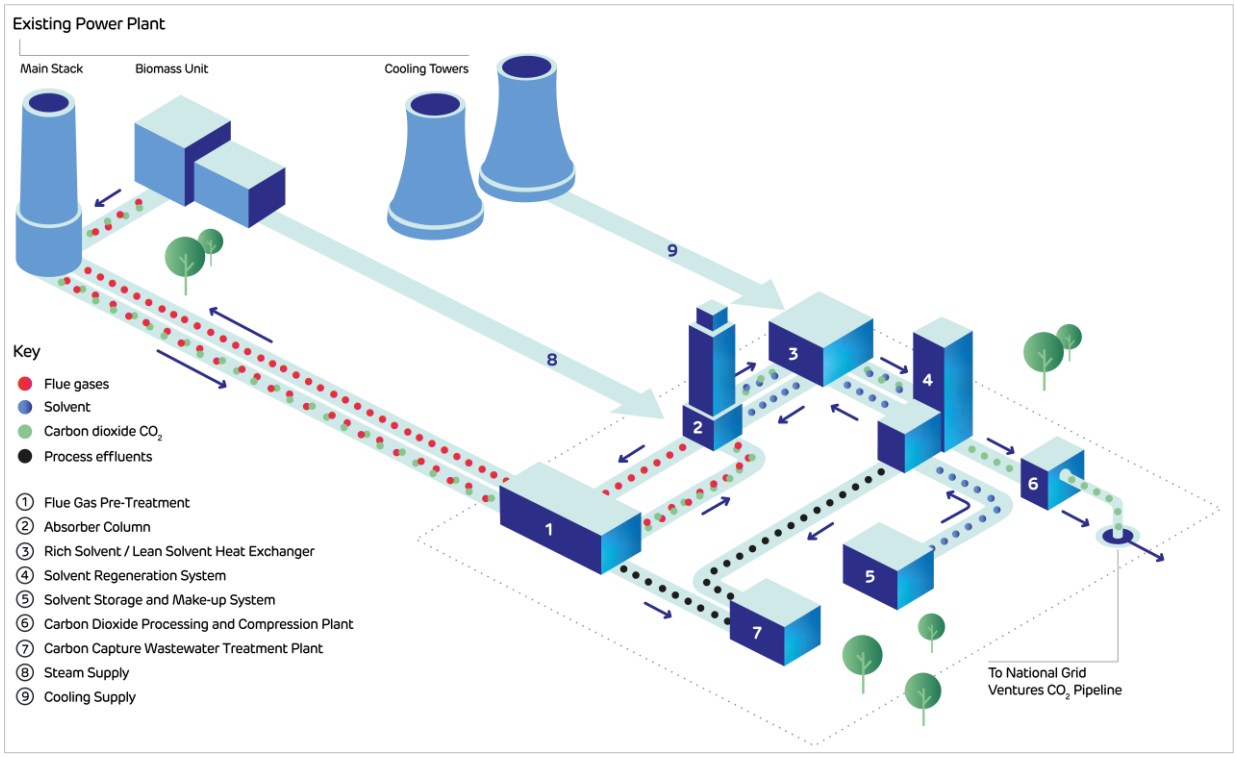
e. Additional supporting infrastructure and other works for the Proposed Scheme as set out in Section 2.2.49 (Work No. 3 in Schedule 1 of the **draft DCO**);

f. Temporary construction laydown areas (Drax Power Station Site Construction Laydown Areas and the East Construction Laydown Area) (Work No. 5 in Schedule 1 of the **draft DCO**); and

g. Habitat Provision Area (Work No. 6 in Schedule 1 of the **draft DCO**).

2.3.6. A process block flow diagram showing a schematic of the Proposed Scheme is provided in **Plate 2.1 (Process Block Flow Diagram for the Proposed Scheme)** from Chapter 2 of the ES (document reference 6.1.2) below. To help describe the process, a Carbon Capture Plant associated with a single unit has been shown, alongside common plant which would support both a Carbon Capture Plant for each of Unit 1 and Unit 2. The diagram is a schematic for illustrative purposes only, including the main process components and does not represent the scale or number of equipment items anticipated for the Proposed Scheme.

Plate 2.1 - Process Block Flow Diagram for the Proposed Scheme



2.3.7. An illustrative 3D drawing showing the indicative plant equipment layout for the main Carbon Capture Plant components alongside the existing Drax Power Station infrastructure has been provided in **Plate 2.2 (Illustrative 3D Plant Equipment Layout Drawing)** (document reference 6.1.2)**.** A more detailed 2D indicative plant

equipment layout drawing has been included in **Figure 2.2 (Indicative Plant Equipment Layout)** of the ES (document reference 6.2.2.2).

Plate 2.2 - Illustrative 3D Plant Equipment Layout Drawing

2.3.8. For further detail relating to the Proposed Scheme including additional infrastructure and modification works, proposed construction, Habitat Provision Areas, operation and maintenance, decommissioning, and design parameters, please see Chapter 2 (Site and Project Description) of the ES (document reference 6.1.2).

2.3.9. A 3D model flyover video of the main built elements of the Proposed Scheme is also submitted with the application (document reference 7.2) which provides a visual aid to assist in demonstrating where and in what order the Proposed Scheme will be constructed.

2.3.10. A full discussion on the need for the Project is included in the Needs and Benefits Report (document reference 5.3), submitted with the Application. It presents the overarching need for CCS, and the positive contribution that the Proposed Scheme brings in terms of its economic, social and environmental impacts.

3. THE CONSENTING FRAMEWORK

3.1. THE CONSENTING FRAMEWORK PROVIDED BY THE PLANNING ACT 2008 (AS AMENDED)

NATIONAL SIGNIFICANCE OF THE PROPOSED SCHEME

3.1.1. For the Proposed Scheme to fall within the remit of the PA 2008 it needs to qualify as a NSIP.

3.1.2. As a first test, it needs to fall under one of the infrastructure fields set out in section 14(1) of the PA 2008. The Proposed Scheme is for the construction or extension of (a) generating station(s) in the field of energy in England and, therefore, falls under sections 14(1)(a), 14(6)(a) and 14(7)(a) of the PA 2008.

3.1.3. For the construction or extension of a generating station to be considered nationally significant, the generating station must (either already, or when constructed or extended) also meet the thresholds set out in section 15 of the PA 2008. As the Proposed Scheme would be an integral part of the electricity generation process, it is therefore an extension of an existing onshore generating station (of which biomass Units 1 and 2 are a part) in England with capacity of more than 50 MW, therefore, meets the thresholds set out in section 15(2) of the PA 2008.

3.1.4. The Proposed Scheme involves the use by the Applicant of land at the Drax Power Station for a purpose directly related to the generation of electricity by that station. The Applicant considers that, in this particular case, the installation of post-combustion carbon capture technology (Work No. 1 as set out in Schedule 1 to the draft DCO) constitutes the NSIP by virtue of it being an extension to the Existing Drax Power Station. The design is unique to carbon capture plants and arises as a result of Units 5 and 6 (the last two remaining coal-fired units at the Existing Drax Power Station) being decommissioned before the Proposed Scheme is operational. This presents an opportunity to the Applicant to design a carbon capture plant that makes use of spare capacity in terms of water treatment, water cooling and steam flows that arise as a result of the decommissioning of Units 5 and 6. The Proposed Scheme therefore involves the modification, upgrade and extension of existing apparatus which will result in the Proposed Scheme becoming an integral part of the process of generating electricity at the Existing Drax Power Station. The effect of the extension (the Proposed Scheme) will be that Units 1 and 2 of the Existing Drax Power Station will not only generate electricity but also produce negative emissions in generating that electricity. The Proposed Scheme, therefore, comprises an extension of an existing generating station for the purpose of section 14(1)(a) of the PA 2008, and therefore is a Nationally Significant Infrastructure Project. A DCO is therefore required for the Proposed Scheme as it falls within the definition and thresholds for a NSIP under sections 14 and 15(2) of the PA 2008. Further detail is provided in the Explanatory Memorandum (document reference 3.2).

3.1.5. The Proposed Scheme qualifies as a NSIP and, therefore, development consent from the relevant SoS is required for the construction, operation, maintenance and future decommissioning of the Proposed Scheme under section 31 of the PA 2008.

SECTION 104 OF THE PLANNING ACT 2008

3.1.6. Under section 104 of the PA 2008, the SoS must determine NSIP applications in accordance with the relevant NPSs except to the extent that doing so would:

- **a.** Lead to the UK being in breach of its international obligations;
- **b.** Be unlawful;
- **c.** Lead to the SoS being in breach of any duty imposed on him by or under any legislation;
- **d.** Result in adverse impacts of the development outweighing its benefits; or
- **e.** Be contrary to legislation about how the decisions are to be taken.

3.1.7. Under section 104, the SoS must also have regard to:

- **a.** Any local impact report (within the meaning given by section 60(3)) submitted to the SoS before the deadline specified in a notice under section 60(2);
- **b.** Any matters prescribed in relation to development of the description to which the application relates; and
- **c.** Any other matters which the SoS thinks are both important and relevant to their decision.

3.1.8. As per the concluding bullet point above, paragraph 4.1.5 of EN-1 is clear that other matters that the SoS can consider "*important and relevant*" in decision making can include Development Plan documents or other documents in the Local Development Framework. It is also clear, however, that where there is any conflict, the NPS prevails for the purposes of decision making given the national significance of infrastructure. A consideration of the Proposed Scheme against other relevant planning policy including the NPPF and local planning policy, as well as the emerging draft NPSs (the secondary planning policy framework and other policy considerations) are set out below and are considered in Chapter 5, Appendix B (Table B.2, Table B.3) and Appendix C of this Planning Statement.

3.1.9. Whilst there is a similarity between the status of NPSs under the PA 2008 regime and the statutory development plan under the Town and Country Planning Act regime, it is important to recognise that the requirement (as set out in section 38(6) of the Planning and Compulsory Purchase Act 2004) (HM Government, 2004) of planning applications to be decided in accordance with the development plan unless material considerations indicate otherwise, does not apply to applications made under the PA 2008, which, therefore, means that the two regimes are not in conflict.

3.2. PRIMARY PLANNING POLICY FRAMEWORK

NATIONAL POLICY STATEMENTS

3.2.1. Large-scale infrastructure developments such as the Proposed Scheme are underpinned by a complex set of UK and local policies. These include policies which directly support renewable technologies and carbon capture technology, and more general policies relating to the potential impacts of development proposals.

3.2.2. NPSs are designated under the PA 2008 to set out national energy policy and form the framework for decision-making on applications for development consent for major infrastructure, defined as NSIPs.

3.2.3. The current suite of energy NPSs was designated by the Department of Energy and Climate Change in 2011, and comprise:

- **a.** The Overarching National Policy Statement for Energy (EN-1);
- **b.** Fossil Fuel Electricity Generating Infrastructure (EN-2);
- **c.** Renewable Energy Infrastructure (EN-3);
- **d.** Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4);
- **e.** Electricity Networks Infrastructure (EN-5); and
- **f.** Nuclear Power Generation (EN-6).

3.2.4. The two NPSs of relevance to this project are EN-1 and EN-3. The other NPSs are not relevant to this DCO Application for the following reasons:

- **a.** EN-2 relates to energy generation via fossil fuels, and BECCS relates to energy generation via biomass (renewable source);
- **b.** EN-4 – relates to gas supply infrastructure and oil and gas pipelines and is therefore not relevant as the Proposed Scheme only provides for a short section of carbon dioxide pipeline to link the BECCS Carbon Dioxide Processing and Compression Plant to the Carbon Dioxide Delivery Terminal Compound to be operated by National Grid Carbon Limited (NGCL). NGCL will be seeking permission for their Humber Low Carbon Pipelines Project ('HLCP') project via a separate consent. The NGCL Carbon Dioxide Delivery Terminal Compound may be located within Work No. 2(a) of the Proposed Scheme, in which case consent for this part of the HLCP project will be via the Drax BECCS DCO Application, however, this does not change the position with respect to the applicability of EN-4, as the longer pipeline for transportation is beyond the scope of this Application;
- **c.** EN-5 relates to energy network infrastructure and whilst BECCS will be joined to this network, it is not part of the Electricity Network as set out in EN-5; and
- **d.** EN-6 only relates to nuclear generation of power which is not relevant to the BECCS process.

3.2.5. EN-1 states that energy is vital to economic prosperity and social well-being and, as such, it is important to ensure that the UK has secure and affordable energy (EN-1,

2011, paragraph 2.1.2). Government policy recognises that this requires a significant amount of infrastructure and in order to cut greenhouse gas emissions this requires major investment in new technologies.

3.2.6. Paragraph 2.2.1 of EN-1 sets out the government's commitment to meeting the UK's legally binding target to cut GHG emissions by at least 80% by 2050, compared to 1990 levels. Paragraph 2.2.8 of EN-1 confirms that to avoid the most dangerous impacts of climate change, global emissions must start falling as a matter of urgency.

3.2.7. Paragraph 3.4.3 of EN-1 acknowledges that the use of biomass is a significant source of renewable and low carbon energy which can support the decarbonising the UK's power sector. It also identifies that CCS has the potential to reduce carbon emissions by up to 90% (EN-1, 2011, paragraph 3.6.4), and that the Government is leading international efforts to develop CCS (EN-1, 2011, paragraph 3.6.5).

3.2.8. Part 4 of EN-1 sets out assessment principles and general policies against which applications relating to energy infrastructure are to be decided. It adopts a presumption in favour of granting consent to applications for energy NSIPs, unless any more specific and relevant policies set out in the relevant NPSs clearly indicate that consent should be refused.

3.2.9. Part 5 of EN-1 then sets out the potential generic impacts which arise from energy infrastructure covered by the energy NPSs and the policies in respect of those impacts. These are set out and the Proposed Scheme is assessed against these policies in Chapter 4 of this Planning Statement.

3.2.10. Also, of relevance to the Proposed Scheme is EN-3. This NPS covers nationally significant renewable energy infrastructure including energy from biomass proposals >50 MW, and whilst the DCO Application is not for a biomass generating station, it constitutes an extension to an existing generating station (of which biomass Units 1 and 2 are a part) and is referred to as post-combustion carbon capture as the carbon dioxide is captured from the flue gas produced during the combustion of biomass in Units 1 and 2. For that reason the Applicant considers it to be applicable to the Proposed Scheme. It should be read in conjunction with EN-1 in the assessment of such proposals. It details assessment criteria specific to different types of renewable energy infrastructure. These are set out and the Proposed Scheme is assessed against these policies in summary in Chapter 4 of this Planning Statement, and in detail at Appendix B, Table B.1.

EMERGING NATIONAL POLICY STATEMENTS

3.2.11. In line with the government's Energy White Paper, it has undertaken a review of the existing energy NPSs to ensure they reflect current energy policy, and to ensure the planning policy framework can deliver investment in the infrastructure needed for the transition to net zero by 2050. A consultation ran from 6 September 2021 to 29 November 2021 on the revised energy NPSs that support decisions on major energy infrastructure. EN-6, which currently sets out the planning and consents regime for

nuclear projects deployable before 2025, was not proposed to be amended as part of this review.

3.2.12. While the review is undertaken, the current suite of NPSs remain relevant government policy for the purposes of section 104(2)(a) and (3). For any application accepted for examination before designation of the revised energy NPSs, the original suite of NPSs would have effect. The revised NPSs will therefore only have effect as the primary policy (the "relevant national policy statement" for the purposes of section 104(2)(a) and (3)) in relation to those applications for development consent accepted for examination after their designation.

3.2.13. Whilst the Proposed Scheme would therefore (assuming the revised NPSs are not adopted ahead of acceptance of the Application) not be assessed against the emerging NPSs, they are nonetheless an 'important and relevant' consideration for the purposes of section 104(2)(d). This is of particular relevance to this proposed form of development, as Draft EN-1 provides enhanced support for CCS. It is however noteworthy that BEIS have recommended amendments to Draft EN-1 in order to further draw out the support for CCS technology (BEIS, 2022a).

3.2.14. In a departure from the original suite of NPSs, Draft EN-1 may have effect on its own in relation to certain types of infrastructure for which there is no technology specific NPS, such as CCS (Draft EN-1, 2021, paragraph 1.3.3). In this case we consider that draft EN-3 is of relevance in addition to draft EN-1, because draft EN-3 relates to renewable energy infrastructure and because draft EN-3 relates to biomass (and whilst the DCO Application is not for a biomass generating station, it relates to an extension to an existing generating station that includes biomass units).

3.2.15. Draft EN-1 (2021) provides an update from EN-1 (2011) with the key shift being from the target for a reduction of at least 80% of Greenhouse Gas ('GHG') emissions by 2050, to net zero by 2050, and 78% by 2035, compared to 1990 levels (Draft EN-1, 2021, paragraph 2.2.4).

3.2.16. It states that in order to meet this more ambitious target:

> *"We need to transform the energy system, tackling emissions while continuing to ensure secure and reliable supply, and affordable bills for households and businesses. This includes increasing our supply of clean energy from renewables, nuclear and hydrogen manufactured using low carbon processes (low carbon hydrogen) and, where we still emit carbon, developing the industry and infrastructure to capture, transport and store it" (Draft EN-1, 2021, paragraph 2.3.5).*

3.2.17. Part 4 of Draft EN-1 sets out an update to the assessment principles and general policies against which applications relating to energy infrastructure are to be decided. It maintains the presumption in favour of granting consent to applications for energy NSIPs, unless any more specific and relevant policies set out in the relevant NPSs clearly indicate that consent should be refused.

3.2.18. Part 5 of Draft EN-1 then sets out an update to the potential generic impacts which arise from energy infrastructure covered by the energy NPSs and the policies in respect of those impacts. These are set out and the Proposed Scheme is assessed against these policies in summary in Chapter 5 of this Planning Statement, and in detail at Appendix C.

3.2.19. Draft NPS EN-1 (2021) remains specific to renewable energy infrastructure and as stated above, is therefore considered relevant to the Proposed Scheme and this DCO Application. The adopted policy that is proposed to be updated by draft NPS EN-3 no longer refers to onshore wind energy, however policy relating to new renewable energy technology is now included, such as Pumped Hydro Storage, Solar Photovoltaic Generation and Tidal Stream Energy (in addition to retained technologies biomass/waste combustion, and offshore wind). Draft NPS EN-3 emphasises the importance of reducing carbon emissions and achieving net zero. The Proposed Scheme is assessed against draft NPS EN-3 policies in Chapter 5 and in Appendix C of this Planning Statement.

3.3. SECONDARY PLANNING POLICY FRAMEWORK

NATIONAL PLANNING POLICY FRAMEWORK

3.3.1. Whilst the application must be determined in accordance with the relevant NPSs, under section 104 of the PA 2008, regard must also be had to any other matters of importance and relevance, which may include relevant policies in the NPPF.

3.3.2. The NPPF was originally adopted in March 2012 and most recently updated in July 2021. It sets out the Government's planning policies for England and forms the basis for applications to be considered under the Town and Country Planning Act 1990 as amended. Paragraph 5 of the NPPF makes it clear that the document does not contain specific policies for NSIPs and that such applications 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 to be *"both important and relevant".* However, paragraph 5 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.

3.3.3. The policies contained within the NPPF are expanded upon and supported by the Planning Practice Guidance ('PPG'), which was originally published in March 2014 and is updated regularly with changes to government guidance.

3.3.4. 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.

LOCAL PLANNING POLICY

3.3.5. 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.

3.3.6. The Proposed Scheme is located solely within Selby District and North Yorkshire County.

3.3.7. The statutory development plan for the area currently comprises the following documents:

a. The Selby District Core Strategy Local Plan (Selby District Council, 2013);

b. The saved policies of the Selby District Local Plan (Selby District Council, 2005); and

c. The North Yorkshire Minerals and Waste Joint Plan (NYCC, 2022).

3.3.8. These development plan documents contain a number of policies that are of relevance to the examination and determination of the Application. As some of these documents were adopted prior to the revised 2021 NPPF, a number of the policies have been superseded. Therefore, in accordance with paragraph 11 of the NPPF, the weight attributed to the development plan documents will depend on their consistency with the NPPF.

3.3.9. The policies of relevance to this Application comprise the following:

The Selby District Core Strategy Local Plan (2013)

a. SP1 Presumption in Favour of Sustainable Development.

b. SP2 Spatial Development Strategy.

c. SP12 Access to Services, Community Facilities and Infrastructure.

d. SP13 Scale and Distribution of Economic Growth.

e. SP15 Sustainable Development and Climate Change.

f. SP16 Improving Resource Efficiency.

g. SP17 Low-Carbon and Renewable Energy.

h. SP18 Protecting and Enhancing the Environment.

i. SP19 Design Quality

Saved Policies of the Selby District Local Plan (2005)

a. ENV1 Control of Development.

b. ENV2 Environmental Pollution and Contamination.

c. ENV3 Light Pollution.

d. ENV4 Hazardous Substances.

e. ENV9 Sites of Importance for Nature Conservation Importance.

f. ENV12 River and Stream Corridors.

g. ENV13 Development Affecting Ponds.

h. ENV27 Scheduled Monuments and Important Archaeological Sites.

i. ENV28 Other Archaeological Sites.

j. EMP10 Additional Industrial Development at Drax and Eggborough Power Stations.

k. T1 Development in Relation to the Highway Network.

l. T2 Access to Roads.

m. T7 Provision for Cyclists.

n. T8 Public Rights of Way.

o. CS6 Development Contributions to Infrastructure and Community Facilities.

3.3.10. The Site is identified on the Selby Local Development Framework ('LDF') Proposals Map as lying outside the defined development limits of the District and within the open countryside.

3.3.11. The Selby District Core Strategy Local Plan at paragraph 4.31 states that development in the countryside, outside defined development limits, will generally be resisted unless it involves the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes and well-designed buildings. Proposals of an appropriate scale which will diversify the local economy or meet affordable housing need may also be acceptable.

3.3.12. However, saved Policy EMP10 of the Selby District Local Plan permits additional industrial and business development at, or close to, the Drax Power Station provided proposals satisfy a number of criteria. These are that the additional infrastructure / business development:

"1. Is directly related to the process of generating electricity, either by making use of by-products from the power station or utilising a direct source of energy;

2. Would be suitably linked to the strategic highway and rail networks and would not create conditions prejudicial to highway safety;

3. Would not create environmental problems associated with noise, smell or water pollution or dust emissions;

4. Would not have a significant adverse effect on residential amenity in nearby settlements;

5. Would be related to existing development and would be well screened, including provision for earth mounding and strategic off-site planting; and

6. Would not harm nature conservation interests or sites of archaeological importance."

3.3.13. In Chapter 6 (Promoting Economic Prosperity) at paragraph 6.32, the Selby District Core Strategy Local Plan acknowledges the importance of the energy sector to the District by highlighting that Drax Power Station is a major employer which contributes to national energy infrastructure as well as the local economy whilst having the potential for future development of renewable and local carbon energy. The Selby District Core Strategy Local Plan states that there is a need for further investment in

energy infrastructure in line with national policy and that supporting the energy sector will assist in reinvigorating, expanding, and modernising the District's economy.

North Yorkshire Minerals and Waste Joint Plan (2022)

3.3.14. Within the Plan, much of the site lies within an area identified for minerals safeguarding (brick clay and sand and gravel) on the Policies Map, subject to policies S01 (Safeguarding mineral resources) and S02 (Developments proposed within Minerals Safeguarding Areas).

3.3.15. As stated in paragraph 8.22 of the draft plan:

> *"The purpose of safeguarding is not to protect the minerals resource in all circumstances, but to ensure that the presence and potential significance of the resource is taken into account when other proposals in a safeguarded area are under consideration, and that sterilisation of the resource only takes place where there is appropriate justification. In some cases, it may be practicable for prior extraction of the resource to take place, where this can be done without unacceptable impacts on local communities or the environment, in line with the development management policies in the Joint Plan. In other cases, the need for the sterilising development may outweigh the need to protect the resource, or it may be possible to demonstrate that the safeguarded resource is no longer justified for safeguarding."*

3.3.16. In addition, the disused rail line at the Drax Power Station is safeguarded under policy S04 (Transport infrastructure safeguarding). As such, these policies, amongst others, are relevant to the Proposed Scheme.

3.3.17. The draft policies of relevance to this Application include:

- **a.** M19: Carbon and Gas Storage.
- **b.** S01: Safeguarding mineral resources.
- **c.** S02: Developments proposed within Minerals Safeguarding Areas.
- **d.** S03: Waste management facility safeguarding.
- **e.** S04: Transport infrastructure safeguarding.
- **f.** S05: Minerals ancillary infrastructure safeguarding.
- **g.** S06: Consideration of applications in Consultation Areas.
- **h.** D13: Consideration of applications in Development High Risk Areas.

3.4. OTHER LEGISLATION, POLICY AND GUIDANCE CONSIDERATIONS

3.4.1. Whilst the NPSs provide the primary policy framework for decisions by the SoS, under the PA 2008, the SoS must also have regard to any other matters which the SoS thinks are both important and relevant to the planning decision. Where relevant, other policy or strategy documents, such as the Department for Transport's (DfT's) advisory letter regarding water preferred policy guidelines for the movement of abnormal loads (Department for Transport, 2019) are referred to in this Planning Statement. The

technical chapters in the ES Volume 1 (document reference 6.1) may also refer to legislation, policy or guidance specifically relevant to the respective topic areas.

3.4.2. Of particular relevance to the Proposed Scheme are a number of documents related to energy and decarbonisation. These documents are set out below.

The Industrial Emissions Directive 2010/75/EU

3.4.3. The Industrial Emissions Directive (IED) (Directive 2010/75/EU), which replaced the Large Combustion Plant Directive (LCPD) (Directive 2001/80/EC), regulates pollutant emissions from industrial installations and seeks to reduce harmful industrial emissions across the European Union (EU) to protect human health and the environment. It is based on an integrated approach, meaning that any permits under the Directive must take into account the overall environmental performance of the plant (e.g., emissions to air, land, water, noise, materials consumption). The Directive also sets EU wide emission limit values for selected pollutants for certain activities, including large combustion plants.

3.4.4. The IED is enacted in the UK via the Environmental Permitting (England and Wales) Regulations 2016. The Regulations require that permit conditions for new plant shall be set with reference to the latest reference documents on Best Available Techniques (BAT), and the associated BAT conclusions, and that existing permits shall be regularly reviewed in light of updated BAT conclusions.

The Paris Agreement (2016)

3.4.5. The Paris Agreement is an agreement within the United Nations Framework Convention on Climate Change that seeks to address greenhouse gas emissions mitigation, adaptation and finance. The legally binding international treaty on climate change was adopted by 196 Parties and entered into force on 4 November 2016. Its goal is to substantially reduce global greenhouse gas emissions to limit the global temperature increase in this century to 2°C, compared to pre-industrial levels, while pursuing efforts to limit the increase even further to 1.5°C. In order to achieve the limit of 2°C, the Paris Agreement establishes a target of balancing greenhouse gas emissions associated with human activity and their removal from the atmosphere by the second half of this century (i.e., a 100 % reduction in net global emissions by 2050-2100).

3.4.6. The Paris Agreement also aims to increase the ability of nations to adapt to the adverse effects of climate change, thereby fostering climate resilience. It also provides for development with low magnitudes of greenhouse gas emissions, noting however the need to ensure that food production is not threatened by the movement toward increased adaptability and climate resilience.

3.4.7. The Paris Agreement recognises the need to make finance available consistent with the move toward low greenhouse gas emissions and climate resilient development, particularly for developing countries. It also recognises that in order to achieve the targets set out in the Paris Agreement, a new technology framework and an

enhanced capacity building framework for developing countries and the most vulnerable countries is required.

3.4.8. It is noted that only elements of the Paris Agreement are legally binding; however, the Paris Agreement requires all parties to prepare and maintain nationally determined contributions that it intends to achieve and pursue mitigation measures at a domestic level with a view to achieving the targets of their established contributions. The Paris Agreement requires all parties to report regularly on their emissions and the implementation of mitigation associated with achieving their nationally determined contributions. This includes the need to review countries' commitments every five years.

3.4.9. In November 2021, COP26 concluded in Glasgow, with every Party (representing almost 200 countries) agreeing the Glasgow Climate Pact (see paragraphs 3.4.9-3.4.11 below). This global agreement will accelerate action on climate and seeks to keep alive the hope of limiting the rise in global temperature to 1.5°C. This includes commitments to move away from coal power, halt and reverse deforestation, reduce methane emissions and speed up the switch to electric vehicles.

3.4.10. In the UK, it was established in law in the Climate Change Act (Climate Change Act 2008) that the UK must reduce GHG emissions in 2050 to at least 80% below the level they were in 1990. In 2019, the Government amended the Act to commit the UK to achieve net zero by 2050 i.e., where the greenhouse gases going into the atmosphere are balanced by the removal of such gases out of the atmosphere (the Climate Change Act 2008 (2050 Target Amendment) Order 2019.

3.4.11. The Climate Change Act requires the UK government to set carbon budgets to act as 'stepping stones' towards the 2050 emissions target. In the Sixth Carbon Budget, the government set a target for emissions to be cut by 78% by 2035 (Committee on Climate Change, 2020), which was enacted in April 2021.

Net Zero: The UK's Contribution to Stopping Global Warming Emissions (2019)

3.4.12. The government are advised by The Committee on Climate Change ('CCC') (an independent, statutory body established under the Climate Change Act 2008) on setting and meeting carbon budgets and preparing for climate change. In May 2019, CCC published a report Net Zero: The UK's contribution to stopping global warming (CCC, 2019). It states that in order to achieve UK net-zero by 2050, CCS is a necessity not an option. The report notes that global progress with regards to CCS has also been slow, and whilst 43 large-scale projects are operating or under development around the world, none are in the UK. On an international level, the UK has been sharing knowledge on CCS with various countries including China, Mexico and the EU, including support on practical aspects of delivering large-scale commercial CCS projects and leading an international working group to accelerate deployment of CCS. The report recommended the government taking the lead on infrastructure development, with long-term contracts and investment encouraged.

Sixth Assessment Report 'Climate Change 2022: Impacts, Adaptation and Vulnerability' (2022)

3.4.13. More recently, the IPCC have published the Sixth Assessment Report 'Climate Change 2022: Impacts, Adaptation and Vulnerability' (2022) which assesses the impacts of climate change at global and regional levels (IPCC, 2022). This reinforces the urgent need to respond to this global emergency finding that without immediate and deep emissions reductions across all sectors, limiting global warming to 1.5°C is beyond reach. However, there is increasing evidence of climate action, and there are significant opportunities to reduce emissions by 2030. BECCS is an example of such 'climate action' being taken. The report states that global temperatures are likely to breach the 1.5°C threshold during the 21st century, albeit this is more than likely to be a temporary overshoot. It therefore stresses the need to implement adaptation to climate change. This emphasises the urgency for using CCS whilst other projects and technologies progress.

3.4.14. The IPCC report notes that whilst BECCS is an integral part of all widely accepted pathways to holding global temperature rise to 1.5°C, it requires large areas of land which can conflict with the need to produce food and protect biodiversity. This stems from the change of land use for the supply of biomass to feed BECCS technologies as planting trees in places where they do not naturally grow can have serious environmental impacts. As a project, the Proposed Scheme does not create conflicts with other uses of land. This is because the proposed BECCS technology is to be installed on part of the existing power station site and in particular, on up to two of the Units which already generate electricity from an existing biomass supply chain. The Proposed Scheme is a retrofitting project rather than the construction of a new power station and establishment of a completely new biomass supply chain. Drax Power Station uses sustainably-sourced biomass, primarily sustainable wood pellets from working forests, primarily in the US South but also in Europe, Canada and South America, to generate low-carbon, renewable electricity. These are established sustainably managed working forests and the Applicant monitors trends in forest cover and land use within its catchment areas for sustainable biomass to ensure that biomass demand is not causing a negative climate impact as a result of land use change.

The Ten Point Plan for a Green Industrial Revolution (2020)

3.4.15. Published in November 2020, the Ten Point Plan (HM Government, 2020) confirms the Government's commitment to lay the foundations for a Green Industrial Revolution and sets out measures which will be implemented to help achieve net zero by 2050. The Plan seeks to ensure that the UK's recover from coronavirus "will be green, generate jobs and bolster the economy, whilst continuing to drive down emissions both now and in the future."

3.4.16. One of these points is:

> *"Carbon capture: Becoming a world-leader in technology to capture and store harmful emissions away from the atmosphere, with a target to remove 10MT of carbon dioxide by 2030, equivalent to all emissions of the industrial Humber today".*

3.4.17. The report confirms that CCUS technology will be globally necessary, and that it *"will help decarbonise our most challenging sectors, provide low carbon power and a pathway to negative emissions."* The Government will invest up to £1 billion through their CCUS Infrastructure Fund to support the formation of CCUS in four industrial clusters, including the Humber, with two of the clusters to be operational by the mid-2020s and a further two operational by 2030.

Energy White Paper: Powering our Net Zero Future (2020)

3.4.18. In December 2020, the Government published its Energy White Paper: Powering our Net Zero Future (HM Government, 2020), which sets out the Government's policies and commitments which seek to achieve net zero. The Paper states the government's intent to "build back greener" from the impact of Coronavirus, addressing the inter-generational challenge of climate change. One such area for innovation which is recognised as a direct response to climate change, and of relevance to this Proposed Scheme, is the investment in clean technologies such as wind, hydrogen and carbon capture. The government aims for a "fully decarbonised, reliable and low-cost power system by 2050". It should be recognised that, without planning for any specific technology solution or mix of energy sources, the government consider that a low-cost, net zero consistent system is likely to be composed predominantly of wind and solar energy. However, they recognise that ensuring the system is also reliable means intermittent renewables need to be complemented by technologies which provide power, or reduce demand, when weather conditions mean that wind or solar power is not being generated. This includes BECCS.

3.4.19. The White Paper highlights the government's support for carbon capture, stating the UK is in a strong position to become a global technology leader in CCUS. It outlines the government's ambition to capture 10 Mt of carbon dioxide a year by 2030 (the equivalent of four million cars' worth of annual emissions) and that the industry could support up to 50,000 jobs in the UK by 2030. The government is therefore investing up to £1 billion to support the establishment of CCUS in four industrial clusters in the UK, one of which is Yorkshire and the Humber.

Industrial Decarbonisation Strategy (2021)

3.4.20. More recently, in March 2021, the government published the Industrial Decarbonisation Strategy (HM Government, 2021) which considers how the full range of the UK's industrial sectors can reflect the net zero target. The indicative roadmap to net zero UK industry includes carbon capture clusters in the next decade.

3.4.21. The government plans to publish a Bioenergy Strategy in 2022, which will establish the role which BECCS can play in reducing carbon emissions across the economy. It

notes that current evidence strongly suggests that, given limited sustainable biomass supply, the government may need to prioritise the use of biomass where it can be combined with CCS (i.e., BECCS), resulting in negative emissions.

Net Zero Strategy: Build Back Greener (2021)

3.4.22. The UK government sets out in its "Net Zero Strategy: Build Back Greener" (2021) that it aims to be a leader in the new 'Green Industrial Revolution', recognising that acting early will drive down the costs of the latest clean technology, enabling consumers to reap the benefits sooner. It's also stated that "by accelerating the deployment of cheap renewable power, and rolling out further energy efficiency measures, government decarbonisation policies mean that the average consumer energy bill in 2024 will likely be cheaper than it would otherwise have been" (HM Government, 2021b). The government recognise that the exact technology and energy mix in 2050 cannot be known now, so the path to net zero will need to respond to the innovation and adoption of new technologies over time. However, the government expects it is expected that CCUS will need to be relied upon to meet demand across sectors and to remain low carbon. The need to respond is urgent, with the aim for CCUS in place by 2030 being central to government policy.

3.4.23. This Strategy details the government's aim to accelerate decarbonisation in 'clusters'. It outlines that the East Coast Cluster (of which BECCS forms part) will act as an economic hub for green jobs in line with the government's ambition to capture 20-30 $MtCO_2$ per year by 2030. The government's investment in CCUS is supported by its commitment for two industrial clusters by mid 2020s (of which the Humber is one), and for four sites by 2030, capturing up to 10Mt CO_2 emissions per year.

The Environment Act (2021)

3.4.24. The Environment Act was enacted in UK law in November 2021, establishing the UK's new framework of environmental protection following the UK's departure from the EU. This establishes rules on nature protection, water quality, clean air and other environmental protections. This includes Biodiversity Net Gain requirements for built development. This part of the Act will not be enacted until supporting Regulations are in place, which the Government has indicated will take approximately two years. It is not mandatory until then. Notwithstanding this, the Applicant is targeting the delivery of 10% BNG as part of the Proposed Scheme and are exploring how this may best be delivered.

3.4.25. Following the departure of the UK from the EU, the Environment Act 2021 makes provision about targets, plans, and policies for improving the natural environment, including air quality. Specifically, the Act introduces a duty to set a legally binding annual mean target for particulate matter with a mean aerodynamic diameter of less than 2.5 micrometres (PM2.5), in addition to a population exposure reduction target by October 2022. These comprise a maximum annual mean concentration of PM2.5 of 10 µg/m3 across England by 2040 and a 35% reduction in population exposure to PM2.5 by 2040 (compared to a base year of 2018). The Department for Environment

Food and Rural Affairs (Defra) opened a consultation in March 2022 on the proposed targets for PM2.5, which closes 27 June 2022. Therefore, the new targets could come into force before a decision is made on the Proposed Scheme's DCO application.

3.4.26. To allow for this possibility, the modelled air quality impacts for annual mean levels of PM2.5 associated with the operation of the Proposed Scheme have been assessed within the context of the proposed annual mean target (see Section 6.9, Chapter 6 – Air Quality). This has demonstrated that the maximum PM2.5 concentration impact attributed to the Proposed Scheme corresponds to 0.1% of the proposed annual mean target, equating to a negligible impact as per the assessment significance criteria (see Table 6.9, Chapter 6 – Air Quality, (document reference 6.1.6). This is considered to be a conservative modelled impact, as it assumes that all dust emissions from the Proposed Scheme Main Stack would be as PM2.5, whereas it is highly likely that emissions will also comprise particles in coarser fractions (i.e. with a mean aerodynamic diameter above 2.5 micrometres).

The Glasgow Climate Pact (UN Climate Change Conference UK 2021 in Partnership with Italy, 2021)

3.4.27. The Glasgow Climate Pact (GCP) is an agreement which was reached at the United Nations Climate Change Conference (COP26) and formally made in November 2021. Every party at COP26 (almost 200 countries) agreed to the GCP which seeks to accelerate action on climate to ensure global temperature rise does not exceed 1.5 Degrees Celsius and also completed the Paris Rulebook, which provides the practical guidance necessary for the implementation of the Paris Agreement.

3.4.28. To summarise the achievements of the GCP:

> *"The package of decisions consists of a range of agreed items, including strengthened efforts to build resilience to climate change, to curb greenhouse gas emissions and to provide the necessary finance for both. Nations reaffirmed their duty to fulfil the pledge of providing 100 billion dollars annually from developed to developing countries. And they collectively agreed to work to reduce the gap between existing emission reduction plans and what is required to reduce emissions, so that the rise in the global average temperature can be limited to 1.5 degrees. For the first time, nations are called upon to phase down unabated coal power and inefficient subsidies for fossil fuels."* (United Nations Climate Change, 2021).

British Energy Security Strategy (2022)

3.4.29. The UK Government published the British Energy Security Strategy ('BESS') on 07 April 2022, in response to the rising global energy costs, pushed higher by the conflict in Ukraine, and the UK's dependence on imported oil and natural gas, which has ultimately resulted in an increase in the cost of living in the UK. The policy paper sets out how the UK Government are "going to bring clean, affordable, secure power to the people for generations to come" and "build a British energy system that is much more self-sufficient."

3.4.30. Of most relevance to this DCO Application, the BESS explains that the UK Government is delivering on the abovementioned '10 Point Plan' and that delivery on 'Point 8: Investing in Carbon Capture, Usage and Storage' so far includes the following:

a. Committed £1 billion in public investment to decarbonise our industrial clusters

b. Announced the first 2 clusters in the north-east (Teesside and the Humber) and the north-west (Merseyside).

c. Launched phase 2 of the Industrial Energy Transformation Fund, allocating £60 million to decarbonisation technologies, with a further £100 million delivered in May and October this year.

3.4.31. The BESS states that all buildings will be energy efficient with low carbon heating by 2050. Regarding oil and gas, the BESS states that the UK must utilise its North Sea reserves in order to reduce reliance on imported fossil fuels and use the empty caverns for carbon dioxide storage. The BESS states:

"We will ensure a new lease of life for the North Sea in low-carbon technologies:

- *delivering on our £1 billion commitment to 4 CCUS clusters by 2030, with the first 2 sites selected in the North East and North West currently proceeding through Track 1, with the Scottish Cluster in reserve*
- *the industrial clusters will be the starting point for a new carbon capture industry with a sizeable export potential, helping to create industrial 'SuperPlaces' in the UK*
- *publishing delivery roadmaps for CCUS and hydrogen to provide clear signals to industry to invest this month"*

3.4.32. The BESS sets out steps the UK Government will take to ensure total lower costs of energy. Of relevance, this includes the updates to the energy NPSs "to recognise these blueprints in the planning system, increasing certainty for the planning inspectorate, developers and other stakeholders, and speeding up delivery".

3.4.33. Of the energy plan objectives and key measures for oil and gas set out in the BESS, the delivery of "CCUS clusters to futureproof North Sea" seeks to achieve "20 to 30MT CCUS target" by 2030, which will assist in the delivery of a net zero compatible oil and gas sector to be supplying the UK economy.

3.4.34. With regard to the UK Government's commitment to green hydrogen and accelerating the UK's hydrogen economy, key measures and ambitions of relevance set out in the BESS include:

a. Award first business model contracts to electrolytic and CCUS-enabled hydrogen projects in 2025;

b. To achieve Up to 1GW electrolytic 'green' hydrogen and up to 1GW of CCUS-enabled 'blue' to be operational or in construction by 2025.

c. The BESS anticipates that 95% of British electricity generation could be low carbon by 2030, and that subject to the security of the supply, Britain will have decarbonised their electricity by 2035 which will ultimately reduce dependence on oil and gas from imported sources and provide long term positive impacts through the delivery of cleaner and cheaper power with lower associated energy bills, and the creation of "thousands" of high-skilled and high-salary jobs.

3.4.35. The BESS supports a significant increase in energy generation from nuclear sources but recommends that more of our gas and oil needs are met from utilising resources in the North Sea to reduce imports, whilst the plan for more energy generation from renewable and low-carbon sources is rolled out.

CCUS Investor Roadmap (2022)

3.4.36. Alongside this, the government published the CCUS Investor Roadmap which outlines the joint government and industry commitments to the deployment of CCUS in the UK and sets out the approach to delivering four CCUS low carbon industrial clusters, capturing 20-30 $MtCO_2$ per year across the economy by 2030 to help meet the UK's 2050 net zero target (HM Government, 2022b). It highlights how the UK is well-placed to act as a leader for CCUS, including world leading research institutions (the highest density of world class universities), 5.6m people employed in engineering, and an estimated 78Gt CO_2 storage capacity (one of the largest in Europe and enough to support the UK's demands for hundreds of years).

SUMMARY

3.4.37. Under the PA 2008, the primary policy framework for examining and determining applications for development consent is provided by NPSs. The Proposed Scheme must be assessed against EN-1 and EN-3. EN-1 contains policy on carbon capture as well as on the environmental impacts of development, which are relevant.

3.4.38. The energy NPSs, in particular Part 3 of EN-1, confirm the urgent need that exists for developing new nationally significant energy infrastructure, including CCS, in order to support the transition to a low carbon economy. EN-1 makes clear that the SoS should assess applications on the basis that this need, and its scale and urgency has been proven and that substantial weight should be given to the contribution that all development make toward satisfying this need.

3.4.39. Whilst the application must be determined in accordance with the relevant NPSs, under section 104 of the PA 2008, regard must also be had to any other matters of importance and relevance, which may include the draft revisions to the energy NPSs, relevant policies in the NPPF and development plan documents. Also of particular relevance to the Proposed Scheme are the energy and climate change policies of the UK.

3.4.40. There is therefore a clear international steer that carbon capture in all forms need to be prioritised, and the Proposed Scheme is a first mover to make that happen.

3.4.41. There is evidently a clear direction of travel for the UK Government's support for CCUS and BECCS as part of achieving net zero. The above statements and publications provide a supportive context for BECCS at Drax Power Station.

3.4.42. The Proposed Scheme's compliance with these policies and principles is dealt with in more detail the following chapter, and in Appendices B and C attached to this Statement.

4. ANALYSIS OF PRIMARY PLANNING POLICY FRAMEWORK

4.1. INTRODUCTION

4.1.1. This chapter assesses the Proposed Scheme against relevant NPSs, including parts 2, 3, 4 and 5 of EN-1 and the relevant sections of Part 2 of EN-3. This chapter sets out the applicable policies from EN-1 and EN-3 and the extent to which the Proposed Scheme accords with these.

FLEXIBILITY

4.1.2. Section 2.5.30 of EN-3 details the need for flexibility in the application process. It states:

> *"The [Secretary of State] should accept that biomass/waste combustion plant operators may not know the precise details of all elements of the proposed development until sometime after any consent has been granted. Where some details have not been included in the application to the [Secretary of State], the applicant should explain which elements of the scheme have yet to be finalised and give the reasons. Therefore, some flexibility may be required in the consent. Where this is sought and the precise details are not known, then the applicant should assess the effects the project could have (as set out in EN-1 paragraph 4.2.8) to ensure that the project as it may be constructed has been properly assessed. In this way the maximum-adverse case scenario will be assessed, and the [Secretary of State] should allow for this uncertainty in its consideration of the application and consent."*

4.1.3. The ES has therefore sought to define the principles of the Proposed Scheme in sufficient detail to allow the likely significant effects on the environment to be assessed and the mitigation measures to be identified.

4.1.4. In some respects, it has not been possible to fix details of the Proposed Scheme in advance of the submission of the Application and therefore flexibility is required. Flexibility has been sought to allow the Proposed Scheme to be delivered within the requirements of contractors delivering it with sufficient scope for value engineering through innovative design and / or construction techniques. This is, for example, to allow for unforeseeable technological advancements and efficiencies to be incorporated in the final design. Flexibility is also required to allow for the future connection to the ZCH cluster. Flexibility is required in relation to Work No. 2 area (WN2) as shown on the Works Plans (document reference 2.3) to allow for either National Grid Carbon Limited's new carbon dioxide delivery terminal compound to be provided in WN2, or to be located elsewhere outside of the Order Limits, with the Proposed Scheme pipeline running to the edge of the Order Limits. This flexibility is set out in Schedule 1 (Authorised Development) of the Draft DCO (document reference 3.1). The design of the Proposed Scheme therefore requires a necessary degree of flexibility to allow for the future selection of the preferred technology in the light of prevailing policy, regulatory and market conditions once a DCO is made. In

this respect, the Applicant has adopted the principles of the 'Rochdale Envelope' and has assessed through the EIA maximum 'worst case' dimensions and design parameters.

4.2. PART 2 OF EN-1 – GOVERNMENT POLICY ON ENERGY AND ENERGY INFRASTRUCTURE DEVELOPMENT

4.2.1. Part 2 of EN-1 outlines the policy context for the development of nationally significant energy infrastructure, reflecting the Government's commitment to meeting key goals relating to carbon emission reductions, energy security and affordability.

4.2.2. Paragraph 2.2.6 of Part 3 of EN-1 states that the UK needs to wean itself off its high carbon energy mix to reduce GHG emissions, amongst other things. The paragraph goes on to state that:

> *"Under some of the illustrative 2050 pathways, electricity generation would need to be virtually emission-free, given that we would expect some emissions from industrial and agricultural processes, transport and waste to persist."*

4.2.3. Paragraph 2.2.7 of EN-1 goes on to emphasise the significant adverse effects which will arise if global emissions continue at their current levels, with paragraph 2.2.8 confirming that to avoid the most dangerous impacts of climate change, "global emissions must start falling as a matter of urgency".

4.2.4. Paragraph 2.2.11 states that EN-1:

> *"… sets out how the energy sector can help deliver the Government's climate change objectives by clearly setting out the need for new low carbon energy infrastructure to contribute to climate change mitigation."*

4.2.5. Paragraph 2.2.20 of EN-1 states that it is critical that the UK has reliable, secure supplies of electricity as it transitions to a low carbon economy. To manage risks, the UK needs sufficient electric capacity, including a greater quantity of low carbon generation, and a mix of technologies and fuels, amongst other things.

4.2.6. Paragraph 2.2.22 of EN-1 explains that the nearly all consumed electricity will need to be from low carbon sources if the UK is to meet emissions targets. Paragraph 2.2.23 goes on to state that the Government will pursue CCS (amongst other technologies), to reduce its dependence on fossil fuels, particularly unabated combustion.

Conclusion with regards to Part 2 of EN-1

The Proposed Scheme provides an opportunity to assist the UK to *"to wean itself off its high carbon energy mix to reduce GHG emissions"* and aid the Government in meeting its climate change objectives through delivering new low carbon energy infrastructure, in line with paragraphs 2.2.6 and 2.2.7 of EN-1. The response which the Proposed Scheme offers to government strategies is considered in further detail below and the Needs and Benefits Statement (document reference 5.3).

The Proposed Scheme will add to the mix of technologies sought to reduce carbon emissions and assist in the UK's energy security objectives, whilst overall contributing to the assertion at paragraph 2.2.22 of EN-1 that *"all consumed electricity will need to be from low carbon sources if the UK is to meet emissions targets"*.

Based on the above, the Proposed Scheme is therefore considered to accord with Part 2 of EN-1.

4.3. PART 3 OF EN-1 – THE NEED FOR NEW ENERGY INFRASTRUCTURE

4.3.1. Paragraphs 3.1.1 to 3.1.4 of Part 3 of EN-1 relate to the SoS's decision making. Paragraph 3.1.1 highlights the need for types of energy infrastructure covered by the NPS to achieve energy security and reduce GHG emissions dramatically.

4.3.2. Paragraphs 3.1.2 to 3.1.4 of EN-1 state:

> *"It is for industry to propose new energy infrastructure projects within the strategic framework set by Government. The Government does not consider it appropriate for planning policy to set targets for or limits on different technologies.*
>
> *The IPC should therefore assess all applications for development consent for the types of infrastructure covered by the energy NPSs on the basis that the Government has demonstrated that there is a need for those types of infrastructure and that the scale and urgency of that need is as described for each of them in this Part.*
>
> *The IPC should give substantial weight to the contribution which projects would make towards satisfying this need when considering applications for development consent under the Planning Act 2008."*

4.3.3. Paragraph 3.2.2 of EN-1 states that the UK needs to become less dependent on certain energy forms, as new low carbon technologies and energy efficient measures are utilised instead.

4.3.4. Part 3 of EN-1 explains why the Government considers the need for new energy infrastructure to often be 'urgent', and at paragraph 3.2.3 states that:

"The IPC should therefore give substantial weight to considerations of need. The weight which is attributed to considerations of need in any given case should be proportionate to the anticipated extent of a project's actual contribution to satisfying the need for a particular type of infrastructure."

4.3.5. Paragraph 3.3.5 of EN-1 states that *"The UK is choosing to largely decarbonise its power sector by adopting low carbon sources quickly"* and that the Government would like to bring forward many new low carbon developments such as renewable generation with CCS within the next 10-15 years (i.e., 2021-2-26 based on EN-1 being adopted in July 2011) to meet the energy security and climate changes challenges by 2050. The Proposed Scheme brings forward the potential for a CCS project that provides a significant contribution to the decarbonisation of the UK's power sector envisaged in EN-1.

Conclusion with regards to Part 3 of EN-1

Paragraph 3.1.1 of Part 3 of EN-1 emphasises the need for new nationally significant energy infrastructure projects to achieve energy security as well as dramatically reducing GHG emissions in the UK. The Proposed Scheme comprises the construction of new, nationally significant energy infrastructure in the form of CCS which has been specifically designed to approximately 95% of carbon dioxide from the flue gas emissions produced during the combustion of biomass in Units 1 and 2 at the Drax Power Station. This is a dramatic reduction of carbon emissions and will result in overall negative emissions of greenhouse gases. The Proposed Scheme therefore directly addresses the 'urgent need' set out in the above paragraphs of Part 3 of EN-1, and substantial weight should therefore be accorded by the SoS in their decision making, in line with paragraph 3.1.4 of EN-1. The consideration of the need for the Proposed Scheme is addressed in further detail in the Needs and Benefits Statement (document reference 5.3).

The Proposed Scheme is therefore considered to accord with Part 3 of EN-1.

4.4. PART 4.1 OF EN-1 – GENERAL POINTS

4.4.1. Paragraph 4.1.2 of EN-1 highlights the urgent need for the energy infrastructure covered by the energy NPSs and reiterates that there is a presumption in favour of granting development consent for energy NSIPs. The presumption applies unless any more specific and relevant policies set out in the relevant NPS clearly indicate that consent should be refused or any of the considerations referred to in section 104(4) to (8) of the PA 2008 apply (see paragraph 3.1.6 above).

SECRETARY OF STATE DECISION MAKING

4.4.2. Paragraph 4.4.1 above highlights the urgent need for the energy infrastructure and reiterates that there is a presumption in favour of granting development consent for

energy NSIPs. The presumption applies unless any more specific and relevant policies set out in the relevant NPS clearly indicate that consent should be refused or any of the considerations referred to in section 104(4) to (8) of the PA 2008 (paragraph 3.1.5 above) apply.

4.4.3. In considering applications for energy NSIPs, and in particular when weighing their adverse impacts against their benefits, paragraph 4.1.3 of EN-1 states:

> *"… the [Secretary of State] should take into account:*
>
> *its potential benefits including its contribution to meeting the need for energy infrastructure, job creation and any long-term or wider benefits; and*
>
> *its potential adverse impacts, including any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts."*

4.4.4. Within this context, paragraph 4.1.4 of EN-1 directs the SoS to take into account environmental, social and economic benefits and adverse impacts nationally, regionally and locally. Chapter 6 of this Planning Statement provides an assessment of the key benefits and dis-benefits of the Proposed Scheme, demonstrating that the Proposed Scheme would have a number of substantial benefits and that these clearly outweigh its dis-benefits. The Needs and Benefits Statement (document reference 5.3) provides a further assessment of the need for, and the benefits of, the Proposed Scheme.

4.4.5. Whilst paragraph 4.1.5 of EN-1 confirms that matters that the SoS may consider both important and relevant to decision making on energy NSIPs may include local development plan documents, the NPS as the primary policy document takes precedence in the event of a conflict between the NPS and other matters. Chapter 5 of this Planning Statement provides an assessment and appraisal of the accordance of the Proposed Scheme with local planning policy and emerging draft NPSs. As the Proposed Scheme is considered to accord with the policies contained within EN-1, the other NPSs and other national and local policy, there is no conflict between the NPS(s) and other matters.

REQUIREMENTS

4.4.6. With regard to requirements, paragraph 4.1.7 of EN-1 states:

> *"The [Secretary of State] should only impose requirements in relation to a development consent that are necessary, relevant to planning, relevant to the development to be consented, enforceable, precise, and reasonable in all other respects. The [Secretary of State] should take into account the guidance in Circular 11/95, as revised, on "The Use of Conditions in Planning Permissions" or any successor to it."*

4.4.7. The Applicant has included a number of requirements within Schedule 2 of the Draft DCO (document reference 3.1) in respect to the detailed design of the Proposed Scheme, as well as its construction, operation and decommissioning, in order to

appropriately mitigate and manage adverse effects throughout the lifetime of the scheme.

4.4.8. The draft requirements include:

- **a.** Timeframe in which to commence development;
- **b.** Approval of phasing of construction;
- **c.** Notification to the relevant planning authority at certain stages of development;
- **d.** Written approval required
- **e.** Approval and amendment of details pursuant to the requirements;
- **f.** Detailed design of the Proposed Scheme;
- **g.** Detailed landscaping and biodiversity mitigation proposals;
- **h.** Design of external lighting during operation;
- **i.** Design of highway accesses during construction;
- **j.** Surface water drainage design and management;
- **k.** Flood risk mitigation;
- **l.** Management of contaminated land risk;
- **m.** Archaeology;
- **n.** The preparation and implementation of a Construction Environmental Management Plan (CEMP);
- **o.** The preparation and implementation of a Construction Traffic Management Plan (CTMP);
- **p.** The preparation and implementation of a Construction Workers Travel Plan (CWTP);
- **q.** Control of noise during operation;
- **r.** Management of the decommissioning phase (environmental management); and
- **s.** Management of the decommissioning phase (traffic management).

4.4.9. We consider that the proposed requirements are necessary, relevant to planning, relevant to the development to be consented, enforceable, precise, and reasonable in all other respects in accordance with paragraph 4.1.7 of EN-1. The Environmental Statement and accompanying documents (document references 6.1 - 6.10) and other documents submitted with the application (including this Planning Statement), provide the justification and necessity for the proposed requirements. The requirements are drafted to provide the relevant controls to ensure that Proposed Scheme is constructed, operates and is decommissioned in accordance with the measures proposed to ensure that impacts arising from the development do not give rise to effects any worse than those set out in the Environmental Statement.

DEVELOPMENT CONSENT OBLIGATIONS

4.4.10. Under paragraph 4.1.8 of EN-1, the SoS may also take into account any development consent obligations under section 106 of the Town and Country Planning Act 1990 (as amended by section 174 of the PA 2008) that an applicant agrees with local

authorities. Any such obligations must meet similar tests to requirements, as set out in paragraph 4.4.6 above, in that they must be:

a. "Relevant to planning;

b. Necessary to make the proposed development acceptable in planning terms;

c. Directly related to the proposed development;

d. Fairly and reasonably related in scale and kind to the proposed development; and

e. Reasonable in all other respects."

4.4.11. The Applicant's EIA of the Proposed Scheme has identified some environmental effects that would require mitigation. Mitigation measures have been embedded into the design of the Proposed Scheme or are secured through the requirements in Schedule 2 to the Draft DCO. In addition, heads of terms for a development consent obligation agreement with SDC and NYCC are included in the DCO Application (Heads of Terms for a section 106 Agreement, (document reference 7.2). This covers the following obligations:

a. Ecological off-site improvement works – this includes new and enhanced woodland and scrub at Arthurs Wood and Fallow Field, providing ecological mitigation and supporting the delivery of biodiversity net gain ('BNG') for the Proposed Scheme; as well as the delivery of off-site River Habitat to deliver BNG;

b. Local Employment Scheme – this will be submitted for approval prior to commencement (including opportunities for the use of local suppliers and contractors, and developing opportunities for local people to access training opportunities); and

c. Local Liaison Committee - a local liaison committee to be established by the Applicant in order to liaise during the construction and operational period with local residents and organisations about matters relating to the construction and operation of the Proposed Scheme.

4.4.12. The Applicant considers that the above obligations meet the tests set out under paragraph 4.1.8 of EN-1 (as explained at paragraph 4.4.9 above). The obligations are relevant to planning as they all seek to mitigate adverse impacts arising from the Proposed Scheme or enhance and secure positive impacts of the Proposed Scheme. For example, the proposed ecological enhancements contain compensatory planting to mitigate habitat loss, and the Local Liaison Committee is a measure seeking to address potential impacts on residential amenity. In addition, the Local Employment Scheme seeks to assist in delivering the benefits of the Proposed Scheme (such as job generation and associated economic benefits), so that they directly impact the local economy. For these reasons, the obligations are also necessary to make the Proposed Scheme acceptable in planning terms and therefore directly related to the Proposed Scheme. The Applicant considers that the obligations are fairly and

reasonably related in scale and kind to the Proposed Scheme, and based on the aforementioned reasons, are therefore appropriate in all other aspects.

4.4.13. The Applicant is in ongoing discussions with SDC and NYCC regarding the above obligations and expects to enter into a section 106 agreement to secure their delivery over the course of the examination. As mentioned above, the new NYC will be established on 1 April 2023. As such, subject to timescales relating to the DCO Application and negotiation of the section 106 Agreement, the new NYC could be responsible for entering into the Agreement with the Applicant, as the Local Authority for North Yorkshire where the Order Limits are located. In any event, the section 106 agreement entered into will make provision for NYC to take over responsibilities from NYCC and SDC.

FINANCIAL VIABILITY AND TECHNICAL FEASIBILITY

4.4.14. Paragraph 4.1.9 of EN-1 states:

> *"In deciding to bring forward a proposal for infrastructure development, the applicant will have made a judgement on the financial and technical viability of the proposed development, within the market framework and taking account of Government interventions. Where the IPC considers, on information provided in an application, that the financial viability and technical feasibility of the proposal has been properly assessed by the applicant it is unlikely to be of relevance in IPC decision making (any exceptions to this principle are dealt with where they arise in this or other energy NPSs and the reasons why financial viability or technical feasibility is likely to be of relevance explained)."*

4.4.15. In this case, the Applicant has taken commercial and financial matters into consideration and decided to proceed with the Proposed Scheme. The Applicant currently owns the Drax Power Station, which is situated on part of the land within the Order Limits. The decision to install carbon capture technology at Drax Power Station complements the Applicant's ongoing work to explore more sustainable means and outcomes of energy generation. Four existing biomass units at Drax Power Station are converted pulverised fuel boilers, capable of burning different biomass fuels, and biomass sourced from sustainably managed forests is already used to generate electricity.

4.4.16. The Proposed Scheme would involve the installation of post-combustion carbon capture technology to capture carbon dioxide from up to two existing 660-megawatt electrical ('MWe') biomass power generating units at the Drax Power Station (Unit 1 and Unit 2). The installation of this technology constitutes an extension to the Existing Drax Power Station (of which biomass Units 1 and 2 form part), and is referred to as post-combustion carbon capture as the carbon dioxide is captured from the flue gas produced during the combustion of biomass in Units 1 and 2. The Proposed Scheme is designed to remove approximately 95% of the carbon dioxide from the flue gas from these two Units. The carbon dioxide captured will undergo processing and compression before being transported via a proposed new pipeline for storage under

the southern North Sea. Transport and storage infrastructure will be consented through separate applications submitted by other parties.

4.4.17. The HLCP intends to establish a pipeline network in the region to transport carbon dioxide and hydrogen to facilitate Carbon Capture Use and Storage (CCUS), supporting the ambition of the ZCH partnership to create the world's first net zero industrial cluster.

4.4.18. NGV consulted on potential pipeline route corridors in autumn 2021, and in March 2022 announced the preferred route corridor which has been identified; running from Drax Power Station to the Holderness coast. The preferred route is based on connecting to major industrial emitters and power stations in the Humber region at Drax, Keadby, British Steel, Killingholme and Saltend. The preferred route is to be approved by the Government, whose final decision will be announced in May 2022.

4.4.19. Anticipated timescales for the delivery of the HLCP are as follows:

a. Early spring 2022 – Community updates and engagement;

b. Summer 2022 – Statutory consultation on detailed route proposals;

c. Late 2022 – DCO application to PINS;

d. 2023 / early 2024 – DCO examination and determination process;

e. 2024 – Construction begins; and

f. 2026 – Earliest completion date.

4.4.20. NGV is part of the East Coast Cluster ('ECC') bid, combining Humber and Teesside regions, as recently submitted to the department of Business Energy and Industrial Strategy ('BEIS') as part of the CCUS cluster sequencing consultation. BP, as lead transportation and storage operator for this cluster, have responsibility for the end-to-end full chain process and associated Endurance store offshore. NGV's role in the deployment of CCUS at scale in the Humber means that close working with emitters, such as Drax Power Station is key. The HLCP network is the proposed infrastructure for transporting the carbon captured by the Proposed Scheme to the interface at landfall with the offshore pipelines for onward transportation to the Endurance saline aquifer for storage. NGV's interest relates to the interfaces between the BECCS project and HLCP, which includes the proposed carbon dioxide export connection and associated works.

4.4.21. The Government's policy objective (as set out in paragraphs 3.4.22 and 4.2.6 of this Statement) is for the UK to be net zero by 2050 and includes the objective to use CCUS to achieve net zero. The Prime Minister's '10 Point Plan' (HM Government, 2020), committed to deploy CCUS in a minimum of two industrial clusters by the mid-2020s. In October 2021, the Government has identified ECC as one of the clusters to deliver CCUS following a successful bid to BEIS.

4.4.22. Paragraph 4.1.9 of EN-1 requires applicants to have made a judgement as to the financial and technical feasibility of their proposed development, within the market framework and taking account of Government interventions. Where financial and technical feasibility have been properly assessed by the applicant, these are unlikely

to be relevant to the SoS's decision-making. Any exceptions to this principle are dealt with where they arise in EN-1 or other energy NPSs and the reasons why financial viability or technical feasibility is likely to be of relevance are explained.

4.4.23. In this case the Applicant has taken commercial and financial matters into consideration and decided to proceed with the Proposed Scheme, as set out in the Funding Statement (document reference 4.2) submitted with the DCO Application. The Funding Statement demonstrates that the Applicant can fund the construction of the Proposed Scheme and any compulsory acquisitions necessary.

4.4.24. It is therefore considered that the Proposed Scheme, and its objectives, satisfy the policy set out in paragraph 4.1.9 of EN-1.

Conclusion with regards to Part 4.1 of EN-1

Paragraph 4.1.2 of EN-1 highlights the urgent need for energy infrastructure. The current climate crisis and UK commitment to achieve net zero by 2050 highlights the urgent need for carbon reducing infrastructure, as will be delivered via the Proposed Scheme. CCS was described by CCC as a 'necessity' in order to achieve UK net-zero by 2050.

Furthermore, the Application demonstrates in the Funding Statement (document reference 4.2) that the Proposed Scheme is financially feasible, in accordance with paragraph 4.1.9 of EN-1.

When weighed against the benefits of the Proposed Scheme (as detailed further in the Needs and Benefits Statement (document reference 5.3)), which include but are not limited to carbon negative emissions, employment opportunities and ecological enhancements, any potential adverse impacts of the Proposed Scheme are clearly outweighed, and suitably mitigated.

The proceeding assessment of national policy demonstrates that there are no NPS policies which indicate that consent of the Proposed Scheme should be refused, and no considerations referred to in section 104(4) to (8) of the PA 2008 apply. A presumption in favour of granting the Proposed Scheme should therefore be taken, in accordance with paragraph 4.1.2.

The Proposed Scheme is therefore considered to accord with the above paragraphs of Part 4.1 of EN-1.

4.5. PART 4.2 OF EN-1 – ENVIRONMENTAL STATEMENT

4.5.1. Paragraph 4.2.1 states:

"All proposals for projects that are subject to the European Environmental Impact Assessment Directive must be accompanied by an Environmental Statement (ES)

describing the aspects of the environment likely to be significantly affected by the project. The Directive specifically refers to effects on human beings, fauna and flora, soil, water, air, climate, the landscape, material assets and cultural heritage, and the interaction between them. The Directive requires an assessment of the likely significant effects of the proposed project on the environment, covering the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects at all stages of the project, and also of the measures envisaged for avoiding or mitigating significant adverse effects."

4.5.2. Paragraphs 4.2.2 - 4.2.11 of EN-1 provide further guidance on the matters the ES needs to address.

4.5.3. The DCO Application for the Proposed Scheme is accompanied by an ES (document reference 6.1 - 6.4) which has been prepared in accordance with the EIA Regulations 2017, assessing the Likely Significant Effects of the Proposed Scheme taking into account the proposed mitigation measures, distinguishing the stages of the Proposed Scheme as follows:

a. Construction;

b. Operational; and

c. Decommissioning.

4.5.4. The ES (document reference 6.1 - 6.4) has been informed by the EIA Scoping Report (document reference 6.3.1.1) which identified the environmental topics where there is potential for significant impacts. The EIA Scoping Report was issued to PINS on 18 January 2021 and was consulted upon with the relevant LPAs. An EIA Scoping Opinion (document reference 6.3.1.2) was received from PINS, on behalf of the SoS, on 26 February 2021.

4.5.5. Appendix 4.2 (Scoping Opinion Responses) of the ES (document reference 6.3.4.2) demonstrates that the ES is based on the PINS EIA Scoping Opinion (document reference 6.3.1.2).

4.5.6. In accordance with EN-1, the submitted ES assesses the likely significant effects of the Proposed Scheme, and states how effects are being avoided and mitigated. The Register of Environmental Actions and Commitments (document reference 6.5) submitted with the DCO Application sets out the proposed mitigation measures in detail. The ES distinguishes between the construction and operational phases and decommissioning of the Proposed Scheme, and also assesses the intra and inter-project cumulative effects, and is therefore in accordance with the policy contained in paragraphs 4.2.1, 4.2.4 and 4.2.5 of EN-1.

4.5.7. Paragraph 4.2.7 of EN-1 notes that it may not be possible at the time of the application for all aspects of the proposal to have been settled in precise detail and that the ES should set out, to the best of the applicant's knowledge, what the maximum extent of the proposed development may be. At Chapter 2 (Site and Project Description) of the ES (document reference 6.1.2), contains an explanation of the

works and sets out the parameters for certain buildings for which the final dimensions cannot be determined at this stage. Therefore, the ES assesses the worst case scenario in terms of environmental effects, and the maximum design parameters. The level of flexibility is controlled by the Draft DCO, in that it requires that the works packages in Schedule 1 of the Draft DCO (which describes the Proposed Scheme authorised by the DCO) can only be constructed within the corresponding areas of the works plans. It also includes a requirement for the approval of the detailed design of the Proposed Scheme, requiring such detailed design to align with design principles and the maximum parameters included in the Draft DCO.

4.5.8. Paragraph 4.2.7 of EN-1 also states that applicants should explain why there are elements of the proposal which are yet to be finalised. In the case of the Proposed Scheme, a degree of flexibility is required at present to allow for the future connection to the ZCH cluster and to allow for any unforeseen technological advancements and efficiencies which may emerge to be incorporated into the final design of the Proposed Scheme. Flexibility is sought to allow the Proposed Scheme to be delivered within the requirements of contractors delivering it with sufficient scope for value engineering through innovative design and / or construction techniques. In accordance with paragraph 4.2.2 of EN-1, an assessment of the likely significant socio-economic effects of the Proposed Scheme is contained at Chapter 16 (Population, Health and Socio-Economics) of the ES (document reference 6.1.16).

4.5.9. Further, in accordance with EN-1, the Chapter 18 (Cumulative Effects) of the ES (document reference 6.1.18) considers the possible effects of the Proposed Scheme and how they could interact cumulatively with the effects of other planned or consented developments. The effects of the Proposed Scheme are summarised in ES Chapter 19 (Summary of Significant Effects) (document reference 6.1.19).

4.5.10. As noted above, the Register of Environmental Actions and Commitments (document reference 6.5) sets out how mitigation will be secured.

Conclusion with regards to Part 4.2 of EN-1

The above demonstrates that an EIA has been undertaken in accordance with the EIA Regulations 2017, and that the supporting ES submitted with the DCO Application meets the requirements set out in Part 4.1 of EN-1. The above also explains that an EIA Scoping Report (document reference 6.3.1.1) has been submitted to the PINS prior to the submission of the DCO Application, and that the ES has been based on the PINS EIA Scoping Opinion received in response (document reference 6.3.1.2).

Not all precise details of the Proposed Scheme are finalised at this stage, however the reasons for this are set out above and measures for how these details will be secured are explained, in line with paragraph 4.2.7 of EN-1.

The ES considers likely significant effects at all stages of the Proposed Scheme (construction, operational and decommissioning), both in isolation and in terms of cumulative impacts, and as explained above, measures for securing mitigation is also included.

Based on the above, the Applicant considers that the Proposed Scheme accords with the above paragraphs of section 4.2 of EN-1.

4.6. PART 4.3 OF EN-1 – HABITATS AND SPECIES REGULATIONS

4.6.1. Paragraph 4.3.1 of EN-1 states that:

> *"…in their decision-making, the SoS must consider whether a project may have a significant effect on a European Site, or any site to which the same protection is applied as a matter of policy, either alone or in combination with other plans and projects. This consideration must be made under the Conservation of Habitats and Species Regulations 2017.*
>
> *It also requires applicants to seek the advice of Natural England (NE) and provide the SoS with such information as may be reasonably required to determine whether an Appropriate Assessment is required."*

4.6.2. Paragraph 4.3.1 also confirms that in the event that an Appropriate Assessment is required, the applicant must provide the SoS with such information as may reasonably be required to enable it to conduct the Appropriate Assessment. This should include information on any mitigation measures that are proposed to minimise or avoid likely adverse effects.

4.6.3. The Application includes a Habitats Regulations Assessment ('HRA') report (document reference 6.8.1) including HRA Screening Matrices (document reference 6.8.3.3) and information to inform an Appropriate Assessment (document reference 6.8.1 - 6.8.3.4).

4.6.4. The HRA report concludes that some likely significant effects have been identified on a number of European Sites, and mitigation measures to address each of the identified impact pathways are therefore proposed and set out in detail within the information to inform an Appropriate Assessment.

4.6.5. The likely significant effects identified on European Sites for the construction phase, both alone and in-combination with other Plans and Projects, alongside the proposed mitigation measures are:

a. Loss and disturbance of functionally-linked land during;

i. Hedgerow planting will be carried out in March of whichever calendar year(s) it is completed. This would be at the end of the core wintering/passage bird season (which is typically taken to be October to March inclusive), minimising potential effects of loss and disturbance of functionally-linked land on wintering/passage SPA and Ramsar bird species.

b. Emissions of dust:

i. The implementation of a CEMP developed from the REAC (document reference 6.5) which is submitted in conjunction with the ES. The CEMP is secured through a requirement in Schedule 2 of the DCO;

c. Increased risk of pollution from increased sediment load:

i. The implementation of a CEMP and Decommissioning Environmental Management Plan ('DEMP') developed from the REAC and secured via a requirement in the DCO. The CEMP and DEMP will include a series of measures to avoid and manage the risk of increased pollution from sediment loading, including adherence to good practice guidance, the use of Method Statements for works which may increase sediment loading of Site drainage, and procedures for monitoring and inspections;

d. Increased risk of pollution from accidental releases of water-borne pollutants:

i. The implementation of a CEMP and DEMP as above, which include a series of measures to avoid and manage the risk of increased pollution from water-borne pollutants, including adherence to good practice guidance, the use of Method Statements for managing works with potential to generate water-borne pollutants, and procedures for monitoring and inspections;

e. Increased risk of visual disturbance:

i. The implementation of a CEMP and DEMP as above, which will include measures to avoid or minimise potential visual disturbance effects;

ii. The erection of hoardings to reduce visual effects, which is also detailed in the REAC and will be secured via the CEMP;

iii. The implementation of a detailed lighting strategy within the CEMP (as set out in the REAC), to be substantially in accordance with the Draft Lighting Strategy (document reference 6.7) submitted with the DCO Application, which includes measures in relation to biodiversity to avoid or minimise

potential increases in illumination of functionally-linked land that could be used by European Site qualifying interests;

iv. The implementation of a number of measures to be completed specifically in relation to otter, which are set out in the REAC and will be secured via the CEMP and DEMP.

4.6.6. The likely significant effects identified for the operational phase of the Proposed Scheme, alongside the proposed mitigation measures, are summarised as follows:

f. Emissions of treated flue gas to air:

i. The following operational changes to the Main Stack emissions parameters will be implemented to reduce the contribution to acid deposition at the identified sensitive habitats arising in the With Proposed Scheme scenario:

~ Reduce SO_2 emissions by 40% compared to the Best Available Technology (BAT) Environmental Assessment Level (EAL), applied to the two BECCS Biomass Units; and

~ Increase exit temperature of flue gases from the BECCS Units from 80ºC to 100ºC.

~ The above measures primarily bring benefits in reducing acidification effects, and also have minor beneficial effects in terms of contribution to nitrogen deposition and NH_3 concentrations arising in the with Proposed Scheme scenario;

g. Accidental releases of water-borne pollutants:

i. A Detailed drainage design, substantially in accordance with the Surface Water Drainage Strategy ('SWDS') at Appendix 12.3 of the ES (document reference 6.3.12.3) will minimise the potential impact of water-borne pollutants. This is secured by a requirement included in Schedule 2 of the Draft DCO.

4.6.7. When considering the impact of the Proposed Scheme with the above mitigation measures applied, the HRA concludes that the Proposed Scheme (alone) will have no adverse effects on the integrity of any of the European Sites for which likely significant effects were identified.

4.6.8. In respect of cumulative impact, the HRA concludes that the Proposed Scheme is not predicted to result in any adverse effects on the integrity of any European Sites, as a result of in-combination effects with other plans and projects.

4.6.9. The Applicant has held discussions with Natural England ('NE') and the Environment Agency ('EA') over the Proposed Scheme and is in active discussions with NE and the EA in respect of the HRA report, with the aim of setting out matters that are agreed in a Statement of Common Ground.

Conclusion with regards to Part 4.3 of EN-1

A HRA report informed by the Scoping Opinion and the advice received from NE and the EA assessing any potentially significant effects on European Sites accompanies the Application. The HRA report concludes that the Proposed Scheme will not give rise to any adverse effects on the integrity of any European Sites assessed, either in isolation or in combination with other projects.

The Proposed Scheme is therefore considered to accord with the above paragraphs of Part 4.3 of EN-1.

4.7. PART 4.4 OF EN-1 – ALTERNATIVES

4.7.1. Paragraph 4.4.1 of EN-1 states that:

> *"As in any planning case, the relevance or otherwise to the decision-making process of the existence (or alleged existence) of alternatives to a proposed development is in the first instance a matter of law, which falls outside the scope of this NPS."*

4.7.2. Paragraph 4.4.2 goes on to state that:

> *"… from a policy perspective this NPS does not contain any general requirement to consider alternatives or to establish whether a development represents the best option. However:*
>
> > *Applicants are obliged to include in their ES, as a matter of fact, information about the main alternatives they have studied. This should include an indication of the main reasons for the applicant's choice, taking into account the environmental, social and economic effects and including, where relevant, technical and commercial feasibility;*
> >
> > *In some circumstances, there are specific legislative requirements, notably under the Habitats Directive, for the [SoS] to consider alternatives. These should be identified in the ES by the applicant; and*
> >
> > *In some circumstances, the relevant energy NPSs may impose a policy requirement to consider alternatives."*

4.7.3. EN-1 does this in sections 5.3, 5.7 and 5.9 in relation to avoiding significant harm to biodiversity and geological conservation interests, flood risk and development within nationally designated landscapes, respectively.

4.7.4. The Applicant has considered the reasonable alternatives which could be considered to realistically achieve the objectives for the Proposed Scheme set out in the Needs and Benefits Statement (document reference 5.3) (including the location for the above ground infrastructure), which are set out within Chapter 3 (Consideration of Alternatives) of the ES (document reference 6.1.3). Chapter 3 sets out the main

reasons for the Applicant's choice, taking into account environmental, social and economic effects and including, where relevant, technical and commercial feasibility.

4.7.5. As a result of the conclusions of the HRA documentation and the WFD Screening Report, no consideration of alternatives in the legislative context of those regimes has been required.

4.7.6. The following alternatives have been considered for the Proposed Scheme:

a. Do nothing scenario.
b. Alternative development sites.
c. Alternative layouts.
d. Alternative technologies.
e. Alternative construction transport routes.
f. Alternative Construction Laydown Areas.

4.7.7. This is in accordance with the above policy contained within EN-1, as well as regulation 14(2)(d) of the EIA Regulations 2017, which states that an ES should include:

> *"A description of the reasonable alternatives studied by the applicant, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment".*

Conclusion with regards to Part 4.4 of EN-1

In summary, consideration of alternatives has been carried out in the context of alternatives to the Proposed Scheme in Volume 1 Chapter 3 (Consideration of Alternatives) of the ES (document reference 6.1.3), which can meet the Applicant's objectives which are set out in the Needs and Benefits Statement (document reference 5.3).

The Proposed Scheme is therefore considered to accord with the above paragraphs of Part 4.4 of EN-1.

4.8. PART 4.5 OF EN-1 AND PART 2.4 OF EN-3 – CRITERIA FOR "GOOD DESIGN" FOR ENERGY INFRASTRUCTURE

OVERVIEW

4.8.1. Paragraph 4.5.1 of EN-1 states:

> *"The visual appearance of a building is sometimes considered to be the most important factor in good design. But high quality and inclusive design goes far beyond aesthetic considerations. The functionality of an object — be it a building*

or other type of infrastructure — including fitness for purpose and sustainability, is equally important."

4.8.2. Paragraph 2.4.2 of EN-3 states:

"Proposals for renewable energy infrastructure should demonstrate good design in respect of landscape and visual amenity, and in the design of the project to mitigate impacts such as noise and effects on ecology."

4.8.3. Paragraph 4.5.1 does however acknowledge that "the nature of much energy infrastructure development will often limit the extent to which it can contribute to the enhancement of the quality of the area."

4.8.4. Paragraph 4.5.3 of EN-1 recognises that the opportunities to demonstrate good design may differ depending upon the type of infrastructure proposed, in that there may be "very limited choice in the physical appearance of some energy infrastructure, there may be opportunities for the applicant to demonstrate good design in terms of siting relative to existing landscape character, landform and vegetation."

4.8.5. Paragraph 4.5.3 is also clear that the applicant should take into account functionality, including fitness for purpose and sustainability, as well as aesthetics as far as possible.

4.8.6. Paragraph 4.5.4 of EN-1 requires applicants to demonstrate in their application how the design process was conducted and how the proposed design evolved. The SoS should, however, take into account the ultimate purpose of the infrastructure and bear in mind the operational, safety and security requirements, which the design has to satisfy.

4.8.7. As such, this section sets out that the design of the Proposed Scheme has evolved in the lead up to the submission of the Application, sets out the likely landscape and visual impacts of the Proposed Scheme and explains mitigation measures proposed. This section also explains the approach adopted in relation to both temporary and permanent access to the Site.

4.8.8. The Consultation Report (document reference 5.1) and the supporting chapters of the ES (document references 6.1 – 6.4) submitted with the DCO Application set out what consultation has been undertaken in relation to the Proposed Scheme and how the key issues and comments raised have or have not been taken into account, and the reasons for doing so.

4.8.9. It is noted that this section of the Planning Statement and the Design Framework Document (document reference 6.9) cover the content that may otherwise be assessed in a separate Design and Access Statement.

4.8.10. The PPG 'Making an application' (UK Government, 2021) (with respect to applications under the Town and Country Planning Act 1990) states that a Design and Access Statement must:

"a) explain the design principles and concepts that have been applied to the proposed development; and

b) demonstrate the steps taken to appraise the context of the proposed development, and how the design of the development takes that context into account.

A development's context refers to the particular characteristics of the application site and its wider setting. These will be specific to the circumstances of an individual application and a Design and Access Statement should be tailored accordingly.

Design and Access Statements must also explain the applicant's approach to access and how relevant Local Plan policies have been taken into account. They must detail any consultation undertaken in relation to access issues, and how the outcome of this consultation has informed the proposed development. Applicants must also explain how any specific issues which might affect access to the proposed development have been addressed."

4.8.11. Design and Access Statements are not a requirement for NSIPs under The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 ('APFP Regulations'), and due to the nature of the Proposed Scheme and the Site, a separate Design and Access Statement is not considered to be necessary for this Application. This approach has been agreed with PINS at the pre-application stage. Therefore, the following sections, in addition to the Design Framework Document (document reference 6.9), cover the contents required by the PGG as set out above.

4.8.12. The Design Framework Document has been prepared in response to PINS EIA Scoping Opinion (document reference 6.3.1.2), which includes a response from NYCC which states:

"Site Design - I would support consideration of the original design intent as set out by AE Weddle's 1966 Landscape and Mitigation Report (para. 10.2.3). Given the scale of the existing Drax site and the significant changes that have taken place since the original report, I would like to see a clear revised design strategy for the site.

This strategy should explain how the current application achieves principles of 'good design' in context of the site as a whole, for the overall composition of site structures, massing, layout, colour and materials, aiming to reduce overall massing, visual coalescence and site clutter."

4.8.13. The Design Framework Document therefore provides a guide for the detailed design of the soft and hard landscaping within the Drax Power Station Site for the Proposed Scheme. The landscaping design principles set out in the Design Framework Document are included in the REAC (document reference 6.5). A requirement in Schedule 2 of the draft DCO (document reference 3.1) requires the approval of the detailed design of the Proposed Scheme. The detailed design submitted for approval

must be in accordance with the “design principles” included in the REAC. There is also an additional requirement requiring that the Proposed Scheme be in accordance with the “design principles” more generally.

CONSULTATION

4.8.14. The details of the Proposed Scheme have been subject to comprehensive consultation with the public, stakeholders and the LPAs. Chapter 9 (Landscape and Visual Impact) of the ES (document reference 6.1.9) contains details of the relevant consultation undertaken in support of the preparation of the assessment. The Consultation Summary Table 9.1 in Chapter 9 provides a summary of the consultation responses from statutory consultees to the statutory consultation on the Preliminary Environmental Information Report (‘PEIR’) (see document reference 6.9 for the Non-Technical Summary of the PEIR) and how comments from those consultees on the landscape and visual impacts of the Proposed Scheme have been addressed by the Applicant. Details of consultation undertaken are also set out in the Consultation Report (document reference 5.1).

STUDY AREA CONTEXT

4.8.15. As detailed in Chapter 2 of this Planning Statement, the Site is within and adjacent to the Drax Power Station and is, therefore, largely within an industrialised landscape, although the surrounding environment comprises agricultural land interspersed with small settlements. Chapter 9 (Landscape and Visual Impact) of the ES (document reference 6.1.9) reports the outcome of the assessment of likely significant environmental effects arising from the Proposed Scheme on Landscape Character and Visual Amenity.

4.8.16. It contains a detailed appraisal of the existing landscape character and the design of the 1960’s Drax Power Station (design by A E Weddle), which gave consideration to the need to reduce visual coalescence, visual clutter and achieve a simple design and symmetry. The setting and treatment of the buildings and structures was considered to be of utmost importance.

4.8.17. Part 9.7 of Chapter 9 (Landscape and Visual Impact) of the ES (document reference 6.1.9) describes the landscape characterisation at national, county and local level. This includes a detailed description of the existing baseline landscape features and the value of the landscape resource, as well as the level of susceptibility and sensitivity to change. A 3km study area from the Order Limits for any landscape or visual impact was assessed. The study area is shown in Figure 9.4 of the ES (document reference 6.2.9.4). This was based on a combination of professional judgement, previous experience on the Drax Repower DCO and an analysis of the height and massing of the Proposed Scheme. Beyond this distance, significant effects are not anticipated.

4.8.18. The topography of the landscape is relatively flat, with small, isolated areas of high ground to the north-west, north-east and south-west including Hambleton Hough (approximately 40 m AOD and approximately 10 km from the Order Limits) and

Brayton Barff (55 m AOD and approximately 7 km from the Order Limits) to the northwest, High Eggborough and Great Heck (approximately 9-10 km from the Order Limits) to the south-west. Barlow Mound to the west of Drax Power Station is a distinct local landmark, formed in the 1970's using residual materials from Drax Power Station.

4.8.19. Regarding vegetation, the landscape of the study area is characterised by intermittent hedgerow and hedgerow trees and small woodland blocks.

4.8.20. In planning terms, the Proposed Scheme is industrial by nature and is considered to be appropriate for the context within which it is proposed to be located (i.e. within an established industrial area). However, it is acknowledged that due to the relatively flat topography of the Site and its surrounds, Drax Power Station is visible for several kilometres and, therefore, careful design of the Proposed Scheme is very important.

4.8.21. The LVIA assesses the following:

a. The sensitivity of the landscape resource and visual receptors;

b. The magnitude of change; and

c. The significance of effect based on a comparison of the sensitivity of the resource / receptor against the magnitude of change.

4.8.22. As aforementioned in paragraph 2.1.9 of this Planning Statement, the Applicant has full planning permission for the demolition of the redundant FGD Plant and associated restoration works at Drax Power Station (2020/0994/FULM). The decommissioning and demolition work of Absorber Units 4, 5 and 6 are scheduled to take place prior to the start of the construction of the Proposed Scheme, whilst the demolition of Absorber Units 1, 2 and 3 will take place following the completion of the Proposed Scheme. The cumulative impact resulting from this consent is therefore taken into account within the landscape assessment. The full methodology is set out in Chapter 9 (Landscape and Visual Impact) of the ES (document reference 6.1.9).

4.8.23. In terms of design, the Design Framework Document (document reference 6.9) sets out the iterative design process undertaken for the Proposed Scheme to date in accordance with paragraph 4.5.4 of EN-1. The aim of the Design Framework Document is to *"establish a design framework and strategy to ensure the Scheme responds to the existing site context and historic design guidance, so as to deliver the best possible outcomes in terms of landscape and visual mitigation and integration."*

4.8.24. In summary, the Design Framework Document sets out the following:

a. An overview of the Drax Power Station, including its current functions, historic design guidance, existing consents and details of existing landscaping and colour schemes;

b. Details of the Proposed Scheme, including a project description and overview of the Proposed Scheme areas, functions associated with the Proposed Scheme and details relating to architectural form and precedented imagery;

c. Design principles applicable to the detailed design of the Proposed Scheme (via the REAC and a DCO Requirement), relating to siting, massing, appearance, landscape, biodiversity, climate change and sustainability; and

d. An overview of relevant planning policy and legislation and how the Proposed Scheme complies with these policies.

4.8.25. In terms of access, Chapter 5 (Traffic and Transport) of the ES (document reference 6.1.5) confirms that access to the Drax Power Station Site for any operational related traffic, including Heavy Goods Vehicles (HGV) and AIL, will continue to use the existing access junctions off the A645 and New Road, which can accommodate HGV and non-HGV traffic.

4.8.26. During the construction phase, two temporary construction site accesses from the public highway will be created to the East Construction Laydown Area and parking areas.

4.8.27. Access is detailed further in Chapter 5 (Traffic and Transport) of the ES (document reference 6.1.5).

CONSIDERATION OF ALTERNATIVES AND DEVELOPMENT OF THE PROPOSED SCHEME

4.8.28. As noted above, Chapter 3 (Consideration of Alternatives) of the ES (document reference 6.1.3) sets out the alternatives that have been considered before arriving at the Proposed Scheme design, in accordance with paragraph 4.5.4 of EN-1. Given the nature of the Proposed Scheme, i.e., retrofitting post combustion Carbon Capture technology to existing biomass generating units, geographically distant alternative power station sites were not considered viable and alternate sites were therefore not considered further (for reasons set out within Chapter 3 of the ES). In particular and amongst other reasons, the Site has been identified as a suitable location for National Grid Transport and Storage Infrastructure that is to be part of the ZCH project, and the Proposed Scheme, in this location, would form part of the ECC proposals aforementioned in paragraph 4.4.19 of this Statement.

4.8.29. With regard to alternative layouts considered, Chapter 3 of the ES (document reference 6.1.3) demonstrates that robust consideration has been given to the location of the Carbon Capture Plant and associated infrastructure required for the Proposed Scheme (including Solvent Storage and Make-up System and Carbon Capture Wastewater Treatment Plant). It is demonstrated that ultimately, the final design for the Proposed Scheme is the most suitable for its purpose.

4.8.30. Other alternative design options considered relate to the extent of the Order Limits. Key areas within the Order Limits (being the Habitat Provision Area, East Construction Laydown Area and the Drax Power Station Site) have been through several design iterations and evolutions to remove land no longer required and therefore reduce impact, where possible. This process and the key design considerations are set out in Chapter 3 (Consideration of Alternatives) of the ES

(document reference 6.1.3). Visual impact was also a consideration in Chapter 3's assessment of alternative technologies.

EFFECTS AND MITIGATION

4.8.31. Chapter 9 (Landscape and Visual Amenity) of the ES (document reference 6.1.9) details the likely significant environmental effects on sensitive receptors as a result of the Proposed Scheme. The sensitive receptors identified are explained at Appendix 9.4 (Sensitive Receptors) of the ES (document reference 6.3.9.4) and shown on Figure 9.2 (Visual Receptor Plan) of the ES (document reference 6.2.9.2). Sensitive receptors include, but are not limited to, landscape receptors such as Landscape Character Area ('LCA') 6: Derwent Valley and Site Fabric such as vegetation, as well as visual receptors such as residents living in properties with views of land within the study area, people travelling along the PRoW and recreational users of the River Ouse.

4.8.32. The preliminary assessment of likely significant effects identified a number of moderate adverse (significant) effects on a number of sensitive visual receptors during the construction phase and decommissioning of the Proposed Scheme. No adverse landscape effects are identified during the construction phase and decommissioning, and no adverse effects are predicted during the operational phase of the Proposed Scheme.

4.8.33. Design and mitigation measures are proposed to reduce the visual impact on the Proposed Scheme.

4.8.34. In respect of design, the Proposed Scheme has sought to retain vegetation where possible, by designing out the removal of existing, natural habitats such as those in the north and north-eastern area of the Drax Power Station through changes in Order Limits. This is detailed within the OLBS (document reference 6.6). Other primary mitigative measures include the implementation of a sensitive lighting scheme. This is secured through a requirement in Schedule 2 of the DCO (document reference 3.1). The requirement states that the final lighting scheme should substantially accord with the Draft Lighting Strategy (document reference 6.7) submitted with the DCO Application. The lighting design will relate to permanent lighting required for the operation of the Proposed Scheme.

4.8.35. Consideration has also been given to the materials and colour palette to be implemented. This is detailed in the Design Framework Document (document reference 6.9), and explained in Chapter 9, where it states that the colour palette has been selected for the exterior of major buildings / structures has been selected based on a combination of historic design guidance, known colours used within the Drax Power Station and observations made during site visits. As aforementioned, the approval of the detailed design of the Proposed Scheme is secured through a requirement in Schedule 2 of the DCO (document reference 3.1). The detailed design submitted for approval must be in accordance with the hard and soft landscaping "design principles" (set out in the Design Framework Document and

included in the REAC (document reference 6.5)). There is also an additional requirement relating to the detailed design of the Proposed Scheme.

4.8.36. In terms of secondary mitigation, mitigative planting is proposed along the eastern boundary of the East Construction Laydown Area for the purpose of visual screening. The intention is to provide additional filtering of views towards the East Construction Laydown for footpath users east of the Drax Power Station Site and for occupiers of nearby residential properties during construction. Details of how the planting will be achieved is set out in the OLBS (document reference 6.6). A number of mitigation measures are also set out in the REAC (document reference 6.5) and is secured through the requirements in Schedule 2 of the DCO (document reference 3.1) for a CEMP and DEMP. These measures will mitigate visual impact during the construction phase and decommissioning and include, but are not limited to, protecting the root zones of retained vegetation, the erection of hoardings around the construction compounds and laydown areas, and returning laydown areas and site compounds to their original use following completion of construction of the Proposed Scheme, and following decommissioning.

4.8.37. Where vegetation will be removed to facilitate the construction of the Proposed Scheme, mitigation includes compensatory planting such as hedgerows and tree planting. Further details are set out in Chapter 9 (Landscape and Visual Amenity) of the ES (document reference 6.1.9), the OLBS (document reference (6.6), and Figure 1 (Landscape and Biodiversity Mitigation Plan) of the OLBS (document reference 6.6.2.1) and the DFD (document reference 6.9).

4.8.38. With the mitigation measures applied, Chapter 9 (Landscape and Visual Amenity) of the ES (document reference 6.1.9) concludes that whilst the overall visual impact of the Proposed Scheme will be reduced, the effects would remain moderate adverse (significant). All effects will be temporary.

BALANCE OF SIGNIFICANT LANDSCAPE AND VISUAL EFFECTS AND BENEFITS OF THE PROPOSED SCHEME

4.8.39. In the context of landscape and visual amenity, there will be significant, temporary, negative visual effects associated with the Proposed Scheme during the construction phase and decommissioning of the development, as set out in Chapter 9 (Landscape and Visual Amenity) of the ES (document reference 6.1.9).

4.8.40. However, the negative effects must be balanced with the benefits of the Proposed Scheme (in particular the contribution to meeting the UK's net zero target), which are summarised in Section 6.2 of this Planning Statement and in the Needs and Benefits Statement (document reference 5.3).

4.8.41. It is again noted that the EN-1 acknowledges that *"… the nature of much energy infrastructure development will often limit the extent to which it can contribute to the enhancement of the quality of the area."* The NPS does not set an expectation that development proposals will be concealed from views, nor that they will improve landscape and visual character.

4.8.42. Accordingly, the priority in design terms is to reduce, rather than prevent, adverse landscape and visual impacts where possible.

Conclusion with regards to Part 4.5 of EN-1 and Part 2.4 of EN-3

In light of the above and as set out in Chapter 9 of the ES (document reference 6.1.9), it is considered that the Proposed Scheme is sensitively designed and minimises adverse landscape and visual effects, and therefore represents good design. In accordance with policies of EN-1, the Proposed Scheme has been subject to a detailed LVIA which was informed by responses from consultees and supporting documents detail how the design of the Proposed Scheme has evolved to reduce impact.

The Proposed Scheme is therefore considered to accord with the above paragraphs of Part 4.5 of EN-1 and Part 2.4 of EN-3.

4.9. PART 4.6 OF EN-1 – CONSIDERATION OF COMBINED HEAT AND POWER (CHP)

4.9.1. Paragraph 4.6.1 of EN-1 explains the principles of CHP. Paragraph 4.6.6 states:

> *"Under guidelines issued by DECC (then DTI) in 2006, any application to develop a thermal generating station under Section 36 of the Electricity Act 1989 must either include CHP or contain evidence that the possibilities for CHP have been fully explored to inform the IPC's consideration of the application."*

4.9.2. If this DCO Application were for a new generating station, the Applicant would be required to submit a Combined Heat and Power (CHP) Statement in accordance with paragraph 4.6.1 of EN-1 and 2006 CHP Guidance (Department of Trade and Industry, 2006) and also the CHP-R Guidance (Environment Agency, 2013). However, the Proposed Scheme relates to the installation of a carbon capture extension to an existing generating plant; it does not relate to the development of a new generating station. The requirement to provide a CHP Statement as part of a DCO Application for an extension to an existing generating station is not explicitly covered in EN-1 policies nor the aforementioned Guidance.

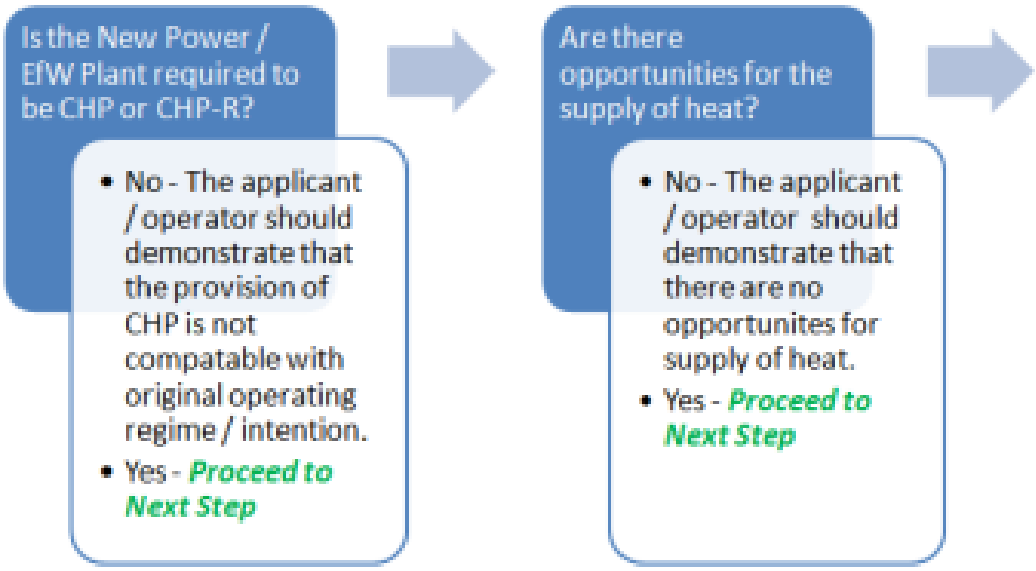
4.9.3. A 'Requirement for a CHP Statement Assessment' ('the Assessment') was undertaken by the Applicant to aid pre-application discussions with the Environment Agency ('EA') to confirm whether or not a CHP Statement was required to support the DCO Application. The Assessment concluded that from a solely technical perspective, there was no merit in carrying out a CHP assessment. During the pre-application discussions, the EA confirmed that a CHP-Ready Assessment did not need to be undertaken.

4.9.4. The reasons which led the Applicant to conclude that there was no merit in carrying out a CHP assessment are as follows:

a. The post-combustion plant design will be optimised to maximise heat recovery and so only low-grade heat would be available, which is not considered suitable for district heating purposes. This means the post-combustion plant extension is not suitable to be CHP from the outset.

4.9.5. With reference to the CHP Ready ('CHP-R') Guidance (Environment Agency, 2013), there are two criteria against which the proposal is to be assessed prior to conducting the three test Best Available Technique ('BAT') assessment process to demonstrate CHP Readiness. If an applicant can demonstrate that the two criteria are not met, there is no requirement for the plant to demonstrate CHP Readiness. The two criteria are shown in Plate 4-1 below.

Plate 4.1 - Extract from the CHP-R Guidance (Environment Agency, 2013)



4.9.6. The two criteria are assessed as follows:

a. The New Power / Energy for Waste ('EfW') Plant is not required to be CHP or CHP-R. As outlined above, during operation of the proposed post combustion plant, all heat supplied to the plant and generated in the plant is recovered and so only a low-grade heat (warm condensate) is available from the plant, which is not considered suitable for district heating purposes.

b. There are no opportunities for the supply of heat. As part of the CHP assessment completed as part of the recently made Drax Repower DCO (PINS Reference EN010091), it was determined that there are currently no viable heat loads available within the region which would make it commercially or technically feasible for CHP. An updated search has been undertaken using the BEIS online

heat map tool (BEIS, 2022) and it has confirmed the findings of the Drax Repower DCO are still valid[1].

Conclusion with regards to Part 4.6 of EN-1

The Applicant has assessed the feasibility of CHP in accordance with the above paragraph 4.6 of EN-1 and the associated CHP and CHP-R Guidance. The Applicant does not consider CHP to be relevant to the Proposed Scheme. Regardless, the above assessment has demonstrated that the post-combustion plant extension is not suitable to be CHP-R due to the low-grade heat available, additionally, there are no opportunities for the supply of heat. As stated at paragraph 4.9.3 above, the EA raised no concerns with this approach during the pre-application engagement.

The Proposed Scheme is therefore considered to accord with the above paragraphs of Part 4.6 of EN-1.

4.10. PART 4.7 OF EN-1 – CARBON CAPTURE AND STORAGE (CCS) AND CARBON CAPTURE READINESS (CCR)

CCS

4.10.1. Paragraph 4.7.1 of EN-1 explains that CCS:

> *"… can be applied to any large point source of carbon dioxide, such as fossil fuel power stations or other industrial processes that are high emitters. Carbon capture technologies are able to remove up to 90% of the carbon dioxide that would otherwise be released to the atmosphere and offers the opportunity for fossil fuels to continue to be an important element of a secure and diverse low carbon energy mix."*

4.10.2. Paragraph 4.7.2 of EN-1 confirms that there are three types of carbon capture technology:

- **a.** Pre-combustion capture;
- **b.** Post-combustion capture; and
- **c.** Oxy-fuel combustion.

1 The heat map tool identifies small industrial heat loads in the neighbouring region of Barlow but the area is specified as the lowest intensity (MWh/km2) I.e. small heat loads scattered across a large area and so not suitable for a CHP Scheme. This has been verified by the Applicant as they understand to be no viable opportunities for supply of heat to industry within close proximity to the facility. Three large industrial heat loads were identified further afield and were investigated as part of the Drax Repower DCO but all three were deemed non-viable. (Due to either high process temperature requirements or the complexity and distance (>6km) required to supply the heat meant unjustifiably high commercial costs). The conclusion that there is no suitable CHP opportunity is only further augmented for heat supply from a post-combustion carbon capture plant as only low grade heat is available.

4.10.3. The Proposed Scheme will utilise post-combustion capture, which paragraph 4.7.2 defines as follows:

> *"Post-combustion capture: this uses solvents to scrub CO_2 out of flue gases. The CO_2 is then released as a concentrated gas stream by a regeneration process. Post-combustion capture is applicable to pulverised coal generating stations."*

4.10.4. Paragraph 4.7.2 also states:

> *"The chain of CCS has three links: capture of carbon, transport, and storage."*

4.10.5. As set out in paragraph 1.3.1 of this Planning Statement, the Proposed Scheme relates to the 'capture of carbon' link. The transport and storage 'links' will be the subject of separate consent applications by third parties, such as by NGCL, and include the construction of a pipeline as part of the HLCP project, to accommodate the transportation of carbon dioxide ('transport link') to the Endurance storage site under the North Sea ('storage link'). This is in line with paragraph 4.7.3 of EN-1, which states:

> *"Once carbon dioxide has been captured, it is then compressed and transported, before being permanently stored in deep geological formations, such as depleted oil and gas fields and saline aquifers. In the UK, the majority of locations thought to be best suited to storage of CO_2 are located offshore."*

4.10.6. Paragraph 4.7.4 explains whilst the Government's encouragement and steps to facilitate the demonstration of CCS technology initially focussed on coal-fired power stations as their emissions are substantially higher than other fuels:

> *"CCS will also be required for other combustion generating stations in future and the Government has therefore extended the demonstration programme to include gas-fired generating stations."*

4.10.7. Paragraphs 4.7.5 to 4.7.9 relate to the requirement for all commercial scale fossil fuelled generating stations to be carbon capture ready, and the pipeline infrastructure required to carry carbon dioxide to the associated storage.

CCR

4.10.8. Paragraphs 4.7.10 to 4.7.17 relate to CCR which is not relevant to this DCO Application, as the Proposed Scheme relates to the installation of carbon capture plant and therefore overrides the need to be CCR.

Conclusion with regards to Part 4.7 of EN-1

The Proposed Scheme seeks the installation of post-combustion carbon capture technology, which has been designed to remove approximately 95% of the carbon dioxide from the flue gas emitted from two of the four generating units at Drax Power Station. The technology therefore has the potential to exceed the assumed figures set out in paragraph 4.7.1 above. The Proposed Scheme aligns with the Government's encouragement of CCS technology, and therefore accords with paragraph 4.7.4 of EN-1 (notwithstanding that this policy predominantly relates to coal-fired power stations).

The Proposed Scheme is therefore considered to accord with the above paragraphs of Part 4.7 of EN-1.

4.11. PART 4.8 OF EN-1 AND PART 2.3 OF EN-3 – CLIMATE CHANGE ADAPTATION

4.11.1. Part 4.8 of EN-1 sets out general considerations the applicant and the SoS should take into account to help guarantee renewable energy infrastructure is resilient to climate change, with paragraph 4.8.2 confirming that adaptation is essential to deal with the potential impacts of climate change which are already occurring.

4.11.2. Paragraph 4.8.5 states that, considering the long term nature of new energy infrastructure, applicants must consider the impacts of climate change when planning the location, design, build, operation and, where appropriate, decommissioning of new energy infrastructure. It also states that the ES should set out how the Proposed Scheme will take account of the anticipated impact of climate change (using the latest UK Climate Projections available at the time the ES was prepared (paragraph 4.8.6)), which will support the SoS in their decision making.

4.11.3. Of some relevance to the Proposed Scheme (noting that the Application does not seek consent for a biomass generating station), paragraph 2.3.2 of Part 3.2 of EN-3 states:

> *"Biomass generating stations are likely to be proposed for coastal or estuarine sites where climate change is likely to increase risks from flooding or rising sea levels, for example. In such cases applicants should, in particular, set out how the proposal would be resilient to:*
>
> *Effects of rising sea levels and increased risk from storm surge;*
>
> *Increased risk of flooding;*
>
> *Impact of higher temperatures; and*
>
> *Increased risk of drought affecting river flows."*

4.11.4. An assessment of likely significant environmental effects in relation to the vulnerability of the Proposed Scheme to climate change hazards, and an outline of the proposed

design and mitigation measures is provided in Chapter 14 (Climate Resilience) of the ES (document reference 6.1.14).

4.11.5. The climate resilience assessment identifies the following sensitive receptors within the Proposed Scheme:

- **a.** Carbon Capture Plants (this includes the additional infrastructure associated with the Carbon Capture Plants);
- **b.** Existing Infrastructure;
- **c.** Road improvements;
- **d.** Ancillary works (including, site lighting infrastructure, emergency lighting, security infrastructure e.g., lighting and cameras, fencing); and
- **e.** Habitat Provision Area.

4.11.6. The assessment identifies that the above sensitive receptors have the potential to be affected during the operational phase of the Proposed Scheme by climate change through the following climate variables:

- **a.** Precipitation;
- **b.** Temperature;
- **c.** Wind;
- **d.** Humidity; and
- **e.** Sea level rise.

4.11.7. Following mitigation, the residual climate resilience effects of the Proposed Scheme were deemed to be 'minor adverse' (i.e., not significant) for the following potential effects:

- **a.** Carbon Capture Plants:
  - i. Flooding of the Carbon Capture Plants and supporting infrastructure;
  - ii. Faster rate of deterioration of materials from increase in UV radiation e.g., brittleness, fading;
  - iii. Deterioration of material structure and fabric;
- **b.** Existing Structures:
  - i. Increased wind loading on Main Stack compromising the structural integrity;
  - ii. Faster rate of deterioration of materials from increase in UV radiation e.g., brittleness, fading;
  - iii. Deterioration of material structure and fabric.

Conclusion with regards to Part 4.8 of EN-1 and Part 2.3 of EN-3

To conclude, Chapter 14 (Climate Resilience) of the ES (document reference 6.1.14) has considered the impact of climate change in the design of the proposed new energy infrastructure, in accordance with paragraph 4.8.5 of EN-1. Through this consideration, potential effects are demonstrated to be sufficiently mitigated through various adaptive measures, in line with paragraph 4.8.2 and 4.8.5 of EN-1.

Chapter 14 (Climate Resilience) of the ES (document reference 6.1.14) also considers how the Proposed Scheme will be resilient to flooding, drought, the impact of rising temperatures and the effects of rising sea levels, in line with paragraph 2.3.2 of EN-3, and the chapter concludes that there will be no adverse effects arising from climate change on the operational phase of the Proposed Scheme.

The Proposed Scheme is therefore considered to accord with the above paragraphs of Part 4.8 of EN-1 and Part 2.3 of EN-3.

4.12. PART 4.9 OF EN-1 – GRID CONNECTION

4.12.1. Part 4.9 of EN-1 provides policy in respect of the connection of a proposed generation plant to the grid network. At paragraph 4.9.1, EN-1 notes that the grid connection point of a generating station to the electricity network is an important consideration for applicants. The NPS highlights that it is for the applicant to ensure that there will be the necessary infrastructure and capacity within an existing or planned transmission or distribution network to accommodate the electricity generated.

4.12.2. Paragraph 4.9.1 also emphasises that *"The applicant will liaise with National Grid who own and manage the transmission network in England and Wales or the relevant regional Distribution Network Operator (DNO) to secure a grid connection."* This paragraph further notes that it may be the case that an applicant has not yet received or accepted a formal grid connection offer at the time of submitting an application, although it is likely to have applied for one and discussed it with them. The SoS will want to be satisfied that there is no obvious reason why a grid connection might not be possible.

4.12.3. A Grid Connection Statement (document reference 5.6) submitted with the DCO Application confirms that the Proposed Scheme does not require connection to the National Transmission System ('NTS'). This is because the Proposed Scheme comprises Combined Power Turbines which will be connected through new distribution voltage infrastructure to be constructed near the BECCS plant equipment. The new distribution voltage infrastructure will be installed by the Applicant as part of the DCO Application.

4.12.4. In addition to the above, an alternate secondary electrical supply from the 132 kV air insulated switchgear would be required to ensure uninterruptable operation of the

Proposed Scheme when power from the Combined Power Turbines is not available. The connection would be made at the existing 132 kV air insulated switchgear which is located in the south-eastern part of the existing Drax Power Station Site. To enable this connection, upgrade works would be required to the existing NGET owned substation infrastructure at the 132 kV air insulated switchgear and possibly the adjacent 400 kV substation. This demonstrates that a connection to the existing substation is technically feasible. The Grid Connection Statement states that *"At present, the design, installation, operation and maintenance of the works is the responsibility of the Applicant (part of Work No. 1F within the Order)."*

4.12.5. The Applicant has liaised with National Grid as required by paragraph 4.9.1, and a Statement of Common Ground ('SoCG') between the Applicant and NG ESO is being prepared to ensure both parties are in agreement of the key matters to facilitate the required upgrade works to enable an increase in import capacity to Drax Power Station. The SoCG will be progressed and submitted prior to the start of the examination. As such, the applicant is not aware of any reason why an upgrade to the existing grid import capacity would not be possible, in accordance with paragraph 4.9.1.

Conclusion with regards to Part 4.9 of EN-1

The Grid Connection Statement (document reference 5.6) confirms that the required electrical connection upgrade works are technically feasible and that the necessary contractual agreement with NG ESO to secure the upgrade works is being secured. The Applicant is liaising with NG and a SoCG is being prepared.

The Proposed Scheme is therefore considered to accord with the above paragraphs of Part 4.9 of EN-1.

4.13. PART 4.10 OF EN-1 – POLLUTION CONTROL AND OTHER ENVIRONMENTAL REGULATORY REGIMES

4.13.1. Paragraph 4.10.1 and 4.10.2 of Part 4.10 of EN-1 states that discharges or emissions which affect air quality, water quality, land quality or noise and vibration may be subject to separate, but complementary, pollution control regulation under the pollution control framework or other consenting and licensing regimes. A number of other consents and licences, including a variation to the existing Environmental Permit ('EP') for the Drax Power Station, will or may be required to build and operate the Proposed Scheme, and are set out in the Other Consents and Licences report (document reference 5.5) submitted with the DCO Application.

4.13.2. Paragraph 4.10.3 of EN-1 goes on to state that in considering an application for development consent, the SoS should focus on whether the development itself an acceptable use of the land is, and on the impacts of that use, rather than the control of processes, emissions and discharges themselves.

4.13.3. Paragraph 4.10.3 of EN-1 also states that the SoS:

> *"should work on the assumption that the relevant pollution control regime and other environmental regulatory regimes, including those on land drainage, water abstraction and biodiversity, will be properly applied and enforced by the relevant regulator"*

4.13.4. Paragraph 4.10.7 of EN-1 states that the SoS:

> *"…should be satisfied that development consent can be granted taking full account of environmental impacts. Working in close cooperation with EA and/or the pollution control authority, and other relevant bodies, such as the MMO, Natural England, the Countryside Council for Wales, Drainage Boards, and water and sewerage undertakers, the IPC should be satisfied before consenting any potentially polluting developments, that:*
>
> > *The relevant pollution control authority is satisfied that potential releases can be adequately regulated under the pollution control framework; and*
> >
> > *The effects of existing sources of pollution in and around the site are not such that the cumulative effects of pollution when the proposed development is added would make that development unacceptable particularly in relation to statutory environmental quality limits."*

4.13.5. Regarding the first bullet point above, consultation has been undertaken with the relevant pollution control authorities as is detailed in Appendix B of this Planning Statement, the Consultation Report (document reference 5.1), the PINS EIA Scoping Opinion (document reference 6.3.1.2) and also within each relevant ES chapter (document reference 6.1).

4.13.6. In respect of the second bullet point of paragraph 4.10.7, the ES, as set out below and in Appendix B of this Planning Statement, demonstrate that there are no existing sources of pollution in and around the Order Limits which would make the development unacceptable when considered cumulatively alongside the Proposed Scheme. In addition, the CEMP which is secured via a requirement in Schedule 2 of the DCO (document reference 3.1), seeks to control emissions and pollution during construction.

4.13.7. Importantly paragraph 4.10.8 of EN-1 states that the SoS should not refuse consent on the basis of pollution impacts unless it has good reason to believe that any relevant necessary operational pollution control permits or licences, or other consents, will not subsequently be granted.

4.13.8. The Applicant is not aware of any reason which would prevent the relevant permits, licences, or other consents from subsequently being granted.

Conclusion with regards to Part 4.10 of EN-1

Through consultation with the relevant pollution control authorities, the Applicant has sought to ensure that potential effects can be adequately regulated under the pollution control framework in accordance with paragraph 4.10.7 of EN-1. The Applicant notes that the Proposed Scheme will require a series of other consents and licenses and has submitted an Other Consents and Licenses report (document reference 5.5) with the DCO Application, which sets out in detail what other consents are likely to be required during the construction, operation and decommissioning stages. The Applicant is not aware of any reasons why any permits, consents or licenses would not be granted, where required.

The Proposed Scheme is therefore considered to accord with the above paragraphs of Part 4.10 of EN-1.

4.14. PART 4.11 OF EN-1 – SAFETY

4.14.1. Paragraph 4.11.1 of EN-1 explains that the Health and Safety Executive ('HSE') is responsible for enforcing a range of occupational health and safety legislation, some of which is relevant to the construction, operation and decommissioning of energy infrastructure.

4.14.2. Chapter 17 (Major Accidents and Disasters) of the ES (document reference 6.1.17) addresses the potential vulnerability of the Proposed Scheme to the risk of major accidents and/or disasters ('MA&D') as required by the EIA Regulations 2017.

4.14.3. Paragraphs 4.11.2 and 4.11.3 of EN-1 state that some technology will be regulated by specific health and safety legislation, for example, some energy infrastructure will be subject to the Control of Major Accident Hazards ('COMAH') Regulations 1999 which aim to prevent major accidents involving dangerous substances and limiting the consequences to people and the environment of any that do occur.

4.14.4. Paragraph 4.11.3 of EN-1 confirms that *"COMAH regulations apply throughout the lifecycle of the facility"* and that in England they are enforced by the Competent Authority comprising HSE and the EA acting jointly.

4.14.5. Paragraph 4.11.4 of EN-1 states:

> *"Applicants seeking to develop infrastructure subject to the COMAH regulations should make early contact with the Competent Authority. If a safety report is required it is important to discuss with the Competent Authority the type of information that should be provided at the design and development stage, and what form this should take. This will enable the Competent Authority to review as much information as possible before construction begins, in order to assess whether the inherent features of the design are sufficient to prevent, control and mitigate major accidents. The IPC should be satisfied that an assessment has*

been done where required and that the Competent Authority has assessed that it meets the safety objectives described above."

4.14.6. In accordance with the policy set out in this paragraph, the Applicant has consulted with the HSE on matters relating to safety, and, as set out in part 17.3 of Chapter 17 (Major Accidents and Disasters) of the ES (document reference 6.1.17), and in the Consultation Report (document reference 5.1) submitted alongside the DCO Application. No objection has been raised and matters raised in HSE's Section 42 Consultation Comments have been addressed.

4.14.7. Chapter 17 of the ES confirms that the Proposed Scheme is considered to be potentially vulnerable to the following risk events:

Construction Phase and Decommissioning

a. Fluvial flooding;

b. Major Accident Hazard (MAH) Chemical Sites;

c. Dam breaches;

d. Transport accidents - road;

e. Flood defence failure.

Operational Phase

a. Fluvial flooding;

b. MAH Chemical Sites;

c. Dam breaches;

d. Air pollution accidents; and

e. Flood defence failure.

4.14.8. The above potential MA&D Events are assessed to potentially impact upon the BECCS Plant, Carbon Dioxide Processing and Compression Plant. Both sections of plant are located within the Drax Power Station Site. The assessment is set out at Appendix 17.2 (Risk Record) of the ES (document reference 6.3.17.2).

4.14.9. The Risk Event types to which the Proposed Scheme is not considered to be vulnerable, are shown in the Long List of potential major accident(s) and / or disaster(s) events provided in Appendix 17.1 (Major Accidents and Disasters Long List) of the ES (document reference 6.3.17.1).

4.14.10. The assessment at Appendix 17.2 (Risk Record) of the ES (document reference 6.3.17.2) identifies two MA&D Events which the Proposed Scheme may be vulnerable to during the construction phase and decommissioning, and three MA&D Events are identified with the potential to impact the operational phase.

4.14.11. The MA&D assessment adopts a different assessment approach from other topic chapters whereby all mitigation measures are collectively considered at the same time to determine whether potential MA&D events to which the Proposed Scheme may be vulnerable are managed to be as low as reasonably practical ('ALARP').

Therefore, Chapter 17 (Major Accidents and Disasters) of the ES (document reference 6.1.17) confirms that based on the assumptions and mitigation measures (presented in Appendix 17.2 of the ES) as put forward in other relevant ES chapters, it is considered that the identified potential construction, operational and decommissioning phase major accident(s) and / or disaster(s) events would all be managed to be ALARP. Therefore, the assessment concludes that there is no likely requirement for secondary mitigation measures, as based on the information currently available in other relevant ES chapters, it is deemed that the risks are anticipated to be ALARP.

Conclusion with regards to Part 4.11 of EN-1

The above demonstrates that the Applicant has taken all relevant matters into account to provide appropriate safety provisions.

The Proposed Scheme is therefore considered to accord with the above paragraphs of Part 4.11 of EN-1.

4.15. PART 4.12 OF EN-1 – HAZARDOUS SUBSTANCES

4.15.1. Paragraph 4.12.1 of EN-1 states that all establishments wishing to hold stocks of certain hazardous substances above a certain threshold require Hazardous Substances Consent (HSC). EN-1 goes on to state that applicants should consult the HSE at the pre-application stage if a project is likely to need such consent. As stated in the above section of this Planning Statement, HSE has been consulted on the Proposed Scheme. The Consultation Report (document reference 5.1) sets out the details of HSE's consultation response and how the Applicant has responded to it, as does Chapter 17 (Major Accidents and Disasters) of the ES (document reference 6.1.17).

4.15.2. As set out in the Other Consents and Licences report (document reference 5.5) submitted with the DCO Application, HSC may be required for storage of chemicals/hazardous materials in relation to the BECCS units. Chapter 17 (Major Accidents and Disasters) of the ES (document reference 6.1.17) details that the Applicant confirmed to HSE that an application for HSC will be submitted, if required.

4.15.3. Nevertheless, embedded mitigation for the Proposed Scheme will be set out in a CEMP, which will be submitted to SDC for approval prior to construction works commencing. The approved CEMP would be implemented during the construction phase and would detail measures for the prevention of impacts to human health and the environment from contamination and the control of hazardous substances. A requirement in Schedule 2 of the Draft DCO (document reference 3.1) secures the preparation and implementation of a CEMP, to be submitted to and approved by SDC, prior to the commencement of development.

Conclusion with regards to Part 4.12 of EN-1

It is considered that the Proposed Scheme accords with Part 4.12 of EN-1 with regard to hazardous substances, as the Applicant has undertaken the relevant pre-application consultation required by EN-1 and taken all relevant matters into account to provide appropriate hazardous substance storage and precaution.

The Proposed Scheme is therefore considered to accord with the above paragraphs of Part 4.12 of EN-1.

4.16. PART 4.13 OF EN-1 – HEALTH

4.16.1. Paragraph 4.13.1 of EN-1 states that *"Energy production has the potential to impact on the health and well-being ("health") of the population."* Paragraph 4.13.2 goes on to state that proposals which have effects on human beings should have said effects assessed by the ES for each element of the project, identifying any adverse health impacts and measures to avoid, reduce or compensate the impacts as appropriate.

4.16.2. Paragraph 4.13.2 also states that cumulative impacts of health should be considered, as the impacts of more than one development could affect people simultaneously.

4.16.3. Paragraph 4.13.4 states:

> *"The direct impacts on health may include increased traffic, air or water pollution, dust, odour, hazardous waste and substances, noise, exposure to radiation, and increases in pests."*

4.16.4. The health of construction workers, operational workers, local residents and users of adjacent land has been considered and appropriately assessed on a topic-by-topic basis within the ES chapters as appropriate (in particular Chapters 6 (Air Quality) (document reference 6.1.6), 7 (Noise and Vibration) (document reference 6.1.7), 11 (Ground Conditions) (document reference 6.1.11), 16 (Population, Health and Socio-economics) (document reference 6.1.16) and 18 (Cumulative Effects) (document reference 6.1.18)).

4.16.5. Chapter 6 (Air Quality) of the ES (document reference 6.1.6) confirms that the construction phase and decommissioning of development will have no significant effect on local air quality subject to the implementation of mitigation measures detailed in Appendix 6.2 of the ES (document reference 6.3.6.2). These mitigation measures would be included in the CEMP, which is secured by a requirement in Schedule 2 of the Draft DCO (document reference 3.1). The assessment also confirms that the operational phase of the Proposed Scheme will have no significant effect on local air quality with respect to human health, neither in isolation nor cumulatively.

4.16.6. With regard to noise, Chapter 7 (Noise and Vibration) of the ES (document reference 6.1.7) assesses that no significant environmental effects for noise or vibrations have

been identified for the Proposed Scheme on nearby sensitive receptors with regard to construction, operational and decommissioning works or traffic. Any noise arising from the construction phase would be temporary, and suitably mitigated through the CEMP which is secured by a requirement in Schedule 2 of the Draft DCO (document reference 3.1). As a result, no design, mitigation or enhancement measures are proposed

4.16.7. Chapter 11 (Ground Conditions) of the ES (document reference 6.1.11) sets out the mitigation measures which are secured through the CEMP, which will be implemented to mitigate risks to human health. This includes specific measures such as appropriate stockpile segregation, locations and containment measures and requirements for construction workers to wear PPE, amongst others.

4.16.8. Chapter 18 (Cumulative Effects) of the ES (document reference 6.1.18) confirms the Proposed Scheme, in combination other projects, has the potential for temporary, adverse effects during the construction phase due to construction noise and changes in landscape. Ultimately, these impacts are temporary, and Chapter 18 considers that the implementation of mitigation measures in the CEMP and visual screening will reduce the effects.

4.16.9. Chapter 16 (Population, Health and Socio-economics) of the ES (document reference 6.1.16) concludes that there may also be a temporary slight adverse cumulative effect on increased demand for accommodation and community facilities, and access to development land and businesses during the construction phase between the relevant other developments and the Proposed Scheme. However, this would not be significant.

4.16.10. As such, combined with the benefits of local employment opportunities in the area generated by the Proposed Scheme, which are set out in detail within Chapter 16 of the ES (document reference 6.1.16) and at Table B.1 Appendix B of this Planning Statement, the overall combined effect for the Proposed Scheme on health for the construction phase would be positive, and the slight, temporary adverse effects identified for the construction phase of the Proposed Scheme are considered by the Applicant to be outweighed by the positive cumulative impacts of sustainable job generation. Information on sustainable job generation is set out in further detail in Table B.1 of Appendix B of this Planning Statement and Chapter 16 of the ES.

Conclusion with regards to Part 4.13 of EN-1

The above assessment demonstrates that the Applicant has taken all applicable matters into account to provide appropriate mitigation for potential impacts to human health and wellbeing, as set out in the relevant chapters of the ES noted above. Cumulative impacts have also been considered, in accordance with paragraph 4.13.2.

The Proposed Scheme is therefore considered to accord with the above paragraphs of Part 4.13 of EN-1.

4.17. PART 4.14 OF EN-1 – COMMON LAW NUISANCE AND STATUTORY NUISANCE

4.17.1. In line with APFP Regulation 5(2)(f), paragraph 4.14.2 of EN-1 states that it is very important that, at the application stage of an energy NSIP, possible sources of nuisance under section 79(1) of the Environmental Protection Act 1990 ('EPA'), and how they may be mitigated or limited, are considered by the SoS so that appropriate requirements can be included in any subsequent order granting development consent.

4.17.2. The Applicant has prepared and submitted a Statutory Nuisance Statement (document reference 5.4) in order to satisfy the requirements of APFP Regulation 5(2)(f) and paragraph 4.14.2 of EN-1. This Statement considers whether the Proposed Scheme could cause a statutory nuisance.

4.17.3. The only matter addressed by the ES which has been assessed as likely to be significant for the Proposed Scheme and which may have a bearing on the EPA is visual amenity. However, it is demonstrated in Section 3 of the Statutory Nuisance Statement (document reference 5.4) that the Proposed Scheme would have no significant visual amenity effects that would constitute nuisance effects following the implementation of the identified secondary mitigation measures.

4.17.4. Other potential nuisance aspects have been considered in Section 4 and through embedded mitigation no statutory nuisance effects are considered likely to occur.

4.17.5. As noted above, the operation of the Proposed Scheme would be regulated by the EA through a variation to the existing Environmental Permit.

Conclusion with regards to Part 4.14 of EN-1

Based on the reasons set out above, it is considered that the Proposed Scheme is in accordance with the relevant Part 4.14 of EN-1, as the Applicant has taken all applicable matters into account to limit nuisance and provide appropriate mitigation where necessary.

The Proposed Scheme is therefore considered to accord with the above paragraphs of Part 4.14 of EN-1.

4.18. PART 4.15 OF EN-1 – SECURITY CONSIDERATIONS

4.18.1. Paragraph 4.15.1 of EN-1 explains that national security considerations apply across all national infrastructure sectors. Overall responsibility for security of the energy sector lies with BEIS. Paragraph 4.15.2 of EN-1 notes that Government policy is to ensure that, where possible, proportionate protective security measures are designed into new infrastructure at an early stage in the project development. Where applications for development consent for infrastructure relate to potentially critical infrastructure, there may be national security considerations.

4.18.2. Paragraph 4.15.4 states:

> *"The applicant should only include sufficient information in the application as is necessary to enable the IPC to examine the development consent issues and make a properly informed decision on the application."*

4.18.3. The Proposed Scheme would largely be located within the Drax Power Station Site, which is already subject to security management such as gate house control at the entrance to Drax Power Station, access control to buildings, remote monitoring (CCTV) and manned monitoring (patrolling and visibility.

4.18.4. The Design Framework Document (document reference 6.9) sets out other security measures which will be implemented at the Drax Power Station Site, including lighting. A Draft Lighting Strategy (document reference 6.7) is submitted with the DCO application and has been prepared to provide a framework for the final lighting design for the Proposed Scheme for the operational phases. The production of the final Lighting Strategy to be approved by the Local Authority is secured by a requirement in Schedule 2 of the DCO (document reference 3.1).

Conclusion with regards to Part 4.15 of EN-1

The above demonstrates that sufficient information regarding security is provided at this stage, and detailed measures are secured through requirements of the DCO.

The Proposed Scheme is therefore considered to accord with the above paragraphs of Part 4.15 of EN-1.

4.19. PART 5.1 OF EN-1 – INTRODUCTION

4.19.1. Part 5 of EN-1 sets out the generic impacts of energy infrastructure. Table B.1 in Appendix B provides the detailed assessment of the Proposed Scheme against the requirements set out in these parts of the NPS and demonstrates that the Proposed Scheme accords with the policy direction contained therein. A summary is provided on a topic-by-topic basis below.

4.20. PART 5.2 OF EN-1 AND PART 2.5.37-2.5.45 OF EN-3 – AIR QUALITY AND EMISSIONS

AIR QUALITY

4.20.1. Chapter 6 (Air Quality) of the ES (document reference 6.1.6) contains the air quality assessment undertaken for the Proposed Scheme, which satisfies the information requirements of Part 5.2 of EN-1, as well as Part 2.5.37 to 2.5.45 of EN-3, which relates specifically to biomass/waste combustion plant.

4.20.2. Chapter 6 concludes that with the application of mitigation measures, the Proposed Scheme will have no significant adverse effect on air quality during the construction phase and decommissioning.

4.20.3. The mitigation measures are included in the REAC and are secured via requirements in the DCO. These include a CEMP, a Construction Traffic Management Plan ('CTMP') and a Construction Workers Traffic Plan ('CWTP'). An Outline CTMP (document reference 6.3.5.1) and Framework CWTP (document reference 6.3.5.2) are submitted with the DCO Application and as set out above, final versions of these documents are secured through requirements in the DCO.

4.20.4. During the operational phase, the Proposed Scheme will not result in significant air quality effects at human receptors.

4.20.5. In terms of impact upon ecological receptors, during the operational phase of the With Proposed Scheme scenario, acid deposition rates at sensitive habitats within the Lower Derwent Valley SAC, Thorne Moor SAC and SSSI, and SSSI designations at Breighton Meadows, Derwent Ings, and Barn Hill Meadows are above 1% of the respective critical load with regard to the modelled Process Contribution ('PC') arising in the With Proposed Scheme scenario (being the application of BECCS to Units 1 and 2, assuming those units are operating at full load, and Units 3 and 4 operating at

'mid-merit'). The background levels of acid deposition at the relevant sensitive habitats within these designated sites already exceed their respective critical loads, therefore the associated Proposed Scheme Predicted Environmental Concentration ('PEC') screening criterion will be exceeded.

4.20.6. As such, the following changes to the main stack emissions parameters being applied to the With Proposed Scheme scenario to increase buoyancy in the flue gases leaving the Main Stack, thereby improving dispersion of all pollutants, and to reduce the concentration of SO_2 being emitted:

a. Reduce SO_2 emissions by 40%, applied to the CCS Biomass Units; and

b. Increase exit temperature of flue gases from the CCS Units from 80ºC to 103ºC.

4.20.7. The above measures reduce the With Proposed Scheme scenario contribution to acid deposition at the identified sensitive habitats, and results in the maximum impacts of the With Proposed Scheme scenario alone at Lower Derwent Valley SAC and the SSSIs at Breighton Meadows and Barn Hill Meadows to 1.1% of the respective critical load at each of these sites, representing marginal exceedances of the 1% criterion. Acid deposition at the other sensitive habitats identified fell below the 1% criterion.

4.20.8. Chapter 8 (Ecology) of the ES (document reference 6.1.8) concludes that based on air quality modelling and information presented in the Habitats Regulations Assessment report (document reference 6.8.1), and given the minimal magnitude of the predicted impacts, effects on statutory designated sites are predicted to be neutral and not significant. It further concludes that the air quality impacts of the With Proposed Scheme scenario remain neutral and not significant in respect of non-statutory designated sites. The maximum impacts of the Proposed Scheme alone at Lower Derwent Valley SAC and the SSSIs at Breighton Meadows and Barn Hill Meadows to 1.1% of the respective critical load at each of these sites. Chapter 8 confirms that the impacts of 1.1% on the statutory designated sites identified are considered to be analogous with an impact of 1% of the Critical Load i.e. the screening criterion. As such, this is not expected to trigger any perceptible changes in the condition of the lowland hay meadow qualifying interest habitats, and hence effects on non-statutory designated sites are predicted to be negligible and not significant during operation of the Proposed Scheme.

4.20.9. Regarding cumulative effects of the Proposed Scheme, Chapter 18 (Cumulative Effects) of the ES (document reference 6.1.18) confirms that the construction phase of development has been identified to have no significant cumulative effects, provided that each project (identified within 1km of the Proposed Scheme) applies appropriate environmental management mitigation measures via a CEMP (or similar). It is a reasonable assumption to conclude these would be implemented.

4.20.10. During the operational phase with Proposed Scheme scenario, there will be no significant effect on local air quality with respect to human health.

4.20.11. In respect of cumulative effects on ecological receptors of oxides of nitrogen (NO_x) and sulphur dioxide (SO_2), ammonia (NH_3), and nitrogen and acid deposition, Chapter

6 of the ES (Air Quality (document reference 6.1.6)) confirms that the With Proposed Scheme scenario & Other Projects scenario will have no significant effect on air quality at all assessed designated sites.

4.20.12. In addition, the effects identified above are not anticipated to change as a result of climate change impacts.

GREENHOUSE GASES

4.20.13. Chapter 15 of the ES (document reference 6.1.15), reports the outcome of the assessment of likely significant environmental effects arising from the Proposed Scheme on climate, specifically greenhouse gas (GHG) emissions. This accords with both the EN-1 policies set out above, and the EIA Regulations 2017, which state

"The EIA must identify, describe and assess…the direct and indirect significant effects of the proposed development on…climate" (Regulation 5(2))."

4.20.14. The impact on climate assessment presented in Chapter 15 identifies that the GHG emissions from the construction phase of the Proposed Scheme are likely to have moderate, significant adverse effects. During operation, however, the Proposed Scheme would result in a reduction in emissions from the fifth carbon budget (2028-2032) in comparison to the baseline scenario, due to the sequestration of operational emissions.

4.20.15. The lifecycle of the Proposed Scheme has also been considered, and Chapter 15 concludes that the lifecycle emissions for the Proposed Scheme are considered to have a significant beneficial effect as the sequestered emissions during operation occur over a longer timeframe and are greater than the construction phase adverse emissions, resulting in a net reduction in emissions in comparison to the baseline scenario.

4.20.16. Nevertheless, mitigation in the form of detailed design optimisation to reflect the carbon reduction hierarchy outlined in PAS 2080 (BSI, 2016) are included, thus secured, in the REAC (document reference 6.5), and are also secured via the detailed design requirement in Schedule 2 of the DCO.

4.20.17. Other mitigative measures will be implemented during the construction phase. These measures are set out in the REAC and will be included within a CEMP which will be secured through a requirement in Schedule 2 of the DCO. The CEMP will include a variety of measures, such as the use of efficient construction processes aligning with the carbon hierarchy outlined in PAS 2080 (BSI, 2016), and the implementation of a Site Waste Management Plan ('SWMP') and Materials Management Plan ('MMP').

4.20.18. Chapter 15 of the ES concludes that the mitigation measures will reduce the adverse effect during the construction phase of the Proposed Scheme, however, the impact of the mitigation measures are not quantifiable at this stage, as such, the residual effects of the Proposed Scheme remain unchanged, and therefore are assessed to be moderate, significant adverse in respect of GHG emissions. As aforementioned, during operation, the Proposed Scheme is assessed to have a significant beneficial effect.

4.20.19. No intra and inter-project adverse cumulative effects are anticipated to arise from the Proposed Scheme as a result of GHG emissions.

Conclusion with regards to Part 5.2 of EN-1 and Part 2.5.37-2.5.45 of EN-3

The Proposed Scheme is considered to be in accordance with the air quality (and ecology) policies contained within the relevant NPSs. The above, relevant chapters of the ES and detailed policy assessment contained in Appendix B demonstrates that the Proposed Scheme will not give rise to significant adverse effects on human health nor ecological receptors as a result of air quality and emissions. Chapter 18 concludes that the Proposed Scheme will also not give rise to significance adverse impact as a result of intra or inter-project impacts.

In terms of the effect of the Proposed Scheme on climate change, i.e. in respect of GHG emissions, Chapter 15 (Greenhouse Gases) of the ES (document reference 6.1.15) demonstrates that whilst significant adverse effects are identified at the construction phase, overall, the Proposed Scheme, throughout its lifecycle, will in a net reduction in emissions and will therefore contribute towards the UK's net zero ambition.

The Proposed Scheme is therefore considered to accord with the above paragraphs of Part 5.2 of EN-1 and Part 2.5.37-2.5.45 of EN-3.

4.21. PART 5.3 OF EN-1 – BIODIVERSITY AND GEOLOGICAL CONSERVATION

4.21.1. Chapters 8 (Ecology) of the ES (document reference 6.1.8), the HRA report (document reference 6.8.1) and Chapter 11 (Ground Conditions) of the ES (document reference 6.1.11) contain the biodiversity and ground conditions assessments undertaken for the Proposed Scheme.

4.21.2. Chapter 8 (Ecology) of the ES concludes that with mitigation measures applied, there will be some short term, minor adverse effects on habitats, bats, breeding and wintering birds and terrestrial invertebrates whilst the compensatory measures, such as planting, mature to reach their target condition. Details of compensatory planting are set out in the OLBS (document reference 6.6.1). A final Strategy is secured through a DCO requirement.

4.21.3. During the operational phase with mitigation applied, some minor, positive, long terms effects at a local scale are anticipated in relation to bats, wintering and breeding birds and amphibians resulting from the establishment of reinstated and created habitats and maturation of planting as per the proposed mitigation measures.

4.21.4. In respect of cumulative impact, Chapter 18 (Cumulative Effects) of the ES (document reference 6.1.18) confirms that there will be no significant adverse effects on ecological receptors nor statutory and non-statutory designated sites.

4.21.5. As set out in Section 4.4 above, the HRA report (document reference 6.8.1) concludes that the Proposed Scheme (alone) will have no adverse effects on the integrity of any of the European Sites for which likely significant effects were identified. In respect of cumulative impact, the Proposed Scheme is also not predicted to result in any adverse effects on the integrity of any European Sites, as a result of in-combination effects with other plans and projects.

4.21.6. With regard to geology, Chapter 11 (Ground Conditions) that explains that there are not any Regionally Important Geological and Geomorphological Sites ('RIGS') within the study area, therefore there would be no effects associated with geological conservation.

Conclusion with regards to Part 5.3 of EN-1

Based on the above, and the detailed assessment of Part 5.3 of EN-1 set out in Appendix B of this Planning Statement, with the implementation of mitigation measures, no significant adverse effects will arise from the Proposed Scheme in isolation or in combination with other projects in respect of ecological receptors, statutory and non-statutory designated sites or European Sites.

The Proposed Scheme is therefore considered to accord with the above paragraphs of Part 5.3 of EN-1.

4.22. PART 5.4 OF EN-1 – CIVIL AND MILITARY AVIATION AND DEFENCE INTERESTS

4.22.1. No civil and military aviation and defence interests are expected to be affected by the Proposed Scheme, as it will not change the scale and massing of the Drax Power Station. This has been confirmed by the National Air Transport System ('NATS'), Ministry of Defence ('MoD') and Civil Aviation Authority ('CAA') in their consultation responses to the EIA Scoping Report (document reference 6.3.1.1) which are presented in the Scoping Opinion at Appendix 1.2 of the ES (document reference 6.3.1.2). These statutory consultees were consulted in line with paragraph 5.4.11 of EN-1.

4.22.2. However, the Consultation Report (document reference 5.1) explains that it is possible that lighting or other undetermined factors may affect aviation operations within the region. As such, a number of local airfields were consulted to seek views on aviation lighting and the potential for navigational hazard. No responses were received from the local airfields, but the consultation process demonstrates that an appropriate engagement exercise was undertaken, in line with paragraph 5.4.11 of EN-1.

Conclusion with regards to Part 5.4 of EN-1

Based on the consultation undertaken with NATS, MoD and CAA, who raise no objection to the Proposed Scheme, and consultation undertaken with other relevant local airfields, it is considered that the Proposed Scheme fully accords with the policy requirements set out in section 5.4 of EN-1.

The Proposed Scheme is therefore considered to accord with Part 5.4 of EN-1.

4.23. PART 5.6 OF EN-1 AND PART 2.5.59-2.5.63 OF EN-3 – DUST, ODOUR, ARTIFICIAL LIGHT, SMOKE, STEAM AND INSECT INFESTATION

4.23.1. As noted above, Chapter 6 (Air Quality) of the ES (document reference 6.1.6) contains the air quality assessment undertaken for the Proposed Scheme. Chapter 9 (Landscape and Visual Amenity) of the ES (document reference 6.1.9) contains the LVIA for the Proposed Scheme, including an assessment of artificial lighting effects on visual amenity.

4.23.2. Potential dust impacts during construction would be managed appropriately through the implementation of measures set out in the final CEMP. A requirement in Schedule 2 of the Draft DCO (document reference 3.1) secures the preparation and implementation of a CEMP, to be submitted to and approved by SDC, prior to the commencement of development. The CEMP will set out a series of measures, based on best-practice guidance, to control the environmental effects of construction of the Proposed Scheme. This would include, for example, measures aimed at controlling dust, as well as noise and light impacts amongst other matters.

4.23.3. It is not anticipated that there would be any effects associated with odour, or insect and vermin infestation as a result of the Proposed Scheme.

4.23.4. It is not anticipated that there would be any effects on visual amenity from smoke, however in terms of the effect of 'plumes' on visual amenity, consultation responses from SDC and NYCC in Chapter 9 (Landscape and Visual Amenity) of the ES (document reference 6.1.9) state that *"Steam plumes also have potential to be highly visible from increased light levels on Site"* (however this is not supported by the assessment presented at Chapter 9 of the ES). Operational lighting would be controlled through the implementation of approval of lighting details, as required by a requirement in Schedule 2 of the Draft DCO (document reference 3.1). Neither construction nor operational lighting are expected to result in significant adverse effects on visual amenity, as confirmed in Appendix 9.4 (Sensitive Receptors) which provides assessment tables) of the ES (document reference 6.3.9.4).

Conclusion with regards to Part 5.6 of EN-1 and Part 2.5.59-2.5.63 of EN-3

The abovementioned chapters of the ES assess the impact of the Proposed Scheme on amenity, in accordance with the requirements of EN-1 and EN-3.

The Proposed Scheme is therefore considered to accord with the above paragraphs of Part 5.6 of EN-1 and Part 2.5.59-2.5.63 of EN-3.

4.24. PART 5.7 OF EN-1 – FLOOD RISK

4.24.1. Chapter 12 (Water Environment) of the ES (document reference 6.1.12) and its associated appendices assess the likely significant environmental effects resulting from the Proposed Scheme on the water environment, including flood risk. The Flood Risk Assessment ('FRA') is presented at Appendix 12.1 of the ES (document reference 6.3.12.1). The FRA concludes that land within the Order Limits is at low risk of flooding from groundwater, sewers and reservoirs.

4.24.2. During the construction phase, only the northern and southern areas of the East Construction Laydown Area is at risk of flooding; associated with a breach in the existing flood defences. Flood risk will be mitigated during the construction phase by no works being undertaken these areas when there is a risk of breach of the existing flood defences (i.e., a significant flood event).

4.24.3. During the operational phase, mitigation in the form of raising sensitive infrastructure 800 mm above the design flood levels (FT2) will provide sufficient mitigations, as the Proposed Scheme is Essential Infrastructure and should remain operational during flood events.

4.24.4. An increased built footprint at the Drax Power Station Site as a result of the Proposed Scheme will result in a minor loss of floodplain. However, to ensure this will have no adverse impact, it will be mitigated through creating additional floodplain (a minimum floodplain area of 1,889m^2 will be created) through the lowering of ground currently outside the floodplain on land controlled by the Applicant. This will ensure that the Proposed Scheme will not result in a loss of floodplain and there will be no displacement of flood waters elsewhere, as such no increase in flood risk offsite is expected. This is secured pursuant to the DCO Requirement that requires the development to be carried out in accordance with the FRA (document reference 6.3.12.1), which requires this to be undertaken.

4.24.5. To mitigate any impact to human health during the operational phase, it is considered sufficient that the Drax Power Station Site will have suitable operational management plans in place, to ensure safe operation of the site and the ability to safely shut down and evacuate the site, if required.

4.24.6. The FRA confirms that the Proposed Scheme will also have no adverse impact upon the floodplain, and details how surface water runoff will be managed.

4.24.7. Finally, the Sequential and Exception Test are demonstrated to be passed within the FRA.

Conclusion with regards to Part 5.7 of EN-1

As summarised above and detailed further in Appendix B, the Proposed Scheme is considered to accord with EN-1 policies relating to flood risk.

The Proposed Scheme is therefore considered to accord with the above paragraphs of Part 5.7 of EN-1.

4.25. PART 5.8 OF EN-1 – HISTORIC ENVIRONMENT

4.25.1. Chapter 10 (Heritage) of the ES (document reference 6.1.10) reports the outcome of the assessment of likely significant environmental effects arising from the Proposed Scheme on Heritage.

4.25.2. Currently unknown buried heritage assets ('HAs') within the Order Limits, and Drax Augustinian Priory (1016857) located outside of the Order Limits, are identified as sensitive receptors in Chapter 10. The heritage assessment identifies that any impact on these HAs would only take place during the construction phase of the Proposed Scheme.

4.25.3. The heritage assessment identifies that the construction phase of the Proposed Scheme has the potential to cause irreversible impact upon buried HAs. Any groundworks within the East Construction Laydown Area have the potential to impact upon any buried archaeological remains, as does any form of landscaping undertaken. The baseline data identifies the potential for unknown buried HAs within both the Habitat Provision Area and the Off-Site habitat Provision Area.

4.25.4. No cumulative impacts on cultural HAs are anticipated during the construction and operational phases.

4.25.5. Under paragraph 5.8.15 of EN-1, any harm has to be weighed against the public benefit associated with the Proposed Scheme. The Proposed Scheme will give rise to numerous benefits, including:

- **a.** Delivering a significant contribution to meeting the UK's net zero by 2050 target;
- **b.** Potential to ensure the generation of renewable power to millions of UK homes and businesses;
- **c.** Delivering a significant contribution to UK industrial decarbonisation.
- **d.** Connecting to and acting as an important enabler of the ZHC cluster;
- **e.** Helping to deliver Government policies and commitments on CCS;
- **f.** Comprising the efficient use of a brownfield site and infrastructure that is already used in relation to energy infrastructure; and

g. Job generation (see Chapter 16 (Population and Health) of the ES (document reference 6.1.16) for details).

4.25.6. In light of the above benefits, the potential adverse effects on unknown buried HAs is considered to be acceptable. Unknown buried HAs have the potential to range from negligible to high value and Chapter 10 concludes that the Proposed Scheme could have adverse effects (should any buried HAs be identified) ranging from negligible to moderate adverse (significant). As such, any adverse effect could harm the significance of the HA, however the Proposed Scheme will be progressed in line with a WSI (to be secured through a requirement in the DCO), with preservation though record undertaken via a watching brief, in consultation with an Archaeological Adviser and under the responsibility of an ACoW. Therefore, the Applicant considers that all possible appropriate procedures will be implemented to ensure any HAs discovered are suitably identified and treated, in line with paragraph 5.8.22 of EN-1.

4.25.7. The above measures demonstrate that the Applicant seeks to ensure the significance of a discovered HA is not substantially harmed.

4.25.8. Based on the above, the Applicant considers that the Proposed Scheme will result in 'less than substantial harm' on the significance of any HA which may be identified during the construction phase and decommissioning.

4.25.9. When considering the planning balance and weighing the benefits of the Proposed Scheme (set out above) alongside the potential less than substantial harm to unknown HAs, the Applicant considers that the benefits of the Proposed Scheme, especially in light of the current climate crisis and UK's need to lower carbon emission and decarbonise the industrial sector, greatly outweigh any harm which may occur.

Conclusion with regards to Part 5.8 of EN-1

The above summary and detailed assessment provided in Appendix B demonstrate that the Proposed Scheme accords with the relevant policies of EN-1 which relate to heritage. Given the urgent need to reduce the UK's GHG emissions and decarbonise the energy sector, as set out in this Planning Statement and the Needs and Benefits Statement (document reference 5.3), the public benefits of the Proposed Scheme greatly outweigh any potential less than substantial harm which may occur to unknown buried HAs during the construction phase and decommissioning.

The Proposed Scheme is therefore considered to accord with the above paragraphs of Part 5.8 of EN-1.

4.26. PART 5.9 OF EN-1 AND PART 2.5.46-2.5.58 OF EN-3 – LANDSCAPE AND VISUAL

4.26.1. Chapter 9 (Landscape and Visual Amenity) of the ES (document reference 6.1.9) contains the LVIA for the Proposed Scheme. Some significant effects are expected to

result on the landscape character and sensitive views as a result of the construction phase of the Proposed Scheme. Secondary mitigation measures (such as the CEMP) are anticipated to reduce the impact, but these will not reduce the overall level of effect during construction (moderate adverse). Nevertheless, impact during the construction phase is temporary, and the effects predicted are considered to be typical of landscape and visual impacts associated with energy development, and in the context of the Site and in light of the Proposed Scheme's significant benefits (set out in Chapter 6 below and in the Needs and Benefits Statement (document reference 5.3)), are considered to be acceptable.

4.26.2. As set out in Section 4.8, above, the Proposed Scheme has been carefully designed to minimise any landscape and visual impacts as far as practicable, including through the proposed layout and the inclusion of mitigation measures, such as mitigation planting. With mitigation measures applied, the highest anticipated level of the operational phase's effect is minor adverse (not significant).

Conclusion with regards to Part 5.9 of EN-1 and Part 2.5.46-2.5.58 of EN-3

Based on the above and the detailed assessment provided at Appendix B, Table B.1, the Proposed Scheme is considered to accord with the above paragraphs of Part 5.9 of EN-1 and Part 2.5.46-2.5.58 of EN-3.

4.27. PART 5.10 OF EN-1 AND PART 2.5.31-2.5.36 OF EN-3 – LAND USE INCLUDING OPEN SPACE, GREEN INFRASTRUCTURE AND GREEN BELT

4.27.1. The design of the Proposed Scheme has sought to minimise impacts to soil, agricultural land and businesses, and PRoW, in accordance with the relevant policies of EN-1 and EN-3 which are assessed in detail at Appendix B of this Planning Statement.

EFFECTS ON LAND USE WITHIN THE ORDER LIMITS

4.27.2. Within the Order Limits are the following land parcels / land uses:

- **a.** Drax Power Station Site – this area comprises land located within the Existing Drax Power Station.
- **b.** Construction Laydown Areas – these include the:
  - i. East Construction Laydown Area which is predominantly arable fields and hedgerow; and
  - ii. The Drax Power Station Site Construction Laydown Areas, which are several parcels of land within the Drax Power Station Site; and
- **c.** Habitat Provision Area – this area consists of mainly arable fields and hedgerows.

4.27.3. The Drax Power Station Site will remain in industrial use throughout the construction and operational phases of the Proposed Scheme. The East Construction Laydown Area will be used as a temporary construction compound during the construction phase and will then be returned to arable use following completion of construction of the Proposed Scheme. A Soil Handling Management Plan ('SHMP') is included in the REAC and will be included within the CEMP which is secured through a requirement in the DCO. The SHMP will secure the Applicant's commitment to return the East Construction Laydown Area to the same agricultural capability as before construction began.

4.27.4. The Proposed Scheme therefore makes use of the existing Drax Power Station Site, which uses previously developed land. Its delivery is therefore achieved in a way that is efficient and has a lower carbon footprint, as the need for undeveloped land and new infrastructure and connections is minimised.

4.27.5. The Habitat Provision Area has been identified to accommodate environmental mitigation and compensation, as outlined in the OLBS (document reference 6.6), including hedgerow planting, pond creation and wetland planting. The land use in this area would therefore change, albeit the area would remain 'green' and undeveloped.

EFFECTS ON LAND USE OUTSIDE OF THE ORDER LIMITS

4.27.6. The Off-Site Habitat Provision Area, comprising Arthur's Wood (northern section) and Fallow Field (southern section), has been identified to provide ecological mitigation and compensation. The land use in this area will not change but will be enhanced. The enhancement measures are set out in the Outline Landscape and Biodiversity Strategy (document reference 6.6) and the Heads of Terms for a section 106 Agreement (document reference 7.1). The enhancement measures in this area will be secured through the section 106 Agreement.

4.27.7. In addition to the Off-site Habitat Provision Area, the land uses surrounding the Order Limits is predominantly agricultural, with the main recreational use being PRoWs. Chapter 16 describes existing land uses surrounding the Order Limits include private properties, community facilities, businesses, and agricultural land. These defined uses identified will not be affected by any stage of the Proposed Scheme.

IMPACT ON PROWS

4.27.8. Chapter 5 (Traffic and Transport) of the ES (document reference 6.1.5) includes an assessment of likely significant effects of the Proposed Scheme on PRoW used for recreational purposes, of which there are seven located within or adjacent to the Order Limits.

4.27.9. Construction plant and equipment located in works areas adjacent to the PRoWs may have a temporary, thus short term, impact on the amenity value of the paths. However, with the implementation of mitigation measures contained in the REAC, to be included in the CEMP secured by a requirement to the DCO, Chapter 5 (Traffic and Transport) of the ES concludes that the Proposed Scheme will have no significant effects on PRoW users. PRoW path 35.6/6/1 which runs through the Off-

site Habitat Provision Area will need to be stopped up temporarily in order for the works proposed in this area to be carried out. This will take approximately two weeks and is not anticipated to have any significant effect on PRoW users, as confirmed in Chapter 16 (Population, Health and Socio-economics) of the ES (document reference 6.1.16).

4.27.10. No significant adverse effects are identified with regard to contamination, nor mineral resources, as assessed in detail in Appendix B of this Planning Statement.

Conclusion with regards to Part 5.10 of EN-1 and Part 2.5.31-2.5.36 of EN-3

Based on the above assessment, and the detailed analysis of relevant EN-1 and EN-3 policies provided at Appendix B, the Proposed Scheme will not give rise to any significant effects altering the use of land within or outside of the Order Limits

The Applicant therefore considers that the Proposed Scheme accords with the Part 5.10 of EN-1 and Part 2.5.31-2.5.36 of EN-3.

4.28. PART 5.11 OF EN-1 – NOISE AND VIBRATION

4.28.1. Chapter 7 (Noise and Vibration) of the ES (document reference 6.1.7) reports the outcome of the assessment of likely significant environmental effects arising from the Proposed Scheme on noise and vibration during the construction and operational phases of the Proposed Scheme. The assessment concludes that no significant effects for noise or vibration have been identified in respect of impact on local residents, therefore, no design or mitigation measures are proposed.

4.28.2. Chapter 8 (Ecology) of the ES (document reference 6.1.8) concludes that no adverse effects on ecological receptors as a result of noise or vibration disturbance from the Proposed Scheme are predicted to arise.

4.28.3. Notwithstanding the above, a requirement in Schedule 2 of the Draft DCO (document reference 3.1) will secure the control of noise during operation of the Proposed Scheme, to ensure the noise emitted remains insignificant in respect of impact upon any sensitive receptors.

Conclusion with regards to Part 5.11 of EN-1

Based on the above, the assessment set out in Chapter 7 (Noise and Vibration) of the ES (document reference 6.1.7), the Proposed Scheme will not give rise to any significant adverse impact as a result of noise or vibrations and is therefore considered by the Applicant to accord with the relevant paragraphs of Part 5.11 of EN-1.

4.29. PART 5.12 OF EN-1 – SOCIO-ECONOMIC

4.29.1. Chapter 16 (Population and Health) of the ES (document reference 6.1.16) contains an assessment of likely significant environmental effects arising from the Proposed Scheme on Population, Health and Socio-economics. The assessment concludes that there are no significant adverse effects on Population, Health and Socio-Economics receptors as a result of the Proposed Scheme, therefore no design or mitigation measures are proposed.

4.29.2. There are, however, positive impacts anticipated as a result of the Proposed Scheme. The assessment identifies that the Proposed Scheme has the potential to positively impact Population, Health and Socio-economics during the construction phase and decommissioning. During the construction phase and decommissioning, the Proposed Scheme is anticipated to have a positive economic impact through the generation of employment opportunities, including direct, indirect and induced jobs, which whilst temporary, would provide local and regional benefits associated with the construction phase and decommissioning of the Proposed Scheme. This is assessed to be a direct, temporary, medium-term, moderate beneficial (significant) effect on the local economy, arising from the Proposed Scheme. By promoting the use of local suppliers and contractors through the Local Employment Scheme which will be secured in the section 106 Agreement (document reference 7.1), the Applicant will ensure that local people and businesses have the opportunity to benefit from the Proposed Scheme during the construction phase.

4.29.3. In terms of cumulative impacts, the assessment concludes that there is likely to be beneficial cumulative effect associated with direct, indirect, and induced employment opportunities during the construction and operational phases between the relevant other developments and the Proposed Scheme. There are no significant adverse cumulative impacts anticipated.

Conclusion with regards to Part 5.12 of EN-1

The above, and the detailed analysis set out at Appendix B.1, in addition to the assessment undertaken in Chapter 16 (Population and Health) of the ES (document reference 6.1.16) set out the basis by which the Proposed Scheme and associated Socio-economic assessment meet the requirements of EN-1.

The Applicant therefore considers the Proposed Scheme accords with the relevant paragraphs of Part 5.12 of EN-1.

4.30. PART 5.13 OF EN-1 – TRAFFIC AND TRANSPORT

4.30.1. Chapter 5 (Traffic and Transport) of the ES (document reference 6.1.5) contains an assessment of the likely significant environmental impacts of the Proposed Scheme on traffic and transport.

4.30.2. The assessment concludes that the Proposed Scheme in isolation is not anticipated to result in any significant adverse effects during the construction, operational nor decommissioning phases. Requirements in Schedule 2 of the Draft DCO secure the approval and implementation of a Construction Traffic Management Plan ('CTMP') and a Construction Worker Travel Plan ('CWTP') to manage the effects of traffic during construction. The management measures the CTMP and CWTP will comprise are set out in the Outline Construction Traffic Management Plan at Appendix 5.1 of the ES (document reference 6.3.5.1) and Framework Construction Worker Travel Plan at Appendix 5.2 of the ES (document reference 6.3.5.2).

4.30.3. Chapter 3 (Consideration of Alternatives) of the ES (document reference 6.1.3) states that one of the factors impacting the Applicant's decision to deliver the Proposed Scheme is the advantages of locating the Proposed Scheme at the Drax Power Station (as opposed to alternate sites), in that the site is well connected to the highway network and existing transport connections can be utilised. However, Chapter 5 (Traffic and Transport) of the ES (document reference 6.1.5) does identify that the significant effects are anticipated as a result of cumulative impact on Junction 36 of the M62, in terms of driver delay and highway safety, if mitigation measures are not in place. Impacts on Junction 36 are a result of accommodating access and deliveries (including AIL) to the site during the construction phase. As such, the impact is short term in nature and will be temporary.

4.30.4. Notwithstanding the above, Chapter 5 states that a highway improvement and contribution model has been identified at Junction 36 to address the traffic impacts associated with committed development, including Short List 44 (ERYC Planning Reference: 21/03027/STPLF). It goes on to explain that, in respect of that development, National Highways changed their notice to the LPA from 'Non Determination' to 'No Objection' for Short List 44 on the basis that a financial contribution was secured through a section 106 Agreement which would contribute directly to the costs of design, costing and construction of required improvements listed in the Local Plan Infrastructure Study (June 2014) and the Local Plan Infrastructure Delivery Plan (March 2015) regarding essential junction improvements at the M62 Junction 36. The junction improvements are understood to comprise minor widening and partial signalisation of the junction and is due to be implemented between 2024 – 2029. With the mitigation in place, it is expected that the cumulative effects would be reduced.

4.30.5. Based on the above, the impacts of the Proposed Scheme traffic are minimal, and it is considered that the temporary construction phase impacts can be cost effectively mitigated through enhanced management of the construction traffic, with robust monitoring and reporting measures included in the Outline Construction Traffic Management Plan (CTMP) (Appendix 5.1 of Volume 3) and Framework Construction Worker Travel Plan (CWTP) (Appendix 5.2 of Volume 3). This would include working with National Highways, NYCC, and ERoY.

4.30.6. Cumulative impacts are not anticipated should an upgraded junction 36 be delivered.

Conclusion with regards to Part 5.13 of EN-1

In summary, the implementation of mitigation measures secured as requirements in Schedule 2 of the Draft DCO (document reference 3.1) are sufficient to ensure there are no likely significant effects as a result of the Proposed Scheme on traffic and transport during the construction, operational and decommissioning phases. The minimal, temporary cumulative construction impacts are considered to be mitigable as set out above, in Table B.1 of Appendix B of this Statement and in Chapter 5 (Traffic and Transport) of the ES (document reference 6.1.5).

The Proposed Scheme is therefore considered to accord with the relevant paragraphs of Part 5.13 of EN-1.

4.31. PART 5.14 OF EN-1 AND PART 2.5.64-2.5.83 OF EN-3 – WASTE AND RESIDUE MANAGEMENT

4.31.1. Chapter 13 (Materials and Waste) of the ES (document reference 6.1.13) reports the outcome of the assessment of likely significant environmental effects arising from the Proposed Scheme on Materials and Waste. No significant effects are predicted in relation to waste as a result of the Proposed Scheme, which is therefore acceptable in accordance with EN-1.

Conclusion with regards to Part 5.14 of EN-1 and Part 2.5.64-2.5.83 of EN-3

Based on the above, the Proposed Scheme is considered to accord with Part 5.14 of EN-1 and Part 2.5.64-2.5.83 of EN-3.

4.32. PART 5.15 OF EN-1 AND PART 2.5.84-2.5.87 OF EN-3 – WATER QUALITY AND RESOURCES

4.32.1. As set out above, Chapter 12 (Water Environment) of the ES (document reference 6.1.12) reports the outcome of the assessment of likely significant environmental effects arising from the Proposed Scheme on the Water Environment, including flood risk, water quality, groundwater, Water Framework Directive compliance and drainage.

4.32.2. Some slight adverse effects are expected during the construction phase and decommissioning of the Proposed Scheme; however, these effects are temporary.

4.32.3. During the operational phase, the Proposed Scheme is identified to have a permanent, direct, long term moderate beneficial effect due to an increased rate and volume of surface water runoff resulting from an increase in impermeable areas at the Drax Power Station.

Conclusion with regards to Part 5.15 of EN-1 and Part 2.5.84-2.5.87 of EN-3

The above conclusion alongside the assessment reported in Chapter 12 (Water Environment) of the ES (document reference 6.1.12) and Table B.1 of Appendix B of this Statement, the Proposed Scheme is therefore considered to accord with the above paragraphs of Part 5.15 of EN-1 and Part 2.5.84-2.5.87 of EN-3.

4.33. SUMMARY

4.33.1. This chapter has assessed the proposals against the primary framework of the NPSs. The overall level of compliance is considered in Chapter 6 of this Planning Statement. The following chapter addresses other policy considerations which the Applicant thinks are both important and relevant matters to be considered in the decision-making process for this application.

5. ANALYSIS OF SECONDARY PLANNING POLICY AND OTHER POLICY CONSIDERATIONS

5.1. INTRODUCTION

5.1.1. Whilst the relevant NPSs provide the primary decision-making framework for the SoS, under section 104 of the PA 2008, the SoS must also have regard to any other matters which the SoS thinks are both important and relevant to their decision. This includes relevant policies set out in the NPPF, local development plan documents and the draft revised NPSs. 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).

5.1.2. This chapter therefore sets out how the Proposed Scheme accords with relevant policy considerations from other relevant planning policy. It should be read in conjunction with Table B.1 of Appendix B of this Planning Statement.

5.2. NATIONAL PLANNING POLICY FRAMEWORK

5.2.1. The NPPF was originally adopted in March 2012 and most recently updated in July 2021. It 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 5 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 PA 2008 and relevant NPSs, as well as any other matters that are relevant. Paragraph 5 confirms that the NPPF may be considered to be a matter that is relevant for the purposes of assessing DCO applications.

5.2.2. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. This means, at a very high level, *"meeting the needs of the present without compromising the ability of future generations to meet their own needs"* (NPPF, page 7).

5.2.3. Paragraph 8 outlines the three dimensions to sustainable development, which are the objectives which the planning system must pursue in mutually supportive ways:

a. An economic objective – 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; and by identifying and coordinating the provision of infrastructure;

b. A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c. An environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

5.2.4. These three dimensions 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. Paragraph 9 states *"Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area"*.

5.2.5. The Proposed Scheme would support the achievement of sustainable development by supporting the UK's transition to zero carbon, by delivering negative emissions associated with electricity generation to offset the sectors which it is more difficult to decarbonise (e.g., agriculture and aviation). It would generate employment opportunities in North Yorkshire during construction and operation which would, therefore, contribute positively to socio-economic wellbeing of people in North Yorkshire and beyond.

5.2.6. The accompanying ES demonstrates that adverse environmental effects associated with the construction and operation of the Proposed Scheme would be appropriately managed and mitigated.

5.2.7. The Proposed Scheme would be situated on brownfield land making use of an existing power station with existing infrastructure and connections.

5.2.8. Specific NPPF policies of particular relevance to the Proposed Scheme include those relating to building a strong, competitive economy; promoting sustainable transport; making effective use of land; achieving well-designed places; meeting the challenge of climate change, flooding and coastal change; conserving and enhancing the natural environment; and conserving and enhancing the historic environment.

5.2.9. Table B.2 of Appendix B sets out the compliance of the Proposed Scheme with the relevant policies of the NPPF. Given that the NPSs provide the primary basis upon which the Application should be determined, and as the matters covered by these local planning policies have largely already been considered in detail above in relation to the NPSs, a summarised response has been made to each policy, except where a more detailed response is considered necessary.

5.2.10. The Proposed Scheme constitutes sustainable development in the context of the NPPF, delivering economic, social and environmental benefits. It therefore accords with the main principles of the NPPF and in applying the NPPF approach to decision-making, there would be no adverse impacts which would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. In the context of the NPPF, significant weight should be placed on

the need to support economic growth and productivity, and substantial weight to the value of using suitable brownfield land.

5.3. LOCAL PLANNING POLICY

5.3.1. Table B.3 of Appendix B sets out the compliance of the Proposed Scheme with the relevant local development plan policies. These include the saved policies from the Selby District Local Plan (2005), policies from the Selby District Core Strategy Local Plan (2013) and policies from the North Yorkshire Minerals and Waste Joint Plan (NYCC, 2022).

5.3.2. Given that the NPSs provide the primary basis upon which the Application should be determined, and as the matters covered by these local planning policies have largely already been considered in detail above in relation to the NPSs, a summarised response has been made to each policy, except where a more detailed response is considered necessary.

5.3.3. The Council take a positive approach to the consideration of development proposals, which reflects the presumption in favour of sustainable development contained in the NPPF. The Proposed Scheme complies with the development plan when read as a whole. It constitutes sustainable development which directly aligns with one of the three strategic aims to guide the location, type and design of new development: "to ensure that new development is sustainable and that it contributes to mitigating and adapting to the future impacts of climate change". It also meets identified infrastructure needs and will protect and where possible enhance the built and natural environment. In the context of the development plan, there are no material considerations which indicate the Application should not be approved without delay.

5.4. EMERGING NATIONAL POLICY STATEMENTS

5.4.1. Draft EN-1 (2021) states that for any application accepted for examination before designation of the amendments to the NPS, the original suite of NPSs should have effect. Whilst it is anticipated that the Proposed Scheme would therefore not be assessed against the emerging NPSs as the principal policy document, these are nonetheless an 'important and relevant' consideration for the purposes of section 104(2)(d).

5.4.2. This is of particular relevance to this proposed form of development, as Draft EN-1 provides enhanced support for CCS compared to the existing EN-1. It is also noteworthy that BEIS have recommended amendments to Draft EN-1 in order to further draw out the support for CCS technology (BEIS, 2022a).

5.4.3. Table C.1 of Appendix C sets out how the Proposed Scheme performs against the policies in Draft EN-1 and Draft EN-3. Given that the existing adopted NPSs provide the primary basis upon which the Application should be determined, and as certain areas are unchanged, this assessment focuses on areas where the policies have changed, rather than duplicating assessment work where the policies are the same or very similar.

5.4.4. The Draft NPSs are subject to change and the BEIS Ninth Report of Session 2021–22 (BEIS, 2022a) indicates that changes will be made prior to adoption. As such, some weight can be afforded to the current versions of Draft EN-1 and EN-3. Particularly as the enhanced support for CCS is reflective of current government strategies (outlined below); the support offered in the Draft NPSs is therefore an important and relevant material consideration to the consideration of the Application. The overall level of compliance of the Proposed Scheme with the existing NPSs is considered in Chapter 6 of this Planning Statement. The Applicant is not aware of any significant changes within the Draft NPSs which would bring about a different form of assessment or conclusion to this level of compliance.

5.5. OTHER POLICY CONSIDERATIONS

5.5.1. The Proposed Scheme supports the government's ambitions to invest in clean technologies such as carbon capture, and to deliver a fully decarbonised, reliable and low-cost power system by 2050, reflected in strategy documents such as the Industrial Decarbonisation Strategy (HM Government, 2021) and Energy White Paper: Powering our Net Zero Future (HM Government, 2020).

5.5.2. The British Energy Security Strategy seeks to achieve *"20 to 30MT CCUS target"* by 2030, assisted through a £1 billion commitment to delivering four CCUS clusters by 2030. The Proposed Scheme will significantly assist in meeting this objective, permanently removing at least 8 megatonnes of carbon dioxide from the atmosphere each year i.e., at least 40% of the 20Mt lower threshold government target. The Proposed Scheme forms part of the East Coast Cluster, which will (through consents sought by other applicants), transport carbon captured from Drax Power Station (Units 1 and 2) for offshore storage in the North Sea, an aspiration which is set out in the recently published British Energy Security Strategy (add reference), which views the delivery of CCUS clusters as a method to *"futureproof"* the North Sea.

5.5.3. The Proposed Scheme aligns with the government's Ten Point Plan for a Green Industrial Revolution (HM Government, 2020) which seeks to ensure that the UK's recover from coronavirus *"will be green, generate jobs and bolster the economy, whilst continuing to drive down emissions both now and in the future."*

5.5.4. The Proposed Scheme will therefore help the government meet the legally binding target in the Climate Change Act (Climate Change Act 2008) as updated in 2019 to reduce GHG emissions to achieve net zero by 2050 and a 78% reduction by 2035 In as established in the Sixth Carbon Budget (Committee on Climate Change, 2020).

5.5.5. The Proposed Scheme will therefore help the government in the pursuit of the reduction in global greenhouse gas emissions as established in The Paris Agreement and the Glasgow Climate Pact.

5.5.6. Whilst The Environment Act was enacted in UK law in November 2021, the part relating to the Biodiversity Net Gain requirements for built development will not be enacted until supporting Regulations are in place, which the Government has indicated will take approximately two years. Notwithstanding this, the Applicant is

targeting the delivery of 10% BNG as part of the Proposed Scheme and are exploring how this may best be delivered.

5.6. SUMMARY

5.6.1. This chapter, as supported by Appendix B and C, has demonstrated that the Proposed Scheme complies with the policies of the NPPF, relevant local development plan policy and the relevant emerging NPS i.e. Draft EN-1 and Draft EN-3.

6. BENEFITS AND DISBENEFITS OF THE PROPOSED SCHEME AND THE PLANNING BALANCE

6.1.1. A consideration of the balance of benefits and dis-benefits of the Proposed Scheme is set out in this chapter of the Planning Statement, and within the Needs and Benefits Statement (document reference 5.3). This is in recognition of the decision-making framework set out in section 104 of the PA 2008. Section 104 requires that the scheme be in accordance with the relevant NPS(s), which has been demonstrated in Chapter 4 and Appendix B (Table B.1) of this document.

6.1.2. Under section 104, the SoS must also have regard to other matters, such as any local impact report, any matters prescribed in relation to development of the description to which the DCO Application relates, and any other matters which the SoS thinks are both important and relevant to their decision. Where relevant, these have been addressed in Chapter 5, Appendix B (Tables B.2 and B.3) and Appendix C (Table C.1).

6.1.3. Section 104(3) of the PA 2008 provides that the SoS must decide the application in accordance with any relevant NPS, except to the extent that one or more of subsections (4) to (8) applies. In the case of the Proposed Scheme, there are no circumstances which would require the DCO Application to be determined otherwise than in accordance with the relevant NPSs.

6.1.4. Deciding the DCO Application in accordance with the relevant NPSs would not lead to the UK being in breach of any of its international obligations (section 104(4)), nor to the SoS being in breach of any statutory duty (section 104(5)). The Applicant has also fulfilled its legal obligations in relation to provision of an ES (document reference 6.1 - 6.4) and HRA Report (document reference 6.8.1).

6.1.5. It would not be unlawful by virtue of any enactment to decide the DCO Application in accordance with the relevant NPSs (section 104(6)).

6.1.6. Section 104(7) applies if the SoS is satisfied that the adverse impact of the Proposed Scheme would outweigh its benefits. It is considered that there are no relevant adverse impacts or dis-benefits sufficient to outweigh the likely benefits of the Proposed Scheme. Such benefits and dis-benefits are discussed further below and, in the Needs, and Benefits Statement (document reference 5.3).

6.1.7. Finally, section 104(8) applies if the SoS is satisfied that any condition prescribed for deciding an application otherwise than in accordance with a NPS is met. It is not considered that any condition would require the DCO Application to be decided otherwise than in accordance with the relevant NPSs.

6.1.8. EN-1 adopts a presumption in favour of granting consent to applications for energy NSIPs. The presumption applies unless any more specific and relevant policies set out in the relevant NPSs clearly indicate that consent should be refused. Paragraph 4.1.3 of Part 4 of EN-1 states:

> *"In considering any proposed development, and in particular when weighing its adverse impacts against its benefits, the IPC should take into account:*
>
> > *Its potential benefits including its contribution to meeting the need for energy infrastructure, job creation and any long-term or wider benefits; and*
> >
> > *Its potential adverse impacts, including any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts".*

6.1.9. It emphasises that environmental, social and economic benefits should be weighed against adverse impacts, at national, regional and local levels.

6.1.10. This chapter of the Planning Statement therefore outlines the key benefits of the Proposed Scheme as well as its likely adverse effects in light of the policy assessment within Chapters 4 and 5 of this Planning Statement and the EIA which has been undertaken.

6.2. BENEFITS OF THE PROPOSED SCHEME

6.2.1. The Proposed Scheme would have a number of very clear and substantial benefits, which are considered in greater detail in the Needs and Benefits Statement, and can be summarised as follows:

d. The Proposed Scheme's technology could ensure the generation of renewable power to millions of UK homes and businesses, whilst capturing 16 million tonnes of carbon from the atmosphere each year at Selby alone. The Proposed Scheme has been designed to remove approximately 95% of the carbon dioxide from the flue gas emitted from two of the four generating units, becoming the first negative emissions power plant in the UK. It could deliver 18% of the negative emissions required in 2050 to achieve net zero in the UK. This would be a significant contribution towards the urgent national need for low carbon electricity generation established in NPS EN-1;

e. BECCS technology combines CCS with power generation from biomass to deliver renewable energy, which is not dependent upon the weather, and negative emissions. The Intergovernmental Panel on Climate Change ('IPCC') anticipate that by 2050, whilst 85% of power will come from renewables, like wind and solar, the other 15% will need to come from reliable technologies like sustainable biomass (IPCC, 2019). The latest IPCC report (IPCC, 2022) notes that BECCS is an integral part of all widely accepted pathways to holding global temperature rise to 1.5°C. Whilst the report highlights the potential conflict between BECCS and other land uses (as the supply of biomass to feed BECCS

technologies requires large areas of land which can conflict with the need to produce food and protect biodiversity), as a project, the Proposed Scheme does not create conflicts with other uses of land. The proposed BECCS technology makes use of the existing power station site and associated biomass supply i.e. is a retrofitting project rather than the construction of a new power station and establishment of a completely new biomass supply chain. Drax Power Station uses sustainably-sourced biomass, primarily sustainable wood pellets from working forests, primarily in the US South but also in Europe, Canada and South America, to generate low-carbon, renewable electricity. These are established sustainably managed working forests and the Applicant monitors trends in forest cover and land use within its catchment areas for sustainable biomass to ensure that biomass demand is not causing a negative climate impact as a result of land use change.

f. The Proposed Scheme would connect into and act as an important enabler of the Zero Carbon Humber ('ZCH') cluster. The parameters within the Draft DCO, as assessed in the ES and the DCO Application, provide an appropriate degree of flexibility, allowing for the future connection to the ZCH cluster and allowing for unforeseeable technological advancements and efficiencies to be incorporated in the final design. This is set out in Section 4.1 of this Planning Statement.

g. The Proposed Scheme would help deliver Government policies and commitments on CCUS. Part 2 of EN-1 emphasises the urgent need to reduce global emissions to avoid the most dangerous impacts of climate change, and that most consumed electricity will need to be from low carbon sources to meet the UK's emissions targets. Part 3 of EN-1 emphasises the urgent need for new energy infrastructure and the Government's aim to bring forward low carbon development such as CCS. The government have been exploring ways to deploy CCUS at scale in the UK since 2007 and committed to further investment to bring forward technology through the public and private sectors working together, as set out in its Clean Growth Strategy (HM Government, 2017, Amended 2018). The need for CCUS is established in various government strategies and action plans including Clean Growth: The UK Carbon Capture Usage and Storage deployment pathway: An Action Plan in 2018 (HM Government, 2018); the Industrial Decarbonisation Strategy (HM Government, 2021a) and Net Zero Strategy: Build Back Greener (HM Government, 2021b). The government has also published the CCUS Investor Roadmap which outlines the joint government and industry commitments to the deployment of CCUS in the UK (HM Government, 2022b) and is also developing business models for industrial and power CCUS, low-carbon hydrogen production and CO_2 Transport and Storage in order to support CCUS projects and stimulate private sector investment, with the aim to finalise business models in 2022. This is detailed further in the Needs and Benefits Statement;

h. The Proposed Scheme would be the UK's first delivery of BECCS at an existing power plant, which helps reinforce the UK as a key player in the development and delivery of carbon capture technology (see the Needs and Benefits

Statement (document reference 5.3)). This is a scalable technology which can be applied elsewhere with the Proposed Scheme creating UK leadership and kick-starting a CCS revolution. This will ensure continued economic growth and investment in the UK power and renewables sector. Otherwise, the UK risks being left behind as other nations pursue carbon capture technologies and attract global investment in the industries of the future;

i. Significant beneficial local and regional impacts would result from the direct, indirect and induced employment created by the construction phase of the Proposed Scheme. It is estimated that the Proposed Scheme could generate annual average construction employment of 4,000 direct, 1,600 indirect and 2,500 induced jobs. Once operational, up to 375 Full Time Equivalent ('FTE') employees will be employed at the site (a combination of retained and new jobs), and a total of 960 indirect and 1,800 induced FTE jobs will be created. The heads of terms for a proposed development consent obligation agreement with SDC and NYCC (Heads of Terms for a section 106 Agreement, document reference 7.1) includes a Local Employment Scheme, which would be submitted for approval prior to commencement (including opportunities for the use of local suppliers and contractors, and developing opportunities for local people to access training opportunities) in order to help realise these benefits and provide local opportunities;

j. The Proposed Scheme would be situated on brownfield land making use of an existing power station with existing infrastructure and connections. BECCS currently offers the best value for money in terms of the capture of carbon dioxide compared to direct air capture (Committee on Climate Change, 2020);

k. The Applicant is also targeting the delivery of 10% BNG as part of the Proposed Scheme and are exploring how this may best be delivered. Habitat creation and enhancement will be delivered in the Habitat Provision Area (within Order Limits) and Off-site Habitat Provision Area (outside Order Limits), with proposals contained in the Outline Landscape and Biodiversity Strategy (document reference 6.6). In addition, The Applicant is continuing to explore how permanent and temporary habitat loss required for delivery of the Proposed Scheme may be limited. Opportunities for delivering BNG in relation to watercourse habitats are also being explored.

6.2.2. Requirements proposed in Draft DCO (document reference 3.1) provide the relevant controls to ensure that Proposed Scheme is constructed, operates and is decommissioned in accordance with the measures proposed to ensure that impacts arising from the development do not give rise to significant adverse effects.

6.3. ADVERSE EFFECTS OF THE PROPOSED SCHEME

6.3.1. The Proposed Scheme would give rise to a small number of unavoidable adverse effects of significance and adverse performance against planning policy, as identified in Chapter 19 (Summary of Significant Effects) of the ES (document reference 6.1.19). These include the following impacts:

a. Traffic and Transport:

i. Potential impact upon driver delay (major adverse) and highway safety (minor adverse) at Junction 4 (Junction 36 of the M62) if all other committed developments are built out and the junction is not upgraded. These effects are temporary, direct, and short term (during the construction phase of the Proposed Scheme only). Mitigation measures include a requirement in the DCO to secure an enhanced CWTP and CTMP. In addition, further discussions are required with ERoY and National Highways to understand the timescales and mechanism to upgrade Junction 4 to accommodate planned growth and if this would result in a reduced impact at the junction.

b. Ecology:

i. Anticipated disturbance from construction and/or site and/or vegetation clearance on Habitats of Principal Importance (minor adverse), bats (minor adverse), breeding and wintering birds (moderate adverse) terrestrial invertebrates (minor adverse) and vascular plants (minor adverse). The adverse effects identified will all be temporary and short term. Mitigation in the form of compensatory planting once matured will appropriately mitigate these impacts. Other mitigation includes reinstatement, creation and enhancement of habitats on and off-site, a sensitively designed operational lighting strategy, in addition to other measures set out in the REAC and secured as requirements in Schedule 2 of the DCO.

c. Landscape and Visual Amenity:

i. A change in landscape character on the Site fabric (moderate adverse) and Landscape Character Area ('LCA') 15: Camblesforth Farmland Viewpoints 1, 2, 3, 6, 7, 9 and 10 (moderate adverse) and impact on visual amenity of nearby residents and PRoW users (moderate adverse). All adverse effects will be temporary, direct, and short term (during the construction phase of the Proposed Scheme only). Mitigation is proposed in the form of planting to enhance screening, which is set out in detail in the OLBS (document reference 6.6). This will be secured through the submission and approval of a final strategy through a requirement in Schedule 2 of the DCO. Additional measures are set out in the REAC and are secured via a requirement in Schedule 2 of the DCO.

d. Heritage:

i. Unknown buried HAs located in the Off-site Habitat Provision Area, Habitat Provision Area and the East Construction Laydown Area (negligible adverse to moderate adverse (significant)). In terms of mitigation, the Proposed

Scheme will be progressed in line with a WSI (to be secured through a requirement in the DCO), with preservation though record undertaken via a watching brief, in consultation with an Archaeological Adviser and under the responsibility of an ACoW to ensure any HAs discovered are suitably identified and treated.

e. GHG:

i. GHG emissions during the construction phase (moderate adverse). Mitigation in the form of design and construction measures incorporating the carbon reduction hierarchy will be implemented, as secured by a requirement in Schedule 2 of the DCO. This identified adverse effect relates to the construction phase only, and overall, when the lifecycle of the Proposed Scheme is considered, the Proposed Scheme will result in a net reduction of GHG emissions and is considered to have a significant beneficial effect.

f. Cumulative impact:

i. Intra and inter-project cumulative adverse impacts on residential amenity and Common Landscape and Visual receptors are also identified and set out in Chapter 19. In respect of intra-project effects, air quality and landscape and visual impact mitigation measures set out Chapter 4 and in detail in Appendix B of this Planning Statement will be applied (as secured through requirements in the DCO), to mitigate the adverse impact. In respect of intra-project cumulative effects, mitigation measures include those previously mentioned within this Planning Statement, including, but not limited to, traffic control measures and retaining and enhancing existing vegetation.

6.3.2. The above adverse effects are set out in Chapter 19 (Summary of Significant Effects) of the ES (document reference 6.1.19).

6.4. THE PLANNING BALANCE

6.4.1. In determining this application for the Proposed Scheme, which the SoS has directed is nationally significant, the wider benefits of low carbon energy generation and transmission must be reviewed against local issues and concerns. This balancing exercise must also consider the context of national, UK and European policies and obligations that seek to tackle climate change and promote a shift to renewable energy.

6.4.2. The fundamental test to be applied in the decision-making process is whether, on balance, the project is in accordance with the EN-1 and EN-3 (as directed by the SoS) (except to the extent that one or more of the matters set out in section 104(4) to 104(8) applies).

6.4.3. The Proposed Scheme would significantly contribute to achieving the goal of net zero.

6.4.4. This Planning Statement has drawn together the necessary relevant information to assist decision-makers in their determination of the extent to which the Project

accords with EN-1 and any other matters considered to be important and relevant, referring to the outcomes of environmental and other assessments reported elsewhere in the DCO application.

6.4.5. It is considered that, on balance, the likely benefits of the Proposed Scheme significantly outweigh any potential adverse impacts of the Proposed Scheme. These benefits include (amongst others) the considerable public benefit to meeting the urgent need to decarbonise the energy sector as well as economic benefits. It is considered that the Proposed Scheme is in accordance with the relevant NPSs and other relevant planning policy. The Proposed Scheme has appropriately addressed all relevant matters in section 104 of the PA 2008 to assist the SoS in his decision making, and it is considered that there are no planning reasons why a DCO should not be made by the SoS.

6.4.6. It is clear from this Planning Statement, together with the accompanying ES, that the application fully accords with EN-1 and EN-3. Consequently, the Applicant considers that Development Consent should be granted, and the Development Consent Order made.

7. CONCLUSION

7.1.1. The Applicant has ensured that the design of the Proposed Scheme avoids, reduces and/or mitigates environmental effects on receptors where possible. A number of measures have been incorporated into the design of the Proposed Scheme to avoid or minimise environmental impacts.

7.1.2. These measures include those required for legal compliance and current industry best practice guidance which will be adopted during construction and operation of the Proposed Scheme.

7.1.3. These in-built types of mitigation measures are called 'embedded mitigation' and the assessment presented in each technical chapter of the ES has identified and quantified, where possible, the embedded mitigation measures proposed to minimise the environmental effects of the Proposed Scheme. In addition, further consideration has also been given to mitigate any potentially significant adverse effects that have been identified. The residual effects have then been assessed and presented in each chapter.

7.1.4. The construction mitigation measures recommended during the EIA process are reflected in the REAC (document reference 6.5), and a CEMP would be prepared and implemented during the construction of the Proposed Scheme by the construction contractor (as secured by a requirement in Schedule 2 of the Draft DCO (document reference 3.1)).

7.1.5. The Draft DCO includes appropriate requirements that would control the detailed design of the Proposed Scheme and its construction, operation and decommissioning in order to ensure that impacts arising from the development do not give rise to significant effects.

7.1.6. The Proposed Scheme will see the installation of post-combustion carbon capture infrastructure installation at the Drax Power Station. The use of this technology is encouraged by the Government, as set out in Part 4.7 of EN-1. The Proposed Scheme supports the UK's urgent need for carbon reduction infrastructure and will result in an overall reduction in GHG emissions. The Proposed Scheme supports the UK Government's commitment to achieve net zero by 2050 and will deliver CCS infrastructure which the CCC identified as a 'necessity' to achieving net zero and decarbonisation of the energy sector. The Proposed Scheme will achieve the aforementioned whilst complying with the technical specific considerations of NPS EN-1 and EN-3, as well as the relevant policies of the NPPF and local development plan, in addition to the draft revised NPSs (as set out in Chapters 4 and 5, and Appendices B and C of this Statement, and the DCO Application supporting documents).

7.1.7. The Proposed Scheme would deliver a number of very clear benefits (as set out in the Needs and Benefits Statement (document reference 5.3)), including that the Proposed Scheme represents innovative technology which will positively impact UK carbon emissions, provide an overall deduction in GHG emissions and the generation

of direct, indirect and induced employment opportunities, amongst other benefits. The Proposed Scheme would support the UK's transition to a low carbon economy and deliver benefits for the regional and local economy. The Proposed Scheme utilises existing operational land, infrastructure, transport and electrical connections, and as a result, the delivery of the above benefits is achieved in a way that is efficient and has a lower carbon footprint (as the need for undeveloped land and new infrastructure and connections is minimised).

7.1.8. The significant adverse effects are confined to those set out in Section 6.3 above. However, with regard to the landscape and visual effects, NPS EN-1 recognises that virtually all energy infrastructure development will have an impact on landscape and visual amenity.

7.1.9. It is therefore considered that the benefits of the Proposed Scheme substantially outweigh the limited harm that would result; and the Applicant considers the Proposed Scheme to be technically and economically viable and is not aware of any reason why any of the other consents and licences will not be forthcoming.

7.1.10. In light of the above, the Applicant considers that the Proposed Scheme is acceptable in planning terms and that a DCO should therefore be made.

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APPENDICES

APPENDIX A - RELEVANT PLANNING HISTORY OF DRAX POWER STATION AND SURROUNDS

Table A.1 - Relevant Planning History of Drax Power Station and Surrounds

Planning Reference	Address	Proposal	Decision
Selby District Council – Drax Power Station and Surrounds			
2022/0107/NYSO	Drax Power Station New Road Drax Selby North Yorkshire YO8 8PQ	Consultation on NY/2022/0027/SCO request for EIA scoping opinion for Barlow Ash Mound, North West of Drax Power Station	24 February 2022 No objection to County
2021/1342/GOV	Drax Power Station New Road Drax Selby North Yorkshire YO8 8PQ	Statutory Consultation under section 42 of the Planning Act 2008 - Drax BioEnergy with Carbon Capture and Storage (BECCS)	10 December 2021 Response/ comments sent
2021/0450/SCP	STREET RECORD New Road Drax Selby North Yorkshire	Scoping Request for a new subsea High Voltage Direct Current (HVDC) link between Peterhead in Aberdeenshire, Scotland and Drax in Selby	7 June 2021 Scoping response issued
2021/0197/SCN	STREET RECORD New Road Drax Selby North Yorkshire	Request for a screening opinion for a new subsea High Voltage Direct Current (HVDC) link between Peterhead in Aberdeenshire, Scotland and Drax in Selby	19 March 2021 EIA required
2021/1089/FULM	Land Off Hales Lane Drax Selby North Yorkshire	Development of a battery storage facility, associated infrastructure, access and grid connection	Awaiting decision
2020/0994/FULM	Drax Power Station New Road Drax Selby North Yorkshire YO8 8PQ	Demolition of Flue Gas Desulphurisation (FGD) Plant and associated restoration works	22 January 2021 Permitted
2020/0646/AGN	Drax Power Station New Road Drax Selby North Yorkshire YO8 8PQ	Prior notification for erection of a livestock shed	30 July 2020 Prior approval not required
2020/0595/SCN	Drax Power Station New Road Drax Selby North Yorkshire YO8 8PQ	EIA screening request for Drax Power Ltd Flue Gas Desulphurisation (FGD) Plant Demolition and Reconfiguration of Biomass Receipt, Handling and Storage Facilities	3 July 2020 EIA not required
2020/0561/FULM	Drax Power Station New Road Drax Selby North Yorkshire YO8 8PQ	Erection of additional buildings at the South Contractors Village within Drax Power Station	Awaiting decision
2020/0544/SCN	Drax Power Station New Road Drax Selby North Yorkshire YO8 8PQ	EIA screening request for a battery based energy storage facility adjacent to the existing Drax Power Station	19 June 2020 EIA not required
2011/1039/HAZ	Drax Power Station New Road Drax Selby North Yorkshire YO8 8PQ	Application for consent under the Planning (Hazardous Substances) Act 1990 for the storage of substances (following reclassification) already in use on the site	21 March 2012 Withdrawn
2011/0801/FUL	Drax Power Station New Road Drax Selby North Yorkshire YO8 8PQ	Development of biomass rail receipt, handling and storage facility within current external storage and handling of coal area, including associated conveyors to the power station and distribution to the fuel bunkers	16 January 2012 Permitted

Planning Reference	Address	Proposal	Decision
2010/0463/FUL	Drax Power Station Sports And Social Club Drax Road Drax Selby North Yorkshire	Office and changing room extensions	22 July 2010 Permitted
2010/0183/FUL	Drax Power Station New Road Drax Selby North Yorkshire YO8 8PQ	Change of use from agricultural land to a temporary car park to provide replacement car parking, the erection of 2.5m Heras's security fence around the perimeter of car park and the erection of 10m high lighting columns and erection of a temporary pedestrian footbridge	23 April 2010 Permitted
2009/0997/FUL	Drax Power Station New Road Drax Selby North Yorkshire YO8 8PQ	Erection of a 2500 tonne ash storage silo with associated over ground pipework	18 January 2009 Permitted
2009/0694/GOV	Drax Power Station New Road Drax Selby North Yorkshire YO8 8PQ	Notification from the Department of Energy and Climate Change under section 36 of the Electricity Act 1989, to develop a 290-mw biomass fuelled electricity generating station	10 August 2011 Permitted
2009/0603/FUL	Drax Power Station New Road Drax Selby North Yorkshire YO8 8PQ	Erection of a screen house facility incorporating bin feed, conveyors and sampling system in connection with approved biomass rail unloading and storage facility	9 October 2009 Permitted
2009/0337/FUL	Drax Power Station Sports And Social Club Drax Road Drax Selby North Yorkshire YO8 8JW	Erection of a single storey extension to the rear	28 July 2009 Permitted
2009/0103/FUL	Drax Power Station Sports And Social Club Drax Road Drax Selby North Yorkshire YO8 8JW	Construction of a children's play area with metal railing boundary fence	2 April 2009 Permitted
2008/0138/FUL	Drax Power Station New Road Drax Selby North Yorkshire YO8 8PQ	Erection of a single storey warehouse link extension for storage of strategic parts following demolition of existing garage, small store, and workshop	26 March 2008 Permitted
2007/1420/FUL	Drax Power Station New Road Drax Selby North Yorkshire YO8 8PQ	Application to expand the use of cofiring with biomass fuels, by the installation of new biomass reception handling, processing, storage, and direct injection/firing facilities, incorporating a drive through offloading facilities for HGVs with pneumatic train offloading arrangements from a modified existing rail siding	15 February 2008 Permitted
2007/0176/FUL	Drax Power Station New Road Drax Selby North Yorkshire YO8 8PQ	Erection of ash handling facility	03 May 2007 Permitted
2005/0115/FUL	Drax Power Station New Road Drax Selby North Yorkshire YO8 8PQ	Proposed erection of a store for bio-fuel plant	12 May 2005 Permitted
CO/2003/1308	A645 South Of Drax Power Station To Newland Bridge Drax SELBY	Installation of 66000-volt overhead line stretching from south of A645 Drax Power Station to Newland Bridge	9 June 2004 Permitted
CO/2002/1351	Land adjacent to Drax Power Station, Drax (Long Drax Parish), Selby YO8 8PJ	Proposed erection of a 66KV switch station including substation building	24 February 2003 Permitted

Planning Reference	Address	Proposal	Decision
CO/1993/0617	Drax (Long Drax Parish)	Proposed retention of a portakabin containing atmospheric monitoring equipment on land adjacent to jetty access road	16 December 1993 Permitted
CO/1993/0022	Barlow Ash Disposal Site Long Drax. (Also, Barlow Parish)	Proposed change of use from agricultural to operational use in connection with adjacent ash disposal site, erection of a security fence 2.6 metres high to enclose	29 April 1993 Permitted
CO/1991/0655	Jetty Access Road Drax (Long Drax Parish)	Proposed erection of a portakabin to contain atmospheric monitoring equipment on land adjacent	26 July 1991 Permitted
CO/1989/0825	Drax Power Station New Road Drax Selby North Yorkshire YO8 8PQ	Erection of double storey building to provide site services accommodation in relation to the proposed f.g.d. plant	27 June 1989 Permitted
CO/1989/0034	Drax Long Drax And Newland	Proposed construction of the drax-airmyn, single carriage way link road in the parishes	15 August 1989 Permitted
CO/1988/0037	Barlow Ash Disposal Site Barlow Common Road Barlow	Proposed disposal of construction waste arising from the Drax Power Station flue gas desulphurisation project and to form an access road	5 August 1988 Permitted
CO/1986/0683	The Sewage Pumping Station Selby Road Camblesforth	Renewal of temporary permission for proposed garden hut to house instruments for atmospheric survey in relation to Drax Power Station	25 July 1986 Permitted
CO/1986/0682	Drax Power Station New Road Drax Selby North Yorkshire YO8 8PQ	Proposed use of land as a golf course and sports hall	26 June 1986 Permitted
North Yorkshire County Council – Drax Power Station and Surrounds			
NY/2022/0027/SCO	Barlow Ash Mound, Northwest of Drax Power Station, Selby, YO8 8PH	Request for EIA Scoping Opinion for the proposed additional recovery of ash resource	13 April 2022 Scoping opinion received
NY/2013/0035/A30	Drax Power Station, Selby, North Yorkshire, YO8 8PQ	Application for the approval of details reserved by condition No. 18 of Planning Permission C8/2012/0796/CPO which relates to the habitat creation plan	8 May 2013 Permitted
NY/2012/0282/A30	Drax Power Station, Selby, North Yorkshire, YO8 8PQ	Application for the approval of details reserved by condition No. 7 of Planning Permission C8/2012/0005/CPO which relates to contamination	20 August 2012 Permitted
NY/2012/0276/A30	Drax Power Station, Selby, North Yorkshire, YO8 8PQ	Application for the approval of details reserved by condition No.15 of Planning Permission C8/2012/0005/CPO which relates to the Construction Environmental Management Plan	20 September 2012 Permitted
NY/2012/0270/73	Drax Power Station, Selby, North Yorkshire, YO8 8PQ	Variation of conditions 2 and 5 of planning permission reference C8/2012/0005/CPO for the construction of a lightweight aggregate manufacturing plant and ancillary development, to allow a minor material amendment to the approved scheme (Layout and form of buildings, ancillary development and parking and circulation areas)	19 October 2012 Permitted

Planning Reference	Address	Proposal	Decision
NY/2012/0262/A30	Drax Power Station, Selby, North Yorkshire, YO8 8PQ	Application for the approval of details reserved by condition No. 10 and 14 of Planning Permission Reference No. C8/2012/0005/CPO which relates to piling and site drainage	20 August 2012 Permitted
NY/2012/0254/A30	Drax Power Station, Selby, North Yorkshire, YO8 8PQ	Application for the approval of details reserved by condition No. 3 of Planning Permission Reference No. C8/2012/0005/CPO	8 August 2012 Permitted
NY/2012/0253/A30	Drax Power Station, Selby, North Yorkshire, YO8 8PQ	Application for the approval of details reserved by condition No. 6 of Planning Permission Reference No. C8/2012/0005/CPO	8 August 2012 Permitted
NY/2012/0239/A30	Drax Power Station, Selby, North Yorkshire, YO8 8PQ	Application for approval of details reserved by condition No. 4 of Planning Permission Ref. No. C8/2012/0005/CPO	8 August 2012 Permitted
NY/2011/0491/ENV	Drax Power Station, Selby, North Yorkshire, YO8 8PQ	Development of a lightweight aggregate manufacturing plant and ancillary development	11 June 2012 Permitted
NY/2011/0311/SCO	Drax Power Station, Drax, Selby, North Yorkshire	Request for EIA Scoping Opinion for proposed construction and operation of a Litig lightweight aggregate (LWA) production plant and ancillary development	18 November 2011 Scoping opinion received
MIN1869	Barlow Ash Disposal Site	Change of use of land from agricultural to ancillary operational land	2 August 1993 Permitted
MIN2780	Barlow Ash Disposal Site	Extension to deposition of ash, gypsum and FGD waste treatment plant residues and ancillary work	28 April 1993 Permitted
MIN1867	Drax Power Station	Continuation of disposal of surplus spoil & civil engineering waste at Site A	14 October 1980 Permitted
MIN1860	Drax Power Station	Continuation of disposal of surplus spoil & civil engineering waste at Sites C & D	14 October 1980 Permitted

APPENDIX B - ADOPTED PLANNING POLICY ANALYSIS

PLANNING POLICY ASSESSMENT

National Policy Statements ('NPSs') are the primary policy framework on which the Secretary of State ('SoS') makes decisions on whether Nationally Significant Infrastructure Projects (NSIPs) should be consented. Compliance of the Proposed Scheme with the applicable policies within the relevant adopted NPSs is assessed along with the NPPF and local planning policy considerations in the policy appraisal table below. It is noted that references to the Infrastructure Planning Commission ('IPC') in the NPS policies referenced below have been replaced with reference to the SoS.

The purpose of the planning policy assessment contained in Tables B.1 – B.3 below, is to determine whether the Proposed Scheme, as a whole, would accord with the relevant planning policy framework and would therefore be acceptable in planning terms.

The generic impacts set out in Part 5 of EN-1 are considered below. Where the same types of impacts appear in the assessment and technology-specific information parts of EN-3 these are also assessed below and the relevant part of the NPS is referenced.

Table B.1 - Planning Policy Assessment – NPSs

Policy	Policy Text	Assessment
Air Quality and Emissions (Part 5.2 of EN-1 and Part 2.5.37-2.5.45 of EN-3)	Paragraphs 5.2.6 and 5.2.7 of EN-1 state: Where the project is likely to have adverse effects on air quality the applicant should undertake an assessment of the impacts of the proposed project as part of the Environmental Statement (ES). The ES should describe: ~ Any significant air emissions, their mitigation and any residual effects distinguishing between the project stages and taking account of any significant emissions from any road traffic generated by the project; ~ The predicted absolute emission levels of the proposed project, after mitigation methods have been applied; ~ Existing air quality levels and the relative change in air quality from existing levels; and ~ Any potential eutrophication impacts. Paragraph 5.2.9 of EN-1 states: The SoS should generally give air quality considerations substantial weight where a project would lead to a deterioration in air quality in an area or leads to a new area where air quality breaches any national air quality limits. However, air quality considerations will also be important where substantial changes in air quality levels are expected, even if this does not lead to any breaches of national air quality limits Paragraph 5.2.10 of EN-1 states: In all cases the SoS must take account of any relevant statutory air quality limits. Where a project is likely to lead to a breach of such limits the developers should work with the relevant authorities to secure appropriate mitigation measures to allow the proposal to proceed. In the event that a project will lead to non-compliance with a statutory limit the SoS should refuse consent. Paragraph 5.2.11 of EN-1 states: The SoS should consider whether mitigation measures are needed both for operational and construction emissions over and above any which may form part of the project application. A construction management plan may help codify mitigation at this stage. The policies at Part 2.5.37-2.5.45 of EN-3 relate to air quality and emissions considerations specific to biomass/ waste combustion plant. Paragraph 2.5.40 of EN-3 states: The applicant's EIA should include an assessment of the air emissions resulting from the proposed infrastructure and demonstrate compliance with the relevant	**Air Quality** ***Introduction*** In accordance with paragraphs 5.2.6 and 5.2.7 of EN-1, Chapter 6 (Air Quality) of the ES (document reference 6.1.6) reports the outcome of the assessment of likely significant environmental effects arising from the Proposed Scheme on air quality. It includes identification of potential impacts on air quality as a result of the Proposed Scheme, details the design, mitigation and enhancement measures that have been identified, reports the assessment of the significant effects of the Proposed Scheme and details the monitoring that should be carried out for the Proposed Scheme. It also sets out the air quality baseline and relative changes in concentrations as a result of the Proposed Scheme, as well as the absolute emission levels of the Proposed Scheme with primary mitigation in place. In accordance with paragraphs 5.2.6 and 5.2.7 of EN-1, the ES describes any significant air emissions, their mitigation and any residual effects and distinguishes between the Proposed Scheme Stages (construction, operational and decommissioning), and takes account of any significant emissions from any road traffic generated by the Proposed Scheme. The ES confirms that emissions from construction traffic are expected to have no significant effect on local air quality both within and outside of the Selby AQMA. In addition, operational phase vehicle trips generated by the Proposed Scheme, as derived by the Transport Assessment (see Table 6.5 of document reference 6.1.6), the maximum generated LDV flows (28 AADT) and HDV flows (20 AADT) on any road link are predicted to be below the respective IAQM / EPUK screening criteria for both within and outside of an AQMA. As such, the change in traffic arising from the construction and operational phases will have no effect on local air quality. The impact of potential emissions from construction and operational road traffic has therefore been scoped out of the air quality assessment, as agreed with PINS in the Scoping Opinion dated 26 February 2021 (document reference 6.3.1.2), provided that appropriate evidence could be provided, as is presented in the relevant chapters of the ES. ***Construction Phase and Decommissioning*** The Proposed Scheme has the potential to affect air quality as a result of uncontrolled emissions of fugitive dust, including PM_{10}, generated by construction phase and decommissioning phase activities associated with the Proposed Scheme with the potential to cause dust soiling of properties and / or impact human health at identified sensitive receptor locations within the construction phase assessment study area (document reference 6.2.6.1). If the emissions of dust and particulate matter are transported beyond the Order Limits, the Proposed Scheme could have an adverse impact on local air quality.

Policy	Policy Text	Assessment
	regulations (see Section 5.2 of EN-1). Paragraph 2.5.42 of EN-3 states: The pollutants of concern arising from the combustion of waste and biomass include NOx 14, Sox 15, particulates and CO_2. Paragraph 2.5.44 of EN-3 states: … where a proposed biomass combustion generating station meets the requirements of LCPD and will not exceed the local air quality standards, the IPC should not regard the proposed biomass infrastructure as having adverse impacts on health. Paragraph 2.5.45 of EN-3 states: Abatement technologies should be those set out in the relevant sector guidance notes as produced by the EA. The EA will determine if the technology selected for the waste/ biomass combustion generating station is considered Best Available Technique (BAT) and therefore the IPC does not need to consider equipment selection in its determination process.	Larger dust particles fall out of the atmosphere quickly after initial release, and therefore tend to settle in proximity to the source of emission. Dust, therefore, is unlikely to cause long-term or widespread changes to local air quality. However, its deposition on property and cars can cause 'soiling' and discolouration, which may be perceived as amenity loss or damage caused, thus resulting in nuisance complaints. These impacts are, however, temporary. The construction phase dust risk assessment therefore focusses on levels of the smaller particles of dust (not exceeding 10 µm in aerodynamic diameter), which are known as particulate matter (PM_{10}). These are assessed with respect to human receptors. The dust and PM_{10} sources include demolition, earthworks, construction and trackout. The potential dust emission magnitude from each of these sources is classed as 'large' (for a variety of reasons set out in Chapter 6 of the ES (document reference 6.1.6)). The findings of the dust risk assessment have informed the proposed mitigation measures which are detailed in the REAC (document reference 6.5). Mitigation measures include, but are not limited to, a requirement for a CEMP which is secured by Schedule 2 (Requirements) of the DCO (document reference 3.1). An Outline CTMP at Appendix 5.1 of the ES (document reference 6.3.5.1) and Framework CWTP at Appendix 5.2 of the ES (document reference 6.3.5.2) have been prepared to manage the impacts associated with construction worker traffic HDV movements, and Abnormal Indivisible Loads (AIL). These plans will also be secured by a requirement in Schedule 2 of the DCO (document reference 3.1). To summarise the construction phase and decommissioning impact, with the application of the mitigation measures detailed in Appendix 6.2 of the ES (document reference 6.3.6.2) and included in the REAC for the Proposed Scheme (document reference 6.5), construction phase and decommissioning activities will have no significant effect on local air quality. When assessed against the relevant policies of EN-1 and EN-3, the Proposed Scheme is considered to be acceptable with regard to air quality effects during the construction phase and decommissioning. ***Operational Phase*** The Proposed Scheme has the potential to affect air quality during the operational phase as a result of the following: ~ Emissions to air from the operation of the Proposed Scheme with the potential to impact human health and / or nitrogen-sensitive and acid-sensitive habitats at identified sensitive receptors within the Operation Phase Assessment Study Area (document reference 6.2.6.2); and ~ Cumulative emissions to air from the operation of the Proposed Scheme and from other relevant projects with the potential to impact human health and / or nitrogen-sensitive and acid-sensitive habitats at identified sensitive receptors within the Operation Phase Study Area (cumulative impacts are set out in Chapter 18 (Cumulative Effects) of the ES (document reference 6.1.18)).

Policy	Policy Text	Assessment
		Chapter 6 (Air Quality) of the ES (document reference 6.1.6) concludes that emissions in the With Proposed Scheme scenario will not result in significant air quality effects at human receptors. It concludes the following with regard to with internationally and nationally designated habitat sites, when considering the operation of BECCS on units 1 and 2 running at full load and units 3 and 4 running at mid-merit: ~ Emissions of NO_x, NH_3, and SO_2 in the with Proposed Scheme scenario alone will not result in significant air quality effects at the assessed ecological receptors; ~ Contributions to nitrogen deposition associated with emissions in the with Proposed Scheme scenario alone will not result in significant air quality effects at the assessed ecological receptors; ~ Acid deposition rates at sensitive habitats within the Lower Derwent Valley SAC, Thorne Moor SAC and SSSI, and SSSI designations at Breighton Meadows, Derwent Ings, and Barn Hill Meadows are above 1% of the respective critical load with regard to the modelled Process Contribution ('PC') in the with Proposed Scheme scenario. The background levels of acid deposition at the relevant sensitive habitats within these designated sites already exceed their respective critical loads, therefore the associated Proposed Scheme Predicted Environmental Concentration ('PEC') screening criterion will be exceeded. Significant effects relating to acid deposition at the aforementioned designated sites therefore cannot be screened out when considering the impacts of emissions from the Proposed Scheme alone; and ~ Acid deposition rates at all other international, national, and local designated sites assessed are below the 1% criterion and, therefore, emissions in the with Proposed Scheme scenario alone will not result in significant air quality effects at those sites. To reduce potential impacts relating to acid deposition, mitigation in the form of operational changes to the to the Main Stack emissions parameters were applied, within the tolerance of engineering and operational constraints, to the 'With Proposed Scheme' scenario (the assessment presents concentrations for both the Baseline and With Proposed Scheme and Other Projects scenarios). The operational changes include: ~ Reduce SO_2 emissions by 40%, applied to the CCS Biomass Units; and ~ Increase exit temperature of flue gases from the CCS Units from 80ºC to 103ºC. The purpose of the above measures is to increase buoyancy in the flue gases leaving the Main Stack, thereby improving dispersion of all pollutants, and to reduce the concentration of SO_2 being emitted, thus mitigating the with Proposed Scheme scenario contribution to acid deposition at the identified sensitive habitats. The proposed mitigation is demonstrated to reduce the maximum impacts of the Proposed Scheme alone at Thorne Moor SAC and SSSI, and Derwent Ings SSSI to below the 1% significance screening criterion.

Policy	Policy Text	Assessment
		The proposed mitigation is demonstrated to reduce the maximum impacts in the with Proposed Scheme scenario alone at Lower Derwent Valley SAC and the SSSIs at Breighton Meadows and Barn Hill Meadows to 1.1% of the respective critical load at each of these sites, representing marginal exceedances of the 1% criterion. Chapter 8 (Ecology) of the ES (document reference 6.1.8) concludes that based on air quality modelling and information presented in the Habitats Regulations Assessment report (document reference 6.8.2) and given the minimal magnitude of the predicted impacts, effects on internationally and nationally designated sites are predicted to be negligible and not significant. It further concludes that the air quality impacts in the with Proposed Scheme scenario are minimal and would not lead to any perceptible changes in the condition of locally designated sites. In summary, the operational phase of the proposed scheme is not anticipated to have any likely significant effects on ecological receptors. **GHG Emissions** ***Introduction*** Chapter 15 of the ES (document reference 6.1.15), reports the outcome of the assessment of likely significant environmental effects arising from the Proposed Scheme on climate, specifically greenhouse gas (GHG) emissions. This accords with both the EN-1 policies set out above, and the EIA Regulations 2017, which state "The EIA must identify, describe and assess…the direct and indirect significant effects of the proposed development on…climate" (Regulation 5(2)).” ***Construction and Operational Phases*** The impact on climate assessment presented in Chapter 15 identifies that the GHG emissions from the construction phase of the Proposed Scheme are likely to have moderate, significant adverse effects. During operation, however, the Proposed Scheme would result in a reduction in emissions from the fifth carbon budget (2028-2032) in comparison to the baseline scenario, due to the sequestration of operational emissions. No intra and inter-project adverse cumulative effects are anticipated to arise from the Proposed Scheme as a result of GHG emissions. ***Proposed Scheme Lifecycle*** The lifecycle of the Proposed Scheme has also been considered, and Chapter 15 concludes that the lifecycle emissions for the Proposed Scheme are considered to have a significant beneficial effect as the sequestered emissions during operation occur over a longer timeframe and are greater than the construction phase adverse emissions, resulting in a net reduction in emissions in comparison to the baseline scenario. ***Mitigation*** Nevertheless, mitigation in the form of detailed design optimisation to reflect the carbon reduction hierarchy outlined in PAS 2080 (BSI, 2016) are included, thus secured, in the REAC (document reference 6.5), and are also secured via the detailed design requirement in Schedule 2 of the DCO.

Policy	Policy Text	Assessment
		Other mitigative measures will be implemented during the construction phase. These measures are set out in the REAC and will be included within a CEMP which will be secured through a requirement in Schedule 2 of the DCO. The CEMP will include a variety of measures, such as the use of efficient construction processes aligning with the carbon hierarchy outlined in PAS 2080 (BSI, 2016), and the implementation of a Site Waste Management Plan ('SWMP') and Materials Management Plan ('MMP'). ***Conclusion*** When assessed against the relevant policies of EN-1 and EN-3, the Proposed Scheme is considered to be acceptable with regard to air quality effects during all phases and is therefore in accordance with the policies of EN-1 and considered acceptable. Further information on ecological effects can be found further below and in Chapter 8 (Ecology) of the ES (document reference 6.1.8). The findings of the Habitats Regulations Assessment ('HRA') Report (document reference 6.8.1) submitted with the Application and accordance with NPS policy relating to biodiversity impacts are also considered below. With regard to GHG emissions, Chapter 15 concludes that the mitigation measures will reduce the adverse effect during the construction phase of the Proposed Scheme, however, the impact of the mitigation measures are not quantifiable at this stage, as such, the residual effects of the Proposed Scheme remain unchanged, and therefore are assessed to be moderate, significant adverse in respect of GHG emissions. As aforementioned, during operation, the Proposed Scheme is assessed to have a significant beneficial effect.
Biodiversity and Geological Conservation (Part 5.3 of EN-1)	Paragraph 5.3.3 of EN-1 states: Where the development is subject to EIA the applicant should ensure that the ES clearly sets out any effects on internationally, nationally and locally designated sites of ecological or geological conservation importance, on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity. The applicant should provide environmental information proportionate to the infrastructure where EIA is not required to help the SoS consider thoroughly the potential effects of a proposed project. Paragraph 5.3.4 of EN-1 states: The applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests. Paragraphs 5.3.6 to 5.3.11 of EN-1 state: In having regard to the aim of the Government's biodiversity strategy the SoS should take account of the context of the challenge of climate change: failure to address this challenge will result in significant adverse impacts to biodiversity. The policy set out in the following sections recognises the need to protect the most important biodiversity and geological conservation interests. The benefits of nationally significant low carbon energy infrastructure development may include benefits for	***Introduction*** Chapters 8 (Ecology) of the ES (document reference 6.1.8) and 11 (Ground Conditions) of the ES (document reference 6.1.11) report the outcome of assessments undertaken of likely significant effects on biodiversity and geodiversity arising from the Proposed Scheme. A HRA report (document reference 6.8.1) has also been prepared to provide information to enable an appropriate assessment under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) of the Proposed Scheme. Chapter 11 (Ground Conditions) of the ES (document reference 6.1.11) reports the outcome of the assessment of likely significant environmental effects arising from the Proposed Scheme on Ground Conditions. In terms of geological conservation, Chapter 11 concludes that there are no RIGS within the study area presented at Figure 11.1 (Ground Conditions Study Areas and Superficial Geology) of the ES (document reference 6.2.11.1). Therefore, there would be no effects associated with geological conservation as a result of the Proposed Scheme. The below assessment therefore focusses on biodiversity conservation impact only.

Policy	Policy Text	Assessment
	biodiversity and geological conservation interests and these benefits may outweigh harm to these interests. The SoS may take account of any such net benefit in cases where it can be demonstrated. As a general principle, and subject to the specific policies below, development should aim to avoid significant harm to biodiversity and geological conservation interests, including through mitigation and consideration of reasonable alternatives (as set out in Section 4.4 above); where significant harm cannot be avoided, then appropriate compensation measures should be sought. In taking decisions, the SoS should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; habitats and other species of principal importance for the conservation of biodiversity; and to biodiversity and geological interests within the wider environment. The most important sites for biodiversity are those identified through international conventions and European Directives. The Habitats Regulations provide statutory protection for these sites but do not provide statutory protection for potential Special Protection Areas (pSPAs) before they have been classified as a Special Protection Area. For the purposes of considering development proposals affecting them, as a matter of policy the Government wishes pSPAs to be considered in the same way as if they had already been classified. Listed Ramsar sites should, also as a matter of policy, receive the same protection. Many SSSIs are also designated as sites of international importance and will be protected accordingly. Those that are not, or those features of SSSIs not covered by an international designation, should be given a high degree of protection. All National Nature Reserves are notified as SSSIs. Where a proposed development on land within or outside an SSSI is likely to have an adverse effect on an SSSI (either individually or in combination with other developments), development consent should not normally be granted. Where an adverse effect, after mitigation, on the site's notified special interest features is likely, an exception should only be made where the benefits (including need) 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 SSSIs. The SoS should use requirements and/or planning obligations to mitigate the harmful aspects of the development and, where possible, to ensure the conservation and enhancement of the site's biodiversity or geological interest. Paragraph 5.3.13 of EN-1 states: Sites of regional and local biodiversity and geological interest, which include Regionally Important Geological Sites, Local Nature Reserves and Local Sites, have a fundamental role to play in meeting overall national biodiversity targets; contributing to the quality of life and the well-being of the community; and in	***Construction Phase and Decommissioning*** Chapter 8 (Ecology) of the ES (document reference 6.1.8) identifies the following likely significant effects for ecology associated with the construction phase and decommissioning of the Proposed Scheme: ~ Permanent or temporary removal or disturbance of habitats within the Order Limits (i.e., within the Drax Power Station Site and East Construction Laydown Area) and within the Off-Site Habitat Provision Area; ~ Habitat loss and disturbance for roosting, foraging and commuting bats, breeding and wintering birds, reptiles, great crested newts, terrestrial invertebrate, green-winged orchid ~ Potential to lead to infringement of the legislation protecting badgers and their setts (Protection of Badgers Act (1992); ~ Potential impact pathway affecting the local otter population via water drainage; and ~ Potential spread of Himalayan balsam and Cotoneaster sp. Construction noise is not anticipated to have any likely significant effects on ecological receptors. This is detailed further in Chapter 7 (Noise and Vibration) of the ES (document reference 6.1.7). ***Operational Phase*** The likely significant effects for ecology associated with the operational phase are identified as: ~ Impact on bats as a result of artificial lighting associated with operation of the Proposed Scheme which could deter light-sensitive species of bat from using habitats that are newly illuminated including those habitats that are adjacent to newly illuminated areas. As aforementioned above, based on air quality modelling and information presented in the HRA report, Chapter 8 (Ecology) of the ES (document reference 6.1.8) and Chapter 6 (Air Quality) of the ES (document reference 6.1.6) and given the minimal magnitude of the predicted impacts, when mitigation is applied, effects on internationally and nationally designated sites are predicted to be negligible and not significant with respect to air quality, and would not lead to any perceptible changes in the condition of locally designated sites. In terms of primary mitigation, Chapter 3 (Consideration of Alternatives) of the ES (document reference 6.1.3) demonstrates how alternate layouts were considered to minimise detrimental impacts on and offer opportunities to biodiversity. Consequently, refinements were made to the Order Limits, which minimised impact relating to trees and the River Ouse.

Policy	Policy Text	Assessment
	supporting research and education. The IPC should give due consideration to such regional or local designations. However, given the need for new infrastructure, these designations should not be used in themselves to refuse development consent. Paragraph 5.3.15 of EN-1 states: Development proposals provide many opportunities for building-in beneficial biodiversity or geological features as part of good design. When considering proposals, the SoS should maximise such opportunities in and around developments, using requirements or planning obligations where appropriate. Paragraph 5.3.17 of EN-1 states: Other species and habitats have been identified as being of principal importance for the conservation of biodiversity in England and Wales and thereby requiring conservation action. The SoS should ensure that these species and habitats are protected from the adverse effects of development by using requirements or planning obligations. The SoS should refuse consent where harm to the habitats or species and their habitats would result, unless the benefits (including need) of the development outweigh that harm. In this context the SoS should give substantial weight to any such harm to the detriment of biodiversity features of national or regional importance which it considers may result from a proposed development. Paragraph 5.3.18 of EN-1 states: The applicant should include appropriate mitigation measures as an integral part of the proposed development. In particular, the applicant should demonstrate that: ~ During construction, they will seek to ensure that activities will be confined to the minimum areas required for the works; ~ During construction and operation best practice will be followed to ensure that risk of disturbance or damage to species or habitats is minimised, including as a consequence of transport access arrangements; ~ Habitats will, where practicable, be restored after construction works have finished; and ~ Opportunities will be taken to enhance existing habitats and, where practicable, to create new habitats of value within the site landscaping proposals.	In terms of mitigation proposed through design, no additional measures over and above the primary mitigation measures outlined in Chapter 2 (Site and Project Description) of the ES (document reference 6.1.2) would be required. In respect of other mitigation measures, actions and commitments are set out in the REAC and include a requirement (set out in Schedule 2 of the DCO (document reference 3.1)) for a CEMP with the following measures identified to be included: ~ Existing mature vegetation would be avoided and retained wherever possible as identified on Figure 1 and 2: Landscape Mitigation Plan (document reference 6.6.1); ~ Construction compounds and laydown and demolition areas would be surrounded by hoardings to reduce visual effects due to the presence of construction traffic, plant and equipment, as well as demolition of existing and construction of built form; and ~ Upon completion, laydown areas and site compounds would be returned to their original use. Relating to the potential impact on bats as a result of external lighting during all phases of the Proposed Scheme, a Draft Lighting Strategy (document reference 6.7) has been prepared which explains that impact on bats will be mitigated through a sensitive lighting design. This will be prepared at the detailed design phase for the Proposed Scheme as secured by a Requirement. This will include a written scheme for the temporary external lighting to be installed for the purposes of construction, and a written scheme for the permanent external lighting to be installed for the purposes of operation, to be approved by the relevant LPA as part of the CEMP. The detailed lighting strategy identified in the REAC is secured within the CEMP by a requirement within Schedule 2 of the draft DCO (document reference 3.1). To mitigate the above-mentioned habitat loss for all relevant ecological receptors, the provision of compensatory habitats is proposed in an Off-Site Habitat Provision Area outside the Order Limits, referred to as Arthur's Wood and Fallow Field, located to the west of the Drax Power Station, and also within the Order Limits at the Habitat Provision Area to the north of the Drax Power Station and an area of farmland to the north of the East Construction Laydown Area. Indicative landscaping and habitat creation and enhancement proposals for these areas are provided in the OLBS (document reference 6.6) as displayed on Figures 1 and 2 of that document (document references 6.6.1 and 6.6.2), with a detailed strategy to be brought forward at detailed design stage in accordance with the outline strategy, as secured by a DCO requirement. Please refer to the OLBS for details of the long-term management and maintenance of these new habitat and landscape areas.

Policy	Policy Text	Assessment
		With the implementation of mitigation measures, the Proposed Scheme is assessed to have the following likely residual significant effects at construction phase and decommissioning: ~ A minor adverse effect in the short term on habitats and bats at a Local scale whilst planting matures and establishes during this period, and compensation measures have reached their target condition; ~ A minor adverse effect on breeding and wintering birds at a District scale in the short term; ~ minor adverse, significant at a District scale in the short term prior to compensation measures reaching their target condition on terrestrial invertebrates; ~ A minor adverse, significant impact at a County scale in the short term on vascular plants until successful colonisation of the green-winged orchid receptor site. There will be no significant effects on Statutory Designated Sites of International and National Importance during the construction phase and decommissioning. ***Operational Phase*** In regard to the operational phase of development, the Proposed Scheme is assessed to have the following likely residual significant effects with the implementation of mitigation measures applied: ~ A minor, positive effect on habitats at a Local scale in the long term; ~ A minor, positive residual effect significant at a Local scale in the long term for bats and breeding and wintering birds; ~ A minor, positive effect at a District scale in the long term for terrestrial invertebrates. There will be no significant effects on Statutory Designated Sites of International and National Importance in the operational phase. In respect of cumulative impact, Chapter 18 (Cumulative Effects) of the ES (document reference 6.1.18) presents an assessment of intra-project combined effects and inter-project cumulative effects for the Proposed Scheme in relation to ecology. At the construction phase and decommissioning, it is concluded that provided each cumulative project applies appropriate mitigation measures via a CEMP (or similar), including other specific mitigation measures, it is predicted that there would be no significant cumulative effects on important ecological features. At the operational phase of the Proposed Scheme, potential cumulative impacts are primarily associated with operational emissions to air, which include increased nitrogen and acid deposition and elevated concentrations of NH_3. However, as stated above, Chapter 6 (Air Quality) of the ES (document reference 6.1.6)

Policy	Policy Text	Assessment
		concludes that Nitrogen (NO_x), Sulphur Dioxide (SO_2) and ammonia (NH_3) in the Proposed Scheme & Other Projects scenario will lead to no significant effects from an air quality perspective at the assessed ecological receptors. Habitat loss and operational lighting as part of the Scotland to England Green Link 2 Project (planning reference: 2021/0450/SCP) could disturb and displace important ecological features assessed as part of the Proposed Scheme. The lighting strategy for the Proposed Scheme, which is secured as a requirement in the DCO, and a sensitive lighting design, which will likely be required in accordance with planning policy, as part of 2021/0450/SCP, would ensure disturbance and displacement to important ecological features is minimised. The HRA report confirms that with mitigation measures applied, the Proposed Scheme would not have an adverse effect on the integrity of any of the European Sites assessed, either on its own or in-combination with other plans and projects. Therefore, no likely significant cumulative effect is identified. ***Conclusion*** In accordance with paragraph 5.3.3 of EN-1, the ES clearly sets out any effects on internationally, nationally and locally designated sites of ecological or geological conservation importance, on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity. In accordance with paragraphs 5.3.4 and 5.3.1.8 of EN-1, the ES has also clearly demonstrated how the project has sought to conserve and enhance biodiversity interests (through the consideration of alternatives and the proposed mitigation measures). Based on the above assessment and the information presented in Chapter 6 (Air Quality) of the ES (document 6.1.6), Chapter 8 (Ecology) of the ES (document reference 6.1.8), Chapter 18 (Cumulative Effects) of the ES (document reference 6.1.18), Chapter 11 (Ground Conditions) of the ES (document reference 6.1.11) and the HRA (document reference 6.8.1), the Proposed Scheme is considered to accord with the relevant policies of Part 5.3 of EN-1.
Civil and Military Aviation and Defence Interests (Part 5.4 of EN-1)	Paragraph 5.4.1 of EN-1 states: Civil and military aerodromes, aviation technical sites, and other types of defence interests (both onshore and offshore) can be affected by new energy development. Paragraph 5.4.2 of EN-1 states: UK airspace is important for both civilian and military aviation interests. It is essential that the safety of UK aerodromes, aircraft and airspace is not adversely affected by new energy infrastructure.	No civil and military aviation and defence interests are expected to be affected by the Proposed Scheme, as is not anticipated that the Proposed Scheme will result in scale and massing changes to the Drax Power Station. However, it is possible that lighting or other undetermined factors may affect aviation operations within the region. Therefore, the Consultation Report (document reference 5.1) details that consultation with the following local airfields has been undertaken to seek views on aviation lighting and the potential for navigational hazard: ~ Leeds Bradford Airport; ~ Sherburn-in-Elmet Airfield; ~ Full Sutton Airfield;

Policy	Policy Text	Assessment
	Paragraph 5.4.10 of EN-1 states: Where the proposed development may have an effect on civil or military aviation and/or other defence assets an assessment of potential effects should be set out in the ES (see Section 4.2). Paragraph 5.4.11 of EN-1 states: The applicant should consult the MoD, CAA, NATS and any aerodrome – licensed or otherwise – likely to be affected by the proposed development in preparing an assessment of the proposal on aviation or other defence interests. Paragraph 5.4.13 of EN-1 states: If any relevant changes are made to proposals during the pre-application and determination period, it is the responsibility of the applicant to ensure that the relevant aviation and defence consultees are informed as soon as reasonably possible. Paragraph 5.4.14 of EN-1 states: The SoS should be satisfied that the effects on civil and military aerodromes, aviation technical sites and other defence assets have been addressed by the applicant and that any necessary assessment of the proposal on aviation or defence interests has been carried out. In particular, it should be satisfied that the proposal has been designed to minimise adverse impacts on the operation and safety of aerodromes and that reasonable mitigation is carried out. It may also be appropriate to expect operators of the aerodrome to consider making reasonable changes to operational procedures. […] Paragraph 5.4.16 of EN-1 states: There are statutory requirements concerning lighting to tall structures. Where lighting is requested on structures that goes beyond statutory requirements by any of the relevant aviation and defence consultees, the SoS should satisfy itself of the necessity of such lighting taking into account the case put forward by the consultees. The effect of such lighting on the landscape and ecology may be a relevant consideration.	~ The Real Aeroplane Company; ~ Burn Gliding Club; ~ Doncaster Sheffield Airport; ~ Humberside Airport; and ~ Sandtoft Airfield. Steps have been taken to consult with parties who may be impacted by the Proposed Scheme, in accordance with paragraph 5.4.11 of EN-1, however, no responses were received from the airports and airfields. Also, in line with paragraph 5.4.11 of EN-1, statutory consultation was undertaken with NATS, MoD and CAA. The Defence Infrastructure Organisation ('DIO'), on behalf of MoD, confirm in their consultation response presented in the Scoping Opinion in Appendix 1.2 of the ES (document reference 6.3.1.2) that MoD has no safeguarding objections relating to the Proposed Scheme. Further, CAA also raise no objections to the Proposed Scheme, nor do NATS. No changes relevant to aviation and defence consultees have been made during pre-application further to the initial statutory consultation undertaken with these parties As no civil and military aviation and defence interests are expected to be affected, it is considered that the Proposed Scheme fully accords with the policy requirements set out in section 5.4 of EN-1.
Flood Risk (Part 5.7 of EN-1)	Paragraph 5.7.4 of EN-1 states: Applications for energy projects of 1 hectare or greater in Flood Zone 1 in England or Zone A in Wales and all proposals for energy projects located in Flood Zones 2 and 3 in England or Zones B and C in Wales should be accompanied by a flood risk assessment (FRA). An FRA will also be required where an energy project less than 1 hectare may be subject to sources of flooding other than rivers and the sea (for example surface water), or where the EA, Internal Drainage Board or other body have indicated that there may be drainage problems. This should identify and	***Introduction*** Chapter 12 (Water Environment) of the ES (document reference 6.1.12) and its associated appendices assess the likely significant environmental effects resulting from the Proposed Scheme on the water environment, including flood risk, as well as water quality, groundwater, Water Framework Directive compliance and drainage. A Flood Risk Assessment ('FRA') has been undertaken and is presented at Appendix 12.1 of the ES (document reference 6.3.12.1). The FRA has been undertaken in accordance with requirements of paragraph 5.7.5 of EN-1. The preparation of the FRA

Policy	Policy Text	Assessment
	assess the risks of all forms of flooding to and from the project and demonstrate how these flood risks will be managed, taking climate change into account. Paragraph 5.7.5 of EN-1 states: The minimum requirements for FRAs are that they should: ~ Be proportionate to the risk and appropriate to the scale, nature and location of the project; ~ Consider the risk of flooding arising from the project in addition to the risk of flooding to the project; ~ Take the impacts of climate change into account, clearly stating the development lifetime over which the assessment has been made; ~ Be undertaken by competent people, as early as possible in the process of preparing the proposal; ~ Consider both the potential adverse and beneficial effects of flood risk management infrastructure, including raised defences, flow channels, flood storage areas and other artificial features, together with the consequences of their failure; ~ Consider the vulnerability of those using the site, including arrangements for safe access; ~ Consider and quantify the different types of flooding (whether from natural and human sources and including joint and cumulative effects) and identify flood risk reduction measures, so that assessments are fit for the purpose of the decisions being made; ~ Consider the effects of a range of flooding events including extreme events on people, property, the natural and historic environment and river and coastal processes; ~ Include the assessment of the remaining (known as 'residual') risk after risk reduction measures have been taken into account and demonstrate that this is acceptable for the particular project; ~ Consider how the ability of water to soak into the ground may change with development, along with how the proposed layout of the project may affect drainage systems; ~ Consider if there is a need to be safe and remain operational during a worst case flood event over the development's lifetime; and ~ Be supported by appropriate data and information, including historical information on previous events. Paragraphs 5.7.7 to 5.7.10 of EN-1 state: Applicants for projects which may be affected by, or may add to, flood risk should arrange pre-application discussions with the EA, and, where relevant, other bodies such as Internal Drainage Boards, sewerage undertakers, navigation authorities,	has involved significant consultation with relevant Statutory Authorities including the EA, NYCC, SDC and Selby Area IDB in line with paragraphs 5.7.7 to 5.7.10 of EN-1. The FRA report summarises baseline flood risk information and identifies flood risk to the Proposed Scheme during the construction phase and the lifetime of the design, in addition to assessing potential risk beyond the design life of the Proposed Scheme. It also sets out potential flood risk to other areas caused by the Proposed Scheme. The assessment undertaken informs mitigation measures to be implemented. The EA's Flood Map for Planning shows that the land within the Order Limits lies partially within Flood Zone 1, and partially in Flood Zone 3 but benefiting from the existing flood defences. Flood Zone 1 corresponds to land having a less than 1 in 1000 (0.1%) annual exceedance probability ('AEP') of river or tidal flooding. Flood Zone 3 is defined as a land with a 1 in 100 (1%) or greater chance of flooding each year from rivers; or with a 1 in 200 (0.5%) or greater chance of flooding each year from the sea. Of the land within the Order Limits located in Flood Zone 3, the majority lies in Flood Zone 3a, and a lesser area lies in Flood Zone 3b (considered to be a functional floodplain) and extends to the banks of the River Ouse. The River Ouse is tidally influenced at the location of the Proposed Scheme. The risk of flooding in this area from the River Ouse is therefore a combination of fluvial and tidal flooding. The EA have confirmed that the Proposed Scheme and its surroundings are protected up to the present day 1 in 200 year event by the flood defences located along the banks of the River Ouse. There is however residual risk associated with a breach of the flood defences. A breach of the existing flood defences is unlikely to happen as they are regularly inspected and maintained by the EA. The Proposed Scheme is assessed to be at low risk of flooding from surface water, ground water, reservoirs and sewers. ***Construction Phase*** During the construction phase, the most likely potential significant flood risk identified is associated with a breach in the existing flood defences, which could impact the northern and southern ends of East Construction Laydown Area. Construction workers, as well as construction material and plant would be vulnerable to this impact. As such, the potential impact is mitigated by the following measures: ~ Appointed contractor would sign up to the Environment Agency's flood warning service to receive up to date flood information and warnings; ~ No works would be carried out within the northern and southern ends of East Construction Laydown Area when there is a risk of breach of the existing flood defences (a significant flood event); ~ No stockpiles, no hazardous materials and / or site cabins, plant and equipment would be placed in the northern and southern ends of East Construction Laydown Area; and

Policy	Policy Text	Assessment
	highways authorities and reservoir owners and operators. Such discussions should identify the likelihood and possible extent and nature of the flood risk, help scope the FRA, and identify the information that will be required by the SoS to reach a decision on the application when it is submitted. The SoS should advise applicants to undertake these steps where they appear necessary but have not yet been addressed. If the EA has concerns about the proposal on flood risk grounds, the applicant should discuss these concerns with the EA and take all reasonable steps to agree ways in which the proposal might be amended, or additional information provided, which would satisfy the Environment Agency's concerns. In determining an application for development consent, the SoS should be satisfied that where relevant: ~ The application is supported by an appropriate FRA; ~ The Sequential Test has been applied as part of site selection; ~ A sequential approach has been applied at the site level to minimise risk by directing the most vulnerable uses to areas of lowest flood risk; ~ The proposal is in line with any relevant national and local flood risk management strategy114; ~ Priority has been given to the use of sustainable drainage systems (SuDs) (as required in the next paragraph on National Standards); and ~ In flood risk areas the project is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed over the lifetime of the development. For construction work which has drainage implications, approval for the project's drainage system will form part of the development consent issued by the SoS. The SoS will therefore need to be satisfied that the proposed drainage system complies with any National Standards published by Ministers under Paragraph 5(1) of Schedule 3 to the Flood and Water Management Act 2010. In addition, the development consent order, or any associated planning obligations, will need to make provision for the adoption and maintenance of any SuDS, including any necessary access rights to property. The SoS should be satisfied that the most appropriate body is being given the responsibility for maintaining any SuDS, taking into account the nature and security of the infrastructure on the proposed site. The responsible body could include, for example, the applicant, the landowner, the relevant local authority, or another body, such as an Internal Drainage Board. Paragraphs 5.7.12 to 5.7.18 of EN-1 state: The SoS should not consent development in Flood Zone 2 in England or Zone B in Wales unless it is satisfied that the sequential test requirements have been met. It should not consent development in Flood Zone 3 or Zone C unless it is satisfied that the Sequential and Exception Test requirements have been met. The technology-specific NPSs set out some exceptions to the application of the sequential test. However, when seeking development consent on a site allocated in a development	~ Method Statement would be provided developed detailing the procedures for securing the Site and plant equipment for a flood event (breach of the defences), in particular with reference to safe working practises, harmful substances and fuels. These mitigation measures are contained in the REAC and will be secured within the CEMP (via a requirement in Schedule 2 to the DCO (document reference 3.1)). ***Operational Phase*** Hydraulic modelling of the River Ouse was undertaken to assess the risk of flooding to the Proposed Scheme during its design life. The methodology was agreed with the EA prior to being undertaken. The Hydraulic modelling is presented at Appendix K of the FRA (document reference 6.3.12.1). During the design flood event (FT2) scenario, breach flooding is predicted to impact land within the Order Limits and the proposed infrastructure, including the Electrical Switch Room Building, the eastern unit of Solvent Regeneration System, the Carbon Dioxide Processing and Compression Plant, the Carbon Capture Wastewater Treatment Plant, the Solvent Storage and Make-up System and the Carbon Dioxide Delivery Terminal Compound. Consequently, the risk of flooding to the operational phase of the Proposed Scheme is mitigated through design. The sensitive infrastructure will be set 800mm above the design flood levels and this is secured by the DCO Requirement requiring the Proposed Scheme to be carried out in accordance with the FRA. This provides sufficient mitigation for the sensitivity scenario and the breach event and is necessary as the Proposed Scheme is 'Essential Infrastructure' and must therefore remain open should a flood event occur, in accordance with paragraph 5.7.24 of EN-1. With regard to risk to human health, the FRA confirms that the Drax Power Station has sufficient management plans in place to safely operate or shut down and evacuate the Drax Power Station should this be required, which is considered sufficient. An increased built footprint at the Drax Power Station Site as a result of the Proposed Scheme will result in a minor loss of floodplain. However, to ensure this will have no adverse impact, it will be mitigated through creating additional floodplain (a minimum floodplain area of 1,889m2 will be created) through the lowering of ground currently outside the floodplain on land controlled by the Applicant. This will ensure that the Proposed Scheme will not result in a loss of floodplain and there will be no displacement of flood waters elsewhere, as such no increase in flood risk offsite is expected. Potential surface water run-off benefits have also been identified as the additional surface water runoff that will be generated as a result in the change in impermeable areas as part of the Proposed Scheme will be collected, stored and used within the cooling water process, with no increase in discharge off site, and run-off from other areas of the Drax Power Station will also be connected, where feasible. This is detailed in the surface water drainage strategy which has been produced for the Proposed Scheme in line with paragraph 5.7.18 and is provided in Appendix 12.3

Policy	Policy Text	Assessment
	plan through the application of the Sequential Test, informed by a strategic flood risk assessment, applicants need not apply the Sequential Test, but should apply the sequential approach to locating development within the site. Preference should be given to locating projects in Flood Zone 1 in England or Zone A in Wales. If there is no reasonably available site in Flood Zone 1 or Zone A, then projects can be located in Flood Zone 2 or Zone B. If there is no reasonably available site in Flood Zones 1 or 2 or Zones A & B, then nationally significant energy infrastructure projects can be located in Flood Zone 3 or Zone C subject to the Exception Test. Consideration of alternative sites should take account of the policy on alternatives set out in Section 4.4 above. If, following application of the sequential test, it is not possible, consistent with wider sustainability objectives, for the project to be located in zones of lower probability of flooding than Flood Zone 3 or Zone C, the Exception Test can be applied. The test provides a method of managing flood risk while still allowing necessary development to occur. The Exception Test is only appropriate for use where the sequential test alone cannot deliver an acceptable site, taking into account the need for energy infrastructure to remain operational during floods. It may also be appropriate to use it whereas a result of the alternative site(s) at lower risk of flooding being subject to national designations such as landscape, heritage and nature conservation designations, for example Areas of Outstanding Natural Beauty (AONBs), Sites of Special Scientific Interest (SSSIs) and World Heritage Sites (WHS) it would not be appropriate to require the development to be located on the alternative site(s). All three elements of the test will have to be passed for development to be consented. For the Exception Test to be passed: ~ It must be demonstrated that the project provides wider sustainability benefits to the community that outweigh flood risk; ~ The project should be on developable, previously developed land or, if it is not on previously developed land, that there are no reasonable alternative sites on developable previously developed land subject to any exceptions set out in the technology-specific NPSs; and ~ A FRA must demonstrate that the project will be safe, without increasing flood risk elsewhere subject to the exception below and, where possible, will reduce flood risk overall. To satisfactorily manage flood risk, arrangements are required to manage surface water and the impact of the natural water cycle on people and property. Paragraphs 5.7.20 to 5.7.25 of EN-1 state: Site layout and surface water drainage systems should cope with events that exceed the design capacity of the system, so that excess water can be safely stored on or conveyed from the site without adverse impacts. The surface water drainage arrangements for any project should be such that the volumes and peak flow rates of surface water leaving the site are no greater than	(Surface Water Drainage Strategy) of the ES (document reference 6.3.12.3); and is secured pursuant to a DCO Requirement. ***The Sequential Test*** In accordance with paragraphs 5.7.12 to 5.7.18 of EN-1, the requirements of the Sequential and Exception Tests have been met. The FRA deems the Sequential Test to be passed based on the following: ~ The Proposed Scheme is directly connected to existing infrastructure and therefore cannot be located outside of the Drax Power Station. The Sequential Test area has therefore been limited to the Drax Power Station. This approach has been agreed in principle with SDC in May 2021; ~ The Proposed Scheme cannot feasibly be located in lower flood zone areas at the Drax Power Station as the need for the Proposed Scheme is to enhance the existing Drax Power Station; and ~ The location of the Proposed Scheme was selected following consideration of functionality, ability to connect to existing infrastructure and availability of space, and cannot, therefore, be relocated. The chosen layout and location is detailed further in Chapter 3 (Consideration of Alternatives) of the ES (document reference 6.1.3). Based on the above, the Sequential Test is therefore satisfied. ***The Exception Test*** The FRA considers all three parts of the Exception Test can be satisfied, in accordance with paragraph 5.7.17 of EN-1, for the following reasons: ~ The Proposed Scheme provides wider sustainability benefits to the community that outweigh flood risk as it consists of carbon capture and storage and provides a sustainable approach to the production of energy, helping the Government achieve its Net Zero objectives, for which there is a recognised urgent need. The Proposed Scheme will also create employment opportunities and habitat creation and enhancement, with the Applicant targeting the delivery of 10% BNG as part of the Proposed Scheme and exploring how this may best be delivered. This is detailed further in the Needs and Benefits Statement. Such benefits in particular those relating to the decarbonisation of the energy sector outweigh the minimal flood risk to the Proposed Scheme. The benefits of the Proposed Scheme are detailed further in the Needs and Benefits Statement (document reference 5.3); ~ The permanent infrastructure to be constructed within the Drax Power Station Site is developable, previously developed land; and ~ The supporting FRA demonstrates the following: ▪ The Proposed Scheme has been demonstrated to be safe for its lifetime (25 years) through the sensitive infrastructure being set 800mm above the

Policy	Policy Text	Assessment
	the rates prior to the proposed project, unless specific off-site arrangements are made and result in the same net effect. It may be necessary to provide surface water storage and infiltration to limit and reduce both the peak rate of discharge from the site and the total volume discharged from the site. There may be circumstances where it is appropriate for infiltration facilities or attenuation storage to be provided outside the project site, if necessary, through the use of a planning obligation. The sequential approach should be applied to the layout and design of the project. More vulnerable uses should be located on parts of the site at lower probability and residual risk of flooding. Applicants should seek opportunities to use open space for multiple purposes such as amenity, wildlife habitat and flood storage uses. Opportunities should be taken to lower flood risk by reducing the built footprint of previously developed sites and using SuDS. Essential energy infrastructure which has to be located in flood risk areas should be designed to remain operational when floods occur. In addition, any energy projects proposed in Flood Zone 3b the Functional Floodplain (where water has to flow or be stored in times of flood), or Zone C2 in Wales, should only be permitted if the development will not result in a net loss of floodplain storage, and will not impede water flows. The receipt of and response to warnings of floods is an essential element in the management of the residual risk of flooding. Flood Warning and evacuation plans should be in place for those areas at an identified risk of flooding. The applicant should take advice from the emergency services when producing an evacuation plan for a manned energy project as part of the FRA. Any emergency planning documents, flood warning and evacuation procedures that are required should be identified in the FRA	design flood levels, enabling the Proposed Scheme to remain operational in the unlikely event of a breach of the flood defences; ▪ The Proposed Scheme accounts for the vulnerability of its users, with appropriate management plans and procedures already in place, as a result of the existing nature of the Drax Power Station operations; and ▪ The Proposed Scheme, with mitigation measures applied, will not increase flood risk within or outside of the Order Limits. Based on the above, the requirements of the Exception Test are considered to be satisfied, in line with paragraph 5.7.16 of EN-1. With regard to cumulative effects, Chapter 18 (Cumulative Assessment) of the ES (document reference 6.1.18) does not identify any adverse impact on flood risk as a result of intra or inter-project cumulative effects. ***Summary*** Based on the above and the assessments set out in the supporting documents submitted with the DCO Application, it is considered that the Proposed Scheme is in accordance with the policies contained in EN-1 and is therefore acceptable with regard to flood risk.
Historic Environment (Part 5.8 of EN-1 and 2.5.34 of EN-3)	Paragraphs 5.8.8 to 5.8.15 of EN-1 state: As part of the ES (see Section 4.2) the applicant should provide a description of the significance of the heritage assets affected by the proposed development and the contribution of their setting to that significance. The level of detail should be proportionate to the importance of the heritage assets and no more than is sufficient to understand the potential impact of the proposal on the significance of the heritage asset. As a minimum the applicant should have consulted the relevant Historic Environment Record (or, where the development is in English or Welsh waters, English Heritage or Cadw) and assessed the heritage assets themselves using expertise where necessary according to the proposed development's impact. Where a development site includes, or the available evidence suggests it has the potential to include, heritage assets with an archaeological interest, the applicant should carry out appropriate desk-based assessment and, where such desk-based research is insufficient to properly assess the interest, a field evaluation. Where proposed development will affect the setting of a heritage asset, representative visualisations may be necessary to explain the impact.	***Introduction*** In accordance with paragraph 5.8.8 and 5.8.9 of EN-1, Chapter 10 (Heritage) of the ES (document reference 6.1.10) provides a description and assessment of the significance of heritage assets ('HA') and their settings affected by the Proposed Scheme. The Chapter then assesses the impacts of the Proposed Scheme on the identified HAs. Consultation has been undertaken with Historic England ('HE'), NYCC and SDC which has informed the assessment. Responses from the Applicant and consultees are detailed in Chapter 10. As agreed with HE and NYCC, a 10 km study area around the Order Limits has been applied for the assessment of medium to high value designated HAs only. Therefore, only Grade I and II* Listed Buildings were considered in the 10 km study area. A smaller 1 km study area around the Order Limits has been assessed for HAs of low value. The study area is defined in Figure 10.1 (Designated Heritage Assets) of the ES (document reference 6.2.10.1). Also agreed with HE and NYCC, a 500m study area has been applied for non-designated HAs and to establish the known historic environment context and the

Policy	Policy Text	Assessment
	The applicant should ensure that the extent of the impact of the proposed development on the significance of any heritage assets affected can be adequately understood from the application and supporting documents. In considering applications, the SoS should seek to identify and assess the particular significance of any heritage asset that may be affected by the proposed development, including by development affecting the setting of a heritage asset, taking account of: ~ Evidence provided with the application; ~ Any designation records; ~ The Historic Environment Record, and similar sources of information; ~ The heritage assets themselves; ~ The outcome of consultations with interested parties; and ~ Where appropriate and when the need to understand the significance of the heritage asset demands it, expert advice. In considering the impact of a proposed development on any heritage assets, the SoS should take into account the particular nature of the significance of the heritage assets and the value that they hold for this and future generations. This understanding should be used to avoid or minimise conflict between conservation of that significance and proposals for development. The SoS should take into account the desirability of sustaining and, where appropriate, enhancing the significance of heritage assets, the contribution of their settings and the positive contribution they can make to sustainable communities and economic vitality. The SoS should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use. The SoS should have regard to any relevant local authority development plans or local impact report on the proposed development in respect of the factors set out in footnote 122. There should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be. Once lost heritage assets cannot be replaced and their loss has a cultural, environmental, economic and social impact. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Loss affecting any designated heritage asset should require clear and convincing justification. […] Any harmful impact on the significance of a designated heritage asset should be weighed against the public benefit of development, recognising that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss. Where the application will lead to substantial harm to or total loss of significance of a designated heritage asset the SoS should refuse consent unless it can be demonstrated that the substantial harm to or loss of significance is	potential for previously unknown buried archaeological remains. This was considered acceptable due to the extensive archaeological work previously carried out within the Order Limits, including a geophysical survey and trial trench evaluation. The only HAs identified and scoped into the assessment are currently unknown buried HAs within the Order Limits and in the Habitat provision Area and the Off-site Habitat Provision Area, whose sensitivity / value is unknown, and Drax Augustinian Priory (1016857) located outside of the Order Limits, (identified to be of high value). ***Construction Phase and Decommissioning*** The likely significant effects on HAs are only identified in association with the construction phase and decommissioning and are only identified to potentially impact unknown buried HAs. Likely significant effects could arise from groundworks in the ECLA and from any form of landscaping in the Habitat provision Area and the Off-site Habitat Provision Area. As the value / sensitivity of the buried HAs is unknown, this has the potential to range from negligible to high, depending on their Archaeological Interest. There is the potential for moderate adverse impacts on unknown buried HAs located within the Habitat Provision Area and East Laydown Area within the undisturbed ground, and outside the areas of previous investigation, within the Order Limits. This would result in potential effects ranging from negligible to moderate (depending on the value of the HA). ***Mitigation*** To avoid the above impacts through design, any planting in the Habitat Provision Area (i.e., an area identified as of 'high potential') would avoid the boundary of the Drax Augustinian Priory (NHLE1016857). In respect of mitigation, a suitable watching brief will be agreed by the Applicant with the LPA for any major ground disturbance works to ensure no archaeological remains are removed without record. In addition, any archaeological work will be undertaken in consultation with the relevant Archaeological Advisor. These measures will be secured through a Written Scheme of Investigation ('WSI'). The WSI is included in the REAC and is secured by a requirement in the DCO (document reference 3.1). An Archaeological Clerk of Works (ACoW) will oversee all heritage aspects for the Proposed Scheme, and their role and responsibilities will be included in the CEMP, which will be secured as a requirement in Schedule 2 of the DCO. Chapter 10 acknowledges that additional targeted site-based archaeological investigation may be required. The scope and form will be agreed with the LPA archaeological officers. Dependant on the results of this investigation, further mitigation may be required. This is secured as part of the aforementioned DCO requirement.

Policy	Policy Text	Assessment
	necessary in order to deliver substantial public benefits that outweigh that loss or harm. Paragraphs 5.8.17 to 5.8.22 of EN-1 state: Where loss of significance of any heritage asset is justified on the merits of the new development, the SoS should consider imposing a condition on the consent or requiring the applicant to enter into an obligation that will prevent the loss occurring until it is reasonably certain that the relevant part of the development is to proceed. When considering applications for development affecting the setting of a designated heritage asset, the SoS should treat favourably applications that preserve those elements of the setting that make a positive contribution to, or better reveal the significance of, the asset. When considering applications that do not do this, the SoS should weigh any negative effects against the wider benefits of the application. The greater the negative impact on the significance of the designated heritage asset, the greater the benefits that will be needed to justify approval. A documentary record of our past is not as valuable as retaining the heritage asset and therefore the ability to record evidence of the asset should not be a factor in deciding whether consent should be given. Where the loss of the whole or a material part of a heritage asset's significance is justified, the SoS should require the developer to record and advance understanding of the significance of the heritage asset before it is lost. The extent of the requirement should be proportionate to the nature and level of the asset's significance. Developers should be required to publish this evidence and deposit copies of the reports with the relevant Historic Environment Record. They should also be required to deposit the archive generated in a local museum or other public depository willing to receive it. Where appropriate, the SoS should impose requirements on a consent that such work is carried out in a timely manner in accordance with a written scheme of investigation that meets the requirements of this Section and has been agreed in writing with the relevant Local Authority (where the development is in English waters, the Marine Management Organisation and English Heritage, or where it is in Welsh waters, the MMO and Cadw) and that the completion of the exercise is properly secured. Where the SoS considers there to be a high probability that a development site may include as yet undiscovered heritage assets with archaeological interest, the SoS should consider requirements to ensure that appropriate procedures are in place for the identification and treatment of such assets discovered during construction. Paragraph 2.5.34 of EN-3 states: In considering the impact on the historic environment as set out in Section 5.8 of EN-1 and whether it is satisfied that the substantial public benefits would outweigh any loss or harm to the significance of a designated heritage asset, the IPC should take into account the positive role that large-scale renewable projects play in the mitigation of climate change, the delivery of energy security and the urgency of meeting the national targets for renewable energy supply and emissions reductions.	Additionally, it is confirmed that should impacts occur on currently unknown but nationally important Below-Ground HAs related to Drax Augustinian Priory (1016857), preservation in-situ would be explored, where practicable. With mitigation applied, thus and discovered buried HAs being subject to preservation in-situ or preservation by recording and reporting, likely significant effects on HAs would result in effects ranging from negligible to moderate adverse (significant) depending on the value of the asset. ***Operational Phase*** There will be no impact on HAs during the operational phase. Any potential impact is identified in the construction phase and decommissioning only. ***Cumulative Impact*** No specific cumulative effects are anticipated for cultural HAs during construction and operation of the Proposed Scheme. ***Summary*** Under paragraph 5.8.15 of EN-1, any harm has to be weighed against the public benefit associated with the Proposed Scheme. In particular, paragraph 2.5.34 of EN-3 states the SoS should take consider the positive role that large-scale renewable projects play in mitigating climate change, delivering energy security and the urgency of meeting the national targets for renewable energy supply and emissions reductions. The public benefits are summarised in Section 6.2 of this Planning Statement and explained in detail within the Needs and Benefits Statement (document reference 5.3). The benefits of the Proposed Scheme are numerous and include: ~ Delivering a significant contribution to meeting the UK's net zero by 2050 target; ~ Potential to ensure the generation of renewable power to millions of UK homes and businesses; ~ Delivering a significant contribution to UK industrial decarbonisation. ~ Connecting to and acting as an important enabler of the ZHC cluster; ~ Helping to deliver Government policies and commitments on CCS; ~ Comprising the efficient use of a brownfield site and infrastructure that is already used in relation to energy infrastructure; and ~ Job generation (see Chapter 16 (Population, Health and Socio-economics) of the ES (document reference 6.1.16) for details). In light of these benefits, the potential adverse effects on unknown buried HAs is considered to be acceptable. Unknown HAs have the potential to range from negligible to high value. Should any HAs be identified, as set out above, Chapter 10 concludes that the Proposed Scheme could have adverse effects ranging from negligible to moderate adverse (significant). Any adverse effect could harm the significance of the HA. However, as the Proposed Scheme will be progressed in line with a WSI (to be secured through a requirement in the DCO), with preservation

Policy	Policy Text	Assessment
		though record undertaken via a watching brief, in consultation with an Archaeological Adviser and under the responsibility of an ACoW, the Applicant considers that all possible appropriate procedures will be put in place for the suitable identification and treatment of any assets discovered, in line with paragraph 5.8.22 of EN-1. As such, the Applicant seeks to ensure the significance of a discovered HA is not substantially harmed. Based on the above, the Applicant considers that the Proposed Scheme will result in 'less than substantial harm' on the significance of any HA which may be identified during the construction phase and decommissioning. When considering the planning balance and weighing the benefits of the Proposed Scheme (set out above) alongside the potential less that significant harm to unknown HAs, the Applicant considers that the benefits of the Proposed Scheme, especially in light of the current climate crisis and UK's need to lower carbon emission and decarbonise the industrial sector, greatly outweigh any harm which may occur. Overall, the Proposed Scheme is considered to be in accordance with the policies contained within Part 5.8 of EN-1 and are therefore considered acceptable by the Applicant with regard to the effect of the Proposed Scheme on heritage.
Landscape and Visual (Part 5.9 of EN-1 and Part 2.5.46 - 2.5.58 of EN-3)	Paragraphs 5.9.5 to 5.9.8 of EN-1 state: The applicant should carry out a landscape and visual assessment and report it in the ES. (See Section 4.2) A number of guides have been produced to assist in addressing landscape issues. The landscape and visual assessment should include reference to any landscape character assessment and associated studies as a means of assessing landscape impacts relevant to the proposed project. The applicant's assessment should also take account of any relevant policies based on these assessments in local development documents in England and local development plans in Wales. The applicant's assessment should include the effects during construction of the project and the effects of the completed development and its operation on landscape components and landscape character. The assessment should include the visibility and conspicuousness of the project during construction and of the presence and operation of the project and potential impacts on views and visual amenity. This should include light pollution effects, including on local amenity, and nature conservation. Landscape effects depend on the existing character of the local landscape, its current quality, how highly it is valued and its capacity to accommodate change. All of these factors need to be considered in judging the impact of a project on landscape. Virtually all nationally significant energy infrastructure projects will have effects on the landscape. Projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate. Paragraph 5.9.15 of EN-1 states:	***Introduction*** In accordance with paragraphs 5.9.5 to 5.9.7 of EN-1 and 2.5.48 of EN-3, the Applicant has undertaken a landscape and visual impact assessment ('LVIA') at Chapter 9 (Landscape and Visual Impact) of the ES (document reference 6.1.9). The assessment considers likely effects during all stages of the Proposed Scheme on the landscape character and visual amenity of sensitive receptors, as well as considering relevant local planning policies, which are also assessed in this Appendix, below. Paragraphs 5.9.8 and 5.9.18 of EN-1 acknowledge that all proposed nationally significant energy infrastructure is likely to have visual effects for many receptors around proposed sites, therefore, there is no expectation that all proposed energy NSIPs will be completely concealed from views. In accordance with paragraph 5.8.17 of EN-1, the Proposed Scheme has been designed to protect the landscape and views where possible for the sensitive receptors identified. The design measures implemented are set out in the DFD (document reference 6.9) which sets out the iterative design process undertaken and provides a framework for the principles of the detailed design of the proposed Scheme, which are set out in the REAC and secured through a requirement in the DCO. Design measures include, but are not limited to: ~ The sensitive location and design of lighting to reduce impacts on habitats and species. This will be finalised in line with the Draft Lighting Strategy (document reference 6.7) and will be secured by a requirement in the DCO (document reference 3.1); ~ Careful consideration of materiality and colour; and ~ Vegetation Enhancement.

Policy	Policy Text	Assessment
	The scale of such projects means that they will often be visible within many miles of the site of the proposed infrastructure. The SoS should judge whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits (including need) of the project. Paragraph 5.9.16 of EN-1 states: In reaching a judgment, the IPC should consider whether any adverse impact is temporary, such as during construction, and/or whether any adverse impact on the landscape will be capable of being reversed in a timescale that the IPC considers reasonable. Paragraph 5.9.17 of EN-1 states: The SoS should consider whether the project has been designed carefully, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to minimise harm to the landscape, including by reasonable mitigation. Paragraph 5.9.18 of EN-1 states: All proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites. The SoS will have to judge whether the visual effects on sensitive receptors, such as local residents, and other receptors, such as visitors to the local area, outweigh the benefits of the project. Coastal areas are particularly vulnerable to visual intrusion because of the potential high visibility of development on the foreshore, on the skyline and affecting views along stretches of undeveloped coast. Paragraph 2.5.48 of EN-3 states: The IPC should be satisfied that the design of the proposed generating station is of appropriate quality and minimises adverse effects on the landscape character and quality. Paragraph 2.5.48 of EN-3 states: An assessment of the landscape and visual effects of the proposed infrastructure should be undertaken in accordance with the policy set out in 5.9 of EN-1. Paragraph 2.5.50 to 2.5.52 of EN-3 state: Good design that contributes positively to the character and quality of the area will go some way to mitigate adverse landscape/visual effects. Development proposals should consider the design of the generating station, including the materials to be used in the context of the local landscape. Mitigation is achieved primarily through aesthetic aspects of site layout and building design including size and external finish and colour of the generating station to minimise intrusive appearance in the landscape as far as engineering requirements permit. The precise architectural treatment will need to be site-specific. The IPC should expect applicants to seek to landscape waste/biomass combustion generating station sites to visually enclose them at low level as seen from surrounding external viewpoints. This makes the scale of the generating station less	***Construction Phase and Decommissioning*** There are no significant effects reported for landscape during construction phase and decommissioning. With regard to visual impact, moderate adverse (significant) effects are anticipated for on the following identified sensitive receptors: ~ Residents living in properties with western facing views (Pear Tree Avenue, Wren Hall Lane, Carr Lane and Main Road); ~ Residents living in properties with eastern facing views (Camela Lane / Clay Lane); ~ Residents in properties with north-east facing views from the settlement of Camblesforth; ~ People travelling along PRoW with close proximity eastern facing views; and ~ People travelling along PRoW with south western facing views. Construction impacts on the above identified receptors will be mitigated through both primary and secondary mitigation measures. In terms of primary mitigation, the design of the Proposed Scheme has been carefully considered by the Applicant and will be delivered in accordance with the design principles set out in the DFD, which are also included in the REAC. The detailed design requirement in Schedule 2 of the DCO states that the design of the Proposed Scheme must be in accordance with the design principles captured in the REAC. These principles include the consideration of colour palette, which has been selected for the exterior of major buildings / structures has based on a combination of historic design guidance, known colours used within the Drax Power Station Site and observations made during site visits. Additional measures are set out in the REAC, and will be delivered through a CEMP and DEMP, both to be secured through a requirement in Schedule 2 to the DCO (document reference 3.1). Mitigation measures include, but are not limited to: ~ Retaining existing vegetation wherever possible and protection of said vegetation roots (as detailed within the OLBS (document reference 6.6) and identified on Figure 3 of the OLBS (document reference 6.6.2.3) and; ~ No works (including temporary) would be carried out within the canopy of the spread of existing retained trees; and ~ Construction compounds and laydown and demolition areas to be screened by hoardings to reduce visual effects resulting from construction traffic, plant and equipment, as well as demolition of existing and construction of built form, and these areas will be returned to their original use following completion of construction of the Proposed Scheme. The likely significant visual effects identified will be reduces through application of the proposed mitigation measures, however the effects will still remain moderate adverse (significant). All effects will be temporary.

Policy	Policy Text	Assessment
	apparent, and helps conceal its lower level, smaller scale features. Earth bunds and mounds, tree planting or both may be used for softening the visual intrusion and may also help to attenuate noise from site activities.	***Operational Phase*** There are no likely significant adverse effects identified for landscape and visual impact arising from the Proposed Scheme. However, Chapter 9 (Landscape and Visual Impact) of the ES (document reference 6.1.9) identifies indirect (not significant) benefits to landscape character and visual amenity arising from the Proposed Scheme through the various landscape enhancements / planting proposed in the ECLA, Habitat Provision Area and Off-site Habitat Provision Area (as detailed in the OLBS (document reference 6.6)). ***Cumulative Effects*** In terms of cumulative impact, the combined inter and intra-project effects are expected to be no greater than that above (i.e moderate adverse (significant), temporary and short term). Cumulative impact is explained in detail in Chapter 18 (Cumulative Effects) of the ES (document reference 6.1.18). ***Summary*** In summary, following mitigation, there would be some moderate adverse (significant) visual effects during the construction phase and decommissioning of the Proposed Scheme, as set out in Chapter 9, as a result of the Proposed Scheme. Paragraph 5.9.8 of EN-1 states that *"Virtually all nationally significant energy infrastructure projects will have effects on the landscape. Projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate."* Therefore, it is acknowledged that due to their nature, NSIPs are likely to have a landscape and / or visual impact, and having regard to paragraph 5.9.15 of EN-1, on balance it is not considered that the predicted adverse impact on visual amenity would be so damaging that it would not be offset by the benefits (including need) of the Proposed Scheme, given that the urgent need to address the impact of climate change and achieve net zero by 2050 in the UK. The Proposed Scheme is therefore considered acceptable in respect of landscape and visual impact.
Land use including open space, Green infrastructure and Green Belt (Part 5.10 of EN-1 and Part 2.5.36 of EN-3)	Paragraph 5.10.5 of EN-1 states: The ES (see Section 4.2) should identify existing and proposed land uses near the project, any effects of replacing an existing development or use of the site with the proposed project or preventing a development or use on a neighbouring site from continuing. Applicants should also assess any effects of precluding a new development or use proposed in the development plan. Paragraph 5.10.6 of EN-1 states: Applicants will need to consult the local community on their proposals to build on open space, sports or recreational buildings and land. Taking account of the consultations, applicants should consider providing new or additional open space including green infrastructure, sport or recreation facilities, to substitute for any losses as a result of their proposal. Applicants should use any up-to-date local authority assessment or, if there is none, provide an independent assessment to	***Existing and Proposed Land Uses*** In accordance with paragraph 5.10.5 of EN-1, the Chapter 2 (Site and Project Description) of the ES (document reference 6.1.2) details the existing and proposed land uses within and around the Order Limits. Within the Order Limits are the following: ~ Drax Power Station Site – this area comprises land located within the existing Drax Power Station. The land ~ Construction Laydown Areas – these include the ▪ East Construction Laydown Area which is predominantly arable fields and hedgerow; and ▪ The Drax Power Station Site Construction Laydown Areas, which are several parcels of land within the Drax Power Station Site; and

Policy	Policy Text	Assessment
	show whether the existing open space, sports and recreational buildings and land is surplus to requirements. Paragraph 5.10.8 of EN-1 states: Applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5) except where this would be inconsistent with other sustainability considerations. Applicants should also identify any effects and seek to minimise impacts on soil quality taking into account any mitigation measures proposed. For developments on previously developed land, applicants should ensure that they have considered the risk posed by land contamination. Paragraph 5.10.9 of EN-1 states: Applicants should safeguard any mineral resources on the proposed site as far as possible, taking into account the long-term potential of the land use after any future decommissioning has taken place. Paragraph 2.5.36 of EN-3 states: As most renewable energy resources can only be developed where the resource exists and where economically feasible, the IPC should not use a sequential approach in the consideration of renewable energy projects (for example, by giving priority to the re-use of previously developed land for renewable technology developments).	~ Habitat Provision Area – this area consists of mainly arable fields and hedgerows. Land within the existing Drax Power Station will remain in industrial use throughout the construction and operational phases of the Proposed Scheme. The East Construction Laydown Area will be used as a temporary construction compound and will be used for laydown of plant, equipment and materials, light fabrication, storage of topsoil from the area and as an overflow car park during construction. This area will be reinstated to arable use following completion of the construction period. A Soil Handling Management Plan ('SHMP') will be secured through the CEMP, and will secure the Applicant's commitment to return the land to the same agricultural capability as before construction. Impact on agricultural land and associated mitigation is set out further in Table B.3's assessment of the Joint Minerals and Waste Plan Policy D12. The Habitat Provision Area will be used to provide environmental mitigation and compensation as outlined in the OLBS (document reference 6.6), including hedgerow planting, pond creation and wetland planting. The land use in this area would therefore change. The latter two means of mitigation and enhancements are proposed as the relevant part of the Habitat Provision Area is seasonally waterlogged. The Off-Site Habitat Provision Area comprises two areas outside of the Order Limits, referred to as Arthur's Wood (northern section) and Fallow Field (southern section) that have been identified for the provision of ecological mitigation and compensation. These areas are collectively referred to as the Off-Site Habitat Provision Area and displayed within the blue line on Figure 1.3 (Off-Site Habitat Provision Area) of the ES (document reference 6.2.1.3). The land uses in these areas will not change, but the land will be enhanced. Proposals for Arthur's Wood include enhancement of the existing woodland through removal of invasive non-native species and coppicing. Fallow Field proposals include allowing scrub to succeed to woodland, enhancing existing scrub and hedgerow to species rich, enhancing grassland to species rich and creating hedgerow. Further details are set out in the OLBS (document reference 6.6) and the Heads of Terms for a Section 106 Agreement (document reference 7.1). Outside of the Order Limits, the land use is predominantly agricultural, with the main recreational use being PRoWs. Chapter 16 describes existing land uses surrounding the Order Limits include private properties, community facilities, businesses, and agricultural land, none of which would be affected in terms of their use of land as a result of the Proposed Scheme. In line with paragraph 5.10.6 of EN-1, the local community was consulted on the Proposed Scheme. There is, however, no plan to build on open space, sport and recreation facilities. Details of the consultation process and responses are set out in the Consultation Report (document reference 5.1) submitted with the DCO Application.

Policy	Policy Text	Assessment
		Public Rights of Way With regard to land use effects covered by part 5.10 of EN-1, Chapter 5 (Traffic and Transport) of the ES (document reference 6.1.5) includes an assessment of likely significant effects of the Proposed Scheme on PRoW used for recreational purposes. There are seven PRoW located within or adjacent to the Order Limits, shown on Figure 5.2 (Public Rights of Way Network) of the ES (document reference 6.2.5.2). Non-motorised users of the PRoW and non-designated public routes (including pedestrians, cyclists, equestrians and vulnerable groups) are identified in Chapter 5 as sensitive receptors in respect of the effect of the Proposed Scheme on traffic and transport. Construction plant and equipment located in works areas adjacent to the PRoWs may have a temporary impact on the amenity value of the paths. However, the impact will be short term, and mitigation measures set out above, contained in the REAC and to be included in the CEMP secured by a requirement to the DCO are considered to mitigate impact sufficiently, which Chapter 5 concluding that the Proposed Scheme will have no significant effects on PRoW users. It is also proposed to temporarily stop up path 35.6/6/1 which runs through the Off-site Habitat Provision Area for approximately two weeks, however Chapter 5 concludes that this will not have a significant adverse effect, and Chapter 16 (Population, Health and Socio-economics) further confirms that there is unlikely to be a significant effect from the Proposed Scheme in relation to community land and assets such as PRoWs, leisure uses or tourism in the local area, and that these elements have therefore been scoped out of the ES. This was agreed within the Scoping Opinion received by PINS presented at Appendix 1.2 of the ES (document reference 6.3.2.1). ***Contamination*** In accordance with paragraph 5.10.8 of EN-1, the Applicant has taken contamination risks into account, given that the majority of the Proposed Scheme is located on previously developed land. Potential contamination risk is assessed in Chapter 11 (Ground Conditions) of the ES (document reference 6.1.11). ***Mineral Resources*** With regard to paragraph 5.10.9 of EN-1, land in the Order Limits is located within various Minerals Safeguarding Areas and buffer zones to the Safeguarding Areas in the Adopted Joint Minerals and Waste Plan (2022), in addition to a Coalfield Consultation Area. The relevant local planning policies are assessed below in this Table. However, the built infrastructure to be developed by the Proposed Scheme is located on previously developed land within the Drax Power Station only. Mineral resources are therefore already inaccessible, and the Proposed Scheme will have no impact on

Policy	Policy Text	Assessment
		this. The Proposed Scheme is therefore considered acceptable in respect of paragraph 5.10.9 of EN-1. ***Summary*** Overall, the Applicant considers that the Proposed Scheme is acceptable with regard to effects associated with land use including open space, green infrastructure and Green Belt, and therefore in accordance with the relevant policies of Part 5.10 of EN-1.
Noise and Vibrations (Part 5.11 of EN-1)	Paragraphs 5.11.4 to 5.11.6 of EN-1 state: Where noise impacts are likely to arise from the proposed development, the applicant should include the following in the noise assessment: ~ A description of the noise generating aspects of the development proposal leading to noise impacts, including the identification of any distinctive tonal, impulsive or low frequency characteristics of the noise; ~ Identification of noise sensitive premises and noise sensitive areas that may be affected; ~ The characteristics of the existing noise environment; ~ A prediction of how the noise environment will change with the proposed development; ~ In the shorter term such as during the construction period; ~ In the longer term during the operating life of the infrastructure at particular times of the day, evening and night as appropriate; ~ An assessment of the effect of predicted changes in the noise environment on any noise sensitive premises and noise sensitive areas; and ~ Measures to be employed in mitigating noise. The nature and extent of the noise assessment should be proportionate to the likely noise impact. The noise impact of ancillary activities associated with the development, such as increased road and rail traffic movements, or other forms of transportation, should also be considered. Operational noise, with respect to human receptors, should be assessed using the principles of the relevant British Standards and other guidance. Further information on assessment of particular noise sources may be contained in the technology-specific NPSs. In particular, for renewables (EN-3) and electricity networks (EN-5) there is assessment guidance for specific features of those technologies. For the prediction, assessment and management of construction noise, reference should be made to any relevant British Standards and other guidance which also give examples of mitigation strategies.	***Introduction*** Chapter 7 (Noise and Vibration) of the ES (document reference 6.1.7) reports the outcome of the assessment of likely significant environmental effects arising from the Proposed Scheme on noise and vibration during the construction and operational phases of the Proposed Scheme. The assessment of noise and vibration impacts has been undertaken in accordance with the requirements set out in 5.11.4 to 5.11.6 of EN-1 and the relevant British Standards. The impact of noise and vibration as a result of the Proposed Scheme on sensitive ecological receptors identified have been set out above and are assessed within Chapter 8 (Ecology) of the ES (document reference 6.1.8). The below assessment therefore focusses on impact on local residents only. ***Construction Phase and Decommissioning*** During the construction phase and decommissioning, the Proposed Scheme is identified to have the potential to affect noise and vibration as a result of the following: ~ The likely noise effects arising from the Proposed Scheme phase and decommissioning traffic; and ~ Likely noise and vibration effects arising from the phase and decommissioning activities. However, the assessment concludes that the effect would not be significant on local residents. *Operational Phase* During the operational phase, the Proposed Scheme is identified to have the potential to affect noise and vibration as a result of the following: ~ Likely noise effects arising from the Proposed Scheme operational traffic; and ~ Likely noise effects arising from the operation of the post combustion carbon capture technology included in the Proposed Scheme. However, the assessment concludes that the effect would be not significant on local residents.

Policy	Policy Text	Assessment
	Paragraph 5.11.8 of EN-1 States: The project should demonstrate good design through selection of the quietest cost-effective plant available; containment of noise within buildings wherever possible; optimisation of plant layout to minimise noise emissions; and, where possible, the use of landscaping, bunds or noise barriers to reduce noise transmission. Paragraph 5.11.9 of EN-1 states: The SoS should not grant development consent unless it is satisfied that the proposals will meet the following aims: ~ Avoid significant adverse impacts on health and quality of life from noise; ~ Mitigate and minimise other adverse impacts on health and quality of life from noise; and ~ Where possible, contribute to improvements to health and quality of life through the effective management and control of noise.	***Mitigation*** No significant effects have been identified for the Proposed Scheme following the noise and vibrations assessment undertaken. As such, no design, mitigation or enhancement measures are proposed. However, good design is demonstrated by the Applicant, in accordance with paragraph 5.11.8 of EN-1. Chapter 7 (Noise and Vibration) of the ES (document reference 6.1.7) sets out the methodology of the assessment undertaken and explains that the assessment considers Best Practicable Means (BPM) as primary mitigation which will be described and committed through the REAC, as a requirement to Schedule 2 of the DCO. For example, these measures include using only plant conforming with, or that is better than, relevant national or international standards and directives, and using site hoardings and screens, where necessary, to provide acoustic screening at the earliest opportunity. ***Summary*** The Proposed Scheme therefore avoids significant adverse impacts on health and quality of life from noise and would mitigate and minimise other adverse impacts on health and quality of life from noise through the commitments in the REAC. The Proposed Scheme will ensure the effective management and control of noise, which may contribute to improvements to health and quality of life compared to if such measures were not employed. The above and information contained in Chapter 7 demonstrates that the Proposed Scheme meets the aims sets out in paragraph 5.11.9 of EN-1 and is therefore acceptable in terms of effect noise and vibration.
Socio-economics (Part 5.12 of EN-1)	Paragraph 5.12.2 of EN-1 states: Where the project is likely to have socio-economic impacts at local or regional levels, the applicant should undertake and include in their application an assessment of these impacts as part of the ES (see Section 4.2). Paragraph 5.12.3 of EN-1 states: This assessment should consider all relevant socio-economic impacts, which may include: ~ The creation of jobs and training opportunities; ~ The provision of additional local services and improvements to local infrastructure, including the provision of educational and visitor facilities; ~ Effects on tourism; ~ The impact of a changing influx of workers during the different construction, operation and decommissioning phases of the energy infrastructure. This could change the local population dynamics and could alter the demand for services and facilities in the settlements nearest to the construction work (including community facilities and physical infrastructure such as energy,	***Introduction*** Chapter 16 (Population, Health and Socio-economics) of the ES (document reference 6.1.16) contains an assessment of likely significant environmental effects arising from the Proposed Scheme on Population, Health and Socio-economics in accordance with paragraph 5.12.2 of EN-1. It also details the existing socio-economic conditions in the areas surrounding the proposed development in accordance with paragraph 5.12.4 of EN-1. The assessment has been undertaken in accordance with the requirements of paragraphs 5.12.3 to 5.12.4 of EN-1. ***Construction Phase and Decommissioning*** The following sensitive receptors are identified in respect of population, health and socio-economic impact: ~ Local economic receptors (i.e., working age individuals within the study area, local businesses who may provide services or accommodation, either through supply chain linkages or accommodation to construction employees, and development land); and ~ Community receptors (i.e., community land and assets).

Policy	Policy Text	Assessment
	water, transport and waste). There could also be effects on social cohesion depending on how populations and service provision change as a result of the development; and ~ Cumulative effects – if development consent were to be granted to for a number of projects within a region and these were developed in a similar timeframe, there could be some short-term negative effects, for example a potential shortage of construction workers to meet the needs of other industries and major projects within the region. Paragraph 5.12.4 of EN-1 states: Applicants should describe the existing socio-economic conditions in the areas surrounding the proposed development and should also refer to how the development's socio-economic impacts correlate with local planning policies. Paragraph 5.12.6 of EN-1 states: The SoS should have regard to the potential socio-economic impacts of new energy infrastructure identified by the applicant and from any other sources that the SoS considers to be both relevant and important to its decision. Paragraph 5.12.9 of EN-1 states: The SoS should consider whether mitigation measures are necessary to mitigate any adverse socio-economic impacts of the development. For example, high quality design can improve the visual and environmental experience for visitors and the local community alike.	The assessment undertaken that the likely significant effects of the Proposed Scheme on the identified sensitive receptors are the generation of direct, indirect, and induced employment opportunities. This represents a beneficial economic effect as a result of the Proposed Scheme. No mitigation measures are therefore proposed. The Proposed Scheme could generate an annual average of 4,000 direct jobs, 1,600 indirect jobs and 2,500 induced jobs (Vivid Economics Limited, 2021). Whilst the employment opportunities are temporary during the construction phase and decommissioning, they will provide local and regional benefits. Enhancement opportunities have also been identified, which include the Applicant promoting the use of local suppliers and contractors, and through the provision of training opportunities through partnerships with key local stakeholders. A Local Employment Scheme is secured through the Section 106 Agreement between the Applicant and the LPA to deliver this benefit. This obligation is detailed in the Heads of Terms for a Section 106 Agreement (document reference 7.1) submitted with the DCO Application. Due to the level of deprivation present in some areas, the sensitivity of the receptors identified is considered to be medium. The magnitude of impact is considered to be moderate at local level due to the number of construction jobs generated relative to the size of the SDC and ERoY economy. Therefore, there is likely to be a direct, temporary, medium-term moderate beneficial (significant) residual effect on the local economy. ***Operational Phase*** There are no significant operational phase effects on socio-economics identified as a result of the Proposed Scheme. ***Cumulative Impact*** A likely beneficial cumulative effect associated with direct, indirect, and induced employment opportunities has been identified for during the construction and operational phases between the relevant other developments and the Proposed Scheme including the adjacent Barlow Ash Mound proposal, the nearby developments of an energy storage facility at Land off New Road and a battery storage facility at Land off Hales Lane, and the larger Scotland to England Green Link 2 Project. There is also potential for a temporary slight adverse cumulative effect resulting from an increased demand for accommodation and community facilities, and access to development land and businesses during the construction phase between the relevant other developments and the Proposed Scheme. This will not be significant. A detailed assessment of inter-project cumulative effects for the Proposed Scheme is presented in Chapter 18 (Cumulative Effects) of the ES (document reference 6.1.18), as well as Appendix 18.5 (Cumulative Effect Assessment Matrix) of the ES

Policy	Policy Text	Assessment
		(document reference 6.3.18.5) and Appendix 18.4 (Justification of Scoping) of the ES (document reference 6.3.18.4), as required by paragraph 5.12.6 of EN-1. ***Summary*** The assessment of socio-economic effects of the Proposed Scheme has been undertaken in accordance with the policies of Part 5.12 of EN-1. Overall, the Proposed Scheme will have a positive impact in terms of socio-economics and is therefore considered to be acceptable.
Traffic and Transport (Part 5.13 of EN-1)	Paragraph 5.13.2 of EN-1 states: The consideration and mitigation of transport impacts is an essential part of Government's wider policy objectives for sustainable development as set out in Section 2.2 of this NPS. Paragraph 5.13.3 of EN-1 states: If a project is likely to have significant transport implications, the applicant's ES (see Section 4.2) should include a transport assessment, using the NATA/WebTAG methodology stipulated in Department for Transport guidance, or any successor to such methodology. Applicants should consult the Highways Agency and Highways Authorities as appropriate on the assessment and mitigation. Paragraph 5.13.4 of EN-1 states: Where appropriate, the applicant should prepare a travel plan including demand management measures to mitigate transport impacts. The applicant should also provide details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal and to mitigate transport impacts. Paragraph 5.13.6 of EN-1 states: A new energy NSIP may give rise to substantial impacts on the surrounding transport infrastructure and the SoS should therefore ensure that the applicant has sought to mitigate these impacts, including during the construction phase of the development. Where the proposed mitigation measures are insufficient to reduce the impact on the transport infrastructure to acceptable levels, the SoS should consider requirements to mitigate adverse impacts on transport networks arising from the development, as set out below. Applicants may also be willing to enter into planning obligations for funding infrastructure and otherwise mitigating adverse impacts. Paragraph 5.13.8 states: Where mitigation is needed, possible demand management measures must be considered and if feasible and operationally reasonable, required, before considering requirements for the provision of new inland transport infrastructure to deal with remaining transport impacts.	***Introduction*** A preliminary assessment of the Proposed Scheme identified potential significant transport implications. Therefore, in accordance with paragraph 5.13.3 of EN-1, a transport assessment has been undertaken. Chapter 5 (Traffic and Transport) of the ES (document reference 6.1.5) reports the outcome of the assessment of likely significant environmental effects arising from the Proposed Scheme on Traffic and Transport. The assessment has been undertaken in accordance with paragraphs 5.13.3 and 5.13.4 of EN-1. Identified sensitive receptors are shown at Figure 5.1 (Study Area (Traffic and Transport)) of the ES (document reference 6.2.5.1) and include: ~ Motorised users of the surrounding highway network within the study area as shown on Figure 5.1 of the ES, including vehicle drivers and public transport users; ~ Non-motorised users of the surrounding highway network within the study area as shown on Figure 5.2 (Public Rights of Way Network) of the ES (document reference 6.2.5.2), PRoW and non-designated public routes, including pedestrians, cyclists and equestrians (and vulnerable groups); and ~ Residents within the settlements of Camblesforth, Drax and Carlton in respect of the links that pass through these villages, change in traffic flows, and assessment of the effects. To note, in accordance with paragraph 5.13.10 of EN-1, water-borne transport (utilising the River Ouse and the existing Drax Jetty) was considered as a sustainable transport mode for AILs and other materials in the iterative design process. This was discussed during statutory consultation with the relevant stakeholders. The Applicant used *the DfT policy guidance "Water Preferred Policy Guidelines for the movement of abnormal indivisible loads" when preparing their Application*". Chapter 5 considers this guidance and confirms that transport of AIL was discussed during pre-application discussions with National Highways, NYCC and ERoY. This is described in further detail in Section 3.6 of Chapter 3 (Consideration of Alternatives) of the ES (document reference 6.1.3). The outcome of the consultation was Agreement in Principle to transporting AIL by using the 'Road Option' and approval of the proposed strategy was confirmed 20 April 2021. It was agreed that the substantial infrastructure works, and construction required, and

Policy	Policy Text	Assessment
	Paragraph 5.13.10 of EN-1 states: Water-borne or rail transport is preferred over road transport at all stages of the project, where cost-effective. Paragraph 5.13.11 of EN-1 states: The SoS may attach requirements to a consent where there is likely to be substantial HGV traffic that: ~ Control numbers of HGV movements to and from the site in a specified period during its construction and possibly on the routing of such movements; ~ Make sufficient provision for HGV parking, either on the site or at dedicated facilities elsewhere, to avoid 'overspill' parking on public roads, prolonged queuing on approach roads and uncontrolled on-street HGV parking in normal operating conditions; and ~ Ensure satisfactory arrangements for reasonably foreseeable abnormal disruption, in consultation with network providers and the responsible police force.	the associated impact, including financial considerations of the jetty option, outweighed the benefit. As such, this method of transportation was not progressed. ***Construction Phase and Decommissioning*** Chapter 5 explains that the assessment demonstrates there will be a temporary increase in traffic flows within the study area during the construction phase and decommissioning as a result of the Proposed Scheme. The change in traffic flows is then considered with regard to severance, pedestrian amenity and fear and intimidation. Impact on driver delay, PRoWs, highway safety and Abnormal Indivisible Loads (AIL) is also assessed. Some potential significant effects are identified on the aforementioned considerations; therefore mitigation is proposed through the following: ~ Preparation and implementation of a CTMP to set out management measures to mitigate transport impacts (as mentioned above). This is included in the REAC and is secured by a requirement in the DCO. It will be informed by the Outline CTMP presented at Appendix 5.1 of the ES (document reference 6.3.5.1); and ~ Preparation and implementation of a CWTP to maintain and manage the method of arrival of construction workers. This is included in the REAC and is secured by a requirement in the DCO. It will be informed by the Framework CWTP presented at Appendix 5.2 of the ES (document reference 6.3.5.2). The assessment concludes that the temporary construction impacts can be effectively mitigated through enhanced management of the construction traffic, with robust monitoring and reporting measures included in the Outline CTMP and Framework CWTP secured through a DCO Requirement. This would include working with National Highways, NYCC, and East Riding of Yorkshire Council ('ERoY'). Therefore, with the above mitigation measures applied, all residual effects for the construction phase and decommissioning on traffic and transport as a result of the Proposed Scheme in isolation are predicted to be neutral or slight (not significant). ***Operational Phase*** Chapter 5 states that very low traffic flows will result from the operational phase of the Proposed Scheme commencing 2027 and the workforce required to operate the Proposed Scheme will result in an overall net-reduction of circa 180 people in the workforce (compared to the Drax Power Station Site workforce at the time of baseline traffic flow data collection in 2018). Vehicle numbers generated will be significantly lower than the construction phase. Chapter 5 considers the overall effects of the operational phase of the Proposed Scheme to be negligible (not significant). No mitigation measures are therefore proposed in respect of the operational phase of the Proposed Scheme.

Policy	Policy Text	Assessment
		Cumulative Impact Chapter 5 concludes that there could be significant cumulative effects relating to highway safety and driver delay at Junction 4 (M62 Junction 36) if all other committed developments are built out and the junction is not upgraded. Junction 4 would operate over capacity in the 2026 Do Minimum assessment scenario and the Proposed Scheme would increase driver delay in 2026 Do Something assessment scenario. It is understood that a highway improvement and contribution model has been identified at Junction 4 to address the traffic impacts associated with committed development, including Short List 44 (ERoY Planning Reference: 21/03027/STPLF). Further discussions are required with ERoY and National Highways to understand the timescales and mechanism to upgrade Junction 4 to accommodate planned growth, and to assess whether this would result in a reduced impact at the junction regarding highway safety and driver delay. ***Summary*** The Proposed Scheme alone will not result in traffic and transport related significant effects during the construction, operational or decommissioning phases and is therefore acceptable. However, the cumulative impacts of the Proposed Scheme with other projects must be investigated further in partnership with ERoY and National Highways to ensure impact on highway safety and driver delay can be suitably mitigated during the construction phase and decommissioning.
Waste Management (Part 5.14 of EN-1 and Part 2.5.64 - 2.5.83 of EN-3)	Paragraph 5.14.6 of EN-1 states: The applicant should set out the arrangements that are proposed for managing any waste produced and prepare a Site Waste Management Plan. The arrangements described and Management Plan should include information on the proposed waste recovery and disposal system for all waste generated by the development, and an assessment of the impact of the waste arising from development on the capacity of waste management facilities to deal with other waste arising in the area for at least five years of operation. The applicant should seek to minimise the volume of waste produced and the volume of waste sent for disposal unless it can be demonstrated that this is the best overall environmental outcome. Paragraph 5.14.7 of EN-1 states: The SoS should consider the extent to which the applicant has proposed an effective system for managing hazardous and non-hazardous waste arising from the construction, operation and decommissioning of the proposed development. It should be satisfied that: ~ Any such waste will be properly managed, both on-site and off-site; ~ The waste from the proposed facility can be dealt with appropriately by the waste infrastructure which is, or is likely to be, available. Such waste arisings	***Introduction*** Chapter 13 (Materials and Waste) of the ES (document reference 6.1.13) reports the outcome of an assessment of likely significant environmental effects arising from the Proposed Scheme on materials and waste. The assessment has been undertaken in accordance with the relevant policies of EN-1 and EN-3. The assessment considers both hazardous and non-hazardous waste. Assessment of the Proposed Scheme against relevant local waste policies (mentioned in paragraph 2.5.69 of EN-3) is set out below in Table B.1 of Appendix B. In line with paragraph 2.5.68 of EN-3, Chapter 13 confirms an Annual Monitoring Report published by Kirklees Council was a data source used in the preparation of the Chapter (Yorkshire and Humber Aggregates Working Party, 2018). In accordance with paragraph 2.5.69 of EN-3, the assessment of the Proposed Scheme's conformity with the waste hierarchy and the effect on relevant waste plans is assessed in Table B.3 of this Appendix, below. Chapter 13 explains that embedded mitigation has been applied to the Proposed Scheme upfront through design to avoid and mitigate adverse impacts from material resources consumption, and the generation and disposal of waste. 55,600 tonnes of aggregate imported to site for temporary piling platforms will be retained for reuse as structural fill. In addition, earthworks arisings generated (cut) will be reused

Policy	Policy Text	Assessment
	should not have an adverse effect on the capacity of existing waste management facilities to deal with other waste arisings in the area; and ~ Adequate steps have been taken to minimise the volume of waste arisings, and of the volume of waste arisings sent to disposal, except where that is the best overall environmental outcome. Paragraph 5.14.9 states: Where the project will be subject to the EP regime, waste management arrangements during operations will be covered by the permit and the considerations set out in Section 4.10 will apply. Paragraph 2.5.66 to 2.5.69 of EN-3 state: An assessment of the proposed waste combustion generating station should be undertaken that examines the conformity of the scheme with the waste hierarchy and the effect of the scheme on the relevant waste plan or plans where a proposal is likely to involve more than one local authority. The application should set out the extent to which the generating station and capacity proposed contributes to the recovery targets set out in relevant strategies and plans, taking into account existing capacity. It may be appropriate for assessments to refer to the Annual Monitoring Reports published by relevant waste authorities which provide an updated figure of existing waste management capacity and future waste management capacity requirements. The results of the assessment of the conformity with the waste hierarchy and the effect on relevant waste plans should be presented in a separate document to accompany the application to the IPC.	during construction (approximately 365,850 tonnes, albeit this may alter subject to the suitability of the resource for reuse once excavated and chemically / geotechnically tested). The assessment identifies that the Proposed Scheme has the potential to affect materials and waste as a result of consumption of natural and non-renewable resources during the construction phase and decommissioning, and as a result of a reduction in landfill capacity during the constriction, operational and decommissioning phases. Sensitive receptors in respect of materials and waste are therefore identified as: ~ Material resources (i.e., consumption impacts on materials' immediate and long-term availability, and results in depletion of natural resources)' and ~ Landfill void capacity (i.e., reductions in regional and national infrastructure result in unsustainable use and loss of resources, and temporary or permanent degradation of the natural environment). ***Construction Phase and Decommissioning*** Chapter 13 explains that there will be no significant effects as a result of material resource consumption, therefore additional mitigation measures are therefore not required. Significant effects were, however, identified relating to waste consumption. Mitigation measures are therefore set out in the REAC to minimise the effects of waste generation and disposal to a point where they are no longer significant. Mitigation measures include: ~ The preparation and implementation of a Site Waste Management Plan ('SWMP') to manage and monitor site waste effectively, with the overall objective to reduce waste and potential harm to the environment during construction; ~ The preparation and implementation of a Materials Management Plan ('MMP') to monitor the maximum reuse of both natural soils and Made Ground (contaminated or otherwise). The abovementioned management plans are included in the CEMP which is secured as a requirement to the DCO. ***Operational Phase*** There are no significant effects resulting from operational waste, therefore no mitigation measures are required. ***Cumulative Impact*** Chapter 13 explains that there is potential for the Proposed Scheme in conjunction with other projects to result in cumulative environmental impacts and effects with regard to the depletion of natural resources and the generation of waste. These are detailed in Chapter 18 (Cumulative Effects) of the ES (document reference 6.1.18)

Policy	Policy Text	Assessment
		and Appendices 18.3 (Intra-Project Effects Screening Matrix) and 18.4 (Justification of Scoping) of the ES (document references 6.3.18.3 and 6.3.18.4 respectively). However, with the implementation of the below measures set out in Chapter 13, the cumulative effects of resource consumption and waste generated from the Proposed Scheme and other proposed developments would not – within a regional context – be expected to result in significant adverse cumulative effects. The specific measures include: ~ Good and best practice measures for sustainable resource management; and ~ NYCC as the local Waste Planning Authority will continue to plan for effective waste management and to ensure sufficient capacity during the planning period. The assessment acknowledges that materials and waste data from other proposed developments becoming available in future may result in further testing being undertaken to assess cumulative impact. ***Summary*** Overall, the Proposed Scheme at all stages will not have an adverse effect with regard to minerals and waste and is therefore considered by the Applicant to be acceptable.
Water Quality and Resources (Part 5.15 of EN-1 and Part 2.5.84 - 2.5.87 of EN-3)	Paragraph 5.15.2 states: Where the project is likely to have effects on the water environment, the applicant should undertake an assessment of the existing status of, and impacts of the proposed project on, water quality, water resources and physical characteristics of the water environment as part of the ES or equivalent. (See Section 4.2.). 5.15.3 states: The ES should in particular describe: ~ The existing quality of waters affected by the proposed project and the impacts of the proposed project on water quality, noting any relevant existing discharges, proposed new discharges and proposed changes to discharges; ~ Existing water resources affected by the proposed project and the impacts of the proposed project on water resources, noting any relevant existing abstraction rates, proposed new abstraction rates and proposed changes to abstraction rates (including any impact on or use of mains supplies and reference to Catchment Abstraction Management Strategies); ~ Existing physical characteristics of the water environment (including quantity and dynamics of flow) affected by the proposed project and any impact of physical modifications to these characteristics; and	***Introduction*** The Proposed Scheme has the potential to impact water resources during the construction phase and decommissioning as a result of water quality of surface water and groundwater resources, and during the operational phase as a result of water quality of surface water resources. Chapter 12 (Water Environment) of the ES (document reference 6.1.12) and its associated appendices therefore assesses the likely significant environmental effects resulting from the Proposed Scheme on the water environment, including flood risk, as well as water quality, groundwater, Water Framework Directive compliance and drainage. Flood risk has been assessed separately above in this Table and is therefore not considered below. The assessment presented at Chapter 12 meets the requirements of paragraph 5.15.3 of EN1. In accordance with paragraph 5.15.6 of EN-1, Chapter 12 confirms that relevant River Basin Management Plan/s have been used during the preparation of the Chapter. In respect of meeting the requirements of the Water Framework Directive ('WFD') (including Article 4.7); a WFD screening exercise was undertaken, and the Screening Note is presented at Appendix 12.2 of the ES (document reference 6.3.12.2). The WFD Screening Note concludes that a full WFD assessment is not required for the Proposed Scheme. One water body was screened in for

Policy	Policy Text	Assessment
	~ Any impacts of the proposed project on water bodies or protected areas under the Water Framework Directive and source protection zones (SPZs) around potable groundwater abstractions. Paragraph 5.15.6 of EN-1 states: The SoS should satisfy itself that a proposal has regard to the River Basin Management Plans and meets the requirements of the Water Framework Directive (including Article 4.7) and its daughter directives, including those on priority substances and groundwater. The specific objectives for particular river basins are set out in River Basin Management Plans. The SoS should also consider the interactions of the proposed project with other plans such as Water Resources Management Plans and Shoreline/Estuary Management Plans. Paragraph 5.15.9 of EN-1 states: The risk of impacts on the water environment can be reduced through careful design to facilitate adherence to good pollution control practice. For example, designated areas for storage and unloading, with appropriate drainage facilities, should be clearly marked. Paragraph 2.5.84 of EN-3 states: The design of water-cooling systems for EfW and biomass generating stations will have additional impacts on water quality, abstraction and discharge. These may include: ~ Discharging water at a higher temperature than the receiving water, affecting the biodiversity of aquatic flora and fauna; ~ Use of resources may reduce the flow of watercourses, affecting the rate at which sediment is deposited, conditions for aquatic flora and potentially affecting migratory fish species (e.g., salmon); ~ Fish impingement and/or entrainment – i.e., being taken into the cooling system during abstraction; and ~ Discharging water containing chemical anti-fouling treatment of water for use in cooling systems may have adverse impacts on aquatic biodiversity. Paragraph 2.5.85 of EN-3 states: Where the project is likely to have effects on water quality or resources the applicant should undertake an assessment as required in EN-1, Section 5.15. The assessment should particularly demonstrate that appropriate measures will be put in place to avoid or minimise adverse impacts of abstraction and discharge of cooling water. Paragraph 2.5.86 of EN-3 states: The IPC should be satisfied that the applicant has demonstrated measures to minimise adverse impacts on water quality and resources as described above and in EN-1.	assessment (Ouse from R Wharfe to Upper Humber (GB104027064270)), however all activities have been screened out and therefore further consideration of that waterbody is not required. ***Construction Phase and Decommissioning*** The identified preliminary likely significant effects for water environment associated with the construction phase and decommissioning include: ~ Increased risk of pollution from increased sediment load; ~ Increased Risk of Pollution to Surface Water Features from Accidental Spillages of Oil, Hydrocarbons and Hazardous Substances; ~ Chemical and Physical Alteration of the Sherwood Sandstone Principal Aquifer; ~ Chemical and Physical Alteration of the Secondary A Aquifers; ~ Pollution of the Groundwater abstractions for Non-Potable Use; and ~ Pollution or Recharge Alteration of the Public Water Supply Abstractions (Yorkshire Water) s (SPZ 3 protection at Site). As such, a number of mitigation measures are proposed, which Chapter 12 explains need to be incorporated into the detailed design of the Proposed Scheme to facilitate adherence to good pollution control practice and mitigate adverse effects. Mitigation measures include, but are not limited to: ~ Implementation of the measures set out in the Appendix 12.3 (Surface Water Drainage Strategy) of the ES (document reference 6.3.12.3). This is secured by a requirement to the DCO; and ~ Preparation and implementation of a CEMP and DEMP which is secured as a requirement in the DCO. As set out in previous sections above, measures to be contained in these documents are set out in the REAC. With the inclusion of the proposed mitigation measures set out in Chapter 13, it is concluded that the construction phase and decommissioning of the Proposed Scheme could have the following residual impacts on the water environment: ~ A temporary, indirect, short term slight adverse effect on three water features as a result of increased sediment load; ~ A temporary, indirect, short term slight adverse effect on six water features as a result of by accidental spillage and leakage of oil, hydrocarbons and hazardous substances; ~ A temporary, direct, short term, slight adverse effect on the Sherwood Sandstone Principal aquifer as a result of the spillage and subsequent infiltration of pollutants; ~ A temporary, direct, short term, slight adverse effect on the Secondary A aquifers as a result of spillage of pollutants; and

Policy	Policy Text	Assessment
	Paragraph 2.5.86 of EN-3 states: In addition to the mitigation measures set out in EN-1, design of the cooling system should include intake and outfall locations that avoid or minimise adverse impacts. There should also be specific measures to minimise fish impingement and/or entrainment and the discharge of excessive heat to receiving waters.	~ A temporary, indirect, short term, slight adverse effect on public water supply abstractions (Yorkshire Water) as a result of any pollution spilled on site that would migrate into the Sherwood Sandstone Principal aquifer. As stated above, all potential effects are temporary and not significant. ***Operational Phase*** There will be no significant effects from the Proposed Scheme on the water environment arising during the operational phase. Consequently, no phase specific mitigation measures are required. ***Cumulative Impact*** No significant cumulative effects have been identified when considering impact on the water environment from the Proposed Scheme and other relevant projects. ***Summary*** In summary, the Proposed Scheme will result in non-significant adverse effects on the water environment during the construction phase and decommissioning which cannot be sufficiently mitigated. However, the effects identified will be temporary, and will therefore not have any long term impact. Adverse effects will be reduced as far as practicable by the mitigation measures proposed.

NATIONAL PLANNING POLICY FRAMEWORK 2021 ('NPPF ')

A summary of the NPPF policies of most relevance to the Proposed Scheme and how it complies with these is provided below. The NPPF has been reviewed as a whole with the policies drawn out which are deemed to be of importance and relevance to the SoS's determination of the Application.

Table B.2 - Planning Policy Assessment – National Planning Policy Framework

Policy	Policy Text	Assessment
Part 6: Building a strong, competitive economy	81. 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. 83. 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 suitably accessible locations. 84. Planning policies and decisions should enable:	The Applicant considers that the Proposed Scheme would support sustainable economic growth. This would enable Drax Power Ltd to invest in and adapt its existing operations to meet environmental objectives. The Proposed Scheme would support Britain in being a global leader in driving innovation in BECCS technology, which is of particular importance in line with the NPPF. As set out in Chapter 16 (Population, Health and Socio-economics) of the ES (document reference 6.1.16), and in the assessment against the policies in EN-1 in the relevant section above, the Proposed Scheme would generate employment opportunities during construction, operation and decommissioning phases. The total net additional employment created within the SDC and ERoY area as a result of the Proposed Scheme is estimated to be 3,825 employees per annum, whilst 675 net jobs will be created at the Yorkshire and the Humber level, resulting in a total net employment generation of 4,500 jobs on average per annum during the construction period Vivid Economics Limited, 2021).

Policy	Policy Text	Assessment
	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; 85. The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.	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 economic development. The NPPF also seeks to support a prosperous rural economy, including the use of previously developed land, which the Proposed Scheme would deliver. The previously developed land is within the Drax Power Station Site, in proximity to existing settlements, and therefore represents a suitable opportunity for the Proposed Scheme, in line with paragraph 85 of the NPPF. The Proposed Scheme is considered to accord with the NPPF's policies related to building a strong and competitive economy, and will deliver demonstrable benefits to the local, rural economy as explained in detail in Chapter 16 (Population, Health and Socio-economics) of the ES (document reference 6.1.16).
Part 9: Promoting sustainable transport	104. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that: a) the potential impacts of development on transport networks can be addressed; 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; c) opportunities to promote walking, cycling and public transport use are identified and pursued; 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 e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places. 105. 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. 110. In assessing sites that may be allocated for development in plans, or 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;	Potential traffic and transport issues were considered at the earliest stage of the development of the Proposed Scheme, in line with paragraph 104 of the NPPF. No new roads, permanent accesses nor permanent car parking are contained within the Proposed Scheme. The Applicant has submitted a Framework CWTP at Appendix 5.4 of the ES (document reference 6.2.5.4) and Outline CTMP at Appendix 5.3 of the ES (document reference 6.2.5.3) which are secured by requirements in Schedule 2 to the DCO (document reference 3.1). These plans promote sustainable transport choices during construction phase and minimise transport effects of the Proposed Scheme during the construction phase. Use of the River Ouse and the existing Drax Jetty was considered as a sustainable mode of transport. 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 and considering alternative options for the Proposed Scheme. As noted above, the Applicant used the DfT policy guidance "Water Preferred Policy Guidelines for the movement of abnormal indivisible loads" and transport of AIL was discussed during pre-application discussions with National Highways, NYCC and ERoY. The outcome of the consultation was Agreement in Principle to transporting AIL by using the 'Road Option' and approval of the proposed strategy was confirmed 20 April 2021. The use of the existing by rail access has also been considered but ruled out for BECCS as the rail network is at capacity. In terms of promoting walking, cycling and public transport use; there are in no existing cycle infrastructure in the vicinity of the Drax Power Station, and national cycle routes are not directly accessible from the site. However, the CWTP includes a series of SMART measures which are expected to ensure that employees are able to make better informed travel choices. A construction Travel Plan Coordinator will be appointed and

Policy	Policy Text	Assessment
	c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and d) 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. 111. 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. 112. Within this context, applications for development should: 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; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; 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; d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. 113. 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.	funded prior to construction commencing and until practical completion of the construction phase. The Action Plan will include the review and implementation of construction worker travel surveys, with monitoring of travel patterns. There will also be a review of the maintenance of agreed walk / cycle routes and additional travel initiatives / incentives would be developed where appropriate following feedback and monitoring. Adequate cycle parking and facilities for staff to change are already provided at the Drax Power Station Site for the operational workforce, and the Proposed Scheme will not sever points used by cyclists / pedestrians. In respect of walking and cycling, Chapter 5 (Traffic and Transport) of the ES (document reference 6.1.5) confirms that the remote location of the Drax Power Station means only a small proportion of the construction phase and operation phase workforce would be within walking and / or cycling distance. In addition, Chapter 5 confirms that fixed-time public transport is not appropriate at the location of the Site. Opportunities to increase walking and / or cycling would however be explored through the measures set out int the CWTP as outlined above. Alongside this will be the objectives to (1) increase the proportion of car sharing amongst construction workers travelling from home to an average of two workers per vehicle through the use of a range of incentives with supported marketing activity and to (2) increase proportion of car sharing amongst transient construction workers to an average of seven workers per vehicle through the use of a range of incentives with supported marketing activity. One of the factors impacting the Applicant's decision to deliver the Proposed Scheme is the advantages of locating the Proposed Scheme at the Drax Power Station (as opposed to alternate sites), in that the site is well connected to the highway network and existing transport connections can be utilised. However, Chapter 5 (Traffic and Transport) of the ES (document reference 6.1.5) does identify that the significant temporary cumulative effects are predicted at Junction 4 should short listed developments be built out and other background growth is realised without an upgraded junction being delivered. It is understood that a highway improvement and contribution model has been identified at Junction 4 to address the traffic impacts associated with committed development, including Short List 44 (ERoY Planning Reference: 21/03027/STPLF). Further discussions are required with ERoY and National Highways to understand the timescales and mechanism to upgrade Junction 4 to accommodate planned growth, and to assess whether this would result in a reduced impact at the junction regarding highway safety and driver delay. However, the impacts of the Proposed Scheme traffic are minimal, and it is considered that the temporary construction phase impacts can be cost effectively mitigated through enhanced management of the construction traffic, with robust monitoring and reporting measures included in the Outline CTMP at Appendix 5.1 of the ES (document reference 6.3.5.1) and Framework CWTP at Appendix 5.2 of the ES (document reference 6.3.5.2). This would include working with National Highways, NYCC, and ERoY. The generation of tra``ffic during the decommissioning phase is expected to involve traffic movements associated with the removal (and recycling, as appropriate) of material arising from demolition and potentially the import of materials for land restoration and re-instatement. It is anticipated that the effects of decommissioning traffic would be no greater than that of the construction traffic and are, therefore, also anticipated to be not significant at Junction 36 if the junction is upgraded. The effects

Policy	Policy Text	Assessment
		associated with the generation of traffic during the operational phase of the Proposed Scheme are considered to be negligible (not significant). The assessment concludes that the temporary construction impacts can be mitigated through enhanced management of the construction traffic, with robust monitoring and reporting measures included in the Outline CTMP (document reference 6.3.5.1) and Framework CWTP (document reference 6.3.5.2). Cumulative impacts identified relating to highway safety and driver delay will be addressed in partnership with ERoY and National Highways, as detailed in the relevant section above. In accordance with paragraph 111, it is not anticipated that there would be an unacceptable impact on highway safety or that residual cumulative impacts on the road network would be severe, so development should not be prevented or refused on highways grounds. The Proposed Scheme is considered by the Applicant to accord with the NPPF with regard to sustainable transport.
Part 11: Making effective use of land	119. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land. 120. Planning policies and decisions should: a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside; b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production; c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land; d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure); and 124. Planning policies and decisions should support development that makes efficient use of land, taking into account: a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;	The Proposed Scheme constitutes the reuse of previously developed land, rather than undeveloped land of greater ecological value. All of the proposed infrastructure will be within the curtilage of the Drax Power Station. The land is currently partially occupied by the Flue Gas Desulphurisation ('FGD') plant and buildings, including Absorber buildings 1-6, which are no longer in operation and redundant. The demolition of these buildings was granted planning permission in January 2021 (LPA Ref: 2020/0994/FULM). The Proposed Scheme will also facilitate new habitat creation within land owned by the Applicant but outside of the operational power station. The Proposed Scheme therefore constitutes an efficient use of land whilst meeting an identified need for CCS technology which will help meet government objectives to reach net zero. It will maintain the inherently industrial character of the Drax Power Station, adopting an appropriate design approach for its context, as detailed in the DFD (document reference 6.9). The Proposed Scheme is therefore considered to accord with the NPPF's policies related to making an effective use of land.

Policy	Policy Text	Assessment
	b) local market conditions and viability; c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use; d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and e) the importance of securing well-designed, attractive and healthy places.	
Part 12: Achieving well-designed places	126. The creation of high quality, beautiful and sustainable 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. 130. Planning policies and decisions should ensure that developments: 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. 131. Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. 132. Design quality should be considered throughout the evolution and assessment of 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	A DFD (document reference 6.9) submitted with the DCO Application has been prepared to provide a guide for the detailed design of the Proposed Scheme. The design principles set out in the DFD are included in the REAC. 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. The detailed design requirements require the detailed design submitted for approval to accord with those design principles set out in the DFD and REAC. These details, for example would, for example, include appropriate colours and textures of infrastructure where possible. As set out in the relevant section in this Table, above, and in Section 4.8 of this Planning Statement, the design of the Proposed Scheme has been carefully considered to reduce any landscape or visual impact and respond sympathetically to the local character as far as possible. The Applicant has taken an iterative design process, taking account of, and appraising, the Site's context. The process undertaken, and key design principles considered (including colours, textures, and materials), are detailed in the DFD. The design of the Proposed Scheme has evolved through early and ongoing engagement with relevant stakeholders, including the local LPA. Where possible, opportunities have been taken to incorporate landscaping and biodiversity enhancement. A requirement in Schedule 2 to the DCO secures the submission and approval of a Landscape and Biodiversity Strategy. A comprehensive OLBS (document reference 6.6) has been submitted with the DCO Application and will substantially inform the final strategy. Whilst the Proposed Scheme would have some impacts in terms of landscape and visual amenity, the relevant NPSs acknowledge that this is likely an inevitable scenario in NSIPs relating to energy infrastructure. There is, therefore, no expectation that the Proposed Scheme will have no impact. The impacts should therefore be considered acknowledging the existing context and industrial nature of the Drax Power Station. The Proposed Scheme is, when weighed in the planning balance, considered to be in accordance with part 7 of the NPPF. 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, with the relevant mitigation measures applied (as set out in each relevant section of this Table, above). Where the Proposed Scheme can help improve local environmental conditions, it has done so, such as through the compensatory planting and habitat provision measures set out in the OLBS (document reference 6.6) which would result in a net gain of area-based habitats, clearly in line with NPPF policy. In addition, the CCS technology

Policy	Policy Text	Assessment
	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. 134. Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to: a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or b) outstanding or innovative 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.	to be constructed by the Proposed Scheme will result in a reduction in CO_2 emissions, thus a positive impact on health, amenity and climate change. The Proposed Scheme is therefore considered to be in accordance with the relevant policies of Part 12 of the NPPF.
Part 14: Meeting the challenge of climate change, flooding and coastal change	152. The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure. 154. New development should be planned for in ways that: 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 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. 155. To help increase the use and supply of renewable and low carbon energy and heat, plans should: 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); b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers. 157. In determining planning applications, local planning authorities should expect new development to:	The FRA submitted with the Application (document reference 6.3.12.1) concludes that the Proposed Scheme has been designed to be resilient to flooding for its design life by the sensitive infrastructure being set 800 mm above the design flood levels. In the unlikely event of a breach of the flood defences, the scheme will remain operational as the sensitive infrastructure will be 250 mm above the flood levels. An increased built footprint at the Drax Power Station Site as a result of the Proposed Scheme will result in a minor loss of floodplain. However, to ensure this will have no adverse impact, it will be mitigated through creating additional floodplain (a minimum floodplain area of 1,889m2 will be created) through the lowering of ground currently outside the floodplain on land controlled by the Applicant. This will ensure that the Proposed Scheme will not result in a loss of floodplain and there will be no displacement of flood waters elsewhere, as such no increase in flood risk offsite is expected. The FRA demonstrates that the sequential test and Exception Test are passed, and this is assessed in line with relevant NPS policies in Table B.1 of this Appendix. The Proposed Scheme would be constructed at the Drax Power Station, therefore appropriate flood emergency procedures are already in place. In addition, sensitive equipment would be raised above the design flood level plus freeboard. The assessment within the Climate Resilience chapter of the ES concludes that subject to mitigation, the likely effect of the Proposed Scheme in respect of the flooding of the Carbon Capture Plants and supporting infrastructure, the deterioration of materials and material structure for both the Carbon Capture Plants and Existing structures, and the wind loading on the Main Stack would be not significant. The Proposed Scheme would be moderately to highly resilient to the potential impacts from climate change. The Proposed Scheme is designed to remove approximately 95% of the CO_2 from up to two biomass generating units. Therefore, the Proposed Scheme would reduce greenhouse gas emissions, and be in accordance with the NPPF, which supports the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change.

Policy	Policy Text	Assessment
	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 b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption. 158. 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 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. 159. 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. 161. All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and 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: 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 and improvements in green and other infrastructure to reduce the causes and impacts of flooding, (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management); 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. 162. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. 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.	The Proposed Scheme therefore accords with Part 14 of the NPPF.

Policy	Policy Text	Assessment
	163. If it is not possible for development to be located in areas 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 Annex 3. 164. 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. To pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and 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. 165. Both elements of the exception test should be satisfied for development to be allocated or permitted. 166. 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 plan-making stage, or if more recent information about existing or potential flood risk should be taken into account. 167. 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: 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 such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment; 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. 169. Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should: a) take account of advice from the lead local flood authority; b) have appropriate proposed minimum operational standards;	

Policy	Policy Text	Assessment
	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.	
Part 15: Conserving and enhancing the natural environment	174. Planning policies and decisions should contribute to and enhance the natural and local environment by: 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; 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. 180. When determining planning applications, local planning authorities should apply the following principles: 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; 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; 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 reasons, and a suitable compensation strategy exists; and d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.	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. With the exception of land to be used for biodiversity mitigation and enhancement, or for a temporary laydown area during the construction phase, the Proposed Scheme would be located on previously-developed land that is already used for electricity generation as part of the Drax Power Station. It is therefore considered that the Site represents an appropriate location for the Proposed Scheme in principle, in accordance with the principles of the NPPF. Chapter 8 (Ecology) of the ES (document reference 6.1.8) concludes that with the implementation of mitigation measures, the construction phase will result in temporary adverse effects on habitats, bats, terrestrial invertebrates and vascular plant, in the short term prior to compensation measures reaching their target condition. The operational phase is concluded to only result in positive effects, on bats, breeding and wintering birds, amphibians and terrestrial invertebrates. As set out above, a net gain in biodiversity is not presently achieved, however the Applicant is progressing with investigations of other locations within and outside of the Order Limits where biodiversity improvements can be provided, further to those already outlined in the OLBS (document reference 6.6). The relevant ES chapters, as detailed above, demonstrate that the Proposed Scheme will not be put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability, subject to the implementation of the proposed mitigation measures. In addition to the assessments contained within Chapters 8, the HRA Report submitted with the Application (document reference 6.8.1) concludes that there would be no adverse effects on the integrity of any European Sites. As such, 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. Overall, the Proposed Scheme is considered to accord with part 11 of the NPPF.

Policy	Policy Text	Assessment
	181. 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 sites; 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. 182. 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. 183. Planning policies and decisions should ensure that: 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); 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 c) adequate site investigation information, prepared by a competent person, is available to inform these assessments. 184. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rest with the developer and/or landowner. 185. 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: a) mitigate and reduce to a minimum potential adverse impact resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the 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; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. 186. 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	

Policy	Policy Text	Assessment
	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. 187. 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. 188. 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.	
Part 16: Conserving and enhancing the historic environment	189. 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. 194. 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. 195. 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 conflict between the heritage asset's conservation and any aspect of the proposal.	Chapter 10 (Heritage) of the ES (document reference 6.1.10) assesses the significance of any heritage assets in the study area, having consulted the relevant Historic Environment Record (HRE) in accordance with the NPPF. Chapter 10 notes that any groundworks within the East Laydown area have the potential to impact upon any buried archaeological remains. Furthermore, any form of landscaping, including the planting of trees and hedges for screening and ecological mitigation, within the Habitat Provision Area has the potential to disturb buried archaeological remains. However, this can be appropriately mitigated through preservation in-situ or through preservation by record. All impacts upon buried HAs would take place during the Construction Phase. There would be no significant effects during Operational Phase. The Applicant is committing to an Archaeological Watching Brief so that if anything is found, appropriate action will be taken. The Applicant has consulted Historic England and avoided impacts on the SAM as far as possible through design. Mitigation planting is proposed to strengthen existing field boundaries, and this is not expected to impact below ground heritage assets. However, a watching brief will be adopted if anything is found. The ES concludes that the effects of the Proposed Scheme on unknown below ground heritage assets could range from negligible to moderate adverse (significant). A set out in Table B.1 above, any adverse effects HAs have potential to harm the significance of the HA. However, through the implementation of mitigation measures detailed in Table B.1 above which will be secured as a requirement in Schedule 2 of the DCO, the

Policy	Policy Text	Assessment
	197. In determining applications, local planning authorities should take account of: 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. 199. 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. 200. 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: 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 exceptional. 201. 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 is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: a) the nature of the heritage asset prevents all reasonable uses of the site; and 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 c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and d) the harm or loss is outweighed by the benefit of bringing the site back into use. 202. 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. 203. 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	Applicant as taken all possible measures to appropriately identify and treat any HAs identified during the construction or decommissioning phases such that their significance will not be substantially harmed. As such, the potential harm to HAs as a result of the Proposed Scheme will be less than substantial'. Such harm would then need to be balanced with the benefits of the Proposed Scheme. The benefits, most notably the Proposed Scheme's significant contribution to the UK's aim to decarbonise the energy system outweigh the potential less than substantial harm identified. This would be in accordance with Part 16 of the NPPF. Overall, the Proposed Scheme is considered to be in accordance with Part 16 of the NPPF, which 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.

Policy	Policy Text	Assessment
	required having regard to the scale of any harm or loss and the significance of the heritage asset. 204. 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. 205. 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.	

LOCAL PLANNING POLICY

The Table below considers the compliance of the Proposed Scheme with the relevant local development plan policies. These include the saved policies from the Selby District Local Plan (2005), policies from the Selby District Core Strategy Local Plan (2013), and policies from the North Yorkshire Minerals and Waste Joint Plan (2022).

Given that the NPSs provide the primary basis upon which any decision on the Application should be made, combined with the fact the matters covered by these local planning policies have for the most part already been considered in detail above in relation to the NPSs, a summarised response has been made to each policy, except where a more detailed response is considered by the Applicant to be necessary.

Table B.3 - Planning Policy Assessment – Local Planning Policy

Policy	Policy Text	Assessment
Selby District Core Strategy Local Plan (2013)		
SP1: Presumption in Favour of Sustainable Development	When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the policies in the Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date (as defined by the NPPF) at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether: ~ Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or	It is demonstrated in this Table and the main body of the Planning Statement that the Proposed Scheme would mitigate adverse environmental effects where appropriate and would be in accordance with the NPPF and relevant development plan policy. The Applicant therefore considers the Proposed Scheme represents sustainable development.

Policy	Policy Text	Assessment
	~ Specific policies in that Framework indicate that development should be restricted.	
SP2: Spatial Development Strategy	A. The location of future development within Selby District will be based on the following principles: a) The majority of new development will be directed to the towns and more sustainable villages depending on their future role as employment, retail and service centres, the level of local housing need, and particular environmental, flood risk and infrastructure constraints ~ Selby as the Principal Town will be the focus for new housing, employment, retail, commercial, and leisure facilities. (c) Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances.	Whilst the Proposed Scheme would be located in the area defined as countryside under the Selby District Core Strategy Local Plan, the Local Plan accepts that the Drax Power Station is already established and provides opportunities for further energy-related development. In paragraph 2.24, it notes that *"the economy of the District remains varied, although with two major coal-fired power stations at Drax and Eggborough, the energy sector is especially prominent, and this is expected to continue in the light of national policy statements."* Further, paragraph 6.32 states that *"it is recognised that there is a need for further investment in energy infrastructure in line with national policy as a prominent contributor to economic prosperity. Supporting the energy sector will assist in reinvigorating, expanding, and modernising the District's economy."* The Proposed Scheme would make use of an existing brownfield site that has long been established for electricity generation and would contribute to the local economy. This is considered to represent an efficient use of land (and existing infrastructure), despite the Site being located in the countryside. Therefore, the Applicant considers the Proposed Scheme to be in accordance with Policy SP2.
SP12: Access to Services, Community Facilities and Infrastructure	Where infrastructure and community facilities are to be implemented in connection with new development, it should be in place or provided in phase with development and scheme viability. Infrastructure and community facilities should be provided on site, but where this is technically unachievable or not appropriate for other justified reasons, off-site provision or a financial contribution towards infrastructure and community facilities will be sought. In all circumstances opportunities to protect, enhance and better join up existing Green Infrastructure, as well as creating new Green Infrastructure will be strongly encouraged, in addition to the incorporation of other measures to mitigate or minimise the consequences of development. These provisions will be secured through conditions attached to the grant of planning permission or through planning obligations, including those set out in an up-to-date charging mechanism.	Due to the nature of the Proposed Scheme, being a Nationally Significant Infrastructure Project (NSIP), the policy requirement for provision of new community facilities to serve new development is considered to be of limited relevance. The OLBS (document reference 6.6) identifies that environmental mitigation and enhancement will be provided in the Habitat Provision Area within the Order Limits, and the Off-Site Habitat Provision Area (secured via the development consent obligation). This will enhance and better join up existing green infrastructure as well as creating new green infrastructure, thus complying with the objectives of this Policy. It is proposed to temporarily 'stop up' PRoW path 35.6/6/1 which runs through the Offsite Habitat Provision Area for approximately two weeks, in order to enable habitat provision related works to be undertaken. In addition, construction plant and equipment located in works areas adjacent to the PRoWs may have a temporary impact on the amenity value of the paths. However, such impacts will be short term, and mitigation measures contained in the REAC and to be included in the CEMP secured by a requirement to the DCO are considered to mitigate impact sufficiently. As such. the Proposed Scheme will have no significant effects on PRoW users. Overall, the Applicant considers the Proposed Scheme not to be in conflict with Policy SP12.
SP13: Scale and Distribution of Economic Growth	Support will be given to developing and revitalising the local economy in all areas by: A. Scale and Distribution B. Strategic Development Management	Drax Power Station is one of the largest employers in the area. The supporting text to policy SP13, in paragraph 6.32, states that *"[t]he energy sector will continue to be important to the economy of the District. Drax and Eggborough Power Stations are both major employers which contribute to national energy infrastructure as well as the local economy. They also have the potential for future*

Policy	Policy Text	Assessment
	1. Supporting the more efficient use of existing employment sites and premises within defined Development Limits through modernisation of existing premises, expansion, redevelopment, re-use, and intensification. C. Rural Economy In rural areas, sustainable development (on both Greenfield and Previously Developed Sites) which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported, including for example 1. The re-use of existing buildings and infrastructure and the development of well-designed new buildings. 2. The redevelopment of existing and former employment sites and commercial premises. 3. The diversification of agriculture and other land based rural businesses. 4. Rural tourism and leisure developments, small scale rural offices or other small scale rural development. 5. The retention of local services and supporting development and expansion of local services and facilities in accordance with Policy SP14. D. In all cases, development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity.	*development of renewable and low carbon energy, and Drax is pioneering co-firing technologies and energy generation from biomass. Both locations have the advantage of a direct connection to the National Grid. It is recognised that there is a need for further investment in energy infrastructure in line with national policy as a prominent contributor to economic prosperity. Supporting the energy sector will assist in reinvigorating, expanding, and modernising the District's economy."* The supporting text in the Selby District Core Strategy Local Plan quoted above clearly highlights the importance of the Drax Power Station to the economy of the District and its role as a pioneer in the energy sector. Further, there would be some positive economic benefits in terms of job creation associated with the Proposed Scheme as noted above and in Chapter 16 (Population, Health and Socio-economics) of the ES (document reference 6.1.16). A Local Employment Scheme will be secured via a legal agreement under section 106 of the Town and Country Planning Act 1990. The Proposed Scheme is a form of redevelopment, re-use or modernisation of the existing employment premises, installing new infrastructure to replace redundant buildings and infrastructure, in order to capture greenhouse gases. The Applicant considers that the redevelopment constitutes well-designed new buildings which is appropriate in scale and type to its location. The Proposed Scheme seeks to maintain a good standard of amenity. Whilst there would be some effects on landscape character, local landscape designations and visual amenity, these are considered to be acceptable in light of the policies contained within the primary policy framework of the NPSs. The Proposed Scheme is therefore considered to accord with Policy SP13 of the Selby District Core Strategy Local Plan.
SP15: Sustainable Development and Climate Change	A. Promoting Sustainable Development In preparing its Site Allocations and Development Management Local Plans, to achieve sustainable development, the Council will: a) Direct development to sustainable locations in accordance with Policy SP2; b) Give preference to the re-use, best-use and adaption of existing buildings and the use of previously developed land where this is sustainably located and provided that it is not of high environmental value; c) Achieve the most efficient use of land without compromising the quality of the local environment; d) Ensure that development in areas of flood risk is avoided wherever possible through the application of the sequential test and exception test; and ensure that where development must be located within areas of flood risk that it can be made safe without increasing flood risk elsewhere;	The Proposed Scheme has been designed to be sustainable and address the challenges of climate change in accordance with policy SP15 as follows: ~ The Proposed Scheme would re-use land on which redundant buildings and infrastructure are to be demolished within the Drax Power Station, thus representing efficient use of land and resources in an appropriate location for the type of development proposed. ~ The FRA submitted with the Application (document reference 6.3.12.1) demonstrates that, subject to appropriate mitigation, the Proposed Scheme would not result in an unacceptable increase in flood risk within the Order Limits or elsewhere, including accounting for climate change allowances. It also demonstrates that the Sequential and Exception Tests are passed. ~ Chapter 12 (Water Environment) explains that the Proposed Scheme would include a new arrangement whereby surface water would then be directed to a new sump and pump arrangement which would direct the waters to the Northern Cooling Water Reservoir. The collected runoff would then be utilised as cooling water. Current operations at Drax Power Station use water abstracted from the River Ouse for cooling and surface water is discharged to Carr Dyke and the River Ouse. The proposed surface water drainage strategy therefore provides a more sustainable solution and provides

Policy	Policy Text	Assessment
	e) Support sustainable flood management measures such as water storage areas and schemes promoted through local surface water management plans to provide protection from flooding; and biodiversity and amenity improvements. f) Ensure development proposals respond to land characteristics to minimise risks of erosion, subsidence and instability, and to exploit opportunities for reclamation and reinstatement of contaminated land. B. Design and Layout of Development In order to ensure development contributes toward reducing carbon emissions and are resilient to the effects of climate change, schemes should where necessary or appropriate: a) Improve energy efficiency and minimise energy consumption through the orientation, layout and design of buildings and incorporation of facilities to support recycling; b) Incorporate sustainable design and construction techniques, including for example, solar water heating storage, green roofs and re-use and recycling of secondary aggregates and other building materials, and use of locally sourced materials; c) Incorporate water-efficient design and sustainable drainage systems which promote groundwater recharge; d) Protect, enhance and create habitats to both improve biodiversity resilience to climate change and utilise biodiversity to contribute to climate change mitigation and adaptation; e) Include tree planting, and new woodlands and hedgerows in landscaping schemes to create habitats, reduce the 'urban heat island effect' and to offset carbon loss; f) Minimise traffic growth by providing a range of sustainable travel options (including walking, cycling and public transport) through Travel Plans and Transport Assessments and facilitate advances in travel technology such as Electric Vehicle charging points;	betterment to the existing situation and demonstrates a more efficient and sustainable, energy and water efficient practice through design. ~ Chapter 11 (Ground Conditions) of the ES (document reference 6.1.11) demonstrates that, subject to the implementation of a CEMP, the Proposed Scheme would not result in unacceptable levels of erosion, subsidence, instability or result in significant effects associated with contamination. ~ The Proposed Scheme comprises the installation of carbon capture plant which is designed to remove approximately 95% of the CO_2 from up to two biomass generating units, thus contributing directly to reducing carbon emissions. ~ Chapter 8 (Ecology) of the ES demonstrates that the Applicant is targeting the delivery of 10% BNG as part of the Proposed Scheme and are exploring how this may best be delivered. ~ An Outline CTMP at Appendix 5.1 of the ES (document reference 6.3.5.1) and Framework CWTP at Appendix 5.2 of the ES (document reference 6.3.5.2) have been submitted with the DCO Application, ensuring that traffic would be managed appropriately, and sustainable modes of transport would be promoted during the construction phase and decommissioning. The Applicant therefore considers that the Proposed Scheme is, on balance, to accords with Policy SP15 insofar as it is relevant to an NSIP.
SP16: Improving Resource Efficiency	In order to promote increased resource efficiency unless a particular scheme would be demonstrably unviable or not feasible, the Council will require: a) New residential developments b) Strategic Development Sites identified in the Core Strategy and key sites identified in future Local Plan documents to derive the majority of their total energy needs from renewable, low carbon or decentralised energy sources. Developers to investigate particular opportunities to take advantage of any of a combination of the following for example: i) Local biomass technologies,	The majority of land within the Order Limits comprises the Drax Power Station, which already contains and utilises biomass technologies. As set out in Section 4.9 of this Planning Statement, the Applicant assessed the feasibility of CHP in accordance with paragraph 4.6 of EN-1 and the associated CHP and CHP-R Guidance. As set out above, the assessment demonstrates that that the post-combustion plant extension is not suitable to be CHP due to the low-grade heat available, additionally, there are no opportunities for the supply of heat. The EA raised no concerns with this approach during the pre-application discussions.

Policy	Policy Text	Assessment
	ii) Energy from waste (in accordance with the County Waste Policies), iii) Combined Heat and Power schemes, and iv) Community Heating Projects.	In summary, whilst unfeasible in this instance, the Applicant has investigated the feasibility of incorporating energy resource efficient technologies into the design of the Proposed Scheme, this the Applicant therefore considers according with policy SP16.
SP17: Low-Carbon and Renewable Energy	All development proposals for new sources of renewable energy and low-carbon energy generation and supporting infrastructure must meet the following criteria: i. are designed and located to protect the environment and local amenity or ii. can demonstrate that the wider environmental, economic and social benefits outweigh any harm caused to the environment and local amenity, and iii. impacts on local communities are minimised. Schemes may utilise the full range of available technology including; c) Clean Coal Bed Methane extraction, clean coal energy generation and Carbon Capture and Storage technologies (in accordance with County Minerals Policies	The Proposed Scheme has been designed to remove approximately 95% of the CO_2 from up to two biomass generating units at the Drax Power Station. By definition, the Proposed Scheme will therefore protect the environment through the use of CCS technology removing and storing a substantial volume of GHG which would otherwise be released into the atmosphere. Whilst significant adverse effects (GHG emissions) are identified during the construction phase, over its lifetime, the Proposed Scheme will result in a net reduction of GHG emissions. Mitigation measures, such as the preparation of a CEMP and CWTP, are secured via a requirement in the DCO to ensure any adverse impact on local amenity and local communities is suitably mitigated. In addition, significant need and benefits of the Proposed Scheme are set out in this Planning Statement and the Needs and Benefits Statement (document reference 5.3), which demonstrate that any adverse impacts of the Proposed Scheme are clearly outweighed by the associated benefits. The Applicant considers the Proposed Scheme to be fully supported by policy SP16, and the assessment against policy SP17 below provides further detail with regard to improving resource efficiency.
SP18: Protecting and Enhancing the Environment	The high quality and local distinctiveness of the natural and manmade environment will be sustained by: 1. Safeguarding and, where possible, enhancing the historic and natural environment including the landscape character and setting of areas of acknowledged importance. 2. Conserving those historic assets which contribute most to the distinct character of the District and realising the potential contribution that they can make towards economic regeneration, tourism, education and quality of life. 3. Promoting effective stewardship of the District's wildlife by: a) Safeguarding international, national and locally protected sites for nature conservation, including SINCs, from inappropriate development. b) Ensuring developments retain, protect and enhance features of biological and geological interest and provide appropriate management of these features and that unavoidable impacts are appropriately mitigated and compensated for, on or off-site. c) Ensuring development seeks to produce a net gain in biodiversity by designing-in wildlife and retaining the natural interest of a site where appropriate. 7. Ensuring that new development protects soil, air and water quality from all types of pollution.	The Proposed Scheme has been demonstrated to accord with the relevant criteria of policy SP18 as follows: 1. As set out in this Table, above, and in Chapter 2 of this Planning Statement, on-site and off-site mitigation and compensatory planting is proposed which will have a positive effect on the landscape and visual impact of the Proposed Scheme, thereby enhancing its character. Further details are provided in the OLBS (document reference 6.6). Additionally, the relevant parts of this Table, above, Section 4.9 of this Planning Statement and the DFD (document reference 6.9) explain how the Proposed Scheme has been developed through an iterative design process to ensure landscape and visual impacts are limited, and mitigated where possible through, (but not limited to) planting, materials, colour palette and assessing alternative layouts (as per Chapter 3 (Consideration of Alternatives) of the ES (document reference 6.1.3)). A LVIA has also been undertaken at Appendix 9.3 (Landscape and Visual Assessment Tables) of the ES (document reference 6.3.9.3), and mitigation measures proposed where relevant. ~ The Proposed Scheme seeks to conserve the historic environment. Heritage impact has been suitably assessed in the Chapter 10 (Heritage) of the ES (document reference 6.1.10), and compliance with relevant NPS policy has been detailed in this Table, above. Pre-application engagement has also been undertaken with relevant stakeholders, as detailed in the Chapter 10 of the ES and the EIA Scoping Opinion presented at Appendix 1.2 of the ES (document reference 6.3.1.2). Potential adverse impacts on HAs have only been identified during the construction phase on buried HAs. Through a requirement in the DCO,

Policy	Policy Text	Assessment
	8. Ensuring developments minimise energy and water consumption, the use of non-renewable resources, and the amount of waste material. 9. Steering development to areas of least environmental and agricultural quality.	the Applicant is committing to preparing and submitting a WSI for approval, which includes the commitment for an Archaeological Watching Brief. Further, any archaeological works will be undertaken under the responsibility of an ACoW and through consultation with an Archaeological Advisor (also to be secured through the WSI). As such, and any archaeological work will be undertaken in consultation with the relevant Archaeological Advisor, so that if anything is found, appropriate action will be taken. The assessment undertaken concludes that any underground HAs identified can be appropriately mitigated through preservation in-situ or through preservation by record. The Proposed Scheme and mitigation measures proposed therefore seek to safeguard HAs. None of the potentially impacted HAs have been identified to have the potential to contribute to economic regeneration, tourism, education and quality of life. 2. The text presented above relating to criteria 1 of the policy also addresses the preservation of historic assets, as is required by criteria 2 of Policy SP18. 3. a) Chapter 8 (Ecology) of the ES (document reference 6.1.8) demonstrates that following implementation of mitigation measures, the Proposed Scheme will have no adverse effects on statutory designated sites of international and national importance, and non-statutory designated sites during all stages of development. Further, the HRA report (document reference 6.8.1) confirms that the Proposed Scheme will not result in any adverse effects on European Sites. ~ b) Chapter 11 (Ground Conditions) of the ES (document reference 6.1.11) confirms that the Proposed Scheme will not result in any adverse effects associated with geological conservation. ~ Features of biological interest are retained wherever possible; however the Proposed Scheme will result in some loss of habitat. Enhancement and compensatory biodiversity measures (and landscape measures) are also proposed both on-site and off-site, including the creation of habitats. The OLBS (document reference 6.6) explains the measures proposed to enhance existing features, and mitigate adverse effects caused by the Proposed Scheme. Chapter 8 (Ecology) of the ES (document reference 6.1.8) concludes that habitat impact during the construction phase of the Proposed Scheme will be a minor adverse effect at a local level in the short term. The adverse effect is identified as short term only as in the long term, compensatory planting will have matured and established, thus the unavoidable adverse impact will be appropriately mitigated. ~ c) The BNG assessment submitted with the DCO Application (document reference 6.10) demonstrates that BNG is not achievable at present based on a reasonable worst-case scenario for habitat loss and disturbance arising from the Proposed Scheme. However, habitat loss is anticipated to reduce once the detailed design of the Proposed Scheme is refined, and as the Applicant is committed to achieve a 10% net gain in biodiversity, the BNG Assessment report concludes that the qualitative element of the BNG Assessment should be revisited. A detailed Biodiversity Net Gain Assessment calculation would be completed as part of the finalisation of the detailed design and detailed

Policy	Policy Text	Assessment
		Landscape and Biodiversity Strategy (pursuant to the DCO and accompanying Section 106 Agreement). This updated calculation will be based on more accurate information for losses and gains of biodiversity units than is available at the time of writing. ~ The Applicant is committed to achieve a 10% net gain in biodiversity, which they aim to demonstrate following submission of the DCO Application. 7. As set out in Chapter 4 of this Planning Statement, and in the relevant rows of this Appendix, above, the ES has demonstrated that the Proposed Scheme will have no significant adverse effects on soil, air or water quality as a result of pollution which cannot be sufficiently managed through mitigation measures. 8. Minimisation of energy and the use of non-renewable resources are not relevant to the Proposed Scheme. In regard to water consumption, Chapter 13 (Materials and Waste) of the ES (document reference 6.1.13) explains that during the operational phase of the Proposed Scheme, water from concentrated sludge from the Quench Column (originating from Flue Gas Condensate) will be sent to the Carbon Capture Wastewater Treatment Plant where will be treated to produce a water stream of suitable quality to be reused as cooling tower system make-up water. In addition, current operations at the Drax Power Station use water abstracted from the River Ouse for cooling, and surface water is discharged to Carr Dyke and the River Ouse. The SWDS presented at Appendix 12.3 of the ES (document reference 6.3.12.3) explains that the Proposed Scheme would include a new arrangement whereby surface water would be directed to a new sump and pump arrangement which would direct the waters to the Northern Cooling Water Reservoir, where the collected runoff would then be utilised as cooling water. The above measures demonstrate the Proposed Scheme will minimise water consumption through reusing and recycling waste water for operational purposes. ~ In regard to waste material, Chapter 13 explains that the Proposed Scheme will minimise waste material through design (at the detailed design stage), and through mitigation measures which will be secured in the CEMP, SWMP and MMP through requirements in Schedule 2 of the DCO (as detailed in this Appendix, above). 9. The built infrastructure forming part of the Proposed Scheme will be located on previously developed land only. Undeveloped land which is predominantly arable farmland with bordering hedgerows will be used to accommodate the East Construction Laydown Area, which is a temporary area required during the construction phase of the Proposed Scheme for the laydown of plant, equipment and materials, light fabrication and as an overflow car park. The use will be temporary and during the construction phase of the Proposed Scheme only. The arable farmland and hedgerow impacted will be reinstated and enhanced on completion of construction of the Proposed Scheme. These measures are detailed in the OLBS (document reference 6.6) submitted with the DCO Application. Other undeveloped land where works are proposed are the Habitat Provision Area and the Off-Site Habitat Provision Area. No built development or habitat removal is proposed in these areas. They will be used for the purposes of ecological mitigation, compensation and landscape enhancement only. Based on the above, it can

Policy	Policy Text	Assessment
		be demonstrated that the Proposed Scheme has been directed to areas of least environmental and agricultural quality. Based on the above, the Applicant considers the Proposed Scheme accords with Policy SP18.
SP19: Design Quality	Proposals for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside. Where appropriate schemes should take account of design codes and Neighbourhood Plans to inform good design. Both residential and non-residential development should meet the following key requirements: a) Make the best, most efficient use of land without compromising local distinctiveness, character and form. b) Positively contribute to an area's identity and heritage in terms of scale, density and layout; c) Be accessible to all users and easy to get to and move through; d) Create rights of way or improve them to make them more attractive to users, and facilitate sustainable access modes, including public transport, cycling and walking which minimise conflicts; e) Incorporate new and existing landscaping as an integral part of the design of schemes, including off-site landscaping for large sites and sites on the edge of settlements where appropriate; f) Promote access to open spaces and green infrastructure to support community gatherings and active lifestyles which contribute to the health and social well-being of the local community; g) Have public and private spaces that are clearly distinguished, safe and secure, attractive and which complement the built form; h) Minimise the risk of crime or fear of crime, particularly through active frontages and natural surveillance; i) Create mixed use places with variety and choice that complement one another to encourage integrated living, and j) Adopt sustainable construction principles in accordance with Policies SP15 and SP16. k) Preventing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water, light or noise pollution or land instability. l) Development schemes should seek to reflect the principles of nationally recognised design benchmarks to ensure that the best quality of design is achieved.	Section 4.8 of this Planning Statement explains how the Applicant has had regard to design throughout the development of the Proposed Scheme. The iterative design process undertaken thus far is also set out in the DFD (document reference 6.9). The Proposed Scheme demonstrably accords with the relevant criteria of Policy SP19. Due to the nature of the Proposed Scheme, criterion c), d), f), g), h) and i) are considered by the Applicant to be of limited relevance, and the Proposed Scheme is not considered to be in conflict with any of these criteria. Compliance with the remaining criteria (a), b), j), k) and l) is therefore demonstrated below. The Proposed Scheme would largely be contained within the Drax Power Station, which is an already industrialised site, thus representing an efficient use of land in accordance with criteria a) of Policy SP19. It is noted that the primary planning policy framework contained within the NPSs recognise that there is a limit to the *"extent to which [energy infrastructure] can contribute to the enhancement of the quality of an area"*. Thus, the Proposed Scheme is not considered to be in conflict with criteria b) of Policy SP19. However, as set out in Section 4.8 of this Planning Statement, the Proposed Scheme would have some significant effects on landscape character and visual amenity. However, measures to mitigate landscape and visual effects have been both designed into the Scheme, as set out in the DFD (document reference 6.9) and will be provided through the submission and approval of various requirements to the DCO, such as external materials as part of the approval of the Proposed Scheme's detailed design, a Lighting Scheme, a Biodiversity and Landscape Strategy which will set out final compensatory and enhancement planting to be provided, a CEMP and more. The Applicant therefore considers the Proposed Scheme has sufficiently addressed the requirements of criteria e), j) and l) of Policy SP19. As set out in the relevant rows of this Appendix, above, the ES demonstrates that the Proposed Scheme will not contribute to nor be put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water, light or noise pollution or land instability. As stated above, any adverse impact can be appropriately mitigated through various measures which are secured via requirements to the DCO. Based on the above, the Applicant considers the Proposed Scheme is acceptable with regard to the relevant requirements of Policy SP19.

Policy	Policy Text	Assessment
Selby District Local Plan (2005)		
ENV1: Control of Development	Proposals for development will be permitted provided a good quality of development would be achieved. In considering proposals the District Council will take account of: 1) The effect upon the character of the area or the amenity of adjoining occupiers; 2) The relationship of the proposal to the highway network, the proposed means of access, the need for road/junction improvements in the vicinity of the site, and the arrangements to be made for car parking; 3) The capacity of local services and infrastructure to serve the proposal, or the arrangements to be made for upgrading, or providing services and infrastructure; 4) The standard of layout, design and materials in relation to the site and its surroundings and associated landscaping; 5) The potential loss, or adverse effect upon, significant buildings, related spaces, trees, wildlife habitats, archaeological or other features important to the character of the area; 6) The extent to which the needs of disabled and other inconvenienced persons have been taken into account; 7) The need to maximise opportunities for energy conservation through design, orientation and construction; and 8) Any other material considerations.	The DCO Application can demonstrate the considerations of Policy ENV1 are acceptable in relation to the Proposed Scheme, as follows: 1. It has been demonstrated in the relevant rows of this Appendix, above, that the Proposed Scheme has sought to appropriately mitigate any harm on visual and residential amenity, and upon the character of the area. It is acknowledged in this Planning Statement and the ES that there will be some residual landscape and visual impacts as a result of the Proposed Scheme, however positive effects are not to be expected, as confirmed in paragraph 4.5.1 of NPS Policy EN-1, which states that *"the nature of much energy infrastructure development will often limit the extent to which it can contribute to the enhancement of the quality of the area."* 2. Chapter 5 (Traffic and Transport) of the ES (document reference 6.1.5) has assessed the effect of the Proposed Scheme on the highway network, concluding that the Proposed Scheme, in isolation and cumulatively, would not have any adverse impacts in respect of highway safety and traffic generation subject to the implementation of mitigation measures. 3. The capacity of highway infrastructure is assessed in Chapter 5 (Traffic and Transport) of the ES as set out above. Chapter 12 (Water Environment) of the ES (document reference 6.1.12) considers the capacity of local facilities such as drainage and other relevant water services. No adverse impacts as a result of the Proposed Scheme are identified in the relevant chapters of the ES in relation to the capacity of local services and infrastructure to serve the proposal. 4. As set out in detail in this Appendix, above, and in the supporting text above relating to criteria 1) of Policy ENV1, the layout, design and materials proposed, and how they relate to the exiting uses within the Order Limits and the surrounding area and landscape has been considered by the Applicant from conception of the design. This is explained further in the DFD (document reference 6.9), and Chapter 3 (Consideration of Alternatives) of the ES (document reference 6.1.3). 5. As detailed in this Table, above, the ES demonstrates that the Proposed Scheme will not have any long term significant adverse effects on wildlife habitats. Any adverse impact will be during the construction phase only and will be short term until mitigative compensatory planting has matured and established. Importantly, the Proposed Scheme has been identified to result in positive effects on some wildlife habitats. Impacts on wildlife habitats are detailed in Chapter 8 (Ecology) of the ES (document reference 6.1.8). Also set out above and in the BNG Assessment submitted with the DCO Application (document reference 6.10), the Applicant is committed to achieving 10% BNG. The OLBS (document reference 6.6) submitted with the DCO Application explains the proposed compensatory and enhancement planting and a final scheme will be secures through a requirement to the DCO. As set out above an in Chapter 10 (Heritage) of the ES (document reference 6.1.10), the Proposed Scheme could adversely impact unknown buried HAs. However, the Applicant will seek to mitigate any impact through committing to an Archaeological Watching Brief whilst works are undertaken and also ensuring any buried HAs identified are either subject to preservation in-situ or preservation by recording and reporting.

Policy	Policy Text	Assessment
		6. Drax Power Station has facilities to accommodate persons with limited mobility including disabled car parking, ramps, toilets, lifts and appropriately designed working space. Drax Power Station has parking areas available within the Drax Power Station for persons with mobility issues. These will be made available for persons working on the Proposed Scheme during construction if required. It is the policy of Drax Group Plc that the training, career development and promotion of disabled persons should, so far as possible, be identical to that of other employees. Through monitoring and encouraging feedback, Drax Group Plc is committed to ensuring that none of the protected characteristics, such as age, race and religion, which underpin the Equality Act are barriers to working for them. 7. The need to maximise energy conservation has been considered throughout the design process and is detailed in the DFD (document reference 6.9). The DFD states a key objection in the design of the Proposed Scheme is to ensure energy and resource efficiency, for example, making use of the most energy efficient modern sources, such as LED. However, the detailed design of the Proposed Scheme will be finalised and secured through a requirement in Schedule 2 of the DCO. 8. With regard to criteria 8) of Policy ENV1, all other material considerations are addressed in across the documents submitted to support the DCO application. Based on the above, on balance, the Applicant considers the Proposed Scheme is acceptable with regard to the considerations of Policy ENV2.
ENV2: Environmental Pollution and Contamination	A) Proposals for development which would give rise to, or would be affected by, unacceptable levels of noise, nuisance, contamination or other environmental pollution including groundwater pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated as an integral element in the scheme. Such measures should be carried out before the use of the site commences. B) Where there is a suspicion that the site might be contaminated, planning permission may be granted subject to conditions to prevent the commencement of development until a site investigation and assessment has been carried out and development has incorporated all measures shown in the assessment to be necessary.	The noise and vibration effects of the Proposed Scheme are assessed at Chapter 7 (Noise and Vibrations) of the ES (document reference 6.1.7) which confirms that no likely significant effects are identified and therefore no mitigation is required. Contamination has been assessed at Chapter 11 (Ground Conditions) of the ES (document reference 6.1.11) and concludes that there is likely to be no significant adverse effects with respect of contamination on identified sensitive receptors, and just a medium to long-term slight adverse effect (not significant) on agricultural land as a result of the Proposed Scheme. Chapter 12 (Water Environment) of the ES (document reference 6.1.12) concludes that the Proposed Scheme will have only short term, slight adverse effects on the water environment during the construction phase in terms of contamination, thus no significant adverse effects are identified. A Statutory Nuisance Statement (document reference 5.4) is submitted with the DCO Application. The only matter addressed by the ES which has been assessed as likely to be significant for the Proposed Scheme and which may have a bearing on the EPA is visual amenity. However, it is demonstrated in Chapter 3 of the Statutory Nuisance Statement (document reference 5.4) that the Proposed Scheme would have no significant visual amenity effects that would constitute nuisance effects following the implementation of the identified secondary mitigation measures. Based on the above, the Applicant considers the Proposed Scheme complies with Policy ENV2.
ENV3: Light Pollution	Proposals involving outdoor lighting will only be permitted where lighting schemes:	The LVIA includes an assessment of day-time and night-time lighting during construction and operation of the Proposed Development, where significant effects are likely to occur. The Draft

Policy	Policy Text	Assessment
	1) Represent the minimum level required for security and/or operational purposes; 2) Are designed to minimise glare and spillage; 3) Would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity; and 4) Would not detract significantly from the character of a rural area. Proposals for development involving outdoor lighting should incorporate details of lighting schemes as part of applications for development.	Lighting Strategy (document reference 6.7) submitted with the DCO Application provides a framework within which the future exterior lighting design of the BECCS facility shall be designed to ensure that International, National and Local standards and guidance documents are embedded within the design process to ensure a compliant and balanced approach to exterior artificial lighting to balance the Health and Safety needs of Drax Power Limited operatives and environmental aspects. A final Lighting Strategy describing the details of the operational lighting to be installed for the Proposed Scheme will be approved by the relevant planning authority. The lighting environment across the area surveyed was largely dominated by the lighting associated with the Drax Power Station and street lighting installations. There would be additional lighting associated with the Proposed Scheme. All proposed lighting associated with construction, compound areas and security will be detailed within the CEMP and a final Lighting Strategy, both to be approved prior to the start of construction and secured via a requirement to the DCO. As part of the CEMP, the Principal Contractor would be required to implement measures to minimise the level of artificial light during construction. The final Lighting Strategy describing the details of the operational lighting to be installed for the Proposed Scheme will be approved by the relevant planning authority. This will follow the principles of the Draft Lighting Strategy. For example, lighting should only be provided within areas where safety or security is a concern such as vehicle, pedestrian routes and work task areas. Where lighting is deemed necessary, areas should not be over lit and specified in line with the minimum requirements of the applicable lighting standards. Therefore, the Proposed Scheme is considered by the Applicant to be in accordance with policy ENV3 in that the lighting strategy will represent the minimum level required designed to minimise adverse impacts.
ENV4: Hazardous Substances	Proposals involving the storage or use of hazardous substances, or developments in the vicinity of sites where hazardous substances are being stored or used, will only be permitted where the District Council is satisfied that: 1) There is no unacceptable risk to the public or the natural environment; and 2) Opportunities for the development of land in the vicinity will not be severely restricted.	The Other Consents and Licences report (document reference 5.5) submitted with the DCO Application states that Hazardous Substances Consent ('HSC') may be required for storage of chemicals / hazardous materials in relation to the BECCS units. Chapter 17 (Major Accidents and Disasters) of the ES (document reference 6.1.17) explains that during the pre-application consultation with HSE, it was confirmed that the Applicant will submit an application for HSC, if required. In addition, the CEMP will comprise embedded mitigation for the Proposed Scheme. The CEMP would be implemented during the construction phase and would detail measures for the prevention of impacts to human health and the environment from contamination and the control of hazardous substances. The Applicant does not consider the Proposed Scheme will have any impact upon opportunities for the development of land in the vicinity to the Order Limits. Based on the above, the Applicant considers the Proposed Scheme accords with Policy ENV4 and there will be no unacceptable risks to the public or the natural environment.
ENV9: Sites of Importance for Nature	Proposals for development which would harm a local nature reserve, a site of local importance for nature conservation or a regionally important geological/geomorphological site, will not be permitted unless there are no	As explained above in Table B.1 of Appendix B, the HRA report (document reference 6.8.1) and within Chapter 8 (Ecology) of the ES (document reference 6.1.8) and Chapter 11 (Ground Conditions) of the ES (document reference 6.1.11), the Proposed Scheme will not result in any

Policy	Policy Text	Assessment
Conservation Importance	reasonable alternative means of meeting the development need and it can be demonstrated that there are reasons for the proposal which outweigh the need to safeguard the intrinsic local nature conservation value of the site or feature.	significant adverse effects on a local nature reserve, a site of local importance for nature conservation or a regionally important geological or geomorphological site. The Applicant therefore considers that the Proposed Scheme complies with Policy ENV9.
EN12: River and Stream Corridors	Proposals for development likely to harm the natural features of or access to river, stream and canal corridors will not be permitted unless the importance of the development outweighs these interests, and adequate compensatory measures are provided.	The River Ouse is the closest Main River to the Proposed Scheme and is located north of the Order Limits. A 30 m offset from the River Ouse has been implemented to avoid impacts to habitats related with the watercourse. Chapter 12 (Water Environment) of the ES (document reference 6.1.12) identifies the River Ouse as a sensitive receptor which is at increased risk of pollution from increased sediment load as it is located approximately 1.3 km and approximately 1.8 km downstream of the proposed Carbon Dioxide Delivery Terminal Compound and the purge pump, respectively. Appendix 12.4 (Table of Effects That Have Been Determined to be Not Significant) of the ES (document reference 6.3.12.4) concludes that considering the presence and distance of the existing drainage systems, which are understood to include sediment traps (gully pots), and the drainage systems for the Construction Laydown Areas which will include appropriate pollution prevention measures (as specified, but not limited to those in the REAC), potential increased sediment load will be sufficiently trapped before it reaches the River Ouse. Appendix 12.4 goes on to explain that the waters currently discharged from the Drax Power Station Site have high sediment loads due to the removal of the silt from the sedimentation tanks used to cleanse the water abstracted from the River Ouse for the cooling process. As such, any construction phase sediment load which overcomes the mitigation measures, which will be in place, before it reaches the purge pump are likely to be insignificant in comparison to the amount of silt discharged from the sedimentation tanks. It concludes that the magnitude of the potential impact is therefore negligible, thus not significant. The Proposed Scheme is not anticipated to have any impact on streams. Based on the above, the Applicant therefore considers the Proposed Scheme to be in compliance with Policy EN12.
ENV13: Development Affecting Ponds	Proposals for development which would harm the landscape, townscape, historical or wildlife value of a pond will not be permitted unless: 1) The need for a particular development outweighs the particular value of the pond; 2) An equivalent habitat can be created on site or elsewhere in the locality which will provide the same landscape, townscape or wildlife value of the existing pond; and 3) Appropriate management measures are incorporated in the scheme.	The Proposed Scheme will have no adverse effects on the landscape, townscape, historical or wildlife value of a pond. This is demonstrated in the assessments reported in Chapters 8 (Ecology), 10 (Heritage) and 12 (Water Environment) of the ES (document references 6.1.8, 6.1.10 and 6.1.12). Chapter 8 (Ecology) explains that two ponds identified a small population of great crested newts ('GCN'), however the report concludes that the Proposed Scheme will not result in any significant adverse effect on GCN, thus no adverse impact will be had on the wildlife value of the ponds. In terms of enhancement, the OLBS (document reference 6.6) explains that a habitat reinstatement, creation and enhancement measures to be delivered in the Habitat Provision Area includes, but is not limited to, pond creation. This is secured through a requirement in the DCO for a final Landscape and Biodiversity Strategy. Chapter 12 explains that two ponds identified within the Order Limits have the potential to be affected by the Proposed Scheme, however these were assessed to be of negligible sensitivity, and no likely significant adverse effects were identified as a result of the Proposed Scheme on the water environment of the ponds.

Policy	Policy Text	Assessment
		Based on the above, the Applicant considers the Proposed Scheme will have a no adverse impact, but a positive impact on ponds through the creation of a new pond in the Habitat Provision Area. The Applicant considers the Proposed Scheme therefore complies with Policy ENV13.
ENV27: Scheduled Monuments and Important Archaeological Sites	Where scheduled monuments or other nationally important archaeological sites or their settings are affected by proposed development, there will be a presumption in favour of their physical preservation. In exceptional circumstances where the need for the development is clearly demonstrated, development will only be permitted where archaeological remains are preserved in situ through sympathetic layout or design of the development.	Chapter 10 (Heritage) of the ES (document reference 6.1.10) confirms that no known effects on scheduled monuments or other nationally important archaeological sites are predicted as a result of the Proposed Scheme. The Applicant therefore considers the Proposed Scheme to be acceptable in terms of Policy ENV27.
ENV28: Other Archaeological Sites	(A) Where development proposals affect sites of known or possible archaeological interest, the District Council will require an archaeological assessment/evaluation to be submitted as part of the planning application. (B) Where development affecting archaeological remains is acceptable in principle, the Council will require that archaeological remains are preserved in situ through careful design and layout of new development. (C) Where preservation in situ is not justified, the Council will require that arrangements are made by the developer to ensure that adequate time and resources are available to allow archaeological investigation and recording by a competent archaeological organisation prior to or during development.	The results of archaeological assessments are presented in Chapter 10 (Heritage) of the ES (document reference 6.1.10). Chapter 10 explains that any groundworks within the East Laydown Area, or any form of planting in the East Laydown Area or Habitat Provision Area has potential to disturb previously unknown buried HAs. Any archaeological work will be undertaken in consultation with the relevant Archaeological Advisor, and in accordance with an archaeological WSI that is secured by a requirement to the DCO. The WSI will outline the scope and method of investigation, along with the post-excavation reporting and dissemination strategy. The Applicant commits to a watching brief which will be secured through the WSI. The level of archaeological attendance would depend on the detail of the proposed works in the Habitat Provision Area and East Laydown Area, which will be confirmed during the detailed design phase. Should the Proposed Scheme result in any impacts on currently unknown but nationally important Below-Ground HAs related to Drax Augustinian Priory (1016857), preservation in-situ would be explored, where practicable. Based on the above, and that impact on HAs is currently unknown until the design of the scheme and construction phase progresses, the Applicant considers the Proposed Scheme is acceptable with regard to Policy ENV28.
EMP10: Additional Industrial Development at Drax and Eggborough Power Stations	Additional industrial/business development may be permitted at or close to Drax and Eggborough power stations provided the proposal: 1) Is directly related to the process of generating electricity, either by making use of by-products from the power station or utilising a direct source of electricity; 2) Would be suitably linked to the strategic highway and rail networks and would not create conditions prejudicial to highway safety; 3) Would not create environmental problems associated with noise, smell or water pollution or dust emissions; 4) Would not have a significant adverse effect on residential amenity in nearby settlements;	The Proposed Scheme is located predominantly at the Drax Power Station, and as the installation of the biomass technology constitutes an extension to the biomass Units 1 and 2, the proposed Scheme is directly related to the process of generating electricity and is therefore in accordance with policy EMP10 criteria 1. It would be linked via existing connections to the strategic transport network and would not result in adverse impacts to highway safety. Mitigation is proposed to minimise nuisance (including noise and dust) and water pollution operationally and during construction. Odour is not considered a potential issue for the Proposed Scheme. No significant adverse noise impacts are predicted during construction or operationally. While permanent significant adverse visual impacts are predicted for some receptors in proximity to the Site, the Proposed Scheme is considered to be consistent with the existing industrial context of the Site generally. In light of the significant benefits associated with the

Policy	Policy Text	Assessment
	5) Would be related to existing development and would be well screened, including provision for earth mounding and strategic off-site planting; and 6) Would not harm nature conservation interests or sites of archaeological importance.	Proposed Scheme, the overall effect on amenity of nearby settlements PRoWs is considered by the Applicant to be acceptable. Mitigation planting will be provided to assist screening the Proposed Scheme and provide mitigation to the associated visual impact. The Proposed Scheme has sought to avoid and otherwise reduce nature conservation impacts or sites of archaeological importance through mitigative measures. 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 HRA report also concludes that there would be no adverse effects on the integrity of any European Sites. The Applicant therefore considers that overall, the Proposed Scheme complies with Policy EMP10.
T1: Development in Relation to the Highway Network	Development proposals should be well related to the existing highways network and will only be permitted where existing roads have adequate capacity and can safely serve the development, unless appropriate off-site highway improvements are undertaken by the developer.	The Proposed Scheme is located predominantly at the Drax Power Station, which is an existing industrial use well related to the existing highway network, lying close to the junction of the A1041 / A645 near Camblesforth which connects the Site to the wider road network. The Drax Power Station is accessed from the A645 to the south of the Drax Power Station (South Gate), a northern access point is available off New Road (North Gate), and a Materials Handling Gatehouse Entrance is also situated along New Road (approximately 500 m north of the North Gate). Chapter 5 (Traffic and Transport) of the ES (document reference 6.1.5) confirms that no likely adverse effects have been identified as result of the operational phase of the Proposed Scheme, and during the construction phase the identified transport effects would be suitably managed through various measures such as a CTMP and CWTP, amongst others, which are secured via a requirement in the DCO. Chapter 5 does however conclude that there could be significant cumulative effects relating to highway safety and driver delay at Junction 4 (M62 Junction 36) if all other committed developments are built out and the junction is not upgraded. Junction 4 would operate over capacity in the 2026 Do Minimum assessment scenario and the Proposed Scheme would increase driver delay in 2026 Do Something assessment scenario. It is understood that a highway improvement and contribution model has been identified at Junction 4 to address the traffic impacts associated with committed development, including Short List 44 (ERoY Planning Reference: 21/03027/STPLF). Further discussions are required with ERoY and National Highways to understand the timescales and mechanism to upgrade Junction 4 to accommodate planned growth, and to assess whether this would result in a reduced impact at the junction regarding highway safety and driver delay. The Applicant therefore considers the Proposed Scheme is acceptable in respect of Policy T1.
T2: Access to Roads	Development proposals which would result in the creation of a new access or the intensification of the use of an existing access will be permitted provided: 1) There would be no detriment to highway safety; and	The Proposed Scheme comprises the creation of a temporary construction site access to the East Construction Laydown Area and parking areas from the public highway. Chapter 5 (Traffic and Transport) of the ES (document reference 6.1.5) concludes that any adverse impacts in respect of highway safety can be suitably mitigated through the CTMP and CWTP which are

Policy	Policy Text	Assessment
	2) The access can be created in a location and to a standard acceptable to the highway authority. Proposals which would result in the creation of a new access onto a primary road or district distributor road will not be permitted unless there is no feasible access onto a secondary road and the highway authority is satisfied that the proposal would not create conditions prejudicial to highway safety.	secured via a requirement in the DCO, or through the Applicant's ongoing discussions with Highways England and NYCC. It is expected that the detailed design of the temporary access will be in compliance with appropriate standards. Therefore, the Applicant considers the Proposed Scheme meets the requirements of Policy T2.
T7: Provision for Cyclists	The District Council will seek to promote the objectives of the national cycling strategy by: 3) Ensuring that developers make fair and reasonable contributions towards the cost of providing cycle parking facilities and cycle routes on new developments which link to nearby existing or proposed routes or facilities. 4) Ensuring that new development proposals do not sever points used by cyclists/pedestrians unless satisfactory alternative routes are made available.	Chapter 5 (Traffic and Transport) of the ES (document reference 6.1.5) confirms that there is no cycling infrastructure in place within the immediate vicinity of the Drax Power Station, and that the Proposed Scheme will have no adverse effects on existing cycle routes nor cycle parking facilities. Adequate cycle parking and facilities for staff to change are already provided at the Drax Power Station for the operational workforce. The Proposed Scheme will not sever points used by cyclists. Opportunities to increase walking and / or cycling would be explored through the measures set out int the CWTP. This includes a series of SMART measures which are expected to ensure that employees are able to make better informed travel choices. A construction Travel Plan Coordinator will be appointed and funded prior to construction commencing and until practical completion of the construction phase. The Action Plan will include the review and implementation of construction worker travel surveys, with monitoring of travel patterns. There will also be a review of the maintenance of agreed walk / cycle routes and additional travel initiatives / incentives would be developed where appropriate following feedback and monitoring.
T8: Public Rights of Way	Development which would have a significant adverse effect on any route in the district's public rights of way network will not be permitted unless the following can be achieved: 1) Satisfactory and attractive alternative routes are provided; and 2) Adequate sign posting is provided; and 3) As far as is reasonable, the new route can make provision for walkers, horse riders, cyclists and people with sight or mobility problems; and 4) In the case of new reasonable development, such development must replace extinguished rights of way with attractive highway infrastructure which is equally capable of accommodating appropriate users of the original right of way. The District Council will work with the highway authority and other interested parties to extend and improve the public rights of way network for amenity as well as highway reasons.	Three PRoWs lie adjacent to the Drax Power Station Site (35.47/6/1, 35.6/12/1 and 35.47/10/1). A PRoW runs adjacent to the northern boundary of the East Construction Laydown Area (35.47/1/1). A PRoW run through the Habitat Provision Area (35.47/1/1), and one PRoW runs through the Offsite Habitat Provision Area through the southern half of Fallow Field (35.6/6/1). A PRoW network extends across much of the surrounding area outside of the Order Limits. PRoW are shown in Figure 5.2 (Public Rights of Way Network) of the ES (document reference 6.2.5.2). Chapter 5 (Traffic and Transport) of the ES (document reference 6.1.5) concludes that whilst the construction phase of the Proposed Scheme may temporarily reduce the amenity value of PRoW adjacent to work areas, no significant adverse effects on PRoW users are likely as a result of the implementation of suitable mitigation measures set out in the CEMP. It is also proposed to temporarily 'stop up' PRoW path 35.6/6/1 which runs through the Offsite Habitat Provision Area for approximately two weeks. This is required to enable habitat provision related works to be undertaken. Chapter 5 concludes that no significant adverse effects are likely.

Policy	Policy Text	Assessment
		The final paragraph of Policy T8 relating to extending and improving PRoWs for amenity or highway reasons is not relevant to the Proposed Scheme. Based on the above and the conclusions of Chapter 5 of the ES, the Applicant considers the Proposed Scheme to be acceptable in relation to impacts on PRoW and therefore in accordance with Policy T8.
Minerals and Waste Joint Plan (2022)		
M19: Carbon and Gas Storage	Proposals for carbon capture and storage and the underground storage of gas will be permitted where it has been demonstrated that: i) The local geological circumstances are suitable; ii) The proposals would not have an unacceptable impact on the quality and availability of ground and surface water resources, on land stability, or on public health and safety; iii) There would be no unacceptable impact on the environment or local communities; and iv) The proposals are consistent with other relevant policies in the Plan. Transport of carbon or gas should be via pipeline with the routing of lines selected to give rise to the least environmental or amenity impact.	Paragraph 4.7.2 of NPS EN-1 explains that CCUS has three links which includes the capture of carbon, transport, and storage. As explained in Section 2.3 of this Planning Statement, the DCO Application seeks development consent for the infrastructure relating to the post-combustion capture of CO_2 and associated works only. The Proposed Scheme therefore relates to the 'capture of carbon' link. The transport and storage 'links' will be the subject of separate consent applications by third parties, such as by NGCL, and include the construction of a pipeline as part of the HLCP project, to accommodate the transportation of CO_2 ('transport link') to the Endurance storage site under the North Sea ('storage link'). Therefore, this assessment of Policy M19 relates to carbon capture only. With regard to criteria i), the built infrastructure proposed will be located on previously developed land, predominantly on the footprint of existing structures which are to be demolished. The ground conditions are therefore already established for built development of the scale proposed, and Chapter 11 (Ground Conditions) of the ES (document reference 6.1.11) does not identify any likely adverse effects in terms of geological issues which cannot be suitably mitigated. Regarding criteria ii) and iii) of Policy M19, the ES, as explained in this Appendix, above, demonstrates that the Proposed Scheme will not have any 'unacceptable' effects on ground and surface water resources, land stability, public health and safety, the environment or local communities. The Applicant therefore considers the Proposed Scheme is acceptable in respect of Policy M19.
S01: Safeguarded surface mineral resources	The following surface minerals resources and associated buffer zones identified on the Policies Map will be safeguarded from other forms of surface non-mineral development to protect the resource for the future: i) All crushed rock and silica sand resources with an additional 500m buffer; ii) All sand and gravel, clay and shallow coal resources with an additional 250m buffer; iii) Building stone resources and active and former building stone quarries with an additional 250m buffer.	As set out in Appendix B, the built infrastructure to be developed by the Proposed Scheme is located on previously developed land within the Drax Power Station only. Mineral resources are therefore already inaccessible, and the Proposed Scheme does not change this fact. The Applicant therefore considers that the Proposed Scheme is acceptable in respect of Policy S01.

Policy	Policy Text	Assessment
S02: Developments proposed within Safeguarded Surface Mineral Resource areas	Within the Safeguarded Surface Minerals Resource areas shown on the Policies Map, permission for development other than minerals extraction will be granted where: i) It would not sterilise the mineral or prejudice future extraction; or ii) The mineral will be extracted prior to the development (where this can be achieved without unacceptable impact on the environment or local communities), or iii) The need for the non-mineral development can be demonstrated to outweigh the need to safeguard the mineral; or iv) It can be demonstrated that the mineral in the location concerned is no longer of any potential value as it does not represent an economically viable and therefore exploitable resource; or v) The non-mineral development is of a temporary nature that does not inhibit extraction within the timescale that the mineral is likely to be needed; or vi) It constitutes 'exempt' development (as defined in the Safeguarding Exemption Criteria list), as set out in paragraph 8.55). Applications for development other than mineral extraction in Safeguarded Surface Minerals Resource areas should include an assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.	As per the assessment of Policy S01 above, mineral resources are already inaccessible within the Order Limits where the proposed built infrastructure will be located. This will remain unchanged as a result of the Proposed Scheme. The Applicant therefore considers that the Proposed Scheme is acceptable in respect of Policy S02.
S03: Safeguarded Deep Minerals Resource areas	Part 1) – Safeguarding potash from surface development vulnerable to subsidence: Potash (including polyhalite) resources expected to be recovered by the Woodsmith Mine over its permitted life are identified on the Policies Map for safeguarding, and will be safeguarded from the following forms of non-mineral surface developments to protect the resource for the future; ~ Large institutional and public buildings; ~ Major industrial buildings and other industrial buildings and infrastructure with sensitive processes and precision equipment vulnerable to ground movement; ~ Major retail complexes; ~ Non-residential high rise buildings (3 storeys plus); ~ Strategic gas, oil, naphtha and petrol pipelines; ~ Vulnerable parts of main highways and motorway networks (e.g., viaducts, large bridges, service stations and interchanges); ~ Security sensitive structures; ~ Strategic water pumping stations, waterworks, reservoirs, sewage works and pumping stations;	As per the assessment of Policies S01 and S02 above, the Proposed Scheme will not affect the accessibility of mineral resources. The Applicant therefore considers that the Proposed Scheme is acceptable in respect of Policy S03.

Policy	Policy Text	Assessment
	~ Ecclesiastical property; ~ Power stations; ~ Wind turbines; Permission for the above forms of development will be granted where it can be demonstrated that a significant risk of sterilisation of the safeguarded mineral deposits would not arise, or the need for the surface development would demonstrably outweigh the need to safeguard the mineral deposit. Part 2) – Protecting potash (including polyhalite) resources from other underground minerals development: Potash (including polyhalite) resources expected to be recovered by the Woodsmith Mine over its permitted life, identified on the Policies Map for safeguarding, will also be protected from sterilisation by other forms of underground mineral's extraction, deep drilling and the underground storage of gas or carbon in order to protect the resource for the future. Where proposals for deep drilling or development of underground gas resources or the underground storage of gas or carbon are located within the area safeguarded for potash (including polyhalite) shown on the Policies Map, permission for development will be granted where it can be demonstrated that the proposed development will not adversely affect the potential future extraction of the protected mineral, or the benefits of the proposed development would demonstrably outweigh the need to safeguard the resource.	
S04: Waste management facility safeguarding	Waste management sites identified on the Policies Map and in Appendix 2, with a 250m buffer zone, will be safeguarded against development which would prevent or unduly restrict the use of the site for waste development, unless: i) The need for the alternative development outweighs the benefits of retaining the site; and ii) Where the site is in active use for waste management purposes, a suitable alternative location can be provided for the displaced infrastructure; or iii) The site is not in use and there is no reasonable prospect of it being used for waste management in the foreseeable future; iv) The site is not viable or capable of being made viable. Where development, other than exempt development as defined in the Safeguarding Exemption Criteria list, as set out in paragraph 8.55 is proposed within an identified buffer zone permission will be granted where adequate mitigation can, if necessary, be provided to reduce any impacts from the existing or proposed adjacent waste uses to an acceptable level, and the benefits of the proposed use outweigh any safeguarding considerations.	As per the above assessment of Policies S01, S03 and S03, the existing built infrastructure within the Order Limits at the Drax Power Station Site already restrict the development of this land for alternate uses, including site waste development, as the land is already in use as the Drax Power Station. On this basis, the Applicant considers the Proposed Scheme to be acceptable with regard to Policy S04.

Policy	Policy Text	Assessment
S05: Transport infrastructure safeguarding	Railheads, rail links and wharves identified on the Policies Map and in Appendix 2, with a 100m buffer zone, will be safeguarded against development which would prevent or unduly restrict the use of the infrastructure for minerals or waste transport purposes, unless: i) The need for the alternative development outweighs the benefits of retaining the facility; and ii) Where the minerals or waste transport infrastructure is in active use on the land, a suitable alternative location can be provided for the displaced infrastructure; or iii) The infrastructure is not in use and there is no reasonable prospect of it being used for minerals or waste transport in the foreseeable future; iv) The site is not viable or capable of being made viable. Where development, other than exempt development as defined in the Safeguarding Exemption Criteria list, as set out in paragraph 8.55 is proposed within an identified buffer zone permission will be granted where adequate mitigation can, if necessary, be provided to reduce any impacts from the existing or proposed adjacent minerals or waste transport infrastructure uses to an acceptable level, and the benefits of the proposed use outweigh any safeguarding considerations.	As noted in paragraph 8.2 of the Minerals and Waste Joint Plan, *"The purpose of safeguarding is not to prevent other forms of development on or near to a safeguarded resource or infrastructure, but primarily to ensure that the presence of the resource or infrastructure is taken into account when other development proposals are under consideration."* The Drax Power Station is currently served by a railway line which connects with the Pontefract line to the south for deliveries of fuel. The rail line, and a 100 m buffer zone around it, is safeguarded as this is located on the Policies map. The jetty on the River Ouse is also safeguarded under this policy. This policy is therefore relevant to the Proposed Scheme. The Proposed Scheme would not prevent or frustrate the use of the jetty or the rail line for minerals or waste transport. The Applicant therefore considers the Proposed Scheme is in accordance with Policy 05.
S06: Minerals ancillary infrastructure safeguarding	Minerals ancillary infrastructure sites identified on the Policies Map and in Appendix 2, with a 100m buffer zone, will be safeguarded against development which would prevent or unduly restrict the use of the site for minerals ancillary infrastructure purposes, unless: i) The need for the alternative development outweighs the benefits of retaining the site; and ii) Where minerals ancillary infrastructure is in active use on the land, a suitable alternative location can be provided for the displaced infrastructure; or iii) The site is not in use and there is no reasonable prospect of it being used for minerals ancillary infrastructure in the foreseeable future; iv) The site is not viable or capable of being made viable. Where development, other than exempt development as defined in the Safeguarding Exemption Criteria list, as set out in paragraph 8.55 is proposed within an identified buffer zone permission will be granted where adequate mitigation can, if necessary, be provided to reduce any impacts from the existing or proposed adjacent minerals ancillary infrastructure uses to an acceptable level, and the benefits of the proposed use outweigh any safeguarding considerations.	As per the assessment of Policies S01, S02 and S03 above, the Proposed Scheme will not affect the accessibility of mineral resources nor affect potential for minerals ancillary infrastructure and the built infrastructure will be constructed on previously developed land at the Drax Power Station Site. Therefore, the use of this land for minerals ancillary infrastructure purposes is already restricted, and this will not be changed as a result of the Proposed Scheme. The Applicant therefore considers that the Proposed Scheme is acceptable in respect of Policy S06.
D12: Protection of agricultural land and soils	Best and Most Versatile agricultural land will be protected from unnecessary and irreversible loss. Where development of best and most versatile agricultural land is justified proposals should prioritise the protection and enhancement of soils and the long-term potential to recreate areas of best and most versatile land.	Chapter 11 (Ground Conditions) of the ES (document reference 6.1.11) confirms the potential impact to agricultural land from construction activities is limited to the East Construction Laydown Area, which includes 8.5 ha of Grade 2 Best and Most Versatile ('BMV') and

Policy	Policy Text	Assessment
	Where relevant, development will be subject to aftercare requirements to ensure that a high standard of agricultural restoration can be achieved. Development proposals will be required to demonstrate that all practicable steps will be taken to conserve and manage on-site soil resources, including soils with environmental value, in a sustainable way. Development which could lead to irreversible damage to blanket peat or other soil contributing to ecological connectivity or carbon storage will not be permitted.	Subgrade 3b (non BMV) agricultural land. During the construction phase, agricultural soils could be degraded through compaction and erosion. Mitigation measures will therefore be applied via the CEMP, such as the preparation and implementation of a Soil Handling Management Plan ('SHMP'). As stated above, the CEMP is secured via a requirement in Schedule 2 of the DCO. The SHMP will describe best practice methods to reduce impacts to soil during handling, include details on stripping methods, stockpiling requirements, appropriate management (including weather conditions during handling, seeding of stockpiles, stockpile heights etc) and reinstatement. On completion of construction of the Proposed Scheme, the arable land would be reinstated. The western hedgerow would be reinstated and enhanced to a species-rich hedgerow including a more diverse ground flora. The hedgerow would be managed to ensure it remains at an appropriate width and structural diversity to enable a good condition hedgerow. Additional hedgerow and tree planting would be completed along the eastern boundary of the East Construction Laydown Area, to provide ecological and landscape benefits to the existing vegetation. This is set out in the OLBS. With implemented mitigation, Chapter 11 concludes that there is likely to be a direct, temporary, medium to long-term slight adverse effect (not significant) on agricultural land. The Applicant therefore considers the Proposed Scheme to be acceptable with regard to Policy D12.
D13: Consideration of applications in Development High Risk Areas	Where development, other than exempt development as defined in the Development High Risk Exemptions list, as set out in paragraphs 9.116 and 9.117, is proposed within Development High Risk Areas identified by the Coal Authority as shown on the interactive Policies Map and on page 4 of the paper version of the Policies Map, proposals should be accompanied by a Coal Mining Risk Assessment and where necessary incorporate suitable mitigation measures in relation to land stability. Permission will be granted where it can be demonstrated, through the Coal Mining Risk Assessment, that the development will not be at unacceptable risk.	The Coal Authority has been consulted, and their response in presented in the EIA Scoping Opinion presented at Appendix 1.2 of the ES (document reference 6.3.1.2) states: *"…whilst the site falls within the coalfield, it is located outside the defined Development High Risk Area; meaning that there are no recorded coal mining legacy hazards at shallow depth that could pose a risk to land stability for surface development.* *Accordingly, if the application is EIA development, there is no requirement for the applicant to consider coal mining legacy as part of their Environmental Impact Assessment."* The Applicant therefore considers that the Proposed Scheme is acceptable in respect of Policy D13.

APPENDIX C - EMERGING PLANNING POLICY ANALYSIS (DRAFT NPS EN-1 AND DRAFT EN-3)

DRAFT NATIONAL POLICY STATEMENTS

The draft NPS statements EN-1 and EN-3 are assessed below. The adopted and emerging EN-1 and EN-3 policies have been compared, and the proposed policy changes of policies relevant to the DCO Application are assessed below. The assessment considers both the 'assessment principles' and 'generic impacts' policies in draft EN-1. The technology-specific information parts of EN-3 have also been assessed below and the relevant part of the NPS is referenced. Where the proposed changes are either negligible, or not relevant to the DCO Application, the assessment of the adopted NPS policy set out in Chapter 4 of this Planning Statement or in Table B.1 of this Appendix remains relevant. Tracked changes show the changes from the existing adopted NPSs to the Draft NPSs for ease of comparison.

Table C.1 - Planning Policy Assessment

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
EN-1 - Assessment principles and Generic Impacts		
General ~~points~~ Policies and Considerations (Part 4.1 of EN-1)	4.1.1 The statutory framework for deciding applications for development consent under the Planning Act is summarised in Section 1.1 of this NPS. ~~This Part of the NPS sets out certain general policies in accordance with which applications relating to energy infrastructure are to be decided that do not relate only to the~~ The need for new energy infrastructure ~~(~~is covered in Part 3~~) or to~~ , and guidance regarding the particular physical impacts of ~~its~~ construction ~~or~~and operation ~~(covered~~are set out in Part 5 of this NPS and ~~the~~Part 2 of each technology~~-~~ specific ~~NPSs).~~NPS. This part of EN-1, Assessment Principles, sets out the general policies for the submission and assessment of applications relating to energy infrastructure. 4.1.2 The Energy White Paper emphasises the importance of the Government's net zero commitment and efforts to fight climate change. Given the level and urgency of need for infrastructure of the types covered by the energy NPSs set out in Part 3 of this NPS, the ~~IPC should~~Secretary of State will start with a presumption in favour of granting consent to applications for energy NSIPs. That presumption applies unless any more specific and relevant policies set out in the relevant NPSs clearly indicate that consent should be refused. The presumption is also subject to the provisions of the Planning Act 2008 referred to at paragraph 1.1.2 of this NPS. 4.1.3 In considering any proposed development, ~~and~~ in particular when weighing its adverse impacts against its benefits, the ~~IPC~~Secretary of State should take into account: ~ ~~•~~Its potential benefits including its contribution to meeting the need for energy infrastructure, job creation, ecological enhancements, and any long-term or wider benefits~~; and~~ ~ ~~•~~ Its potential adverse impacts, including any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce, mitigate or compensate for any adverse impacts~~.~~ 4.1.4 In this context, the ~~IPC~~Secretary of State should take into account environmental, social and economic benefits and adverse impacts, at national, regional and local levels. These may be identified in this NPS, the relevant technology~~-~~ specific NPS, in the application or elsewhere (including in local impact reports~~).~~, marine plans, and other material considerations as outlined in Section 1.1). Where this NPS or the relevant technology specific NPSs require an applicant to mitigate a particular impact as far as possible, but the Secretary of State considers that there would still be residual adverse effects after the implementation of such mitigation measures, those residual effects should be weighed against the benefits of the proposed development. 4.1.5 The policy set out in this NPS and the technology~~-~~ specific energy NPSs is~~, for the most part,~~ intended to ~~make~~provide greater clarity around existing policy and practice of the Secretary of State in ~~consenting~~ considering applications for nationally significant energy infrastructure ~~clearer and more transparent~~, rather than to change the underlying policies against which applications are assessed (or therefore the "benchmark" for what is, or is not, an acceptable nationally significant energy development). Other matters that the ~~IPC~~Secretary of State may consider both	The proposed changes to the policy text highlights the importance of the Government's net zero commitment and efforts to fight climate change at proposed paragraph 4.1.2. The Proposed Scheme is designed to remove approximately 95% of the CO_2 from the flue gas from biomass Units 1 and 2, resulting in overall negative emissions of greenhouse gases. At proposed paragraph 4.1.3, it is proposed to include 'ecological enhancements' to the list of considerations for the SoS when weighing the benefits and the disbenefits of development in the planning balance, in addition to the proposal's potential to mitigate any adverse impacts. Proposed paragraph 4.1.1 is expanded to confirm that where residual effects remain, they should be weighed against the benefits of the development. As detailed in Appendix B, the Applicant aspires to achieve 10% biodiversity net gain to mitigate against habitat loss resulting from the Proposed Scheme. This will be progressed further during the detailed design stage. Other mitigation measures proposed are substantial, to mitigate adverse impacts to make the Proposed Scheme acceptable. Where some residual impacts do remain (as detailed in this Appendix, above, and in the ES), the Applicant considers these to be outweighed

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	important and relevant to ~~its~~their decision-making may include Development Plan ~~Documents~~documents or other documents in the Local Development Framework. In the event of a conflict between these or any other documents and an NPS, the NPS prevails for ~~purposes~~the purpose of ~~IPC~~Secretary of State decision making given the national significance of the infrastructure. The energy NPSs have taken account of ~~relevant~~the National Planning Policy ~~Statements (PPSs) and older style~~Framework (NPPF), the Planning ~~Policy~~Practice Guidance ~~Notes Part 4 Assessment Principles (PPG)~~ for ~~(PPGs) in~~ England~~-~~, and Planning Policy Wales and Technical Advice Notes (TANs) ~~in~~for Wales, where appropriate. 4.1.6 ~~The Marine and Coastal Access Act 2009 provides for the preparation of~~ Where the project conflicts with a ~~Marine Policy Statement (MPS) and~~ proposal in a ~~number of marine plans. The IPC must have regard to the MPS and applicable marine plans in taking any decision which relates to the exercise of any function capable of affecting~~draft Development Plan, the ~~whole or any part~~Secretary of State should take account of the ~~UK marine area. In~~ stage which the ~~event of a conflict between any of these marine planning documents and an NPS, the NPS prevails~~Development Plan document in England or Local Development Plan in Wales has reached in deciding what weight to give to the plan for the purposes of ~~IPC decision making given~~determining the ~~national~~planning significance of ~~the infrastructure.~~what is replaced, prevented or precluded. The closer the Development Plan document in England or local Development Plan in Wales is to being adopted by the LPA, the greater weight which can be attached to it. 4.1.7 The ~~IPC~~Secretary of State should only impose ~~requirements72~~requirements[51] in relation to a development consent that are necessary, relevant to planning, relevant to the development to be consented, enforceable, precise, and reasonable in all other respects. The ~~IPC~~Secretary of State should take into account the guidance in ~~Circular 11/95, as revised, on "The~~the NPPF, the PPG: Use of Planning Conditions ~~in Planning Permissions"~~, and TANs, or any successor ~~to it.~~documents, where appropriate. 4.1.8 The ~~IPC~~Secretary of State may take into account any development consent ~~obligations73~~obligations[52] that an applicant agrees with local authorities. These must be relevant to planning, necessary to make the proposed development acceptable in planning terms, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development, and reasonable in all other respects. ~~4.1.9~~4.1.9 Early engagement at the pre-application stage with key stakeholders, including public regulators, Statutory Nature Conservation Bodies (SNCBs), and those likely to have an interest in a proposed energy infrastructure application, is strongly encouraged. The benefits of early engagement with key stakeholders are numerous. Early engagement can aid in ensuring that all relevant information can be properly assessed by the Examining Authority at the examination stage of the project and in the subsequent report. 4.1.10 Applicants need to consider the importance of 'good design' criteria. Such consideration of 'good design' criteria should be demonstrated when submitting applications for energy infrastructure projects to the Secretary of State. To ensure good design is embedded within the project development, a project board level design champion could be appointed, and a representative design panel used to maximise the value provided by the infrastructure. Design principles[53] should be established from the outset of the project to guide the development from conception to operation. 4.1.11 Further information on the criteria for 'good design' for energy infrastructure is set out at Section 4.6 of this part of this NPS. 4.1.12 In deciding to bring forward a proposal for infrastructure development, the applicant will have made a judgement on the financial and technical viability of the proposed development, within the market framework and taking account of ~~Government~~government interventions. Where the ~~IPC~~Secretary of State considers, on information provided in an application, that the financial viability and technical feasibility of the proposal has been properly assessed by the	by the benefit of the Proposed Scheme, as set out across this Planning Statement and in the Needs and Benefits Statement (document reference 5.3). In particular, that the Proposed Scheme will result in a net reduction in GHG emissions and therefore assist the Government in meeting their target of net zero by 2050. Appendix B of this Planning Statement assesses the proposal against the existing NPSs and other adopted policy which the SoS may consider important and relevant in accordance with proposed paragraph 4.1.5, namely the NPPF and local planning policy. The Planning Statement also addresses other important and relevant document, namely government strategies and support for CCUS and BECCS. Proposed paragraph 4.1.9 explains the benefits of early engagement with key stakeholders, and strongly encourages this take place. The Applicant undertook early engagement with key stakeholders, as set out in the Consultation Report (document reference 5.1) and the respective chapters of the ES (document reference 6.1). Proposed paragraph 4.1.10 emphasises the importance of applicant's consideration of 'good design' criteria, stating that *"Design principles should be established from the outset of the project to guide the development from conception to operation."* The Applicant has prepared a Design Framework Document ('DFD') (document reference 6.9) which is submitted with the DCO Application and sets out the design principles which will guide the design of the Proposed Scheme at the detailed design stage. The design principles detailed in the DFD are included in the REAC and are therefore secured via a requirement in the DCO.

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	applicant it is unlikely to be of relevance in ~~IPC~~Secretary of State decision making (any exceptions to this principle are dealt with where they arise in this or other energy NPSs and the reasons why financial viability or technical feasibility is likely to be of relevance explained). [50] NPPF: https://www.gov.uk/government/collections/planning-practice-guidance; PPG: Use of Planning Conditions: https://www.gov.uk/guidance/use-of-planning-conditions; TANs: https://gov.wales/technical-advicenotes [51] As defined in section 120 of the Planning Act 2008. [52] Where the words "planning obligations" are used in this NPS they refer to "development consent obligations" under section 106 of the Town & Country Planning Act 1990 as amended by section 174 of the Planning Act 2008. [53] Design principles should take into account any national guidance on infrastructure design, this could include for example the Design Principles for National Infrastructure published by the National Infrastructure Commission. https://nic.org.uk/studies-reports/design-principles-for-national-infrastructure/	The DCO (document reference 3.1) includes a number of requirements, and Section 4.4 of the Planning Statement demonstrates how they meet these tests. Similarly, a Development Consent Obligation is intended to be entered into, based on the submitted Heads of Terms (document reference 7.1). Together these documents ensure that all of the mitigation measures identified in the ES are secured.
Environmental ~~Statement~~ Principles (Part 4.2 of EN-1)	4.2.1 All proposals for projects that are subject to the ~~European~~ Infrastructure Planning (Environmental Impact Assessment ~~Directive74~~) Regulations 2017 (the EIA Regulations) must be accompanied by an Environmental Statement (ES) describing the aspects of the environment likely to be significantly affected by the ~~project75.~~project.[54] The ~~Directive~~Regulations specifically ~~refers~~refer to effects on population, human ~~beings76, fauna and flora~~health,[55] biodiversity, land, soil, water, air, climate, the landscape, material assets and cultural heritage, and the interaction between them. The ~~Directive requires~~Regulations require an assessment of the likely significant effects of the proposed project on the environment, covering the direct effects and any indirect, secondary, cumulative, transboundary, short, medium, and long-term, permanent and temporary, positive and negative effects at all stages of the project, and also of the measures envisaged for avoiding or mitigating significant ~~advers~~adverse effects.[56] 4.2.2 To consider the potential effects, including benefits, of a proposal for a project, the ~~IPC will find it helpful if the~~ applicant ~~sets~~should set out information on the likely significant social and economic effects of the development, and ~~shows~~show how any likely significant negative effects would be avoided, reduced, or mitigated. This information could include matters such as employment, equality, biodiversity net gain, community cohesion and well-being. 4.2.3 For the purposes of this NPS and the technology- specific NPSs the ES should cover the environmental, social and economic effects arising from pre-construction, construction, operation and decommissioning of the project. ~~In some circumstances (for example, gas pipe-lines) it may be appropriate to assess effects arising from commissioning infrastructure once it is completed but before it comes into operation. Details of this and any other additional assessments are set out where necessary in sections on individual impacts in this NPS and in the technology-specific NPSs.~~ In the absence of any additional information on additional assessments, the principles set out in this Section will apply to all assessments. ~~4.2.4 When considering a proposal the IPC should satisfy itself that likely significant effects, including any significant residual effects taking account of any proposed mitigation measures or any adverse effects of those measures, have been adequately assessed. In doing so the IPC should also examine whether the assessment distinguishes between the project stages and identifies any mitigation measures at those stages. The IPC should request further information where necessary to ensure compliance with the EIA Directive. 74 Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, amended by Directives 97/11/EC and 2003/35/EC. In respect of energy NSIPs, Annex 1 of the directive applies to thermal power stations, nuclear power stations, waste-disposal installations for the incineration, chemical treatment or land fill of toxic and dangerous wastes. Under Annex 2 it applies to industrial installations for the production of electricity, steam and hot water (i.e. CHP), industrial installations for carrying gas, steam and hot water; transmission of electrical energy by overhead cables, surface~~	Of most relevance to the DCO Application, proposed paragraph 4.2.3 proposes the inclusion of 'biodiversity net gain' as a way to demonstrate how any likely significant negative effects would be avoided, reduced, or mitigated. As detailed in the row above, the Applicant is committed to achieving Biodiversity Net Gain (BNG) to mitigate habitat loss. This will be calculated further at the detailed design stage. Proposed paragraph 4.2.1 also proposes the inclusion text requiring the ES to consider 'transboundary' effects. The ES submitted with the DCO Application addresses transboundary effects across all chapters and the assessments undertaken as part of this ES have determined that no transboundary impacts are likely to be experienced as a result of the Proposed Scheme as confirmed in Chapter 4 (EIA Methodology) of the ES. As per proposed paragraph 4.2.6, there are some details still to be finalised for which flexibility is sought. The ES therefore sets out what the likely worst-case environmental, social and economic effects of the proposed development may be to the best of the applicant's knowledge and assesses on that basis to ensure that the

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	storage of natural gas, underground storage of combustible gases and installations for hydroelectric energy production. 75 The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (SI 2009/2263). 76 The effects on human beings includes effects on health. 4.2.5 When considering cumulative effects, the ES should provide information on how the effects of the applicant's proposal would combine and interact with the effects of other development (including projects for which consent has been sought or granted, as well as those already in existence)77. The IPC may also have other evidence before it, for example from appraisals of sustainability of relevant NPSs or development plans, on such effects and potential interactions. Any such information may assist the IPC in reaching decisions on proposals and on mitigation measures that may be required. 4.2.6 The IPC4.2.4 The Secretary of State should consider how the accumulation of, and interrelationship between, effects might affect the environment, economy, or community as a whole, even though they may be acceptable when considered on an individual basis with mitigation measures in place. 4.2.75 In some instances, it may not be possible at the time of the application for development consent for all aspects of the proposal to have been settled in precise detail. Where this is the case, the applicant should explain in its application which elements of the proposal have yet to be finalised, and the reasons why this is the case. 4.2.86 Where some details are still to be finalised, the ES should set out, to the best of the applicant's knowledge, what the maximum extent likely worst-case environmental, social and economic effects of the proposed development may be in terms of site and plant specifications, and assess, on that basis, the effects which the project could have to ensure that the impacts of the project as it may be constructed have been properly assessed78.assessed.[57] 4.2.9 Should the IPC determine to grant development consent for an application where details are still to be finalised, it will need to reflect this in appropriate development consent requirements. Clearly, if development consent is granted for a proposal and at a later stage the developer wishes for technical or commercial reasons to construct it in such a way that its extent will be greater than has been provided for in the terms of the consent, it may be necessary to apply for a change to be made to the development consent, and the application to change the consent may need to be accompanied by further environmental information to supplement the original ES. 4.2.107 To help the IPCSecretary of State consider thoroughly the potential effects of a proposed project in cases where the EIA Directive doesRegulations do not apply and an ES is not therefore required, the applicant should instead provide information proportionate to the scale of the project on the likely significant environmental, social, and economic effects. References to an Environmental StatementES in this NPS and the technology specific NPSs should be taken as including a statement which provides this information, even if the EIA Directive doesRegulations do not apply. 77 For guidance on the assessment of cumulative and where the NPSs requires specific information to be provided in the ES. such information should still be provided in this statement. 4.2.8 In this NPS and the technology specific NPSs, the terms 'effects', 'impacts' or 'benefits' should be understood to mean likely significant effects, see, for example, Circular 02/99, Environmental impact assessment, or Guidelines for the Assessment of Indirect and Cumulative Impacts as well as Impact Interactions (http://ec.europa.eu/environment/eia/eia-studies-and-reports/guidel.pdf). 78likely significant impacts or likely significant benefits. 4.2.11 In this NPS and the technology-specific NPSs, the terms 'effects', 'impacts' or 'benefits' should be understood to mean likely significant effects, impacts or benefits. 4.350 *Habitats and Species Regulations* 4.3.1 Prior to granting a development consent order, the IPC2.9 The Secretary of State must, under the Habitats and Species Regulations79, (which implement the relevant parts of the Habitats Directive and the Birds Directive80 in	impacts of the project as it may be constructed have been properly assessed. Proposed paragraph 4.2.10 proposes additional text relating to impact on the integrity of Habitat Regulations Assessment (HRA) sites. As set out in the HRA report (document reference 6.8.1), the Proposed Scheme is not predicted to have any adverse effects on the integrity of the European Sites assessed. During the pre-application stage, Natural England have not indicated that the proposed development is likely to adversely impact the integrity of HRA sites and the Applicant stands by the conclusions of the HRA documentation. The HRA report is submitted with the DCO Application and has also been passed to Natural England for their comment during the pre-application stage.

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	~~England and Wales)~~Regulations, consider whether the project may have a significant effect on a ~~European~~protected site which is part of the National Site Network, or on any site to which the same protection is applied as a matter of policy, either alone or in combination with other plans or projects. ~~Further information on the requirements of the Habitats and Species Regulations can be found in a Government Circular81. Applicants should also refer to Section 5.3 of this NPS on biodiversity and geological conservation.~~ The applicant should seek the advice of ~~Natural England and/or the Countryside Council for Wales,~~the appropriate SNCB and provide the ~~IPC~~Secretary of State with such information as ~~it~~the Secretary of State may reasonably require, to determine whether an Appropriate Assessment (AA) is required. ~~In the event that~~If an ~~Appropriate Assessment~~AA is required, the applicant must provide the ~~IPC~~Secretary of State with such information as may reasonably be required to enable ~~it~~the Secretary of State to conduct the ~~Appropriate Assessment~~AA. This should include information on any mitigation measures that are proposed to minimise or avoid likely effects. ~~4.4 Alternatives 4.4.1 As in any planning case, the relevance or otherwise to the decision-~~ 4.2.10 If, during the pre-application stage, the SNCB indicate that the proposed development is likely to adversely impact the integrity of HRA sites, the applicant must include with their application such information as may reasonably be required to assess a potential derogation under the Habitats Regulations. If the SNCB gives such an indication at a later stage in the development consent process, the applicant must provide this information as soon as is reasonably possible and before the close of the examination. This information must include assessment of alternative solutions, a case for Imperative Reasons of Overriding Public Interest (IROPI) and appropriate environmental compensation. Applicants must have discussed with SNCB whether any proposed compensation is appropriate, and the compensation must be secured, or an indication given as to how it can be secured. Provision of such information will not be taken as an acceptance of adverse impacts and if an applicant disputes the likelihood of adverse impacts, it can provide this information without prejudice to the Secretary of State's final decision on the impacts of the potential development. If, in these circumstances, an applicant does not supply information required for the assessment of a potential derogation, there will be no expectation that the Secretary of State will allow the applicant the opportunity to provide such information following the examination. *Alternatives* 4.2.11 As in any planning case, the relevance or otherwise to the decision-making process of the existence (or alleged existence) of alternatives to the proposed development is in the first instance a matter of law, detailed guidance on which falls outside the scope of this NPS. From a policy perspective this NPS does not contain any general requirement to consider alternatives or to establish whether the proposed project represents the best option. ~~4.~~4.2.12 However: ~ ~~•~~Applicants are obliged to include in their ES, ~~as a matter of fact,~~ information about the ~~main~~reasonable alternatives they have studied. This should include an indication of the main reasons for the applicant's choice, taking into account the environmental, social and economic effects and including, where relevant, technical and commercial feasibility~~;~~ ~ ~~•~~ In some circumstances ~~there are specific legislative requirements, notably under the Habitats Directive, for the IPC to consider alternatives. These should also be identified in the ES by the applicant; and 79 The Conservation of Habitats and Species Regulations 2010 (SI2010/490). 80 Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora; Council Directive 2009/147/EC on the conservation of wild birds. 81 Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System (ODPM 06/2005, Defra 01/2005) available via TSO website www.tso.co.uk/bookshop. It should be noted that this document does not cover more recent legislative requirements. Where this circular has been superseded, reference should be made to the latest successor~~	

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	~~document. ● in some circumstances, the relevant energy~~, the NPSs may impose a policy requirement to consider alternatives (~~as this NPS does~~see below in Sections 5.~~3~~4, 5.~~7~~8 and 5.~~9). 4.~~10) 4.~~3~~2.13 Where there is a policy or legal requirement to consider alternatives, the applicant should describe the alternatives considered in compliance with these requirements. Given the level and urgency of need for new energy infrastructure, the ~~IPC~~Secretary of State should, subject to any relevant legal requirements (e.g., under the Habitats ~~Directive~~Regulations) which indicate otherwise, be guided by the following principles when deciding what weight should be given to alternatives: ~ ~~●~~The consideration of alternatives in order to comply with policy requirements should be carried out in a proportionate manner~~;~~ ~ ~~● the IPC~~ Only alternatives that can meet the objectives of the proposed development need be considered ~ The Secretary of State should be guided in considering alternative proposals by whether there is a realistic prospect of the alternative delivering the same infrastructure capacity (including energy security ~~and~~, climate change, and other environmental benefits) in the same timescale as the proposed development~~; ● where (as in~~ ~ The ~~case~~Secretary of ~~renewables) legislation imposes a specific quantitative target for particular technologies or (as in the case of nuclear) there is reason to suppose that the number of sites suitable for deployment of a technology on the scale and within the period of time envisaged by the relevant NPSs is constrained, the IPC~~State should not ~~reject~~refuse an application for development on one site simply because fewer adverse impacts would result from developing similar infrastructure on another suitable site, and it should have regard as appropriate to the possibility that all suitable sites for energy infrastructure of the type proposed may be needed for future proposals~~;~~ ~ ~~●~~Alternatives not among the main alternatives studied by the applicant (as reflected in the ES) should only be considered to the extent that the ~~IPC~~Secretary of State thinks they are both important and relevant to ~~its~~the decision~~;~~ ~ ~~●~~As the ~~IPC~~Secretary of State must ~~decide~~assess an application in accordance with the relevant NPS (subject to the exceptions set out in the Planning Act 2008), if the ~~IPC~~Secretary of State concludes that a decision to grant consent to a hypothetical alternative proposal would not be in accordance with the policies set out in the relevant NPS, the existence of that alternative is unlikely to be important and relevant to the ~~IPC's~~Secretary of State's decision~~;~~ ~ ~~●~~ Alternative proposals which mean the necessary development could not proceed, for example because the alternative proposals are not commercially viable or alternative proposals for sites would not be physically suitable, can be excluded on the grounds that they are not important and relevant to the ~~IPC's~~Secretary of State's decision~~;~~ ~ ~~●~~Alternative proposals which are vague or inchoate can be excluded on the grounds that they are not important and relevant to the ~~IPC's decision; and ●~~Secretary of State's decision ~ It is intended that potential alternatives to a proposed development should, wherever possible, be identified before an application is made to the ~~IPC in respect~~Secretary of ~~it~~State (so as to allow appropriate consultation and the development of a suitable evidence base in relation to any alternatives which are particularly relevant). Therefore, where an alternative is first put forward by a third party after an application has been made, the ~~IPC~~Secretary of State may place the onus on the person proposing the alternative to provide the evidence for its suitability as such and the ~~IPC~~Secretary of State should not necessarily expect the applicant to have assessed it. [53] Design principles should take into account any national guidance on infrastructure design, this could include for example the Design Principles for National Infrastructure published by the National Infrastructure Commission. https://nic.org.uk/studies-reports/design-principles-for-national-infrastructure/ [54] The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017	

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	[55] The effects on human beings includes effects on health [56] For guidance on the assessment of cumulative effects, see, for example, PINS Advice Note 17 regarding Cumulative Effects Assessment (August 2019) https://infrastructure.planninginspectorate.gov.uk/wpcontent/uploads/2015/12/Advice-note-17V4.pdf [57] Case law (for example Rochdale MBC Ex. Parte C Tew 1999) provides a legal principle that indicative sketches and layouts cannot provide the basis for determining applications for EIA development. The "Rochdale Envelope" is a series of maximum extents of a project for which the significant effects are established. The detailed design of the project can then vary within this 'envelope' without rendering the ES inadequate.	
~~Habitats and Species Regulations~~Health (Part 4.3 of EN-1	4.~~13~~3.1 Energy production has the potential to impact on the health and well-being ("health") of the population. Access to energy is clearly beneficial to society and to our health as a whole. However, the production, distribution and use of energy may have negative impacts on some people's health. 4.~~13~~3.2 As described in the relevant sections of this NPS and in the technology specific NPSs, where the proposed project has an effect on human beings, the ES should assess these effects for each element of the project, identifying any potential adverse health impacts, and identifying measures to avoid, reduce or compensate for these impacts as appropriate. The impacts of more than one development may affect people simultaneously, so the applicant ~~and the IPC should consider the cumulative impact on health. 93 Further information is available at the HSE's website: http://www.hse.gov.uk/landuseplanning/nsip- applications.htm 94 Hazardous substances consent can also be applied for subsequent to a DCO application. However, the guidance in 4.12.1 still applies i.e. the application should consult with HSE at the pre-application stage and include details in their DCO 4.13~~should consider the cumulative impact on health in the ES where appropriate. 4.3.3 The direct impacts on health may include increased traffic, air or water pollution, dust, odour, hazardous waste and substances, noise, exposure to radiation, and increases in pests. 4.~~13~~3.4 New energy infrastructure may also affect the composition~~, size~~ and ~~proximity~~size of the local population, and in doing so have indirect health impacts, for example if it in some way affects access to key public services, transport or the use of open space for recreation and physical activity. 4.~~13~~3.5 Generally, those aspects of energy infrastructure which are most likely to have a significantly detrimental impact on health are subject to separate regulation (for example for air pollution) which will constitute effective mitigation of them, so that it is unlikely that health concerns will either by themselves constitute a reason to ~~refused consents~~refuse consent or require specific mitigation under the Planning Act 2008. However, not all potential sources of health impacts will be mitigated in this way and the ~~IPC~~Secretary of State will want to take account of health concerns when setting requirements relating to a range of impacts such as noise. Opportunities should also be taken to mitigate indirect impacts, by promoting local improvements to encourage health and wellbeing, this includes potential impacts on vulnerable groups within society i.e., those groups within society which may be differentially impacted by a development compared to wider society as a whole.	Proposed paragraph 4.3.5 proposes the inclusion of text requiring applicants to take opportunities to mitigate indirect impacts on health, through local improvements to health and wellbeing. As set out in the Heads of terms for a section 106 Agreement (document reference 7.1), the Applicant will secure a Local Employment Scheme which includes the use of local suppliers and contractors and developing opportunities for local people to access training opportunities. This will have a direct, positive effect on wellbeing. The Proposed Scheme could have a positive effect on health through the Travel Plan. The Travel Plan will include the review and implementation of construction worker travel surveys, with monitoring of travel patterns. There will also be a review of the maintenance of agreed walk / cycle routes and additional travel initiatives / incentives would be developed where appropriate following feedback and monitoring. This can encourage cycling and walking to improve health. In line with proposed paragraph 4.3.2, the ES considers the cumulative impact on health where appropriate, with modelled results demonstrating that cumulative emissions from the Proposed Scheme and other projects, including Keadby 2, would have no significant effects on local air quality with respect to human health during operation. The Applicant therefore considers the Proposed Scheme is acceptable in respect

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
		of the proposed updates to Part 4.3 of draft EN-1.
~~Alternatives~~ Marine Considerations (Part 4.4 of EN-1	***English Marine Area*** 4.4.1 Marine plans apply in the 'marine area', the area from mean high water springs to the seaward limit of the Exclusive Economic Zone (EEZ). The 'marine area' also includes the waters of any estuary, river or channel, so far as the tide flows at mean high water spring tide. 4.4.2 Marine plans set out marine specific aspects of many of the assessment principles in Part 4 of this NPS. For example, criteria for 'good design' for energy infrastructure (Section 4.6) and climate change adaptation (Section 4.9). Plan policies cover a wide range of topics in Part 5 of this NPS, including landscape and visual (Section 5.10), noise and vibration (Section 5.12) and water quality (Section 5.16). Individual Marine Plans should be consulted to understand marine relevant specific considerations. 4.4.3 Section 104(2) (aa) of the Planning Act 2008 requires the Secretary of State to have regard to any appropriate marine policy documents when making a decision on an application for a development consent order where an NPS has effect.[58] This will include any Marine Plan which is in effect for the relevant area. 4.4.4 In making a decision, the Secretary of State is responsible for determining how the Marine Plan informs the decision-making process. For example, the Secretary of State will determine if and how proposals meet the high-level marine objectives, plan vision, and all relevant policies. In the event of a conflict between an NPS and any marine planning documents, the NPS prevails for purposes of decision making. 4.4.5 Applicants for a development consent order will need to take account of any relevant Marine Plans. There is an expectation that applicants will complete a Marine Plan assessment as part of their project development and this information should be used to support an application for development consent. Applicants are encouraged to refer to Marine Plans at an early stage, such as in advance of pre-application stage, to inform project planning, for example to avoid less favourable locations as a result of other uses or environmental constraints. 58 Where a decision is made under s105 of the Planning Act, section 58(3) of the Marine and Coastal Access Act 2009 will similarly require the Secretary of State to have regard to the marine plan.	The inclusion of policy relating to Marine Considerations is proposed in the draft EN-1. Of relevance to this DCO Application, proposed paragraph 4.4.1 explains that the 'marine area' includes the waters of any river *"so far as the tide flows at mean high water spring tide*". This is therefore relevant is respect of the River Ouse to the north. However, no works are proposed at the River Ouse, and Chapter 12 (Water Environment) of the ES (document reference 6.1.12) concludes that no significant adverse effects are predicted on the River Ouse as a result of the Proposed Scheme. A 30 m offset from the River Ouse has been implemented to avoid impacts to habitats related with the watercourse. The Applicant therefore considers that no further assessment is required in respect of Part 4.4 of draft EN-1.
~~Criteria for "good design" for energy infrastructure~~Environmental and Biodiversity Net Gain (Part 4.5 of EN-1	4.5.1 Environmental net gain is an approach to development that aims to leave the natural environment in a measurably better state than beforehand. Applicants should therefore not just look to mitigate direct harms, but also consider whether there are opportunities for enhancements. Biodiversity net gain is an essential component of environmental net gain. Projects should consider and seek to incorporate improvements in natural capital, ecosystem services and the benefits they deliver when planning how to deliver biodiversity net gain. 4.5.2 Although achieving biodiversity net gain is not an obligation for projects under the Planning Act 2008, energy NSIP proposals should seek opportunities to contribute to and enhance the natural environment by providing net gains for biodiversity where possible[59]. Applicants are encouraged to use the most current version of the Defra biodiversity metric[60] to calculate their biodiversity baseline and inform their biodiversity net gain outcomes and to present this data as part of their application. Biodiversity net gain should be applied in conjunction with the mitigation hierarchy and does not change or replace existing environmental obligations. 4.5.3 In addition to delivering biodiversity net gain, developments may also deliver wider environmental gains relevant to the local area, and to national policy priorities, such as reductions in GHG emissions, reduced flood risk, improvements to air or water quality, or increased access to natural greenspace. The scope of potential gains will be dependent on the type, scale, and location of specific projects. Applications for development consent should be accompanied by a statement demonstrating how opportunities for delivering wider environmental net gains have been	Proposed new Section 4.5 relates to environmental and BNG. Proposed paragraph 4.1.5 confirms that BNG is an essential component of environmental net gain, which applicants are encouraged to address through looking for opportunities for enhancement, not just mitigating direct harms. However, proposed paragraph 4.5.2 confirms that achieving BNG is not an obligation for NSIPs, albeit it is encouraged, where possible. Notwithstanding this, proposed footnote no. 59 references the amendment to the Environment Bill (2021) and explains the SoS may not grant development consent "*unless satisfied that*

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	considered, and where appropriate, incorporated into the design (including any relevant operational aspects) of the project. Applicants should make use of available guidance and tools for measuring natural capital assets and ecosystem services, such as the Natural Capitals Committee's 'How to Do it: natural capital workbook' and Defra's guidance on Enabling a Natural Capital Approach (ENCA). Where environmental net gain considerations have featured as part of the strategic options appraisal process to select a project, the statement should reference that information to supplement the site-specific details. 4.5.4 Part 5 of this NPS provides guidance on the impacts of new energy infrastructure. Opportunities are identified in a number of sections relating to environmental, social and economic enhancements, protection and mitigation measures. [59] Although achieving biodiversity net gain is not currently an obligation on applicants, a proposed amendment to the Environment Bill (see https://bills.parliament.uk/bills/2593/stages/15298/amendments/87948), would mean the Secretary of State may not grant an application for Development Consent Order unless satisfied that a biodiversity gain objective is met in relation to the development to which the application relates. The biodiversity gain objective will be set out in a biodiversity gain statement. Normally these statements will be included within NPS but the amendment allows for the statement to be published separately where a review of an NPS has begun before the proposed amendment comes into force. This would be the case with the energy NPS, should the amendment come into force. [60] The Biodiversity Metric can be found at http://publications.naturalengland.org.uk/publication/5850908674228224	*a biodiversity gain objective is met in relation to the development to which the application relates. The biodiversity gain objective will be set out in a biodiversity gain statement.*" The Government recently consulted on what this could look like in practice. As explained above, a BNG Assessment (document reference 6.10) is submitted with the DCO Application. The BNG Assessment confirms the Proposed Scheme cannot achieve BNG at present, but the Applicant is committed to achieving this, and ecological enhancement measures proposed which are set out in the Heads of Terms for a section 106 Agreement (document reference 7.1) also support the delivery of BNG. The BNG Assessment confirms the Proposed Scheme can demonstrate a net gain in hedgerow units and a no-net loss in river units at present. The Applicant is liaising with the EA with regard to achieving net gain and will undertake further calculations during the detailed design stage. In addition, the Outline Biodiversity and Landscape Strategy (OLBS) (document reference 6.6) outlines the mitigation measures required to safeguard biodiversity during construction, including compensatory measures to offset predicted losses of habitats as a result. The measures aim to ensure impacts are minimised as far as practicably possible. It also outlines enhancement measures for existing landscape and biodiversity features and how they would be managed and maintained, including the creation of new habitats that would provide additional opportunities for biodiversity whilst enhancing the landscape character.

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
		Proposed paragraph 4.5.4 suggests developments may also consider delivering wider environmental gains. The ES confirms that the Proposed Scheme will result in a net reduction in GHG emissions and may also result in a betterment in surface water drainage. Resource consumption will also be bettered through utilising rainwater for cooling, as opposed to water from the River Ouse. Overall, the Applicant therefore considers that the Proposed Scheme meets Part Policy 4.5 of draft EN-1.
Criteria for "Good Design" for Energy Infrastructure ~~Consideration of Combined Heat and Power (CHP)~~ (Part 4.6 of EN-1)	4.~~5~~6.1 The visual appearance of a building, structure, or piece of infrastructure, and how it relates to the landscape it sits within, is sometimes considered to be the most important factor in good design. But high quality and inclusive design goes far beyond aesthetic considerations. The functionality of an object —, be it a building or other type of infrastructure —, including fitness for purpose and sustainability, is equally important. Applying "good design" to energy projects should produce sustainable infrastructure sensitive to place, efficient in the use of natural resources and energy used in their construction and operation, matched by an appearance that demonstrates good aesthetic as far as possible. It is acknowledged, however that the nature of much energy infrastructure development will often limit the extent to which it can contribute to the enhancement of the quality of the area. 4.~~5~~6.2 Good design is also a means by which many policy objectives in the NPS can be met, for example the impact sections show how good design, in terms of siting and use of appropriate technologies, can help mitigate adverse impacts such as noise. ~~4.5~~Given the benefits of "good design" in mitigating the adverse impacts of a project, applicants should consider how "good design" can be applied to a project during the early stages of the project lifecycle. Design principles[61] should be established from the outset of the project to guide the development from conception to operation. 4.6.3 In the light of the above~~,~~ and given the importance which the Planning Act 2008 places on good design and sustainability, the ~~IPC~~Secretary of State needs to be satisfied that energy infrastructure developments are sustainable and, having regard to regulatory and other constraints, are as attractive, durable, and adaptable (including taking account of natural hazards such as flooding) as they can be. In ~~so~~ doing so, the ~~IPC~~Secretary of State should ~~satisfy itself~~be satisfied that the applicant has taken into account both functionality (including fitness for purpose and sustainability) and aesthetics (including its contribution to the quality of the area in which it would be located, any potential amenity benefits, and visual impacts on the landscape or seascape) as far as possible. Whilst the applicant may not have any or very limited choice in the physical appearance of some energy infrastructure, there may be opportunities for the applicant to demonstrate good design in terms of siting relative to existing landscape character, ~~landform~~landform and vegetation. Furthermore, the design and sensitive use of materials in any associated development such as electricity substations will assist in ensuring that such development contributes to the quality of the area. ~~4.5.4 For the IPC~~Applicants should also, so far / as is possible, seek to embed opportunities for nature inclusive design within the design process. 4.6.4 For the Secretary of State to consider the proposal for a project, applicants should be able to demonstrate in their application documents, how the design process was conducted and how the proposed design evolved. Where a	In accordance with proposed paragraph 4.6.2, the DFD (document reference 6.9) establishes the hard and soft landscaping design principles for the Proposed Scheme and will act as a guideline for the detailed design stage. The design principles set out in the DFD are included in the REAC. A requirement in Schedule 2 to the DCO contains provisions to control and approve the detailed design of the Proposed Scheme, to ensure that visual impacts would be minimised where possible. The detailed design requirements require the detailed design submitted for approval to accord with those design principles set out in the DFD and REAC. These details, for example would, for example, include appropriate colours and textures of infrastructure where possible The DFD demonstrates how achieving 'good design' has been a consideration of the Proposed Scheme from conception. This is also demonstrated through the pre-application consultation undertaken with relevant stakeholders, as set out in the Consultation Report (document reference 5.1). As per proposed paragraph 4.6.1, these design principles are to be applied to all structures and infrastructure as well as buildings.

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	number of different designs were considered, applicants should set out the reasons why the favoured choice has been selected. In considering applications, the ~~IPC~~Secretary of State should take into account the ultimate purpose of the infrastructure and bear in mind the operational, safety and security requirements which the design has to satisfy. ~~4.5.5 Applicants and the IPC~~Many of the wider impacts of a development, such as landscape and environmental impacts, will be important factors in the design process. The Secretary of State will consider such impacts under the relevant policies in this NPS. Assessment of impacts must be for the stated design life of the scheme rather than a shorter time period. 4.6.5 Applicants and the Secretary of State should consider taking independent professional advice on the design aspects of a proposal. In particular, the Design Council ~~CABE~~ can be asked to provide design review for nationally significant infrastructure projects and applicants are encouraged to use this ~~service82.~~service.[62] 4.~~5~~6.6 Further advice on what the ~~IPC~~Secretary of State should expect applicants to demonstrate by way of good design is provided in the technology~~-~~ specific NPSs where relevant. [61] Design principles should take into account any national guidance on infrastructure design, this could include for example the Design Principles for National Infrastructure published by the National Infrastructure Commission. https://nic.org.uk/studies-reports/design-principles-for-national-infrastructure [62] The Chief Planner's 2011 Letter about design and planning can be found here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/8009/110520-_Letter_to_Chief_Planning_Officers-_Design_and_Planning.pdf Further information on the Design Council can be found here: https://www.designcouncil.org.uk/	In line with proposed paragraph 4.6.3, the Applicant has assessed visual impacts on the landscape. These impacts are explained in Table B.1 of Appendix B and in Chapter 9 (Landscape and Visual Impact) of the ES (document reference 6.1.9). Proposed paragraph 4.6.3 also states *"Applicants should also, so far / as is possible, seek to embed opportunities for nature inclusive design within the design process."* Given the energy infrastructure related nature of the Proposed Scheme and that it will comprise an extension to existing energy infrastructure, on previously developed land; opportunities for 'nature inclusive design' are restricted. However, the ecological enhancements are proposed, as explained in the OLBS (document reference 6.6). As explained above, BNG will also be sought. Based on the above, the Applicant considers the Proposed Scheme accords overall with the additional text proposed for Part 4.6 of draft EN-1.
Consideration of Combined Heat and Power (CHP) ~~Carbon Capture and Storage (CCS) and Carbon Capture Readiness (CCR)~~ (Part 4.7 of EN-1	4.~~6~~7.1 Combined Heat and Power (CHP) is the generation of usable heat and electricity in a single process. A CHP station may either supply steam direct to customers or capture waste heat for low-pressure steam, hot water, or space heating purposes after it has been used to drive electricity generating turbines. The heat can also be used to drive absorption chillers, thereby providing cooling. 4.~~6~~7.2 In conventional thermal generating stations, the heat that is raised to drive electricity generation is subsequently emitted to the environment as waste. Supplying steam direct to industrial customers or using lower grade heat, such as in district heating networks, can reduce the amount of fuel otherwise needed to generate the same amount of heat and power separately. CHP is technically feasible for ~~all~~many types of thermal generating stations, including nuclear, ~~energy from waste~~EfW, BECCS and ~~biomass~~hydrogen, although the majority of CHP plants in the UK are fuelled by gas. 4.~~6~~7.3 Using less fuel to generate the same amount of heat and power reduces emissions, particularly CO2~~-~~. The Government has therefore committed to promoting Good Quality CHP, which denotes CHP that has been certified as highly efficient under the CHP Quality Assurance programme. ~~In accordance with the EU Cogeneration Directive, schemes~~Schemes need to achieve ~~at least 10% primary energy savings compared to the separate generation of heat~~a specified quality index and power efficiency in order to qualify for ~~Government~~government support associated with the programme.	Specific mention of BECCS technology is proposed at paragraph 4.7.2 where it states CHP is technically feasible. The other policy changes proposed do not impact the assessment of adopted EN-1 CHP policy. Therefore, the assessment provided at in Table B.1 of Appendix B, which demonstrates that CHP is not suitable for the Proposed Scheme, remains relevant. The Applicant therefore considers the Proposed Scheme to be in accordance with Part 7.4 of draft EN-1.

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	4.~~6~~7.4 In ~~2009~~2019, there was ~~5.~~6 ~~GW~~.1GW of Good Quality CHP in the UK, providing over 7.3% of electricity and saving an estimated ~~9~~10.5 MtCO2 per annum. There is a recognised cost-effective potential for ~~a further 10 GW of~~ Good Quality CHP~~, estimated~~ to continue to ~~offer a further saving of 175 MtCO2 by 201583.~~provide benefits due to efficiencies inherent in cogeneration. 4.~~6~~7.5 To be economically viable as a CHP plant, a generating station needs to be located close to industrial or domestic customers with heat demands. The distance will vary according to the size of the generating station and the nature of the heat demand. For industrial purposes, customers are likely to be intensive heat users such as chemical plants, refineries, or paper mills. CHP can also be used to provide lower grade heat for light industrial users such as commercial greenhouses, or more commonly for hot water and space heating, including supply through district heating networks. ~~A 2009 report for DECC84 on district heating networks suggested that, for example, a district heating network using waste heat from a generating station would 82 http://www.communities.gov.uk/publications/planningandbuilding/letterdesignplanning 83 http://www.defra.gov.uk/environment/climatechange/uk/energy/chp/pdf/potential-report.pdf 84 "The Potential and Costs of District Heating Networks", Pöyry and Faber Maunsell, April 2009. be cost-effective where there was a demand for 200 MWth of heat within 15 km. Additionally, the provision of CHP is most likely to be cost-effective and practical where it is included as part of the initial design and is part of a mixed-use development. For example, retrofitting a district heating network to an existing housing estate may not be efficient.~~ 4.~~7.6~~.~~6 Under guidelines~~ Guidance issued by ~~DECC (~~the then Department for Trade and Industry (DTI) in ~~200685,~~200663 will apply to any application to develop a thermal generating station under ~~Section 36 of~~ the ~~Electricity~~Planning Act ~~1989~~2008. Applications for thermal stations must either include CHP proposals or contain evidence that the possibilities for CHP have been fully explored to inform the ~~IPC's~~Secretary of State's consideration of the application. This should be through an audit trail of dialogue between the applicant and prospective customers. The ~~same principle applies to any thermal power station which is the subject~~Secretary of ~~an application for development consent under the Planning Act 2008. The IPC~~State should have regard to ~~DECC's~~the 2006 guidance, or any successor to it, when considering the CHP aspects of applications for thermal generating stations. 4.~~6~~7.7 In developing proposals for new thermal generating stations, ~~developers~~applicants should consider the opportunities for CHP from the very earliest point, and it should be adopted as a criterion when considering locations for a project. Given how important liaison with potential customers for heat is, applicants should not only consult those potential customers they have identified themselves but also bodies such as ~~the Homes and Communities Agency (HCA),~~ Local Enterprise Partnerships (LEPs) and Local Authorities and obtain their advice on opportunities for CHP. Further advice is contained in the 2006 ~~DECC guidelines~~DTI guidance and applicants should also consider relevant information in regional and local energy and heat demand mapping. 4.~~6~~7.8 Utilisation of useful heat that displaces conventional heat generation from fossil fuel sources is to be encouraged where, as will often be the case, it is more efficient than the alternative electricity/heat generation mix. To encourage proper consideration of CHP, substantial additional positive weight should therefore be given ~~by the IPC~~ to applications incorporating CHP. If the proposal is for thermal generation without CHP, the applicant should: ~ ~~•~~Explain why CHP is not economically or practically feasible for example if there is a more energy efficient means of satisfying a nearby domestic heat demand~~;~~ ~ ~~•~~Provide details of any potential future heat requirements in the area that the station could meet~~; and •~~ • detail the provisions in the proposed scheme for ensuring any potential heat demand in the future can be exploited~~. 4.6~~	

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	~ Given the importance which government attaches to CHP, if an application does not demonstrate that CHP has been considered the Secretary of State should seek further information from the applicant. The Secretary of State should not give development consent unless satisfied that the applicant has provided appropriate evidence that CHP is included or that the opportunities for CHP have been fully explored. For non-CHP stations, where there is reason to believe that opportunities to supply heat through CHP may arise in the future, the Secretary of State may also require that developers ensure that their stations are 'CHP ready' and are designed in order to allow heat supply at a later date 4.7.9 CHP may require additional space than for a non-CHP generating station. It is possible that this might conflict with space required for a generating station to be ~~Carbon Capture Ready~~CCR, as set out in Section 4.~~7~~8. The material provided by applicants should therefore explain how the development can both be ready to provide CHP in the future, and also be ~~Carbon Capture 85 Guidance on background information to accompany notifications under Section 14(1) of the Energy Act 1976 and applications under Section 36 of the Electricity Act 1989. Ready~~CCR, or set out any constraints (for example space restrictions) which would prevent this. 4.~~6~~7.10 If the ~~IPC~~Secretary of State is not satisfied with the evidence that has been provided, ~~it~~the Secretary of State may wish to investigate this with one or more of the bodies such as ~~the HCA,~~ LEPs and Local Authorities. 4.~~6~~7.11 Furthermore, if the ~~IPC~~Secretary of State, when considering an application for a thermal generating station, identifies a potential heat customer that is not explored in the application (for instance, on the advice of the ~~HCA or~~ Local Authorities), ~~it~~the Secretary of State should request that the applicant pursues this. Should the applicant not be able to reach an agreement with a potential customer, it should provide evidence demonstrating why it was not possible. 4.~~6~~7.12 The ~~IPC~~Secretary of State may be aware of potential developments (for example from the applicant or a third party) which could utilise heat from the plant in the future, for example planned housing, and which is due to be built within a timeframe that would make the supply of heat cost-effective. If so, the ~~IPC~~Secretary of State may wish to impose requirements to ensure that the generating station is CHP-ready unless the ~~IPC~~Secretary of State is satisfied that the applicant has demonstrated that the need to comply with the requirement to be ~~Carbon Capture Ready~~CCR will preclude any provision for CHP. [63] Guidance on background information to accompany notifications under Section 14(1) of the Energy Act 1976 and applications under Section 36 of the Electricity Act 1989.	
~~Climate change adaptation~~Carbon Capture and Storage (CCS) (Part 4.8 of EN-1	CCS 4.~~7~~8.1 ~~Carbon Capture and Storage (~~CCS~~)~~ is ~~an emerging~~a technology that enables carbon dioxide that would otherwise be released to the atmosphere to be captured and permanently stored. It can be applied to any large point source of carbon dioxide, such as ~~fossil fuel power stations or other industrial processes that are high emitters. Carbon capture technologies are able to remove up to 90% of the carbon dioxide that would otherwise be released to the atmosphere and offers the opportunity for fossil fuels to continue to be an important element of a secure and diverse low carbon energy mix. 4.7.2 The chain of CCS has three links: capture of carbon, transport, and storage. There are three types of capture technology: ●~~thermal generating power stations or other industrial processes that are high emitters. Carbon capture rates achieved will depend on the application and a minimum capture rate may be required. Carbon capture technologies offer the opportunity to decarbonise the electricity system whilst maintaining security of supply, providing reliable low carbon generation capacity. 4.8.2 The government has made its ambitions for CCS clear[64] - committing to providing funding to support the establishment of CCS in at least four industrial clusters by 2030 and supporting, using consumer subsidies, at least one privately financed gas CCS power station by 2030. The barriers to CCS deployment to date have been commercial	Proposed paragraph 4.8.2 highlights the Government's support for CCS. Proposed paragraph 4.8.3 acknowledges that power CCS facilities will have an impact on the surrounding landscape and visual amenity, and that they will give rise to noise and vibrations. Additional text proposed at paragraph 4.8.3 generally provides guidance for DCO applications for generating stations with CCS, not just CCS development as per the Proposed Scheme.

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	rather than technical, and the business models, which may evolve over time, aim to support the deployment of the technology. Part 3 of this NPS sets out the need for CCS and the role power CCS could play in our electricity system in more detail. 4.8.3 The types of environmental impacts of a gas-fired power CCS station should be similar to an unabated gas-fired power station, and so the assessment principles for the generating station covered in EN-2 should be similarly applied. Gas-fired power CCS stations may still emit residual CO2 and so will be required to comply with any Emissions Performance Standards (EPS) that might be applicable, but this is not part of the development consent process. The carbon capture plant required for a new build power CCS plant can be included as associated development in the application for development consent for the relevant thermal generating station and will then be considered as part of that application. A supply of water will be needed for CCS processes and the volumes required will depend on the carbon capture technology used. Power CCS facilities will have an impact on the surrounding landscape and visual amenity. As set out in Section 2.6 of EN-2, the main structures of a thermal generating stations could be large, and so may have landscape and visual impacts. Carbon capture facilities could also be significant in size - they may require additional space to the generating facility which will need to be included within the design and EIA. For example, the main direct contact cooler, CO2 absorber column and regenerator towers in post-combustion plants can be tall, but the overall size will be dependent on the technology and design. As set out in Section 2.7 of EN-2, there will be noise and vibration impacts associated with the generating station. The carbon capture plant will also have noise and vibration impacts. Planning applications for generating stations with CCS should provide evidence that shows technically feasible plans for the CO2 capture plant, an ES that addresses impacts arising from the project and documentation to ensure compliance with all other existing policy, including that any of the plant's capacity which is not to be fitted with carbon capture at the outset meets the requirements for Carbon Capture Readiness (CCR). An Environmental Permit (EP) will also be required from the Environment Agency (EA) or Natural Resources Wales (NRW) which incorporates conditions for operation of the carbon capture and storage installation. 4.8.4 There are several different capture techniques which might have slightly different environmental impacts and considerations. These should be set out in the planning application. For example, some capture technologies may require hazardous substances consent for solvents required during the capture process. The Secretary of State should have regard to advice from the EA or NRW as to the technical feasibility of the proposed carbon capture technology. The Secretary of State may also seek further independent advice but is not required to do so. 4.8.5 Examples of three types of capture technology are: ~ Pre-combustion capture: this method involves reacting fuel with oxygen or air, and in some cases steam, to produce a gas consisting mainly of carbon monoxide and hydrogen. The carbon monoxide is reacted with more steam in a catalytic shift converter to produce more hydrogen and CO2-. The CO2 is then separated, and the hydrogen is used as fuel in a combined cycle gas turbine generating station. ~~For coal, this method is based on integrated coal gasification combined cycle (ICGCC) technology.~~ ~ Post-combustion capture: this uses solvents or other methods to scrub CO2 out of flue gases. The CO2 is then released as a concentrated gas stream by a regeneration process. ~~Post-combustion capture is applicable to pulverised coal generating stations.~~ ~ Oxy-fuel combustion: in this process, fuel is burnt in an oxygen/CO2 mixture rather than air to produce a flue gas that is predominantly CO2. For gas-fired plants the technology could be used with a combined cycle system. Other oxy-fuel combustion power CCS plants are being developed using novel non-combined cycle systems.	As per proposed paragraph 4.8.4, additional consents will be required to deliver the Proposed Scheme, which are set out in Other Consents and Licenses document (document reference 5.5). The EA has recognised carbon capture as a technology and as such has issued best available techniques guidance. UK CCS clusters are mentioned in proposed paragraph 4.8.6, where it acknowledges *"development consent applications for power CCS projects may not include an application for consent for the full CCS chain (including the onward transportation and storage of CO2)"*, as per the Proposed Scheme, which seeks consent for the 'carbon capture link' only. Details of how the captured CO_2 is intended to be transported and stored is explained in Section 1.3 of the Planning Statement, in line with proposed paragraph 4.8.6. Details of how cumulative impacts will be assessed and whether any necessary consents, permits and licences have been obtained for the transport and storage links are not yet known. Proposed paragraph 4.8.6 goes on to provide advice relating to CO_2 transport pipelines. As explained at Section 1.3 of the Planning Statement, the transport and storage 'links' will be the subject of separate consent applications by third parties, such as by NGCL, and include the construction of a pipeline as part of the HLCP project, to accommodate the transportation of CO_2 ('transport link') to the Endurance storage site under the North Sea ('storage link'). Further to the above, the assessment of the adopted relevant policy still stands, and addresses the remaining proposed paragraphs of Part 4.8 of draft EN-1. This is presented at Table B.1 of Appendix B.

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	4.8.6 The chain of CCS has three links: capture of carbon, transport, and storage. Due to the approach of deploying CCS in clusters in the UK with shared transport and storage infrastructure, it is likely that development consent applications for power CCS projects may not include an application for consent for the full CCS chain (including the onward transportation and storage of CO2). However, development consent applications for power CCS projects should include details of how the captured CO2 is intended to be transported and stored, how cumulative impacts will be assessed and whether any necessary consents, permits and licences have been obtained. 4.8.7 Applicants gaining consent for CCS infrastructure will need a range of consents from different bodies. One method for transporting captured carbon dioxide is through pipelines. These will be located both onshore and offshore. ~~. With coal the technology would be deployed with a suitably modified pulverised coal combustion system, whilst with gas it could be used with a combined cycle system. 4.7.3 Once carbon dioxide has been captured, it is then compressed and transported, before being~~Onshore pipelines over 16.093 kilometres in length classify as NSIPs and require a development consent order. The operation of the CCS chain will require permits from the EA or NRW. There are currently no cross-country carbon dioxide pipelines in the UK and considerable investment in pipelines will be required for the wider deployment of CCS. This initial investment could form the basis of more extensive carbon dioxide pipeline networks, which are likely to require greater capacity pipelines. In considering applications, the Secretary of State should, therefore, take into account that the government will expect applicants to take into account foreseeable future demand when considering the size and route of their investments and applicants may therefore propose pipelines with a greater capacity than demand at the time of consenting might suggest. Existing legislation (The Pipeline Safety Regulations 1996) already provides powers to require modification of pipelines where this would reduce the need for additional pipelines to be constructed in the future. Another method for transporting carbon dioxide is by ship. Ports would enable the transfer of carbon dioxide from onshore infrastructure onto ships. Ports and associated infrastructure that process at least 5Mt of carbon dioxide per year would qualify as NSIP Projects and require a development consent order from the Department for Transport. Such applications would be considered under the National Policy Statement for Ports, but the need for CCS infrastructure set out in this NPS is likely to be a relevant consideration. 4.8.8 CO2 can be permanently stored in deep geological formations, such as depleted oil and gas fields and saline aquifers. In the UK, the majority of locations thought to be best suited to storage of CO2 are located offshore. ~~4.7.4 The Government has taken a number of steps to facilitate and encourage the demonstration of CCS technology. The demonstration programme described in 3.6.5 focused initially on coal-fired power stations. This is because the emissions from coal generation are substantially higher than from other fuels, including gas; the projected increase in coal use globally creates a greater urgency to tackling emissions from coal; tackling emissions from coal first makes most economic sense because of the greater emissions intensity; and new coal generating stations would contribute to the diversity and security of UK energy supplies as we make the transition to a low carbon mix. However, CCS will also be required for other combustion generating stations in future and the Government has therefore extended the demonstration programme to include gas-fired generating stations. 4.7.5 All commercial scale fossil fuelled generating stations have to be carbon capture ready (see CCR Section below). In addition to satisfying the CCR criteria, to reduce CO2 emissions new coal-fired generating stations, or significant extensions to existing stations, in England or Wales must have CCS on at least 300 MW net of the proposed generating capacity and secure arrangements for the transport and permanent storage of carbon dioxide. Coal-fired generating stations of less than 300 MW net capacity should show that the proposed generating station will be able to capture CO2 from their full capacity. Operators of fossil fuel generating stations will also be required to comply with any Emission Performance Standards (EPS) that might be applicable, but this is not part of the consents process. 4.7.6 Given this requirement to fit a technology which is at a relatively early stage of development, and therefore very costly, it is unlikely that any coal-fired plants will be built in the~~	Based on the above, the Applicant considers the Proposed Scheme accords with the proposed text of Part 4.8 of draft EN-1.

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	~~foreseeable future without financial support for CCS demonstration. However it is possible that developers may wish to submit applications in advance of securing funding. Any decision on a planning application for a new coal-fired generating station should be made independently of any decision on allocation of funding for CCS demonstration. This may mean, therefore, that planning consent could be given to more applications than will be able to secure financial support for CCS demonstration. 4.7.7 The most likely method for transporting the captured carbon dioxide is through pipelines.~~ The UK has an estimated offshore CO2 storage capacity of 78Gt/CO265 enough to store the equivalent of current total UK annual emissions for over 200 years. The development of an offshore CO2 storage industry will play a key role in helping to ensure the transition to a net zero economy. Establishing an offshore storage industry could also make the UK a global leader in storage services as countries eager to meet emissions targets pursue carbon capture. As the global CCS market increases, the UK can capture £4.3 billion of GVA per annum from exports by 205066. We do not currently envisage an onshore CO2 storage industry developing against this backdrop. Efficiently maximising our offshore CO2 storage capacity offers the best opportunity to realise our ambitions for CO2 storage as set out in the Ten Point Plan. Offshore CO2 transport and storage infrastructure will require an applicant to secure a Carbon Dioxide Appraisal and Storage Licence and a Storage Permit; a Carbon Storage Lease and a Seabed Lease; offshore pipelines require a Pipeline Works Authorisation and a Demonstration of Safety. Offshore CO2 transport and storage proposals will need to be supported by an EIA. A suite of environmental approvals will also be required for the construction, development and the operational phase. ***Carbon Capture Readiness***[67] 4.8.9 To ensure that no foreseeable barriers exist to retrofitting CCS~~These will be located both onshore and offshore. There are currently no carbon dioxide pipelines in the UK and considerable future investment in pipelines will be required for the purpose of the demonstration programme. If CCS is deployed more widely, it is likely that these initial investments could form the basis of a wider carbon dioxide pipeline network, which is likely to require greater capacity pipelines. In considering applications the IPC should therefore take into account that the Government wants developers to bear in mind foreseeable future demand when considering the size and route of their investments and may therefore propose pipelines with a greater capacity than necessary for the project alone. Existing legislation already provides powers to require modification of pipelines where this would reduce the need for additional pipelines to be constructed in the future. 4.7.8 To construct a coal power station with the full CCS chain, applicants will need a range of consents from different bodies. These include a CO2 storage licence and (if appropriate) consent for both on and offshore pipeline construction. An environmental permit will be required from the Environment Agency (EA) which incorporates conditions for operation of the CCS chain. 4.7.9 Further information on the CCS obligations to be imposed on new coal-fired power stations will be available in guidance issued by DECC86. The IPC must follow this CCS guidance, or any successor to it, when considering applications for combustion generating stations. CCR 4.7.10 To ensure that no foreseeable barriers exist to retrofitting carbon capture and storage (CCS)~~ equipment on combustion generating stations, all applications for new combustion plant which are of generating capacity at or over ~~300 MW87~~300MW and of a type covered by ~~the EU's Large Combustion Plant Directive (LCPD)88~~The Carbon Capture Readiness (Electricity Generating Stations) Regulations 2013 should demonstrate that the plant is "Carbon Capture Ready" (CCR) before consent may be given. The ~~IPC~~Secretary of State must not grant consent unless this is the case. In order to assure the ~~IPC~~Secretary of State that a proposed development is CCR, applicants will need to demonstrate that their proposal complies with guidance issued by the Secretary of State in November ~~200989~~200968 or any successor to it. The guidance requires: ~ That sufficient space is available on or near the site to accommodate carbon capture equipment in the future~~;~~ ~ The technical feasibility of retrofitting their chosen carbon capture technology~~;~~	

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	~ ● That a suitable area of deep geological storage offshore exists for the storage of captured CO2 from the proposed combustion station~~; 86 Draft Guidance was issued for consultation in November 2009. 87 The threshold set for this CCR requirement is capacity measured in MW electricity (MWe) for combustion plants which are covered by the LCPD, consistent with the requirements of Article 9a of the LCPD, as inserted by Article 33 of the EU Directive on the Geological Storage of Carbon Dioxide (2009/31/EC). This article requires applicants to carry out CCR assessments, and it requires Member State authorities (in this case, the IPC) to ensure that suitable space for the capture equipment is set aside. The policy set out here represents the implementation of Article 9a as regards Great Britain, but it also goes beyond what the Directive requires, as explained in DECC guidance. 88 2001/80/EC. Energy from waste plants are not covered by the LCPD. 89 Carbon Capture Readiness A guidance note for Section 36 Applications URN09D/810 http://www.decc.gov.uk/en/content/cms/what_we_do/uk_supply/consents_planning/ guidance.aspx) ● the technical feasibility of transporting the captured CO2 to the proposed storage area; and~~ ~ ●The technical feasibility of transporting the captured CO2 to the proposed storage area ~ The economic feasibility within the combustion station's lifetime of the full CCS chain, covering retrofitting, transport and storage~~.~~ 4.~~7.11~~8.10 Government envisages that the technical feasibility study for retrofitting CCS equipment will take the form of a written report and accompanying plant designs which: ~ ●Make clear which capture technology is currently considered most appropriate for retrofit in the future to the power station~~; and~~ ~ ● Provide sufficient detail to enable the EA or NRW to advise the Secretary of State on whether the applicant has sufficiently demonstrated there are no currently known technical barriers to subsequent retrofit of the declared capture technology~~.~~ 4.~~7.12~~8.11 The assessment of technological feasibility could be against either: ~ ●An appropriate reference document~~; or~~ ~ ● By the provision of sufficient technical detail by the applicant in their submitted plans and discussions with the advisory body~~. 4.7.13~~ 4.8.12 Applicants should conduct a single economic assessment which encompasses retrofitting of capture equipment, CO2 transport and the storage of CO2~~.~~. Applicants should provide evidence of reasonable scenarios, taking into account the cost of the capture technology and transport option chosen for the technical CCR assessments and the estimated costs of CO2 storage, which make operational CCS economically feasible for the proposed development. 4.~~7.14~~8.13 The preparation of an economic assessment will involve a wide range of assumptions on each of a number of factors, and ~~Government~~government recognises the inherent uncertainties about each of these factors. There can be no guarantee that an assessment which is carried out now will predict with complete accuracy either in what circumstances it will be feasible to fit CCS to a proposed power station or when those circumstances will arise, but it can indicate the circumstances which would need to be the case to allow operational CCS to be economically feasible during the lifetime of the proposed new station. 4.~~7.15~~8.14 A model assessment structure is suggested in ~~DECC's~~ CCR ~~guidance~~guidance[69], although this is not the only way which the assessment could be addressed. It is the responsibility of applicants to justify the capture, transport and storage options chosen for their proposed development.	

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	4.~~7.16~~8.15 The ~~IPC~~Secretary of State should consult the EA or NRW on the technical and economic feasibility assessments. The ~~IPC~~Secretary of State should also have regard to advice from the EA or NRW as to the suitability of the space set aside on or near the site for CCS equipment. If the ~~IPC~~Secretary of State, having considered these assessments and other available information including comments by EA or NRW, concludes that it will not be technically and economically feasible to retrofit CCS to a proposed plant during its expected lifetime, then the proposed development cannot be judged to be CCR and therefore cannot receive consent. 4.~~7.17~~8.16 If granted consent, operators of the power station will be required to: ~ ~~•~~Retain control over sufficient additional space on or near the site on which to install the carbon capture equipment and the ability to use it for that purpose~~;~~ ~ ~~•~~Submit update reports on the technical aspects of its CCR status to the Secretary of State for ~~DECC~~BEIS. These reports will be required within 3 months of the commercial operation date of the power station (so avoiding any burden on the operator with an unimplemented consent) and every two years thereafter. Should CCS equipment be retrofitted to the full capacity of the plant, the obligation to provide such reports will lapse~~.~~ [64] https://www.gov.uk/government/publications/the-ten-point-plan-for-a-green-industrial-revolution [65] Energy Technologies Institute: Taking stock of UK CO2 storage (2017): https://www.eti.co.uk/insights/takingstock-of-UK-CO2-storage [66] Energy Innovation Needs Assessment Sub-theme report: Carbon capture, utilisation and storage; https://www.gov.uk/government/publications/energy-innovation-needs-assessments [67] The Energy White Paper, published in December 2020, committed to consult on proposals to update the Carbon Capture Readiness requirements to reflect technological advances, such as conversion to low carbon hydrogen, and apply them more broadly, by removing the 300MW threshold and including all combustion technologies within scope. If that consultation leads to changes in the relevant legal or policy framework then those new requirements will apply and this NPS will be updated to reflect any revised requirements ahead of designation. In the meantime, CCR policy remains as set out in this section. [68] Carbon Capture Readiness. A guidance note for Section 36 Applications: https://www.gov.uk/government/publications/carbon-capture-readiness-ccr-a-guide-on-consent-applications [69] Carbon Capture Readiness. A guidance note for Section 36 Applications: https://www.gov.uk/government/publications/carbon-capture-readiness-ccr-a-guide-on-consent-applications	
~~Grid connection~~Climate Change Adaption (Part 4.9 of EN-1	4.~~8~~9.1 Part 2 of this NPS covers the ~~Government's~~government's energy and climate change strategy, including policies for mitigating climate change~~.~~ and its impacts. This part of the NPS sets out how applicants and the ~~IPC~~Secretary of State should take the effects of climate change into account when developing and consenting infrastructure. While climate change mitigation is essential to minimise the most dangerous impacts of climate change, previous global ~~greenhouse gas~~GHG emissions have already committed us to some degree of continued climate change for at least the next 30 years. If new energy infrastructure is not sufficiently resilient against the possible impacts of climate change, it will not be able to satisfy the energy needs as outlined in Part 3 of this NPS. 4.~~8~~9.2 Climate change is likely to mean that the UK will experience hotter, drier summers and warmer, wetter winters. There is a likelihood of increased flooding, drought, heatwaves, and intense rainfall events, as well as rising sea levels and coastal change. Adaptation is therefore necessary to deal with the potential impacts of these changes that are already happening. Renewable and low carbon development is an adaptive measure to address climate change. 4.~~8~~9.3 To support planning decisions, the ~~Government~~government produces a set of UK Climate ~~Projections~~Projections[70] and ~~is developing~~has developed a statutory National Adaptation ~~Programme90~~Programme[71]. In addition, the ~~Government's~~government's Adaptation Reporting ~~Power91~~Power[72] will ensure that reporting authorities (a defined list of public bodies and statutory undertakers, including energy utilities) assess the risks to their organisation presented by climate change. The ~~IPC~~Secretary of State may take into account energy utilities' reports to the Secretary of State when considering adaptation measures proposed by an applicant for new energy infrastructure. 4.~~8~~9.4 In certain circumstances, measures implemented to ensure a scheme can adapt to climate change may give rise to	The majority of the Climate Change Adaption text will remain unchanged and is assessed against the proposed Scheme in Table B.1 of Appendix B. Proposed paragraph 4.9.5 requires applicants to consider whether nature-based solutions could provide a basis for climate change adaption. As set out in Table B.1 of Appendix B, the SWDS has been designed to utilise surface water runoff in the existing water-cooling system. This will reduce the water abstracted from the River Ouse and uses a natural resource to mitigate climate change impacts, in line with EN-1. Section 4.11 of this Planning Statement and Chapter 14 (Climate Resilience) of the ES

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	additional impacts, for example as a result of protecting against flood risk, there may be consequential impacts on coastal change (see Section 5.~~5). 4.8.5~~6). 4.9.5 In preparing measures to support climate change adaptation applicants should consider whether nature-based solutions could provide a basis for such adaptation. In addition to avoiding further GHG emissions when compared with some more traditional adaptation approaches, nature-based solutions can also result in biodiversity benefits as well as increasing absorption of carbon dioxide from the atmosphere (see also Section 5.11 on the role of green infrastructure). 4.9.6 New energy infrastructure will typically be a long-term investment and will need to remain operational over many decades, in the face of a changing climate. Consequently, applicants must consider the impacts of climate change when planning the location, design, build, operation and, where appropriate, decommissioning of new energy infrastructure. The ES should ~~90 s.58 of the Climate Change Act 2008. 91 s.62 of the Climate Change Act 2008.~~ set out how the proposal will take account of the projected impacts of climate change~~. While not required by~~, in accordance with the EIA ~~Directive, this~~Regulations. This information will be needed by the ~~IPC.~~Secretary of State. 4.~~8.6~~9.7 The ~~IPC~~Secretary of State should be satisfied that applicants for new energy infrastructure have taken into account the potential impacts of climate change using the latest UK Climate Projections and associated research and expert guidance (such as the EA's Climate Change Allowances for Flood Risk Assessments) available at the time the ES was prepared to ensure they have identified appropriate mitigation or adaptation measures. This should cover the estimated lifetime of the new infrastructure. Should a new set of UK Climate Projections or associated research become available after the preparation of the ES, the ~~IPC~~Secretary of State should consider whether they need to request further information from the applicant. 4.9.8~~.7~~ Applicants should ~~apply as a minimum,~~assess the ~~emissions scenario that the Independent Committee~~impacts on ~~Climate Change suggests the world is currently most closely following –~~ and ~~the 10%, 50%~~from their proposed energy project across a range of climate change scenarios, in line with appropriate expert advice and ~~90% estimate ranges~~guidance available at the time. Applicants should be able to demonstrate that proposals have a high level of climate resilience built-in from the outset. They should also be able to demonstrate how proposals can be adapted over their predicted lifetimes to remain resilient to a credible maximum climate change scenario. These results should be considered alongside relevant research which is based on the climate change projections. 4.~~8.8~~9.9 The ~~IPC~~Secretary of State should be satisfied that there are not features of the design of new energy infrastructure critical to its operation which may be seriously affected by more radical changes to the climate beyond that projected in the latest set of UK climate projections, taking account of the latest credible scientific evidence on, for example, sea level rise (for example by referring to additional maximum credible scenarios – i.e. from the Intergovernmental Panel on Climate Change or EA) and that necessary action can be taken to ensure the operation of the infrastructure over its estimated lifetime. 4.~~8.~~9.10 Where energy infrastructure has safety critical elements (for example parts of new ~~fossil fuel~~gas-fired power stations or some electricity sub-stations), the applicant should apply the high emissions scenario ~~(high impact, low likelihood)~~ to those elements. Although the likelihood of this scenario is thought to be low, it is appropriate to take a more risk-averse approach with elements of infrastructure which are critical to the safety of its operation. 4.~~8.10~~9.11 If any adaptation measures give rise to consequential impacts (for example on flooding, water resources or coastal change) the ~~IPC~~Secretary of State should consider the impact of the latter in relation to the application as a whole and the impacts guidance set out in Part 5 of this NPS. ~~4.8.11~~	(document reference 6.1.14) demonstrate that the Proposed Scheme has been assessed against a range of climate change scenarios and that it will have high level of climate resilience built-in from the outset, in line with proposed paragraph 4.9.8. Proposed paragraph 4.9.8 proposes text requiring applicants to demonstrate *"how proposals can be adapted over their predicted lifetimes to remain resilient to a credible maximum climate change scenario"*. The Proposed Scheme is anticipated to operate for at least 25 years. At the end of the 25-year period, the facility may have some residual life remaining and an investment decision would be made as to whether the operational life of the Proposed Scheme would be extended. If it is not appropriate to continue operation, the Proposed Scheme would be decommissioned. The Proposed Scheme has therefore been assessed against that period of time in accordance with the adopted EN-1. Through design principles in the REAC, the Applicant has taken account of the need to be climate resilient to that timescale. The assessment against the adopted relevant EN-1 policy is relevant, set out in Table B.1 of Appendix B. The Applicant therefore considers the Proposed Scheme meets the requirements of Part 4.9 of draft EN-1.

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	4.9.12 Any adaptation measures should be based on the latest set of UK Climate Projections, the Government's latest UK Climate Change Risk Assessment, when ~~available92~~available[73] and in consultation with the ~~EA.~~EA's Climate Change Allowances for Flood Risk Assessments.[74] 4.~~8.12~~9.13 Adaptation measures can be required to be implemented at the time of construction where necessary and appropriate to do so. However, where they are necessary to deal with the impact of climate change, and that measure would have an adverse effect on other aspects of the project and/or surrounding environment (for example coastal processes), the ~~IPC~~Secretary of State may consider requiring the applicant to ensure that the adaptation measure could be implemented should the need arise, rather than at the outset of the ~~92 s.56 of the Climate Change Act 2008.~~ development (for example increasing height of existing, or requiring new, sea walls). 4.~~8.13~~9.14 The generic impacts advice in this NPS and the technology specific advice on impacts in the other NPSs provide additional information on climate change adaptation. In particular, this section should be read alongside the sections in Part 5 on coastal change (Section 5.6) and flood risk (Section 5.8). [70] The UKCP18 key results can be found here: https://www.metoffice.gov.uk/research/approach/collaboration/ukcp/key-results [71] s.58 of the Climate Change Act 2008. [72] s.62 of the Climate Change Act 2008; https://www.gov.uk/government/publications/climate-change-secondnational-adaptation-programme-2018-to-2023	
~~Pollution control and other environmental regulatory~~Grid Connection ~~regimes~~ (Part 4.10 of EN-1)	4.~~9~~10.1 The connection of a proposed electricity generation plant to the electricity network is an important consideration for applicants wanting to construct or extend generation plant. In the market system and in the past, it ~~is~~has been for the applicant to ensure that there will be necessary infrastructure and capacity within an existing or planned transmission or distribution network to accommodate the electricity generated. To support the achievement of the transition to net zero, government is accelerating the co-ordination of the development of the grid network to facilitate the UK's net zero energy generation development and transmission. Applicants should consider coordinating their proposals for the onshore-offshore connection, as outlined at Section 3.3. 4.10.2 The applicant will liaise with National Grid who own and manage the transmission network in England and Wales or the relevant regional ~~Distribution Network Operator (DNO)~~DNO or TSO to secure a grid connection. It may be the case that the applicant has not received or accepted a formal offer of a grid connection from the relevant network operator at the time of the application, although it is likely to have applied for one and discussed it with them. This is a commercial risk the applicant may wish to take for a variety of reasons, although the ~~IPC~~Secretary of State will want to be satisfied that there is no obvious reason why a grid connection would not be possible. ~~4.9.2~~ 4.10.3 The Planning Act 2008 aims to create a holistic planning regime so that the cumulative effect of different elements of the same project can be considered together. The ~~Government~~government therefore envisages that wherever possible, applications for new generating stations and related infrastructure should be contained in a single application to the ~~IPC~~Secretary of State or in separate applications submitted in tandem which have been prepared in an integrated way. ~~However this~~This is particularly encouraged to ensure development of more co-ordinated transmission overall. However, for some new co-ordinated offshore transmission projects it is recognised that these will be brought forward for consenting separate to (though planned with) the applications for the wind farms[75] as outlined in EN-5. 4.10.4 Co-ordinated applications typically bring economic efficiencies and reduced environmental impact. On some occasions it may not ~~always~~ be possible, nor the best course in terms of delivery of the project in a timely way, as different aspects may have different lead-in times and be undertaken by different legal entities subject to different commercial and regulatory frameworks (for example grid companies operate within OFGEM controls~~). So~~), so the level of information available on the different elements may vary. In some cases ~~applicant(s)~~, applicants may therefore	Proposed policy changes emphasise the Government's aim to achieve net zero at proposed paragraph 4.10.1. A Grid Connection Statement (document reference 5.6) submitted with the Application confirms that the Proposed Scheme does not require connection to the National Transmission System ('NTS'), however upgrade works will be required to the existing National Grid Electricity Systems Operator ('NG ESO') 132 kV air insulated switchgear and possibly (and as such the DCO provides powers to do so) to the adjacent NG ESO 400 kV substation to enable an increase in import capacity to Drax Power Station. As the Proposed Scheme does not require grid connection, no further assessment is required than that provided at Section 4.12 of this Planning Statement which related to the adopted EN-1 policy. The Applicant therefore considers the Proposed Scheme is acceptable in respect of Part 4.10 of draft EN-1.

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	decide to put in an application that seeks consent only for one element but contains some information on the second. Where this is the case, the applicant should explain the reasons for the separate application. 4.~~9.3~~10.5 If this option is pursued, the applicant~~(s) accept~~ accepts the implicit risks involved in doing so~~,~~ and must ensure they provide sufficient information to comply with the EIA ~~Directive~~Regulations including the indirect, secondary, and cumulative effects, which will encompass information on grid connections. The ~~IPC~~Secretary of State must be satisfied that there are no obvious reasons why the necessary approvals for the other element are likely to be refused. The fact that the ~~IPC~~Secretary of State has decided to grant consent for one project should not in any way fetter ~~its~~the Secretary of State's subsequent decisions on any related projects. 4.~~9.4~~10.6 Further guidance on the considerations for the ~~IPC~~Secretary of State is contained in EN-5. [73] s.56 of the Climate Change Act 2008. [74] https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances	
Pollution Control and Other Environmental Regulatory Regimes ~~Safety~~ (Part 4.11 of EN-1)	4.~~10~~11.1 Issues relating to discharges or emissions from a proposed project and which ~~affect air quality, water quality, land quality and the~~lead to other direct or indirect impacts on terrestrial, freshwater, marine ~~environment~~, onshore and offshore environments, or which include noise and vibration may be subject to separate regulation under the pollution control framework or other consenting and licensing regimes. 4.~~10~~11.2 The planning and pollution control systems are separate but complementary. The planning system controls the development and use of land in the public interest. It plays a key role in protecting and improving the natural environment, public health and safety, and amenity, for example by attaching conditions to allow developments which would otherwise not be environmentally acceptable to proceed~~,~~ and preventing harmful development which cannot be made acceptable even through conditions. Pollution control is concerned with preventing pollution through the use of measures to prohibit or limit the releases of substances to the environment from different sources to the lowest practicable level. It also ensures that ambient air, water, and ~~water~~land quality meet standards that guard against impacts to the environment or human health. ~~4.10.3~~4.11.3 Pollution from industrial sources in England and Wales is controlled through the Environmental Permitting (England and Wales) Regulations 2016 (EPR). The EPR requires industrial facilities to have an EP and meet limits on allowable emissions to operate. 4.11.4 Larger industrial facilities undertaking specific types of activity are also required to use Best Available Techniques (BAT) to reduce emissions to air, water, and land. Agreement on what sector specific BAT standards are, will now be determined through a new UK-specific BAT process. 4.11.5 In considering an application for development consent, the ~~IPC~~Secretary of State should focus on whether the development itself an acceptable use of the land or sea is, and on the impacts of that use, rather than the control of processes, emissions or discharges ~~themselves~~themselves[76]. The ~~IPC~~Secretary of State should work on the assumption that the relevant pollution control regime and other environmental regulatory regimes, including those on land drainage, water abstraction and biodiversity, will be properly applied and enforced by the relevant regulator. ~~It~~The Secretary of State should act to complement but not seek to duplicate them. 4.~~10.4~~11.6 Applicants should consult the ~~Marine Management Organisation (~~MMO~~)~~ on ~~nationally significant~~energy NSIP projects which would affect, or would be likely to affect, any relevant marine areas as defined in the Planning Act 2008 (as amended by ~~s.~~section 23 of the Marine and Coastal Access Act 2009). Applicants are encouraged to consider the relevant marine plans in advance of consulting the MMO for England or the relevant policy teams at the Welsh government. The ~~IPC~~Secretary of State's consent may include a deemed marine licence and the MMO will advise on	The proposed changes to EN-1 regarding 'pollution control and other environmental regulatory regimes' are generally not significant and therefore do not change the Applicants initial assessment (relating to the adopted EN-1 policy) set out in Table B.1 of Appendix B. Regarding proposed paragraph 4.11.4, where relevant, chapters in the ES have undertaken their assessments using Best Available Techniques (BAT), for example, the air quality assessment presented at Chapter 6 (Air Quality) (document reference 6.1.6). The Applicant therefore considers the Proposed Scheme to meet the requirements of Part 4.11 of draft EN-1.

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	what conditions should apply to the deemed marine licence. The ~~IPC~~Secretary of State and MMO should cooperate closely to ensure that energy NSIPs are licensed in accordance with environmental legislation~~, including European directives.~~. 4.~~10.5~~11.7 Many projects covered by this NPS will be subject to the ~~Environmental Permitting (~~EP~~)~~ regime, which also incorporates operational waste management requirements for certain activities. When ~~a developer~~an applicant applies for an ~~Environmental Permit~~EP, the relevant regulator (usually EA or NRW but sometimes the local authority) requires that the application demonstrates that processes are in place to meet all relevant EP requirements. In considering the impacts of the project, the ~~IPC~~Secretary of State may wish to consult the regulator on any management plans that would be included in an ~~Environmental Permit~~EP application. 4.~~10.6~~11.8 Applicants ~~are advised to~~should make early contact with relevant regulators, including EA or NRW and the MMO, to discuss their requirements for ~~environmental permits~~EPs and other consents. ~~This~~Early contact with relevant regulators will ~~help~~ ensure that applications take account of all relevant environmental considerations and that the relevant regulators are able to provide timely advice and assurance to the ~~IPC.~~Secretary of State. Wherever possible, applicants ~~are encouraged to~~should submit applications for ~~Environmental Permits~~EPs and other necessary consents at the same time as applying to the ~~IPC~~Secretary of State for development consent. 4.~~10.7~~11.9 The ~~IPC~~Secretary of State should be satisfied that development consent can be granted taking full account of environmental impacts. Working in close cooperation with EA or NRW and/or the pollution control authority, and other relevant bodies, such as the MMO, ~~Natural England, the Countryside Council for Wales~~the SNCB, Drainage Boards, and water and sewerage undertakers, the ~~IPC~~Secretary of State should be satisfied, before consenting any potentially polluting developments, that: ~ ~~•~~The relevant pollution control authority is satisfied that potential releases can be adequately regulated under the pollution control framework~~; and~~ ~ ~~•~~ The effects of existing sources of pollution in and around the site are not such that the cumulative effects of pollution when the proposed development is added would make that development unacceptable, particularly in relation to statutory environmental quality limits~~.~~ 4.11.10~~.8~~ The ~~IPC~~Secretary of State should not refuse consent on the basis of pollution impacts unless ~~it has~~there is good reason to believe that any relevant necessary operational pollution control permits, or licences or other consents will not subsequently be granted. [75] The transition to more co-ordinated transmission is led by two temporal workstreams under the Offshore Transmission Network Review (OTNR). Co-ordinated transmission projects are being brought forward as pathfinders as part of the 'early opportunities' workstream. For other offshore wind projects, their connection to a transmission network will form part of the holistic network design under the 'pathway to 2030' workstream. [76] See paragraph 183 of section 15 of the NPPF	
~~Hazardous Substances~~Safety (Part 4.12 of EN-1)	4.~~11~~12.1 The Health and Safety Executive (HSE) is responsible for enforcing a range of occupational health and safety legislation some of which is relevant to the construction, operation and decommissioning of energy infrastructure. Applicants should consult with the ~~Health and Safety Executive (~~HSE~~)~~ on matters relating to safety. 4.~~11~~12.2 Some technologies, for example the use of salt caverns for underground gas storage, will be regulated by specific health and safety legislation. The application of these regulations is set out in the technology~~-~~ specific NPSs where relevant. 4.~~11~~12.3 Some energy infrastructure will be subject to the Control of Major Accident Hazards (COMAH) Regulations ~~1999~~2015. These Regulations aim to prevent major accidents involving dangerous substances and limit the	The changes proposed to EN-1 policy on 'safety' are minor and therefore the Applicant's assessment of the adopted policy presented at Section 4.14 of this Planning Statement remains relevant.

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	consequences to people and the environment of any that do occur. COMAH regulations apply throughout the life cycle of the facility, i.e. from the design and build stage through to decommissioning. They are enforced by the Competent Authority comprising HSE and the EA acting jointly in England and ~~Wales (and~~ by the HSE and NRW acting jointly in Wales, and the HSE and Scottish Environment Protection Agency (SEPA) acting jointly in Scotland~~).~~. The same principles apply here as for those set out in the previous section on pollution control and other environmental permitting regimes. 4.~~11~~12.4 Applicants seeking to develop infrastructure subject to the COMAH regulations should make early contact with the Competent Authority. If a safety report is required it is important to discuss with the Competent Authority the type of information that should be provided at the design and development stage, and what form this should take. This will enable the Competent Authority to review as much information as possible before construction begins, in order to assess whether the inherent features of the design are sufficient to prevent, control and mitigate major accidents. The ~~IPC~~Secretary of State should be satisfied that an assessment has been done where required and that the Competent Authority has assessed that it meets the safety objectives described above.	
~~Health~~ Hazardous Substances (Part 4.13 of EN-1)	4.~~12~~13.1 All establishments wishing to hold stocks of certain hazardous substances above a threshold need Hazardous Substances consent. Applicants ~~should~~must consult the Hazardous Substances Authority and the HSE at pre-application ~~stage93~~stage[77] if the project is likely to need hazardous substances consent. Where hazardous substances consent is applied for, the ~~IPC~~Secretary of State will consider whether to make an order directing those hazardous substances consent shall be deemed to be granted alongside making an order granting development ~~consent94.~~consent.[78] The ~~IPC~~Secretary of State should consult HSE about this. 4.~~12~~13.2 HSE will assess the risks based on the development consent application. Where HSE does not advise against the ~~IPC~~Secretary of State granting the consent, it will also recommend whether the consent should be granted subject to any requirements. 4.~~12~~13.3 HSE sets a consultation distance around every site with hazardous substances consent and notifies the relevant local planning authorities. The applicant should therefore consult the local planning authority at preapplication stage to identify whether its proposed site is within the consultation distance of any site with hazardous substances consent and, if so, should consult the HSE for its advice on locating the particular development on that site. [77] Further information is available at the HSE's website: HSE: Land use planning - Hazardous substances consent [78] Hazardous substances consent can also be applied for subsequent to a DCO application. However, the guidance in 4.13.1 still applies i.e., the applicant should consult with HSE at the pre-application stage and include details in their DCO	The changes proposed to EN-1 policy on 'hazardous substances' are minor and therefore the Applicant's assessment of the adopted policy presented at Section 4.15 of this Planning Statement remains relevant.
Common Law Nuisance and Statutory Nuisance (Part 4.14 of EN-1)	4.14.1 Section 158 of the Planning Act 2008 confers statutory authority for carrying out development consented to by, or doing anything else authorised by, a development consent order. Such authority is conferred only for the purpose of providing a defence in any civil or criminal proceedings for nuisance. This would include a defence for proceedings for nuisance under Part III of the Environmental Protection Act 1990 (EPA) (statutory nuisance) but only to the extent that the nuisance is the inevitable consequence of what has been authorised. The defence does not extinguish the local authority's duties under Part III of the EPA 1990 to inspect its area and take reasonable steps to investigate complaints of statutory nuisance and to serve an abatement notice where satisfied of its existence, likely occurrence or recurrence. The defence is not intended to extend to proceedings where the matter is "prejudicial to health" and not a nuisance. 4.14.2 ~~It is very important that, at~~At the application stage of an energy NSIP, possible sources of nuisance under section 79(1) of the 1990 Act and how they may be mitigated or limited ~~are~~should be considered by the ~~IPC~~Secretary of State so that appropriate requirements can be included in any subsequent order granting development consent~~. (See~~ (see Section 5.~~6~~7 on Dust, odour, artificial light etc. and Section 5.~~11~~12 on Noise and vibration~~.)~~). 4.14.3 The	The changes proposed to EN-1 policy on 'Common Law Nuisance and Statutory Nuisance' are minor and therefore the Applicant's assessment of the adopted policy presented at Section 4.17 of this Planning Statement remains relevant.

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	~~IPC~~Secretary of State should note that the defence of statutory authority is subject to any contrary provision made by the ~~IPC~~Secretary of State in any particular case in a development consent order (section 158(3)). Therefore, subject to Section 5.~~6~~7, the ~~IPC~~Secretary of State can disapply the defence of statutory authority, in whole or in part, in any particular case, but in so doing should have regard to whether any particular nuisance is an inevitable consequence of the development.	
Security considerations (Part 4.15 of EN-1)	4.15.1 National security considerations apply across all national infrastructure sectors. ~~Overall responsibility for security of the energy sector lies with DECC. It~~BEIS works closely with Government security agencies including the Centre for the Protection of National Infrastructure (CPNI) ~~to reduce~~and the ~~vulnerability of~~ National Cyber Security Centre (NCSC) to provide advice to the most ~~'critical'~~critical infrastructure assets ~~in the sector to~~on terrorism and other national security threats~~. The Office for Civil Nuclear Security (OCNS) is the security regulator for~~, as well as on risk mitigation. In the UK's civil nuclear industry~~.~~, security is also independently regulated by the Office for Nuclear Regulation (ONR). 4.15.2 Government policy is to ensure that, where possible, proportionate protective security measures are designed into new infrastructure projects at an early stage in the project development. Where applications for development consent for infrastructure covered by this NPS relate to potentially 'critical' infrastructure, there may be national security considerations. 4.15.3 ~~DECC~~BEIS will be notified at pre-application stage about every likely future application for energy NSIPs, so that any national security implications can be identified. Where national security implications have been identified, the applicant should consult with relevant security experts from CPNI, ~~OCNS~~ONR (for civil nuclear) and ~~DECC~~/or BEIS to ensure ~~that physical, procedural and personnel~~ security measures have been adequately considered in the design process and that adequate consideration has been given to the management of security risks. If CPNI, ~~OCNS~~ONR (for civil nuclear) and/or ~~DECC~~BEIS are satisfied that security issues have been adequately addressed in the project when the application is submitted to the ~~IPC~~Secretary of State, it will provide confirmation of this to the ~~IPC.~~Secretary of State. The ~~IPC~~Secretary of State should not need to give any further consideration to the details of the security measures in its examination. 4.15.4 The applicant should only include sufficient information in the application as is necessary to enable the ~~IPC~~Secretary of State to examine the development consent issues and make a properly informed decision on the application. 4.15.5 In exceptional cases, where examination of an application would involve public disclosure of information about defence or national security which would not be in the national interest, the Secretary of State ~~can intervene and examine a part or the whole of the application. In that case, the Secretary of State may appoint an examiner to consider evidence in closed session, and the Secretary of State would be the decision maker for the application.~~may direct that examination of that evidence take place in closed session.	The changes proposed to Part 4.15 of EN-1 are not relevant to the DCO Application. Therefore, the assessment of the adopted EN-1 text in Section 4.18 of this Planning Statement remains relevant for the emerging policy with regard to 'security considerations'.
Air Quality and Emissions (Part 5.2 of EN-1)	***Introduction*** Infrastructure development can have adverse effects on air quality. The construction, operation and decommissioning phases can involve emissions to air which could lead to adverse impacts on health, on protected species and habitats, or on the wider countryside and species. Impacts on protected species and habitats are covered in Section 5.~~3~~4. Air emissions include particulate matter (for example dust) up to a diameter of ten microns (PM10) as well as gases such as sulphur dioxide, carbon monoxide and nitrogen oxides (NOx). Levels for pollutants in ambient air are set out in the Air Quality Standards Regulations 2010 and reiterated in the Air Quality Strategy ~~which in turn embodies EU legal requirements.~~.80 The Secretary of State for ~~the~~ Environment, Food and Rural Affairs is required to make available up	The changes proposed to Part 4.15 of EN-1 are not relevant to the DCO Application. Therefore, the assessment of the adopted EN-1 text in Table B.1 of Appendix B remains relevant for the emerging policy with regard to 'air quality and emissions'. To clarify, the project is not located within, or in close proximity to, a Local Air Quality Management Area or Clean Air Zone, and

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	to date information on air quality to any relevant interested ~~party95. 5.2.2 CO2 emissions are a significant adverse impact from some types of energy infrastructure which cannot be totally avoided (even with full deployment of CCS technology). However, given the characteristics of these and other technologies, as noted in Part 3 of this NPS, and the range of non-planning policies aimed at decarbonising electricity generation such as EU ETS (see Section 2.2 above), Government has determined that CO2 emissions are not reasons to prohibit the consenting of projects which use these technologies or to impose more restrictions on them in the planning policy framework than are set out in the energy NPSs (e.g. the CCR and, for coal, CCS requirements). Any ES on air emissions will include an assessment of CO2 emissions, but the policies set out in Section 2, including the EU ETS, apply to these emissions. The IPC does not, therefore need to assess individual applications in terms of carbon emissions against carbon budgets and this section does not address CO2 emissions or any Emissions Performance Standard that may apply to plant. 5.2.3~~party.81 5.2.2 A particular effect of air emissions from some energy infrastructure may be eutrophication, which is the excessive enrichment of nutrients in the environment. Eutrophication from air pollution results mainly from emissions of NOx and ammonia. The main emissions from energy infrastructure are from generating stations. Eutrophication can affect plant growth and functioning, altering the competitive balance of species and thereby damaging biodiversity. In aquatic ecosystems it can cause changes to algal composition and lead to algal blooms, which remove oxygen from the water, adversely affecting plants and fish. The effects on ecosystems can be ~~shortterm~~short term or irreversible and can have a large impact on ecosystem services such as pollination, aesthetic services and water supply. 5.2.3 Emissions from combustion plants are generally released through exhaust stacks. Design of exhaust stacks, particularly height, is the primary driver for the delivery of optimal dispersion of emissions and is often determined by statutory requirements. The optimal stack height is dependent upon the local terrain and meteorological conditions, in combination with the emission characteristics of the plant. The EA or NRW will require the exhaust stack height of a thermal combustion generating plant, including fossil fuel generating stations and waste or biomass plant, to be optimised in relation to impact on air quality. The ~~IPC~~Secretary of State need not, therefore, be concerned with the exhaust stack height optimisation process in relation to air emissions, though the impact of stack heights on landscape and visual amenity will be a consideration (see Section 5.~~9). 5.2.5~~10). 5.2.4 Impacts of thermal combustion generating stations with respect to air emissions are set out in the technology-specific NPSs. ***Applicant's assessment*** 5.2.~~6~~5 Where the project is likely to have adverse effects on air quality the applicant should undertake an assessment of the impacts of the proposed project as part of the ~~Environmental Statement (~~ES~~).~~. 5.2.~~7~~6 The ES should describe: ~ ~~●~~Any significant air emissions, their mitigation and any residual effects distinguishing between the project stages and taking account of any significant emissions from any road traffic generated by the project~~;~~ ~ ~~●~~ The predicted absolute emission levels of the proposed project, after mitigation methods have been applied~~;~~ ~ ~~●~~Existing air quality levels and the relative change in air quality from existing levels~~; and~~ ~ ~~●~~Any potential eutrophication impacts~~.~~ ***~~IPC~~ Secretary of State decision making*** 5.2.~~8~~7 Many activities involving air emissions are subject to pollution control. The considerations set out in Section 4.~~10~~11 on the interface between planning and pollution control therefore apply.	therefore proposed paragraph 5.2.9 is not relevant.

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	5.2.~~9~~8 The ~~IPC~~Secretary of State should generally give air quality considerations substantial weight where a project would lead to a deterioration in air quality in an area~~,~~ or leads to a new area where air quality breaches any national air quality limits. However, air quality considerations will also be important where substantial changes in air quality levels are expected, even if this does not lead to any breaches of national air quality limits. 5.2.~~10~~9 In all cases, the ~~IPC~~Secretary of State must take account of any relevant statutory air quality limits. Where a project is likely to lead to a breach of such limits the ~~developers~~applicant should work with the relevant authorities to secure appropriate mitigation measures to allow the proposal to proceed. In particular, where a project is located within, or in close proximity to, a Local Air Quality Management Area or Clean Air Zone, applicants should engage with the relevant local authority to ensure the project is compatible with the local air quality plan. In the event that a project will lead to non-compliance with a statutory limit the ~~IPC~~Secretary of State should refuse consent. ***Mitigation*** 5.2.~~11~~10 The ~~IPC~~Secretary of State should consider whether mitigation measures are needed both for operational and construction emissions over and above any which may form part of the project application. A construction management plan may help codify mitigation at this stage. 5.2.~~12~~11 In doing so the ~~IPC may refer~~Secretary of State should have regard to the ~~conditions and advice in the~~ Air Quality ~~Strategy96~~Strategy[82] or any successor to it~~.~~ and should consider relevant advice within Local Air Quality Management guidance.83 5.2.~~13~~12 The mitigations identified in Section 5.~~13~~14 on traffic and transport impacts will help mitigate the effects of air emissions from transport. 80 https://www.gov.uk/government/publications/the-air-quality-strategy-for-england-scotland-wales-and-northernireland-volume-1 ~~95~~ 81 Air Quality Standards Regulations 2010, No.2010/1001. 82 https://www.gov.uk/government/publications/the-air-quality-strategy-for-england-scotland-wales-and-northernireland-volume-1 83 https://laqm.defra.gov.uk/supporting-guidance.html	
5.3 Greenhouse Gas Emissions~~5.4 Biodiversity and Geological Conservation~~	***Introduction*** 5.3.1 Significant levels of energy infrastructure development are vital to ensure the decarbonisation of the UK economy. The construction, operation and decommissioning of that energy infrastructure will in itself, lead to GHG emissions. 5.3.2 In considering this section, applicants should also have regard to Part 2 of this NPS, which explains the current policy on climate change and how this NPS interacts with that policy, and Section 4.9 of this NPS, which deals with climate change adaptation. 5.3.3 As discussed in Part 2, energy infrastructure plays a vital role in decarbonisation. While all steps should be taken to reduce and mitigate climate change impacts, it is accepted that there will be residual emissions from energy infrastructure, particularly during the economy wide transition to net zero, and potentially beyond. ***Applicant's assessment*** 5.3.4 All proposals for energy infrastructure projects should include a carbon assessment as part of their ES (See Section 4.2). This should include: ~ A whole life carbon assessment showing construction, operational and decommissioning carbon impacts ~ An explanation of the steps that have been taken to drive down the climate change impacts at each of those stages ~ Measurement of embodied carbon impact from the construction stage	Part 5.3 of draft EN-1 is a new chapter proposed to highlight the importance, and Government aim, to decarbonise the UK economy. The Proposed Scheme has been designed to remove approximately 95% of CO_2 emissions from the flue gas emitted from two of the four generating units at the Drax Power Station. The Proposed Scheme will result in the power station achieving negative carbon emissions in terms of the process of generating electricity from biomass, once the carbon capture plant is operational. It is considered by the Application that the overall goal of Part 5.3 of draft EN-1 is met

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	~ How reduction in energy demand and consumption during operation has been prioritised in comparison with other measures ~ How operational emissions have been reduced as much as possible through the application of best available technology for that type of technology ~ Calculation of operational energy consumption and associated carbon emissions ~ Whether and how any residual carbon emissions will be (voluntarily) offset or removed using a recognised framework ~ Where there are residual emissions, the level of emissions and the impact of those on national and international efforts to limit climate change, both alone and where relevant in combination with other developments at a regional or national level, or sector level, if sectoral targets are developed ***Secretary of State decision making*** 5.3.5 The Secretary of State must be satisfied that the applicant has as far as possible assessed the GHG emissions of all stages of the development. 5.3.6 The Secretary of State should be content that the applicant has taken all reasonable steps to reduce the GHG emissions of the construction and decommissioning stage of the development. The Secretary of State should also give positive weight to projects that embed nature-based or technological processes to mitigate or offset the emissions of construction and decommissioning within the proposed development. However, in light of the vital role energy infrastructure plays in the process of economy wide decarbonisation, the Secretary of State accepts that there are likely to be some residual emissions from construction and decommissioning of energy infrastructure. 5.3.7 Operational GHG emissions are a significant adverse impact from some types of energy infrastructure which cannot be totally avoided (even with full deployment of CCS technology). Given the characteristics of these and other technologies, as noted in Part 3 of this NPS, and the range of non-planning policies aimed at decarbonising electricity generation such as UK ETS (see Sections 2.4 and 2.5 above), government has determined that operational GHG emissions are not reasons to prohibit the consenting of energy projects including those which use these technologies or to impose more restrictions on them in the planning policy framework than are set out in the energy NPSs (e.g. the CCR requirements). Any carbon assessment will include an assessment of operational GHG emissions, but the policies set out in Part 2, including the UK ETS, apply to these emissions. Operational emissions will be addressed in a managed, economy-wide manner, to ensure consistency with carbon budgets, net zero and our international climate commitments. The Secretary of State does not, therefore need to assess individual applications for planning consent against operational carbon emissions and their contribution to carbon budgets, net zero and our international climate commitments. ***Mitigation*** 5.3.8 A carbon assessment should be used to drive down GHG emissions at every stage of the proposed development and ensure that emissions are minimised as far as possible for the type of technology, taking into account the overall objectives of ensuring our supply of energy always remains secure, reliable and affordable, as we transition to net zero. 5.3.9 Applicants should look for opportunities within the proposed development to embed nature-based or technological solutions to mitigate or offset the emissions of construction and decommissioning. 5.3.10 To be taken into account in Secretary of State decision making, steps taken to minimise and offset emissions should be set out in a GHG Reduction Strategy, secured under the development consent order.	as a result of the beneficial impact on GHGs as a result of the Proposed Scheme. Chapter 15 (Greenhouse Gases) of the ES (document reference 6.1.15) reports the assessment undertaken of the net impact of the Proposed Scheme's GHG emissions (or avoided emissions) over the lifetime of the Proposed Scheme (25 years); meeting the requirements of proposed paragraph 5.3.4 (excluding those which do not apply) which include: ~ **A whole life carbon assessment showing construction, operational and decommissioning carbon impacts** - Chapter 15 (Greenhouse Gases) of the ES (document reference 6.1.15) conducts a whole life carbon assessment save that decommissioning impacts are not considered due to the Proposed Scheme's 25 year design life and uncertainties around deconstruction techniques at the Proposed Scheme's end of life). ~ **An explanation of the steps that have been taken to drive down the climate change impacts at each of those stages** – The CEMP will include measures to seek to ensure a caron reduction in the construction stage. This will focus upon the use of efficient construction processes such as design for manufacture and assembly aligning with the carbon hierarchy outlined in PAS 2080. This will include re-using site arisings; using low carbon solutions (technologies, materials and products) to minimise resource consumption; and using construction techniques that reduce resource consumption. In terms of the detailed design, this will reflect the carbon hierarchy and include feasible measures to reduce embodied

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
		carbon as part of the design, as outlined in PAS 2080, where reasonably practicable. This will include potential for re-using or refurbishing existing assets; and use of low carbon solutions (technologies, materials and products) to minimise resource consumption. 'These measures are secured pursuant to a Requirement in the DCO. ~ **Measurement of embodied carbon impact from the construction stage** - embodied carbon from the construction phase is assessed (i.e., the materials required, production and transport of those materials etc). ~ **How reduction in energy demand and consumption during operation has been prioritised in comparison with other measures** – the operational impacts of the Proposed Scheme are carbon sequestration, as such this requirement is not applicable to the DCO Application. ~ **How operational emissions have been reduced as much as possible through the application of best available technology for that type of technology** – The operational mitigation measures proposed will ensure that the principle of the Proposed Scheme and associated technology seeks to reduce operational emissions at the existing power station, through the use of the best available technology. Controls through the permitting process will ensure that emissions are reduced, with appropriate mitigation for potential air quality and ecology impacts. The Design Framework Document allows for flexibility to the detailed design in order to allow for potential

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
		technological developments to ensure that the best available technology can be used. ~ **Calculation of operational energy consumption and associated carbon emissions** – this requirement forms part of the assessment and lifecycle assessment presented in Chapter 15. ~ **Whether and how any residual carbon emissions will be (voluntarily) offset or removed using a recognised framework** – there are emissions during the construction phase albeit these are minimal and cannot be offset. However, this needs to be seen in the context of the overall emissions of the Proposed Scheme which are negative across the project lifetime. As such, the operation of the Proposed Scheme will result in no residual effects. ~ **Where there are residual emissions, the level of emissions and the impact of those on national and international efforts to limit climate change, both alone and where relevant in combination with other developments at a regional or national level, or sector level, if sectoral targets are developed** – The Proposed Scheme will result in negative emissions, as such, it will directly assist in meeting national and international efforts to limit climate change and assist in meeting the UK's net zero by 2050 target. In summary, the ES has sufficiently assessed GHG emission at each of stage of development, where possible, and has taken all steps to reduce carbon emissions where possible. The Applicant therefore considers that the content of the DCO

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
		Application complies with Part 5.3 of draft EN-1. By nature of the Proposed Scheme being 'carbon capture' infrastructure, the Proposed Scheme will have significant beneficial effects in terms of GHG reduction, resulting in negative carbon emissions.
5.4 Biodiversity and Geological Conservation~~5.4 Greenhouse Gas Emissions~~	***Introduction*** 5.~~3~~4.1 Biodiversity is the variety of life in all its forms and encompasses all species of plants and animals, the genetic diversity they contain and the complex ecosystems of which they are a part. Geological conservation relates to the sites that are designated for their geology and/or their geomorphological importance. 5.~~3~~4.2 The wide range of legislative provisions at the international and national level that can impact on planning decisions affecting biodiversity and geological conservation issues are set out in a Government ~~Circular97. A separate guide~~Circular.[84] The MHCLG Natural Environment PPG document sets out good practice in England in relation to planning for biodiversity and geological ~~conservation98.~~conservation.[85] ***Applicant's assessment*** 5.~~3~~4.3 Where the development is subject to EIA the applicant should ensure that the ES clearly sets out any effects on internationally, nationally, and locally designated sites of ecological or geological conservation importance, on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity. The applicant should provide environmental information proportionate to the infrastructure where EIA is not required to help the ~~IPC~~Secretary of State consider thoroughly the potential effects of a proposed project. 5.~~3~~4.4 The applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests. ~~IPC decision making 5.3.5 The Government's biodiversity strategy is set out in 'Working with the grain of nature'99. Its aim is to ensure: ● a halting, and if possible a reversal, of declines in priority habitats and species, with wild species and habitats as part of healthy, functioning ecosystems; and ● the general acceptance of biodiversity's essential role in enhancing the quality of life, with its conservation becoming a natural consideration in all relevant public, private and non-governmental decisions and policies. 5.3.6 In having regard to the aim of the Government's biodiversity strategy the IPC should take account of the context of the challenge of climate change: failure to address this challenge will result in significant adverse impacts to biodiversity. The policy set out in the following sections recognises the need 97~~As set out in Section 4.6, the design process should embed opportunities for nature inclusive design. The applicant is encouraged to consider how their proposal can contribute towards Biodiversity Net Gain in line with the ambition set out in the 25 Year Environment Plan. Energy infrastructure projects have the potential to deliver significant benefits and enhancements beyond Biodiversity Net Gain, which result in wider environmental gains. The scope of potential gains will be dependent on the type, scale, and location of each project. ***Secretary of State decision making*** 5.4.5 The government's 25 Year Environment Plan marked a step change in ambition for wildlife and the natural environment. The Secretary of State should have regard to the aims and goals of the government's 25 Year Environment Plan and any relevant measures and targets In doing so, the Secretary of State should also take account of the context of the challenge of climate change: failure to address this challenge will result in significant adverse	Part 5.4 of draft EN-1 encourages applicants to consider BNG and wider environmental gains. It also highlights the aims and goals of the Government's '25 Year Environment Plan' as a consideration of the SoS when decision making. Proposed paragraph 5.4.6 states the SoS will give significant weight to any residual harm to biodiversity which cannot be avoided, mitigated, or compensated. Proposed paragraph 5.4.12 adds text regarding Local Wildlife Sites ('LWS') which are identified as being areas of substantive nature conservation value and make an important contribution to ecological networks and nature's recovery. There are two LWS within 2 km of the site, Barmby-on-the-Marsh and Barmby Pond. Without mitigation, nitrogen and acid deposition could also lead to an effect on such non-statutory designated sites, potentially contributing to increased nutrient nitrogen levels and acidification of habitats which could result in changes to the structure, composition and function of the habitats. Mitigation measures have therefore been identified to reduce the impact of operational emissions to air. These mitigation measures primarily bring benefits in reducing acidification effects, but also have minor beneficial effects in terms of the With Proposed Scheme scenario contribution to nitrogen deposition and NH3 concentrations. Following implementation of the mitigation measures, effects on LWS

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	impacts to biodiversity. The policy set out in the following sections recognises the need to protect and enhance biodiversity and geological conservation interests. The benefits of nationally significant low carbon energy infrastructure development may include benefits for biodiversity and geological conservation interests and these benefits may outweigh harm to these interests. The ~~IPC~~Secretary of State may take account of any such net benefit in cases where it can be demonstrated. 5.~~3.7~~4.6 As a general principle, and subject to the specific policies below, development should at the very least aim to avoid significant harm to biodiversity and geological conservation interests, including through mitigation and consideration of reasonable alternatives (as set out in Section 4.42 above); where significant harm cannot be avoided, then appropriate compensation measures should be sought. 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 the Secretary of State will give significant weight to any residual harm. 5.~~3.8~~4.7 In taking decisions, the ~~IPC~~Secretary of State should ensure that appropriate weight is attached to designated sites of international, national, and local importance; protected species; habitats and other species of principal importance for the conservation of biodiversity; and to biodiversity and geological interests within the wider environment. ***~~International~~HRA Sites*** 5.~~3.9 The most important~~4.8 Important sites for biodiversity are those identified through international conventions and ~~European Directives. The~~the Habitats Regulations ~~provide statutory~~. The Habitats Regulations set out sites for which an HRA will assess the implications of a plan or project, including Special Areas of Conservation and Special Protection Areas. As a matter of policy, the following should be given the same protection ~~for these sites but do not provide statutory protection for~~ as sites covered by the Habitat's Regulations: (a) potential Special Protection Areas ~~(pSPAs) before they have been classified as a Special Protection Area. For the purposes of considering development proposals affecting them, as a matter of policy the Government wishes pSPAs to be considered in the same way as if they had already been classified. Listed~~and possible Special Areas of Conservation; (b) listed or proposed Ramsar sites ~~should, also as a matter of policy, receive the same protection100.~~; and (c) sites identified, or required, as compensatory measures for adverse effects on other HRA sites. ***Sites of Special Scientific Interest (SSSIs)*** 5.~~3.10~~4.9 Many SSSIs are also designated as sites of international importance and will be protected accordingly. Those that are not, or those features of SSSIs not covered by an international designation, should be given a high degree of protection. ~~All~~Most National Nature Reserves are notified as SSSIs. ~~5.3.11 Where a proposed development~~ 5.4.10 Development on land within or outside ~~an~~a SSSI, and which is likely to have an adverse effect on ~~an SSSI~~it (either individually or in combination with other developments), ~~development consent~~ should not normally be ~~granted. Where an adverse effect, after mitigation, on the site's notified special interest features is likely, an~~ permitted. The only exception ~~should only be made~~is where the benefits (including need) of the development ~~at this site101,~~ in the location proposed clearly outweigh both ~~the impacts that it is~~its likely ~~to have~~impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of SSSIs. The ~~IPC~~Secretary of State should use requirements and/or planning ~~100 See http://www.jncc.gov.uk/page-161 101 'At this site' applies the language in PPS9: Biodiversity and Geological Conservation. The benefits of the development 'at this site' should be interpreted as~~	are predicted to be neutral and not significant during operation. Proposed text at 5.4.4 puts greater emphasis on the consideration of BNG and opportunities for ecological and environmental enhancement, and specific mitigation which an Applicant should demonstrate are set out at proposed paragraph 5.4.18. The mitigation measures for the construction phase of the Proposed Scheme are set out in the REAC and the majority will be secured through a CEMP via a requirement to the DCO. The mitigation proposed meets all requirements of proposed paragraph 5.4.18 to mitigate impact on ecological and biodiversity receptors, such as any clearance works taking place outside of the main bird breeding season where practical and restoring habitats following construction. The Proposed Scheme also seeks to avoid any unnecessary impacts upon ecological and biodiversity receptors, with the Order Limits being reduced during the pre-application workstage to minimise the potential impacts. Existing habitats will also be enhanced, as set out in detail in the OLBS (document reference 6.6). This document provides the outline measures which will be secured in a final Biodiversity and Landscape Strategy secured through a requirement to the DCO. In addition, new habitats are proposed, such as pond creation, which will be delivered in the Off-site Habitat Provision Area. As required by proposed paragraph 5.4.18, habitats will, where practicable, be restored after construction works have finished, and this is a principle adopted in the OLBS (document reference 6.6).

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	~~including any benefits which are not dependent on a particular location.~~ obligations to mitigate the ~~harmful[102]~~harmful[86] aspects of the development and, where possible, to ensure the conservation and enhancement of the site's biodiversity or geological interest. ***Marine Conservation Zones*** 5.~~3.12~~4.11 Marine Conservation Zones (MCZs) (Marine Protected Areas in Scotland), introduced under the Marine and Coastal Access Act 2009, are areas that have been designated for the purpose of conserving marine flora or fauna, marine habitats or types of marine habitat or features of geological or geomorphological interest. The protected feature or features and the conservation objectives for the MCZ are stated in the designation order for the MCZ~~, which provides statutory protection for these areas implemented by the MMO (see paragraph 1.2.2). As a public authority, the IPC~~. The Secretary of State is bound by the duties in relation to MCZs imposed by sections 125 and 126 of the Marine and Coastal Access Act 2009. ***Regional and Local Sites*** 5.~~3.13~~4.12 Sites of regional and local biodiversity and geological interest, which include Regionally Important Geological Sites, Local Nature Reserves and Local ~~Sites, have a fundamental role to play in meeting overall national biodiversity targets; contributing to the quality of life and the well-being of the community; and in supporting research and education. The IPC~~Wildlife Sites, are areas of substantive nature conservation value and make an important contribution to ecological networks and nature's recovery. They can also provide wider benefits including public access (where agreed), climate mitigation and helping to tackle air pollution. National planning policy expects plans to identify and map Local Wildlife sites, and to include policies that not only secure their protection from harm or loss but also help to enhance them and their connection to wider ecological networks. The Secretary of State should give due consideration to such regional or local designations. However, given the need for new nationally significant infrastructure, these designations should not be used in themselves to refuse development consent. Development will still be expected to comply with the biodiversity and geological conservation requirements set out in this NPS. ***Ancient Woodland and Veteran Trees*** 5.~~3.14~~4.13 Ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Once lost it cannot be recreated. The ~~IPC~~Secretary of State should not grant development consent for any development that would result in its loss or deterioration unless the benefits (including need) of the development, in that ~~location[103]~~location clearly outweigh the loss of the woodland habitat. Aged or 'veteran' trees found outside ancient woodland are also particularly valuable for biodiversity and their loss should be ~~avoided[104]~~avoided[87]. Where such trees would be affected by development proposals the applicant should set out proposals for their conservation or, where their loss is unavoidable, the reasons why. ~~Biodiversity within Developments 5.3.15~~Applicants should provide a suitable compensation strategy in instances where proposals would result in the loss or deterioration of ancient woodland and ancient or veteran trees. ***Biodiversity within Developments*** 5.4.14 Development proposals provide many opportunities for building-in beneficial biodiversity or geological features as part of good design. When considering proposals, the ~~IPC~~Secretary of State should maximise such opportunities in and around developments, using requirements or planning obligations where appropriate. This can help towards delivering biodiversity net gain. Wider ecosystem services and benefits of natural capital should also be considered when designing enhancement measures. ***Protection and Enhancement of Habitats and Other Species***	Proposed paragraph 5.4.19 encourages applicants to implement a Biodiversity Management Strategy. The OLBS (document reference 6.6) submitted with the DCO application meets this requirement and also the requirement for mitigation or BNG to be delivered, and maintained for 30 years, as per proposed paragraph 5.4.22. The Outline Strategy contains the inclusion of 'Toolbox Talks' for the construction phase. This meets the suggested requirement of awareness training for employees set out in proposed paragraph 5.4.19. Toolbox Talks are not proposed during operation as there will be no requirement for employees of the Drax Power Station to enter the either of the Habitat Provision Areas proposed. Therefore, there is no need to educate employees in respect of biodiversity protection. In compliance with proposed paragraph 5.4.20, the existing cooling system at the Drax Power Station will be modified, upgraded and extended. Therefore, the existing location will be retained. The ES confirms that there will be no significant adverse effects on water in terms of ecology nor contamination which cannot be suitably mitigated. The Applicant therefore considers the Proposed Scheme to be in accordance with proposed paragraph 5.4.20.

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	5.~~3.16~~4.15 Many individual wildlife species receive statutory protection under a range of legislative ~~provisions[105].~~provisions.[88] 5.~~3.17~~4.16 Other species and habitats have been identified as being of principal importance for the conservation of biodiversity in England and Wales and thereby requiring conservation ~~action106.~~action.[89] The ~~IPC~~Secretary of State should ensure that these species and habitats are protected from the adverse effects of development by using requirements ~~or,~~ planning obligations~~.~~, or licence conditions. The ~~IPC~~Secretary of State should refuse consent where harm to the habitats or species and their habitats would result, unless the benefits (including need) of the development outweigh that harm. In this context the ~~IPC should give substantial weight to any such harm to the detriment of biodiversity features of national or regional importance which it considers may result from a proposed development. Mitigation 5.3.18 The applicant should include appropriate mitigation measures as an integral part of the proposed development. In particular, the applicant should demonstrate that: ● during construction, they will seek to ensure that activities will be confined to the minimum areas required for the works; ● during construction and operation best practice will be followed to ensure that risk of disturbance or damage to species or habitats is minimised, including as a consequence of transport access arrangements; ● habitats will, where practicable, be restored after construction works have finished; and ● opportunities will be taken to enhance existing habitats and, where practicable, to create new habitats of value within the site landscaping proposals. 105~~Secretary of State should give substantial weight to any such harm to the detriment of biodiversity features of national or regional importance which it considers may result from a proposed development. 5.4.17 Proposals should also consider any opportunities to maximise the restoration, creation, and enhancement of wider biodiversity. Consideration should be given to improvements to, and impacts on, habitats and species in, around and beyond developments, for wider ecosystem services and natural capital benefits, beyond those under protection and identified as being of principal importance. This may include considerations and opportunities identified through Local Nature Recovery Strategies, and national goals and targets set through the government's strategy for nature for example. ***Mitigation*** 5.4.18 The applicant should include appropriate mitigation measures as an integral part of the proposed development. In particular, the applicant should demonstrate that: ~ During construction, they will seek to ensure that activities will be confined to the minimum areas required for the works ~ The timing of construction has been planned to avoid or limit disturbance to birds during the breeding season[90] ~ During construction and operation best practice will be followed to ensure that risk of disturbance or damage to species or habitats is minimised, including as a consequence of transport access arrangements ~ Habitats will, where practicable, be restored after construction works have finished ~ Mitigation measures should take into account existing habitats and should generally seek opportunities to enhance them, rather than replace them. Where practicable, mitigation measures should seek to create new habitats of value within the site landscaping proposals 5.4.19 Applicants should consider producing and implementing a Biodiversity Management Strategy as part of their development proposals. This could include provision for biodiversity awareness training to employees and contractors so as to avoid unnecessary adverse impacts on biodiversity during the construction and operation stages.	

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	5.4.20 In the design of any direct cooling system the locations of the intake and outfall should be sited to avoid or minimise adverse impacts on the receiving waters, including their ecology. There should also be specific measures to minimise impact to fish and aquatic biota by entrainment and impingement or by excessive heat or biocidal chemicals from discharges to receiving waters. 5.4.21 To further minimise any adverse impacts on geodiversity, where appropriate applicants are encouraged to produce and implement a Geodiversity Management Strategy to preserve and enhance access to geological interest features, as part of relevant development proposals. 5.4.22 The Secretary of State should consider what appropriate requirements should be attached to any consent and/or in any planning obligations entered into, in order to ensure that any mitigation or biodiversity net gain measures, if offered, are delivered and maintained. Any habitat creation or enhancement delivered for biodiversity net gain should generally be maintained for a minimum period of 30 years. 5.4.23 The Secretary of State will need to take account of what mitigation measures may have been agreed between the applicant and ~~Natural England (or~~ the ~~Countryside Council for Wales)~~SNCB or the ~~Marine Management Organisation (~~MMO~~),~~ and whether ~~Natural England (or~~ the ~~Countryside Council for Wales)~~SNBC or the MMO has granted or refused or intends to grant or refuse, any relevant licences, including protected species mitigation licences. 84 Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System (ODPM 06/2005, Defra 01/2005) available via TSO website www.tso.co.uk/bookshop. It should be noted that this document does not cover more recent legislative requirements, such as the Marine Strategy ~~Framework Directive. 98 Planning for Biodiversity and Geological Conservation: A Guide to Good Practice (March 2006). 99 'Working with the grain of nature' applies in England only. to protect the most important~~Regulations 2010. 85 The MHCLG Natural Environment Guidance can be found at https://www.gov.uk/guidance/natural-environment 86 In line with the principle in paragraph 4.2.8, the term 'harm' should be understood to mean 'significant harm'. 87 This does not prevent the loss of such trees where the Secretary of State is satisfied that their loss is unavoidable. 88 Certain plant and animal species, including all wild birds, are protected under the Wildlife and Countryside Act 1981. ~~European~~Certain plant and animal species are also protected under the Conservation of Habitats and Species Regulations 2010. Some other animals are protected under their own legislation, for example Protection of Badgers Act 1992. ~~106~~ 89 Lists of habitats and species of principal importance for the conservation of biological diversity in England published in response to Section 41 of the Natural Environment and Rural Communities Act 2006 are available from the Biodiversity Action Reporting System website at ~~http://www.ukbap-reporting.org.uk/news/details.asp?X=45 5.3.19 Where the applicant cannot demonstrate that appropriate mitigation measures will be put in place the IPC should consider what appropriate requirements should be attached to any consent and/or planning obligations entered into. 5.3.20 The IPC~~: http://ukbap-reporting.org.uk/our-biodiversity-reportingsystem 90 See guidance on the protection of wild birds here: https://www.gov.uk/guidance/wild-birds-protection-surveysand-licences	
Civil and Military Aviation and Defence Interests (Part 5.~~4~~5 of EN-1)	***Introduction*** 5.45.1 Civil and military aerodromes, aviation technical sites, and other types of defence interests (both onshore and offshore) can be affected by new energy development. Aviation 5.45.2 UK airspace is important for both civilian and military aviation interests. It is essential that the safety of UK aerodromes, aircraft and airspace is not adversely affected by new energy infrastructure. Similarly, aerodromes can have important economic and social benefits, particularly at the regional and local level. Commercial civil aviation is largely confined to designated corridors of controlled airspace and set approaches to airports. However, civilian leisure and military aircraft may often fly outside of 'controlled air space'. The approaches and flight patterns to aerodromes are not necessarily routine and can be irregular owing to a variety of factors including the performance characteristics of the aircraft concerned and the prevailing meteorological conditions.	There are no proposed changes to EN-1 of relevance to the Proposed Scheme. Therefore, the assessment of adopted EN-1 policy relating to 'civil and military aviation and defence interests' is relevant to both the adopted and emerging NPS policy.

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	5.45.3 Certain civil aerodromes, and aviation technical sites, selected on the basis of their importance to the national air transport system, are officially safeguarded in order to ensure that their safety and operation are not compromised by new development. A similar official safeguarding system applies to certain military aerodromes and defence assets, selected on the basis of their strategic importance. Areas of airspace around aerodromes used by aircraft taking off or on approach and landing are described as "obstacle limitation surfaces" (OLS). OLS for civil aerodromes are defined according tocriteria set out in relevant Civil Aviation Authority (CAA) ~~guidance107~~guidance[91] and for military aerodromes according to MoD criteria. Aerodromes that are officially safeguarded will have officially produced plans that show the OLS. 5.45.4 The certified Safeguarding maps depicting the OLS and other criteria (for example to minimise "birdstrike" hazards) are deposited with the relevant local planning authorities. DfT/ODPM Circular 01/~~2003108~~200392 provides advice to planning authorities on the official safeguarding of aerodromes and includes a list of the aerodromes which are officially safeguarded. The Circular and CAA guidance also ~~recommend~~recommends that the operators of aerodromes which are not officially safeguarded should take steps to protect their aerodrome from the effects of possible adverse development by establishing an agreed consultation procedure between themselves and the local planning authority or authorities. 5.45.5 There are also "Public Safety Zones" (PSZs) at the end of runways of the busiest airports in the UK, within which development is restricted to minimise risks to people on the ground in the event of an aircraft accident on take-off ~~107 CAA (Dec 2008) CAP 168: Licensing of Aerodromes. 108 DfT/ODPM Circular 01/2003: Safeguarding, Aerodromes, Technical Sites and Military Explosives Storage Areas.~~ or landing. Maps showing the PSZs are deposited with the relevant local planning authorities. DfT~~/ODPM~~ Circular 01/2010 provides advice to local planning authorities on Public Safety ~~Zones109.~~Zones.[93] 5.45.6 The military Low Flying system covers the whole of the UK and enables low flying activities as low as 75m (mean separation distance). A considerable amount of military flying for training purposes is conducted at as low as 30m in designated Tactical Training Areas (TTAs) in mid Wales, Cumbria, the Scottish Border region and in the Electronic Warfare Range in the Scottish Border area. In addition, military helicopters may operate down to ground level. New energy infrastructure may cause obstructions in Ministry of Defence (MoD) low flying areas. 5.45.7 Safe and efficient operations within UK airspace is dependent upon communications, navigation and surveillance (CNS) infrastructure, including radar (often referred to as 'technical sites'). Energy infrastructure development may interfere with the operation of CNS systems such as radar. It can also act as a reflector or diffractor of radio signals upon which Air Traffic Control Services rely (an effect which is particularly likely to arise when large structures, such as wind turbines, are located in close proximity to Communications and Navigation Aids and technical sites). Wind turbines may also cause false returns when built in line of sight to Primary or Secondary Surveillance radar installations. ~~**Other defence interests 5.4**~~***Other defence interests*** 5.5.8 The MoD operates military training areas, military danger zones (offshore Danger and Exercise areas), military explosives storage areas and TTAs. There are extensive Danger and Exercise Areas across the ~~UK Continental Shelf Area (~~UKCS~~)~~ for military firing and highly surveyed routes to support ~~Government~~government shipping that are essential for national defence. 5.45.9 Other operational defence assets may be affected by new development, for example the Seismological Monitoring Station at Eskdalemuir and maritime acoustic facilities used to test and calibrate noise emissions from naval vessels, such as at Portland Harbour. The MoD also operates Air Defence radars and Meteorological radars which	

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	have wide coverage over the UK (onshore and offshore). It is important that new energy infrastructure does not significantly impede or compromise the safe and effective use of any defence assets. ***Applicant's assessment*** 5.45.10 Where the proposed development may have an effect on civil or military aviation and/or other defence assets an assessment of potential effects should be set out in the ES (see Section 4.2). 5.45.11 The applicant should consult the MoD, Civil Aviation Authority (CAA~~,~~), NATS and any aerodrome – licensed or otherwise – likely to be affected by the proposed development in preparing an assessment of the proposal on aviation or other defence interests. ~~109 DfT/ODPM Circular 01/2002: Control of Development in Airport Safety Zones.~~ ~~5.4~~5.5.12 Any assessment of aviation or other defence interests should include potential impacts of the project upon the operation of CNS infrastructure, flight patterns (both civil and military), other defence assets and aerodrome operational procedures. It should also assess the cumulative effects of the project with other relevant projects in relation to aviation and defence. 5.45.13 If any relevant changes are made to proposals during the pre-application and determination period, it is the responsibility of the applicant to ensure that the relevant aviation and defence consultees are informed as soon as reasonably possible. ~~IPC~~Secretary of State decision making 5.45.14 The ~~IPC~~Secretary of State should be satisfied that the effects on civil and military aerodromes, aviation technical sites and other defence assets have been addressed by the applicant and that any necessary assessment of the proposal on aviation or defence interests has been carried out. In particular, ~~it~~the Secretary of State should be satisfied that the proposal has been designed to minimise adverse impacts on the operation and safety of aerodromes and that reasonable mitigation is carried out. It may also be appropriate to expect operators of the aerodrome to consider making reasonable changes to operational procedures. When assessing the necessity, acceptability, and reasonableness of operational changes to aerodromes, the ~~IPC~~Secretary of State should ~~satisfy itself~~be satisfied that ~~it has~~they have the necessary information regarding the operational procedures along with any demonstrable risks or harm of such changes, taking into account the cases put forward by all parties. When making such a judgement in the case of military aerodromes, the ~~IPC~~Secretary of State should have regard to interests of defence and national security. 5.45.15 If there are conflicts between the ~~Government's~~government's energy and transport policies and military interests in relation to the application, the ~~IPC~~Secretary of State should expect the relevant parties to have made appropriate efforts to work together to identify realistic and pragmatic solutions to the conflicts. In so doing, the parties should seek to protect the aims and interests of the other parties as far as possible. 5.45.16 There are statutory requirements concerning lighting to tall ~~structures110.~~structures.94 Where lighting is requested on structures that goes beyond statutory requirements by any of the relevant aviation and defence consultees, the ~~IPC~~Secretary of State should ~~satisfy itself~~be satisfied of the necessity of such lighting taking into account the case put forward by the consultees. The effect of such lighting on the landscape and ecology may be a relevant consideration. 5.45.17 Where, after reasonable mitigation, operational changes, obligations and requirements have been proposed, the ~~IPC~~Secretary of State considers that: ~ ●A development would prevent a licensed aerodrome from maintaining its licence~~;~~	

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	~ ●The benefits of the proposed development are outweighed by the harm to aerodromes serving business, training or emergency service needs, ~~110 Articles 219 and 220. Air Navigation Order 2009.~~ taking into account the relevant importance and need for such aviation infrastructure~~; or~~ ~ ●The development would significantly impede or compromise the safe and effective use of defence assets or significantly limit military training~~;~~ ~ ●The development would have an impact on the safe and efficient provision of ~~en route~~enroute air traffic control services for civil aviation, in particular through an adverse effect on the infrastructure required to support communications, navigation or surveillance systems~~;~~ consent should not be granted. ***Mitigation*** 5.45.18 Where a proposed energy infrastructure development would significantly impede or compromise the safe and effective use of civil or military aviation or defence assets and or significantly limit military training, the ~~IPC~~Secretary of State may consider the use of '~~Grampian111~~Grampian conditions' 95, or other forms of ~~condition~~requirement which relate to the use of future technological solutions, to mitigate impacts. Where technological solutions have not yet been developed or proven, the ~~IPC will need to consider the~~Secretary of State will need to consider the likelihood of a solution becoming available within the time limit for implementation of the development consent. In this context, where new technologies to mitigate the adverse effects of wind farms on radar are concerned, the ~~IPC~~Secretary of State should have regard to any ~~Government~~government guidance which emerges from the joint ~~Government/Industry~~government/industry Aviation Plan. 5.45.19 Mitigation for infringement of OLS may ~~include112: ●~~include[96]: ~ Amendments to layout or scale of infrastructure to reduce the height, provided that it does not result in an unreasonable reduction of capacity or unreasonable constraints on the operation of the proposed energy infrastructure~~; ●~~ ~ Changes to operational procedures of the aerodromes in accordance with relevant guidance, provided that safety assurances can be provided by the operator that are acceptable to the CAA where the changes are proposed to a civilian aerodrome (and provided that it does not result in an unreasonable reduction of capacity or unreasonable constraints on the operation of the aerodrome)~~); and~~ ~ ●Installation of obstacle lighting and/or by notification in Aeronautical Information Service publications~~.~~ 5.45.20 For CNS infrastructure, the UK military Low Flying system (including TTAs) and designated air traffic routes, mitigation may also include: ~~● lighting; ● operational airspace changes; and 111 A negative condition that prevents the start of a development until specific actions, mitigation or other development have been completed. 112 Where mitigation is required using a condition or planning obligation, the tests set out at paragraphs 4.1.7 – 4.1.8 in EN-1 should be applied. ●~~ ~ Lighting ~ Operational airspace changes ~ Upgrading of existing CNS infrastructure, the cost of which the applicant may reasonably be required to contribute in part or in full~~.~~ 5.45.21 Mitigation for effects on radar, communications and navigational systems may include reducing the scale of a project, although in some cases it is likely to be unreasonable for the ~~IPC~~Secretary of State to require mitigation by way of a reduction in the scale of development, for example, where reducing the tip height of wind turbines in ~~a~~an offshore wind farm would result in a material reduction in electricity generating capacity or operation would be severely	

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	constrained. However, there may be exceptional circumstances where a small reduction in such function will result in proportionately greater mitigation. In these cases, the ~~IPC~~Secretary of State may consider that the benefit of the mitigation outweighs the marginal loss of function. [91] CAA CAP 168: Licensing of Aerodromes: https://publicapps.caa.co.uk/modalapplication.aspx?appid=11&mode=detail&id=6114 [92] DfT/ODPM Circular 01/2003: Safeguarding, Aerodromes, Technical Sites and Military Explosives Storage Areas. [93] DfT Circular 01/2010: Control of Development in Airport Public Safety Zones: https://www.gov.uk/government/publications/control-of-development-in-airport-public-safety-zones [94] Articles 222 and 223. Air Navigation Order 2016. [95] As set out on https://www.gov.uk/guidance/use-of-planning-conditions, a Grampian condition refers to a condition worded in a negative form, i.e., prohibiting development authorised by the planning permission or other aspects linked to the planning permission (e.g. occupation of premises) until a specific action has been taken (such as the provision of supporting infrastructure). [96] Where mitigation is required using a condition or planning obligation, the tests set out at paragraphs 4.1.7 – 4.1.8 in EN-1 should be applied.	
~~Flood Risk~~ ~~(Part 5.7 of EN-1)~~Coastal Change (Part 5.6 of Draft EN-1)	***Introduction*** 5.6.1 The government's aim is to ensure that our coastal communities continue to prosper and adapt to coastal change. This means planning should: ~ Ensure that policies and decisions in coastal areas are based on an understanding of coastal change over time ~ Prevent new development from being put at risk from coastal change by: ▪ (i) avoiding inappropriate development in areas that are vulnerable to coastal change or any development that adds to the impacts of physical changes to the coast ▪ (ii) directing development away from areas vulnerable to coastal change ~ Ensure that the risk to development which is, exceptionally, necessary in coastal change areas because it requires a coastal location and provides substantial economic and social benefits to communities, is managed over its planned lifetime ~ Ensure that plans are in place to secure the long-term sustainability of coastal areas 5.6.2 For the purpose of this section, coastal change means physical change to the shoreline, i.e. erosion, coastal landslip, permanent inundation and coastal accretion. Where onshore infrastructure projects are proposed on the coast, coastal change is a key consideration as well as a vital element of climate change adaptation (see Section 4.9). Some kinds of coastal change happen very gradually, others over shorter timescales. Some are the result of purely natural processes; others, including potentially significant modifications of the coastline or coastal environment resulting from climate change, are wholly or partly man-made. This section is concerned both with the impacts which energy infrastructure can have as a driver of coastal change and with how to ensure that developments are resilient to ongoing and potential future coastal change. 5.6.3 The construction of an onshore energy project on the coast may involve, for example, dredging, dredge spoil deposition, cooling water, culvert construction, marine landing facility construction and flood and coastal protection measures which could result in direct effects on the coastline, seabed and marine ecology and biodiversity. 5.6.4 Additionally, indirect changes to the coastline and seabed might arise as a result of a hydrodynamic response to some of these direct changes. This could lead to localised or more widespread coastal erosion or accretion and changes to offshore features such as submerged banks and ridges and marine biodiversity.	Land within the Order Limits is not located on the coast; therefore, the Applicant considers the proposed Part 5.6 of draft EN-1 is not relevant to the Proposed Scheme.

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	5.6.5 This section only applies to onshore energy infrastructure projects situated on the coast. The impacts of offshore renewable energy projects on marine life and coastal geomorphology are considered in EN-3. Section 5.4 on biodiversity and geological conservation, Section 5.8 on flood risk and Section 4.9 on adaptation to climate change, including the increased risk of coastal erosion, are also relevant, as is advice on access to coastal recreation sites and features in Section 5.11 on land use. Advice on the historic environment in Section 5.9 may also be relevant. ***Applicant's assessment*** 5.6.6 Where relevant, applicants should undertake coastal geomorphological and sediment transfer modelling to predict and understand impacts and help identify relevant mitigating or compensatory measures. 5.6.7 The ES (see Section 4.2) should include an assessment of the effects on the coast. In particular, applicants should assess: ~ The impact of the proposed project on coastal processes and geomorphology, including by taking account of potential impacts from climate change. If the development will have an impact on coastal processes the applicant must demonstrate how the impacts will be managed to minimise adverse impacts on other parts of the coast ~ The implications of the proposed project on strategies for managing the coast as set out in Shoreline Management Plans (SMPs) (which provide a large-scale assessment of the physical risks associated with coastal processes and present a long term policy framework to reduce these risks to people and the developed, historic and natural environment in a sustainable manner), any relevant Marine Plans, River Basin Management Plans and capital programmes for maintaining flood and coastal defences ~ The effects of the proposed project on marine ecology, biodiversity and protected sites ~ How coastal change could affect flood risk management infrastructure, drainage and flood risk ~ The effects of the proposed project on maintaining coastal recreation sites and features ~ The vulnerability of the proposed development to coastal change, taking account of climate change, during the project's operational life and any decommissioning period 5.6.8 For any projects involving dredging or disposal into the sea, the applicant should consult the MMO at an early stage. Where the project has the potential to have a major impact in this respect, this is covered in the technology specific NPSs. For example, EN-4 looks further at the environmental impacts of dredging in connection with Liquified Natural Gas (LNG) tanker deliveries to LNG import facilities. 5.6.9 The applicant should be particularly careful to identify any effects of physical changes on the integrity and special features of Marine Protected Areas (MPAs). These could include MCZs, candidate marine Special Areas of Conservation (SACs), coastal SACs and candidate coastal SACs, coastal Special Protection Areas (SPAs) and potential coastal SPAs, Ramsar sites, Sites of Community Importance (SCIs) and potential SCIs and SSSIs. Secretary of State decision making 5.6.10 The Secretary of State should be satisfied that the proposed development will be resilient to coastal erosion and deposition, taking account of climate change, during the project's operational life and any decommissioning period. Proposals that aim to facilitate the relocation of existing energy infrastructure from unsustainable locations which are at risk from coastal change, should be supported where it would result in climate resilient infrastructure. 5.6.11 The Secretary of State should not normally consent new development in areas of dynamic shorelines where the proposal could inhibit sediment flow or have an adverse impact on coastal processes at other locations. Impacts on coastal processes must be managed to minimise adverse impacts on other parts of the coast. Where such proposals	

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	are brought forward, consent should only be granted where the Secretary of State is satisfied that the benefits (including need) of the development outweigh the adverse impacts. 5.6.12 The Secretary of State should ensure that applicants have restoration plans for areas of foreshore disturbed by direct works and will undertake pre- and post-construction coastal monitoring arrangements with defined triggers for intervention and restoration. 5.6.13 The Secretary of State should examine the broader context of coastal protection around the proposed site, and the influence in both directions, i.e., coast on site, and site on coast. 5.6.14 The Secretary of State should consult the MMO on projects which could impact on coastal change, since the MMO may also be involved in considering other projects which may have related coastal impacts. 5.6.15 In addition to this NPS, the Secretary of State must have regard to the appropriate marine policy documents, as provided for in the Marine and Coastal Access Act 2009. The Secretary of State may also have regard to any relevant SMPs. 5.6.16 Substantial weight should be attached to the risks of flooding and coastal erosion. The applicant must demonstrate that full account has been taken of the policy on assessment and mitigation in paragraphs 4.2.1 to 4.2.8 of this NPS, taking account of the potential effects of climate change on these risks as discussed above. ***Mitigation*** 5.6.17 Applicants should propose appropriate mitigation measures to address adverse physical changes to the coast, in consultation with the MMO, the EA or NRW, LPAs, other statutory consultees, Coastal Partnerships and other coastal groups, as it considers appropriate. Where this is not the case, the Secretary of State should consider what appropriate mitigation requirements might be attached to any grant of development consent.	
Dust, Odour, Artificial Light, Smoke, Steam, and Insect Infestation ~~Flood Risk~~ (Part 5.7 of EN-1)	***Introduction*** 5.~~6~~7.1 During the construction, operation and decommissioning of energy infrastructure there is potential for the release of a range of emissions such as odour, dust, steam, smoke, artificial light and infestation of insects. All have the potential to have a detrimental impact on amenity or cause a common law nuisance or statutory nuisance under Part III, Environmental Protection Act 1990. Note that pollution impacts from some of these emissions (for example dust, smoke) are covered in the Section 5.2 on air emissions. 5.~~6~~7.2 Because of the potential effects of these emissions and infestation, and in view of the availability of the defence of statutory authority against nuisance claims described in Section 4.14, it is important that the potential for these impacts is considered by the ~~IPC.~~Secretary of State. 5.~~6~~7.3 For energy NSIPs of the type covered by this NPS, some impact on amenity for local communities is likely to be unavoidable. The aim should be to keep impacts to a minimum, and at a level that is acceptable. ***Applicant's assessment*** 5.~~6~~7.4 The applicant should assess the potential for insect infestation and emissions of odour, dust, steam, smoke, and artificial light to have a detrimental impact on amenity, as part of the ~~Environmental Statement.~~ES. 5.~~6~~7.5 In particular, the assessment provided by the applicant should describe: ~ The type, quantity and timing of emissions~~;~~ ~ Aspects of the development which may give rise to emissions~~;~~ ~ Premises or locations that may be affected by the emissions~~;~~	The emerging policy text demonstrates no significant changes are proposed to EN-1 in relation to dust, odour, artificial light, smoke, steam, and insect infestation. The assessment of adopted policy presented at Table B.1 of Appendix B therefore remains relevant.

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	~ Effects of the emission on identified premises or locations~~; and~~ ~ Measures to be employed in preventing or mitigating the emissions~~.~~ 5.~~6~~7.6 The applicant is advised to consult the relevant local planning authority and, where appropriate, the EA about the scope and methodology of the assessment. ***~~IPC~~Secretary of State decision making*** 5.~~6~~7.7 The ~~IPC~~Secretary of State should satisfy itself that: ~ ~~•~~An assessment of the potential for artificial light, dust, odour, smoke, steam and insect infestation to have a detrimental impact on amenity has been carried out~~; and~~ ~ ~~•~~That all reasonable steps have been taken, and will be taken, to minimise any such detrimental impacts~~.~~ 5.~~6~~7.8 If the ~~IPC~~Secretary of State does grant development consent for a project, ~~it~~the Secretary of State should consider whether there is a justification for all of the authorised project (including any associated development) being covered by a defence of statutory authority against nuisance claims. If ~~it~~the Secretary of State cannot conclude that this is justified, ~~it~~the Secretary of State should disapply in whole or in part the defence through a provision in the development consent order. 5.~~6~~7.9 Where ~~it~~the Secretary of State believes it appropriate, the ~~IPC~~Secretary of State may consider attaching requirements to the development consent, in order to secure certain mitigation measures. 5.~~6~~7.10 In particular, the ~~IPC~~Secretary of State should consider whether to require the applicant to abide by a scheme of management and mitigation concerning insect infestation and emissions of odour, dust, steam, smoke, and artificial light from the development. The ~~IPC~~Secretary of State should consider the need for such a scheme to reduce any loss to amenity which might arise during the construction, operation and decommissioning of the development. A construction management plan may help codify mitigation at that stage. ***Mitigation*** 5.~~6~~7.11 Mitigation measures may include one or more of the following: ~ ~~•~~Engineering: prevention of a specific emission at the point of generation; control, containment and abatement of emissions if generated~~;~~ ~ ~~•~~Lay-out: adequate distance between source and sensitive receptors; reduced transport or handling of material~~; and~~ ~ ~~•~~Administrative: limiting operating times; restricting activities allowed on the site; implementing management plans.	
~~Historic Environment~~ Flood Risk (Part 5.8 of EN-1)	***Introduction*** 5.~~7~~8.1 Flooding is a natural process that plays an important role in shaping the natural environment. However, flooding threatens life and causes substantial disruption and damage to property. The effects of weather events on the natural environment, life and property can be increased in severity both as a consequence of decisions about the location, design and nature of settlement and land use, and as a potential consequence of future climate change. Having resilient energy infrastructure not only reduces the risk of flood damages to the infrastructure, it also reduces the disruptive impacts of flooding on those homes and businesses that rely on that infrastructure. Although flooding cannot be wholly prevented, its adverse impacts can be avoided or reduced through good planning and management.	Proposed text in Part 5.8 of draft EN-1 emphasises the importance of energy infrastructure being resilient to flood risk, at proposed paragraph 5.8.1. As set out in Table B.1 of Appendix B, primary mitigation has ensured the infrastructure can still operating should a flood event occur. This is also in compliance with proposed paragraphs 5.8.3 and 5.8.5.

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	~~5.7.2 Climate change over the next few decades is likely to mean milder, wetter winters and hotter, drier summers in the UK, while sea levels will continue to rise.~~5.8.2 The government's Flood and Coastal Erosion Risk Management Policy Statement sets out our ambition to create a nation more resilient to future flood and coastal erosion risk. It outlines policies and actions which will accelerate progress to better protect and better prepare the country against flooding and coastal erosion. 5.8.3 All buildings in flood risk areas can improve their preparedness to reduce costs and disruption to key public services when a flood happens. Where infrastructure is not better protected as part of a wider community scale flood defence scheme, those who own and run infrastructure sites – whether in public or private hands – are expected to take action to keep water out, minimise the damage if water gets in through flood resilient materials, and reduce the disruption caused. This includes effective contingency planning to mitigate the impacts of flooding on the delivery of important services. 5.8.4 Climate change is already having an impact and is expected to have an increasing impact on the UK throughout this century. The UK Climate Projections 2018 show an increased chance of milder, wetter winters and hotter, drier summers in the UK, with more intensive rainfall causing flooding. Sea levels will continue to rise beyond the end of the century, increasing risks to vulnerable coastal communities. Within the lifetime of energy projects, these factors will lead to increased flood risks in areas susceptible to flooding, and to an increased risk of the occurrence of floods in some areas which are not currently thought of as being at risk. ~~The~~ A robust approach to flood risk management is a vital element of climate change adaptation; the applicant and the ~~IPC~~Secretary of State should take account of the policy on climate change adaptation in Section 4.~~8~~9. 5.~~7.3~~8.5 The aims of planning policy on development and flood risk are to ensure that flood risk from all sources of flooding is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to ~~direct~~steer new development ~~away from~~to areas ~~at highest~~with the lowest risk of flooding. Where new energy infrastructure is, exceptionally, necessary in such areas, policy aims to make it safe without increasing flood risk elsewhere and, where possible, by reducing flood risk overall. It should also be designed and constructed to remain operational in times of flood. Proposals that aim to facilitate the relocation of existing energy infrastructure from unsustainable locations which are or will be at unacceptable risk of flooding, should be supported where it would result in climate-resilient infrastructure. ***Applicant's assessment*** 5.~~7.4 Applications for energy projects of 1 hectare or greater in Flood Zone 1 in England or Zone A in Wales113 and all proposals~~ 8.6 A site-specific flood risk assessment should be provided for all energy projects ~~located~~ in Flood Zones 2 and 3 in England or Zones B and C in Wales ~~should be accompanied~~. In Flood Zone 1 in England or Zone A in Wales, an assessment should accompany all proposals involving: ~ Sites of 1 hectare or more ~ Land which has been identified by ~~a flood risk assessment (FRA). An FRA will also be required where an energy project less than 1 hectare~~the EA or NRW as having critical drainage problems • land identified (for example in a local authority strategic flood risk assessment) as being at increased flood risk in future ~ Land that may be subject to other sources of flooding ~~other than rivers and the sea~~ (for example surface water~~), or~~) ~ Where the EA or NRW, Lead Local Flood Authority, Internal Drainage Board or other body have indicated that there may be drainage problems. This should identify and assess the risks of all forms of flooding to and from the project and demonstrate how these flood risks will be managed, taking climate change into account.	The Government's Flood and Coastal Erosion Risk Management Policy Statement (2020) is referenced at proposed paragraph 5.8.2, which sets out the Government's ambition to create a flood risk resilient nation; outlining policies and actions to achieve this. We do not anticipate the Proposed Scheme would present any issues with complying with this Policy Statement. Proposed paragraph 5.8.7 proposes text requiring FRAs to consider climate change across a range of climate scenarios. The FRA presented at Appendix 12.1 of the ES (document reference 6.3.12.1) does this by using a range of climate change allowances within the hydraulic modelling that was undertaken. The FRA also includes information on flood likelihood, speed-of-onset, duration and hazard, the latter of which is informed by depth and velocity. Natural flood management (NFM) measures are not appropriate, due to nature of the Proposed Scheme and as the Drax Power Station site (i.e. the siting of the proposed operational equipment) is part of the existing development. The Surface Water Drainage Strategy covers the information listed in points i – ix in the new bullet point proposed in paragraph 5.8.7. In line with proposed paragraph 5.8.14, the Proposed Scheme will offset any net loss of floodplain storage. The remaining text proposed to En-1 in relation to Flood Risk is addressed in the assessment of adopted policy in Table B.1 in Appendix B.

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	5.8.7.5 The minimum requirements for FRAsFlood Risk Assessments (FRA) are that they should: ~ ●Be proportionate to the risk and appropriate to the scale, nature and location of the project; ~ ●Consider the risk of flooding arising from the project in addition to the risk of flooding to the project; 113 The Flood Zones refer to the probability of flooding from rivers, the sea and tidal sources and ignore the presence of existing defences, because these can be breached, overtopped and may not be in existence for the lifetime of the project. The definition of Flood Zones can be found in PPS25 (in England), TAN 15 (in Wales), or their relevant successor documents. ~ ● Take the impacts of climate change into account, across a range of climate scenarios, clearly stating the development lifetime over which the assessment has been made; ●made[97]; ~ Be undertaken by competent people, as early as possible in the process of preparing the proposal; ~ ●Consider both the potential adverse and beneficial effects of flood risk management infrastructure, including raised defences, flow channels, flood storage areas and other artificial features, together with the consequences of their failure; ● and exceedance ~ Consider the vulnerability of those using the site, including arrangements for safe access; ● and escape ~ Consider and quantify the different types of flooding (whether from natural and human sources and including joint and cumulative effects) and identify flood risk reduction measures, so that assessments are fit for the purpose of the decisions being made; ●include information on flood likelihood, speed-of-onset, depth, velocity, hazard and duration ~ Identify and secure opportunities to reduce the causes and impacts of flooding overall, making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management ~ Consider the effects of a range of flooding events including extreme events on people, property, the natural and historic environment and river and coastal processes; ● ~ Include the assessment of the remaining (known as 'residual') risk after risk reduction measures have been taken into account and demonstrate that this is acceptable for the particular project; ●these risks can be safely managed, ensuring people will not be exposed to hazardous flooding ~ Consider how the ability of water to soak into the ground may change with development, along with how the proposed layout of the project may affect drainage systems; ● consider if there is a need to be safe and remain operational during a worst case flood event over the development's lifetime; and ●. Information should include: i. Describe the existing surface water drainage arrangements for the site ii. Set out (approximately) the existing rates and volumes of surface water run-off generated by the site. Detail the proposals for restricting discharge rates iii. Set out proposals for managing and discharging surface water from the site using sustainable drainage systems and accounting for the predicted impacts of climate change. If sustainable drainage systems have been rejected, present clear evidence of why their inclusion would be inappropriate iv. Demonstrate how the hierarchy of drainage options (refer to PPG Sustainable Drainage Systems section) has been followed. Explain and justify why the types of Sustainable Drainage Systems and method of discharge have been selected and why they are considered appropriate. Where cost is a reason for not including Sustainable	

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	Drainage Systems, provide information to enable comparison with the lifetime costs of a conventional public sewer connection v. Explain how sustainable drainage systems have been integrated with other aspects of the development such as open space or green infrastructure, so as to ensure an efficient use of the site vi. Describe the multifunctional benefits the sustainable drainage system will provide vii. Set out which opportunities to reduce the causes and impacts of flooding have been identified and included as part of the proposed sustainable drainage system viii. Explain how run-off from the completed development will be prevented from causing an impact elsewhere ix. Explain how the sustainable drainage system been designed to facilitate maintenance and, where relevant, adoption. Set out plans for ensuring an acceptable standard of operation and maintenance throughout the lifetime of the development ~ Detail those measures that will be included to ensure the development will be safe and remain operational during a flooding event throughout the development's lifetime without increasing flood risk elsewhere ~ Be supported by appropriate data and information, including historical information on previous events. 5.~~7.6~~8.8 Further guidance can be found in the Planning Practice ~~Guide~~Guidance Flood Risk and Coastal Change section which accompanies ~~Planning Policy Statement 25 (PPS25),~~the NPPF, TAN15 for Wales or successor documents. 5.~~7.7~~8.9 Applicants for projects which may be affected by, or may add to, flood risk should arrange pre-application discussions with the EA or NRW, and, where relevant, other bodies such as Lead Local Flood Authorities, Internal Drainage Boards, sewerage undertakers, navigation authorities, highways authorities and reservoir owners and operators. Such discussions should identify the likelihood and possible extent and nature of the flood risk, help scope the FRA, and identify the information that will be required by the ~~IPC~~Secretary of State to reach a decision on the application when it is submitted. The ~~IPC~~Secretary of State should advise applicants to undertake these steps where they appear necessary but have not yet been addressed. 5.~~7.~~8.10 If the EA or NRW has concerns about the proposal on flood risk grounds, the applicant should discuss these concerns with the EA or NRW and take all reasonable steps to agree ways in which the proposal might be amended, or additional information provided, which would satisfy the ~~Environment Agency's~~EA's or NRW's concerns. ~~IPC~~***Secretary of State decision making*** 5.~~7.9~~8.11 In determining an application for development consent, the ~~IPC~~Secretary of State should be satisfied that where relevant: ~ ~~●~~The application is supported by an appropriate FRA~~; ● •~~ the Sequential Test has been applied and satisfied as part of site selection~~;~~ ~ ~~●~~ A sequential approach has been applied at the site level to minimise risk by directing the most vulnerable uses to areas of lowest flood risk~~;~~ ~ ~~●~~ The proposal is in line with any relevant national and local flood risk management ~~strategy114; ● priority has been given to the use of~~strategy[98] • sustainable drainage systems (SuDs) (as required in the next paragraph on National Standards~~); and ●~~) have been used unless there is clear evidence that their use would be inappropriate	

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	~ In flood risk areas the project is ~~appropriately~~ designed and constructed to remain safe and operational during its lifetime, without increasing flood ~~resilient and resistant, including~~ risk elsewhere (subject to the exceptions set out in 5.8.18) ~ The project includes safe access and escape routes where required, as part of an agreed emergency plan, and that any residual risk can be safely managed over the lifetime of the development~~. 5.7.10 For~~ ~ Land that is likely to be needed for present or future flood risk management infrastructure has been appropriately safeguarded from development to the extent that development would not prevent or hinder its construction ~~work~~, operation or maintenance 5.8.12 For energy projects which ~~has~~have drainage implications, approval for the project's drainage system, including during the construction period, will form part of the development consent issued by the ~~IPC.~~Secretary of State. The ~~IPC~~Secretary of State will therefore need to be satisfied that the proposed drainage system complies with any National Standards published by Ministers under ~~Paragraph~~paragraph 5(1) of Schedule 3 to the Flood and Water Management Act 2010. In addition, the development consent order, or any associated planning obligations, will need to make provision for ~~the adoption~~ appropriate operation and maintenance of any SuDS~~, including~~ throughout the project's lifetime. Where this is secured through the adoption of any SuDS features, any necessary access rights to property~~. The IPC~~ will need to be granted. Where relevant, the Secretary of State should be satisfied that the most appropriate body is being given the responsibility for maintaining any SuDS, taking into account the nature and security of the infrastructure on the proposed site. ~~The responsible body~~Responsible bodies could include, for example~~, the applicant,~~ the landowner, the relevant lead local flood authority~~,~~ or water and sewerage company (through the Ofwat-approved Sewerage Sector Guidance[99]), or another body, such as an Internal Drainage Board. 5.~~7.11~~8.13 If the EA or NRW continues to have concerns and objects to the grant of development consent on the grounds of flood risk, the ~~IPC~~Secretary of State can grant consent but would need to be satisfied before deciding whether or not to do so that all reasonable steps have been taken by the applicant and the EA or NRW to try to resolve the concerns. ~~5.7.12 The IPC~~5.8.14 Energy projects should not ~~consent~~ normally be consented within Flood Zone 3b the Functional Floodplain (where water has to flow or be stored in times of flood), or Zone C2 in Wales, or on land expected to fall within these zones within its predicted lifetime. However, where essential energy infrastructure has to be located in such areas, for operational reasons, they should only be consented if the development ~~in~~ will not result in a net loss of floodplain storage and will not impede water flows. ***~~The Sequential Test~~*** 5.8.15 Preference should be given to locating projects in areas of lowest flood risk. The Secretary of State should not consent development in flood risk areas (Flood Zone 2 in England or Zone B in Wales), accounting for all sources of flooding and the predicted impacts of climate change unless ~~it is~~they are satisfied that the sequential test requirements have been met. ~~It~~The Secretary of State should not consent development in Flood Zone 3 or Zone C unless ~~it is~~they are satisfied that the Sequential and Exception Test requirements have been met. The technology~~-~~ specific NPSs set out some exceptions to the application of the sequential test. However, when seeking development consent on a site allocated in a development plan through the application of the Sequential Test, informed by a strategic flood risk assessment, applicants need not apply the Sequential Test, ~~but should apply the sequential approach to locating development within the site. 114 As provided for in section 9(1) of the Flood and Water Management Act 2010. *The Sequential Test* 5.7.13 Preference should be given to locating projects in Flood Zone 1 in England or Zone A in Wales. If there is no reasonably available site in Flood Zone 1 or Zone A, then projects can be located in Flood Zone 2 or Zone~~	

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	~~B. If there is no reasonably available site115 in Flood Zones 1 or 2 or Zones A & B, then nationally significant energy infrastructure projects can be located in Flood Zone 3 or Zone C subject to the Exception Test.~~provided the proposed development is consistent with the use for which the site was allocated and there is no new flood risk information that would have affected the outcome of the test. Consideration of alternative sites should take account of the policy on alternatives set out in Section 4.4~~2~~2 above. All projects should apply the sequential approach to locating development within the site. ***The Exception Test*** 5.~~7.14~~8.16 If, following application of the sequential test, it is not possible, ~~consistent with~~(taking into account wider ~~sustainability~~sustainable development objectives~~,~~), for the project to be located in ~~zones~~areas of lower ~~probability of flooding than Flood Zone 3 or Zone C,~~ flood risk the Exception Test can be applied~~.~~, as required by table 3 of the Planning Practice Guidance. The test provides a method of ~~managing flood risk while still~~ allowing necessary development to ~~occur.~~go ahead in situations where suitable sites at lower risk of flooding are not available. 5.~~7.15~~8.17 The Exception Test is only appropriate for use where the sequential test alone cannot deliver an acceptable site~~, taking into account the need for energy infrastructure to remain operational during floods. It may also be appropriate to use it where as a result of the alternative site(s) at lower risk of flooding being~~. It would only be appropriate to move onto the Exception Test when the sequential test has identified reasonably available, lower risk sites appropriate for the proposed development where, accounting for wider sustainable development objectives, application of relevant policies would provide a clear reason for refusing development in any alternative locations identified. Examples could include alternative site(s) that are subject to national designations such as landscape, heritage and nature conservation designations, for example Areas of Outstanding Natural Beauty (AONBs), ~~Sites of Special Scientific Interest (SSSIs) and World Heritage Sites (WHS) it would not be appropriate to require the development to be located on the alternative site(s). 5.7.16 All three elements of the test will have to be passed for development to be consented. For the Exception Test to be passed: ● it must be demonstrated that the project provides wider sustainability benefits to the community116 that outweigh flood risk; ● the project should be on developable, previously developed land117 or, if it is not on previously developed land, that there are no reasonable alternative sites on developable previously developed land subject to any exceptions set out in the technology-specific NPSs; and 115 When making the application, the applicant should justify with evidence what area of search has been used in examining whether there are reasonably available sites. This will allow the IPC to consider whether the Sequential Test has been met as part of site selection. 116 These would include the benefits (including need), for the infrastructure set out in Part 3. 117 Previously developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. This definition includes defence buildings, but excludes (a) land that is or has been occupied by agricultural or forestry buildings (b) land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures (c) land in built up areas such as parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been previously developed (d) land that was previously developed but where the remains of the permanent surface structure or fixed surface structure have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings). ● a FRA must demonstrate that the project will be safe, without increasing flood risk elsewhere subject to the exception below and, where possible, will reduce flood risk overall. 5.7.17~~SSSIs and World Heritage Sites (WHS) which would not usually be considered appropriate. 5.8.18 Both elements of the test will have to be satisfied for development to be consented. To pass the Exception Test it should be demonstrated that:	

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	~ The project provides wider sustainability benefits to the community[100] that outweigh flood risk ~ The project reduces flood risk overall, where possible 5.8.19 Exceptionally, where an increase in flood risk elsewhere cannot be avoided or wholly mitigated, the ~~IPC~~Secretary of State may grant consent if ~~it is~~they are satisfied that the increase in present and future flood risk can be mitigated to an acceptable level and taking account of the benefits of, including the need for, nationally significant energy infrastructure as set out in Part 3 above. In any such case the ~~IPC~~Secretary of State should make clear how, in reaching ~~its~~their decision, ~~it has~~they have weighed up the increased flood risk against the benefits of the project, taking account of the nature and degree of the risk, the future impacts on climate change, and advice provided by the EA or NRW and other relevant bodies. ***Mitigation*** 5.~~7.18~~8.20 To satisfactorily manage flood risk, arrangements are required to manage surface water and the impact of the natural water cycle on people and property. 5.~~7.19~~8.21 In this NPS, the term ~~Sustainable Drainage Systems (~~SuDS~~)~~ refers to the whole range of sustainable approaches to surface water drainage management including, where appropriate: ~ ~~●~~Source control measures including rainwater recycling and drainage~~;~~ ~~●~~ • infiltration devices to allow water to soak into the ground, that can include individual soakaways and communal facilities~~;~~ ~ ~~●~~Filter strips and swales, which are vegetated features that hold and drain water downhill mimicking natural drainage patterns~~;~~ ~ ~~●~~Filter drains and porous pavements to allow rainwater and run-off to infiltrate into permeable material below ground and provide storage if needed~~;~~ ~ ~~●~~Basins ponds and tanks to hold excess water after rain and allow controlled discharge that avoids flooding~~; and~~ ~ ~~●~~ Flood routes to carry and direct excess water through developments to minimise the impact of severe rainfall flooding~~.~~ 5.~~7.20~~8.22 Site layout and surface water drainage systems should cope with events that exceed the design capacity of the system, so that excess water can be safely stored on or conveyed from the site without adverse impacts. 5.~~7.21~~8.23 The surface water drainage arrangements for any project should, accounting for the predicted impacts of climate change throughout the development's lifetime, be such that the volumes and peak flow rates of surface water leaving the site are no greater than the rates prior to the proposed project, unless specific off-site arrangements are made and result in the same net effect. 5.~~7.22~~8.24 It may be necessary to provide surface water storage and infiltration to limit and reduce both the peak rate of discharge from the site and the total volume discharged from the site. There may be circumstances where it is appropriate for infiltration facilities or attenuation storage to be provided outside the project site, if necessary, through the use of a planning obligation. 5.~~7.23~~8.25 The sequential approach should be applied to the layout and design of the project. ~~More vulnerable uses~~Vulnerable aspects of the development should be located on parts of the site at lower ~~probability~~risk and residual risk of flooding. Applicants should seek opportunities to use open space for multiple purposes such as amenity, wildlife habitat and flood storage uses. Opportunities should be taken to lower flood risk by reducing the built footprint of previously developed sites and using SuDS.	

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	~~5.7.24 Essential energy infrastructure which has to be located in flood risk areas should be designed to remain operational when floods occur. In addition, any energy projects proposed in Flood Zone 3b the Functional Floodplain (where water has to flow or be stored in times of flood), or Zone C2 in Wales, should only be permitted if the development will not result in a net loss of floodplain storage, and will not impede water flows. 5.7.25~~5.8.26 The receipt of and response to warnings of floods is an essential element in the management of the residual risk of flooding. Flood Warning and evacuation plans should be in place for those areas at an identified risk of flooding. The applicant should take advice from the local authority emergency planning team, emergency services and, where appropriate, from the local resilience forum when producing an evacuation plan for a manned energy project as part of the FRA. Any emergency planning documents, flood warning and evacuation procedures that are required should be identified in the FRA. [97] Refer to Flood risk assessments: climate change allowances - https://www.gov.uk/guidance/flood-riskassessments-climate-change-allowances [98] As provided for in section 9(1) of the Flood and Water Management Act 2010. [99] Sewerage Sector Guidance: https://www.water.org.uk/sewerage-sector-guidance-approved-documents/ [100] These would include the benefits (including need), for the infrastructure set out in Part 3.	
~~Landscape and Visual~~ Historic Environment (Part 5.9 of EN-1)	***Introduction*** 5.~~8~~9.1 The construction, operation and decommissioning of energy infrastructure has the potential to result in adverse impacts on the historic environment~~. 5.8~~ above, at and below the surface of the ground. 5.9.2 The historic environment includes all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, landscaped and planted or managed flora. 5.9.3 Those elements of the historic environment that hold value to this and future generations because of their historic, archaeological, architectural or artistic interest are called ~~"~~'heritage assets'. Heritage assets~~". A heritage asset~~ may be ~~any building, monument, site, place, area~~buildings, monuments, sites, places, areas or ~~landscape~~landscapes, or any combination of these. The sum of the heritage interests that a heritage asset holds is referred to as its ~~significance118. 5.8.3~~significance.[101] Significance derives not only from a heritage asset's physical presence, but also from its setting.[102] 5.9.4 Some heritage assets have a level of significance that justifies official designation. Categories of designated heritage assets are: ~~a~~ World Heritage ~~Site~~Sites; Scheduled ~~Monument~~Monuments; Protected Wreck ~~Site~~Sites; Protected Military Remains~~,~~; Listed ~~Building;~~Buildings; Registered ~~Park~~Parks and ~~Garden~~Gardens; Registered ~~Battlefield~~Battlefields; Conservation ~~Area~~Areas; and Registered Historic ~~Landscape~~Landscapes (Wales only~~)119.~~).[103] 5.~~8.4~~9.5 There are heritage assets ~~with archaeological interest~~ that are not currently designated ~~as scheduled monuments~~, but which ~~are demonstrably~~have been demonstrated to be of equivalent significance~~.~~ to designated heritage assets of the highest significance. These ~~include: ● those that have yet to be formally assessed for designation; ●~~are: ~ Those that ~~have been assessed as being designatable but which the~~ the Secretary of State has recognised as being capable of being designated as a Scheduled Monument or Protected Wreck Site but has decided not to designate~~; and~~ ~ ~~●~~Those that the Secretary of State has recognised as being of equivalent significance to Scheduled Monuments or Protected Wreck Sites but are incapable of being designated by virtue of being outside the scope of the ~~Ancient Monuments and Archaeological Areas Act 1979. 5.8.5 The absence of designation for such heritage assets does~~	The assessment of impact of the Proposed Scheme on the historic environment is assessed with regard to adopted EN-1 policy at Table B.1 of Appendix B. And remains relevant for the text of the proposed EN-1 policy. New requirements proposed at paragraph 5.9.14 have been considered in Chapter 10 (Heritage) of the ES (document reference 6.1.10). As such, the requirements of both the adopted and emerging EN-1 policy relating to the 'historic environment' have been met.

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	~~not indicate lower significance. If the evidence before the IPC indicates to it that a non-designated heritage asset of the type described in 5.8.4 may be affected by the proposed development then the heritage asset~~related legislation 5.9.6 There are also heritage assets with archaeological interest that have yet to be formally assessed by the Secretary of State, but which have potential to demonstrate equivalent significance to Scheduled Monuments or Protected Wreck Sites. 5.9.7 Non-designated heritage assets that have been recognised by the Secretary of State as being of equivalent significance to Scheduled Monuments or Protected Wreck Sites, or that have yet to be formally assessed but have archaeological interest[104] and have potential to demonstrate equivalent significance to Scheduled Monuments or Protected Wreck Sites, should be considered subject to the same policy considerations as those that apply to designated heritage assets. ~~118 Save for the term "Designated Heritage Asset (covered in 5.8.3 above), these and other terms used in this section are defined in Annex 2 to PPS5, or any successor to it. The PPS5 Practice Guide contains guidance on their interpretation. Additionally, part of the purpose of designating National Parks is in order to protect their cultural heritage and the conservation of cultural heritage is an important consideration in all Areas of Outstanding Natural Beauty. 119 The issuing of licenses~~ 5.9.8 The Secretary of State should also consider the impacts on other non-designated heritage assets (as identified either through the development plan making process by local authorities, including 'local listing', or through the application, examination and decision-making process). This is on the basis of clear evidence that such heritage assets have a significance that merits consideration in that process, even though those assets are of lesser significance than designated heritage assets. 5.9.9 Impacts on heritage assets specific to types of infrastructure are included in the technology specific NPSs. Applicant's assessment 5.9.10 The applicant should undertake an assessment of any likely significant heritage impacts of the proposed development as part of the EIA and describe these in the ES ~~91 5.8.6 The IPC~~[102] (see Section 4.2). This should ~~also consider the impacts on other non-designated heritage assets, as identified either through the development plan making process (local listing) or through the IPC's decision making process on the basis of clear evidence that the assets have a heritage significance that merits~~include consideration ~~in its decisions, even though those assets are of lesser value than designated heritage assets. 5.8.7 Impacts on heritage assets specific to types of infrastructure are included in the technology-specific NPSs. Applicant's assessment 5.8.8~~of heritage assets above, at, and below the surface of the ground. 5.9.11 As part of the ES ~~(see Section 4.2)~~ the applicant should provide a description of the significance of the heritage assets affected by the proposed development ~~and the~~, including any contribution ~~of~~made by their setting ~~to that significance~~. The level of detail should be proportionate to the importance of the heritage assets and no more than is sufficient to understand the potential impact of the proposal on ~~the~~their significance ~~of the heritage asset.~~. As a minimum the applicant should have consulted the relevant Historic Environment ~~Record120~~Record105 (or, where the development is in English or Welsh waters, ~~English Heritage~~Historic England or Cadw) and assessed the heritage assets themselves using expertise where necessary according to the proposed development's impact. 5.~~8.~~9.12 Where a site on which development ~~site~~is proposed includes, or the available evidence suggests it has the potential to include, heritage assets with an archaeological interest, the applicant should carry out appropriate desk-based assessment and, where such desk-based research is insufficient to properly assess the interest, a field evaluation. Where proposed development will affect the setting of a heritage asset, accurate representative visualisations may be necessary to explain the impact.[106]	

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	5.~~8.10~~9.13 The applicant should ensure that the extent of the impact of the proposed development on the significance of any heritage assets affected can be adequately understood from the application and supporting documents. ~~IPC decision making 5.8.11 In considering applications, the IPC~~Studies will be required on those heritage assets affected by noise, vibration, light and indirect impacts, the extent and detail of these studies will be proportionate to the significance of the heritage asset affected. 5.9.14 The applicant is encouraged, where opportunities exist, to prepare proposals which can make a positive contribution to the historic environment, and to consider how their scheme takes account of the significance of heritage assets affected. This can include, where possible: ~ Enhancing, through a range of measures such a sensitive design, the significance of heritage assets or setting affected ~ Considering measures that address those heritage assets which are at risk, or which may become at risk, as a result of the scheme ~ Considering how visual or noise impacts can affect heritage assets, and whether there may be opportunities to enhance access to, or interpretation, understanding and appreciation of, the heritage assets affected by the scheme 5.9.15 Careful consideration in preparing the scheme will be required on whether the impacts on the historic environment will be direct or indirect, temporary or permanent. 5.9.16 Applicants 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 the asset (or which better reveal its significance) should be treated favourably. ***Secretary of State decision making*** 5.9.17 In determining applications, the Secretary of State should seek to identify and assess the particular significance of any heritage asset that may be affected by the proposed development, including by development affecting the setting of a heritage asset~~,~~ (including assets whose setting may be affected by the proposed development), taking account of: ~ ~~• evidence~~ Relevant information provided with the application~~; •~~ and, where applicable, relevant information submitted during the examination of the application ~~•~~ any designation records~~; 120 Historic Environment Records (HERs) are information services maintained by local authorities and~~, including those on the National ~~Park Authorities with a view to providing access to resources relating to the historic environment of an area for public benefit and use. The County HERs~~Heritage List for England ~~are available from the Heritage Gateway website at http://www.heritagegateway.org.uk/Gateway/CHR/ For Wales, HERs can be obtained through the Historic Wales Portal at http://jura.rcahms.gov.uk/nms/start.jsp English Heritage and Cadw hold additional information about heritage assets in English or Welsh waters. This should also be consulted, where relevant.~~ ~ ~~• the~~ Historic landscape character records ~ The relevant Historic Environment Record~~,~~(s), and similar sources of ~~information121; • the heritage assets themselves; • the outcome of consultations with~~information ~ Representations made by interested parties~~; and •~~ during the examination process	

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	~ Expert advice, where appropriate, and when the need to understand the significance of the heritage asset demands it~~, expert advice.~~ 5.~~8.12~~9.18 The Secretary of State must also comply with the requirements on listed buildings, conservation areas and scheduled monuments, set out in Regulation 3 of the Infrastructure Planning (Decisions) Regulations 2010. 5.9.19 In considering the impact of a proposed development on any heritage assets, the ~~IPC~~Secretary of State should take into account the particular nature of the significance of the heritage assets and the value that they hold for this and future generations. This understanding should be used to avoid or minimise conflict between their conservation ~~of that significance~~ and ~~proposals for development.~~any aspect of the proposal. 5.~~8.13~~9.20 The ~~IPC~~Secretary of State should take into account the desirability of sustaining and, where appropriate, enhancing the significance of heritage assets, the contribution of their settings and the positive contribution ~~they~~that their conservation can make to sustainable communities ~~and~~ , including to their quality of life, their economic ~~vitality122. .~~vitality, and to the public's enjoyment of these assets[107]. The ~~IPC~~Secretary of State should also take into account the desirability of the new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials, use and ~~use. The IPC should have regard to any relevant local authority development plans or local~~ landscaping (for example, screen planting). 5.9.21 When considering the impact ~~report on the~~ of a proposed development ~~in respect of the factors set out in footnote 122. 5.8.14 There should be a presumption in favour of the~~on the significance of a designated heritage asset, the Secretary of State should give great weight to the asset's conservation ~~of designated heritage assets and the~~ . The more ~~significant~~important the ~~designated heritage~~ asset, the greater the ~~presumption in favour~~weight should be. This is irrespective of ~~its conservation should be. Once lost heritage assets cannot be replaced and their~~whether any potential harm amounts to substantial harm, total loss ~~has a cultural, environmental, economic and social impact. Significance can be harmed or lost through~~ , or less than substantial harm to its significance. 5.9.22 Any harm or loss of significance of a designated heritage asset (from its alteration or destruction ~~of the heritage asset,~~ or from development within its setting~~. Loss affecting any designated heritage asset)~~ should require clear and convincing justification. Substantial harm to or loss of significance of a grade II listed building park or garden should be exceptional. Substantial harm to or loss of ~~designated~~significance of assets of the highest significance, including Scheduled Monuments; ~~registered battlefields~~Protected Wreck Sites; Registered Battlefields; grade I and II* ~~listed buildings~~Listed Buildings; grade I and II* ~~registered parks~~Registered Parks and ~~gardens~~Gardens; and World Heritage Sites, should be wholly exceptional. ~~5.8.15~~5.9.23 The Secretary of State should give considerable importance and weight to the desirability of preserving all designated heritage assets. Any harmful impact on the significance of a designated heritage asset should be given significant weight when weighed against the public benefit of development, recognising that the ~~121 Guidance on the available sources of information~~greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss. 5.9.24 Where the proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset the Secretary of State should refuse consent unless it can be demonstrated that the substantial harm to or loss of significance is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: ~ The nature of the heritage asset prevents all reasonable uses of the site	

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	~ No viable use of the heritage asset itself can be found in ~~PPS5 Planning for the Historic Environment: Historic Environment Planning Practice Guide, March 2010, or any successor document. 122~~the medium term through appropriate marketing that will enable its conservation ~ Conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible ~ The harm or loss is outweighed by the benefit of bringing the site back into use 5.9.25 Where the proposed development will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the ~~greater~~ public benefits of the ~~justification will be needed for any loss. Where the~~ proposal, including, where appropriate securing its optimum viable use. 5.9.26 The effect of an application ~~will lead to substantial harm to or total loss of~~ on the significance of a non-designated heritage asset should be taken into account in determining the ~~IPC should refuse consent unless it can be demonstrated~~application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the ~~substantial~~scale of any harm ~~to~~ or loss ~~of~~and the significance ~~is necessary in order to deliver substantial public benefits that outweigh that loss or harm. 5.8.16~~of the heritage asset. 5.9.27 Not all elements of a Conservation Area or World Heritage Site ~~or Conservation Area~~ will necessarily contribute to its significance. ~~The policies set out in paragraphs 5.8.11 to 5.8.15 above apply to those elements that do contribute to the significance. When considering proposals the IPC should take~~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 or less than substantial harm under paragraph 5.9.24 or less than substantial harm under paragraph 5.9.25, 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 ~~or Conservation Area~~ as a whole. 5.~~8.17~~9.28 Where ~~loss~~there is evidence of ~~significance~~deliberate neglect of ~~any~~, or damage to, a heritage asset ~~is justified on,~~ the ~~merits~~Secretary of ~~the new development, the IPC~~State should ~~consider imposing a condition on the consent or requiring the applicant to enter~~not take its deteriorated state into ~~an obligation that will prevent the loss occurring until it is reasonably certain that the relevant part of the development is to proceed.~~account in any decision.[108] 5.~~8.18~~9.29 When considering applications for development affecting the setting of a designated heritage asset, the ~~IPC should~~Secretary of State should give considerable importance and weight to the desirability of preserving the setting such assets and treat favourably applications that preserve those elements of the setting that make a positive contribution to, or better reveal the significance of, the asset. When considering applications that do not do this, the ~~IPC~~Secretary of State should ~~weigh~~give significant weight to any negative effects, when weighing them against the wider benefits of the application. The greater the negative impact on the significance of the designated heritage asset, the greater the benefits that will be needed to justify approval.[109] ***Recording*** 5.~~8.19~~9.30 A documentary record of our past is not as valuable as retaining the heritage asset and therefore the ability to record evidence of the asset is not an adequate mitigation of any harm and should not be a factor in deciding whether consent should be given. 5.~~8.20~~9.31 Where the loss of the whole or a material part of a heritage asset's significance is justified, the ~~IPC~~Secretary of State should require the ~~developer~~applicant to record and advance understanding of the significance of the heritage asset before it is lost wholly or in part. The extent of the requirement should be proportionate to the nature and level of the asset's significance. ~~Developers~~Applicants should be required to	

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	publish this evidence and deposit copies of the reports with the relevant Historic Environment Record. They should also be required to deposit the archive generated in a local museum or other public depository willing to receive it. ***Requirements*** 5.~~8.21 Where appropriate, the IPC should impose~~9.32 The Secretary of State may add requirements ~~on a~~to the development consent order to ensure that ~~such work~~this is ~~carried out~~undertaken in a timely manner in accordance with a written scheme of investigation that meets the requirements of this Section and has been agreed in writing with the relevant Local Authority (or, where the development is in English waters, the ~~Marine Management Organisation and English Heritage~~MMO and Historic England, or where it is in Welsh waters, the MMO and Cadw~~)))~~ and that the completion of the exercise is properly ~~secured[123].~~ secured[110]. 5.9.33 Where the loss of significance of any heritage asset has been justified by the applicant on the merits of the new development and the significance of the asset in question, the Secretary of State should consider: ~ Imposing a requirement in the development consent order ~ Requiring the applicant to~~. 5.8.22 Where the IPC considers~~enter into an obligation 5.9.34 That will prevent the loss occurring until the relevant part of the development has commenced, or it is reasonably certain that the relevant part of the development is to proceed. 5.9.35 Where there ~~to be~~is a high probability that a development site may include as yet undiscovered heritage assets with archaeological interest, the ~~IPC~~Secretary of State should consider imposing requirements to ensure that appropriate procedures are in place for the identification and treatment of such assets discovered during construction. [101] Terms used in this section, including the term "Designated Heritage Asset" are defined in Annex 2 of the National Planning Policy Framework. [102] The setting of a heritage asset is the surroundings in which it is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, and may affect the ability to appreciate that significance or may be neutral. [103] The issuing of licences to undertake works on Protected Wreck Sites in English waters is the responsibility of the Secretary of State for Digital, Culture, Media and Sport and does not form part of development consents issued by the ~~IPC~~Secretary of State for BEIS. In Wales it is the responsibility of Welsh Ministers. The issuing of licences for Protected Military Remains is the responsibility of the Secretary of State for Defence~~.~~. [104] There will be archaeological interest in a heritage asset if it holds, or potentially may hold, evidence of past human activity worthy of expert investigation at some point. [105] Historic Environment Records (HERs) are information services maintained by local authorities and National Park Authorities with a view to providing access to comprehensive and dynamic resources relating to the historic environment of an area for public benefit and use. Details of Historic Environment Records in England are available from the Heritage Gateway website. For Wales, HERs can be obtained through the Historic Wales Portal at https://historic-wales-rcahmw.hub.arcgis.com/ English Heritage and Cadw hold additional information about heritage assets in English or Welsh waters. Historic England or Cadw should also be consulted, where relevant. [106] Relevant guidance is given in the Historic England publication, The Setting of Heritage Assets https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/ [107] This can be by virtue of:~~●~~ heritage assets having an influence on the character of the environment and an area's sense of place; ~~●~~heritage assets having a potential to be a catalyst for regeneration in an area, particularly through leisure, tourism and economic development; ~~●~~heritage assets being a stimulus to inspire new development of imaginative and high quality design; ~~● the re-use of existing fabric, minimising waste; and ●~~and the mixed and flexible patterns of land use in historic areas that are likely to be, and remain, sustainable. ~~greater~~ [108] Historic Environment Good Practice Advice in Planning 2 provides further advice on managing significance in decision-taking in the historic environment, available online at: https://historicengland.org.uk/imagesbooks/publications/gpa2-managing-significance-in-decision-taking/ 109 See the Infrastructure Planning (Decisions) Regulations 2010 ~~123 Guidance on the contents of a written scheme of investigation is set out in the Practice Guide to PPS5~~[110] Guidance on the contents of a written scheme of investigation is set out in Historic Environment Good Practice Advice in Planning: 2 – Managing Significance in Decision-Taking in the Historic Environment https://historicengland.org.uk/images-books/publications/gpa2-managing-significance-in-decision-taking/ or any successor documents.	

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
~~Land use including open space, green infrastructure and Green Belt~~ Landscape and Visual (Part 5.10 of EN-1)	***Introduction*** 5.~~9~~10.1 The landscape and visual effects of energy projects will vary on a case by case basis according to the type of development, its location and the landscape setting of the proposed development. In this context, references to landscape should be taken as covering seascape and townscape where appropriate. ~~5.9~~5.10.2 Among the features of energy infrastructure which are common to a number of different technologies, cooling towers and exhaust stacks and their plumes have the most obvious impact on landscape and visual amenity for thermal combustion generating ~~stations124.~~stations.[111] Some natural draught cooling towers may be up 200 metres, although this would be exceptional. Visual impacts may be not just the physical structures but also visible steam plumes from cooling towers. 5.~~9~~10.3 Other types of cooling system, for example direct throughput where water is abstracted, used for cooling then returned to source, or air-cooled condensers, will have less visible impacts as the structures are considerably lower than natural draught cooling towers and exhibit no visible steam plumes. Further, modern hybrid cooling systems – for example mechanical draught – do not generally exhibit visible steam plumes except in exceptional adverse weather conditions. These systems are normally considered as the "Best Available Techniques" (BAT). However, there may be losses of electricity output owing to the need for energy to operate hybrid cooling or air-cooled condenser systems. 5.~~9~~10.4 When considering visual impacts of thermal combustion generating stations, the ~~IPC~~Secretary of State should presume that the adverse impacts would be less if a hybrid or direct cooling system is used and that ~~developers~~applicants will use BAT. The ~~IPC~~Secretary of State should therefore expect the applicant to justify BAT for the use of a cooling system that involves visible steam plumes or has a high visible structure, such as a natural draught cooling tower. ~~It~~The Secretary of State should be satisfied that the application of modern hybrid cooling technology or other technologies is not reasonably practicable before giving consent to a development with natural draught cooling towers. Applicant's assessment 5.~~9~~10.5 The applicant should carry out a landscape and visual assessment and report it in the ES~~. (See~~ (see Section 4.2~~)~~). A number of guides have been produced to assist in addressing landscape ~~issues125.~~issues.[112] The landscape and ~~124~~visual assessment should include reference to any landscape character assessment and associated studies as a means of assessing landscape impacts relevant to the proposed project. The applicant's assessment should also take account of any relevant policies based on these assessments in local development documents in England and local development plans in Wales. For seascapes, applicants should consult the Seascape Character ~~visual assessment should include reference to any landscape character assessment~~ Assessment and ~~associated studies as a means of assessing landscape impacts relevant to~~ the ~~proposed project. The applicant's assessment should also take account of any relevant policies based on these assessments in local development documents in England~~Marine Plan Seascape Character Assessments, and ~~local development plans in Wales.~~any successors to them.[113] 5.~~9~~10.6 The applicant's assessment should include the effects during construction of the project and the effects of the completed development and its operation on landscape components and landscape character. 5.~~9~~10.7 The assessment should include the visibility and conspicuousness of the project during construction and of the presence and operation of the project and potential impacts on views and visual amenity. This should include light pollution effects, including on local amenity, and nature conservation. 5.10.8 The assessment should also demonstrate how noise and light pollution from construction and operational activities on residential amenity and on sensitive locations, receptors and views, will be minimised. ***~~IPC~~Secretary of State decision making***	In accordance with proposed paragraph 5.10.8, the noise and light pollution from construction and operational activities on residential amenity and on sensitive locations, receptors and views has been assessed, and will be minimised through measures set out in the REAC, which include the preparation and implementation of a CEMP to manage impacts at the construction stage, and a sensitive lighting scheme will be finalised at the detailed design stage of development. This mitigation will be secured through requirements in Schedule 2 of the DCO. Impacts on views are assessed within Chapter 9 (Landscape and Visual Impact) of the ES (document reference 6.1.9) and within Table B.1 of Appendix B. In accordance with proposed paragraph 5.10.10, measures are proposed to enhance existing habitats within and outside of the Order Limits. Enhancement measures proposed are set out in the OLBS (document reference 6.6.1). A final strategy will be secured through a requirement in Schedule 2 of the DCO, to be substantially in accordance with the OLBS. The delivery of enhancement works in the Off-site Habitat Provision Area will be secured through a section 106 Agreement. This legal agreement is detailed in the g.The Draft Heads of Terms for a Development Consent Obligation (document reference 7.1) which is submitted with the DCO Application. As well as within the OLBS, enhancement is also discussed in Chapter 2 (Site and Project Description) of the ES (document reference 6.1.2), Chapter 9 (Landscape and Visual Impact) of the ES (document reference 6.1.9). Remaining policy changes proposed are minor. Therefore, the assessment

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	Landscape impact 5.10.9~~.8~~ Landscape effects of the project depend on the existing character of the local landscape, its current quality, how highly it is valued and its capacity to accommodate change. All of these factors need to be considered in judging the impact of a project on landscape. Virtually all nationally significant energy infrastructure projects will have effects on the landscape. Projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate. 5.10.10 Applicants should consider how landscapes can be enhanced using landscape management plans, as this will help to enhance environmental assets where they contribute to landscape and townscape quality. **Development proposed within nationally designated landscapes** 5.~~9.9~~10.11 National Parks, the Broads and AONBs have been confirmed by the ~~Government~~government as having the highest status of protection in relation to landscape and scenic beauty. Each of these designated areas has specific statutory purposes which help ensure their continued protection and which the ~~IPC~~Secretary of State should have regard to in ~~its decisions126.~~their decisions.[114] The conservation of the natural beauty of the landscape and ~~countryside should be given substantial weight by the IPC in deciding on applications~~ countryside should be given substantial weight by the Secretary of State in deciding on applications for development consent in these areas. 5.10.12 Nevertheless, the Secretary of State may grant development consent in these areas in exceptional circumstances. The development should be demonstrated to be in the public ~~interest127~~interest[115] and consideration of such applications should include an assessment of: ~ ~~●~~The need for the development, including in terms of national ~~considerations128~~considerations[116], and the impact of consenting or not consenting it upon the local economy~~;~~ ~ ~~●~~ The cost of, and scope for, developing elsewhere outside the designated area or meeting the need for it in some other way, taking account of the policy on alternatives set out in Section 4.~~4; and ●~~2 ~ Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated~~.~~ 5.~~9.11~~10.13 The ~~IPC~~Secretary of State should ensure that any projects consented in these designated areas should be carried out to high environmental standards, including through the application of appropriate requirements where necessary. Developments outside nationally designated areas which might affect them 5.~~9.12~~10.14 The duty to have regard to the purposes of nationally designated areas also applies when considering applications for projects outside the boundaries of these areas which may have impacts within them. The aim should be to avoid compromising the purposes of designation and such projects should be designed sensitively given the various siting, operational, and other relevant constraints. This should include projects in England which may have impacts on National Scenic Areas in Scotland. 5.~~9.13~~10.15 The fact that a proposed project will be visible from within a designated area should not in itself be a reason for refusing consent. Developments in other areas 5.~~9.14~~10.16 Outside nationally designated areas, there are local landscapes that may be highly valued locally and protected by local designation. Where a local development document in England or a local development plan in Wales has policies based on landscape or waterscape character assessment, these should be paid particular attention.	undertaken in respect of adopted policy EN-1, as set out in Table B.1 of Appendix B, remains relevant to the remaining proposed policy text. To note, The Landscape Institute and Institute of Environmental Management and Assessment: Guidelines for Landscape and Visual Impact Assessment (2013, 3rd edition); Landscape and Seascape Character Assessments has been used to inform the assessment.

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	However, local landscape designations should not be used in themselves to refuse consent, as this may unduly restrict acceptable development. 5.~~9.15~~10.17 The scale of such projects means that they will often be visible within many miles of the site of the proposed infrastructure. ~~The IPC should judge whether~~The Secretary of State should judge whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits (including need) of the project. 5.~~9.16~~10.18 In reaching a judgment, the ~~IPC~~Secretary of State should consider whether any adverse impact is temporary, such as during construction, and/or whether any adverse impact on the landscape will be capable of being reversed in a timescale that the ~~IPC considers reasonable. 127 PPS7 applies a public interest test for major development in these designated areas. 128 National considerations should be understood to include the national need for the infrastructure as set out in Part 3 of this NPS and the contribution of the infrastructure to the national economy. 5.9.17 The IPC~~Secretary of State considers reasonable. 5.10.19 The Secretary of State should consider whether the project has been designed carefully, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to minimise harm to the landscape, including by reasonable mitigation. **Visual impact** 5.~~9.18~~10.20 All proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites. The ~~IPC~~Secretary of State will have to judge whether the visual effects on sensitive receptors, such as local residents, and other receptors, such as visitors to the local area, outweigh the benefits of the project. Coastal areas are particularly vulnerable to visual intrusion because of the potential high visibility of development on the foreshore, on the skyline and affecting views along stretches of undeveloped coast. 5.~~9.19~~10.21 It may be helpful for applicants to draw attention, in the supporting evidence to their applications, to any examples of existing permitted infrastructure they are aware of with a similar magnitude of impact on sensitive receptors. This may assist the ~~IPC~~Secretary of State in judging the weight ~~it~~they should give to the assessed visual impacts of the proposed development. 5.~~9.20~~10.22 The ~~IPC~~Secretary of State should ensure applicants have taken into account the landscape and visual impacts of visible plumes from chimney stacks and/or the cooling assembly. It may ~~need~~be necessary to attach requirements to the consent requiring the incorporation of particular design details that are in keeping with the statutory and technical requirements. ***Mitigation*** 5.~~9.21~~10.23 Reducing the scale of a project can help to mitigate the visual and landscape effects of a proposed project. However, reducing the scale or otherwise amending the design of a proposed energy infrastructure project may result in a significant operational constraint and reduction in function ~~–~~- for example, the electricity generation output. There may, however, be exceptional circumstances, where mitigation could have a very significant benefit and warrant a small reduction in function. In these circumstances, the ~~IPC~~Secretary of State may decide that the benefits of the mitigation to reduce the landscape and/or visual effects outweigh the marginal loss of function. ~~5.9.22~~5.10.24 Within a defined site, adverse landscape and visual effects may be minimised through appropriate siting of infrastructure within that site, design including colours and materials, and landscaping schemes, depending on the size and type of the proposed project. Materials and designs of buildings should always be given careful consideration.	

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	5.~~9.23~~10.25 Depending on the topography of the surrounding terrain and areas of population it may be appropriate to undertake landscaping off site. For example, filling in gaps in existing tree and hedge lines would mitigate the impact when viewed from a more distant vista. [111] Cooling towers and exhaust stacks can form part of projects covered by EN-2, EN-3 and EN-6. Other features of energy infrastructure which can be similarly prominent are associated with particular technologies and so are considered in the technology-specific NPSs (see e.g. Section 2.~~8~~11 of EN-5). ~~125~~ [112] The Landscape Institute and Institute of Environmental Management and Assessment ~~(2002, 2nd edition):~~ Guidelines for Landscape and Visual Impact Assessment~~; and Land Use Consultants (2002):~~ (2013, 3rd edition); Landscape and Seascape Character ~~Assessment – Guidance for England~~ Assessments – https://www.gov.uk/guidance/landscape- and ~~Scotland:~~ seascape-character-assessments; Countryside Council for Wales/Cadw (2007) Guide to Good Practice on Using the Register of Landscapes of Historic Interest in Wales in the Planning and Development Process~~.~~; or any successor documents. [113] The Seascape Character Assessments Guidance: https://www.gov.uk/government/publications/seascapecharacter-assessments-identify-and-describe-seascape-types; Marine plan seascape character assessments: https://www.gov.uk/government/publications/seascape-assessments ~~for development consent in these~~ -north-east-north-west-south-east-southwest-marine-plan- areas~~. 5.9.10 Nevertheless, the IPC may grant development consent in these~~ -mmo1134 and https://www.gov.uk/government/publications/seascape-assessment-forthe-south-marine-plan- areas ~~in exceptional circumstances. The development should be demonstrated to be 126~~ -mmo-1037 and https://www.gov.uk/government/publications/east-marine-plan-areasseascape-character-assessment [114] For an explanation of the duties which will apply to the ~~IPC~~Secretary of State, see 'Duties on relevant authorities to have regard to the purposes of National Parks, AONBs and the Norfolk and Suffolk Broads' at ~~http://www.defra.gov~~https://landscapesforlife.org.uk/~~rural/documents/protected/npaonb-duties-guide~~application/files/2015/8928/8605/Duty_of_Regard_Guide_Defra_2005.pdf [115] Section 15 of the NPPF applies a public interest test for major development in these designated areas. 116 National considerations should be understood to include the national need for the infrastructure as set out in Part 3 of this NPS and the contribution of the infrastructure to the national economy.	
Land use including open space, green infrastructure & Green Belt ~~Noise and Vibrations~~ (Part 5.11 of EN-1)	***Introduction*** 5.~~10~~11.1 An energy infrastructure project will have direct effects on the existing use of the proposed site and may have indirect effects on the use, or planned use, of land in the vicinity for other types of development. Given the likely locations of energy infrastructure projects there may be particular effects on open ~~space129~~space[117] including green ~~infrastructure130.~~infrastructure[118]. 5.~~10~~11.2 The ~~Government's~~government's policy is to ensure there is adequate provision of high-quality open space (including green infrastructure) and sports and recreation facilities to meet the needs of local communities. Open spaces, sports and recreational facilities all help to underpin people's quality of life and have a vital role to play in promoting healthy living. ~~Green infrastructure in particular~~Well designed and managed green infrastructure in particular, provides multiple benefits at a range of scales. It can contribute to health, wellbeing, biodiversity recovery, absorb surface water, cleanse pollutants and absorb noise and reduce high temperatures. It will also play an increasingly important role in mitigating or adapting to the impacts of climate change. ~~5.10~~The provision and enhancement of green infrastructure can improve air quality, particularly in urban areas. Applicants are therefore encouraged to consider how new green infrastructure can be provided, or how existing green infrastructure can be enhanced, as part of their application. 5.11.3 Although the re-use of previously developed land for new development can make a major contribution to sustainable development by reducing the amount of countryside and undeveloped greenfield land that needs to be used, it may not be possible for many forms of energy infrastructure. 5.~~10~~11.4 Green Belts, defined in a local authority's development ~~plan131~~plan[119], are situated around certain cities and large built-up areas. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. Green Belt land can play a positive role in providing access to sport and recreation facilities or access to the open countryside. For further information on the purposes of Green Belt policy see ~~PPG2~~chapter 13 of the NPPF, or any successor to it.	Proposed EN-1 text relating to land use emphasises the benefits of well-designed and managed greenspace and encourages applicants to consider how new infrastructure can be delivered, or existing green infrastructure can be enhanced. As set out in the row above, landscape enhancement measures, including green infrastructure, will be deliver by the Applicant, both within and outside of the Order Limits. On site provision will be located within the Habitat Provision Area and will be secured via a requirement to the DCO (through the delivery of a final Biodiversity and Landscape Strategy). Off-site measures will be located in the Off-Site Habitat Provision Area and secured via the section 106 Agreement. Contamination has been assessed at Chapter 11 (Ground Conditions) of the ES (document reference 6.1.11) and concludes that there is likely to be no significant adverse effects with respect of contamination on identified sensitive receptors. In accordance with proposed paragraph 5.11.8, should contamination be

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	Applicant's assessment 5.~~10~~11.5 The ES (see Section 4.2) should identify existing and ~~proposed132~~proposed[120] land uses near the project, any effects of replacing an existing development or use of the site with the proposed project or preventing a development or use on a neighbouring site from continuing. Applicants should also assess any effects of precluding a new development or use proposed in the development plan. 5.~~10~~11.6 Applicants will need to consult the local community on their proposals to build on open space, sports or recreational buildings and land. Taking account of the consultations, applicants should consider providing new or additional open space including green infrastructure, sport or recreation facilities, to substitute for any losses as a result of their proposal. Applicants should use any up-to-date local authority assessment or, if there is none, provide an independent assessment to show whether the existing open space, sports and recreational buildings and land is surplus to requirements. 5.~~10~~11.7 During any pre-application discussions with the applicant the LPA should identify any concerns it has about the impacts of the application on land use, having regard to the development plan and relevant applications and including, where relevant, whether it agrees with any independent assessment that the land is surplus to requirements. 5.~~10~~11.8 Applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5) except where this would be inconsistent with other sustainability considerations. Applicants should also identify any effects and seek to minimise impacts on soil quality taking into account any mitigation measures proposed. For developments on previously developed land, applicants should ensure that they have considered the risk posed by land contamination~~. 5.10~~, and where contamination is present, applicants should consider opportunities for remediation where possible. Applicants are encouraged to develop and implement a Soil Management Plan which could help minimise potential land contamination. 5.11.9 Applicants should safeguard any mineral resources on the proposed site as far as possible, taking into account the long-term potential of the land use after any future decommissioning has taken place. 5.~~10~~11.10 The general policies controlling development in the countryside apply with equal force in Green Belts but there is, in addition, a general presumption against inappropriate development within them. Such development should not be approved except in very special circumstances. Applicants should therefore determine whether their proposal, or any part of it, is within an established Green Belt and if it is, whether their proposal may be inappropriate development within the meaning of Green Belt policy (see paragraph 5.~~10.17~~11.16 below). 5.~~10~~11.11 However, infilling or redevelopment of major developed sites in the Green Belt, if identified as such by the local planning authority, may be suitable for energy infrastructure. It may help to secure jobs and prosperity without further prejudicing the Green Belt or offer the opportunity for environmental improvement. Applicants should refer to relevant ~~criteria133~~criteria[121] on such developments in Green Belts. 5.~~10~~11.12 An applicant may be able to demonstrate that a particular type of energy infrastructure, such as an underground pipeline, which, in Green Belt policy terms, may be considered as an "engineering operation" rather than a building is not in the circumstances of the application inappropriate development. It may also be possible for an applicant to show that the physical characteristics of a proposed overhead line development ~~or wind farm~~ are such that it has no adverse effects which conflict with the fundamental purposes of Green Belt designation. ~~IPC decision making 5.10.13 Where the project conflicts with a proposal in a development plan, the IPC should take account of the stage which the development plan document in England or local development plan in Wales has reached in deciding what~~	present, opportunities for remediation will be considered where possible. The Soils Handling Management Plan ('SHMP') will be secured through the CEMP and will include measures to reduce impacts on soil through handling during the construction process. Whilst new public access cannot be provided to the Power Station Site given the nature of the operations, in accordance with proposed paragraph 5.11.23, the Proposed Scheme seeks to maintain the quality and use of all PRoWs. As detailed in Appendix B, it is proposed to temporarily 'stop up' PRoW path 35.6/6/1 which runs through the Offsite Habitat Provision Area for approximately two weeks, in order to enable habitat provision related works to be undertaken. In addition, construction plant and equipment located in works areas adjacent to the PRoWs may have a temporary impact on the amenity value of the paths. However, such impacts will be short term, and it is considered that the mitigation measures put forward in the REAC and to be included in the CEMP secured by a requirement to the DCO are acceptable to mitigate impact sufficiently. The remaining draft EN-1 text relating to land use is suitably assessed in the assessment of adopted EN-1 text in Table B.1 of Appendix B.

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	~~weight to give to the plan for the purposes of determining the planning significance of what is replaced, prevented or precluded. The closer the development plan document in England or local development plan in Wales is to being adopted by the LPA, the greater weight which can be attached to it. 5.10.14~~ ***~~The IPC~~Secretary of State decision making*** 5.11.13 The Secretary of State should not grant consent for development on existing open space, sports and recreational buildings and land unless an assessment has been undertaken either by the local authority or independently, which has shown the open space or the buildings and land to be surplus to requirements or the ~~IPC~~Secretary of State determines that the benefits of the project (including need), outweigh the potential loss of such facilities, taking into account any positive proposals made by the applicant to provide new, improved or compensatory land or facilities. The loss of playing fields should only be allowed where applicants can demonstrate that they will be replaced with facilities of equivalent or better quantity or quality in a suitable location. 5.~~10.15~~11.14 The ~~IPC~~Secretary of State should ensure that applicants do not site their scheme on the best and most versatile agricultural land without justification. ~~It~~Little weight should ~~give little weight~~be given to the loss of poorer quality agricultural land (in grades 3b, 4 and 5), except in areas (such as uplands) where particular agricultural practices may themselves contribute to the quality and character of the environment or the local economy. 5.~~10.16~~11.15 In considering the impact on maintaining coastal recreation sites and features, the ~~IPC~~Secretary of State should expect applicants to have taken advantage of opportunities to maintain and enhance access to the coast. In doing so the ~~IPC~~Secretary of State should consider the implications for development of the creation of a continuous signed and managed route around the coast, as provided for in the Marine and Coastal Access Act 2009. 5.~~10.17~~11.16 When located in the Green Belt, energy infrastructure projects are likely to comprise 'inappropriate ~~development'134.~~development'. 122 Inappropriate development is by definition harmful to the Green Belt and the general planning policy presumption against it applies with equal force in relation to major energy infrastructure projects. The ~~IPC~~Secretary of State will need to assess whether there are very special circumstances to justify inappropriate development. Very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the ~~IPC~~Secretary of State will attach substantial weight to the harm to the Green Belt when considering any application for such development while taking account, in relation to renewable and linear infrastructure, of the extent to which its physical characteristics are such that it has limited or no impact on the fundamental purposes of Green Belt designation. ~~134 Referred to in section 3 of PPG2: Green Belts.~~ 5.~~10.18~~11.17 In Wales, 'green wedges' may be designated ~~locally135~~locally[123]. These enjoy the same protection as Green Belt in Wales and the ~~IPC~~Secretary of State should adopt a similar approach. Green wedges give the same protection as Green Belt in Wales. Green wedges do not convey the same level of permanence of a Green Belt and should be reviewed by the local authority as part of the development plan review process. As with Green Belt, there is a presumption against inappropriate development and the ~~IPC~~Secretary of State should assess whether there are very special circumstances to justify any proposed inappropriate development. ***Mitigation*** 5.~~10.19~~11.18 Although in the case of much energy infrastructure there may be little that can be done to mitigate the direct effects of an energy project on the existing use of the proposed site (assuming that some at least of that use can still be retained post project construction) applicants should nevertheless seek to minimise these effects and the effects	

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	on existing or planned uses near the site by the application of good design principles, including the layout of the project~~.~~ and the protection of soils during construction. 5.~~10.20~~11.19 Where green infrastructure is affected, the ~~IPC~~Secretary of State should consider imposing requirements to ensure the functionality and connectivity of the green infrastructure network is maintained in the vicinity of the development and that any necessary works are undertaken, where possible, to mitigate any adverse impact and, where appropriate, to improve that network and other areas of open space including appropriate access to National Trails and other public rights of way and new coastal access routes. 5.~~10.21~~11.20 The ~~IPC~~Secretary of State should also consider whether ~~mitigation of~~ any adverse effects on green infrastructure and other forms of open space is adequately ~~provided for~~mitigated or compensated by means of any planning obligations, for example exchange land and provide for appropriate management and maintenance agreements. Any exchange land should be at least as good in terms of size, usefulness, attractiveness and quality, and~~, where possible, at least as accessible.~~ accessibility. Alternatively, where ~~Sections~~sections 131 and 132 of the Planning Act 2008 apply, replacement land provided under those sections will need to conform to the requirements of those sections. 5.~~10.22~~11.21 Where a proposed development has an impact upon a Mineral Safeguarding Area (MSA), the ~~IPC~~Secretary of State should ensure that appropriate mitigation measures have been put in place to safeguard mineral resources. 5.~~10.23~~11.22 Where a project has a sterilising effect on land use (for example in some cases under transmission lines) there may be scope for this to be mitigated through, for example, using or incorporating the land for nature conservation or wildlife corridors or for parking and storage in employment areas. 5.~~10.24~~11.23 Public Rights of way, National Trails and other rights of access to land are important recreational facilities for example for walkers, cyclists and horse riders. The ~~IPC~~Secretary of State should expect applicants to take appropriate mitigation measures to address adverse effects on coastal access, National Trails ~~and~~, other rights of way~~. Where this is not the case the IPC should~~ and open access land and, where appropriate, to consider what ~~appropriate~~opportunities there may be to improve or create new access. In considering revisions to an existing right of way, consideration should be given to the use, character, attractiveness and convenience of the right of way. The Secretary of State should consider whether the mitigation measures put forward by an applicant are acceptable and whether requirements ~~might be attached to~~ or other provisions in respect of these measures should be included in any grant of development consent. [117] Open space is defined in the Town and Country Planning Act 1990 as land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground. However, in applying the policies in this section, open space should be taken to mean all open space of public value, including not just land, but also areas of water such as rivers, canals, lakes and reservoirs which offer important opportunities for sport and recreation and can also act as a visual amenity. [118] Green infrastructure is a network of multi-functional green spaces, both new and existing, both rural and urban, which supports the natural and ecological processes and is integral to the health and quality of life of sustainable communities. [119] Or else so designated under The Green Belt (London and Home Counties) Act 1938. [120] For example, where a planning application has been submitted. [121] See Section 13 of the NPPF, or any successor to it. [122] Referred to in paragraph 147 of section 13 of the NPPF. [123] See Managing Settlement Form - Green Belts and Green Wedges, in Planning Policy Wales (Edition 11, February 2021), or any successor to it https://gov.wales/sites/default/files/publications/2021-02/planning-policywales-edition-11_0.pdf[133]~~. See Annex C to Planning Policy Guidance 2: Green belts, or any successor to it.~~	

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
~~Socio-economics~~ Noise and Vibration (Part 5.12 of EN-1)	***Introduction*** 5.~~11~~12.1 Excessive noise can have wide-ranging impacts on the quality of human life, health (for example owing to annoyance or sleep disturbance) and use and enjoyment of areas of value such as quiet places and areas with high landscape quality. ~~The~~The Government's policy on noise is set out in the Noise Policy Statement for ~~England136.~~England.[124] It promotes good health and good quality of life through effective noise management. Similar considerations apply to vibration, which can also cause damage to buildings. In this section, in line with current legislation, references to "noise" below apply equally to assessment of impacts of vibration. 5.~~11~~12.2 Noise resulting from a proposed development can also have adverse impacts on wildlife and biodiversity. Noise effects of the proposed development on ecological receptors should be assessed by the ~~IPC~~Secretary of State in accordance with the Biodiversity and Geological Conservation section of this NPS. ~~5.11~~This should consider underwater noise and vibration especially for marine developments. 5.12.3 Factors that will determine the likely noise impact include: ~ ~~●~~The inherent operational noise from the proposed development, and its characteristics~~;~~ ~ ~~●~~ The proximity of the proposed development to noise sensitive premises (including residential properties, schools and hospitals) and noise sensitive areas (including certain parks and open spaces~~); ●~~) ~ The proximity of the proposed development to quiet places and other areas that are particularly valued for their ~~acoustic environment~~soundscape or landscape quality~~; and~~ ~ ~~●~~The proximity of the proposed development to designated sites where noise may have an adverse impact on protected species or other wildlife~~.~~ ***Applicant's assessment*** 5.~~11~~12.4 Where noise impacts are likely to arise from the proposed development, the applicant should include the following in the noise assessment: ~ ~~●~~A description of the noise generating aspects of the development proposal leading to noise impacts, including the identification of any distinctive tonal, impulsive ~~or~~, low frequency or temporal characteristics of the noise~~;~~ ~ ~~●~~Identification of noise sensitive ~~premises~~receptors and noise sensitive areas that may be affected~~;~~ ~ ~~●~~The characteristics of the existing noise environment~~;~~ ~ ~~●~~ A prediction of how the noise environment will change with the proposed development~~;~~ ▪ ~~●~~In the shorter term, such as during the construction period~~;~~ ▪ ~~●~~In the longer term, during the operating life of the infrastructure~~;~~ ▪ ~~●~~At particular times of the day, evening and night (and weekends) as appropriate~~. ●~~, and at different times of year ~ An assessment of the effect of predicted changes in the noise environment on any noise~~-~~sensitive ~~premises~~receptors, including an assessment of any likely impact on health and well-being where appropriate, and noise~~-~~sensitive areas~~; and~~ ~ ~~●~~ If likely to cause disturbance, an assessment of the effect of underwater or subterranean noise ~ Measures to be employed in mitigating ~~noise.~~the effects of noise - applicants should consider using best available techniques to reduce noise impacts	The Proposed Scheme accords with the draft NPS text. Any additional requirements proposed are addressed in Chapter 7 (Noise and Vibration) of the ES (document reference 6.1.7) and in the assessment of adopted EN-1 policy relating to noise and vibration which is set out in Table B.1 of Appendix B. In the context of proposed paragraph 5.12.4, whilst the assessment does not specifically assess different times of year, it does consider the potential impacts on outdoor sensitive receptors and with open windows, so can be assumed that in the summer months, which would be most sensitive to noise, the assessment for the Proposed Scheme would be applicable for different times of year. Chapter 7 of the ES concludes that no significant environmental effects for noise have been identified. Whilst the NPSE notes that "it acknowledged that further research is required to increase our understanding of what may constitute a significant adverse impact on health and quality of life from noise", it can be reasonably assumed that no significant environmental effects would mean no significant impacts upon health and well-being in the context of proposed paragraph 5.12.4. In the context of proposed paragraph 5.12.8, the Proposed Scheme has been located and designed with regard to potential noise impacts in the context of planning considerations in addition to other environmental permits and responsibilities of Drax Power Ltd. Further detail is provided in the Other Consents and Licenses document (document reference 5.5). The required noise levels will be achieved through mitigation defined during detailed design. This may include acoustic

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	5.12.5 The nature and extent of the noise assessment should be proportionate to the likely noise impact. 5.~~11.5~~12.6 The noise impact of ancillary activities associated with the development, such as increased road and rail traffic movements, or other forms of transportation, should also be considered. 5.~~11.6~~12.7 Operational noise, with respect to human receptors, should be assessed using the principles of the relevant British ~~Standards137~~Standards*125* and other guidance. Further information on assessment of particular noise sources may be contained in the technology~~-~~ specific NPSs. In particular, for renewables (EN-3) and electricity networks (EN-5) there is assessment guidance for specific features of those technologies. For the prediction, assessment and management of construction noise, reference should be made to any relevant British Standards ~~138~~*126* and other guidance which also give examples of mitigation strategies. ~~5.11.7~~5.12.8 Some noise impacts will be controlled through environmental permits and parallel tracking is encouraged where noise impacts determined by an environmental permit interface with planning issues (i.e., physical design and location of development). The applicant should consult EA and~~ Natural England (NE), /~~or the ~~Countryside Council for Wales (CCW),~~SNCB, as necessary, and in particular with regard to assessment of noise on protected species or other wildlife. The results of any noise surveys and predictions may inform the ecological assessment. The seasonality of potentially affected species in nearby sites may also need to be taken into account. ***~~IPC~~Secretary of State decision making*** 5.~~11.8~~12.9 The project should demonstrate good design through selection of the quietest or most acceptable cost-effective plant available; containment of noise within buildings wherever possible, taking into account any other adverse impacts that such containment might cause e.g. on landscape and visual impacts; optimisation of plant layout to minimise noise emissions; and, where possible, the use of landscaping, ~~bunds or noise barriers to reduce noise transmission. 5.11.9 The IPC~~ 5.12.10 The Secretary of State should not grant development consent unless it is satisfied that the proposals will meet the following aims: ~ ~~•~~Avoid significant adverse impacts on health and quality of life from noise~~;~~ ~ ~~•~~ Mitigate and minimise other adverse impacts on health and quality of life from noise~~; and~~ ~ ~~•~~ Where possible, contribute to improvements to health and quality of life through the effective management and control of noise~~. 137 For example BS 4142: BS 6472 and BS 8233. 138 For example BS 5228.~~ 5.12.11~~.10~~ When preparing the development consent order, the ~~IPC~~Secretary of State should consider including measurable requirements or specifying the mitigation measures to be put in place to ensure that noise levels do not exceed any limits specified in the development consent. ~~Mitigation 5.11.11 The IPC~~These requirements or mitigation measures may apply to the construction, operation, and decommissioning of the energy infrastructure development. ***Mitigation*** 5.12.12 The Secretary of State should consider whether mitigation measures are needed both for operational and construction noise over and above any which may form part of the project application. In doing so the ~~IPC~~Secretary of State may wish to impose requirements. Any such requirements should take account of the guidance set out in ~~Circular 11/95 (see Section 4.1)~~the NPPF or any successor to it. 5.~~11.~~12.13 Mitigation measures may include one or more of the following: ~ ~~•~~Engineering: reduction of noise at point of generation and containment of noise generated~~;~~	enclosures or certain cladding. Design principles and the colour palette for the exterior of major buildings / structures is established in the Design Framework and will ensure any containment for noise mitigation purposes follows these principles in accordance with proposed paragraph 5.12.9.

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	~ ● Lay-out: adequate distance between source and noise-sensitive receptors; incorporating good design to minimise noise transmission through screening by natural barriers, or other buildings~~; and~~ ~ ● Administrative: restricting activities allowed on the site; specifying acceptable noise limits; and taking into account seasonality of wildlife in nearby designated sites~~.~~ 5.~~11.13~~12.14 In certain situations, and only when all other forms of noise mitigation have been exhausted, it may be appropriate for the ~~IPC~~Secretary of State to consider requiring noise mitigation through improved sound insulation to dwellings. ~~136 http~~ [124] https://www.~~defra.~~gov.uk/~~environment/quality~~government/publications/noise/~~npse/~~ policy-statement-for-england [125] For example BS 4142, BS 6472 and BS 8233. [126] For example BS 5228. bunds or noise barriers to reduce noise transmission. A development must be undertaken in accordance with statutory requirements for noise. Due regard must be given to the relevant sections of the Noise Policy Statement for England, the NPPF, and the government's associated planning guidance on noise.	
~~Traffic and Transport~~ Socio-economic Impacts (Part 5.13 of EN-1)	***Introduction*** 5.~~12~~13.1 The construction, operation and decommissioning of energy infrastructure may have socio-economic impacts at local and regional levels. Parts 2 and 3 of this NPS set out some of the national level socio-economic impacts. ***Applicant's assessment*** 5.~~12~~13.2 Where the project is likely to have socio-economic impacts at local or regional levels, the applicant should undertake and include in their application an assessment of these impacts as part of the ES (see Section 4.2). 5.~~12~~13.3 This assessment should consider all relevant socio-economic impacts, which may include: ~ ●The creation of jobs and training opportunities~~; ●~~. Applicants may wish to provide information on the sustainability of the jobs created, including where they will help to develop the skills needed for the UK's transition to Net Zero ~ The contribution to the development of low-carbon industries at the local and regional level as well as nationally ~ The provision of additional local services and improvements to local infrastructure, including the provision of educational and visitor facilities~~; ● effects on tourism;~~ ~ ● Any indirect beneficial impacts for the region hosting the infrastructure, in particular in relation to use of local support services and supply chains ~ Effects on tourism ~ The impact of a changing influx of workers during the different construction, operation and decommissioning phases of the energy infrastructure. This could change the local population dynamics and could alter the demand for services and facilities in the settlements nearest to the construction work (including community facilities and physical infrastructure such as energy, water, transport and waste). There could also be effects on social cohesion depending on how populations and service provision change as a result of the development~~; and~~ ~ ●Cumulative effects ~~–~~ if development consent were to be granted to for a number of projects within a region and these were developed in a similar timeframe, there could be some short-term negative effects, for example a potential shortage of construction workers to meet the needs of other industries and major projects within the region~~.~~	In accordance with proposed paragraph 5.13.2, the Proposed Scheme contributes to sustainable economic growth. Drax Power Station would act as an anchor project for Zero Carbon Humber, protecting and creating tens of thousands of jobs, kickstarting a new green industry for the region. A report published in 2021 (Coalition for Negative Emissions, 2021) identifies the estimates that between 50,000 and 100,000 total new jobs could be created in the UK by 2050 by scaling up negative emissions projects to achieve the 1.5°C pathway need, based on the CCC's Sixth Carbon Budget. The report recognises that carbon removal presents a viable path for job protection, as 70 to 90 per cent of the skills required by a STEM oil and gas professional are highly relevant to those required in engineered removal. It also notes that engineered removal is likely to occur in clusters that have historically experienced lower economic growth and where current jobs have higher transition risks, such as in the Humber. In doing so, the UK can develop engineering and construction capabilities around CCS delivery, which would create additional jobs and add economic value. In line with proposed paragraph 5.13.5, the Applicant commits to promoting the use of

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	~~5.12~~5.13.4 Applicants should describe the existing socio-economic conditions in the areas surrounding the proposed development and should also refer to how the development's socio-economic impacts correlate with local planning policies. 5.~~12~~13.5 Socio-economic impacts may be linked to other impacts, for example the visual impact of a development is considered in Section 5.~~9~~10 but may also have an impact on tourism and local businesses. ~~IPC~~Applicants are encouraged, where possible, to ensure local suppliers are considered in any supply chain. 5.13.6 Applicants should also consider developing accommodation strategies where appropriate, especially during construction and decommissioning phases, that would include for the need to provide temporary accommodation for construction workers if required. ***Secretary of State decision making*** 5.~~12.6~~13.7 The ~~IPC~~Secretary of State should have regard to the potential socio-economic impacts of new energy infrastructure identified by the applicant and from any other sources that the ~~IPC~~Secretary of State considers to be both relevant and important to its decision. ~~5.12.7~~5.13.8 The ~~IPC~~Secretary of State may conclude that limited weight is to be given to assertions of socio-economic impacts that are not supported by evidence (particularly in view of the need for energy infrastructure as set out in this NPS). 5.~~12.8~~13.9 The ~~IPC~~Secretary of State should consider any relevant positive provisions the ~~developer~~applicant has made or is proposing to make to mitigate impacts (for example through planning obligations) and any legacy benefits that may arise as well as any options for phasing development in relation to the socio-economic impacts. ~~Mitigation 5.12.9 The IPC~~The Secretary of State may wish to include a requirement that specifies the approval by the local authority of an employment and skills plan detailing arrangements to promote local employment and skills development opportunities, including apprenticeships, education, engagement with local schools and colleges and training programmes to be enacted. ***Mitigation*** 5.13.10 The Secretary of State should consider whether mitigation measures are necessary to mitigate any adverse socio-economic impacts of the development. For example, high quality design can improve the visual and environmental experience for visitors and the local community alike.	local suppliers and contractors through a Local Employment Scheme which will be delivered via a development consent obligation. This is set out in detail in Section 4.1 of this Planning Statement. The obligation will be secured through a section 106 Agreement and is set out in the Heads of Terms for section 106 Agreement (document reference 7.1) submitted with the DCO Application. The Local Employment Scheme will be submitted for approval prior to commencement and will include the use of local suppliers and contractors and developing opportunities for local people to access training opportunities. This also accords with proposed paragraph 5.13.9, which states that the SoS *"may wish to include a requirement that specifies the approval by the local authority of an employment and skills plan detailing arrangements to promote local employment and skills development opportunities, including apprenticeships, education, engagement with local schools and colleges and training programmes to be enacted"*. In line with proposed paragraph 5.13.6, Chapter 16 (Population, Health and Socio-economics) of the ES (document reference 6.1.16) concludes that adverse accommodation impacts are only anticipated as a cumulative effect of the Proposed Scheme and other projects, and that that regardless, effects anticipated are not significant. As such, the Applicant does not consider that accommodation strategies are a relevant requirement for the Proposed Scheme to address. The remaining text in part 5.13 of draft EN-1 has been addressed within Table B.1 of Appendix B, relating to the existing EN-1 policy.

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
~~Waste Management~~ Traffic and Transport (Part 5.14 of EN-1)	***Introduction*** 5.~~13~~14.1 The transport of materials, goods and personnel to and from a development during all project phases can have a variety of impacts on the surrounding transport infrastructure and potentially on connecting transport networks, for example through increased congestion. Impacts may include economic, social and environmental effects. Environmental impacts may result particularly from increases in noise and emissions from road transport. Disturbance caused by traffic and abnormal loads generated during the construction phase will depend on the scale and type of the proposal. 5.~~13~~14.2 The consideration and mitigation of transport impacts is an essential part of Government's wider policy objectives for sustainable development as set out in Section 2.~~2~~6 of this NPS. ***Applicant's assessment*** 5.~~13~~14.3 If a project is likely to have significant transport implications, the applicant's ES (see Section 4.2) should include a transport assessment, using the NATA/WebTAG~~139~~[127] methodology stipulated in Department for Transport ~~guidance140~~DfT) guidance[128], or any successor to such methodology. Applicants should consult the Highways ~~Agency~~England and Highways Authorities as appropriate on the assessment and mitigation. 5.~~13~~14.4 Where appropriate, the applicant should prepare a travel plan including demand management measures to mitigate transport impacts. The applicant should also provide details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal and to mitigate transport impacts. ~~5.13~~The assessment should also consider any possible disruption to services and infrastructure (such as road, rail and airports). 5.14.5 If additional transport infrastructure is proposed, applicants should discuss with network providers the possibility of co-funding by Government for any third-party benefits. Guidance has been ~~issued141 in England142~~issued[129] which explains the circumstances where this may be possible, although the Government cannot guarantee in advance that funding will be available for any given uncommitted scheme at any specified time. ***~~IPC~~Secretary of State decision making*** 5.~~13~~14.6 A new energy NSIP may give rise to substantial impacts on the surrounding transport infrastructure and the ~~IPC~~Secretary of State should therefore ensure that the applicant has sought to mitigate these impacts, including during the construction phase of the development. Where the proposed mitigation measures are insufficient to reduce the impact on the transport infrastructure to acceptable levels, the ~~IPC~~Secretary of State should consider requirements to mitigate ~~139~~adverse impacts on transport networks arising from the development, as set out below. Applicants may also be willing to enter into planning obligations for funding infrastructure and otherwise mitigating adverse impacts. 5.~~13~~14.7 Provided that the applicant is willing to enter into planning obligations or requirements can be imposed to mitigate transport impacts identified in the NATA/WebTAG transport assessment, with attribution of costs calculated in accordance with the ~~Department for Transport's~~DfT's guidance, then development consent should not be withheld, and appropriately limited weight should be applied to residual effects on the surrounding transport infrastructure. ~~Mitigation 5.13.8~~5.14.8 The Secretary of State should only consider preventing or refusing development on highways grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe. ***Mitigation***	The assessment presented in Chapter 5 (Traffic and Transport) of the ES (document reference 6.1.5) considers possible disruption to services and infrastructure as a result of the Proposed Scheme, in line with proposed paragraph 5.14.4. Chapter 5 concludes that there would be temporary disruption to the highway network associated with the movement of AIL, and that this will be managed through an AIL strategy which is included in the Outline Construction Traffic Management Plan (OCTMP) presented at Appendix 5.1 of the ES (document reference 6.3.5.1). As set out above, the final CEMP will be secured via a requirement in Schedule 2 of the DOC. The proposed addition of text at paragraph 5.14.8 highlights that the SoS *"should only consider preventing or refusing development on highways grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe."* As set out in the assessment of adopted EN-1 policy relating to 'traffic and transport', any adverse impacts from the Proposed Scheme in isolation or cumulatively are considered to be mitigable to an acceptable degree, as set out in Chapter 5 and Table B.1 of Appendix B. Adverse cumulative impacts identified relating to driver delay and driver safety at Junction 4 (Junction 36 of the M62) are considered mitigable with the delivery of Junction improvement works, which the Applicant understands are due to be delivered between 2024 – 2029. The Proposed Scheme should therefore not be refused on grounds of severe impact on the road network. Proposed paragraph 5.14.11 states applicants should *"consider the DfT policy*

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	5.14.9 Where mitigation is needed, possible demand management measures must be considered and if feasible and operationally reasonable, required, before considering requirements for the provision of new inland transport infrastructure to deal with remaining transport impacts. 5.~~13.9~~14.10 The ~~IPC~~Secretary of State should have regard to the cost-effectiveness of demand management measures compared to new transport infrastructure, as well as the aim to secure more sustainable patterns of transport development when considering mitigation measures. 5.~~13.10~~14.11 Water-borne or rail transport is preferred over road transport at all stages of the project, where cost-effective. Applicants should consider the DfT policy guidance "Water Preferred Policy Guidelines for the movement of abnormal indivisible loads" when preparing their Application.[130] 5.~~13.11~~14.12 The ~~IPC~~Secretary of State may attach requirements to a consent where there is likely to be substantial HGV traffic that: ~ ~~•~~Control numbers of HGV movements to and from the site in a specified period during its construction and possibly on the routing of such movements~~;~~ ~ ~~•~~Make sufficient provision for HGV parking, either on the site or at dedicated facilities elsewhere, to avoid 'overspill' parking on public roads, prolonged queuing on approach roads and uncontrolled on-street HGV parking in normal operating conditions~~; and~~ ~ ~~•~~Ensure satisfactory arrangements for reasonably foreseeable abnormal disruption, in consultation with network providers and the responsible police force~~. 5.13.12~~ 5.14.13 If an applicant suggests that the costs of meeting any obligations or requirements would make the proposal economically unviable this should not in itself justify the relaxation by the ~~IPC~~Secretary of State of any obligations or requirements needed to secure the mitigation. [127] WelTag in Wales~~. 140~~: https://gov.wales/welsh-transport-appraisal-guidance-weltag [128] Guidance on transport assessments is at http://www.dft.gov.uk/pgr/regional/transportassessments/guidanceonta and (for Wales) at: ~~http://~~https://gov.wales~~.gov.uk/topics/~~/welsh-transport-appraisal-guidance-weltag [129] https://www.gov.uk/government/publications/~~weltag/?lang=en 141 http://www.dft.gov.uk/pgr/regional/fundingtransportinfrastructure/ 142 Please note that no separate guidance has been issued for~~transport-investment-strategy, For Wales~~. The Welsh Assembly Government discusses funding arrangements with developers on a project specific basis.~~, refer to the guidance note regarding Transport Grants or any successor to it: https://gov.wales/sites/default/files/publications/2020- 01/local-transport-grants-guidance-2020-to-2021.pdf [130] https://www.gov.uk/government/publications/movement-of-abnormal-loads-by-water	*guidance "Water Preferred Policy Guidelines for the movement of abnormal indivisible loads" when preparing their Application*". Chapter 5 considers this guidance and confirms that transport of AIL was discussed during pre-application discussions with National Highways, NYCC and ERoY. This is described in further detail in Chapter 3 (Consideration of Alternatives) of the ES (document reference 6.1.3) and in Table B.1 in Appendix B. The outcome of the consultation was Agreement in Principle to transporting AIL by using the 'Road Option' and approval of the proposed strategy was confirmed 20 April 2021. The Applicant therefore considers the Proposed Scheme is in accordance with the DfT policy guidance. Based on the above, the Applicant considers the Proposed Scheme to comply with the text proposed for inclusion in Part 5.14 of draft EN-1 policy.

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
~~Water Quality and~~ Resources~~ and Waste~~ Management (Part 5.15 of EN-1)	***Introduction*** 5.~~14~~15.1 Government policy on hazardous and non-hazardous waste is intended to protect human health and the environment by producing less waste and by using it as a resource wherever possible. Where this is not possible, waste management regulation ensures that waste is disposed of in a way that is least damaging to the environment and to human health. 5.~~14~~15.2 Sustainable waste management is implemented through the "waste hierarchy", which sets out the priorities that must be applied when managing ~~waste143~~waste[131]: a) prevention~~;~~ b) preparing for reuse~~;~~ c) recycling~~;~~ d) other recovery, including energy recovery~~; and~~ e) disposal~~.~~ 5.~~14~~15.3 Disposal of waste should only be considered where other waste management options are not available or where it is the best overall environmental outcome. 5.~~14~~15.4 All large infrastructure projects are likely to generate hazardous and non-~~-~~hazardous waste. The EA's ~~Environmental Permitting (~~EP~~)~~ regime incorporates operational waste management requirements for certain activities. When an applicant applies to the EA for an ~~Environmental Permit~~EP, the EA will require the application to demonstrate that processes are in place to meet all relevant EP requirements. 5.~~14~~15.5 Specific considerations with regard to radioactive waste are set out in ~~section~~Section 2.11 and Annex B of EN-6. ~~This~~The present section will apply to non-radioactive waste for nuclear infrastructure as for other energy infrastructure. Applicant's assessment 5.~~14~~15.6 The applicant should set out the arrangements that are proposed for managing any waste produced and prepare a Site Waste Management Plan. The arrangements described and Management Plan should include information on the proposed waste recovery and disposal system for all waste generated by the development, and an assessment of the impact of the waste arising from development on the capacity of waste management facilities to deal with other waste arising in the area for at least five years of operation. The applicant is encouraged to refer to the Waste Prevention Programme for England and should seek to minimise the volume of waste produced and the volume of waste sent for disposal unless it can be demonstrated that this is the best overall environmental outcome. ~~143 The Waste Hierarchy is set out in Article 16 of the Waste Framework Directive 2008 and The Waste (England and Wales) Regulations 2011. IPC decision making 5.14.7 The IPC~~ If the applicant's assessment includes dredged material, the assessment should also include other uses of such material before disposal to sea, for example through re-use in the construction process. 5.15.7 Where possible, applicants are encouraged to source materials from recycled or reused sources and use low carbon materials, sustainable sources and local suppliers. Construction best practices should be used to ensure that material is reused or recycled onsite where possible. 5.15.8 Applicants are also encouraged to use construction best practices in relation to storing materials in an adequate and protected place on site to prevent waste, for example, from damage or vandalism. The use of Building Information	Proposed paragraph 5.15.6 encourages applicants to refer to the Waste Prevention Programme for England ('WPP') and to minimise the volume of waste produced and the volume of waste sent for disposal unless it can be demonstrated that this is the best overall environmental outcome. A new Waste Prevention Programme for England: Towards a Resource Efficient Economy was consulted upon in March to June 2021 and the update is awaited. The WPP has not been specifically addressed in the ES, as neither the WPP nor the draft NPS policy is yet adopted, and only limited weight can therefore be given to these at this stage. Moreover, the draft WPP is not a relevant document to consider for Operational Waste from the Proposed Scheme, as it is focused on seven key manufacturing sectors, none of which apply to Drax Power Station's current or future operations. However, Chapter 13 considers 'Our Waste, Our Resources: A Strategy for England' (DEFRA, 2018), the principles of which are aimed to be achieved by the WPP. Proposed paragraphs 5.15.7 and 5.15.8 encourages applicants, where possible, to source materials from recycled or reused sources and use low carbon materials, sustainable sources and local suppliers, and use construction best practices in relation to storing materials in an adequate and protected place on site to prevent waste. The CEMP for the Proposed Scheme will include a Materials Management Plan which will secure this approach. These matters have been addressed in Chapter 13 (Materials and Waste) of the ES (document reference 6.1.13) and the assessment of adopted EN-1 policy relating to 'resources and waste management' in Table B.1 of Appendix B.

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	Management tools (or similar) to record the materials used in construction can help to reduce waste in future decommissioning of facilities, by identifying materials that can be recycled or reused. *Secretary of State decision making* 5.15.9 The Secretary of State should consider the extent to which the applicant has proposed an effective system for managing hazardous and non-hazardous waste arising from the construction, operation and decommissioning of the proposed development. ~~It~~The Secretary of State should be satisfied that: ~ ~~●~~Any such waste will be properly managed, both on-site and off-site~~;~~ ~ ~~●~~The waste from the proposed facility can be dealt with appropriately by the waste infrastructure which is, or is likely to be, available. Such waste arisings should not have an adverse effect on the capacity of existing waste management facilities to deal with other waste arisings in the area~~; and~~ ~ ~~●~~Adequate steps have been taken to minimise the volume of waste arisings, and of the volume of waste arisings sent to disposal, except where that is the best overall environmental outcome~~.~~ 5.~~14.8~~15.10 Where necessary, the ~~IPC~~Secretary of State should use requirements or obligations to ensure that appropriate measures for waste management are applied. The ~~IPC~~Secretary of State may wish to include a condition on revision of waste management plans at reasonable intervals when giving consent. 5.~~14.9~~15.11 Where the project will be subject to the EP regime, waste management arrangements during operations will be covered by the permit and the considerations set out in Section 4.~~10~~11 will apply. [131] The Waste Hierarchy is set out in The Waste (England and Wales) Regulations 2011.	The Applicant considers that the Proposed Scheme therefore complies with Part 5.15 of draft EN-1.
Water Quality and Resources (Part 5.16 of EN-1)	***Introduction*** 5.~~15~~16.1 Infrastructure development can have adverse effects on the water environment, including groundwater, inland surface water, transitional ~~waters144~~waters[132] and coastal waters. During the construction, operation and decommissioning phases, it can lead to increased demand for water, involve discharges to water and cause adverse ecological effects resulting from physical modifications to the water environment. There may also be an increased risk of spills and leaks of pollutants to the water environment. These effects could lead to adverse impacts on health or on protected species and habitats (see Section 4.~~3 and Section 4.182~~) and could, in particular, result in surface waters, groundwaters or protected ~~areas145~~areas[133] failing to meet environmental objectives established under the Water Environment (Water Framework ~~Directive146.~~Directive) (England and Wales) Regulations 2017 and the Marine Strategy Regulations 2010[134]. ***Applicant's assessment*** 5.~~15~~16.2 Where the project is likely to have effects on the water environment, the applicant should undertake an assessment of the existing status of, and impacts of the proposed project on, water quality, water resources and physical characteristics of the water environment as part of the ES or equivalent~~. (See Section 4.2.) 5.15.3 The ES should in particular describe: ●~~ (see Section 4.2). 5.16.3 Where possible, applicants are encouraged to manage surface water during construction by treating surface water runoff from exposed topsoil prior to discharging and to limit the discharge of suspended solids e.g., from car parks or other areas of hard standing, during operation.	The proposed text relating to the draft EN-1 policy for 'water quality and resources' is sufficiently addressed in Appendix B. The Surface Water Drainage Strategy (Appendix 12.3 of Volume 3) (document reference 6.3.12.3) details the proposed drainage scheme to support the Proposed Scheme. Drax Power Station has an existing established network of surface water sewers which collects surface water across the site and will operate during construction. The Surface Water Drainage Strategy and existing drainage systems will ensure that run-off is treated, and the quality of discharges are managed. The Water Framework Directive (WFD) screening exercise has been carried out for the Proposed Scheme. The conclusions of this exercise have been discussed with the Environment Agency and it has been agreed that a full WFD assessment is not

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	5.16.4 Applicants are encouraged to consider protective measures to control the risk of pollution to groundwater beyond those outlined in Water Resource Management Plans - this could include, for example, the use of protective barriers. 5.16.5 The ES should in particular describe: ~ The existing quality of waters affected by the proposed project and the impacts of the proposed project on water quality, noting any relevant existing discharges, proposed new discharges and proposed changes to discharges~~;~~ ~ ~~•~~Existing water ~~resources147~~resources[135] affected by the proposed project and the impacts of the proposed project on water resources, noting any relevant existing abstraction rates, proposed new abstraction rates and proposed changes to abstraction rates (including any impact on or use of mains supplies and reference to Catchment Abstraction Management Strategies~~); •~~) and also demonstrate how proposals minimise the use of water resources and water consumption in the first instance ~ Existing physical characteristics of the water environment (including quantity and dynamics of flow) affected by the proposed project and any impact of physical modifications to these characteristics~~; and~~ ~ ~~•~~Any impacts of the proposed project on water bodies or protected areas (including shellfish protected areas) under the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 and source protection zones (SPZs) around potable groundwater abstractions~~.~~ ***~~IPC~~Secretary of State decision making*** 5.~~15.4~~16.6 Activities that discharge to the water environment are subject to pollution control. The considerations set out in Section 4.~~10~~11 on the interface between planning and pollution control therefore apply. These considerations will also apply in an analogous way to the abstraction licensing regime regulating activities that take water from the water environment, and to the control regimes relating to works to, and structures in, on, or under a controlled ~~water148.~~water.[136] 5.~~15.5~~16.7 The ~~IPC~~Secretary of State will generally need to give impacts on the water environment more weight where a project would have an adverse effect on the achievement of the environmental objectives established under the Water Environment (Water Framework Directive~~.~~) (England and Wales) Regulations 2017. 5.~~15.6~~16.8 The ~~IPC~~Secretary of State should ~~satisfy itself~~be satisfied that a proposal has regard to the River Basin Management Plans and meets the requirements of the Water ~~Framework Directive (including Article 4.7) and its daughter directives, including those on priority substances and groundwater. The specific objectives for particular river basins are set out in River Basin Management Plans. The IPC~~Environment (Water Framework Directive) (England and Wales) Regulations 2017 (including regulation 19). The specific objectives for particular river basins are set out in River Basin Management Plans. In terms of Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 compliance, the overall aim of development should be to prevent deterioration in status of water bodies to support the achievement of the objectives in the River Basin Management Plans and not to jeopardise the future achievement of good status for any affected water bodies. If the development is considered likely to cause deterioration of water body status or to prevent the achievement of good groundwater status or of good ecological status potential compliance with regulation 19 of the Water Environment (Water Framework Directive) (England and Wales) 2017 must be demonstrated. 5.16.9 The Secretary of State should also consider the interactions of the proposed project with other plans such as Water Resources Management Plans and Shoreline/Estuary Management Plans.	required to accompany the planning application. The Applicant therefore considers the Proposed Scheme accords with Part 5.1 of draft EN-1 policy.

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	5.~~15.7~~16.10 The ~~IPC~~Secretary of State should consider whether appropriate requirements should be attached to any development consent and/or planning obligations entered into to mitigate adverse effects on the water environment. *Mitigation* 5.~~15.8~~16.11 The ~~IPC~~Secretary of State should consider whether mitigation measures are needed over and above any which may form part of the project application~~. (See~~ (see Sections 4.2 and 5.1~~.))~~. A construction management plan may help codify mitigation at that stage. 5.~~15.9~~16.12 The risk of impacts on the water environment can be reduced through careful design to facilitate adherence to good pollution control practice. For example, designated areas for storage and unloading, with appropriate drainage facilities, should be clearly marked. 5.~~15.10~~16.13 The impact on local water resources can be minimised through planning and design for the efficient use of water, including water recycling. ~~148 Controlled waters include all watercourses, lakes, lochs, coastal waters, and water contained in underground strata.~~If an applicant needs new water infrastructure, significant supplies or impacts other water supplies, the applicant should consult with the local water company and the EA or NRW. ~~144 As defined in the Water Framework Directive (2000/60/EC), transitional waters are bodies of surface water in the vicinity of river mouths which are partly saline in character as a result of their proximity to coastal waters but which are substantially influenced by freshwater flows. 145 Protected areas are areas which have been designated as requiring special protection under specific Community legislation for the protection of their surface water and groundwater or for the conservation of habitats and species directly depending on water. 146 2000/60/EC. 147 See EA document Water resources strategy for England and Wales: water for people and the environment (2009).~~[132] As defined in the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017, transitional waters are bodies of surface water in the vicinity of river mouths which are partly saline in character as a result of their proximity to coastal waters but which are substantially influenced by freshwater flows. [133] Protected areas are areas which have been designated as requiring special protection under specific legislation for the protection of their surface water and groundwater or for the conservation of habitats and species directly depending on water. [134] https://www.gov.uk/government/publications/marine-strategy-part-one-uk-updated-assessment-and-goodenvironmental-status; https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/522426/LIT_10_445.pdf; see PINS advice: https://infrastructure.planninginspectorate.gov.uk/wpcontent/uploads/2017/06/advice_note_18.pdf [135] See the Water Resources planning guideline: https://www.gov.uk/government/publications/water-resourcesplanning-guideline/water-resources-planning-guideline [136] Controlled waters include all watercourses, lakes, lochs, coastal waters, and water contained in underground strata.	
EN-3 - Assessment and Technology Specific Information and Biomass and Waste Combustion		
Air Quality and Green House Gas Emissions (Part ~~2.5.37-2.5.45~~2.13.1 – 2. of EN-3)	***Introduction*** 2.~~5.37~~13.1 Generic air emissions impacts other than CO2 are covered in Section 5.2 of EN-1. In addition, there are specific considerations which apply to biomass~~/ waste~~ and Energy from Waste (EfW) combustion plant as set out below. 2.~~5.38~~13.2 Operational CO2 emissions may be a significant adverse impact of biomass~~/waste combustion plant.~~ and EfW electricity generating stations. Although ~~an ES on air emissions will include an~~ a carbon assessment will be provided as part of ~~CO2 emissions~~the ES, the policies set out in ~~Section 2.~~Part 2 of EN-1 will apply. ~~The IPC~~As set out in Section 5.3 of EN-1, the Secretary of State does not, therefore, need to assess individual applications ~~in terms of~~for planning consent against operational carbon emissions ~~against~~ and their contribution to carbon budgets~~ and this section does not address CO2 emissions or any Emissions Performance Standard that may apply to plant.~~, net zero and our international climate commitments.	The proposed text relating to the draft EN-3 policy for 'Air Quality and Emissions' is sufficiently addressed in Appendix B. The Applicant therefore considers the Proposed Scheme accords with Part 2.13 of draft EN-3 policy. Whilst the Secretary of State does not need to assess individual applications for planning consent against operational carbon emissions and their contribution to carbon budgets, net zero and our international climate commitments, it is nonetheless an important and relevant consideration that

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	2.~~5.39~~13.3 In addition to the air quality legislation referred to in EN-1 (including the Environmental Permitting (England and Wales) Regulations 2016 (EPR) and the Air Quality Standards Regulations) the Waste Incineration ~~Directive (WID) is~~ Best Available Techniques (BAT) conclusions11 are also relevant to waste combustion plant. ~~It~~ This sets out specific emission limit values for waste combustion plants. ***Applicant's assessment*** 2.~~5.40~~13.4 The applicant's ~~EIA~~ES should include an assessment of the air emissions resulting from the proposed infrastructure and demonstrate compliance with the relevant regulations (see Section 5.2 of EN-1). ~~IPC~~ ***Mitigation*** 2.13.5 Abatement technologies should be those set out in the relevant sector guidance notes as produced by the EA. The EA will determine if the technology selected for the waste/ biomass combustion generating station is considered Best Available Technique (BAT) and therefore the Secretary of State does not need to consider equipment selection in its determination process. *Secretary of State decision making* 2.~~5.41~~13.6 Compliance with the ~~WID and the Large Combustion Plant Directive13 (LCPD)~~EPR is enforced through the environmental permitting regime regulated by the Environment Agency (EA). Plants not meeting the requirements of the ~~WID and/or LCPD~~EPR would not be granted a permit to operate. The ~~IPC~~Secretary of State should refer to the policy in Section 4.~~10~~11 of EN-1 relating to other regimes. 2.~~5.42~~13.7 The pollutants of concern arising from the combustion of waste and biomass may include ~~NOx 14, SOx 15,~~NOx12, SOx13, NMVOCs14 particulates ~~and CO2~~. In addition, emissions of heavy metals, dioxins and furans are a consideration for waste combustion generating stations, but limited by the ~~WID~~EPR and waste incineration BAT conclusions and regulated by the EA. 2.~~5.43~~13.8 Where a proposed waste combustion generating station meets the requirements of ~~WID~~the EPR and BAT conclusions and will not exceed the local air quality standards, the ~~IPC~~Secretary of State should not regard the proposed waste generating station as having adverse impacts on health. 2.~~5.44~~13.9 Similarly, where a proposed biomass combustion generating station meets the requirements of ~~LCPD~~the EPR and relevant BAT conclusions and will not exceed the local air quality standards, the ~~IPC~~Secretary of State should not regard the proposed biomass infrastructure as having adverse impacts on health. ~~Mitigation 2.5.45 Abatement technologies should be those set out in the relevant sector guidance notes as produced by the EA. The EA will determine if the technology selected for the waste/ biomass combustion generating station is considered Best Available Technique (BAT) and therefore the IPC does not need to consider equipment selection in its determination process.~~[11] Guidance for Best available techniques: environmental permits https://www.gov.uk/guidance/best-availabletechniques-environmental-permits [12] *Nitrogen oxides* ~~15~~[13] *Sulphur oxides* [14] *Non-Methyl Volatile Organic Compounds*~~13 Large Combustion Plant Directive 2001/80/EC can be found at: http://eur-lex.europa.eu/LexUriServ/site/en/oj/2001/l_309/l_30920011127en00010021.pdf 14 Oxides of nitrogen~~	the Proposed Scheme does pay an important contribution towards net zero.
IPC Impact Assessment Principles	***National designations*** 2.~~5.34~~12.4 In considering the impact on the historic environment as set out in Section 5.~~8~~9 of EN-1 and whether it is satisfied that the substantial public benefits would outweigh any loss or harm to the significance of a designated	The proposed text relating to the draft EN-3 policy for 'IPC Impact Assessment Principles' is sufficiently addressed in

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
(Part 2.~~5.34~~12.4 and 2.~~5.3~~12.6 of EN-3)	heritage asset, the ~~IPC~~Secretary of State should take into account the positive role that ~~large-scale~~largescale renewable projects play in the mitigation of climate change, the delivery of energy security and the urgency of meeting the ~~national targets for renewable energy supply and emissions reductions.~~net zero target. ***Other locational considerations*** 2.~~5.36~~12.6 As most renewable energy resources can only be developed where the resource exists and where economically feasible, ~~the IPC~~and because there are no limits on the need established in Chapter 3 of EN-1, the Secretary of State should not use a sequential approach in the consideration of renewable energy projects (for example, by giving priority to the re-use of previously developed land for renewable technology developments).	Appendix B. The Applicant therefore considers the Proposed Scheme accords with Part 2.12 of draft EN-3 policy.
Landscape and Visual (Part 2.~~5.46~~14.1 - 2.~~5.58~~14.7 of EN-3)	***Introduction*** 2.~~5.46~~14.1 Generic landscape and visual effects are covered in detail in Section 5.~~9~~10 of EN-1. This includes specific policy guidance for developments proposed within nationally designated landscapes. In addition, there are specific considerations which apply to biomass / waste combustion generating stations as set out below. 2.~~5.47~~14.2 The ~~IPC~~Secretary of State should be satisfied that the design of the proposed generating station is of appropriate quality and minimises adverse effects on the landscape character and quality. ***Applicant's assessment*** 2.~~5.48~~14.3 An assessment of the landscape and visual effects of the proposed infrastructure should be undertaken in accordance with the policy set out in 5.~~9~~10 of EN-1. ***~~IPC~~Secretary of State decision making*** 2.~~5.49~~14.4 The ~~IPC~~Secretary of State should take into account that any biomass/waste combustion generating station will require a building able to host fuel reception and storage facilities, the combustion chamber and abatement units. The overall size of the building will be dependent on design and fuel throughput, although it is unlikely to be less than 25m in height. External to the building there may be cooling towers, the size of which will also be dependent on the throughput of the generating station. 2.14.5~~.50~~ Good design that is sympathetic and contributes positively to the landscape character and quality of the area will go some way to mitigate adverse landscape~~/~~ and visual effects. Development proposals should consider the design of the generating station, including the materials to be used in the context of the local landscape~~. 2.5.51 Mitigation~~ character. 2.14.6 Although micro-siting within the development area can help, mitigation is achieved primarily through aesthetic aspects of site layout and building design including size and external finish and colour of the generating station to minimise intrusive appearance in the landscape as far as engineering requirements permit. The precise architectural treatment will need to be ~~site-specific.~~site specific. 2.~~5.52~~14.7 The ~~IPC~~Secretary of State should expect applicants to seek to design the landscape design of waste/biomass combustion generating station sites to visually enclose them at low level as seen from surrounding external viewpoints. This makes the scale of the generating station less apparent, and helps conceal its lower level, smaller scale features. Earth bunds and mounds, tree planting or both may be used for softening the visual intrusion and may also help to attenuate noise from site activities. However, these features should be sympathetic to local landscape character and follow best practice.[15]	The proposed text relating to the draft EN-3 policy for 'Landscape and Visual' is sufficiently addressed in Appendix B. In terms of the additional reference to sympathetic design in proposed paragraphs 2.14.5 and 2.14.7, the approach to design including the colour palette in particular is sympathetic to the local landscape character. The Applicant therefore considers the Proposed Scheme accords with Part 2.14 of draft EN-3 policy.

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	[15] Such as the 10 characteristics of good design which are set out in the National Design Guide https://www.gov.uk/government/publications/national-design-guide and the draft National Model Design Code and guidance notes https://www.gov.uk/government/consultations/national-planning-policy-framework-and-nationalmodel-design-code-consultation-proposals	
Biomass/Waste Impacts – Waste Management and Residue Management (Part 2.~~5.64~~17.1 - 2.~~5.83~~18.13 of EN-3)	***2.17 Biomass and waste combustion impacts: waste management*** ***Introduction*** 2.~~5.64~~17.1 Waste combustion generating stations need not disadvantage reuse or recycling initiatives where the proposed development accords with the waste hierarchy. 2.~~5.65~~17.2 National, local and municipal strategies in England and Wales provide policy expectations for waste management at these different geographical levels. Local authorities will be responsible for providing an informative framework for the amount of waste management capacity sought. Information on the type of ~~wastes~~waste arising and those that are combustible may also be provided. In Wales, the relevant regional waste plan will set out the strategy for dealing with waste generated in that region and include waste targets. ***Applicant's assessment*** 2.~~5.66~~17.3 An assessment of the proposed waste combustion generating station should be undertaken that examines the conformity of the scheme with the waste hierarchy and the effect of the scheme on the relevant waste plan or plans where a proposal is likely to involve more than one local authority. 2.~~5.67~~17.4 The application should set out the extent to which the generating station and capacity proposed ~~contributes to the recovery~~is compatible with and supports long-term recycling targets ~~set out in relevant strategies and plans~~, taking into account existing residual waste treatment capacity~~.~~ and that already in development. 2.17.5~~.68~~ It may be appropriate for assessments to refer to the Annual Monitoring Reports published by relevant waste authorities which provide an updated figure of existing waste management capacity and future waste management capacity requirements. 2.~~5.69~~17.6 The results of the assessment of the conformity with the waste hierarchy and the effect on relevant waste plans should be presented in a separate document to accompany the application to the ~~IPC. IPC~~Secretary of State. ***Secretary of State decision making*** 2.~~5.70~~17.7 The ~~IPC~~Secretary of State should be satisfied, with reference to the relevant waste strategies and plans, that the proposed waste combustion generating station is in accordance with the waste hierarchy and of an appropriate type and scale so as not to prejudice the achievement of local or national waste management targets in England and local, regional or national waste management targets in Wales. Where there are concerns in terms of a possible conflict, evidence should be provided to the ~~IPC~~Secretary of State by the applicant as to why this is not the case or why a deviation from the relevant waste strategy or plan is nonetheless appropriate and in accordance with the waste hierarchy. The Secretary of State should also consider whether a requirement, including monitoring, is appropriate to ensure compliance with the waste hierarchy. ***2.18 Biomass~~Waste Impacts – Residue~~ and waste combustion impacts: residue management*** ***Introduction*** 2.~~5.71~~18.1 Generic waste management impacts are set out in Section 5.~~14~~15 of EN-1. In addition, there are specific considerations which apply to waste and biomass combustion generating stations as set out below. All waste/biomass combustion generating stations will produce residues that require further management. Much of the residues can be used for commercial purposes.	The proposed text relating to the draft EN-3 policy for 'Biomass/Waste Impacts – Waste Management and Residue Management' is sufficiently addressed in Appendix B. The Applicant therefore considers the Proposed Scheme accords with Part 2.17 of draft EN-3 policy.

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	2.~~5.72~~18.2 Generating stations that burn waste (even if mixed with biomass fuel) produce two types of residues: ~ ~~•~~Combustion residue is inert material from the combustion chamber. The quantity of residue produced is dependent on the technology process and fuel type but might be as much as 30% (in terms of weight) of the fuel throughput of the generating station~~; and~~ ~ ~~•~~Fly ash, a residue from flue gas emission abatement technology and usually 3-4% (in terms of weight) of the fuel throughput of the generating station~~.~~ 2.~~5.73 Under the WID the~~18.3 The two residues from waste combustion generating stations cannot be mixed; they must be disposed of separately, under different regimes. 2.~~5.74~~18.4 Biomass combustion generating stations will also produce both combustion and flue gas treatment residues. However, the residue types can be mixed and managed as one product for disposal. Residues arising from biomass combustion generating stations are usually between 1% and 12% (in terms of weight) of the fuel capacity of the plant. ~~2.5.75~~ 2.18.5 The regulations on waste disposal for waste combustion and flue gas residues from biomass combustion are intended to reduce the amount of waste that is sent to landfill. Waste combustions fly ash is classified as a hazardous waste material and needs to be managed as such. 2.~~5.76~~18.6 Waste management is covered in the Environmental Permit for operation of waste or biomass generating stations. (See Section 5.~~14~~15 of EN-1.) ***Applicant's assessment*** 2.~~5.77~~18.7 The assessment should include the production and disposal of residues as part of the ES. Any proposals for recovery of ash and mitigation measures should be described. 2.~~5.78~~18.8 Applicants should set out the consideration they have given to the existence of accessible capacity in waste management sites for dealing with residues for the planned life of the power station. ***Mitigation*** 2.18.9 The environmental burdens associated with the management of combustion residues can be mitigated through recovery of secondary products, for example aggregate or fertiliser, rather than disposal to landfill. The Secretary of State should give substantial positive weight to development proposals that have a realistic prospect of recovering these materials. The primary management route for fly ash is hazardous waste landfill; however, there may be opportunities to reuse this material for example in the stabilisation of industrial waste. The management of hazardous waste will be considered by the EA through the Environmental Permitting regime.~~IPC decision making 2.5.79 The IPC should consult the EA on the suitability of the proposals. National Policy Statement for Renewable Energy Infrastructure (EN-3) 24 2.5.80 When the IPC~~ ***Secretary of State decision making*** 2.18.10 The Secretary of State should consult the EA on the suitability of the proposals. 2.18.11 When the Secretary of State considers noise and vibration, release of dust and transport impacts, as set out in this NPS and EN-1, it should recognise that these impacts may arise ~~as a result of~~from the need for residue disposal as well as other factors.	

Policy	Emerging Policy Text Detailing Changes	Assessment of Changes of Relevance
	2.~~5.81~~18.12 The ~~IPC~~Secretary of State should be satisfied that management plans for residue disposal satisfactorily minimise the amount that cannot be used for commercial purposes. The ~~IPC~~Secretary of State should give substantial positive weight to development proposals that have a realistic prospect of recovering residues. 2.~~5.82~~18.13 The ~~IPC~~Secretary of State should consider what requirements it may be appropriate to impose. If the EA has indicated that there are no known barriers to it issuing an Environmental Permit for operation of the proposed biomass/waste fuelled generating station and agrees that management plans suitably minimise the wider impacts from ash disposal, any residual ash disposal impacts should have limited weight. ~~Mitigation 2.5.83 The environmental burdens associated with the management of combustion residues can be mitigated through recovery of secondary products, for example aggregate or fertiliser, rather than disposal to landfill. The IPC should give substantial positive weight to development proposals that have a realistic prospect of recovering these materials. The primary management route for fly ash is hazardous waste landfill. However, there may be opportunities to reuse this material for example in the stabilisation of industrial waste. The management of hazardous waste will be considered by the EA through the Environmental Permitting regime.~~	
Water Quality and Resources (Part 2.~~5.84~~19.1 - 2.~~5.87~~19.4 of EN-3)	***Introduction*** 2.~~5.84~~19.1 Generic water quality and resource impacts are set out in Section 5.~~15~~16 of ~~EN-1~~EN1. The design of water-cooling systems for EfW and biomass generating stations will have additional impacts on water quality, abstraction and discharge. This can affect marine ecosystems where cooling systems use seawater. These may include: ~ ~~•~~Discharging water at a higher temperature than the receiving water, affecting the biodiversity of aquatic flora and fauna~~;~~ ~ ~~•~~The use of resources may reduce the flow of watercourses, affecting the rate at which sediment is deposited, conditions for aquatic flora and potentially affecting migratory fish species (e.g., salmon~~);~~ ~~•~~) ~ The fish impingement and/or entrainment~~—~~, i.e., being taken into the cooling system during abstraction~~; and~~ ~ ~~•~~ The discharging of water containing chemical anti-fouling treatment ~~of water~~ for use in cooling systems may have adverse impacts on aquatic biodiversity~~.~~ ***Applicant's assessment*** 2.~~5.85~~19.2 Where the project is likely to have effects on water quality or resources the applicant should undertake an assessment as required in EN-1, Section 5.~~15~~16. The assessment should particularly demonstrate that appropriate measures will be put in place to avoid or minimise adverse impacts of abstraction and discharge of cooling water. ~~IPC decision making 2.5.86 The IPC should be satisfied that the applicant has demonstrated measures to minimise adverse impacts on water quality and resources as described above and in EN-1. Mitigation 2.5.87~~ ***Mitigation*** 2.19.3 In addition to the mitigation measures set out in EN-1, design of the cooling system should include intake and outfall locations that avoid or minimise adverse impacts. There should also be specific measures to minimise fish impingement and/or entrainment and the discharge of excessive heat to receiving waters. ***Secretary of State decision making*** 2.19.4 The Secretary of State should be satisfied that the applicant has demonstrated measures to minimise adverse impacts on water quality and resources as described above and in EN-1.	The proposed text relating to the draft EN-3 policy for 'Water Quality and Resources' is sufficiently addressed in Appendix B. The Applicant therefore considers the Proposed Scheme accords with Part 2.19 of draft EN-3 policy.