

**North Yorkshire County Council
Selby District Council**

Local Impact Report

**Drax Bioenergy with Carbon
Capture and Storage**

CONTENTS

1. Introduction	3
2. Scope	3
3. Description of the Area	4
4. Planning Policy	4
5. Assessment of Impacts	7
6. Principle of Development	7
7. Noise and Vibration	9
8. Landscape	11
9. Ecology and Biodiversity	19
10. Built Heritage	24
11. Archaeology	25
12. Highways and Transportation	26
13. Public Rights of Way	29
14. Air Quality and Emissions	29
15. Hydrology and Flood Risk	31
16. Minerals and Waste Planning	31
17. Ground Conditions	32
18. Adequacy of the DCO	33

1.0 Introduction

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

2.0 Scope

- 2.1 This LIR only relates to the impact of the proposed development as it affects the administrative areas of NYCC and SDC.
- 2.2 The LIR relies upon the Applicant's description of the development as set out in Volume 1, Chapter 2 of the Environmental Statement (document reference APP-038) as amended by the Change Request – 8.5.1 Proposed Changes Application Report (document reference AS-045).

Purpose and structure of the LIR

- 2.3 The primary purpose of the LIR is to identify any potential local impacts of the proposed development and identify the relevant national and local planning policies in so far as they are relevant to the proposed development, and the extent to which the proposed development accords with the policies identified.
- 2.4 Topic-based headings set out how the Authorities consider the proposed development accords with the relevant planning policies and any potential local impacts of the development.
- 2.5 Key issues identified by the Authorities are set out within the topic headings in the supporting commentary in respect of the extent to which the Applicant has sought to address issues raised by the Authorities, with reference to relevant Application documents (including the articles and requirements of the draft Development Consent Order (DCO)).
- 2.6 Whilst a number of points within the LIR are repeated from the Authorities s.56 PA2008 consultation response, the significance of the

LIR in the PA2008 is such that they are confirmed here for the purpose of clarity for the benefit for the Examining Authority (ExA).

3.0 Description of the Area

- 3.1 The LIR relies upon the Applicant's description of the site and surrounding area as set out in Volume 1, Chapter 2 of the Environmental Statement (document reference APP-038) as amended by the Change Request - 8.5.1 Proposed Changes Application Report (document reference AS-045).

4.0 Planning Policy

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

National Policy Statements

- 4.2 The relevant National Policy Statements (NPSs) include the Overarching National Policy Statement for Energy (EN-1) (Department for Energy and Climate Change, 2011) and the National Policy Statement for Renewable Energy and Infrastructure (EN-3) (Department of Energy and Climate Change, 2011).
- 4.3 This represents the primary policy basis for the determination of the Application.

Emerging National Policy Statements

- 4.4 The relevant emerging NPSs include the Draft Overarching National Policy Statement for Energy (EN-1) (Department for Business, Energy and Industrial Strategy, 2021) and the Draft National Policy Statement for Renewable Energy and Infrastructure (EN-3) (Department for Business, Energy and Industrial Strategy, 2021).
- 4.5 These are not yet adopted but are nevertheless an important and relevant consideration in the determination of the Application.

National Planning Policy Framework

- 4.6 The National Planning Policy Framework (NPPF) was originally adopted in March 2012 and most recently updated in July 2021. Paragraph 5 of the NPPF sets out that the document does not contain specific policies for Nationally Significant Infrastructure Projects

(NSIPs) which are to be determined in accordance with the decision-making framework in the PA2008 and relevant NPSs, as well as any other matters which are relevant, which may include the NPPF.

- 4.7 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.

Development Plan

- 4.8 The development plan for Selby District comprises various documents including the Selby District Core Strategy Local Plan (adopted 22nd October 2013); those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy; the Minerals and Waste Joint Plan (adopted 16 February 2022); and the adopted neighbourhood plans (none of the neighbourhood plans relate to the site and so are not referred to further).

- 4.9 The relevant Selby District Core Strategy Local Plan Policies are:

- a) Policy SP1: Presumption in Favour of Sustainable Development
- b) Policy SP2: Spatial Development Strategy
- c) Policy SP12: Access to Services, Community Facilities and Infrastructure
- d) Policy SP13: Scale and Distribution of Economic Growth
- e) Policy SP15: Sustainable Development and Climate Change
- f) Policy SP16: Improving Resource Efficiency
- g) Policy SP17: Low-Carbon and Renewable Energy
- h) Policy SP18: Protecting and Enhancing the Environment
- i) Policy SP19: Design Quality

- 4.10 The relevant Selby District Local Plan Policies are:

- a) Policy ENV1: Control of Development
- b) Policy ENV2: Environmental Pollution and Contaminated Land
- c) Policy ENV3: Light Pollution
- d) Policy ENV4: Hazardous Substances
- e) Policy ENV9: Sites of Importance for Nature Conservation
- f) Policy ENV12: River and Stream Corridors
- g) Policy ENV13: Development Affecting Ponds
- h) Policy ENV27: Scheduled Monuments and Important Archaeological Sites

- i) Policy ENV28: Other Archaeological Remains
- j) Policy EMP10 Additional Industrial Development at Drax and Eggborough Power Stations
- k) Policy T1: Development in Relation to the Highway Network
- l) Policy T2: Access to Roads
- m) Policy T7: Provision for Cyclists
- n) Policy T8: Public Rights of Way
- o) Policy CS6: Development Contributions to Infrastructure and Community Facilities

4.11 The relevant Minerals and Waste Joint Plan Policies include:

- a) Policy S01: Safeguarding minerals resources
- b) Policy S02: Developments proposed within Minerals Safeguarding Areas
- c) Policy S06: Consideration of applications in Consultation Areas
- d) Policy M11: Supply of alternatives to land-won primary aggregates
- e) Policy W01 : Moving waste up the waste hierarchy
- f) Policy W05: Meeting waste management capacity requirements – Construction, Demolition and Excavation waste (including hazardous CD&E waste).

Emerging Local Plan

4.12 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2024. Consultation on issues and options took place early in 2020 and further consultation took place on preferred options and additional sites in 2021. The Pre-submission Publication Local Plan was subject to formal consultation that ended on 28th October 2022. The responses are currently being considered. Providing no modifications are proposed, the next stage involves the submission to the Secretary of State for Examination.

4.13 Paragraph 48 of the NPPF states that weight may be given to relevant policies in emerging plans according to: a) the stage of preparation; b) the extent to which there are unresolved objections to the policies; and c) the degree of consistency of the policies to the Framework. Given the stage of the emerging Local Plan, the policies contained within it are attributed limited weight and as such are not listed in this report.

Other Relevant Policies/Guidance

4.14 Other relevant policies/guidance include:

- a) Selby District Council Contaminated Land Strategy 2019-2024
- b) Green Infrastructure Framework – Principles and Standards for England
- c) A E Weddle. (1987). Drax Power Station Landscape Management Report, July, 1987 / Revised July 1990
- d) Green Infrastructure Framework – Principles and Standards for England
- e) Leeds City Region Enterprise Partnership. (2018).
- f) Leeds City Regional Green Infrastructure Strategy 2017-2036 - Version Draft Final
- g) Dales to Vale River Network Partnership (Dales to Vales River Network Catchment Partnership, 2021)

Relevant Planning History

- 4.15 The LIR relies upon the Applicant's summary of the relevant planning history as set out in the Planning Statement in Volume 5 (document reference APP-032).

5.0 Assessment of Impacts

- 5.1 The following sections identify the relevant national and local planning policies and how the application accords with them.
- 5.2 The following sections also consider the adequacy of assessment for each identified subject area and any potential impacts.
- 5.3 The baseline against which each subject area has been assessed is discussed, setting out the Authorities views in respect of the adequacy of the assessments carried out, the base line data against which assessments have been based, and any mitigation proposed.
- 5.4 The extent to which the Applicant has addressed identified impacts and assessed them adequately, complying with local planning policy, has also been considered.

6.0 Principle of Development

Relevant Local Planning Policies

- 6.1 The relevant local planning policies are:

- a) Policy SP1 of the Selby District Core Strategy Local Plan – Presumption in Favour of Sustainable Development
 - b) Policy SP2 of the Core Strategy Local Plan – Spatial Development Strategy
 - c) Policy SP13 of the Core Strategy Local Plan – Scale and Distribution of Economic Growth
 - d) Policy SP17 of the Core Strategy Local Plan – Low Carbon and Renewable Energy
 - e) Policy EMP10 of the Selby District Local Plan - Additional Industrial Development at Drax and Eggborough Power Stations
- 6.2 Local planning policies support the proposed development in principle.
- 6.3 Policy SP1 of the Core Strategy outlines that *"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"* and sets out how this will be undertaken.
- 6.4 Policy SP2 of the Core Strategy outlines the Council's approach to the delivery of future development within its District, adopting a hierarchical spatial strategy focussing the majority of new development in towns and sustainable villages. Specifically, SP2A (c) relates to development located within the open countryside and states *"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."*
- 6.5 Policy SP13 of the Core Strategy states *"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."*
- 6.6 Policy SP17 of the Core Strategy is generally supportive of low carbon and renewable energy developments, subject to consideration of local environmental impacts.
- 6.7 Policy EMP10 of the Local Plan is specific to development at Drax Power Station and is generally supportive of proposals related to the

operation of the Power Station, subject to consideration of local environmental impacts.

Adequacy of Application/DCO

- 6.8 The Application identifies the relevant local planning policies within the Development Plan against which the application is to be assessed.
- 6.9 The Authorities are in agreement that the principle of the proposed development is supported by the relevant local planning policies within the Development Plan.

7.0 Noise and Vibration

Relevant Local Planning Policies

- 7.1 The relevant local planning policies are:
- a) Policy ENV1 of the Selby District Local Plan – Control of Development
 - b) Policy ENV2 of the Selby District Local Plan – Environmental Pollution and Contaminated Land
 - c) Policy EMP10 of the Selby District Local Plan – Additional Industrial Development at Drax and Eggborough Power Stations
 - d) Policy SP13 of the Selby District Core Strategy Local Plan– Scale and Distribution of Economic Growth
 - e) Policy SP17 of the Selby District Core Strategy Local Plan – Low Carbon and Renewable Energy
 - f) Policy SP19 of the Selby District Core Strategy Local Plan – Design Quality

Key Local Issues

- 7.2 There will be construction noise impacts and operational noise impacts.
- 7.3 Operation rating level L_{A,r},T_r noise impacts of >5dB are predicted during the night-time period at two residential receptors within the district (Volume 1, Chapter 7 of the Environmental Statement, Table 7.26, document reference APP-034). In accordance with BS4142:2014+A1:2019, this is an indication of an adverse impact depending on the context.

Adequacy of Application/DCO

- 7.4 Construction noise impacts are adequately assessed in the Application. Predicted construction noise levels are provided based on three key construction activities: earthwork, piling (civil works), and general construction (installation of carbon capture technology). Finer details such as construction techniques/equipment, compounds, proactive monitoring strategy etc. are yet to be defined. However, DCO requirement 14 requires that no part of the development must commence until a Construction Environmental Management Plan (CEMP) is submitted and approved by the Local Planning Authority, which would ensure the impact is adequately addressed/mitigated.
- 7.5 DCO requirement 14 allows a number of 'permitted preliminary works' to take place prior to the CEMP being agreed and implemented. There is uncertainty whether or not those permitted preliminary works would result in any harm, for example, (a) where will the temporary facilities for contractors be?; (b) what remedial works are required and using what equipment; (c) what construction techniques are involved in the laying of services; (d) where is the enclosure for site security. Therefore, it is recommended that the CEMP is agreed and implemented prior to all permitted preliminary works.
- 7.6 Operational noise impacts are adequately assessed in the Application. Operational noise levels are provided as assumptions and subject to change at the detailed design stage, but in any event will be achieved through mitigation if necessary.
- 7.7 However, operational noise impacts are not adequately addressed/mitigated in the Application/draft DCO. DCO requirement 17 reflects the predicted noise rating levels $L_{Ar,T}$ and so acceptance of the DCO requirement results in adverse noise impacts during the night-time period at two residential receptors within the district. Contextual considerations are put forward at sections 7.9.15-7.9.20 of Volume 1, Chapter 7 of the Environmental Statement (document reference APP-034), notably no exceedance of ambient $L_{Aeq,T}$ values, widespread compliance with BS8233:2014 design criteria and use of conservative background $L_{A90,T}$ values. However, there is uncertainty regarding good acoustic design within this section in terms of efforts to incorporate noise mitigation measures as set out within section 7.5.53 of Volume 1, Chapter 7 of the Environmental Statement (document reference APP-034) when seeking to avoid adverse noise impacts at all sensitive receptors.
- 7.8 In the absence of demonstrating good acoustic design, under DCO requirement 17, the 'Rating Level' against Receptor R6 (2 Forest

Grove, Barlow) should be reduced from 34dB to 33dB, and against Receptor R14 (Low Farm) reduced from 35dB to 33dB.

8.0 Landscape

Relevant National and Local Planning Policies

8.1 The relevant national planning policies are:

- a) Overarching National Planning Policy Statement (EN-1)
- b) Draft Overarching National Policy Statement for Energy (EN-1)
- c) National Planning Policy Framework

8.2 The relevant local planning policies are:

- a) Policy ENV1 of the Selby District Local Plan – Control of Development
- b) Policy ENV3 of the Selby District Local Plan – Light Pollution
- c) EMP10 of the Selby District Local Plan – Additional Industrial Development at Drax and Eggborough Power Stations
- d) Policy SP15 of the Selby District Core Strategy Local Plan – Sustainable Development and Climate Change
- e) Policy SP19 of the Selby District Core Strategy Local Plan – Design Quality

8.3 Other relevant policies and guidance include:

- a) A E Weddle. (1987). Drax Power Station Landscape Management Report, July, 1987. Revised July 1990.
- b) Green Infrastructure Framework – Principles and Standards for England
- c) Leeds City Region Enterprise Partnership. (2018).
- d) Leeds City Regional Green Infrastructure Strategy 2017-2036 - Version Draft Final
- e) Dales to Vale River Network Partnership (Dales to Vales River Network Catchment Partnership, 2021).

Commentary

8.4 The LVIA identifies potential for a number of significant Moderate Adverse landscape and visual effects during the construction phase. The assessment of Cumulative Effects identifies potential for a number of significant Moderate Adverse landscape and visual effects during the construction phase. Neither the LVIA or the assessment of Cumulative Effects have identified the potential for significant adverse landscape

and visual effects during either the operational or construction phases. However, there are a notable number of minor adverse landscape and visual effects within both the LVIA and the assessment of Cumulative Effects where no mitigation is being proposed.

- 8.5 Notwithstanding the above and statements of whether effects are defined as 'significant' in EIA terms, there is concern that there are no clearly identified landscape mitigation proposals or other landscape design proposals or commitments set out within the Application which would demonstrate 'good design' and to help reduce adverse landscape and visual effects and potential adverse cumulative effects in conjunction with other planned developments.
- 8.6 The original landscape mitigation strategy for the power station has been notably eroded over a number of years and with ongoing redevelopment pressures on and around the Application Site. Landscape tree and shrub planting has been generally removed or reduced due to redevelopment on the site or through management of landscape infrastructure, particularly within and around the main operational area of the site. This erosion is particularly noticeable around boundaries to the site where structure planting has been removed along New Road fronting the main electricity connections and substation (circa 2016), and along the main entrance / access road to allow construction of the new contractor's compound (circa 2019).
- 8.7 All ongoing reduction of the original landscape mitigation will erode the original landscape baseline by which subsequent Applications are assessed and inevitably increase overall visibility of the site and that of any subsequent development. There is little evidence overall that the main site landscape or the wider structural landscape is being strengthened or improved through ongoing landscape management.
- 8.8 There is concern that each individual development Application (including this Application) is justifying the non-provision of supporting landscape on the basis that the development is 'low adverse' and 'not significant'.
- 8.9 This is relevant given that there are increasing and ongoing pressures for redevelopment within the site and in proximity to the site reflected in the current number of current planning application relating to power infrastructure, renewable energy and mineral extraction (as considered within Chapter 18 Cumulative Effects of the Environmental Statement (document reference APP-054) and listed in Appendix 18.21 Short List of Other Developments (document reference APP-114).

- 8.10 Given the scale of the existing Drax Power Station site and the significant changes that have taken place since the original landscape design, the Authorities recommend that the Applicant should continue to develop the Design Framework (document reference APP-195) and the Lighting Strategy (document reference APP-184) together with clearly defined mitigation proposals which can be secured through the DCO.
- 8.11 The Authorities also recommend that the Design Framework is updated to include a clear commitment for ongoing maintenance and management of existing and proposed landscape within and around Drax Power Station in order to minimise ongoing erosion, including a commitment to minimise and reduce lighting levels.
- 8.12 The Authorities welcome the opportunity to work with the Applicant on detailed aspects of these guidance documents and to understand how opportunities could be secured through this Application.

Adequacy of Application

Landscape and Visual Impact Assessment (LVIA)

- 8.13 The Application includes an adequate LVIA. The Authorities are satisfied with the scope of the LVIA and the extents of the study area used to inform the assessment.
- 8.14 The location and quantity of representative viewpoints in the LVIA and methodology used to produce photographs and photomontages are agreed. These include daytime and night-time views where appropriate.
- 8.15 The Viewpoint photography (document reference APP-103) illustrates the Proposed Scheme Maximum Design Parameters as a red line, often to much larger extents than the photorealistic image shown of proposed buildings. It is unclear what parameter has been taken into account within the LVIA and the Authorities would question whether this presents a misleading or confusing representation of what might be developed through detailed design, secured by the DCO.
- 8.16 Two additional supporting strategy documents have been submitted with the Application. Both strategies have been prepared in response to the EIA Scoping Opinion and generally supported and encouraged by the Authorities:

- a) Design Framework (document reference APP-195)
- b) Lighting Strategy (document reference APP-184)

- 8.17 Whilst the Applicant documents states that these do not form part of the Environmental Statement, they are supporting documents to the Application and are relevant in understanding the existing site baseline, to inform the proposed design, and in consideration of landscape and lighting proposals within the Application to be secured through the DCO.
- 8.18 The Application also includes an Outline Landscape and Biodiversity Strategy (OLBS) (document reference APP-180). It is intended that a final detailed Landscape and Biodiversity Strategy (LBS) would be secured through the DCO and is listed in the Register of Environmental Actions (REAC).

Baseline Information and Surveys

- 8.19 The Authorities are satisfied that relevant landscape and visual baseline information has been used to inform the LVIA and that the main areas of existing site trees and vegetation within and around the Application Site have been identified in the OLBS.
- 8.20 It is acknowledged that the original site planting has become eroded because of progressive changes to the footprint of Drax Power Station as development and technology changes. The condition of planting ranges from poor to moderate. (ES 9.7.37): "Planting has become eroded because of progressive change to the footprint of Drax Power Station as development and technology changes. The condition of planting ranges from poor to moderate. Management appears to be variable across the Site and much of the existing woodland lacks diverse understorey planting and ground flora; trees are either semi mature or mature. "
- 8.21 Additionally, paragraph 2.3.17 of the Design Framework Document states "Since Weddle's original design, there has been some erosion of the original symmetry, and a widening of the original footprint, increasing visual coalescence from some elevations and increasing visual clutter through an intensification of land use. This has been through incremental development on the Site prior to this application, including the introduction of the biomass co-firing units, the biomass storage domes as well as the more recent Lytag plant to the north west of the Order Limits. "

Lighting Baseline

- 8.22 The night-time baseline is described in the LVIA and is agreed. =.
Baseline night photography is shown in the Viewpoint Photography (document reference APP-103).

Landscape and Visual Effects

- 8.23 The Authorities are in agreement with the scope and summary of landscape and visual effects assessed within the LVIA.
- 8.24 The LVIA identifies potential for a number of significant Moderate Adverse landscape and visual effects during the construction phase. The assessment of Cumulative Effects identifies potential for a number of significant Moderate Adverse landscape and visual effects during the construction phase. Neither the LVIA or the assessment of Cumulative Effects have identified the potential for significant adverse landscape and visual effects during either the operational or construction phases. However, there are a notable number of minor adverse landscape and visual effects within both the LVIA and the assessment of Cumulative Effects. No notable landscape or visual mitigation is proposed.

Night-time Visual Effects

- 8.25 The visual effects of lighting have been assessed within the LVIA as not significant. However, there are a notable number of minor adverse landscape and visual effects within the LVIA.
- 8.26 The proposed mitigation is via the Lighting Strategy which sets out general measures to minimise adverse effects.

Scheme Design and Proposed Mitigation

- 8.27 The primary mitigation is set out in the LVIA and describes the proposed Scheme Colour Palette (para 9.9.3 - 9.9.7) and Vegetation Retention (para 9.9.1 – 9.9.2). This mitigation and general principles are welcome.
- 8.28 The Application does not explain how the site hard and soft landscape, wider green infrastructure and public amenity benefits would be incorporated and supported.
- 8.29 Chapter 4.2 of the Design Framework (document reference APP-195) document provides a summary of Green Infrastructure policy and why this is important together with an outline of potential opportunities to strengthen and enhance the landscape surrounding Drax.

- 8.30 While these broad principles for landscape and green infrastructure are welcome, they are not clearly defined commitments that can be secured through the DCO (other than vegetation retention and reinstatement of amenity planting if temporarily lost to facilitate the works).
- 8.31 Elsewhere in the Application there is a general lack of certainty to protecting existing vegetation on the site using statements such as “*Where practicable, the Proposed Scheme intends to retain existing natural habitats*”. This is equally reflected in the DCO.
- 8.32 The Applicant has submitted a Lighting Strategy (document reference APP-184) and a Design Framework document (document reference APP-195) as part of the Application in order to guide detailed design, which are welcome.
- 8.33 The Lighting Strategy document includes general good guidance and design recommendations for minimising lighting within this Application. However, this is set against a general presumption that additional lighting will be needed (thereby adding to the accumulation of adverse effects on the site). The Lighting Strategy does not consider the wider Application Site, only the new buildings and structures. There is no consideration of how lighting levels of the wider Power Station could be reduced to ensure no net increase in adverse night-time visual effect, to minimise wider cumulative adverse effects.

Landscape Strategy

- 8.34 The Applicant has provided an Outline Landscape and Biodiversity Strategy (OLBS) (document reference APP-180). The OLBS includes measures for the creation, establishment and management of new and existing habitats in order to demonstrate delivery of Biodiversity Net Gain.
- 8.35 There are no meaningful landscape proposals within the OLBS which would help reduce or offset the likely adverse landscape and visual effects identified in the LVIA, other than retention of existing vegetation ‘where practicable’, reinstatement of temporary construction laydown areas and related hedgerows.
- 8.36 The OLBS sets out the maintenance and management requirements for the final LBS. The management timeframe is limited to 30 years to satisfy biodiversity Net Gain requirements and does not support a longer-term landscape need.

Adequacy of the DCO

- 8.37 Clarity is needed on how a sufficient detailed landscape and green-infrastructure scheme could be delivered through the DCO, together with commitment for long-term maintenance and management.
- 8.38 ID Reference D1 (REAC) This makes reference to the Design Framework. There are no specific commitments set out in the Design Framework to explain the overall scope of works. Similarly, D1 provides no specific commitment of overall scope and what is likely to be achieved, using terms “The inclusion, where reasonably practicable, of landscape elements which reinforce the original intents of the Weddle Strategy for the Drax Power Station Site”. Potential proposals which might not be described in the original ‘Weddle Strategy’, might be excluded and limit wider options outlined in the Design Framework. There are no links to the Lighting Strategy where coordination of screen planting might have benefit, not specifically for bat mitigation.
- 8.39 There is no requirement for further approved of the detailed design or to justify retrospectively what has been achieved or how this will comply with the achievement criteria “This will be recorded on as built drawings’. The achievements criteria only uses the LBS as a benchmark and does not consider the Design Framework, or other landscape design proposals. The LBS is focussed on biodiversity, not wider landscape issues.
- 8.40 ID Reference D4 (REAC) This makes reference to the Draft Lighting Strategy in which there is a general presumption that additional lighting will be needed. The Lighting Strategy does not consider the wider Application Site, only the new buildings and structures. There is no consideration of how lighting levels of the wider Application Site / Power Station could be reduced to ensure no net increase in adverse night-time visual effect, to minimise wider cumulative adverse effects.
- 8.41 The achievements criteria only uses the approved Lighting Strategy LBS as a benchmark and does not consider the Design Framework, or other landscape design proposals. The LBS is focussed on biodiversity, not wider landscape issues. No requirement for a final strategy to be produced.
- 8.42 ID Reference G1 (REAC) General requirement for a CEMP to be approved by the Local Planning Authority (LPA).

- 8.43 ID Reference G7 (REAC) This makes provision for a Landscape and Biodiversity Strategy. Comments similar to D1, no specific landscape commitments. No commitment for long-term maintenance and management for wider landscape benefit beyond 30 years to demonstrate biodiversity Net Gain. Clarity needed about stages and phasing – delivery of landscape related specific to each stage / phase. No specific timing requirement for implementation and initial maintenance establishment period, replacement of planting defects.
- 8.44 ID Reference LVIA 1 (REAC) This makes provision for reinstatement of the east Construction Laydown Area. There is no reference to ground conditions or reinstatement to achieve specific ALC grade. No requirements for long-term maintenance beyond those for net gain via the LBS.
- 8.45 ID Reference LVIA 2 (REAC) This makes provision for the CEMP and tree protection. This makes no provision for an arboricultural method statement and tree protection to BS5837, to be approved by the LPA prior to construction. Makes reference to 'Landscape Mitigation Plan' for tree reinstatement but not clear what this is.
- 8.46 ID Reference LVIA 4 (REAC) This makes reference to soil protection. No requirement for a Soil Resource Management Plan or reference to recognised standards for soil protection.
- 8.47 ID Reference LVIA 1 (REAC) This makes provision for tree planting, but is based on 30yr net gain requirements, not longer-term landscape management.
- 8.48 ID Reference LVIA 6 (REAC) This makes provision for maintenance inspections. Makes reference to 'Landscape Management Plan', but not clear what this is as not defined.
- 8.49 DCO Schedule 1 Works No. 3 page 34 – no provision for soils, landscape maintenance and management.
- 8.50 DCO Schedule 2 Works No. 3 page 38 – no provision for the long-term retention maintenance and management of landscape (being part of the wider mitigation strategy for the site).
- 8.51 Requirement 7 of Schedule 2 of the Draft DCO provides that the written landscape and biodiversity strategy can be brought forward in parts as each of the numbered works are commenced. This has the potential to result in 8 strategies that would need to be discharged. The Authorities believe that it would be very difficult to discharge the strategy in this

way, without being able to assess the full scope of the mitigation strategy. The approach will also lead to increased resource pressure. The Authorities would therefore welcome the Applicant reconsidering the approach to develop the written landscape and biodiversity strategy in its entirety, covering all works, that can be discharged once.

9.0 Ecology and Biodiversity

Relevant National and Local Planning Policies

9.1 The relevant national planning policies are:

- a) Overarching National Planning Policy Statement (EN-1)
- b) Draft Overarching National Policy Statement for Energy (EN-1)
- c) National Planning Policy Framework

9.2 The relevant local planning policies are:

- a) Policy ENV1 of the Selby District Local Plan – Control of Development
- b) Policy ENV9 of the Selby District Local Plan – Sites of Importance for Nature Conservation
- c) Policy ENV12 of the Selby District Local Plan – River and Stream Corridors
- d) Policy ENV13 of the Selby District Local Plan – Development Affecting Ponds
- e) EMP10 of the Selby District Local Plan – Additional Industrial Development at Drax and Eggborough Power Stations
- f) Policy SP18 of the Selby District Core Strategy Local Plan– Protecting and Enhancing the Environment

Commentary

9.3 The ecological surveys and assessments which have been completed to inform Chapter 8 of the Environmental Statement (document reference APP-044)_ are considered to have been undertaken using appropriate methods, in line with current guidance and best practice.

Key Local Issues

9.4 Impacts upon ecological features will result from the construction and operation of the proposed scheme. The Environmental Statement has identified the following potential impacts:

- 9.5 Construction:
- Permanent and/or temporary loss/disturbance to habitats within and adjacent to the scheme
 - Severance of ecological networks
 - Disturbance to protected species and their habitats both direct and indirect
 - Impacts upon habitats and associated species as a result of water borne pollution
- 9.6 Operation:
- Designated sites impacted by emissions to air
 - Loss and/or disturbance to protected species and their habitats resulting from noise, vibration and lighting.
- 9.7 In relation to the outcome of the Habitat Regulations Assessment and the impact upon statutory designated sites, the Authorities defer to the expertise of Natural England.
- 9.8 The ES identified a number of impacts upon habitats and species that require mitigation and/or compensation measures to be secured. There is also the need in line with national and local policy to build in enhancements for biodiversity in order to secure net gain.
- 9.9 Key ecological features impacted as a result of habitat loss and disturbance to habitats and species are set out in Table 8.11 of Chapter 8 of the Environmental Statement which summarises the effects before and after mitigation.
- 9.10 Habitats – impacts upon habitats resulting primarily from site clearance and construction within the power station site (permanent loss) and the East Construction Laydown Area (temporary loss). Habitat loss includes broadleaved woodland, scattered trees, scrub, arable and hedgerows. Total quantities of habitats lost is summarised in Tables 8.8 and 8.9 of Chapter 8 of the Environmental Statement. Loss of habitats of principal importance records a residual impact that is significant adverse at a local scale. Compensation and enhancement measures are proposed on site and within the off-site area and are set out in the Outline Landscape and Biodiversity Strategy (OLBS).
- 9.11 Bats – there will be no loss of bat roosts. There will be impact upon foraging and commuting bats as a result of site clearance and construction (broadleaved woodland, scattered trees, hedgerows and scrub) some of which is permanent habitat loss and there will also be associated severance of habitat. Impacts are expected to be significant adverse at the local level. Impacts associated with noise, vibration and

lighting will be avoided through measures within the Construction Environmental Management Plan (CEMP) and the Lighting Strategy. Measures to compensate for loss of commuting and foraging habitats are included both on and off-site and are set out within the OLBS.

- 9.12 Otter – no habitat suitable to support otter is found within the power station site, however noise and visual disturbance could impact on otters using habitats outside of the power station site. In addition, otter within close proximity to the offsite Habitat Provision Area may be disturbed during habitat creation and management works. These impacts will be minimised through the timing of works and the short duration of works.
- 9.13 Birds – Impacts upon breeding and wintering birds are expected during site clearance and construction as a result of habitat loss/disturbance, disturbance from noise, vibration and direct mortality. Embedded mitigation will be included within the CEMP to deal with noise, vibration and lighting. Residual adverse impacts will remain in the short-medium term due to permanent habitat loss, however over time as habitats are reinstated, compensated and enhanced both on and off-site, no long-term residual negative impacts are expected.
- 9.14 Reptiles – a limited area of the proposed works (in the woodyard within the northern part of the existing Power Station site) could be used by reptiles. These suitable habitats would be lost or disturbed during construction, including some permanent loss of habitat. There may also be impacts to individual reptiles during site clearance and construction. Temporary disturbance will also occur within the off-site Habitat Provision Area during habitat creation and management. Measures to avoid direct impacts upon reptiles will be included (through use of Precautionary Method of Working (PMoW)) and secured through the CEMP. Compensation and enhancement measures are included in the OLBS for on and off-site compensation areas.
- 9.15 Amphibians - suitable terrestrial habitat for amphibians is mainly located within the northern part of the Power Station Site (within and close to the woodyard) and includes scrub and grassland. There is no suitable aquatic habitat within the Power Station Site, although two ponds outside of the development area have confirmed populations of great crested newt. There is connectivity between these ponds and the construction areas of the site. Direct impacts on newts could occur, along with the loss of terrestrial habitat. It is proposed to deal with site clearance under a PMoW secured via the CEMP. The applicant proposes use of the District Level Licence (DLL) scheme via Natural England to deal with mitigation and compensation. Subject to

agreement by Natural England, the Authorities agree that this is an appropriate way to provide compensation for great crested newt.

- 9.16 Terrestrial Invertebrates – habitat loss and disturbance within the woodyard area of the power station site, will lead to the greatest potential impact upon terrestrial invertebrates. A total of 75 species were identified within the site, of which six species are noted as being protected and/or notable. A residual significant adverse impact is expected at the local level. In order to minimise the impact on these species-specific habitat creation and compensation for terrestrial invertebrates is proposed within the order limits and within the on and off-site Habitat Provision Areas. These measures are set out within the OLBS.
- 9.17 Vascular plants – green winged orchid populations have been identified within the woodyard area of the power station site and are limited only to this area. The infrastructure associated with the development will lead to the permanent loss of habitat that supports this species. The permanent habitat loss combined with site clearance and temporary works will result in the removal of all habitats supporting this species. The impact of this is major adverse impact at the County scale which is considered significant and irreversible. In an effort to mitigate for this impact it is proposed that translocation of individual orchids will take place from the woodyard to a receptor site within the off-site Habitat Provision Area – this is detailed within the OLBS.
- 9.18 Invasive Non-Native Species (INNS) – Where INNS are present on site, causing them to spread into the wild would be contrary to legislation. Measures to control the spread of INNS will be included within the CEMP and will be informed by pre-commencement surveys.
- 9.19 Confidential report (Appendix 8.5) (document reference APP-140) – survey undertaken is considered sufficient. Impacts, mitigation and enhancement measures set out within this separate report are considered to be in line with relevant legislation.
- 9.20 Biodiversity Net Gain (BNG) - The ES is supported by a BNG Assessment (document reference APP-196)). This is a tool used to measure the loss/gain of the development in biodiversity terms. The BNG assessment provided demonstrates that with the measures set out in the OLBS for the order limits, on and off-site Habitat Provision Areas, the development is capable of achieving a net gain for area-based habitats and hedgerow habitats. The Authorities are supportive of the content of the OLBS and the BNG assessment for area based

and hedgerow habitats-- these can be secured through a s106 agreement.

- 9.21 However, in relation to the BNG assessment for riverine habitats a net loss of habitat is recorded. Under the current proposals this loss cannot be compensated (and/or enhanced) on site. It is understood that the applicant is seeking to work with the Canal and Rivers Trust to provide net gain for riverine habitats within the local area. In principle the Authorities support this approach, provided that detailed proposals can be provided and secured through a s106 agreement.

Adequacy of the Application/DCO

- 9.22 The Authorities are of the opinion that whilst the majority of mitigation, compensation and enhancement measures for impacts have been detailed within the Environmental Statement and the OBLs, net gain for riverine habitats has still to be demonstrated and secured. It is noted that a s106 is proposed to secure the off-site BNG and in principle this approach is supported.
- 9.23 In terms of the draft DCO, Schedule 2, Requirements 7 (Provision of landscape and biodiversity mitigation and enhancement) 8 (external lighting during operation), 14 (construction environmental management plan), 17 (control of noise during operation) and 18 (decommissioning environmental management plan) are substantially adequate in that they secure the necessary plans required to avoid, mitigate and compensate against the effects of the development.
- 9.24 As noted above a section 106 agreement will be needed to demonstrate that any areas of off-site mitigation, compensation and BNG can be secured (including any associated funding).
- 9.25 Requirement 7 of Schedule 2 of the Draft DCO provides that the written landscape and biodiversity strategy can be brought forward in parts as each of the numbered works are commenced. This has the potential to result in 8 strategies that would need to be discharged. The Authorities believe that it would be very difficult to discharge the strategy in this way, without being able to assess the full scope of the mitigation strategy. The approach will also lead to increased resource pressure. The Authorities would therefore welcome the Applicant reconsidering the approach to develop the written landscape and biodiversity strategy in its entirety, covering all works, that can be discharged once.

10.0 Built Heritage

Relevant Local Planning Policies

10.1 The relevant local planning policies are:

- a) Policy SP18 of the Core Strategy Local Plan - Protecting and Enhancing the Environment

Commentary

10.2 Chapter 10 of the Environmental Impact Assessment (document reference APP-046) includes a Historic Environment Desk Based Assessment, Figure 10.1 (document reference APP-105). This identifies the location of Grade 1 and Grade 2* listed buildings which are considered to be medium to high value. Key Local Issues

Adequacy of Application/DCO

- 10.3 Chapter 10 of the Environmental Impact Assessment (document reference APP-046) includes table 10.3 which identifies Grade II listed buildings as both medium and high value.
- 10.4 Paragraph 10.6 states “A 10 km study area around the Order Limits and Off-site Habitat Provision Area was agreed during consultation with HE and NYCC and has been applied for the assessment of medium to high value designated HAs (Figure 10.1 (Designated Heritage Assets)) (document reference 6.2.10.1) (therefore only Grade I and II* Listed Buildings were considered).” If Grade II listed buildings are described as being both medium and high value and they are assessed medium to high value heritage assets in the study area, then Grade II listed buildings should have been identified and assessed within the 10km study area. At present, Grade II listed buildings have not been identified within Figure 10.1 (document reference APP-105) which includes maps of designated heritage assets.
- 10.5 There are two listed buildings located within the 1km study area (114897 and 1174116) and two further listed buildings just outside the 1km study area (1119755 and 1173983). Paragraph 10.7 states “Within the 1 km study area there are three scheduled monuments, one Grade I Listed Building and two Grade II Listed Buildings.”
- 10.6 The existing Baseline notes these listed buildings but there is no description of the listed buildings. Whereas the archaeology heritage assets are described in this section.

- 10.7 There is no mention of listed buildings within paragraph 10.9 'Preliminary Assessment of Likely Impacts and Effects' or in 10.10 'Design, Mitigation and Enhancement Measures' or 10.11 'Assessment of Likely Significant Effects'.
- 10.8 Chapter 10 of the Environmental Impact Assessment (document reference APP-046) should have identified the relevant built heritage such as listed buildings and conservation areas. The listed buildings within the 1km and 10km study areas should have been described within the Environmental Statement and then the impact of the proposed development assessed against them.

11.0 Archaeology

Relevant Local Planning Policies

- 11.1 The relevant local planning policies are:
- a) Policy ENV27 of the Selby District Local Plan - Scheduled Monuments and Important Archaeological Sites
 - b) Policy ENV28 of the Selby District Local Plan - Other Archaeological Remains

Key Local Issues

- 11.2 The area within the curtilage of the current power station has a low archaeological potential given the major construction and engineering works that have taken place here. It is very unlikely that any works within this curtilage will have an impact on archaeological remains.
- 11.3 The proposed laydown area and environmental offset area outside of the power station curtilage have been subject to previous geophysical survey and trial trenching. This has demonstrated that archaeological features of the later prehistoric and/or Roman period survive. These remains are likely to be of local to regional importance and contain information that can advance our understanding of research themes such as interactions between natives and Romans following the Conquest.
- 11.4 To the north of the power station is the medieval site of Drax Abbey. This is a Scheduled Monument (Ancient Monuments and Archaeological Areas Act 1979). The aspects of the proposal in this area, such as the continued use of a trackway through the Scheduled

Monument, and re-stocking of hedgerows are unlikely to have a significant impact on archaeological remains.

Adequacy of Application/DCO

- 11.5 Chapter 10 of the of the Environmental Impact Assessment (document reference APP-046) and the supporting Historic Environment Desk-based assessment (document reference APP-154) summarise the results of previous archaeological field evaluation in the areas outside of the power station including geophysical survey and trial trenching. The information provided is sufficient to assess the impact of the proposal on the archaeological resource.
- 11.6 A scheme of archaeological mitigation in the form of archaeological monitoring and recording prior to development is proposed. This is a proportionate response to the expected significance of the archaeological remains.
- 11.7 The documentation set out in the DCO represents a reasonable and proportionate assessment of the impact of the proposal on the archaeological resource.

12.0 Highways and Transportation

Relevant Local Planning Policies

- 12.1 The relevant local planning policies are:
- a) Policy T1 of the Selby District Local Plan – Development in Relation to the Highway Network
 - b) Policy T2 of the Selby District Local Plan - Access to Roads
 - c) Policy T7 of the Selby District Local Plan - Provision for Cyclists

Key Local Issues

- 12.2 The existing highway infrastructure will be used to route vehicles to the site during construction. The local network from the M62 motorway to Drax Power is considered acceptable and does not present any operation concerns in terms of capacity.
- 12.3 The development accords with the NYCC Local Transport Plan on the basis that the proposed development will contribute to reducing the

impact of power generation on the natural world by removing carbon from the environment.

Access to the Site

- 12.4 Drax power station is connected to the surrounding road network from the east via the A645 and from the west on A1041/A63. The A645 provides direct access to the M62 (J36). The A645 adjacent to the site is subject to a 30 mph speed limit. The A645 linking to the M62 is subject to a 60 mph speed limit. The existing accesses into the power station complex, north gate and the material access gate house are to be used by the construction traffic. The application includes for a new contractor's welfare compound, car parking and lay down area. South Gate is accessed from the roundabout at the front of the site directly from the A645. Pedestrian access to the main site is possible following footways along the A645 and then onto New Road.

Constructing the project

- 12.5 HGV construction traffic will access the site via J36 of the M62 via the A614/A645/ New Road. Access to the site will be provided via the North Gate. Fortunately, the villages of Drax, Camblesforth and Carlton will experience negligible disruption. It is likely that 270 (HGV) two-way vehicle movements per day will be generated at peak times of the construction, which is predicted to be in August 2026. All construction vehicles will access the site from the M62 and avoid any direct routing through the above villages. The Local Highway Authority is therefore satisfied that A645 south of the site can be used for this purpose and has spare capacity on the link and the roundabout junction to allow this project to be built. Numbers outside the peak time are expected to be between 220 HGVs a day in early 2025 and 260 HGVs in 2026. After the peak period the volume of vehicles reduce to 100 at the end of 2026.
- 12.6 The construction traffic generated by the scheme is not considered to be severe in terms of traffic generation. The Local Highway Authority does however wish to see the construction phase of the scheme carefully managed to reduce the impact on the network. Once the project is complete day to day traffic generated by the operation will be small and will not impact on the network.

Managing traffic

- 12.7 It is expected that a high proportion of construction workers will arrive by private vehicle and at the peak of construction in August 2026 the project may generate 858 car trips per day. Whilst this a large increase in traffic the Local Highway Authority understands that the increase is only temporary during the construction period and therefore expects the developer to manage its work force to reduce the impact as much as possible and will expect the number of vehicular trips to reduce after this peak time. The development will be controlled by a construction traffic management plan (CMTP) and a construction workers travel plan (CWTP) which should reduce the impact of traffic on the local road network. The Local Highway Authority has yet to agree the final content of these two documents however the impact on the highway network will be acceptable if the measures proposed in the CMTP and CWTP are agreed and implemented by Drax Power. The site is not in a sustainable location in so far as travel to and from the site will be done primarily in private vehicles but the measures in the above documents represent the optimal way of reducing traffic impact on local road network. Both the CMTP and CWTP will be secured through the DCO for the project which will include the requirement of submission to and approval by the Local Planning Authority.

Adequacy of the Application/DCO

- 12.8 The Local Highway Authority has considered the content of the Application and discussed impacts likely to be experienced on the network.
- 12.9 The Local Highway Authority is satisfied that the development can be managed on the surrounding network and accords with national and local planning policies in respect to sustainable development.
- 12.10 The CTMP & CWTP framework documents required by the draft DCO are agreed in principle. The Local Highway Authority is satisfied with the proposed draft DCO requirements which will ensure that the final traffic management and travel plans will be approved in consultation with the Local Highway Authority prior to the commencement of the development. The work on the highway identified in draft DCO have also been agreed with the Local Highway Authority. This relates to the A.I.L element of the project and final details will need to be considered on each request.

13.0 Public Rights of Way

Relevant local planning policies

13.1 The relevant local planning policies are:

- a) Policy T8 of the Selby District Local Plan – Public Rights of Way
- b) Policy SP18 of the Selby District Core Strategy Local Plan – Protecting and Enhancing the Environment
- c) Policy SP19 of the Selby District Core Strategy Local Plan – Design Quality

13.2 It is understood and acknowledged that Public Footpath 35.6/6/1. will need to be temporarily stopped up under Road Traffic Regulation Act 1984. It will be necessary for the closure to be managed in accordance with local policy and legislation.

13.3 The Authorities acknowledge the Applicants response to the relevant representations at paragraph 2.29 of that response (document reference AS-038). The Authorities welcome the inclusion of the relevant details in the Construction Traffic Management Plan.

14.0 Air Quality and Emissions

Relevant Local Planning Policies

14.1 The relevant local planning policies are:

- a) Policy ENV1 of the Selby District Local Plan – Control of Development
- b) Policy ENV2 of the Selby District Local Plan – Environmental Pollution and Contaminated Land Policy EMP10 of the Selby District Local Plan – Additional Industrial Development at Drax and Eggborough Power Stations
- c) Policy SP13 of the Selby District Core Strategy Local Plan– Scale and Distribution of Economic Growth
- d) Policy SP17 of the Selby District Core Strategy Local Plan – Low Carbon and Renewable Energy
- e) Policy SP18 of the Selby District Core Strategy Local Plan – Protecting and Enhancing the Environment
- f) Policy SP19 of the Selby District Core Strategy Local Plan – Design Quality

Key Local Issues

- 14.2 There will be construction air quality impacts. Construction Dust Emission Magnitude is predicted to be 'large' with the impact to human health ranging from low to medium risk depending in the phase.
- 14.3 There will be operational air quality impacts human receptors. >1% increase of the hourly mean NO₂, hourly mean SO₂ and annual mean nitrosamine (as N-Nitrosodimethylamine (NDMA)).

Adequacy of Application/DCO

- 14.4 The construction air quality impacts have been adequately assessed in the application. A qualitative construction dust risk assessment following IAQM guidance.
- 14.5 The construction air quality impacts have been adequately addressed/mitigated in the application. Recommended measures to be applied as relevant to the detailed construction methodology are provided (Appendix 6.2). Furthermore, DCO requirement 14 requires that no part of the development must commence until a CEMP is submitted and approved by the Local Planning Authority.
- 14.6 DCO requirement 14 allows a number of 'permitted preliminary works' to take place prior to the CEMP being agreed and implemented. There is uncertainty whether or not those permitted preliminary works would result in any harm, for example, (a) where will the temporary facilities for contractors be?; (b) what remedial works are required and using what equipment; (c) what construction techniques are involved in the laying of services; (d) where is the enclosure for site security. Therefore, it is recommended that the CEMP is agreed and implemented prior to all permitted preliminary works.
- 14.7 The operational air quality impacts have been adequately assessed in the application. Detailed atmospheric dispersion modelling has been undertaken to model the air quality impacts.
- 14.8 The operational air quality impacts have been adequately addressed/mitigated in the application and are likely to meet the relevant national air quality objectives.

15.0 Hydrology and Flood Risk

Relevant national and local planning policies

- 15.1 The most up-to-date policy in relation to flooding matters is the overarching principles set out in the Selby District Core Strategy Local Plan and national planning policy contained within Chapter 14 of the NPPF.

Commentary

- 15.2 The Lead Local Flood Authority has no specific concerns regarding the proposals.
- 15.3 The application falls within the administrative boundary of the Shire Group of IDBs (Selby Area IDB) to whose opinion as local risk management authority the Local Lead Flood Authority would defer.

16. Mineral & Waste Planning

Relevant Local Planning Policies

- 16.1 The relevant local planning policies are:
- a) Policy M11 of the Minerals and Waste Joint Plan - Supply of alternatives to land-won primary aggregates
 - b) Policy S01 of the Minerals and Waste Joint Plan - Safeguarded surface mineral resources
 - c) Policy S02 of the Minerals and Waste Joint Plan - Developments proposed within Safeguarded Surface Resource areas.
 - d) Policy S06 of the Minerals and Waste Joint Plan - Consideration of applications in Consultation Areas
 - e) Policy W01 of the Minerals and Waste Joint Plan - Moving waste up the waste hierarchy
 - f) W05 of the Minerals and Waste Joint Plan - Meeting waste management capacity requirements – Construction, Demolition and Excavation waste (including hazardous CD&E waste).

Commentary

- 16.2 The site is located within a minerals safeguarding area. The Application constitutes 'exempt development' Policy having reference to Policy S02

of the Minerals and Waste Joint Plan as it involves ‘Redevelopment of previously developed land not increasing the footprint of the former development.’ So minerals safeguarding does not apply for this site, but this still needs to be identified in the report.

- 16.3 Policy M11 of the Minerals and Waste Joint Plan is included in Chapter 13 of the Environmental Statement and account is taken of the waste capacity figures in the Minerals and Waste Joint Plan

Key Local Issues

- 16.4 Key local issues will be concerned with local amenity, redesign of the proposed area and management of waste on the site.

Adequacy of Application/DCO

- 16.5 It is considered that the application deals with the main issues in terms of minerals and waste.

17. Ground Conditions

Relevant Local Planning Policies

- 17.1 The relevant local planning policies are:

- a) Policy ENV1 of the Selby District Local Plan – Environmental Pollution and Contaminated Land

Other local policy

- 17.2 Selby District Council Contaminated Land Strategy 2019-2024

Commentary

- 17.3 Potential contamination sources on the site include made ground associated with historical development and landfilling, operating processes of Drax Power Station, a historical sewage works, storage tanks, railway sidings and agricultural land uses.
- 17.4 An investigation and risk assessment is needed to characterise the contamination regime at the site. If significant contamination is found, then appropriate remedial action will be needed to protect human health, controlled waters and the wider environment and to make the site suitable for its proposed use.

Key Local Issues

- 17.5 The following mitigation measures are proposed to minimise potential effects during construction activities:
- Good practice measures to be implemented on site (including the management of dust, hazardous materials and contaminated land)
 - Undertake an intrusive ground investigation prior to the construction phase
 - Remediation strategy and verification report, if necessary
 - Materials management plan / soil handling management plan
- 17.6 Operational discharges and emissions will be controlled by environmental permitting.

Adequacy of Application/DCO

- 17.7 The extent and scope of the applicants' approach to land contamination is an agreed point in that the methodology, extent of impact and proposed mitigation are agreed.
- 17.8 With the implementation of the mitigation measures, no significant residual effects are anticipated in relation to ground conditions.
- 17.9 DCO requirement 12 states "No part of numbered works 1,2,3 and 5 must commence (including permitted preliminary works comprising demolition of existing structures, environmental surveys, geotechnical surveys and other investigations for the purpose of assessing ground conditions only)...". This appears to have been drafted incorrectly. It would be acceptable for permitted preliminary works (a) to occur before requirement 12 is discharged, as requirement 12 cannot be fulfilled until site investigation work has been completed. However, it would be unacceptable for permitted preliminary works (c) and (d) to occur before requirement 12 is discharged, as contamination risks would yet have been assessed.

18.0 Adequacy of the DCO

- 18.1 The Authorities have reviewed the draft DCO and commented as to its adequacy on a topic-by-topic basis above. The Authorities may continue to request alterations to the draft DCO as necessary as discussions between the parties continue.

- 18.2 Schedule 11 sets out the procedure for the discharge of DCO requirements.
- 18.3 The Authorities are in discussion with the applicant as to the adequacy of the timescales set out within schedule 11 and will seek to resolve the issue through the statement of Common Ground and further drafts of the DCO.