

**The Planning Inspectorate**

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**Your Ref: EN010120**

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Dear Sirs

**Drax Bio-Energy and Carbon Capture Storage**  
**Deadline 1 – Summary of Relevant Representations**

Appendix A is a tabled summary of written representation's submitted by North Yorkshire County Council and Selby District Council (The Authorities) on 5<sup>th</sup> September 2022

Yours faithfully

**Michael Reynolds**  
**Senior Policy Officer (Infrastructure)**  
**North Yorkshire County Council**

Appendix A

Topic	Summary
Air Quality	It is considered that a Construction Environmental Management Plan (CEMP) is a suitable approach to mitigating amenity impacts from dust during the construction phase.
Noise and Vibration	Operational noise level assumptions are set out within chapter 7 ES. The approach to deviations is considered to be pragmatic, ensuring consistent operational noise emissions.
	With reference to Table 7.26, adverse operational noise impacts are identified during the night-time period at receptors R6 and R14. Contextual considerations are put forward (7.9.15-7.9.20), notably no exceedance of ambient LAeq,T values, widespread compliance with BS8233:2014 design criteria and use of conservative background LA90,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 when seeking to avoid adverse noise impacts at all sensitive receptors.
	There is a need to define the time period over which ABC LAeq,T values apply. Whilst long average target noise criteria are typically appropriate for general construction work, applying this to high impact activities will likely be to the detriment of residential amenity. This is acknowledged within BS5228-1:2009+A1:2014.
	A Construction Environmental Management Plan (CEMP) will be prepared. This is critical in defining the finer detail such as construction techniques/equipment, compounds, proactive monitoring strategy etc.
	Details of construction working hours cannot be located. Night-time construction noise levels are defined (Table 7.21) and the need for construction outside of Core working hours in the absence of justification is questioned.
Document ref. 5.4: Statutory Nuisance Statement	Generally speaking, construction work within Core working hours is predominantly reasonable, however there is a lack of transparency when working outside of such hours and how necessary it is to carry out construction works during this time. It is a realistic scenario that a statutory nuisance could be substantiated as a consequence of carrying out construction works outside Core working hours unnecessarily, which is not reflected in the document.
<u>Contaminated Land</u>	An intrusive ground investigation and risk assessment is needed to assess the ground conditions and any potential land contamination. If the stated mitigation measures are implemented, it is agreed that no likely significant environmental effects on ground conditions are anticipated.

<u>Heritage (SDC)</u>	The Environmental Statement has included a Heritage chapter, it identifies Grade I and Grade II* listed buildings plus scheduled monuments. Grade II listed buildings do not appear to be shown on the designated heritage asset map (they are mentioned in the Heritage chapter being located in the 1km study area).
<u>Cumulative Impacts</u>	It has been noted that 6.3.18.2 Environmental Statement - Volume 3 - Appendix 18.2 'Short List of Other Developments' only contains 46 schemes, while the Environmental Statement refers to 76 schemes. It is understood that the applicant is aware of this issue and is looking to issue a corrected version for consideration.
<u>Landscape and Visual Effects</u>	The Authority is satisfied that the DCO Application includes an adequate Landscape and Visual Impact Assessment (LVIA).
	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).
	The importance of design quality, layout and landscaping schemes are recognised within National Planning Policy EN-1, EN-3 and NPPF.
	The Applicant has submitted a Lighting Strategy (Application Document 6.7) and a Design Framework document (Application Document 6.9) as part of the Application in order to guide detailed design, which are welcome. These are provided as supporting documents to the DCO Application and do not form part of the ES.
	The Authorities requested the Applicant begin work on an up-to-date design strategy for the site. The Authority is pleased to say that the Applicant has agreed to this and has consulted on early drafts of the design guide. The Authority welcomes 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, to ensure an appropriate response.
<u>Cultural Heritage NYCC</u>	It is agreed that the area within the curtilage of the current power station has a low archaeological potential. The ES chapter and the Register of Environmental Actions set out a scheme of archaeological mitigation in the form of archaeological monitoring and recording prior to development. This is supported as a proportionate response to the expected significance of the archaeological remains.

Ecology	The ES identifies that significant adverse effects as a result of the development would occur in the absence of mitigation or compensation. Areas of land have been identified within and outside the DCO area in order to provide mitigation measures. Delivery of these measures is set out within the Outline Landscape and Biodiversity Strategy. The Biodiversity Net Gain assessment sets out where no net loss and net gain can be achieved, currently 10% gains are not achieved for all habitat types. It is understood that the applicant is still working towards achieving 10% in all areas and this is welcomed.
<u>Minerals and Waste</u>	In paragraph 13.7.12 it is noted that the site is within a Minerals Safeguarding Area (MSA). Paragraph 8.55 of the includes exemption criteria for MSAs one of which states <i>Redevelopment of previously developed land not increasing the footprint of the former development.</i> This applies to the Drax site.
	In paragraph 13.7.22 of the report it states that the capacity gap for recycling CDE waste is approximately 470,000 tpa by 2030, the adopted MWJP states that it would be 437,000 tpa by 2030. The figures should be checked for accuracy.
Local Highway Authority	The developer has outlined the approach to the project sighting severance , pedestrian amenity, fear and intimidation , highway safety and driver delay as major concerns which need to be investigated. The results have been included within the Environmental Statement and are shown on Table 5.3. The LHA is satisfied that the project will not have a significant impact on the highway network within North Yorkshire. Within the Environmental Statement the developer has also reviewed the local highway network in terms of capacities at junctions and the LHA is satisfied the road network will perform without significant issues.
	The construction phase of the project will have the greatest impact on the network and the LHA will work with the developer to reduce numbers of HGVs where possible. The applicant has prepared a framework Construction Worker Travel Plan and a Construction Traffic management( CTMP)which the LHA seeks to develop with the applicant to avoid as much as possible congestion on the network and mitigate accidents which may be attributed to the increase in traffic around the site.
	The routing of abnormal loads to the site will close New Road from the M62.The Highway authority will expect this work to be managed by the developer and consult with LHA when such work is to be programmed.
Public Rights of Way	The Authority recognises the need to temporarily close 35.6/6/1. It will be necessary for the closure to be managed in accordance with local policy and legislation. The Authority looks forward to working with the applicant to ensure the necessary procedures are in place and secured through the DCO. There are minor items which may need to be discussed concerning the description of some of the routes effected. Overall the mitigation measures proposed seem appropriate to the scheme.

