

The Planning Inspectorate

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'make a submission' web page.

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Your Ref: EN010120

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Dear Sirs

Drax Bio-Energy and Carbon Capture Storage
Deadline 2 – Responses to ExA's Written Questions

Appendix A are the Authorities written responses to the ExA's written questions for deadline 2.

The Authorities are Selby District Council and North Yorkshire County Council.

Yours faithfully

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

Appendix A

ExQ1	Question:	NYCC/SDC Answer:
1. GENERAL ANHD CROSS-TOPIC QUESTIONS		
GEN 1.1	<ul style="list-style-type: none"> i. Please submit into the Examination full copies of any Development Plan policies that you have referred to in any of your submissions. Should you refer to any additional Development Plan policies at any time in your future submissions (for example in an LIR) then, if they have not already been provided, please also submit copies of these into the Examination. ii. Have there been any relevant updates to the statutory Development Plan since the compilation of the application documents? iii. Are the LPAs content with the Applicant’s policy analysis? 	<ul style="list-style-type: none"> i. Copies of Development Plan policies referred to in submissions by NYCC/SDC are provided. ii. There have been no updates to the statutory Development Plan since the compilation of the application documents. 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. 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 are not reference specifically in submissions by NYCC/SDC. iii. NYCC/SDC are content with the Applicant’s policy analysis as set out in the Applicant’s Planning Statement [APP-032].
GEN 1.4	<p>Are you satisfied that the list of plans outlined in the REAC, to be included in the CEMP, is complete? Would you expect any further plans to be listed? Would you expect to see any outline plans at this stage?</p>	<p><u>Environmental Health</u> – In relation to ID G5, SDC have concerns regarding amenity impacts from standard hours of construction Mon-Fri 0700 to 1900 and Sat 0700 to 1300. It is considered these should be amended to Mon-Fri 0800 to 1800 and Sat 0800 to 1300.</p> <p>The Authorities have no additional concerns and consider the necessary plans are secured adequately by the DCO.</p>

GEN 1.12	Paragraph 18.5.38 of ES Chapter 18 [APP-054] states that any planning applications published since February 2022 have not been included within the cumulative effects assessment. Could the Applicant and LPAs confirm: i. whether they are aware of any other developments submitted to the local authority/ PINS since this date that should be included in the short list, and whether this is reflected in [AS-013]; and ii. whether any of the other developments in the long list had additional environmental assessment information subsequently submitted that would necessitate inclusion of that development in the short list.	The Applicant has provided SDC with an updated version of the long list and the short list, dated January 2023, which reflects an updated planning application search, which was finalised on 30th November 2022. SDC have provided the Applicant with comments on this and it is expected that the Applicant will be submitting updated versions of the long list and short list into the Examination, which reflects comments made by SDC. For the avoidance of doubt, SDC have only commented on the long list and short list insofar as it relates to developments within Selby District.
GEN 1.19	i. Can the LPA advise of the status of the planning application 21/03027/STPLF listed as short list ID44 in the Short List of Other Developments [AS-013]?	Planning application 21/03027/STPLF listed as short list ID44 in the Short List of Other Developments [AS-013] is located within the East Riding of Yorkshire. However, from a search of the East Riding of Yorkshire's Public Access website, it appears that the planning application was granted permission on 23 rd December 2022, subject to conditions and a S106 legal agreement.
AIR QUALITY AND EMISSIONS		
AQ 1.7	Can the EA and SDC confirm that they are satisfied with the Applicant's approach of undertaking no additional project-specific air quality surveys as per paragraph 6.5.49 of the ES [APP-042]?	The Applicant has opted to do a desk study of baseline data sources to quantify existing pollutant concentrations in the area, rather than undertaking project-specific air quality surveys. Clearly, actual monitoring is more accurate than using prediction sources, however this approach is not uncommon. As part of the wider air quality regime, SDC carries out proactive air quality monitoring of areas thought to exceed the national air quality objectives (NAQO) which shape/define AQMAs. SDC do not have any data relating to Drax, but the atmospheric dispersion modelling shows that they will likely meet the relevant NAQO, so there are no objections to the approach taken.
BIODIVERSITY AND HABITATS REGULATIONS ASSESSMENT		
BIO 1.14	Are you satisfied that mitigation measures outlined in Section 12.10 of ES Chapter 12 and the proposed Surface Water Management Plan referred to in WE8 of the REAC are secured in Schedule 2 of the dDCO?	The Authorities are satisfied that the the CEMP and DEMP are outlined in the REAC and that the DEMP and CEMP are secured by requirement 18 and 14 of schedule 2 of the draft DCO. The REAC confirms that the Surface Water Management plan will be a plan included within the CEMP and section WE8 of the REAC sets out mitigation for it to include.
BIO 1.15	Are you satisfied that mitigation measures outlined in Section 5.1.3 of ES Appendix 6.2 and AQ1 of the REAC are secured in the dDCO?	The CTMP and CWTP are secured by requirement 15 and 16 of the draft DCO. The Authorities understand the measures set out in AQ1 are to form part of the CEMP which is secured by requirement 14 of the DCO.

COMPULSORY ACQUISITION AND TEMPORARY POSSESSION		
CA 1.8	Are the RPAs in their role as the LPA and the Highway Authority aware of: i. any reasonable alternatives to CA or TP sought by the Applicant; and ii. any areas of land or rights that the Applicant is seeking the powers to acquire that they consider would not be needed?	The Local Highways Authority have no comments to make regarding alternatives to the CA or TP sought by the applicant or comments that any land is not deemed necessary.
DESIGN, LANDSCAPE AND VISUAL		
DLV 1.5	Chapter 9 of the ES [APP-045] states in section 9.5.24 that representative viewpoints have been selected through consultation with the LPAs. Can the LPAs: i. confirm that the viewpoints are appropriate and provide reasonably representative views of the Proposed Development; and ii. provide a response as to whether any concerns exist with regard to the photomontages provided with the ES.	The Local Authorities have provided comments in the Local Impact Report "NYCC is generally satisfied with the location and quantity of representative viewpoints in the LVIA and methodology used to produce photographs and photomontages. These include day-time and night-time views where appropriate. These are set out within Vol 2 Figure 6.9 Viewpoint Photography." And this: "The Viewpoint photography 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 Authority would question whether this presents a misleading or confusing representation of what might be developed through detailed design, secured by the DCO."
FLOOD RISK AND WATER MANAGEMENT		
FRW 1.7	Please could NYCC, SDC, ERYC and DC confirm whether they agree with the list of plans and projects that have been used in the assessment of cumulative effects on the water environment, as identified in ES Chapter 18 [APP-054].	The LLFA understands that the Drax complex is served by its own drainage system that discharges to the on-site internal drainage board watercourse. The LLFA considers that only the applications within the catchment of the existing drainage system and propose alterations to the existing drainage system would have propensity to affect the cumulative impact. The LLFA has reviewed the long list of sites and concurs with the assessment and inclusion within the short list. The LLFA has no further information or plans to contribute and agree that we find the list appropriate.
HISTORIC ENVIRONMENT		
HE 1.2	The walkover undertaken to examine the setting of above ground heritage assets was carried out in the month of March. Are	The best time of year to assess the setting of above ground assets are the months where there are no leaves on the trees or hedgerows. The winter

	Historic England, SDC and NYCC satisfied that the time of year that the setting of the above ground assets was examined represents a worst-case scenario in relation to vegetation growth providing screening of the Proposed Development?	months are the months where there are no leaves on the trees, these months include November, December, January, February. By March there will be buds growing (ash, beech, oak) and leaves emerging on trees (alder, silver birch). On some trees there may also be blossoms in March. An assessment earlier in the year would have been preferable in order to determine the worst-case scenario.
NOISE AND VIBRATION		
NV 1.4	Item NV1 in the REAC [AS-092] includes proposed noise limits for residential receptors and proposed noise limits at a 5m distance from the plant equipment. R17 of the dDCO [AS-076] includes the table for noise limits at residential receptors but not the table for the noise limits at a 5m distance from the plant equipment. i. Can SDC comment on whether the Requirement should set the operational noise limits at the location of the noise source or at the receptors?	It would be preferable to set noise limits at the receptor as this is the point where relevant criteria applies. While setting noise limits at 5m from plant equipment effectively achieves the same (based on modelling), it could potentially take away flexibility for the Applicant at the detailed design stage. It's not an uncommon approach to set operational noise limits at the receptor, and compliance with such raises no objections.
NV 1.6	Table 7.26 in ES Chapter 7 [APP-043] shows adverse operational noise impacts at residential receptors R6 and R14 for night-time operational noise impacts before contextual considerations are applied. ii. SDC is asked if the contextual considerations put forward by the Applicant (7.9.15 to 7.9.20 of ES Chapter 7) and the noise rating levels set out in Table 1 of R17 in the dDCO [AS-076] provide sufficient certainty that no significant adverse noise effects occur?	Operational noise impacts of >5dB are predicted during the night-time period at two residential receptors. In accordance with BS4142:2014+A1:2019, this is an indication of an adverse impact depending on the context. Contextual considerations are put forward, 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. 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.
TRAFFIC, TRANSPORT AND WASTE MANAGEMENT		
TWW 1.3	The methodology, baseline data and assessment of for assessment of the potential effects of the Proposed Development on traffic and transport are set out in ES Chapter 5 [APP-041]. NH and the Local Highways Authorities are asked whether the methodology, baseline data and assessment are acceptable?	The developer has worked with North Yorkshire as the project has developed and is comfortable with the assessment of traffic and transport relating to the network within North Yorkshire. It is considered the methods used by the developer to assess the project are acceptable and adhere to guidance.
TWW 1.19	The worst-case future baseline is that there would be no landfill capacity for inert and non-inert waste by 2028. Can NYCC provide a summary of the status of proposals for additional landfill	Please find attached document LPA128 – MWJP adopted Plan, WEB03 – North Yorkshire sub regions waste arisings and capacity requirements

	capacity in the region and whether the Applicant's figure of an 80% decrease in landfill void capacity within the given construction timescale is an appropriate future baseline for the assessment of effects of the Proposed Development?	update report (September 2016) which was used as an evidence document for the MWJP which was adopted in 2022. And also the last published AMR. They all provide information on Landfill Capacity.
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