

The Planning Inspectorate

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Dear Sirs

Drax Bio-Energy and Carbon Capture Storage**Deadline 4****Post Hearing Submissions****Landscape****Action Point from ISH3**

The Authorities were asked at the hearing to provide a submission as to what it would wish to see in the REAC in terms of the Design Framework principles.

The Authorities would recommend that the REAC includes the following provision:

That all Works or phasing plans are brought forward with detailed landscape schemes will include the principles set out in the Design Framework. These design principles must include:

- Siting
- Massing and Appearance
- Colour Palette
- Night-time appearance
- Lighting design
- Incorporation of the Natural England Guidance and Leeds City Region Green and Blue Infrastructure Strategy
- Opportunities to strengthen landscape framework surrounding Drax
- Combined Landscape and ecology benefits of green infrastructure
- Vegetation Retention
- Enhancement Opportunities
- Areas of hard and soft landscape within the Power Station Site

- To create and attractive and positive working environment for site users within the confines of the Power Station
- To provide a landscape structure capable of continuing development of ancillary industry
- Planting measures which seek to enhance any new or modified public realm
- Improving the biodiversity value of amenity planting within the Power Station Site
- The indicative soft landscape palette
- The indicative hard landscape palette

The Authorities consider all of these principles set out in the Design Framework are a requirement of 'good design' that will help reduce and offset the local adverse landscape effects already identified in the EIA.

The REAC as currently drafted states that the landscape mitigation and planting will occur in line with the Outline Landscape and Biodiversity Strategy (OLBS) which will be approved by the LPA following consultation with NYCC. The Authorities must reiterate as it did in the hearings that the OLBS as drafted is currently not sufficient for landscape provision and therefore this clause in the REAC needs to be expanded to include all works areas. At this point the OLBS would not satisfy the Authorities' requirements for the Design Framework to be picked up in all Works or phasing plans.

Key Points raised in the hearing:

OLBS

The Authorities submitted at the hearing that the Outline Landscape and Biodiversity Strategy is focused on habitat reinstatement measures, Biodiversity Net Gain and the associated Habitat Provision Area, rather than actively demonstrating landscape mitigation and principles of good landscape design. Whilst it is appreciated that the OLBS does make provision for reinstatement of vegetation temporarily lost due to the works, the OLBS does not sufficiently consider the landscape principles identified in the Design Framework across the wider Works area.

The Authorities understand that the Applicant has taken an action to review the OLBS in-line with phasing plans and more accurately reference each phase with the current OLBS.

The Authorities will require the OLBS to more actively consider provision of the Landscape Framework across the whole of the Works area as part of this revision.

Long-term Maintenance and Management of Landscape

The OLBS focuses on establishment and management of the 'Habitat Provision Areas' and reinstatement of the temporary laydown areas with objectives for ecological mitigation secured for 30 years, rather than landscape management objectives secured for the life of the development (see Table 5.1 of the OLBS).

The Authorities are concerned about the potential for ongoing erosion and loss of the existing and proposed landscape framework, as evident within parts of the Power Station Site through incremental development on the site.

The Authorities will require a Long-term Maintenance and Management Plan of all existing and proposed landscape within all the Works areas, to be secured for the life of the scheme.

Removal of existing vegetation

The Authorities raised concern that the DCO as drafted allows for the removal of vegetation to facilitate the works and it is not clear at this stage how this will be controlled, limited and replaced.

An example of this DCO provision is Part 6 Clause 32 - Felling or lopping of trees and removal of hedgerows:

32. – (1) The undertaker may fell or lop any tree or shrub near any part of the authorised development or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub from-

(a) obstructing or interfering with the construction, maintenance or operation of the authorised development or any apparatus used in connection with the authorised development;

(b) constituting a danger to persons using the authorised development; or

(c) obstructing or interfering with the passage of construction vehicles to the extent necessary for the purposes of construction of the authorised development.

The presumption for removal is also set out through the description of the Works at Schedule 1 of the DCO. An example of this is Works No. 3 (m) in Schedule 1 of the DCO:

Work No. 3— supporting works in connection with and in addition to Work Nos. 1, 2 and 5 including—

(m) tree and hedge removal;

The Authorities are concerned that whilst the provision of flexibility is required it is not clear at this point how decisions for vegetation removal will be made and justified, recorded and feed through to the detailed design for replacement.

Protection of Existing Trees Vegetation

The Authorities are concerned that the plans and details in the OLBS and CEMP only secures and identifies vegetation to be retained (OLBS - Figure 3 Retained Vegetation). It does not provide a full picture of the vegetation that is there now and what will be removed. There should be an accurate survey of all existing vegetation, details of protection measures and replacement proposals for all Works areas.

The Authorities would wish to see a requirement for a Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement to BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations), for all Works areas; to include an accurate scale plan showing the position of every tree, hedgerow and areas of existing landscape and / or areas of proposed new planting, to be protected from construction operations and the method of protection, a detailed landscape scheme for the replacement of all existing and trees and vegetation to be removed.

Landscape Mitigation Plan

The Outline Landscape and Biodiversity Mitigation plan (fig 1 in the OLBS) needs to include the whole of the Works area and not focus on the Habitat Provision Area. It is a concern to the Authorities that these plans imply that landscape mitigation and design will apply only to the habitat areas.

Continued Work

The Authorities look forward to working with the Applicant to develop these documents.

Noise ISH3

By way of written summaries of oral submissions provided to the hearing, there were 4 areas covered under Agenda Item 6:

1. R14 Monitoring Location

It was questioned whether or not LT4 monitoring location data was representative of receptor R14. LT4 monitoring location data is used to set the background noise level at R14, a distance of roughly 1.5km apart. Taking into account the low background noise level reported (28dB $L_{A90,15min}$), similar distances to Drax Power Station (~1km) and rural context at both locations, there are no objections to adopting LT4 monitoring location data to set the R14 background noise level.

2. Residual Operational Noise Impacts & Contextual Considerations

A noise difference between the rating level ($L_{Ar,Tr}$) and background noise level ($L_{A90,15min}$) is +6dB at receptor R6 and +7dB at receptor R14, which is an indication of adverse impacts **depending on context**.

There is no prescriptive guidance on what constitutes contextual considerations. However, the relevant BS4142 assessment methodology states that the assessment should take all pertinent factors into consideration, including 3 non-prescriptive examples of what might constitute contextual considerations (Section 11). The standard also provides some worked examples of when the case for context might be appropriate and highlights the importance of professional judgement. Essentially, it is unlikely that any two applications will be exactly the same in context and, whilst some non-prescriptive considerations are provided, this requires professional judgement.

Whilst a context case using the non-prescriptive contextual considerations is provided in the noise report, good acoustic design should form part of this since there is typically opportunities for an options appraisal when selecting equipment type, location, mitigation etc.

Following the Hearing, the Authorities' Environmental Health Officer has met with the Applicant's noise consultant. This was positive in terms of understanding how acoustic design formed the basis of the indicative layout. The Council's Environmental Health Officer intends to study the indicative layout, revisit the statistical analysis of background noise levels at LT4, and revisit operational noise assumptions with regard to on-time and mitigation, all of which should provide a better appreciation of good acoustic design in the case for context. It has not been possible to do this and provide further comments for Deadline 4, but continued discussions will progress with the Applicant on this matter.

3. Construction Working Hours

Objections were raised to the proposed construction working hours for reasons already provided.

Following the Hearing The Authorities' Environmental Health Officer has met with the Applicant's noise consultant which was positive in terms of identifying that the siting of construction compounds is the primary concern when operating outside of recommend construction hours. We are currently in discussions with the Applicant and seeking to identify a solution to this, for example restricting use of the compounds but not construction works at Drax Power Station.

4. Construction Compounds & Permitted Preliminary Works

The Authorities suggested that construction compounds could constitute 'permitted preliminary works' and therefore the siting of such are not subject to scrutiny. The Applicant provided reassurance that the local planning authority would have input into the siting of construction compounds.

Following the Hearing, the Authorities' Environmental Health Officer has met with the Applicant's noise consultant which was positive in terms of explaining that "permitted preliminary works" in the context of the DCO means the provision of temporary means of enclosure and site security for construction (e). We are currently in discussions with the Applicant and seeking confirmation that the two are not inherently linked and that the local planning authority will have input into the siting of construction compounds.

Highways ISH4

At Issue Specific Hearing 4 the Applicant set out why the Schedule 2 requirements 15 and 16 did not require the Construction Traffic Management Plan and Construction Worker Travel Plan to be agreed prior to the works 4, 5, 6 and 7. The Highways Authority can confirm that it has no issue with that explanation on the face of it and can agree to the requirements as drafted.

Yours faithfully

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