HELIOS RENEWABLE ENERGY PROJECT

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# National Policy Statement Accordance Table: Overarching National Policy Statement for Energy (EN-1)

January 2025

# Helios Renewable Energy Project

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### Planning Inspectorate Reference: EN010140

**January 2025**

## Prepared on behalf of Enso Green Holdings D Limited

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# CONTENTS

# 1. Introduction

## 1.1. Overview

This document has been prepared on behalf of Enso Green Holdings D Limited ('the Applicant') to demonstrate that the Helios Renewable Energy Project ('the Proposed Development') is in accordance with the Overarching National Policy Statement for Energy (EN-1).

Under Section 104 of the Planning Act 2008 (the Act), the Secretary of State (SoS) is directed to determine a DCO application with regard to the relevant National Policy Statement (NPS), the local impact report, matters prescribed in relation to the Proposed Development, and any other matters regarded by the SoS as important and relevant. Following their designation on 17 January 2024, there are three NPSs which are considered to be 'relevant NPS' under Section 104 of the Act:

- Overarching NPS for energy (NPS EN-1)
- NPS for renewable energy infrastructure (NPS EN-3)
- NPS for electricity networks infrastructure (NPS EN-5)

It is considered that other national and local planning policy may be regarded by the SoS as 'important and relevant' to the Proposed Development.

This document provides a comprehensive evaluation of the compliance of the Proposed Development with Overarching National Policy Statement for Energy (EN-1), consideration of EN-3 and EN-5 are provided in separate documents. In a tabular format, this document sets out each individual relevant part of EN-1 and then provides a response to demonstrate the extent to which that policy has been complied with through the Proposed Development. Where only part of a policy text is of relevance to the Proposed Development, an abridged version of the policy may be provided. Where a paragraph or section of a policy document or policy is not relevant to the Proposed Development, it is generally not included in this document.

# 2. Accordance with the Overarching National Policy Statement for Energy (EN-1)

| NPS EN-1 Relevant Paragraph | NPS EN-1 Detail | NPS EN-1 Proposed Development compliance |
|---|---|---|
| | **Secretary of State Decision Making** | |
| **The need for new nationally significant energy infrastructure projects** | | |
| Paragraph 3.2.1 | The government's objectives for the energy system are to ensure our supply of energy always remains secure, reliable, affordable, and consistent with net zero emissions in 2050 for a wide range of future scenarios, including through delivery of our carbon budgets and Nationally Determined Contributions. | Section 4.8, 'Need for the Proposed Development', of the Planning Statement **[APP-228]** highlights the need for the Proposed Development through the designation of the 2024 NPSs which establish the Critical National Priority (CNP) for nationally significant low carbon infrastructure, in the context of wider legal and policy commitments by the UK Government and that substantial weight should be given to this need when determining this application in order to address issues regarding net zero, energy security and energy supply. |
| Paragraph 3.2.6 | The Secretary of State should assess all applications for development consent for the types of infrastructure covered by this NPS on the basis that the government has demonstrated that there is a need for those types of infrastructure which is urgent, as described for each of them in this Part. | Section 4.8, 'Need for the Proposed Development', of the Planning Statement **[APP-228]** discusses how the Proposed Development, is of CNP and will address the urgent need for infrastructure of this type in order to address issues regarding net zero, energy security and energy supply.<br><br>The Proposed Development will contribute to providing a secure, reliable and affordable energy supply for the UK:<br><br>• Security – The Proposed Development will reduce the UK's vulnerability to international energy prices by increasing domestic energy production.<br>• Reliable – Given the capacity of 190MW and the incorporation of a BESS, the Proposed Development will provide a reliable energy output. |

| NPS EN-1 Relevant Paragraph | NPS EN-1 Detail | NPS EN-1 Proposed Development compliance |
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| | | • Affordable – Solar is a low-cost type of energy generation.<br><br>The Proposed Development would also increase the country's energy security through diversifying the grid and improving energy affordability due to being the cheapest form of electricity generation. There is an urgent need for large scale ground mounted solar to be developed due to their relatively quick development timescales and affordability. The Proposed Development could be generating a significant amount of low carbon electricity by 2029. |
| Paragraph 3.2.7 | In addition, the Secretary of State has determined that substantial weight should be given to this need when considering applications for development consent under the Planning Act 2008. | The government has concluded that there is a Critical National Priority for the provision of nationally significant low carbon infrastructure therefore substantial weight should be given to this need when determining this application. The Proposed Development is defined as a Nationally Significant Infrastructure Project (NSIP) under Sections 14(1)(a) and 15(2) of the PA 2008, as the Proposed Development is for the construction of an onshore generating station in England with a capacity exceeding 50MW. As such, the Proposed Development requires the approval of a DCO to be able to proceed. |
| Paragraph 3.2.8 | The Secretary of State is not required to consider separately the specific contribution of any individual project to satisfying the need established in this NPS. | While consideration of the specific contributions of individual projects is not required, the proposal would make a significant contribution to achieving:<br><br>• Decarbonisation – achieving the aims of the 2021 Net Zero Strategy which requires deployment of zero-carbon electricity generation at scale. The Helios Renewable Energy Project will generate large-scale low carbon electricity which could be operational by 2027.<br>• Security of supply – diversifying both technology and geography of supply inherently contributes to a more resilient and secure |

| NPS EN-1 Relevant Paragraph | NPS EN-1 Detail | NPS EN-1 Proposed Development compliance |
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| | | energy framework. The Helios Renewable Energy project is of a scale substantial enough to provide a reliable energy output and incorporates long-term battery storage.<br>• Affordability – A solar-led Proposed Development such as this produces low cost and domestically-produced energy with better value for money and savings that will be realised by the end-user. |
| **The need for different types of electricity infrastructure** | | |
| Paragraph 3.3.5 | New generating plants can deliver a low carbon and reliable system, but we need the increased flexibility provided by new storage and interconnectors (as well as demand side response, discussed below) to reduce costs in support of an affordable supply. | Table 4.1 of the Planning Statement **[APP-228]** states that the Proposed Development will contribute to these objectives by providing flexible, resilient and high-efficient renewable energy. The provision of a battery storage facility will help balance electricity supply and demand, thus increasing the security of power. The 2023 Future Energy Scenarios (FES) was published in July 2023 and continues to emphasise the importance of energy system flexibility, affordable and fair energy supply and a strategic development of renewable networks.<br><br>Battery storage provides resilience for renewable supply and can provide flexibility when renewable output falls rapidly (Climate Change Committee, 2021). The Balanced Pathway to Net Zero assumes 18 GW of battery storage capacity by 2035, with battery storage providing the opportunity for National Grid to regulate electricity supply and demand, without a backup reliance on fossil fuels.<br><br>The National Energy System Operator's (NESO) Clean Power 2030 report highlights the urgent need to expand low-carbon generation and energy storage to meet the UK's net-zero targets. It calls for significant increases in renewables, such as tripling solar capacity and doubling onshore wind by 2030, alongside boosting battery and long-duration storage to ensure grid reliability. The Proposed Development, directly supports these goals by delivering clean, renewable energy and |
| Paragraph 3.3.6 | Storage and interconnection can provide flexibility, meaning that less of the output of plant is wasted as it can either be stored or exported when there is excess production. They can also supply electricity when domestic demand is higher than generation, supporting security of supply. This means that the total amount of generating plant capacity required to meet peak demand is reduced, bringing significant system savings alongside demand side response (up to £12bn per year by 2050).40 Storage can also reduce the need for new network infrastructure. However, neither of these technologies, as | |

| NPS EN-1 Relevant Paragraph | NPS EN-1 Detail | NPS EN-1 Proposed Development compliance |
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| | with demand side response, are sufficient to meet the anticipated increase in total demand, and so cannot fully replace the need for new generating capacity. | integrating storage solutions to enhance grid stability, aligning with the UK's pathway to a secure and sustainable energy future. |
| Paragraph 3.3.7 | Electricity networks are needed to connect the output of other types of electricity infrastructure with consumers and each other. However, they are a means of transporting electricity rather than generating or storing it, so cannot replace those other types of electricity infrastructure in meeting the substantial increase in demand expected over the coming decades. | |
| | **Delivering affordable decarbonisation** | |
| Paragraph 3.3.13 – 3.3.14 | The Net Zero Strategy sets out the government's ambition for increasing the deployment of low carbon energy infrastructure consistent with delivering our carbon budgets and the 2050 net zero target. This made clear the commitment that the cost of the transition to net zero should be fair and affordable.<br><br>Value for money assessments are not required on applications for development | Table 4.1 of the **Planning Statement [APP-228]** states that a solar-led Proposed Development such as this produces low cost and domestically-produced energy with better value for money and savings that will be realised by the end-user.<br><br>The Proposed Development will contribute to improving the security of electricity supply, enhancing grid flexibility, and delivering affordable energy to consumers. Additionally, the project will replace outdated energy infrastructure that is being decommissioned throughout the UK and significantly diversify the energy mix. |

| NPS EN-1 Relevant Paragraph | NPS EN-1 Detail | NPS EN-1 Proposed Development compliance |
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| | consent for energy infrastructure projects. However, government will work to ensure there are market frameworks which promote effective competition and deliver an affordable, secure and reliable energy system and government support for specific technologies and projects will be dependent on clear value for money for consumers and taxpayers. | |
| Paragraph 3.3.15 | Based on our whole-system modelling, by 2050, emissions associated with power could need to drop by 95-98 per cent compared to 2019, down to 1-3 MtCO2e. In the interim, to meet our NDC and CB6 targets, we expect emissions could fall by 70-75 per cent by 2030 and 80-85 per cent by 2035, compared to 2019 levels. These figures are based on an indicative power sector pathway contributing to the whole-economy net zero and interim targets.4 | The Proposed Development will support the UK's net zero target by generating large-scale (190MW) low carbon electricity which could be operational by 2029. |
| Paragraph 3.3.16 | If demand for electricity doubles by 2050, we will need a fourfold increase in low carbon generation and significant expansion of the networks that transport power to where it is needed. In addition, we committed in the Net Zero Strategy to take action so that by 2035, all our electricity will come from low carbon sources, subject to security of supply, whilst meeting a 40-60 | |

| NPS EN-1<br>Relevant Paragraph | NPS EN-1 Detail | NPS EN-1<br>Proposed Development compliance |
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| | per cent increase in electricity demand. This means that the majority of new generating capacity needs to be low carbon. | |
| Paragraph 3.3.19 | Given the changing nature of the energy landscape, we need a diverse mix of<br><br>electricity infrastructure to come forward, so that we can deliver a secure,<br><br>reliable, affordable, and net zero consistent system during the transition to 2050<br><br>for a wide range of demand, decarbonisation, and technology scenarios. | The Proposed Development, a large-scale solar PV project with an associated BESS, aligns with the objective of reducing carbon emissions while delivering secure and affordable energy to consumers. Given its size and capacity, the project has significant potential to diversify the UK's energy generation and reduce reliance on fossil fuels, consistent with the government's strategy and recommendations from the National Grid. |
| **The role of wind and solar** | | |
| Paragraph 3.3.20 | Wind and solar are the lowest cost ways of generating electricity, helping reduce costs and providing a clean and secure source of electricity supply (as they are not reliant on fuel for generation). Our analysis shows that a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar. | The Proposed Development, a large-scale solar PV project with an associated battery energy storage facility, aligns with the objective of reducing carbon emissions while delivering secure and affordable energy to consumers. Given its size and capacity, the project has significant potential to diversify the UK's energy generation and reduce reliance on fossil fuels, consistent with the government's strategy and recommendations from the National Grid. |
| **The role of electricity storage** | | |

| NPS EN-1<br>Relevant Paragraph | NPS EN-1 Detail | NPS EN-1<br>Proposed Development compliance |
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| Paragraph 3.3.25 | Storage has a key role to play in achieving net zero and providing flexibility to the energy system, so that high volumes of low carbon power, heat and transport can be integrated. | Section 4.8, 'Need for the Proposed Development', of the Planning Statement **[APP-228]** states that the Proposed Development will contribute to these objectives by providing flexible, resilient and high-efficient renewable energy. The provision of a battery storage facility will help balance electricity supply and demand, thus increasing the security of power. The 2023 FES was published in July 2023 and continues to emphasise the importance of energy system flexibility, affordable and fair energy supply and a strategic development of renewable networks.<br><br>Battery storage provides resilience for renewable supply and can provide flexibility when renewable output falls rapidly (Climate Change Committee, 2021). The Balanced Pathway to Net Zero assumes 18 GW of battery storage capacity by 2035, with battery storage providing the opportunity for National Grid to regulate electricity supply and demand, without a backup reliance on fossil fuels.<br><br>The Proposed Development is of a scale substantial enough to provide a reliable energy output and incorporates long-term battery storage. |
| Paragraph 3.3.26 | Storage is needed to reduce the costs of the electricity system and increase reliability by storing surplus electricity in times of low demand to provide electricity when demand is higher. There is currently around 4GW of electricity storage operational in GB, around 3GW of which is pumped hydro storage and around 1GW is battery storage. | |
| Paragraph 3.3.27 | Storage can provide various services, locally and at the national level. These include maximising the usable output from intermittent low carbon generation (e.g. solar and wind), reducing the total amount of generation capacity needed on the system; providing a range of balancing services to the NETSO and Distribution Network Operators (DNOs) to help operate the system; and reducing constraints on the networks, helping to defer or avoid the | Battery storage provides resilience for renewable supply and can provide flexibility when renewable output falls rapidly (Climate Change Committee, 2021). The Balanced Pathway to Net Zero assumes 18 GW of battery storage capacity by 2035, with battery storage providing the opportunity for National Grid to regulate electricity supply and demand, without a backup reliance on fossil fuels. |

| NPS EN-1<br>Relevant Paragraph | NPS EN-1 Detail | NPS EN-1<br>Proposed Development compliance |
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| | need for costly network upgrades as demand increases. | |
| Paragraph 3.3.35 | In considering applications, applicants are expected to consider foreseeable future demand when considering the location and route of their investments. This may involve consenting offshore platforms, converter stations or substations which facilitate future coordination. | The Proposed Development has been designed in such a manner that it does not prejudice any existing or known future energy related developments from being delivered. |
| **The need for electricity generating capacity** | | |
| Paragraph 3.3.57 | Government has committed to reduce GHG emissions by 78 per cent by 2035 under carbon budget 6.61 According to the Net Zero Strategy this means that by 2035, all our electricity will need to come from low carbon sources, subject to security of supply, whilst meeting a 40-60 per cent increase in demand. | Solar technology is one of the quickest and cheapest technologies to deploy. The Proposed Development can directly respond to the urgent need to deliver a large amount of renewable generation capacity quickly. Subject to obtaining the necessary consents, construction is anticipated to commence in 2027/28 and be completed ready for operation in 2029. |
| Paragraph 3.3.58 | Given the urgent need for new electricity infrastructure and the time it takes for electricity NSIPs to move from design conception to operation, there is an urgent need for new (and particularly low carbon) electricity NSIPs to be brought forward as soon as possible, given the crucial role of | |

| NPS EN-1<br>Relevant Paragraph | NPS EN-1 Detail | NPS EN-1<br>Proposed Development compliance |
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| | electricity as the UK decarbonises its economy. | |
| Paragraph 3.3.59 | All the generating technologies mentioned above are urgently needed to meet<br><br>the government's energy objectives by:<br>• providing security of supply (by reducing reliance on imported oil and gas, avoiding concentration risk and not relying on one fuel or generation type)<br><br>• providing an affordable, reliable system (through the deployment of technologies with complementary characteristics)<br><br>• ensuring the system is net zero consistent (by remaining in line with our carbon budgets and maintaining the options required to deliver for a wide range of demand, decarbonisation and technology scenarios, including where there are difficulties with delivering any technology) | Helios Renewable Energy Project is a solar PV development. By its nature, solar is a secure supply of energy that does rely on imported oil and gas, thus increasing security and resilience.<br><br>Solar energy provides the advantage of being highly cost-effective, featuring some of the lowest levelised costs associated with energy production over the project's lifetime.<br><br>Implementing a Battery Energy Storage System (BESS) in the development of a solar PV project offers the flexibility to adapt to fluctuating demand, ensuring the system remains consistent with net-zero objectives and adheres to carbon budgets. |
| Paragraph 3.3.60 | Known generation technologies that are included within the scope of this NPS (and would be classed as an NSIP if above the relevant capacity thresholds set out under the Planning Act 2008) include:<br><br>• Offshore Wind (including floating wind)<br>• Solar PV | The Proposed Development is for a utility scale solar PV development, therefore this NPS is relevant. |

| NPS EN-1<br>Relevant Paragraph | NPS EN-1 Detail | NPS EN-1<br>Proposed Development compliance |
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| | • Wave<br>• Tidal Range<br>• Tidal Stream<br>• Pumped Hydro<br>• Energy from Waste (including ACTs) with or without CCS<br>• Biomass with or without CCS<br>• Natural Gas with or without CCS<br>• Low carbon hydrogen<br>• Large-scale nuclear, Small Modular Reactors, Advanced Modular Reactors, and fusion power plants<br>• Geothermal | |
| Paragraph 3.3.61 | The need for all these types of infrastructure is established by this NPS and a combination of many or all of them is urgently required for both energy security and Net Zero, as set out above. | The Proposed Development should be considered on the basis that its need is established by the NPS documents and designation as CNP, and this urgent need should be given substantial weight in the decision on the Application. |
| Paragraph 3.3.62 | Government has concluded that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure. Section 4.2 states which energy generating technologies are low carbon and are therefore CNP infrastructure. | The Proposed Development will provide a significant<br><br>amount of low carbon electricity over its lifetime, helping provide increased energy resilience, security and affordability. It will therefore be a critical part of the national portfolio of renewable energy generation that is required to decarbonise the country's energy supply quickly whilst providing security and affordability of national energy supply. It is clear that there is a compelling case for the need for the Proposed |
| Paragraph 3.3.63 | Subject to any legal requirements, the urgent need for CNP Infrastructure to achieving our energy objectives, together with the national security, economic, | Development, strongly supported by its status as a CNP, and that it will deliver national economic and social benefits in line with the Government's wider objectives of delivering sustainable development. |

| NPS EN-1<br>Relevant Paragraph | NPS EN-1 Detail | NPS EN-1<br>Proposed Development compliance |
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| | commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy. Government strongly supports the delivery of CNP Infrastructure and it should be progressed as quickly as possible. | |
| **The need for new electricity networks** | | |
| Paragraph 3.3.65 | There is an urgent need for new electricity network infrastructure to be brought forward at pace to meet our energy objectives. | The Site will connect to the National Grid Drax 132kV Substation via underground cabling, as shown on ES Figure 3.2: Parameter Plan **[APP-040]**, in the ES.<br><br>The voltage for the underground grid connection cable will be up to 132kV. The grid connection route comprises the A645 road corridor, the access road to Drax Power Station and the National Grid Drax 132kV Substation and the Proposed Development substation itself. This cabling is necessary to connect the Proposed Development to the National Grid. |
| **General policies and considerations** | | |
| Paragraph 4.1.2 | The Energy White Paper and British Energy Security Strategy emphasises the importance of the government's net zero commitment and efforts to fight climate change, as well as the need to maintain a secure and reliable energy system. The Levelling Up White Paper calls on the Government to ensure investment in the transition to Net Zero benefits less well- | Section 4.8, 'Need for the Proposed Development', of the Planning Statement **[APP-228]** discusses the move towards Net Zero and how the Proposed Development contributes to this. As stated within the Net Zero Strategy (October 2021), by 2035, all our electricity should come from low carbon sources, subject to security of supply, whilst meeting a 40-60% increase in demand. This must be achieved while ensuring a secure energy supply at the lowest possible cost for both industrial and domestic consumers. Given that solar power is regarded as one of the cleanest and most cost-effective energy sources, it is imperative to |

| NPS EN-1<br>Relevant Paragraph | NPS EN-1 Detail | NPS EN-1<br>Proposed Development compliance |
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| | performing parts of the UK, reducing emissions, facilitating economic development and the creation of jobs. | provide support for the development of utility-scale solar photovoltaic (PV) projects to meet the targets of decarbonisation.<br><br>The Energy White Paper outlines the Government's plan to support the UK in becoming a net zero GHG emitting country by 2050. The White Paper states that demand for energy is expected to double by 2050 due to the electrification of transport and heating. To achieve net zero while demand for energy increases, the White Paper states on page 42 that "a four-fold increase in clean electricity generation' would be required and page 43 states that "a low cost net zero consistent system is likely to be composed predominantly of wind and solar". |
| Paragraph 4.1.3 – 4.1.4 | Given the level and urgency of need for infrastructure of the types covered by the energy NPSs set out in Part 3 of this NPS, the Secretary of State will start with a presumption in favour of granting consent to applications for energy NSIPs. That presumption applies unless any more specific and relevant policies set out in the relevant NPSs clearly indicate that consent should be refused. The presumption is also subject to the provisions of the Planning Act 2008 referred to at paragraph 1.1.4 of this NPS. | |
| **Weighting impacts and benefits** | | |
| Paragraph 4.1.5 | In considering any proposed development, in particular when weighing its adverse impacts against its benefits, the Secretary of State should take into account:<br><br>• its potential benefits including its contribution to meeting the need for energy infrastructure, job creation, reduction of geographical disparities, environmental | The Planning Statement **[APP-228]** discusses in detail the potential benefits of the scheme within Section 5, 'Planning Appraisal'. The wider environmental gains are outlined in Paragraph 5.5.13.<br><br>The Environmental Statement assesses and identifies the potential beneficial and adverse effects and how these will be mitigated (where required).<br><br>The outline Construction Environmental Management Plan (oCEMP) **[APP-121]**, Operational Environmental Management Plan (oOEMP) **[APP-124]** and outline Decommissioning Environmental Management |

| NPS EN-1<br>Relevant Paragraph | NPS EN-1 Detail | NPS EN-1<br>Proposed Development compliance |
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| | enhancements, and any long-term or wider benefits<br><br>• its potential adverse impacts, including on the environment, and including any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce, mitigate or compensate for any adverse impacts, following the mitigation hierarchy | Plan (oDEMP) **[APP-123]** outline the environmental controls and the best practice measures to be implemented which will aim to minimise any adverse effects. Detailed versions of these documents will be secured through DCO requirement. |
| Paragraph 4.1.6 | In this context, the Secretary of State should take into account environmental, social and economic benefits and adverse impacts, at national, regional and local levels. These may be identified in this NPS, the relevant technology specific NPS, in the application or elsewhere (including in local impact reports, marine plans, and other material considerations as outlined in Section 1.1). | Section 6 of the Planning Statement **[APP-228]** details the environmental, social, and economic benefits of the Proposed Development. At a high level, these include:<br><br>• Contributing towards national policy by providing a significant amount of low carbon electricity.<br>• Increased biodiversity through the implementation of habitat creation and diversification.<br>• Socioeconomic benefits arising from GVA associated with construction. |
| Paragraph 4.1.7 | Where this NPS or the relevant technology specific NPSs require an applicant to mitigate a particular impact as far as possible, but the Secretary of State considers that there would still be residual adverse effects after the implementation of such mitigation measures, the Secretary of State should weigh those residual effects | ES Chapter 16 Summary and Residual Effects **[APP-036]** summarises both the beneficial and adverse residual effects of the Proposed Development. The Proposed Development will have a moderate adverse effect on the loss of BMV land during the construction phase, the Proposed Development will also have a moderate to minor adverse effect on farm business during the operational phase. As set out in Table 14.7 of ES Chapter 14 Soils and Agricultural Land **[APP-034]**, the Proposed Development will result in the temporary disturbance of |

| NPS EN-1<br>Relevant Paragraph | NPS EN-1 Detail | NPS EN-1<br>Proposed Development compliance |
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| | against the benefits of the proposed development. For projects which qualify as CNP Infrastructure, it is likely that the need case will outweigh the residual effects in all but the most exceptional cases. This presumption, however, does not apply to residual impacts which present an unacceptable risk to, or interference with, human health and public safety, defence, irreplaceable habitats or unacceptable risk to the achievement of net zero. Further, the same exception applies to this presumption for residual impacts which present an unacceptable risk to, or unacceptable interference offshore to navigation, or onshore to flood and coastal erosion risk. | approximately 10.0ha of BMV agricultural land.<br><br>Both adverse effects are temporary as the land can be returned to its former use following the decommissioning of the Proposed Development. There are no expected significant residual effects in relation to interference with, human health and public safety, defence, irreplaceable habitats or unacceptable risk to the achievement of net zero, unacceptable risk to, or unacceptable interference offshore to navigation, or onshore to flood and coastal erosion risk. |
| **Land rights** | | |
| Paragraph 4.1.8 | Where the use of land at a specific location is required to facilitate the development by providing for mitigation and landscape enhancement, an applicant may, as part of its application to the Secretary of State, seek the compulsory acquisition of that land, or rights over that land. | Section 7 of the Statement of Reasons **[APP-011]** discusses the justification for the Compulsory Acquisition Powers relating to the Proposed Development. |
| **Other documents** | | |
| Paragraph 4.1.13 – 4.1.15 | Where the project conflicts with a proposal in a draft Development Plan, the Secretary | As outlined in Paragraph 4.6.3 of the Planning Statement **[APP-228]**, NYC are in the process of preparing a new local plan for the area |

| NPS EN-1 Relevant Paragraph | NPS EN-1 Detail | NPS EN-1 Proposed Development compliance |
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| | of State should take account of the stage which the Development Plan document in England or Local Development Plan in Wales has reached in deciding what weight to give to the plan for the purposes of determining the planning significance of what is replaced, prevented or precluded. The closer the Development Plan document in England or local Development Plan in Wales is to being adopted by the LPA, the greater weight which can be attached to it. In the event of a conflict between these documents and an NPS, the NPS prevails for the purpose of Secretary of State decision making given the national significance of the infrastructure. | characterised as the former Selby District. Consultation took place on the revised Publication Local Plan in summer 2022. A Full Council meeting voted to continue the preparation of the Selby plan in February 2023, due to the advanced stage it had already reached in its preparation.<br><br>Following the launch of the updated National Planning Policy Framework by the Government and consultation on other changes to the Planning system, the Council has pushed back their consultation on the amended Local Plan from December 2024 to early 2025.<br><br>The draft document[1] is therefore likely to also be considered in the SoS decision.<br><br>The Proposed Development does not conflict with any proposed policies in the draft Development Plan. Compliance with the local development plan is addressed in the Planning Statement Appendix 1: Local Plan Accordance **[APP-226].** |
| **Development Consent** | | |
| Paragraph 4.1.16 – 4.1.17 | The Secretary of State should only impose requirements in relation to a development consent that are necessary, relevant to planning, relevant to the development to be consented, enforceable, precise, and reasonable in all other respects. The Secretary of State should take into account the guidance in the NPPF, the PPG: Use of | The draft requirements are set out in Schedule 2 of the Draft Development Consent Order (dDCO) **[AS-007]** The Requirements are limited to those necessary, relevant to planning, relevant to the development to be consented, enforceable, precise and reasonable in all other respects. |

[1] North Yorkshire Council (2022) Revised Publication Local Plan. Available at: **democracy.selby.gov.uk/documents/s16614/Appendix 1 Publication Local Plan.pdf**

| NPS EN-1<br>Relevant Paragraph | NPS EN-1 Detail | NPS EN-1<br>Proposed Development compliance |
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| | Planning Conditions, and TANs, or any successor documents, where appropriate | |
| Paragraph 4.1.18 | The Secretary of State may consider any development consent obligations that an applicant agrees with local authorities. These must be relevant to planning, necessary to make the proposed development acceptable in planning terms, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development, and reasonable in all other respects. | The Applicant does not consider that any development consent obligations are required. |
| **Early engagement** | | |
| Paragraph 4.1.19 – 4.1.20 | Early engagement both before and at the formal pre-application stage between the applicant and key stakeholders, including public regulators, Statutory Consultees (including Statutory Nature Conservation Bodies (SNCBs)), and those likely to have an interest in a proposed energy infrastructure application, is strongly encouraged in line with the Government's pre-application guidance.<br>This means that only applications which are fully prepared and comprehensive can be accepted for examination, enabling them to be properly assessed by the Examining | The Statement of Community Consultation (SoCC) **[APP-201]** provides information about the strategy and approach for consultation with local communities in accordance with section 47 of the Planning Act 2008 (as amended) ('PA2008') for Helios Renewable Energy Project ('the Proposed Development'), located west of Camblesforth and north of Hirst Courtney in Selby, North Yorkshire. It explains how we have identified who to consult, the consultation methods proposed, the timescales for consultation and how consultees can help shape the Proposed Development. This document has previously been issued to the relevant local councils: Selby District Council and North Yorkshire Council (NYC) ('the host local authorities') in draft, to obtain their informal feedback ahead of the formal 28-day consultation taking place. The |

| NPS EN-1 Relevant Paragraph | NPS EN-1 Detail | NPS EN-1 Proposed Development compliance |
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| | Authority and leading to a clear recommendation report to the Secretary of State. This is particularly so in the case of HRA matters covered in paragraphs 5.4.25 to 5.4.31 below, which explain the onus is on the applicant to submit sufficient information to enable the Secretary of State to conduct an Appropriate Assessment if required. | approach was discussed with representatives from the host local authorities and incorporated into a final draft for formal consultation.<br><br>As set out in ES Chapter 1 Introduction **[APP-021]** the Statutory Consultation period ran from 26th October until 21st December 2023, during which time local communities and stakeholders were consulted in accordance with sections 42, 47, 48 and 49 of the PA2008.<br><br>Where responses have been received from Statutory Consultees, the items raised have been agreed via a Statement of Common Ground (SoCG). A Statement of Commonality to be submitted at Deadline 2 sets out the current status of each of the SoCGs. |
| **Financial and technical viability** | | |
| Paragraph 4.1.22 | Where the Secretary of State considers that the financial viability and technical feasibility of the proposal has been properly assessed by the applicant, it is unlikely to be of relevance in Secretary of State decision making (any exceptions to this principle are dealt with where they arise in this, or other energy NPSs, and the reasons why financial viability or technical feasibility is likely to be of relevance explained). | The financial viability and the technical feasibility of the proposal has been assessed by the applicant through the Environmental Statement and details of the financial viability of the scheme are set out in the Funding Statement **[APP-012]**. |

| NPS EN-1<br>Relevant Paragraph | NPS EN-1 Detail | NPS EN-1<br>Proposed Development compliance |
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| **The critical national priority for low carbon infrastructure** | | |
| Paragraph 4.2.4 | Government has therefore concluded that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure. | Section 5.2 of the Planning Statement **[APP-2**28**]** sets out that the CNP for the provision of nationally significant low carbon infrastructure is a principle of assessment for the Proposed Development. Section 4.8, 'Need for the Proposed Development', of the Planning Statement **[APP-228]** demonstrates the need for the Proposed Development and highlights the fact that on this basis the government has stated it should be given substantial weight when the SoS is making their decision. |
| Paragraph 4.2.5 | This does not extend the definition of what counts as nationally significant infrastructure: the scope remains as set out in the Planning Act 2008. Low carbon infrastructure for the purposes of this policy means:<br><br>• for electricity generation, all onshore and offshore generation that does not involve fossil fuel combustion (that is, renewable generation, including anaerobic digestion and other plants that convert residual waste into energy, including combustion, provided they meet existing definitions of low carbon; and nuclear generation), as well as natural gas fired generation which is carbon capture ready | The Proposed Development comprises nationally significant low carbon infrastructure as it is an onshore generating station that does not involve fossil fuel combustion. |

| NPS EN-1 Relevant Paragraph | NPS EN-1 Detail | NPS EN-1 Proposed Development compliance |
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| | • for electricity grid infrastructure, all power lines in scope of EN-5 including network reinforcement and upgrade works, and associated infrastructure such as substations. This is not limited to those associated specifically with a particular generation technology, as all new grid projects will contribute towards greater efficiency in constructing, operating and connecting low carbon infrastructure to the National Electricity Transmission System<br><br>• for other energy infrastructure, fuels, pipelines and storage infrastructure, which fits within the normal definition of “low carbon”, such as hydrogen distribution, and carbon dioxide distribution<br><br>• for energy infrastructure which is directed into the NSIP regime under section 35 of the Planning Act 2008, and fit within the normal definition of “low carbon”, such as interconnectors, Multi-Purpose Interconnectors, or ‘bootstraps’ to support the onshore network which are routed offshore<br><br>• Lifetime extensions of nationally significant low carbon infrastructure, and repowering of projects | |

| NPS EN-1<br>Relevant Paragraph | NPS EN-1 Detail | NPS EN-1<br>Proposed Development compliance |
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| Paragraph 4.2.6-4.2.7 | The overarching need case for each type of energy infrastructure and the substantial weight which should be given to this need in assessing applications, as set out in paragraphs 3.2.6 to 3.2.8 of EN-1, is the starting point for all assessments of energy infrastructure applications.<br><br>The CNP policy does not create an additional or cumulative need case or weighting to that which is already outlined for each type of energy infrastructure. The policy applies following the normal consideration of the need case, the impacts of the project, and the application of the mitigation hierarchy. As such, it is relevant during Secretary of State decision making and specifically in reference to any residual impacts that have been identified. It should therefore also be given consideration by the Examining Authority when it is making its recommendation to the Secretary of State. | Section 5.2 of the Planning Statement **[APP-2**28**]** sets out that the CNP for the provision of nationally significant low carbon infrastructure is a principle of assessment for the Proposed Development. Section 4.8, 'Need for the Proposed Development', of the Planning Statement **[APP-228]** demonstrates the need for the Proposed Development.<br><br>The effects of the Proposed Development are assessed in the Environment Statement **[APP-020–APP-036]** provided with the DCO application, in which the mitigation hierarchy has been applied to address potential adverse effects. The limited residual effects of the Proposed Development are summarised in ES Chapter 16 **[APP-036]** and are considered to be outweighed by the CNP and overall needs case for the Proposed Development, as well as the wider enhancements it would deliver. |
| Paragraph 4.2.8 | During decision making, the CNP policy will influence how non-HRA and non-MCZ residual impacts are considered in the | This is noted. The Proposed Development is low carbon national infrastructure for the purposes of the CNP policy. |

| NPS EN-1<br>Relevant Paragraph | NPS EN-1 Detail | NPS EN-1<br>Proposed Development compliance |
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| | planning balance. The policy will therefore also influence how the Secretary of State considers whether tests requiring clear outweighing of harm, exceptionality, or very special circumstances have been met by a CNP Infrastructure application. Further detail is provided in paragraphs 4.2.15 to 4.2.17, and Figure 2. | Consideration to paragraphs 4.2.15 to 4.2.22 of NPS EN-1 is provided in this table. |
| **Applicant's assessment** | | |
| Paragraph 4.2.10 | Applicants for CNP infrastructure must continue to show how their application meets the requirements in this NPS and the relevant technology specific NPS, applying the mitigation hierarchy, as well as any other legal and regulatory requirements. | Table 4.1 of the Planning Statement **[APP-228]** sets out how the application meets the requirements of this NPS. The Environmental Statement sets out the application of the mitigation hierarchy and demonstrates how any relevant legal and regulatory requirements have been met. |
| Paragraph 4.2.11 | Applicants must apply the mitigation hierarchy and demonstrate that it has been applied. They should also seek the advice of the appropriate SNCB or other relevant statutory body when undertaking this process. Applicants should demonstrate that all residual impacts are those that cannot be avoided, reduced or mitigated. | Paragraph 8.4.104 of ES Chapter 8 Biodiversity **[APP-028]** sets out the approach to the mitigation hierarchy and explains how it is fundamental to BNG.<br><br>The limited residual effects of the Proposed Development are summarised in ES Chapter 16 Summary and Residual Effects **[APP-036]** and are those that cannot be avoided, reduced or mitigated. Engagement with the appropriate statutory bodies has been undertaken as demonstrated through the Consultation Report **[APP-181].** |
| Paragraph 4.2.12 | Applicants should set out how residual impacts will be compensated for as far as possible. Applicants should also set out | Various documents in this application set out any potential adverse impacts and how these will be mitigated, this includes chapters of the Environmental Statement**.** In particular documents such as the oCEMP |

| NPS EN-1 Relevant Paragraph | NPS EN-1 Detail | NPS EN-1 Proposed Development compliance |
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| | how any mitigation or compensation measures will be monitored and reporting agreed to ensure success and that action is taken. Changes to measures may be needed e.g. adaptive management. The cumulative impacts of multiple developments with residual impacts should also be considered. | **[APP-121]**, oOEMP **[APP-124]** and oDEMP **[APP-123]** outline the environmental controls and the best practice measures to be implemented which will aim to minimise any adverse effects. Detailed versions of these documents will be secured through DCO requirement which will contain information on monitoring. |
| Paragraph 4.2.13 | Where residual impacts relate to HRA or MCZ sites then the Applicant must provide a derogation case, if required, in the normal way in compliance with the relevant legislation and guidance. | As set out in paragraph 6.1.1 of Appendix 8.9 Information to inform HRA **[APP-151]** the Proposed Development is not considered to have likely significant effects on any European sites or their mobile (bird) qualifying interests.<br><br>The Appendix also concludes that no AA is required to be made under Regulation 63 of the Habitats Regulations 2017, before the Secretary of State decides to undertake, or give any consent, permission or other authorisation for this Proposed Development.<br><br>MCZ sites are not relevant to the Proposed Development. |
| Paragraph 4.2.14 | The Secretary of State will continue to consider the impacts and benefits of all CNP Infrastructure applications on a case-by-case basis. The Secretary of State must be satisfied that the applicant's assessment demonstrates that the requirements set out above have been met. Where the Secretary of State is satisfied that they have been | This is noted. This document and the Planning Statement **[APP-228]** set out the overall compliance of the Proposed Development with relevant planning policy, taking into account its impacts and benefits, and the CNP for low carbon infrastructure. |

| NPS EN-1<br>Relevant Paragraph | NPS EN-1 Detail | NPS EN-1<br>Proposed Development compliance |
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| | met the CNP presumptions set out below apply. | |
| Paragraph 4.2.15 | Where residual non-HRA or non-MCZ impacts remain after the mitigation hierarchy has been applied, these residual impacts are unlikely to outweigh the urgent need for this type of infrastructure. Therefore, in all but the most exceptional circumstances, it is unlikely that consent will be refused on the basis of these residual impacts. The exception to this presumption of consent are residual impacts onshore and offshore which present an unacceptable risk to, or unacceptable interference with, human health and public safety, defence, irreplaceable habitats or unacceptable risk to the achievement of net zero. Further, the same exception applies to this presumption for residual impacts which present an unacceptable risk to, or unacceptable interference offshore to navigation, or onshore to flood and coastal erosion risk | The Proposed Development would constitute nationally significant low carbon infrastructure for which there is a Critical National Priority (CNP). No residual effects of the Proposed Development have been identified that would result in an unacceptable risk to human health and public safety; defence; irreplaceable habitats; the achievement of net zero; offshore navigation; or, flood and coastal erosion. The urgent need for the Proposed Development is considered to outweigh its limited residual effects, which are summarised in ES Chapter 16 **[APP-036].** |
| Paragraph 4.2.16 | As a result, the Secretary of State will take as the starting point for decision-making that such infrastructure is to be treated as if it has met any tests which are set out within the NPSs, or any other planning policy, which requires a clear outweighing of harm, | The Proposed Development would meet the tests outlined in paragraphs 4.2.16 and 4.2.17. The Proposed Development:<br><br>▪ is not located in Green Belt;<br>▪ would have no likely significant effects on a SSSI (see ES Appendix 8.9 **[APP-151]**; |

| NPS EN-1 Relevant Paragraph | NPS EN-1 Detail | NPS EN-1 Proposed Development compliance |
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| | exceptionality or very special circumstances. | ▪ is not located in a nationally designated landscape; and<br>▪ would not result in substantial harm or loss of significance to a heritage asset. |
| Paragraph 4.2.17 | This means that the Secretary of State will take as a starting point that CNP Infrastructure will meet the following, non-exhaustive, list of tests:<br><br>▪ where development within a Green Belt requires very special circumstances to justify development;<br><br>▪ where development within or outside a Site of Special Scientific Interest (SSSI) requires the benefits (including need) of the development in the location proposed to clearly outweigh both the likely impact on features of the site that make it a SSSI, and any broader impacts on the national network of SSSIs.<br><br>▪ where development in nationally designated landscapes requires exceptional circumstances to be demonstrated; and EN010139 Byers Gill Solar RWE February 2024 Page 7 of 110 Policy area/topic Designated NPS EN-1 (2024) Compliance of Proposed Development with policy Relevant paragraph Policy requirement | |

| NPS EN-1<br>Relevant Paragraph | NPS EN-1 Detail | NPS EN-1<br>Proposed Development compliance |
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| | ▪ where substantial harm to or loss of significance to heritage assets should be exceptional or wholly exceptional. | |
| **Environmental Effects/Considerations** | | |
| Paragraph4.3.1- 4.3.3 | All proposals for projects that are subject to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) must be accompanied by an Environmental Statement (ES) describing the aspects of the environment likely to be significantly affected by the project.<br><br>The Regulations specifically refer to effects on population, human health, biodiversity, land, soil, water, air, climate, the landscape, material assets and cultural heritage, and the interaction between them.<br><br>The Regulations require an assessment of the likely significant effects of the proposed project on the environment, covering the direct effects and any indirect, secondary, cumulative, transboundary, short, medium, and long-term, permanent and temporary, positive and negative effects at all stages of the project, and also of the measures | The Environmental Statement in accordance with the EIA Regulations, an ES has been produced and is submitted with the DCO Application **[APP-006]** provides the findings of the assessment of likely significant environmental effects resulting from the construction, operation and maintenance, and decommissioning phases of the Proposed Development, including measures where necessary, to mitigate significant adverse environmental effects.<br><br>Chapter 16: Summary and Residual Effects of the ES **[APP-036]** summarises the residual effects in each of the technical assessments included within the ES. Following assessment of the likely significant effects of the Proposed Development, additional mitigation measures have been proposed to be secured and implanted, these are set out in Chapter 16. |

| NPS EN-1<br>Relevant Paragraph | NPS EN-1 Detail | NPS EN-1<br>Proposed Development compliance |
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| | envisaged for avoiding or mitigating significant adverse effects. | |
| Paragraph 4.3.4 | To consider the potential effects, including benefits, of a proposal for a project, the applicant must set out information on the likely significant environmental, social and economic effects of the development, and show how any likely significant negative effects would be avoided, reduced, mitigated or compensated for, following the mitigation hierarchy. This information could include matters such as employment, equality, biodiversity net gain, community cohesion, health and well-being. | |
| Paragraph 4.3.5-4.3.7 | For the purposes of this NPS and the technology specific NPSs the ES should cover the environmental, social and economic effects arising from pre-construction, construction, operation and decommissioning of the project. Where the NPSs use the term 'environment' they are referring to both the natural and historic environments. In the absence of any additional information on additional assessments, the principles set out in this Section will apply to all assessments. | The Environmental Statement contains the following chapters:<br>Chapter 2: EIA Methodology **[APP-022]**<br>Chapter 3: Site and Development Description **[APP-023]**<br>Chapter 4: Alternatives and Design Evolution **[AS-013]**<br>Chapter 5: Construction Methodology and Programme **[APP-025]**<br>Chapter 6: Cultural Heritage **[APP-026]**<br>Chapter 7: Landscape and Views **[APP-027]**<br>Chapter 8: Biodiversity **[APP-028]**<br>Chapter 9: Water Environment **[APP-029]**<br>Chapter 10: Transport and Access **[APP-030]**<br>Chapter 11: Noise **[APP-031]**<br>Chapter 12: Climate Change **[APP-032]** |

| NPS EN-1 Relevant Paragraph | NPS EN-1 Detail | NPS EN-1 Proposed Development compliance |
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| | | Chapter 13: Socio Economics **[APP-033]**<br>Chapter 14: Soils and Agricultural Land **[APP-034]**<br>Chapter 15: Cumulative Effects **[APP-035]**<br>Chapter 16: Summary and Residual Effects **[APP-036]**<br>The environmental, social and economic effects arising from pre-construction, construction, operation and decommissioning of the project are assessed within these chapters and measures are proposed to mitigate adverse effects where required. |
| **Flexibility** | | |
| Paragraph 4.3.10 | The applicant must provide information proportionate to the scale of the project, ensuring the information is sufficient to meet the requirements of the EIA Regulations. | In accordance with the EIA Regulations, an ES has been produced and is submitted with the DCO Application **[APP-006]**. A proportionate scope of the ES has been agreed through EIA scoping and pre-application engagement on a preliminary environmental information report (PEIR), as reported in ES Chapter 2 **[APP-022]**. |
| Paragraph 4.3.11 | In some instances, it may not be possible at the time of the application for development consent for all aspects of the proposal to have been settled in precise detail. Where this is the case, the applicant should explain in its application which elements of the proposal have yet to be finalised, and the reasons why this is the case | ES Chapter 3 Site and Development Description **[APP-023]** states that in accordance with NPS EN-1, the exact details of all elements of the design of the Proposed Development cannot be confirmed until the tendering process for the design has been completed and the detailed design has been approved in advance of the Proposed Development commencing (or phase thereof). This is to allow for flexibility to accommodate changes in technological advancements. For example, the enclosure or building sizes may vary depending on the contractor selected and their specific configuration and selection of plant. The Environmental Statement assesses the likely worst-case effects. |
| Paragraph 4.3.12 | Where some details are still to be finalised, the ES should, to the best of the applicant's knowledge, assess the likely worst-case | |

| NPS EN-1<br>Relevant Paragraph | NPS EN-1 Detail | NPS EN-1<br>Proposed Development compliance |
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| | environmental, social and economic effects of the proposed development to ensure that the impacts of the project as it may be constructed have been properly assessed. | As outlined in Paragraph 3.2.5 of the Planning Statement **[APP-228],** the DCO application will seek flexibility for different configurations of solar PV modules. |
| Paragraph 4.3.15 | Applicants are obliged to include in their ES, information about the reasonable alternatives they have studied. This should include an indication of the main reasons for the applicant's choice, taking into account the environmental, social and economic effects and including, where relevant, technical and commercial feasibility. | ES Chapter 4 Alternatives and Design Evolution **[AS-013]** provides information on the reasonable alternatives that have been studied as part of the EIA process. This includes the 'do nothing' alternative, consideration of alternative locations or uses, and consideration of design alternatives.<br><br>An Alternative Site Assessment **[APP-227]** has been carried out, detailing the Applicant's site selection process. This process involved the use of various plans included at the end of the assessment, covering key considerations such as landscape statutory designations, biodiversity statutory designations, cultural heritage statutory designations, flood risk mapping, local plan designations, agricultural land classification, and the availability of brownfield sites. |
| Paragraph 4.3.18 | The Secretary of State should consider the worst-case impacts in its consideration of the application and consent, providing some flexibility in the consent to account for uncertainties in specific project details. | ES Chapter 3 Site and Development Description **[APP-023]** states that in accordance with NPS EN-1, the exact details of all elements of the design of the Proposed Development cannot be confirmed until the tendering process for the design has been completed and the detailed design has been approved in advance of the Proposed Development commencing (or phase thereof). This is to allow for flexibility to accommodate changes in technological advancements. For example, the enclosure or building sizes may vary depending on the contractor selected and their specific configuration and selection of plant.<br><br>In order to maintain flexibility in the design and layout at this stage in the process, the assessment of the Proposed Development, in accordance |

| NPS EN-1<br>Relevant Paragraph | NPS EN-1 Detail | NPS EN-1<br>Proposed Development compliance |
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| | | with NPS EN-1, has adopted the Rochdale Envelope approach, as described in the PINS Advice Note Nine: Rochdale Envelope (July 2018). This involves specifying parameter ranges, including details of the maximum, and where relevant the minimum, size (footprint, width, and height relative to above ordnance datum ('AOD')), technology, and locations of the different elements of the Proposed Development. The use of the Rochdale Envelope approach has therefore been adopted to present a reasonable worst-case assessment of the potential environmental effects of the Proposed Development. |
| Paragraph 4.3.19 | The Secretary of State should consider how the accumulation of, and interrelationship between, effects might affect the environment, economy, or community as a whole, even though they may be acceptable when considered on an individual basis with mitigation measures in place | The accumulation and interrelationship between effects is discussed throughout the application.<br><br>Specifically, ES Chapter 15 Cumulative Effects **[APP-035]** considered the potential for likely significant intra-project effects (i.e. the different types of effects resulting from the Proposed Development combining to have effects on the same receptor) and likely significant inter-project cumulative effects on the environment (i.e. those resulting from the Proposed Development combined with other relevant development in the area). |
| Paragraph 4.3.22-4.3.28 | Given the level and urgency of need for new energy infrastructure, the Secretary of State should, subject to any relevant legal requirements (e.g. under the Habitats Regulations) which indicate otherwise, be guided by the following principles when<br><br>deciding what weight should be given to alternatives: | ES Chapter 4 Alternative and Design Evolution **[AS-013]** sets out information in relation to alternatives that is required by the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and includes information about the main alternative studies.<br><br>An Alternative Site Assessment **[APP-227]** has also been provided as an appendix to the Planning Statement **[APP-228]**.<br><br>These documents set out the main reasons for the Applicant's choices, taking into account environmental, social and economic effects as well |

| NPS EN-1 Relevant Paragraph | NPS EN-1 Detail | NPS EN-1 Proposed Development compliance |
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| | • the consideration of alternatives in order to comply with policy requirements should be carried out in a proportionate manner | as technical and commercial feasibility. It is considered that the information provided is sufficient to enable the SoS to consider the topic of alternatives in accordance with the guidance provided in NPS EN-1. |
| | • only alternatives that can meet the objectives of the proposed development need be considered. | In alignment with the NPS approach to consideration of alternatives, the assessment carried out by the Applicant has met relevant legal requirements and has been carried out in a proportionate manner, recognising the realistic prospect of alternatives; the objectives of the Proposed Development; and the need for commercial and technical viability**.** |
| | The Secretary of State should not refuse an application for development on one site simply because fewer adverse impacts would result from developing similar infrastructure on another suitable site, and it should have regard as appropriate to the possibility that all suitable sites for energy infrastructure of the type proposed may be needed for future proposals. | |
| | Alternatives not among the main alternatives studied by the applicant (as reflected in the ES) should only be considered to the extent that the Secretary of State thinks they are both important and relevant to the decision. As the Secretary of State must assess an application in accordance with the relevant NPS (subject to the exceptions set out in the Planning Act 2008), if the Secretary of State | |

| NPS EN-1 Relevant Paragraph | NPS EN-1 Detail | NPS EN-1 Proposed Development compliance |
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| | concludes that a decision to grant consent to a hypothetical alternative proposal would not be in accordance with the policies set out in the relevant NPS, the existence of that alternative is unlikely to be important and relevant to the Secretary of State's decision. Alternative proposals which mean the necessary development could not proceed, for example because the alternative proposals are not commercially viable or alternative proposals for sites would not be physically suitable, can be excluded on the grounds that they are not important and relevant to the Secretary of State's decision. Alternative proposals which are vague or inchoate can be excluded on the grounds that they are not important and relevant to the Secretary of State's decision. | |
| **Health** | | |
| Paragraph 4.4.1 | Energy infrastructure has the potential to impact on the health and well-being ("health") of the population. Access to energy is clearly beneficial to society and to our health as a whole. However, the construction of energy infrastructure and the production, distribution and use of | A standalone chapter on human health was scoped out of the Environmental Statement ("ES") as agreed with the Planning Inspectorate in their Scoping Opinion **[APP-112].** It is anticipated that there would be limited impact on human health during the construction and operation of the Proposed Development. |

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| | energy may have negative impacts on some people's health. | ES Appendix 2.6 Population and Human Health Technical Note **[APP-118]** presents a comprehensive baseline in respect of human health and summarises effects on human health identified within ES technical chapters. Aspects of human health which re considered in the context of a technical chapter are as follows:<br>• ES Chapter 15 Cumulative Effects **[APP-035]** assesses the Cumulative impact of the Proposed Development. The chapter discusses intra-project effects that may be relevant to the health and wellbeing of users of public rights of way ("PRoW"), such as the combined effect of noise disturbance and the visual effect of construction and decommissioning activities, concluding that any adverse effects would be short term, temporary and not significant.<br>• ES Chapter 13 Socio-economics **[APP-033]** has considered the worst case additional demand during the construction period in relation to accommodation and services, assuming all workers are sourced from outside the Wider Study Area (100% leakage as agreed by NYC) under Effects on Local Amenity, which identified a negligible to minor adverse (not significant) effect.<br><br>It is noted in ES Chapter 13 that an Employment and Skills Plan **[APP-170]** has been produced at Appendix 13.1 of the ES to demonstrate the Applicant's commitment to supporting employment and upskilling opportunities in the local area and the mechanisms that will be used to facilitate this.<br><br>ES Chapter 13 Socio-Economics **[APP-033]** and ES Chapter 15 Cumulative Effects **[APP-035]** addresses cumulative effects and the impact on health.<br><br>ES Appendix 2.6 Population and Human Health Technical Note **[APP-118]** presents a comprehensive baseline in respect of human health and |
| Paragraph 4.4.2 | The direct impacts on health may include<br>• increased traffic<br>• air or water pollution<br>• dust, odour<br>• hazardous waste and substances<br>• noise<br>• exposure to radiation, and<br>• increases in pests | |
| Paragraph 4.4.3 | New energy infrastructure may also affect the composition and size of the local population, and in doing so have indirect health impacts, for example if it in some way affects access to key public services, transport, or the use of open space for recreation and physical activity. | |
| Paragraph 4.4.4 | As described in the relevant sections of this NPS and in the technology specific NPSs, where the proposed project has an effect on humans, the ES should assess these effects for each element of the project, | |

| NPS EN-1<br>Relevant Paragraph | NPS EN-1 Detail | NPS EN-1<br>Proposed Development compliance |
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| | identifying any potential adverse health impacts, and identifying measures to avoid, reduce or compensate for these impacts as appropriate. | summarises effects on human health identified within ES technical chapters.<br><br>The Battery Energy Storage System ('BESS') Safety Management Plan ('SMP') for the Proposed Development is provided at Appendix 3.1 **[APP-119].** The SMP identifies the potential hazards of energy storage systems of this type and provides the basis for the safety management processes and procedures to mitigate the risk of hazards. The Applicant does not consider that further information within the ES is required; following the implementation of the mitigation proposed there will be no significant risk of major accidents and disasters. It has previously been agreed with PINS in their Opinion that a standalone chapter covering Major Accidents and Disasters would not be required.<br><br>The following management plans are included within the DCO which secure the implementation of measures during construction, operation and decommissioning which would seek to avoid or reduce risks relating to human health. These are secured though DCO requirement.<br><br>▪ oCEMP [**APP-121**],<br>▪ oOEMP **[APP-124]**<br>▪ oDEMP **[APP-123]**<br>▪ SMP **[APP-119]** |
| Paragraph 4.4.5 | The impacts of more than one development may affect people simultaneously, so the applicant should consider the cumulative impact on health in the ES where appropriate. | |
| Paragraph 4.4.6 | Opportunities should also be taken to mitigate indirect impacts, by promoting local improvements to encourage health and wellbeing, this includes potential impacts on vulnerable groups within society i.e. those groups within society which may be differentially impacted by a development compared to wider society as a whole. | ES Chapter 13 Socio-Economics **[APP-033]** discusses the topic of health. The Proposed Development has been designed to minimise any impact on human health and where there are interactions with human health these are assessed within the Noise and Transport aspect chapters of the ES.<br><br>Permissive paths have been proposed during the operational lifetime of the development so as to formalise access between PRoWs and |

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| Paragraph 4.4.7-4.4.8 | Generally, those aspects of energy infrastructure which are most likely to have a significantly detrimental impact on health are subject to separate regulation (for example for air pollution) which will constitute effective mitigation of them, so that it is unlikely that health concerns will either by themselves constitute a reason to refuse consent or require specific mitigation under the Planning Act 2008. However, not all potential sources of health impacts will be mitigated in this way and the Secretary of State will want to take account of health concerns when setting requirements relating to a range of impacts such as noise. | therefore encourage use, this provides additional recreation opportunities.<br><br>This approach to health is agreed as a proportionate approach by the UK Health Security Agency in their scoping response (04 July 2022).<br><br>The Population and Human Health Technical Note **[APP-118]** has been provided in response to the comments provided by NYC during the Statutory Consultation period for the PEIR. Further information regarding the potential effects of the Proposed Development on human health will be provided to NYC through the SoCG process in response to NYC's Local Impact Report. |
| **Environmental and Biodiversity Net Gain** | | |
| Paragraph 4.6.1 | Environmental net gain is an approach to development that aims to leave the natural environment in a measurably better state than beforehand. Projects should therefore not only avoid, mitigate and compensate harms, following the mitigation hierarchy, but also consider whether there are opportunities for enhancements. | Whilst biodiversity net gain (BNG) for NSIPs under the Environment Act 2021 is not mandatory, the applicant has submitted the Statutory Biodiversity Metric Calculation Tool **[APP-153]** to demonstrate that a net gain can be achieved.<br><br>ES Chapter 8 Biodiversity **[APP-028]** discusses the principle of BNG. The chapter describes the cumulative effects of the scheme, considering construction, operation and decommissioning. Given the nature of this scheme and similar schemes, the actual land take and associated habitat loss is a small percentage, with construction effects, largely temporary and reversible. |
| Paragraph 4.6.6-4.6.8 | Energy NSIP proposals, whether onshore or offshore, should seek opportunities to contribute to and enhance the natural | |

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| | environment by providing net gains for biodiversity, and the wider environment where possible. In England applicants for onshore elements of any development are encouraged to use the latest version of the biodiversity metric to calculate their biodiversity baseline and present planned biodiversity net gain outcomes. This calculation data should be presented in full as part of their application. Where possible, this data should be shared, alongside a completed biodiversity metric calculation, with the Local Authority and Natural England for discussion at the pre-application stage as it can help to highlight biodiversity and wider environmental issues which may later cause delays if not addressed. | Habitat losses comprise low ecological value agricultural land, and the solar developments provide clear commitments to achieve significant measurable biodiversity gains. Cumulatively, this represents a local gain in habitats of ecological importance, which will also cumulatively strengthen habitat connectivity in the wider landscape. Areas within these developments will also be subject to lower levels of disturbance (resulting from the cessation of intensive arable management) and hence will provide areas of refuge for foraging and shelter for a range of species. Cumulative biodiversity net gain is therefore likely in relation to the Proposed Development and these four other solar application sites, as set out below.<br><br>• Land South of A645, Wade House Lane, Drax (ref: 2023/0128/EIA);<br>• East Yorkshire Solar Farm NSIP (PINS ref: EN010143);<br>• Land North and South of Camela Lane, Camblesforth (ref: 2021/0788/EIA);<br>• Land near Osgodby Grange, South Duffield Road, Osgodby, Selby (ref: 2021/0978/FULM).<br><br>Subsequently, it is considered that impacts to habitats will be of high (positive) magnitude on a Local value and sensitivity, which are consequently significant beneficial effects. |
| Paragraph 4.6.10 | Biodiversity net gain should be applied after compliance with the mitigation hierarchy and does not change or replace existing environmental obligations, although compliance with those obligations will be relevant to the question of the baseline for assessing net gain and if they deliver an additional enhancement beyond | Paragraph 8.4.104 of ES Chapter 8 Biodiversity **[APP-028]** discusses the mitigation hierarchy. The mitigation hierarchy is also fundamental to BNG. There are four sequential steps that must be taken throughout the lifecycle of a project where there is potential for impacts on relevant ecological receptors:<br><br>• Avoidance – actions taken to avoid causing impacts to the environment prior to beginning development (for example, moving the development to a different location); |

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| | meeting the existing obligation, that enhancement will count towards net gain. | • Minimisation – measures taken to reduce the duration, intensity, extent and/or likelihood of the unavoidable environmental impacts caused by development (for example, adapting the development design to minimise impacts);<br>• Restoration or rehabilitation – actions taken to repair environmental degradation or damage following unavoidable impacts caused by development; and<br>• Offsets – measures taken to compensate for any adverse environmental impacts caused by development which cannot be avoided, minimised and/or restored (e.g., including habitat creation to offset losses).<br><br>The Proposed Development's design evolution has sought to avoid areas of significant biodiversity value, such as field boundary hedgerows and ditch networks. Habitat enhancement measures and ongoing management practices are proposed in line with guidance published by the Building Research Establishment ('Biodiversity Guidance for Solar Developments' ) ('the BRE guidance') that will enhance and safeguard key habitats for the benefit of wildlife and enhance the ecological value of land currently under agricultural use. |
| Paragraph 4.6.13 | In addition to delivering biodiversity net gain, developments may also deliver wider environmental gains relevant to the local area, and to national policy priorities, such as:<br><br>▪ reductions in GHG emissions,<br>▪ reduced flood risk,<br>▪ improvements to air or water quality,<br>▪ climate adaptation,<br>▪ landscape enhancement, | The Proposed Development will provide a variety of benefits beyond Biodiversity Net Gain. Section 7.3 of the Statement of Reasons **[APP-011]** outline benefits that the Proposed Development will deliver.<br><br>▪ Renewable Energy: The Proposed Development will deliver up to 190MW of renewable energy to the National Grid, supporting the critical national priority for low-carbon infrastructure.<br>▪ Climate Emergency: The project contributes to addressing the national climate emergency and supports NYC's commitment to achieving carbon neutrality.<br>▪ Energy Security: By providing renewable energy and grid-balancing services, the development aligns with Government energy security policy, enhancing the stability of the National Grid. |

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| | ▪ increased access to natural greenspace, or the enhancement, expansion or<br>▪ provision of trees and woodlands.<br><br>The scope of potential gains will be dependent on the type, scale, and location of specific projects. Applicants should look for a holistic approach to delivering wider environmental gains and benefits through the use of nature-based solutions and Green Infrastructure. | ▪ Advanced Technology: Incorporating solar tracking systems, bi-facial panels, and a battery storage facility, the project maximises solar efficiency and supports grid demand management, aiding the decarbonisation of the UK's energy system.<br>▪ Biodiversity: The project will deliver a 55.7% increase in habitats and a 61.1% increase in hedgerows, enhancing the ecological value of the site.<br>▪ Farm Diversification: The development supports sustainable farm diversification through renewable energy generation.<br>▪ Economic Benefits: The project represents a significant financial investment, providing local economic benefits and creating temporary jobs during the construction phase, both directly on-site and indirectly in the wider economy.<br><br>The Proposed Development will deliver a substantial reduction in greenhouse gas emissions over its lifetime, as explained in ES Chapter 12 Climate Change **[APP-032]**. |
| Paragraph 4.6.15-4.6.17 | Applications for development consent should be accompanied by a statement demonstrating how opportunities for delivering wider environmental net gains have been considered, and where appropriate, incorporated into proposals as part of good design (including any relevant operational aspects) of the project. Applicants should make use of available guidance and tools for measuring natural capital assets and ecosystem services, such as the Natural Capitals Committee's 'How to Do it: natural capital workbook' and the government's guidance on Enabling a Natural Capital Approach (ENCA), and | As set out in Section 4.3 of the Design and Access Statement **[APP-229]**, the Proposed Development has been designed with the objective of enhancing biodiversity through the protection and enhancement of existing green infrastructure and through the creation of new habitat. Through enhancement and habitat creation, the Proposed Development will deliver a project-wide Biodiversity Net Gain of 55.70% in Habitat Units, 61.11% in Hedgerow Units and 9.05% in Watercourse Units. While it is not yet a mandatory requirement for DCO applications to demonstrate a quantifiable biodiversity net gain ('BNG') of at least 10% under the Environment Act 2021, the Proposed Development will achieve a voluntary BNG in accordance with NERC obligations. Therefore, DEFRA's Statutory Biodiversity Metric Calculator has been utilised to provide evidence of achievable on-Site BNG associated with the Proposed Development, which is presented in a separate standalone Biodiversity Impact Assessment submitted as part of the DCO |

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| | other tools that aim to enable wider benefits for people and nature. Where environmental net gain considerations have featured as part of the strategic options appraisal process to select a project, applicants should reference that information to supplement the site-specific details. | Application. For the purposes of impact assessment, the delivery of a quantifiable BNG has been considered as an inherent part of the Proposed Development, i.e., as 'embedded enhancement'.<br><br>As set out in Paragraph 4.3.9 of the DAS, the design of the Proposed Development has been informed by the assessment of potential significant effects on ecological and ornithological features, including species-specific surveys and assessments, as presented in ES Chapter 8 Biodiversity **[APP-028]**. The design of the Proposed Development includes embedded mitigation to avoid or reduce the potential for adverse ecological impacts, including retaining identified higher value habitat features such as hedgerows, ditches, watercourses and woodlands, and focusing the large majority of the built development proposals within lower ecological value agricultural land. Additionally, sensitive and higher value ecological features outside the Site have been protected within the design through the use of buffer zones and other safeguarding measures. The Landscape Strategy also includes extensive embedded habitat creation which will diversify and strengthen the biodiversity interest of the Proposed Development and neighbouring areas, as discussed in ES Chapter 7 Landscape and Views **[APP-027]** and shown on Landscape Strategy Plan **[APP-054]**. The outline Landscape and Ecological Management Plan (oLEMP) **[APP-143]** sets out how the Landscape Strategy translates into the establishment and management for the various vegetation/habitats types and features of the Site. |
| **Criteria for good design for Energy Infrastructure** | | |

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| Paragraph 4.7.2 | Applying good design to energy projects should produce sustainable infrastructure sensitive to place, including impacts on heritage, efficient in the use of natural resources, including land-use, and energy used in their construction and operation, matched by an appearance that demonstrates good aesthetic as far as possible. It is acknowledged, however that the nature of energy infrastructure development will often limit the extent to which it can contribute to the enhancement of the quality of the area. | The Proposed Development has been informed by a detailed design process. This has involved taking account of the context and features of the land within the Order limits, sensitive receptors, information from environmental surveys and feedback from stakeholders. The design takes into account constraints and opportunities with an aim of minimising potential impacts and providing environmental enhancements where practicable. The design process and basis of the design decisions are set out in Design and Access Statement **[APP-229]** and ES Chapter 4 Alternatives and Design Evolution **[APP-013]**. |
| Paragraph 4.7.3 | Good design is also a means by which many policy objectives in the NPSs can be met, for example the impact sections show how good design, in terms of siting and use of appropriate technologies, can help mitigate adverse impacts such as noise. Projects should look to use modern methods of construction and sustainable design practices such as use of sustainable timber and low carbon concrete. Where possible, projects should include the reuse of material. | As detailed in **ES** Chapter 4 Alternatives and Design Evolution **[AS-013]**. Different design measures have been embedded to mitigate against certain environmental constraints, these include but are not limited to –<br>• Ancillary control equipment, BESS facility and 132kV Substation are restricted to areas of very low surface water flood risk as shown on Figure 3.2 Parameter Plan of the ES;<br>• Solar PV arrays within the areas of elevated flood risk will be rotated to the horizontal position (‘the stow position’) to ensure the solar PV panels are raised above the flood level during times of flood risk;<br>• A minimum of a 0.3m freeboard between the combined fluvial and tidal design flood level and the stow position of the solar PV array; |

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| | | A range of design options have also been chosen to avoid and mitigate potential effects on receptors outlined above. These include but are not limited to:<br>• Retaining identified higher value habitat features such as hedgerows, ditches, and woodlands;<br>• Focusing the large majority of the built development proposals within lower ecological value agricultural land;<br>• Grid connection works will largely comprise of minor excavation impacts to existing arable and developed land (existing tracks, roads and Drax grid connection compound); |
| Paragraph 4.7.4 | Given the benefits of good design in mitigating the adverse impacts of a project, applicants should consider how good design can be applied to a project during the early stages of the project lifecycle. | The Design and Access Statement **[APP-229]** demonstrates how good design has been embedded in the Proposed Development vision and principles, how these have influenced the overall siting and aesthetics of the Proposed Development, how this has been considered and how good design will be taken forward at the detailed design stage.<br><br>The Proposed Development has been informed by a detailed design process. This has involved taking account of the context and features of the land within the Order limits, sensitive receptors, information from environmental surveys and feedback from stakeholders. The design takes into account constraints and opportunities with an aim of minimising potential impacts and providing environmental enhancements where practicable. The design process and basis of the design decisions are set out in Design and Access Statement **[APP-229]** and ES Chapter 4 Alternatives and Design Evolution **[AS-013].** |
| Paragraph 4.7.5 | To ensure good design is embedded within the project development, a project board level design champion could be appointed, | As detailed in Section 6.3, 'Design Evolution' of the Design and Access Statement **[APP-229]**, the design and extent of the Proposed Development has been subject to an iterative process involving the |

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| | and a representative design panel used to maximise the value provided by the infrastructure. Design principles should be established from the outset of the project to guide the development from conception to operation. Applicants should consider how their design principles can be applied post-consent. | Applicant, the design team and the environmental consultant team. The design has also been informed by considering feedback from consultation with stakeholders and statutory consultees, host authorities, local communities, local residents and through the EIA scoping process. Decisions regarding the design of the Proposed Development have been informed by eight Project Objectives, which were shaped by the four NIC Design Principles of Climate, People, Places and Value.<br><br>The Outline Design Principles, outlined in Section 5 of the Design and Access Statement **[APP-229]**, set a framework for the detailed design, which will ensure that the Project Objectives are applied post-consent. |
| Paragraph 4.7.6 | Whilst the applicant may not have any or very limited choice in the physical appearance of some energy infrastructure, there may be opportunities for the applicant to demonstrate good design in terms of siting relative to existing landscape character, land form and vegetation. Furthermore, the design and sensitive use of materials in any associated development such as electricity substations will assist in ensuring that such development contributes to the quality of the area. Applicants should also, so far as is possible, seek to embed opportunities for nature inclusive design within the design process. | ES Chapter 4 Alternatives and Design Evolution **[AS-013]** and the Design and Access Statement **[APP-229]** set out the design process and priorities for the Proposed Development. Paragraph 6.3.3 of the Design and Access Statement **[APP-229]** explains the design options which have been embedded into the Proposed Development to reduce potential environmental effects on landscape and visual amenity:<br><br>• Proposed security fences will be to a maximum height of 2.1m above ground level and will be constructed from timber post and wire; similar in appearance to forestry fencing of a type to protect new planting from deer browsing. Therefore, not uncharacteristic in a rural environment, reducing the visual impact.<br><br>• The Proposed Development will retain the existing field boundary structure of ditches, hedgerows, trees and woodland blocks, with appropriate offsets to these features, avoiding loss or change to the existing landscape character;<br><br>• Seeding of existing arable fields under and around proposed solar PV panels with appropriate native grassland mixes to |

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| | | enhance biodiversity and support grazing, in keeping with the agricultural character of the area;<br><br>• Existing hedgerow field boundaries will be reinforced as part of the Proposed Development, particularly where fragmented, reducing effects on the landscape character;<br><br>• The Proposed Development will include the re-establishment of historic field boundary hedgerows that have been lost through agricultural intensification;<br><br>• Wetland/ditch field margins will be enhanced through appropriate native wetland seeding;<br><br>• The Proposed Development includes the provision of substantial buffers to settlements and individual properties, reducing the visual impact on nearby built development highlighted in Appendix 4.1;<br><br>• Creation of native woodland shelter belts to reinforce existing woodland habitats and screen views of the Proposed Development, further reducing the visual impact of the Proposed Development;<br><br>• Consideration of above and below ground utilities such as the gas pipeline and overhead lines onsite, whereby proposed landscape features account for the easements provided in Chapter 3 Site and Development Description of the ES, Table 3.1;<br><br>• Provision of permissive paths within the south-eastern part of the Site to formalise access between PRoW 18/6/1 and U8106/50 to the south of Camblesforth, improving the local PRoW network; and |

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| | | • The creation of a series of new habitat areas with a mosaic of native trees, grassland and wetland features to establish new habitats. Wetland features, including habitat ponds and scrapes to be planted with a diverse mix of native aquatic and wetland species providing a betterment to local landscape features. |
| Paragraph 4.7.7 | Applicants must demonstrate in their application documents how the design process was conducted and how the proposed design evolved. Where a number of different designs were considered, applicants should set out the reasons why the favoured choice has been selected. | The Project Objectives - which have acted as a set of decision-making reference points and have informed the design process up to the point of DCO application, and the process of design evolution is set out in ES Chapter 4 Alternatives and Design Evolution **[AS-013]** and the Design and Access Statement **[APP-229]**, in Section 4.3 'Vision and Objectives' and Section 6 'Design Evolution' respectively. The Project Objectives acted as the basis of design decisions and the reasons why the selected option was chosen. |
| Paragraph 4.7.8 | Applicants should consider taking independent professional advice on the design aspects of a proposal. In particular, the Design Council can be asked to provide design review for nationally significant infrastructure projects and applicants are encouraged to use this service. Applicants should also consider any design guidance developed by the local planning authority. | The Design and Access Statement **[APP-229]** outlines how national and local design guidance and policies have informed the design of the Proposed Development. Design guidance and policies are set out in Section 2 'Good Design'. These form the basis of the Project Objectives, as set out in Section 4 'Design Approach'.<br><br>Engagement with the Design Council was not deemed appropriate for the Proposed Development due to the nature of the project, which primarily focuses on renewable energy infrastructure which provides limited opportunity to alter designs by the very nature of the project. The project's design approach is guided by functional and environmental considerations, such as minimising landscape and ecological impacts. optimising solar panel efficiency and integrating battery storage. Instead, the design has been informed by local planning authority guidance, |

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| | | statutory consultation, and expert input on environmental and technical matters to ensure it aligns with best practices and policy requirements. Engagement with NYC and subsequent design changes are outlined in Table 4.1 of ES Chapter 4 Alternatives and Design Evolution **[AS-013]**. |
| Paragraph 4.7.10-4.7.13 | In the light of the above and given the importance which the Planning Act 2008 places on good design and sustainability, the Secretary of State needs to be satisfied that energy infrastructure developments are sustainable and, having regard to regulatory and other constraints, are as attractive, durable, and adaptable (including taking account of natural hazards such as flooding) as they can be. In doing so, the Secretary of State should be satisfied that the applicant has taken into account both functionality (including fitness for purpose and sustainability) and aesthetics (including its contribution to the quality of the area in which it would be located, any potential amenity benefits, and visual impacts on the landscape or seascape) as far as possible. considering applications, the Secretary of State should take into account the ultimate purpose of the infrastructure and bear in mind the operational, safety and security requirements which the design has to | The various impacts on the landscape are discussed in ES Chapter 7 Landscape and Views **[APP-027]**.<br><br>As mentioned at paragraph 7.5.16, The Proposed Development is designed to sit within the existing landscape framework, with no impacts on existing trees or woodland proposed. However, there is likely to be limited removal of short sections of hedgerow to accommodate access between fields where unavoidable.<br><br>The Proposed Development's modelled operational lifespan of 40 years and the way in which it is to be constructed is such that it predominantly has a temporary character, and the existing baseline, with enhancements to hedgerows, woodlands and fields, is readily reinstated on its removal.<br><br>ES Chapter 3 Site and Development Description **[APP-023]** states at 3.4.1 that the design of the Proposed Development has evolved throughout the assessment and consultation processes, with infrastructure located to avoid significant impact on any specific designations or assets and, where appropriate, to respond to feedback from consultees.<br><br>Table 3.2 of this chapter contains a summary of parameters and indicative design features for assessment. |

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| | satisfy. Many of the wider impacts of a development, such as landscape and environmental impacts, will be important factors in the design process.<br><br>The Secretary of State should consider such impacts under the relevant policies in this NPS. Assessment of impacts must be for the stated design life of the scheme rather than a shorter time period. | ES Chapter 2 **[APP-022]** confirms that the EIA has been undertaken on the basis of the construction period, a 40-year operational life and decommissioning. |
| **Climate Change Adaptation and Resilience** | | |
| Paragraph 4.10.3 | To support planning decisions, the government produces a set of UK Climate Projections as well as hazard-specific tools and guidance like the Environment Agency's climate change allowances for flood risk assessments. In addition, the government's National Adaptation Programme and Adaptation Reporting Power will ensure that reporting authorities (a defined list of public bodies and statutory undertakers, including energy utilities) assess the risks to their organisation presented by climate change. | Section 12.5 – 12.8 of ES Chapter 12 Climate Change **[APP-032]** discusses the likely significant effects, additional mitigation measures, residual effects and the cumulative effects of the Proposed Development in relation to climate change. |
| Paragraph 4.10.5 | In certain circumstances, measures implemented to ensure a scheme can adapt to climate change may give rise to additional impacts, for example as a result | Section 12.5 – 12.8 of ES Chapter 12 Climate Change **[APP-032]** discusses the likely significant effects, additional mitigation measures, |

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| | of protecting against flood risk, there may be consequential impacts on coastal change. In preparing measures to support climate change adaptation applicants should take reasonable steps to maximise the use of nature-based solutions alongside other conventional techniques. | residual effects and the cumulative effects of the Proposed Development in relation to climate change.<br><br>The Environmental Impact Assessment (EIA) has evaluated the potential effects of the Proposed Development on climate change, including both mitigation and adaptation measures. Greenhouse gas (GHG) emissions during construction are anticipated to be minor adverse but not significant, with mitigation measures such as a Construction Traffic Management Plan in place. During operation, the development will provide a substantial carbon saving of approximately 36,558 tCO2e annually, equating to 1,462,334 tCO2e over its lifespan, representing a major beneficial local effect but a minor beneficial effect nationally. The project is resilient to projected climate changes, with measures like a robust drainage strategy mitigating flood risk. Overall, no significant adverse effects are anticipated for future site users, infrastructure, or the natural environment. |
| Paragraph 4.10.6 | Integrated approaches, such as looking across the water cycle, considering coordinated management of water storage, supply, demand, wastewater, and flood risk can provide further benefits to address multiple infrastructure needs, as well as carbon sequestration benefits. | Table 12.7 within ES Chapter 12 Climate Change **[APP-032]** details the range of ecological and flooding mitigation measures being adopted by the project.<br><br>During operation measures include:<br><br>▪ Adherence to the oLEMP in the future management of the Proposed Development and operation of the BESS in line with the BESS Safety Management Plan,<br>▪ The operation of the BESS will be mitigated by the implementation of the BESS Safety Management Plan **[APP-119].**<br>▪ The Proposed Development's green and blue infrastructure will provide a level of thermal cooling during heatwaves. Site workers will be on-site infrequently, with minimal visits for general |

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| | | maintenance (5 visits per month). It is anticipated that site workers/operators would have health & safety procedure in place to avoid working in extreme conditions.<br>▪ A range of embedded mitigation measures are incorporated for flood resilience and resistance of site equipment, including the siting of sensitive equipment. |
| Paragraph 4.10.7 | In addition to avoiding further GHG emissions when compared with more traditional adaptation approaches, nature-based solutions can also result in biodiversity benefits and net gain, as well as increasing absorption of carbon dioxide from the atmosphere. | The Proposed Development incorporates Biodiversity Net Gain (BNG) as a measurable approach to demonstrate its commitment to enhancing biodiversity. By utilising the recognised Defra biodiversity metric, the project quantifies its ecological benefits, achieving a 55.7% increase in habitats and a 61.1% increase in hedgerows |
| Paragraph 4.10.8-4.10.9 | New energy infrastructure will typically need to remain operational over many decades, in the face of a changing climate. Consequently, applicants must consider the direct (e.g. site flooding, limited water availability, storms, heatwave and wildfire threats to infrastructure and operations) and indirect (e.g. access roads or other critical dependencies impacted by flooding, storms, heatwaves or wildfires) impacts of climate change when planning the location, design, build, operation and, where | ES Chapter 12 Climate Change **[APP-032]** discusses both the direct and indirect impacts of the Proposed Development on the climate. Specific impacts on flooding, water and traffic are detailed in ES Chapter 9 Water Environment **[APP-027]**, ES Chapter 10 Transport and Access **[APP-030]** and ES Chapter 12 Climate Change **[APP-032].**<br><br>The approach to the assessment of Climate Change Resilience is explained at paragraph 12.3.7, In considering future climate change scenarios, managing climate change resilience and adaptation, the 2020 IEMA Guidance recommends the use of the UK Climate Projections ('UKCP') platform. The latest UKCP is UKCP18 which provides updated observations and climate change projections up to 2100 in the UK; |

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| | appropriate, decommissioning of new energy infrastructure.<br><br>The ES should set out how the proposal will take account of the projected impacts of climate change, using government guidance and industry standard benchmarks such as the Climate Change Allowances for Flood Risk Assessments, Climate Impacts Tool, and British Standards for climate change adaptation, in accordance with the EIA Regulations. | therefore, this assessment assumes projections for 2066 as the most far-reaching projection and is considered to be appropriate for the operational design life of the Proposed Development (modelled to be up to 40 years).<br><br>As the construction phase for the Proposed Development is anticipated to be 12 months, it is considered that changes in the climate that may give rise to potential significant effects are not anticipated to manifest in this timeframe; therefore, a climate resilience assessment during the construction phase of the Proposed Development has been scoped out of this chapter and is only considered for the operational phase.<br><br>The assessment concludes that the residual effect on infrastructure, future site users and the natural environment from climate change is negligible and not significant. The assessment also identified a moderate beneficial residual effect on resilience to flood risk from surface water flood risk and the drainage regime. The Proposed Development is therefore considered to be resilient to projected climate change.<br><br>An assessment of climate resilience has also been scoped out for the decommissioning phase due to uncertainties of projecting climate in 40 years within a 12-month period (the anticipated timeframe of the decommissioning phase) as set out at paragraph 12.3.15 |
| Paragraph 4.10.10-4.10.11 | Applicants should assess the impacts on and from their proposed energy project across a range of climate change scenarios, in line with appropriate expert advice and guidance available at the time. Applicants should be able to demonstrate that proposals have a high level of climate resilience built-in from the outset and should also demonstrate how proposals can be adapted over their predicted lifetimes to remain resilient to a credible maximum climate change scenario. These results should be considered alongside relevant research which is based on the climate change projections | |

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| Paragraph 4.10.12 | Where energy infrastructure has safety critical elements, the applicant should apply a credible maximum climate change scenario. It is appropriate to take a risk-averse approach with elements of infrastructure which are critical to the safety of its operation. | ES Chapter 12 Climate Change **[APP-032]** states at paragraph 12.3.8 that in line with the 2020 IEMA Guidance, utilises climate projections using the 'worst case scenario' of future climate projections. RCP 8.5 refers to the concentration of carbon that delivers global warming at an average of 8.5 watts per square meter across the planet. The RCP 8.5 pathway delivers a temperature increase of about 4.3˚C by 2100, relative to pre-industrial temperatures and is considered to be a 'worst-case scenario'. The 2020 IEMA Guidance sets out that the use of the high emissions scenarios (Met Office UKCP18 RCP8.5) is generally recommended, unless the case can be made for using a different, lower emissions scenario.<br><br>Table 12.7 of ES Chapter 12 Climate Change **[APP-032]** demonstrates that a risk averse approach has been taken to elements of infrastructure, with embedded mitigation and measures to be adopted by the project ensuring the Proposed Development is resilient to climate change throughout its operation. |
| Paragraph 4.10.13-4.10.14 | The Secretary of State should be satisfied that applicants for new energy infrastructure have taken into account the potential impacts of climate change using the latest UK Climate Projections and associated research and expert guidance (such as the EA's Climate Change Allowances for Flood Risk Assessments or the Welsh Government's Climate change allowances and flood consequence assessments) available at the time the ES was prepared to ensure they have identified appropriate mitigation or | ES Chapter 12 Climate Change **[APP-032]** states the following at paragraph 12.3.14. In considering future climate change scenarios, managing climate change resilience and adaptation, the 2020 IEMA Guidance recommends the use of the UK Climate Projections ('UKCP') platform. The latest UKCP is UKCP18 which provides updated observations and climate change projections up to 2100 in the UK; therefore, this assessment assumes projections for 2066 as the most far-reaching projection and is considered to be appropriate for the operational design life of the Proposed Development (modelled to be up to 40 years). |

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| | adaptation measures. This should cover the estimated lifetime of the new infrastructure, including any decommissioning period. Should a new set of UK Climate Projections or associated research become available after the preparation of the ES, the Secretary of State (or the Examining Authority during the examination stage) should consider whether they need to request further information from the applicant. | |
| Paragraph 4.10.15 | The Secretary of State should be satisfied that there are not features of the design of new energy infrastructure critical to its operation which may be seriously affected by more radical changes to the climate beyond that projected in the latest set of UK climate projections, taking account of the latest credible scientific evidence on, for example, sea level rise (for example by referring to additional maximum credible scenarios – i.e. from the Intergovernmental Panel on Climate Change or EA) and that necessary action can be taken to ensure the operation of the infrastructure over its estimated lifetime. | The operation of the BESS has potential to be adversely affected by extreme heat; this risk will be mitigated by the implementation of the BESS Safety Management Plan **[APP-119].**<br><br>ES Chapter 12 Climate Change **[APP-032]** discusses the measures that are incorporated to reduce the risk of surface water and fluvial flooding, which, could be effected by climate change within table 12.7, concluding that no significant adverse effects are anticipated for future site users, infrastructure, or the natural environment. |
| Paragraph 4.10.16 | If any adaptation measures give rise to consequential impacts (for example on flooding, water resources or coastal | No adaptation measures are assessed to result in any significant adverse effects. Adaptation to climate change, or climate change |

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| | change) the Secretary of State should consider the impact of the latter in relation to the application as a whole and the impacts guidance set out in Part 5 of this NPS. | resilience is discussed in Section 12.5-12.8 of ES Chapter 12 Climate Change **[APP-032]**. |
| Paragraph 4.10.17 | Any adaptation measures should be based on the latest set of UK Climate Projections, the government's latest UK Climate Change Risk Assessment, when available, and in consultation with the EA's Climate Change Allowances for Flood Risk Assessments or the Welsh Government's Climate change allowances and flood consequence assessments. | ES Chapter 12 Climate Change **[APP-032]** states at paragraph 12.3.14 that considering future climate change scenarios, managing climate change resilience and adaptation, the 2020 IEMA Guidance recommends the use of the UK Climate Projections ('UKCP') platform. The latest UKCP is UKCP18 which provides updated observations and climate change projections up to 2100 in the UK; therefore, this assessment assumes projections for 2066 as the most far-reaching projection and is considered to be appropriate for the operational design life of the Proposed Development (modelled to be up to 40 years). |
| Paragraph 4.10.19 | Adaptation measures should be required to be implemented at the time of construction where necessary and appropriate to do so. However, where they are necessary to deal with the impact of climate change, and that measure would have an adverse effect on other aspects of the project and/or surrounding environment (for example coastal processes), the Secretary of State may consider requiring the applicant to keep the need for the adaptation measure under review, and ensure that the measure could be implemented should the need arise, rather than at the outset of the development (for example increasing | ES Chapter 15 Cumulative Effects **[APP-035]** considers the potential for likely significant intra-project effects between effects identified across different ES chapters. This assessment has not identified that any climate adaptation measures would have an adverse environmental effect on other aspects of the Proposed Development. Mitigation measures to enable resilience to the effects of climate change during construction and operation include but are not limited to:<br>• Implementation of management plans in the form of the oCEMP **[APP-121]** and oCTMP **[AS-006]** which present methods to minimise emissions.<br>• Development of a robust Drainage Strategy to manage increased rainfall and mitigate flood risks associated with climate change. |

| NPS EN-1 Relevant Paragraph | NPS EN-1 Detail | NPS EN-1 Proposed Development compliance |
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| | height of existing, or requiring new, sea walls). | • Incorporation of biodiversity measures, such as habitat creation and hedgerow planting, to support ecosystem resilience against climate impacts. |
| **Network Connection** | | |
| Paragraph 4.11.1-4.11.3 | The connection of a proposed electricity generation plant to the electricity network is an important consideration for applicants wanting to construct or extend a generation plant. In the market system and in the past, it has been for the applicant to ensure that there will be necessary infrastructure and capacity within an existing or planned transmission or distribution network to accommodate the electricity generated. To support the achievement of the transition to net zero, government is accelerating the co-ordination of the development of the grid network to facilitate the UK's net zero energy generation development and transmission. | As set out in paragraph 1.1.5 of the Grid Connection Statement **[APP-230]**, the Proposed Development will connect into the 132kV compound within the Drax National Grid Substation, using 132 kilovolt (kV) underground cables. A new generator bay will be provided within the existing 132kV compound to facilitate the grid connection of HREP. |
| Paragraph 4.11.5-4.11.6 | The applicant must liaise with National Grid who own and manage the transmission network in England and Wales or the relevant regional DNO or TSO to secure a | As set out in paragraph 1.1.6 of the Grid Connection Statement **[APP-230]**, the Proposed Development will supply electricity to the System Operator (National Energy System Operator (NESO)) via the infrastructure owned and operated by the Transmission Owner (NGET). |

| NPS EN-1<br>Relevant Paragraph | NPS EN-1 Detail | NPS EN-1<br>Proposed Development compliance |
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| | grid connection. Applicants may wish to take a commercial risk where they have not received or accepted a formal offer of a grid connection from the relevant network operator at the time of the application. In this situation applicants should provide information as part of their application confirming that there is no obvious reason why a network connection would not be possible. | NESO and NGET are both National Grid group companies and are owned and operated as two distinct legal entities (from April 2019).<br><br>Outlined in paragraph 2.1.1, Enso Green Holdings D Limited has entered into a Bilateral Connection Agreement with NESO on 2 December 2020, reference A/NGET/ENSO/DRAX/20/-EN(0). The agreement currently allows for 190 MW export capacity. NESO have allocated a new generator bay within the 132kV Drax National Grid Substation compound. |
| Paragraph 4.11.7 | The Planning Act 2008 aims to create a holistic planning regime so that the cumulative effect of different elements of the same project can be considered together. Co-ordinated applications typically bring economic efficiencies and reduced environmental impact. The government therefore envisages that wherever reasonably possible, applications for new generating stations and related infrastructure should be contained in a single application to the Secretary of State or in separate applications submitted in tandem which have been prepared in an integrated way, as outlined in EN-5. This is particularly encouraged to ensure development of more co-ordinated transmission overall. | Paragraph 1.1.3 of the Planning Statement **[APP-228]** states that the DCO Application Order Limits comprise approximately 475 hectares (ha) of land, which includes the solar PV farm, substation, battery electrical storage system (BESS), interconnecting cable corridor, Grid Connection Corridor, green infrastructure and associated site accesses (the 'Site'). |

| NPS EN-1<br>Relevant Paragraph | NPS EN-1 Detail | NPS EN-1<br>Proposed Development compliance |
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| **Pollution Control and Other Environmental Regulatory Regimes** | | |
| Paragraph 4.12.1 | Issues relating to discharges or emissions from a proposed project, and which lead to other direct or indirect impacts on terrestrial, freshwater, marine, onshore, and offshore environments, or which include noise and vibration may be subject to separate regulation under the pollution control framework or other consenting and licensing regimes, for example local planning consent or marine licences (see paragraph 4.5.6 for more information). | The oCEMP **[APP-121]** describes measures to be implemented during the construction process and may, for example, include commitments to Species Protection Plans, RAMs, pre-construction surveys and appropriate derogation licenses as well as pollution (including dust) control, managed construction lighting and noise / traffic management measures.<br><br>The Consents and Licenses Position Statement **[APP-008]** outlines approvals which will be obtained under other consenting or licensing regimes. |
| Paragraph 4.12.2 | The planning and pollution control systems are separate but complementary. The planning system controls the development and use of land in the public interest. It plays a key role in protecting and improving the natural environment, public health and safety, and amenity, for example by attaching conditions to allow developments which would otherwise not be environmentally acceptable to proceed and preventing harmful development which cannot be made acceptable even through conditions. Pollution control is concerned with preventing pollution through the use of measures to prohibit or limit the releases of substances to the environment from different sources to the lowest practicable | ES Chapter 8 Biodiversity **[APP-028]** states at paragraph 8.5.10 that Standard measures to ensure runoff control and pollution prevention will be implemented and the proposed works surrounding the non-statutory sites will adhere to woodland protection guidance documents adopted at that time. No direct or indirect effects are therefore anticipated on any non-statutory designated sites adjacent to the Site (and located within the wider landscape).<br><br>ES Chapter 12 Climate Change **[APP-032]** discusses the following:<br><br>Measures to be adopted by the project via a CEMP, secured through DCO requirement, to prevent pollution to ecological receptors during flooding includes:<br>• Any relevant materials including oil filled plant in the 132kV Substation will be stored in accordance with the appropriate pollution prevention principles to reduce the likelihood of spillage and with an impermeable base and suitable bunding to prevent discharge in the event of spillage and leakage.<br>• Protective earth flood defence bunds surrounding the ancillary |

| NPS EN-1<br>Relevant Paragraph | NPS EN-1 Detail | NPS EN-1<br>Proposed Development compliance |
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| | level. It also ensures that ambient air, water, and land quality meet standards that guard against impacts to the environment or human health. | equipment, BESS Facility and 132kV substation in areas of elevated flood risk are proposed so that the combined fluvial and tidal design flood level does not affect the on-Site control equipment.<br>• The land will be sown with the appropriate seed mix upon construction of the solar PV panels to reduce the risk of soil erosion, enhance potential for runoff 'interception losses' (from infiltration / evapotranspiration) and reduce the overland flows.<br>The risk of an accidental pollution incident can never be completely removed but the risk can be minimised to an acceptable level and the potential effects identified are not significant. These can be found in table 12.7.<br><br>ES Chapter 9 Water environment **[APP-029]** and the Construction Dust Risk Assessment **[APP-113]** explore the quality of water and impact on air quality during construction respectively. |
| Paragraph 4.12.6 | Many projects covered by this NPS will be subject to the Environmental Permitting Regulations, which also incorporates operational waste management requirements for certain activities. When an applicant applies for an Environmental Permit, the relevant regulator (usually the EA or NRW but sometimes the local authority) requires that the application demonstrates that processes are in place to meet all relevant Environmental Permitting Regulations requirements. | In the event that the Applicant is required to apply for an Environmental Permit the relevant application will demonstrate that processes are in place to meet all relevant Environmental Permitting Regulations requirements. |
| Paragraph 4.12.7-4.12.8 | Applicants should make early contact with relevant regulators, including EA or NRW and the MMO, to discuss their | The Consents and Licences Position Statement **[APP-008]** provides information on the additional consents and licences that are or may be required to construct and operate the Proposed Development. This |

| NPS EN-1 Relevant Paragraph | NPS EN-1 Detail | NPS EN-1 Proposed Development compliance |
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| | requirements for Environmental Permits and other consents, such as marine licences. Wherever possible, applicants should submit applications for Environmental Permits and other necessary consents at the same time as applying to the Secretary of State for development consent. | document sets out the activities to date regarding permitting with the relevant regulator, in this case, the Environment Agency, as can be found in table 1. |
| Paragraph 4.12.9-4.12.10 | In considering an application for development consent the Secretary of State should focus on whether the development itself is an acceptable use of the land or sea, and the impact of that use, rather than the control of processes, emissions or discharges themselves. The Secretary of State should work on the assumption that the relevant pollution control regime and other environmental regulatory regimes, including those on land drainage, water abstraction and biodiversity, will be properly applied and enforced by the relevant regulator. The Secretary of State should act to complement but not seek to duplicate them. | The Applicant expects any relevant pollution control regime and other environmental regulatory regimes will be properly applied and enforced by the relevant regulator. A **Phase 1 Ground Conditions Assessment [APP-114]** has been undertaken to evaluate potential land contamination, as requested by the Planning Inspectorate in their Scoping Opinion, to support the Environmental Statement for the proposed development.<br><br>Paragraph 6.1.3 of this assessment states that likely significant effects on land contamination from the Proposed Development are not anticipated |
| Paragraph 4.12.5 | The Secretary of State should be satisfied that development consent can be granted taking full account of environmental impacts. | The Environmental Statement **[APP-020 – APP-036]** provides an assessment of the likely environmental effects of the Proposed Development. |

| NPS EN-1 Relevant Paragraph | NPS EN-1 Detail | NPS EN-1 Proposed Development compliance |
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| Paragraph 4.12.15 | Working in close cooperation with the EA or NRW and/or the pollution control authority, and other relevant bodies, such as the MMO, the SNCB, Drainage Boards, and water and sewerage undertakers, the Secretary of State should be satisfied, before consenting any potentially polluting developments, that:<br><br>• the relevant pollution control authority is satisfied that potential releases can be adequately regulated under the pollution control framework<br><br>• the effects of existing sources of pollution in and around the site are not such that the cumulative effects of pollution when the proposed development is added would make that development unacceptable, particularly in relation to statutory environmental quality limits. | The Consents and Licences Position Statement **[APP-008]** provides information on the additional consents and licences that are or may be required to construct and operate the proposed Development.<br><br>Pre-application engagement with the EA and other regulatory authorities has been undertaken to discuss potential environmental impacts, confirm that any releases can be adequately regulated, and address any site-specific concerns. Discussions with the EA are outlined within the Statement of Common Ground **[PDA-007]**. Other bodies and organisations engaged with are presented within the Statement of Commonality. |
| Paragraph 4.12.16 | The Secretary of State should not refuse consent on the basis of pollution impacts unless it has good reason to believe that any relevant necessary operational pollution control permits or licences or other consents will not subsequently be granted. On this basis, it is reasonable for the Secretary of State to consider residual amenity issues only when considering | The Consents and Licences Position Statement **[APP-008]** provides information on the additional consents and licences that are or may be required to construct and operate the proposed Development. |

| NPS EN-1<br>Relevant Paragraph | NPS EN-1 Detail | NPS EN-1<br>Proposed Development compliance |
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| | whether the development itself is an acceptable use of the land or sea, and on the impacts of that use. | |
| **Safety** | | |
| Paragraph 4.13.2 | Some technologies, for example major accident hazard pipelines, will be regulated by specific health and safety legislation. The application of these regulations is set out in the technology specific NPSs where relevant. | The oCEMP **[APP-121]** discusses at paragraph 2.12.3 that comprehensive health and safety assessments are an essential part of the construction process and would be carried out prior to construction by the contractor in accordance with legislation. A Construction, Design and Management (CDM) co-ordinator will be appointed and be responsible for the provision of a pre-construction information pack, as required under the Construction (Design and Management) Regulations 2015. The appointed contractor will be required to provide a construction phase plan. |
| Paragraph 4.13.3 | Some energy infrastructure will be subject to the Control of Major Accident Hazards (COMAH) Regulations 2015. These Regulations aim to prevent major accidents involving dangerous substances and limit the consequences to people and the environment of any that do occur. COMAH regulations apply throughout the life cycle of the facility, i.e. from the design and build stage through to decommissioning. They are enforced by the Competent Authority comprising HSE or ONR (Office for Nuclear Regulation, for nuclear) and the EA acting jointly in England and by the HSE and NRW acting jointly in Wales, and the HSE | The Applicant does not expect the Proposed Development to be subject to the Control of Major Accident Hazards Regulations 2015 (COMAH).<br><br>A BESS Safety Management Plan **[APP-119]** has been produced to define the proposed safety strategy, requirements, and processes necessary to meet agreed safety objectives and to set a level of safety performance that the BESS is to be measured against. It also provides the basis for the safety management processes and procedures required to satisfy the identified safety requirements for the BESS. Consultation and communication has also been undertaken with North Yorkshire Fire and Rescue Service (NYFRS) which has informed the outline BESS safety management plan.<br><br>The Applicant has consulted with the HSE (response received 27/11/2023) and has noted HSE's recommendation to approach National |

| NPS EN-1<br>Relevant Paragraph | NPS EN-1 Detail | NPS EN-1<br>Proposed Development compliance |
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| | and Scottish Environment Protection Agency (SEPA) acting jointly in Scotland. | Grid Gas PLC. Discussions have taken place to understand any potential impacts and mitigations that may be required to protect the asset. In their response to statutory consultation HSE noted that based on the information presented in the Preliminary Environmental Information Report, "it is unlikely that the HSE would advise against this nationally significant infrastructure". |
| Paragraph 4.13.5 | Applicants should consult with the Health and Safety Executive (HSE) on matters relating to safety. | |
| Paragraph 4.13.6-4.13.7 | Applicants seeking to develop infrastructure subject to the COMAH regulations should make early contact with the Competent Authority. If a safety report is required it is important to discuss with the Competent Authority the type of information that should be provided at the design and development stage, and what form this should take. This will enable the Competent Authority to review as much information as possible before construction begins, in order to assess whether the inherent features of the design are sufficient to prevent, control and mitigate major accidents. | The Applicant does not expect the Proposed Development to be subject to COMAH. |
| **Common Law Nuisance and Statutory Nuisance** | | |
| Paragraph 4.15.5 | At the application stage of an energy NSIP, possible sources of nuisance under section 79(1) of the 1990 Act and how they may be mitigated or limited should be considered by the Secretary of State so that appropriate requirements can be included in any subsequent order granting | A Statutory Nuisances Statement **[APP-237]** has been prepared in relation to the possible sources of nuisance set out in section 79(1) of the 1990 Act. This document demonstrates that no statutory nuisance effects are considered likely to occur. |

| NPS EN-1<br>Relevant Paragraph | NPS EN-1 Detail | NPS EN-1<br>Proposed Development compliance |
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| | development consent (see Section 5.7 on Dust, odour, artificial light etc. and Section 5.12 on Noise and vibration). | |
| **Security Considerations** | | |
| Paragraph 4.16.4 | Government policy is to ensure that, where possible, proportionate protective security measures are designed into new infrastructure projects at an early stage in the project development. Where applications for development consent for infrastructure covered by this NPS relate to potentially 'critical' infrastructure, there may be national security considerations. | As shown in ES Figure 3.11 Fence and Gate Elevations **[APP-049]**, the Proposed Development will be surrounded by plain wire deer fencing to a maximum height of 2.1m to the top of the gate post.<br><br>Badger/fox/small mammal gates will be fitted at appropriate points to enable free access if required.<br><br>The BESS will be surrounded by a welded steel wire mesh fence, at a maximum height of 2.4m, as shown in ES Figure 3.12: BESS Battery Fence and Gate **[APP-050]**.<br><br>Pole mounted internal facing closed circuit television ('CCTV') will stand at a minimum of 2.5m to a maximum of 3m as shown **in** ES Figure 3.13: CCTV Elevations **[APP-051]**.<br><br>CCTV cameras would use night-vision technology, which would be monitored remotely and avoid the need for night-time lighting. For security requirements, passive infra-red detector ('PID') systems (or similar) will be installed around the perimeter of the solar PV arrays to provide night vision functionality for the CCTV.<br><br>During construction and decommissioning, most activities can be undertaken during daylight hours. However, at certain times of the year, some works lighting may be required. In these instances, temporary |

| NPS EN-1 Relevant Paragraph | NPS EN-1 Detail | NPS EN-1 Proposed Development compliance |
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| | | lighting will be deployed, however this will be avoided as far as practical with this lighting generally limited to compounds only. The lighting of the on-site Substation would be in accordance with Health and Safety requirements, particularly around any emergency exits.<br><br>Lighting would be designed to limit any impact on sensitive receptors by directing lighting downward and away from the Order Limit boundaries and existing vegetation. During operation, no part of the Proposed Development would be continuously lit; manually operated and motion detection lighting would be utilised for operational and security purposes.<br><br>With specific regards to the protection of critical infrastructure, particularly from flooding, the substation and energy storage compound will be surrounded by a flood defence earth bund. This bund will be designed to be raised at least 600mm above the combined fluvial and tidal flood level, to protect the equipment from inundation. The bund also acts as a visual barrier, screening the substation and BESS from any visual receptors. Flood risk and the earth bund are discussed further in Section 5 of the Planning Statement **[APP-228]** and ES Chapter 9 Water Environment **[APP-029]**. |
| Paragraph 4.16.5-4.16.7 | DESNZ will be notified at pre-application stage about every likely future application for energy NSIPs, so that any national security implications can be identified.<br><br>Where national security implications have been identified, the applicant should consult with relevant security experts from | The Applicant has not been notified by DESNZ that any national security implications have been identified as a result of the Proposed Development. |

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| | NPSA, ONR (for civil nuclear) and/or DESNZ to ensure security measures have been adequately considered in the design process and that adequate consideration has been given to the management of security risks. The applicant should only include sufficient information in the application as is necessary to enable the Secretary of State to examine the development consent issues and make a properly informed decision on the application. | |
| **Air quality and emissions** | | |
| Paragraph 5.2.8 | Where the project is likely to have adverse effects on air quality the applicant should undertake an assessment of the impacts of the proposed project as part of the ES | PINS have agreed to scoping out the assessment of air quality effects during all phases from vehicle emissions on the basis that the number of anticipated vehicle movements during construction and operation are below relevant threshold criteria. This is set out in Table 10.4 of ES Chapter 10 Transport and Access **[APP-030]**.<br><br>PINS have also agreed to scope out a quantitative assessment of air quality effects from dust emissions on the basis that the risk of dust generation associated with the construction and decommissioning phases will be managed through the<br><br>implementation of standard best practice and mitigation measures incorporated into the Construction Environmental Management Plan/ Decommissioning Environmental Management Plan (CEMP/DEMP). |

| NPS EN-1<br>Relevant Paragraph | NPS EN-1 Detail | NPS EN-1<br>Proposed Development compliance |
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| | | A qualitative assessment of dust impacts is provided at Appendix 2.3 **[APP-113]**, which identifies that no significant effects are anticipated. |
| Paragraph 5.2.9 | The ES should describe:<br><br>• existing air quality concentrations and the relative change in air quality from<br><br>existing levels;<br><br>• any significant air quality effects, mitigation action taken and any residual effects,<br><br>distinguishing between the project stages and taking account of any significant<br><br>emissions from any road traffic generated by the project;<br><br>• the predicted absolute emissions, concentration change and absolute<br><br>concentrations as a result of the proposed project, after mitigation methods have<br><br>been applied; and<br><br>• any potential eutrophication impacts. | The climate change impact is assessed as the difference between the carbon emissions associated with the baseline and that associated with the construction of the Proposed Development. The study area for carbon emissions assessment is defined by the Site boundary (Figure 1.1 **[APP-037]**) and the transport network study area for ES Chapter 10 Transport and Access **[APP-030]**. |

| NPS EN-1 Relevant Paragraph | NPS EN-1 Detail | NPS EN-1 Proposed Development compliance |
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| Paragraph 5.2.10 | In addition, applicants should consider the Environment Targets (Fine Particulate Matter) (England) Regulations 2022 and associated Defra guidance. | Defra tools such as the Emissions Factors Toolkit have been used as part of the assessment relating to emissions and air quality. |
| Paragraph 5.2.11 | Defra publishes future national projections of air quality based on estimates of future levels of emissions, traffic, and vehicle fleet. Projections are updated as the evidence base changes and the applicant should ensure these are current at the point of an application. The applicant's assessment should be consistent with this but may include more detailed modelling and evaluation to demonstrate local and national impacts. If an applicant believes they have robust additional supporting evidence, to the extent they could affect the conclusions of the assessment, they should include this in their representations to the Examining Authority along with the source. | As set out under Paragraph 5.2.8 above, PINS have agreed to scoping out the assessment of air quality (as set out in ES Chapter 2 EIA Methodology **[APP-022]** and therefore the Defra future national projections are not relevant to the ES. |
| Paragraph 5.2.12 | Where a proposed development is likely to lead to a breach of any relevant statutory air quality limits, objectives or targets, or affect the ability of a non compliant area to achieve compliance within the timescales set out in the most recent relevant air quality plan/strategy at the time of the decision, the applicant should work with the relevant authorities to secure appropriate | PINS have agreed to scoping out the assessment of air quality effects during all phases from vehicle emissions on the basis that the number of anticipated vehicle movements during construction and operation are below relevant threshold criteria. This is set out in Table 10.4 of ES Chapter 10 Transport and Access **[APP-030]**.<br><br>PINS have also agreed to scope out a quantitative assessment of air quality effects from dust emissions on the basis that the risk of dust generation associated with the construction and decommissioning |

| NPS EN-1<br>Relevant Paragraph | NPS EN-1 Detail | NPS EN-1<br>Proposed Development compliance |
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| | mitigation measures to ensure that those statutory limits, objectives or targets are not breached. | phases will be managed through the implementation of standard best practice and mitigation measures incorporated into the Construction Environmental Management Plan/ Decommissioning Environmental Management Plan (CEMP/DEMP).<br><br>A qualitative assessment of dust impacts is provided at Appendix 2.3 **[APP-113]**, which identifies that no significant effects are anticipated and therefore no air quality limits are anticipated to be exceeded. |
| Paragraph 5.2.13 | The Secretary of State should consider whether mitigation measures are needed both for operational and construction emissions over and above any which may form part of the project application. A construction management plan may help codify mitigation at this stage. In doing so the Secretary of State should have regard to the Air Quality Strategy in England, or the Clean Air Plan for Wales in Wales, or any successors to these and should consider relevant advice within Local Air Quality Management guidance and PM2.5 targets guidance. | Air Quality has been scoped out of the Environmental Impact Assessment. As outlined in Table 3.1 of Appendix 2.2 Scoping Opinion **[APP-112]** significant effects resulting from vehicle emissions and dust were deemed unlikely due to the anticipated vehicle emissions associated with the Proposed Development and implementation of best practice through a CEMP or DEMP. It is therefore considered that air quality objectives and targets would not be exceeded. The latest Air Quality Annual Status Report 2023 identified that, based on local monitoring, the National Air Quality Objectives for $NO_2$, $PM_{10}$ and the Stage 1 limit value for $PM_{2.5}$ is currently met in Selby District.<br><br>A Construction Dust Risk Assessment (Appendix 2.3) **[APP-113]** has been prepared and submitted, the assessment identifies that following the implementation of appropriate mitigation measures the Proposed Development will not result in significant effects nor exceedances of thresholds relating to dust.<br><br>An oCEMP (Appendix 5.1) **[APP-121]**, oCTMP (Appendix 5.2) **[AS-006]**, oDEMP (Appendix 5.3) **[APP-123**] and oOEMP (Appendix 5.4**) [APP-124]** have been prepared which outline relevant measures to mitigate potential air quality effects during the construction and decommissioning |
| Paragraph 5.2.14 | The mitigations identified in Section 5.14 on traffic and transport impacts will help mitigate the effects of air emissions from transport | |
| Paragraph 5.2.15 | Many activities involving air emissions are subject to pollution control. The | |

| NPS EN-1 Relevant Paragraph | NPS EN-1 Detail | NPS EN-1 Proposed Development compliance |
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| | considerations set out in Section 4.12 on the interface between planning and pollution control therefore apply. The Secretary of State must also consider duties under other legislation including duties under the Environment Act 2021 in relation to environmental targets and have regard to policies set out in the Government's Environmental Improvement Plan 2023. | phases of the Proposed Development and the oCTMP outlines mitigation measures relating to the control of construction traffic and delivery.<br><br>The measures to be adopted by the project via the detailed CEMP(s), CTMP, DEMP and OEMP, secured through DCO requirement, will have regard to relevant environmental targets and policies at the time of preparation. |
| Paragraph 5.2.16 | The Secretary of State should give air quality considerations substantial weight where a project would lead to a deterioration in air quality. This could for example include where an area breaches any national air quality limits or statutory air quality objectives. However, air quality considerations will also be important where substantial changes in air quality levels are expected, even if this does not lead to any breaches of statutory limits, objectives or targets. | As identified above the National Air Quality Objectives for $NO_2$ and $PM_{10}$ and the Stage 1 limit value for PM2.5 is currently met in Selby District. Furthermore, PINS have agreed to scope out the assessment of Air Quality as no significant effects associated with the Proposed Development are anticipated, and therefore are not anticipated to result in any significant changes to air quality levels. |

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| Paragraph 5.2.19 | In all cases, the Secretary of State must take account of any relevant statutory air quality limits, objectives and targets. If a project will lead to non-compliance with a statutory limit, objective or target the Secretary of State should refuse consent. | A Construction Dust Risk Assessment (Appendix 2.3) **[APP-113]** has been prepared and submitted, the assessment identifies that following the implementation of appropriate mitigation measures the Proposed Development will not result in significant effects nor exceedances of thresholds relating to dust.<br><br>As outlined in table 3.1 of Appendix 2.2 Scoping Opinion **[APP-112]** significant effects resulting from vehicle emissions and dust were deemed unlikely due to the anticipated vehicle emissions associated with the Proposed Development and implementation of best practice through a CEMP or DEMP. It is therefore considered that statutory air quality limits, objectives and targets would not be exceeded. |
| **Greenhouse Gas Emissions** | | |
| Paragraph 5.3.4 | All proposals for energy infrastructure projects should include a GHG assessment as part of their ES (See Section 4.3). This should include:<br><br>• A whole life GHG assessment showing construction, operational and decommissioning GHG impacts, including impacts from change of land use.<br><br>• An explanation of the steps that have been taken to drive down the climate change impacts at each of those stages. | ES Chapter 12 Climate Change **[APP-032]** discusses the assessments undertaken regarding emissions relating to the Proposed Development. These include construction traffic emissions and operational GHG emissions. Any assessment regarding decommissioning has been scoped out and agreed with PINS as set out in paragraph 12.3.15.<br><br>An explanation of the steps that have been taken to drive down the climate change impacts at each stage has been undertaken within the chapter in section 12.5 and table 12.7<br><br>ES Appendix 12.3 **[APP-162]** contains the carbon calculations. This includes an annual estimated $CO_2$ offset of |

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| | • Measurement of embodied GHG impact from the construction stage.<br><br>• How reduction in energy demand and consumption during operation has been prioritised in comparison with other measures.<br><br>• How operational emissions have been reduced as much as possible through the application of best available techniques for that type of technology.<br><br>• Calculation of operational energy consumption and associated carbon emissions.<br><br>• Whether and how any residual GHG emissions will be (voluntarily) offset or removed using a recognised framework.<br><br>• Where there are residual emissions, the level of emissions and the impact of those on national and international efforts to limit climate change, both alone and where<br><br>relevant in combination with other developments at a regional or national level, or sector level, if sectoral targets are developed. | 36,558 tonnes, which totals to 1,462,334 tonnes over the 40 year lifespan of the Proposed Development.<br><br>Emissions have been assessed against UK carbon budgets and contextualised against local carbon budgets. The assessment of significance is derived from the 2022 IEMA GHG Guidance which presents levels of significance based on a trajectory to net zero (the UK's legally binding target). |
| Paragraph 5.3.5 | A GHG assessment should be used to drive down GHG emissions at every stage of the proposed development and ensure that | Undertaken from 12.5-12.8 of ES Chapter 12 Climate Change **[APP-032].** The assessment of GHG emissions and carbon savings from renewable energy generation have been |

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| | emissions are minimised as far as possible for the type of technology, taking into account the overall objectives of ensuring our supply of energy always remains secure, reliable and affordable, as we transition to net zero. | assessed against 2022 IEMA GHG Guidance significance criteria.<br><br>Construction of the Proposed Development is likely to result in GHG emissions from direct and indirect sources. This includes emissions from construction vehicles used during the phase. The assessment of GHG emissions from construction vehicle movements is anticipated to be minor adverse and not significant, following implementation of mitigation measures to be adopted by the project, such as the detailed CTMP. |
| Paragraph 5.3.6 | Applicants should look for opportunities within the proposed development to embed nature-based or technological solutions to mitigate or offset the emissions of construction and decommissioning. | The Proposed Development has been designed, to avoid and prevent adverse environmental effects on climate change through the process of design development and consideration of good design principles as discussed in the Design and Access Statement **[APP-229]**.<br><br>The Proposed Development will result in a major beneficial effect with respect to the offset of carbon emissions through the generation of renewable electricity at a local level within NYC, and at a national level.<br><br>The Proposed Development is providing a voluntary net positive BNG, which would aid in mitigating and offsetting some of the emissions of construction and decommissioning, particularly during decommissioning as the landscape provisions set out in the oLEMP **[APP-143]** would have had time to mature. |

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| Paragraph 5.3.7 | Steps taken to minimise and offset emissions should be set out in a GHG Reduction Strategy, secured under the Development Consent Order. The GHG Reduction Strategy should consider the creation and preservation of carbon stores and sinks including through woodland creation, hedgerow creation and restoration, peatland restoration and through other natural habitats. | ES Chapter 12 Climate Change **[APP-032] c**oncludes that no significant adverse effects are anticipated for future site users, infrastructure, or the natural environment. Measures to mitigate GHG emissions are outlined in the various Climate Change Mitigation sections in the chapter**.**<br><br>An oCEMP **[APP-121]**, oOEMP **[APP-124]** and oDEMP **[APP-123]** have been prepared to accompany the DCO application. These identify a range of mitigation measures that have been embedded into the Proposed Development to limit the GHG impact. |
| Paragraph 5.3.8 | The Secretary of State must be satisfied that the applicant has as far as possible assessed the GHG emissions of all stages of the development | The construction and operation phases have been thoroughly assessed, while the decommissioning phase has been scoped out under the assumption that its impacts would not exceed those of the construction phase. Additionally, it is assumed that by the time of decommissioning, vehicles will predominantly be electric. This approach to the assessment has been agreed upon with the Planning Inspectorate (PINS). This is set out in table 12.2 of Chapter 12: Climate Change **[APP-032]** of the ES**.** |
| Paragraph 5.3.9 | The Secretary of State should be content that the applicant has taken all reasonable steps to reduce the GHG emissions of the construction and decommissioning stage of the development. | Measures to mitigate GHG emissions are outlined in the Climate Change Mitigation section of ES Chapter 12 Climate Change **[APP-032]**.<br><br>An oCEMP **[APP-121]**, oOEMP **[APP-124]** and oDEMP **[APP-123]** have been prepared to accompany the DCO application. These identify a range of mitigation measures that have been embedded into the Proposed Development to limit the GHG impact. |

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| Paragraph 5.3.11-5.3.12 | Operational GHG emissions are a significant adverse impact from some types of energy infrastructure which cannot be totally avoided (even with full deployment of CCS technology). Given the characteristics of these and other technologies, as<br><br>noted in Part 3 of this NPS, and the range of non-planning policies that can be used to decarbonise electricity generation, such as the UK ETS (see Section 2.4), government has determined that operational GHG emissions are not reasons to prohibit the consenting of energy projects or to impose more restrictions on them in the planning policy framework than are set out in the<br><br>energy NPSs (e.g. the CCR requirements). Any carbon assessment will include an assessment of operational GHG emissions, but the policies set out in Part 2, including the UK ETS, can be applied to these emissions. Operational emissions will be addressed in a managed, economy-wide manner, to ensure consistency with carbon budgets, net zero and our international climate commitments. The Secretary of State does not, therefore need to assess individual applications for planning consent against operational carbon emissions and their contribution to carbon budgets, net zero and our international climate commitments. | ES Chapter 12 Climate Change **[APP-032]** assesses different sources of GHG emissions and the GHG savings from renewable energy generation and assesses this against the IEMA 2022 GHG Guidance.<br><br>The Proposed Development will result in a major beneficial effect with respect to the offset of carbon emissions through the generation of renewable electricity at a local level within NYC during the operational phase. This is a significant beneficial effect.<br><br>At the national level, the Proposed Development will result in a minor beneficial effect with respect to the offset of carbon emissions during the operational phase, which is not significant. |

| **Biodiversity and Geological Conservation** | | |
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| Paragraph 5.4.2 | In the 25 Year Environment Plan, the government set out its vision for a quarter of-a-century action to help the natural world regain and retain good health. A commitment to review the plan every 5 years was set into law in the Environment<br><br>Act 2021. The Environmental Improvement Plan was published in 2023, which reinforces the intent of the 25 Year Environment Plan and sets out a plan to deliver on its framework and vision. The government's policy for biodiversity in A list of designated sites (including marine sites) is included in the Geological Conservation Review held by the Joint Nature Conservation Committee (JNCC) England is set out in the Environmental Improvement Plan 2023176, the National Pollinator Strategy and the UK Marine Strategy. The aim is to halt overall biodiversity loss in England by 2030 and then reverse loss by 2042, support healthy well-functioning ecosystems and establish coherent ecological networks, with more and better places for nature for the benefit of wildlife and people. This aim needs to be viewed in the context of the challenge presented by climate change. Healthy, naturally functioning ecosystems and coherent ecological networks will be more resilient and adaptable to climate change | ES Chapter 8 Biodiversity **[APP-028]** Table 8.6 sets out any identified internationally, nationally, and locally designated sites of ecological or geological conservation importance (including those outside England), on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity, including irreplaceable habitats. The effects on these sites have been assessed throughout the chapter. With embedded design measures in place as described in section 8.7, the Proposed Development will not result in any significant adverse effects on any habitats or species, or on statutory and non-statutory designated sites. |

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| | effects. Failure to address this challenge will result in significant adverse impact on biodiversity and the ecosystem services it provides. | |
| Paragraph 5.4.4-5.4.5 | The highest level of biodiversity protection is afforded to sites identified through international conventions. The Habitats Regulations set out sites for which an HRA will assess the implications of a plan or project, including Special Areas of Conservation and Special Protection Areas.<br><br>As a matter of policy, the following should be given the same protection as sites covered by the Habitats Regulations and an HRA will also be required: (a) potential Special Protection Areas and possible Special Areas of Conservation; (b) listed or proposed Ramsar sites; and (c) sites identified, or required, as compensatory measures for adverse effects on any of the other sites covered by this paragraph. | Information to inform HRA **[APP-151]** has been prepared by the Applicant to support the production of the HRA. A list of the designated sites assessed and their associated conclusions is presented below.<br><br>▪ River Derwent SAC<br>▪ Lower Derwent Valley SAC<br>▪ Lower Derwent Valley SPA<br>▪ Lower Derwent Valley Ramsar Site<br>▪ Humber Estuary SAC<br>▪ Humber Estuary SPA<br>▪ Humber Estuary Ramsar Site<br>▪ Skipwith Common SAC<br>▪ Thorne & Hatfield Moors SPA<br><br>Proposed Development is not considered to have LSEs on the Humber Estuary SPA and Ramsar Site; and Lower Derwent Valley SPA and Ramsar Site. Effects on the other European designated sites are scoped out of assessment. |
| Paragraph 5.4.7 | Many SSSIs are also designated as sites of international importance and will be protected accordingly. Those that are not, or those features of SSSIs not covered by an international designation, should be given a high degree of protection. Most National Nature Reserves are notified as SSSIs. | Paragraph 8.4.2 of ES Chapter 8 Biodiversity **[APP-028]** confirms that the Site is not located within any statutory designated site for nature conservation. There are 10 international and European statutory designated sites within 10km of the Site boundary as summarised in Table 8.6.<br><br>Natural England has requested further information regarding Jumber Esuary, Derwent Ings, Melbourne and Thornton Ings, Brighton Meadows and Eskamhorn Meadows SSSIs. Further |

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| | | information has been provided to Natural England which demonstrates the Proposed Development will not result in any adverse effects to any SSSIs in proximity of the Site. |
| Paragraph 5.4.8 | Development on land within or outside a SSSI, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits (including need) of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of SSSIs. | ES Chapter 8 Biodiversity **[APP-028]** confirms at paragraph 8.7.15 that with embedded design measures in place as described in the Chapter, the Proposed Development will not result in any significant adverse effects on any habitats or species, or on statutory and non-statutory designated sites. |
| Paragraph 5.4.12-5.4.13 | Sites of regional and local biodiversity and geological interest, which include Regionally Important Geological Sites, Local Nature Reserves and Local Wildlife Sites, are areas of substantive nature conservation value and make an important contribution to ecological networks and nature's recovery. They can also provide wider benefits including public access (where agreed), climate mitigation and helping to tackle air pollution. National planning policy expects plans to identify and map Local Wildlife Sites, and to include policies that not only secure their protection from harm or loss but also help to enhance them and their connection to wider ecological networks. | ES Chapter 8: Biodiversity **[APP-028]** Table 8.6 sets out any identified internationally, nationally, and locally designated sites of ecological or geological conservation importance (including those outside England), on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity, including irreplaceable habitats. The effects on these sites have been assessed throughout the chapter. With embedded design measures in place as described in section 8.7, the Proposed Development will not result in any significant adverse effects on any habitats or species, or on statutory and non-statutory designated sites. |

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| Paragraph 5.4.15 & 5.4.32 | Ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Keepers of Time, the government's policy for ancient and native trees and woodlands in England sets out the government's commitment to maintain and enhance the existing area of ancient woodland, maintain and enhance the existing resource of known ancient and veteran trees, excluding natural losses from disease and death, and to increase the percentage of ancient woodland in active management. Ancient and veteran trees found outside ancient woodland are also particularly valuable. Other types of irreplaceable habitats include blanket bog, limestone pavement, coastal sand dunes, spartina salt marsh swards, mediterranean saltmarsh scrub, and lowland fen.<br><br>Applicants should include measures to mitigate fully the direct and indirect effects of development on ancient woodland, ancient and veteran trees or other irreplaceable habitats during both construction and operational phases. | ES Chapter 8 Biodiversity **[APP-028]** sets out that an area of Ancient Woodland has been identified directly adjacent to the Site Boundary (Kerrick Spring Wood). The layout of the Proposed Development has been designed to maintain a stand-off buffer of at least 15m wide between the solar layout and broadleaved semi-natural woodlands, including the adjacent Kerrick Spring Wood ancient woodland site as outlined in paragraph 8.5.86. |
| Paragraph 5.4.17 | Where the development is subject to EIA, the applicant should ensure that the ES clearly | ES Chapter 8 Biodiversity **[APP-028]** and ES Chapter 12 Climate Change **[APP-032]** set out any effects on |

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| | sets out any effects on internationally, nationally, and locally designated sites of ecological or geological conservation importance (including those outside England), on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity, including irreplaceable habitats. | internationally, nationally, and locally designated sites of ecological or geological conservation importance (including those outside England), on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity, including irreplaceable habitats. With embedded design measures in place as described in the Chapters, the Proposed Development will not result in any significant adverse effects on any habitats or species, or on statutory and non-statutory designated sites. |
| Paragraph 5.4.19-5.4.21 | The applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests. Applicants should consider wider ecosystem services and benefits of natural capital when designing enhancement measures. As set out in Section 4.7, the design process should embed opportunities for<br><br>nature inclusive design. Energy infrastructure projects have the potential to deliver significant benefits and enhancements beyond Biodiversity Net Gain, which result in wider environmental gains (see Section 4.6 on Environmental and Biodiversity Net Gain). The scope of potential gains will be dependent on the type, scale, and location of each project. | ES Chapter 8 Biodiversity **[APP-028]** sets out at paragraph 8.7.6 that habitat retention, creation and species enhancement measures that have been incorporated to benefit biodiversity and key species, and will significantly enhance opportunities for wildlife within the Site and the wider environment. These measures are set out in section 1.2 of the Outline Landscape and Ecological Management Plan (oLEMP) **[APP-143]** and listed below:<br><br>• Reinforcement of approximately 8km of existing hedgerows with native species.<br><br>• Creation of around 12km of new hedgerows.<br><br>• Approximately 52 hectares of tussocky native grassland around field margins, including 5m buffer zones along hedgerows and ditches for habitat creation.<br><br>• Around 288 hectares of new grassland to replace intensively managed arable farmland. |

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| | | • Where possible, areas to be managed through conservation grazing.<br>• Creation of a green corridor of native woodland planting along the northern boundary of the site.<br>• Approximately 13 hectares of new broadleaved woodland with buffer zones for habitat enhancement.<br>• Over 2 hectares of native scrub planting along field boundaries or as transitional habitats on woodland edges.<br>• Creation of over 16 hectares of wet meadow grassland areas adjacent to ditches and watercourses.<br>• Development of approximately 0.7 hectares of wetland habitats, including ponds and scrapes.<br>• Creation of Biodiversity Improvement Areas across the site.<br>• Provision of artificial habitats including bird nest boxes, bat roost boxes, hedgehog boxes, insect hotels/boxes, and hibernacula. |
| Paragraph 5.4.22 | The design of energy NSIP proposals will need to consider the movement of mobile/migratory species such as birds, fish and marine and terrestrial mammals and their potential to interact with infrastructure. As | As discussed in ES Chapter 8 Biodiversity **[APP-028]** , the design of the Proposed Development includes a range of inherent measures to be adopted which avoid or reduce the potential for adverse ecological impacts, including retaining identified higher value habitat features such as hedgerows, |

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| | energy infrastructure could occur anywhere within England and Wales, both inland and onshore and offshore, the potential to affect mobile and migratory species across the UK and more widely across Europe (transboundary effects) requires consideration, depending on the location of development. | ditches watercourses and woodlands, and focusing the large majority of the built development proposals within lower ecological value agricultural land as set out in section 8.5. Additionally, sensitive, or higher value ecological features outside the Site have been protected as part of the design which sets in place buffer zones and other safeguarding measures, all of which has been built-in to as part of the iterative design process. Subsequently, avoidance of ecological features of value has been an inherent part of the design process for the Proposed Development.<br><br>As the Proposed Development's solar PV panels are raised off the ground, and the perimeter security fence will retain suitable gaps/mammal gates at the base to allow free movement of priority mammal species, no habitat loss or severance effects will result for small to medium sized mammals.<br><br>Extensive field surveys have found no evidence of regular use of significant numbers of over-wintering or passage birds |
| Paragraph 5.4.33 | Applicants should consider any reasonable opportunities to maximise the restoration, creation, and enhancement of wider biodiversity, and the protection and restoration of the ability of habitats to store or sequester carbon as set out under Section 4.6. | As discussed in ES Chapter 8 Biodiversity **[APP-028]**, the Proposed Development includes significant habitat enhancement provisions; these will be managed for the benefit of wildlife over the long term and will provide biodiversity gains for a wide variety of species. Additionally, the proposed creation of diverse grasslands, tree planting and hedgerow planting will deliver a quantifiable BNG. As set out in paragraph 8.4.109, Defra's Statutory Biodiversity Metric Calculation Tool show that the Proposed Development will result in a biodiversity net gain of 55.70% in Habitat Units, 61.11% in Hedgerow Units and 9.05% in watercourse units. |
| Paragraph 5.4.34 | Consideration should be given to improvements to, and impacts on, habitats and species in, around and beyond developments, for wider ecosystem services | |

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| | and natural capital benefits, beyond those under protection and identified as being of principal importance. This may include considerations and opportunities identified through Local Nature Recovery Strategies, and national goals and targets set through the Environment Act 2021 and the Environmental Improvement Plan 2023. | The commitment to a BNG above NPPF requirements, and adopted as a fundamental design principle, ensures that the Proposed Development will deliver a substantial ecological benefit.<br><br>Additional species-specific enhancements are proposed, including the provision of a variety of artificial nesting structures for birds and roosting locations for bats. |
| Paragraph 5.4.35 | Applicants should include appropriate avoidance, mitigation, compensation and enhancement measures as an integral part of the proposed development. In particular, the applicant should demonstrate that:<br><br>• during construction, they will seek to ensure that activities will be confined to the minimum areas required for the works<br><br>• the timing of construction has been planned to avoid or limit disturbance<br><br>• during construction and operation best practice will be followed to ensure that risk of disturbance or damage to species or habitats is minimised, including as a consequence of transport access arrangements<br><br>• habitats will, where practicable, be restored after construction works have finished<br><br>• opportunities will be taken to enhance existing habitats rather than replace them, | ES Chapter 8 Biodiversity **[APP-028]** sets out the habitat retention, creation and species enhancement measures that have been incorporated to benefit biodiversity ad key species, and will significantly enhance opportunities for wildlife within the Site and the wider environment. These measures are set out in section 1.2 of the Outline Landscape and Ecological Management Plan (oLEMP**) [APP-143]** and include:<br><br>• Reinforcement of approximately 8km of existing hedgerows with native species.<br><br>• Creation of around 12km of new hedgerows.<br><br>• Approximately 52 hectares of tussocky native grassland around field margins, including 5m buffer zones along hedgerows and ditches for habitat creation.<br><br>• Around 288 hectares of new grassland to replace intensively managed arable farmland.<br><br>• Where possible, areas to be managed through conservation grazing. |

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| | and where practicable, create new habitats of value within the site landscaping proposals. Where habitat creation is required as mitigation, compensation, or enhancement, the location and quality will be of key importance. In this regard habitat creation should be focused on areas where the most ecological and ecosystems benefits can be realised.<br><br>• mitigations required as a result of legal protection of habitats or species will be complied with. | • Creation of a green corridor of native woodland planting along the northern boundary of the site.<br><br>• Approximately 13 hectares of new broadleaved woodland with buffer zones for habitat enhancement.<br><br>• Over 2 hectares of native scrub planting along field boundaries or as transitional habitats on woodland edges.<br><br>• Creation of over 16 hectares of wet meadow grassland areas adjacent to ditches and watercourses.<br><br>• Development of approximately 0.7 hectares of wetland habitats, including ponds and scrapes.<br><br>• Creation of Biodiversity Improvement Areas across the site.<br><br>• Provision of artificial habitats including bird nest boxes, bat roost boxes, hedgehog boxes, insect hotels/boxes, and hibernacula. |
| Paragraph 5.4.36 | Applicants should produce and implement a Biodiversity Management Strategy as part of their development proposals. This could include provision for biodiversity awareness training to employees and contractors so as to avoid unnecessary adverse impacts on | Methods to manage biodiversity during construction and operation will be captured as part of the Landscape Environmental Management Plan, which will be secured through DCO requirement. An outline version of this document has been produced as part of this Application. Outline Landscape and Ecological Management Plan (oLEMP) **[APP-143]**. |

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| | biodiversity during the construction and operation stages. | |
| Paragraph 5.4.38 | To further minimise any adverse impacts on geodiversity, where appropriate applicants are encouraged to produce and implement a Geodiversity Management Strategy to preserve and enhance access to geological interest features, as part of relevant development proposals. | Methods to manage geodiversity during construction and operation will be captured as part of the Landscape Environmental Management Plan, which will be secured through DCO requirement. |
| Paragraph 5.4.42-5.4.43 | As a general principle, and subject to the specific policies below, development should, in line with the mitigation hierarchy, aim to avoid significant harm to biodiversity and geological conservation interests, including through consideration of reasonable alternatives (as set out in Section 4.3 above). Where significant harm cannot be avoided, impacts should be mitigated and as a last resort, appropriate compensation measures should be sought. If significant harm to biodiversity resulting from a development cannot be avoided (for example through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then the Secretary of State will give significant weight to any residual harm. | Paragraph 8.4.104 of ES Chapter 8 Biodiversity **[APP-028**] sets out how the mitigation hierarchy has been employed. With embedded design measures in place as described in the Chapter, the Proposed Development will not result in any significant adverse effects on any habitats or species, or on statutory and non-statutory designated sites. |
| Paragraph 5.4.44 | The Secretary of State should consider what appropriate requirements should be attached to any consent and/or in any planning | Requirement 10 of the draft Development Consent Order **[AS-007]** mandates a Landscape and Ecological Management Plan (LEMP) for each phase of the authorised |

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| | obligations entered into, in order to ensure that any mitigation or biodiversity net gain measures, if offered, are delivered and maintained. Any habitat creation or enhancement delivered including linkages with existing habitats for compensation or biodiversity net gain should generally be maintained for a minimum period of 30 years, or for the lifetime of the project, if longer. | development. Before any phase can commence, a detailed LEMP must be submitted to and approved by the local planning authority. The measures set out in the detailed LEMP, including habitat creation, are designed to contribute to biodiversity net gain. |
| Paragraph 5.4.45 | The Secretary of State will need to take account of what mitigation measures may have been agreed between the applicant and the SNCB and the MMO/NRW (where appropriate). The Secretary of State will also need to consider whether the SNCB or the MMO/NRW has granted or refused, or intends to grant or refuse, any relevant licences, including protected species mitigation licences. | As discussed in ES Chapter 8 Biodiversity **[APP-028]**, the design of the Proposed Development includes a range of inherent embedded elements which avoid or reduce the potential for adverse ecological impacts as set out in section 8.5. These have been discussed with Natural England, throughout the design development process. Examples of embedded mitigation include retaining identified higher value habitat features, such as hedgerows, ditches watercourses and woodlands, and focusing the large majority of the built development proposals within lower ecological value agricultural land. Additionally, sensitive, or higher value ecological features outside the Site have been protected as part of the design which sets in place buffer zones and other safeguarding measures, all of which has been built-in to as part of the iterative design process. Subsequently, avoidance of ecological features of value has been an inherent part of the design process for the Proposed Development. |
| Paragraph 5.4.46-5.4.47 | Development proposals provide many opportunities for building-in beneficial biodiversity or geological features as part of good design. The Secretary of State should give appropriate weight to environmental and | Objective 3: Biodiversity of the Project Objectives set out in Section 4.3 of the Design and Access Statement **[APP-229]** states that *"the Proposed Development should seek opportunities to enhance biodiversity through the protection and enhancement of existing green infrastructure and through* |

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| | biodiversity enhancements, although any weight given to gains provided to meet a legal requirement (for example under the Environment Act 2021) is likely to be limited. When considering proposals, the Secretary of State should maximise such reasonable opportunities in and around developments, using requirements or planning obligations where appropriate. This can help towards delivering biodiversity net gain as part of or in addition to the approach set out at Section 4.6. | *the creation of new habitat. Through protection, enhancement, mitigation and habitat creation, the Proposed Development will deliver a project-wide Biodiversity Net Gain."* Section 4 of the Design and Access Statement outlines how the design of the Proposed Development meets this Objective, and Section 5 describes how the design of the Proposed Development has evolved in order to do so. |
| Paragraph 5.4.48 | In taking decisions, the Secretary of State should ensure that appropriate weight is attached to designated sites of international, national, and local importance; protected species; habitats and other species of principal importance for the conservation of biodiversity; and to biodiversity and geological interests within the wider environment. | ES Chapter 8 Biodiversity **[APP-028]** Table 8.6 sets out any identified internationally, nationally, and locally designated sites of ecological or geological conservation importance (including those outside England), on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity, including irreplaceable habitats. The effects on these sites have been assessed throughout the chapter. With embedded design measures in place as described in section 8.7, the Proposed Development will not result in any significant adverse effects on any habitats or species, or on statutory and non-statutory designated sites. |
| Paragraph 5.4.49 | [Habitat Regulations] The Secretary of State must consider whether the project is likely to have a significant effect on a protected site which is part of the National Site Network (a habitat site), a protected marine site, or on any site to which the same protection is | Appendix 8.9 Information to Inform HRA **[APP-151]** details the information to inform a Habitats Regulations Assessment. The information provided concludes the absence of likely significant effects upon European designated sites, either as a result of the Proposed Development alone or in combination with other plans or projects. |

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| | applied as a matter of policy, either alone or in combination with other plans or projects. | |
| Paragraph 5.4.52 | The Secretary of State should give due consideration to regional or local designations. However, given the need for new nationally significant infrastructure, these designations should not be used in themselves to refuse development consent. | ES Chapter 8 Biodiversity **[APP-028]** Table 8.6 sets out any identified internationally, nationally, and locally designated sites of ecological or geological conservation importance (including those outside England) and is listed below, on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity, including irreplaceable habitats. The effects on these sites have been assessed throughout the chapter. With embedded design measures in place as described in section 8.7, the Proposed Development will not result in any significant adverse effects on any habitats or species, or on statutory and non-statutory designated sites.<br><br>▪ Barlow Common Local Nature Reserve ('LNR')<br>▪ Eskamhorn Meadows SSSI<br>▪ River Derwent SAC<br>▪ River Derwent SSSI<br>▪ Breighton Meadows SSSI<br>▪ Lower Derwent Valley SAC<br>▪ Lower Derwent Valley SPA<br>▪ Lower Derwent Valley Ramsar site<br>▪ Humber Estuary SAC<br>▪ Humber Estuary SPA<br>▪ Humber Estuary Ramsar Site<br>▪ Humber Estuary SSSI<br>▪ Skipwith Common SAC<br>▪ Derwent Ings SSSI<br>▪ Thorne Moor SAC<br>▪ Thorne & Hatfield Moors SPA<br>▪ Thorne, Crowle & Goole Moors SSSI<br>▪ Hatfield Moors SSSI |
| Paragraph 5.4.55 | The Secretary of State should refuse consent where harm to a protected species and | ES Chapter 8 Biodiversity **[APP-028]** Table 8.6 sets out any identified internationally, nationally, and locally designated |

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| | relevant habitat would result, unless there is an overriding public interest and the other relevant legal tests are met. In this context the Secretary of State should give substantial weight to any such harm to the detriment of biodiversity features of national or regional importance or the climate resilience and the capacity of habitats to store carbon, which they consider may result from a proposed development. | sites of ecological or geological conservation importance (including those outside England), on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity, including irreplaceable habitats. The effects on these sites have been assessed throughout the chapter. With embedded design measures in place as described in section 8.7, the Proposed Development will not result in any significant adverse effects on any habitats or species, or on statutory and non-statutory designated sites. |
| **Civil and Military Aviation and Defence Interests** | | |
| Paragraph 5.5.49-5.5.51 | The Secretary of State should be satisfied that the effects on meteorological radars, civil and military aerodromes, aviation technical sites and other defence assets or operations have been addressed by the applicant and that any necessary assessment of the proposal on aviation, NSWWS or defence interests has been carried out.<br><br>In particular, the Secretary of State should be satisfied that the proposal has been designed, where possible, to minimise adverse impacts on the operation and safety of aerodromes and that realistically achievable mitigation is carried out on existing surveillance systems such as radar/tracking technologies. It is incumbent on Operators of aerodromes to regularly review the possibility of agreeing to | A Glint and Glare assessment **[APP-117]** was prepared to assess the potential impacts of the Proposed Development on nearby receptors. This included Burn Airfield. During the statutory consultation process, the airfield raised concerns regarding the ongoing operation of the airfield and the Proposed Development, with a particular focus on runway overrun and availability of fields for ditching. As such, the Applicant prepared a subsequent airfield implications report, which sought to address the airfields concerns regarding the Proposed Development. The findings of this report confirmed that there were no anticipated impacts to Burn Airfield, as a result of the Proposed Development. Further details of this are provided in the Assessment Results – Aviation Receptors (page 4) section of Solar Photovoltaic Glint and Glare Study **[APP-117]**. The Applicant is updating the Glint and Glare Study and the High-Level Investigative Report **[REP1-002]** to provide to Burn Gliding Club through the SoCG process, which will be submitted to the ExA at a subsequent deadline. |

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| | make reasonable changes to operational procedures.<br><br>When assessing the necessity, acceptability, and reasonableness of operational changes to aerodromes, the Secretary of State should be satisfied that they have the necessary information regarding the operational procedures along with any demonstrable risks or harm of such changes, taking into account the cases put forward by all parties. When making such a judgement in the case of military aerodromes, the Secretary of State should have regard to interests of defence and national security. | |
| Paragraph 5.5.54 | There are statutory requirements concerning lighting to tall structures. Where lighting is requested on structures that goes beyond statutory requirements by any of the relevant aviation and defence consultees, the Secretary of State should be satisfied of the necessity of such lighting taking into account the case put forward by the consultees. The effect of such lighting on the landscape and ecology may be a relevant consideration. | The Proposed Development does not include any tall structures such that statutory requirements concerning lighting would apply. The effect of lighting on ecology in regards to bats in section 8.5 of ES Chapter 8 Biodiversity **[APP-028]**. |
| Paragraph 5.5.55 | Lighting must also be designed in such a way as to ensure that there is no glare or dazzle to pilots and/or ATC, aerodrome ground lighting is not obscured and that any lighting does not diminish the effectiveness of aeronautical ground lighting and cannot be confused with | The Applicant has prepared a site specific report focused on the Burn Airfield and the associated implications of the Proposed Development. The findings of this report confirmed that there were no anticipated impacts to Burn Airfield, as a result of the Proposed Development. Further details of this are provided in Solar Photovoltaic Glint and Glare Study |

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| | aeronautical lighting. Lighting may also need to be compatible with night vision devices for military low flying purposes. | **[APP-117]**. The Applicant is updating the Glint and Glare Study and the High-Level Investigative Report **[REP1-002]** to provide to Burn Gliding Club through the SoCG process, which will be submitted to the ExA at a subsequent deadline. |
| Paragraph 5.5.58 | Where a proposed energy infrastructure development would significantly impede or compromise the safe and effective use of civil or military aviation, meteorological radars, defence assets and/or significantly limit military training, the Secretary of State may consider the use of 'Grampian conditions', or other forms of requirement which relate to the use of current or future technological solutions, to mitigate impacts on legacy CNS equipment. | The Proposed Development will not significantly impede or compromise the safe and effective use of civil or military aviation, meteorological radars, defence assets and/or significantly limit military training. |
| Paragraph 5.5.59 | Where, after reasonable mitigation, operational changes, obligations and requirements have been proposed, the Secretary of State should consider whether:<br><br>• a development would prevent a licensed aerodrome from maintaining its licence and the operational loss of the said aerodrome would have impacts on national security and defence, or result in substantial local/national economic loss, or emergency service needs<br><br>• it would cause harm to aerodromes' training or emergency service needs | The impact of the Proposed Development on Burn Airfield (an unlicensed aerodrome) has been considered in the Aviation Receptors section of S**o**lar Photovoltaic Glint and Glare Study **[APP-117]**. The Proposed Development will not adversely affect the operation of this airfield. The proposed development will not cause any harm to aerodromes' training or emergency service needs nor impede or compromise the safe and effective use of defence assets or unacceptably limit military training. The Proposed Development will not have a negative impact on the safe and efficient provision of en-route air traffic control services for civil aviation and it will not compromise the effective provision of weather warnings by the NSWWS, or flood warnings by the UK's flood agencies. |

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| | • the development would impede or compromise the safe and effective use of defence assets or unacceptably limit military training<br><br>• the development would have a negative impact on the safe and efficient provision of en-route air traffic control services for civil aviation, in particular through an adverse effect on CNS infrastructure<br><br>• the development would compromise the effective provision of weather warnings by the NSWWS, or flood warnings by the UK's flood agencies | |
| **Dust, Odour, Artificial Light, Smoke, Steam and Insect Infestation** | | |
| Paragraph 5.7.5 | The applicant should assess the potential for insect infestation and emissions of odour, dust, steam, smoke, and artificial light to have a detrimental impact on amenity, as part of the ES. | An assessment that sets out the construction dust risk assessment for the proposed Helios Renewable<br><br>Energy development has been completed at section 3 of Appendix 2.3 – Construction Dust Risk Assessment **[APP-113]**. |
| Paragraph 5.7.6 | In particular, the assessment provided by the applicant should describe:<br>• the type, quantity and timing of emissions • aspects of the development which may give rise to emissions<br>• premises or locations that may be affected by the emissions<br>• effects of the emission on identified | The assessment details the process undertaken to assess the risk of dust impacts, this included the screening of certain areas, assessing the risk of dust impacts – which included the defining of the potential dust emission magnitude, determining site-specific mitigation requirements and determining the resultant significant effects. This is set out in section 3 of ES |

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| | premises or locations<br>• measures to be employed in preventing or mitigating the emissions | Appendix 2.3 – Construction Dust Risk Assessment **[APP-113]**. |
| Paragraph 5.7.9 | Construction should be undertaken in a way that reduces emissions, for example the use of low emission mobile plant during the construction, and demolition phases as appropriate, and consideration should be given to making these mandatory in Development Consent Order requirements. | Mitigation of construction impacts are addressed in section 3 of the oCEMP **[APP-121]**. The draft Development Consent Order **[AS-007]** contains a Requirement(s) in Schedule 2 to ensure that that any necessary mitigation measures are delivered through the Construction Environmental Management Plan (CEMP).<br><br>Measures will aim to ensure that, where possible, construction activities generating waste and greenhouse gas (GHG) emissions are undertaken efficiently. To minimise emissions, |
| Paragraph 5.7.11 | A construction management plan may help clarify and secure mitigation. | |
| Paragraph 5.7.12 | The Secretary of State should satisfy itself that:<br><br>● an assessment of the potential for artificial light, dust, odour, smoke, steam and insect infestation to have a detrimental impact on amenity has been carried out; and<br><br>● that all reasonable steps have been taken, and will be taken, to minimise any such detrimental impacts. | An assessment of the potential for adverse effects arising from matters such as artificial light, dust, odour, smoke, steam and insect infestation on amenity has been carried out in the Construction Dust Risk Assessment provided at Appendix 2.3 **[APP-113]**. |
| Paragraph 5.7.13 | If development consent is granted for a project, the Secretary of State should consider whether there is a justification for all of the authorised project (including any associated development) to be covered by a | A Statutory Nuisances Statement **[APP-237]** has been prepared in relation to the possible sources of nuisance set out in section 79(1) of the 1990 Act. This document demonstrates that no statutory nuisance effects are |

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| | defence of statutory authority against nuisance claims. If the Secretary of State cannot conclude that this is justified, the Secretary of State should disapply in whole or in part the defence through a provision in the Development Consent Order. | considered likely to occur, this conclusion is found at paragraph 5.1.1.2. |
| Paragraph 5.7.14 | Where the Secretary of State believes it appropriate, the Secretary of State may consider attaching requirements to the development consent, to secure certain mitigation measures. | The draft Development Consent Order **[AS-007]** contains a Requirement(s) at Schedule 2 to ensure that that any necessary mitigation measures are delivered through the Construction Environmental Management Plan (CEMP). |
| Paragraph 5.7.15 | In particular, the Secretary of State should consider whether to require the applicant to abide by a scheme of management and mitigation concerning insect infestation and emissions of odour, dust, steam, smoke, and artificial light from the development. The Secretary of State should consider the need for such a scheme to reduce any loss to amenity which might arise during the construction, operation and decommissioning of the development. A construction management plan may help codify mitigation at that stage. | Mitigation of construction impacts are addressed in the oCEMP **[APP-121]** at section 3. The draft Development Consent Order **[AS-007]** contains a Requirement(s) at Schedule 2 to ensure that that any necessary mitigation measures are delivered through the Construction Environmental Management Plan (CEMP**)**. The outline DEMP **[APP-123]** provides a framework for the measures which will be incorporated during the decommissioning phase. |
| **Flood Risk** | | |
| Paragraph 5.8.3 | The government's Flood and Coastal Erosion Risk Management Policy Statement sets out our ambition to create a nation more resilient to future flood and coastal erosion risk. It | ES Chapter 9 Water Environment **[APP-029]** details the assessments relating to Flood Risk. The assessment of the Proposed Development aligns with the government's ambition to enhance resilience to future flood and coastal erosion risks, |

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| | outlines policies and actions which will accelerate progress to better protect and better prepare the country against flooding and coastal erosion. The industry should consider any updates to government policy and apply updated approaches as a matter of priority. | as outlined in the Flood and Coastal Erosion Risk Management Policy Statement. The project applies a forward-looking approach by incorporating site-specific flood risk assessments and flood modelling that accounts for climate change impacts, including the 'maximum credible climate change scenario.' This ensures the development remains resilient throughout its operational lifespan. |
| Paragraph 5.8.4 | All buildings in flood risk areas can improve their preparedness to reduce costs and disruption to key public services when a flood happens. Where infrastructure is not better protected as part of a wider community scale flood defence scheme, those who own and run infrastructure sites – whether in public or private hands – are expected to take action to keep water out, minimise the damage if water gets in through flood-resilient materials, and reduce the disruption caused. This includes effective contingency planning to mitigate the impacts of flooding on the delivery of important services. | The issue of flooding is discussed in ES Chapter 9 Water Environment **[APP-029]** and the FRA **[APP-232 – APP-235]**. The Proposed Development has been designed in a way to keep water out and reduce potential disruption. Proposed adaptation measures aim to ensure robust climate resilience from the outset, including the construction of an earth flood defence bund around the Substation and BESS Compound. This bund is designed to protect these facilities while mitigating flood risks. During the fluvial "credible maximum scenario sensitivity test" flood event, the bund could effectively displace floodwaters, providing an additional safeguard against potential flooding impacts. |
| Paragraph 5.8.5 | Climate change is already having an impact and is expected to have an increasing impact on the UK throughout this century. The UK Climate Projections 2018 show an increased chance of milder, wetter winters and hotter, drier summers in the UK, with more intensive rainfall causing flooding. Sea levels will continue to rise beyond the end of the century, increasing risks to vulnerable coastal communities. Within the lifetime of energy | As discussed within ES Chapter 9 Water Environment **[APP-029]** and the FRA **[APP-232]**, the Proposed Development demonstrates a robust approach to managing flood risks as part of climate change adaptation. By using site-specific flood modelling that incorporates future climate change scenarios, including the "maximum credible climate change scenario," the project ensures resilience to evolving flood risks over its operational lifespan. |

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| | projects, these factors will lead to increased flood risks in areas susceptible to flooding, and to an increased risk of the occurrence of floods in some areas which are not currently thought of as being at risk. A robust approach to flood risk management is a vital element of climate change adaptation; the applicant and the Secretary of State should take account of the policy on climate change adaptation in Section 4.10. | Recognising the potential for increased flood risk, the design embeds adaptive measures such as flood-resilient infrastructure, strategic site layout to avoid high-risk zones, and floodplain compensation where necessary. |
| Paragraph 5.8.6 | The aims of planning policy on development and flood risk are to ensure that flood risk from all sources of flooding is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to steer new development to areas with the lowest risk of flooding. | The Proposed Development seeks to reduce the impact of potential flooding. ES Chapter 9 Water Environment **[APP-029]** sets out that the majority of the Site falls within Flood Zone 3a meaning it has a high risk of flooding as set out in section 9.2. Paragraph 9.9.8 states that the Proposed Development benefits from embedded mitigation in the form of design mitigation and management control measures. The scheme will be designed to be appropriately safe in the combined fluvial and tidal design flood without increasing flood risk elsewhere. These design mitigation measures include the appropriate sequential design of the site to avoid (as best as possible) areas of elevated flood risk and incorporation of flood resilience and resistance measures so that the equipment can remain operational during times of elevated flood risk. Pollution prevention measures, surface water management measures, appropriate design of watercourse crossings and, where necessary, floodplain compensation are also proposed. Management control mitigation includes site evacuation procedures and construction site management measures. |

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| Paragraph 5.8.7 | Where new energy infrastructure is, exceptionally, necessary in flood risk areas (for example where there are no reasonably available sites in areas at lower risk), policy aims to make it safe for its lifetime without increasing flood risk elsewhere and, where possible, by reducing flood risk overall. It should also be designed and constructed to remain operational in times of flood. | ES Chapter 9 Water Environment **[APP-029]** sets out that the majority of the Site falls within Flood Zone 3a meaning it has a high risk of flooding as set out in section 9.2. Paragraph 9.9.8 states that the Proposed Development benefits from embedded mitigation in the form of design mitigation and management control measures. The scheme will be designed to be appropriately safe in the combined fluvial and tidal design flood without increasing flood risk elsewhere. These design mitigation measures include the appropriate sequential design of the site to avoid (as best as possible) areas of elevated flood risk and incorporation of flood resilience and resistance measures so that the equipment can remain operational during times of elevated flood risk. Pollution prevention measures, surface water management measures, appropriate design of watercourse crossings and, where necessary, floodplain compensation are also proposed. Management control mitigation includes site evacuation procedures and construction site management measures. |
| Paragraph 5.8.9 | If, following application of the Sequential Test, it is not possible, (taking into account wider sustainable development objectives), for the project to be located in areas of lower flood risk the Exception Test can be applied as defined in https://www.gov.uk/guidance/flood-risk-and-coastal-change#table2. The test provides a method of allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available. | The Sequential Test is a risk-based approach used to locate development to the lowest risk areas available. A solar farm of the proposed magnitude of the Proposed Development requires an appropriate connection to the National Electricity Grid where there is available capacity. The area in the vicinity of the Site are classified as Flood Zones 2 and 3 and areas of lower risk of flooding (Flood Zone 1) are limited when other material planning considerations (landscape, agricultural<br><br>land quality etc) and design considerations (slope of site and aspect) have been taken into account which also have implications for the suitability of sites for renewable energy schemes. The site selection process set out in the Alternative Site Assessment [**APP-227]** identifies that there are no |
| Paragraph 5.8.10 | The Exception Test is only appropriate for use where the Sequential Test alone cannot | |

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| | deliver an acceptable site. It would only be appropriate to move onto the Exception Test when the Sequential Test has identified reasonably available, lower risk sites appropriate for the proposed development where, accounting for wider sustainable development objectives, application of relevant policies would provide a clear reason for refusing development in any alternative locations identified. Examples could include alternative site(s) that are subject to national designations such as landscape, heritage and nature conservation designations, for example Areas of Outstanding Natural Beauty (AONBs), SSSIs and World Heritage Sites (WHS) which would not usually be considered appropriate. | alternative sites suitable for the Proposed Development within the search area taking into account the environmental and social constraints and that the Site is suitable for solar PV development. This process involved the use of various plans included at the end of the assessment, covering key considerations such as landscape statutory designations, biodiversity statutory designations, statutory designations, flood risk mapping agricultural land classification, and the availability of brownfield sites. On the basis that no alternative sites suitable for the Proposed Development within the search area have been identified and it can be concluded that there are no reasonably available sites appropriate for the proposed development in the search area with a lower risk of flooding and the Sequential Test can be satisfied.<br><br>The FRA **[APP-232 - APP-235]** sets out at 6.5 that a solar farm of the proposed magnitude of the Proposed Development requires an appropriate connection to the National Electricity Grid where there is available capacity. The area in the vicinity of the Site is at predominantly high risk of flooding and areas of lower risk of flooding are limited when other material planning considerations and design considerations have been taken into account which also have implications for the suitability of sites for renewable energy schemes. ES Chapter 4 Alternatives and Design Evolution **[AS-013]** provides the supporting evidence for the Sequential Test at paragraph 4.6.2-4.6.9 and the appropriateness of the Site taking into account other material planning considerations and land availability. |
| Paragraph 5.8.11 | Both elements of the test will have to be satisfied for development to be consented. To | With respect to part a of the Exception Test, the FRA **[APP-232 - APP-235]** is clear that renewable energy has wider sustainability benefits by reducing reliance on carbon-based |

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| | pass the Exception Test it should be demonstrated that:<br><br>• the project would provide wider sustainability benefits to the community that outweigh flood risk; and<br><br>• the project will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible will reduce flood risk overall. | fuels and meeting UL carbon emission and 2050 net zero targets as set out in paragraph 6.6. The nature of the Proposed Development satisfies part a of the Exception Test. Paragraph 4.227 states that with respect to part b of the Exception Test, the FRA demonstrates that the proposed mitigation measures would ensure that the Proposed Development would be appropriately safe without increasing flood risk elsewhere. |
| Paragraph 5.8.12 | Development should be designed to ensure there is no increase in flood risk elsewhere, accounting for the predicted impacts of climate change throughout the lifetime of the development. There should be no net loss of floodplain storage and any deflection or constriction of flood flow routes should be safely managed within the site. Mitigation measures should make as much use as possible of natural flood management techniques. | As discussed in paragraph 6.12 of the FRA [**APP-232 - APP-235],** the Site layout has been devised using a sequential approach to locate sensitive equipment in areas of lowest flood risk where possible, taking into account other material planning considerations and operational requirements. For the Proposed Development in areas of elevated flood risk, flood resilience and resistance measures have been considered to manage the residual flood risk to the Proposed Development. |
| Paragraph 5.8.13 | A site-specific flood risk assessment should be provided for all energy projects in Flood Zones 2 and 3 in England or Zones B and C in Wales. In Flood Zone 1 in England or Zone A in Wales, an assessment should accompany all proposals involving:<br>• sites of 1 hectare or more<br>• land which has been identified by the EA or NRW as having critical drainage problems | The majority of the Site falls within Flood Zone 3a meaning it has a high risk of flooding. This is due to the Rivers Ouse to the north and River Aire to the south which converge to the east of the Site. A solar farm is compatible in areas of Flood Zone 2 and 3a. A site specific flood risk assessment has been produced - FRA **[APP-232 - APP-235].** |

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| | • land identified (for example in a local authority strategic flood risk assessment) as being at increased flood risk in future<br>• land that may be subject to other sources of flooding (for example surface water)<br>• where the EA or NRW, Lead Local Flood Authority, Internal Drainage Board or other body have indicated that there may be drainage problems. | |
| Paragraph 5.8.15 | The minimum requirements for Flood Risk Assessments (FRA) are that they should:<br><br>▪ be proportionate to the risk and appropriate to the scale, nature and location of the project;<br><br>▪ consider the risk of flooding arising from the project in addition to the risk of flooding to the project;<br><br>▪ take the impacts of climate change into account, across a range of climate scenarios, clearly stating the development lifetime over which the assessment has been made;<br><br>▪ be undertaken by competent people, as early as possible in the process of preparing the proposal;<br><br>▪ consider both the potential adverse and beneficial effects of flood risk management infrastructure, including raised defences, flow | The FRA **[APP-232 - APP-235]** for the Proposed Development has been prepared to meet the minimum requirements outlined in paragraph 5.8.15.<br><br>The FRA evaluates potential flood risks both impacting the project and originating from it. It considers the site's location within the River Aire and River Ouse catchments, noting the presence of drainage ditches and variable permeability of underlying ground conditions.<br><br>The assessment incorporates climate change projections, analysing tidal and fluvial 'design floods' and conducting a 'maximum credible climate change scenario' sensitivity test over the project's operational lifespan. This approach ensures resilience against future climate variations.<br><br>The FRA has been conducted by qualified professionals, utilising desktop information, site-specific flood models, and best practice guidance. The assessment was initiated early in the project planning to inform design and mitigation strategies effectively. |

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| | channels, flood storage areas and other artificial features, together with the consequences of their failure and exceedance;<br><br>▪ consider the vulnerability of those using the site, including arrangements for safe access and escape;<br><br>▪ consider and quantify the different types of flooding (whether from natural and human sources and including joint and cumulative effects) and include information on flood likelihood, speed-of onset, depth, velocity, hazard and duration;<br><br>▪ identify and secure opportunities to reduce the causes and impacts of flooding overall, making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management;<br><br>▪ consider the effects of a range of flooding events including extreme events on people, property, the natural and historic environment and river and coastal processes;<br><br>▪ include the assessment of the remaining (known as 'residual') risk after risk reduction measures have been taken into account and demonstrate that these risks can be safely | The assessment considers the vulnerability of site users, proposing site evacuation procedures and construction site management measures to ensure safety during flood events.<br><br>The FRA evaluates various flood risks, including tidal, fluvial, surface water, groundwater, and artificial sources. It provides detailed analyses of flood likelihood, depth, velocity, hazard, and duration.<br><br>The project incorporates embedded mitigation measures, such as a 'level for level' floodplain compensation scheme and pollution prevention strategies, to minimise flood risks and environmental impacts.<br><br>The FRA assesses the potential impacts of various flooding events, including extreme scenarios, on people, property, and the environment, ensuring that the development remains safe and operational.<br><br>Residual risks, after implementing mitigation measures, are evaluated. The FRA concludes that there are no significant adverse effects on surface water drainage and flood risk, with beneficial effects anticipated due to the proposed measures.<br><br>The assessment considers how development may alter water infiltration and drainage. It proposes a Drainage Strategy to manage surface water runoff, incorporating sustainable drainage systems (SuDS) to accommodate predicted climate change impacts.<br><br>Construction-phase mitigation measures are proposed, including a Construction Environmental Management Plan |

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| | managed, ensuring people will not be exposed to hazardous flooding;<br><br>▪ consider how the ability of water to soak into the ground may change with development, along with how the proposed layout of the project may affect drainage systems. Information should include: - Describe the existing surface water drainage arrangements for the site - Set out (approximately) the existing rates and volumes of surface water run-off generated by the site. Detail the proposals for restricting discharge rates - Set out proposals for managing and discharging surface water from the site using sustainable drainage systems and accounting for the predicted impacts of climate change. If sustainable drainage systems have been rejected, present clear evidence of why their inclusion would be inappropriate<br><br>- Demonstrate how the hierarchy of drainage options has been followed. - Explain and justify why the types of SuDS and method of discharge have been selected and why they are considered appropriate. - Explain how sustainable drainage systems have been integrated with other aspects of the development such as open space or green infrastructure, so as to ensure an efficient use of the site - Describe the multifunctional benefits the sustainable drainage system will provide - Set out which opportunities to | (CEMP) with enhanced monitoring and pollution control measures to minimise flood risks during development.<br><br>The FRA is underpinned by comprehensive data, including historical flood events, site-specific flood modelling, and consultations with relevant authorities, ensuring a robust and informed assessment. |

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| | reduce the causes and impacts of flooding have been identified and included as part of the proposed sustainable drainage system<br><br>- Explain how run-off from the completed development will be prevented from causing an impact elsewhere<br><br>- Explain how the sustainable drainage system been designed to facilitate maintenance and, where relevant, adoption. Set out plans for ensuring an acceptable standard of operation and maintenance throughout the lifetime of the development<br><br>▪ detail those measures that will be included to ensure the development will be safe and remain operational during a flooding event throughout the development's lifetime without increasing flood risk elsewhere;<br><br>▪ identify and secure opportunities to reduce the causes and impacts of flooding overall during the period of construction; and<br><br>▪ be supported by appropriate data and information, including historical information on previous events. | |
| Paragraph 5.8.19 | Such discussions should identify the likelihood and possible extent and nature of the flood risk, help scope the FRA, and identify the information that will be required by | The project team has engaged with the EA over the course of the project, the position with the EA in relation to the FRA can |

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| | the Secretary of State to reach a decision on the application when it is submitted. The Secretary of State should advise applicants to undertake these steps where they appear necessary but have not yet been addressed. | be found from paragraph 4.30 of the FRA **[APP-232 - APP-235].** |
| Paragraph 5.8.20 | If the EA, NRW or another flood risk management authority has reasonable concerns about the proposal on flood risk grounds, the applicant should discuss these concerns with the EA or NRW and take all reasonable steps to agree ways in which the proposal might be amended, or additional information provided, which would satisfy the authority's concerns. | |
| Paragraph 5.8.22-5.8.23 | The technology specific NPSs set out some exceptions to the application of the Sequential Test. However, when seeking development consent on a site allocated in a development plan through the application of the Sequential Test, informed by a strategic flood risk assessment, applicants need not apply the Sequential Test, provided the proposed development is consistent with the use for which the site was allocated and there is no new flood risk information that would have affected the outcome of the test. Consideration of alternative sites should take account of the policy on alternatives set out in Section 4.3 above. All projects should apply | The Proposed Development is not located on a site allocated in a development plan through the application of the Sequential Test and informed by a strategic flood risk assessment. ES Chapter 4 Alternatives and Design Evolution **[AS-013]** at paragraph 4.6.2-4.6.9 provides the supporting evidence for the Sequential Test that has been carried out and the appropriateness of the Site taking into account other material planning considerations and land availability.<br><br>Paragraph 6.12 of the FRA [**APP-232 - APP-235]** sets out that the Site layout has been devised using a sequential approach to locate sensitive equipment in areas of lowest flood risk where possible, taking into account other material planning considerations and operational requirements. The Proposed Development accords with all relevant national and local flood risk management strategies. On the |

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| | the Sequential Test to locating development within the site. | basis that no alternative sites suitable for the Proposed Development within the search area have been identified and it can be concluded that there are no reasonably available sites appropriate for the proposed development in the search area with a lower risk of flooding and the Sequential Test is satisfied. |
| Paragraph 5.8.24 | To satisfactorily manage flood risk, arrangements are required to manage surface water and the impact of the natural water cycle on people and property. | The FRA **[APP-232 - APP-235]** sets out that a sustainable drainage strategy, involving the implementation of SuDS and NFM techniques, is proposed for managing the surface water runoff from the Proposed Development at paragraph 6.15 |
| Paragraph 5.8.25 | In this NPS, the term SuDS refers to the whole range of sustainable approaches to surface water drainage management including, where appropriate:<br><br>• source control measures including rainwater recycling and drainage<br><br>• infiltration devices to allow water to soak into the ground, that can include individual soakaways and communal facilities<br><br>• filter strips and swales, which are vegetated features that hold and drain water downhill mimicking natural drainage patterns<br><br>• filter drains and porous pavements to allow rainwater and run-off to infiltrate into permeable material below ground and provide storage if needed | The FRA **[APP-232 - APP-235]** sets out at paragraph 5.84 that the existing ditch / watercourse network that crosses the site will be retained. Through conversion to permanent pasture and the introduction of interception swales creating a significant amount of onsite depression storage, the Proposed Development will restore and enhance natural hydrological processes to 'slow the flow', providing a benefit in reducing overland flows during extreme rainfall events. Shallow attenuation basins utilising flow controls would provide attenuation storage mitigating the effect of the BESS area and substation on surface water runoff. |

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| | • basins, ponds and tanks to hold excess water after rain and allow controlled discharge that avoids flooding<br><br>• flood routes to carry and direct excess water through developments to minimise the impact of severe rainfall flooding | |
| Paragraph 5.8.26 | Site layout and surface water drainage systems should cope with events that exceed the design capacity of the system, so that excess water can be safely stored on or conveyed from the site without adverse impacts. | Paragraph 6.16 of the FRA [**APP-232 - APP-235]** sets out that the drainage strategy would ensure that surface water arising from the Proposed Development would be managed in a sustainable manner to mimic the surface water flows arising from the Site prior to the Proposed Development, while reducing the flood risk to the Site itself and elsewhere, taking climate change into account. |
| Paragraph 5.8.27 | The surface water drainage arrangements for any project should, accounting for the predicted impacts of climate change throughout the development's lifetime, be such that the volumes and peak flow rates of surface water leaving the site are no greater than the rates prior to the proposed project, unless specific off-site arrangements are made and result in the same net effect. | Paragraph 6.16 of the FRA **[APP-232 - APP-235]** sets out that the drainage strategy would ensure that surface water arising from the Proposed Development would be managed in a sustainable manner to mimic the surface water flows arising from the Site prior to the Proposed Development, while reducing the flood risk to the Site itself and elsewhere, taking climate change into account. |
| Paragraph 5.8.28 | It may be necessary to provide surface water storage and infiltration to limit and reduce both the peak rate of discharge from the site and the total volume discharged from the site. There may be circumstances where it is appropriate for infiltration facilities or attenuation storage to be provided outside the | Paragraph 5.77 of the FRA **[APP-232 - APP-235]** sets out that attenuation basins are proposed to attenuate runoff from the lined BESS Compound. To demonstrate the attenuation basins are appropriately sized a Micro Drainage Source Control model has been created and the effect of the 10 in 100 year storm event including a 30% allowance for climate change has been created. The results demonstrate that the |

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| | project site, if necessary through the use of a planning obligation. | attenuation basins are suitably sized and runoff would be restricted to the lowest practical discharge rate of 1 l/s whilst also being in accordance with the IDB's runoff rate requirements. |
| Paragraph 5.8.29 | The sequential approach should be applied to the layout and design of the project. Vulnerable aspects of the development should be located on parts of the site at lower risk and residual risk of flooding. Applicants should seek opportunities to use open space for multiple purposes such as amenity, wildlife habitat and flood storage uses. Opportunities should be taken to lower flood risk by reducing the built footprint of previously developed sites and using SuDS. | Paragraph 6.12 of the FRA **[APP-232 - APP-235]** sets out that the Site layout has been devised using a sequential approach to locate sensitive equipment in areas of lowest flood risk where possible, taking into account other material planning considerations and operational requirements. |
| Paragraph 5.8.33-5.8.35 | The receipt of and response to warnings of floods is an essential element in the management of the residual risk of flooding. Flood Warning and evacuation plans should be in place for those areas at an identified risk of flooding.<br><br>The applicant should take advice from the local authority emergency planning team, emergency services and, where appropriate, from the local resilience forum when producing an evacuation plan for a manned | Paragraph 6.12 of the FRA **[APP-232 - APP-235]** sets out that a flood warning and evacuation plan will be put in place for the Proposed Development. The plan will be secured as part of the oCEMP **[APP-121],** the oDEMP **[APP-123]** and the oOEMP **[APP-124].** |

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| | energy project as part of the FRA. Any emergency planning documents, flood warning and evacuation procedures that are required should be identified in the FRA.<br><br>Flood resistant and resilient materials and design should be adopted to minimise damage and speed recovery in the event of a flood. | |
| Paragraph 5.8.36 | In determining an application for development consent, the Secretary of State should be satisfied that where relevant:<br><br>• the application is supported by an appropriate FRA<br><br>• the Sequential Test has been applied and satisfied as part of site selection<br><br>• a sequential approach has been applied at the site level to minimise risk by directing the most vulnerable uses to areas of lowest flood risk<br><br>• the proposal is in line with any relevant national and local flood risk management strategy<br><br>• SuDS (as required in the next paragraph on National Standards) have been used unless | The application is supported by a FRA **[APP-232 - APP-235]** that sets out that the Site layout has been devised using a sequential approach to locate sensitive equipment in areas of lowest flood risk where possible, taking into account other material planning considerations and operational requirements at paragraph 6.12. The Proposed Development accords with all relevant national and local flood risk management strategies. The FRA has applied a Sequential Test. Paragraph 6.16 of the FRA sets out that the drainage strategy would ensure that surface water arising from the Proposed Development would be managed in a sustainable manner to mimic the surface water flows arising from the Site prior to the Proposed Development, while reducing the flood risk to the Site itself and elsewhere, taking climate change into account.<br><br>The FRA sets out that the Proposed Development will be designed to be appropriately safe in the combined fluvial and tidal design flood without increasing flood risk elsewhere and a number of design flood mitigation measures are proposed. |

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| | there is clear evidence that their use would be inappropriate<br><br>• in flood risk areas the project is designed and constructed to remain safe and operational during its lifetime, without increasing flood risk elsewhere (subject to the exceptions set out in paragraph 5.8.42)<br><br>• the project includes safe access and escape routes where required, as part of an agreed emergency plan, and that any residual risk can be safely managed over the lifetime of the development<br><br>• land that is likely to be needed for present or future flood risk management infrastructure has been appropriately safeguarded from development to the extent that development would not prevent or hinder its construction, operation or maintenance | |
| Paragraph 5.8.37-5.8.39 | For energy projects which have drainage implications, approval for the project's drainage system, including during the construction period, will form part of the development consent issued by the Secretary of State. The Secretary of State will therefore need to be satisfied that the proposed drainage system complies with any National Standards published by Ministers under | Paragraph 5.84 of the FRA **[APP-232 - APP-235]** sets out that the Proposed Development and mitigation measures are compatible with NFM and retain existing ditch / watercourse network that crosses the Site. Through conversion to permanent pasture and the introduction of interception swales creating significant amount of onsite depression storage, the Proposed Development would restore and enhance natural hydrological processes to 'slow the flow', providing a benefit in reducing overland flows during extreme rainfall events. Shallow attenuation basins utilising flow controls would provide attenuation storage mitigating the |

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| | paragraph 5(1) of Schedule 3 to the Flood and Water Management Act 2010.<br><br>In addition, the Development Consent Order, or any associated planning obligations, will need to make provision for appropriate operation and maintenance of any SuDS throughout the project's lifetime. Where this is secured through the adoption of any SuDS features, any necessary access rights to property will need to be granted.<br><br>Where relevant, the Secretary of State should be satisfied that the most appropriate body is being given the responsibility for maintaining any SuDS, taking into account the nature and security of the infrastructure on the proposed site. Responsible bodies could include, for example the landowner, the relevant lead local flood authority or water and sewerage company (through the Ofwat-approved Sewerage Sector Guidance), or another body, such as an Internal Drainage Board. | effect of the BESS area and substation on surface water runoff. On this basis, the Proposed Development would not increase flood risk onsite or elsewhere and would preserve the Site's natural drainage regime; and is considered a proportionate approach to surface water management on a rural solar farm development and is a practical implementation of NFM. The interception swales and attenuation basins would be maintained throughout the modelled operational lifetime of the Proposed Development by the landowner generally in accordance with the recommendations in CIRIA C753 '*The SuDS Manual*' |
| Paragraph 5.8.41 | If the EA, NRW or another flood risk management authority continues to have concerns and objects to the grant of development consent on the grounds of flood risk, the Secretary of State can grant consent, but would need to be satisfied before deciding whether or not to do so that all reasonable | Consultation and engagement have been carried out with the Environment Agency and NYC, acting as the Lead Local Flood Authority (LLFA). These discussions are summarised in Table 9.4: Consultation Summary of Chapter 9: Water Environment in the Environmental Statement [APP-029]. This consultation included agreements on the scope of the site-specific flood model. The Applicant remains in ongoing |

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| | steps have been taken by the applicant and the authority to try to resolve the concerns. | dialogue with the Environment Agency concerning flood risk and groundwater protection matters. |
| Paragraph 5.8.41 | Energy projects should not normally be consented within Flood Zone 3b, or Zone C2 in Wales, or on land expected to fall within these zones within its predicted lifetime. This may also apply where land is subject to other sources of flooding (for example surface water). However, where essential energy infrastructure has to be located in such areas, for operational reasons, they should only be consented if the development will not result in a net loss of floodplain storage, and will not impede water flows. | Paragraph 6.4 of the FRA **[APP-232 - APP-235]** sets out that with reference to the GOV.UK's Flood Map for Planning (Rivers and Sea), the majority of the Site falls within Flood Zone 3 with smaller areas of Flood Zone 2 and Flood Zone 1. This is due to the Rivers Ouse to the north and Aire to the south which converge to the east of the Site. Due to the presence of flood defences along the River Aire and River Ouse, the areas of Flood Zone 3 on the Site are defined as Flood Zone 3a. |
| Paragraph 5.8.42 | Exceptionally, where an increase in flood risk elsewhere cannot be avoided or wholly mitigated, the Secretary of State may grant consent if they are satisfied that the increase in present and future flood risk can be mitigated to an acceptable and safe level and taking account of the benefits of, including the need for, nationally significant energy infrastructure as set out in Part 3 above. In any such case the Secretary of State should make clear how, in reaching their decision, they have weighed up the increased flood risk against the benefits of the project, taking account of the nature and degree of the risk, the future impacts on climate change, and | The FRA **[APP-232 - APP-235]** confirms that, subject to the implementation of the drainage strategy and mitigation measures as set out in the document, that the proposed Development will not increase flood risk elsewhere and will reduce flood risk overall. |

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| | advice provided by the EA or NRW and other relevant bodies. | |
| **Historic Environment** | | |
| Paragraph 5.9.9 | The applicant should undertake an assessment of any likely significant heritage impacts of the proposed development as part of the EIA, and describe these along with how the mitigation hierarchy has been applied in the ES (see Section 4.3). This should include consideration of heritage assets above, at, and below the surface of the ground. Consideration will also need to be given to the possible impacts, including cumulative, on the wider historic environment. The assessment should include reference to any historic landscape or seascape character assessment and associated studies as a means of assessing impacts relevant to the proposed project. | An assessment of any likely significant heritage impacts of the proposed development has been carried out in ES Chapter 6 Cultural Heritage **[APP-026]**.<br><br>The assessment of the likely significant effects of the Proposed Development on cultural heritage has been informed by Appendix 6.1 Cultural Heritage Technical Appendix **[APP-125]** which contains the detailed heritage baseline information at section 5, and the initial assessment at section 6, in accordance with Step 1 and Step 2 of the Historic England guidance, of the identification of which assets have the potential to have their settings affected by the Proposed Development. As part of this, those assets which do not have the potential to have their settings affected have<br><br>been scoped out from further consideration. This process is set out within the gazetteer at Appendix 1 of the Cultural Heritage Technical Baseline (refer to Appendix 6.1 **[APP-125]).** Mitigation measures have also been committed to, where relevant, to reduce the significance of the identified adverse effects |
| Paragraph 5.9.10 | As part of the ES the applicant should provide a description of the significance of the heritage assets affected by the proposed development, including any contribution made by their setting. The level of detail should be proportionate to the importance of the | As set out in paragraph 6.3.13 of ES Chapter 6 Cultural Heritage **[APP-026]** - In order to assess the effects of the Proposed Development upon heritage assets, these have first been assigned a value. This is not merely a reflection of any designated status but also accounts for the heritage interests of the asset. This has been expressed as the value/ sensitivity |

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| | heritage assets and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum, the applicant should have consulted the relevant Historic Environment Record235 (or, where the development is in English or Welsh waters, Historic England or Cadw) and assessed the heritage assets themselves using expertise where necessary according to the proposed development's impact. | of the asset to change. Following this, the magnitude of impact or change to the significance of the asset has been assessed, including impacts to its significance through changes within its setting. The value of the asset has been considered against the magnitude of impact and the resultant effect has been assessed. |
| Paragraph 5.9.11 | Where a site on which development is proposed includes, or the available evidence suggests it has the potential to include, heritage assets with an archaeological interest, the applicant should carry out appropriate desk-based assessment and, where such desk-based research is insufficient to properly assess the interest, a field evaluation. Where proposed development will affect the setting of a heritage asset, accurate representative visualisations may be necessary to explain the impact. | The areas of archaeological potential have been identified within the AMS (refer to Appendix 6.2 **[APP-126]).**<br><br>Paragraph 6.5.3 of the chapter states that measures to be adopted by the project in the form of an Archaeological Mitigation Strategy ('AMS') have been established through consultation with the Principal Archaeologist for NYC. The scope of this AMS has been agreed with the Principal Archaeologist and will be submitted as part of the DCO application (refer to Appendix 6.2 **[APP-126]**). This mitigation also includes provision of an Archaeological Watching Brief during the implementation of the underground cable corridor.<br><br>The AMS has been taken into account in the creation of the Landscape Strategy **[APP-071 – APP-074]**. Major conflicts have been avoided. |
| Paragraph 5.9.13 | The applicant is encouraged, where opportunities exist, to prepare proposals which can make a positive contribution to the historic environment, and to consider how their scheme takes account of the significance | Interpretation boards will be established at the Site describing archaeological context of the area, secured by DCO Requirement as per Table 6.5 in ES Chapter 6 Cultural Heritage **[APP-026]**. |

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| | of heritage assets affected. This can include, where possible:<br>• enhancing, through a range of measures such a sensitive design, the significance of heritage assets or setting affected<br>• considering where required the development of archive capacity which could deliver significant public benefits<br>• considering how visual or noise impacts can affect heritage assets, and whether there may be opportunities to enhance access to, or interpretation, understanding and appreciation of, the heritage assets affected by the scheme | |
| Paragraph 5.9.14 | Careful consideration in preparing the scheme will be required on whether the impacts on the historic environment will be direct or indirect, temporary, or permanent. | Table 6.5 in ES Chapter 6 Cultural Heritage **[APP-026]** details each potential effects, and the nature of the effects in terms of its whether or not it is permanent or temporary. |
| Paragraph 5.9.15 | Applicants should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. | The Proposed Development is not located within a Conservation Area or World Heritage Site. The Proposed Development has no significant effects on the settings of nearby heritage assets, as concluded in ES Chapter 6 Cultural Heritage **[APP-026]**. |
| Paragraph 5.9.16 | A documentary record of our past is not as valuable as retaining the heritage asset, and therefore the ability to record evidence of the asset should not be a factor in deciding | ES Chapter 6 Cultural Heritage **[APP-026]** confirms that there are no designated heritage assets located within the Site. Paragraph 6.9.2 states that there are a limited number of records identified from the NYHER and NRHE within the Site |

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| | whether such loss should be permitted, and whether or not consent should be given. | and several areas of cropmarks that have been identified from aerial photographic analysis and NMP mapping. A geophysical survey has been carried out within the Site which has identified several areas of discrete archaeological anomalies, some of which correspond with previously recorded cropmarks. The Proposed Development's construction, operational and decommissioning phases are not anticipated to result in significant effects on cultural heritage. |
| Paragraph 5.9.17 | Where the loss of the whole or part of a heritage asset's significance is justified, the Secretary of State will require the applicant to record and advance understanding of the significance of the heritage asset before it is lost (wholly or in part). The extent of the requirement should be proportionate to the asset's importance and significance and the impact. The applicant should be required to publish this evidence and to deposit copies of the reports with the relevant Historic Environmental Record. They should also be required to deposit the archive generated in a local museum or other public repository willing to receive it. | Paragraph 6.9.3 of ES Chapter 6 Cultural Heritage **[APP-026]** confirms that the Proposed Development's construction, operational and decommissioning phases are not anticipated to result in significant effects on cultural heritage.<br><br>Appendix 6.2 – Archaeological Mitigation Strategy **[APP-126]** states that all archaeological features will be recorded in accordance with industry best practice, including the CIfA Standard and guidance for archaeological watching brief, as stated in paragraph 4.24. |
| Paragraph 5.9.18 | Where appropriate, the Secretary of State will impose requirements on the Development Consent Order to ensure that the work is undertaken in a timely manner, in accordance with a written scheme of investigation that complies with the policy in this NPS and which has been agreed in writing with the relevant | ES Chapter 6 Cultural Heritage **[APP-026]** confirms that any archaeological potential is contained within discrete areas and is not widespread across the entire Site as per paragraph 6.4.3. Areas of archaeological potential have been identified within the Archaeological Mitigation Strategy and these areas will be subject to mitigation in the form of 'no dig' foundations to ensure that they will not experience any below ground |

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| | local authority, and to ensure that the completion of the exercise is properly secured. | disturbance. Provision of a written scheme of investigation, in accordance with the outline archaeological mitigation strategy, is secured as a requirement in Schedule 2 of the Draft Development Consent Order **[AS-007]**. |
| Paragraph 5.9.19 | Where the loss of significance of any heritage asset has been justified by the applicant on the merits of the new development and the significance of the asset in question, the Secretary of State should consider:<br><br>• imposing a requirement in the Development Consent Order<br><br>• requiring the applicant to enter into an obligation | Paragraph 6.9.3 of ES Chapter 6 Cultural Heritage **[APP-026]** confirms that the Proposed Development's construction, operational and decommissioning phases are not anticipated to result in significant effects on cultural heritage. Provision of a written scheme of investigation, in accordance with the outline archaeological mitigation strategy, is secured as a requirement at Schedule 2 of the Draft Development Consent Order **[AS-007]**. |
| Paragraph 5.9.24 | In considering the impact of a proposed development on any heritage assets, the Secretary of State should consider the particular nature of the significance of the heritage assets and the value that they hold for this and future generations. This understanding should be used to avoid or minimise conflict between their conservation and any aspect of the proposal. | Paragraph 6.9.3 of ES Chapter 6 Cultural Heritage **[APP-026]** confirms that the Proposed Development's construction, operational and decommissioning phases are not anticipated to result in significant effects on cultural heritage. |
| Paragraph 5.9.25-5.9.26 | The Secretary of State should consider the desirability of sustaining and, where appropriate, enhancing the significance of heritage assets, the contribution of their settings and the positive contribution that their conservation can make to sustainable | Paragraph 6.9.3 of ES Chapter 6 Cultural Heritage **[APP-026]** confirms that the Proposed Development's construction, operational and decommissioning phases are not anticipated to result in significant effects on cultural heritage. |

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| | communities, including to their quality of life, their economic vitality, and to the public's enjoyment of these assets. The Secretary of State should also consider the desirability of the new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials, use and landscaping (for example, screen planting). | The design of the Proposed Development has evolved to reduce potential effects upon listed heritage assets, as set out in paragraph 6.5.1 of ES Chapter 6 Cultural Heritage **[APP-026]**. The Solar Farm Zone, as shown on ES Figure 3.2 Parameter Plan **[APP-040],** was moved further away from sensitive heritage receptors, alongside the creation of more substantial landscape buffer zones. Additionally, the on-site substation and BESS compound have been placed in a central position in the Site, well-screened from surrounding assets by both the earth bund and landscaping, further eliminating any potential views from identified designated heritage assets. Interpretation boards will be provided on Site, which will inform pedestrians about the Proposed Development and may describe the archaeological context of the area. |
| Paragraph 5.9.27 | When considering the impact of a proposed development on the significance of a designated heritage asset, the Secretary of State should give great weight to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance. | Paragraph 6.9.3 of ES Chapter 6 Cultural Heritage **[APP-026]**. The Proposed Development's construction, operational, and decommissioning phases are not anticipated to result in significant effects on cultural heritage and therefore the assets are to be conserved. |
| Paragraph 5.9.28-5.9.30 | The Secretary of State should give considerable importance and weight to the desirability of preserving all heritage assets. Any harm or loss of significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing | Paragraph 6.9.3 of ES Chapter 6 Cultural Heritage **[APP-026]** confirms that the Proposed Development's construction, operational and decommissioning phases are not anticipated to result in significant effects on cultural heritage. |

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| | justification. Substantial harm to or loss of significance of a grade II Listed Building or a grade II Registered Park or Garden should be exceptional. Substantial harm to or loss of significance of assets of the highest significance, including Scheduled Monuments; Protected Wreck Sites; Registered Battlefields; grade I and II* Listed Buildings; grade I and II* Registered Parks and Gardens; and World Heritage Sites, should be wholly exceptional. | |
| Paragraph 5.9.31 | Where the proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset the Secretary of State should refuse consent unless it can be demonstrated that the substantial harm to, or loss of, significance is necessary to achieve substantial public benefits that outweigh that harm or loss, or all the following apply:<br><br>• the nature of the heritage asset prevents all reasonable uses of the site<br><br>• no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation | Paragraph 6.9.3 of ES Chapter 6 Cultural Heritage **[APP-026]** confirms that the Proposed Development's construction, operational and decommissioning phases are not anticipated to result in significant effects on cultural heritage. |

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| | • conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible<br><br>• the harm or loss is outweighed by the benefit of bringing the site back into use | |
| Paragraph 5.9.32 | Where the proposed development will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate securing its optimum viable use. | ES Chapter 6 Cultural Heritage **[APP-026]** confirms that the Proposed Development does not result in any significant levels of harm to any designated or non-designated historical assets. In their S42 Preapplication Statutory Consultant Response dated 13 November 2023, which can be found in Table 6.4, Historic England noted that the harm identified by them to Camblesforth Hall and Carlton Towers is such a small degree of harm that it is likely to be outweighed by the clear public benefits of the scheme. These responses can be found in the relevant ES chapter as well as Appendix 13.1 of the Consultation Report **[APP-222].** |
| Paragraph 5.9.33 | In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. | A search area of 1km from the Site boundary was utilised to identify non-designated heritage assets in ES Chapter 6 Cultural Heritage **[APP-026].** The parkland surrounding Carlton Towers is considered as a non-designated asset (MNY31613). The site visit to this parkland identified that there were no views at all towards the Site available from within the publicly accessible areas of the parkland and grounds, with views entirely blocked by the mature trees surrounding the northern boundary of the parkland. No effects were identified on the asset. Carlton Towers is discussed in paragraphs 6.5.27-6.5.37. |
| Paragraph 5.9.34 | Not all elements of a Conservation Area or World Heritage Site will necessarily contribute | ES Chapter 6 Cultural Heritage **[APP-026]** confirms that the Proposed Development does not result in the loss of any |

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| | to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 5.9.30 or less than substantial harm under paragraph 5.9.32, as appropriate, considering the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole. | buildings (or other element) that make a positive contribution to the significance of a Conservation Area or World Heritage Site. |
| Paragraph 5.9.35 | Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the Secretary of State should not take its deteriorated state into account in any decision. | ES Chapter 6 Cultural Heritage **[APP-026]** confirms that there is no evidence of any deliberate neglect of, or damage to, a heritage asset. |
| Paragraph 5.9.36 | When considering applications for development affecting the setting of a designated heritage asset, the Secretary of State should give appropriate weight to the desirability of preserving the setting such assets and treat favourably applications that preserve those elements of the setting that make a positive contribution to, or better reveal the significance of, the asset. When considering applications that do not do this, the Secretary of State should give great weight to any negative effects, when weighing them against the wider benefits of the application. The greater the negative impact on the significance of the designated heritage | ES Chapter 6:Cultural Heritage **[APP-026]** confirms that the Proposed Development's construction, operational and decommissioning phases are not anticipated to result in significant effects on cultural heritage.<br><br>Paragraph 6.5.11 states that as a result of measures set out within the Archaeological Mitigation Strategy (AMS) would result in the significance of effect on the areas of archaeological potential being not significant.<br><br>Paragraph 6.5.13 states that the indirect effect of temporarily increased traffic and activity, is not expected to impact the significance or value of nearby heritage assets, resulting in a neutral (non-significant) effect. |

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| | asset, the greater the benefits that will be needed to justify approval. | Paragraph 6.5.26 states that the operational impact of the Proposed Development on Camblesforth Hall is not significant.<br><br>Paragraph 6.5.37 states that the operational impact of the Proposed Development on Carlton Towers is not significant.<br><br>Paragraph 6.5.42 states that the operational impact of the Proposed Development on Manor Farmhouse is not significant.<br><br>Paragraph 6.5.45 states that the decommissioning of the Proposed Development would not result in any physical effects to heritage assets. No impacts are anticipated during this phase and the effect is neutral (not significant). |
| **Landscape and Visual** | | |
| Paragraph 5.10.5-5.10.6 | Virtually all nationally significant energy infrastructure projects will have adverse effects on the landscape, but there may also be beneficial landscape character impacts arising from mitigation. Projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate. | As set out in paragraph 7.9.9 of ES Chapter 7 Landscape and Views **[APP-027].** A comprehensive series of mitigation measures has been embedded in the design of<br><br>the Proposed Development from the outset, with the aim of reducing adverse effects resulting from its introduction. The design of the Proposed Development has evolved as part of an iterative process and has been informed by the findings of initial landscape and visual appraisals and consultation with NYC. The mitigation strategy includes the re-establishment of a strong pattern of hedgerows and tree belts, as well as grassland planting and wetland habitats. These measures have been drawn from published landscape character assessment guidance. |

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| Paragraph 5.10.12 | Outside nationally designated areas, there are local landscapes that may be highly valued locally. Where a local development document in England or a local development plan in Wales has policies based on landscape or waterscape character assessment, these should be paid particular attention. However, locally valued landscapes should not be used in themselves to refuse consent, as this may unduly restrict acceptable development. | Local landscapes have been considered within this Application and are discussed within ES Chapter 7 Landscape and Views **[APP-027]**. Mitigation and design methods include proposed network of hedgerows, woodland and scrub planting set out in paragraph 7.5.48, together with measures, such as grassland and meadow establishment and new ponds would make a meaningful contribution to the local landscape. Following mitigation and design measures, it is expected that there would be no significant effect on local landscapes. |
| Paragraph 5.10.13-5.10.14 | All proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites. The Secretary of State will have to judge whether the visual effects on sensitive receptors, such as local residents, and other receptors, such as visitors to the local area, outweigh the benefits of the project. | The effects on visual receptors have been assessed and are discussed in ES Chapter 7 Landscape and Views **[APP-027]**. With proposed mitigation and enhancement measures it is deemed that these effects will not be significant. The methodology is set out in section 7.3.<br><br>ES Chapter 7 Landscape and Views **[APP-027]** comprises the landscape and visual assessment for the Proposed Development. Photomontages have been prepared for the Proposed Development and are included in Appendix 7.7 **[APP-140 – APP-141].**<br><br>A comprehensive review of published landscape character assessments and analysis of the landscape character of the Site and its context has been carried out, details of this are within section 7.4 of ES Chapter 7 Landscape and Views **[APP-027]**.<br><br>The assessment methodology follows the Guidelines for Landscape and Visual Impact Assessment (GLVIA3) and involves evaluating landscape and visual effects as distinct elements. Landscape effects consider changes to the site's |
| Paragraph 5.10.16 | The applicant should carry out a landscape and visual impact assessment and report it in the ES, including cumulative effects (see Section 4.3). Several guides have been produced to assist in addressing landscape issues. | |
| Paragraph 5.10.17 | The landscape and visual assessment should include reference to any landscape character assessment and associated studies as a means of assessing landscape impacts relevant to the proposed project. The applicant's assessment should also take | |

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| | account of any relevant policies based on these assessments in local development documents in England and local development plans in Wales. | physical features and character, while visual effects address how the development is experienced from public and private viewpoints. The process included a desktop review, field surveys, and analysis of a Zone of Theoretical Visibility (ZTV) to identify visual receptors and assess their sensitivity. Representative viewpoints were selected, refined, and consulted upon, and updated ZTVs were prepared to account for screening features and design adjustments. Effects during construction, operation (Years 1 and 15), and decommissioning were assessed, with significance determined based on receptor sensitivity and the magnitude of change. Mitigation measures will be integrated at both construction and operational stages to reduce adverse effects. |
| Paragraph 5.10.19 | The applicant should consider landscape and visual matters in the early stages of siting and design, where site choices and design principles are being established. This will allow the applicant to demonstrate in the ES how negative effects have been minimised and opportunities for creating positive benefits or enhancement have been recognised and incorporated into the design, delivery and operation of the scheme. | Landscape and visual impacts have been considered from an early stage, which is demonstrated by how the design of the Proposed Development has evolved. The site is not located within or close to any nationally designated landscapes |
| Paragraph 5.10.24 | Applicants should consider how landscapes can be enhanced using landscape management plans, as this will help to enhance environmental assets where they contribute to landscape and townscape quality. | An Outline Landscape and Ecological Management Plan (oLEMP) **[APP-143]** has been provided. This document sets out a framework within which a detailed LEMP would be subsequently produced, in accordance with a requirement Schedule 2 in the Draft Development Consent Order. The OLEMP establishes the overarching principles for the promotion of a sensitive management approach that protects, |

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| | | manages, and enhances the Site for the benefit of habitats, landscape character and visual amenity in the long-term, and which protects/safeguards it during construction/installation works. The LEMP will build upon this framework and provide full details required in order to secure the aims of the OLEMP. |
| Paragraph 5.10.25 | In considering visual effects it may be helpful for applicants to draw attention, in the supporting evidence to their applications, to any examples of existing permitted infrastructure they are aware of with a similar magnitude of impact on equally sensitive receptors. This may assist the Secretary of State in judging the weight they should give to the assessed visual impacts of the proposed development. | The landscape and visual effects of the Proposed Development are outlined in ES Chapter 7 Landscape and Views **[APP-027]**. Section 7.3 outlines the methodology applied to the assessment and is supported by the LVIA Methodology **[APP-134]** which sets out details including how magnitude has been define. |
| Paragraph 5.10.26 | *Mitigation*<br><br>Reducing the scale of a project can help to mitigate the visual and landscape effects of a proposed project. However, reducing the scale or otherwise amending the design of a proposed energy infrastructure project may result in a significant operational constraint and reduction in function – for example, electricity generation output. There may, however, be exceptional circumstances, where mitigation could have a very significant benefit and warrant a small reduction in function. In these circumstances, the Secretary of State may decide that the benefits of the mitigation to reduce the | The design of the Proposed Development has been informed by the Landscape and Visual Impact Assessment set out in section 7.3, as presented in ES Chapter 7 Landscape and Views **[APP-027].** This demonstrates how the landscape strategy and design of the Proposed Development has been prepared to mitigate the impact of the Proposed Development on the surrounding context, particularly landowners. This includes the extensive use of hedgerows and woodland and scrubland to shield development, but also reinforce the existing landscape. This is shown on ES Figure 3.16: Landscape Strategy Plan **[APP-054].** |

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| | landscape and/or visual effects outweigh the marginal loss of function. | |
| Paragraph 5.10.27 | Adverse landscape and visual effects may be minimised through appropriate siting of infrastructure within its development site and wider setting. The careful consideration of colours and materials will support the delivery of a well-designed scheme, as will sympathetic landscaping and management of its immediate surroundings. | |
| Paragraph 5.10.28 | Depending on the topography of the surrounding terrain and areas of population it may be appropriate to undertake landscaping off site. For example, filling in gaps in existing tree and hedge lines may mitigate the impact when viewed from a more distant vista. | The Outline Landscape and Ecological Management Plan (oLEMP) **[APP-143]** discusses the landscape proposals for the Proposed Development, this includes but it is not limited to Hedgerow Planting, Tree Planting, Woodland Planting and Scrub Planting. These are all used to both reduce visibility of the Proposed Development as well as establish new green corridors and habitats within the Site. Landscape proposals are discussed in section 3 of the oLEMP. |
| Paragraph 5.10.35 | The scale of energy projects means that they will often be visible across a very wide area. The Secretary of State should judge whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits (including need) of the project. | The effects regarding visibility are deemed not significant and are discussed within ES Chapter 7 Landscape and Views **[APP-027].** The need for the project is discussed in Section 4.8, 'Need for the Proposed Development', of the Planning Statement **[APP-228].**<br><br>The designated Energy NPSs and other national energy policy set out the Government's aims to provide secure and affordable energy supplies whilst decarbonising the energy system. This is in order to enable the UK to achieve its legally binding commitment to reduce carbon emissions and achieve net zero carbon emissions by 2050, as well as provide a |

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| | | resilient and low-cost energy network for the future. The Government recognises that the need to deliver these aims and commitments is immediate and therefore renewable energy NSIPs, including large scale solar projects, need to be delivered urgently.<br><br>The Proposed Development will deliver these policy aims, providing a significant amount of low carbon electricity over its lifetime, helping provide increased energy resilience, security and affordability. It will therefore be a critical part of the national portfolio of renewable energy generation that is required to decarbonise the country's energy supply quickly whilst providing security and affordability of national energy supply. It is clear that there is a compelling case for the need for the Proposed Development, strongly supported by its status as a CNP, and that it will deliver national economic and social benefits in line with the Government's wider objectives of delivering sustainable development. |
| Paragraph 5.10.36 | In reaching a judgement, the Secretary of State should consider whether any adverse impact is temporary, such as during construction, and/or whether any adverse impact on the landscape will be capable of being reversed in a timescale that the Secretary of State considers reasonable. | The nature of the Proposed Development means that adverse impacts relating to landscape and views would be of a temporary nature, with the decommissioning of the Proposed Development expected to take place 40 years after construction. Following decommissioning the Proposed Development will be returned to its original use. |
| Paragraph 5.10.37 | The Secretary of State should consider whether the project has been designed carefully, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to | Effects on landscaping and siting have been considered and assessed within ES Chapter 7 Landscape and Views **[APP-027]**. The chapter also includes mitigation that is to be provided, this is supported by the Outline Landscape and Ecological Management Plan (oLEMP) **[APP-143]** and ES |

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| | minimise harm to the landscape, including by appropriate mitigation. | Figure 3.16: Landscape Strategy Plan **[APP-054].** The assessment methodology can be found in section 7.3 of the chapter. |
| Paragraph 5.10.38 | The Secretary of State should consider whether requirements to the consent are needed requiring the incorporation of particular design details that are in keeping with the statutory and technical requirements for landscape and visual impacts. | |
| **Land Use, Including Open Space, Green Infrastructure, and Green Belt** | | |
| Paragraph 5.11.1 | An energy infrastructure project will have a direct effect on the existing use of the proposed site and may have indirect effects on the use, or planned use, of land in the vicinity for other types of development. Given the likely locations of energy infrastructure projects there may be particular effects on open space including green and blue infrastructure. | As set out in the Planning Statement **[APP-228]** Transitioning to solar infrastructure represents a direct change in the site's use, shifting from its current state to energy production. Indirect effects on surrounding land uses have been considered, particularly with respect to open spaces and green and blue infrastructure.<br><br>The assessment includes an analysis of potential interactions with nearby land uses, settlements, and public rights of way, ensuring that any indirect effects on planned developments or recreational uses are understood and appropriately mitigated. The design process incorporates mitigation measures such as vegetative screening, careful siting of solar arrays, and consideration of visual impacts to minimise disruption to the existing landscape and preserve the value of surrounding open spaces. |

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| Paragraph 5.11.2 | Green Belts, defined in a local authority's development plan in England or regional strategic development plans in Wales, are situated around certain cities and large built-up areas. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. For further information on the purposes of Green Belt policy see chapter 13 of the NPPF, or any successor to it. | The Proposed Development is not situated within Green Belt land. |
| Paragraph 5.11.3 | Although the re-use of previously developed land for new development can make a major contribution to sustainable development by reducing the amount of countryside and undeveloped greenfield land that needs to be used, it may not be possible for many forms of energy infrastructure. | The choice of site is explained in the Alternative Sites Assessment **[APP-227]**. As set out in Paragraph 2.6.29, the review of brownfield sites within the search area (5km radius from the Point of Connection) found that the available brownfield sites were all under 3ha, and therefore unsuitable for large scale solar development given their small and disparate nature. |
| Paragraph 5.11.4 | Development of land will affect soil resources, including physical loss of and damage to soil resources, through land contamination and structural damage. Indirect impacts may also arise from changes in the local water regime, organic matter content, soil biodiversity and soil process. | The impact on soil is outlined in ES Chapter 14 Soils and Agricultural Land. There is predicted to be a negligible effect on soils during construction, with a moderate beneficial effect on soils during the operational phase and a neutral effect during decommissioning. The Outline Soil Resources Management Plan (oSRMP) **[APP-172]** sets out how soil disturbance will be minimised through the implementation of best practice measures. |
| Paragraph 5.11.5 | Where pre-existing land contamination is being considered within a development, the objective is to ensure that the site is suitable | As set out in Table 2.6 of ES Chapter 2 EIA Methodology **[APP-022]**, ground conditions have been scoped out of the ES as there are considered to be no likely significant effects. |

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| | for its intended use. Risks would require consideration in accordance with the contaminated land statutory guidance as a minimum. | The Scoping Opinion **[APP-112]** adopted by PINS requested a Preliminary Risk Assessment to support the scoping out of ground conditions.<br><br>The Phase 1 Ground Conditions Assessment and Update Note **[APP-114 – APP-116]** comprises a desk study, Tier 1 (preliminary) qualitative contamination risk assessment and a preliminary ground stability appraisal. The Phase 1 GCA concludes in Section 6 that it is considered unlikely that the Site would be designated statutory contaminated land, and that a Low to Very Low geological hazard potential has been identified for the majority of the Site, with localised areas of Moderate hazard potential depending on the composition of the strata. |
| Paragraph 5.11.6 | The government's policy is to ensure there is adequate provision of high quality open space and sports and recreation facilities to meet the needs of local communities. Connecting people with open spaces, sports and recreational facilities all help to underpin people's quality of life and have a vital role to play in promoting healthy living. | The Proposed Development will not result in the loss of or any restriction on the use of open space, sports and recreation facilities. |
| Paragraph 5.11.7 | Green and blue infrastructure can also enable developments to provide positive environmental, social, health and economic benefits. Green infrastructure includes green space such as parks and woodlands but also other environmental features such as street trees, hedgerows and green walls and roofs. It also includes blue infrastructure such as canals, rivers, streams, ponds, lakes and their | Impacts on green infrastructure alongside enhancements and mitigation are outlined in ES Chapter 8 Biodiversity **[APP-028]** and ES Chapter 7 Landscape and Views **[APP-027]**. As set out in Paragraph 7.5.50 of Chapter 7, the landscape proposals will make a positive contribution to the regional green infrastructure corridor in which the Site is located, as identified in the Selby District Core Strategy (October 2013). |

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| | borders. Well designed and managed green and blue infrastructure provides multiple benefits at a range of scales. It can contribute to biodiversity recovery, sequester carbon, absorb surface water, cleanse pollutants, absorb noise and reduce high temperatures. The Green Infrastructure Framework – Principles and Standards for England can be used to consider green infrastructure in development and plan for good quality and targeted creation or improvement. | The oLEMP **[APP-143]** sets out how these features will be maintained. |
| Paragraph 5.11.8 | The ES (see Section 4.3) should identify existing and proposed land uses near the project, any effects of replacing an existing development or use of the site with the proposed project or preventing a development or use on a neighbouring<br><br>site from continuing. Applicants should also assess any effects of precluding a new development or use proposed in the development plan. The assessment should be proportionate to the scale of the preferred scheme and its likely impacts on such receptors. For developments on previously developed land, the applicant should ensure that they have considered the risk posed by land contamination and how it is proposed to address this. | The existing and proposed land uses near the project are identified within Table 15.1 of ES Chapter 15 Cumulative Effects **[APP-035]** and are assessed within the Environmental Statement. The effects of the Proposed Development on the existing land use of the Site are considered through the Environmental Statement, including ES Chapter 13 Socio-Economics **[APP-033]** and ES Chapter 14 Soils and Agricultural Land **[APP-034]**. |

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| Paragraph 5.11.9 – 5.11.10 | Applicants will need to consult the local community on their proposals to build on existing open space, sports or recreational buildings and land. Taking account of the consultations, applicants should consider providing new or additional open space including green and blue infrastructure, sport or recreation facilities, to substitute for any losses as a result of their proposal. When considering proposals for green infrastructure, Applicant's should refer to the Green Infrastructure Framework.<br><br>Applicants should use any up-to-date local authority assessment or, if there is none, provide an independent assessment to show whether the existing open space, sports and recreational buildings and land is surplus to requirements. | The Proposed Development does not include proposals to build on existing open space, sports or recreational buildings and land. |
| Paragraph 5.11.11 | During any pre-application discussions with the applicant the LPA should identify any concerns it has about the impacts of the application on land use, having regard to the development plan and relevant applications and including, where relevant, whether it agrees with any independent assessment that the land is surplus to requirements | As set out in ES Chapter 14 Soils and Agricultural Land **[APP-034],** relevant local planning policy has been reviewed, including the Publication Local Plan Revised Publication (March 2024). Local planning policy is discussed from paragraph 14.2.9. |
| Paragraph 5.11.12 | Applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and | As set out in ES Chapter 14 Soils and Agricultural Land **[APP-034]**, the agricultural land quality of the Site is a mixture of land in Grades 1, 2, 3a and 3b. The majority of the Site falls within the definition of "best and most versatile" agricultural |

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| | preferably use land in areas of poorer quality (grades 3b, 4 and 5). | land (BMV), as defined in the NPPF (2021).<br><br>The construction of a solar farm causes limited damage to agricultural land. The mounting structures are pushed into the ground with minimal disturbance to the soils. Only modest areas are disturbed, for tracks, inverter stations and substation. The overall area disturbed by these elements or sterilised for the duration of the operational phase involves 7.0 ha of Grades 1 and 2, and less than 5 ha of Subgrade 3a. These areas will be fully restored at decommissioning. The effect is, overall, significant because of the effect on Grades 1 and 2 agricultural land. This is set out in section 14.9. As set out in Chapter 14, the Proposed Development is predicted to have a moderate adverse (not significant) effect on loss of BMV soils during the construction phase and a neutral effect in the operational phase. |
| Paragraph 5.11.13 | Applicants should also identify any effects and seek to minimise impacts on soil health and protect and improve soil quality taking into account any mitigation measures proposed | ES Chapter 14 Soils and Agricultural Land **[APP-034]** sets out the identified effects to soil health and mitigation measures are proposed in **the** outline Soil Resources Management Plan (oSRMP) Appendix 14.3 **[APP-172]** |
| Paragraph 5.11.14 | Applicants are encouraged to develop and implement a Soil Management Plan which could help minimise potential land contamination. The sustainable reuse of soils needs to be carefully considered in line with good practice guidance where large quantities of soils are surplus to requirements or are affected by contamination | An outline Soil Resources Management Plan (oSRMP) Appendix 14.3 **[APP-172]** has been prepared. A note has been made within the plan to retain and store stools for subsequent use in a way that avoids damage to the soil. |
| Paragraph 5.11.23 | Although in the case of most energy infrastructure there may be little that can be | Objective 7: Land Use of the Project Objectives set out in Section 4.3 of the Design and Access Statement **[APP-229]** |

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| | done to mitigate the direct effects of an energy project on the existing use of the proposed site (assuming that some of that use can still be retained post project construction) applicants should nevertheless seek to minimise these effects and the effects on existing or planned uses near the site by the application of good design principles, including the layout of the project and the protection of soils during construction. | states that *"the Proposed Development should be sensitive to the existing land quality, for example by minimising impacts on land that is considered Best and Most Versatile (BMV) Agricultural Land. Where the use of BMV land cannot be avoided, disturbance should be minimised through locating structures which require the creation of hardstanding away from this land, and through 'no dig' solutions. The Proposed Development should not contribute to the contamination of land."* Section 4 of the Design and Access Statement outlines how the design of the Proposed Development meets this Objective.<br><br>The design and layout of the Proposed Development have been influenced by land quality in order to minimise impact on BMV land, as set out in ES Chapter 14 Soils and Agricultural Land **[APP-034]**. The impact on soil is outlined in ES Chapter 14 Soils and Agricultural Land. There is predicted to be a negligible effect on soils during construction, with a moderate beneficial effect on soils during the operational phase and a neutral effect during decommissioning. The Outline Soil Resources Management Plan (oSRMP) **[APP-172]** sets out how soil disturbance will be minimised through the implementation of best practice measures. |
| Paragraph 5.11.24 | Where green infrastructure is affected, the Secretary of State should consider imposing requirements to ensure the functionality and connectivity of the green infrastructure network is maintained in the vicinity of the development and that any necessary works are undertaken, where possible, to mitigate any adverse impact and, where appropriate, to improve that network and other areas of | The Outline Landscape and Ecological Management Plan (oLEMP) **[APP-143]** and ES Figure 3.16: Landscape Strategy Plan **[APP-054]** addresses how the functionality and connectivity of existing green infrastructure networks and corridors are to be maintained and where appropriate, enhanced. |

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| | open space including appropriate access to National Trails and other public rights of way and new coastal access routes. | |
| Paragraph 5.11.29 | Where a project has a sterilising effect on land use (for example in some cases under transmission lines) there may be scope for this to be mitigated through, for example, using or incorporating the land for nature conservation or wildlife corridors or for parking and storage in employment areas. | The Proposed Development will not have a sterilising effect on land use. As set out in Paragraph 2.8.20 of the Alternative Site Assessment **[APP-227]**, the Proposed Development would not result in a land use change to industrial use. The agricultural land use will continue through the continuation of sheep grazing on-site throughout the Proposed Development's lifespan. |
| Paragraph 5.11.30 | Public Rights of way, National Trails, and other rights of access to land are important recreational facilities for example for walkers, cyclists and horse riders. The Secretary of State should expect applicants to take appropriate mitigation measures to address adverse effects on coastal access, National Trails, other rights of way and open access land and, where appropriate, to consider what opportunities there may be to improve or create new access. In considering revisions to an existing right of way, consideration should be given to the use, character, attractiveness, and convenience of the right of way. | There are no National Trails within the Site. Public Rights of way (PRoWs) have been assessed, a map of the existing ProWs is provided at Figure 10.3: Public Rights of Way **[APP-098]**. The impact on, and proposed mitigation regarding PRoWs is set out in ES Chapter 10 Transport and Access **[APP-030].** Access to the existing PRoWs will be maintained through all phases of the Proposed Development; should temporary closures be required to ensure the safety of PRoW users, these will be for a short period during construction and decommissioning and alternate routes will be provided. |
| Paragraph 5.11.34 | The Secretary of State should ensure that applicants do not site their scheme on the best and most versatile agricultural land without justification. Where schemes are to be sited on best and most versatile agricultural land the Secretary of State should take into | ES Chapter 14 Soils and Agricultural Land **[APP-034]** confirms that the agricultural quality of the Site is a mixture of land in Grades 1,2, 3a and 3b. The majority of the Site falls within the definition of 'best and most versatile' agricultural land. The Application is supported by an outline Soil Resources Management Plan (oSRMP) **[APP-172]** which |

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| | account the economic and other benefits of that land. Where development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. | sets out the appropriate mitigation measures to be implemented to minimise impacts on soils.<br><br>The Applicant provides justification and reasoning for siting the Proposed Development on Grade 2 agricultural land within Paragraphs 2.6.21-2.6.25 of the Alternative Site Assessment (ASA) **[APP-228.2]**. As shown in Figure 2.7 of the ASA, the majority of the land within a 5km radius of the point of connection is either Grade 1 or Grade 2. The Grade 3 land within the 5km radius is not available for development due to existing uses and planning applications occupying these areas. The effects on agricultural employment are considered in ES Chapter 13 Socio-economics **[APP-033],** with findings summarised in paragraph 13.9.2.The need for the Proposed Development in contributing towards Net Zero Targets, set out in the NPS documents justifies the temporary use of BMV land. The oSRMP contains appropriate mitigation measures to ensure impacts to soil are minimised or enhanced. Therefore the adverse effects are outweighed by the benefits presented in the form of the need for the Proposed Development. |
| **Noise and Vibration** | | |
| Paragraph 5.12.7 – 5.12.8 | The nature and extent of the noise assessment should be proportionate to the likely noise impact. Applicants should consider the noise impact of ancillary activities associated with the development, such as increased road and rail traffic movements, or other forms of transportation. | The extent and scope of the noise assessment is set out in ES Chapter 11 Noise and Vibration **[APP-031]** of the ES and is deemed proportionate to the likely noise impact and the scale of the development. The noise assessment includes assessment of the noise impact of ancillary activities through the use of project traffic data. The assessment methodology is set out in section 11.3. |

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| Paragraph 5.12.9 | Operational noise, with respect to human receptors, should be assessed using the principles of the relevant British Standards and other guidance. Further information on assessment of particular noise sources may be contained in the technology specific NPSs. In particular, for renewables (EN-3) and electricity networks (EN-5) there is assessment guidance for specific features of those technologies. For the prediction, assessment and management of construction noise, reference should be made to any relevant British Standards and other guidance which also give examples of mitigation strategies. | The noise assessment presented in ES Chapter 11 Noise and Vibration **[APP-031]** of the ES is compliant with the relevant British Standards and NPSs as outlined in section 11.2. |
| Paragraph 5.12.10 | Some noise impacts will be controlled through environmental permits and parallel tracking is encouraged where noise impacts determined by an environmental permit interface with planning issues (i.e. physical design and location of development). The applicant should consult the EA and/or the SNCB, and other relevant bodies, such the MMO or NRW, as necessary, and in particular regarding assessment of noise on protected species or other wildlife. The results of any noise surveys and predictions may inform the ecological assessment. The<br><br>seasonality of potentially affected species in nearby sites may also need to be considered. | Noise impacts on ecological receptors are addressed in Section 5.3 of ES Appendix 8.9 Information to Inform Habitats Regulations Assessment [**APP-151**]. |

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| Paragraph 5.12.12 | Applicants should submit a detailed impact assessment and mitigation plan as part of any development plan, including the use of noise mitigation and noise abatement technologies during construction and operation. | ES Chapter 11 Noise and Vibration **[APP-031]** sets out the mitigation methods. Paragraph 11.5.1 states that the Proposed Development has been designed, such that all noise generating plant is optimally located and distributed throughout the Site, in order to ensure acoustic effects at sensitive receptors are minimised. This approach, coupled to the adoption of appropriate candidate plant specifications, to be adopted as design targets effectively designs out the operational noise effects of the Proposed Development.<br><br>All works will be carried out in accordance with BPM as stipulated in the 1974 Act. A full explanation of measures to control construction noise and vibration would be incorporated within a detailed CEMP, secured as a DCO requirement, and detailed in all demolition and construction method statements. An oCEMP is provided at Appendix 5.1 **[APP-121]** |
| Paragraph 5.12.13 | The Secretary of State should consider whether mitigation measures are needed both for operational and construction noise over and above any which may form part of the project application. In doing so the Secretary of State may wish to impose mitigation measures. Any such mitigation measures should take account of the NPPF or any successor to it and the Planning Practice Guidance on Noise. | ES Chapter 11 Noise and Vibration **[APP-031]** confirms that no mitigation measures beyond the implementation of construction best practice measures will be required as set out in paragraph 11.9.2. The Proposed Development's operation has been predicted to give rise to no worse than a negligible effect at the assessed noise sensitive receptors. |
| Paragraph 5.12.14 | Mitigation measures may include one or more of the following: | ES Chapter 11 Noise and Vibration **[APP-031]** confirms that no mitigation measures beyond the implementation of construction best practice measures will be required as set out in paragraph 11.9.2. The Proposed Development's |

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| | • engineering: reducing the noise generated at source and/or containing the noise generated<br><br>• lay-out: where possible, optimising the distance between the source and noise-sensitive receptors and/or incorporating good design to minimise noise transmission through the use of screening by natural or purpose-built barriers, or other buildings<br><br>• administrative: using planning conditions/obligations to restrict activities allowed on the site at certain times and/or specifying permissible noise limits/noise levels, differentiating as appropriate between different times of day, such as evenings and late at night, and taking into account seasonality of wildlife in nearby designated sites<br><br>• insulation: mitigating the impact on areas likely to be affected by noise including through noise insulation when the impact is on a building. | operation has been predicted to give rise to no worse than a negligible effect at the assessed noise sensitive receptors. |
| Paragraph 5.12.15-5.12.16 | The project should demonstrate good design through selection of the quietest or most acceptable cost-effective plant available; containment of noise within buildings wherever possible, taking into account any other adverse impacts that such containment might cause (e.g. on landscape and visual impacts; optimisation of plant layout to | ES Chapter 11 Noise and Vibration **[APP-031]** sets out that the Proposed Development has been designed such that all noise generating plant is optimally located and distributed throughout the Site as set out in paragraph 11.5.1, in order to ensure acoustic effects ate sensitive receptors are minimised. This approach, coupled to the adoption of appropriate candidate plant specifications, to be adopted as design |

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| | minimise noise emissions; and, where possible, the use of landscaping, bunds or noise barriers to reduce noise transmission). A development must be undertaken in accordance with statutory requirements for noise. Due regard must be given to the relevant sections of the Noise Policy Statement for England264, the NPPF, and the government's associated planning guidance on noise. In Wales the relevant policy will be PPW and the TANs, as well as the Welsh Government's Noise and Soundscape Action Plan. | targets effectively designs out the operational noise effects of the Proposed Development. |
| Paragraph 5.12.17 | The Secretary of State should not grant development consent unless they are satisfied that the proposals will meet the following aims, through the effective management and control of noise:<br><br>• avoid significant adverse impacts on health and quality of life from noise<br><br>• mitigate and minimise other adverse impacts on health and quality of life from noise<br><br>• where possible, contribute to improvements to health and quality of life through the effective management and control of noise | ES Chapter 11 Noise and Vibration **[APP-031]** confirms that no mitigation measures beyond the implementation of construction best practice measures will be required as set out in paragraph 11.9.2. The Proposed Development's operation has been predicted to give rise to no worse than a negligible effect at the assessed noise sensitive receptors. |
| Paragraph 5.12.18 | When preparing the Development Consent Order, the Secretary of State should consider including measurable requirements or | ES Chapter 11 Noise and Vibration **[APP-031]** confirms that no mitigation measures beyond the implementation of construction best practice measures will be required as set |

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| | specifying the mitigation measures to be put in place to ensure that noise levels do not exceed any limits specified in the development consent. These requirements or mitigation measures may apply to the construction, operation, and decommissioning of the energy infrastructure development. | out in paragraph 11.9.2. The Proposed Development's operation has been predicted to give rise to no worse than a negligible effect at the assessed noise sensitive receptors. |
| **Socio-Economic Impacts** | | |
| Paragraph 5.13.2 | Where the project is likely to have socio-economic impacts at local or regional levels, the applicant should undertake and include in their application an assessment of these impacts as part of the ES (see Section 4.3). | The scope of the socio-economic assessment is in accordance with the EIA Scoping Report submitted by the Applicant PINS (refer to Appendix 2.1 **[APP-111]** of the ES), the subsequent EIA Scoping Opinion adopted by PINS (refer to Appendix 2.2 **[APP-112]** of the ES), and the statutory consultation responses. |
| Paragraph 5.13.3 | The applicant is strongly encouraged to engage with relevant local authorities during early stages of project development so that the applicant can gain a better understanding of local or regional issues and opportunities. | The Applicant has engaged with NYC during Statutory Consultation, their responses in relation to socio-economic issues and the Applicants response is set out in Table 13.1 of ES Chapter 13 Socio Economics **[APP-033].** |
| Paragraph 5.13.4 | The applicant's assessment should consider all relevant socio-economic impacts, which may include:<br>• the creation of jobs and training opportunities. Applicants may wish to provide information on the sustainability of the jobs created, including where they will help to develop the skills needed for the UK's transition to Net Zero<br>• the contribution to the development of low- | As set out in paragraph 13.3.2 of ES Chapter 13 Socio-Economics **[APP-033],** the following topics have been assessed:<br>• Job creation<br>• Economic contribution<br>• Workforce expenditure<br>• Local Amenities<br>• Contribution to renewable energy generation<br>• Local amenities |

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| | carbon industries at the local and regional level as well as nationally<br>• the provision of additional local services and improvements to local infrastructure, including the provision of educational and visitor facilities<br>• any indirect beneficial impacts for the region hosting the infrastructure, in particular in relation to use of local support services and supply chains<br>• effects (positive and negative) on tourism and other users of the area impacted<br>• the impact of a changing influx of workers during the different construction, operation and decommissioning phases of the energy infrastructure. This could change the local population dynamics and could alter the demand for services and facilities in the settlements nearest to the construction work (including community facilities and physical infrastructure such as energy, water, transport and waste). There could also be effects on social cohesion depending on how populations and service provision change as a result of the development<br>• cumulative effects - if development consent were to be granted for a number of projects within a region and these were developed in a similar timeframe, there could be some short-term negative effects, for example a potential shortage of construction workers to meet the | During the construction phase, it is considered that there will be a minor beneficial effect on workforce expenditure, a negligible effect on job creation and economic output, and a negligible to minor adverse effect on local amenity.<br><br>During the operational phase, it is considered that there will be a moderate beneficial effect on renewable energy generation and a negligible effect on local amenity.<br><br>During the decommissioning phase, it is considered that there will be a minor beneficial effect on job creation, economic output and workforce expenditure, and a negligible to minor adverse effect on local amenity. |

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| | needs of other industries and major projects within the region | |
| Paragraph 5.13.8 | The Secretary of State should consider whether mitigation measures are necessary to mitigate any adverse socio-economic impacts of the development. For example, high quality design can improve the visual and environmental experience for visitors and the local community alike. | ES Chapter 13 Socio-Economics **[APP-033]** sets in paragraph 13.6.1 out that no significant adverse socio-economic effects have been identified during the construction, operational or decommissioning phases and therefore no further mitigation beyond the mitigation identified in other technical ES chapters (noise and vibration, landscape and views and transport and access) is required. |
| Paragraph 5.13.9 | The Secretary of State should have regard to the potential socio-economic impacts of new energy infrastructure identified by the applicant and from any other sources that the Secretary of State considers to be both relevant and important to its decision. | ES Chapter 13 Socio-Economics **[APP-033]** sets out the socio-economic impacts of the Proposed Development on job creation, economic contribution, workforce expenditure and local amenity. The assessment concludes that the Proposed Development will not result in job losses, as the current agricultural labourers will be retained by the farmers. It will create up to 200 direct and 80 indirect temporary jobs during construction, although most will be sourced from outside the local area, resulting in a negligible effect on local employment and economic output. The construction phase will generate £14.9 million in GVA and a minor beneficial effect on local expenditure, with negligible to minor adverse impacts on local amenities. Once operational, the project will moderately benefit renewable energy generation in the area. Decommissioning effects will be similar to those during construction. Residual effects of the Proposed Development are set out in section 13.7. |
| Paragraph 5.13.10 | The Secretary of State may conclude that limited weight is to be given to assertions of socio-economic impacts that are not supported by evidence (particularly in view of the need for energy infrastructure as set out in this NPS). | |
| Paragraph 5.13.11-5.13.12 | The Secretary of State should consider any relevant positive provisions the applicant has | The Proposed Development is supported by an Employment and Skills Plan **[APP-170]** that sets out the Applicant's |

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| | made or is proposing to make to mitigate impacts (for example through planning obligations) and any legacy benefits that may arise as well as any options for phasing development in relation to the socio-economic impacts. The Secretary of State may wish to include a requirement that specifies the approval by the local authority of an employment and skills plan detailing arrangements to promote local employment and skills development opportunities, including apprenticeships, education, engagement with local schools and colleges and training programmes to be enacted. | support for initiatives to develop participation in skills development, employment and training programmes to maximise growth, productivity, social and economic outcomes. |
| **Traffic and Transport** | | |
| Paragraph 5.14.1 | The transport of materials, goods and personnel to and from a development during all project phases can have a variety of impacts on the surrounding transport infrastructure and potentially on connecting transport networks, for example through increased congestion. Impacts may include economic, social and environmental effects. | ES Chapter 10 Transport and Access **[APP-030]** assesses the impacts on traffic and transport during construction, operation and decommissioning. It is considered that the construction and decommissioning phases will have a negligible effect (road user and pedestrian safety, severance, road vehicle driver delay, non-motorised user delay, effects f hazardous loads/ large loads), and a minor adverse effect non-motorised user amenity. The operational phase will have a negligible effect with regards to traffic and transport.<br><br>The Statutory Nuisance Statement **[APP-237]** concludes that the ES does not identify any significant effects in relation to air quality or noise and vibration. |
| Paragraph 5.14.2 | Environmental impacts may result particularly from trips generated on roads which may increase noise and air pollution as well as greenhouse gas emissions. | |
| Paragraph 5.14.7 | The applicant should prepare a travel plan including demand management and | An Outline Construction Worker Travel Plan has been included as an appendix to the oCTMP **[AS-006]** which |

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| | monitoring measures to mitigate transport impacts. The applicant should also provide details of proposed measures to improve access by active, public and shared transport to:<br>• reduce the need for parking associated with the proposal<br>• contribute to decarbonisation of the transport network<br>• improve user travel options by offering genuine modal choice | includes a measure for the provision of shuttle buses to transport construction workers to and from the Site. These Plans are secured by requirements in the Draft Development Consent Order. |
| Paragraph 5.14.11-5.14.12 | Where mitigation is needed, possible demand management measures must be considered. This could include identifying opportunities to:<br><br>• reduce the need to travel by consolidating trips<br><br>• locate development in areas already accessible by active travel and public transport<br><br>• provide opportunities for shared mobility<br><br>• re-mode by shifting travel to a sustainable mode that is more beneficial to the network<br><br>• retime travel outside of the known peak times | ES Chapter 10 Transport and Access **[APP-030]** confirms that the Proposed Development will be subject to a detailed Construction Traffic Management Plan (which includes a Travel Plan) that will be implemented and enforced throughout the construction phase. An Outline CTMP **[AS-006]** is submitted as part of the application. An additional Decommissioning Traffic Management Plan will be implemented during the decommissioning phase. These Plans are secured by requirements in the draft Development Consent Order **[AS-007]** and can be found in Schedule 2. |

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| | • reroute to use parts of the network that are less busy<br><br>If feasible and operationally reasonable, such mitigation should be required, before considering requirements for the provision of new inland transport infrastructure to deal with remaining transport impacts. All stages of the project should support and encourage a modal shift of freight from road to more environmentally sustainable alternatives, such as rail, cargo bike, maritime and inland waterways, as well as making appropriate provision for and infrastructure needed to support the use of alternative fuels including charging for electric vehicles. | |
| Paragraph 5.14.15 | The Secretary of State should have regard to the cost-effectiveness of demand management measures compared to new transport infrastructure, as well as the aim to secure more sustainable patterns of transport development when considering mitigation measures. | The Proposed Development does not include any significant new transport infrastructure. ES Chapter 10 Transport and Access **[APP-030]** confirms that the Proposed Development will be subject to a detailed Construction Traffic Management Plan (which includes a Travel Plan) that will be implemented and enforced throughout the construction phase. An additional Decommissioning Traffic Management Plan will be implemented during the decommissioning phase. An Outline CTMP **[AS-006]** is submitted as part of the application. |
| Paragraph 5.14.14 | The Secretary of State may attach requirements to a consent where there is likely to be substantial HGV traffic that:<br><br>• control numbers of HGV movements to and from the site in a specified period during its | ES Chapter 10 Transport and Access **[APP-030]** confirms that the Proposed Development will be subject to a detailed Construction Traffic Management Plan (which includes a Travel Plan) that will be implemented and enforced throughout the construction phase. An additional Decommissioning Traffic Management Plan will be |

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| | construction and possibly on the routing of such movements<br><br>• make sufficient provision for HGV parking,270 and associated high quality drive facilities either on the site or at dedicated facilities elsewhere, to support driver welfare, avoid 'overspill' parking on public roads, prolonged queuing on approach roads and uncontrolled on-street HGV parking in normal operating conditions<br><br>• ensure satisfactory arrangements for reasonably foreseeable abnormal disruption, in consultation with network providers and the responsible police force. | implemented during the decommissioning phase. An Outline CTMP **[AS-006]** is submitted as part of the application. |
| Paragraph 5.14.16 | Applicants should consider the DfT policy guidance "Water Preferred Policy Guidelines for the movement of abnormal indivisible loads" when preparing their application | This publication was withdrawn on 27 September 2022. In any event the movement of abnormal loads by inland water is a practicable solution. |
| Paragraph 5.14.18 | A new energy NSIP may give rise to substantial impacts on the surrounding transport infrastructure and the Secretary of State should therefore ensure that the applicant has sought to mitigate these impacts, including during the construction phase of the development and by enhancing active, public and shared transport provision and accessibility. | Paragraph 10.9.6 of ES Chapter 10 Transport and Access **[APP-030]** sets out that during construction and decommissioning, the majority of effects will be negligible, short-term and temporary. Non-motorised user amenity results in a minor adverse short-term and temporary effect. No effects will be significant. During the Proposed Development's operational phase, all effects will be negligible. The Proposed Development will be subject to a detailed Construction Traffic Management Plan and a Travel Plan that will be implemented and enforced throughout the construction |

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| | | phase. An additional Decommissioning Traffic Management Plan will be implemented during the decommissioning phase. |
| Paragraph 5.14.20 | Development consent should not be withheld provided that the applicant is willing to enter into planning obligations for funding new infrastructure or requirements can be imposed to mitigate transport impact. In this situation the Secretary of State should apply appropriately limited weight to residual effects on the surrounding transport infrastructure. | ES Chapter 10 Transport and Access **[APP-030]** sets out that the Proposed Development will not result in any significant residual effects as can be seen in table 10.25.<br><br>No new infrastructure is required as a result of the Proposed Development. Mitigation measures are outlined in the Outline Construction Traffic Management Plan and will be secured in the detailed Construction Traffic Management Plan and Decommissioning Traffic Management Plan. |
| Paragraph 5.14.21 | The Secretary of State should only consider refusing development on highways grounds if there would be an unacceptable impact on highway safety, residual cumulative impacts on the road network would be severe, or it does not show how consideration has been given to the provision of adequate active public or shared transport access and provision. | ES Chapter 10 Transport and Access **[APP-030]** confirms that there would not be an unacceptable impact on highway safety and that there would be no residual cumulative impacts on the road network that would be severe. The Proposed Development will be subject to a detailed Construction Traffic Management Plan and a Travel Plan that will be implemented and enforced throughout the construction phase. An additional Decommissioning Traffic Management Plan will be implemented during the decommissioning phase. |
| **Resource and Waste Management** | | |
| Paragraph 5.15.8-5.15.11 | The applicant should set out the arrangements that are proposed for managing any waste produced and prepare a report that sets out the sustainable management of waste and use of resources throughout any relevant demolition, excavation and construction activities. The arrangements described and a report setting out the | The oCEMP **[APP-121]** sets out an outline of the measures to be undertaken regarding the handling of waste during construction. This includes adherence to the waste hierarchy and preparation of a Site Waste Management Plan. The detailed version of this document will be secured by DCO requirement. Littering and Waste is discussed in section 3.12 of the oCEMP. |

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| | sustainable management of waste and use of resources should include information on how re-use and recycling will be maximised in addition to the proposed waste recovery and disposal system for all waste generated by the development. They should also include an assessment of the impact of the waste arising from development on the capacity of waste management facilities to deal with other waste arising in the area for at least five years of operation. The applicant is encouraged to refer to the Waste Prevention Programme for England: Maximising Resources Minimising Waste and 'Towards Zero Waste: Our Waste Strategy for Wales' and should seek to minimise the volume of waste produced and the volume of waste sent for disposal unless it can be demonstrated that this is the best overall environmental outcome. If the applicant's assessment includes dredged material, the assessment should also include other uses of such material before disposal to sea, for example through re-use in the construction process. | The detailed CEMP(s), OEMP(s) and DEMP(s) will set out all roles, responsibilities and actions required in respect of implementation of the measures described in the oCEMP **[APP-121],** the oDEMP **[APP-123]** and the oOEMP **[APP-124].** |
| Paragraph 5.15.12 | The UK is committed to moving towards a more 'circular economy'. Where possible, applicants are encouraged to source materials from recycled or reused sources and use low carbon materials, sustainable sources and local suppliers. Construction best practices should be used to ensure that | The oCEMP **[APP-121]** states that the construction and implementation of the Proposed Development will be carried out in such a way as to minimise the creation of waste and, where possible, maximise the use of alternative materials with lower embodied carbon, such as locally sourced products and materials with a higher recycled content where feasible. |

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| | material is reused or recycled onsite where possible. | Littering and Waste is discussed in section 3.12 of the oCEMP. |
| Paragraph 5.15.13 | Applicants are also encouraged to use construction best practices in relation to storing materials in an adequate and protected place on site to prevent waste, for example, from damage or vandalism. The use of Building Information Management tools (or similar) to record the materials used in construction can help to reduce waste in future decommissioning of facilities, by identifying materials that can be recycled or reused. | The oCEMP **[APP-121]** has been prepared based on best practice, information from the detailed Environmental Impact Assessment (EIA) of the Proposed Development, and the Applicant's experience.<br><br>Storage of materials and chemicals will be kept secure to ensure safety and prevent theft or vandalism as set out in paragraph 3.2.16. The principal construction contractor will be responsible for establishing a safe system for accessing the material storage areas |
| Paragraph 5.15.14-5.15.15 | The Secretary of State should consider the extent to which the applicant has proposed an effective system for managing hazardous and non-hazardous waste arising from the construction, operation and decommissioning of the proposed development.<br><br>The Secretary of State should be satisfied that:<br><br>• any such waste will be properly managed, both on-site and off-site.<br><br>• the waste from the proposed facility can be dealt with appropriately by the waste infrastructure which is, or is likely to be, available. Such waste arisings should not have an adverse effect on the capacity of | It is not expected that hazardous waste will be produced during the construction, operation or decommissioning of the Proposed Development. Measures to ensure that waste generated during each stage of the Proposed Development is set out within the oCEMP **[APP-121],** the oDEMP **[APP-123]** and the oOEMP **[APP-124].** Littering and Waste is discussed in section 3.12 of the oCEMP |

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| | existing waste management facilities to deal with other waste arisings in the area.<br><br>• adequate steps have been taken to minimise the volume of waste arisings, and of the volume of waste arisings sent for recovery or disposal, except where that is the best overall environmental outcome. | |
| Paragraph 5.15.16-5.15.17 | Where necessary, the Secretary of State should use requirements or obligations to ensure that appropriate measures for waste management are applied. The Secretary of State may wish to include a condition on revision of waste management plans at reasonable intervals when giving consent. | A Site Waste Management Plan will be prepared and will provide details about the transportation and management of waste within and outside the Application Site. This is not part of the initial Application and will be provided as part of the detailed CEMP, to be secured by DCO requirement. Littering and Waste is discussed in section 3.12 of the oCEMP |
| Paragraph 5.15.18-5.15.19 | Where the project will be subject to the Environmental Permitting regime, waste management arrangements during operations will be covered by the permit and the considerations set out in Section 4.12 will apply. The Secretary of State should have regard to any potential impacts on the achievement of resource efficiency and waste reduction targets set under the Environment Act 2021 or wider goals set out in the government's Environmental Improvement Plan 2023. | In regard to the Proposed Development's need for permits under the Environmental Permitting (England and Wales) Regulations 2016, this will be determined post-consent. This is a post-consent item which will be kept under review. If water discharge activities are required then an application for water discharge activity environmental permit will be made by the Applicant's contractor before water is discharged. This matter is covered in Consents and Licenses Position Statement [**AS-009]**. |
| **Water quality and resources** | | |

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| Paragraph 5.16.2 | During the construction, operation, and decommissioning phases, development can lead to increased demand for water, involve discharges to water, and cause adverse ecological effects resulting from physical modifications to the water environment. There may also be an increased risk of spills and leaks of pollutants to the water environment. These effects could lead to adverse impacts on health or on protected species and habitats (see Section 4.3) and could result in surface waters, groundwaters or protected areas278 failing to meet environmental objectives established under the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 and the Marine Strategy Regulations 2010.27 | ES Chapter 9 Water Environment **[APP-029]** describes the baseline conditions of the Order Limits in relation to hydrology and flood risk, and considers the potential impacts of the Proposed Development, and any mitigation that may be required. It concludes that the construction, operational, and decommissioning phases are assessed to have no residual adverse significant effects on surface water drainage, flood risk, or water quality when mitigation measures are implemented. The cumulative effects of the Proposed Development alongside other local projects are deemed negligible on the basis of the mitigation measures provided by the Proposed Development in combination with mitigation measures proposed by other schemes. |
| Paragraph 5.16.3 | Where the project is likely to have effects on the water environment, the applicant should undertake an assessment of the existing status of, and impacts of the proposed project on, water quality, water resources and physical characteristics of the water environment, and how this might change due to the impact of climate change on rainfall patterns and consequently water availability across the water environment, as part of the ES or equivalent (see Section 4.3 and 4.10). | As set out in ES Chapter 9 Water Environment **[APP-029]**. The baseline hydrology (surface water), flood hazards, and water quality of the Site and its immediate vicinity have been established on the basis of a desktop study and a site walk over. Baseline conditions are set out in section 9.4.<br><br>Flood risk is assessed from a credible maximum climate change scenario as set out in the FRA **[APP-232 – APP-235].**<br><br>The construction, operational, and decommissioning phases are assessed to have no residual adverse significant effects on surface water drainage, flood risk, or water quality when mitigation measures are implemented. The cumulative effects of the Proposed Development alongside other local projects are deemed negligible on the basis of the mitigation |

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| | | measures provided by the Proposed Development in combination with mitigation measures proposed by other schemes. |
| Paragraph 5.16.5 | Where possible, applicants are encouraged to manage surface water during construction by treating surface water runoff from exposed topsoil prior to discharging and to limit the discharge of suspended solids e.g. from car parks or other areas of hard standing, during operation. | The oCEMP **[APP-121]** sets out mitigation measures to manage surface water runoff. Flood risk and drainage are covered in section 3.5 of the oCEMP. |
| Paragraph 5.16.6 | Applicants are encouraged to consider protective measures to control the risk of pollution to groundwater beyond those outlined in River Basin Management Plans and Groundwater Protection Zones – this could include, for example, the use of protective barriers. | The potential for the Proposed Development to have polluting effects on groundwater has been assessed in ES Chapter 9 Water Environment **[APP-029].** Any potential groundwater pollution during construction and at decommissioning will be mitigated through enhanced monitoring implemented through the CEMP and DEMP respectively.<br><br>As set out in paragraph 9.5.88, the operation of the Proposed Development is unlikely to create a significant source or new pathway for pollution which could pose a risk to groundwater bodies. The risk of groundwater pollution would be as a result of a pollution incident at the surface contaminating the underlying ground and infiltrating/ leaching into the underlying geological deposits which may be a source of groundwater. The design mitigation measures of suitably bunded plant which could contain potentially polluting materials and lined BESS compound minimises the risk of a pollution event occurring and of a surface water pollution incident contaminating deeper geological deposits. Restricting sources |

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| | | of potential contamination to areas outside SPZ1 further reduces the risk of a pollution incident occurring. |
| Paragraph 5.16.7 | The ES should in particular describe:<br>• the existing quality of waters affected by the proposed project and the impacts of the proposed project on water quality, noting any relevant existing discharges, proposed new discharges and proposed changes to discharges<br>• existing water resources affected by the proposed project and the impacts of the proposed project on water resources, noting any relevant existing abstraction rates, proposed new abstraction rates and proposed changes to abstraction rates (including any impact on or use of mains supplies and reference to Abstraction Licensing Strategies) and also demonstrate how proposals minimise the use of water resources and water consumption in the first instance<br>• existing physical characteristics of the water environment (including quantity and dynamics of flow) affected by the proposed project and any impact of physical modifications to these characteristics<br>• any impacts of the proposed project on water bodies or protected areas (including shellfish protected areas) under the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 and source protection zones (SPZs) around | The existing quality of waters potentially affected by the Proposed Development are set out within Section 9.4 of ES Chapter 9 Water Environment **[APP-029]**.<br><br>The chapter explores the existing hydrological and existing drainage conditions on the site. The dynamics of flow are discussed throughout the chapter. The assessment of flood hazards takes into account the effects of climate change<br><br>over the lifetime of the Proposed Development on peak rainfall intensity, peak river flow and sea level rise. It is noted that the effects of climate change will be more prominent in the decommissioning phase at the end of the modelled operational life of the Proposed Development (40 years).<br><br>Cumulative effects are explored in section 9.8 of the chapter. |

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| | potable groundwater abstractions<br>• how climate change could impact any of the above in the future<br>• any cumulative effects | |
| Paragraph 5.16.8 | The Secretary of State should consider whether mitigation measures are needed over and above any which may form part of the project application. A construction management plan may help codify mitigation at that stage. | Paragraph 9.9.8 of ES Chapter 9 Water Environment **[APP-029]** sets out that the Proposed Development benefits from embedded mitigation in the form of design mitigation and management control measures. Additional mitigation measures are proposed in the form of an enhanced monitoring schedule and pollution control measures contained in the oCEMP **[APP-121]**. |
| Paragraph 5.16.9 | The risk of impacts on the water environment can be reduced through careful design to facilitate adherence to good pollution control practice. For example, designated areas for storage and unloading, with appropriate drainage facilities, should be clearly marked. | Paragraph 9.9.8 of ES Chapter 9 Water Environment **[APP-029]** sets out that the Proposed Development benefits from embedded mitigation in the form of design mitigation and management control measures. The risk of impacts on the water environment is mitigated appropriately through the CEMP and discussed in section 3.5. Additional mitigation measures are proposed in the form of an enhanced monitoring schedule and pollution control measures contained in the oCEMP **[APP-121]**. |
| Paragraph 5.16.10 | The impact on local water resources can be minimised through planning and design for the efficient use of water, including water recycling. If a development needs new water infrastructure, significant supplies or impacts other water supplies, the applicant should consult with the local water company and the EA or NRW. | Paragraph 9.9.8 of ES Chapter 9 Water Environment [APP**-029]** sets out that the Proposed Development benefits from embedded mitigation in the form of design mitigation and management control measures. The risk of impacts on local water resources is mitigated appropriately through the oCEMP **[APP-121]** and discussed in section 3.5. The Proposed Development does not require new water infrastructure, significant supplies or impact other water supplies. |

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| Paragraph 5.16.11 | Activities that discharge to the water environment are subject to pollution control. The considerations set out in Section 4.12 on the interface between planning and pollution control therefore apply. These considerations will also apply in an analogous way to the abstraction licensing regime regulating activities that take water from the water environment, and to the control regimes relating to works to, and structures in, on, or under controlled waters. | Pollution control measures are set out in section 3.11 of the oCEMP **[APP-121]**. |
| Paragraph 5.16.12-5.16.13 | The Secretary of State will need to give impacts on the water environment more weight where a project would have an adverse effect on the achievement of the environmental objectives established under the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017. The Secretary of State must also consider duties under other legislation including duties under the Environment Act 2021 in relation to environmental targets and have regard to the policies set out in the Government's Environmental Improvement Plan 2023. | ES Chapter 9 Water Environment **[APP-029]** sets out on page 23 that baseline conditions of WFD waterbodies in the vicinity of the Site are assessed in the ES chapter (paragraphs 9.4.22 – 9.4.27). The operational effect on water quality is assessed in paragraphs 9.5.78 – 9.5.87 of the ES chapter. |
| Paragraph 5.16.14 | The Secretary of State should be satisfied that a proposal has regard to current River Basin Management Plans and meets the requirements of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (including regulation | ES Chapter 9 Water Environment **[APP-029]** demonstrates that the Proposed Development has had regard to current River Basin Management Plans and meets the requirements of the Water Environment (Water Framework Directive) |

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| | 19). The specific objectives for particular river basins are set out in River Basin Management Plans. The Secretary of State must refuse development consent where a project is likely to cause deterioration of a water body or its failure to achieve good status or good potential, unless the requirements set out in Regulation 19 are met. A project may be approved in the absence of a qualifying Overriding Public Interest test only if there is sufficient certainty that it will not cause deterioration or compromise the achievement of good status or good potential. | (England and Wales) Regulations 2017. The River Basin Management Plan is acknowledged throughout the chapter. |
| Paragraph 5.16.15 | The Secretary of State should also consider the interactions of the proposed project with other plans such as Water Resources Management Plans and Shoreline Management Plans. | The Proposed Development is not expected to interact with plans such as Water Resources Management Plans and Shoreline Management Plans. |
| Paragraph 5.16.16 | The Secretary of State should consider proposals to mitigate adverse effects on the water environment and any enhancement measures put forward by the applicant and whether appropriate requirements should be attached to any development consent and/or planning obligations are necessary. | Paragraph 9.9.8 of ES Chapter 9 Water Environment **[APP-029]** sets out that the Proposed Development benefits from embedded mitigation in the form of design mitigation and management control measures. The risk of impacts on local water resources is mitigated appropriately through the oCEMP **[APP-121]** and discussed in section 3.5. The Proposed Development does not require new water infrastructure, significant supplies or impact other water supplies. No planning obligations are necessary. |