



# **North Yorkshire Council**

## **Local Impact Report**

### **Helios Renewable Energy Project**

**EN010140**

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## **1. Introduction**

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

## **2. Scope**

- 2.1. This LIR only relates to the impact of the proposed development as it affects the administrative area of NYC.
- 2.2. The LIR relies upon the Applicant's description of the development as set out in Chapter 3 of the Environmental Statement (document reference APP-023).
- 2.3. The primary purpose of the LIR is to identify any potential local impacts of the proposed development and identify the relevant national and local planning policies in so far as they are relevant to the proposed development, and the extent to which the proposed development accords with the policies identified.
- 2.4. Topic-based headings set out how the Authority considers the proposed development accords with the relevant planning policies and any potential local impacts of the development.
- 2.5. Key issues identified by the Authority are set out within the topic headings in the supporting commentary in respect of the extent to which the Applicant has sought to address issues raised by the Authority, with reference to relevant Application documents (including the articles and requirements of the draft Development Consent Order (DCO)).
- 2.6. Whilst a number of points within the LIR are repeated from the Authority's s.56 PA2008 consultation response, the significance of the LIR in the PA2008 is such that they are confirmed here for the purpose of clarity for the benefit for the Examining Authority (ExA).

## **3. Description of the Area**

- 3.1. The LIR relies upon the Applicant's description of the site and surrounding area as set out in Chapter 3 of the Environmental Statement (document reference APP-023).

## **4. Planning Policy**

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

### **National Policy Statements**

- 4.2. The relevant National Policy Statements (NPSs) include the Overarching National Policy Statement for Energy (EN-1) (Department for Energy and Net Zero, 2023) and the National Policy Statement for Renewable Energy Infrastructure (EN-3) (Department of Energy and Net Zero, 2023).
- 4.3. This represents the primary policy basis for the determination of the Application.

### **National Planning Policy Framework**

- 4.4. The National Planning Policy Framework (NPPF) was originally adopted in March 2012 and most recently updated in December 2024. Paragraph 5 of the NPPF sets out that the document does not contain specific policies for Nationally Significant Infrastructure Projects (NSIPs) which are to be determined in accordance with the decision-making framework in the PA2008 and relevant NPSs, as well as any other matters which are relevant, which may include the NPPF.
- 4.5. The policies contained within the NPPF are expanded upon and supported by the Planning Practice Guidance (PPG), which was originally published in March 2014 and is updated regularly with changes to government guidance.

### **Development Plan**

- 4.6. The development plan for Selby District comprises various documents including the Selby District Core Strategy Local Plan (adopted 22nd October 2013); those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy; the Minerals and Waste Joint Plan (adopted 16 February 2022); and the adopted neighbourhood plans (none of the neighbourhood plans relate to the site and so are not referred to further).
- 4.7. The relevant Selby District Core Strategy Local Plan Policies are:
  - a) Policy SP1: Presumption in Favour of Sustainable Development
  - b) Policy SP2: Spatial Development Strategy
  - c) Policy SP12: Access to Services, Community Facilities and Infrastructure
  - d) Policy SP13: Scale and Distribution of Economic Growth
  - e) Policy SP15: Sustainable Development and Climate Change
  - f) Policy SP16: Improving Resource Efficiency
  - g) Policy SP17: Low-Carbon and Renewable Energy
  - h) Policy SP18: Protecting and Enhancing the Environment
  - i) Policy SP19: Design Quality
- 4.8. The relevant Selby District Local Plan Policies are:
  - a) Policy ENV1: Control of Development
  - b) Policy ENV2: Environmental Pollution and Contaminated Land
  - c) Policy ENV3: Light Pollution

- d) Policy ENV9: Sites of Importance for Nature Conservation
- e) Policy ENV12: River and Stream Corridors
- f) Policy ENV13: Development Affecting Ponds
- g) Policy ENV27: Scheduled Monuments and Important Archaeological Sites
- h) Policy ENV28: Other Archaeological Remains
- i) Policy T1: Development in Relation to the Highway Network
- j) Policy T2: Access to Roads
- k) Policy T7: Provision for Cyclists
- l) Policy T8: Public Rights of Way
- m) Policy CS6: Development Contributions to Infrastructure and Community Facilities

4.9. The relevant Minerals and Waste Joint Plan Policies include:

- a) Policy S01: Safeguarding minerals resources
- b) Policy S02: Developments proposed within Minerals Safeguarding Areas
- c) Policy S06: Consideration of applications in Consultation Areas

### **Emerging Local Plan**

4.10. On 17 September 2019, Selby District Council agreed to prepare a new Local Plan. Consultation on issues and options took place early in 2020 and further consultation took place on preferred options and additional sites in 2021. The Pre-submission Publication Local Plan (under Regulation 19 of the Town and Country Planning (Local Development) (England) Regulations 2012, as amended), including supporting documents, associated evidence base and background papers, was subject to formal consultation that ended on 28th October 2022. A further round of consultation on a revised Regulation 19 Publication Local Plan was undertaken in March 2024 and the responses are now being considered. Following any necessary minor modifications being made it is intended that the plan will be submitted to the Secretary of State for Examination.

4.11. Paragraph 49 of the NPPF states that weight may be given to relevant policies in emerging plans according to: a) the stage of preparation; b) the extent to which there are unresolved objections to the policies; and c) the degree of consistency of the policies to the Framework. Given the stage of the emerging Local Plan, the policies contained within it are attributed limited weight and as such are not listed in this report.

4.12. The North Yorkshire Local Plan - no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

### **Other Relevant Policies/Guidance**

4.13. Other Relevant Policies and guidance include:

- a) Selby District Council Contaminated Land Strategy 2019-2024

b) Green Infrastructure Framework – Principles and Standards for England

### **Relevant Planning History**

4.14. The LIR relies on the Applicant's summary of the relevant planning history as set out in Section 2.4 of the Planning Statement in Volume (document reference APP-228).

## **5. Assessment of Impacts**

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

## **6. Principle of Development**

- 6.1. The relevant local plan policies are:
  - a) Policy SP1 of the Selby District Core Strategy Local Plan – Presumption in Favour of Sustainable Development
  - b) Policy SP2 of the Core Strategy Local Plan – Spatial Development Strategy
  - c) Policy SP13 of the Core Strategy Local Plan – Scale and Distribution of Economic Growth
  - d) Policy SP17 of the Core Strategy Local Plan – Low Carbon and Renewable Energy
- 6.2. Local planning policies support the proposed development in principle.
- 6.3. Policy SP1 of the Core Strategy outlines that "*when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework*" and sets out how this will be undertaken.
- 6.4. Policy SP2 of the Core Strategy outlines the Council's approach to the delivery of future development within its District, adopting a hierarchical spatial strategy focussing the majority of new development in towns and sustainable villages.

Specifically, SP2A (c) relates to development located within the open countryside and states “*Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances.*”

- 6.5. Policy SP13 of the Core Strategy states “*In rural areas, sustainable development (on both Greenfield and Previously Developed Sites) which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported.*”
- 6.6. Policy SP17 of the Core Strategy is generally supportive of low carbon and renewable energy developments, subject to consideration of local environmental impacts.

#### **Adequacy of Application/DCO**

- 6.7. The Application identifies the relevant local planning policies within the Development Plan against which the application is to be assessed.
- 6.8. The Authority notes the national need for energy security and provision and the national policy position contained in the National Policy Statements regarding renewable energy.

## **7. Noise and Vibration**

#### **Relevant Local Planning Policies**

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

#### **Commentary**

- 7.2. In providing these comments the Authority has reviewed the information supplied within the Environmental Statement – Chapter 11 (document reference APP-031) and associated appendices including the outline CEMP.
- 7.3. Overall, the Authority is satisfied that the requested safeguards are in place.

## **8. Landscape**

### **Relevant National Policies**

- 8.1. The overarching National Planning Policy for Energy (EN-1), November 2023, recognises the likely adverse landscape effects of NSIPs, but also refers to siting and good design in order to minimise harm, providing reasonable mitigation where possible and appropriate.
- 8.2. The ‘Criteria for good design for Energy Infrastructure’ are set out in Chapter 4.7 (EN1).
- 8.3. The requirements and principles for ‘Landscape and Visual’ are set out in Chapter 5.10 (EN-1).
- 8.4. The overarching National Planning Policy for Renewable Energy Infrastructure (EN-3), November 2023, considers Solar Photovoltaic Generation with reference to existing grid infrastructure and available grid export capacity and the need to consider cumulative impacts of situating a solar farm in proximity to other energy generating Stations and infrastructure.
- 8.5. EN-3 also considers solar photovoltaic generation impacts on landscape, visual and residential amenity, setting out requirements to consider for an LVIA within the ES, including visualisations, good design, future maintenance and management and determine if a glint and glare assessment is necessary as part of the application.”

### **Relevant Local Policies**

- 8.6. The relevant local planning policies are:

*Selby District Core Strategy Local Plan 2013 (Covers the 16 year period from 2011 to 2027).*

- 8.7. Policy SP12: Access to Services, Community Facilities and Infrastructure – opportunities to protect, enhance and better join up Green Infrastructure strongly encouraged.
- 8.8. Policy SP15: Sustainable Development and Climate Change, B. Design and Layout of Development - Protect, enhance and create habitats; Include tree planting, and new woodlands and hedgerows in landscaping schemes.
- 8.9. Policy SP17: Low Carbon and Renewable Energy – designed and located to protect the environment and local amenity, can demonstrate that the wider environmental, economic and social benefits outweigh any harm.



- 8.10. Policy SP18 - Protecting and Enhancing the Environment - The high quality and local distinctiveness of the natural and man-made environment will be sustained.
- 8.11. Policy SP19 - Design Quality - Proposals for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside.

*Selby District Local Plan 2005*

- 8.12. Policy referred to in the Applicant's LVIA: ENV6 - replaced by SP17; ENV20 - replaced by SP19; ENV21 -replaced by SP19; ENV22 – expired.
- 8.13. Policy ENV1 - Proposals for development will be permitted provided a good quality of development would be achieved.

*Local plan Objectives:*

- 8.14. Natural Environment: “To protect and enhance the existing network of wildlife sites and priority species; distinctive landscape character; green and blue infrastructure; air and water quality; strategic tree planting to support the ambitions for the White Rose Forest Project, local tree and hedgerow planting; nature recovery networks; and protect against pollution and deliver net gains in biodiversity.”
- 8.15. Open Spaces & Recreation: “To protect and facilitate the delivery of appropriate and accessible sport and recreational facilities, children's play areas and areas of high-quality multi-functional green space and enhanced and extended green and blue infrastructure, to support the health and well-being of the community.”
- 8.16. Policy SG10: Low Carbon and Renewable Energy (Strategic Policy) – consideration for development impacts including cumulative, mitigation, landscape character and sensitivity, community engagement which demonstrates the delivery of environmental, social and economic benefits.
- 8.17. Policy NE2: Protecting and Enhancing Green and Blue Infrastructure (Strategic Policy)
- 8.18. Policy NE4: Protecting and Enhancing Landscape Character (Strategic Policy)
- 8.19. Policy NE6: Protecting and Enhancing Trees, Woodland and Hedgerows

*Selby District Local Plan Publication Version 2024*

- 8.20. While this is an emerging Local Plan it sets the policy context with clear objectives for protecting and enhancing the natural environment, intrinsic character and beauty of the countryside, green and blue infrastructure, and recognising the role it plays in the local economy, for health and well-being of local residents and as a biodiversity resource.

*Local plan Objectives:*

- 8.21. Natural Environment: “To protect and enhance the existing network of wildlife sites and priority species; distinctive landscape character; green and blue infrastructure; air and water quality; strategic tree planting to support the ambitions for the White Rose Forest Project, local tree and hedgerow planting; nature recovery networks; and protect against pollution and deliver net gains in biodiversity.”
- 8.22. Open Spaces & Recreation: “To protect and facilitate the delivery of appropriate and accessible sport and recreational facilities, children's play areas and areas of high-quality multi-functional green space and enhanced and extended green and blue infrastructure, to support the health and well-being of the community.”
- 8.23. Policy SG10: Low Carbon and Renewable Energy (Strategic Policy) – consideration for development impacts including cumulative, mitigation, landscape character and sensitivity, community engagement which demonstrates the delivery of environmental, social and economic benefits.
- 8.24. Policy NE2: Protecting and Enhancing Green and Blue Infrastructure (Strategic Policy)
- 8.25. Policy NE4: Protecting and Enhancing Landscape Character (Strategic Policy)
- 8.26. Policy NE6: Protecting and Enhancing Trees, Woodland and Hedgerows

**Other Relevant Guidance and Evidence Base**

- 8.27. ‘Nationally Significant Infrastructure projects: Advice on Good Design’, Planning Inspectorate, October 2024.
- 8.28. ‘Design Principles for National Infrastructure: climate; people; places; value’, National Infrastructure Commission Design Group.
- 8.29. Green Infrastructure Framework – Principles and Standards for England (incorporating England Green Infrastructure Mapping Database V2.1 October 2024), Natural England. The Green Infrastructure Framework is a commitment in the Government’s 25 Year Environment Plan.

### **Key Local Issues**

8.30. Key local issues and concerns relate to:

- 1) Negative impacts on sensitive local receptors; due to proximity and scale of the proposed development.
- 2) Negative cumulative effects on local communities; of Camblesforth, Drax, Hirst Courtney, and Barlow; the transformative scale of the proposed development in combination with other proposed major developments; the significance of the Grid connections points; pace of change and ongoing erosion of the landscape and visual baseline.
- 3) Adequacy of Mitigation and wider landscape strategy to provide community benefits associated with local environment, landscape and green infrastructure (health and well-being / educational), to help offset significant adverse cumulative effects.

### **Commentary**

#### *General Summary*

- 8.31. The LVIA broadly follows the assessment guidelines as set out in GLVIA3 but aspects of method and the approach lack clarity and consistency.
- 8.32. The Applicant has made several changes and adjustment to the Landscape Strategy Plan and Illustrative Landscape Masterplan since initial consultation and engagement with North Yorkshire Council on landscape and visual matters.
- 8.33. Although we would generally support the positive improvements made to the Strategy and Masterplan and other local positive effects set out in the LVIA, these positive effects are not outweighed by the negative and significant cumulative impacts that are likely to arise given the overall size and scale of the proposed development and in combination with other major developments in the area, including NSIPs.
- 8.34. We would welcome the opportunity to further discuss development of landscape mitigation and local community benefits, to help offset likely significant adverse effects including cumulative effects.

### **Adequacy of the Application DCO**

#### *Method and Scope of the LVIA*

- 8.35. The LVIA broadly follows the assessment guidelines as set out in GLVIA3 but we do not agree with aspects of method and the approach to the landscape and cumulative assessment. The visual assessment also lacks clarity and consistency.

- 8.36. The assessment of 'significance' with the LVIA is likely to be understated. The LVIA paragraph 7.3.20 states "... Moderate effects are not judged to be significant, but a concentration of moderate effects may have potential to result in significant effects."
- 8.37. This generally contradicts 'significance' defined within Chapter 2 EIA Methodology paragraph 2.3.9.
- 8.38. On a project of this type, scale and duration we would wish to see a cautious approach used in the assessment so as not to under-state the 'significance', particularly where the 'Rochdale Envelope' principles are to be applied and the detailed design remains to be resolved. In these circumstances, we would consider major and moderate effects to be significant.

*Landscape Effects*

- 8.39. It seems likely that the impact on landscape character and setting within the LVIA is understated due to the overall timescale of the proposed development.
- 8.40. The LVIA puts weighting on the proposed development of 40 years being temporary and reversible as a key consideration in determining the site's ability to accommodate the development without transformational negative Effects.
- 8.41. For the purposes of the LVIA we would consider 40 years to be equivalent to very long-term / permanent and transformational.
- 8.42. We do not agree with the method and approach to the Landscape Assessment (LVIA paragraphs 7.5.46 – 7.5.52). This is likely to understate and over-simplify the impacts, particularly in how this filters to reporting of Significance and Residual Effects.
- 8.43. The assessment is overly focussed on the % of the wider character area affected and we drew the Applicants attention to this point of concern in our Statutory Consultation Response 15th December 2023.
- 8.44. Clarification for this is also provided within the GLVIA guidance Technical Guidance Note LITGN-2024-01 Published August 2024:

"3(3) Weighting of the components of magnitude of effect: scale of effect, geographical extent, and duration/reversibility .... When taking account of geographical extent and duration, care should be to ensure that the resulting magnitude of effect judgement is not understated. The focus should be on what would be affected and where, not restricted to the proportion of a landscape character area or designation affected."

*Visual Effects*

- 8.45. The visual assessment is difficult to understand and link between the text, supporting tables and plans. There is too much emphasis on viewpoints rather than explaining the effects on receptors in a clear and concise way and linking this to the plans.
- 8.46. We would wish to see further clarity and consistency between assessment of receptors identified within the study area and geographical extents of effects. It is unclear how details are summarised to give an overall judgement and significance.
- 8.47. For example:
- a) LVIA paragraph 7.4.17. lists all the PROW 'of particular note to this assessment'. Almost none of those PROW listed can be found in the Visual Effects Tables at Appendix 7.8.
  - b) Table 7.6 'Summary of Viewpoint Assessment Judgements – Construction Phase' seems to summarise viewpoints of both the construction and operational phase.
  - c) The text at paragraphs 7.5.76 – 7.5.67 describes the visual effects on settlements such as Camblesforth, Carlton, Hirst Courtney, Burn and other dispersed residential properties, but it is unclear how these receptors are reflected in a summary (Chapter 7.9 Summary), then to the significance tables (Table 7.11: Table of Significance – Landscape and Views).
  - d) LVIA Paragraph 7.5.68. describes significant major/moderate negative effects during the operational phase seen across an extensive area or proportion of the route 'around 400 meters of PROW 18/16/1'. This is not equally reflected in the Visual Effects Table Appendix 7.8 VIEWPOINT 19: PROW 18/16/1 (Physical Path) - Minor/Moderate (N) at year 1.
  - e) LVIA Paragraph 7.5.74. states "There are occasions where routes cross the Site, and the potential effect on visual amenity would remain significant, such as Brick Lands Lane and PROW 14/13/1." This is not equally reflected in the Visual Effects Tables Appendix 7.8 VIEWPOINT 8: PROW 14/13/1: Users of PROW - Minor (N) at year 15.

This is similarly the case for other visual receptors listed in the assessment text.

- 8.48. Notwithstanding the above issues, the visual assessment does identify a number of significant effects relating to properties, PROW and local roads, during the short-term, medium-term and in the long-term,

*Negative Cumulative Effects on Communities*

- 8.49. The cumulative schemes are set out in the LVIA (Table 7.9 : Scoping of Cumulative Schemes for Visual Effects) and illustrated on the Cumulative Schemes Plan (ES Figure 15.1).
- 8.50. The LVIA does not follow a clear method and process for assessing cumulative landscape and visual effects within a defined study area. The cumulative visual effects in particular are likely to be understated because the assessment does not consider sequential views from one scheme to the next when travelling within a defined study area.
- 8.51. Cumulative landscape effects are not explained within the main assessment text (Table 7.10 : Summary of Cumulative Effects), although LCA 15 Camblesforth Farmland is included at the summary. Cumulative effects on Landscape Character are included in the Table 7.11: Table of Significance – Landscape and views:
- 8.52. Operational Phase Effects on Landscape Character : Long Term, Negative Significance, Unitary Authority area, Major/Moderate Negative (Significant) Residual effects.
- 8.53. Agricultural use of the land together with PRow and minor roads around the local villages define the local character and setting. A scheme of this scale in combination with other major schemes is likely to be transformative to local communities given the proximity of the proposed scheme to settlement and the rapid pace of change due to recent energy-related development in this area.
- 8.54. Significant adverse landscape and visual effects on local communities due to proximity to settlement, significance of the Grid connection points near Drax Power Station in relation to cumulative effects and ongoing erosion of the landscape baseline remain a concern.

*Adequacy of Mitigation*

- 8.55. Landscape mitigation at a wider strategic scale and to resolve cumulative effects is insufficiently considered. Additionally, there is no reference to Natural England's Green Infrastructure Framework within the application used to inform a wider mitigation strategy, including use of the GI Framework mapping data sets.
- 8.56. It seems reasonable and possible that more localised adverse effects can also be further reduced through adjustment of the layout, design and mitigation:
- a) To improve the amenity and quality of local roads and footpaths running within and adjacent to the scheme.
  - b) To improve wider connectivity to Green and Blue Infrastructure.

- c) To provide long term improvement to local amenity space and access (permanence of footpath improvements and connections as PROW, rather than permissive footpaths).
- d) To improve standoff, structural planting and woodland buffers around and between each solar land parcel / unit, and between other developments.

*Community Impacts and Local Benefits*

- 8.57. Local communities will be concerned about the totality of the cumulative effects past, present and future proposals and we would wish to ensure that the proposed development gives full consideration for mitigating significant cumulative negative effects where these have potential to impact local communities.
- 8.58. The interrelationships between landscape and visual effects and other intra-project environmental factors such as population and human health should also be considered. Local footpaths and minor roads between the villages of Camblesforth, Barlow, Carlton and Hirst Courtney provide immediate access to countryside with local amenity benefits for recreation, health and wellbeing.
- 8.59. We would wish to see further consideration for mitigating and offsetting cumulative effects such as partnership working and community compensation / offset packages and we would welcome further discussion of how additional Community Benefits could be delivered to help offset the significant residual adverse effects identified in the LVIA, including cumulative effect.
- 8.60. A community benefit fund has the potential to help deliver wider community benefits typically associated with Environment, Heritage, Access and Social Value which might be delivered through a Green Infrastructure Strategy / Framework.
- 8.61. The application Consultation Report (ref. APP-181) together with supporting appendix describes community engagement and the delivery of a:  
“Community Benefit Contribution – A contribution to a community benefit fund is being considered to assist with local schemes, initiatives, and worthy causes”, which is typically featured as a key point in the supporting material.”

However, this does not seem to have been progressed beyond initial consultation stages.

*Parameters Plan / Design Guidance Parameters*

- 8.62. Where the ‘Rochdale Envelope’ principles are to be applied, consideration should also be given to develop clear design guidance parameters which can be secured alongside the parameters plan in the DCO.



*Draft DCO wording relating to Landscape and Visual Under review/ongoing:*

8.63. Draft DCO wording relating to Landscape and Visual which are under review/ongoing are as follows:

- LEMP
- Fencing Means Enclosure
- CEMP / tree protection / control of temporary lighting
- OEMP
- Decommissioning and Restoration

## **9. Ecology and Biodiversity**

### **Relevant National and Local Planning Policies**

9.1. The relevant national planning policies are:

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

9.2. The relevant local planning policies are:

- a) Policy ENV1 of the Selby District Local Plan – Control of Development
- b) Policy ENV9 of the Selby District Local Plan – Sites of Importance for Nature Conservation
- c) Policy ENV11 of the Selby District Local Plan – Ancient Woodland
- d) Policy ENV12 of the Selby District Local Plan – River and Stream Corridors
- e) Policy ENV13 of the Selby District Local Plan – Development Affecting Ponds
- f) Policy ENV14 of the Selby District Local Plan – Protected Species
- e) Policy SP18 of the Selby District Core Strategy Local Plan– Protecting and Enhancing the Environment

### **Commentary**

9.3. In providing these comments the authority has reviewed the ecological information supplied within the Environmental Statement – Chapter 8 the associated appendices (8.1 through to 8.9 including the confidential appendices), the landscape strategy plans and masterplan (Figures 7.19 through to 7.24), the outline CEMP, outline OEMP, outline DEMP, outline LEMP and the Biodiversity Net Gain metric.

9.4. Overall, the authority is satisfied with the extent of the ecological survey and assessment work undertaken to inform the application.

9.5. With regards to the impact of the proposals upon European designated sites, the authority has no concerns with the assessment undertaken and



documented within Appendix 8.9: Information to Inform a Habitats Regulations Assessment, however given the ongoing discussions between the applicant and Natural England, we would defer to Natural England on this matter.

- 9.6. The authority is satisfied with survey and assessment of habitat on and adjacent to the site. The authority is pleased to see that the design of the scheme has taken account of high value habitats, it has avoided loss of sensitive habitats and providing adequate stand off to woodland, hedgerows and watercourses. These avoidance and protection measures can be secured as part of the CEMP and will be further buffered and connected through habitat creation and enhancement set out within the Landscape Masterplan and Biodiversity Net Gain metric.
- 9.7. Surveys have been undertaken to provide a baseline of the species present on site and within the adjacent habitats. Species survey effort and assessment has focussed on those species that may be impacted by the proposals. The authority is satisfied with the survey and assessment work undertaken in relation to species and with the mitigation proposed.

### **Key Local Issues**

#### *Ground Nesting Birds*

- 9.8. The Environmental Statement records the displacement of ground nesting farmland birds from the site during construction. This leads to an adverse effect upon ground nesting breeding birds. The assessment relies on the provision of compensation areas detailed within the oLEMP to offset this loss of breeding habitat within the site which results from installation of the solar arrays and the BESS.
- 9.9. The authority has concerns about the local cumulative impact of this and other solar, battery and mineral operations within the local area which all result in the displacement of ground nesting farmland birds. The authority therefore welcomes the commitment from the applicant to the provision of compensation measures for ground nesting birds.
- 9.10. However, the authority does have concerns about securing the long-term commitment to the provision of the skylark plots outlined within the oLEMP at 3.8 and Annex A. The main concern relates to some of the skylark plots being located outside of the Order Limits, as shown on the drawings within Annex A. The information contained at 3.8 and Table 3-12 of the oLEMP provides calculations for all of the fields listed and mapped (both inside and outside the Order Limits) setting out that these plots will be provided for compensation and enhancement. Within 3.8 it notes that 50 skylark plots are required each year for compensation. Where these minimum 50 plots fall outside the Order Limits, there does not appear to be a way of securing the implementation, monitoring and management. As

such there is a need to ensure provision of 50 plots per year within the Order Limits. Whilst the areas outside the Order Limits are offered as an enhancement – this enhancement cannot be delivered without a mechanism to secure them and the ES should not record a benefit for ground nesting birds, the impact would remain neutral. Clarification is needed and it is recommended that Table 3-12 is updated to separate compensation areas from enhancement and inclusion of the Order Limits on the second plan in Annex A would assist. The DCO should make provision to secure the ground nesting bird enhancement plots within the wider land holding.

- 9.11. The detailed LEMP (Requirement 10) will need to provide further details on the management of the skylark plots, including the minimum number provided in each area per year. Evidence will be required to confirm that the skylark plots are in place (number of plots and the locations) and breeding bird surveys are recommended at intervals through the life of the development to monitor the success of the compensation in addressing the adverse effect upon ground nesting breeding birds.

#### *Biodiversity Net Gain*

- 9.12. The commitment to delivering voluntary BNG is welcomed, large solar farms through the retention of high value habitats and the creation of new habitats have the potential to provide a significant uplift in biodiversity value which will contribute to national and local ambitions for nature recovery. The metric provided demonstrates that in excess of 10% gain can be achieved for area based and hedgerow habitat types and circa 9% gain for watercourses.
- 9.13. However, there is no specific BNG assessment report setting out how these gains will be achieved through the proposed landscape masterplan. In addition, the oLEMP has not been prepared by an ecological specialist and therefore does not present the LEMP objectives and management prescriptions in a format compatible with BNG reporting. The management set out within the oLEMP is specific to achieving the landscape objectives rather than those for BNG. UKHab typology and BNG condition assessment should be included. It is therefore recommended that the oLEMP is revised to update the objectives into UKHab habitat types and target condition in line with the BNG system. Without this information, it is difficult to understand how the habitat creation, establishment, monitoring and management will be delivered.
- 9.14. BNG does not feature at all within the draft DCO and if the LEMP (Requirement 10) is the intended mechanism for delivery, then there will need to be specific provision set out within Requirement 10 (see below).

### **Adequacy of Application/DCO**

- 9.15. The draft DCO in the current form does not provide any mechanism for securing the delivery, monitoring and long-term management of biodiversity net gain (BNG).
- 9.16. Requirement 10 (LEMP) - as noted above the authority is not satisfied that the outline LEMP contains sufficient detail with regards to the objectives of the LEMP and the management prescriptions that will achieve these objectives. The oLEMP should include objectives that relate to the BNG outcomes including target habitat distinctiveness and condition. It should include a monitoring and reporting schedule. In terms of species, the oLEMP should set out the target species for monitoring, the authority would recommend the inclusion of breeding birds and bat activity monitoring. The data resulting from monitoring should be fed into national research on the impacts of solar farms upon wildlife.
- 9.17. The draft DCO does not make provision for securing the areas of offsite ground nesting bird compensation/enhancement that are identified within Annex A of the oLEMP. Further information is needed to confirm how these offsite areas will be secured and maintained.
- 9.18. Requirement 4 (CEMP), there is no sub paragraph setting out the ecological requirements for protection and avoidance for sensitive habitats and species during construction. There is a section in the oCEMP but nothing listed within in Requirement 4 of the draft DCO.
- 9.19. Requirement 5 (DEMP) – the authority would like to see specific reference to the need for professional pre decommissioning ecological surveys and assessment. There should also be an overarching objective to protect and retain areas of high biodiversity value during the decommissioning process. Adequate funding will need to be available to ensure that professional ecological services are commissioned to lead on this survey and assessment.

## **10. Built Heritage**

### **Relevant National and Local Policies**

- 10.1. The relevant national planning policies are:
- a) National Policy Statement for Energy (EN-1) – November 2023
  - b) National Policy Statement for Renewable Energy Infrastructure (EN-3) March 2023
  - c) National Planning Policy Framework

10.2. The relevant local planning policy is:

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

**Commentary**

10.3. Chapter 6 of the Environmental Statement (document reference APP-026) includes a Cultural Heritage Technical Appendix (document reference APP-125) which identifies the location of Grade 1, 2 and 2\* listed buildings within a 3km radius of the site and non-designated heritage assets, and assesses significance and harm from construction, operational and decommissioning phases of the development.

10.4. The harm identified would amount to less than substantial harm to the setting and therefore the significance of the listed buildings.

## **11. Archaeology**

### **Relevant Local Planning Policies**

11.1. The relevant local planning policies are:

- a) Policy ENV27 of the Selby District Local Plan - Scheduled Monuments and Important Archaeological Sites
- b) Policy ENV28 of the Selby District Local Plan - Other Archaeological Remains

### **Key Local Issues**

11.2. The development area is a large greenfield site on the magnesium limestone plateau. This geology was exploited throughout prehistory and much of our knowledge of these periods comes from the analysis of aerial photographs where archaeological sites show clearly as marks in the ripening crops. Several of these archaeological cropmark sites are documented across the development area and are likely to represent a combination of later prehistoric and Roman funerary monuments, settlements, trackways and field enclosures. The known cropmarks are unlikely to be fully representative of the entire archaeological resource. The construction of a solar farm may have a negative impact on sub-surface archaeological remains through direct impact from piling, cable trenching, construction works and foundations for sub-stations etc, along with access roads, security fencing and other related infrastructure.

### **Adequacy of Application/DCO**

11.3. The application includes a Cultural Heritage chapter (Chapter 6; June 2024) and Cultural Heritage Technical Appendix (Appendix 6.1) with regards to the

impact of the proposal on heritage assets of archaeological interest. These documents are supported by an archaeological geophysical survey (Appendix 6.3) which has identified a number of anomalies consistent with archaeological features, many of which correspond with the previously recorded cropmark sites. Taken together these documents are a proportionate assessment commensurate to the expected significance of the archaeological remains.

- 11.4. The application includes an Outline Archaeological Mitigation Strategy (Appendix 6.2). This strategy takes the approach of a combination of designing out the more complex anomalies whilst ensuring that where impact might occur that this is mitigated by archaeological monitoring (watching brief). The Authority agrees that this is a reasonable response and is an approach that has been supported elsewhere on solar schemes in North Yorkshire. It is considered that the archaeological potential of the site has been appropriately assessed and the mitigation strategy is suitable.

## **12. Highways and Transportation**

### **Relevant Local Plan Policies**

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

### **Key Local Issues**

- 12.2. North Yorkshire Council as Local Highway authority (L.H.A) believes the Helios renewable Energy Project reflects the policies within the NPPF and relevant revised local plan policies. The Authority recognises that the project is likely to form part of the nation's drive to net zero carbon emissions by 2050 and supports in principle the project presented in this application.
- 12.3. The project whilst under construction will make use of the existing highway infrastructure to route vehicles to the site. The local network from the M62 motorway to the access points on A1041 north of Camblesforth is the most direct route and considered acceptable and does not present any operation concerns in terms of capacity. The development also accords with the NYCC Local Transport Plan on the basis that the proposed development will contribute to reducing the impact of power generation on the natural world by providing a sustainable energy source reducing carbon emissions into the environment.

### *Site access 1&2 to Highway network*

- 12.4. If the development is approved the suggested route to the site from the S.R.N (junction 36) is acceptable in terms of the class of the roads for the delivery of plant and other services. When viewed from a capacity point of view including

junctions and links along the route the L.H.A is comfortable the impact of the project at the construction phase will not be severe. The operational phase will have a minimum effect on the road network.

12.5. The route construction traffic will use has been stated as: -

- Junction 36 (M62) then A614 (East Riding) then onto A645 ( New Road ) passing Drax power station along to the A1041 which bypasses the village of Camblesforth and then heads north towards Selby. All major junctions along this route are roundabouts.

12.6. The developer has identified at the peak of construction some 52 HGV movements (two way) per day along this route are expected. In addition to this the developer has estimated that other vehicles generated by staff and visitor will be in the order of 158 two-way trips per day These vehicles may use other routes to access the site. As yet the developer has not defined the location of the compounds likely to be constructed other than saying the main compound is likely to be access from access points 1 or 2. After which vehicles will use the internal haul roads.

*Site access points away from A1041*

12.7. The developer proposes to construct other access points on the minor road network west of the A1041 highway. The L.H.A understand that mainly the points are to allow vehicles to cross the road network as the project spans over many fields which are bordered by unclassified roads. The roads likely to be affected are Hardenshaw Lane, Jowland Winn Lane and Chestercourt Lane. The width of these roads will not accommodate two-way traffic and will look to the developer to promote safe work practices when vehicles met one another. The developer will need to reassure the L.H.A that all users of the highway will not be endangered by this work.

12.8. On Hardenshaw Lane the developer is suggesting passing places are constructed to allow vehicles to pass one another.

*Constructing the Solar Farm*

12.9. The construction phase is likely to be the busiest phase of the site. L.H.A expects traffic flows from the development to be at their hight on all roads affected by the construction. The impact on the minor road network will most likely be greater due to the alignments of Hardenshaw lane, Jowland Winn lane and Chestercourt Lane as this road have evolved over many years and not been designed to current standards.

12.10. Materials and employees will be delivered to either access 1 or 2 which are to be created on A1041 from here the developer has stated that most materials and plant will be retained within the project being transported around on the haul roads implement. However, some vehicles are to use the above highways to access parts of the site directly.



12.11. The construction traffic generated by the scheme is not considered to be severe in terms of traffic generated. The LHA does however wish to see the construction phase of the scheme carefully managed to reduce the impact on the network. The developer must ensure work on and around the minor roads being used will need managed to ensure safety and reduce congestion to avoid delays and prevent over running of the highway verges. The L.H.A is keen to see this and happy to be involved in this process under the overarching umbrella of the CTMP. Once the project is complete day to day traffic generated by the operation will be minimum and should not impact on the network.

12.12. The cabling corridor also forms part of the draft DCO area of construction. This is routed along the A645, and the cables will be installed in the verge. Access for this uses an existing access from the A645 used by Drax Power.

*Managing the Traffic and effect on the Road Network*

12.13. Within the application documents the developer has demonstrated that the project will have a minor impact on the roads from M62 namely A614, A645 & A1041 highlighted earlier. However, the minor roads included in the application will see considerable increases in traffic and use. This use is most likely going have several consequents on the road such as overrunning of the verge and possible structural damage to the road. Noted that some improvements have been included to protect the highway but would expect more than what has been shown within the application.

12.14. Whilst this a project will increase traffic the L.H.A understands that it is only temporary during the construction phase and therefore expects the developer to manage its work force to reduce the impact as much as possible and will expect the number of vehicular trips to reduce after the expected peak time. The project will be controlled by a construction traffic management plan (CMTP) and a construction workers travel plan (CWTP) which will be prepared by the developer and agreed with L.H.A to reduce the impact of traffic on the local road network.

12.15. The L.H.A has yet to agree the final content of these two documents however the impact on the highway network will be acceptable if the measures proposed in the CMTP and CWTP are both initiative and practical and implemented by Helios.

12.16. The site is not in a sustainable location in so far as travel to and from the site will be done primarily by vehicles but if the measures in the aforementioned documents are successful in reducing traffic impact on local road network both the travelling public and the developer will benefit. The CMTP and CWTP will be secured through the DCO for the project which will include the requirement of submission to and approval by the Local Planning Authority in consultation with the L.H.A.

12.17. Clearly the other way the developer hopes to control traffic on the network has been included in the draft DCO. The L.H.A would like more discussions on the process within this document over such things as traffic orders and Streetworks notices and length of maintenance periods along with any commuted sums to be secured. The L.H.A wishes to see the work on the highway controlled and not disrupt the traveling public any more than necessary. The access points created will be subject to inspection by the highway authority again this needs to be discussed and included in the draft D.C.O. The LHA has guidance on their construction and would expect the developer to use such design standards

### **Adequacy of the Application/DCO**

12.18. The L.H.A has considered the content of the Application and reviewed impacts likely to be experienced on the network.

12.19. The LHA is satisfied that the development can be managed on the surrounding network once further discussions with the developer are had. The proposal accords with national and local planning policies in respect to sustainable development.

12.20. The CTMP & CWTP framework documents required by the draft DCO are agreed in principle. The LHA requests that further discussion are necessary with regards to the proposed draft DCO requirements which will ensure if approval is gained the final traffic management and travel plans will be approved in consultation with the L.H.A prior to the commencement of the development. The work on the highway identified in draft DCO has not been agreed with the LHA.. This also relates to the A.I.L element of the project and final details will need to be considered on each request.

## **13. Public Rights of Way**

### **Relevant Local Plan Policies**

13.1. The relevant local planning policies are:

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

13.2. Chapter 10 of the Environmental Statement (document reference APP – 030) Figure 10.3 (document reference APP-098) shows the Public Rights of Way that run through or are near to the site.



### **Commentary**

- 13.3. While the draft DCO for the Proposed Development grants all necessary powers to temporarily stop up, alter or divert Public Rights of Way, (PRoWs) affected by the Proposed Development, a Public Rights of Way Management Plan is required. We would require one in order to demonstrate a planned approach to the management of Public Rights of Way during construction and to also mitigate the impacts of the development on the PROWs with the key aim of maintaining public safety while minimising disruption to users.
- 13.4. Ideally, we would like to see proposed management measures to ensure that PRoW would remain effectively open to users with Temporary Stopping Up, Management and the use of Diversions only used in identified locations and only where necessary to ensure continued safe use of the PRoW.
- 13.5. The following should be considered for the PRoW Management Plan:
- where PRoWs would be crossed by the Proposed Development
  - how PRoWs would be managed to ensure they remain safe to use,
  - disruption to the users of the PRoW is minimised.
  - The developer's method of identifying the impact on the affected Public Rights of Way
  - Pre-condition surveys of the PROW affected.
  - Time and duration of routes affected by the Temporary Stopping Up
  - Measures to prevent damage caused by the vehicle access and reinstatement.

### **Adequacy of the Application/DCO**

- 13.6. Article 14 (stopping up and vehicle access on Public Rights of Way) - In principle this is acceptable.
- 13.7. Article 20 — It is preferred for the developers to have a direct contact within the PROW team to liaise with regarding consent needed, to ensure the 28 days is met, as it is a short time scale if the developer is not directly dealing with the team needing to provide the consent.
- 13.8. Article 29 – rights under or over street – in principle this is acceptable.

## **14. Air Quality and Emissions**

### **Relevant local planning policies**

- 14.1. The relevant local planning policies are:

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

### **Key Local Issues**

- 14.2. Construction air quality mitigation measures, including a Dust Management Plan (DMP) and a monitoring regime, are included within the oCEMP (document reference APP-121). Construction activities are to be undertaken in accordance with best practice guidelines. regime.
- 14.3. Overall, the Authority is satisfied that the requested safeguards are in place.

## **15. Hydrology and Flood Risk**

### **Relevant national and local planning policies**

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

### **Commentary**

- 15.2. The Lead Local Flood Authority note the following documents:
  - Flood Risk Assessment (part 1 of 4), PFA Consulting, Dated June 2024.
  - Flood Risk Assessment (part 2 of 4), PFA Consulting, Dated June 2024.
  - Flood Risk Assessment (part 3 of 4), PFA Consulting, Dated June 2024.
  - Flood Risk Assessment (part 4 of 4), PFA Consulting, Dated June 2024.
- 15.3. Following assessing the information the LLFA understand that the site will utilise attenuation basins that will use flow control chambers fitted with remotely operated/automated penstock valves:
  - The surface water will then discharge to watercourses at a controlled rate.
  - Watercourse buffers will also be used to slow overland flow rates.
  - Swales will be incorporated to catch overland flow.

- Flood defence bunds will be constructed to reduce the fluvial flood risk.

15.4. The LLFA find this a suitable way to manage surface water on the site.

## **16. Ground Conditions**

### **Relevant Local Planning Policies**

- 16.1. The relevant local planning policies are:  
Selby District Council Policy ENV 2: Environmental Pollution and Contaminated Land.
- 16.2. Other local policy comprises:  
Selby District Council Contaminated Land Strategy.

### **Commentary**

- 16.3. Most of the site has remained in agricultural use apart from the easternmost area, which is currently used as a road, golf club and transformer station (associated with the adjacent Drax Power Station), and the pump house and associated tank near to the western border.
- 16.4. The Phase 1 Ground Conditions Assessment (June 2024) by Stantec identifies potential risks associated with possible contamination in limited areas of the site. An intrusive site investigation is recommended to characterise the conditions and clarify the risk.
- 16.5. Remediation, mitigation, or further tiers of assessment will be required if unacceptable risk is identified. It is likely that mitigation through the adoption of good working practices will reduce the risk to an acceptable level, so it is unlikely that significant risks to receptors would remain, therefore likely significant effects on land contamination from the proposed development are not anticipated.
- 16.6. Former RAF Burn Airfield is located approximately 200m to the west of the site, so there is a risk of unexploded ordnance (UXO). A detailed UXO desk-based threat assessment is required prior to breaking ground on the site.

### **Key Local Issues**

- 16.7. An intrusive site investigation and a detailed UXO desk-based threat assessment are needed to characterise the site, and to confirm the anticipated absence of contamination across the majority of the site.
- 16.8. If land contamination or a UXO risk is identified, it must be assessed and remediated/mitigated appropriately to protect human health, controlled

waters, and the wider environment.

### **Adequacy of Application/DCO**

- 16.9. The DCO does not specifically mention the requirements to carry out an intrusive site investigation and a detailed UXO desk-based threat assessment, and to remediate/mitigate any unacceptable risks. However, Section 3.2.c of Schedule 2 requires the submission and approval of the principles and assessments set out in the environmental statement, which could potentially cover this.
- 16.10. Land contamination is included within the requirements for a Construction Environmental Management Plan, a Decommissioning Environmental Management Plan, and a Soil Resource Management Plan. However, I would recommend that Section 4.2.h (Construction Environmental Management Plan) of Schedule 2 is edited to include consultation with North Yorkshire Council, in addition to the Environment Agency, on the protocol for dealing with any unexpected contamination identified during ground investigation or construction works.

## **17. Public Health**

### **Relevant National policies**

- 17.1. The relevant national policy is:
- a) National Planning Policy Framework
- 17.2. The relevant local plan policies are:
- a) Policy ENV1 of the Selby District Local Plan – Control of Development

### **Commentary**

- 17.3. There are a significant number of large-scale developments that have been proposed within close proximity to this development since the scoping of this application was undertaken. The Authority have continued to highlight the need to consider the impacts of the development upon the population and requested that the population of the locality including vulnerable populations be distinctly addressed, including the ageing population that is a key concern for North Yorkshire, and sensitive receptors such as schools, nurseries, and housing for older people. We need to recognise the degree to which the population living in older age is concentrating geographically in our area.
- 17.4. The World Health Organization defines health as, “a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity”. Public health, or population health, concerns the health of the human population in an area, which is influenced by environmental, social and economic factors as well as personal lifestyle choices. The places and the environments in which people live have a significant impact upon their

health, including thought the availability of high quality, safe and accessible walking, cycling routes and green spaces.

- 17.5. The Authority has raised a number of specific concerns relating to population and human health in the area to the applicant, including the high prevalence of childhood obesity in the application area of Camblesforth & Carlton wards.

*Physical and Mental Health*

- 17.6. In Camblesforth & Carlton ward, obesity among Year 6 children is 50.81% compared with 22.5% average in England and 19.4% average in NY. Overweight is 88.02% in C&C compared with Eng 36.6% and NY 33.8%. The proportion of obesity in Reception-aged children is also higher than UK & NY averages, but not as extreme. Reception obesity in C&C is 13.33% compared with NY 9.0% and Eng 9.9%. Reception overweight in C&C is 23.33% compared with NY 19.4% and Eng 22.6%. The Government and the Authority have a priority to reduce obesity levels; this involves a system-wide approach including measures to address physical inactivity. The application therefore needs to appropriately consider the potential impact the loss of high-quality landscape can have upon the population's obesity levels.
- 17.7. Access to high quality open spaces can support physical and mental health of the whole population, including (but not limited to) those with existing mental health conditions. Development can impact upon the mental health of individuals in many ways such as anxiety, worry and annoyance as a result of the development, loss of enjoyment of the area and the surrounding from degradation of the environment including changes to the physical appearance of the environment as well as other broader environmental factors such as noise. These factors and their impacts, independently or in combination, upon population and human health have not been considered adequately in the application.
- 17.8. Similarly, the loss of agricultural land for food production can impact upon the population's, and the nation's, future ability to grow and source food locally and sustainably.

*Aging Population*

- 17.9. The population of the North Yorkshire, and the Selby district, is older than the national average. The population over the time frame of the application is set to change with the population of over 85 age in Selby set to rise to 46% compared to an increase of 38% across the rest of North Yorkshire; both are significantly higher than the 32% across England. (Source JSNA [Power BI](#)). The impact upon the aging population is likely to be greater than the rest of the population and should be appropriately assessed.

*Sensitive receptors.*

- 17.10. The applicant has identified a number of sensitive receptors within proximity to the Application boundary. However no information is presented around the mitigation of the impacts that may occur, as the applicant hasn't undertaken

an assessment of the health impact of the development.

*Cumulative Impacts*

- 17.11. In-combination effects (intraproject effects) describe the combined effects of multiple changes in wider determinants of health from a single project and Cumulative effects (interproject effects) of concurrent or consecutive project and the compounding effect this has on the potential to impact upon the population and human health have not been appropriately considered.

*Assessment of Impact in the application*

- 17.12. The application is not accompanied by an appropriate assessment of the potential and likely impact of the proposal on the population, including a number of sensitive population groups therefore the applicant cannot accurately conclude that that the development does not identify and likely significant affects. The significance of effect on the population have been underplayed by the developer due to the absence of an appropriate assessment and consideration of baseline data. IEMA have published guidance on how to assess population and human health impacts. The IEMA guidance clear states that " The practice of solely relying on other EIA technical chapters to provide the coverage of human health (i.e. disparate discussion of health issues across the EIA Report), is not recommended and should not be the justification to scope out health in EIA". (source IEMA, November 2022). It is therefore considered that it is entirely reasonable and would have been possible for the applicant to have undertaken such an assessment prior to progressing to this stage.

- 17.13. The Applicant produced a summary of the ES chapters where there was reference to health as part of that ES topic (Population and Human Health Effects Summary, April 2024). No new information or assessment had been carried out and did not respond adequately to the recommendation of earlier responses made by the Authority.

- 17.14. Within the summary document, table 3.1, the applicant states that ' the solar farm would have very little influence on physical activity levels given that the development is not accessible to the public...' this assumption does not appropriately consider the impacts upon the enjoyment of the environment immediately surround in the application and those areas broader where the solar panels will be visible, changing the landscape and thus the potential enjoyment or the local environment.

- 17.15. The development therefore has the potential to impact upon the populations enjoyment and access to, through degraded low quality open space, which could result in low participation in physical activity. The area has limited sports facilities in the area therefore the need for good quality, open spaces, walking and cycling is essential in these communities. The significant change in landscape, by transforming views, and vistas, has the potential to influence and impact upon the enjoyment of the natural environment in the area. If people no longer enjoy their time outside they may choose not to participate in physical activity potentially impacting upon the population mental and

physical health. As there are limited leisure facilities in the areas and access to high-quality open spaces is crucial to the health, physical and mental, of the population. The applicant has not adequately addressed concerns of the impact upon population and human health in the application.

17.16. In addition, Table 3 of the summary document concludes that there is no significant effects on Diet and Nutrition. The development would result in a loss of agricultural land which is essential to the nation's ability to maintain a supply of food to the population. The applicant has not considered the national challenge for food security over the duration within this application and the applications potential to hinder future supply to meet national needs.

*Is the impact adequately addressed / mitigated in the application?*

17.17. The Application doesn't appropriately consider the issue; therefore it is not considered to be appropriately addressed.

*If not, what else should be done?*

17.18. The Authority, in early representation, highlighted concerns with the absence of an appropriate assessment of Population health, or the concerns of the population that have been identified within consultation responses. In response to this the Applicant should complete an appropriate Health Impact Assessment that openly considers the impacts on the development upon the community in which the application is being proposed and embed appropriate mitigation within the design and where this is not possible propose and implement alternative measures,

17.19. Furthermore, the applicant must ensure that potential impact upon vulnerable populations and mental health, such as worry and anxiety as well as the broader physical wellbeing impacts upon the communities is recognised and acknowledged as a potential impact arising from the development. When doing so the timeframe for human health should be different to other EIA chapters and the scale at which the impact is considered temporary is shorter than with other chapters and human health impacts can take time to reverse once the impact has ceased. The Authority recommended that effective community engagement to understand the communities and openly discuss the changes that will occur should be carried out to establish the base line for the assessment. The applicant should clearly set out how it will rectify and impact that occurs that has not been appropriately mitigated.

## **18. Agricultural Land**

### **Relevant National and Local Policies**

18.1. The relevant national planning policies are:



- a) Overarching National Planning Policy Statement (EN-1)
  - b) National Policy Statement for Renewable Energy Infrastructure (EN-3)
  - c) National Planning Policy Framework
- 18.2. The relevant local planning policies are:
- a) Policy SP18 of the Selby District Core Strategy Local Plan– Protecting and Enhancing the Environment
- 18.3. The Authority has reviewed the information supplied within Chapter 4 - Alternatives and Design Evolution (APP-024) and Chapter 14 – Soils and Agricultural Land (APP-034) of the Environmental Statement.
- 18.4. The Authority notes the applicant’s Agricultural Land Classification and the Outline Soil Management Plan.
- 18.5. The development will connect to the Drax national grid connection. Land around the grid connection contains extensive areas of Best and Most Versatile Land (BMV), within which the site is located. It is noted that the applicant has sought to locate the development in areas of lower soil quality however it remains that the development will be constructed on BMV.
- 18.6. The Authority seeks to understand better the site selection process, in particular whether there are alternative grid connections available in the UK and if so are these in areas where soil quality is not BMV. If there are alternatives, the Authority seeks to understand why the Drax connection was chosen and alternatives discounted.

## **19. Cumulative Impact**

- 19.1. The Authority notes that cumulative impacts are set out within Environmental Statement Chapter 15 – Cumulative Effects (document reference APP-035).
- 19.2. Chapter 15, para. 15.4.4 identifies a major/moderate adverse (significant) effect would remain as a consequence of the Proposed Development in combination with the cumulative schemes in respect of Landscape.
- 19.3. Cumulative benefits are identified for Biodiversity and Socio-Economics.
- 19.4. The cumulative impact of the proposed development on landscape and local communities has been set out in sections 8 (Landscape) and 17 (Public Health). The Authority would like to see further assessment and consideration of cumulative impact by the applicant, and how these impacts may be mitigated and offset.



## **20. Adequacy of the DCO**

- 20.1. The Authority has reviewed the draft DCO (document reference AS-007) and commented as to its adequacy on a topic-by-topic basis above. The Authority may continue to request alterations to the draft DCO as necessary as discussions between the parties continue.
- 20.2. Schedule 2, Part 2 sets out the procedure for the discharge of DCO requirements.
- 20.3. The Authority is in discussion with the applicant as to the adequacy of the timescales set out within Schedule 2 and will seek to resolve this through the Statement of Common Ground and further drafts of the DCO.