
EAST YORKSHIRE SOLAR FARM

**East Yorkshire Solar Farm
EN010143**

**DRAFT Statement of Common Ground between East Yorkshire
Solar Farm Limited and North Yorkshire Council**

Document Reference: EN010143/APP/8.6

The Infrastructure Planning (Examination Procedure) Rules 2010

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Statement of Common Ground

Signatures **FINAL VERSION TO BE SIGNED**

This Statement of Common Ground has been prepared and agreed by East Yorkshire Solar Farm Limited and North Yorkshire Council.

Helen Standing, NSIP Development Manager on behalf of East Yorkshire Solar Farm Limited

Date:.....

Signed:.....

Name, Position, on behalf of North Yorkshire Council

Date:.....

Signed:.....

1. Introduction and Purpose

1.1 Purpose of this Statement of Common Ground

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared to support an application (the Application) made to the Secretary of State for Energy Security and Net Zero for a Development Consent Order (DCO) under section 37 of the Planning Act 2008 (PA 2008) for the proposed East Yorkshire Solar Farm (the Scheme). The Application has been submitted by East Yorkshire Solar Farm Limited (the Applicant).
- 1.1.2 This SoCG has been prepared between (1) the Applicant and (2) North Yorkshire Council (NYC) (jointly referred to as the Parties).
- 1.1.3 NYC is a host local authority. The Grid Connection Corridor is located within NYC's boundary. NYC is listed as a prescribed consultee in Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 and so has been consulted through the preparation of the Application and following its acceptance.
- 1.1.4 The Examining Authority has requested that the SoCG include the following matters as set out in the Rule 6 Letter **[PD-002]**:
- a. An assessment of impacts within the Council's area, including (as relevant) matters relating to:
 - i. air quality;
 - ii. biodiversity, ecology and the natural environment including the effect on habitats, species and nationally designated sites;
 - iii. ground conditions and land contamination;
 - iv. historic environment including archaeology;
 - v. landscape and visual receptors;
 - vi. the living conditions of residents of the area;
 - vii. noise;
 - viii. employment and other socioeconomic factors;
 - ix. traffic, transport and public rights of way;
 - x. glint and glare;
 - xi. water environment, flooding and drainage;
 - xii. human health;
 - xiii. agricultural land and soils;
 - xiv. effect on trees, woodland and hedgerows;
 - xv. waste and minerals, including potential sterilisation of mineral extraction sites and decommissioning;
 - xvi. safety and fire risk.
 - b. The effect on European sites and features relevant to Habitat Regulations Assessment; assessment methodology and conclusions;

- c. An assessment of the Proposed Development's cumulative and in-combination effects with other nearby major developments;
 - d. An assessment of compliance with national and local planning policy relevant to the Proposed Development including the approach to consideration of alternatives;
 - e. Mitigation measures; including an assessment of their likely effectiveness, ongoing monitoring procedures and how mitigation will be secured within the DCO;
 - f. The Articles and Requirements of the draft DCO; and
 - g. Any other relevant matters.
- 1.1.5 It can be taken that any matters not specifically referred to in sections 2 and 3 of this SoCG are not of material interest or relevance to NYC's representations and therefore have not been considered in this document.
- 1.1.6 This SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the Parties, where agreement has not been reached (and that is the parties' final position) and where discussions are still ongoing. This SoCG will be revised and updated as discussions between the Parties progress during the Examination.

1.2 Description of the Scheme

- 1.2.1 The Scheme comprises the construction, operation (including maintenance) and decommissioning of a solar photovoltaic electricity generating facility with a total capacity exceeding 50 megawatts and export connection to the national grid, at National Grid's Drax Substation. A detailed description of the Scheme is included in Chapter 2: The Scheme, Environmental Statement Volume 1 which was submitted with the DCO Application [APP-054] and a description of the development to be authorised is set out in Schedule 1 of the draft DCO [AS-008].

1.3 Format of Document and Terminology

- 1.3.1 Section 2 of this SoCG summarises the engagement the Parties have had with regards to the Scheme.
- 1.3.2 Section 3 of this SoCG summarises the issues that are 'agreed', 'not agreed' or are 'under discussion'. 'Not agreed' indicates a final position where the Parties have agreed to disagree, whilst 'Agreed' indicates where the issue has been resolved. The Parties have also indicated the likelihood that agreement will be reached on each item.
- 1.3.3 Abbreviations used within the SoCG are provided in Table 1-1 below.

Table 1-1. Abbreviations

Abbreviation/Term	Definition
AIA	Arboricultural Impact Assessment
BPM	Best Practicable Means
BMV	Best and Most Versatile
CEMP	Construction Environmental Management Plan

CTMP	Construction Traffic Management Plan
DCO	Development Consent Order
DEMP	Decommissioning Environmental Management Plan
EMCR	Ecological Mitigation and Commitments Register
ERYC	East Riding of Yorkshire Council
ES	Environmental Statement
GP	General Practitioner
HDD	Horizontal Directional Drilling
ICCI	In Combination Climate Impact
IEMA	Institute of Environmental Management and Assessment
LEMP	Landscape and Ecological Management Plan
LVIA	Landscape and Visual Impact Assessment
NYC	North Yorkshire Council
PA	Planning Act 2008
PEI Report	Preliminary Environmental Information Report
PV	Photovoltaic
PPA	Planning Performance Agreement
PRoW	Public Right of Way
SAC	Special Area of Conservation
SoCC	Statement of Community Consultation
SoCG	Statement of Common Ground
SWMP	Surface Water Management Plan
TA	Transport Assessment
WSI	Written Scheme of Investigation

2. Record of Engagement

2.1 Record of Engagement

2.1.1 The tables below set out a summary of the meetings and correspondence between the Parties in relation to the Scheme.

Table 2-1 Schedule of Meetings and Correspondence

Date	Form of correspondence and attendees	Summary of topics discussed and outcomes
4 July 2022	Meeting (Teams)	Introduction to the Applicant and overview of proposals and current activities.
10 August 2022	Email	Email response from NYC confirming their approval of the scope of a WSI for the geophysical survey.
23 September 2022	Email	Email from the Applicant with information about launch of consultation and consultation events, with offer of briefing on the project.
18 October 2022	Meeting (Teams)	Programme update including key milestones and design work. Update on current and upcoming consultation activities and initial feedback arising from the non-statutory consultation. Update regarding environmental baseline work and surveys being undertaken. Planning policy update.
23 November 2022	Email	Email from the Applicant to agree scoping out of Minerals Safeguarding Areas from impact assessment, explaining that the Planning Inspectorate agreed to scope out Minerals Safeguarding Areas if agreed by ERYC and NYC (as Minerals Planning Authorities). Details of the Scheme and the rationale for scoping out (as set out in the Scoping Report) described along with policy description.
15 December 2022	Meeting (Teams)	Meeting to discuss Applicant's health assessment methodology and initial baseline findings.
15 December 2022	Meeting (Teams)	Meeting to discuss Applicant's consultation, SoCC, and design progress update.
19 January 2023	Email	Follow up to email from the Applicant dated 23 November 2022 as no response received to date. Purpose - to agree scoping out of Minerals Safeguarding Areas from impact assessment.

31 January 2023	Email	Email update from Applicant notifying NYC of May consultation launch and offer of pre-launch briefing
02 February 2023	Email	Email from the Applicant seeking advice and feedback from NYC regarding the selection of representative viewpoints to be used within the Landscape and Visual Impact Assessment chapter of the PEI Report for proposed solar PV sites on land to the north of Howden and around the village of Spaldington, and Grid Connection Corridor connecting the solar PV sites to Drax Power Station.
13 February 2023	Email	Email from the Applicant requesting a response from NYC on ES scoping note, in relation to traffic and transport chapter.
13 February 2023	Emails	Email from Applicant to NYC to update NYC on geophysical survey and request scoping opinion which wasn't included in NYC consultation response. NYC provided opinion/ comments within email.
14 February 2023	Email	Emailed from Applicant to check alignment of PRoW (PRoW) 35.47/1/1 in Selby near Drax
28 February 2023	Email	Email from NYC raising a safety query relating to a smallholder who has a parcel of land immediately North of Solar PV Area 1a.
07 March 2023	Email	Email from the Applicant clarifying the scope of Climate Chapter. The Applicant confirm that the ICCI assessment is being undertaken in parallel to the already proposed Climate Change Resilience Assessment which considers the direct impacts of climate change on the proposed development itself.
16 March 2023	Meeting	Water Environment meeting - discussed the project, water environment baseline, water receptor importance clarification, PEI Report summary including impacts and mitigation, and scoping opinion. It was agreed that the PEI Report will be issued on the 9th of May, and maps will be included within the PEI Report. The Applicant confirmed that ecological enhancement will be a part of the biodiversity net gain. NYC recommended the use of viewing screens rather than bird hides as these often lead to the anti-social behaviour.
17 April 2023	Email	Email from Applicant to notify councillors of the consultation launch date and the offer briefing.

28 April 2023	Meeting (Teams)	Project update meeting prior to Statutory Consultation.
03 May	Letter	Letter from the Applicant notifying NYC of the Section 42 Statutory Consultation period.
09 May 2023	Email	Email from the Applicant notifying NYC of the Section 42 Statutory Consultation period.
09 May 2023	Email	Email from the Applicant to confirm that: <ul style="list-style-type: none"> • the PEI Report will be sent on 9 May 2023 and that comments in relation to LVIA have been responded to; • there will be no overhead lines constructed as part of the Scheme; • areas of tree planting or woodland will be impacted as part of the underground cable route in proximity to Drax, although the potential need for vegetation removal will be refined and considered as part of the ES; • no landscape and visual likely significant effects are anticipated as a result of the scheme; • they would be happy to meet for further discussion.
10 May 2023	Email	Email from Applicant confirming dates of the S42 Statutory Consultation. The Applicant also requested details of who to send confidential details on Badgers and Barn Owls that were removed from the PEI Report.
11 May 2023	Teams	Meeting to discuss outline WSI for trial trenching and initial trial trenching layout. An action for the Applicant to issue WSI for approval.
16 May 2023	Email	Email from the Applicant with draft WSI attached for review by NYC.
25 May 2023	NYC Statutory Consultation Response	NYC Statutory Consultation Response, with comments relating to: <ul style="list-style-type: none"> Cumulative Effects Construction Noise Operational Noise Transport Ecology Landscape Heritage/Archaeology Public Health PRoW

31 May 2023	Email	Email from NYC responding to draft WSI for trial trenching to confirm they had no issues with it.
07 July 2023	Meeting (Teams)	<p>Update meeting with NYC planning to provide a summary of feedback received in response to the statutory consultation; discussed the feedback received from NYC officers; and explained the latest progress of environmental surveys and assessments.</p> <p>Discussion of key issues and responses including cumulative projects, transport, ecology, landscape, heritage, PRow, Public Health, Flood Risk.</p> <p>Update on the ES and surveys which had been undertaken.</p> <p>Update on the PPA.</p>
27 July 2023	Meeting (Teams)	Meeting to discuss Ecology. The Applicant provided an overview of the Scheme, and potential design changes following statutory consultation was provided. Feedback on the PEI Report was discussed. The Applicant provided updates on ecological surveys and approach to Biodiversity Net Gain.
01 August 2023	Meeting (Teams)	Meeting to discuss landscape and visual matters. Discussion of feedback on the PEI Report and the Applicant provided an update on how the LVIA is being progressed including the proposed viewpoints and photomontage locations.
02 August 2023	Meeting (Teams)	Meeting to discuss Human Health Assessment including: Definitions of short-term vs long-term effects Sensitive populations Safety along PRow's Effect on healthcare services and GP's Traffic Impacts – Access to Open Space and Active Travel, Social Cohesion and Neighbourhoods
02 August 2023	Meeting (Teams)	Meeting between the Applicant and NYC Public Health team to discuss their comments on the PEI Report human health assessment. Email with minutes and action points sent by Applicant on 10 August 2023.
16 August 2023	Meeting (Teams)	Meeting to discuss access proposals within the NYC area, specifically two access points near Drax, and one from A63 near the SAC. Also discussed during the meeting were optioneering and visibility splay requirements.

31 August 2023	Letter	Letter from the Applicant to NYC informing them of the Targeted Consultation period.
1 September 2023	Email	Email from the Applicant to NYC informing them of the Targeted Consultation period.
14 September 2023	Email	Email from the Applicant asking for feedback on draft access designs. The Applicant issued proposed access designs for consultation with NYC.
28 September 2023	Email	Email from NYC responding to proposed responses/changes to human health assessment based on meeting on 2 August 2023.
12 October 2023	Meeting (Teams)	Meeting between the Applicant and NYC highways. The Applicant provided updates on access design; discussion of access around A63; and a request from the Applicant for NYC highways to review and agree the access proposals
13 October 2023	Email	Meeting minutes and request for NYC highways to review access proposals.
09 November 2023	Email	Email from NYC highways agreeing to some access proposals and suggesting further requirements.
13 November 2023	Email	Email from the Applicant confirming that the requests from NYC highways have been agreed and included in the DCO plans to be submitted.
30 November 2023	Meeting (Teams)	Project update meeting following the submission of the DCO application.
24 January 2024	Letter	Letter from the Applicant notifying NYC of the Relevant Representation period.
25 January 2024	Email	Email from the Applicant notifying NYC of the Relevant Representation period.
01 February 2024	Email	Email from the Applicant sending meeting minutes and requesting feedback from NYC Highways.
20 February 2024	Meeting (Teams)	Project update to discuss application documents and next steps.
14 May 2024	Meeting (Teams)	Project update to discuss preparation of Local Impact Report and any issues arising.

3. Areas of Discussion between the Parties

3.1 Compliance with national and local planning policy, and consideration of alternatives

Table 3-1. Compliance with national and local planning policy, and consideration of alternatives

Ref	Relevant Application Document	Description of Matter	NYC Current Position	Applicant Current Position	Status
3.1.1	Relevant Representation	Policies within the emerging Local Plan	NYC state that in accordance with paragraph 48 of the NPPF, given the stage of preparation following the consultation process and depending on the extent of unresolved objections to policies and their degree of consistency with the policies in the NPPF, the policies contained within the emerging Local Plan can be given weight as a material consideration in decision making.	The policies contained within the emerging Selby District Council Local Plan Publication Version 2022 are considered important and relevant and are assessed in the Planning Statement [APP-233] .	Agreed.
3.1.2	Relevant Representation	Update to planning application in Shortlist of Cumulative Schemes	NYC state that a resubmission of ID64 in Volume 2, Appendix 17-1: Shortlist of Cumulative Schemes [APP-125] . ID64 has been made, planning reference ZG2023/0720/FULM, which should be included within the short list.	The Applicant notes the changes identified with regard to the shortlist, however these do not alter the cumulative assessment presented in Chapters 6 to 18 of the ES [APP-058, APP-059, APP-060, APP-061, AS-04, APP-063, APP-064, APP-065, APP-066, APP-067, AS-016, APP-069]	Agreed.

				and AS-018] therefore the short list will not be updated.	
3.1.3	Relevant Representation	Update to planning application in Shortlist of Cumulative Schemes	NYC state that the status of application ID74 in Volume 2, Appendix 17-1: Shortlist of Cumulative Schemes [APP-125] has evolved since the document was prepared. Whilst still pending decision, the application was taken to Strategic Planning Committee in January 2024 and there was a resolution to grant subject to conditions and negotiation and completion of a S106 agreement securing management and maintenance of off-site landscaping and sky lark plots.	The Applicant notes the changes identified with regard to the shortlist, however these do not alter the cumulative assessment presented in Chapters 6 to 18 of the ES [APP-058, APP-059, APP-060, APP-061, AS-04, APP-063, APP-064, APP-065, APP-066, APP-067, AS-016, APP-069 and AS-018] therefore the short list will not be updated.	
3.1.4	Relevant Representation	Long list	NYC state that the long list cannot be located.	The cumulative assessment is focused on assessing the impact of the developments which have the potential to generate significant cumulative effects. The long list of other developments initially identified for the cumulative effects assessment was provided with the Preliminary Environmental Information Report published for consultation in May 2023. As part of the development of the	Agreed.

				<p>ES, any developments of a nature or scale without the potential to result in likely significant cumulative effects were excluded, following discussion with the local planning authorities which included North Yorkshire Council and consideration of the likely zone of influence for each environmental topic. The long list of cumulative developments has informed the shortlist, which is presented in Appendix 17-1, ES Volume 2 [APP-125]). The long list itself was not included in the ES, given it was not considered to add value to the assessments.</p>	
<p>3.1.5</p>	<p>Section 42 Response to Statutory Consultation</p>	<p>Inclusion of cumulative schemes</p>	<p>NYC state that the following developments will need to be considered and the developer needs to undertake research to identify other projects which may impact on the project near to Drax.</p> <ul style="list-style-type: none"> • Drax Power Station Development Consent Order relating to a Carbon Capturing facility 	<p>All of the developments outlined by NYC have been considered as part of the ES, with the exception of Yorkshire Green project and developments on A645 between Knottingley and Eggborough, as they are outside of the 5km zone of influence as outlined in Chapter 17: Cumulative Effects and Interactions, ES Volume 1 [APP-069]. The Applicant also</p>	<p>Agreed.</p>

- Drax Solar Farm located on land south of A645 Wade House Lane, Drax
 - Camblesforth Solar Farm located on land north and south of Camela Lane
 - Yorkshire Green project
 - Battery installation near to Drax
 - Developments on A645 between Knottingley and Eggborough.
- identified other projects which may impact on the Scheme near to Drax, as set out within Chapter 17: Cumulative Effects and Interactions, ES Volume 1 **[APP-069]** which describes the assessment of Cumulative Effects and Effect Interactions.

3.2 Historic environment including archaeology

Table 3-2. Historic environment including archaeology

Ref	Relevant Application Document	Description of Matter	NYC Current Position	Applicant Current Position	Status
3.2.1	Relevant Representation	Identified heritage assets	NYC consider the relevant Listed Buildings and Scheduled Ancient Monuments that have been identified and the search area to be satisfactory.	The Applicant notes that NYC accept the search area and baseline of Listed Buildings and Scheduled Ancient Monuments set out in Chapter 7: Cultural Heritage, ES Volume 1 [APP-059] . Appendix 7-2: Cultural Heritage Desk-Based Assessment [APP-080] sets out the baseline and the search area is 1km from the Order limits for	Agreed.

				non-designated heritage assets, and 1km from the Grid Connection Corridor and Interconnecting Cable Corridor for designated heritage assets.	
3.2.2	Relevant Representation	Planning balance in relation to heritage harm	NYC state that the Grid Connection Corridor would result in disturbance to the setting and therefore the significance of some of the identified heritage assets during the construction phase. The proposal to introduce solar panels on mass coupled with their closeness to acknowledged heritage assets is considered to amount to harm to the setting and therefore significance of heritage assets. NYC state that as harm has been acknowledged the justification for these works and then in turn harm needs to be outweighed by the public benefit of the proposal.	<p>The Applicant notes that NYC accept that harm has been acknowledged, in the assessment of significance on designated and non-designated heritage assets, as set out in Chapter 7: Cultural Heritage, Volume 1 ES [APP-059] (see 3.2.3 below) which concludes that due to the temporary nature of the impact the effects, which range from negligible to minor adverse, are assessed to be not significant.</p> <p>An assessment of potential harm arising from the temporary construction activities is summarised in a Heritage Statement, which is presented in Appendix C of the Planning Statement [APP-233]. Section 6.10 of the Planning Statement [APP-233] discusses the heritage impacts and compliance with policy tests.</p>	Agreed.

This concludes that the significant public benefits of the Scheme presented in Section 5 and Section 6.2 of the Planning Statement clearly and demonstrably outweigh the temporary less than substantial harm to designated heritage assets by construction activities in their setting and the very small scale permanent harm to the non-designated asset of schedulable quality that would result from the Scheme. The Scheme, therefore, meets the heritage policy tests set out by NPS EN-1, and local planning policy.

The assessment of operational effects on designated heritage assets in section 7.7 of the ES **[APP-059]** (the closest listed building is located 1 km from the Solar PV Site) concludes that the land within the Order limits does not make an important contribution to their setting, and therefore to their heritage value. Furthermore, the site walkover and setting assessment detailed in section 4.3 of the Cultural

				<p>Heritage Desk-based Assessment [APP-080] confirms that the distances involved from the Solar PV Site, and the screening from intervening hedgerows, would preclude the operational Scheme introducing a magnitude of change that would detract from the listed buildings' settings. The assessment concludes there would be no impact and no effect, and therefore no potential for harm.</p>	
3.2.3	Relevant Representation	Assessment of heritage assets or archaeological interest	<p>NYC state that Chapter 7: Cultural Heritage, ES Volume 1 [APP-059], which is supported by Appendix 7-2: Cultural Heritage Desk-Based Assessment [APP-080], Appendix 7-3: Geophysical Survey Report [APP-081]; and Appendix 7-4: Archaeological Trial Trenching Evaluation Report [APP-082] represent an adequate assessment of the proposal on heritage assets of archaeological interest.</p>	<p>The Applicant notes that NYC accept the assessment of the Scheme on heritage assets of archaeological interest, set out in Chapter 7: Cultural Heritage, Volume 1 ES [APP-059], Appendix 7-2: Cultural Heritage Desk-Based Assessment [APP-080], Appendix 7-3: Geophysical Survey Report [APP-081]; and Appendix 7-4: Archaeological Trial Trenching Evaluation Report [APP-082].</p>	
3.2.4	Relevant Representation	Trial Trenching	<p>NYC state that whilst it would have been desirable to carry out trial trenching within North Yorkshire the proposal is limited to the cable connection meaning that very significant impact is not expected. NYC</p>	<p>These conclude that no significant effects would arise on</p>	Agreed.

			agree that whilst the cable connection may have a localised impact in places its linear nature will mean that it is unlikely to destroy an archaeological site in its entirety and should not prejudice our ability to understand such sites in the future.	archaeological sites in relation to the Grid Connection Corridor.	
3.2.5	Relevant Representation	Measures in the Framework Construction Environmental Management Plan (CEMP)	NYC are pleased to see that an Archaeological Clerk of Works will be appointed to oversee the implementation of the mitigation set out in the Framework CEMP [APP-238] .	The Applicant notes that NYC accept the measures set out in the Framework CEMP [APP-238] in relation to heritage assets of archaeological mitigation, which state that an Archaeological Clerk of Works will be appointed to oversee the implementation of mitigation.	Agreed.
3.2.6	Section 42 Response to Statutory Consultation	Scheme of Archaeological Evaluation	NYC state that an appropriate Scheme of Archaeological Evaluation is required prior to determination.	Agreement has been reached with NYC Principal Archaeologists that a staged programme of archaeological works can be undertaken following determination of the DCO, and will be secured through inclusion within an Overarching Written Scheme of Investigation for Archaeological Mitigation. This work would include evaluation by trial trenching and mitigation works where required. Particular concern regarding the	Agreed.
3.2.7	Section 42 Response to Statutory Consultation	Results of Geophysical Survey	NYC state that there may be less flexibility for design options for the Grid Connection Corridor should the geophysical survey identify deposits of significance. If significant anomalies are present then further evaluation is recommended in the form of trial trenching to establish the exact significance and the impact of the proposal upon this. The results of this		

work would be required as part of any planning submission in order for a reasonable decision to be made.

archaeological potential for that part of the Grid Connection Corridor immediately to the north of Hagthorpe Hall (MNY10603) has been addressed through additional assessment / consideration within the Cultural Heritage Desk-Based Assessment, Appendix 7-2, ES Volume 2 **[APP-080]**.

3.3 Biodiversity, ecology and the natural environment, and effect on trees, woodland and hedgerows

Table 3-3. Biodiversity, ecology and the natural environment, and effect on trees, woodland and hedgerows

Ref	Relevant Application Document	Description of Matter	NYC Current Position	Applicant Current Position	Status
3.3.1	Relevant Representation	Support for ecological assessment	NYC state that the approach to ecological assessment is supported as it follows current best practice guidance. NYC generally agree with the assessment which appears reasonable in terms of the location, type and scale of the proposed works.	The Applicant notes that NYC accept the approach to the ecological assessment set out in Chapter 8: Ecology, ES Volume 1 [APP-060] which follows current best practice guidance, and that they accept the assessment set out within it.	Agreed.
3.3.2	Relevant Representation	Support for BNG assessment	NYC are fully supportive of the intention of this project to provide a	The Applicant notes that NYC accept the intention of the Scheme	Agreed.

minimum of 10% biodiversity net gain in line with current guidance set out in the Environment Act 2021. NYC support use of the most up to date version of the Defra Biodiversity Metric in presenting data on biodiversity losses and gains. NYC state that the proposals for BNG should sit within a wider landscape and biodiversity strategy which has clear objectives and sets out how monitoring and management will be delivered in the long term.

to provide a minimum of 10% BNG, as set out in the Framework LEMP **[APP-246]**. The Biodiversity Net Gain (BNG) Assessment Report **[APP-243]** submitted with the application concludes that based on the current design of the Scheme, it is predicted that the Scheme will result in a net gain of 80.42% for area-based habitat units, a net gain of 3.99% for hedgerow units, and a net gain of 10.09% for watercourse units. This is likely to underestimate the actual BNG that will be achieved by the Scheme, as the assessment has been carried out based on maximum design principles. The Applicant therefore commits to achieving a minimum 10% BNG for all units and will demonstrate this via an updated BNG assessment prior to construction which is secured by Requirement 7 in Schedule 2 of the draft DCO **[AS-008]**.

The proposals for BNG sit within a wider landscape and biodiversity strategy which is set out in the Framework LEMP **[APP-246]** which will inform a detailed LEMP, to be secured by a Requirement 6 in

				Schedule 2 of the draft DCO [AS-008] and sets out objectives and how monitoring and management will be delivered long term.	
3.3.3	Relevant Representation	Securing measures to protect and retain existing vegetation	NYC state that detailed routing for the connection cables has been considered within the AIA [APP-102] and Tree Protection Report [APP-103] with red, yellow and green routing options being shown in detail, but these are not secured in the DCO.	The Applicant has updated the Framework LEMP as part of the Deadline 1 package of information to make it clear that areas of existing vegetation within the Grid Connection Corridor, specifically in proximity to Drax Power Station, will be retained and protected. The update sets out the measures to be undertaken to minimise impacts upon existing vegetation and hedgerows within the Grid Connection Corridor including, where possible, the reduction in working width to approximately 5 metres when the route passes through vegetation and hedgerows. The Applicant will determine the route of the Grid Connection Cables following trial trenching, as set out in the Overarching Written Scheme of Investigation (submitted to examination at deadline 1), and any ground investigation work is undertaken as described in Table 14 of the Framework CEMP [APP-238] . The update has also been	Under discussion.
3.3.4	Relevant Representation		NYC state that the DCO secures only broad principles for habitat reinstatement within a wider Proposed Cable Corridor, as shown on the Works Plans [APP-008] and on the Landscape Masterplan within the Framework LEMP [APP-246] .		
3.3.5	Relevant Representation		NYC state that the EMCR [APP-231] outlines commitments for protection and reinstatement of vegetation through Requirements 5 Detailed Design for Approval, Requirement 6 LEMP, requirement 6 CEMP, but these link only to the broader principles of the relevant Frameworks.		
3.3.6	Relevant Representation		NYC state that LV-03 within the EMCR set out minimum offsets for the layout of the scheme in order to protect woodland, hedgerows and individual		

3.3.7 Relevant Representation

trees, but it is assumed that this is meant within the layout for the PV Solar Site, rather the Grid Connection Corridor.

NYC have concerns which mainly relate to protection and retention of existing vegetation within the Grid Connection Corridor and the lack of certainty for this to be secured through the EMCR and DCO. NYC acknowledge that the scheme generally allows a Site with wide spatial working area for the installation of the Grid Connection Cables, typically 30m wide corridor, where this could be widened or narrowed in places to accommodate operations. NYC would wish to see greater certainty for protection and retention of existing vegetation and in the agreement of final routing options within the Grid Connection Corridor and a landscape framework capable of minimising potential vegetation loss and offsetting the wider cumulative effects.

made to the Landscape Masterplan presented at Appendix A of the Framework LEMP **[APP-246]** to illustrate the retention of existing vegetation. These updates are being submitted into the examination at deadline 1.

The protection of trees in relation to the route of the Grid Connection Cables is addressed in detail in Section 4.5 of the Arboricultural Impact assessment (AIA) report **[APP-102]** and this sets out how the design will be amended where possible to avoid cable routes or access routes incurring within the Root Protection Area (RPA) of retained tree features and where avoidance is not possible how it will be managed in principle. The final extent of incursions and the methodology for any such work will be detailed as part of an Arboricultural Method Statement which will be secured as part of the detailed CEMP. This is described in Table 6 of the Framework CEMP **[APP-238]**.

The detailed CEMP and a detailed LEMP will need to be approved post consent prior to construction by the relevant local authorities. These detailed management plans must substantially accord with the framework management plans the Applicant has prepared and this is secured by requirements in Schedule 2 to the Draft Development Consent Order **[AS-008]**.

The assessment within Chapter 10: Landscape and Visual Amenity of the ES **[APP-063]** has been undertaken on the assumption that areas of woodland along the Grid Connection Corridor such as those close to Drax Power Station will be retained and that the majority of hedgerows and trees, where practicable, would be retained or a section of approximately 5m would be removed, in accordance with the reduction of working width through vegetation and hedgerows being committed to by the Applicant. Within Chapter 10: Landscape and Visual Amenity of the ES **[AS-015]**, paragraph 10.5.83 states that the potential viewpoint to the south of

Drax, along New Lane would not experience views of the Grid Connection as a result of the retention of the mature vegetation located along Wren Hall Lane and Carr Lane.

The minimum offsets for the layout of the Scheme to protect woodland, hedgerows and individual trees detailed within the Framework LEMP **[APP-246]** and Environmental Mitigation and Commitments Register **[APP-231]** are relevant to the Scheme as a whole, unless otherwise specified.

3.3.8 /

Effect on European sites and features relevant to Habitats Regulations Assessment (HRA)

The methodology, impacts assessed, and mitigation proposed in relation to European sites and features relevant to HRA set out in Chapter 8: Ecology, ES Volume 1 **[APP-060]** and the HRA **[APP-244]** are considered acceptable.

Chapter 8: Ecology, ES Volume 1 **[APP-060]** and the HRA **[APP-244]** sets out the methodology, impacts and mitigation proposed in relation to European sites and features relevant to HRA. The Applicant's appropriate assessment, set out in the HRA **[APP-244]** concludes that the Scheme has the potential to result in the loss of arable land that is functionally linked to the Lower Derwent Valley SPA/Ramsar and Humber Estuary SPA/Ramsar. Therefore, mitigation in the form of Ecology Mitigation Areas will be

Under discussion.

delivered to offset the permanent loss of supporting habitat for golden plover and pink-footed goose under the operational footprint of the Scheme. A total of 28.75ha of mitigation habitat will be provided for Golden Plover and 15ha for pink-footed goose in the north west part of the Scheme. The establishment and long-term management of the Ecology Mitigation Areas are defined within and secured by the Framework LEMP **[APP-246]**. Overall, the HRA concludes that the Scheme would not result in adverse effects on the integrity of the Lower Derwent Valley SPA/Ramsar and Humber Estuary SPA/Ramsar

3.4 Landscape and visual receptors

Table 3-4. Landscape and visual receptors

Ref	Relevant Application Document	Description of Matter	NYC Current Position	Applicant Current Position	Status
3.4.1	Relevant Representation	Assumptions within the LVIA	NYC state that certain assumptions have been made within the LVIA, but it is not clear that a worse-case scenario has been taken into account for landscape, visual and cumulative	As set out in paragraph 10.4.1 of Chapter 10: Landscape and Visual Impact, ES Volume 1 [APP-062] the information presented in this assessment represents a realistic	Under discussion.

effects, and there is potential for important woodland and hedgerow vegetation to be cleared within the Grid Connection Corridor and around Drax Power Station.

worst case based on the Rochdale Envelope Approach (refer to Chapter 2: The Scheme, ES Volume 1 **[APP-054]**).

NYC state that there are contradictions between the parameters and level of detail considered in the assessments, and the wider principles assumed and secured through the DCO.

The Applicant has updated the Framework LEMP as part of the Deadline 1 package of information to make it clear that areas of existing vegetation within the Grid Connection Corridor, specifically in proximity to Drax Power Station, will be retained and protected. The update sets out the measures to be undertaken to minimise impacts upon existing vegetation and hedgerows within the Grid Connection Corridor including, where practicable, the reduction in working width to approximately 5 metres when the route passes through vegetation and hedgerows.

3.4.2 Relevant Representation Loss of vegetation

NYC state that the LVIA includes statements that no vegetation will be lost as a result of the scheme (e.g. paragraph 10.5.83 of the LVIA). However, trees and hedgerows are shown for removal on the Tree Protection Plans, and generally allowed within the DCO.

The Applicant will determine the route of the Grid Connection Cables following trial trenching, as set out in the Overarching Written Scheme of Investigation (submitted to examination at deadline 1), and any ground investigation work is undertaken as described in Table 14 of the Framework CEMP **[APP-238]**. The update has also been made to the Landscape Masterplan presented

3.4.3 Relevant Representation Inconsistencies in landscape features, and lack of commitment and detail on vegetation removal works and mitigation

NYC state that proposed and existing landscape features between the plan and plan key are also confusing, inconsistent and unclear, and landscape mitigation and principles shown on the Landscape Masterplan are minimal in content and lacks commitment given the overall scale of the Works. NYC state that the plans provide no explanation of how

potential clearance works would be minimised, mitigated or reinstated.

at Appendix A of the Framework LEMP **[APP-246]** to illustrate the retention of existing vegetation. These updates are being submitted into the examination at deadline 1.

The protection of trees in relation to the route of the Grid Connection Cables is addressed in detail in Section 4.5 of the Arboricultural Impact assessment (AIA) report **[APP-102]** and this sets out how the design will be amended where possible to avoid cable routes or access routes incurring within the Root Protection Area (RPA) of retained tree features and where avoidance is not possible how it will be managed in principle. The final extent of incursions and the methodology for any such work will be detailed as part of an Arboricultural Method Statement which will be secured as part of the detailed CEMP. This is described in Table 6 of the Framework CEMP **[APP-238]**.

The detailed CEMP and a detailed LEMP will need to be approved post consent prior to construction by the

relevant local authorities. These detailed management plans must substantially accord with the framework management plans the Applicant has prepared and this is secured by requirements in Schedule 2 to the Draft Development Consent Order **[AS-008]**.

The assessment within Chapter 10: Landscape and Visual Amenity of the ES **[APP-063]** has been undertaken on the assumption that areas of woodland along the Grid Connection Corridor such as those close to Drax Power Station will be retained and that the majority of hedgerows and trees, where possible, would be retained or a section of approximately 5m would be removed, in accordance with the reduction of working width through vegetation and hedgerows being committed to by the Applicant. Within Chapter 10: Landscape and Visual Amenity of the ES **[APP-063]**, paragraph 10.5.83 states that the potential viewpoint to the south of Drax, along New Lane would not experience views of the Grid Connection as a result of the retention of the mature vegetation

				located along Wren Hall Lane and Carr Lane.	
3.4.4	Section 42 Response to Statutory Consultation	LIVA methodology	NYC are generally supportive of an LVIA methodology undertaken to Guidelines for Landscape and Visual Impact Assessment 3. This should also include photography based on current Landscape Institute guidance on 'Visual Representation of Development Proposals'.	The Applicant notes that NYC accept the methodology undertaken in Chapter 10: Landscape and Visual Impact, ES Volume 1 [APP-062] which has been undertaken using current guidance.	Agreed.
3.4.5	Section 42 Response to Statutory Consultation	Representative Viewpoints	NYC state that the quantity and location of representative viewpoints should be agreed with the Planning Authority. The principle of using representative viewpoints to illustrate the experience of different types of visual receptor is acceptable, however the assessment should aim describe and assess the full effects of the development (not limited to a summary of viewpoints) and to explain the scale and geographical extent of effects.	The location of representative viewpoints was agreed with North Yorkshire County Council and Selby District Council (the relevant local authorities at that time) in an email dated 3 February 2023 and subsequently agreed in the pre-application engagement undertaken through the PEI Report and statutory consultation process. An additional viewpoint on Wren Lane near to Drax was requested by North Yorkshire Council in a meeting on the 1 August 2023 subject to the removal of woodland at this location. As no vegetation is to be removed at this location this viewpoint has not been included in Chapter 10: Landscape and Visual Amenity, ES Volume 1 [APP-062] . This sets out the scale	Agreed.

and geographical extent of the effects for visual receptors.

3.5 Noise and vibration

Table 3-5. Noise and vibration

Ref	Relevant Application Document	Description of Matter	NYC Current Position	Applicant Current Position	Status
3.5.1	Relevant Representation	CEMP and Requirement 11	<p>NYC acknowledge that a CEMP is secured through DCO requirement 11 and, amongst other BPM measures, there is prior commitment to restrict core working hours to between 07:00 and 19:00 Monday to Friday, 07:00 and 13:00 Saturday and not at all on Sundays and Bank Holiday. NYC state that there is a caveat for emergency works which should be clearly defined in the CEMP.</p> <p>NYC state that overall, taking into account the aforementioned, there are no objections relating to construction noise/vibration impacts.</p>	<p>The Applicant notes that NYC accepts the measures set out in the Framework CEMP [APP-238] which sets out BPM measures to mitigate against construction impacts. It also sets out that core working hours for the Scheme are between 07:00 and 19:00 Monday to Friday, 07:00 and 13:00 Saturday and not at all on Sundays and Bank Holiday, except for in an emergency. This will be set out in the detailed CEMP and secured by a requirement in Schedule 2 of the draft DCO [AS-008].</p>	Agreed.

3.5.2	Relevant Representation	Operational noise receptors	NYC do not envisage significant operational noise/vibration impacts at receptors R37 and R38 due to distances from noise-generating fixed plant installations	The Applicant notes that NYC accept that no significant residual operational noise effects are identified at receptors R37 and R38 as set out in Chapter 11 Noise and Vibration, ES Volume 1 [APP-063] .	Agreed.
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3.6 Traffic, transport and public rights of way

Table 3-6. Traffic, transport and public rights of way

Ref	Relevant Application Document	Description of Matter	NYC Current Position	Applicant Current Position	Status
3.6.1	Section 42 Response to Statutory Consultation	Support for the Scheme	NYC as Local highway Authority has been consulted and is supportive of the project and pleased for an opportunity to comment on the application.	The Applicant notes NYC's Local Highway Authorities support of the project.	Agreed.
3.6.2	Relevant Representation	Framework CEMP	NYC as the local highway authority expects to be involved in the process of amending the Framework CEMP [APP-238] allowing the authority to comment on all aspects of the project when considering its impact on the highway.	The Applicant will continue to engage with North Yorkshire Council on highway matters. A detailed CTMP (which must substantially accord with the Framework CTMP [APP-113]) will need to be approved post consent prior to construction with the relevant local authorities which	Agreed.

				includes North Yorkshire Council. The detailed CTMP is secured by requirement 13 in Schedule 2 to the draft Development Consent Order [AS-008] .	
3.6.3	Relevant Representation	Construction phase traffic within NYC	NYC agrees that the construction phase of the project will generate the most traffic and that construction of the solar farm within East Riding will create the most impact to the public highway. The construction may last for approximately 18 months and at peak times generate 500 vehicle trips per day over the whole site hence the Authority understands the impact to be low on the network within North Yorkshire.	The applicant notes that NYC accepts the methodology and assessment conclusions of Chapter 13: Transport and Access, ES Volume 1 [APP-065] which state that no significant residual effects are anticipated at any receptors within North Yorkshire.	Agreed.
3.6.4	Relevant Representation	Likely traffic figures within NYC	NYC acknowledge that it is expected that vehicles used for construction will operate outside the peak times on the network further reducing any impact. They state that the applicant has stated that up to 75 HGVs per day will deliver equipment and materials to all the compounds within the scheme area. NYC state that no clear figures of the likely traffic generated by the project	The TA at Appendix 13-4, ES Volume 2 [APP-112] provides a breakdown of the daily traffic generated during the peak construction phase, at the identified Automatic Traffic Count locations which are identified at paragraph 4.3.2 of the TA. Details of construction traffic numbers are provided within Appendix 13-2 Traffic Flow Diagrams [APP-110] . The specific traffic survey location sites that indicate construction traffic flows within NYC are ATC 1,	Agreed.

within North Yorkshire have been provided.

ATC 7, ATC 17, ATC 18 and ATC 19. Construction Worker, Construction HGV and Construction Tractor-Trailer movements at these locations over a 24-hour period are shown on pages 9, 10 and 11 of Appendix 13-2 Traffic Flow Diagrams [APP-110]. Movements during the network peak hours of 08:00-09:00 and 17:00-18:00 are shown on page 19 and movements during the peak construction hours of 06:00-07:00 and 19:00-20:00 are shown on page 24.

3.6.5	Relevant Representation	Access point mitigation measures	<p>NYC state that the project within North Yorkshire will construct new accesses points which join the adopted highway all shall be design to the Councils standards. NYC does not wish to see loose material on or near the highway or debris of any kind. NYC seek over running of the verge to be avoided where possible and repaired as directed by the local highway authority when necessary. Once removed the local highway authority expects all points of access to be returned to grass verge or landscape as necessary.</p>	<p>The Framework CEMP [APP-113] and Framework LEMP [APP-246] include measures to ensure that works to the highway does not result in any material or debris, or over running of the verge.</p> <p>The Framework LEMP [APP-246] states that the working widths of the Grid Connection Cable any associated temporary accesses, construction compounds and at open cut watercourse crossings will be reinstated as soon as practicable following completion of construction activities, with the</p>	Agreed.
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land being returned to its previous use and condition.

In respect of loose material and debris, the Applicant can confirm that wheel washing facilities will be provided within each Construction Compound as reported in Section 5.3.12 of the Framework CTMP **[APP-113]**, with the access bellmouth surfacing specification to be agreed as part of detailed design.

Pre and post construction road condition surveys will be undertaken at identified locations in coordination with the relevant Local Highway Authority, as referenced in Section 5.2 of the Framework Construction Traffic Management Plan **[APP-113]**.

The Framework CTMP **[APP-238]** will be developed further by the appointed contractor in consultation with the relevant highway authorities including North Yorkshire Council post consent prior to construction to secure the proposed commitments

				<p>and mitigation measures. This detailed CTMP is secured through requirement 13 of Schedule 2 of the draft DCO [AS-008] and must substantially accord with the Framework CTMP.</p>	
<p>3.6.6</p>	<p>Section 42 Response to Statutory Consultation</p>	<p>Details within the CTMP</p>	<p>NYC state that the local highway authority would also request that the following points will need to be considered.</p> <ul style="list-style-type: none"> • Evidence that other routes have been considered and discounted e.g., across fields (where the road is to be used) etc where it could be installed with directional drilling • Dilapidation survey of the existing highway • Method of implementation, open cut / drilling • Construction vehicles / kit and how is the site to be accessed where drilling it in adjacent fields and what is the impact on the highway • Reinstatement details, e.g., half/whole road width, step details of the reinstatement • Section 50 application • Street Work notification 	<p>The points raised by NYC have been given consideration. Evidence that other routes have been considered and discounted is set out in Chapter 3: Alternatives and Design Evolution, ES Volume 1 [APP-055] and all other points are included within the Framework CTMP [APP-113], which will inform a detailed CTMP, to be secured by a requirement in Schedule 2 of the draft DCO [AS-008]. The document produced is a 'framework' report and provides detailed instruction for the construction contractor to allow them to develop their own CTMP. This includes instruction to the contractor to produce additional required information, as listed.</p>	<p>Agreed.</p>

- TM plans, e.g., Road closure, 2way lights etc
- Programme
- Hours of working, off peak/overnight etc
- Does any work outside the highway have an impact on the highway operation?

3.6.7	Section 42 Response to Statutory Consultation	Maintaining access to PRow	<p>NYC are pleased that all existing PRow will be maintained and that the intention is that all PRow will be kept open, although some brief intermittent traffic management may be necessary. They state that if there is any change to this intention it must be clear that ANY need for a temporary diversion (or closure) of a PRow can only be done by a Temporary Traffic Regulation Order, and there is a lead-in time for such Orders to be processed.</p>	<p>The applicant notes that NYC accepts the proposals set out in Chapter 13: Transport and Access, ES Volume 1 ([APP-065]) that all existing PRow within the Solar PV Site will have maintained access within the Solar PV Site throughout construction.</p> <p>One PRow (ref 35.47/1/1) associated with the Grid Connection Corridor, which is a footpath to the south-eastern extent of the PRow, will be diverted for approximately 120m. The diversion will run alongside the current footpath and will only last approximately 2-3 weeks, as set out in the Framework PRow Management Plan [APP-245].</p>
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Agreed.

				Works to divert PRoW will be undertaken under the power of the DCO (see Article 11), in consultation and agreement with the local authority as street authority.	
3.6.8	Section 42 Response to Statutory Consultation	Temporary alteration of PRoW	<p>Section 2.6.76 of Chapter 13: Transport and Access of the PEI Report states that “<i>PRoW will remain open (anticipated to be managed through traffic management measures) although routes may be slightly altered temporarily, for example moving from one side of a road to the other as works are completed.</i>”</p> <p>NYC note that PRoWs cannot be ‘slightly altered temporarily’ without a legal Order, and authorisation of the relevant local Authority.</p>	<p>Chapter 13: Transport and Access, ES Volume 1 ([APP-065]) states that where PRoW routes may be temporarily slightly altered, e.g., moving footpaths from one side of a road to the other, or minor diversions to PRoW around crossing points, these will be managed with traffic management measures set out within the Framework PRoW Management Plan [APP-245] which will inform a detailed PRoW Management Plan which will be secured by the DCO and agreed with the local authority.</p> <p>Works to divert PRoW will be undertaken under the power of the DCO (see Article 11), in consultation and agreement with the local authority as street authority.</p>	Agreed.
3.6.9	Section 42 Response to	Claimed PRoW	<p>NYC state that there is also a ‘claimed’ PRoW, labelled SEL/2020/01/DMMO. The route is subject of a formal</p>	<p>Reference to this ‘claimed’ PRoW has been added to Section 12.5 of Chapter 12: Socio-Economics and</p>	Agreed.

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application to be added to the Definitive Map as a public bridleway. This route should be considered as being a PRow, and be protected in the same way as a PRow, although it is not (yet) currently formally recorded.

NYC are advised that this route is currently in use by pedestrians and horse riders. This route crosses the Grid Connection Pipeline ‘corridor’. NYC seek assurance that the public will not be prevented from using this route, or that a Temporary Traffic Regulation Order will be arranged.

Land Use, ES Volume 1 [APP-064] since the PEI Report. Should this ‘PRow be adopted, it will be managed in accordance with a detailed PRow Management Plan, which will be substantially in accordance with the Framework PRow Management Plan [APP-245]. It will remain open throughout the construction period, but it is likely that a localised diversion will need to be established for a short period during the period of cable installation in the vicinity of the “claimed PRow”

3.7 Socio-economics, human health and the living conditions of local residents

Table 3-7. Socio-economics, human health and the living conditions of local residents

Ref	Relevant Application Document	Description of Matter	NYC Current Position	Applicant Current Position	Status
3.7.1	Section 42 Response to Statutory Consultation	Methodology	NYC acknowledge that the Methodology (in the human health chapter of the PEI Report) is in line with the IEMA Guide to Determine Significance for Health 2022 and this is welcomed.	The Applicant notes that NYC accepts the methodology set out in Chapter 14: Human Health of the PEI Report, which has informed Chapter 14: Human Health, ES Volume 1 [APP-066].	Agreed.

3.7.2	Section 42 Response to Statutory Consultation	Provision of GP's	<p>NYC comment on the effects upon Health Care services during the construction phase, and question how realistic using The Ridings Group is as the baseline primary care provision when there are many closer GPs in e.g. Goole.</p>	<p>The patient to GP ratio has been updated between the PEI Report and the ES with more accurate data regarding the number of GPs at Bubwith Surgery, rather than the Ridings Medical Group, as provided by NYC. This is presented in Chapter 14: Human Health, ES Volume 1 [APP-066].</p>	<p>Agreed.</p>
3.7.3	Section 42 Response to Statutory Consultation	Assumptions on duration of impact	<p>NYC state that the IEMA Guidance states that the length of time an effect occurs is a key consideration for health and states that an appropriate reference period for duration should be applied. However, no clear definition has been set out in the PEI Report and its assumption that a 2-year construction period is 'short-term' would seem inappropriate. The construction period is expected to continue for 2 years, during which time the effects would be greatest, and repeated again at the decommissioning stage, which is also 2 years.</p> <p>NYC state that a more appropriate time frame would be that 0 – 12 months is defined as short-term, 1 – 10 years is medium term, and 10 years and beyond (including the decommissioning) defined as long term. The assessment</p>	<p>To inform the ES, a meeting was held (2 August 2023) with North Yorkshire Council with the purpose of discussing the comments received on the Human Health Assessment presented in the PEI Report. Additional information was requested from North Yorkshire Council by the Applicant to progress the assessment, which was received on 28 September 2023 and has been incorporated into Chapter 14: Human Health, ES Volume 1 [APP-066].</p> <p>The Applicant explained that the duration of impact is one of several factors used in determining magnitude and that a short duration of impact does not automatically result in a 'negligible' result.</p>	

should be repeated with these time frames applied.

Definitions relating to the duration of effects have been included in the assessment. Construction and decommissioning phase effects are considered to be short-term and temporary, as these phases are expected to take 24 months and many effects will not last the duration of this period. Operational phase effects are considered to be short-term, medium-term, reversible long-term or permanent effects, using the definitions set out in paragraph 14.7.75 of this chapter.

3.7.4	Section 42 Response to Statutory Consultation	Further assessment	NYC raised the possibility of undertaking further Human Health assessment prior to decommissioning to further inform mitigation measures at that time.	The Framework DEMP [APP-240] which was submitted with the DCO Application and is secured by Requirement 18 in Schedule 2 of the draft DCO contains a commitment to undertake a validation exercise, which would comprise checking/confirming the baseline and impacts prior to decommissioning to ensure the mitigation in the DEMP is adequate and delivers no worse than the significance of effect presented in the ES.	Agreed.
3.7.5	Section 42 Response to	Consideration of vulnerable sub-populations	NYC welcome the recognition of the higher sensitivity of the elderly population group, but are disappointed	The sensitivity of more vulnerable sub-populations, including the elderly and those who have long-	Agreed.

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to see that this demographic profile doesn't seem to have been appropriately considered when making assumptions and drawing conclusions in relation to impacts upon Public Health. NYC also seek consideration of the sensitivity of the population who have long-term health issues or disabilities more when drawing conclusions around significance of effects

term health issues or disabilities has been considered within the Assessment of Likely Impacts and Effects of Chapter 14: Human Health, ES Volume 1 **[APP-066]**. These differing sensitivities have been considered when drawing conclusions around significance of effects, in line with the 2022 IEMA Guidance.

High sensitivity populations have been considered with reference to the effects on healthcare services, other social infrastructure, access to open space and active travel and social cohesion and neighbourhoods. The Equality Impact Assessment **[APP-248]** also addresses impacts on age and disability groups.

3.7.6	Section 42 Response to Statutory Consultation	Wider determinants of health	NYC state that when considering the wider determinants of health, the PEIR does not appear to consider how child obesity, smoking, life expectancy and rates of respiratory disease may be impacted by the Scheme.	The sensitivity of the population has been assessed in section 14.7 (Assessment of Likely Impacts and Effects) of Chapter 14: Human Health, ES Volume 1 [APP-066] using baseline data, including child obesity, smoking rates, life expectancy and rates of respiratory disease. A more vulnerable sub-population has been identified as
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Agreed.

				having a high sensitivity, which includes those who have long-term health issues and who are more elderly. These differing sensitivities have been considered when drawing conclusions around significance of effects, in line with the 2022 IEMA Guidance.	
3.7.7	Section 42 Response to Statutory Consultation	Assumptions of assessment of likely effect	NYC acknowledge that the assessment concludes that the population in the Study Area have better than average health, relative to regional and national comparators and as such, are less likely to be highly sensitive to health-related impacts. NYC question these assumptions as the paragraphs identify a proportion of the population that are highly sensitive to health-related impacts and therefore NYC would welcome the acknowledgement of these within the assumed conclusion.	The sensitivity of more vulnerable and sensitive sub-populations, including the elderly and those who have long-term health issues or disabilities has been considered within the Assessment of Likely Impacts and Effects of Chapter 14: Human Health, ES Volume 1 [APP-066]. These differing sensitivities have been considered when drawing conclusions around significance of effects, in line with the 2022 IEMA Guidance.	Agreed.
3.7.8	Section 42 Response to Statutory Consultation	Consideration of health risks and duration of effects	NYC acknowledge that the report identifies some highway routes are likely to experience significant traffic severance as a result of the high level of traffic generated from the Site. Furthermore, the assessment highlights the potential for fear and intimidation of road users and accidents and safety.	The sensitivity of receptor and magnitude of effects associated with the Scheme are assessed in line with the 2022 IEMA Guidance. Definitions relating to the duration of effect are set out within the Assessment of Likely Impacts and Effects section of Chapter 14: Human Health, ES Volume 1 [APP-066]. High sensitivity populations	Agreed.

NYC welcome the conclusion that residents could experience adverse impacts from the Scheme. However, NYC state that the report doesn't appear to have considered the heightened risk to those most sensitive to health impacts, nor appropriately assessed the magnitude of these effects on the population due to the perceived short-term duration. When considered in the context of a medium-term duration, coupled with the sensitivity of the population who require to use the roads to access healthcare, or receive health and social care, NYC state that the conclusion would more appropriately be Moderate (significant).

have been considered with reference to the effects on access to healthcare services, other social infrastructure, access to open space and active travel and social cohesion and neighbourhoods. As set out in Chapter 13: Transport and Access, ES Volume 1 **[APP-065]**, with embedded mitigation in place there is only one link that would experience potentially significant effects and the actual predicted increase per hour/minute on this link is relatively small during the peak hours of construction.

3.7.9	Section 42 Response to Statutory Consultation	Severance and isolation	NYC state that Chapter 13 of the PEIR states that HGV vehicles will generate 50 HGV vehicle movements per day. Add that to the traffic generated from the staff accessing the site at the start and end of the day, which was stated to be 400 staff on site, there is a potential to cause a significant impact to communities. Impacts of severance would be not just in terms of isolation but also from essential services such as Emergency Services vehicles and Health and Social care providers attending to clients not being able to get	The sensitivity of receptor and magnitude of effects associated with the Scheme are assessed in Chapter 14: Human Health, ES Volume 1 [APP-066] in line with the 2022 IEMA Guidance. Severance impacts have been considered with reference to effects on healthcare services, social infrastructure, access to open space and active travel, access to employment and training and social cohesion and neighbourhoods.
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Agreed.

there in time to perform the required duties. NYC state that a more realistic conclusion would be to assess the impact as moderate adverse.

Chapter 14: Human Health within the Environmental Statement [APP-066] concludes that no significant adverse effects are identified with regards to human health.

3.8 Water environment, flooding and drainage

Table 3-8. Water environment, flooding and drainage

Ref	Relevant Application Document	Description of Matter	NYC Current Position	Applicant Current Position	Status
3.8.1		Water environment, flooding and drainage	The methodology, impacts assessed, and mitigation proposed in relation to the water environment, flooding and drainage set out in Chapter 9: Flood Risk, Drainage and Water Environment, ES Volume 1 [APP-061] are considered acceptable.	Chapter 9: Flood Risk, Drainage and Water Environment, ES Volume 1 [APP-061] sets out the methodology, impacts assessed, and mitigation proposed in relation to the water environment, flooding and drainage. This concludes that with proposed temporary mitigation measures implemented as part of the detailed CEMP and DEMP there are no significant adverse effects predicted upon receptors with regards to flood risk during construction or decommissioning phases of the Scheme. Given design mitigation set out in the Framework OEMP [APP-239] which	Under discussion

will inform a detailed OEMP to be secured by a requirement in Schedule 2 of the draft DCO [AS-008], there are no significant adverse effects predicted upon receptors with regard to flood risk during the operation of the Scheme.

A Framework Surface Water Drainage Strategy, Appendix 9-4, ES Volume 2 [APP-098] has been prepared detailing appropriate surface water drainage management for the Scheme to avoid increased flood risk from surface water by ensuring volumes and peak flow rates of surface water leaving the Site are no greater than the rates prior to the proposed Scheme being implemented. Following agreement with the Ouse and Humber Internal Drainage Board (IDB), drainage requirements for the Scheme were limited to the Grid Connection Substations. A detailed Surface Water Drainage Strategy is secured through requirement 9 of the draft DCO [AS-008]

3.9 Agricultural land and soils

Table 3-9. Agricultural land and soils

Ref	Relevant Application Document	Description of Matter	NYC Current Position	Applicant Current Position	Status
3.9.1		Agricultural land and soils	The methodology, impacts assessed, and mitigation proposed in relation to agricultural land and soils set out in Chapter 15: Soils and Agricultural Land, ES Volume 1 [APP-067] are considered acceptable.	Chapter 15: Soils and Agricultural Land, ES Volume 1 [APP-067] presents the methodology, impacts assessed, and mitigation proposed in relation to agricultural land and soils as a result of the Scheme. This is supported by soil surveys and data which are provided at Appendix 15-2, ES Volume 2 [APP-117] and Appendix 15-3, ES Volume 2, [APP-118] . The chapter concludes that overall, the Scheme has sought to minimise the use of BMV where practicable and where this is used, this is justified. The local and national legislation and policy used in the assessment of the likely significant effects of the Scheme on soils and agricultural, including BMV land, is detailed in Appendix 15-1 [APP-132] .	Under discussion

3.10 Other environmental topics

Table 3-10. Other environmental topics

Ref	Relevant Application Document	Description of Matter	NYC Current Position	Applicant Current Position	Status
3.10.1	Relevant Representation	Ground conditions and land contamination	<p>NYC state that Chapter 16: Other Environmental Topics, ES Volume 1 [AS-016] and the Phase 1 Preliminary Risk Assessment Report provide a good overview of the site’s history, its setting, and its potential to be affected by contamination. NYC consider the proposal to carry out intrusive site investigation and GQRA in the areas of potential contamination to be acceptable.</p> <p>If contamination is found, appropriate remediation/mitigation measures will be required to manage the potential risks from land contamination. Following implementation of these measures, NYC agree that no significant effects associated with ground conditions are likely.</p>	<p>The Applicant notes that NYC accept the methodology and assessment set out in the Ground Conditions assessment in Chapter 16: Other Environmental Topics, ES Volume 1 [APP-068] and the Phase 1 Preliminary Risk Appendix 16-3, ES Volume 2 [APP-123], which proposes limited intrusive investigation to confirm the findings of the assessment which may be included as part of geotechnical scope of works, with an intrusive site investigation and Generic Quantitative Risk Assessment proposed in the areas of potential contamination.</p> <p>The Framework CEMP [APP-238] presents outline mitigation measures for the unlikely event if contamination were to be identified onsite, which will be built upon in the detailed CEMP post consent. The detailed CEMP is secured by</p>	Agreed.

				Requirement 11 in the draft DCO, which requires that it must substantially accord with the framework CEMP.	
3.10.2	Section 42 Response to Statutory Consultation	Air quality	NYC state that overall, the mitigation measures are proportionate and, while there may be some dust effects experienced during the construction phase, the proposed measures are consistent with what we would expect. For example, routine dust monitoring, stockpile management, suppression/dampening down etc. NYC can confirm that there are no objections in relation to Air Quality matters so far as this department's interests are concerned.	The Applicant notes that NYC accept the mitigation measures set out in Chapter 17: Other Environmental Topics of the PEI Report, which has informed Chapter 17: Other Environmental Topics, ES Volume 1 [APP-069] , in relation to Air Quality.	Agreed.
3.10.3		Glint and glare	The methodology, impacts assessed, and mitigation proposed in relation to glint and glare set out in Chapter 16: Other Environmental Topics, ES Volume 1 [AS-016] are considered acceptable.	Chapter 16: Other Environmental Topics, ES Volume 1 [AS-016] and supporting Appendix 16-2 Glint and Glare Assessment, ES Volume 2 [APP-112] provides an assessment of glint and glare effects of the Scheme. It states that embedded mitigation, particularly the technology proposed, which is single axis tracker panels, is considered adequate to avoid likely significant effects on glint and glare in relation to PRow, residential, road or rail receptors, users of the	Under discussion

3.10.4	Safety and fire risk	The methodology, impacts assessed, and mitigation proposed in relation to safety and fire risk set out in Chapter 16: Other Environmental Topics, ES Volume 1 [AS-016] are considered acceptable.	River Derwent and Ouse, and Runway 28 at Brighton Airfield.	Under discussion
3.10.5	Waste	The methodology, impacts assessed, and mitigation proposed in relation to waste set out in Chapter 16: Other Environmental Topics, ES Volume 1 [AS-0161] are considered acceptable.	Chapter 16: Other Environmental Topics, ES Volume 1 [AS-0161] sets out the arrangements that are proposed for managing any waste produced by the Scheme, in accordance with the waste hierarchy, and is accompanied by a	Under discussion

			<p>Framework Site Waste Management Plan, Appendix 16-4, ES Volume 2 [APP-124]. The Framework SWMP sets out measures to support the Scheme during construction in moving waste up the waste hierarchy and meeting other legal, policy and best practice requirements and will inform a detailed SWMP to be secured by a requirement in Schedule 2 of the draft DCO [AS-008]. Chapter 16: Other Environmental Topics, ES Volume 1 [AS-016] concludes that there would be no significant impacts relating to materials and waste during construction, operation or decommissioning.</p>	
<p>3.10.5</p>	<p>Minerals</p>	<p>The methodology, impacts assessed, and mitigation proposed in relation to minerals are considered acceptable.</p>	<p>Chapter 12: Socio economics and land use, ES Volume 1 [APP-064] and Appendix 12-2 Communications with Minerals Planning Authorities, ES Volume 2 [APP-108] explain that the impact of the Scheme on minerals was scoped out of the EIA in agreement with the NYC Mineral Planning Authority. An assessment of the Scheme’s impact on minerals is set out in section 6.14 of the Planning Statement [APP-233] which concludes that the Scheme</p>	<p>Under discussion</p>

would not impact mineral resources and safeguards mineral resources within the Order limits by not preventing the extraction of mineral in the future after any decommissioning has taken place.

3.11 Draft DCO (including requirements in the Draft DCO)

Table 3-11. Draft DCO

Ref	Relevant Application Document	Description of Matter	NYC Current Position	Applicant Current Position	Status
3.11.1	Section 42 Response to Statutory Consultation	Discharge of Requirements	NYC would be looking for an 8 week discharge of requirements period.	There will be an 8 week period for discharging requirements, as set out in Schedule 16 of the draft DCO [AS-008] .	Agreed.
3.11.2		Articles and Requirements in the draft Development Consent Order	NYC agree with the Articles and Requirements set out in the draft Development Consent Order [AS-008] .	The draft Development Consent Order [AS-008] sets out Articles and Requirements which determine how the Scheme will be delivered.	Under discussion

3.12 Cumulative and in-combination impacts

Table 3-12. Cumulative and in-combination impacts

Ref	Relevant Application Document	Description of Matter	NYC Current Position	Applicant Current Position	Status
3.12.1	Relevant Representation	Certainty of protection and retention of vegetation	<p>NYC state that there are a number of large energy projects planned in the study area utilising the connection to the National Grid Substation at Drax. Some of these are in proximity to and overlap with this DCO Application site boundary. Collectively these have potential to radically change land use within several km radius of the Grid connection point at Drax Power Station, for a long-period of time (40+ years).</p> <p>NYC note that the existing landscape infrastructure, woodlands and hedgerows is extremely important in screening the existing development at Drax Power Station and in helping to mitigate, screen and buffer the effects of existing and proposed energy-related development in this area.</p> <p>NYC state that replacement planting would take many years to become established if this had to be replaced</p>	<p>The Framework LEMP [APP-246] states that the Grid Connection Corridor has been designed to minimise disturbance of existing vegetation and where selective vegetation removal is required, replacement planting will be reinstated, where practicable.</p> <p>It also states that where impacts to hedgerows are anticipated, to enable construction access, where practicable these existing areas of hedgerow will be coppiced rather than removed to facilitate works, such as for construction access visibility splays. Where this is not practicable, any impacted area of hedgerow will be replanted where feasible upon completion of construction. This will also apply to cabling works which require temporary hedgerow removal.</p>	Under discussion.

and reinstated. They state that there is potential for ongoing erosion of the landscape baseline in this area over a number of years, therefore NYC would wish to see greater certainty for protection and retention of existing vegetation and in the agreement of final routing options, recommend that the landscape strategy should consider a landscape framework capable of minimising this erosion and offsetting the wider cumulative effects.

An update to the Framework LEMP **[APP-246]** has been provided to highlight areas of vegetation within the Grid Connection Corridor, specifically in proximity to Drax Power Station, that would be retained and protected. The update sets out the measures to be undertaken to minimise impacts upon vegetation and hedgerows including, where practicable, the reduction in working width to approximately 5m through vegetation and hedgerows. The final alignment of the Grid Connection Cable will be determined post-consent during detailed design stage and following completion of further surveys, as set out in the Written Scheme of Investigation and the ground investigation report. The Framework LEMP **[APP-24]** will inform a detailed LEMP which will be secured by a requirement in the draft DCO **[AS-008]**.