



**East Riding Solar Farm  
Development Consent Order**

**Local Impact Report  
North Yorkshire Council**

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## **1.0 Introduction**

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

## **2.0 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 Volume 1, Chapter 2 of the Environmental Statement (document reference App-054)

### **Purpose and structure of the LIR**

- 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 Authorities consider the proposed development accords with the relevant planning policies and any potential local impacts of the development.
- 2.5 Key issues identified by the Authorities 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 Authorities, 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 Authorities 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).

### **3.0 Description of the Area**

- 3.1 The LIR relies upon the Applicant's description of the site and surrounding area as set out in Volume 1, Chapter 2 of the Environmental Statement (document reference App-054)

### **4.0 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 Security and Net Zero, published January 2024), the National Policy Statement for Renewable Energy and Infrastructure (EN-3) Department for Energy Security and Net Zero, published January 2024) and the National Policy Statement for Electricity Networks Infrastructure (EN-5) Department for Energy Security and Net Zero, published January 2024).

- 4.3 This represents the primary policy basis for the determination of the Application.

### **National Planning Policy Framework**

- 4.6 The National Planning Policy Framework (NPPF) was originally adopted in March 2012 and most recently updated in December 2023. 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.
- 4.7 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**

- 4.8 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).
- 4.9 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

4.10 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 EMP10 Additional Industrial Development at Drax and Eggborough Power Stations
- j) Policy T1: Development in Relation to the Highway Network
- k) Policy T2: Access to Roads
- l) Policy T7: Provision for Cyclists
- m) Policy T8: Public Rights of Way
- n) Policy CS6: Development Contributions to Infrastructure and Community Facilities

4.11 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**

- 4.12 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.
- 4.13 Paragraph 48 of the NPPF states that weight may be given to relevant policies in emerging plans according to: a) the stage of preparation; b) the extent to which there are unresolved objections to the policies; and c) the degree of consistency of the policies to the Framework. Given the stage of the emerging Local Plan, the policies contained within it are attributed limited weight and as such are not listed in this report.
- 4.14 The North Yorkshire Local Plan is at an early stage of preparation and no weight can be applied in respect of this document.

## **Other Relevant Policies/Guidance**

- 4.15 Other relevant policies/guidance include:

a) Selby District Council Contaminated Land Strategy 2019-2024

## **5.0 Assessment of Impacts**

- 5.1 The following sections identify the relevant 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 Authorities 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.

## **6.0 Principle of Development**

### **Relevant Local Planning Policies**

- 6.1 The relevant local planning 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
  - e) Policy EMP10 of the Selby District Local Plan - Additional Industrial Development at Drax and Eggborough Power Stations



- 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.
- 6.7 Policy EMP10 of the Local Plan is specific to development at Drax Power Station and is generally supportive of proposals related to the operation of the Power Station, subject to consideration of local environmental impacts.

### Adequacy of Application/DCO

- 6.8 The Application identifies the relevant local planning policies within the Development Plan against which the application is to be assessed.
- 6.9 The Authorities are in agreement that the principle of the proposed development is supported by the relevant local planning policies within the Development Plan.

## **7.0 Noise and Vibration**

- 7.1 **Noise and Vibration.** While the literature captures 55 noise-sensitive receptors for assessment, please note that I have only considered those within the boundary of North Yorkshire Council in my response (R37 & R38).
- 7.2 **Construction Noise/Vibration.** Existing background sound levels are well defined (Appendix 11-3: Baseline Noise Survey ref: EN010143/APP/6.2 [N16]) and support the alignment of BS5228-1:2009+A1:2014 Category A noise threshold values with the lowest observed adverse effect level (LOAEL) (Table 11-6). Construction noise is assessed and predicted to adhere to LOAEL at R37 & R38 (Table 11-13), which was derived through noise modelling of input data set out within Appendix 11-4: Construction and Operational Noise Assessment ref: EN010143/APP/6.2. A Construction Environmental Management Plan (CEMP) is secured through DCO requirement 11 and, amongst other Best Practicable Means (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. There is a caveat for emergency works which should be clearly defined in the CEMP. Overall, taking into account the aforementioned, there are no objections relating to construction noise/vibration impacts.

- 7.3 **Operational Noise/Vibration.** Significant operational noise/vibration impacts at receptors R37 and R38 are not envisaged due to distances from noise-generating fixed plant installations.
- 7.4 The Framework Construction Environmental Plan EN010143/APP/7.7 is acceptable but as identified with the Framework a more detailed specific Construction Environmental Management Plan will be required once greater detail is known and such to include the management of both noise and dust.

## 8.0 Landscape

- 8.1 We refer you to our previous Landscape Comments to the DCO submission, response 05 March 2024.
- 8.2 The Applicant has provided further comments and explanation to our points previously raised but this does not alleviate or resolve the concerns.
- 8.3 The provision for tree and vegetation protection within the Applicant's submission is uncertain, convoluted across multiple documents and lacks clarity.
- 8.4 Our main concerns are that there is no specific requirement for the Applicant to proactively develop the detailed design within the Grid Connection Corridor in order to protect and retain existing vegetation; and insufficient clarity for reinstatement or to contribute to Green Infrastructure.
- 8.5 There is no clear overall description of the 'works' linked to the areas shown on the Works Plan adding to this lack of clarity.

- 8.6 Where tree loss may be unavoidable within the Grid Connection Corridor, the provision for reinstatement, tree replacement and compensatory mitigation is insufficiently explained or allowed for in the Framework Landscape Masterplan, or how this might be linked to the wider requirements and provision of green infrastructure within the Grid Connection Corridor.
- 8.7 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 effects, and there is potential for important woodland and hedgerow vegetation to be cleared within the Grid Connection Corridor and around Drax Power Station as a consequence of the detailed design stage and wide parameters allowed within the Order Limits.
- 8.8 For example, 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 within the Arboricultural Impact Assessment.
- 8.9 We would wish to see greater certainty for protection and retention of existing vegetation, the agreement of final routing options within the Grid Connection Corridor to actively protect vegetation, and a landscape framework capable of minimising potential vegetation loss and actively providing and supporting green infrastructure within the Grid Connection Corridor.
- 8.10 Given the sensitivity and value of the existing landscape framework around Drax Power Station we would recommend that tree protection is actively considered at the detailed design stage and that this should be a specific requirement of the DCO.

- 8.11 There should be an Arboriculturist specifically appointed in the CEMP responsible for tree protection during construction.
- 8.12 All vegetation and trees to be retained within the Grid Connection Corridor should be clearly shown on Framework Landscape Masterplan Drawings in the LEMP.
- 8.13 For a development of this scale we would also expect to see clear provision of green infrastructure actively applied within the whole of the application area. Specific areas for this should be identified on a plan within the Grid Connection Corridor and secured through the DCO. This would give confidence that further landscape and arboricultural impacts could be sufficiently mitigated at detailed design stage.
- 8.14 Notwithstanding the criteria used by the Applicant within the EIA to determine 'significant effects' other adverse effects should not be ignored particularly where it is reasonable and possible to reduce these through 'good design'. Overarching National Planning Policy Statement for Energy (EN1) chapter 4.6 sets out criteria for 'good design' and acknowledges the benefits of 'good design' in mitigating the adverse impacts of a project.
- 8.15 Selby DC policy SP12 states "In all circumstances opportunities to protect, enhance and better join up existing Green Infrastructure, as well as creating new Green Infrastructure will be strongly encouraged, in addition to the incorporation of other measures to mitigate or minimise the consequences of development".

- 8.16 Selby falls within the Leeds City Region Green Blue Infrastructure Strategy area. GI is also defined in the NPPF.
- 8.17 Proposals should incorporate green infrastructure capable of delivering a range of environmental and quality of life benefits. We would recommend that the Principles of Green Infrastructure are aligned with Natural England's Green Infrastructure Principles of 'What', 'Where' and 'How'. Link to Natural England's Green Infrastructure Principles and the England Green Infrastructure Mapping:  
<https://designatedsites.naturalengland.org.uk/GreenInfrastructure/Principles/GIPrinciples.aspx>

#### Responses in Relevant Representations

- 8.18 The Applicant has provided further comments and explanation to our points previously raised within RR- 282 of Relevant Representations, and makes reference to the Framework LEMP, Framework CEMP, the Arboricultural Impact Assessment and LVIA.

#### Framework LEMP (DCO Requirement 6):

- 8.19 The LEMP deals with protection of existing vegetation and trees retrospectively to the detailed design stage focussing mainly on the area of the solar panels and interconnective cables, rather than the Grid Connection Corridor.
- 8.20 A Framework Landscape Masterplan is included at Appendix A of the LEMP, but this inaccurately shows existing trees within the Grid Connection Corridor and makes no specific provision to mitigate potential loss or as a contribution to Green Infrastructure in the area associated with the Grid Connection Corridor and the area around the Drax Substation.

8.21 There are some stated standoff distances for woodland tree and hedgerow protection in the LEMP (para 4.2.4), but it is unclear that these are embedded in the Scheme design within the Grid Connection Corridor since this is contradictory to the general layout, findings Arboricultural Impact Assessment, and that Detailed design approval is subject of a separate requirement. There is no reference to a reduced 5m working width, as suggested in the RR.

Framework CEMP (DCO Requirement 11):

8.22 Paragraph 2.4.1 of the CEMP specifically excludes mitigation by design, deferring this to the Design Principles Statement.

8.23 Within Chapter 2 of the CEMP, there is no specific provision for an Arboriculturalist and responsibilities for tree protection.

8.24 Table 5 of the CEMP refers to specific mitigation offsets applied to layout of the scheme, but these seem intended for the area of the solar panels and not apparent for the Grid Connection Corridor. There are similar offsets reiterated in the LVIA but these are not secured as a detailed design requirement in the DCO.

8.25 Table 6 within the CEMP sets out mitigation for Arboriculture but defers the final assessment of arboricultural impacts as part of the detailed CEMP (post DCO stage).

8.26 Details for trial trenching and further investigation works referred to in Table 14 (Ground Conditions) make no provision for vegetation or tree potential impacts or protection.

Detailed design and requirements for vegetation and tree protection in the Draft

DCO:

8.27 Requirement 5 (Detailed design approval) makes no provision for protection of existing vegetation and trees:

- Requirement 5(1) makes no provision for details of vegetation and tree protection or details of a soft landscaping scheme.
- Requirement 5 (2) states that “*The details submitted must accord with the outline design principles statement.*” The Outline Design Principles Statement (ODPS)

8.28 The scope of works within the Order Limits for the Grid Connection Corridor are defined on the Works Plan (Application Document Ref. APP-008). The Grid Connection Corridor within North Yorkshire is shown on Sheets 21 and 22. Works within the Grid Connection Corridor are:

- Works No. 3 – to lay electrical cables and compounds for the electrical cables
- Works No. 7 – works to facilitate access (There is no clear overall description of these ‘Works’ linked to the areas shown on the Works Plan).

The Outline Design Principles Statement (ODPS) (DCO Requirement 5 (2)):

8.29 Works No. 7 relating to works facilitating access are specifically not included in Table 1 of the ODP Statement and makes no provision for vegetation and tree protection.

8.30 Works No. 3 relating to laying of cables and compounds for the electrical cables but makes no provision for vegetation and tree protection.

Environmental Mitigation and Commitments Register (EMCR):

8.31 Vegetation and tree protection are generally linked in the EMCR to Requirements 5, 6 & 11 in the DCO:



- Requirement 5 (Detailed Design for Approval) does not directly refer to vegetation and tree protection.
- Requirement 6 (LEMP), requirement 11 (CEMP) deal only with protection and mitigation of vegetation and trees retrospectively, rather than being used as a guiding design principle.
- Requirement 13 (Construction traffic management plan) in the DCO does not make specific provision for vegetation and tree protection. Where the construction traffic management plan is referred in the EMCR for Heritage, it incorrectly refers to Requirement 15 (Soil Management Plan).

## 9.0 Ecology

### Relevant Local Planning Policies

9.1 The authority considers that the relevant local plan policies are:

Selby District Local Plan

ENV1– Control of Development

ENV9 – Sites of Importance for Nature Conservation

ENV11 – Ancient Woodland

ENV12 – River and Stream Corridors

ENV13 – Development Affecting Ponds

Selby District Core Strategy Local Plan

SP18 - Protecting and Enhancing the Environment

### Impacts upon European Designated Sites in North Yorkshire

9.2 The authority defers to Natural England with regards to the conclusions of the shadow Habitat Regulations Assessment (sHRA) and the proposed mitigation measures set out within the sHRA and the Framework Landscape and Ecological Management Plan (LEMP).

### Key Local Issues

- 9.3 Within the boundary of North Yorkshire lies the cable route for connection to Drax. The habitats located within North Yorkshire are predominantly agricultural. Arable farmland and pasture with drainage ditches, water courses and some hedgerows.
- 9.4 The main impacts associated with the grid connection works involve the temporary loss/disturbance of habitats during construction and the disturbance of species during installation and reinstatement of the grid connection corridor. There are proposals in place to minimise these impacts through good design and inclusion of measures within the Construction Environmental Management Plan (CEMP). A Framework CEMP has been submitted (APP-238, ref 7.7).

### Biodiversity Net Gain (BNG)

- 9.5 The application presents a BNG assessment (ref 7.11 documents APP-242 and APP-243) which demonstrates that the project, based on the current plans, is likely to result in a net gain of 80.42% for area-based habitat units, a net gain of 3.89% for hedgerow units, and a net gain of 10.09% for watercourse units. The assessment sets out that this is likely to be an underestimate and additional net gain is likely to be realised through the detailed design phase.
- 9.6 The Framework Landscape and Ecological Management Plan (APP-246, ref 7.14) is provided to demonstrate the proposed habitat creation and reinstatement and proposals for the management and monitoring across the scheme.

### Adequacy of Application/DCO (AS-008)

- 9.7 Schedule 2 of the draft DCO includes Requirements which will require submission of further details, in relation to ecological matters those include:

Requirement 6 – Landscape and Ecological Management Plan

Requirement 7 – Biodiversity Net Gain

Requirement 11 – Construction Environmental Management Plan (CEMP)

- 9.11 It is considered that the above requirements are sufficient to secure the biodiversity avoidance and mitigation measures set out within the ES Chapter 8 in relation to habitat and species protection and biodiversity net gain for the aspects of work that fall within North Yorkshire.

## 10.0 Heritage

### Relevant Local Planning Policies

10.1 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

10.2 The landscape surrounding Drax Power Station has been subject to various archaeological assessments in connection with previous and current infrastructure developments. These have identified archaeological deposits from the later prehistoric and Roman periods. These deposits are likely to have formed part of a wider landscape of rural land use, settlement and burial during these periods. There is also archaeological potential for medieval activity connected to recorded settlements at Brackenholme and Haggthorpe along with features peripheral to the former Drax Abbey including a trackway. The construction of the cable connection may therefore have an impact on archaeological remains.

### Adequacy of Application

- 10.3 The Environmental Statement includes a Chapter on the Historic Environment (Chapter 7). This chapter is supported by an archaeological desk-based assessment (Appendix 7.2) and the results of archaeological geophysical survey (Appendix 7.3). There is a report on archaeological trial trenching (Appendix 7.4) but this falls outside of the North Yorkshire Council area. Together, these documents represent an adequate assessment of the proposal on heritage assets of archaeological interest.
- 10.4 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. It is also fair to say that the geophysical survey has not revealed any anomalies that appear complex or of high significance. 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.
- 10.5 In addition, large areas adjacent to the river are likely to have considerable accumulations of largely sterile alluvial silts and other expected archaeological features are limited to drainage and agriculture associated with the medieval and later use of the landscape. Although of interest these types of remains are not of such significance as to warrant a higher level of assessment.
- 10.6 The Framework Construction Environment Management Plan submitted with the DCO includes proposed mitigation in relation to heritage assets of archaeological interest. I am pleased to see that an Archaeological Clerk of Works will be appointed to oversee the implementation of this mitigation. I am currently working with the design team to agree an archaeological written scheme of investigation which should form an appropriate level of mitigation proportionate to the expected significance of the deposits to be agreed as one of the scheme requirements.

## 11.0 Highways and Transportation

### Introduction

- 11.1 Work within North Yorkshire is confined to the grid connection corridor crossing fields near to Long Drax and the site of the existing Drax power station. The operation enters North Yorkshire to the east of Hemmingborough crossing the River Derwent near Hagthorpe Hall and then crosses the A63 Hull Road.
- 11.2 At this point the developer wishes to create a new access on the southern verge of the A63 and construct a compound store near to this location creating a new access on a unadopted minor road to the north of A63.
- 11.3 The grid connection corridor then heads south crossing the River Ouse near Drax Abbey Farm. After this point new accesses are to be created on Pear Tree Ave Carr Lane and New Road again to allow the corridor to access Drax Power Station which connects the project to the National Grid. A compound is to be form near Drax abbey Farm.
- 11.4 The authority, as before wishes to continue to work with developer if the project is approved by planning inspector. The L.H.A believes the developer will agree to this approach, mindful that Traffic orders and street work notices will be required to undertake the work on the network although some of this work will fall to sections within any DCO prepared for the scheme. .

### Impact on the road network.

- 11.5 As highlighted before the construction may last for approximately 18 months and at peak times generate 500 vehicle trips per day over the whole site and the Authority agrees that the impact will be low on the network within North Yorkshire.

- 11.6 The applicant has stated that up to 75 HGVs per day will deliver equipment and materials to all the compounds within the scheme area. To reduce any impact it is expected that vehicles used for construction will operate outside the peak times
- 11.7 The developer now highlights that some 400 people will be working on the project to begin with dropping to 225 people across the whole project. As recently highlighted traffic volumes expected near to the either the compounds or access points within North Yorkshire are likely to be very low and although some increase in HGV movements is expected throughout the day vehicles numbers as they will generally operate outside of peak times.
- 11.8 Traffic volumes included in the appendix 13 -2 shows traffic flows generated by the project will be minor and therefore the highway authority believes if construction traffic is managed correctly and these flows are correct the small increase in traffic on the network is acceptable.

#### Access Points

- 11.9 The project within North Yorkshire will include for the construction of new accesses points which join to the adopted highway. All shall be designed to the North Yorkshire Councils standards or as shown in the Design Manual for Roads & Bridges The Authority does not wish to see loose material on or near the highway or debris of any kind and each access shall have a harden pull off are set back into the developers land. Over running of the verge must be avoided where possible and repaired as directed by the L.H.A when necessary.
- 11.10 Once the project is complete the L.H.A expects all points of access to be returned to grass verge or landscape as necessary if not required beyond the construction phase. A.I.L are expected to access either Drax power station or Compound E along the A645 and New Road and the L.H.A will expect to be consulted at each stage to effectively manage the road network.

11.11 The developer has provided a framework construction management plan which as the project progresses will need amending to manage the project. North Yorkshire Council as L.H.A expects to be involved in this process allowing the authority to comment on all aspects of the project when considering its impact on the highway.

## **12.0 Public Rights of Way**

12.1 NYC is pleased to see that the PRowS have been taken into account within their proposals, both in NYC's area as affected by the Grid Connection Pipeline 'corridor', and more widely as affected by the actual solar farm in ERYC's area "all existing Public Rights of Way (PRow) will be maintained ...." and that the intention is that all PRowS will be kept open, although some brief intermittent traffic management may be necessary. Of course 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.

12.2 It is stated "These 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." We would remind the Applicant that PRowS cannot be 'slightly altered temporarily' without a legal Order, and authorisation of the relevant local Authority.

12.3 The Applicant will be aware that it is an offence to disturb or obstruct a public right of way; if any works undertaken adjacent to, or on a PRow, will disturb the surface or create an obstruction, either permanent or temporary,

permission needs to be obtained from North Yorkshire Council prior to these works been undertaken. If as a result of the works public access cannot be maintained an application for a temporary closure order would need to be made. Likewise if there is any potential health and safety risks to the public using a route while works are being undertaken an application to temporary close the footpath would need to be made.

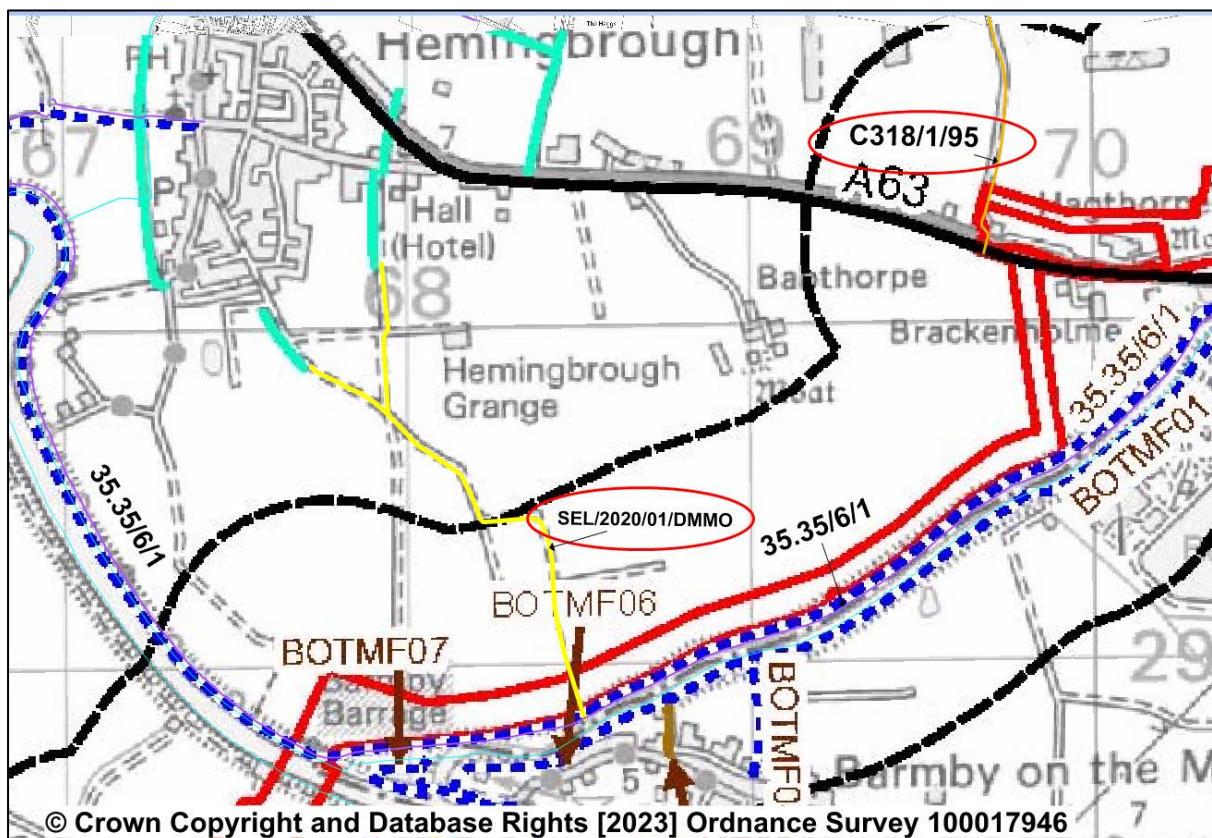
12.4 It is advisable for the Applicant to take photographs of the routes before works commence and again after the works are completed, such that they hold evidence that any route is in at least as good a condition after the works, as it was before.

12.5 It is noted that with North Yorkshire Council's area there are 3 Prows and 2 C Roads within the Grid Connection Pipeline 'corridor': and with reference to the map extract below:

- To N of the River Ouse along the river bank: Public Footpath 35.35/6/1 crosses the corridor and lies either within or alongside the Grid Connection Corridor, all along the W side of the River Derwent to the A63. It is stated within Section 2.6.77 that "... Furthermore, PRoW running parallel to the River Derwent are not within the Site Boundary and will be avoided"....., from which we understand that public access along this footpath will not be affected during any stage of the works and that there will be a wide enough zone between any works and the public footpath to ensure public safety.
- To N of the A63 : FP 35.35/9/1 lies with red 'Site Boundary'/ Grid Connection Corridor. Again we understand that public access along this footpath will not be affected during any stage of the works and that there will be a wide enough zone between any works and the public footpath to ensure public safety.



- C Road - C318/1/95 is not shown on the Plan Figure 2.2 within the Grid Connection Corridor (N of the A63 near Hagthorne Hall).
- Please note – There is also a ‘claimed’ PROW as shown yellow on the map extract below, labelled SEL/2020/01/DMMO. The route is subject of a formal 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. We are advised that this route is currently in use by pedestrians and horse riders. This route crosses the Grid Connection Pipeline ‘corridor’, please can we have assurance that the public will not be prevented from using this route, or that a Temporary Traffic Regulation Order will be arranged.

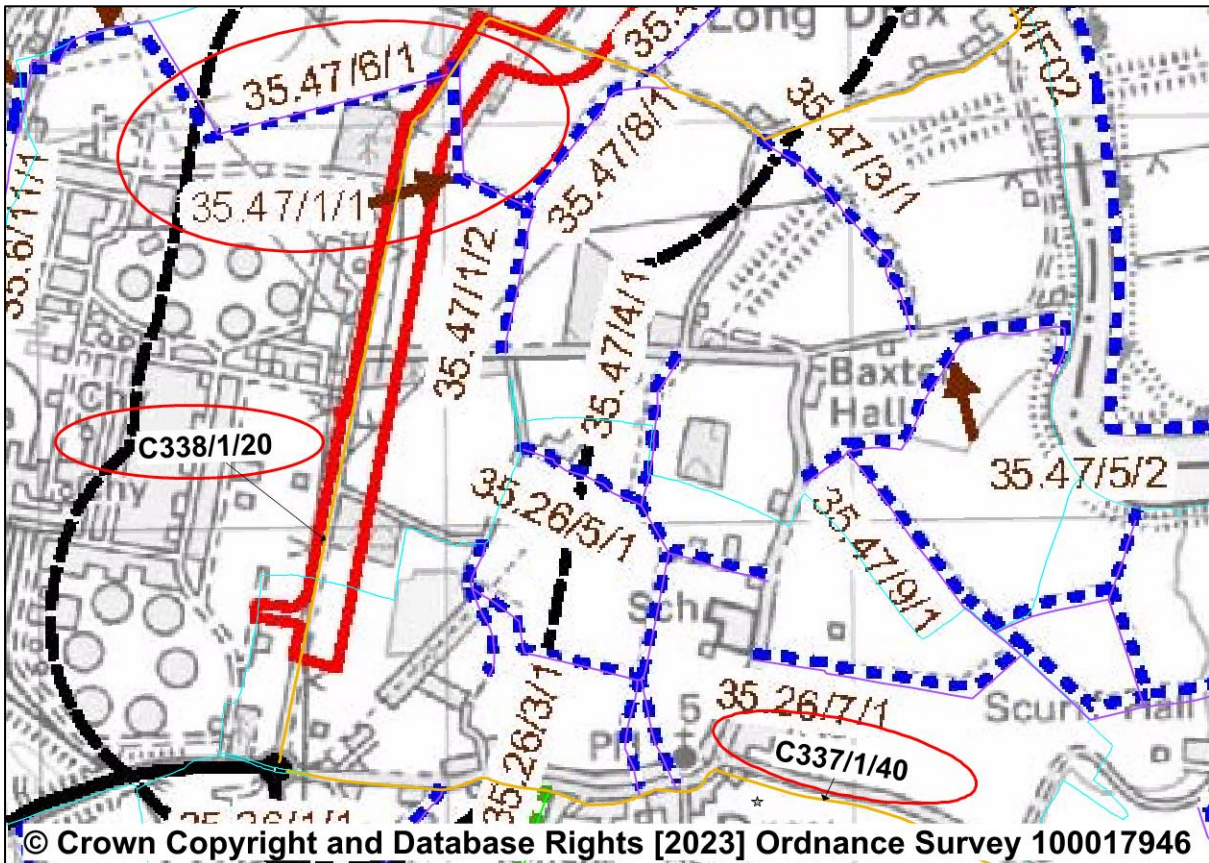


With reference to the map extract below:

- To the NE of Drax power station there are 2 Public Footpaths 35.47/6/1 and 35.47/1/1 which meet the C338/1/20 within the Grid Connection Corridor. Please can we be assured that there will be no interruption to public access across the Grid Connection Corridor at this location.
- C-Road - C338/1/20 is not shown on the Plan Figure 2.2 within the Grid Connection Corridor (immediately E of Drax Power Station).
- C-Road - C337/1/10 is not shown on the Plan Figure 2.2 within the Buffer Zone (E of Drax Power Station).

12.7 It is noted that C Roads do not appear in the Map Key, and therefore the following C Roads are not shown:

- C-Road - C338/1/20 is not shown on the Plan Figure 2.2 within the Grid Connection Corridor (immediately E of Drax Power Station).
- C-Road - C337/1/10 is not shown on the Plan Figure 2.2 within the Buffer Zone (E of Drax Power Station).
- C Road - C318/1/95 is not shown on the Plan Figure 2.2 within the Grid Connection Corridor (N of the A63 near Hagthorne Hall).



12.8 The local Advice note on Public Rights of Way is attached at Appendix A

## 13.0 Hydrology and Flood Risk

13.1 The NPPF, Section 10 'Meeting the Challenge of Climate Change, Flooding and Coastal Change' sets out the policy context for assessing the proposals with respect to the impacts to/from flooding. There are no relevant Local Plan Policies with respect to this matter.

13.2 NYCC, in its capacity as Lead Local Flood Authority has no specific concerns regarding the proposals. NYCC is the Lead Local Flood Authority for the whole county of North Yorkshire. However, the project, does, however fall within the administrative boundary of the Shire Group of IDBs (Selby Area IDB) to whose opinion as local risk management authority NYCC would defer.

## 14.0 Public Health

### Representations

- 14.1 We welcome the inclusion of a Human Health Chapter in the Environmental Statement.
- 14.2 14.4.19 states the impacts of the scheme on Human health have been qualitatively assessed using professional judgement, best practice and other assessment within the ES.
- 14.3 The report does not indicate who the author is or their qualifications as an expert in this regard.
- 14.4 It is noted that other evidence sources have been used in this assessment. However, the conclusions are reliant on the applicant's own assessments and does not reference external health literature or research. We recognise that there is an absence of literature around health impacts of solar farms, but this should not be the basis to draw conclusions on the sensitivity of the impacts. This proposal would be an opportunity to collect actual data from the local population which could be used to support future applications.

### Sensitive Populations and Sub-Populations

- 14.5 Cumulative and in combinations effects (compounding impacts) on sensitive populations have still not been considered in the Health chapter. Several 'low magnitude' impacts when occurring simultaneously could result in a higher impact magnitude being observed with the population.
- 14.6 Most of the predicted impacts within the report are deemed by the applicant to be minor averse/negligible/minor beneficial. The applicant should

acknowledge that this is still only predicted impact- what measures will be put in place to measure actual impact? This is absent for the report, the applicant doesn't demonstrate how it would rectify/ mitigate an impact should it occur?

14.7 Paragraph 14.5.24 states that "the only highly sensitive population that was identified through base line analysis was the over 65s." and makes the assumption on the broader population that "they are not likely to be sensitive to health-related impacts". However, when in-combination effects are considered, it might be possible to draw alternative conclusions which the applicant has not consider in the Human Health chapter.

14.8 Furthermore, Plate 14-3 of Chapter 14 Human Health, shows that 16.3% of the population considers themselves to have Long-Term Health conditions or Disability. This population group could be deemed to be 'vulnerable' but the applicant has not appropriately considered the impact on this sub-population group.

14.9 We welcome the recognition of the higher sensitivity of the elderly population group, which are more likely to have a greater reliance on health services, including health and social care and social infrastructure. However, during consultation Public Health raised that the Human Health Assessment should consider the changing demographic profile over the life of the developed and that these projections would be used to inform Mitigation of the Decommissioning Phase.

14.10 Though consultation and Engagement with North Yorkshire Public Health the Developer has confirmed in an email received 10<sup>th</sup> August 2023 that:

*We [Aecom] can confirm that the Framework Decommissioning Environmental Management Plan (Framework DEMP) which will be submitted with the DCO Application will contain 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.*

14.11 North Yorkshire Public Health would like to ensure that this validation exercise report is presented to the Director of Public Health (DPH) for North Yorkshire for approval before decommissioning commences, any recommendation made by the DPH must be embedded into the mitigation of the Decommissioning Phase.

### **Effects upon Healthcare services.**

14.12 The Application in the PEIR stated had not correctly identified the number of GPs at the surgeries that are most likely to see increased demand from the development, stating that there are 26GPs. However, this included surgeries with The Ridings Medical Group that are not within a geographical area appropriate to this development.

14.13 North Yorkshire council engaged with the NHS HUMBER AND NORTH YORKSHIRE ICB regarding GP numbers. The ICB confirmed that there are approximately 28 GPs (headcount) which work for the Ridings Medical Group as a whole. Bubwith Surgery is a branch of The Ridings Medical Group which before they merged into The Ridings Medical Group there were 3 GPs based at the surgery. This figure would provide a more realistic number than that used in the PEI Report Assessment.

14.14 We acknowledge that Aecom has revised the calculations from those originally presented and this identified an increase in the patient numbers per GP.

14.15 The applicant calculates that if the 196 FTE were to register at Bubwith (the closest surgery to the sites), this would result in a GP to patient Ratio at that site of 1: 1,825 which would impact up the local population and vulnerable and elderly sub-populations (those with a High sensitivity). However, because the

applicant cannot guarantee that any of the workforce will be established residents with the NY area it would be sensible to consider a worst-case scenario of an increase of Peak 400FTE being brought into the areas for the construction phase and being registered with one of the 3 GPs at the Local Practice (Bubwith). This would result in a GP to Patient ratio of 1:1889 and consequently increase pressure on the GP services with a resulting impact upon the population and the Sub-populations.

14.16 Given the sensitive populations, and identification of this increase, we would have expected the revised Human Health chapter to present some form of mitigation into the project, this has not been included.

14.17 The applicant has not undertaken any additional work to accurately identify the availability for new patient registrations at those GP Surgeries where demand will increase (Bubwith).

### **Times scales**

14.18 The revised application clarifies that the construction of the grid connection corridor, which falls within NYC boundary is to take 12 months. This would be acceptable to be classified as short term.

## **15.0 Air Quality**

15.1 The main Air Quality effects for NYC are likely to be experienced during the construction phase of the grid connection/cable corridor.

15.2 The application includes a dust risk assessment which unsurprisingly concludes a high risk of dust emissions associated with earthworks up to 500m, and so proposes some good practice embedded mitigation measures as detailed in Tables 16.3 & 16.4.

- 15.3 For context, the distance to NYC receptors is 140m (R37) and 125m (R38).
- 15.4 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.
- 15.5 There are no objections in relation to Air Quality matters so far as this department's interests are concerned.

## 16. Minerals and Waste

- 16.1 NYC note that Minerals has been scoped out of the assessment. As the majority of the waste is taking place in the East Yorkshire area, NYC has no further comments to make on the application.

## 17. Ground Conditions

### Relevant Local Planning Policies

- 17.1 The relevant local planning policies are:

a) Policy ENV2 of the Selby District Local Plan – Environmental Pollution and Contaminated Land

### **Other local policy**

- 17.2 Selby District Council Contaminated Land Strategy 2019-2024

### **Commentary**



- 17.3 Land contamination is covered in Chapter 16 of the Environmental Statement and in the Phase 1 Preliminary Risk Assessment Report (Appendix 16-3). The Phase 1 Preliminary Risk Assessment Report identifies risks to human health as very low to moderate/low, and risks to controlled waters as moderate. The highest risks have been identified in the areas surrounding the former Brighton Airfield, historical landfill sites and current Drax Power Station. The report proposes limited intrusive investigation to confirm the findings of the assessment, which may be included as part of geotechnical scope of works. An intrusive site investigation and GQRA is proposed in the areas of potential contamination.
- 17.4 Following implementation of the recommendations of the GQRA (to be completed post-consent) into the detailed CEMP, along with the environmental design and management measures, for the construction, operation and decommissioning phases, the risk to human health and controlled waters is considered acceptable. Therefore, the scheme is not considered to pose an unacceptable risk to human health or the environment either during construction, during operation or decommissioning. There is not expected to be any likely significant effects associated with ground conditions.

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

- 17.7 Chapter 16 of the Environmental Statement 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.
- 17.8 The proposal to carry out intrusive site investigation and GQRA in the areas of potential contamination is acceptable. If contamination is found, appropriate remediation/mitigation measures will be required to manage the potential risks from land contamination. Following implementation of these measures, no significant effects associated with ground conditions are likely.

## **18.0 Adequacy of the DCO**

- 18.1 The LPA have reviewed the draft DCO and commented as to its adequacy on a topic-by-topic basis above. The LPA may continue to request alterations to the draft DCO as necessary as discussions between the parties continue.
- 18.2 Schedule 11 sets out the procedure for the discharge of DCO requirements, which the LPA are content with.

## **Appendix A**

### **Public Rights of Way – Local Guidance**

Road schemes must respect existing public rights of way and avoid significant changes to the historic network.

Advice on the existing alignment of public rights of way should be sought from NYCC's Countryside Access Service (CAS) prior to the commencement of detailed design work.

Small-scale diversions of individual rights of way can be considered where this provides a safer but not significantly less convenient route.

Creation of cul-de-sac public rights of way must be avoided.

It is recommended that CAS be consulted on proposed public rights of way diversions, extinguishments or creations before public consultation on a side roads order is undertaken in order to resolve any clerical or drafting errors.

Pre consultation, draft and made orders should be sent to CAS in electronic format.

It is the presumption that any new or diverted public rights of way should be barrier free. Consent must be given by CAS prior to any structure being installed on existing or proposed public rights of way and will only be given either for the purpose of the control of livestock or in limited circumstances for public safety. New structures on public rights of way must comply with BS 5709-2018.

Use of verges alongside busy roads to link public rights of way and minor roads should be avoided.

Where practicable all public rights of way should be accessible to wheelchair users with a firm, stable non-slip surface and maximum gradient of 20%.

The minimum width for new public footpaths is 2.0 metres and public bridleways 4.0 metres. Where public rights of way are enclosed by hedges, fences or walls this will need to be extended to 3.0 metres and 5.0 metres respectively to maintain the minimum usable width without users being exposed to boundary features or overgrowth from adjacent hedges or other vegetation.

Widths of new or diverted public rights of way should be stated in the side roads order.

The minimum headroom required for public footpaths is 3 metres and public bridleways 4 metres.

Public bridleway construction should comply with British Horse Society guidelines: