

# **North Yorkshire Council**

## **Local Impact Report**

### **Yorkshire Green Energy Enablement (GREEN) Project**



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## **1.0 Introduction**

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

## **2.0 Scope**

- 2.1 This LIR only relates to the impact of the proposed development as it affects the administrative area of North Yorkshire Council.
- 2.2 The LIR relies upon the Applicant's description of the development as set out in Volume 5, Chapter 3 of the Environmental Impact Assessment Information (document reference APP-075).

### **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 Authority considers the proposed development accords with the relevant planning policies and any potential local impacts of the development.

- 2.5 Key issues identified by the Authority is set out within the topic headings in the supporting commentary in respect of the extent to which the Applicant has sought to address issues raised by the Authority, with reference to relevant Application documents (including the articles and requirements of the draft Development Consent Order (DCO).
- 2.6 Whilst a number of points within the LIR are repeated from the Authority's s.56 PA2008 consultation response, the significance of the LIR in the PA2008 is such that they are confirmed here for the purpose of clarity for the benefit for the Examining Authority (ExA).

### **3.0 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 5, Chapter 3 of the Environmental Impact Assessment Information (document reference APP-075).

### **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 and Climate Change, 2011) and the National Policy Statement for Electricity Networks Infrastructure (EN-5) (Department of Energy and Climate Change, 2011).
- 4.3 This represents the primary policy basis for the determination of the Application.

## **Emerging National Policy Statements**

- 4.4 The relevant emerging NPSs include the Draft Overarching National Policy Statement for Energy (EN-1) (Department for Business, Energy and Industrial Strategy, 2021) and the Draft National Policy Statement for Electricity Networks Infrastructure (EN-5) (Department for Business, Energy and Industrial Strategy, 2021).
- 4.5 These are not yet adopted but are nevertheless an important and relevant consideration in 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 July 2021. 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. The NPPF does contain the national policy approach with regards Green Belts and the great importance attached to these by the Government.
- 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 Plans for the Authority area**

- 4.8 The Authority of North Yorkshire Council came into effect on 1 April 2023. Prior to this, a two-tier system was in place consisting of North

Yorkshire County Council and 7 District/Borough Councils. The Yorkshire Green project spans three of the former District/Borough Councils, namely Selby District Council, Harrogate Borough Council and Hambleton District Council. These each have their own adopted development plans, which will remain until such time as they are replaced by one new adopted development plan for the new authority area.

- 4.9 Neighbourhood plans have been adopted in parts of the former District/Borough Councils but none of those relate to the site and so are not referred to further.

#### The former North Yorkshire County Council

- 4.10 The Minerals and Waste Joint Plan (adopted 16 February 2022) relates to the entirety of the North Yorkshire Council administrative area. Relevant policies include:

- a) Policy S01: Safeguarding minerals resources
- b) Policy S02: Developments proposed within Minerals Safeguarding Areas
- c) Policy S07: Consideration of applications in Consultation Areas
- d) Policy W01: Moving waste up the waste hierarchy
- e) Policy W05: Meeting waste management capacity requirements – Construction, Demolition and Excavation waste (including hazardous CD&E waste).

- 4.11 This forms part of the existing development plan to which the former District/Borough Councils have their own local and neighbourhood plans.

#### The former Selby District Council

*Existing Development Plan*

4.12 The relevant development plan for the former Selby District area also 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).

4.13 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) SP3 – Green Belt
- d) Policy SP12: Access to Services, Community Facilities and Infrastructure
- e) Policy SP13: Scale and Distribution of Economic Growth
- f) Policy SP15: Sustainable Development and Climate Change
- g) Policy SP16: Improving Resource Efficiency
- h) Policy SP17: Low-Carbon and Renewable Energy
- i) Policy SP18: Protecting and Enhancing the Environment
- j) Policy SP19: Design Quality

4.14 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 ENV4: Hazardous Substances
- e) Policy ENV9: Sites of Importance for Nature Conservation

- f) Policy ENV12: River and Stream Corridors
- g) Policy ENV13: Development Affecting Ponds
- h) Policy ENV16: Development Affecting Historic Parks and Gardens
- i) Policy ENV17: Historic Battlefields
- j) Policy ENV27: Scheduled Monuments and Important Archaeological Sites
- k) Policy ENV28: Other Archaeological Remains
- l) Policy T1: Development in Relation to the Highway Network
- m) Policy T2: Access to Roads
- n) Policy T8: Public Rights of Way
- o) Policy CS6: Development Contributions to Infrastructure and Community Facilities

#### *Emerging Local Plan*

- 4.15 On 17 September 2019 the former Selby District Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2024. 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 was subject to formal consultation that ended on 28th October 2022. The responses are currently being considered. Providing no modifications are proposed, the next stage involves the submission to the Secretary of State for Examination.
- 4.16 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 until such time as consideration has been given to any unresolved objections.



*Other Relevant Policies/Guidance*

4.17 Other relevant policies/guidance include:

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

The former Harrogate Borough Council

4.18 The relevant additional development plan document for the former Harrogate Borough area is the Harrogate District Local Plan 2014-2035, which was adopted on 4 March 2020 but was subject to a legal challenge on matters relating to a new settlement policy. A judgement was issued by the High Court on 26 November 2020 and the plan subsequently readopted on 9 December 2020.

4.19 The relevant Harrogate District Local Plan 2014-2035 policies are:-

- Policy CC1: Flood risk and Sustainable Drainage
- Policy CC2: River
- Policy CC3: Renewable and Low Carbon Energy
- Policy CC4: Sustainable Design
- Policy EC2: Expansion of Existing businesses in Open Countryside and Outside Established Employment Areas.
- Policy GS3: Development Limit
- Policy HP2: Heritage Asset
- Policy HP3: Local Distinctiveness
  
- Policy HP4: Protecting Amenity
- Policy HP5: Public Rights of Way
- Policy HS10: Providing for the Needs of Gypsies and Travellers
- Policy NE1: Air Quality

- Policy NE3; Protecting the Natural Environment
- Policy NE4: Landscape Character
- Policy NE5: Green and Blue Infrastructure
- Policy NE7: Trees and Woodland
- Policy NE9: Unstable and Contaminated Land
- Policy TI1: Sustainable Transport
- Policy TI3: Parking Provision
- Policy TI4: Delivery of New Infrastructure

4.20 Accompanying the Harrogate District Local Plan 2014-2035 are a number of supplementary planning documents and supplementary planning guidance of which the following are relevant :-

- Air Quality Supplementary Planning Document (adopted 1 June 2021)
- Green Infrastructure Supplementary Planning Document (adopted 6 November 2014)
- Heritage management guidance Supplementary Planning Document (adopted 23 January 2014)
- Providing Net Gain for Biodiversity Supplementary Planning Document (adopted 1 June 2021)
- Landscape Character Assessment Supplementary Planning Guidance (adopted February 2004)

#### The former Hambleton District Council

4.21 The relevant Hambleton District Local Plan is the Hambleton Local Plan adopted February 2022. The relevant Policies are as follows:

- S1: Sustainable Development Principles
- S5: Development in the Countryside
- S6: York Green Belt

- S7: The Historic Environment
- E1: Design
- E2: Amenity
- E3: The Natural Environment
- E4: Green Infrastructure
- E5: Development Affecting Heritage Assets
- E6: Nationally Protected Landscapes
- E7: Hambleton's Landscapes
- CI2: Transport and Accessibility
- RM2: Flood Risk
- RM3: Surface Water and Drainage Management
- RM4: Air Quality
- RM5: Ground Contamination and Ground Water Pollution
- RM6 Minerals and Waste

## **5.0 Assessment of Impacts**

- 5.1 The following sections identify the relevant national and local planning policies and how the application accords with them.
- 5.2 The following sections also consider the adequacy of assessment for each identified subject area and any potential impacts.
- 5.3 The baseline against which each subject area has been assessed is discussed, setting out the Authority's view 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) Selby District Core Strategy Local Plan –

- Policy SP1: Presumption in Favour of Sustainable Development
- Policy SP2: Spatial Development Strategy
- Policy SP3: Green Belt
- Policy SP13: Scale and Distribution of Economic Growth
- Policy SP17: Low Carbon and Renewable Energy

b) Harrogate District Local Plan –

- Policy CC3: Renewable and Low Carbon Energy
- Policy EC2: Expansion of Existing businesses in Open Countryside and Outside Established Employment Areas.
- Policy GS3: Development Limits
- Policy HS10: Providing for the Needs of Gypsies and Travellers

6.2 Selby Policy SP1 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. A similar policy was not included in the Harrogate Local Plan as it was judged the terms of the National Planning Policy Framework (NPPF) were adequate without requiring elaboration.

6.3 Selby Policy SP2 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. The Harrogate Local Plan takes a similar approach for housing and job provision defining settlements and development limits. Otherwise through its Policy GS3 is only supportive of new development *“where expressly permitted by other policies of this plan or a neighbourhood plan or national planning policy.”*

- 6.4 At SP2A (d) the Selby Policy relates to development located within Green Belt. It requires development to conform to Policy SP3 and national Green Belt policies. For clarity no part of the proposal lies within a Green Belt within the former Harrogate District.
- 6.5 Selby Policy SP3B states that *“In accordance with the NPPF, within the defined Green Belt, planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist to justify why permission should be granted.”*
- 6.6 Selby Policy SP13 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.”* Harrogate Policy EC2 supports proposals in such locations so long as a number of criteria are met;
- A. There is a proven need for such development in terms of business opportunity or operational requirements;*
- B. The proposed development cannot physically and reasonably be accommodated within the curtilage of the existing site;*
- C. The scale of development is appropriate in the proposed location;*

*D. There is no unacceptable impact on the character of the countryside, the surrounding landscape, the form and character of the settlement or biodiversity;*

*E. There is no unacceptable impact on the operation of the highway network;*

*F. There are no significant adverse impacts on residential amenity.*

- 6.7 Selby Policy SP17 and Harrogate Policy CC3 are generally supportive of low carbon and renewable energy developments, subject to consideration of local environmental impacts.

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

- 6.8 The Application identifies the relevant adopted Development Plans against which the application is to be assessed in Section 5 'Legislation and Policy Overview'.

- 6.9 The Authority considers that a key issue for the Examining Authority is in terms of the establishing the principle of development in a Green Belt where that is the case and therefore :

- (i) whether the development constitutes appropriate or inappropriate development in the Green Belt;
- (ii) whether it would preserve the openness of the Green Belt; and,
- (iii) if inappropriate, whether Very Special Circumstances exist sufficient to clearly outweigh the definitional harm by reason of inappropriateness, and any other harm to the Green Belt including harm to openness and/or confliction with the purposes of the Green Belt.

- 6.10 Elements of the application proposal would constitute engineering operations, whilst others would be considered as structures. Paragraph 149 of the NPPF applies to structures/buildings. Paragraph 150 of the NPPF applies to engineering operations.
- 6.11 The NPPF sets out at para 149 that the construction of new buildings in the Green Belt is inappropriate unless it falls within the closed list of exceptions set out at para 149 a) to g). Some elements of the scheme (e.g. the Pylons, overhead lines, any buildings, enclosures, boundary fencing or operational equipment) are structures and do not fall within any of the categories in para 149. Therefore, they are inappropriate development which is harmful by definition and Very Special Circumstances (VSC) will be needed to clearly outweigh the harm by definition and any other harm identified.
- 6.12 Other elements of the scheme such as underground cabling, ground works, engineering works, temporary construction sites etc., are engineering operations to which the Examining Authority should have regard. Where within a Green Belt the NPPF at para. 150 sets out that certain other forms of development (which includes engineering operations) are not inappropriate where they ;
- 1) preserve the openness and
  - 2) do not conflict with the purposes of the including land in the Green Belt.

Where they fail 1 or 2 above, they would be inappropriate development by definition and Very Special Circumstances would be required to clearly outweigh the harm by definition and any other harm resulting from the proposal.

- 6.13 In terms of the purposes of Green Belts, the Authority considers that the proposal would not be consistent with Purpose c) set out under para. 138 of the NPPF which is “to assist in safeguarding the countryside from encroachment”. As such, it would conflict with the purposes of including land within the Green Belt.
- 6.14 Some of the engineering operation elements of the scheme are considered by the Authority to be appropriate development due to limited visual and spatial impact. Other engineering elements would have an impact on openness of the Green Belt.
- 6.15 The alignment passes through an area of search for Gypsy and travellers pitches as set out under Harrogate Policy HS10 but is not judged adverse to that objective given its wide area of search.
- 6.16 Overall, the Authority is of the opinion that the scheme would result in a number of ‘structures’ and operational equipment which would have a significant impact on the openness of the Green Belt due to the increased size of the substation at Monk Fryston, the scale of the development, the presence of additional pylons, overhead lines, operational equipment and infrastructure at this location and across the projects location. This proposed project needs to be considered in the context of other developments allowed/proposed within the local area also within Green Belt, including, but not limited to, two applications granted permission in 2022 for battery storage facilities on land adjacent to the proposed Yorkshire Green project. Such projects are identified in Chapter 18 ‘Cumulative Effects’ (APP-090) and Appendix A ‘Cumulative Effects Assessment Long List of Other Developments’ (APP-161).
- 6.17 In accordance with national policy, substantial weight is required to be given to any harm to the Green Belt. Very Special Circumstances will not exist unless the harm by reason of inappropriateness, and any



other harms to the Green Belt arising from the development, are clearly outweighed by other considerations.

6.18 Para. 151 of the NPPF acknowledges that many elements of renewable energy projects will comprise inappropriate development and Very Special Circumstances need to be demonstrated to proceed. Such Very Special Circumstances can include the wider environmental benefits associated with increased production of energy from renewable sources. It is acknowledged that this project is intended to support the production of energy from renewable sources.

6.19 The Very Special Circumstances put forward by the applicants need to be considered alongside any other identified harm arising from the scheme. These are matters for the Examining Authority and Secretary of State to weigh up in the balance in the decision-making process. It is not clear to the Authority the extent of other harms at this stage and therefore it is not possible for it to give a view on the balancing exercise.

6.20 However, the Authority is generally supportive of the project in principle, provided that and subject to the application of Green Belt policy and it being accepted that Very Special Circumstances are demonstrated to clearly outweigh the identified harm. The Authority notes the national need for energy security and provision and the national policy position contained in the National Policy Statements regarding energy.

## **7.0 Noise and Vibration**

### **Relevant Local Planning Policies**

7.1 The relevant local planning policies are:

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

### **Key Local Issues**

- 7.2 There will be construction noise impacts and operational noise impacts.
- 7.3 Construction noise impacts – The draft DCO (dDCO) Requirement 7 defines core construction working hours as between 0700 and 1900 Mondays to Fridays and between 0800 and 1700 on Saturdays, Sundays and Bank Holidays. Such working hours are not aligned to those considered to avoid amenity impacts.
- 7.4 Operational noise impacts – the intention is to assess operational noise in accordance with document ref: 29 'National Grid (2021). Policy Statement PS(T)134 - Operational Audible Noise Policy for Overhead Lines. National Grid, London'. This methodology enables operational noise impacts of 37dBA to occur at sensitive receptors before carrying out further Tier 3 assessment. However, existing background sound levels are not quantified for the purpose of understanding the magnitude of noise impacts that 37dBA will result in.

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

### Construction noise impacts

- 7.5 In terms of construction noise, the impacts are adequately assessed in the application. BS5228 ABC methodology is adopted utilising Category A noise criteria (65dB LAeq,T). Predicted construction noise levels are provided which range between 45 and 81dB LAeq,T during 'core' hours.
- 7.6 However, the impacts have not been adequately addressed or mitigated in the application. The current proposals enable construction noise levels of between 45 and 81dB LAeq,T outside of hours considered to avoid amenity impacts. Moreover, whilst not quantified by the applicant, existing background levels at residential receptors are likely to be much lower than the predicted noise levels thus increasing the magnitude of such impacts.
- 7.7 It is advised that core construction hours set out within dDCO Requirement 7 should be amended to between 0800 and 1800 Mondays to Fridays, between 0800 and 1300 on Saturdays, and not at all on Sundays and Bank Holidays, which reflect those considered to safeguard residential amenity in the early mornings and into the evening. This applies only to core construction hours and is a separate issue to construction works identified within Requirement 7 as necessary outside of these hours.

### Operational noise impacts

- 7.8 The uncertainty concerning the difference between background sound levels and 37dBA operational noise levels creates a potential for significant operational noise impacts when assessed in accordance with recognised BS4142:2014+A1:2019 methodology.

7.9 Operational noise impacts should be assessed in accordance with BS4142:2014+A1:2019 assessment methodology over document ref: 29 'National Grid (2021). Policy Statement PS(T)134 - Operational Audible Noise Policy for Overhead Lines. National Grid, London'. At the very least, screening criteria for Tier 3 assessment should be reduced from 37dBA to 30dBA (daytime) and 25dBA (night-time) which aligns to the applicant's LA90,T background sound level assumptions (Chapter 14 [14.4.33]). It does not appear that operational noise mitigation is not secured in the dDCO.

## **8.0 Landscape**

8.1 These comments principally relate to Volume 5, Chapter 6 'Landscape and Visual' of the Environmental Impact Assessment Information (document reference (APP-078), but comments overlap with other topic areas such as Biodiversity, Cultural Heritage, Geology and Soils, Noise, Road Drainage.

### **Relevant national planning policies**

8.2 The relevant national planning policies are:

- Overarching National Planning Policy Statement (EN-1)
- National Policy Statement (NPS) for Electricity Networks Infrastructure (EN-5).
- National Planning Policy Framework (2021)

### **Relevant local planning policies**

8.3 Local Plan policies

*Harrogate District Local Plan 2014-2035*

- Policy HP3, Local Distinctiveness
- Policy HP5, Public Rights of Way
- Policy NE4, Landscape Character
- Policy NE5, Green and Blue Infrastructure
- Policy NE7: Trees and Woodland

*Hambleton Local Plan (2022)*

- Policy S5, Development in the Countryside
- Policy E4, Green Infrastructure
- Policy E7, Hambleton's Landscapes

*Selby District Local Plan (2005) saved policies*

- Policy ENV1: Development proposals
- Policy ENV3: Proposals for outdoor lighting
- Policy ENV15: Locally important landscape areas

*Selby District Core Strategy Local Plan (2013)*

- Policy SP18, Protecting and Enhancing the Environment
- Policy SP19, Design Quality

## **Arboricultural Implications Assessment (AIA)**

8.4 Paragraph 1.9.1 (Volume 5 - Document 5.3.3I) confirms that the Project is likely to require the removal of 50,160m<sup>2</sup> of tree canopy and 1,162 linear metres of hedgerow and a further 104,110m<sup>2</sup> of tree canopy to facilitate the proposals and 3,392 linear metres of hedgerow may be affected/managed (including pruning or coppicing).

8.5 Paragraph 1.9.3 (Volume 5 - Document 5.3.3I) confirms that tree loss reported at the PEIR stage was 154,033m<sup>2</sup> and this excluded any consideration of tree loss or impact associated with reconductoring. It

demonstrates the extent to which the design has been developed to minimise tree loss and impact.

- 8.6 In terms of tree planting mitigation, paragraph 1.6.2 (Volume 5 - Document 5.3.3I) confirms that tree removal will be mitigated with a scheme of new tree planting which will ensure no net loss in tree cover secured as a DCO commitment.
- 8.7 It is understood from the subsequent paragraphs (from 1.6.2) that the scheme of new tree planting, hedgerow reinforcement and new hedgerow is limited to the Monk Fryston and Overton Substation sites and at land at Tadcaster in proximity to two CSECs (Tadcaster Tee East and West).
- 8.8 The text below identifies the landscape receptors and visual receptors that will experience significant adverse effects and yet there are no current proposals to mitigate these effects, with the exception of the mitigation proposed at the Monk Fryston and Overton Substation sites and at land at Tadcaster in proximity to two CSECs (Tadcaster Tee East and West).

### **Commentary on Landscape and Visual Impact Assessment (LVIA)**

- 8.9 The Authority is generally satisfied that the DCO Application includes a Landscape and Visual Impact Assessment (LVIA) to recognised guidelines, as set out in the ES Chapter 6 Landscape and Visual. The LVIA identifies significant adverse construction and operational landscape and visual effects which are summarised in Table 6.16: Summary of significance of effects (construction), (operation year 1), and (operation year 15).

### Outline Landscape Mitigation Strategy

- 8.10 The Outline Landscape Mitigation Strategy has been developed (see *Figures 3.10 to 3.12 in Chapter 3: Description of the Project, Volume 5, Document 5.4.3*) and forms part of the Project at both proposed substation sites and the Tadcaster CSECs. This comprises locations of earth mounding and new planting, comprising hedgerow reinforcement with new planting as well as new hedgerow, tree and woodland planting.
- 8.11 The Authority would welcome an opportunity to continue to work with the Applicant on detailed aspects of the landscape and visual mitigation, to ensure an appropriate response in keeping with local landscape character and the opportunity to integrate with existing habitats in the vicinity, particularly in relation to the construction sites relating to the project.
- 8.12 More specifically, the Authority is concerned about the lack of mitigation to the perimeter of the fencing enclosure to the Tadcaster Tee West facility particularly as it is visible from the A659 (5.4.6 ES Chapter 3: Description of the Project, Figure 3.11: Outline Mitigation Strategy (Tadcaster)). The Authority would welcome an opportunity to continue to work with the Applicant on this detailed aspect of the landscape and visual mitigation.
- 8.13 The Authority would also wish to see further information and clarification for long-term maintenance and management of proposed landscape mitigation including responsibilities and how landscape is secured as a permanent element of the scheme through the Development Consent Order.

#### Landscape Receptors

- 8.14 Table 6.16 concludes that the following landscape receptors would be subject to significant adverse effects during construction and operation:

- Vale Farmland with Plantation Woodland and Heathland Regional Landscape Character (Moderate Adverse and locally Significant)
- Huby and Shipton Vale Local Landscape Character Area: Sub Types 5b and 5c (Major/Moderate Adverse and locally Significant)

8.15 There is no evidence in Chapter 6 Landscape and Visual as to how the significant adverse effects on these two landscape receptors will be addressed or mitigated beyond the outline landscape mitigation strategy for the proposed substation sites and the Tadcaster CSECs.

8.16 In accordance with Guidelines for Landscape and Visual Impact Assessment (GLVIA) 2013, paragraph 5.57 states:

*Where landscape effects are judged to be significant and adverse, proposals for preventing/avoiding, reducing, or offsetting or compensating for them (referred to as mitigation) should be described. The significant landscape effects remaining after mitigation should be summarised as the final step in the process.*

8.17 The Authority would welcome an opportunity to continue to work with the Applicant on detailed aspects of the landscape and visual mitigation, to ensure the significant and adverse effects are offset or compensated, in keeping with local landscape character. This relates to both construction and operational stages, and includes associated lighting.

### Visual Receptors

8.18 Table 6.16 also concludes that the following visual receptors would be subject to significant effects during construction and operation:



*Private receptors*

- guests at Woodstock Lodge Wedding Venue (Major/Moderate Adverse and Significant)
- Hall Moor Farm Cottages (Major Adverse and Significant) and Hall Moor Farm (South) (Major/Moderate Adverse and Significant)
- Overton Grange and Nos. 1 and 2 Glenroyd Cottages (Major/Moderate Adverse and Significant)
- New Farm Cottages and Stripe Lane and Pollums House Farm (Moderate Adverse and Significant)

*Public receptors*

- users of Public Rights of Way (National Cycle Network Route 65 and Jorvic Way long distance footpath (River Ouse to Shipton) (Major/Moderate Adverse and locally Significant or greater)
- Public Rights of Way east of Shipton and near Newlands Farm (Major/Moderate Adverse and locally Significant or greater)
- Paulinus Way long distance footpath (300m section of the route) (Major/Moderate Adverse and locally Significant or greater)
- users of local transport routes (A19, Corban Lane, Overton Road/Station Lane (all Moderate Adverse and locally Significant at 15 years) and
- users of local transport routes (including A63 and Rawfield Lane) (both Moderate Adverse and not Significant at 15 years)

8.19 Paragraph 6.14.6 in Chapter 6 Landscape and Visual details the potential for mitigation planting to eliminate long term significant visual effects for the above private receptors. Proposals for mitigation planting were either rejected by the owner or it was concluded that there was insufficient space to implement planting.

8.20 In terms of the public receptors there are proposals for mitigation associated with the Overton Substation and Ship North and South

CSEC. However, outside the vicinity of the substation and CSECs there are currently no proposals for mitigation.

8.21 In accordance with GLVIA (2013) paragraph 6.45:

*Where visual effects are judged to be significant and adverse, proposals for preventing/ avoiding, reducing, or offsetting or compensating for them (referred to as mitigation) should be described. The significant visual effects remaining after mitigation should be summarised as the final step in the process.*

8.22 Further at paragraph 1.17, GLVIA states that effects should not be ignored:

*The Directive (EIA) is clear that the emphasis is on the identification of likely significant environmental effects. This should embrace all types of effect and includes, for example, those that are positive/beneficial and negative/adverse, direct and indirect, and long and short term, as well as cumulative effects. Identifying significant effects stresses the need for an approach that is in proportion to the scale of the project that is being assessed and the nature of its likely effects. Judgement needs to be exercised at all stages in terms of the scale of investigation that is appropriate and proportional. This does not mean that effects should be ignored or their importance minimised but that the assessment should be tailored to the particular circumstances in each case. This applies to 'appraisals' of landscape and visual impacts outside the formal requirements of EIA as well as those that are part of a formal assessment.*

8.23 Paragraph 3.34 of GLVIA, states that effects not considered to be significant will not be completely disregarded.

*When drawing a distinction between levels of significance is required (beyond significant/not significant) a word scale for degrees of*

*significance can be used (for example a four-point scale of major/moderate/minor/negligible). Descriptions should be provided for each of the categories to make clear what they mean, as well as a clear explanation of which categories are considered to be significant and which are not. It should also be made clear that effects not considered to be significant will not be completely disregarded.*

- 8.24 The Authority would welcome an opportunity to continue to work with the Applicant on detailed aspects of the landscape and visual mitigation, to ensure the adverse effects from the development project, whether significant or not, are offset or compensated for, in keeping with the local area. This includes the landscape and visual effects during construction which the LVIA does not seem to demonstrate how these assessment results have informed the design/ position or implementation of the works iteratively or what alternatives have been considered. Harm, albeit temporary, would be quite considerable and over a not insubstantial two year period and would warrant further consideration especially in light of the overarching National Policy statement for Energy (EN-1) paragraph 4.5.3 which states that there may be limited choice in the physical appearance of some energy infrastructure but that there may be opportunities to demonstrate good design.

### **Photographs and Photomontages**

- 8.25 Photographs and photomontages forming part of the Landscape and Visual Chapter are presented on a series of figures. Each figure includes an image with a statement that the image is a Type 3 photomontage and has been produced in accordance with Landscape Institute Technical Guidance Note 06/19.
- 8.26 On a number of photomontages, the insulators attaching cables to the steel cross arms and substations structures have not been included in

the visualisations in keeping with Document 5.2.3 ES Chapter 3: Description of the Project (see Figures 3.13 & 3.14). This is misleading and therefore in some cases the overhead line infrastructure is not being accurately represented in the photomontage. This will have a bearing on some of the judgements for landscape and visual effects made in the LVIA, particularly section 6.14 Significance Conclusions of the Landscape and Visual Chapter. Specific comments regarding inaccuracies to the photomontages are in Appendix A.

## 9.0 Ecology and Biodiversity

### Relevant Local Planning Policies

9.1 Local plan policies are set out within Table 8.1 of the ES Chapter 8, the authorities agree that the relevant local plan policies are:

#### Harrogate Local Plan

NE3 – Protecting the Natural Environment  
CC1 – Flood risk and Sustainable Drainage  
CC2: Rivers

#### Hambleton Local Plan

E3 – The Natural Environment  
RM1 – Water Quality, Supply and Foul Drainage  
RM2 – Flood Risk  
RM3 – Surface Water and Drainage Management

#### 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

### **Key Local Issues**

#### Overton Borrowpits SINC – within order limits

- 9.2 Work required within the SINC includes access and dismantling of existing pylon. This results in the temporary loss of 0.67ha of marshy grassland/scrub mosaic. Impacts minimised through embedded mitigation 9 – protection of retained habitats & 11 – habitat reinstatement.

#### Broadleaved Semi-natural woodland

- 9.3 Impacts include habitat loss, degradation and fragmentation. Impacts occur over several small parcels of woodland amounting to a total impact upon 1.5ha. It is noted that areas of woodland management and loss have been minimised wherever possible and habitat reinstatement will take place in situ if appropriate.

#### Ancient Woodland, PAWS & ancient/veteran trees

- 9.4 In policy terms these irreplaceable habitats receive a high level of protection. The authorities are pleased to see that the project design has been amended to avoid permanent impacts upon all ancient woodland and ancient/veteran trees. Embedded mitigation 6 – maintaining habitat connectivity, 7 – protection of ancient and veteran trees and 12 – sensitive access and enabling works will ensure protection when working close to these sensitive features. The

detailed design stage must continue to ensure protection of these habitats.

### Hedgerows

- 9.5 Loss of and damage to hedgerows will occur as a result of the construction phase, leading to the permanent loss of 953m of hedgerow. The planting of new hedgerows and gapping up of existing hedgerows is welcomed with 1027m (new) and 849m (gapping up) combined across Overton substation, Tadcaster and Monk Fryston substation. It would be valuable to the local habitat networks to provide hedgerow gapping up throughout the Order limits as well as at the substation sites. This could contribute to BNG and reduce fragmentation.

### Standing water (ponds and ditches)

- 9.6 26 ponds and 17 wet ditches within the order limit. Works at Overton Substation would result in the permanent loss of 1 pond. No other ponds are permanently lost. The Outline Landscape Strategy Plans incorporate construction of a new pond within the Overton substation site. It is also noted that additional habitat creation will be provided through the DLL process.
- 9.7 Impacts upon ditches relate to 3 temporary new culverts, upgrade of 5 existing culverts. Total length of affected habitat is 6m. All habitat is of limited value – agricultural channels, no otter or water vole. D81 requires bankside habitat management to allow for installation of a clear span bridge. Precautionary mitigation for water vole, although no evidence of species present. Embedded mitigation measures are supported – enhancement measures for BNG should be explored where appropriate.

- 9.8 In general, for all habitats of principal importance, the authorities expect to see habitat loss and fragmentation minimised where possible and for habitat reinstatement to take place in situ using native species appropriate to the local area, providing an improvement in species diversity where appropriate.

#### Impacts upon species

- 9.9 Bats – Impacts upon bats result from permanent and temporary habitat loss during construction. It is noted that bat roost surveys are ongoing with supplementary information to be provided, which will inform detailed mitigation, such as the number and location of any compensatory roost features.
- 9.10 Great Crested Newt – the authority welcomes the use of the District Level Licensing (DLL) scheme in order to provide compensation for any impacts upon great crested newts.
- 9.11 Otter – we welcome the commitment to undertake pre commencement otter surveys in advance of works in proximity to the River Ouse. It is anticipated that the embedded mitigation will minimise impacts upon otter.
- 9.12 Water vole – It is noted that across the order limits where access has been granted for survey there has been no confirmed presence of water vole. As such, it is anticipated that water vole will be unaffected by the proposals. However, given the areas un-surveyed and the mobile nature of the species, we support the pre commencement surveys and precautionary measures for works within/adjacent to water courses.
- 9.13 For all other species considered within the ES chapter for biodiversity we consider that measures to avoid impacts have been taken where

possible and that the embedded mitigation set out within the following statements is appropriate:

- 1 – Preconstruction update surveys
- 2 – Standard best practice
- 3 – Minimise land take and micro-site
- 5 – Sensitive vegetation removal
- 6 – Maintaining habitat connectivity
- 8 - Sensitive tree management for electrical safety clearance
- 9 – Protection of retained habitats
- 11 – Habitat reinstatement
- 12 – Sensitive access and enabling works
- 13 – Protection of aquatic features
- 14 – Sensitive lighting design

#### Biodiversity Net Gain (BNG)

- 9.14 Based on the application stage BNG calculation, Document 7.9 (PINS ref EN020024) the project as currently assessed is estimated to result in a 13% net loss of area-based habitat units, 25% net loss of hedgerow units, and a 1% net loss in river units. As such, the Project cannot achieve the required 10% net gains without further measures to create or enhance area-based, hedgerow, and river habitats.
- 9.15 Further information is needed to demonstrate how BNG will be achieved across the order limits and identify areas of offsite habitat creation/enhancement where needed.

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

- 9.16 Schedule 3 of the draft DCO includes the Requirements – specifically:



Requirement 5 – Construction Management Plans secured (2a) the Code of Construction Practice and (2c) the Biodiversity Mitigation Strategy,

Requirement 6 (1d and 1g) requires submission of a lighting strategy and tree and hedgerow protection strategy for approval by the planning authority

Requirement 10 covers the retention and protection of existing trees.

9.17 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.

9.18 However, there does not appear to be provision within the draft DCO for updating the biodiversity net gain (BNG) assessment as the design of the project progresses. There is also no information on how the BNG habitat creation/enhancement will be secured, monitored and managed through the DCO process.

9.19 In addition, it is noted within the BNG assessment that further off-site areas may need to be identified to achieve 10% net gain. These areas would need to be identified and secured through a section 106.

## **10.0 Built Heritage**

### **Relevant Local Planning Policies**

10.1 The relevant local planning policies are:

- a) Harrogate District Local Plan –
  - Policy HP2: Heritage Assets
  - Policy HP3: Local Distinctiveness

- Policy NE5: Green and Blue Infrastructure
- b) Selby District Local Plan
- Policy ENV16: Historic Parks and Gardens
  - Policy ENV17: Historic Battlefields
- c) Selby Core Strategy Local Plan -
- Policy SP18: Protecting and Enhancing the Environment

## Commentary

10.2 Volume 5, Chapter 7 'Historic Environment' of the Environmental Impact Assessment Information (document reference APP-079) includes description of study area (500m buffer of operational components, 2km area around the North-west of York Area – Section B and a wider study area relating to the ZTV). It identifies the location of World Heritage Site, registered parks, battlefield (Towton), conservation areas (Newton Kyme, Tadcaster, Saxton, Monk Fryston and Hiliam) and scheduled monuments as well as the Grade I and Grade II\* listed buildings. The gazetteer in Appendix 7A, Volume 5 (document reference APP-116) identifies all the relevant assets in the study area. It also includes identification of non-designated built heritage assets.

10.3 The assessment of likely significant effects provides a commentary of the effects upon each identified asset.

10.4 It assesses the significance and the impact upon the assets as High, Medium, Low and Negligible

10.5 The assets are assessed in groups, such as Listed Buildings and conservation area at Newton Kyme. It includes an assessment of significance and assessment of impact.

## **Adequacy of Application/DCO**

10.6 No objections to the approach taken.

## **11.0 Archaeology**

### **Relevant Local Planning Policies**

11.1 The relevant local planning policies are:

- a) Policy ENV27 of the Selby District Local Plan - Scheduled Monuments and Important Archaeological Sites
- b) Policy ENV28 of the Selby District Local Plan - Other Archaeological Remains
- c) Policy HP2: Heritage Assets – Harrogate District Local Plan

### Key local Issues

11.2 This is a linear route that largely passes through open countryside. There is a generic archaeological potential, particularly for remains of the later prehistoric through to Roman periods. There is a noteworthy complex of remains at the Tadcaster CSEC where a Roman Road and related features are known. The scheme also passes through or close by to two Registered Battlefield sites at Marston Moor and Towton. It is expected that Historic England will take the lead in considering the impact of the proposal on the Registered Battlefields and other designated heritage assets including the Scheduled Monument at Lead Hall.

### Adequacy of Application/DCO

- 11.3 Volume 5, Chapter 7 of the Environmental Impact Assessment Information relates to the Historic Environment (document reference APP-079). This chapter is supported by an archaeological desk-based assessment (Appendix 7A, document reference APP-116) and the results of archaeological geophysical surveys at Overton (Appendix 7B, document reference APP-117), Monk Fryston (Appendix 7C, document reference APP-118) and Tadcaster (Appendix 7D, document reference APP-119). The sites at Overton and Monk Fryston were further evaluated by trial trenching (Appendix 7E, document reference APP-120). Whilst it would have been desirable to also carry out trial trenching at Tadcaster the types of remains expected (i.e. a section of Roman Road and several field enclosures) are unlikely to represent a barrier to development providing appropriate mitigation in put in place. On balance, the documents submitted represent an adequate assessment of the proposal on un-designated heritage assets of archaeological interest.
- 11.4 A scheme of archaeological mitigation in the form of archaeological monitoring and recording prior to development is proposed for areas where impact cannot be avoided. An Archaeological Written Scheme of Investigation is presented as Appendix 3C (document reference APP-096). This is a proportionate response to the expected significance of the archaeological remains.

## **12.0 Highways and Transportation**

### **Relevant Local Planning Policies**

- 12.1 The relevant local planning policies are:
- a) Harrogate District Local Plan –
    - Policy TI1: Sustainable Transport
    - Policy TI3: Parking Provision

b) Selby District Local Plan -

- Policy T1: Development in Relation to the Highway Network
- Policy T2: Access to Roads
- Policy T7: Provision for Cyclists

## **The Impact on the Highway network**

### **Access points**

- 12.2 The developer has shown the type of the work being undertaken in his submission and the general effect on how the project will impact on the local highway network.
- 12.3 The developer wishes to either use existing accesses or create new ones identified along the works corridor. There are numerous locations along the works corridor where access is required to erect pylons or install underground cables and the developer has attempted to show how each will be implemented. The Authority seeks to be involved when work is started if permission is granted to understanding the impact of the work on the road network and to enable the Streetworks authority to programme the work for the developer. The LHA is comfortable with the construction of each access within the highway as long as temporary traffic management signage is introduced to protect the public and contractors and look to the developer to support the Authority in this approach.
- 12.4 Existing accesses may need to be widened and new ones created following an agreed layout. Visibility splays at each access shall be provided, and will be constructed to an approved standard detail with a hard surface finish. The Authority recognizes that some roads may need to be closed and diversions routes provided. Noted that the developer wishes to bridge over roads when implementing overhead

cabling works. This might be hazardous and again look for reassurance this method is safe to undertake near the road network.

### **Sub Stations and cabling compound.**

- 12.5 Two Sub stations and a large cabling compound need to be constructed. The Authority expects this work will impact on the road network.
- 12.6 The new Overton substation site is likely to require alterations to the highway including local widening and a permanent access point. The site is very close to the A19 and the LHA understands all construction vehicles will approach the site from this road at the construction phase as well operational phase. Overton Lane is likely to be closed at times to allow construction to proceed.
- 12.7 It is expected some large items delivered to site will be classed as abnormal loads which may present the developer with routing difficulties and discussions with the LHA will be required. It is worth noting that any abnormal load when heading south on the A19 may risk grounding at Thormanby due to the vertical alignment of the road. The LHA also wishes to advise that other site locations near Shipton may require junction widening and other improvements. East Lane and Corban Lane. Corban Lane at present has a 7.5tonnes weight limit.
- 12.8 The new Monk Fryston sub station is to be constructed near to the existing substation. The site has direct access from the A1(m) and A63. Local widening of Rawcliffe Lane and its junction with the A63 will be required. Management of deliveries to site may need to be outside peak times to reduce conflict at the junction onto Rawcliffe Lane.
- 12.9 The large cabling compound is near Tadcaster on the A64 is also part of the work. Access to this facility will be gained from the minor road

network and not the A64. Therefore, further engagement with the LHA will be necessary as the application goes forward.

## **Progressing the Scheme**

12.10 In building the various access points and establishing the site compounds along the works corridor the management of each access point may involve discussions with the LHA possibly leading to an approach which is used throughout the works and included in the construction management plan. Traffic generated by the operations per day may be of the order of 20 to 30 vehicles at any given location. Each activity may be independent of another so the impact on the highway network may be felt right across the network. Therefore the Authority sees the importance of further discussions with the developer to formulate the production of the construction management plan and construction travel plan as well as additions to the Development Consent Order ( DCO). In addition the LHA expects the developer to issue when required streetworks notices to allow the street works authority to programme work on the highway to avoid disruption.

12.11 The LHA believes the project will be implemented over a number of stages, which will assist with controlling traffic on the network and the LHA would expect to see any phasing programme within the construction management plan as the project progresses.

12.12 It is expected in all cases that heavy goods vehicles will avoid settlements as much as possible and roads will only be closed to ensure road safety. In particular there are local concerns about the potential effect of the HGV movement in the conservation villages of Monk Fryston, Hillam and Lumby and the LHA will expect to work with the applicant to avoid and minimise disruption in those places.

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

12.13 The LHA has considered the content of the Application and discussed impacts likely to be experienced on the network.

12.14 The LHA is satisfied that the development can be managed on the highway network close to the works corridor with its assistance in managing the project. The work does accord with national and local planning policies in respect to sustainable development by delivering a more efficient national grid.

12.15 The CTMP & CWTP framework documents required by the draft DCO are agreed in principle. The LHA is satisfied with the proposed draft DCO requirements which will ensure that the final traffic management and travel plans will be approved in consultation with the LHA prior to the commencement of the development. The work on the highway identified in draft DCO has in principle has been agreed with the LHA.

## **13.0 Public Rights of Way**

### **Relevant local planning policies**

13.1 The relevant local planning policies are:

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

### **Commentary**

13.2 There are a significant number of footpaths and bridleways effected by the scheme. These are set out in a Public Rights of Way Management



Plan [APP-100]. The Authority welcomes the inclusion of the management plan into the application.

13.3 The Authority would welcome the opportunity to refine the management plan with the applicant over the course of the application. Local Requirements must be taken into account in the temporary closure and diversions of footpaths and bridleways. The Authority's requirements are set out in Appendix B.

## **14.0 Air Quality and Emissions**

### **Relevant Local Planning Policies**

14.1 The relevant local planning policies are:

- a) Policy ENV1 of the Selby District Local Plan – Control of Development
- b) Policy ENV2 of the Selby District Local Plan – Environmental Pollution and Contaminated Land Policy
- c) Policy SP13 of the Selby District Core Strategy Local Plan– Scale and Distribution of Economic Growth
- d) Policy SP17 of the Selby District Core Strategy Local Plan – Low Carbon and Renewable Energy
- e) Policy SP18 of the Selby District Core Strategy Local Plan – Protecting and Enhancing the Environment
- f) Policy SP19 of the Selby District Core Strategy Local Plan – Design Quality
- g) Policy NE1: Air Quality – Harrogate Local Plan

### **Key Local Issues**

14.2 There is the potential for air quality impacts at human receptors during construction and at operational phase.

## **Adequacy of Application/DCO**

- 14.3 A qualitative construction dust risk assessments following IAQM guidance has been undertaken, which adequately assesses the impacts of the application during the construction phase. A Code of Construction Practice (CoCP) is proposed to adequately mitigate any impacts arising from the application, which can be secured by dDCO Requirement 5.
- 14.4 A review of vehicle movements during the operational phase concludes no significant emissions to air. This is agreed with based on existing LAQM/Defra background mapping data and likely compliance with National Air Quality Objectives.

## **15.0 Hydrology and Flood Risk**

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

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

### **Commentary**

- 15.2 The Lead Local Flood Authority looks forward to developing the outline plans in due course.
- 15.3 Part of the application falls within the administrative boundary of the Shire Group of IDBs (Selby Area IDB) to whose opinion as local risk management authority the Local Lead Flood Authority would defer.

## 16. Mineral & Waste Planning

### Relevant Local Planning Policies

16.1 The Minerals and Waste Joint Plan (2022) which is the Local Plan which is applicable for Minerals and Waste in the North Yorkshire County Council Plan area.

16.2 The relevant local planning policies are:

- a) Policy S01 of the Minerals and Waste Joint Plan - Safeguarded surface mineral resources
- b) Policy S02 of the Minerals and Waste Joint Plan - Developments proposed within Safeguarded Surface Resource areas.
- c) Policy S07 of the Minerals and Waste Joint Plan - Consideration of applications in Consultation Areas
- d) Policy W01 of the Minerals and Waste Joint Plan - Moving waste up the waste hierarchy
- e) W05 of the Minerals and Waste Joint Plan -Meeting waste management capacity requirements – Construction, Demolition and Excavation waste (including hazardous CD&E waste).

### Commentary

16.3 The proposal is for overhead electrical power lines which would have a limited physical footprint on the ground. In certain circumstances a tower may lead to the sterilisation of some minerals resources as could limit the extent of any potential extraction of a safeguarded mineral. An interactive map displaying the extent of mineral safeguarded areas can be found at [Spectrum Spatial Analyst \(northyorks.gov.uk\)](https://www.northyorks.gov.uk/spectrum-spatial-analyst). A minerals assessment has been undertaken and Policies S01 and S02 have been taken into account concluding that there would be no increase in mineral sterilisation. The new power lines go within 250m of an active

quarry, but since there are already power lines present in the vicinity the new power lines will not cause any additional sterilisation.

### **Key Local Issues**

16.4 In terms of this proposal the local issues will be concerned with local amenity, impact on the landscape and impact on biodiversity and geodiversity and these have been covered by other sections of the report.

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

16.5 It is considered that the application deals with the main issues in terms of minerals and waste which in this case is consideration of mineral safeguarding.

## **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
- b) Policy NE9: Unstable and Contaminated Land of the Harrogate District Local Plan

### **Other local policy**

17.2 Selby District Council Contaminated Land Strategy 2019-2024

### **Commentary**

- 17.3 Historical mapping indicates that the previous land use within the project area has been largely agricultural, together with the quarrying of limestone and small areas of sand and gravel. Therefore, significant land contamination is not anticipated to be present.
- 17.4 However, if any unexpected land contamination is found during the works, it must be investigated and remediated appropriately to protect human health, controlled waters and the wider environment.

### **Key Local Issues**

- 17.5 The proposed mitigation/embedded measures include complying with relevant health and safety legislation and best practice construction requirements, carrying out ground investigations prior to construction (where necessary), and having contingency procedures for any unexpected contamination encountered during construction.
- 17.6 These measures will help prevent significant exposure to contaminants, minimise risk of mobilising pre-existing contamination, prevent new releases of contamination occurring, and protect substations/buildings from ground gas.
- 17.7 Based on the proposed locations of substations, CSECs and pylons and routeing of the new and modified overhead lines, plus the incorporation of appropriate mitigation measures, no significant effects on ground conditions have been identified from the construction, operation and maintenance, and decommissioning of the Yorkshire GREEN project.

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

- 17.8 The local impact has been adequately assessed and the proposed mitigation is acceptable.

17.9 With the implementation of the mitigation measures, no significant residual effects are anticipated in relation to ground conditions.

## 18.0 Adequacy of the DCO

18.1 The Authority has reviewed the draft DCO and commented as to its adequacy on a topic-by-topic basis above. The Authority may continue to request alterations to the draft DCO as necessary as discussions between the parties continue.

18.2 In particular, there are references to timescales for consultation with the Local Planning Authority, Highways Authority and Lead Local Flood Authority. Examples of where these timescales are not satisfactory are as follows and we expect to be able to pick these up throughout the examination as necessary.

- a) Article 1(1) – change 35 days to 8 weeks.
- b) Article 1(3) – change 7 business days to 21 working days.
- c) Article 1(4) – change 3 working days to 5 working days.
- d) Article 1(5) – Request removal.
- e) Article 2(b) – change 35 days to 8 weeks and add in, unless a longer period of time for determination has been agreed with the undertaker in accordance with (1)(1)(c).

## Appendix A:

### Potential Inaccuracies in Photomontages

- Figure 6.28b - Viewpoint 4: View northwest from Public Bridleway along River Ouse.  
The proposed overhead line infrastructure appears to be incomplete in the photomontage.
- Figure 6.32b - Viewpoint 5: View north from Public Footpath near Moorlands Farm.  
The proposed overhead line infrastructure appears incomplete in the photomontage.
- Figure 6.47b – Viewpoint 14: View east from National Cycle Route 65, Overton Road near Overton Grange.  
The overhead line tower structures appear incomplete and the insulators have not been included.
- Figure 6.47c – Viewpoint 14: View east from National Cycle Route 65, Overton Road near Overton Grange.  
The overhead line tower structures appear incomplete and the insulators have not been included. The tree planting and tree guards in the foreground show no change in growth after 15 years compared with Year 0.
- Figure 6.48b - Viewpoint 14: View southeast from National Cycle Route 65, Overton Road near Overton Grange.  
The overhead line tower structures appear incomplete in their representation and the insulators have not been included.
- Figure 6.50b - Viewpoint 14: View northwest from National Cycle Route 65, Overton Road near Overton Grange.

The overhead line tower structures appear incomplete in their representation and the insulators have not been included.

- Figure 6.51a Viewpoint 15: View east from National Cycle Route 65, Overton Road, near junction with A19 Grange.

We are not clear as to whether the viewpoint location on the map corresponds to the baseline photograph.

- Figure 6.51b & c, Viewpoint 15: View east from National Cycle Route 65, Overton Road, near junction with A19 Grange.

There appears to be a tarmacadam surface in the foreground, however we are not clear as to what that represents. The overhead line tower structures appear incomplete in their representation and the insulators have not been included.

- Figure 6.52b & c, Viewpoint 15: View south from National Cycle Route 65, Overton Road, near junction with A19 Grange.

Some of the overhead line tower structures appear incomplete in their representation and the insulators have not been included.

- Figure 6.54b Viewpoint 16: View northeast from Public footpath near western edge of Shipton-by-Beningbrough

A large part of the photo panorama includes a hedgerow in the foreground which screens views of the wider landscape. The insulators to the overhead line tower structure have not been included.

- Figure 6.55b Viewpoint 16: View southeast from Public footpath near western edge of Shipton-by-Beningbrough. The insulators to the overhead line tower structures have not been included.

- Figure 6.59b Viewpoint 19: Garnet Lane near Red Brick House Farm Photomontage: Year 0 and Year 15



Incorrect representation of pylon XD001, in that the insulators are not showing.

- Figure 6.60b & c, Viewpoint 20: A659  
The new pylon appears incomplete in its representation and the insulators have not been included and in addition, the cables do not align (above the Tadcaster road sign).
- Figure 6.61b and 6.61.c Viewpoint 21: Garnet Lane near junction with A659  
The new pylon appears incomplete in its representation and the insulators have not been included.
- Figure 6.63b & c, Viewpoint 23: Public footpath south of Monk Fryston Substation  
New pylons appear incomplete in their representation and the insulators have not been included.
- Figure 6.65b Viewpoint 25: View southeast from Junction of Rawfield Lane and A63  
Unfortunate photo selection as the group of pylons and cablescape clipped at the right hand side of the panorama. Selection reduces the adverse impact of the photo.  
New pylons appear incomplete in their representation and the insulators have not been included.
- Figure 6.66b Viewpoint 25: View southwest from Junction of Rawfield Lane and A63.  
New pylons appear incomplete in their representation and the insulators have not been included.
- Figure 6.67b Viewpoint 26: Rawfield Lane near Bay Horse Farm.

New pylons appear incomplete in their representation and the insulators have not been included.

- Figure 6.68b Viewpoint 27: Public Bridleway near A1246.  
New pylons appear incomplete in their representation and the insulators have not been included.
- Figure 6.70b Viewpoint 29: Public bridleway on eastern edge of Moor Monkton.  
New pylons appear incomplete in their representation and the insulators have not been included.

## **Appendix B:**

### **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 respective 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: