

## **YORKSHIRE AND HUMBER CCS PIPELINE**

### **THE EXAMINING AUTHORITY'S (EXA'S) FIRST WRITTEN QUESTIONS AND REQUESTS**

#### **RESPONSE FROM SELBY DISTRICT COUNCIL (SDC)**

**Q1.13 – It is noted that Area B of the Camblesforth multi-junction (an outline area providing capacity for a further three PIG Traps that would be needed to accommodate future connections to the pipeline but will be grassed in the meantime (para 4.2.1 of ES Chapter 3)) and Barmston pumping station are being applied for at outline level. Parameter plans have been produced for each of these project components which include the maximum dimensions of buildings. Can the applicant and local planning authorities consider whether the DCO is sufficiently detailed for these components and how would these “reserved matters” be controlled?**

Selby District Council are satisfied that Requirements 6 (1) to 6 (3) of Schedule 3 of the Draft DCO provide sufficient control for the details to be submitted prior to the commencement of works in Area B of the Camblesforth Multi Junction and that the parameters plan 10-2574-GA-01-0316 for Area B is of sufficient detail to enable proper consideration of the likely environmental effects in accordance with the ‘Rochdale Envelope Principle’. Selby District Council can also confirm that the applicant discussed the use of Reserved Matters and Rochdale Envelope Principle at an early stage.

**Q3.12 – Are the local planning authorities, the EA, NE and English Heritage (EH) content that the CoCP adequately ensures all the required mitigation measures can be delivered and enforced?**

To avoid duplication Selby District Council have no further comments to make on the adequacy of the CoCP in respect of Biodiversity, Biology Environment and Ecology mitigation measures over and above those made by North Yorkshire County Council in their response to Examiners questions.

**Q3.20 – Can the applicant confirm whether the monitoring referred to in ES Chapter 9 Section 10 has been agreed with relevant consultees? Are interested parties (including NE, EA, Yorkshire Wildlife Trust and the local authorities) content with the monitoring proposals?**

To avoid duplication Selby District Council have no further comments to make on monitoring proposals in respect of Biodiversity, Biology Environment and Ecology over and above those made by North Yorkshire County Council who have advised in their response to Examiners questions that ‘The NYCC Ecology team is aware of the monitoring proposals and agrees with them. They are reasonable, adequate and deliverable from a NYCC point of view.’

**Q5.2 - Para 4.4.9 of the NSER states that all main rivers and, where practicable, Water Framework Directive (WFD) designated watercourses will be crossed using non-open cut methods. Can the applicant explain which WFD watercourses may not be able to be crossed by non-open cut methods? Do the EA/LPAs/IDBs have comments on this, including whether the mitigation proposed is sufficient to safeguard these watercourses?**

NYCC is the Lead Local Flood Authority for the whole county of North Yorkshire. However, the project falls within the administrative boundary of Selby IDB. Selby IDB is the Land Drainage Authority for the area within their administrative boundary. Selby District Council consider that such matters are of a technical nature that the relevant drainage body are best placed to provide detailed responses on.

**Q6.2 – Do the LPAs accept that there are no settings of heritage assets which would be adversely affected by the AGIs or the pipeline?**

SDC would refer the Examining Authority to its Joint Local Impact Report (LIR), particularly in relation to the setting of Drax Priory and the Fish Ponds. These issues are considered in Sections 7 and 14 of the LIR where it is not accepted that there are no settings of heritage assets which would be adversely affected by the AGIs or pipeline.

**Q8.2 No baseline data is presented in terms of ambient noise levels along the pipeline construction corridor. Instead, as described in section 4.5 of ES Chapter 13, the construction noise assessment is based on the maximum levels of construction noise during daytime hours in accordance with Annex E.2 of BS5228:2009 (70 dB(A) in rural areas). Paragraph 4.5.9 summarises that “As the construction noise assessment is based on construction limits, it is not necessary to define the background noise levels at the NSRs”. Can the applicant provide clarification in justifying this approach? Do the planning authorities with Environmental Health responsibilities concur with the adopted approach?**

Whilst it is agreed that the British Standard is the most appropriate standard against which the noise levels should be assessed the use of Annex E.2 is not agreed. As the standard points out in Annex E.2 for projects of significant size there have been two approaches to determining whether construction noise levels are significant or not. The older and more simplistic is based upon exceedance of fixed noise limits which were originally promoted in 1963. This is the level which the applicant has quoted in Paragraph 4.5.3.

The standard goes onto explain that the principle has been expanded over time to include a suite of noise levels covering the whole day/week period and taking into account the varying sensitivities through those periods. This method is given in E.3 and named the ABC Method which looks at the different times of day for construction and has a relation to the background noise levels at the various times of day. This section also looks at where the levels are exceeded for various time periods that the installation of noise insulation or for temporary rehousing of occupants will be implemented by the developer. In order to carry out this type of assessment the ambient noise levels at the receptors need to be known.

For receptors in SDC area some background noise assessment has been carried out as stated in Paragraph 6.1.4 in relation to the Drax PIG Trap and the Camblesforth Multi-Junction site. These results have been used as the basis for assessing the limits under the E.3 method and the Category A levels have been requested for receptors in the SDC area. Whilst not all receptors have been individually assessed those that have not been assessed are not located as close to Drax Power Station or the main roads as those that have been assessed and hence it is envisaged that will have lower ambient noise levels and hence the Category A limits would still apply.

In consultation responses the above difference in opinion has been raised and discussions with the applicant has changed the position slightly reducing the noise limits at some times of day. However the level requested for the pipeline construction which I assume will include the TCA's has not been reduced to the level requested on Sundays and Bank Holidays. It is further requested due to the length of the construction period in areas around the TCA's and

the above ground assets that the applicant considers the resulting noise levels after mitigation against the limits in respect to E.4 and the installation of noise insulation or reasonable costs thereof, or a scheme to facilitate temporary rehousing of occupants.

**Q12.2 – The relevant planning authority is defined as Selby DC or East Riding Yorkshire Council or both where the relevant matter is located in the area of both. The term relevant planning authority is used in the articles and requirements and they are responsible for approval of several plans etc. It is not clear what would happen where the relevant matter is located in the area of both authorities, i.e. who would the applicant apply to and who would have final say on approval? Can the applicant explain how this will work in practice where there is an overlap? Can the local planning authorities give their views on the workability of this definition?**

In relation to the discharge of requirements by the relevant local planning authority (LPA), the Development Consent Order (DCO) provides that the "relevant planning authority" means Selby District Council or East Riding of Yorkshire Council. The Requirements explicitly state the relevant planning authority, being one or both of these two authorities.

Where the relevant matter to be discharged falls within both relevant local planning authority's area then SDC suggest that it falls for both Authorities to discharge the requirements in their own administrative areas and work together to ensure there is no conflict.

Or alternatively the stages of authorised development could be amended so that each stage falls solely within one local authority boundary, the definition of relevant planning authority is amended so that relevant planning authority one is Selby District Council and relevant Authority two is East Riding of Yorkshire Council then when there are requirements that are topic based, i.e. European Protected Species, the wording of the requirement be amended to refer to the particular authorised stages to be submitted to relevant planning authority one or two.

