

The Eggborough CCGT Project

Document Ref: 5.5
PINS Ref: EN010081

The Eggborough CCGT (Generating Station) Order

Land at and in the vicinity of the Eggborough Power Station site,
near Selby, North Yorkshire, DN14 0BS

Planning Statement

The Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure)
Regulations 2009

Regulation 5(2)(q)



Applicant: Eggborough Power Limited
Date: May 2017

DOCUMENT HISTORY

Document Ref	5.5		
Revision	1.0		
Author	Dalton Warner Davis LLP (DWD)		
Signed	Geoff Bullock (GB)	Date	30.05.17
Approved By	GB		
Signed	GB	Date	30.05.17
Document Owner	DWD		

GLOSSARY

ABBREVIATION	DESCRIPTION
Application	The DCO Application
BAT	Best Available Techniques
BEIS	Department of Business, Energy and Industrial Strategy
CCR	Carbon Capture Readiness
CCS	Carbon Capture and Storage
CEMP	Construction Environmental Management Plan
CHP	Combined Heat and Power
COMAH	Control of Major Accident Hazards
DAS	Design and Access Statement
DCLG	Department for Communities and Local Government
DCO	Development Consent Order
DIO	Defence Infrastructure Organisation
DML	Deemed Marine Licence
DMRB	Design Manual for Roads and Bridges
EA	Environment Agency
EIA	Environmental Impact Assessment
EMF	Electro-magnetic Fields
EPH	Energetický A Prumyslový Holding
EN-1	Overarching NPS for Energy (EN-1)
EN-2	NPS for Fossil Fuel Electricity Generating Infrastructure (EN-2)
EN-4	NPS for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)
EN-5	NPS for Electricity Networks Infrastructure (EN-5)
ELV	Emissions Limit Value
EPL	Eggborough Power Limited
ES	Environmental Statement
FGD	Flue Gas Desulphurisation
GW	Gigawatts
ha	Hectare
HDD	Horizontal Directional Drilling
HRA	Habitats Regulations Assessment
HSC	Hazardous Substances Consent
HSE	Health and Safety Executive
kV	Kilovolt

ABBREVIATION	DESCRIPTION
LDF	Local Development Framework
LPA	Local Planning Authority
LVIA	Landscape and Visual Impact Assessment
m	Metres
MMO	Marine Management Organisation
MoD	Ministry of Defence
MPS	Marine Policy Statement
MW	Megawatts
NE	Natural England
NG	National Grid
NGET	National Grid Electricity Transmission Plc
NGG	National Grid Gas Plc
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
NSR	Noise Sensitive Receptor
NYCC	North Yorkshire County Council
PA	Planning Act
PA 2008	Planning Act 2008
PARCA	Planning and Advanced Reservation of Capacity Agreement
PEIR	Preliminary Environmental Report
PINS	The Planning Inspectorate
PPG	Planning Policy Guidance
PRoW	Public Rights of Way
SAC	Special Area of Conservation
SDC	Selby District Council
SoS	Secretary of State
SSSI	Site of Special Scientific Interest
SWMP	Site Waste Management Plan
TCPA 1990	The Town and Country Planning Act 1990
The APFP Regulations	The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009
The Applicant	Eggborough Power Limited
The Order	Eggborough CCGT (Generating Station) Order
The Site	Proposed Development Site
The 2009 EIA Regulations	The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009
The 2017 EIA Regulations	The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017
TTWA	Travel to Work Area
WSI	Written Scheme of Investigation

CONTENTS

SUMMARY	1
1.0 INTRODUCTION	5
Overview	5
EPL.....	5
The Proposed Development Site	5
The Proposed Development	6
The Application and draft DCO	8
The purpose and structure of this document.....	9
2.0 PLANNING HISTORY AND LOCAL PLANNING DESIGNATIONS	11
Planning history	11
Local planning designations.....	13
Summary	15
3.0 LEGISLATIVE AND POLICY FRAMEWORK	16
Legislative context	16
Planning policy framework for NSIPs.....	17
Other matters that may be ‘important and relevant’	21
Summary	24
4.0 THE NEED FOR THE PROPOSED DEVELOPMENT.....	25
The need for new electricity generating capacity	25
The role of fossil fuel generating stations.....	27
Summary	28
5.0 THE ASSESSMENT OF THE PROPOSED DEVELOPMENT AGAINST POLICY	29
Conformity with the NPSs.....	29
Assessment and technology specific considerations.....	60
NPPF	66
Local planning policy.....	72
Summary	82
6.0 THE BENEFITS AND ADVERSE EFFECTS OF THE PROPOSED DEVELOPMENT	83
Benefits of the Proposed Development	83
Likely significant adverse effects of the Proposed Development.....	84
Summary	85
7.0 OTHER MATTERS.....	87
Other consents and licences	87
Compulsory acquisition.....	87
Requirements.....	88
Development Consent Obligation.....	89
8.0 CONCLUSIONS	90

TABLES

Table 1.1: Planning Statement structure	10
Table 5.1: Generic Impacts	44
Table 5.2: Assessment and Technology Specific Consideration.....	61
Table 5.3: NPPF Policies.....	68
Table 5.4: Local Development Plan Policies	73

SUMMARY

1. This Planning Statement has been prepared on behalf of Eggborough Power Limited ('EPL'). It forms part of the application (the 'Application') for a Development Consent Order (a 'DCO'), that has been submitted to the Secretary of State (the 'SoS') for Business, Energy and Industrial Strategy, under Section 37 of 'The Planning Act 2008' (the 'PA 2008').
2. EPL is seeking development consent for the construction, operation and maintenance of a new gas-fired electricity generating station with a gross output capacity of up to 2,500 megawatts ('MW'), including electrical and water connections, a new gas supply pipeline and other associated development (the 'Project' or 'Proposed Development') on land at and in the vicinity of the existing Eggborough coal-fired power station, near Selby, North Yorkshire. The Proposed Development Site covers an area of approximately 102 hectares.
3. A DCO is required for the Proposed Development as it falls within the definition and thresholds for a 'Nationally Significant Infrastructure Project' (a 'NSIP') under Sections 14 and 15(2) of the PA 2008.
4. The DCO, if made by the SoS, would be known as the 'Eggborough CCGT (Generating Station) Order' (the 'Order').
5. The primary purpose of this Planning Statement is to assist the examining authority and the SoS in their assessment of the Application by demonstrating how EPL has taken account of relevant planning policy, notably the National Policy Statements ('NPSs') for energy infrastructure, and the extent to which the Proposed Development complies with relevant policy. In doing so, EPL has also had regard to policy contained within the 'National Planning Policy Framework' ('NPPF') and the local development plan.
6. The PA 2008 confirms that where NPSs are in place they shall be the primary basis for the decisions made by the SoS. In the event of any conflict between a NPS and other documents or policy, the NPS takes precedence.
7. The NPSs for energy infrastructure confirm that there is an urgent need for new electricity generating capacity in the UK, including gas-fired generation, to ensure the security of the Country's electricity supplies and to provide back-up generation as we become increasingly reliant on renewable energy. The NPSs are clear in stating that the need for new energy infrastructure is not open to debate or interpretation and that the SoS should give substantial weight to the contribution that all developments would make toward satisfying this need.
8. The NPSs set out a number of considerations that should be taken into account by applicants in preparing applications and also the SoS in decision-making. An assessment of the conformity of the Proposed Development with these considerations is provided in Section 5 of the Planning Statement. An assessment of its compliance with other matters that may be considered 'relevant and important' by the SoS for the purposes of decision-making, including the NPPF and local development plan policy is also provided at Section 5.
9. The assessment at Section 5 demonstrates that EPL has fully taken into account the relevant considerations and guidance contained within the NPSs and that there is no conflict with NPS policy or with the NPPF or local development plan policy.

10. Section 6 of the Planning Statement identifies the key benefits of the Proposed Development as well as its likely significant adverse effects. The key benefits can be summarised as follows:

- EN-1 clearly confirms the urgent 'need' that exists for all types of nationally significant energy infrastructure, including new fossil fuel generating stations that are carbon capture ready ('CCR'). It is clear that the SoS should assess applications on the basis that this 'need' and its scale and urgency has been proven.
- The Proposed Development, with a gross output capacity of up to 2,500 MW, will respond to this urgent need in a timely manner (the Proposed Power Plant could be operational by 2022) and will more than compensate for the future closure of the existing coal-fired power station and the loss of its generating capacity (2,000 MW) from the UK's generation fleet.
- The Proposed Power Plant will include a gas-fired peaking plant of up to 299 MW gross output capacity; a particularly flexible form of electricity generating capacity, able to respond rapidly to increases in demand on the electricity network or fluctuations in supply from renewable technologies.
- The Proposed Development will support the increased deployment of renewable energy in the UK, which is crucial if the country is to move to a low carbon economy. In this respect, EN-1 recognises that fossil fuel generating stations have a vital role to play in adding to the security, diversity and resilience of the UK's electricity supplies. Not least, they ensure that the country is not overly reliant on any one type of generation and can be operated flexibly, providing back-up for when generation from intermittent renewable generating capacity is low. As stated above, the gas-fired peaking plant will provide a particularly flexible form of generating capacity that is able to respond rapidly to changes in demand and supply.
- Gas is more efficient and results in lower carbon dioxide emissions than other fossil fuels such as coal and oil and, as such, the Proposed Power Plant will result in much lower carbon dioxide emissions than the existing coal-fired power station. Furthermore, the Proposed Power Plant will deploy highly efficient gas turbine technology that will result in significantly lower emissions than average UK gas-fired power plants. The Proposed Development therefore represents a form of low carbon electricity generation and will make a positive contribution toward the UK's carbon dioxide reduction targets.
- The Proposed Power Plant has been designed to be CCR so should the deployment of carbon capture technology become feasible in the future its carbon dioxide emissions will be reduced further.
- The Proposed Development has been designed to be combined heat and power ('CHP Ready') so that should a viable heat demand be identified in the future the Proposed Power Plant will be able to accommodate the necessary facilities and connections to meet that demand.
- The Proposed Development will make use of brownfield land at an existing power generation site that already benefits from electrical and cooling water connections and other infrastructure. This will assist in minimising the impact of the Proposed Development upon the environmental and its carbon footprint during construction.
- The Proposed Development would have substantial benefits for the regional and local economy, in terms of employment during the circa three year construction phase. It is estimated that approximately 1,200 workers will be required at the peak of construction, with the majority of posts (approximately 80%) taken by people living within the York

Travel to Work Area ('TTWA'). Taking account of the 'Multiplier Effect' it is estimated that an additional 215 indirect and induced jobs will be generated in the York TTWA.

- Although the Proposed Development will not provide the same level of permanent employment during operation as the existing coal-fired power station (which is expected to close in 2019 at the latest) it will still provide a significant number of long-term jobs and allow EPL to retain a number of existing staff. It is estimated that there will be approximately 70 jobs at the Proposed Power Plant during operation, again with the majority of posts being filled by people within the York TTWA. There will also be further indirect and induced jobs generated.
 - Further to the above, the draft DCO includes Requirement 34 'Employment, skills and training plan' that is aimed at promoting employment, skills and training development opportunities for local residents during construction and employment opportunities during operation.
 - The Proposed Development retains the existing private rail line and will involve the modification of this to provide EPL with the ability to use it during the construction phase for the delivery of materials where feasible. The retention and modification of the line will also mean that it is available for other development at the existing power coal-fired power station site in the future.
 - The Proposed Development will deliver landscape and biodiversity enhancement around the existing coal-fired power station site. The existing mature tree and shrub (woodland) planting areas to the northern side of Wand Lane, to the east of the strategic/emergency coal stockyard, to the eastern, southern and western boundaries of the main coal stockyard (the Proposed Power Plant site) and the south of the NG substation and golf course are included within the Order limits and are shown upon the Works Plans as retained landscaping, meaning that these areas will be retained for the future. The woodland planting will be enhanced and managed in accordance with the Indicative Landscape and Biodiversity Strategy increasing their landscape and biodiversity value. The details for the enhancement and management of these areas will be secured by DCO Requirement 6 'Landscaping and biodiversity protection management and enhancement'.
 - The local development plan recognises the importance of the existing coal-fired power station site as a location for electricity generation and that the energy sector will continue to be important to the economy of Selby District. It supports further development at the site which is related to the process of electricity generation. The Proposed Development will ensure that the site continues to act as a location for electricity generation and that it continues to make an important contribution to the local economy. It is therefore in accordance with the development plan strategy for the District.
14. As with all development proposals, it is necessary to assess the Proposed Development in terms of its conformity and compliance with relevant policy and weigh the benefits and significant adverse effects against each other (the 'planning balance').
15. The Proposed Development will deliver a number of very clear and substantial benefits. The significant adverse effects are for the main confined to landscape and visual amenity and relate to the scenario where the existing coal-fired power station no longer forms part of the landscape. Notwithstanding this, the NPSs for energy infrastructure recognise that fossil fuel generating stations will have an impact on landscape and visual amenity. It is therefore considered that the benefits of the Proposed Development substantially outweigh the limited harm that will result.

16. In conclusion, EPL considers that the Proposed Development is acceptable in planning terms and that a DCO should be made.

1.0 INTRODUCTION

Overview

- 1.1 This Planning Statement has been prepared on behalf of Eggborough Power Limited ('EPL' or the 'Applicant'). It forms part of the application (the 'Application') for a Development Consent Order (a 'DCO'), that has been submitted to the Secretary of State (the 'SoS') for Business, Energy and Industrial Strategy, under Section 37 of 'The Planning Act 2008' (the 'PA 2008').
- 1.2 EPL is seeking development consent for the construction, operation and maintenance of a new gas-fired electricity generating station with a gross output capacity of up to 2,500 megawatts ('MW'), including electrical and water connections, a new gas supply pipeline and other associated development (the 'Project' or 'Proposed Development') on land at and in the vicinity of the existing Eggborough coal-fired power station, near Selby, North Yorkshire.
- 1.3 A DCO is required for the Proposed Development as it falls within the definition and thresholds for a 'Nationally Significant Infrastructure Project' (a 'NSIP') under Sections 14 and 15(2) of the PA 2008.
- 1.4 The DCO, if made by the SoS, would be known as the 'Eggborough CCGT (Generating Station) Order' (the 'Order').

EPL

- 1.5 EPL owns and operates the existing Eggborough coal-fired power station (the 'existing coal-fired power station'), near Selby, including a significant proportion of the land required for the Proposed Development.
- 1.6 EPL was acquired by EP UK Investments Ltd (EP UK) in late 2014; a subsidiary of Energetický A Průmyslový Holding ('EPH'). EPH owns and operates energy generation assets in the Czech Republic, Slovak Republic, Germany, Italy, Hungary, Poland and the United Kingdom.

The Proposed Development Site

- 1.7 The Proposed Development Site (the 'Site' or the 'Order limits') is located at and in the vicinity of the existing coal-fired power station approximately 8 kilometres south of Selby.
- 1.8 The existing coal-fired power station is bound to the north by Wand Lane, with the River Aire located approximately 650 metres ('m') further to the north and the A19 Selby Road immediately to the west. Eggborough Village is located approximately 750 m to the south-west.
- 1.9 The entire Site lies within the administrative boundaries of Selby District Council ('SDC') and North Yorkshire County Council ('NYCC').
- 1.10 The existing coal-fired power station was officially opened in 1970 and comprises four coal-fired boilers units, which together are capable of generating up to 2,000 MW of electricity. The existing coal-fired power station also includes a turbine hall and boiler house, an emissions stack (chimney) of approximately 198 m in height, eight concrete cooling towers of approximately 115 m in height, an administration and control block, a coal stockyard and a dedicated rail line for the delivery of coal, in addition to ancillary buildings, structures and infrastructure and utility connections.

- 1.11 The Site itself extends to approximately 102 hectares and comprises land within the operational area of the existing coal-fired power station for the new gas-fired generating station and electrical and groundwater supply connections; corridors of land to the north of the existing coal-fired power station for the cooling water connections and gas supply pipeline; an area of land to the south-east of the main coal stockyard for surface water discharge connections; and corridors of land to the west and south of the operational area of the existing coal-fired power station for ground and towns water supply connections and access.
- 1.12 The land required for the generating station and electrical and groundwater connections is owned by EPL, as well as the majority of the land for the cooling and towns water and surface water discharge connections. The majority of the land required for the gas supply pipeline is not owned by EPL.
- 1.13 The area surrounding the Site is predominantly flat and for the most part comprises agricultural land interspersed with small settlements and farmsteads. The area is however crossed by transport infrastructure, notably the A19 and railway lines, including the East Coast Mainline, in addition to overhead electricity lines associated with the existing coal-fired power station and other power stations within the wider area.
- 1.14 A more detailed description of the Site is provided at Chapter 3 'Description of the Site' of the Environmental Statement ('ES') Volume I (Application Document Ref. 6.2).

The Proposed Development

- 1.15 The main components of the Proposed Development are summarised below:
- The **'Proposed Power Plant'** (Work No. 1) - an electricity generating station with a gross output capacity of up to 2,500 MW located on the main coal stockyard area of the existing coal-fired power station, comprising:
 - Work No. 1A - a combined cycle gas turbine ('CCGT') plant, comprising up to three CCGT units, including turbine hall and heat recovery steam generator buildings, emissions stacks and administration/control buildings;
 - Work No. 1B - a peaking plant and black start plant fuelled by natural gas with a combined gross output capacity of up to 299 MW, comprising a peaking plant consisting of up to two open cycle gas turbine units or up to ten reciprocating engines and a black start plant consisting of one open cycle gas turbine unit or up to three reciprocating gas engines, including turbine buildings, diesel generators and storage tanks for black start start-up prior to gas-firing and emissions stacks;
 - Work No. 1C - combined cycle gas turbine plant cooling infrastructure, comprising up to three banks of cooling towers, cooling water pump house buildings and cooling water dosing plant buildings; and
 - ancillary buildings, enclosures, plant, equipment and infrastructure connections and works.
 - The **'Proposed Electricity Connection'** (Work No. 3) - electrical connection works, comprising:
 - Work No. 3A - up to 400 kilovolt ('kV') underground electrical cables to and from the existing National Grid ('NG') 400 kV substation;

- Work No. 3B - works within the NG substation, including underground and over electrical cables, connection to busbars and upgraded or replacement equipment.
- The **'Proposed Cooling Water Connections'** (Work No. 4) - cooling water connection works, comprising works to the existing cooling water supply and discharge pipelines and intake and outfall structures within the River Aire, including, as necessary, upgraded or replacement pipelines, buildings, enclosures and structures, and underground electrical supply cables, transformers and control systems cables.
- The **'Proposed Ground and Towns Water Connections'** (Work No. 5) - ground and towns water supply connection works, comprising works to the existing groundwater boreholes and pipelines, existing towns water pipelines, replacement and new pipelines, plant, buildings, enclosures and structures, and underground electrical supply cables, transformers and control systems cables.
- The **'Proposed Access and Rail Works'** (Work No. 10) - rail infrastructure and access works, comprising alterations to or replacement of the existing private rail line serving the existing coal-fired power station site, including new rail lines, installation of replacement crossover points and ancillary equipment and vehicular and pedestrian access and facilities.
- The **'Proposed Surface Water Discharge Connection'** (Work No. 9) - surface water drainage connection works to Hensall Dyke to the south-east of the main coal stockyard, comprising works to install or upgrade drainage pipes and works to Hensall Dyke.
- The **'Proposed Gas Connection'** (Work No. 6) - gas supply pipeline connection works for the transport of natural gas to Work No. 1, comprising an underground high pressure steel pipeline of up to 1,000 millimetres (nominal bore) in diameter and approximately 4.6 kilometres in length, including cathodic protection posts, marker posts and underground electrical supply cables, transformers and control systems cables, running from Work No. 1 under the River Aire to a connection point with the National Transmission System ('NTS') for gas No. 29 Feeder pipeline west of Burn Village.
- The **'Proposed AGI'** (Work No. 7) - an Above Ground Installation ('AGI') west of Burn Village, connecting the gas supply pipeline (Work No. 6) to the NTS No. 29 Feeder pipeline, comprising:
 - Work No. 7A - a compound for National Grid's apparatus; and
 - Work No. 7B - a compound for EPL's apparatus.
- The **'Proposed Construction Laydown Area'** (Work No. 2A) - an area for temporary construction and laydown during the construction phase, including contractor compounds and facilities.
- The **'Proposed Carbon Capture Readiness ('CCR') Land'** (Work No. 2B) - an area of land to be reserved for carbon capture plant should such technology become viable in the future. It is proposed that this 'reserve' land is provided on part of the area to be used for temporary construction and laydown.
- The **'Proposed Retained Landscaping'** (Work No. 8) - encompassing the existing mature tree and shrub planting along the northern side of Wand Lane and to the eastern boundary of the existing coal-fired power station site, including that on the embankment around the eastern, southern and western boundaries of the main coal stockyard.

1.16 The 'associated development', for the purposes of Section 115 of the PA 2008 comprises Work Nos. 2 to 10 of the Proposed Development.

- 1.17 It is anticipated that subject to the DCO having been made by the SoS (and a final investment decision by EPL), construction work on the Proposed Development would commence in early 2019. The overall construction programme is expected to last approximately three years, although the duration of the electrical and water connection and gas supply pipeline connection works would be significantly less. The construction phase is therefore anticipated to be completed in 2022 with the Proposed Development entering commercial operation later that year.
- 1.18 A more detailed description of the Proposed Development is provided at Chapter 4 'The Proposed Development' of the ES Volume I (Application Document Ref. 6.2).

The Application and draft DCO

- 1.19 The Application Guide (Application Document Ref. 1.2) lists the documents that make up the Application and how these comply with relevant legislative and policy requirements. The Application Guide is a 'live' document that will be updated throughout the examination of the Application, as required.
- 1.20 Schedule 1 of the draft DCO (Application Document Ref. 2.1) provides the formal description of the Proposed Development and its components and identifies the individual Works Numbers ('Works Nos.') for those components.
- 1.21 The Land Plans (Application Document Ref. 4.2) show the extent of the land (the Order land) over which powers of compulsory acquisition are required for the Proposed Development, while the Works Plans (Application Document Ref. 4.4) show the Order limits and identify the location and areas within which each of the main components of the Proposed Development are to be built by reference to the Works Numbers ('Nos.') set out in Schedule 1 of the draft DCO by the coloured and hatched areas on the Works Plans.
- 1.22 The draft DCO seeks powers of compulsory acquisition of interests and rights in land (including new rights) within the Order limits. The provisions relating to compulsory acquisition are set out at Articles 17 to 30 of the draft DCO. These and other provisions of the draft DCO are explained in the Explanatory Memorandum (Application Document Ref. 2.2). Information on the interests and rights that exist in relation to the land within the Order limits is provided by the Book of Reference (Application Document Ref. 3.1). The justification for the proposed compulsory acquisition of interests and rights in land is set out in the Statement of Reasons (Application Document Ref. 3.2), with EPL's ability to fund this confirmed by the Funding Statement (Application Document Ref. 3.3).
- 1.23 The draft DCO also seeks a 'Deemed Marine Licence' (Article 33 and Schedule 13 of the draft DCO) for those components of the Proposed Development (the Proposed Cooling Water and Gas Connections) that fall within or affect the tidal section of the River Aire under Part 4 (Marine Licensing) of 'The Marine and Coastal Access Act 2009'.
- 1.24 The Proposed Development represents an Environmental Impact Assessment ('EIA') development and therefore the Application includes an Environmental Statement ('ES') (Application Document Ref. 6.1 - 6.4) that reports the findings of the EIA that has been undertaken.
- 1.25 'The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017' (the '2017 EIA Regulations') came into force on 16 May 2017, replacing 'The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009' (the '2009 EIA Regulations'). The 2009 EIA

Regulations however continue to apply to certain projects, pursuant to the transitional arrangements set out in Regulation 37 of the 2017 EIA Regulations. That provides that (amongst other circumstances) where a request has been made that the SoS adopts a scoping opinion, prior to the date of the commencement of the 2017 EIA Regulations, then the 2009 EIA Regulations “continue to apply to any application for an order granting development consent”. The Applicant submitted such a request to the SoS and it was received by the SoS on 17 August 2016, before 16 May 2017 (the commencement of the 2017 EIA Regulations), and therefore the 2009 EIA Regulations are those that apply to the Application.

- 1.26 The 2017 EIA Regulations amend ‘The Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009’ (the ‘APFP Regulations’) so that (pursuant to Regulation 5(2)(a)) an ES must comply with the 2017 EIA Regulations. For the same reason as set out above - the transitional arrangements in Regulation 37 and the timing of the Applicant’s scoping opinion request - this amendment to the APFP Regulations does not apply, and therefore the Applicant has submitted an ES in the form required by the 2009 EIA Regulations.
- 1.27 The ES comprises a Non-Technical Summary (Application Document Ref. 6.1) and ES Volumes I, II and III (Application Document Refs. 6.2 - 6.4). It has not been possible for EPL to fix all of the design details of the Proposed Development at this stage and it has therefore sought to incorporate a degree of flexibility within its layout and design. In order to accommodate this flexibility and ensure a robust EIA of the Proposed Development, EPL has adopted the ‘Rochdale Envelope’ approach and, where relevant, assessed a number of maximum design parameters.
- 1.28 The Applicant has consulted extensively on the Proposed Development. This has included a stage of non-statutory consultation (Stage 1), followed by a stage of statutory consultation (Stage 2) in accordance with Sections 42, 47 and 48 of the PA 2008. The consultation undertaken and how responses received to that consultation have been taken into account is documented within the Consultation Report and its Appendices (Application Document Ref. 5.1).
- 1.29 Schedule 2 ‘Requirements’ of the draft DCO contains a number of ‘requirements’ that would control the detailed design of the Proposed Development in addition to its construction and operation to ensure that it remains within the scope of the EIA carried out and does not result in unacceptable impacts. These would require the submission to and approval by the local planning authority (Selby District Council) of further details of the Proposed Development. A significant number of the requirements must be discharge prior to the commencement of the Proposed Development with other needing to be discharged prior to commissioning or commercial use.
- 1.30 The Application does not include a development consent obligation as the EIA of the Proposed Development has not identified the need for mitigation (in addition to that which is embedded in its design or would be secured by requirements) in order to make it acceptable in planning terms.

The purpose and structure of this document

- 1.31 The primary purpose of this Planning Statement is to assist the examining authority and the SoS in their assessment of the Application by demonstrating how the Applicant has taken account of relevant planning policy, notably the National Policy Statements for energy infrastructure, and the extent to which the Proposed Development complies with policy. In doing so, the Planning Statement draws upon and cross-refers where relevant to the other documents that form part of the Application. The Planning Statement provides a summary of the relevant policies and

alongside this the Applicant's assessment of how the Proposed Development complies with those policies.

1.32 To further assist the examining authority and the SoS's decision-making, the Planning Statement also sets out the key benefits and likely significant adverse environmental effects of the Proposed Development. In addition, it considers other relevant matters, notably the 'non-DCO' consents and licences required for the construction and operation of the Proposed Development; the position with regard to the acquisition of interests and rights in land; the requirements contained within the draft Order and the Applicant's position with regard to matters such as any development consent obligation.

1.33 The Planning Statement is structured as follows:

Table 1.1: Planning Statement structure

Section	Title	Overview
Section 2	Planning History and Local Planning Designations	Provides an overview of relevant planning history and the local planning designations and allocations that apply to the Proposed Development site.
Section 3	Legislative and Policy Framework	Briefly describes the process for the consideration of applications under the Act and the matters that the SoS must have regard to, including relevant policy.
Section 4	The Need for the Proposed Development	Details the need that exists for the Proposed Development having regard to the relevant National Policy Statements (NPSs) for energy.
Section 5	The Assessment of the Proposed Development Against Policy	Provides an assessment of the Proposed Development against relevant policy, notably the NPSs for energy infrastructure.
Section 6	The Benefits and Impacts of the Proposed Development	Identifies the key benefits of the Proposed Development as well as its likely significant adverse effects/impacts.
Section 7	Other Matters	Refers to the non-DCO consents and licences required for the construction and operation of the Proposed Development; the acquisition of interests and rights in land being sought; the 'requirements' contained within the draft Order and the Applicant's position with regard to matters such as any development consent obligation.
Section 8	Conclusions	Sets out the conclusions of the Planning Statement in terms of the overall acceptability of the Proposed Development.

2.0 PLANNING HISTORY AND LOCAL PLANNING DESIGNATIONS

- 2.1 This section provides an overview of the planning history of the Proposed Development Site and also identifies any local planning designations and allocations that apply to it.

Planning history

- 2.2 In summary, the planning history for the Proposed Development Site consists for the most part of planning decisions relating to the existing coal-fired power station.
- 2.3 The existing coal-fired power station consented in October 1961 by the then Minister of Power. Construction started in 1962 and the power station began supplying electricity to the National Grid in 1967. Its official opening was on 18 September 1970. The Secretary of State for the Department of Trade and Industry subsequently granted consent in December 2001 for the installation of flue gas desulphurisation ('FGD') equipment to two of the coal-fired boiler units (Units 3 and 4), with that equipment being commissioned in 2005.
- 2.4 More recently, in June 2012, SDC granted outline planning permission for the construction and operation of new biomass handling and storage facilities at the existing coal-fired power station site together with ancillary development to enable the expanded use of co-firing with biomass. The biomass project did not, however, proceed.
- 2.5 In addition to the above, there are a large number of other planning history records for the existing coal-fired power station site. For the most part these relate to the operation of the existing power station and have been for ancillary buildings, structures and infrastructure.
- 2.6 The main planning permissions relating to the existing coal-fired power station site are considered in more detail below.
- 2.7 No significant planning decisions have been identified that relate to the parts of the Proposed Development Site outside the boundary of the operational area of the existing coal-fired power station.

[1961 consent for the existing coal-fired power station](#)

- 2.8 The original consent for coal-fired power station was granted by the Minister of Power on 18 October 1961 (ref. EL.64/2/139) pursuant to section 2 of 'The Electric Lighting Act 1909' (as amended by section 57 and Part I of the fourth schedule of the Electricity Act 1947 and Part II of the Electricity Act 1957).
- 2.9 The consent was granted to the Central Electricity Generating Board on a site of 390 acres (158 hectares) for the following:
- a generator plant having an electrical output of about 2,000 MW;
 - coal fired boiler units;
 - eight reinforced concrete cooling towers; and
 - the necessary ancillary plant, buildings and civil engineering works.
- 2.10 The consent was granted subject to a number of conditions requiring, amongst other matters, that the power station be constructed in accordance with the technical details and particulars

submitted with the application; it include measures to avoid noise and vibration during operation, so far as reasonably practicable; for the layout to be designed to allow for the installation of plant as may be reasonably practicable to prevent the discharge of sulphur and its compounds to the atmosphere; and the for installation of aviation warning lighting on the emissions stacks.

- 2.11 The consent provided for 'deemed planning permission' pursuant to section 35(1) of 'The Town and Country Planning Act 1947'. The deemed planning permission included conditions requiring the approval by the local planning authority ('LPA') of the layout, elevations and external materials of the generating station as well as landscaping and the arrangements for the disposal of ash. The arrangements for the disposal of ash were required to be approved by the LPA prior to the power station coming into operation.
- 2.12 Following the formal opening of the existing coal-fired power station in 1970, a number of planning applications were submitted (and approved) up to 1993 for ancillary buildings and works. Applications have also included developments on land adjoining the power station, including a replacement cricket pavilion (1980); construction of a new sports and social club (1986); and the erection of an air separation plant (1993). In total, 30 separate applications were submitted up to 1993.

1993 air separation plant consent

- 2.13 Planning permission (ref. CO/1992/0761) was granted on 20 April 1993 for the erection of an air separation plant, including plant, equipment, service buildings, storage tanks and parking areas on a parcel of land in the north-east corner of the existing coal-fired power station site (now occupied by Air Liquide). Hazardous substances consent (ref. CO/1992/0070) was subsequently granted on 7 September 1993 for the storage of 1,150 tonnes of liquid oxygen.
- 2.14 The plans accompanying the decisions notices for the above appear to indicate a 'Consultation Distance' around the Site. It is understood that as the air separation plant represents a 'hazardous installation' the Health and Safety Executive ('HSE') has set 'Consultation Distance' around the site. Under the HSE's guidance on land use planning near hazardous installations, there are restrictions on the type of development that can occur within such a Consultation Distance.
- 2.15 Based on an initial assessment of the Proposed Development against the HSE's land use planning guidance, EPL understands that the Air Liquide plant will not be a constraint upon its development.

The 2001 FGD consent

- 2.16 On 10 December 2001 the SoS for Trade and Industry granted consent under section 36 of the Electricity Act 1989 (ref. GDBC/001/003) to extend the existing coal-fired power station by the addition of FGD plant. The SoS also gave a direction under section 90(2) of 'The Town and Country Planning Act 1990' (the 'TCPA 1990') that planning permission was deemed to be granted.
- 2.17 Consent was granted for the following development on an area of land outline black on site plan EPS/DTI/001:

"(a) a limestone/gypsum chemical plant comprising two units for the removal of sulphur dioxide gas from combustion gases;

(b) *ancillary and auxiliary plant and equipment; and*

(c) *the necessary buildings (including administration offices) and civil engineering works including relocation as necessary of existing plant."*

2.18 Plan EPS/DTI/001 defined the site for the FGD development as comprising land to the east of the existing coal-fired power station turbine hall/boiler house and cooling towers and to the south and east of the cooling water storage lagoon, including part of the strategic/emergency coal stock yard.

2.19 As confirmed above, the FGD equipment was installed to two of the coal-fired boiler units (Units 3 and 4), with that equipment being commissioned in 2005.

2.20 The deemed planning permission was granted subject to 55 planning conditions that had been agreed between the applicant, SDC and NYCC.

The 2012 biomass consent

2.21 Outline planning permission was granted by SDC on the 22 June 2012 (Reference: 2012/0295/OUT) for the:

"...construction and operation of new biomass handling and storage facilities together with ancillary development to enable the expanded use of co-firing with biomass."

2.22 The site plan (Figure 1.2 - Rev. 1) defined the site for the biomass facilities comprising land to the east of the existing coal-fired power station turbine hall/boiler house and the northern part of the main coal stockyard.

2.23 Following the grant of outline permission, a section 73 application was approved on 6 September 2013 (ref. 2013/0818/FUL) for the variation of conditions 3 (development height) and 13 (approved drawings) on the outline permission.

2.24 Planning permission (ref. 2013/0875/FUL) was subsequently granted on 11 October 2013 for the erection of a conveyor belt, transfer towers and an electric substation in connection with the biomass facilities. The site for these works also comprised land to the east of the existing coal-fired power station turbine hall/boiler house.

Local planning designations

2.25 The Proposed Development Site, include the parts comprised within the existing coal-fired power station site, is identified on the Selby Local Development Framework ('LDF') Proposals Map as lying outside the defined 'development limits' of the District and within the 'open countryside'. Policy D1 of the Selby Local Plan (2005) relates to development in the countryside outside the Green Belt and confirms that this will generally be limited to that which is appropriate to a rural area, involving the re-use, adaptation or extension of existing buildings or small scale new build to meet specific local needs.

2.26 This is confirmed in Chapter 4 'Spatial Development Strategy' of the Selby District Core Strategy (2013) at paragraph 4.31. It states that development in the countryside, outside defined development limits, will generally be resisted unless it involves the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes and well-designed

buildings. Proposals of an appropriate scale which would diversify the local economy or meet affordable housing need may also be acceptable.

- 2.27 The Selby Local Plan does, however, contain Policy EMP10, which confirms that additional industrial and business development may be permitted at or close to the existing coal-fired power station provided proposals satisfy a number of criteria, including that they are directly related to the process of generating electricity, either by making use of by-products from the existing power station or utilising a direct source of electricity, provided they are suitably linked to the highway and rail networks; would not affect residential amenity; create environmental problems; would be well screened; and would not harm nature conservation interests or archaeology.
- 2.28 Furthermore, Chapter 6 ‘Promoting Economic Prosperity’ of the Core Strategy (paragraph 6.32) states that the “... *energy sector will continue to be important to the economy of the District. Drax and Eggborough power stations are both major employers which contribute to national energy infrastructure as well as the local economy. They also have the potential for future development of renewable and local carbon energy.*” The same paragraph goes on to note that there is a need for further investment in energy infrastructure in line with national policy and that supporting the energy sector will assist in reinvigorating, expanding, and modernising the District’s economy.
- 2.29 The local development plan documents are therefore broadly supportive of further power generation and related development at the District’s power station sites.
- 2.30 The Policies Map (Area 8) of the Minerals and Waste Joint Plan (Publication Draft - November 2016), which is being prepared by NYCC, the City of York Council and the North York Moors National Park Authority, and is now at an advanced stage, identifies the existing coal-fired power station site as lying within a ‘Safeguarded Surface Mineral Resource Area’ for sand and gravel, crushed rock, brick clay, building stone, silica sand and shallow coal. The existing power station is not, however, subject to any site-specific minerals or waste allocations. It is notable that in its response (dated 13 September 2016) to the PINS EIA Scoping consultation, the Coal Authority confirmed that the Proposed Development Site is located outside the area of any surface coal resources and therefore it would not expect due consideration to be given to the potential prior extract of coal resource before development proceeds.
- 2.31 In addition, the existing coal-fired power station site’s private rail line (from the junction with the main rail network at Whitely Bridge) and the main coal stockyard rail loop/merry-go-round system is identified as ‘safeguarded transport infrastructure’ to which Policy S04 ‘Transport infrastructure safeguarding’ applies. It is relevant to note that the Proposed Development includes works (Work No. 10) to the existing rail infrastructure in order that it can be retained for future use once the main coal stockyard has been development with the Proposed Power Plant (Work No. 1).
- 2.32 Paragraph 8.47 lists types of development that are exempt from consideration under the safeguarding policies of the Plan. Notably, ‘exempt development’ includes the redevelopment of previously developed land that would not increase the footprint of the former development. Clearly, the Proposed Power Plant, and other components of the Proposed Development, will involve the redevelopment of previously developed land.
- 2.33 The Minerals and Waste Joint Plan (paragraph 8.2) confirms that the purpose of ‘safeguarding’ is not to prevent other forms of development on or near to a safeguarded resource or

infrastructure, but primarily to ensure that the presence of the resource or infrastructure is taken into account when other development proposals are under consideration.

- 2.34 There are no other local planning designations that apply to the Proposed Development Site.
- 2.35 Chapter 3 'Description of the Site' of ES Volume I (Application Document Ref. 6.2) provides information on sensitive receptors, heritage assets and environmental designations (e.g. nature conservation site or flood risk zones) at or within the vicinity of the Proposed Development Site.

Summary

- 2.36 There is a long history of power generation at the existing coal-fired power station site and related uses on the adjacent land and the principle of electricity generation in this location is firmly established.
- 2.37 In addition, while the Proposed Development Site is not specifically allocated on the Proposals Map for power generation, both the local development plan documents do recognise the importance of the location for power generation and that are supportive of further power generation and related development. In broad land use terms, the Proposed Development therefore accords with the local development plan for the District. It will be demonstrated at Section 5 how the Proposed Development complies with the relevant policies of the local development plan.

3.0 LEGISLATIVE AND POLICY FRAMEWORK

3.1 This chapter provides an overview of the legislative context for the Proposed Development and the planning policy framework against which it is to be considered.

Legislative context

3.2 The Planning Act 2008 (the 'PA 2008') introduced a new system for consulting on, examining and determining 'nationally significant infrastructure projects' ('NSIPs') as defined by Section 14 of the PA 2008.

3.3 The main legislative and procedural requirements relating to NSIPs are set out within the following:

- The PA 2008.
- The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the 'APFP Regulations').
- The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (the '2009 EIA Regulations') - now the 2017 EIA Regulations, although as explained in Section 1 (paragraphs 1.25 - 1.26) the 2009 EIA Regulations apply to the Proposed Development.

3.4 The Proposed Development falls within the definition of a NSIP under Sections 14(1)(a) and 15(1) and (2) of the PA 2008, being an onshore electricity generating station in England with a capacity exceeding 50 megawatts ('MW'). It also falls under Schedule 1 of the 2009 EIA Regulations, under the category of 'Thermal power stations and other combustion installations with a heat output of 300 megawatts or more'. As such, an EIA is required for the Proposed Development and an ES must be prepared in accordance with the relevant EIA Regulations.

3.5 Before a NSIP can proceed, an application for a Development Consent Order ('DCO') must be submitted to the PINS pursuant to Section 37 of the PA 2008. The PINS act on behalf of the relevant Secretary of State ('SoS'); in this case the SoS for Business, Energy and Industrial Strategy ('BEIS'). The PINS is responsible for examining the application and making a recommendation to the SoS who then makes the decision as to whether a DCO should be made authorising the construction and operation of the development in question. A DCO can provide for or remove the need to obtain a number of authorisations and consents (e.g. planning permission), meaning applicants do not need to make multiple consent applications. It can also provide powers of compulsory acquisition, enabling the acquisition of land or rights in land required to deliver the development.

3.6 In advance of an application for a DCO being submitted, the PA 2008 and related regulations require the applicant to consult widely. This includes consulting the local community - those living in the vicinity of the land to which the development relates; certain prescribed persons and bodies (including relevant technical consultees and statutory undertakers); relevant local authorities; and affected or potentially affected landownership interests and persons. The applicant must demonstrate how it has had regard to the responses received to the consultation in deciding the final form of development sought within the application for a DCO. This must be documented in a consultation report that is required to form part of the application under Section 37 of the PA 2008.

Planning policy framework for NSIPs

National Policy Statements

- 3.7 The PA 2008 grants the SoS power to designate statements as National Policy Statements ('NPSs') setting out policy relevant to the examination and determination of different types of NSIPs. Notably, where a NPS has effect in relation to a type of NSIP development (such as energy generation), Section 104 of the Act requires the SoS to determine applications for NSIPs in accordance with the relevant NPSs, unless this would:
- lead to the UK being in breach of its international obligations;
 - be in breach of any statutory duty that applies to the SoS;
 - be unlawful;
 - the adverse impacts of the development outweigh its benefits; or
 - be contrary to any regulations that may be made prescribing other relevant conditions.
- 3.8 NPSs which have effect are therefore the primary (but not only) matter against which applications for NSIPs are judged. In taking decisions on applications for NSIPs, Section 104 of the PA 2008 states that the SoS must also (in addition to the NPSs) have regard to appropriate marine policy documents, local impact reports (these are submitted by local authorities during the examination of DCO applications) and any other matters that the SoS considers to be both 'important and relevant' to their decision. Such matters can include local development plan documents.
- 3.9 In July 2011, the SoS for BEIS (then Energy and Climate Change) designated a number of statements as NPSs for energy infrastructure. These included an overarching NPS setting out general policies and assessment principles for energy infrastructure and a number of technology specific NPSs. Those NPS considered of most relevance to the Proposed Development are considered to be:
- the Overarching NPS for Energy ('EN-1');
 - the NPS for Fossil Fuel Electricity Generating Infrastructure ('EN-2');
 - the NPS for Gas Supply Infrastructure and Gas and Oil Pipelines ('EN-4'); and
 - the NPS for Electricity Networks Infrastructure ('EN-5').
- 3.10 A summary of the key policy within these NPSs is provided below.
- #### The Overarching NPS for Energy (EN-1)
- 3.11 NPS EN-1, in conjunction with related technology specific NPSs, provides the primary basis for decisions by the SoS in relation to nationally significant energy infrastructure.
- 3.12 Part 2 of EN-1 sets out 'Government policy on energy and energy infrastructure development'. It confirms the following:
- the Government's commitment to meet its legally binding target to cut greenhouse gas emissions by at least 80% by 2050 compared to 1990 levels;
 - the need to affect a transition to a low carbon economy so as to reduce greenhouse gas emissions; and

- the importance of maintaining secure and reliable energy supplies as older fossil fuel generating plant closes as a result of the European Union Emissions Trading System ('EU ETS') and the UK moves toward a low carbon economy.
- 3.13 Part 3 of EN-1 defines and sets out the need that exists for nationally significant energy infrastructure. Paragraph 3.1.1 states that the UK needs all the types of energy infrastructure covered by the NPS in order to achieve energy security at the same time as dramatically reducing greenhouse gas emissions. Paragraph 3.1.2 goes on to state that it is for industry to propose new energy infrastructure and that the Government does not consider it appropriate for planning policy to set targets for or limits on different technologies.
- 3.14 Notably, paragraph 3.1.3 of EN-1 stresses that the SoS should assess applications for development consent for the types of infrastructure covered by the energy NPSs "*...on the basis that the Government has demonstrated that there is a need for those types of infrastructure and that the scale and urgency of that need...*" is as described for each of them. Paragraph 3.1.4 continues that the SoS should give substantial weight to the contribution that all proposed developments would make toward satisfying this need when considering applications under the Act. As such, EN-1 is clear that the need that exists for new energy infrastructure is not open to debate or interpretation.
- 3.15 The urgency of the need for new electricity generating capacity is underlined within EN-1 at paragraph 3.3.7 with up to 22 gigawatts ('GW') of existing capacity needing to be replaced, particularly in the period up to 2020, in part due to the Industrial Emissions Direction, but also as a result of some power stations reaching the end of their operational lives. In response to this, EN-1 identifies a minimum need for 59 GW of new generating capacity over the period to 2025 (paragraph 3.3.23).
- 3.16 Part 4 of EN-1 sets out a number of 'assessment principles' that must be taken into account by applicants, PINS and the SoS (respectively) in preparing, examining and determining applications for nationally significant energy infrastructure. General points include (paragraph 4.1.2) given the level and urgency of need for the infrastructure covered by the energy NPSs, the requirement for the SoS to start with a presumption in favour of granting consent for applications for energy NSIPs. This presumption applies unless any more specific and relevant policies set out in the relevant NPS clearly indicate that consent should be refused or any of the considerations referred to in Section 104 of the PA 2008 (noted above - paragraph 3.7) apply.
- 3.17 Paragraph 4.1.3 goes on to state that in considering any application, and in particular, when weighing its adverse impacts against its benefits, the SoS should take into account:
- its potential benefits, including its contribution to meeting the need for energy infrastructure, job creation and any long-term or wider benefits; and
 - its potential adverse impacts, including any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts.
- 3.18 Paragraph 4.1.4 continues by stating that within this context the SoS should take into account environmental, social and economic benefits and adverse impacts, at national, regional and local levels.
- 3.19 Other assessment principles include the matters to be covered within the ES produced for the application; the Conservation of Habitats and Species Regulations 2010; the consideration of alternatives; criteria for 'good design'; consideration of the feasibility of combined heat and

power; consideration of the requirements of the carbon capture readiness regulation; grid connection; climate change adaptation; pollution control and environmental regulatory regimes; safety; hazardous substances; health; common law and statutory nuisance and security, amongst others.

- 3.20 Part 5 of EN-1 lists a number of 'generic impacts' that relate to most types of energy infrastructure, which both applicants and the SoS should take into account when preparing and considering applications. These include land use; socio-economics; air quality and emissions; noise and vibration; dust, odour, artificial light, steam and smoke; traffic and transport; civil and military aviation; biodiversity and geological conservation; historic environment; landscape and visual; water quality and resources; flood risk and waste, amongst others. Paragraph 5.1.2 stresses that the list of impacts is not exhaustive and that applicants should identify the impacts of their proposed developments in the ES in terms of both those covered by the NPSs and others that may be relevant. In relation to each of the generic impacts listed within Part 5 of EN-1, guidance is provided on how the applicant should assess these within their application and also the considerations that the SoS should take into account in decision-making.
- 3.21 In addition to a number of the assessment principles and generic impacts covered by EN-1; NPS EN-2, EN-4 and EN-5 set out the factors (e.g. those influencing site selection) and 'assessment and technology specific' considerations to be taken into account in the preparation and assessment of applications for fossil fuel generating stations, gas pipelines and electricity network infrastructure, including relevant environmental matters. These are considered briefly below.

The NPS for Fossil Fuel Electricity Generating Infrastructure (EN-2)

- 3.22 EN-2 provides the primary basis for decisions on applications for fossil fuels electricity generating stations, including gas-fired power stations, such as the Proposed Development. The document provides additional policy guidance against which to assess such proposals.
- 3.23 Section 2.2 outlines the factors influencing site selection for fossil fuel power stations. These include land use and size of site; transport infrastructure for the delivery and removal or construction materials, fuel, waste and equipment; and water resources, for example, some power station have very high water demands for cooling; and grid connection. However, in outlining such factors, paragraph 2.2.1 makes clear that *"...it is for energy companies to decide what application to bring forward and the Government does not seek to direct applicants to particular sites for fossil fuel generating stations."*
- 3.24 Technology specific considerations to be taken into account in the assessment of fossil fuel power stations (in addition to the assessment principles and generic impact set out in EN-1) include, amongst other things, air emissions; landscape and visual; noise and vibration; and water quality and resources.

The NPS for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)

- 3.25 Section 2.19 of EN-4 provides guidance on the assessment of applications for new gas pipelines. The Proposed Development includes a new gas pipeline connection to the National Transmission System ('NTS') for gas. The pipeline does not represent a NSIP in its own right, but it is included as 'associated development'.

- 3.26 Key technology specific considerations for gas pipelines include proximity to sensitive land uses (e.g. residential development and schools) when planning routes; pipeline safety; noise and vibration; biodiversity; landscape and visual; water quality and resources; and soils and geology.

The NPS for Electricity Networks Infrastructure (EN-5)

- 3.27 EN-5 outlines principles on which the SoS will apply to applications for new electricity transmission lines as well as associated infrastructure, such as substations. It should be noted that the Proposed Development will involve relatively small scale electricity grid connection works to the existing National Grid ('NG') substation at the existing coal-fired power station site. Again, these works are included as associated development.
- 3.28 Technology specific considerations to be taken into account for such works include biodiversity and geological conservation, landscape and visual, noise and vibration and the impacts of electric and magnetic fields.

Marine Policy

- 3.29 As noted above, Section 104 of the PA 2008 requires the SoS to have regard to "*...the appropriate marine policy documents...*" relevant to the NSIP. Whilst the Proposed Development is an onshore generating station, the Proposed Cooling Water (Work No. 4) and Gas (Work No. 6) Connections involve works within the tidal section of the River Aire.
- 3.30 The Proposed Cooling Water Connections involve works to the existing coal-fired power station cooling water discharge point/outfall within the River Aire, while the Proposed Gas Connection will be routed under the River by means of horizontal direction drilling ('HDD'). The draft DCO (Application Document 2.1) includes a 'Deemed Marine Licence' ('DML') to cover these works at Schedule 13 (also see Article 33). The DML has been discussed with the Marine Management Organisation ('MMO').
- 3.31 The appropriate marine policy documents are defined at section 59 of 'The Marine and Coastal Access Act 2009'. These include any marine policy statement which is in effect and to the extent that a decision relates to a marine plan area, any marine plan which is in effect for that area (section 59(3) and (5)).
- 3.32 The UK Marine Policy Statement ('MPS'), adopted in March 2011, provides the policy framework for preparing marine plans and taking decisions affecting the marine environment. It is intended to sit alongside terrestrial consenting regimes, including NSIP regime set by the PA 2008.
- 3.33 Chapter 2 outlines the vision for the UK marine area, the high level approach to marine planning and general principles for decision making covering economic, social and environmental considerations.
- 3.34 Chapter 3 sets out the policy objectives for key activities that take place in the marine environment. Section 3.3 deals specifically with 'Energy production and infrastructure development'. Paragraph 3.3.1 notes that a secure, sustainable and affordable supply of energy is of central importance to the economic and social well-being of the UK. Paragraph 3.3.4 sets out issues for consideration for all energy infrastructure and states that decision makers should take into account a range of matters, including the national level of need for energy infrastructure set out in EN-1.

- 3.35 Paragraph 3.3.6 notes that the construction, operation or decommissioning of power stations may have impacts on the local marine environment through the construction of plants and associated development. There may also be impacts from abstraction and discharge of cooling water during operation. It refers to more detail on the impacts and specific measures and actions to avoid or minimise adverse impacts, including those on marine ecology, being contained within the NPSs, including EN-2 in respect of fossil fuel generating stations.
- 3.36 Marine plans are intended to set out detailed policy and spatial guidance for a particular area. The UK is divided into a number of marine planning regions with associated plan authorities that are responsible for preparing marine plans. In England the MMO is the plan authority.
- 3.37 The Proposed Development Site lies partially within the area covered by 'East Inshore and East Offshore Marine Plans' published in April 2014. The plan area includes the tidal River Aire, within which, as confirmed above, works are proposed as part of the Proposed Development. Chapter 3 sets out the plan policies. There are no specific policies relating to fossil fuel generating stations; however, the policies relating to economic, social and cultural, environmental and climate change considerations are of some relevance and are consistent with policy set out in the relevant NPSs, notably EN-1 and EN-2.

Other matters that may be 'important and relevant'

- 3.38 As noted above, in making decisions on applications for NSIPs, section 104 of the PA 2008 states that the SoS must also (in addition to the NPSs) have regard to any other matters that they consider to be both 'important and relevant' to their decision. Paragraph 4.1.5 of EN-1 provides some clarification on such matters, stating that these may include development plan documents or other documents in the local development framework.
- 3.39 EN-1 is clear (reflecting the terms of the PA 2008), however, that in the event of any conflict between a NPS and development plan documents, the NPS prevails for the purposes of SoS decision-making given the national significance of the infrastructure concerned.

National Planning Policy Framework and Planning Practice Guidance

- 3.40 The National Planning Policy Framework ('NPPF') was adopted in March 2012 by the Department for Communities and Local Government ('DCLG') and replaced the majority of Planning Policy Statements and Planning Policy Guidance Notes. The policies contained within the NPPF are expanded upon and supported by the 'Planning Practice Guidance', which was published in March 2014 (also by DCLG).
- 3.41 The NPPF sets out the Government's planning policies for England and how these are to be applied. It is a material consideration in planning decisions. Paragraph 3 of the NPPF makes it clear that the document does not contain specific policies for NSIPs and that applications in relation to NSIPs are to be determined in accordance with the decision making framework set out in the Act and relevant NPSs, as well as any other matters that are considered both important and relevant. However, paragraph 3 goes on to confirm that the NPPF may be considered to be a matter that is both important and relevant for the purposes of assessing DCO applications. The EIA undertaken for the Proposed Development will therefore have regard to the relevant policies of the NPPF as part of the overall framework of national policy.
- 3.42 Paragraph 6 of the NPPF is clear that the purpose of the planning system is to contribute to the achievement of sustainable development and that the policies that are set out in the NPPF, taken

as a whole, constitute the Government's view of what sustainable development in England means in practice. Paragraph 7 goes on to identify three dimensions to sustainable development: economic, social and environmental. It states that these dimensions give rise to the need for the planning system to perform a number of key roles as follows:

- an economic role - contributing to a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development, including the provision of infrastructure;
- a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generation and by creating a high quality built environment, with accessible local services that reflect communities needs and support their health, social and cultural well-being; and
- an environmental role - contributing to protecting and enhancing our natural, built and historic environment, and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change, including moving to a low carbon economy.

3.43 Paragraph 8 emphasises that these roles should not be undertaken in isolation, because they are mutually dependent. For example, economic growth can secure higher social and environmental standards, while well designed buildings and places can improve the lives of people and communities.

3.44 Central to the NPPF is 'a presumption in favour of sustainable development'. This is highlighted at Paragraph 14. For decision-making, this means approving applications that accord with the development plan without delay.

3.45 Paragraph 17 sets out a number of core land-use planning principles that should underpin decision making. Those of particular relevance to the Proposed Development include to:

- proactively drive and support sustainable economic development to deliver the infrastructure that the country needs;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and encouraging the reuse of existing resources and the use of renewable energy sources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value; and
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

3.46 NPPF policies of particular relevance include promoting sustainable transport; requiring good design; promoting healthy communities; conserving and enhancing the natural and historic environment; and meeting the challenge of climate change and mitigating its effects.

[The Statutory Development Plan \(local planning policy\)](#)

- 3.47 The Proposed Development lies entirely within the administrative areas of SDC and NYCC.
- 3.48 The statutory development plan for the area currently comprises the following development plan documents:
- the Selby District Core Strategy Local Plan - adopted October 2013;
 - the 'saved' policies of the Selby District Local Plan - adopted February 2005;
 - the 'saved' policies of the North Yorkshire Waste Local Plan - adopted 2006; and
 - the 'saved' policies of the North Yorkshire Minerals Local Plan - adopted 1997.
- 3.49 Both the Local Plan and the Core Strategy contain a number of other policies that are of relevance to the examination and determination of the Application. These include:
- Local Plan (2005):
 - ENV 1 'Control of Development';
 - ENV 2 'Environmental Pollution and Contamination';
 - ENV 3 'Light Pollution';
 - ENV 4 'Hazardous Substances';
 - ENV 9 'Sites of Importance for Nature Conservation Importance';
 - ENV27 'Scheduled Monuments and Important Archaeological Sites';
 - ENV28 'Other Archaeological Sites';
 - EMP10 'Additional Industrial Development at Drax and Eggborough Power Stations';
 - RT1 'Recreation Open Space';
 - T1 'Development in Relation to the Highway Network';
 - T2 'Access to Roads'; and
 - T8 'Public Rights of Way'.
 - Core Strategy (2013):
 - SP 1 'Presumption in Favour of Sustainable Development';
 - SP2 'Spatial Development Strategy';
 - SP12 'Access to Services, Community Facilities and Infrastructure';
 - SP13 'Scale and Distribution of Economic Growth';
 - SP 15 'Sustainable Development and Climate Change';
 - SP 16 'Improving Resource Efficiency';
 - SP17 'Low-Carbon and Renewable Energy';
 - SP 18 'Protecting and Enhancing the Environment'; and
 - SP 19 'Design Quality'.

- 3.50 None of the saved policies contained in the North Yorkshire Minerals Local Plan are considered to be of direct relevance to the Proposed Development. Policy 3/7 'Mineral Sterilisation' is considered to be of some limited relevance given the deep coal deposits within the surrounding area and the proximity of the recently closed Kellingley Colliery and its mined seams. The policy states that in considering applications for non-mineral development, mineral resources will be protected from sterilisation unless there is an overriding need for the development and that prior extraction of minerals that would otherwise be sterilised by the development will be permitted, provide this is practicable and environmentally acceptable.
- 3.51 The majority of the saved policies of the North Yorkshire Waste Local Plan relate to waste management facilities and are of limited relevance, with the exception of Policy 5/1 'Waste Minimisation', which covers waste arisings from major new development proposals.
- 3.52 SDC is currently preparing a 'Sites and Policies Local Plan' to deliver the strategic vision outlined in the Core Strategy, which is intended to supersede the remaining 'saved' policies in the Local Plan. However, the document is at an early stage of preparation and is yet to be published for consultation.
- 3.53 NYCC (along with the City of York and the North York Moors National Park Authority) is preparing a Minerals and Waste Joint Plan. The Plan is at a relatively advanced stage with a Publication Draft having been published. As confirmed in Section 2, much of the Proposed Development Site lies within an area identified for minerals safeguarding on the Policies Map (Area 8) of the Minerals and Waste Joint Plan subject to Policy S02 'Development within Minerals Safeguarding Areas'. In addition, the rail head at the existing coal-fired Power Station site is safeguarded under Policy S04 'Transport infrastructure safeguarding'. As such, these policies are relevant to the Proposed Development.

Summary

- 3.54 The NPSs form the primary basis for decisions by the SoS on applications for NSIPs. In addition to setting out the strong need for new energy infrastructure, they provide detailed guidance on the matters to take into account when both preparing and assessing applications for NSIPs. They also confirm that the SoS must have regard to any other matters that he/she considers are both 'important and relevant', which can include the NPPF and local development plan policy. Both the NPS and NPPF are clear, however, that in the event of any conflict between a NPS and another document, the NPS prevails.

4.0 THE NEED FOR THE PROPOSED DEVELOPMENT

4.1 This section details the need that exists for the Proposed Development in policy terms, with particular reference to the energy NPSs.

The need for new electricity generating capacity

4.2 The 'need' that exists for new electricity generating infrastructure, such as that proposed, is confirmed in the NPSs for energy infrastructure that were designated by the SoS for BEIS (then the Department of Energy and Climate Change) in July 2011. These NPSs form the primary basis for decisions by the SoS on nationally significant energy infrastructure that falls to be considered under the PA 2008.

4.3 As confirmed in Section 3, the NPSs of most direct relevance to the Proposed Development include EN-1, EN-2, EN-4 and EN-5. Of the four, EN-1 sets out the 'need' that exists for new energy infrastructure.

4.4 Part 2 of EN-1 'Government policy on energy and energy infrastructure development' outlines the policy context for the development of nationally significant energy infrastructure. Paragraph 2.1.2 highlights that energy is vital to economic prosperity and social well-being and, as such, it is important to ensure that the UK has secure and affordable energy. Furthermore, producing the energy the UK requires and getting it to where it is needed necessitates a significant amount of infrastructure, both large and small scale.

4.5 Section 2.2 'The road to 2050' confirms the Government's commitment to meet the UK's legally binding target to cut greenhouse gas emissions by at least 80% by 2050, compared to 1990 levels (paragraph 2.2.1). This will require major changes in how energy is generated and used. It identifies a number of key themes of Government energy policy. These include the transition to a low carbon economy; the power sector and carbon emissions; electricity market reform; and the security of energy supplies.

4.6 The section on 'electricity market reform' (paragraphs 2.2.16 - 2.2.19) highlights how around a quarter of the UK's generating capacity is due to close by the end of the decade and that while for the time being electricity margins are healthy there is still the need for investment of over £100 billion in the electricity sector alone by the end of the decade. It goes on to state that the Government is looking at a variety of reforms in order to promote investment so as to replace aging infrastructure.

4.7 Paragraphs 2.2.20 - 2.2.26 of EN-1 deal with the 'security of energy supplies'. Paragraph 2.2.20 states that it is critical that the UK continues to have secure and reliable supplies of electricity as it makes the transition to a low carbon economy. Furthermore, that to manage the risks to achieving security of supply the UK needs:

- Sufficient electricity capacity to meet demand at all times, including a 'safety margin of spare capacity' to accommodate unforeseen fluctuations in supply or demand.
- Reliable associated supply chains (for example, fuel for power stations) to meet demand as it rises.
- A diverse mix of technologies and fuels (and fuel supply routes), so that it does not rely on any one technology or fuel.

- 4.8 Part 3 of EN-1 'The need for new nationally significant energy infrastructure' defines and sets out the 'need' that exists for nationally significant energy infrastructure. Paragraph 3.1.1 states that the UK needs all the types of energy infrastructure covered by EN-1 (this covers a range of electricity generating capacity, including gas) in order to achieve energy security. Paragraph 3.1.2 goes on to state that it is for industry to propose new energy infrastructure and that the Government does not consider it appropriate for planning policy to set targets for or limits on different technologies.
- 4.9 Notably, paragraph 3.1.3 stresses that the SoS should assess applications for development consent for the types of infrastructure covered by the energy NPSs "...on the basis that the Government has demonstrated that there is a need for those types of infrastructure and that the scale and urgency of that need..." is as described for each of them. Paragraph 3.1.4 continues that the SoS should give substantial weight to the contribution that all proposed developments would make toward satisfying this need when considering applications under the PA 2008.
- 4.10 As such, the need that exists for new energy infrastructure is not open to debate or interpretation and is clearly confirmed by EN-1.
- 4.11 Section 3.3 of Part 3 of EN-1 sets out why the Government believes that there is an urgent need for new electricity infrastructure, including:
- **Meeting energy security and carbon reduction objectives** - the need to ensure there is sufficient electricity generating capacity to meet maximum peak demand, with a safety margin of spare capacity to accommodate unexpectedly high demand and to mitigate risks such as unexpected plant closures and extreme weather events; and a diverse mix of power generation to reduce reliance on any one type of generation or source of fuel or power.
 - **The need to replace closing electricity generating capacity** - at least 22 GW of existing electricity generating capacity will need to be replaced in the coming years, particularly by the end of the decade, as a result of tightening environmental regulation and aging power stations (in particular the closure of coal-fired stations); in addition to this about 10 GW of nuclear generating capacity is expected to close over the next 20 years.
 - **The need for more electricity capacity to support the increased supply from renewables** - decarbonisation of electricity generation is reliant on a dramatic increase in the amount of renewable energy; however, some renewable sources (such as wind, solar and tidal) are intermittent and cannot be adjusted to meet demand. As a result, the more renewable generating capacity the UK has, the more generation capacity it will require overall to provide back up at times when the availability of renewable sources is low - with regard to this it is important to note that EN-1 recognises that there will still be a role for fossil fuel generation to provide a cost-effective means of 'back up' electricity generation at short notice to support renewable technologies.
 - **Future increases in electricity demand** - even with major improvements in overall energy efficiency, it is expected that demand for electricity will increase, as significant sectors of energy demand (such as industry, heating and transport) switch from being powered by fossil fuels to using electricity. As a result of this, total electricity consumption could double by 2050 and, depending upon the choice of how electricity is supplied, total capacity may need to more than double to be sufficiently robust to all weather conditions.
- 4.12 Paragraphs 3.3.15 - 3.3.24 of EN-1 deal with the urgency of the need for new electricity generating capacity. Paragraph 3.3.15 states that in order to secure energy supplies that enable

the UK to meet its climate change obligations to 2050, there is an urgent need for new energy infrastructure to be brought forward as soon as possible, and certainly in the next 10-15 years.

- 4.13 Paragraph 3.3.23 confirms that the Government believes (based on predictions) that it is prudent, in order to minimise the risk to energy security and resilience, to plan for a minimum need of 59 GW of new electricity generating capacity by 2025. The Government would like to see a significant proportion of the balance come from low carbon generation (paragraph 3.3.22).

The role of fossil fuel generating stations

- 4.14 Section 3.3 (paragraph 3.3.4) of EN-1 highlights the benefits of having a diverse mix of all types of power generation:

“It means we are not dependent on any one type of generation or one source of fuel of power and so helps to ensure security of supply... the different types of electricity generation have different characteristics which can complement each other...”

- 4.15 With regard to fossil fuel generating station, paragraph 3.3.4 states that this:

“...can be brought on line quickly when there is a high demand and shut down when demand is low, thus complementing generation from nuclear and the intermittent generation for renewables...”

- 4.16 EN-1 therefore recognises the continuing role of fossil fuel generation in terms of complementing other types of generation, notably renewables, providing resilience in the UK’s energy system and ensuring the security of electricity supplies.

- 4.17 Section 3.6 of EN-1 deals specifically with the role of fossil fuel electricity generation. Paragraph 3.6.1 states:

“Fossil fuel power stations play a vital role in providing reliable electricity supplies: they can be operated flexibly in response to changes in supply and demand, and provide diversity in our energy mix. They will continue to play an important role in our energy mix as the UK makes the transition to a low carbon economy, and Government policy is that they must be constructed, and operate, in line with increasingly demanding climate change goals.”

- 4.18 Paragraph 3.6.2 recognises that gas will continue to play an important role in the electricity sector, providing vital flexibility to support the increasing amount of low carbon generation and to maintain security of supply. It goes on to highlight that the UK gas market has diversified its sources of supply of gas in recent years, so that at it becomes more import dependent, companies supplying the market are not reliant on one source of supply. This protects the UK market from disruptions to supply.

- 4.19 Paragraph 3.6.3 confirms that some of the new conventional generating capacity needed in the UK is likely to come from new fossil fuel generating capacity in order to maintain security of supply and to provide flexible back-up for intermittent renewable energy, particularly from wind. It does however note that fossil fuel generation produces atmospheric emission of carbon dioxide but that the amount produced, depends, amongst other things, on the type of fuel and the design of and age of the power station. It goes on to state that at present coal typically produces about twice as much carbon dioxide as gas per unit of electricity generated but that new technology (carbon capture and storage) offers the prospect of reducing the carbon dioxide emissions of both

fuels at a level where, whilst retaining their existing advantages, they can also be regarded as low carbon energy sources.

4.20 The continuing need for fossil fuel generation is confirmed at paragraph 3.3.8 of EN-1, as follows:

“... a number of fossil fuel generating stations will have to close by the end of 2015. Although this capacity may be replaced by new nuclear and renewable generating capacity in due course, it is clear that there must be some fossil fuel generating capacity to provide back-up for when generation from intermittent renewable generating capacity is low and to help with the transition to low carbon electricity generation. It is important that such fossil fuel generating capacity should become low carbon, through development of CCS, in line with carbon reduction targets. Therefore there is a need for CCR [carbon capture ready] fossil fuel generating stations...”

Summary

4.21 EN-1 clearly confirms the 'need' that exists for all types of nationally significant energy infrastructure, including new fossil fuel generating stations that are carbon capture ready ('CCR'); and makes clear that the SoS should assess applications on the basis that this 'need' and its scale and urgency has been proven. Furthermore, that the SoS should give substantial weight to the contribution that all developments would make toward satisfying this need. As such, the need that exists for new electricity generating infrastructure, such as that proposed, is not open to debate or interpretation.

4.22 EN-1 also recognises that even with the move to a low carbon economy, the UK will continue to rely on fossil fuels as part of its energy mix for decades to come. In this respect, fossil fuel generating stations have a vital role to play in adding to the security, diversity and resilience of the UK electricity supplies. Not least, they ensure that the country is not overly reliant on any one type of generation and can be operated flexibly, providing back-up for when generation from intermittent renewable generating capacity is low, supporting the UK's transition to low carbon electricity generation.

4.23 In September 2015 EPL announced the expected closure of the existing coal-fired power station in March 2016, although a subsequent 'Supplemental Balancing Reserve' contract with National Grid has enabled its continued operation in the short term up to March 2018. Nevertheless, the existing coal-fired power station will close in the near future, with the loss of 2,000 MW of electricity generating capacity.

4.24 The Proposed Development, with a gross output capacity of up to 2,500 MW, will more than compensate for the closure of the existing coal-fired power station. Furthermore, being a modern gas-fired power station, it will have significantly lower carbon emissions than the existing power station and will be designed to be CCR, should the deployment of carbon capture and storage plant become feasible in the future. It will also include a gas-fired peaking plant of up to 299 MW gross output capacity; a particularly flexible form of electricity generating capacity, able to respond rapidly to increases in demand on the electricity network or fluctuations in supply from renewable technologies.

4.25 For the above reasons, EPL considers that the Proposed Development will make a major contribution toward addressing the need that exists for new electricity generating capacity in the UK and that it will add to the security, diversity and resilience of UK electricity supplies and support to transition to low carbon electricity generation.

5.0 THE ASSESSMENT OF THE PROPOSED DEVELOPMENT AGAINST POLICY

- 5.1 This section provides an assessment of the Proposed Development against policy, notably the relevant NPSs, given that Section 104 of the PA 2008 requires the SoS to determine applications for NSIPs in accordance with the relevant NPSs.
- 5.2 The assessment of the Proposed Development against the NPSs has been structured so as to follow the relevant 'assessment principle' and 'generic impact' headings set out in EN-1 and also to take account of the 'assessment and technology specific considerations' contained within EN-2, EN-4 and EN-5 in relation to fossil fuel generating stations, gas pipeline infrastructure and electricity transmission infrastructure, where these are not covered by the assessment principles and generic impacts of EN-1. Each heading references the relevant part or section of the NPSs.
- 5.3 Marine policy has not been considered further given that the Proposed Development only involves a relatively small section of the tidal River Aire and as the UK Marine Policy Statement refers to the detail relating to potential impacts of generating stations on the marine environment, including marine ecology, being contained within the NPSs, including EN-2 in respect of fossil fuel generating stations. Furthermore, the policies within the East Inshore and East Offshore Marine Plans, which include the tidal River Aire, are consistent with those set out in EN-1 and EN-2.
- 5.4 Although the focus of this section is principally upon conformity with the NPSs (as these are the primary basis for decisions on NSIPs by the SoS); the Applicant has also had regard to the compliance of the Proposed Development with relevant policies contained within the NPPF and the local development plan for the area, given that such policies may be considered to be both 'important and relevant'.

Conformity with the NPSs

- 5.5 An assessment of the conformity of the Proposed Development with EN-1, EN-2, EN-4 and EN-5 is provided below in respect of the relevant assessment principles, generic impacts and assessment and technology specific considerations.

Assessment Principles

- 5.6 Part 4 of EN-1 sets out 'General points' that the SoS should take into account in decision-making on NSIPs, in addition to a number of key assessment principles that both applicants and the SoS should have regard to in preparing and determining applications for development consent.
- 5.7 The majority of the assessment principles in EN-1 are of relevance to most types of nationally significant energy infrastructure. A number of these are also referred to within EN-2, EN-4 and EN-5 in relation to the types of technology that are covered by them in 'assessment and technology-specific information' and where that is the case they are also dealt with below and the relevant part of the NPS is referenced.

General Points (EN-1, 4.1)

- 5.8 EN-1 'General points' (paragraph 4.1.2) reiterates the urgency of the 'need' for the types of infrastructure covered by the energy NPSs and again confirms that the SoS should start with a presumption in favour granting development consent for energy NSIPs.

- 5.9 Paragraph 4.1.3 goes on to state that in considering applications for energy NSIPs, and in particular, when weighing their adverse impacts against their benefits, the SoS should take into account:
- the potential benefits including the contribution to meeting the need for energy infrastructure, job creation and any long-term or wider benefits; and
 - the potential adverse impacts, including any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts.
- 5.10 Paragraph 4.1.4 goes on to state that in this context, the SoS should take into account environmental, social and economic benefits and adverse impacts, at national, regional and local levels.
- 5.11 With regard to this, this Planning Statement at Section 6 provides an assessment of the key benefits and adverse impacts of the Proposed Development. It shows that the Proposed Development would have a number of substantial benefits and that these clearly outweigh its limited adverse impacts.
- 5.12 Paragraph 4.1.5 confirms that matters that the SoS may consider both 'important and relevant' to decision making on energy NSIPs may include local development plan documents. However, in the event of a conflict between these or any other documents and a NPS, the NPS prevails.
- 5.13 In respect of the above, this section of the Planning Statement provides an assessment of the compliance of the Proposed Development with local planning policy. This demonstrates that the Proposed Development does not conflict with local planning policy.
- 5.14 Paragraph 4.1.7 confirms that the SoS should only impose 'requirements' in relation to a development consent where these satisfy relevant guidance and are necessary, relevant to planning, relevant to the development to be consented, enforceable, precise and reasonable in all other respects.
- 5.15 EPL has included a number of requirements within the draft DCO (Application Document Ref. 2.1) that, amongst other matters, are intended to control the detailed design of the Proposed Development in addition to its construction and operation in order to ensure that it accords with the EIA carried out and does not result in unacceptable impacts. In preparing the draft requirements the Applicant has had regard to other relevant DCOs and relevant guidance; notably that contained within the NPPF (paragraphs 203-206) and the Planning Practice Guidance ('PPG') ('Use of planning conditions'). The requirements are contained at Schedule 2 of the draft DCO and their intended purpose is explained within the Explanatory Memorandum (Application Document Ref. 2.2).
- 5.16 Paragraph 4.1.8 states that SoS may take into account any development consent obligations (under Section 106 of the TCPA 1990 as amended by Section 174 of the PA 2008) that an applicant agrees with local authorities. To be required development consent obligations must satisfy broadly similar tests to requirements; they must be relevant to planning, necessary to make the development acceptable in planning terms, directly related to the development, fairly and reasonably related in scale and kind to the development and reasonable in all other respects (NPPF - paragraphs 203-206 and the PPG 'Planning obligations').
- 5.17 EPL's assessment of the Proposed Development, notably through the EIA, has identified some effects that require mitigation. However, the necessary mitigation has either been embedded

within the design of the Proposed Development or would be secured through the proposed requirements and therefore, taking into account the above tests, it is considered that there is no other mitigation that would warrant a development consent obligation in order to make the Proposed Development acceptable in planning terms. The Commitments Register (ES Volume III, Appendix 21A - Application Document Ref. 6.4.27) confirms how the mitigation and commitments set out in the ES will be secured.

- 5.18 Paragraph 4.1.9 confirms that in bringing forward energy infrastructure, the applicant will have made a judgement as to its financial and technical feasibility. It goes on to state that where the SoS considers, based on the information provided in the application, that financial and technical feasibility have been properly assessed, they are unlikely to be relevant to the SoS's decision-making.
- 5.19 With regard to the above, EPL has made a decision to proceed with the Application based on a number of commercial and financial considerations and owns and operates the existing coal-fired power station, which would be the site of the Proposed Power Plant. EPL was acquired by EP UK in late 2014; a subsidiary of EPH. EPH owns and operates energy generation assets in the Czech Republic, Slovak Republic, Germany, Italy, Hungary, Poland and the United Kingdom. The Applicant therefore has an established track record in delivering power generation projects. Paragraph 3.3.6 of EN-1 states that *"...it is for industry to propose the specific types of developments that they assess to be viable..."* within the framework established by the Government.

Environmental Statement (EN-1, 4.2)

- 5.20 EN-1 (paragraph 4.2.1) states that proposed developments that are subject to the European EIA Directive must be accompanied by an ES describing the aspects of the environment likely to be significantly affected by them. It highlights that the European EIA Directive specifically refers to effects on human beings, fauna, flora, soil, water, air, climate, the landscape, material assets and cultural heritage and the interaction between them. It goes on to state that the assessment of effects in the ES should cover direct and indirect effects, both permanent and temporary, cumulative effects, positive and negative effects and measures for avoiding or mitigating significant adverse effects.
- 5.21 Paragraphs 4.2.2 - 4.2.11 provide further guidance on the matters that should be covered within the ES for the purposes of SoS decision making.
- 5.22 The Application includes an ES (Application Document Refs. 6.1 - 6.4). In advance of preparing the ES, the Applicant obtained an EIA Scoping Opinion from the PINS (dated 28 September 2016), which is provided in ES Volume III, Appendix 1B (Application Document Ref. 6.4.2). The scope and coverage of the ES accords with the EIA Scoping Opinion and ES Volume I Chapter 2 'Assessment Methodology' (Application Document Ref. 6.2.2) sets out how the EIA has taken into account the EIA Scoping Opinion and the technical scope of the EIA that has been undertaken.
- 5.23 As required by EN-1, the ES for the Proposed Development includes the following:
- An assessment of the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects for all stages of the Proposed Development, and also the measures envisaged for avoiding and mitigating any significant adverse effects - It is relevant to note, that in undertaking the EIA of the Proposed Development, EPL has taken account of the potential for the existing coal-fired

power station to be demolished. The approach taken to the assessment of environmental effects is set out at ES Volume I Chapter 2 'Assessment Methodology'. Furthermore, ES Volume I, Chapters 8 - 20 identify the likely significant effects of the Proposed Development, the mitigation measures (where required) and the residual effects. The Commitments Register (ES Volume III, Appendix 21A - Application Document Ref. 6.4.27) sets out how that mitigation will be secured. The ES, in the assessment of effects, therefore clearly distinguishes between the different stages of the Proposed Development.

- An explanation of the components of the Proposed Development where it has not been possible to fix details in advance of the submission of the Application and where flexibility is required, and the approach that has been taken to assessing the effects that may result - EPL has adopted the principles of the 'Rochdale Envelope' and has assessed through the EIA maximum 'worst case' dimensions and design parameters where flexibility is required. Where flexibility is required within the Proposed Development is explained in ES Volume I, Chapter 4 'The Proposed Development', Section 4.3 'Design Parameters' (Application Document Ref. 6.2.4) and, where relevant, within the relevant chapters of the ES, notably Chapter 16 'Landscape and Visual Amenity (Application Document Ref. 6.2.16). The maximum dimensions and design parameters will be controlled and secured through Article 3. 'Development consent etc. granted by the Order', Schedule 14 'Design Parameters' and Schedule 2 'Requirements', Requirement 5 'Detailed design' of the draft DCO (Application Document Ref. 2.1).
- Information on the likely significant social and economic effects of the Proposed Development is provided at ES Volume I, Chapter 15 'Land Use, Agriculture and Socio-economics' (Application Document Ref. 6.2.15). This includes the benefits of the Proposed Development in terms of employment generation both through direct employment and wider benefits for the economy.
- ES Volume I, Chapter 20 'Cumulative and Combined Effects' (Application Document Ref. 6.2.20) considers how the effects of the Proposed Development could combine and interact with the effects of other planned and consented Proposed Developments, including the potential demolition of the existing coal-fired power station. The approach to assessing cumulative and combined effects is explained within Chapter 20.
- The significant effects of the Proposed Development, including after mitigation (where necessary) has been applied to reduce the significance and magnitude of those effects, are summarised in ES Volume I, Chapter 21 'Summary of Significant Effects' (Application Document Ref. 6.2.21). The Commitments Register (ES Volume III, Appendix 21A - Application Document Ref. 6.4.27) sets out how that mitigation will be secured.
- As indicated above, the draft DCO (Application Document Ref. 2.1) at Schedule 2 includes appropriate requirements to control and secure the details of the Proposed Development that are still to be finalised to ensure that it will be constructed in accordance with the EIA that has been undertaken.

Habitats and Species Regulations (NPS EN-1, 4.3)

- 5.24 EN-1 (paragraph 4.3.1) confirms that prior to granting development consent, the SoS must, under the Habitats and Species Regulations, consider whether a proposed development may have a significant effect on a European site, or any site to which the same protection is applied as a matter of policy, either alone or in combination with other plans and projects. EN-1 continues that the applicant should seek the advice of Natural England ('NE') and provide the SoS with such

information as may be reasonably required to determine whether an 'Appropriate Assessment' is required.

- 5.25 ES Volume III includes a Habitats Regulations Assessment ('HRA') Signposting Report (Appendix 10H, Application Document Ref. 6.4.15). This includes completed Screening Matrices. The HRA Signposting Report confirms that the Proposed Development is unlikely to result in significant effects on internationally or nationally designated nature conservation sites. Furthermore, Natural England's ('NE') response (dated 10 February 2017) to the Stage 2 consultation states that as the Proposed Development Site is over 10 km from any internationally or nationally designated nature conservation sites, it does not consider that there are likely to be significant effects on any such sites due to the distances involved and the absence of any pathways for potential effects.

Alternatives (NPS EN-1, 4.4)

- 5.26 Paragraph 4.4.1 confirms that as in any planning case, the relevance or otherwise to the decision-making process of the existence (or alleged existence) of alternatives to a proposed development is in the first instance a matter of law, which falls outside the scope of the NPS. It goes on, however, to state that from a policy perspective there is no general requirement to consider alternatives or to establish whether a development represents the best option, except that:
- Applicants are obliged to include in their ES, as a matter of fact, information about the main alternatives they have studied. This should include an indication of the main reasons for the applicant's choice, taking into account the environmental, social and economic effects and including, where relevant, technical and commercial feasibility.
 - In some cases, there are specific legislative requirements, notably under the Habitats Directive, for the SoS to consider alternatives. These should be identified in the ES by the applicant.
 - In some circumstances, the relevant energy NPSs may impose a policy requirement to consider alternatives; EN-1 does in Sections 5.3, 5.7 and 5.9 in relation to avoiding significant harm to biodiversity and geological conservation interests, flood risk and development within nationally designated landscapes, respectively.
- 5.27 Information relating to the main alternatives that the Applicant has considered in relation to the Proposed Development are set out at ES Volume I Chapter 6, 'Need, Alternatives and Design Evolution' (Application Document Ref. 6.2.6). This includes the alternatives considered in terms of the location for the Proposed Power Plant (Work No. 1) and the routes for the Proposed Gas Connection (Work No. 6).
- 5.28 With regard to the policy requirements of EN-1 to consider alternatives in particular circumstances, paragraph 5.3.7 states that as a general principle, development should aim to avoid significant harm to biodiversity and geological conversation interests, including through mitigation and consideration of reasonable alternatives; where significant harm cannot be avoided, then appropriate compensation measures should be sought.
- 5.29 It is considered that the assessment of alternatives in relation to biodiversity and geological conservation interests is of more relevance where development has the potential to impact upon internationally or nationally designated sites. In relation to biodiversity, the HRA Signposting Report (Application Document Ref. 6.4.15) confirms that the Proposed Development is unlikely to result in significant effects on internationally or nationally designated nature conservation sites, while there are no geological interest features either within the vicinity of or at the Proposed

Development Site as confirmed by ES Volume I, Chapter 12 'Geology, Hydrogeology and Land Contamination' (Application Document Ref. 6.2.12).

- 5.30 Paragraph 5.7.13 of EN-1 states that the consideration of alternative sites is relevant to the application of the 'Sequential Test' in relation to flood risk, with the preference in the first instance to locate development within Flood Zone 1, the zone of least probability of tidal or fluvial flooding.
- 5.31 Although the much of the Proposed Development Site, including the Proposed Power Plant (Work No. 1) lies within Flood Zone 1, some parts, notably the northern part of the Proposed Construction Laydown (Work No. 2A) and the Proposed Gas Connection (Work No. 6) fall within Flood Zones 3a and 3b. However, these works are considered to represent 'Essential Infrastructure' (this includes utility infrastructure that has to be located in flood risk zones for operational reasons) and are therefore appropriate to Flood Zones 3a and 3b subject to satisfying the 'Exception Test'. It is considered that the proposed works satisfy the two parts of the Exception Test; they will have wider sustainability benefits (e.g. the contribution to the security of electricity supplies) and will also be safe taking into account the vulnerability of users and will not increase the risk of flooding, since the only works proposed in Flood Zones 3a and 3b are the installation of an underground pipeline. A Flood Risk Assessment is provided at Appendix 11A of ES Volume III (6.4.11). This demonstrates that the Proposed Development will remain safe during its lifetime and will not increase flood risk elsewhere and is, therefore, considered to be acceptable in flood risk terms.
- 5.32 Paragraph 5.9.10 of EN-1 indicates that the consideration of alternatives can also be relevant where development involves land that is subject to national landscape designations, such as National Parks or Areas of Outstanding Natural Beauty.
- 5.33 ES Volume I, Chapter 16 'Landscape and Visual Amenity' (Application Document Ref. 6.2.16) confirms that the Proposed Development Site does not lie within any national or local landscape designations nor is it within the immediate vicinity of any such designations.
- 5.34 The Applicant's consideration of alternatives in relation to the Proposed Development, as set out in the ES (Chapter 6), is therefore considered to be both appropriate and proportionate.

Criteria for 'good design' in energy infrastructure (NPS EN-1, 4.5; EN-2, 2.3.15 - 2.3.16; EN-4, 2.3 and EN-5, 2.5)

- 5.35 EN-1 (paragraph 4.5.1) recognises that the functionality of buildings and infrastructure, including fitness for purpose and sustainability, are as equally important as visual appearance and aesthetic considerations. It goes on to state that applying 'good design' to energy Proposed Developments should produce sustainable infrastructure sensitive to place, efficient in the use of natural resources and energy used in their construction and operation, matched by an appearance that demonstrates 'good aesthetic' as far as possible. It is however acknowledged that *"...the nature of much energy infrastructure development will often limit the extent to which it can contribute to the enhancement of the quality of an area."*
- 5.36 Paragraph 4.5.2 of EN-1 notes that 'good design' is also a means by which many policy objectives in the NPS can be met, for example, the impact sections (of EN-1) show how good design, in terms of siting and use of appropriate technologies can help mitigate adverse impacts such as noise.

5.37 Paragraph 4.5.3 confirms that in assessing applications, the SoS will need to be satisfied that energy infrastructure developments are sustainable and, having regard to regulatory and other constraints, are as attractive, durable and adaptable (including taking account of natural hazards such as flooding) as they can be. In doing so, it goes on to state that the SoS should be satisfied that:

"..the applicant has taken into account both functionality (including fitness for purpose and sustainability) and aesthetics (including its contribution to the quality of the area in which it would be located) as far as possible. Whilst the applicant may not have any or very limited choice in the physical appearance of some energy infrastructure, there may be opportunities for the applicant to demonstrate good design in terms of siting relative to existing landscape character, landform and vegetation. Furthermore, the design and sensitive use of materials in any associated development such as electricity substations will assist in ensuring that such development contributes to the quality of the area."

5.38 Paragraph 4.5.4 stresses the importance of applicants being able to demonstrate in their application documents how the design process was conducted and how the proposed design evolved. However, it also makes clear that in considering applications, the SoS should take into account the ultimate purpose of the infrastructure and bear in mind the operational, safety and security requirements, which the design has to satisfy.

5.39 EN-2 (paragraph 2.3.16) states that in relation to fossil fuel generating stations, applicants should demonstrate good design particularly in respect of landscape and visual amenity and in the design of the proposed development to mitigate impacts such as noise and vibration, transport impacts and air emissions.

5.40 EN-4 (paragraph 2.3.1) states that in relation to gas infrastructure, applicants should demonstrate good design as per section 4.5 of EN-1.

5.41 EN-5 (paragraph 2.5.2) states that proposals for electricity network infrastructure should demonstrate good design in their approach to mitigating the potential adverse impacts that can be associated with overhead lines.

5.42 Chapter 6 of ES Volume I 'Need, Alternatives and Design Evolution' (Application Document Ref. 6.2.6) provides an explanation of how the design of the Proposed Development has evolved in the lead up to the submission of the Application. Furthermore, the individual chapters of the ES explain how the Proposed Development has been designed, including the mitigation embedded in its design, to minimise and mitigate impacts. The Commitments Register (ES Volume III, Appendix 21A – Application Document Ref. 6.4.21) sets out how such mitigation will be secured.

5.43 Furthermore, EPL prepared a Design and Access Statement (Application Document Ref. 5.6), which sets out how it has had regard to 'good design' in respect of the Proposed Development. It describes how EPL has taken account of and appraised the Proposed Development Site's context and the design process that has been followed, including the broad approach that has been taken to the design of the Proposed Development and how this has changed and evolved in the period leading up to the submission of the Application and where opportunities have been taken to improve design and minimise impacts. The Design and Access Statement ('DAS') also explains where flexibility is required within the Proposed Development and how its detailed design will be secured and controlled.

- 5.44 The immediate context within which much of the Proposed Development Site sits; formed by the existing coal-fired power station; is already very much industrialised in terms of its character and appearance. It is dominated by the large and functional power generation buildings and structures of the existing power station, notably the large turbine hall, the tall cooling towers and emissions stack, the existing NG electricity substation, overhead electric lines, coal yards and rail infrastructure.
- 5.45 While the wider area around the existing coal-fired power station, including the area through which the Proposed Gas Connection will pass, is generally rural and for the most part comprises agricultural land interspersed with small settlements, it is still dominated by the existing power station, which is visible across the flat landscape for several kilometres. The wider area is also subject to significant humanising influences, being interspersed with small settlements and crossed by major transport and power infrastructure. The Proposed Development Site does not therefore sit within a setting or landscape that is highly sensitive to change.
- 5.46 The final design of the Proposed Development is functional, reflecting its purpose to generate electricity and the context within which it will sit. In terms of siting and layout, opportunities have been taken to minimise the visual impact of the Proposed Power Plant by locating it within the main coal stockyard, which has a substantial landscaped embankment to its eastern, southern and western boundaries. While there is limited scope for soft landscaping within the Proposed Power Plant site itself, EPL proposes to enhance the landscape and biodiversity value of the existing woodland areas around the existing coal-fired power station site (which have been included in the Proposed Development Site), while there will be replacement hedgerow planting within the Proposed Gas Connection corridor and around its connection to NTS at the Proposed AGI. The landscape and biodiversity proposals for the Proposed Development Site are set out in the Indicative Landscape and Biodiversity Strategy (Application Document Ref. 5.10) and are shown upon the Indicative Landscape and Biodiversity Plans (Application Document Ref. 4.13).
- 5.47 The Proposed Development also incorporates appropriate access arrangements utilising the existing accesses to the existing coal-fired power station.
- 5.48 Further to the above, the Proposed Development incorporates a number of measures within its design to ensure that it will be resilient in terms of the effects of climate change as well as contributing to mitigating those effects. This includes appropriate flood risk mitigation and surface water attenuation that will not only assist in terms of reducing surface water run-off but also enhance biodiversity. Neither should it be overlooked that the Proposed Power Plant will not only result in lower emissions than the existing coal-fired power station (while providing a greater electricity generating capacity), but also be CCR having the potential to be low carbon should the deployment of CCS technology become feasible in the future.
- 5.49 It is therefore considered that the Proposed Development represents 'good design' for the purposes of energy infrastructure and policy set out EN-1, EN-2, EN-4 and EN-5. It should also be noted that details of the external appearance of the Proposed Development will need to be approved by the relevant planning authority under Requirement 5 of the Draft DCO.

Consideration of combined heat and power ('CHP') (NPS EN-1, 4.6 and EN-2, 2.3.2 - 2.33)

- 5.50 EN-1 (paragraph 4.6.1) confirms that CHP is the generation of useable heat and electricity in a single process. A CHP generating station may either supply steam direct to customers or capture waste heat for low-pressure steam, hot water or space heating purposes after it has been used to

drive electricity generating turbines. The heat can also be used to drive absorption chillers, thereby providing cooling.

- 5.51 Paragraph 4.6.2 goes on to state that CHP is technically feasible for all types of thermal generating stations. To be economically viable (paragraph 4.6.5) as a CHP plant, a generating station needs to be located close to industrial or domestic customers with heat demands. The distance will vary according to the size of the generating station and the nature of the heat demand. The provision of CHP is most likely to be cost-effective and practical where it is included as part of the initial design and is part of a mixed use development.
- 5.52 Paragraph 4.6.6 of EN-1 states that *"...under Guidelines issued by DECC (then DTI) in 2006 [the Combined Heat and Power (CHP) Guidance], any application to develop a thermal generating station under Section 36 of the Electricity Act 1989 must either include CHP or contain evidence that the possibilities for CHP have been fully explored to inform the [Secretary of State]'s consideration of the application,"* and that the, *"...same principle applies to any thermal power station which is subject to an application for development consent under the Planning Act 2008."* It continues that the SoS should have regard to DECC's guidance or any successor to it when considering the CHP aspects of applications for thermal generating stations. Since the publication of the DECC Guidance, the Environment Agency ('EA') has published its own 'CHP Ready Guidance for Combustion and Energy from Waste Plants'.
- 5.53 Where CHP is not feasible, paragraphs 4.6.8 and 4.6.9 emphasise the need for applicants to demonstrate how the design of the development provides for the future provision of CHP (i.e. that it is 'CHP Ready').
- 5.54 EN-2 (paragraphs 2.3.2 - 2.3.3) reiterates the requirement of EN-1 for applications for generating stations to either include CHP or present evidence in the application that the possibilities for CHP have been fully explored.
- 5.55 EPL has assessed the feasibility of CHP in accordance with EN-1 and the EA's guidance. This assessment is reported within the Combined Heat and Power Assessment (Application Document Ref. 5.7). While the conclusions of the assessment are that CHP is not currently feasible, the Proposed Development has been designed to be 'CHP Ready' and allow routes and space for future CHP infrastructure. Furthermore, the draft DCO (Application Document Ref. 2.1), Schedule 2, includes Requirement 28 'Combined heat and power' that requires EPL to demonstrate to the planning authority (prior to the commercial use of the Proposed Development) that space and routes have been allowed for within its design for CHP infrastructure. Requirement 28 also requires EPL to maintain the space and routes and for the feasibility of CHP to be re-assessed at intervals during the lifetime of the Proposed Development.

[Carbon Capture Readiness \('CCR'\) and Carbon Capture and Storage \('CCS'\) \(NPS EN-1, 4.7 and EN-2, 2.3.4 - 2.3.12\)](#)

- 5.56 Paragraph 4.7.10 of EN-1 states that to ensure that no foreseeable barriers exist to retrofitting carbon capture and storage ('CCS') equipment on combustion generating stations, all applications for new combustion plant which are of generating capacity at or over 300 MW should demonstrate that the plant is CCR before consent may be given. Furthermore, that in order to provide assurance that a proposed development is CCR, applicants will need to demonstrate that their proposal complies with the following:

- that sufficient space is available on or near the site to accommodate carbon capture equipment in the future;
- the technical feasibility of retrofitting their chosen carbon capture technology;
- that a suitable area of deep geological storage offshore exists for the storage of captured CO₂ from the proposed combustion station;
- the technical feasibility of transporting the captured CO₂ to the proposed storage area; and
- the economic feasibility within the combustion station's lifetime of the full CCS chain, covering retrofitting, transport and storage.

5.57 The 'Carbon Capture and Storage and Carbon Capture and Readiness Statement' (Document Reference: 5.8) has assessed CCR and confirms that sufficient land has been set aside adjacent to the Proposed Power Plant (the Proposed CCR Land - Work no. 2B) to accommodate any future CCS plant, should the deployment of such technology become feasible in the future.

5.58 The Proposed Development therefore complies with EN-1 and EN-2 in that the Proposed Power Plant will be CCR. Furthermore, the draft DCO (Application Document Ref. 2.1) includes Requirement 31 'Carbon capture readiness site', which in effect requires EPL to safeguard the Proposed CCR Land, while Requirement 32 'Carbon capture readiness monitoring report' requires EPL to periodically report on the feasibility of the retro-fitting of carbon capture technology.

[Climate change adaptation \(NPS EN-1, 4.8; EN-2, 2.3.13 - 2.3.14; EN-4, 2.2 and EN-5, 2.4\)](#)

5.59 EN-1 (paragraph 4.8.5) states that new energy infrastructure will typically be a long-term investment and will need to remain operational over many decades, in the face of a changing climate. Consequently, applicants must consider the impacts of climate change, such as potential for increased flooding, when planning the location, design, build, operation and, where appropriate, decommissioning of new energy infrastructure. The ES should set out how the proposal will take account of the proposed development's impact of climate change. While not required by the EIA Directive, this information will be needed by the SoS.

5.60 EN-2 (paragraph 2.3.13) notes that as fossil fuel generating stations are likely to be proposed for coastal or estuarine sites and climate change is likely, for example, to increased risks from flooding or rising sea levels; applicants should in particular set out how the proposal would be resilient to coastal changes and increased risk from tidal and storm surge; the effects of higher temperatures, including higher temperatures of cooling water, and increased risk of drought leading to a lack of available cooling water. These matters should be assessed in the ES (EN-2, paragraph 2.3.14).

5.61 EN-4 (paragraph 2.2.2) states that gas pipelines and other infrastructure should be resilient to increased risk of flooding; effects of rising sea levels and increased risk of storm surge; higher temperatures; increased risk of earth movement or subsidence from increased risk of flooding and drought; and any other increased risks identified in the applicant's assessment.

5.62 EN-5 (paragraph 2.4.1) refers to the need to consider the effects of flooding, particularly upon substation infrastructure, winds and storms on overhead lines, higher temperatures leading to increased transmission losses and earth movement or subsidence caused by flooding or drought on underground cables.

- 5.63 ES Volume I, Chapter 11 'Water Resources, Flood Risk and Drainage' (Ref 6.2.11) and ES Volume III, Appendix 11A 'Flood Risk Assessment' (Application Document Ref. 6.4.11) consider the potential effects of flooding in relation to the Proposed Development. These conclude that the Proposed Development will not increase the risk of flooding from drainage infrastructure, artificial, groundwater or surface water sources. It is considered that any increase in fluvial flood risk (this will predominantly be as a consequence of the temporary use of cofferdams within the River Aire in connection with the Proposed Cooling Water Connection works - Work No. 5) will be minimal and restricted to the construction period when the cofferdams are in use (2/3 months for the intake point and up to 6 months for the outfall point).
- 5.64 The draft DCO (Application Document Ref. 2.1) includes Requirements 13 'Surface and foul water drainage' and 14 'Flood risk mitigation' that require the approval of details in accordance with the ES in relation to drainage and flood risk mitigation for the construction and operational phases of the Proposed Development and, where necessary, for these to be in accordance with the Construction Environmental Management Plan that will be secured by Requirement 18.
- 5.65 ES Volume I, Chapter 18 'Sustainability and Climate Change' (Application Document Ref. 6.2.18) provides information on and assesses the potential effects of the Proposed Development upon sustainability and climate change. The Chapter is supported by the Carbon Assessment at Appendix 18A of ES Volume III (Application Document Ref. 6.4.26).
- 5.66 Chapter 18 considers a number of areas including reducing the use of natural resources, minimising the use of green field land, flood protection, water quality, minimising water use, air quality, waste management and reduction, transport, biodiversity and job creation, amongst other matters. It confirms that the design, construction and operation of the Proposed Development will seek to mitigate the causes of climate change by contributing to reducing greenhouse gas emissions associated with electricity generation and waste disposal and adapting to the predicted impacts of climate change. Notably, the Carbon Assessment (Appendix 18A - Application Document Ref. 6.4.26) demonstrates that in terms of carbon footprint and emissions the Proposed Development compares favourably with the existing coal-fired power station, and with other UK gas-fired power stations, with annual scope 1 carbon savings (assessed against an average UK gas-fired power stations) of between 847 and 988 kilotonnes CO₂e.
- 5.67 It is therefore considered that the Proposed Development will make a significant contribution toward mitigating the effects of climate change, while its design would ensure that it is resilient to the future potential effects of climate change. The Proposed Development therefore complies with the NPSs.

Grid connection (NPS EN-1, 4.9 and EN-2, 2.2.10 - 2.2.11)

- 5.68 EN-1 (paragraph 4.9.1) states that the connection of a generating station to the electricity network is an important consideration for applicants. It is for the applicant to ensure there will be the necessary infrastructure and capacity within the transmission and distribution network to accommodate the electricity generated. While it is not necessary for an applicant to have received or accepted a formal grid connection offer at the time of submitting an application for a DCO and this is at the applicant's risk, the SoS will want to be satisfied that there is no obvious reason why a grid connection would not be possible.
- 5.69 EN-2 (paragraphs 2.2.10 - 2.2.11) highlights that the technical feasibility of the export of electricity from a generating station is dependent on the capacity of the grid network together with the

voltage and distance of the connection. Furthermore, applicants will usually have assured themselves that a viable connection exists before submitting an application for a DCO and where they have not done so they take a commercial risk. Even if the precise route of a connection has not been identified, in accordance with Section 4.9 of EN-1 any application must include information on how the generating station is to be connected and whether there are any particular environmental issues likely to arise from that connection.

- 5.70 The Proposed Power Plant will connect to the existing NG electricity substation at the existing coal-fired power station site via underground electrical cables. The Electricity Grid Connection Statement (Application Document Ref. 5.2), which forms part of the Application (provided pursuant to APFP Regulation 6(1)(a)(i)) demonstrates that a connection to the existing NG substation is technically feasible and also sets out who will be responsible for designing, building and operating the Proposed Electricity Grid Connection.
- 5.71 EPL is in discussions with National Grid Electricity Transmission Plc ('NGET') with regard to entering into a Bilateral Connection Agreement for the Proposed Electricity Grid Connection and submitted a 'CUSC Exhibit 1 Mod-Ap' application to NGET in respect of this in April 2017. The position with regard to the Bilateral Connection Agreement is set out in the Other Consents and Licences document (Application Document Ref. 5.4) that forms part of the application and EPL will provide an update at the start of the examination.
- 5.72 Although EN-1 does not deal with the connection of a generating station to the gas network, it is relevant to mention that the Application also includes a Gas Connection and Pipeline Statement (Application Document Ref. 5.3) provided pursuant to APFP Regulation 6(1)(a)(ii), which demonstrates the feasibility of connecting to the NTS and also provides information on who will be responsible for designing, building and operating the Proposed Gas Connection, including details of the name, owner, start and end point, length in kilometres and external diameter of the pipeline, what will be conveyed by the pipeline (natural gas) and whether the grant of any rights in land or consents to road or river crossing works are required and if so whether they can be obtained by agreement.
- 5.73 EPL is in discussions with National Grid Gas Plc ('NGG') regarding the Proposed Gas Connection and submitted a Planning and Advanced Reservation of Capacity Agreement ('PARCA') application to NGG for reservation of gas from the NTS in April 2017. The position with regard to discussions with NGG is set out in the Other Consents and Licences document (Application Document Ref. 5.4) and EPL will provide an update at the start of the examination.

Pollution control and other environmental regulatory regimes (NPS EN-1, 4.10)

- 5.74 Section 4.10 of EN-1 (paragraph 4.10.1) advises that issues relating to discharges or emissions which affect air quality, water quality, land quality or noise and vibration may be subject to separate regulation under the pollution control framework or other consenting and licensing regimes.
- 5.75 Paragraph 4.10.3 states that in considering an application for development consent, the SoS should focus on whether the development itself is an acceptable use of the land, and on the impacts of that use, rather than the control of processes, emissions and discharges themselves. The SoS should work on the basis that the relevant pollution control regime and other environmental regulatory regimes will be properly applied and enforced by the relevant regulator.

- 5.76 Paragraph 4.10.5 notes that many proposed developments covered by EN-1 will be subject to the Environmental Permitting ('EP') regime. Paragraph 4.10.6 advises applicants to make early contact with relevant regulators, such as the EA, to discuss their requirements for EPs and other consents. This will ensure that applications take account of all relevant environmental considerations and that the relevant regulators are able to provide timely advice and assurance to the SoS. Where possible, applicants are encouraged to submit applications for EPs and other necessary consents at the same time as applying to the SoS for development consent.
- 5.77 The 'Other Consents and Licences' document (Application Document Ref. 5.4) lists (at Table 2.1) those consents and licences that are required for the Proposed Development that are being/will be advanced separately of the DCO Application. These include the Environmental Permit for the operation of the Proposed Power Plant. EPL has agreed with the Environment Agency ('EA') that this can take the form of a 'Substantial Variation' to the existing Environmental Permit for the existing coal-fired power station. The variation application is being prepared and will be submitted to the EA in June/July 2017.
- 5.78 There has been regular dialogue with the EA during the pre-application process, including sharing of draft air and noise impact assessments and providing to the EA a Best Available Techniques ('BAT') Assessment for the choice of cooling technology for the Proposed Power Plant, in order to ensure that appropriate technologies were retained within the DCO and assessed within the ES.
- 5.79 The Other Consents and Licences (Application Document Ref. 5.4) document sets out the position with regard to obtaining the consents required for the Proposed Development under other regulatory regimes. The document will be updated during the examination of the Application.
- 5.80 It is relevant to note that the draft DCO (Application Document Ref. 2.1) includes a number of requirements that would have the purpose of controlling the effects of the Proposed Development in terms of discharges and emissions during its construction and operation in order to prevent pollution and safeguard amenity. These includes Requirements 13 'Surface and foul water drainage', 15 'Contaminated land and groundwater', 18 'Construction and environmental management plan', 23 'Control of noise and vibration - construction' and 24 'Control of noise - operation'.

Safety (NPS EN-1, 4.11 and EN-4, 2.5)

- 5.81 EN-1 paragraph 4.11.1 states that the Health and Safety Executive ('HSE') is responsible for enforcing a range of health and safety legislation, some of which is relevant to the construction, operation and decommissioning of energy infrastructure. Applicants should consult with the HSE on matters relating to safety.
- 5.82 Paragraph 4.11.2 confirms that some energy infrastructure will be subject to the 'Control of Major Accident Hazards' ('COMAH') Regulations 1999. These are aimed at preventing major accidents involving dangerous substances and limiting the consequences to people and the environment of any that do occur.
- 5.83 EPL is aware that the Air Liquide plant adjacent to the existing coal-fired power station is identified as a hazardous installation. Based on an initial assessment of the Proposed Development against the HSE's land use planning guidance, EPL understands that the Air Liquide plant will not be a constraint upon the Proposed Power Plant given its use and the size of the workforce. EPL is however reviewing if the Proposed Power Plant will be classed as a Lower Tier COMAH Site and will engage with the HSE to establish the positions.

- 5.84 The Proposed Gas Connection will be constructed to the relevant safety and industry standards in accordance with the Pipeline Safety Regulations 1996 and the appropriate notifications will be made.

[Hazardous Substances \(NPS EN-1, 4.12 and EN-4, 2.4\)](#)

- 5.85 EN-1, paragraph 4.12.1, confirms that all establishments wishing to hold stocks of certain hazardous substances above a certain threshold need 'Hazardous Substances Consent' ('HSC'). Applicants should consult the HSE at the pre-application stage if a proposed development is likely to need such consent.
- 5.86 EPL has reviewed substances that will be stored in connection with the Proposed Development and has identified the possible need for HSC in respect of the storage of certain substances in connection with the Proposed Power Plant. Subject to establishing the quantities involved, EPL will prepare a HSC application for submission to the hazardous substances authority, which is SDC. The application will be submitted in June/July 2017. Further information is provided within the Other Consents and Licences document (Application Document Ref. 5.4).
- 5.87 The Proposed Gas Connection will not require HSC as it will not involve the storage of hazardous substances, however, as confirmed above, it will need to be constructed to the relevant safety and industry standards in accordance with the Pipeline Safety Regulations 1996 and the appropriate notifications will be made, which will include notifying the HSE.

[Health \(NPS EN-1, 4.13\)](#)

- 5.88 Section 4.13 of EN-1 highlights that energy production has the potential to impact on the health and well-being of the population (paragraph 4.13.1) and that where the Proposed Development has the potential to result in effects on human beings, the ES should assess those effects for each element of the proposed development, identifying any adverse health impacts and measures to avoid, reduce or compensate the impacts as appropriate (paragraph 4.13.2).
- 5.89 ES Volume I includes a chapter (Chapter 19 - Application Document Ref. 6.2.19) on human health. The Chapter summarises the health-related effects described elsewhere within the ES, notably the chapters relating to emissions to air and noise and vibration, and also includes an assessment relating the effects of electro-magnetic fields ('EMFs') in respect of the Proposed Electricity Connection in accordance with guidance contained in EN-5.
- 5.90 The Chapter does not identify any significant residual health effects associated with the Proposed Development taking account of the implementation of mitigation measures, either embedded within the design of the Proposed Development or secured through requirements within the DCO.
- 5.91 With regard to EMFs, within a conservative 50 m radius of the Proposed Electricity Connection (which will be an underground connection to the NG substation), there are no residential receptors. Indeed, there are no residential receptors within 100 m. As such, the only potential exposure to EMFs arises for construction workers and operational staff. With appropriate precautions in place taking account of industry standards, no significant health effects in the medium to long-term are predicted for construction workers and operational staff.

Common law nuisance and statutory nuisance (NPS EN-1, 4.14)

- 5.92 Paragraph 4.14.2 of EN-1 states that it is very important that, at the application stage of an energy NSIP, possible sources of nuisance under Section 79(1) of the Environmental Protection Act ('EPA') 1990, and how they may be mitigated or limited are considered by the SoS so that appropriate requirements can be included in any subsequent order granting development consent. There is also a requirement to provide such a statement under APFP Regulation 5(2)(f).
- 5.93 EPL has therefore prepared a Statutory Nuisance Statement (Application Document Ref. 5.9) pursuant to Section 79(1) of the EPA in order to satisfy the requirements of APFP Regulation 5(2)(f). The Statement identifies the sources where there is the potential for the Proposed Development to result in nuisance and the measures to prevent and mitigate such nuisance occurring.
- 5.94 Article 36 of the draft DCO (Ref 2.1) 'Defence to proceedings in respect of statutory nuisance' seeks to provide EPL with a defence to statutory nuisance proceedings under the EPA in respect of noise emitted from premises so as to be prejudicial to health or a nuisance. The draft DCO also includes a number of requirements that would mitigate and limit nuisance, including Requirements 18 'Construction environmental management plan', 22 'Construction hours', 23 'Control of noise and vibration - construction' and 24 'Control of noise - operation'.

Security considerations (NPS EN-1, 4.15)

- 5.95 Paragraph 4.15.1 states that national security considerations apply across all national infrastructure sectors. Overall responsibility for security of the energy sector lies with BEIS. Paragraph 4.15.2 goes on to state that Government policy is to ensure that, where possible, proportionate protective security measures are designed into new infrastructure at an early stage. Where applications for development consent for infrastructure relate to potentially critical infrastructure, there may be national security considerations.
- 5.96 The Proposed Power Plant will be located on land within the operational area of the existing coal-fired power station, which is already a securely managed site. Furthermore, the Proposed AGI, which will house the tie-in between the Proposed Gas Connection and the NTS will be a secure site. Details of security for the AGI will be secured by Requirement 11 'Site security - above ground installation (Work No. 7) of the draft DCO (Application Document Ref. 2.1).

Generic Impacts

- 5.97 The 'generic impacts' set out in Part 4 of EN-1 are considered below in Table 5.1. Where the same impacts appear in the 'assessment and technology-specific information' parts of EN-2, EN-4 and EN-5 they are also dealt with below and the relevant part of the NPS is referenced.

Table 5.1: Generic Impacts

Generic Impact	Summary	Assessment
<p>Air quality and emissions (EN-1, 5.2 & EN-2, 2.5)</p>	<p>EN-1 acknowledges that air quality and emissions are likely to be a key area of concern when assessing the development of generating stations. Paragraph 5.2.4 of NPS EN-1 states:</p> <p><i>“Emissions from combustion plants are generally released through exhaust stacks. Design of exhaust stacks, particularly height, is the primary driver for the delivery of optimal dispersion of emissions and is often determined by statutory requirements”.</i></p> <p>Paragraphs 5.2.6 and 5.2.7 of EN-1 set out the requirements for applicants to assess issues relating to air quality and emissions as part of an ES.</p> <p>EN-1 states that the ES should describe:</p> <ul style="list-style-type: none"> • any significant air emissions, their mitigation and any residual effects distinguishing between the Proposed Development stages and taking account of any significant emissions from any road traffic generated by the Proposed Development; • the predicted absolute emission levels of the proposed Development, after mitigation methods have been applied; • existing air quality levels and the relative change in air quality from existing levels; and • any potential eutrophication impacts. <p>Paragraph 5.2.9 states that air quality considerations will be given substantial weight where a Proposed Development would lead to deterioration in air quality in an area, or leads to a new area where air quality breaches any national air quality limits. Air quality considerations will also be important where</p>	<p>Chapter 8 ‘Air Quality’ of ES Volume I (Application Document Ref. 6.2.8) provides an assessment of the effects of the Proposed Development in terms of air quality. The scope of the assessment includes construction emissions (dust, emissions from non-road mobile plant and from construction traffic) and process emissions from the Proposed Power Plant when operational. Operational traffic was screened out of the assessment as it will be significantly below the criteria set out in the Design Manual for Roads and Bridges ‘DMRB’ requiring an air quality assessment.</p> <p>Chapter 8 identifies the nearest sensitive receptors in air quality terms and defines the study areas used for the assessments of construction and process emissions in terms of human health and ecological receptors. It confirms that the assessment of construction emissions takes account of potential emission associated with the demolition of the existing coal-fired power station and that the existing baseline for process emissions (including the coal-fired power station) has been assumed to represent the future baseline to which emissions from the Proposed Power Plant would be added. The assessment of effects is therefore very conservative and emissions levels will in actual fact be lower.</p> <p>Construction emissions will be controlled in accordance with industry best practice and this will be secured through a Construction Environmental Management Plan (‘CEMP’). A CEMP will need to be developed and approved by SDC in accordance with Requirement 18 of the draft DCO while a Framework CEMP is provided at Appendix 5A of the ES (Application Document Ref. 6.4.3). Process emissions will have to comply with the IED Emissions Limit Value (‘ELV’) and will be regulated by EA through the Environmental Permit. The stack heights for the CCGT and peaking plants have also be optimised through air dispersion modelling and fixed at 90 m and 45 m respectively.</p> <p>The effects of construction emissions, including enabling demolition works, construction dust, construction road traffic and construction plant, are assessed as being minor or negligible adverse and therefore not significant. Process emissions effects on receptors as a whole are assessed as having a negligible</p>

Generic Impact	Summary	Assessment
	<p>substantial changes in air quality levels are expected, even if this does not lead to any breaches of national air quality limits.</p> <p>Paragraph 5.2.10 requires decisions to take account of any relevant statutory air quality limits. Where the limits would be breached, developers should work with the relevant authorities to secure appropriate mitigation measures to allow the proposal to proceed.</p> <p>Consideration should be given whether mitigation measures are needed for both operational and construction emissions. A construction management plan may help codify mitigation.</p> <p>EN-2 (paragraph 2.5.5) confirms that the applicant should carry out an assessment as required by EN-1, consulting the Environment Agency ('EA') and other statutory consultees. Paragraph 2.5.6 goes on to state that in considering whether to grant consent, the SoS should take account of likely environmental impacts resulting from air emissions and that in the case of SO_x, NO_x or particulates it follows the advice in EN-1 on interaction with the EA's regulatory processes.</p>	<p>adverse effect (evening based on the worst case of the coal-fired power station still forming part of the base line) and therefore operational effects are considered to not be significant. Furthermore, a sensitivity analysis undertaken has identified that these effects are not adversely altered with the alternative design schemes presented. Therefore air quality effects from the Proposed Development are not considered to be significant.</p>
<p>Biodiversity and geological conservation (EN-1, 5.3, EN-4, 2.21 and EN-5, 2.7)</p>	<p>Paragraph 5.3.18 of EN-1 states that during construction appropriate mitigation measures should be included to ensure that activities will be confined to the minimum areas required for the works and to ensure that the risk of disturbance or damage to species is minimised.</p> <p>Paragraph 5.3.18 of EN-1 also states that, during operation, appropriate mitigation measures should be included to ensure that the risk of disturbance or damage to species is minimised. Development should aim to avoid significant harm to biodiversity and geological conservation interests through mitigation and consideration of reasonable alternatives.</p>	<p>ES Volume III includes a Habitats Regulations Assessment ('HRA') Signposting Report (Appendix 10H, Application Document Ref. 6.4.15). This includes completed Screening Matrices. The HRA Signposting Report confirms that the Proposed Development is unlikely to result in significant effects on internationally or nationally designated nature conservation sites. Furthermore, Natural England's ('NE') response (dated 10 February 2017) to the Stage 2 Consultation states that as the Proposed Development Site is over 10 km from any internationally or nationally designated nature conservation sites, it does not consider that there are likely to be significant effects on any such sites due to the distances involved and the absence of any pathways for potential effects.</p>

Generic Impact	Summary	Assessment
	<p>EN-4 (paragraph 2.21.1) states that applicants should include an assessment of the biodiversity and landscape effects of proposed pipelines and the main alternative routes considered. The application should also set out proposals for the reinstatement of the pipeline route after construction as close to its original state as possible.</p> <p>EN-5 (Section 2.7) considers the affects that electricity network infrastructure can have on biodiversity, especially birds. Paragraph 2.7.2 requires the applicant to consider any such possible impacts, particularly on feeding and hunting grounds, migration corridors and breeding grounds.</p>	<p>The nearest statutory international nature conservation designation to the Proposed Development Site is the River Derwent Special Area of Conservation ('SAC') located approximately 9.5 km to the east of the Site, with the nearest national designation the Burr Closes, Selby Site of Special Scientific Interest ('SSSI') approximately 6 km to the north of the Site. There are two non-statutory sites (Sites of Importance for Nature Conservation 'SINC') within the immediate vicinity of the Site; Selby Canal and Towpath SINC 300 m north-west of the Site and Burn Disused Airfield SINC 600 m east of the Site.</p> <p>Chapter 10 'Ecology' of ES Volume I provides an assessment of the potential effects of the Proposed Development upon ecology. The assessment has been informed by a desk based summary to identify nature conservation designations, protected and notable habitats and species. This is reported in the Preliminary Ecological Appraisal report at Appendix 10C of ES Volume III (Application Document Ref. 6.4.10). A number of fields surveys were subsequently undertaken including a Phase 1 Habitat Survey (also Appendix 10C) in addition to Badger, Preliminary bat roost assessment, bat activity and otter and water vole surveys (Appendix 10D - Application Document Ref. 6.4.11), Great Crested Newt surveys (Appendix 10E - Application Document Ref. 6.4.12) and Aquatic macro-invertebrate, river corridor and fish surveys (Appendix 10F - Application Document Ref. 6.4.13). No further surveys were considered necessary in order to define the ecological baseline for the Proposed Development.</p> <p>No protected, rare or notable flora was identified during the surveys and none would be expected given the nature of the predominant habitats present, which comprises the existing developed coal-fired power station site and intensively managed arable farmland. A number of habitats considered to be of value at a local level were record within or directly adjacent to the Site, including semi-natural broad-leaved woodland and plantation woodland. All of the other habitats within the potential zone of influence of the Proposed Development are considered to be of negligible value. A number of protected or notable species have been identified as being present, or potentially present within the Site, including badger, bats, otter, breeding birds, grass snake, great</p>

Generic Impact	Summary	Assessment
		<p>crested newts and fish.</p> <p>Chapter 8 (Section 10.5) sets out a range of development design and impact avoidance measures to minimise and mitigate effects on ecology. These will include the implementation of a CEMP (to be secured by Requirement 18) detailing all requirements for environmental protection and legal compliance, precautionary working methods (e.g. clearance of vegetation outside of the bird breeding season to prevent nesting birds) and avoiding construction works during certain periods (e.g. temporary cofferdams required for the Proposed Cooling Water Connection works in the River Aire will be completed outside the main salmonid migratory period - October to December inclusive). EPL will also implement a Biodiversity Protection Plan during construction and a Biodiversity Management and Enhancement Plan during operation. These plans will be secured by Requirement 6 of the draft DCO, with the latter including biodiversity enhancement of the retained landscaping areas (the woodland planting) around the boundaries of the existing coal-fired power station site and other areas, including replacement hedgerow planting within the Proposed Gas Connection corridor.</p> <p>Taking account of the development design and impact avoidance measures that will be employed no significant adverse effects are predicted in relation to ecology.</p> <p>There are no geological interest features within the Site or within its vicinity.</p>
<p>Civil and military aviation and defence interests (EN-1, 5.4)</p>	<p>EN-1, Section 5.4 notes that civil and military aerodromes and aviation technical sites, as well as other types of defence interests can be affected by new energy developments.</p>	<p>No civil and military aviation and defence interests have been identified through the EIA Scoping or Stage 1 and Stage 2 consultation that will be affected by the Proposed Development. The response received from NATS in response to the PINS EIA scoping consultation (dated 24 August 2016) and the Stage 2 consultation (dated 13 January 2017) both confirm that as the Proposed Development Site is over 50 km from NATS's nearest infrastructure it anticipates no impact upon its operations. Furthermore, the Defence Infrastructure Organisation ('DIO') of the Ministry of Defence ('MoD') confirmed in its response (dated 23 February 2017) to the Stage 2 consultation that the</p>

Generic Impact	Summary	Assessment
		<p>Proposed Development lies outside any MoD safeguarding areas and that as such it has no safeguarding objections.</p> <p>Nevertheless, the draft DCO includes Requirement 29 ‘Aviation warning lighting’ relating to the provision of appropriate lighting on the co-located CCGT emissions stacks (the tallest structures comprised within the Proposed Development - 90 m above ground level). Although below the Article 219 threshold (150 m) and the height of the existing coal-fired power station stack (198 m), it is proposed that aviation warning lighting is installed upon the CCGT stacks as the existing power station will decommissioned and demolished by 2019 and at that point they will become the tallest structures at the Site. Any cranes above 60 m involved in the construction of the Proposed Development will also be fitted with aviation warning lighting.</p> <p>The draft DCO also includes Requirement 30 ‘Air safety, which requires EPL to provide the necessary information to the Defence Geographic Centre of the MoD to ensure that the Proposed Development is charted, as required, upon relevant aviation maps.</p>
<p>Dust, odour, artificial light, smoke, steam and insect and vermin infestation (EN-1, 5.6 and EN-2, 2.8)</p>	<p>NPS EN-1 acknowledges that the construction/demolition, operation and decommissioning of energy infrastructure has the potential to affect air quality through the release of odour, dust, steam, smoke, artificial light and insect infestation.</p> <p>Paragraph 5.6.5 of EN-1 provides advice regarding the assessment of these impacts. It is advised that the assessment should describe:</p> <ul style="list-style-type: none"> • the type, quantity and timing of emissions; • aspects of the development which may give rise to emissions; • premises or locations that may be affected by the emissions; • effects of the emissions on identified premises or locations; 	<p>Dust has been addressed above in relation to ‘Air quality and emissions’ (EN-1, 5.2 and EN-2, 2.5).</p> <p>In terms of artificial light, there will be lighting associated with the Proposed development during both construction and operation. EPL will employ measures to minimise the level of artificial light during construction, whereas during operation only the Proposed Power Plant will be lit. Requirement 8 ‘External lighting’ of the draft DCO requires EPL to obtain approval of all external lighting to be used during construction and operation from the relevant planning authority.</p> <p>The Proposed Development will not have impacts in terms of odour or insect and vermin infestation, which are more relevant consideration to waste processing facilities. In terms of smoke and steam, during construction any such emissions will be controlled through the CEMP. In terms of operation,</p>

Generic Impact	Summary	Assessment
	<p>and</p> <ul style="list-style-type: none"> measures to be employed in preventing or mitigating the emissions. <p>Paragraph 5.6.7 of EN-1 states that, in decision making, the SoS should be satisfied that an assessment of the potential effects in respect of artificial light, dust, odour, smoke, steam and insect infestation has been carried out; and be satisfied that all reasonable steps have been taken to minimise any detrimental impacts.</p> <p>Section 2.8 of EN-2 deals with the release of dust from coal-fired generating stations during operation. Paragraph 2.8.3 states that the applicant's ES should estimate the potential for release of dust and set out measures to mitigate any amenity impacts.</p>	<p>Chapter 8 'Air Quality' of ES Volume I (Application Document Ref. 6.2.8) assesses the potential for visible plumes from emission stacks of the Proposed Power Plant as very low as a result of the water content and temperature of the flue gas. Visible plumes from the use of hybrid cooling cells or wet cooling towers have been assessed for their potential amenity impacts (e.g. loss of light and ice on roads from plume grounding). Although wet cooling would result in water-condensed plumes more of the time, both technologies are considered to have a low risk of amenity impacts as potential for visible plumes beyond the Site boundary occurs for less than 5% of daylight hours per year.</p>
<p>Flood risk (EN-1, 5.7 and EN-5, 2.4.1)</p>	<p>Paragraph 5.7.4 of EN-1 requires that applications for energy Proposed Developments of 1 hectare or greater in Flood Zone 1 in England or Zone A in Wales and all proposals for energy Proposed Developments located in Flood Zones 2 and 3 in England should be accompanied by a Flood Risk Assessment ('FRA').</p> <p>Similar considerations apply in relation to substations that are vital for the electricity transmission and distribution network (EN-5, paragraph 2.4.1).</p>	<p>Although the much of the Proposed Development Site, including the Proposed Power Plant (Work No. 1) lies within Flood Zone 1, some parts, notably the northern part of the Proposed Construction Laydown (Work No. 2A) and the Proposed Gas Connection (Work No. 6) fall within Flood Zones 3a and 3b. However, these works are considered to represent 'Essential Infrastructure' (this includes utility infrastructure that has to be located in flood risk zones for operational reasons) and are therefore appropriate to Flood Zones 3a and 3b subject to satisfying the 'Exception Test'. It is considered that the proposed works satisfy the two parts of the Exception Test; they will have wider sustainability benefits (e.g. the contribution to the security of electricity supplies) and will also be safe taking into account the vulnerability of users and will not increase the risk of flooding, since the only works proposed in Flood Zones 3a and 3b are the installation of an underground pipeline. A Flood Risk Assessment is provided at Appendix 11A of ES Volume III (6.4.11). This demonstrates that the Proposed Development will remain safe during its lifetime and will not increase flood risk elsewhere and is, therefore, considered to be acceptable in flood risk terms.</p>

Generic Impact	Summary	Assessment
<p>Historic environment (EN-1, 5.8)</p>	<p>Section 5.8 of EN-1 acknowledges that the construction, operation and decommissioning of energy infrastructure has the potential to result in adverse impacts on the historic environment.</p> <p>Paragraph 5.8.8 requires applicants to provide a description of the significance of the heritage assets affected by the proposed development and the contribution of their setting to that significance.</p> <p>Where a development site affects, or possibly includes heritage assets with an archaeological interest, the applicant should carry out an appropriate desk-based assessment.</p> <p>The extent of the impact of the proposed development on the significance of any heritage asset affected should be able to be adequately understood from the application documents.</p> <p>Paragraph 5.8.11 states that the SoS should assess the significance of any heritage asset that may be affected by the proposed development, taking account of:</p> <ul style="list-style-type: none"> • evidence provided with the application; • any designation records; • the Historic Environment Record; • the heritage assets themselves; • the outcome of consultations with interested parties; and • where appropriate, expert advice. 	<p>Chapter 13 ‘Cultural Heritage’ of ES Volume I (Application Document Ref. 6.2.13) provides an assessments of the effects of the Proposed Development upon designated heritage assets (within a 5 km study area) and non-designated assets (within a 1 km study area). The extent of these study areas was set out in EPL’s EIA Scoping Report and has been accepted by Historic England and NYCC. There are no designated assets within the Proposed Development Site.</p> <p>The components of the Proposed Development within the existing coal-fired power station site as well as the Proposed Cooling Water Connection are considered unlikely to impact on unknown buried heritage assets due to the extent of ground disturbance caused by previous development. The Proposed Gas Connection has the most potential to impact upon heritage assets as it will cut through agricultural fields. A geophysical survey of the Proposed Gas Connection corridor (as defined in the Preliminary Environmental Information Report (‘PEIR’) made available for the Stage 2 consultation) was therefore undertaken to inform the refinement of the corridor and to avoid impacts upon heritage assets and their significance and setting. Furthermore, the final corridor incorporates ‘limits of deviation’ within which the pipeline may be installed, which will (subject to constraints, including technical matters) allow for the avoidance if any heritage assets that ate identified during construction.</p> <p>Chapter 13 provides an assessment of the impacts of the Proposed Development during construction, upon opening and during operation. The opening scenario is assessed to be the worst case as the Proposed Power Plant will have been finished while the existing coal-fired power station is likely to still be standing. An assessment is provided in respect of each of the identified heritage assets within the study areas. In most cases there will either be no effect or a minor adverse effect (not considered to be significant) upon the setting of the identified assets.</p> <p>If mitigation is taken into account (a staged programme of archaeological investigation and recording - to be secured by Requirement 16 ‘Archaeology’) any significant adverse effects (there will be moderate adverse effect on two</p>

Generic Impact	Summary	Assessment
		<p>assets) will be reduced to a level that is not significant (i.e. minor adverse or lower) as heritage assets will either be avoided by design or appropriately investigated and recorded.</p>
<p>Landscape and Visual (EN-1, 5.9, EN-2, 2.6, EN-4, 2.21 and EN-5, 2.8)</p>	<p>Section 5.9 of EN-1 states that adverse landscape and visual effects may be minimised through appropriate siting of infrastructure, materials and design, and landscaping schemes.</p> <p>Paragraph 5.9.15 states that the SoS should judge whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits of the Proposed Development.</p> <p>Paragraph 5.9.17 states that the SoS should consider the design of the Proposed Development, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to minimise harm to the landscape, including by reasonable mitigation.</p> <p>Paragraph 5.9.18 recognises that all proposed energy infrastructure is likely to have visual effects for receptors around proposed sites; however, in determining proposals, a judgement is to be made as to whether the visual effects on sensitive receptors outweigh the benefits of the Proposed Development.</p> <p>Section 2.6 of EN-2 sets out the landscape and visual considerations in relation to fossil fuel generating stations, recognising that many of the main structures (e.g. boiler and turbine halls and emissions stacks) are large and will have an impact upon the surrounding landscape and visual amenity. Paragraph 2.6.3 states that applicants should include a Landscape and Visual Impact Assessment ('LVIA') as part of the ES and consider the design of the plant and materials to be used, including the visual impact of the stack. In terms of SoS</p>	<p>Chapter 16 'Landscape and Visual Amenity' of ES Volume I (Application Document Ref. 6.2.16) provides an assessment of the effects of the Proposed Development on landscape character (as a resource in its own right) and visual amenity. The study area for landscape and visual effects includes areas where it is considered that there is potential for significant direct or indirect effects on landscape character or sensitive views due to the construction, operation and decommissioning stages of the Proposed Development.</p> <p>The scale of the Proposed Development is similar or smaller than existing buildings found within the study area, including the existing coal-fired power station at Eggborough, Drax Power Station, Ferrybridge Multifuel 1 and Ferrybridge 'C' Power Station. These developments are all large scale and as such are recognisable features within the local landscape.</p> <p>The visual assessment considers effects on 15 representative viewpoints located around the Site, due to changes during the construction, operation (with and without the existing coal-fired power station still standing) and decommissioning phases of the Proposed Development.</p> <p>It is notable that the site for the Proposed Power Plant has been selected partly due to the existing embankment and vegetation around it, which provides screening for low level operations and structures. Further impact avoidance measures will be incorporated into the design of the Proposed Development to minimise impacts on landscape and visual amenity, such as selection of appropriate building finishes and protection and enhancement of existing landscape screen to the north, east and south of the Proposed Power Plant site.</p> <p>In terms of effects, the assessment concludes that due to the existing industrial character of the setting of the Site and surrounding landscape, there is a low likelihood that the effects will be sufficient to result in an inherent change to</p>

Generic Impact	Summary	Assessment
	<p>decision-making, paragraph highlights that it is not possible to eliminate the visual impacts associated with fossil fuel generating stations and so the focus should be on minimising impacts as far as it reasonably practicable.</p> <p>EN-4 (paragraph 2.21.1) states that applicants should include an assessment of the landscape effects of proposed pipelines and the main alternative routes considered. The application should also set out proposals for the reinstatement of the pipeline route after construction as close to its original state as possible.</p> <p>EN-5 paragraph 2.8.4 requires applicants to give appropriate consideration to undergrounding electrical connections as a way of mitigating landscape and visual impacts.</p>	<p>the existing landscape character at local, regional or national scale. The landscape assessment has identified significant adverse effects at the Site level during construction and on a local landscape character area during operation (when the Proposed Development is compared to a future scenario without the existing coal-fired power station). When the proposed enhancements to the existing landscape planting around the Proposed Power Plant site have taken effect, a significant beneficial effect is predicted at the Site level.</p> <p>Although the location of the Proposed Power Plant site benefits from existing screening in the form of an earth embankment with tree planting, the Proposed Development is predicted to result in significant adverse effect on visual amenity during its the construction and operation from several viewpoints as a result of the close distance, the scale of the buildings and structures, and lack of intervening vegetation.</p> <p>Notwithstanding the above, it is relevant to note that EN-1 (paragraphs 5.9.8 and 5.9.18) recognises that virtually all nationally significant energy infrastructure projects will have effects on the landscape and are likely to have visual effects for many of the receptors around proposed sites. In addition, EN-2 (paragraph 2.6.2) states that the main structures for a fossil fuel generating stations, including the turbine and boiler halls, exhaust gas stacks, storage facilities, cooling towers, and water processing plant, are large and <i>“They will have an impact on the surrounding landscape and visual amenity”</i>. Furthermore, in providing guidance to the SoS on decision-making, EN-2 (paragraph 2.6.5) states that <i>“It is not possible to eliminate the visual impacts associated with a fossil fuel generating station”</i>.</p> <p>It is therefore considered that the landscape and visual impacts associated with the Proposed Development are acceptable.</p>
<p>Land use including open space, green infrastructure and Green Belt (EN-1, 5.10)</p>	<p>EN-1 notes at Section 5.10 that as energy infrastructure Proposed Developments will have direct effects on the existing use of the proposed site and may have indirect effects on the use, or planned use, of land in the vicinity for other types of</p>	<p>Chapter 15 ‘Land Use, Agriculture and Socio-economics’ of ES Volume I (Application Document Ref. 6.2.15) includes an assessments of the effects of the Proposed Development on existing land use.</p>

Generic Impact	Summary	Assessment
	<p>development.</p> <p>Paragraph 5.10.3 recognises that it may not be possible for many forms of energy infrastructure to be sited on previously developed land, while paragraph 5.10.5 requires applicants to assess the effects of the proposed development on existing land uses at and near the site.</p> <p>Paragraph 5.10.9 requires applicants to safeguard any mineral resources on the proposed site as far as possible, taking into account the long-term potential of the land use after any future decommissioning has taken place.</p> <p>Paragraph 5.10.9 states mitigation measures should be considered for development affecting green infrastructure to ensure the connectivity of the green infrastructure network is maintained.</p>	<p>The majority of the Site lies within the existing coal-fired power station site, thus limiting the effects on land use. However, there will be a temporary significant adverse effect on users of three Public Rights of Way which will be temporarily closed during part of the construction period.</p> <p>The Proposed Cooling Water Connections and Proposed Gas Connections will temporarily affect 7.7 hectares of ‘very good’ and ‘good’ quality agricultural land (also referred to as ‘best and most versatile agricultural land’, as defined by the Agricultural Land Classification system). This effect will be temporary as soils will be reinstated after construction in accordance with Defra guidance, and is not considered to be significant.</p> <p>No significant adverse operational effects on land use, leisure and amenity have been identified, given that the Public Rights of Way (‘PRoW’) affected during construction will be reopened and agricultural land will be reinstated following construction. A small area of agricultural land will be lost at the gas connection point, where the Proposed AGI will be located, which is not considered to be significant due to its size and Agricultural Land Classification (‘moderate’ quality, which is not classed as ‘best and most versatile agricultural land’).</p> <p>The assessment concludes that no significant effects on land use have been identified during the decommissioning phase of the Proposed Development.</p>
<p>Noise and vibration (EN-1, 5.11, EN-2, 2.7, EN-4, 2.20 and EN-5, 2.9)</p>	<p>EN-1 (Section 5.11) requires a noise assessment for development that is likely to cause noise impacts through operational use and proximity to noise sensitive receptors.</p> <p>Paragraph 5.11.8 of EN-1 requires demonstration of good design through selection of the quietest cost-effective plant available; containment of noise within buildings wherever possible; optimisation of plant layout to minimise noise emissions and, where possible, the use of landscaping, bunds or noise barriers to reduce noise transmission.</p>	<p>The noise and vibration effects of the Proposed Development are assessed at Chapter 9 ‘Noise and Vibration’ at ES Volume I (Application Document Ref. 6.2.9).</p> <p>The location of key noise sensitive receptors (‘NSRs’) has been considered when assessing the effects associate with noise and vibration levels from the various phases of the Proposed Development. Key NSR locations have been selected which are considered to be representative of the nearest and potentially most sensitive existing receptors to the Site. It is considered that if noise and vibration levels can be suitably controlled at the key receptors identified, then noise and vibration levels will be suitably controlled at other sensitive receptors</p>

Generic Impact	Summary	Assessment
	<p>Paragraph 5.11.9 goes on to state that developments should:</p> <ul style="list-style-type: none"> • avoid significant adverse impacts on health and quality of life from noise; • mitigate and minimise other adverse impacts on health and quality of life from noise; and, • where possible contribute to improvements to health and quality of life through the effective management and control of noise. <p>EN-2, Section 2.7 covers noise and vibration in relation to fossil fuel generating stations. Paragraph 2.7.2 confirms that the ES should include a noise assessment, while paragraph 2.7.3 states that the SoS should be satisfied that noise will be adequately mitigated through requirements. Furthermore, consideration should be given to the extent that operational noise will be controlled by the EA.</p> <p>EN-4 (Paragraph 20.20.1 to 2.20.5) states that the ES include an assessment of noise and vibration effects; to cover specific issues including site clearance, soil movement, ground excavation, tunnelling, trenching, pipe laying and welding, and ground reinstatement. In addition, consideration should be given to increased HGV traffic on local roads for the movement of materials.</p> <p>EN-5 (Paragraph 2.9.11) requires relevant assessment methodologies to assess the noise impacts from the proposed electricity network infrastructure. It goes on to state that (paragraph 2.9.12) mitigation measures that should be followed, including the positioning of lines to help mitigate noise through:</p> <ul style="list-style-type: none"> • ensuring that the appropriately sized conductor 	<p>in the surrounding area.</p> <p>In order to define existing noise conditions at NSRs, long-term ambient noise measurements have been undertaken at five representative NSR locations around the existing coal-fired power station site, two along the Proposed Cooling Water and Gas Connections and one at a residential NSR closest to the AGI. These locations were discussed in advance of and during the surveys with SDC. The assessment of effects take account of the measurements taken and assumes the ‘worst case’ that the demolition of the existing coal-fired power station takes place at the same time as the construction of the Proposed Development. An assessment of operational noise from the Proposed Power Plant has also been undertaken.</p> <p>Chapter 9 sets out a number of development design and impact avoidance measures that will be employed to limit and mitigate noise and vibration effects. These include limiting construction work to certain hours, adhering to construction noise limits and user lower noise plant, amongst others. Such measures would be secured by Requirements 18 ‘Construction environmental management plan’, 22 ‘Construction hours’, 23 ‘Control of noise and vibration - construction’, 24 ‘Control of noise - operation’ and 25 ‘Piling and penetrative foundation design’. Operational noise will also be controlled through the use of Best Available Techniques (‘BAT’), which will be determined through the Substantial Variation to the existing Environmental Permit (covering the existing coal-fired power station).</p> <p>Table 9.39 of Chapter 9 sets out the summary of significant noise and vibration effects taking account of mitigation (residual effects). In nearly all cases, effects are assessed as being either negligible or minor adverse and therefore not significant. This is with the exception of noise effects during the works at the cooling water abstraction point (during concrete breaking out) where these are assessed as minor or moderate adverse. However, this will be short-term and temporary in nature.</p>

Generic Impact	Summary	Assessment
	<p>arrangement is used to minimise potential noise;</p> <ul style="list-style-type: none"> • quality assurance through manufacturing and transportation to avoid damage to overhead line conductors which can increase potential noise effects; and • ensuring that conductors are kept clean and free of surface contaminants during stringing/installation 	
<p>Socio-economics (EN-1, 5.12)</p>	<p>Paragraph 5.12.1 on EN-1 acknowledges that the construction, operation and decommissioning of energy infrastructure may have socio-economic impacts at local and regional levels.</p> <p>Paragraph 5.12.3 states that the assessment within the ES should consider all relevant socio-economic impacts.</p> <p>Paragraph 5.12.6 confirms that SoS will have regard to the potential socio-economic impacts of new energy infrastructure.</p> <p>Paragraph 5.12.9 states that it should be considered whether mitigation measures are necessary to mitigate any adverse socio-economic impacts of a development.</p>	<p>Chapter 15 ‘Land Use, Agriculture and Socio-economics’ of ES Volume I (Application Document Ref. 6.2.15) provides a socio-economic impact assessment of the Proposed Development. The study area adopted for the purposes of the assessment is the York Travel to Work Area (‘TTWA’).</p> <p>The Proposed Development would have substantial benefits for the regional and local economy, in terms of employment during the circa three year construction phase. It is estimated that approximately 1,200 workers will be required at the peak of construction, with the majority of posts (approximately 80%) taken by people living within the York ‘TTWA’. Taking account of the ‘Multiplier Effect’ it is estimated that an additional 215 indirect and induced jobs will be generated in the York TTWA. Chapter 15 confirms that the Proposed Development is likely to result in a major beneficial short-term significant effect on the York TTWA during the construction phase.</p> <p>Although the Proposed Development will not provide the same level of permanent employment during operation as the existing coal-fired power station (this employs approximately 200 people and is expected to close in 2019 at the latest) it will still provide a significant number of long-term jobs. It is estimated that there will be approximately 70 jobs at the Proposed Power Plant during operation, again with the majority of posts being filled by people within the York TTWA. There will also be further indirect and induced jobs generated. However, the overall loss of jobs that will result at the Site means that the Proposed Development is likely to have a minor adverse (not significant) long-terms effect on the TTWA.</p> <p>The draft DCO includes Requirement 34 ‘Employment, skills and training plan’</p>

Generic Impact	Summary	Assessment
<p>Traffic and transport (EN-1, 5.13 and EN-2, 2.2.5-2.2.6)</p>	<p>EN-1 (paragraph 5.13.3) states that if a Proposed Development is likely to have significant transport implications, the applicant’s ES should include a transport assessment, using the NATA/WebTAG methodology stipulated in Department for Transport guidance, or any successor to such methodology.</p> <p>Applicants should also consult the Highways Agency and highways authorities as appropriate on the assessment and mitigation.</p> <p>Paragraph 5.13.4 requires applicants to prepare a travel plan including demand management measures to mitigate transport impacts.</p> <p>Paragraph 5.13.6 also requires applicants to include mitigation measures to sufficiently reduce the impact on transport infrastructure to acceptable levels.</p> <p>EN-2 (paragraph 2.2.5) states new fossil fuel generating stations need to be accessible for the delivery and removal of construction materials, fuel, waste and equipment and for employees, while paragraph 2.2.6 notes that the Government supports the multi-modal transportation of materials by water or rail where possible.</p>	<p>that is aimed at promoting employment, skills and training development opportunities for local residents during construction and employment opportunities during operation.</p> <p>ES Volume I, Chapter 14 ‘Traffic and Transportation’ (Application Document Ref. 6.2.14) provides an assessment of traffic and transportation. A Transport Assessment is provided at Appendix 14A of ES Volume III (Application Document Ref. 6.4.21).</p> <p>The scope and methodology of the transport work undertaken has been discussed with NYCC as highway authority and Highways England. In addition, relevant Department for Transport and other guidance has been taken into account. The assessment, as with other chapters of the ES, also factors in the cumulative effects of the Proposed Development with the demolition of the existing coal-fired power station (along with other known committed developments). Although the existing rail head at the coal-fired power station has been retain (and will be modified) and could be used during construction, the assessment is based on the ‘worst case’ of all construction materials being brought by road. It has been assumed that all HGV access will be from Junction 34 of the M62 and the A19 as per existing delivery arrangement at the coal-fired power station.</p> <p>Chapter 14 assesses the overall effects of construction traffic associated with the Proposed Power Plant as negligible or minor adverse. This takes account of matters such as severance, pedestrian amenity, highway safety, driver delay and junctions and road links. The overall effects of construction traffic in respect of the Proposed Gas Connection are also assed as negligible or minor adverse and therefore not significant.</p> <p>Mitigation in relation to construction traffic will be secured by the implementation of a Construction Traffic and Routing Management Plan (secured by Requirement 20 of the draft DCO), which amongst other matters will cover the routes to be used by construction traffic (from Junction 34 of the M62 via the A19) and the management of abnormal indivisible loads (‘AILs’).</p>

Generic Impact	Summary	Assessment
		<p>Requirement 21 will also require the implementation of a Construction Worker Travel Plan.</p> <p>Operational traffic will be based upon 40 operational staff and 30 corporate staff. Conservatively assuming a car occupancy of one, this equates to 70 cars per day (140 vehicles movements) It is envisaged that there will be around four HGVs visiting the site per day for deliveries of operational and maintenance plant and equipment. Given the low numbers, the effects of operational traffic are assessed as negligible adverse (not significant).</p>
<p>Waste management (EN-1, 5.14)</p>	<p>Section 5.14 of EN-1 acknowledges that all large infrastructure Proposed Developments are likely to generate hazardous and non-hazardous waste.</p> <p>Paragraph 5.14.6 requires applicants to produce a Site Waste Management Plan ('SWMP') and states that the applicant should seek to minimise the volume of waste produced and the volume of waste sent for disposal.</p> <p>Paragraph 5.14.6 states the SoS should be satisfied that:</p> <ul style="list-style-type: none"> • waste will be properly managed, both on and off site; • can be dealt with appropriately by the available waste infrastructure; and • adequate steps have been taken to minimise the volume of waste. 	<p>Waste management is considered at Chapter 17 of ES Volume I (Application Document Ref. 6.2.17). The scope of the assessment comprises hazardous and non-hazardous waste generated during the construction and operation phases. Decommissioning is scoped out due to the uncertainties with regard to waste policies and facilities between now and decommissioning. The waste effects from the demolition of the existing coal-fired power station have been considered given the potential for this to overlap with the construction of the Proposed Development.</p> <p>Section 17.5 of Chapter 17 deals with development design and impact avoidance in relation to waste management. It is proposed that these are incorporated within a Site Waste Management Plan ('SWMP') aimed at minimising the quantities of waste requiring disposal, where practicable. A Framework CEMP (Appendix 5A - ES Volume III - Application Document Ref. 6.4.3) is included with the Application and includes a Framework SWMP, which sets out how waste will be managed during construction and the opportunities to re-use and recycle waste in accordance with the waste hierarchy. The CEMP and SWMP will be secured by Requirements 18 and 26 of the draft DCO.</p> <p>The effects of the Proposed Development in terms of construction waste are assessed to be not significant. The cumulative waste generated from both projects together may potentially have a major adverse (significant) effect on regional waste infrastructure, largely due to the volumes of demolition waste rather than construction waste from the Proposed Development. It should</p>

Generic Impact	Summary	Assessment
		<p>though be noted that both metal and inert waste are expected to have a high recycling rate (approaching 100% for metals and potentially higher than 90% for inert waste), such that the quantities of waste requiring disposal are likely to be much lower.</p> <p>Operational effects from the Proposed Development are assessed to be not significant. Operational wastes will comprise of relatively small volumes of general domestic waste (approximately 3 tonnes) and general industrial waste (approximately 12 tonnes) per annum.</p>
<p>Water quality and resources (EN-1, 5.15, EN-2, 2.10 and EN-4, 2.22)</p>	<p>EN-1 (Section 5.15) states that, where a Proposed Development is likely to have effects on water quality and resources, an assessment should be undertaken of the impacts of the Proposed Development.</p> <p>Paragraph 5.15.6 states that the SoS should be satisfied that Proposed Developments have regard to the River Basin Management Plans and meet the requirement of the Water Framework Directive and related directives, including those on priority substances and groundwater.</p> <p>Paragraph 5.15.9 states that the risk of impacts on the water environment can be reduced through careful design to facilitate adherence to good pollution control practice.</p> <p>EN-2 (paragraphs 2.2.7 - 2.2.9) notes that generating stations have very high water demands, which means that preferred site locations are likely to be coastal or alongside large rivers to extract sufficient water. In this respect, the Proposed Development site is located close to the River Aire, a source of cooling water for the existing coal fired power station, and will be able to draw upon the existing cooling water infrastructure.</p>	<p>The effect of the Proposed Development on water quality and resources is considered in Chapter 11 of ES Volume I (Application Document Ref. 6.2.11). The assessment has been prepared in accordance with relevant legislation and policy, including the Water Framework Directive.</p> <p>As part of the assessment, key water bodies that may receive runoff or discharges from the Site during construction, operation and decommissioning of the Proposed Development have been identified, and the potential contamination risk to these water bodies has been assessed.</p> <p>The main surface watercourses within or close to the Site are the River Aire, Ings and Tetherings Drain and Hensall Dyke. There are also a number of minor watercourses and water features in and around the Site. The Site is located within a groundwater protection zone and groundwater beneath the Site is used for public water supply (defined as a Principal Aquifer).</p> <p>In terms of effects during construction, the assessment concludes that there is the potential for spillages to occur, but the likelihood of these occurring will be low through the use of working methods that will be formalised through the CEMP. As a result, the potential impact of such an incident is not considered likely to result in a significant effect on water quality or resources.</p> <p>The potential impacts during operation will be managed by similar best practice measures for working procedures and the storage of materials and fuels as in the construction phase, but formalised through the Environmental Permit. The</p>

Generic Impact	Summary	Assessment
		<p>drainage system (which will be designed and approved in accordance with DCO Requirement 13) will prevent potentially polluted runoff from causing pollution of surface or ground water bodies.</p> <p>The Proposed Development will utilise cooling water abstracted from the River Aire at the same point as currently used for the coal-fired power station and discharged back to the River at the same point as the current discharge. The volume of water to be extracted will be less than half that currently licensed to be extracted for the existing coal-fired power station. The discharge will also be of lower volume and temperature than the existing coal-fired power station and therefore the effects are not considered to be significant given the current context.</p> <p>Decommissioning effects are anticipated to be similar to those predicted during the construction phase, as described above.</p> <p>The assessment concludes that no significant effects on surface or ground water bodies are predicted due to the proposed use of best practice measures during construction, operation and decommissioning, and the design of the drainage system for the Proposed Development.</p>

Assessment and technology specific considerations

- 5.98 The technology specific considerations of relevance to the Proposed Development that are contained within EN-2, EN-4 and EN-5 (and that have not already been addressed in Table 5.1 above) are considered in Table 5.2 below.

Table 5.2: Assessment and Technology Specific Considerations

Considerations	Summary	Assessment
<p>Factors influencing site selection by developers (EN-2, 2.2, EN-4, 19.7.10 - 19 and EN-5, 2.2)</p>	<p>EN-2, paragraph 2.2.2, notes that fossil fuel generating stations have large land footprints and will therefore only be possible where the applicant is able to acquire a suitably sized site. The site will also need to be big enough for CCS. Depending on the processes (paragraph 2.2.3) fossil fuel generating station may require storage and use of hazardous substances, which may have an impact on potential land use in the vicinity. Development of a CHP facility may also have implication for the size of site (paragraph 2.2.4).</p> <p>EN-2, paragraph 2.2.5, states that fossil fuel generating stations need to be accessible for the delivery of construction materials, fuel, waste and equipment and for employees. Government policy encourages multi-modal transport and materials may be transport by rail and water where possible. This will however be determined by the economics of the Proposed Development (paragraph 2.2.6).</p> <p>EN-2 (paragraphs 2.2.7 - 2.2.9) also highlights a number of matters relating to the demand that fossil fuel generating station may place on water resources and access to water supplies.</p> <p>EN-4 states (paragraphs 2.19.7 – 2.19.10) that when designing the route of new pipelines applicants should research relevant constraints, including proximity to existing and planned residential properties, schools, hospitals, railway crossings, major road crossings, below surface usage (e.g. former mineral workings, abandoned industrial sites, water disposal and other activities and utilities) and proximity to environmentally sensitive areas, main river and watercourse crossings.</p>	<p>The consideration of alternatives and site selection is set out in ES Volume I, Chapter 6 ‘Design Evolution and Alternatives’ (Application Document Ref. 6.2.6). The Site has been selected by EPL for the Proposed Development , as opposed to other potentially available sites, for the following reasons:</p> <ul style="list-style-type: none"> • the Site and local area has a long history of power generation; • the existing coal-fired power station is facing closure and future redevelopment of the site would create similar employment opportunities (albeit a smaller number of operational staff will be required compared to the existing coal-fired power station); • the Site has excellent electrical grid, water and transport links (road and rail) and is a previously developed site, which is considered more attractive to redevelop for large scale power generation than a greenfield one; • the majority of the Site (and particularly the Proposed Power Plant site) is largely in the freehold ownership of EPL; • the Site is large enough for the Proposed Power Plant and associated infrastructure, CCR and CHP; • the Proposed Power Plant site is located relatively close to the NTS for gas (Feeder 29 is located approximately 3.1 km to the north of the existing coal-fired power station site); • there is substantial mature tree and shrub planting around the existing coal-fired power station site that provides the opportunity to provide some screening of the Proposed Power Plant; and • the Site and the wider area are of relatively low environmental sensitivity. <p>Importantly, the existing electrical and water connections, and highway and rail accesses will be available for use by the Proposed Development. This was a major factor in selecting the Site.</p> <p>There are a number of options available in relation to the specific location of</p>

Considerations	Summary	Assessment
	<p>Applicants should demonstrate that mitigating measures will be put in place to minimise impacts. Such measures may include protection or diversion of utilities, horizontal directional drilling ('HDD') techniques and rerouting.</p> <p>EN-5 (paragraphs 2.2.1 – 2.2.7) sets out various considerations in relation to the selection of routes and locations for electricity infrastructure. Paragraph 2.2.2 recognises that the general location of such infrastructure is normally determined by the location of the generating station and existing network infrastructure.</p>	<p>plant within the existing power station site and in relation to the layout of the plant within the Proposed Power Plant site. These were considered and evaluated at the feasibility stage and the preferred location for the Proposed Power Plant site was selected as the main coal stockyard of the existing power station.</p> <p>In terms of the Proposed Gas Connection; initially connection to two potential NGG pipelines (called Feeder 7 and Feeder 29) was considered for the Proposed Development, in order to consider the advantages or disadvantages of either connection. However, through discussions with NGG, and evaluation of the capacity of the Feeders and the distance from the Proposed Development Site to them, it was determined that Feeder 29 was the most appropriate connection point, as it was the shortest distance from the Site and also had greater gas supply capacity than Feeder 7.</p> <p>Three potential gas pipeline corridors for the Proposed Gas Connection were assessed; taking into account technical, environmental and planning considerations. The three options are:</p> <ul style="list-style-type: none"> • north-western route connecting to Feeder 29 with an AGI south of Tom's Wood (A); • northern route with an AGI in the vicinity of West Lane (Bi); • northern route with an AGI south of Burn Lane Farm (Bii); and • northern route with an AGI south of Stocking Green Farm (Biii). <p>B(i) was selected because it is the shortest route with the least significant constraints. The other routes were discounted for the following reasons, amongst others:</p> <ul style="list-style-type: none"> • co-location with the proposed AGI for the proposed Knottingley CCGT development, which would introduce complexity during construction with no obvious operational benefit to EPL or NGG; • greater anticipated risk of encountering shallow groundwater during construction with potential implications on dewatering requirements

Considerations	Summary	Assessment
		<p>and buoyancy of pipework compared to the alternative northern route;</p> <ul style="list-style-type: none"> • crossing of a major water main; • greater potential for impacts on trees and hedgerows compared to the other route options (or more constraints to route around); • AGI located close to woodland with potential for disturbance of ecological receptors; • require a crossing beneath the East Coast Main Line; • have the AGI located closer to sensitive residential receptors; and • have the AGI located within Flood Zone 3. <p>Notwithstanding the above, it should be noted that it is necessary for the selected pipeline route B(i) to cross the A19 and River Aire. In order to mitigate this, special crossing techniques such as horizontal directional drilling will be utilised.</p>
<p>Electric and Magnetic Fields (EMFs) (EN-5, 2.10)</p>	<p>Paragraph 2.10.13 states the applicant should consider the following factors in relation to EMFs:</p> <ul style="list-style-type: none"> • height, position, insulation and protection (electrical or mechanical as appropriate) measures subject to ensuring compliance with the Electricity Safety, Quality and Continuity Regulations 2002; • that optimal phasing of high voltage overhead power lines is introduced wherever possible and practicable in accordance with the Code of Practice to minimise effects of EMFs; and • any new advice emerging from the Department of Health relating to Government policy for EMF exposure guidelines. 	<p>ES Volume I, Chapter 19 ‘Human Health’ (Application Document Ref. 6.2.19) includes an assessment relating the effects of electro-magnetic fields (‘EMFs’) in respect of the Proposed Electricity Connection in accordance with guidance contained in EN-5.</p> <p>With regard to EMFs, within a conservative 50 m radius of the Proposed Electricity Connection (which will be an underground connection to the NG substation), there are no residential receptors. Indeed, there are no residential receptors within 100 m. As such, the only potential exposure to EMFs arises for construction workers and operational staff. With appropriate precautions in place taking account of industry standards, no significant health effects in the medium to long-term are predicted for construction workers and operational staff.</p>
<p>Pipeline Safety (EN-4, 2.19.4 - 2.19.6)</p>	<p>Pipelines need to comply with the Pipelines Safety Regulations 1996, which requires pipelines to be designed, constructed and operated so that the risks are as low as is reasonably practicable (‘ALARP’).</p>	<p>The Proposed Gas Connection will be constructed to the relevant safety and industry standards in accordance with the Pipeline Safety Regulations 1996 and the appropriate notifications will be made, which will include notifying the HSE.</p>

Considerations	Summary	Assessment
Soil and Geology (EN-4, 2.23)	<p>Paragraphs 2.23.2 – 2.23.4 state that applicants should assess the stability of the ground conditions associated with the pipeline route and incorporate the findings of that assessment in the ES (see Section 4.2 of EN-1) as appropriate.</p> <p>The assessment should cover the options considered for installing the pipeline and weigh up the impacts of the means of installation.</p> <p>Where the applicant proposes to use HDD as the means of installing a pipeline under a National or European Site and mitigating the impacts, the assessment should cover whether the geological conditions are suitable for HDD.</p> <p>When considering any application where the pipeline goes under a designated area of geological or geomorphological interest, the applicant should submit details of alternative routes, which either bypass the designated area or reduce the length of pipeline through the designated area to the minimum possible, and the reasons why they were discounted.</p> <p>Applicants should consult with the relevant statutory consultees at an early stage.</p>	<p>Chapter 15 ‘Land Use, Agriculture and Socio-economics’ of ES Volume I (Application Document Ref. 6.2.15) includes an assessments of the effects of the Proposed Development on soils and agriculture. The chapter includes details of thorough consultation carried out with statutory consultees.</p> <p>The majority of the Site lies within the existing coal-fired power station site, thus limiting the effect on soils. However, the Proposed Cooling Water and Gas Connections will temporarily affect 7.7 hectares of ‘very good’ and ‘good’ quality agricultural land (also referred to as ‘best and most versatile agricultural land’, as defined by the Agricultural Land Classification system). This effect will be temporary as soils will be reinstated after construction in accordance with Defra guidance, and is not considered to be significant.</p> <p>A small area of agricultural land will be lost at the gas connection point, where the Proposed AGI will be located, which is not considered to be significant due to its size and Agricultural Land Classification (‘moderate’ quality, which is not classed as ‘best and most versatile agricultural land’).</p> <p>Chapter 12 of ES Volume I (Application Document Ref. 6.2.12) includes an assessment of the effects of the Proposed Development on geology.</p> <p>The Proposed Gas Connection does not pass beneath a National or European Site, or a designated area of geological or geomorphological interest.</p> <p>Baseline information indicates that the areas of the Site within the existing coal-fired power station are underlain by ‘Made Ground’ of varying thickness. Below this there is an area of sand and gravel which runs through the centre of the existing coal-fired power station site in a generally north-west to south-east orientation. Under the Proposed Gas Connection corridor lies alluvial clay, silt, sand and gravel as well as localised deposits of glacial till. Sherwood Sandstone bedrock (a Principal Aquifer) lies below the superficial deposits and Made Ground across the Site.</p>

Considerations	Summary	Assessment
		<p>The history of the areas of the Site within the existing coal-fired power station site indicates the presence of possible ground contamination. Prior to starting construction, any significant contamination within the Site will be identified and, if necessary, cleaned up, so as to prevent movement of that contamination into the groundwater or surface waters around the Site.</p> <p>Risks to geology from leaks or spillages will be managed by construction best practice measures, such as regular checks of all plant and machinery and drip trays, and an emergency spillage action plan to contain any leak or spill. No significant effects have been identified as a result of the construction phase.</p> <p>During operation the Proposed Development will employ good housekeeping and management practices to avoid risks of soil and groundwater pollution, such as using impermeable surfacing and bunding for the storage of any liquid fuel to ensure that, in the event of any spillage, materials are safely contained. In addition, oil and water separators will be installed as appropriate within the drainage system to reduce the likelihood of oil-based materials (from road vehicles) impacting on the environment.</p> <p>These measures will be defined in the Environmental Permit and inspected and regulated by the Environment Agency. No significant effects have been identified as a result of the operation of the Proposed Development.</p> <p>Decommissioning effects are predicted to be similar to those described above for the construction phase.</p> <p>The assessment concludes that best practice measures to protect geology have been incorporated into the design and management systems of the Proposed Development. As a result it is not expected that there will be any significant effect relating to geology during the construction or operation of the Proposed Development.</p>

NPPF

- 5.99 The NPPF was adopted in March 2012 and replaced the majority of the Planning Policy Statements and Guidance Notes.
- 5.100 The NPPF sets out the Government's planning policies for England and how these are to be applied. It is a material consideration in planning decisions. Paragraph 3 of the NPPF makes clear that the document does not contain specific policies for NSIPs and that these are to be determined in accordance with the decision-making framework set out in the Act and relevant NPSs, as well as any other matters that are considered both 'important and relevant'. The paragraph goes on to confirm that matters that can be considered to both 'important and relevant' to NSIPs may include the NPPF.
- 5.101 Paragraph 6 of the NPPF is clear that the purpose of the planning system is to contribute to the achievement of sustainable development and that the policies that are set out in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice. Paragraph 7 goes on to identify three dimensions to sustainable development: economic, social and environmental. It states that these dimensions give rise to the need for the planning system to perform a number of key roles as follows:
- **an economic role** - contributing to a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development, including the provision of infrastructure;
 - **a social role** - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generation and by creating a high quality built environment, with accessible local services that reflect communities needs and support their health, social and cultural well-being; and
 - **an environmental role** - contributing to protecting and enhancing our natural, built and historic environment, and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change, including moving to a low carbon economy.
- 5.102 Paragraph 8 emphasises that these roles should not be undertaken in isolation, because they are mutually dependent. For example, economic growth can secure higher social and environmental standards, while well designed buildings and places can improve the lives of people and communities.
- 5.103 It is considered that the Proposed Development supports these key roles of the planning system. The provision of secure and diverse supplies of low carbon energy is critical in terms of both contributing toward the reduction of greenhouse gas emissions and supporting industry and local communities. Furthermore, the Proposed Development will generate significant employment and increased spending within the local and regional economy during the construction and operational phases. In addition, the ES demonstrates that the Proposed Development would not result in unacceptable environmental effects, while its design includes measures to enhance landscaping and biodiversity and ensure that it is resilient to the effects of climate change.
- 5.104 Central to the NPPF is 'a presumption in favour of sustainable development'. This is highlighted at Paragraph 14. For decision-making, this means approving applications that accord with the development plan without delay.

5.105 It will be demonstrated later within this section that the Proposed Development accords with relevant development plan policy.

5.106 Paragraph 17 sets out a number of core land-use planning principles that should underpin decision making. Those of particular relevance includes to:

- proactively drive and support sustainable economic development to deliver the infrastructure that the country needs;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and encouraging the reuse of existing resources and the use of renewable energy sources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value; and
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

5.107 The Proposed Development accords with these core land-use planning principles as follows:

- it would contribute toward sustainable economic development by providing new electricity generating capacity, for which there is a confirmed need, thereby contributing to the security and diversity of energy supplies for businesses and homes;
- the Design and Access Statement (Application Document Ref. 5.6) demonstrates that the Proposed Development is appropriate in terms of its context and setting and incorporates the principles of 'good design', while the ES demonstrates that it would not result in unacceptable impacts on the amenity of people living in the surrounding area;
- through the allocation of CCR space, the Proposed Development could support the transition to a low carbon future;
- it has been designed to be resilient to flooding and would not increase the risk of flooding at the Site or elsewhere;
- the ES demonstrates that the Proposed Development would conserve the natural environment and it includes measures to enhance landscaping and biodiversity at the Site, while it would not result in significant effects in terms of pollution;
- much of the Site is within the existing coal-fired power station site;
- while the assessment of traffic and transport in the ES for the Proposed Development is based on a worst case scenario, it demonstrates the transport effects during construction and operation would be acceptable.

5.108 A summary of the NPPF policies of most relevance to the Proposed Development and how it complies with these is provided in Table 5.3 below.

Table 5.3: NPPF Policies

NPPF Ref.	Policy Summary	Assessment
<p>Part 1 Building a strong and competitive economy</p>	<p>Confirms that the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meet the twin challenges of global competition and of a low carbon future. Paragraph 21 makes it clear that the planning system should do all it can to support sustainable economic growth through, amongst other measures, planning proactively and removing barriers to investment such as a lack of infrastructure. It goes on to state that local authorities should identify priority areas for economic regeneration, infrastructure provision and environmental enhancement.</p>	<p>The Proposed Development would support sustainable economic growth through the provision electricity generating capacity, for which there is a confirmed need, enhancing the security and diversity of UK energy supplies. The provision of secure energy supplies that are resilient to potential supply disruptions is critical to economic growth. It will generate substantial employment during the construction phase and a significant number of permanent operational jobs, creating both direct and indirect benefits for the local and regional economy. In addition, it will contribute to the delivery of the local development plan strategy, which refers to the suitability of the location for further power generation development.</p>
<p>Part 4 Promoting sustainable transport</p>	<p>Aimed at facilitating more sustainable transport choices so as to contribute to wider sustainability and health objectives. Paragraph 32 states that all developments that generate significant amounts of movement should be supported by a transport statement or assessment and these should consider the opportunities to make use of sustainable transport modes. Paragraph 36 identifies travel plans as being the key tool to facilitating more sustainable transport choices.</p>	<p>In order to promote sustainable transport, EPL will implement travel and traffic management plans during construction to minimise transport effects and encourage sustainable modes. The travel and traffic management plans are secured by Requirements 20 and 21 of the draft DCO.</p>
<p>Part 7 Requiring good design</p>	<p>Deals with the matter of design in the built environment. Paragraph 56 confirms that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development and is indivisible from good planning. Paragraph 57 goes on to state that it is important to plan positively for the achievement of high quality and inclusive design for all development.</p>	<p>The DAS demonstrates how EPL has taken account of and appraised the Site’s context, the approach that has been taken to design and how this has changed, and evolved as a result of engineering design development and consultation. In view of the heavily industrialised context of the Site, the broad approach taken to design has been to site the main buildings and structures associated with existing coal-fired power station site. The appearance of the buildings/structures will be functional, reflective of the setting and purpose and would be typical of a modern power station. Where possible, opportunities have been taken to incorporate landscaping and biodiversity enhancement.</p> <p>The draft DCO includes Requirement 5 that secures the detailed design of the</p>

NPPF Ref.	Policy Summary	Assessment
		<p>Proposed Development. The requirement must be approved by the relevant planning authority.</p>
<p>Part 10 Meeting the challenge of climate change, flooding and coastal change' focuses upon adapting to and mitigating the effects of climate change</p>	<p>Focuses upon adapting to and mitigating the effects of climate change. Paragraph 93 highlights that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.</p> <p>Paragraph 99 stresses that new development should be planned to avoid increased vulnerability to the range of impacts arising from climate change, including flood risk, coastal change, water supply and changes to biodiversity and landscape. Where development is necessary in areas at risk of flooding (paragraph 100) it should be made safe without increasing flood risk elsewhere. In such cases, it may be necessary for the development to satisfy the 'Sequential' and 'Exception' tests. The latter involves demonstrating that the development would provide wider sustainability benefits to the community that outweigh the flood risk and that it would be safe for its lifetime, without increasing flood risk elsewhere (paragraphs 101 - 103).</p>	<p>The majority of the Site within the existing coal-fired power station site is located within Flood Zone 1 (low risk), as defined by the Environment Agency. A small area of the Proposed Construction Laydown area is located within Flood Zone 3 (high risk) and the Proposed Gas Connection corridor is located predominantly within Flood Zone 3 (high risk), with small pockets of land located within Flood Zone 2 (medium risk) along the pipeline route (including the proposed AGI Site).</p> <p>Construction materials will be stored outside of the 1 in 100 year floodplain extent wherever possible. Other standard practice measures will be used in the construction of the Proposed Development, thereby ensuring that the temporary works will not increase flood risk in the area or exacerbate flooding for neighbouring properties, and to avoid any adverse environmental effects if the Site flooded during construction.</p> <p>The only potentially significant (moderate) adverse effect that has been identified is a potential increase in flood risk during the short term use of cofferdams during construction works at the existing cooling water abstraction and discharge points in the River Aire, in the event of a low return period flood event. The risk of this occurring will be minimised by reducing the duration of the cofferdams being present in the River and by only installing them during the summer when flows in the River are generally lower.</p> <p>The potential impacts during operation will be managed by similar best practice measures for working procedures and the storage of materials as in the construction phase, but formalised through the Environmental Permit. The drainage system (which will be designed and approved in accordance with draft DCO Requirement 13) will prevent potentially polluted runoff from causing pollution of surface or ground water bodies.</p> <p>The Proposed Development will not increase the risk of flooding off-site</p>

NPPF Ref.	Policy Summary	Assessment
		<p>because the drainage and landscape design will follow appropriate guidance to attenuate and control run-off rates from the Site.</p> <p>Decommissioning effects are anticipated to be similar to those predicted during the construction phase, as described above.</p> <p>It follows that no significant effects are predicted due to the proposed use of best practice measures during construction, operation and decommissioning, and the design of the drainage system for the Proposed Development. The majority of the Site is at low risk of flooding as it is located in Flood Zone 1 and the Proposed Development will not result in any increase in flood risk off-site.</p>
<p>Part 11 Conserving and enhancing the natural environment</p>	<p>Aimed at protecting and enhancing valued landscapes; geological conservation interests and soil; minimising impacts on biodiversity and providing net gains in biodiversity where possible; and preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability (paragraphs 110 - 125.</p> <p>Paragraph 120 states that new development should be appropriate to its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects and pollution, should be taken into account.</p>	<p>The Proposed Development is located on land that is considered suitable for power generation and predominantly with the site of an existing major power station. It is therefore considered that the Site represents an appropriate location for the Proposed Power Plant. The ES includes an assessment of the potential effects of the Proposed Development upon the natural environment in terms of soils, hydrogeology and land quality; surface water resources and flood risk; air quality; noise and vibration; ecology; and landscape and visual amenity.</p> <p>The ES confirms that with appropriate mitigation, where required, the Proposed Development would not result in unacceptable impacts upon the natural environment. Neither would it result in significant effects upon the health or amenity of people living within the locality of the Proposed Development site. In addition, the Proposed Development incorporates measures to enhance landscaping and biodiversity at the site.</p>
<p>Part 12 Conserving and enhancing the historic environment</p>	<p>Matters relating to the conservation of the historic environment are dealt with at Section 12 of the NPPF (paragraphs 126-141). Paragraph 128 states that where development is proposed on a site that includes or has the potential to include heritage assets or archaeological interests, applicants should be required to submit an appropriate desk-based assessment and, where</p>	<p>A 'Written Scheme of Investigation' ('WSI') will be implemented at the Site in respect of archaeology. This has been the subject of discussions with the host local authorities and Historic England. Investigations will be informed by the ES and will focus on the areas of the Site considered to have the highest potential for archaeological deposits. The ES does not anticipate any significant effects for archaeology or other heritage assets.</p>

NPPF Ref.	Policy Summary	Assessment
	necessary, a field evaluation.	

Local planning policy

- 5.109 Table 5.4 below considers the compliance of the Proposed Development with the relevant local development plan policies. These include the 'saved' policies from the Selby District Local Plan (2005), policies from the Selby District Core Strategy Local Plan (2013), the 'saved' policies of the North Yorkshire Waste (2006) and Minerals (1997) Local Plans and relevant policies from the emerging Minerals and Waste Joint Plan.
- 5.110 Each of the relevant local development plan policies is summarised in Tables 5.4. Given that EN-1, EN-2, EN-4 and EN-5 provide the primary basis upon which any decision on the Application should be made, combined with the fact the matters covered by these local planning policies have for the most part already been considered in detail above in relation to the NPSs, a summarised response has been made to each policy, except where a more detailed response is considered necessary.

Table 5.4: Local Development Plan Policies

Policy No. / Title	Policy Text	Assessment
SP 1 (Selby Core Strategy) Presumption in Favour of Sustainable Development	Planning applications that accord with the policies in the Local Plan and those that seek to improve the economic, social and environmental condition in the area, will be approved without delay unless material considerations indicate otherwise.	Central to the NPPF is ‘a presumption in favour of sustainable development’. This is highlighted at Paragraph 14. For decision-making, this means approving applications that accord with the development plan without delay. Accordingly, it is demonstrated in the remainder of this table (Table 5.4) that the Proposed Development complies with relevant development plan policy and ultimately comprises sustainable development.
SP 2 (Selby Core Strategy) Spatial Development Strategy	The location of future development will be directed to the towns and more sustainable villages. Development in the countryside 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.	The principle of power generation on much of the Site has already been established. Furthermore, local planning policy documents contain text and policies that recognise the importance of the location for power generation and that are supportive of power generation and related development.
SP12 (Selby Core Strategy) Access to Services, Community Facilities and Infrastructure	Community facilities and infrastructure should be protected and, where relevant and necessary, new facilities should be provided.	<p>The majority of the Site lies within the existing coal-fired power station site. No significant adverse operational effects on community facilities, land use, leisure and amenity have been identified. The closest ‘community facility’ is the Eggborough Sports and Leisure Complex (including the golf course and sports and social club). The Proposed Development will not affect this community facility.</p> <p>There are no proposals for the provision of additional community facilities or infrastructure.</p>
SP 13 (Selby Core Strategy) Scale and Distribution of Economic Growth	Support will be given to developing and revitalising the local economy and development should be sustainable and be appropriate in scale and type to its location; it should not harm the character of the area and seek a good standard of amenity.	Paragraph 5.12.1 on EN-1 acknowledges that the construction, operation and decommissioning of energy infrastructure may have socio-economic impacts at local and regional levels. Paragraph 5.12.3 states that the assessment within the ES should consider socio-economic impacts; therefore, the ES includes consideration of this topic. Paragraph 5.12.9 of EN-1 goes on to state that it should be considered whether mitigation measures are necessary to mitigate any adverse socio-economic impacts of a development.

Policy No. / Title	Policy Text	Assessment
		<p>There would be positive economic benefits in terms of significant job creation associated with the Proposed Development. Furthermore, the Site predominantly comprises of land within the existing coal-fired power station site and the immediate context of the Site is very much industrialised.</p> <p>The Proposed Development seeks to maintain a good standard of amenity, through the introduction of numerous management and mitigation measures, including, noise attenuation, traffic management, and landscaping and biodiversity enhancements.</p>
<p>SP 15 (Selby Core Strategy) Sustainable Development and Climate Change</p>	<p>Development should be directed to sustainable locations; achieve the most efficient use of land without compromising the quality of the local environmental; contribute toward the reduction of carbon emissions; mitigate and be resilient to the effects of climate change; include biodiversity enhancement and landscaping and minimise traffic growth by promoting sustainable modes.</p>	<p>The Site has been selected because it is a suitable and sustainable location for the Proposed Development.</p> <p>The consideration of alternatives and site selection is set out in detail in ES Volume I, Chapter 6 'Design Evolution and Alternatives' (Application Document Ref. 6.2.6). Please also refer to Table 5.2 in this report.</p> <p>In terms of flood risk, no significant effects are predicted due to the proposed use of best practice measures during construction, operation and decommissioning, and the design of the drainage system for the Proposed Development. The majority of the Site is at low risk of flooding as it is located in Flood Zone 1 and the Proposed Development will not result in any increase in flood risk off Site.</p> <p>It should also be considered that the Proposed Development has very clear benefits for the wider community, in term of contributing to UK energy security and providing employment. Furthermore, landscaping and biodiversity enhancements will be implemented at the Site.</p>
<p>Policy SP 16 (Selby Core Strategy) Improving Resource Efficiency</p>	<p>Development should include provisions for biomass, low carbon energy, and combined heating and power.</p>	<p>The Proposed Power Plant has been designed to be CCR so should the deployment of carbon capture technology become feasible in the future its carbon dioxide emissions will be reduced further.</p> <p>The Proposed Development has also been designed to be 'CHP Ready' so that should a viable heat demand be identified in the future the Proposed Power</p>

Policy No. / Title	Policy Text	Assessment
		<p>Plant will be able to accommodate the necessary facilities and connections to meet that demand.</p>
<p>SP 18 (Selby Core Strategy) Protecting and Enhancing the Environment</p>	<p>Proposed Developments should safeguard and where possible enhance historic assets; biodiversity and wildlife, including designated sites; landscape character; protect soil, air and water from all types of pollution and steer development to areas of least environmental quality.</p>	<p>EN-1 (paragraph 4.2.1) states that Proposed Developments that are subject to the European EIA Directive must be accompanied by an ES describing the aspects of the environment likely to be significantly affected by the Proposed Development.</p> <p>The EIA of the Proposed Development (set out in the ES) has assessed the impact on human beings, fauna, flora, soil, water, air, climate, the landscape, land quality, material assets and cultural heritage. There has been input from a team of technical specialists throughout the process. The EIA and the design process in general, have identified a number of management and mitigation measures that now either form part of the Proposed Development or would be secured by requirements in the DCO.</p>
<p>SP 19 (Selby Core Strategy) Design Quality</p>	<p>Proposed Developments should make best and most efficient use of land without compromising local distinctiveness, character and form; be accessible to all users; facilitate sustainable access modes; incorporate new and existing landscaping; prevent development from contributing to or being adversely affected by pollution.</p>	<p>EN-1 (paragraph 4.5.1) recognises that the functionality of buildings and infrastructure, including fitness for purpose and sustainability, are as equally important as visual appearance and aesthetic considerations. It goes on to state that applying ‘good design’ to energy Proposed Developments should produce sustainable infrastructure sensitive to place, efficient in the use of natural resources and energy used in their construction and operation, matched by an appearance that demonstrates ‘good aesthetic’ as far as possible. It is however acknowledged that “...the nature of much energy infrastructure development will often limit the extent to which it can contribute to the enhancement of the quality of an area.”</p> <p>The Applicant has prepared a DAS that forms part of the Application. The DAS sets out how the Applicant has had regard to ‘good design’ in respect of the Proposed Development. It describes how the Applicant has taken account of and appraised the Proposed Development site’s context and the design process that has been followed, including the broad approach that has been taken to the design of the Proposed Development and how this has changed and evolved throughout the pre-application process taking account of both</p>

Policy No. / Title	Policy Text	Assessment
		engineering design development and consultation.
ENV 1 (Selby District Local Plan) Control of Development	In considering development the LPA will take account of the effect upon character of the area and the amenity of adjoining occupiers; the effect on the highway network; and the capacity of local services and infrastructure.	The EIA of the Proposed Development has assessed the impact on human beings, fauna, flora, soil, water, air, climate, the landscape, land quality, material assets and cultural heritage. There has been input from a team of technical specialists throughout the process. The EIA and the design process in general, have identified a number of management and mitigation measures that now either form part of the Proposed Development or would be secured by requirements in the DCO.
ENV 2 (Selby District Local Plan) Environmental Pollution and Contamination	Proposed Developments giving rise to unacceptable levels of noise, nuisance or environmental pollution will not be permitted unless satisfactory remedial or preventative measures can be incorporated.	The noise and vibration effects of the Proposed Development are assessed at Chapter 9 'Noise and Vibration' at ES Volume I (Application Document Ref. 6.2.9). Table 9.39 of Chapter 9 sets out the summary of significant noise and vibration effects taking account of mitigation (residual effects). In nearly all cases, effects are assessed as being either negligible or minor adverse and therefore not significant. This is with the exception of noise effects during the works at the cooling water abstraction point (during concrete breaking out) where these are assessed as minor or moderate adverse. However, this will be short-term and temporary in nature.
ENV 3 (Selby District Local Plan) Light Pollution	Outdoor lighting will only be permitted where lighting schemes represent the minimum level required for security and operational purposes, are designed to minimise glare and light spillage and would not adversely affect local amenity or significantly detract from the character of a rural area.	In terms of artificial light, there will be lighting associated with the Proposed development during both construction and operation. EPL will employ measures to minimise the level of artificial light during construction, whereas during operation only the Proposed Power Plant will be lit. Requirement 8 'External lighting' of the draft DCO requires EPL to obtain approval of all external lighting to be used during construction and operation from the relevant planning authority.
ENV 4 (Selby District Local Plan) Hazardous Substances	Proposals involving the storage or use of hazardous substances will only be permitted where there is no unacceptable risk to the public or natural environment; and opportunities for the development of land will not be securely restricted.	EPL has reviewed substances that will be stored in connection with the Proposed Development and has identified the possible need for HSC in respect of the storage of certain substances in connection with the Proposed Power Plant. Subject to establishing the quantities involved, EPL will prepare a HSC application for submission to the hazardous substances authority, which is SDC. The application will be submitted in June/July 2017. Further information is

Policy No. / Title	Policy Text	Assessment
		<p>provided within the Other Consents and Licences document (Application Document Ref. 5.4).</p> <p>The Proposed Gas Connection will not require HSC as it will not involve the storage of hazardous substances, however, as confirmed above, it will need to be constructed to the relevant safety and industry standards in accordance with the Pipeline Safety Regulations 1996 and the appropriate notifications will be made, which will include notifying the HSE.</p>
<p>ENV 9 (Selby District Local Plan) Sites of Importance for Nature Conservation Importance</p>	<p>Proposed Developments which would harm a local nature reserve or a site of local importance for nature conservation will only be permitted where there are no reasonable alternative means of meeting the development need and it can be demonstrated that there are reasons for the Proposed Development which outweigh the need to safeguard the intrinsic local nature conservation value of the site.</p>	<p>Chapter 10 'Ecology' of ES Volume I provides an assessment of the potential effects of the Proposed Development upon ecology, including field survey results. The assessment has been informed by a desk based summary to identify nature conservation designations, protected and notable habitats and species. Taking account of the development design and impact avoidance measures that will be employed, no significant adverse effects are predicted in relation to ecology.</p>
<p>ENV27 (Selby District Local Plan) Scheduled Monuments and Important Archaeological Sites</p>	<p>Scheduled monuments and other nationally important archaeological sites should be preserved unless there are exceptional circumstances.</p>	<p>Chapter 13 'Cultural Heritage' of ES Volume I (Application Document Ref. 6.2.13) provides an assessments of the effects of the Proposed Development upon designated heritage assets (within a 5 km study area) and non-designated assets (within a 1 km study area). The extent of these study areas was set out in EPL's EIA Scoping Report and has been accepted by Historic England and NYCC. There are no designated assets within the Site, and the ES does not anticipate any significant effects for archaeology or other heritage assets.</p> <p>Notwithstanding the above, a WSI will be implemented at the Site in respect of archaeology. This has been the subject of discussions with the host local authorities and Historic England. Investigations will be informed by the ES and will focus on the areas of the Site considered to have the highest potential for archaeological deposits.</p>
<p>ENV28 (Selby District Local Plan) Other Archaeological</p>	<p>Proposed Developments affecting sites of known or possible archaeological interest will require an archaeological assessment / evaluation. Archaeological remains should be</p>	<p>Please refer to the assessment of Policy ENV 27 above.</p>

Policy No. / Title	Policy Text	Assessment
Sites	preserved in situ through design and layout of new Proposed Developments.	
EMP10 (Selby District Local Plan) Additional Industrial Development at Drax and Eggborough Power Stations	Additional Industrial development may be permitted at Eggborough that is directly related to the process of generating electricity, would be suitably linked to the highway and rail networks, would not affect residential amenity or create environmental problems, would be well screened and would not harm nature conservation interests or archaeology.	<p>The Proposed Development is located predominantly within the existing coal-fired power station site. It would be for the generation of electricity and would benefit from good access to the strategic road network and rail infrastructure.</p> <p>The EIA of the Proposed Development has assessed the impact on human beings, fauna, flora, soil, water, air, climate, the landscape, land quality, material assets and cultural heritage. There has been input from a team of technical specialists throughout the process. The EIA and the design process in general, have identified a number of management and mitigation measures that now either form part of the Proposed Development or would be secured by requirements in the DCO.</p>
RT1 (Selby District Local Plan) Recreation Open Space	Proposals which would result in the loss of existing recreation open space and allotments will not be permitted.	The Proposed Development does not result in the loss of existing recreation open space or allotments.
T 1 (Selby District Local Plan) Development in Relation to the Highway Network	Proposed Developments should be well related to the highway network and will only be permitted where existing roads have adequate capacity unless appropriate off-site improvements are undertaken by the developer.	<p>ES Volume I, Chapter 14 'Traffic and Transportation' (Application Document Ref. 6.2.14) provides an assessment of traffic and transportation. A Transport Assessment is provided at Appendix 14A of ES Volume III (Ref. 6.4.21).</p> <p>Chapter 14 assesses the overall effects of construction traffic associated with the Proposed Power Plant as negligible or minor adverse. This takes account of matters such as severance, pedestrian amenity, highway safety, driver delay and junctions and road links. The overall effects of construction traffic in respect of the Proposed Gas Connection are also assessed as negligible or minor adverse and therefore not significant.</p> <p>Mitigation in relation to construction traffic will be secured by the implementation of a Construction Traffic and Routing Management Plan (secured by Requirement 20 of the draft DCO), which amongst other matters will cover the routes to be used by construction traffic (from Junction 34 of the</p>

Policy No. / Title	Policy Text	Assessment
		<p>M62 via the A19) and the management of AILs. Requirement 21 will also require the implementation of a Construction Worker Travel Plan.</p> <p>Operational traffic will be based upon 40 operational staff and 30 corporate staff. Conservatively assuming a car occupancy of one, this equates to 70 cars per day (140 vehicles movements) It is envisaged that there will be around four HGVs visiting the site per day for deliveries of operational and maintenance plant and equipment. Given the low numbers, the effects of operational traffic are assessed as negligible adverse (not significant).</p>
<p>T2 (Selby District Local Plan) Access to Roads</p>	<p>Proposed Developments which would create a new access or intensify an existing access will be permitted only if there is no detriment to highway safety and the location and standard or the access is acceptable to the highway authority.</p>	<p>Please refer to the assessment of Policy T2 above.</p>
<p>T8 (Selby District Local Plan) Public Rights of Way</p>	<p>Proposed Developments should not have a significant adverse effect on public rights of way unless alternative routes can be provided.</p>	<p>The majority of the Site lies within the existing coal-fired power station site, thus limiting the effects on land use. However, there will be a temporary significant adverse effect on users of a small number of PRoW, which will be temporarily closed during part of the construction period. The Public Rights of Way affected during construction will be reopened following construction. The effects therefore, are not significant.</p>
<p>Policy 5/1 Waste Minimisation (North Yorkshire Waste Local Plan)</p>	<p>Proposals for major development should include a statement identifying the waste implications of the development and measures taken to minimise and manage the waste generated. Permission will not be granted where this has not been adequately addressed.</p>	<p>Section 5.14 of EN-1 acknowledges that all large infrastructure projects are likely to generate hazardous and non-hazardous waste. Paragraph 5.14.6 requires applicants to produce a SWMP and states that the applicant should seek to minimise the volume of waste produced and the volume of waste sent for disposal.</p> <p>The Application includes a SWMP that sets out the process for management of waste arisings during all phases of the Proposed Development, and the plan would form part of the EMS. In addition, the draft Order contains a requirement that EPL agrees construction waste management plans with the relevant planning authority. The Applicant's approach would be to minimise both construction and operational waste.</p>

Policy No. / Title	Policy Text	Assessment
<p>Policy S04 Transport infrastructure safeguarding (Minerals and Waste Joint Plan)</p>	<p>Railheads, rail links and wharves will be safeguarded against development which would prevent or frustrate the use of the infrastructure for minerals or waste transport purposes unless the need for the alternative development outweighs the benefits of retaining the facility or the infrastructure is not in use and there is no reasonable prospect of it being used for minerals or waste transport in the foreseeable future.</p>	<p>The Proposed Development retains the existing private rail line and will involve the modification of this to provide EPL with the ability to use it during the construction phase for the delivery of materials where feasible. The retention and modification of the line will also mean that it is available for other development at the existing power coal-fired power station site in the future.</p> <p>The Minerals and Waste Joint Plan (paragraph 8.2) confirms that the purpose of ‘safeguarding’ is not to prevent other forms of development on or near to a safeguarded resource or infrastructure, but primarily to ensure that the presence of the resource or infrastructure is taken into account when other development proposals are under consideration.</p>
<p>Policy S02 Developments proposed within Minerals Safeguarding Areas (Minerals and Waste Joint Plan)</p>	<p>Within Surface Minerals Safeguarding Areas permission for development other than minerals extraction will be granted where the need for the non-mineral development can be demonstrated to outweigh the need to safeguard the mineral.</p>	<p>EN-1 clearly confirms the urgent 'need' that exists for all types of nationally significant energy infrastructure. It is clear that the SoS should assess applications on the basis that this 'need' and its scale and urgency has been proven. The Proposed Development, with a gross output capacity of up to 2,500 MW, will respond to this urgent need in a timely manner (the Proposed Power Plant could be operational by 2022) and will more than compensate for the future closure of the existing coal-fired power station and the loss of its generating capacity (2,000 MW) from the UK’s generation fleet.</p> <p>Paragraph 8.47 of the Minerals and Waste Joint Plan lists types of development that are exempt from consideration under the safeguarding policies of the Plan. Notably, ‘exempt development’ includes the redevelopment of previously developed land that would not increase the footprint of the former development. Clearly, the Proposed Power Plant, and other components of the Proposed Development, will involve the redevelopment of previously developed land.</p>
<p>Policy D13 Consideration of applications in Development High Risk</p>	<p>Where development is proposed within Development High Risk Areas identified by the Coal Authority, proposals should be accompanied by a Coal Mining Risk Assessment and where necessary incorporate suitable mitigation measures in relation</p>	<p>The Site, whilst falling within a defined coalfield, will be located within the ‘Development Low Risk Area’, meaning that there are no recorded coal mining legacy risks at shallow depth. However, EPL acknowledges that the Site does fall within the licence area of the former Kellingley Colliery, which ceased deep</p>

Policy No. / Title	Policy Text	Assessment
<p>Areas (Minerals and Waste Joint Plan)</p>	<p>to land stability. Permission will be granted where it can be demonstrated that the development will not be at unacceptable risk.</p>	<p>coal mining activities in December 2015. Furthermore, that the longwall method of mining employed can potentially result in surface subsidence for several years following cessation of deep mining activities.</p> <p>Coal mining activity is considered at ES Volume I, Chapter 12 'Geology, Hydrogeology and Land Contamination' (Application Document Ref. 6.2.12), paragraphs 12.4.18 to 12.4.22. Table 12.7 of Chapter 12 confirms that ongoing assessment of the rates of potential settlement being experienced across the main coal stockyard (the location for the Proposed Power Plant) is being undertaken and that, if required, mitigation measures will be identified during the detailed design. Paragraph 12.4.22 concludes that the sensitivity of the geology at the Site is moderate, based on the previous coal mining activity. It is therefore agreed between EPL and the Coal Authority that adequate consideration has been given to potential land stability risk as a result of past coal mining activity.</p>

Summary

- 5.111 This section has considered the Proposed Development's conformity against the assessment principles, generic impacts and assessment and technology specific considerations of the relevant NPSs (EN-1, EN-2, EN-4 and EN-5). Regard has also been had to the NPPF and relevant local development plan policy. It is considered to have been demonstrated that the Applicant has fully taken into account the guidance contained within the NPSs and that there is no conflict with NPS policy or with the NPPF and local development plan policy.
- 5.112 It is however important to recognise that although the NPPF and local development plan policy may be 'important and relevant', the NPSs are the primary consideration for the determination of NSIPs and take precedence where there is any conflict with such policies.

6.0 THE BENEFITS AND ADVERSE EFFECTS OF THE PROPOSED DEVELOPMENT

6.1 This section of the Planning Statement identifies the key benefits of the Proposed Development as well as its likely significant operational (permanent) adverse effects having regard to the policy assessment within Section 5 and the EIA that has been undertaken.

Benefits of the Proposed Development

6.2 The Proposed Development would have a number of very clear benefits, which can be summarised as follows:

- EN-1 clearly confirms the urgent 'need' that exists for all types of nationally significant energy infrastructure, including new fossil fuel generating stations that are carbon capture ready ('CCR'). It is clear that the SoS should assess applications on the basis that this 'need' and its scale and urgency has been proven.
- The Proposed Development, with a gross output capacity of up to 2,500 MW, will respond to this urgent need in a timely manner (the Proposed Power Plant could be operational by 2022) and will more than compensate for the future closure of the existing coal-fired power station and the loss of its generating capacity (2,000 MW) from the UK's generation fleet.
- The Proposed Power Plant will include a gas-fired peaking plant of up to 299 MW gross output capacity; a particularly flexible form of electricity generating capacity, able to respond rapidly to increases in demand on the electricity network or fluctuations in supply from renewable technologies.
- The Proposed Development will support the increased deployment of renewable energy in the UK, which is crucial if the country is to move to a low carbon economy. In this respect, EN-1 recognises that fossil fuel generating stations have a vital role to play in adding to the security, diversity and resilience of the UK's electricity supplies. Not least, they ensure that the country is not overly reliant on any one type of generation and can be operated flexibly, providing back-up for when generation from intermittent renewable generating capacity is low. As stated above, the gas-fired peaking plant will provide a particularly flexible form of generating capacity that is able to respond rapidly to changes in demand and supply.
- Gas is more efficient and results in lower carbon dioxide emissions than other fossil fuels such as coal and oil and, as such, the Proposed Power Plant will result in much lower carbon dioxide emissions than the existing coal-fired power station. Furthermore, the Proposed Power Plant will deploy highly efficient gas turbine technology that will result in significantly lower emissions than average UK gas-fired power plants. The Proposed Development therefore represents a form of low carbon electricity generation and will make a positive contribution toward the UK's carbon dioxide reduction targets.
- The Proposed Power Plant has been designed to be CCR so should the deployment of carbon capture technology become feasible in the future its carbon dioxide emissions will be reduced further.
- The Proposed Development has been designed to be 'CHP Ready' so that should a viable heat demand be identified in the future the Proposed Power Plant will be able to accommodate the necessary facilities and connections to meet that demand.
- The Proposed Development will make use of brownfield land at an existing power generation site that already benefits from electrical and cooling water connections and

other infrastructure. This will assist in minimising the impact of the Proposed Development upon the environmental and its carbon footprint.

- The Proposed Development would have substantial benefits for the regional and local economy, in terms of employment during the circa three year construction phase. It is estimated that approximately 1,200 workers will be required at the peak of construction, with the majority of posts (approximately 80%) taken by people living within the York Travel to Work Area ('TTWA'). Taking account of the 'Multiplier Effect' it is estimated that an additional 215 indirect and induced jobs will be generated in the York TTWA.
- Although the Proposed Development will not provide the same level of permanent employment during operation as the existing coal-fired power station (which is expected to close in 2019 at the latest) it will still provide a significant number of long-term jobs and allow EPL to retain a number of existing staff. It is estimated that there will be approximately 70 jobs at the Proposed Power Plant during operation, again with the majority of posts being filled by people within the York TTWA. There will also be further indirect and induced jobs generated.
- Further to the above, the draft DCO includes Requirement 34 'Employment, skills and training plan' that is aimed at promoting employment, skills and training development opportunities for local residents during construction and employment opportunities during operation.
- The Proposed Development retains the existing private rail line and will involve the modification of this to provide EPL with the ability to use it during the construction phase for the delivery of materials where feasible. The retention and modification of the line will also mean that it is available for other development at the existing power coal-fired power station site in the future.
- The Proposed Development will deliver landscape and biodiversity enhancement around the existing coal-fired power station site. The existing mature tree and shrub (woodland) planting areas to the northern side of Wand Lane, to the east of the strategic/emergency coal stockyard, to the eastern, southern and western boundaries of the main coal stockyard (the Proposed Power Plant site) and the south of the NG substation and golf course are included within the Order limits and are shown upon the Works Plans as retained landscaping, meaning that these areas will be retained for the future. The woodland planting will be enhanced and managed in accordance with the Indicative Landscape and Biodiversity Strategy increasing their landscape and biodiversity value. The details for the enhancement and management of these areas will be secured by Requirement 6 'Landscaping and biodiversity protection management and enhancement'.
- The local development plan recognises the importance of the existing coal-fired power station site as a location for electricity generation and that the energy sector will continue to be important to the economy of Selby District. It supports further development at the site which is related to the process of electricity generation. The Proposed Development will ensure that the site continues to as a location for electricity generation and that it continues to make an important contribution to the local economy. It is therefore in accordance with the development plan strategy for the District.

Likely significant adverse effects of the Proposed Development

- 6.3 Chapter 21 'Summary of Significant Effects' of the ES (Application Document Ref. 6.2) provides a summary of the significant environmental effect of the Proposed Development at its different

phases, including construction, opening, operation and decommissioning. The summary is provided at Table 21.1 of Chapter 21 and provides a classification of effects both prior to mitigation and also after mitigation (residual effects). It identifies whether effects are short-term, medium-term, long-term, temporary, permanent, direct or indirect. The table also identifies the mitigation that has been applied to reduce effects, where relevant.

- 6.4 Taking account of mitigation, the effects identified in Table 21.1 under the various ES chapters/topics are for the most part either negligible (not significant) or minor adverse. However, there are a number of moderate adverse and major adverse effects relating to cultural heritage (the impact on the setting or certain heritage assets) and landscape and visual amenity. Of these effects, a number are long-term, permanent and direct.
- 6.5 In the majority of cases, these moderate and major adverse effects relate to the operational and decommissioning phases for the Proposed Development. The assessments for these phases were based upon the 'worst case' of the existing coal-fired power station - which currently exerts a major influence on landscape character and visual amenity in the area surrounding the Proposed Development Site - having been demolished and no longer forming part of the landscape. Clearly, with the removal of the coal-fired power station, the Proposed Development, notably the Proposed Power Plant, will result in greater landscape and visual amenity effects, than in a scenario where the existing coal-fired power station was still in place.
- 6.6 It is relevant to note that EN-1 (paragraphs 5.9.8 and 5.9.18) recognises that virtually all nationally significant energy infrastructure projects will have effects on the landscape and are likely to have visual effects for many of the receptors around proposed sites. In addition, EN-2 (paragraph 2.6.2) states that the main structures for a fossil fuel generating stations, including the turbine and boiler halls, exhaust gas stacks, storage facilities, cooling towers, and water processing plant, are large and:

"They will have an impact on the surrounding landscape and visual amenity".

- 6.7 Furthermore, in providing guidance to the SoS on decision-making, EN-2 (paragraph 2.6.5) states that:

"It is not possible to eliminate the visual impacts associated with a fossil fuel generating station".

Summary

- 6.8 As with all development proposals, it is necessary to assess the Proposed Development in terms of its conformity and compliance with relevant policy and weigh the benefits and significant adverse effects against each other (the 'planning balance').
- 6.9 Section 5 of this Planning Statement has considered the Proposed Development's conformity against the assessment principles, generic impacts and assessment and technology specific considerations of the relevant NPSs (EN-1, EN-2, EN-4 and EN-5). Regard has also been had to the NPPF and local development plan policy where relevant. It is considered to have been demonstrated that EPL has fully taken into account the policy contained within the NPSs and that there is no conflict with the NPSs or with the NPPF and local development plan policy.
- 6.10 This section has identified a number of very clear and substantial benefits that the Proposed Development will deliver. The significant adverse effects are for the main confined to landscape and visual amenity and relate to the scenario where the existing coal-fired power station no

longer forms part of the landscape. Notwithstanding this, NPSs EN-1 and EN-1 recognise that fossil fuel generating stations will have an impact on landscape and visual amenity. It is therefore considered that the benefits of the Proposed Development substantially outweigh the limited harm that will result.

7.0 OTHER MATTERS

7.1 This section refers to a number of other matters that are relevant to the Application. These include the other 'non-DCO' consents and licences required for the Proposed Development; the need for the compulsory acquisition of land or interests and rights in land; the requirements included within the draft DCO; and finally, the need or otherwise for a development consent obligation.

Other consents and licences

7.2 There are other consents and licences, in addition to the DCO, that are required in respect of the construction and operation of the Proposed Development. The PA 2008 provides the ability to include some these within a DCO and, in the case of the Marine Licence required for the works within and under the tidal River Aire, EPL has done so, including a DML at Schedule 13 (also see Article 33) of the draft DCO (Application Document Ref. 2.1). However, a number of consents and licences, such as the Environmental Permit for the Proposed Power Plant, will be advanced separately to the DCO.

7.3 As confirmed in Section 5, EN-1 (paragraph 4.10.6) advises applicants to make early contact with relevant regulators to discuss the requirements for the necessary applications and to ensure that these take account of all relevant considerations and that the regulators are able to provide timely advice and assurance to the SoS with regard to the consents and licences. EN-1 also states that where possible, applicants are encouraged to submit applications for Environmental Permits and other necessary consents at the same time as applying to the SoS for a DCO.

7.4 The Other Consents and Licences document (Application Document Ref. 5.4) lists (at Table 2.1) those consents and licences that are required for the Proposed Development that are being/will be advanced separately of the DCO. As stated above, these include the Environmental Permit for the operation of the Proposed Power Plant. With regard to this, EPL has agreed with the EA that this can take the form of a 'Substantial Variation' to the existing Environmental Permit for the existing coal-fired power station. The variation application is being prepared and will be submitted to the EA in June/July 2017.

7.5 The Other Consents and Licences document sets out the position with regard to obtaining the consents required for the Proposed Development under other regulatory regimes. It is a 'live' document and will be updated during the examination of the Application.

Compulsory acquisition

7.6 The draft DCO seeks powers of compulsory acquisition of interests and rights in land (including new rights) within the Order limits. The provisions relating to compulsory acquisition are set out at Articles 17 to 30 of the draft DCO (Application Document Ref. 2.1). These and other provisions of the draft DCO are explained in the Explanatory Memorandum (Application Document Ref. 2.2).

7.7 Information on the interests and rights that exist in relation to the land within the Order limits is provided by the Book of Reference (Application Document Ref. 3.1).

7.8 The justification for the proposed compulsory acquisition of interests and rights in land is set out in the Statement of Reasons (Application Document Ref. 3.2), with EPL's ability to fund this confirmed by the Funding Statement (Application Document Ref. 3.3).

7.9 EPL will seek to acquire the necessary interests and rights in land through agreement where possible.

Requirements

7.10 Schedule 2 'Requirements' of the draft DCO (Application Document Ref. 2.1) contains a number of requirements that will control the detailed design of the Proposed Development in addition to its construction and operation to ensure that it remains within the scope of the EIA carried out and does not result in unacceptable impacts. These will require the submission to and approval by the local planning authority, SDC, of further details of the Proposed Development. A significant number of the requirements must be discharged prior to the commencement of the Proposed Development with others needing to be discharged prior to commissioning or commercial use.

7.11 In drafting the requirements EPL has reviewed other relevant DCOs, considered the findings of the EIA for the Proposed Development and also consulted with SDC, NYCC and a number of technical consultees.

7.12 The draft requirements take account of the advice contained in EN-1 (paragraph 4.1.7) and the guidance contained within the NPPF (paragraphs 203-206) and the PPG ('Use of planning conditions'). It is considered that they are necessary, relevant to planning, relevant to the development to be consented, enforceable, precise and reasonable in all other respects.

7.13 The requirements will ensure that, amongst other matters:

- the relevant planning authority has control over the final design of the Proposed Development in relation to matters such as the detailed design of the Proposed Power Plant layout and its buildings and structures, the various infrastructure connections, highway accesses, lighting, boundary treatment, surface and foul water drainage and flood risk mitigation;
- the construction and operational effects of the Proposed Development are controlled, including in relation to matters such as noise and vibration, contaminated land and groundwater, construction working hours and traffic management and routing;
- archaeological investigations are carried out;
- landscape and biodiversity enhancements are secured;
- land used temporarily during the construction phase is appropriately restored;
- the Proposed Development is designed and built to be CCR and CHP Ready and sufficient space is safeguarded for any future plant and connections; and
- construction waste arisings are suitably controlled and managed.

7.14 The intended purpose and effect of the draft requirements is explained in more detail within the Explanatory Memorandum (Application Document Ref. 2.2).

7.15 The Commitments Register included at Appendix 21A of ES Volume III (Application Document Ref. 6.4.27) identifies where particular requirements will secure mitigation measures and commitments contained within the ES.

Development Consent Obligation

- 7.16 Development consent obligations can be used where they will deliver mitigation that addresses the adverse effects of a development that will otherwise be unacceptable in planning terms. They must satisfy broadly similar tests to those for requirements that is, they must be relevant to planning, necessary to make the development acceptable in planning terms, directly related to the development, fairly and reasonably related in scale and kind to the development and reasonable in all other respects.
- 7.17 The Application does not include a development consent obligation as the EIA of the Proposed Development has not identified the need for mitigation (in addition to that which is embedded in its design or will be secured by the requirements) in order to make it acceptable in planning terms

8.0 CONCLUSIONS

8.1 The following conclusions can be drawn from this Planning Statement:

- There is an urgent need for new electricity generating capacity in the UK as confirmed by NPS EN-1 and this 'need' is not open to debate or interpretation.
- The Proposed Development has been considered against the assessment principles, generic impacts and assessment and technology specific considerations of NPSs EN-1, EN-2, EN-4 and EN-5, in addition to the NPPF and relevant local development plan policy. It is considered to have been demonstrated that EPL has fully taken into account the guidance contained within the NPSs and that there is no conflict with NPS policy or with the NPPF or local development plan policy.
- The Proposed Development would deliver a number of very clear and positive benefits, including the timely delivery of new electricity generating capacity that will contribute to the security, diversity and resilience of UK energy supplies and support the increased deployment of renewable energy; make a positive contribution toward the UK's carbon dioxide reduction targets; deliver substantial benefits for the regional and local economy, in terms of employment during the construction phase as well as providing a significant number of long-term jobs during operation; and provide landscape and biodiversity enhancements.
- The significant adverse effects for the main confined to landscape and visual amenity and relate to the scenario where the existing coal-fired power station no longer forms part of the landscape. Notwithstanding this, NPSs EN-1 and EN-1 recognise that fossil fuel generating stations will have an impact on landscape and visual amenity. It is therefore considered that the benefits of the Proposed Development substantially outweigh the limited harm that will result.
- EPL understands the other 'non-DCO' consents and licences that are required for the Proposed Development and is progressing the necessary application and will provide updates during the examination. There are no known reasons why these consents and licences would not be forthcoming.
- The draft DCO includes appropriate requirements that will control the detailed design of the Proposed Development and its construction and operation in order to ensure that it accords with the EIA undertaken and does not result in unacceptable effects.
- In view of the above, including the mitigation that has been embedded in the design of the Proposed Development or which will be secured by the requirements, the EPL does not consider that a development consent obligation is necessary to make the Proposed Development acceptable in planning terms.

8.2 EPL considers that the Proposed Development is acceptable in planning terms and that a DCO should therefore be made by the SoS for BEIS.