North Yorkshire Council

Community Development Services

Strategic Planning Committee

08 AUGUST 2023

2022/0711/EIA - HYBRID PLANNING APPLICATION COMPRISING TWO PARTS: (PART 1) OUTLINE PLANNING APPLICATION (ALL MATTERS RESERVED) FOR THE CONSTRUCTION OF A CONVERTER STATION AT LAND TO THE EAST OF NEW ROAD, DRAX, SELBY; (PART 2) FULL PLANNING APPLICATION FOR THE INSTALLATION OF HIGH VOLTAGE DIRECT CURRENT (HVDC) UNDERGROUND CABLES FROM THE RIVER OUSE TO THE CONVERTER STATION AND HIGH VOLTAGE ALTERNATING CURRENT (HVAC) UNDERGROUND CABLES FROM THE CONVERTER STATION TO THE EXISTING DRAX SUBSTATION, AS WELL AS ALL ASSOCIATED TEMPORARY WORKS INCLUDING COMPOUNDS, ACCESSES AND BELLMOUTHS AS PART OF THE CONSTRUCTION OF SCOTLAND-ENGLAND GREEN LINK 2 (SEGL2) - A TWO GIGAWATT (GW) REINFORCEMENT OF THE ELECTRICITY TRANSMISSION SYSTEM BETWEEN PETERHEAD, SCOTLAND AND DRAX, ENGLAND. [INSTALLATION OF UNDERGROUND HVDC CABLES FROM MEAN LOW WATER SPRINGS (MLWS) AT FRAISTHORPE, EAST RIDING TO THE RIVER OUSE AND ASSOCIATED TEMPORARY WORKS RELATING TO LAND IN AN ADJOINING AUTHORITY]

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the Report

1.1 To determine a hybrid planning application comprising two parts as follows:

- Outline planning application (with all matters reserved) for the construction of a convertor station;
- Full planning application for the installation of high voltage direct current (HVDC) underground cables from the River Ouse to the converter station and high voltage alternating current (HVAC) underground cables from the converter station to the existing Drax 400 kV substation, along with associated temporary works including compounds, accesses and bellmouths.

1.2 This application has been reported to Committee due to the application being a significant planning application relating to energy or physical infrastructure accompanied by an Environmental Impact Statement and where it is intended to recommend approval.

2.0 SUMMARY

RECOMMENDATION: That planning permission be GRANTED subject to the conditions listed below.

2.1. This is a hybrid planning application which seeks:

1. outline planning permission (with all matters reserved) for the construction of a convertor station; and

2. full planning permission for the installation of high voltage direct current (HVDC) underground cables from the River Ouse to the converter station and high voltage alternating current (HVAC) underground cables from the converter station to the existing Drax 400 kV Substation as well as all associated temporary works including compounds, accesses and bellmouths at land adjacent to New Road, Drax. This proposal is part of a wider scheme for the transfer to clean energy from Scotland to England (and vice versa) via sub-sea cables, connected to a convertor station and electrical substation in each country via an onshore underground cable.

2.2. The application site, comprising some 34.6 hectares of predominantly agricultural land extending from the east of the Drax Power Station site to the administrative boundary of the North Yorkshire Council area at the River Ouse, is located outside the defined development limits of any settlements and is located within countryside. The application site does not form part of the Drax Power Station site.

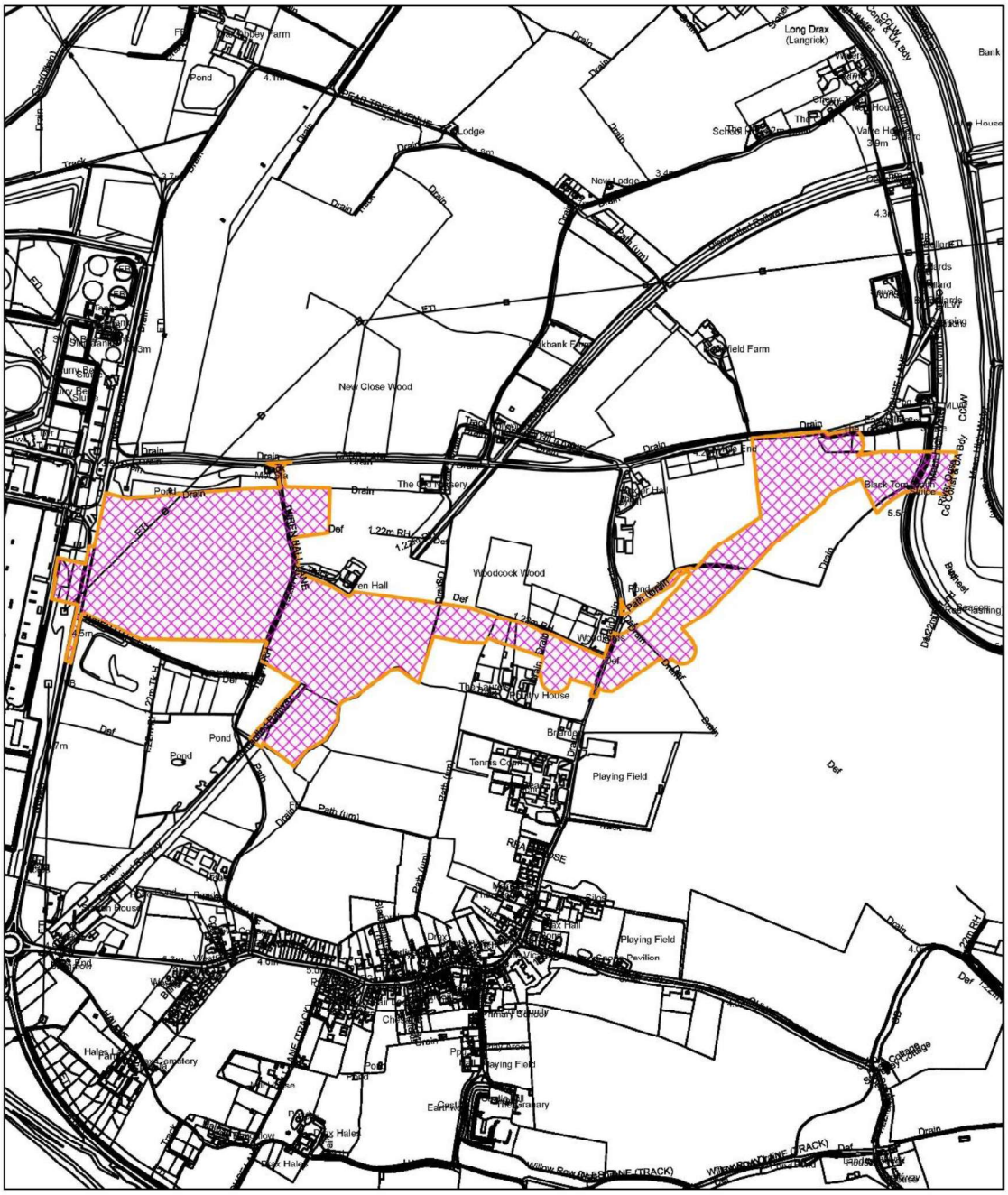
2.3. Harm (and conflict with the relevant adopted Development Plan policies) has been identified as a result of the proposed construction of the convertor station as follows:

- Permanent loss of approximately 1.7 hectares of BMV agricultural land, contrary to Core Strategy Policy SP18;
- Significant visual effects (and significant cumulative visual effects) for which there is insufficient landscape mitigation, contrary to saved Policy ENV1 of the Selby District Local Plan and Policies SP12, SP17 (C), SP18 and SP19 of the Core Strategy.

2.4. However, it is considered that the development would deliver very substantial benefits, contributing to net zero targets and facilitating the role out of increasing use of renewable energy resources in the country. In this instance, it is therefore considered that there are material considerations which would justify granting outline planning permission for the convertor station, notwithstanding the harm identified.

2.5. In conclusion, it is recommended that planning permission be granted for the hybrid application subject to conditions.

Land to the east of New Road, Drax
2022/0711/EIA



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3.0 Preliminary Matters

3.1. Access to the case file on Public Access can be found here:- 2022/0711/EIA | Hybrid Planning Application comprising two parts: (Part 1) Outline planning application (all matters reserved) for the construction of a converter station at Drax, Selby; (Part 2) full planning application for the installation of high voltage direct current (HVDC) underground cables from the River Ouse to the converter station and high voltage alternating current (HVAC) underground cables from the converter station to the existing Drax Substation as well as all associated temporary works including compounds, accesses and bellmouths as part of the construction of Scotland-England Green Link 2 (SEGL2), a two gigawatt (GW) reinforcement of the electricity transmission system between Peterhead, Scotland and Drax, England. [Installation of underground HVDC cables from Mean Low Water Springs (MLWS) at Fraisthorpe, East Riding to the River Ouse and associated temporary works relating to land in an adjoining authority] | Land To East New Road Drax Selby North Yorkshire.

4.0 Site and Surroundings

4.1 The application site is located outside the defined development limits of any settlements and is located within countryside in planning policy terms.

4.2 The application site (including all land necessary for the installation of the HVDC cables, converter station and HVAC cables, including temporary accesses, drainage, and construction compounds) comprises some 34.6 hectares of predominantly agricultural land, extending from the east of the Drax Power Station site to the administrative boundary of the North Yorkshire Council area at the River Ouse, south of Redhouse Lane.

4.3 The application site does not form part of the Drax Power Station site itself. The proposed convertor station would be sited within an agricultural field to the east of the Power Station site and would be viewed as a satellite development. The underground HVAC cables would connect into the existing Drax 400kV substation, while the underground HVDC cables would be routed from the convertor station towards the River Ouse, where they would continue through the East Riding of Yorkshire administrative area to the landfall point at Fraisthrope.

4.4 To the west of the application site is the Drax Power Station site. To the east of the application site is the River Ouse. To the north and south of the application site are mostly undeveloped agricultural fields with a flat topography, including sporadic development, such as isolated residential properties. Drax village lies approximately 600 metres south east of the proposed convertor station site at its closest point.

4.5 There are a number of public footpaths which intersect or lie adjacent to the application site boundary - references 35.26/2/1, 35.26/3/1, 35.26/5/2, 35.26/5/3, 35.47/9/1, 35.47/5/2, 35.47/5/1, 35.26/5/1 and 35.47/4/1.

4.6 A Yorkshire Water sewer and water main intersect the application site where the HVDC cable route crosses to the south east of Wren Hall and Main Road, Drax respectively.

5.0 Description of Proposal

5.1. The application is a hybrid planning application and seeks the following:

- Outline planning permission (with all matters reserved) for the construction of a convertor station.

- Full planning permission for the installation of high voltage direct current (HVDC) underground cables from the River Ouse to the converter station and high voltage alternating current (HVAC) underground cables from the converter station to the existing Drax 400 kV Substation as well as all associated temporary works including compounds, accesses and bellmouths.

5.2 It should be noted that the scheme has been amended and updated throughout the application process in response to comments from consultees.

Outline Planning Application - Convertor Station

5.3 Outline planning permission is sought for the construction of a convertor station. The submitted plans and supporting information indicatively show the access, layout, scale, appearance and landscaping of the proposed convertor station; however, these matters are subject to detailed design and would be subject to approval through a subsequent reserved matters application. The purpose of this outline planning application is to consider the principle of the proposed development; and whether an acceptable scheme could come forward at the reserved matters stage in relation to access, layout, scale, appearance and landscaping.

5.4 The proposed convertor station would be located within an agricultural field to the east of New Road, Drax. A set of parameters have been put forward by the Applicant regarding the proposed convertor station, which could be secured by condition to any outline planning permission granted. The proposed convertor station would be sited on a platform measuring a maximum of 200 metres by 250 metres (excluding earthwork batter/slope), which would be raised approximately 1.8-3.4 metres above current land levels. Up to 55% of the platform area could contain buildings up to a maximum height of 28.5 metres above the finished platform level, while up to 45% of the platform area could contain buildings or outdoor electrical equipment up to a maximum height of 20 metres above the finished platform level. Indicative plans show materials to be used in the external construction of the proposed convertor station are proposed to match those used for the external surfaces of the large buildings within the Drax Power Station site.

5.5 Indicative plans show the provision of a new vehicular access from New Road to the west of the convertor station site, with the provision of landscaping and drainage on land surrounding the convertor station.

5.6 The purpose of the convertor station is to convert electricity from alternating current (AC) to direct current (DC) and vice versa. It would comprise specialist electrical equipment, some of which must be located within buildings for safety reasons. The components of the convertor station include:

- DC Hall - the underground DC cables terminate here. The switch hall also contains DC switchgear to connect to power electronics. This equipment would be enclosed in a building up to 28.5 metres in height;
- Valve Halls and AC Inductors – contain high voltage power electronics equipment that converts electricity from DC to AC and vice-versa. This equipment would be enclosed in a building up to 28.5 metres in height. This equipment must be located indoors within a controlled environment;
- Control Building – contains control panels and associated operator stations, protection and communication equipment, offices and welfare facilities and other auxiliary systems. This equipment would be enclosed in a building up to 15 metres in height;
- Transformer bays – these change the AC voltage to an appropriate level for transmission via the AC system/or prior to conversion to DC. The transformers

are normally sited outdoors and separated by concrete fire protection walls. Typical dimensions are 15 metres long by 15 metres wide by 16 metres high. Cooling fans are also provided on transformers. Noise enclosures can be fitted around the transformers if required;

- AC Switch gear and filters ("switch yard") – connects the converter station to the AC transmission system. It includes a range of electrical equipment including harmonic filtration and reactive compensation equipment, circuit breakers, transformers, busbars and insulators. The main function is to allow the effective integration of the DC system into the AC system. Commonly the AC switchyard and associated equipment is located outdoors although this equipment can be enclosed in a building or series of buildings;
- Diesel Backup Generator – the converter station requires its own power typically provided at 11 kV, the diesel back-up generator will be used to provide back-up electricity supply in the unlikely event of a failure of the low voltage electricity supply;
- Spares Building – a building to house spare parts and components; this would be supplemented by hardstanding areas provided for storage of a spare transformer and spare cable drums.

5.7 The Applicant has advised that the above components of the converter station could be arranged differently subject to the ongoing design process considering engineering, environmental and other requirements.

5.8 The converter station would be set within a securely fenced compound with restricted access. The site would be monitored by CCTV. Lighting of the converter station during operation would be required for safe movement around the compound. This would be minimised and would be directional to prevent/reduce light spill. External lighting would be off as a default during the hours of darkness unless otherwise needed. The lighting scheme for the converter station is subject to detailed design. All of these aspects of the proposal (access, layout, scale, appearance and landscaping) are subject to approval at the reserved matters stage.

5.9 The proposed converter station would be operated by a small team based on site. During normal operation there would be approximately six personnel on site, divided between three shifts over a 24-hour period.

Full Planning Application - HVDC and HVAC Cables

5.10 The HVDC cables would follow a route from the Rive Ouse (south of Redhouse Lane) extending to the southwest to cross Main Road through Drax to the north of Read School. The route would then continue west, to the south of Wren Hall, and into the proposed converter station site. Two HVDC cables would be installed in a single trench. The total distance would be approximately 2km.

5.11 The HVAC cables would follow a route from the convertor station to the existing 400 kV Drax substation on the opposite side of New Road. Six or twelve underground HVAC cables (subject to final design) would be installed across New Road. The total distance would be approximately 0.5km in length.

5.12 The minimum cable depth would be 0.9 metres, which is the industry standard necessary to ensure surface activities of farming can continue. Where necessary the depth of the cable would be lower and can be lowered on land where necessary on a case-by-case basis.

5.13 Cable markers would be installed along the route to identify the presence of the cables. However, there would be no other permanent above ground infrastructure associated with the proposed cables.

5.14 Typical work activity for the installation of the HVDC and HVAC cables would include:

- Bellmouth creation and construction compound establishment, amending existing access routes (where necessary);
- Creation of haul road/working width;
- Cable trench excavation and HDD of sensitive crossing;
- Establishing joint bays;
- Cable laying/ pulling through ducts;
- Cable trench backfilling and reinstatement; and
- Removal of construction compounds, and making good land used temporarily for construction.

5.15 The installation of the HVDC cables would require a working width up to 40 metres wide to be established along the length of the cable route. The planning application provides for land around the proposed route within the red line boundary which provides for reasonable flexibility in the planning permission for the cable installation and to avoid areas of sensitivity or risk (such as unsuitable ground or previously unknown archaeological sites) that may be identified during construction. As a result, the planning application boundary is typically 60 metres wide through for most of the proposed route (i.e. 40 metres working width, plus an additional 10 m either side to provide the flexibility needed to ensure the proposed development is deliverable).

5.16 The installation of the HVAC cables would require a working width up to 60 metres wide to be established along the length of the cable route.

5.17 The working width would be demarcated by a post and rail fence and would include:

- Storage areas for topsoil and subsoil stripped from the working width which will be re-used in reinstating the working width;
- Drainage measures and provision for water management required during cable installation;
- Temporary haul road for the movement of installation traffic approximately 5 metres wide, with passing places;
- Haul road/landowner crossing points, where existing access routes are separated by the works;
- Cable installation trench of a minimum depth of 0.9 metres;
- Storage areas for excavated material.

5.18 There would be two temporary construction compounds created – one to the north of the proposed convertor station site to be access from the permanent access to the convertor station site via a temporary access road; and one to the south of Redhouse Lane accessed from a temporary access from Redhouse Lane. Three temporary bellmouths would be created in association with the cable installation to the east of New Road, Drax adjacent to the 400kV Drax Substation; and to the east and west of New Road, Drax north of the Read School.

5.19 The proposed route will be installed by a combination of open cut and trenchless methods. Open cut methods would be utilised more commonly along the route as this is the most efficient installation method in open agricultural land. Trenchless methods would be utilised where obstacles are encountered, such as, A and B roads, railways, main rivers, and environmentally designated sites require to be crossed. The trenchless method to be used would be Horizontal Directional Drilling (HDD).

5.20 The operational lifespan of the proposed development (convertor station and cables) is approximately 40 years. However, decommissioning not proposed, as it is expected that refurbishment and replacement of relevant aspects of the scheme would extend the lifespan of the scheme.

Scotland England Green Link 2 (SEGL2) – The Wider Scheme

5.21 This proposal is part of a wider scheme for the transfer to clean energy from Scotland to England (and vice versa) via sub-sea cables, connected to a convertor station and electrical substation in each country via an onshore underground cable. The various elements of the wider scheme are set out below for context.

- Scottish Onshore Scheme: A converter station at Peterhead in Aberdeenshire, Scotland (consented for permission in principle) which is connected to the new Peterhead Substation (currently under construction) by approximately 500 m of underground HVAC cables. From the converter station approximately 2 km of underground HVDC cable would be installed to a landfall at Sandford Bay.
- Marine Scheme: Approximately 436 km subsea HVDC cable from Sandford Bay on the east coast of Scotland to Fraisthorpe Beach in East Riding of Yorkshire, in the east of England. The Marine Scheme is being developed jointly by NGET and SSEN who will be submitting marine licence applications to the Marine Scotland Licensing Operations Team (MS-LOT) and the Marine Management Organisation (MMO).
- English Onshore Scheme: Approximately 67 km of underground HVDC cable in East Riding of Yorkshire (consented) and 2km of underground HVDC cable in North Yorkshire, connecting from the landfall at Fraisthorpe Beach to the proposed converter station close to the existing Drax 400kv substation. The converter station would be connected to the existing Drax 400kv substation by approximately 0.5km of underground HVAC cable.

5.22 It should be noted that it is only the convertor station opposite the existing Drax 400kv substation; the 0.5km of HVAC underground cable connecting the convertor station to the substation; and the 2km HVDC underground cable from the convertor station to the River Ouse (and associated works) that are for consideration as part of this hybrid planning application, as detailed earlier in this report. The other elements of the wider scheme either already have consent from the relevant Authority/Organisation or will need to gain consent from the relevant Authority/Organisation for the wider scheme to be implemented in full (as indicated in paragraph 5.21 above).

The Applicant's Case for the Need for the Proposed Development

5.23 The Applicant has set out a needs case for the proposed development in which they advise that the project is a major reinforcement of the electricity transmission system which will provide additional north-south transmission capacity across transmission network boundaries ensuring that green energy is transported from where it is produced to where it is needed.

5.24 In response to the UK and Scottish Government's legally binding targets to reach net zero in their greenhouse gas emissions by 2050 and 2045 respectively, the way in which energy is generated is undergoing transformational change. Huge volumes of renewable energy generation as well as interconnectors will connect to the electricity transmission system over the coming years triggering a requirement to increase the capability of the electricity transmission system. As the volume of renewable energy connecting to the transmission system in Scotland continues to grow there is a need to increase cross-border transmission capability to ensure this energy is economically and efficiently transmitted from where it is generated to where it is needed. The requirement to increase cross-border transmission capability underpins the need for the SEGL2 project.

5.25 The existing electricity distribution networks in England and Scotland both operate using predominantly HVAC. However, HVDC technology allows electricity to be

transmitted from point to point in much larger volumes, over greater distances with fewer transmission losses compared to an equivalent HVAC system. This brings operational benefits, however, in order to transmit electricity in DC form, specialist electrical equipment contained within converter stations at either end of the project is required to convert from AC to DC (or vice versa).

6.0 Planning Policy and Guidance

6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

6.2. The Adopted Development Plan for this site is:
- Selby District Core Strategy Local Plan, adopted 22 October 2013
- Those policies in the Selby District Local Plan, adopted on 8 February 2005, which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy
- Minerals and Waste Joint Plan, adopted 16 February 2022

Emerging Development Plan – Material Consideration

6.3. The Emerging Development Plan for this site is:
- Selby District Council Local Plan Publication Version 2022 (Reg 19)

On 17 September 2019, Selby District Council agreed to prepare a new Local Plan. Consultation on issues and options took place early in 2020 and further consultation took place on preferred options and additional sites in 2021. The Pre-submission Publication Local Plan (under Regulation 19 of the Town and Country Planning (Local Development) (England) Regulations 2012, as amended), including supporting documents, associated evidence base and background papers, was subject to formal consultation that ended on 28th October 2022. The responses have been considered and the next stage involves the submission of the plan to the Secretary of State for Examination.

In accordance with paragraph 48 of the NPPF, given the stage of preparation following the consultation process and depending on the extent of unresolved objections to policies and their degree of consistency with the policies in the NPPF, the policies contained within the emerging Local Plan can be given weight as a material consideration in decision making.

Guidance - Material Considerations

6.4. Relevant guidance for this application is:
- National Planning Policy Framework, 2021
- National Planning Practice Guidance
- Overarching National Policy Statement for Energy EN-1
- National Policy Statement for Renewable Energy Infrastructure EN-3
- National Policy Statement for Electricity Networks Infrastructure EN-5

7.0 Consultation Responses

7.1. Consultation responses have been summarised below, however, please see website for full comments.

7.2. **Drax Parish Council:** No response

7.3. **Long Drax Parish Council:** No response.

7.4. **Newland Parish Council:** No response.

7.5. **Carlton Parish Council:** No response.

7.6. **Camblesforth Parish Council:** No response.

7.7. **Barlow Parish Council:** No response.

7.8. **Archaeologist:** No objections subject to conditions.

7.9. **Canal and Rivers Trust:** No objections subject to conditions relating to measures to safeguard the River Ouse during directional drilling works; the re-instatement of soft landscaping in proximity to the River Ouse; and measures to limit the risk of contamination towards the River Ouse.

7.10. **Conservation Officer:** The setting of the Grade I Church of St Peter and St Paul will change as a result of the development and is likely to result in less than substantial harm to its significance. An explanation of the public benefit has been provided which should be referred to when determining whether it outweighs the harm.

7.11. **Contaminated Land Consultant:** No objections subject to conditions.

7.12. **Designing Out Crime Officer:** Appropriate measures will need to be taken to prevent the theft of equipment and diesel fuel from vehicles within the temporary construction compounds.

7.13. **East Riding of Yorkshire Council:** No response.

7.14. **Ecologist:** No objections subject to securing a details Construction Environmental Management Plan, Landscape Ecological Management Plan and Biodiversity Net Gain Assessment.

7.15. **Environment Agency:** Initially advised no objections subject to conditions and a s106 agreement to secure flood storage compensation.

Following discussions with the Environment Agency regarding the s106 to secure flood storage compensation, they have advised they would not object to the scheme if the s106 agreement was not considered to meet the relevant tests and so not proceeded with.

7.16. **Environmental Health:** No objections.

7.17. **Historic England:** Do not object to the proposed scheme but have concerns on heritage grounds with regards to the archaeological strategy and associated mitigation and the outline nature of part of the application. The archaeological strategy and any associated mitigation is to be resolved in line with the recommendations of the Council's Archaeologist. The Local Authority should satisfy themselves that the existing documentation can be relied upon to ensure that a detail design of sufficient quality can be delivered.

7.18. **Landscape Architect:** Objects to the application. The proposals together do not minimise likely significant adverse landscape and visual effects, nor do they provide sufficient new opportunities to better join up existing Green Infrastructure as well as creating new Green Infrastructure. The site is over-developed with insufficient

landscape mitigation and without clear justification. Significant adverse Landscape and Visual effects have been identified within the EIA, particularly in relation to Drax village and other nearby sensitive local receptors. There is also potential for significant cumulative effects because of the number and proximity of current major power and infrastructure applications and Nationally Significant Infrastructure Projects centred around Drax Power Station and the connection to the Grid. Would wish to see greater consideration given to the design of the convertor station at this stage; where adverse effects and overall scale are reduced and mitigated through certainty of design, layout and supporting structural landscape.

7.19. **Local Highway Authority:** No objections subject to conditions.

7.20. **Local Lead Flood Authority:** No objections subject to conditions.

7.21. **Minerals and Waste Team:** No objections.

7.22. **National Highways:** No impact on the SRN from this project. Potential traffic impacts can be resolved through the Transport Assessment, Construction Worker Travel Plan and Construction Traffic Management Plan, which can dealt with via condition.

7.23. **Natural England:** No objections subject to appropriate mitigation being secured by condition. Advice provided on best most versatile agricultural land and soils and Biodiversity Net Gain (BNG).

7.24. **Network Rail:** No comments.

7.25. **North Yorkshire Fire and Rescue Service:** No objections.

7.26. **Planning Casework Unit:** No comment.

7.27. **Public Right of Way Officer:** There is a Public Right of Way or a 'claimed' Public Right of Way within or adjoining the application site boundary. If the proposed development will physically affect the Public Right of Way permanently in any way an application to the Local Planning Authority for a Public Path Order/Diversion Order will need to be made under S.257 of the Town and Country Planning Act 1990. If the proposed development will physically affect a Public Right of Way temporarily during the period of development works only, an application to the Highway Authority for a Temporary Closure Order is required. The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as an alternative route has been provided by either a temporary or permanent Order. It is an offence to obstruct a Public Right of Way and enforcement action can be taken by the Highway Authority to remove any obstruction. If there is a "claimed" Public Right of Way within or adjoining the application site boundary, the route is the subject of a formal application and should be regarded in the same way as a Public Right of Way until such time as the application is resolved. Where public access is to be retained during the development period, it shall be kept free from obstruction and all persons working on the development site must be made aware that a Public Right of Way exists and must have regard for the safety of Public Rights of Way users at all times.

7.28. **Selby Area Internal Drainage Board:** No objections.

7.29. **Yorkshire Water:** No objections subject to conditions.

7.30. **Yorkshire Wildlife Trust:** No objections subject to securing a details Construction Environmental Management Plan, Landscape Ecological Management Plan and Biodiversity Net Gain Assessment.

Local Representations

7.31. Two representations have been received as a result of the advertisement of the application, both objecting to the application. A summary of the comments is provided below, however, please see website for full comments.

- lack of information on Special Order category abnormal indivisible loads that will be generated by the project.
- consideration should be given to waterborne transport for the movement of Special-Order category abnormal indivisible loads.
- lack of communication between Applicant and affected landowners regarding the scheme and voluntary/option agreement.
- lack of information on field drainage reinstatement and soils reinstatement.
- cable depth.
- lack of detail regarding construction programme.

8.0 Environment Impact Assessment (EIA)

8.1 An application for a screening opinion in relation to the proposed development was submitted to the Local Planning Authority on 10 February 2021 and a decision issued on 19th March 2021 confirming that the proposed development is considered to be EIA development. An application for a scoping opinion in relation to the proposed development as submitted to the Local Planning Authority on 13 April 2021 and a decision was issued on 7 June 2021, providing details advice on a range of themes.

8.2 The application has been accompanied by an Environmental Statement (ES). The ES has been reviewed in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and has been found to be satisfactory in terms of Schedule 4. None of the statutory or other consultees has suggested that the ES is in any way inadequate.

9.0 Main Issues

9.1. The key considerations in the assessment of this application are:

- The Principle of the Development
- Agricultural Land Assessment
- Impact on Soils
- Design, Landscape and Visual Impact
- Impact on Heritage Assets
- Ecological Considerations
- Impact on Highway Safety
- Impact on Public Rights of Way
- Impact on Residential Amenity
- Flood Risk and Drainage
- Land Contamination
- Minerals and Waste
- Alternative Site Assessment

10.0 ASSESSMENT

Principle of Development

10.1. Policy SP1 of the Core Strategy outlines that *"when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework"* and sets out how this will be undertaken.

10.2. Policy SP2 of the Core Strategy outlines the Council's spatial development strategy. Specifically, Policy SP2A (c) relates to development located within the open countryside and states:

"Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances."

10.3 Policy SP13 of the Core Strategy relates to 'Scale and Distribution of Economic Growth'. Part C specifically relates to the rural economy and states:

"In rural areas, sustainable development (on both Greenfield and Previously Developed Sites) which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported, including for example: 1. The re-use of existing buildings and infrastructure and the development of well-designed new buildings; 2. The redevelopment of existing and former employment sites and commercial premises; 3. The diversification of agriculture and other land based rural businesses; 4. Rural tourism and leisure developments, small scale rural offices or other small scale rural development; and 5. The retention of local services and supporting development and expansion of local services and facilities in accordance with Policy SP14".

Policy SP10 of the Core Strategy is not relevant as the proposal is not for rural affordable housing need.

10.4 Although Policy SP2 would on the face of it preclude development of this nature in the countryside outside development limits, the Development Plan is to be read as a whole and Policy SP17 of the Core Strategy not only contemplates renewable energy projects and supporting infrastructure but, subject to the satisfaction of criteria, positively encourages them in pursuit of wider objectives.

10.5 Policy SP17C of the Core Strategy specifically relates to 'Low Carbon and Renewable Energy' and states:

"All development proposals for new sources of renewable energy and low-carbon energy generation and supporting infrastructure must meet the following criteria: i. are designed and located to protect the environment and local amenity or; ii. can demonstrate that the wider environmental, economic and social benefits outweigh any harm caused to the environment and local amenity; and iii. impacts on local communities are minimised".

Policies SP18 and SP19 of the Core Strategy, together with Policy ENV1 of the Selby District Local Plan are also relevant in this context as they are concerned with environmental and design quality.

10.6 As set out earlier in this report, the proposal would not generate renewable or low carbon energy but would instead form part of a wider project, known as Scotland England Green Link 2 (SEGL2), to allow additional north-south transmission capacity across transmission network boundaries ensuring that green energy is transport from where it is produced to where it is needed.

10.7 The Overarching National Policy Statement for Energy (EN-1), sets out national policy for energy infrastructure and confirms energy generation and delivery is vital to economic prosperity and social well-being and so it is important to ensure that the UK has secure and affordable energy, especially during the transition to low carbon economy. 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. It is critical the UK continues to have secure and reliable supplies of electricity as we make the transition to a low carbon economy. To manage the risks to achieving security of supply, the UK needs reliable associated supply chains to meet demand as it arises.

10.8 Therefore, while national and local policies are broadly supportive of low carbon and renewable energy proposals and supporting infrastructure in principle, the local environmental impacts of the proposals need to be given full and careful consideration. The impacts of the proposal will be discussed in more detail below.

Section 149 of The Equality Act 2010

10.9 Under Section 149 of The Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment and victimisation; (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age (normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

10.10 The proposed development of the site would not result in a negative effect on any persons or on persons with The Equality Act 2010 protected characteristics.

Agricultural Land Assessment

10.11 Policy SP18 of the Core Strategy relates to 'Protecting and Enhancing the Environment' and states:

"The high quality and local distinctiveness of the natural and man-made environment will be sustained by… [amongst other things] …steering development to areas of least environmental land agricultural quality".

This accords with paragraph 174 of the NPPF which requires planning policies and decisions to contribute to and enhance the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystems services, including the economic and other benefits of the best most versatile agricultural land.

10.12 Chapter 12 of the ES relates to agriculture and soils. This sets out that the application site comprises some 34.6 hectares of predominantly agricultural land, extending from the east of the Drax Power Station site to the administrative boundary of the North Yorkshire Council area at the River Ouse, south of Redhouse Lane. The proposed working area for temporary development (cable route working width) is 7.4 hectares, while the proposed area for permanent development (convertor station) is 5.9 hectares.

10.13 The land within the application site is classified as being Grade 1 (Excellent) and Grade 2 (Very Good) in accordance with the Natural England Agricultural Land Classification. However, this mapping is intended for strategic and regional purposes only and is not suited for interpretation at the field scale. As such, a detailed

agricultural land classification survey has been undertaken on the proposed area for permanent development (convertor station).

10.14 The survey identifies that of the 14-hectare field within which the proposed convertor station would be sited, the majority (11 hectares, 78.6%) is classed as Grade 3b (Moderate), which is not Best Most Versatile (BMV) agricultural land. The remaining 3 ha (21.4%) is classed as Grade 2 (Very Good), which is BMV agricultural land. The proposed area for permanent development (convertor station) is 5.9 hectares and therefore the proposed development would likely lead to a permanent loss of approximately 1.7 hectares of BMV agricultural land. The permanent loss of BMV agricultural land is a harm arising from the proposed development that needs to be weighed in the planning balance against the benefits of the proposal.

10.15 A detailed agricultural land classification survey has not been undertaken of the working area for temporary development (cable route working width). Therefore, on the basis of the information available, the proposed development would likely lead to a temporary loss of approximately 7.4 hectares of BMV agricultural land. However, this loss is only for a temporary period and the land would be reinstated to its previous condition and returned to its previous use after the cables have been installed. This could be secured by way of a suitably worded planning condition to any planning permission granted.

10.16 It should be noted that Natural England have been consulted on the application but have not provided any specific comments. Generic advice on BMV agricultural land and soils is provided, which essentially directs the decision maker (the Local Planning Authority in this instance) to national planning policy contained within the NPPF.

Impact on Soils

10.17 Policy SP18 of the Core Strategy relates to 'Protecting and Enhancing the Environment' and states:

"The high quality and local distinctiveness of the natural and man-made environment will be sustained by… [amongst other things] … ensuring that new development protects soil, air and water quality from all types of pollution"

10.18 It is noted that local representations have been received raising concerns regarding soil management and reinstatement, principally in relation to the working area for temporary development (cable route working width).

10.19 Chapter 12 of the ES relates to agriculture and soils. This sets out that embedded mitigation including implementation of industry standard guidance/current best working practice for the handling of soils in order to minimise the impact of disturbance to soil resources and loss of soil resources; and implementation of a site-specific Soil Management Plan would ensure soils are maintained in a state suitable for reuse during reinstatement. These could be secured by way of a suitably worded conditions to any planning permission granted.

10.20 The disturbance of soil mainly relates to the construction period. During operation, disturbance of soil would be limited to any maintenance activities associated with the proposed development.

10.21 Notwithstanding representee comments, subject the aforementioned condition, it is considered the proposed development would not have any adverse impact on soils in accordance with Policy SP18 of the Core Strategy and national planning policy contained within the NPPF.

Design, Landscape and Visual Impact

10.22 Saved Policy ENV1 of the Selby District Local Plan requires development proposals to take account of (1) the effect upon the character of the area and (4) the standard of layout, design and materials in relation to the site and its surroundings and associated landscaping. Policy SP17(C) of the Core Strategy requires all renewable energy and low-carbon energy generation and supporting infrastructure to be designed and located to protect the environment and local amenity; or to demonstrate that the wider environmental, economic, and social benefits outweigh any harm caused to the environment and local amenity. Policy SP18 of the Core Strategy seeks to protect and enhance landscape character and setting of areas of acknowledged importance. Policy SP19 of the Core Strategy requires proposals for new development to contribute to enhancing community cohesion by achieving high quality design and having regard to local character, identity, and context of its surroundings. Specifically, Policy SP19 (e) of the Core Strategy requires new and existing landscaping to be incorporated as an integral part of the design of the schemes. Policy SP12 of the Core Strategy encourages opportunities to protect, enhance and better join up existing Green Infrastructure, as well as creating new Green Infrastructure, in addition to the incorporation of other measures to mitigate or minimise the consequences of development.

10.23 These local policies accord with paragraph 130 of the NPPF which seeks to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not discouraging appropriate innovation or change; and paragraph 174 of the NPPF indicates that the intrinsic character and beauty of the countryside should be recognised.

10.24 The proposed development is as described in section 5 of this report – 'Description of Proposal'. It should be noted that the application has been amended and updated throughout the application process in response to comments from the Council's Landscape Architect.

10.25 The application has been supported by a number of documents including Chapter 8 of the ES and its associated appendices; a Technical Note (TN02) responding to the Council's Landscape Architects comments; and a further letter responding to the Council's Landscape Architects comments dated 5 April 2023.

10.26 The Council's Landscape Architect has reviewed the most up-to-date version of the scheme alongside its accompanying documents and raises a landscape objection in relation to the outline application for the convertor station.

10.27 As set out earlier in this report, outline planning permission is sought for the construction of a convertor station. The submitted plans and supporting information indicatively show the access, layout, scale, appearance and landscaping of the proposed convertor station; however, these matters are subject to detailed design and would be subject to approval through a subsequent reserved matters application. The purpose of this outline planning application is to consider the principle of the proposed development; and whether an acceptable scheme could come forward at the reserved matters stage in relation to access, layout, scale, appearance and landscaping taking account of the site context and the land available within the red line boundary.

10.28 As set out in paragraph 5.4 of this report, a set of parameters have been put forward by the Applicant regarding the proposed convertor station, which could be secured by condition to any outline planning permission granted. This offers a worst-case

scenario and is the basis on which the assessments within the ES have been undertaken.

10.29 The ES concludes that the construction and operation of the converter station would have a negligible or minor impact on landscape character, which is not significant. However, the ES concludes that the construction and operation of the convertor station would have significant visual effects (and significant cumulative visual effects) from two viewpoints, those being from the public right of way near Wren Hall and north of Drax village.

10.30 The Applicant asserts that from these two viewpoints the proposed convertor station would be viewed in the context of Drax Power Station, which would remain the focus of views. The site selection has former part of the mitigation of the scheme (further details on the alternative site selection can be found from paragraph 10.145 of this report). However, to assist in mitigating views the Applicant considers that appropriate landscape mitigation could be provided within the red line boundary. The submitted plans indicatively show woodland planting to the east of the convertor station along Wren Hall Lane; retention of existing boundary planting to the north of the site and along Wren Hall Lane to the east (aside from a 15-metre stretch where the cable easement would be located); native hedgerow planting to the north west and south of the convertor station platform; and species rich grassland and pockets of shrub planting within other areas not taken up by hardstanding. The Applicant sets out that given the necessary scale of the converter station, complete avoidance of significant visual effects from nearby footpath receptors would not be feasible, and that the proposed siting and landscape planting would be effective in minimising its impact. The Applicant is of the view that additional landscape mitigation, over and above that proposed and shown indicatively on the submitted drawings, would not be effective in further reducing effects. Furthermore, in addition to siting and landscape providing mitigation to reduce visual impacts, the Applicant assets that minimising the height of buildings and structures; carefully considering the external finishes of the buildings and structures; and having a sensitive design for lighting, boundary treatments would also minimise impacts – all of which are subject to further detailed design and subject to approval at the reserved matters stage.

10.31 Following an initial review of the proposals, the Council's Landscape Architect raised some concerns relating to likely significant landscape and visual effects in the local area (a number of sensitive receptors including settlement, individual properties, public rights of way, local roads); lack of stand-off, screening and mitigation proportionate to the scale of the development; wider landscape strategy and connectivity; long-term maintenance and management; and cumulative landscape and visual effects. A meeting was recommended to discuss scheme options and provide further clarification.

10.32 Following a meeting held on 14th November 2022, the Applicant provided further certainty on the convertor station design parameters, which are set out in paragraph 5.4 of this report. It was also clarified that the landscape mitigation was to include the landscape features shown on the indicative biodiversity net gain plan as well as those shown on the indicative landscape mitigation plan (although an updated landscape mitigation plan was not provided at that time). The Applicant also provided further detail on wider landscape strategy and connectivity; long term maintenance and management and cumulative landscape and visual effects.

10.33 A further meeting was held on 20th March 2023 where officers further set out their concerns regarding lack of stand-off, screening and mitigation proportionate to the scale of the convertor station development. This was because Officers maintained the view that more could be done to mitigate the visual effects of the proposed convertor station and were concerned that there was insufficient scope within the red line

boundary to provide sufficient landscape mitigation at the reserved matters stage, noting landscaping is a reserved matter. Officers requested that the Applicant consider: (1) whether more landscape mitigation can be provided within the application site itself; (2) whether more landscape mitigation can be provided adjacent to the application site (to north and south); (3) whether more landscape mitigation can be provided closer to sensitive receptors (i.e. woodland blocks closer to Drax Village). Officers consider the latter would be the most meaningful landscape mitigation for a building of such a large scale.

10.34 Following the meeting held on 20th March 2023, the Applicant provided a consolidated plan showing landscape and ecology mitigation to demonstrate that the landscape features shown on the indicative biodiversity net gain plan as well as those shown on the indicative landscape mitigation plan were all intended to be part of the landscape mitigation for the proposed convertor station. No further mitigation was put forward by the Applicant as they stated any further landscape mitigation would not reduce the significance of effect as no planting would fully screen a building of the height proposed and that they considered the landscape mitigation proposed responded to the scale of the development and its impact, screening and filtering views as much as possible.

10.35 The Council's Landscape Architect has reviewed the most up-to-date version of the scheme alongside its accompanying documents and maintains a landscape objection in relation to the outline application for the convertor station.

10.36 The Council's Landscape Architect, and Officers, consider the proposals do not sufficiently minimise likely significant adverse landscape and visual effects, nor do they provide sufficient new opportunities to better join up existing Green Infrastructure as well as creating new Green Infrastructure. The site is considered to be over-developed with insufficient landscape mitigation and without clear justification. Significant adverse visual effects have been identified within the ES, particularly in relation to Drax village and other nearby sensitive local receptors. There is also potential for significant cumulative visual effects because of the number and proximity of current major power and infrastructure applications centred around Drax Power Station and the connection to the Grid. The Council's Landscape Architect, and Officers, would wish to see greater consideration given to the design of the convertor station at this stage; where adverse effects and overall scale are reduced and mitigated through certainty of design, layout and supporting structural landscape.

10.37 The Council's Landscape Architect's concerns continue to relate to likely significant landscape and visual effects in the local area (a number of sensitive receptors including settlement, individual properties, public rights of way, local roads); lack of stand-off, screening and mitigation proportionate to the scale of the development; wider landscape strategy and connectivity; long-term maintenance and management; and cumulative landscape and visual effects.

10.38 The Council's Landscape Architect, and Officers, consider it reasonable and possible that the Applicant's landscape strategy could include the following to help reduce and offset adverse landscape and visual effects:

- Further structural landscape within the application site red line boundary.
- Further opportunities for offsite structural landscape adjoining to the application site red line boundary.
- Opportunities for offsite structural landscape closer to sensitive receptors.

10.39 There is also a concern that the landscape mitigation is reliant on retention of some existing boundary trees and hedgerows to provide local screening, most of which are

outside the application site boundary and the Applicant's control and cannot be relied upon to provide landscape mitigation in the long-term.

10.40 Given the nature and scale of the proposed development, it is inevitable that in an open countryside location the proposed development would result in harmful visual impacts. Buildings of this size cannot be fully screened. Officers consider that the most beneficial form of landscape mitigation would be in the form of woodland blocks close to receptors. However, the Applicant does not consider this would reduce the significance of effects and would be required to acquire further land in order to be able to provide this as part of the application. In summary, Officers consider more could be done to mitigate the visual impact of the proposed development and have concerns that there is insufficient scope within the red line boundary to provide sufficient landscape mitigation at the reserved matters stage, noting landscaping is a reserved matter. Therefore, Officers consider there to be harm arising from the proposals as a result of the lack of scope for suitable landscape mitigation in relation to the outline application for the convertor station.

10.41 In relation to the full application for the cable route, it is noted that the HVDC and HVAC cables are proposed to be below ground cables rather than overhead lines, which minimises the landscape and visual impact of those elements of the proposed scheme. Whilst the cable route would result in temporary landscape and visual impacts during construction, there would be no significant permanent landscape and visual impacts during operation and mitigation measures are considered to be appropriate and capable of being secured by condition to any planning permission granted.

10.42 National and local policy adopts a positive approach indicating that development will be approved where the harm would be outweighed by the benefits of a scheme. This is a planning judgment, which will be returned to later in this report.

10.43 Should the harm be outweighed by the benefits of the scheme and the scheme be approved; conditions could be attached to secure the following having regard to landscape and visual impact:

- Detailed scheme for all buildings and cable routing, electrical infrastructure (detailed layout and design);
- Detailed landscaping scheme (all hard and soft landscape, landscape mitigation and reinstatement works); all planting to be undertaken in the first available planting season following completion; minimum 5 years establishment maintenance / defects replacement; approved landscaping scheme retained for the life of the development.
- Details of boundary treatments and security fencing; to be weldmesh fencing; colour dark green or suitable approved recessive colour.
- Details of building materials and colour; suitable recessive colour (detailed design shall actively help to reduce overall visibility scale and massing of buildings and associated above-ground infrastructure).
- Detailed tree survey and Aboricultural Method Statement and Tree Protection Plan (to BS 5837); all existing boundary trees and hedgerows to be retained; tree protection plans to show final building layout, associated electrical infrastructure, construction working areas and detailed cable routing;
- Detailed lighting scheme; to minimise night-time visibility of the proposed development;
- Soil resource management plan;
- Reinstatement of agricultural land at completion of the construction works; all temporary site working areas, temporary access and storage areas (includes all agricultural land temporarily affected by cable routing and installation, all land

temporarily affected by construction of the convertor station and associated electrical infrastructure).

Impact on Heritage Assets

Designated heritage assets

10.44 The application site itself does not contain and designated heritage assets. However, the convertor station site is located within close proximity to three Scheduled Ancient Monuments (SAMs) around the village of Drax – Drax Augustinian Priory (to the north), Scruff Hall (to the south east), and Castle Hill (to the south of Drax village). Furthermore, the Grade I listed Church of St Peter and St Paul, and the associated Grade II shaft in the churchyard, are located to the south in the village of Drax.

10.45 Policy SP18 of the Core Strategy requires, amongst other things, the high quality and local distinctiveness of the natural and man-made environment be sustained by: safeguarding and, where possible, enhancing the historic and natural environment including the landscape character and setting of areas of acknowledge importance; and conserving those historic assets which contribute most to the distinct character of the District. Policy SP19 of the Core Strategy requires, amongst other things, that proposals positively contribute to an area's identity and heritage in terms of scale, density and layout.

10.46 Relevant policies within the NPPF which relate to the effect of development the setting of heritage assets include paragraphs 194 to 204.

10.47 Paragraph 194 of the NPPS states *"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."*

10.48 Paragraph 197 of the NPPF states *"In determining applications, local planning authorities should take account of:*

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
c) the desirability of new development making a positive contribution to local character and distinctiveness."

10.49 Paragraph 199 of the NPPF states *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."*

10.50 Paragraph 202 of the NPPF states *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm*

should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

10.51 Paragraph 202 of the NPPF should be read in conjunction with paragraph 199 of the NPPF which provides that when considering the impact of a proposal on the significance of a designated heritage asset, "great weight" should be given to the asset's conservation. This wording reflects the statutory duty in Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990.

10.52 Whilst considering proposals for development which affect a Listed Building or its setting, regard is to be made to Section 66(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'.

10.53 The application has been supported by a number of documents including Chapter 9 of the ES and its associated appendices; and a Technical Note (TN06) responding to the Council's Conservation Officer and Historic England's comments.

10.54 The Council's Conservation Officer has reviewed the application and has advised that there are no objections to the proposed cables from a built heritage perspective, as these would not be visible post construction. However, the proposed convertor station would change the setting of the Grade I listed Church of St Paul and St Peter by changing the appearance of the land to the north. Although the development would not affect the historic fabric of the listed building, the wider agricultural setting of the listed building contributes to its significance and by changing it from arable agricultural land to containing large scale building and associated infrastructure would cause harm. The harm is considered to be less than substantial in NPPF terms. In accordance with paragraph 202 of the NPPF, less than substantial harm should be weighed against the public benefits of the proposal.

10.55 Historic England have reviewed the application and have advised that the existing Power Station at Drax already has a negative impact on the setting of designated heritage assets in proximity including the three SAMs and the two listed buildings at the Church of St Paul and St Peter within Drax village. Historic England consider that the proposed convertor station would cause harm to the setting of these designated heritage assets. As concluded by the Council's Conservation Officer, Historic England consider the harm to be less than substantial in NPPF terms. As set out earlier, in accordance with paragraph 202 of the NPPF, less than substantial harm should be weighed against the public benefits of the proposal.

10.56 As outline planning permission is sought for the convertor station, the access, layout, scale, appearance and landscaping of the convertor station are subject to detailed design and would be subject to approval through a subsequent reserved matters application. This would ensure that the harm arising from the scheme is minimised as much as possible.

10.57 Paragraph 135 of the NPPF states *that "Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as materials used)."*

10.58 Conditions could be attached to any outline planning permission granted to guide the detailed design, which would be subject to approval by the Local Planning Authority. On this basis it is considered that there are suitable controls in place to ensure that there is no diminution of the scheme or deviation from the proposed elements that might cause harm in this sensitive location.

10.59 In accordance with paragraph 202 of the NPPF, less than substantial harm should be weighed against the public benefits of the proposal. The proposed development would enable green energy to be transported from where it is produced to where it is needed. A grid connection has been secured for 2029 and therefore the project could contribute to meeting net zero targets by 2050. Grid connections are being exhausted with Applicant's facing long wait times, therefore projects that have secured connections are fundamental to achieving Net Zero targets. In weighing the harm against the public benefits of the proposal, it is considered that the public benefits would outweigh the harm identified in this instance.

10.60 Having regard to the above, it is considered that the proposed development would lead to less than substantial harm to the significance of a number of designated heritage asset, namely the SAMs of Drax Augustinian Priory, Scruff Hall and Castle Hill; the Grade I listed Church of St Peter and St Paul; and the associated Grade II shaft in the churchyard. When the harm is weighed against the public benefits of the scheme, it is considered that the proposal is acceptable, as the public benefits identified would outweigh the harm. The proposal would therefore be accordance with to Policies SP18 and SP19 of the Core Strategy, S66 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 and national policy contained within the NPPF.

Non-designated heritage assets (archaeology)

10.61 Saved Policy ENV28 of the Selby District Local Plan requires proposals which affect sites of known or possible archaeological interest to be subject to archaeological assessment/evaluation. This accords with the requirements of paragraph 194 of the NPPF.

10.62 The application has been supported by a number of documents including Chapter 9 of the ES and its associated appendices including a study of aerial photographic and LIDAR information, an archaeological geophysical survey and a metal detector survey; a technical note (TN05) responding to the Council's Archaeologists and Historic England's comments; and a report on archaeological trial trenching, which provides further information on the significance of the archaeological anomalies noted in the archaeological geophysical survey.

10.63 The Council's Archaeologist has reviewed the most up-to-date version of the scheme alongside its accompanying documents and raises no objections subject to conditions.

10.64 The submitted information has revealed a number of existing and new heritage assets of archaeological interest within the development area. The geophysical survey in particular has identified anomalies consistent with later prehistoric or Romano-British activity in Field 224 (site number AECOM015). A further site (AECOM016) was noted in Field 214 which consists of a polygonal enclosure with possible internal features which is possibly medieval in date. Trial trenching has taken place to assess the significance of the geophysical anomalies identified (site numbers AECOM015 and AECOM016).

10.65 With regard to site number AECOM015, the anomalies have been confirmed to represent at least one circular building, set within an enclosure. The deposits are likely to belong to a native settlement dating to the Iron Age or Roman period. The trial trenching did not reveal any deposits of such significance as to preclude development and the Council's Archaeologist recommends mitigation should take the form of a strip, map and record excavation in the area of AECOMM15. With regard to site number AECOM016, options are available to either preserve important deposits

in situ or to carry out a similar strip, map and record excavation depending on the significance. The relevant option would be determined following further archaeological evaluation. There may also be an impact on as yet unidentified archaeological deposits. Chapter 9 of the ES sets out the format of an Archaeological Mitigation Strategy and the general scope of this is agreed by the Council's Archaeologist. The detail and implementation of the Strategy could be secured by a suitably worded condition to any planning permission granted.

10.66 Historic England have reviewed the application and have advised that they concur with the comments of the Council's Archaeologist.

10.67 Subject to the aforementioned conditions, it is considered that the proposed development would not have an adverse impact on archaeological features in accordance with saved Policy ENV28 of the Selby District Local Plan and national planning policy contained within the NPPF.

Ecological Considerations

10.68 Saved Policy ENV1(5) of the Selby District Local Plan requires proposals to take account of the potential loss or adverse effect upon, inter alia, trees and wildlife habitats. Policy SP18 of the Core Strategy seeks to safeguard the natural environment and promote effective stewardship of the District's wildlife by, amongst other things, ensuring developments retain protect and enhance features of biological interest and provide appropriate management of those features and that unavoidable impacts are appropriately mitigated and compensated for on and off-site; and ensuring development seeks to produce a net gain in biodiversity by designing-in wildlife and retaining the natural interest of a site where appropriate.

10.69 This is reflected in the national policy at paragraph 174 of the NPPF, which requires planning decisions to contribute to and enhance the natural and local environment by amongst other things, protecting and enhancing valued landscapes, recognising the intrinsic character and beauty of the countryside, and the wider benefits form natural capital and ecosystem services, and minimising impacts on and providing for net gains for biodiversity.

10.70 The application has been supported by a number of documents including Chapter 7 of the ES and its associated appendices including a Preliminary Ecological Appraisal Report; a Bat Survey Report; a Water Vole and Otter Survey Report; an Ornithology Report; a Great Crested Newt Survey Report; and a Habitat Regulations Assessment Report.

10.71 The convertor station would result in permanent loss of habitat across the 5.9 hectare development area. The cable route would result in temporary impacts to habitats along the stretch of the route.

10.72 There would be no significant residual effects on habitats as the convertor station and cable route are located on, or cross, predominantly agricultural land which is of low ecological value. Where the application boundary crosses hedgerows and field boundaries the removal of these habitats would be minimised wherever possible and reinstated to at least equal or better value/condition as part of the embedded habitat reinstatement measures. Mature trees, including those with potential to support roosting bats would be entirely avoided wherever possible and protected during the construction phase to avoid impacts upon tree root zones.

10.73 No significant effects on protected species have been identified. Appropriate precautionary mitigation to ensure legislative compliance would be employed prior to the commencement of site establishment and clearance works including where

required pre-construction surveys. Measures to specifically address potential effects of temporary disturbance to habitats and protected species they support are committed to. These include the commitment to pre-construction surveys and mitigation for habitats having potential to, or confirmed to, support roosting bats, badger, water vole, otter and common species of reptiles. Mitigation for nesting birds and to reduce effects of disturbance to bird at sensitive locations will also be employed site-wide during the construction phase. Habitats will be fully reinstated post-construction, and therefore there would be no significant effects on local populations.

10.74 A number of Invasive Non-Native Species (INNS) were recorded within or within proximity to the planning application site boundary. Whilst the proposed development would not directly impact these species, measures would be put in place to address the legal requirements for INNS, which will be secured through the adoption of an Invasive Non-Native Species Method Statement (INNSMS), which would be secured by an appropriately worded condition to any planning permission granted.

10.75 An appropriate lighting scheme could also be secured by an appropriately worded condition to any planning permission granted to ensure sensitive areas/features would not be adversely impacted.

10.76 The Applicant has committed to the provision of 10% Biodiversity Net Gain (BNG). Indicative plans demonstrate how this could be provided within the planning application site boundary. Details of the BNG can be secured by an appropriately worded condition to any planning permission granted.

10.77 The Council's Ecologist has reviewed the application and has advised they are satisfied with the extent of the survey and assessment work and agree with the conclusions drawn within Chapter 7 of the ES in terms of the construction and operational impacts of the development. The Councils' Ecologist notes that careful scheme design up to this point has minimised ecological impacts where possible. The Council's Ecologist is supportive of the approach to deal with avoidance and mitigation measures through a Construction Environmental Management Plan (CEMP) and considers that the format and content of the outline CEMP is appropriate with the detailed CEMP to be secured by way of a suitably worded condition to any planning permission granted. The Applicant's objective to deliver a minimum of 10% BNG is supported. In relation to reinstatement planting and areas of habitat created for BNG, there would be a need for these habitats to be maintained during the establishment period and then managed in the long term. A Landscape and Ecological Management Plan (LEMP) is proposed to be provided as part of or alongside the detailed CEMP and this approach is supported. Overall, the Council's Ecologist raises no objections to the proposed development subject to conditions requiring a CEMP, LEMP, BNG assessment and details of external lighting.

10.78 Yorkshire Wildlife Trust have reviewed the application and concur with the comments of the Council's Ecologist and raise no objections subject to conditions requiring a CEMP, LEMP, BNG assessment and details of external lighting.

10.79 Natural England have also reviewed the application and raise no objections subject to conditions.

10.80 Subject to the aforementioned conditions, it is considered that the proposed development would not have an adverse impact on ecological considerations and would provide net gains for biodiversity in accordance with saved Policy ENV1 of the Selby District Local Plan, Policy SP18 of the Core Strategy, national policy contained within the NPPF, the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017.

Impact on Highway Safety

10.81 Saved Policies ENV1(2), T1 and T2 of the Selby District Local Plan require development proposals to have a suitable access and no detrimental impact on the existing highway network. This accords with the NPPF, which requires development proposals to have a safe and suitable access and only supports refusal of development proposals on highway grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe (paragraph 111).

10.82 The application has been supported by a number of documents including Chapter 14 of the ES and its associated appendices.

10.83 The M62 and A645 are the principal routes to be utilised to access the development site. During construction the proposed development would lead to an increase in the volume of traffic on the local road network. This includes general traffic (for example private vehicles used by personnel commuting to and from work), light goods vehicles (LGVs), heavy goods vehicles (HGVs) and Abnormal Indivisible Loads (AILs). A Construction Traffic Management Plan (CTMP) and a Construction Workers Travel Plan (CWTP) would be secured by way of a suitably worded condition to any planning permission granted to ensure the proposed development does not have any adverse impact on the local highway network and to support and encourage sustainable travel by workers which would reduce the traffic impact of the proposed development.

10.84 In relation to the cable route, there would be no permanent accesses created. Temporary access points would be created to allow access to the construction compounds and working width. There would be two temporary construction compounds created – one to the north of the proposed convertor station site to be accessed from the permanent access to the convertor station site via a temporary access road; and one to the south of Redhouse Lane accessed from a temporary access from Redhouse Lane. Three temporary bellmouths would be created in association with the cable installation to the east of New Road, Drax adjacent to the 400kV Drax Substation; and to the east and west of New Road, Drax north of the Read School.

10.85 In relation to the convertor station, access is a reserved matter. However, indicative plans have been submitted showing how the site could be accessed via a permanent new access to the west of the convertor station site onto New Road via a new approximately 200-metre-long permanent access road. The indicative plans show an 8-metre-wide carriageway on non-turning sections, widened at the bends, to allow turning movements enabling two-way traffic flows as well as movements of HGVs and AILs. This includes for a 35-metre-wide new junction to New Road, accounting for appropriate turning circles and visibility splays for vehicles entering and exiting the site.

10.86 In addition to the permanent access road there would be internal roads within the proposed converter station compound. Within the converter station this would include a perimeter road zone as well as internal roads between buildings and outdoor electrical equipment. These internal roads would be used to provide permanent access to the buildings and outdoor electrical equipment for regular inspections, maintenance and unplanned repairs should they be required.

10.87 Provision for car parking and vehicle turning would also be included within a hardstanding area within the converter station compound. It is anticipated there would be provision of a greater number of spaces than the estimated six operational staff, to account for visitors as well as for maintenance staff who would be required to

operate, monitor and maintain electrical equipment and plant. The number of spaces is subject to detailed design but is likely to be around 20 spaces.

10.88 A permanent security gate would be installed at the boundary of the converter station compound to ensure no unauthorised access to these areas.

10.89 On the basis of the information available, it is considered that an appropriate access could come forward at the reserved matters stage for the convertor station, which would not have any adverse impact on highway safety. Furthermore, it is considered an appropriate layout could be achieved to include parking, turning and manoeuvring areas within the site, which would not have any adverse impact on highway safety.

10.90 It is proposed that the permanent access would be also used for construction traffic, with a construction compound located to the north of the convertor station site to be access from the permanent access to the convertor station site via a temporary access road.

10.91 The anticipated number of traffic movements during construction would not increase local highway network movements significantly. The majority of the larger HGV movements would remain on the purpose-built haul roads, classified and local strategic highway network. Local roads would see a small increase in HGV movements during the mobilisation and construction of the access and crossing points. Each construction compound would have sufficient access, turning and parking facilities and the detailed design of these could be secured by way of condition to any planning permission granted. Mitigation measures imposed during construction of accesses and at crossing points could be secured by way of condition to any planning permission granted.

10.92 Anticipated traffic movements during operation would not increase local highway network movements significantly.

10.93 The Local Highway Authority have reviewed the application and raise no objections subject to a condition requiring a CTMP. The Local Highway Authority consider that an appropriate access and layout of the convertor station could come forward at the reserved matters stage, which would not have any adverse impact on highway safety.

10.94 National Highways have reviewed the application and raise no objections subject to conditions requiring a CTMP, CWTP and Transport Assessment.

10.95 It is noted that a letter of representation has been received which raises concern regarding the lack of detail surrounding the transportation of AILs and the potential to transport these via water rather than road, especially given the proximity of the site to the River Ouse. The letter of representation suggests consultation with National Highways. National Highways have been consulted on the application and have not raised any objections to the proposed development subject to conditions, including a CTMP which would provide details of the transportation of AILs.

10.96 Notwithstanding representee comments, subject to the aforementioned conditions, it is considered that the proposed development would not have an adverse impact on highway safety in accordance with saved Policies ENV1, T1 and T2 of the Selby District Local Plan and national policy contained within the NPPF.

Impact on Public Rights of Way

10.97 Policy T8 of the Selby District Local Plan resists development which would have a significant adverse effect on any route in the district's public rights of way network unless alternative suitable provision can be provided.

10.98 There are a number of public footpaths which intersect or lie adjacent to the application site boundary - references 35.26/2/1, 35.26/3/1, 35.26/5/2, 35.26/5/3, 35.47/9/1, 35.47/5/2, 35.47/5/1, 35.26/5/1 and 35.47/4/1.

10.99 The proposed development would not physically affect any public rights of way permanently; with all of the existing public rights of way within or adjacent to the site being retained.

10.100 The proposed development would physically affect some public rights of way temporarily during the construction period. The Applicant would need to make an application to the Highway Authority (North Yorkshire Council) for a Temporary Closure Order(s). The public rights of way must be protected and kept clear of any obstruction until such time as an alternative route has been provided by a temporary Order. It is an offence to obstruct a public right of way and enforcement action can be taken by the Highway Authority to remove any obstruction. Where public access is to be retained during the construction period, it shall be kept free from obstruction and all persons working on the development site must be made aware that a public right of way exists and must have regard for the safety of public rights of way users at all times. An informative can be attached to any planning permission granted highlighting these points to the Applicant.

10.101 Having regard to the above, it is considered that the proposed development would not have an adverse impact on existing public rights of way in accordance with saved Policy T8 of the Selby District Local Plan.

Impact on Residential Amenity

10.102 Saved Policy ENV1(1) of the Selby District Local Plan requires development proposals to take account of the amenity of adjoining occupiers. Saved Policy ENV2 of the Selby District Local Plan resists development which would give rise to unacceptable levels of noise or nuisance unless satisfactory remedial or preventative measures are incorporated as an integral element of the scheme. Saved Policy ENV3(3) of the Selby District Local Plan requires any proposals for outdoor lighting to not have a significant adverse effect on local amenity. Core Strategy Policy SP17(C) requires all development proposals for new sources of renewable energy and low-carbon energy generation development to protect local amenity and minimise impacts on local communities.

10.103 The application has been supported by a number of documents including Chapter 13 of the ES relating to noise and vibration and Chapter 18 of the ES containing an outline CEMP.

10.104 There are a number of residential properties in close proximity to the application site which have the potential to be impacted by the construction and/or operation of the proposed development.

10.105 In terms of noise and vibration, there is potential for impacts on residential properties during construction of both the cable route and the convertor station. Significant effects on two residential properties have been identified. A CEMP would be secured by an appropriately worded planning condition to any planning permission granted to mitigate effects. The majority of works activities would be completed Monday to Friday 07.00-19.00 and Saturday 08.00-17.00, with no working on Sundays or Bank/Public Holidays. However, some work activities may need to occur out of these

hours/times, including some 24-hour working, due to activities requiring to be undertaken continuously (such as HDD and cable jointing). Where work outside of these hours/times is necessary prior notification will be provided to the Local Planning Authority. Noise and vibration effects from the construction phase would be temporary and reversible with no lasting residual effect.

10.106 The cable route would not result in any adverse impact on residential amenity in terms of noise and vibration once in operation.

10.107 The convertor station will emit noise from the electrical and mechanical equipment during operation. The Applicant advises that this could be adequately mitigated through the detailed design of the convertor station - this would be for consideration at the reserved matters stage should outline planning permission be granted. It is considered that an appropriate access, layout, scale, appearance and landscaping of the scheme convertor station could come forward at the reserved matter stage which would not have any adverse impact on residential amenity of neighbouring residential properties.

10.108 In terms of air quality, there is potential for impacts on residential properties during construction of both the cable route and the convertor station. A CEMP would be secured by an appropriately worded planning condition to any planning permission granted to mitigate effects.

10.109 Temporary external lighting would be required at certain times during the construction of both the cable route and the convertor station. Permanent external lighting would be required during operation of the convertor station. No details of temporary or permanent external lighting have been provided at this stage, however, it is considered that an appropriate temporary and permanent lighting scheme could be secured by appropriately worded conditions to any planning permission granted to ensure residential amenity would not be adversely impacted.

10.110 The Council's Environmental Health Officer has reviewed the application and has not raised any objections. Construction impacts can be dealt with through appropriately worded planning conditions, while operational impacts of the convertor station can be dealt with through the detailed design of the scheme which will be considered further at the reserved matters stage.

10.111 Subject to the aforementioned conditions, it is considered that the proposed development would not have an adverse impact on residential amenity in accordance with saved Policies ENV1(1), ENV2 and ENV3(3) of the Selby District Local Plan, Policy SP17(C) of the Core Strategy and national planning policy contained within the NPPF.

10.112 On this basis, it is considered that the proposal would not contravene Convention rights contained in the Human Rights Act 1998 in terms of the right to private and family life.

Flood Risk and Drainage

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

10.114 Chapter 11 of the ES relates to Hydrology and Land Drainage, with its appendices including a site-specific flood risk assessment. Furthermore, a Hydraulic Modelling and Flood Risk Assessment Technical Note dated April 2023 supports the application.

10.115 From a search of the Environment Agency Flood Maps, it is confirmed that the application site is located within Flood Zone 3, which has a high probability of flooding from rivers and the sea.

Flood Risk Sequential and Exception Tests

10.116 Given the site's location within Flood Zone 3, the Sequential Test is required to be undertaken in relation to flood risk and the location of the development (as per paragraph 159 of the NPPF). The Sequential Test ensures that a sequential approach is followed to steer new development to areas with the lowest probability of flooding (as per paragraph 162 of the NFFP). The aim is to steer new development to Flood Zone 1 (areas with a low probability of river or sea flooding). Where there are no reasonably available sites in Flood Zone 1, the flood risk vulnerability of land uses and reasonably available sites in Flood Zone 2 (areas with a medium probability of river or sea flooding) should be considered, applying the Exception Test if required (as per paragraph 163 of the NPPF). Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required (as per paragraph 163 of the NPPF).

10.117 The Applicant has undertaken the sequential test and in doing so has advised that the key criteria for identifying a suitable location for the proposed development of a convertor station is based on finding a site with: suitable grid connectivity; suitable size to accommodate the proposed development; and which minimises environmental impacts.

10.118 The Applicant has advised that a grid connection to the 400kV Drax substation has been secured for 2029 and therefore the project could contribute to meeting net zero targets by 2050. Grid connections are being exhausted with Applicant's facing long wait times, therefore projects that have secured connections are fundamental to achieving Net Zero targets. The proposed convertor station would need to be located within reasonable to the secured grid connection point. On this basis, for operational reasons, the geographical coverage area of the sequential test has been narrowed down to the vicinity of grid connection point. This approach is considered reasonable by Officers. The Applicant has looked at a number of sites close to the 400kV Drax substation and taken consideration of environmental impacts of each of those alternative sites. When undertaking the sequential test on this basis and taking into account the other key criteria for identifying a suitable location for the proposed development of a convertor station (as highlighted above) the applicant advises that there are no reasonably available sites appropriate for the proposed development located within either Flood Zone 1 or Flood Zone 2, and as such, the proposal passes the sequential test. This is agreed by Officers.

10.119 Where it is not possible for development to be located in zones with a lower risk of flooding, as in this case, the exception test may have to be applied (as per paragraph 163 of the NPPF). The need for the exception test depends on the potential vulnerability of the site and of the development proposed, in line with the flood risk vulnerability classification set out in national planning guidance. The development in this case can be given a flood risk vulnerability classification of 'essential infrastructure' – see Annex 3 of the NPPF. Where the sequential test shows that it is not possible to use an alternative site at lower flood risk, the exception test is only required for development within Flood Zone 3 where the development is classed as 'essential infrastructure' or 'more vulnerable'. The exception test is therefore required.

10.120 Paragraph 163 of the NPPF states *"The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:*

a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall."

10.121 Paragraph 165 of the NPPF states *"Both elements of the exception test should be satisfied for development to be allocated or permitted."*

10.122 In terms of paragraph 163 (a), the development would be considered to provide wider sustainability benefits to the community which would outweigh the flood risk. Therefore, the first element of the exception test is considered to be passed.

10.123 In terms of paragraph 163 (b), in accordance with paragraph 167 and footnote 55 of the NPPF, a site-specific flood risk assessment has been submitted in support of the application. This has been assessed by the Environment Agency, who have advised that provided the proposed development is built in accordance with the submitted Flood Risk Assessment, they have no objections to the proposals in terms of flood risk. A suitably worded condition could be attached to any planning permission granted requiring the proposed development to be constructed in accordance with the submitted Flood Risk Assessment. Furthermore, the Local Lead Flood Authority have advised that they have no objections to the proposals in terms of flood risk, subject to conditions relating to detailed drainage design. Therefore, the second element of the exception test is considered to be passed.

Floodplain Storage

10.124 The proposed convertor station would be sited within the floodplain and would result in the loss of floodplain storage. Notwithstanding this, the Applicant has demonstrated that the proposed development would not increase flood risk elsewhere. The Environment Agency agree with this position.

10.125 Paragraph 049 of the Planning Practice Guidance (PPG) states *"Where flood storage from any source of flooding is to be lost as a result of development, on-site level-for-level compensatory storage, accounting for the predicted impacts of climate change over the lifetime of the development, should be provided. Where it is not possible to provide compensatory storage on site, it may be acceptable to provide it off-site if it is hydraulically and hydrologically linked."*

10.126 Having regard to paragraph 049 of the Planning Practice Guidance, the Environment Agency have requested that flood storage compensation is provided, notwithstanding the fact that flood risk would not be increased elsewhere as a result.

10.127 There is no opportunity for providing flood storage compensation on-site. The Environment Agency agree with this position. Furthermore, whilst the Applicant has identified some opportunities for providing flood storage compensation off-site (which is hydraulically and hydrologically linked) this is not on land within the Applicants ownership and would likely require a Compulsory Purchase Order (CPO), which would need to be supported by the Environment Agency. The Environment Agency consider flood storage compensation off-site would not be pragmatic and proportionate in this instance.

10.128 Where floodplain storage compensation is not achievable, the Environment Agency have stipulated that the loss of flood storage must be compensated commensurate with the scale of development proposed, in agreement with the Environment Agency.

10.129 Discussions have taken place between the Applicant and the Environment Agency and it has been agreed between the parties that compensation could take the form of a section 106 agreement which secures the payment of a financial contribution towards the maintenance of existing flood risk infrastructure or provision and maintenance of floodplain storage compensation in the vicinity of the proposed development. The level of contribution payable would be determined by the final form of the converter station development and would be calculated using the following calculation - £5.54 per sqm of converter station development. This would be subject to a cap of £155,593.00, being the maximum parameters of the converter station development. This contribution would be payable prior to the practical completion of the converter station development.

10.130 Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

These tests are set out as statutory tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010

10.131 Given that the Applicant has demonstrated that the loss of the floodplain storage would not result in increased flood risk elsewhere, Officers do not consider that the proposed planning obligation would be necessary to make the development acceptable in planning terms or fairly and reasonably related in scale and kind to the development.

10.132 The Environment Agency have been asked if they would object to the proposed development without the planning obligation being secured and have advised they would not object.

10.133 The Environment Agency have commented that where they cannot secure the planning obligation through the planning application, they hope that they may still be able to work in partnership with National Grid in other ways given the extent of the loss of floodplain. This would be a matter for the Environment Agency to discuss with the Applicant outside of the planning process.

Drainage Strategy

10.134 An outline drainage strategy has been submitted as part of the planning application as follows, with detailed design to be secured by appropriately worded conditions to any planning permission granted:

- Construction compounds and access tracks would temporarily increase the impermeable area. A temporary surface water drainage system would be incorporated to manage off site flow/runoff, ensuring waters are controlled in quality and volume. This would comprise attenuation ponds and/or subbase storage beneath compounds where possible. Discharge would be pumped/gravity fed to local watercourse or via soakaway at a controlled rate to be agreed with the relevant internal drainage board;

- There would be an independently managed foul drainage system at the construction compounds with the foul water contained on site, regularly pumped, emptied, and transported off site. There would be no requirement for any formal piped foul drainage on site or any offsite connection.
- Surface water drainage for the convertor station would include two systems: one for collecting water from locations of potential contaminants which would include separators to remove potential contaminants; and another for 'clean' runoff from hardstanding areas. Discharge from attenuation ponds would be pumped/gravity fed to local watercourse or via soakaway at a controlled rate to be agreed with the relevant internal drainage board;
- No details have been provided regarding the foul drainage system for the permanent convertor station at this stage.

10.135 The Local Lead Flood Authority, the local Internal Drainage Board and Yorkshire Water have been consulted on the application. The Local Lead Flood Authority consider the applicant has demonstrated a reasonable approach to the management of surface water and have recommended a number of conditions be attached to any planning permission granted. The Internal Drainage Board raise no objections to the proposed drainage strategy subject to discharge to watercourses being restricted to 1.4 litres per second per hectare or greenfield runoff rates and discharges to the ground being subject to ground investigations and groundwater levels. Yorkshire Water raise no objections to the proposed drainage strategy.

10.136 Subject to the aforementioned conditions, it is considered that the proposed development would be acceptable in terms of flood risk and drainage, in accordance with the overarching principles set out in the Core Strategy and national planning policy contained within the NPPF.

Yorkshire Water Infrastructure

10.137 A Yorkshire Water sewer and water main intersect the application site where the HVDC cable route crosses to the south east of Wren Hall and Main Road, Drax respectively. Informatives can be attached to any planning permission granted to draw the Applicant's attention to the requirement for protection of these assets during construction and procedure for diversion if required.

Contaminated Land

10.138 Saved Policy ENV2 of the Selby District Local Plan requires proposals for development which would give rise to, or be affected by, unacceptable contamination or other environmental pollution, to not be granted unless satisfactory remedial or preventative measures are incorporated as an integral element in the scheme. Where the is a suspicion that the site might be contaminated, planning permission may be granted subject to conditions to prevent the commencement of development until a site investigation and assessment has been carried out and development has incorporated all measures shown in the assessment to be necessary.

10.139 Chapter 10 of the ES relates to Geology and Hydrogeology. Sections 10.5 and 10.6 cover the current and historic potentially contaminative land uses which may impact upon the development. The current land use is predominantly agricultural. Few potentially significant sources of contamination have been identified, however, localised sources of potential contamination including quarries and pits, railways, historical landfills, as well as Drax Power Station result in the potential for contaminated soil and/or groundwater to be present. Pathways by which identified hydrogeological receptors have the potential to be affected during construction and operation include direct release of substances to ground, creation of pathways to deeper groundwater as a result of groundworks, adverse effect on groundwater

quality or quantity due to construction activities and reduction in soil quality. The sensitivity with respect to human health is "low". The report determines that to accurately mitigate risks from potential contamination intrusive investigation to assess the nature, extent and magnitude of any contamination and the risks to human health and groundwater receptors should be carried out.

10.140 The Council's Contaminated Land Consultant has been consulted on the application and has advised that with regard to land contamination, the submitted information and the proposed site investigation works are acceptable. Therefore, the Council's Contaminated Land Consultant raises no objections to the proposed development subject to a pre-commencement condition being attached to any planning permission granted requiring investigation of land contamination. Further conditions relation to the submission of a remediation strategy, where necessary; verification of remedial works, where necessary; and reporting of unexpected contamination would also need to be attached to any planning permission granted.

10.141 Subject to the aforementioned conditions, it is considered that the proposed development would be acceptable in terms of land contaminated in accordance with saved Policy ENV2 of the Selby District Local Plan and national planning policy contained within the NPPF.

Minerals and Waste

10.142 The application site is located within a Surface Minerals Safeguarding Area for brick clay and sand gravel. It is also indicated in the Minerals and Waste Joint Plan as lying within a High Risk Development Area, though the Coal Authority interactive map shows the site within a Low Risk Area. The Coal Authority map takes precedence.

10.143 Part 1 of Policy S02 of the Minerals and Waste Joint Plan relates to surface mineral resources and states:

"Within Surface Minerals Safeguarding Areas shown on the Policies Map, permission for development other than minerals extraction will be granted where:
i) It would not sterilise the mineral or prejudice future extraction; or
ii) The mineral will be extracted prior to the development (where this can be achieved without unacceptable impact on the environment or local communities), or
iii) The need for the non-mineral development can be demonstrated to outweigh the need to safeguard the mineral; or
iv) It can be demonstrated that the mineral in the location concerned is no longer of any potential value as it does not represent an economically viable and therefore exploitable resource; or
v) The non-mineral development is of a temporary nature that does not inhibit extraction within the timescale that the mineral is likely to be needed; or
vi) It constitutes 'exempt' development (as defined in the Safeguarding Exemption Criteria list)."

10.144 In accordance with Policy S07 of the Minerals and Waste Joint Plan, given the development is located in such a Surface Minerals Safeguarding Area, the Minerals and Waste Team at North Yorkshire Council have been consulted on the application. They have advised that although the site is within a Surface Minerals Safeguarding Area for brick clay and sand gravel, in this instance a minerals assessment is not required as the location is considered not to be a viable site for minerals extraction due to its proximity to a residential property to the north east of the proposed convertor station area. Furthermore, it is not considered that the laying of cables would sterilise mineral extraction.

10.145 Having regard to the above, the location of the site within a Surface Minerals Safeguarding Area for brick clay and sand gravel would not preclude the development form being considered acceptable. If approved, an informative would need to be added to bring the Applicant's attention to the location of the site in a Low-Risk Coal Authority area.

Alternative Site Assessment

10.146 Chapter 2 of the ES relates to the project development and assessment of alternatives. The Applicant's case for the need for the proposed development has been set out earlier in this report (paragraphs 5.23-5.25) along with a description of the wider scheme it forms a part of - SEGL2 (paragraphs 5.21-5.22).

10.147 The Applicant's first step in developing the SEGL2 project was to undertake a Strategic Options Appraisal with the objective of identifying the Strategic Proposal - that is the preferred point within National Grid Electricity Transmissions (NGET's) licence area that would best meet the need case by providing additional network capability when it is required and while also taking account of NGET's statutory and licence obligations.

10.148 The Strategic Options Appraisal identified a number of alternative 'end' points at substations on the network in NGET's licence area from Blyth substation in Northumberland to as far south as Spalding North substation in Lincolnshire. Drax substation was identified as the preferred 'Strategic Proposal' because it could deliver similar amounts of additional network capability as other options when it required while avoiding crossing a number of the additional environmentally protected sites offshore and onshore which would be required for alternative options.

10.149 Following identification of Drax as the point of connection to the NETS a route and site selection study was undertaken firstly considering alternative landfall and converter station sites and secondly underground cable routes between them. This step comprised environmental and engineering studies as well as consultation with key statutory consultees. It concluded with the identification of a preferred Scheme which was then subject to public consultation.

Convertor Station Site

10.150 Eight potential converter station sites within 5 km of the existing Drax 400 kV substation were shortlisted for assessment. The assessment considered environmental effects and engineering for each option including potential impacts on landscape, visual amenity, ecology and cultural heritage as well as routeing to/from the site and access from the road network.

10.151 The subject site was chosen given its proximity to Drax Power Station, proximity to the existing Drax 400kV substation and level of environmental impacts compared to other sites. The Applicant considered that by locating the propseod convertor station closer to Drax Power Station rather than in a more isolated location within the open countryside, the proposed converter station would be more integrated into its surroundings given the presence of the other industrial-type developments. Furthermore, the location would reduce the length of underground cable required to connect to the existing Drax 400kV substation, improving efficiency.

Underground cable route

10.152 The routing of the underground cable took account of the alternative landfall and converter stations which were being considered as well as key constraints within the wider area such as towns and villages, sites designated/protected for ecological,

heritage and landscape reasons, land use and other natural and built features such as woodland, rivers and roads as well as engineering constraints for example crossings, topography and ground conditions. The objective of routeing was to identify a preferred route which was technically feasible whilst on balance causing the least impact on the environment and people.

10.153 Broad route corridors between potential landfall and converter station sites were first identified, before being narrowed down to provide more detailed route alignment considering construction requirements and more localised engineering and environmental constraints such as accessibility and local wildlife sites. The result of this was an approximate 69 km long preliminary route alignment following as direct a route as possible mainly through agricultural land from the preferred landfall site north of Fraisthorpe to the preferred converter station site at Drax Power Station.

11.0 PLANNING BALANCE AND CONCLUSION

11.1 The application is a hybrid planning application and seeks outline planning permission (with all matters reserved) for the construction of a convertor station; and full planning permission for the installation of high voltage direct current (HVDC) underground cables from the River Ouse to the converter station and high voltage alternating current (HVAC) underground cables from the converter station to the existing Drax 400 kV Substation as well as all associated temporary works including compounds, accesses and bellmouths.

11.2 Harm (and conflict with the relevant adopted Development Plan policies) has been identified as a result of the proposed construction of the convertor station as follows:

- Permanent loss of approximately 1.7 hectares of BMV agricultural land, contrary to Core Strategy Policy SP18;
- Significant visual effects (and significant cumulative visual effects) for which there is insufficient landscape mitigation, contrary to saved Policy ENV1 of the Selby District Local Plan and Policies SP12, SP17 (C), SP18 and SP19 of the Core Strategy.

11.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

"if regard is to be had to the development pan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

11.4 In terms of matters weighing in favour of the proposal, there is a clear need for the proposed development, the Applicant's case for which is set out from paragraph 5.23 of this report. While the proposal itself is not a renewable energy project, it provides for supporting infrastructure. The proposed development would enable green energy to be transported from where it is produced to where it is needed. Transmission of renewable energy across the country is seen as a significant part of the current strategy to meet net zero emissions. The proposal would support the transition to a low carbon future in a changing climate through supporting renewable and low carbon energy and associated infrastructure in accordance with paragraph 152 of the NPPF. A grid connection has been secured for 2029 and therefore the project could contribute to meeting net zero targets by 2050. Grid connections are being exhausted with Applicants facing long wait times, therefore projects that have secured connections are fundamental to achieving net zero targets.

11.5 Cable installation and commissioning for the proposed route is scheduled to take approximately five years. The installation programme assumes a start date for installation activities in late 2024 and for the cable to be commissioned prior to the

end of 2029. The convertor station would be subject to detailed design at the reserved matters stage, with a five-year construction period anticipated. The proposal therefore could make a meaningful contribution to meeting net zero targets.

11.6 Having regard to matters weighting in favour of the proposals, it is considered that the development would deliver very substantial benefits, contributing to net zero targets and facilitating the role out of increasing use of renewable energy resources in the country. In this instance, it is therefore considered that there are material considerations which would justify granting outline planning permission for the convertor station, notwithstanding the harm identified.

11.7 The proposed underground cable route is considered to be acceptable in accordance with relevant Development Plan policies.

12.0 RECOMMENDATION

12.1 That planning permission be GRANTED subject to conditions listed below:

General

01. The development for which full planning permission is hereby granted, being the installation of high voltage direct current (HVDC) underground cables from the River Ouse to the converter station (referred to in this permission as the “HVDC Cable Development”) and high voltage alternating current (HVAC) underground cables from the converter station to the existing Drax Substation (referred to in this permission as the “HVAC Cable Development”) as well as all associated temporary works including compounds, accesses and bellmouths shall begin no later than three years from the date of this decision.

    Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended.

02. Approval of the details of the (a) appearance, (b) landscaping, (c) layout, (d) scale and (e) the means of access to the site (hereinafter called 'the reserved matters') for the development hereby granted outline planning permission, being the Converter Station buildings, (referred to in this permission as the “Converter Station Development”) as well as all associated temporary works including compounds, accesses and bellmouths shall be obtained from the Local Planning Authority in writing before any development is commenced.

    Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990.

03. Applications for the approval of the reserved matters referred to in Condition 2 shall be made within a period of three years from the grant of this outline planning permission and the development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

    Reason: In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

04. The development for which full planning permission is hereby granted shall be carried out in accordance with the following approved plans/drawings:

- SEGL2_T_PA_3_v2_20220628 - Site Location Plan
- SEGL2_ T _ PA_ 5b _ v1_ 20220628 – Block Plan (Sheet Number 38 of 39)
- SEGL2_ T _ PA_ 5b _ v1_ 20220628 – Block Plan (Sheet Number 39 of 39)

Reason: To ensure that the development hereby granted full planning permission is undertaken in accordance with the approved plans/drawings.

05. The development for which outline planning permission is hereby granted shall be carried out in accordance with the following approved plans/drawings:

- SEGL2_T_PA_3_v2_20220628 - Site Location Plan
- SEGL2_ T _ PA_ 5b _ v1_ 20220628 – Block Plan (Sheet Number 39 of 39)

Reason: To ensure that future reserved maters applications are in accordance with the outline planning permission hereby granted.

06. The development for which outline and full planning permission has been granted (other than survey work) shall not be commenced until a Biodiversity Net Gain Plan (BNGP) has been submitted to and approved in writing by the Local Planning Authority. The Biodiversity Net Gain Plan (BNGP) should include details of:
    - how biodiversity impacts have been minimised,
    - the pre-development biodiversity value of the onsite habitat;
    - the post-development biodiversity value of the onsite habitat;
    - the biodiversity value of any offsite habitat provided in relation to the development with the aim of securing a minimum 10% net gain for biodiversity
    - an implementation timetable for onsite and offsite provisions.

    Reason: In order to secure biodiversity enhancement in accordance with Policy SP18 of the Core Strategy.

07. The development for which outline and full planning permission has been granted (other than survey work) shall not be commenced until an Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the Ecological Management Plan shall be implemented in accordance with the approved details for the lifetime of the development.

    The Plan must include, but not be limited, to arrangements for the following:
    - description and evaluation of features to be managed;
    - ecological trends and constraints on site that might influence management;
    - aims and objectives of management;
    - appropriate management options for achieving aims and objectives;
    - prescriptions for management actions;
    - preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
    - details of the body or organization responsible for implementation of the plan;
    - ongoing monitoring and remedial measures;

- details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery;
- how contingencies and/or remedial action will be identified, agreed and implemented so that the development delivers the fully functioning biodiversity objectives of the approved scheme (where the results from monitoring show that conservation aims and objectives of the Plan are not being met).

Reason: In the interests of ecology and in order to comply with saved Policy ENV1 of the Selby District Local Plan, Policy SP18 of the Selby District Core Strategy Local Plan and national planning policy contained within the NPPF.

Convertor Station Development

08. The Converter Station Development hereby granted shall not be commenced until full details of existing and proposed ground levels and finished floor levels of the buildings, outdoor electrical infrastructure, areas of hardstanding and associated access roads for the Converter Station Development have been submitted to and approved in writing by the Local Planning Authority. The Converter Station Development shall thereafter be carried out in accordance with the approved details.

    Reason: In the interest of visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

09. The Converter Station Development hereby granted shall be carried out in accordance with the following design parameters:
    - the convertor station platform shall cover an area no greater than 50,000m^2 excluding earthwork batter/slope;
    - the finished converter station platform level shall be no higher than 6.48m AOD;
    - up to 55% of the converter station platform (forming a continuous zone) can contain buildings up to a maximum height of 28.5 metres above the finished platform level (excluding lightning protection);
    - the reminder of the convertor station platform (forming a continuous zone) can contain buildings or outdoor electrical equipment up to a maximum height of 20 metres above the finished platform level (excluding lightning protection).

    Reason: In the interests of visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

10. Any reserved matters application submitted pursuant to condition 2 in respect of the Converter Station Development shall include a detailed hard and soft landscaping scheme for the site for approval in writing by the Local Planning Authority. The approved scheme shall be implemented in its entirety within the first available planting season following the construction of the Converter Station Development. All trees, shrubs and bushes shall be adequately maintained for the period of five years beginning with the date of completion of the construction of the Converter Station Development and during that period all losses shall be made good as and when necessary. The scheme shall include a detailed long-term landscape maintenance and management plan. The scheme shall be retained and managed in accordance with the approved long-term landscape maintenance and management plan for the lifetime of the Converter Station Development.

Reason: In the interests of visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

11. Prior to the commencement of the Converter Station Development hereby granted (other than survey work), an Aboricultural Method Statement, Tree Survey and Tree Protection Plan, to BS5837:2012, shall be submitted to and approved in writing by the Local Planning Authority. This should demonstrate how all existing trees and hedgerows to be retained will be protected during the construction period for the Converter Station Development. The Converter Station Development shall thereafter be carried out in accordance with the approved details.

    Reason: In the interests of visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

12. Prior to installation of any external lighting associated with the Converter Station Development, a Lighting Design Strategy shall be submitted to and approved in writing by the Local Planning Authority. All external lighting within the Converter Station Development (both at the outset and subsequently) shall be in accordance with the approved Lighting Design Strategy. All external lighting associated with the Converter Station Development shall be installed in accordance with the specifications and locations set out in the Strategy and shall be maintained thereafter in accordance with the details set out within the Strategy.

    The Strategy must include, but not be limited, to arrangements for the following:
    - identify those areas/features on site that are sensitive to lighting;
    - show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that sensitive areas/features will not be impacted by lighting;
    - demonstrate how night-time visibility has been minimised.

    No additional external lighting shall be installed at the Converter Station Development without the prior written approval of the Local Planning Authority.

    Reason: In the interests of visual amenity and ecology and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

13. The Converter Station Development hereby granted shall not be commenced until a Land Restoration Scheme for the Converter Station Development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include landscape protection, replacement, and reinstatement, and a timetable for their implementation. On the completion of the construction of the Converter Station Development and following the cessation of use of any associated temporary works compounds, works areas and haul roads, the land shall be reinstated in accordance with the approved scheme.

    Reason: In the interests of amenity and in order to comply with saved Policies ENV1 of the Selby District Local Plan and Policies SP17, SP18 and SP19 of the Core Strategy.

14. Prior to the commencement of the Converter Station Development hereby granted (other than survey work), a Construction Environmental Management Plan (CEMP) for the Converter Station Development incorporating the provisions of the submitted Outline CEMP shall be submitted to the Local Planning Authority for approval in writing.

    The CEMP shall include in respect of the Converter Station Development:

    - An Access Management Plan detailing the management of public highways and public or permissive rights-of-way during the works;
    - An External Lighting Plan detailing any temporary external lighting required during the construction period;
    - A Noise and Vibration Plan in accordance with British Standard 5228 detailing how noise and vibration will be controlled and mitigated during the works;
    - A Dust Management Plan detailing how dust and other airborne emissions will be controlled and mitigated during the works;
    - A Soil Management Plan to be informed by pre-construction soil surveys in accordance with Natural England guidelines incorporating the provisions of the submitted Outline Soil Management Plan detailing how soil resources will be protected during the works;
    - A Construction Ecological Management Plan incorporating relevant Species Protections Plans (SPPs) to be informed by updated pre-construction surveys detailing how sensitive species and habitats will be protected during the works including where necessary the identification of “biodiversity protection zones”, the location and timing of sensitive works to avoid harm to biodiversity features, the times during construction when specialist ecologists need to be present on site to oversee works, responsible persons and lines of communication, the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person and the use of protective fences, exclusion barriers and warning signs;
    - An Invasive and Non-Native Species (INNS) method statement detailing how INNS encountering during the works will be managed.
    - A Site Waste Management Plan detailing how waste generated during construction will be managed;
    - A Pollution Prevention and Emergency Incident Response Plan setting out measures to prevent pollution and procedures to be followed in the event pollution is encountered or released.
    - A Communications Plan including a point of contact for local residents and businesses, and a procedure for all complaints to be reported to the Local Planning Authority.

    Thereafter, the Converter Station Development hereby granted, shall be carried out in accordance with the approved CEMP.

    Reason: In the interests of highway safety, amenity and ecology and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and saved Policies ENV1, ENV2, T1 and T2 of the Selby District Local Plan.

15. Prior to the commencement of the Converter Station Development hereby granted (other than survey work), a Construction Traffic Management Plan (CTMP)

incorporating the provisions of the submitted Outline CTMP shall be submitted to and approved in writing by the Local Planning Authority. The Plan must include, but not be limited, to arrangements for the following in respect of the Converter Station Development:

- details of any temporary construction access to the site including measures for removal following completion of construction works;
- wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- the parking of contractors' site operatives and visitor's vehicles;
- areas for storage of plant and materials used in constructing the development clear of the highway;
- measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
- details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
- protection of carriageway and footway users at all times during demolition and construction;
- protection of contractors working adjacent to the highway;
- erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
- an undertaking that there must be no burning of materials on site at any time during construction;

The Converter Station Development hereby granted shall be carried out in strict accordance with the approved CTMP.

Reason: In the interest of highway safety and in order to comply with saved Policies ENV1, T1 and T2 of the Selby District Local Plan.

16. Prior to the commencement of the Converter Station Development hereby granted (other than survey work), a Construction Worker Travel Plan (CWTP) shall be submitted to and approved in writing by the Local Planning Authority. The Converter Station Development hereby granted shall be carried out in strict accordance with the approved CWTP.

    Reason: To establish measures to encourage more sustainable non-car modes of travel and in order to comply with saved Policies T1 and T2 of the Selby District Local Plan.

17. The Converter Station Development hereby granted shall be carried out in accordance with the submitted Flood Risk Assessment (Appendix 11B Flood Risk Assessment, dated May 2022, by Capita) and the supporting technical note (Hydraulic Modelling & Flood Risk Assessment Technical Note, dated April 2023, by WSP) and the following mitigation measures:
    - Construction of an elevated platform set no lower than 5.08 metres above Ordnance Datum (AOD)
    - Finished floor levels and sensitive flood infrastructure shall be set no lower than 5.08 metres above Ordnance Datum (AOD), plus an appropriate freeboard

These mitigation measures shall be fully implemented prior to the Converter Station Development hereby granted being brought into use and shall be retained and maintained as such for the lifetime of the Converter Station Development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

18. Prior to the commencement of the Converter Station Development hereby granted (other than survey work), a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document). The scheme shall detail phasing of the Converter Station Development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. The Converter Station Development shall not be brought into use until the drainage works have been completed. Note that further restrictions on surface water management may be imposed by Yorkshire Water and the Local Planning Authority.

    Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.

19. Prior to the commencement of the Converter Station Development hereby granted (other than survey work), a scheme restricting the rate of development flow runoff from the Converter Station Development shall be submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to a maximum flowrate of 1.4 litres per second per hectare (or the calculated greenfield runoff rate) for up to the 1 in 100 year event. A 30% allowance shall be included for climate change effects and a further 10% for urban creep for the lifetime of the Converter Station Development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the Converter Station Development shall be brought into use until the development flow restriction works comprising the approved scheme has been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the Converter Station Development.

    Reason: To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere.

20. Prior to the commencement of the Converter Station Development hereby granted (other than survey work), a suitable maintenance of the proposed SuDS drainage scheme arrangement shall be demonstrated to the local planning authority. Details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage

scheme/sustainable urban drainage systems throughout the lifetime of the Converter Station Development.

Reason: To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system.

21. Prior to the commencement of the Converter Station Development hereby granted (other than survey work), a scheme detailing the treatment of all surface water flows from parking areas and hardstanding through the use of road side gullies, oil interceptors, reedbeds or alternative treatment systems, shall be submitted to and approved in writing by the Local Planning Authority. Use of the parking areas/hardstanding shall not commence until the works comprising the approved treatment scheme have been completed. Roof water shall not pass through the treatment scheme. Treatment shall take place prior to discharge from the treatment scheme. The treatment scheme shall be retained, maintained to ensure efficient working and used throughout the lifetime of the Converter Station Development.

    Reason: To prevent pollution of the water environment from the development site.

22. Prior to the commencement of the Converter Station Development hereby granted (other than survey work), an appropriate Exceedance Flow Plan for the site shall be submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.

    Reason: To prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site.

23. No piped discharge of surface water from the Converter Station Development shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

    Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.

24. Prior to the commencement of the Converter Station Development hereby granted (other than survey work), an Archaeological Mitigation Strategy shall be submitted to and approved in writing by the Local Planning Authority.

    The Archaeological Mitigation Strategy shall include:
    - The programme and methodology of site investigation and recording
    - Community involvement and/or outreach proposals
    - The programme for post investigation assessment
    - Provision to be made for analysis of the site investigation and recording

- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No Converter Station Development shall take place other than in accordance with the approved Archaeological Mitigation Strategy.

Reason: In the interests of ensuring archaeological interests are properly assessed and recorded and in order to comply with saved Policy ENV28 of the Selby District Local Plan.

25. No construction work associated with the Converter Station Development hereby granted shall take place on any part of the site on any Sunday or Bank Holiday, or on any other day except between the hours of 07.00 - 19.00 on Mondays to Fridays, or 08.00 - 17.00 on Saturdays, except:
    - in an emergency;
    - in respect of internal works only to the converter station following the erection of the converter station building(s);
    - by prior notification in writing to the Local Planning Authority and receipt of their written agreement; or
    - where the existing background noise level, at any residential property, is not exceeded. The measurements and assessment of noise levels shall be made in accordance with BS 4142:2014.

    Reason: In the interest of amenity and in order to comply with saved Policies ENV1 and ENV2 of the Selby District Local Plan.

26. In the event that work associated with the Converter Station Development hereby granted is carried out outside of the approved hours due to an emergency, the developer shall notify the Local Planning Authority, as soon as practicable, and shall within no more than 7 days of the incident provide a written statement, detailing the nature of the emergency and the reasons why such work was necessary.

    Reason: In the interest of amenity and in order to comply with saved Policies ENV1 and ENV2 of the Selby District Local Plan.

27. Prior to commencement of the Converter Station Development hereby granted (other than survey work), a site investigation and risk assessment must be undertaken to assess the nature, scale and extent of any land contamination and the potential risks to human health, groundwater, surface water and other receptors. A written report of the findings must be produced and is subject to approval in writing by the Local Planning Authority. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

    Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination.

28. Where the site investigation and risk assessment referred to in Condition 27 show remediation works to be necessary, development associated with the Converter Station Development shall not commence until a detailed remediation strategy for the Converter Station Development has been be submitted to and approved in writing by the Local Planning Authority. The remediation strategy must demonstrate how the site will be made suitable for its intended use and must include proposals for the verification of the remediation works. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

    Reason: To ensure that the proposed remediation works are appropriate and will remove unacceptable risks to identified receptors.

29. Prior to first use of the Converter Station Development hereby granted, remediation works should be carried out in accordance with the remediation strategy approved under Condition 28. On completion of those works, a verification report (which demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

    Reason: To ensure that the agreed remediation works are fully implemented and to demonstrate that the site is suitable for its proposed use with respect to land contamination. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990.

30. In the event that unexpected land contamination is found at any time when carrying out the Converter Station Development hereby granted, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and, if remediation is necessary, a remediation strategy must be prepared, which is subject to approval in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation strategy, a verification report must be submitted to and approved in writing by the Local Planning Authority. It is strongly recommended that all reports are prepared by a suitably qualified and competent person.

    Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination.

    <u>HVDC Cable Development</u>

31. The HVDC Cable Development shall not commence until a Construction Phasing Plan (CPP) has been submitted to and approved in writing by the Local Planning Authority. The CPP shall set out the phases of the works. Thereafter, the HVDC Cable Development shall be carried out in strict accordance with the approved CPP.

    Reason: In order to secure the programming and phasing of, and an orderly pattern to, the development.

32. No HVDC Cable Development shall take place until a Construction Method Statement (CMS) for the HVDC Cable Development has been submitted to and approved in

writing by the Local Planning Authority. The CMS shall define the construction and installation methods including crossing methods for that phase. The development shall be carried out in strict accordance with the approved CMS.

Reason: In the interests of amenity and in order to comply with saved Policies ENV1 of the Selby District Local Plan and Policies SP17, SP18 and SP19 of the Core Strategy.

33. Prior to the commencement of the HVDC Cable Development hereby granted (other than survey work), an Aboricultural Method Statement, Tree Survey and Tree Protection Plan, to BS5837:2012, shall be submitted to and approved in writing by the Local Planning Authority. This should demonstrate how all existing trees and hedgerows to be retained will be protected during the construction period for the HVDC Cable Development. The HDVC Cable Development shall thereafter be carried out in accordance with the approved details.

    Reason: In the interests of visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

34. No HVDC Cable Development shall take place until a Land Restoration Scheme for the HVDC Cable Development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include landscape protection, replacement, and reinstatement, and a timetable for their implementation. On the completion of the HVDC cable installation and following the cessation of use of any associated temporary works compounds, works areas and haul roads, the land shall be reinstated in accordance with the approved scheme.

    Reason: In the interests of amenity and in order to comply with saved Policies ENV1 of the Selby District Local Plan and Policies SP17, SP18 and SP19 of the Core Strategy.

35. Prior to the commencement of the HVDC Cable Development (other than survey work), a Construction Environmental Management Plan (CEMP) for the HVDC Cable Development incorporating the provisions of the submitted Outline CEMP shall be submitted to the Local Planning Authority and approved in writing.

    The CEMP for the HVDC Cable Development shall include:
    - An Access Management Plan detailing the management of public highways and public or permissive rights-of-way during the works;
    - An External Lighting Plan detailing any temporary external lighting required during the construction period;
    - A Noise and Vibration Plan in accordance with British Standard 5228 detailing how noise and vibration will be controlled and mitigated during the works;
    - A Dust Management Plan detailing how dust and other airborne emissions will be controlled and mitigated during the works;
    - A Soil Management Plan to be informed by pre-construction soil surveys in accordance with Natural England guidelines incorporating the provisions of the

submitted Outline Soil Management Plan detailing how soil resources will be protected during the works;

- A Construction Ecological Management Plan incorporating relevant Species Protections Plans (SPPs) to be informed by updated pre-construction surveys detailing how sensitive species and habitats will be protected during the works including where necessary the identification of "biodiversity protection zones", the location and timing of sensitive works to avoid harm to biodiversity features, the times during construction when specialist ecologists need to be present on site to oversee works, responsible persons and lines of communication, the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person and the use of protective fences, exclusion barriers and warning signs;
- An Invasive and Non-Native Species (INNS) method statement detailing how INNS encountering during the works will be managed.
- A Site Waste Management Plan detailing how waste generated during construction will be managed;
- A Pollution Prevention and Emergency Incident Response Plan setting out measures to prevent pollution and procedures to be followed in the event pollution is encountered or released.
- A Communications Plan including a point of contact for local residents and businesses, and a procedure for all complaints to be reported to the Local Planning Authority.

Thereafter, the HVDC Cable Development hereby granted, shall be carried out in accordance with the approved CEMP.

Reason: In the interests of highway safety, amenity and ecology and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and saved Policies ENV1, ENV2, T1 and T2 of the Selby District Local Plan.

36. Prior to the commencement of HVDC Cable Development (other than survey work), a Construction Traffic Management Plan (CTMP) incorporating the provisions of the submitted Outline CTMP shall be submitted to and approved in writing by the Local Planning Authority. The Plan must include, but not be limited, to arrangements for the following in respect of the HVDC Cable Development:
    - details of any temporary construction access to the site including measures for removal following completion of construction works;
    - wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
    - the parking of contractors' site operatives and visitor's vehicles;
    - areas for storage of plant and materials used in constructing the development clear of the highway;
    - measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
    - details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
    - protection of carriageway and footway users at all times during demolition and construction;
    - protection of contractors working adjacent to the highway;

- erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
- an undertaking that there must be no burning of materials on site at any time during construction;

The HVDC Cable Development hereby granted shall be carried out in strict accordance with the approved CTMP.

Reason: In the interest of highway safety and in order to comply with saved Policies ENV1, T1 and T2 of the Selby District Local Plan.

37. Prior to the commencement of the HVDC Cable Development (other than survey work), a Construction Worker Travel Plan (CWTP) shall be submitted to and approved in writing by the Local Planning Authority. The HVDC Cable Development hereby granted shall be carried out in strict accordance with the approved CWTP.

    Reason: To establish measures to encourage more sustainable non-car modes of travel and in order to comply with saved Policies T1 and T2 of the Selby District Local Plan.

38. Prior to the commencement of the HVDC Cable Development (other than survey work), a Construction Drainage Scheme showing the method and working of temporary drainage facilities, including surface and foul water drainage on the site associated with the HVDC Cable Development shall be submitted to and approved in writing by the Local Planning Authority. The HVDC Cable Development shall be carried out in accordance with the approved scheme.

    Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.

39. Prior to the commencement of the HVDC Cable Development (other than survey work) a scheme to ensure permanent watercourse crossing infrastructure is designed to allow access for construction and maintenance of existing or proposed flood risk infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details in respect of the HVDC Cable Development:
    - Ensure access to allow maintenance of existing flood defences, or to improve flood defences;
    - Permanent infrastructure must be installed at a minimum depth below the hard bed of any main river watercourse (or flood defences where present).

    The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements.

    Reason: To ensure the structural integrity of the riverbed, banks of river and existing flood defences thereby reducing the risk of flooding. To ensure that any planned future flood infrastructure is considered. To reduce the risk of flooding to the proposed development and future users.

40. Prior to the commencement of the HVDC Cable Development (other than survey work) a construction scheme shall be submitted to and approved in writing by the

Local Planning Authority. The scheme shall include, but not restricted to, the following in respect of the HVDC Cable Development:

- All main river watercourse crossings shall be carried out using trenchless techniques;
- Confirmation of any reception pits (or similar), including details of proximity to any main river watercourse or its associated flood infrastructure (such as embankment);
- Details of any access or haul roads within flood risk areas, and any mitigation required to ensure no increase in risk elsewhere;
- Ensure Environment Agency is able to access, operate or maintain existing flood infrastructure (including flood defences) associated with any main river watercourse during the construction phase;
- Adhere to all recommendations as set out in the Flood Risk Assessment (ref. Environmental Statement Appendix 11B dated May 2022 by Capita);
- Temporary watercourse crossings and compounds should be removed (or decommissioned) after completion of the construction phase.

The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements.

Reason: To ensure that there are no detrimental impacts to flood storage or flood flow routes. To ensure the structural integrity of existing flood defences thereby reducing the risk of flooding. To reduce the risk of flooding to the proposed development and future users.

41. Works to install the HDVC cable below the River Ouse shall not commence until installation details have been submitted to and approved in writing by the Local Planning Authority. Details shall include:
    - Detailed methodology for the installation of the cable;
    - Cross sections showing the depth of the cable below the River Ouse, including information on the strata at each side of the river;
    - The diameter of the duct proposed below the river; and
    - The location of the launch pits in relation to the river.

    The HVDC Cable Development shall be carried out in strict accordance with the approved details.

    Reason: To ensure the works do not damage the river bed and are a suitable depth to avoid the risk of exposure from future erosion or dredging works.

42. Prior to the commencement of the HVDC Cable Development (other than survey work), a written scheme of further archaeological evaluation and an Archaeological Mitigation Strategy shall be submitted to and approved in writing by the Local Planning Authority.

    The scheme of further archaeological evaluation shall provide for:
    - the proper identification and evaluation of the extent, character and significance of archaeological deposits (e.g. at site AECOMM 16) within the application area where this is not already understood;
    - an assessment of the impact of the proposed development on the archaeological significance of the remains.

The Archaeological Mitigation Strategy shall be prepared subsequent to the implementation of the approved scheme of further archaeological evaluation and shall include:

- The programme and methodology of site investigation and recording
- Community involvement and/or outreach proposals
- The programme for post investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No HVDC Cable Development shall take place other than in accordance with the approved Archaeological Mitigation Strategy.

Reason: In the interests of ensuring archaeological interests are properly assessed and recorded and in order to comply with saved Policy ENV28 of the Selby District Local Plan.

43. No construction work associated with associated with HVDC Cable Development shall take place on any part of the site on any Sunday or Bank Holiday, or on any other day except between the hours of 07.00 - 19.00 on Mondays to Fridays, or 08.00 - 17.00 on Saturdays, except:
    - in an emergency;
    - in respect of internal works only to the converter station following the erection of the converter station;
    - by prior notification in writing to the Local Planning Authority and receipt of their written agreement; or
    - where the existing background noise level, at any residential property, is not exceeded. The measurements and assessment of noise levels shall be made in accordance with BS 4142:2014.

    Reason: In the interest of amenity and in order to comply with saved Policies ENV1 and ENV2 of the Selby District Local Plan.

44. In the event that work associated with the HVDC Cable Development is carried out outside of the approved hours due to an emergency, the developer shall notify the Local Planning Authority, as soon as practicable, and shall within no more than 7 days of the incident provide a written statement, detailing the nature of the emergency and the reasons why such work was necessary.

    Reason: In the interest of amenity and in order to comply with saved Policies ENV1 and ENV2 of the Selby District Local Plan.

45. Prior to commencement of the HVDC Cable Development (other than survey work), a site investigation and risk assessment must be undertaken to assess the nature, scale and extent of any land contamination and the potential risks to human health, groundwater, surface water and other receptors. A written report of the findings must be produced and is subject to approval in writing by the Local Planning Authority. It is

strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination.

46. Where the site investigation and risk assessment referred to in Condition 45 show remediation works to be necessary, the HVDC Cable Development shall not commence until a detailed remediation strategy has been be submitted to and approved in writing by the Local Planning Authority. The remediation strategy must demonstrate how the site will be made suitable for its intended use and must include proposals for the verification of the remediation works. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

    Reason: To ensure that the proposed remediation works are appropriate and will remove unacceptable risks to identified receptors.

47. Prior to first use of the HVDC cable, remediation works should be carried out in accordance with the remediation strategy approved under Condition 46. On completion of those works, a verification report (which demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

    Reason: To ensure that the agreed remediation works are fully implemented and to demonstrate that the site is suitable for its proposed use with respect to land contamination. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990.

48. In the event that unexpected land contamination is found at any time when carrying out the HVDC Cable Development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and, if remediation is necessary, a remediation strategy must be prepared, which is subject to approval in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation strategy, a verification report must be submitted to and approved in writing by the Local Planning Authority. It is strongly recommended that all reports are prepared by a suitably qualified and competent person.

    Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination.

49. Within 6 months of commissioning of the HVDC cable, the developer shall submit to the Local Planning Authority an ‘as-built’ plan, showing full details of the cable route’s final alignment including the positions of all joint bays.

    Reason: In order to confirm the cable routes final alignment.

    <u>HVAC Cable Development</u>

50. The HVAC Cable Development shall not commence until a Construction Phasing Plan (CPP) has been submitted to and approved in writing by the Local Planning Authority. The CPP shall set out the phases of the works. Thereafter, the HVAC Cable Development shall be carried out in strict accordance with the approved CPP.

    Reason: In order to secure the programming and phasing of, and an orderly pattern to, the development.

51. The HVAC Cable Development shall take place until a Construction Method Statement (CMS) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CMS shall define the construction and installation methods including crossing methods for the HVAC Cable Development. The HVAC Cable Development shall be carried out in strict accordance with the approved CMS.

    Reason: In the interests of amenity and in order to comply with saved Policies ENV1 of the Selby District Local Plan and Policies SP17, SP18 and SP19 of the Core Strategy.

52. Prior to the commencement of the HVAC Cable Development hereby granted (other than survey work), an Aboricultural Method Statement, Tree Survey and Tree Protection Plan, to BS5837:2012, shall be submitted to and approved in writing by the Local Planning Authority. This should demonstrate how all existing trees and hedgerows to be retained will be protected during the construction period for the HVAC Cable Development. The HAVC Cable Development shall thereafter be carried out in accordance with the approved details.

    Reason: In the interests of visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

53. No HVAC Cable Development shall take place until a Land Restoration Scheme for that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include landscape protection, replacement, and reinstatement, and a timetable for their implementation. On the completion of the HVAC Cable Development and following the cessation of use of any associated temporary works compounds, works areas and haul roads, the land shall be reinstated in accordance with the approved scheme.

    Reason: In the interests of amenity and in order to comply with saved Policies ENV1 of the Selby District Local Plan and Policies SP17, SP18 and SP19 of the Core Strategy.

54. Prior to the commencement of the HVAC Cable Development (other than survey work), a Construction Environmental Management Plan (CEMP) for the HVAC Cable Development incorporating the provisions of the submitted Outline CEMP has been submitted to the Local Planning Authority and approved in writing.

    The CEMP for the HVAC Cable Development shall include:

- An Access Management Plan detailing the management of public highways and public or permissive rights-of-way during the works;
- An External Lighting Plan detailing any temporary external lighting required during the construction period;
- A Noise and Vibration Plan in accordance with British Standard 5228 detailing how noise and vibration will be controlled and mitigated during the works;
- A Dust Management Plan detailing how dust and other airborne emissions will be controlled and mitigated during the works;
- A Soil Management Plan to be informed by pre-construction soil surveys in accordance with Natural England guidelines incorporating the provisions of the submitted Outline Soil Management Plan detailing how soil resources will be protected during the works;
- A Construction Ecological Management Plan incorporating relevant Species Protections Plans (SPPs) to be informed by updated pre-construction surveys detailing how sensitive species and habitats will be protected during the works including where necessary the identification of "biodiversity protection zones", the location and timing of sensitive works to avoid harm to biodiversity features, the times during construction when specialist ecologists need to be present on site to oversee works, responsible persons and lines of communication, the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person and the use of protective fences, exclusion barriers and warning signs;
- An Invasive and Non-Native Species (INNS) method statement detailing how INNS encountering during the works will be managed.
- A Site Waste Management Plan detailing how waste generated during construction will be managed;
- A Pollution Prevention and Emergency Incident Response Plan setting out measures to prevent pollution and procedures to be followed in the event pollution is encountered or released.
- A Communications Plan including a point of contact for local residents and businesses, and a procedure for all complaints to be reported to the Local Planning Authority.

Thereafter, the HVAC Cable Development is hereby granted, shall be carried out in accordance with the approved CEMP.

Reason: In the interests of highway safety, amenity and ecology and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and saved Policies ENV1, ENV2, T1 and T2 of the Selby District Local Plan.

55. Prior to the HVAC Cable Development, a Construction Traffic Management Plan (CTMP) incorporating the provisions of the submitted Outline CTMP shall be submitted to and approved in writing by the Local Planning Authority. The Plan must include, but not be limited, to arrangements for the following in respect of the HVAC Cable Development:
    - details of any temporary construction access to the site including measures for removal following completion of construction works;
    - wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
    - the parking of contractors' site operatives and visitor's vehicles;

- areas for storage of plant and materials used in constructing the development clear of the highway;
- measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
- details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
- protection of carriageway and footway users at all times during demolition and construction;
- protection of contractors working adjacent to the highway;
- erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
- an undertaking that there must be no burning of materials on site at any time during construction;

The HVAC Cable Development hereby granted shall be carried out in strict accordance with the approved CTMP.

Reason: In the interest of highway safety and in order to comply with saved Policies ENV1, T1 and T2 of the Selby District Local Plan.

56. Prior to the commencement of the HVAC Cable Development (other than survey work), a Construction Worker Travel Plan (CWTP) shall be submitted to and approved in writing by the Local Planning Authority. The HVAC Cable Development hereby granted shall be carried out in strict accordance with the approved CWTP.

    Reason: To establish measures to encourage more sustainable non-car modes of travel and in order to comply with saved Policies T1 and T2 of the Selby District Local Plan.

57. Prior to the HVAC Cable Development. a Construction Drainage Scheme showing the method and working of temporary drainage facilities, including surface and foul water drainage on the site associated with the specified phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

    Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.

58. No construction work associated with associated with the HVAC Cable Development shall take place on any part of the site on any Sunday or Bank Holiday, or on any other day except between the hours of 07.00 – 19.00 on Mondays to Fridays, or 08.00 – 17.00 on Saturdays, except:
    - in an emergency;
    - in respect of internal works only to the converter station following the erection of the converter station;
    - by prior notification in writing to the Local Planning Authority and receipt of their written agreement; or
    - where the existing background noise level, at any residential property, is not exceeded. The measurements and assessment of noise levels shall be made in accordance with BS 4142:2014.

Reason: In the interest of amenity and in order to comply with saved Policies ENV1 and ENV2 of the Selby District Local Plan.

59. In the event that work associated with the HVAC Cable Development is carried out outside of the approved hours due to an emergency, the developer shall notify the Local Planning Authority, as soon as practicable, and shall within no more than 7 days of the incident provide a written statement, detailing the nature of the emergency and the reasons why such work was necessary.

    Reason: In the interest of amenity and in order to comply with saved Policies ENV1 and ENV2 of the Selby District Local Plan.

60. Prior to the HVAC Cable Development, a site investigation and risk assessment must be undertaken to assess the nature, scale and extent of any land contamination and the potential risks to human health, groundwater, surface water and other receptors. A written report of the findings must be produced and is subject to approval in writing by the Local Planning Authority. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

    Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination.

61. Where the site investigation and risk assessment referred to in Condition 60 show remediation works to be necessary, the HVAC Cable Development shall not commence until a detailed remediation strategy has been be submitted to and approved in writing by the Local Planning Authority. The remediation strategy must demonstrate how the site will be made suitable for its intended use and must include proposals for the verification of the remediation works. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

    Reason: To ensure that the proposed remediation works are appropriate and will remove unacceptable risks to identified receptors.

62. Prior to first use of the HVAC cable, remediation works should be carried out in accordance with the remediation strategy approved under Condition 61. On completion of those works, a verification report (which demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

    Reason: To ensure that the agreed remediation works are fully implemented and to demonstrate that the site is suitable for its proposed use with respect to land contamination. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990.

63. In the event that unexpected land contamination is found at any time when carrying out the HVAC Cable Development is hereby granted, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and, if remediation is necessary, a remediation strategy must be prepared, which is subject to approval in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation strategy, a verification report must be submitted to and approved in writing by the Local Planning Authority. It is strongly recommended that all reports are prepared by a suitably qualified and competent person.

Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination.

64. Within 6 months of commissioning of the HVAC cable, the developer shall submit to the Local Planning Authority an 'as-built' plan, showing full details of the cable route's final alignment including the positions of all joint bays.

Reason: In order to confirm the cable routes final alignment.

Informatives

01. The Applicant is advised that any reserved matters application submitted pursuant to condition 2 shall include:
    - full details of materials to be used for the external surfaces of the buildings, outdoor electrical infrastructure, which should be a suitable recessive colour to reduce overall visibility.
    - full details of boundary treatments and security fencing, which should be weldmesh fencing of a dark green colour, or a suitable recessive colour to reduce overall visibility.

02. The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

03. COAL AUTHORITY - LOW RISK AREA
    The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority. Standing Advice valid from 1st January 2023 until 31st December 2024.

04. The applicant is advised to contact the Canal & Rivers Trust's Works Engineering Team at enquiries.TPWNorth@canriverstrust.org.uk or via switchboard at 0303 040 4040 prior to the commencement of any works in proximity to the River Ouse in order to ensure that any necessary consents are obtained prior to the commencement of works.

05. Environmental permit - advice to applicant. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
    - on or within 8 metres of a main river (16 metres if tidal)
    - on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
    - on or within 16 metres of a sea defence
    - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
    - in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

    For further guidance please visit https://www.gov.uk/guidance/flood-risk-activities-environmental-permits or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

06. Flood mitigation & Finished Floor Levels - advice to applicant.
    The FRA sets out the minimum Finished Floor Levels to comply with the current Planning Practice Guidance. Additionally, it is understood that the developer will provide mitigation to a higher standard, as set out in the FRA and the additional technical note. The condition requires that a freeboard is included above the estimated flood depths to account for uncertainty. You may wish to refer to this guidance - Accounting for residual uncertainty: an update to the fluvial freeboard guide - GOV.UK (www.gov.uk).

07. Yorkshire Water company records indicate a water main crosses the red line site boundary. The presence of the main may affect the layout of the site. The exact line of the main will have to be determined on site under Yorkshire Water Services supervision. It may be possible for the main to be diverted under s.185 of the Water Industry Act 1991. These works would be carried out at the developer's expense. The cost of these works may be prohibitive.

    To provide adequate protection of the public water supply the following guidance will apply for crossings of water mains and construction in the vicinity of water mains:
    a.) The depth of water mains has not historically been recorded therefore the depth of any mains may not be between 750mm and 900mm and must be determined by excavation.
    b.) Yorkshire Water requires a minimum clearance of 150mm where apparatus crosses above or below a water main for main sizes up to 250mm diameter.
    c.) Yorkshire Water requires a minimum clearance of 300mm where apparatus crosses above or below a water main for main sizes greater than 250mm diameter.
    d.) Where crossings are proposed above or below water mains of diameter greater than 250mm. Yorkshire Water will require each one to be assessed individually by consultation with tech.support.engineer.east@yorkshirewater.co.uk.

    Where apparatus is to be installed underneath a water main by open-cut method then a system of support must be provided to prevent any settlement or movement of the main. Any exposed joints must be fully supported.
    a.) Any loading from construction traffic above water mains must be distributed so that the water mains are not subjected to loading greater than that of normal traffic.

    If site compounds or other structures are proposed above water mains then the mains

must be diverted at the applicant's expense so that Yorkshire Water's continual right of unrestricted access is retained in accordance with Section 159 of the Water Industry Act 1991 provides that the water supply undertaker (YW) may "inspect, maintain, adjust, repair or alter" the pipes. These rights are given to enable the water supply undertaker (YW) to perform its statutory duties.

No building may be erected, and no storage of materials take place within the following distances. Alternatively the applicant could request water mains diversions at their expense.
Mains less than 200mm diameter: 6 metres (ideally 3 metres either side of the pipe centreline)
Mains 200 - 600 mm diameter: 10 metres (nominally 5 metres either side of the pipe centreline)
Mains above 600mm diameter: 12 metres (nominally 6 metres either side of the pipe centreline)

08. On the Statutory Sewer Map, there is a 150mm diameter public foul water rising recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. It may not be acceptable to raise or lower ground levels over the sewer and we will not accept any inspection chambers on the sewer to be built over. In this instance, a stand-off distance of 3 (three) metres is required at each side of the sewer centre-line and it may not be acceptable to raise or lower ground levels over the sewer, nor to restrict access to the manholes on the sewer. A proposal by the developer to alter/divert a public sewer will be subject to Yorkshire Water's requirements and formal procedure in accordance with Section 185 Water Industry Act 1991.

09. There is a Public Right of Way or a 'claimed' Public Right of Way within or adjoining the application site boundary.
If the proposed development will physically affect the Public Right of Way permanently in any way an application to the Local Planning Authority for a Public Path Order/Diversion Order will need to be made under S.257 of the Town and Country Planning Act 1990 as soon as possible.

If the proposed development will physically affect a Public Right of Way temporarily during the period of development works only, an application to the Highway Authority (North Yorkshire Council) for a Temporary Closure Order is required.

The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as an alternative route has been provided by either a temporary or permanent Order.

It is an offence to obstruct a Public Right of Way and enforcement action can be taken by the Highway Authority to remove any obstruction.

If there is a "claimed" Public Right of Way within or adjoining the application site boundary, the route is the subject of a formal application and should be regarded in the same way as a Public Right of Way until such time as the application is resolved.

Where public access is to be retained during the development period, it shall be kept free from obstruction and all persons working on the development site must be made aware that a Public Right of Way exists, and must have regard for the safety of Public Rights of Way users at all times.

Applicants should contact North Yorkshire Council's Countryside Access Service at County Hall, Northallerton via CATO@northyorks.gov.uk to obtain up-to-date information regarding the exact route of the way and to discuss any initial proposals for altering the route.

Target Determination Date: 11.08.2023

Case Officer: Jenny Tyreman, jenny.tyreman@northyorks.gov.uk

Appendix A – Proposed Layout Plan