North Yorkshire Council

Local Impact Report

Light Valley Solar
EN0110012

NORTH YORKSHIRE COUNCIL

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1. Introduction

1.1. This report comprises the Local Impact Report (LIR) of North Yorkshire Council (NYC), the Authority.

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

2. Scope

2.1. This LIR only relates to the impact of the proposed development as it affects the administrative area of NYC.

2.2. The LIR relies upon the Applicant's description of the development as set out in Chapter 2 of the Environmental Statement (document reference APP-040).

2.3. The primary purpose of the LIR is to identify any potential local impacts of the proposed development and identify the relevant national and local planning policies in so far as they are relevant to the proposed development, and the extent to which the proposed development accords with the policies identified.

2.4. Topic-based headings set out how the Authority considers the proposed development accords with the relevant planning policies and any potential local impacts of the development.

2.5. Key issues identified by the Authority are set out within the topic headings in the supporting commentary in respect of the extent to which the Applicant has sought to address issues raised by the Authority, with reference to relevant Application documents (including the articles and requirements of the draft Development Consent Order (DCO).

2.6. Whilst a number of matters raised within the LIR have previously been set out in the Authority's s.56 PA2008 consultation response, they are repeated here for completeness and clarity for the benefit for the Examining Authority (ExA).

3. Description of the Area

3.1. The LIR relies upon the Applicant's description of the site and surrounding area as set out in Chapter 2 of the Environmental Statement (document reference APP-040).

4. Planning Policy

4.1. All national and local planning policies considered relevant to the consideration of this Application are listed below.

National Policy Statements

4.2. The relevant National Policy Statements (NPSs) include the Overarching National Policy Statement for Energy (EN-1), 2025 (Department for Energy and Net Zero, 2026) and the National Policy Statement for Renewable Energy Infrastructure (EN-3), 2025 (Department of Energy and Net Zero, 2026).

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

National Planning Policy Framework

4.4. The National Planning Policy Framework (NPPF) was originally adopted in March 2012 and most recently updated in December 2024. Paragraph 5 of the NPPF sets out that the document does not contain specific policies for Nationally Significant Infrastructure Projects (NSIPs) which are to be determined in accordance with the decision-making framework in the PA2008 and relevant NPSs, as well as any other matters which are relevant, which may include the NPPF.

4.5. The policies contained within the NPPF are expanded upon and supported by the Planning Practice Guidance (PPG), which was originally published in March 2014 and is updated regularly with changes to government guidance.

Development Plan

4.6. The development plan for Selby District comprises various documents including the Selby District Core Strategy Local Plan (adopted 22nd October 2013); those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy; the Minerals and Waste Joint Plan (adopted 16 February 2022); and the adopted Escrick neighbourhood plan..

4.7. The relevant Selby District Core Strategy Local Plan Policies are:

a) Policy SP1: Presumption in Favour of Sustainable Development
b) Policy SP2: Spatial Development Strategy
c) Policy SP12: Access to Services, Community Facilities and Infrastructure
d) Policy SP13: Scale and Distribution of Economic Growth
e) Policy SP15: Sustainable Development and Climate Change
f) Policy SP16: Improving Resource Efficiency
g) Policy SP17: Low-Carbon and Renewable Energy
h) Policy SP18: Protecting and Enhancing the Environment
i) Policy SP19: Design Quality

4.8. The relevant Selby District Local Plan Policies are:

a) Policy ENV1: Control of Development
b) Policy ENV2: Environmental Pollution and Contaminated Land
c) Policy ENV3: Light Pollution
d) Policy ENV9: Sites of Importance for Nature Conservation
e) Policy ENV12: River and Stream Corridors
f) Policy ENV13: Development Affecting Ponds
g) Policy ENV27: Scheduled Monuments and Important Archaeological Sites

h) Policy ENV28: Other Archaeological Remains
i) Policy T1: Development in Relation to the Highway Network
j) Policy T2: Access to Roads
k) Policy T7: Provision for Cyclists
l) Policy T8: Public Rights of Way
m) Policy CS6: Development Contributions to Infrastructure and Community Facilities

4.9. The relevant Minerals and Waste Joint Plan Policies include:

a) Policy S01: Safeguarding minerals resources
b) Policy S02: Developments proposed within Minerals Safeguarding Areas
c) Policy S06: Consideration of applications in Consultation Areas

4.10 The relevant Escrick Neighbourhood Plan Policies are:

a) Policy NE1: Green Infrastructure
b) Policy NE2: Green Space Connectivity

Emerging Local Plan

4.11 The Emerging Local Plan for this site was the Selby Local Plan revised publication 2024 (reg 19). Following reports to committee and finally to North Yorkshire Councils Full Council on 26 February 2025, work on the ELP has ceased.

4.12 Having regard to the above no weight is to be applied to the Selby District Council Local Plan publication 2024 (Reg 19), but sme weight may be able to be given to the evidence base.

4.13 The North Yorkshire Local Plan is the emerging development plan for this site however no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

Other Relevant Policies/Guidance

4.14 Other Relevant Policies and guidance include:

a) Selby District Council Contaminated Land Strategy 2019-2024
b) Green Infrastructure Framework – Principles and Standards for England

Relevant Planning History

4.15 The LIR relies on the Applicant's summary of the relevant planning history as set out in Section 05.02.01 Planning Statement Appendix 1 Planning History (document reference APP-208).

5 Assessment of Impacts

5.1 The following sections identify the relevant national and local planning policies and how the application accords with them.

5.2 The following sections also consider the adequacy of assessment for each identified subject area and any potential impacts.

5.3 The baseline against which each subject area has been assessed is discussed, setting out the Authority's views in respect of the adequacy of the assessments carried out, the base line data against which assessments have been based, and any mitigation proposed.

5.4 The extent to which the Applicant has addressed identified impacts and assessed them adequately, complying with local planning policy, has also been considered.

6 Principle of Development

6.1 The relevant local plan policies are:

a) Policy SP1 of the Selby District Core Strategy Local Plan – Presumption in Favour of Sustainable Development

b) Policy SP2 of the Core Strategy Local Plan – Spatial Development Strategy

c) Policy SP13 of the Core Strategy Local Plan – Scale and Distribution of Economic Growth

d) Policy SP17 of the Core Strategy Local Plan – Low Carbon and Renewable Energy

6.2 Local planning policies support the proposed development in principle.

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

6.4 Policy SP2 of the Core Strategy outlines the Council's approach to the delivery of future development within its District, adopting a hierarchical spatial strategy focussing the majority of new development in towns and sustainable villages. Specifically, SP2A (c) relates to development located within the open countryside and states "*Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special*

circumstances."

6.5 Policy SP13 of the Core Strategy states "*In rural areas, sustainable development (on both Greenfield and Previously Developed Sites) which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported*."

6.6 Policy SP17 of the Core Strategy is generally supportive of low carbon and renewable energy developments, subject to consideration of local environmental impacts.

Adequacy of Application/DCO

6.7 The Application identifies the relevant local planning policies within the Development Plan against which the application is to be assessed.

6.8 The Authority notes the national need for energy security and provision and the national policy position contained in the National Policy Statements regarding renewable energy.

7 Noise and Vibration

Relevant Local Planning Policies

7.1 The relevant local planning policies are:

a) Policy ENV1 of the Selby District Local Plan – Control of Development

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

c) Policy SP13 of the Selby District Core Strategy Local Plan– Scale and Distribution of Economic Growth

d) Policy SP17 of the Selby District Core Strategy Local Plan – Low Carbon and Renewable Energy

e) Policy SP19 of the Selby District Core Strategy Local Plan – Design Quality

Commentary

7.2 In providing these comments the Authority has reviewed the information supplied within the Environmental Statement – Chapter 11 (document reference APP-049) and associated appendices including the outline CEMP.

7.3 The Environmental Statement (ES) presents a comprehensive and robust assessment of noise and vibration impacts across all phases of development. Baseline conditions reflect a typical rural sound environment.

7.4 Construction and construction traffic impacts are predicted to be temporary and not significant, with short-term activities such as night-time HDD limited in duration.

7.5 Operational noise modelling indicates that the majority of receptors would experience noise levels at or close to existing background sound levels. At a limited number of receptors in closest proximity to fixed plant infrastructure, exceedances of up to approximately 5–10 dB above background sound levels

are predicted, however, taking into account absolute noise levels and relevant guidance, these are not considered significant in EIA terms.

7.6 A range of embedded mitigation measures, including plant siting, orientation, acoustic screening and selection of low-noise equipment, has been incorporated into the scheme design, and further optimisation is proposed at the detailed design stage.

Key Local Issues

7.7 Key local issues are as follows:

- Localised exceedances of up to approximately 5–10 dB above background sound levels at receptors nearest to plant infrastructure represent a potential for adverse impact, particularly during night-time periods.
- Operational noise outcomes remain sensitive to final plant layout, specification and detailed design.
- Mitigation measures are currently defined at an outline level and will be refined at detailed design stage.
- A clear and enforceable operational noise limit is not explicitly set out at this stage and
- Commitments to post-construction monitoring, verification and remedial action require securing through the Development Consent Order (DCO).

Adequacy of Application / DCO

7.8 The approach to noise and vibration assessment and mitigation is acceptable in principle and the ES demonstrates that no significant adverse effects are predicted. However, given the presence of localised exceedances above background sound levels and the reliance on detailed design and outline mitigation measures, it is important that robust controls are secured through the DCO. This should include a clear operational noise design criterion relative to background sound levels at sensitive receptors, the requirement for detailed Construction and Operational Environmental Management Plans, provision for post-construction noise monitoring and verification, and mechanisms for remedial action where necessary.

7.9 In addition, given that the DCO includes provisions which may limit reliance on statutory nuisance controls, the securing of clear and enforceable noise controls within the DCO is essential to ensure the protection of residential amenity. Subject to these matters being secured, no objection is raised in respect of noise and vibration

8 Landscape

8.1 In preparing these comments the Council has had regard to the following national and local planning policies relevant to landscape and visual impact.

8.2 The principal national policy documents relevant to landscape and visual impact are:

- Overarching National Policy Statement for Energy (NPS EN-1, 2025), particularly Section 5.10 Landscape and Visual;
- National Policy Statement for Renewable Energy Infrastructure (NPS EN-3, 2025), particularly paragraphs 2.10.85 to 2.10.93 relating to the impacts of solar photovoltaic generation on landscape, visual and residential amenity and reference to Local Nature Recovery Strategies (LNRS) in paragraph 2.10.82.
- National Policy Statement for Electricity Networks Infrastructure (NPS EN-5, 2025);
- National Planning Policy Framework (NPPF, 2024), particularly Section 15 Conserving and Enhancing the Natural Environment; and
- Environmental Improvement Plan (2023); and
- Land Use Framework (2026)

8.3 The principal local planning policies relevant to landscape and visual impact are:

Selby District Core Strategy Local Plan (2013)

SP15 Sustainable Development and Climate Change

SP17 Low Carbon and Renewable Energy;

SP18 Protecting and Enhancing the Environment; and

SP19 Design Quality

Selby District Local Plan (Saved Policies) (2005)

ENV1 Impact on Local Amenity;

ENV3 Light Pollution;

ENV9 Sites of Importance for Nature Conservation; and

ENV15 Conservation and Enhancement of Locally Important Landscape Areas (LILA)

Other local policy:

8.4 The Council has considered published landscape character assessments that inform policy including North Yorkshire and York Landscape Characterisation Project (2011) and the Selby Landscape Character Assessment (2019).

8.5 The Council has considered the North Yorkshire and York Local Nature Recovery Strategy (LNRS) and the cumulative effects arising from multiple large-scale

energy infrastructure proposals within the former Selby district and wider Drax area.

Commentary

8.6 The Proposed Development is a very large-scale solar NSIP extending across multiple Solar Development Sites, a substantial Cable Route Corridor, Highway Improvement Areas and associated access land. The landscape and visual submission is complex and is supported by a substantial suite of documents, including ES Chapter 10 and related appendices and the Outline Environmental Masterplans, the Outline Construction Environmental Management Plan (OCEMP), the Outline Operational Environmental Management Plan (OOEMP) and the Outline Decommissioning Environmental Management Plan (ODEMP).

8.7 The Council considers that the Applicant has undertaken a broadly comprehensive landscape and visual assessment in accordance with established Landscape and Visual Impact Assessment (LVIA) principles.

8.8 The Council acknowledges that the Proposed Development has the potential to deliver benefits for landscape character and views, however, it considers that several landscape and visual matters require further scrutiny through Examination. These include:

- Removal of trees within Order Limits
- Effects of shading from vegetation being retained (e.g. site 1)
- The landscape and visual assessment for Site 2 and the proposed siting of the 275kV substation and battery energy storage system (BESS)
- Aspects of the Socio-Economic Chapter (Chapter 13) that interface with landscape and views, including Site 2
- Cumulative assessment
- User experience of public rights of way (PRoW) and permissive paths within the proposed solar sites
- Community benefits package
- Opportunities for enhancement
- Outline Decommissioning Environmental Management Plan (ODEMP)
- 10.
- Alignment of the Outline Landscape and Ecological Management Plan (OLEMP) with the Local Nature Recovery Strategy (LNRS)

Key Local Issues

(1) Removal of Trees and Hedgerows

8.9 The Arboricultural Impact Assessment indicates that up to 76 trees and a length of hedgerow (1543m) will need to be removed to facilitate the Proposed Development. It is unclear whether the applicant intends to replace this established green infrastructure and in which location as part of the DCO.

(2) Effects of shading from vegetation being retained (e.g. site 1)

8.10 The Outline Environmental Masterplans indicate the intention to retain some established trees (including some veterans) within some of the solar development sites (e.g. site 1). It is not clear what the effects arising from tree growth on shading of the solar panels might be in the future and whether the retained trees will be safeguarded from pruning and management. Further, clarification is required on protection measures for veteran trees.

(3) Assessment of Site 2 and siting of infrastructure

8.11 The Council has concerns related to the landscape and visual assessment of site 2 which proposes the siting of the 275kV substation and battery energy storage system (BESS) and their proximity to the A63 and their scale and massing. The A63 forms an important approach, via the Monk Fryston Conservation Area, to the historic centres for Selby and York. Visitors, tourists and potential investors use the route & first impressions of a place or area are important and tend to be lasting in the memory. Visitors, tourists and investors bring important economic benefits to North Yorkshire (see paragraph 7.4.7 below, that references the ES Socio-Economic Chapter).

8.12 The proposed compound area for the substation is 3.5 ha with a maximum height of 13 m to the top of the busbars. The proposed compound perimeter requires securing with a 3m high palisade fence. The proposed BESS compound area is 10.5 ha and enclosed by a 5m high solid acoustic barrier around the perimeter (reference Viewpoint 55 – ES Volume 3, Appendix 10.4: LVIA Photography and photomontages). The physical attributes of the substation and BESS are quite different to the solar installation panels and their combined frontage onto the A63 extends to 700m.

8.13 The Council does not consider that the impact of the substation and BESS have been sufficiently assessed evidenced by a review of the visual baseline and effects assessment tables for Viewpoints (VP) VP10, 11, 12 and 55 in Appendix 10.3 Visual Baseline and Effects. Nor does the siting of these two elements comply with some aspects of the Design Approach Document (DAD) and embedded mitigation has not been sufficiently considered. The Council references Paragraph 4.7.11 of NPS EN-1 states that *"the Secretary of State should be satisfied that the applicant has considered both functionality (including fitness for purpose and sustainability) and aesthetics (including its contribution to the quality of the area in which it would be located, any potential amenity benefits, and visual impacts on the landscape or seascape) as far as possible."*

8.14 The Council requests that the assessment of the substation and BESS requires further investigation during the Examination in terms of effects on landscape and views, embedded mitigation and mitigation proposals.

(4) Aspects of Socio-Economic context in relation to Site 2

8.15 In terms of relevant context, the Socio-Economic chapter (13) advises that tourism brought £4.06BN to the North Yorkshire and York economy in 2023 and

that in 2024, Selby benefited from 320,000 visitors with a £41.5M contribution to the local economy. The same chapter identifies a number of local Tourism and Recreation Assets and Local Businesses (Environmental Statement Volume 2 - Figure 13.1). The plan confirms there is a cluster of community & recreational facilities, local business and tourism accommodation in South Milford, Monk Fryston and Hambleton and all these assets have close proximity to the A63 for road access.

8.16 The A63 road corridor will enable access to many of the local Tourism and Recreation Assets and Local Businesses. The Council considers that further examination is required to establish whether the location, siting and mitigation of the substation and BESS would have a detrimental effect on the local economy, local community and first impressions of North Yorkshire for investors and visitors using the A63.

(5) Cumulative Assessment

8.17 The Landscape and Visual Impact Assessment includes a cumulative assessment with reference to a long list of in-combination effects and cumulative developments. Table 10-27 in Chapter 10 of the ES confirms 7 no. projects are relevant to the cumulative assessment. However, the table does not include development ID67 (Solar Farm AP/2025/0037/REF) which has a sizeable footprint and is in the vicinity of Sites 2, 3 and 4. The Council recommends that further examination to establish if there would be cumulative effects arising from site ID67 on landscape character areas (LCA) LCA11 Sherburn Farmlands, LCA13 Haddlesey Farmland and particularly viewpoints 11, 55 and 69.

(6) User experience of public rights of way (PRoW) and permissive paths

8.18 The applicant has included plans for a network of PRoW and permissive paths to facilitate greater public access to the countryside. In solar development site 4, there are proposals for lengthy stretches (1.5-2.0km) of PRoW and permissive path enclosed by solar arrays. It is unclear whether the design intention will provide sufficient visual interest for users in such constrained linear corridors with the inability to see beyond the immediate solar panels. Further the enclosed nature of these corridors may have no natural surveillance from others, so individual users (particularly women) may not feel safe to make use of this network. The Council recommends that this matter receives further examination, particularly a request for evidence of co-design with local communities to establish if these paths are likely to be used.

(7) Community Benefits package

8.19 Clarification is requested on the status of the Light Valley Solar community benefits package. The creation and management prescriptions identified in the OLEMP and illustrated by the Outline Environmental Masterplans combined with the proposed footpath networks, interpretation and waymarking could lend themselves to community involvement. The creation and management prescriptions could contribute to significant nature recovery and multifunctional benefits from nature in the area (flood risk management, carbon sequestration, pollination etc.), while the proposed footpath networks provide opportunities for

accessing nature and contributing to health and wellbeing, recreation and access to the countryside. The Council requests that this matter is further examined.

(8) Opportunities for Enhancement

8.20 Guidelines for Landscape and Visual Impact Assessment (GLVIA) recognises that mitigation is linked to significant adverse landscape and visual effects and is a requirement of the EIA Regulations. GLVIA also recognises the opportunity for enhancement to improve the landscape resource and visual amenity of the proposed development site and its wider setting, over and above its baseline condition. The Council is aware of other NSIPs where the applicant has provided enhancements to the landscape as a resource and visual amenity in addition to mitigation.

8.21 Receptors will experience a significant change in landscape and views during the construction of the scheme and from the beginning of operation. At paragraph 10.10.3 of Chapter 10, it is stated that *'it takes time for proposed planting to establish and not possible to further mitigate adverse effects on the landscape and people's views at Year 1.*

8.22 At paragraph 10.10.5 it is stated that '*In relation to the mitigation proposals in respect of Glint and Glare, discussion of this is set out in The Glint and Glare Assessment included as Appendix 16.4 [EN0110012/APP/LVS/06.03.16.04] (ES Volume 3)'.*

8.23 The Council is aware that some advanced planting is proposed to reduce the risk of glint and glare near roads and other sensitive receptors from the beginning of operation. The Council requests that the examination further investigates the opportunities for advance planting (in advance of operation) to address the adverse effects on sensitive receptors and improve the landscape and visual environment.

(9) Outline Decommissioning Environmental Management Plan (ODEMP)

8.24 Subsection 2.1 of the ODEMP sets out decommissioning activities, with paragraph 2.1.2 describing the removal of above-ground physical infrastructure and each solar development site restored to its current use and returned to the landowner. It states that post-decommissioning the landowners may return all the land to arable use, and by implication that would include established hedgerows and woodlands forming part of the mitigation planting. However, the paragraph concludes with an expectation that established habitats would be retained. The Council is concerned that some of the extensive areas of green infrastructure to be established as part of the mitigation measures may be at risk of removal without mechanisms for its protection. Removal of extensive areas of green infrastructure would be contrary to national and local policy. The Council recommends that mechanisms for working with landowners to retain and protect green infrastructure during operation and subsequent decommissioning should be explored and that this matter is considered further during the examination. As an example, hedgerows as linear green infrastructure are highly efficient in terms of limited land take and yet provide many multifunctional benefits as set out in

paragraph 7.4.17. The Land Use Framework sets out the importance of addressing the 'trap' of inefficient land use through spatial optimisation. The retention of established green infrastructure would contribute to that optimisation.

8.25 The Outline Landscape and Ecological Management Plan (OLEMP) at paragraph 4.3.13 advises that up to 35km of new hedgerow, including some hedgerow trees, are proposed as part of the Proposed Development. However, there is no reference to the Hedgerow Regulations (1997) and Management of Hedgerows (2024) in the ODEMP in respect of the need for protection and management of established hedgerows prior to the return of land to landowners. During the lifetime of the scheme, an established 35km network of hedgerow will provide a significant contribution to landscape character and views and many other outcomes including benefits for biodiversity, flood risk management, soil protection, improvements to water quality and carbon sequestration (etc.) Green infrastructure is critical infrastructure in helping to mitigate the effects of and adapting to climate change. The Council recommends that this matter is considered further during the examination.

8.26 Further to the potential removal of mitigation planting during decommissioning, the Landscape Baseline and Effects (Volume 3 – Appendix 10.2) and Visual Baseline and Effects (Volume 3 – Appendix 10.3) do not assess this scenario in terms of their respective receptors.

8.27 Table 3-7 titled 'Arboriculture' confirms that tree protection measures during decommissioning will follow the 'industry standard' process of conducting a tree survey and Arboriculture Impact Assessment/Arboricultural Method Statement (ArbMS) in line with BS 5837:2012 or subsequent Update. This process is to be undertaken ahead of any decommissioning works that will set out the measures to be followed to minimise tree loss or damage. Works in close proximity of retained trees will follow the current best practice, defined in BS 5837:2012 Trees in Relation to Construction (or subsequent update).

<u>(10) Alignment of the Outline Landscape and Ecological Management Plan with the Local Nature Recovery Strategy (LNRS)</u>

8.28 The Council considers that the OLEMP provides a generally appropriate framework for landscape and visual enhancement and long-term management. It contains a range of measures likely to deliver landscape and multifunctional green infrastructure (GI) benefits, including hedgerow planting, grassland creation, ditch management, woodland and scrub planting and long-term management prescriptions.

8.29 The Council considers that there is opportunity for the OLEMP to be strengthened in terms of alignment with the North Yorkshire and York Local Nature Recovery Strategy (LNRS). This alongside confirmation of green infrastructure multifunctional benefits (or benefits from nature) arising from the creation and management prescriptions in the OLEMP. Further, the document should be more explicit about which prescriptions align with the LNRS overarching priorities and the priorities in the seven 'habitat' categories and their

associated measures (actions). The LNRS Local Habitat Map is clear that measures (actions) can be undertaken across the geography of North Yorkshire and York and not just focussed on the LNRS strategic nature network.

Adequacy of Application / DCO

8.30 The Council considers that the application provides a broadly comprehensive landscape and visual assessment and that the draft DCO includes the principal mechanisms required to secure landscape mitigation and associated elements such as means of enclosure, signs, interpretation boards or any other information display boards.

8.31 The key landscape-related requirements under Schedule 1 – Authorised Development are Work No. 6 clauses (a - fencing, gates, boundary treatment and other means of enclosure), (c - landscaping and biodiversity mitigation and enhancement measures including planting), (f - temporary footpath diversions, signage and information boards), (i – acoustic barriers); Work No. 9 (9A & 9B) – works to create and maintain green infrastructure, Work No. 10 (10A & 10B) – creation of permissive paths.

8.32 The key landscape-related requirements are under Schedule 2 (Requirements) are securing Requirement 6 – Landscape and ecological management plan; Requirement 12, securing the Construction Environmental Management Plan; Requirement 13, securing the Operational Environmental Management Plan; and Requirement 19, securing the Decommissioning Environmental Management Plan.

8.33 Under Requirement 6, no part of the authorised development may commence until a written landscape and ecological management plan (LEMP) has been submitted to and approved by the relevant planning authority. As part of the LEMP, clarification will be required on the scoping and frequency of auditing/monitoring visits and subsequent reporting and sign off by the Council on this matter.

8.34 On a related matter, the mechanism for approval of the detailed landscape proposals arising from the Outline Environmental Masterplans (1:2,500 scale) needs to be confirmed with the Council.

8.35 Under Requirement 9, clarification for the process for the approval of fencing, gates, boundary treatment and other means of enclosure, including acoustic barriers also needs to be confirmed with the Council.

8.36 In relation to public rights of way and permissive paths, the Council requires clarification for the process for the approval of signs, interpretation boards or any other information display board.

8.37 The Council considers that the practical arrangements for the review of monitoring information and approval of details, with the recovery of reasonable

costs associated with discharging these functions, may warrant further consideration during Examination.

9 Ecology and Biodiversity

Relevant National and Local Planning Policies

9.1 The relevant national planning policies are:

a) Overarching National Planning Policy Statement (EN-1)
b) Draft Overarching National Policy Statement for Energy (EN-1)
c) National Planning Policy Framework

9.2 The relevant local planning policies are:

a) Policy ENV1 of the Selby District Local Plan – Control of Development
b) Policy ENV9 of the Selby District Local Plan – Sites of Importance for Nature Conservation
c) Policy ENV11 of the Selby District Local Plan – Ancient Woodland
d) Policy ENV12 of the Selby District Local Plan – River and Stream Corridors
e) Policy ENV13 of the Selby District Local Plan – Development Affecting Ponds
f) Policy ENV14 of the Selby District Local Plan – Protected Species
e) Policy SP18 of the Selby District Core Strategy Local Plan– Protecting and Enhancing the Environment

Commentary

9.3 In preparing these comments the Council has had regard to the following national and local planning policies relevant to biodiversity and ecology.

9.4 The principal national policy documents relevant to biodiversity and ecology are:

- Overarching National Policy Statement for Energy (NPS EN-1, 2025), particularly Section 5.4 Biodiversity and Geological Conservation;
- National Policy Statement for Renewable Energy Infrastructure (NPS EN-3, 2025), particularly paragraphs 2.10.67 to 2.10.84 relating to ecological effects of solar development;
- National Policy Statement for Electricity Networks Infrastructure (NPS EN-5, 2025);
- National Planning Policy Framework (NPPF, 2024), particularly Section 15 Conserving and Enhancing the Natural Environment; and
- Environmental Improvement Plan (2023).

9.5 The principal local planning policies relevant to biodiversity and ecology are:

Selby District Core Strategy Local Plan (2013)

- SP15 Sustainable Development and Climate Change; and
- SP18 Protecting and Enhancing the Environment.

Selby District Local Plan (Saved Policies) (2005)

- ENV9 Sites of Importance for Nature Conservation;
- ENV11 Ancient Woodland;
- ENV12 River and Stream Corridors; and
- ENV13 Development Affecting Ponds.

Other local policy

9.6 The Council has considered the wider local biodiversity context of the Proposed Development, including the Selby Biodiversity Action Plan, local ecological networks, the North Yorkshire and York Local Nature Recovery Strategy and the cumulative effects arising from multiple large-scale energy infrastructure proposals within the former Selby district and wider Drax area.

Commentary

9.7 The Proposed Development is a very large-scale solar NSIP extending across multiple Solar Development Sites, a substantial Cable Route Corridor, Highway Improvement Areas and associated access land. The ecological submission is therefore complex and is supported by a substantial suite of documents, including ES Chapter 6: Biodiversity, ES Chapter 12: Ornithology, associated protected species and habitat appendices, the Shadow Habitats Regulations Assessment, the Biodiversity Net Gain Report and metric, the draft DCO, the Outline Landscape and Ecological Management Plan, the Outline Bird Mitigation Area Management Plan, the Outline Construction Environmental Management Plan, the Outline Operational Environmental Management Plan and the Outline Decommissioning Environmental Management Plan.

9.8 The Council considers that the Applicant has undertaken a broadly comprehensive ecological assessment in accordance with established Ecological Impact Assessment principles. The assessment is supported by an extensive suite of habitat and species surveys and engagement with statutory consultees. The Council accepts that much of the Order Limits comprises intensively managed agricultural land of relatively low intrinsic botanical value, with ecological interest primarily associated with hedgerows, ditches, ponds, trees, aquatic features and bird assemblages.

9.9 The Council acknowledges that the Proposed Development has the potential to deliver significant biodiversity benefits. The BNG Report predicts substantial gains above the anticipated 10% requirement for NSIPs, and the Council gives positive weight to this commitment, particularly where biodiversity gains are delivered on-site and can be secured through long-term monitoring and management.

9.10 Despite the generally comprehensive nature of the submission, the Council considers that a number of ecological matters require further scrutiny through Examination. These do not currently amount to a fundamental ecological objection to the draft DCO framework, but they do require clarification and, where

appropriate, strengthening of the relevant Requirements and submitted documents.

9.11 The Council's principal concern relates to the degree of certainty with which species compensation, mitigation and monitoring outcomes are secured. Whilst the Bird Mitigation Area provides a dedicated mechanism for mitigating effects on Functionally Linked Land associated with SPA/Ramsar qualifying bird species, further clarification is required regarding compensation and measurable outcomes for wider farmland and ground-nesting bird assemblages across all Solar Development Sites.

9.12 The Council also considers that further certainty is required in relation to water vole pre-commencement surveys, mitigation and response mechanisms, given the extensive ditch network and uncertainty regarding the functional value of seasonally wet ditches. More generally, the Council considers that the Outline Landscape and Ecological Management Plan (oLEMP) and Bird Mitigation Area Management Plan (BMAMP) would benefit from clearer ecological success criteria, monitoring thresholds, reporting requirements, adaptive management triggers and remedial actions. The Council also considers that further certainty is required regarding the specification of operational fencing and the measures proposed to maintain habitat connectivity and mammal movement across the Solar Development Sites.

Key Local Issues

Ecological baseline and protected species

9.13 The Council considers that ES Chapter 6 provides a generally comprehensive assessment of biodiversity receptors and identifies the principal impact pathways associated with a development of this scale, including habitat loss, fragmentation, disturbance, localised risks to aquatic systems and effects on protected species. However, there remain areas of uncertainty within the baseline and impact assessment, including incomplete survey coverage for some receptors, reliance on precautionary assumptions where access was not possible, and the deferral of detailed mitigation to post-consent surveys, method statements and licensing processes.

Great crested newt

9.14 The Council notes that the Great Crested Newt assessment was limited by lack of access to a substantial number of ponds within the relevant survey area. This represents a limitation to the baseline, but the Council acknowledges that the Applicant has adopted a precautionary approach by assuming presence in un-surveyed ponds where appropriate. The Council considers that, provided this precautionary assumption is carried through into the detailed mitigation strategy, the absence of complete pond survey data does not in itself give rise to a fundamental concern.

9.15 The Council is satisfied in principle that impacts on great crested newt can be appropriately managed through avoidance, precautionary working methods and pre-commencement controls secured through the Construction Environmental Management Plan (CEMP). The detailed CEMP should include clear

requirements for updated survey where necessary, implementation of appropriate Precautionary Working Methods (PWM), Ecological Clerk of Works (ECoW) oversight, and any licensing requirements should works have the potential to affect great crested newt or their habitats. Accordingly, whilst the Council notes the survey limitation, it considers that the Applicant's assumption of presence and commitment to avoidance and precautionary working methods is an acceptable approach at this stage, subject to those measures being clearly secured through the detailed CEMP.

Water vole and riparian species

9.16 The survey results confirm water vole presence at D2.1, where a burrow and feeding remains were recorded. Additional probable or possible evidence was recorded at D3.2, where possible footprints were identified; D4.8b, where a feeding station was recorded; D6.3c, where feeding remains were recorded; and D9.16, where a probable feeding station and probable burrow were recorded. The report concludes that water vole are known to be present at D2.1 and may be present at four other locations within the Order Limits.

9.17 The Council notes that a number of surveyed ditches were dry or assessed as having negligible suitability at the time of survey. However, the report also records several instances where ditches showed seasonal or intermittent hydrological function. For example, D3.2 held approximately 25 cm of water during the first survey visit but was dry during the second visit, with the report noting that vegetation and invertebrates suggested it is usually wet for much of the year and was only recently dry. D4.8a was dry at the crossing point but was assessed as high suitability if holding water, taking into account feeding remains recorded at D4.8b. D6.3a and D6.3b were assessed as high suitability, with feeding remains recorded nearby at D6.3c.

9.18 The Council therefore considers that water vole distribution and the functional role of the ditch network remain subject to some uncertainty, particularly where survey conditions were affected by dry weather, dense vegetation, deep silt, deep water, recent flailing or strimming, or limited access. The Water Vole Report acknowledges that access was constrained in some locations and recommends early-season re-survey where in-channel works are required at constrained locations.

9.19 The Water Vole Report confirms that a 10 m buffer is proposed to watercourses within the Solar Development Sites where practicable, with targeted surveys undertaken where works are proposed within buffers or where ditch crossings are required. The report also states that watercourses subject to trenchless crossings were not fully surveyed in all cases but will be subject to pre-commencement checks with appropriate mitigation, including ECoW supervision where necessary.

9.20 On this basis, the Council considers it appropriate that a precautionary approach is secured through the CEMP and any detailed ecological method statements. This should include pre-commencement water vole surveys of all affected watercourses and ditches, including seasonally wet ditches where works are proposed; clear trigger points for licensing or further mitigation where water vole or evidence of water vole is found; ECoW supervision of relevant works; retention of appropriate stand-off buffers; sensitive crossing methods where

feasible; and a clear procedure for stopping works and agreeing additional mitigation if previously unidentified water vole activity is recorded.

9.21 The Council also considers that otter and water vole should be carried through consistently into the detailed OEMP and DEMP, including the ecological receptor lists, given that the ecological value and occupancy of the ditch network may change over the operational life of the development.

Fencing, habitat connectivity and mammal movement

9.22 The Council notes that the Proposed Development will include multiple fenced Solar Development Sites extending across a large geographic area. Whilst the ecological assessment concludes that operational effects on badger and other terrestrial mammal species would not be significant, this conclusion is dependent, in part, on the assumption that the proposed fencing design would maintain permeability and ecological connectivity across the Order Limits.

9.23 The Design Parameters and Commitments Document identifies that perimeter fencing would generally comprise deer wire mesh fencing with timber posts and states that fencing will allow the passage of small mammals where practicable. However, the Council notes that limited detail is currently provided regarding the fencing specification that would achieve this objective. In particular, the application documents do not clearly define matters such as minimum ground clearance, mesh aperture dimensions, wire spacing, treatment of fence bases, use of rabbit mesh, anti-dig measures or other design characteristics that would determine the permeability of fencing for badger, hedgehog, brown hare and other terrestrial mammals.

9.24 The Council notes that the Design Approach Document refers to the retention of mammal movement corridors and states that the proposed fencing has been designed to minimise disturbance to mammal movement through the development. However, the locations of these corridors, the mechanism by which connectivity would be maintained and the design standards that would be applied are not clearly secured within the Design Parameters and Commitments Document or the ecological management documentation. It is also not clear to what extent mammals will be excluded from large areas of foraging habitat.

9.25 The Council acknowledges that Requirement 9 of the draft DCO requires details of permanent means of enclosure to be submitted to and approved by the relevant planning authority. However, those details must be assessed against the parameters established through the DCO and certified documents. The Council is concerned that there are no clear parameters established for fencing design in relation to mammals against which the detailed submission required under Requirement 9 can be assessed at the post-consent stage.

Ornithology, ground-nesting birds and farmland bird compensation

9.26 The Council considers that ES Chapter 12 and the associated breeding bird appendices appropriately identify key receptors, including non-breeding SPA/Ramsar qualifying species and breeding farmland birds. The Council acknowledges that the Shadow HRA adopts a precautionary approach to Functionally Linked Land and that the proposed Bird Mitigation Area provides a

clear response to effects on non-breeding bird species associated with nearby SPA/Ramsar sites.

9.27 The Council considers that impacts on ground-nesting and farmland birds are one of the principal local biodiversity issues arising from the Proposed Development. The breeding bird surveys confirm that the Solar Development Sites support a farmland bird assemblage including a number of Red List and Section 41 species associated with open agricultural habitats.

9.28 Following submission and acceptance of the application, the Applicant's ornithological consultant advised the Council during technical discussions that breeding bird survey data for Solar Development Sites 1-4 had been affected by data corruption and that the figures presented within the ES Chapter 12 significantly under-represent the actual number of breeding territories recorded.

9.29 The Council understands that the corrected survey data increases the number of recorded territories within Sites 1-4 from 16 to 70 skylark territories, from 3 to 8 lapwing territories, from 2 to 29 corn bunting territories and from 1 to 6 yellow wagtail territories. The most substantial change relates to Solar Development Site 4, where skylark territories increased from 9 to 48 and corn bunting territories increased from 2 to 27. Whilst the Applicant maintains that this correction does not alter the overall conclusions of the Environmental Statement, the Council considers that the revised baseline represents a materially different ornithological baseline to that assessed within the submitted ES.

9.30 The Council acknowledges that the survey reports describe the assemblage as typical of lowland farmland. However, in light of the subsequently identified survey data error and the substantially higher number of breeding territories now understood to be present within Solar Development Sites 1-4, the Council considers that the importance of the affected farmland bird assemblage may have been understated within the submitted ES.

9.31 The corrected survey results indicate that the proposed development would affect considerably greater numbers of breeding skylark, corn bunting, lapwing and yellow wagtail than were originally reported. The Council therefore considers that the robustness of the impact assessment and the adequacy of proposed compensation should be examined further during Examination.

9.32 The Council is particularly concerned by the scale of the increase in skylark and corn bunting territories identified through the corrected data. Across Sites 1-4, skylark territories increase by approximately 338% (from 16 to 70 territories) and corn bunting territories increase by approximately 1,350% (from 2 to 29 territories). In the Council's view these are not minor refinements to the baseline but represent a substantial change in the understanding of the breeding bird resource present within the affected agricultural landscape. The Council considers that this revised baseline should attract significant weight when considering the adequacy of proposed mitigation, compensation and monitoring measures for breeding farmland birds.

9.33 The Council is concerned that the Proposed Development would result in the long-term conversion of extensive areas of arable land that currently support ground-nesting and arable-associated bird species.

9.34 The Council considers that the Bird Mitigation Area should not be relied upon as the principal mechanism for addressing breeding farmland bird impacts. Its primary purpose is to mitigate the loss and disturbance of Functionally Linked Land for SPA/Ramsar qualifying species, particularly non-breeding birds. Whilst the Bird Mitigation Area may provide ancillary benefits for some breeding species, the Council is not satisfied that it has been demonstrated to provide compensation that is proportionate to the revised number of breeding territories now known to occur across the development sites. This concern is particularly relevant for skylark and corn bunting, where the corrected survey data indicates substantially higher populations than those originally assessed within the ES. The Council considers that the Applicant has not demonstrated that the proposed mitigation provision would adequately compensate for the loss or displacement of these breeding territories.

9.35 In addition, there are currently no clear objectives within the Outline Bird Mitigation Area Management Plan (OBMAMP) relating specifically to ground-nesting farmland birds and no monitoring provisions that would enable the effectiveness of the Bird Mitigation Area for these species to be evaluated. The Council considers that measurable objectives, monitoring requirements and adaptive management responses should be included if the Bird Mitigation Area is relied upon to contribute towards mitigation or compensation for breeding farmland birds.

9.36 The Council is also concerned that the Bird Mitigation Area is located within an isolated part of the scheme and is spatially remote from many of the development areas where displacement of breeding territories will occur. The ES does not provide a clear territory-based compensation framework linking loss of breeding habitat to replacement provision.

9.37 This concern is heightened by the wider cumulative context. The surrounding landscape is subject to multiple large-scale solar and energy infrastructure proposals, many of which are likely to affect similar agricultural habitats and farmland bird assemblages. The Council considers that the cumulative loss of arable habitat, combined loss of breeding territories and capacity of the wider landscape to support displaced farmland birds has not been adequately quantified. The Council considers that cumulative arable land loss has been quantified for agricultural land purposes (Chapter 17), but the ecological function of that arable land for breeding farmland birds has not been equivalently quantified. The Council is not satisfied that the conclusion of no significant cumulative ornithological effect has been robustly demonstrated for breeding farmland birds.

9.38 The Council therefore considers that further clarification is required regarding compensation for ground-nesting and farmland birds across the wider Solar Development Sites. The LEMP should include explicit species-specific objectives and management measures for farmland birds, potentially including retained or

managed arable/arable-equivalent habitat, skylark plots, low-input cropping, cultivated margins or other targeted measures designed to provide functional replacement habitat for breeding birds. Monitoring should be territory based and should include clear success criteria and remedial measures if target outcomes are not achieved.

9.39 The Council notes that the Applicant has stated that the revised skylark baseline does not alter the conclusions of the ES and has relied upon the proposed Bird Mitigation Area as the principal response to this issue. However, the Council considers that the substantial increase in breeding territory numbers raises legitimate questions regarding whether the extent, location and management of the proposed mitigation are sufficient to compensate for the scale of habitat loss and displacement now understood to arise. The Council therefore invites the Examining Authority to seek further justification from the Applicant regarding the relationship between the corrected breeding bird baseline, the predicted losses of breeding territories and the compensatory capacity of the Bird Mitigation Area and wider ecological mitigation proposals.

Bird Mitigation Area and Habitats Regulations Assessment

9.40 The Council recognises that the Bird Mitigation Area provides a structured response to the loss and disturbance of Functionally Linked Land associated with qualifying bird species of the Lower Derwent Valley SPA/Ramsar and Humber Estuary SPA/Ramsar. The principle of a dedicated mitigation area is welcomed and appears to be supported by a substantial ornithological evidence base and engagement with Natural England.

9.41 Given the reliance placed on the Bird Mitigation Area within the Shadow HRA, the Council considers that greater certainty is required regarding its detailed design, hydrological feasibility, performance targets, monitoring arrangements and adaptive management. The Council notes that the Shadow HRA relies on a single year of ornithological survey data supplemented by desk-based evidence and precautionary buffers. Whilst this approach has been accepted in principle by Natural England, it introduces residual uncertainty concerning inter-annual variability in bird use.

9.42 The Council considers that the Outline Bird Mitigation Area Management Plan should be strengthened by defining measurable success criteria, monitoring thresholds, remedial triggers and contingency measures. In particular, the detailed plan should explain how success will be measured, how the effectiveness of the mitigation area in supporting displaced birds will be demonstrated, and what actions will be taken if monitoring indicates that target outcomes are not being achieved.

Biodiversity Net Gain

9.43 The Council welcomes the Applicant's commitment to Biodiversity Net Gain. The submitted BNG Report and associated metric predict substantial gains in habitat, hedgerow and watercourse units, significantly exceeding the anticipated

minimum 10% requirement. The Council considers that the Proposed Development has the potential to deliver a significant biodiversity benefit over the existing baseline, particularly through the conversion of intensively managed agricultural land to species-rich grassland, wetland and other semi-natural habitats.

9.44 The Council accepts that, in the context of NSIP delivery, BNG is appropriately focused on the permanent Solar Development Sites rather than temporary working areas such as the Cable Route Corridor and Highway Improvement Areas, which will largely be reinstated following construction. However, the Council considers that further clarity is required regarding how the predicted BNG outcomes will be secured, monitored and audited over the lifetime of the development.

9.45 The Council notes that a substantial proportion of the predicted BNG is associated with grassland habitats proposed within and around the Solar Development Sites, including areas located beneath solar arrays. The Council recognises that appropriately designed and managed solar developments can deliver meaningful biodiversity enhancements and does not dispute the principle that grassland habitats can be successfully established beneath solar panels. The Council notes that the Biodiversity Metric and associated guidance do not contain a specific habitat classification for land beneath solar arrays and that professional judgement is therefore required when assigning habitat condition. Given the emerging evidence that vegetation communities beneath panels may function differently from adjacent unshaded grassland, the Council considers that Examination should explore whether the condition assumptions applied to under-panel habitats represent a realistic and precautionary assessment of the biodiversity value likely to be delivered across the lifespan of the development, which should be supported by clear evidence, management prescriptions and monitoring commitments demonstrating that the target condition can realistically be achieved and maintained.

9.46 The Council considers that the focus should be on demonstrating the habitat condition that is likely to be achieved and maintained over the operational life of the development. Whilst this does not presently alter the Council's overall view that the scheme can deliver significant biodiversity gains, it may influence the confidence that can be placed in the scale of gains currently reported.

9.47 The final BNG Strategy and detailed LEMP should clearly identify habitat condition targets, monitoring frequency, reporting arrangements, and remedial measures where habitats fail to achieve or maintain the condition assumptions relied upon within the metric. The Council also wishes to understand whether the substantial unit gains presented in the submitted assessment are intended to be secured through the final approved scheme, or whether the Applicant is only committing to a minimum 10% gain. The Council would be concerned if the significant biodiversity gains currently presented were progressively eroded through detailed design without appropriate scrutiny. The Council also considers that monitoring should specifically verify the condition achieved by habitats established beneath solar arrays where these areas contribute materially towards the Biodiversity Net Gain calculations relied upon by the Applicant.

9.48 The Council considers that the oLEMP provides a generally appropriate framework for habitat creation, enhancement and long-term ecological management. It contains a range of measures likely to deliver biodiversity benefits, including hedgerow planting, grassland creation, ditch management, woodland and scrub planting, wildlife features and long-term management prescriptions.

9.49 However, the Council considers that the oLEMP should be strengthened. The document is primarily habitat-led and would benefit from clearer species-specific objectives, particularly for farmland birds, water vole and bats. The Council also considers that the oLEMP should include more explicit ecological success criteria, monitoring thresholds, reporting requirements, adaptive management triggers and remedial actions. Greater certainty is required to ensure that ecological outcomes are measurable, enforceable and capable of being reviewed over the operational life of the development in order that we can be confident that the conclusions of the ES and BNG outcomes are achievable.

Construction, operation and decommissioning environmental management

9.50 The Council considers that the oCEMP provides a generally appropriate framework for managing ecological effects during construction. It includes the principal measures required for ecological protection, pollution prevention, retained habitat protection, protected species safeguards and ecological supervision. However, the Council considers that it should be strengthened through clearer provisions regarding the authority of the Ecological Clerk of Works (ECoW), stop-work procedures, ecological incident reporting, management of materially different outcomes from pre-construction surveys, compliance monitoring and measurable lighting and habitat protection controls. The Council also considers that the final CEMP and associated ecological management documents should clearly identify the process for reviewing and approving fencing designs where these are relied upon as mitigation for mammal movement and habitat connectivity.

9.51 The Council considers that the oOEMP provides an appropriate framework for managing operational ecological effects arising from maintenance, repair and replacement activities. However, further clarity is required regarding the relationship between the OEMP and LEMP, operational ecological monitoring and reporting, governance over the operational lifetime, and processes for addressing unforeseen ecological effects or conflicts with BNG objectives.

9.52 The Council considers that the oDEMP provides an appropriate high-level framework for decommissioning but notes that detailed ecological mitigation cannot reasonably be prescribed at this stage given the anticipated operational lifespan. However, the oDEMP should identify all relevant ecological receptors assessed within the ES, including otter and water vole, and should recognise that the ecological baseline at decommissioning may be substantially more valuable than the existing baseline. The Council considers that further consideration should be given to the retention and legacy of habitats established through BNG, the LEMP and the Bird Mitigation Area.

Adequacy of Application / DCO

9.53 The Council considers that the draft DCO includes the principal mechanisms required to secure ecological mitigation, compensation, enhancement and monitoring. The key ecology related Requirements are Requirement 6, securing the Landscape and Ecological Management Plan; Requirement 7, securing the Bird Mitigation Area Management Plan; Requirement 8, securing Biodiversity Net Gain; Requirement 9, securing details of fencing; Requirement 12, securing the Construction Environmental Management Plan; Requirement 13, securing the Operational Environmental Management Plan; and Requirement 19, securing the Decommissioning Environmental Management Plan.

9.54 The Council is broadly satisfied that the draft DCO provides an appropriate framework for securing ecological controls. However, the Council considers that further clarification and, where necessary, amendments to the Requirements and certified documents are required to ensure that ecological outcomes are secured with sufficient certainty.

9.55 In particular, the Council considers that the DCO and certified documents should provide clearer mechanisms for species specific compensation and monitoring for ground-nesting and farmland birds, including consideration of the revised breeding bird baseline for Solar Development Sites 1 - 4; water vole pre-commencement surveys, mitigation, licensing triggers and response mechanisms; clearer ecological design parameters and approval mechanisms relating to operational fencing, habitat connectivity and terrestrial mammal permeability across the Solar Development Sites; measurable ecological success criteria for the oLEMP and Bird Mitigation Area; Bird Mitigation Area performance targets, hydrological feasibility, contingency measures and adaptive management triggers; BNG habitat condition monitoring, reporting and remedial action; stronger linkage between monitoring outcomes and required management responses; long-term ecological governance over the operational life of the development and consistent treatment of ecological receptors across construction, operation and decommissioning documents.

9.56 The Council notes that the draft DCO relies upon a range of future monitoring, reporting and approval processes in relation to BNG, habitat management, ecological mitigation and the Bird Mitigation Area. Whilst the principle of this approach is accepted, the Council notes that these mechanisms will require ongoing regulatory oversight throughout the operational lifetime of the development. The Council therefore considers that the practical arrangements for the review of monitoring information, approval of remedial measures and recovery of reasonable costs where appropriate, associated with discharging these functions may warrant further consideration during Examination.

9.57 The Council does not presently identify a fundamental ecological objection to the draft DCO framework. However, the Council considers that the adequacy of the DCO will depend on whether the above matters are satisfactorily addressed through Examination and, where necessary, reflected in amended Requirement wording and certified documents.

9.58 providing these comments the authority has reviewed the ecological information supplied within the Environmental Statement – Chapter 8 the

associated appendices (8.1 through to 8.9 including the confidential appendices), the landscape strategy plans and masterplan (Figures 7.19 through to 7.24), the outline CEMP, outline OEMP, outline DEMP, outline LEMP and the Biodiversity Net Gain metric.

9.59 Overall, the authority is satisfied with the extent of the ecological survey and assessment work undertaken to inform the application.

9.60 With regards to the impact of the proposals upon European designated sites, the authority has no concerns with the assessment undertaken and documented within Appendix 8.9: Information to Inform a Habitats Regulations Assessment, however given the ongoing discussions between the applicant and Natural England, we would defer to Natural England on this matter.

9.61 The authority is satisfied with survey and assessment of habitat on and adjacent to the site. The authority is pleased to see that the design of the scheme has taken account of high value habitats, it has avoided loss of sensitive habitats and providing adequate stand off to woodland, hedgerows and watercourses. These avoidance and protection measures can be secured as part of the CEMP and will be further buffered and connected through habitat creation and enhancement set out within the Landscape Masterplan and Biodiversity Net Gain metric.

9.62 Surveys have been undertaken to provide a baseline of the species present on site and within the adjacent habitats. Species survey effort and assessment has focussed on those species that may be impacted by the proposals. The authority is satisfied with the survey and assessment work undertaken in relation to species and with the mitigation proposed.

Key Local Issues

Ground Nesting Birds

9.63 The Environmental Statement records the displacement of ground nesting farmland birds from the site during construction. This leads to an adverse effect upon ground nesting breeding birds. The assessment relies on the provision of compensation areas detailed within the oLEMP to offset this loss of breeding habitat within the site which results from installation of the solar arrays and the BESS.

9.64 The authority has concerns about the local cumulative impact of this and other solar, battery and mineral operations within the local area which all result in the displacement of ground nesting farmland birds. The authority therefore welcomes the commitment from the applicant to the provision of compensation measures for ground nesting birds.

9.65 However, the authority does have concerns about securing the long-term commitment to the provision of the skylark plots outlined within the oLEMP at 3.8 and Annex A. The main concern relates to some of the skylark plots being located outside of the Order Limits, as shown on the drawings within Annex A.

The information contained at 3.8 and Table 3-12 of the oLEMP provides calculations for all of the fields listed and mapped (both inside and outside the Order Limits) setting out that these plots will be provided for compensation and enhancement. Within 3.8 it notes that 50 skylark plots are required each year for compensation. Where these minimum 50 plots fall outside the Order Limits, there does not appear to be a way of securing the implementation, monitoring and management. As such there is a need to ensure provision of 50 plots per year within the Order Limits. Whilst the areas outside the Order Limits are offered as an enhancement – this enhancement cannot be delivered without a mechanism to secure them and the ES should not record a benefit for ground nesting birds, the impact would remain neutral. Clarification is needed and it is recommended that Table 3-12 is updated to separate compensation areas from enhancement and inclusion of the Order Limits on the second plan in Annex A would assist. The DCO should make provision to secure the ground nesting bird enhancement plots within the wider land holding.

9.66 The detailed LEMP (Requirement 10) will need to provide further details on the management of the skylark plots, including the minimum number provided in each area per year. Evidence will be required to confirm that the skylark plots are in place (number of plots and the locations) and breeding bird surveys are recommended at intervals through the life of the development to monitor the success of the compensation in addressing the adverse effect upon ground nesting breeding birds.

Biodiversity Net Gain

9.67 The commitment to delivering voluntary BNG is welcomed, large solar farms through the retention of high value habitats and the creation of new habitats have the potential to provide a significant uplift in biodiversity value which will contribute to national and local ambitions for nature recovery. The metric provided demonstrates that in excess of 10% gain can be achieved for area based and hedgerow habitat types and circa 9% gain for watercourses.

9.68 However, there is no specific BNG assessment report setting out how these gains will be achieved through the proposed landscape masterplan. In addition, the oLEMP has not been prepared by an ecological specialist and therefore does not present the LEMP objectives and management prescriptions in a format compatible with BNG reporting. The management set out within the oLEMP is specific to achieving the landscape objectives rather than those for BNG. UKHab typology and BNG condition assessment should be included. It is therefore recommended that the oLEMP is revised to update the objectives into UKHab habitat types and target condition in line with the BNG system. Without this information, it is difficult to understand how the habitat creation, establishment, monitoring and management will be delivered.

9.69 BNG does not feature at all within the draft DCO and if the LEMP (Requirement 10) is the intended mechanism for delivery, then there will need to be specific provision set out within Requirement 10 (see below).

Adequacy of Application/DCO

9.70 The draft DCO in the current form does not provide any mechanism for securing the delivery, monitoring and long-term management of biodiversity net gain (BNG).

9.71 Requirement 10 (LEMP) - as noted above the authority is not satisfied that the outline LEMP contains sufficient detail with regards to the objectives of the LEMP and the management prescriptions that will achieve these objectives. The oLEMP should include objectives that relate to the BNG outcomes including target habitat distinctiveness and condition. It should include a monitoring and reporting schedule. In terms of species, the oLEMP should set out the target species for monitoring, the authority would recommend the inclusion of breeding birds and bat activity monitoring. The data resulting from monitoring should be fed into national research on the impacts of solar farms upon wildlife.

9.72 The draft DCO does not make provision for securing the areas of offsite ground nesting bird compensation/enhancement that are identified within Annex A of the oLEMP. Further information is needed to confirm how these offsite areas will be secured and maintained.

9.73 Requirement 4 (CEMP), there is no sub paragraph setting out the ecological requirements for protection and avoidance for sensitive habitats and species during construction. There is a section in the oCEMP but nothing listed within in Requirement 4 of the draft DCO.

9.74 Requirement 5 (DEMP) – the authority would like to see specific reference to the need for professional pre decommissioning ecological surveys and assessment. There should also be an overarching objective to protect and retain areas of high biodiversity value during the decommissioning process. Adequate funding will need to be available to ensure that professional ecological services are commissioned to lead on this survey and assessment.

10 Built Heritage

Relevant National and Local Policies

Relevant Local Planning Policies

10.1 Relevant policies with respect to the historic environment include SDLP Policies ENV1, ENV24 and ENV25 of the Selby District Local Plan 2005 and Policy SP18 and SP19 of the Selby District Core Strategy 2013. ENV1 Proposals for development will be permitted provided a good quality of development would be achieved within this policy it includes; the potential loss, or adverse effect upon, significant buildings, related spaces, trees, wildlife habitats, archaeological or other features important to the character of the area; the need to maximise

opportunities for energy conservation through design, orientation and construction.

10.2 ENV25 Development within or affecting a conservation area will be permitted provided the proposal would preserve or enhance the character or appearance of the conservation area, and in particular: The proposal would not adversely affect the setting of the area or significant views into or out of the area, and 4) The proposed use, external site works and boundary treatment are compatible with the character and appearance of the area.

10.3 Strategic policy SP18 Protecting and Enhancing the Environment advises that: The high quality and local distinctiveness of the natural and man-made environment will be sustained by: Safeguarding and, where possible, enhancing the historic and natural environment including the landscape character and setting of areas of acknowledged importance. Conserving those historic assets which contribute most to the distinct character of the district and realising the potential contribution that they can make towards economic regeneration, tourism, education and quality of life.

10.4 Strategic policy SP19 Design Quality states: Proposals for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside.

Clarification of submitted documents

10.5 The submission includes an Environmental Statement Chapter on Cultural Heritage (Chapter 8) assesses the impact of the proposal on above ground heritage assets. The Cultural Heritage Chapter is supported by a Cultural Heritage Baseline (Appendix 8.1) and Gazetteer (Appendix 8.2) which includes designated heritage assets and their designation status. It is noted that the non designation status refers to land form and not bult form. Maps (volume 2 8.1 Designated Heritage Assets) have been produced which have plotted the Order Limits, study area for solar sites, study area of cable route, listed buildings, scheduled monuments, conservation areas and registered parks and gardens.

10.6 It is noted that the Cultural Heritage Baseline and Gazetteer have been used to produce Statements of Significance and Impact Assessments (Appendix 8.5) for each identified site.

10.7 The assessment of setting and the contribution of that setting to the cultural significance of heritage assets impacted is presented in 8.9 of Chapter 8 and the contribution made by setting to heritage assets is provided in appendix 8.5 of the Statement of Significance (volume 3)

Key Local Issues

Built Heritage

10.8 There are no Conservation Areas within the Order Limits by virtue of the cable route and solar construction, it is recognised that the boundary of the Order Limit is close to Escrick and Monk Fryston Conservation Areas.

10.9 Comments are noted in section 1 of Appendix 8.2 Cultural Heritage Gazetteer (Reference EN0110012/APP/LVS/06.03.08.02 (8863; 496 page 10 and 8869 page 11)) that the agents have found difficulty in accessing these documents and did not seek to gain them from the Council, however they can be provided to the Inspector if desired.

10.10 A total of 130 designated heritage assets were identified within the Study Area which have been identified within page 42 of Chapter 8 (Cultural Heritage Reference: EN0110012/APP/LVS/ 06.01.08). It is noted that the only listed structure within the Order Limit is a Grade II listed Milestone approximately 0.5 miles east of Junction with Lowfield Road along the southern verge of the A63 corridor. [Site 2 NHLE 1148541]. Its further noted that within the Order Limit of site 2 there is the proposed siting of BESS along the A63 corridor. Concerns have been raised by the Councils Landscape Architect on this matter.

10.11 The proposed scheme extends across the administrative boundaries of Leeds City Council and North Yorkshire Council and has been assessed within Appendix 8.5 (Statement of Significance and Impact Assessment). For heritage assets located within North Yorkshire Council's area, the assessment concludes that impacts on setting would result in either less than substantial harm or a neutral effect. The duration of any identified harm is dependent upon the nature of the works, with some effects being temporary during construction and others resulting in permanent changes to setting.

Adequacy of Application / DCO

10.12 The applicants have demonstrated, wherever appropriate, that they have considered the wider setting of buildings. This has been provided in Chapter 8 Cultural Heritage and Statements of Significance and Impact Assessments Appendix 8.5.

10.13 Paragraph 8.9.6 and subsequent paragraphs of Chapter 8 explore the rational for limited mitigation measures required for assets. The mitigation measures in this chapter is a little confusing as further mitigation measures are also covered within Appendix 8.5 Statements of Significance and Impact Assessment.

10.14 As part of the mitigation measures identified it is noted that landscaping schemes as identified in the Outline Landscape and Ecological Management Plan (Ref EN0110012/APP/LVS/07.05) have set out planning, management and monitoring of a Landscape Ecological Management Plan with a detailed version

feeding into the Development Consent Order. In relation to the proposed solar array and Battery Energy Storage System (BESS), it is considered that further examination of the proposed mitigation measures should be undertaken during the Examination process. In particular, additional scrutiny is recommended regarding the design, specification and effectiveness of the proposed planting and landscaping measures intended to mitigate effects on heritage asset settings and landscape character. These matters fall within the specialist remit of the Landscape Architect, whose detailed assessment and commentary should inform consideration of the adequacy of the proposed mitigation.

10.15 The proposal has assessed the potential effects on built heritage assets through the suite of documents referenced above, giving due regard to the significance of above-ground heritage assets, the contribution made by their settings to that significance, and the likely impacts arising from the proposed scheme. The documents have identified the nature and degree of effect on individual heritage assets and evaluates the resulting level of harm in the context of their significance. Where impacts have been identified, these have been considered taking account of both the importance of the asset and the contribution of its setting to its heritage value in line with national policy.

10.16 Whilst a range of mitigation measures has been incorporated into the scheme with the aim of reducing adverse effects, it is acknowledged that some residual harm to the setting of certain heritage assets would remain. This harm is assessed as less than substantial and must be weighed against the public benefits of the proposal. Notwithstanding these impacts, the scheme has been designed to avoid harm to designated heritage assets of the highest significance.

11 Archaeology

Relevant Local Planning Policies

11.1 Relevant policies with respect to the historic environment include:

Selby District Local Plan

- Policy ENV1: Control of Development
- Policy ENV22: Protection of Listed Buildings
- Policy ENV25: Control of Development in Conservation Areas
- Policy ENV27: Scheduled Monuments and Important Archaeological Sites
- Policy ENV28: Other Archaeological Remains

Selby District Core Strategy

- Policy SP18: Protecting and Enhancing the Environment

Commentary

11.2 The submission includes an Environmental Statement Chapter on Cultural Heritage (Chapter 8) that assesses the impact of the proposal on heritage assets of archaeological interest. The Cultural Heritage Chapter is supported by a Cultural Heritage Baseline (Appendix 8.1) and Gazetteer (Appendix 8.2) which set out the known archaeological resource, including sites newly identified by the developers own archaeological field evaluations including geophysical survey (Appendices 8.3) and archaeological trial trenching (Appendix 8.4).

11.3 The Cultural Heritage Baseline and Gazetteer have been used to produce Statements of Significance and Impact Assessments (Appendix 8.5) for each identified site.

Key Local Issues

11.4 The area is known to have a rich archaeological resource, particularly for later prehistoric and Roman settlement and high-status medieval occupation including moated sites. Solar development can have a direct physical impact on below ground archaeological remains through traditional construction related activities including temporary compounds, energy generating stations, battery storage and open cut cable connections. The solar arrays also have an impact as they are typically mounted on a piled or screwed frame that would cause localised damage but with a cumulative impact over an extensive landscape.

11.5 The proposal could also have an impact on the setting of Scheduled Monuments and undesignated heritage assets of archaeological interest within the wider environs of the project.

11.6 The proposed archaeological fieldwork mitigation for the project affords opportunities to advance our understanding, particularly of the later prehistoric periods and how the people of the Iron Age interacted with the Romans and their culture. There are opportunities to inform the public of this work and to engage them directly with it.

Adequacy of Application/DCO

11.7 Although there are some acknowledged gaps in coverage of the geophysical survey (Chapter 8; paragraph8.6.1, point 5) the assessments are otherwise comprehensive and represent a proportionate examination of the significance of the archaeological resource and the impact of the proposal upon this. The identified gaps in the geophysical survey are currently being addressed.

11.8 The geophysical survey has allowed two forms of embedded mitigation to be designed into the scheme. Several large areas have been entirely designed out including anomalies consistent with a later prehistoric and/or Roman linear settlement along the northern edge of Site 1 (GS_S1_1 to 6, 8 to 9, and 11 to 13 on Figure 8.4, Sheets 4 and 5), and coherent complexes of nucleated settlement to the south of Site 6 (GS_S4_5 to 6 and 8 to 9 on Figure 8.4, Sheet 17).

11.9 Other, more discrete areas within the solar arrays are to have impact mitigated through the use of surface mounting options rather than piled frames to avoid ground disturbance. These sites include two medieval moats near Birkin (GS_S4_1 and 2, Figure 8.4, Sheet 17) and several areas of Romano-British

occupation (e.g. GS_S1_14, Figure 8.4, Sheet 5). I support the embedded mitigation proposals.

11.10 The proposed archaeological mitigation also indicates areas where recording deposits in advance of, or during, development would be appropriate. I can confirm that this is also an acceptable approach and that those areas proposed for this type of mitigation are not of such significance that physical preservation is necessary.

11.11 The assessments identify four Scheduled Monuments within proximity of the site. Three of these are at some distance and I agree that this distance and intervening screening means that there is no impact. The site at Thorpe Hall is adjacent to the cable connection but there is no direct physical impact and I agree that the impacts on setting would be limited to the construction period and therefore temporary and not significant.

11.12 The embedded mitigation is set out within the application and also within the Outline Construction Environment Plan. The specific agreement of the embedded mitigation on an area by area basis could form an additional requirement of the DCO.

11.13 The requirements for further mitigation by archaeological recording in advance of or during development is set out in an Archaeological Mitigation Strategy (EN0110012/APP/LVS/07.11). I am pleased to see that Research Aims (section 4) feature prominently in the document and can also confirm that it cites the correct Standards and Guidance (section 5).

11.14 There is one significant typographic error in the document under section 7.5.17 where bullet point 6 states that a 0% sample excavated sample will be taken of all linear features, up to 5m in length. The correct industry standard is 20%.

11.15 The Archaeological Mitigation Strategy includes a section on Public Engagement (section 10.7). I support the consideration of public engagement and feel that the most beneficial aspects of this would be direct volunteering opportunities and work experience with the local community (section 10.7.3).

12 Highways and Transportation

Relevant Local Plan Policies

12.1 The relevant local plan polices are:

a) Policy T1 of the Selby District Local Plan – Development in Relation to the Highway Network

b) Policy T2 of the Selby District Local Plan - Access to Roads

c) Policy T7 of the Selby District Local Plan - Provision for Cyclists

Access Junction Proposals

12.2 Visibility splay analysis for the proposed site access junctions is contained in Annex B of the TA (EN0110012/APP/LVS/06.03.14.01. Version 1.0 dated February 2026), this material has been reviewed and the following local issues identified:

- Site 1, Junction 2 – there is hedges and potentially woodland within the visibility splay. It is assumed that these would be removed / modified, this should be confirmed.
- Site 2, Junction 1 – no comments at this stage.
- Site 2, Junction 2 – there is hedges within the visibility splay. It is assumed that these would be removed / modified, this should be confirmed.
- Site 3, Junction 1 – part of the visibility splay may fall outside the red line and existing highway extents.
- Site 4, Junction 1 – part of the visibility splay may fall outside the red line and existing highway extents.
- Site 4, Junction 2 – part of the visibility splay may fall outside the red line and existing highway extents. There are trees in the visibility splay it is assumed that these would be removed / modified, this should be confirmed.
- Site 4, Junction 3 – there are trees in the visibility splay it is assumed that these would be removed / modified, this should be confirmed.
- Site 4, Junction 4 – no comments at this stage.
- Site 6, Junction 1 – no comments at this stage.
- Site 6, Junction 2 – no comments at this stage.
- Site 7, Junction 1 – there is a hedge within the visibility splay. It is assumed that this would be removed / modified, this should be confirmed.
- Site 8, Junction 1 – unable to check at this stage (no street view).
- Site 8, Junction 2 – there is hedges within the visibility splay. It is assumed that these would be removed / modified, this should be confirmed.
- Site 8, Junction 3 – unable to check at this stage (no street view).

Construction Traffic Routing

12.3 Construction traffic routes are summarised in Plates 4-1, 4-2 and 4-3 of the TA. The following local issues have been identified at this stage.

Site 1

12.4 Site 1 is located to the southwest of Escrick and it is assumed that it proposed to provide two construction routes; one for HGVs and one for other vehicles (this should be clarified). HGVs would travel to and from the site via the A19 Crockey Hill signalised junction and Wheldrake Lane (which fall within the City of York area). Wheldrake Lane is subject to a 7.5t weight limit. The use of this route avoids vehicles travelling through Escrick, which is considered suitable in principle (subject to considering detailed topics).

12.5 There is a tight manoeuvre required at the junction of Wheldrake Lane / Main Street, which does not appear to have been considered by the swept path analysis contained in Annex B of the TA. The swept path analysis also shows a 16.5m long articulated lorry following the ‘blue access route’, the use of this route should be confirmed.

Site 2, 3, 6, 7, and 8

12.6 Sites 2, 3, 6, 7 and 8 would be accessed by all day-to-day construction traffic via the A63, which connects the A1 to A19.

12.7 Site 2 would be accessed directly from the A63; construction traffic would be required to pass through the villages of Monk Fryston and Hambleton. However, they are located on an A road that has a HGV proportion of approximately 10% (1,000 vehicles ADT). As a result, this route is considered suitable.

12.8 Site 3 would be accessed via the A63, Austfield Lane and Hillam Common Lane. Austfield Lane does not benefit from a centre line and is therefore assumed to be an average width of less than 5.5m. The ability for two HGVs to pass and any necessary widening should be confirmed. It's noted that Arup Drawing EN0110012/APP/LVS/06.03.14.B.T003_1 shows a 16.5m articulated lorry originating from Hillam rather than the indicated access route.

12.9 Site 6 and Site 7 would be accessed via the A63, A162 York Road and Common Lane (U1307/2/30). Common Lane narrows to the east of the railway bridge without a centre line and is therefore assumed to be an average width of less than 5.5m. The ability for two HGVs to pass and any necessary widening should be confirmed.

12.10 Site 8 would have three potential access routes:

a. The same as Site 6 and Site 7 then via B1222 Bishopdyke Road and Scalm Lane.
b. The A63 via a private farm track to the east of Hambleton.
c. The A63 via Common Lane.

Routes a and b are considered suitable in principle (subject to considering detailed topics). Common Lane does not have a centre line and is therefore assumed to be an average width of less than 5.5m. The ability for two HGVs to pass and any necessary widening should be confirmed.

Site 4

12.11 Site 4 would be accessed from the A19 via Mill Field Road, Birkin Road, Haddlesey Road and Roe Lane. Construction traffic would pass through the villages of West Haddlesey and Birkin. Vehicles would need to pass over Tankards Bridge, which is a Grade II Listed (Ref: 1316360) humped back bridge. It is unclear if this has been considered.

12.12 It should be confirmed if the option of the construction of a haul road through Site 4 was considered as this would reduce the need for HGVs to pass through Birkin.

<u>A162/A63 Roundabout</u>

12.13 The A162/A63 roundabout to the west of Monk Fryston is known to be over capacity. The proposed development's interaction with this roundabout will need to be considered and a suitable mitigation strategy implemented.

Adequacy of Application/DCO

Cable Routes

12.14 The road classifications have been accurately presented and agree with the records presented on NYC's internal mapping software. It's noted that some of the 'roads' do not appear on NYC's mapping and are assumed to be private (e.g. farm tracks), it's recommended that this distinction is made in the application documents to ensure there is clarity over which are NYC assets.

12.15 All the A roads identified are proposed to be crossed via trenchless means in accordance with NYC's preference. HV_SE5934_001 is proposed to cross the B1223 (Wistow Road) as open cut or trenchless, which does not meet NYC's preference and should be reviewed.

12.16 From an initial review, all the points where the cable route is expected to cross NYC roads have been identified in the schedule.

Cable Route Access Junctions

12.17 To facilitate access to construct the cable route, a number of 'Cable Access Locations' are presented in the application documents. It is assumed that many of these will be vehicle access points to / from the highway. It is understood that these will fall into three categories:

- Construction phase only.
- Construction and operational phase.
- Operational phase only.

12.18 It does not appear that any assessment of these junctions has been undertaken within the TA material (such as visibility splay analysis). Further clarification and assessment of this matter should be provided.

Access Junction Proposals

12.19 Visibility splay analysis for the proposed site access junctions is contained in Annex B of the TA. The visibility splays presented are based on speed surveys and DMRB standards, which is considered an appropriate approach. The results of the speed surveys will need to be interrogated in due course. The following general points should be noted:

- The base mapping is Ordnance Survey (OS) data, which in rural areas is typically accurate to ±2m. Ideally the visibility analysis should be based on topographic survey data (even if only at key points of constraint).
- Without topographic data obstructions to visibility (such as elevation, trees and other physical features) cannot be fully assessed.

12.20 Whilst the plans in Figure 14.4 Construction Routing provide greater clarity, the plans in the TA would benefit from the addition of road names and/or confirmation of the location presented (such as a what3words / grid reference) as they are difficult to interpret.

Assessment of Construction Routes

12.21 Swept path analysis on the proposed construction routes is contained in Annex B of the TA, the following general points should be noted:

- The base mapping is Ordnance Survey (OS) data, which in rural areas is typically accurate to ±2m. Ideally the swept path analysis should be based on topographic survey data (even if only at key points of constraint).
- The plans would benefit from the addition of road names and/or greater clarity of the location presented.

Outline Construction Transport Management Plan

12.22 The oCTMP is very high level and the following emerging points of concern are noted (subject to a more detailed review in due course):

- There is no reference non-motorised users (pedestrians, cyclists, and equestrians) and no commitment to ensure that risks to them are mitigated.
- There is no commitment to adopt the Considerate Constructors Scheme (or similar) within the final CTMP.
- There is no commitment to adopt a vehicle booking / scheduling system within the final CTMP.
- There is no commitment to adopt vehicle holding / stacking areas (if required) within the final CTMP.

Construction Vehicle / Construction Worker Volumes

12.23 Forecasts of the construction vehicle and worker vehicle generation of the Solar Development Sites and BESS are contained in Section 5.2 of the TA. The trip generation will require detailed interrogation in due course; however, the following initial comments have been identified:

- Paragraph 5.2.2 should be clarified. It states that HGV movements have been provided by the Applicant and then states that construction vehicle forecasts have been estimated based on comparable schemes. It is therefore assumed that LGV movements are excluded from the forecasts given in Table 5-1. Clarity on LGV volumes should be provided. Details of the comparable schemes considered should be provided.

12.24 Paragraph 5.2.8 states that a worker car occupancy of 1.5 have been assumed based on the average national car occupancy rate. It is assumed that this is based on National Travel Survey data. It is noted that the most recent average commuting and business occupancy is 1.1 and the average occupancy of 1.5 is likely influenced by higher passenger ratios for education and holiday journey purposes. The assumption of an occupancy of 1.5 should be reviewed and/ or further justification provided.

Streetworks and Permitting

12.25 The following matters relating to streetworks and permitting have been noted based on experience of other similar schemes. The following should be addressed as part of the DCO process:

1. Early engagement is crucial to allow permission to be easily granted. Late engagement is difficult as others will have booked the roadspace already.
2. A schedule or programme of planned works is essential to ensure that all 100+ of works to the highway can be arranged in good time without access being prevented by other ongoing works.
3. NYC area highways offices plan widescale resurfacing works annually about 6 months in advance and these will need to be factored into permissions
4. Permission required under Highways Act include S50 for installing apparatus, S171 for trial holes and S184 for temporary access permission.
5. TTROs will be required to cover temporary traffic lights and road closures
6. Where the DCO intends to make alternative provisions for the permitting of these works, due consideration should be given to providing adequate notices through advertising to ensure all parties are advised in a suitable and timely way.
7. Where the DCO is to provide an alternative to the existing noticing and permit systems, the LHA will need to be assured that all the key aspects of the existing system are included in the DCO so that the works can proceed in a timely manner without a major adverse impact on other bodies who are following the existing system.
8. Resourcing may be difficult for NYC to check and produce permits and this may affect the capacity to produce them in a timely manner. Early application will reduce the impact of resource limitations.
9. NYC processes and proformas are available online and can be shared with the developer now. These processes are necessary for the contractor to follow, even with a DCO in place, to ensure that the proposed LVS works are accessible during planned and approved work by other parties. This includes diversion routes for works elsewhere.
10. AIL routing and timing needs to be planned and approved to ensure that no roadworks by other parties are underway that might affect the access of the AILs.
11. Some highways works may be on traffic-sensitive roads and this will need to be factored into the contractors scheduling. Likewise some highways works may be on roads subject to lane rental which will need to be factored into the contractor's scheduling and costings. Details of this are available on the NYC website.
12. The permitting process will be different depending on which contractor is appointed to undertake the works on the highway.
13. The LHA has yet to check how and whether the Streetworks Act might be superseded by other provisions in the DCO, and the impact of this.

Highway Works

12.26 It is understood that there will be no S.278 agreement for the developer to undertake works within the highway (such as road widening, the creation of passing places or construction of new junctions). Instead, a Side Agreement that sits alongside the DCO is requested that will ensure that the works are undertaken to the appropriate standard and that the Local Highway Authority is suitably protected.

Areas of Road Safety Concern

12.27 The A63 to the west of Monk Fryston, on the access route to Sites 2-4 / 6-8 is currently being investigated by the NYC traffic engineering team as an area of concern as it has been identified as a 'high risk route' for injury collisions. This will require further consideration during the application process.

Strategic Network Risks

12.28 There are works scheduled in the vicinity of the LVS scheme and outwith the area which may impact on the LVS delivery and programming. This includes major bridge refurbishments on A19 and A63 within North Yorkshire and at least one other near Goole that will have traffic diversions through North Yorkshire. These will last between 3 months and 2 years and have a major impact on the highway network due to diversion routing. Other developments have been approved in the LVS area but are not yet occupied, or are in the planning system and potentially will be approved within the next 12 months. Some of these bridge works and other developments will have booked road space already.

12.29 The developer is expected to seek and provide information of the booked schemes, approved planning applications that are not yet constructed, and of major planning applications currently under consideration. It would also be prudent to include public information from any other source/ utility/ body for example Network Rail or National Highways that has major works planned in the area and surrounds that are planned to take place within the timeframe of the construction of LVS. Evidence should be provided of the searches undertaken and the results.

12.30 This information will inform the strategic risks and enable the cumulative impacts of the LVS construction traffic to be considered.

13 Public Rights of Way

Relevant Local Plan Policies

13.1 The relevant local planning policies are:

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

13.2 Volume 2 of the Environmental Statement shows the Public Rights of Way baseline (document reference APP–108) and Public Rights of Way and

Permissive Paths, Enhancements and Diversions (document reference APP-109).

Commentary

13.3 The proposed Light Valley Solar development will affect a significant number of existing Public Rights of Way (PRoWs), those being Public Footpaths, Bridleways and UURs. The Sites affected are Sites 1, 4, 6 and 8. There is also 24 Public Rights of Way affected by the cable route corridor. Please note that South Milford Public Footpath 35.59/5/1 has been extinguished by as Rail crossing extinguishment order 2023 and is no longer affected by this development.

13.4 The principal local impacts on the Public Rights of Way and its users are changes to visual amenity, landscape character, recreational experience and temporary disturbance during the construction, operational and decommissioning phases of the development. Naturally the level of impact will change between the sites because of the local topography, existing vegetation and distance between the route and solar infrastructure.

13.5 During the construction phase members of the public will experience over the 36 month period, Inconvenience and disruption resulting in an overall loss of amenity, particularly where routes are temporary closed. There will also be increased noise and visual disturbance which affect the enjoyment of the user. Increased vehicle movements across the sites will increase the potential of conflict between vehicles and members of the public where they are interacting as a result of shared use. The condition of the surface of the PROW is likely to become damaged where construction traffic is using the PROWs as access.

13.6 During the Operational phase members of the public will experience a Permanent change in landscape character from semi-rural open agricultural land to a solar landscape.

13.7 Reduced visual amenity from the presence of panels, fencing, CCTV columns, substations and battery storage infrastructure; creating a more industrialised landscape. The user's enjoyment and experience of the network alters and sometimes members of the public experience a sense of closure when using enclosed corridor routes.

13.8 In Selby there are a large number of solar farm developments proposed or in construction, there is a cumulative Impact on members of the public using the network as a result of multiple developments changing the visual landscape of the area.

13.9 There is also a positive impact with regards the connectivity and recreational use across the sites. The enhancement of the existing routes. Proposed circular routes through the provision of new permissive paths, creating additional opportunities and improved connectivity for walkers, cyclists, and equestrians to enable greater public access to the countryside, as well as local amenities.

Is the impact adequately assessed in the application?

13.10 The application recognises the affected PROWs, these are correctly identified in the documents and plans provided. It highlights and assesses the impacts caused by this development on the Public Rights of Way network. Sharing details of routes requiring management during construction. Highlighting the requirement of permanent diversions and detailing permissive paths However, it relies on the specifics being addressed in a PROW Management Plan.

Is the impact adequately addressed/mitigated in the application?

13.11 The applicant has developed an Outline Public Rights of Way and construction traffic Management Plan containing appropriate mitigation measures; subject to approval and implementation of the Detailed Public Rights of Way Management Plan. Detailed requirements relating to route management, crossings, surface standards, accessibility, diversion specification and reinstatement have yet to be finalised and should be secured through the DCO requirements and subsequent approvals process with ongoing consultation with North Yorkshire Council Public Rights of Way Team to ensure protection and enhancement of the network throughout the construction, operational and decommissioning phases of the development. The proposed permissive network of paths and cycling routes which is great public benefit. The application highlights that there are plans to keep routes open where possible, provide information to the public on site about the development and minimise any potential conflict through signage, having banksmen and reduced vehicle speeds

What else should be done?

13.12 a) The applicants have identified the DMMOS applications across the sites; they need to need to ensure that future routes confirmed through the DMMO process can be incorporated without prejudice.
b) That long term management arrangements are in place for the maintenance of the permissive paths.
c) That the PROW team are notified in advance of potential changes affecting users of the PROW network,
d) PROW team to be consulted on the diversions.

e) A route condition survey is undertaken of the affected network before during and after development
f)That the diverted routes are of equal or better in convenience, width, surfacing and accessibility than existing routes.
g)The provision of detail schedules regarding any PROW closures and construction

13.13 In solar development site 4, there are long stretches of PROW enclosed by solar arrays. The applicants should look at soft landscaping and screening to help mitigate the visual impact as this currently provides a corridor effect.

14 Air Quality and Emissions

Relevant local planning polices

14.1 The relevant local planning policies are:

a) Policy ENV1 of the Selby District Local Plan – Control of Development
b) Policy ENV2 of the Selby District Local Plan – Environmental Pollution and Contaminated Land Policy EMP10 of the Selby District Local Plan – Additional Industrial Development at Drax and Eggborough Power Stations
c) Policy SP13 of the Selby District Core Strategy Local Plan– Scale and Distribution of Economic Growth
d) Policy SP17 of the Selby District Core Strategy Local Plan – Low Carbon and Renewable Energy
e) Policy SP18 of the Selby District Core Strategy Local Plan – Protecting and Enhancing the Environment
f) Policy SP19 of the Selby District Core Strategy Local Plan – Design Quality

Key Local Issues

14.2 Construction air quality mitigation measures, including a Dust Management Plan (DMP) and a monitoring regime, are included within the oCEMP (document reference APP-192). Construction activities are to be undertaken in accordance with best practice guidelines. regime.

14.3 Appendix 16.1 (Construction Dust Assessment) (document reference APP-183) and Appendix 16.3 (Ground conditions Preliminary Risk Assessment)(document reference APP -185) have been reviewed. The reports highlights that the dust potential is high risk to dust soiling and low risk to human health, and that dust emitting activities can be greatly reduced by the implementation of mitigation measures. A dust mitigation plan should be developed and implemented.

14.4 Overall, the Authority is satisfied that the requested safeguards are in place.

15 Hydrology and Flood Risk

Relevant national and local planning policies

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

Commentary

15.2 Following assessment of the information the LLFA understand the proposed development may cause/increase flood risk locally around the site. This could be surface water runoff or contributing to capacity issues.

15.3 Appendix 15.4: Outline Drainage Strategy (document reference APP -182) identifies these impacts and outlines what will be done to mitigate the risk. The applicant understands the responsibility placed on them from a surface water risk side.

15.4 The LLFA find this a suitable way to manage surface water on the site.

16 Ground Conditions

Relevant Local Planning Policies

16.1 The relevant local planning policies are:

- Selby District Council Policy ENV 2: Environmental Pollution and Contaminated Land.

16.2 Other local policy comprises:

- Selby District Council Contaminated Land Strategy.

Commentary

16.3 Appendix 16.3 of the Environmental Statement Volume 3 (document reference AS-033 and AS-034) have been reviewed. The Council advises that the applicant has a duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework, and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

17 Public Health

Relevant National policies

17.1 The relevant national policy is:

a) National Planning Policy Framework

17.2 The relevant local plan policies are:

a) Policy ENV1 of the Selby District Local Plan – Control of Development

17.3 The Council considers the proposal will have direct and indirect impacts on population and human health.

17.4 The independent Planning Inspector (PINS) scoped out the need for a standalone Population Health chapter; however, they did not scope out the need to undertake appropriate assessments on the health of the population.

17.5 The PINS response states that *"Where human health impacts have been assessed in the ES [environmental statement], consideration should be given to relevant guidance such as the IEMA 2022 guidance 'Determining Significance for Human Health in Environmental Impact Assessment".*

17.6 The planning inspector clearly stated in the Scoping report (EN0110012-000006-EN0110012 Scoping Opinion.pdf) that "EIA methodology chapters should provide clear cross referencing to where relevant direct and indirect impacts on human health are considered in the ES, including the impacts upon mental health and wellbeing."

17.7 The application does not adequately include any of the above and it is not considered that the impact is adequately addressed or mitigated.

17.8 The World Health Organization (WHO) defines health as "a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity." The Applicant, in its Scoping Assessment uses this definition of health, and states *"As such, the consideration of both mental and physical health effects are embedded within the assessment. The terms 'health' or 'health and wellbeing' may refer to mental and/or physical health and wellbeing. "*

17.9 The Applicant should undertake assessment of the direct and indirect significant effects of the development upon population and human health, encompassing both mental and physical health and the wider determinants of health. In line with the above from the independent Planning Inspector, the assessment should utilise an appropriate industry recognised methodology such as the *IEMA 2022 guidance*

'Determining Significance for Human Health in Environmental Impact Assessment. This should be applied within the following ES Chapters:

- Agriculture land and soils - specifically the association with food supply and food sustainability over the 60-year project
- Air quality
- Landscape and visual - including potential loss of enjoyment from altered open space and possible associated impact upon peoples mental and physical health through lower participation of physical activity within the altered landscape.
- Noise and vibration
- Socioeconomics
- Traffic and movement - including annoyance from ongoing traffic lights. Annoyance can lead to poor mental health and could be experienced at a population level (multiple people experience the same effects)
- Cumulative and in-combination effects

17.10 Currently these chapters do not consider population and human health, instead rely on a regulatory approach for each topic and its assessment. Population and human health are complex and as such require assessment of impact through a population and human health lens.

17.11 The assessment should clearly define a baseline by identifying the general population and those sub populations (vulnerable groups) who may experience disproportional negative health effects as a result of the development. The use of LSOA boundaries with an appropriate buffer would be more reasonable.

17.12 The timeframe for population and human health impacts may be different to that of other ES chapters. The potential impacts on populations may occur earlier and take longer to be reversed. Public Health recommend that intermittent assessment across the 60-year timeframe of the development would enable a 'life course' approach to identifying, monitoring and mitigating any impacts on population and human health across both the project and the local population's lifespan. This could include local population surveys and/or use of wider health and wellbeing data.

18 Agricultural Land

Relevant National and Local Policies

18.1 The relevant national planning policies are:

a) Overarching National Planning Policy Statement (EN-1)
b) National Policy Statement for Renewable Energy Infrastructure (EN-3)
c) National Planning Policy Framework

18.2 The relevant local planning policies are:

a) Policy SP18 of the Selby District Core Strategy Local Plan– Protecting and Enhancing the Environment

18.3 The Council has reviewed the information supplied within Environmental Statement Volume 2 Figure 5.2 Agricultural Land Classification (document reference APP-071) and Volume 1 Chapter 5 – Agricultural Land and Soils (APP-043) of the Environmental Statement.

18.4 The Council notes the applicant's Agricultural Land Classification and the Outline Soil Resource Management Plan (APP-203).

18.5 Sites 2 and 4 in particular contain extensive Best and Most Versatile Land (BMV). It is noted that the applicant has sought to locate the development in areas of lower soil quality however it remains that the development will be constructed on BMV.

18.6 The Council also notes Action Point ISH1-8 relating to permanent loss of agricultural land due to retention of proposed landscape and ecological features such as planting of hedgerows, woodland, and biodiversity net gain area post-operation. The Council will consider this information once submitted and will provide comments at Deadline 3.

18.7 The Council seeks to understand better the site selection process, in particular whether there are alternative grid connections available in the UK and if so are these in areas where soil quality is not BMV. If there are alternatives, the Authority seeks to understand why the Monk Fryston connection was chosen and alternatives discounted.

19 Cumulative Impact

19.1 The Council notes that cumulative impacts are set out within Environmental Statement Chapter 17 – Cumulative Effects (document reference APP-055).

19.2 Chapter 10 identifies moderate adverse (significant) effects would remain as a consequence of the Proposed Development in combination with the cumulative schemes in respect of Landscape.

19.3 The cumulative impact of the proposed development on landscape and local communities has been set out in sections 8 (Landscape) and 17 (Public Health). The Council would like the Examination to further assess cumulative impact by the applicant, and how these impacts may be mitigated and offset.

20 Adequacy of the DCO

20.1 The Council has reviewed the draft DCO (document reference APP-017) and commented as to its adequacy on a topic-by-topic basis above. The Council may continue to request alterations to the draft DCO as necessary as discussions between the parties continue.