

Selby District Council

REPORT

Reference: E/17/50

Item 5 - Public



To: The Executive
Date: 1 March 2018
Status: Non Key Decision
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Author: Paul Edwards Consultant Principal Planning Officer
Executive Member: Cllr John Mackman, Lead Executive Member for Place Shaping
Lead Officer: Dave Caulfield Director of Economic Regeneration and Place

Title: Drax Repower Project– Nationally Significant Infrastructure Project

Summary:

1. This report sets out the proposal and the legislative background to the anticipated Nationally Significant Infrastructure Project (NSIP) proposal for Drax Power Station and how such projects are dealt with. The Executive considered a similar NSIP report in respect of Eggborough Power Station in March 2017.
2. Applicants for infrastructure projects need to make an application to the Planning Inspectorate (PINS) for a 'Development Consent Order' (DCO.) The final decision is made by the relevant Secretary of State upon recommendation from PINS and local planning authorities are statutory consultees in the process.
3. Drax Power Limited is proposing to repower two of the six generating units from coal-fired to gas (Units 5 & 6).
4. This report outlines and seeks support in principle for the project. Selby District Council is a statutory consultee (known as an 'interested party') with particular entitlements when exercised to make representations to and be involved in the process. Authorisation is sought for the Director of Economic Regeneration and Place in consultation with the Executive Member for Place Shaping to agree the Local Impact Report, Statement of Common Ground, any further representations by the District Council and the post decision monitoring of planning conditions and enforcement of any DCO.

5. The Inspectorate will hold a preliminary meeting once the application has been accepted and then a formal examination of the proposals through a series of structured and topic based inquiries (the 'examination') which officers will need to attend. After the examination a decision will be made by the Secretary of State, within 6 months of the close of the examination. Following this the Council will have the responsibility to discharge any planning conditions ('requirements') and enforce the terms of the DCO which is in the form of a piece of secondary legislation as a statutory instrument.

Recommendations:

- i. That the contents of this report are noted and that Members agree to support this Drax Repower NSIP application in principle, subject to agreement in relation to specific and localised matters of detail.**
- ii That authorisation is sought from the Executive to authorise the Director of Economic Regeneration and Place in consultation with the Executive Member for Place Shaping to agree the Local Impact Report, Statement(s) of Common Ground, the content of the Draft DCO and all further necessary representations by the District Council, together with post decision monitoring of planning conditions and enforcement of the Development Consent Order.**

Reasons for recommendation

Timescales for commenting on the DCO Application once it is submitted are embedded in statute and it is important that appropriate delegation arrangements are in place so that the Council is able to meet the deadlines which are set by the Inspectorate.

1. Introduction and background

1.1 The Planning Inspectorate became the agency responsible for operating the planning process for Nationally Significant Infrastructure Projects (NSIPs) in 2012.

1.2 NSIPs are large scale developments such as new harbours, power generating stations (including wind farms), and electricity transmission lines which require a type of consent known as a DCO under procedures governed by the Planning Act 2008 (and amended by the Localism Act 2011). This is not a 'planning application' under the 1990 Act and the status of the development plan is different in that the principal guidance for their determination is contained within the suite of Energy National Policy Statements (NSPs). The 2008 Act sets out thresholds above which certain types of infrastructure development are considered to be 'nationally significant' and require the granting of a consent order. NSIPs were introduced as a fast track method and alternative way of dealing with nationally important infrastructure after the much publicised delays in the consenting of Heathrow's last major expansion proposal for a fifth terminal.

1.3 In England, the Planning Inspectorate examines applications for development consent from the energy, transport, waste, waste water and water sectors. For such

projects, the Planning Inspectorate examines the application and will make a recommendation to the relevant Secretary of State, who will make the decision on whether to grant or to refuse development consent. National Energy Policy Statements introduce a presumption in favour of granting development consent orders.

2. The Project

2.1 The proposal is centred on the construction of new gas fired generating units but since some of the existing infrastructure would support this project, including the steam turbines and the cooling solution, it is called a 'repower'. Three of the existing generating units have already been fully upgraded to biomass. Each new gas fired unit would have up to two gas turbines each powering a dedicated steam generator. Dependent upon the mode of operation there will be up to four chimney stacks per unit (eight if both units are repowered) up to 120m high. This compares to the current cooling towers that are 115m high and the main single central chimney stack at Drax is 259m high.

2.2 The new maximum combined generating capacity, dependent upon potential arrangements would be up to 1,800MW each, replacing existing units with a capacity of 660MW each. The design period for the repowered units would be 25 years. Battery storage of up to 200MW is included in the project together with modifications to the existing 400kv substation connections on site, relocations of existing contractors' compounds and car parking and some demolitions of existing facilities.

2.3 In order to power the new generators a new ~3km long gas pipeline from the east would be needed to connect to the National Gas transmission network. The area of search has been reduced down to two possible pipeline routes which each avoid a Scheduled Ancient Monument south of the River Ouse. Two aerial photos of the proposal from the applicants are attached in the appendix to this report.

2.4 The application is an Environmental Impact Assessment application (EIA) which defines that it should be accompanied by an environmental statement (ES) prepared by the applicants. The decision maker is required, in order to comply with a European Directive, to take into account all of the environmental information in making the assessment of the applications which, by definition being an EIA application, will have significant effects upon the environment.

3. The Process

3.1 The Repower Project is presently at the Pre-application stage with PINS in that the applicants have held Inception and Project update meetings.

3.2 The Secretary of State replied to and issued a Scoping Request in October 2017. This sets out the required extent and content of the necessary environmental statement to accompany the submission.

3.3 On 12 January 2018 the applicants confirmed their formal intention to make the DCO application and has fulfilled its 'duty to consult' in the formal consultation on

the draft application which ran from 16 January to 27 February. This followed rounds of informal consultation during the latter half of last year.

3.4 The present declared timetable for application submission is by the end of May 2018.

3.5 Upon receipt of the DCO application PINS must validate or make it invalid within 28 days of receipt and a Preliminary Meeting must then be convened by the appointed Inspector(s) within three months. The examination then takes place within the first six months after validation and the Inspector(s) report and recommendation is then to be submitted to the Secretary of State within three months after the close of the examination. The Minister then has a further three months to make a decision on the application. This timescale is enshrined in the legislation and it means that an applicant can plan and programme that a decision must be made within 12 months of validation.

4. A summary of the application topics

4.1 The Scoping Opinion issued by PINS on behalf of the S of S sets out those areas that may be examined in detail and come under the headings:

- Effects upon climate change and the climate impact of CO₂
- Address the risk of major accidents or disasters relevant to the development
- Emissions –particularly CO₂
- Impacts on best and most versatile agricultural land; soil management plan and related socio-economic effects
- Field drainage and restoration
- Operation and construction phase lighting (both power station and pipeline)
- Traffic assessment and impacts during operation, jetty use and waterways in transporting abnormal loads. Transport management plan
- Air quality and dust post operation
- Impacts upon ecological sites
- Noise and vibration
- Impacts upon historic and archaeological environments, investigations and valuation
- Biodiversity and impacts upon European Sites
- Landscape and Visual Assessment
- Ground conditions and contamination
- Water resource and hydrology, Flood Risk Assessment
- Broader socio-economic effects
- Cumulative effects

4.2 The Council is working in association with the County Council as part of Better Together to, where possible make coordinated responses. The authorities will comment on the preliminary environmental information to meet the current timescales.

4.3 To date, no strategic concerns have been raised to the principle of the development by your officers, by the County Council or service areas that have raised comments. There are comments on the preliminary works to date on ecology and cumulative landscape/ visual assessment, archaeological assessment and the Highway Authority was generally comfortable with the Scoping Report subject to the preparation of the necessary Transport Assessment. Further information was requested in terms of soil management and land drainage interruption and mitigation/ reinstatement. It is anticipated that this further requested detail will come forward in the application.

4.4 The submission of the Council's preliminary statement, Local Impact Report, Statement of Common Ground, input into the draft DCO and any written representations will be required in accordance with deadlines set by the Planning Inspectorate and once the examination commences this is a particularly resource intensive exercise.

4.5 In addition, the accommodation works for the of relocation of the current contractors' facilities into the vicinity of the southern cooling towers has become the subject of a standalone planning application to be determined by this authority in advance of the NSIP process and timetable.

5. Legal/Financial Controls and other Policy matters

Legal Issues

5.1 The District Council is an interested party and support for the scheme is subject to agreeing the requirements in the DCO.

5.2 The District Council will have further involvement following submission of the application and during the examination period, including attendance at issue specific, and DCO public hearings. It is also possible that appropriate planning obligations, in conjunction with the County Council may be required to address any impacts and if considered necessary in planning terms. Both of these may require some input from the Council's legal team.

Financial Issues

5.3 The District Council, jointly with the County Council, have entered into a Planning Performance Agreement (PPA) with Drax. The PPA establishes a project framework and gives greater clarity to all parties as to their roles and responsibilities. The PPA also establishes a fund set aside against which both this Council and the County Council can claim for work carried out by its service areas which is in excess of their normal working practices.

6. Conclusion

6.1 Members are asked to note the contents of this report and agree to support this NSIP Development Consent Order in principle, subject to agreement in relation to specific and localised matters of detail.

6.2 Members are also asked to authorise the Director of Economic Regeneration and Place in consultation with the Executive Member for Place Shaping to agree the Local Impact Report, Statement of Common Ground, any further representations by the District Council and the post decision monitoring of planning conditions and enforcement of the Development Consent Order.

Background Documents

All current information relating to this NSIP development can be found on the planning files ref: 2018/0015/SCN and 2018/0064/GOV

The National Infrastructure Planning website of the Planning Inspectorate is at the link:

<https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/drax-re-power/?ipcsection=overview>

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Appendix:

Extracts from the Preliminary Environmental Information Report to show locations of key elements of the proposals comprising of aerial views from the east and south east.

