

Part A

In completing this representation form, you are providing a formal consultation response under Regulation 27 of the Town and Country Planning (Local Development)(England) Regulations 2008 with regard to the Selby District Submission Draft Core Strategy DPD on grounds of soundness only.

Please complete separate copies of Part B (pages 3 and 4) of this form for each section, policy, table, map or diagram about which you wish to comment.

If you believe that a section, policy, paragraph, table, map or diagram is unsound with regard to more than one test of soundness please provide a separate representation for each test.

The Tests of Soundness

Soundness is explained in PPS12 (Planning Policy Statement 12) in paragraphs 4.36 - 4.47, 4.51 and 4.52 and the boxed text. Specifically paragraph 4.52 states that to be sound a Core Strategy should be:

1 Justified

PPS12 provides that to be 'justified' a DPD (in this case the 'Core Strategy') needs to be :

- founded on a robust and credible evidence base involving:
 - evidence of participation of the local community and others having a stake in the area
 - research/fact finding - the choices made in the plan are backed up by facts
- the most appropriate strategy when considered against reasonable alternatives

2 Effective

PPS12 states that Core Strategies should be effective. This means:

- Deliverable - embracing:
 - Sound infrastructure delivery planning
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 - Delivery partners who are signed up to it
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- Flexible
- Able to be monitored

3 National Policy

The DPD (in this case the 'Core Strategy') should be consistent with national policy. Where there is a departure, the Local Planning Authority (LPA) must provide clear and convincing reasoning to justify their approach.

Completed representation forms must be returned to the Council no later than 5pm on Monday 21st February 2011.

Email to: ldf@selby.gov.uk **(Please save a copy to your computer prior to e-mailing your response)**

Post to: LDF Team, Development Policy, Selby District Council, Civic Centre, Portholme Road, Selby YO8 4SB

Contact Details (only complete once)

Please provide contact details and agent details, if appointed.

	Personal Details	Agents Details (if applicable)
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First Name		
Last Name		
Job Title (where relevant)		
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Address Line 1	DRAX POWER STATION	3RD FLOOR
Address Line 2	PO BOX 3	21 GARLICK HILL
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Part B (please use a separate sheet (pages 3 and 4) for each representation)

Please identify the part of the Core Strategy to which this representation refers:

Section No.	<input type="text"/>	Policy No.	<input type="text"/>	Paragraph No.	<input type="text" value="3.5"/>
Map No.	<input type="text"/>	Figure No.	<input type="text"/>	Other	<input type="text"/>

Question 1: Do you consider the DPD is:

1.1 Legally compliant Yes No

1.2 Sound Yes No

If you have entered No to 1.2, please continue to Q2. In all other circumstances, please go to Q3.

Question 2: If you consider the DPD is unsound, please identify which test of soundness your representation relates to:

(Please note you should complete separate Part B (pages 3 and 4) of this form for each test of soundness the Core Strategy fails.)

- 2.1 Justified (Please identify just one test for this representation)
- 2.2 Effective
- 2.3 Consistent with national policy

Question 3: Please give details of why you consider the Core Strategy DPD is not legally compliant or is unsound. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the DPD, please also use this box to set out your comments.

Please see Paragraph 3 of the attached text.

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Representation Submission Acknowledgement

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Signed DALTON WARNER DAVIS LLP

Dated 21.02.2011

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Please identify the part of the Core Strategy to which this representation refers:

Section No.	<input type="text"/>	Policy No.	<input type="text"/>	Paragraph No.	<input type="text" value="6.26"/>
Map No.	<input type="text"/>	Figure No.	<input type="text"/>	Other	<input type="text"/>

Question 1: Do you consider the DPD is:

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Selby District

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Section No.	<input type="text"/>	Policy No.	<input type="text" value="CP9"/>	Paragraph No.	<input type="text"/>
Map No.	<input type="text"/>	Figure No.	<input type="text"/>	Other	<input type="text"/>

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Map No.	<input type="text"/>	Figure No.	<input type="text"/>	Other	<input type="text"/>

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(Continue on a separate sheet if submitting a hard copy)

PLEASE NOTE your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination. For further information on the stages see The Planning Inspectorate website (http://www.planning-inspectorate.gov.uk/pins/appeals/local_dev/index.htm)

Question 5: Can your representation seeking a change be considered by written representations, or do you consider it necessary to participate at the oral part of the examination?

5.1 Written Representations

5.2 Attend Examination

5.3 If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary

(Your request will be considered by the Inspector, however, attendance at the Examination in Public is by invitation only).

Revised Draft Overarching National Policy Statement for Energy (EN-1) paragraph 2.2.2 states that 'with severe constraints on public expenditure in the near-term, the state's role is to encourage private sector investment in new infrastructure and in energy efficiency, by developing a clear, long-term policy framework'. Drax Power Limited is engaged in the operation of electricity generation and wishes to explain to the Inspector its views in the importance of the Drax Power Station site as a strategic energy generation site and its activities as a major employer which justifies specific recognition in the Core Strategy and Policy CP9.

Representation Submission Acknowledgement

I acknowledge that I am making a formal representation under Regulation 27 of the Town and Country Planning (Local Development)(England) Regulations 2008. I understand that my name (and organisation where applicable) and representation will be made publically available during the public examination period of the Core Strategy in order to ensure that it is a fair and transparent process.

I agree with this statement and wish to submit the above representation for consideration.

Signed DALTON WARNER DAVIS LLP

Dated 21.02.2011

Selby District Submission Draft Core Strategy
Publication Version January 2011
Representations – Drax Power Limited

Introduction

1. These representations, in respect of the Selby District Submission Draft Core Strategy – Publication Version January 2011 (SDSDCS) are made on behalf of Drax Power Ltd (DPL) which operates Drax Power Station (Drax). DPL is seeking changes to certain paragraphs and Policy CP9 to ensure that the Core Strategy is “sound” by requesting that the unique suitability of Drax Power Station for energy related development is recognised consistent with advice in the Replacement Draft National Policy Statements (NPSs). NPSs were described by the Chief Planning Officer, Communities and Local Government in his letter of 9.11.09 to Chief Planning Officer’s of Local Planning Authorities (LPAs) as being at the heart of the new planning regime for nationally significant infrastructure projects (NSIPs), therefore it is considered relevant for Selby Council to have regard to emerging energy policy, which identifies the need for major investment in NSIPs.

Key Issues and Challenges

2. The SDSDCS 2.9 describes the economy of the District as being varied and including two major coal fired power stations (Drax and Eggborough), which it considers makes the energy sector especially prominent and that *“this is expected to continue in the light of national policy statements”*. On the matter of key issues and challenges *“Reinvigorating and developing the economy of the District has emerged as a major priority if a more self-contained, sustainable way of life for District residents is to be created”* (SDSDCS 2.43). SDSDCS 2.46 refers to energy as one of the key challenges which can be turned into opportunities; this can be achieved by ensuring support for energy related development at Drax consistent with advice in NPS EN-1.

Vision Aims and Objectives

3. Objectives in support of the vision for Selby to 2026 include at SDSDCS 3.5 two items:
 - *developing the economy of the District by capitalising on local strengths, nurturing existing business, supporting entrepreneurs and innovation and promoting diversification into new growth sectors (3.5-(9))*

- *making best use of natural resources by promoting energy efficiency, sustainable construction techniques and renewable energy operations and low-carbon renewable energy operations. (3.5-(15)).*

Item 15 should be amended by changing the text to "...techniques and low carbon and/ or renewable energy operations." This would reflect the advice in the supplement to PPS1 (Planning and Climate Change) that "*Low carbon technologies are those that can help reduce carbon emissions. Renewable and/or low carbon energy supplies include, but not exclusively, those from biomass and energy crops; CHP/ CCHP and (micro CHP); waste heat that would otherwise be generated directly, or indirectly, from fossil fuel*"(Glossary).

4. Planning Policy Statement (PPS): Local Spatial Planning (PPS12) states that core strategies may allocate strategic sites for development; the alternative is to allocate sites in a development plan document (DPD) which have not been identified in a core strategy, although, having recourse to this alternative, is not justification for not allocating a site in a core strategy, when sites are central to the achievement of the strategy (PPS12, 4.5, 5.3). Having regard to the role of Drax Power Station, both as a generator of electricity and as a major provider of skilled jobs, the Core Strategy should make provision through site specific policies and land use allocations, as well as generic policies for energy/infrastructure development at Drax. The Core Strategy should also give clear guidance that Drax is an appropriate location for the development of energy infrastructure as well as related activities. This would demonstrate an understanding of existing business needs and likely changes, which would be relevant to the evidence base. It is pertinent that the present Policy EMP10 in the Selby District Local Plan, which is a permissive policy, gives a strong indication of the Council's commitment to the longevity of Drax as a major provider of energy.

Promoting Economic Prosperity

5. SDSDCS 2.9 refers to the energy sector being especially prominent because of the existence of Drax and Eggborough power stations. The SDSDCS defines the District as playing an important role in the local and regional labour market; it is concerned that the District now experiences a high level of out-commuting to Leeds and York, supplying these centres "*with skilled labour, at the expense of the local economy and sustainable development objectives*" (SDSDCS 6.3).
6. PPS4 *Planning for Sustainable Economic Growth* (2009) defines economic development as including development within B Use Classes and other forms of

investment and other development which achieves at least one of the following objectives:

- provides employment opportunities
- generates wealth
- produces or generates an economic output or product.

The business of generating electricity satisfies each of the objectives above and is therefore economic development within the meaning of PPS4; therefore, as a important contributor to economic prosperity it is necessary to ensure provision of land for energy infrastructure development at appropriate, sites, which should include Drax Power Station. SDSDCS 6.9 could be interpreted as undermining efforts to encourage investment at Drax; it would be preferable to delete the text “*There is a high dependency on manufacturing and the energy sector and*” and to begin the next sentence “*The expected decline.....*”

7. In referring to Other Employment Activities reference is made to the ongoing importance to the economy of the District of Drax and Eggborough power stations and the work that is being undertaken at Drax in relation to co-firing and energy generation from biomass (SDSDCS 6.26). The SDSDCS recognises that a need for further investment in energy infrastructure in line with PPS4 as prominent contributor to economic prosperity and that both locations have the advantage of direct connections to the National Grid; DPL can confirm that (there are other advantages including transport and access to skilled staff). It is important to ensure that Drax is designated accordingly for energy related development that will facilitate the statement that “supporting the energy sector will assist in reinvigorating, expanding and modernising the District’s economy.”

8. Reference is made in the SDSDCS to the re-use of buildings at the former Gascoigne Wood mine provided this is directly linked to the use of the existing rail infrastructure and for former employment/institutional sites outside Development Limits for employment uses compatible with the countryside location and to former mine sites at Whitemoor and Riccall as acknowledged locations for meeting the needs of existing indigenous employment (SDSDCS 6.28/29). It is therefore surprising that the SDSDCS has failed to take account of the specific needs for investment in energy infrastructure at Drax Power Station. In addition to recent investment in biomass handling with co-firing and rail infrastructure improvements at Drax and its proposal to develop a new 290 MW biomass electricity generating plant (currently the subject of an application under the Electricity Act 1989, made to the Secretary of State for Energy and Climate Change), there is scope for further major investment at Drax

Power Station. Policy CP9 should be amended to make it clear that Drax is an important site for future economic growth for purposes of energy related development.

Improving the Quality of Life

9. The SDSDCS 7.2 aims to reduce greenhouse gas emissions and protect resources whilst providing opportunities to promote renewable energy. The context refers to the Climate Change Background Paper and to national policies and strategies from which it concludes that a common theme is that there should be provision for renewable/low carbon energy and clean fossil fuels generation with carbon capture and storage.
10. Government energy policy is set out in numerous policy documents and, while some are referred to in the SDSDCS, all of the following are relevant to the consideration of renewable and low carbon energy policies:
 - (a) *Our Energy Future – Creating a Low Carbon Economy Cm 5761 (2003)* identifies three challenges, first climate change, second decline in the UK's indigenous energy supplies and third the need to update much of the UK's energy infrastructure. On the issue of maintaining reliability of energy supplies, the stated goal is that people and businesses can rely on secure supplies of energy at predictable prices delivered through the market.
 - (b) *The Energy Challenge – Energy Review Cm 6887 (2006)* refers to two major long term challenges of tackling climate change and delivering secure and clean energy at affordable prices. On the matter of energy generation, it notes that the UK will need substantial new investment in electricity generation capacity to replace closing coal, oil and nuclear power stations and to meet expected growth in electricity demand.
 - (c) *Meeting the Energy Challenge – A White Paper on Energy Cm 7124 (2007)*, commenting on reducing CO₂ emissions notes that the sector has made some progress on decarbonising since 1990 and that, over the next two decades, the UK will need substantial investment in new electricity generation capacity. It predicts that around 22.5 GW of existing power stations may close by 2020 and that to maintain equivalent levels of supply, new generating capacity will need to be built.

- (d) *Energy Markets Outlook Report (2009)* restates the position that security of supply is a key element of Government energy policy and correspondingly Ofgem's role in protecting consumers.
- (e) *Ofgem Sustainable Development Report (2009)* reaffirms earlier advice that one of the challenges facing the energy industry, is to ensure adequate levels of generation as old plants are phased out and new plants come on line; it refers to the Government's ambitious renewables targets of 30% of electricity being sourced from renewables by 2020, compared with 5% today; it emphasises that renewable and low carbon heat will contribute to targets of reducing CO₂ emissions.
- (f) *The UK Low Carbon Transition Plan – National Strategy for Climate and Energy (2009)* recognises the ongoing role of coal and gas in energy generation; it observes that coal power stations have higher power emissions than other fuel options but that carbon capture storage (CCS) offers the prospect of a solution to reduce emissions from fossil fuelled power stations by up to 90%.
- (g) *The UK Low Carbon Transition Plan – National Strategy for Climate and Energy (2009)* aims to transform the power sector by generating electricity from clean sources, including renewables and fossil fuelled plants fitted with CCS equipment; to make this transition, the Government needs to maintain the right conditions for energy companies to invest very large sums in new power stations. It acknowledges that, while it is not possible to predict the exact mix of electricity generating technologies in the future, the strategy needs to be sufficiently flexible to adopt technical developments in any sector. It is noted that bio energy comes from a wide range of renewables including wood, energy crops and organic wastes and that electricity can be generated from dedicated biomass power stations, or co-firing with coal and with CCS in large power stations.
- (h) *Ofgem Project Discovery Options for delivering secure and sustainable energy supplies (2010)* confirms a need for unprecedented levels of investment to be sustained over many years in energy infrastructure in difficult financial conditions and the potential to incur greater decarbonisation costs in the future if investment in low carbon technology is delayed or deferred.
- (i) On 18.10.10 the Coalition Government published for consultation (until 24.1.11) Revised Draft National Policy Statement (NPSs) for energy. The Revised Draft

Overarching NPS for Energy (EN-1) in Part 3 considers the need for new Nationally Significant Infrastructure Projects and in Section 3.1, sets out the policy to be followed when making decisions and which should be reflected in the LDF process. It states that:

“The UK needs a mix of all types of energy infrastructure in order to achieve energy security at the same time as dramatically reducing greenhouse gas emissions.

It is for industry to propose new energy infrastructure projects within the strategic framework set by Government. The Government does not consider it appropriate for planning policy to set targets for or limits on different technologies.

The IPC should therefore assess all applications for development consent for the types of infrastructure covered by the energy NPSs on the basis that the need for those types of infrastructure has been demonstrated by the Government and that this need is urgent.

The IPC should give substantial weight to the contribution which projects would make towards satisfying this urgent need when considering applications for development consent under the Planning Act 2008”.

11. Against the background of Government’s energy policies and recent reports published by Ofgem and DECC (paragraph 11) the changes sought in these representations should be adopted, in particular amendment to Policy CP9 to recognise Drax as a site where future economic growth for purposes of energy related development will occur.

Dalton Warner Davis LLP

21 February 2011