



The Planning
Inspectorate

SCOPING OPINION

Proposed Seabank 3 CCGT



March 2013



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EXECUTIVE SUMMARY

This is the Scoping Opinion (the Opinion) provided by the Secretary of State in respect of the content of the Environmental Statement for the Seabank 3 CCGT project, located immediately adjacent to the existing Seabank power station at Crooks Marsh, Severnside, approximately 5km northeast of Avonmouth. The proposed scheme would produce up to 1,400 megawatts (MW) of electrical generation capacity.

This report sets out the Secretary of State's opinion on the basis of the information provided in SSE Seabank Land Investments Ltd's (the Applicant) report entitled 'Seabank 3 EIA Scoping Report' (12 February 2013). The Opinion can only reflect the proposals as currently described by the Applicant.

The Secretary of State has consulted on the Scoping Report and the responses received have been taken into account in adopting this Opinion. The Secretary of State is satisfied that the topic areas identified in the Scoping Report encompass those matters identified in Schedule 4, Part 1, paragraph 19 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended).

The Secretary of State draws attention both to the general points and those made in respect of each of the specialist topic areas in this Opinion. The main potential issues identified relate to the potential impacts in respect of the following:

- Ecology;
- Ground contamination;
- Drainage and flood risk;
- Emissions to air and water;
- Noise and vibration during construction;
- Utilities infrastructure; and
- Transport and accessibility during construction.

Matters are not scoped out unless specifically addressed and justified by the Applicant, and confirmed as being scoped out by the Secretary of State.

The Secretary of State notes the potential need to carry out an assessment under the Habitats Regulations¹.

¹ The Conservation of Habitats and Species Regulations 2010 (as amended)

1.0 INTRODUCTION

Background

- 1.1 On 12 February 2012, the Secretary of State (SoS) received a scoping report submitted by URS Infrastructure and Environment UK Ltd on behalf of SSE Seabank Land Investments Ltd (the Applicant) under Regulation 8 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (SI 2263) (as amended) (the EIA Regulations) in order to request a scoping opinion for the proposed Seabank 3 Combined Cycle Gas Turbine (CCGT) project. This Scoping Opinion is made in response to this request and should be read in conjunction with the Applicant's Scoping Report.
- 1.2 In a letter dated 13 December 2012 addressed to the SoS and accompanying the Scoping Report, the Applicant formally notified the SoS under Regulation 6(1)(b) of the EIA Regulations that it proposes to provide an ES in respect of the proposed development. Therefore, in accordance with Regulation 4(2)(a) of the EIA Regulations, the proposed development is determined to be EIA development. The EIA Regulations enable an applicant, before making an application for an order granting development consent, to ask the SoS to state in writing their formal opinion (a 'scoping opinion') on the information to be provided in the environmental statement (ES).
- 1.3 The proposed development concerns a generating station exceeding 50 MW. It falls within the description of a Schedule 1 development under the EIA Regulations as being an infrastructure project. An EIA is mandatory for a Schedule 1 development.
- 1.4 Before adopting a scoping opinion the SoS must take into account:
 - (a) The specific characteristics of the particular development;
 - (b) The specific characteristics of the development of the type concerned; and
 - (c) Environmental features likely to be affected by the development'.

(EIA Regulation 8 (9))
- 1.5 This Opinion sets out what information the SoS considers should be included in the ES for the proposed development. The Opinion has taken account of:
 - i The EIA Regulations
 - ii The nature and scale of the proposed development

- iii The nature of the receiving environment, and
 - iv Current best practice in the preparation of environmental statements.
- 1.6 The SoS has also taken account of the responses received from the statutory consultees (see Appendix 2 of this Opinion). The matters addressed by the Applicant have been carefully considered and use has been made of professional judgement and experience in order to adopt this Opinion. It should be noted that when it comes to consider the ES, the SoS will take account of relevant legislation and guidelines (as appropriate). The SoS will not be precluded from requiring additional information if it is considered necessary in connection with the ES submitted with that application when considering the application for a development consent order (DCO).
- 1.7 This Opinion should not be construed as implying that the SoS agrees with the information or comments provided by the Applicant in their request for an opinion from the SoS. In particular, comments from the SoS in this Opinion are without prejudice to any decision taken by the SoS (on submission of the application) that any development identified by the Applicant is necessarily to be treated as part of a nationally significant infrastructure project (NSIP), or associated development, or development that does not require development consent.
- 1.8 Regulation 8(3) of the EIA Regulations states that a request for a scoping opinion must include:
- (a) 'a plan sufficient to identify the land;
 - (b) a brief description of the nature and purpose of the development and of its possible effects on the environment; and
 - (c) such other information or representations as the person making the request may wish to provide or make'.

(EIA Regulation 8 (3))

- 1.9 The SoS considers that this has been provided in the Applicant's Scoping Report.

The Secretary of State's Consultation

- 1.10 The SoS has a duty under Regulation 8(6) of the EIA Regulations to consult widely before adopting a scoping opinion. A full list of the consultation bodies is provided at Appendix 1. The list has been compiled by the SoS under their duty to notify the consultees in accordance with Regulation 9(1)(a). The Applicant should note that whilst the SoS's list can inform their consultation, it should not be relied upon for that purpose.

- 1.11 The list of respondents who replied within the statutory timeframe and whose comments have been taken into account in the preparation of this Opinion is provided at Appendix 2 along with copies of their comments, to which the Applicant should refer in undertaking the EIA.
- 1.12 The ES submitted by the Applicant should demonstrate consideration of the points raised by the consultation bodies. It is recommended that a table is provided in the ES summarising the scoping responses from the consultation bodies and how they are, or are not, addressed in the ES.
- 1.13 Any consultation responses received after the statutory deadline for receipt of comments will not be taken into account within this Opinion. Late responses will be forwarded to the Applicant and will be made available on the Planning Inspectorate's website. The Applicant should also give due consideration to those comments in carrying out the EIA.

Structure of the Document

- 1.14 This Scoping Opinion is structured as follows:

- Section 1 Introduction
- Section 2 The proposed development
- Section 3 EIA approach and topic areas
- Section 4 Other information.

The Scoping Opinion is accompanied by the following Appendices:

- Appendix 1 List of consultees
- Appendix 2 Respondents to consultation and copies of replies
- Appendix 3 Presentation of the environmental statement.

2.0 THE PROPOSED DEVELOPMENT

Introduction

2.1 The following is a summary of the information on the proposed development and its site and surroundings prepared by the Applicant and included in their Scoping Report. The information has not been verified and it has been assumed that the information provided reflects the existing knowledge of the proposed development and the potential receptors/resources.

The Applicant's Information

Overview of the Proposed Development

2.2 The proposed Seabank 3 CCGT project comprises the construction and operation of a CCGT power station with a capacity of up to 1400 MW. The plant will be designed to operate independently of the existing Seabank 1 & 2 power stations and will run continuously for a minimum of 25 years. Natural gas fuel, fired in the combustion system would drive a gas turbine connected to a generator producing electricity. Remaining heat would be passed to a Heat Recovery Steam Generator and used to generate steam which is then passed through a turbine, generating further electricity.

2.3 Section 3 of the Scoping Report has identified the following components of the proposed development:

- Two main structures with footprints of 80m by 80m and a maximum height of 40m with approximately three exhaust stacks of up to 80m;
- Ancillary structures to accommodate cooling towers, workshops and offices;
- Two main gas turbines and associated turbines;
- Diversion of existing natural gas supply pipelines on site to accommodate the new plant and a connection taking from it;
- New supply/return water pipeline installed between the site and the water treatment works; likely to follow the route of the existing pipeline;
- Two temporary vehicular access points during construction; and
- Three permanent vehicular access points provided for the operational period.

Description of the site and surroundings

The Application Site

- 2.4 The Potential NSIP Site (as illustrated in Figure 2 of the Scoping Report) is located entirely within the administrative area of South Gloucestershire. The final design and layout of the scheme may include land within the administrative boundary of Bristol City Council. This depends on whether the proposed electrical connection and/or cooling water pipeline routes (as described below) are included within the DCO application.
- 2.5 The Potential NSIP Site (from hereon referred to as 'the Site') comprises an area of approximately 20 Ha. This would be extended should the connection/water pipeline routes be included within the DCO application boundary.
- 2.6 The Site is immediately adjacent to the existing Seabank 1 & 2 CCGT Power Station, within an area comprising predominantly industrial uses. It is located approximately 5km from Avonmouth and 10km from Bristol.
- 2.7 The Site is relatively flat and comprises open grassland with rhines (drainage channels) and ditches that flow into the Severn Estuary. There are no existing buildings on the Site and woody vegetation such as shrubs and trees are limited.
- 2.8 Access to and from the Site is from a single track gravel road that runs eastwards from a priority junction on the A403 Severn Road (Ableton Lane/Minor's Lane).
- 2.9 Other notable features of the Site include:
- Interconnecting rhines and drainage ditches on site and on adjacent land identified as Sites of Nature Conservation Interest (SNCI).
 - There are currently 11kV, 132kV and 400kV overhead electrical lines crossing the south-east area of the site.
 - Two underground gas mains and a water pipeline run along the southerly edge of the site.
 - The majority of the site comprises floodplain grassland with areas of scrub and hedgerow which are Biodiversity Action Plan (BAP) habitat.
 - The site is within/immediately adjacent to an area designated as Coastal and Floodplain Grazing Marsh (a Biodiversity Action Plan (BAP) priority habitat).
 - The site is located in Flood Zone 3.
 - Local Public Rights of Way (PRoW) cross the site and others are in the vicinity.

The Surrounding Area

- 2.10 There is undeveloped land to the east and north-east of the Site is, beyond which lies the M49 motorway (approximately 1km).

Land adjacent to the north of the site previously contained industrial buildings but has been cleared and is currently subject to proposals for a separate CCGT power station. The existing Seabank 1 & 2 power station is located immediately south-west of the site with the consented, but not yet built, SITA recycling facility to the west.

- 2.11 The Site is located approximately 400m to the east of the Severn Estuary which is a designated Special Area of Conservation (SAC), Special Protection Area (SPA), Ramsar Site and Site of Special Scientific Interest (SSSI).
- 2.12 A number of residential communities are present in the surrounding area with the closest being Severn Beach located approximately 1.5km north of the Site. Several farms are located between 1.1km and 2km of the Site.
- 2.13 Three scheduled monuments, 15 Grade II* and 14 Grade I listed buildings are within 5km of the Site, with 13 Grade II listed buildings within 2km of the Site.

Description of the Proposed Development

- 2.14 The proposed development comprises the construction and operation of a CCGT power station with a capacity of up to 1,400 MW and consisting of two main gas turbines and associated steam turbines.
- 2.15 Although operating independently of Seabank 1 & 2, there will be a number of shared services including access roads, cooling water, gas supply and grid connection.
- 2.16 The main buildings comprise two main structures with a footprint of 80m x 80m and a maximum height of up to approximately 40m, with exhaust stacks of up to 80m. The number of exhaust stacks is under consideration, although at this stage it is expected that two stacks will be required.
- 2.17 There is potential for a third, smaller stack should supplementary firing or black start / fast response capability (referred to as a 'peaking plant') be installed in addition to the CCGT plant. Should a peaking plant be included within the application proposals its combined maximum output would still not exceed 1,400MW. This is currently being investigated by the Applicant, however possible changes to the characteristics of the Proposed Development include:
 - The addition of a separate building within the site boundary, with a smaller footprint and height than the main CCGT buildings.
 - A separate emissions stack which would be a lower height than the proposed main stacks.

- Several above ground tanks for on site diesel storage (if required). The tanks would typically be cylindrical and each approximately 15-20m in diameter by approximately 10m height, depending on the volume of fuel to be stored and number of tanks selected.
- 2.18 Ancillary structures will also be required to accommodate cooling towers, workshops and offices.
- 2.19 The CCGT power station is likely to be located adjacent to the existing power station. It would be designed to be carbon capture ready (CCR), with approximately 10 hectares of land within the eastern part of the Site boundary reserved for the future installation of carbon capture and storage (CCS) technology, if required. The CCS technology and related infrastructure to transport CO₂ will not form part of the DCO application. An assessment on the feasibility of delivering the technology and the options for transporting CO₂ offshore is to be undertaken however. A CCS Report will be submitted with the DCO application.
- 2.20 The former landowner (Severnside Developments Ltd) is progressing separately (under the extant 1957/1958 consent for the site) proposals to divert the Red Rhine drainage channel (which runs through the site). Preliminary modelling indicates that these works will reduce existing flood levels within the site by approximately 0.5mm.

Electricity Sub-station and Grid Connection

- 2.21 Connection with National Grid infrastructure is to be through a 400kv overhead line or underground cable to the existing Seabank substation approximately 300m south west of the Site. The Applicant has not yet determined whether the connection will be included within the DCO application or whether it will be pursued separately by National Grid. In any event five additional connection bays at the substation are proposed to accommodate the connection.

Cooling Water Pipeline

- 2.22 The final cooling technology to be used has not yet been determined by the Applicant. The following options are being considered:
- Direct wet cooling: requiring the abstraction of large quantities of water from an accessible water source and the discharge of warmer water back into this source after it has been used.
 - Dry-cooling: requiring a system of air-cooled condenser fans powered by electricity, thus resulting in the reduced thermal efficiency of the system. No cooling water abstraction,

treatment or discharge is required however and it does not give rise to visible plumes.

- Hybrid-cooling: requiring a smaller volume of water to be abstracted from a water source and a reduced temperature of discharge water. It can give rise to visible water emissions to air [assumed to be a 'thermal plume'] and results in slightly lower thermal efficiency than direct wet cooling however. This option would involve the installation of a new pipeline between the Site and the Wessex Water Sewage Treatment Works as illustrated in Figure 2 of the Scoping Report.

Gas Connection

- 2.23 An existing gas pipeline that runs through the centre of the Site needs to be realigned to facilitate construction of the proposed development. Subject to engineering confirmation from National Grid (Gas) it is not expected that any upgrades to deliver the necessary gas supply to the plant will be required.

Proposed Access

- 2.24 A proposed new spine road (approved separately by South Gloucestershire Council and intended to be delivered by Severnside Developments Ltd) is to provide the primary access/egress to the site. Direct access from Seabank 1 and 2 to the west will also be provided.
- 2.25 There will be two temporary access points for vehicles during construction: the existing access road along Ableton Lane/Minor's Lane which will be upgraded and levelled in advance of works commencing; and an additional arm off the existing roundabout immediately east of the Site.

Construction

- 2.26 It is anticipated that the proposed development may be built in one or two phases which could last a minimum of 3 years with a planned commission date by the end of 2019.
- 2.27 A construction programme has not been included in the Scoping Report. The Scoping Report states that ES will provide a framework for the Construction Method Statement (CMS) and Construction Environmental Management Plan (CEMP) and will provide mitigation measures to reduce nuisance impacts.
- 2.28 Vehicle movements during the construction period are estimated to be in the region of 600-800 per day during the peak but would be reduced if development is phased.

Operation and Maintenance

- 2.29 The proposed development will be designed to operate continuously over a period of approximately 25 years after which its ongoing operation will be reviewed.
- 2.30 A workforce of up to 40 people, on a shift basis, is expected during the operational phase. Traffic generated during the operational phase will consist mainly of staff travel.
- 2.31 No information on possible maintenance works is provided in the Scoping Report.

Decommissioning

- 2.32 The decommissioning of the Project has not been considered in the Scoping Report. Paragraph 3.3 refers to the ongoing operation of the project being reviewed after 25 years.

The Secretary of State's Comments

Description of the Application Site and Surrounding Area

- 2.33 In addition to detailed baseline information to be provided within topic specific chapters of the ES, the SoS would expect the ES to include a section that summarises the site and surroundings. This would identify the context of the proposed development, any relevant designations and sensitive receptors. This section should identify land that could be directly or indirectly affected by the proposed development and any associated auxiliary facilities, landscaping areas and potential off site mitigation or compensation schemes.
- 2.34 The Description of the Site in Section 2 of the Scoping Report is focused on the land identified as the Potential NSIP Site in Figure 2 of the Scoping Report (Potential DCO Boundary). This is where the main CCGT plant and reserved area for CCS technology is proposed. Limited information is provided on the following land areas falling within the Potential Associated Development Boundary shown in Figure 2:
- Study corridor for a proposed water pipeline between the NSIP site and the water treatment works for the provision of cooling water, which may be included in the DCO application as associated development.
 - Existing water pipeline between Seabank 1 & 2 and the water treatment works, which indicates a possible route for a new pipeline(s).

- Study corridor for the electrical connection to Seabank Substation, which may be included in the DCO application as associated development.
- 2.35 The Applicant should ensure that the description of the site and surroundings in the ES corresponds with the DCO application site boundary and includes a description of the aspects of the environment likely to be significantly affected by the development, in accordance with the requirements set out in Schedule 4 Part 1 of the EIA Regulations 2009. The scope and methodologies of surveys necessary to provide this information should be agreed with relevant consultees.
- 2.36 References in the Scoping Report to the areas shown on Figure 2 are inconsistent. For example, the legend in Figure 2 refers to the 'Potential NSIP Site', whereas Figure 8 refers to the same area as the 'NSIP site boundary' and Figure 9 to the 'Potential Site Boundary'. To avoid confusion care should be taken in preparing the ES to ensure that the Application Site is clearly and consistently defined. All elements of the proposed development including location should be clearly and correctly identified in the text and on accompanying figures and plans.

Description of the Proposed Development

- 2.37 The SoS notes that the Scoping Report does not describe potential works associated with the proposed electrical connection or the cooling water/gas pipelines. The Applicant should ensure that the description of the proposed development that is being applied for is as accurate and firm as possible as this will form the basis of the environmental impact assessment. It is understood that at this stage in the evolution of the scheme the description of the proposals and even the location of the site may not be confirmed. The Applicant should be aware however, that the description of the development in the ES must be sufficiently certain to meet the requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations and there should therefore be more certainty by the time the ES is submitted with the DCO.
- 2.38 The Scoping Report states that the proposed development will be designed to be carbon-capture ready, that 10 hectares has been made available for the future installation of CCS technology if required, and that a carbon capture readiness report will be submitted with the ES. The SoS welcomes the proposed report and the reference to the requirements for demonstrating carbon-capture readiness set out in section 4.7 of DECC's 'Overarching National Policy Statement for Energy (EN-1)'. The SoS also notes and welcomes the intention for the report to supplement the EIA. The ES should where possible consider the potential effects associated with providing the proposed technology.

- 2.39 Attention is drawn to the comments provided by the Crown Estate (Appendix 2 of this Opinion) regarding their interest in understanding the storage resource in the area and in discussing the assessment of suitable storage sites offshore with the Applicant.
- 2.40 If a draft DCO is to be submitted, the Applicant should clearly define what elements of the proposed development are integral to the NSIP and which is 'associated development' under the Planning Act 2008 or is an ancillary matter.
- 2.41 Any proposed works and/or infrastructure required as associated development, or as an ancillary matter, (whether on or off-site) should be considered as part of an integrated approach to environmental assessment.
- 2.42 The SoS recommends that the ES should include a clear description of all aspects of the proposed development, at the construction, operation and decommissioning stages, and include:
- Land use requirements;
 - Site preparation;
 - Construction processes, methods and machinery;
 - Access arrangements, including access points and transport routes;
 - Operational requirements including the main characteristics of the production process and the nature and quantity of materials used, as well as waste arisings and their disposal;
 - Maintenance activities including any potential environmental impacts; and
 - Emissions – water, air and soil pollution, noise, vibration, light, heat, radiation.
- 2.43 The ES will need to identify and describe the control processes and mitigation procedures for storing and transporting waste off site. All waste types should be quantified and classified.

Flexibility

- 2.44 The SoS notes the comments in Section 3 of the Scoping Report that the design of the power station is still subject to change as the preliminary design progresses and through input from EIA (paragraph 3.8). Section 3 also refers to various plant and technologies which are to be determined at a later stage and, in some areas, there is uncertainty over what elements of the scheme will form part of the proposed development and DCO application.

- 2.45 The Applicant's attention is drawn to Advice Note 9 'Using the 'Rochdale Envelope' which is available on the Planning Inspectorate's website and to the 'Flexibility' section in Appendix 3 of this Opinion which provides additional details on the recommended approach.
- 2.46 The Applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the scheme have yet to be finalised and provide the reasons. At the time of application, any proposed scheme parameters should not be so wide ranging as to represent effectively different schemes. The scheme parameters will need to be clearly defined in the draft DCO and therefore in the accompanying ES. It is a matter for the Applicant, in preparing an ES, to consider whether it is possible to robustly assess a range of impacts resulting from a large number of undecided parameters. The description of the proposed development in the ES must not be so wide that it is insufficiently certain to comply with requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations.
- 2.47 It should be noted that if the proposed development changes substantially during the EIA process, prior to application submission, the Applicant may wish to consider the need to request a new Scoping Opinion.

Grid Connection and Cooling Water Pipeline

- 2.48 The connection of the plant into the relevant electricity network and the source/method of delivering cooling water to the plant are important considerations. The SoS therefore welcomes the consideration being given to including these elements and other associated infrastructure within the proposed DCO application so that all potential effects can be assessed within the accompanying ES.
- 2.49 The SoS notes that in the absence of a detailed connection/pipeline routes, broad indicative corridors have been identified. Such uncertainty over the physical extent of the proposed development makes a robust assessment of its potential effects difficult to undertake.
- 2.50 The SoS suggests that careful consideration should be given as to how the Applicant meaningfully consults on, and properly assesses, the likely impacts arising from the proposed connection/pipeline routes. It is hoped that the adoption of an iterative approach will result in a more specific route corridor for a robust EIA to be carried out.

Gas Connection

- 2.51 The Scoping Report refers to the existing pipeline through the centre of the site needing to be realigned as part of the proposed

development. The type and extent of works required is not described however. A detailed description and assessment of these works including types of plant/machinery required should be provided in the ES.

Proposed Access

2.52 The SoS notes the statements in Paragraphs 3.10 and 6.78 of the Scoping Report that the proposed new spine road (approved separately by South Gloucestershire Council and intended to be delivered by Severnside Developments Ltd) will provide the primary access/egress to the site. As the delivery of this road is outside the control of the Applicant the Environmental Statement should describe in detail the proposed access arrangements (including number/type of vehicles and the need for additional works) should the spine road not come forward as planned.

Construction

2.53 The SoS considers that information on construction including: phasing of programme; construction methods and activities associated with each phase; siting of construction compounds (including on and off site); lighting equipment/requirements; and number, movements and parking of construction vehicles (both HGVs and staff) should be clearly indicated in the ES.

2.54 The SoS notes the potential for site levels needing to be raised to manage flood risk. The SoS welcomes the proposal to assess impacts related to these and other necessary earthworks in the EIA and to discuss these with stakeholders.

2.55 Paragraph 3.54 of the Scoping Report refers to the proposal to divert a Public Right of Way that runs through the centre of the Site. The Applicant should engage with Natural England to determine the potential for impacts on this receptor and to agree how these should be assessed as part of the EIA.

Operation and Maintenance

2.56 Information on the operation and maintenance of the proposed development should be included in the ES and should cover but not be limited to such matters as: the number of full/part-time jobs; the operational hours and if appropriate, shift patterns; the number and types of vehicle movements generated during the operational stage.

Decommissioning

2.57 The SoS notes that there is uncertainty regarding the decommissioning of the proposed development and that the continued operation of the development will be reviewed after 25 years.

2.58 The SoS acknowledges that the further into the future any assessment is made, the less reliance may be placed on the outcome. However, the purpose of such a long term assessment is to enable the decommissioning of the works to be taken into account in the design and use of materials such that structures can be taken down with the minimum of disruption. The process and methods of decommissioning should be considered and options presented in the ES. The SoS encourages consideration of such matters in the ES.

Project Alternatives

2.59 The SoS notes the proposed approach in Section 4 of the Scoping Report to the consideration of alternatives. Attention is drawn to Appendix 3 of this Scoping Opinion which sets out the approach recommended by the Planning Inspectorate.

3.0 EIA APPROACH AND TOPIC AREAS

Introduction

- 3.1 This section contains the SoS's specific comments on the approach to the ES and topic areas as set out in the Scoping Report. General advice on the presentation of an ES is provided at Appendix 3 of this Scoping Opinion and should be read in conjunction with this Section.
- 3.2 Applicants are advised that the scope of the DCO application should be clearly addressed and assessed consistently within the ES.

ES Approach

- 3.3 The information provided in the Scoping Report sets out the proposed approach to the preparation of the ES. Whilst early engagement on the scope of the ES is to be welcomed, the SoS notes that the level of information provided at this stage is not always sufficient to allow for detailed comments from either the SoS or the consultees.
- 3.4 The SoS would suggest that the Applicant ensures that appropriate consultation is undertaken with the relevant consultees in order to agree wherever possible the timing and relevance of survey work as well as the methodologies to be used. The SoS notes and welcomes the intention to finalise the scope of investigations in conjunction with ongoing stakeholder liaison and consultation with the relevant regulatory authorities and their advisors.
- 3.5 The SoS recommends that the physical scope of the study areas should be identified under all the environmental topics and should be sufficiently robust in order to undertake the assessment. The extent of the study areas should be on the basis of recognised professional guidance, whenever such guidance is available. The study areas should also be agreed with the relevant consultees and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given. The scope should also cover the breadth of the topic area and the temporal scope, and these aspects should be described and justified.

Matters to be Scoped Out

- 3.6 The Applicant has identified in Section 7 of the Scoping Report the matters proposed to be 'scoped out' of the assessment. These include:
 - Waste;
 - Electronic Interference;

- Aviation; and
 - Accidental Events / Health & Safety.
- 3.7 Matters are not scoped out unless specifically addressed and justified by the Applicant, and confirmed as being scoped out by the SoS. Decisions to scope out impacts should be explained in the ES.
- 3.8 The SoS notes the comments regarding the potential for significant effects in respect of Electronic Interference and agrees that these effects can be scoped out of the EIA. This is subject to the findings of the proposed screening assessment referred to in Paragraph 7.7 of the Scoping Report. The SoS also agrees that operational waste can be scoped out of the assessment.
- 3.9 Insufficient information has been provided by the Applicant to justify the exclusion of effects related to aviation. Attention is drawn to the matters raised in the consultation response from the Civil Aviation Authority.
- 3.10 The Scoping Report also does not provide sufficient information to justify the exclusion of effects related to construction/decommissioning waste, accidental events and health & safety from consideration in the ES. The former should include (but not be limited to) potential impacts resulting from works associated with the electrical connection and cooling water/gas pipelines. In respect of the latter, attention is drawn to the consultation response from the Health and Safety Executive and the proximity of the proposals to major hazard sites.
- 3.11 In addition to assessing the potential impacts from the proposed development, the ES should also assess potential impacts arising from works associated with the electrical connection and cooling water/gas pipelines, either as part of the proposals or as part of the cumulative assessment if these are not included within the DCO application.
- 3.12 In order to demonstrate that topics have not simply been overlooked, where topics are scoped out prior to submission of the DCO application, the ES should explain the reasoning and justify the approach taken.

ES Structure

- 3.13 The SoS notes that from the ES Contents sheet (Scoping Report Section 8) that the EIA would cover a number of assessments under the broad headings listed below, although this has not been consistently applied in the Scoping Report (see later comments):

Volume I

- Air Quality;

- Noise and Vibration;
- Ecology and Habitats
- Flood Risk, Hydrology and Water Resources
- Geology, Hydrogeology and Land Contamination
- Archaeology and Cultural Heritage
- Traffic and Transportation
- Landuse, Recreation and Socio-economics
- Sustainability and Climate Change
- Cumulative Impacts; and
- Residual Impacts.

Volume II

- Landscape and Visual Assessment

Volume III

- Technical Appendices

- 3.14 The SoS recommends that the ES should include an assessment of potential impacts relating to construction/decommissioning waste, accidental events and health & safety as above.

Topic Areas

Air Quality (see Scoping Report Paragraphs 6.2 - 6.16)

- 3.15 The SoS notes the proximity of the site to the designated Cribbs Cause Way Air Quality Management Area (AQMA). The SoS considers that changes to air quality should be assessed in relation to compliance with European air quality limit values and AQMAs.
- 3.16 The SoS notes the intention not to undertake specific ambient air monitoring as part of the EIA, either in respect of baseline data collection or to validate the model findings. Local monitoring data will instead be based on the latest (2010) data from a nearby representative automatic monitoring station, supplemented by Local Authority diffusion tube sampling and Defra background air quality maps, where appropriate. The SoS recommends that the Applicant considers carefully whether this data is sufficiently thorough, accurate, up to date and takes account of other development proposed in the vicinity. The need for additional monitoring should be discussed and agreed with relevant consultees such as the local planning authority and the Environment Agency.

- 3.17 Paragraph 6.16 of the Scoping Report explains the proposal to apply a bespoke set of significance criteria for the assessment of impacts on air quality. The criteria are not defined in the Scoping Report. The SoS recommends that the criteria should be discussed and agreed with consultees.
- 3.18 The ES should clearly explain the relationship between stack heights and dispersion of emissions to air.
- 3.19 The assessment should take account of the air emissions from the proposed development and emissions related to increased vehicular movements. Such information will be useful for the assessment of interrelated effects for topics such as ecology, both terrestrial and marine.
- 3.20 The SoS considers that the site lies within an ecologically sensitive area that includes national and European-designated wildlife sites. The impacts on the Severn Estuary should be carefully assessed. There is the need to consider potential related effects due to an increase in airborne pollution including fugitive dust especially during site preparation, demolition and construction.
- 3.21 Air quality and dust emissions should be considered not only on site but also off site, including along access roads, local footpaths and other PROW.
- 3.22 The SoS notes the statement in Paragraph 6.15 of the Scoping Report that it is not considered necessary to prepare a separate Health Impact Assessment (HIA) for the project. Attention is drawn to Section 4 of this Opinion which sets out the Secretary of State's recommended approach to HIA.
- 3.23 Consideration should be given to appropriate mitigation measures and to monitoring dust complaints.

Noise and Vibration (see Scoping Report Paragraphs 6.17 - 6.34)

- 3.24 The SoS welcomes the proposal to agree the scope and methodology of the noise and vibration assessment with the relevant local authority environmental health officers.
- 3.25 Information should be provided on the types of vehicles and plant to be used during the construction phase. Noise generated during operation should also be identified and assessed.
- 3.26 Construction noise and vibration impacts on people should be assessed, including any potential for disturbance at night and other unsocial hours such as weekends and public holidays. Noise and vibration impact along the foreshore and within watercourses in/near the site should be also be addressed.

- 3.27 The noise and vibration assessments should take account of the traffic movements along access routes, especially during the construction phase.
- 3.28 Paragraph 6.31 of the Scoping Report explains that potential noise impacts on wildlife will be based on representative LAmax noise levels at habitats of importance to bird life. No explanation as to why other ecological receptors are excluded from this assessment is provided. The relevant species and habitats to be included in the assessment should be agreed with Natural England.
- 3.29 The SoS notes the intention at Paragraph 6.31 of the Scoping Report to define the study area for the assessment relative to the acceptability of noise levels at the nearest habitat sites. The SoS considers that the study area should extend to potential noise impacts off site (e.g. increased vehicle movements generated during construction). The study area for the assessment should be agreed with Natural England and described in detail in the ES.
- 3.30 Consideration should be given to monitoring noise complaints during construction and when the development is operational.

Ecology (see Scoping Report Paragraphs 6.35 - 6.48)

- 3.31 The SoS recommends that surveys should be thorough, up to date and take account of other development proposed in the vicinity.
- 3.32 The SoS recommends that the proposals should address fully the needs of protecting and enhancing biodiversity. The assessment should cover habitats, species and processes with the sites and surroundings. The SoS draws attention to the comments provided by Natural England.
- 3.33 The potential impacts on international and nationally designated sites should be addressed as well as county level habitats. Attention is drawn to Section 4 of this Opinion which sets out the recommended approach in respect of SSSIs. The comments from Bristol City Council and South Gloucestershire Council (Appendix 2 of this Opinion) also identify the need to assess potential impacts on a number of locally designated sites.
- 3.34 The SoS notes the proximity of the site to protected species (explained in Paragraphs 6.38 and 6.39 of the Scoping Report) and therefore the potential need for licences from Natural England. Section 4 of this Opinion sets out the recommended approach in respect of other regulatory regimes.
- 3.35 The assessment should take account of impacts on noise, vibration air quality and water quality and cross reference should be made to the relevant technical chapters/appendices of the ES.

- 3.36 The operational and decommissioning phases of the works should be addressed. The SoS recommends the need to consider cumulative and combined impacts and advises this is particularly relevant in terms of assessing the impacts on ecology.

Habitats Regulations Assessment (see Scoping Report Paragraphs 6.49 - 6.50)

- 3.37 This topic is not identified as a separate chapter of the ES in Section 8 of the Scoping Report. It has however been included as a separate heading in the main body of the Scoping Report.
- 3.38 Attention is drawn to Section 4 of this Opinion which provides advice on the information which should be submitted. Attention is also drawn to the comments provided by Natural England, CCW, Bristol City Council and South Gloucestershire Council regarding the approach to the assessment (see Appendix 2 of this Opinion).

Flood Risk (see Scoping Report Paragraphs 6.51 - 6.59)

- 3.39 The SoS notes that this section of the Scoping Report deals principally with potential effects on flood risk, whereas the proposed contents of the ES (Paragraph 8.7) includes a chapter heading of 'Flood Risk, Hydrology and Water Resources'. The scope and content of the assessment to be undertaken in this chapter is therefore not clear from the Scoping Report. The SoS recommends that this should be agreed with relevant consultees but should include an assessment of impacts on water quality, for example resulting from the run-off of contaminants into watercourses or the abstraction/discharge of cooling water (should this be proposed). Attention is drawn to the comments provided by the MMO in respect of the impacts requiring assessment (see Appendix 2 of this Opinion).
- 3.40 The SoS welcomes the provision of a Flood Risk Assessment (FRA) and the on-going consultation with the EA, South Gloucestershire Council, Bristol City Council, the Lower Severn Internal Drainage Board, Wessex Water and Bristol Water. The FRA should form an appendix to the ES.
- 3.41 The FRA should cover tidal flood risk as well as fluvial impacts and therefore should consider the potential for breaching/overtopping of the flood defence under present and projected sea level scenarios.
- 3.42 Paragraph 6.54 of the Scoping Report explains that the former landowner (Sevenside Developments Ltd) is discussing their proposals to divert the Red Rhine (which runs through the site) with the Lower Severn Internal Drainage Board. Preliminary modelling indicates that these works will reduce existing flood levels within the site by approximately 0.5mm, however the delivery of the works are outside the control of the Applicant. The

SoS therefore recommends that the ES should assess potential impacts should the diversion not go ahead, or its delivery is otherwise delayed.

Geology, Hydrogeology and Land Contamination (see Scoping Report Paragraphs 6.60 - 6.67)

- 3.43 The extent of the study area for the assessment is not described in the Scoping Report. The SoS recommends that this should be agreed with relevant consultees and justified in the ES to ensure potential impacts are identified and assessed.
- 3.44 The SoS notes and welcomes the proposed intrusive geological investigation of the site and recommends that the scope of this should be discussed and agreed in advance with relevant consultees, including the Environment Agency, South Gloucestershire Council and Bristol City Council.
- 3.45 Paragraph 6.62 of the Scoping Report refers to the potential for ground conditions at the site to pose a risk to human health and the built and water environment. The SoS considers therefore that these matters should be considered in the ES. The SoS also recommends that the Applicant should consider the advice provided by the Health Protection Agency and the Environment Agency (Appendix 2) together with other relevant consultees regarding the scope/methodology of the assessment.
- 3.46 The assessment of impacts should include cross reference to effects identified in the Land Use, Recreation and Socio-Economics chapter of the ES, for example in respect of the potential for the mobilisation of contaminants onto agricultural land either within or surrounding the site.
- 3.47 Given the proximity and importance of the Severn Estuary the SoS recommends that sediment disturbance and mobilisation of contaminants should be carefully assessed. This should include cross reference to the Ecology chapter of the ES.
- 3.48 Mitigation measures should be addressed and the SoS advises that reference should be made to other regimes (such as pollution prevention from the EA). On-going monitoring should also be addressed and agreed with the relevant authorities to ensure that any mitigation measures are effective.

Archaeology and Cultural Heritage (see Scoping Report Paragraphs 6.68 – 6.75)

- 3.49 The SoS encourages the submission of Environmental Statements which are supported by an up to date, accurate and justified evidence base. The SoS therefore welcomes the proposal to discuss and agree the need for further archaeological evaluations of the site with South Gloucestershire Council and Bristol City

Council. The consultation responses from Bristol City Council and English Heritage identify the need to consider archaeological interests in the proposed electrical connection/cooling water pipeline corridors.

- 3.50 The baseline conditions described in the scoping report indicate that the setting of cultural heritage assets could be affected by the proposed development. This is reflected in the consultation response from English Heritage which identifies relevant receptors and the recommended approach to the assessment. The SoS therefore welcomes the proposed assessment of impacts on heritage assets and considers that relevant receptors should include those identified by English Heritage together with others identified in consultation with Bristol City Council and South Gloucestershire Council. The ES should include cross reference to the assessment of landscape and visual impacts.

Traffic and Transport (see Scoping Report Paragraphs 6.77 – 6.87)

- 3.51 The Scoping Report refers only to potential impacts resulting from vehicular traffic generated on the local highway network. The SoS recommends that the ES should also consider potential impacts on the local footpaths and any Public Rights of Way (PRoW) including bridleways and byways.
- 3.52 The SoS welcomes the development of the assessment of transport impacts in association with the local highways authorities and the Highways Agency.
- 3.53 Potential transport impacts resulting from waste to be removed from the site during construction should be addressed in terms of the form of transport and the possible routing.
- 3.54 The SoS notes the statements in Paragraph 6.78 of the Scoping Report that the proposed new spine road (approved separately by South Gloucestershire Council and intended to be delivered by Severnside Developments Ltd) will provide the primary access/egress to the site. As the delivery of this road is outside the control of the Applicant the Environmental Statement should include an assessment of potential impacts should it not come forward as planned. This includes impacts resulting from traffic needing to use the proposed secondary access points and/or potential cumulative effects should the construction phases of the two schemes overlap. The status of the spine road project should also be reflected in the baseline used for the assessment of potential impacts.
- 3.55 Mitigation measures should be considered such as a travel plan and sourcing materials so as to minimise transport.

Land Use, Recreation and Socio-Economics (see Scoping Report Paragraphs 6.88 – 6.93)

- 3.56 The SoS recommends that the types of jobs generated should be considered in the context of the available workforce in the area, this applies equally to the construction and operational stages.
- 3.57 The SoS recommends that the assessment criteria should be locationally specific and consider the potential significance of the impacts of the proposal within the local and regional context.
- 3.58 Land use both within and outside of the site should be considered within the ES and should include an assessment of whether the proposed power station is likely to result in constraints on adjacent land uses. The Applicant's attention is drawn to South Gloucestershire Council's response (paragraph 2.3.8(a)).
- 3.59 Paragraph 3.54 of the Scoping Report refers to the need to divert PRow. The SoS considers that details should be provided outlining proposed measures to ensure the safe use of PRow during the construction phase of the development. The Applicant is encouraged to explore options for enhancement of the PRow network. The Applicant's attention is drawn to both Natural England's and South Gloucestershire Council's response regarding PRow.
- 3.60 Paragraph 6.60 of the Scoping Report states that the site comprises undeveloped agricultural land and Paragraph 6.88 refers to agricultural uses within the area surrounding the site. The SoS considers that an assessment of the effects of the proposed development on agricultural land should be included within the ES. This should include information relating to the Agricultural Land Classification (ALC) and the current land use.
- 3.61 The SoS recommends that impacts upon users of the Severn Estuary should be assessed within the ES and should include impacts on both commercial and recreational sailing and fishing. Attention is drawn to the response from the Maritime and Coastguard Agency in this regard.

Landscape and Visual Impact Assessment (see Scoping Report Paragraphs 6.94 – 6.113)

- 3.62 The SoS welcomes the intention to conduct landscape and visual impact assessments in line with the guidance referred to in paragraph 6.102 of the Scoping Report. Please note that the third edition of the Guidelines for Landscape and Visual Impact Assessment are due to be published in April 2013. The Applicant's attention is drawn to the responses from Natural England and South Gloucestershire Council.

- 3.63 The landscape and visual assessment in the scoping report refers to the Zone of Theoretical Visibility (ZTV). The SoS advises that the ES should describe the model used, provide information on the area covered and the timing of any survey work and the methodology used. It is noted that the Applicant is liaising with the local authorities to agree the viewpoint locations.
- 3.64 The proposals will be for large structures. The ZTV should seek to ensure that all potential sensitive receptors are considered. The SoS notes that views from across the Severn Estuary will be included in the assessment; Night time views should also be included.
- 3.65 The SoS requests that careful consideration should be given to the form, siting, and use of materials and colours in terms of minimising adverse visual effects of the proposed development. Consideration should be given to the need for screening such as tree planting or bunding. The inter-relationships between landscape and visual effects and other relevant environmental topic areas, such as ecology or flood risk should be described and assessed in the ES.
- 3.66 Paragraph 6.113 of the Scoping Report states that a detailed landscaping strategy will be prepared in liaison with South Gloucestershire Council and Bristol City Council following receipt of the DCO and that landscape proposals will be discussed within the ES. The SoS considers that the ES should contain sufficient information to allow for adequate assessment of the effects arising as a result of the proposed development (including ancillary development) and should include any proposed mitigation measures, both within and outside of the site if necessary, and an assessment of any residual impacts.

Sustainability and Climate Change (see Scoping Report Paragraphs 6.114 – 6.115)

- 3.67 The SoS welcomes the Applicant's intention to incorporate an assessment of the design against established sustainability criteria.
- 3.68 The applicant's attention is drawn to section 8 of Natural England's response regarding Climate Change Adaptation which recommends that the ES should reflect the principles contained within the England Biodiversity Strategy, published by Defra.

CHP Assessment (see Scoping Report Paragraphs 6.116 – 118)

- 3.69 This topic is not identified as a separate chapter of the ES in Section 8 of the Scoping Report. It has however been included as a separate heading in the main body of the Scoping Report.

- 3.70 The SoS welcomes the proposal to undertake an investigation into potential combined heat and power (CHP) users in the vicinity of the Site. Impacts arising as a result of additional infrastructure required to provide CHP to nearby sites should be considered within the ES.

Utilities infrastructure

- 3.71 The Scoping Report refers to the presence of a variety of utilities infrastructure either within or near the site (including within the corridors for the electrical connection and the water/gas pipelines). Such infrastructure and the need to assess related impacts is referred to in the consultation responses from National Grid, the Health and Safety Executive and Bristol City Council. The approach to assessing potential impacts on this infrastructure is not set out clearly in the Scoping Report however.
- 3.72 The SoS recommends that the Applicant should consult with the relevant statutory undertakers to determine the potential for impacts on the infrastructure and the scope/methodology of the assessment required. The potential for impacts together with the findings of the assessment should be presented in the ES.
- 3.73 Given the number of potential impacts and receptors (e.g. the major hazard sites identified by the Health and Safety Executive), the SoS recommends that the assessment should be provided as a separate chapter in the ES. This should help to clarify the significance of potential effects, with regard to the nature, extent and magnitude of impacts on relevant receptors.

4.0 OTHER INFORMATION

4.1 This section does not form part of the SoS's opinion as to the information to be provided in the environmental statement. However, it does respond to other issues that the SoS has identified which may help to inform the preparation of the application for the DCO.

Habitats Regulations Assessment (HRA)

4.2 The SoS notes that European sites are located close to the proposed development. It is the Applicant's responsibility to provide sufficient information to the Competent Authority (CA) to enable them to carry out a HRA if required. The Applicant should note that the CA is the SoS.

4.3 The Applicant's attention is drawn to The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) (The APFP Regulations) and the need to include information identifying European sites to which the Habitats Regulations applies or any Ramsar site or potential SPA which may be affected by a proposal. The submitted information should be sufficient for the competent authority to make an appropriate assessment (AA) of the implications for the site if required by Regulation 61(1) of the Habitats Regulations.

4.4 The report to be submitted under Regulation 5(2)(g) of the APFP Regulations with the application must deal with two issues: the first is to enable a formal assessment by the CA of whether there is a likely significant effect; and the second, should it be required, is to enable the carrying out of an AA by the CA.

4.5 When considering aspects of the environment likely to be affected by the proposed development; including flora, fauna, soil, water, air and the inter-relationship between these, consideration should be given to the designated sites in the vicinity of the proposed development.

4.6 Further information with regard to the HRA process is contained within Planning Inspectorate's Advice Note 10 available on the National Infrastructure Planning's website.

Sites of Special Scientific Interest (SSSIs)

4.7 The SoS notes that the Severn Estuary SSSI is located close to the proposed development. Where there may be potential impacts on SSSIs, the SoS has duties under sections 28(G) and 28(I) of the Wildlife and Countryside Act 1981 (as amended) (the W&C Act). These are set out below for information.

- 4.8 Under s28(G), the SoS has a general duty ‘... to take reasonable steps, consistent with the proper exercise of the authority’s functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest’.
- 4.9 Under s28(I), the SoS must notify the relevant nature conservation body (NCB), Natural England in this case, before authorising the carrying out of operations likely to damage the special interest features of a SSSI. Under these circumstances 28 days must elapse before deciding whether to grant consent, and the SoS must take account of any advice received from the NCB, including advice on attaching conditions to the consent. The NCB will be notified during the examination period.
- 4.10 If applicants consider it likely that notification may be necessary under s28(I), they are advised to resolve any issues with the NCB before the DCO application is submitted to the SoS. If, following assessment by applicants, it is considered that operations affecting the SSSI will not lead to damage of the special interest features, applicants should make this clear in the ES. The application documents submitted in accordance with Regulation 5(2)(I) could also provide this information. Applicants should seek to agree with NE the DCO requirements which will provide protection for the SSSI before the DCO application is submitted.

European Protected Species (EPS)

- 4.11 The Applicant should also be aware that the decision maker under the Planning Act 2008 (PA 2008) has, as the CA, a duty to engage with the Habitats Directive.
- 4.12 The SoS notes the potential for the presence of EPS within the study area for the proposed development. Where a potential risk to an EPS is identified and before making a decision to grant development consent the CA must, amongst other things, address the derogation tests in Regulation 53 of the Habitats Regulations. Therefore the Applicant may wish to provide information which will assist the decision maker to meet this duty. Where required the Applicant should, in consultation with Natural England, agree appropriate requirements to secure necessary mitigation.
- 4.13 If the Applicant has concluded (in consultation with Natural England) that an EPS licence is required the ExA will need to understand whether there is any impediment to the licence being granted. It would assist the examination if the Applicant could provide with the application confirmation from NE whether they intend to issue the licence in due course.

Health Impact Assessment

- 4.14 The SoS considers that it is a matter for the Applicant to decide whether or not to submit a stand-alone Health Impact Assessment (HIA). However, the Applicant should have regard to the responses received from the relevant consultees regarding health, and in particular to the comments from the Health Protection Agency and the Health and Safety Executive (see Appendix 2).
- 4.15 The methodology for the HIA, if prepared, should be agreed with the relevant statutory consultees and take into account mitigation measures for acute risks.

Other regulatory regimes

- 4.16 The SoS recommends that the Applicant should state clearly what regulatory areas are addressed in the ES and that the Applicant should ensure that all relevant authorisations, licences, permits and consents that are necessary to enable operations to proceed are described in the ES. Also it should be clear that any likely significant effects of the proposed development which may be regulated by other statutory regimes have been properly taken into account in the ES. The consultation response from CCW (Appendix 2) provides further advice on this matter.
- 4.17 It will not necessarily follow that the granting of consent under one regime will ensure consent under another regime. For those consents not capable of being included in an application for consent under the PA 2008, the SoS will require a level of assurance or comfort from the relevant regulatory authorities that the proposal is acceptable and likely to be approved, before they make a recommendation or decision on an application. The Applicant is encouraged to make early contact with other regulators. Information from the Applicant about progress in obtaining other permits, licences or consents, including any confirmation that there is no obvious reason why these will not subsequently be granted, will be helpful in supporting an application for development consent to the SoS.

Transboundary Impacts

- 4.18 Regulation 24 of the EIA Regulations, which *inter alia* require the SoS to publicise a DCO application if the SoS is of the view that the proposal is likely to have significant effects on the environment of another EEA state and where relevant to consult with the EEA state affected. The SoS considers that where Regulation 24 applies, this is likely to have implications for the examination of a DCO application.
- 4.19 The SoS notes that the Scoping Report does not refer to the potential for transboundary impacts. Accordingly the SoS

recommends that the Applicant should provide any additional available information about potential significant trans-boundary effects and identify the affected state(s). In order to ensure the efficient and effective examination of applications within the statutory timetable under Section 98 of the Planning Act, it is important that this information is made available at the earliest opportunity to facilitate timely consultations, if required, with other EEA States in accordance with Regulation 24.

- 4.20 The ES will also need to address this matter in each topic area and summarise the position on trans-boundary effects of the proposed development, taking into account inter-relationships between any impacts in each topic area.

APPENDIX 1
List of Consultees

APPENDIX 1

LIST OF BODIES FORMALLY CONSULTED DURING THE SCOPING EXERCISE

CONSULTEE	ORGANISATION
The Welsh Ministers	Welsh Government
The Health and Safety Executive	Health and Safety Executive
The relevant Strategic Health Authority	South West Strategic Health Authority
The Relevant Health Board	Aneurin Bevan Health Board Public Health Wales
Natural England	Natural England
The Historic Buildings and Monuments Commission for England	English Heritage
The relevant fire and rescue authority	Avon Fire and Rescue Service Gloucestershire Fire and Rescue Service South Wales Fire and Rescue Service
The relevant police authority	Avon and Somerset Constabulary Gwent Police
The relevant Parish Council	Portskewett Community Council Mathern Community Council Chepstow Town Council Tidenham Parish Council Aust Parish Council Olveston Parish Council Pilning and Severn Beach Parish Council Alveston Parish Council Almondsbury Parish Council Filton Town Council Bradley Stoke Town Council Frampton Cotterell Parish Council Patchway Town Council
The Environment Agency	The Environment Agency
The Commission for Architecture and the Built Environment	CABE at the Design Council
The Equality and Human	Equality and Human Rights Commission

CONSULTEE	ORGANISATION
Rights Commission	
The Commission for Sustainable Development (Wales)	Office of Commissioner for Sustainable Futures
AONB Conservation Boards	Cotswolds Conservation Board
Royal Commission on Ancient Historical Monuments of Wales	Royal Commission on Ancient and Historical Monuments of Wales
The Countryside Council for Wales	The Countryside Council for Wales
The Homes and Communities Agency	Homes and Communities Agency
The Commission for Rural Communities	The Commission for Rural Communities
The Maritime and Coastguard Agency	The Maritime and Coastguard Agency
The Marine and Fisheries Agency (now the MMO - English Waters)	Marine Management Organisation (MMO)
The Civil Aviation Authority	The Civil Aviation Authority
The Highways Agency	The Highways Agency
The relevant Highways Authority	Bristol City Council South Gloucestershire Council
The Passengers Council	Passenger Focus
The Disabled Persons Transport Advisory	The Disabled Persons Transport Advisory Committee

CONSULTEE	ORGANISATION
Committee	
The Coal Authority	The Coal Authority
The Office of Rail Regulation	Office of Rail Regulation
Approved Operator	Network Rail Infrastructure Ltd Network Rail (CTRL) Ltd
The Gas and Electricity Markets Authority	OFGEM
The Water Services Regulation Authority	OFWAT
The Relevant Waste Regulation Authority	The Environment Agency
The Relevant Internal Drainage Board	Lower Severn IDB Caldicott and Wentlooge Levels IDB
The British Waterways Board (Now The Canal and River Trust)	The Canal and River Trust
Trinity House	Trinity House
The Health Protection Agency	The Health Protection Agency
The Relevant Local Resilience Forum	Avon & Somerset Local Resilience Forum Gloucestershire Local Resilience Forum South Wales Local Resilience Forum
The Crown Estate Commissioners	The Crown Estate Commissioners
The Forestry Commission	The Forestry Commission The Forestry Commission (Wales)
Relevant Statutory Undertakers	
Health Bodies (s.16 of the Acquisition of Land Act (ALA) 1981)	
Primary Care Trust (PCT)	South Gloucestershire Primary Care Trust Bristol Primary Care Trust
NHS Foundation Trust	University Hospitals Bristol NHS Foundation Trust
Acute Trust	North Bristol NHS Trust
Ambulance Trusts	South Western Ambulance Service NHS Foundation Trust

CONSULTEE	ORGANISATION
	Welsh Ambulance Service NHS Trust
Mental Health Trusts	Avon & Wiltshire Mental Health Partnership NHS Trust
Relevant Statutory Undertakers (s.8 ALA 1981)	
Railways	BRB Residuary Limited
Road Transport	Severn River Crossings plc
Water Transport	The Canal and River Trust
Canal or Inland Navigation Authorities	Bristol Harbour Authority The Environment Agency
Dock	Bristol Harbour Authority
Harbour	Bristol Harbour Authority
Universal Service Provider	Royal Mail Group
Licence Holder (Chapter 1 of Part 1 of Transport Act 2000)	NATS en Route plc
Water and Sewage Undertakers	Bristol Water Wessex Water
Public Gas Transports	British Gas Pipelines Ltd Energetics Gas Ltd ES Pipelines Ltd ESP Connections Ltd ESP Networks Ltd ESP Pipelines Ltd Fulcrum Pipelines Limited GTC Pipelines Limited Independent Pipelines Limited LNG Portable Pipeline Services Limited Quadrant Pipelines Limited Scotland Gas Networks Plc Southern Gas Networks Plc SSE Pipelines Ltd The Gas Transportation Company Limited Utility Grid Installations Limited Wales and West Utilities Ltd
Electricity Licence Holders having CPO Powers	Seabank Power Limited Energetics Electricity Limited ESP Electricity Limited Independent Power Networks Limited The Electricity Network Company Limited Western Power Distribution (South Wales) Plc Western Power Distribution (South West) Plc

CONSULTEE	ORGANISATION
Electricity Transmitters with CPO Powers	National Grid Electricity Transmission plc
Local Authorities (s.43)	
South Gloucestershire Council Bristol City Council North Somerset Council Bath and North East Somerset Council Wiltshire Council Cotswold District Council Stroud District Council Forest of Dean District Council Monmouthshire County Council Cardiff Council Gloucestershire County Council	
Non Prescribed Consultees	
Newport City Council The Welsh Language Commissioner South East Wales Transport Alliance (SEWTA) CADW Ministry of Defence Royal National Lifeboat Institution	

Note: the Prescribed Consultees have been consulted in accordance with the Planning Inspectorate's Advice Note 3 'Consultation and notification undertaken by the Planning Inspectorate' (May 2012).

APPENDIX 2

Respondents to Consultation and Copies of Replies

APPENDIX 2

LIST OF BODIES WHO REPLIED BY THE STATUTORY DEADLINE

Bath & North East Somerset Council
BRB Residuary Limited
Bristol City Council
Chepstow Town Council
Civil Aviation Authority
Coal Authority
Countryside Council for Wales (CCW)
Crown Estate
English Heritage
ES Pipelines Ltd
Forestry Commission Wales
Fulcrum Pipelines Limited
Gloucestershire Constabulary
Gloucestershire County Council
Health and Safety Executive
Health Protection Agency
Highways Agency
Marine Management Organisation
Maritime and Coastguard Agency
National Grid Plc
Natural England
Ofwat
Seabank Power Limited
South Gloucestershire Council
South Wales Fire and Rescue Service
University Hospitals Bristol NHS Foundation Trust
Welsh Government
Wessex Water

Alan Ridley
EIA and Land Rights Adviser
The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol BS1 5AW



Dear Mr Ridley,

**Infrastructure Planning (Environment Impact Assessment)
Regulations 2009 (as amended)
Proposed Seabank 3 CCGT**

Thank you for your letter of 13th February. On behalf of this Council I can confirm that I have no comments to make with regard to the information that should be provided in an Environment Statement relating to the above proposal.

Yours sincerely,



Andrew Ryall
Team Leader, Development Management

4th Floor
One Kemble Street
London
WC2B 4AN

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Mr A Ridley
EIA and Land Rights Adviser
The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
Bristol
BS1 6PN

15 February 2013

Your ref:- 130213_EN010058_1654674

Dear Mr Ridley,

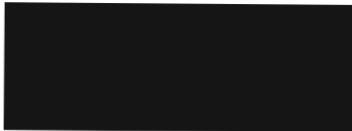
PROPOSED Seabank 3 CCGT (the project)
PROPOSAL BY SSE Seabank Land Investments Ltd (the applicant)

Further to your letter dated 13 February, we have looked at this proposal and are now able to confirm BRB (Residuary) Ltd. does not have any property or responsibilities affected by this proposal and therefore have no comments to make.

As a consequence, it is considered BRB (Residuary) Ltd. are not a consultation body in this matter and can be removed from the consultation process.

Please also be aware that under the provisions of the Public Bodies Act 2011, BRB (Residuary) Ltd. is due to be abolished later this year, with a target date set for 30 September 2013.

Yours sincerely



On behalf of the Company Secretary
BRB (Residuary) Ltd



The Planning Inspectorate
environmentalservices@infrastructure.gsi.gov.uk

Reply to	Angelo Calabrese
Telephone	0117 922 3058
Minicom	0117 922 3854
Fax	0117 922 3883
E-mail	angelo.calabrese@bristol.gov.uk
Our ref	
Your ref	130213_EN10058_1654674
Date	12 March 2013

Dear Sir/ Madam

**Infrastructure Planning (Environmental Impact Assessment)
Regulations 2009 SI 2263 (as amended) (the EIA Regulations)
Proposed Seabank 3 CCGT
Proposal by SSE Sebank Land Investments Ltd**

Bristol City Council response to content of EIA Scoping Report

Bristol City Council has reviewed the content of the Scoping Report and considers that the topic areas covered are suitable. The information has been reviewed and the following comments are made:

Air Quality

The report indicates that there is no intention to conduct any kind of ambient monitoring of potential air quality impacts. We feel it would be prudent not to rule this out at this stage considering the potential cumulative impacts from this and other committed developments in the area.

Ecology

The proposed electrical connection and its study corridor directly impacts on a Wildlife Network Site (WNS), Crook's Marsh. Accordingly this area should be surveyed using extended phase 1 methodology at the appropriate time of year (spring-summer) and a method statement should be developed as part of the Environmental Statement (ES) to minimise impacts on legally protected and section 41 (priority) species and habitats and the WNS (wildlife corridor site).

As regards the proposed water pipeline, this has the potential to directly affect a number of Sites of Nature Conservation Interest (SNClS) and WNS. Accordingly this area should be surveyed using extended phase 1 methodology at the appropriate time of year and a method statement should be developed as part of the ES to minimise impacts on legally protected and section 41 (priority) species and habitats, the SNClS and WNS (wildlife corridor sites).

This study corridor includes Hallen Marsh where a substantial proportion of the site is proposed to be retained for ecological habitat avoidance measures ('mitigation'). These ecological mitigation measures will be required to meet the statutory requirements of the Habitats Regulations. Bristol City Council has funded two detailed studies by ecological consultants of the ecological mitigation that will be required to avoid a likely significant impact on the qualifying interest feature wading birds and wildfowl of the Severn Estuary Marine Site from the in-combination (cumulative) effects of developments in Avonmouth. These reports are available at: <http://www.bristol.gov.uk/page/local-plan-evidence#jump-link-1> under Natural Environment, Creswell study stage 1 and 2.

Please note that Hallen Marsh area is the only site within Bristol City Council's Unitary Authority Area which is proposed as an ecological avoidance ('mitigation') site in the Creswells study. This makes its future and management particularly important. Because of the implications with respect to the Habitats Regulations, the ecological chapter of the ES will need to include not only an extended phase 1 habitat survey of the land in question but also regularly repeated field surveys of the use of these fields by birds, especially wading birds and waterfowl which are qualifying interest feature birds of the Severn Estuary European Marine Site, and focus particularly on the period September to March inclusive. Please note that there is generally less detailed information currently available about wading birds and waterfowl which are qualifying interest feature birds within Bristol City Council's Unitary Authority Area (Avonmouth) than in parts of Severnside (within South Gloucestershire Council's Unitary Authority Area).

These in-combination impacts on Hallen Marsh and the wider Avonmouth area should be included within the Habitats Regulations Assessment that is undertaken (sections 6.49 and 6.50 on page 37 of the EIA Scoping Report refer). Please note the following guidance taken from paragraph 118 of the National Planning Policy Framework (2012) which is particularly relevant with respect to the need for winter bird survey at Hallen Marsh: *'The following wildlife sites should be given the same protection as European sites:*

- *sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.'*

Geology, Hydrogeology and Land Contamination

The initial site walkover of this site has already identified potential issues from fly tipping. Historically this site was situated between two major factories - the former Severnside Fertiliser Works and Sevalco Carbon Black Factory, both of which may well have cause airborne deposition of contaminants.

The development of the new turbine and new water pipeline has the potential to cause risks to construction workers and ground and surface waters. We concur with the report's recommendations for site investigation to establish ground conditions at the site and undertake remedial works when necessary. We would ideally want to see some investigation along the route of the proposed water pipeline as it passes through land known to have been subject to contaminating land uses and sensitive receptors (rhines).

The proposed new water pipeline will cross the route of a major government pipeline along Severn Road - the applicant will need to contact Fischer German for more information regarding this portion of the development <http://www.linesearch.org/>.

Obviously the new turbine hall is situated within the South Gloucestershire Boundary therefore the comments by their Contaminated Land Officer will need to be considered for

this portion of the development. The Environment Agency's and Lower River Severn Internal Drainage Board's advice must also be followed with respect to ground and surface waters.

Archaeology and Cultural Heritage

The site lies in an area of acknowledged archaeological importance. Previous archaeological works associated with the construction of the existing Seabank power station revealed traces of settlement from the prehistoric period onwards, with particular emphasis upon potential Roman sites. Any works to provide connections from Seabank 1 and 2 to the proposed power station could have a negative impact and such issues must be fully considered in the ES.

A proposed pipeline connection between Seabank and the Wessex Water sewage treatment plant is mentioned in the scoping report but no detail is given. It is possible that the same route will be utilised but this is unclear. The potential of this route and the opportunity it provides for providing a further transect through this archaeologically rich landscape must be fully considered and a satisfactory mitigation put forward.

While the construction lies entirely within South Gloucestershire, the visual impact will be apparent in Bristol, especially from Blaise Castle and Kingsweston Down. A full visual impact assessment should be undertaken to assess the impact upon these receptors.

Traffic and Transport

The only issue for Bristol City Council is the construction traffic; once the site is operational the development would have minimal impact. The EIA should include transport issues during construction phase.

The understanding of permitted development for purposes of modelling transport is acceptable and we advise that the developer look at the Deep Sea Container Terminal Transport assessment as a good baseline.

The applicant should model impact along the A403 from the site to the M5, junction 18 including roundabouts (which are under the control of the Highways Agency). The assessment should carry out an iterative assessment to see what the change in traffic is and justify whether a full assessment of junctions is required.

Ideally we would like to see materials to come by rail or port if possible. This should be investigated. If the new M49 junction has been built then we would prefer traffic to use this although there are no guarantees it will be built in time. We would need to understand how much the developer will intend to use any accesses within the Bristol boundary during the build.

We would expect details of abnormal loads and we would want a before and after survey of the A403 in the vicinity of the site in case it is damaged by the construction. We would want info on the associated works (eg pipeline to sewage works) and electricity connections (linked to Hinkley proposal). Highway officers would need a Construction Management Plan if the impact is substantial and needs to be controlled.

We assume that Carbon capture is not part of assessment. Likewise, we would want to know whether pipes for district heating might be needed.

If you have any questions about the contents of this letter please contact the officer named at the top of this letter.

Yours faithfully



Team Manager
Major Schemes
Development Management

From: [Sandra Bushell](#)
To: [Environmental Services](#)
Subject: Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 SI 2263 (as amended) (The EIA Regulations) PROPOSED Seabank 3 DDGT (the project) PROPOSAL by SSE Seabank Land Investments Ltd (the applicant)
Date: 05 March 2013 09:15:23

Dear Sir

Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 SI 2263 (as amended) (The EIA Regulations) PROPOSED Seabank 3 DDGT (the project) PROPOSAL by SSE Seabank Land Investments Ltd (the applicant)

I refer to your letter dated 13th February regarding the above which was considered by the last meeting of the Town Council's Planning and Administration Committee on 27th February. The meeting RESOLVED: *"To advise the Planning Inspectorate that Chepstow Town Council has no comments to submit"*.

Sandra Bushell

Alan Ridley

From: Smailes Baggy [Baggy.Smailes@caa.co.uk]
Sent: 14 February 2013 10:09
To: Environmental Services
Subject: Seabank 3 CCGT Scoping Consultation - EN010058
Attachments: Letter to stat consultees-Scoping Letter AND Reg 9 Notification (English and Welsh).pdf;
20130214Seebank3CCGTScopingPINS.pdf

Dear Mr Ridley,

Please find attached Civil Aviation Authority scoping comment related to the subject application.

Mark Smailes
0207 453 6545

Directorate of Airspace Policy
Civil Aviation Authority
CAA House
45-59 Kingsway
London
WC2B 6TE

Directorate of Airspace Policy

Mr Alan Ridley (via e-mail)
The Planning Inspectorate

14 February 2013

Reference: ERM/DAP/Planning/Seebank3CCGT

Dear Mr Ridley,

Proposed South Hook Combined Cycle Gas Turbine (CCGT) – Scoping Comment

Thank you for The Planning Inspectorate's recent correspondence relating to the subject development. The Inspectorate sought related Civil Aviation Authority (CAA) scoping comment; I trust the following is useful.

I note from the Scoping Report (SR) that the tallest associated structures are expected to be 2 'exhaust stacks' each of a maximum height of 80 meters (m). On that basis I believe the following (potential) issues are worthy of consideration:

- **Aerodromes.** In respect of any potential aerodrome related issue, I should highlight the need to check any safeguarding maps lodged with relevant planning authorities to identify any aerodrome specific safeguarding issues. Noting that aerodrome safeguarding responsibility rests in all cases with the relevant aerodrome operator / licensee, not the CAA, it is important that the related viewpoints of any relevant aerodrome license holders / operators is established and any concerns expressed appropriately mitigated.

The SR makes passing mention of Bristol International Airport and Bristol Filton. In respect of the former, the SR appears to dismiss any potential impact upon operations associated with the aerodrome; for credibility that assessment needs the validation of the Airport's aerodrome license holder. In respect of Bristol Filton, whilst I can confirm that the site no longer operates as an airport, some helicopter activity still takes place at that site. I believe it sensible that the associated viewpoint of associated operators is established. A good point of contact for helicopter operations at the old Bristol Filton site is the West Country Police Air Support Unit's Chief Pilot (telephone 01179 365138).

- **Aviation Warning Lighting:**
 - In the UK, the need for aviation obstruction lighting on 'tall' structures depends in the first instance upon any particular structure's location in relationship to an aerodrome. If the structure constitutes an 'aerodrome obstruction' it is the aerodrome operator that with review the lighting requirement. For civil aerodromes, they will, in general terms, follow the requirements of CAP 168 - Licensing of Aerodromes. This document can be downloaded from the Civil Aviation CAA website at www.caa.co.uk/docs/33/CAP168.PDF - Chapter 4 (12.8) refers to obstacle lighting.
 - Away from aerodromes Article 219 of the UK Air Navigation Order applies. This Article requires that for en-route obstructions (ie away from aerodromes) lighting only becomes legally mandated for structures of a height of 150m or more. However, structures of lesser high might need aviation obstruction lighting if, by virtue of their location and nature, they are considered a significant navigational hazard.

Civil Aviation Authority

CAA House 45-59 Kingsway London WC2B 6TE www.caa.co.uk
Telephone 0207 453 6545 Fax 0207 453 6565 marks.smailes@caa.co.uk

- Cranes, whether in situ temporarily or long term are captured by the points heighted above. Note that if a crane is located on top of another structure, it is the overall height (structure + crane) than is relevant.
- In this case, given the assumed height of 80m, Article 219 would not apply. If there was an aerodrome issue, it will be for the aerodrome licensee / operator to dictate the lighting specification. In the event that there is no aerodrome issue I can advise that the CAA would not in isolation make any case for lighting.
- Gas Venting and/or Flaring. It is assumed that the CCGT facility is not intended to vent or flare gas either routinely or as an emergency procedure such as to cause a danger to overlying aircraft. If that is not the case parties are invited to use myself as an appropriate point of contact for any further related discussion.
- Aviation Promulgation. There is a civil aviation requirement in the UK for all structures over 300 feet high to be charted on aviation maps. It follows that, at 80m (263 feet) high, there is no en-route (ie non-aerodrome specific) civil aviation charting requirement. However, if crane usage in the construction phase involves heights of 300ft or more, the temporary structure will need to be appropriately notified. For temporary structures this notification can be achieved through the publication of a **Notice to Airmen (NOTAM)**. If needed by virtue of temporary use of cranes such that the 300ft threshold is breached a NOTAM can be arranged through the developer providing related details to the CAA's Airspace Utilisation Section (ausops@caa.co.uk / 0207 453 6599).
- Military Aviation. For completeness, the Ministry of Defence position in regards to the proposed development and military aviation activity should be established.
- I should also add that that due to the unique nature of associated operations in respect of operating altitudes and potentially unusual landing sites, it would also be sensible to establish the related viewpoint of local emergency services air support units.

Whilst the SR suggests that 'aviation is in this case a 'non-significant EIA issue' and should be 'scoped out of the EIA', I believe that the various issued highlighted above should be considered and appropriately addressed. Related conclusion should be documented. Whether this still allows for aviation to be 'scoped out of the EIA' is not for the CAA to dictate, but aviation issues should not be summarily dismissed. I believe that any associated Environmental Statement / Development Consent Order (or equivalent / similar) would be expected to acknowledge and where applicable address the issues highlighted above and accordingly the scoping opinion should make related comment.

Whilst none of the above negates any aforementioned need to consult in line with Government requirements associated with the safeguarding of aerodromes and other technical sites (Government Circular 1/2003 refers), I hope this information matches your requirements. Please do not hesitate to get in touch if you require any further comment or needs clarification of any point.

Yours sincerely,

{original signed}

Mark Smailes
Airspace Regulator

UNCLASSIFIED



The Coal
Authority



INVESTOR IN PEOPLE

200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.coal.decc.gov.uk/services/planning

The Planning Inspectorate
National Infrastructure Directorate

[By Email: environmentalservices@infrastructure.gsi.gov.uk]

6 March 2013

For the Attention of: Mr Alan Ridley – EIA and Land Rights Adviser

Dear Mr Ridley

EIA SCOPING OPINION

Proposed Seabank 3 CCGT

Thank you for your consultation letter of 13 February 2013 seeking the views of The Coal Authority on the EIA Scoping Opinion for the above proposal.

The Coal Authority is a non-departmental public body sponsored by the Department of Energy and Climate Change. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

As the proposal is located off the defined coalfield, I can confirm that The Coal Authority has no specific issues that it would wish to see addressed in the Environmental Statement accompanying this proposal.

Yours sincerely

Mark Harrison

Mark E. N. Harrison *B.A.(Hons), DipTP, MRTPI*
Planning Liaison Manager

Protecting the public and the environment in coal mining areas



Cyngor Cefn Gwlad Cymru Countryside Council for Wales

CADEIRYDD/CHAIRMAN: MORGAN PARRY

Anfonwch eich ateb at/Please reply to:

Dr S C Howard
Ffôn/Tel: 029 20 772400
Ffacs/Fax: 029 20 772412
Ebost/Email: s.howard@ccw.gov.uk

PRIF WEITHREDWR/CHIEF EXECUTIVE: ROGER THOMAS

Rhanbarth De a Dwyrain / South & East Region
Plas yr Afon/Rivers House
Parc Busnes Llaneirwg / St Mellons Business Park
Ffordd Fortran/Fortran Road
Llaneirwg / St Mellons
CAERDYDD / CARDIFF
CF3 0EY

For the attention of Alan Ridley
The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Ein cyf/Our ref: / 1812999/C38.09.03 /SCH/JH
Eich cyf/Your ref:

12 March 2013

By email only environmentalservices@infrastructure.gsi.gov.uk

Dear Sir/Madam

**INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2009 SI 2263 (AS AMENDED) (THE EIA REGULATIONS)
PROPOSED SEABANK 3 CCGT (THE PROJECT)
PROPOSAL BY SSE SEABANK LAND INVESTMENTS LTD (THE APPLICANT)**

Thank you for your letter of 13 February consulting the Countryside Council for Wales (CCW) on the scoping report for the Environmental Impact Assessment (EIA) for the proposed Seabank Combined Cycle Gas Turbine at Severnside near Bristol.

Countryside Council for Wales

The Countryside Council for Wales (CCW) is the UK and Welsh Government's statutory adviser on sustaining natural beauty, wildlife and the opportunity for outdoor enjoyment in Wales and its inshore waters. It aims to make the environment a valued part of everyone's life in Wales. CCW's functions are set out in sections 130 and 131 of the Environmental Protection Act 1990 and include the duty to advise local planning authorities and other bodies on a wide range of developments and operations that might impact on nature conservation and countryside matters. CCW is therefore required to participate in and provide advice on a wide range of planning, consenting and development control processes.

From 1 April 2013, Natural Resources Wales (NRW) will take over the functions currently carried out by the Countryside Council for Wales, Environment Agency Wales and Forestry Commission Wales. The contact for this case in NRW will be Kate Rodgers. Her email will be kate.rodgers@naturalresourceswales.gov.uk, and the address will be as above.



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Prif Swyddfa/Headquarters

MAES-Y-FFYNNON, PENRHOSGARNEDD, BANGOR LL57 2DW FFÔN/TEL: 01248 385500 FFACS/FAX: 01248 355782

<http://www.ccw.gov.uk>

Caveats

Please note that our advice is limited to those sites which lie wholly or partly within Wales. It does not cover those interests which lie entirely within England. We therefore refer you to the advice of Natural England (NE) as any issues they raise may be of relevance to the assessment as a whole. In addition, our comments are made without prejudice to any subsequent comments we may wish to make when consulted by any of the other regulating bodies that may be involved in considering different aspects of the overall development proposals, such as the Environment Agency (EA). They are also made without prejudice to any comments we may wish to make when consulted on the submission of a full EIA or any subsequent Development Control Order (DCO).

At the time of any DCO application, there may be new information available which we will need to take into account in making a formal response.

Nationally and Internationally Designated Sites

As mentioned in the scoping report, the site is approximately 400 metres away from the Severn Estuary Special Protection Area (SPA), Special Area of Conservation (SAC), Wetland of international importance (Ramsar Site) and Site of Special Scientific Interest (SSSI). The proposals have the potential to affect these sites, which are all cross-border sites between England and Wales.

The details of the features of the Severn Estuary international designations are described in detail in 'Natural England & the Countryside Council for Wales' advice given under Regulation 33(2)(a) of the Conservation (Natural Habitats &c) Regulations 1994, as amended.' A summary of the notified features of each designation are given in Table 1 of that document, which can be found at: <http://www.ccw.gov.uk/landscape--wildlife/protecting-our-landscape/special-sites-project/the-severn-estuary-european.aspx>

This document also gives the conservation objectives for these international designations, against which the competent authority (ies) will have to assess likely significant effects. The applicant will need to take these into account when assessing possible impacts from the proposals in the EIA.

In addition to the Severn Estuary sites, there are a number of other nationally and internationally important sites within 10km of the proposal site, such as the River Wye SAC, SSSI which is connected hydrologically to the Severn Estuary. In the context of the Conservation of Habitats and Species Regulations 2010, as amended, depending on the potential impact being considered, it may be necessary to consider European sites more than 10km from the proposal site. We refer the applicant to the interactive map that can be found on our website at <http://www.ccw.gov.uk/landscape--wildlife/protecting-our-landscape/protected-sites-map.aspx> for information on the location and features of designated sites in South East Wales.



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<http://www.ccw.gov.uk>



Cyngor Cefn Gwlad Cymru Countryside Council for Wales

EIA scoping report

We welcome the production of the 'Seabank 3, EIA Scoping Report' dated 12 February 2013. It clearly sets out the scheme and how the EIA is to be taken forward. In summary, although we have some advice with respect to air quality and some concerns about the lack of reference to conservation objectives for internationally important sites, for those issues in our remit we generally agree with the majority of the proposed scope of the EIA. Our detailed advice is given below.

Consenting Regime

No reference has been made in the scoping report to this proposal requiring an environmental permit to operate as a power station in addition to a DCO. As this proposed installation will be burning fuel in an appliance with a rated thermal input of 50 or more megawatts it will require a permit under the Environmental Permitting (England and Wales) Regulations 2010 (as amended) regulated by the EA. We expect to be consulted by the EA on this environmental permit and will advise them on any potential impacts. We strongly recommend that the ES includes sufficient information to allow the EA to carry out their Habitats Regulation Assessment (HRA) with respect to this permit.

Project description

There are two main ways in which this project could have an impact on the ecological sites and species within our remit: emissions to air and emissions to water. We note that the site is criss-crossed with drainage ditches that flow into the Severn Estuary SAC, SPA, Ramsar, and SSSI. Emissions to water, particularly during the construction phase, are therefore a concern.

We welcome the fact that the ES will provide details of construction activities, anticipated duration, and indicative programme of each phase of the works (paragraph 3.60). We also welcome that the ES will provide a framework for the Construction Method Statement (CMS) and Construction Environmental Management Plan (CEMP) (paragraph 3.61). The CEMP and CMS are both important mechanisms to manage works on site and help prevent contamination, pollution and/or water of an inappropriate quality entering the Severn Estuary SPA, SAC, Ramsar and SSSI.

Air quality

Paragraph 6.11- Depending on the quantities and nature of material that may be discharged to air, the restriction of assessment of possible impacts to 10km is not necessarily appropriate for European sites. We refer you to the requirements of the Conservation of Habitats and Species Regulations 2010, as amended, in particular Regulation 61. The issue is the likely significant effect on European sites, not how far away they are. We therefore recommend that that 10km is used as an initial screening distance to determine whether there are any impacts on designated features. If the assessment identifies potential impacts then increasing the search beyond 10km may be pertinent.

Paragraph 6.6, 6.8, 6.11, 6.16 – We welcome the use of the Environment Agency H1 Guidance, in particular Annex F Air Emissions to direct the assessment from this proposal.



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<http://www.ccw.gov.uk>

Paragraph 6.48- We refer the applicant to the Air Pollution Information System <http://www.apis.ac.uk> for information on possible impacts of air emissions on the designated habitats. In relation to determining the impacts of acid deposition we advise the use of the APIS Acid Critical Load Function Tool (<http://www.apis.ac.uk/critical-load-function-tool>). We also refer the applicant to the conservation objectives for the various sites that could be affected. There are links to the conservation objectives for all sites on the interactive map referred to above. In addition, as above, the conservation objectives for the Severn Estuary sites can be found in the joint NE/CCW guidance that can be found at: <http://www.ccw.gov.uk/landscape--wildlife/protecting-our-landscape/special-sites-project/the-severn-estuary-european.aspx>.

Ecology

- Baseline conditions

Paragraph 6.36 - We are unclear if the 16 statutory sites found within 10km of the site include those in Wales. We refer you to our comments above for information on the location and features of designated sites in South East Wales.

Paragraph 6.44- When assessing potential impacts on the features and integrity of the Severn Estuary SAC, SPA, Ramsar we refer you to the conservation objectives for these sites that are provided in the joint NE/CCW guidance (details above). Similarly, the relevant conservation objectives should be used when assessing impacts on features of other internationally and nationally important sites.

Paragraph 6.45- We refer you to NE, RSPB and the local bird counters for detailed information on birds in the area and appropriate survey methods.

- Habitats Regulation Assessment (paragraph 6.49)

We welcome the reference here to screening and the need to consider not only the Severn Estuary but other European sites. See our comments above on how to find details of nationally and internationally designated sites in Wales, and our advice on screening distance.

We remind the applicant that the competent authority (ies) (not the applicant) will have to carry out an HRA before issuing any authorisation. We therefore strongly advise that the ES contains sufficient information to allow all the HRAs to be carried out, including any appropriate assessments should they be required.

Cumulative impact assessment

Paragraph 8.24 onward

We remind the applicant that in addition to the requirements of the EIA regulations, competent authorities will have to consider cumulative effects and the potential impacts of the proposals both alone and in combination with other plans and projects as part of the HRA process. We therefore recommend that sufficient information is provided within the ES to allow this to be done, either here or in the Ecology and Habitats chapter.



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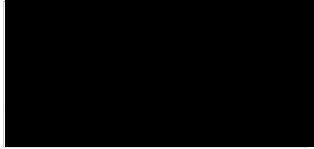
<http://www.ccw.gov.uk>



Cyngor Cefn Gwlad Cymru Countryside Council for Wales

I hope these comments are of assistance, please contact Kate Rodgers or Jessica Poole at the above address if you want to discuss any of these matters in more detail.

Yours faithfully



Dr S C Howard MBE
Team Leader
Cardiff & Newport Team

Cc by email Glen Gillespie, Glen.Gillespie@naturalengland.org.uk
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The Planning Inspectorate
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Dr David Tudor
Senior Marine Policy & Planning Manager
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Fax: 020 7851 5125
E-mail: david.tudor@thecrownestate.co.uk

26 February 2013

Dear Mr Ridley

PROPOSED SEABANK 3 CCGT
BY SSE SEABANK LAND INVESTMENTS LTD

Reference is made to your letter dated 13th February 2013 inviting The Crown Estate to comment on the scoping request submitted for the above proposal.

I note that as the landowner of the seabed out to 12nm and the vested rights holder for carbon storage on the UK continental shelf, The Crown Estate has the role and responsibility to lease the geological space for carbon storage where the necessary statutory consents are in place.

Whilst we note that the submitted proposal is for the power station itself, the scoping report identifies that a separate assessment will be undertaken to show the feasibility of future carbon capture for the development and will identify the options for transporting any captured CO₂ offshore to suitable geological storage sites.

I can advise that at this time, no rights to tenure for CO₂ storage have been agreed, and the developer will need to secure seabed rights from The Crown Estate in the event that transportation and storage forms part of the development. The Crown Estate is currently undertaking work to understand the storage resource more fully in this area so the applicant is encouraged to discuss the assessment of suitable storage sites offshore with us.

Should you have any queries or require any additional information with regard to this matter, please do not hesitate to contact me on 0207 851 5071.

Yours sincerely,

Dr David Tudor
Senior Marine Policy & Planning Manager



ENGLISH HERITAGE

South West Office

Mr A Ridley
EIA and Land Rights Adviser
Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
2 The Square
BRISTOL
BS1 4ND



13 March 2013

Dear Mr Ridley

**INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (EIA) – REGULATIONS 2009 SI 2263 (AS AMENDED)
PROPOSED SEABANK 3 CCGT (THE PROJECT)**

Thank you for your letter of 13th February 2013 consulting English Heritage about the above EIA Scoping Opinion.

This development could, potentially, have an impact upon a number of designated heritage assets and their settings in the area around the site. In line with the advice in National Planning Policy Framework (NPPF), we would expect the Environmental Statement to contain a thorough assessment of the likely effects, which the proposed development might have upon those elements, which contribute to the significance of these assets.

Known heritage assets

Our initial assessment shows the attached list of designated heritage assets within close range of the proposed development. We would draw your attention, in particular, to the following:

- Kingsweston House and its Historic Park.
- We note the intention to move the rhyme that crosses the site to the northern boundary. The works associated with this will require archaeological mitigation, both because of the potential to remove *in situ* archaeological remains and also to de-water undisturbed stratigraphy (see below).
- The Grade II* listed-Bishops Farmhouse, Berwick Lane, Almondsbury.
- Figure 8 omits Grade II listed buildings.

We would also expect the Environmental Statement to consider the potential impacts which the proposals might have upon those heritage assets which are not designated, defined in NPPF as "a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions". These should also be included as heritage assets, designated or otherwise, as they are valued components of the historic environment. This information is available via the local authority Historic Environment Record (www.heritagegateway.org.uk) and relevant local authority staff.

The Severn Estuary Levels and adjacent intertidal area has great potential for the survival of sites and stratigraphy of Prehistoric to Roman date within the deep sediment sequence. The presence of a high water table and potential for good preservation of organic material adds to significance. The potential for the discovery of unknown archaeological sites and associated palaeoenvironmental data is therefore great. The importance of the Severn Estuary is reflected by the fact that it is the only estuary in England to have its own peer-reviewed archaeological journal, (www.selrc.org.uk/publications.htm).

We therefore recommend that a staged programme of archaeological investigations will be required before the potential impact of the scheme can be fully appraised. Two early stages should include geophysical survey and geotechnical survey. Experience suggests that the success of geophysical survey will depend on the use of techniques appropriate to the sub-surface stratigraphy. The use of Caesium Vapour Magnetometry by an experienced geophysicist is a good starting point, together with Electromagnetic Conductivity to identify buried former dryland topography and palaeochannels. Experience has demonstrated that both are likely to be foci for past human activity and settlement as the Severn floodplain has developed in relation to changing sea levels and human activities such as reclamation. The use of lidar is also recommended. Terrain modelling by assessment of stratigraphic profiles using boreholes is a further useful early evaluation technique. This can often be combined with site geotechnical investigations, provided that suitable techniques are used; this can save both time and expense.

In addition to the construction of the power station and associated infrastructure, we note that the construction of a pipeline to take cooling water from the Wessex Water Treatment Works to Seabank 3 is proposed. This is likely to have a major archaeological impact and will require detailed and staged mitigation.

We would strongly recommend that you involve the Conservation Officers and the archaeological staff of **Bristol City Council** and **South Gloucestershire** in the development of this assessment. They are best placed to advise on local historic environment issues and priorities; how the proposal can be tailored to avoid and minimise potential adverse impacts on the historic environment; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of heritage assets.

It is important that the assessment is designed to ensure that all impacts are fully understood. Section drawings and techniques such as Visual Impact Assessments using photomontages are a useful part of this.

The assessment should also take account of the potential impact which associated activities (such as construction, servicing and maintenance, and associated traffic) might have upon perceptions, understanding and appreciation of the heritage assets in the area. The assessment should also consider, where appropriate, the likelihood of alterations to drainage patterns that might lead to *in situ* decomposition or destruction of below ground archaeological remains and deposits, and can also lead to subsidence of buildings and monuments.

We have the following comments to make regarding the content of the Scoping Report:

- The report produced appears to be written by archaeological consultants, as there is a definite bias towards identifying those heritage assets that are scheduled or have archaeological records from the HER. Whilst we have no issues with this approach we would strongly recommend that a historic buildings specialist should also be engaged by the applicants in order to fully assess the impact on heritage assets and their settings that are designated listed buildings or conservation areas and standing structures. We cannot see any evidence to suggest that a specialist in this area has been used in compiling the report.

Given the significance of Kingsweston House, the major designated heritage asset within the area, we would welcome continuing discussions with you in order to agree the key sites for views and setting issues that will need to be addressed within the EIA.

If you have any queries about any of the above, or would like to discuss anything further, please contact me.

Yours sincerely



Mel Barge
Inspector of Ancient Monuments

Cc – Caroline Power – Inspector of Historic Buildings and Areas
Vanessa Straker – English Heritage Science Advisor
David Haigh – South Gloucestershire Council

From: [Alan Slee](#)
To: [Environmental Services;](#)
Subject: RE: Seabank 3 CCGT Scoping Consultation - EN010058
Date: 13 February 2013 16:40:57

Hi Alan,

**INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2009 SI 2263 (as amended) (the EIA Regulations)
PROPOSED Seabank 3 CCGT (the project)
PROPOSAL BY SSE Seabank Land Investments Ltd (the applicant)**

130213_EN010058_1654674

ESP Ref: PE098750

OS X (Eastings) 353542
OS Y (Northings) 182030
Nearest Post Code BS11 0YL

Further to your email communication to E S Pipelines Ltd, ESP Networks Ltd, ESP Pipelines Ltd, ESP Electricity Ltd and ESP Connections Ltd dated 13 February 2013 I can confirm that our businesses have no comments at this stage.

Regards,

Alan Slee
Operations Manager

DD 01372 227567
Mobile 07766 802070
Fax 01372 386203
www.espipelines.com

Comisiwn Coedwigaeth Cymru
Llywodraeth Cymru,
Rhodfa Padarn, Llanbadarn Fawr,
Aberystwyth, Ceredigion SY23 3UR

Alan Ridley
The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
2 The Square
BRISTOL
BS1 6PN

Forestry Commission Wales
Welsh Government,
Rhodfa Padarn, Llanbadarn Fawr,
Aberystwyth, Ceredigion SY23 3UR

Ffôn/Tel 0300 068 0300
Ffacs/Fax 0300 068 0301
fcwenquiries@forestry.gsi.gov.uk
Cyfarwyddwr Cymru/Director Wales
Trefor Owen FICFor
14 February 2013

Your Ref: 130213_EN010058_1654674

Our Ref: RJS/CGB/G&R/003/13-14

Dear Alan Ridley on behalf of the Secretary of State,

Via email only

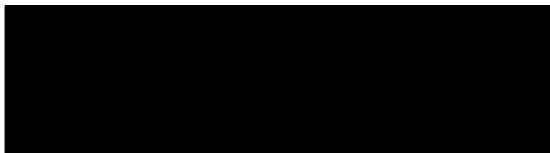
**RE: PROPOSED SEABANK 3 CCGT PROPOSAL INFRASTRUCTURE PLANNING (EIA)
REGULATIONS 2009 SI 2263 AS AMENDED**

Thank you for your email and letter dated 13 February 2013 in connection with the above for a proposed Combined Cycle Gas Turbine (CCGT) power station in Severnside, near Bristol and for the opportunity to comment.

I can confirm that Forestry Commission Wales have no comments to make.

Please note that from **01 April 2013**, **Natural Resources Wales** will take over the functions currently carried out by the Countryside Council for Wales, Environment Agency Wales and Forestry Commission Wales: this change will occur during the application process for this proposal. We will let you know before that time if your point of contact will change.

Yours sincerely



Richard Siddons MICFor
Head of Forest Services Wales

From: [&box_FPLplantprotection_conx,](#)
To: [Environmental Services;](#)
Subject: RE: Seabank 3 CCGT Scoping Consultation - EN010058
Date: 27 February 2013 13:28:47
Attachments: [image003.png](#)

Thank you for asking Fulcrum Pipelines Limited to examine your consultation document for the above project.

We can confirm that Fulcrum Pipelines Limited have no comments to make on this scoping report. Please note that we are constantly adding to our underground assets and would strongly advise that you consult us again prior to undertaking any excavations.

Please note that other gas transporters may have plant in this locality which could be affected.

We will always make every effort to help you where we can, but Fulcrum Pipelines Limited will not be held responsible for any incident or accident arising from the use of the information associated with this search. The details provided are given in good faith, but no liability whatsoever can be accepted in respect thereof.

If you need any help or information simply contact Graham Penlington directly on 01142 804175.

To save you time, any future requests for information about our plant, can be emailed to FPLplantprotection@fulcrum.co.uk

GRAHAM PENLINGTON
Process Assistant



FULCRUM

Tel: 0845 641 3010 ext: 4175

Direct Dial:

Email: Graham.Penlington@fulcrum.co.uk

Web: www.fulcrum.co.uk



FULCRUM NEWS

From: [Gibbs, Mandy](#)
To: [Environmental Services;](#)
Subject: FW: Seabank 3 CCGT
Date: 01 March 2013 10:59:54

Dear Sir

I have been forwarded your letter of the 13th February regarding the environmental impact assessment for the proposed project.

Gloucestershire Constabulary do not have any comment to make regarding this EIA.

Regards
Mandy

Mandy Gibbs
Energy and Environmental Manager
Gloucestershire Constabulary
Tel 01452 752258

From: [NIBLETT, Robert](#)
To: [Environmental Services](#)
Subject: Infrastructure Planning (EIA) Regulations 2009 SI 2263 Proposal by SSE Seabank Land Investments Ltd
Date: 11 March 2013 14:35:02

Dear Sir/Madam

Proposed Combined Cycle Gas Turbine (CCGT) power station in Severnside, near Bristol

Thank you for consulting Gloucestershire County Council on the above matter. I have the following brief comments to make.

The approach to ecology and landscape in the scoping report seems appropriate for the proposed development but we have a few observations to make.

The Habitats Regulations Assessment (paragraphs 6.49 & 6.50) only mentions the Severn Estuary but we assume the River Wye, Avon Gorge Woodlands, Wye Valley Woodlands and Wye Valley & Forest of Dean Bat Sites SACs may also need to be considered at the HRA screening stage. It may be useful for the applicant to reference the County Council's Evidence Gathering Report for its Minerals and Waste Plans at www.gloucestershire.gov.uk/extra/article/107942/Habitats-Regulations-Assessment-HRA-and-Appropriate-Assessment-AA.

It is unclear whether an ecological constraints search has been carried out with the Gloucestershire Centre for Environmental Records (GCER at <http://www.gcer.co.uk/>). This would reveal locally important receptors if it was concluded that adverse air quality impacts on habitats/ecosystems may be possible at a distance of 6km or more to the north side of the Severn Estuary. The nearest local receptor we are aware of is Beachley Point (Key Wildlife Site) but there are others. There is also a local geological site again called Beachley Point (RIGS) but we do not think there is a mechanism for this to be affected by the proposed development.

Given the development's location, in addition to the South Gloucestershire's Landscape Character Assessment SPD, some consideration might be justified too for the landscape character of the Forest of Dean District and the County of Gloucestershire. Relevant information and links to do this can be found at http://www.fdean.gov.uk/nqcontent.cfm?a_id=7842 and <http://www.gloucestershire.gov.uk/extra/article/109519/Landscape-Character-Assessments>

If you require any further information please do not hesitate to contact me.

Thank you

Rob Niblett
Planning Officer

HID Policy - Land Use Planning
NSIP Consultations
Building 5.S.2, Redgrave Court
Merton Road, Bootle
Merseyside, L20 7HS

Your ref: 130213_EN010058_1654674
Our ref: 4.2.1.3452

HSE email: NSIP_applications@hse.gsi.gov.uk

FAO Alan Ridley
EIA and Land Rights Advisor
The Planning Inspectorate
3/18 Eagle Wing, Temple Quay House
2 The Square, Bristol
BS1 6PN

Dear Mr Ridley,

13th March 2013

**PROPOSED SEABANK 3 CCGT (the project)
PROPOSAL BY SSE SEABANK LAND INVESTMENTS LTD (the applicant)
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2009 SI 2263
(as amended) (the EIA Regulations)**

Thank you for your letter of 13th February 2013 regarding the information to be provided in an environmental statement relating to the above project. The HSE does not have any comments on the EIA however there are some observations which it would seem sensible to pass on to SSE Seabank Land Investments Ltd.

Major Hazard installations and explosives sites within the vicinity of the proposed development

The proposed site for the Seabank 3 power station straddles two major hazard pipelines, both traversing South Gloucestershire from the current Seabank power station to the compressor station at Pucklechurch. It is unclear whether Seabank 3 will be in operation with those natural gas pipelines still also in operation, or if the pipelines will be decommissioned.

The proposed site also falls in the inner zone of two major hazard sites, Avonmouth LNG and Terra Nitrogen/Bunn's. If there were over 100 occupants in any one building or if there were 3 occupied storeys HSE would advise against such an application on public safety grounds.

Explosives sites

The proposed Seabank 3 CCGT application does not impinge on the separation distances of any explosive site licensed by the HSE.

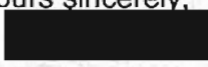
Electrical Safety

This project may create or have an impact on existing generation, transmission and distribution assets. It needs to satisfy general UK health and safety legislation (i.e. Health and Safety at Work etc Act 1974 and supporting regulations), and the proposed design and future operations must comply with the Electricity at Work Regulations 1989 and Electrical Safety, Quality and Continuity Regulations 2002, as amended. Generators, distributors, their contractors and others have defined duties in order to protect members of the public from the dangers posed by the electrical equipment used. HSE enforces the safety aspects of these regulations. If you have any doubts about the particular application of these regulations in terms of either the operation or construction of substations, overhead lines or underground cables, please contact Mr J C Steed, Principal Specialist Inspector (Electrical Networks), either at john.steed@hse.gsi.gov.uk or Rose Court GSW, 2 Southwark Bridge Road, London SE1 9HS.

Please send any further electronic communication on this project directly to the HSE's designated e-mail account for NSIP applications, the details of which can be found at the top of this letter. Alternatively any hard copy correspondence should be sent to:

Miss Laura Evans
NSIP Consultations
5.S.2 Redgrave Court
Merton Road
Bootle
Merseyside
L20 7HS

Yours sincerely,



Laura Evans
HID Policy - Land Use Planning

Alan Ridley
3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Health Protection Agency
Centre for Radiation,
Chemical and
Environmental Hazards

Chilton, Didcot
Oxfordshire OX11 0RQ

Tel: +44 (0) 1235 822849
Fax: +44 (0) 1235 833891
www.hpa.org.uk/IPC

12th March 2013

Your Ref: 130213_EN010058_1654674
Our Ref: EN FF GS 130219 215

Dear Mr. Ridley

**Scoping Opinion request
Proposed Seabank 3 Combined Cycle Gas Turbine Power Station**

SSE Seabank Land Investments Ltd has asked the Planning Inspectorate (PIN) for its opinion ("scoping opinion") on the information to be provided in an Environmental Statement (ES) relating to a proposal for a Nationally Significant Infrastructure Project (NSIP) of a 1,400

megawatts (MW) Combined Cycle Gas Turbine (CCGT) power station at Severnside, near Bristol. The request for a scoping opinion is a precursor to an intensive and detailed independent assessment of the environmental impact of the proposed development.

The HPA is a statutory consultee at the pre-application and application stages for NSIPs "which are likely to involve chemicals, poisons or radiation which could potentially cause harm to people."¹ For those NSIP applications subject to Environmental Impact Assessment (EIA) the HPA is a consultation body under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009.

The PIN must therefore consult the HPA on the information that the HPA considers should be provided in the ES (or confirm that the HPA has no comments) before the PIN adopts its scoping opinion.

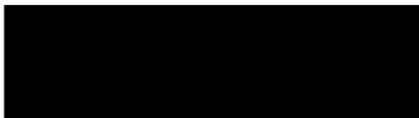
The HPA's enclosed response focuses on health protection issues relating to chemicals and radiation. The advice offered by the HPA is impartial and independent. The scope of the HPA's response does not extend to wider health matters; these fall under the remit of other stakeholders.

The Appendix outlines generic considerations that the HPA advises are addressed by all promoters when they are preparing ESs for NSIPs. In terms of the level of detail to be included in ESs, the HPA recognises that the differing nature of projects is such that their impacts will vary. The HPA's view is

¹ Cited in the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

that the assessments undertaken to inform the ES should be proportionate to the potential impacts of the proposal. Where a promoter determines that it is not necessary to undertake detailed assessment(s) (e.g. undertakes qualitative rather than quantitative assessments), if the rationale for this is fully explained and justified within the application documents, then the HPA considers this to be an acceptable approach.

Yours sincerely



Allister Gittins
Environmental Public Health Scientist

CRCE.IPCConsultations@HPA.org.uk

Please mark any correspondence for the attention of National Infrastructure Planning Administration.

Appendix: HPA recommendations regarding the scoping document

General approach

The EIA should give consideration to best practice guidance such as the Government's Good Practice Guide for EIA². It is important that the EIA identifies and assesses the potential public health impacts of the activities at, and emissions from, the installation. Assessment should consider the development, operational, and decommissioning phases.

The EIA Directive³ requires that ESs include a description of the aspects of the environment likely to be significantly affected by the development, including "population". The EIA should provide sufficient information for the HPA to fully assess the potential impact of the development on public health. **The HPA will only consider information contained or referenced in a separate section of the ES summarising the impact of the proposed development on public health:** summarising risk assessments, proposed mitigation measures, and residual impacts. This section should summarise key information and conclusions relating to human health impacts contained in other sections of the application (e.g. in the separate sections dealing with: air quality, emissions to water, waste, contaminated land etc) without undue duplication. Compliance with the requirements of National Policy Statements and relevant guidance and standards should be highlighted.

It is not the HPA's role to undertake these assessments on behalf of promoters as this would conflict with the HPA's role as an impartial and independent body.

Consideration of alternatives (including alternative sites, choice of process, and the phasing of construction) is widely regarded as good practice. Ideally, EIA should start at the stage of site and process selection, so that the environmental merits of practicable alternatives can be properly considered. Where this is undertaken, the main alternatives considered should be outlined in the ES⁴.

The following text covers a range of issues that the HPA would expect to be addressed by the promoter. However this list is not exhaustive and the onus is on the promoter to ensure that the relevant public health issues are identified and addressed. The HPA's advice and recommendations carry no statutory weight and constitute non-binding guidance.

Receptors

The ES should clearly identify the development's location and the location and distance from the development of off-site human receptors that may be affected by emissions from, or activities at, the development. Off-site human receptors may include people living in residential premises; people working in commercial, and industrial premises and people using transport infrastructure (such as roads and railways), recreational areas, and publicly-accessible land. Consideration should also be given to environmental receptors such as the surrounding land, watercourses, surface and groundwater, and drinking water supplies such as wells, boreholes and water abstraction points.

Impacts arising from construction and decommissioning

Any assessment of impacts arising from emissions due to construction and decommissioning should consider potential impacts on all receptors and describe monitoring and mitigation during these phases. Construction and decommissioning will be associated with vehicle movements and cumulative impacts should be accounted for.

² Environmental Impact Assessment: A guide to good practice and procedures - A consultation paper; 2006; Department for Communities and Local Government. Available from: <http://www.communities.gov.uk/archived/publications/planningandbuilding/environmentalimpactassessment>

³ Directive 85/337/EEC (as amended) on the assessment of the effects of certain public and private projects on the environment. Available from: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1985L0337:20090625:EN:PDF>

⁴ DCLG guidance, 1999 <http://www.communities.gov.uk/documents/planningandbuilding/pdf/155958.pdf>

We would expect the promoter to follow best practice guidance during all phases from construction to decommissioning to ensure appropriate measures are in place to mitigate any potential impact on health from emissions (point source, fugitive and traffic-related). An effective Construction Environmental Management Plan (CEMP) (and Decommissioning Environmental Management Plan (DEMP)) will help provide reassurance that activities are well managed. The promoter should ensure that there are robust mechanisms in place to respond to any complaints of traffic-related pollution, during construction, operation, and decommissioning of the facility.

Emissions to air and water

Significant impacts are unlikely to arise from installations which employ Best Available Techniques (BAT) and which meet regulatory requirements concerning emission limits and design parameters. However, the HPA has a number of comments regarding emissions in order that the EIA provides a comprehensive assessment of potential impacts.

When considering a baseline (of existing environmental quality) and in the assessment and future monitoring of impacts these:

- should include appropriate screening assessments and detailed dispersion modelling where this is screened as necessary
- should encompass all pollutants which may be emitted by the installation in combination with all pollutants arising from associated development and transport, ideally these should be considered in a single holistic assessment
- should consider the construction, operational, and decommissioning phases
- should consider the typical operational emissions and emissions from start-up, shut-down, abnormal operation and accidents when assessing potential impacts and include an assessment of worst-case impacts
- should fully account for fugitive emissions
- should include appropriate estimates of background levels
- should identify cumulative and incremental impacts (i.e. assess cumulative impacts from multiple sources), including those arising from associated development, other existing and proposed development in the local area, and new vehicle movements associated with the proposed development; associated transport emissions should include consideration of non-road impacts (i.e. rail, sea, and air)
- should include consideration of local authority, Environment Agency, Defra national network, and any other local site-specific sources of monitoring data
- should compare predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as UK Air Quality Standards and Objectives and Environmental Assessment Levels)
 - If no standard or guideline value exists, the predicted exposure to humans should be estimated and compared to an appropriate health-based value (a Tolerable Daily Intake or equivalent). Further guidance is provided in Annex 1
 - This should consider all applicable routes of exposure e.g. include consideration of aspects such as the deposition of chemicals emitted to air and their uptake via ingestion
- should identify and consider impacts on residential areas and sensitive receptors (such as schools, nursing homes and healthcare facilities) in the area(s) which may be affected by emissions, this should include consideration of any new receptors arising from future development

Whilst screening of impacts using qualitative methodologies is common practice (e.g. for impacts arising from fugitive emissions such as dust), where it is possible to undertake a quantitative assessment of impacts then this should be undertaken.

The HPA's view is that the EIA should appraise and describe the measures that will be used to control both point source and fugitive emissions and demonstrate that standards, guideline values or health-based values will not be exceeded due to emissions from the installation, as described above. This should include consideration of any emitted pollutants for which there are no set emission limits. When assessing the potential impact of a proposed installation on environmental quality, predicted

environmental concentrations should be compared to the permitted concentrations in the affected media; this should include both standards for short and long-term exposure.

Additional points specific to emissions to air

When considering a baseline (of existing air quality) and in the assessment and future monitoring of impacts these:

- should include consideration of impacts on existing areas of poor air quality e.g. existing or proposed local authority Air Quality Management Areas (AQMAs)
- should include modelling using appropriate meteorological data (i.e. come from the nearest suitable meteorological station and include a range of years and worst case conditions)
- should include modelling taking into account local topography

Additional points specific to emissions to water

When considering a baseline (of existing water quality) and in the assessment and future monitoring of impacts these:

- should include assessment of potential impacts on human health and not focus solely on ecological impacts
- should identify and consider all routes by which emissions may lead to population exposure (e.g. surface watercourses; recreational waters; sewers; geological routes etc.)
- should assess the potential off-site effects of emissions to groundwater (e.g. on aquifers used for drinking water) and surface water (used for drinking water abstraction) in terms of the potential for population exposure
- should include consideration of potential impacts on recreational users (e.g. from fishing, canoeing etc) alongside assessment of potential exposure via drinking water

Land quality

We would expect the promoter to provide details of any hazardous contamination present on site (including ground gas) as part of the site condition report.

Emissions to and from the ground should be considered in terms of the previous history of the site and the potential of the site, once operational, to give rise to issues. Public health impacts associated with ground contamination and/or the migration of material off-site should be assessed⁵ and the potential impact on nearby receptors and control and mitigation measures should be outlined.

Relevant areas outlined in the Government's Good Practice Guide for EIA include:

- effects associated with ground contamination that may already exist
- effects associated with the potential for polluting substances that are used (during construction / operation) to cause new ground contamination issues on a site, for example introducing / changing the source of contamination
- impacts associated with re-use of soils and waste soils, for example, re-use of site-sourced materials on-site or offsite, disposal of site-sourced materials offsite, importation of materials to the site, etc.

Waste

The EIA should demonstrate compliance with the waste hierarchy (e.g. with respect to re-use, recycling or recovery and disposal).

For wastes arising from the installation the EIA should consider:

- the implications and wider environmental and public health impacts of different waste disposal options
- disposal route(s) and transport method(s) and how potential impacts on public health will be mitigated

⁵ Following the approach outlined in the section above dealing with emissions to air and water i.e. comparing predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as Soil Guideline Values)

Other aspects

Within the EIA the HPA would expect to see information about how the promoter would respond to accidents with potential off-site emissions e.g. flooding or fires, spills, leaks or releases off-site. Assessment of accidents should: identify all potential hazards in relation to construction, operation and decommissioning; include an assessment of the risks posed; and identify risk management measures and contingency actions that will be employed in the event of an accident in order to mitigate off-site effects.

The EIA should include consideration of the COMAH Regulations (Control of Major Accident Hazards) and the Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009: both in terms of their applicability to the installation itself, and the installation's potential to impact on, or be impacted by, any nearby installations themselves subject to the these Regulations.

There is evidence that, in some cases, perception of risk may have a greater impact on health than the hazard itself. A 2009 report⁶, jointly published by Liverpool John Moores University and the HPA, examined health risk perception and environmental problems using a number of case studies. As a point to consider, the report suggested: "Estimation of community anxiety and stress should be included as part of every risk or impact assessment of proposed plans that involve a potential environmental hazard. This is true even when the physical health risks may be negligible." The HPA supports the inclusion of this information within EIAs as good practice.

Electromagnetic fields (EMF) [include for installations with associated substations and/or power lines]

There is a potential health impact associated with the electric and magnetic fields around substations and the connecting cables or lines. The following information provides a framework for considering the potential health impact.

In March 2004, the National Radiological Protection Board, NRPB (now part of the HPA), published advice on limiting public exposure to electromagnetic fields. The advice was based on an extensive review of the science and a public consultation on its website, and recommended the adoption in the UK of the EMF exposure guidelines published by the International Commission on Non-ionizing Radiation Protection (ICNIRP):-

<http://www.hpa.org.uk/Publications/Radiation/NPRBArchive/DocumentsOfTheNRPB/Absd1502/>

The ICNIRP guidelines are based on the avoidance of known adverse effects of exposure to electromagnetic fields (EMF) at frequencies up to 300 GHz (gigahertz), which includes static magnetic fields and 50 Hz electric and magnetic fields associated with electricity transmission.

HPA notes the current Government policy is that the ICNIRP guidelines are implemented in line with the terms of the EU Council Recommendation on limiting exposure of the general public (1999/519/EC):

http://www.dh.gov.uk/en/Publichealth/Healthprotection/DH_4089500

For static magnetic fields, the latest ICNIRP guidelines (2009) recommend that acute exposure of the general public should not exceed 400 mT (millitesla), for any part of the body, although the previously recommended value of 40 mT is the value used in the Council Recommendation. However, because of potential indirect adverse effects, ICNIRP recognises that practical policies need to be implemented

⁶ Available from: <http://www.cph.org.uk/showPublication.aspx?pubid=538>

to prevent inadvertent harmful exposure of people with implanted electronic medical devices and implants containing ferromagnetic materials, and injuries due to flying ferromagnetic objects, and these considerations can lead to much lower restrictions, such as 0.5 mT as advised by the International Electrotechnical Commission.

At 50 Hz, the known direct effects include those of induced currents in the body on the central nervous system (CNS) and indirect effects include the risk of painful spark discharge on contact with metal objects exposed to the field. The ICNIRP guidelines give reference levels for public exposure to 50 Hz electric and magnetic fields, and these are respectively 5 kV m^{-1} (kilovolts per metre) and 100 μT (microtesla). If people are not exposed to field strengths above these levels, direct effects on the CNS should be avoided and indirect effects such as the risk of painful spark discharge will be small. The reference levels are not in themselves limits but provide guidance for assessing compliance with the basic restrictions and reducing the risk of indirect effects. Further clarification on advice on exposure guidelines for 50 Hz electric and magnetic fields is provided in the following note on the HPA website:

http://www.hpa.org.uk/webw/HPAweb&HPAwebStandard/HPAweb_C/1195733805036

The Department of Energy and Climate Change has also published voluntary code of practices which set out key principles for complying with the ICNIRP guidelines for the industry.

http://www.decc.gov.uk/en/content/cms/what_we_do/uk_supply/consents_planning/codes/codes.aspx

There is concern about the possible effects of long-term exposure to electromagnetic fields, including possible carcinogenic effects at levels much lower than those given in the ICNIRP guidelines. In the NRPB advice issued in 2004, it was concluded that the studies that suggest health effects, including those concerning childhood leukaemia, could not be used to derive quantitative guidance on restricting exposure. However, the results of these studies represented uncertainty in the underlying evidence base, and taken together with people's concerns, provided a basis for providing an additional recommendation for Government to consider the need for further precautionary measures, particularly with respect to the exposure of children to power frequency magnetic fields.

The Stakeholder Advisory Group on ELF EMFs (SAGE) was then set up to take this recommendation forward, explore the implications for a precautionary approach to extremely low frequency electric and magnetic fields (ELF EMFs), and to make practical recommendations to Government. In the First Interim Assessment of the Group, consideration was given to mitigation options such as the 'corridor option' near power lines, and optimal phasing to reduce electric and magnetic fields. A Second Interim Assessment addresses electricity distribution systems up to 66 kV. The SAGE reports can be found at the following link:

<http://sagedialogue.org.uk/> (go to "Document Index" and Scroll to SAGE/Formal reports with recommendations)

The Agency has given advice to Health Ministers on the First Interim Assessment of SAGE regarding precautionary approaches to ELF EMFs and specifically regarding power lines and property, wiring and electrical equipment in homes:

http://www.hpa.org.uk/webw/HPAweb&HPAwebStandard/HPAweb_C/1204276682532?p=1207897920036

The evidence to date suggests that in general there are no adverse effects on the health of the population of the UK caused by exposure to ELF EMFs below the guideline levels. The scientific evidence, as reviewed by HPA, supports the view that precautionary measures should address solely the possible association with childhood leukaemia and not other more speculative health effects. The

measures should be proportionate in that overall benefits outweigh the fiscal and social costs, have a convincing evidence base to show that they will be successful in reducing exposure, and be effective in providing reassurance to the public.

The Government response to the SAGE report is given in the written Ministerial Statement by Gillian Merron, then Minister of State, Department of Health, published on 16th October 2009:

<http://www.publications.parliament.uk/pa/cm200809/cmhansrd/cm091016/wmstext/91016m0001.htm>

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_107124

HPA and Government responses to the Second Interim Assessment of SAGE are available at the following links:

http://www.hpa.org.uk/Publications/Radiation/HPAResponseStatementsOnRadiationTopics/rpdadvice_sage2

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_130703

The above information provides a framework for considering the health impact associated with the proposed development, including the direct and indirect effects of the electric and magnetic fields as indicated above.

Liaison with other stakeholders, comments should be sought from:

- the local authority for matters relating to noise, odour, vermin and dust nuisance
- the local authority regarding any site investigation and subsequent construction (and remediation) proposals to ensure that the site could not be determined as 'contaminated land' under Part 2A of the Environmental Protection Act
- the local authority regarding any impacts on existing or proposed Air Quality Management Areas
- the Food Standards Agency for matters relating to the impact on human health of pollutants deposited on land used for growing food/ crops
- the Environment Agency for matters relating to flood risk and releases with the potential to impact on surface and groundwaters
- the Environment Agency for matters relating to waste characterisation and acceptance
- the Primary Care Trust(s)/Health Boards and Strategic Health Authority for matters relating to wider public health

Environmental Permitting [include for installations subject to EPR]

Amongst other permits and consents, the development will require an environmental permit from the Environment Agency to operate (under the Environmental Permitting (England and Wales) Regulations 2010). Therefore the installation will need to comply with the requirements of best available techniques (BAT). The HPA is a consultee for bespoke environmental permit applications and will respond separately to any such consultation.

Annex 1

Human health risk assessment (chemical pollutants)

The points below are cross-cutting and should be considered when undertaking a human health risk assessment:

- The promoter should consider including Chemical Abstract Service (CAS) numbers alongside chemical names, where referenced in the ES
- Where available, the most recent United Kingdom standards for the appropriate media (e.g. air, water, and/or soil) and health-based guideline values should be used when quantifying the risk to human health from chemical pollutants. Where UK standards or guideline values are not available, those recommended by the European Union or World Health Organisation can be used
- When assessing the human health risk of a chemical emitted from a facility or operation, the background exposure to the chemical from other sources should be taken into account
- When quantitatively assessing the health risk of genotoxic and carcinogenic chemical pollutants the HPA does not favour the use of mathematical models to extrapolate from high dose levels used in animal carcinogenicity studies to well below the observed region of a dose-response relationship. When only animal data are available, we recommend that the 'Margin of Exposure' (MOE) approach⁷ is used

⁷ Benford D et al. 2010. Application of the margin of exposure approach to substances in food that are genotoxic and carcinogenic. Food Chem Toxicol 48 Suppl 1: S2-24

Our ref: HA_WoE
Your ref: EN010058_1654674

The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Mrs Jacqui Ashman
Asset Manager
2/08K
Temple Quay House
2 The Square, Temple Quay
Bristol BS1 6HA

Direct Line: 0117 372 8756
Fax: 0117 372 8100

8 March 2013

For the attention of Alan Ridley

Dear Mr Ridley

**INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2009 SI 2263 (AS AMENDED) (THE EIA REGULATIONS)
PROPOSED: SEABANK 3 CCGT (THE PROJECT)
PROPOSAL BY SSE SEABANK LAND INVESTMENTS LTD (THE APPLICANT)**

I have set out below both the general and specific areas of concerns that the Highways Agency would wish to see considered as part of an Environmental Statement. The comments relate specifically to matters arising from the Agency's responsibilities to manage and maintain the Strategic Road Network (SRN) in England.

Comments relating to the local road network should be sought from the appropriate local highway authority.

General aspects to be addressed in all cases:

- An assessment of transport related impacts of the proposal should be carried out and reported as described in the current Department for Transport '*Guidance on Transport Assessment*'.
- Environmental impact arising from any disruption during construction, traffic volume, composition or routing change and transport infrastructure modification should be fully assessed and reported.
- Adverse change to noise and to air quality should be particularly considered, including in relation to compliance with the European air quality limit values and/or in local authority designated Air Quality Management Areas (AQMAs).
- No new connections are permitted to the Highways Agency drainage network. In the case of an existing 'permitted' connection, this can only be retained if there is no land use change.
- Development must not lead to any surface water flooding on the Strategic Road Network (SRN) carriageway.


Location specific considerations:

- Please be advised that the road network for which the HA assumes responsibility in the vicinity of the site includes the A4 from the St Andrew's Roundabout (A403/A4), St Brendan's Roundabout (A4/M5 and M49 Slip Roads) the Portway Roundabout (A4/M5 and M49 Slip Roads) as well as the M5, M4, M49 and M48.
- We recognise the acknowledgement that vehicle movements associated with the construction phase will require particular consideration. This accords with the HA's experience of involvement in other DCO applications for energy related development.
- Please be advised that, as the impact of development during construction is likely to be a primary concern of the HA's, detailed information on staffing numbers, mode share, shift patterns, HGV numbers, HGV arrival/departure profiles, development phases, and Abnormal Indivisible Loads, should be determined at the earliest opportunity.
- For your information, the HA would anticipate the need for controls to ensure that the construction trip generation identified in the TA is not exceeded, such that the assessment and accompanying mitigation package can be relied upon.
- We are therefore pleased to see reference made to a Construction Traffic Management Plan, which we anticipate being necessary in order to achieve the mitigation referred to above.

At this stage the HA is not able to confirm the extent of the study area which we would expect the TA to consider, however, we are happy to provide ongoing advice on this matter as information on the extent of impact is made available.

The Agency comments imply no pre-determined view as to the acceptability of the proposed development in traffic, environmental or highway terms. Should the applicant wish to discuss the merits of the proposal in terms of the likely impact on the SRN they should contact me.

Yours sincerely



Mrs Jacqui Ashman
Network Delivery & Development (South West)
Email: jacqui.ashman@highways.gsi.gov.uk

Inshore Marine Licensing Team
Lancaster House
Newcastle, NE4 7YH
Dee.allen@marinemanagement.org.uk
0191 376 2569

Alan Ridley
EnvironmentalServices@infrastructure.gsi.gov.uk
05 March 2013

PINS reference: 130213_EN010058_1654674
MMO reference: DC9774

Response to consultation request

Infrastructure Planning Commission (Environmental Impact Assessment)
Regulations 2009 and,

Marine Works (Environmental Impact Assessment) Regulations 2007

Dear Mr Ridley,

I am writing in reply to your request dated 13th February 2013 for a response to the consultation request regarding a scoping opinion in accordance with the Infrastructure Planning Commission (Environmental Impact Assessment) Regulations 2009.

I enclose with this letter a statement which sets out our response.

We understand from communications with the applicant that, whilst unlikely, the direct cooling option could be considered again further down the line. We appreciate that the applicant will keep us informed and make sure that we are fully engaged in the scheme's development as early as possible. To ensure that the project is picked up by an available case officer please copy any email to marine.consents@marinemanagement.org.uk.

Should you have any queries please do not hesitate to contact me.

Yours sincerely,

Dee Allen

Consultation response to the Planning Inspectorate

Seabank 3 CCGT

PINS reference: 130213_EN010058_1654674

MMO reference: DC9774

Proposal

The Seabank 3 development comprises the construction and operation of a CCGT power station with a capacity of up to 1,400 MW, which is anticipated to consist of two main gas turbines and associated steam turbine(s). The plant will be designed to operate independently of Seabank 1 & 2, however there will be a number of shared services including access roads, cooling water, gas supply and grid connection. The plant will be designed to operate continuously for an expected period of at least 25 years.

There are three options of cooling system described; direct wet-cooling technology (water from/to estuary), hybrid-cooling technology (lower volume) and dry-cooling technology (fans). The first would involve cooling water intake and outtake from the Severn Estuary which falls within the MMO's remit.

Location

Near Bristol

Figure 1: Approximate Site Location



PINS have presented an Environmental Scoping Report to the Marine Management Organisation and requested a consultation response.

Scoping Opinion

The Marine Management Organisation recognises that a 'preliminary Best Available Technique (BAT) assessment has concluded that the option of direct cooling using water from the estuary should be discarded due to a combination of technical and environmental challenges'. However, if this option is selected then the following potential marine environmental impacts will need to be identified during the Environmental Impact Assessment and included in any resulting Environmental Statement.

- Any potential impacts of the physical cooling water structures on coastal processes;
- Any potential impacts from the thermal plume associated with cooling water on marine ecological receptors such as fish, shellfish, benthos and the designated features of the Severn Estuary SAC/SPA/SSSI/Ramsar site;
- Any potential impacts from chemicals entering the marine environment from the outtake water on marine ecological receptors and the designated features of the Severn Estuary SAC/SPA/SSSI/Ramsar site;
- Any potential impingement and entrainment impacts on marine ecological receptors and the designated features of the Severn Estuary SAC/SPA/SSSI/Ramsar site;
- Any potential disturbance impacts during construction and operation of cooling water structures on marine ecological receptors and the designated features of the Severn Estuary SAC/SPA/SSSI/Ramsar site;
- Any potential impacts from dredging works if required on marine ecological receptors and the designated features of the Severn Estuary SAC/SPA/SSSI/Ramsar site.

Section 3.52 Diversion of the Red Rhine – The MMO notes that the proposal by Severnside Development Ltd to divert the Red Rhine drainage channel is independent of this DCO application and is not included as 'associated development' for this proposed Seabank 3 development. Therefore no comments regarding the potential impacts of the diversion of the Red Rhine drainage channel have been given.

Conclusion

The items highlighted in this opinion should be considered in the Environmental Impact Assessment process and the outcome of these suggestions should be apparent in the subsequent Environmental Statement. However, this statement should not be seen as a definitive list of all Environmental Impact Assessment requirements and other subsequent work may prove necessary.



Maritime &
Coastguard
Agency

Navigation Safety Branch
Bay 2/04
Spring Place
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SO15 1EG

The Planning Inspectorate

Tel: +44 (0)23 8032 9448
Fax: +44 (0)23 8032 9204
E-mail: mark.munts@mcga.gov.uk

Your ref: **EN010058**
Our ref: **MNA 053/008/0028**

25 February 2013

Dear Sir/Madam

THE PROPOSED SEABANK 3 CCGT PROJECT

I writing in regard to your letter we received on 13 February 2013 by e-mail.

The documentation has been considered by staff of the Navigation Safety Branch and it can be noted that the works are unlikely to have an adverse impact, with regards to safety of navigation, provided:

1. A copy of this consent must be given to each contractor appointed to carry out part or all of 'the works' in order that they are clear about the extent of 'the works' for which consent has been given and the conditions that are attached to the consent.
2. The Consent Holder should ensure appropriate steps are taken to minimise damage to the beach/foreshore/river bank by the works.
3. The Consent Holder should ensure that any equipment, temporary works and/or debris associated with the works are removed from the foreshore upon completion of the works.
4. The Consent Holder should ensure the best method of practice is used to minimise re-suspension of sediment during these works.
5. The Consent Holder should ensure suitable bunding, storage facilities are employed to prevent the release of fuel oils, lubricating fluids associated with the plant and equipment into the marine environment.
6. The Consent Holder must ensure the beach/foreshore/riverbank is returned to the original profile, as close as reasonably practicable, following the completion of the works.
7. The Consent Holder should ensure the local mariner's and fishermen's organisations are notified.



INVESTOR IN PEOPLE



SUPPORTING



8. The Consent Holder should notify the UK Hydrographic Office to permit the promulgation of maritime safety information and updating of nautical publications.
9. The works shall be maintained at all times in good repair.
10. The works should be removed from below the level of mean high water springs, or such alterations made, within one month of notice being given by the Secretary of State at any time he considers this necessary or advisable for the safety of navigation, and not replaced without further consent by the Secretary of State. The owner of the works shall be liable for any expense incurred.
11. If in the opinion of the Secretary of State the assistance of a Government Department, including the broadcast of navigational warnings, is required in connection with the works or to deal with any emergency arising from the failure to mark and light the works as required by the consent or to maintain the works in good order or from the drifting or wreck of the works, the owner of the works shall be liable for any expense incurred in securing such assistance.
12. Officers of the MCA, or any other person authorised by the Secretary of State, should be permitted to inspect the works at any reasonable time.
13. The site is within port limits and the responsible local navigation authority, in close consultation with the Harbour Commissioners where appropriate, may wish to issue local warnings to alert those navigating in the vicinity to the presence of the works during the construction. Additionally, they may need to review their Port Marine Safety Code risk assessments.
14. The matter is an issue for the local harbour authority with conservancy responsibilities. They have the responsibility within their port limits for ensuring their harbour is fit for use by, for example, not permitting the spoil to foul navigable channels thus assuring the safety of navigation.
15. Vessels to comply with the International Regulations for Preventing Collisions at Sea, 1972 (COLREGs) – as amended, particularly with respect to the display of lights, shapes and signals.
16. Any jack up barges / vessels utilised during the works, when jacked up, should exhibit signals in accordance with the UK Standard Marking Schedule for Offshore Installations.
17. A collision risk management plan should be developed for the pipe laying operation to record the pre planning measures taken to minimize the risk of ship collision and to define the guarding role of the ERRV whilst on location.
18. Unless an agreement has been made with the Fisherman's Federations, details of the deployment should be passed, by email, to kingfisher@seafish.co.uk, for inclusion in the Kingfisher Information Services fortnightly bulletin, at least two weeks before the start date.
19. The works should be lighted in accordance with the requirements of the General Lighthouse Authority.
20. No radio beacons or radar beacon operating in the Marine frequency bands shall be installed without prior written approval by the Secretary of State.

If these conditions are met I am able to advise you that the Maritime and Coastguard Agency (MCA) has no objection to consent being granted provided that measures are also taken to ensure that details of the proposed works are promulgated to maritime users through notice to mariners and/or navigational warnings.

Please note, however, that a charge will be levied on the developers, by MCA, for the transmission of maritime safety information, via Navtex or Coastguard VHF radio network, in respect of the proposed works. Agreement by the developers to pay any such charges should, ideally, be a condition of the consent if they are likely to be used.

Yours faithfully,

Nick Salter
Navigation Specialist Support

3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Land and Development
Vicky Stirling
Town Planner
Land & Development
vicky.stirling@nationalgrid.com
Direct tel: +44 (0)1926 653746

SUBMITTED VIA EMAIL TO:
environmentalservices@infrastructure.gsi.gov.uk

www.nationalgrid.com

12 March 2013
Our Ref: XX_TW_Z4_2S_21969 & XX_TW_Z4_2F_06391
Your Ref: 130213_EN010058_1654674

Dear Mr Ridley,

INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS
2009 SI 2263 (as amended) (the EIA Regulations)
PROPOSED Seabank 3 CCGT (the project)
PROPOSAL BY SSE Seabank Land Investments Ltd (the applicant)

I refer to your letter dated 13th February 2013 in connection with the above proposed application. Having reviewed the Scoping Report and associated documents, I would like to make the following comments:

National Grid Electricity Transmission Infrastructure Within the Proposed Area of Works

A National Grid high voltage electricity overhead transmission line lies within the proposed Order boundary. This overhead line and tower form essential parts of the electricity transmission network in England and Wales.

Details of the overhead line are as follows:

- 2VL 400kV overhead line route - Cilfynydd - Seabank - Whitson / Melksham - Seabank

This overhead line crossing is within the proposed development boundary marked out in Figure 7 (Pg 9) of the EIA Scoping report for this development.

Please find enclosed a plan showing the location of these assets.

Specific Comments

Overhead Line 2VL

- National Grid does not always own the land over which the overhead line crosses, but we obtain an agreement and rights from individual landowners to place our equipment on their land. These rights provide a right of access to inspect, maintain, repair, renew and retain our asset. National Grid's approach is always to seek to retain our existing overhead lines in situ. We request that where necessary protective provisions are put in place to retain these rights.

- Statutory electrical safety clearances must be maintained at all times. These distances are set out in EN 43 – 8 Technical Specification for “overhead line clearances Issue 3 (2004) outlined at the following webpage:
http://www.nationalgrid.com/uk/LandandDevelopment/DDC/devnearohl_final/appendixIII/applII-part2
- National Grid requests to be consulted where it is proposed to alter the ground level in vicinity of our overhead line. Planting can take place subject to adequate maintenance access to the overhead line being provided. However, it is important that appropriate species are selected for locations below and adjacent to the transmission route to ensure that safety clearances are maintained and that the species that have been planted do not grow to heights that would infringe the safety clearances.

National Grid needs to have safe access to the overhead line for inspection, maintenance and refurbishment. Planting within 2 metres of the tower base should be avoided and vehicular access to the towers should not be prevented by new planting.

- National Grid prefers that buildings are not built directly beneath its overhead lines. This is because National Grid needs quick and easy access to carry out maintenance of its equipment to ensure that it can be returned to service and be available as part of the national transmission system.

The statutory safety clearances between overhead lines, the ground, and built structures must not be infringed. To comply with statutory safety clearances the live electricity conductors of National Grid’s overhead power lines are designed to be a minimum height above ground. Plant, machinery, equipment, buildings or scaffolding should not encroach within 5.3 metres of any of our high voltage conductors at the point where the conductors are under their maximum ‘sag’ or ‘swing’ conditions. National Grid can, on request, provide to developers detailed line profile drawings that detail the height of conductors, above ordnance datum, at a specific site.

- The relevant guidance in relation to working safely near to existing overhead lines is contained within the Health and Safety Executive’s (www.hse.gov.uk) Guidance Note GS 6 “Avoidance of Danger from Overhead Electric Lines.”

Further guidance on development near electricity transmission overhead lines is available here: <http://www.nationalgrid.com/NR/rdonlyres/C185DC83-F57F-41A6-B4F1-6E28B3510E59/34674/02APTElectricityOHLGuidanceV12.doc>

National Grid Gas Transmission Infrastructure

National Grid has the following high pressure gas transmission pipeline crossing the proposed Order boundary to the north. This pipeline forms an essential part of the gas transmission network in Great Britain. The details of the pipeline are as follows:

- Feeder SP - Pucklechurch to Seabank
- Feeder 14 - Pucklechurch to Seabank

Please find enclosed a plan showing the location of this pipeline.

Our underground pipelines are protected by permanent agreements with landowners or have been laid in the public highway under our licence. These grant us legal rights that enable us to achieve efficient and reliable operation, maintenance, repair and refurbishment of our gas transmission network. Hence we require that no permanent structures are built over or under pipelines or within the zone specified in the agreement, materials or soil are not stacked or stored on top of the pipeline route and that unrestricted and safe access to any of our pipeline(s) must be maintained at all times.

The information supplied is given in good faith and only as a guide to the location of our underground pipelines. The accuracy of this information cannot be guaranteed. The physical presence of such pipelines may also be evident from pipeline marker posts. The person(s) responsible for planning, supervising and carrying out work in proximity to our pipeline(s) shall be liable to us, as pipeline(s) owner, as well as to any third party who may be affected in any way by any loss or damage resulting from their failure to locate and avoid any damage to such a pipeline(s).

The relevant guidance in relation to working safely near to existing underground pipelines is contained within the Health and Safety Executive's Guidance HS(G)47 "Avoiding Danger From Underground Services" (available at <http://www.hse.gov.uk/pubns/books/hsg47.htm>). All relevant site staff should make sure that they are both aware of and understand this guidance.

Our pipelines are normally buried to a depth of 1.1 metres or more below ground and further information may be found on the plans provided. Ground cover above our pipelines should not be reduced or increased. If it is planned to use mechanical excavators and any other powered mechanical plant it shall not be sited or moved above the pipeline. If it is planned to carry out excavation to a depth greater than 0.3 metres, embankment or dredging works the actual position and depth of the pipeline must be established on site with our representative and a safe working method agreed prior to any work taking place in order to minimise the risk of damage and ensure the final depth of cover does not affect the integrity of the pipeline.

The digging of trial holes to locate the pipeline must be carried out under the supervision of our on site representative. Excavation works may take place unsupervised no closer than 3 metres from the pipeline once its actual location has been confirmed. Similarly excavation with hand held power tools may take place no closer than 1.5 metres away.

Any construction traffic should either cross the pipeline using existing roads or at agreed crossing locations using agreed protective measures. Ground anchors for scaffolding stay wires should only be sited in the vicinity of the pipeline after the pipeline position has been confirmed on site with our representative and the ground anchor position agreed. The relocation of existing underground pipelines is not normally feasible on grounds of cost, operation and maintenance and environmental impact.

Further details can be found in our "Specification for Safe working in the vicinity of National Grid high pressure gas pipelines and associated installations – requirements for third parties"

T/SP/SSW/22 (available at <http://www.nationalgrid.com/NR/rdonlyres/EBB14330-F1F0-4B5A-BDA3-DE7DF3482691/44260/Safeworkinginthevicinityofabove7barpipelines.pdf>).

National Grid is a trading name for:
National Grid Electricity Transmission plc
Registered Office: 1-3 Strand, London WC2N 5EH
Registered in England and Wales, No 2366977

National Grid is a trading name for:
National Grid Gas plc
Registered Office: 1-3 Strand, London WC2N 5EH
Registered in England and Wales, No 2006000

National Grid Gas Distribution Infrastructure

National Grid has no gas distribution apparatus located within the site order boundary.

Specific comments

We would request that the potential impact of the proposed works on National Grid's existing gas transmission and Electricity transmission assets in the area are considered in any subsequent reports, including in the Environmental Statement, and as part of any subsequent application. National Grid should be consulted at the earliest opportunity to discuss these proposals.

Where the promoter intends to acquire land, National Grid seeks confirmation that this does not include the acquisition of its apparatus unless by agreement.

Where the promoter acquires any interest in the land in which National Grid apparatus is located, National Grid seeks confirmation that this apparatus will not be removed and its rights to inspect, maintain, renew, and retain such apparatus will not be extinguished.

Further Advice

If we can be of any assistance to you in providing further information please do not hesitate to contact us at the address below.

National Grid
Town Planner, Land & Development
National Grid House
Warwick Technology Park
Gallows Hill
Warwick
CV34 6DA

In addition, the following publications which are relevant to the issues outlined above are available from our web site:

- National Grid Electricity Transmission plc, Electricity Act 1989 – Schedule 9 Statement, preservation of amenity
- A sense of place – Design guidelines for development near high voltage overhead lines
- Development near overhead lines

www.nationalgrid.com/uk/landanddevelopment

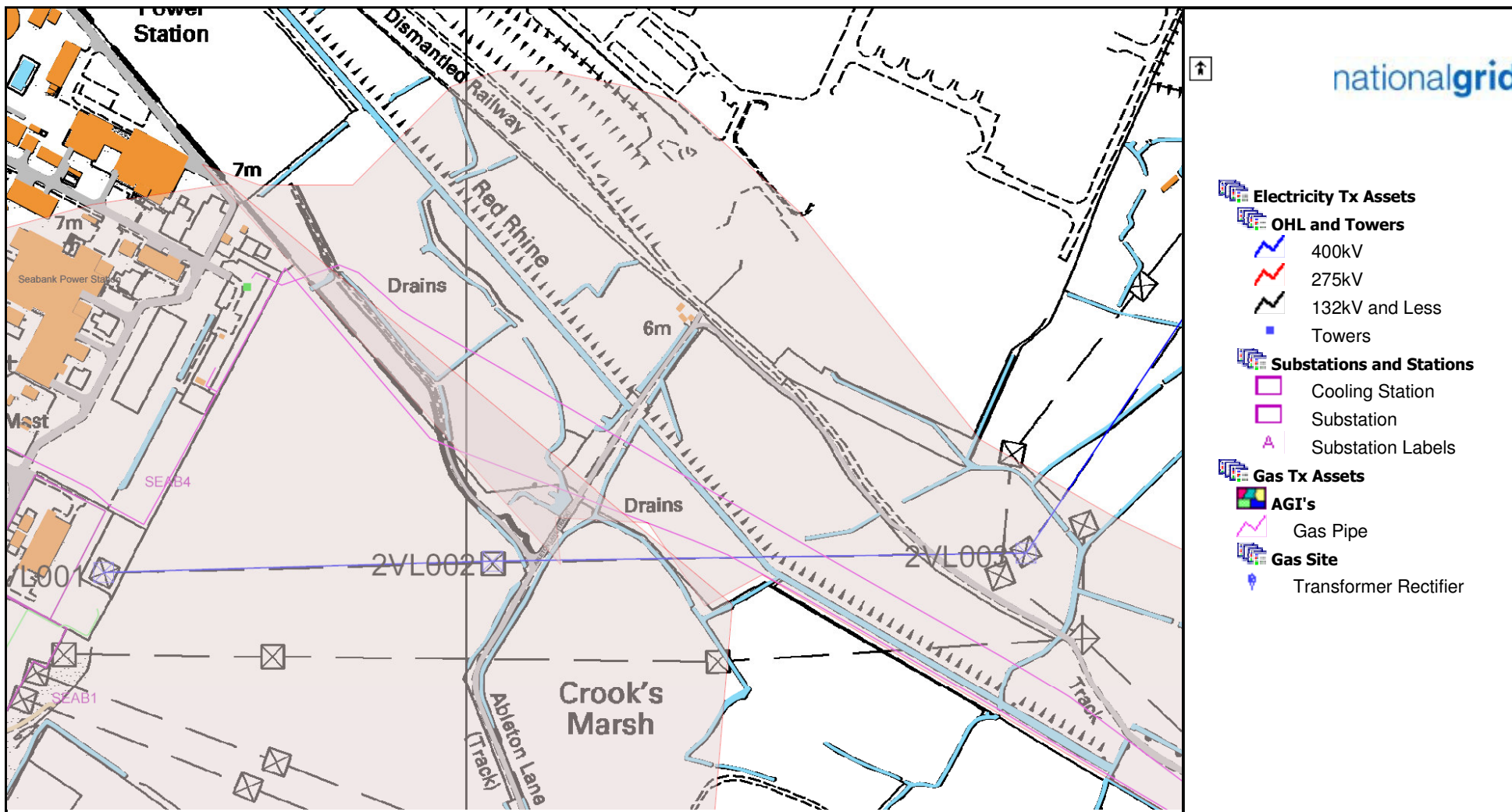
National Grid Requests to Be Consulted at the Earliest Stages to Ensure That the Most Appropriate Protective Provisions Are Included Within the DCO Application to safeguard The Integrity of Our Apparatus and to Remove the Requirement for Objection.

I hope the above information is useful. If you require any further information please do not hesitate to contact me.

Yours sincerely,



Vicky Stirling
Land and Development
(Submitted Electronically)

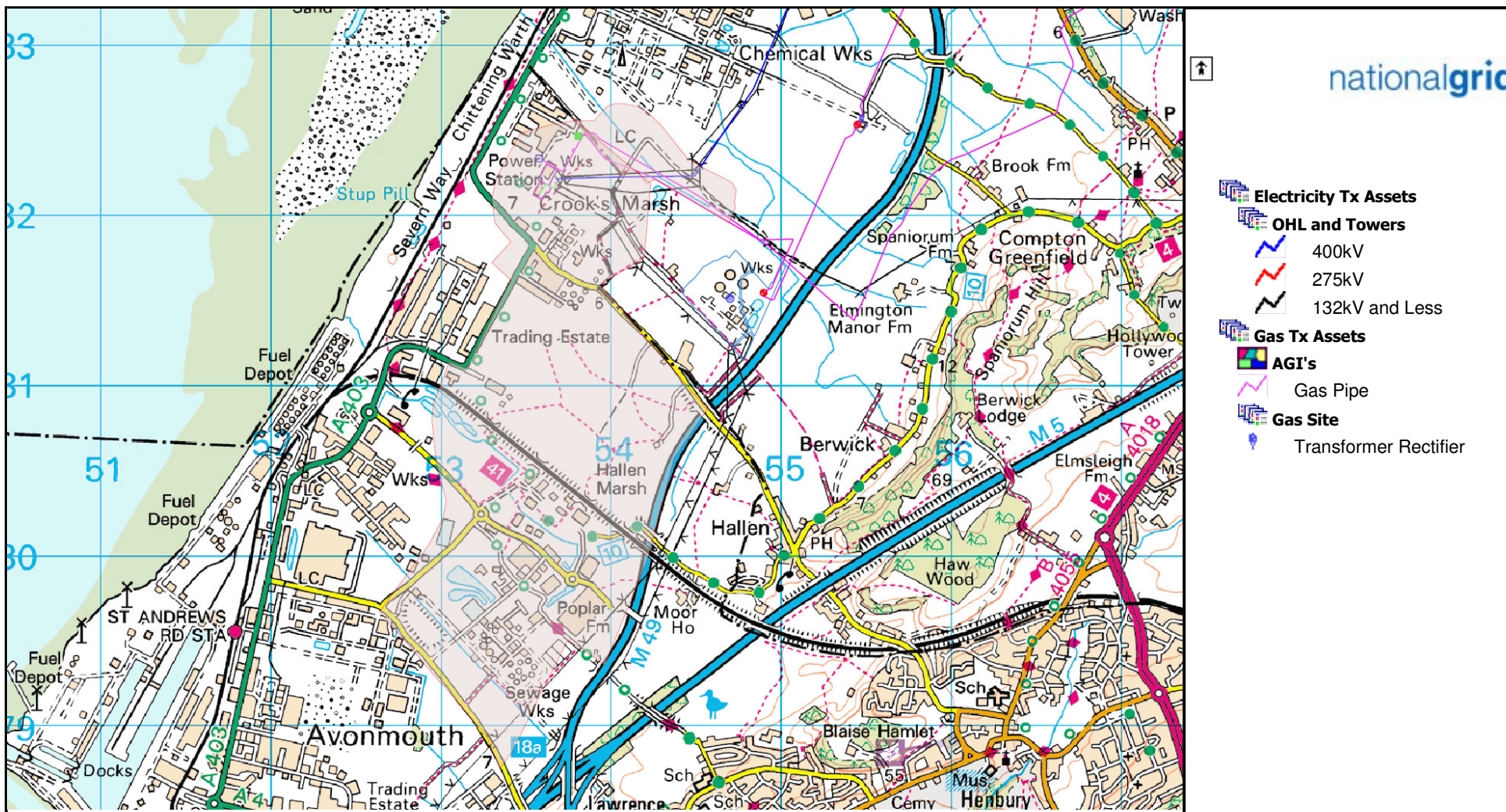


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Produced by 10.34.24.45 09:48 26/02/2013

National Grid UK Transmission. The asset position information represented on this map is the intellectual property of National Grid PLC, Warwick Technology Park, Warwick, CV346DA



nationalgrid

- Electricity Tx Assets**
- OHL and Towers**
 - 400kV
 - 275kV
 - 132kV and Less
- Gas Tx Assets**
- AGI's**
- Gas Pipe
- Gas Site**
- Transformer Rectifier

1 km 1 : 33333

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National Grid UK Transmission. The asset position information represented on this map is the intellectual property of National Grid PLC, Warwick Technology Park, Warwick, CV346DA

Date: 13 March 2013
Our ref: 78460
Your ref: 130213_EN010058_1654674



FAO Alan Ridley
EIA and Land Rights Advisor
The Planning Inspectorate
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BS1 6PN

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Crewe Business Park
Electra Way
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CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Sir

**INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS
2009 SI 2263 (as amended) (the EIA Regulations)
PROPOSED Seabank 3 CCGT (the project)
PROPOSAL BY SSE Seabank Land Investments Ltd (the applicant)**

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in your consultation dated **13 February 2013** which we received on 13 February 2013.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Case law¹ and guidance² has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission. Appendix A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for this development.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries relating to the specific advice in this letter only please contact Amanda Grundy on 0300 060 1454. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

¹ Harrison, J in *R. v. Cornwall County Council ex parte Hardy* (2001)

² *Note on Environmental Impact Assessment Directive for Local Planning Authorities* Office of the Deputy Prime Minister (April 2004) available from

<http://webarchive.nationalarchives.gov.uk/+/http://www.communities.gov.uk/planningandbuilding/planning/sustainability/environmental/environmentalimpactassessment/noteenvironmental/>

Yours faithfully

Gwilym Wren BSc MRICS
Land Use Operations Team Exeter

Annex A – Advice related to EIA Scoping Requirements

1. General Principles

Schedule 4 of the, Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 as amended by the “Infrastructure Planning (Environmental Impact Assessment) (Amendment) Regulations 2012 sets out the necessary information to assess impacts on the natural environment to be included in an ES, specifically:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen.
- A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects. Effects should relate to the existence of the development, the use of natural resources and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- A non-technical summary of the information.
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

It will be important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the ‘in combination’ effects of the proposed development with any existing developments and current applications. A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

Natural England emphasises the importance of sufficient and robust ecological/ornithological information about all the areas that and features that will be or could be affected by the development in order to underpin the assessment findings and conclusions.

We note that the ‘main site’ comprises 20ha but, subject to design requirements for electrical connections and cooling, may extend within a 1km wide search corridor than runs approximately 3km southwards (2.3). In order to properly evaluate the impacts of the scheme the use of these potential corridors and the habitats within them will need to be understood. Therefore to provide the applicant with clarity and certainty our comments refer to the whole of the main site and search corridor.

2. Biodiversity and Geology

2.1 Ecological Aspects of an Environmental Statement

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EclA) have been developed by the Institute of Ecology and Environmental Management (IEEM) and are available on their website.

EclA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.

National Policy Statements on energy EN1 and EN 2 contain government guidance on how effects on the natural environment should be taken into account and assessed.

It is welcomed that the scope of the EIA will take account of relevant Development Plan documents prepared by both South Gloucestershire and Bristol City Councils (5.9).

2.2 Internationally and Nationally Designated Sites

The ES should therefore thoroughly assess the potential for the proposal to affect designated sites. European sites (eg designated Special Areas or Conservation and Special Protection Areas) fall within the scope of the Conservation of Habitats and Species Regulations 2010. In addition the National Policy Statements and in particular paragraph 169 of the National Planning Policy Framework requires that potential Special Protection Areas, possible Special Areas of Conservation, listed or proposed Ramsar sites, and any site identified as being necessary to compensate for adverse impacts on classified, potential or possible SPAs, SACs and Ramsar sites be treated in the same way as classified sites.

Under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

Should a Likely Significant Effect on a European/Internationally designated site be identified or be uncertain, the competent authority (in this case the Planning Inspectorate) may need to prepare an Appropriate Assessment, in addition to consideration of impacts through the EIA process.

Sites of Special Scientific Interest (SSSIs) and sites of European or international importance (Special Areas of Conservation, Special Protection Areas and Ramsar sites)

The development site is adjacent to the following designated nature conservation site:

- Severn Estuary SAC/SPA/Ramsar/SSSI
- Further information on the SSSI and its special interest features can be found at www.natureonthemap.naturalengland.org.uk . The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within Severn Estuary SAC/SPA/Ramsar/SSSI and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.
- Natura 2000 network site conservation objectives are available on our internet site [here](#)

Therefore Natural England welcomes the applicants proposal (6.49) to carry out a Habitats Regulation Screening Exercise to determine the potential impact of the development on the Severn Estuary and other European sites within 10km. This will show whether further consideration of impacts on a European site through an Appropriate Assessment is necessary.

2.3 Regionally and Locally Important Sites

The EIA will need to consider any impacts upon local wildlife and geological sites. Local Sites are identified by the local wildlife trust, geoconservation group or a local forum established for the purposes of identifying and selecting local sites. They are of county importance for wildlife or geodiversity and are often protected in Local Plans. The Environmental Statement should therefore

include an assessment of the likely impacts on the wildlife and geodiversity interests of such sites. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures. Local wildlife trust, geoconservation group or Local Sites body in this area should be contacted for further information.

It should be noted that the ponds at Avonmouth Sewage Treatment Works are designated as a Site of Nature Conservation Importance.

2.4 Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers, bats and invertebrates). Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 *Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System*. The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES.

In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants. Natural England has adopted [standing advice](#) for protected species which includes links to guidance on survey and mitigation.

Natural England welcomes the applicants commitment to species' surveys (6.45) across the whole NSIP and associated development areas as well as the consideration of the wider strategic aims for development mitigation in the Severnside and Avonmouth area (6.47). The Hallam Marsh area, which is included in the Study corridor for the cooling pipeline, is of particular significance and it is hoped that the accumulated survey information in conjunction with the Cresswell report will help deliver important mitigation proposals.

It is noted that the Proposed development will connect to the existing substation by either an overhead or underground cable. As the decision has not yet been made the ES should consider the potential for birds to hit the overhead wires.

2.5 Habitats and Species of Principal Importance

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities to conserve and enhance biodiversity. Further information on this duty is available in the Defra publication ['Guidance for Local Authorities on Implementing the Biodiversity Duty'](#).

Government Circular 06/2005 states that Biodiversity Action Plan (BAP) species and habitats, 'are capable of being a material consideration...in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

Natural England advises that a habitat survey (equivalent to Phase 2) is carried out across the whole NSIP and associated development areas, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (eg from previous surveys);
- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (eg whether BAP priority habitat);
- The direct and indirect effects of the development upon those habitats and species;
- Full details of any mitigation or compensation that might be required.

The development should seek if possible to avoid adverse impact on sensitive areas for wildlife within the site, and if possible provide opportunities for overall wildlife gain.

The record centre for the relevant Local Authorities should be able to provide the relevant information on the location and type of BAP habitat for the area under consideration.

2.6 Contacts for Local Records

Natural England does not hold local information on local sites, local landscape character and local or national biodiversity priority habitats and species. We recommend that you seek further information from the appropriate bodies (which may include the local records centre, the local wildlife trust or other recording society and a local landscape characterisation document).

The Bristol Regional Environmental Records Centre (BRERC) is the central repository for biodiversity and geodiversity data for the 'West of England' area: the same area as the former county of Avon. The address is Bristol Regional Environmental Records Centre, Third Floor, Bristol Central Library, College Green, Bristol, BS1 5TL Tel: 0117 9349833

3. Designated Landscapes and Landscape Character

Landscape and visual impacts

Natural England would wish to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography. The European Landscape Convention places a duty on Planning Authorities to consider the impacts of landscape when exercising their functions.

The EIA should include a full assessment of the potential impacts of the development on local landscape character using landscape assessment methodologies. We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2002. LCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

Natural England supports the publication *Guidelines for Landscape and Visual Impact Assessment*, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2002 (2nd edition). The methodology set out is almost universally used for landscape and visual impact assessment.

In order to foster high quality development that respects, maintains, or enhances, local landscape

character and distinctiveness, Natural England encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials. The Environmental Impact Assessment process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context Natural England advises that the cumulative impact assessment should include other proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application.

The assessment should refer to the relevant [National Character Areas](#) which can be found on our website. Links for Landscape Character Assessment at a local level are also available on the same page.

Heritage Landscapes

You should consider whether there is land in the area affected by the development which qualifies for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific or historic interest. These are considered to be designated landscapes of national importance and the impact of your plan on these should be assessed where appropriate. An up-to-date list may be obtained at www.hmrc.gov.uk/heritage/lbsearch.htm and further information can be found on Natural England's landscape pages [here](#).

4. Access and Recreation

Natural England encourages any proposal to incorporate measures to help encourage people to access the countryside for quiet enjoyment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways are to be encouraged. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.

Rights of Way, Access land, Coastal access and National Trails

The EIA should consider potential impacts on access land, public open land, rights of way and coastal access routes in the vicinity of the development. We also recommend reference to the relevant Right of Way Improvement Plans (ROWIP) to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

5. Soil and Agricultural Land Quality

Impacts from the development should be considered in light of the Government's policy for the protection of the best and most versatile (BMV) agricultural land as set out in paragraph 112 of the NPPF. We also recommend that soils should be considered under a more general heading of sustainable use of land and the ecosystem services they provide as a natural resource in line with paragraph 109 of the NPPF.

6. Air Quality

Air quality in the UK has improved over recent decades but air pollution remains a significant issue; for example over 97% of sensitive habitat area in England is predicted to exceed the critical loads for ecosystem protection from atmospheric nitrogen deposition ([England Biodiversity Strategy](#), Defra 2011). A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The assessment

should take account of the risks of air pollution and how these can be managed or reduced. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System (www.apis.ac.uk). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

We note the applicants commitment to seeking the necessary background information (6.5) and consider the proposed modelling, monitoring and assessment methods across the site and beyond (6.6 – 6.16) to be reasonable.

7. Noise

The proposals for monitoring noise levels are reasonable but Natural England feels that the influence of terrain and prevailing winds need to be incorporated into the methodology when mapping sound 'contours'. For example sound may travel more easily to the high ground to the east than across the flat flood plain where background levels may be higher.

8. Climate Change Adaptation

The [England Biodiversity Strategy](#) published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. Again NPS 1 and in particular the NPPF policy and commentary requires that the planning system should contribute to the enhancement of the natural environment "by establishing coherent ecological networks that are more resilient to current and future pressures" ([NPPF](#) Para 109), which should be demonstrated through the ES.

Natural England notes that the Red Rhine is to be diverted (6.54) to lower flood levels by just 0.5mm and wonder if this is a typographical error? It is also noted that the proposal may increase the flow into the Severn Estuary and potentially lower the water table locally. We would welcome the opportunity to further discuss this when the hydraulic model (6.55) has quantified the proposed difference, so we can assess the impacts of the changes and consider opportunities for habitat enhancement through rhine design and management and Sustainable Drainage Systems.

9. Contribution to local environmental initiatives and priorities

In general terms Natural England expects major projects enhance the environment. This includes protection of habitat where possible and appropriate restoration where protection is impractical. We would be happy to comment on detailed proposals during the final design phase.

Natural England is aware that the main site was included in the historic ICI Planning Permission which dates from 1957/58. This permission was subject to a Regulation 63 Review under the Habitats Regulations which concluded that development would have a likely significant effect on the Severn Estuary SAC/SPA. The impacts however, can be mitigated by the provision of new wetland habitat.

We have pointed out that the Hallen Marsh area is under consideration by Bristol City Council to provide strategic mitigation for development in the wider Severnside and Avonmouth area. Informed by the Cresswell report the City Council are keen to progress this. Given the need to mitigate the effects of the development footprint we support the applicants ambition to consider wider aims and mitigation (6.47) and encourage them to engage with the City Council to share information and discuss opportunities for habitat management and enhancement across the whole search corridor and not just the line eventually selected. This could provide the direct mitigation for the footprint of Seabank 3 and the proposed carbon capture site and would represent good environmentally responsible practice.

We welcome the assessment of the impact of the proposal on landuse and recreation. Given that the footpath through the site will need to be diverted Natural England encourages the applicant to ensure that the revised route is attractive and is appropriately routed to blend into approved

landscaping scheme.

The landscaping scheme itself will need a sympathetic design to break up views of the mass and impact of the station but also, as far as possible restore naturally occurring BAP habitats that have become lost or degraded in recent years such as floodplain grass land, scrub, trees, hedges, reedbeds and open water.

10. Cumulative and in-combination effects

A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

The ES should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment. (Subject to available information):

- a. Existing completed projects
- b. Approved but uncompleted projects
- c. Ongoing activities
- d. Plans or projects for which an application has been made and which are under consideration by the consenting authorities
- e. Plans and projects which are reasonably foreseeable, ie projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

Natural England notes that the development may be phased over 3 years (3.57). It is therefore important to consider the seasonal impacts of the development and avoid noisy or disruptive activities in sensitive areas, for example laying pipes in winter months across known wintering bird habitat.

From: [Pat Cooper](#)
To: [Alan Ridley](#);
Subject: Seabank 3 CCGT Scoping Consultation - EN010058
Date: 14 February 2013 13:31:50
Attachments: [Letter to stat consultees-
Scoping Letter AND Reg 9 Notification \(English and Welsh\).pdf](#)

**INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2009 SI 2263 (as amended) (the EIA Regulations)
PROPOSED Seabank 3 CCGT (the project)
PROPOSAL BY SSE Seabank Land Investments Ltd (the applicant)**

Dear Mr Ridley

I refer to your letter dated 13 February as attached which has been passed to me for response.

The Water Services Regulation Authority (Ofwat) is the economic regulator for the water and sewerage companies of England and Wales. Your correspondence relates to essentially a local matter in respect of impacts on water and sewerage service provision and in this respect the relevant water company/companies local to the area and the Environment Agency are your key Statutory Consultees. We expect that normal commercial arrangements will apply and that planning matters related to water and sewerage service provision will be resolved locally.

I confirm that we therefore do not have any comments.

Pat Cooper
Business Support Officer
Corporate Affairs
Ofwat
Tel: 0121 644 7806
Fax: 0121 644 7546
ofwat.gov.uk

Address: Ofwat, Centre City Tower, 7 Hill Street, Birmingham. B5 4UA

For information: I work from home on Mondays and am contactable by phone or email as usual.

From: [Mayer, Stuart](#)
To: [Environmental Services:](#)
Subject: FAO Alan Ridley - Seabank 3 CCGT Your Ref 130213_EN010058_1654674
Date: 19 February 2013 09:37:15

Dear Mr. Ridley

Thank you for your letter asking for comments on the proposal by SSE Seabank Land Investments Ltd for Seabank 3 CCGT.

We confirm that we have no comments to make on the scoping report as we are cooperating with the developer in the development of the site.

Yours Sincerely

Stuart Mayer
General Manager

Seabank Power Limited

Tel 0117 938 7800

Mr Alan Ridley
EIA & Land Rights Advisor
The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Date: 13 March 2013
Your Ref:
Our Ref:
Enquiries to: Gillian Ellis-King
Telephone: 01454 86 3724
Internet: Gillian.ellis-king@southglos.gov.uk

environmentalservices@infrastructure.gsi.gov.uk

Dear Mr Ridley

**Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 SI 2263
(as amended) (the EIA Regulations)
Proposed Seabank 3 CCGT (the project)
Proposal by SSE Seabank Land Investments Ltd (the applicant)**

Further to your letter of 13 February 2013, we write as requested in our capacity as a consultation body as defined in the EIA Regulations, to inform the Secretary of State as to the information that technical officers of this Council consider should be provided in the Environmental Statement (ES) for the above named project.

We would be grateful for your confirmation of receipt of this response.

Comments are as follows:

1. General

1.1 Uncertainties as to the characteristics of the proposed development

There is a fundamental concern about being able to identify the specific information that should be provided in an ES, and how the EIA will be undertaken given that there are so many uncertainties about the nature of the proposed development including for example:

- | | |
|-------------|--|
| Para. 1.7 | reference to the 'potential' site boundary, |
| Figure 2's | indication of an extensive potential area within which a pipeline/
electrical connection may be located |
| Para 2.2 | indicates that the site 'may' include land within Bristol City Council |
| Para. 2.3 | refers to an 'approximate' site area |
| Section 3: | Project description includes uncertainties such as at |
| Para 3.3 | regarding the duration of the project, which is potentially 25 years,
after which the site 'may be decommissioned'. No information is
provided as to what this may mean. |
| Para 3.5 &6 | the number of main and other structures proposed is not known |
| Para 3.10 | uncertainty as to the nature of works proposed along Minor's Lane, or
the proposed works at or beyond the access points. |
| Para 3.57 | uncertainty as to the phasing of the project |
| Para 3.56 | 'potentially there may be areas of the site that need to be 'raised by
several metres' |

Steve Evans
Director of Environment and Community Services
South Gloucestershire Council, PO Box 2081, South Gloucestershire, BS35 9BP
Telephone: 01454 868004 Fax: 01454 863440 Internet: mailbox@southglos.gov.uk

Given that the EIA needs to identify the nature of predicted impacts, it is important that the nature of the proposals at all stages of the project are adequately defined, to inform the entire EIA process - from baseline studies that may be required, through to the development of site planning, design and mitigation proposals. If options are to be included these will need to be specifically assessed.

1.2 Decommissioning

Whilst it is accepted that the nature or timing of decommissioning may be unknown at this time, it is suggested that the EIA state how / when impacts arising would be assessed. This may be at a future date as part of an application for decommissioning.

1.3 Cumulative impact assessment

With respect to cumulative assessment, it will be important that the EIA takes account of cumulative impacts both consented and proposed, and in particular the surrounding Enterprise Area. This Council will ensure that information regarding this is provided to the applicant. The section on ecology below makes specific points in this regard.

1.4 Iterative EIA process

Paragraph 1.4 refers to EIA feeding into the 'engineering design process'. It is considered important that in order to avoid, design out, mitigate or compensate for predicted effects, the iterative EIA process should form part of the early engagement with local authorities as recommended in pre-application discussions and that this should cover as appropriate all relevant aspects of the site planning and design process – not just the 'engineering' process. In this way the EIA should be able to demonstrate how the full range of impacts have been appropriately considered and mitigated, and what the residual effects would be.

2. Comments by topic areas

2.1 Planning Policy

It is suggested that the text relating to the Core Strategy be amended to reflect its current status, and in particular that Chapter 18 'as amended by the Inspector's draft Main Modifications' deals with Major Infrastructure Projects including NSIPs. It is also recommended that reference is made to other relevant policies in the Core Strategy.

It is suggested that Core Strategy policy CS35 is also of particular relevance since it highlights energy generation as a potentially appropriate use at Severnside, dependant on any impacts or effects that result as a consequence of such development being appropriately mitigated or where necessary compensated for. The importance of a strategic approach to the development of the wider area that will help not only deliver development but also mitigate constraints such as flood risk, coastal protection, biodiversity, archaeology and transport is also highlighted. The policy also promotes improved sustainability of the area include delivery of an energy grid.

The list of relevant policy should also include the South Gloucestershire Design Checklist SPD (Adopted August 207), and the Local List of Buildings SPD (Adopted March 2008).

2.2 Topics scoped out

Waste Given the uncertainty as to the nature of the proposals, and that it is unknown whether contamination may be found on site, it is recommended that the EIA maintains the flexibility to scope this issue back in should significant issues in relation to waste be identified.

Aviation It is understood that while the Filton Airfield is no longer proposed to function as an airfield, it is understood that a helicopter facility is proposed for retention at Filton. The EIA process should determine the relevance or otherwise of this issue.

2.3 Potentially Significant Environmental Issues

Based on the information provided to date, it is considered that relevant topic areas have been highlighted for assessment in the EIA. However given the uncertainties as to the nature and form of the proposals including those highlighted at paragraph 1.1 above, it is recommended that the scope of the EIA is monitored and should additional significant effects be identified they should be included in the final EIA.

2.3.1 Air Quality

The Scoping Report appears to address the relevant issues and the proposed assessment approach is acceptable. It is noted that the operational impacts will be assessed for the option of diesel firing, if this is used. It is also noted that the cumulative impacts of the proposed development and other proposed developments in the Severnside/ Avonmouth area will be considered.

In paragraph 6.5, it is stated that it is not proposed to conduct specific ambient air monitoring as part of this proposal. However, it would be prudent to consider monitoring, possibly with automatic analysers, at the point of predicted maximum impact to quantify the impact of the proposed development and other proposed development in the area.

2.3.2 Noise and Vibration

Baseline Noise monitoring: It is recommended that baseline noise monitoring should also be undertaken further North of Elmtree Farm. This would be around the Marsh Common area and would include properties such as Gillslake. The terrain around here is flat so the noise does have the potential to carry to these properties, particularly with the prevailing wind direction.

Operational Noise and Vibration: With regards to the operating noise level of the power station our aim would be to achieve a 0dB increase above existing background rather than +5dB. If this cannot be achieved then we would seek reasons as why this is the case and therefore consider if a +5dB would be acceptable in this case based on the number of residential properties surrounding the site.

All other methodologies and construction phase assessments are accepted.

2.3.3 Ecology and Habitats Regulations Assessment

- (a) There are no comments to be made on the scope of the specified habitat and protected/notable species surveys as described on pages 35 to 37, para 6.35 to 6.50, following the draft scoping consultation.
- (b) Fig 2 of the Scoping Report shows the site for the new CCGT power station - 'nationally significant infrastructure project' or NSIP - delineated by a red line. It also indicates an area on its western edge comprising a study corridor for the electricity connection to Seabank power station, which 'might' form part of the DCO. Similarly, Fig 2 also shows the route of the existing water pipeline (coolant) between Seabank 1/2 and the water treatment works to the south; and a study corridor if a new route is adopted for Seabank 3. A decision needs to be taken regarding whether these additional areas should form part of the development subject to the DCO as this will determine the geographical extent of the species/habitat surveys required in the EIA;

which in turn should be used to inform/determine the route of the pipeline and grid connection.

- (c) Whilst not entirely clear, it is assumed that 'the Site' in the Scoping Report refers to the red line area and not the additional grid connection and water pipeline areas.
- (d) Paragraph 6.47 states that '*consideration will be given to the SGC, BCC and NE report 'Sevenside and Avonmouth Wetland Habitat Project (the Cresswell report) when designing mitigation'*'. Whilst the reference is welcomed, paras 6.49 and 6.50 indicate that the scheme will be subject to a Habitat Regulations Assessment (HRA) screening to ascertain whether the NSIP project should be subject to a full Appropriate Assessment.
- (e) It is considered important that the EIA takes account of the Cresswell report that included a review of the partially implemented historic ICI planning permission – 'the 57/58 consent' – as legally required under Regulation 63 of the Habitat Regulations 2010. This includes the red line area of the NSIP but excludes the study area for the grid connection and study corridor for the water pipeline.
- (f) The Regulation 63 review within the Cresswell report concluded that, if the red line area for the 57/58 permission is developed out in full, in combination with development of Avonmouth, it was likely to have a significant effect on the Severn Estuary European Site (SPA/Ramsar). However, the report qualified this by stating that these impacts could be mitigated by providing a commensurate quantity of suitable new wetland habitat in place of that being lost and identified a series of sites for new wetlands at strategically chosen locations across the coastal floodplain.
- (g) Paragraphs 6.47, 6.49 and 6.50 should therefore reflect the fact that the NSIP site forms part of the historic 57/58 consent (see figure 14, cumulative development location plan, for boundary). Loss of that land to development has already been subject to HRA as part of the Regulation 63 'review' of the ICI planning permission and, provided the proposed CCGT proposal accords with the strategy for new wetland habitat contained within the Cresswell report, there should be no significant effect on the Severn Estuary European Site (SPA/Ramsar).
- (h) This would not necessarily negate the requirement for wintering waterfowl surveys of the NSIP and two study areas as part of the EIA process but should instead inform any references to the associated HRA for the scheme.
- (i) The Regulation 63 review furthermore only dealt with the impact of straightforward land loss arising from development - i.e. the effect of the loss of coastal floodplain in Avonmouth and Sevenside - on the European waterfowl. Other potential impacts on the ecological receptors or conservation objectives of the Severn Estuary SAC/SPA/Ramsar - such as, but not limited to, noise, vibration, traffic, dust, lights or aerial or aquatic discharges - would need to be subject to their own HRA or Appropriate Assessment under the Habitat Regulations 2010.
- (j) Likewise, any development linked to the NSIP lying outside the red line area for the 57/58 permission would need to be similarly assessed – i.e. the two study areas for the grid connection and water pipeline.

2.3.4 Flood Risk

The approach is generally considered appropriate, however paragraph 2.18 relating to Hydrology and flooding should also refer to the Avonmouth Sevenside Strategic Flood Risk Assessment level 2 report.

2.3.5 Geology, Hydrogeology & Land Contamination

The URS Scoping report records that the adjacent Seabank 1&2 site was formerly used for gas-from-naphtha production (1963 to 1970s). During re-development for Seabank it is reported that remediation of soil and groundwater was carried out for contamination including metals, benzene, toluene, ethylbenzene, xylene, sulphate and tar.

The EIA identifies the need to undertake a desk study for potential sources of contamination. This will inform any necessary intrusive investigation and the findings and proposals will be discussed with the Environment Agency, South Gloucestershire Council and Bristol City Council. Included in the investigation will be the potential for development to lead to contamination and any impacts associated with the construction and operation of the site. Recommendations will be made for mitigation measures where necessary.

The approach to assessing potential land contamination impacts is accepted

2.3.6 Archaeology & Cultural Heritage

The scoping document submitted to the Council for formal comment includes sections on cultural heritage and looks initially at the evidence for known archaeology within the site (paragraph 6.68 and Table 4) and then describes the scheduled monuments and listed buildings within 2 - 5 km of the site in order to consider the impacts upon the settings of the designated heritage assets. There are however a number of concerns about the proposed scope and content of the EIA proposed in respect of heritage matters. Whilst it is probable that the necessary assessments will be appropriately carried out, this is not currently clear on the basis of the Scoping Report provided.

Concerns are as follows:

(a) It is considered however that the approach does not adequately take into account the changing relief and the openness of the landscape which is such that some grade II heritage assets (which are by definition of national importance by virtue of their inclusion on the national list) may suffer greater impacts than other closer heritage assets that experience less visual impact by virtue of changing topography or other buildings and landscape features. This is important because there is a statutory requirement under the 1990 Planning, (Listed Buildings and conservation Areas) Act to consider the settings of all listed buildings - whatever their grade - and the assessment of impacts and significance of these assets can only be made once they have been identified. The EIA should make reference to the settings or direct impacts on undesignated heritage assets as well as designated ones needs to be addressed, in order to satisfy policy requirements.

(b) Whilst the current scoping document relies on the results of a 'desk-based assessment' this only records known archaeology and as a result does not provide an accurate basis for assessment of significance of heritage assets, particularly in an area where well preserved buried archaeology may survive beneath layers of silts, peats and estuarine deposits.

It remains a matter of concern that paragraph 6.75 suggests that it may be possible to provide an adequate baseline assessment for the EIA on the basis of this desktop study. This suggests that the scale and significance of potential deposits within this area of the levels has not been clearly understood, and it is urged that a combination of electromagnetic and caesium vapour geophysical surveys are undertaken as soon as possible in order to try to clarify potential for surviving archaeological deposits to occur within the affected areas of the site and within the area of search for the proposed water pipeline from the existing Wessex water plant.

(c) Paragraph 21 refers to the National Planning Policy Statement for Energy EN-1) but not to the NPPF or the 1990 Planning (Listed buildings and conservation areas) Act or any English Heritage guidance on the assessment of significance and setting for heritage assets.

There is a statutory requirement under the 1990 Planning, (Listed Buildings and Conservation Areas) Act to consider impacts on setting of heritage assets: Clause 66.1 states:

“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting ...”

Guidance notes (118-20) within the National Policy Statement for Energy EN-1 refer clearly to the English Heritage publication “PPS5 Planning for the Historic Environment: Historic Environment Planning Practice Guide, March 2010, or any successor document”. This guidance appears to have been ignored as have other guidance documents from English Heritage of which “The setting of Heritage assets” October 2011 and “Seeing history in the view” May 2011 are perhaps the most relevant in terms of understanding methodologies for the assessment of impacts on heritage assets.

These English Heritage documents make it clear that the key test is the assessment of significance of the heritage asset and an understanding of the contribution of the setting of the heritage asset to its overall significance. Having considered its significance the next test is to assess its sensitivity to change and then to consider the potential impacts of the proposals upon the significance that has been identified.

2.3.7 Traffic & Transport

The approach proposed is considered acceptable subject to Paragraph 6.85 bullet 1 also including reference to relevant policies in the South Gloucestershire Local Plan and Core Strategy.

2.3.8 Landuse, Recreation and Socio-economics

It is recommended for clarity and because of the very different issues pertaining to land use and socio economics versus recreation (which in this locality relates to public rights of way and bridleways), that these issues are split into separate sections of the EIA.

(a) Landuse and Socio-economics

With respect to land use and socio-economics, the proposed development site is set within an Enterprise Area comprising a mosaic of industrial, commercial and business uses, but also subject to wider strategic biodiversity constraints as set out above. The consideration of cumulative impacts is therefore anticipated to have a bearing on a number of the topic areas that are scoped into the EIA. Given the active promotion of the Enterprise Area for development, and the likelihood of additional development proposals coming forward or becoming formalised, it will be imperative that information on proposed development in the vicinity is kept up to date. It will also be important to consider whether the proposed power station has any bearing on or constraint to adjacent land uses.

(b) Public Rights of Way

The potential for PROW to provide a transport as well as recreational function is welcomed.

The development proposals and EIA need to take account of the use of the public bridleway that runs along Minors Lane on the south side of the gas storage site and then continues along the Class 5 road where it passes the former Minors Farm site. This relates to concerns that horses and potentially cyclists and walkers could be mixing with construction traffic for the proposed development site. The EIA will need to consider mitigation to ensure that users are provided with a safe passage along Ableton Lane.

Additionally, the EIA should consider the wider context of proposed access links for horses and other users including the Local Plan LC12 routes and a future link with Minors Lane.

2.3.9 Landscape and Visual Assessment

- (a) The scoping report confirms that a full LVIA will be carried out as part of the ES, in accordance with the recognised methodology, listed at 6.102. It is considered that this is an acceptable methodology that should identify the potentially significant environmental issues regarding landscape and the predicted visual impact of the development, including consideration of cumulative impacts. *It should be noted however that the updated LVIA Guidelines are due to be published in April 2013 and this updated methodology should be used for this assessment if the timings coincide.*
- (b) Points 6.95 – 6.101, regarding the baseline conditions are agreed.
- (c) As stated at 6.112 viewpoints have now been agreed and these are reflected in the revised Zone of Theoretical Visibility and Proposed Locations for Representative Viewpoints, URS dwg.no.47064101 LVIA Figure 1 Rev A.
- (d) Given the scale of the project and the need to ensure that appropriate mitigation is built into the proposals, it is considered important that the EIA takes account of landscape and visual mitigation proposals. Adequate information should therefore be provided to describe and illustrate the proposed landscape strategy for the development site.

Currently 6.113 of the Scoping Report states that landscape proposals will be 'discussed' in the ES, with a detailed landscape strategy being prepared in liaison with SGC and BCC, following the receipt of the DCO. However it is considered important that an overall landscape strategy should be included in the ES, to set suitable parameters, prior to detailed design.

The landscape strategy should include information on all relevant components including for example; proposed landform and levels, the general nature and extent of the proposed planting and open space elements including ponds, swales etc, as well as definition of boundary treatments, lighting, paving etc. This should include a strong landscape infrastructure network, with sufficient landscape buffers to the site boundaries, of a scale proportionate to the scale of the proposed buildings, in order to provide adequate mitigation and limit visual impact. The EIA should consider not only on site but any offsite mitigation that may be considered necessary (this was done under the Section 106 agreement for the existing Seabank power station).

A Landscape Strategy will also be necessary to cover any proposals for associated or ancillary development, in order that the ES can assess the impact of elements such as pipelines, grid connections and access roads and access points.

- (e) To confirm; the detailed application should include the following:-
- A detailed site layout plan showing how this site relates to the SITA energy recovery site, access and existing Seabank Power Station, should be submitted.
 - An up to date tree and vegetation survey, clearly identifying all vegetation to be removed or retained and full detailed landscape proposals for assessment.
 - Full 1:200 scale detailed planting plans, indicating species, sizes and densities of planting
 - Details of proposed ponds, marginal planting and grassland

- Specification and location of all protective fencing, to be erected at start of works on site, to protect any retained existing vegetation.
- Site levels and longitudinal cross sections
- Landscape and ecological management plan
- Details of all boundary treatments proposed
- Details of proposed lighting

We trust that the above will be taken into account when responding to the applicant's request for a Scoping Opinion.

We will hope to discuss with the applicant the extent to which the environmental scoping information and any baseline data could constitute preliminary environmental information that could helpfully inform or form part of the proposed Stage 1 consultation on the proposed development.

If you have any questions or queries please do not hesitate to contact me

Yours Sincerely



Gillian Ellis-King
Strategic Projects Manager
Environment & Community Services

From: [Mathias, Kez \(Emergency Planning Officer\)](#)
To: [Environmental Services;](#)
Subject: Proposed Seabank 3CCGT (pPROJECT) Yor Reference 130213_EN010058_1654674, Environment Statement
Date: 12 March 2013 14:19:35

To whom it may concern,

With reference to the above mentioned project and your correspondence dated 13th February 2013. It is felt that the environment statement should contain the following

- The environmental impact of the project on South Wales in normal running of the installation.
- The environmental impact if any on the people and country side of South Wales in the event of an industrial accident occurring at the site.
- The contaminants if any that could be discharged into the atmosphere in the event of an industrial accident occurring at the site
- The procedures in place to prevent such accidents

Yours faithfully

.J.K.Mathias

Kez Mathias

Civil Contingencies Officer

South Wales Fire & Rescue Service Headquarters/Pencadlys Gwasanaeth Tân ac Achub De Cymru

Forest View Business Park/Parc Business Forest View

Llantrisant/Llantrisant

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Associate Member of the

Emergency Planning Society

Affiliate Member of the Business Continuity Institute 2011 www.thebci.org

From: [Bryan, Mary](#)
To: [Environmental Services;](#)
Subject: Infrastructure planning regs - Proposed Seabank 3 CCGT
Date: 13 March 2013 15:34:36

Your ref: 130213_EN010058_1654674

To Whom it May Concern:

With reference to the above, to confirm that we do not have any comments.

With kind regards,
Mary Bryan

Mary Bryan | PA to Bob Pepper, Director of Facilities and Estates

University Hospitals Bristol NHS Foundation Trust | Bristol Royal Infirmary | Marlborough Hill | Bristol | BS2 8HW
Tel 0117 34 22171

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Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref 30213_EN010058_1654674
Ein cyf/Our ref TO/JG/00280/13

Alan Ridley
Case Leader
Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol
BS1 6PN

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1 March 2013

Dear Alan

**Infrastructure Planning (Environmental Impact Assessment)
Regulations 2009 SI 2263 (as amended) (the EIA Regulations)
Proposed Seabank 3 CCGT (the project)
Proposal By SSE Seabank Land Investments Ltd (the applicant)**

Thank you for your letter on 13 February 2013 to the Minister for Environment and Sustainable Development in relation to the above proposal, I have been asked to reply.

The Welsh Government has no comments to make in respect of air quality, but the Countryside Council for Wales should be consulted regarding water issues, if they have not been already.

Regards

Clive Nurton
Energy Policy Branch

Welsh Government
Cathays Park
Cardiff
CF10 3NQ

English Enquiry Line 0845 010 3300
Llinell Ymholiadau Cymraeg 0845 010 4400

Our Ref: ST58SW/ 64
Your Ref: 130213_EN010058_1654674

The Planning Inspectorate
environmentalservices@infrastructure.gsi.gov.uk
3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol BS1 6PN

7 March 2013

Dear Sir,

**Re: Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 SI 2263 (as amended) (the EIA Regulations) Proposed Seabank 3 CCGT (the project)
Proposal by SSE Seabank Land Investments Ltd (the applicant)**

I refer to your letter of 13th February inviting comments on the above proposed development and can advise the following:

Wessex Water does not have any comments on the scoping opinion in relation to the Environmental Impact Assessment. Please continue to liaise with Wessex Water where proposals may affect our interests.

Yours faithfully,

Gillian Sanders
Planning Liaison
Developer Services
gillian.sanders@wessexwater.co.uk



APPENDIX 3

Presentation of the Environmental Statement

APPENDIX 3

PRESENTATION OF THE ENVIRONMENTAL STATEMENT

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (SI 2264) (as amended) sets out the information which must be provided for an application for a development consent order (DCO) for nationally significant infrastructure under the Planning Act 2008. Where required, this includes an environmental statement. Applicants may also provide any other documents considered necessary to support the application. Information which is not environmental information need not be replicated or included in the ES.

An environmental statement (ES) is described under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (SI 2263) (as amended) (the EIA Regulations) as a statement:

- a) 'that includes such of the information referred to in Part 1 of Schedule 4 as is reasonably required to assess the environmental effects of the development and of any associated development and which the applicant can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile; but
- b) that includes at least the information required in Part 2 of Schedule 4'.

(EIA Regulations Regulation 2)

The purpose of an ES is to ensure that the environmental effects of a proposed development are fully considered, together with the economic or social benefits of the development, before the development consent application under the Planning Act 2008 is determined. The ES should be an aid to decision making.

The SoS advises that the ES should be laid out clearly with a minimum amount of technical terms and should provide a clear objective and realistic description of the likely significant impacts of the proposed development. The information should be presented so as to be comprehensible to the specialist and non-specialist alike. The SoS recommends that the ES be concise with technical information placed in appendices.

ES Indicative Contents

The SoS emphasises that the ES should be a 'stand alone' document in line with best practice and case law. The EIA Regulations Schedule 4, Parts 1 and 2, set out the information for inclusion in environmental statements.

Schedule 4 Part 1 of the EIA Regulations states this information includes:

- '17. *Description of the development, including in particular—*

- (a) *a description of the physical characteristics of the whole development and the land-use requirements during the construction and operational phases;*
 - (b) *a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used;*
 - (c) *an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc) resulting from the operation of the proposed development.*
18. *An outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects.*
19. *A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.*
20. *A description of the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the development, resulting from:*
- (a) *the existence of the development;*
 - (b) *the use of natural resources;*
 - (c) *the emission of pollutants, the creation of nuisances and the elimination of waste,*
- and the description by the applicant of the forecasting methods used to assess the effects on the environment.*
21. *A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.*
22. *A non-technical summary of the information provided under paragraphs 1 to 5 of this Part.*
23. *An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information'.*

EIA Regulations Schedule 4 Part 1

- 4.21 The content of the ES must include as a minimum those matters set out in Schedule 4 Part 2 of the EIA Regulations. This includes the consideration of 'the main alternatives studied by the applicant' which the SoS recommends could be addressed as a separate chapter in the ES. Part 2 is included below for reference:

4.22 Schedule 4 Part 2

- A description of the development comprising information on the site, design and size of the development
- A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects
- The data required to identify and assess the main effects which the development is likely to have on the environment
- An outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects, and
- A non-technical summary of the information provided *[under the four paragraphs above]*.

Traffic and transport is not specified as a topic for assessment under Schedule 4; although in line with good practice the SoS considers it is an important consideration *per se*, as well as being the source of further impacts in terms of air quality and noise and vibration.

Balance

The SoS recommends that the ES should be balanced, with matters which give rise to a greater number or more significant impacts being given greater prominence. Where few or no impacts are identified, the technical section may be much shorter, with greater use of information in appendices as appropriate.

The SoS considers that the ES should not be a series of disparate reports and stresses the importance of considering inter-relationships between factors and cumulative impacts.

Scheme Proposals

The scheme parameters will need to be clearly defined in the draft DCO and therefore in the accompanying ES which should support the application as described. The SoS is not able to entertain material changes to a project once an application is submitted. The SoS draws the attention of the applicant to the DCLG and the Planning Inspectorate's published advice on the preparation of a draft DCO and accompanying application documents.

Flexibility

The SoS acknowledges that the EIA process is iterative, and therefore the proposals may change and evolve. For example, there may be changes to the scheme design in response to consultation. Such changes should be addressed in the ES. However, at the time of the application for a DCO, any proposed scheme parameters should not be so wide ranging as to represent effectively different schemes.

It is a matter for the applicant, in preparing an ES, to consider whether it is possible to assess robustly a range of impacts resulting from a large number of undecided parameters. The description of the proposed development in the ES must not be so wide that it is insufficiently certain to comply with requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations.

The Rochdale Envelope principle (see *R v Rochdale MBC ex parte Tew (1999)* and *R v Rochdale MBC ex parte Milne (2000)*) is an accepted way of dealing with uncertainty in preparing development applications. The applicant's attention is drawn to the Planning Inspectorate's Advice Note 9 'Rochdale Envelope' which is available on the Advice Note's page of the National Infrastructure Planning website.

The applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the scheme have yet to be finalised and provide the reasons. Where some flexibility is sought and the precise details are not known, the applicant should assess the maximum potential adverse impacts the project could have to ensure that the project as it may be constructed has been properly assessed.

The ES should be able to confirm that any changes to the development within any proposed parameters would not result in significant impacts not previously identified and assessed. The maximum and other dimensions of the proposed development should be clearly described in the ES, with appropriate justification. It will also be important to consider choice of materials, colour and the form of the structures and of any buildings. Lighting proposals should also be described.

Scope

The SoS recommends that the physical scope of the study areas should be identified under all the environmental topics and should be sufficiently robust in order to undertake the assessment. The extent of the study areas should be on the basis of recognised professional guidance, whenever such guidance is available. The study areas should also be agreed with the relevant consultees and local authorities and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given. The scope should also cover the breadth of the topic area and the temporal scope, and these aspects should be described and justified.

Physical Scope

In general the SoS recommends that the physical scope for the EIA should be determined in the light of:

- the nature of the proposal being considered
- the relevance in terms of the specialist topic

- the breadth of the topic
- the physical extent of any surveys or the study area, and
- the potential significant impacts.

The SoS recommends that the physical scope of the study areas should be identified for each of the environmental topics and should be sufficiently robust in order to undertake the assessment. This should include at least the whole of the application site, and include all offsite works. For certain topics, such as landscape and transport, the study area will need to be wider. The extent of the study areas should be on the basis of recognised professional guidance and best practice, whenever this is available, and determined by establishing the physical extent of the likely impacts. The study areas should also be agreed with the relevant consultees and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given.

Breadth of the Topic Area

The ES should explain the range of matters to be considered under each topic and this may respond partly to the type of project being considered. If the range considered is drawn narrowly then a justification for the approach should be provided.

Temporal Scope

The assessment should consider:

- environmental impacts during construction works
- environmental impacts on completion/operation of the development
- where appropriate, environmental impacts a suitable number of years after completion of the development (for example, in order to allow for traffic growth or maturing of any landscape proposals), and
- environmental impacts during decommissioning.

In terms of decommissioning, the SoS acknowledges that the further into the future any assessment is made, the less reliance may be placed on the outcome. However, the purpose of such a long term assessment, as well as to enable the decommissioning of the works to be taken into account, is to encourage early consideration as to how structures can be taken down. The purpose of this is to seek to minimise disruption, to re-use materials and to restore the site or put it to a suitable new use. The SoS encourages consideration of such matters in the ES.

The SoS recommends that these matters should be set out clearly in the ES and that the suitable time period for the assessment should be agreed with the relevant statutory consultees.

The SoS recommends that throughout the ES a standard terminology for time periods should be defined, such that for example, 'short term' always refers to the same period of time.

Baseline

The SoS recommends that the baseline should describe the position from which the impacts of the proposed development are measured. The baseline should be chosen carefully and, whenever possible, be consistent between topics. The identification of a single baseline is to be welcomed in terms of the approach to the assessment, although it is recognised that this may not always be possible.

The SoS recommends that the baseline environment should be clearly explained in the ES, including any dates of surveys, and care should be taken to ensure that all the baseline data remains relevant and up to date.

For each of the environmental topics, the data source(s) for the baseline should be set out together with any survey work undertaken with the dates. The timing and scope of all surveys should be agreed with the relevant statutory bodies and appropriate consultees, wherever possible.

The baseline situation and the proposed development should be described within the context of the site and any other proposals in the vicinity.

Identification of Impacts and Method Statement

Legislation and Guidelines

In terms of the EIA methodology, the SoS recommends that reference should be made to best practice and any standards, guidelines and legislation that have been used to inform the assessment. This should include guidelines prepared by relevant professional bodies.

In terms of other regulatory regimes, the SoS recommends that relevant legislation and all permit and licences required should be listed in the ES where relevant to each topic. This information should also be submitted with the application in accordance with the APFP Regulations.

In terms of assessing the impacts, the ES should approach all relevant planning and environmental policy – local, regional and national (and where appropriate international) – in a consistent manner.

Assessment of Effects and Impact Significance

The EIA Regulations require the identification of the 'likely significant effects of the development on the environment' (Schedule 4 Part 1 paragraph 20).

As a matter of principle, the SoS applies the precautionary approach to follow the Court's² reasoning in judging 'significant effects'. In other words

² See Landelijke Vereniging tot Behoud van de Waddenzee and Nederlandse Vereniging tot Bescherming van Vogels v Staatssecretaris van Landbouw (Waddenzee Case No C 127/02/2004)

'likely to affect' will be taken as meaning that there is a probability or risk that the development will have an effect, and not that a development will definitely have an effect.

The SoS considers it is imperative for the ES to define the meaning of 'significant' in the context of each of the specialist topics and for significant impacts to be clearly identified. The SoS recommends that the criteria should be set out fully and that the ES should set out clearly the interpretation of 'significant' in terms of each of the EIA topics. Quantitative criteria should be used where available. The SoS considers that this should also apply to the consideration of cumulative impacts and impact inter-relationships.

The SoS recognises that the way in which each element of the environment may be affected by the proposed development can be approached in a number of ways. However it considers that it would be helpful, in terms of ease of understanding and in terms of clarity of presentation, to consider the impact assessment in a similar manner for each of the specialist topic areas. The SoS recommends that a common format should be applied where possible.

Inter-relationships between environmental factors

The inter-relationship between aspects of the environments likely to be significantly affected is a requirement of the EIA Regulations (see Schedule 4 Part 1 of the EIA Regulations). These occur where a number of separate impacts, e.g. noise and air quality, affect a single receptor such as fauna.

The SoS considers that the inter-relationships between factors must be assessed in order to address the environmental impacts of the proposal as a whole. This will help to ensure that the ES is not a series of separate reports collated into one document, but rather a comprehensive assessment drawing together the environmental impacts of the proposed development. This is particularly important when considering impacts in terms of any permutations or parameters to the proposed development.

Cumulative Impacts

The potential cumulative impacts with other major developments will need to be identified, as required by the Directive. The significance of such impacts should be shown to have been assessed against the baseline position (which would include built and operational development). In assessing cumulative impacts, other major development should be identified through consultation with the local planning authorities and other relevant authorities on the basis of those that are:

- under construction
 - permitted application(s), but not yet implemented
 - submitted application(s) not yet determined
 - projects on the National Infrastructure's programme of projects
-

- identified in the relevant development plan (and emerging development plans - with appropriate weight being given as they move closer to adoption) recognising that much information on any relevant proposals will be limited, and
- identified in other plans and programmes (as appropriate) which set the framework for future development consents/approvals, where such development is reasonably likely to come forward.

Details should be provided in the ES, including the types of development, location and key aspects that may affect the EIA and how these have been taken into account as part of the assessment.

The SoS recommends that offshore wind farms should also take account of any offshore licensed and consented activities in the area, for the purposes of assessing cumulative effects, through consultation with the relevant licensing/consenting bodies.

For the purposes of identifying any cumulative effects with other developments in the area, applicants should also consult consenting bodies in other EU states to assist in identifying those developments (see commentary on Transboundary Effects below).

Related Development

The ES should give equal prominence to any development which is related with the proposed development to ensure that all the impacts of the proposal are assessed.

The SoS recommends that the applicant should distinguish between development for which development consent will be sought and any other development. This distinction should be clear in the ES.

Alternatives

The ES must set out an outline of the main alternatives studied by the applicant and provide an indication of the main reasons for the applicant's choice, taking account of the environmental effects (Schedule 4 Part 1 paragraph 18).

Matters should be included, such as *inter alia* alternative design options and alternative mitigation measures. The justification for the final choice and evolution of the scheme development should be made clear. Where other sites have been considered, the reasons for the final choice should be addressed.

The SoS advises that the ES should give sufficient attention to the alternative forms and locations for the off-site proposals, where appropriate, and justify the needs and choices made in terms of the form of the development proposed and the sites chosen.

Mitigation Measures

Mitigation measures may fall into certain categories namely: avoid; reduce; compensate or enhance (see Schedule 4 Part 1 paragraph 21); and should be identified as such in the specialist topics. Mitigation measures should not be developed in isolation as they may relate to more than one topic area. For each topic, the ES should set out any mitigation measures required to prevent, reduce and where possible offset any significant adverse effects, and to identify any residual effects with mitigation in place. Any proposed mitigation should be discussed and agreed with the relevant consultees.

The effectiveness of mitigation should be apparent. Only mitigation measures which are a firm commitment and can be shown to be deliverable should be taken into account as part of the assessment.

It would be helpful if the mitigation measures proposed could be cross referred to specific provisions and/or requirements proposed within the draft development consent order. This could be achieved by means of describing the mitigation measures proposed either in each of the specialist reports or collating these within a summary section on mitigation.

The SoS advises that it is considered best practice to outline in the ES, the structure of the environmental management and monitoring plan and safety procedures which will be adopted during construction and operation and may be adopted during decommissioning.

Cross References and Interactions

The SoS recommends that all the specialist topics in the ES should cross reference their text to other relevant disciplines. Interactions between the specialist topics is essential to the production of a robust assessment, as the ES should not be a collection of separate specialist topics, but a comprehensive assessment of the environmental impacts of the proposal and how these impacts can be mitigated.

As set out in EIA Regulations Schedule 4 Part 1 paragraph 23, the ES should include an indication of any technical difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

Consultation

The SoS recommends that any changes to the scheme design in response to consultation should be addressed in the ES.

It is recommended that the applicant provides preliminary environmental information (PEI) (this term is defined in the EIA Regulations under regulation 2 'Interpretation') to the local authorities.

Consultation with the local community should be carried out in accordance with the SoCC which will state how the applicant intends to consult on the

preliminary environmental information (PEI). This PEI could include results of detailed surveys and recommended mitigation actions. Where effective consultation is carried out in accordance with Section 47 of the Planning Act, this could usefully assist the applicant in the EIA process – for example the local community may be able to identify possible mitigation measures to address the impacts identified in the PEI. Attention is drawn to the duty upon applicants under Section 50 of the Planning Act to have regard to the guidance on pre-application consultation.

Transboundary Effects

The SoS recommends that consideration should be given in the ES to any likely significant effects on the environment of another Member State of the European Economic Area. In particular, the SoS recommends consideration should be given to discharges to the air and water and to potential impacts on migratory species and to impacts on shipping and fishing areas.

The Applicant's attention is also drawn to the Planning Inspectorate's Advice Note 12 'Development with significant transboundary impacts consultation' which is available on the Advice Notes Page of the National Infrastructure Planning website

Summary Tables

The SoS recommends that in order to assist the decision making process, the applicant may wish to consider the use of tables:

Table X to identify and collate the residual impacts after mitigation on the basis of specialist topics, inter-relationships and cumulative impacts.

Table XX to demonstrate how the assessment has taken account of this Opinion and other responses to consultation.

Table XXX to set out the mitigation measures proposed, as well as assisting the reader, the SoS considers that this would also enable the applicant to cross refer mitigation to specific provisions proposed to be included within the draft Development Consent Order.

Table XXXX to cross reference where details in the HRA (where one is provided) such as descriptions of sites and their locations, together with any mitigation or compensation measures, are to be found in the ES.

Terminology and Glossary of Technical Terms

The SoS recommends that a common terminology should be adopted. This will help to ensure consistency and ease of understanding for the decision making process. For example, 'the site' should be defined and used only in

terms of this definition so as to avoid confusion with, for example, the wider site area or the surrounding site.

A glossary of technical terms should be included in the ES.

Presentation

The ES should have all of its paragraphs numbered, as this makes referencing easier as well as accurate.

Appendices must be clearly referenced, again with all paragraphs numbered.

All figures and drawings, photographs and photomontages should be clearly referenced. Figures should clearly show the proposed site application boundary.

Bibliography

A bibliography should be included in the ES. The author, date and publication title should be included for all references. All publications referred to within the technical reports should be included.

Non Technical Summary

The EIA Regulations require a Non Technical Summary (EIA Regulations Schedule 4 Part 1 paragraph 22). This should be a summary of the assessment in simple language. It should be supported by appropriate figures, photographs and photomontages.