



The Millbrook Power (Gas Fired Power Station) Order

Comments on Relevant Representations – Submitted at Deadline 2

Planning Act 2008
The Infrastructure Planning
(Applications: Prescribed Forms and Procedure) Regulations 2009

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Millbrook Power Limited



Applicant's Comments on Relevant Representations

Deadline 2 - 17 April 2018



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1 SUMMARY

- 1.1.1 The Applicant, Millbrook Power Limited, is applying to the Secretary of State (SoS) under the Planning Act 2008 (PA 2008) for development consent to construct, operate and maintain an Open Cycle Gas Turbine (OCGT) gas fired peaking power generating station, fuelled by natural gas with a rated electrical output of up to 299 Megawatts (MW) (the Millbrook Power Project).
- 1.1.2 The Development Consent Order (DCO) Application for the Millbrook Power Project (the Project) was submitted by the Applicant to the SoS in October 2017. It was formally accepted to progress to examination in November 2017. Following acceptance, the Applicant consulted on the accepted Application pursuant to Section 56 of the PA 2008. The consultation period ran from 29 November 2017 to 19 January 2018. In response to the consultation period, a total of 20 Relevant Representations (RRs) have been made.
- 1.1.3 The 20 RRs received during the consultation period are from the following groups:
- 2 local planning authorities (Rep 012, Rep 017);
 - 7 members of the public/business (Rep 001, Rep 002, Rep 003, Rep 004, Rep 005, Rep 006, Rep 016);
 - 1 other organisation (Rep 015);
 - 9 prescribed consultees (Rep 007, Rep 008, Rep 009, Rep 010, Rep 011, Rep 013, Rep 014, Rep 018, Rep 020); and
 - 1 parish council (Rep 019).
- 1.1.4 Representations from the Borough Council of Wellingborough (Examination Library Reference AS-001), Public Health England (Examination Library Reference AS-002) and the Health and Safety Executive (HSE) (Examination Library Reference AS-003), were also submitted. The Applicant notes that:
- a. the Borough Council of Wellingborough has confirmed that it has no objections to the Project.
 - b. Public Health England has chosen not to register its interest in the Project; and
 - c. the HSE has confirmed that it will not be submitting a relevant representation in respect of the Project.
- 1.1.5 This document sets out the Applicant's response to each of the RRs. This document has been prepared in order to assist both Interested Parties and the Examining Authority by clarifying the position of the Applicant in relation to the points raised in the RRs.
- 1.1.6 A glossary of key terms was submitted as part of the original submission documents [APP-004].

2 REP-001 ELAINE RANDALL

Summary of Relevant Representation

- 2.1.1 The respondent states that an outline of the principal submission she intends to make will be in respect of air quality and whether the Project constitutes sustainable development.

Applicant's Comments

- 2.1.2 The Applicant notes the comments made by the respondent and provides the following information:

Air Quality

- 2.1.3 An air quality assessment, including air dispersion modelling, has been undertaken to assess any potential air quality effects resulting from the Project on identified human receptors within 10 km of the Project Site and ecological receptors within 2 km of the Project Site. These receptors include properties at South Pillinge Farm, Stewartby and Houghton Conquest and Rookery Clay Pit County Wildlife Site. The air quality assessment considered all stages of the Project including construction, operation, maintenance and decommissioning of the Project.
- 2.1.4 The scope of the air dispersion modelling was discussed and agreed with the Environment Agency (EA), and the modelling meets the EA's requirements (including permit modelling requirements, the cumulative effects with the Covanta RRF Project and best available techniques (BAT) requirements).
- 2.1.5 The air quality assessment and its findings are set out in Chapter 6 of the ES [APP-033]
- 2.1.6 The assessment concludes that: *"the Project will not result in any likely significant environmental effects in relation to air quality either as a standalone project or cumulatively with other projects, having regard to the design and proposed operation of the Project and embedded mitigation"* (Section 6.11, Chapter 6 of the ES, Document Reference 6.1 [APP-033]).
- 2.1.7 The Applicant will comply with a Construction Environmental Management Plan (CEMP), which includes embedded mitigation measures such as dust mitigation, i.e. dampening down or covering of stock piles/excavations during periods of dry and windy weather. The final CEMP will be approved by the relevant planning authority and will be in accordance with the Outline CEMP (Revision 1, submitted at Deadline 2).

Sustainability

- 2.1.8 There is a considerable national need for this type of project, acknowledged at all levels of government policy. National planning policy supports the need for new electricity infrastructure due to the current ageing and inevitable closure of older coal fired power plants and the likely increase in demand for electricity over the coming decades.
- 2.1.9 The Government's policies in relation to Nationally Significant Infrastructure Projects (NSIPs) are set out in National Policy Statements (NPSs). NPS EN-1 (the overarching energy NPS) states at paragraph 3.6.3 that *"gas will continue to play an important role in the electricity sector - providing vital flexibility to support an increasing amount of low-carbon generation and to maintain security of supply"*.
- 2.1.10 Gas is a reliable fuel source. It is acknowledged by the Government as being essential to a low-carbon economy and to underpin the country's energy security.

- 2.1.11 As set out in paragraph 6.2.55 of the Planning Statement [APP- 056] Paragraph 4.5.3 of NPS EN-1 seeks that proposals are “*sustainable and, having regard to regulatory and other constraints, are as attractive, durable and adaptable (including taking account of natural hazards such as flooding) as they can be*”. Further, Paragraph 4.5.3 of NPS EN-1 states that “*Whilst the applicant may not have any or very limited choice in the physical appearance of some energy infrastructure, there may be opportunities for the applicant to demonstrate good design in terms of siting relative to existing landscape character, landform and vegetation.*”
- 2.1.12 Paragraph 6.2.56 of the Planning Statement goes on to state that In accordance with paragraph 4.5.3 of NPS EN-1, and as set out in the Design and Access Statement [APP-057], as far as is reasonably practical, the Power Generation Plant will use materials which can be disposed of sustainably (e.g. easily re-usable or recyclable) when the plant has reached the end of its life (having due regard to durability and safety). The technology chosen has an inherently low requirement for process water. As set out within the Outline Landscaping Plans [APP-045], the design of landscape planting will enhance the area’s biodiversity through the retention of existing woodland; the planting of belts of trees to increase the amount of woodland in the area; the reinstatement of planting where possible and appropriate; and careful management of soils during construction works to facilitate plant growth, to be implemented as part of the Construction Environmental Management Plan (CEMP) (Revision 1, submitted at Deadline 2).
- 2.1.13 As set out within the Design and Access Statement [APP-045] and the ES [APP-038], the Project has been designed in accordance with good design principles. The Project is considered to constitute sustainable development, by virtue of its contribution to a low-carbon future and its contribution to the local and national economy, and should therefore be considered favourably in accordance with the provisions of paragraph 14 of the National Planning Policy Framework (NPPF).
- 2.1.14 As stated in paragraph 6.3.13 of the Planning Statement, Paragraph 93 of the NPPF acknowledges that planning plays a key role in supporting the delivery of low carbon energy and therefore achieving the economic, social and environmental dimensions of sustainable development. Paragraph 97 of the NPPF advises that, in order to increase the use and supply of low carbon energy, there should be a positive strategy to promoting energy from renewable and low carbon sources, whilst ensuring that adverse impacts are addressed satisfactorily.
- 2.1.15 Paragraph 6.3.14 of the ES goes on to state that the Project seeks to develop low carbon energy infrastructure and should therefore be considered positively in accordance with the provisions of paragraphs 93 and 97 of the NPPF.
- 2.1.16 Paragraph 6.3.66 of the Planning Statement sets out Policy CP21 of the Bedford Core Strategy and Rural Issues Plan (adopted 2008) which advises that all new development should, inter alia, be of the highest design quality, fully consider the wider context and address sustainable design principles. Policy CP24 states that ‘the Marston Vale will be the focus for landscape enhancement and restoration and the council will continue to support the Forest of Marston Vale.’ New development should protect and where appropriate enhance the quality and character of the landscape.
- 2.1.17 Paragraph 6.3.67 of the Planning Statement goes on to state that in accordance with the provisions of Policy CP21 and CP24, MPL has sought to adopt good design principles from the outset of the Project such that the development is sensitive to its setting. As illustrated in the Design and Access Statement [APP-045], the indicative form, scale, massing and landscaping has been designed so that the Power Generation Plant blends in with its surroundings minimising visual intrusion from key viewpoints.

3 REP-002 WYNNS LIMITED

Summary of Relevant Representation

- 3.1.1 The respondent states that it is a "specialist consultant dealing in the movement of out of gauge project cargo and Abnormal Indivisible Loads (AIL)" and it would like to be informed of any impact that the development may have on existing heavy load routes in the area and made aware of any changes to road layouts , and structural assessments that are proposed.
- 3.1.2 The respondent also states that it is important that AIL routes are considered from the potential port of delivery to site due to their 'exceptional nature'.

Applicant's Comments

- 3.1.3 The Applicant notes the comments made by Wynns Limited.
- 3.1.4 The likely significant effects of the Project on the local and regional road network are described in detail in Chapter 12 of the ES APP-033 and the Transport Assessment (Appendix 12.1, [APP-046]). Both documents conclude that there will be no likely significant effects as a result of construction or operation of the Project either in isolation or cumulatively with other projects in the area (Sections 12.8 and 12.9 of the ES). The routes for HGV and AILs have been derived in consultation with the owners of the strategic road network, Central Bedford Borough Council and Highways England, both of whom have raised no issues with the proposed routes to site.
- 3.1.5 No highway improvement works or changes are taking place outside of the Order Limits. Major road users in the area will be notified of any potential disruption during the construction phase as deemed appropriate. This is set out in the Outline Construction Environmental Management Plan (Revision 1, submitted at Deadline 2).

4 REP-003 LOUISE WARD

Summary of Relevant Representation

- 4.1.1 The respondent states that she is a local resident concerned about the environment and the public health of local residents.

Applicant's Comments

- 4.1.2 The Environmental Statement [APP-033] has considered all likely significant environmental effects of the Project. A summary of the key findings is presented in the Non-technical summary of the Environmental Statement [APP-050].

Human Health

- 4.1.3 The Health and Safety Executive (HSE) and Public Health England (PHE) have been consulted through the pre-application phase of the Project and neither organisation has raised any objections in relation to Human Health. Their recommendations have been noted and taken in to consideration by the Applicant. As a result, both the HSE and PHE have confirmed to the Planning Inspectorate that they do not wish to raise any further comments in respect of the Project (see representations referred to above [APP-002 and APP-003].
- 4.1.4 Human health and potential environmental effects have also been addressed in section 15.3 of the ES [APP-033], as well as topic-specific chapters.
- 4.1.5 No significant effects on human health are identified for either the construction or operational phases of the Project either in isolation or cumulatively with other projects.

5 REP-004 TRACEY DOWERS

Summary of Relevant Representation

- 5.1.1 The respondent states that she will be objecting to the Project based on health and safety grounds.

Applicant's Comments

- 5.1.2 The Applicant notes comments made by the respondent and provides an initial response below.

Human Health

- 5.1.3 The Applicant has provided comments in relation to Human Health in response to the representation made by Louise Ward (Rep 003), please refer to the Applicant's comments made at paragraph 4.1.3 above

Safety

- 5.1.4 Gas fired power plants are inherently safe and are designed to stringent safety standards. It is a heavily regulated industry and gas fired power stations in the UK have an excellent safety record. The Planning Statement [APP-056] and the Outline Construction Environmental Management Plan (Revision 1 submitted at Deadline 2) include several statements relating to safety. These are summarised below:
- 5.1.5 Paragraph 4.11.1 of NPS EN-1 advises applicants to consult with the HSE on matters relating to safety which are relevant to the construction, operation and decommissioning of energy infrastructure.
- 5.1.6 In accordance with paragraph 4.5.3 of NPS EN-1, as far as is reasonably practical (having due regard for durability and safety across at least a 25-year lifespan), the Power Generation Plant will use materials which can be disposed of sustainably (e.g. easily re-usable or recyclable) when the plant has reached the end of its life.
- 5.1.7 In accordance with paragraph 4.11.1 of NPS EN-1, MPL consulted the HSE during statutory Section 42 consultation in October/November 2014 and again in May-July 2017, as set out in the Consultation Report [APP-017]. The HSE advised that the Project Site falls within the consultation zones of three major accident hazard pipelines – the 7 Feeder Old Warden/Slapton MAHP, the 9 Feeder Huntingdon/Whitwell MAHP, and the 36 Feeder Willington/Steppingley MAHP. The Project Site lies outside of consultation zones for hazardous installations and does not impinge on the separation distances of any explosives licensed site. In this context, the HSE has not objected and confirmed that it will not be submitting a representation [AS-003].
- 5.1.8 As stated in paragraph 2.5.8 of the Planning Statement [APP-056], health and safety related consents are required by the Health and Safety at Work Act 1974 and subsidiary legislation (including the Pressure Systems Safety Regulations 2000). Applications would be made to the Health and Safety Executive (HSE) by the contractor before construction commences where appropriate.
- 5.1.9 As stated in paragraph 2.6.14 of the Planning Statement [APP-056], under the Pipelines Safety Regulations 1996 and the Gas Safety (Management) Regulations 1996, an application would be made to the HSE by the contractor before construction commences.

6 REP-005 KEN WORF

Summary of Relevant Representation

- 6.1.1 The respondent has raised concerns in respect of the level of air pollution emitted by the development, as well as the effect on public health. The respondent also has concerns over the site being close to the Forest Centre. The respondent questions why a more sustainable power solution has not been chosen and how the gas will be sourced. Finally, the respondent asks how many times the power station will start-up as the respondent suggests that this is likely to be the time when pollutant concentrations are at their highest.

Applicant's Comments

- 6.1.2 The Applicant notes the comments made by Ken Worf.

Human Health

- 6.1.3 The Applicant has provided comments in relation to Human Health in response to the representation made by Louise Ward (Rep 003), please refer to the Applicant's comments made at paragraph 4.1.3 above

Air Quality

- 6.1.4 The Applicant has provided comments in relation to Air Quality in response to the representation made by Elaine Randall (Rep 001) please refer to the Applicant's comments made at paragraph 2.1.3 -2.1.7 above.

Forest Centre

- 6.1.5 In order to assess the potential for the Project to affect sensitive ecological receptors, desk studies and site walkover studies known as "Phase 1 habitat surveys" were undertaken. These surveys were also supplemented by "Phase 2 protected species surveys", assessing the potential of the Project Site to support populations of European Protected Species. Based on the assessment, no likely significant effects are anticipated on ecological receptors (including SSSIs) as a result of the construction, operation or decommissioning of the Project either cumulatively with other projects proposed in the vicinity or in isolation (Chapter 8 of the ES, [App-033])
- 6.1.6 Neither the Forest Centre nor the Millennium Country Park are a SSSI. The closest SSSI to the Project Site is Coopers Hill, approximately 1.4km to the south east.
- 6.1.7 The Applicant has assessed the potential likely significant effects of the Project on the Forest Centre in respect of recreational amenity and refers to section 14.8 of the ES [App-033] which concludes that there will not be any likely significant effects. Viewpoints 6a and 6b in Document Reference 7.1 [App-051] show likely views of the Project from the Millennium Country Park.

Need for the Project and Sustainability

- 6.1.8 Gas for the Project will be supplied by the national transmission system which is owned and operated by National Grid Gas plc. Further details are set out in the Gas Connection Statement submitted with the Application [APP-055].
- 6.1.9 Paragraph 3.6.1 of NPS EN-1 recognises the 'vital role' that fossil fuel power stations play in providing electricity supplies, and states that '*they will continue to play an important role in our*

energy mix as the UK makes the transition to a low carbon economy'. The Applicant refers to the Planning Statement [APP-056] which sets out the need and policy support for the Project.

- 6.1.10 The Applicant has provided comments in relation to sustainability in response to the representation made by Elaine Randall (Rep 001). Please refer to the Applicant's comments made above at 2.1.8
- 6.1.11 The time taken for the plant to start up is taken from the maximum number of hours that the plant can operate under the Environmental Permit. The net quantity of CO and NOx produced during the start-up period is less than that of an equivalent period of running at full load. Therefore the assessment presented in Chapter 6 of the ES [APP-033] which is based on the plant operating at full load for the total time allowed under the Environmental Permit represents a worst case assessment in terms of emissions.

7 REP-006 CLIVE BAKER

Summary of Relevant Representation

- 7.1.1 The respondent expresses concern relating to the interaction between the Project and the Rookery South Resource Recovery Facility (RRF) Project, which was granted a DCO in 2011.

Applicant's Comments

- 7.1.2 The Applicant notes the comments made by Clive Baker, although the Applicant does not fully understand the points being made. The Applicant assumes that the respondent will provide clarity in his written representation and/or at the open floor or issue specific hearings and the Applicant will respond at that point.
- 7.1.3 Appendix 5 of the Planning Statement [APP-056] outlines the inter-relationship between the Project and the Rookery South RRF Project. The interactions between the two projects has been recognised from an early stage in the life of the Project and the cumulative impact of both projects together has been assessed throughout each topic section of the ES, including in terms of traffic and transport (section 12).

8 REP-007 THE COAL AUTHORITY

Summary of Relevant Representation

- 8.1.1 The Coal Authority has confirmed that the proposed development is located outside of the defined coalfield and therefore it has no comments or observations to make.

Applicant's Comments

- 8.1.2 The Applicant notes the comments made by the Coal Authority and welcomes the confirmation that the Project site is located outside of the defined coalfield.

9 REP-008 ANGLIAN WATER SERVICES LTD

Summary of Relevant Representation

- 9.1.1 The respondent has confirmed that it is in principle supportive of the Project. The respondent notes that that it has been in dialogue with the Applicant over Schedule 10, Part 5 of the draft DCO and supports the proposed protective provisions subject to the following modification:
- 9.1.2 *“This part of this Schedule does not apply to apparatus in respect of which the to the extent that relations between the undertaker and the utility undertaker are regulated by the provisions of Part 3 of the 1991 Act.”*
- 9.1.3 The respondent's understanding is that the Applicant will make the above change to the wording of the draft DCO in the next version of this document to be submitted into the Examination.

Applicant's Comments

- 9.1.4 The Applicant acknowledges the response from Anglian Water Services Ltd. The Applicant confirms that an amendment has been made to Schedule 10, Part 5 of the draft DCO (Revision 1, submitted at Deadline 2). For the avoidance of doubt and because the text in the RR did not show the deleted text and inserted text, the change to the wording will be as follows:
- 9.1.5 *“This part of this Schedule does not apply to apparatus to the extent that relations between the undertaker and the utility undertaker are regulated by the provisions of Part 3 of the 1991 Act.”*

10 REP-009 NATIONAL GRID

Summary of Relevant Representation

- 10.1.1 The respondent states that National Grid will require protective provisions to be included within the draft DCO to ensure its interests are protected, ensure access to apparatus is maintained and to ensure compliance with its statutory obligations.
- 10.1.2 The respondent has confirmed that it has the following apparatus located within the Order Limits:
- i the Feeder 09 gas transmission pipeline (Feeder 09 - Peterborough to Whitwell); and
 - ii the ZA 400kV Overhead Electricity Transmission Line (Grendon to Sundon),
- 10.1.3 The respondent notes that protective provisions have been included within the draft DCO and will continue to liaise with the Applicant.

Applicant's Comments

- 10.1.4 The protective provisions for the benefit of National Grid (Part 3 of Schedule 10 of the draft DCO) are agreed and a confidential side agreement is in an agreed form and being circulated for signature
- 10.1.5 As set out in Table 3 of the Statement of Reasons [APP-014], the Applicant considers that the land and rights can be acquired without serious detriment to the carrying on of National Grid's undertaking. The Protective Provisions in the draft DCO ensure that National Grid's apparatus will be protected and access maintained during construction. The Protective Provisions also ensure that (if necessary) no rights will be extinguished without National Grid's agreement and no apparatus removed until alternative apparatus has been constructed.

11 REP-010 CIVIL AVIATION AUTHORITY

Summary of Relevant Representation

- 11.1.1 The respondent notes that they wish to make a representation in relation to 'Advice in relation to air safety'.
- 11.1.2 Further email correspondence was received from the CAA on the 17th December 2017 which stated:

Having reviewed the Notification Of acceptance, I would recommend the following organisations are advised of this planning application:

- I would recommend that Cranfield Aerodrome should be advised/consulted on as this is in close proximity to the airfield and is a significant change of appearance to the local community so that they are aware of this ongoing build etc.*
- Due to the unique nature of operations in respect of altitudes and potentially unusual landing sites, it would be sensible for you to establish the related viewpoints of local emergency services Air Support Units through the National Police Air Service (NPAS) organisation via email npas.obstructions@npas.pnn.police.uk;*
- The proposal should be brought to the attention of the Safeguarding Department within the MoD's Defence Infrastructure Organisation, email: DIO-safeguarding-statutory@mod.uk to ensure that military aircraft safety is taken into consideration;*
- Due to the unique nature of operations in respect of altitudes and potentially unusual landing sites, it would be sensible for you to establish the related viewpoints of local emergency services Air Support Units through the **Thames Valley Air Ambulance** - <http://www.associationofairambulances.co.uk/member/thames-valley-air-ambulance/>"*

Applicant's Comments

- 11.1.3 The Applicant notes the comments made by the Civil Aviation Authority and provides the following response.
- 11.1.4 Cranfield Aerodrome was contacted during Phase 1 consultation in October and November 2014. Paragraph 7.4.10 of the Consultation Report [APP-017] states "On this occasion despite the fact that no tall buildings are proposed MPL has as a precaution contacted Cranfield Aerodrome to advise them of the development."
- 11.1.5 However, no response was received from Cranfield Aerodrome. The Applicant also notes that there was no statutory obligation to consult Cranfield pursuant to s42 of the PA 2008.
- 11.1.6 The East of England Ambulance Service (EEAS) were consulted during Phase 1 and Phase 2 consultation under s42 of the PA 2008 (October 2014 and May 2018) as documented in Appendices 3.N and 3.O of the Consultation Report Appendices [APP-018]. A consultation response was received from the EEAS following the Phase 2 statutory consultation (June 2017). The comments raised by the EEAS focussed around the generic risk posed by any substantial development, such as emergency response times and impacts on the road network. These comments were noted and it is considered that any impacts upon the operations of the ambulance service have been accommodated within the ES [APP-033].
- 11.1.7 The *Police and Crime Commissioner for Bedfordshire* was consulted during Phase 1 and Phase 2 consultation under s42 of the PA 2008 (October 2014 and May 2018) as documented in Appendices 3.N and 3.O of the Consultation Report Appendices [APP-018].

- 11.1.8 The Applicant considers that EEAS and the Office of the Police and Crime Commissioner for Bedfordshire were the appropriate statutory consultee as opposed to the local emergency service Air Support Units referred to by the Civil Aviation Authority.
- 11.1.9 The Ministry of Defence (MoD) Defence Infrastructure Organisation (DIO) were consulted during Phase 1 and Phase 2 consultation under s42 of the PA 2008, as documented in Appendices 3.N and 3.O of the Consultation Report [APP-018].
- 11.1.10 The MoD DIO responded to the Phase 2 statutory consultation confirming that:
- "...This application relates to a site outside of Ministry of Defence safeguarding areas. I can therefore confirm that the Ministry of Defence has no safeguarding objections to this proposal."*
- 11.1.11 A copy of the consultation response is included in Appendix 5.C of the Consultation Report Appendices [APP-018].
- 11.1.12 A Relevant Representation has been submitted by the MoD DIO [REP-011] which also confirms that it has no safeguarding objections to the proposal. The MoD DIO has requested that the Defence Geographic Centre be notified of certain information relating to the scheme. The Applicant's response to this request is set out in section 12 below.

12 REP-011 MINISTRY OF DEFENCE

Summary of Relevant Representation

12.1.1 The representation received from the Ministry of Defence (MOD) confirms that there are no safeguarding objections. The representation then requests the following:

- Request and specification for stack to be fitted with aviation warning lighting; and,
- Request for the Defence Geographic Centre to be notified of:
 - a. Precise location of development.
 - b. Date of commencement of construction.
 - c. Date of completion of construction.
 - d. The height above ground level of the tallest structure.
 - e. The maximum extension height of any construction equipment.
 - f. Details of aviation warning lighting fitted to the structure(s)

Applicant's Comments

12.1.2 The Applicant notes the comments made by Ministry of Defence.

12.1.3 The Applicant notes and welcomes confirmation that the MoD DOI have no safeguarding objections.

12.1.4 The Applicant confirms that the dDCO has been amended to include the following additional Requirement:

1.—(1) Numbered work 1A(b) of the authorised development must not commence until the following details have been submitted to the Defence Geographic Centre:

- (a) the precise location of numbered work 1A(b);
- (b) the date of commencement of construction of numbered work 1A(b);
- (c) the anticipated date of completion of construction of numbered work 1A(b);
- (d) the height above ground level of the tallest structure; and
- (e) the maximum extension height of any construction equipment.

12.1.5 In relation to aviation warning lighting, the Applicant does not consider this to be necessary, given that the stack of the Generating Equipment would be a maximum of 20 m above ground level (35 m in total in a 15 m deep pit). This is not considered to warrant classification as a tall or obstructive structure.

12.1.6 As the site is not located in close proximity to an aerodrome, Article 219 of the UK Air Navigation Order 2016 applies. This Article requires that for en-route obstructions (i.e. away from aerodromes) lighting only becomes legally mandated for structures of a height of 150m or more. The Applicant, does not, therefore propose to include a requirement in relation to aviation warning lighting.

13 REP-012 BEDFORD BOROUGH COUNCIL

Summary of Relevant Representation

- 13.1.1 The respondent states that it has no objection to the proposal. However, as the access route falls within the Bedford Borough Council administrative boundary the respondent notes that the Council is willing to aid the inspectors in determining the proposal and send relevant officers to the relevant discussions.

Applicant's Comments

- 13.1.2 The Applicant notes the comments made by Bedford Borough Council and welcomes the confirmation that it has no objection to the Project.
- 13.1.3 The Applicant has signed a Statement of Common Ground with Bedford Borough Council which has been submitted for Deadline 2.

14 REP-013 ENVIRONMENT AGENCY

Summary of Relevant Representation

- 14.1.1 The respondent confirms that the revised Environmental Statement presents a well-informed conceptualisation of the site but disagree with the interpretation.
- 14.1.2 The respondent has requested further information, which it explained in more detail to the Applicant as being the following:
- further supporting evidence for all exceeding contaminants;
 - information on natural concentrations of hydrocarbons within the Kellaways Sands formation; and,
 - new information regarding the chosen piling design (if required).
- 14.1.3 This further information is required to ensure that the potential for contamination has been fully assessed and remediated where necessary, and that groundwater is protected.
- 14.1.4 The respondent notes that it is working with the Applicant on a statement of common ground.

Applicant's Comments

- 14.1.5 The Applicant notes the comments made by the Environmental Agency (EA). The Applicant received further queries from the EA on 15th January 2018 and responded to the EA on 25th January 2018. This response has been included as Appendix A.
- 14.1.6 Some further points of clarification were then requested and discussed during a telephone conversation with Matt Nowak, Groundwater and Contaminated Land Technical Officer on 13th February 2018. A summary of the discussion is provided below:
- The EA has raised concerns regarding the potential for hydrocarbons to be present in the Kellaways Sand and Cornbrash Limestone groundwaters at the Millbrook Site. The Applicant confirmed to the EA that the 2014 laboratory data did indicate the presence of some hydrocarbons in both of the Secondary A aquifers. However, additional laboratory testing prior to 2014 (2009) and more recently in 2017 did not identify the presence of hydrocarbons in the Kellaways or the Cornbrash above the detection limit for the lab.
 - The Applicant discussed with the EA that the PBA Phase 1 Ground Condition Report recommended that additional baseline groundwater monitoring should be carried out, and this could be stipulated as a Requirement to any consent. In addition, one of the proposed mitigation measures in the ES is a Foundation Works Risk Assessment to determine the risks to groundwater from the proposed foundations, which has been included in the outline CEMP (Revision 1, submitted at Deadline 2) and which is secured by Requirement 10 of the dDCO.
 - As a result of these discussions, the EA advised that, subject to Requirement 8 of the dDCO (relating to contamination and groundwater) being amended to specifically refer to a need for additional groundwater baseline monitoring and assessment, the EA has no objection to the proposed development from a controlled waters perspective. The Applicant confirms that this amendment has been made to the dDCO (Revision 1, submitted at Deadline 2).
 - The Application for an Environmental Permit for the Project has been submitted to the respondent and has been 'Duly Made'.

- A Statement of Common Ground is currently in progression and should be signed shortly. The Statement confirms that there is agreement between the parties on the assessment of effects presented in the ES [APP-033] and supporting Phase 1 Ground Conditions [APP-044].

15 REP-014 NETWORK RAIL

Summary of Relevant Representation

- 15.1.1 The respondent has made several comments regarding the scheme and proposes meeting with the Applicant to discuss the matters. These include:
- If the Applicant proposes to construct a UTX, any proposal for works under, over or above the railway will require Network Rail agreement;
 - The limits of the dDCO do not cover the level crossing at Green Lane, network rail is concerned with the potential for traffic to block back over the level crossing;
 - The proposal must not include Network Rail land as part of the DCO red line boundary;
 - The works on site will need Network Rail Asset Protection agreement;
 - The Applicant will provide 1.8m high trespass proof fencing adjacent to the railway boundary;
 - All roads, highways adjacent to the railway boundary must include vehicle incursion measures to prevent damage to the railway boundary and any vehicle incursion;
 - The Applicant / developer to enter a protective provision agreement with Network Rail which should be incorporated into the DCO; and,
 - The proposal must not increase Network Rail's liability or impact upon the safe operation of the railway.

Applicant's Comments

- 15.1.2 The Applicant notes the comments made by Network Rail and has responded to each in turn.

UTX

- 15.1.3 As shown in Figure 3.1 of the ES [APP-049], there are no proposals for the construction of any new crossing of Network Rail's assets – neither above, nor below the track.
- 15.1.4 As such, no such agreement is required.

Limits of DCO, Green Lane Crossing and Network Rail land

- 15.1.5 The Order limits is defined in the dDCO (see Article 2 of Revision 1, submitted at Deadline 2) and shown on the Land Plans and Works Plans [APP-009 and 010].
- 15.1.6 There is no Network Rail land or apparatus located within the Order limits.
- 15.1.7 The Applicant has assessed the impacts of the Project on the level crossing at Green Lane. The Traffic Assessment (TA) submitted as part of the ES (Appendix 12.1, [APP-046] contains a series of assessments of the Site Access and concludes that any impact is minimal and acceptable. The Applicant has provided details of a traffic management scheme at the Green Lane Site Access (Appendix 12.1) [APP-046] to ensure that there are no impacts at the level crossing. This was discussed at length with Network Rail and the Joint Highway Authorities, culminating with an agreement of the suitability of the management scheme on several occasions, including 21 January and 11 February 2015 (see Appendix B).

- 15.1.8 Further discussion was held with Richard Draper of Network Rail Asset Protection on 5th May 2017. As a result of those discussions, Network Rail confirmed that they agreed that the proposed Project would not affect the level crossing (see Appendix B).
- 15.1.9 Additionally, an updated draft of the TA was sent to Network Rail (Richard Draper of Asset Protection and Diane Clarke of Town Planning) for comment on 8 September 2017. Network Rail responded and confirmed that they had no comments or objections on 14 October 2017 (see Appendix B).
- 15.1.10 As there is no such impact, further mitigation is neither required nor proposed at the level crossing.

Asset Protection / Safety / Protective Provisions

- 15.1.11 No direct effects are anticipated on any Network Rail assets. Therefore, the Applicant does not consider that an asset protection agreement is required.
- 15.1.12 As no works are proposed which would directly affect the railway, its safe operation would not be compromised and the Project would not increase Network Rail's liability. Accordingly, no Protective Provisions are required

Fencing and traffic management

- 15.1.13 The details of the boundary fence were discussed with and agreed by Network Rail at a meeting on 11 February 2015. Furthermore, Richard Draper, Network Rail Asset Protection commented on 8 November 2017 that: *"I recall that when we corresponded several times on 'Millbrook Power station scheme works' I responded that from an Asset Protection view; as the main Works were proposed to be 'at least 120m from either rail boundary' and as I had already commented on the proposed new access road within the site running tight to our boundary albeit with a circa 2m grass verge / easement between the edge of construction and our boundary fence and that vehicle incursion both temporary during the works and afterwards appeared to be acceptable and that there would be no over-sailing of our boundary during the proposed Works"*.
- 15.1.14 The specification for the agreed boundary fence does not include a 1.8m high trespass proof fence. The Applicant does not consider that the Project results in a need for such a fence in order to protect the railway. Such a fence has not been required as part of the planning permission for the Low Level Restoration Scheme or the Rookery South RRF Project. Should Network Rail wish to upgrade its boundary fences then it is free to do so at its own expense.

Meetings

- 15.1.15 The Applicant has met with Network Rail on numerous occasions over the last 4 years and on several occasions has agreed the scope and content of the assessment.
- 15.1.16 However, the Applicant remains willing to discuss the Project with Network Rail and is in discussions with Network Rail's solicitors regarding a statement of common ground.

16 REP-015 HOGAN LOVELLS INTERNATIONAL LLP ON BEHALF OF COVANTA ROOKERY SOUTH LIMITED

Summary of Relevant Representation

- 16.1.1 The respondent is writing on behalf of the Covanta Rookery South Limited (Covanta), the undertaker pursuant to the Rookery South (Resource Recovery Facility) Order 2011 (Rookery South Order) for the Rookery South RRF Project.
- 16.1.2 The respondent notes that the Millbrook development would affect development at the Rookery South site given the overlap between the two development sites. However, there is no overlap between the generating station and the waste recovery in the Rookery South Order. The respondent confirms that the Project can be constructed and operated without causing any material adverse impacts to the Rookery South RRF Project (subject to agreement being reached to regulate the interface).
- 16.1.3 The respondent states that it is Covanta's preference for the interface to be regulated in an interface agreement and is willing to engage with the Applicant on the terms of such an agreement. The respondent states that it does not consider it necessary to amend the Rookery South Order.

Applicant's Comments

- 16.1.4 The Applicant notes the comments made by the respondent and welcomes the respondent's confirmation that the Project can be constructed and operated without causing any material adverse impacts to the Rookery South RRF Project.
- 16.1.5 The Applicant has included protective provisions for the benefit of Covanta in Part 6 of Schedule 10 to the dDCO (Revision 1, submitted at Deadline 2) to ensure that the construction and operation of the Millbrook Project does not adversely affect the construction and operation of the Rookery RRF Project.
- 16.1.6 The Applicant refers to its legal submissions presented in Appendix G of its Response to the ExA's First Written Questions and submitted at Deadline 2.

17 REP-016 JEREMY RAMSDEN

Summary of Relevant Representation

- 17.1.1 The respondent has made several comments about the effect of the Project on the adjacent Forest of Marston Vale and Millennium Country Park (the Country Park), local listed buildings and new residential developments. In particular, the respondent has referred to the impacts of noise, dust and machinery during construction.
- 17.1.2 The respondent has queried why the Project does not include future capabilities for carbon capture and storage (CCS)
- 17.1.3 The respondent has also challenged the need for the Project based on the following factors:
- “The concept of gas-fired peaking power generation implies undue dependence on potentially insecure sources of gas”; and
 - “Continuing rapid advances in electric storage battery technologies imply a quite different energy supply scenario in the nearest future”.

Applicant’s Comments

- 17.1.4 The Applicant notes the comments made by Jeremy Ramsden and provides comments on them in turn below.

Effects on the Forest of Marston Vale Millennium Country Park (Country Park)

- 17.1.5 A desk based assessment and site visits have been undertaken to determine the baseline landscape character in which the Project would sit and the sensitive receptors which may be affected by the visual appearance of the Project. The assessment suggests that significant visual effects are anticipated from the Country Park; however these effects are temporary and are only during the construction and decommissioning stages of the Project. No significant effects are anticipated during operation taking into account mitigation planting. The full assessment and conclusions are described in Chapter 11 of the ES ([APP-033].
- 17.1.6 Additionally, Chapter 14 of the ES [APP-033] describes the potential effects of the project on key amenity assets, including the Country Park. The assessment concluded that the park would not be directly affected by the Project and there would be no likely significant effects on the Country Park as a result of noise, or air quality effects on the amenity of the Country Park during construction, decommissioning or operation of the Project.
- 17.1.7 Viewpoint 6b in the Photomontages [APP-051] shows likely views of the Project from the Country Park. Whilst the assessment suggests that significant visual effects are anticipated from the Country Park, such effects are temporary and are only during the construction and decommissioning stages of the Project. No significant effects are anticipated during operation taking into account mitigation planting.

Local Listed Buildings

- 17.1.8 In relation to the potential impact on local listed buildings, an assessment and site visit were carried out as part of the archaeological assessment. The site visit assessed the potential effects that the Project may have on the setting of local listed buildings and heritage assets (see Chapter 13 of the ES and Appendix 13.2 [APP-033 and APP-047]. This assessment concluded that no likely significant effects are anticipated on archaeology and cultural heritage as a result of the construction, operation or decommissioning of the Project either cumulatively

with other projects proposed in the vicinity or in isolation. The full assessment and conclusions are in Chapter 13 of the ES [APP-033]. The conclusions of this assessment are supported by both the local planning authority and Historic England.

New Residential Developments

- 17.1.9 Apart from isolated, temporary impacts on landscape and visual amenity, no likely significant residual environmental effects have been predicted as a result of the Project either cumulatively or in isolation.
- 17.1.10 The Project would not sterilise any land currently allocated for residential development. Land which has been allocated for new housing in the Marston Vale (as part of the Draft Local Plan) would not be directly affected by the construction or operation of the Project. In particular, air dispersion modelling has shown that ground level concentrations of NO₂ are insignificant at all locations within the 10km study area around the Project Site and therefore the operation of the Project would not prevent residential development from taking place in close proximity to Project Site.
- 17.1.11 In addition, CBC and BBC have not raised any issues regarding sterilisation of land set aside for future residential development as a result of the Project.

Loss of Amenity During Construction

- 17.1.12 The potential effects on residential amenity have been assessed in Section 15.5 of the ES [APP-033]. This has included an assessment of construction noise and dust. The assessment has concluded no likely significant effects from noise or dust during construction on amenity.
- 17.1.13 The Applicant has provided comments in relation to the air quality in response to the representation made by Elaine Randall (Rep 001) and refers the respondent to Applicant's comments made above at Section 2.

The Need for the Project

- 17.1.14 The Applicant has provided comments in relation to the need case for the Project and the supply of gas in response to the representation made by Ken Worf (Rep 005) and refers the respondent to the Applicant's comments made above at Section 6 The need for the Project is also clearly addressed in the Planning Statement [APP-056].
- 17.1.15 At the preliminary meeting on 13 March 2018, Richard Griffiths, on behalf of the Applicant, emphasised that section 104(2) of the PA 2008 requires the Secretary of State to have regard to the relevant NPS and section 104(3) of the PA 2008 requires the Secretary of State to determine the Application in accordance with the relevant NPS.

Carbon Capture and Storage

- 17.1.16 The Project's maximum rated electrical output would be 299 MW. It would therefore be below the threshold set out in Directive 2009/31/EC29 on the geological storage of carbon dioxide and NPS EN-1 and EN-2 for when operators of combustion plants are required to have assessed the feasibility of: a storage site, transport facilities and economic considerations of the capture of carbon dioxide (CO₂) (e.g. CCR for CCS) produced as a result of the combustion process. Therefore, it is not considered necessary to assess the viability of CO₂ capture.
- 17.1.17 The Applicant notes that in the recent DCO granted for another 299MW gas fired peaking plant, the Progress Power Project) (the Progress Power (Gas Fired Power Station) Order 2015) that the Examining Authority recommended in its report dated 24 April 2015 at paragraphs 8.17-8.22 (relevant excerpts below) that:

“As a generating plant with a maximum output of 299 MWe the plant would not be subject to the requirement set out in EN-1 and the Carbon Capture Readiness (Electricity Generating Stations) Regulations 2013 (the CCR Regulations) for the plant to be carbon capture ready. During the Examination I raised with the applicant the question of whether the maximum rated output of 299 MWe referred to the gross output of the generating plant or the net output exported from the site after allowing for transformer and other losses. Also whether this should be taken as an absolute limit or cap on output or a maximum in specified operating conditions (DEC-011, HR-049).

By setting a maximum output of 299 MW the applicant does not have to meet the requirements for carbon capture readiness that would apply to a plant with output of 300 MW or more.....

In my view the Directive and the regulations have the objective of controlling, either now or in the future, the emissions of CO2 from fossil fuel plant. The scale of any emissions would be determined by the gross output of the plant, not the net output after allowing for ancillary equipment. That suggests that a gross output definition would be consistent with the legislation and, as the EA has pointed out, would provide consistency of treatment between plant. It is for the Secretary of State to decide on this point but my recommendation is that the description of the authorised development in Schedule 1 should refer to 'gross rated electrical output. “

17.1.18 The Secretary of State agreed with this approach (see paragraphs 57-58 of the Decision Letter dated 23 July 2015). This applies equally to the application for the Project and the Applicant does not therefore consider that carbon capture readiness applies in this case. As Schedule 1 of the dDCO (Revision 1, submitted at Deadline 2) only authorises a generating station "with a gross rated electrical output of up to 299MWe..." anything above that would be a breach of the Planning Act 2008 and unauthorised.

18 REP-017 CENTRAL BEDFORDSHIRE COUNCIL

Summary of Relevant Representation

- 18.1.1 The respondent has noted several topics of concern. These topics were explored further during a conference call between the Applicant and the respondent on 27 February 2018 and at a subsequent meeting on 13 March 2018. The key concerns and discussions and progress in relation to each of the issues raised in the respondent's relevant representation are summarised below.
- 18.1.2 The Applicant also notes that a Statement of Common Ground is currently being agreed between the Applicant and CBC and is at an advanced stage. A copy will be forwarded to the ExA at the earliest available opportunity.

Transport

- 18.1.3 The respondent noted in its representation that there are implications on the highway network with regards to site access, construction traffic routing, footpath management, ongoing road conditions and future section 278 Highways Act 1980 works and street works. There is also concern over the provision of secondary access from Station Road.

During the teleconference of 27 February 2018, the Applicant reassured CBC that the secondary access is already consented by the Low Level Restoration Scheme (LLRS) under planning permission reference BC/CM/2000/8, and the Project does not alter the point of access onto the public highway at Station Lane. The Applicant explained that from a health and safety perspective, two accesses are better than one in case of emergency. The Applicant also stated that it felt there would be less impact on the local road network from using the secondary access for the Gas Connection and Electrical Connection as they can be accessed directly; rather than using Green Lane. The split of traffic using both access points was sent to CBC and was reviewed by CBC.

The Applicant also noted that the Transport Assessment [APP-046] had previously been agreed and signed off by CBC (Ann Rowland – Team Leader, Highways Development Manager 06/10/18).

The Applicant stated that it was unlikely that a section 278 agreement under the Highways Act 1980 would be needed for the Project given the nature of works in relation to the public highway (only temporary signs are required outside of the Application boundary).

CBC has confirmed that it is satisfied with the information provided. An amendment has been agreed to Requirement 5 (Highway Access) of the draft DCO which has been made in Revision 1 submitted at Deadline 2 and CBC has confirmed that it is happy with this change.

Landscape

- 18.1.4 Landscape issues raised by the respondent which need to be taken into consideration are set out below alongside a response from the Applicant.
- The respondent considers that it should be able to comment and advise on design issues to include colour, boundary treatments and landscape mitigation;

The Applicant agrees, and this is secured by dDCO Requirements 2 and 3.
 - Whether the site is adequate for the Project buildings and adequate mitigation;

The Applicant explained on the conference call of 27th February 2018 that the Project Site is more than adequate for the Project, as shown by the layout plan in Figure 3.1 of the ES [APP-049]. The Project Site is sufficient to include an appropriate level of mitigation planting to adequately limit landscape and visual impacts, the extent of such planting has been determined through a detailed landscape and visual impact assessment (Chapter 11 of the ES) and landscape and ecology mitigation and management [APP-045].

- The need for an offsite mitigation strategy and contribution to the Forest of Marston Vale, including appropriate planting to enhance the rights of way in the locality;

The Applicant explained that a Landscape and Ecology Mitigation and Management Strategy had been produced for the Project [APP-045]. The Applicant agreed to send this document directly to CBC for its review.

CBC has confirmed that it is satisfied with the strategy and has provided some additional suggestions as to the make-up of the planting mix to be used. These suggestions are helpful and have been noted and will be taken into consideration when discharging the DCO Requirements.

The Applicant has agreed to provide a section 106 obligation in respect of tree planting for the Forest of Marston Vale. This obligation is currently in draft and is with CBC and the Forest of Maston Value Trust.

- Art strategy and local identity and a landscape strategy post decommissioning

After reviewing the Design and Access Statement [APP-057], CBC has stated that it is satisfied with the design principles underpinning the Project and no further mitigation is required.

Noise

- 18.1.5 In terms of noise, the respondent disagrees with the derivation of the LOAEL and SOAEL. The respondent questions that the facility will typically be used during the daytime and that no penalties have been added to the rating level, Furthermore, the respondent would like to see similar construction time limits to those included in the Rookery South (Resource Recovery Facility) Order 2011.

The issues above were discussed between the Applicant and the Environmental Health Officer (EHO) at CBC on the conference call of 27 February 2018. The main concern raised in the call centered around the use of background levels which had increased since the measurements taken in 2014.

The Applicant stressed that the assessment should be underpinned by the most up to date background levels.

CBC confirmed it is satisfied with the wording of Requirement 12 of the dDCO (noise during operation) but that it would like to see this underpinned by up to date background measurements nearer the time of commissioning. The Applicant agreed to this suggestion.

CBC also stated that it wanted to see a similar condition for the control of noise during construction. The Applicant stated it would consider this and has since drafted a new requirement 13 that has been included in Revision 1 of the dDCO submitted at Deadline 2.

Further information with respect to concerns over noise queries raised by CBC are provided in the Applicants response to Examiners First Written Questions (Section 1.4- Noise and Vibration).

Ground Conditions

- 18.1.6 In terms of ground conditions, the respondent would welcome the requirement of a phase 2 to be secured by a requirement of the Order.

The Applicant has agreed to this, and Requirement 8 of the dDCO has been updated to cover this request (Revision 1 submitted at Deadline 2).

General

- 18.1.7 The respondent set out a number of issues in relation to the draft DCO including in relation to the requirements, procedure for discharge of requirements and heads of terms. Such issues have been discussed with the respondent and where necessary changes have been made to Revision 1 of the draft DCO submitted at Deadline 2

- 18.1.8 The Applicant also notes that a Statement of Common Ground is currently being agreed between the Applicant and CBC and is at an advanced stage. A copy will be forwarded to the ExA at the earliest available opportunity.

19 REP-018 HISTORIC ENGLAND

Summary of Relevant Representation

- 19.1.1 The respondent's representation concerns the impacts of the Project on the setting and significance of Houghton House, Ampthill Castle and Ampthill Park House.
- 19.1.2 Historic England considers that the Project would result in some harm to the significance of these heritage assets. Historic England also has concerns about the cumulative impact of the Project in conjunction with other consented schemes at this location.
- 19.1.3 Historic England has also raised the need for a programme of archaeological works in relation to non-designated heritage assets.

Applicant's Comments

- 19.1.4 The Applicant notes the comments made by Historic England.
- 19.1.5 The Applicant's consultant met with Historic England on 16 November 2017 to discuss their concerns regarding the Project. Following the meeting, the Applicant submitted a report containing additional supporting illustrative visual materials in order to re-affirm the conclusions of Chapter 13 of the ES. This is provided in Appendix C to this document.
- 19.1.6 After further correspondence with Historic England and review of the additional supporting illustrative visual materials, a statement of Common Ground is in the process of being agreed between the Applicant and Historic England
- 19.1.7 Paragraph 5.8.12 of NPS-EN1 states that "*Substantial harm to or loss of a grade II listed building park or garden should be exceptional. Substantial harm to or loss of designated assets of the highest significance, including Scheduled Monuments; registered battlefields; grade I and II* listed buildings; grade I and II* registered parks and gardens; and World Heritage Sites, should be wholly exceptional*".
- 19.1.8 Whilst it is acknowledged that the concept of some 'harm' to the setting and significance of Houghton House, Ampthill Castle, and Ampthill Park House cannot be totally ruled out, the Project would not cause 'substantial' harm to any of these heritage assets (this is agreed with Historic England). Therefore, any impacts of the Project would not be significant either in isolation or cumulatively, as outlined in Appendix 13.2 of the ES[APP-047].
- 19.1.9 Paragraph 5.8.15 of NPS - EN1 states that "*Any harmful impact on the significance of a designated heritage asset should be weighed against the public benefit of development*". In the case of the Project, the public benefit is clearly set out in National Policy Statements and described in more detail in the Planning Statement [APP-056]. The Applicant therefore considers that the **less than substantial harm** to these heritage assets does not outweigh the public benefit of the Project.
- 19.1.10 A programme of archaeological works will be outlined as part of a Written Scheme of Investigation which would be developed prior to construction of the Project. This approach was agreed with the CBC archaeological officer on 29th January 2015 and is secured by Requirement 9 in the dDCO.

20 REP-019 MARSTON MORETEYNE PARISH COUNCIL

Summary of Relevant Representation

- 20.1.1 The respondent expresses concern over the potential increase of ground levels of Nitrogen Dioxide which could be caused by emissions from the stack and the potential impact this would have on the environment. The Council is particularly concerned about the potential for Nitrogen Dioxide to be delayed from being dispersed at a specific height which gives time for the gases to fall to the ground with detrimental effect.
- 20.1.2 The representation refers to paragraph 3.2.11 from the Environmental Statement Non-Technical Summary in that it states “*that there are expected to be no likely significant effects during operation*” and questions what quantifies as significant.
- 20.1.3 If the development receives approval the Council states that the village should be safeguarded from unnecessary and additional traffic and noise during the construction. The council requests that significant consideration is given to ensuring that the access route for construction traffic exits the A421 dual carriage way at Marsh Leys interchange, and not Beacroft Road roundabout, Marston Moreteyne.

Applicant's Comments

- 20.1.4 Marston Moreteyne's comments regarding concerns are noted. Similar concerns regarding air quality effects have been raised by the Parish Council during the pre-application consultation.

Air Quality

- 20.1.5 The conclusions within the ES NTS are drawn directly from the ES [APP-033] and any relevant technical appendices. The effects have been reported in terms of likely significance in accordance with the Environmental Impact Assessment (EIA) Regulations and associated guidance. Tables 6.5 - 6.7 of Chapter 6 of the ES provide the sensitivity, magnitude, and subsequent significance criteria applied to the assessment of Air Quality effects. The ES demonstrates that the Project will not have significant Air Quality effects, in EIA terms, on any human or ecological receptors from ground level concentrations of NO₂. Further, the Parish Council's concerns regarding delayed dispersion have been considered as noted in Table 6.1 of Chapter 6 of the ES, and in Appendix 5.D of the Consultation Report Appendices [APP-028] which states:

"The proposed technology choice for the Generating Equipment (simple cycle gas turbines) result in a release of exhaust gases from the stack(s) which is at an extremely high temperature (around 450°C) and high pressure. This ensures that although the actual height of the stacks is 30-35m, the effective chimney height (top of the emissions release) is many times higher (of the order of hundreds of metres). Therefore, no issues with temperature inversions are anticipated as the exhaust gases would be able to penetrate any inversion layers. Chapter 6 of the ES (Document Reference 6.1) explains that the meteorological data used to carry out dispersion modelling was taken from a local weather station."

- 20.1.6 Furthermore, the applicant met with Marston Moreteyne Parish Council on the 3 April 2018 to further understand their concerns and provide responses and re-assurance. In particular the Applicant described likely dispersion profiles from the Generating Equipment. Further information was provided to the Parish Council following the meeting, which is included in Appendix D.
- 20.1.7 The Applicant therefore considers that the Parish Council's concerns in terms of air quality have been adequately addressed.

Traffic Routeing

- 20.1.8 The Applicant has considered the potential of routeing construction traffic solely via Marsh Leys interchange rather than via that and Beancroft Road roundabout as part of the construction routeing assessment in the Transport Assessment [APP-046]. Should the relevant highways authorities (Bedford Borough Council and Highways England) agree that this is a more suitable route for construction vehicles the Applicant would be prepared to use this route preferentially for the majority of construction movements. The Applicant is currently in discussions with the relevant highways authorities on this point.

21 REP-020 NATURAL ENGLAND

Summary of Relevant Representation

- 21.1.1 Natural England has noted that based on the plans submitted, it is considered that the proposed development will not have significant adverse impacts on:
- Chiltern Beachwood's Special Area of Conservation
 - Upper Nene Valley Gravel Pits Special Protected Area
 - Upper Nene Valley Gravel Pits Ramsar
 - King's Wood and Glebe Meadows Site of Special Scientific Interest (SSSI)
 - Coopers Hill Site of Special Scientific Interest (SSSI)
- 21.1.2 Natural England has no objections but advises the implementation of specified construction methods to limit impacts on protected species and soils, and a lighting curfew post construction as detailed in the ES section 11.8.2 to reduce impacts to wildlife and landscape.

Applicant's Comments

- 21.1.3 The Applicant notes and welcomes the confirmation that Natural England's consider the Project will not have significance adverse effects on statutory designated sites.
- 21.1.4 The Applicant has discussed the points raised in Natural England's further advice on mitigation and has clarified the following points:

Mitigation Measures - general

- 21.1.5 Appendix 3.1 of the ES [APP-033] sets out the mitigation measures that have been identified through the EIA process. Each is secured either directly through a Requirement of the draft DCO, or through inclusion within the Outline CEMP (Revision 1 submitted at Deadline 2) or Outline Landscape and Ecology Mitigation and Management Strategy (LEMMS) (Appendix 11.2 of the ES Appendices (Revision 1, submitted for Deadline 2), which in turn are secured through Requirements 3, 4 and 10 of the draft DCO.
- 21.1.6 The Applicant therefore confirms that the mitigation measures as described will be implemented during the pre-construction, construction and operational phases as appropriate; and that appropriate wording is included within the draft DCO to secure the implementation of these measures.

Mitigation Measures - Great Crested Newts

- 21.1.7 Natural England has confirmed that it is satisfied with the approach to Great Crested Newts (GCNs). However, it has requested that a sentence is included in the Statement of Common Ground between Natural England and the Applicant confirming that GCN will be excluded from the site until construction is complete. The Applicant has provided some suggested wording to satisfy this requirement and the Statement of Common Ground is at an advanced stage.

Mitigation Measures – Bats

- 21.1.8 As stated in section 8.9 of the ES [APP-038] the Project layout has been designed to ensure that the plantation woodland edge, field margins and road side hedgerows will be retained (as

outlined in the Landscape and Ecological Mitigation Strategy (LEMMS) (Revision 1, submitted at Deadline 2).

- 21.1.9 The lighting scheme associated with the operation of the Project has been sensitively designed to minimise potential impacts on bats. An outline lighting strategy, setting out measures to minimise effects from lighting at the Project Site has been prepared and is included as Appendix 11.3 of the ES [APP-045].

Mitigation Measures - Breeding Birds

- 21.1.10 Paragraph 8.6.26 and 8.6.27 of Chapter 6 of the ES [APP-038]) sets out that:

21.1.11 *"The most valuable habitats for breeding birds within Rookery South Pit will have been lost ahead of the time of construction as a result of implementation of the [Low Level Restoration Scheme] LLRS. It is considered that breeding birds using the remaining habitats within the Power Generation Plant Site are important at less than 'Local' level. As such, breeding birds are not considered to be an important ecological feature and hence no impact assessment is required."*

- 21.1.12 Nevertheless, appropriate management measures have been included in the Outline CEMP and Outline LEMMS and will be implemented as follows:

21.1.13 *"Any clearance or cutting of woody vegetation will avoid the breeding bird season (generally taken to be March to August inclusive) in order to avoid the destruction of active birds' nests. If this is not possible, the vegetation will be checked prior to removal for the presence of any active birds' nests. If active nests are present, an appropriate exclusion zone will be retained around the nest and such works will be delayed until the young birds have fledged and the nest becomes inactive."*

Mitigation Measures - Soils

- 21.1.14 Natural England has confirmed that it is satisfied with the assessment of soils. However, it has requested that the use of Defra's general guidance on the 'Construction Code of Practice for the Sustainable Use of Soils on Construction' be included in the Outline CEMP. The Applicant has agreed to this approach and has the Outline CEMP (Revision 1, submitted at Deadline 2).

Statement of Common Ground

- 21.1.15 The above comments raised have been discussed with Natural England alongside developing a Statement of Common Ground between the Applicant and Natural England. This is currently in progression and should be completed shortly.

Appendix A Additional Correspondence with Environment Agency

Your ref: AC/2017/126483/01-L01

Our ref: 40335 250118



25 January 2018

Environment Agency
East Anglia (West) Sustainable Places Team
Bromholme Lane
Brampton
Huntingdon
Cambridgeshire
PE28 4NE

Peter Brett Associates LLP
Caversham Bridge House
Waterman Place, Reading
Berkshire RG1 8DN
T: +44 (0)118 950 0761
E: reading@peterbrett.com

Attn: Neville Benn

Dear Neville,

RE: MILLBROOK POWER LIMITED: PROPOSED GAS FIRED POWER PLANT, ROOKERY SOUTH PIT, NR. MILLBROOK, BEDFORDSHIRE

Thank you for your letter regarding the Environment Agency (EA) concerns about potential contamination within the groundwater of the Kellaways Sands formation, as well as requesting further information on infiltration and foundations dated 15th January 2018.

Below sets out MPL's responses to these queries in turn; it would be useful to arrange a call or meeting to discuss these matters with you further.

Kellaways Sands:

The Phase 1 Ground Condition Assessment (GCA) (Appendix 10.1 of the Environmental Statement (ES) (Document Reference 6.2)) contains a Section 5 titled 'Baseline Conditions – Groundwater Analysis', and this describes the various phases of groundwater sampling and laboratory testing that has been carried out at the site. Section 6 of the same report titled 'Tier 1 Preliminary Risk Assessment' includes an assessment of the risks to groundwaters at the Project Site.

Your letter states that the EA concerns relate to elevated concentrations of EPH and PAH in a groundwater sample from the Kellaways Sands in BH206. The monitoring standpipe in BH206 does not facilitate collection of samples from the Kellaways Sands – the slotted section is sealed within the Cornbrash Limestone. We therefore assume that the concern relates to BH103, where the monitoring standpipe does allow sampling from the Kellaways Formation, and where a sample obtained in April 2009 indicated a concentration of EPH of 26ug/l – which was marginally above the laboratory Limit of Detection (LOD) of 10ug/l. We would like to point out that a re-sample of BH103, carried out in May 2009 (a month after the initial sample), which indicated an EPH concentration below the LOD.

Additional groundwater sampling was undertaken in 2014 (9 groundwater samples) and 2017 (3 groundwater samples) and on each occasion, all of the samples were analysed for both EPH and PAH concentrations, and each time the concentrations were recorded below the LOD.

Notwithstanding that the original concentration was only marginally above the LOD, and in itself wouldn't necessarily be considered to be a risk to controlled waters at that level, since 2009, all

J:\40334 Millbrook Planning and EIA 2017\EIA\Post Submission\MPL Response to EA S56_Final 250118.docx

Registered Office: Caversham Bridge House, Waterman Place, Reading, Berkshire, RG1 8DN. UK. T: +44 (0)118 950 0761 F: +44 (0)118 959 7498
Peter Brett Associates LLP is a limited liability partnership and is registered in England and Wales with registered number OC334398.
A list of members' names is open to inspection at our registered office.



subsequent sampling and testing has not identified concentrations of EPH or PAH above the LOD. Therefore the nature of the original detection of EPH in BH103 is not considered relevant because subsequent and speciated testing has failed to identify detectable concentrations.

The conclusions of the Tier 1 Preliminary Risk Assessment in the Phase 1 GCA report are that there is no indication of significant anthropogenic contamination in the groundwater at the site and that there is generally a Low risk to groundwaters at the Project Site.

Piling / Foundation Solution

Chapter 10 of the ES (Document Reference 6.1) indicates that a potential effect of the construction/decommissioning of the Power Plant could be mixing of aquifer bodies through the creation of new pathways (for example due to piling), and the embedded mitigation described is the proposed provision of a Foundation Works Risk Assessment (FWRA) once the proposed foundation solutions and layouts are known. It is proposed to incorporate the requirement for a FWRA into the CEMP which is secured through Requirement 10 of the Draft DCO (Document Reference 3.1). Chapter 10 of the ES also states that with the CEMP in place and implemented (in accordance with the principles set out in the Outline CEMP (Appendix 3.1 of the ES (Document Reference 6.2)), there are not anticipated to be any residual effects on controlled waters arising from the construction and de-commissioning of the Project.

As the final foundation solution is yet to be determined it is considered that the above approach is considered appropriate.

Infiltration

The drainage strategy for the Power Generation Plant site is described both in the submitted Flood Risk Assessment (Document Reference 5.4) and Chapter 9 of the ES. It is not envisaged that infiltration methods will be used at the Power Generation Plant site as the surface water run-off would feed to a new drainage system comprising a surface water balancing pond and associated interceptor channels created as part of the ongoing Low Level Restoration Scheme (LLRS) works at the Power Generation Plant Site. This is described in further detail in Chapter 10 of the Flood Risk Assessment and section 3.1 of the ES.

Section 10.2 of the Flood Risk Assessment states that *“surface water run-off arising from areas of hardstanding associated with the [Above Ground Installation] AGI will be managed/controlled using a soakaway or other similar infiltration method”* and that *“Infiltration testing will be undertaken as part of the detailed design process”*. Section 10.2 also makes a similar statement relating to the Sealing End Compounds (SECs) of the Electrical Connection.

Given that the detailed design of the AGI and SECs have not yet been determined, and that some, or all of these elements of the Project could be built out by a third party (National Grid Gas or National Grid Electricity Transmission) who will be responsible for their own design, we cannot say with certainty what the ultimate method of surface water management will be. Should infiltration methods be used, we recognise the Environment Agency guidance, as provided to us in your correspondence ref AC/2017/125803/01-L01 of 12th June 2017 and would ensure that this is adhered to. In particular, any proposed infiltration would be supported by the results of ground investigations, the need for which is established by Requirement 8 of the Draft DCO (Document Reference 3,1).

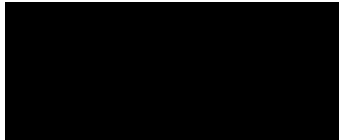
In order to ensure that there is a commitment to this, we propose to amend our Outline CEMP (Appendix 3.2 of the ES (Document Reference 6.2)) to include provision that the final CEMP secured through Requirement 10 of the draft DCO, ensures that any proposed infiltration is accompanied by a risk assessment and the Environment Agency's general guidance cited in AC/2017/125803/01-L01 of 12th June 2017 is followed.



Additionally, it is recognised that the SECs and AGI are relatively small elements of the overall Project and their contribution to surface water runoff is therefore also relatively small.

We trust this is sufficient information to enable you to review your interpretation and assessment of the ES, but please don't hesitate to contact us should you require any further clarifications or information.

Yours sincerely



Dr. Chris Leach
For and on behalf of
PETER BRETT ASSOCIATES LLP

Appendix B Correspondence with Network Rail

Meeting Title: Millbrook Power Ltd, Rookery Pit South, Marston Vale
Joint Authority Transport Meeting 4

Attendees: Kim Healy - Bedford Borough Council (BBC)
Johnny Amadi-Ahuama - Network Rail (NR)
Richard Draper - Network Rail (NR)
John Hopkins - Peter Brett Associates LLP (PBA)

Apologies: Jenny Volp - Highways Agency (HA)
Mark Cornell - Central Bedfordshire (CBC)
Nick Johnson - Millbrook Power Limited (MPL)
Paul Wormald - Peter Brett Associates LLP (PBA)

cc: Keith Dove - Luton Borough Council (LBC)
Chris Leach, David Atherton
- Peter Brett Associates LLP

Date of Meeting: 14.30 – 16.00, February 11th, 2015

Job Number: 31116 - Millbrook Power Ltd

Item	Subject	Actions
1.	Introduction	
1.1	This meeting forms the latest in a series of meetings arranged with the Joint Authorities (Bedford Borough Council, Central Bedfordshire Council, the Highways Agency and Network Rail) to review progress with the transport-related assessment to support the Development Consent Order (DCO) application to be made by Millbrook Power Ltd.	Info
1.2	This meeting follows: <ul style="list-style-type: none"> i) three Joint Highway Transport Meetings - on 28th August, 6th November 2014 and 21st January 2015; ii) two Network Rail Meetings - on 24th October and 25th November 2014; and iii) the issue of the DCO draft transport-related documents in January 2015 to the Joint Authorities. 	Info
1.3	This meeting was specifically arranged to review the transport-related documents to support the application. PBA submitted the following draft documents for the Joint Authorities' review on 21 st January 2015: <ul style="list-style-type: none"> i) Environmental Statement Transport Chapter; ii) Transport Assessment; and iii) Travel Plan. 	Info
2.	Comments from Bedford Borough Council	
2.1	BBC had reviewed the submitted documentation, and provided these comments to PBA on 27 th January, 2015 by email.	Info
2.2	PBA had reviewed these, and responded on 28 th January, 2015 (a copy of this email is attached).	Info
2.3	BBC confirmed that they were seeking no further amendments to the submission documents, and that the proposals put forward are acceptable in transport terms.	Info

Item	Subject	Actions
3.	Comments from Central Bedfordshire Council	
3.1	CBC confirmed by email to PBA on 11 th February, 2015 that CBC was seeking no further amendments to the submission documents, and that the proposals put forward are acceptable in transport terms. A copy of this email is also attached.	Info
4.	Comments from Highways Agency	
4.1	HA confirmed by email to PBA on 10 th February, 2015 that HA was seeking no further amendments to the submission documents, and that the proposals put forward are acceptable in transport terms. A copy of this email is also attached.	Info
5.	Comments from Network Rail	
5.1	NR has reviewed the submitted documentation.	Info
5.2	NR confirmed that the 3.85m minimum offset shown on the Access Road general arrangement plans between the Network Rail / Rookery Pit common boundary fence and the western Access Road kerblines was accepted.	Info
5.3	PBA to establish which party has the maintenance liability of the boundary fence.	PBA/MPL
5.4	NR has provided the NR Emergency Contact number for inclusion in the proposed Traffic Management Method Statement issued in January 2015. NR confirmed that they had no further comment to these documents.	PBA
5.5	NR confirmed that they were seeking no further amendments to the submission documents, and that the proposals put forward are acceptable in transport terms.	Info
6.	Comments from the Joint Authorities to the Proposed Green Lane Access	
6.1	<p>Following discussions with the Joint Authorities, two changes were accepted to the proposed Access Road arrangement plan relating to:</p> <ul style="list-style-type: none"> i) the substitution of text referring to a Section 38 commitment, for text referring to a DCO Requirement preventing building or planting within the visibility splay to obstruct visibility; and ii) a statement that the street lighting at this junction is to be reviewed, and upgraded if required. 	Info
6.2	PBA is liaising directly with CBC regarding the Section 278 process.	PBA
6.3	BBC sought confirmation that the Access junction arrangement was acceptable with reference to the vehicle swept path analysis. This will be forwarded to BBC / CBC under separate cover.	BBC
6.4	BBC and CBC were content with the Site Access arrangement as submitted.	Info
7.	Next Steps	
7.1	PBA is to complete the review of documents, incorporating comments from all Stakeholders, the legal review, and their internal review. These will be circulated in TRACK change to ease this second review. Any comments to these amendments would be gratefully received before 23 rd February, 2015.	PBA
7.2	This work, the definition of the transport-related documentation during the Pre Application Stage, is drawing to a conclusion. The Application for a DCO will be made on 27 th February, 2015.	PBA
7.3		Info

Item	Subject	Actions
7.4	<p>PBA confirmed that all registered stakeholders will have the opportunity to provide their views both in writing and appearance to the Submission documentation at the Examination. Further details of the process are contained on the Planning Inspectorate's website at http://infrastructure.planningportal.gov.uk/application-process/the-process/.</p> <p>A Statement of Common Ground would be prepared for submission to the Examination, identifying where aspects of the Application meet the requirements of the Stakeholder. BBC to liaise with the other Joint Authorities to ascertain whether this would be a Joint Statement, or a series of individual Statements.</p>	BBC
7.5	<p>On behalf of MPL, PBA thanked the Joint Authorities for their assistance over the last six months in clarifying, reviewing and agreeing the transport-related assessment work.</p>	Info

14th October 2017

Rookery South Pit, Millbrook, Bedfordshire
DCO for Millbrook Power Station – gas-fired power station
Drax Group PLC
501373 / 240736

Elena Moran

Having received confirmation from asset protection – Network rail has no objection to the proposal.

Regards

Diane Clarke AssocRTPI
Town Planning Technician LNW
Network Rail
Floor 1
Square One
4 Travis Street
Manchester, M1 2NY

Diane

Elena advises that there may be objections that prevent our conditional objections being lifted?

As I have already stated – ASPRO has no objections (I can not attach prev e mail as there is a tech with outlook)

The works are at least 70m from the ops rail boundary and I have responded at length regards the access road that runs along one rail boundary but the offset dimension and fence and barriers are acceptable against vehicle incursion.

If there are remaining objections to this scheme then I would respectfully suggest that it is for other sections to comment.

Thank you

Regards

Richard Draper
Senior Asset Protection Engineer
Network Rail
Baskerville House
Birmingham
B1 2ND
Mob; 07711601086



From: Elena Moran [<mailto:emoran@peterbrett.com>]
Sent: 08 September 2017 15:54
To: Draper Richard; TownPlanning LNW
Subject: RE: Central Bedfordshire - Rookery South Pit Millbrook Power Station

Dear Richard / Diane

Hope this finds you well.

We have now updated the TA with the proposals being put forward and I enclose a link to the PDF copy and the corresponding appendices for your perusal.

<http://SimpleSend.it/d/f0e42e2f852e43c6b060e8dc00f74e6185b4092842e84c>

I have also appended the email where we discussed the specific proposals (05/05/17).

I would be very grateful if you could please contact me to discuss once you've had a chance to review.

In the meantime, have a good weekend.

Kind regards,

Elena Moran

Principal Transport Planner

For and on behalf of Peter Brett Associates LLP - [Northampton](#)



t 01604 878301
e emoran@peterbrett.com
w peterbrett.com

From: TownPlanning LNW [<mailto:TownPlanningLNW@networkrail.co.uk>]
Sent: 26 July 2017 10:32
To: Elena Moran <emoran@peterbrett.com>
Subject: Central Bedfordshire - Rookery South Pit Millbrook Power Station aspro issues

Elena

I have had a chat with Richard Draper – his comments to you were as a consequence of your submission, however, he was further advised of additional information which formed my response.

He has stated that in order to clear up any confusion you should submit details to him of the salient and up to date facts of what you are proposing – especially as the emails were from May and we are now almost in August and things might have changed.

Regards

Diane Clarke AssocRTPI

Town Planning Technician LNW

Network Rail

Floor 1

Square One

4 Travis Street

Manchester, M1 2NY

Tel: 0161 880 3598

From: Elena Moran [<mailto:emoran@peterbrett.com>]

Sent: 25 July 2017 10:45

To: Clarke Diane

Cc: Chris Leach

Subject: Rookery South Pit, Millbrook, Bedfordshire

Dear Diane

Following our conversation this morning, please find attached my records of the consultation on the above project which I undertook with Richard Draper in April / early May 2017.

I would be extremely grateful if you could please review the information contained in the attached emails, as I believe that it addresses all the points raised in your letter dated 21st June 2017. I am keen to resolve any outstanding matters at the earliest possible opportunity.

Many thanks for your assistance in this matter.

Kind regards,

Elena Moran

Principal Transport Planner

For and on behalf of Peter Brett Associates LLP - [Northampton](#)



t 01604 878301

e emoran@peterbrett.com

w peterbrett.com

5th May 2017

Ok

Thanks FLUK Elena

I that case I / Asset Protection has no further comment as there appears to be no increased risk to the operational rail infrastructure from the proposed Works

Regards

Richard Draper BEng (Hons)
Senior Asset Protection Engineer
Network Rail
Baskerville House
Birmingham
B1 2ND
Ph: 0121 345 3203
Mob; 07711601086



From: Elena Moran [<mailto:emoran@peterbrett.com>]
Sent: 05 May 2017 13:02
To: Draper Richard; Amadi-Ahuama Johnny
Cc: Jackson Paul (LNW Sponsor); Fletcher Lisa; John Hopkins
Subject: RE: Millbrook Power / Covanta

Hi Richard

Yes – your understanding is correct:

- The new access road and associated anti – incursion barriers etc is as I have already accepted?
YES
- The new structures / main works etc is at least 120m from the nearest operational rail boundary? (both lines) **YES**
- No UTX is proposed? **correct** and
- There is some work to the Overhead power lines – but not over the operational railway?
correct

I trust this will enable you to be fully satisfied the proposals are not different from those previously agreed and that there will be no effect on Network Rail.

Looking forward to hearing from you,

Kind regards,

Elena Moran

Principal Transport Planner

For and on behalf of Peter Brett Associates LLP - [Northampton](#)



t 01604 878301
e emoran@peterbrett.com
w peterbrett.com



From: Draper Richard [<mailto:Richard.Draper@networkrail.co.uk>]

Sent: 05 May 2017 10:59

To: Elena Moran <emoran@peterbrett.com>; Amadi-Ahuama Johnny <Johnny.Amadi-Ahuama@networkrail.co.uk>

Cc: Jackson Paul (LNW Sponsor) <Paul.Jackson3@networkrail.co.uk>; Fletcher Lisa <Lisa.Fletcher@networkrail.co.uk>

Subject: RE: Millbrook Power / Covanta

Thanks Elena

So, if my understanding is correct:

- The new access road and associated anti – incursion barriers etc is as I have already accepted?
- The new structures / main works etc is at least 120m from the nearest operational rail boundary? (both lines)
- No UTX is proposed? and
- There is some work to the Overhead power lines – but not over the operational railway?

Thanks

Regards

Richard Draper BEng (Hons)
Senior Asset Protection Engineer
Network Rail
Baskerville House
Birmingham
B1 2ND
Ph: 0121 345 3203
Mob; 07711601086



Appendix C Additional supporting illustrative material submitted to Historic England

Millbrook Power Project
Additional supporting illustrative materials
December 2017

Millbrook Power Project
Additional supporting illustrative materials
December 2017

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Report
Additional supporting illustrative materials

Site
Millbrook Power Project

Client
Millbrook Power Ltd

Date
December 2017

Planning Authority
Central Bedfordshire Council

Site Centred At
TL 0183 4013

Prepared & Approved By
Rob Bourn BA MA MCIfA

Report Status
Final

Orion Ref
PN1271/2

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- 1.0 Introduction
- 2.0 Houghton House
- 3.0 Millbrook Church
- 4.0 Ampthill Park House

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- Plate 1 Main axis of view out of Houghton House loggia
- Plate 2 View out from Houghton House loggia toward the Project
- Plate 3 View of location where Plate 1 & 2 was taken from
- Plate 4 View from Millbrook Church Looking North Toward the Project
- Plate 5 View from near the West end of Millbrook Church Looking North Toward the Project
- Plate 6 View Looking South Toward Location where Plates 4 & 5 were taken

Appendix 1

Viewpoint : near Ampthill Park House

1.0 Introduction

1.1 This document presents the additional designated heritage asset assessment required by Historic England. Following receipt of comments from Historic England during the late stages of the preparation of the planning application, a meeting was held with Will Fletcher (Historic England), Chris Leach (Peter Brett Associates) and Rob Bourn (Orion Heritage), to discuss the issues that Historic England had raised previously. The conclusion of this meeting was that further assessment of particular designated heritage assets, supported by some additional illustrative material, would be undertaken by Orion Heritage. The work required was as follows:

- View out from the loggia of Houghton House
- View from Millbrook Church
- Provision of a photomontage from the PBA view point immediately to the west of Amphill Park House

1.2 Houghton House and Millbrook Church were revisited by Orion Heritage in late November 2017 and photographs were taken using a digital SLR camera from the position that had been agreed with Historic England. An additional photomontage from the location near to Amphill Park House that was also agreed with Historic England was produced. This additional illustrative material is presented in this short report along with some commentary that relates this material to the assessment of effects on the designated assets as presented in the submitted Environmental Statement.

2.0 Houghton House

2.1 Historic England had raised a concern with the precise location of Viewpoint 4 due to the effect that two large trees have on the representation of how the Project would be experienced from the house. Following discussions, it was accepted that the trees are a significant feature in the view out from the house no matter where the viewpoint was taken from. The tree's presence, along with other factors such as the industrial estate on the lower land immediately below the house, forms a key part in the way that the view out from the house across the Vale is experienced currently by visitors to the house.

2.2 It was agreed to aid the understanding of how the Project would be experienced from Houghton House, that additional photography from the loggia would be provided. The loggia is on the east side of the house and creates a designed key view out from the house. Plate 1 shows the view looking directly out taken from the centre of the loggia (Plate 3 is a photograph looking back at where the photos were taken from). In this view, the Project would be just off to the right of the photograph behind the large trees on the edge of the photograph. The view looks along the edge of Greensand Ridge rather than out over the Vale. The hill in the distance in the centre of the photograph is the ridge on which Millbrook church is located.



Plate 1 Main axis of view out of Houghton House loggia

- 2.3 Plate 2 is taken from the same location as Plate 1 but looking out toward the Project which is at c. 45° from the main access of the main view from the loggia. In this photograph, it can be seen that the large trees that also feature in the main photomontages submitted in the Environmental Statement, will block all views of the Project even in winter.



Plate 2 View out from Houghton House loggia toward the Project



Plate 3 View of location where Plate 1 & 2 was taken from

- 2.4 These views out from the loggia were taken into account in the main assessment of the potential effects on Houghton House. The photographs confirm the Project will not be experienced within the key view out from the loggia and therefore, the assessment presented in Chapter 13 and Appendix 13.2 of the Environmental Statement does not need amending.

3.0 Millbrook Church

- 3.1 Historic England had also raised a concern about the potential effects of the Project on Millbrook Church. The assessment as presented in the Environmental Statement is that due to the effect of trees within the churchyard and on the high ground to the north of the churchyard, there would be no intervisibility between the church and the Project. Although this conclusion was not queried by Historic England, they did request further photographic supporting evidence, which is presented below (Plates 4, 5 & 6).
- 3.2 The views out across the Vale from the churchyard from the north side of the church itself are screened by trees that are at the north end of the churchyard and on the promontory

beyond. The combination of the trees and the rising topography mean all views of the Project will be completely blocked, even in winter. Therefore, the conclusion of the assessment presented in Chapter 13 of the Environmental Statement and its supporting appendix, that the Project will have no effects on the setting and significance of the Church do not require revising.



Plate 4 View from Millbrook Church Looking North Toward the Project



Plate 5 View from near the West end of Millbrook Church Looking North Toward the Project



Plate 6 View Looking South Toward Location where Plates 4 & 5 were taken

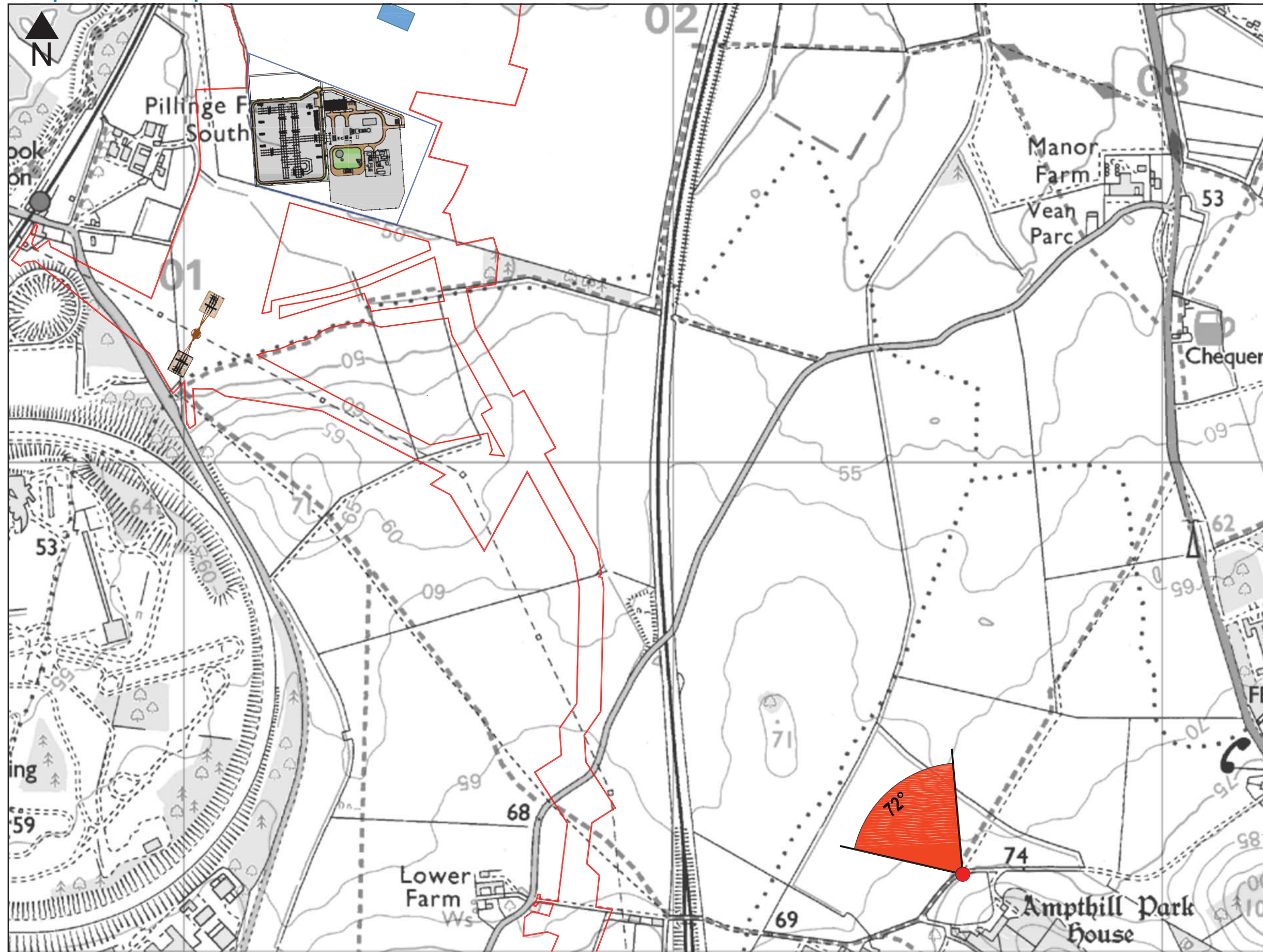
4.0 Ampthill Park House

- 4.1 Historic England have requested an additional photomontage from as close as possible from Ampthill Park House. This has been produced from a location on the right of way that is immediately to the north west of the house (Appendix 1). This location was agreed with Historic England.
- 4.2 The photomontage demonstrates that the stack of the Project will be obscured from view at this location by a band of woodland that lies on the far side of the field immediately to the north west of the House. The new transmission tower will be visible but will be a replacement of an existing transmission tower so will be in effect be no change. Therefore, in this view, the Project will have no effect on the setting and significance of the house. The combined viewpoint with Covanta demonstrates that only the stack of Covanta will be experienced in this view and not the Project. Therefore, in this view, there will be no combined effects on the setting and significance of Ampthill Park House.
- 4.3 The assessment of the effect on Ampthill Park House contained in Chapter 13 and Appendix 13.2 of the Environmental Statement took into account the potential effects on the House from the additional viewpoint, as well as from the house itself and from the higher ground above and to the rear of the house. The additional photomontage has provided additional visual evidence to support the conclusions in the Environmental Statement. The additional photomontage from this location does not result in revisions to the original assessment.

Appendix 1

Viewpoint : near Ampthill Park House

Viewpoint : near Amphill Park House



Legend:

- Project Site
- Generating Equipment Site and Substation Area
- ∠ 72 degree horizontal field of view viewpoint comprising existing baseline view, wireline and photomontage.
- ∠ Covanta RRF consented scheme

Source:

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NOTE - Published for the purpose of identification only and although believed to be correct accuracy is not guaranteed.

Client:

MILLBROOK POWER LIMITED

Drawn by:

LCT

Checked:

JW

Date:

November 2017

Figure:

A1

Scale:

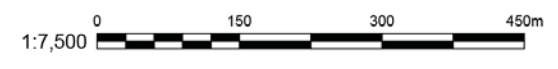
1:7,500

Revision No:

-

Data for viewpoint: near Amphill Park House

Viewpoint Grid Reference	- 502591 E 239158 N
View Direction	- 319 degrees
Viewpoint Elevation	- c 74.5 m AOD
Horizontal Field of View	- 72 degrees (Cylindrical projection)
Distance to the Project site centre	- 1.96 km
Viewing Distance	- 32 cm
Date and time of photo	- 13/03/2017 11:22



Project:

Millbrook OCGT

Title:

ADDENDUM FIGURE A1:
Viewpoint : near Amphill Park House



Existing baseline view near Ampthill Park House. (72 degrees horizontal field of view, 32 cm viewing distance). View direction 319 degrees

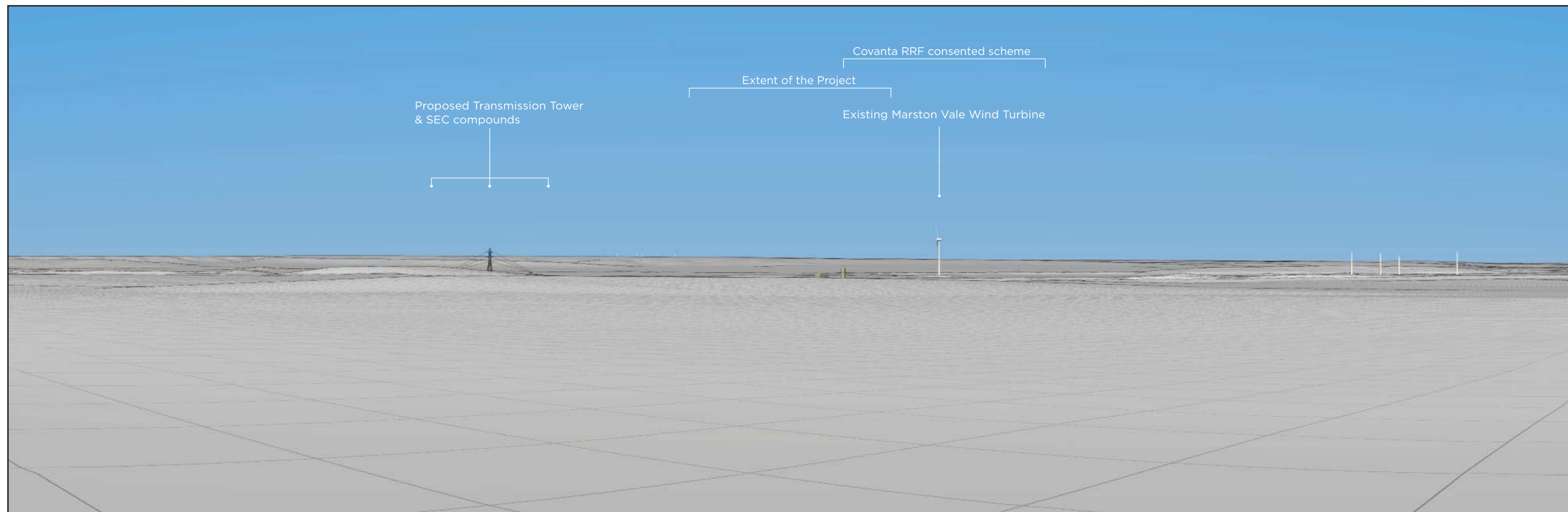
Camera: Canon EOS 5D Mark II Focal Length: 50mm Camera Height: 1.5m Date: 13/03/17 Time: 11:22

Data for viewpoint: near Ampthill Park House

Viewpoint Grid Reference	- 502591 E 239158 N
View Direction	- 319 degrees
Viewpoint Elevation	- c 74.5 m AOD
Horizontal Field of View	- 72 degrees (Cylindrical projection)
Distance to the Project site centre	- 1.96 km
Viewing Distance	- 32 cm



Photomontage view near Amphill Park House showing the Project. (72 degrees horizontal field of view, 32 cm viewing distance). View direction 319 degrees.



Wireline view near Amphill Park House showing the Project. (72 degrees horizontal field of view, 32 cm viewing distance). View direction 319 degrees.

Note: Photomontage and wireline do not illustrate multiple electricity wires connecting the proposed Transmission Tower to the SEC compounds.



Existing baseline view near Ampthill Park House. (72 degrees horizontal field of view, 32 cm viewing distance). View direction 319 degrees

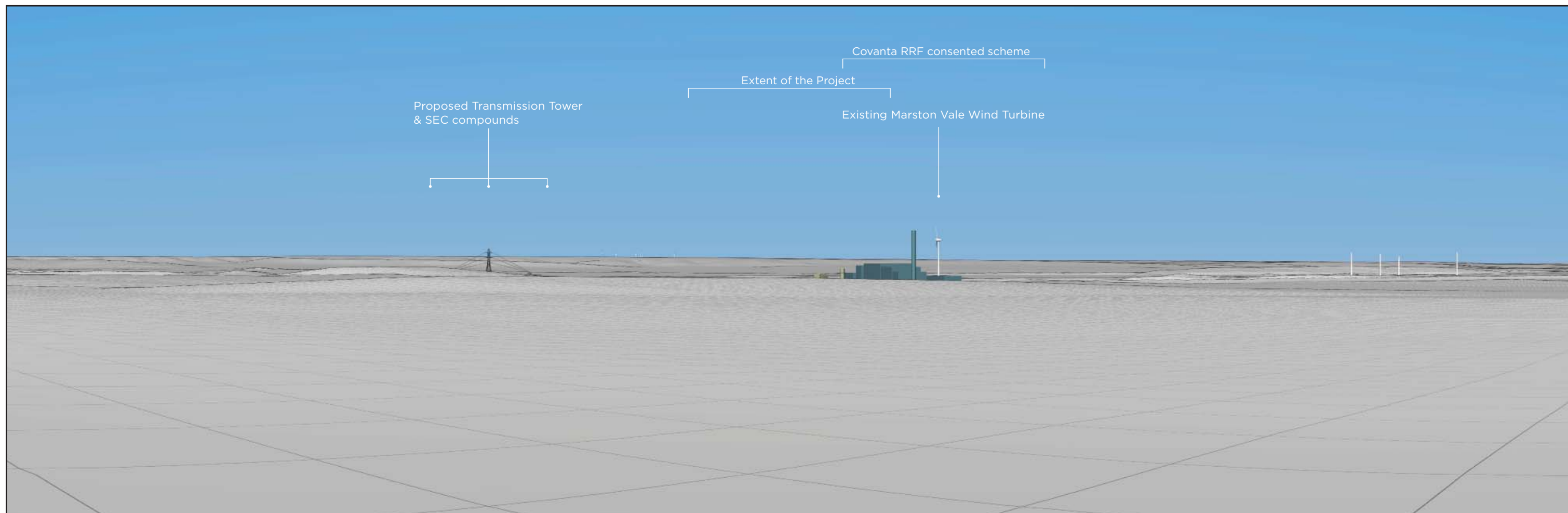
Camera: Canon EOS 5D Mark II Focal Length: 50mm Camera Height: 1.5m Date: 13/03/17 Time: 11:22

Data for viewpoint: near Ampthill Park House

Viewpoint Grid Reference	- 502591 E 239158 N
View Direction	- 319 degrees
Viewpoint Elevation	- c 74.5 m AOD
Horizontal Field of View	- 72 degrees (Cylindrical projection)
Distance to the Project site centre	- 1.96 km
Viewing Distance	- 32 cm



Photomontage view near Amphill Park House showing the Project and consented Covanta RRF scheme. (72 degrees horizontal field of view, 32 cm viewing distance). View direction 319 degrees.



Wireline view near Amphill Park House showing the Project and consented Covanta RRF scheme. (72 degrees horizontal field of view, 32 cm viewing distance). View direction 319 degrees.

Note: Photomontage and wireline do not illustrate multiple electricity wires connecting the proposed Transmission Tower to the SEC compounds.

Appendix D Meeting Minutes and further air quality information submitted to Marston Moreteyne Parish Council

NOTES

Job Name: Millbrook Power
Job No: 40335
Note No: AQ001
Date: 6th April 2018
Prepared By: G.Harker
Subject: Air Quality Information for Marston Moreteyne Parish Council

Item	Subject											
1.	<p>Introduction</p> <p>Marston Moreteyne Parish Council have raised a number of concerns regarding air quality in relation to the Millbrook Power Project in their Relevant Representation submitted to the Planning Inspectorate. Council members also asked further questions of the project team informally following the preliminary meeting on 13th March 2018. In light of this, Millbrook Power offered to meet the parish council with their air quality specialist, Graham Harker.</p> <p>This note has been put together following the meeting with the Parish Council that was subsequently held on Tuesday 3rd April in Marston Moretaine. It provides a summary of the information presented regarding the air quality assessment for the development, a full report on which can be found in Chapter 6 of the Environmental Statement submitted with the application.</p>											
2.	<p>Emissions and Assessment Criteria</p> <p>The combustion process will lead to the release of two pollutants: oxides of nitrogen (NO_x) and carbon monoxide (CO). NO_x is a combination of two gases: nitrogen monoxide (NO) and nitrogen dioxide (NO₂). Of these, NO is effectively harmless and the main concern regarding the potential for health impacts concerns NO₂. The NO_x release will primarily be NO, with a small proportion of NO₂. However, NO oxides in the atmosphere to form NO₂ and this is taken into account in the impact predictions.</p> <p>The concentration of the pollutants in the exhaust gas is limited to values set in the Industrial Emissions Directive (IED). The maximum concentrations for NO_x and CO are 50 and 100 mg/m³ (milligrams per cubic metre). Once released from the stack, the pollutants disperse in the atmosphere, increasing the ambient concentrations of pollutants.</p> <p>The limits for the concentrations of pollutants in the atmosphere are set in the Government's National Air Quality Strategy. The limits are set on the basis of protecting the health of the public. The relevant concentration limits in the atmosphere to protect human health are shown below in units of microgrammes per cubic metre.</p> <table border="1" data-bbox="317 1675 1445 1984"> <thead> <tr> <th data-bbox="317 1675 558 1742">Pollutant</th> <th data-bbox="558 1675 759 1742">Time Period</th> <th data-bbox="759 1675 1445 1742">Objective</th> </tr> </thead> <tbody> <tr> <td data-bbox="317 1742 558 1839" rowspan="2">Nitrogen dioxide (NO₂)</td> <td data-bbox="558 1742 759 1794">1-hour mean</td> <td data-bbox="759 1742 1445 1794">200µg/m³ not to be exceeded more than 18 times a year</td> </tr> <tr> <td data-bbox="558 1794 759 1839">Annual mean</td> <td data-bbox="759 1794 1445 1839">40µg/m³</td> </tr> <tr> <td data-bbox="317 1839 558 1984">Carbon Monoxide (CO)</td> <td data-bbox="558 1839 759 1984">8-hour running mean</td> <td data-bbox="759 1839 1445 1984">10,000µg/m³</td> </tr> </tbody> </table>	Pollutant	Time Period	Objective	Nitrogen dioxide (NO ₂)	1-hour mean	200µg/m ³ not to be exceeded more than 18 times a year	Annual mean	40µg/m ³	Carbon Monoxide (CO)	8-hour running mean	10,000µg/m ³
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	<p>Nitrogen dioxide can potentially have impacts over a short term period or a long term period and therefore there are two ambient concentration limits reflecting this. Of the two limits, the annual average concentration is more onerous and is the one that is paid most attention to. The limit for carbon monoxide is relatively much higher and therefore it is not normally a concern (as meeting the annual mean NO₂ limit means that the resultant carbon monoxide concentrations will be very low).</p> <p>The main purpose of the air quality assessment is to demonstrate that the concentration limits are not breached (when taking into account the existing ambient pollutant concentrations), and that the contribution from the development is sufficiently small not to be a concern in its own right).</p> <p>The Environment Agency sets criteria for when the contribution from a facility is potentially significant¹; a contribution of less than 1% of the long term limit or 10% of the short term limit is regarded as insignificant. For NO₂, this is equivalent to an annual mean concentration of 0.4 µg/m³ and an hourly mean concentration of 20 µg/m³.</p> <p>In addition to human health impacts, the release of NO_x can potentially affect ecological habitats via nitrogen deposition which can lead to eutrophication or acidification of the vegetation. In a similar way to human health, there are concentration limits (critical levels) and deposition limits (critical loads) set for the habitats. The critical loads vary by habitat type and these are presented in the ES chapter, with the same significance criteria applying.</p>
3.	<p>Assessment Methodology and Results</p> <p>The impacts of the emissions from the stack are assessed by dispersion modelling. This uses a computer programme to predict how the emissions disperse in the atmosphere. The primary input data into the programme are the characteristics of the release (i.e. temperature, velocity, volumetric flowrate, pollutant release rate, height of the stack and height of buildings near to the stack). In addition, terrain data and surface roughness are also taken into account.</p> <p>The dispersion of the pollutants is calculated from the meteorological conditions. The programme undertakes calculations for each set of meteorological data presented, taking into account the temperature of the atmosphere, wind speed, wind direction, precipitation, cloud cover and relative humidity.</p> <p>As the primary pollutant of concern is annual average NO₂, calculations are required to be performed over an annual average period. The calculations are undertaken for each hour of the year that is modelled. As meteorological data is required in a specific format for the modelling and over a full year period, it can only be obtained from a limited number of locations. Measured data is therefore normally used from the nearest suitable measurement site. For Millbrook we used data from the Cranfield meteorological station but also tested data from Bedford. The Bedford data gave lower concentrations than the Cranfield data.</p> <p>The modelling was undertaken for 5 years' worth of meteorological data and the highest results obtained are reported. There is no statistical analysis undertaken of the modelling as it is based on a series of conservative assumptions. It assumes that the facility operates at the maximum permitted emission rate whereas the pollutant release rate will be lower than the maximum allowed in order to ensure that the emission limit is not breached. A conservative assumption is also made concerning the conversion of NO to NO₂ in the atmosphere in line with Environment Agency guidance. When combined together, the assumptions are deemed to provide a worst case assessment.</p> <p>The facility will be allowed to operate for a maximum of 2,250 hours in any one calendar year (25.7% of the year), but the average over a rolling five year period must not exceed 1,500 hours</p>

¹ <https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit#screen-out-insignificant-pcs>



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	<p>(17.1% of the year). The maximum results in the assessment are based on 2,250 hours operating.</p> <p>The maximum predicted pollutant concentrations anywhere in the model output area are shown in the following table for a stack height of 32.5 metres.</p> <table border="1" data-bbox="316 499 1449 808"> <thead> <tr> <th>Pollutant</th> <th>Time Period</th> <th>Maximum Concentration</th> <th>Limit</th> <th>%age of Limit</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Nitrogen dioxide (NO₂)</td> <td>1-hour mean</td> <td>16.2</td> <td>200</td> <td>8.1</td> </tr> <tr> <td>Annual mean</td> <td>0.4</td> <td>40</td> <td>1.0</td> </tr> <tr> <td>Carbon Monoxide (CO)</td> <td>8-hour running mean</td> <td>79.3</td> <td>10,000</td> <td>0.8</td> </tr> </tbody> </table> <p>All of the maximum predicted concentrations as a result of emissions from the stack are insignificant. Contour plots of the maximum predicted annual mean and hourly mean concentrations are shown in Appendix 1. The predicted maximum concentrations occur where there are no residential properties. Within Stewartby, the maximum predicted annual mean NO₂ concentration is approximately 0.05 µg/m³.</p> <p>Current background pollutant concentrations within the area are also low, and are only be elevated adjacent to main roads within the area. Background pollutant concentrations are estimated to be between 11.8 and 14.2 µg/m³ for NO₂ and approximately 300 µg/m³ for CO. When the contribution from Millbrook is added to these background levels, pollutant concentrations remain well below the relevant limit values.</p>	Pollutant	Time Period	Maximum Concentration	Limit	%age of Limit	Nitrogen dioxide (NO ₂)	1-hour mean	16.2	200	8.1	Annual mean	0.4	40	1.0	Carbon Monoxide (CO)	8-hour running mean	79.3	10,000	0.8
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4.	<p>Temperature Inversions</p> <p>The exhaust gases from the stack will be released at very high temperature (approximately 590°C) and with a large discharge momentum (the modelled volumetric flowrate is 1,742 m³/s and the discharge velocity is 45.3 m/s). The temperature and discharge momentum mean that the effective discharge height of the release will be above inversion layers formed in the Vale.</p> <p>As noted in Section 3, the modelling has been undertaken for five years of locally measured meteorological data. Whilst the data is not measured within the Vale itself, it will include periods of temperature inversion that were measured at the location of the meteorological station.</p> <p>In terms of the facility, it will only operate for a limited number of hours per year which are most likely to be when energy demand is highest, i.e. during the evening periods in the winter months. There is thus a low probability of the operation of the facility occurring when periods of temperature inversion occur.</p>																			
5.	<p>Start-up</p> <p>With respect to start-up, this is estimated to last approximately 14 minutes, with NO_x and CO emissions being 17kg and 18kg respectively over this period. The relevant emission rates during start-up are therefore 20.2 g/s and 21.4 g/s respectively. These emission rates are lower than have been modelled for the operation of the installation (31.95 g/s and 63.91 g/s respectively). As start-up is included in the allowable operating hours of the installation, we have modelled a worst-case scenario as far as emissions are concerned.</p>																			



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6.	<p>Interaction with Covanta</p> <p>It should be recognised that the design and operation of the two facilities have some fundamental differences:</p> <ul style="list-style-type: none"> • Covanta is designed to operate continuously for most of the year whereas Millbrook will operate intermittently for a limited number of hours • The stack heights for the two facilities are significantly different; 32.5 metres for Millbrook and 105 metres for Covanta. This stems from the relative pollutant release rates that need to be dispersed, the difference in operating hours and the difference in emission characteristics between the two plants (Covanta has a much lower discharge temperature and discharge momentum). • The differences in stack heights means that the location of the maximum ground level concentrations will be different, and there will be limited interaction between the discharge plumes. <p>Nevertheless, the cumulative impact of Millbrook and Covanta operating together has been assessed by running a dispersion model containing the emissions from both plants. The concentrations at selected human health and ecological receptor locations were predicted. As anticipated, (as the impact from Millbrook is insignificant on its own), the majority of the total predicted concentration stems from the contribution from Covanta. When taken together, the predicted concentrations at the selected human health receptor locations remains well below the limit values. The impacts at the ecological receptors are not significant.</p>
7.	<p>Operational Controls</p> <p>There are two sets of controls on the proposed development; planning permission is needed to construct the facility (via the DCO process) and an Environmental Permit is required to operate the facility (via the Environment Agency). In both cases, the applications are subject to independent scrutiny.</p> <p>In the case of the Environment Agency, they are required to ensure that emissions from the facility do not breach the agreed emission limits and that it is operated in a manner that does not have significant impacts on the environment.</p> <p>During operation, the emissions from the exhaust stack will be continuously monitored (by the Operator) to ensure that the emission limits are not breached. The Environment Agency will audit the information to ensure that this is the case.</p>

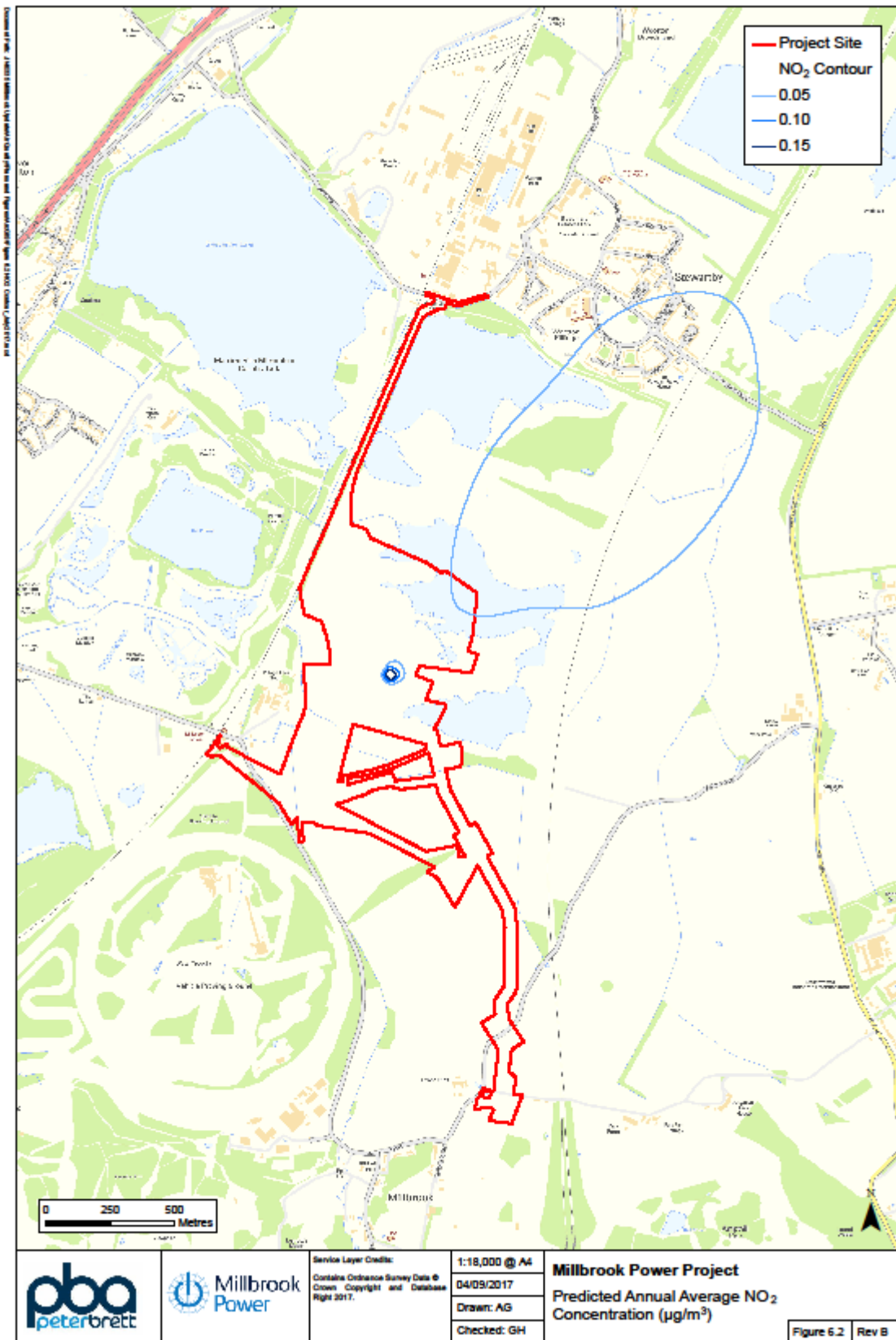


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Appendix 1 Predicted Pollutant Concentration Contours



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