Application by Millbrook Power Limited (MPL), dated 20th November 2017 for development consent under s37 of the Planning Act 2008 for a gas fired power generation plant of up to 299 MW, and associated development of gas and electrical connections

Statement of Common Ground

Statement of Common Ground between **Millbrook Power Limited** and **Natural England**

April 2018

Revision	Date	Details
Final	April 2018	

1. INTRODUCTION

Purpose of this Statement of Common Ground

1.1 This Statement of Common Ground (SOCG) has been prepared by Millbrook Power Limited (MPL) and Natural England. For the purpose of this SOCG, MPL and Natural England will jointly be referred to as 'the Parties'.

1.2 MPL has applied to the Secretary of State under the Planning Act 2008 for powers to construct, operate and maintain:

1.2.1 a new Power Generation Plant in the form of an Open Cycle Gas Turbine (OCGT) peaking power generating station, fuelled by natural gas with a rated electrical output of up to 299 MW. This is the output of the generating station as a whole, measured at the terminals of the generating equipment. The Power Generation Plant comprises:

- generating equipment including one Gas Turbine Generator with one exhaust gas flue stack and Balance of Plant (together referred to as the 'Generating Equipment'), which are located within the 'Generating Equipment Site';
- a new purpose built access road from Green Lane to the Generating Equipment Site (the 'Access Road' or the 'Short Access Road');
- a temporary construction compound required during construction only (the 'Laydown Area');

1.2.2 a new underground gas pipeline connection, approximately 1.8 km in length (the 'Pipeline') to bring natural gas to the Generating Equipment from the National Transmission System (the 'Gas Connection'). The Gas Connection also incorporates an Above Ground Installation (AGI) at the point of connection to the National Transmission System; and

1.2.3 a new electrical connection to export power from the Generating Equipment to the National Grid Electricity Transmission System (NETS) (the 'Electrical Connection'), comprising an underground double circuit Tee-in. This would require one new tower (which will replace an existing tower and be located in the existing Grendon – Sundon transmission route corridor, thereby resulting in no net additional towers). This option would require two SECs, one located on each side of the existing transmission line, and both circuits would then be connected via underground cables approximately 500 m in length to a new substation (the 'Substation').

1.3 Preparation of this SOCG has been informed by discussions between the Parties. The purpose of this SOCG is to set out agreed factual information about the Application.

1.4 It is intended that this SOCG will provide information to facilitate a smooth and efficient examination process.

1.5 This SOCG relates to the following topics which have been assessed in the Environmental Impact Assessment (EIA) presented in the Environmental Statement (ES) submitted with the DCO Application (Document Reference 6.1):

- Air Quality;

- Ecology;
- Ground Conditions; and
- Landscape and Visual Impact.

1.6 Overall this SOCG is intended to give a clear position of the state and extent of agreement between the Parties as at the date on which this SOCG is signed and submitted to the Secretary of State.

2. THE APPLICATION

2.1 The Application was submitted on 23rd October 2017 and accepted by the Secretary of State on 20thNovember 2017. The Application was accompanied by an ES.

2.2 **It is agreed** that the ES forms the full and complete Environmental Statement for the purposes of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (the EIA Regulations) and it is further agreed that the ES contains sufficient environmental information to enable the Secretary of State to make his determination.

2.3 It is understood that the Project falls under the EIA Regulations 2009 regime and not the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations 2017) regime. In accordance with the transitional arrangements at Regulation 37 of the EIA Regulations 2017.

3. THE EXAMINATION

3.1 An examination (the Examination) of the Application is to be held pursuant to Chapter 4 of the Planning Act 2008 (the Act) and the Infrastructure Planning (Examination Procedure) Rules 2010 (the EP Rules).

3.2 Pursuant to s61 of the Act, the Secretary of State determined that the Application was to be handled by a single appointed person (the Examining Authority). The procedure to be followed during the Examination into the Application is governed by the Act and the EP Rules.

3.3 A Preliminary Meeting, pursuant to Rule 7 of the EP Rules, was held on 13th March 2018 at The Forest Centre, Station Road, Marston Moretaine, Bedford MK43 0PR

3.4 The deadline for submission of this SOCG is 17th April 2018.

4. THE PROPOSED DEVELOPMENT AND ITS DESCRIPTION

4.1 The Proposed Development is described above at paragraph 1.2.

4.2 The project site within which the Proposed Development is located is within the administrative boundaries of Bedfordshire Borough Council (BBC) and Central Bedfordshire Council (CBC).

5. MATTERS AGREED BETWEEN THE PARTIES

5.1 The Parties are AGREED on all matters and in particular are AGREED on the points set out in this section (section 5).

Air Quality

5.2 The scope of the Air Quality assessment is defined within Section 6.1 Chapter 6 of the ES (Document Reference 6.1). This description of the topic is an appropriate basis upon which to produce the ES chapter.

Air Quality: Legislation and Policy Context

5.3 The legislation, policy and guidance considered in the assessment of Air Quality is presented in Chapter 2 of the ES, and Section 6.2 Chapter 6 of the ES.

5.4 The legislation, policy and guidance considered to inform the assessment is appropriate.

Air Quality: Consultation

5.5 Consultation undertaken with regards to Air Quality is summarised in Section 6.3 Chapter 6 of the ES.

5.6 The summary presented is correct so far as it provides an accurate record of consultation with Natural England on Air Quality.

Air Quality: Topic Specific Realistic Worst Case Scenario for Assessment

5.7 The topic specific realistic worst case scenario for assessment of Air Quality is presented in Section 6.4 Chapter 6 of the ES.

5.8 The topic specific realistic worst case scenario for assessment is considered appropriate for the robust assessment of Air Quality impacts arising from the proposed development.

Air Quality: Assessment methodology

5.9 The methodology for Air Quality is presented in Section 6.5 Chapter 6 of the ES.

5.10 The assessment methodology, including assumptions used, is considered appropriate.

5.11 The cumulative assessment methodology for Air Quality is presented in Section 4.10 Chapter 4 and Section 6.8 Chapter 6 of the ES.

5.12 The cumulative assessment methodology, including assumptions used, is considered appropriate.

Air Quality: Baseline Information

5.13 The baseline information for Air Quality is presented in Section 6.6 Chapter 6 of the ES.

5.14 The baseline information presented is considered appropriate.

Air Quality: The Results, Analysis and Conclusions of Field Survey Work

5.15 The results, analysis and conclusions of field survey work for Air Quality are presented in Section 6.6 Chapter 6 of the ES.

5.16 The results, analysis and conclusions of the field survey work are considered appropriate.

Air Quality: Embedded Mitigation

5.17 The embedded mitigation which is either implicit in the design of the Project or its operation (through standard control measures, such as working within best practice guidance) for potential Air Quality effects is set out in Section 3.6 Chapter 3 of the ES.

5.18 The Outline CEMP (Appendix 3.2 of the ES) provides a framework from which a final CEMP can be developed, as secured in Requirement 10 of the draft DCO. The Outline CEMP includes mitigation measures for potential Air Quality effects during construction.

5.19 The embedded mitigation is considered appropriate and adequate, in terms of their nature and scale, to address potential Air Quality effects.

Air Quality: Assessment of Effects during Construction and Decommissioning

5.20 The assessment of effects during construction and decommissioning for Air Quality is presented in Section 6.7 Chapter 6 of the ES.

5.21 The assessment of effects during construction and decommissioning presented is considered appropriate.

Air Quality: Assessment of Effects during Operation

5.22 The assessment of effects during operation for Air Quality is presented in Section 6.7 Chapter 6 of the ES.

5.23 The assessment of effects during operation presented is considered appropriate.

Air Quality: Assessment of Cumulative and In-combination Effects

5.24 The assessment of cumulative effects for Air Quality is presented in Section 6.8 Chapter 6 of the ES.

5.25 The cumulative effects presented are considered appropriate.

5.26 The assessment of in-combination effects for Air Quality is presented in Section 6.8 Chapter 6 of the ES.

5.27 The in-combination effects presented are considered appropriate.

Air Quality: Detailed Mitigation Measures & Assessment of Residual Effects

5.28 The consideration of additional mitigation measures and summary of Residual Effects for Air Quality are presented in Section 6.9 Chapter 6 and Section 6.10 Chapter 6 of the ES.

5.29 The consideration of additional mitigation measures and summary of residual effects are appropriate.

Ecology

5.30 The scope of the Ecology assessment is defined within Section 8.1 Chapter 8 of the ES (Document Reference 6.1). This description of the topic is an appropriate basis upon which to produce the ES chapter.

Ecology: Legislation and Policy Context

5.31 The legislation, policy and guidance considered in the assessment of Ecology is presented in Chapter 2 of the ES, and Section 8.2 Chapter 8 of the ES.

5.32 The legislation, policy and guidance considered to inform the assessment is appropriate.

Ecology: Consultation

5.33 Consultation undertaken with regards to Ecology is summarised in Section 8.3 Chapter 8 of the ES.

5.34 The summary presented is correct so far as it provides an accurate record of consultation with Natural England on Ecology.

5.35 NE has agreed the HRA methodology used and is content with the finding in the No Significant Effects Report (Document Reference 5.7) which concludes that there is No Likely Significant Effect on designated sites, including in combination with other development projects, arising from the Project.

Ecology: Topic Specific Realistic Worst Case Scenario for Assessment

5.36 The topic specific realistic worst case scenario for assessment of Ecology is presented in Section 8.4 Chapter 8 of the ES.

5.37 The topic specific realistic worst case scenario for assessment is considered appropriate for the robust assessment of Ecology impacts arising from the proposed development.

Ecology: Assessment methodology

5.38 The methodology for Ecology is presented in Section 8.5 Chapter 8 of the ES.

5.39 The assessment methodology, including assumptions used, is considered appropriate.

5.40 The cumulative assessment methodology for Ecology is presented in Section 4.10 Chapter 4 and Section 8.8 Chapter 8 of the ES.

5.41 The cumulative assessment methodology, including assumptions used, is considered appropriate.

Ecology: Baseline Information

5.42 The baseline information for Ecology is presented in Section 8.6 Chapter 8 of the ES.

5.43 The baseline information presented is considered appropriate.

Ecology: The Results, Analysis and Conclusions of Field Survey Work

5.44 The results, analysis and conclusions of field survey work for Ecology are presented in Section 8.6 Chapter 8 of the ES. The results, analysis and conclusions of the field survey work are considered appropriate.

Ecology: Embedded Mitigation

5.45 The embedded mitigation which is either implicit in the design of the Project or its operation (through standard control measures, such as working within best practice guidance) for potential Ecology effects is set out in Section 3.6 Chapter 3 of the ES.

5.46 The Outline CEMP (Appendix 3.2 of the ES) provides a framework from which a final CEMP can be developed, as secured in Requirement 10 of the draft DCO. The Outline CEMP includes mitigation measures for potential Ecology effects during construction.

5.47 The embedded mitigation is considered appropriate and adequate, in terms of their nature and scale, to address potential Ecology effects.

Ecology: Assessment of Effects during Construction and Decommissioning

5.48 The assessment of effects during construction and decommissioning for Ecology is presented in Section 8.7 Chapter 8 of the ES. The assessment of effects during construction and decommissioning presented is considered appropriate.

Ecology: Assessment of Effects during Operation

5.49 The assessment of effects during operation for Ecology is presented in Section 8.7 Chapter 8 of the ES.

5.50 The assessment of effects during operation presented is considered appropriate.

Ecology: Assessment of Cumulative and In-combination Effects

5.51 The assessment of cumulative effects for Ecology is presented in Section 8.8 Chapter 8 of the ES.

5.52 The cumulative effects presented are considered appropriate.

5.53 The assessment of in-combination effects for Ecology is presented in Section 8.8 Chapter 8 of the ES.

5.54 The in-combination effects presented are considered appropriate.

Ecology: Detailed Mitigation Measures & Assessment of Residual Effects

5.55 The mitigation measures and an assessment of Residual Effects for Ecology are presented in Section 8.9 Chapter 8 and Section 8.10 Chapter 8 of the ES.

5.56 The measures are considered to be appropriate and adequate in terms of their nature and scale to address potential Ecology effects.

5.57 The parties agree that the Applicant will abide by the terms and conditions of the Great Crested Newt Licence (Reference: 2014-1762-EPS-MIT-1) issued by Natural England and any subsequent licence revisions.

Ecology: Assessment of Effects on Natural Features (APFP Regulations 2009)

5.58 The assessment of effects on natural features for Ecology is presented in Section 8.12 Chapter 8 of the ES. The assessment is in accordance with The Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 (as amended); the effects on natural features presented are considered appropriate.

Ground Conditions

5.59 The scope of the Ground Conditions assessment is defined within Section 10.1 Chapter 10 of the ES (Document Reference 6.1). This description of the topic is an appropriate basis upon which to produce the ES chapter.

Ground Conditions: Legislation and Policy Context

5.60 The legislation, policy and guidance considered in the assessment of Ground Conditions is presented in Chapter 2 of the ES, and Section 10.2 Chapter 10 of the ES.

5.61 The legislation, policy and guidance considered to inform the assessment is appropriate.

Ground Conditions: Consultation

5.62 Consultation undertaken with regards to Ground Conditions is summarised in Section 10.3 Chapter 10 of the ES.

5.63 The summary presented is correct so far as it provides an accurate record of consultation with Natural England on Ground Conditions.

Ground Conditions: Topic Specific Realistic Worst Case Scenario for Assessment

5.64 The topic specific realistic worst case scenario for assessment of Ground Conditions is presented in Section 10.4 Chapter 10 of the ES.

5.65 The topic specific realistic worst case scenario for assessment is considered appropriate for the robust assessment of Ground Conditions impacts arising from the proposed development.

Ground Conditions: Assessment methodology

5.66 The methodology for Ground Conditions is presented in Section 10.5 Chapter 10 of the ES. The assessment methodology, including assumptions used, is considered appropriate.

5.67 The cumulative assessment methodology for Ground Conditions is presented in Section 4.10 Chapter 4 and Section 10.8 Chapter 10 of the ES.

5.68 The cumulative assessment methodology, including assumptions used, is considered appropriate.

Ground Conditions: Baseline Information

5.69 The baseline information for Ground Conditions is presented in Section 10.6 Chapter 10 of the ES.

5.70 The baseline information presented is considered appropriate.

Ground Conditions: The Results, Analysis and Conclusions of Field Survey Work

5.71 The results, analysis and conclusions of field survey work for Ground Conditions are presented in Section 10.6 Chapter 10 of the ES.

5.72 The results, analysis and conclusions of the field survey work are considered appropriate.

Ground Conditions: Embedded Mitigation

5.73 The embedded mitigation which is either implicit in the design of the Project or its operation (through standard control measures, such as working within best practice guidance) for potential Ground Conditions effects is set out in Section 3.6 Chapter 3 of the ES. The Outline CEMP (Appendix 3.2 of the ES) provides a framework from which a final CEMP can be developed, as secured in Requirement 10 of the draft DCO. The Outline CEMP includes mitigation measures for potential Ground Conditions effects during construction.

5.74 The embedded mitigation is considered appropriate and adequate, in terms of their nature and scale, to address potential Ground Conditions effects.

5.75 The parties agree that construction works will be undertaken in line with Defra's general guidance on the 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites'. The Outline CEMP (PINS document reference APP-038) will be updated to reflect this.

Ground Conditions: Assessment of Effects during Construction and Decommissioning

5.76 The assessment of impacts during construction and decommissioning for Ground Conditions is presented in Section 10.7 Chapter 10 of the ES.

5.77 The assessment of effects during construction and decommissioning presented is considered appropriate.

Ground Conditions: Assessment of Effects during Operation

5.78 The assessment of effects during operation for Ground Conditions is presented in Section 10.7 Chapter 10 of the ES.

5.79 The assessment of effects during operation presented is considered appropriate.

Ground Conditions: Assessment of Cumulative and In-combination Effects

5.80 The assessment of cumulative effects for Ground Conditions is presented in Section 10.8 Chapter 10 of the ES.

5.81 The cumulative effects presented are considered appropriate.

5.82 The assessment of in-combination effects for Ground Conditions is presented in Section 10.8 Chapter 10 of the ES.

5.83 The in-combination effects presented are considered appropriate.

Ground Conditions: Detailed Mitigation Measures & Assessment of Residual Effects

5.84 The mitigation measures and an assessment of Residual Effects for Ground Conditions are presented in Section 10.9 Chapter 10 and Section 10.10 Chapter 10 of

the ES. The measures are considered to be appropriate and adequate in terms of their nature and scale to address potential Ground Conditions effects.

Landscape and Visual

Landscape and Visual: Legislation and Policy Context

5.85 The legislation, policy and guidance considered in the assessment of Landscape and Visual is presented in Chapter 2 of the ES, and Section 11.2 Chapter 11 of the ES.

5.86 The legislation, policy and guidance considered to inform the assessment is appropriate.

Landscape and Visual: Consultation

5.87 Consultation undertaken with regards to Landscape and Visual is summarised in Section 11.3 Chapter 11 of the ES.

5.88 Natural England were consulted upon the proposals during the pre-application stage and did not make any comments on Landscape and Visual matters.

Landscape and Visual: Topic Specific Realistic Worst Case Scenario for Assessment

5.89 The topic specific realistic worst case scenario for assessment of Landscape and Visual is presented in Section 11.4 Chapter 11 of the ES.

5.90 The topic specific realistic worst case scenario for assessment is considered appropriate for the robust assessment of Landscape and Visual impacts arising from the proposed development.

Landscape and Visual: Assessment methodology

5.91 The methodology for Landscape and Visual is presented in Section 11.5 Chapter 11 of the ES.

5.92 The assessment methodology, including assumptions used, is considered appropriate.

5.93 The cumulative assessment methodology for Landscape and Visual is presented in Section 4.10 Chapter 4 and Section 11.8 Chapter 11 of the ES.

5.94 The cumulative assessment methodology, including assumptions used, is considered appropriate.

Landscape and Visual: Baseline Information

5.95 The baseline information for Landscape and Visual is presented in Section 11.6 Chapter 11 of the ES.

5.96 The baseline information presented is considered appropriate.

Landscape and Visual: The Results, Analysis and Conclusions of Field Survey Work

5.97 The results, analysis and conclusions of field survey work for Landscape and Visual are presented in Section 11.6 Chapter 11 of the ES.

5.98 The results, analysis and conclusions of the field survey work are considered appropriate.

Landscape and Visual: Embedded Mitigation

5.99 The embedded mitigation which is either implicit in the design of the Project or its operation (through standard control measures, such as working within best practice guidance) for potential Landscape and Visual effects is set out in Section 3.6 Chapter 3 of the ES.

5.100 The Outline CEMP (Appendix 3.2 of the ES) provides a framework from which a final CEMP can be developed, as secured in Requirement 10 of the draft DCO. The Outline CEMP includes mitigation measures for potential Landscape and Visual effects during construction.

5.101 The embedded mitigation is considered appropriate and adequate, in terms of their nature and scale, to address potential Landscape and Visual effects.

Landscape and Visual: Assessment of Effects during Construction and Decommissioning

5.102 The assessment of effects during construction and decommissioning for Landscape and Visual is presented in Section 11.7 Chapter 11 of the ES.

5.103 The assessment of effects during construction and decommissioning presented is considered appropriate.

Landscape and Visual: Assessment of Effects during Operation

5.104 The assessment of effects during operation for Landscape and Visual is presented in Section 11.7 Chapter 11 of the ES.

5.105 The assessment of effects during operation presented is considered appropriate.

Landscape and Visual: Assessment of Cumulative and In-combination Effects

5.106 The assessment of cumulative effects for Landscape and Visual is presented in Section 11.8 Chapter 11 of the ES.

5.107 The cumulative effects presented are considered appropriate.

5.108 The assessment of in-combination effects for Landscape and Visual is presented in Section 11.8 Chapter 11 of the ES.

5.109 The in-combination effects presented are considered appropriate.

Landscape and Visual: Detailed Mitigation Measures & Assessment of Residual Effects

5.110 The mitigation measures and an assessment of Residual Effects for Landscape and Visual are presented in Section 11.9 Chapter 11 and Section 11.10 Chapter 11 of the ES.

5.111 The measures are considered to be appropriate and adequate in terms of their nature and scale to address potential Landscape and Visual effects.

Draft Development Consent Order (DCO)

5.112 The Parties are agreed on the wording of the operative provisions of the draft DCO (Articles 1 -43) (Document Reference 3.1).

5.113 The Parties are agreed on the wording of the requirements contained in Schedule 2 of the draft DCO and the procedure for the discharge of requirements contained in Schedule 12 of the draft DCO (Document Reference 3.1).

This SOCG is prepared jointly and agreed by the Parties:

Signed by)
For and on behalf of Millbrook Power Limited)
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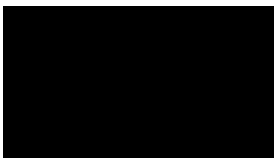

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Date:.....25th April 2018

Signed by)
For and on behalf of Natural England)
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Date:.....25th April 2018