

**Application by Millbrook Power Limited (“MPL”), dated 23rd October 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 **Environment Agency**

27<sup>th</sup> April 2018

<b>Revision</b>	<b>Date</b>	<b>Details</b>
Final as agreed	27 <sup>th</sup> 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 Environment Agency (EA). For the purpose of this SOCG, MPL and EA 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;

- Water Quality and Resources; and
- Ground Conditions.

1.6 It also relates to the discussions held between the parties with regards to obtaining an Environmental Permit for the Project.

1.7 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 20<sup>th</sup> November 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 Secretary of State has appointed Jonathan Green to lead the Examination on his behalf. 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 13<sup>th</sup> March 2018 at The Forest Centre, Station Road, Marston Moretaine, Bedford MK43 0PR. Following the Preliminary Meeting, the Examining Authority set the timetable and procedure for the Examination, within which, the deadline for submission of this (and all other) SOCG is 17<sup>th</sup> April 2018 (Deadline 2).

## 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, excluding those outlined in section 6 below, 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 the EA 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 .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**

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

- 5.9 The assessment methodology, including assumptions used, is considered appropriate.

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

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

#### **Air Quality: Baseline Information**

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

- 5.13 The baseline information presented is considered appropriate.

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

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

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

**Air Quality: Embedded Mitigation**

5.16 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.

5.17 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.

5.18 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**

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

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

**Air Quality: Assessment of Effects during Operation**

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

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

**Air Quality: Assessment of Cumulative and In-combination Effects**

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

5.24 The cumulative effects presented are considered appropriate.

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

5.26 The in-combination effects presented are considered appropriate.

**Air Quality: Detailed Mitigation Measures & Assessment of Residual Effects**

5.27 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.

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

### **Water Quality and Resources**

- 5.29 The scope of the Water Quality and Resource assessment is defined within Section 9.1 Chapter 9 of the ES (Document Reference 6.1). This description of the topic is an appropriate basis upon which to produce the ES chapter.

#### **Water Quality and Resources: Legislation and Policy Context**

- 5.30 The legislation, policy and guidance considered in the assessment of Water Quality and Resources is presented in Chapter 2 of the ES, and Section 9.2 Chapter 9 of the ES.
- 5.31 The legislation, policy and guidance considered to inform the assessment is appropriate.

#### **Water Quality and Resources: Consultation**

- 5.32 Consultation undertaken with regards to Water Quality and Resources is summarised in Section 9.3 Chapter 9 of the ES.
- 5.33 The summary presented is correct so far as it provides an accurate record of consultation with the EA on Water Quality and Resources.

#### **Water Quality and Resources: Topic Specific Realistic Worst Case Scenario for Assessment**

- 5.34 The topic specific realistic worst case scenario for assessment of Water Quality and Resources is presented in Section 9.4 Chapter 9 of the ES.
- 5.35 The topic specific realistic worst case scenario for assessment is considered appropriate for the assessment of Water Quality and Resources impacts arising from the proposed development for the purposes of the Application. The Parties agree that further investigations and assessments, including groundwater baseline monitoring and assessment, will be undertaken prior to the commencement of the Proposed Development and this is secured in Requirement 8 of Schedule 2 to the DCO.

#### **Water Quality and Resources: Assessment methodology**

- 5.36 The methodology for Water Quality and Resources is presented in Section 9.5 Chapter 9 of the ES.
- 5.37 The assessment methodology, including assumptions used, is considered appropriate for the purposes of the Application.
- 5.38 The cumulative assessment methodology for Water Quality and Resources is presented in Section 4.10 Chapter 4 and Section 9.8 Chapter 9 of the ES.
- 5.39 The cumulative assessment methodology, including assumptions used, is considered appropriate for the purposes of the Application. The Parties agree that further investigations and assessments, including groundwater baseline monitoring and assessment, will be undertaken prior to the commencement of the Proposed Development and this is secured in Requirement 8 of Schedule 2 to the DCO.

#### **Water Quality and Resources: Baseline Information**

- 5.40 The baseline information for Water Quality and Resources is presented in Section 9.6 Chapter 9 of the ES.

5.41 The baseline information presented is considered appropriate.

**Water Quality and Resources: The Results, Analysis and Conclusions of Field Survey Work**

5.42 The results, analysis and conclusions of field survey work for Water Quality and Resources are presented in Section 9.6 Chapter 9 of the ES.

5.43 The results, analysis and conclusions of the field survey work are considered appropriate for the purposes of the Application. The Parties agree that further investigations and assessments, including groundwater baseline monitoring and assessment, will be undertaken prior to the commencement of the Proposed Development and this is secured in Requirement 8 of Schedule 2 to the DCO.

**Water Quality and Resources: Embedded Mitigation**

5.44 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 Water Quality and Resources effects is set out in Section 3.6 Chapter 3 of the ES.

5.45 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 Water Quality and Resources effects during construction.

5.46 The embedded mitigation is considered appropriate and adequate, in terms of their nature and scale, to address identified Water Quality and Resources effects. The Parties agree that further mitigation may be required pursuant to the scheme to be submitted and approved in accordance with Requirement 8 of Schedule 2 to the DCO

**Water Quality and Resources: Assessment of Effects during Construction and Decommissioning**

5.47 The assessment of effects during construction and decommissioning for Water Quality and Resources is presented in Section 9.7 Chapter 9 of the ES.

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

**Water Quality and Resources: Assessment of Effects during Operation**

5.49 The assessment of effects during operation for Water Quality and Resources is presented in Section 9.7 Chapter 9 of the ES.

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

**Water Quality and Resources: Assessment of Cumulative and In-combination Effects**

5.51 The assessment of cumulative effects for Water Quality and Resources is presented in Section 9.8 Chapter 9 of the ES.

5.52 The cumulative effects presented are considered appropriate.

5.53 The assessment of in-combination effects for Water Quality and Resources is presented in Section 9.8 Chapter 9 of the ES.

5.54 The in-combination effects presented are considered appropriate.

**Water Quality and Resources: Detailed Mitigation Measures & Assessment of Residual Effects**

5.55 The consideration of additional mitigation measures and summary of Residual Effects for Water Quality and Resources are presented in Section 9.9 and Section 9.10 Chapter 9 of the ES.

5.56 The consideration of additional mitigation measures and summary of residual effects are appropriate for the purposes of the Application. The Parties agree that further mitigation may be required pursuant to the scheme to be submitted and approved in accordance with Requirement 8 of Schedule 2 to the DCO.



## **Ground Conditions**

- 5.57 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**

- 5.58 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.
- 5.59 The legislation, policy and guidance considered to inform the assessment is appropriate.

### **Ground Conditions: Consultation**

- 5.60 Consultation undertaken with regards to Ground Conditions is summarised in Section 10.3 Chapter 10 of the ES.
- 5.61 The summary presented is correct so far as it provides an accurate record of consultation with the EA on Ground Conditions.

### **Ground Conditions: Topic Specific Realistic Worst Case Scenario for Assessment**

- 5.62 The topic specific realistic worst case scenario for assessment of Ground Conditions is presented in Section 10.4 Chapter 10 of the ES.
- 5.63 The topic specific realistic worst case scenario for assessment is considered appropriate for the assessment of Ground Conditions impacts arising from the proposed development for the purposes of the Application. The Parties agree that further investigations and assessments will be undertaken prior to the commencement of the Proposes Development and this is secured in Requirement 8 of Schedule 2 to the DCO.

### **Ground Conditions: Assessment methodology**

- 5.64 The methodology for Ground Conditions is presented in Section 10.5 Chapter 10 of the ES.
- 5.65 The assessment methodology, including assumptions used is considered appropriate, for the purposes of the Application.
- 5.66 The cumulative assessment methodology for Ground Conditions is presented in Section 4.10 Chapter 4 and Section 10.8 Chapter 10 of the ES.
- 5.67 The cumulative assessment methodology, including assumptions used, is considered appropriate for the purposes of the Application.
- 5.68 The Parties agree that further investigations and assessments, including groundwater baseline monitoring and assessment, will be undertaken prior to the commencement of the Proposes Development and this is secured in Requirement 8 of Schedule 2 to the DCO.

### **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 for the purposes of the Application. The Parties agree that further investigations and assessments, including groundwater baseline monitoring and assessment, will be undertaken prior to the commencement of the Proposes Development and this is secured in Requirement 8 of Schedule 2 to the DCO.

**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 for the purposes of the Application. The Parties agree that further investigations and assessments will be undertaken prior to the commencement of the Proposes Development and this is secured in Requirement 8 of Schedule 2 to the DCO.

**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.

5.74 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.

5.75 The embedded mitigation is considered appropriate and adequate, in terms of their nature and scale, to address Ground Conditions identified so far. The Parties agree that further mitigation may be required pursuant to the scheme to be submitted and approved in accordance with Requirement 8 of Schedule 2 to the DCO.

**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. The cumulative effects presented are considered appropriate.
- 5.81 The assessment of in-combination effects for Ground Conditions is presented in Section 10.8 Chapter 10 of the ES.
- 5.82 The in-combination effects presented are considered appropriate.

**Ground Conditions: Detailed Mitigation Measures & Assessment of Residual Effects**

- 5.83 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.
- 5.84 The measures are considered to be appropriate and adequate in terms of their nature and scale to address identified Ground Conditions effects. The Parties agree that further mitigation may be required pursuant to the scheme to be submitted and approved in accordance with Requirement 8 of Schedule 2 to the DCO..

### **Environmental Permit**

- 5.85 In its s42 consultation response the EA sets out its position in relation to the need for an Environmental Permit for the Project pursuant to Environmental Permitting Regulations 2010 ("EPR 2010"), and its recommendation for the timing of the application for an Environmental Permit.
- 5.86 It is agreed that in respect of an application for an Environmental Permit the EA is the relevant pollution control authority. It is also agreed that the Project will be subject to the Environmental Permit regime under the EPR 2016.
- 5.87 It is agreed that the Secretary of State must be satisfied that potential releases from the Project can be adequately regulated under the pollution control framework. Having considered the environmental information in the ES (Document Reference 6.1), the Environment Agency is satisfied and agrees that the Project is of a type and nature that should be capable of being adequately regulated under the pollution control framework.
- 5.88 During the pre-application stage of the Project, the applicant has had numerous discussions with the EA regarding the nature and content of the Environmental Permit. The EA have also seen and commented on a draft of the application for an Environmental Permit.
- 5.89 The Environmental Permit for the Project was submitted to the EA on 09 November 2017 (Reference EPR/ZP3437YG/A001) and has been 'Duly Made'. Having reviewed a draft of the Environmental Permit application, the Environment Agency is not aware of anything that would preclude the grant of an Environmental Permit but would point out that its view could change depending on the content of the final permit application when this is reviewed.
- 5.90 The EA have confirmed that they are seeking to twin-track the application for an Environmental Permit and the DCO Application.
- 5.91 It is agreed that the application for an Environmental Permit will only consider operational emissions to air and discharges to water and land, together with odour and noise that emanate from the installation boundary.

**Draft Development Consent Order (DCO)**

- 5.92 The Parties are agreed on the wording of the operative provisions of the draft DCO (Articles 1 -43) (Document Reference 3.1).
- 5.93 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).

6. **MATTERS YET TO BE AGREED BETWEEN THE PARTIES**

The Parties confirm that the following areas are under discussion between the Parties:

6.1 [REDACTED]



This SOCG is prepared jointly and agreed by the Parties:

Signed by  
For and on behalf of Millbrook Power Limited

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Date: 27th April 2018 .....

Signed by  
For and on behalf of Environment Agency

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Date:.....