



The Millbrook Power (Gas Fired Power Station) Order

Applicants Comments on Responses to the Examining Authority's First Written Questions – Submitted at Deadline 3

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Author:	Peter Brett Associates LLP

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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) together with associated development of a gas connection and electrical connection (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.
- 1.1.3 The Examining Authority (ExA) issued its First Written Questions (FWQs) on 20th March 2018, with a deadline for responding on the 17th April 2018 (Deadline 2). The majority of FWQs were directed to the Applicant, who responded by the deadline. A number of FWQs were also directed to interested parties, who also responded at Deadline 2.
- 1.1.4 This document contains the Applicant's comments on interested parties' responses to the ExA's FWQs.

Applicants Comments on Responses to First Written Questions

Question	Organisation	Response	Applicant's Comments on Response
<p>1.0.1. The Environmental Statement (ES) [APP-033] paragraph 2.7.75 states that the Mineral Waste Local Plan – Strategic Sites and Policies (MWLP:SSP) identifies the whole of the Rookery South Pit area as allocated for non-landfill waste management recovery operations and non-hazardous landfill, with opportunities for pre-treatment recovery operations prior to landfill. Please provide comment on whether the proposed use of part of this site for electricity generation is consistent with this policy?</p>	<p>Central Bedfordshire Council (CBC)</p>	<p>It is considered that the proposed use of part of the site for electricity generation is not consistent with this policy. However, the Council considers that there are other material considerations which should be taken into account. The first is that the waste management facility now being built on part of the site by Covanta, significantly adds to and exceeds the additional recovery capacity requirements identified in the Adopted Minerals and Waste Local Plan. Additional strategic sites identified in the Local Plan remain undeveloped. Therefore, there is no strategic need for any further recovery capacity. The second consideration is with respect to the non-hazardous landfill aspect. It is considered that due to the location of the Millbrook Power proposal, it would still allow the development of a substantial non-hazardous landfill site in the eastern part of Rookery South. Having said that, the Councils are aware that the landowners of Rookery South have tested the market for this type of development and there has been no interest shown. This may be down to a number of factors but the main two are that since the Local Plan was adopted, there has been a significant move away from the development of non-hazardous landfill sites by the waste management industry due to costs and a lack of contracts. In addition to this, potential</p>	<p>The Applicant acknowledges CBC's response. The Applicant also refers to its response to FWQ 1.0.1 [REP2-016].</p>

		landfill operators are unlikely to be able to directly compete on gate price with a large capacity waste recovery facility such as Covanta on an adjacent site. They would both be competing for a similar range of wastes within the same market area. These are issues which the review of the adopted Local Plan will need to take into account when considering the future allocation status of Rookery South pit but this is unlikely to be started until 2019.	
1.1.3. Please confirm that CBC and BBC are satisfied that the list of projects set out at ES paragraph 4.10.7 includes all of the developments that need to be taking into account in the assessment of cumulative effects?	CBC	CBC can confirm that they are satisfied that the list includes all the developments that need to be considered in the assessment of cumulative effects.	The Applicant acknowledges CBC's response.
1.8.6. Two of the schemes included in the agreed list of developments to be considered in the cumulative effects assessment (CEA) provided in paragraph 4.10.7 (ES Chapter 4), have been explicitly scoped out from the CLVEA. The proposed Rookery South Pit Integrated Waste Management Facilities development has been scoped out on the basis that insufficient information on that development was available at the time of writing the ES; and land at Warren Farm, Flitwick Road, Ampthill on the basis that an intervening feature (Greensand Ridge) will prevent any intervisibility. It is not stated whether this approach has been agreed with relevant consultees. Please confirm whether and with whom it was agreed. Please could	CBC	Whilst this approach was not agreed with CBC in advance, it is not objected to in principle. The Rookery South Pit Integrated Waste Management Facility is unlikely to be developed as previously envisaged due to the circumstances identified in the response to 1.0.1 above. It is agreed that the Greensand Ridge will prevent any intervisibility with the Land at Warren Farm, Flitwick Road, Ampthill.	The Applicant acknowledges CBC's response and also refers to paragraphs 1.158 and 5.171 of the Statement of Common Ground signed by CBC [REP2 – 039].

<p>CBC and BBC provide their views on the appropriateness of the Applicant's approach.</p>			
<p>1.8.7. Cumulative adverse significant landscape effects are anticipated on woodland, trees and hedgerows during construction and at completion; and beneficial significant effects are anticipated on these receptors 15 years after planting. It is not indicated whether the methodology and conclusions of the cumulative assessment were agreed with any key bodies. Please could the Applicant confirm the position. Please could CBC and BBC provide their views on the Applicant's conclusions.</p>	<p>CBC</p>	<p>In detail, looking at the Visual Effects Table: Vp 14 – Footpath 7 at Millbrook – the assessment does assess the impact as major Adverse , and having Major significance during construction and on completion, which are very much the same thing. After 15 years growth, the impact only reduces to Moderate adverse with Moderate Significance. Vp 15- View from country park near Railway crossing – this has a very similar assessment – Major adverse during construction, reducing to Moderate adverse on Completion. After 15 years of growth , the impact is only considered to be Slight adverse – with minor significance. In CBC's view, the additional development arising from the Project will extend the built form in Rookery Pit and the visual impact is likely to have a greater significance in both the above views. The LVIA frequently judges the "Value of Views " to be "Low" from the viewpoints – including from both the above. This judgement comes from the hierarchy of sensitivity linked to the significance of the landform and public use put forward in the Guidelines for Visual Assessment. However, in both the above cases the overall sensitivity of the views are classed as Medium, which is probably fair. A category of Low Sensitivity would arise from viewpoints where the land is in poor condition and of low importance- perhaps general farmland. Views from land with Medium Sensitivity would include views from an AGLV; a Medium -Low category would include undesignated land but where</p>	<p>The Applicant acknowledges CBC's response and also refers to paragraph 5.162 of the Statement of Common Ground signed by CBC [REP2 – 039] which states that:</p> <p><i>"The Parties agree that variance regarding the findings of LVIA is not uncommon. In this case, the Parties agree that the LVIA has been prepared in accordance with the Guidelines for Landscape and Visual Impact Assessment (3rd Edition) and the Parties agree that the overall assessment is considered to be comprehensive and the scale of the visual impacts are acceptable"</i>.</p> <p>Additionally, the Applicant has specifically assessed views of the Project from Ampthill Park and the Greensands Ridge. (e.g. VP 3, 4 and 6 shown in [APP-051]. Whilst there is some variance in the assessment of these impacts between parties, the parties agree that the overall assessment is considered to be comprehensive and the scale of the visual impacts are acceptable.</p>

		<p>there is a recognised value. It is considered that views from the Millennium Country Park – where people visit to enjoy a rural ambience, should rate higher than “Low”. In addition, views from the Greensand Ridge over an area designated as a Community Forest also have greater significance than just basic views across a farmland vale without designation. In overall conclusion, it is accepted that it is not uncommon to have some variance of judgement regarding the findings of the LVIA and generally the LVIA is to an acceptable standard.</p>	
<p>1.10.1. Paragraph 13.6.18 of the ES indicates that based on data contained within the Bedford and Central Bedfordshire Historic Environmental Records and discussion with the Bedfordshire Archaeology Team it is considered that any remains present within the gas connection route are most likely to be of local significance. Please confirm whether CBC and BBC agree with this conclusion.</p>	CBC	<p>Central Bedfordshire Council agrees with the statement in paragraph 13.6.18 of the ES. This reflects discussions held between the CBC Archaeology Team and the applicant’s archaeological consultant.</p>	<p>The Applicant acknowledges CBC’s response and also refers to paragraph 5.218 of the Statement of Common Ground signed by CBC [REP2 – 039].</p>
<p>1.11.3. The LLRS drainage works defined in the DCO provides for the construction of a drainage channel which is different from the one provided for in BC/CM/2000/8. In the EM it is argued that the revised location is not materially different to that proposed under the planning permission. Have the party responsible for implementing the LLRS and CBC expressed any view about whether there would be any conflict with the planning permission and whether any variation of the planning permission would be required?</p>	CBC	<p>The Council consider that the proposed drainage channel is sufficiently different from the approved scheme that an application for a formal amendment should be submitted. This could be in the form of an ‘either/or’ proposal to amend an approved scheme as opposed to a S73 variation to a planning condition. It is not anticipated that there would be any fundamental objection to this.</p>	<p>The Applicant acknowledges CBC’s response and confirms that the land owners are preparing to submit the documentation to CBC, which was prepared by the Applicant, required to make the necessary amendment to the LLRS planning permission. The submission will be made under the applicable condition, which enables variations to be made.</p>

<p>1.017 - ES paragraph 3.5.53 leaves open the possibility that the Electrical Connection and the Gas Connection would continue in use after the decommissioning of the Generating Equipment. Consent for these elements of the Project is being sought as Associated Development and they have been evaluated on that basis. Please set out the rationale for allowing a longer life for these assets and confirm whether this has been factored into the ES.</p>	<p>National Grid</p>	<p>National Grid agrees with the responses provided by the Applicant and would also make the following additional points. National Grid's assets are designed with a minimum 40 year lifespan to ensure that maximum efficiency and economy can be gained from their investment. Further, condition C8 of its transmission licence under the Electricity Act 1989 requires NGET to offer a connection to any customer seeking connection. It is therefore entirely possible that other customers may be connected to National Grid's infrastructure once the generating infrastructure has been decommissioned and it is important that this possibility is allowed for by the infrastructure. Any future projects in the vicinity seeking a connection or expansion of capacity of the infrastructure, would be subject to assessment and regulation via the planning regime. Further, it is outside the power of the DCO to impose such a condition, which would effectively require the disconnection of other users and the construction of entirely new infrastructure to connect those users. Such a requirement would therefore be unreasonable, impossible to enforce, unjustifiable and is clearly inconsistent with National Planning Policy.</p>	<p>The Applicant acknowledges the response provided by National Grid and also refers to its response to FWQ 1.017 [REP2-016].</p>
<p>1.018 - In the Progress Power DCO the timing of the decommissioning of the electrical and gas connection equipment is tied to the decommissioning of the generation plant. Please set out any reasons why this approach should not be adopted in the current case.</p>	<p>National Grid</p>	<p>As above</p>	<p>The Applicant acknowledges the response provided by National Grid and also refers to its response to FWQ 1.017 [REP2-016].</p>

<p>1.7.2 - High piezometric groundwater levels - considered in section 10.7.6 of the ES - may have the potential to result in ground heave in the base of the pit if piezometric pressures exceed confining pressures from the overlying structures, resulting in the potential for uncontrolled release of groundwater, described as resulting in a large adverse significant effect. This is expected to be controlled by the placement of engineered low permeability fill across the base of the pit as part of the LLRS works. This cannot be confirmed until further ground investigations (uplift forces acting upon any permanent buried Structures) have been undertaken (Section 10.9). Mitigation is therefore proposed in the form of further investigations, prior to construction the findings of which would determine a foundation solution and reappraisal of risk (dDCO requirement 8). Is the EA satisfied that this mitigation as secured in the dDCO is adequate?</p>	<p>EA</p>	<p>Yes. We can agree to this way forward. Through effective liaison, we consider that the risk from basal heave can be mitigated.</p>	<p>The Applicant acknowledges the comments made by the EA and also refers to paragraphs 5.75, 5.84 and 5.93 of the Statement of Common Ground signed by the EA .</p>
<p>1.7.3 - Section 10.6 of the ES describes site specific assessment, and historical published information as determining that the permeability of the Blisworth Limestone Formation is relatively low, and the quality of the groundwater within the strata is generally poor. It is considered that the deposits do not constitute a significant water source for abstraction purposes and that they act as aquitards. Is the EA in agreement with the approach adopted and the results of the assessment?</p>	<p>EA</p>	<p>No. The Blisworth Limestone does have resource potential in other areas and is used for significant abstraction. Until a full site investigation has been undertaken, we consider that it is not possible to confidently make an assumption such as this. However, we consider that Requirement 8 (as set out below) satisfies the need for the additional investigations at this stage:</p>	<p>The Applicant acknowledges the EA's response and refers to paragraphs 5.70 and 5.72 of the Statement of Common Ground signed by the EA.</p> <p>The Applicant also refers to its response to FWQ 1.7.3 [REP2-016].</p>