

Application by Millbrook Power Limited (“MPL”), dated 20th November 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 **Historic England**

15th May 2018

Revision	Date	Details
Draft for discussion	07 th February 2018	
HE revisions	04 th April 2018	
Typographical amendments; Signed by both parties	15 th May 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 the Historic Buildings and Monuments Commission for England, more commonly known as Historic England ("HE"). For the purpose of this SOCG, MPL and HE will jointly be referred to as "the Parties".
- 1.2 MPL is the applicant, HE is a statutory consultee
- 1.3 MPL has applied to the Secretary of State under the Planning Act 2008 for powers to construct, operate and maintain:
- 1.3.1 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 Megawatts ("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:
- a) 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';
 - b) A new purpose built access road from Green Lane to the Generating Equipment Site (the "Access Road" or the "Short Access Road"); and
 - c) A temporary construction compound required during construction only (the "Laydown Area");
- 1.3.2 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
- 1.3.3 A new electrical connection to export power from the Generating Equipment to the National Grid Electricity Transmission System ("NETS") (the "Electrical Connection").
- 1.4 Preparation of this SOCG has been informed by discussions between the Parties. The purpose of this SOCG is to set what is agreed between both Parties in relation to the historic environment.
- 1.5 It is intended that this SOCG will provide information to facilitate a smooth and efficient examination process.
- 1.6 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):
- Historic Environment.

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 20th November 2017. The Application was accompanied by an ES.

3. **THE EXAMINATION**

3.1 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 1.3.

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).

Historic Environment

5.2 The scope of the Historic Environment assessment is defined within Section 13.1 Chapter 13 of the ES (Document Reference 6.1). This description of the topic is an appropriate basis upon which to produce the ES chapter.

Historic Environment: Consultation

5.3 Table 5.1 below sets out matters which have been raised by Historic England and which have been responded to by the Applicant throughout the pre-examination phase of the Project.

Table 5.1 –areas of discussion between Historic England and the Applicant

Reference	Historic England Comment	Millbrook Power Response	Historic England Response
Response to 2014 PEIR	There is a need for a range of heritage specific photomontages, and that we would appreciate some additional views from those presented in the PEIR report. Primarily it would be the views from Houghton House that are likely to be most important, but also Amptill Park House which is Grade II* and the Scheduled Monument in Amptill Park.	An updated suite of photomontages has been prepared as part of the Landscape and Visual Impact assessment and are presented in the ES. They cover Houghton House (Viewpoints 4 and 5) and Amptill Park and House (Viewpoints 3 and 7). These have been prepared in consultation between the heritage team and landscape team to ensure that effects can be understood from both an LVIA and historic setting perspective.	Historic England agrees that additional material has been prepared and that these are helpful in providing an understanding of the impact of the development upon the heritage assets we noted in our PEIR letter.
	There are also potentially some views from Millbrook Church, in particular from the graveyard at the base of the tower	Millbrook Church was visited as part of the site assessment but it was concluded that there were no clear views of the Project Site to warrant a separate photomontage.	Historic England disagreed with the initial conclusion drawn in 2014 in relation to Millbrook Church and asked for further clarification of the impact of the development upon this asset. On receipt of the further information referred to below, Historic England agrees that there are limited views of the

			Project Site from Millbrook Church.
Response to 2017 PEIR	HE have concerns over the PEIR method; the sensitivity matrix (table 4.1) categorises heritage assets as medium sensitivity and HE consider the assessed heritage sites to be of high sensitivity.	Table 4.1 is provided in the introductory sections of the ES to illustrate 'example' matrices, the type of which would be used in the technical ES chapters. However, Chapter 4 also states that these matrices would be refined accordingly in each topic chapter. Table 13.2 already categorises heritage assets accordingly (including those considered to be high sensitivity). Table 4.1 has also been amended to reflect this.	. No comment
	HE do not agree that the grading of a building reflects the contribution of setting to its significance. The heritage impact conclusions should consider the effects on significance of heritage assets as opposed to the effects on the setting which makes a contribution to the significance of the Heritage asset	The assessment presented in Appendix 13.2 has been refined and it has now been made clearer that assessments are based on the specific factors and attributes of each asset and not on their grading alone.	HE welcomes the change in approach by MPL
	Effects on heritage assets need to be considered in terms of levels of harm in accordance with the NPPF.	Effects on heritage assets have been considered in terms of levels of harm in accordance with the NPPF.	Historic England agrees that MPL have considered the effects in accordance with the NPPF.
	Efforts should be made to ensure that assets are properly assessed including securing private access to undertake the assessment if required.	MPL considers that following best practice guidance (e.g. GLVIA 3) and taking views from publicly accessible locations did not lead to any limitations to the assessment of the designated assets or their setting, as a full assessment of the significance and setting of the assets (including how setting contributes to the significance of the assets) was possible on this basis	Historic England disagreed with the initial assessment. HE asked for additional information and viewpoints at the meeting on the 09.11.17. An additional site visit was undertaken on 22.11.17 and new material produced by MPL. HE considers that the information provided

		<p>(Appendix 13.2). This is therefore considered to be a reasonable approach, and the views were sufficient for undertaking a robust assessment of the assets.</p> <p>In order to support its assessment, MPL agreed that additional supporting illustrative information was needed and provided new photomontages and viewpoints to HE at a meeting on 09.11.17</p>	<p>in the ES together with the additional supporting illustrative information is sufficient to assess the level of harm.</p>
	<p>It is considered that there is likely to be notable harm to the significance of Ampthill Park, Ampthill Park House and Houghton House through a development within their setting.</p>	<p>A full assessment of these assets is provided in Appendix 13.2 and summarised in section 13.7. Taking into consideration the photomontages, and landscape, topography and intervening vegetation, we do not anticipate significant harm on these assets.</p>	<p>Historic England notes that paragraph 13.7.7 of the ES concluded there would be a minor effect and that paragraph 13.2 concluded moderate impact for Ampthill Park House and Houghton House. HE agrees with the conclusion that overall the development would lead to some harm to the significance of these heritage assets through changes to their setting</p>
		<p>This issue of “harm” was further discussed with HE at a meeting on 09.11.17 where it was agreed that views of the Project from these assets is limited. An additional site visit was undertaken on 22.11.17 to take photographs from these assets to support the conclusions of the original assessment. One additional supporting photomontage has also been produced. This additional supporting illustrative material has been provided to HE.</p>	<p>HE agrees that this was discussed and that additional information was asked for and provided by MPL.</p>

	<p>The cumulative impact of both projects (Covanta RRF Project and MPL) on the significance of heritage assets, in particular Ampthill Park House, Ampthill Park and Houghton House, is likely to be harmful.</p>	<p>A cumulative assessment is presented in section 13.9 and Appendix 13.2 of the Historic Environment assessment. The photomontages produced show how both projects would be viewed from these assets. An additional site visit was undertaken on 22.11.17 to take additional photographs from these assets to support the conclusions of the original assessment. This additional supporting visual material has been provided to HE who agree with MPL's assessment.</p>	<p>Historic England agrees the additional photographs were provided.</p> <p>We note that under paragraph 13.21 of the ES states that cumulative impact of both schemes is the same as for this project on its own, but under 13.2 for Park and Houghton House and Ampthill Common there would be a low/moderate impact cumulatively</p>
		<p>Whilst it is acknowledged that the concept of some 'harm' to the setting of Houghton House, Ampthill Castle, and Ampthill Park House cannot be totally ruled out, any harm would be 'less than substantial' (as set out in Paragraph 5.18.5 of NPS-EN1) and the Project would not cause 'substantial' harm to any of these assets, therefore any impacts would not be significant.</p> <p>In line with paragraph 5.8.15 of NPS - EN1, "<i>Any harmful impact on the significance of a designated heritage asset should be weighed against the public benefit of development</i>".</p> <p>In the case of the Project, the public benefit is clearly defined by National Policy Statements and described in more detail in the Planning Statement (Document Reference 10.1) it is therefore considered that the less than substantial harm to these assets does not outweigh the public benefit of the</p>	<p>Historic England agrees with the statement made in relation to the level of harm, and agrees that paragraph 5.8.15 of NPS - EN1 is the appropriate planning policy by which to assess the impact of the project upon the historic environment.</p> <p>We note the statement from Millbrook Power in relation to the public benefit. HE does not undertake the balancing exercise. HE recognises that it will be for the Examining Authority to undertake an assessment of the Proposed Development and for the Secretary of State to conclude whether the public benefits outweigh the harm to the historic environment.</p>

		Project in this case”.	
Meeting between HE and MPL’s heritage consultant on 09.11.17	<p>An additional site visit was made to Millbrook Church in November 2017 and photographs were taken to illustrate the lack of views from the church to the Project Site. This was presented as a suite of additional supporting visual materials and these were presented to HE at a meeting on 09.11.17.</p> <p>Following the meeting photographs from Millbrook Church, Houghton House and an additional photomontage from Ampthill Park House were provided to HE.</p>	MPL consider that although the assessment presented in the ES and submitted with the DCO Application was fit for purpose, it would be beneficial for the applicant to provide additional supporting illustrative materials. The additional material did not change the outcome of the assessment in the ES.	Historic England agrees this was required to inform and clarify MPL’s historic environment assessment and to illustrate the level of harm to Millbrook Church, Houghton House and Ampthill Park.
	The additional supporting illustrative materials were submitted to HE on 20 th December 2017		HE confirmed that they accepted and agreed with the conclusions drawn from the information presented.

6. MATTERS YET TO BE AGREED BETWEEN THE PARTIES

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

- 6.1 The Parties are discussing the wording of the operative provisions of the DCO (Articles 1 -43).
- 6.2 The Parties are discussing the wording of the requirements contained in Schedule 2 of the DCO and the procedure for the discharge of requirements contained in Schedule 12 of the DCO.

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:.....15/05/18.....

Signed by)
For and on behalf of Historic England)
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Date:.....15/05/18.....