

Date: 30 May 2017
Our Ref: Application Document Ref. 1.1
PINS Ref: EN010081

Mr Karl-Jonas Johansson
Case Officer
National Infrastructure Planning
The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol BS1 6PN

Dear Mr Johansson,

THE PLANNING ACT 2008 - SECTION 37 'APPLICATIONS FOR ORDERS GRANTING DEVELOPMENT CONSENT'

EN010081 - THE EGGBOROUGH CCGT (GENERATING STATION) ORDER - LAND AT AND IN THE VICINITY OF THE EGGBOROUGH POWER STATION SITE, NEAR SELBY, NORTH YORKSHIRE, DN14 0BS

On behalf of Eggborough Power Limited ('EPL' or the 'Applicant') pleased find enclosed an application (the 'Application') for a Development Consent Order (a 'DCO') under Section 37 of 'The Planning Act 2008' (the 'PA 2008') in respect of the Eggborough CCGT Project.

EPL is seeking a DCO for the construction, operation and maintenance of a new gas-fired electricity generating station with a gross output capacity of up to 2,500 megawatts ('MW'), including electrical and water connections, a new gas supply pipeline connection and other associated development (together the 'Project' or 'Proposed Development') on land at and in the vicinity of the existing Eggborough coal-fired power station, near Selby, North Yorkshire.

The Proposed Development would be capable of supplying the electricity needs of around 2 million homes. It would make a significant contribution to the future security of UK electricity supplies in accordance with 'The Overarching National Policy Statement for Energy (EN-1)' and 'The National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (EN-2)'.

A DCO is required for the Proposed Development as it falls within the definition and thresholds for a 'Nationally Significant Infrastructure Project' (a 'NSIP') under Sections 14 and 15(2) of the PA 2008.

The DCO, if made by the Secretary of State ('SoS') for Business, Energy and Industrial Strategy, would be known as 'The Eggborough CCGT (Generating Station) Order' (the 'Order' or 'DCO').



EPL

EPL owns and operates the existing Eggborough coal-fired power station (the 'existing coal-fired power station'), including a significant proportion of the land required for the Proposed Development.

EPL was acquired by EP UK Investments Ltd (EP UK) in late 2014; a subsidiary of Energetický A Průmyslový Holding ('EPH'). EPH owns and operates energy generation assets in the Czech Republic, Slovak Republic, Germany, Italy, Hungary, Poland and the United Kingdom.

The Proposed Development Site

The Proposed Development Site (the 'Site' or the 'Order limits') is located at and in the vicinity of the existing coal-fired power station approximately 8 kilometres south of Selby.

The existing coal-fired power station is bound to the north by Wand Lane, with the River Aire located approximately 650 metres ('m') further to the north and the A19 Selby Road to the west. Eggborough Village is located approximately 750 m to the south-west across the A19.

The entire Site lies within the administrative boundaries of Selby District Council ('SDC') and North Yorkshire County Council ('NYCC').

The existing coal-fired power station was officially opened in 1970 and comprises four coal-fired boilers units, which together are capable of generating up to 2,000 MW of electricity. The coal-fired power station also includes a turbine hall and boiler house, an emissions stack (chimney) of approximately 198 m in height, eight concrete cooling towers of approximately 115 m in height, an administration and control block, coal stock yards and a dedicated rail line for the delivery of coal, in addition to ancillary buildings, structures and infrastructure and utility connections.

The Site itself extends to approximately 102 hectares and comprises land within the operational area of the existing coal-fired power station for the new gas-fired generating station and electrical and groundwater supply connections; corridors of land to the north of the existing coal-fired power station for the cooling water connections and gas supply pipeline; an area of land to the south-east of the main coal stockyard for surface water discharge connections; and corridors of land to the west and south of the operational area of the existing coal-fired power station required for ground and towns water supply connections and access.

The land required for the generating station and electrical and groundwater connections is owned by EPL, as well as the majority of the land for the cooling and towns water connections and surface water discharge connections. The majority of the land required for the gas supply pipeline is not owned by EPL.

The area surrounding the Site is predominantly flat and for the most part comprises agricultural land interspersed with small settlements and farmsteads. The area is however crossed by transport infrastructure, notably the A19 and railway lines, including the East Coast Mainline, in addition to overhead electricity lines associated with coal-fired power station and other power stations within the wider area.

The Proposed Development

The main components of the Proposed Development are summarised below:

- The **'Proposed Power Plant'** (Work No. 1) - an electricity generating station with a gross output capacity of up to 2,500 MW located on the main coal stockyard area of the existing coal-fired power station, comprising:
 - Work No. 1A - a combined cycle gas turbine ('CCGT') plant, comprising up to three CCGT units, including turbine hall and heat recovery steam generator buildings, emissions stacks and administration/control buildings;
 - Work No. 1B - a peaking plant and black start plant fuelled by natural gas with a combined gross output capacity of up to 299 MW, comprising a peaking plant consisting of up to two open cycle gas turbine units or up to ten reciprocating engines and a black start plant consisting of one open cycle gas turbine unit or up to three reciprocating gas engines, including turbine buildings, diesel generators and storage tanks for black start start-up prior to gas-firing and emissions stacks;
 - Work No. 1C - combined cycle gas turbine plant cooling infrastructure, comprising up to three banks of cooling towers, cooling water pump house buildings and cooling water dosing plant buildings; and
 - ancillary buildings, enclosures, plant, equipment and infrastructure connections and works.
- The **'Proposed Electricity Connection'** (Work No. 3) - electrical connection works, comprising:
 - Work No. 3A - up to 400 kilovolt ('kV') underground electrical cables to and from the existing National Grid ('NG') 400 kV substation;
 - Work No. 3B - works within the NG substation, including underground and over electrical cables, connection to busbars and upgraded or replacement equipment.
- The **'Proposed Cooling Water Connections'** (Work No. 4) - cooling water connection works, comprising works to the existing cooling water supply and discharge pipelines and intake and outfall structures within the River Aire, including, as necessary, upgraded or replacement pipelines, buildings, enclosures and structures, and underground electrical supply cables, transformers and control systems cables.
- The **'Proposed Ground and Towns Water Connections'** (Work No. 5) - ground and towns water supply connection works, comprising works to the existing groundwater boreholes and pipelines, existing towns water pipelines, replacement and new pipelines, plant, buildings, enclosures and structures, and underground electrical supply cables, transformers and control systems cables.
- The **'Proposed Access and Rail Works'** (Work No. 10) - rail infrastructure and access works, comprising alterations to or replacement of the existing private rail line serving the existing coal-fired power station site, including new rail lines, installation of replacement crossover points and ancillary equipment and vehicular and pedestrian access and facilities.

- The **'Proposed Surface Water Discharge Connection'** (Work No. 9) - surface water drainage connection works to Hensall Dyke to the south-east of the main coal stockyard, comprising works to install or upgrade drainage pipes and works to Hensall Dyke.
- The **'Proposed Gas Connection'** (Work No. 6) - gas supply pipeline connection works for the transport of natural gas to Work No. 1, comprising an underground high pressure steel pipeline of up to 1,000 millimetres (nominal bore) in diameter and approximately 4.6 kilometres in length, including cathodic protection posts, marker posts and underground electrical supply cables, transformers and control systems cables, running from Work No. 1 under the River Aire to a connection point with the National Transmission System ('NTS') for gas No. 29 Feeder pipeline west of Burn Village.
- The **'Proposed AGI'** (Work No. 7) - an Above Ground Installation ('AGI') west of Burn Village, connecting the gas supply pipeline (Work No. 6) to the NTS No. 29 Feeder pipeline, comprising:
 - Work No. 7A - a compound for National Grid's apparatus; and
 - Work No. 7B - a compound for EPL's apparatus.
- The **'Proposed Construction Laydown Area'** (Work No. 2A) - an area for temporary construction and laydown during the construction phase, including contractor compounds and facilities.
- The **'Proposed Carbon Capture Readiness ('CCR') Land'** (Work No. 2B) - an area of land to be reserved for carbon capture plant should such technology become viable in the future. It is proposed that this 'reserve' land is provided on part of the area to be used for temporary construction and laydown.
- The **'Proposed Retained Landscaping'** (Work No. 8) - encompassing the existing mature tree and shrub planting along the northern side of Wand Lane and to the eastern boundary of the existing coal-fired power station site, including that on the embankment around the eastern, southern and western boundaries of the main coal stockyard.

The 'associated development', for the purposes of Section 115 of the PA 2008 comprises Work Nos. 2 to 10 of the Proposed Development.

It is anticipated that subject to the DCO having been made by the SoS (and a final investment decision by EPL), construction work on the Proposed Development would commence in early 2019. The overall construction programme is expected to last approximately three years, although the duration of the electrical and water connection and gas supply pipeline connection works would be significantly less. The construction phase is therefore anticipated to be completed in 2022 with the Proposed Development entering commercial operation later that year.

Environmental Impact Assessment

The Proposed Development represents an Environmental Impact Assessment ('EIA') development and therefore the Application includes an Environmental Statement ('ES') that reports the findings of the EIA that has been undertaken.

'The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017' (the '2017 EIA Regulations') came into force on 16 May 2017, replacing 'The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009' (the '2009 EIA Regulations'). The 2009 EIA Regulations however continue to apply to certain projects, pursuant to the transitional arrangements set out in Regulation 37 of the 2017 EIA Regulations. That provides that (amongst other circumstances) where a request has been made that the SoS adopts a scoping opinion, prior to the date of the commencement of the 2017 EIA Regulations, then the 2009 EIA Regulations "*continue to apply to any application for an order granting development consent*". The Applicant submitted such a request to the SoS and it was received by the SoS on 17 August 2016, before 16 May 2017 (the commencement of the 2017 EIA Regulations), and therefore the 2009 EIA Regulations are those that apply to the Application.

The 2017 EIA Regulations amend 'The Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009' (the 'APFP Regulations') so that (pursuant to Regulation 5(2)(a)) an ES must comply with the 2017 EIA Regulations. For the same reason as set out above - the transitional arrangements in Regulation 37 and the timing of the Applicant's scoping opinion request - this amendment to the APFP Regulations does not apply, and therefore the Applicant is required to submit an ES in the form required by the 2009 EIA Regulations.

The Application Submission

The Application Guide document (Application Document Ref. 1.2) lists the documents that make up the Application and how these comply with relevant legislative and policy requirements. The Application Guide is a 'live' document that will be updated throughout the examination of the Application, as required.

Schedule 1 of the draft DCO (Application Document Ref. 2.1) provides the formal description of the Proposed Development and its components and identifies the individual Works Numbers ('Works Nos.') for those components. A detailed description of the Proposed Development is provided at Chapter 4 'The Proposed Development' of the Environmental Statement ('ES') Volume I (Application Document Ref. 6.2).

The Land Plans (Application Document Ref. 4.2) show the extent of the land (the Order land) over which powers of compulsory acquisition are required for the Proposed Development, while the Works Plans (Application Document Ref. 4.4) show the Order limits and identify the location of the main components of the Proposed Development within the Site by reference to the Works Numbers ('Nos.' set out in Schedule 1 of the draft DCO.

The draft DCO seeks powers of compulsory acquisition of interests and rights in land (including new rights) within the Order limits. The provisions relating to compulsory acquisition are set out at Articles 17 to 30 of the draft DCO. These and other provisions of the draft DCO are explained in the Explanatory Memorandum (Application Document Ref. 2.2). Information on the interests and rights that exist in relation to the land within the Order limits is provided by the Book of Reference (Application Document Ref. 3.1). The justification for the proposed compulsory acquisition of interests and rights in land is set out in the Statement of Reasons (Application Document Ref. 3.2), with EPL's ability to fund this confirmed by the Funding Statement (Application Document Ref. 3.3).

The draft DCO also seeks a 'Deemed Marine Licence' (Article 33 and Schedule 13 of the draft DCO) for those parts of the Proposed Development within or affecting the tidal section of the River Aire under Part 4 (Marine Licensing) of 'The Marine and Coastal Access Act 2009'.

The ES that reports the findings of the EIA of the Proposed Development comprises a Non-Technical Summary (Application Document Ref. 6.1) and ES Volumes I, II and III (Application Document Refs. 6.2 - 6.4). It has not been possible for EPL to fix all of the design details of the Proposed Development at this stage and it has therefore sought to incorporate some flexibility within its layout and design. In order to accommodate this flexibility and ensure a robust EIA of the Proposed Development, EPL has adopted the 'Rochdale Envelope' approach and, where relevant, assessed a number of maximum design parameters.

The Applicant has consulted extensively on the Proposed Development. This has included a stage of non-statutory consultation (the Stage 1 Consultation), followed by a stage of statutory consultation (the Stage 2 Consultation) in accordance with Sections 42, 47 and 48 of the PA 2008. The consultation undertaken and how responses received to that consultation have been taken into account is documented within the Consultation Report (Application Document Ref. 5.1).

The compliance of the Proposed Development with the relevant National Policy Statements and other relevant planning policy is set out in the Planning Statement (Application Document Ref. 5.5).

Schedule 2 'Requirements' of the draft DCO contains a number of 'requirements' that would control the detailed design of the Proposed Development in addition to its construction and operation to ensure that it remains within the scope of the EIA carried out and does not result in unacceptable impacts. These would require the submission to and approval by the local planning authority of further details of the Proposed Development.

We enclose with this letter:

- two copies of the Application Documents (as listed in the Application Guide - Application Document Ref. 1.2) in hard copy form; and
- six CDs containing the Application Documents.

The consultation responses received from the local community/members of the public have been omitted from the Consultation Report (Application Document Ref. 5.1) on the basis that they include personal information. These responses can be provided if required.

In addition, the ES Volume III, Appendix 10D, includes (at Annex E) a badger survey report (Application Document Ref. 6.4.11). Due to the confidential nature of information relating to badgers Annex E has been provided separately from ES Volume III.

A fee of £6,750.00 has already been paid to The Planning Inspectorate by BACS. The payment reference is 8000002264.

Please do not hesitate to contact Geoff Bullock (0207 489 4892 / gb@dwdllp.com) or Jake Barnes-Gott (0207 489 4890 / jbg@dwdllp.com) should you have any queries regarding the Application. In the meantime, we look forward to receiving acknowledgement of the Application and in due course confirmation of its acceptance.

Yours sincerely

[Redacted signature]

DALTON WARNER DAVIS LLP on behalf of EPL

Enc.