

# The Eggborough CCGT Project

Document Ref: 7.7  
PINS Ref: 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

## Statement of Common Ground with Natural England

The Planning Act 2008

---



**Applicant: Eggborough Power Limited**  
**Date: July 2017**

---

## DOCUMENT HISTORY

<b>Document Number</b>	7.7		
<b>Revision</b>	1.0		
<b>Author</b>	AECOM & Dalton Warner Davis (DWD)		
<b>Signed</b>	Richard Lowe (RL)	<b>Date</b>	25.07.17
<b>Approved By</b>	Geoff Bullock (GB)		
<b>Signed</b>	Geoff Bullock (GB)	<b>Date</b>	25.07.17
<b>Document Owner</b>	AECOM		

## GLOSSARY

<b>Abbreviation</b>	<b>Description</b>
ACC	Air cooled condenser
AGI	Above Ground Installation
ALC	Agricultural Land Classification
BMV	Best and Most Versatile
CEMP	Construction Environmental Management Plan
CCGT	Combined Cycle Gas Turbine
CCR	Carbon capture readiness
DCO	Development Consent Order
EPH	Energetický A Průmyslový Holding
EPL	Eggborough Power Limited (the Applicant)
EP UK	EP UK Investments Ltd
ES	Environmental Statement
ha	hectares
HRA	Habitat Regulations Assessment
kV	kilovolts
m	metres
MW	Megawatts
NE	Natural England
NPS EN-1	Overarching National Policy Statement for Energy, July 2012
NSIP	Nationally Significant Infrastructure Project
NTS	National Transmission System
NYCC	North Yorkshire County Council
the Order	Eggborough CCGT (Generating Station) Order
PA 2008	Planning Act 2008
PEI	Preliminary Environmental Information
SAC	Special Area of Conservation
SDC	Selby District Council
SoCG	Statement of Common Ground
SoS	Secretary of State
the Site	The Proposed Development Site

## CONTENTS

<b>1.0 INTRODUCTION .....</b>	<b>2</b>
Overview .....	2
EPL.....	2
The Site .....	2
The Proposed Development .....	3
The Purpose and Structure of this Document .....	4
<b>2.0 CONSULTATION WITH NATURAL ENGLAND .....</b>	<b>5</b>
<b>3.0 INTERNATIONALLY DESIGNATED SITES.....</b>	<b>6</b>
<b>4.0 PROTECTED SPECIES.....</b>	<b>7</b>
Requirement 17: Protected species.....	8
<b>5.0 AGRICULTURAL LAND AND SOIL QUALITY .....</b>	<b>9</b>
<b>6.0 BIODIVERSITY ENHANCEMENT.....</b>	<b>10</b>
Requirement 6: Landscaping and biodiversity protection, management and enhancement ...	10
<b>7.0 LANDSCAPE.....</b>	<b>12</b>
<b>8.0 MATTERS NOT AGREED.....</b>	<b>13</b>

## TABLES

<b>Table 2.1: Consultation with Natural England.....</b>	<b>5</b>
--	----------

## 1.0 INTRODUCTION

### Overview

- 1.1 This Statement of Common Ground has been prepared on behalf of Eggborough Power Limited ('EPL' or the 'Applicant') in respect of its application (the 'Application') for a Development Consent Order (a 'DCO').
- 1.2 The Application has been submitted to the Secretary of State (the 'SoS') for Business, Energy and Industrial Strategy, under Section 37 of 'The Planning Act 2008' (the 'PA 2008'). It seeks consent 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') and associated works (the 'Proposed Development') on land at and in the vicinity of the existing Eggborough coal-fired power station, near Selby, North Yorkshire.
- 1.3 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.
- 1.4 The DCO, if made by the SoS, would be known as the Eggborough CCGT (Generating Station) Order' (the 'Order').

### EPL

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

- 1.7 The Proposed Development Site (the 'Site' or the 'Order limits') is located at and in the vicinity of Eggborough coal-fired power station south of Selby. The River Aire is located just to the north with the A19 immediately to the west. Eggborough Village situated to the south-west.
- 1.8 The entire Site lies within the administrative boundaries of Selby District Council ('SDC') and North Yorkshire County Council ('NYCC').
- 1.9 The coal-fired power station was officially opened in 1970 and comprises four coal-fired boiler 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 metres ('m') in height, eight concrete cooling towers of approximately 113 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.
- 1.10 The Site itself extends to approximately 102 hectares ('ha') and comprises land within the operational area of the existing coal-fired power station for the new generating station and

electrical connection, in addition to corridors of land outside this area for the water connections and gas supply pipeline.

1.11 The land required for the generating station and electrical connection is owned by EPL, as well as the majority of the land for water connections. The land required for the gas supply pipeline is not owned by EPL.

1.12 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 the coal-fired power station and other power stations within the wider area.

### **The Proposed Development**

1.13 The main components of the Proposed Development are summarised below:

- an electricity generating station fuelled by natural gas with a gross output capacity of up to 2,500 MW located on the main coal stock yard area of the coal-fired power station, comprising:
  - a combined cycle gas turbine ('CCGT') plant, comprising up to three CCGT units, including turbine and heat recovery steam generator buildings, emissions stacks, cooling towers and cooling water treatment plant, administration/control building, ancillary buildings, plant and equipment;
  - a peaking plant and black start plant fuelled by natural gas with a combined electrical output of up to 299 MW, emissions stacks and ancillary buildings, plant and equipment; and
  - other ancillary buildings, enclosures, plant, equipment and infrastructure connections and works;
- electrical connection works, comprising up to 400 kilovolt ('kV') underground cables to the existing National Grid 400 kV substation and works within the substation;
- cooling water connection works, comprising works to the existing cooling water supply and discharge pipelines and intake and outfall structures within the River Aire;
- raw and towns water supply connection works, comprising works to the existing towns water pipelines and ground water boreholes and pipelines;
- an underground gas supply pipeline connecting to the National Transmission System ('NTS') for gas of up to 1,000 millimetres (nominal bore) in diameter and approximately 4.7 km in length running north, under the River Aire, to a connection point with the NTS to the south-west of Burn Village; and
- an 'Above Ground Installation' ('AGI') to the south-west of Burn Village for the connection of the gas supply pipeline to the NTS.

1.14 The Proposed Development also includes a temporary construction laydown area for the accommodation of plant and materials and contractors compounds and facilities during the construction phase, which would last for approximately three years. This would be provided on land within the operational area of the coal-fired power station, north of the main coal stock yard.

- 1.15 In addition, land would be set aside adjacent to the new generating station to accommodate any future carbon capture plant, should the deployment of such technology become viable in the future. It is proposed that this 'reserve' land would be provided on the area to be used for temporary construction and laydown area during construction of the Proposed Development.

### **The Purpose and Structure of this Document**

- 1.16 The purpose of this SoCG is to set out the agreement that has been reached between EPL and Natural England in respect of a number of matters relating to the Project, including:
- the assessment of effects, as set out in the Environmental Statement ('ES');
  - effects on any internationally designated ecological receptors during construction and operation of the Proposed Development;
  - effects on land use and agricultural soil quality during construction and operation of the Proposed Development;
  - effects on protected species during construction and operation of the Proposed Development;
  - landscape effects and biodiversity provisions.
- 1.17 Section 2 records consultation with Natural England by EPL, Sections 3 to 7 of the SoCG set out the areas of agreement in relation to the above matters while Section 8 sets out any matters that are not agreed.

## 2.0 CONSULTATION WITH NATURAL ENGLAND

2.1 The consultation that has taken place with Natural England ('NE') concerning the issues raised within this SoCG is presented in Table 2.1.

**Table 2.1: Consultation with Natural England**

Date	Details
4 August 2016	Meeting with NE to introduce the Eggborough project and discuss the potential issues and the approach to assessment and mitigation of effects
August 2016	NE consulted by PINS in respect of application for an EIA Scoping Opinion made by the Applicant. Response provided by NE on 30 August 2016 summarised the information that NE expect to see in the Environmental Statement (ES).
September - October 2016	NE consulted as part of the non-statutory 'Stage 1' consultation process. NE confirmed that they were expecting information on biodiversity, landscape character, access & recreation, soils & agricultural land quality, air quality, climate change adaptation and cumulative effects to be considered in the ES.
January 2017	NE consulted in accordance with Section 42 of PA 2008 (duty to consult) and provided with consultation documents including PEI Report. NE response included advice on internationally and nationally designated sites, protected species surveys, effects on nationally designated landscapes and agriculture and soils surveys.
April 2017	NE were provided with copy of draft Environmental Statement chapters on ecology, land use, agriculture & socio-economics, water resources, landscape & biodiversity as well as the draft landscape and biodiversity strategy and Habitat Regulations Assessment ('HRA') screening matrices, for review and comment. NE response received 12 May confirming that significant effects on internationally or nationally designated sites are unlikely.

### **3.0 INTERNATIONALLY DESIGNATED SITES**

- 3.1 It is agreed that the Proposed Power Plant Site will be located more than 10 km from any European designated sites (which are also internationally designated). The closest European designated site is the River Derwent Special Area of Conservation ('SAC'), approximately 10.3 km north-east of the Power Plant Site. At its closest point to the Order limits, the River Derwent SAC is located 9.5 km north-east of the Proposed Gas Connection. As such, it is agreed that there is unlikely to be any significant effects on designated site features, due to the distance from the sites and the absence of any pathways for potential effects. HRA screening matrices were submitted as part of the ES (Appendix 10H) which are detailed and have been reviewed and agreed with NE.

## 4.0 PROTECTED SPECIES

- 4.1 It is agreed that in the absence of appropriate mitigation, the Proposed Development has the potential to affect protected species present within or near to the construction site including species within the River Aire.
- 4.2 It is further agreed that EPL has undertaken a comprehensive suite of protected species surveys and that these are adequately referenced in the ES, and that the ES adequately assess and avoids or mitigates the potential effects on protected species. The following protected species have been identified as present or potentially present within the vicinity of the Proposed Development:
- Bats;
  - Great crested newt;
  - Badger;
  - Otter;
  - Water vole;
  - Fish;
  - River and sea lamprey;
  - Grass snake; and
  - Breeding birds.
- 4.3 It is also agreed that Precautionary Working Method Statements will be implemented for any works within 300 metres ('m') of Waterbody 11 to manage the small risk of impacts on great crested newt, as well as works along watercourses to minimise impacts on grass snake.
- 4.4 It is agreed that pre-construction surveys for badger and water vole will be undertaken which will inform the need for and extent of mitigation measures. It is also agreed that Precautionary Working Method Statements will be implemented for any works within 300 m of Waterbody 11 to manage the small risk of impacts on great crested newt, as well as works along watercourses to minimise impacts on grass snake.
- 4.5 The installation and removal of temporary cofferdams in the River (if required) will take place outside of the main salmonid migratory period from October to December. Therefore no significant impacts on salmon are anticipated.
- 4.6 October to December is also the main migratory period for river lamprey, and sea lamprey are unlikely to be migrating up the Aire in significant numbers. Installed fish screens will be compliant with the Eels (England and Wales) Regulations 2009 and this will ensure that lamprey will not be entrained during water abstraction. It is therefore agreed that the Proposed Development is not likely to have a significant effect on river and sea lamprey.
- 4.7 Based on the proposed water abstraction volumes and the proposed temperature and volume of return water to the River Aire, all of which are significantly less than the current consented levels associated with the existing coal-fired power station, it is agreed that there are not likely to be any significant effects on fish from changes in temperature or flow regime as a result of surface water abstraction and discharge.

- 4.8 It is also agreed that, in order to provide appropriate safeguards for protected species, the following requirement has been included within the draft DCO, the wording of which has been agreed between EPL and NE:

**Requirement 17: Protected species**

- “17.—(1) No part of the authorised development must commence until further survey work for that part has been carried out to establish whether any protected species is present on any of the land affected, or likely to be affected, by that part of the authorised development.*
- (2) Where a protected species is shown to be present, no authorised development of that part must commence until, after consultation with Natural England, a scheme of protection and mitigation measures has been submitted to and approved by the relevant planning authority.*
- (3) The authorised development must be carried out in accordance with the approved scheme unless otherwise agreed with the relevant planning authority.”*

## 5.0 AGRICULTURAL LAND AND SOIL QUALITY

- 5.1 As requested by NE, an Agricultural Land Classification survey and a soils quality assessment have been completed for the Proposed Gas Connection and Proposed Cooling Water Connection route corridors and a corresponding report has been submitted with the Application (Appendix 15A to the ES). This report confirms that agricultural land is present within the proposed connection corridors and at the proposed location of the Above Ground Installation ('AGI'). The Site includes approximately 26.1 ha of agricultural land, primarily within the Proposed Gas Connection corridor. The corridor has a required construction working width of approximately 36 m, with a pipeline of less than 1 m in diameter and an associated permanent easement of 14 m for operation and maintenance.
- 5.2 A detailed soil survey has been undertaken in accordance with the method set out by NE (ES Volume 3, Appendix 15A) to confirm the Agricultural Land Classification ('ALC') grade of the land within the Site. The findings of the survey conclude that around 30% of the agricultural land within the Site is Best and Most Versatile ('BMV') agricultural land although the majority of the land (61.3%) is of moderate quality (grade 3b).
- 5.3 The construction of the Proposed Gas Connection and AGI and the Proposed Cooling Water Connections is anticipated to result in temporary impacts on approximately 7.7 ha of BMV agricultural land. In order to mitigate potential impacts, all soils will be managed, retained, preserved and (where possible) replaced in accordance with the Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites (Defra, 2009b) to minimise impacts on soil structure and quality. These measures will be included in the Construction Environmental Management Plan ('CEMP'), a framework for which has been prepared as part of the ES to support the DCO application (ES Volume 3, Appendix 5A) and which is secured by Requirement 18 of the draft DCO.
- 5.4 Following the completion of construction of the Proposed Cooling Water and Gas Connections, agricultural land will be reinstated to its original condition and returned to its former use. The only area of agriculture land that will be lost permanently is at the AGI location. The ALC grade (and therefore sensitivity) of this land is Grade 3b – moderate quality. This is therefore not BMV land under the ALC classification, and with the area of temporary land-take being less than 5 ha (very low impact), it is agreed that the effect will not be significant.

## 6.0 BIODIVERSITY ENHANCEMENT

- 6.1 It is agreed between EPL and NE that the biodiversity enhancement measures proposed in the indicative Landscape and Biodiversity Strategy submitted with the Application are appropriate to offset the loss of habitat to the Proposed Development, recognising NE's aspiration for creation of suitable bat foraging habitat, and for biodiversity enhancements outside the development footprint where possible.
- 6.2 In order to address the above, the following requirement is agreed and has been included within the draft DCO. It is agreed that, taking account of the mitigation measures secured, the Proposed Development complies with the policy in the Overarching National Policy Statement for Energy (NPS EN-1) including that it will avoid significant harm to biodiversity (paragraph 5.3.7), that EPL has maximised opportunities for biodiversity (paragraph 5.3.15) and has included appropriate mitigation as an integral part of the Project (paragraph 5.3.18):

### **Requirement 6: Landscaping and biodiversity protection, management and enhancement**

*"6.—(1) No part of the authorised development must be commenced until a landscaping and biodiversity protection plan for that part has been submitted to and, after consultation with North Yorkshire County Council and the Yorkshire Wildlife Trust, approved by the relevant planning authority.*

*(2) The plan submitted and approved pursuant to sub-paragraph (1) must include details of—*

*(a) measures to protect existing shrub and tree planting that is to be retained; and*

*(b) biodiversity and habitat mitigation and impact avoidance.*

*(3) The plan submitted and approved pursuant to sub-paragraph (1) must be implemented as approved throughout the construction of the authorised development unless otherwise agreed with the relevant planning authority.*

*(4) No part of the authorised development must be commissioned until a landscaping and biodiversity management and enhancement plan for that part has been submitted to and, after consultation with North Yorkshire County Council and the Yorkshire Wildlife Trust, approved by the relevant planning authority.*

*(5) The plan submitted and approved pursuant to sub-paragraph (4) must include details of—*

*(a) all new shrub and tree planting;*

*(b) measures to enhance existing shrub and tree planting that is to be retained;*

*(c) measures to enhance biodiversity and habitats;*

*(d) an implementation timetable;*

- (e) annual landscaping and biodiversity management and maintenance. (1) No part of the authorised development must commence until details of the temporary surface and foul water drainage systems, including means of pollution control in accordance with the construction environmental management plan and a management and maintenance plan to ensure that the systems remain fully operational throughout the construction of the relevant part of the authorised development have, for that part, been submitted to, and after consultation with the Environment Agency, lead local flood authority and relevant internal drainage board, approved by the relevant planning authority.*
- (6) Any shrub or tree planted as part of the approved plan that, within a period of 5 (five) years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted unless otherwise agreed with the relevant planning authority.*
- (7) The plan submitted and approved pursuant to sub-paragraph (4) must be in accordance with the principles of the indicative landscaping and biodiversity strategy.*
- (8) The plan must be implemented and maintained as approved during the operation of the authorised development unless otherwise agreed with the relevant planning authority.”*

## 7.0 LANDSCAPE

- 7.1 It is agreed that the Proposed Development is not located within or in the vicinity of any nationally designated landscapes, will not have any impact on them, and therefore paragraphs 5.9.8 to 5.9.13 of NPS EN-1 are either not relevant or indicate that consent should not be withheld.

## 8.0 MATTERS NOT AGREED

8.1 No matters have been identified that are the subject of disagreement between the Applicant and NE.

Signed.....  .....

Print name and position...Geoff Bullock, Partner, Dalton Warner Davis LLP

**On behalf of Eggborough Power Limited**

Date...19/09/2017.....

Signed.....  .....

Print name and position...James Walsh, Lead Adviser, Sustainable Development & Marine Team

**On behalf of Natural England**

Date...18/09/2017.....