

The Eggborough CCGT Project

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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 the Marine Management
Organisation (MMO) - Rev. 3.0**

The Planning Act 2008



Applicant: Eggborough Power Limited

Date: December 2017

DOCUMENT HISTORY

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GLOSSARY

Abbreviation	Description
AGI	Above Ground Installation
Applicant	Eggborough Power Limited
CCGT	combined cycle gas turbine
DCO	Development Consent Order
DML	deemed marine licence
EP UK	EP UK Investments Ltd
EPH	Energetický A Prumyslový Holding
EPL	Eggborough Power Limited
ES	Environmental Statement
km	kilometres
kV	kilovolt
m	metres
MMO	Marine Management Organisation
MW	Megawatts
NSIP	Nationally Significant Infrastructure Project
NTS	National Transmission System
NYCC	North Yorkshire County Council
PA 2008	Planning Act 2008
SDC	Selby District Council
SoCG	Statement of Common Ground
SoS	Secretary of State
the Order	Eggborough CCGT (Generating Station) Order

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1.0 INTRODUCTION

Overview

- 1.1 This Statement of Common Ground ('SoCG') 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'), that 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').
- 1.2 The Application has been submitted to 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 'existing 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 Prumyslový 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

- 1.7 The Proposed Development Site (the 'Site') is located at and in the vicinity of the existing 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 is situated to the south-west.
- 1.8 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 immediately to the west. Eggborough Village is located approximately 750 m to the south-west.
- 1.9 The entire Site lies within the administrative boundaries of Selby District Council ('SDC') and North Yorkshire County Council ('NYCC').
- 1.10 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 existing 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, a coal stockyard and a dedicated rail line for the delivery of coal, in addition to ancillary buildings, structures and infrastructure and utility connections.

- 1.11 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 generating station and electrical connection in addition to corridors of land outside this area for the water connections and gas supply pipeline. The generating station would be located on the existing main coal stack yard.
- 1.12 The land required for the generating station and electrical connection is owned by EPL, as well as the majority of the land for the water connections. The land required for the majority of the gas supply pipeline is not owned by EPL.
- 1.13 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 existing coal-fired power station and other power stations within the wider area.

The Proposed Development

- 1.14 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, 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 with a combined generating capacity 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 at the coal-fired power station site 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;
 - ground and towns water supply connection works, comprising works to the existing ground and towns water supply pipelines and boreholes;
 - an underground gas supply pipeline 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.

- 1.15 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.
- 1.16 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

- 1.17 The purpose of this SoCG is to set out the agreement that has been reached between EPL and the Marine Management Organisation ('MMO') in respect of a number of matters relating to the Proposed Development (in respect of such works which are "licensable activities" as defined in accordance with the provisions of the Marine and Coastal Access Act 2009), including:
- the content of the draft DCO and deemed marine licence; and
 - Environmental Impact Assessment – impact on the River Aire as a result of works associated with the cooling water outfall.
- 1.18 Sections 2 to 3 of the SoCG set out the areas of agreement in relation to the above matters.

2.0 DRAFT DEVELOPMENT CONSENT ORDER AND DEEMED MARINE LICENCE

Drafting of the DML

- 2.1 The MMO's response to Stage 2 Consultation dated 16 February 2017 requested that EPL enters into discussions regarding the content of the draft DCO and deemed marine licence ('DML') to ensure that, where possible, issues are resolved prior to submission. EPL subsequently entered into discussion with the MMO to agree the content of the DML. Details are provided below.
- 2.2 An initial discussion took place between EPL and the MMO on 22 March 2017 to primarily discuss the contents of the DML.
- 2.3 EPL prepared a draft DML and submitted it to the MMO for consideration on 4 May 2017. The draft DML was for works in connection with Work No. 4 and Work No. 6 of the draft DCO (Application Document Ref. 2.1). An indicative plan was also submitted to the MMO showing the co-ordinates of the relevant work areas within the River Aire.
- 2.4 The MMO provided a response on 7 June 2017. Following further discussions between the parties, it has been agreed that:
- Work No.6 is not required to be included in the scope of the DML as the works (being the installation of a gas pipeline via a bored tunnel) are exempt under the Marine Licensing (Exempted Activities Order) 2011; and
 - Additional conditions (conditions 10 to 17 of the DML) are required to ensure the protection of the marine environment.
- 2.5 In a letter dated 1 November 2017, the MMO requested that further amendments were made to the DML. It has been agreed that the DML will be further amended as follows:-
- Update the MMO address details included at Part 1;
 - Include an additional condition in line with Pollution Prevention Reporting guidance, in Part 3; and
 - Re-structure the conditions listed in Part 3 in to pre and post construction activities, to align with the MMO's best practice drafting for DMLs.
- 2.6 At the Issue Specific Hearing on the draft DCO on 23 November 2017 (ISH), the Examining Authority asked EPL and the MMO to consider whether "River" should be defined in the DML. The parties are in agreement that it would be appropriate for this to be defined, and the MMO put forward a definition for consideration on 15 December 2017 which EPL is considering further.

DML: Co-ordinates

- 2.7 EPL and the MMO have engaged in continuing discussions on the boundary limit of the DML as specified in Part 3, Paragraph 3(4)(b) of the draft DML. At the ISH the parties discussed a potential solution to this, and it was agreed that the MMO would put forward a proposal for EPL to consider following those discussions.
- 2.8 In a letter dated 15 December 2017, the MMO proposed revised wording for paragraph 3(4)(b). The effect of this proposed wording is that, if there is a change in mean high water springs at the time of the construction, operation and maintenance of the "licensed activities" comprised within

the Proposed Development, then those activities can be carried out within a designated area, which will be bounded by coordinates to be included within the DML (by way of a newly inserted "Table 13").

- 2.9 The MMO also requires that a new condition is included in Part 3 of the DML, which would require, in the event those licensed activities are carried out in the area bounded by the new coordinates in Table 13, EPL to submit details of the works and an assessment of the impact of those works, prior to commencing the activities in that area.
- 2.10 EPL agrees in principle with the MMO's proposal. EPL provided comments to the MMO on the drafting of paragraph 3(4)(b) and the wording of the new condition on 19 December 2017. The MMO confirmed on 20 December 2017 that these amendments were accepted.
- 2.11 EPL is in the process of undertaking a review of the proposed coordinates provided by the MMO, as well as any amendments required to the Indicative Marine Licence Coordinates plan (Document Reference 4.14), and will provide any comments to the MMO in that regard as soon as possible.
- 2.12 EPL expects to be able to provide an updated DML, which reflects the agreed position, for Deadline 5.

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3.0 ENVIRONMENTAL IMPACT ASSESSMENT

- 3.1 This section sets out the areas of agreement in relation to the environmental impacts that are of relevant to the MMO.
- 3.2 It is agreed that the MMO's interest relates to the works required in relation to the upgrading or replacement of infrastructure at the Proposed Cooling Water Connection (discharge point) on the south side of the River Aire at Eggborough Ings. This is because the discharge point is located within the tidal reach of the River.

Consultation and scope of the Environmental Statement ('ES')

- 3.3 The MMO's response to Stage 2 Consultation dated 16 February 2017 (attached at **Appendix 2**) states that:

"At the River Aire discharge point, the suggested 'worst case' scenario for potential environmental impacts in the marine environment from the proposed construction works is the installation of a temporary coffer dam. The PEIR does not fully expand on the required works needed, nor set out a detailed methodology to achieve the aim of upgrading the existing discharge point. Further details on the proposed methodology for carrying out these works should be included within the Environmental Statement (ES).

When considering the works required to upgrade or replace the discharge point, the ES should have regard for potential impacts upon river navigation, marine ecology, hydrodynamics, recreational fishing, and other marine users. As with all licensable activities within the marine environment, the MMO would expect to see a thorough and robust assessment of impacts upon marine receptors and clear justification provided for any impact pathways which have been scoped out.

Any predicted impacts caused by a potential change to the water temperature flowing into the River Aire at the discharge point during the operation of the CCGT Power Station should be identified and assessed within the ES.

Potential maintenance activities to the discharge point should be considered across the whole operation of the proposed development. This will ensure that impacts to the marine environment are appropriately assessed for the lifetime of the project and all reasonably foreseeable licensable activities could be captured within a DML."

- 3.4 EPL subsequently ensured that the scope of the ES is sufficient to adequately address the above matters. EPL issued relevant chapters of the draft ES to the MMO on 21 April 2017 for review prior to submission of the DCO Application. It is agreed that the relevant chapters are as follows:
- ES Volume 1, Chapter 4 'The Proposed Development' (Application Document Ref. 6.2.4.;
 - ES Volume 1, Chapter 5 'Construction Programme and Management' (Application Document Ref. 6.2.5);
 - ES Volume 1, Chapter 7 'Legislative Context and Planning Policy Framework' (Application Document Ref. 6.2.7);
 - ES Volume 1, Chapter 10 'Ecology' (Application Document Ref. 6.2.8).; and

- ES Volume 1, Chapter 11 'Water Resources, Flood Risk and Drainage' (Application Document Ref. 6.2.11).
- 3.5 The MMO response following review of the draft ES chapters dated 7 June 2017 (attached at **Appendix 3**) states that:
- the ES chapters provide an appropriate description of the existing environment relating to the Proposed Development; and
 - the ES chapters appropriately describe the proposed works at the discharge point on the River Aire and the resulting potential impacts to the marine environment.
- 3.6 The response also states that that concerns raised during the Stage 2 Consultation were adequately addressed within the documents supplied.
- 3.7 It is agreed that the MMO maintains the above position in relation to the ES as submitted. It is agreed that the scope of the ES is sufficient and concerns raised during the pre-application stage have been adequately addressed. This position is reflected in the MMO's Relevant Representation (page 3) under '1.1 General Comments' (attached at **Appendix 4**), as follows:
- "1.1.1. The MMO is of the opinion that overall, the data and assessments presented in the ES are proportionate and appropriate to this DCO application.*
- 1.1.2. The MMO is of the opinion that the study area accurately captures the area of interest to the MMO and we agree with the ES conclusions and proposed mitigation measures. In particular, the MMO are content with the radius defined for local environmental considerations and feel that any potential impacts to the marine environment have been considered.*
- 1.1.3. The information presented in the ES is in line with pre-application discussions and responses to consultations that the MMO have already engaged in throughout 2016 and 2017."*
- 3.8 The full extent of consultation carried out with the MMO during the pre-application phase is summarised at page 2 of the MMO's Relevant Representation.

Ecology

- 3.9 ES Volume 1, Chapter 10 assesses the potential impacts on ecology as a result of the Proposed Cooling Water Connections during the construction, operation and decommissioning stages of the Proposed Development. The results of the assessment are summarised below.

Effects during construction

- 3.10 The assessment acknowledges that the construction stage will impact on the River and its southern bank. However, the northern bank of the River is considered unlikely to be disturbed by construction works. Existing structures will be replaced and there will be associated bank disturbances requiring additional temporary and permanent land take of adjacent species-poor grassland and ruderal vegetation.
- 3.11 Cofferdams will be used to create temporary dry works areas, resulting in localised impacts on channel form and function through diversion of flows around the cofferdam and exposure of

sediments within the cofferdam. However, owing to the characteristics of the River in this location, which has a relatively uniform morphology and modified un-natural channel and bank profiles, the consequence of such localised impacts are likely to be insignificant and of short duration. Typical habitats and processes would reasonably be expected to re-establish quickly following restoration of flows and riverbanks.

- 3.12 Any minor loss of riverbank vegetation, even if not replaced, would have no noticeable impact on the structure and function of the river corridor for wildlife. None of the vegetation present is rare or specifically notable.
- 3.13 In light of the above, it is agreed that no adverse effect on the structure/function or conservation status of the River Aire is predicted, based on the information provided to date, and that the impacts are not significant.

Effects during operation

- 3.14 The water discharged to the River will have a temperature limit of a maximum of 10°C above the temperature of the water abstracted from the River. The current coal-fired power station Environmental Permit allows water to be discharged at a maximum temperature of 30°C. The volume of water to be extracted (and therefore discharged) from the Proposed Development will be substantially lower than that required for the operational coal-fired power station. The Proposed Development will therefore have a smaller impact on the River in terms of water temperature changes when compared to the consented discharge from the existing coal-fired power station. No likely effects are therefore predicted on the conservation status of fish and other aquatic wildlife downstream of the discharge point. It is agreed that the MMO does not have a regulatory interest in the cooling water discharge, which is regulated by the Environment Agency, only with the discharge structures themselves.
- 3.15 No regular maintenance activities are anticipated to be required at the abstraction and discharge structures during operation (as per the current situation for the existing structures). Any major maintenance or repair works would have an equivalent or lower impact than activities required to upgrade the structures during construction. As effects on the River and fish population during construction are not predicted to be significant, it follows that no significant effects are likely as a result of any maintenance activities during operation.
- 3.16 On the basis of the above, it is agreed that operational impacts at the discharge point are unlikely to have an adverse effect on the River Aire and the effect is therefore not significant.

Effects during decommissioning

- 3.17 Ecological effects of decommissioning are likely to be less significant than those during construction. Below-ground infrastructure, which includes the cooling water abstraction pipeline and the intake and outfall structures on the River, will remain in-situ. There is therefore no pathway by which decommissioning could give rise to adverse effects on the river or its faunal assemblage due to surface water pollution.
- 3.18 It is agreed that no adverse effects on the structure/function and/or conservation status of the River is likely. Therefore, it is agreed that the potential effects would be negligible adverse and not significant.

Water Resources, Flood Risk and Drainage

3.19 ES Volume 1, Chapter 10 assesses the potential impacts on water resources, flood risk and drainage as a result of the Proposed Cooling Water Connections during the construction, operation and decommissioning stages of the Proposed Development. The results of the assessment are summarised below.

Effects during construction

3.20 Recreational uses of the River at this location include fishing and boating, as it provides access to the Selby Canal and Calder Navigation upstream of the Site. The River is considered to be a water resource receptor of high importance with respect to these uses.

3.21 Two cofferdams will be constructed in the River Aire to divert the flow away from the in-stream construction areas at the cooling water abstraction and discharge points, to allow construction activities to take place safely. Maintaining a dry channel bed in the areas of in-channel working will help to reduce overall channel disturbance and sediment generation.

3.22 It is likely the cofferdams will be constructed using steel sheet piles supported by internal braces and cross braces. Construction of the cofferdams will be timed to avoid sensitive times of the year with regards to biodiversity (i.e. avoiding the main salmonid migratory season of October to December) and flood risk (i.e. they will be installed during the drier, summer months).

3.23 A cofferdam will be required at the cooling water discharge point for a continuous period of up to six months. The cofferdam will be designed to minimise changes in riverbed and bank erosion and toe scour over the duration of its use, and the duration of the cofferdam being in place will also be minimised to reduce the potential for erosion and scour impacts (as well as flood risk impacts). Measures will also be put in place to manage contamination risk and sediment build up, that might otherwise have a significant effect on recreation and use of the River. A Framework CEMP (Appendix 5A - ES Volume 3 - Application Document Ref. 6.4.3) is included with the Application, which is secured by Requirement 18 of the draft DCO. A method statement must also be submitted to the MMO at least 6 weeks prior to the commencement of the licensed activities (pursuant to Condition 11, Part 3 of the Deemed Marine Licence included at Schedule 13 of the draft DCO).

3.24 The assessment concludes that the only potentially significant (moderate) adverse effect that could occur would be a potential increase in flood risk during the short term use of the cofferdam, if this was to coincide with high water levels in the river channel. The risk of this effect occurring will be minimised by reducing the duration of the cofferdams being present in the River and by only installing them during the summer when flows in the River are generally lower.

3.25 It is agreed that the conclusions of the assessment is accurate and that only one single potentially significant impact has been identified, which would be mitigated by the measures proposed.

Effects during operation

3.26 The cofferdams will be removed when the Proposed Development is operational and it should be noted that the use of the existing discharge point will be less intensive than its current use by the existing coal-fired power station. It is agreed that there will be no significant effects on the River during operation as a result.

Effects during decommissioning

- 3.27 The discharge structure would be retained in-situ; therefore the baseline will remain the same. It is agreed that there will be no significant effects on the River during decommissioning as a result.

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4.0 AREAS OF DISAGREEMENT

There are no areas of disagreement between the parties.

Signed.....

Print name and position.....

On behalf of Marine Management Organisation:

Date.....

Signed.....

Print name and position.....

On behalf of Eggborough Power Limited:

Date.....

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APPENDIX 1: DRAFT DEEMED MARINE LICENCE

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DRAFT DML

SCHEDULE 13

Article 33

Deemed marine licence under Part 4 (Marine licensing) of the Marine and Coastal Access Act 2009

PART 1 Introduction

Interpretation

1.—(1) In this licence—

“the 2008 Act” means the Planning Act 2008;

“the 2009 Act” means the Marine and Coastal Access Act 2009;

“authorised development” means the development described in Part 1 of Schedule 1 and any other development authorised by the Order that is development within the meaning of section 32 of the 2008 Act;

“authorised project” means the authorised development;

“the English inshore region” has the same meaning as that given in section 322 (interpretation) of the 2009 Act;

“licence holder” means the undertaker and any agent, contractor or sub-contractor acting on its behalf;

“licensable marine activities” means any activity licensable under section 66 of the 2009 Act;

“licensed activity” means any activity described in Part 2 of this licence;

“mean high water spring tide” means the highest level which spring tides reach on average over a period of time;

“MMO” means the Marine Management Organisation;

“Order” means The Eggborough CCGT (Generating Station) Order [x];

“undertaker” means Eggborough Power Limited (registered company number 03782700);

“Work No 4” means cooling water connection works, comprising works to the existing cooling water supply and discharge pipelines and intake and outfall structures, including, as necessary, new, upgraded or replacement pipelines, plant, buildings, enclosures and structures, and underground electrical supply cables, transformers and control systems cables; and

Addresses

2-(1) Unless otherwise advised in writing by the MMO, the address for postal correspondence with the MMO for the purposes of this Schedule is the Marine Management Organisation, Marine Licensing Team, Lancaster House, Hampshire Court, Newcastle upon Tyne, NE4 7YH, telephone 0300 123 1032, and where contact to the local MMO office is required, the following contact details should be used: Marine Management Organisation, Pakefield Road, Lowestoft, Suffolk, NR33 0HT, email lowestoft@marinemanagement.org.uk.

(2) Unless otherwise advised in writing by the MMO, the address for electronic communication with the MMO for the purposes of this licence is marine.consents@marinemanagement.org.uk.

PART 2 Licensed activities

3.—(1) Subject to the licence conditions in Part 3 of this licence, this licence authorises the licence holder to carry out any licensable marine activities under section 66(1) of the 2009 Act which—

- (a) form part of, or are related to, the authorised project; and
- (b) are not exempt from requiring a marine licence by virtue of any provision made under section 74 of the 2009 Act.

(2) Such activities are authorised in relation to the construction, maintenance and operation of—

- (a) **Work No. 4** — works including the installation and removal of a cofferdam and works to the existing cooling water discharge structure, including, as necessary, upgraded or replacement pipelines and structures.

(3) The activity set out in sub-paragraph (2)(a) is authorised in relation to the construction, maintenance and operation of those elements of Work No. 4 of Schedule 1 (authorised development) of this Order, and any further associated development listed in items (a) to (n) in Schedule 1 in connection with Work No. 4, which fall within the English inshore region.

(4) The undertaker (and any agent, contractor or subcontractor acting on its behalf) may engage in the licensed activities in—

- (a) the area bounded by the coordinates set out in this sub-paragraph; and
- (b) any area within the Order limits (as defined in article 2 (interpretation) of this Order) which falls outwith the area bounded by the coordinates set out in this sub-paragraph but which falls below mean high water spring tide when the licensed activities are carried out.

Table 12	<i>Eastings</i>	<i>Northing</i>	<i>Longitude</i>	<i>Latitude</i>
<i>Work No. 4</i>	458513.38	425136.17	-1.114794	53.719362
	458509.03	425127.77	-1.114856	53.719282
	458443.74	425169.39	-1.115848	53.719667
	458434.48	425152.58	-1.115988	53.719515

PART 3 Conditions

4. The licence holder must inform the MMO in writing of the intended start date and the likely duration of licensed activities on a site at least ten working days prior to the commencement of the first licensed activity on that site.

5. Should the licence holder become aware that any of the information on which the granting of this deemed marine licence was based has changed or is likely to change, the licence holder must notify the MMO at the earliest opportunity and failure to do so may render this licence invalid and may lead to enforcement action.

6. The licence holder must ensure that any coatings and treatments used are approved by the Health and Safety Executive as suitable for use in the marine environment and are used in accordance with Environment Agency Pollution Prevention Control Guidelines.

7. The licence holder must ensure that any equipment, temporary structures, waste and debris associated with the works are removed within 6 weeks of completion of the licensed activity.

8. The licence holder must ensure that the MMO local Marine Office is notified of the completion of works and operations within ten days following the completion of the works.

9.-1 The licence holder must notify the MMO in writing of any agents, contractors or subcontractors that will carry on any licensed activity listed in this licence on behalf of the licence holder. Such notification must be received by the MMO no less than 24 hours before the commencement of the licensed activity.

(2) The licence holder must ensure that a copy of this licence and any subsequent revisions or amendments has been provided to, read and understood by any agents, contractors or sub-contractors that will carry on the licensed activity on behalf of the licence holder.

10. A notice to mariners must be issued prior to activities commencing and a copy sent to the MMO within five working days of issue.

11-1 The licence holder must submit a method statement to the MMO at least 6 weeks prior to the proposed commencement of the licensed activities.

(2) The licensed activities must not commence until written approval is provided by the MMO.

12. The storage, handling, transport and use of fuels, lubricants, chemicals and other substances must be undertaken so as to prevent releases into the marine environment including bunding of 110% of the total volume of all reservoirs and containers.

13. The licence holder must not discharge waste concrete slurry or wash water from concrete or cement into the River. The licence holder must site concrete and cement mixing and washing areas at least 10 metres from the River or surface water drain to minimise the risk of run off entering the River.

14.-1 Vibro piling must be used as standard, with percussive piling only used if required to drive a pile to its design depth. If percussive piling is necessary soft-start procedures must be used to ensure incremental increase in pile power over a set time period until full operational power is achieved.

(2) The soft-start duration must be a period of not less than 20 minutes.

(3) Should piling cease for a period greater than 10 minutes, then the soft start procedure must be repeated.

15. If concrete is to be sprayed suitable protective sheeting must be provided to prevent rebounded or windblown concrete from entering the water environment. Rebound material must be cleared away before the sheeting is removed.

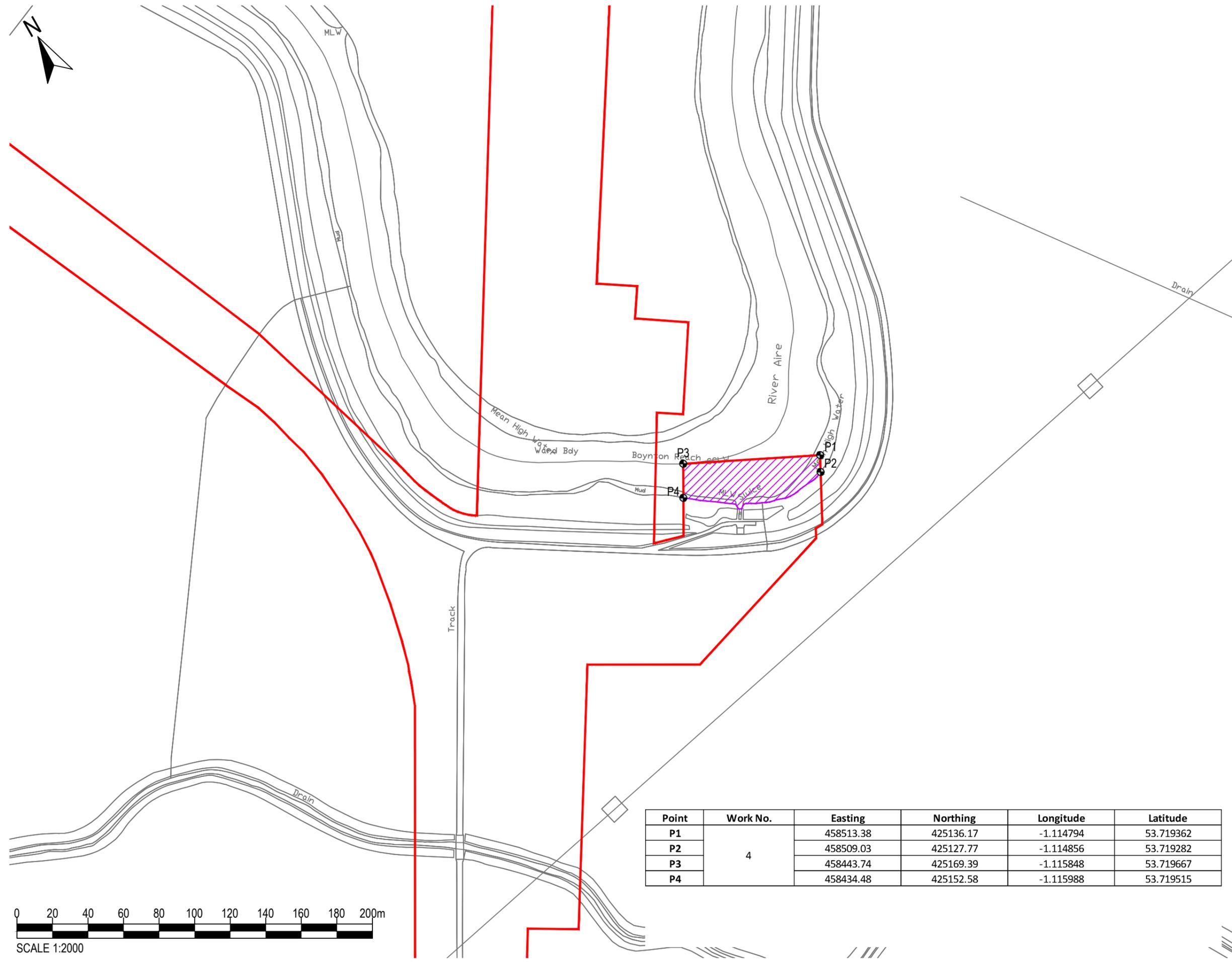
16. During licensed activities all wastes must be stored in designated areas that are isolated from surface water drains, open water and bunded to contain any spillage.

17.-1 The licence holder must notify the MMO in writing of any vessel being used to carry on any licensed activity listed in this licence on behalf of the licence holder. Such notification must be received by the MMO no less than 24 hours before the commencement of the licensed activity. Notification must include the master's name, vessel type, vessel IMO number and vessel owner or operating company.

(2) The licence holder must ensure that a copy of this licence and any subsequent revisions or amendments has been read and understood by the masters of any vessel being used to carry on any licensed activity listed in this licence, and that a copy of this licence is held on board any such vessel.

THIS DRAWING IS TO BE USED ONLY FOR THE PURPOSE OF ISSUE THAT IT WAS ISSUED FOR AND IS SUBJECT TO AMENDMENT

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KEY
 [Red outline] DCO BOUNDARY
 [Purple hatched] INDICATIVE DEEMED MARINE LICENCE AREA FOR WORK NO. 4

Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 - Regulation 5(2)(c)

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Purpose of Issue
DRAFT FOR REVIEW

Client
EGGBOROUGH POWER LTD

Project Title
EGGBOROUGH CCGT DCO

Drawing Title
APPLICATION DOCUMENT REF. NO. 4.14: INDICATIVE DEEMED MARINE LICENCE COORDINATES

Drawn GB	Checked JW	Approved KC	Date 02/05/2017
AECOM Internal Project No. 60506766		Scale @ A3 1:1000	

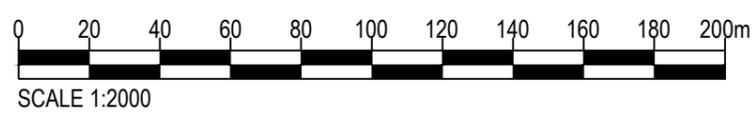
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Drawing Number 4.14	Rev 01
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Point	Work No.	Easting	Northing	Longitude	Latitude
P1	4	458513.38	425136.17	-1.114794	53.719362
P2		458509.03	425127.77	-1.114856	53.719282
P3		458443.74	425169.39	-1.115848	53.719667
P4		458434.48	425152.58	-1.115988	53.719515



APPENDIX 2: MMO RESPONSE TO STAGE 2 CONSULTATION DATED 16.02.17

DRAFT



Marine
Management
Organisation

Marine Licensing Team
Lancaster House
Hampshire Court
Newcastle upon Tyne
NE4 7YH




Eggborough Power Limited
(By email only)

Our reference:
DCO/2016/00006

16 February 2017

Dear ,

EGGBOROUGH COMBINED CYCLE GAS TURBINE (CCGT) POWER STATION: NOTICE OF FINAL PRE-APPLICATION CONSULTATION

Thank you for the Section 42 consultation documents in relation to the above request received by the Marine Management Organisation (MMO) on 11 January 2017.

The MMO has reviewed the Preliminary Environmental Information Report (PEIR). The following chapters have not been considered as part of this review:

- Chapter 2: Assessment Methodology
- Chapter 8: Air Quality
- Chapter 13: Cultural Heritage
- Chapter 14: Traffic and Transportation
- Chapter 16: Landscape and Visual Amenity
- Chapter 19: Human Health
- Chapter 21: Summary of Significant Effects

Please note that the following are the MMO's initial comments, and that the MMO reserves the right to make further comments on this project throughout the determination process, and to modify its present advice or opinion in view of any additional information that may come to its attention.

The MMO requests that prior to submission of the application to the Planning Inspectorate (PINS), Eggborough Power Limited ("the Applicant") enters into discussions with the MMO to discuss the content of the draft development consent order (DCO) and deemed marine licence (DML) to ensure that, where possible, issues are resolved prior to submission.

Furthermore, the MMO recommends that the Applicant engages with other stakeholders with regards to other possible requirements for inclusion within the DCO.

The MMO's comments are set out below:



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General Comments

- 1.1 Whether a marine licence is deemed within a DCO or consented independently by the MMO, the MMO is the delivery body responsible for post-consent monitoring, variation, enforcement and revocation of provisions relating to the marine environment. As such, the MMO has a keen interest in ensuring that provisions drafted in a DML enable the MMO to fulfil these obligations. This includes ensuring that there has been a thorough assessment of the impact of the works on the marine environment (both direct and indirect), that it is clear within the DCO which licensable activities are consented within the DML, that conditions or provisions imposed are proportionate, robust and enforceable and that there is clear and sufficient detail to allow for monitoring (if appropriate) and enforcement. To achieve this, the MMO would seek to agree the draft DML with the developer for inclusion with their application to PINS.
- 1.2 The PEIR identifies the works required for the upgrading or replacement of infrastructure at the existing discharge point on the south side of the River Aire at Eggborough Ings are below Mean High Water Springs (MHWS). The MMO would highlight that activities in discharge pipelines are licensable under the Marine and Coastal Access Act (2009) up to where tidal ingress stops.
- 1.3 At the River Aire discharge point, the suggested 'worst case' scenario for potential environmental impacts in the marine environment from the proposed construction works is the installation of a temporary coffer dam. The PEIR does not fully expand on the required works needed, nor set out a detailed methodology to achieve the aim of upgrading the existing discharge point. Further details on the proposed methodology for carrying out these works should be included within the Environmental Statement (ES).
- 1.4 When considering the works required to upgrade or replace the discharge point, the ES should have regard for potential impacts upon river navigation, marine ecology, hydrodynamics, recreational fishing, and other marine users. As with all licensable activities within the marine environment, the MMO would expect to see a thorough and robust assessment of impacts upon marine receptors and clear justification provided for any impact pathways which have been scoped out.
- 1.5 Any predicted impacts caused by a potential change to the water temperature flowing into the River Aire at the discharge point during the operation of the CCGT Power Station should be identified and assessed within the ES.
- 1.6 Potential maintenance activities to the discharge point should be considered across the whole operation of the proposed development. This will ensure that impacts to the marine environment are appropriately assessed for the lifetime of the project and all reasonably foreseeable licensable activities could be captured within a DML.

Conclusion

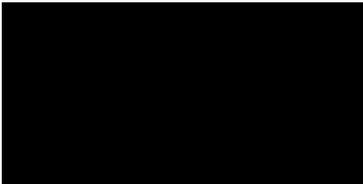
Overall, the MMO considers that the PEIR provides an appropriate description of the existing environment relating to the proposed Eggborough CCGT Power Plant, but would like to see further information on the proposed works at the discharge point on the River

Aire and resulting potential impacts to the marine environment. The MMO requests that the comments above are addressed in the ES.

The MMO requests continued engagement with the Applicant during the remainder of the pre-submission phase and will endeavour to work with the Applicant to address any issues prior to submission and examination.

Please do not hesitate to contact me with regards to any queries you may have in relation to this response.

Yours sincerely,

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Marine Licensing Case Officer
Marine Management Organisation

A short black horizontal redaction bar.A long black horizontal redaction bar.

**APPENDIX 3: MMO RESPONSE FOLLOWING REVIEW OF THE DRAFT ES CHAPTERS
DATED 07.06.17**

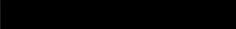
DRAFT



Marine
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Marine Licensing Team
Lancaster House
Hampshire Court
Newcastle upon Tyne
NE4 7YH




Eggborough Power Limited
(By email only)

Our reference:
DCO/2016/00006

07 June 2017

Dear ,

EGGBOROUGH COMBINED CYCLE GAS TURBINE (CCGT) POWER STATION

Thank you for the documents submitted in relation to the draft Environmental Statement (ES) chapters to the Marine Management Organisation (MMO) on 26 April 2017.

The MMO has reviewed the chapters of the draft ES as provided. The following chapters have been considered:

- Chapter 10: Ecology
- Chapter 11: Water Resources, Flood Risk and Drainage

Please note that the MMO reserves the right to make further comments on this project throughout the determination process, and to modify its present advice or opinion in view of any additional information that may come to its attention.

The MMO would comment that within the detailed relevant legislation lists of 10.2 and 11.2 there is no mention of the Marine and Coastal Access Act 2009. We would recommend that you include this within both chapters.

The MMO does not have any further comments to make on these chapters at this time. The MMO is currently of the opinion that concerns raised during the Section 42 consultation have been addressed adequately within the documents supplied.

Conclusion

The MMO considers that the ES chapters reviewed provide an appropriate description of the existing environment relating to the proposed Eggborough CCGT Power Plant. The MMO considers the ES to appropriately describe the proposed works at the discharge point on the River Aire and the resulting potential impacts to the marine environment.

Please do not hesitate to contact me with regards to any queries you may have in relation to this response.

Yours sincerely,



INVESTORS
IN PEOPLE | Bronze





Marine Licensing Case Officer
Marine Management Organisation



APPENDIX 4: MMO RELEVANT REPRESENTATION

DRAFT



Marine
Management
Organisation

Marine Licensing
Lancaster House
Newcastle Business Park
Newcastle upon Tyne
NE4 7YH



The Planning Inspectorate
National Infrastructure Directorate
By email only

Your reference: EN010081
Our reference:
DCO/2016/00006

09 August 2017

Dear Sir/Madam

**THE PROPOSED EGGBOROUGH COMBINED CYCLE GAS TURBINE (CCGT)
(GENERATING STATION) ORDER
RESPONSE TO SECTION 56 OF THE PLANNING ACT 2008 (AS AMENDED)**

The Marine Management Organisation (MMO) is an interested party for the examination of Development Consent Order (DCO) applications for Nationally Significant Infrastructure Projects (NSIPs) in the marine area. The MMO received notification on 28 June 2017 stating that the Planning Inspectorate (PINS) (on behalf of the Secretary of State for Business, Energy and Industrial Strategy) has accepted an application from Eggborough Power Limited ("the Applicant"), for a DCO for The Eggborough CCGT (Generating Station).

The MMO has an interest in this project because the development contains the construction of an outfall for a discharge point as well as cofferdams on the River Aire. The DCO application includes deemed marine licences (DMLs) under Section 65 of the Marine and Coastal Access Act 2009 (MCAA 2009) and should consent be granted for the project, the MMO will be responsible for monitoring, compliance and enforcement of DML conditions.

During the pre-application stages of this application the MMO has met with the Applicant on a number of occasions, has visited the proposed development site and has also undertaken document review including draft chapters of relevance in the Environmental Statement and a draft DML (further detail provided below). The documents which have been submitted to the Planning Inspectorate are the same as those which were submitted for the MMO's review during pre-application consultation. Although we have provided comments on these documents to the Applicant, we note that the documents remain unchanged since our earlier advice. Notwithstanding this however, the Applicant has indicated that they are willing to discuss and address the issues raised. For completeness we repeat our previous advice below so the Planning Inspectorate is fully aware of our comments on the proposal.



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The MMO has reviewed the chapters of the ES as provided. The following chapters have been considered:

- Chapter 4: The Proposed Development
- Chapter 5: Construction Programme and Management
- Chapter 7: Legislative Context and Planning Policy Framework
- Chapter 10: Ecology
- Chapter 11: Water Resources, Flood Risk and Drainage

The following chapters have not been reviewed as the MMO consider them to be outside of our remit:

- Chapter 1 (Introduction)
- Chapter 2 (Assessment Methodology)
- Chapter 3 (Description of the Site)
- Chapter 6 (Need, Alternatives and Design Evolution)
- Chapter 8 (Air Quality)
- Chapter 13 (Cultural Heritage)
- Chapter 14 (Traffic and Transport)
- Chapter 15 (Land Use, Agriculture and Socio-Economics)
- Chapter 16 (Landscape and Visual Amenity)
- Chapter 17 (Waste Management)
- Chapter 18 (Sustainability and Climate Change)
- Chapter 19 (Human Health)
- Chapter 20 (Cumulative and Combined Effects)
- Chapter 21 (Summary of Significant Effects)

As indicated above, the MMO has worked closely with the applicant during the pre-application phase of the project. This has included but has not been limited to:

- Consultation from Eggborough Power Limited to the MMO regarding the Environmental Scoping Report (September 2016)
- Consultation from Eggborough Power Limited to the MMO regarding the Preliminary Environmental Information Report (January 2017)
- Pre-Application teleconference to discuss the project & the MMO's responses to Section 42 Consultation Requests (March 2017)
- Consultation from Eggborough Power Limited to the MMO surrounding draft chapters of the Environmental Statement
- Consultation from Eggborough Power Limited to the MMO surrounding the draft Deemed Marine Licence (DML) within the Development Consent Order (DCO) (May 2017).

Throughout the pre-application process, the MMO has been willing to engage in discussions surrounding the development of Statements of Common Ground (SoCG).



Detailed comments

1. Environmental Statement (ES)

1.1. General Comments

- 1.1.1. The MMO is of the opinion that overall, the data and assessments presented in the ES are proportionate and appropriate to this DCO application.
- 1.1.2. The MMO is of the opinion that the study area accurately captures the area of interest to the MMO and we agree with the ES conclusions and proposed mitigation measures. In particular, the MMO are content with the radius defined for local environmental considerations and feel that any potential impacts to the marine environment have been considered.
- 1.1.3. The information presented in the ES is in line with pre-application discussions and responses to consultations that the MMO have already engaged in throughout 2016 and 2017 (see above).

1.2. Chapter 4 (Decommissioning),

- 1.2.1. In relation to Section 4.5 of Chapter 4, the MMO advises that there are likely to be individual licensing requirements for maintenance or demolition activities at the outfall location. It is the MMO's preference that all maintenance activities are captured within the DML to negate the need for separate marine licences at a later date.

1.3. Chapter 5 (Construction Programme and Management)

- 1.3.1. Section 5.2 (Construction Programme and Methods) states that 'A Construction Environmental Management Plan (CEMP) will be prepared prior to construction, and the submission, approval and implementation of this is secured by a Requirement in Schedule 2 to the draft DCO [...]'. The MMO would like to point out that conditions within the DML also require the MMO's review and approval of a method statement prior to marine activities taking place.
- 1.3.2. In section 5.2.23 to 5.2.28, – any cofferdam to be placed below mean high water springs should be included as part of the method statement supporting the DML.
- 1.3.3. The MMO notes that whilst Figure 5.3 correctly reflects the stated extent of the intake cofferdam into the River Aire ('approximately 11m from the riverbank into the river'), Figure 5.4 appears to indicate the extent of the outfall cofferdam as being 12.5m into the River Aire. Given that section 5.2.26 states that 'the cofferdam will extend approximately 22m from the top of the riverside embankment', the MMO advises that clarification on the extent of the cofferdam into the River Aire should be sought.
- 1.3.4. Section 5.2.28 includes the conclusion that 'navigation will not be impeded and appropriate warning signs will be installed for navigational safety'. Based on the information provided, the MMO is largely in agreement with this judgment however would also reiterate that a Notice to Mariners condition (see section 3.4.1) has been requested as part of the DML to further reduce any navigational risks. The MMO advises that reference to this is included in support of this judgment on navigational risk.

1.4. Chapter 10 (Ecology)

1.4.1. The MMO notes that there is no mention of the Marine and Coastal Access Act 2009 in Section 10.2. The MMO advises that this may be included in any final documents.

1.5. Chapter 11 (Water Resources, Flood Risk and Drainage)

1.5.1. As above, the MMO notes that within the detailed relevant legislation lists of 11.2 there is no mention of the Marine and Coastal Access Act 2009. The MMO advises that this may be included in any final documents.

1.5.2. Notwithstanding this the MMO is content that the study area and impact assessment are robust.

2. Development Consent Order (DCO)

2.1. In Part 4 (14) the DCO makes reference to the use of 'any watercourse or any public sewer or drain for the drainage of water in connection with the carrying out or maintenance of the authorised development'. The MMO advises that discharges or proposed altering of pipes may have their own requirements for marine licensing should the watercourse in question be considered to be within the UK Marine Area (Section 42, Marine and Coastal Access Act).

2.2. In Schedule 2 (6), there is a requirement that no part of the works comprised in Work No. 4 must commence until the MMO has been consulted. The MMO advises that some of the works included within Work No. 4 are not within the marine environment and the MMO will not provide comment on works outside of the marine environment and our own jurisdiction.

3. Deemed Marine Licence (DML)

3.1. Within the DML, the activities described to be authorised include Work No. 6, for the installation of a high pressure gas pipeline via a bored tunnel. Further to discussions held during pre-application engagement with the applicant, the MMO can advise that the works, as described, appear to be exempt under the Marine Licensing (Exempted Activities Order) 2011 (as amended) and therefore should not be included within the DML.

3.2. For Part 1 (2), the DML should be amended to reflect the correct contact details:

(1) Unless otherwise advised in writing by the MMO, the address for postal correspondence with the MMO for the purposes of this Schedule is the Marine Management Organisation, Marine Licensing Team, Lancaster House, Hampshire Court, Newcastle upon Tyne, NE4 7YH, telephone 0300 123 1032. Where contact to the local MMO office is required, the following contact details should be used: Marine Management Organisation, Pakefield Road, Lowestoft, Suffolk, NR33 0HT, email lowestoft@marinemanagement.org.uk.

(2) Unless otherwise advised in writing by the MMO, the address for electronic communication with the MMO for the purposes of this licence is marine.consents@marinemanagement.org.uk.

3.3. For Part 3 (5) of the DML, the MMO requests that an additional sentence be added to the end of the condition. This sentence should read 'Failure to do so may render this licence invalid and may lead to enforcement action.'

3.4. The MMO requests that the following additional conditions be added to the DML in order to ensure the protection of the marine environment:



- 3.4.1. A notice to mariners must be issued prior to activities commencing and a copy sent to the MMO within 5 working days of issue.
- 3.4.2. The licence holder must submit a method statement to the MMO at least 6 weeks prior to the proposed commencement of the licensed activities. The licensed activities must not commence until written approval is provided by the MMO.
 - 3.4.2.1. Further to queries raised during pre-application engagement with the applicant, the reason that the return is required 6 weeks prior to licensed activities commencing is to give the MMO the opportunity to review, consult where necessary and agree upon the method statement.
- 3.4.3. The storage, handling, transport and use of fuels, lubricants, chemicals and other substances must be undertaken so as to prevent releases into the marine environment including bunding of 110% of the total volume of all reservoirs and containers.
- 3.4.4. The licence holder must not discharge waste concrete slurry or wash water from concrete or cement into the River. The licence holder must site concrete and cement mixing and washing areas at least 10 metres from the River or surface water drain to minimise the risk of run off entering the River.
- 3.4.5. Vibro piling must be used as standard, with percussive piling only used if required to drive a pile to its design depth. If percussive piling is necessary soft-start procedures must be used to ensure incremental increase in pile power over a set time period until full operational power is achieved. The soft-start duration must be a period of not less than 20 minutes.
- 3.4.6. Should piling cease for a period greater than 10 minutes, then the soft start procedure must be repeated.
- 3.4.7. If concrete is to be sprayed suitable protective sheeting must be provided to prevent rebounded or windblown concrete from entering the water environment. Rebounded material must be cleared away before the sheeting is removed.
- 3.4.8. During licensed activities all wastes must be stored in designated areas that are isolated from surface water drains, open water and bunded to contain any spillage.
- 3.4.9. The licence holder must notify the MMO in writing of any vessel being used to carry on any licensed activity listed in this licence on behalf of the licence holder. Such notification must be received by the MMO no less than 24 hours before the commencement of the licensed activity. Notification must include the master's name, vessel type, vessel IMO number and vessel owner or operating company. The licence holder must ensure that a copy of this licence and any subsequent revisions or amendments has been read and understood by the masters of any vessel being used to carry on any licensed activity listed in this licence, and that a copy of this licence is held on board any such vessel.



Conclusion

The MMO welcomes consultation on this proposal and wishes to reiterate the value of the pre-application engagement that has taken place between the applicant and the MMO prior to this submission; a summary detailing some of this activity can be found at the head of this response.

The MMO is of the opinion that the Environmental Statement generally provides a thorough assessment of the potential impacts on the marine environment from the construction activities surrounding the plant abstraction and discharge points. The MMO is content with the boundaries of the environmental scoping report which the MMO were given the opportunity to comment upon in September 2016. Following the definition of assessment boundaries to underpin the ES, the MMO is content that the resulting ES accurately and fully addresses the key receptors to be considered in relation to the development and its impact on the marine area.

During pre-application engagement between the MMO and the applicant, the MMO made comments on the draft ES, draft DCO and draft Licence documents. Despite comments being made by the MMO, the documents that have been submitted to the Planning Inspectorate in support of the DCO application remain unchanged since the last consultation response that the MMO issued.

We advise that the matters raised above, particularly those in relation to the DCO and DML, are addressed should the proposal be granted development consent via a DCO .In light of this, the MMO would welcome future engagement from the developer to ensure that the issues are resolved in a timely manner.

The MMO reserves the right to modify its present advice or opinion in view of any additional matters or information that may come to our attention.

The MMO would be grateful if you could ensure that those indicated below are added to the distribution list for PINS communications for this case.

Yours Sincerely

[Redacted signature]

Marine Licensing Case Officer

[Redacted contact information]

Copies to:

[Redacted distribution list]

