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Sent: 26 March 2018 12:54

To: Eggborough CCGT

Cc: 'COTTAM-CLOUGH Emma'

Subject: FW: ECCGT - SOCG [PM-AC.FID2697427] [WH-WH.FID2586802]

Dear Sirs,

I note that the Applicant's solicitor has submitted the attached Statement of Common Ground to the Examining Authority.

I confirm, on behalf of the Canal & River Trust, that the attached SOCG is agreed. The document has been submitted unsigned due to difficulty in arranging for the appropriate signatory to sign within the timescales.

Kind regards,

Melissa

Melissa Flynn

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The Eggborough CCGT Project

Document Ref: 7.6
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

Applicant's Statement of Common Ground with Canal and River Trust - Rev. 3.0

The Planning Act 2008



Applicant: Eggborough Power Limited
Date: March 2018

DOCUMENT HISTORY

Document Number	7.6		
Revision	3.0		
Author	AECOM		
Signed	Richard Lowe (RL)	Date	26.03.18
Approved By	RL		
Signed	RL	Date	26.03.18
Document Owner	AECOM		

GLOSSARY

Abbreviation	Description
ACC	Air cooled condenser
AGI	Above Ground Installation
BAT	Best Available Technique
CCGT	Combined Cycle Gas Turbine
CCR	Carbon capture readiness
CHP	Combined heat and power
CRT	Canal & River Trust
DCO	Development Consent Order
EA	Environment Agency
EPH	Energetický A Prumyslový Holding
EPL	Eggborough Power Limited (the Applicant)
EPR	Environmental Permitting Regulations 2010
ES	Environmental Statement
FRA	Flood Risk Assessment
kV	kilovolts
m	metres
mAOD	metres Above Ordnance Datum
MW	Megawatts
NTS	National Transmission System
NYCC	North Yorkshire County Council
PA 2008	Planning Act 2008
PEI	Preliminary Environmental Information
SDC	Selby District Council
SoCG	Statement of Common Ground
SoS	Secretary of State

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1.0 INTRODUCTION

Overview

- 1.1 This Statement of Common Ground has been prepared on behalf of Eggborough Power Limited ('EPL' or the 'Applicant'). It forms part of the documentation submitted in support of the examination of the 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 EPL is seeking development consent for the construction, operation and maintenance of a new gas-fired electricity generating station with an output capacity of up to 2,500 megawatts ('MW'), including electrical and water connections, a new gas supply pipeline and other associated works (the 'Project' or 'Proposed Development') on land within and to the north of the existing Eggborough coal-fired power station, near Selby, North Yorkshire.

The Site

- 1.3 The Proposed Development Site (the 'Site' or the 'Order limits') is located at and within the vicinity of Eggborough coal-fired power station south of Selby. The River Aire is located just to the north of the Site. The A19 road is immediately to the west. Eggborough Village situated to the south-west.
- 1.4 The entire Site lies within the administrative boundaries of Selby District Council ('SDC') and North Yorkshire County Council ('NYCC').
- 1.5 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.
- 1.6 The Site itself extends to approximately 102.5 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.
- 1.7 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.
- 1.8 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

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

- an electricity generating station fuelled by natural gas with an electrical 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.

1.10 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.

1.11 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

1.12 The purpose of this SoCG is to set out the agreement that has been reached between EPL and the Canal & River Trust ('CRT') in respect of a number of matters relating to the Project, including:

- Works in the River Aire associated with the proposed cooling water connection to the Proposed Development.

- The effects of cooling water abstraction and discharge on users of the River Aire.
- Land ownership matters.

1.13 Section 2 of the SoCG records the consultation undertaken with the CRT by EPL. Sections 3, 4, 5 and 6 of the SoCG set out the areas of agreement in relation to the above matters while Section 7 sets out matters that are not agreed.

2.0 CONSULTATION WITH THE CANAL AND RIVER TRUST

2.1 The consultation that has taken place with the CRT concerning the issues raised within this SoCG is presented in Table 2.1. This does not cover discussions during the examination of the Application.

Table 2.1: Consultation with the Canal & River Trust

Date	Details
Aug/ Sep 2016	CRT consulted by PINS in respect of request for an EIA Scoping Opinion made by the Applicant. Response provided by CRT on 16 th September 2016 summarised the information that CRT expect to see in the Environmental Statement (ES).
Sep-Oct 2016	CRT consulted as part of the non-statutory 'Stage 1' consultation process. CRT confirmed that they were expecting information on construction works in and around the River Aire, and cooling water abstraction and discharge effects to be considered in the ES.
Jan-Feb 2017 16 Feb 2017	CRT consulted in accordance with S.42 of PA 2008 (Duty to consult) and provided with consultation documents including PEI Report. CRT response (dated 16 th February 2017) included a request for the assessment of visual impacts, water management and land ownership.
7 April 2017	CRT provided with a written response to their Stage 2 consultation response, addressing the main two areas of requested clarification on cooling water abstraction and construction works within the River Aire.
4 September 2017	A meeting took place with the CRT to discuss its relevant representation (dated 7 August 2017). The parties discussed consultation with CRT on the detailed design of the water intake, the CRT's land ownership, protective provisions, the CRT's third party works process and drafting of the DCO. Since the meeting the parties have continued to correspond on the above matters.

3.0 COOLING WATER ABSTRACTION AND DISCHARGE

- 3.1 It is agreed that the proposed CCGT plant will require cooling water to be abstracted from the River Aire and discharged back again after use. The Proposed Development will use the existing water intake and discharge points, as currently used by the existing coal-fired power station. It is recognised that these points and related infrastructure may need to be repaired or upgraded prior to use for the Proposed Development. It is agreed that CRT should be consulted on the final details of works to the abstraction point, and that this should be secured through including consultation with CRT in requirement 5(6) in the Draft DCO.
- 3.2 It is agreed that the future abstraction volumes will be lower than the volumes currently consented through the abstraction licence held by EPL and currently associated with the operation of the existing coal-fired power station. As such, it is agreed that the potential adverse effects on navigation, water quality, temperature, bank erosion, water levels, ecology or migratory fish within the river where CRT is Navigation Authority could potentially be lower than the baseline (i.e. during operation of the coal-fired power station). This would be dependant on the angle of discharge and the final design of the abstraction equipment

4.0 CONSTRUCTION WITHIN THE RIVER AIRE

- 4.1 It is agreed that the Proposed Development may require works in the River Aire to repair or upgrade the abstraction and discharge points and related infrastructure. This may require the installation of a coffer dam to enable condition surveys and repairs (as appropriate) to be undertaken. Without adequate control or mitigation, these works have the potential to affect navigation, ecology or bank erosion.
- 4.2 Various measures are proposed to mitigate the potential for such effects to occur, including minimising the width of the river occupied by any coffer dam and seasonal timing of the installation or removal of any such cofferdam.
- 4.3 It is agreed that the following measures will be put in place for any river construction works:
- Pre-construction sampling of sediments will be undertaken to ascertain the contamination status of the materials into which the coffer dam will be installed, and enable any necessary mitigation to be appropriately designed and implemented at the detailed design stage to avoid significant effects on water quality. This will be secured as part of the Construction Environmental Management Plan (CEMP) to be prepared as a Requirement of the DCO;
 - While the installation of a coffer dam may cause a temporary increase in suspended sediment concentrations, silt curtains will be used to mitigate this short-term effect, which is not considered to be significant;
 - The coffer dam will extend up to approximately 11m into the River (approximately a quarter of the way across the River width) at the abstraction point. This width is required due to the extent of the existing concrete apron which forms part of the structure to be retained. This extent of coffer dam will ensure that fish and navigation passage are not prevented during the works. The presence of the coffer dam will however cause some localised changes to water flows. To mitigate any associated effects, it is therefore proposed that the coffer dam will be installed for two periods, (of around three months each) when work will be required in the River during construction works at the abstraction point, rather than leaving the coffer dam in place for the full 12-18 months duration of construction works at the abstraction point. This is secured through requirement 5(6) in the Draft DCO (with the CRT as a consultee), and further through the requirement for EPL to go through CRT's third party works process (separately to the DCO);
 - Fish, macrophyte and macroinvertebrate surveys have been undertaken by EPL to inform the Environmental Impact Assessment and these surveys have demonstrated that the macrophyte and macroinvertebrate communities are of low value, so the short-term effects on these ecological receptors are not considered to be significant. With regards fish, their protection will be secured through the CEMP, and the installation and removal of the coffer dam will avoid the main salmonid migratory season (October to December);
 - Any works affecting the River Aire will be undertaken in accordance with the Code of Practice for Works Affecting the Canal and River Trust (April 2016) as amended by CRT from time to time.
- 4.4 It is agreed that the detailed design of any river structures is not yet available and would be dependent on detailed surveys of the intakes and outfall, which can only be done once a coffer dam is installed around the existing concrete apron on the river bed. However, the works are anticipated to include modifications to the screen mounting points and installation of new screens to satisfy

the requirements of the Eel (England and Wales) Regulations 2009, repair of the existing intake structure and concrete apron, and repair and/or replacement of pumps, pipelines, etc within the existing landside compound and as such are envisaged to be comparable in appearance to the current structures. Design details will be submitted to the relevant planning authority for approval prior to works being undertaken in accordance with Requirement 5 'Detailed design', subparagraph (6) Requirement 5(6) has been amended to require the planning authority to consult the CRT on the submitted details prior to approving them. The wording of Requirement 5(6) is provided below.

(6) No part of the authorised development comprised in Work No. 4 must commence, save for the permitted preliminary works, until details of the following for that part have been submitted to and, after consultation with the Environment Agency, the Canal and River Trust and the Marine Management Organisation, approved by the relevant planning authority— ...

- 4.5 It is agreed that prior to any works being undertaken in the river, EPL will obtain a Permit for Site Access and Surface Water Discharge under the Code of Practice for Works Affecting the Canal & River Trust and will install warning notices regarding the presence of the cofferdam. All works undertaken by EPL will abide by the Code of Practice, to the extent that they do not conflict with the Protective Provisions included in Schedule 12 of the DCO.
- 4.6 It is agreed that, in order to provide appropriate safeguards for protected species, the following requirements have been included within the draft DCO:

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 are 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.

Requirement 18: Construction Environmental Management Plan

18.—(1) No part of the authorised development must commence, save for the permitted preliminary works, until a construction environmental management plan has been submitted to and approved by the relevant planning authority.

(2) The plan submitted and approved must be in accordance with appendix 5A of the environmental statement and the indicative landscaping and biodiversity strategy and incorporate—

(a) a code of construction practice, specifying measures designed to minimise the impacts of construction works;

(b) a scheme for the control of any emissions to air;

(c) a soil management plan;

(d) a sediment control plan;

(e) a scheme for environmental monitoring and reporting during the construction of the authorised development, including measures for undertaking any corrective actions; and

(f) a scheme for the notification of any significant construction impacts on local residents and for handling any complaints received from local residents relating to such impacts during the construction of the authorised development.

(3) All construction works associated with the authorised development must be carried out in accordance with the approved construction environmental management plan unless otherwise agreed with the relevant planning authority.

5.0 LAND OWNERSHIP MATTERS

- 5.1 The parties agree that CRT does not own any land within the Order limits, and that therefore the powers of compulsory acquisition sought in the draft DCO do not affect CRT. However, CRT will be affected by the draft DCO as statutory navigation authority. No land agreement, easement or licence, is required from CRT as a landowner in order to construct, operate or maintain the Project, however agreements may be required to be entered into with CRT in its capacity as statutory navigation authority (for example, a third party works process application is required by EPL, as set out above).
- 5.2 The parties agree that CRT should remain listed in plots 230 and 345 in the Book of Reference, as it is the statutory navigation authority in these areas.
- 5.3 The parties agree that CRT should be deleted from plots 245, 255 and 690 in the Book of Reference, as these relate to the tidal part of the River Aire in which CRT has no statutory or other function.

6.0 PROTECTIVE PROVISIONS

- 6.1 The parties agree that Protective Provisions are required to be included in the DCO.
- 6.2 The parties have been in negotiations regarding the terms of those Protective Provisions. Save for those matters listed in Part 7 of this document, these provisions are agreed.
- 6.3 The Applicant's preferred form of Protective Provisions is included in Schedule 12, Part 3 of the draft DCO, as submitted at Deadline 8 (Revision 6.0). An explanation of that position is set out in its Note on Explanatory Changes to the draft DCO (Document Ref 2.13) as submitted for Deadline 8.
- 6.4 The CRT's preferred form of Protective Provisions is as appended to its letter of 31 January 2018 as submitted for Deadline 6.

7.0 MATTERS NOT AGREED

- 7.1 The Applicant and CRT have been unable to reach agreement on the following provisions as contained in the Protective Provisions as included in Part 3 of Schedule 12 of the draft DCO:-
- Paragraph 17(3);
 - Paragraph 21(1);
 - Paragraph 30(1)(e);
 - Paragraphs 30(2), (3), (4);
 - Paragraph 32(2)(b); and
 - Paragraph 32(6).
- 7.2 The Parties' respective positions on the above provisions are set out in the following documents:-
- 7.3 The Applicant's preferred position is set out in the dDCO as submitted for Deadline 9 (which is as unchanged from the version submitted for Deadline 8), and in its accompanying Explanatory Note on Changes to the draft DCO (Document Ref 2.13, February 2018, Deadline 8); and
- 7.4 The CRT's preferred position is set out in its submission for Deadline 6 (31 January 2018).

Signed.....

Print name and position.....

On behalf of Eggborough Power Limited

Date.....

Signed.....

Print name and position.....

On behalf of Canal & River Trust

Date.....